

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 123-2013

A By-law to designate the whole of the City of Vaughan as a Site Plan Control Area, and to adopt site development guidelines and rules of procedure for processing site development applications, and to rescind By-laws 228-2005, 134-2007, 237-2007, 127-2008, 214-2008, and 279-2009.

WHEREAS the Minister of Municipal Affairs approved Amendment Number 200 to the Official Plan of the Vaughan Planning Area which describes the whole of the City of Vaughan as a Site Plan Control Area, pursuant to Section 41 of the Planning Act;

AND WHEREAS the matters herein set out are not in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Official Plan adopted by Council and not approved at this time, with which the matters herein set out are in conformity;

AND WHEREAS Subsection 41(2) of the Planning Act authorizes Council to enact a By-law establishing a Site Plan Control Area;

AND WHEREAS it is deemed appropriate to adopt by by-law site development guidelines and rules for processing site development applications;

NOW THEREFORE the Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. The whole of the City of Vaughan is hereby designated as a Site Plan Control Area pursuant to Subsection 41(2) of the Planning Act to be known as the "Vaughan Site Plan Control Area".
2. a) Prior to development being undertaken within the Vaughan Site Plan Control Area, Council, or the Ontario Municipal Board where a referral has been made under Subsection 41(12) of the Planning Act, may require and shall approve one or both of the following:
 - i) site plans showing the location of all buildings and structures existing or to be erected and all facilities and works to be provided in accordance with Paragraph 41(7)(a) of the Planning Act; including facilities designed to have regard for accessibility for persons with disabilities;
 - ii) drawings showing plans, elevations and cross-section views for each building to be erected, including: massing and conceptual design; the relationship of the building to adjacent buildings, streets and exterior public areas; the provision of interior walkways, stairs, elevators, and escalators to which the public has access; matters of exterior design, including without limitation the character, scale appearance, colour, and design features of buildings and their sustainable design, but only to the extent that it is a matter of exterior design; the sustainable design elements on

any adjoining highway under Vaughan's jurisdiction, including without limitation trees shrubs, hedges, plantings or ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and facilities designed to have regard for accessibility for persons with disabilities. Such drawings shall be required for all residential buildings, including those containing less than 25 units.

b) For the purpose of this by-law "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size of the building or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or mobile homes. "Development" does not include the placement of a portable classroom on a school site of a District School Board if the school site was in existence on January 1, 2007.

c) Although the whole of the Vaughan Site Plan Control Area is designated as an area wherein the drawings referred to in Paragraph 2(a)(ii) hereof may be required for a building to be used for residential purposes containing less than twenty-five (25) dwelling units, this requirement is subject to the following exceptions:

- i) detached and semi-detached dwellings;
- ii) residential buildings of less than twenty-five (25) units in areas designated as Heritage Conservation Districts pursuant to Part 5 of the Ontario Heritage Act since drawings may be required by Council pursuant to Subsection 43(1) of the Ontario Heritage Act.

d) Notwithstanding (c) above, where an official plan amendment specifically provides for site plan approval of residential dwellings, the drawings required by 2(a)(i) and (ii) shall be submitted for approval, in accordance with the requirements of the amendment.

3. In reviewing applications for site plan approval, Council shall consider certain specific objectives to ensure good site and urban design. Council's review shall include, but not be restricted to, the following:

- a) new development shall be compatible in conceptual design, scale and massing with existing buildings and the overall streetscape;
- b) conflicts in land use with any adjacent sensitive uses shall be minimized by appropriate orientation and screening;
- c) access routes, internal driveways, pedestrian walkways and parking configurations shall adhere to the design guidelines of the Vaughan Fire, Engineering and Development Planning Departments, and the relevant zoning by-law, including appropriate curbing and landscaped islands;
- d) the access points from the public road system to the site shall be approved by the appropriate City, Regional or Provincial road authority;

- e) suitable parking areas, including those for the handicapped, shall be provided;
 - f) availability of services and utilities, including sanitary and storm sewers, watermains, provisions for storm water management and hydro, service easements for their construction, maintenance or improvements shall be provided;
 - g) grading shall satisfy the requirements and standards of the City's Building Standards and Engineering Departments;
 - h) fencing shall be of uniform design and be an integral part of the landscaping format, and will delineate areas, confer privacy or provide a noise barrier, and will conform to the fence by-law; acoustic walls shall be provided, as required by the City in consultation with the Ministry of the Environment;
 - i) all lighting, both decorative and utilitarian, shall be oriented internally to the site, away from adjoining developments and shall not constitute a traffic hazard;
 - j) signs shall form an integral part of the building design and site layout; approval of any sign under the site plan process shall take precedence over the City of Vaughan Sign By-law;
 - k) the size, type and planting details of deciduous and coniferous trees, shrubs, ground covers and vines, shall have regard to the City's guidelines, and be co-ordinated with the building and surrounding streetscape;
 - l) vaults, central storage and collection areas, etc. for garbage shall be appropriately provided on-site.
4. The dedication free of all charges and encumbrances to the appropriate authority of the widenings needed to achieve the standard road allowances of the City of Vaughan and the Region of York may be required along the frontage of the development as a condition of site plan approval. Standards for road allowances and sight triangles are specified in Amendment No. 200 to the Vaughan Official Plan, or as identified in subsequent Amendments to the Official Plan.
5. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Subsections 41(4) and 41(5) of the Planning Act:
- a) All buildings erected for the use of any Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Board or other Board or Commission or Committee of a local authority under any general or special statute of Ontario with respect of any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by by-law of the Council and any Department or Ministry of the Province of Ontario or the Government of Canada.
6. The powers of the Council of The Corporation of the City of Vaughan under Section 41 of the Planning Act, other than those conferred by Paragraph 41(13)(a), are hereby delegated to:
- a) The Commissioner of Planning or designate (Director of Development Planning) in respect of applications which meet the criteria set out in Schedule "1" hereto under "Complex Procedures" for:

- i) All Employment Area development, except retail, service commercial and retail warehouse development;
- ii) Office buildings located on internal subdivision roads;
- iii) Amendments to complex agreements for all classes of development where the application conforms to the zoning by-law, where the Commissioner of Planning or designate (Director of Development Planning) is of the opinion that the use and development of the lands provided for by the original agreement remains substantially unaltered, and where no City Department or public agency objects to the application.
- iv) Amendments to Site Plan Letters of Undertaking for all classes of development where the application conforms to the zoning by-law, where the Commissioner of Planning or designate (Director of Development Planning) is of the opinion that the use and development of the lands provided for by the original Site Plan Letter of Undertaking remains substantially unaltered, and where no City Department or public agency objects to the application.
- v) The Commissioner of Planning or designate (Director of Development Planning) for the following classes of development:
 - i) all street townhouse dwellings where the Official Plan and Zoning By-law are in-effect;
 - ii) all commercial/retail corporate rebranding for existing building elevations and signage provided that the building elevations and signage for the first building for each corporate rebranding initiative must be approved by Vaughan Council through the “Complex Procedure” and there are no or only minor changes to the approved site plan;
 - iii) single detached dwellings in a Heritage Conservation District not located within a registered plan of subdivision or subject to architectural control;
 - iv) external modifications to existing buildings including major front façade changes, which do not exceed the gross floor area of the existing building by more than 25%; and,
 - v) minor changes to existing or approved buildings or site alterations (e.g. changes to windows and doors, landscaping, parking, signage, etc.).

Notwithstanding the above, any class of development identified in this paragraph for delegation to the Commissioner of Planning or designate (Director of Development Planning) may be “bumped-up” for approval by Vaughan Council when a minimum of two (2) Members of Vaughan Council request in writing utilizing the “Notice of Application for Delegated Site Plan Approval” within 21 days of the circulation date of the application, thereby effectively cancelling the delegated authority for the application.

7. In the event that the terms and conditions set by the Commissioner of Planning or designate (Director of Development Planning) for the approval of any delegated application are not agreed to, or for any other reason, the application may be referred to Council.
8. a) The City Clerk is hereby authorized to execute Site Plan Agreements on behalf of the Municipality, which have been approved by Council or by the Commissioner of Planning or designate (Director of Development Planning) under "Complex Procedure" pursuant to Subsection 6(a). A Site Plan Agreement shall be executed to implement the following classes of development:
 - i) all classes of new development in an Intensification Area including the Vaughan Metropolitan Centre, a Primary Centre, Local Centre, Primary Intensification Corridors, Primary Intensification Corridors within Employment Areas, Regional Intensification Corridors and Regional Intensification Corridors Within Employment Areas as defined by Vaughan Official Plan 2010. Additions, expansions, and alterations to existing development will be implemented as either an amendment to the original implementing document (i.e. Site Plan Agreement or Letter of Undertaking) or as a minor modification to the existing approval(s);
 - ii) all Mid and High Rise buildings as defined by the new City of Vaughan Official Plan 2010 (i.e. buildings over 6 storeys in height);
 - iii) all classes of development utilizing strata parking and/or park arrangements, and/or Planning Act Section 37 density bonussing;
 - iv) all classes of development where the Commissioner of Planning or designate (Director of Development Planning) is of the opinion that a Site Plan Agreement is required to secure specific City interests;
 - v) where a public/private partnership funding for community infrastructure is proposed; and,
 - vi) all other classes of development may be implemented using a Site Plan Letter of Undertaking.
- b) In the absence of the Commissioner of Planning, the Director of Development Planning or designate, may assume the authority of the Commissioner of Planning.
- c) The Mayor and City Clerk are hereby authorized to execute Site Plan Letters of Undertaking on behalf of the municipality which have been approved by Council or by the Commissioner of Planning or designate (Director of Development Planning) under "Complex Procedure" pursuant to subsection 6(a).
9. All development applications which may have a potential environmental impact may be required to proceed by "Complex Procedure". For the purposes of this paragraph, an application which may have a potential environmental impact shall be defined as development to permit a use which

requires a Certificate of Approval from the Ministry of the Environment or the approval of the Environmental Assessment Board.

10. Schedules "1" and 2 shall be and hereby form part of this By-law.

11. By-laws 228-2005, 134-2007, 237-2007, 127-2008, 214-2008, and 279-2009 are hereby rescinded.

Enacted by City of Vaughan Council this 17th day of September, 2013.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

SUMMARY TO BY-LAW 123-2013

This By-law applies to all of the lands within the corporate boundaries of the City of Vaughan.

The purpose of this By-law is to consolidate the City of Vaughan Site Plan Control By-law 228-2005 as amended by By-laws 134-2007, 237-2007, 127-2008, 214-2008, and 279-2009 and:

- i) implement the delegation of Site Plan Approval Authority to the Commissioner of Planning or designate (Director of Development Planning) for the following classes of development:
 - all street townhouse dwellings where the Official Plan and Zoning By-law are in-effect;
 - all commercial/retail corporate rebranding for existing building elevations and signage provided that the building elevations and signage for the first building for each corporate rebranding initiative must be approved by Vaughan Council and there are no or only minor changes to the approved site plan;
 - single detached dwellings in a Heritage Conservation District not located within a registered plan of subdivision or subject to architectural control;
 - external modifications to existing buildings including major front façade changes, which do not exceed the gross floor area of the existing building by more than 25%; and,
 - minor changes to existing or approved buildings or site alterations (e.g. changes to windows and doors, landscaping, parking, signage, etc.);
- ii) include a provision to permit any class of development that is delegated for approval to the Commissioner of Planning or designate (Director of Development Planning), to be “bumped-up” to Vaughan Council for a decision when a minimum of two (2) Members of Council request in writing utilizing the “Notice of Application for Delegated Site Plan Approval” within the circulation period for the application (typically 3 weeks), thereby effectively cancelling the delegated authority for the particular application; and,
- iii) require Site Plan Control for development on employment lots that abut an Open Space Zone;
- iv) require that the following classes of development be implemented using a Site Plan Agreement:
 - i) all classes of new development in an Intensification Area including the Vaughan Metropolitan Centre, a Primary Centre, Local Centre, Primary Intensification Corridors, Primary Intensification Corridors within Employment Areas, Regional Intensification Corridors and Regional Intensification Corridors Within Employment Areas as defined by Vaughan Official Plan 2010. Additions, expansions, and alterations to existing development will be implemented as either an amendment to the original implementing document (i.e. Site Plan Agreement or Letter of Undertaking) or as a minor modification to the existing approval(s);
 - ii) all Mid and High Rise buildings as defined by the new City of Vaughan Official Plan 2010 (i.e. buildings over 6 storeys in height);
 - iii) all classes of development utilizing strata parking and/or park arrangements, and/or Planning Act Section 37 density bonussing;
 - iv) all classes of development where the Commissioner of Planning or designate (Director of Development Planning) is of the opinion that a Site Plan Agreement is required to secure specific City interests;
 - v) where a public/private partnership funding for community infrastructure is proposed; and,
 - vi) all other classes of development will continue to be implemented using a Site Plan Letter of Undertaking.