



Committee of the Whole (1) Report

DATE: Tuesday, March 1, 2022

WARD(S): ALL

**TITLE: CITY-WIDE COMPREHENSIVE ZONING BY-LAW 001-2021
ZONING BY-LAW AMENDMENT FILE Z.21.052
REPEAL AND REPLACE TRANSITION PROVISIONS**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management
Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

ACTION: DECISION

Purpose

To seek Council approval to repeal and replace the transition provisions (Section 1.6) (the “**Transition Provisions**”) of the City-Wide Comprehensive Zoning By-law 001-2021 (“**CZBL**”) in the manner set out in Attachment 1 to this Report.

Report Highlights

- The CZBL was enacted by Council on October 20, 2021.
- The CZBL has been appealed to the Ontario Land Tribunal (“**OLT**”) and some of the appeals relate to the Transition Provisions.
- Since the enactment of the CZBL, specific matters have been raised with respect to the application of the Transition Provisions to previously approved zoning by-law amendments, planning applications in process, planning approvals, and future planning and building permit applications.
- The proposed new Transition Provisions of the CZBL are intended to resolve some of these matters.
- It is recommended that Council repeal and replace the Transition Provisions of the CZBL, in its entirety, in the manner set out in Attachment 1 to this Report.

Recommendations

1. That Council repeal and replace the transition provisions (Section 1.6) of Zoning By-law 001-2021, in its entirety, in the manner set out in Attachment 1 to this Report;
2. That Council authorize the Deputy City Manager, Legal and Administrative Services & City Solicitor to make any stylistic and technical changes to the provisions set out in Attachment 1, as may be required, before introducing the necessary by-law for enactment; and
3. That all necessary by-law(s) be enacted.

Background

On October 20, 2021, Council enacted the CZBL which affects all properties within the City of Vaughan, with the exception of lands in the vicinity of Yonge Street and Steeles Avenue. The CZBL, when in force, will replace Zoning By-law 1-88, as amended, with the exception of matters subject to transition pursuant to the Transition Provisions of the CZBL and the Yonge-Steeles Corridor Secondary Plan Area.

The CZBL has been appealed to the OLT and some of the appeals relate to the Transition Provisions. The CZBL does not come into force until all appeals have been withdrawn or finally disposed of, or an order of the OLT is issued bringing into effect sections of the CZBL that have not been appealed or have been resolved.

Since the enactment of the CZBL, specific matters have been raised with respect to the application of the Transition Provisions to previously approved zoning by-law amendments, planning applications in process, planning approvals, and future planning and building permit applications. This Report details new Transition Provisions, as identified in Attachment 1, intended to resolve some of these matters and ensure ongoing efficient processing of planning and building permit applications.

The Transition Provisions of the CZBL, as adopted, are provided in Attachment 2 to this Report. Attachment 3 to this Report is a comparison version of the Transition Provisions proposed for adoption and the draft amendments proposed through the January 18, 2022, Committee of the Whole (Public Meeting) Report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol.

Newspaper ads were published in the December 23, 2021 editions of the Vaughan Citizen and the Thornhill Liberal newspapers. A copy of the Notice was also posted on the City's website at www.vaughan.ca.

A Committee of the Whole (Public Meeting) was held on January 18, 2022 to receive comments from the public and the Committee of the Whole on draft amendments to the Transition Provisions of the CZBL as shown on Attachment 3 to this Report. Council, on January 25, 2022, ratified the recommendations of the Committee of the Whole to receive the Public Meeting report of January 18, 2022, and to forward a comprehensive report to the March 1, 2022 Committee of the Whole (1) meeting.

The following is a summary of the comments provided in-person and in writing at the Public Meeting regarding the amendments to the Transition Provisions of the CZBL, as proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report:

Site Specific Exemptions

- The proposed changes in section 1.6.2.6 fail to account for situations where an exception has been incorrectly transposed into the CZBL.
- The proposed changes in section 1.6.2.6 fail to ensure that Zoning By-law 1-88, as amended, will prevail in the case of any conflicts that exist with section 14 of the CZBL and the site-specific provisions of Zoning By-law 1-88, as amended.

Zoning By-law Amendments and Concurrent Applications

- The proposed changes in section 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88, as amended, the CZBL, or both.
- The proposed changes in section 1.6.3.3.2 are intended to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under Zoning By-law 1-88, as amended. However, that flexibility is negated by the requirement to comply with Zoning By-law 1-88, as amended, "as it read on October 20, 2021".
- The proposed changes do not go far enough to address subdivision applications filed prior to the adoption of the CZBL and the various *Planning Act* applications that may be required to fully implement or develop all lots and blocks in the subdivision.

Related and Future Applications

- The proposed changes in section 1.6.2.8.1 do not function as intended because building permit applications arising from applications transitioned under section 1.6.2.8.1 will be subject to Zoning By-law 1-88, as amended, “as it read on October 20, 2021”.
- The limiting language above is also found in the preamble to the proposed amendments to the Transition Provisions, as well as sections 1.6.3.3.1 and 1.6.3.3.2.

Other Approvals

- The proposed amendments to the Transition Provisions do not go far enough in the transitioning of approved OLT zoning by-law amendments.
- The proposed amendments to the Transition Provisions do not include official plan amendments in the “Other Approvals” section and do not account for possible future amendments.
- The proposed changes in section 1.6.2 do not account for minor variance and consent applications that pre-date January 1, 2010.

Ten Year Time Limit

- Repealing the Transition Provisions of the CZBL after 10 years does not address the fundamental problem of indeterminate liability for property owners and developments in which the build-out horizon is potentially greater than 10 years.
- Circumstances impacting the rate of development and potential associated delays are unique to all properties and owners and one date to repeal the Transition Provisions may not address all circumstances.

To the extent possible, and where appropriate, the above comments have been addressed in the new Transition Provisions proposed for adoption, as identified in Attachment 3, showing changes to the proposed Transition Provisions since the Public Meeting.

Previous Reports/Authority

[Item 9, Report No. 46, of the Committee of the Whole](#), which was adopted, as amended, by the Council of the City of Vaughan on October 20, 2021.

[Addendum 1 of the Council meeting of November 16, 2021](#), which was adopted by the Council of the City of Vaughan on November 16, 2021 and the confidential recommendations made public in part upon Council ratification (refer to page 2).

[Item 3, Report No. 3, of the committee of the Whole \(Public Meeting\)](#), which was adopted, as amended, by the Council of the City of Vaughan on January 25, 2022.

Analysis and Options

In response to the comments received from the public, revisions have been made to the amendments to the Transition Provisions of the CZBL as proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

The new Transition Provisions of the CZBL proposed for adoption are set out in Attachment 1 to this Report, entirely replacing the Transition Provisions as adopted on October 20, 2021. What follows is a description of the substantive revisions that have been made to the new Transitions Provisions from the draft initially proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

Attachment 3 to this Report is a comparison version of the Transition Provisions proposed for adoption and the draft amendments proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

The Preamble and Sections 1.6.1, 1.6.2.8.2 and 1.6.3.3.1 to 1.6.3.3.3 in Attachment 1 to this Report identify amendments proposed to clarify the applicability of the Transition Provisions.

The Transition Provisions of the CZBL in Attachment 1 are intended to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under Zoning By-law 1-88, as amended. To ensure this flexibility, the requirement to comply with Zoning By-law 1-88, as amended, “as it read on October 20, 2021” is proposed to be removed from the Preamble and Section 1.6.2.8.2 and 1.6.3.3.3.

Wording is proposed to be added to Section 1.6.1 in Attachment 1 to clarify that nothing in the CZBL will prevent the issuance of a building permit where an application for a building permit has been filed after October 20, 2021 if *Planning Act* approvals have been obtained or *Planning Act* applications are in process.

Wording is proposed to be added to Section 1.6.3.3.1 in Attachment 1 to clarify that a zoning by-law amendment deemed complete on or before October 20, 2021 would “amend Zoning By-law 1-88, as amended”. Again, this would confirm that those applications that were complete on or before the passing of the CZBL would be assessed under Zoning By-law 1-88, as amended.

To ensure that applications filed concurrently with a zoning by-law amendment application prior to October 20, 2021 would be assessed under Zoning By-law 1-88, as amended, an amendment is proposed to remove reference to “filed after October 20, 2021” from Section 1.6.3.3.2 in Attachment 1.

Section 1.6.4 in Attachment 1 to this Report has not been amended and maintains that the exemptions under the Transition Provisions of the CZBL are proposed to expire 10 years after October 20, 2021.

Section 1.6.4 in Attachment 1 is intended to provide development applications in process, and future development applications, approvals and building permits, the opportunity to be completed under Zoning By-law 1-88, as amended, until the earlier of: (1) the issuance of the building permit(s) upon which the exemptions are founded; or (2) 10 years after October 20, 2021.

Staff have considered the comments received from the public that the termination of the Transition Provisions of the CZBL after 10 years is too short a time to enable active applications to make their way through the approval process. It is the position of staff that the 10-year transition period is generous and consistent with Council’s intent to provide ample opportunity to applicants to complete their applications under Zoning By-law 1-88, as amended. Staff cannot recommend an extension to the 10-year transition period and note that this timeline is more generous than is provided in other large municipalities, such as the City of Toronto and the Town of Oakville.

Financial Impact

There are no financial implications associated with this Report.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The replacement Transition Provisions of the CZBL proposed for adoption as set out in Attachment 1 are intended to resolve matters that have been raised with respect to the application of the Transition Provisions, as adopted, to previously approved zoning by-law amendments, planning applications in process, certain planning approvals, and future planning and building permit applications.

For more information, please contact Candace Tashos, Legal Counsel, ext. 3618.

Attachments

1. Transition Provisions Proposed for Adoption.
2. Transition Provisions (Section 1.6) of Zoning By-law 001-2021 (as adopted).
3. Comparison version of the Transition Provisions for adoption and the draft amendments proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

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