

Committee of the Whole (2) Report

DATE: Tuesday, June 21, 2022

WARD(S): ALL

TITLE: AMENDMENTS TO CITY OF VAUGHAN SITE PLAN CONTROL BY-LAW 123-2103 TO ADDRESS CHANGES MADE TO THE PLANNING ACT BY BILL 109, MORE HOMES FOR EVERYONE ACT, 2022

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

This report outlines the changes required to the City of Vaughan's Site Plan Control Bylaw 123-2013, as amended, to address the amendments made to Section 41 of the *Planning Act*, through the Bill 109, *More Homes for Everyone Act, 2022* ("**Bill 109**") which requires the mandatory delegation of site plan control decisions to staff in respect of applications received on or after July 1, 2022.

Report Highlights

- Bill 109 was introduced by the Province on March 30, 2022 and became law on April 14, 2022.
- As of July 1, 2022, an amendment to the *Planning Act* comes into effect requiring the mandatory delegation of Site Plan control decisions to municipal staff instead of municipal council.
- The mandatory delegation applies to all Site Plan applications received on or after July 1, 2022.
- Changes to the City's Site Plan Control By-law 123-2013 are required to reflect this amendment.
- Applications submitted before July 1, 2022 will continue to be determined by Council, unless delegated to staff as per By-law 123-2013, as amended.

Recommendations

1. THAT Site Plan Control By-law 123-2013 as amended, be further amended to address changes to the *Planning Act* made through Bill 109, and that authority with respect to site plan applications submitted on or after July 1, 2022 be delegated to the Deputy City Manager of Planning and Growth Management or designate.

Background

Bill 109 was introduced by the Province on March 30, 2022. It was passed at the Legislature and received Royal Assent on April 14, 2022. It is now law and amends the *Planning Act* and other pieces of legislation in several ways. This report highlights the changes made to Section 41 the *Planning Act* and makes specific recommendations to address the changes in effect as of April 14, 2022, and the changes to take effect as of July 1, 2022.

The changes to Section 41 of the *Planning Act*, and the effective dates, are summarized below:

1. Ability to define required Site Plan documentation and extension of Site Plan approval timelines – effective April 14, 2022.

- The changes establish complete application requirements for site plan control, with recourse if the application has not been deemed complete within 30 days of acceptance by the municipality.
 - Both the Province and the municipality have a say in what can be required as part of a complete application.
 - The Province can prescribe specifics in a regulation, though they have not. A municipality can further add to this if it's captured in our official plan.
 - The City's site plan control by-law requirements as per By-law 123-2013, and the Official Plan policies on complete application requirements, continue to apply.
- The changes extend site plan control application timelines from 30 to 60 days.

2. Mandatory delegation of Site Plan approvals – effective July 1, 2022.

- The changes require that site plan control decisions be made by staff (instead of municipal councils or committees of council).
- This mandatory delegation applies to all site plan applications received on or after July 1, 2022.

3. Gradual refunds on Site Plan application fees for non-decision – effective January 1, 2023.

- The changes to require a gradual refund of site plan application fees will apply to all applications received on or after January 1, 2023.
- Refunds are required where an approval is not made within the following legislated timelines:
 - 50% of the fee if the decision is not made within 60 days from the date the municipality received the complete application and fee.
 - 75% of the fee if the decision is not made within 90 days from the date the municipality received the complete application and fee.
 - 100% of the fee if the decision is not made within 120 days from the date the municipality received the complete application and fee.

City of Vaughan Site Plan Control By-law 123-2013, as amended

Currently the City's Site Plan Control By-law 123-2013, as amended designates the whole of the City of Vaughan as a Site Plan Control Area, whereby Vaughan Council (or the Ontario Land Tribunal ("**OLT**"), where a referral has been made under Subsection 41(12) of the *Planning Act*) is the approval authority for most classes of Site Plan development in the City.

By-law 123-2013, as amended, currently delegates certain classes of Site Plan approval to the Deputy City Manager, Planning and Growth Management or designate (Director of Development Planning and Director of Policy Planning & Special Programs). These include:

- all street townhouse dwellings where the Official Plan and Zoning By-law are in effect;
- all commercial/retail corporate rebranding initiatives for existing building elevations;
- single detached dwellings in Heritage Conservation Districts;
- 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 50%; and,
- minor changes to existing or approved buildings or site alterations (ie. changes to windows and doors, landscaping, parking, signage).

The City's current delegation approval process allows Council an opportunity to 'bump-up' the review to the Vaughan Council level, through a request by a minimum of 2 council members.

The *Planning Act* includes transitional provisions which permits municipal council to make decisions with respect to Site Plan applications submitted prior to July 1, 2022.

Previous Reports/Authority

[C34 Communication - Council April 26, 2022 \(CW \(2\) - Report No. 19, Item 18](#)

[Bill 109, MORE HOMES FOR EVERYONE ACT, 2022, Report No. 19, Item 18](#)

Analysis and Options

Amendments to City of Vaughan Site Plan Control By-law are required to comply with the Planning Act changes effective as of July 1, 2022.

Changes to the *Planning Act* effective as of July 1, 2022, requires the mandatory delegation of site plan control decisions to staff. To address and comply with the legislative amendments, amendments must be made in respect of the City's Site Plan Control By-law 123-2013, as amended. Specifically, the by-law must be amended to delegate all site plan control decisions in respect of applications submitted on or after July 1, 2022 to municipal staff instead of council. Transitional provisions within the *Planning Act* would permit those Site Plan applications submitted before July 1, 2022 to be decided on by Council (if not delegated to staff by by-law).

It is recommended that the mandatory delegation be granted to the Deputy City Manager of Planning and Growth Management or designate. This mandatory delegation would apply to all Site Plan applications received on or after July 1, 2022 (but not applications received before).

In addition, and in recognition of the legislative amendments brought about through Bill 109 with respect to Section 41 of the *Planning Act*, the following delegations are also being recommended with respect to site plan applications submitted on or after July 1, 2022:

To the Deputy City Manager, Planning and Growth Management, or designate:

1. the power and authority to require the owners of land to enter into site plan agreements with the City as a condition to the granting of approvals and the authority to execute such agreements, with the form of such agreements being subject to approval by Legal Services.
2. The authorization to do all things necessary, including, but not limited to, the authority to amend or release any registered agreement or undertaking to give effect to approval of plans and drawings for a development under section 41 of the *Planning Act*, and to require that the approval be conditional upon the minor

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variances as may already have been approved for the project by the Committee of Adjustment becoming final and binding.

3. The authority to determine whether a site plan application is complete or incomplete.
4. The authority to notify an applicant as to the completeness or incompleteness of a site plan application.
5. The authority to instruct Legal Services on what position to take at an Ontario Land Tribunal hearing in respect of the approval of a site plan and conditions to the approval of a site plan.

To the Director of Engineering, or designate:

6. The authority to enter into development agreements with developers to secure the construction of municipal infrastructure required to support developments or redevelopments that are the subject of a site plan application. Such agreements shall be in a form satisfactory to Legal Services.

Financial Impact

The current fee structure will not change for the review and processing of Site Plan applications. Further changes to the *Planning Act* brought about through Bill 109, effective as of January 1, 2023, include the mandatory refund of Site Plan application fees for all applications received on or after January 1, 2023 where decisions are not made within the timeframes identified within the legislative amendments (i.e. 50% for 60 days, 75% for 90 days and 100% for 120 days).

Broader Regional Impacts/Considerations

Currently Site Plan applications are circulated to York Region for review and comment. This process will continue regardless of the delegation of site plan approval shifting from Vaughan Council to the Deputy City Manager of Planning and Growth Management or designate for applications submitted on or after July 1, 2022.

Conclusion

Bill 109 introduces the mandatory delegation of Site Plan approvals in the *Planning Act*, effective as of July 1, 2022. The City's Site Plan Control By-law must be amended to comply with the provisions of the *Planning Act* and must identify the delegation of Site Plan approval to staff. It is recommended that this delegation be granted to the Deputy City Manager, Planning and Growth Management, or designate. It is recommended that the delegation of approval apply to all applications submitted on or after July 1, 2022. Site Plan Control By-law 123-2013 will be amended to reflect these changes.

For more information, please contact: Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Attachments

1. [By-law 123-2013 - City of Vaughan Site Plan Control By-law](#)

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