

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, September 12, 2023

WARD(S): ALL

**TITLE: GENERAL AMENDMENT TO CITY-WIDE COMPREHENSIVE
ZONING BY-LAW 001-2021
DEFINITION OF NIGHT CLUB AND RESTAURANT
ZONING BY-LAW AMENDMENT FILE Z.23.013
CITY-WIDE**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management
Gus Michaels, Deputy City Manager, Community Services

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on amendments to the definitions of “Night Club”, “Restaurant” and “Restaurant, Take-Out” on a City-wide basis to Comprehensive Zoning By-law 001-2021 (“CZBL”), as shown on Table 1 in this Report.

Report Highlights

- The CZBL was passed by Council on October 20, 2021, and ordered in-force by the Ontario Land Tribunal (in part) on March 28, 2023, with exceptions.
- A City-initiated amendment to the CZBL is proposed to amend the definitions of “Night Club”, “Restaurant”, and “Restaurant, Take-Out” on a City-wide basis to align these definitions with recent amendments to the City’s Business Licensing By-law (By-law 122-2022).
- This Report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report to amend the definitions of “Night Club”, “Restaurant” and “Restaurant, Take-Out” (Table 1) for all lands subject to the CZBL shown on Attachment 1, BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: All lands subject to the CZBL (the ‘Subject Lands’), as shown on Attachment 1.

On October 20, 2021, Council adopted the new CZBL. The OLT ordered the CZBL into force by its order on December 28, 2022, and as corrected on March 28, 2023, with exceptions.

The CZBL affects all lands within the City of Vaughan, except for lands in the vicinity of Yonge Street and Steeles Avenue West. The CZBL replaces Zoning By-law 1-88 except for matters of transition pursuant to Section 1.6 of the CZBL, and the Yonge-Steeles Corridor Secondary Plan Area.

The CZBL has been appealed to the OLT by a number of appellants.

The OLT issued an Order on December 28, 2022, which was subsequently corrected on March 28, 2023, bringing into effect all sections of the CZBL that have not been appealed.

A City-initiated Zoning By-law Amendment to the CZBL is proposed to amend the definitions of “Night Club”, “Restaurant” and “Restaurant, Take-Out” on a City-wide basis.

Council, on November 29, 2022, approved amendments to the City’s Business Licensing By-law (By-law 122-2022) to clarify the use of a “Night Club” for the purpose of obtaining a Business License. Council approved By-law 030-2023 on March 21, 2023, to implement these changes.

Land use is regulated through the CZBL and is intended to ensure that such uses are compatible. Licensing regulations are intended to provide a fair and equitable framework that supports various local business activities, while supporting consumer protection, and public health and safety, and mitigating public nuisances. The CZBL recognizes restaurants and night clubs as two distinct land uses with significantly different levels of impact on the communities in which they operate.

Zoning By-law Amendment File Z.23.013 (the ‘Application’) is a City-initiated amendment to the CZBL to amend the definitions of “Night Club”, “Restaurant”, and “Restaurant, Take-Out” on a City-wise basis (only where these uses are currently

permitted in the CZBL) to align the definitions of these uses in the CZBL with the recently amended definitions in the Business Licensing By-law.

The proposed amendments, if approved, will provide greater clarity, efficiency, and integration between the processing of development applications (authorized by the *Planning Act*), Building Permit applications, the enforcement of such uses through the Business Licensing By-law, and avoid conflict between interpretation of the two by-laws. The Application does not propose any changes to the permitted uses in any Zone Category in the CZBL.

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

Date the Notice of Public Meeting was circulated: the Notice of Public Meeting was posted via a newspaper ad in the Thornhill Liberal and the Vaughan Citizen on August 10, 2023.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca, and mailed to all Ratepayers' Groups and to anyone on file with the Office of the City Clerk having requested notice. A courtesy notice of the Public Meeting was also sent to all appellants of the CZBL.

No written comments were received as of August 29, 2023.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following are links to previous reports regarding the Application:

[Item 9, Report No. 46 of the Committee of the Whole](#) (approval of the CZBL), as amended and adopted by Council on October 20, 2021

[Item 10, Report No. 38 of the Committee of the Whole](#) (amendments to By-law 122-2022 - the Business Licensing By-law – for the regulation of Night Clubs)

[By-Law No. 030-2023](#) – Amendments to the Business Licensing By-law.

Analysis and Options

The Application conforms to Vaughan Official Plan 2010 ('VOP 2010').

Sections 10.1.2.1 to 10.1.2.3 of VOP 2010 establish policies for the use of a Zoning By-law under Section 34 of the *Planning Act* to regulate the use of land, buildings or structures. The Application would further clarify the defined uses of "Night Club", "Restaurant" and "Restaurant, Take-Out" on a City-wide basis (where these uses are

currently permitted in the CZBL) to align with the definition of such uses identified in the Business Licensing By-law (By-Law 122-2022), as amended by By-law 030-2023. The Application conforms to VOP 2010.

A City-wide amendment to the CZBL is required.

The Application proposes the following amendments to the CZBL on a City-wide basis, where these uses are currently permitted in the CZBL:

Table 1:

	Zoning By-law 001-2021	Current Definition	Proposed Amendment
a.	Definition of “Night Club”	A building or part of a building where the principal use is the provision of live or pre-recorded music for listening or dancing and where the sale of food and beverages is secondary and incidental to the principal use.	A building or part of a building where the principal use is to provide entertainment such as live performances, music, dancing, and themed events and where the incidental sale of food and beverages may be offered for consumption on site. A night club shall not include a restaurant unless permitted within the zone.
b.	Definition of “Restaurant”	A building or part of a building where prepared food and beverages are prepared and offered for sale or sold to the public for consumption on or off the premises.	A building or part of a building where food and beverages are prepared and offered for sale or sold to the public for consumption primarily on the premises served to seated patrons as a principal use during all operating hours. and may include accessory take-out. A restaurant shall not include a night club unless permitted within the zone.
c.	Definition of a “Restaurant, Take-Out”	A restaurant where food is intended principally for consumption off the premises, and includes a maximum of 18 seats.	A building or part of a building where food and beverages are prepared and offered for sale or sold to the public for consumption primarily off the premises as a principal use and may include a maximum of 18 seats.

Minor modifications to the proposed amendments may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

The following matters will be reviewed in greater detail by the Development Planning Department:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Application will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010.
b.	Appropriateness of Amendments to the CZBL	<ul style="list-style-type: none"> ▪ The appropriateness of the City-wide amendments to the CZBL will be reviewed in consideration of process, operational and enforcement impacts to the City's Business Licensing By-law and the CZBL.

Financial Impact

There are no financial requirements for new funding associated with this report.

Operational Impact

The Application has been prepared and reviewed in consultation with the Building Standards, By-law Enforcement and Legal Services Departments.

Broader Regional Impacts/Considerations

Matters regarding the CZBL are of local significance without extensive Regional impacts.

Conclusion

The preliminary issues identified in this Report and any other issues identified through the processing of the Application will be considered in the technical review of the Applications. Comments from the public and the Committee of the Whole expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Mark Antoine, Senior Manager of Development Planning Department, ext. 8212.

Attachments

1. Lands Subject to Zoning By-law 001-2021

Prepared by

Mark Antoine, Senior Manager of Development Planning, ext. 8212
Rudi Czekalla-Martinez, Manager of Policy and Business Planning, By-Law and Compliance, Licensing and Permit Services, ext. 8782
Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management



Gus Michaels, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager