

Committee of the Whole (1) Report

DATE: Tuesday, October 31, 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:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for a City-wide Zoning By-law Amendment to Comprehensive Zoning By-law 001-2021 (“CZBL”), specifically to amend the definitions of “Night Club”, “Restaurant” and “Restaurant, Take-Out” 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).
- The Development Planning Department supports the amendment as it is consistent with and conforms to Provincial policy, conforms to the York Region Official Plan 2022 and Vaughan Official Plan 2010.

Recommendation

1. THAT Zoning By-law Amendment File Z.23.013 (City of Vaughan) be APPROVED to amend the definitions of “Night Club”, “Restaurant” and “Restaurant, Take-Out”, as shown on Table 1, for all lands subject to the CZBL shown on Attachment 1.

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, as shown on Attachment 1. 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, public health and safety, and mitigating public nuisance. 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-wide basis (only where these uses are currently permitted in the CZBL), as shown on Table 1, to align the definitions of these uses in

the CZBL with the recently amended definitions in the Business Licensing By-law (the 'Amendments').

The Amendments, if approved, will provide greater clarity, efficiency, and integration between the processing of development applications (authorized by the *Planning Act*), Building Permit applications, and the enforcement of such uses through the Business Licensing By-law, and will avoid conflicts between interpretation of the two by-laws. The Amendments do 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 of the Notice: 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.
- Date of Public Meeting: September 12, 2023, ratified by Council on September 26, 2023.

No written comments were received on the Amendments as of October 17, 2023.

Previous Reports/Authority

[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

[Item 3, Report No. 33 of the Committee of the Whole \(Public Meeting\)](#)
(Public Meeting Report for Amendments, September 12, 2023)

Analysis and Options

The Amendments are consistent with the Provincial Policy Statement ('PPS') and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended ('Growth Plan')

The PPS provides direction on matters of Provincial interest related to land use planning and development, and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety. The Amendments are consistent

with the intent of the PPS to build healthy, liveable and safe communities as outlined in Section 1.1 of the PPS. The Amendments are consistent with the PPS.

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. The Amendments conform to the Guiding Principles in Section 1.2.1 of the Growth Plan by supporting the achievement of "Complete Communities" while continuing to provide a range and mix of land uses to meet the daily needs of residents. On this basis, the Amendments conform to the Growth Plan.

The Amendments conform to York Region Official Plan 2022 ('YROP 2022')

YROP 2022 was approved by the Minister of Municipal Affairs and Housing in November 2022 and replaces York Regional Official Plan 2010. Section 7.3.1 of YROP 2022 provides policies regarding the implementation of municipal Zoning By-laws and how they must conform to YROP 2022. The Amendments propose changes to definitions within the CZBL within zoning categories that already permit such uses, and do not propose any changes to the permitted uses in any Zone Category in the CZBL. On this basis, the Amendments conform to YROP 2022.

The Amendments conform 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 Amendments 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 Amendments conform to VOP 2010.

A City-wide amendment to the CZBL is required

The Amendments propose the following 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.

Financial Impact

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

Operational Impact

Given the potential operational changes resulting from the Application, the Amendments have been prepared and reviewed in consultation with the Building Standards and By-law Enforcement Departments, both of which have no objection. The Legal Services Department has also provided comments on the Amendments.

The Amendments, if approved, will align the CZBL with recent amendments to By-law 122-2022, will avoid conflict between interpretation of the two by-laws and are considered appropriate. Accordingly, the Development Planning Department has no objections to the Amendments.

Broader Regional Impacts/Considerations

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

Conclusion

The Development Planning Department is satisfied that the Amendments are consistent with the PPS, conforms to the Growth Plan and YROP, and maintains the intent of VOP 2010. Accordingly, the Development Planning Department can recommend approval of the Amendments, as it will align the CZBL with recent amendments to By-law 122-2022 and will avoid conflict between interpretation of the two by-laws.

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

Attachment

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

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Haiqing Xu, Deputy City Manager,
Planning and Growth Management

A handwritten signature in blue ink, appearing to read 'Gus Michaels'.

Gus Michaels, Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager