

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, January 18, 2022

WARD(S): ALL

TITLE: CITY-WIDE COMPREHENSIVE ZONING BY-LAW 001-2021
ZONING BY-LAW AMENDMENT FILE Z.21.052
AMENDMENTS TO TRANSITION PROVISIONS

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

Wendy Law, Deputy City Manager, Legal and Administrative Services and City Solicitor

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on draft amendments to the transition provisions (Section 1.6) (the “**Transition Provisions**”) of the City-Wide Comprehensive Zoning By-law 001-2021 (“**CZBL**”) identified 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 amendments to the Transition Provisions of the CZBL are intended to resolve some of these matters.
- A report prepared by the Planning and Growth Management Portfolio, in consultation with the Legal Services, is scheduled to be considered at the March 1, 2022 Committee of the Whole (1) meeting.

Recommendations

1. THAT the Public Meeting report for draft amendments to the transition provisions of the City-Wide Comprehensive Zoning By-law 001-2021, as shown on Attachment 1, BE RECEIVED; and that any issues identified be addressed by staff in the Planning and Growth Management Portfolio, in consultation with the Legal Services, in a comprehensive report scheduled for the March 1, 2022 Committee of the Whole (1) meeting.

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 of 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 The CZBL does not come into force until all appeals have been withdrawn or finally disposed of, or an order of the OLT is issued bringing into effect sections of the CZBL that have not been appealed.

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 proposed draft amendments to the 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 attached to this Report as Attachment 2. Attachment 3 to this Report is a comparison version which clearly sets out the proposed amendments.

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).

Analysis and Options

The draft amendments to the Transition Provisions of the CZBL are as set out in Attachment 1 to this Report. What follows is a description of the proposed amendments, and an explanation of their purpose.

Clarity and certainty regarding the effective date of the CZBL in respect of the applicability of the Transition Provisions is proposed within the Transition Provisions of the CZBL

To provide clarity and certainty with respect to the effective date of the CZBL in respect of transition, an amendment is proposed to change “on or prior to the effective date of this By-law” to “on or prior to October 20, 2021” in all of the Transitions Provisions as identified in Attachment 1 to this Report. As noted above, October 20, 2021 was the date when Council enacted the CZBL.

Amendments are proposed in Sections 1.6.2.8 and 1.6.3.3.2 to 1.6.3.3.4 of Attachment 1 to contemplate an expanded list of future planning applications and approvals to be completed under Zoning By-law 1-88, as amended

If amended as proposed, the CZBL will not apply to prevent the approval of certain applications filed after October 20, 2021 if such applications comply with all requirements of the *Planning Act* and are complete and comply with an amendment to Zoning By-law 1-88, as amended, that:

1. was finally approved and in effect on or after January 1, 2010 and on or before October 20, 2021 (i.e. approvals for the implementation of an approved site-specific Zoning By-law Amendment);
2. was finally approved and in effect in relation to an application for a Zoning By-law Amendment that was filed and deemed complete on or before October 20, 2021;
or
3. has been approved in principle by the Tribunal after January 1, 2010 where the final Order has been withheld.

The following is a list of applications and approvals for which the exemptions from the CZBL are intended to apply:

- (a) site plan drawings and conditions;
- (b) a consent to sever;

- (c) an approval of draft plan of subdivision;
- (d) a draft plan of condominium approval;
- (e) a part-lot control exemption pursuant to Section 50 of the *Planning Act*; and
- (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.

Nothing in the CZBL will prevent the issuance of a building permit where the applicable applications described above have been finally approved and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021 and all final approved minor variances.

The exemptions proposed through the amendment will cease to apply upon completion of the project for which approvals and permits have been obtained.

The intent of the proposed amendment is to ensure that future planning applications to implement previously approved zoning by-law amendments under Zoning By-law 1-88, as amended, are permitted to continue through the approval process and be completed under Zoning By-law 1-88, as amended.

Section 1.6.2.6 in Attachment 1 to this Report identifies a new provision that is proposed to be added to address site-specific zoning exceptions approved in Zoning By-law 1-88, as amended, but missing in the CZBL

The CZBL will not apply where an amendment to Zoning By-law 1-88, as amended, was finally approved and in effect on or after January 1, 2010, and such amendment has not been included in Section 14 (Exception Zones) of the CZBL. This revision would allow a landowner to continue with previous zoning approvals under Zoning By-law 1-88, as amended, that were not included in the CZBL.

Section 1.6.2.7 in Attachment 1 to this Report identifies a new provision that is proposed to be added to contemplate the removal of a Holding Symbol “(H)” that was previously implemented under Zoning By-law 1-88, as amended

The CZBL will not apply to prevent the removal of a Holding Symbol “(H)” from an amendment to Zoning By-law 1-88, as amended, that was finally approved and in effect on or after January 1, 2010. This revision would allow a landowner to continue with satisfying conditions to remove a Holding Symbol “(H)” under Zoning By-law 1-88, as amended.

Section 1.6.3.3.1 in Attachment 1 to this Report identifies an amendment that is proposed to clarify the approval of Zoning By-law Amendment applications in process

The CZBL will not apply to prevent the approval of an application for a Zoning By-law Amendment if the application was filed and deemed complete in accordance with Vaughan Official Plan, 2010 on or before October 20, 2021, and complies with all requirements of the *Planning Act*.

Sections 1.6.3.3.5 and 1.6.3.3.6 in Attachment 1 to this Report identify amendments proposed to clarify the approval of planning applications in process

Nothing in the CZBL will prevent the approval of the following applications if: (1) the application was filed and deemed complete on or before October 20, 2021 in accordance with Vaughan Official Plan, 2010; (2) the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021; and (3) the project complies with all requirements of the *Planning Act*.

- (a) a consent to sever;
- (b) an approval of draft plan of subdivision;
- (c) a plan of condominium approval; or
- (d) a part lot control exemption approval pursuant to Section 50 of the *Planning Act*.

The proposed amendment would provide for planning applications in process to obtain building permits and to be completed under Zoning By-law 1-88, as amended. A building permit may be issued under Zoning By-law 1-88, as amended, after final approval is received for the applications described above based on an application for a building permit filed after October 20, 2021. However, the project and building permit application in question must comply with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, including all final approved minor variances.

Where a project complies, as described above, the proposed amendment provides for ample opportunity and greater clarity to landowners wishing to complete their planning applications under Zoning By-law 1-88, as amended, that was in force at the time of the application.

Section 1.6.3.3.7 in Attachment 1 to this Report identifies an amendment to contemplate approvals granted in principle by the Tribunal based on Zoning By-law 1-88, as amended, that are issued after October 20, 2021

An amendment is proposed to delete the reference to “on or before the effective date of this By-law” as identified in Section 1.6.3.3.2 of the Transition Provisions of the CZBL as adopted. The intent of the proposed amendment is to ensure that approvals granted in principle by the Tribunal on or after January 1, 2010 based on Zoning By-law 1-88, as amended, are to be completed under Zoning By-law 1-88, as amended, notwithstanding that the approvals granted in principle by the Tribunal may be issued after October 20, 2021.

Section 1.6.4 in Attachment 1 to this Report identifies that the exemptions under the Transition Provisions are proposed to cease upon the issuance of the building permit(s) upon which the exemptions are founded

An amendment is proposed which 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) ten (10) years after October 20, 2021.

The proposed amendment is required in order for the amendments described above to have effect, specifically, to ensure that future planning applications to implement previous approvals under Zoning By-law 1-88, as amended, are permitted to continue through the approval process and be completed under Zoning By-law 1-88, as amended.

Financial Impact

There are no financial implications associated with this Report.

Broader Regional Impacts/Considerations

Not applicable

Conclusion

The proposed amendments to the Transition Provisions of the CZBL are intended to resolve matters that have been raised with respect to the application of the Transition Provisions 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. Draft Amendments to the Transition Provisions of Zoning By-law 001-2021
2. Transition Provisions (Section 1.6) of Zoning By-law 001-2021
3. Comparison Version which clearly sets out the proposed amendments

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