

Transition

Notwithstanding the requirements of this By-law, a building permit may be issued in accordance with Section 1.6 of this By-law for the following scenarios.

For the purposes of determining zoning compliance for matters covered by Section 1.6 of this By-law, the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law shall apply.

1.6.1 Building Permit Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed on or prior to the effective date of this By-law.

1.6.2 Planning Act Approvals

1. The requirements of this By-law do not apply on a lot where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal (collectively, the "Tribunal") on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued.
2. The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.
3. The requirements of this By-law do not apply to a lot where a conditional or final site plan approval has been granted by the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued.
4. For clarity, where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law as a requisite condition for a site plan approval, Section 1.6.2.3 shall apply to give effect to the applicable site plan approval.
5. For approved site plans and minor variances where this By-law has subsequently been amended, the regulations in effect on the date of approval of the site plan or minor variance shall apply to any building permit applications.

1.6.3 Planning Applications in Process

1.6.3.1 Minor Variance Applications

1. Nothing in this By-law will prevent the erection or use of a building or structure, in the circumstances set out in Section 1.6.3.1.1(a) and (b), for which:

(a) a complete application for a minor variance under Section 45 of the Planning Act was filed on or before the effective date of this By-law; or

(b) a complete application for minor variance under Section 45 of the Planning Act was filed after the effective date of this By-law based on a building permit application referred to in Section 1.6.1.1.

2. Where a project qualifies under Section 1.6.3.1.1:

(a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law; and

(b) a building permit for that project may be issued after final approval is received for the minor variance if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, and all final approved minor variances.

1.6.3.2 Site Plan Approval Applications

1. Nothing in this By-law will prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or before the effective date of this By-law, if the project in question complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law.

2. Where a project qualifies under Section 1.6.3.2.1:

(a) The Conditions of final site plan approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, and all requirements of the Planning Act; and

(b) after the conditions of site plan approval or final site plan approval is received for a project that qualifies under Section 1.6.3.2.1, a building permit for that project may be issued if the project in question and the building permit application for the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, the site plan approval, and all approved minor variances.

1.6.3.3 Other Approvals

1. The requirements of this By-law do not apply to prevent the approval of applications for zoning by-law amendment, minor variance, site plan, plan of subdivision, consent, part-lot control exemption or plan of condominium if the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before the effective date of this By-law.

2. The requirements of this By-law do not apply to a lot where the Tribunal has, on or after January 1, 2010 and on or before the effective date of this By-law, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, as amended, a provisional consent, or conditional or final site plan approval, but has decided that the final order shall be withheld until such time as the performance of certain terms imposed by the Tribunal have been satisfied.

1.6.4 Duration of Transition Provisions

1. Once a permit or approval has been granted in accordance with Section 1.6, the provisions of Zoning By-law 1-88, as amended, shall cease to be in effect.

2. Notwithstanding Section 1.6.4.1 above, the provisions of Section 1.6 shall be repealed ten (10) years from the effective date of this By-law. This provision shall not require an amendment to this By-law to take effect.