

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD(S): ALL

**TITLE: COMPREHENSIVE ZONING BY-LAW REVIEW
THE CORPORATION OF THE CITY OF VAUGHAN**

FROM:

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ACTION: FOR INFORMATION

Purpose

To provide an update on the first draft of the City-wide Comprehensive Zoning By-law Review of Zoning By-law 1-88.

Report Highlights

- The first draft of the City-wide Comprehensive Zoning By-law Review implements the City's vision as outlined in Vaughan Official Plan 2010 ("VOP 2010")
- The new Draft Zoning By-law provides context specific development standards for established neighbourhoods
- The proposed parking requirements were developed using a geographical, built form approach
- The new Draft Zoning By-law pre-zones the Vaughan Metropolitan Centre ('VMC') in conformity with the VMC Secondary Plan
- The draft mapping utilizes ArcGIS technology to improve the client experience thereby providing ease of administration
- This new Draft Zoning By-law, the first of three drafts with each subject to a public consultation process, was developed in consultation with the corporate team, the lead consultant and the public

Recommendation

1. THAT the staff report, Draft Zoning By-law (Attachment 1) and Draft Mapping (Attachment 2) be received for information.

Background

The first draft of the City-wide Comprehensive Zoning By-law Review implements the City's vision as outlined in Vaughan Official Plan 2010

Vaughan Council, on April 11, 2018, endorsed the Zoning By-law Strategy ("Strategy"), which was adopted without amendment by Vaughan Council (Item 3, Report No.16, of the Committee of the Whole (Working Session)). The Strategy identified options with respect to the structure, format and strategic approaches in drafting a city-wide zoning by-law that conforms to Vaughan Official Plan 2010 ("VOP 2010"). These strategic recommendations guided the project team, resulting in several important outcomes, including, but not limited to, the pre-zoning of the Vaughan Metropolitan Centre ('VMC'), creation of general and main-street mixed-use zones across the City of Vaughan (the 'City'), and substantially updated definitions. The first draft represents a notable update to the existing zoning regime, which has not been updated in a Comprehensive manner since 1988.

The first draft of the new Draft Zoning By-law was developed in consultation with a corporate team, the lead consultant, various stakeholders and the public

The City-wide Comprehensive Zoning By-law Review ("Comprehensive Review") has continued to benefit from an engaged community. An extensive consultation process enabled the broad exchange of ideas between the consulting team, various departments that utilize the Zoning By-law, residents and stakeholders. Five (5) ward based Open House meetings were held throughout the month of May 2019 to gather input on the first draft of the new Zoning By-law. The project team received both formal and informal feedback from the business community (particularly the development and construction industry), many inquiries from residents, as well as current and prospective land owners, BILD and other similar associations.

The project team composed of a City technical advisory group and the lead expert consultant evaluated the zone structure, permitted uses, development standards and definitions that shape and define urban development in the City. This first draft positions the City to facilitate the development of a Zoning By-law that promotes sustainable development, environmental stewardship and economic development in the City.

A Stakeholder Advisory Group ("SAG") was a facilitated advisory group of industry professionals, developers, community advocates, and external agencies which represents diverse interests informing the development of a zoning by-law. SAG meetings are contemplated in the work program throughout each major draft of the new Draft Zoning By-law.

Significant consultation and analysis will further iteratively improve this draft into the final by-law, which will be considered by Council for consideration at a future date.

A dedicated project website (www.zonevaughan.ca) provides up-to-date information regarding the status of the Comprehensive Review, including an interactive ArcGIS mapping tool, facilitating transparent feedback throughout the duration of the review (www.zonevaughan.ca).

Previous Reports/Authority

[Item 6, Report No. 2, Committee of the Whole, adopted without amendment by Council of the City of Vaughan on January 24, 2017 \(Award of RFP - Comprehensive By-law Review\)](#)

[Item 6, Report No. 44, Committee of the Whole, adopted without amendment by Council of the City of Vaughan on December 11, 2017 \(Comprehensive Zoning By-law Review Update\)](#)

[Item 3, Report No. 16, Committee of the Whole, adopted without amendment by Council of the City of Vaughan on April 11, 2018 \(Comprehensive Zoning By-law Review - Strategy\)](#)

Analysis and Options

The Planning Act provides numerous tools for municipalities to regulate land use in Ontario's communities, including Zoning By-laws

The *Planning Act* enables municipal councils to implement a variety of tools that relate to the planning and relation of land use and the built environment. Under Section 16 of the *Planning Act*, municipalities such as the City of Vaughan (the 'City'), must prepare and adopt Official Plans in accordance with the process and requirements for content such amendments to Official Plan or provisions revisions of the plan, proposed Zoning By-laws, plans of Subdivision, Consents, Second unit policies and Inclusionary zoning policies, as described in the *Planning Act*.

A Zoning By-law is the regulatory tool that implements the policies of an Official Plan. A Zoning By-law is a legally enforceable document with very precise requirements. Matters regulated through the Zoning By-law must be consistent with the authority afforded to the municipality through the *Planning Act*. More specifically, the new Draft Zoning By-law must:

- Implement and conform to VOP 2010, and accurately reflect the intent of the policies contained therein under one consolidated, streamlined new Zoning By-law
- Create a more concise, direct, and streamlined document that incorporates enhanced content and strengthened regulations in the Zoning By-law which apply broadly City-wide and is easily implemented by all stakeholders
- Update the standards and definitions contained in the existing By-law 1-88, by eliminating redundant/repetitive provisions, and creating regulations that reflect contemporary planning practice
- Prioritize user experience and accessibility, including the incorporation of wayfinding elements, clear and simple text, and illustrations / graphics to support the interpretation of the regulatory text
- Update ArcGIS based mapping through web-enabled programs to allow for ease of access to the public from any computer or mobile device to the most current zoning information

- Produce an accessible and inclusive document that supports the City's Strategic Plan, Vaughan Vision 2020, priorities of improving the quality of life for residents and creating a welcoming and barrier-free community

An updated By-law having a revised structure and format will ensure ease of administration and consistent interpretation

It is recommended that the new Draft Zoning By-law be restructured to help support the vision of VOP 2010. The new Draft Zoning By-law is organized into the following Sections:

- Part 1 – Administration
- Part 2 – Establishment of Zones and Schedules
- Part 3 – Definitions
- Part 4 – General Provisions
- Part 5 – Specific Use Provisions
- Part 6 – Parking and Loading Requirements
- Part 7 – Residential Zones
- Part 8 – Mixed Use Zones
- Part 9 – Commercial Zones
- Part 10 – Vaughan Metropolitan Centre Zones
- Part 11 – Employment Zones
- Part 12 – Conservation, Open Space and Agricultural Zones
- Part 13 – Institutional and Other Zones
- Schedule A and B Zoning Maps

The structure of the new Draft Zoning By-law was developed in order to ensure it is logical, predictable and could be easily understood, while being applied and implemented on a consistent basis.

The zone structure reflects the existing and planned built form of the City of Vaughan. These zones are designed to ensure the City fosters robust, agile commercial areas, protects employment land uses that attract investment, and provides a range of mix-uses and residential zones for current and future communities.

The new Draft Zoning By-law provides modified development standards for established neighbourhoods based on their specific context

The Established Neighbourhood “-EN” Suffix overlay found in Section 7.1.3 (Attachment 1) is based on a theme that appropriate building heights and yard setbacks are greatly interrelated in preserving the character of mature neighbourhoods. This theme evolved from the project team's research and public consultation process.

The purpose of the “EN” suffix overlay is to ensure an appropriate building height and mass that reflects the consideration of privacy issues, sun obstruction, loss of permeable surfaces and soft vegetation, while allowing for new dwellings and additions to fit into their neighbourhoods. The project team also heard from the public on the need to balance a landowner's ability to build/re-build a dwelling to today's construction and industry standards. On this basis, a balanced approach was taken in developing these

performance standards, which are intended to facilitate new development area to protect the character of existing established neighbourhoods. Detailed subset zone standards (e.g. the R1 zone is divided into R1A, R1B, R1C, etc.) further refine development standards based on the existing lot fabric, built form, and an analysis of minor variance data. The subset zone standards are evidence based, resulting from significant qualitative and quantitative analysis, and have been applied throughout the entire City.

The second draft of the new Draft Zoning By-law will incorporate a review of all existing site-specific zoning by-law amendments

To recognize existing approvals that have gone through a public process (i.e. Council, Ontario Municipal Board and/or Local Planning Appeal Tribunal approvals ('LPAT')), a review of current site-specific amendments to Zoning By-law 1-88 will inform the next major milestone of the Comprehensive Review. The intent is to delete site-specific amendments, which would be permitted as-of-right because of the new Draft Zoning By-law update. Where the new Draft Zoning By-law does not comply with the site-specific amendments, a standardized, alternative approach to create special provisions will be addressed as part of the second draft. As a guiding principle, the special provisions/exceptions being carried forward cannot be more permissive than VOP 2010.

Transition Clauses will be updated and added to recognize recent development approvals that were previously granted/adopted

The intent of the transition clauses is to allow for the issuance of a Building Permit, without further amendment to the new Zoning By-law, for the construction of a development or buildings having obtained previous planning approvals, in accordance with the current Zoning By-law 1-88, as amended, as of the date of the enactment of the new Zoning By-law. A transition protocol is necessary to recognize previous planning approvals obtained in accordance with the Zoning By-law 1-88 and any approved amendments. The proposed transition clauses can be found in Section 1.5 (Attachment 1).

The first draft of the new Draft Zoning By-law pre-zones the Vaughan Metropolitan Centre ('VMC'), Urban Growth Centre in conformity with the VMC Secondary Plan, as a "pilot" exercise

The VMC Secondary Plan has four main Precincts, each with different policies, land use rights, building heights and densities. The four proposed VMC zones were designed based on the applicable policies of each precinct in the plan. This provides for as-of-right development permissions consistent with the Secondary Plan. Design based zoning tools such as angular plane, tower separation distances, minimum proportion of ground floor active uses, and mixed-use permissions create a contemporary set of rules in order to help shape the development of the downtown.

Pre-zoning the VMC has the benefit of ensuring that the new Draft Zoning By-law implements the policy framework of the Secondary Plan and streamlining the development review process with the ability for the City to ensure that development details and appropriate conditions of development are applied appropriately through the Site Plan approval process. This "pilot" exercise for the pre-zoning was applied only to the VMC as the VMC is a provincially designated Urban Growth Centre, with the highest

density node, which would permit for a diverse range of building types for mixed-uses including residential, business, entertainment, civic activities, open space and natural areas. The VMC would consist of the widest range of uses and buildings of various sizes, including the tallest buildings in Vaughan.

Given the recent and proposed changes to provincial legislation, pre-zoning the downtown could accelerate development approvals and minimize the amount of time and resources used at the Local Planning Appeal Tribunal ("LPAT") on development applications contemplated in detail by the Secondary Plan.

The on-going Municipal Comprehensive Review ('MCR') and local Official Plan Review will provide the opportunity to define Major Transit Station Areas ('MTSA') beyond the VMC. Under current legislation, future MTSA's could be pre-zoned with limited appeal rights. Consultation and due diligence, such as testing the Draft Zoning By-law against current development applications, will ensure that the zone standards are prescriptive. This will be balanced with opportunities for creative urban design and architecture as the downtown continues to evolve further.

The proposed parking requirements were developed using a geographical, built form approach

For half a century, Zoning By-laws have required minimum parking standards regardless of the geographical context of the requirements. These older standards can hamper the market's ability to meet the need for smaller scale multi-unit housing and smaller scale services in urban locations, such as the VMC. It is even more imperative that new parking standards support areas where alternative travel modes are readily available and support residents and customers who choose not to drive, as well as for businesses that seek to serve foot traffic. Reducing parking requirements in targeted areas will enable development in these areas to respond to actual parking needs of the City's residents. The proposed parking reductions would balance the need of public transit commuters, pedestrians, cyclists and motor vehicle users by focusing reductions on those areas whose urban context make walking, cycling and transit practical options, now and in the short-to-medium term.

The new Draft Zoning By-law also includes a new shared parking formula for minimum parking requirements during off-peak parking on weekdays (Monday, Tuesday, Wednesday, Thursday and Friday). These standards are designed to support a district-based parking approach in selected areas (i.e. the VMC), including promotion of sharing for non-residential uses. Excessive minimum parking requirements are often cited as one of the most significant barriers to more intense forms of development and increased private vehicle usage. This is attributed to indirectly subsidizing vehicle use by providing available parking spaces that exceed the overall parking demand. Lowering minimum parking requirements does not necessarily preclude land owners from making their own rational decisions about the appropriate amount of parking to supply, and therefore in some instances the new Draft Zoning By-law implements the maximum parking requirement.

Many established neighbourhoods (i.e. established community areas in Woodbridge, Concord, Maple, Kleinburg, and Thornhill) within the City are built out in a suburban

form. The least amount of change from the current zoning regime is proposed within these zones and areas. Parking minimums are proposed based on more traditional methods of parking spaces per 100 square metres of gross floor area (based on a range of ratios), depending on the intensity of the use. Minimal changes to the minimum parking standards are proposed where an existing urban form is less supportive of transit and active transportation modes, and which residents are more likely to rely more on car travel for the foreseeable future.

With careful assessment, effective policy, and a deliberate rationale that complements VOP 2010 and the implementing zoning regime, the draft recommendations have the potential to reduce the overall amount of land dedicated to parking through the promotion of shared parking spaces, allowing for a gradual reduction in oversupply, and helping to activate 'dead space'. This is particularly applicable to those lands planned for the greatest intensification, such as the VMC.

The Draft Zoning By-law implements Source Water Protection conformity ensuring that only appropriate uses are permitted in Wellhead Protection Areas

The use of GIS technology allows for the efficient and effective administration of zoning approvals subject to the Source Water Protection policies. This reduces considerable staff time because staff will no longer be required to rely on fact checking schedules, or non-digitized maps. The new Draft Zoning By-law ensures that uses deemed to have a potentially negative impact on water-quality (e.g. Automobile Gas-Bar) are prohibited in areas subject to the Source Water Protection policies. This would implement one step of an approach to protect the municipal drinking water systems in Vaughan from contamination.

GIS overlays are also proposed to delineate special provisions that apply within the Oak Ridges Moraine, Woodbridge Special Policy Area and the TransCanada Pipeline lands. The use of GIS overlay provides an opportunity to centralize these requirements into one consistent general provision section, located in Section 4 (Attachment 1).

The recently proposed Bill 108, More Homes, More Choice Act, 2019 may impact the legislative context of the Comprehensive Review

Currently, municipalities can determine inclusionary zoning areas subject to the completion of an assessment report analyzing housing need and demand, and the financial impact of inclusionary zoning in accordance with provincial regulation. The 2019 Growth Plan, which came into effect on May 16, 2019, included provincial policy to enable municipalities to delineate MTSAs in advance of an MCR, subject to the completion of detailed work in accordance with the protected major transit station area requirements of the *Planning Act*.

The outcome will be that inclusionary zoning policies will not be able to be adopted until policies in respect of protected MTSAs are adopted and approved by the City. The Region of York has advanced work on the required assessment report in consultation with City staff and are developing proposed policy directions. The effect of linking inclusionary zoning to protected MTSAs and development permit system areas will result in delays in getting an inclusionary zoning policy framework in place and creating new affordable housing.

Municipalities are currently able to determine the areas where inclusionary zoning would apply. Unless otherwise prescribed by regulation, the proposed *Planning Act* changes in Bill 108 will limit a municipality's ability to apply inclusionary zoning only to protected MTSAs. On this basis, there are currently limited opportunities to advance inclusionary zoning through the Comprehensive Review.

The proposed Bill 108 considers allowing secondary suites in detached, semi-detached, and row houses in primary dwellings and ancillary buildings or structures (such as coach houses and laneway houses). Bill 108 also allows the Minister to set up Development Permit Areas, which can impact the Zoning By-law review process. The second draft of the Comprehensive Review will address the outcome of Bill 108 and the implications on the City's new Draft Zoning By-law.

The new Draft Zoning By-law provides updated mapping that is ArcGIS-based and designed to be interactive, user-friendly and accessible

The newly proposed mapping is a major component of the new Draft Zoning By-law. The proposed mapping includes an overall Index Map and coloured zone maps identified as Schedule A. Schedule B also includes the ArcGIS overlays for special provisions in the VMC, Wellhead Protection Areas, Woodbridge Special Policy Areas, the Oak Ridges Moraine overlay, and the TransCanada Pipeline and Facilities overlay, which were previously not provided in the existing Zoning By-law 1-88.

The newly proposed mapping includes colours, which will allow for users to clearly distinguish between different zone categories and zone lines. The proposed mapping leverages ArcGIS technology, which will be available online via a user-friendly, interactive and accessible (Accessibility for Ontarians with Disabilities Act ('AODA') compliant) platform, which will enable users from the public, and residents to easily access up-to-date zoning information, and provide an ease of administration.

Financial Impact

There are no financial impacts because of this report.

Broader Regional Impacts/Considerations

York Region's Official Plan (the "YROP") outlines the Region's policies respecting community growth, development and land use. The YROP makes several references to municipal Zoning By-laws, including the following specific policies that have been considered in this Draft Zoning By-law:

- The need to identify and protect for key natural heritage features and key hydrologic features (2.2.9)
- The need to minimize risks to human health and safety and property within natural hazard areas by containing mapping and policies that address floodplains, hazardous lands, hazardous sites (2.1.18)
- The need to protect for regulated lands through permitted uses, setbacks, buffers and identification of Special Policy Areas (2.3.29)
- The need to permit a mix and range of housing types (3.5.4)

- The need to promote value-added agricultural uses (e.g., local farm markets and farm-gate sales) (6.3.17)
- The incorporation of intake protection zones and wellhead protection policies and mapping, in consultation with the Region (7.3.36)

Conclusion

The first draft of Draft Zoning By-law was developed for public review based on the Council endorsed *Zoning Strategy Report*. The new Draft Zoning By-law is a major milestone intended to significantly advance the development of a new City-wide Zoning By-law which conforms to VOP 2010. A new comprehensive Zoning By-law will ensure the effective implementation of VOP 2010 and provide for greater clarity and precision, which will improve the usability of the zoning by-law for all potential users. In addition, it would be instrumental in facilitating growth in Vaughan.

The development of the new Draft Zoning By-law will provide the City with the capability to proactively respond to the rapidly changing legislative context and principles of urban development in support of complete communities, a healthy natural environment and a strong economy. Comments received will inform the development of a second draft, to be brought forward for Vaughan Council's consideration later in Q4 of 2019.

For more information, please contact: Brandon Correia, Manager of Special Projects, Planning & Growth Management Portfolio, extension. 8227

Attachments

1. Draft Comprehensive Zoning By-law Review (Text) – Accessible at <http://www.zonevaughan.ca/sites/default/files/inline-files/First%20Draft%20City%20of%20Vaughan%20City-wide%20Comprehensive%20Zoning%20By-law.pdf>
2. Draft Mapping – Accessible at http://zonevaughan.ca/sites/default/files/inline-files/City_of_Vaughan_Zoning_By_law_Schedule_A_20190412.pdf

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