

Committee of the Whole (2) Report

DATE: Tuesday, December 10, 2019

WARD(S): ALL

**TITLE: COMPREHENSIVE ZONING BY-LAW REVIEW – PROGRESS
UPDATE**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

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

Report Highlights

- The second draft of the updated zoning by-law will reflect the input received throughout the consultation process
- Bill 108 has changed the municipal legislative requirements governing secondary suites permissions
- The final Draft Zoning By-law will incorporate a review of all existing site-specific zoning by-law amendments subject to the detailed technical methodology described in this report in Q1 2020
- Pre-zoning the Vaughan Metropolitan Centre area has been endorsed by the development industry, landowners, and the broader community throughout the current consultation process, and is recognized as a progressive step towards building an ambitious and sustainable downtown

Recommendations

1. THAT this report be received for information.

Background

The second draft of the updated zoning by-law will be released in Q1 2020 that reflects and responds to the current input received throughout the on-going consultation process

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. The first draft is available for review by all interested parties on www.zonevaughan.ca and continues to benefit from ongoing feedback as the project team works towards a release of the second draft of the updated zoning by-law.

In addition to the minimum consultation requirements prescribed by the *Planning Act*, the City’s engagement program includes consultation in each Ward at every major milestone of the review. Included as part of this process are the Zoning By-law strategy report, the first and second formal draft of the new Zoning By-law, and the post Zoning By-law adoption implementation workshops. The drivers of the second draft continue to facilitate the development of a Zoning By-law that promotes sustainable development, preserves character of mature communities, and promotes environmental stewardship and economic development in the City.

Previous Reports/Authority

Award of RFP 16-352 Report

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0117_17_6.pdf

Comprehensive Zoning By-law Review – Update

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1205_17_6.pdf

Comprehensive Zoning By-law Review Strategy – Phase I

https://www.vaughan.ca/council/minutes_agendas/Extracts/16ws0409_18ex_3.pdf

Comprehensive Zoning By-law Review – Update (1st Draft)

<https://pub-v Vaughan.escribemeetings.com/filestream.ashx?DocumentId=18170>

Analysis and Options

City of Vaughan Official Plan 2010 establishes, as part of the urban structure, a hierarchy of Intensification Areas where the majority of intensification is planned to be accommodated

The Vaughan Metropolitan Centre (VMC) is identified as an Urban Growth Centre in the 2017 Growth Plan and current Vaughan Official Plan 2010 (“VOP 2010”). A VMC pre-zoning pilot is recommended because it will implement the policies of the adopted VMC Secondary Plan. Pre-zoning the VMC (subject to an “H”) has been endorsed by the development industry, landowners, and the broader community throughout the current consultation process. It is also recognized as a progressive step towards building an ambitious and sustainable downtown. This will allow staff the ability to assess the impacts of pre-zoning while creating a predictable framework for as-of-right permissions in the City’s downtown as it continues to build out.

Staff reviewed the policy framework of the City’s intensification areas on the premise that there is no “one-size-fits-all” approach to zoning these areas. Given the timing of this review, staff recognize that the City’s intensification strategy may evolve through the ongoing Official Plan Review. Pre-zoning within other intensification areas outside the VMC (i.e. future Major Transit Station Areas, Mobility Hubs and Intensification Corridors) is generally considered to be premature pending completion of the new Official Plan, on-going Secondary Plan/Block Plan processes and related studies. The Zoning By-law can be more restrictive than the current Official Plan, and the Official Plan does not direct pre-zoning within the currently planned Intensification Areas. Areas that are not pre-zoned, such as New Community Areas, would require a site-specific amendment, which will have the benefit of a public consultation process.

Although intensification areas have been articulated in VOP 2010, some lands within these areas are not necessarily appropriate for intensification. For example, Policy 2.2.5.14 of VOP 2010 stipulates that properties that are rear-lotted against a Primary Intensification Corridor, or those that have frontage on a window street parallel to a Primary Intensification Corridor, are generally not considered appropriate for intensification. It is the policy of Council: “That limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 14 of this Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.” (VOP 2010, Policy 2.2.3.3)

Policy 10.1.2.2 of VOP 2010 identifies that zoning permissions do not need to provide all contemplated uses or building forms to exactly match the Official Plan. It states: “That the full range of uses, densities or heights permitted by this Plan may not be

permitted by the Zoning By-law in all locations or all instances. Zoning By-law provisions may be more restrictive than the policies of this Plan”. The Secondary Plan process, including master plans or servicing strategies are the appropriate planning process to identify any known constraints or criteria to be considered when evaluating development. On this basis, the general mixed-use zone will not provide as-of-right permissions for a range of residential uses. This would require a site-specific zoning by-law amendment.

Changes to Bill 108 will necessitate updates to municipal legislative requirements governing secondary suites permissions

Since the release of the first draft of the new comprehensive zoning by-law, Bill 108 now requires municipalities to permit secondary suites in detached, semi-detached, and row houses in primary dwellings and ancillary buildings or structures (such as coach houses and laneway houses). Under the new legislation, municipalities are required to exempt secondary suites from Development Charges which aims to increase options for affordable housing.

A key focus of the next phase of the public outreach and consultation process will seek to provide information to the public on the recent legislative changes. The changes to secondary suites differ from current permissions which restrict one (1) secondary dwelling within an existing dwelling, subject to specific zoning criteria such as an additional parking space. Most often, this results in basement apartments. The newly applicable legislation permits one (1) dwelling within the primary residence in addition to a secondary dwelling in a detached structure, thereby resulting in a total of 3 units on a single property.

It is recommended that staff develop an enhanced secondary suite regulatory framework beginning with a policy review of the Official Plan. This framework would benefit from a substantial public outreach and consultation. A revised policy structure governing secondary suites would then require an implementing amendment to the applicable zoning by-law at a later date.

The updated Draft Zoning By-law will incorporate a review of all existing site-specific zoning by-law amendments in Q1 2020

In order to recognize existing approvals, a review of current site-specific by-law amendments to Zoning By-law 1-88 will be undertaken to inform the next major milestone of the Comprehensive Review. The intent is to delete site-specific amendments, which would be permitted as-of-right by the new zoning by-law. Where the new updated Draft Zoning By-law does not comply with existing site-specific amendments, new standardized exceptions will be created to ensure that site specific amendments are captured through the technical review exercise. The timing of the

preparation of these exceptions is important from a project delivery perspective, as changes to the parent draft by-law would necessitate the re-review of each site-specific exception. On this basis, the methodology for reviewing Vaughan's over 1,700 site-specific exceptions are generally described in the following steps:

- The existing site-specific exception zones are effectively being converted from a series of Word files into a database with common aspects that are amended by means of a zoning amendment (such as setbacks, building heights, permitted uses, landscape, amenity space requirements etc.)
- A report template will be created so that the database can be used to export the site-specific exceptions into a suitable format for inclusion in the Zoning By-law document
- The information in the database needs to be reviewed, edited and the information needs to be tagged or categorized to fit the final standardized structure (these tasks are underway)
- The review of the exceptions (with the objective of deleting unnecessary exception zones) will take place through a combination of manual and automated reviews. Once the updated Draft Zoning By-law is in a relatively final state, the exception zones can be compared against the draft zone standards to identify any exceptions that are no longer required because they are now permitted as-of-right
- Opportunities to delete other exceptions as described previously will also be considered, but this will likely require a largely manual review that is assisted by querying/filtering the database, once the final by-law is prepared for Council consideration and approval. This is expected in Q1 2020, in keeping with the project work plan. A final quality assurance review will be conducted to ensure that the final exception zones will be compared to their existing original exception zones

Following the Statutory consultation and Ward based non-statutory Open Houses throughout Q1 2020, all input received from residents, industry stakeholders, rate-payers, technical staff and a review of all written submissions received over time will enable staff to finalize the City's new comprehensive zoning by-law for Council consideration of approval in Q1 2020.

The new zoning by-law will consider existing, on-going development approval applications that are before the City

Planning Staff received a number of concerns from owners of projects that are in the design stage. Planning Staff recognize the length of time it can take to get through the design stage prior to approvals. As such, staff will prepare exceptions for these properties. Several recent Zoning By-law Amendments have been approved or anticipate a decision imminently. The second draft of the zoning by-law will address on-going development applications, and more specifically, applications which may not

conclude prior to the passing of the new City-wide zoning by-law through re-vamped transitional regulations.

New Community Areas continue to be reviewed as Secondary and Block Plans are undertaken and will generally maintain the existing Agricultural zoning

New Community Areas vary, as Secondary and Block Planning processes continue to articulate the built form outcomes of future communities. A new zone structure will allow the City to guide the development of new areas with modern development standards. It is expected that the development of these lands will generally require a zoning by-law amendment, which provides the benefits of a public consultation process throughout the phased development of these various block plan areas. Pre-zoning these areas would be pre-mature as Secondary Plans will inform a more detailed understanding of land use, built form, and infrastructure. It is expected that site specific zoning applications would benefit from new zoning standards which normally come forward concurrently with detailed draft plan of subdivision applications.

Chapter 7 of the phase one Zoning Strategy Report provides background which describes the potential for pre-zoning (particularly with a Holding Symbol) but notes that the appropriateness of pre-zoning depends on the specific context and possible technical issues, such as servicing constraints, compatibility, etc. This could include the application of Holding Symbols if there are any potential technical constraints that need to be confirmed.

Retention and Renewal of Soft Landscaping and a Mature Tree Canopy remains a significant priority of residents

Through the consultation process staff have heard concern that the absence of landscaping and trees, in favour of paved front yards for driveways and parking, and garages dominating the front of homes are key consideration in developing new development standards. As such, staff will work on appropriate ways to address this matter while ensuring there are no adverse effects to the other requirements of the zoning by-law.

Infill and intensification development projects will benefit from revised development standards both within and beyond the Mature Neighbourhoods Overlay area

VOP 2010 directs that Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of VOP 2010.

Staff analyzed the evolution of zoning standards across the Greater Toronto Area (GTA) and specifically in the City of Vaughan and undertook site visits of various areas across the City seeking to understand the relationship between character, compatibility and zoning requirements. Based on this research the following was determined:

- 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.
- 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. Staff continue to review the draft mapping to ensure

Financial Impact

N/A

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 review:

- 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 second draft of the new comprehensive zoning by-law will be released in Q1 2020 subject to the statutory consultation requirements of the Planning Act. Following the third round of public consultation in the work program, staff will prepare the final by-law for Council consideration of approval in Q1 2020.

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