

Committee of the Whole (2) Report

DATE: Tuesday, June 8, 2021

WARD(S): ALL

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

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for the enactment of the new City-wide Comprehensive Zoning By-law (the 'CZBL') for the City of Vaughan. The CZBL provides a major update since the adoption of By-law 1-88, and will continue to regulate the use of land and establishing modern development standards to implement the policy directives of Vaughan Official Plan 2010, as amended.

Report Highlights

- The CZBL is the culmination of a 3-phase project that included an extensive public and stakeholder engagement process.
- The CZBL conforms to and implements the policies of Vaughan Official Plan 2010.
- The CZBL will delete and replace the existing Zoning By-law 1-88, with exceptions to maintain previously approved site-specific exceptions.
- The new paper and digital formats of the CZBL make it broadly accessible and easier to navigate.
- Pre-zoning will be introduced for the Vaughan Metropolitan Centre Secondary Plan area as a pilot.

Recommendations

1. THAT Vaughan Council ADOPT the City-wide Comprehensive Zoning By-law in substantially the same form as attached at its Council meeting of September 27, 2021;

2. THAT Vaughan Council authorize the Deputy City Manager of Planning and Growth Management to make such stylistic and technical changes to the City-wide Comprehensive Zoning By-law as may be required;
3. THAT the City-wide Comprehensive Zoning By-law, dated XX 2021, delete and replace zoning By-law 1-88 as amended; and
4. THAT Vaughan Council deem that no additional notice or public meeting is required prior to the enactment of the City-wide Comprehensive Zoning By-law notwithstanding that changes were made to the by-law after the holding of the statutory public meeting.

Background

The City embarks on a review of By-law 1-88

Vaughan Council ('Council') on September 7, 2010, adopted Vaughan Official Plan 2010 ('VOP 2010') as the policy document to guide municipal decision-making on a wide range of land use planning matters, including growth and development. In accordance with Section 24(1) of the *Planning Act* (the 'Act'), municipal decisions, by-laws and public works must conform to VOP 2010. A Zoning By-law is the most important statutory tool to aid in the implementation of an Official Plan.

After extensive public consultation, research, and direction from Council, the City-wide CZBL will regulate the use of land and establish modern development standards to implement the policy directives of VOP 2010 is complete.

The City's existing city-wide Zoning By-law, Zoning By-law 1-88, has not been comprehensively reviewed since 1988. Council on September 19, 1988, enacted City of Vaughan Zoning By-law 1-88 ('By-law 1-88') and the then Ontario Municipal Board (now the Local Planning Appeal Tribunal ('LPAT')) on July 17, 1989 approved the By-law. By-law 1-88 has been amended through numerous general amendments and site-specific exceptions resulting from development applications over the last 30 years, however, a comprehensive review of By-law 1-88 had not been undertaken until now. Many of the development standards in By-law 1-88 are outdated and do not reflect current Provincial legislative requirements or policy documents, the policy direction of VOP 2010, or today's best planning and development practices.

The City issues a Request for Proposals to undertake the By-law Review

Council on December 15, 2015, directed staff to issue a Request for Proposals ('RFP') to retain a qualified external consulting team to undertake a comprehensive review of By-law 1-88, and to prepare a City-wide comprehensive Zoning By-law to regulate the use of land throughout the City (as shown on Attachment 1). Council on January 24,

2017, awarded the RFP (being RFP 16-352) to WSP Canada (formerly MMM Group Limited).

The By-law Review was undertaken using a 3-phase process and included substantial public engagement

The CZBL was completed as part of a 3-phase process over the course of 4-years. The CZBL is the result of an extensive research and consultation process that was undertaken within three phases over the course of 4-years. These phases include:

Phase 1: RFP, Strategy and Community Engagement

Council in April 2018 endorsed the Zoning By-law Strategy Report (the 'Strategy') to inform the direction of the CZBL. The Strategy identified options with respect to the structure, format, and strategic recommendations in drafting the future CZBL to implement the policy framework of VOP 2010.

With respect to consultation, one City-wide and ten Ward-based, non-statutory open house meetings were held to obtain input on the Strategy for the CZBL. Both formal and informal feedback was received including inquiries from existing residents; prospective residential; commercial and employment landowners; architectural, design and planning consultants; the Building Industry and Land Development Association - York Chapter ('BILD'), and various Registered Community Ratepayer Associations ('Ratepayer Associations').

Phase 2: First and Second Drafts of the CZBL, and Statutory Public Meetings

Informed by the Strategy and the feedback received as part of Phase 1, the first draft of the CZBL was publicly released in April 2019 and was received by Council on June 4, 2019. After a review cycle of the first draft, the second draft of the CZBL was released on January 28, 2020. The second draft of the CZBL benefitted from continued engagement with stakeholders, including an additional five Ward-based open houses held between January and February of 2020.

The third draft of the CZBL was released on September 24, 2020 and was informed by the feedback received on the second draft. The third draft was presented to the public in a virtual Statutory Open House on October 14, 2020 and was considered at a virtual Council Public Meeting on October 29, 2020. The feedback received on the third draft during the statutory meetings has informed the final version of the CZBL.

As a result of comments and submissions made throughout the consultation process, a number of minor revisions are proposed to the final draft, which are intended to respond to comments received and in order to increase the clarity and useability of the new CZBL and make it user friendly.

Phase 3: Approval of the Final CZBL

This report is seeking approval of the CZBL representing the third and final phase of the CZBL process. The CZBL, accessible as Attachments 2 to 9, being recommended for approval maintains the principles established in the Strategy and has benefited from three full drafts that have evolved through an extensive consultation process with the public and stakeholders.

Each phase of the CZBL has benefited from significant stakeholder and public engagement far exceeding the requirements of the *Planning Act*. In addition to in-person and virtual consultations, the public and stakeholders were invited to provide written commentary through each phase of the process. A summary matrix of the written comments received is appended to this report as Attachment 10.

Engagement and Consultation

Outreach for the Statutory Open House and Council Public Meeting included a notice that was distributed on September 24, 2020 to all individuals requesting notice; to all the applicable agencies identified by Ontario Regulation 545/06; all City of Vaughan Ratepayer Associations; and BILD. In addition, notice was posted on the City's website at www.vaughan.ca; published in the September 24, 2020 and October 1, 2020 editions of the Vaughan Citizen and the Thornhill Liberal newspapers; distributed in the City Update eNewsletter; appeared on Vaughan's social media channels consistent with the City's campaign to promote all Council and Committee meetings; and appeared on the City's digital sign network.

Input received on the CZBL as part of the City-wide and ward-based open houses, the Statutory Open House, the Council Public Meeting and through written correspondence are represented by the following key topic areas:

Transition of Approvals from By-law 1-88 to the CZBL

Feedback was received respecting the transition of previous and on-going site-specific approvals from By-law 1-88 to the CZBL, and the status of active and future development applications, in-progress approvals and building permits. Detailed transition provisions are included in the CZBL that focus on previously approved site-specific amendments, and in-progress development applications and/or building permit applications. The transition clauses recognize previous planning approvals lawfully obtained in accordance with statutory provisions of the *Planning Act*. The intent of the transition provisions of the CZBL is to recognize site-specific approvals that have already gone through a public statutory approval process, and to minimize legal non-conformity to the greatest extent possible. Transition matters are discussed in greater detail later in this report.

Parking Rates

Feedback was provided regarding the minimum and maximum parking rates of the CZBL specifically regarding how the rates were developed, what informed the development of the rates, and why they are appropriate in Vaughan.

The parking rates of the CZBL take a different approach from the traditional parking rates in By-law 1-88. The parking rates of the CZBL are context specific, responding to different areas of Vaughan's urban structure. Minimum and maximum parking rates have been established for different areas of the City based on land uses. On that basis, parking requirements in established residential and employment areas have not changed significantly, whereas a more progressive approach to minimizing surface parking has been undertaken in main street and intensification areas. The parking rates have been informed by the City's Draft IBI Parking Study (2010), and best practices and standards in other municipalities. The parking rates of the CZBL help implement the sustainability policies of Provincial policy documents and the York Region and Vaughan Official Plans. Parking rates are discussed in greater detail later in this report.

Protection of Vaughan's Natural Heritage Network ('NHN') and Open Space Network

Stakeholders identified the need to protect Vaughan's NHN, open space network and public and private trees throughout the City. The open space zones of the CZBL have been designed to match, to the extent possible, the open space designations in VOP 2010. The Environmental Protection ('EP') Zone of the CZBL will conform to the Natural Areas land use policies of VOP 2010. It should be noted that lands within the 'EP' zone have similar zoning requirements under the existing By-law 1-88 a.a, which include a range of open space, conservation, or agricultural zones. The EP zone permits existing agricultural uses and provides for the protection of Vaughan's open space systems, and Natural Heritage Network.

The CZBL also includes schedules and suffix zones to highlight additional minimum development standards and regulations that apply to certain lands. For example, Schedule B-3: Woodbridge Special Policy Area identifies the historic floodplain limits in Woodbridge; Schedule B-4: identifies the regulation area of the Toronto and Region Conservation Authority ('TRCA'); and the Oak Ridges Moraine ('-ORM') Suffix Zone includes additional provisions for lands within the Oak Ridges Moraine ('ORM').

Applicability of the TRCA Regulated Area (Schedule B-4)

Feedback was received respecting how Schedule B-4, TRCA Regulated Area, is to be interpreted, and whether the inclusion of Schedule B-4 imposes additional regulations on the public. Schedule B-4 is a mapping tool used to identify the lands located within regulation limit boundaries as confirmed by the TRCA, and identifies the lands subject to Ontario Regulation ('O. Reg.') 166/06, and requires a Development, Interference with

Wetlands and Alterations to Shorelines and Watercourses permit from the TRCA prior to issuance of a building permit. This authority is enabled under Section 28 of the *Conservation Authorities Act, 1990*. Schedule B-4 is consistent with existing zoning practice in the City and is used for information purposes.

Amenity Area Requirements

Stakeholder input was received respecting the amenity area requirements, and whether these requirements are necessary and appropriate. The CZBL establishes amenity area requirements that are consistent with best practices in other local municipalities and with the amenity area currently being approved through development applications. The amenity area requirements represent the minimum amenity area necessary to support more dense forms of development that the City is transitioning towards. This includes recognition of private balconies, rooftop spaces, and other amenities within common areas, as well as the balance of continuous outdoor amenity space.

Protecting Established Neighbourhoods

Stakeholder input was received regarding the need to protect the City's established, mature neighbourhoods. The CZBL includes a refined set of residential zones across the City to preserve the general character of different neighbourhoods and includes an Established Neighbourhood ('-EN') Suffix Zone in specific neighbourhoods to implement Official Plan Amendment 15 (regarding the compatibility of infill development in Community Areas with a Low-Rise Residential designation). The intent of the -EN Suffix Zone is to ensure the redevelopment of residential dwellings within existing communities occurs in a manner consistent with VOP 2010 and is sensitive to community character. The -EN Suffix Zone guides the appropriate scale of development and redevelopment in established neighbourhoods; and includes additional regulations respecting the minimum front yard setback and building heights based on the existing location and height of a dwelling(s). This is discussed in greater later in this report.

New Community Areas

Stakeholder input was received respecting the status of the New Community Areas of VOP 2010. The CZBL includes a Future Development ('FD') zone which anticipates future communities being planned for under VOP 2010. The FD Zone requires a future Zoning By-law Amendment application(s) to implement the land uses and policies of the respective secondary plans/block plans. This is discussed in greater later in this report.

Temporary Sales Offices

Stakeholder input was received respecting the existing temporary sales office provisions within the first and second drafts of the CZBL. The first two versions generally mirrored the existing provisions of By-law 1-88, which imposed a 100 m locational relationship

from the lands which have received draft plan or site plan approval, and which prohibit temporary sales offices within the ORM.

In consideration of the temporary nature of sales offices, that they must meet the zone requirements – including use – on the lands where they are located, and that they are subject to an agreement with the City, the CZBL has removed the 100 m locational relationship to draft plan or site plan approved lands, and permits Temporary Sales Offices in all zones.

Enforcement of CZBL Standards

Stakeholder input was also received respecting the enforceability of the CZBL, and whether the City will sufficiently monitor the established standards. Specific examples that were mentioned include on-lot parking, front yard paving, adequate parking minimums to support businesses, and the parking of commercial and recreational vehicles. The CZBL is deemed as applicable law, and enforcement of the CZBL regulations are undertaken by the City's By-law and Compliance, Licensing and Permit Services Department. The regulations of the CZBL have been written to be clear and enforceable.

Site-specific Impacts on Individual Properties

Feedback was received with respect to existing or proposed zoning for individual parcels of land and the status of active development applications throughout the City. It is important to note that the CZBL is not a replacement for site-specific zoning by-law amendments. Site-specific questions and commentary have been addressed in Attachment 10 or have been referred to the appropriate City contact managing an active application.

On May 28, 2021, a non-statutory courtesy notice of this Committee of the Whole meeting was distributed to all individuals who made a deputation at the Public Meeting or requested notification regarding the CZBL.

Previous Reports/Authority

The following are links to previous reports relating to the CZBL:

Award of CZBL RFP

[Item 6, Report No. 2, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 24, 2017](#)

Comprehensive Zoning By-law Review Update

[Item 6, Report No. 44, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 11, 2017](#)

Comprehensive Zoning By-law Review - Strategy

[Item 3, Report No.16, of the Committee of the Whole \(Working Session\), which was adopted without amendment by the Council of the City of Vaughan on April 11, 2018](#)

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

[Item 19, Report No. 20, of the Committee of the Whole, which was adopted without amendment by Council of the City of Vaughan on June 12, 2019.](#)

Comprehensive Zoning By-law Review – Progress Update

[Item 5, Report No.41, Comprehensive Zoning By-law Review Progress update, adopted without amendment by Vaughan Council on December 17, 2019.](#)

Comprehensive Zoning By-law – Statutory Public Hearing

[Item 1, Report No. 50, City-wide Comprehensive Zoning By-law Review, adopted without amendment by Vaughan Council on November 17, 2020.](#)

Analysis and Options

The Planning Act requires municipalities to undertake a comprehensive review of their zoning by-law

The *Planning Act* establishes the legislative framework for which land use planning can occur within the province and enables municipalities to utilize a variety of implementation tools to regulate the use of land and the built environment. Under Section 34 of the *Planning Act*, municipalities are able to pass zoning by-laws to regulate the use of land and establish development standards to guide the form of development. Zoning by-laws help to implement the objectives and policies of an official plan; Section 26(9) of the *Planning Act* requires a municipality to update their Zoning by-laws to conform with the Official Plan within three years of the Official Plan coming into effect Official Plan.

The City is seeking to update the existing regulatory framework established by By-law 1-88 with the new, City-wide CZBL, to achieve conformity with VOP 2010.

The 2-year moratorium on amendments to the CZBL does not apply as the CZBL was not passed within three years of the VOP 2010 coming into effect; further in order to take advantage of this moratorium, the City would also have to repeal every zoning by-law in effect in the municipality which is not recommended

The *Planning Act*, under Section 34(10.0.0.1), prohibits applications to amend Zoning By-laws for a 2-year period where a municipality repeals and replaces all the zoning by-laws in effect in a municipality in compliance with subsection 26(9) of the *Planning Act* (i.e. passes a new comprehensive zoning by-law to conform to an Official Plan within three years of an Official Plan taking effect). Notwithstanding the prohibition in Section 34(10.0.0.1) of the *Planning Act*, Council can resolve to permit applications within the two year period (Section 34(10.0.0.2) of the *Planning Act*). Official Plan.

Vaughan Council adopted VOP 2010 on September 7, 2010 and referred it to York Region for approval. Prior to the Region's approval of the VOP 2010, the VOP 2010 was appealed for non-decision to the LPAT. Following the Appeal, York Region endorsed VOP 2010 with modifications on June 28, 2012. The LPAT has approved a majority of the VOP 2010 by Orders issued on August 8, 2013; December 24, 2013; February 21, 2014; October 17, 2014; and March 25, 2015. To date, the City continues to work with appellants to resolve the ongoing appeals to the VOP 2010.

Compliance with the prescribed three years in Section 26(9) of the *Planning Act* is one of two preconditions to engaging the moratorium, the other being the complete repeal of every zoning by-law in effect in the municipality. Section 26(9) of the *Planning Act* has not been met with respect to the timing of when most of VOP 2010 came into effect.

The Provincial Policy Statement, 2020 ('PPS'), directs municipalities to keep Zoning By-laws up to date with the Official Plan

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. The PPS is a policy document that provides direction on matters of provincial interest related to land use planning and development. The policies of the PPS promote the goal of enhancing the quality of life for all Ontarians and are implemented through three major policy sections: building strong, healthy communities; the wise management of resources; and protecting public health and safety. Recognizing that local context and character is important, the policies of the PPS are outcome oriented and are flexible in their implementation provided that provincial interests are upheld.

The PPS recognizes that Zoning By-laws are an important implementation tool, and directs that municipalities keep their zoning by-laws up to date with their official plans, as well as the PPS. The CZBL is consistent with the policy direction of the PPS, whereby the city-wide regulatory framework guiding land use and development standards is being updated to conform with VOP 2010.

The CZBL conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ('Growth Plan')

The Growth Plan is the province's long-term plan to provide homes and jobs, promote investment and build communities in the Greater Golden Horseshoe ('GGH'). The Growth Plan provides policy direction for municipalities to address a range of issues including: infrastructure planning and investment, demographic changes, economic development, employment trends, land use planning, and population health.

The policies of the Growth Plan must be implemented through the Official Plan of upper and lower-tier municipalities and through municipal Zoning By-laws. The regulations imposed by the CZBL are consistent with the Growth Plan policies of VOP 2010.

The CZBL conforms to the Oak Ridges Moraine Conservation Plan, 2017 ('ORMCP')

The ORMCP is an ecologically based plan that provides land use and resource management direction for the 190,000 hectares of land and water within the GGH on the Oak Ridges Moraine ('ORM'). The purpose of the ORMCP is to provide land use and resource management planning direction to provincial ministers, ministries, and agencies, municipalities, landowners, and other stakeholders on how to protect the ORM's ecological and hydrological features and functions.

The policies of the ORMCP have been incorporated in VOP 2010; additionally, ORMCP regulations are currently included in By-law 1-88. The zoning regulations related to the ORM are being carried forward in the CZBL through the use of an overlay. This overlay is consistent with amendments made to By-law 1-88, as amended, when the ORMCP came into effect.

The CZBL conforms to the Greenbelt Plan, 2017

The Greenbelt Plan, together with the Growth Plan and the ORMCP, builds on the PPS to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity. The Greenbelt Plan identifies where urbanization should not occur within the GGH in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape. The policies of the Greenbelt Plan are implemented through the Official Plans of upper and lower-tier municipalities and through municipal Zoning By-laws. The regulations proposed by the CZBL conform to the Greenbelt Plan.

The CZBL will implement the policies and vision of VOP 2010. It is recognized that the Official Plans of York Region and the City of Vaughan are currently undergoing their Municipal Comprehensive Review ('MCR') and will be updated where required. The CZBL will continue to be updated over time to maintain conformity with Provincial plans, and the York Region and Vaughan Official Plans.

The CZBL conforms with the York Region Official Plan 2010 ('YROP 2010')

The YROP 2010 guides economic, environmental, and community-building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses. Section 8.3.2 of the YROP 2010 requires lower-tier municipalities to adopt local Official

Plan policies and Zoning By-law provisions that conform to the YROP 2010 in a timely manner. The CZBL would update the out-of-date provisions of By-law 1-88 to conform with YROP 2010. It is recognized that York Region is presently undertaking the MCR process to review the Region's population and employment forecasts, land budget and the York Region Official Plan policies. This process will establish the framework for the required MCR process for VOP 2010, and ultimately inform future CZBL updates.

The CZBL will implement the long-term vision for the City's growth as set out in VOP 2010

VOP 2010 establishes the planning framework for development throughout the City to the year 2031, and fulfills the City's obligations to conform to Provincial policies and meet regionally imposed targets for residential and employment growth. VOP 2010 serves as the primary source of policy direction for the CZBL. VOP 2010 broadly identifies permitted uses and other expectations for development. Accordingly, the CZBL implements the land use vision of VOP 2010 by articulating permitted land uses through a broad range of zones and associated development standards including those for residential, mixed-use, open space, employment uses, etc. for individual properties throughout the City.

It is recognized that the City is undertaking the MCR process for VOP 2010 as required by Provincial legislation and will align with the Region's population and employment forecasts, land budget and Regional Official Plan policies. This process will ultimately inform future CZBL updates. The CZBL will continue to be updated, on a housekeeping and comprehensive basis, in response to the changes in Provincial legislation, as well as York Region and City official plan policy. Future policy changes could include but are not limited to: additional residential units (formerly referred to as secondary suites), source water protection, wellhead protection areas and Major Transit Station Area ('MTSA') policies.

The CZBL is designed based on guiding principles established at the outset of the project

The CZBL was developed based on a set of guiding principles outlined in the Strategy that was endorsed by Council on April 11, 2018. The CZBL has built on these guiding principles, and has achieved the following:

1. Official Plan Conformity

The CZBL conforms to and implements the vision of VOP 2010. The CZBL has created new zone categories and development standards that implement the land use implementing the land use vision of VOP 2010.

2. AODA Compliance

The CZBL conforms to Provincial and municipal accessibility standards and has been designed as an accessible and inclusive document that supports a barrier-free community. The CZBL is available in print and digital format, in a font and format that meets accessibility standards.

3. User Experience

The CZBL has been designed to be a user-friendly document that is easily applied and interpreted. For simplicity in the text, the CZBL utilizes commonly used wording in their ordinary meaning. Tables are used to quickly illustrate permitted uses and development standards. Notations and visuals in the margins of the CZBL help support the interpretation of the text and provide clarity for standards.

4. Fulsome and Meaningful Consultation

As discussed in the “Background” section of this report, a fulsome, transparent, and extensive public engagement exercise. Each phase of the CZBL review has benefited from significant public engagement. Social media directed stakeholders to the project website (www.zonevaughan.ca) where interactive GIS-based mapping provides current and proposed zoning on every property in the City. Social Media and email e-blasts were used to advertise multiple Open Houses and engagement opportunities to anyone requesting notice, keeping stakeholders informed throughout the process.

One City-wide and 20 Ward based Open House meetings were held to gather input throughout the CZBL review process. Notice of these consultation opportunities and Open Houses was provided to residents by way of advertisements in the Vaughan Citizen and Thornhill Liberal newspapers. Feedback from the public and stakeholders has resulted in three successive draft versions of the By-law and has informed the final CZBL. The statutory open house was held on October 14 and the statutory Public Hearing was held on October 29, 2020. Input received has been considered in the preparation of the final draft CZBL.

5. Structure and Administration

The CZBL updates the standards of By-law 1-88 to reflect current development and building practices and eliminates outdated and redundant standards and provisions. The CZBL implements the regulatory framework of the City while protecting the site-specific amendments that were previously approved through a statutory public process. Moving forward, the CZBL will remain current through

housekeeping amendments and will be updated to conform to future Official Plans and the evolving legislative context.

6. Design and context

The CZBL takes context into consideration and has specific standards and provisions for distinct uses and areas within the City. This includes use and design provisions for areas such as the Vaughan Metropolitan Centre ('VMC'), and distinguishing standards for vehicular and bicycle parking by use within specific zones. All these provisions help to implement the policies of VOP 2010, and support context appropriate development.

7. Best practices and common principles

The CZBL reflects current development and building practices and responds to emerging planning issues and evolving economies. Progressive approaches to zoning are being executed in areas such as the VMC, through the use of Schedule B-1: Vaughan Metropolitan Centre – Special Provisions. While provisions such as the Established Neighbourhood ('-EN') Suffix Zone will help to protect established neighbourhoods in the City. The balance between promoting emerging planning trends while creating protections for context specific areas will help to protect the vision of VOP 2010 and responds to the needs of the City.

The CZBL will repeal and replace By-law 1-88, while recognize exceptions to that repeal allowing for the effective transition of recent or on-going development approvals and permitting processes

The CZBL will repeal By-law 1-88 but will not repeal By-law 1-88 in its entirety. The effect of not repealing By-law 1-88 in its entirety helps to protect previously approved site-specific exceptions that have gone through a public process (such as Council, the Committee of Adjustment or the LPAT), and helps to transition development applications which have achieved some level of approval or standing. As noted earlier in this report, protecting site-specific exceptions that have already gone through a public process has been a guiding principle of the CZBL, and is discussed in greater detail below.

The CZBL maintains previously approved site-specific exceptions

The CZBL will carry forward previously approved exceptions to By-law 1-88 to recognize existing site-specific amendments (accessible in this report as Attachment 3) obtained through a public process. Carrying forward site-specific zoning permissions helps to prevent legal non-conforming status on a property. However, exceptions have been deleted where they comply with as-of-right permissions in the CZBL.

The CZBL recognizes planning approvals (such as consents, minor variances, and site plans) that are in-progress or approved as of January 1, 2015, subject to the transition provisions of Chapter 1.6. The transition provisions protect planning applications that have been filed with the City, or approvals that have been granted through a public process, and do not prohibit the applicants from obtaining a building permit.

The CZBL is organized into concise and distinct chapters that make it easy to navigate

The CZBL is organized into 16 concise and distinct chapters, making the navigation of applicable zoning requirements simple to follow and easy to access for all users. The chapters of the CZBL are as follows:

1. Administration

The Administration chapter includes the interpretation, transition, and administrative provisions of the CZBL. It establishes how the CZBL is to be administered and interpreted.

2. Establishment of Zones and Schedules

The Establishment of Zones and Schedules chapter describes all the zones throughout the CZBL, the purpose of the zone, the schedules to the CZBL, and some interpretation matters.

3. Definitions

The Definitions chapter establishes the definitions to be used throughout the CZBL.

4. General Provisions

The General Provisions chapter lists the regulations for uses or requirements that apply to all zone categories. The General Provisions include regulations for amenity area requirements, height exceptions, swimming pools, etc.

5. Specific Use Provisions

The Specific Use Provisions chapters lists special uses that have additional requirements beyond what is included in the zone category chapters. The Specific Use Provisions include regulations for accessory office and retail, home occupations, secondary suites, etc.

6. Parking and Loading Requirements

The Parking and Loading Requirements chapter provides regulations for vehicular, bicycle and barrier-free parking standards by use, and related requirements.

7. Residential Zones

The Residential Zones chapter lists all the permitted uses within each of the residential zones and their associated regulations.

8. Mixed-Use Zones

The Mixed-use Zones chapter lists all the permitted uses within each of the mixed-use zones and their associated regulations.

9. Commercial Zones

The Commercial Zones chapter lists all the permitted uses within each of the commercial zones and their associated regulations.

10. Vaughan Metropolitan Centre Zones

The Vaughan Metropolitan Centre Zones chapter lists all the permitted uses within each of the VMC zones and their associated regulations.

11. Employment Zones

The Employment Zones chapter lists all the permitted uses within each of the employment zones and their associated regulations.

12. Environmental Protection, Open Space and Agriculture Zones

The Environmental Protection, Open Space and Agricultural Zones chapter lists all the permitted uses within each of these zone categories and their associated regulations.

13. Institutional and Other Zones

The Institutional and Other Zones chapter lists all the permitted uses within each of these zone categories and their associated regulations.

14. Exceptions Chapter

The Exceptions chapter (accessible in the report as Attachment 3) will house all the site-specific exceptions being carried forward from By-law 1-88 and any new site-specific exceptions on a go-forward basis.

15. Enactment

The Enactment chapter is the legal implementation of the CZBL.

16. Schedules

The B-Schedules are established in Part 2 of the CZBL and as identified below:

- B-1: Vaughan Metropolitan Centre – Special Provisions
- B-2: Wellhead Protection Areas

- B-3: Woodbridge Special Policy Area
- B-4: TRCA Regulated Area
- B-5: TransCanada Pipeline and Facilities

These schedules are easily accessible through the GIS zoning map. Additionally, paper copies of each schedule will be made available to the public.

The CZBL utilizes different tools to provide greater clarity and assist with the interpretation of the text and mapping

A variety of tools are utilized by the CZBL to help users easily navigate through the provisions, understand what minimum development standards apply to certain lands, and to aid in the interpretation of the mapping. For example, margin notations and illustrations are found beside the text of the provisions to provide greater clarity and assist with interpretation. These margin notations and illustrations are provided for convenience purposes and do not form an operative part of the CZBL.

Height and density provisions are applied to the mapping on Schedule A (accessible in this report as Attachment 4) as a zone symbol where VOP 2010 has applied a height and density restriction to the property.

Suffix zones are applied as zone symbols to the mapping on Schedule A to apply additional criteria to certain lands in addition to the zone requirements. The suffix zone requirements must be applied in conjunction with the zone requirements.

Overlays are a mapping tool used in the CZBL, applied as Schedules B-1 to B-5 ('B-Schedules'), to identify additional criteria and requirements required within a specific geographic area, and must be interpreted in conjunction with all other requirements of the CZBL. The B-Schedules are used where there is a subtle difference in the zone requirements or permissions for an area and to provide additional land use permissions or development standards.

The format of the CZBL makes it broadly accessible and easy to use

The CZBL, including the text and mapping, will be accessible in print and as digital format, accessible from a computer or mobile device. The multi-platform access will make the CZBL accessible to a broad audience. Ease of use will be particularly realized through the mapping features. The CZBL includes GIS-based mapping to provide an interactive and intuitive user experience and allows users to navigate through the different zone boundaries and categories in an online format. Traditional paper-based mapping will still be available however, the GIS-based format improves the usability of the mapping, and quickly allows users to identify property boundaries, zone categories and symbols, and access the B-Schedules.

Pre-zoning is not appropriate for the whole City but will be undertaken for the Vaughan Metropolitan Centre Secondary Plan ('VMCSP') as a pilot

VOP 2010 does not require pre-zoning for any areas in the City. There is no one-size-fits-all approach to pre-zoning lands to conform with Schedule 13-Land Use of VOP 2010, as the policy context and the range of existing uses and built-form varies considerably. In addition, the appropriateness of pre-zoning is dependent on the site and area-specific context, and can be constrained by technical issues, such as servicing capacity. Pre-zoning, apart from the VMCSP, is considered to be premature, and is dependent on the completion of the MCR, on-going Secondary Plan/Block Plan processes and other related plans and studies.

Detailed VMC Zones have been established to implement the development standards of the VMCSP; these zones provide for as-of-right land use permissions and development standards consistent with the VMCSP. Mixed-use land use permissions and design-based zoning tools (including angular planes, tower separation distances, minimum proportions of ground floor active use frontages, etc.) create a contemporary set of standards to shape the build-out of this Regional Centre.

The introduction of pre-zoning in the VMC is intended to remove barriers and facilitate development in Vaughan's new "downtown" consistent with the vision of the VMCSP. The implementation of a Holding Symbol "(H)" has been applied on certain lands within the VMC where additional studies or conditions are required (for example, the completion of the Black Creek Environmental Assessment to the satisfaction of the TRCA and the City). The VMCSP is under review, which will inform the eventual update of these zones, subject to the Secondary Plan update being approved.

The Yonge Steeles Centre Secondary Plan ('YSCSP') area is identified as a "Primary Centre" by VOP 2010, and is an area of emerging importance to Vaughan's urban fabric, which is in part a result of the planned Yonge-North Subway Extension ('YNSE')

In order to help protect the City's vision for the YSCSP area, pre-zoning the YSCSP area will be considered at a later date, following a decision of the LPAT respecting the Secondary Plan. In the interim, existing land use permissions and development standards will continue to be legally permitted within the proposed zones, which will continue to rely on the existing By-law 1-88, as amended, requirements.

It is acknowledged that there are presently 14 appellants with appeals to the entirety of the YSCSP. The nature of the appeals generally pertains to the maximum permitted heights and densities of the YSCSP, office policies, and the proposed parkland and road configurations. Should future modifications the YSCSP area be required as a result of the LPAT Hearing(s), the future pre-zoning of lands within the YSCSP will be brought

forward for Council's consideration at a later date, to ensure conformity with the final in-effect YSCSP.

The Employment Commercial Mixed-use Zone has been applied to the Intensification Corridors consistent with VOP 2010

The Employment Commercial Mixed-use ('EMU') Zone is a zone category that has been specially designed to implement the Employment Commercial Mixed-Use land use designation of VOP 2010. In consideration of the unique land use permissions that are afforded through the EMU Zone, the CZBL has applied the EMU Zone consistent with VOP 2010.

New Community Areas will be zoned using a Future Development ('FD') Zone

The Secondary Plan and Block Plan processes for the New Community Areas, identified on Schedule 1-Urban Structure of VOP 2010 will establish land uses and built forms of these future communities. The CZBL includes an FD Zone designed to recognize existing legally permitted uses and will only permit new interim uses for passive recreation and conservation. The FD Zone will remain in-effect on Block 27 until such time as development proceeds through the development approval process. This approach will afford the public the benefit of public consultation throughout the development of these New Community Areas.

The Established Neighbourhood ('-EN') Suffix Zone will protect established neighbourhoods

Council on October 20, 2015, directed staff to undertake a review of VOP 2010's Low-Rise Residential designation within the Community Areas. The outcome of the review resulted in the Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods and Official Plan Amendment 15 (respecting the compatibility of infill development in Community Areas with a Low-Rise Residential designation). New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form, and planned function of the immediate local area is permitted, as set out in the Chapter 9 policies of VOP 2010.

The CZBL utilizes a refined set of residential zones to preserve the general character of different neighbourhoods and includes an Established Neighbourhood ('-EN') Suffix Zone in specific neighbourhoods. The -EN Suffix Zone appended to particular zone categories ensures the redevelopment of residential dwellings within existing communities occurs in a manner consistent with the VOP 2010 and is sensitive to community character. The -EN Suffix Zone achieves this by including additional regulations respecting the minimum front yard setback and building height based on the existing location and height of a dwelling. This approach protects the character of

established neighbourhoods but permits modest expansions that allow a property owner to build/re-build a dwelling based on today's construction and standards.

A progressive approach to parking standards has been utilized

A progressive approach to implementing parking standards, one that is jointly based on use in addition to geographic context, has been incorporated into the CZBL. The use and location relationship influence where moderate to progressive changes to parking rates are appropriate in the City. For example, areas characterised by lower-density development, such as residential areas, have similar parking standards which have applied under By-law 1-88. Whereas, areas planned for mixed-use development, main street development and the VMC take on a more progressive approach to minimizing surface parking and include the establishment of minimum and maximum parking rates.

Updated parking rates are necessary to achieve the vision of VOP 2010. The parking rates together with other City and Regional initiatives, such as improved public transit and the construction of bike lanes, help to transform Vaughan into an urban municipality that has a hierarchy of transportation options.

The parking rates in the CZBL have been informed by the City's Draft IBI Parking Study (2010) and best practices and standards in other municipalities. These rates have been established in consultation with WSP Canada and the City's Transportation Engineering Department.

Comments were received respecting the proposed Environmental Protection ('EP') zoning for lands designated Natural Areas by VOP 2010.

Staff reviewed these concerns and note that an 'EP' zone is only proposed for lands which are currently zoned with an open space or agricultural zone. As well, existing Agricultural uses, are permitted in the 'EP' zone, mitigating the risk of creating a legally non-conforming agricultural use. As part of the conformity exercise, the EP zone was designed to conform to the 'Natural Areas' land use designation and policies of VOP 2010. The CZBL cannot be more permissive than VOP 2010. On this basis, consideration of additional uses should be considered on a site by site basis, subject to *Planning Act* approvals.

The final Comprehensive Zoning By-law will be brought forward for enactment in September of 2021, including any minor modifications required as a result of input received.

Given the technical complexity of this undertaking, it is recommended that the By-law be enacted by Council in September of 2021. This provides ample opportunity to ensure staff are appropriately trained, providing an effective administrative transition from the existing zoning By-law 1-88 to the new CZBL. Staff will continue to review any potential

discrepancies noted, allowing for housekeeping to occur prior to the enactment of the new CZBL.

Financial Impact

Should Council approve the recommendations of this report and resolve to authorize adopt the enactment of the final CZBL at a Council meeting in September 2021, it is reasonable to expect the potential of appeals to be filed to the LPAT regarding the CZBL. These appeals will have a financial impact. The financial extent of the impact will depend on the nature and number of appeals and cannot be determined at this time. In the short term, it is expected that staff will be required to review both the existing By-law 1-88 and the new CZBL, due to the potential for LPAT appeals. As such, it is expected that additional contract staffing capacity may be required, in order to maintain existing service levels in the administration of building permits and development application review.

Broader Regional Impacts/Considerations

The preparation of the CZBL relied on broad participation from the public and a Stakeholder Advisory Group ('SAG') comprised of internal staff, members of the public, and representatives from the development industry, York Region, and the TRCA. The SAG represents different perspectives, interests, and backgrounds, which provided for broad representation on the CZBL. Comments from industry members and members of the public have been instrumental in the review and development of the CZBL and have been discussed earlier in this report. Comments are included by the individual members in Attachment 10. Feedback from agencies, including York Region and the TRCA, includes the following:

York Region

York Region has reviewed the CZBL for conformity with the YROP, respecting the policy framework for community growth, development, and land use. York Region's comments can be generally characterized as follows:

- ensuring permitted uses by the YROP, such as urban agriculture and community gardens, and structures such as wind turbines and solar panels, have been considered by the CZBL
- promoting lower minimum parking rates to reduce auto dependency and to increase the use of alternative forms of transportation, and parking standards which promote Provincial, Regional and City sustainability policies
- ensuring the CZBL conforms to the Greenbelt Plan or ORMCP with respect to agricultural uses, mineral aggregate resources, or wayside pits
- refinements to definitions

Toronto and Region Conservation Authority ('TRCA')

The TRCA has reviewed the CZBL for conformity with the PPS, the ORMCP and Greenbelt Plan, in accordance with Section 28 of the *Conservation Authorities Act*, 1990. The TRCA's comments can be generally characterized as follows:

- the CZBL should identify the lands located within the TRCA regulation area
- pre-zoning, or using an additional schedule, to identify the lands located within the NHN of VOP 2010
- ensuring hazardous lands are appropriately zoned
- restricting expansions to legal non-conforming uses in TRCA regulated areas
- incorporating definitions, such as 'Hazardous Lands' and 'Hazardous Sites', that are consistent with the PPS and VOP 2010
- incorporating the source water protection and wellhead protection area requirements

Comments from York Region and TRCA have been reviewed and changes to the CZBL have been incorporated where appropriate. For example, the TRCA's feedback has resulted in improvements to the CZBL that include Schedule B-4, to help users identify the TRCA regulation area, and the lands subject to Ontario Regulation 166/06 which require a permit from the TRCA prior to issuance of a building permit.

Some of the commentary from the Region and the TRCA above are more appropriately applied on a site-specific basis through a zoning by-law amendment or minor variance applications, where property conditions can be reviewed and evaluated on a site-specific basis.

Conclusion

Zoning By-laws are the most important statutory tool to implement the Official Plan. The minimum development standards and regulations of a Zoning By-law are the key statutory mechanism through which the policies of an Official Plan are implemented. The CZBL implements the vision for the City's growth set out in VOP 2010, as required by Provincial legislation.

The CZBL updates the zoning regime established by By-law 1-88, last reviewed on a consolidated basis in 1988, and introduces a modern approach to zoning regulation that is broadly accessible and easy to use. The CZBL provides for greater clarity and precision in the application of zoning; creates the regulatory framework to implement the vision of VOP 2010; protects existing site-specific zoning approvals obtained through a public process; and minimizes legal non-conformity to the greatest extent possible. The CZBL is instrumental in facilitating growth in Vaughan and provides the City with the

regulatory capability to implement development in support of complete communities, a healthy natural environment, and a strong economy.

For more information, please contact Brandon Correia, Manager of Special Projects, Planning and Growth Management Portfolio, ext. 8227.

Attachments

1. Comprehensive Zoning By-law (Final | XX-2021) Text
Accessible at: [Comprehensive Zoning By-law Review \(Final XX-2021\) Text.pdf \(vaughan.ca\)](https://www.v Vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20A%20-%20Mapping.pdf)
2. Comprehensive Zoning By-law (Final | XX-2021) Section 14: Zone Exceptions
Accessible at:
 - [Exceptions 1-100](#)
 - [Exceptions 101-200](#)
 - [Exceptions 201-300](#)
 - [Exceptions 301-400](#)
 - [Exceptions 401-500](#)
 - [Exceptions 501-600](#)
 - [Exceptions 601-700](#)
 - [Exceptions 701-800](#)
 - [Exceptions 801-900](#)
 - [Exceptions 901-1000](#)
 - [Exceptions 1001-1100](#)
 - [Exceptions 1101-1125](#)
3. Comprehensive Zoning By-law (Final | XX-2021) Schedule A – Accessible at:
https://www.v Vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20A%20-%20Mapping.pdf
4. Comprehensive Zoning By-law (Final | XX-2021) Schedule B-1 - Accessible at:
https://www.v Vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20B-1%20Vaughan%20Metropolitan%20Centre%20Special%20Provisions.pdf
5. Comprehensive Zoning By-law (Final | XX-2021) Schedule B-2 – Accessible at:
https://www.v Vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20B-2%20Wellhead%20Protection%20Areas.pdf

6. Comprehensive Zoning By-law (Final | XX-2021) Schedule B-3 - Accessible at:
https://www.vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20B-3%20Woodbridge%20Special%20Policy%20Area.pdf
7. Comprehensive Zoning By-law (Final | XX-2021) Schedule B-4 - Accessible at:
https://www.vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20B-4%20TRCA%20Regulated%20Area.pdf
8. Comprehensive Zoning By-law (Final | XX-2021) Schedule B-5 - Accessible at:
https://www.vaughan.ca/services/business/zoning_services/General%20Documents/Schedule%20B-5%20TransCanada%20Pipeline%20and%20Facilities.pdf
9. Comment Response Matrix – Accessible at:
https://www.vaughan.ca/services/business/zoning_services/General%20Documents/Comment%20Response%20Matrix%20-%20Final.pdf

Prepared by

Diana DiGirolamo, Senior Planner, Development Planning Department, ext. 8320
Brandon Correia, Manager of Special Projects, ext. 8227
Christina Bruce, Director of Policy Planning & Environmental Sustainability, ext. 8231
Bill Kiru, Acting Director of Development Planning, ext. 8633
Ben Pucci, Director of Building Standards, ext. 8872
Gus Michaels, Acting Deputy City Manager of Community Services, ext. 8735
Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate Law, ext.8622

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Jim Harnum,
City Manager