

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 15, 2015**

Item 2, Report No. 44, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 15, 2015.

## **2 COMPREHENSIVE REVIEW OF THE CITY WIDE CONSOLIDATED ZONING BY-LAW 1-88**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Building Standards, Director of Policy Planning and Environmental Sustainability and the Director of Development Planning, dated December 1, 2015:

### **Recommendation**

The Deputy City Manager, Planning & Growth Management, Director of Building Standards, Director of Policy Planning and Environmental Sustainability and the Director of Development Planning, recommend:

1. THAT Staff be directed to issue a Request for Proposals for the purposes of retaining a qualified external consultant(s) to undertake a comprehensive review of City of Vaughan Zoning By-law 1-88 as amended, and subsequently to prepare for enactment a new city-wide Zoning By-law.

### **Contribution to Sustainability**

The report implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2 - To develop Vaughan as a City with maximum green space and urban form that supports our expected population growth
- Objective 2.3 - To create a City with sustainable built form

Goal 4: To create a vibrant community where citizens, business and visitors thrive

- Objective 4.2 - Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st Century

The proposed comprehensive review presents an opportunity for the City to create a Zoning By-law that implements the City's vision as outlined in the Vaughan Official Plan (VOP 2010). This review will recognize and evaluate the standards that shape urban development in the City of Vaughan with the goal of facilitating a Zoning By-law that promotes sustainable development and contributes to the betterment of the quality of life of Vaughan's Citizens.

### **Economic Impact**

#### **Recommendation to Retain External Consultants:**

The funding for the comprehensive review and preparation of a new City-wide consolidated Zoning By-law is estimated to cost approximately \$3.9M, including a 10% contingency and 3% administrative fee, over a projected three year review period. The project is anticipated to begin in Q2 2016 and end in Q2 2019. A Capital Project for \$515K has already been approved during the 2015 Budget process (Capital Project # BS-1006-15, Special Council Meeting April 1<sup>st</sup>, 2015, Item 1, Attachment 3) and additional funds are being requested as part of the 2016 Budget and 2017-19 Financial Plan through an additional Capital Project submitted by the Building Standards

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Department. The funding sources for the project are split between the Building Standards Continuity Reserve (21%), Development Charges (27%), and the general Tax-base (52%). A more detailed determination of costs will be clearly defined through the tender process. The proposed budget includes funding for a Project Manager who will be responsible for managing the external consultant, scheduling and budgeting as well as managing the internal core team of staff that will be involved throughout this major initiative.

#### Contingency for Ontario Municipal Board Appeals:

It is prudent to anticipate that additional funding will be required to resolve any Ontario Municipal Board (OMB) appeals that result from the enactment of the by-law. It is difficult to predict the number of appeals and their ultimate financial impact. Costs will vary depending on their number and complexity, the amount of time that external resources will need to be engaged (i.e. legal counsel/consultants) and whether extensive hearing time is required. A 10% contingency has been included into the capital project for this specific purpose. However, staff will play a major role in the negotiation and settlement process and its administration. Should there be additional costs, over and above the contingency, funding will be provided from applicable reserve funds.

#### **Purpose**

To seek approval from Council in consideration of the recommendation outlined in this report to facilitate the process of retaining a qualified external consultant(s) to undertake a comprehensive review of the City of Vaughan consolidated Zoning By-law 1-88 as amended, and the preparation of a new city-wide Zoning By-law.

#### **Communications Plan**

The proposed Zoning By-law review will undergo a public consultation process as prescribed by the *Planning Act*. At minimum, this will include the requirement for a Public Open House and a Public Hearing. The terms of reference to be prepared by the Project Manager will require the consultant to detail specifics of the communication and stakeholder consultation process in their proposed work plan. Given the breadth of the project and the anticipated level of interest, it is expected that additional public meetings beyond the statutory requirements will be required, along with other methods of civic engagement, including development of a web page, use of social media, and preparation of written material and outreach programs to targeted stakeholders. The Project Manager in collaboration with the consultant(s) will report to Council with a comprehensive communication plan prior to public engagement and other Departments.

#### **Background - Analysis**

##### Legislative Requirements:

Under the legislative requirements of the *Planning Act*, Municipal Official Plans must be reviewed every five (5) years and the implementing Zoning By-law be enacted not later than 3 years from the date the Official Plan approval is finalized. The Vaughan Official Plan 2010 was adopted by City Council in September of 2010. Since that time, VOP 2010 has been in the approval/appeal process. Partial approvals have been taking place since November 2012. Volume 1 has now been largely approved and work continues on Volume 2, where a number of site and area specific matters remain unresolved. Staff are of the view that VOP 2010 has reached a level of approval where the City can reasonably commence the preparation for the review of the new comprehensive consolidated Zoning By-law.

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##### Background:

The City of Vaughan is a fast growing community with a population of over 316,000 and an employment base providing over 186,000 jobs. It is expected that Vaughan will continue to grow with the projected population and employment reaching 416,000 people and 266,000 jobs by 2031. Planning is now underway to accommodate projected growth to the year 2041. On the basis of early forecasts, Vaughan is anticipated to grow within this time frame to a population of close to 500,000 with over 300,000 jobs. For the last 35 years Vaughan has been one of the fastest growing municipalities in Canada. This high level of growth is expected to continue over the next 25 years.

The existing Zoning By-law 1-88 was passed by Vaughan Council on September 19, 1988, and was approved by the Ontario Municipal Board on July 17, 1989. Many development standards in Zoning By-law 1-88 are outdated and do not reflect the new policy direction of the new Official Plan. Since the enactment of By-law 1-88, it has been amended to include the addition of new zone categories, regulations, definitions and site-specific amendments which have resulted in a Zoning By-law that is complex, challenging to interpret and apply, and cumbersome to administer. There are more than 1400 site-specific amendments to By-law 1-88, as well as numerous text and general regulation changes. City Staff have received both formal and informal feedback from the business community, particularly the development and construction industry, including many inquiries from architectural, design and planning consultants, current and prospective land owners, BILD and many like associations on the challenges and shortcomings of the current By-law.

Moving forward with the Staff recommendation, the successful consultant would be required to produce a new comprehensive and consolidated Zoning By-law in conformity with VOP 2010, that is clearer, more concise, and easier to utilize by staff, the development industry and the general public. The By-law will be modern, progressive, more permissive and in-line with our strategic goals and objectives as envisioned for the future of the community. It is intended that the new By-law will be easily accessible online and that this service will reduce a number of interpretation related enquiries, which will result in a more efficient use of staff resources.

##### Basis for the Recommendation:

The recommendation calls for the issuance of an RFP to hire external expertise for the purpose of undertaking a comprehensive review of the Zoning By-law and to produce a new city-wide Zoning By-law. In addition to the retention of a qualified consultant(s), an internal staff team will be established to provide coordinated broad input and assist with the comprehensive review, under the leadership of a Project Manager. The core team will include but not be limited to staff from the Policy Planning and Environmental Sustainability, Development Planning, Building Standards, By-law and Compliance, Development Engineering and Infrastructure Services, Economic Development and Culture Services, Parks Development and Legal Services Departments respectively. The governance model includes a Project Manager Position for a three year contract to lead the project. This position will coordinate the multi-disciplinary inputs from various City Departments, manage the public consultation process, and act as the liaison between the City and the Consultant. This governance model will ensure that the City's multi-disciplinary team will provide comprehensive input and outline interests contemplated throughout an approximate three year review process. The Project Manager will also be responsible for the project scheduling and budgeting.

The successful proponent will be required to have in depth knowledge of and specific expertise in land use planning, the legal basis of the Ontario land use regulation system, the transitioning of official plan policy into implementable zoning standards and regulations, and the drafting of

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zoning by-laws and the related approval processes. Expertise in public consultation, facilitation and communication measures will be essential alongside with negotiation skills.

As such, the proposals shall include, among other things: the qualifications and experience of the consulting team members; identification of the team leader; the lead consultant (if any); the upset cost of the review (broken down by phase, team member, time allocation of each team member by task and hourly fees). Also required will be a work plan and timeline identifying milestone dates; a communication plan including the anticipated public meetings and outreach methods and the requirement for the production of a defensible and comprehensive Zoning By-law, in conformity to VOP 2010, for enactment by Council.

#### Next Steps:

Upon Council approval of the recommendation and approval of the 2016-2019 capital and operating budgets, the Project Manager will prepare the final terms of reference and work with the Purchasing Services Department to finalize the Request for Proposals to reflect the content of the report and any input received by the Committee for the purposes of retaining a qualified consultant(s) to prepare a comprehensive review and the new comprehensive Zoning By-law.

#### Advantages of the Recommendation:

- A comprehensive Zoning By-law review will allow the City to fulfill its obligation to enact a Zoning By-law which implements the City's Official Plan under the Planning Act, S.26(9).
- Retaining consulting services to assist in the comprehensive review process draws a broader spectrum of knowledge, which should result in an enhanced end product. Input from City Staff, with specialized technical knowledge of existing issues, in combination with innovative ideas and resources from the consultant will result in a collaborative approach, which will benefit the review process and the ultimate product.
- The subject matter consultant will offer specialized knowledge of the challenges and issues that affect the development industry and the general public and it can also draw upon recent experiences from other municipalities.
- The RFP process and the resulting contract will help ensure that the project timeline is met and will provide the basis for greater accountability in meeting the required milestones. The consultant will be required to demonstrate previous experience and successes in undertaking other comprehensive Zoning By-law reviews, which should improve the efficiency of the process.
- Provides staff with an opportunity for professional development resulting from participation in a complex project that brings together subject matter expertise from both the public and private sectors.
- The external expertise will bring a breadth of experiences from dealings with other GTA and similar mid to large size growing municipalities which will be innovative, objective and neutrally beneficial.
- Consulting resources will be available to provide professional evidence at the Ontario Municipal Board and support legal counsel (internal/external) through the mediation and settlement negotiation process (if required).

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#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

The recommendation as outlined in this report is consistent with the initiatives set forth in the Term of Council Service Excellence Strategy Map:

The goal of undertaking a comprehensive review of the City of Vaughan Zoning By-Law 1-88 and preparing for enactment of a new city-wide Zoning By-law will assist in achieving the Council priorities in the Term of Council Service Excellence Strategy map, including ensuring the safety and well-being of citizens and cultivating an environmentally sustainable city.

#### **Regional Implications**

The review of consolidated Zoning By-law 1-88 and the creation of the comprehensive By-law will be consistent with the Region of York Official Plan and relevant Regional initiatives.

#### **Conclusion**

A new comprehensive Zoning By-law will ensure the effective implementation of the Vaughan Official Plan 2010 and provide for greater clarity and precision, which will improve the By-law's usability for all potential users, and be instrumental in facilitating growth in Vaughan. The implementation of this recommendation will provide the City with the capability to proactively address the rapidly changing principles of urban development as prescribed by the Provincial Policy Statement (PPS) and Provincial Plans; the York Region Official Plan and City of Vaughan Official Plan, in support of complete communities, a healthy natural environment and a strong economy. Therefore it is recommended that this request be approved and that staff be directed to proceed with retaining a Project Manager and the subsequent qualified external consultant(s) to undertake a comprehensive review of the City of Vaughan By-Law 1-88 as amended and prepare a new comprehensive and consolidated City-wide Zoning-By-law.

#### **Report prepared by:**

Brandon Correia, Zoning Plans Examiner, ext. 8260  
Gregory Segnanfreddo, Senior Zoning Plans Examiner, ext. 8245  
Laurie Alkenbrack, Manager of Zoning Services, ext. 8374