

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

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.

3 COMPREHENSIVE ZONING BY-LAW REVIEW - STRATEGY

The Committee of the Whole (Working Session) recommends:

- 1) That the Zoning Strategy Report (Attachment 1), be approved;
- 2) That the report of the Deputy City Manager, Planning and Growth Management, dated April 9, 2018, be received;
- 3) That the presentation and Communication C3, presentation material entitled, "*City of Vaughan Comprehensive Zoning By-law Review*", be received; and
- 4) That Communication C4, photographs submitted by Councillor Iafrate, be received.

Purpose

This report seeks Council's endorsement of the attached Zoning Strategy Report (Attachment 1) regarding the development of a new City-wide Comprehensive Zoning By-law.

Report Highlights

- The Strategy provides strategic recommendations to advance a formal first draft of the new Zoning By-law.
- The Strategy establishes how to achieve legislated conformity to the vision of the City of Vaughan Official Plan (VOP 2010).
- The Strategy will inform the City's Comprehensive Zoning By-Law Review while also identifying opportunities to inform the Official Plan Review by providing recommendations for suggested studies, policy updates and development standards for consideration.
- The Strategy integrates the findings and recommendations of the VMC Parking Strategy, the City-wide Urban Design Guidelines, the IBI Parking Strategy and other related studies.

Recommendations

1. THAT the Zoning Strategy Report (Attachment 1) BE ENDORSED.

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Background

The Strategy was developed in consultation with a corporate team, the lead consultant and the public.

The City-wide Comprehensive Zoning By-law Review (the “Comprehensive Review”) has continued to benefit from an engaged community that participated throughout the first strategic phase of the review. An extensive consultation enabled the broad exchange of ideas between the expert consulting team and various impacted Departments and stakeholders. A City-wide project launch and five (5) ward based Open House meetings were held to gather input on the strategic elements of drafting a new City-wide zoning by-law. 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 Zoning By-law 1-88 (“ZBL 1-88”), and the opportunities and goals for the new zoning by-law.

A Stakeholder Advisory Group (“SAG”) is a facilitated advisory group of industry professionals, developers, community advocates, and external agencies which provide diverse interests informing the development of a zoning by-law. The SAG was advertised through standard mailing lists and the City of Vaughan website. A facilitated conversation approach engages stakeholders in an equitable and transparent public forum where input is received and reviewed by the corporate team. SAG meetings are contemplated in the work program throughout each major draft of the new zoning by-law.

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

Previous Reports/Authority

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0117_17_6.pdf
https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1205_17_6.pdf

Analysis and Options

The Strategy supports the development of the first draft of a new Zoning By-law.

The Strategy provides a best practice analysis and related recommendations, which provide strategic direction on a wide range of zoning issues, themes and considerations. The recommendations contained in the Strategy will form the basis of the first draft of a new zoning by-law. The Strategy is organized as a compendium of the

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following chapters:

1. General Technical Analysis;
2. Development Design Guidelines;
3. Structure Format and Editorial Changes;
4. Map Schedules and GIS Review;
5. Minor Variance Review and Transition;
6. Review of Ontario Municipal Board Appeals and Decisions;
7. Zoning for Intensification Areas;
8. Official Plan Conformity;
9. Parking Provisions;
10. Short Term Accommodations; and,
11. Special Provisions (Existing Site-Specific Zoning By-laws).

Each chapter includes specific options and recommendations for consideration when drafting the new zoning by-law. A summary of the recommendations is provided at the end of each chapter of the Strategy. A further summary of the recommendations can be found in the executive summary of the Strategy (Attachment 1).

The Strategy establishes how to achieve legislated conformity to the vision of the City of Vaughan Official Plan (“VOP 2010”).

The first and foremost principal that guides the Comprehensive Review is that VOP 2010 serves as the primary source of policy direction on all zoning related matters. The Strategy recognizes that to achieve conformity with VOP 2010, an adaptive, context specific approach to zoning which supports the City’s transition from a suburban form of development into a more contemporary urban form is paramount. Flexible strategies will help to guide the built form transition within existing and planned contexts.

The Strategy responds to an evolving provincial policy framework.

An approach to integrated planning involves the coordination of infrastructure planning, investment and land use planning. This is a focal point of the City’s effort to manage sustainable growth. The *Growth Plan for the Greater Golden Horseshoe (2017)* (the “2017 Growth Plan”) provides that better use of land and infrastructure can be made by directing growth to *settlement areas* and prioritizing intensification, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*. The concept of a “Major Transit Station Area” is new to the 2017 Growth Plan, and finds itself in new provincial legislation as well. A Major Transit Station Area is defined within the 2017 Growth Plan as “The area including and around existing or planned higher order transit station or stop within a settlement area; or the area including and around a

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major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 metre radius of a transit station, representing about a “10-minute walk”.

The 2017 Growth Plan provides that Major Transit Station Areas on *priority transit corridors* (*priority transit corridors* are shown on Schedule 5 to the *2017 Growth Plan*) or subway lines will be planned to achieve minimum gross density targets by 2041 or earlier of a) 200 residents and jobs combined per hectare for those areas served by subways; b) 160 residents and jobs combined per hectare for those areas served by light rail transit or bus rapid transit; or c) 150 residents and jobs combined per hectare for those areas served by the GO Transit rail network. It is anticipated that a significant portion of these growth projections can be accommodated within the City’s planned intensification areas. An analysis of the recent 2017 Growth Plan identifies that a significant proportion of residential and mixed-use development can be accommodated in areas planned for intensification. One tool being considered through the Strategy is the use of “pre-zoning” in strategic areas of the City. Pre-zoning is the application of a zone that mirrors exactly the permissions contained in an official plan. Given the unique characteristics around zoning for intensification areas, a specific chapter of the Strategy provides a more substantial review of available options, conditions and analysis that is required in consideration of these tools.

The new subway line into the VMC is recognized as a Priority Transit Corridor in the *2017 Growth Plan*, which requires York Region to identify this in their Municipal Comprehensive Review. The Growth Plan directs that planning will be prioritized for *major transit station areas on priority transit corridors*, including zoning in a manner that implements the policies of the plan. The *Building Better Communities and Conserving Watersheds Act, 2017* received Royal Assent on December 12, 2017, contains provisions, which once proclaimed, will amend the *Planning Act* and restrict the nature of an appeal to the parts of a zoning by-law that establishes permitted uses, the minimum/maximum densities or heights with respect to building and structure on lands which are designated as a Major Transit Station Area in the official plan, providing municipalities with new tools to consider when developing zoning for these identified areas.

Working in collaboration with the Comprehensive Review team, a Zoning By-law Review Committee comprised of City staff will complete housekeeping reviews and updates to ZBL1-88, incrementally improving the efficient use of this by-law, particularly during the transition from the old and the existent to the new City-wide by-law. The first series of housekeeping amendments are expected in Q2 of 2018.

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The Strategy integrates the findings and recommendations of many ongoing City initiatives.

The VMC Parking Strategy, the City-wide Urban Design Guidelines, and the IBI Parking Study are among the key studies that were considered by the project team in the preparation of the Strategy. This Strategy will inform the Comprehensive Review while also identifying opportunities to inform the City's Official Plan Review and on-going studies.

The Strategy provides a best practice analysis of the related mapping and GIS technologies that will continue to support the delivery of readily available information.

The Comprehensive Review includes the innovation of GIS mapping technologies and considers the use of overlays to display complex information in a simple graphical format. A major deliverable of the Comprehensive Review is a separate internal and external facing mapping solution which will provide accurate, readily available information to the public.

Financial Impact

There are no economic impacts resulting from this report. The Comprehensive Review is within the current capital budget BS-1006-15.

Broader Regional Impacts/Considerations

York Region's Official Plan (April 2016 Office Consolidation) (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 for consideration 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); and,
- The incorporation of intake protection zones and wellhead protection policies and mapping, in consultation with the Region (7.3.36).

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York Region will be consulted throughout the Comprehensive Review process.

Conclusion

The Strategy (Attachment 1) outlines the options and recommendations that will facilitate 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, and be instrumental in facilitating growth in Vaughan. The development of the Strategy will provide the City with the capability to proactively address the rapidly changing principles of urban development in support of complete communities, a healthy natural environment and a strong economy.

For more information, please contact: Brandon Correia, Project Manager, Comprehensive Zoning By-law Review, ext. 8227.

Attachments

1. Zoning Strategy Report – accessed at:
https://www.vaughan.ca/services/business/zoning_services/Pages/Comprehensive-Zoning-By-law-Review.aspx

Prepared by

Brandon Correia, Project Manager, Comprehensive Zoning By-law Review, ext. 8227

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

City of Vaughan City-wide Comprehensive Zoning By-law Review

Committee of the Whole (Working Session)

Vaughan City Hall

April 9th, 2018



BrookMcIlroy/



Presentation Overview

- Comprehensive Review
- General Principles
- Zoning Strategy Report
- Phase 1 Engagement Program
- Next Steps

Comprehensive Review

Purpose and Objective

- Mandated by the *Planning Act*
- Achieve conformity with the Vaughan Official Plan (2010):
 - Implement and support VOP 2010
 - Achieve the community's land use vision
- Responsive and anticipatory of emerging planning policy and opportunities
- Updates definitions, provisions, standards, and schedules

Zoning Strategy Report

General Principles

1. Official Plan Conformity
2. Accessibility
3. User Experience
4. Fulsome and Meaningful Consultation
5. Structure and Administration
6. Design and Context
7. Best Practices and Common Principles



Zoning Strategy Report

Chapter 1: General Technical Analysis



Purpose

- A high-level framework to guide the Zoning By-law Review

Options for consideration:

- Consolidation, streamlining, and harmonization
- Clarity and consistency of terminology and provisions
- Consistency of provisions with other legal documents (where applicable)
- Rationalize and standardize approach to cross references

Zoning Strategy Report

Chapter 2: Development Design Guidelines

Purpose:

- Key principles to guide urban design excellence

Options for consideration:

- Zoning By-law should reflect VOP 2010
- Balance ease of administration with effectiveness at shaping design outcomes
- Zoning By-law should support three-dimensional outcomes

Zoning Strategy Report

Chapter 3: Structure, Format & Editorial Changes

Purpose:

- Opportunities to improve administration, effectiveness, user friendliness, clarity, and ease of interpretation

Options for consideration:

- Structural improvements
- Communicate process for site-specific amendments and associated schedules
- Zone standards located in standardized locations
- Contemporary formatting approaches (tables, matrices, diagrams, etc.)
- Accessibility and user experience (formatting, design, way-finding, etc.)

Zoning Strategy Report

Chapter 4: Map Schedule & GIS Review



Purpose:

- Enhance accessibility, wayfinding, organization, and administration

Options for consideration:

- Distinct, consistent and clear zone boundaries
- Web-based mapping
- Administration and management of mapping updates
- Meet requirements under the Accessibility for *Ontarians with Disabilities Act*

Zoning Strategy Report

Chapter 5: Minor Variance Review and Transition

Purpose:

- To review and identify provisions or sections of the By-law that may require a different approach in the new By-law

Options for consideration:

- Minimize the need for minor variances through flexibility and permissiveness
- Implement context appropriate standards and regulations
- A more in-depth analysis in consideration of geographical information and spatial trends will be conducted

Zoning Strategy Report

Chapter 6: Review of OMB Appeals and Decisions

Purpose:

- Analysis of trends in OMB appeals and decisions over last 7 years

Options for consideration:

- Existing low-rise residential areas
- Permitted uses
- Specific zone standards
- General provisions
- Landscaping
- Parking provisions and standards

Zoning Strategy Report

Chapter 7: Zoning for Intensification Areas

Purpose:

- A review of options and strategies to implement intensification and growth policies through the new Zoning By-law

Options for consideration:

- Not all areas appropriate for intensification
- Recognize specific distinctions throughout the City
- Recognize variation in Height and Floor Space Index maximums
- Nuances and special development policies can be incorporated
- Inclusionary zoning to be monitored for implications to the Review

Zoning Strategy Report

Chapter 8: Official Plan Conformity



Purpose:

- Ensure new Zoning By-law is in conformity with the VOP 2010

Options for consideration:

- Implement the policy requirements of VOP 2010
- Zoning regime that responds to the City's land use function and built form
- Better reflect current planning approaches and practice
- Minimize the creation of legal non-conformity for existing uses
- Streamline the Zoning By-law and reduce duplication

Zoning Strategy Report

Chapter 9: Parking Provisions



Purpose:

- Reviews and addresses key parking issues

Options for consideration:

- Review, simplify, consolidate, and update parking provisions
- Transitional arrangements away from existing provisions
- Ensure new minimum and maximum provisions are technically sound
- Requirements for parking lot landscape buffers
- Screening requirements for above grade parking

Zoning Strategy Report

Chapter 10: Short Term Accommodations

Purpose:

- Provide an understanding and outline impacts and benefits

Options for consideration:

- Permissive approach: permitted in all zones
- Selected permissive approach: limited to certain zones or areas of the City
- Very restrictive approach: all short term accommodations are required to undergo a Zoning By-law Amendment application review process

Zoning Strategy Report

Chapter 11: Reviewing Special Provisions

Purpose:

- Organize, eliminate, and consolidate special provisions to ensure new Zoning By-law is more legible and consistent

Options for consideration:

- Manage special provisions through new Zoning By-law process
- Itemized review of all provisions and assess each provision individually
- Options to consolidate and eliminate special provisions will be implemented

Phase 1 Engagement

Communications and Engagement Strategy

Principles:

- Respect the community's diversity, needs and values.
- To be accessible to the broadest range of people.
- To be transparent.
- To improve service delivery through current tools and techniques.

Phase 1 Engagement Objectives:

- Educate the public about the role of zoning and the purpose of the project.
- Develop a recognizable and user-friendly online presence.
- Seek input from the public on the zoning issues that matter to them.

Phase 1 Engagement

Digital Framework



- www.zonevaughan.ca that incorporates interactive zoning map
- Project video
- Social media content
- E-blasts prior to each event



Phase 1 Engagement

Open Houses

Dates:

- Launch Open House on December 11, 2017 at City Hall
- Five ward-based Open Houses (January and February 2018)

Format:

- Drop-in, followed by presentation and Q & A
- One-on-one discussions with project team
- Comments documented through notes, comment forms and online submissions.



Phase 1 Engagement

Open Houses - Results

Attendance:

- 50 members of the community
- Local residents, developers, consultants, councillors

Summary of Feedback:

- Stressed the importance of public participation
- Encouraged transparency in the process
- Perceived lack of consistency in Committee of Adjustment decisions
- Prioritized the preservation of inner residential neighbourhoods

Future Engagement Activities

Q1 2019



Draft Zoning By-law to be presented to Council in Q1 of 2019

- Engagement Activities that will follow:
 - Stakeholder Advisory Group meetings
 - Continuation of digital framework
 - Booths at community events and festivals
 - Facilitated discussion panels
 - Statutory events

Next Steps

Preparation of Draft Zoning By-law



Thank You



Questions





Item:



Committee of the Whole (Working Session) Report

DATE: Monday, April 09, 2018

WARD(S): ALL

TITLE: COMPREHENSIVE ZONING BY-LAW REVIEW - STRATEGY

FROM:

Jason Schmidt-Shoukri – Deputy City Manager, Planning & Growth Management

ACTION: DECISION

Purpose

This report seeks Council's endorsement of the attached Zoning Strategy Report (Attachment 1) regarding the development of a new City-wide Comprehensive Zoning By-law.

Recommendations

1. THAT the Zoning Strategy Report (Attachment 1) BE ENDORSED.

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Background

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The City-wide Comprehensive Zoning By-law Review (the “Comprehensive Review”) has continued to benefit from an engaged community that participated throughout the first strategic phase of the review. An extensive consultation enabled the broad exchange of ideas between the expert consulting team and various impacted Departments and stakeholders. A City-wide project launch and five (5) ward based Open House meetings were held to gather input on the strategic elements of drafting a new City-wide zoning by-law. 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 Zoning By-law 1-88 (“ZBL 1-88”), and the opportunities and goals for the new zoning by-law.

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The Strategy provides a best practice analysis and related recommendations, which provide strategic direction on a wide range of zoning issues, themes and considerations. The recommendations contained in the Strategy will form the basis of the first draft of a new zoning by-law. The Strategy is organized as a compendium of the following chapters:

1. General Technical Analysis;
2. Development Design Guidelines;
3. Structure Format and Editorial Changes;
4. Map Schedules and GIS Review;
5. Minor Variance Review and Transition;
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For more information, please contact: Brandon Correia, Project Manager, Comprehensive Zoning By-law Review, ext. 8227.

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https://www.vaughan.ca/services/business/zoning_services/Pages/Comprehensive-Zoning-By-law-Review.aspx

Prepared by

Brandon Correia, Project Manager, Comprehensive Zoning By-law Review, ext. 8227



CITY OF VAUGHAN ZONING BY-LAW REVIEW

ZONING STRATEGY REPORT

MARCH 2018

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Executive Summary

1.0 Introduction

The City of Vaughan has embarked on an important exercise to update the City's zoning framework through a comprehensive review. The overall intent is to develop, adopt, and implement a new zoning regime that conforms to the vision of the City of Vaughan's Official Plan (VOP) 2010. The Official Plan represents the highest order of municipal policy and serves as a long-term framework to guide decision-making on where and how current and future growth will occur within the City to the year 2031 horizon. Although mandated by The *Planning Act*, R.S.O. 1990, c.P.13 (the "Planning Act") as amended, a review of the Zoning By-law offers the municipality an opportunity to develop and implement land use zones and standards that not only support the vision of the VOP 2010, but also the vision of the community as a whole.

Among a suite of available instruments afforded to municipalities through the *Planning Act*, a Zoning By-law is the most important statutory tool to aid in the implementation of an Official Plan. The current in-effect City of Vaughan Zoning By-law 1-88 was adopted nearly 30 years ago, and has undergone nearly 1,500 individual amendments and multiple consolidations. Meanwhile, in response to significant growth pressures and advancements in planning best practices, provincial and municipal planning policy and processes have similarly evolved since the adoption of By-law 1-88. An important regulatory instrument that contributes to the built form and function of the City, the Zoning By-law has not only become outdated and redundant, but also complex, fragmented, and both difficult to interpret and administer.

The overall intent and purpose of this review is to create a new Zoning By-law that is both

responsive and anticipatory of emerging planning policy and opportunities, but is also in conformity with and fully implements the vision and intent of the VOP 2010. More specifically, the new Zoning By-law must:

- Implement and conform to the 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;
- Update the standards and definitions contained in the existing By-law 1-88, eliminate redundant / repetitive provisions, and create regulations that reflects 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 regulatory text; and
- 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.

1.1 Purpose

The purpose of the Zoning Strategy Report is to provide a framework for the implementation of and a strategy to developing the new Zoning By-law. It represents a major milestone of the Comprehensive Zoning By-law Review process. The Zoning Strategy Report (the "Report") is presented as a compendium of eleven technical papers – or chapters – each of which critically evaluate a specific element of zoning. The chapters provide detailed research and analysis, identify issues and trends, and include a set of specific

recommendations. The Report is the product of consultation with the Steering Committee, and will ultimately require Council endorsement prior to initiating Phase Two of the Comprehensive Review, which will involve preparing the new Zoning By-law.

1.2 Structure

The Zoning Strategy Report is structured to address and discuss eleven topics that will guide the Zoning By-law Review exercise. Each topic is addressed by an individual chapter as follows:

- **Chapter 1:** General Technical Analysis
- **Chapter 2:** Development Design Guidelines
- **Chapter 3:** Structure, Format, and Editorial Changes
- **Chapter 4:** Map Schedule and GIS Review
- **Chapter 5:** Minor Variance Review and Transition
- **Chapter 6:** Review of Ontario Municipal Board Appeals and Decisions
- **Chapter 7:** Zoning for Intensification Areas
- **Chapter 8:** Official Plan Conformity
- **Chapter 9:** Parking Provisions
- **Chapter 10:** Short Term Accommodations
- **Chapter 11:** Reviewing Special Provisions

1.3 Project Timeline

The Zoning By-law Review exercise is being conducted in three phases. Phase 1 consists of background research, an analysis of By-law 1-88, and completion of this Zoning Strategy Report. This includes drafting a series of Technical Papers, that together form the chapters within this document, as well as ongoing meetings with the Steering Committee, and a meeting with Committee of the Whole and Council.

Phase 2 is planned to begin in Q2 2018, and consists of preparing a preliminary, second,

and final draft of the Zoning By-law for review by City staff. This phase also includes ongoing meetings with the Steering Committee, and fully implementing the Communications and Engagement Strategy

Phase 3 of the Zoning By-law Review represents the final step in the review of By-law 1-88. It includes implementing the final stages of the Communication and Engagement Strategy, a final meeting with the Steering Committee, and passage of the new City of Vaughan Zoning By-law in Q4 2019 or Q1 2020.

Each major deliverable and phase of this project features public engagement through a round of open houses in each of the City's wards plus an online engagement designed to direct people toward the project website. The website will include interactive mapping and commenting features designed to show current and proposed zoning on every lot in Vaughan.

1.4 Recommendations Can Change and Evolve Over Time

The intent of the Zoning By-law Strategy Report is to recommend a framework through which to implement and execute the Zoning By-law Review. It is informed by known and identified issues that have been established through preliminary consultation with City staff, consideration of Vaughan's land use planning context, and a detailed analysis of By-law 1-88.

Updated or additional recommendations may evolve over the course of this project based on the building of the By-law, feedback and input received from the broader public, and emergent trends and issues. Such documentation will be provided in staff reports, further research papers, or other memoranda. Drafts of the new Zoning By-law will be updated based on this work.

2.0 Summary of Recommendations

The Zoning Strategy Report includes a total of eleven chapters that address issues and opportunities identified through consultation with City staff, an analysis of zoning data, and a review of best practices. Each chapter contains a set of specific recommendations. A summary of these recommendations is provided in the proceeding section.

2.1 Chapter 1: General Technical Analysis

Chapter 1: General Technical Analysis, details the approach that will be administered to develop a first draft of the new Zoning By-law. Intended as a high level framework to guide the Zoning By-law Review, it establishes a series of key principles and criteria. A core function of this Chapter is the planning analysis which identifies where modifications to By-law 1-88 are required. Preliminary consultation with City staff identified issues associated with general provisions, definitions, parking, and employment zones, among others. Five options for consideration that emerged from this analysis include:

- (1) The need to consolidate, streamline and harmonize elements of the Zoning By-law, as much as possible;
- (2) The need for clarity of terminology and provisions;
- (3) The need for consistency in the application of terminology and provisions;
- (4) Ensuring that the provisions of the Zoning By-law conform to VOP 2010 and are consistent with other legal requirements where applicable; and
- (5) Rationalize and standardize the approach to cross-references to the greatest degree possible.

To effectively address these considerations through the development and

implementation of a new Zoning By-law, the following best practices are recommended:

- **User-friendly:** Zoning by-laws are increasingly becoming “user-friendly” documents intended to be read and interpreted by the broadest possible audience. This means avoiding complicated language, and structuring zoning by-laws in an intuitive manner.
- **Public Input:** Zoning by-law reviews are being conducted in a more inclusive manner, with the objective of getting input from a wide range of stakeholders. This is accomplished by having multiple opportunities for public events; and utilizing social media and other tools to increase awareness about the Zoning By-law and its importance in shaping communities. Early consultation has identified a need to provide a transparent and inclusive process that considers all input as relevant. There is also an opportunity to use this process to connect participants to the City’s overall land use planning program and how zoning fits into the larger policy framework.
- **Mapping:** There is a growing desire and effort to make zoning information readily accessible to the public on the Internet. This has mostly included posting zoning maps, but has also included developing and integrating interactive mapping, as Brampton has already done for its current Zoning By-law.
- **Structure:** The overall structure of By-law 1-88 has not changed much in the past 30 years. However, in many cases, municipalities are organizing permitted uses and zone provisions into matrices to enable comparison and cut down on the number of parts or sections in the By-law.
- **Site-Specific Exceptions:** Due to the nature of zoning by-laws, municipalities must still manage the need for numerous site-specific exceptions. While efforts are made to reduce the number of exceptions

or to anticipate and minimize them, they will likely continue to be a reality of the prescriptive nature of zoning. Some municipalities organize their exceptions along with zone provisions, while others include them as a separate part, since they can represent a lengthy section that is not always relevant to the user.

2.2 Chapter 2: Development Design Guidelines

Chapter 2: Development Design Guidelines establishes key principles to guide urban design excellence through the new Zoning By-law. It provides a review of existing municipal design documents, identifies key design issues and opportunities that should be addressed through the new Zoning By-law, and evaluates common alternatives to incorporating design within zoning. This Chapter identifies four main opportunities for the new Zoning By-law to implement the design direction for the City that is currently being completed, and some tools to help deliver that goal. There may be an opportunity through this exercise to consider innovative alternatives to traditional zoning, such as Overlay Zones and future potential for a Community Planning Permit System. This hybrid approach will work towards achieving the following key principles during the Zoning By-law Review:

- The Zoning By-law should reflect the City of Vaughan's vision for the future, as articulated through VOP 2010, while also considering emerging trends and urban issues;
- The Zoning By-law should balance ease of administration with effectiveness at shaping design outcomes, recognizing that it is one tool within a suite of complementary municipal design tools and processes; and
- The Zoning By-law should support three-dimensional outcomes that consider context and relationships between

buildings, open spaces, natural heritage networks and streetscapes.

2.3 Chapter 3: Structure, Format & Editorial Changes

Chapter 3: Structure, Format & Editorial Changes, evaluates By-law 1-88 and identifies opportunities to improve administration, effectiveness, user friendliness, clarity, and ease of interpretation. The evaluation includes a review of both the print document and the digital version. This exercise ensures that the new By-law is both structured and formatted in a manner that is appropriate and effective for City staff, the development industry, agencies and the public alike. The overall objective is to develop and implement a new Zoning By-law that is easy to understand and administer, and provides contemporary regulations with sufficient flexibility to implement VOP 2010 and the associated regulation of land use.

The following recommendations regarding structure and format of the document, as well as housekeeping and editorial changes, are proposed for further review and consideration:

- There are areas for structural improvements to the current Zoning By-law;
- The new Zoning By-law general provisions should communicate the process for site-specific amendments and an associated schedule of amendments;
- When developing the structure for the new Zoning By-law, consideration should be given towards relocating zone standards out of the schedules and into standardized locations (as an example, garage requirements are contained in four different locations in the By-law);
- An opportunity exists to develop and incorporate tables/matrices;

- Convenience features should be integrated in the new Zoning By-law as much as possible. This includes consideration towards use of colour that could serve as a wayfinding approach or reflection of VOP 2010;
- Contemporary formatting approaches, which are user-focused and integrate more convenience features, should be considered;
- A heightened level of customer service and accessibility including effective ways to represent and interpret zoning regulations through the assistance of wayfinding and alternative formatting techniques;
- This project is designed to work in an iterative basis that incorporates feedback received. The use of tracking tables serve as a helpful tool to consolidate existing issues in one place, so that they can be monitored and addressed throughout the development of the new Zoning By-law;
- User guides are now a standard practice. If non-operative of the Zoning By-law, the content is flexible and adaptable. Overall, user guides can serve as a user-friendly reference document that can assist with how to read the By-law, and helps to explain more technical aspects of zoning; and
- Any housekeeping items and zoning text for consideration can only occur if the proposed alteration or addition conforms to VOP 2010.

2.4 Chapter 4: Map Schedule & GIS Review

Chapter 4: Map Schedule & GIS Review assesses the City of Vaughan's By-law 1-88 mapping ("Schedules") to identify opportunities that will enhance accessibility, wayfinding, and organization. It also reviews zoning schedules from other municipalities to identify best practices that may ultimately be

integrated into the new Zoning By-law. The overall objective and guiding principles to developing schedules for the new Zoning By-law is to ensure that the maps are simple, easily navigable, well-organized and can be clearly understood by users.

In establishing best practices by reviewing other municipal by-laws was determined that colour, clear delineation of roads, the use of zone symbols, colour coded zones, overlays, layout, and consideration for accessibility, including web-based mapping, are critical to developing effective schedules. The following considerations are recommended:

- Zone boundaries following roads or linear features shall, as best as possible, be drawn to the centreline of those features. Supportive interpretation clauses shall be required in the administrative section of the By-law to support this interpretation;
- Ensure that overlays can be supported and easily displayed in the data deliverable;
- To support colour display online but black-and-white (or, limited colour) for paper copies;
- To improve linking the Schedules online through clickable shortcuts and compilation of zoning maps into one, downloadable .pdf document;
- To integrate the new Zoning By-law Schedules;
- To give consideration towards timely updates and amendments of the Zoning By-law, and how mapping can be adapted and updated online;
- To consider other requirements that may be necessary under the *Accessibility for Ontarians with Disabilities Act*; and
- To apply formatting consistency throughout the document.

2.5 Chapter 5: Minor Variance Review and Transition

Chapter 5: Minor Variance Review and Transition, reviews trends and patterns in minor variances made to the current By-law 1-88 over an eight-year period (2009-2017). The intent of this exercise is to reveal which provisions or sections of the By-law may require a different approach through the development and implementation of the new Zoning By-law. To achieve this, an analysis of approved minor variances is conducted by applying several key principles, including:

- Identifying trends in applications for minor variances to By-law 1-88;
- Identifying zone provisions and permitted uses to minimize applications for minor variance as much as possible; and
- Recognize that to a degree, applications for minor variances will continue due to the prescriptive nature of Zoning By-laws.

The intent of the new Zoning By-law should therefore be to minimize the need for minor variances through a degree of flexibility and permissiveness. To achieve this, appropriate standards and regulations that are context appropriate for the planned character of the neighbourhood are required.

In addressing the legislative, policy, and regulatory context that permit minor variances there are two principle strategies that can be applied:

- (1) A zoning by-law may be updated through a major amendment, which involves amending the current zoning by-law; or
- (2) By repealing and replacing all previous by-laws with a new zoning by-law.

The second strategy, repealing and replacing, requires the application of transition clauses that provide clarity and direction on applying zoning standards to specific situations or circumstances.

This Chapter provides a framework to re-visit specific zones to apply revisions and develop appropriate standards in response to minor variances that are commonly sought. It is noted that further review is required, including a more in-depth analysis and consideration of geographical information and spatial trends. It also speaks to transitional matters and the many steps the City can take to assist all stakeholders and users in accommodating minor variances while administering two By-laws.

2.6 Chapter 6: Review of Ontario Municipal Board Appeals & Decisions

Chapter 6: Review of Ontario Municipal Board Appeals and Decisions, analyses trends in Ontario Municipal By-law appeals and decisions that have occurred over the past 7 years regarding By-law 1-88. The Ontario Municipal Board (OMB) is the judiciary body through which land use decisions and disputes are reconciled in instances where the decision of a municipal Council or Committee of Adjustment is being challenged, or where there is a non-decision on the part of the municipal authority within the mandated timeframes of the *Planning Act*. Data associated with OMB appeals and determined through this analysis will inform potential revisions to the City's current zoning regime.

Overall, the findings indicate that most OMB appeals are associated with compatibility issues within existing low-rise residential areas. Other trends revealed through an analysis of OMB appeals include:

- Permitted uses;
- Specific zone standards;
- General provisions;
- Landscaping; and
- Parking provisions and standards.

2.7 Chapter 7: Zoning for Intensification Areas

Chapter 7: Zoning for Intensification Areas, provides a review of options and strategies to implement intensification and growth policies through the new Zoning By-law. Land Use policy established through an Official Plan contains targeted provisions and directives for increased densities and a more compact urban form. Higher density development within Intensification Areas is increasingly compact, and contain multiple uses within complex locations. It is therefore important that a municipality's regulatory framework, principally the Official Plan and Zoning By-law, establish the framework through which these growth and intensification targets can be realized.

Accommodating future growth through intensification and a more compact urban form is a key principal of both the York Region and City of Vaughan Official Plans. A range of options available to implement these initiatives are reviewed in this Chapter. These include:

- Not all areas in the City are appropriate for accommodating intensification;
- When a particular parent land use designation intersects with lands in an Intensification Area in Vaughan's overall urban structure, different use permissions and development criteria come into effect. These distinctions need to be recognized in the new Zoning By-law;
- Height and Floor Space Index maximums vary across the City. The new Zoning By-law needs to recognize this;
- A variety of regulatory options exist with respect to codifying urban design objectives into the new Zoning By-law;
- The Carrville Centre zone standards created through By-law 133-2016 should be reviewed with the intent of harmonizing terms;

- Zoning provides an option, as part of a robust policy and development planning program, to require buildings and structures be placed in such ways on a lot to help create the high quality sense of place contemplated in the City's Urban Design Guidelines and this project's chapter on urban design;
- As issue-specific matters arise during the review process, any nuances or special development policies that require a zoning solution can be incorporated into the new Zoning By-law, as appropriate;
- Inclusionary zoning policy development at the provincial and regional levels will need to be monitored for any implications on the Zoning By-law Review; and
- Section 37 agreements or bonusing are to be implemented through site-specific zoning by-law amendments and not through an as-of-right permission.

2.8 Chapter 8: Official Plan Conformity

Chapter 8: Official Plan Conformity, establishes a framework to ensure that the new Zoning By-law is in conformity VOP 2010. This includes an 'Official Plan Checklist' for zoning directives, an instrument that will demonstrate what provisions within the new Zoning By-law implement the associated VOP 2010 policies. This includes specific policies within VOP 2010 and Secondary Plans that must be reflected through the new zoning regime. The form and character found throughout the City of Vaughan varies greatly, from higher density mixed-use areas, to more stable low density residential neighbourhoods. The zoning approach must employ a suite of tools and instruments to reflect that are not mutually exclusive and can be used in combination with one another to create a zoning regime that:

- (1) Responds to the current and future diversity of land use function and built form within the City;

- (2) Implements the policy requirements of VOP 2010;
- (3) Better reflects current planning approaches and practice; and
- (4) Minimizes the creation of legal non-conformity for existing uses to the greatest degree possible.

A harmonization of the more traditional zone structures in the existing Zoning By-law affords the opportunity to streamline the Zoning By-law, reduce duplication and aid in creating a document that is more user-friendly. Strategic application of overlay zones or independent zone structures introduces a level of flexibility to modify zone standards to better respond to land use needs both now and in the future.

As the City's existing zoning regime is updated and in some cases modified, it is possible that some existing uses which are in conformity with the current Zoning By-law may no longer conform to or comply with the updated requirements of the new Zoning By-law. The occurrence of such a scenario will be minimized to the greatest degree possible through the careful drafting of the new zoning regulations. Where such a scenario cannot be avoided, there are a number of options through which legal non-conformity can be minimized or through which the permissions for existing uses can be recognized. The tools presented in this Report can be used at a greater scale or customized on a case by case basis. The two results of this approach are a Zoning By-law that balances the requirements of municipal planning and future land use needs with a recognition of existing, legal property rights of landowners; and feedback into a future special study or Official Plan Review.

2.9 Chapter 9: Parking Provisions

Chapter 10: Parking Provisions, reviews and addresses key parking issues as by-law considerations and strategic policy issues. The following considerations are

recommended to address the identified parking issues through the development and implementation of the new Zoning By-law:

- Adopt and actively respond to the geographic stratification and urban context objective noted in the 2010 Parking Standards Review and the City's Official Plan Policies;
- Review, simplify and consolidate updated parking provisions into a few key locations;
- Include transitional arrangements to manage and shift away from existing provisions;
- Ensure new minimum and maximum parking requirements are empirically and technically sound;
- Create a clearer distinction between Zoning By-law parking provisions and a future Vaughan parking strategy;
- Minimum requirements for landscaped buffers surrounding parking lots; and
- Requirements to screen above grade parking by wrapping the lot with high quality building materials and fully articulated facades.

With regards to strategic policy issues that have been identified for further consideration, it is recommended that the following items be addressed in developing a parking strategy:

- Considers Vaughan's long term parking needs in the context of both the municipality's and Region's broader transportation and land use objectives;
- Work to develop a broader understanding of how parking regulations affects urban form, in context of the Zoning By-laws parking provisions;
- Assesses alternative methods of designating space for parking in the Zoning By-law;
- Monitor City strategies currently underway for any directions to or

implications for Zoning By-law's parking recommendations; and

- Reviews the overall appropriateness of minimum parking requirements in light of the Province's stated intention to potentially legislate in this space.

2.10 Chapter 10: Short Term Accommodations

Chapter 10: Short Term Accommodations, addresses short term rental accommodations. This is an emerging issue and a growing priority for municipalities. The purpose of Chapter 10 is to provide an understanding of this evolving trend and outline the impacts and benefits associated with short term accommodations. The review also draws upon municipal, regional, and provincial policy, as well as existing practices and approaches implemented by other municipalities to regulate short term accommodations.

There are three recommended options for addressing short term accommodations in the new Zoning By-law:

- (1) A permissive approach, in which short term accommodations are permitted in all zones, and can be associated with regulations;
- (2) A selected permissive approach, in which the use is limited to certain zones or areas of the City; and
- (3) A very restrictive approach, in which all short term accommodations are required to undergo a zoning by-law amendment application review process.

At this time, it is recommended that Option 2 or Option 3 be considered, as they appear to be most consistent and aligned with VOP 2010. Further, the issue is typically addressed both as a policy/zoning issue, as well as a licensing and by-law enforcement issue.

2.11 Chapter 11: Reviewing Special Provisions

Chapter 11: Special Provisions, addresses a critical element of the Zoning By-law Review: organizing, eliminating, and consolidating special provisions which will ultimately ensure that the new Zoning By-law is significantly more legible and consistent. As has traditionally been common practice, developments within the City of Vaughan have been approved through individual zoning amendments when required, which in turn requires additional text to give full effect to the approval. A similar practice has been applied to both the City's Official Plan and associated Secondary Plans, which also contain site-specific provisions. Though special provisions are a fundamental component of prescriptive zoning, By-law 1-88 has been subject to numerous amendments and site-specific permissions due to outdated standards and terminology, and administrative and interpretative matters that require city-wide applicability through updating.

There are three principle considerations in establishing a method to assess existing special provisions and provide a recommended approach:

- (1) Approaches to special provision review;
- (2) Recommendations for reviewing special permissions; and
- (3) Recognizing special provisions.

Upon thorough review and evaluation, the following framework is proposed:

- By-law 1-88 contains a large number of special provisions which will need to be managed through the process of creating the new By-law;
- There are various possible approaches to managing the existing body of special provisions. Given the age of By-law 1-88 and the extent of existing special

provisions, the City should undertake the itemized review option;

- The itemized review will: streamline and recognize all existing special provisions; maintain legality of existing uses and buildings; and may reduce the total number of special provisions;
- All special provisions will be assessed individually, with the associated analysis and compliance with VOP 2010 and new zoning provisions documented in a tracking table. This level of review is necessary to ensure equitable treatment of uses, buildings, structures; and associated regulations across the City.
- Options to consolidate and eliminate special provisions will be implemented throughout the review process.

3.0 General Principles

3.1 Official Plan Conformity

The first and foremost principal of the Zoning By-law Review shall be that the Official Plan serves as the primary source of policy direction on all zoning related matters. Under Section 24(1) of the *Planning Act*, any proposed revision or addition to a Zoning By-law must conform to and be consistent with the City's Official Plan. This measure will serve as a critical policy test when reaching decisions throughout this exercise, as the Zoning By-law is the principal instrument in implementing the land use vision and objectives as established through the Official Plan. The statutory policies within the Official Plan must therefore guide all zoning recommendations throughout the Zoning By-law Review process.

Further to the above, the Official Plan also serves as an articulation of the vision of the City with regard to how the City will grow over the year 2031 horizon. Though there are a suite of secondary sources of policy direction, the new Zoning By-law, together with the Official Plan, and municipal policy secondary thereto, will aid in achieving the

community vision by implementing the associated land use structure and designations, development policies, sustainability and design guidelines, and standard terminology.

3.2 Accessibility

Accessibility is a core mandate of the City as most recently enshrined through the Strategic Plan, Vaughan Vision 2020. Accessibility is identified as a key initiative, placing an emphasis on the importance of improving the quality of life for residents by creating a welcoming, barrier-free community.

Further to Vaughan Vision 2020, both the City's Accessibility Plan (2013-2018) and the City's Accessibility Policy provide a framework to ensure that goods and services are provided in a manner that respects the dignity and independence of persons with disabilities, and that the City will consult people with disabilities to determine their information and communication needs.

To this end, the new Zoning By-law will need to consider the Corporate Standards Manual (2015) that outlines the communication standards for providing consistent formatting direction regarding the use of logos, print and web applications, e-communications, templates (print, web, media) and sample applications for marketing and promotional materials.

In preparing the new Zoning By-law, consideration should be made regarding the aspects of the By-law that affect user accessibility, such as font size, printed vs. digital versions and other requirements that may be mandated under the *Accessibility for Ontarians with Disabilities Act* ("AODA") and municipal accessibility standards.

3.3 User Experience

Zoning by-laws have traditionally been highly technical documents with little regard for the user experience. Over the last decade, there

has been an increased emphasis placed on ensuring that zoning documents are ‘user-friendly’, crafted to be read and interpreted by a broad audience, including Council, city staff, planning practitioners, developers, and the public alike. While ultimately the effectiveness of the Zoning By-law to implement the Official Plan is paramount, due consideration must be given to developing a zoning regime that is intuitively structured, easily interpreted, and efficiently administered. With these principles in mind, regard for developing an effective zoning by-law that communicates both complex technical standards and concepts clearly and efficiently must be a principal of this exercise.

3.4 Fulsome and Meaningful Consultation

Placing an emphasis on fulsome consultation through public engagement has emerged as a core activity in zoning by-law review exercises. Providing opportunities for meaningful input from stakeholders, including City staff, planning practitioners, and the public ensures an inclusive and meaningful engagement process. Fulsome consultation entails creating multiple points of contact with stakeholders, and utilizes various mediums to both inform and receive feedback throughout the review process as project milestones are reached.

However, it should be noted that activities associated with consultation and public engagement are not intended to create opportunities for individual property owners, or their representatives, to advocate for site-specific requests as part of the review process itself.

3.5 Structure and Administration

The structure and administration of the new Zoning By-law has emerged as an important consideration through preliminary consultation with City staff. Not dissimilar to other zoning by-laws of its vintage, By-law 1-88 has been subject to hundreds of

amendments and multiple consolidations. As a principal policy document that directly guides development within the City, it has evolved to become fragmented, disorganized, outdated, and difficult to both interpret and administer for the public. An initial review of By-law 1-88 indicates multiple opportunities to consolidate and streamline the document to ensure that it is more responsive to emerging planning issues and therefore remains relevant, but is also structured with a clear and efficient process to address regular housekeeping and city initiated amendments.

Further to this, the development and implementation of a new zoning regime often results in the consolidation of zones and new provisions as an outcome of the detailed technical review and consultation. The *Planning Act* and legal precedence also recognize and protect existing uses, lots, buildings and structures that were established legally. It should therefore be paramount to protect and maintain existing standards and permissions wherever possible.

3.6 Design and Context

VOP 2010 places a particular emphasis on urban design and context sensitive land use patterns. The new Zoning By-law must not only reflect this, but also be crafted with regard to standards and regulations that ensure context appropriate development and better development outcomes. This requires regulations that will minimize the adverse effects of physical change on the social, economic and natural environment.

Further to this, the City has developed a suite of secondary policy documents and guidelines that contribute to achieving high-quality place-making through the built-form and urban design excellence. The Zoning By-law Review should incorporate these various municipal design tools and associated processes to achieve a zoning

regime that balances ease of interpretation and administration, while being effective at shaping desirable built-form outcomes. This requires a strong association between the Official Plan policies, secondary plan policies, and the new zoning regulation, as well as zoning standards that incorporate existing area-specific Urban Design Guidelines and the new city-wide guidelines that are being developed in tandem with this project.

3.7 Best Practices and Common Principles

The purpose of the Zoning Strategy Report is to establish a foundation of best practices and common principles from which to inform the development and implementation of the Zoning By-law Review. It is an important exercise to ensure the new Zoning By-law conforms to and is consistent with provincial land use policy, emerging trends in best practices and what is considered ‘good planning’, and the municipal Official Plan. In doing so, the review process presents an opportunity to anticipate, mitigate, and address emerging planning issues under the current planning regulatory framework, as well as responding to challenges arising from the implementation of the new Zoning By-law. Upon completing a review of best practices and common principles, associated conclusions and recommendations can be tailored to address the particular context and needs of the City.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 1

GENERAL TECHNICAL ANALYSIS

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Appendix A: *Planning Act*, R.S.O. 1990, c.P. 13 Excerpts

1.0 Introduction

1.1 Purpose

The purpose of Chapter 1: General Technical Analysis is to detail the philosophy and approach to preparing a first draft of the new Comprehensive Zoning By-law. This Chapter will serve as a high level framework to guide future work on this assignment, and to outline the key principles and criterion that will be used to undertake this process.

1.2 Context

The existing City of Vaughan consolidated Zoning By-law 1-88 was passed by Vaughan City Council on September 19, 1988, and was approved by the Ontario Municipal Board on July 17, 1989. Over the next 30 years, the Zoning By-law was amended through a number of site-specific applications on a regular basis, with the City providing updated consolidations for users. However, a full scale review of the Zoning By-law has not been undertaken. Many of the development standards in By-law 1-88 are outdated and do not accurately reflect current Provincial requirements or the new policy direction of the Vaughan Official Plan (VOP) 2010. While some portions of VOP 2010 remain under appeal on a site-specific basis, it is now necessary to begin the process of implementing that vision with a new Zoning By-law. There are also a number of other initiatives requiring monitoring and eventual incorporation, including the Secondary Suites Policy Study and Urban Design Guidelines, but also completed projects such as Vaughan Vision 2020, ongoing projects such as the Low-Rise Residential Areas Study, and the Vaughan Metropolitan Centre Parking Strategies Study.

By-law 1-88 is similar in structure and size to most of Ontario's by-laws of its vintage. Development, per common municipal practice, was approved through an individual zoning by-law amendment. Over time, that

list of amendments has grown to include additional new zone categories, regulations, definitions and site-specific amendments. Now, there exists 1,370 amendments in the online database with over 1,500 individual amendments approved since the Zoning By-law was adopted, as well as numerous text and general regulation changes. That is equal to a pace of over 50 amendments every year for the past 28 years, and is representative of the typical municipal experience in fast-growing communities. Focusing on development approvals at that rate necessitated policy-oriented reviews which limited the time and opportunity to evaluate the current zoning regime.

Like many municipalities in the Greater Toronto Area, the City of Vaughan finds itself nearing the end of a major overhaul of the City's policy planning framework. As the fifth largest municipality in the GTA and seventeenth-largest municipality in Canada based on population, Vaughan was one of the fastest expanding municipalities in the country between 1996 and 2006. The City is expected to continue to grow with a projected population and employment reaching 416,000 people and 266,000 jobs by 2031.

The current By-law 1-88 is nearly 30 years old and has never undergone a comprehensive review. New policies, legislation, and development realities have necessitated this review. The comprehensive Zoning By-law review will need to respond to an amended *Planning Act* that requires zoning to be brought into conformity with a new official plan within three years of the approval of the Official Plan. The undertaking of the Comprehensive Review process will result in a user-friendly zoning framework that is accessible, easy to administer and update.

2.0 Policy Framework

2.1 Planning Act R.S.O. 1990, c.P. 13

The *Planning Act*, R.S.O. 1990, c.P. 13 (the “*Planning Act*”) provides the tools for municipalities to regulate land use in Ontario’s communities. The *Planning Act* outlines matters of Provincial interest (Section 2) and enables the Province to issue Policy Statements to provide direction to municipalities on matters of Provincial interest (Section 3).

The *Planning Act* enables municipal councils to implement a variety of tools that relate to the planning and regulation of land use and the built environment. Under Section 16 of the *Planning Act*, municipalities, including the City of Vaughan, must prepare and adopt official plans in accordance with the process and requirements for content as described in the *Planning Act*. Official plans contain goals, objectives and policies to guide decision making on a wide range of land use planning and related matters. In accordance with Section 24(1) of the *Planning Act*, municipal decisions, by-laws and public works are to conform to the policies of the Official Plan. VOP 2010 was developed and approved under this section of the *Planning Act*.

Zoning by-laws are legally enforceable documents with very precise requirements. A zoning by-law is the regulatory tool that implements the policies of an Official Plan. In Ontario, the authority for zoning to implement this policy framework is found in Section V of the *Planning Act*. Matters regulated through the zoning by-law must be consistent with the authority afforded to the municipality through the *Planning Act*. Some highlights of the zoning authorities granted under Section V of the *Planning Act* are highlighted below.

Section 34

Section 34 of the *Planning Act* enables councils to develop and pass zoning by-laws to regulate the use of land, construction of

buildings or structures and to provide parking and loading facilities as follows:

1. **Restricting the use of land** - For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.
2. **Restricting erecting, locating or using of buildings** - For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.
3. **Marshy lands, etc.** - For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.
4. **Contaminated lands; sensitive or vulnerable areas** - For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,
 - i. that is contaminated,
 - ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
 - iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act*.
5. **Natural features and areas** - For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or

structures within any defined area or areas,

- i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
- ii. that is a significant corridor or shoreline of a lake, river or stream, or
- iii. that is a significant natural corridor, feature or area.

6. Significant archaeological resources - For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

7. Construction of buildings or structures - For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

8. Minimum elevation of openings - For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

9. Loading or parking facilities - For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain

loading or parking facilities on land that is not part of a highway.

Additionally, Section 34 of the *Planning Act* provides municipalities with the authority to prohibit any use of land within identified hazard areas, natural features and areas, and areas of archeological significance as follows:

Section 34(9) of the *Planning Act* provides for situations of legal non-conformity and non-complying buildings and structures. Legal non-conforming uses are those uses that existed legally prior to the application of the current By-law requirements. Similarly, non-complying buildings and structures are structures which were constructed prior to the application of the current By-law requirements.

Section 34(9) provides assurance that any use of land or building or structure that was legally erected or established continues to be permitted, provided that the use continues. A by-law may be amended to permit an extension or enlargement of such a use, building or structure.

In recent years, the *Planning Act* has been amended to include what is essentially a moratorium on zoning by-law amendments for a period of two years following the adoption of a new Comprehensive Zoning By-law.

Section 34(10) of the *Planning Act* provides that where a municipality simultaneously repeals and replaces all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repealed and replaced them.

Section 34(11) of the *Planning Act* further provides that there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to:

- a) Implement an alteration to all or any part of the boundary of an area of settlement or a new area of settlement;
- b) Remove any land from an area of employment, even if other land is proposed to be added; and
- c) Amend or repeal any zoning provisions that implement the affordable housing/inclusionary zoning policies of the Official Plan.

Section 35

Section 16(3) of the *Planning Act* requires municipalities to include permissions in their Official Plan that authorize the use of second residential units in detached, semi-detached and row houses, as well as in ancillary structures. This policy structure is the basis for inclusionary zoning as a tool to provide affordable housing. The provisions allow for two units, located in either a single residential building, or one unit inside a residential building and a second unit located in an ancillary structure on the same property (i.e. above laneway garage). Amendments to the *Planning Act* also prevent any appeal of zoning by-laws passed to support the creation of secondary suites which implement Official Plan policies.

Section 35.2(2) of the *Planning Act* authorizes municipalities to pass zoning by-laws under Section 34 of the *Planning Act* to implement the affordable housing policies (known as inclusionary zoning) required under Section 16(3) of the *Planning Act*. In accordance with Section 35.2(2) a zoning by-law implementing inclusionary zoning provisions shall include the following content:

- The number of affordable units or units occupied by gross floor area;
- That units be maintained as affordable housing units for a specified period of time, potentially including the rates;

- That units meet the requirements and standards specified in the by-law;
- That appropriate measures and incentives are specified; and
- Provisions to enter into a development agreement with the municipality, dealing with affordable units.

It should be noted that the provisions under Section 35.2 of the *Planning Act* have not yet been proclaimed by the Lieutenant Governor, and draft regulations have not yet been released for consultation. This is an issue to be monitored throughout this project.

Section 37

Section 37 is a provision within the *Planning Act* which allows municipalities to consider an increase in height or density for an individual development in exchange for identified community benefits that will serve both the proposed development and the immediate surrounding community. In order to rely on the authority of Section 37 of the *Planning Act* (sometimes referred to as “bonusing”), a municipality must first have policies within the Official Plan authorizing the application of Section 37 increases along with a set of criteria to direct under what circumstances a Section 37 increase will be considered. This is a tool already relied upon by the City of Vaughan and new Official Plan policies with respect to Section 37 criteria have been incorporated within VOP 2010 via an amendment approved by the Ontario Municipal Board on September 30, 2014.

Sections 34, 35 and 37 of the *Planning Act* have been provided in Appendix A to this Chapter.

Of final note, Section 62.0.2 (6) exempts a renewable energy undertaking from any by-law or order passed or made under Part V of the *Planning Act* including zoning regulations, holding and interim control by-

laws as well as site plan control. The *Planning Act* defines a renewable energy undertaking as a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project. This energy sources such as wind, solar, water and biomass. Similarly, such projects are also exempt from the provisions of Section 62.0.2 (8) which relate to the requirements for a Development Permit System (now Community Planning Permit System).

Planning Act exemptions for renewable energy projects such as solar or geothermal energy, apply to residential and business commercial uses provided such projects are in compliance with the regulations and requirements of the *Green Energy Act*.

2.2 City of Vaughan Official Plan

On September 7, 2010, Council adopted VOP 2010 which addresses all elements of effective, sustainable and successful city-building, while managing projected growth to 2031. VOP 2010 is partially-approved by the OMB and is the in-effect land use planning and policy document guiding land use planning and urban structure at the municipal level.

The policies of VOP 2010 are summarized through 8 key themes resulting from an overall Growth Management Strategy, including:

- Strong and diverse communities;
- A robust and prominent countryside;
- A diverse economy;
- A vibrant and thriving downtown;
- Moving around without a car;
- Design excellence and memorable places;
- A green and sustainable city; and
- Directing growth to appropriate locations.

VOP 2010 is structured as follows:

Chapter 1 – Introduction sets out the overall context in which it was created.

Chapter 2 – Managing Growth provides policies for managing growth and shaping the future of the City and describes a transformative shift away from reliance on greenfield development toward the promotion of intensification and reurbanization within the already built-up area of the City.

Chapter 3 – Environment creates a framework for natural heritage and environmental protection. The chapter also contains policies with respect to the Provincial Oak Ridges Moraine Conservation Plan and Greenbelt Plan.

Chapter 4 – Transportation provides policy directions to facilitate a sustainable and balanced transportation system. The policies are based on plans for regional rapid transit investments that will provide the framework for the future transportation network and enhancements to all transportation modes that will provide viable mobility alternatives.

Chapter 5 – Economy provides policy directions to promote economic vitality and support high quality and diverse employment opportunities.

Chapter 6 – Cultural Heritage sets out policies that support the protection cultural heritage resources by outlining a comprehensive approach to identifying, protecting and promoting cultural heritage.

Chapter 7 – Community Infrastructure sets out policies regarding community services and facilities and housing options needed in support of strong and healthy communities. This includes planning for appropriate community facilities, providing for a diversity of parks and open spaces, creating a variety of housing opportunities with regards to tenure, affordability, size and form, and making available sufficient and appropriate human and social services.

Chapter 8 – Municipal Services, Utilities and Infrastructure provides policy directions designed to protect the long-term provision of sustainable infrastructure, utilities, and servicing with a focus on minimizing environmental impacts, increasing efficiency and supporting sustainability objectives.

Chapter 9 – Building a Great City includes specific policies and development criteria to foster the creation of a public realm, pedestrian-oriented built form and sustainable and green buildings. Most importantly, it includes the land use designations and building typologies that form the basis for ensuring new development achieves the transformation anticipated by the Plan.

Chapter 10 – Implementation sets out the tools and mechanisms to realize the long term growth strategies and policies of the Official Plan.

Generally speaking, the existing zoning categories are related to the corresponding Official Plan land use designation. It is appropriate to have more than one zoning category in a land use designation, particularly where a land use designation permits a variety of different land uses.

The Official Plan makes a number of references to zoning. Zoning is the most important implementation tool for the Plan, and in accordance with the *Planning Act*, the policies must be reviewed in detail to ensure that the zoning by-law conforms to its policies. A review of the Official Plan policies and creation of an Official Plan Checklist for zoning directives is a separate deliverable to be provided in a subsequent phase of the Zoning By-law Review.

3.0 Overview of Existing Zoning: Comprehensive Zoning By-law 1-88

By-law 1-88, passed by Council in September 1988, implements Official Plan policy direction through its zoning provisions and standards.

The outcome of this project will be a new Comprehensive Zoning By-law for the City of Vaughan. It will be important to review and consider the existing zoning provisions for Vaughan to determine what provisions have been effective and what provisions will need to be updated.

Ultimately, while a new Zoning By-law is being prepared, the existing Zoning By-law will serve as the basis for the new Zoning By-law, since it is desirable to maintain consistency and as many provisions as appropriate to avoid creating instances of legal non-complying structures and legal non-conforming uses.

While many changes to the Zoning By-law may be made, the provisions and definitions of the Zoning By-law that are working and that are consistent with the policy direction of the Official Plan should be maintained.

By-law 1-88 applies to all lands within limits of the City of Vaughan. The Zoning By-law was last consolidated in December 2017, and includes all amendments current to that date. The By-law consists of 10 parts or sections, which must be read and interpreted in their entirety to identify the applicable zoning provisions for a particular property or use. These parts are further outlined in *Chapter 3, Section 2.0* of this Zoning Strategy Report.

4.0 Planning Analysis

The analysis provided in this Section provides a high level overview of where modifications are needed within the existing Zoning By-law. It is critical that a dialogue with staff be opened up to obtain input as to the usability and requirements of the new Zoning By-law. To that end, we would like to conduct a working session with staff to obtain input as to what aspects of the Zoning By-law function well and should be retained, and where problematic sections of the Zoning By-law have been identified.

4.1 What Works and Should be Kept?

It is important to note that a zoning by-law is a highly integrated document where multiple requirements are frequently interrelated and where a modification to one section can have an unintended impact upon another By-law requirement. As a result, there is a need to be very cognizant of what standards and regulations are being modified and more importantly, why.

A good example is how revisions to a net gross floor area definition has the potential to impact how net gross floor area is calculated, which further translates into consequences for parking standards. Such a scenario can have a very real impact on the usability of a commercial property for a commercial landowner or tenant.

The adopted approach is to make modifications only where necessary; otherwise, sections of the By-law that are working well, are the result of a site-specific process, or an OMB appeal resolution, the approach is to leave such sections alone. This is particularly true of zone standards where the potential to create situations of legal non-conformity is high.

4.2 What are the Issues?

Staff have provided a list of issues or items that in staff's view, need to be addressed through the Comprehensive Zoning By-law

Review. A summary of these issues is further outlined in *Chapter 3, Section 3.0* of this Zoning Strategy Report.

Generally the issues reported, related to the need to provide additional clarity to the zone provision or definition, respond to outdated content (for example references to the *Day Nurseries Act*), or to update terminology (for example a church is now referenced as a place of worship).

4.3 What is Outdated? Where are the Gaps?

In reviewing By-law 1-88 we have identified a number of areas where modifications can be made to streamline the document, make it more user friendly, and update it to reflect contemporary planning regimes and the updated Official Plan framework.

Definitions

- By-law 1-88 essentially has three sets of definitions: the core By-law definitions, definitions specific to the Oak Ridges Moraine, and definitions specific to the Vaughan Metropolitan Centre. There is no need to separate these definitions and they should be merged into one consolidated, alphabetic list of definitions;
- Many of the definitions lack clarity or are outdated. There is a need to update the terminology used throughout the Zoning By-law and to be consistent in the application of the terminology used. All permitted uses should be defined and the terminology of these uses should also be used consistently in identifying parking requirement ratios for such uses. Definitions for zone standards should only be amended to provide clarity. Any changes to the substance of the zone standard definitions must be undertaken very deliberately with a clear understanding of the impacts of the proposed modification;

- The definitions in the Zoning By-law do not need to be exactly the same as any counterpart definitions in the Official Plan (or other policy documents as may be applicable); however, the zoning definitions must be consistent with these definitions and pass the conformity test;
- Performance standards should not be included within definitions, and long lists of examples should be avoided;
- Definitions must be descriptive and articulate. Zone standards (for example, parking space dimensions) should be included within the appropriate section of the By-law; and
- In some instances, the terminology is no longer legally supported and must be amended.

Definitions can be used as a means to regulate what are otherwise considered 'prohibited uses'. In accordance with Section 34 of the *Planning Act*, the purpose of a zoning by-law is "*for prohibiting the use of land, for or except for such purposes as may be set out in the by-law.*" Any use which is not expressly permitted by the By-law is otherwise prohibited. It is a completely acceptable practice to define a use to be clear on the intent and understanding of the use but to not permit such use within a given zone category. Effectively, such a use is 'prohibited' in that zone.

General Provisions

- Currently, the general provisions of the Zoning By-law can be found in multiple locations within the By-law document. The general provisions need to be consolidated into one section of the By-law. This will assist in providing consistency in the application of these provisions and to avoid duplication or completing provisions;
- Staff have identified the need for there to be more clarity in the language used within the general provisions and to

rationalize how they are structured to improve the accessibility of the zoning document;

- Staff also identified a number of situations where there are missing cross references within the general provisions. Cross references serve a purpose where they are needed, however, the usability of the Zoning document is improved by minimizing cross references to only where necessary; This will also assist in cutting down on the amount of legalise terminology and structures in the By-law;
- There are situations where additional general provisions need to be added to the Zoning By-law and other instances where extraneous or duplicate provisions could be removed. Many of the existing general provisions can be modified to simplify the language of the provision; and
- In some instances, the requirements of the general provision are no longer legally supported (separation distances for group homes) must be amended.

Parking

- Similar to the general provisions, the parking standards of the Zoning By-law currently occur in multiple locations throughout the By-law. These parking provisions need to be consolidated with a single dedicated section of the Zoning By-law. This includes provisions for drive-through facilities and other zone specific parking requirements.

Regulatory Zones

- There are a large number of regulatory zones within By-law 1-88. It is recommended that opportunities are sought to consolidate and streamline this zone structure where appropriate. There are a number of By-law formats and structures (for example overlay zoning) that can assist in reducing the number of

regulatory zones and build flexibility into the By-law where possible. A discussion of such matters shall be addressed further in Chapter 3; and

- The structure of the regulatory zones could further be made more user friendly by presenting the permitted uses for the zones in a tabular format versus textually.

4.4 Emerging Themes

There are a number of themes that emerge from our high level overview of By-law 1-88 and that of staff. These can be summarized as follows:

- The need to consolidate, streamline and harmonize elements of the Zoning By-law, as much as possible;
- The need for clarity of terminology and provisions;
- The need for consistency in the application of terminology and provisions;
- Ensuring that the provisions of the Zoning By-law conform to the Official Plan and are consistent with other legal requirements, where applicable; and
- Rationalize and standardize the approach to cross-references to the greatest degree possible.

5.0 Legislative and Administrative Considerations

The simple undertaking of a Zoning By-law Review presents a number of administrative considerations, with resultant effects that can be mitigated through a number of measures.

5.1 Major Amendment or Repeal and Replace?

There are two approaches that can be taken when updating a zoning by-law, both of which affect the way in which existing minor variances are accommodated. Determining

the appropriate approach is a context-specific process which depends on the existing conditions and desires of the municipality at hand.

One option is to amend the existing by-law to implement desired improvements without changing the overall structure of the by-law itself. This approach maintains continuity with the existing by-law, and variances would remain “alive” as By-law 1-88 varied remains in force.

The other option, which is the more common approach being taken for major zoning by-law reviews implementing new Official Plans, is to repeal and replace all previous by-laws with a new comprehensive zoning by-law. This process creates a clear break with the previous by-law, as the current zoning would no longer be in force (once it comes into effect). Municipalities choose this option for new By-laws because it is a simpler exercise to complete (as opposed to writing a multi-page technical amendment that quickly becomes cumbersome, difficult to read, and is more prone to errors and omissions).

In terms of minor variances, the repeal of the in-force zoning takes the variances along with it, as they were “tied” to that by-law (any legal existing use, building or structure legally existing at the time of new zoning coming into effect obtains legal non-conforming status). While the permission itself retains status, in application the resulting paper trail is confined to a municipality’s archives.

Section 34(21) outlines when a zoning by-law comes into force and effect,

“When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day

it was passed until the amendment to the official plan comes into effect.”

This clause has implications on a variety of in-force decisions and applications in process when a by-law is repealed and replaced. Items such as site plan approvals, minor variances, and in-process building permit applications rely on the zoning by-law for direction and applicability. They also take time to process, work through, and ultimately construct or conclude. As part of a broader customer service and policy strategy, transition provisions can address these situations.

Each of the two approaches has benefits and drawbacks. While the former allows for consistency and continuity, the latter allows for a complete restructuring to incorporate innovative approaches for restructuring which carry forward any applicable regulations but are not bound by previous approaches as a whole. The extent of required changes to the zoning by-law, particularly structural modifications, may be better addressed through development of a new Zoning By-law.

This project is being completed on the understanding that By-law 1-88 is being repealed and replaced with a new By-law.

5.2 Transition Clauses

Transition provisions provide clarity and direction on what zone standards apply for the purpose of applying zoning to particular situations or circumstances. This is an emerging area of zoning content and a leading-edge practice. It has only recently emerged as a consideration in zoning by-law reviews in Ontario, and is not normally a policy subject broached in official plans. VOP 2010 does not contain policy direction in this regard.

Typically, the transition provisions are drafted to apply for a specified time period only to maintain the in-force zoning for a

certain amount of time after the passing of new zoning and repeal of the previous text. The transition provisions as structured allow what becomes “the previous zoning” to be applied to the situation in question, rather than the new zoning. This would resolve conflicts between previous and new zoning for developments or projects that have a recent approval but are not yet constructed or completed. Once expired or lapsed, lands subject to these variances would then gain legal non-conforming/legal non-complying status.

Three sample transition clauses are described below for reference:

(1) Halton Hills

Halton Hills provided for minor variances initiated prior to a specified date to modify the new Zoning By-law as needed to interpret the variances as a continuous part of their zoning framework. This straightforward clause allowed the variances to be carried forward.

“1.8 Minor Variances to By-law, 1358, 74-51, 57-91 and 1128 As Amended

Where the Committee of Adjustment of the Town of Halton Hills or the Ontario Municipal Board has authorized a minor variance from the provisions of By-laws 1358, 74-51, 57-91 and/or 1128 as amended, and in accordance with Section 45(1) of the Planning Act R.S.O. 1990 c.P.13 as amended, in respect of any land, building or structure and the decision of the Committee of Adjustment of the Town of Halton Hills or the Ontario Municipal Board authorizing such minor variance has become final and binding prior to the date of an Ontario Municipal Board Order approving this By-law, the provisions of this By-law, as they apply to such land, building or structure, shall be deemed to be modified to the extent necessary to give effect to such minor variance. This provision shall apply only to minor variances that have been granted since January 1, 2000

(2) Oakville

Oakville took a different approach, instead recognizing:

- In process building permit applications, for which zoning compliance was required; and
- Recently approved planning applications, limited to minor variance, consent, and conditional or final Site Plan Approval (with in process applications intended to be reviewed and approved under both By-laws).

The Town also provided a “cessation” clause functioning as a type of sunset clause tied to either permit or approval issuance, or a final set time.

“1.8.3 Cessation of Section 1.8 Relief

- a) The relief provided by Section 1.8 of this By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this By-law. Once the permit, agreement, or approval has been granted in accordance with Section 1.8, the provisions of Zoning By-law 1984-63, as amended shall cease to be in effect.*
- b) Notwithstanding subsection (a) above, the relief provided by Section 1.8 of this By-law ceases to be in effect on the date of the lapsing of the applicable approval:*
 - i) For a minor variance, a maximum of two years from the date of authorization;*
 - ii) For a Site Plan, a maximum of two years from the date of final approval; and,*
 - iii) For a provisional consent, a maximum of three years from the date of giving.”*

This relief was modelled on Ottawa’s 2008 regulation. These provisions provide an exemption from the new Zoning By-law for approvals not yet constructed prior to the new by-law’s effective date, and eventually revokes this relief once the development project is complete. It provides fairness to landowners who obtained a planning permission in appropriate fashion, and allows the new zoning to meet the conformity test once the project is complete (or, the window for relief closes in alignment with Oakville’s standard expiry periods tied to planning approvals).

(3) King City

The Nobleton Urban Area Zoning by-law 2016-71 also contained transition clauses, recognizing in process building permit applications and construction as well as active applications.

“1.17 Transition

1.17.1 Building Permits

- a) Nothing in this By-law shall prevent the erection of a building or structure in accordance with a building permit application submitted prior to the date of passing of this By-law, provided the building permit is in accordance with all prior zoning by-laws that affected the lot before this By-law came into effect.*
- b) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with clause a) of this subsection.*

1.17.2 Planning Applications

- a) Nothing in this By-law shall prevent the erection of a building or structure in accordance with any minor variance, site plan, consent, plan of subdivision or plan of condominium that has been submitted and deemed complete by the Municipality, or approved or*

conditionally approved by the relevant approval authority before the passing of this By-law, provided the application complies with all prior zoning by-laws that affected the lot before this By-law came into effect.

- b) *This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with clause a) of this subsection.*

1.17.3 Automatic Lapse of Transition Provisions

- a) *Section 1.17 shall lapse and is deemed to be deleted three years after the date of passing of this By-law. For clarity, this provision shall not require an amendment to this By-law to take effect.”*

The King City transition provisions provide a similar framework used in Oakville and Halton Hills, but instead allow for a blanket three year period prior to lapsing the transition clauses.

The ultimate recommendation regarding handling transition depends on balancing a variety of corporate practices and procedures, policy and legislative expectations, and customer service expectations.

It must also be supported by a proactive strategy toward informing stakeholders about the imminent change in zoning. In addition to advertising and general project promotion, specific audiences should be targeted with project information. As examples:

- Development applicants should be informed of the upcoming change and the structure of any decision by Council or the Committee of Adjustment;
- Staff should review applications using both By-law 1-88 and the draft Zoning By-law—not for evaluation purposes, but to advise the applicant of any potential

zoning changes or issues and to provide valuable feedback to the project team on the draft itself; and

- Committee meetings may need to be restructured around the date of passing of the new By-law.

City staff will play an important role in managing this change for all stakeholders. A proactive approach will provide more support for a smooth transition than any regulation.

6.0 Recommendations

6.1 Best Practices

The process for conducting Zoning By-law Reviews has greatly evolved over the past 15 years. There is a much greater emphasis on producing zoning by-laws that are user-friendly and accessible to most individuals. Additionally, there is a greater acknowledgement of the critical role of zoning in achieving planning policy, resulting in zoning by-laws that are less focused on land use separation, and more focused on achieving mixed use and urban design objectives. Zoning by-law reviews are also being undertaken with a greater level of effort and an emphasis on fulsome consultation, and as an opportunity to connect people to land use planning in general.

Since 2004, the land use regulation in Ontario has undergone a dramatic change. Provincial policy initiatives have precipitated a previously unparalleled land use policy update process in particular throughout Greater Toronto Area municipalities. This has in turn, triggered a number of Comprehensive Zoning By-law Review projects that have fed into a greater understanding of best practices in zoning in Ontario. Emerging best practice trends evolving out of this work are summarized below.

User-friendly: Zoning by-laws are increasingly becoming “user-friendly” documents intended to be read and

interpreted by the broadest possible audience. This means avoiding convoluted and legalistic language, and structuring zoning by-laws in an intuitive manner.

Public Input: Zoning by-law reviews are being conducted in a more inclusive manner, with the objective of getting input from a representative sample of the public. This is accomplished by having multiple opportunities for public events; maintaining a project website; and utilizing social media and other tools to increase awareness about the Zoning By-law and its importance in shaping communities.

Mapping: There is a growing desire and effort to make zoning information readily accessible to the public on the Internet. This has mostly included posting zoning maps, but has also included developing and integrating interactive mapping, as Brampton has already done for its current Zoning By-law.

Structure: The overall structure of Zoning By-laws has not changed much in the past 30 or so years. However, in many cases, municipalities are organizing permitted uses and zone provisions into matrices to enable comparison and cut down on the number of parts or sections in the By-law.

Site-Specific Exceptions: Due to the nature of Zoning By-laws, municipalities must still manage the need for numerous site-specific exceptions.

There were 670 exceptions existing in earlier By-laws 2523 and 2961 that By-law 1-88 repealed. Many of the current site-specific exceptions are dated and contain terms or permissions that are no longer relevant or are otherwise dated. Likewise, many permissions and regulations are repeated across multiple site-specific exceptions and could be considered as new parent zone regulations or for consolidated exceptions.

While efforts will be made to reduce the number and scale of exceptions, they will continue to be a reality of the prescriptive nature of zoning. Some municipalities organize their exceptions along with zone provisions, while others include them in a separate part, since they can represent a lengthy section that is not always relevant to the user.

The best practices summarized above provide a guide as to how the new Comprehensive Zoning By-law for the City of Vaughan should look and function.

6.2 Repeal and Replace

Repealing and replacing the by-law is the recommended procedural process for the new Zoning By-law. Given the scope of change anticipated, it is logistically simpler to put a new document before Council. This creates some issues with respect to the changing rules that can be managed through both regulatory and publicity means. With respect to transition clauses, this is an emerging area of zoning practice in Ontario. Appropriate regulations should be developed as part of an overall transition and engagement strategy to provide certainty and clarity to individuals with recent approvals and applications in process. This includes:

- A recognition of recent planning approvals for which a building permit has not yet been issued and building permit applications that are zoning compliant, to provide for certainty of outcome for in process approvals (subject to any appropriate time limits or general criteria); and
- An engagement and consultation campaign to proactively inform the community of imminent changes in zoning.

6.3 Principles for Drafting a New Comprehensive Zoning By-law

It is important to create a number of Zoning Principles from which to guide the development of the new Zoning By-law. It is critical to ensure that these overarching principles capture and work with the policy framework for the City of Vaughan.

The underlying principle of a Zoning By-law is to regulate land uses and provide development standards in a legally defensible manner. The following Zoning Principles have been identified to guide the evolution of the new Comprehensive Zoning By-law.

Principle #1: Ensure Conformity with the Official Plan

The *Planning Act* requires that the new Zoning By-law is consistent with and conforms to the intent of the policies contained within the Official Plan. This will ensure that the Zoning By-law will never be more permissive than the Official Plan, but does not exclude the possibility of being more restrictive. Any conformity amendments that emerge from the City's next Official Plan Review and Update will need to be incorporated into the next Zoning By-law Review exercise.

It is very important to communicate, at all times, that the team must take its direction from the Official Plan. If the Official Plan does not permit the use, the Zoning By-law cannot permit the use. Issues arising from following this *Planning Act* requirement may be considered as feedback in the next Official Plan Review.

Principle #2: Minimizing Legal Non-Conforming Uses and Non-Complying Structures

Consideration may be made to give legal status to uses known to be legal non-conforming to the uses permitted by the

Zoning By-law and to structures known as legal non-complying to the provisions of the Zoning By-law. For example, where a use or structure was legally established, but the zoning provisions have changed over time, the use or structure may no longer be in conformity with the provisions of the Zoning By-law. Such a legal non-conforming use or legal non-complying structure is limited in the way it may expand and may be required to obtain some form of planning approval to expand.

Submissions made by the public to recognize legal non-conforming uses and legal noncomplying structures could be considered on a case-by-case basis, provided it can be demonstrated that the use or structure was legally established, or has existed for a long period of time (i.e., more than 20 years).

Principle #3: Maintaining Permissions where Possible

It is critical that to the greatest degree possible, the new Zoning By-law incorporate the permissions and zone standards that are contained in the existing Zoning By-law—where they remain in conformity with the Official Plan. Further, the preservation of existing site-specific by-laws, as they affect property rights, is crucial—again, where they remain in conformity with the Official Plan.

Principle #4: Creating a User Friendly By-law

Given that there is a need to improve how the By-law is administered and to make the document as user friendly as possible, making decisions with respect to the Zoning By-law's format at the outset of the project is critical. The Zoning By-law will include innovative yet proven approaches to the format and content of the document to make it user-friendly for planning practitioners and the public alike. A key objective of the project is to develop an innovative, user-friendly and

web-based Zoning By-law that incorporates emerging sustainable planning and development trends, to efficiently and effectively guide land use and development in Vaughan.

Together, these principles provide the basis for proceeding with this Zoning By-law Review. The creation of the final Comprehensive Zoning By-law will be guided by each of these principles.

6.4 Establishing a Framework

In moving forward, it is important to establish a basis for how key issues will be addressed throughout the Zoning By-law Review process. This includes providing a clear understanding of the scope of the project in terms of identifying how key aspects and considerations within the project will be addressed.

Citywide Comprehensive Review and Update

The Zoning By-law review is anticipated to result in a new Comprehensive Zoning By-law for the entire City. As such, it is not anticipated to result in only area or zone specific updates, but rather the entire zoning framework will be reviewed, updated and repealed, resulting in an entirely new Comprehensive Zoning By-law, conformity to the Official Plan and associated Provincial and Regional policy and legislation.

Site-specific Development Proposals

It is not the intent of this project to increase development entitlement beyond what currently exists, unless it is in conformity with the Official Plan policies. As a result, site-specific development proposals are not intended to be implemented through this project. Such applications should be reviewed on their own merits through an appropriate development application(s) initiated by a private landowner.

Zone Exceptions

The new Zoning By-law will seek to minimize the number of new zone exceptions that may result, while attempting to eliminate existing zone exceptions where they are no longer required, in light of any changes to the zone permitted uses or general provisions. Reducing the number of exceptions will result in a more concise By-law.

Transparency and Supporting the Community

Early work into this project has revealed an appetite for information about zoning and land use planning in general in Vaughan. A zoning by-law review is an opportunity to connect people to land use planning and the City's policy framework in general. A zoning by-law review can be, and often is, about more than setbacks and permissions. It is a forum to engage people about the business of how land use planning works and how staff prepare their recommendations to Council.

This project can make those connections between the public and planning process through appropriate engagement that is sensitive to the target audience. The project team can support the public's understanding of zoning and land use policy through answering questions, addressing comments in reports, and guiding individuals toward the information they desire. It will also be important to ensure information and data generated through this project be publicly available. As a public process, transparency should be a key engagement expectation where possible, with "showing our work" becoming an important part of building public trust.

APPENDIX A

PLANNING ACT, R.S.O. 1990, c.P. 13 EXCERPTS SECTION 34 EXCERPTS

PART V LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34. (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands, etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

Contaminated lands; sensitive or vulnerable areas

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,
 - i. that is contaminated,
 - ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
 - iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act, 2006*.

Natural features and areas

- 3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,
 - i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
 - ii. that is a significant corridor or shoreline of a lake, river or stream, or

- iii. that is a significant natural corridor, feature or area.

Significant archaeological resources

- 3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

Loading or parking facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1); 1994, c. 23, s. 21 (1, 2); 1996, c. 4, s. 20 (1-3); 2006, c. 22, s. 115.

Pits and quarries

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). R.S.O. 1990, c. P.13, s. 34 (2).

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

City of Toronto

(3.1) Subsection (3) does not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (2).

Interpretation

(4) A trailer as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of*

Toronto Act, 2006, as the case may be, and a mobile home as defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section. 2006, c. 32, Sched. C, s. 47 (5).

Prohibition of use of land, etc., availability of municipal services

(5) A by-law passed under paragraph 1 or 2 of subsection (1) or a predecessor of that paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be. R.S.O. 1990, c. P.13, s. 34 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 34 of the Act is amended by adding the following subsection: (See: 2016, c. 25, Sched. 4, s. 3 (1))

Loading or parking facilities – by-law provisions

(5.1) A by-law passed under paragraph 6 of subsection (1) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 3 (1).

Certificates of occupancy

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1990, c. P.13, s. 34 (6).

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein. R.S.O. 1990, c. P.13, s. 34 (7).

Acquisition and disposition of non-conforming lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum established for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality. R.S.O. 1990, c. P.13, s. 34 (8); 1996, c. 4, s. 20 (4).

Excepted lands and buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the *Building Code Act*, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).

By-law may be amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. R.S.O. 1990, c. P.13, s. 34 (10).

Two-year period, no application for amendment

(10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. 2015, c. 26, s. 26 (1).

Exception

(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 26 (2).

SECTION 35 EXCERPTS

By-laws to give effect to second unit policies

35.1 (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

Regulations

- (2) The Minister may make regulations,
- (a) authorizing the use of residential units referred to in subsection 16 (3);
- (b) establishing requirements and standards with respect to residential units referred to in subsection 16 (3). 2011, c. 6, Sched. 2, s. 6.

Regulation applies as zoning by-law

(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34. 2011, c. 6, Sched. 2, s. 6.

Regulation prevails

(4) A regulation under subsection (2) prevails over a by-law passed under section 34 to the extent of any inconsistency, unless the regulation provides otherwise. 2011, c. 6, Sched. 2, s. 6.

Exception

(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation. 2011, c. 6, Sched. 2, s. 6.

Regulation may be general or particular

(6) A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation. 2011, c. 6, Sched. 2, s. 6.

Section Amendments with date in force (d/m/y)

2011, c. 6, Sched. 2, s. 6 - 01/01/2012

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2016, c. 25, Sched. 4, s. 4)

By-laws to give effect to inclusionary zoning policies

35.2 (1) If the official plan in effect in a local municipality contains policies described in subsection 16 (4),

- (a) the council of the municipality shall pass one or more by-laws under section 34 to give effect to the policies, if the municipality is prescribed for the purpose of subsection 16 (4);
- (b) the council of the municipality may pass one or more by-laws under section 34 to give effect to the policies, if the municipality is not prescribed for the purpose of subsection 16 (4). 2016, c. 25, Sched. 4, s. 4.

Content of by-law

(2) If a by-law is passed under section 34 to give effect to policies described in subsection 16 (4), the by-law,

- (a) shall require that the development or redevelopment of specified lands, buildings or structures include,
 - (i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the by-law, or
 - (ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the by-law;
- (b) shall require that the affordable housing units be maintained as affordable housing units for the period of time determined under the regulations or, in the absence of such regulations, for the period of time determined under the by-law;
- (c) shall require that the affordable housing units meet the requirements and standards specified in the regulations or, in the absence of such regulations, that the affordable housing units meet requirements and standards specified in the by-law;
- (d) in addition to requiring that the affordable housing units meet the requirements and standards specified in the regulations, may require that the affordable housing units meet additional requirements and standards specified in the by-law;
- (e) shall provide for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4) or, in the absence of such regulations, may provide for measures and incentives to support those policies;
- (f) in addition to providing for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4), may provide for additional measures and incentives to support those policies;
- (g) shall require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the regulations or, in the absence of such regulations, may require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the by-law;
- (h) shall include the prescribed provisions and provisions about the prescribed matters; and
- (i) shall require that the owners of any lands, buildings or structures that are to be developed

or redeveloped under the by-law enter into agreements with the municipality, dealing with the matters mentioned in clauses (a) to (h) and ensuring continued compliance with those matters. 2016, c. 25, Sched. 4, s. 4.

Procedure to ensure affordability maintained

(3) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time. 2016, c. 25, Sched. 4, s. 4.

Same

(4) The procedure required under subsection (3) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 4.

Restrictions on authority

(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4),

- (a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units; and
- (b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the by-law requirement for affordable housing units. 2016, c. 25, Sched. 4, s. 4.

No authority for payment in lieu

(6) For greater certainty, if a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units. 2016, c. 25, Sched. 4, s. 4.

Registration of agreements

(7) An agreement entered into under clause (2) (i) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2016, c. 25, Sched. 4, s. 4.

Application of *Municipal Act, 2001* or *City of Toronto Act, 2006*

(8) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the

case may be, applies to the requirements imposed by an agreement entered into under clause (2) (i). 2016, c. 25, Sched. 4, s. 4.

Reports and information

(9) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall provide the prescribed reports and information concerning affordable housing units in the municipality to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. 2016, c. 25, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2016, c. 25, Sched. 4, s. 4 - not in force

SECTION 37 EXCERPTS

37. (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.

Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

Registration of agreement

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.

Special account

(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27.

Investments

(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27.

Treasurer's statement

(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27.

Requirements

(8) The statement shall include, for the preceding year,

- (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;

(b) statements identifying,

- (i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,
- (ii) details of the amounts spent, and
- (iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and

(c) any other information that is prescribed. 2015, c. 26, s. 27.

Copy to Minister

(9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27.

Statement available to public

(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.

Section Amendments with date in force (d/m/y)

2015, c. 26, s. 27 - 01/07/2016

BrookMcIlroy/



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 2

DEVELOPMENT DESIGN GUIDELINES

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1.0 Introduction

1.1 Purpose

The City of Vaughan is embarking on a review and update of its current Zoning By-law. The City has made significant efforts to articulate a vision for transformation over the coming decades, and this review offers the opportunity to ensure that the Zoning By-law supports that evolution.

The purpose of this Chapter is to identify the key principles that will guide design excellence in the City of Vaughan through the permissions and regulations of the new Zoning By-law. This Chapter describes the current approach used by the City to shape urban design, which includes the existing Zoning By-law, as well as a range of complementary municipal tools. Key design issues and opportunities that should be addressed through the new Zoning By-law are also identified. Finally, this Chapter evaluates common alternatives to incorporate elements of regulating design through zoning, illustrated through case studies of comparable municipalities.

Preparation of this Chapter included a review of the existing Zoning By-law 1-88, Vaughan's Official Plan (VOP) 2010, various plans and guidelines including the City-wide Urban Design Guidelines, a review of best practices and case studies, and a meeting with City of Vaughan planning and urban design staff.

1.2 Key Principles

Based on the review described above, key principles for incorporating urban design within Vaughan's Zoning By-law include the following:

- The Zoning By-law should reflect the City of Vaughan's vision for the future, as articulated through the Official Plan, while also considering emerging trends and urban issues;

- The Zoning By-law should balance ease of administration with effectiveness at shaping design outcomes, recognizing that it is one tool within a suite of complementary municipal design tools and processes; and
- The Zoning By-law should support three-dimensional outcomes that consider context and relationships between buildings, open spaces, natural heritage networks and streetscapes.

2.0 Existing Policy Framework and Guidelines

2.1 Provincial Policy

Provincial legislation provides municipalities with the power to regulate design and urban development through zoning and other tools. Section 2(r) of the *Planning Act* has also recognized "*the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant*" as a matter of Provincial interest. Over time, the tools available to municipalities have evolved to provide some choice and flexibility and to address emerging urban design issues. For example, there may be an opportunity through this exercise to consider innovative alternatives to traditional zoning through the use of more creative and strategic use of overlay zones.

Using these tools for implementation, Provincial policy also provides direction on certain issues that directly or indirectly influence urban design. The Provincial Policy Statement (2014), along with the Growth Plan for the Greater Golden Horseshoe (2017), provide high level direction on a number of major design issues that local municipalities must conform to through their Official Plans and Zoning By-laws. For example, these policies encourage the creation of compact, walkable communities and identify density targets that municipalities must achieve. This direction

has a significant impact on how municipalities plan for growth and shape urban development, as well as the emerging urban design issues that municipalities must tackle.

As an example, requirements to meet density targets required by the Province and codified in VOP 2010, zoning is needed to address building forms that are becoming increasingly common, like various forms of townhouses, mid-rise buildings and tall buildings. In turn, the quality of amenity spaces, layout of sites, and organization of parking play an important role in ensuring a high quality of life is provided in urbanized areas.

Finally, the *Accessibility for Ontarians with Disabilities Act* (AODA), the *Ontario Heritage Act* and the Ontario Building Code also regulate or influence certain elements of design, and are often reflected to some degree in municipal design tools.

2.2 City of Vaughan Official Plan

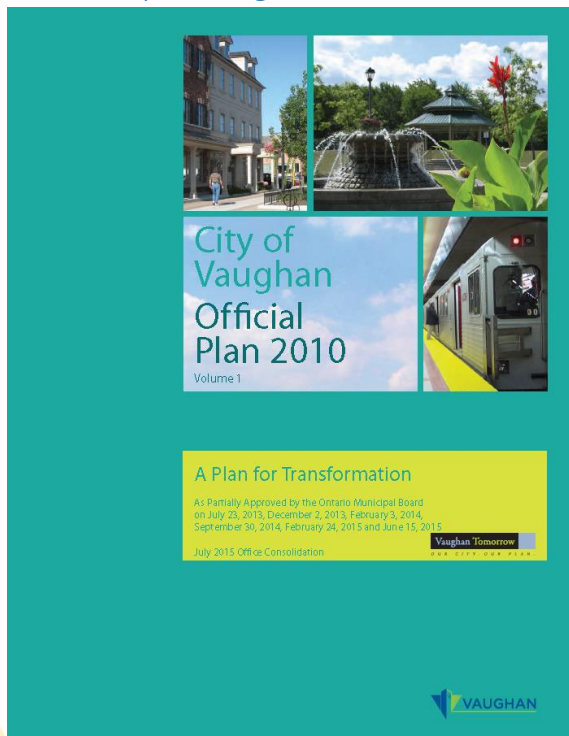


Figure 1: City of Vaughan Official Plan (VOP) 2010

VOP 2010 is a design-based plan that enshrines key urban design principles at the highest level of municipal policy. It identifies the Urban Structure for the City, along with a clear vision for urban growth and development.

Section 9: Building a Great City contains policy direction regarding the design of:

- The public realm (Section 9.1.1);
- Urban design and built form within *Community Areas*, *Intensification Areas*, *Employment Areas* and *Countryside Areas* (Section 9.1.2); and
- Sustainable development of buildings and landscapes (Section 9.1.3).

In addition to high level design direction, VOP 2010 also provides more specific guidance for distinct land use designations and building types (Section 9.2.2 and 9.2.3). For example, VOP 2010 requires that tower floorplates are a maximum of 850 square metres in size, and identifies the required angular plane for transitions to low-density residential dwellings.

VOP 2010 also incorporates 16 existing or future Secondary Plan Areas, 11 Area Specific Plans and 33 Site Specific Plans, each of which contains additional urban design direction and policies.

2.3 Zoning By-law 1-88

The Zoning By-law is the key regulatory tool for implementing VOP 2010. As it predates VOP 2010, the Zoning By-law requires updating to ensure that it supports and aligns with the vision and goals of VOP 2010.

The Zoning By-law focuses predominantly on establishing uses of land and regulating (through a variety of means) the size, placement, and orientation of buildings and structures. Elements of building design that are regulated are generally limited to building height and setback requirements, encroachments, separation distances and

accessory buildings and the design of attached and detached garages.

By-law 1-88 also incorporates some more context-driven guidance for Residential Urban Village Zones to respond to lot character, including whether the lot is accessed by a lane, has a detached garage or is wide and shallow.

In some areas of the City that have undergone more recent planning efforts, including the Vaughan Metropolitan Centre (“VMC”) and some of the Intensification Areas, the Zoning By-law has been updated with more detailed design-related provisions. For the VMC, updates include revised parking standards, identification of landmark building locations and the provision of flexible build-to zones with minimum building frontage requirements.

2.4 Notable Plans and Guidelines

In addition to the policies and regulations contained in VOP 2010 and the Zoning By-law, Vaughan has prepared a number of policies and guidelines that support the achievement of desired design outcomes.

2.4.1 Heritage Conservations District (HCD) Plans

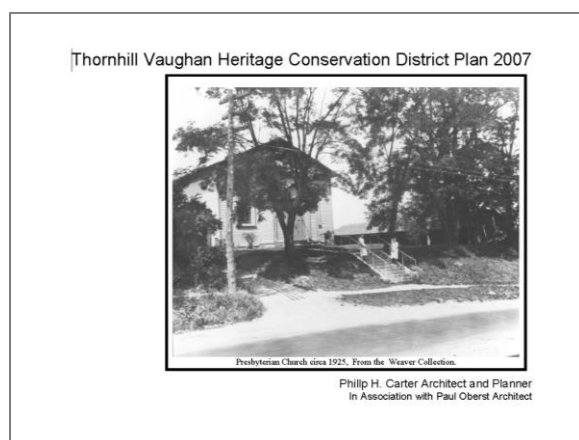


Figure 2: City of Vaughan, Thornhill Vaughan Heritage Conservation District Plan 2007

The City has prepared Heritage Conservation District (HCD) Plans for its four

historic settlement areas, including Kleinburg-Nashville (prepared in 2003), Maple (2007), Thornhill (2007) and Woodbridge (2009). The HCD Plans provide an analysis of local heritage character and assets, as well as policies for development related to buildings, sites, streetscapes, infrastructure and special areas and projects.

The HCD Plans for Kleinburg-Nashville, Maple and Thornhill are consistent in their structure. Section 9 of each document contains design guidelines for each District, with guidance on:

- Local architectural style;
- Heritage details, like entrances, doors, windows, eaves, roof elements, porches, brickwork, siding and fencing;
- Alterations, maintenance, additions, renovations or demolition of existing heritage resources;
- Design of new development depending on context;
- Landscaping and appropriate planting;
- Streetscape design, including lighting and street furniture; and
- Appropriate and inappropriate materials.

The HCD Plan for Woodbridge is slightly different, with guidelines in Section 6 addressing:

- The conservation of contributing buildings;
- Architectural guidelines for new buildings, additions and alterations;
- A built form framework, including street wall setbacks and building height and scale;
- Transitions of new buildings to heritage resources;
- Open spaces; and
- The public realm including streets, furnishings, street trees, signage, lighting, parking and bridges.

The City intends to review and update these in the future. The existing HCD Plans continue to apply and should be of focus for this study.

2.4.2 Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (2017)

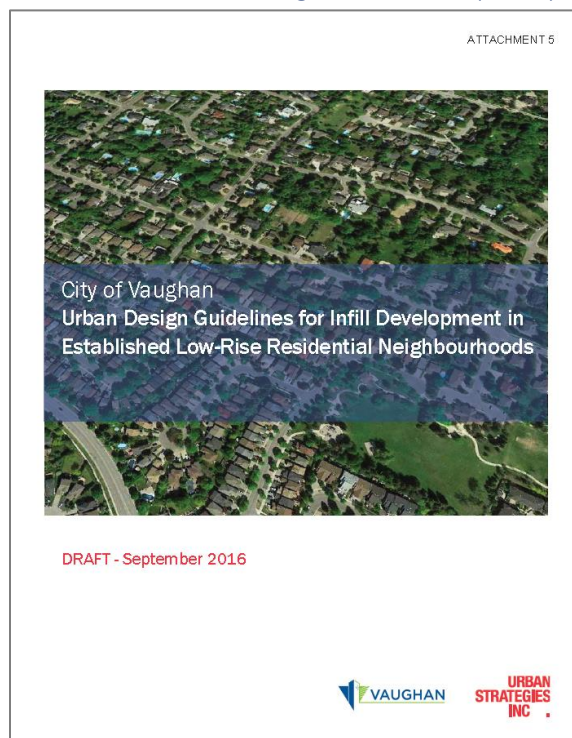


Figure 3: City of Vaughan, Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods

New guidelines for infill development in established low-rise areas were adopted in 2017. These guidelines provide design guidance for single and semi-detached dwellings, as well as townhouses being built within stable Community Areas.

This document includes guidelines for issues such as:

- Compatibility with the form and character of existing development and streetscapes;
- Setbacks and separation distances;
- The design of front yards, including driveways, integrated garages, soft

landscaping and the management of stormwater;

- Access, parking and servicing; and
- General landscaping.

2.4.3 Vaughan Metropolitan Centre Urban Design Guidelines (2016)



Figure 4: City of Vaughan, Vaughan Metropolitan Centre Urban Design Guidelines

The Urban Design Guidelines for the Vaughan Metropolitan Centre (VMC) are intended to guide placemaking for this emerging and dynamic urban centre. The document articulates a vision and principles for development within the VMC, as well as guidelines for a wide range of public and private spaces, streetscapes, building types and design elements.

It includes:

- Guidance for the broad frameworks that will shape the VMC, including parks and open spaces, building height and density, land uses, precincts, vehicular access and servicing;

- Guidance for each of the VMC's seven Character Areas;
- Guidance for Privately Owned Publicly Accessible Spaces, Mid-Block Connections, Thresholds and Parking;
- Illustrative scenarios of typical block conditions; and
- Specific design guidelines for building, site and public realm elements found throughout the VMC, including gateways, public art, landscaping, building typologies, colonnades and balconies, signage, wayfinding and lighting.

2.4.4 City-Wide Urban Design Guidelines (CWUDG) (Under Development)

City-Wide Urban Design Guidelines provide wide-ranging design guidance for private development throughout the City of Vaughan, excluding the VMC. This document is consistent VOP 2010 but introduces new guidelines and performance standards that will need to be considered through the update to the Zoning By-law.

The City-Wide Urban Design Guidelines contains specific design guidance related to:

- Prioritizing context and the public realm in building and site design;
- Performance standards for tall, mid-rise and low-rise buildings, as well as a variety of townhouse typologies;
- Specific parameters for building envelopes and landscape requirements on the City's Intensification Corridors to create a distinctive character for these important streets;
- A variety of landscape typologies and amenity spaces; and
- Elements of site and building design.

The document has been developed in collaboration with the City's Technical Advisory Committee (TAC). The TAC includes representation from Urban Design, Cultural Heritage, Policy Planning, Development Planning, Parks Development,

Development Engineering, Parks and Forestry Operations.

Through their review process a number of draft next steps have been identified for the implementation of the CWUDGs. A Draft Implementation Section has been developed to recognize that the application of all guidelines may not be immediately possible due to required changes in current standards, zoning or policy. Outlined below are some of the core action items to implement the CWUDGs.

1. Privately Owned Publicly-Accessible Spaces (POPS)

Goal – Promotes the integration of POPS throughout the intensification areas to complement the City's natural areas and existing public open spaces.

Challenge – Policy structure is not in place to allow for the City to secure POPS city-wide.

Future Action - Using the recommendations of this document and the Growth Areas outlined in the Vaughan Official Plan as a guide, develop a plan securing POPS that enhances the existing open space fabric. Introduce a definition of POPS to the Vaughan Official Plan including the steps for identifying when, how, why, and where they will be considered.

2. A Policy Structure that Directs the Design of Private Streets

Goal – To acknowledge the increasing use of private streets within new developments. A private street has development facing on to it and should appear to be a continuously designed extension of the City's public street network.

Challenge – Existing policy structure does not allow for private streets.

Future Action – Establish a clear policy and design framework that directs the development of private streets in locations deemed

appropriate by the City. Private streets are to have a minimum 8-metre asphalt width until such time that a comprehensive public street design framework is created. The detailed design of private streets will be determined through that process.

3. A Policy Structure that Directs the Character of Public Streets

Goal – To acknowledge the evolution of the City’s primary streets by naming them in a visionary manner that is representative of their future character and role in the City.

Challenge – Moving away from technical street naming based on vehicular function and towards names evocative of the streets’ long-term community role.

Future Action – Consider, when next updating the Transportation Master Plan and/or Official Plan, to include a review of existing street typologies and to develop names that are visionary, positive and forward thinking while also defining their long term character and function. For instance, consider replacing terms such as collectors with connectors, etc.

4. High-Rise Building Massing

Goal – To clarify the setback requirements for high-rise buildings in the Vaughan Official Plan.

Challenge – Currently, the Vaughan Official Plan appears to indicate that high rise buildings need to have a 15-metre setback along all property lines.

Future Action – Update to clarify that high rise buildings should have a 15-metre setback from the side property line.

5. Eliminate Back-Lotting

Goal – A primary goal of these performance standards is to create vibrant, lively and active streetscapes. To achieve this, it is important that buildings address streets and create a strong interaction on the street between public and private use. The back-lotting of

developments against streets generally undermines this goal.

Challenge – Current practices are to back-lot some land-uses against streets. This reduces the traffic impacts of development by consolidating access points and minimizing conflicts with the roadway. Unfortunately, this also creates an environment that is not friendly for cyclists or pedestrians.

Future Action - It is recommended that the City look at a range of options to maintain existing traffic operations while minimizing future back-lotting. This could include reserving the land adjacent to busier streets for more robust development types (i.e. apartment or office buildings) which would allow them to act as a buffer to lower density residential / employment areas, or incorporating window streets into development.

In addition to the core action items listed above, a number of additional key action items have been identified. These items may require further coordination and discussion prior to implementation and are documented below for consideration in future studies, policy amendments and city processes.

- Consider changing the term “high-rise” to “tall building” to move toward a more modern idea of what a taller building is.
- Include definitions for back-to-back townhouses and stacked townhouses in the Official Plan to ensure that it is a built form that is appropriately located and balanced with other housing options.
- Identify areas of impact that surround the existing HCDs. These defined areas shall provide additional tools and guidance to staff and to the Design Review Panel as to when development must appropriately frame the City’s HCDs.
- Consider a zoning overlay specific to intensification corridors that inform the

setbacks, setbacks, building separations and encroachments of future development in support of design excellence.

- Undertake a future study to determine the preferred dimensions for public and private street typologies city-wide.
- Introduce a policy definition for the Context Plan (as defined in the City-Wide Guidelines) to become a mandatory component of the Urban Design Brief, when required for development applications.
- Develop updated standards for parking lot design encouraging direct pedestrian access to buildings and supporting tree health.

The above represents some of the anticipated directions from the City-Wide Urban Design Guidelines. These directions will be further refined and analyzed by city staff during the implementation phase.

2.4.5 City-Wide Streetscape Implementation Manual and Financial Strategy (2014)

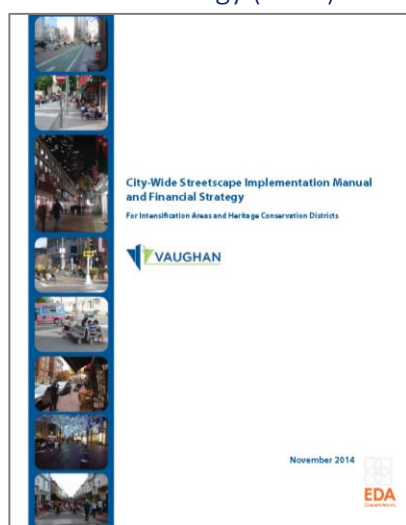


Figure 5: City of Vaughan, City-Wide Streetscape Implementation Manual and Financial Strategy

The City-Wide Streetscape Implementation Manual applies to Intensification Areas and Heritage Conservation Districts. It is used to guide the design and costing of streetscapes in these key areas of the City.

For Intensification Areas, the document contains guidance for the design of streets to fit with their evolving and urbanizing context, while in Heritage Conservation Districts, street design should respect and complement the character of the specific HCD.

A matrix of design components is provided, as well as guidance for elements of the streetscape at different levels of service including:

- Paving patterns and materials;
- Planting components;
- Lighting;
- Site furnishings;
- Medians and intersections;
- Hardscaping and softscaping;
- Private frontage zones associated with adjacent buildings;
- Utilities; and
- Elements termed “Innovation Components” such as low-impact development stormwater management design, public art, and flexible streets and temporary installations.

3.0 Vaughan’s Current Approach to Guiding Urban Design

Currently, the City of Vaughan uses a number of complementary tools and processes that, together, guide and regulate urban design.

In Section 2, an overview was provided of each of the policy documents and guidelines that are used by City staff to evaluate development applications. The Official Plan and the Zoning By-law outline regulations that must be met, while the guidelines

provide additional support for the interpretation of the policies and to guide placemaking in accordance with the City's policies.

In order to be approved, developments must conform to the Official Plan and the Zoning By-law, as it currently exists, with approved minor variances or through a Zoning By-law Amendment. Where a zoning amendment is sought, proposed developments must demonstrate that they achieve the intent of the City's policies and relevant guidelines.

Once the proposed development conforms to applicable zoning, it is taken through a Site Plan Approval process, in which Urban Design, Development Planning, Transportation and other City staff comment on design and technical issues.

City staff provide feedback on development applications at various stages of the application review process, including pre-consultation meetings, review of Official Plan and Zoning By-law Amendments, Plan of Subdivision Applications and Site Plan Control.

In addition to staff review, the City established the Heritage Vaughan Committee in 1977 and a Design Review Panel (DRP) in 2011. The Heritage Vaughan Committee reviews Heritage Permit applications and development and demolition applications for Designated, Registered or Listed heritage properties. Members are appointed by Council every four years and represent the community as Vaughan's Municipal Heritage Committee.

The DRP consists of design professionals who provide advice to improve the quality of design within the City's built form, public spaces and streetscapes. The Panel reviews all development applications within the VMC, the HCDs and Secondary Plan areas, as well as high profile public capital projects and

major development applications elsewhere in the City.

Together, these tools and processes provide a balance of regulations, guidelines and review processes that establish minimum base conditions for development while also allowing for design creativity and flexibility.

4.0 Options Analysis

4.1 Key Issues and Opportunities

Key issues and opportunities that will need to be considered through the update to the Zoning By-law have been identified through a review of best practices and comments provided by City staff. Three general opportunities are highlighted below, along with some of the related issues requiring consideration. This is not an exhaustive list of considerations, but serves to highlight key opportunities to be considered as part of the Zoning By-law review.

Opportunity 1: The Zoning By-law should reflect the City of Vaughan's vision for the future, as articulated through the Official Plan, while also considering emerging trends and urban issues.

Key considerations fall into several categories.

Considerations for specific building types or areas within the City:

- Zoning needs to be developed to recognize emerging and increasingly common building types, like stacked, back-to-back and increasingly narrow townhouses.
- Conversion of at-grade residential uses to commercial or live/work units should be encouraged by the Zoning By-law.
- Zoning should support flexible commercial uses, such as "pop-up" temporary retail or services, to keep pace with emerging retail trends.

- Zoning provisions should support and encourage the development of mid-rise buildings. Consideration should be given to supporting maximum heights for mid-rise buildings of 12 storeys (the current maximum in VOP 2010).
- Zoning should include provisions to protect against the risk of overbuilding due to transfer of development rights.
- Consider definition for elements of massing, including floor plate area, to regulate the placement, orientation, and relation of buildings to the public realm.
- Consider a minimum lot frontage requirement within intensification areas to encourage land assembly (noting that there is no regulatory ability to compel or require land assembly in order to issue a building permit).
- New buildings, particularly townhouses, are increasingly fronting onto parks. New provisions are needed to address this condition.
- Additional building and site design detail should be considered within zoning for the Vaughan Metropolitan Centre, Heritage Conservation Districts and other Intensification Areas.
- Requirements for urban agriculture, community gardens and naturalized areas within infill or intensification areas should be considered.



Figure 6: Precedent image of community gardens (Healthyork)

Enhanced amenity spaces in urbanizing contexts:

- Review existing amenity space requirements to understand the rationale for current numbers.
- Need a clear definition of how amenity spaces should function and be designed, including appropriate types, sizes, and locations. The size of amenity spaces should be based on the number of units or gross floor area, rather than the number of bedrooms. The City of Ottawa's Zoning By-law 2008-250, in Section 137, provides a model of typology-based zoning for amenity space sizes. Programming requirements, especially for the inclusion of family-friendly programming in amenity areas should be considered. The function and programming of amenity spaces should be determined in part by the associated building typology and its purpose to serve the general public or a private community.
- Consider requirements for rooftop versus ground level, indoor versus outdoor, recreational versus passive, and public versus private amenity spaces.
- Consider the need to secure larger amenity spaces in areas of the City with fewer public parks.
- Consider specific requirements for dog parks (e.g. whether and where they count towards amenity space).
- Zoning should include requirements for amenity spaces that are eligible to be designated as Privately Owned Publicly-Accessible Spaces (POPS).

Future trends in mobility and parking:

- The Zoning By-law should consider trends and investments related to automated cars, car sharing, electric vehicles and transit infrastructure, and the impact this may have on parking

requirements and the design of parking, pick-up and drop-off areas.

- Consider a reduction in parking requirements in specific areas of the City, especially in Intensification Areas, whether as-of-right or when tied to the provision of qualifying design elements, with existing parking supply factored into this context-specific review.
- Consider specific design requirements for parking structures (e.g. flexibility to convert to commercial space in the long-term and impact on the streetscape).
- Provide parameters to improve the location and design of surface parking and to improve vehicular circulation on development sites (e.g. limit parking at the front property line and sustainable treatments for surface parking).
- Zoning provisions should encourage the integration of public and active transportation infrastructure into site design in anticipation of future mode share trends.



Figure 7: Capital Bikeshare at the Pentagon City Metro Station in Virginia (CarFreeAtoZ)

Further discussion related to design and parking is detailed in Chapter 9 on parking and loading spaces.

Climate change resilience and landscape considerations:

- Explore the use of zoning to protect ravines, river valleys and other natural heritage features.
- Consider incorporating the most recent Ministry of the Environment and Climate Change guidance for Low-Impact Development measures.
- Provide clarifications on requirements for soft landscaping (e.g. amount, location and type).
- Consider the identification of landscape typologies that apply in different locations or zone categories.

Use terminology and illustrations that reflect VOP 2010 vision:

- Create new zone category names that reflect the City's vision for the future. The existing zone names reflect older suburban concepts, while the new names should be aspirational.
- Landscaping language and provisions should be updated to refer to ecosystem services, the tree canopy and permeable coverage targets.
- Emerging trends and ideas that are not consistent with VOP 2010 should be flagged for integration through the next Municipal Comprehensive Review.

Opportunity 2: The Zoning By-law should balance ease of administration with effectiveness at shaping design outcomes, recognizing that the By-law is one tool within a suite of complementary municipal design tools and processes.

Key considerations include:

- Strategically identify which elements from existing guidelines should be regulated through zoning. Regulation should be limited to base requirements, with guidelines providing support for interpretation.

- Examples of base requirements may include tower separation; angular planes measured from property lines; and performance standards for buildings and on Intensification Corridors (from the forthcoming City-Wide Urban Design Guidelines).
- Ensure that the Zoning By-law is easily interpreted. This includes the use of clear and consistent definitions across all policy and guideline documents, as well as the inclusion of direction on how to read the Zoning By-law.
- The Design Review Panel and development community should be actively involved in development of the new By-law to ensure that it is both realistic and fosters design excellence.
- The draft by-laws should be tested against active development applications and policy projects to ensure that they are clear, easy to interpret and workable within the context of current development pressures. Such a review is not intended to serve as an “evaluation” of the proposal, but instead to serve as a check and validation of draft regulations and to identify any issues to be resolved.

Opportunity 3: The Zoning By-law should support three-dimensional outcomes that consider context and relationships between buildings, open spaces, natural heritage networks and streetscapes.

Key considerations include:

- Parameters incorporated into the Zoning By-law should focus on sculpting buildings and supporting placemaking in the urban environment.
- Infill development is a key concern. Explore options for responding to context through new development, including transitions to heritage structures.
- Providing minimum and maximum ranges for key issues like setbacks and setbacks is useful for flexibility and

design creativity, but it should be ensured that the range is sufficient to be meaningful (e.g. the City of Vaughan has found that the existing CMU1 and CMU2 Zones do not provide sufficient flexibility to allow for varied as-of-right design responses).

- Zoning should allow for more flexibility to create spill-over zones in front of ground floor commercial retail uses. Sufficient provisions will be necessary to regulate the relationship between or spill-over areas (including patios or sidewalk cafes), retail and the public realm. Potential liabilities related to spill-over into public roads and liquor licensing should also be considered.
- Ensure that zoning provisions work on irregularly-shaped lots.
- Illustrations and diagrams should be integrated into the By-Law to assist in interpretation, however, it should be made clear that illustrations do not form a legal part of the By-Law. They should be developed in tandem with by-law provisions to ensure that the combined impact of individual regulations is well-considered. These are no longer a “best practice;” rather, they are standard practice for municipalities.



Figure 8: *Spill-over seating at Sicilian Sidewalk Café in Toronto (View the Vibe Magazine)*

Opportunity 4: The Zoning By-law should support the preservation of built heritage while facilitating sensitive intensification in HCDs.

Key considerations include:

- The gradual erosion of HCDs, particularly in historic villages that are facing development pressures, require a balance of stronger preservation efforts and contemporary building elements.
- The Zoning By-law should be updated to align with current HCD plans and updates to the Woodbridge and Maple plans (forthcoming in 2018).
- A Community Planning Permit System (CPPS) could be considered within a number of geographical concepts, including Heritage Conservation Districts or intensification areas. This CPPS would blend zoning and site plan agreements with a new application framework to be determined through another study.
- The Zoning By-law should consider designating preferential at-grade active uses within HCDs to promote economic activity and tourism.
- Parking standards could be considered for reduction within HCDs, based on context-specific review in each area. Special consideration for uses with high parking demand for parking, like health clinics, would be required in this instance.

4.2 Options for Consideration

A number of approaches exists to address key design issues and opportunities through zoning. As each approach has merits and drawbacks, most municipalities use some combination of approaches, tailored to the context and policy goals for the associated geographic area. This section includes an overview of traditional zoning, form-based zoning, the use of Overlay Zones, and a Community Planning Permit System.

Option 1: Traditional Zoning

Traditional zoning focuses primarily on the control of land uses, with limited consideration of design. Zone categories are differentiated by the land uses permitted within them, and have accompanying zone

standards that are generally limited to maximum building heights, setbacks, lot coverage and parking requirements.

Municipalities have found traditional zoning approaches to be less effective at guiding transformation. They are also generally limited when dealing with issues of context and the interface between buildings, streetscapes, open space and other public spaces.

Option 2: Form-Based Zoning

“Form-based” zoning is a response to traditional zoning that places less emphasis on land use, and more emphasis on shaping built form to achieve an overall vision for urban character. Typically, form-based zoning addresses issues related to the location and orientation of buildings on a site, the relationship between buildings, streets and open spaces, building massing and physical characteristics like façade design and materials. Form-based zoning is often structured as a variant of traditional zoning, but with regulations and standards intended to address the design of development and its integration with streetscapes, infrastructure, sustainability, architecture, signage, parking and landscaping.

As they are intended to support the realization of a community vision beyond simply land use separation, form-based codes are most effective in areas where significant change is planned and a vision has been well-articulated, such as in intensification areas. Increasingly, municipalities have adopted some degree of form-based zoning in areas that have undergone detailed planning or urban design studies or where site and area specific zoning amendments have been adopted. In areas where stability is desired (for example, a stable residential neighbourhood where change or intensification is discouraged), form-based zoning is less common.

The degree to which form-based zoning is applied within the new By-law must be carefully considered, as provisions that are too prescriptive will limit design flexibility and creativity. That said, zoning regulations are important in defining a building envelope within which redevelopment can occur. Defining such regulations will be critical to this project and the implementation of the Official Plan—a building envelope created through zoning will form the basis for Site Plan Approvals.

Option 3: Overlay Zones

Another approach to addressing design issues through zoning is to adopt Overlay Zones. In general, they allow for the creation of a special zone that is placed over the existing base zoning to identify additional provisions. The overlay zone may align with existing zone boundaries, cut across boundaries or provide additional specificity within a zone.

Overlay zones can range from simple to complex. They can be applied to specific locations, such as heritage areas or mature neighbourhoods, or to address key issues like height, density or parking requirements.

For example, in Ottawa, an Overlay Zone for Mature Neighbourhoods applies to low-rise infill residential developments to require additional regulations based on local streetscape character and context. Oakville's residential control zoning also takes an overlay form (structured as a "suffix zone" with modified regulations where the applicable zone symbol applies). In Toronto, Overlay Zones are used to separate maximum height and lot coverage from other zoning provisions.

Option 4: Community Planning Permit System

The Province of Ontario enacted legislation allowing municipalities to use a Community Planning Permit System (CPPS) in 2007. A CPPS is intended to streamline development approvals by combining the Zoning, Site Plan and Minor Variance processes into one approval process.

The intention of a CPPS is that all of the parameters for development, including minimum and maximum standards, evaluation criteria, exceptions and permitted variances are incorporated into a Community Planning Permit By-law. Prior to adoption, public consultation is undertaken, and appeals of the entire By-law are permitted. Once the By-law is in force, however, appeals are limited, and developments that meet the parameters contained in the By-law will be approved as-of-right.

A CPPS is intended to provide additional certainty for landowners and community members, as it identifies all of the parameters for approval up-front and limits appeal on a site-by-site basis. Because it is area-based, it allows municipalities to address issues like infrastructure needs or community benefits on a comprehensive basis. Finally, it is also intended to streamline and speed up the development approval process.

However, a CPPS can also be onerous to create and to implement, as it requires articulation of all applicable performance standards for future development in advance of adoption of the By-law. It also requires careful balance of flexibility and regulation to ensure that the By-law does not stifle development. It is difficult to generate consensus on the parameters within the By-law and requires a great deal of up front work to anticipate desired future conditions.

Though many municipalities have explored the possibility of developing a CPPS, only four have done so on a municipal or area-wide basis – these are Lake of Bays, Carleton Place, Ganonoque, and the City of Brampton. The system remains relatively unique within the Ontario context.

Municipalities must permit establishment of a CPPS within their Official Plans in order use this approach. At the present time, VOP 2010 does not permit a CPPS. The next Municipal Comprehensive Review could choose to enable the use of CPPS by adding in the applicable implementation policies—at this time, it is not possible to establish a CPPS. A further study would be required to undertake this work.

4.3 Case Studies

Case studies of comparable municipalities demonstrate options for using a combination of approaches to zoning, while also highlighting unique ways to address specific and emerging design issues.

4.3.1 Ottawa

The City of Ottawa adopted a new Zoning By-law in 2008. It uses a predominantly traditional approach with some form-based elements in specific locations. For example, it contains requirements for glazing, setbacks and building separation within two particular “subzones” in the City.

The By-law also contains an overall purpose statement for each zone category, articulating the vision and objectives for development within that zone.

In this By-law, zones are divided into subzones which contain additional, and more specific, provisions. This approach provides fine-grained regulations that are tailored to location and respond to context. Context is also addressed in this By-law through the use of the Mature Neighbourhoods Overlay Zone. Where this zone applies, infill developments must consider the streetscape

character, design of front entrances and location of driveways to ensure compatibility. In other residential zones, the City offers further flexibility to respond to context by permitting buildings to average the front setback established by neighbouring properties.

Limited, but useful, illustrations are included in the body of the text to demonstrate zoning provisions and definitions.

4.3.2 Hamilton

The City of Hamilton is in the process of updating its Zoning By-law to consolidate the By-laws from each of the five municipalities that now make up Hamilton and to create new zones that correspond with the Official Plan.

The new Zoning By-law 05-200 is largely traditional in its content; however, some of the new zones contain elements of form-based zoning. For example, within the Downtown Zone, Heritage Character Zones include requirements for glazing, ground floor and upper level floor-to-floor heights and permitted materials. Other new zone categories include three types of Transit Oriented Corridor zones that are intended to support planned LRT infrastructure and reflect the specific condition found on different parts of these corridors.

Reflecting recent interest in urban agriculture, many of the zone categories permit urban farms and community gardens to the rear of buildings and on rooftops.

Similar to Ottawa’s By-law, each of the zones in Hamilton contains an explanatory note at the beginning of the section, describing the intent of the zone, and the vision for lands within that zone.

4.3.3 Oakville

The Town of Oakville created a new comprehensive Zoning By-law in 2014. This By-law is a hybrid of traditional and form-

based zoning, though it contains more form-based provisions than comparable By-laws.

For example, in Mixed-Use Zones, the By-law includes provisions for minimum ground floor heights, main wall proportions and the location and maximum coverage of surface parking.

Oakville's Zoning By-law uses illustrations and diagrams to assist with interpretation of definitions and key provisions throughout the document.

5.0 Recommendations

The City of Vaughan is making significant efforts to promote design excellence through the various tools and processes at its disposal. The update to By-law 1-88, first developed almost 30 years ago, offers an important opportunity to support the City's vision for future development, strike a balance between regulation and flexibility, and offer certainty and clarity for City staff, developers and the community at-large.

Based on a review of best practices, case studies and comments from City staff, it is recommended that the City of Vaughan pursue a hybrid approach that is based on traditional zoning but incorporates elements of form-based zoning in key locations like the Intensification Areas (including the VMC) and Heritage Conservation Districts. The Zoning By-law Review may also further explore the use of Overlay Zones and consider the use of CPPS in select locations as part of a future policy exercise.

This recommended approach will help to achieve the following key principles for incorporating urban design within Vaughan's Zoning By-law:

- The Zoning By-law should reflect the City of Vaughan's vision for the future, as articulated through VOP 2010, while also considering emerging trends and urban issues.

- The Zoning By-law should balance ease of administration with effectiveness at shaping design outcomes, recognizing that it is one tool within a suite of complementary municipal design tools and processes.
- The Zoning By-law should support three-dimensional outcomes that consider context and relationships between buildings, open spaces, natural heritage networks and streetscapes.
- Additionally, the City-Wide Urban Design Guidelines has a number of key recommendations that introduce new design directions for the City. Some of these recommendations will need to be secured through both policy and zoning changes.

There will be input from a variety of stakeholders to address a range of design matters through this project that zoning is neither well suited nor enabled to address. Solutions to design-related challenges require a broader solution than strictly relying upon zoning. This project can identify some of those opportunities, but other studies and tools will be needed to provide a comprehensive approach to addressing urban design in Vaughan.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 3

STRUCTURE, FORMAT & EDITORIAL CHANGES

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1.0 Introduction

1.1 Purpose

The preparation of a new Comprehensive Zoning By-law presents an opportunity to identify communication improvements and approaches to deliver an accessible document which can be easily navigated and interpreted by its users.

The purpose of this Chapter is to review and assess the City of Vaughan's ("the City") current Zoning By-law 1-88 to improve its administration, effectiveness, user friendliness, clarity and ease of interpretation by City staff, the development industry, agencies and the public.

This Chapter is divided into two Parts. Part 1 highlights key issues regarding structure and format of the document, and include the review of both print and digital formats. Excerpts from other municipal zoning-by laws have been provided for use of comparison and illustration purposes. Part 2 explore editorial changes, and identifies potential approaches to address long standing issues with respect to clarity, consistency, and authorship of the new Zoning By-law. These issues are expressed through a number of housekeeping matters which Vaughan staff have identified early on in the comprehensive review process.

Resolving current known housekeeping and editorial issues will result in a Zoning By-law that is easy to understand and administer, while providing contemporary regulations with sufficient flexibility to achieve the City's current corporate practice and desires for regulating the use of land.

1.2 Key Principles

As outlined in the City's RFP Terms of Reference, the comprehensive Zoning By-law Review is envisioned to produce a new, progressive City-wide Zoning By-law. The following key principles of the Zoning By-law

review have been identified to guide this review exercise:

- To identify strengths and weaknesses of the current Zoning By-law's text structure and format;
- To identify innovative approaches or tools within the regulatory framework of the Zoning By-law and/or via complementary guiding documents to help implement the design objectives of VOP 2010 and the City's Development Design Guidelines;
- Highlight user-friendly tools, techniques and strategies;
- To review other potential print and digital layout and format alternatives for the new Zoning By-law;
- To review and refresh corporate practices related to document upkeep, and to develop a platform from which staff can track and document concerns as they arise;
- To ensure that the document is monitored so that it remains relevant, implements the intent of its regulations, and that any corrections are completed in a timely matter;
- To have an updated Zoning By-law that is in conformity to VOP 2010, with a clear process established to deal with constant, regular housekeeping amendments derived from city-initiated and technical amendments to the Zoning By-law; and
- To develop a "user guide" that can assist readers with interpretation and understanding of the Zoning By-law, which is, by nature, a highly technical document.

1.3 Goals

The goal of the Comprehensive Zoning By-law Review from a housekeeping and editorial position, is to develop a modernized Zoning By-law which contains clear and

consistent regulations. The intent of the new By-law is to serve as a foundational document that streamlines and simplifies future by-law updates.

It is critical that procedures and processes are developed which:

- Establish document control measures;
- Respond to technical changes and incorporation of amendments; and
- Ensure that accuracy and reliability of the document is maintained from an administrative and customer service perspective.

The creation of a new Comprehensive Zoning By-law offers an opportunity to streamline, consolidate, eliminate repetition, integrate useful illustrations, and simplify provisions and requirements as much as possible.

Part 1: Structure and Format

2.0 Current Zoning By-law

2.1 Current Structure

2.1.1 Organization of the Current Zoning By-law

The City's current By-law 1-88 is organized into ten (10) Parts and Schedules, which together provide the permitted uses and zoning regulations for all lands in the City of Vaughan. The **bolded** items below are the Parts which specifically contain text-based content which are:

Preface

- 1. Interpretation and Administration;**
- 2. Definitions;**
- 3. General Provisions;**
- 4. Residential Zones;**
- 5. Commercial Zones;**
- 6. Employment Area Zones;**
- 7. Open Space Zones;**
- 8. A – Agricultural Zone;**
- 9. Exceptions; and**

10. Enactment.

Part 1

- **Schedule “A” - Zoning Standards**
- **Schedule “A1” - Zoning Standards**
- **Schedule “A2” - Zoning Standards**
- **Schedule “A3” - Zoning Standards**
- **Schedule “A4” - Town Centre Zones**
- **Schedule “A5” - Zoning Standards**
- Schedule “B” - Key Map Index and Key Maps
- Schedule “C” - Planned Width of Road Allowances
- Schedule Boundary of Vaughan Metropolitan Centre Parking Standards

Part 2

- **Schedule “D” - Exceptions**
- Schedule “E” - Map Schedules
- **Schedule “T” - Site Specific Zone Standard Schedules**

2.1.2 Organization and Purpose of Each Part *Preface*

The Preface sets out the purpose and intent of the current Zoning By-law. The Preface includes a notation that upon passage of By-law 1-88, the City retained all of the site-specific amendments, which were then consolidated into By-law 1-88. These site-specific amendments are categorized as legal conforming uses, and are located among the Zoning By-law's 66 zoning schedules.

Parts 1 & 2 – Interpretation and Administration, Definitions

Part 1 outlines the purpose, application, interpretation and administration of the By-law.

Part 2 contains terms and definitions which pertain throughout the defined area of the By-law, and are listed in alphabetical order. In regards to additional terms and definitions,

Section 2.1 applies specifically to areas within lands designated “Oak Ridges Moraine Area” and Section 2.2 applies specifically to the “Vaughan Metropolitan Centre”.

Part 3 – General Provisions

Part 3 identifies the provisions that apply to all zones, as well as provisions to interpret the zone categories and zone maps (as shown on Schedule B). In total, there are 72 zones, which are further categorized into six (6) different zones, outlined through Parts 4 through 8. This Section of the By-law begins by listing the various zones and each zone’s symbol (e.g. RR – Rural Residential). The Section also outlines provisions regarding interpretation zone boundaries, restrictions, and other exceptions relating to zoning requirements (such as prohibited uses). The Section includes general provisions that are applicable to all zones, but may not always be applicable, such as provisions for certain uses (e.g., group homes), landscaping requirements, parking requirements, and other general requirements.

Parts 4, 5, 6, 7 & 8 – Residential Zones, Commercial Zones, Employment Area Zones, Open Space Zones, A – Agricultural Zone

Parts 4 through 8 provide provisions regarding the zones, organized by broad category. Each Part identifies general provisions applicable to each zone’s permissions. General provisions, specific use requirements and permitted uses amongst the various zone categories are then further outlined. The permitted uses for each zone are outlined in individual subsections.

Part 9 – Exceptions

Part 9 provides exceptions to certain provisions of the By-law which affect lands further described in Part 2, Schedule “D”. These site-specific amendments are recognized as legal conforming uses by this By-law. A numbering system is used to

identify properties that are subject to an exception, which is referenced on the Key Map.

Part 10 – Enactment

Part 10 states the date of the original enactment of the By-law, which came into force on September 19, 1988.

Schedules

The By-law also contains zoning schedules. There are 66 schedules for the City. These schedules delineate the boundaries of the zoning categories and the location of site-specific zoning amendments.

Schedules – Part 1

Schedules “A”, “A1”, “A2”, “A3”, “A4” and “A5” outline the Zoning Standards including lot and building requirements, such as minimum yard requirements. In addition, private garage requirements for residential units are contained within Schedule “A1” and “A3”. The majority of the lot and building requirements are represented in the form of tables in the Schedules. *Figure 1* is an example from Schedule “A2” of a Zone Requirement Table.

ZONE REQUIREMENT TABLE SCHEDULE 'A2' TO BY-LAW 1-88												
ZONE	MINIMUM LOT FRONTAGE (m)	MINIMUM LOT AREA (m ²)	MINIMUM YARDS ^a				MAXIMUM BUILDING HEIGHT		MINIMUM BUILDING HEIGHTS (m)	BUILD TO ZONE ^a		
			FRONT (m)	REAR (m)	EXTERIOR SIDE (m)	INTERIOR SIDE (m)	LANDMARK ² (m)	ALL OTHER LOCATIONS (m)		MAJOR ³ STREETS (m)	OTHER ⁴ STREETS (m)	MAXIMUM RESIDENTIAL DENSITY ⁵ (m ² /unit)
C9 CORPORATE CENTRE(NON-RESIDENTIAL USES)	50 ⁷	5000	0	3	0	0	–	25	10	0–3	0–3	–
C9 CORPORATE CENTRE(RESIDENTIAL USES)	50 ⁷	5000	3	6	3	0	–	25	10	3–6	3–6	67
							MAXIMUM BUILDING HEIGHTS (m)	MAXIMUM FSI		BUILD TO ZONE ^{3,4} (m)		
C10 CORPORATE DISTRICT(ALL USES)	50 ^{7,8}	5000	0	3	0	0	15	.6 ⁶		0–9		

NOTES

- Where residential and non-residential uses are developed in combination, the residential portion of the development shall adhere to the minimum yard and build to zone requirements of the Residential Use category of this table.
-

Figure 1: City of Vaughan, Figure 1, Minimum spacing between driveways at the Street Curb – Straight Street

Schedules – Part 2:

Schedule “D” outlines the exceptions for properties which are subject to specific exception(s), as identified on the Key Map. Users must cross reference the numbered

system on the Zoning Key Map with the list of Schedule “D” exception descriptions.

Schedule “T” contains a series of tables which outline the standards for the use of Subject Lands referred to explicitly in Schedule “D” Exceptions.

Other By-laws

Other by-laws under Part V of the *Planning Act* are integrated and administered by the City’s Comprehensive Zoning By-law, and include holding by-laws, temporary use by-laws, and bonussing by-laws. Holding by-laws and temporary use by-laws are organized within individual zone sections to which they apply. Bonussing by-laws are contained within the zoning schedules under

the ‘Zone Requirement Table’ but bonussing provisions are not explicitly defined nor outlined within the existing text of the Zoning By-law.

2.2 Current Format and Convenience Features

The Zoning By-law document is maintained in Microsoft Word, and incorporates no particular formatting beyond a traditional and conventional by-law structure. The document uses Arial font, no colour, and has generous amounts of white space in the margins.

There is a minimal use of tables throughout the Parts, except for Section 3.8 – Parking Requirements to illustrate the “Percent of Peak Period Parking Demand” in the C9 Corporate Centre Zone (*Figure 2*) and “Vehicle Parking Standards” in the Vaughan Metropolitan Centre (“VMC”) (*Figure 3*), which are otherwise attached separately in the Schedules. These tables under Section 3.8, are sometimes inconsistently formatted,

using bold to emphasize various text and also use of different font including Arial and Arial Narrow.

The Zoning By-law does not utilize many illustrations to support the text of the main document; however, the document includes two small diagram illustrations in Schedule A3 (*Figure 4 & Figure 5*).

TABLE A				
PERCENT OF PEAK PERIOD PARKING DEMAND (Weekly)				
Time Period	Morning	Noon	Afternoon	Evening
Land Use				
Business and Professional Office	100	90	95	10
Retail Stores ¹	65	90	80	100
Eating Establishment ²	20	100	30	100
Residential	80	55	80	100
TOTAL REQUIRED				

Figure 2: City of Vaughan, Table A Percentage of Peak Period Parking Demand (Weekly)

Vehicle Parking Standards (Vaughan Metropolitan Centre) (# of parking spaces/100m ² GFA or as specified)				
	Type of Use		Minimum	Maximum
COMMERCIAL	Commercial Uses ⁽¹⁾	Total GFA of all buildings greater than 5,000m ²	2.0 ⁽⁴⁾	4.0
	Arts Studio Personal Service Shop Business Service Establishment Pharmacy Retail Establishment	Total GFA of all buildings less than or equal to 5,000m ²	2.5 ⁽⁴⁾	4.0
	Supermarket (Greater than 1000m ²)		2.5 ⁽⁴⁾	4.0
	Financial Institution		2.5 ⁽⁴⁾	4.0
	Restaurant ⁽²⁾		6.0 ⁽⁴⁾	10.0
	Restaurant, Take-out ⁽²⁾		3.0 ⁽⁴⁾	6.0

Figure 3: City of Vaughan, Vehicle Parking Standards (VMC)

Figure 1 – Minimum spacing between driveways at the Street Curb – Straight Street

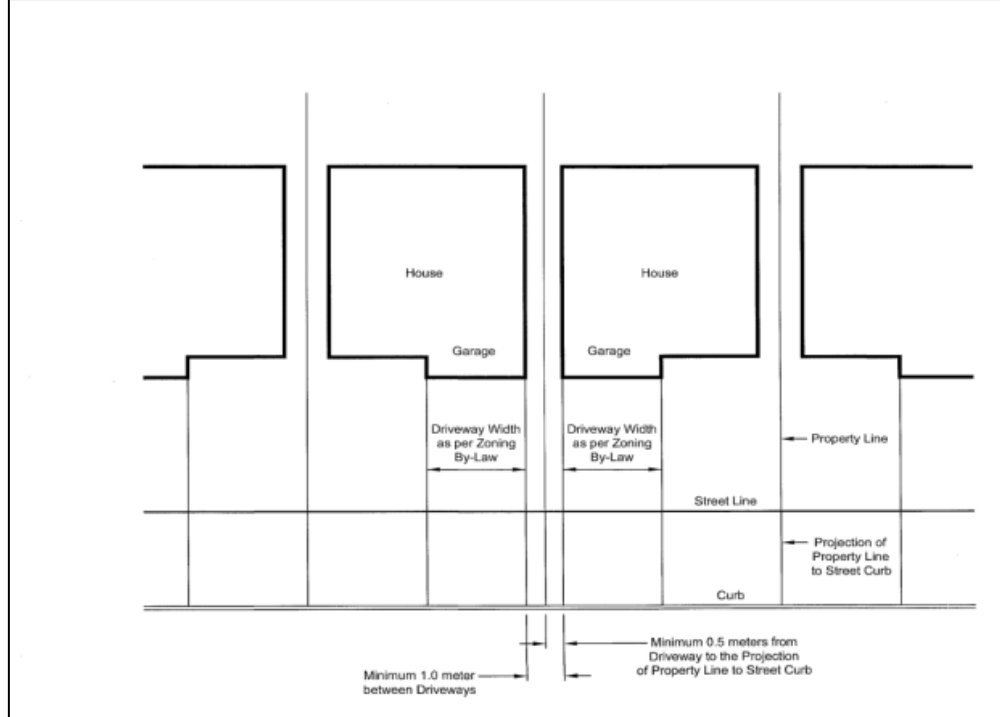


Figure 4: City of Vaughan, Figure 1, Minimum spacing between driveways at the Street Curb - Straight Street

Figure 2 – Minimum spacing between driveways at the Street Curb – Curve or Angle Bend in the Street

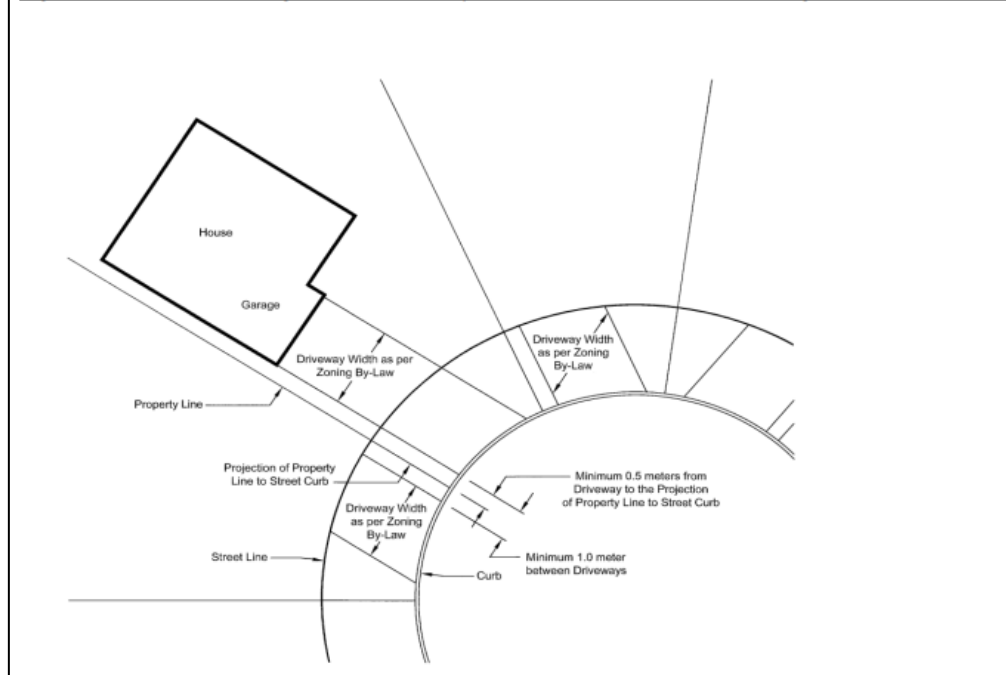


Figure 5: Minimum spacing between driveways at the Street Curb - Curve or Angle Bend in the Street

The illustrations are black and white, use a very small font, and are a two-dimensional design.

Overall, the Zoning By-law does not currently offer many wayfinding features. Pages of the main document are numbered at the bottom centre of each page, and contain no additional header or footer. The Schedules are not numbered and contain no header or footer. Schedule headings are included at the top of the page, and contain various fonts and formatting which are piecemealed together through scanned and digitally formatting versions.

2.3 Accessibility

The current Zoning By-law is available for digital viewing through .pdf files on the City's website, and can also be purchased in print form. The benefit of using .pdf files is that it best addresses AODA accessibility requirements for users as it allows for the option to access the latest versions and download these versions.

There are currently no clickable functions or hyperlinks included within the digital versions, and there is no interactive mapping component. Although Arial font is predominately used, there are inconsistencies in font size (including very small font in sections that requires magnification), use of font styles, and lack of wayfinding features which may be challenging for some users. The Zoning By-law is formatted on legal sized paper. Typically, most municipalities have moved away from legal size for Zoning By-laws as letter size is preferred from a user friendly standpoint, which is also easier to print.

When drafting the new Zoning By-law, strong consideration should be given towards accessing information quickly and efficiently, in a way that is intuitive to its users. The current Zoning By-law is piecemeal in nature,

as a result of many amendments since its original enactment in 1988.

In regards to printed copies, appropriate scale of the new Zoning By-law will be made for reproduction purposes.

2.4 Identification of Issues and Opportunities

The By-law, at present, has a piecemeal "feel" to it. This is not dissimilar from other municipal by-laws that have been amended repeatedly over time. Preparing a new comprehensive zoning by-law provides the best possible moment to create a new, standardized look and feel. Based on the preceding assessment, the following issues and opportunities are noted as ways to help achieve this result:

- (1) There appears to be an opportunity to better organize and consolidate the general provisions which are located in different Parts throughout the current Zoning By-law. The current Part 3 is organized in no particular order, with other provisions contained in the initial subsections under Parts 4-8 and Schedule A.
 - This could include listing all provisions that apply in multiple zones or to uses, buildings, or structures City-wide in a single, centralized location.
 - Alternately, regulations tied to a single zone or group of zones could be listed as a provision in that zone.
 - Parking regulations, as a lengthy set of standards, are increasingly becoming their own chapter or part of a zoning by-law.
- (2) Consideration should be given to improving organization of zone

provisions, which are currently organized in different subsections (permitted uses) as well as Schedule A (lot and building requirements).

- Municipalities today are listing zones in like groups as individual chapters or parts within a By-law. Permissions and standards associated with those zones would be found entirely within those individual parts.
 - Schedules then become the home for By-law mapping. In this instance, these could simply be called, “Maps” instead of “Schedule A.”
- (3) There are many options to apply contemporary formatting approaches which are user-focused and integrate more convenience features. There are options to incorporate accessibility and wayfinding mechanisms to assist users in navigating the Zoning By-law.
- Illustrations are now a standard practice in most new By-laws.
 - Interpretive sidenotes are an emerging practice, providing clarifying text or cross-references to a reader that are not appropriate as a regulation (as an example, pointing readers toward a licensing requirement).
 - Care should be taken to ensure appropriate fonts and sizes are used, and that pages are designed to incorporate an appropriate balance of content and white space for readers.
- (4) Consideration needs to be given to how the document works in a digital format,

both in terms of online presentation and structure of the document and digital deliverable to facilitate online use.

- The published document will need to meet accessibility standards and requirements. It should also contain a clause in the user’s guide that materials can be prepared in an alternate format upon request.

- (5) Consideration may be given to review the structure of the definitions to organize and harmonize City-wide, Oak Ridges Moraine and VMC definitions.

3.0 Alternatives for Zoning By-law Structure and Format

3.1 Options for Structure

3.1.1 Review of Other Zoning By-laws

The Zoning By-law Review presents the opportunity to improve the structure and format of the current Zoning By-law, including improvements to reduce repetition and eliminate inconsistencies of regulations and definitions across the existing By-law.

In order to gain a thorough understanding of the zoning by-law structural alternatives which have been implemented across other municipalities, a number of Ontario municipalities have been selected for comparison, including:

- City of Kingston;
- City of Mississauga;
- City of Ottawa;
- Town of Newmarket; and
- Town of Oakville.

These municipalities have recently developed zoning by-laws which represent modern and contemporary approaches to developing comprehensive zoning by-laws.

All zoning by-laws are organized into Parts which are grouped by related content. For example:

- City of Kingston's Draft Zoning By-law (First Draft – October 27, 2016) has 23 Parts: one is administrative in nature, one is related to interpretation of the by-law, one is for definitions, four contain different types of general provisions, eleven contain zone regulations, two are for exceptions, two are for maps/ schedules, and one is for zoning by-law amendments.
- City of Mississauga has 13 Parts: one is administrative in nature, one contains maps, and the remaining sections address provisions for all (10) zones.
- City of Ottawa has 19 Parts: two are administrative in nature (including appendices containing administrative lists and processes), five contain different types of provisions, nine contain zone regulations, one is for exceptions, and two contain maps/schedules.
- Town of Newmarket has 9 Parts: one is administrative in nature, one relates to the establishment of zones, one is for definitions, three contain different types of provisions, one contains parking and loading requirements, one contains provisions related to overlay zones, and one is for enactment.
- Town of Oakville has 20 Parts plus appendices: one part is administrative in nature, one relates to the establishment of zones, one is for definitions, two contain different types of provisions, nine contain zone regulations, two contain provisions, one contains interim control by-laws, one contains temporary use permissions, one contains maps, and one is for enactment.

3.1.2 Options for Organizing General Provisions

There are two approaches typically used by municipalities to organize general provisions:

- (1) To organize some of the general provisions separately within each of the zone Parts (or Chapters). This is the approach generally used by the City's current Zoning By-law, as well as the City of Mississauga.
- (2) To keep general provisions self-contained within one section that would apply to multiple (or all) zones. City of Kingston, City of Markham, Town of Oakville, Town of Newmarket and Town of Ajax are examples of zoning by-laws that use this approach.

3.1.3 Options for Organizing Zone Exceptions

There are two approaches typically used by municipalities to organize exceptions to general provisions:

- (1) To include exceptions as part of the Zoning By-law standards provisions. Exceptions are applied for each zone and are typically numbered as a suffix to the underlying base zone (e.g., R1-1, R1-2, etc.). City of Mississauga also uses this approach.
- (2) To place exceptions within a separate Part of the Zoning By-law. Any modifications to regulations are thus housed separately from the parent Zoning By-law in a Schedule or distinctive Part, and are usually numbered sequentially across all zones. The City's current Zoning By-law, Town of Oakville and Town of Newmarket are examples of Zoning By-laws that use this approach.

The current Zoning By-law has a long list of site-specific exceptions (over 1,300). While there is a potential to integrated site-specific exceptions into the different Parts of the Zoning By-law, it is important to consider how these exceptions will be integrated into the new Zoning By-law and potential implications due to the high number of exceptions that exist and may be carried forward.

Specifically, consideration will be given towards how to retain site-specific exceptions, determining them to be legal non-conforming, and how to maintain schedule formats. Further, more contemporary zoning by-laws often organize the provisions associated with each exception into matrices.

Below, *Figure 6* is an example from City of Ottawa's Zoning By-law of how a table can be used to organize the exceptions:

Urban Exceptions 1-100 (Section 239)				
I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
1 (By-law 2011-151) (By-law 2010-231) (By-law 2009-302)	multiple	- snow disposal facility		
2 (By-law 2009-302)	multiple	- solid waste disposal facility - leaf and yard waste disposal facility - waste processing and transfer facility		
3 (By-law 2009-302)	multiple	parking lot		
4	I1A [4] H(9)			- minimum of 25% of lot area to be landscaped area - minimum rear yard setback of 1.8 m
5	I1B [5]			- minimum corner side yard setback of 4 m - minimum interior side yard setback of 1.2 m - minimum of 22% of lot area to be landscaped area
6 (By-law 2010-123) (By-law 2008-462)	I1A [6] H(12) R1FF[6]			- minimum front yard setback of 4.5 m - minimum rear yard setback of 5 m - minimum north interior side yard of 4.5 m - Section 125 (d) does not apply
7	R1FF[7]	parking lot		- maximum of 30 parking spaces permitted
8	I1A [8] H(9)			- minimum of 28% of lot area to be landscaped area - minimum front yard setback of 4.5 m - minimum interior side yard setback of 5.5 m
9 (By-law 2010-123) (OMB Order, File #PL090029 issued June 9, 2009) (By-law 2008-433)	TM[9]			- minimum front yard setback of 4.6 m - maximum projection of addition into front yard of 7.9 m - maximum permitted lot coverage of 75% - minimum yard setback from lot line abutting Madison Avenue: 3.0m
10	GM[10]F(1.55) H(13.5)		- apartment building, mid- high rise - restaurant - retail food store	- the following applies for an office use: (1) a minimum of 300 m ² of the lot area must be provided for parking within the zone (2) 7 parking spaces are required within 250 m of this zone
Part 15 – Urban Exceptions 1 - 100 City of Ottawa Zoning By-law 2008-250 Consolidation				

Figure 6: City of Ottawa, Urban Exceptions 1-100 (Section 239)

3.1.4 Options for Organizing Zone Provisions

There are two approaches typically used by municipalities to organize zone provisions:

- (1) Each zone has its own chapter or section. Within that chapter or section is a list of permitted uses, along with lot and building requirements. This is a more traditional means of structuring the zone provisions.
- (2) Permitted uses, lot and building requirements are organized into matrices. This approach is more frequently being used in newer Zoning By-laws.

The City of Vaughan's current Zoning By-law format uses a hybrid of both approaches. The By-law is organized into separate chapters, but the lot and building requirements are organized into tables in Schedule B.

The benefit of utilizing tables to organize zone provisions is that they ensure terminology will be used consistently between zones. When zones are broken across multiple parts, a potential risk exists for terminology to start to deviate over time as changes are made to the zone (e.g., gas bar vs. auto service station). The tables also enable comparison of zones, so one can identify in which zones a certain use is permitted. Some examples of the use of tables are as follows (see *Figure 7* and *Figure 8* on the following page):

General Provisions

Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.

4.3 Allowable Projections

The following projections are permitted in accordance with Table 4.3, below
(2016-023)

Table 4.3: Allowable Building and Structure Encroachments and Projections			
Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
Access stairs associated or not associated with a porch or uncovered platform	All	Up to 0.6 m from the applicable lot line	n/a
Air conditioners, heat pumps, swimming pool pumps, filters, and heaters, including any appurtenances thereto	Flankage, interior side, and rear	Up to 0.6 m from the applicable lot line	n/a
Awnings, canopies, cornices, coves, belt courses, eaves, gutters, pilasters, sills, or weather-shielding structure	All	0.6 m	n/a
Balconies	Front and rear (-0)	n/a	1.5 m
Non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum height of one storey	All	0.6 m	n/a
Chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres	All	0.6 m	n/a
Fire escapes	Rear and interior side	1.5 m	n/a
Porches with or without a foundation and including access stairs in the Residential Low RL6 Zone	Front and flankage	Up to 1.5 m from the front or flankage lot line	n/a
Porches with or without a foundation and including access stairs in the Residential Uptown Core RUC Zone	Front and flankage	2.0 m	n/a
<ul style="list-style-type: none"> • Porches with a foundation • Porches without a foundation in all other zones 	n/a	Shall be subject to the regulations of the parent zone	
Uncovered platforms having a floor height of less than 0.6 metres measured from grade	All	Up to 0.6 m from any lot line (1)	n/a
Uncovered platforms having a floor height equal to or greater than 0.6 metres measured from grade	Front and Rear	1.5 m (1)	n/a
Uncovered platforms with or without a foundation and including access stairs in the Residential Low RL6 Zone (2015-018)	Rear	Up to 3.0 m from the rear lot line	n/a
Uncovered access stairs below grade	Rear	1.5 m	n/a
	Side	0.0 m	1.5 m
Unenclosed barrier-free ramps (2015-018)	All	Up to 0.0 m from the lot line	n/a

In Table 4.3, "n/a" means that the identified measurement is not applicable to the structure or feature identified.

Figure 7: Town of Oakville, General Provisions

Day Care

In addition to the provisions contained in Parts 1 to 3 of this By-law, a **day care** shall comply with the provisions contained in Table 2.1.9.4 - Day Care.

Table 2.1.9.4 - Day Care

Column	A	B
Line		
1.0	A day care is permitted only in these zones	R1 to R16, RM1 to RM9 and RA1 to RA5, C1 to C4, CC1 to CC4, CCOS, OS1, OS2 and I zones ⁽¹⁾
2.0	A day care in a non-residential zone shall comply with the regulations of the zone in which it is located, except that:	
2.1	Minimum setback from a railway right-of-way	30.0 m
2.2	<i>deleted by 0379-2009</i>	
3.0	A day care in a Residential Zone shall comply with the regulations of the zone in which it is located, except that:	⁽¹⁾
3.1	Every lot shall have frontage on a street identified on Schedules 2.1.9.2(1) or (2)	✓
3.2	Where a day care is accessory to a public school , the regulations of Line 3.1 shall not apply	✓
3.3	Minimum setback from a railway right-of-way	30.0 m
3.4	Minimum setback of a parking area to an abutting lot in a Residential Zone	4.5 m
3.5	Minimum depth of a landscaped buffer measured from a lot line that is a street line (0190-2014)	4.5 m

NOTE: (1) See Subsection 2.1.23 of this By-law.

Figure 8: City of Mississauga, Day Care Provisions

While the use of tables can serve as a useful means of comparing zone provisions, there are advantages to organizing the zones into separate chapters.

Some users may prefer the simplicity of having separate chapters for each zone, and it allows the zones to be more clearly listed in the Table of Contents of the By-law. While tables can be very useful, one challenge that exists are the list of footnotes which are attached. Some ways to deal with this are to

use a hybrid approach, or assistance of digital hyperlinks to help bridge different sections of the Zoning By-law.

3.2 Format, Convenience and Wayfinding Options

The new Zoning By-law presents an opportunity to utilize updated formatting options. As highlighted in Section 3.1.4, the incorporation of tables/matrices as a tool for organizing and structuring the Zoning By-law is an approach which has been utilized in other municipal Zoning By-laws and can help to ensure consistency and coherency when consolidating information.

With regards to other approaches to formatting, as outlined in *Section 2.2* of this Chapter, the City's current Zoning By-law is very simply formatted. Subsequent to its review, the following formatting goals for the new Zoning By-law have been identified (which further support the Key Principles of this review, as outlined in *Section 1.2* of this Chapter):

- To maintain clear, consistent use of font/typeface, italicize or bold stylistic effects on defined terms, and tabs/spacing to improve readability;
- To achieve a harmonious balance of text and white space to improve readability;
- To apply wayfinding features that assist in the navigation of the document;
- To consider incorporation of illustrations or graphics to support or assist in explaining complex provisions and terminology; and
- To consider outlining formatting guidelines that updates/revisions must adhere to.

The following sections will explore different formatting and convenience options that can be incorporated into the new Zoning By-law.

3.2.1 Wayfinding Options

Zoning By-laws are documents which are highly technical in nature, and thus strong consideration must be given towards the integration of wayfinding features which assist the user.

Town of Oakville makes good use of its headers and footers, which contain reference information such as the Zoning By-law number, the consolidation date, and clearly labelled current part and page number.

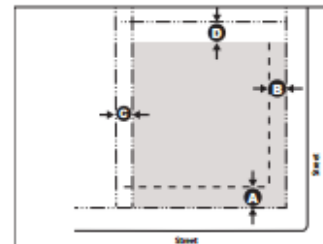
Residential Zones

Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.

Table 6.3.2: Regulations in the Residential Low (RL7) Zone		
	Detached dwellings	Semi-detached dwellings
Minimum lot area	557.5 m ²	743.0 m ²
Minimum lot frontage	18.5 m	21.0 m
Minimum front yard (2015-018)	A 7.5 m (-0)	7.5 m
Minimum flankage yard	B 3.5 m	3.5 m
Minimum interior side yard	C 1.8 m and 1.2 m (1)	3.0 m (2)
Minimum rear yard	D 7.5 m (3)	7.5 m
Maximum number of storeys	H n/a (-0)	n/a
Maximum height	H 12.0 m (-0)	12.0 m
Maximum lot coverage for the dwelling	35% (-0)	35%

Additional Regulations for Zone Regulations Table 6.3.2

- 0. Where lands are shown on the Part 19 Maps of this By-law to be in the -0 Suffix Zone, the regulations of Section 6.4 shall apply.
- 1. The *minimum interior side yard* shall be reduced to 1.2 metres on both sides where an attached *private garage* meeting the minimum dimension requirements of Section 5.2.3(b) of this By-law is provided.
- 2. The *minimum interior side yard* shall be reduced to 1.8 metres where an attached *private garage* meeting the minimum dimension requirements of Section 5.2.3(b) of this By-law is provided.
- 3. The *minimum rear yard* shall be reduced to 3.5 metres on a *corner lot* where an *interior side yard* of 3.0 metres is provided.



The black circles are letters corresponding to the applicable yard in the regulations table. The shaded area represents the potential building envelope remaining once minimum yards are removed. This area is further reduced by maximum lot coverage and maximum floor area standards where those standards apply.

Figure 9: Town of Oakville, Residential Zones

In addition, the .pdf version has a linked Table of Contents that redirects the user to the desired Part or Section of the Zoning By-law. This is also a function in other digital versions of Zoning By-laws such as City of Kingston and Town of Newmarket. Hyperlinks can also be inserted within the body of text to provide references back to other locations in text (Oakville Zoning By-law 2014-014 is one such example).

Separate table of contents for parts of the Zoning By-law is another option to organize parts containing heavy content (i.e. General Provisions). *Figure 10* is an example from the City of Ottawa of where this is done, which also has a 'clickable' function to navigate to the different sections. Many U.S. zoning ordinances take the same approach, especially in their online versions.

Part 2 - General Provisions (Sections 55-72)
Accessory Uses, Buildings and Structures (Sec. 55)
Adequate Municipal Services (Sec. 56)
Corner Sight Triangles (Sec. 57)
Flood Plain Overlay (Sec. 58)
Frontage on a Public Street (Sec. 59)
Heritage Overlay (Sec. 60)
Holding Zones - Additions (Sec. 61)
Minimum Distance Separation (Sec. 62)
Part-Lot Control (Sec. 63)
Permitted Projections Above the Height Limit (Sec. 64)
Permitted Projections into Required Yards (Sec. 65)
Provisions for the Handling and Transfer of Propane and Natural Gas (Sec. 66)
Residential use building setback from mineral aggregate zones (Sec. 67)
Setbacks from Railway Rights-of-Way in Rural Zones (Sec. 68)
Setback from Watercourses (Sec. 69)
Protection of Airport Operations (Sec. 70)
Temporary Uses, Buildings or Structures During Construction (Sec. 71)
Setback from the Trans Canada Pipeline (Sec. 72)
Top

Figure 10: City of Ottawa, General Provisions Table of Contents, Section 59

3.2.1 Illustrations

The incorporation of illustrations or graphics in the new Zoning By-law may assist in conveying complex provisions and terminology, in an alternative representation that can be more easily understood and interpreted by the user. Both two- and three dimensional illustrations can be incorporated within the body of the Zoning By-law to clarify definitions and zoning provisions.

One way that graphics can be effectively used to explain definitions. The City of Mississauga dedicates an entire section to Illustrations in Part 1: Administrative, Interpretation, Enforcement and Definitions. An example of effective illustrations to show different dwelling types is outlined in *Figure 11* as follows:

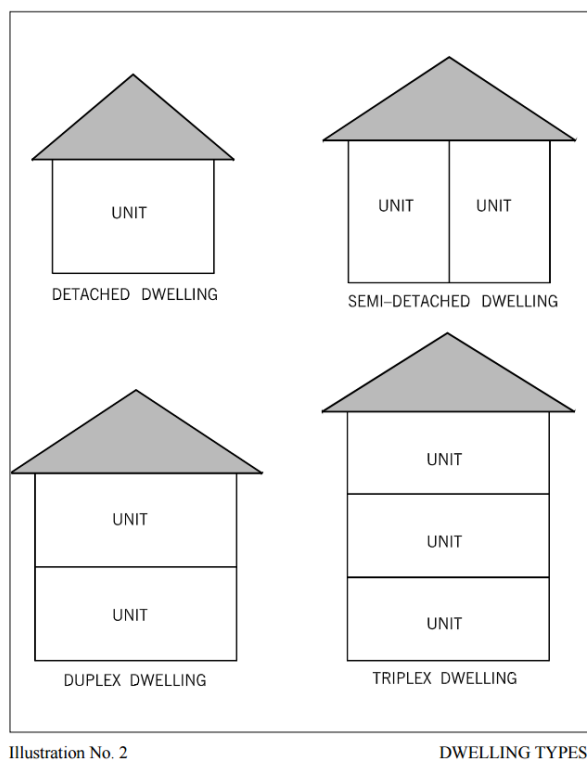


Figure 11: City of Mississauga, Dwelling Types

Another good example of how illustrations are used to effectively explain definitions, is for the definition of 'Height' in Part 6 of the Town of Oakville Zoning By-law under Residential Zones, which is depicted in *Figure 12*, as follows:

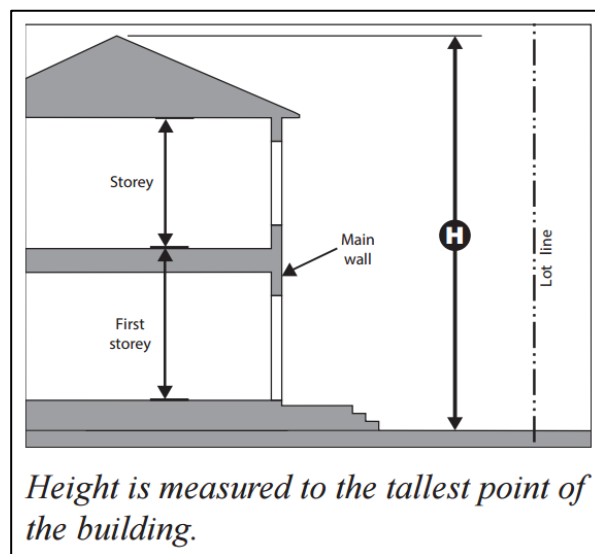


Figure 12: Town of Oakville, Height

The City of Ottawa also uses illustrations, such as in its Part 2: General Provisions, where a diagram for Corner Sight Triangles is depicted (*Figure 13*):

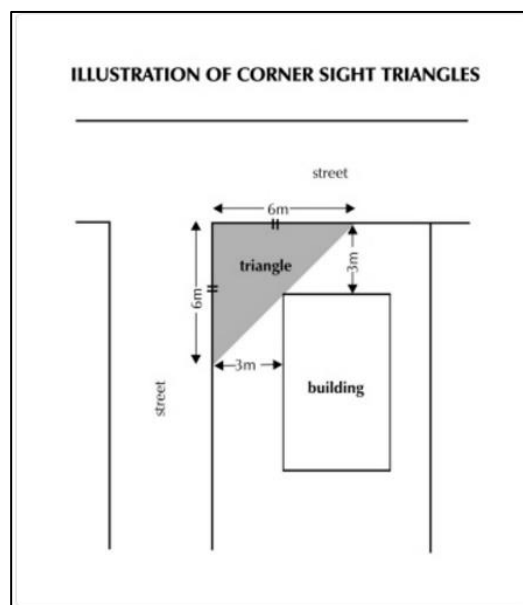


Figure 13: City of Ottawa, Illustration of Corner Sight Triangles

Some current zoning by-laws are relying on both supporting and replacing text with illustrations, which serve as a useful approach in assisting with interpretation of the zoning by-law. Illustrations are typically not part of the operative text, viewed as conceptual and impossible to be completely accurate or applicable to every scenario. Instead, they are provided as convenience features and are excluded from being an operative part of the Zoning By-law via an associated administrative provision.

There will also be graphics available through other City projects, including the City-Wide Urban Design Guidelines, that can be incorporated or modified for inclusion in the new Zoning By-law.

3.2.2 User Guides

Nearly all municipalities who have completed a zoning by-law review have implemented a supplemental user guide to explain how to use the zoning by-law. A user guide can also serve as an accessibility tool that makes a zoning by-law, which is a highly technical and regulatory document, easier to digest. These are no longer best practices; rather, they are a standard practice. The content can be as detailed or light as possible because they are non-statutory.

User guides can help inform and educate the reader on navigational and procedural information such as how to read the By-law, how amendments are tracked and where to find the list of amending By-laws. In addition, the use of illustrations can help to better explain complex terms or technical aspects of the Zoning By-law through the incorporation of visual elements.

They are typically located as an Introduction or Preface, or as supplementary to the Zoning By-law document. While these documents are normally considered “non-operative” through appropriate notions in the preamble itself, or an interpretative clause in the By-

law; they serve as a helpful convenience feature which is typically added into a digital document.

3.3 Review of Other User Guides

A number of Ontario municipalities have been selected for comparison of user guides or document preambles.

Town of Newmarket

The Town of Newmarket’s Zoning By-law 2010-40 contains a six page preamble (*Figure 14*) which includes the following sub-sections:

- Introduction;
- Purpose of This Zoning By-law;
- How to Use This By-law; and
- Description of By-law Components.

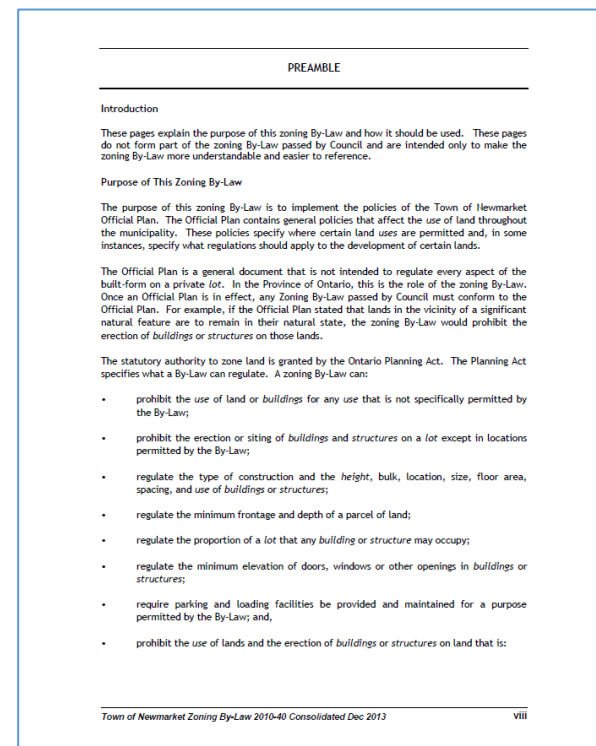


Figure 14: Town of Newmarket Preamble

Town of Georgina

The Town of Georgina provides a one-page document separate from Zoning By-law 500 on “How to Find Zoning By-law Provisions for

a Property” (*Figure 15*). This document contains a hyperlink to the full consolidated text and zoning maps, and is divided into three sections:

- (1) How to find zoning provisions;
- (2) More zoning information; and
- (3) Committee of Adjustment and Zoning By-law Amendments. Within this document, staff contact information is provided.

Another helpful administrative feature also included is requesting that residents come prepared with information to identify a property, including the legal description, municipal address, current owner(s) or assessment roll number. Email addresses of the Zoning Examiners are also provided for lands within certain geographic areas, to assist residents. A benefit in having a document separate from the parent By-law is that it can be updated more easily.

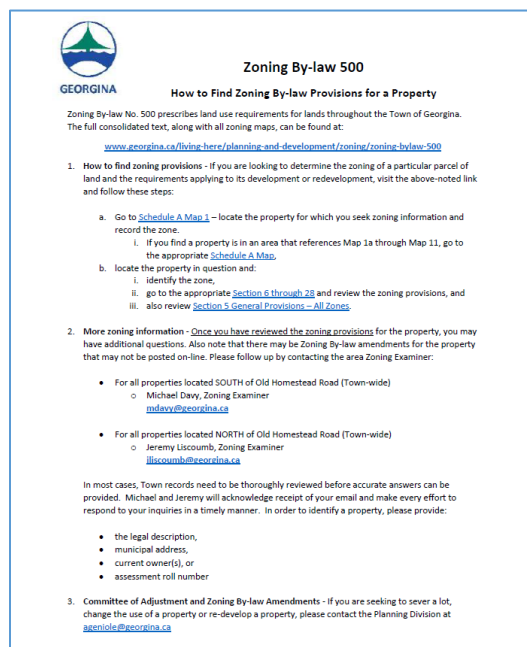


Figure 15: Town of Georgina Zoning By-law Provisions Document

Town of Oakville

The Town of Oakville provides a User's Guide document which is separate from Zoning By-law 2014-014 (*Figure 16*). This 13-page document provides an overview of the purpose of the By-law and how to use the By-law in the first four pages, which also includes: a map (both in colour and in black and white); an illustration on building envelope; and an 'Any Further Questions' section which states the hours of operations of municipal staff to provide additional assistance. Within this User's Guide, information about the consolidation and the table of contents are also included as a non-operative part of the By-law.

Alternative resources can also be considered to assist users in navigating the Zoning By-law, such as the use of multi-media. An example of this can be drawn from Town of Oakville, who created a video on "How is my property zoned?" which uses a step-by-step process on how to use the Town's interactive mapping.

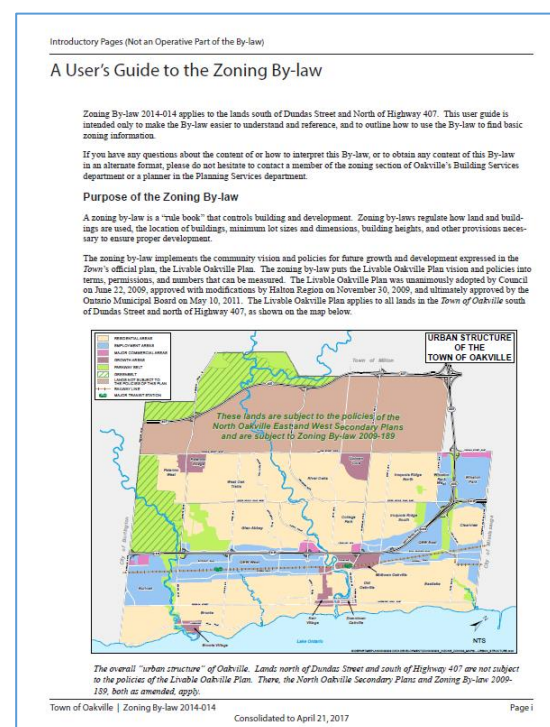


Figure 16: Town of Oakville User's Guide

City of Mississauga

The City of Mississauga Zoning By-law 0225-2007 contains a six page preamble which gives a comprehensive overview of the various components of the By-law. There are 22 sections of the preamble, containing brief descriptions of the major parts and processes of the By-law, such as: general provisions; illustrations; use of overlays; and use of tables. The last section, "How to Check the Zoning of Property" provides step-by-step instructions for users, similar to other Zoning By-laws, as well as a Metric Conversion Standards table for added convenience (Figure 17).

How This By-law Works		
METRIC CONVERSION STANDARDS		
TO CONVERT FROM METRIC INTO IMPERIAL		
If you know:	Multiply by:	To get:
LENGTH:		
mm (millimetres)	0.039	in. (inches)
cm (centimetres)	0.394	in. (inches)
m (metres)	3.281	ft. (feet)
m (metres)	1.094	yd. (yards)
km (kilometres)	0.621	mi. (miles)
AREA:		
cm ² (square centimetres)	0.155	sq.in. (square inches)
m ² (square metres)	10.764	sq.ft. (square feet)
m ² (square metres)	1.196	sq.yd. (square yards)
ha (hectares)	2.471	ac. (acres)
km ² (square kilometres)	0.386	sq.mi. (square miles)
MASS (WEIGHT):		
g (grams)	0.035	oz. (ounces)
kg (kilograms)	2.205	lb. (pounds)
t (tonnes or metric tons)	1.102	tons (short)
VOLUME:		
mL (millilitres)	0.035	fl.oz. (fluid ounces)
L (litres)	1.76	pt. (pints)
L (litres)	0.88	qt. (quarts)
L (litres)	0.22	gal. (gallons)
cm ³ (cubic centimetres)	0.061	cu. in. (cubic inches)
m ³ (cubic metres)	35.315	cu.ft. (cubic feet)
m ³ (cubic metres)	1.308	cu.yd. (cubic yards)


Figure 17: City of Mississauga's Preamble

City of Toronto

The City of Toronto Zoning By-law 569-2013 has a webpage dedicated to a number of useful zoning related resources. This includes links on its main page to:


- An interactive zoning map;
- The consolidated Zoning By-law text;
- A list of amendments; information related to appeals before the Ontario Municipal Board (OMB);
- A 'What's New' updates section; and an 'Understanding the Zoning By-law' section (Figure 18); and
- A 'Contact Us' section with expandable, clickable tabs, including staff contact information, the 'ResetTO' section dedicated to the Development Permit System and a list of additional zoning resources.

The 'Understanding the Zoning By-law' section offers some useful tools for users. City-wide maps and associated land use charts are extracted from the Zoning By-law Schedules and clickable thumbnails allow users to access the maps outside of the By-law document itself.



City-wide Maps and Land Use Charts

Permitted land uses are charted for each zoning category. City-wide maps also illustrate, policy areas, residential, residential apartment, commercial, CR standard sets, employment industrial, institutional, open space and utility zones.




Transitioning

Transitioning from old bylaws to the city-wide zoning bylaw in the treatment of pipeline development applications, recognition of variance and bylaw permissions and treatment of existing buildings.

On May 5, 2016 the Ontario Municipal Board heard the City's motion requesting an amendment to Zoning By-law 569-2013 to extend the Transition Clause Repeal date by 2 years. The Memorandum of Oral Decision and Order issued September 13, 2016 amends the transition clause repeal period in regulation 2.1.3.8(1) of this zoning by-law from the current 3 year period to 5 years.

The City of Toronto will continue to apply the Transition Clause provisions found in Chapter 2 of By-law 569-2013 until May 9, 2018.



The Basics Illustrated

Illustrations show you how to find established grade, how to measure height, what is a flat roof versus a sloped roof, the front side and rear yard setbacks, maximum building depth & length, determining the average front yard setback and how to determine floor space index.

Figure 18: City of Toronto "Understanding the Zoning By-law"

A section on 'Transitioning' outlines the protocols associated with transitioning from old to new zoning regimes. Lastly, a section on 'The Basics Illustrated' uses illustrations to help explain zoning definitions and their measurements (Figure 19).

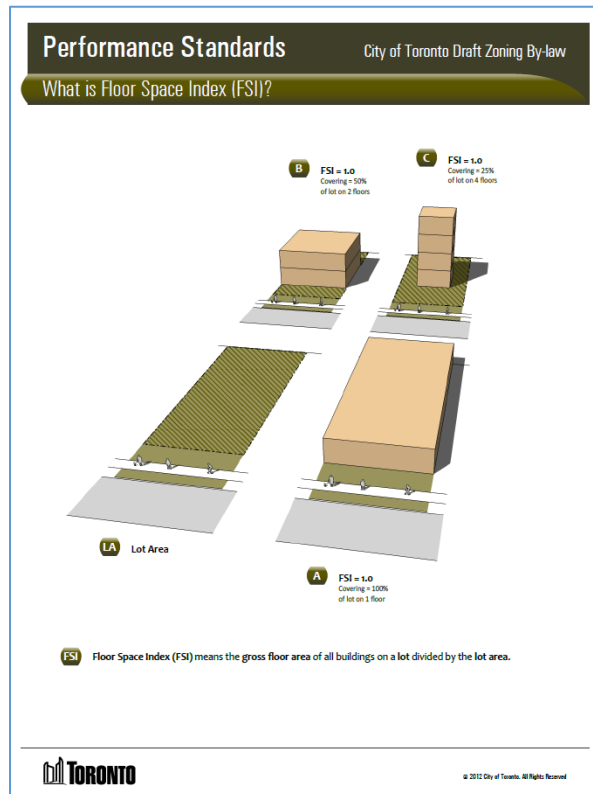


Figure 19: City of Toronto "What is FSI?"

City of Ottawa

City of Ottawa Zoning By-law 2008-250 also has a webpage (Figure 20) dedicated to the Zoning By-law that includes:

- Information on how to find your zoning;
- A link to the most recent, consolidated version; and
- A brief description on non-conforming rights.

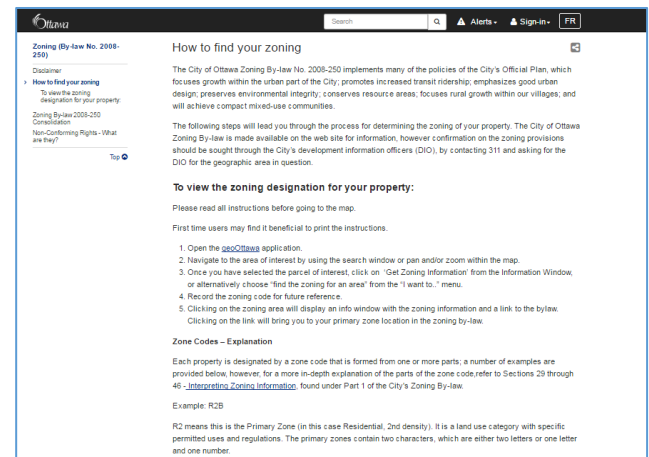


Figure 20: City of Ottawa "How to Find your Zoning"

3.4 Key Elements of a User Guide

Key elements that should be considered in Vaughan's new user guide are as follows:

- Overview of a Zoning By-law and its overall function and purpose;
- Overview of the new Zoning By-law including a summary each section;
- Tutorial for locating a property on a map;
- Tutorial for checking the zoning and applicable provisions for a property (permitted uses and lot and building requirements);
- Interpretation of General Provisions, including parking;
- Confirmation of zoning with the municipality;
- Overview of non-conforming rights;
- Explanation of By-law amendments, minor variances and exceptions; and
- Relationships to other by-laws and regulations.

When formatting the User Guide, consideration should also be given towards both print and online versions (e.g. booklet form) and how it will be accessed and interpreted by its diverse audience.

Overall, a user guide can serve many objectives. As a non-statutory document, it

can be shaped or tailored to serve any needs. It can provide the self-service user with some direction on how to read the By-law itself. It also opens an opportunity for the City to communicate its own administrative practices and procedures, if desired. The key to success is identifying what information is needed to be shared, and preparing that information accordingly.

3.5 Options for Accessibility

The New Zoning By-law will need to conform to accessibility standards wherever possible. The reality is, that there is a need to recognize that a Zoning By-law is, by nature, a lengthy and detailed legislative document. There are limitations on how 'accessible' the Schedules can be when trying to balance the need to communicate certain pieces of information.

For aspects of the Zoning By-law that are not fully in conformity, the City should be prepared to offer a heightened level of customer service or supplementary information. The following opportunities for providing materials to support customer service have been identified:

- To account for people with disabilities and consider how they will access the document or receive support to access the document;
- To use a font size that is easily and legibly scalable, clear and crisp;
- To explore the use of colour-coded Parts or Sections, or use of symbols/icons;
- To provide a balance of text-based and illustration-based information to allow for enhanced explanation of regulations; and
- To incorporate wayfinding elements such as page numbering, to assist users in navigating the document.

Part 2: Housekeeping and Editorial Changes

4.0 The Issues

4.1 History of Zoning Issues

By-law 1-88 regulations serve as a reflection of the evolution of Vaughan's development since the document came into effect nearly 30 years ago. Since that time, the policy framework guiding land use planning has been completely updated including:

- Provincial Policy Statement;
- York Region Official Plan;
- City of Vaughan Official Plan (VOP) 2010; (implementing this work, and is currently under review);
- City of Vaughan's multiple design initiatives (i.e. Urban Design Guidelines and City-wide Urban Design Guidelines);
- *Planning Act* amendments including Bill 73 (2016), *Green Energy Act* (2009), Bill 51 (2006) and the Strong Communities Act (2004)—with other potential amendments currently being considered by the Legislature;
- Provincial regulations which have changed relating to cemeteries, crematoriums and mausoleums, source water Protection, and the *Child Care and Early Years Act*;
- Continued monitoring of ongoing legislative changes for potential new zoning tools (inclusionary zoning and zoning with conditions are two such examples); and
- Over 1,500 individual amendments to the Zoning By-law and no comprehensive review of the current By-law 1-88.

A number of current use permissions, zone and general provisions and (in some cases) zones prevail, yet are no longer in conformity with VOP 2010.

Another challenge raised by staff is that By-law 1-88 is viewed as a “piecemeal” document, having arrived out of different departments and City-led studies. In addition to individual changes to general regulations, the By-law contains approximately 1,600 site-specific amendments, resulting in a document that presents some inconsistencies and challenges related to equitable treatment and frameworks for review.

4.2 Existing Zoning Issues

As part of this review exercise, staff provided a list of ‘Existing Zoning Issues’ covering 66 housekeeping issues/review topics that have been identified and recorded over time. Staff organized this list using the following structure:

- Issue/Review Topic;
- Brief Description/Impacts;
- By-law References;
- Possible Solution; and
- Input by (staff Initials).

Upon review of the list, issues were then grouped into their corresponding category/part of the Zoning By-law. The following table lists the number of issues within each category, which has been arranged in chronological order starting with the highest number of issues (including a ‘Not Applicable’ category).

Table 1: Summary of Total Number of Existing Zoning Issues

Category	Number of Issues
General Provisions	19
Definitions	15
Not Applicable	11
Employment Area Zones	8
Schedule	5
Residential Zones	4
Exceptions	2
Commercial Zones	1
Agricultural Zones	1
Open Space Zones	1

Some of the key issues that fall under the ‘Not Applicable’ category, as summarized by staff, include the following:

- **Split zones:** How to treat land uses or schedules when lands are split zoned;
- **Ammunition:** Prohibited, and RCMP has asked for tracking of places asking for or selling ammunition;
- **Decks and Porches:** Clarify deck and porch encroachments with covered roofs, as a section allows for a porch (deck) to encroach further into rear yard with a covered roof;
- **Source Water Protection Implementation:** Coordinate with work coming out of the Official Plan Review;
- **Reference to Cemeteries/ Crematoriums, Mausoleum:** New Funeral, Burial and Cremation Services Act; B.A.O;
- **Studio:** Add music and recording studio to definitions;
- **Institutional Care Facility:** Not a permitted use in any zone;
- **Outdoor Garbage Enclosure:** Not clearly governed by the Zoning By-law.

Overall, the complete list contains a variety of issues with Staff requests ranging from:

- Updates or revisions to certain definitions and regulations, including the removal of ones that lack relevance or purpose in today's planning regime (i.e. to reflect current legislation);
- Updates to building standards;
- Applying consistency to language for definitions, zones, parking and other associated regulations; and
- Introducing new definitions or uses.

The 'Existing Zoning Issues' have been incorporated into a Master document which compiles both staff and Project Team comments, attached under Appendix A. The intent is that this list will be updated as the project proceeds.

4.3 New Zoning Requests

In addition to Appendix A, a spreadsheet has been created to track the growing list of new zoning requests and items for consideration which are unrelated to pre-existing issues. It is anticipated that this list will be updated on an ongoing basis as new requests are generated by the Project Team. The template is attached as Appendix B to this Chapter.

4.4 Gathering Feedback

4.4.1 Stakeholder and Public Engagement

In addition to collecting ongoing feedback from the Project Team, it will be important to consider how input is gathered from the City's stakeholder groups to ensure a comprehensive and inclusive process is followed. The project is structured into three major phases, each of which is designed to gather input in an iterative, progressive manner.

Phase I – Background Research, Zoning Analysis and Strategy:

Since the completion of the Technical Papers, they have since been reorganized and finalized into Chapters of the Zoning Strategy Report. The Report will then be internally circulated among various City departments, who may provide comments on the issues presented in the Study. The aim is to ensure that the ideas presented are accurate and fulfill the City's needs.

Next, the City will engage with a number of stakeholders in a variety of manners to build awareness, educate, and promote the Project. Anticipated stakeholders include:

- The general public;
- Ratepayer Associations;
- Toronto and Region Conservation Authority;
- York Region;
- Ministry of Municipal Affairs;
- Ministry of Housing;
- The development industry and their representative group Building Industry and Land Development Association (BILD);
- Legal and planning development firms, including planners and architects;
- Selected boards, commissions and other public authorities such as the school boards; and
- Adjacent municipalities sharing a Municipal border.

Phase II – Preparation of the New Comprehensive Zoning By-law:

Three subsequent drafts of the By-law will be developed, with each one involving the following steps:

- (1) Drafting of staff report to Council which incorporates internal review findings;

- (2) Development of engagement resources and facilitation of consultation initiatives; and
- (3) Incorporating updates to subsequent drafts of the By-law.

The second phase will see the City navigate the consultation process toward preparing the first draft By-law. This will be done through various engagement opportunities including:

E-blasts, Flyer, and Social Media Content;

- Six outreach events to raise awareness of the project and to direct the public to the online draft By-law.
- “Discussion panels” in each ward to discuss zoning as a tool and content highlights of the first draft By-law and a City-wide event in a traditional open house format as a part of Phase 2A;
- An open house, including presentation, in each of the five wards, plus a City-wide event at Vaughan City Hall as a part of Phase 2; and
- A Statutory Public Meeting under the *Planning Act*.

Phase III: Consultation and Adoption:

Prior to Council’s consideration, there will be multiple opportunities for Project Team check-in meetings and ongoing stakeholder feedback. Two draft by-laws will be prepared, each with a round of Town-wide and online consultation (the second round featuring the statutory elements).

Overall, the Community Engagement Approach has been designed as an iterative process, intended to capture input at multiple points leading up to finalization of the new Zoning By-law, prior to its presentation to Council.

4.4.2 Related Opportunities to Contribute

There are many opportunities for other staff and key users of the Zoning By-law to provide feedback and identify issues for review. The unifying theme in these elements is communication between the Project Team and staff, ensuring that knowledge is shared between relevant participants.

Review of Development Applications

It is recommended that staff be reviewing both the current, in effect zoning as well as the draft By-law when evaluating development applications and other projects. The results do not need to be incorporated into formal staff reports, but this additional step provides invaluable feedback in testing the draft By-law against active, real applications. This analysis and review of the proposed regulations and permissions can be incorporated into subsequent drafts.

It is critical that feedback about existing zoning issues in By-law 1-88 and a ‘list of wants’ external from the Project Team is gathered and tracked. This is especially helpful in identifying any unknown issues that may have not yet been raised to the City, from a user standpoint.

By-law Review Team

There are also opportunities within current City processes to provide feedback into the project. If draft By-laws or amendments are being reviewed by the Project Team, comments or feedback can be documented and delivered to the Project Team.

5.0 Responding to the Issues

5.1 Tracking Table

It is recommended that the proposed approaches or solutions to outstanding issues are tracked in three separate tracking tables, as outlined previously in *Section 3.0* of this Chapter.

The proposed templates and tracking tables are attached as Appendix A and Appendix B. Housekeeping and editorial items will continue to be tracked in these tables moving forward in the Project, and are to be considered and incorporated, as appropriate, on an ongoing basis.

5.2 Web-based, Project Website

The creation and launch of the project website will include an online web form to allow for ongoing feedback to be received. This will include two types of web forms: a public-facing website (external), and a staff-facing website (internal). This feedback will then be included in the appropriate tracking table for Project Team action.

5.3 Housekeeping and Staff Ability to Assist

The *Planning Act* was designed with the intent that municipalities can reflect upon and review their own policy and regulatory frameworks through the approval or passing of amendments to their planning documents.

Currently, staff monitor existing zoning issues in By-law 1-88 using an excel spreadsheet as outlined previously in *Section 2.1*. The 'Project Team Tracking Table for Existing Zoning Issues (Zoning By-law 1-88)' has been designed to include several additional columns, being:

- Date Received;
- Received by (name);
- Status;
- Status Last Updated on; and
- Status Last Updated by (name).

It is important to identify the date which the issue/review topic was raised in addition to how and when it was resolved, in order to ensure that the issue is properly tracked and addressed.

It should be noted that there will inevitably be new issues that arise after the new Zoning

By-law comes into effect and individuals are using it on a daily basis. Although the Project Team will work to identify and foresee as many issues as much as possible, other unknown or unforeseen issues may be raised upon the implementation of the By-law.

Section 34(10.0.0.1) of the *Planning Act*, a Bill 73 addition, does not allow a person or public body to submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. Additionally, Bill 73 also added Section 45(1.3) of the *Planning Act*, which prevents an individual from applying for a minor variance from the provisions of the by-law before the second anniversary of which the by-law was amended.

Municipally-initiated amendments appear to remain an option (if not, the *Planning Act* allows the applications to be processed if a Council has first declared by resolution that such an application is permitted). Staff should be prepared to undertake housekeeping amendments in the months following the passing of the By-law to remedy any inadvertently created issues arising from the passing of a new zoning by-law. Staff need to establish a system to track and respond to editorial issues on a go-forward basis as part of a regular regimen of by-law monitoring, feedback, and continued implementation.

A critical component of its implementation will rely heavily upon staff assistance and support. Staff will serve as ambassadors of the By-law, which will require training about the new By-law.

In order to assist staff with training such as on-boarding, issues management, housekeeping, document control, training, and the amendment process, a Post-Passage Implementation Plan will be developed as part of Phase 3 of the Project in 2019.

5.4 Change Management

The new Zoning By-law will introduce considerable change to how the City conducts land use planning regulation. Understanding the needs of various stakeholders will enhance the City's ability to better anticipate and mitigate the impacts of change, and assist in responding to change and its consequences. With this, the Project Team must be steadfast in its efforts to provide clear and consistent writing throughout all three phases of this Comprehensive Review process.

6.0 Recommendations

Based on the options available for the new Zoning By-law, the following recommendations regarding structure and format of the document for further review and consideration:

- There are areas for structural improvements to the current Zoning By-law, such as consolidation and organization of general provisions and zones into like-issue groups within the text, to help to improve user-friendliness and ensure a user will be able to locate the applicable provisions easily, without having to read the entire By-law in a great level of detail.
 - The new Zoning By-law general provisions should include a requirement that where a site-specific zoning amendment has been approved and includes a site-specific schedule, that any amendment to the schedule must proceed through a Zoning By-law Amendment and not a Committee of Adjustment application for By-law administration purposes. Alternatively, it could be proposed that the Committee of Adjustment could approve revised Schedules.
 - When developing the structure for the new Zoning By-law, consideration should be given towards relocating zone standards out of the schedules and into standardized locations (as an example, garage requirements are contained in four different locations in the By-law).
 - An opportunity exists to develop and incorporate tables/matrices, such as for zone provisions and permitted uses, as both a visual approach to organizing information and pragmatic solution to maintain consistency, provide for comparison between zones, and avoid duplication. However, where the incorporation of footnotes are used, limiting the length of footnotes will be made, when possible.
 - Convenience features should be integrated in the new Zoning By-law as much as possible, such as clear fonts, good use/balance of white space and text, and implementation of wayfinding features. This includes consideration towards use of colour that could serve as a wayfinding approach or reflection of VOP 2010. From a functional standpoint, aligning colours with the Official Plan can help link or show the flow of policy to regulatory framework.
 - Contemporary formatting approaches which are user-focused and integrate more convenience features should be considered, such as illustrations and graphics, to assist in the interpretation of zoning regulation.
- In addition, the following recommendations for housekeeping and editorial changes are proposed:
- As the project advances, more issues may arise. This project is designed to work in an iterative basis that incorporates feedback received. The use

of tracking tables serve as a helpful tool to consolidate existing issues in one place, so that they can be monitored and addressed throughout the development of the new Zoning By-law.

- User guides are now a standard practice. If non-operative of the Zoning By-law, the content is flexible and adaptable. Overall, user guides can serve as a user-friendly reference document that assist with how to read the By-law, and help to explain more technical aspects of zoning. User guides can also showcase innovative elements observed elsewhere, including illustrations, references to the Official Plan, and a list of amendments. *Section 4.4* of this report outlines a number of central elements to a user guide, such as:
 - Overview of a Zoning By-law and its overall function and purpose;
 - Overview of the new Zoning By-law including a summary each section;
 - Tutorial for locating a property on a map; and
 - Relationships to other by-laws and regulations.

These elements should be considered in developing Vaughan's new user guide, to be prepared as part of the first draft of the By-law for public input.

- Although appeals cannot be avoided, the Official Plan can be implemented and be leveraged to support a strong planning rationale in all decisions. In addition, having being proactive and responsive to public input to address issues that arise during the Zoning By-law Review process, instead of retroactively.
- Any housekeeping items for consideration can only occur if the proposed alteration or addition conforms to the Official Plan. Any zoning text must meet, statutory considerations must be considered in any zoning recommendations.

Some by-law sample layouts have been prepared and attached as Appendix C to this Chapter. They provide two opportunities (one in portrait orientation, one in landscape orientation) as to how individual parts or chapters of the new Zoning By-law can be set up. There is no recommendation on layout at this point, with conversations to be held with staff in 2018.

Appendix A

Existing Zoning Issues List - By-law 1-88

Issue /Review Topic	Brief description/ Impacts	By-law Reference	Section	Possible Solution	Input by:
"Unit" definition	"Unit" permits One Use by one User in a unit. Very restrictive for businesses, prohibits common sub-leasing, affects licensing. I.e. does not permit two (2) car brokerages to share one unit.	Section 2.0	Definitions	Removal or re-phrase of definition	BC
Garage Projections	Current wording deems any wall, even a recessed porch as the most distant wall.	Schedule "A3" General Notes	Schedule	Re-phrase provisions to included " main wall "	BC
Deck encroachment	The term 'deck' is not listed a an encroachment	Section 3.14	General Provisions	Update wording to recognize decks explicitly	CP
Height of Exterior stairways below grade	currently unclear language	Section 3.14	General Provisions	Clarify that height restriction of one-half storey in height does not apply to stairs below grade.	CP
OS5 setback	Minimum setback of 90meters is required to this zone.	Section 7.8	Open Space	Need to check if this large of a setback is required, and if it is applied to OS5 zone, or abutting zones.	CP
Public uses	This section does not clearly define when to exempt Public Uses.	Section 3.10	General Provisions	Need to better clarify when to exempt public uses, especially for lands subject to the ORMCP, or what provisions are to apply.	CP

Building Repair	Building repair, legal non-conforming structures, and damaged buildings are all grouped together under this Section.	Section 3.3	General Provisions	Update provisions to clearly separate type of damage/repair and what provisions apply. Create separate section regarding legal non-conforming status.	CP
Split Zones	How to treat land use and or schedules when lands are split zoned	NA	NA	Clear language describing how to apply zoning By-law in a split zone situation	BC
Parapets / Building Height	Unclear if By-law intends to include parapets (i.e new longos) in maximum building height)	2.0 "Building Height"	Definitions	Clear language in definitions	BC
Building Height	Distigusiing between flat roofs and pitced roof	2.0 "Building Height"	Definitions	A metric in the By-law text such as (max. 10% flat) is measured to mid-point , etc.	BC
Split Zone interpretation	Some developments use different zones (i.e c7 and em2) on lands for mix of uses. Difficult to apply By-law where zone line is hard to define, or developemnt straddles 2 zone lines.	3.2 c	General Provisions	Better clarity in	BC
Corner Lot, Exterior side lot line,	lots that function like a corner lot (bend of a crescent) have only 3 lot lines, almost no back yard, require front yard setback for front and flankage as writtten	Seciton 2.0	Definitions	Re wording of definition(s) to address corner lots	BC
Stratified Arrangement	Occuring more commonly. Undefined outside of VMC	Seciton 2.0	Definitions	Definition and / or provisions required.	BC

Hydroponic agriculture	Market requires allowances in more industrial type zones and areas. Only permitted in A zone currently.	NA	NA	To be defined, and contemplated.	BC
solar energy/ green energy act	Ministry requires Industrial / commercial zone. 3.10 (Public Use Currently prevails)	NA	NA	should be incorporated into By-law.	BC
Ammo -	prohibited . RCMP has asked for tracking of places asking and / or selling ammo	NA	NA	NA	BC
Day nurseries Act	No longer in effect. Current legislation is called Child Care and Early Years Act, 2014. All references to be changed	Section 2.0	Definitions	change to current legislation	TM
incorrect/old reference to shed sections	references a section 4.1.1 b i) and b) ii) which no longer exists in current by-law. It should reference garden shed section e) ii)	Exception 9(980) and 9(773)	Exceptions	amend to reference correct section of current by-law	TM
incomplete Schedule E	Schedule E-1203 to 9(1097) does not reference Area B as in E-1203 in 427-2000 - uses specific to Area B cannot be determined	Schedule E-1203	Schedule	Amend E-1203 to show Area B which is still in current 9(1097) exception	TM
Soft landscaping in rear	4.1.2 does not reference Sch. A1 (RV) zones and therefore larger lots are not subject to soft landscaping requirements as in Sch. A/Sch. A3 zones	Section 4.1.2	Residential	Amend to include these zones to Sec. 4.1.2.	TM

unclear interpretation	9(988) B is not clear with respect to B.i). The i) should not be placed right after B. as this makes it unclear if the two sections i) and ii) only apply to E-1192. Current layout can be interpreted as Sec. B ii) applying to all lots abutting OS1	9(988), B i) and ii)	Exception	amend to clarify intent	TM
Interpretation Update	The interpretation has been that a Public Use is only subject to the minimum zoning setback requirements and lot coverage. The interpretation also entails that parking requirements are not subject to a Public Use.	Section 3:10	General Provisions	The City or Public Use should set the standard for what is applicable to all other developers. We need to provide the required parking and now the new assessable parking standards.	G.S
Interpretation and Clarification of Employment Zone Parking	stipulate that the use is subject to section 3.8 for parking and certain do not. EM3 lists a Convention Centre without referencing 3.8 for parking. I don't believe a convention centre which has a large parking draw would be subject to 2.0 space per 100sqm	Section 6.2.1 Section 6.3.1 Section 6.5.1	Employment	Uses other than Employment Uses should all be subject to additional parking per section 3.8 eg. Banquet halls, Convention Centres, Health Club Gyms	G.S
Indirect Interpretation of section above for protection of Employment Use Lands	It's been our practice to apply full parking standards to Employment Zone Buildings which are more than 50% non employment uses. That is if there is a 15000 sqft multiunit building and more than 1/2 is for uses which are non-employment then full parking is applied.	Section 6.2.1 Section 6.3.1 Section 6.5.1	Employment	There needs to be clearly indicated what parking is applied for non-employment uses. More importantly there needs to be measures to protect Employment Use Lands as prescribed under the O.P	G.S
Include new clear Prohibited use section	Please visit the Prohibited Uses Section 3.24 and update and add definitions of terms under this section. Important to look at production of Guns/Ammo / repair /sales. We currently prohibit guns ammo as prescribed by Council and Legal.	Section 3.24	General Provisions	We need to clearly indicate which uses are prohibited. Gun Control is a large issue. Maybe place a limit on amount of % of a retail shop?	G.S
Interpretation accessory Structures and clarify definition	Section 4.1.4 k) Clarify what an architectural design element is. Pergola's over 1.8 metres in height required setback from lot line = to height. What happens when one is on an encroaching deck?	Section 4.1.4k	Residential	is not encroaching and has the full setbacks we allow the pergola. But if the deck encroaches then we required setbacks = to height. This is a problem when the deck can be 8 feet off the ground.	G.S
New section for encroachments for modern designs, Need to allow for building projections and canopies.	Right now section 3:14 Permitted encroachments only permit a 0.5 metre encroachment for eaves, gutters and canopies. These limits were meant for Residential Uses but are also applied to Commercial and Institutional zones	Section 3.14	General Provisions	Perhaps we can clarify that items which are not encroaching shall meet full setbacks. Or for commercial/industrial uses greater encroachments are permitted	G.S

Parking Dimension Requirements	The by-law should reflect the new accessibility standards under the new provincial law	Section 2.0	Definitions	Currently the parking space dimensions are within the definitions. A separate section should be established for Regular parking spaces and Accessible Spaces.	G.S
Parking Space Requirements	Parking Space requirements Section should be clear about Requirements of Parking, plus parking for visitor.	Section 3.8	General Provisions	In some cases in the past, interpretations have been that a general number of parking ie 120 would be provided for a site without a breakdown of required vs. visitors.	G.S
Definition of yards and how to establish them	e.g. When looking at the rear yard and the rear lot line is angled, how do we take the line forward to the structure? Paralell or not?	Section 2.0 for yards	Definitions	clear up definitions of yards	G.S
Exception 9(685) does not identify Sch. 1 as E-764.	Had to go to original rezoning by-law 431-89 to locate Schedule 1	n/a	NA	correct language to identify schedule 1 as E-764	TM
Access driveways	Make allowance for paid parking entrance lanes with parking lot lift bars (set out the minimum width of those lanes).	3.8 g)	General Provisions	establish minimum widths for entrance lanes for paid parking lots	G.S
Decks and Porches	Clarify Decks and Porch encroachments with covered roofs. Section which allows for a Porch (deck) to encroach further into rear yard with a covered roof		NA	Define Decks, Porches better.	G.S
Employment Zones	With regard to outside or open storage, vehicles associated with the operation of an Employment zone should not be considered outside storage.	Section 6.0	Employment	Car brokerage should be considered outside storage. But vehicles to a window manufacturer should not be.	G.S

Employment Zones and Industrial Zones	The main issue is accessory uses to a main use where the accessory use is also permitted. In an M2 zone a truck terminal is permitted, an accessory public garage to service only those trucks belonging to the terminal should also be considered permitted	Section 6.0	Employment	Allow uses listed within a zone to also be considered accessory uses within those listed	G.S
Zone Boundaries (rear portion of land should be zoned OS5 (Being deeded to TRCA).	19T-15V012 - 5 metre buffer block should be zoned OS5 - lots created thorough plan of sub- existed as RD3 therefore no re zoning. TRCA requested buffer lands be zoned OS5 consistent with rest of buffer	Map / schedule	Schedule	Requested by TRCA (one off as school site had no development application)	B.C
Definition of rear yard	Causes issues with the wording " nearest point" . Effects location of pools and accessory strucures.	2	Definitions	Re-evaluate definition	B.C
Reference to Cemetary, Mausoleum	No longer subject to Cemeteries Act;	e.g PB2 permitted used	NA	New Funeral Bureal and cremation Services Act; B.A.O	NH / BC
Source Water Protection Implementation	Coordinate with MCR policy outcomes.	N/A	NA	Regulation, and mapping ensure protection of source water conformirty, in conformity with any OPA or MCR outcome.	BC
Cottage Industries	Unclear if sub criteria apply to all above uses or just Production and Sale of Pottery and Ceramics.	8.2	Agricultural	Revised wording / format - entire section may need consideration	BC
Patio's	Inconsistent language of "patron use" vs GFA (differ in commerial and employment)	5.1.6 ; 6.1.12; 6.1.13	Commercial	Consistent language required	CP

			Employment		
Cemeteries/Crematorium as per meeting	Cemeteries/Crematorium as per meeting	Cemeteries/Crematorium as per meeting	NA	Cemeteries/Crematorium as per meeting	NH
Driveway access - commercial / employment	Wording unclear whether 7.5 metre is a maximum, an exact, etc, has been interpreted in different ways.	4.1.4 f)	Residential	Revised wording to provide greater clarity.	CS
Eave Projections	Maximum encroachment permitted at 0.5 metres into required interior side yard. Many custom homes designed with larger eaves (which includes the gutter)	3.14	General Provisions	Evaluate best practices for this standard.	BC
Residential Driveways	This section only speaks to the maximum width of the residential driveway.	4.1.4 f)	Residential	it may be prudent to name a similar section in the new by-law as "Maximum Width of Residential Driveways", or alternatively, add a minimum width standard.	AH
Rear Yard	Effects location of accessory structures and swimming pools in residential areas.	2	Definitions	Revised language .	TM
Definition of Service and Repair	The current definition includes "drycleaners" which is misleading as it is supposed to mean the equipment for repair, not permitted a dry cleaning establishment.	2	Definitions	Amend definition to be specific	PB

Definition of Gross Floor Area	The current definition includes "not including area of any cellar". We believe this refers to the unfinished basement.	2	Definitions	Amend definition to refer to unfinished basement	PB
One parking ratio for all uses permitted under EM1, EM2, etc.	One shopping centre parking for more than one unit (as in commercial) for all listed uses under EM1, EM2 etc. When there are many interior alterations, it becomes almost impossible to retrieve the info and is time consuming	3.8	General Provisions	Add	PB
Employment Uses in a building greater than 3,700m2	Parking for "any other use" and ancillary office" be included in the calculation for the employment use. Eg. 1.75/100m2 for employment and accessory uses.	3.8	General Provisions	Amend	PB
Rename Church and Definition	Rename "church" to "place of worship" and in the definition state that it shall be in a single use building	2.0 and 3.8	Definitions	Rename church throughout the by-law and add into definition "single use building" only.	PB
			General Provisions		
Definition of Bakery	There was talk in the past about having a bakery definition which would include a hot table and retail items in one unit.	2	Definitions		PB
Definition for leisure activities/enjoyment	Arts and crafts or other fun, physical activities should be available in other areas of vaughan besides the VMC. Currently laser tag, etc. are permitted in arcades which are not permitted in many areas	2	Definitions	Add definition and add use	PB

Driveway at entrance in industrial/commercial	Driveway widths at the entrance where there is a loading space on the property gets a minimum of 6.0 metres; however, where there are no loading spaces, they must provide 7.5 metres. Does not make sense.	3.8(g) and 3.9(b)	General Provisions	Entrance widths at the property line should be 6.0 metres for with or without loading spaces to a max of 7.5 and 13.5 when there's loading spaces.	PB
Uncovered decks	Covered decks are allowed to encoach 2.4 metres; however, uncovered decks are only permitted 1.8. Never made sense.	4.15.3	Residential	Revise	PB
1.8 metre side yard setback to a door	Section A3, Paragraph C under the garage chart refers to the door setback; however, this statement should be located on the setback chart as a new note next to the interior side yard setback requirement.	Schedule A3	Schedule	Revise	PB
Bay Window permitted encroachments	Section A3, Paragraph D under the garage chart refers to a bay window encroachment. This statement should be located in Section 4.15 under the encroachment section, as it is for other zoning designations.	Schedule A3	Schedule	Revise	PB
One Eating Establishment in EM1	There may be more than one building in a development. Can we add one eating establishment "per building"?	6.2.1 b)	Employment	Revise	PB
EM1 Office Building	Offices are permitted with no regulated health professionals. Can we repeat that phrase next to Office Building?	6.2.1.a)	Employment	Add	PB
EM1 Maximum Eating Estab. 185m2	As all uses in EM1 are permitted in EM2, statement	6.2.1b)iii and iv)	Employment	Add in EM2	PB

C1 - Max 20% eating establishment	As all uses in C1 are permitted in C2, statement sho	5.2	Commercial	Add in C2	PB
Studio	Add music and recording studio to definition.	2	NA	Add (becoming popular)	PB
Uses	. "Institutional Care Facility" but are not a permitted use in any zone.		NA	Review / Coordinate with OP	PB
Studio	Add music and recording studio to defin.	2	Definitions	Add (becoming popular)	PB
Open, Covered, Uncovered, Unenclosed, Closed, Covered Or Uncovered Porches	Types of porches more clearly defined	3.14/ 4.15.3/ 4.22.1	General Provisions	Possibly Adjust/Revise terminology	AL
			Residential		
Landscaping around periphery of parking area Subsection 4.1.4 b)	Is this provision still required?	4.1.4 b)	Residential	All of these types of developments are subject to site plan control in which case the urban design team can assess if and what type of screening is appropriate	FM

Outdoor Patio provisions	Some provisions do not appear to be necessary or appropriate including lighting, noise, and barriers.	5.1.6 d) e) and h) 6.1.13 d) e) and h)	Commercial	Review is subject to site plan control.	FM
			Employment		
Outside Floodlighting	Not a land/use zoning provision	3.15	General Provisions	Remove	FM
Outdoor garbage enclosure	Not clearly governed by ZBL	NA	NA	Consider zoning for garbage enclosures (i.e 1 m rear yard setback not permitted between building and street, etc/	AH
Loading Space Standard	Cases (commercial property) where loading space is provided however not required by By-law, stronger wording to enforce applying loading space "where provided"	3.9	General Provisions	Revised wording	AH
Garage Requirements	Garage requirements should be in the parent text of the Zoning By-law: last page of Zoning By-law contains regulations about the garage and windows which is a common surprise/shock to users as it is not intuitive and typically gets missed by users	4.15.4 4.1.4 4.1.1c Schedule A1, A3	General Provisions		AH

Definitions	7
General Provisions	19
Residential	4
Commercial	1
Employment	8
Exceptions	1
Schedule	5
NA	12

Appendix B

City of Vaughan Zoning By-law X-XX

Tracking Table: Zoning Issues

Instructions: Once an item has been resolved, please transfer it to the 'Complete (Archived)' Sheet

Disclaimer: Please note that this document is managed by XXX. For questions, comments, or proposed revisions, please contact XXX at XXX.

Example:

Issue/Review Topic	Category	Brief Description/Impacts	By-law Reference Section	Possible Solution	Input by	Received by	Date Received	Action/Resolution Taken	Date Resolved
"Unit"	Definition	"Unit" permits one use by one user in a unit. Very restrictive for businesses, prohibits common sub-leasing, affects licensing. I.e. does not permit two (2) car brokerages to share one unit.	2.0	Removal or re-phrase of "Unit" definition	Correira, B. Building Standards Dept	Correira, B. Building Standards Dept	20-Mar-17		

RESIDENTIAL ZONES

Colour Version

6.1 Permitted Uses

A) Uses permitted in the Residential Zones are denoted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 6.1.1, below.

Table 6.1.1: Permitted Uses in the Residential Zones

	Residential Zone 1	Residential Zone 2	Residential Zone 3	Residential Zone 4
	R1	R2	R3	R4
RESIDENTIAL USE				
Apartment dwelling		✓	✓	✓
Detached dwelling	✓	✓	✓	
Dormitory				✓
Live-work dwelling			✓	✓
Long term care facility	✓	✓	✓	✓
Retirement home	✓	✓	✓	
Semi-detached dwelling	✓	✓	✓	✓
Townhouse dwelling		✓	✓	✓
ACCESSORY RESIDENTIAL USES				
Accessory dwelling (1)	✓	✓	✓	✓
Bed and breakfast	✓	✓	✓	✓
Home occupation	✓	✓	✓	✓
Lodging house (1)(2)	✓	✓	✓	✓
Private home day care (1)	✓	✓	✓	✓

Additional Regulations for Zone Regulations Table 6.3.1

1. Sample regulation 1
2. Sample regulation 2

6.2 Zone Standards

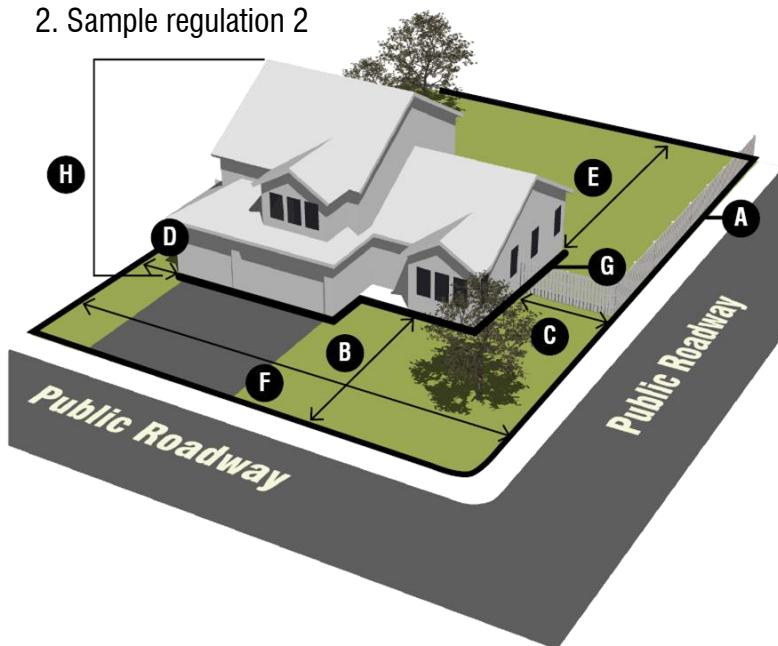
The regulations for lots in a Residential Zone are set out in Table 6.2.1 below.

Table 6.2.1: Zone Standards for Low R1, R2, R3, and R4 Zones

	R1	R2	R3	R4
RESIDENTIAL USE				
Minimum lot area				
Minimum lot frontage				
Minimum front yard				
Minimum exterior side yard				
Minimum interior side yard				
Minimum rear yard				
Maximum number of storeys				
Maximum height				
Maximum dwelling depth				
Maximum lot coverage for the dwelling				

Additional Regulations for Zone Regulations Table 6.3.1

1. Sample regulation 1
2. Sample regulation 2



Regulations Index

- A** Lot area
- B** Front yard setback
- C** Exterior side yard setback
- D** Interior side yard
- E** Rear yard
- F** Lot frontage
- G** Lot coverage
- H** Height

MIXED USE ZONES

8.1 Permitted Uses

A) Uses permitted in the Mixed Use Zones are denoted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 8.1.1, below.

Table 8.1.1: Permitted Uses in the Mixed Use Zones

	Mixed Use Zone 1 MU1	Mixed Use Zone 2 MU2	Mixed Use Zone 3 MU3	Mixed Use Zone 4 MU4
RESIDENTIAL USE				
Apartment dwelling	✓	✓	✓	✓
Detached dwelling				
Dormitory	✓	✓	✓	✓
Live-work dwelling	✓	✓	✓	✓
Long term care facility		✓	✓	✓
Retirement home		✓	✓	✓
Semi-detached dwelling	✓	✓		
Townhouse dwelling	✓	✓	✓	
ACCESSORY RESIDENTIAL USES				
Accessory dwelling (1)	✓	✓	✓	✓
Bed and breakfast	✓	✓	✓	✓
Home occupation	✓	✓	✓	✓
Lodging house (1)(2)	✓	✓	✓	✓
Private home day care (1)	✓	✓	✓	✓
OFFICE USES				
Business office	✓	✓	✓	✓
Medical office	✓	✓	✓	✓
SERVICE COMMERCIAL USES				
Commercial school		✓	✓	✓
Dry cleaning depot	✓	✓	✓	✓
Financial institution	✓	✓	✓	✓
Place of entertainment	✓	✓	✓	✓

8.3 Zone Standards

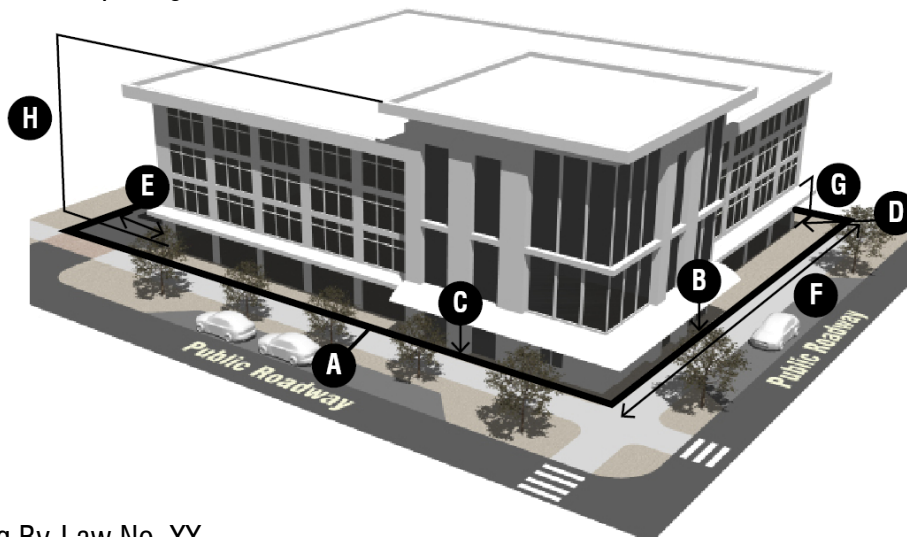
The regulations for lots in a Mixed Use Zone are set out in Table 8.3.1 below.

Table 8.3.1: Zone Standards for Mixed Use Zones

	MU1	MU2	MU3	MU4
Minimum front yard				
Maximum front yard				
Minimum exterior side yard				
Maximum exterior side yard				
Minimum interior side yard				
Minimum rear yard				
Minimum number of storeys				
Maximum number of storeys				
Minimum first storey height				
Minimum proportion of a first storey façade to be treated with doors and windows				
Maximum height				
Minimum height				
Angular Plane setback to low-rise residential	(can be demonstrated here in text or using a special map)			

Additional Regulations for Zone Regulations Table 8.3.1

1. Sample regulation 1
2. Sample regulation 2



Regulations Index

- A** Lot area
- B** Front yard setback
- C** Exterior side yard setback
- D** Interior side yard
- E** Rear yard
- F** Lot frontage
- G** First storey height
- H** Height

RESIDENTIAL ZONES

Black & White Version

6.1 Permitted Uses

A) Uses permitted in the Residential Zones are denoted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 6.1.1, below.

Table 6.1.1: Permitted Uses in the Residential Zones

	Residential Zone 1	Residential Zone 2	Residential Zone 3	Residential Zone 4
	R1	R2	R3	R4
RESIDENTIAL USE				
Apartment dwelling		✓	✓	✓
Detached dwelling	✓	✓	✓	
Dormitory				✓
Live-work dwelling			✓	✓
Long term care facility	✓	✓	✓	✓
Retirement home	✓	✓	✓	
Semi-detached dwelling	✓	✓	✓	✓
Townhouse dwelling		✓	✓	✓
ACCESSORY RESIDENTIAL USES				
Accessory dwelling (1)	✓	✓	✓	✓
Bed and breakfast	✓	✓	✓	✓
Home occupation	✓	✓	✓	✓
Lodging house (1)(2)	✓	✓	✓	✓
Private home day care (1)	✓	✓	✓	✓

Additional Regulations for Zone Regulations Table 6.3.1

1. Sample regulation 1
2. Sample regulation 2

6.2 Zone Standards

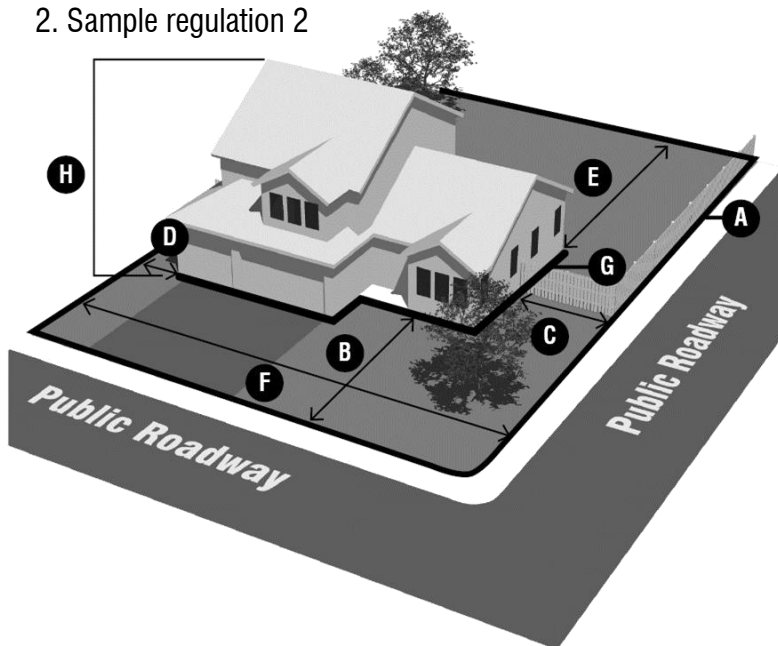
The regulations for lots in a Residential Zone are set out in Table 6.2.1 below.

Table 6.2.1: Zone Standards for Low R1, R2, R3, and R4 Zones

	R1	R2	R3	R4
RESIDENTIAL USE				
Minimum lot area				
Minimum lot frontage				
Minimum front yard				
Minimum exterior side yard				
Minimum interior side yard				
Minimum rear yard				
Maximum number of storeys				
Maximum height				
Maximum dwelling depth				
Maximum lot coverage for the dwelling				

Additional Regulations for Zone Regulations Table 6.3.1

1. Sample regulation 1
2. Sample regulation 2



Regulations Index

- A** Lot area
- B** Front yard setback
- C** Exterior side yard setback
- D** Interior side yard
- E** Rear yard
- F** Lot frontage
- G** Lot coverage
- H** Height

MIXED USE ZONES

8.1 Permitted Uses

A) Uses permitted in the Mixed Use Zones are denoted by the symbol “✓” in the column applicable to that Zone and corresponding with the row for a specific permitted use in Table 8.1.1, below.

Table 8.1.1: Permitted Uses in the Mixed Use Zones

	Mixed Use Zone 1	Mixed Use Zone 2	Mixed Use Zone 3	Mixed Use Zone 4
	MU1	MU2	MU3	MU4
RESIDENTIAL USE				
Apartment dwelling	✓	✓	✓	✓
Detached dwelling				
Dormitory	✓	✓	✓	✓
Live-work dwelling	✓	✓	✓	✓
Long term care facility		✓	✓	✓
Retirement home		✓	✓	✓
Semi-detached dwelling	✓	✓		
Townhouse dwelling	✓	✓	✓	
ACCESSORY RESIDENTIAL USES				
Accessory dwelling (1)	✓	✓	✓	✓
Bed and breakfast	✓	✓	✓	✓
Home occupation	✓	✓	✓	✓
Lodging house (1)(2)	✓	✓	✓	✓
Private home day care (1)	✓	✓	✓	✓
OFFICE USES				
Business office	✓	✓	✓	✓
Medical office	✓	✓	✓	✓
SERVICE COMMERCIAL USES				
Commercial school		✓	✓	✓
Dry cleaning depot	✓	✓	✓	✓
Financial institution	✓	✓	✓	✓
Place of entertainment	✓	✓	✓	✓

8.3 Zone Standards

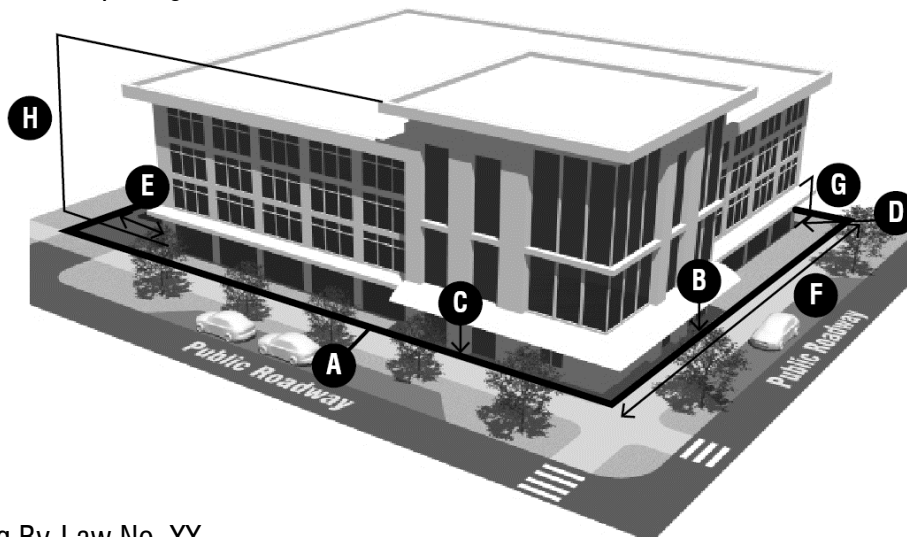
The regulations for lots in a Mixed Use Zone are set out in Table 8.3.1 below.

Table 8.3.1: Zone Standards for Mixed Use Zones

	MU1	MU2	MU3	MU4
Minimum front yard				
Maximum front yard				
Minimum exterior side yard				
Maximum exterior side yard				
Minimum interior side yard				
Minimum rear yard				
Minimum number of storeys				
Maximum number of storeys				
Minimum first storey height				
Minimum proportion of a first storey façade to be treated with doors and windows				
Maximum height				
Minimum height				
Angular Plane setback to low-rise residential	(can be demonstrated here in text or using a special map)			

Additional Regulations for Zone Regulations Table 8.3.1

1. Sample regulation 1
2. Sample regulation 2



Regulations Index

- A** Lot area
- B** Front yard setback
- C** Exterior side yard setback
- D** Interior side yard
- E** Rear yard
- F** Lot frontage
- G** First storey height
- H** Height

RESIDENTIAL ZONES

9.0 Purpose

Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

9.2 List of Applicable Zones

Zone Name 1 RR1

Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

Zone Name 2 RR2

Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

Zone Name 3 RR3

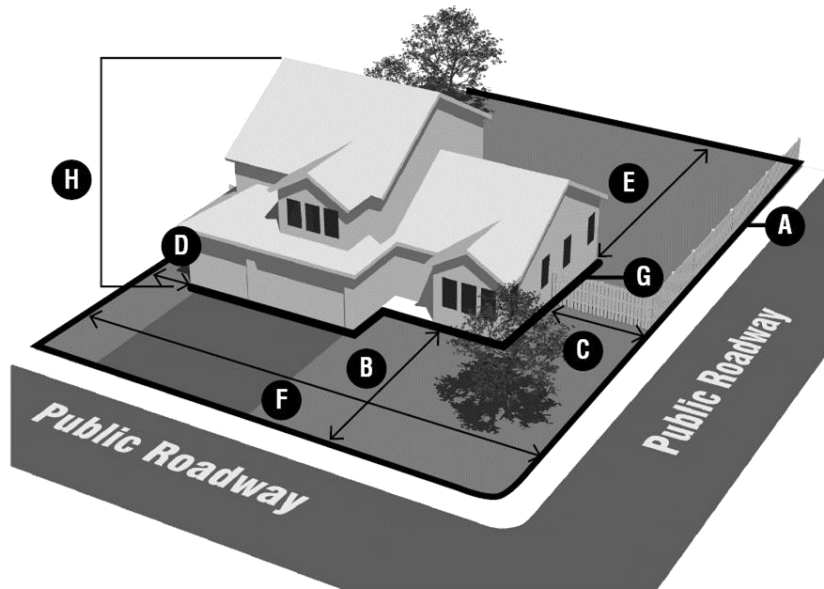
Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

9.3 Zone Standards



The regulations for lots in a Residential Zone are set out in Table 9.3.1 below.

Table 9.3.1: Zone Standards for Residential Zones



Lot Dimensions

A	Lot area (min)	
F	Lot frontage (min)	
G	Lot coverage (max)	

Height

H	Height	
----------	--------	--

Setbacks

B	Front yard setback (min)	
C	Exterior side yard setback (min/max)	
D	Interior side yard setback (min)	
E	Rear yard setback (min)	

MIXED USE ZONES

10.0 Purpose

Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

10.2 List of Applicable Zones

Zone Name 1 MU1

Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

Zone Name 2 MU2

Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

Zone Name 3 MU3

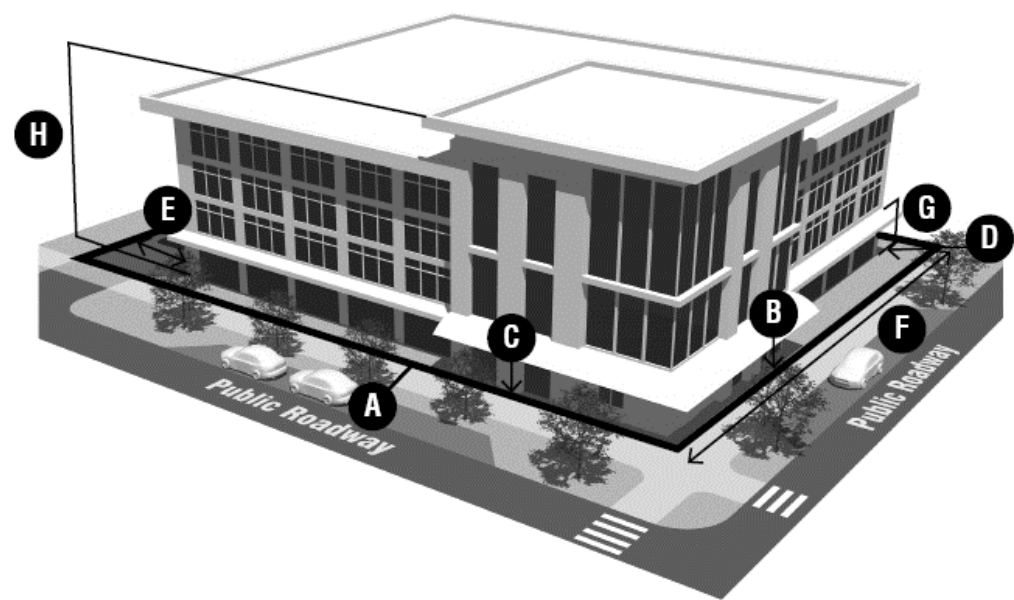
Intent: Suspendisse vel nisl in magna feugiat pellentesque. Nam sed sagittis dui. Nam vitae pellentesque purus. In eget augue id dolor ultrices pharetra. Nulla at pulvinar orci. Cras vitae rhoncus lectus. Suspendisse aliquet, est eget volutpat aliquet, ante ex lacinia est, id finibus ipsum leo in erat.

10.3 Zone Standards



The regulations for lots in a Mixed Use Zone are set out in Table 10.3.1 below.

Table 10.3.1: Zone Standards for Mixed Use Zones



Lot Dimensions

A	Lot area (min)	
F	Lot frontage (min)	

Height

G	First storey height	
H	Height	

Setbacks

B	Front yard setback (min)	
C	Exterior side yard setback (min/max)	
D	Interior side yard setback (min)	
E	Rear yard setback (min)	



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 4

MAP SCHEDULE AND GIS REVIEW

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1.0 Introduction

1.1 Purpose

Approaches to zoning mapping have evolved significantly over the last ten years, which has been largely influenced through advancements in Geographic Information Systems (GIS) technology and digital design. This has resulted in new and creative ways to represent the application of zoning across a municipality.

The purpose of this Chapter is to review the current zoning mapping (“Schedules”) in the City of Vaughan Zoning By-law 1-88. As part of this exercise, best practices and different approaches in providing zoning maps have been reviewed in order to identify different options available for consideration.

This Chapter focuses on the “look and feel” of schedules containing mapping, in addition to GIS structural matters.

1.2 Key Principles

The key principles of the Schedule Review are to:

- To identify strengths and weaknesses of the current Zoning By-law's Schedules;
- To identify tools and techniques to enhance the accessibility, wayfinding and organization of zoning mapping; and
- To highlight sound practices from other municipalities which could be potentially integrated into the new Zoning By-law.

Ultimately, development and design of maps is a highly technical exercise which should prioritize the user experience and incorporate effective communication techniques and wayfinding methods. However, this must be balanced with implications on administration and

associated costs of updating maps. Current Zoning By-law

2.0 Current Structure

The City's current Zoning By-law 1-88 is organized into ten (10) Parts, which together provide the permitted uses and zoning regulations for all lands in the City of Vaughan. The structure of the Zoning By-law is indicated below. Items in **bold** are discussed in this Chapter.

The maps illustrating zoning across the City of Vaughan are integrated in Schedule “B” which includes a key map and linked zone maps. Several other schedules include some mapping, as bolded below.

Part 1

- Schedule “A” - Zoning Standards
- Schedule “A1” - Zoning Standards
- Schedule “A2” - Zoning Standards
- Schedule “A3” - Zoning Standards
- **Schedule “A4” - Town Centre Zones**
- Schedule “A5” - Zoning Standards
- **Schedule “B” - Key Map Index and Key Maps**
- **Schedule “C” - Planned Width of Road Allowances**
- **Schedule “D”** (as shown on the map, but not included in the table of contents, and a duplicate title to the exceptions schedule below) - **Boundary of Vaughan Metropolitan Centre Parking Standards**

Part 2

- Schedule “D” - Exceptions
- **Schedule “E” - Map Schedules**
- Schedule “T” - Site Specific Zone Standard Schedule

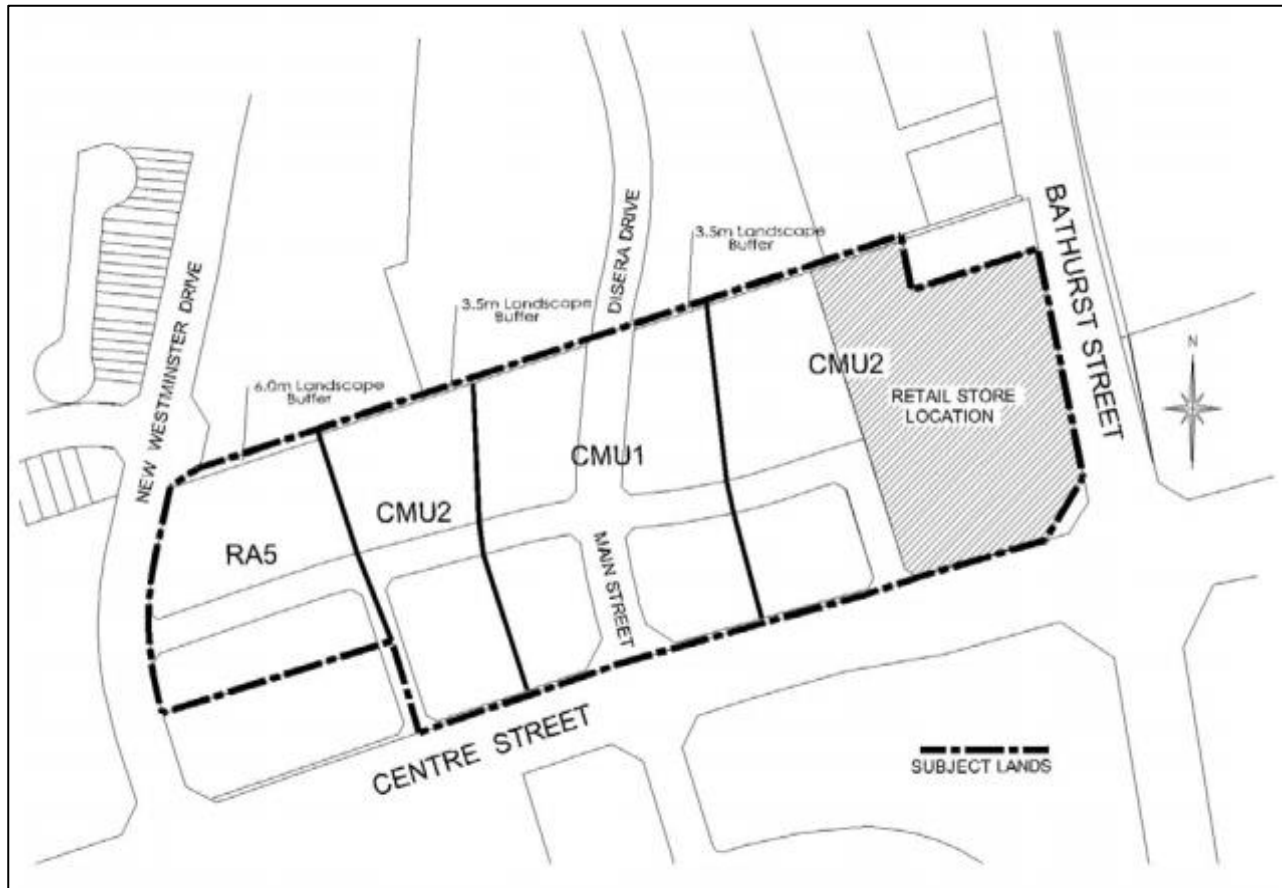


Figure 1: City of Vaughan, Town Centre Zones Map

Schedules - Part 1

Schedule “A4” outlines the Zoning Standards for Town Centre Zones. A map of the subject lands (*Figure 1*) is included within this section. Schedule “B” Key Map Index is divided into coded Key Map Sections on a map (*Figure 2*) which lists all major roads, corresponding Lots and Concessions (current to April 7, 2015).

The Key Map Index is duplicated at the beginning of the separate Zoning Maps Schedule, which contains the same Key Map Index in addition to a clickable function. Once a desired Key Map Section is selected, it brings the user to that specific section.

Once the user is viewing the specific section, they must select the ‘go back’ button on their internet web browser as there is no other way to navigate back to the Key Map Index page.

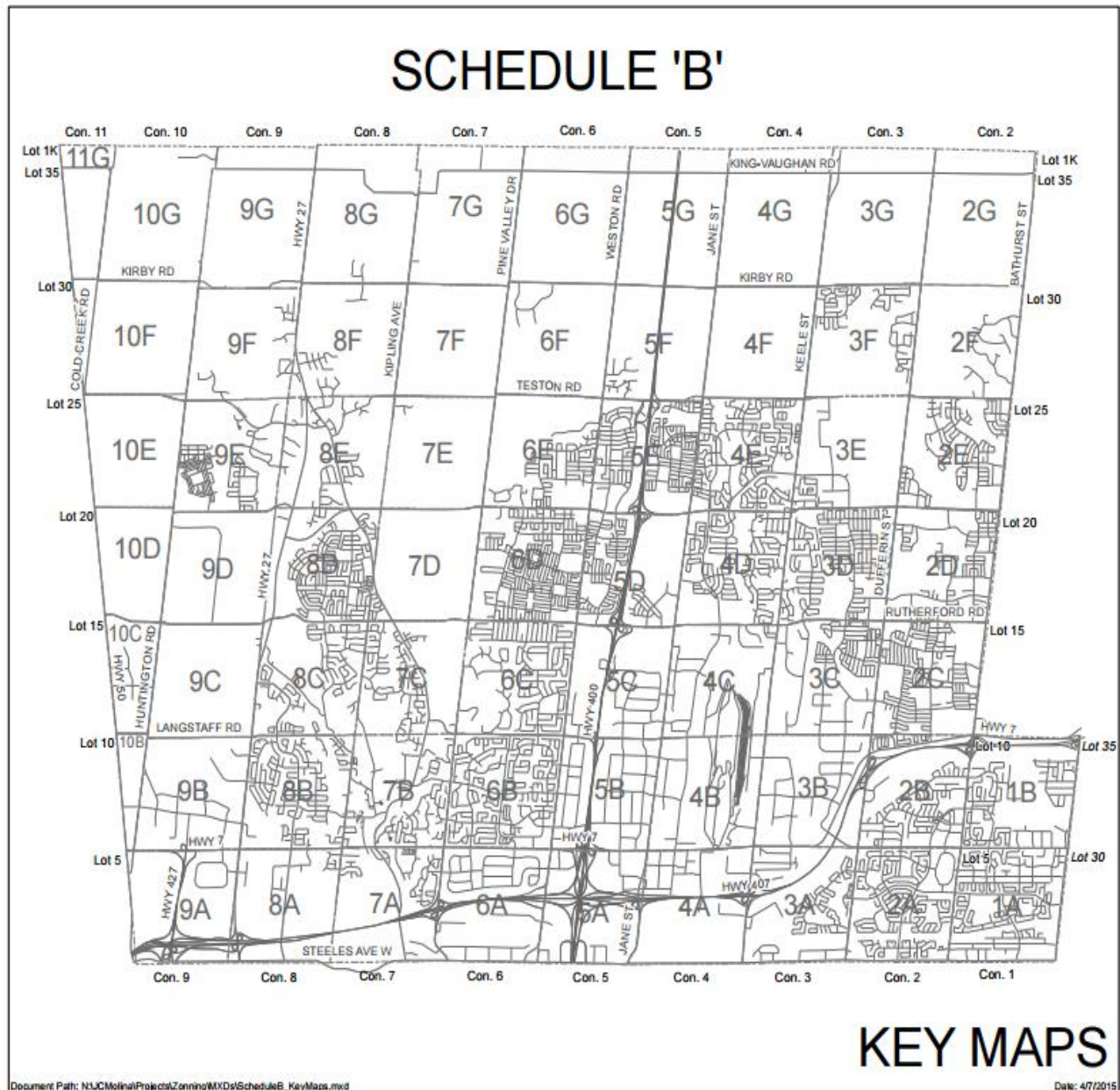


Figure 2: City of Vaughan, Schedule “B” Key Maps

Schedule “C” Planned Width of Road Allowances includes a map of the subject roads to which the minimum yard and set back requirements apply. It appears to be a scanned map that includes different classes of roads which are identified by a symbol according to their width. This map is available in *Figure 3*.

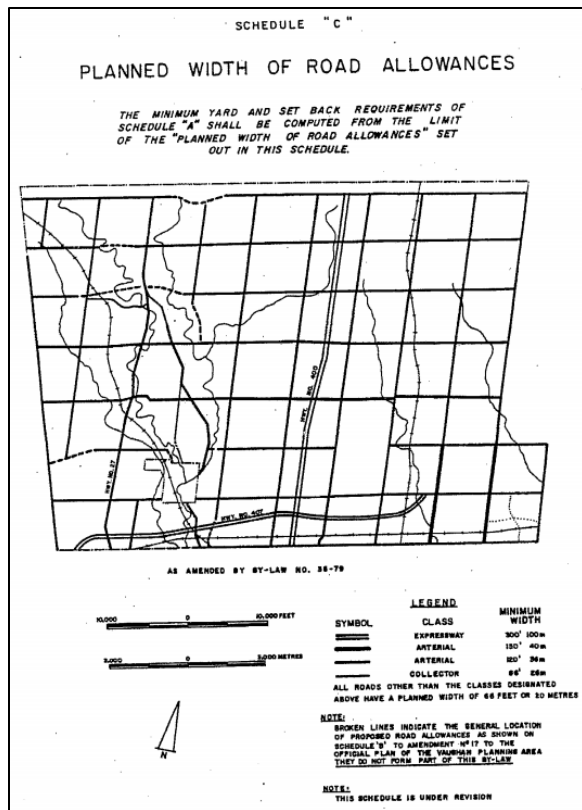


Figure 3: City of Vaughan, Schedule "C" Planned Width of Road Allowances

Schedule Boundary of Vaughan Metropolitan Centre Parking Standards, does not have an assigned "letter" following Schedule in the Table of Contents (Figure 4). It is labelled as Schedule "D" on the actual Section of the document (Figure 5).

Schedule "A"	-	Zoning Standards
Schedule "A1"	-	Zoning Standards
Schedule "A2"	-	Zoning Standards
Schedule "A3"	-	Zoning Standards
Schedule "A4"	-	Town Centre Zones
Schedule "A5"	-	Zoning Standards
Schedule "B"	-	Key Map Index and Key Maps
Schedule "C"	-	Planned Width of Road Allowances
Schedule	-	Boundary of Vaughan Metropolitan Centre Parking Standards
Schedule "D"	-	Exceptions
Schedule "E"	-	Map Schedules
Schedule "T"	-	Site Specific Zone Standard Schedules

Figure 4: City of Vaughan, Table of Contents, Part 1 Schedules



Figure 5: City of Vaughan, Schedule "D" Boundary of Vaughan Metropolitan Centre Parking Standards

Schedules - Part 2

Schedule "E" Map Schedules includes all of the Key Map Sections from Schedule "B". There is an additional quick link to Schedule "B" referenced (Figure 6) at the top of the Schedule "E" document list (Figure 7) which includes an interactive, clickable link to each of the Key Map Sections.

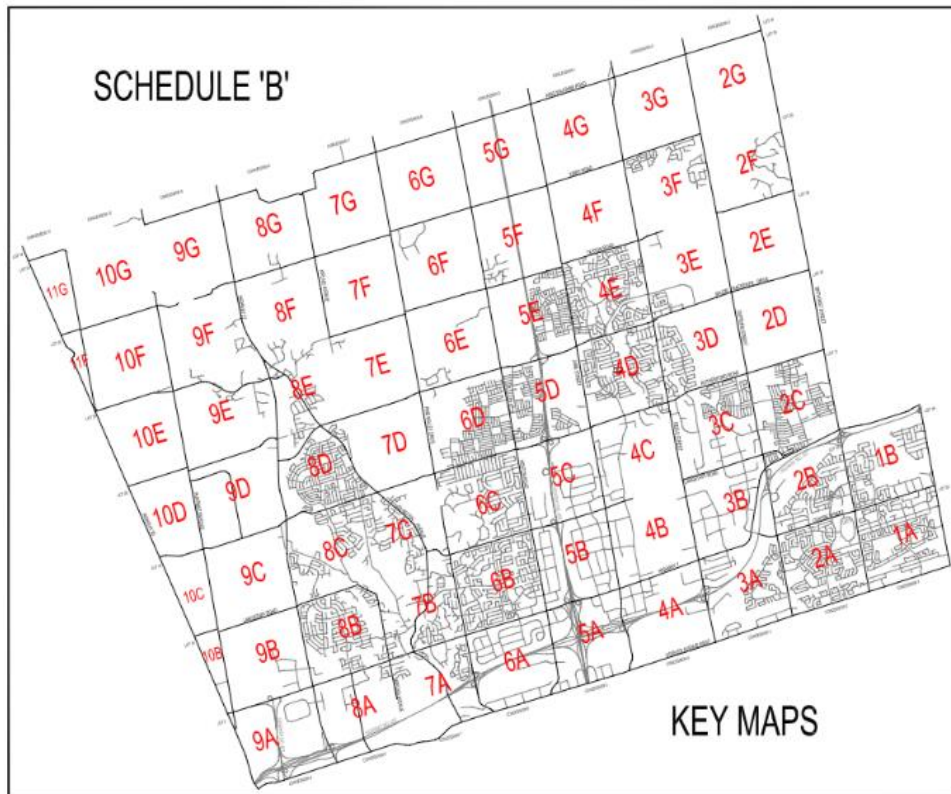


Figure 7: City of Vaughan, Key Map Sections

Zoning Key Maps

PLEASE NOTE: For the most current zoning information, including any possible site specific zoning exceptions, please contact the **Building Standards Department, Zoning Section** at 905-832-8510.

► By-law 1-88

Type	Name	Modified
	E-0001	8/29/2013 2:06 PM
	E-0002	8/29/2013 2:06 PM
	E-0003	8/29/2013 2:06 PM
	E-0004	8/29/2013 2:06 PM
	E-0006	8/29/2013 2:06 PM
	E-0007	8/29/2013 2:06 PM
	E-0008	8/29/2013 2:06 PM
	E-0009	8/29/2013 2:06 PM

Figure 6: City of Vaughan, Schedule "E" Document List – Clickable Version

Once a Key Map Section is selected, the user must select the 'go back' button on their internet web browser as there is no other way to navigate back to the main document list.

2.1 Current Map Format and Convenience Features

The current zoning maps use a traditional formatting approach which includes predominantly black and white fonts, grayscale graphics, minimal use of colour (which is found exclusively in the Zone Schedules), and varying types and sizes of fonts applied throughout the current Zoning By-law.

Users must access the Schedule documents separately, which are in different locations on the City of Vaughan's Zoning By-law website, with minimal navigational features. All Schedules are in .pdf format, and thus have basic zooming capabilities which assist the user in accessing the document at different scales.

Schedules - Part 1

Schedule "A4" Town Centre Zones map is designed in grayscale. It incorporates textured shading, uses fine lines to define parcel fabric and roads, and applies a hierarchy of different font sizes to emphasize importance of geographical references (e.g., larger font applied to Bathurst Street and Centre Street, which the Study Area is situated at on the northwest corner). The map also uses bolded lines as an effective and clear way to define the Study Area.

Schedule "B" Key Map Index is also designed in grayscale, and incorporates a clear use of font size, shading, style, and letter capitalization in its labelling. However, in the clickable Key Map Index which is

located in the Zoning Maps, red font is used to label the different Zoning Map Sections. This is an added convenience feature, although it is a separate map from Schedule "B".

Schedule "C" Planned Width of Road Allowances appears to be a scan from the original document, and for a casual reader it can be difficult to distinguish the difference between the thickness of the symbols (line) and the associated road class.

Schedules - Part 2

In Schedule "D" Exceptions, the specific, corresponding maps in Schedule "E" are highlighted in blue font, however, does not contain a clickable function to link to the Schedule "E". Schedule "E" maintains a consistent layout with a legend and schedule labelling on the bottom of each page. Small use of colour is used to outline the different zones as well as labelling zones (*Figure 8*).

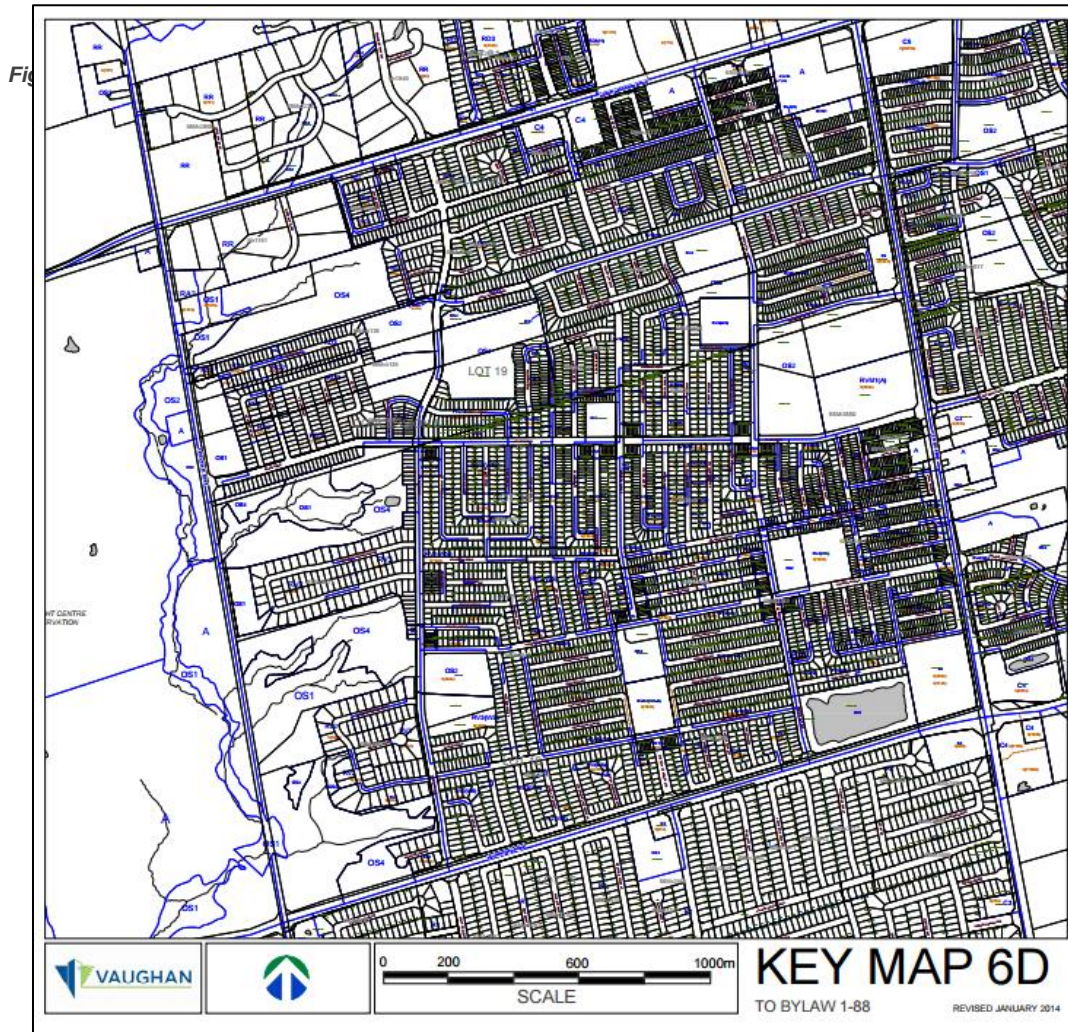


Figure 8: City of Vaughan, Schedule "E", Key Map 6D

With regards to zone symbols, the following example (Figure 9) shows a breakdown of a zone symbol, which are labelled on the Zone Maps:

RA3(H)9(1351)

- RA3 refers to the parent zone [Apartment Residential Zone] applying to the property
- (H) refers to a Holding Provision applying to the property
- 9(1351) refers to a site-specific exception (in this case, 1351) applying to the property.

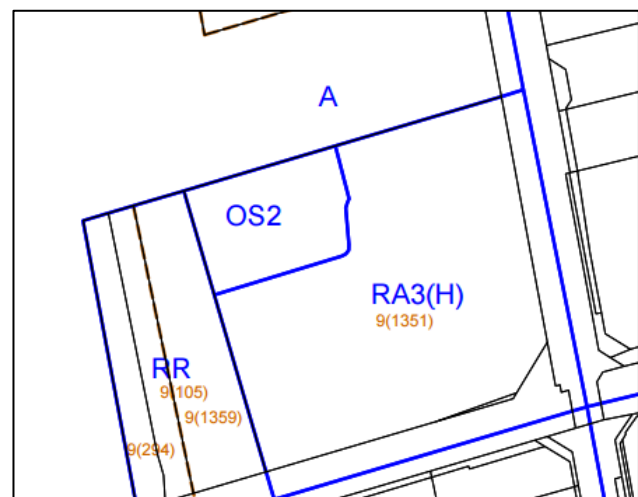


Figure 9: City of Vaughan, Schedule "E", Key Map 5E

Accessibility

The current Zoning By-law is available for digital viewing through .pdf files on the City's website, and can also be purchased in print form. Using .pdf files also best address AODA accessibility requirements by allowing for the option to access the latest versions and download these versions to one's home computer.

Similar to the current Zoning By-law text, although Arial font is predominately applied throughout, there are inconsistencies in font size (including very small font which requires magnification), use of boldness, and lack of navigational tools which may be challenging for some users.

3.0 Options for Zoning By-law Maps

3.1 Other Municipal Approaches to Zoning By-law Maps

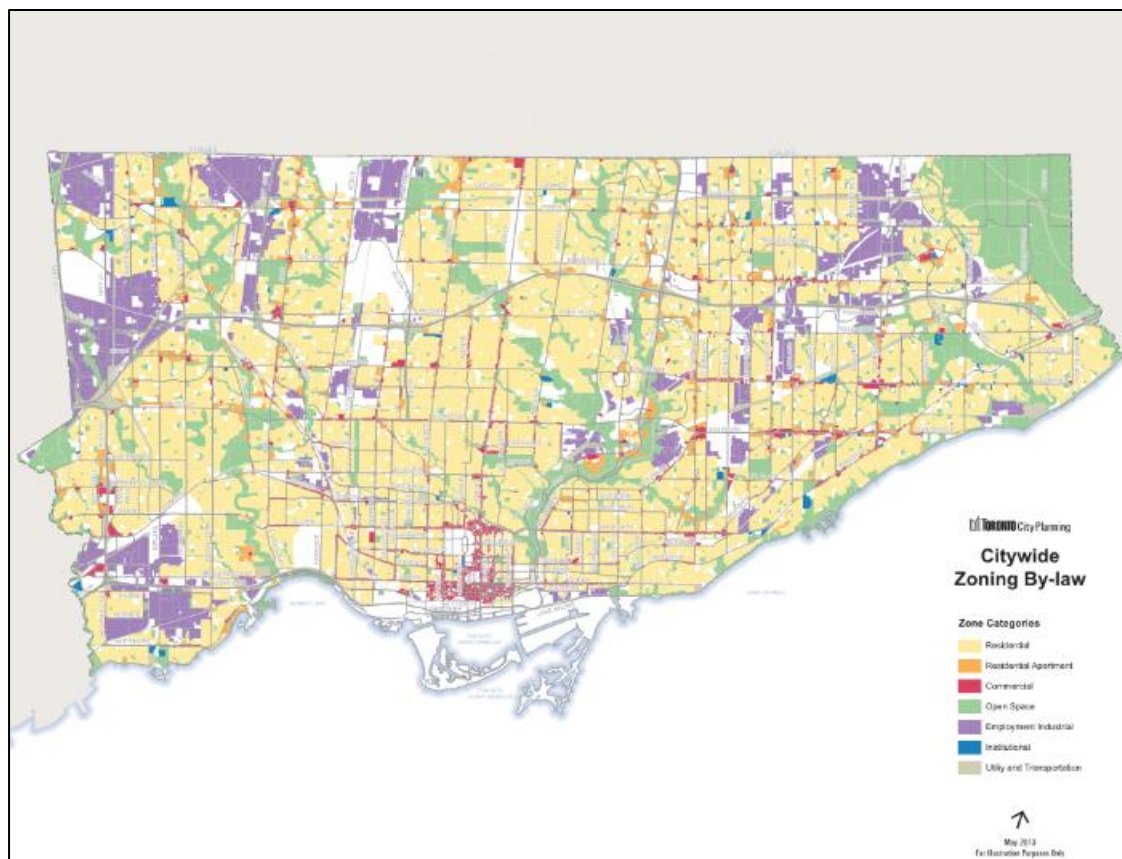
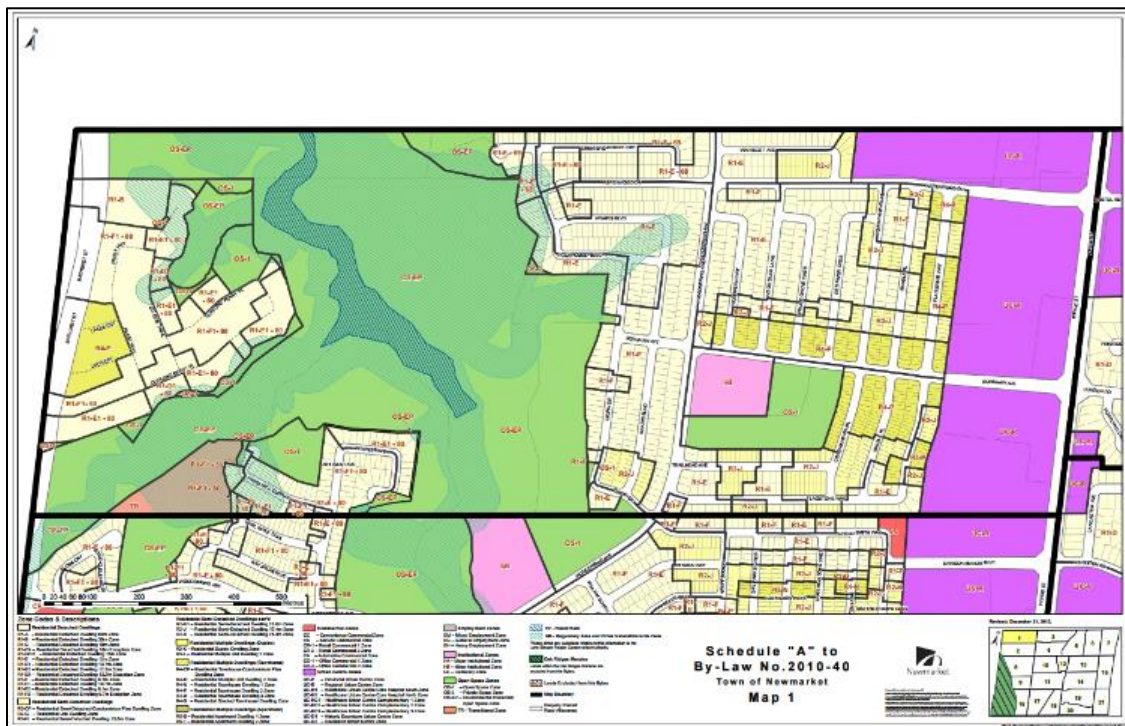
In assessing the potential options and opportunities that exist for structuring and formatting Schedules in the new Zoning By-law, it is helpful to turn to other municipal approaches to zoning mapping and seek out notable tools and techniques.

There are a diverse range of zoning mapping options which have been developed through the integration of a wide range of design considerations. These considerations include use of black and white (or grayscale) versus colour, thin lines versus thick lines, regular fonts versus bolded fonts, lowercase letters versus uppercase letters, short symbols versus long symbols, and small scale versus large scale. All of these factors collectively shape the design scheme or approach that will be applied to the Schedules, which should be user-friendly,

clear, consistent, and replicable in both print and digital formats.

The following trends were identified in reviewing other municipal Zoning By-law mapping:

- In regards to use of colour, municipalities such as Town of Halton Hills, Town of Milton, Town of Newmarket (*Figure 10*), City of St. Catharines and City of Toronto (*Figure 11*) use full colour to display zones. City of Hamilton, City of Kingston and City of Sarnia use colour to outline the zone boundaries. Town of Oakville does the inverse, using colour for parcel fabric. City of Mississauga uses colour on its Index Map, however uses black and white on the individual zoning map sections. Many other municipalities use only black and white on their maps, a more traditional approach typical of previous by-laws.



- Roads are generally a use permitted in all zones. With this, three approaches are used in zoning mapping:
 - Roads are placed in a “zone” and any boundaries are placed in the centerline of the road (e.g. City of Kitchener, City of Hamilton, Town of Halton Hills, City of Sarnia (*Figure 12*));
 - Roads are placed along a property boundary along the road (e.g. North Oakville (*Figure 13*)); and
 - Roads are cut out of the zoning layer and are not applied a value (e.g. Town of Milton and City of Mississauga (*Figure 14*)).

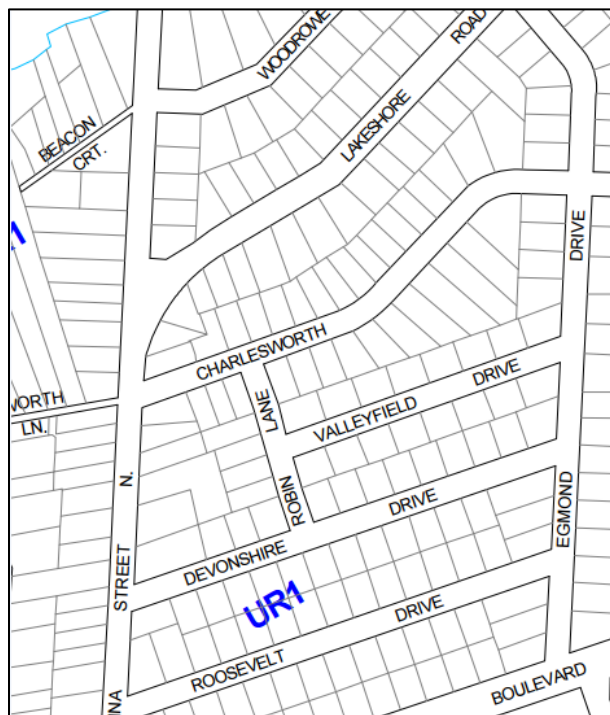


Figure 12: City of Sarnia, Zoning Map

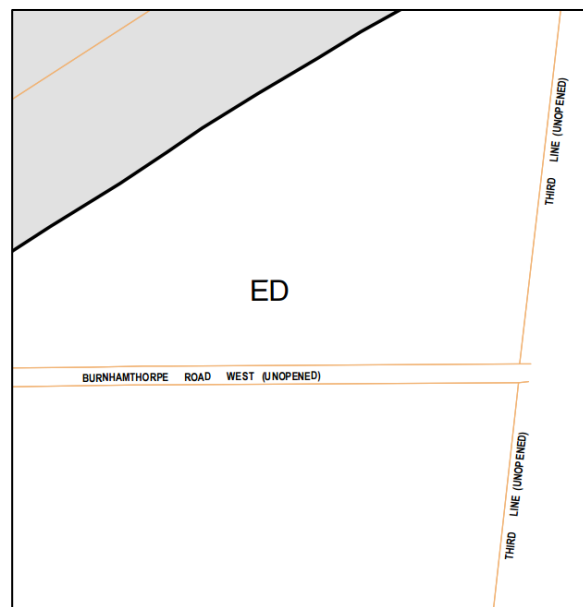


Figure 13: North Oakville, Zoning Map

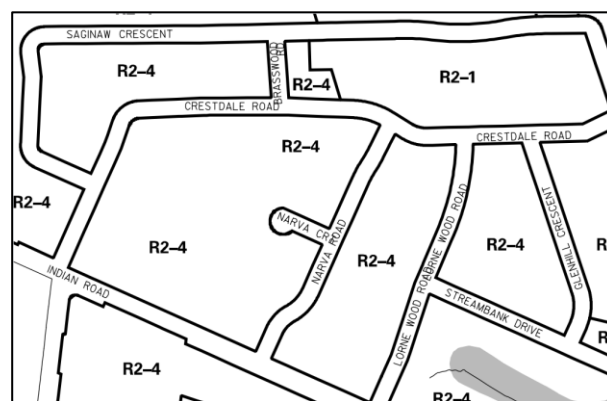


Figure 14: City of Mississauga, Zoning Map

- Other considerations such as the use of colour, shading, overlays or tones to convey information, the scale of maps, the size of the paper, page formatting (e.g. title block), and all other general information are to be included on the maps.

Zone Symbols

Traditional approaches to zone symbols as currently employed by the City, can be drawn from other municipalities such as the Town of Oakville. Figure 15 shows a breakdown of a zone symbol:

H18-C1-325

- H18 refers to a Holding Provision applying to the property.
- C1 refers to the parent zone [Neighbourhood Commercial Zone] applying to the property.
- 325 refers to a special provision applying to the property.

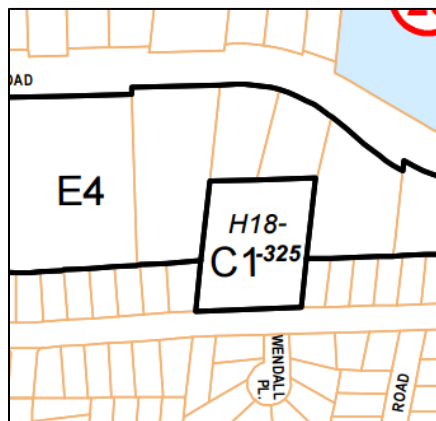


Figure 15: Town of Oakville, Zoning Map

Alternatively, the City of London uses additional zone symbols to indicate a range of zone standards including density and height. The following example below shows a breakdown of multiple zone symbols within this area (depicted in Figure 16):

h-5 R9-3(9) H15 ORI(2) D100 H15 OC5 OF2(1) (Figure 17)

- h-5 refers to a Holding Provision applying to the property

- R9-3(9) refers to Residential R9 Zone Variation, which includes specific regulations
- H15 refers to the maximum height in metres permitted on these lands
- OR1(2) refers to the Office Residential Zone Variation, which includes specific regulations.
- D100 refers to the maximum net residential density in units per hectare permitted on those lands.
- H15 refers to the maximum height in metres permitted on these lands.
- OC5 refers to the Office Conversion Zone variation.
- OF2(1) refers to the Office Zone which includes specific regulations.

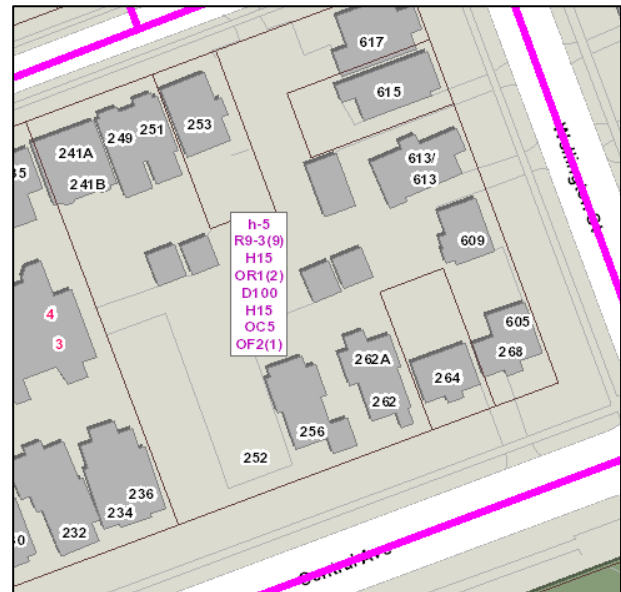


Figure 16: City of London, Zoning Map

3.2 Options for Mapping Improvements

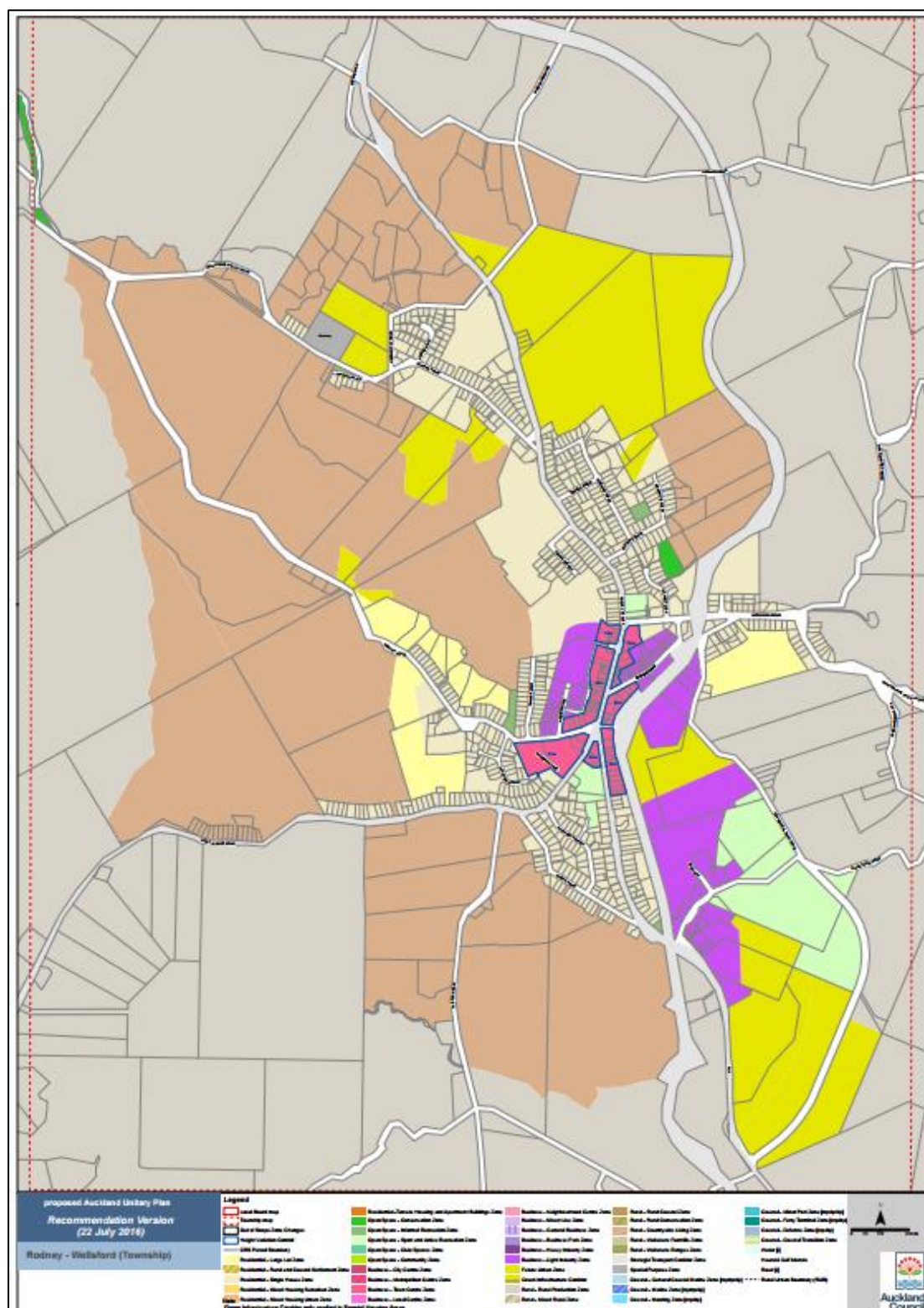
There are a number of useful zone mapping features that could be applied to the new Zoning By-law. The following section will outline opportunities for mapping improvements.

Providing separate map sets displaying distinct zoning standards can help reduce clutter and allow the reader to quickly access more specific information without consulting the full zoning schedules.

[illegible]

Colour-coded Zones

Auckland, New Zealand, uses coloured land use maps which utilize impressive design principles including: clearly labelled and organized zones and text, use of thin lines to show parcel fabric, bold font for road names, a clear title block including a legend, titles and descriptions, dates, a North arrow, and the Auckland Council's logo (*Figure 17*). It also uses vibrant colours for its different zones, and can be scaled at different magnification but remain consistently clear. The Town of Halton Hills, City of St. Catharines, and the draft City of Thorold Zoning By-law also use colour maps.



Oakville maps use some colour: it applies orange to outlining parcel fabric, bold black to outline the zoning boundary, and light blue to shade Site Specific appeals to the Zoning By-law (*Figure 18*).

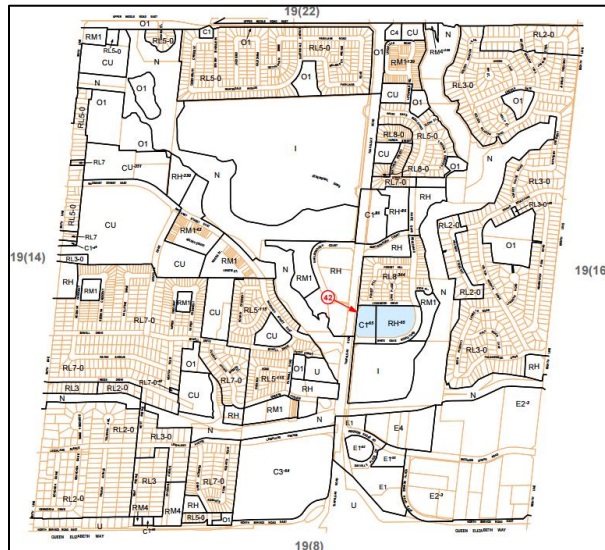


Figure 19: Town of Oakville Zoning Map

Overlays

Overlays can also serve as an excellent way to apply layered textures over top of the base zoning maps. Some examples of potential overlay zones concepts are discussed in *Chapter 2 on Development Design Guidelines*. An example from the City of Minneapolis (*Figure 20*) shows one approach to overlaying zoning districts, which includes districts such as 'Pedestrian Oriented' and 'University Area' that illustrate to the reader where modified zone standards apply.

Overlay Zoning Districts



Figure 20: City of Minneapolis, Zoning Map

The City of Mississauga provides a black and white version and colour version of its Zoning Maps online. In this case, the coloured zoning is a layer on the black and white base map, although both maps contain the exact same labels and information (*Figure 20*).



Figure 21: City of Mississauga, Zoning Map

Layout

As for layout options, the City of Sarnia (Figure 21) provides a well-organized map, which includes a Key Zoning Index Map with clickable functions and Zoning Maps to follow. These Schedules are all together in one PDF document, instead of having to download each individual map separately.



Figure 22: City of Sarnia, Zoning Map

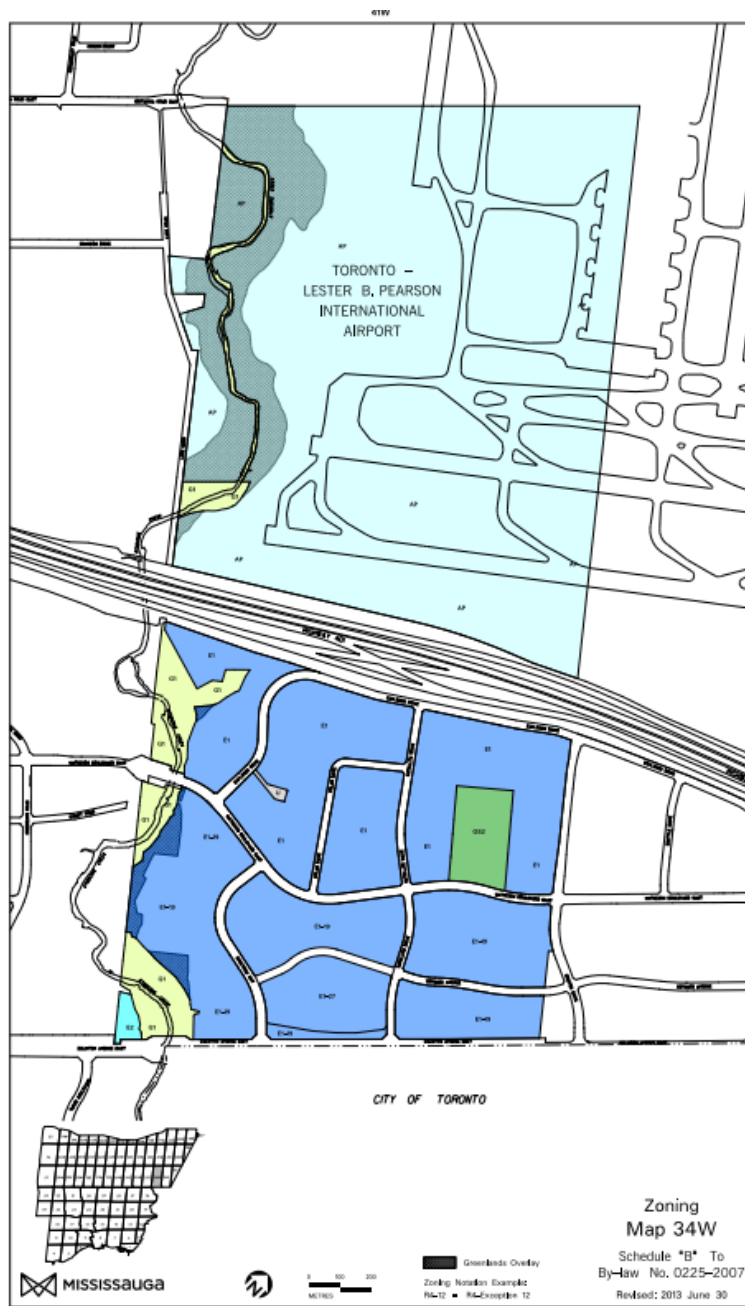


Figure 23: City of Mississauga, Zoning Map

The City of Mississauga (Figure 22) has a clickable Zoning Index Map as well. It also contains a smaller Index Map to reference on each Zoning Map to assist with wayfinding and navigation. It too contains a title block with the City's logo, a north arrow, title and description, a scale, a legend, and the last revised date.

3.3 Options for Accessibility

The new Zoning By-law will need to conform to accessibility standards wherever possible. The reality is, that there is a need to recognize that a Zoning By-law is, by nature, a lengthy and detailed regulatory document. There are limitations on how 'accessible' the Schedules can be when trying to balance the need to communicate certain pieces of information.

It is also important to recognize that while coloured Schedules can be useful, it may raise concerns for users who are colour blind or visual impaired, or conscious of printing costs. In addition, some users may not have access to printing documents in coloured ink.

The City should be prepared to offer a heightened level of customer service or supplementary information to accommodate requests for materials in a different format. This could include an audible version of the by-law, and other requirements per AODA standards. Some opportunities for providing materials to support customer service will be identified.

3.4 Options for Online Mapping Service

Online mapping services provide users with an interactive means of engaging with a municipality's zoning information. There are many considerations when developing a mapping service that is both functional and user-friendly. Some of these considerations include: map layout, map scale, layer

organization, speed & performance, search functionalities, colour schemes, and layer pop-ups.

The layout of the map should be clear, with all items such as legends, layer controls and search bars being clearly visible to the user. The scale of the map can be set to fixed intervals to reduce processing time and improve performance of the application. It is also good practice to set scale-based visibility limitations so that only certain layers can be viewed at certain scales. Setting these limitations can help improve performance and reduce the amount of clutter in the map viewer.

Mapping layers should be easily accessible on the service's interface and should be grouped in a logical way for ease of use (e.g., zoning layers are stored in the same layer group, while base map layers are stored in a separate layer group).

It is important to be mindful of accessibility standards when deciding on colour schemes for use in the mapping service. Certain colour schemes can be difficult to view for users with visual impairment, meaning more accessible colour palettes should be utilized wherever possible.

Layer pop-ups are an effective way to quickly present a subset of information to the user. The user can select an individual parcel and the layer pop-up will return immediate zoning and property information about the parcel in question. For added convenience, a URL link to the PDF version of the Zoning By-law can also be embedded in the layer pop-up to allow users to easily access more detailed zoning information.

In addition to these considerations, the web mapping platform plays a large role in how

the mapping service will be viewed and perform. There are several platforms available for producing high quality mapping services, including ESRI's ArcGIS Online, Geocortex, Google Maps API, Open Layers and Leaflet.

Leaflet is an open-source platform used to create simple and effective interactive maps. It has a fully featured library and is compatible with mobile and desktop applications. Leaflet is designed with an emphasis on performance and usability, making it a reliable and cost-effective way to produce high-quality interactive maps.

4.0 Data Deliverable

The data deliverable can be provided in the form of a File Geodatabase or in a SQL database depending on the needs of the City, with appropriate structure to support display of zoning through a public GIS, once one becomes available.

Based on the City of Vaughan's geographic region, the NAD 1983 UTM Zone 17N Projected Coordinate System will be used to ensure accurate representation of the map components.

The following map samples (*Figures 24 & 25*) were created based on some of the examples and suggestions presented in *Section 3.0*. They include a sample with colour coded zones and one without colour-coding. The grid index in the mapping samples use the City's lot and concession boundaries as a basis, similar to the City's existing Zoning By-law. The map frame displays a close up of a given index section, while the key map in the bottom right corner of the page displays the location of the index section with respect to the entire municipal boundary. The zone symbols and

boundaries are included to provide an example of how zoning information can be displayed but do not reflect the true zoning as designated in the City's Zoning By-law.

Other layout considerations, including the use of individual maps representing distinct standard sets, can also be considered as the first draft of the By-law is finalized.

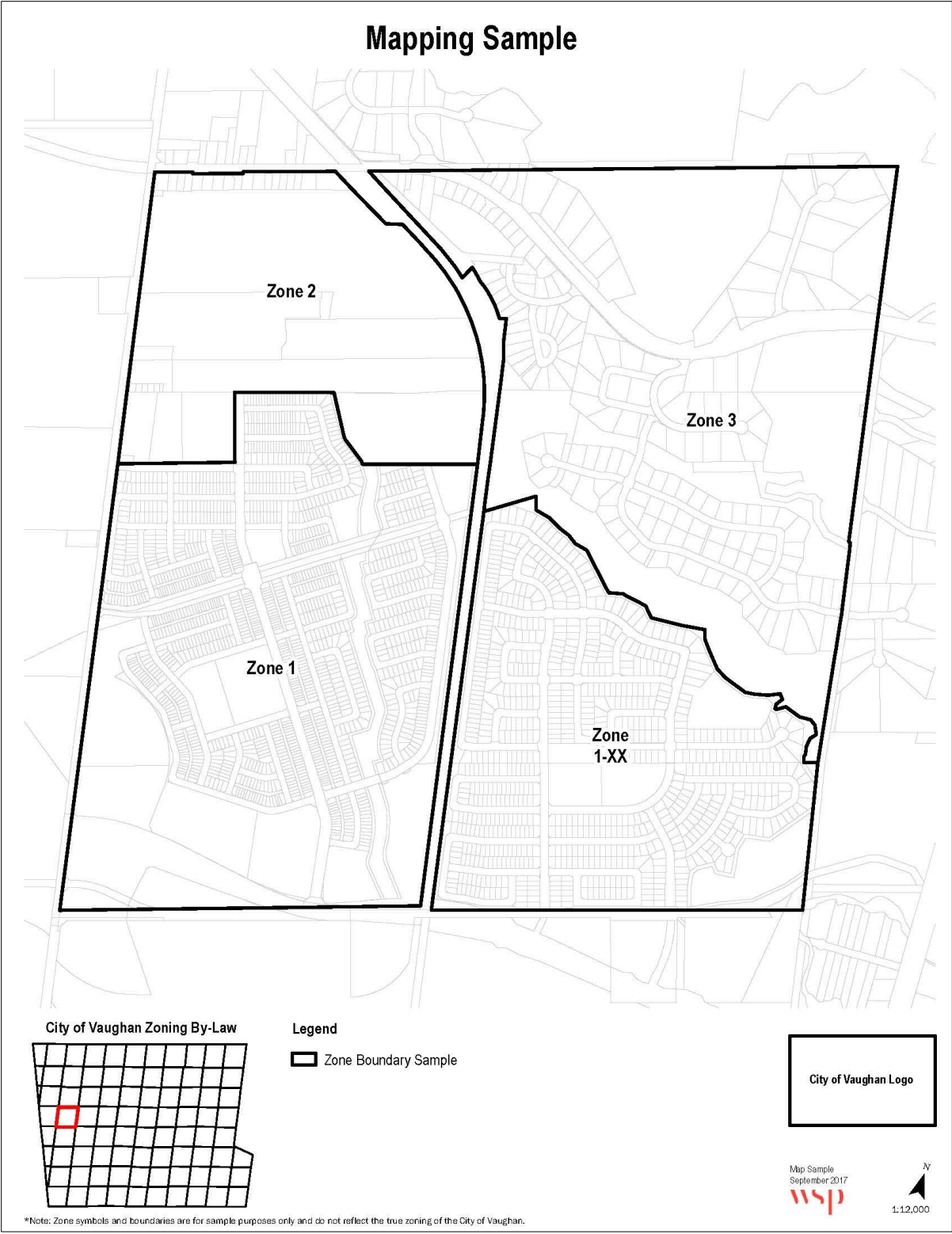


Figure 24: Zoning Map Black & White Sample

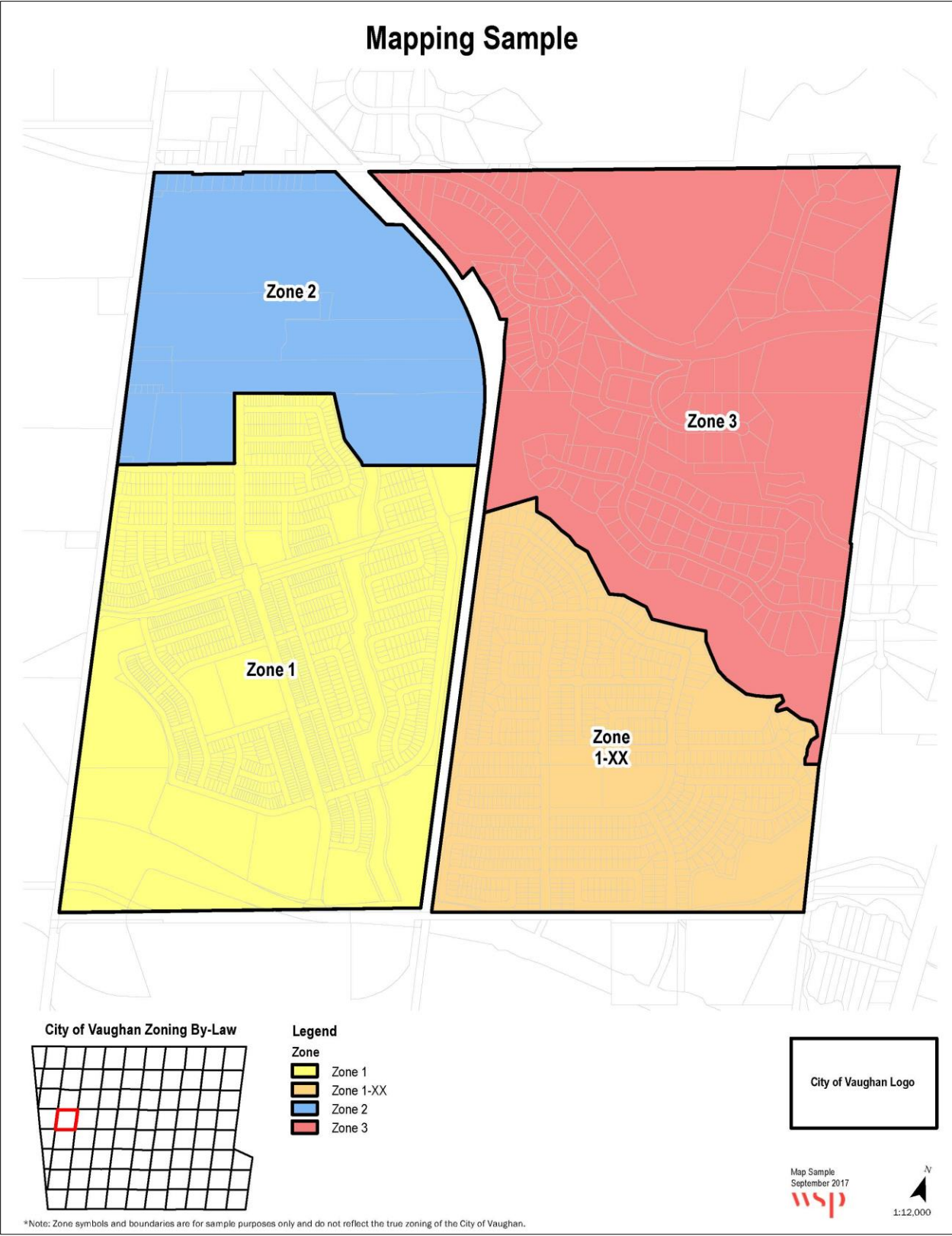


Figure 25: Zoning Map Colour-Coded Sample

5.0 Recommendations

Based on the options available for the new Zoning By-law, the following conclusions and recommendations regarding map schedules and GIS of the document are proposed:

- Zone boundaries following roads or linear features shall, as best as possible, be drawn to the centreline of those features. Supportive interpretation clauses shall be required in the administrative section of the By-law to support this interpretation. (Most other boundaries can be drawn along the limits of those features, and interpretation clauses can be used to support boundary interpretation where new lots have not yet registered.);
- Ensure that overlays can be supported and easily displayed in the data deliverable;
- To support colour display online but black-and-white (or, limited colour) for paper copies;
- To improve linking the Schedules online through clickable shortcuts and compilation of Zoning Maps into one, downloadable .pdf document;
- To integrate the new Zoning By-law Schedules into one, streamlined system that is made available in both print and digital versions;
- To give consideration towards timely updates and amendments of the Zoning By-law, and how mapping can be adapted and updated online;
- To consider other requirements that may be necessary under the *Accessibility for Ontarians with Disabilities Act*, and
- To apply consistent fonts and style throughout the document so that it reads clearly and comprehensively.

With respect to what the new maps should look like, this is a question best answered by the City through a series of questions:

- What parts of the current maps are most used?
- What needs to be improved?
- What other zoning maps do staff, Council, and the public find attractive and usable?
- How much colour would the City want to see on the map?
- How much information can be accommodated on the zoning maps?

Preliminary sample layouts are provided as part of preparing the internal draft (v0.1) of the new Zoning By-law. Further changes can be made based upon the answers to some of these questions.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 5

MINOR VARIANCE REVIEW

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1.0 Introduction

1.1 Purpose

The purpose of this Chapter is to identify trends in minor variances made to the City's current Comprehensive Zoning By-law, to inform potential improvements to the current provisions. In accordance with Section 45 of the *Planning Act*, the City's Committee of Adjustment may authorize minor variances to the provisions of the Zoning By-law. The minor variance process enables a degree of flexibility to provide some relief to property owners who are unable to comply with the prescriptive provisions of the Zoning By-law.

Multiple minor variances to one provision or section of the Zoning By-law may be an indication that a different approach to that regulation could be considered. Accordingly, an analysis of historically approved (and refused or applied for) minor variances may inform needed revisions to the Zoning By-law.

1.2 Key Principles

The key principles guiding the minor variance review include:

- Identify trends in the City's historic minor variance applications to inform potential revisions to the Zoning By-law;
- Recognize that it is generally desirable to identify zone provisions and permitted uses that will work well for most property owners, to minimize the need for minor variances; and
- Recognize that a total elimination of the need for minor variances will not be a reasonable expectation. The prescriptive nature of Zoning By-laws, with very specific minimum and maximum requirements and a prescriptive range of permitted uses, provide no flexibility to

consider alternative approaches outside of the context of a development application.

The focus of the new Zoning By-law should be on developing zoning provisions that balance restrictiveness and permissiveness, to minimize the need for minor variances.

Additionally, the new Zoning By-law should be designed to anticipate a broad range of potential circumstances and typologies to ensure that appropriate building envelopes and flexibility are provided—within the framework of the planned character for the applicable lot.

2.0 Legislative, Policy and Regulatory Context

2.1 Planning Act

The *Planning Act* sets out the procedures and powers regarding the City's ability to establish a Committee of Adjustment and authorize minor variances to the Zoning By-law:

- Section 44(1) enables municipalities to constitute a committee of adjustment by by-law. Procedural matters for the Committee are outlined elsewhere in Section 44;
- Section 45(1) describes the power of the committee to authorize variances to zoning by-laws and interim control by-laws. Minor variances are to be evaluated against four tests: whether the variance is desirable for the appropriate development/use of the land; whether the intent and purpose of the zoning by-law is maintained; whether the intent and purpose of the Official Plan is maintained; and whether the variance is minor in nature;

- Under recent changes to the *Planning Act*, Section 45(1.0.1) allows the Province (by regulation) and the municipality (by by-law) to establish other criteria to evaluate minor variances. To date, the Province has not prescribed any criteria. The City similarly has not implemented criteria under this new section of the *Act*;
- Also under recent changes to the *Planning Act*, Sections 45(1.2) and 45(1.3) set out a two-year prohibition on the application of minor variances where the owner has applied and received a site-specific zoning by-law amendment. However, Council may allow for minor variances where it passes a resolution to allow for the applications;
- Section 45(2) outlines other powers of the Committee. It allows Committee to enable the enlargement or extension of legal non-conforming uses and to allow for uses that are similar to an existing legal non-conforming use or to permit uses that are more compatible than an existing legal non-conforming use. Additionally, Committee may permit the use of land where the permitted uses are defined in general terms and where the proposed use conforms to the permitted uses;
- Section 45(3) allows Council to pass by-laws to extend the power of the Committee of Adjustment to grant variances to other municipal by-laws that implement an Official Plan; and
- The remaining provisions under Section 45 outline procedural matters, including OMB appeals, and also outline the ability of the Committee to impose conditions and to require land owners to enter into agreements with the municipality.

The City of Vaughan has constituted a Committee of Adjustment of five local

residents who typically meet every two weeks to hear submissions on minor variances. Additionally, the Committee makes decisions on consent applications (land division committee) under Section 56 of the *Planning Act*. The City publicly posts agendas, notices of decision, copies of applications, and minutes dating back to 2012 on its website.

2.2 City of Vaughan Official Plan

The City of Vaughan's Official Plan (VOP) 2010 makes several references to Committee of Adjustment and minor variances. Generally, minor variances are intended as a traditional tool to support implementation of the Plan's policies (Section 10.1.2).

It is the City's policy to require cultural heritage impact assessments in support of minor variances where development is proposed on lands that are designated under the *Ontario Heritage Act*, listed on the municipal heritage register, or where they are identified as having potential cultural heritage value (Sections 6.2.2.5 and 6.2.3.1).

The City provides specific policies and criteria for evaluating development applications (including minor variances) within the older, established residential neighbourhoods of the designated Community Areas (Section 9.1.2.3). The intent of these policies is on ensuring that proposed development is in keeping with the existing character of these areas.

2.3 Zoning By-law 1-88

Zoning By-law 1-88 makes few references to minor variances and the Committee of Adjustment. This is typical, since the powers of the Committee are set out by the *Planning Act* and by the municipal by-law passed by Council to constitute the City's Committee of Adjustment. Minor variances themselves are

not incorporated into the Zoning By-law consolidation, consistent with zoning practice in Ontario.

The only reference to minor variances and Committee of Adjustment is within Section 9.0 d), which provides interpretive direction to allow the use of buildings subject to a variance provided all conditions of the decision are fulfilled:

“Notwithstanding the provisions of this By-law, if the Committee of Adjustment, before the enactment of this By-law, has granted a minor variance to a zoning by-law, any building affected thereby may be used in accordance with that minor variance, provided that all conditions imposed by the Committee are fulfilled.”

3.0 Review and Analysis of Minor Variances

An analysis of historically approved, refused and otherwise withdrawn/adjourned minor variances was conducted. This analysis is derived from City data on minor variance applications over the past eight years (2009-2017). Three indicators of interest were identified:

- (1) The decision;
- (2) Existing zoning (i.e. zone category applying in a given minor variance); and
- (3) The purpose of the variance being requested.

Beginning with 1,777 applications, the data was refined to eliminate incomplete entries and ensure consistency in terms of the language used for analytical purposes. Different subsets of data were used for each indicator to capture the most complete and

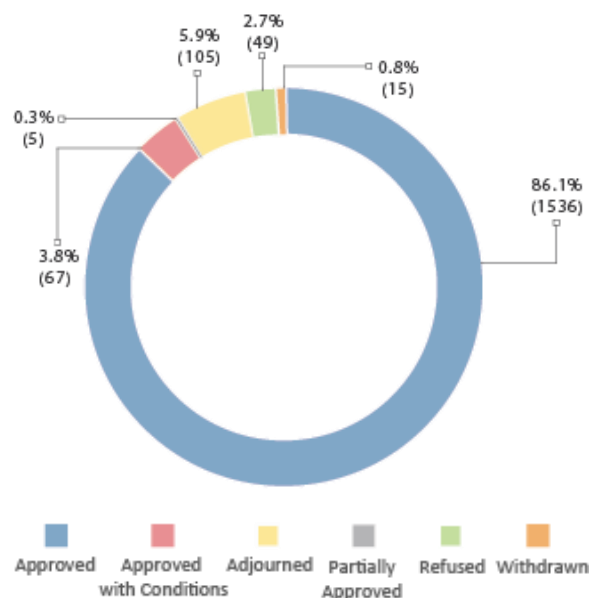


Figure 1: Breakdown of application decisions (2012 – Present)

accurate information for each analysis. A thorough data review determined the following subsets most appropriately captured the objectives of each analysis:

- (1) 1,740 applications (96% of the dataset) were used to analyze the existing zoning of these requested variances, omitting some applications due to incomplete information; and
- (2) 440 applications (applications from 2016 and January and February, representing 25% of the dataset) were used to analyze the purpose of these requested variances for recent trends and information about the nature of requests.

The various assumptions used to determine these subsets of data are detailed in this Chapter.

3.1 Overview of Minor Variance Applications

From 2012 to date, the City has documented decisions for 1,777 minor variance applications. Data prior to this date was not

Table 1: Outcomes of variance applications (2012 – 2017)

	Approved	Approved Conditions with	Partially Approved	Adjourned	Refused	Withdrawn	Total
2012	298	24	1	19	7	3	352
2013	303	15	2	23	11	1	355
2014	288	9	0	17	11	1	326
2015	294	14	2	8	18	6	342
2016	314	5	0	27	2	3	351
2017*	39	0	0	11	0	1	51
Total	1536	67	5	105	49	15	1777

* 2017 applications are only for the months of January and February.

included as there was a sparse record of decisions within the previous years. Spanning this five year period, 86% of these minor variances have been approved, with another 4% approved pending conditions.

As depicted in *Figure 1*, the majority of applications have been approved by the Committee. These numbers are generally in line with approval rates in other GTA municipalities, as approval rates of over 90% are quite common.

Table 1 provides a detailed breakdown of these decisions per year. The annual number of minor variance applications appears to remain steady, ranging between 325 and 355 applications received by the City per year. There does not appear to be any clear trend in terms of an increase or decrease in the number of applications being received. Similarly, trends in decisions made on the applications have remained fairly consistent over this five year span.

In summary, there are no particular outliers in terms of the number of applications or the types of decisions in any particular year.

3.2 Identification of Trends

The decision analysis found a number of consistent rationale for the subject applications. The second and third indicators in that analysis will provide better insight into potential issues regarding certain zones or certain types of provisions. Furthermore, a cross-reference between these two variables should indicate particular provisions within certain zones are more likely to be subject to a variance application.

3.2.1 Zones

The variance data reviewed identifies 1,740 minor variance applications which identified the parent zone applying on the subject lands.

Table 2 provides a breakdown of the number of variances related to each zone category, as well as their percentage when compared to the total number of minor variance applications. It proportionately calculates the number of variances related to each zone.

The analysis indicates that the majority of applications are related to residential zones. Residential zones comprise about three-quarters of the existing zoning for the subject applications. The most affected zone is the

Residential (R1) Zone, comprising 12.87% of all applications to the Committee of Adjustment.

Table 2: Variance applications within existing zones (2009 – Present)

Zone	Number of Variances	Percentage of Variances
R1	224	12.87%
R1V	184	10.57%
RD3	146	8.39%
R3	117	6.72%
EM1	106	6.09%
RR	94	5.40%
RD1	83	4.77%
R2	76	4.37%
RD2	64	3.68%
A	53	3.05%
RD4	51	2.93%
R4	48	2.76%
EM2	34	1.95%
RV3	34	1.95%
RS1	31	1.78%
C1	30	1.72%
C7	28	1.61%
RV4	27	1.55%
C4	26	1.49%
RV4(W.S)	23	1.32%
RT1	21	1.21%
C2	17	0.98%
RVM1(B)	14	0.80%
EM3	13	0.75%
RA3	13	0.75%
RV3(W.S)	13	0.75%
C3	12	0.69%
RV2(W.S)	12	0.69%
RM1	10	0.57%
RM2	10	0.57%
M1	9	0.52%
RVM2	9	0.52%
C5	8	0.46%
C11	8	0.46%
R5	7	0.40%
RA2	7	0.40%
EM1(CC)	6	0.34%
M2	6	0.34%
RV2	6	0.34%
ORM	5	0.29%
C6	5	0.29%
C8	5	0.29%
C9	5	0.29%
RVM1(W.S-B)	5	0.29%
OS1	4	0.23%
PBM1	4	0.23%
PBM7	4	0.23%
OS2	3	0.17%
PB1	3	0.17%
C10	3	0.17%
RUV1	3	0.17%
RVM1(A)	3	0.17%
PB2	2	0.11%
CMU1	2	0.11%
OS5	1	0.06%
CMU2	1	0.06%
RVM1(W.S)	1	0.06%

Several non-residential zones have also been subject to a significant number of minor variance applications:

- 106 applications (6.09% of the data subset) are related to the Prestige Employment Area (EM1) Zone; and
- The most affected commercial zone is the General Commercial (C1) zone, with 30 applications (1.72% of the data subset).

Based on this subset of data, there also appears to be some zones with no history of variance applications. These zones are as follows:

- Apartment Residential (RA1)
- Apartment Residential (RA4)
- High Density Residential Town-Centre (RA5)
- Residential Holding (RH)
- Residential Urban Village Multiple Dwelling Zone One (RVM1(A,B))
- Residential Urban Village Multiple Dwelling Zone One (Wide and Shallow Lot) (RVM1(WS-A,B))
- Residential Detached Zone Five (RD5)
- Mixed Use 3 – Carrville Centre (CMU3)
- Restricted General Employment Area (Large Lot) (EM2-A)
- Employment Area Transportation (EM4)
- Transportation Industrial (M3)
- Pits and Quarries Industrial (M4)
- Disposal Industrial (M5)
- Open Space Commercial (OS3)
- Open Space Woodlot Zone (OS4)
- Parkway Belt Linear Facilities (PB1S)
- Automotive Commercial Zone (AC)
- Vaughan Shopping Centre District Zone (SCD)
- Theme Park Commercial Zone (TPC)
- Transportation Zone (T)
- Healthcare Zone (HC)

3.2.2 Purpose of Variance

Analysis was conducted to determine trends related to the purpose of requested variances. Focusing on 2016 and 2017 (to capture and reflect the most recent trends), 440 applications were examined, consisting of 651 different purposes for relief requests.

14 different themes were identified amongst the minor variance applications. The themes were identified based on a review of the data, in order to best capture the broad range of the types of variances:

- Accessory Structure Requirements
- Setbacks;
- Lot Coverage;
- Minimum/Maximum Parking;
- Driveway Requirements;
- Height;
- GFA;
- Landscape Requirements;
- Lot Frontage/Depth;
- Accessory Dwelling;
- Access;
- Parking Dimensions;
- Open Storage; and
- Additional Permitted Uses.

Table 3 details the frequency of these themes within 2016 and 2017 variance applications (note that the data is inclusive of approved, refused, withdrawn and adjourned applications). As stated above, this frequency accounts for instances of multiple variance requests under one file, resulting in more variance requests than applications. However, it does not account for multiple requests on one file for the same purpose (e.g. one relief request for a setback may account for a request for both front and side yard reliefs).

Table 3: Purpose of variance applications (2016 & 2017)

Purpose of Variance	2016	2017	Total Variances	Total Variances (%)
Accessory Structure Requirements	161	24	185	28.42%
Setbacks	113	9	122	18.74%
Lot Coverage	69	9	78	11.98%
Additional Permitted Uses	55	6	61	9.37%
Min/Max Parking	35	5	40	6.14%
Driveway Requirements	32	3	35	5.38%
Height	26	4	30	4.61%
GFA	24	3	27	4.15%
Landscape Requirements	21	2	23	3.53%
Lot Frontage/Depth	14	1	15	2.30%
Accessory Dwelling	14	0	14	2.15%
Access	10	1	11	1.69%
Parking Dimensions	4	1	5	0.77%
Open Storage	5	0	5	0.77%
Totals	583	68	651	

The majority of variances were related to accessory structure requirements. Variances regarding height and lot coverage permissions also appear to occur at a higher frequency, relative to the other themes. These reoccurring themes may be indicative of provisions that are not working well.

On the other hand, permission for relief from open storage and parking dimension (e.g. aisle widths, stall sizes) provisions was least applied for within the two years.

These themes were also analyzed based on the zones they were applied within. Associating the purpose of a variance to the

zone it is applied within provides a closer lens on potential issues in need of resolution.

Table 4 identifies the types of variances, organized by zone category. The numbers refer to the amount of variances within each zone related to the type of variance in question. For an additional layer of analysis, the colours reference the percentage of total variances which are captured by that particular type of variance and zone category. Given the wide range of data in which this analysis draws on, it is deemed quite significant to have more than 3% of variances fall into one zone category and related to one subject matter.

The data in this table may be indicative of some potential trends or issues associated with each zone. For example:

- Amongst residential zones, accessory structure variances and variances for setbacks are fairly common. However, there is a relatively large proportion of variances for accessory structures in certain zones (e.g., R2, RD1 and RV3 zones).
- Variances for lot coverage are common only in the Residential (R1), Old Village Residential (R1V), and Rural Residential (RR) Zones. Coverage variances within these zones comprise approximately 11% of all variance requests.
- Only one zone, the Old Village Residential (R1V) Zone, features a high proportion of height variances.
- Driveway variances form a high proposal of the overall City-wide variances in the Residential (R1) Zone. Three other zones also have a high incidence of driveway variances.

- There are few variances associated with commercial zones. The variances relate to permitted uses, gross floor area requirements, parking and other matters.
- In the Prestige Employment Area (EM1) zone, there are a large number of parking variances. Additionally, there is a large number of variances associated with permitted uses, which may indicate a need to revisit the permitted uses for the zone.

3.3 Handling the Transition

For a period of time, the City will have to administer two in-force Zoning By-laws. It is an unavoidable reality until the new Comprehensive By-law comes into full force and effect based on how the *Planning Act* is structured, but one that can be easily addressed with some advance preparation.

When there are two By-laws in-force and a minor variance application is submitted, both must be reviewed to ensure compliance. Such a review may identify that relief to the provisions of one or both By-laws is required. The implications of this dual review for minor variances will require some adjustment on the part of both staff and the members of the Committee of Adjustment:

- Care should be taken by staff to explain that a dual list of variance requests is not necessarily indicative of whether or not a request is “minor in nature.” Rather, it is an administrative necessity and technicality of the dual By-law situation.
- Staff need to be made aware of the relevance of the new By-law in preparing notices and comments, to ensure that the correct regulations and standards are cited for each By-law. A common error once a new By-law is passed is citing

previous By-law standards or sections as actually being part of the new By-law. Additional attention to editing should be part of the review in these critical first few months.

- Applicants should be advised about the upcoming changes in zoning and how transition regulations will apply. Having a flyer on the first page of the application form is another engagement opportunity and allows applicants to prepare for the change in zoning.

Table 4: Purpose and existing zone analysis (2016 and 2017)

LEGEND			
(% of all variance requests)			
	Less than 1%	1% - 3%	More than 3%

Zone	Number of Variances by Theme														
	Accessory Structure Requirements	Setbacks	Lot Coverage	Permitted Uses	Min/Max Parking	Driveway Requirements	Height	GFA	Landscape Requirements	Accessory Dwelling	Lot Frontage/Depth	Access	Open Storage	Parking Dimensions	Total
R1V	15	17	33	3		5	13	3	1	1	2	1			94
R1	28	15	21	3		8	5	3	5	2		1			91
EM1	4	2		14	15	1		2	2	5		1	1	1	48
RR	12	5	12	2		5	5	1							42
RD1	17	2	1	1		5	1		1	1		1			30
RS1		14		13							3				30
RD3	18	6						1	1		1				27
R3	11	5	5		1	1	2		1						26
RD2	10	10				1			1	1	1	1			25
R2	11	2	2			2			1						18
EM2	3	3		2	2				1			2	2		15
C7		2		1	5	1		2	1	1		1			14
A	2	2						4		1	3				12
R4	5	1	1		1	1		1	1						11
RT1	3	7									1				11
C2				3	2			4			0			1	10
C4	1	3		1	2				2			1			10
RV3	9														9
RV4	6	2					1								9
RV4(WS)	7					1			1						9
RD4	3	4		1											8
RM1	3	2	1												6
RM2	1	2			1		1	1							6
RV3(WS)	1	1	1	1	1						1				6
C1	1			1	1					2			1		6
RV2	4						1								5

LEGEND
 (% of all variance requests)

Less than 1%
 1% - 3%
 More than 3%

Table 4 (continued): Purpose and existing zone analysis (2016 and 2017)

Zone	Number of Variances by Theme														
	Accessory Structure Requirements	Setbacks	Lot Coverage	Permitted Uses	Min/Max Parking	Driveway Requirements	Height	GFA	Landscape Requirements	Accessory Dwelling	Lot Frontage/Depth	Access	Open Storage	Parking Dimensions	Total
RVM1(B)	1	1			1				1					1	5
EM3		1		3	1										5
C8				2				1					1		4
RVM2	1	1									1				3
C3				2	1										3
PBM7			1	1			1								3
RA2				1	1										2
RUV1	1														1
C11	1														1
M1				1											1
M2		1													1
Totals	179	111	78	56	35	31	30	23	20	14	13	9	5	3	607

4.0 Recommendations

Minor variances will continue to be an important aspect of administering a comprehensive Zoning By-law. The minor variance process under Section 45 of the *Planning Act* enables property owners to seek relief on the prescriptive provisions of the Zoning By-law, at a relatively low cost compared with a rezoning process.

The City has received a relatively consistent number of minor variance applications for at least the past 5 years. Once the new Zoning By-law is complete, continued monitoring of minor variances will be important for evaluating the performance of the Zoning By-law over time.

The analysis contained in this Chapter has indicated some potential trends and matters to be reviewed more closely as part of developing the new Zoning By-law. A few trends and potential issues were identified regarding specific zones and the types of variances were identified, briefly summarized as follows:

- Generally variances regarding accessory buildings and structures in the residential zones are the most common type of minor variance sought. A review of accessory building and structure provisions in the By-law should be completed, with the trends forming a component of analysis;
- The Residential (R1), Old Village Residential (R1V), and Rural Residential (RR) Zones have the highest proportion of lot coverage variances;
- Variances regarding height were most commonly identified in the Old Village Residential (R1V) Zone. Application of

height standards in this zone warrant review;

- Variances regarding driveway requirements are common in the Residential (R1) Zone, with three other zones having a high proportion of variances. Review of driveway standards may be appropriate;
- There are few minor variances associated with the commercial zones. The variances related to commercial zones vary; and
- In terms of employment zones, the Prestige Employment Area (EM1) zone in particular has been varied most commonly in terms of permitted uses and parking requirements. Both use permissions and parking standards will be reviewed as part of this project.

However, it is difficult to make specific conclusions or recommendations about good planning and appropriate standards based only on the number of variances being approved. In some circumstances this may be an indication that the provision is not working well and there could be value in revising the provisions to integrate the relief that is commonly being sought. In other cases, the number of variances may be related to how common the zone is applied within the City. These are indicators that point the team toward further, context-sensitive review of these (and many) provisions. The benefit of conducting the analysis contained in this Chapter is to guide the review of specific zones and their provisions, and confirm the appropriateness of the provisions at the time of preparing the new Zoning By-law.

Guidance and preparation during later stages of the project can help smooth the transition from By-law 1-88 to the new Zoning By-law. Staff and Committee training, engagement materials, and meeting scheduling should all be considered to assist in this regard.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 6

REVIEW OF ONTARIO MUNICIPAL BOARD APPEALS AND DECISIONS

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1.0 Introduction

1.1 Purpose

The Ontario Municipal Board (OMB) is the mechanism through which land use decisions may be adjudicated in instances where the decision of a municipal Council or Committee of Adjustment is being challenged or where there is a non-decision on the part of the municipal authority within the mandated Planning Act timeframes.

An analysis of the appeals forwarded to the OMB and the resultant decisions, provide useful insight to the effectiveness of Vaughan's current Comprehensive Zoning By-law 1-88 and those sections of the Zoning By-law which may no longer respond to current land use patterns, practices and development trends.

The purpose of this Chapter is to identify trends in Ontario Municipal Board appeals and decisions that have occurred over the past 7 years regarding the City's current By-law 1-88.

1.2 Key Principles

The key principles guiding the OMB appeal review include:

- Recognize that land use planning within a community must consider the intent and policies of the Official Plan and the implementation of that framework at a local and site level;
- Identify trends in zoning related appeals that have been forwarded to the OMB over the past 7 years; and,
- Use the data obtained from this analysis to inform potential revisions to the City's current zoning regime. Role of the Ontario Municipal Board

In Ontario, land use is regulated through a cascading system of policies that filter down from the Province, to upper tier municipalities, to the local municipality. This system of governance is enshrined in Section 1.1(b) of the *Planning Act*.

"1.1 The purposes of this Act are,

- (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;*
- (b) to provide for a land use planning system led by provincial policy;*
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;*
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;*
- (e) to encourage co-operation and co-ordination among various interests;*
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4."*

At a local level, the Official Plan is the guiding policy document that establishes the overarching goals, objectives and general land use directives for the municipality. It is the role of the Ontario Municipal Board to interpret and apply that policy framework in addition to other Planning Act instruments within a local or site specific context. The OMB has articulated its role within this policy-led system as follows:

"Although conventional wisdom often assumes that municipalities have sweeping discretionary authority in the enactment of Official Plan Amendments and Zoning By-laws (and that the Board has comparably discretionary authority in reviewing same), the Planning Act says differently. It declares, at Section 1.1 (b),

that Ontario's is a "planning system led by Provincial policy". Decisions must show "regard" for Provincial interests specified at Section 2 of the Planning Act. Proposed measures must also be "consistent" with the Provincial Policy Statement (PPS), under Section 3(5) of the Act; and "conform" to the relevant Official Plan(s), under Section 24(1) of the Act. Section 12 of the Places to Grow Act also says that Official Plans must "conform" to the Province's Growth Plan for the Greater Golden Horseshoe. Those categories of policy parameters are the objective standards which the Board is mandated to apply. In short, the Board gives effect to policy; it does not invent it." (M. Denhez, PL110572, [page 7], January 6, 2012)

For the OMB, application of the policy and zoning framework at a local level inherently raises issues as to the appropriateness and compatibility of development as well as establishing a threshold for acceptable impacts. The OMB must weigh the merits of a proposal at both a local and site level.

"The Board must consider the proposal in light of provincial policy and plans, as well as the local planning context. The dispute here focused on whether the proposal represents good planning within the local planning context." (S. Jacobs, PL131327, [11], February 9, 2015)

"...the proposal conforms to relevant official plan and provincial policies, is designed appropriately for the site and surrounding area, and represents good planning." (S. Jacobs, PL131327, [42], February 9, 2015)

While it is the role of policy and by extension, zoning to establish the framework within

which development may occur, it is the role of the OMB to apply those policy tests and rule on the implementing zoning and other planning instruments while giving consideration to the local context within which those policies are applied. Ultimately, it is the OMB which must provide a determination that the proposal in front of it satisfies the merits of good planning on behalf of the public.

2.0 Review and Analysis of OMB Cases

An analysis was conducted on OMB appeals within the City of Vaughan which involved amendments to By-law 1-88. This analysis is derived from City data on OMB appeals and decisions over a 7 year timespan from 2011 to 2017. Five indicators of interest were identified:

- (1) The status of the file – open versus closed;
- (2) Reason for appeal – appeal of Council's approval, refusal, or non-decision;
- (3) The type of development – greenfield development versus vacant lot infill and redevelopment;
- (4) Prevalent Zone Categories – existing and proposed zone, if applicable; and

The nature of the amendment – requested amendments. Beginning with 37 appeals, the data was refined to eliminate cases with unavailable or incomplete decisions. Different subsets of data were used for each indicator to capture the most complete and accurate information for each analysis. A thorough data review determined the following subsets most appropriately captured the objectives of each analysis:

- (1) 30 cases (81% of the dataset) were used to analyze the status of the file and reason for appeal;
- (2) 27 cases (73% of the dataset) were used to analyze the zones involved in rezoning applications;
- (3) 25 cases (68% of the dataset) were used to analyze the type of development; and
- (4) 22 cases (59% of the dataset) were used to analyze the nature of requested amendments.

2.1 Overview of OMB Cases

From 2011 to date, the City has documented 37 OMB appeals in relation to By-law 1-88. To put this in context, over the same time period, the City had a total of 113 appeals of which 37 (32.7%) were in relation to zoning matters. Seven of the zoning cases were eliminated from this OMB analysis due to a lack of information or case details available through the Ontario Municipal Board E-Status database. Additionally, cases prior to this date were not included, as this analysis attempted to capture the most recent issues associated with By-law 1-88. Spanning this 7 year period, all appeals were site specific.

2.1.1 Appeal Status

Table 1 Status of ZBLA appeals (2011 – 2017)

Year	Open	Closed	Total Cases
2011	2	4	6
2012	1	3	4
2013	1	1	2
2014	2	2	4
2015	2	5	7
2016	5	0	5
2017	2	0	2
Total	15	15	30

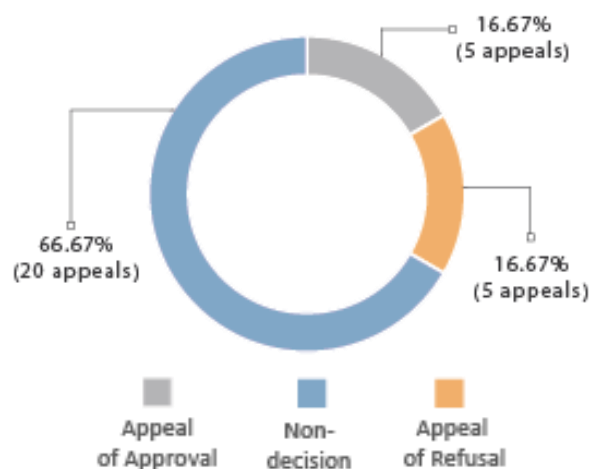


Figure 1 Reason for appeal of ZBLA (2011 – 2017)

Table 1 provides a detailed breakdown of the status of each appeal, indicating the number of cases that are open and closed based on the year they were initiated. From the 30 cases reviewed, 15 of them have been closed while the other 15 remain open.

2.1.2 Reason for Appeal

Seeing as 50% of the cases in the dataset have not concluded, there was limited information available for some of the appeals in regards to the other indicators. However, it is still possible to further analyze various cases through pre-hearings, motions, mid-case decisions, and draft by-laws. In many instances, the Board approved the zoning by-law amendments in principle and withheld final approval until a site plan process was also completed and approval ready.

Table 2 Reason for appeal of ZBLA (2011 – 2017)

Year	Appeal Approval	Appeal Refusal	Non-decision	Total
2011	1	3	2	6
2012	1	2	1	4
2013	1	0	1	2
2014	1	0	3	4
2015	1	0	6	7
2016	0	0	5	5

2017	0	0	2	2
Total	5	5	20	30

There was appropriate information available for this subset of 30 cases to analyze the reason for these appeals by year. This analysis is depicted in *Table 2*. It is interesting to note that appeals forwarded to the Board which challenged a Council decision only occurred in 2011 and 2012. On the other hand, appeals initiated more recently were the result of a non-decision on the part of Council. This may be in part due to the resolution and partial approval of Vaughan's Official Plan (VOP) 2010. It may also be a reflection of the many policy reviews and initiatives that were active at both the Provincial and Regional levels.

Figure 1 presents a graphic analysis of overall trends regarding reasons for the subset of appeals in question. Spanning these 7 years, approximately two thirds (66.67%) of the appeals were forwarded to the Board due to a non-decision on the part of Council. This suggests that the majority of appeals within the City are not in opposition of Council's decisions. Instead, appeals may be more so motivated by the desire to expedite the amendment process in instances of non-decision after the mandated time period – 120 days from the receipt of the complete application – as set out in Section 34(11) of the *Planning Act*.

This dominance in appeals for non-decisions may also explain the trend in the Board's findings. After a review of all available decisions, it appears that the Board granted the approval of all amendments reviewed for this study. The only appeals that were rejected by the Board were appeals from Participants challenging a Proponent's

amendment, which more often than not was supported by staff and approved by Council.

It is interesting to note that of the 30 cases reviewed, 13 of those cases also involved consideration of a partner Official Plan Amendment. In all but 3 cases, the joint Official Plan Amendment and Zoning By-law Amendment were required to accommodate vacant lot greenfield development. In some cases, re-designation was being sought to vary the maximum permitted height or dwelling forms permitted within the existing Official Plan designation on a site specific basis.

In all cases, the partner Official Plan Amendments appear to have been required to address policy gaps in the former Official Plan in order to permit higher density, mixed-use development proposals and provide for more contemporary built forms

2.1.1 Type of Development

Table 3 *Type of development appealed (2011 – 2017)*

Year	Greenfield Development	Vacant Lot Infill	Re-development	Total
2011	0	4	3	7
2012	1	0	2	3
2013	0	1	1	2
2014	0	2	1	3
2015	1	3	1	5
2016	4	0	0	4
2017	0	1	0	1
Total	6	11	8	25

The third indicator used to develop a sense of the context of OMB appeals within the City was the type of development that was the subject of the appeal. *Table 3* provides a yearly breakdown of the number of appeals based on the type of development. Generally, the appeals can be grouped within the following categories: greenfield development, vacant lot infill development, or intensification and redevelopment applications. Note that this analysis used a smaller subset of cases as it required more detailed context that was not always available through the materials available on the OMB website. As such, 25 cases were relied upon for this analysis.

There are not many distinct trends when comparing the types of development by year. A key observation to indicate however, is that appeals in more recent years have only been regarding greenfield or vacant lot infill development. This is in part due to the development approvals more currently being sought for lands within Blocks 47 and 40 in north central Vaughan.

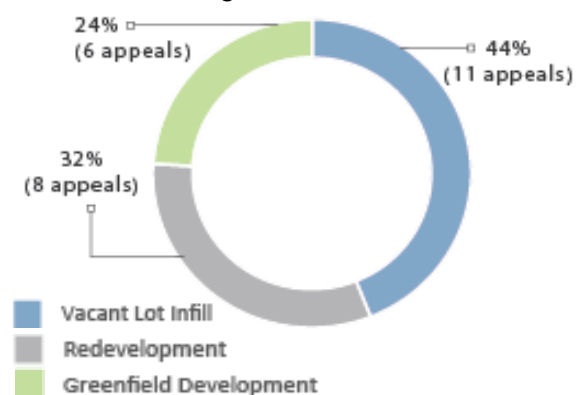


Figure 2: Type of development appealed (2011-2017)

Figure 2 provides a better comparison of the data, as it depicts the overall trend between appeals of the three forms of development. The majority of appeals within the City pertain to vacant lot infill developments, with

the fewest appeals relating to greenfield development.

Overwhelmingly, 19 of the 25 cases (75%) were for vacant lot infill or redevelopment proposals within the existing urban area.

Interestingly, residential zone cases involving townhouse development – either as a stand-alone or mixed use component - have become prevalent at the OMB since 2015. Of the 10 residential cases reviewed since 2015, 8 of these cases included appeal matters for the siting of townhouse development.

2.2 Identification of Trends

Although the first three indicators have developed context in regards to appeals within the City, the following indicators will provide better insight into potential issues regarding certain zones or certain types of provisions within the existing by-law.

2.2.1 Zones Involved in Appeals of Rezoning Applications

The dataset contained 27 cases which were related to rezoning applications and had sufficient information to inform this analysis. Note that rezoning applications do not always alter a single zone to another single zone; some requests involved changing multiple existing zones into one zone, or conversely, dividing one existing zone into multiple new zones. As such, the number of zones involved in this analysis exceeds the number of cases reviewed.

Table 4 provides a breakdown of the number of rezoning cases related to each zone category – both in terms of the existing zone and the requested zone – as well as percentages when compared to the total number of appeals.

Table 4 Prevalent Zone Categories (2011 – 2017)

Zone	Existing		Proposed	
	Count	%	Count	%
A	10	34.48%		
OS1	1	3.45%	7	12.50%
OS2			7	12.50%
OS2(H)			1	1.79%
PB1	1	3.45%		
R1	3	10.34%		
R2	1	3.45%	1	1.79%
R3	1	3.45%		
RM2			5	8.93%
RA3(H)			4	7.14%
RD3			4	7.14%
RA3			3	5.36%
RD2			3	5.36%
RD1			2	3.57%
RD1(H)			2	3.57%
RD2(H)			2	3.57%
RD3(H)			2	3.57%
RT1			2	3.57%
RR	1	3.45%		
R1V	1	3.45%		
R2			1	1.79%
RA1			1	1.79%
RA2			1	1.79%
RA2(H)			1	1.79%
RA5			1	1.79%
RA5(H)	1	3.45%		
RT1(H)			1	1.79%
C1	1	3.45%		
C1(H)	1	3.45%	1	1.79%
C2	1	3.45%		
C3	1	3.45%		
C6	1	3.45%		
C4(H)			1	1.79%
CMU3 (H)				
HC			1	1.79%
EM1	1	3.45%	1	1.79%
EM2			1	1.79%
EM1(H)	1	3.45%		
EM2(H)	1	3.45%		
EM3	1	3.45%		
Total	29	100%	56	100%

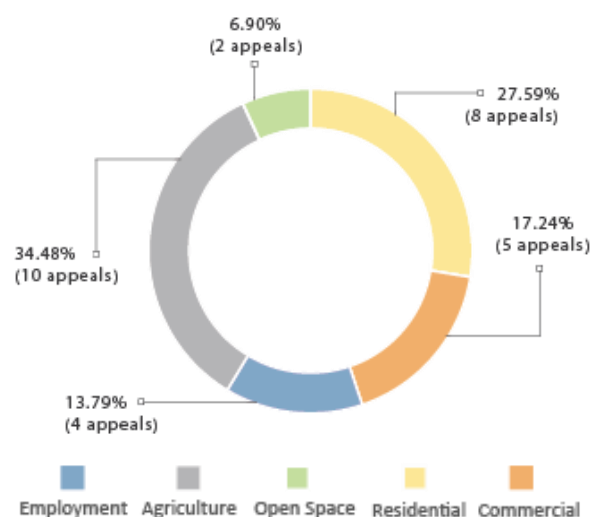


Figure 3 Existing zone categories subject to appeal (2011 – 2017)

The analysis indicates that the majority of appeals are requesting to rezone from the Agricultural (A) zone. Besides this dominance, there is no other distinct trend in regards to a particular existing zone being the subject of rezoning applications. The other zones are only select instances with the exception of the R1 zone which is the existing zone for 10% of the rezoning requests.

In terms of zone categories sought through the appeal process, the most requested zones categories are the Residential and Open Space zones.

Figure 3 and Figure 4 depict the zones involved in these rezoning cases based on general zone categories, for existing and proposed zones respectively. These numbers are also summarized in Table 5.

In terms of existing zones, the percentages confirm that the agricultural zone is still the zone change most requested followed by residential zones. Commercial zones and employment zoning amendments are roughly equal with commercial zones being sought only slightly more often.

It is quite evident that most appeals within this analysis are related to residential rezoning applications, as they pertain to approximately 64% of these cases. The second highest zone category sought is open space zones which have consistently been applied for in conjunction within another zone category, usually being some type of residential.

Together, these two categories comprise approximately 91% of the zoning sought within these rezoning applications.

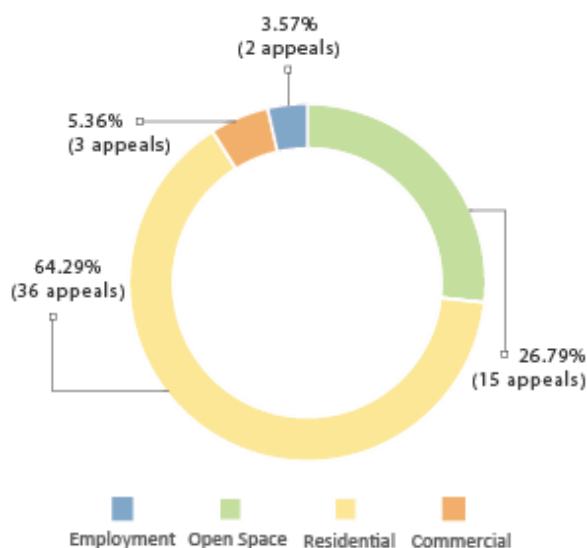


Figure 4 Proposed zone categories subject to appeal (2011 – 2017)

There are four clear observations from this analysis of appeals regarding rezoning applications:

- (1) The majority of appeals are related to cases requesting to rezone lands from an Agricultural or Residential zone;
- (2) The majority of appeals are related to cases requesting to rezone lands to a Residential zone, often associated to an Open Space zone;
- (3) The majority of residential appeals are regarding vacant lot infill development

or intensification, versus greenfield development;

- (4) In recent years, cases seeking approval for townhouse development have become prevalent.

Table 5: General zone categories pertaining to appeals of rezoning applications (2011 - 2017)

General Zone Category	Existing		Proposed	
	#	%	#	%
Residential	8	27.59%	36	64.29%
Open Space	2	6.90%	15	26.79%
Agricultural	10	34.48%	0	0.00%
Commercial	5	17.24%	3	5.36%
Employment	4	13.79%	2	3.57%
Total	29	100%	56	100%

2.2.2 Nature of the Amendments Appealed

An in-depth analysis was conducted to determine trends related to the nature of the appeals dataset. As mentioned previously, all of the appeals were site-specific Zoning By-law Amendments. As such, the appeals requested site-specific provisions tailored to the context of the subject land and proposed development. Thus, a draft by-law was required to confirm the provisions that were the subject of the appeal, which placed limits on the dataset available for analysis. In the end, 22 cases provided sufficient information to determine associated provisions.

Table 6 Nature of provisions pertaining to ZBLA appeals (2011 – 2017)

Theme	Count	Percentage
Parking	13	10.40%
Setbacks	11	8.80%
Landscaping	10	8.00%
Use Permissions	10	8.00%
Lot Area	8	6.40%
Height	8	6.40%
Definition	8	6.40%
Encroachment	7	5.60%

Accessory Structure and Associated Requirements	7	5.60%
Holding Provisions	7	5.60%
Driveway Requirements	6	4.80%
Floor Space Index	5	4.00%
Loading	5	4.00%
Lot Coverage	3	2.40%
Lot Frontage	3	2.40%
Ground Floor Area	3	2.40%
Access	3	2.40%
Lot Depth	2	1.60%
Amenity Area	2	1.60%
Storage	2	1.60%
Temporary Use Permissions	1	0.80%
Separation Distance	1	0.80%
Total	125	100%

Specific zoning regulations that were included within the various appeals were identified based on a review of the data. This information was collected in order to best capture the broad range of provisions associated with the cases at hand. This included the following:

- Parking;
- Setbacks;
- Landscaping;
- Use Permissions;
- Lot Area;
- Height;
- Definitions;
- Encroachments;
- Accessory Structures and Associated Requirements;
- Holding Provisions;
- Driveway Requirements;
- Floor Space Index (FSI);
- Loading;
- Lot Coverage;
- Lot Frontage;
- Gross Floor Area (GFA);

- Access;
- Lot Depth;
- Amenity Area;
- Storage;
- Temporary Use Permissions; and
- Separation Distance.

Table 6 details the frequency of these zone provisions within the 22 appeals that were reviewed. As stated above, this frequency accounts for instances of multiple provisions which were modified in association with a single case, resulting in more provisions than cases. However, it does not account for multiple provisions in one case for the same provision (e.g. one instance of a provision regarding setbacks may account for changes to provisions for both the front and side yard setback).

The data indicates that amendments pertaining to appeals of the zoning by-law contained altered provisions regarding parking standards, setbacks, landscaping, and use permissions at a higher frequency, relative to the other zone provisions.

3.0 Analysis

A review of the City of Vaughan zoning related OMB decisions over the past 7 years indicates that the majority of zoning cases adjudicated by the OMB relate to residential zones – in particular issues of compatibility within the stable Community Areas of the City. The issue more specifically relates to how to maintain the character of established residential neighbourhoods, how to manage change within a cascading policy framework that promotes intensification within the built boundary and consideration towards the associated impacts of development to adjacent land uses.

3.1 Compatibility

In general terms, low-rise residential infill issues referred to the OMB sought clarity on characterizing what was ‘compatibility’ and centered around questions as to whether a proposed development was compatible and whether or not that development should occur. Specifically, cases heard by the OMB have been driven by the need to discern what is compatibility in terms of the form, location and threshold for acceptable impacts within the stable residential areas.

Higher density residential intensification issues advanced to the OMB tended to seek clarity on questions of urban design, local context and in some cases, mix of uses on a single site. In this regard, intensification cases centered around the siting of the development on a parcel of land and remedies to the associated impacts to adjacent land uses. Many of the cases brought before the OMB focused on key transition areas where the established character of an area is evolving - particularly along the periphery of established low-rise residential neighbourhoods and between adjacent residential areas of varying density.

A broad overview of the issues adjudicated at the OMB regarding compatibility and residential zoning over the past 7 years are summarized in *Table 7* below.

Table 7 Residential Zone issues advanced to the OMB since 2011

Low-Rise Residential Infill Cases	High Density Residential Intensification Cases
Compatibility <ul style="list-style-type: none"> — Density — Built form — Lot fabric — Neighbourhood character — Urban design 	Density <ul style="list-style-type: none"> — Amount — Configuration — Phasing — Urban design impacts

Location within the community	Urban Design <ul style="list-style-type: none"> — Site metrics — Massing — Shadow impacts — Pedestrian design
Orientation on the lot <ul style="list-style-type: none"> — Size of Yards/Setbacks — Streetscape impacts of corner lots — Landscaping — Driveways 	Orientation on the lot <ul style="list-style-type: none"> — Disbursement of density over the lot — Privacy/overlook impacts to adjacent lower density residential uses
Traffic <ul style="list-style-type: none"> — Volume 	Traffic <ul style="list-style-type: none"> — Volume — Metrics (sight triangles, turning lanes etc.) — Access points
	Parking <ul style="list-style-type: none"> — Amount — Location
	Nuisance impacts <ul style="list-style-type: none"> — Lighting — Noise

In regards to the matter of compatibility, the findings of the OMB are that ‘compatible’ does not equate to ‘identical’ in comparing the existing building forms and those proposed for residential infill and intensification development. It is the finding of the OMB that:

“The Board finds the proposed building typology to be generally compatible with and complementary to the existing residential area. It is obvious that the building typology is not the same as the existing residential neighbourhood but neither does it have to be. The test is not to be identical; rather the test is whether the two uses can co-exist in harmony and thus be compatible, and implement other provisions of the Provincial Policy Statement, the Growth Plan and the Official Plan.” (B. Taylor, PL121343, [88], February 28, 2014)

The findings of the OMB on the matter of compatibility also direct that new development should both reinforce and respect the physical character of an area in a manner that is consistent with or conforms to the applicable policy framework.

“New development should reinforce and respect the physical character of the area and this proposal achieves this policy objective while maintaining the woodland and natural areas, as described by the limits of development and in the minutes.” (J. Seaborn, PL130802, [17], May 6, 2016)

One of the primary tests applied by the OMB is that there are no significant impacts resulting from the proposed redevelopment that cannot be remedied to be within reasonable or acceptable limits.

“The Board was persuaded, however, that although traffic concerns were understandable, the paper trail and the expert testimony indicated that solutions were feasible.” (M. Denhez, PL110572, [page 5], January 6, 2012)

“...the Board must...consider the form of the density, as this speaks to the impact of the proposal both within the subject site and surrounding area.” (S. Jacobs, PL131327, [27], February 9, 2015)

In this regard, it is the role of the OMB to establish the threshold of what is an acceptable impact within the local context and neighbourhood. In making this determination, the OMB is ultimately guided by the clarity and requirements of the applicable policy framework to establish limits of acceptability.

3.2 Framing Compatibility in Low-Rise Residential Neighbourhoods

It is the stated objective of VOP 2010 that as the City grows, its Community Areas that are characterized by low rise residential development, will remain stable over the long term. New development within such areas will not result in significant change:

“It is the policy of Council:

That Community Areas are considered Stable Areas and therefore Community Areas which 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 of Chapter 9 of this Plan.”
(VOP 2010, Section 2.2.3.2)

While the majority of growth and development is directed to Intensification Areas within Vaughan’s urban structure, there has been some pressure for change in the stable Community Area as a result of infill and intensification proposals within established low-rise residential neighbourhoods. This intensification will be achieved through new *Planning Act* permissions for second suites and through site specific redevelopment proposals for higher density low-rise dwellings. Limited intensification in these areas is contemplated by the Official Plan:

“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

9 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, Section 2.2.3.3)

Within such areas, site specific redevelopment can occur through lot creation at the Committee of Adjustment or by replacing lower density dwelling forms such as a detached dwelling with slightly higher density forms such as semi-detached or townhouse units.

3.2.1 Infill Townhouse Development

Currently, townhouse dwellings are permitted within the Low-Rise Residential designation of VOP 2010 up to a maximum height of 3 storeys. By-law 1-88 permits townhouses in the following residential zones:

- Residential Multiple One (RM1) Zone - street townhouses; and
- Residential Multiple Two (RM2) Zone - block townhouses

The establishment of townhouse dwelling forms through redevelopment in the Community Areas represented a significant proportion of the low density residential zoning cases that were referred to the OMB. The most prevalent issue for such cases at the Board was whether townhouses were both appropriate and compatible with surrounding low density single detached residential uses.

In response to the increase in the number of infill townhouse proposals occurring within the City and the number of such proposals being referred to the OMB, the City of Vaughan sought to clarify the existing Official Plan policies for townhouse infill development. On March 18, 2014 Council

directed that a review be undertaken of VOP 2010 policies providing for the development of single detached, semi-detached and townhouse dwellings in the Low-Rise Residential designation. The purpose of the study was to specifically review residential permissions and urban design along with land use compatibility policies.

On October 20, 2015 Council further directed that a study be undertaken to review policies governing land use change in the Community Areas of VOP 2010. Council specifically directed that an examination of the Official Plan policies address the following matters:

- Clarity of interpretation;
- Ability to ensure compatibility
- The need to provide more definitive policy and other structures;
- Such criteria as may emerge as a result of the study; and
- Recommended policy amendments or schedules as required; and,
- Identified implementation options to address the findings of the policy review. (Committee of the Whole staff report, File 15.120.1, April 4, 2017)

The Vaughan Community Areas and Low Rise Residential Areas Study directly responds to issues of compatibility in addition to the trends for townhouse development cases being referred the Ontario Municipal Board.

On April 4th, 2017 the final draft of the Vaughan Community Areas and Low Rise Residential Areas Study along with an Official Plan Amendment and two sets of urban design guidelines – one for general infill in established low-rise residential areas and one specific to infill townhouse developments - were presented to the Committee of the Whole.

The draft Official Plan Amendment provides additional policy clarity that once approved, can be relied upon by city staff, the development community, the public and the OMB to more accurately determine compatibility and to establish thresholds of acceptable impact associated with infill and low-rise townhouse development.

The significance of clear and concise Official Plan policy to assist Board members with matters of compatibility has been noted by the OMB:

“Consistency with the PPS and conformity with provincial plans is however not the only test when evaluating a development proposal. Official Plans are the most important vehicles for implementing provincial policy objectives and as a result, the development proposal must be evaluated in the context of the applicable official plan.” (J. Seaborn, PL130802, [14], May 6, 2016)

While the Low Rise Residential Areas OPA has not yet been brought forward to Council for adoption, both sets of the urban design guidelines are now in effect. Both the Official Plan Amendment (once approved) and the urban design guidelines will need to be accounted for through the Comprehensive Zoning By-law Review. All three of these documents will provide directives for zone regulations that should be incorporated within the new Zoning By-law.

An excerpt from the April 4, 2017 Committee of the Whole staff report which summarizes the proposed salient modifications to the Official Plan policies has been included as **Appendix A** to this Chapter.

3.3 Compatibility and Higher Density Residential Development

In areas where higher density residential development and mixed development is contemplated, cases referred to the Board tended to focus more on issues of how to achieve compatibility and mitigate impacts versus if the development was compatible within the form and function of the area. This included such issues as urban design, stepping back of high rise buildings, orientation of buildings on the lot, and the use of medium density townhouses on the site to provide a transition to adjacent existing residential uses. In such cases, the form, function and density limits of the proposed development were not contested.

Many of the OMB decisions for these higher density intensification cases were approved in principle but withheld in order to provide for a coordination of the implementing planning instruments. It was generally the direction of the OMB that the implementing zoning by-law and site plan be approved together to ensure that the standards set out in the zoning by-law are an accurate reflection of the approved development proposal and associated site plan.

In combination, *Chapter 2: Development Design Guidelines* and *Chapter 7: Zoning for Intensification Areas* outlines the zoning tools and mechanisms that can be used to regulate intensification and to address issues of compatibility at a site level.

4.0 Implications for Zoning

The significance of identifying the trends reviewed in this chapter is to provide insight as to what elements of By-law 1-88 may require modification or additional study through this Comprehensive Zoning By-law Review.

In general terms, the findings of this analysis have identified that compatibility issues within existing stable low rise Community Areas represented the highest proportion of zoning cases referred to the OMB. This is an issue which has been recognized by the City and for which the City has initiated a policy response through the *“Vaughan Community Areas and Low Rise Residential Areas Study”*.

4.1 Tools for Establishing a Compatibility Framework

There are 3 key documents/initiatives which provide policy direction to frame a qualitative – and in some cases, quantitative – assessment of what constitutes compatible development:

- VOP 2010;
- Proposed Low Rise Residential Areas OPA (not yet approved);
- Low Rise Residential Infill Urban Design Guidelines; and
- Townhouse Infill Urban Design Guidelines.

All of these documents contain policies and provisions which provide zoning directives that can be incorporated within the new Zoning By-law through this review process. As detailed in *Chapter 1: General Technical Analysis*, a Zoning By-law may regulate the use of land, construction of buildings or structures or require parking and loading facilities.

4.1.1 Vaughan Official Plan 2010

There are four key Sections of VOP 2010 which provide policy direction to establish compatibility within low rise Community Areas. This is particularly relevant as it is the policies of the Official Plan that provide the directives for the standards and regulations of the Zoning By-law. It is also the policies of the Official Plan that provide guidance to the OMB when adjudicating a development proposal. This is equally true of the policies of the various Secondary Plans which further refine the policy direction of the parent Official Plan.

The relevant sections of VOP 2010 which provide guidance on what constitutes ‘compatibility’ are summarized below. It is beyond the scope of this Report to examine the Secondary Plan policies in any great detail however, the Secondary Plan policies will equally be reviewed and implemented in the new Zoning By-law.

- Managing Growth – Community Areas
 - Requires that new development must be sensitive to, respectful of, and compatible with the existing character, form and planned function of the surrounding area (page 29 introduction and Policy 2.2.3.3)
 - Identifies the broad categories of uses permitted within the Community Area being low rise housing stock, local commercial uses and community facilities (Policy 2.2.3.1)
 - Identifies the specific elements of the proposed development to be assessed for compatibility with existing surrounding uses including scale, height, massing, lot pattern, building type, character and form (Policy 2.2.3.2)
 - Provides guidance for areas adjacent to Community Areas requiring that

new development provide an appropriate transition for scale, intensity, and use (Policy 2.2.3.4)
Requires mitigation of adverse impacts such as noise and traffic (Policy 2.2.3.4)

- Urban Design and Built Form
 - Requires that new development respect and reinforce the existing and planned context within which it is situated (Policy 9.1.2.1)
 - Identifies the elements of development to be assessed for compatibility including lot pattern, size and configuration of lots, building type, height and scale, yard setbacks, and conservation of heritage buildings, districts and cultural landscapes (Policy 9.1.2.2) The proposed Low Rise Residential OPA (LRROPA) add to the above list: orientation of buildings, landscaping, topography and drainage features of the subject and adjacent lot. Specific compatibility requirements for large lots (9.1.2.3) The LRROPA further refines this guidance and introduces a new Official Plan Schedule to delineate 'Large Lot Neighbourhoods'.
- Low Rise Residential Official Plan Designation
 - Identifies a height maximum of 3 storeys
 - Identifies uses permitted
 - Identifies building types permitted being detached dwelling, semi-detached dwelling, townhouse, and institutional buildings. (Policy 9.2.2)
 - LRROPA does not change this list of permitted uses but places conditions as to the context within which semi-detached and townhouse dwellings may be permitted.

- Building Types and Development Criteria
 - Provides development criteria for detached, semi-detached (9.2.3.1) and townhouse (9.2.3.2) dwellings as well as low rise buildings (9.2.3.4). This includes requirements for maximum height and compatibility with the scale, massing, setback and orientation of the surrounding neighbourhood although variations are permitted for the purposes of minimizing driveways. (Policy 9.2.3)

4.1.2 Low Rise Residential OPA

The Low Rise Residential Official Plan Amendment refines the existing Official Plan policies as noted generally in Section 5.1.1 above. However, the Official Plan Amendment also introduced a number of new policy requirements and mapping that once approved, will need to be further implemented in the new By-law. This includes:

- A new Official Plan Schedule delineating the boundaries of 'Large Lot Residential Neighbourhoods'. This Schedule works in conjunction with the proposed policy amendments for Policy 9.1.2.3 which seeks to regulate redevelopment in areas of large residential lots with frontages greater than 20 metres. In particular, the policy provides compatibility criteria to regulate instances where the subdivision and redevelopment of a large lot or multiple lots would be contrary to the existing character of the area.

Zoning Implications: Options for implementing the policy requirements for Large Lot Residential Neighbourhoods include application of a specific residential zone, specific Regulatory Set to be applied in conjunction with a low density (R1) Use Zone, or an overlay zone to vary a specific zone standard or set of standards.

- A definition of 'Established Community Area'. The proposed modification to Policy 9.1.2.1 contained within the OPA introduces a new definition for 'Established Community Area' as *"a portion of the Community Area identified on Schedule 1 (Urban Structure) generally bounded by Major or Minor Arterial streets or other significant features such as the Natural Heritage System which is entirely or almost entirely developed and occupied, such that it's physical character is well defined."*

Zoning Implications: This definition is generally too broad and conditional to be included in the new Zoning By-law. However, if relevant and applicable to the zoning, such an area would likely be depicted in an overlay zone schedule associated with specific zone requirements. This definition effectively establishes the limits of a neighbourhood within which a redevelopment proposal must be compatible.

- More detailed requirements to regulate the siting of semi-detached and townhouse dwellings within Established Community Areas.

Zoning Implications: Zoning regulations such as permitted uses/dwelling types permitted, setbacks, maximum height, landscaping and coverage requirements all influence the established character of a neighbourhood. Any harmonization or variation of zone standards through the Zoning By-law Review process should be relatively minor in areas of stable Low Rise Residential Areas and should follow the rules of harmonization as included in **Appendix A** of *Chapter 8: Official Plan Conformity*.

- Within Established Community Areas of the Low Rise Residential designation, townhouse dwellings would only be permitted on lands that front onto an arterial road, subject to criteria. Back-to-back and stacked townhouse dwellings would be specifically prohibited in the Low Rise Residential designation.

Zoning Implications: The requirement that townhouse dwellings must front onto an Arterial Road could be included in the General Provisions section of the new Zoning By-law or could be included as a notation within the permitted use table of the residential zones. Within the applicable permitted use table, the terminology must be specific to distinguish between the various types and forms of townhouse development. Only a townhouse would be permitted in the applicable residential zone applying to the Low Rise Residential designation, whereas a back-to-back and stacked townhouse dwelling would be defined but not included in the list of permitted uses for such a zone. Definitions for townhouse, back-to-back townhouse, and stacked townhouse must be included in the new Zoning By-law.

4.1.3 Low Rise Residential and Townhouse Infill Residential Guidelines

The Low Rise Infill Residential Guidelines and Townhouse Infill Residential Guidelines have been drafted to respond to and expand on the proposed policy modifications of the Low Rise Residential OPA summarized above. In general terms, the following matters identified within these two sets of urban design guidelines can be addressed through provisions in the new Zoning By-law.

Low Rise Residential Infill Guidelines

- Minimum soft landscaping requirements

- Maximum width of driveways
- Maximum garage widths, placement on the lot and orientation
- Maximum building height
- Requirements for porches, balconies and decks
- Yard setbacks
- Orientation of the dwelling on the lot

Townhouse Residential Infill Guidelines

- Minimum soft landscaping requirements
- Maximum building height
- Yard setbacks
- Orientation of the dwelling on the lot
- Maximum number of townhouse units per structure
- Minimum townhouse unit dimensions
- Separation distances between townhouse blocks on the same site
- Landscape buffers and vegetative screening
- Outdoor amenity areas
- Location and configuration of parking and visitor parking
- Parking access
- Location and size of accessory buildings and structures such as waste storage areas

It should be noted that the City of Vaughan is currently working on producing a more general set of Urban Design Guidelines. Once completed and endorsed by Council, there is equal opportunity to incorporate many elements of these more general guidelines within the new Comprehensive Zoning By-law. This issue is addressed in greater detail in *Chapter 2: Development Design Guidelines*.

4.2 The Passage of Bill 139

On December 12, 2017, Bill 139 (*Building Better Communities and Conserving Watersheds Act*) received Royal Assent. A number of amendments related to Ontario's

planning system are now in the process of coming into effect, related to the replacement of the Ontario Municipal Board (OMB) with the Local Planning Appeal Tribunal (LPAT), changes to *Planning Act* approval processes, and revisions to the *Conservation Authorities Act*. At the time of writing this report, a number of draft regulations associated with transitioning to the LPAT framework were posted for consultation.

Bill 139 has created an extensive range of reforms including placing a greater scope of authority with local Councils and planning authorities. The legislative changes that would impact a new Zoning By-law include:

- (1) The creation of a new Local Planning Appeal Tribunal (LPAT). The Province has closed consultations on transition regulations related to applications in process. Once regulations come into effect, appeals launched after that date would go to the LPAT and be subject to those rules and processes—including the revised scope for appeals and hearings described below. The regulation would address appeals launched after December 12, 2017, and before the regulation comes into effect.
- (2) Appeals are limited to decisions not being consistent with a Provincial Policy Statement or not in conformity with Provincial plans or an official plan. Currently, the OMB must “have regard to” the decisions of a municipal Council in adjudicating a matter before it. The OMB has had liberal jurisdiction to overturn a municipal decision and issue an independent decision without deference to the initial municipal decision. However, Bill 139 significantly scales back this authority in respect of

decisions related to Official Plans, Zoning By-laws and Plans of Subdivision. In this regard, the new LPAT system will now be oriented to assess the conformity of municipal decisions with applicable Provincial and municipal policy. Municipal decisions may only be overturned if it is determined that the decision under appeal is not consistent with or does not conform to the required Provincial and municipal (upper and lower-tier) policy frameworks. In such cases, the matter is returned to municipal Council for additional consideration.

- (3) Sheltering of “major transit station area” policies from appeals and applications. Single-tier municipalities will be able to include policies in their Official Plan (including a Secondary Plan) that identify and protect Major Transit Station Areas through prescribed land uses, heights and minimum employment/residential densities. The policies would not be subject to appeal, nor would an application to amend the policies be considered, provided minimum density targets (minimum number of residents and jobs per hectare) are included in the Plan.

The full effect of these changes will be considered throughout this project, and are continuing to evolve as regulations come into effect. Future consideration to give full effect to these permissions may first be required through an Official Plan Review.

4.3 Zoning Strategies

This chapter highlights at a high level those regulations of a Zoning By-law that contribute to achieving a built form within a larger neighbourhood context. This includes

regulations such as permitted uses, specific zone standards, general provisions (for example accessory buildings, porches and balconies) and parking provisions. All such elements contribute to achieving a built form or neighbourhood character and equally provide the tools through which compatibility can be assessed and realized.

An analysis of OMB cases over the past 7 years revealed that of the related zoning elements, there was a higher frequency of zoning issues relating to parking standards, setbacks, landscaping and use permissions being referred to the Board. A more detailed review of each of these matters has or will be addressed as follows:

Parking Standards – please refer to *Chapter 9: Parking and Loading Standards*

Yard Setbacks – to be reviewed and addressed when drafting the zone structure for the new Zoning By-law. Please refer to the ‘Rules of Harmonization’ found in *Appendix A of Chapter 8: Official Plan Conformity*

Landscape Requirements – please refer to *Chapter 2: Development Design Guidelines*

Use Permissions - to be reviewed and addressed when drafting the zone structure for the new Zoning By-law. Please refer to the ‘Rules of Harmonization’ found in *Appendix A of Chapter 8: Official Plan Conformity*

5.0 Recommendations

An analysis of zoning related OMB cases indicates that one of the key drivers in referring zoning matters to the Board has been infill and redevelopment proposals within the existing urban area – in particular within the low rise residential Community Area. The issue is one of assessing compatibility in instances where modest increases in density and housing form are proposed both within and adjacent to these low density areas. While townhouse development has become more prevalent within the City in recent years, so too is this trend reflected in the nature of the appeals being forwarded to the Board.

VOP 2010, now substantially approved, provides some policy guidance against which to assess compatibility and weigh the impacts of development. This policy framework would be augmented with additional policies proposed through the Low Rise Residential OPA that was presented to the Committee of the Whole in April of this year.

The policy refinements of the Low Rise Residential OPA seek to provide clarity to the existing Official Plan policies that manage change with the stable Community Area of the City and to a large degree, which respond to the trends being seen at the OMB. The Official Plan, Low Rise Residential OPA and associated Urban Design Guidelines provide a more comprehensive approach to compatibility and include a number of zoning directives that must be considered and implemented within the new Zoning By-law.

At a broader level, there are a number of tools that can be used to implement the policy direction of the City. This includes the use of better harmonized or rationalized zone

standards, application of overlay zones to vary standards where required, or the use of independent zone structures (customized zone standards or a system of Use Zones and Regulatory Sets). All of these tools have been described in *Chapter 8: Official Plan Conformity*.

The implementation of specific built form policy requirements that collectively form the character and context of an area have been summarized throughout this Chapter and will be implemented through a review and analysis of specific zone standards and regulations as the new Zoning By-law is drafted.

Appendix A

Excerpt from Staff Report:

Committee of the Whole, April 4, 2017

Vaughan Community Areas and Low Rise Residential Areas Study & OPA

“In summary, key messages defining this process and the outcome include:

- The amendments are targeted at the Low-Rise Residential designation within the Community Areas.
- The intent of the proposed policy amendments is to ensure that townhouse development and other forms of infill development are compatible with Low-Rise Residential areas in Established Community Areas, consistent with the policies of VOP 2010, addressing issues such as the appropriate location, buffering, and orientation to public roads.
- • One of the main changes provides that townhouse dwellings will only be permitted in the Low-Rise Residential designation in Established Community Areas on parcels of land with frontage onto arterial roads, subject to criteria.
- Notwithstanding the last point, it is not the intent of the amendments to prohibit the development of townhouses in undeveloped or developing parts of the Low-Rise Residential Area (i.e. Developing Community Areas) that have previous approvals for townhouses that are unbuilt at this time. Undeveloped areas that have been or will proceed through a planning process, including Block Plans, zoning, and draft plans of subdivision that have planned for this housing form should be allowed to proceed.
- The areas with frontage onto arterial roads in the Low-Rise Residential neighbourhoods in existing Community Areas are not Intensification Areas, as reflected in the Vaughan Official Plan and endorsed by the Region of York and approved by the Ontario Municipal Board, in accordance with the Provincial Growth Plan.
- Within Intensification Corridors, Low-Rise Residential neighbourhoods with properties that are rear lotted on the arterial street or have frontage on a window street parallel to the arterial street are generally not considered to be appropriate for intensification, as set out in Policies 2.2.59 (Regional Corridors) and 2.2.5.14 (Primary Intensification Corridors).
- Community Areas are not intended to “experience significant physical change” (VOP neighbourhoods in Established Community Areas have high regard for compatibility with the adjacent Low-Rise Residential areas).
- The policies will permit townhouse dwellings on arterial roads in the Low-Rise Residential areas in Established Community Areas; however, they must conform to the OMB approved Official Plan policies, as informed by the design guidelines that were approved by Council on October 19, 2016. In conforming to the policies and guidelines, the development yield may be reduced.

- Development on small or irregularly shaped parcels often present design challenges that compromise the ability to achieve infill townhouse development on the arterial frontages that would be attractive, functional and compatible with the surrounding area. In these instances, land assembly is preferred. The policies confirm that the application of a Block Plan process to plan on a multi-parcel basis is an available option.
- Where permitted, townhouses in a Low-Rise Residential neighbourhood within Established Community Areas do not include stacked townhouses, or “back-to-back” townhouses.
- It is also not the intent to eliminate townhouse development from the developing Community Areas or the new Secondary Plan areas (New Community Areas) as their planning processes provided for the integration of townhouse development through their respective Secondary Plans and subsequent approval processes.
- If it is determined through the application of the policies of VOP 2010 that a proposed townhouse development does not conform to the Official Plan, the applicant may apply for an Official Plan amendment to seek relief from the contentious policies. While the Official Plan amendment would be considered on its own merits, the intent of maintaining compatibility with the established Low-Rise Residential community will remain a priority consideration.
- It is recognized that there may be instances where lands located in the Low-Rise Residential designation in the Community Areas (either fronting onto an arterial or elsewhere) are in transition (i.e. there are multiple proposals for alternative uses or densities). The option remains with Council to direct that a study be undertaken to determine the long range future of such areas, which may result in an Official Plan amendment.
- The effect of the policies will not substantially impact the supply of housing or compromise the Provincial, Regional and City policies regarding intensification. It may marginally reduce the number of townhouses through the need to conform to the design policies, on arterial townhouse sites, in the Low-Rise Residential areas in Established Community Areas.
- Provincial direction requiring the accommodation of secondary suites in residential areas as-of-right has the potential to substantially increase the number of residential units in the Low-Rise Residential designation. As a result, removing townhouses from the designation will have minimal impact on the housing supply or mix, while maintaining the physical character of the residential areas. Council has approved amendments to the Vaughan Official Plan and By-law 1-88 to permit Secondary suites along with an implementation program. The adoption of the implementing Official Plan amendment is expected in the second quarter of this year
- The fact that there are minor restrictions in the number of townhouse units that may result from the proposed amendments, overall affordability will not be affected. In 2015 the average sale price of resale townhomes was approximately \$575,283 on a Region-wide (2010). It is the intent that any townhouse development in the Low-Rise Residential basis (Affordable Housing Monitoring Analysis, York Region, 2016). This is beyond the regional affordability limit of \$459,170 (Affordable Housing Monitoring Analysis, York Region, 2016). Regional data for 2016 is not available as yet. Indications are for 2016, the average

price of a resale townhouse in Vaughan exceeded \$800,000 (T.R.E.B.). Secondary suites have a greater potential to provide affordable units in this context.

- All development applications submitted in the Low-Rise Residential areas in the Established Community Areas prior to the approval of the amendments to the Official Plan resulting from this process will be reviewed on the basis of the policies that were in effect at the time the applications were submitted. However, such applications would be subject to the Urban Design Guidelines approved by Council on October 19, 2016. These guidelines were based on the existing policies and will be considered in the review of all such applications.
- The lands in the Low-Rise Residential neighbourhoods in the Established Community Areas are worthy of protection. They help to define Vaughan and will continue to do so well into the future. They provide an important source of housing and traditionally have formed the basis of the City's stable neighbourhoods and communities.
- The new role of the Low-Rise Residential designation in the Established Community Areas as a provider of Secondary Suites will further enhance these locations as a source of a broad array of housing services, extending from Secondary Suites to large lot single detached dwellings.
- Any changes to the density, character and ambience of the established Low-Rise Residential neighbourhoods in the Established Community Areas needs to be carefully considered, with appropriate public input, technical analysis and Council scrutiny and approval."

CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 7

ZONING FOR INTENSIFICATION AREAS

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1.0 Introduction

1.1 Purpose

The purpose of this Chapter is to identify options for zoning areas planned for growth and change. Vaughan's Official Plan (VOP) 2010 and the land use policy framework in the City contemplates increased density and compact urban form in a number of locations — in some cases on lands that currently sit vacant, in other cases within established areas. There is sensitivity from many stakeholders to ensure development in these areas occurs in an orderly, compatible, and appropriate fashion. This needs to be balanced against design objectives, legislated rights and obligations and market realities over the form and nature of development.

Development within Intensification Areas is increasingly compact, adding multiple uses and users on often complex locations. A municipality's regulatory framework establishes the basis for handling this growth. The Zoning By-law Review is intended to apply zoning in these areas that growth to occur in the right locations with appropriate quality and ability to create a sense of place.

1.2 Key Principles

The key principles guiding the development of Intensification Area zoning in Vaughan are:

- Implementing the policy vision of VOP 2010;
- Supporting and providing complementary direction to the City's various urban design guidelines and documents; and

- Establishing a building envelope that contributes to creating a sense of place and context-appropriate character in the Intensification Areas.

When planning for mixed use and intensification area zoning, most municipalities are looking to establish conditions to enhance walkability, reduce dependence on cars, and increase the use of alternative forms of transportation. This generally results in a more compact community with higher densities to support alternative forms of transportation.

As with all zoning regulations, any by-law provisions will need to conform to the Official Plan. The *Planning Act* also establishes what a zoning by-law can and cannot regulate, as discussed in Chapter 1 – General Technical Analysis. Other guidelines, existing zoning, and research and review of best practices all play a part in shaping these regulations—but meeting the test of conforming to policy established in VOP 2010 must come first.

2.0 Legislative, Policy and Regulatory Context

2.1 Planning Act

The *Planning Act* has long enabled municipalities to regulate building placement and height to permit a direct and deliberate approach to zoning for growth. The key question is how zoning fits into the broader framework of producing quality design. There are four particular clauses in Section 34 of the *Planning Act* relevant to the development of compact urban form:

- 34(1).2: Prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality.
- 34(1).4: Regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures ... and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.
- 34(1).6: For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.
- 34(4): The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality.

2.2 City of Vaughan Official Plan

VOP 2010 establishes, as part of the urban structure, a hierarchy of five types of Intensification Areas where the majority of intensification is planned to be accommodated. From Section 2.2.1.1(d) and listed in hierarchical order:

- (1) The “Vaughan Metropolitan Centre” (VMC) will be the location of the tallest buildings and most intense concentration of development. It is also identified as an Urban Growth Centre in the 2017 Growth Plan and current Official Plan.
- (2) “Regional Intensification Corridors” adjacent to major transit routes will support intensification at densities and in a form supportive of higher-order transit (including in employment areas).
- (3) “Primary Centres” will be locations for intensification accommodated in the form of predominantly mixed use high- and mid-rise buildings, at transit-supportive intensities.
- (4) “Local Centres” will provide the mixed use focus for their respective communities, in a manner that is compatible with the local context.
- (5) “Primary Intensification Corridors” link together the various centres on transit supportive corridors and will accommodate mid-rise, and limited high-rise and low-rise buildings with a mix of uses (including in employment areas).

Each intensification area is delineated on Map 1 of the Official Plan (s.2.2.1.2). The text and mapping demonstrates that not all areas of the City are considered appropriate for intensification. This will need to be reflected in the new Zoning By-law.

SCHEDULE 1

Urban Structure

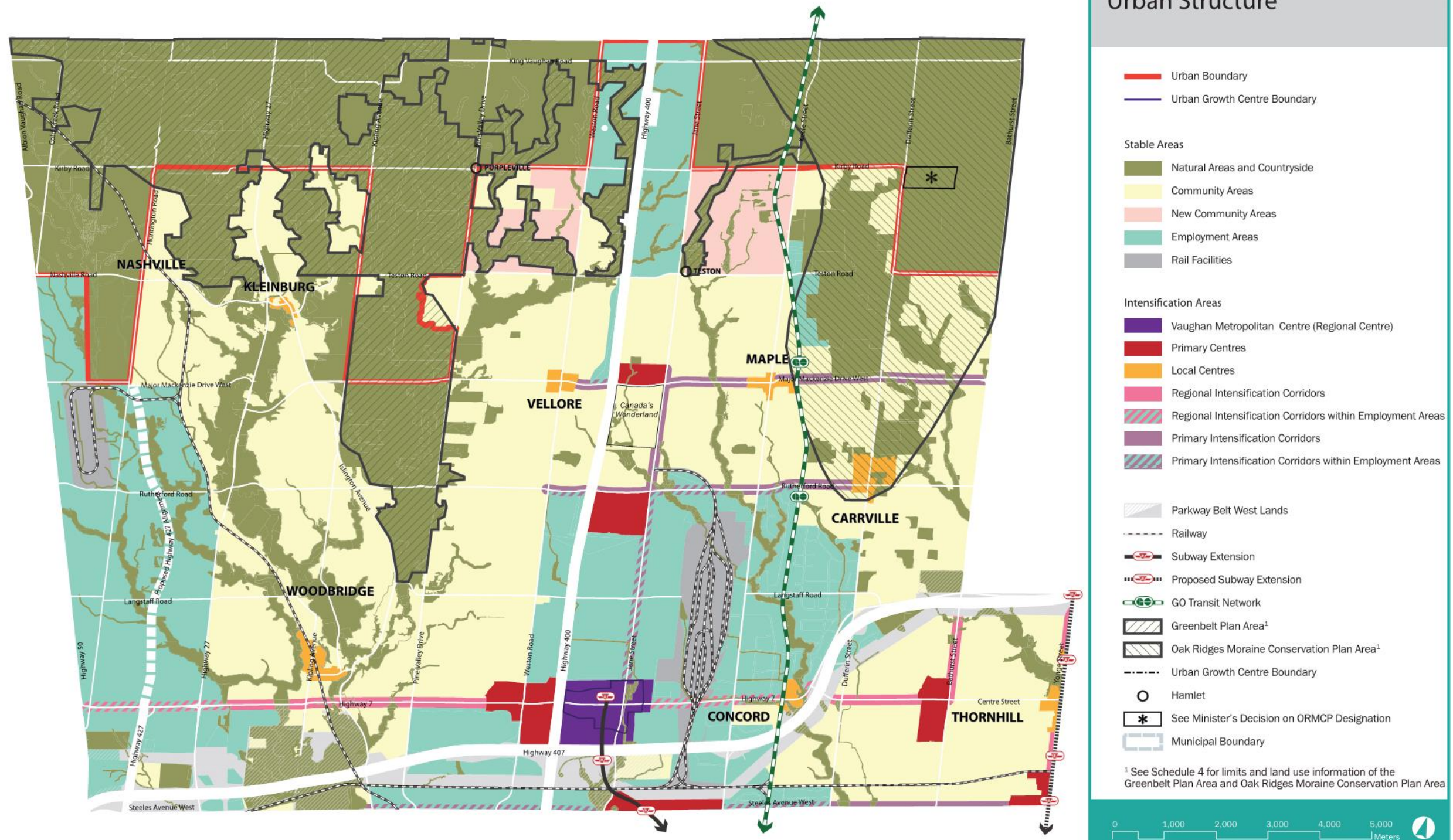


Figure 1 Map 1 of the City of Vaughan Official Plan 2010 (City's Urban Structure)

Section 2.2.1.1 speaks to “the majority” of intensification locating in these five areas, and the VMC in particular. This is a critical policy point to consider when developing a recommended approach to zoning for Intensification Areas. Growth through intensification is a key pillar of the Official Plan and needs to be accommodated in an appropriate manner.

Although intensification areas have been articulated in VOP 2010, some lands within these areas are not necessarily appropriate for intensification. For example, a critical Official Plan policy (Section 2.2.5.14) 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.

The importance of the Intensification Areas and mixed use development is further identified as a focal point within Section 1.5 of the Official Plan. *Goal 3 – A Diverse Economy*, promotes the location of non-industrial employment uses within mixed use centres to support transit. The VMC is also envisioned, in Goal 3, “...to become Vaughan’s downtown — the highest density node within the City and a focus for civic activities, business, shopping, entertainment and living.” The majority of planned intensification can be accommodated on these lands.

Mixed use centres are also clearly positioned as a key ingredient for strategic growth in *Goal 8 – Directing Growth to Appropriate Locations*:

“Planning for the attractive, sustainable and prosperous city envisioned by this Plan will in

large part be achieved by directing growth to appropriate locations that can support it. This means a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planned transit service to accommodate growth.

“This Plan provides an appropriate balance in this regard by accommodating 45% of new residential growth through intensification and the remainder within New Community Areas. Intensification Areas have been limited to 3% of the overall land base to protect existing Community Areas and Natural Areas. Similarly, employment growth is being accommodated through a balance of intensification within mixed use centres and through new development in Employment Areas.”

Vaughan’s urban structure contains a number of land use designations outside of the Secondary Plan areas. Nine of the eleven parent designations align with Intensification Areas. Where this occurs, select policy nuances apply in order to tailor the use permissions and development policies in each designation. A summary of these policies is contained in *Table 1*, on the following page:

Table 1: Land Use Designations within the Intensification Areas

Designation	Uses/Buildings Permitted	Intensification Area Modifications
Low-Rise Residential (S.9.2.2.1)	<ul style="list-style-type: none"> • Detached dwellings* (subject to Section 9.2.3) • Semi-detached dwellings* (subject to Section 9.2.3) • Townhouses* (subject to Section 9.2.3) • Home occupations • Private home day care (maximum 5 children) • Small-scale convenience retail (on a corner lot where at least one of the sides is on a collector or arterial street, and to a maximum of 185 square metres) • Public and private institutional buildings 	<ul style="list-style-type: none"> • (No modifications)
Low-Rise Mixed Use (S.9.2.2.2)	<ul style="list-style-type: none"> • Detached dwellings* (subject to Section 9.2.3) • Semi-detached dwellings* (subject to Section 9.2.3) 	<ul style="list-style-type: none"> • Ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street. • A minimum of 30% of the total gross floor area of all uses on the lot to shall be occupied by uses other than retail uses.

Designation	Uses/Buildings Permitted	Intensification Area Modifications
	<ul style="list-style-type: none"> • Townhouses* (subject to Section 9.2.3) • Stacked townhouses • Home occupations • Public and private institutional buildings* (subject to Section 9.2.3) • Small-scale hotels • Retail uses (see S.5.2.3) • Offices 	<ul style="list-style-type: none"> • (Additional modification for land located on a collector street on lands identified as falling within a Community Area) Retail and office uses will be limited to a maximum of 500 square metres of gross floor area if.
Mid-Rise Residential (S.9.2.2.3)	<ul style="list-style-type: none"> • Mid-rise buildings* (subject to Section 9.2.3), residential units • Home occupations • Small-scale convenience retail (on a corner lot where at least one of the sides is on a collector or arterial street, and to a maximum of 185 square metres) • Public and private institutional buildings* (subject to Section 9.2.3) • Townhouses, stacked townhouses, and “low rise buildings”* (within 70 metres of a low-rise residential area or on streets that are not arterial or major collector streets; subject to Section 9.2.3) 	<ul style="list-style-type: none"> • “Areas are generally located in intensification areas” • (No modifications)

Designation	Uses/Buildings Permitted	Intensification Area Modifications
Mid-Rise Mixed Use (S.9.2.2.4)	<ul style="list-style-type: none"> • Mid-rise buildings* (subject to Section 9.2.3), residential units • Home occupations • Public and private institutional buildings* (subject to Section 9.2.3) Cultural uses (includes commercial theatres and galleries) • Retail uses (see Section 5.2.3) • Office uses (maximum of 7,500 sq.m floor area) • Parking garage • Hotel • Gas station (see Sections 5.2.3.12 and 9.2.3) • Townhouses, stacked townhouses, and “low rise buildings” (within 70 metres of a low-rise residential area or on streets that are not arterial or major collector streets, and subject to Section 9.2.3) • <i>Ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street</i> 	<ul style="list-style-type: none"> • “Areas are generally located in intensification areas” • No office maximum in intensification areas • Retail uses shall not exceed 50% of the total gross floor area of all uses on the lot

Designation	Uses/Buildings Permitted	Intensification Area Modifications
High-Rise Residential (S.9.2.2.5)	<ul style="list-style-type: none"> • High-rise and mid-rise buildings, residential units* (subject to Section 9.2.3) • Home occupations • Community facilities • Public and private institutional buildings* (subject to Section 9.2.3) • Townhouses, stacked townhouses, and “low rise buildings” (within 70 metres of a low-rise residential area or on streets that are not arterial or major collector streets, and subject to Section 9.2.3) • <i>Ground floor frontage of buildings facing arterial and collector streets shall predominantly consist of retail uses or other active uses that animate the street</i> 	<ul style="list-style-type: none"> • “Generally located in intensification areas” • (No modifications)
High-Rise Mixed Use	<ul style="list-style-type: none"> • High-rise and mid-rise buildings, residential units* (subject to Section 9.2.3) • Home occupations • Community facilities • Public and private institutional buildings* (subject to Section 9.2.3) 	<ul style="list-style-type: none"> • “Areas are generally located in intensification areas” • No office floor area maximum within an intensification area • Retail uses shall not exceed 50% of the total gross floor area of all uses on the lot

Designation	Uses/Buildings Permitted	Intensification Area Modifications
	<ul style="list-style-type: none"> • Cultural uses (includes commercial theatres and galleries) • Retail uses (see Section 5.2.3) • Office uses (maximum of 12,500 sq.m floor area; that maximum is waived when within 500 metres of a planned subway station or where permitted through a secondary plan) • Parking garage • Hotel • Gas station (see Section 5.2.3.12) • Townhouses, stacked townhouses, and “low rise buildings” (within 70 metres of a low-rise residential area or on streets that are not arterial or major collector streets, and subject to Section 9.2.3) 	
Employment Commercial Mixed Use (S.9.2.2.7)	<ul style="list-style-type: none"> • Office uses (maximum of 12,500 sq.m floor area) • Cultural and entertainment uses • Retail (no retail unit shall exceed 3,500 sq.m gross floor area) • Gas station (see Section 5.2.3.12) 	<ul style="list-style-type: none"> • No office floor area maximum • Hotel additionally permitted • A minimum of 30% of the total gross floor area on a lot shall consist of uses other than retail uses • Low-rise buildings are not permitted

Designation	Uses/Buildings Permitted	Intensification Area Modifications
	<ul style="list-style-type: none"> • Low-rise buildings (outside of Regional Intensification Corridors or Primary Intensification Corridors) • Mid-rise buildings • Public and private institutional buildings 	
Community Commercial Mixed Use (S.9.2.2.8)	<ul style="list-style-type: none"> • Office uses (maximum of 12,500 sq.m gross floor area) • Cultural and entertainment uses • Retail • Gas station (see S.5.2.3.12) • Low-rise buildings (outside of Regional Intensification Corridors or Primary Intensification Corridors) • Mid-rise buildings • Public and private institutional buildings 	<ul style="list-style-type: none"> • No office floor area maximum • Hotel additionally permitted • A minimum of 30% of the total gross floor area on a lot shall consist of uses other than retail uses • Low-rise buildings are not permitted
General Employment (S.9.2.2.10)	<ul style="list-style-type: none"> • Full range of industrial uses • Office and/or retail accessory to and directly associated with an industrial use (location and size maximums apply) • Outside storage as an accessory use (a single use is not permitted; a building shall be provided) • Employment/industrial buildings 	<ul style="list-style-type: none"> • (Not believed to apply in any Intensification Areas)

Designation	Uses/Buildings Permitted	Intensification Area Modifications
	<ul style="list-style-type: none"> • Low-rise buildings • Mid-rise buildings 	
Prestige Employment (S.9.2.2.11)	<ul style="list-style-type: none"> • Industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings • Office and or retail uses accessory to and directly associated with any use above (subject to maximum area criteria) • <i>Outside storage is not permitted</i> • Stand-alone office uses (maximum 10,000 sq.m gross floor area) • Ancillary retail (maximum 185 sq.m per unit, maximum of the lesser of 20% all gross floor area on the lot of 1,000 sq.m gross floor area, and must be within 200 metres of two arterial or collector streets) • Gas stations (see Section 5.2.3.12) • Low-rise buildings* (subject to Section 9.2.3) 	<ul style="list-style-type: none"> • (No modifications)

Designation	Uses/Buildings Permitted	Intensification Area Modifications
	<ul style="list-style-type: none"> • Mid-rise buildings* (subject to Section 9.2.3) • Employment/industrial buildings 	
Major Institutional	<ul style="list-style-type: none"> • Development or redevelopment requires the adoption of a Secondary Plan 	

Uses permitted in all designations above per Sections 9.2.1.9 and 9.2.1.11 of the Official Plan include schools (except in employment areas), parks and open space, stormwater management facilities, small-scale community facilities, day cares (located within a school or on a public street with a right-of-way of 26.0 metres or greater), public safety services (located on a public street with a right-of-way of 26.0 metres or greater), and public utilities.

A variety of building types are permitted subject to Section 9.2.3 of the Official Plan (noted with an * asterisk in the table above). This policy provides a number of locational and design criteria apply that may affect the use permissions and zone standards associated with those uses. Both residential and non-residential buildings are subject to the policy, which shall require careful implementation in the new Zoning By-law.

On review, there are a number of important distinctions in use permissions between intensification areas and other areas. These differences will need to be recognized in the new Zoning By-law.

Maximum heights and floor space index ratios (FSI) are provided on Map 13 of the Official Plan or within the applicable Secondary Plan. These heights vary by location in the City, and even along the applicable corridor. Section 9.2.1.6 of the Official Plan identifies these dual maximums as “*independent...in that one maximum may be achieved without achieving the other.*” Individual dwelling unit types, permitted in many of the applicable land use designations, maintain individual height maximums in later policies within Section 9.2 of the Official Plan. Consideration for staggered and variable height and FSI maximums by dwelling unit type should be considered as part of this project.

Section 10.1.2.2 of the Official Plan makes it clear that zoning permissions do not need to provide all contemplated uses or building forms to exactly match the Official Plan:

“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.”

A municipality would tend to limit permissions where some sort of check or evaluation—which can only occur through some form of a planning application—is first required to ensure a proposal conforms to the Plan. The individual Secondary Plans and master plans or servicing strategies are the best locations to identify any known constraints or criteria to

be considered when evaluating development.

2.3 Secondary Plans

A variety of Secondary Plans apply on lands targeted for intensification:

- Vaughan Metropolitan Centre Secondary Plan;
- Carrville Secondary Plan;
- Steeles West Secondary Plan;
- Kipling Avenue Secondary Plan;
- Maple GO Station Area Secondary Plan;
- Vaughan Mills Centre Secondary Plan;
- Concord GO Centre Secondary Plan;
- Woodbridge Centre Secondary Plan; and
- Yonge Steeles Corridor Secondary Plan.

The individual Secondary Plans contain detailed development permissions, policies, and criteria that will inform zone standards tailored to each of their areas. Secondary Plans form an integral component and layer of policy guidance on applicable lands. The same expectation of conformity as outlined in Section 1.2 of this Report apply to Secondary Plan policy.

There are two important considerations when recommending a change in zoning for lands within a Secondary Plan. The first is the status of the Plan. The Official Plan recognizes three categories of Secondary Plans:

- Approved Secondary Plans have been adopted by Council and are in effect;
- There is one Secondary Plan to be approved (Yonge Steeles Corridor Secondary Plan), which is moving toward a hearing at the Ontario Municipal Board; and

- Required Secondary Plan Areas still need to be written and adopted.

The required Secondary Plans have no policy standing, other than as future work to be undertaken. Those processes should drive future zoning and the parent Official Plan continues to apply. The Yonge Steeles Corridor Secondary Plan is not yet approved, and future zoning should be dependent on that process.

The approved Secondary Plans are in one of two geographic locations:

- A greenfield area on the relative urban fringes; and
- Within the built boundary and constituting intensification.

Each of these present different development options and implications upon a municipality's regulatory framework. Greenfield lands are generally allowed to develop upon approval of a zoning by-law amendment. Lands within the built boundary are generally already developed and transition to a new form and function — and often result in challenging public engagement exercises. As noted in Section 2.2 above, there is detail within each Secondary Plan that provide distinct differences reflective of their unique contexts. Sections 7.5 and 10.3 provide limitations to permitting development in the Vaughan Mills Centre Secondary Plan:

“To achieve the development thresholds and required infrastructure investments, as outlined in Part C, Section 7.3.1, of this Plan and elsewhere, the City shall ensure through the use of holding provisions of the Zoning By-law, that the progression of development in Vaughan Mills Centre occurs as described in this Plan results in the orderly

development of Vaughan Mills Centre Secondary Plan and ensures the most efficient and economical use of existing and planned infrastructure” (s.7.5).

“The City may, when enacting and implementing zoning bylaws, apply a Holding Symbol “H” in accordance with Sections 10.1.2.5, 10.1.2.6 and 10.1.2.7 of the [Official Plan], and in addition, specify the future uses of these lands that, at the present time, are considered premature or inappropriate for development” (s.10.3).”

These two policies are clear direction that there are critical infrastructure tests that need to be met prior to development proceeding in this Secondary Plan area. Development must be accommodated within existing and planned infrastructure, and a Holding (H) provision may be used to advance some aspects of the planning approvals process. Similar clauses exist in the Concord GO Secondary Plan (s.3.3.13, s.8.5.1), Steeles West Secondary Plan (s.11.3.15.5),

2.4 Zoning By-law 1-88

The Comprehensive Zoning By-law establishes four primary zones for accommodating mixed use development (this list does not include the Town Centre residential zones, where commercial uses constitute a secondary component of the development). Each permits a range of residential and commercial uses (in addition to a variety of community and institutional uses permitted in all zones), with a “diversity” of like use terms:

(1) Mixed Use 1-Town Centre (CMU1):

- Apartment dwellings, but not on the ground floor;
- Retail stores;

- Select service commercial uses including eating establishments (no drive-through) and personal service shop;
- Patios;
- Place of entertainment; and
- Business and processional office uses (some permitted at-grade, others not permitted at-grade).

(2) Corporate Centre (C9) Zone:

- Apartment dwellings;
- Block townhouse dwellings
- Retail stores, to a maximum gross floor area for certain uses (some retail terms do not have a maximum);
- Select service commercial uses including eating establishments and personal service shop;
- Hotel, motel, banquet hall, convention centre;
- Patios;
- Place of entertainment and amusement, and recreational uses; and
- Business and processional office uses.

(3) Mixed Use 2-Town Centre (CMU2):

- Apartment dwellings;
- Retail stores;
- Select service commercial uses including eating establishments (no drive-through) and personal service shop;
- Patios;
- Place of entertainment; and
- Business and processional office uses.

(4) Mainstreet Commercial (C11):

- Apartment dwellings;
- Retail stores;
- Select service commercial uses including eating establishments (no drive-through) and personal service shop;
- Patios;
- Place of entertainment; and
- Business and processional office uses.

The zone standards associated with each zone do not reflect the breadth of different height and FSI maximums contemplated in the Official Plan and various secondary plans, depending on geographic location:

- Mixed Use 1-Town Centre (CMU1) includes a minimum height of the lesser of 2 storeys or 9.5 metres, a maximum height of the lesser of 4 storeys or 14.0 metres, and a maximum FSI of 2.0.
- Mixed Use 2-Town Centre (CMU2) includes a maximum height of the lesser of 14 storeys or 44.0 metres (reduced to 8 storeys or 29.0 metres for corner buildings), and a maximum FSI of 2.0.
- (While not included in the use discussion, lands zoned High Density Residential-Town Centre (RA5) are permitted have a minimum height of the lesser of 5 storeys or 16.0 metres, a maximum height of the lesser of 18 storeys or 56.0 metres, and a maximum FSI of 2.7, with the same reduction as above for corner buildings).
- Corporate Centre (C9) has no maximum height, but a maximum density of 67 square metres per unit (reduced where a density transfer is being received) and a minimum height of 10 metres.
- Mainstreet Commercial (C11) includes a maximum height of 9.5 metres and maximum gross floor area of 0.6 times

the area of the lot (lands zoned for open space do not count toward lot area).

There are also minimum and maximum yards or build-to zones which apply in each of these zones. This is a common approach for requiring a building to be sited close to a lot line abutting a public street to help create street presence. Virtually all mixed use zones in contemporary zoning by-laws having some version or variation on these concepts.

The current zoning for mixed use development focuses on where mixed use is permitted, parking standards, and metrics for a building's size and location within the lot. The Mixed Use 1-Town Centre (CMU1) Zone also includes façade and entrance requirements for buildings (to face a main street indicated on Schedule "A4" to By-law 1-88). The by-law allows for single freestanding or mixed use building formats.

A number of variance requests have occurred in these zones. A review of appropriate zone standards for the Intensification Areas should occur as part of developing a first draft of the new Zoning By-law.

2.5 By-law 133-2016 (Carrville Centre)

By-law 133-2016 introduced the Mixed Use 3 – Carrville Centre (CMU3) Zone, applying to lands at the northwest corner of Rutherford Road and Dufferin Street. In addition to permitting a range of residential uses (but not in one-storey or stand-alone buildings), independent living facilities, long term care facilities, supportive living facilities, townhomes and a range of retail, service commercial, office, and place of entertainment uses are also permitted. The zone includes a number of design elements

not regulated in the other mixed use zones, such as:

- Permissions for stand-alone commercial buildings as "interim uses", provided a number of size and design regulations are met;
- Block-by-block custom zone standards;
- Maximum unit sizes for ground floor commercial premises;
- Customized minimum and maximum parking requirements, including tables to calculate a blended parking rate;
- Customized definitions for terms used in the amendment; and
- A Holding (H) provision to be removed when water and sewage capacity has been identified and a Site Development Application approved by Council (the Hold does not apply to "interim" commercial development as described in the first bullet).

These regulations and the Holding (H) provision are in effect and recent, and need to be considered as part of developing new zone standards for the new Zoning By-law. Harmonization of terminology between various Intensification Area zones should also be considered to improve the ease of administration and interpretation of the new By-law.

2.6 Bill 139 Proposed Amendments

On December 12, 2017, Bill 139 (*Building Better Communities and Conserving Watersheds Act*) received Royal Assent. A number of amendments related to Ontario's planning system shall soon be coming into effect. The Bill 139 amendments include a prohibition on appeals to zoning by-laws that establish density and height standards in "protected major transit station areas"

delineated in official plans. This specific protection shall come into force at a later date (likely during the timeframe of this project), and at the time of writing this report a number of draft regulations associated with transitioning to the LPAT framework were posted to the Environmental Bill of Rights Registry for consultation. The progress of the legislation should continue to be monitored—as the VMC or portions thereof, at a minimum, could be designated as a major transit station area through the next Official Plan Review.

3.0 Creating a Sense of Place

Section 34 of the *Planning Act* enables zoning to regulate the placement of buildings and structures on a lot, as well as the ability to shape the character of development. Design-based regulations are of increasing importance to help achieve this objective—in fact, quality and well-designed built form is now a matter of Provincial interest, per Section 2(r) of the *Planning Act*. A key priority for this project will be providing a regulatory framework that forms the basis for great design, with appropriate flexibility to support creativity. Interesting design can occur with appropriate controls in place. Excessively prescriptive zoning can constrain otherwise good design and require an additional process. (The Site Plan Approval process becomes increasingly prominent in this operating framework.) Care shall be taken at every step to ensure Vaughan’s policies and guidelines are appropriately considered and enable this broader goal to be achieved.

The following sections provide an overview on a variety of potential regulations that exist as zoning tools to support design goals and vision.

3.1 Minimum and Maximum Yards, Build-to Zones/Lines, Main Wall Proportionality

Regulations relating to a building’s setback from a property line change the character of a city block by controlling a building’s location within the lot and its relationship to adjacent development.

A context-specific approach to regulating minimum and maximum yards can create a distinctive built form character by increasing opportunities for landscaped open space or by building to both side property lines to create continuous streetwalls. In some cases, minimum yard requirements can contribute to creating privately-owned public spaces (POPS) or linear parks within the side property setbacks. In other cases, minimum front yard setbacks will support the Green Vaughan Approach as described in the Draft City-Wide Urban Design Guidelines (UDG).

Examples

- Include minimum and maximum yards abutting public streets;
- Require a certain amount of length of building to be located in a given location (known under a variety of names, including main wall proportionality, build-to lines, and locational requirements); and
- Adjust or exempt yard requirements where an appropriate plaza or public space is provided.

3.2 Stepbacks and Transitions

Building stepbacks and transitions are a tool to pull back a building beyond a main wall in a particular location (e.g., from the wall oriented toward a public street) in order to create a “stepped” effect. Stepbacks and

transitions mitigate lands adjacent to Intensification Areas, and the public realm within Intensification Areas, from potential shadow impacts or perceived changes in scale that may be caused by mid-rise and high-rise development. The establishment of a clear podium or building base through upper-level stepbacks contributes to a consistent streetwall. Stepbacks within a 45 degree angular plane ensure that the opposite sidewalk receives a minimum of five hours of sunlight from March to September, regardless of building height.

To preserve a pleasant pedestrian experience, consistent streetwalls and the perception of human-scaled design, appropriate stepbacks and transitions can be regulated by City policy. If the City chooses a form-based zoning approach with detailed building envelope regulations beyond typical yard requirements, there may be an opportunity to specify required stepbacks and transitions for mid-rise and high-rise buildings.

Examples

- Introduce an expanded minimum front yard or required stepback from a certain portion of an applicable wall for mid-rise and tall buildings;
- Identify the proportion of an upper façade that can encroach into the expanded front yard setback or stepback; and
- Use an angular plane to reduce the height and shadow impacts on stable residential areas, parks and open spaces.

3.3 Minimum and Maximum Height and FSI

Intensification areas are intended to support a range of building forms. Although high-rise

development can accommodate a high number of residents on a given lot, mid-rise development plays an important role in absorbing population growth at contextually-appropriate scales. The context that is most appropriate for mid-rise compared to high-rise development should be determined by the City (as articulated through the Official Plan and its constituent secondary plans). Appropriate minimum and maximum heights should be established accordingly.

The range of proportions for high-rise buildings may also become a consideration for the Zoning By-law Review from an environmental design perspective. The compact shape and massing of a building, for example, has potential to reduce building energy loads. Zoning can support such goals by including appropriate regulations in the applicable zones.

Examples

- Identify tall versus mid-rise building areas; and
- Introduce maximum and minimum podium heights, building heights, floor plate sizes and building lengths.

3.4 Minimum Landscaped Open Space

The City of Vaughan needs improved capacity to ensure that the open space designs submitted in development applications are appropriately landscaped and adequately sized and proportioned. The City continues to seek opportunities to limit designs with randomly dispersed, inappropriately small or inaccessible open spaces that are produced from leftover pieces of the development area. The inclusion of stricter requirements for minimum landscaped open space can also

improve critical opportunities for stormwater management features.

The City-wide UDGs will establish preferred proportions for publicly accessible open spaces by typology. The Zoning By-law has an opportunity to support these performance standards with regulations for the minimum acceptable area of landscaped open space.

Examples

- Introduce minimum sizing and proportions for forecourts, plazas, and private outdoor amenity spaces;
- Provide clarity on open space calculations (what can and cannot be included); and
- Introduce stormwater diversion and space requirements for open spaces.

3.5 Minimum Height of a First Storey

In mixed use buildings with at-grade retail, taller ground floor heights will promote flexible retail and service commercial options that contribute to a vibrant pedestrian environment. The inclusion of ground floor commercial uses requires greater floor-to-floor heights than in buildings with residential uses at-grade to meet Ontario Building Code requirements. Most municipalities around Vaughan require a minimum height of 4.3 to 4.5 metres. For example, the Toronto Avenues and Mid-rise Study and Oakville's mixed use zoning both recommend a minimum floor-to-floor height of 4.5 metres for mixed use buildings at-grade.

3.6 Maximum Floor Space Index (FSI)

Floor space index (FSI) is a measure of how much floor area is permitted on a lot. The Official Plan defines the metric as:

The ratio of gross floor area to the net developable area of the site. The gross

floor area means the total area of all of the floors in a building above grade measured from the outside of the exterior walls, but excluding bicycle parking within a building. Net developable areas means the area of the site excluding any lands to be conveyed for public purposes such as public streets, valley lands, street widenings, parks and schools.

A lot with a maximum FSI of 1.0 would be permitted to a maximum floor area equal to the net developable area of the site. It is intended to control the massing of buildings within the building envelope, encouraging more shaping and design of the building. FSI also limits the intensity of development on a lot by limiting potential floor area to a level supportable by local services. FSI functions in a similar manner to a maximum floor area requirement.

Maximum FSI figures can be found in Intensification Areas throughout the Official Plan. This policy maximum will need to be reflected in the new Zoning By-law.

3.7 At-grade Retail Uses

Ground floor retail is an important catalyst to creating vibrant and active streets. Many of the existing zoning requirements along intensification corridors require retail at-grade. When located appropriately, these uses become integral community amenities.

Ground floor retail should be required in a well-considered and strategic manner that secures active ground floors in preferred locations. A standardized requirement or push for at-grade retail can result in empty ground floors and an oversupply of retail GFA. Many Ontario zoning by-laws both cap premises or unit sizes and prohibit residential

uses on portions of a first storey to secure a location for desired commercial uses. Zoning can support targeted retail ground floors and is essential in creating successful new retail amenity areas throughout the City.

Examples

- Providing clear targeted retail amenity areas to recognize that all mixed use intensification designated for active uses at-grade cannot simultaneously support successful retail; and
- Require or limit retail floor area in targeted locations, implementing a number of Official Plan policies.

4.0 Options for Consideration

Accommodating intensification within strategic areas is a key consideration throughout VOP 2010. Section 5.4.10 in the York Region Official Plan provides further direction to Vaughan:

“That local municipalities consider innovative implementation strategies for Regional Centres and Corridors that include as-of-right zoning, streamlined development approvals, development permits and other applicable tools.”

In Regionally-related Intensification Areas, as-of-right zoning is strongly encouraged. VOP 2010 includes additional Intensification Areas with “Local” as the distinct modifier, but the overall intent remains the same: to enable growth to occur in these areas.

There are a range of options for applying base zoning within the Intensification Areas. Each are appropriate, depending on the intent and objectives underpinning each recommendation.

4.1 Prezoning

Prezoning is the application of a zone that mirrors exactly the permissions contained in a corresponding official plan. This would represent the most permissive zoning possible, permitting as-of-right zoning to the maximum possible standards with likely only a Site Plan Approval being required. Without any other permissions required, however, there would be no check beyond processing the Site Plan Application (and potentially minor variances related to any design features). The permissions applied can be tailored to individual nodes or corridors through the use of additional maps, special provisions, suffix or subzones, or in-text references to particular locations.

This approach would require there to be no policy-driven checks or criteria that require some sort of clearance or review before a building permit can be issued. A Chief Building Official must issue a building permit that complies with “applicable law” as defined by the *Ontario Building Code Act*. An Official Plan is not a part of that list; a Zoning By-law is. Therefore the zoning check must be applied.

4.2 Prezoning with a Hold (H)

An alternative to prezoning is to place a Holding (H) symbol on the applicable lands, with whatever criteria deemed appropriate and in the public interest. Servicing constraints would represent a typical and appropriate condition, provided there is a known constraint or issue that justifies its application. This was the approach taken in the 2016 Carrville zoning, where servicing allocations and a Site Plan Approval are required in order to remove the Hold. This approach is a permissive approach because it provides the certainty of zoning sought by

landowners to advance permitted development while withholding permits or subsequent approvals until the applicable conditions are cleared. The only appellant to the removal of a Hold (H) is the applicant themselves.

4.3 Partial Implementation (Lesser Permissions than the Official Plan)

Another approach is to provide zoning that does not provide as-of-right permissions which perfectly align with those granted by the Official Plan. For example:

- A “future development” zone category could be applied that holds back use permissions and a building envelope in order to require a further planning application to evaluate the effects of a use.
- A “template” or “model” zone is developed in text but not applied on the maps, requiring a zoning by-law amendment to change the maps and apply the zoning.

This requires an additional planning application and concurrent public process and Council decision, including rights of appeal if outside of a major transit station area. (Note that this approach is different from a Section 37 bonusing approach, which is discussed in *Section 4.7* below.)

4.4 Maintain Current Zoning

Another approach is to maintain the current permissions on site—either the current zoning as written or an “existing uses only” type of framework—requiring a zoning by-law amendment to review conformity and impacts on a case-by-case basis. This approach is appropriate in an area where major issues beyond the scale of a simple

Site Plan-related matter (e.g. the provision of new roads) remain to be resolved to permit new development. As noted in other portions of this Report, all use permissions need to conform to the Official Plan. If the current permission does not appear in the corresponding Official Plan policies, maintaining that as-of-right permission is not supportable.

Depending on the extent of zoning, this least permissive approach could restrict as-of-right permissions or only permit changes of use within existing buildings. This is close to the “interim uses” approach the City applied in Carrville Centre in 2016—although, as noted above, the lands were prezoned with a Hold (H). This may present issues with conformity, depending on what “legal existing uses” are permitted. However, there are protections for some legal existing uses in VOP 2010 (Section 3.4.16.2).

4.5 Greenfield Secondary Plan Lands

A number of existing Secondary Plans apply in a greenfield context. Greenfield development is routinely brought on-stream and into the developable land supply through a zoning by-law amendment. That process generally answers questions with respect to parkland and other land dedications, the delivery of municipal infrastructure, and overall land use. It is also a standard process used across Ontario.

There is no direction to require prezoning on these lands where major questions remain about future development and associated infrastructure requirements. Therefore, it is not recommended to prezone at this time and instead continue to use zoning by-law amendments in these areas.

4.6 Inclusionary Zoning

Section 3.5 of the Region of York Official Plan outlines a housing strategy. 25% of all new housing units across the Region are to be affordable and in a mix and range of types, lot sizes, unit sized, functions, and tenures. Within Regional Centres, such as the VMC, that target increases to 35%.

The *Promoting Affordable Housing Act* (Bill 7) received Royal Assent on December 8, 2016. The legislation has enabled the use of inclusionary zoning in Ontario. Inclusionary zoning as it is typically structured would bind a developer, through compliance with a zoning by-law and development agreements, to supply a proportion of all dwelling units in a proposal as affordable dwelling units—specifically, *“the inclusion of affordable housing units within buildings or projects containing other residential units, and providing for the affordable housing units to be maintained as affordable housing units over time.”*

Bill 73 introduced a new Section 35.2 into the *Planning Act*. The new section also gives the first indication as to what actual inclusionary zoning requirements would contain — with virtually all clauses to be supplemented by, or detailed in, regulations approved by Cabinet (Lieutenant-Governor in Council). The regulations would contain a number of units required to be provided as, or gross floor area to be occupied by, affordable housing units. Other zoning regulations will likely require:

- That affordable housing units be maintained as affordable housing units for the period of time determined under the Provincial regulations or the by-law;

- That the affordable housing units meet the requirements and standards specified in Provincial regulations or the By-law;
- Provision for the measures and incentives specified in the regulations to support Provincial regulations or the Official Plan policies;
- That when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the Provincial regulations or under the by-law;
- That the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality to ensure continued compliance with those matters; and
- Anything additional required by Provincial regulation.

A municipality using inclusionary zoning shall be required to provide a procedure for monitoring and ensuring the affordable housing units or floor area are maintained for the required period of time. This could occur as part of other annual reports, including growth management targeting and parkland dedication monitoring. Bill 7 also prohibits appeals with respect to Official Plan policies, implementing zoning, or conditions of draft plan of subdivision approval, all except for appeals by the Minister of Municipal Affairs.

Determining some of these variables will require a special study unto itself. Draft regulations relating to inclusionary zoning have been released. The ultimate scope and requirements to be placed on municipalities remain undefined at this time. A major question is if York Region will take a leadership role in allocating how the Housing

Affordability Targets will be achieved. This warrants a delay in undertaking further research.

Until such time as the regulations are in place, monitoring of legislative developments at the Provincial level and implementation at the Regional level will occur to ensure any appropriate implementation is taken during this project. Should regulations come into force and effect during the life of this study, an updated recommendation can be provided.

4.7 Bonusing (Section 37 Agreements)

An additional option for providing increased height or density is to use “Section 37 (of the *Planning Act*)” or “bonusing”, where additional development permissions are approved in return for the provision of “community benefits.” The review process establishes if the community benefit is appropriate. It is established that the additional height or density is good planning by following this process. Guidelines for reviewing requests under Section 37 were approved by Vaughan City Council in 2015.

Section 10.1.2.12 of the Official Plan is clear that increased height or density shall be, “*implemented by site specific zoning by-laws*”; meaning, a by-law amendment is required. This approval will require an appropriate development agreement be executed, registered, and secured in a manner satisfactory to the City, per Section 10.1.2.13 of the Official Plan. Such text could be added as a site-specific Special Provision at the time of passing of the by-law amendment. No special or additional text is required to implement this tool in the new Zoning By-law.

4.8 Local Trends Review

Multiple tools have been deployed to address zoning within mixed use or areas planned for growth in municipalities across the Greater Toronto and Hamilton Area where zoning by-law reviews have been recently completed. Both the City of Markham and Town of Newmarket are currently undertaking Zoning By-law Reviews that are looking into addressing zoning in planned Intensification Areas. In municipalities with older zoning, site-specific amendments are required for redevelopment proposals in newly identified Intensification Areas.

Town of Oakville

In Zoning By-law 2014-014, Oakville elected to prezone the majority of lands within Intensification Areas into one of four zones, based on the parent designation of the Official Plan. In four of six Intensification Areas where new or expanded mixed use zoning was provided, a Holding (H) Provision was applied to require confirmation, if applicable, of servicing allocation, stormwater management, infrastructure improvements, and any land conveyances required. In a fifth area, there was little substantive change between the previous and new zoning.

In the sixth area—Midtown Oakville, also identified as an Urban Growth Centre in the Growth Plan for the Greater Golden Horseshoe—only changes of use within existing buildings are permitted. Major infrastructure questions remained unresolved as the new By-law was coming forward for approval.

City of Mississauga

Mississauga City Centre is also identified as an Urban Growth Centre. In this area, five zones were developed to permit a mix of commercial, employment, residential, community, and institutional uses to varying heights and densities. A Holding (H) Provision is applied, requiring any change in use or new or expanded buildings or structures, was placed to ensure a servicing agreement and development agreement are executed. This allowed for all required municipal works and appropriate land dedications to be completed.

In other Intensification Areas outside of Mississauga City Centre, the City is either: completing special studies to develop policy and zoning together; applying a Mainstreet Commercial (C4) Zone to recognize established main street districts; or applying a Development (D) Zone to require a planning application to evaluate individual proposals for their conformity to the Official Plan.

City of Brampton

In 2006, Brampton completed a review of zoning in their Downtown and along Queen Street West. While mixed use permissions and taller building envelopes already existed in much of the study area, new transitional and design-based regulations were added into the City's Zoning By-law. The new regulations also included some "form-based" requirements, including first storey wall treatment regulations not frequently seen in zoning in Ontario.

Brampton is currently reviewing its Zoning By-law. Prezoning will be a major question addressed in that project.

5.0 Conclusions and Preliminary Recommendations

There are many ways to address zoning in Intensification Areas, with municipalities using a full range of approaches to zone these lands in an intensification-oriented mindset.

VOP 2010 takes a strong position toward supporting intensification in appropriate locations: lands and policies are identified encouraging intensification in key areas, while discouraging such changes in use and form elsewhere. As the key tool in implementing a design vision in a community, it makes sense to explore prezoning with appropriate regulations in the broadest range of locations possible. Zoning By-law Reviews across the Greater Toronto Area are incorporating some element of prezoning for growth in their final products. It provides for a range of benefits—simpler development processes, fewer appeals to the Ontario Municipal Board, and increased certainty of outcomes to landowners, to name a few. It does, however, reflect a change in practice from customary planning approaches in a municipality.

That said, at this time it is too early to determine if prezoning in all intensification areas can occur. The context-driven issues associated with prezoning lands—infrastructure availability, design review, or further public engagement—need to be fully understood, documented, and understood before a precise recommendation can be made.

Some constraints are highly technical, and could be resolved through technical studies or provision of additional infrastructure or services. Many times, these can be satisfied

by applying a Holding (H) Provision (that, among other matters, allows a landowner a better ability to pursue financing for future projects and necessary capital works. The Hold (H) would be lifted provided whatever criteria applied are first satisfied. As long as the criteria are supported by the policies of the Official Plan, such an approach would conform to it. Other issues may involve complexity beyond routine technical studies. Making a comprehensive recommendation for all intensification areas can only become clear once the project team has fully investigated these issues alongside City staff and the broader public.

The preliminary recommendations for zoning in the Intensification Areas include the following:

- Not all areas in the City are appropriate for accommodating intensification. The Official Plan is structured to direct the majority of intensification to Intensification Areas—and not to all locations or conditions within Intensification Areas. The new Zoning By-law should reflect this split.
- When a particular parent land use designation intersects with lands in an Intensification Area in Vaughan's overall urban structure, different use permissions and development criteria come into effect. These distinctions need to be recognized in the new Zoning By-law.
- Height and FSI maximums vary across the City. The maximums ultimately chosen for the new Zoning By-law need to recognize these varying maximums, perhaps using maps in place of text.
- A variety of regulatory options exist with respect to codifying urban design objectives into the new Zoning By-law.
- The Carrville Centre zone standards created through By-law 133-2016 should be reviewed with an eye toward harmonization of terms—and potentially expanding those concepts across all zones applying in Intensification Areas.
- Zoning provides an option, as part of a robust policy and development planning program, to require buildings and structures be placed in such ways on a lot to help create the high quality sense of place contemplated in the City's UDG and Chapter 2 of this Report on Development Design Guidelines.
- Full prezoning cannot work where there are development criteria provided in the Official Plan that are associated with individual use permissions, properties, or neighbourhoods, or in greenfield locations. Appropriate processes or other checks must be provided to ensure those permissions are in conformity to the Official Plan, which may include not incorporating the permission and requiring a zoning by-law amendment to obtain the necessary permission.
- As issue-specific matters arise during the detailed review of the Official Plan, any nuances or special development policies that require a zoning solution can be incorporated into the new Zoning By-law, as appropriate.
- Inclusionary zoning policy development at the Provincial and Regional levels will need to be monitored for any implications on the Zoning By-law Review.
- Section 37 agreements or bonusing are to be implemented through site-specific zoning by-law amendments and not

through an as-of-right permission. This affords Council the opportunity to determine the appropriateness of the community benefit proposed and good planning supporting the proposal.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 8

OFFICIAL PLAN CONFORMITY

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Appendix A: Official Plan Conformity & Rules for Zone Harmonization

1.0 What Is Official Plan Conformity And Why Is It Important?

The City of Vaughan Official Plan (VOP) 2010 is the guiding policy document that establishes the overarching goals, objectives and general land use directives for the municipality. It establishes the framework to guide municipal decision-making on a wide range of land use planning and related matters including growth and development within the City through to the 2031 horizon (currently).

Council adopted VOP 2010 on September 7, 2010. VOP 2010 is partially approved by the OMB with only a limited number of site-specific appeals remaining. As such, it is the in-effect planning and policy document guiding land use and urban structure at the municipal level.

In accordance with Section 24(1) of the *Planning Act*, municipal decisions, by-laws and public works must conform to the policies of the Official Plan.

“Public works and by-laws to conform with plan

24. (1) *Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.”*

Collectively, the provisions and regulations of the Zoning By-law are among the key statutory mechanisms through which the policies of the Official Plan are implemented.

2.0 Achieving Official Plan Conformity

A review of the Official Plan policies and creation of an Official Plan Checklist for zoning directives is being developed in order to track Official Plan conformity as the new Zoning By-law is developed. The Official Plan Conformity Chart template has been attached as *Figure 1* for illustrative purposes. This is a dynamic document that will evolve as the Zoning By-law Review project evolves. Upon completion and ultimately adoption of the new Zoning By-law, the Official Plan Conformity Chart will be updated with section references from the new By-law to indicate what provisions of the new By-law implement the respective Official Plan policies.

Some of the policies of VOP 2010 and in particular, the Secondary Plans, provide detailed and specific direction that must be translated into zoning regulations. Further, the policy directives in many cases vary according to the different geographic areas of the City. For example, the function and form within the City varies greatly between stable residential areas, hamlets and the Vaughan Metropolitan Centre. As a result, the zoning approaches relied upon to implement these various layers of policy must also respond to this diversity.

Beyond standard traditional zone structures, there are a number of zoning tools that can be relied upon to respond to the diversity of land use and built form to achieve Official Plan conformity. Many of these have been briefly introduced in other Chapters. In general terms, these additional zoning tools include:

- The use of overlay zones (commonly used in many municipalities); and
- Establishing independent zone structures based on standard regulatory sets or suffix zones (see Toronto, Oakville, and Newmarket examples).

2.1 Overlay Zoning

Overlay zones facilitate the layering of zoning regulations in specific geographic areas to address a specific issue, to address instances where there is only a subtle difference in zone requirements, or to provide maximum flexibility in how the zoning is applied. The ability to produce and maintain electronic mapping is critical to the application of any overlay zone system.

Overlay zones can be structured to be very simple or complex. In all cases, they function in coordination with a zone schedule(s) which indicate where such provisions apply. A summary of sample overlay zone applications is provided in *Table 1* on the following page. These applications range in complexity and detail depending on the rationale for applying the overlay structure. Additional detailed examples of overlay zones have also been provided in Chapters 3 and 4.

Figure 1: Official Plan Conformity Chart Template

Official Plan Section Reference	Policy	Zoning Directive	Action Points/Discussion With Staff	Implementation – Zoning By-law 2019- Section Reference
5.2.3.6.	That major retail uses (those retail uses over 10,000 square metres on any single lot) are not permitted in Employment Areas. These uses are permitted in the Vaughan Metropolitan Centre and Primary Centres. Major retail uses are also permitted through a Zoning By-law Amendment, in Local Centres, Regional Intensification Corridors and Primary Intensification Corridors subject to the following criteria:	Retail uses with a maximum GFA greater than 10,000 square metres are: - Not permitted within employment zones and shall not appear within the list of uses permitted within such zones. - Are permitted in the applicable zone categories applied within the VMC. Such uses may be permitted as-of-right in this location - Only existing retail uses with a GFA greater than 10,000 square metres are permitted as-of-right in the applicable zones within in Local Centres, Regional Intensification Corridors and Primary Intensification Corridors.	This column is helpful to form an agenda of discussions with staff where additional direction is required. Ultimately, this column will only remain with the working document. When this document is finalized, this column will be deleted	Provide the Section references of the provisions in the new Zoning By-law that respond to the Official Plan requirement.
10.1.2.17.	That the use of land, buildings or structures which does not conform to the Zoning By-law but which lawfully existed prior to the approval of the Zoning By-law is a legal nonconforming use. When a legal non-conforming use ceases, then the rights derived from the legal non-conforming use shall terminate.	The Zoning By-law must include zoning clauses to address and distinguish between legal non-conforming uses, legal non-complying buildings and structures, and legal non-complying lots. The Zoning By-law will provide a definition for 'legal non-conforming' and 'legal non-complying'		
10.1.2.18.	That legal non-conforming uses will eventually cease and be replaced by uses, buildings or structures that conform to the intent of this Plan and the Zoning By-law.	A legal non-conforming use clause must be included in the new Zoning By-law.		

Table 1: Hierarchy of Overlay Zone Structures

Purpose of Overlay Zone	Rationale and Application of the Overlay Zone
Geographic Area	Addresses zoning for areas with specific geographic characteristics. Specific regulations are applied to the specific geographic area such as flood plains or hazard Lands. Typically, such additional zoning regulations are applied municipal wide or to large geographic areas.
Specific Issue	Can be used to remedy a specific issue that is occurring in a particular area of the municipality. Using this approach, additional zoning requirements may be applied to a specific area or the overlay zone may provide relief from the standard zoning requirements. For example, an overlay zone could be applied to a Central Business District Area (or portions thereof) to provide relief from parking regulations. This could be in response to built form, traffic or economic development considerations.
Subtle Difference in Regulation	In some cases, there may be a need to adjust a specific zone regulation in situations where all other permitted use and zone standard requirements remain appropriate. For example, an overlay zone could provide for a subtle variation in height or gross leasable area requirements within differing districts of a commercial node, community core, or historical district.

2.2 Pre-Zoning

At a zoning level, Official Plan conformity can be achieved through amendment and application as development proposals come forward, or the municipality can put the implementing zoning controls in place in advance of any development applications. This pre-zoning of land allows a municipality to put in place the necessary zoning to guide the transformation of an area or to prescriptively zone vacant lands in advance of development. In either scenario, it is

necessary to establish zoning controls that will achieve the desired use, function and form in accordance with the Official Plan directives.

In pre-zoning lands within the municipality, it is necessary to work through a number of scenarios to apply the proposed zone standards theoretically in order to ensure that the standards are achievable and work in conjunction with one another. Consideration must also be given to the existing land uses of the area to be pre-zoned, the degree of

transformation or intensification contemplated, studies which may be required, and servicing capacity to accommodate the permissions granted. In this scenario, lands could be pre-zoned and have a holding provision applied. The holding provision would only be removed and development possible provided all conditions of the holding provision were satisfied. The holding provision could be applied for such reasons as: ensuring that the necessary community infrastructure and services are in place; studies are undertaken to more specifically address the nature of the proposed use; and, impacts of the proposed use are mitigated such as noise and/or odour.

The creation of legal non-conforming uses can be a concern although, this can be addressed through the inclusion of provisions in the zoning by-law to recognize existing uses. Addressing matters of legal non-conformity is addressed in greater detail in Section 3.0 of this Chapter.

2.3 Independent Zone Structures

Independent zone structures provide the municipality with a more flexible framework to prescribe the form and character of development at a greater level of detail across a number of geographic areas. There are essentially 2 approaches to such a system:

- Standard regulatory sets/suffix zones; and
- Customized zone standards.

2.4 Standard Regulatory Sets/Suffix Zones

Standard regulatory sets allow the municipality to pair prescribed sets of development standards with an established hierarchy of use zones. These use zones and development standards can be paired interchangeably. For example, a Residential One (R1) Zone may permit only low density residential uses such as a detached dwelling and semi-detached dwelling along with an array of accessory uses customarily associated with low density residential zones. The R1 Zone does not include any zone standards. Instead, the R1 Zone can be paired with any of the standard regulatory sets that provide for varied zone standards applicable to the uses of the R1 Zone. Some of the potential regulatory sets applicable to a detached dwelling in Newmarket are illustrated in *Figure 2*. The applicable zoning applied to land is expressed on the associated Zone Schedule. For example, the applicable zoning would be shown on the Zone Schedule as R1-B whereas another property may be zoned R1-C. An excerpt of the Newmarket Zone Schedule is provided as *Figure 3*.

Typical Built Form	Detached dwelling					
Regulatory Set:	A	B	C	D	E	F
Min. Lot area	0.8 ha	1860 m ²	743 m ²	511 m ²	330 m ²	265 m ²
Min. Lot Frontage	60.0 m	30.0 m	18.0 m	15.0 m	12.0 m	9.7 m
Min. Yard Setbacks						
From Front Lot Line	30.0 m	9.0 m	7.5 m	7.5 m	4.5 m	4.5 m
From Rear Lot Line	15.0 m	9.0 m	7.5 m	7.5 m	7.5 m	7.0 m
From Exterior Side Lot Line	-	6.0 m	6.0 m	6.0 m	3.0 m	3.0 m
From Interior Side Lot Line						
One Side	7.5 m	1.8 m	-	-	0.6 m	0.6 m
Other Side	7.5 m	4.2 m	-	-	1.2 m	1.2 m
Each Side 1 Storey	-	-	1.2 m	1.2 m	-	-
Each Side 1.5 Storeys	-	-	1.5 m	1.5 m	-	-
Each Side 2 Storeys	-	-	1.8 m	1.8 m	-	-
Min. Building Separation	-	-	-	-	1.8 m	1.8 m
Max. Lot Coverage	15%	20%	35%	35%	45%	47%
Max. Height	10.7 m (2 storeys)	10.7 m (2 storeys)	10.7 m (2 storeys)	10.7 m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)
Min. Driveway Width (*7)	-	-			3.0 m	3.0 m
Max. Driveway Width (*7)			6m			
By-law 2011-25	9m	9m		6m	6.0 m	5.5 m
Min. Driveway Length (*11)						
Garage Door Segmented	-	-	-	-	10 m (*12)	10 m (*12)
Non-Segmented Garage Door	-	-	-	-	11.2 m	11.2 m

Figure 2: Town of Newmarket Detached Dwelling Standard Sets

In Oakville, a similar approach was applied in residential zones where modified zone standards were applied in older, established neighbourhoods. In this structure, the “-0 suffix zone” functioned as a type of special provision applying to thousands of properties. Applicability was indicated through a “-0” symbol applied on the zoning maps, with footnotes in the applicable zone standards tables to point readers toward those regulations for additional information. Examples of this framework are shown in *Figure 4*.

In the previous Oakville zoning, these lands were in a separate zone category where the modified standards were largely similar across nine different zones. The suffix served to consolidate a broad range of standards into a single application within the new Zoning By-law.

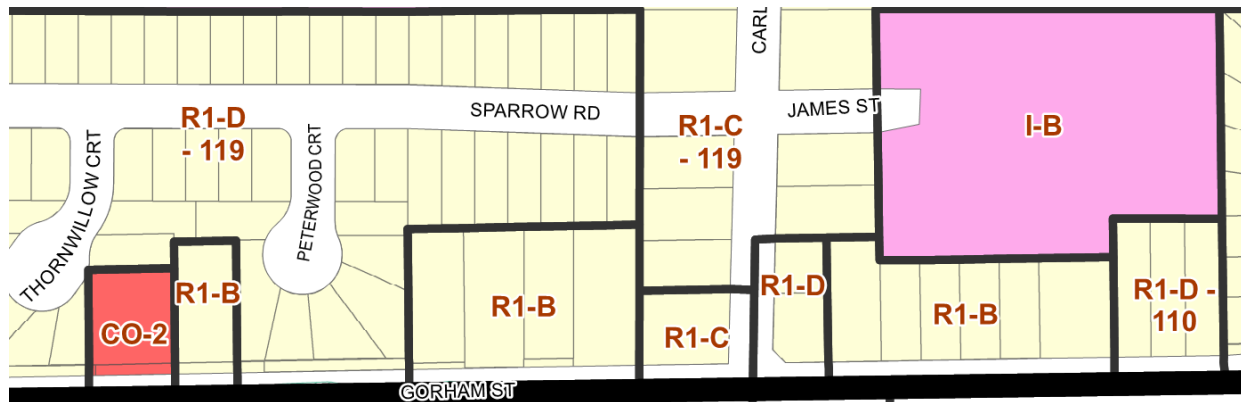


Figure 3: Excerpt from Town of Newmarket Zone Schedule

Notwithstanding any other provision of this By-law, the following regulations shall apply on lands subject to the -0 Suffix Zone.

The maximum *residential floor area ratio* for a *detached dwelling* shall be as shown in Table 6.4.1, below.

Lot area	Maximum Residential Floor Area Ratio
Less than 557.5 m ²	43%
557.50 m ² – 649.99 m ²	42%
650.00 m ² – 742.99 m ²	41%
743.00 m ² – 835.99 m ²	40%
836.00 m ² – 928.99 m ²	39%
929.00 m ² – 1,021.99 m ²	38%
1,022.00 m ² – 1,114.99 m ²	37%
1,115.00 m ² – 1,207.99 m ²	35%
1,208.00 m ² – 1,300.99 m ²	32%
1,301.00 m ² or greater	29%

	RL1	RL2	RL3	RL4	RL5	RL6
Minimum lot area	1,393.5 m ² (2)	836.0 m ² (2)	557.5 m ² (2)	511.0 m ² (2)	464.5 m ² (2)	250.0 m ² (2)
Minimum lot frontage	30.5 m (2)	22.5 m (2)	18.0 m (2)	16.5 m (2)	15.0 m (2)	11.0 m (3)
Minimum front yard	A 10.5 m (4)	9.0 m (4)	7.5 m (4)	7.5 m (4)	7.5 m (4)	3.0 m
Minimum flankage yard (2016-13)	B 4.2 m	3.5 m	3.5 m	3.5 m	3.5 m	3.0 m (8)
Minimum interior side yard	C 4.2 m	2.4 m (4)	2.4 m and 1.2 m (5)	2.4 m and 1.2 m (5)	2.4 m and 1.2 m (5)	1.2 m and 0.6 m
Minimum rear yard	D 10.5 m	7.5 m (6)	7.5 m (6)	7.5 m (6)	7.5 m (6)	7.0 m (6)
Maximum number of storeys	n/a (4)	n/a (4)	n/a (4)	n/a (4)	n/a (4)	2
Maximum height	10.5 m (4)	12.0 m (4)	12.0 m (4)	12.0 m (4)	12.0 m (4)	10.5 m
Maximum dwelling depth	20.0 m (1)	n/a	n/a	n/a	n/a	n/a
Maximum lot coverage for the dwelling	30% (4)	30% (4)	35% (4)	35% (4)	35% (4)	(7)

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2.5 Customized Zone Standards

A second approach to using independent zone structures is to customize zone standards and convey these requirements on the zone schedules. This is an approach long used by the City of London as well as the City of Toronto. In this scenario, use zones are again relied upon to establish the zone hierarchy. However, instead of establishing a set of prescribed regulatory sets, the individual zone standards are provided on the zone schedules. The text of the By-law frames the application of this system. The Toronto Zoning By-law applies the By-law frames the application of this system. The Toronto Zoning By-law applies this approach as well as the application of standard regulatory sets. Text and mapping from the Toronto example are provided below.

Example #1 – City of Toronto Customized Zone Standards By-law Text

“Regulations Applying to the Residential Zone Category

- (A) *The letter “f” and a numerical value indicates the required minimum lot frontage in metres;*
- (B) *The letter “a” and a numerical value(1) indicates the required minimum lot area in square metres;*
- (C) *The letters “au” and a numerical value indicates the required minimum lot area for each dwelling on a lot, in square(2) metres;*
- (D) *The letter “u” and a numerical value indicates the permitted maximum number of dwelling units on a lot; and*
- (E) *The letter “d” and a numerical value indicates the permitted maximum floor space index for a lot.”*

10.5.1 General

10.5.1.10 Interpretation

(1) *Application of General Regulations Section*

The regulations in Section 10.5 apply to all lands, uses, buildings and structures in the Residential Zone category.

(2) *Interpretation of the Residential Zone Symbol*

The Zone symbol on the Zoning By-law Map for zones in the Residential Zone category consists of the letters R, RD, RS, RT or RM, indicating the primary land use permitted in the respective zone.

(3) *Interpretation of the Zone Label*

In the Residential Zone Category, the letters following the zone symbol in the zone label have the following meaning:

Example #2 – Hybrid Approach – City of Toronto Customized Zone Standards and Standard Regulatory Sets – By-law Text

“40.5 Regulations Applying to the Commercial Residential Zone Category

40.5.1 General

40.5.1.10 Interpretation

Application of General Regulations Section

The regulations in Section 40.5 apply to all lands, uses, buildings and structures in the Commercial Residential Zone Category

Interpretation of the Commercial Residential Zone Symbol

The zone symbol on the Zoning By-law Map for zones in the commercial Residential Zone category consists of the letters CR, indicating the primary land use permitted in the respective zone.

(3) *Interpretation of the Zone Label*

In the Commercial Residential Zone category, the letters following the zone symbol in the zone label have the following meaning:

- (A) A numerical value representing the permitted maximum floor space index of all land uses on a lot and may be followed by one or both of the following in brackets:
 - i. The letter “c” and a numerical value indicating the permitted maximum floor space index for non-residential uses on a lot; and*
 - ii. The letter “r” and a numerical value indicating the permitted maximum floor space index for residential uses on a lot.**
- (B) The development Standard Set symbol (SS) and number indicates the set of development standards in regulation 40.5.1.10(4), that applies to a lot.*

(4) Interpretation of the Development Standard Set Symbol

The Development Standard Set symbol (SS) in the zone label on the Zoning By-law Map identifies the Development Standard Set with a numerical value that corresponds to a specific set of development standards that may control on or all of the following requirements:

- (A) Required Minimum Building Setback from a Front Lot Line;*
- (B) Permitted Maximum Building Setback from a Front Lot Line;*
- (C) Required Minimum Building Setback from a Rear Lot Line;*
- (D) Required Minimum Building Setback from a Side Lot Line;*
- (E) Required Building Angular Plane from a Front Lot Line or Side Lot Line abutting a street;*
- (F) Required Building Angular Plan from a Rear Lot Line;*
- (G) Required Minimum Landscaping Area on a Lot; and*
- (H) Permitted Maximum Building Height.”*

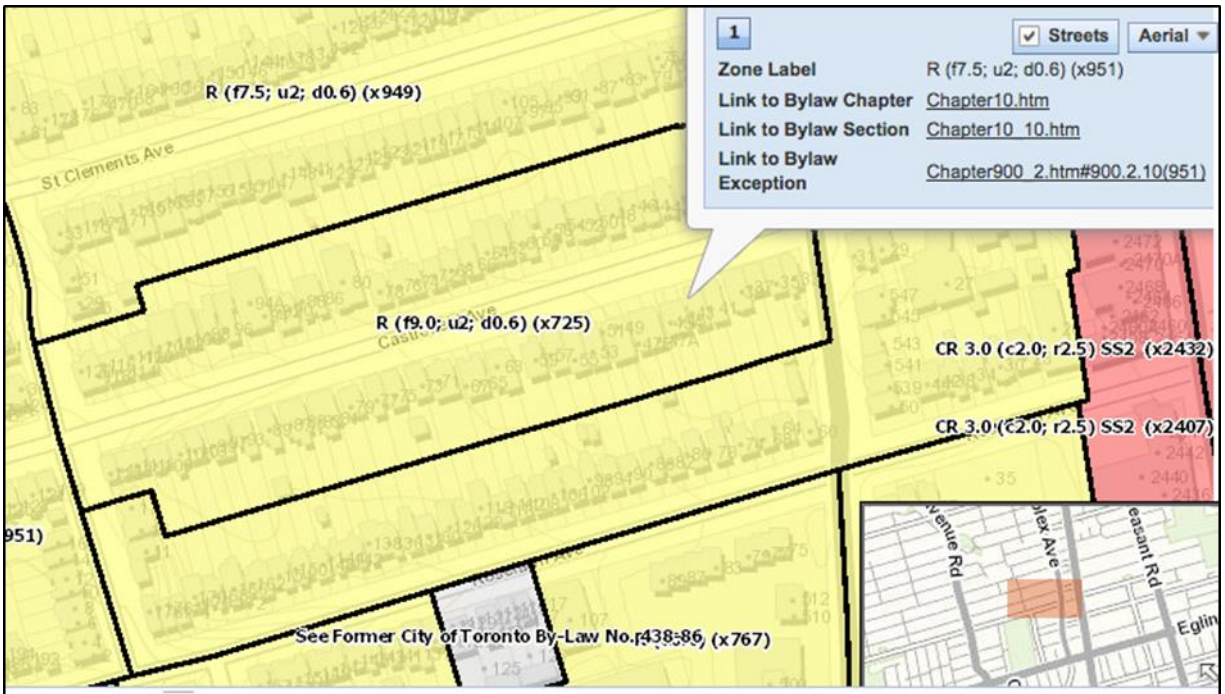


Figure 5: Excerpt from City of Toronto Online Zoning Schedules

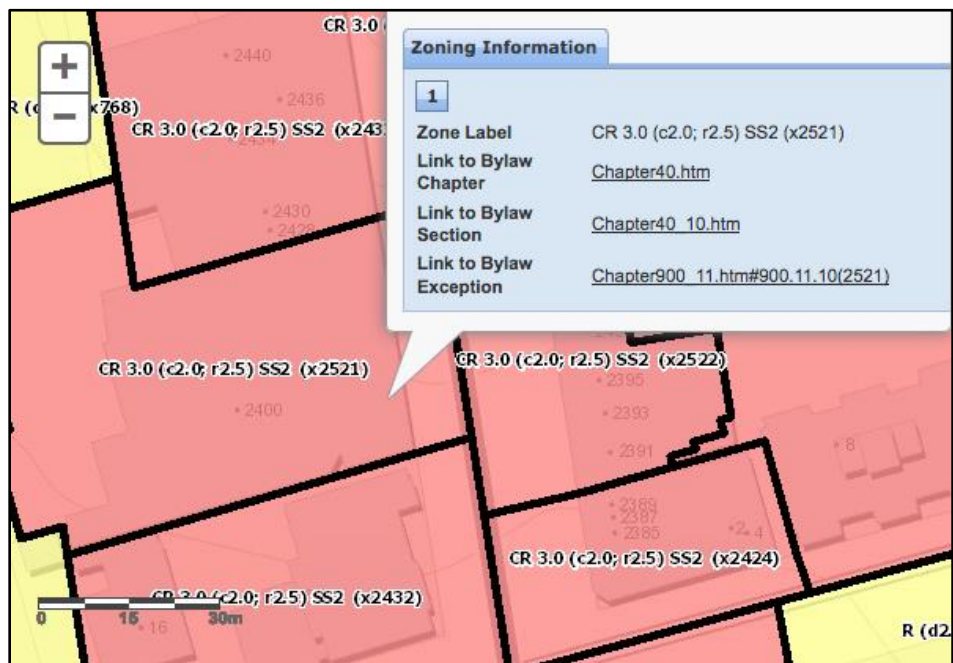


Figure 6: Excerpt from City of Toronto Online Zoning Schedules

3.0 Legal Non-Conformity as a By-Product of Official Plan Conformity

The existing City of Vaughan Zoning By-law was initially passed almost 30 years ago. Since that time, there has been a paradigm shift in how planning is done in Ontario. While Zoning By-law 1-88 has been amended and consolidated on a regular basis, a full scale review of the Zoning By-law has not been undertaken. Many of the development standards in By-law 1-88 are outdated and do not accurately reflect current provincial requirements or the new policy direction of VOP 2010. The zoning regulations in Vaughan must be brought into conformity with the policies of the Official Plan and must reflect current, in-effect Provincial requirements.

It is necessary to be cognizant that as existing zone standards are reviewed and updated, there is the potential that some of these modifications may result in a degree of legal non-conformity. It is the goal of this By-law Review process to minimize the occurrence of legal non-conformity to the greatest degree possible.

Section 34(9) of the *Planning Act* provides for legal non-conforming uses and legal non-complying buildings, structures and lots. Legal non-conforming uses are those uses that existed legally prior to the application of the current By-law requirements. Similarly, legal non-complying buildings, structures and lots are those lots that were in existence and those structures which were constructed prior to the application of the current By-law requirements.

Section 34(9) of the *Planning Act* provides assurance that any use of land or building or

structure that was legally erected or established continues to be permitted, provided that the use continues.

“(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act.”

In the case of By-law 1-88, legal non-conforming and legal non-complying status would only be applied to uses, buildings, structures or lots that were established legally under the former zoning regime but which did not conform to the By-law 1-88 standards when the Zoning By-law came into effect on July 17, 1989. It is possible that legal non-complying lots may also have been created since that time as a result of the public acquisition of lands.

An update and modification of the existing regulations in By-law 1-88 through the present Zoning By-law Review project also has the potential to create non-conformity/non-compliance for some existing

uses that currently satisfy the in-effect zoning regulations of By-law 1-88.

There are a number of ways in which the occurrence of legal non-conforming uses and legal non-complying buildings, structures and lots may be minimized and addressed through the Zoning By-law Review process. These include:

(1) Zone Structures

The Zoning By-law Review affords the municipality an opportunity to streamline the By-law, increase the usability of the By-law and to reduce duplication. This can be done through a detailed review of the existing zone structures to identify where there are current inefficiencies and duplication. As part of this, it may be possible to harmonize zones where similarities exist. In doing so, a harmonization of zones where appropriate, may also minimize non-conformity/non-compliance, as well as reduce the number of site-specific exceptions that must be carried over into the new Zoning By-law.

The Official Plan provides policy direction through broad land use categories, permitted uses and, to a lesser extent, standards that will be implemented through the zoning provisions of the new By-law. Any new standards created as a result of harmonizing zones must be evaluated against the Official Plan to ensure conformity.

The key to harmonizing zones within a given zone category is to group zones that are similar in terms of permitted uses and zone standards. Ideally the harmonization should not result in any significant variances from the existing standards but rather more of a refinement to those standards. Generally, the best approach is to first group zones according to similar permitted uses and then

begin to harmonize the standards within that sub-group. Frequently, there is a great deal of duplication among By-laws and there will be an opportunity to reduce the number of zones or restructure the zone hierarchy within a given zone category. The harmonization process highlights these opportunities and identifies where there may be distinctions that should be retained. Rules for harmonizing zones have been attached as Appendix A.

(2) Provisions for Existing Uses

Customarily, legal non-conforming uses and legal non-complying lots are regulated by clauses in the General Provisions section of the Zoning By-law. These clauses recognize existing legal non-conforming uses and permit them to continue until such time as the use ceases to exist. By-law 1-88 contains such regulations in Section 1.6 (Repeals, Continuance of Legal Non-Conforming Uses), 3.11 (Reduction of Requirements), and 5.14.12 (Commercial Zones – Existing Uses). The new Zoning By-law will need to include definitions for ‘legal non-conforming’ and ‘legal non-complying’ as well as include clauses within the General Provisions section of the By-law to address such matters.

Alternately, legal, otherwise non-conforming existing uses can be recognized by including the word ‘existing’ in front of the permitted use in the permitted use table. For example, within an Open Space Zone or zone applied to implement the Greenbelt Plan only an ‘Existing Detached Dwelling’ may be permitted. ‘Existing’ would be defined as the date of adoption of the new Zoning By-law.

Typically the non-complying clause of in the General Provisions section of the Zoning By-

law is relied upon to address instances where there are zone standards that are non-complying.

(3) Existing Lots

Existing lots of record are additionally protected through legal non-conformity. A general provision can be incorporated into the By-law that recognizes these lots and provides direction to staff on how to apply the remainder of the By-law to lots that do not meet a new lot frontage or lot area requirement.

New lot standards, however, cannot be used to prohibit development on a lot or to force consolidation to occur. Increased standards can signal the City's intent to encourage consolidation to occur. However, there are development rights associated with such properties that the new Zoning By-law cannot take away.

(4) Special Provisions

Generally it is the goal of a Zoning By-law Review to minimize the need for special provisions within the new Zoning By-law. However, should additional certainty be required, it may be necessary to recognize the legal non-conforming use and/or non-complying standards by creating a special exception zone. This scenario would only be triggered where the use in question was a large use or the zone standards are sufficiently complex that the special exception zone is warranted (e.g. shopping centre).

4.0 Conclusions

One of the key functions of the City of Vaughan Zoning By-law will be to implement the now approved policies of the City's 2010

Official Plan. Official Plan conformity can be achieved using the array of tools identified in this Chapter. These tools are not mutually exclusive and can be used in combination with one another to create a zoning regime that:

- (1) Responds to the current and future diversity of land use function and built form within the City;
- (2) Implements the policy requirements of the now approved Official Plan;
- (3) Better reflects current planning approaches and practice; and
- (4) Minimizes the creation of legal non-conformity for existing uses to the greatest degree possible.

A harmonization of the more traditional zone structures in the existing Zoning By-law affords the opportunity to streamline the Zoning By-law, reduce duplication and aid in creating a document that is more user-friendly. Strategic application of overlay zones or independent zone structures introduces a level of flexibility to modify zone standards to better respond to land use needs both now and in the future.

As the City's existing zoning regime is updated and in some cases modified, it is possible that some existing uses which are in conformity with the current Zoning By-law may no longer conform to or comply with the updated requirements of the new Zoning By-law. The occurrence of such a scenario will be minimized to the greatest degree possible through the careful drafting of the new zoning regulations. Where such a scenario cannot be avoided, there are a number of options through which legal non-conformity can be recognized through a general provision, footnote to a regulation, or other administrative clause.

Minimized or through which the permissions for existing uses can be recognized. The tools presented in this Chapter can be used at a greater scale or customized on a case by case basis. The result is a Zoning By-law that balances the requirements of municipal planning and future land use needs with a recognition of existing, legal property rights of landowners.

If the Official Plan does not permit a use or standard otherwise desired as part of this project (be it City-wide, zone-wide, or site-specific), the Official Plan must be amended to enable the zoning permission. These circumstances may serve as useful feedback for a special study or future Official Plan Review.

Appendix A

Official Plan Conformity & Rules for Zone Harmonization

Step One –Group Similar Zones Based on Permitted Uses

The first step in harmonizing zones is to group similar zones that may be consolidated. Generally, this is done by examining uses permitted. In doing so, a revised zone structure based on the Official Plan can be implemented. Three circumstances usually arise - new zones are added, zones are consolidated and some existing zones may be deleted. Such decisions are only made after the analysis of the permitted uses and zone standards is completed and conformity with the Official Plan checked.

Step Two – Review Permitted Uses within the Zone Group

Once similar zones are grouped, the permitted uses within that structure will need to be reviewed in order to:

Update terminology to reflect current building forms, uses and planning practice (for example, a ‘single family dwelling’ should be revised to ‘detached dwelling’);

- Refine terminology and the classification of uses. This should be done with knowledge of the Official Plan policies which may direct that certain groups of uses be regulated. (e.g. a variety of stores such as furniture store, shoe store, book store are now commonly identified and defined as a retail store and

regulated by maximum gross floor areas within various commercial zones);

- Delete duplicate uses; and,
- Add new uses and terminology that are more reflective of current land uses.

In harmonizing the permitted uses, it is important that there is a clear understanding of how the existing permissions have been translated or deleted and that each of these decisions have been documented.

Step Three – Review Definitions in Conjunction with the Assessment of Permitted Uses

Existing definitions must be compared and contrasted in conjunction with the review of the use permissions for the new zone hierarchy. Since it is the definitions that ultimately characterize the uses permitted, it is important that existing definitions are reviewed for consistency, updated to reflect current planning practice, and that it is clearly documented where changes have been made. This is also an opportunity to clearly articulate the nature of a use to minimize the need for interpretation once the By-law comes into effect.

Classic language rules for definitions should apply. Definitions should not be based on a long list of examples but clearly describe the nature, function or built form of a use as appropriate. Definitions should also not have zoning provisions layered within them as this

makes it difficult to maintain the By-law as it is amended over time. This can lead to contradicting elements of the By-law if one part of the By-law is amended but not the definition that also contains the layered requirements.

The definitions arising from this exercise can be considered as the “use” definitions and will feed into the stream of work addressing the broader set of definitions.

Step Four – Compare and Contrast Zoning Regulations for Zones to be Harmonized

In areas of greenfield development, zoning regulations function to ensure that a specific building form or density is achieved. As a community matures, the function of zoning changes from ensuring a specific development form to establishing an envelope within which change can occur on individual lots.

As such, where development has occurred, the zone standards can be blended and harmonized to the greatest degree possible. The rule of thumb for harmonizing zones in a new by-law is to retain the minimum or least restrictive standard in order to avoid situations of non-conformity. For example, lot area and frontage standards will be reduced to the lowest common denominator. Coverage will be established at the highest level permitted in the zones that are being combined. A careful understanding of the design implications on the existing built form and the potential for lot creation of blending zone standards is key.

Lot Area and Frontage - Provided an area has been subdivided and homes constructed, minimum lot areas and frontages can be reduced through the

harmonizing process with few negative consequences. It is necessary to be aware and deliberate of creating situations where the reduction to the minimum standard may create opportunities for infill by subdividing a larger lot into two smaller lots. Generally, the potential for this is limited to older neighbourhoods with larger lot sizes.

Coverage- Harmonized standards should implement the most permissive or maximum standard for coverage in order to avoid creating non-conformity. It would be a decision of staff and the Steering Committee to establish the appropriateness of such a standard if it varied significantly from existing standards in any given location.

Yards - When harmonizing minimum required yard setbacks the least restrictive or minimum requirement becomes the new standard. Again, this is to avoid situations of non-conformity. This has the effect of potentially extending the building envelope on the lot however, such an envelope is also regulated by maximum lot coverage and minimum landscaping requirements.

Height - In harmonizing height requirements the highest or most permissive standard is applied provided such a modification conforms to the requirements of the Official Plan.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 9

PARKING PROVISIONS

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1 Purpose and Context

1.0 Purpose

The context for this Chapter is the Comprehensive Review of Zoning By-law 1-88 currently being undertaken by WSP in partnership with the City of Vaughan (“the City”).

As noted in Chapter 3: Structure, Format and Editorial Changes, the preparation of a new Zoning By-law provides the opportunity to implement those elements of the Vaughan Official Plan (VOP) 2010 as well as other applicable City policies into municipal law through a revised Zoning By-law regime.

A useful secondary source of material for consideration is the 2010 Review of Parking Standards. The 2010 Parking Standards Review was developed for Administration with accompanying Draft Parking Design Guidelines (City of Vaughan 2010) and received by Council in mid-2010.

While the 2010 Parking Standards Review was never approved by Council (additional work was identified as required), it has been used informally by the development community and others in support of a significant number of development applications since this time. The accompanying recommendations have been reviewed as part of this Chapter.

In light of the above, the purpose of this Chapter is to address known issues relating to parking to the extent that these can be effectively regulated by the City through a new Comprehensive Zoning By-law by:

- Reviewing the City’s existing Zoning By-law provisions;

- Identification of VOP 2010 policies that can be implemented as part of updated Zoning By-law provisions;
- Reviewing the 2010 Parking Standards Review and its accompanying recommendations; and
- Noting emerging issues that could potentially influence parking provisions in the future including consideration of the Ontario government’s recent statements about its intention to potentially legislate in this area in the foreseeable future (see *Section 2.1*) and new vehicle technologies.

1.1 Vaughan Context

1.1.1 Population

As noted in VOP 2010, Vaughan is a municipality within the Greater Toronto Hamilton Area (“GTHA”) that has undergone significant population and employment intensification over a short period (*Figure 1*).

The City’s stated policy is:

“To plan for land uses in Vaughan in order to accommodate a population of 416,000 people and employment of 266,100 persons in 2031.”

This represents a 67% and 64% increase respectively on 2006 figures. Given the relative built out nature of present-day Vaughan, and the existing urban intensification boundary, continued urban development that is based on existing transportation and land use patterns is likely to exacerbate traffic congestion and parking issues under a ‘do-nothing’ scenario.

Consequently, innovative and spatially efficient parking solutions are required to address these issues and help to make the transportation more sustainable and efficient

in Vaughan. A key component of this is revising the way the City regulates its off-street parking supply through the Zoning By-law.

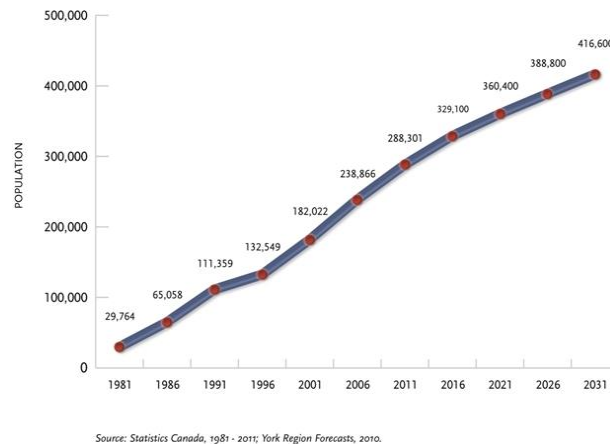


Figure 1: Vaughan Population Growth: actual to estimated (2011-2031)

1.1.2 Vaughan Metropolitan Centre

The Vaughan Metropolitan Centre (“VMC”), located near the southern boundary of the City and immediately to the eastern side of the intersection of Highways 7 and 400, is envisioned by the City as a regionally significant transit-oriented downtown urban centre, with a concentration of high density employment and housing. After formally adopting the VMC Transportation Plan in 2012 and partially adopting the 2015 VMC Secondary Plan, a new VMC Parking Strategy and associated recommendations, prepared by WSP, is due to be considered by Council in late 2017.

Key components of the draft strategy include a plan for on street parking management in the period immediately following the opening of the Spadina Subway extension (December 2017) as well as new off-street parking requirements. These require amendments to existing City by-laws that reflect the future needs of a metropolitan

centre setting and capture the essence of the Mobility Hub aspiration and designation.

1.1.3 Strategic Growth Areas

Strategic Growth Areas is a designation used in the Growth Plan for the Greater Golden Horseshoe to:

“Denote settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.” (Section 7: Definitions)

1.1.4 Environmental Master Plan

Green Directions Vaughan (2009) is the City's Community Sustainability and Environmental Master Plan. The long term plan is designed to guide the community to a more sustainable future by addressing environmental, cultural, social and economic issues.

It influences all aspects of the City's operational and regulatory activities including the intensification management strategy. Green Directions Vaughan also serves as an Integrated Community Sustainability Plan (“ICSP”). Objective 3.3 of the Plan is:

“To reduce single occupant vehicle (SOV) trips by supporting active transportation, car pooling and public transit.”

As of May 2015, the Implementation Report notes that:

“Parking rate reductions (as per the Draft Parking Standards) are considered (sic) in high density developments along intensification corridors and high order transit hubs. These reductions can be in terms of reduced rates and/or reductions based on certain sustainable transportation measures provided.”

1.1.5 Terminology

For the purposes of this Chapter, **‘parking provisions’** is a general term that has been used to refer to all existing City of Vaughan by-laws, most particularly the Zoning By-law, but also Secondary Plans and Heritage Conservation Districts in force that have the effect of regulating the **form, quantity** and **location** (siting) of parking as permitted under the *Planning Act*.

1.2 Key Components of the Zoning By-law

Currently within the Zoning By-law, there are a total of 48 land use zones. Broadly speaking, there are seven categories of zones: residential, commercial, mixed-use, employment, industrial, open space, and agricultural. All the land in the municipality is subject to the respective land use requirements of each zone under the Zoning By-law. A number of zones are prescriptive with respect to siting of parking of land within the zone.

For example, Schedule A2 for the Corporate Centre Zone (C9) and Corporate District Zone (C10) zones states:

“Within the ‘build to’ zone no parking spaces, parking aisles or any area designed to accommodate vehicular traffic or loading shall be permitted.”

1.2.1 Zone Standards and Permitted Uses

By-law 1-88 Schedules A1 through to A5 contain a series of matrices that outline the zoning standards for each zone. These

include zone requirement table that regulate, *inter alia*, aspects such as minimum lot frontage, lot area sizes, yard sizes, building height and mass. Some of these schedules extend to prescribing the form, location and quantity of parking. For example, Schedule A1 states:

“Where a dwelling unit fronts onto a single loaded road, the minimum parking requirement shall be two spaces per unit.”

These schedules take precedent over the ‘default’ minimum parking requirements in Section 3.8 where there is a conflict.

1.2.2 Parking Provisions

In order to try and capture the wide range of circumstances in which parking exists in Vaughan and the well-known interplay between the supply **of** and resulting demand **for** parking, parking provisions reviewed here have been classified into three major categories, namely:

- (1) **Form** (at grade, above grade, sub-grade as well as the dimensions of individual parking spaces and their geometry);
- (2) **Location** (in the context of the Zoning By-law, this typically refers to the siting of parking on a block); and
- (3) **Quantity of parking** (the amount of, or required supply).

Comments are largely confined to the extent that these aspects are being and can be regulated in the Zoning By-law.

1.2.3 Minimum Parking Requirements

The **minimum parking requirements** regulate the **quantity** and – in some cases – the **form** of parking required for a site. They are outlined in Section 3.8 of the Zoning By-law. Minimum parking requirements often constitute the default starting point for off-

street parking considerations for all proposed development.

The City's minimum parking requirements also regulate the supply of accessible parking [a mandatory requirement, By-law 1-88 Section 3.8(d)] and also enable shared parking requirements to be used if desired. These are applicable to the Corporate Centre Zone (C9), Vaughan Metropolitan Centre and mixed use development in the Carrville Centre.

1.2.4 Parking Space Dimensions and Geometrics
By-law 1-88 also regulates the following aspects of off-street parking supply, including:

- Parking space dimensions (Section 2.0, definition of "*Parking Space*" and "*parking space handicapped*", see below);
- Aisle width (Section 3.8(f)); and
- Access and egress to parking (Section 3.8g, h, i, j).

These are all considered **form** and, to a lesser extent, **location** considerations.

By-law 1-88 defines two kinds of parking space dimensions:

(1) **PARKING SPACE** - *Means a rectangular area measuring at least 2.7 metres by 6.0 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading thereto.*

(2) **PARKING SPACE, HANDICAPPED** - *Means an area measuring at least 3.9 metres by 6.0 metres, exclusive of any aisles or ingress and egress lanes used for the temporary parking of motor*

vehicles. If said parking space is adjacent to another handicapped space, the minimum area may be reduced to 3.2 metres by 6.0 metres.

1.2.5 Other

Other parking provisions include loading zone requirements, various restrictions on forms of parking supply allowed (surface, above grade and below grade), minimum bicycle parking (in the case of VMC), requirements regarding the type of surfacing used, as well as cash-in-lieu of parking provisions in Heritage Conservation Districts such as Kleinburg. Cash-in-lieu of parking is intended to assist with the supply of parking where it cannot be accommodated on site. Feedback from City administration suggested its success to date was limited. Generally, the success of such a system relies both on higher minimum parking requirements being in place (as noted in Section 1.2.3) and the ability for funds to be generated and expended when needed.

A number of Secondary Plans also contain policies with a tailored approach to minimum parking requirements. The VMC is one example, where it is proposed to limit off street parking to encourage the establishment of a publicly accessible supply in support of a compact urban form as identified in VOP 2010.

1.3 Relevant City Plans and Strategies

1.3.1 VOP 2010

VOP 2010 introduced a land use planning policy framework that:

“Will foster the continue transformation of Vaughan into a vibrant and sustainable city.”

The framework has been designed around a number of key planning objectives and addresses several key land use challenges to manage future intensification (see Section 2.1.3.2). Some of the key challenges for parking and access are to:

- Develop a hierarchy of mixed use centres;
- Phase development in an appropriate manner to allow for the creation of complete communities; and

- Include planning and designing communities in a manner that facilitates inclusivity and accessibility for residents, workers and visitors.

An integral policy response to these challenges in VOP 2010 is the introduction of a new urban structure (Schedule 1, shown in *Figure 2*) to establish a high-level context for change and planned function throughout the City. Other sections refer the reader to the more detailed, prescriptive land use policy for intensification areas. These include the existing land use zoning areas subject to secondary plans (Schedule 14-A), areas subject to area specific plans (Schedule 14-B) and areas subject to site-specific plans (Schedule 14-C).

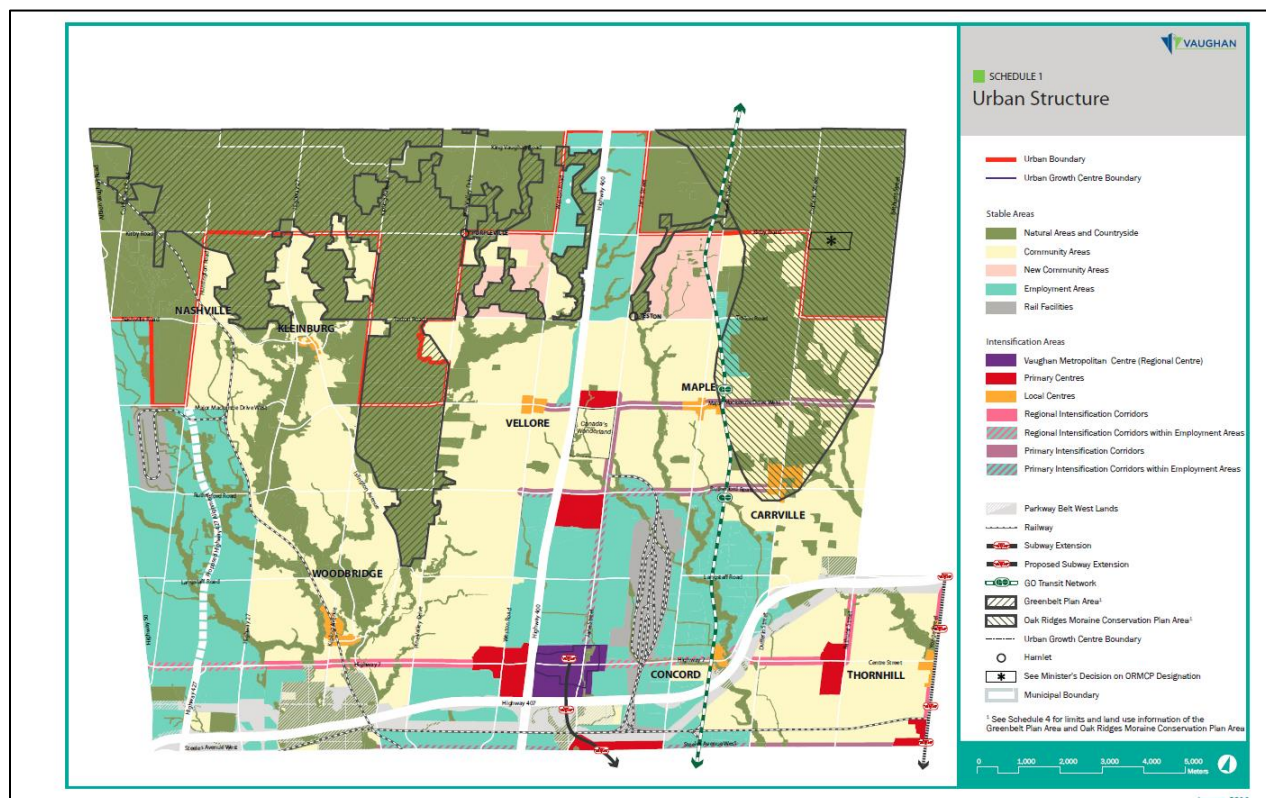


Figure 2: VOP 2010 Urban Structure (Schedule 1)

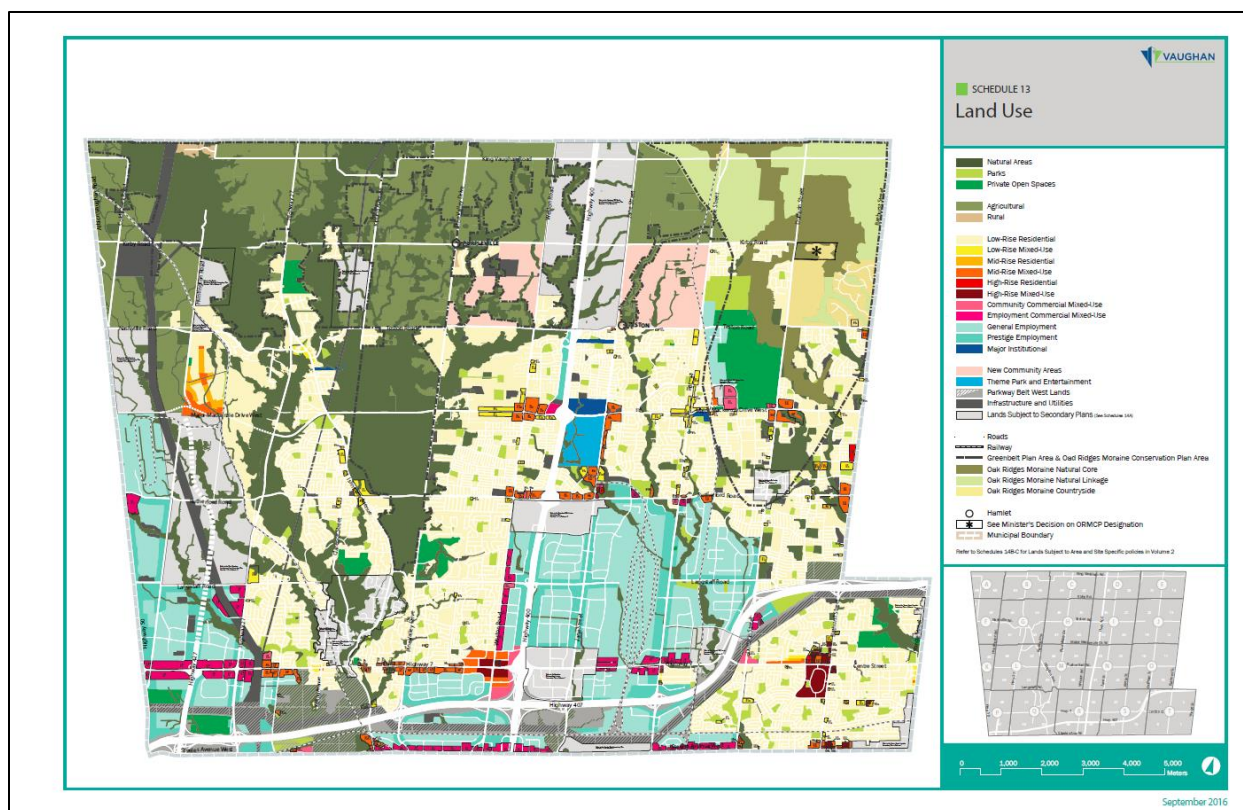


Figure 3: VOP 2010 Land Use (Schedule 13)

The combined effect of these policy statements is that they have a wide variety of implications for how parking is planned and regulated in Vaughan. As noted in the 2010 Parking Standards Review, and consistent with recent and emerging trends in parking policy, it is increasingly recognised by transportation and land use practitioners that a “one size fits all” approach to minimum parking requirements by default is not an effective way to regulate parking and access.

Common issues with this approach include lower development yields, encouraging car use that imposes costs on the non-driving section of the population, as well as promoting urban sprawl and degrading urban design. Furthermore these conventional approaches are known to cause specific issues in Heritage Conservation Districts in

Vaughan where the prevailing urban form predates the advent of the automobile.

The VOP 2010 intention to target intensification areas by way of a more deliberate urban structure demands a more considered approach to Zoning By-law parking provisions, both at a site and a precinct level. This is considered in more detail in *Section 3.0*.

This Comprehensive Zoning By-law Review is the first opportunity since the adoption of VOP 2010 to align the existing parking policy intentions of the Official Plan with zoning regulations, as well as take account of other applicable policies and by-law provisions as they apply to broader parking considerations in land use planning.

Consequently, the relevance of VOP 2010 for the purposes of this review is to identify,

capture and reflect the stated policy intentions in an updated Zoning By-law. Relevant policies to be considered in implementation of a new Zoning By-law include:

- Potential establishment of a municipal parking authority (Section 4.3.2.1), particularly for providing shared, off-street central parking facilities, and any implications of creating and supplying this authority on zoning requirements;
- Reducing existing [minimum] parking requirements (Section 4.3.2.2);
- Developing guidelines for cash-in-lieu of parking in Intensification Areas (Section 4.3.2.3), and implications on zoning requirements;
- Planning for accessible parking supply (Section 4.3.2.6), while being cognisant of the Integrated Accessibility Standards regulation O.Reg 191/11 under the *Accessibility for Ontarians with Disabilities Act*;
- Requiring that parking lots and structures be developed as high-quality examples of good urban design and sustainability (Section 4.3.2.7); and
- Establishing municipal design guidelines (Section 4.3.2.9)

Chapter 4.3: Managing Movement of VOP 2010 is an example of a policy statement that captures the essence of the need for effective regulation of off-street parking in the Zoning By-law to ensure Vaughan meets its long term Official Plan objectives and desired urban form:

“Vehicle parking is an important part of transportation systems, but must be managed properly to minimize adverse impacts. Generally, surface parking

underutilizes urban space, creates gaps in the urban fabric and encourages driving over other modes.

Parking will continue to be provided in Vaughan, but in a style and amount that contributes positively to placemaking and does not threaten the quality and attractiveness of other means of transportation. Increased permissions for on-street parking will support retail and economic development, contribute to a high quality streetscape and calm traffic.

Lower parking requirements and shared parking facilities will reduce parking lot sizes and create a higher quality and compact urban environment. Generally, parking will reflect Vaughan’s status as a major, growing, transit-supportive and pedestrian-friendly city, and will be responsive to all types of movement.”

A more thorough consideration and discussion of how to approach conformity to VOP 2010 is considered in Chapter 8: Official Plan Conformity.

1.3.2 Transportation Master Plan

The 2013 Vaughan Transportation Master Plan (TMP) is the City’s transportation “blueprint” that is designed to assist with the intensification objectives in a sustainable manner through to 2031. It includes a number of planning principles to help the transportation network improve over time. Principle 12 includes developing parking strategies that reduce single-occupant vehicle travel. The associated goal is for the City to develop strategies that reduce the demand for parking at existing and future designated centres and other activity nodes.

The TMP is perhaps most significant for the fact that it:

“Fully supports the proposed parking standards recommended in the draft 2010 Review of Parking Standards Contained within the City of Vaughan’s Comprehensive Zoning By-law: Final Report.”

It also recommends that the City adopt parking strategies that provide lower parking requirements for new development in centres and corridors well served by transit, and promote shared parking facilities in an effort to reduce single-occupant vehicle travel.

1.3.3 2017 Pedestrian and Bicycle Master Plan Update

As of 2017, the City has initiated a study to develop a new City-wide Pedestrian and Bicycle Master Plan that will replace both the existing 2007 Pedestrian and Bicycle Master Plan and the 2012 Transportation Master Plan’s Pedestrian and Bicycle Network. It will include a behavioural aspect that will examine how to grow cycling and walking. It is therefore recommended that this study be monitored for any potential directions or implications for Zoning By-law parking recommendations.

1.4 Conformity

Chapter 8: Official Plan Conformity examines the potential for use of overlay zones and establishing independent zone structures based on standard regulatory sets or suffix zones to achieve conformity with VOP 2010. Specific Issue Overlay Zones are suggested as one way of providing relief from parking regulations in Vaughan, by tying parking standards to a specific tone or symbol on the maps.

1.4.1 Committee of Adjustment

Chapter 5: Minor Variance Review, examines historical trends in minor variances arising from By-law 1-88. A minor variance is

an established legal avenue under Section 45 of the *Planning Act*, to allow a certain degree of flexibility in deciding development applications that wish to deviate slightly from the prescriptive provisions of the Zoning By-law. Minor variances essentially affect off street parking outcomes in two ways:

- (1) In relation to the prescribed dimensions and geometry of parking spaces as noted in the Zoning By-law (primarily a **form** issue), the paper concludes that:

“Relief from parking dimensions provisions was [the] least applied [purpose of variances] within the period reviewed”; and

- (2) In relation to providing relief from the City’s existing minimum or maximum parking requirements (primarily a **quantity of parking issue**), the paper concludes that:

“In terms of employment zones, the Prestige Employment Area Zone (EM1) in particular has been varied most commonly in terms of permitted uses and parking requirements. A review of these provisions should be undertaken”.

1.4.2 Significant OMB Decisions

There are no known cases concerning the interpretation of existing Zoning By-law parking provisions in Vaughan since the 2010 Parking Standards Review.

1.4.3 Stakeholder Feedback

The following informal feedback was collected from City planning and engineering staff concerning the operation of the existing parking provisions since the 2010 Parking Standards Review:

- Existing minimum parking requirements have proven increasingly difficult to administer as they have not been significantly revised or consolidated in a long time and appear in a number of different places within the Zoning By-law;
- Existing minimum parking requirements are reported in many cases as not being able to adequately deal with the problem they are intended to deal with;
- Parking spillover continues to occur both at those **locations** and at those **times of day** where demand exceeds supply;
- There are locations where parking is arguably **oversupplied** for large portions of the year, reducing the spatial efficiency of the built form;
- Accommodating parking requirements on site often requires either site reconfiguration or committee of adjustment applications;
- The VMC is perceived to have too large a gap between 'default' minimum parking requirements and the VMC area (currently being addressed as part of the VMC Parking Strategy);
- The prevalence of and preference for surface parking in a number of significant locations in Vaughan potentially reflects a disconnect between existing VOP 2010

policy and 'cost-effective' solutions to meeting existing parking requirements;

- There is broad agreement that allowing smaller vehicles to be accommodated in Zoning By-law parking provisions would assist with spatial efficiency of parking and promote environmental sustainability;
- Parking maximums should be explored further where net community benefit can be demonstrated to exist;
- At present there is no list of major amendments to parent standards as there are individual special provisions; and
- There is a desire to see zoning standards that are better able to accommodate emerging trends such as electric cars and possibly autonomous vehicles.

1.4.4 Urban Design Guidelines

The following urban design concepts are considered significant in the context of reviewing the existing provisions of the Zoning By-law.

1.4.4.1 PEDESTRIAN EXPERIENCE AND SCREENING

Parking provisions are often used to ensure that adequate parking is provided for residents and businesses. However, regulations can also impact a pedestrian's experience of the public realm in intensification areas. Considerations for buffering, stormwater management, landscaped islands and tree canopy on surface parking lots will all be important components of the updated Zoning By-law.

Parking lots should be screened from surrounding public streets, sidewalks, parks, and other public properties using berms, walls fences, plants, planters or similar means. To provide sufficient space for a variety of screening methods, the Zoning By-law should recommend minimum setbacks for landscaped buffers surrounding parking lots. For example, the new City-wide Urban Design Guidelines will recommend that where surface parking is located next to a property line, it should be screened by a landscaped buffer and set back a minimum of 3 metres. Requirements to screen above grade parking by wrapping the lot with high quality building materials and fully articulated facades are also recommended.

1.4.4.2 ENCOURAGING ACTIVE TRANSPORTATION

The strategic location of municipal parking lots can play an important role in directing pedestrian traffic and increasing street level activity on certain blocks. Locating public parking within a walkable distance to major

destinations can increase the visibility of grade level commercial uses that are situated between parking and those destinations. The location of parking lots should be coordinated with the location of existing or new development with active frontages. This coordinated location will make the experience for pedestrians walking from parking lots more pleasant and boost economic activity at nearby stores. The opportunity to encourage the strategic location of municipal parking near community facilities and services should also be considered.

1.4.4.3 LANDSCAPING

The Zoning By-law update should include requirements for tree canopy, landscaped islands and buffers. These will include minimum tree planting requirements and ratios for landscaped islands within surface parking lots. Setbacks for landscaped buffers around surface parking and minimum depths for planting on grade parking structures should also be considered.

For example, where trees and vegetation are planted above parking structures, a minimum depth of 1.2 metres of soil above the structure should be provided to maintain sufficient depth for soil cells and paving. Below-grade parking structures should be set back from property lines where possible to allow for uninterrupted mature tree growth that will not be affected by maintenance of the structure over time.

Zoning requirements should encourage significant green space within surface parking lots and consider the ecological benefits of larger, consolidated landscaped areas. In addition to consolidated areas, parking lots should provide adequate

landscaped buffering around the perimeter, sufficient tree canopy for shade, and landscaped islands dispersed throughout the lot, particularly at the end of a right-of-way.

1.4.4.4 SUSTAINABILITY

Grading and landscaping will play a significant role in creating the sustainable stormwater management plans for surface parking lots. Low Impact Development (LID) measures at the edges or within parking areas should be encouraged by the Zoning By-law to increase infiltration and improve water quality. Adequate setbacks, consolidated greenspace and buffer areas should be required to provide space for bioretention areas, rain gardens or filter strips.

1.4.4.5 PARKING STRUCTURE LAYOUT AND DESIGN

[Adaptable Parking Structures](#)

The rising cost of constructing parking spaces and regional increases in land value may precipitate a transition away from surface parking and towards vertical parking. But as mobility trends change in the long term, the need for parking in general may decline and strategies for converting vertical parking structures to accommodate other uses will become necessary.

The principle of future-proofing for autonomous vehicles should be explored for above-grade structured parking in particular. Although it is difficult to develop regulations at this stage, as we have yet to assess the success of ongoing projects to prepare parking structures for autonomous vehicles, the principles of designing flexible and adaptable above-grade structures for reuse, retrofit or disassembly should still be integrated into future parking design.

Guidance on building design to accommodate reuse is limited; the Zoning By-law is currently based in site and use considerations and has limited capacity to regulate reuse of existing structures in the future. The Zoning By-law should look to identify those situations where adaptable reuse is feasible and accommodate this in updated Zoning By-law provisions.

Higher ceilings, horizontal floorplates and corkscrew ramps all represent potential design features that would make parking structures more adaptable if they need to be modified or adapt to other uses in the future.

The City of Toronto Official Plan Section 2.4 includes progressive policies for efficient infrastructure use, including supporting the future conversion of existing parking for car-share spaces. Sharing parking supply is one method of adaptable parking structures that accurately represent current parking needs. The City of Vaughan should consider incorporating adaptable design guidelines for new parking facilities in the Zoning By-law.

[Car Lifts and Stackers](#)

Mechanical parking are facilities that store and retrieve vehicles by mechanical devices. Car stackers are a type of mechanical parking system that allows for multiple vehicles to be stacked in a single space and are currently used in many parts of the world.

Although they involve significant capital and maintenance costs, they are also beneficial in regard to spatial efficiency. Information suggests that between 40% to 80% less space is required for parking stackers than conventional parking methods. For this reason, the Zoning By-law should contain provisions that acknowledge the benefits of parking stackers as an alternative parking supply system. Currently being considered in Mississauga, the City of Vaughan should

also consider mechanical parking facilities as an alternative to conventional parking supply systems where the suitability of their implementation is decided based on a set of criteria and conditions. These could include space requirements, user experience, and professional maintenance.

Tandem Parking

Tandem parking involves the placement of one parking spot behind another for which one vehicle must be moved to remove the second vehicle. It allows for increased efficiency of paved surfaces on a lot by increasing density of parked vehicles. The less accessible stall often has a reduced fee or it is reserved for rarely used vehicle or valet parking facilities.

Tandem parking is not generally designed for high turnover situations as cars are not easily maneuvered once parked. As such, the potential benefits of tandem parking spaces should be reflected appropriately in zoning by-law provisions but confined to those situations with appropriate conditions.

For example, areas with a single owner of two stalls would be more apt for tandem parking than stalls that have two different owners. Furthermore, underactive parking facilities may find tandem parking design useful for saving space. The Institute of Transportation Engineers have suggested, *'if a private developer wishes to use tandem parking and bears the risk that the tenants are willing to accept it, local officials should permit it'*. This flexibility and risk management approach is not currently reflected in the current zoning by-law but is worthy of further consideration.

1.5 Previous 2010 Study Recommendations and Status

The 2010 Parking Standards Review explored a wide range of issues. *Table 1* represents a summary of the issues

reviewed and their current status (as of mid-2017).

Table 1: Summary of 2010 Parking Standards Review

Issues Examined	Findings	Recommendations	Status
1. Minimum Parking Requirements: existing rates (Quantity issue)	Existing minimum parking requirements are considered <i>'quite high'</i> ; <i>'responsible parking requirements [have been] developed to 'balance the need to require appropriate levels of parking without contributing to extensive oversupply and inefficient land use'</i>	<ul style="list-style-type: none"> Adjust many minimum parking requirements downwards and set a limited number of maximum parking requirements 	No known substantial change(s) since the last 2010 review. VMC Secondary Plan (partial adoption 2014) <ul style="list-style-type: none"> VMC Parking Strategy (forthcoming)
2. Minimum parking requirements: number of land use categories	Minimum parking requirements specified for over 60 various uses that were found to contain <i>'significant overlap'</i> or <i>'are not justified in having their own parking requirement'</i>	<ul style="list-style-type: none"> Reduce/Consolidate number of land uses (and consequently number of individual minimum parking requirements) 	<ul style="list-style-type: none"> No known substantial change(s) since the last 2010 review
3. Sensitivity to urban context/ the 'One size fits all approach' (Quantity, location and form issue)	Existing rates are not considered flexible: <i>'Due to differences in built form, transit service [levels], and planning visions across the City, the same parking requirement will not be appropriate everywhere'</i> <i>'Mixed use sites can share parking among uses to offset peak demands'</i>	Introduce new parking standards based on four different categories of urban areas: <ul style="list-style-type: none"> <i>'High order transit hubs'</i> <i>'Local Centres'</i> <i>'Primary centres/Primary Intensification areas'</i> <i>'Base'</i> 	No known substantial change(s) since the last 2010 review VivaNext: Highway 7 rapidway (2017-18) TTC Subway extension to VMC (late 2017) <ul style="list-style-type: none"> Informal application of 'unofficial' rates to development applications
4. Sensitivity to parking demand and	<ul style="list-style-type: none"> 60 different parking requirements specified, 	Minimum parking requirement reductions	No known substantial change(s) since the last 2010 review

Issues Examined	Findings	Recommendations	Status
existing supply (Quantity issue)	significant overlap or between various land uses	for sites in proximity to transit Adjustment factors to allow for reductions in minimum parking requirements rates, initially through [interim] guidelines, followed later by formalisation into the Zoning By-law.	<ul style="list-style-type: none"> Some land uses are redundant (e.g. video store)
5. Cash-in-lieu and public parking (Quantity and location issue)	<ul style="list-style-type: none"> Opportunity and need for Vaughan to take a greater role in parking management in VMC and intensification in local centres. 	<ul style="list-style-type: none"> 'Cash-in-lieu recommended as one strategy to help raise funds for the development of public parking that also provides flexibility to developers to pay less parking on site.' 	VMC: Addressed through the VMC Parking Study (WSP forthcoming) Elsewhere: Kleinburg cash-in-lieu fund is thought to currently contain approx. \$60,000
6. Parking design (Primary a form issue)	<ul style="list-style-type: none"> Parking space dimensions require adjustment 	<ul style="list-style-type: none"> Revised dimensions for 'typical automobiles', 'small car spaces', landscaping, location and layout, stormwater management 	Parking Design Guidelines developed and received by Council, not yet adopted
7. Bicycle parking (Quantity and form issue)	<ul style="list-style-type: none"> No municipal-wide bicycle parking in place 	<ul style="list-style-type: none"> New bicycle parking requirements recommended 'to promote cycling as a more sustainable mode of travel' 	New bicycle parking standards for VMC (Zoning By-law 3.8.2) adopted
8. Accessible parking (Quantity and form issue)	<ul style="list-style-type: none"> Vaughan's accessible parking standards were sufficient 	Vaughan should adopt revised accessible parking standards and terminology in line with provisions under the Accessible Built Environments standards in the <i>Accessibility for Ontarians with Disabilities Act</i> .	<i>Vaughan Accessibility Policy</i> (2012), no known references to parking

1.6 Summary

From the above, it is clear that:

- **VOP 2010 Policy** has been rewritten to broadly align with and reinforce the need to take action on most of the key issues identified in (and recommendations arising from) the 2010 Parking Standards Review.
- **Quantity:** the existing and continued reliance on minimum parking requirements that use the Zoning By-law as a default site-based ‘parking policy’ continue to experience difficulty in ensuring a healthy match between supply and demand in the right locations and at the right time (reflective of how parking demand is subject to locational and time dimensions—it is “*spatiotemporal*”). In some cases, they also run contrary to broader VOP 2010 policy aspirations.
- **Form:** The forthcoming VMC Parking Strategy will deal with preferred form, location and quantity of parking in this major transit hub, and can inform recommendations for other similar transit-oriented areas. The basic parking dimensions and aisle widths regulated in Zoning By-law, appear not to have been changed since the 2010 Parking Standards Review; their appropriateness for locations potential and deliberate space constraints, where more priority will be afforded to more sustainable modes, such as the VMC, may require consideration.
- **Location:** Only a Zoning By-law consideration insofar as it relates to the configuration and siting of parking on an individual site. Shared parking provisions exist; however, no readily available statistics on the uptake of these provisions.
- **Existing parking provisions are not necessarily contemporary:** A significant amount of time has passed (seven years) since the base of the 60+ individual minimum parking requirements was subject to review and the last change was prior to this period. Furthermore, this issue was a key finding that was emphasised in the 2010 Parking Standards Review as being one that requires “*progressive standards*”.
- **Potential overreliance on accuracy versus precision and catering exclusively to peak, single use capacity.** Over 60 land use categories with precise requirements remain in the Zoning By-law. It is unclear to what extent each of these minimum parking requirements *accurately* reflect actual demand by location and time of day.
- **Resolution, where possible,** of the issues raised as requiring further review in the 2010 Parking Standards Review, along with additional matters raised by staff.

This correlation would suggest many of the issues examined in the 2010 Parking Standards Review should be revised, refreshed, or otherwise reconsidered for implementation through this study.

2 Policy Directions and Practical By-law Considerations

2.0 Provincial Policy

A wide range of provincial policy and directives exists. A full review of these policies is beyond the scope of this Report. Relevant policies include:

- Places to Grow Plan for Greater Golden Horseshoe (2017);
- Provincial Policy Statement (2014);
- “The Big Move” Regional Travel Plan (RTP), Metrolinx 2008;
- Metrolinx Mobility Hub Guidelines (2011); and
- Ontario Climate Change Action Plan 2016-2020.

A common theme amongst these plans is that it is increasingly acknowledged that parking occurs at a critical intersection between land use planning and transportation systems and that efforts should be made to change the way municipalities regulate parking supply to bring this into alignment with future land uses as outlined in VOP 2010.

Significantly, the Climate Change Action Plan includes a reference to:

*“Eliminat[ing] minimum parking requirements [...] over the next five years for municipal zoning bylaws, **especially in transit corridors and other high-density, highly walkable communities**. Minimum parking requirements are a barrier to creating complete, compact and mixed-use communities. Instead, bylaws will encourage bike lanes, larger sidewalks, and enhanced tree canopies”* (emphasis added).

If this were to happen, there would be no ability to prescribe the minimum parking

supply at certain locations (instead, defaulting to “encouragement” through a variety of means). In light of this, the City should be cognisant of this intention and give consideration to:

- Reviewing the appropriateness of minimum parking requirements to do the ‘heavy lifting’ in terms of ‘guaranteeing’ a minimum supply of off-street parking in areas subject to the Zoning By-law; and
- Assessing alternative methods of regulating the provision of space for parking in the Zoning By-law, including “right-sizing” minimum parking requirements, introducing maximum parking requirements to potentially facilitate the preferred quantity and form of parking, emphasise new shared parking concepts and encourage market-based approaches in areas of significance as identified in VOP 2010 (such as intensification corridors and major centres).

2.1 Regional Policy and Scan

As parking provisions are primarily a matter for individual municipalities at present, a regional scan was conducted (as of early 2017) to demonstrate how Vaughan’s current minimum parking requirements compare to other municipalities.

This was done by comparing broad minimum parking requirement categories against other municipalities in the GTHA and elsewhere in Canada.

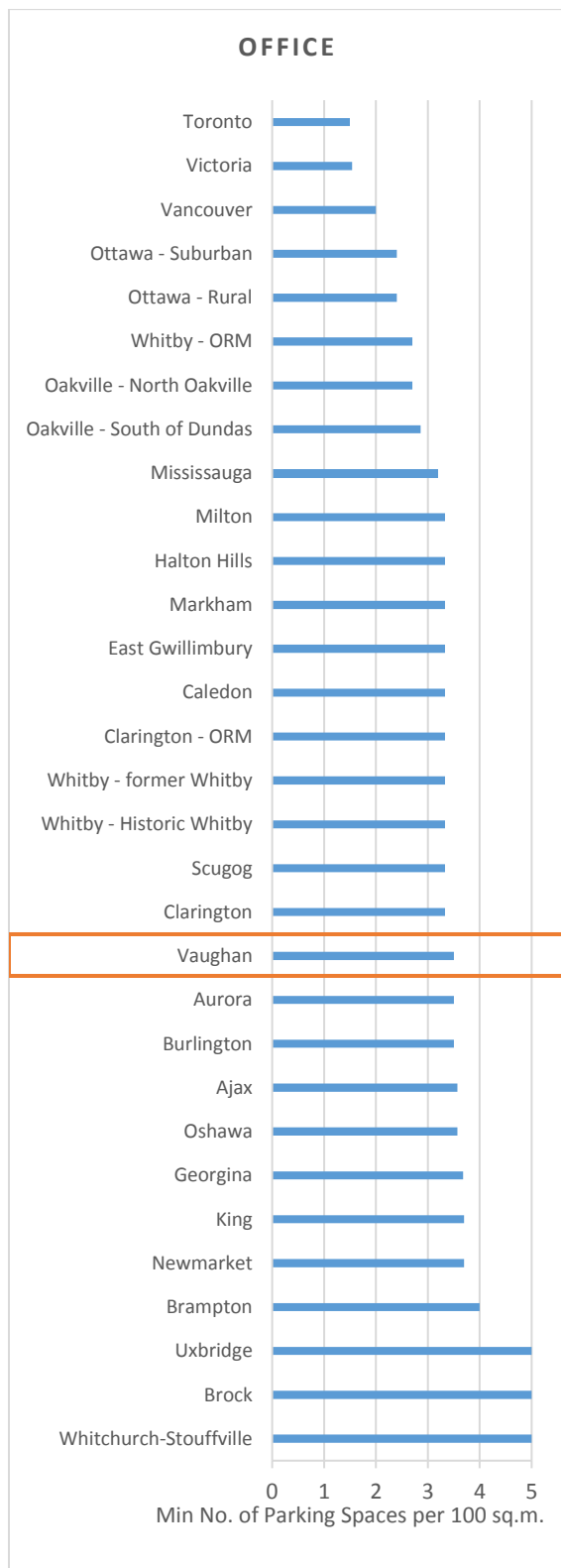


Figure 4: Minimum parking requirements for office uses in GTHA and other Canadian municipalities.

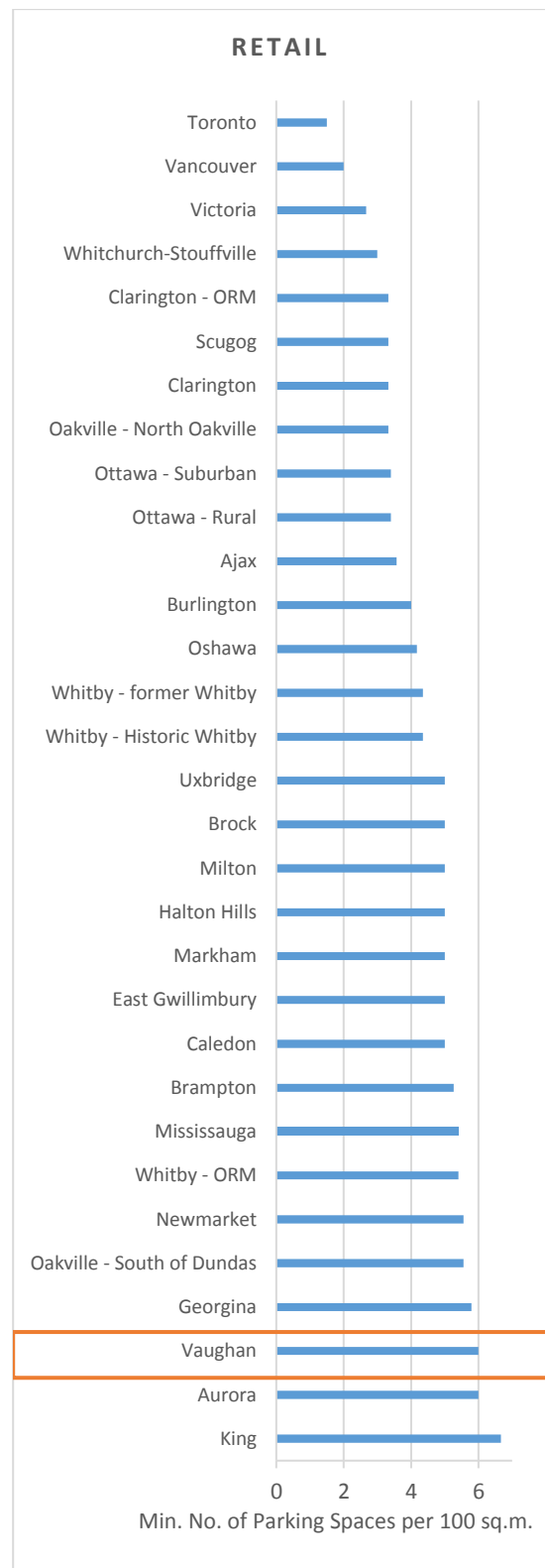


Figure 5: Minimum parking requirements for retail uses in GTHA and other Canadian municipalities.

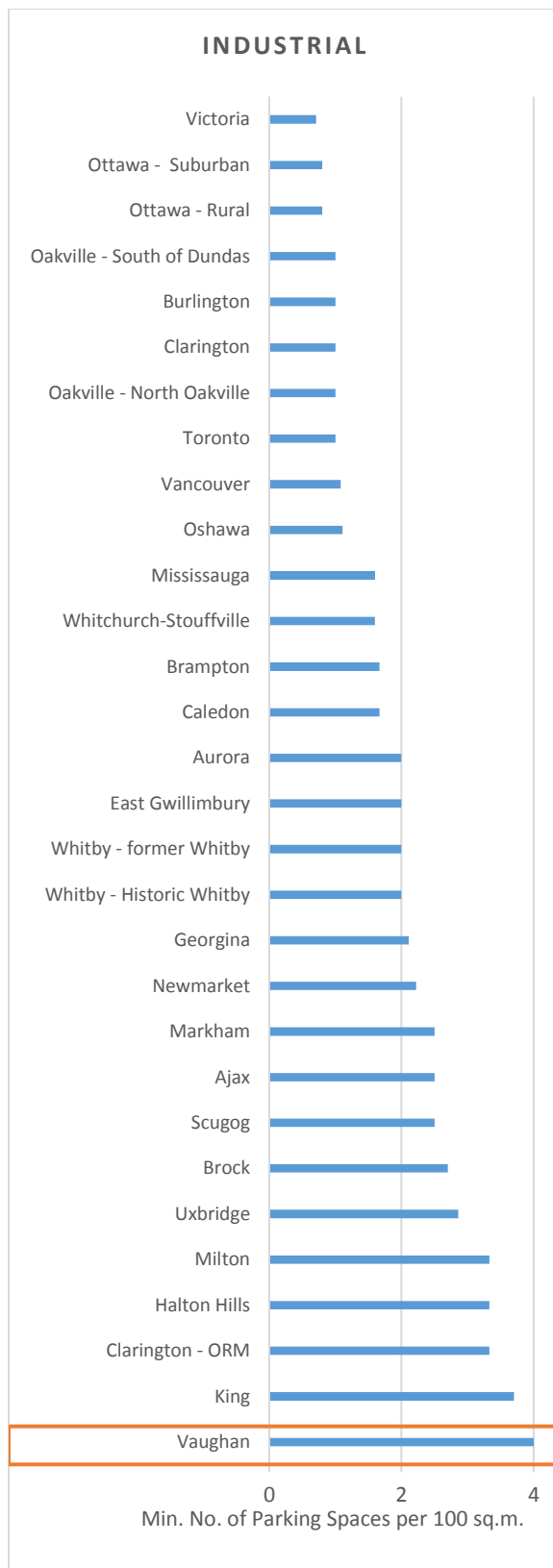


Figure 6: Minimum parking requirements for industrial uses in GTHA and other Canadian municipalities.

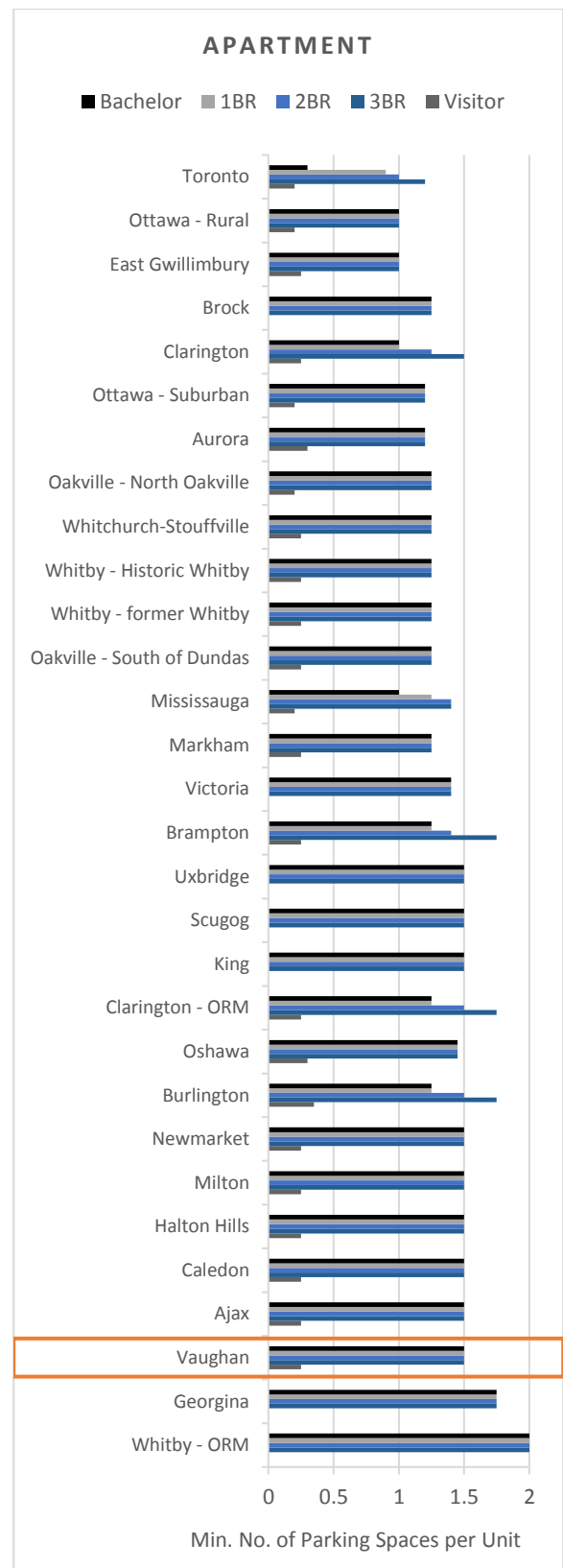


Figure 7: Minimum parking requirements for apartments in GTHA and other Canadian municipalities.

For office, retail, industrial and apartment categories, Vaughan's existing minimum parking requirements tend to be either in the middle or at the higher end of comparable requirements in other municipalities.

It is noted that, in some cases, a number of municipalities also currently apply the same generic parking requirements (1 space per 100m²) for very specific uses such as waste processing, waste transfer, wholesale, repair shop, contractor's establishment, commercial self-storage, bulk storage in lieu of an 'industrial use' rate. Generally speaking, it is difficult to discern whether many of the prevailing minimum parking requirements and the associated precise land used have been derived empirically or through an alternative generic method. This is a common criticism of the minimum parking requirement approach.

2.2 City Policy

In addition to the policies already highlighted, it was identified that the following City policies also contain references to parking:

- Vaughan Tomorrow, A Vision for Transformation (2008);
- Transportation Master Plan (2012);
- Vaughan Metropolitan Centre Secondary Plan (partial adoption 2015);
- VMC Streetscape and Open Space Plan (2015);
- Pedestrian and Bicycle Master Plan (ongoing); and
- Heritage District Conservation Plans (particularly cash-in-lieu of parking for Kleinburg).

A synthesis of parking objectives would provide a useful starting point for a geographic stratification/urban context approach to any future revisions to existing parking

requirements as recommended in the 2010 Parking Standards Review. These provisions could be incorporated into this review.

2.3 Parking trends

Table 2: Emerging Trends in parking Standards in the GTHA, provides a summary of the progress of municipalities to adopt new rules and regulations to accommodate observed parking trends across the GTHA. The table also notes that Vaughan has yet to make significant inroads in terms of unbundled, car-share, or electric vehicle (EV) parking.

Table 2: Emerging Trends in Parking Standards in the GTHA

LEGEND:		New Parking Maximums/Minimum	Unbundled Parking	Shared Parking	Electric Vehicle (EV) Parking	Car-share Parking
● Municipal policies and/or practices do not align with the trend						
● Municipal policies and/or practices have made progress toward the trend						
● Municipal policies and/or practices have responded to and are implementing steps towards the trend						
YORK	Vaughan	●	●	●	●	●
	Markham	●	●	●	●	●
	Aurora	●	●	●	●	●
	East Gwillimbury	●	●	●	●	●
	Georgina	●	●	●	●	●
	Newmarket	?	●	●	●	●
	Richmond Hill	●	●	●	●	●
	Whitchurch-Stouffville	●	●	●	●	●
	King	●	●	●	●	●
PEEL	Mississauga	●	●	●	●	●
	Brampton	●	●	●	●	●
	Caledon	●	●	●	●	●
	Toronto	●	●	●	●	●
	Hamilton	●	●	●	●	●
HALTON	Burlington	●	●	●	●	●
	Halton Hills	●	●	●	●	●
	Milton	●	●	●	●	●
	Oakville	●	●	●	●	●

The ability of the zoning by-law to effectively regulate EVs needs to be considered. Historically, zoning by-laws have been largely

contained to matters of size and dimension; electrical infrastructure standards were not incorporated. Higher density residential developments require a more coordinated response to regulation. Current draft provincial regulations require condominiums with parking facilities to install electrical subpanels for EVs by 2022 and also a minimum of two Level-2 charging stations if at least 5 condo owners or 5% of all units request so. Furthermore, the Ontario Building Code requires all new homes and townhomes in Ontario to have an acceptable panel board, conduit, and outlet box in the garage or carport for charging EVs as of January 1, 2018 (O. Reg. 563/17). The zoning by-law needs to take a consistent and logical approach to which aspects of EVs it intends to regulate.

There is also much discussion at present concerning the potential impact on parking arising from automated vehicles (AVs). The first and most immediate is already appearing with the self-parking car. With vehicles able to discharge their passengers before parking, this could immediately improve the density in which cars are stored.

A key consideration is the anticipated impact on overall private vehicle ownership over time. If a shared AV model is widely adopted because the costs and availability of AVs become attractive, then this may result in people reducing private car ownership.

Preliminary analysis using a downtown model by Fagnant & Kockelman (2016), indicates that under such a scenario a single shared AV could replace between nine and thirteen privately-owned or household-owned vehicles, potentially leading to significantly reduced demand for parking. This is heavily dependent however on a storage (i.e. parking) solution being found for vehicles when they are not in

use. Otherwise there is a risk that many AVs will constantly 'cruise' for passengers and lead to increased congestion. It is clear that forward thinking transportation concepts that include parking are required to address this issue.

3 Strategic Approaches to Parking Management

“Parking management” refers to various policies and programs that result in more efficient use of parking resources (Litman 2016). “Parking resources” can be thought of as the overall amount of land, labour and capital dedicated to parking in a particular area, both at a whole of City level as well as individual areas or districts of particular concern.

A strategic approach to parking management is designed to bring together Zoning By-law parking provisions with broader transportation and land use objectives by linking parking provisions with the broader policy objectives in a manner that makes more efficient use of parking resources. A distinct advantage of a strategic approach is that it has the potential to bring together the proposed “progressive approach” including the ‘geographic stratification’ / ‘urban context’ recommended in the 2010 Parking Standards Review with updated Zoning By-law parking provisions that reflect and are consistent with local land use policy objectives.

There is already an attempt in the existing Zoning By-law to vary existing parking provisions by geographic area. Stakeholder feedback noted that existing parking provisions are located in numerous locations in the text within the actual By-law and are in many cases difficult to understand and interpret.

3.1 Vision, Goals and Objectives

One way of addressing the lack of a common theme to regulating parking is to develop a **Vision for Parking**. A **Vision** can be thought of as a mission statement which represents

the desired outcomes of an organization for a particular activity that it is involved in.

Such a Vision could form the basis for more comprehensive updates to existing Zoning By-law provisions, in order to align new VOP 2010 objectives with broader parking management strategies. In particular, for districts that encompass matters such as on-street supply and goals in other area-specific plans.

A generic, but useful example of a vision for parking and a number of overarching strategies that support such a vision is shown in *Figure 8*. Each of the objectives outlined in *Figure 8* has a role to play in ensuring effective parking management in this “avoiding excess” model.



Figure 8: Example of a Parking Vision (Barter, 2017).

Avoiding the promotion of parking supply (associated with the above Vision) should not be thought of as a blunt cap or restriction on parking. Instead, it involves a recognition that in some locations where space is at a premium and in particular where transportation alternatives exist, it may be better for the City to rely on other statutory or policy mechanisms, such as cash-in-lieu of parking or shared/public parking supply, to ensure a healthy supply of parking, rather than default to applying (or “promoting”) a one-size-fits-all site-based minimum parking requirement approach to try and solve parking issues.

It is considered that adopting the “urban context approach” (or a variation thereof) as noted in the 2010 Parking Standards Review will go a long way to achieving a Vision of limiting excess supply. It contains an explicit acknowledgment by the City that departures from the status quo are not only warranted, but in many cases desirable, for the sake of giving statutory effect to realising the VOP 2010 goals. However, it would also need to be met with a recognition by the City that strong city policy and effective regulation through by-laws still remains necessary to ensure ‘parking success’ (as noted in the Vision).

In this case, instead of relying on minimum parking requirements as the default starting position for planning considerations at a site and zoning/district level, a Vision could be used to develop both the relevant policies and by-laws concerning the desired location, form and quantity of parking for a given district or area. Parking management strategies, such as park once districts, efficient pricing and greater recognition of the value of parking to local stakeholders could be formally adopted.

A practical example is a ‘parking benefit district’ that invests the proceeds of parking into localised services such as street beautification and urban realm projects. A parking authority with responsibility for both off and on-street parking is a useful governance model to ensure fees are consistent and all funds collected are declared and spent in accordance with this approach.

Equally, it is important to recognise approaches to implementing the vision will likely vary based on geographic context. The above example is based on a retail or mixed use scenario. The application of the Vision will differ in the residential context, but the

principles and considerations remain the same: aim for parking success without excess by varying the underlying strategies. By-law changes can be tailored to context, including more detailed considerations for visitor parking and other shared parking concepts.

3.2 Techniques and Examples

Some case studies of parking management challenges and solutions are provided below.

3.2.1 Reductions in Minimum Parking Requirements in Proximity to Transit, Edmonton, AB

In 2010, Edmonton reviewed its by-laws with the objective of reducing parking requirements by 20-30% and introducing maximum requirements within proximity to LRT and other transit corridors. This was subsequently implemented in 2011 as it was considered these requirements overprovided parking in locations with good alternatives and imposed unnecessary costs on residential development and households.

In 2017, another review is taking place that is intended to, *“Evaluate the assumptions behind the existing parking ratios, and bring those assumptions in line with the Municipal Development Plan (MDP) and TMP, as appropriate.”* The stated objective is:

“Prevent new, non-accessory surface parking lots; achieve a 20-per-cent reduction in parking requirements throughout the entire downtown area; implement zero parking minimum within the Urban Warehouse zone on a test-pilot basis; and promote the

addition of car-sharing parking opportunities throughout the downtown area.”

3.2.2 Abolition of Minimum Parking Requirements, Buffalo, NY, USA

In early 2017, Buffalo, New York, became one of the first municipalities in North America to completely abolish minimum parking requirements. Zoning and land-use regulations introduced a form-based zoning code (“Unified Development Ordinance”) that was designed to foster more predictable built form results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle.

Development projects above 5,000 square feet in area will still require parking analysis that factors in alternative transportation options in the vicinity as part of an overhauled review. A discretionary element remains in place.

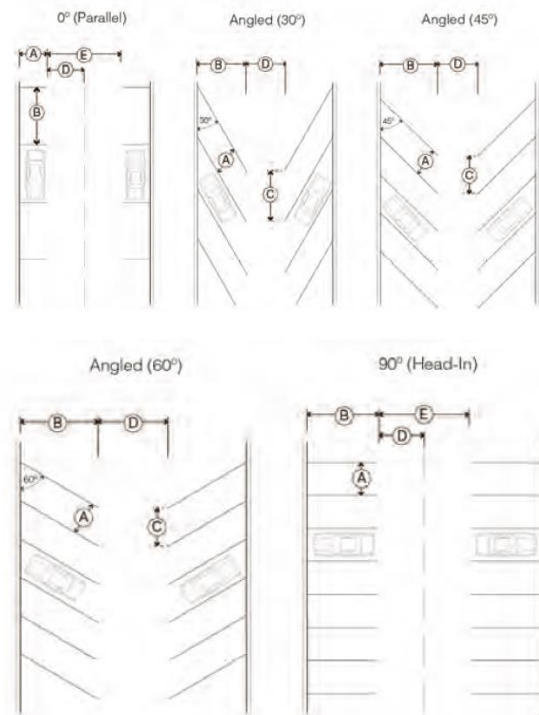


Figure 9: Various parking stall and drive aisle dimensions, Unified Development Ordinance, Buffalo NY

3.2.3 Unbundled Combined Residential and Commercial Parking, Seestadt, Vienna, Austria

Seestadt is a new 240 hectare residential and commercial district located 7 kilometres east of the centre of Vienna in Austria on the site of a former airfield. 10,500 apartments are being built for 20,000 persons that are expected to live there. The district is also targeting 15,000 office jobs and 5,000 light industry jobs. Parking is fully unbundled from residences meaning that home owners and renters are not required to purchase or rent parking as part of their living situation.

Centralised and publically accessible parking facilities for 1,900 vehicles, is conveniently located in six underground and above ground garages in the new district. The co-location of jobs and employment is designed in part to reduce distances travelled by locals, but also to boost the demand and financial viability of parking constructed in the district, while it is also intended to minimise the footprint of parking on the urban realm in terms of concealing parking facilities, and minimising intrusive elements of parking by limiting driveway entrances.

Other mobility options include the completed extension of the local U2 LRT line with high frequency connection to downtown Vienna, a central bike parking facility, 42 electric car charging stations, a local bikeshare scheme, cargo bikes and kiss and ride facilities. Developers were required to pay into a mobility fund both for dwellings completed as well as based on the number of car parking spaces constructed.



Figure 10: Six garage 'park once' parking concept and present day build out of residential and mixed use development in Seestadt, Vienna, Austria.

Note the underground parking that is seamlessly woven into streetscape which helps to minimise interruption of pedestrian realm by vehicles and maximises access of parking to surrounding areas.

3.2.4 'Rightsizing' Minimum Parking Requirements, Victoria, BC

Victoria, is currently embarking on a project to "rightsize" minimums to align the existing regulations with actual demand, current trends and community objectives. Off-street parking regulations have not had a significant update since 1981. Since that time, Victoria has evolved with new intensification and development and new policies. The City believes that off-street parking regulations need to support development in balance with the City's intensification and sustainability policies.

The City's stated position is that updated off-street parking regulations will help to support active transportation (e.g. cycling, walking, and transit), encourage economic development, enable affordable housing and maintain healthy communities.

As of writing this Chapter, the key proposed changes include:

- Fewer parking stalls required for smaller condominium units, affordable housing and rental housing;
- New parking stall requirements for developments downtown and in village centres;
- More secure bicycle parking stalls required in multi-residential and office development;
- New parking stall requirements that reflect the actual parking demand

The project is expected to deliver the following benefits:

- A better understanding of actual parking demand for a range of uses throughout Victoria;
- A reduction in parking variances thereby improving the overall development application review process;
- A more user-friendly format for the off-street parking regulations;
- The ability to better support and encourage development and investment;
- Updated regulations and design standards for vehicle and bicycle parking that are better aligned with current practices and trends; and
- Better support for affordable housing and healthier communities.

FIGURE 1. PROPOSED GEOGRAPHIC AREAS FOR SCHEDULE C

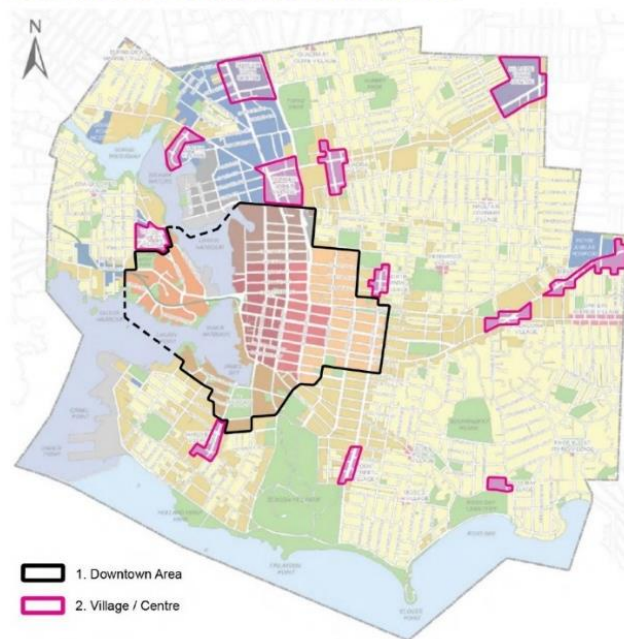


Figure 11: Proposed Geographic Areas for new right-sized statutory parking requirements in Victoria.

4 Recommendations

In summary, the following conclusions can be drawn with respect to the existing parking provisions in the Zoning By-law (*Table 3*).

Table 3: Aspects Considered and Conclusions

Issues Considered	Aspects Considered/Conclusions		
	Form (Physical aspects)	Location (Siting on a block)	Quantity (Supply, How much?)
Policy Consistency with Official Plan and other City policies	<ul style="list-style-type: none"> Continued use of one-size fits all generally inconsistent with VOP 2010 More detailed review required to determine policy consistency with other City policy 	<ul style="list-style-type: none"> Difficult to readily ascertain whether Zoning By-law captures City policy intentions with respect to location on a site basis 	<ul style="list-style-type: none"> With the notable exception of VMC, rightsizing, reducing minimums or use of parking maximums not currently reflected in the Zoning By-law
Minimum parking requirements for defined land uses	<ul style="list-style-type: none"> Zoning By-law is largely silent on form beyond surfacing and some limited site-based built area requirements Restrictions on surface parking necessary to maximise spatial efficiency of parking and encourage alternative approaches 	<ul style="list-style-type: none"> Unclear from data reviewed if existing siting provisions work as intended 	<ul style="list-style-type: none"> Rationalise (reduce the number) of existing requirements Remove redundant land uses (e.g. video stores) 2010 Review of Parking Standards is considered an accurate reflection of relevant considerations
Minimum parking requirements for other purposes (visitor parking, accessible parking)	<ul style="list-style-type: none"> Zoning By-law largely silent on this issue at a site level 	<ul style="list-style-type: none"> Consider revisions to the by-law to further promote and encourage shared parking 	<ul style="list-style-type: none"> Should be subject to further revision Cash-in-lieu requires review for effectiveness and ability to realise OP objectives
Parking geometrics and access road dimensions	<ul style="list-style-type: none"> Spatial efficiency inherent in provincial and city policy not necessarily being consistently met at present 2010 review of Parking Standards is considered an accurate reflection of relevant considerations 	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable
Urban Design	<ul style="list-style-type: none"> Limited considerations for buffering, stormwater 	<ul style="list-style-type: none"> No or limited minimum setbacks for landscaped buffers 	<ul style="list-style-type: none"> Limited consideration of green space within surface parking lots

Issues Considered	Aspects Considered/Conclusions		
	Form (Physical aspects)	Location (Siting on a block)	Quantity (Supply, How much?)
	management, landscaped islands and tree canopy on surface parking lots at present.	surrounding parking lots. (To be addressed in City-Wide Urban Design Guidelines)	and the ecological benefits of larger, consolidated landscaped areas.
Parking trends	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> New parking concept updates required, including tandem parking, adaptable reuse, electric vehicle, car share and mechanical parking

It is noted that this Chapter was not able to consider in detail specific issues of form, location and quantity of residential parking for multiple unit dwellings as they appear in the Zoning By-law. It is considered that the summary of the 2010 Review of Parking Standards continues to be an accurate and balanced assessment of the relevant considerations for current and future residential parking in Vaughan, with the possible exception of the unbundling issue, which is highlighted in *Section 3.0*.

Key parking issues were reviewed as part of this Chapter and were broadly addressed as **by-law considerations** and **strategic policy issues**. The recommendations arising from this review have maintained this distinction.

1. By-law Considerations

Ensure that any statutory revisions to the existing Zoning By-law parking provisions:

- Adopt and actively respond to the “geographic stratification”/“urban context” objectives noted in the 2010 Parking Standards Review and VOP 2010 Policies through technical updates to Zoning By-law parking provisions;

- Review, simplify and consolidate updated parking provisions into a few key locations to remove redundant provisions, ease understanding and interpretation and reduce the regulatory burden to allow for more efficient use of existing parking supply;
- Include transitional arrangements to manage any shift away from existing provisions;
- Ensure new minimum and maximum parking requirements are empirically and technically sound by requiring that any revised parking requirements be based on robust data and analysis; and
- Revise provisions to distinguish between regulating site-level minimum parking requirements with carefully targeted district-level parking supply policies
- Address the following urban design aspects:
 - Minimum requirements for landscaped buffers surrounding parking lots; and
 - Requirements to screen above grade parking by wrapping the lot with high quality building materials and fully articulated façades.

2. Strategic policy issues (for further consideration):

The City should give further consideration, where possible, in this study:

- Consider Vaughan's long term parking needs in the context of both the municipality's and Region's broader transportation and land use objectives and creates clear 'lines of sight' between Provincial and Regional Policy, VOP 2010 policy, other relevant City documents, and the *Planning Act*;
- Work to develop a broader understanding of how parking regulations affects urban form, in context of the Zoning By-law's parking provisions;
- Assess alternative methods of designating space for parking in the Zoning By-law

including 'right-sizing' minimum parking requirements, maximum parking requirements, new shared parking concepts and market-based approaches to parking in areas of significance as identified in VOP 2010 (such as Intensification Areas and major centres);

- Where existing cash-in-lieu provisions apply (e.g. areas such as Kleinburg), evaluate parking requirements to assess their effectiveness in being able to ensure an adequate supply of parking that meets VOP 2010 and parking management objectives for a given area; and
- Monitor City strategies currently underway for any directions to or implications for Zoning By-law parking recommendation.



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 10

SHORT TERM ACCOMMODATIONS

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1.0 Introduction

The purpose of this Chapter is to examine the emerging issue of short term rental accommodations, including Airbnb and similar online/mobile applications, and to identify implications of this emerging issue on the City of Vaughan's Zoning By-law Review.

Airbnb and similar web/mobile applications are online marketplaces in which private individuals may post a listing to rent their home, apartment or condo (or any number of rooms) in exchange for a fee. These tools have been considered to have a major impact on the accommodation industry, providing a relatively inexpensive means of accommodation compared with the traditional hotel industry, and also broadening options in terms of accommodation style and location. The recent emergence of this issue has led some municipalities to study the trend in detail and recommend zoning changes and licensing tools to manage the various impacts and benefits of short term accommodation. By contrast, many Ontario municipalities have long regulated bed and breakfast establishments and hotels/motels via planning policy, zoning regulations, and business licenses.

This Chapter provides an understanding of the emerging trends, impacts and benefits associated with short term accommodations and identifies any existing policy guidance provided by the City of Vaughan. Since several larger municipalities have recently examined this issue in a great level of detail, consideration is made to identify the options and approaches used by other municipalities to regulate short term accommodations.

2.0 Context, Policy and Trends

The purpose of this section is to review the trends, benefits and issues associated with short term accommodations. This section also identifies any existing policy guidance contained in the City of Vaughan's Official Plan (VOP) 2010 as well as Provincial and other tools available to assist municipalities in reviewing the issue.

2.1 Types of Short Term Rental Accommodations

The focus of this Chapter is on short term rental accommodations as provided through Airbnb and similar online marketplaces, in which private individuals can rent a room or an entire dwelling unit for commercial gain. Currently, these uses are not explicitly recognized or managed by the Official Plan or its By-law 1-88, since the concept of these uses has only recently emerged. The City's current position based on zoning is that short term accommodations such as Airbnb are not permitted as-of-right anywhere in the City. The Zoning By-law provides a specific definition and permissions for bed and breakfasts, which are intended as owner-occupied and only permitted in certain zones. The policy and zoning context are discussed later in this section.

It is noted that Airbnb and similar online marketplaces are not necessarily exclusively devoted to facilitating short term accommodation. Rather, many of these websites/mobile applications also enable users to post listings for leases and to facilitate subletting.

Bed and breakfasts, by contrast, have been regulated by Ontario municipalities (including Vaughan) for many years. This often includes Official Plan policies directing the

areas in which bed and breakfasts are permitted and general criteria.

Hotels and motels are similarly closely regulated by many municipalities, often inclusive of Official Plan policies to direct hotels and motels to key tourism, mixed use, commercial and employment areas. This Chapter will not examine in detail the issues and trends regarding hotels and motels. The Official Plan and the Secondary Plans provide detailed guidance regarding permissions for these uses, so the matter is anticipated to be addressed further through the Zoning By-law Review in terms of ensuring Official Plan conformity.

The City of Vaughan's current policy and regulatory framework for managing short term accommodations is addressed in the following section.

2.2 Current City of Vaughan Official Plan and Secondary Plan Policy Context

2.2.1 Official Plan (Volume 1)

The Official Plan (January 2017 consolidation) does not explicitly provide policy guidance regarding short term accommodations like Airbnb. The Official Plan also does not provide any policies regarding bed and breakfast establishments.

The Official Plan provides direction regarding hotel uses, briefly summarized as follows:

- Hotels are supported in intensification areas (Section 5.2.7.4) to support tourism;
- Small-scale hotels are permitted in areas designated low-rise mixed-use (Section 9.2.2.2 b); and
- Hotels are permitted in mid-rise mixed use areas (Section 9.2.2.4 b), high-rise

mixed use areas (Section 9.2.2.6 b), employment commercial mixed-use areas (Section 9.2.2.7 c), community commercial mixed use areas (Section 9.2.2.8) and the theme park and entertainment area (Section 9.2.2.13 d):

Hotels are defined by the Official Plan as *“A building(s) or part thereof on the same lot used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation but without individual private cooking facilities.”* (Section 10.2.2.2).

It is noted that Section 9.2.2.18.d.iii) of the Official Plan provides for the permission of temporary, mobile or portable secondary dwelling units accessory to agricultural uses, in accordance with criteria, but this is intended to provide for farm help on a seasonal or full time basis and is not examined further in this Chapter.

The Area Specific policies of the Official Plan (Chapter 12) make a few references to bed and breakfasts, permitting them in certain historic areas of the City:

- Section 12.4.5.2 – bed and breakfasts are permitted in the Mainstreet Commercial Area (Kleinburg Core) as shown on Map 12.4.A;
- Section 12.4.6 – bed and breakfasts are permitted in the Village Residential Area of the Kleinburg Core; and
- Section 12.8.3.2 – bed and breakfasts are permitted (along with hotels) in the Heritage Main Street Area of the Yonge Street Corridor in Thornhill.

The Site-Specific Policies of the Plan (Section 13) do not make any reference to bed and breakfasts.

2.2.2 Secondary Plans (Volume 2)

The Secondary Plans also do not make reference to short term accommodations, except for policies guiding permissions for hotels, summarized as follows:

- Vaughan Mills: Hotels and convention centres are permitted in some areas;
- Steles West: Hotels are generally permitted;
- North Kleinburg-Nashville: No reference to hotels are made;
- Concord GO Centre: No reference to hotels are made;
- Woodbridge Centre: Permits small-scale hotels in some areas;
- Carville Centre: No reference to hotels are made;
- Highway 400 North Employment Lands: Provides policies to permit hotels in some areas;
- Maple GO: No reference to hotels are made;
- Vaughan Metropolitan Centre: Hotels are permitted in certain precincts;
- West Vaughan: No reference to hotels are made; and
- Kipling Avenue Corridor: No reference to hotels are made.

2.3 Vaughan Zoning By-law Context

By-law 1-88 defines a bed and breakfast as follows:

“Means an establishment within part of a single family detached dwelling that provides sleeping accommodation for guests, and may include meals, services, facilities and amenities for the exclusive use of guests, but excludes a hotel, motel or tourist home.”

It is noted that the definition restricts bed and breakfasts to single detached dwellings.

Although referenced by the definition above, a tourist home is not defined by the By-law.

A requirement of 1 parking space for each bedroom used for the purposes of the bed and breakfast, in addition to the parking required for a single detached dwelling, is required (Section 3.8 a).

Section 5.1.9 provides specific use requirements for bed and breakfasts, summarized as follows:

- (A) The single family dwelling shall be owner occupied;
- (B) Not more than three bedrooms within the dwelling unit shall be devoted to the accommodation of guests;
- (C) The use of accessory buildings for the lodging of guests or the owner or operator shall not be permitted;
- (D) Meals may be provided to registered guests only;
- (E) Parking shall be provided in accordance with Subsection 3.8; and
- (F) A site plan has first been approved by Council.

The use is only specifically referenced as being permitted in the Mainstreet Commercial (C11) Zone under Section 5.14. It is noted that the C11 zone is applied within at least the Kleinburg core area. Further review of mapping (upon availability) will need to be undertaken to ensure bed and breakfasts are permitted in accordance with the Official Plan.

Additionally, the By-law defines hotel as follows:

“Means a building or part of a building used primarily for the purposes of providing temporary sleeping accommodation to the

public, but where no individual private cooking facilities are provided.”

A motel is defined as follows:

“Means a building or group of buildings no more than two storeys in building height used mainly for the purpose of providing temporary sleeping accommodation to the public, but where no individual private cooking facilities are provided.”

The differences between a hotel and motel are accordingly such that motels are limited to two storeys by its definition, and motels may consist of a group of buildings, whereas a hotel would be subject to the height restrictions of the zone and would be intended as a single building or part of a building.

A hotel/motel is subject to a parking requirement of 1.0 spaces per bedroom as well as the requirement for any other use. In the Vaughan Metropolitan Centre, the requirement is 0.75 spaces per bedroom and a shared parking calculation applies where a hotel contains other uses (e.g., restaurant, convention centre). The parking requirement in Carrville Centre is 0.85 spaces per bedroom and similarly subject to shared parking requirements.

Hotels (not motels) are permitted in the C1 Restricted Commercial Zone, the C11 Mainstreet Commercial Zone and the CMU3 Mixed Use 3 (Carrville Centre) zone. Both hotels and motels are permitted in the C6 Highway Commercial Zone, C7 Service Commercial Zone, C9 Corporate Centre Zone, C10 Corporate District Zone, and the EM1 Prestige Employment Area Zone.

2.4 Provincial Policy

Provincial policy principally only addresses bed and breakfasts in the agricultural context, and does not explicitly address short term accommodation in urban areas. Following is a summary of relevant Provincial policy:

- Bed and breakfasts are included in the definition of agri-tourism uses in the *Provincial Policy Statement (2014)*. Agri-tourism uses are considered a type of on-farm diversified use (also defined), which are permitted in prime agricultural areas (Sections 1.1.5.8, 2.3.3.1), provided they are compatible with surrounding agricultural operations. The uses are also to be promoted in Rural Areas (Section 1.1.5.8). The intent of permitting on-farm diversified uses is to promote economic viability and flexibility in the agricultural sector. The Province may provide guidelines;
- It is noted the Province has produced *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* (dated 2016). The guidelines do not provide additional detail regarding bed and breakfasts specifically, but help readers to understand the intent of the PPS regarding on-farm diversified uses and agri-tourism uses;
- The *Oak Ridges Moraine Conservation Plan (2017)*, which is applicable to portions of the City of Vaughan, defines bed and breakfasts, and these uses are also intended to be a type of agri-tourism use. It is noted that the definition refers to bed and breakfasts as being in a single dwelling that is also the principal residence of the proprietor. Further, it is noted that this definition is modified from

the *Oak Ridges Moraine Conservation Plan (2002)*, which limited bed and breakfasts to up to three guest rooms. The *Oak Ridges Moraine Conservation Plan (2017)* no longer includes a specific limit on the number of guest rooms; and

- The *Greenbelt Plan* generally intends to encourage bed and breakfasts within rural lands of the Protected Countryside.

2.5 Trends in Short Term Rental Accommodations

A very high rate of growth in online marketplace short term accommodations such as Airbnb has been observed in many cities in Canada and internationally. Figure 1 below indicates the growth in worldwide guests using Airbnb.

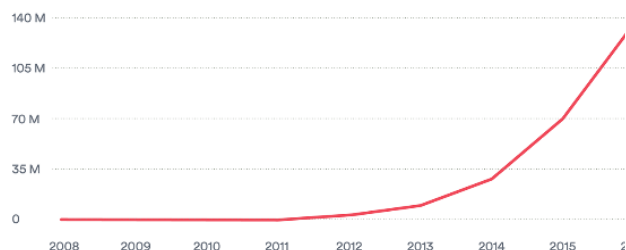


Figure 1: Growth in Guests Using Airbnb (Worldwide: Source: Airbnb)

According to the Province, in 2016, there were over 11,000 hosts listing their properties in Airbnb within the Province. A typical host earns about \$280 a month in income, and more than 375,000 people visited Ontario and stayed via Airbnb. Airbnb is certainly the largest such company, but other websites and applications offer similar services.

The City of Toronto reported that there were 16 websites with a combined total of 20,000 short term accommodation listings in the City of Toronto in April 2017. The key websites with many listings in the City of Toronto

included Airbnb, Expedia, Trip Advisor, FlipKey and Kijiji.

A brief search of Vaughan listings on Airbnb yielded just over 300 search results. However, some of the listings shown appeared to be largely outside of the City of Vaughan's boundaries (e.g., in Toronto and Richmond Hill). Listings within the City of Vaughan appears to be closer to the order of a few dozen listings (about 40). Listings ranged greatly in price, from just under \$40 per night to over \$700 per night. The listing types varied greatly, from individual bedrooms, to rentals of condos and single detached homes. Most listings had a minimum stay of one night, based on a sampled review. There were no particular patterns noted with regards to the distribution of listings, but there was somewhat of a concentration in listings in Kleinburg and neighbourhoods close to Canada's Wonderland. However, listings were spread across the various residential areas of the City.

Other providers had far fewer listings. A review of listings on FlipKey (operated by Tripadvisor), for example, indicated only one active listing within the City of Vaughan.

2.6 Issues and Benefits of Short Term Accommodation

The need to regulate short term accommodation has generated considerable study, opinion, research and debate by many organizations and individuals. This section outlines some of the key noted benefits and issues associated with short term accommodation.

2.6.1 Potential Benefits

Three particular benefits with permitting short term accommodation have been commonly

noted and cited by municipalities and other interested organizations:

(1) Tourism opportunity:

It is been argued that permitting short term accommodations broadly, rather than restricting accommodations to hotels and more traditional formats, enables broader tourism and allows visitors to experience different parts of a community. This can have a positive economic impact on local communities. However, there does not appear to be any quantitative evidence in support of this notion.

(2) Affordability of accommodations:

Generally it is noted that Airbnb and similar options provide more affordable short term accommodations compared with hotels, and therefore open up tourism to a broader range of persons. This relative benefit is somewhat subjective in nature and there is no particular data to support the concept. However, the increased supply of choice is beneficial to consumers and should generally promote competition in the hospitality industry.

(3) Improved affordability of home ownership:

Enabling property owners to rent rooms or a portion of their homes provides an additional source of income that can assist with housing affordability. The impact of this benefit will vary widely depending on the municipality and the potential rates and cost of home ownership. According to Airbnb, owners retain 97% of the price they charge for the listing and in the US, the additional income amounts to roughly 14% of household income. Additionally, the potential negative impact to home

affordability, as discussed in Section 2.6.2 below, should be considered.

It is difficult to specifically determine the impact and extent of the noted benefits. As indicated previously, the Province reported that average income in the order of \$280 per month for a typical Airbnb host. In Vancouver, according to Airbnb, the average host reported \$6,500 in annual earnings, but this is probably inclusive of hosts with multiple properties.

2.6.2 Potential Issues

A number of potential issues have been similarly commonly identified by municipalities and other interested organizations:

(1) Nuisance Issues:

A key issue that has been examined by other municipalities is with respect to noise, parking impacts, and other nuisances. The City of Toronto reported a relatively low, but growing, number of complaints (total of 257 between 2014 and early 2017). Most complaints it received were in regards to zoning compliance (86%) while other complaints included noise (8%), property and safety standards (5%) and garbage/waste (2%). The City also reported a low but growing number of criminal occurrences (total of 116 between 2014 and 2016), principally including fraud by the owner or the guest (54%), damage or theft of property (42%). The extent and variation of impacts would likely vary considerably between communities and would need to be monitored.

Staff have indicated there may have been a few complaints regarding transient occupants living in dwellings,

which may be related to short term accommodations. However, there does not appear to be any particular history of complaints regarding other impacts (e.g., noise, garbage) that have been specifically tied to short term accommodations.

(2) Impact/relationship to traditional accommodation (hotels and bed and breakfast) industry:

The City of Toronto has noted there are likely both positive and negative economic aspects associated with the rapid increase in the short term accommodation. They have speculated that it may be responsible for a recent stagnation in the growth of hotel rooms and it may result in fewer jobs in the traditional hotel industry. No data has been identified to support any particular negative economic impacts.

(3) Reduced affordability of home ownership: A key issue examined closely by municipalities is the negative impact of short term accommodation rentals on housing affordability. There are indications that some rentals offered through Airbnb and similar providers are made through investors that have purchased the home for the purposes of short term rentals, and do not live in the home. This has been criticized as this may result in a reduced supply of housing ownership opportunities and higher home prices. Municipalities have often reached the conclusion that this impact is mitigated by requiring that the proprietor also live in the dwelling (discussed further in *Section 3*) and setting out a registration/licensing requirement to ensure this is the case.

(4) Enforcement: Municipal enforcement of short term accommodations and associated impacts comes with a cost to the municipality.

2.6.3 Other Legal Considerations

It is noted that in July 2012, the Ontario Superior Court upheld an OMB decision which determined that the Town of the Blue Mountains could regulate short term accommodations as a commercial land use, distinctive from residential uses. This decision has been referenced by other municipalities who have followed the Town of the Blue Mountains with their own regulatory regimes for short term rentals.

A decision by the Ontario Superior Court (Ottawa-Carleton Standard Condominium Corporation No. 961 vs. Menzies) recently ruled that the terms of a condominium declaration may be violated in some cases by the owners allowing for short term accommodations. The case focused on a condominium corporation in Ottawa, in which the condominium declaration referred to single family use. The Court ruled that short term accommodations were inconsistent with the single family use provision of the condominium declaration and as such were prohibited.

Enforcement cases by jurisdictions may be indicative of some of the impacts and issues associated with short term rentals. One such case has been identified through news outlets. In this case, a homeowner in the City of Toronto illegally renting a dwelling for short term use was fined \$10,000, after neighbours complained of parties and noise. The rental was illegal under the City of Toronto's current zoning.

2.7 Other Provincial Initiatives

The Province released a news release to announce an Airbnb pilot project in February 2016. The pilot project involved working with Airbnb to inform users of Ontario regulations and laws, such as consumer protection and accessibility requirements.

2.8 Airbnb Policy Tool Chest

It is noted that Airbnb released a Policy Tool Chest document, aimed at indicating how Airbnb can work with government to ensure fair rules. The list of tools addressed include:

- Airbnb indicates that it can work with government to collect hotel taxes;
- Airbnb works towards developing tools to ensure its hosts and guests are good neighbourhoods and are respectful;
- Airbnb look towards being accountable to government regulations, by working together to establish appropriate limits on the number of nights and limitations on the number of listings; and
- Airbnb identifies some tools to share data and be transparent about its activities to work with cities.

2.9 Approaches to Regulating Bed and Breakfasts

As noted, municipalities have long regulated traditional bed and breakfasts. Some municipal Official Plans include specific policy guidance on these uses and Zoning By-laws are usually used to regulate bed and breakfasts in detail. In some cases, requirements under business licensing by-laws often apply and sometimes bed and breakfasts are subject to site plan control.

Municipal approaches to regulating bed and breakfasts in their zoning by-laws vary widely. In terms of where bed and breakfasts are permitted, some municipalities are restrictive (no permissions/reference to bed

and breakfasts, or limitation on the zones in which they are permitted). Other municipalities are very permissive, permitting them wherever certain residential uses are permitted, but subject to general provisions. Appendix A to this Chapter includes some supplementary information of five different municipal approaches to regulating bed and breakfasts.

It is also typical for bed and breakfasts to be subject to specific use regulations, including but not limited to:

- Limiting the number of guest rooms (often up to 3);
- Bed and breakfasts are typically limited to single detached dwellings;
- Setting out parking requirements, often requiring an additional parking space per guest room; and/or
 - Requiring that the proprietor reside in the dwelling.

The area-specific policies of Vaughan's Official Plan provides explicit permissions for the location of bed and breakfasts, and this appears to be generally implemented by the Mainstreet Commercial (C11) zone, which is applied in the core area of Kleinburg for example. The Official Plan does not specifically reference the use. Specific analysis will be conducted to ensure that permissions for bed and breakfasts are in accordance with the Official Plan.

Vaughan's requirements for bed and breakfasts are generally in line with the approach used by other municipalities.

2.10 Approaches to Regulating Non Traditional Short Term Accommodations

Municipal regimes for managing other short term accommodations such as Airbnb are fairly new, but have been based on in-depth studies and thoughtful analysis. This section identifies some recent municipal approaches to regulating short term accommodations such as Airbnb.

2.10.1 City of Toronto

On June 8, 2017, the City of Toronto released proposed regulations for short term rentals. The following key measures were recommended:

- (1) The Zoning By-law was amended to define short term rental and to permit them in principal residences across the City. The proprietor of the rental must also be the person's principal residence.
- (2) Short term rentals are considered to be less than 28 days.
- (3) Airbnb hosts would be required to register with the City. They would be required to post their registration number as part of their rental posting.
- (4) Companies that facilitate short term rentals such as Airbnb would need to be licensed by the City and would need to report quarterly with data.
- (5) Short term accommodation hosts must also reside in the dwelling.

The City's regulatory framework addresses the following principles, as noted in the report:

- To permit people to rent their homes for short periods;
- To minimize impacts on affordability and availability of housing;

- To enable diversity in tourism accommodations;
- To maintain community stability;
- To minimize nuisances; and
- To create regulations and taxation that is easily understood.

The City expects that with these regulations in place, about 7,600 properties rented on Airbnb in 2015 would continue to operate, whereas 3,200 would not be permitted because they likely did not operate within a principal residence.

2.10.2 City of Vancouver

Short term rentals, exclusive of hotels and licensed bed and breakfasts, are currently not legal in the City of Vancouver. In fall 2017, the City is hosting a public hearing to obtain public input before deciding on a regulatory approach.

The proposed regulations are similar to Toronto's:

- The rental must be the principal residence of the proprietor. This means that a separate secondary suite or laneway house may not be used for short term rentals (though they may be used for long-term rentals).
- Short term rentals are considered to be less than 30 days in length.
- Renters must have permission from the owner to further provide for short term rentals.
- A business license would be required.
- The City is also considering a transaction fee of up to 3% of short term rental booking prices to be collected by the companies and remitted to the City.

A key principle driving the recommended provisions was in relation to protecting the

rental housing stock, which led to the proposed requirement of having the host only rent out the principal dwelling unit.

2.10.3 City of Victoria

In June 2017, the City of Victoria proposed regulatory changes to address short term rentals. This includes requirement for a business license, special fees to license the business. Short term rentals are considered to be less than 30 days in length. Currently, the City permits short term rentals in some circumstances, subject to a transient business license, such as in the case of certain home occupations and where units are zoned for transient accommodation.

The decline in the rental housing market has contributed to the development of new regulations. In late 2016, the City had implemented a restriction on short term rentals for future condo developments in the City, in the interest of protecting the housing supply.

2.10.4 City of Markham

As part of its Zoning By-law Review, the City of Markham released a draft report, which examines issues and recent trends, analysis of case studies and a review of the existing Markham policy context. The paper reports a somewhat similar number of Airbnb listings in Markham as were described in Vaughan earlier in this Chapter. The paper identifies four options for amending the Zoning By-law:

- (1) No change – apply the bed and breakfast zoning requirements and rely on existing by-laws to address noise and other concerns.
- (2) Introduce a definition for short term rentals in the zoning by-law. A proposed definition indicates that a short term

rental is considered to be less than 30 days.

- (3) Define Short Term Accommodations (as above) and restrict where they are permitted. This would propose limiting them to higher density areas, as discussed in the Markham report, is where other municipalities permit them.
- (4) Licensing could be used to require operators to apply for a license and require renewal and inspection.

The report recommended provision of a public open house to obtain public input on the options. After consulting with the public, the City recommended that the Zoning By-law be amended to define short term accommodations, but that the use would not be permitted as-of-right and would require a “zoning by-law amendment or a variance.” It is unclear which process would typically apply. An additional public meeting is expected to be held in October 2017 to present proposed recommendations.

2.10.5 Town of the Blue Mountains

The Town of the Blue Mountains implemented a Short Term Accommodation (STA) licensing by-law on July 2, 2014. It addresses premises rented for 30 days or less, excluding hotels, motels, bed and breakfasts or other such uses.

The by-law requires that proprietors obtain a license, have necessary inspections completed and re-apply for renewal every 6 months.

As noted on the City’s website, the by-law was intended to address a number of complaints, ranging from managing noise, public disturbance, parking, number of occupants, and property standards/safety compliance issues.

Some areas of the Town are zoned for Commercial Resort Units and a license is not required (short term accommodations are permitted as of right).

Given the Town's particularly strong tourism sector, its issues with short term accommodations have been relatively long-standing, so the Town has been on the leading edge of developing a regulatory regime addressing short term accommodations, even before Airbnb was used. The Town passed an interim control bylaw in 2008 to prohibit new short term accommodation uses.

2.10.6 City of Ottawa

It is noted that the City of Ottawa just recently initiated a study to inform regulating short term accommodations/rentals. No draft materials were available at the time of completing this report.

2.10.7 Town of Niagara-on-the-Lake

In 2013, the Town of Niagara-on-the-Lake implemented a comprehensive regime for managing short term rentals, including Official Plan policies, zoning provisions, a licensing by-law and an application process. The Town has defined and regulates four types of short term rentals as follows. The Town publishes a list of currently registered short term rentals, which gives an indication of the number of each type:

- (1) The great majority of short term rentals are classified as "Bed and Breakfasts" and usually have a business name. Bed and breakfasts are defined to consist of a single detached dwelling with no more than three guest rooms and where the guest rooms are considered secondary to the use of the dwelling as a residence.

- (2) Some of the listings are classified as Villas, which consist of entire homes with more than three bedrooms that are rented commercially for up to 28 days and which are not occupied continuously as a principal residence.
- (3) A few listings are considered Cottage Rentals, which are the same as Villas except they consist of up to 3 bedrooms.
- (4) A few listings are considered Vacation Apartments which are commercially rented residential units above commercially zoned businesses.
- (5) A few listings are considered Country Inns, which are bed and breakfasts (owner occupied) except they consist of more than 3 bedrooms.

The Official Plan was amended in 2013 to specially address cottage rentals, villas and vacation apartments. Villas are associated with very detailed policy criteria (e.g., minimum lot size) and are intended to be subject to zoning and licensing requirements. Cottage rentals and vacation apartments, which are less intensive, are intended to be regulated principally through zoning and licensing. The policies recognize the benefits of short term rentals from the perspective of ensuring continued use and support for heritage buildings and supporting the tourism economy.

The Town has also amended its zoning by-law to provide permissions for different types of short term rentals. It is intended that Country Inns and Villas are subject to a site-specific zoning by-law amendment, while other short term rental types are permitted as-of-right in certain zones. All types of short term rentals are associated with detailed specific criteria.

3.0 Recommendations

The need or desire to regulate non-traditional, short term rentals, such as rentals offered through Airbnb, is a recent planning issue currently being addressed by many larger municipalities across the country and internationally. The issue has also been addressed somewhat recently by smaller municipalities with a major tourism sector (e.g., Blue Mountains and Niagara-on-the-Lake). These municipalities have recognized that short term accommodations can be associated with both benefits and issues.

Municipalities have taken a broad range of approaches to address the particular issues and considerations that are especially important to their own communities:

- Vancouver and Toronto are moving forward with similar regulatory regimes, which permit short term rentals very broadly, provided that the proprietor uses the residence as a principal dwelling. The key driver behind these provisions is in the interest of protecting housing availability and rental supply. Victoria is similarly principally concerned about the impacts of short term rentals on the housing market.
- The City of Markham has recommended that short term accommodations be subject to zoning approvals and not permitted as-of-right. This appears to be in response to lack of support from the community.
- The Town of the Blue Mountains and the Town of Niagara-on-the-Lake have implemented thorough licensing processes involving numerous checks and processes to help manage nuisances, which represent the key concern driving the Town's position on

the use. In Niagara-on-the-Lake, this included a comprehensive set of definitions to classify different types of short term accommodations.

The development of a regulatory regime for managing short term rentals in the City of Vaughan should be considerate of particular local issues, context and considerations. The approaches taken by Vancouver, Toronto and similar larger municipalities propose a solution that is strongly geared towards protecting the housing supply and promoting housing affordability, by requiring that the operator also use the dwelling as the principal residence. In Blue Mountains and Niagara-on-the-Lake, the focus was on providing a robust licensing process which seeks to minimize nuisances and provide a means for complaints, inspections and other preventative measures. In all of these cases, the approach taken is very much intended on addressing important local concerns.

There are effectively four options for addressing short term accommodations in the Zoning By-law:

- (1) A permissive approach, in which short term accommodations are permitted in all zones. This could be associated with regulations, such as limiting the length of stays and requiring that short term accommodations only be permitted in association with a principal residence. This is, however, also often accompanied by a licensing process.
- (2) A selected permissive approach, in which the use is limited to certain zones or areas of the City. In this case, permissions could be tied to the areas in which bed and breakfasts are permitted by the Official Plan and/or the areas in which hotels are permitted. This would

ensure that the short term accommodations are compatible with other similar uses already permitted in the zone.

- (3) A very restrictive approach, in which all short term accommodations are required to receive a zoning by-law amendment. Under this approach, short term accommodations may be defined by the Zoning By-law but not explicitly permitted in any zone. The City would be able to enforce its zoning by-law and issue charges on a complaint basis anywhere in the City.
- (4) A “do nothing”-styled approach, where the By-law provides no mention of short term accommodation.

The relatively low number of short term accommodation listings in Vaughan is not indicative of an urgent need to take a highly permissive approach. At this time, in the absence of current VOP 2010 guidance for short term accommodations, Options 2 or 3 appear to be most appropriate and in line with VOP 2010, which generally directs short term stays to specific areas of the City, by limiting where hotels and bed and breakfasts can be located.

In the absence of policy direction, providing a zoning regulation must come from interpreting other sources of policy and identifying reasonable and appropriate permissions and regulations. However, it is not sufficient to interpret that a use is not permitted or regulated because it is not addressed in the By-law. This interpretation has long been rejected by the Ontario Municipal Board, since Zoning By-laws have a prohibitive nature, wherein all uses that are not permitted are considered to be prohibited. Therefore, good planning

requires the new Zoning By-law to address a use (even as an interim measure, if the City is considering implementing Official Plan policies to provide guidance on the regulation of short term accommodations).

The general nature of Vaughan’s policy framework today is that accommodation uses are limited to certain locations of the City. It follows that any zoning permissions associated with this commercial, accommodation use should similarly be scoped in permission — closer to options 2 and 3.

This zoning recommendation operates in isolation of any other corporate process to engage or otherwise deal with short term accommodation providers, hosts, or brokers. Other matters related to enforcement or sharing data can occur independent of the recommendations of this larger project.

APPENDIX A

Summary of a Municipal Scan of Bed and Breakfast Regulations

Municipality and Link	Definition of Bed and Breakfast	Summary of Regulations
City of Mississauga Zoning By-law	Not defined.	No provisions are included. The City conducted a study in 2002, recommending revisions to the Zoning by-law to broaden permissions and introduce regulations for bed and breakfasts; however, it appears this was not implemented.
City of Ottawa Zoning By-law 2008-250	Bed and breakfast means a private residence within the whole of a residential use building that is operated to provide the traveling public with temporary accommodation including sleeping accommodation, meals and other connected services and facilities within the occupant's dwelling unit; and does not include a hotel.	<p>"121. Where permitted in a residential zone or a rural zone, a bed and breakfast must:</p> <ul style="list-style-type: none"> (1) be located only in a residential use building; (2) be limited to locations in the following residential use buildings in the identified areas that must be permitted uses in the zone in which they are located: <ul style="list-style-type: none"> (a) any residential use building in Areas A, B or C on Schedule 1, and (b) a detached dwelling in Area D on Schedule 1; and (3) provide meals only to guests of the bed and breakfast." <p>Bed and breakfasts are permitted in most residential zones; the number of guest rooms is specified in each zone where it is permitted (typically maximum of 3 guest rooms, and as much as 10 in higher density zones).</p>
City of Toronto By-law 569-2013	<p>"(860) Tourist Home means a use that:</p> <ul style="list-style-type: none"> (A) is in a dwelling unit which is the principal residence of the tourist home operator; (B) caters to the needs of the travelling public by the furnishing of sleeping accommodation; and (C) may include the provision of meals." 	<p>"(16) Tourist Home</p> <p>In the R zone, a tourist home:</p> <ul style="list-style-type: none"> (A) must be in a detached house, a semi-detached house or a townhouse; (B) may have a maximum of 2 bed-sitting rooms available for tourist accommodation; and (C) must not have vehicle access by a mutual driveway." <p>"(20) Tourist Home</p> <p>In the CRE zone, a tourist home:</p> <ul style="list-style-type: none"> (A) must be in a townhouse, detached house, or a semi-detached house; and (B) may not have vehicle access by a mutual driveway." <p>"(22) Tourist Home</p> <p>In the CR zone, a tourist home:</p> <ul style="list-style-type: none"> (A) must be in: <ul style="list-style-type: none"> (ii) a townhouse; or (iii) in a lawfully existing detached house or semi-detached house; and

Municipality and Link	Definition of Bed and Breakfast	Summary of Regulations
		<p>(B) may not have vehicle access by a mutual driveway.”</p> <p>Tourist homes are permitted only in certain zones and are subject to provisions as noted above.</p>
Town of Newmarket Zoning By-law 2010-40	“Bed and Breakfast Establishment - means a dwelling or part of a dwelling in which not more than 3 bedrooms are used or maintained for the accommodation of the travelling public, in which the owner-occupant supplies lodgings with or without meals for hire or pay but shall not include any other establishment otherwise defined or classified in this By-Law.”	<p>Bed and Breakfast Establishments are only permitted in the R1 Zones (single detached dwellings zones), and “a bed and breakfast establishment shall only be permitted in a detached dwelling. Such an establishment is not permitted in an accessory dwelling unit”.</p> <p>Parking “5.3.1 Residential Uses: Bed and Breakfast Establishment: 1 space for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling”.</p>
Town of Oakville Zoning By-law 2014-014	“Bed and Breakfast Establishment –means the provision of lodging units with or without meals for the temporary lodging of the traveling public.”	<p>“4.4 Bed and Breakfast Establishment Where a bed and breakfast establishment is permitted, the following regulations apply: a) A bed and breakfast establishment is only permitted within a detached dwelling. b) A bed and breakfast establishment shall have a maximum of two lodging units which shall in total not exceed a maximum of 25% of the residential floor area of the detached dwelling. For the purposes of this subsection, residential floor area shall include all area within a basement. c) A bed and breakfast shall be operated by the person or persons whose principal residence is the detached dwelling in which the bed and breakfast establishment is located.”</p> <p><i>Parking</i> “Table 5.2.1: Ratios of Minimum Number of Parking Spaces: Bed and breakfast establishment: 1.0 additional parking space per lodging unit”</p> <p>Bed and Breakfast Review</p>

Municipality and Link	Definition of Bed and Breakfast	Summary of Regulations
		<p>On January 4, 2010 Oakville's Planning Services department prepared a report reviewing the land use policies and regulations of bed and breakfast establishments, at the request of Council – prompted by an individual interested in establishing a bed and breakfast in a semi-detached dwelling (currently only permitted in single detached dwellings).</p> <p>The report reviewed the definition of bed and breakfasts in the City of Burlington, City of Kingston, Town of Niagara-on-the-Lake, and the City of Stratford. It concluded that staff supported the existing regulations and any amendments to the zoning by-law should be initiated by an applicant.</p> <p>Notes: Bed and breakfasts in Oakville were previously subject to municipal licensing; however, that requirement was removed through the adoption of a new Licensing By-law 2015-075. The zoning by-law also does not regulate parking separation distance or street location requirements.</p>
City of Hamilton Zoning By-law 05-200	<p>Shall mean an establishment operated as an accessory use to a detached or semi-detached dwelling unit where guestrooms are made available for the temporary accommodation of the travelling public and where meals may be offered to the occupants of the guestrooms.</p>	<p>4.21 HOME BUSINESS No person shall conduct a home business except as permitted herein and in accordance with the regulations of Subsection b):</p> <p>...</p> <p>viii) Bed and Breakfast Establishment with a maximum of 3 guestrooms;</p> <p>b) Regulations for Home Businesses in Single Detached Dwellings and Semi-Detached Dwellings:</p> <p>...</p> <p>2. For a Bed and Breakfast Establishment, there shall be provided one space for each dwelling unit, one space for any non-resident employee and one space for each guestroom.</p> <p>Since bed and breakfasts are considered a type of home business, they are broadly permitted as accessory uses to dwellings in accordance with the by-law's provisions.</p>



CITY OF VAUGHAN ZONING BY-LAW REVIEW

CHAPTER 11

REVIEWING SPECIAL PROVISIONS

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Appendix A: Special Provision Tracking Table

Appendix B: Special Provision Examples

1.0 Introduction

The creation of a new Zoning By-law provides an opportunity to address conformity with the City of Vaughan's Official Plan (VOP) 2010 as well as consolidate the numerous amendments and special provisions that have been adopted over the lifespan of the existing Zoning By-law 1-88. Organizing, eliminating, and consolidating special provisions are key components of developing a new Zoning By-law which aid significantly in its legibility and consistency.

By-law 1-88 now contains 1,439 special provisions (current to summer 2017). This reflects the common municipal zoning practice where developments were approved through individual zoning amendments, often requiring additional text to give effect to the approval. VOP 2010 and constituent Secondary Plans also contain policies with site-specific or focussed applicability. This collection of new policy and existing regulations will need to be considered in determining what special text, additional to parent zone standards and broadly applicable general provisions, will be required to complete the City's new Zoning By-law.

There are no policies specific to the use of special provisions in the Official Plan. Typically, special provisions are used to implement site-specific or development specific permissions, or individual special policies within an official plan (e.g. site-specific policies areas within the Official Plan). There are several of these in the Official Plan.

While special provisions are useful and essential components of zoning, they can become problematic when they are

consistently required to address issues such as outdated standards and terminology, ensuring equitable treatment and interpretations of regulations across the City, or administrative and interpretive matters that should truly apply City-wide. The Zoning By-law Review is the opportunity to undertake this important streamlining task.

Developing the new Zoning By-law will require examining all of the existing special provisions and determining how to best manage them in the context of a new By-law. The purpose of this Chapter is to outline potential methods for assessing existing special provisions and provide a recommended approach based on best practices and consideration of the City of Vaughan's specific context.

2.0 Approaches to Special Provision Review

The ultimate goal of a special provisions review is to streamline the existing body of special provisions: retaining those that remain required, eliminating those that are not, and integrating applicable provisions into more broadly applicable locations in text where appropriate. A spectrum of options exist for undertaking this review.

2.1 Carry All Special Provisions Forward

Carrying forward all existing special provisions in By-law 1-88 would mean that all existing special provisions are integrated into the new Zoning By-law and remain in effect. This option could include restructuring the way in which the existing special provisions are organized and displayed, though their effect would be unchanged. All special provisions would still need to be reviewed to

ensure that their terminology is consistent with the revised terminology being used in the new Zoning By-law, or risk continuing forward with any interpretive issues created through the use of inconsistent language.

Advantages

- Avoids the creation of legal non-conforming uses and legal non-complying buildings.
- Relatively reduced workload compared to other approaches.

Disadvantages

- Redundant special provisions from the existing zoning by-law are not eliminated.
- Does not reduce the number of special provisions.
- Does not ensure regulatory conformity with the Official Plan.

2.2 Conduct an Itemized Review of each Special Provision

An itemized review aims to streamline the existing body of special provisions while still recognizing individual clauses or permissions. This is accomplished by reviewing each special provision against the relevant land uses, zone standards, other provisions, and terminology applied in the new By-law. Where a special provision or part of a special provision has been made redundant, it will be removed or modified accordingly. Special provisions that still allow for land uses or zone standards beyond the new By-law will be retained, subject to any criteria applied to filter this review. Official Plan conformity is one such criterion. The end result of this process is that the effect of all current special provisions are carried through to the new By-law—if they continue to conform to the new Official Plan.

Many variations of this option exist, including to only carry forward (or delete) certain groups of standards (e.g. delete all yard standards, instead using the new standards). In any event, line-by-line review can consider these criteria in making decisions.

Line-by-line review may also identify trends to incorporate into parent zone standards, general provisions, or a consolidated special provision applied repeatedly across numerous properties—namely, a consistently repeated provision or a gradual change (reduction or increase) in a particular standard.

Advantages

- Each special provision is individually addressed.
- Streamlines text while recognizing all existing special provisions.
- Editing provides for conformity with the Official Plan.
- Reduces the number of special provisions, but especially the length of existing provisions.
- Can easily identify trends in patterns to incorporate into the main text or consolidated special provisions.

Disadvantages

- Parent zone provisions must be established prior to starting review of special provisions, and is labour intensive.
- Risk in ensuring corresponding edits to parent zone or general provisions change between drafts.
- Does not guarantee a reduction in the number of special provisions.

2.3 Do Not Carry Any Special Provisions Forward

This approach would involve eliminating all current special provisions from the existing By-law. Some provisions may find their way into the main text of the By-law based on review, or by recognizing “legal existing” scenarios or situations with appropriate enabling clauses. Uses of land and buildings that were established legally but are no longer permitted would be considered legal non-conforming uses. Buildings and structures that were established legally but no longer comply with the By-law’s zone standards would be considered legal non-complying buildings and structures.

Advantages

- Eliminates all existing special provisions.
- Review of special provisions requires minimal work.
- The majority of existing properties would require new planning application, which would be reviewed using the Official Plan.

Disadvantages

- Requires education and training about legal non-conformity and legal non-compliance.
- Requires interpretive clauses to ensure that no previously undertaken site plan work will have to be redone. If not, then the new By-law would not recognize recent planning approvals obtained by owners.
- A “one stop,” in-text documenting of the development history of existing sites (through legislative tracking embedded into the new By-law) will be more difficult to track within the zoning by-law. An

archive of old special provisions would be required.

- Would not recognize all past planning approvals obtained by owners, risking appeals where those permissions conform to the new Official Plan.

2.4 Retain Only Special Provisions that Apply to Undeveloped Properties

This approach would eliminate all current special provisions from the existing By-law, but retain some or all of those which apply to undeveloped properties. A key consideration of this approach is defining what is meant by undeveloped properties. Typically, a property could be considered undeveloped if it is vacant or approved future development phases are incomplete.

Advantages

- Significantly reduces the number of special provisions in the zoning by-law.
- Allows for ongoing development processes to continue forward to completion.
- The majority of existing properties would require new planning application, which would be reviewed using the Official Plan.

Disadvantages

- Requires education and training about legal non-conformity and legal non-compliance.
- May not recognize all past planning approvals obtained by owners, depending on the continued or future development approved for the lands.

3.0 Options for Reviewing Special Permissions

Section 2.0 outlined multiple approaches to undertaking a review of special provisions. The most appropriate approach varies depending on the nature of the existing special provisions and the context of the zoning by-law review. Given the age of By-law 1-88 and the extent of existing special provisions, the City should undertake the itemized review option as the first step in a multifaceted approach to reviewing special provisions. The itemized review will allow for thorough consideration of various zoning aspects.

To reiterate, Official Plan conformity must be the first test in determining if a permission or regulation is to be carried forward.

3.1 Use Permissions

Special provisions dealing with land use permissions should be reviewed in the context of the Official Plan to ensure that permissions and prohibitions conform to official plan policies. In general, additional use permissions should be retained if the use is not permitted in the parent zone but is permitted within the Official Plan.

Prohibitions on uses should generally be retained where the use would otherwise be permitted in a zone category, recognizing the previous removal of permissions.

3.2 Zone Standards

The general approach to residential zone standards is to have the new By-law recognize neighbourhood character and ensure compatibility where new development is proposed. In terms of special provision review, this means carrying forward all modified standards related to minimum

yard, height, lot coverage, and building size standards where they are more restrictive than the parent zone. Standards that are less restrictive than the parent zone would be deleted, and a procedural provision related to non-conformity could instead be used to streamline the text.

Existing special provisions should be reviewed against the draft proposed standards to identify areas of conflict or overlap.

Lot size and area provisions can be deleted for lots that legally exist as they can be protected through legal non-conformity and a general provision recognizing such lots. Duplicate, relatively equal (a rounding factor of 0.6 metres, or 2 feet) or more permissive standards will be deleted. Undeveloped lands with a special provision should generally retain their special provisions to support the intended form of development provided such standards conform to the Official Plan.

3.3 Vacant Sites

Where a vacant or as-of-yet undeveloped site has special provisions, these should be carried forward to ensure that any approved developments may be completed provided Official Plan conformity is maintained. However, these special provisions should still be modified to standardize language or delete duplicate clauses.

3.4 Parking Standards

In general, the recommended approach for parking standards is to eliminate all special provisions pertaining to parking. Given the depths of studies underway as part of this project, the new standards could apply in the place of all existing standards. The new parking provisions would apply only to

scenarios where new or additional parking is required.

3.5 General Regulations

Some regulations may be repeated throughout multiple special provisions. Where this occurs, the provision may be deleted and a corresponding general provision created. If there are variations in these special provisions between sites, the more permissive standard may be used, though this will be assessed on a case-by-case basis.

3.6 Other Clauses

Other clauses will be reviewed on a case-by-case basis to determine if maintaining the provision is appropriate. This review will also consider whether some clauses would be better regulated through a Site Plan Agreement.

3.7 Documenting the Special Provision Review

As special provisions are reviewed, the results should be documented in a tracking table. This table will serve as a key reference throughout the zoning by-law drafting process to document the history and analysis behind each review. See Appendix A to this Chapter for an example special provision tracking table.

4.0 Recognizing Special Provisions

As special provisions are a key component in interpreting a zoning by-law, careful consideration should be given to how the provisions are recognized and presented.

4.1 Organizing Special Provisions

There are two overarching frameworks for organizing special provisions in a zoning by-

law: one special provision per page and multiple special provisions per page.

By-law 1-88 currently employs the one special provision per page method. This method is relatively simple to extend as an independent document is created for each new special provision rather than continuously editing a single growing document. This is especially advantageous when it comes to online integration; interactive zoning maps can link directly to relevant special provision as each special provision could have its own unique URL within a clickable shapefile. A key disadvantage to this method is that the number of individual documents can become quite large which necessitates thorough indexing and file organization.

As its name implies, the multiple special provision per page method consists of either a single continuously expanding table of special provisions, a section containing all special provisions in sequence, or directly appending special provisions to the relevant zone sections in the By-law (e.g. having all residential special provisions at the end of the residential zone section). In contrast to the one per page method, online integration becomes cumbersome as links would be provided to the single document or section containing all special provisions. Providing page numbers to assist in navigation would not be reliable as they could change as the document or section is modified over time. However, this method does have the advantage of being easily searchable with all special provisions contained in a single location.

Given the increasing importance of online zoning tools, it is recommended to continue striving to maintain one page per special

provision. This may present a challenge where the length of the special provision is increased, but this can be largely mitigated through proper file management and search interfaces. See Appendix B for examples of Special Provisions from:

- The City of Newmarket (continuous series of tables in a single section containing all special provisions);
- The Town of Oakville (one special provision per page); and,
- The City of Markham (single section containing all special provisions).

4.2 Consolidating Special Provisions

Where an identical special provision is used multiple times, there are several options available to consolidate the repeated items:

- Identical clauses can be grouped together into a single special provision whose number is referenced by each zone that implements it.
- The special provision can be eliminated through a footnote inserted into the permitted use list or zone table which relates to the special provision.
- Lastly, special provisions can be consolidated through map notations or through creation of a special purpose map.

5.0 Recommendations

The following conclusions and preliminary recommendations regarding special provisions are proposed for further review and consideration:

- By-law 1-88 contains a large number of special provisions which will need to be managed through the process of creating the new by-law.

- There are various possible approaches to managing the existing body of special provisions. Given the age of By-law 1-88 and the extent of existing special provisions, the City should undertake the itemized review option.
- The itemized review will: streamline and recognize all existing special provisions, maintain legality of existing uses and buildings, and may reduce the total number of special provisions.
- All special provisions will be assessed individually, with the associated analysis and compliance with the Official Plan and new zoning provisions documented in a tracking table.
- Options to consolidate and eliminate special provisions will be implemented throughout the review process.

APPENDIX A
Special Provision Tracking Table

APPENDIX B

Special Provision Examples

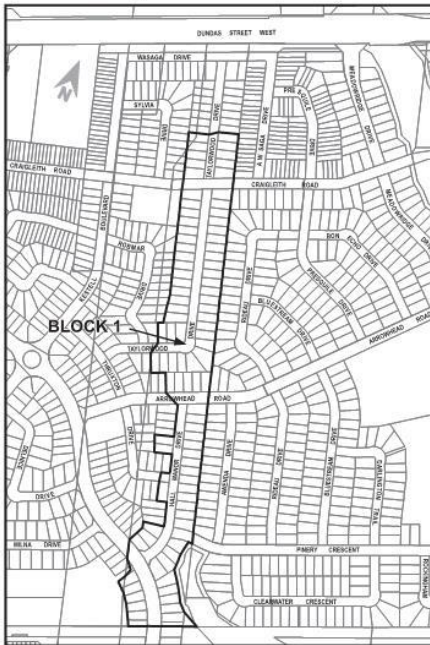
Exception 3	Zoning R1-B-3	Map 4	By-Law Reference 1983-41	File Reference
i) Location:	241 Old Main Street			
ii) Legal Description:	Concession 1 E.Y.S., Part of Lot 98, 65R-11175			
iii) Additional Uses:	A school for aquatic instruction is permitted in conjunction with a <i>residential use</i> .			

Exception 4	Zoning CO1-4	Map 12	By-Law Reference 1983-71; 1988-138	File Reference
i) Location:	66 Prospect Street			
ii) Legal Description:	Part of Lot 28, Plan 125			
iii) Uses:	A maximum of 2 <i>dwelling units</i> in combination with an <i>office</i> shall also be permitted.			
iv) Development Standards:				
	(a) <i>Parking Spaces</i> (minimum): as approved by Council as part of an executed Site Plan Agreement.			
	(b) <i>Front Yard</i> (minimum): 1.2m			
v) Other:				
	(a) where a <i>residential use</i> is combined with an <i>office use</i> the minimum floor area of a residential <i>dwelling unit</i> shall be 77m ² .			

Exception 5	Zoning EG-5	Map 19	By-Law Reference 1983-79; 1992-46	File Reference
i) Location:	South east of Bayview Avenue and Newpark Boulevard; 550 Newpark Boulevard			
ii) Legal Description:	Part of Block 1, Plan 65M-2559			
iii) Development Standards:				
	(a) Siting Specifications: a minimum <i>building</i> setback of 45.0 metres shall be maintained from the southernmost boundary of lands zoned EG-5.			

Special Provisions

Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.

<div>31 (Old 698, 788, 789)</div> <div>Map 19(23)</div>	<div>Detached Dwellings in Iroquois Ridge North (Part of Lots 8, 9, 10, and 11, Concession 1 S.D.S.)</div>	<div>Parent Zone: RL5</div> <div>(2001-056) (2002-006) (2005-138) (2005-139) (2006-064) (2006-132) (2010-057)</div>
15.31.1 Zone Provisions for All Lands		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Minimum front yard	4.5 m
b)	Maximum lot coverage for a detached dwelling having one storey	45%
c)	Maximum lot coverage for a detached dwelling having more than one storey	40%
15.31.2 Zone Provisions for Block 1 Lands		
The following regulations apply to lands identified as Block 1 on Figure 15.31.1:		
a)	Maximum additional lot coverage permitted on a first storey only for unenclosed porches and items in the second row of Table 4.3 projecting greater than 0.6 metres into a minimum front or side yard	5%
15.31.3 Special Site Figures		
Figure 15.31.1		
<div>Special Provision 31</div> <div></div>		

- g) Maximum *height* of any *building* or *structure* within 100 metres of the *centre-line* of 16th Avenue – 13.5 m.

7.2.3 Special Parking Provisions

The following parking provisions apply:

- a) Number of required *parking spaces* for *townhouse dwelling units* – 1.0 *parking space* per unit;
- b) Number of required *parking spaces* for *multiple* and *apartment buildings* – 1.25 *parking spaces* per unit, of which 0.25 spaces per *dwelling unit* shall be for the exclusive use of visitors.

7.3 SWAN LAKE COMMUNITY (COMMERCIAL)

(By-law 255-96; By-law 102-1999)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *3 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.3.1 Additional Permitted Uses

The following additional uses are permitted:

- a) *art galleries*;
- b) *restaurants* having a maximum *gross floor area* of 500 square metres; and
- c) *take-out restaurants*.

7.3.2 Zone Standards

The following specific *Zone Standards* apply:

- a) Minimum *lot area* – 0.3 ha;
- b) Minimum *lot frontage* – 20.0m;
- c) *Minimum required front yard* – zero;
- d) *Maximum front yard* – 7.5m;
- e) *Minimum required rear yard* – 12.0m;
- f) *Minimum required interior side yard* – 6.0m;
- g) *Maximum lot coverage* – 40%;