

COMMITTEE OF THE WHOLE JANUARY 19, 2004

PROPOSED GREENBELT PROTECTION ACT, 2003 BILL 27 AND PROVINCIAL ZONING ORDER GENERAL FILE 22.19

Recommendation

The Commissioner of Planning recommends:

1. THAT the following report be received for information purposes.
2. THAT all Planning Applications in the affected areas be held in abeyance in accordance with the Provincial Zoning Order.
3. THAT the Minister of Municipal Affairs be advised of the comments from the City of Vaughan with respect to Ontario Regulation 432/02, the Zoning Area-Golden Horseshoe, and Bill 27 the proposed Greenbelt Protection Act by circulation of Council minutes.
4. THAT staff monitor the progression of the Greenbelt Protection legislation, and update Council as necessary.

Purpose

The purpose of this report is to update Council on the recent Provincial initiatives on Greenbelt Protection. Bill 27 the Greenbelt Protection Act, has been placed on the Province's Environmental Bill of Rights Registry, with comments on the draft legislation being received by the Province from December 24, 2003 to January 23, 2004.

Background - Analysis and Options

Golden Horseshoe Zoning Order

On December 16, 2003, the Province of Ontario issued a zoning order by Ontario Regulation 432/03 under the *Planning Act*, which effectively halts any new uses within the rural and agricultural areas of several municipalities within the Greater Toronto Area. Called the "Zoning Area-Golden Horseshoe", the zoning order is the first step in a Provincial initiative to study Greenbelt protection over the next year. The purpose of the zoning order is to provide immediate protection to land that may form part of a Greenbelt Protection Area, which the Province intends to establish with the Greenbelt Protection Act (Bill 27) discussed below.

The area impacted by the zoning order includes all lands outside of the City's "Urban Settlement Area" as defined by the Official Plan, and outside of the Oak Ridges Moraine Area, as defined in the *Oak Ridges Moraine Conservation Act*. An "Urban Settlement Area" is defined in the zoning order as "lands designated in an official plan as at the date of this Order, as an urban area, urban policy area, town, village, hamlet, rural cluster, rural settlement area, urban or rural system, rural service center or future urban use." Attachment 1 is the mapping provided by the Province, and Attachment 2 indicates the area within Vaughan impacted by the zoning order.

The Order states:

- "3. *Every use of any land, building or structure on the land described in Section 2 that is not located within an urban settlement area is prohibited, except,*
 - (a) *the use of any land, building or structure lawfully in existence on the date this Order comes into force; and*

(b) the use of any land, building or structure that was permitted by the applicable zoning by-law on the date this Order comes into force."

Effectively, the zoning order freezes the zoning status for all lands within the affected area, recognizing existing uses, and enabling the City to issue building permits for uses currently permitted by the by-law.

This zoning order will, however, impact the City's ability to amend the Zoning By-law within the affected area to permit development not permitted by the Zoning By-law, either by variance or zoning amendment.

Greenbelt Protection Act, 2003 Bill 27

On December 16, 2003, the Provincial Legislature heard the first reading of a proposed Bill (27) called the Greenbelt Protection Act, which would be the next stage in greenbelt protection in Ontario. Bill 27 has been placed on the Province's Environmental Bill of Rights Registry, with comments being received by the Province from December 24, 2003 to January 23, 2004.

The Greenbelt Protection Act proposes to implement a one-year moratorium on new urban development in rural and agricultural areas within the potential greenbelt area. This time period will be used to develop a permanent greenbelt protection plan across the GTA.

Urban uses are defined in the legislation as uses that are "non-agricultural commercial, non-agricultural industrial, multi-residential, institutional, mixed use commercial/residential, and golf courses, or as otherwise prescribed by regulation."

The effects of the Legislation, if passed as drafted, could be numerous, including:

- Restricting municipalities from enacting by-laws, adopting or approving an Official Plan or an Official Plan Amendment, or draft or final approval of a Plan of Subdivision within the affected area.
- Staying all applications and procedures to permit urban uses outside of the urban settlement area, including matters currently before the OMB.
- Restricting an owner from making an application to amend the by-law or official plan, or for a plan of subdivision.

Proposed Amendments to the Oak Ridges Moraine Conservation Act

Bill 27 also proposes some amendments to the *Oak Ridges Moraine Conservation Act (ORMCA)*. If passed as drafted, Bill 27 will amend Sections 15, 17, and 18 of the *ORMCA*.

Amendments to Section 15, which relates to transition provisions and the application of the Plan, would permit lawfully existing uses to be included within the conformity zoning by-laws and official plans passed by individual municipalities. Presently, under the *ORMCA* and the Oak Ridges Moraine Conservation Plan, if lawfully existing uses (with the exception of single residences) did not conform with the Oak Ridges Moraine Conservation Plan, the municipal conformity OPA and zoning by-law could not recognize the use.

Section 17, which relates to further approvals, is proposed to be amended by clarifying the applicability of the further approval section to only those decisions made solely under Sections 51 (subdivisions) and 53 (consents) of the *Planning Act*, and Section 9 (subdivision control) of the *Condominium Act*.

Section 18, which refers to matters appealed to the Ontario Municipal Board, is proposed to be changed by the addition of Subsections 5 through 12, which relate to the appointment of a hearing officer, procedures and timing of a hearing, and the Minister's decision.

If Bill 27 is passed as drafted, the City's conformity Official Plan Amendment 604 and Zoning By-law 242-2003, adopted by Council in June 2003, will have to be amended to implement these changes in the legislation. As the conformity documents have not received final approval by the Province, these amendments would most likely occur through modifications made by the Province at the request of the City.

Current Applications in Vaughan

There are a number of planning applications in the rural area affected by the zoning order, as listed on Attachment 3. These applications could not continue to be processed during the effective term of the zoning order and will be held in abeyance, effective immediately. The following chart corresponds to Attachments 3 by listing the current applications impacted by the Provincial Zoning Order.

	Application	Applicant	Location	Purpose
1	Z.03.045 & OP.03.019	Shell Canada Products	2270 Teston Road	Gas Station
2	Z.00.071	922948 Ontario Limited	4130 King-Vaughan Rd.	Severance Residential
3	Z.00.075	Beryl & Ian Fraser	4900 King-Vaughan Rd.	Severance Residential
4	Z.01.052, B76/03, B77/03	Bostock	11410 Pine Valley Dr.	Severance Residential
5	Z.01.026 & 19T-01V05	1132884 Ontario Inc.	11720 Highway 27	Residential Subdivision
6	Z.00.064 & OP.00.014	Plummer	10901 Highway 50	Highway Commercial
7	Z.01.085 & OP.01.017	Vitullo/Livingston	Highway 50	Highway Commercial
8	Z.03.044 & OP.03.018	Bulk Transfer Systems	11339 Albion-Vaughan Rd.	Highway Commercial
9	A 53/04	Angelo Zeppieri	3500 King-Vaughan Rd.	Height & Lot Coverage
10	A 55/04	Maria & Antonio Toto	5491 Kirby Road	Cabana

Implications for Vaughan & Comments for the Minister of Municipal Affairs

The Golden Horseshoe Zoning Order has the most immediate implications for Vaughan, by restricting Vaughan's ability to amend the Zoning By-law via either Zoning By-law Amendment, or Minor Variances considered by the Committee of Adjustment. All current and future applications to amend the Zoning By-law will be held in abeyance in accordance with the Zoning Order.

The implications of the Province's Zoning Order on amendments to the Zoning By-law via minor variances is considered unreasonable in achieving the Province's goal to develop a long-term plan for a permanent Greenbelt within the Golden Horseshoe. Minor Variances to the Zoning By-law to permit uses which are currently permitted by the City's Zoning By-law, that require minor adjustments to the specific zone standards, should be exempt from the Zoning Order

Bill 27 strengthens the Province's ability to restrict development within the Greenbelt area by restricting Municipal Council's from considering any *Planning Act* application for the conversion of land from rural/agricultural uses to urban uses in order to prevent urban expansion for key parts of the greenbelt study area, in addition to clarifying and expanding some provisions of the *Oak Ridges Moraine Conservation Act*.

The implications of Bill 27 for Vaughan, if passed as drafted, would create some conflict with the current wording of the legislation. While the draft legislation and the Zoning Order do not prevent the City from issuing a building permit for uses currently permitted within the Greenbelt Study Area, the definition of “urban uses” in Bill 27 includes “institutional uses” which are permitted as of right in the City’s A-Agricultural Zone, which is the predominant zone within the Greenbelt Area in Vaughan. Clarification is requested from the Province as to whether institutional uses can continued to be permitted within the Agricultural Zone, given the Province’s definition of “urban uses” within Bill 27.

Relationship to Vaughan Vision 2007

The relationship with Vaughan Vision 2007 will be considered upon the completion of the Province’s one year study on Greenbelt Protection.

Conclusion

The Province has recently undertaken actions intended to facilitate the creation of a permanent greenbelt across the Golden Horseshoe. These include passing a zoning order restricting new urban uses within rural and agricultural areas, and proposing further legislation which will effectively impose a one year moratorium on new urban development within the proposed greenbelt area. Current planning applications within this area will be held in abeyance in accordance with the zoning order. Staff will continue to monitor the progression of the Greenbelt legislation, and will update Council as necessary.

Attachments

1. Map No. 215 to Ontario Regulation 432/03
2. Greenbelt Area in Vaughan
3. Current Applications within the Greenbelt Area

Report prepared by:

Karen Antonio-Hadcock, Senior Planner, Environmental, ext. 8630

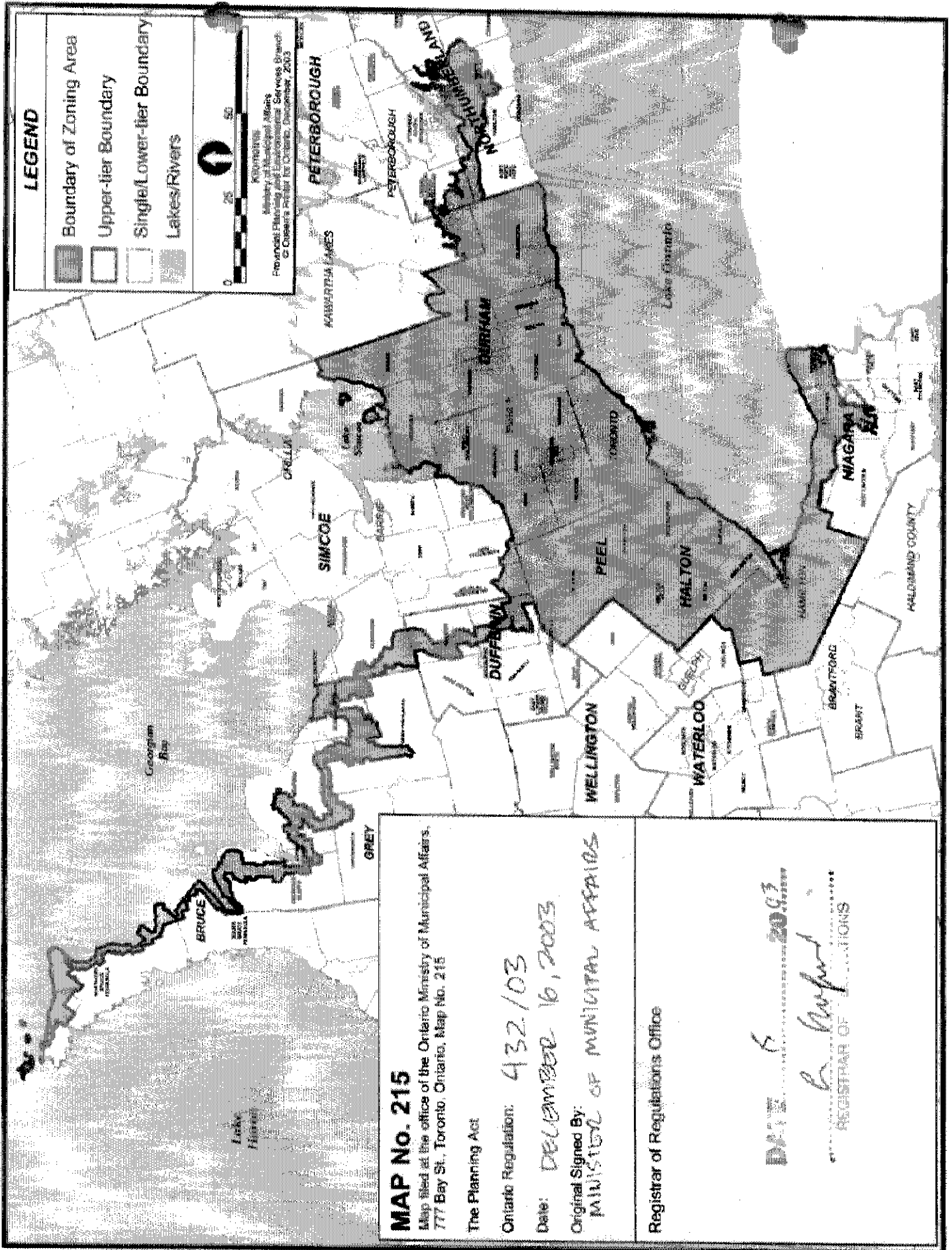
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

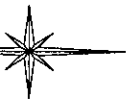
MARCO RAMUNNO
Manager of Development Planning

/CM

R:\SER\WORKING\ANTONIOK\Greenbelt.CW.doc.dot



N



Oak Ridges Moraine Area O.reg 1/02

Greenbelt Study Area*

Urban Area



*** AS DETERMINED BY MINISTER'S ZONING ORDER O.REG 432/03 & PROPOSED BY BILL 27**

Greenbelt Study Area

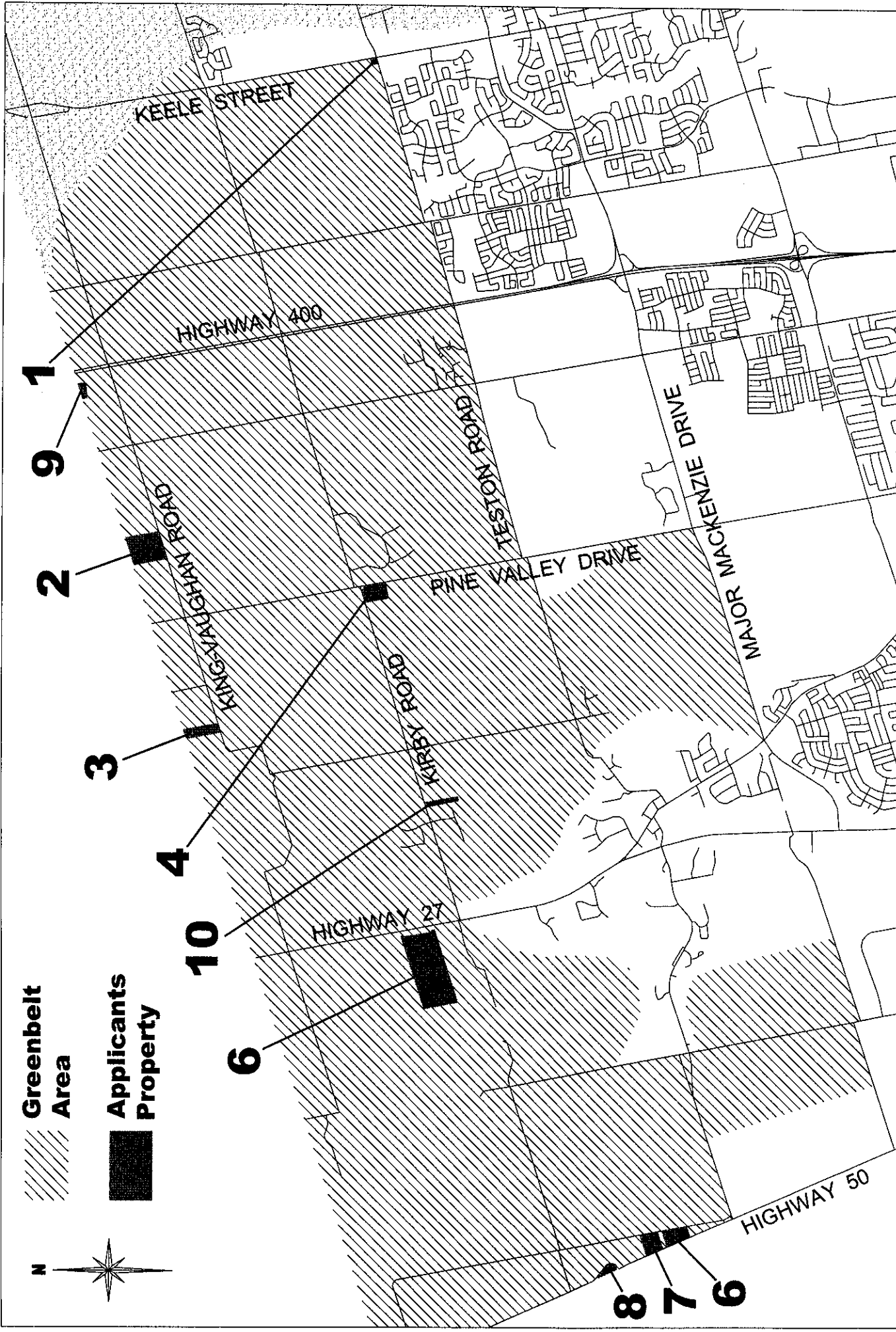
Bill 27

N:\Moraine\GreenbeltStudyArea1.dwg

CITY OF Vaughan

Attachment 2

Not to scale
January 6, 2004



Not to scale
 January 6, 2004