

COMMITTEE OF THE WHOLE SEPTEMBER 5, 2006

**ZONING BY-LAW AMENDMENT FILE Z.06.042
AMENDMENT TO BY-LAW 1-88 (MUNICIPAL SERVICES)
(CITY OF VAUGHAN)
REPORT #P.2006.53**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.042 (City of Vaughan) BE APPROVED, and that the implementing by-law be brought forward to the September 11 2006 Council meeting for enactment.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The City-initiated Zoning By-law Amendment proposes a general amendment to By-law 1-88 to prohibit the use of land or the erection or use of residential buildings or structures unless municipal water and sanitary sewer servicing capacity is available and has been allocated for the development. The proposed amendment will be effective City-wide, and serves to implement the requirements of the Regional Municipality of York with regard to the Water and Wastewater Protocol.

Background - Analysis and Options

The Council for the Region of York has adopted a Water and Wastewater Capacity Servicing Assignment Protocol, which outlines how much servicing capacity, would be distributed to each local area municipality for residential development, and conditions for using the capacity. A component of this Protocol established criteria for issuing Regional conditions of draft plan of subdivision approval on local subdivision applications. The Protocol requires that the local area municipalities have adopted a local sewer and water allocation policy; and enacted a municipal-wide by-law under Section 34(5) of the *Planning Act* to prohibit building permits if servicing is not available. The Region will not issue conditions of draft plan of subdivision approval without these tools in place.

On November 14, 2005, Council passed the City's Strategy for Reservation/Allocation of Servicing Capacity, thereby satisfying one of the requirements of the Region of York. In order to complete the requirements of the Region of York, this general amendment to By-law 1-88 is being proposed.

Public Hearing

On May 25, 2006, a Notice of Public Hearing was advertised in the Vaughan Citizen as the proposed amendment is City-wide. The Public Hearing for this proposed amendment was held on June 19, 2006, and there were no comments received. The recommendation of Committee of the Whole on June 19, 2006 to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Council on June 26, 2006.

Planning Act

The proposed amendment to By-law 1-88 would ensure that building permits are only issued when servicing is available. Section 34(5) of the *Planning Act* gives the authority for such an amendment, and states: "A by-law ... 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".

Official Plan

OPA 600 contains policies relating to development staging and phasing. Section 10.4 addresses orderly planning approvals, and in particular to control the approval of development applications to ensure the availability of water supply capacity and sanitary sewer capacity. Similar policies exist in the various Official Plans throughout the City.

The proposed zoning amendment is considered to conform with the various Official Plans throughout the City.

Zoning

Currently, Section 3.23a and 3.23b of By-law 1-88 prohibits the erection of buildings or structures in the "Thornhill-Vaughan Service Area" and in the "Urban Service Area" unless municipal services (water mains and municipal sanitary and storm sewers) are available to service a building or structure. This general prohibition is specific to only certain areas in Vaughan, includes an expansive list of exceptions and does not address the issue of the allocation of municipal services.

The Urban Service Area section of 1-88 was enacted when OPA 400 was being approved in order to address the orderly progression of development within the new urban areas. These provisions of 1-88 are no longer necessary, and will be removed with the passing of this proposed by-law.

The proposed by-law replaces these sections with wording more appropriate with the current conditions within the City, where water mains and sanitary sewers may be available to service an area, however, system capacity is not available. The new provisions of the by-law will ensure that City-wide, water and sanitary sewer capacity is allocated to a development where full municipal services are required by the Official Plan.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The proposed general amendment to By-law 1-88 will prohibit the issuance of a building permit where water and sanitary sewer servicing capacity has not been allocated. The amendment is consistent with Council's Strategy for Reservation/Allocation of Servicing Capacity and the Region's Water and Waste Water Servicing Protocol.

Attachments

N/A

Report prepared by:

Karen Antonio-Hadcock, Senior Planner, Environmental ext. 8630
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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