

## **COMMITTEE OF THE WHOLE MAY 12, 2009**

### **PUBLIC MEETING NOTIFICATION FOR PLANNING APPLICATIONS (MINIMUM NOTIFICATION AREA FOR APPLICATIONS AND TEMPORARY SALES OFFICE REQUIREMENTS) CITY OF VAUGHAN FILE 12.29 WARDS 1 - 5**

#### **Recommendation**

The Commissioner of Planning recommends:

1. THAT Public Meeting Notification for Planning Applications Report for File 12.29 (City of Vaughan) BE APPROVED, to:
  - a) amend OPA #248 as amended by OPA #478, specifically to increase the minimum public notification area for planning applications requiring a public meeting from 120 m to 150 m; and,
  - b) to amend Zoning By-law 1-88, specifically to permit a temporary sales office for the sale of or the taking of reservations for the purchase of residential units in a residential apartment condominium building, only when the zoning is in place, by adding the following wording to the end of Section 3.25 "TEMPORARY SALES OFFICE" in Zoning By-law 1-88:

"In addition to the above, Temporary Sales Offices shall not be permitted in any freestanding or multi-unit building or structure, which is intended for the purpose of selling or the taking of reservations for the purchase of residential units in a residential apartment condominium building, unless the Zoning for the development, within which the units to be sold are located, is in full force and effect."
2. THAT the implementing amendments to the Official Plan and Zoning By-law proceed to the May 26, 2009 Council meeting for adoption and enactment, respectively.

#### **Economic Impact**

The economic impact regarding the proposed amendment to the Official Plan to increase the public notification for planning applications requiring a public meeting from 120 m to 150 m was outlined in a Development Planning Reports to the Committee of the Whole (Working Session) dated May 13, 2008 and January 12, 2009. The economic impact associated with the 30 m increased notification area over and above what is prescribed in the *Planning Act* will require additional notices, paper, postage, staff time and resources to administer the increased notification area. The exact dollar amount cannot be determined as it will vary depending on the number of applications and the location of the properties with respect to the number of surrounding land owners.

#### **Communications Plan**

On March 6, 2009, a Notice of a Public Meeting was advertised in the Vaughan Today, which satisfies the public notification requirements of the *Planning Act*. An additional notice was placed in the Vaughan Citizen on March 12, 2009. There were no concerns expressed by the public at the Public Meeting on March 31, 2009, and as of April 23, 2009, the Development Planning Department has received no written comments. One phone call with respect to the proposed amendments was received, which is summarized as follows:

- no objections in principle to the proposed amendments, however, a concern was raised respecting the location of a temporary sales office in an existing building/unit within a Zone category that would permit a business and professional office use (i.e. a real estate office) and how this would be controlled/enforced.

This is discussed further in this staff report.

The recommendation of the Committee of the Whole to receive the public meeting report of March 31, 2009, and to forward a technical report to a future Committee of the Whole Meeting was ratified by Council on April 14, 2009.

### **Purpose**

On February 3, 2009, Vaughan Council adopted the following recommendation (in part) of the Commissioner of Planning with respect to proposed changes to the public meeting notification for planning applications and policy studies:

“1. THAT a Public Meeting be held to:

- i) amend the public notification procedures outlined in OPA #478, specifically to increase the minimum public notification area for planning applications requiring a public meeting from 120 m to 150 m; and,
- ii) amend Zoning By-law 1-88, specifically to permit a temporary sales office for the sale of or the taking of reservations for the purchase of residential units in a residential apartment condominium building only when the Zoning is in place, whereas By-law 1-88 currently permits a temporary sales office when the Official Plan is in effect.”

This report provides the technical analysis to address the above matters.

### **Background - Analysis and Options**

On May 13, 2008, the Committee of the Whole (Working Session) considered a report from the Commissioner of Planning regarding several issues respecting the public meeting notification for planning applications and policy studies, in response to Council's desire to further engage the residents in the land use planning process. The report analyzed the existing notification policies and procedures currently utilized within the City of Vaughan, examined the notification policies and procedures of other municipalities, and established options and recommendations to improve the notification process for planning applications and policy studies requiring a public meeting.

On January 12, 2009, the Committee of the Whole (Working Session) considered a supplementary report from the Commissioner of Planning in response to the initial discussions and input received at the May 13, 2008 Committee of the Whole (Working Session) meeting. The recommendations of the Commissioner of Planning in the report dated January 12, 2009, were ratified by Council on February 3, 2009, and specifically included two recommendations with respect to scheduling a Public Meeting to consider the proposed changes to the minimum public notification area for planning applications requiring a public meeting, and an amendment to Zoning By-law 1-88 regarding the timing of when a temporary sales office for a residential condominium building may be erected.

A Public Meeting was held on March 31, 2009, to consider the amendments to Official Plan Amendment #248 as amended by OPA #478 and Zoning By-law 1-88. There was no one in attendance at the Public Meeting and one phone call was received in general support as identified earlier.

## Planning Considerations

### i) Increased Notification from 120 m to 150m

The intent of increasing the minimum notification area for all planning applications and policy studies requiring a public meeting from 120 m, as prescribed by the *Ontario Planning Act*, to 150m is to allow the City to provide an increased opportunity for public participation in the planning process. This Amendment is being proposed in conjunction with additional changes recommended and approved by Council including signage improvements, website enhancements and the hand delivery of notices in new communities, which intend to further engage public participation in planning applications and policy studies. An amendment to OPA #248 as amended by OPA #478 is required to increase the minimum notification area from 120 m to 150m.

### ii) Temporary Sales Office

Section 3.25, Temporary Sales Office, of Zoning By-law 1-88 currently permits temporary sales offices for the sale of residential units in all zones only when the official plan is in full force and effect, as follows:

“Temporary offices for the sale of residential units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metres, and subject to an agreement with the City as to location, servicing and duration, provided a temporary office shall not be permitted unless the Official Plan permits the development within which the units to be sold are located.

Notwithstanding the above, Temporary Sales Offices shall not be permitted within the ORM Oak Ridges Moraine, or the OS5 Open Space Environmental Protection Zones.”

The proposed amendment to Zoning By-law 1-88 is to specifically permit a temporary sales office for the sale of or the taking of reservations for the purchase of residential units in residential apartment condominium buildings only when the zoning is in place. The purpose of this amendment is to ensure that the appropriate zoning is in place for a proposed residential condominium building, prior to the advertising or sales of a new development, and to provide greater certainty with respect to the development status of the project for the public when considering potential purchases in the development.

Accordingly, it is recommended that the following paragraph be added to Section 3.25, Temporary Sales Office:

“In addition to the above, Temporary Sales Offices shall not be permitted in any freestanding or multi-unit building or structure, which is intended for the purpose of selling or the taking of reservations for the purchase of residential units in a residential apartment condominium building, unless the Zoning for the development, within which the units to be sold are located, is in full force and effect.”

A recommendation has been included in this respect.

With respect to the concern that was raised earlier by the public, the proposed amendment to the Zoning By-law would prevent a Temporary Sales Office for the sale of residential units within a residential condominium in either a freestanding or in a unit within a multi-unit building or structure.

## **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

## **Regional Implications**

The Region of York Planning Department has confirmed that the proposed amendment to the Official Plan is of local significance, and is exempt from Regional approval.

## **Conclusion**

The above-noted changes to OPA #248, as amended by OPA #478, and Zoning By-law 1-88 will improve the City's ability to further involve and engage the public in the land use planning process. The increased public notification area from 120 m to 150 m will improve the availability and access to information for the general public. The proposed zoning amendment to restrict temporary sales offices for residential condominium buildings prior to the implementing zoning being in place will provide more certainty for the public with respect to the status of proposed residential condominium buildings within the City. The Development Planning Department recommends approval of the above-noted amendments to Official Plan Amendment #248 as amended by #478 and Zoning By-law 1-88, to improve the public notification process, as directed by Council on February 3, 2009. Should the Committee concur, the implementing amendments to the Official Plan and Zoning By-law will proceed to the May 26, 2009 Council meeting for adoption and enactment, respectively.

## **Attachments**

N/A

## **Report prepared by:**

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Respectfully submitted,

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