

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 141-2022

A By-law to delegate site plan approval authority pursuant to Section 41 of the Planning Act.

WHEREAS the City's Official Plan describes the whole of the City of Vaughan as a Site Plan Control Area;

AND WHEREAS the City's Official Plan includes provisions relating to the requirements for complete applications;

AND WHEREAS the matters set out herein are in conformity with the City's Official Plan, which is approved and in force at this time;

AND WHEREAS subsection 41(2) of the *Planning Act* authorizes Council to enact a by-law establishing a Site Plan Control Area;

AND WHEREAS subsection 41(3.1) of the *Planning Act* authorizes Council to enact a by-law requiring applicants to consult with the municipality before submitting plans and drawings for approval under subsection 41(4);

AND WHEREAS subsection 41(4.0.1) of the *Planning Act*, requires Council to appoint an officer, employee or agent of the municipality as the authorized person to approve plans and drawings submitted on or after July 1, 2022;

AND WHEREAS subsection 41(13) of the *Planning Act*, authorizes Council to by by-law define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required by the *Planning Act*;

AND WHEREAS the City in By-law 123-2013, as amended, designated all land within the City of Vaughan as a Site Plan Control Area;

AND WHEREAS all development applications submitted to the City pursuant to section 41 of the *Planning Act* before July 1, 2022 will continue to be processed in accordance with By-law 123-2013;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. This By-law applies with respect to development applications submitted to the City pursuant to Section 41 of the *Planning Act* on or after July 1, 2022.
2. The approval of plans and drawings in accordance with Section 41(4) of the *Planning Act* for development as defined within this By-law is required unless otherwise exempt from approval as set out in this By-law.
3. For the purposes of this By-law, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size of the building or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164(4) of the *Municipal Act, 2001*, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the *Planning Act*. “Development” does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.
4. A development is exempt from the requirement of the approval of plans and drawings if the development is for:
 - a. a detached dwelling or semi-detached dwellings;
 - b. residential buildings of less than twenty-five units in areas designated as Heritage Conversation Districts pursuant to Part 5 of the *Ontario Heritage Act* since drawings may be required by Council pursuant to the *Ontario Heritage Act*.
5. Despite Section 4, where an official plan amendment provides for site plan approval of residential dwellings, the drawings required shall be submitted for approval, in accordance with the requirements of the amendment.
6. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under the *Planning Act*:
 - a. All buildings erected for the use of any Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning

Board or other Board or Commission or Committee of a local authority under any general or special statute of Ontario with respect of any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by by-law of the Council and any Department or Ministry of the Province of Ontario or the Government of Canada.

7. Applicants are required to consult with the City and satisfy the requirements for a pre-consultation meeting as set out within the City's Official Plan before submitting plans and drawings to the City for approval.
8. The authority to determine whether an application submitted to the City pursuant to section 41 of the *Planning Act* is complete or incomplete in accordance with the provisions of the City's Official Plan is delegated to the Deputy City Manager, Planning and Growth Management or designate.
9. The authority to notify an applicant as to the completeness or incompleteness of a site plan application is delegated to the Deputy City Manager, Planning and Growth Management or designate.
10. The power and authority to approve site plans and drawings submitted by owners of land and issue conditions of approval pursuant to section 41 of the *Planning Act*, is delegated to the Deputy City Manager, Planning and Growth Management or designate.
11. The power and authority to require the owners of land to enter into site plan agreements with the City as a condition to the granting of approvals under this By-law, and the authority to execute such agreements, is delegated to the Deputy City Manager, Planning and Growth Management or designate, with the form of such agreements being subject to approval by Legal Services.
12. A Site Plan Agreement shall be executed to implement the following classes of development:
 - i) all classes of new development in an Intensification Area including the Vaughan Metropolitan Centre, a Primary Centre, Local Centre, Primary Intensification Corridors, Primary Intensification Corridors within Employment Areas, Regional Intensification Corridors and Regional Intensification Corridors Within Employment Areas as defined by Vaughan Official Plan

2010. Additions, expansions, and alterations to existing development will be implemented as either an amendment to the original implementing document (i.e. Site Plan Agreement or Letter of Undertaking) or as a minor modification of the existing approval(s);
- ii) all Mid and High Rise buildings as defined by the City of Vaughan Official Plan 2010 (i.e. buildings over 6 storeys in height);
 - iii) all classes of development utilizing strata parking and/or park arrangements, and/or *Planning Act* section 37 community benefits that are being satisfied with in-kind benefits;
 - iv) all classes of development where the Deputy City Manager, Planning and Growth Management or designate is of the opinion that a Site Plan Agreement is required to secure specific City interests;
 - v) where a public/private partnership funding for community infrastructure is proposed; and,
 - vi) all other classes of development may be implemented using a Site Plan Letter of Undertaking.
13. The Deputy City Manager, Planning and Growth Management or designate is authorized and directed to do all things necessary, including, but not limited to, having the authority to amend or release any registered agreement or undertaking to give effect to approval of plans and drawings for a development under section 41 of the *Planning Act*, and to require that the approval be conditional upon the minor variances as may have already been approved for the project by the Committee of Adjustment becoming final and binding.
14. The authority to enter into development agreements with developers to secure the construction of municipal infrastructure required to support developments or redevelopments that are the subject of a site plan application is delegated to the Director of Development Engineering or designate. Such agreements shall be in a form satisfactory to Legal Services.
15. The authority to instruct Legal Services on what position to take at an Ontario Land Tribunal hearing in respect of the approval of a site plan and conditions to the approval of a site plan is delegated to the Deputy City Manager, Planning and

Growth Management or designate.

16. Should any section or part of a section of this By-law be determined by a court or tribunal of competent jurisdiction to be invalid or of no force and effect, that section or part shall be severable and the remainder of this By-law will continue to operate in full force and effect.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No.11 of Report No.30
of the Committee of the Whole
Adopted by Vaughan City Council on
June 28, 2022.