

## **Document 6 – Transition and Continuation provisions in Sections 109 and 110 for in-process and approved development applications, and for Interpretation of exceptions, schedules and other zone code suffixes**

Sections 109 and 110 include transition and continuation provisions, as well as provisions to guide the interpretation of exceptions, schedules and other zone code suffixes during the time they are under review following the approval of the new Zoning By-law.

Details concerning *interpretation of exceptions, schedules and other zone code suffixes* are included on page 3 of this document.

### ***What are transition and continuation provisions?***

Transition and continuation provisions are provisions in a by-law that deal with in-progress and approved development applications, such as a zoning by-law amendment, minor variance, site plan control or plan of subdivision application, so that they can *continue* to be dealt with under the Zoning By-law in effect at the time the application was made. The new Zoning By-law refers to them as “Transition Provisions” and “Continuation Provisions”. These provisions are found in Section 109 - Transition for Complete Applications and in Section 110 - Continuation of Approved Applications.

### ***Why do we need transition and continuation provisions?***

Transition provisions create efficiencies and ensure that applicants who have already participated in public consultation or invested time and money on their application do not need to make considerable revisions to their plans to meet the new Zoning By-law. The provisions also prevent the need to re-apply for an approval because the zoning rules changed during or after the development application was made.

Obtaining a building permit is the only way to “lock in” your zoning. When someone gets permission to develop, such as through a minor variance or site plan control application, it means that the City has reviewed the plans and given its approval. However, if after the application has been approved, the underlying zoning changes, then the applicant will no longer be able to get a building permit.

In anticipation of major changes to zoning regulations, such as having a brand-new zoning by-law come into effect, transition provisions will give those applicants time to complete the approvals process, and then to apply for and obtain a building permit, even after the new Zoning By-law is in effect.

### ***Do the transition and continuation provisions expire?***

Yes. The new Zoning By-law implements the vision for the Official Plan’s 25-year planning horizon, and applications should address the new Zoning By-law as soon as possible. An expiration date exists to encourage applicants to secure their zoning with a building permit and move ahead with construction expeditiously.

***What are the proposed transition provisions in the draft Zoning By-law?***

The transition provisions apply to complete applications,\* made before the new Zoning By-law comes into effect, for:

- Building permits
- Minor variances and Permissions (section 45 of the *Planning Act*)
- Site Plan Control (section 41 of the *Planning Act*)
- Zoning By-law Amendment (section 34 of the *Planning Act*)
- Part Lot Control (section 50 of the *Planning Act*)
- Consent to sever (section 53 of the *Planning Act*)
- Draft Plan of Subdivision (section 51 of the *Planning Act*)
- Description under the *Condominium Act*

<b>Section 109</b> <b>Complete applications that are in-process when the new Zoning By-law comes into effect</b>		
<b>Type of Application</b>	<b>Transition Provision</b>	<b>Expiry</b>
Building Permits	Can be issued as though Zoning By-law 2008-250 applies.	5 years
Minor Variances and Permissions	Can be processed as though Zoning By-law 2008-250 applies AND be issued a building permit as though Zoning By-law 2008-250 applies.	5 years
Site Plan Control		
Zoning By-law Amendment		
Part Lot Control		
Draft Plan of Subdivision and Consent to sever		
Description under the <i>Condominium Act</i>		
<b>Section 110</b> <b>Applications approved prior to the new Zoning By-law coming into effect</b>		
<b>Type of Application</b>	<b>Transition Provisions</b>	<b>Expiry</b>
Minor Variances and Permissions	Can be issued a building permit as though Zoning By-law 2008-250 applies.	3 years
Site Plan Control		
Zoning By-law Amendment		
Part Lot Control		
Draft Plan of Subdivision and Consent to sever		
Description under the <i>Condominium Act</i>		

\*A “complete application” is defined in the new Zoning By-law as an application that could have been approved if processed on that day; it does not include applications in the pre-consultation stage.

The transition provisions also apply to approved applications, obtained before the new Zoning By-law comes into effect, for:

- Minor variances and Permissions (section 45 of the *Planning Act*)
- Site Plan Control (section 41 of the *Planning Act*)
- Zoning By-law Amendment (section 34 of the *Planning Act*)
- Part Lot Control (section 50 of the *Planning Act*)
- Consent to sever (section 53 of the *Planning Act*)
- Draft Plan of Subdivision (section 51 of the *Planning Act*)
- Description under the *Condominium Act*

***What are the proposed provisions for interpretation of exceptions, schedules and other zone code suffixes?***

Section 110 also provides interpretation provisions for exceptions, schedules and other zone code suffixes carried forward from Parts 15 and 17 and the Zoning Map of Zoning By-law 2008-250.

There are different provisions in Section 110 that apply, depending on whether a property is located *inside* or *outside* a secondary plan or area-specific policy area as shown on Schedule A13 of the draft Zoning By-law.

Properties located *inside* secondary plan and area-specific policy areas

Exceptions, schedules and other zone code suffixes that apply to properties located *inside* secondary plan and area-specific policy areas will operate as if Zoning By-law 2008-250 remains in effect. A review of exceptions, schedules and other zone code suffixes in secondary plan and area-specific policy areas is planned on a priority basis in 2026 and 2027. Until the work to review exceptions, schedules and other zone code suffixes in secondary plan and area-specific policy areas is completed, the most restrictive provisions in exceptions, schedules and other zone code suffixes will apply.

Properties located *outside* secondary plan and area-specific policy areas

Document 4 of this report proposes staff-recommended changes to the provisions in Section 110 that apply to properties located *outside* of secondary plan or area-specific policy areas that are subject to an exception, schedule, or other zone code suffix. It is proposed to modify Section 110 to specify that the most permissive provisions apply from the primary zone, subzone, exception, schedule and other zone code suffixes in a zone code, except in the following circumstances:

- holding (-h) provisions and exceptions, schedules and other zone code suffixes related to them will continue to apply,
- exceptions, schedules and other zone code suffixes will continue to apply in AG – Agricultural, ME – Mineral Aggregate Extraction, MR – Mineral Reserve, N1 – N6 - Neighbourhood, RG – Rural General Industrial, RH – Rural Heavy Industrial Zones, and
- exceptions, schedules and other zone code suffixes in Zoning By-law 2008-250 approved after November 4, 2022 (date of approval of the new Official Plan), and the most restrictive provisions in the exception, schedule and other suffixes apply.

The effect of the proposed change is to provide an interim set of provisions to allow the intent of the new Zoning By-law to become operational prior to the detailed review of exceptions, schedules and other zone code suffixes being undertaken in 2026 and 2027. That review will modify provisions in exceptions, schedules and other zone code suffixes as they are written in exceptions or appear on the Zoning Map or in schedules.

The proposed change will speed the implementation of policies in the Official Plan in the new Zoning By-law in an efficient manner and will result in a streamlined Zoning By-law that is more consistent from a policy implementation perspective. The proposed change will also reduce non-compliance and ensure existing development complies with the new Zoning By-law.