Document 9 - Transition Provisions for the new Zoning By-law

What are transition provisions?

Transition provisions are provisions in a by-law that deal with in-progress 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 "Continuation Provisions" and "Transition 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 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 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.

Will the transition provisions apply to my development application?

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

- Building permits
- Minor variances or 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*)
- Consent to sever (section 53 of the *Planning Act*)
- Draft Plan of Subdivision (section 51 of the *Planning Act*)
- Description under the *Condominium Act*

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

- Zoning By-law amendments
- Site Plan Control
- Minor Variances or permissions
- Draft Plan of Subdivision and Consent for Severance

*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 (section 110(3)).

What are the proposed transition provisions for the new Zoning By-law?

Section 109 Complete Applications Received before new Zoning By-law Comes into Effect		
Type of Application	**Transition Provision**	**Expiry**
Building Permits	Can be issued as though 2008-250 applies.	5 years
Minor Variances and Permissions	Can be processed as though 2008-250 applies AND be issued a building permit as though 2008-250 applies.	5 years
Site Plan Control		
Zoning By-law Amendment		
Consent to sever		
Draft Plan of Subdivision		
Description under the *Condominium Act*		
Section 110 Applications Approved before new Zoning By-law Comes into Effect		
Type of Application	**Transition Provisions**	**Expiry**
Zoning By-law Amendment	Can be issued a building permit as though 2008-250 applies.	3 years
Site Plan Control		
Minor Variance and Permission		
Draft Plan of Subdivision and Consent for Severance		