

COMMITTEE OF THE WHOLE DECEMBER 9, 2002

**ZONING BY-LAW 1-88 COMPREHENSIVE REVIEW
CITY OF VAUGHAN FILE 1.9.17
REPORT #P.2002.71**

Recommendation

The Commissioner of Planning recommends:

THAT City of Vaughan File 1.9.17 (Zoning By-law 1-88 Comprehensive Review) BE APPROVED, and that the implementing by-law include:

- a) a definition for a pet grooming establishment, with the use to be permitted in the C2, C4 and C7 Zones, and restriction that the use be contained within a wholly enclosed building;
- b) a definition and yard requirements for a swimming pool use and the inclusion of pool equipment as a permitted yard encroachment;
- c) wording in the C1, EM1 and M1 Zones to allow outdoor patios that are accessory to permitted eating establishments to be outside of the building;
- d) the placement of the outdoor patio provisions from Subsection 6.1.12 to a new Subsection 6.1.13;
- e) the amendment of the outdoor patio provisions in Subsections 5.1.6, 6.1.13 and 6.8.4 to require outdoor patios to be subject to site plan control;
- f) the deletion of the word "walkway" from the definition of "Hard Landscaping";
- g) a revised definition of "Lot" to clarify that an abutting 0.3m reserve block does not form part of the lot area;
- h) revised definitions for "Exterior Lot Line" and "Front Lot Line" to include the words "a reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph";
- i) revised definitions for "Corner Lot", "Exterior Lot Line" and "Exterior Side Yard" to clarify that a lot abutting a greenway buffer is a corner lot, and also to provide a definition for a "Greenway".

Purpose

In 1999 and 2000, a comprehensive review of By-law 1-88 was commenced to identify inconsistencies in the text for interpretation purposes. As part of the ongoing review, a number of these provisions have been identified, which need to be examined in detail through the zoning amendment process.

Background - Analysis and Options

The City-wide amendment would affect the following sections of the By-law:

- a) providing a definition and zoning standards for a pet grooming establishment;
- b) addressing standards for in-ground swimming pools and equipment;

- c) addressing outdoor patio uses accessory to eating establishments in Commercial and Employment zones; and,
- d) review of the definitions and requirements for hard landscaping, lot, exterior lot line, front lot line, street line, structure, 0.3m reserves and greenway buffers.

On September 26, 2002, a notice of public hearing was advertised in the Vaughan Citizen. To date, no written comments have been received. The recommendation of the Committee of the Whole on October 21, 2002, to receive the public hearing and forward a technical report to a future Committee of the Whole meeting, was ratified by Council on October 28, 2002.

Technical Review

The sections of By-law 1-88 requiring review and amendment are:

a) Pet Grooming Establishment

By-law 1-88 does not recognize pet grooming as a permitted use, which is currently reviewed on a site-specific zoning basis. To gain a better understanding of this type of establishment, Staff surveyed four municipalities (Markham, Richmond Hill, Burlington and Toronto) to identify appropriate zones, development standards and a definition for this use. Each of the municipalities did not have a definition for a pet grooming establishment, however, they all permitted the use in commercial zones as a retail establishment or as an accessory use to a pet store, provided there was no outdoor storage and boarding of animals overnight.

Staff is of the opinion that there is a benefit in differentiating a pet grooming establishment from a retail store, given that animals are involved, and there appears to be a growing demand for such establishments. The following definition for a pet grooming establishment is proposed, which is similar to definitions that have been used in site-specific zoning amendments:

"Pet Grooming Establishment - Means a building or part of a building in which animals are groomed and where accessory products are sold (a maximum of 30% of the Gross Floor Area of the establishment can be devoted to accessory retail uses), and may also include pet obedience training and daily animal-sitting, but shall not include any overnight boarding of animal(s). Such use must be conducted within a wholly enclosed building and may also be accessory to a veterinary clinic or a pet shop."

The most appropriate zones to locate a pet grooming establishment use are considered to be the C2 General Commercial Zone (with a restriction added that the use shall be conducted wholly within a building), C4 Neighbourhood Commercial Zone, and C7 Service Commercial Zone. These zones permit veterinary clinics, and would provide consistent and complementary locations for pet grooming establishments. The above-noted definition and inclusion of this use in the C2, C4 and C7 Zones will provide direction on where this use can locate, and reduce the need for site-specific zoning amendments.

b) Swimming Pools, In-ground Swimming Pools and Equipment

By-law 1-88 does not include a definition for either in-ground or above-ground private swimming pool uses. However, the City's Fence By-law 80-90 provides a definition for swimming pools, as follows:

"Pool - Means a privately owned outdoor swimming pool which includes any body of water or pool located outdoors on privately owned property contained in part or in whole by artificial means and used or intended for swimming, diving or bathing, but does not include:

- a) a farm pond; or,

- b) a body of water or pool that is less than 30 inches in height or depth, or a combination thereof.”

For the purpose of consistency, the same definition should be included in By-law 1-88 for a “swimming pool” use.

Also, Subsection 4.1.1(i)(d) respecting the location of private swimming pools states:

“A private swimming pool shall be constructed only in the rear yard and notwithstanding Subsection 3.16, not nearer to any lot line than 1.5 metres or to any street line than 4.5 metres;”

The current provisions would restrict an in-ground swimming pool on many of the smaller lots in the Urban Village Zones, thereby resulting in a number of variance applications to the Committee of Adjustment. To address this problem, Subsection 4.1.1(i)(d) should be revised as follows:

“A private swimming pool shall be constructed only in the rear yard, and notwithstanding Subsection 3.16, not nearer to any rear or interior side lot line than 1.5 metres, or to any exterior side lot line than the required setback of the main dwelling unit on the lot, notwithstanding any permitted exterior side yard reductions.”

Furthermore, Subsection 3.14(h) of By-law 1-88 identifies permitted yard encroachments and restrictions, which should be revised to include requirements for accessory pool equipment and other similar equipment, as follows:

“...central air conditioning units, heat pumps, pool equipment or other similar equipment, provided that any such unit is set back a minimum of 1.2 metres from the interior side lot line, a minimum of 3 metres from the exterior side lot line, and may encroach 1.5 metres into the required rear yard.”

c) Outdoor Patio Uses Accessory to Eating Establishments

By-law 1-88 allows outdoor patios to be accessory to a permitted eating establishment use in the C1 Restricted Commercial, EM1 Prestige Employment and M1 Restricted Industrial Zones. However, these zones require all uses to be conducted within a wholly enclosed building, which has the effect of not allowing a patio to be outdoors. This contradiction in the wording of the by-law requires correction to facilitate outdoor patios in the C1, EM1 and M1 Zones. This can be achieved by adding the following underlined or similar wording to each subsection, as follows: “is conducted within a wholly enclosed building ... but this shall not prevent the provision of an outdoor patio use accessory to a permitted eating establishment use”.

Also, when By-law 78-2002 was enacted to provide standards for outdoor patios in the EM1 Zone, it inadvertently specified that the standards were to be added to Subsection 6.1.12 of By-law 1-88, which contains loading space standards. It would be preferable to remove the outdoor patio provisions from Subsection 6.1.12, and to place these provisions within a new Subsection 6.1.13.

Also, to ensure that outdoor patios are appropriately and aesthetically designed on the site, it is recommended that an additional provision requiring outdoor patios to be subject to site plan control be added to the outdoor patio provisions of Subsections 5.1.6, 6.1.13 and 6.8.4.

d) Review of Definitions

The definitions in Section 2.0 Definitions for hard landscaping, lot, exterior lot line, front lot line, corner lot and exterior side yard, need to be revised to provide clarity for interpretation. Also a new definition for “greenway” is provided.

1. Hard Landscaping

A walkway is considered to be a hard landscaping feature. However, the definition for “hard landscaping” specifically refers to walkways as not being a form of hard surface landscaping. To address this, the word “walkway” should be deleted from the definition for “Hard Landscaping”.

2. Lot

The definition for “Lot” states “ ... land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the street.” A 0.3m reserve is a separate block on a registered plan, and is neither part of the public street or a private lot. This definition needs to be revised to read “... a reserve shall not form part of the lot”. This will ensure that required setbacks are measured from the lot line, and that the reserve is clearly outside of the lot.

3. Exterior Lot Line and Front Lot Line

The definitions for “Exterior Lot Line” and “Front Lot Line” should include the following sentence: “a reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph”. This will ensure that the 0.3 metre reserve is not included as part of the lot.

4. Greenway

Many of the newly developed Block Plans have implemented a system of greenway strips/buffers as blocks between the street and the adjacent lot. The purpose of this greenway block is to provide enhanced pedestrian connections and should not affect the status of the adjacent lot being a corner lot. The adjacent lot should continue to be identified as a corner lot, requiring an exterior side yard and an upgraded side elevation, as required under the Subdivision Agreement for corner lots.

To implement this requirement, the definitions for “Corner Lot”, “Exterior Lot Line” and “Exterior Side Yard” should have an additional sentence stating the following: “For the purpose of this paragraph, a lot abutting a greenway block shall be deemed to be a corner lot, having an exterior lot line.

To clarify any discrepancies resulting from the use of the terminology “Greenway”, the following definition will be included in By-law 1-88:

“Greenway – Means an additional boulevard incorporated as part of the public highway road allowance, allowing vehicular access to a public highway where required. Greenway corridors are designed as a linear green space.”

Conclusion

Staff are of the opinion that the zoning matters noted above will clarify inconsistencies and provide appropriate standards where needed.

Should the Committee concur, the recommendation in this report can be adopted.

Attachments

N/A

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Grant A. Uyeyama, Senior Planner, ext. 8635
Marco Ramunno, Manager, Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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