

**COMMITTEE OF THE WHOLE MARCH 23, 2010**

**ZONING BY-LAW AMENDMENT FILE Z.07.009  
GENERAL AMENDMENTS TO ZONING BY-LAW 1-88  
CITY OF VAUGHAN  
WARDS: 1 - 5**

**Recommendation**

The Commissioner of Planning in consultation with the Director of Building Standards recommends:

1. THAT Zoning By-law Amendment File Z.07.009 (City of Vaughan) BE APPROVED, to make general amendments to Zoning By-law 1-88 as outlined in this report in order to clarify and/or correct specific sections of By-law 1-88 to improve its' interpretation to update certain provisions in the By-law, and to make administrative amendments to the By-law.

**Contribution to Sustainability**

N/A

**Economic Impact**

There are no requirements for new funding associated with this report.

**Communications Plan**

On April 17, 2009, and April 23, 2009, a Notice of a Public Hearing was advertised in Vaughan Today and the Vaughan Citizen, respectively, in accordance with the public notification requirements of the *Planning Act, R.S.O 1990*. To date, no written comments have been received by the Vaughan Development Planning Department, and there were no concerns expressed by the public at the Public Hearing on May 12, 2009.

The recommendation of the Committee of the Whole to receive the Public Hearing report of May 12, 2009, and to forward a comprehensive report to a future Committee of the Whole Hearing was ratified by Council on May 26, 2009.

**Purpose**

The City of Vaughan has initiated general amendments to Zoning By-law 1-88 in order to clarify and/or correct specific sections of By-law 1-88 to improve its' interpretation, to update certain provisions in the By-law, and to make certain administrative amendments to the Zoning By-law as outlined in this report.

**Background - Analysis and Options**

Zoning By-law 1-88 implements building and development standards for all properties within the City of Vaughan. The By-law is used by a variety of people including land owners, developers, consultants, City staff and members of the general public. The intent of By-law 1-88 is to implement the policies of the Official Plan to ensure that growth and development is appropriately managed by reducing opportunities for nuisance and conflict between varying land uses, and to ensure the orderly development of lands within the City. By-law 1-88 was originally enacted by Vaughan Council in January 1988 and has been amended several times over the past 22 years in order to modernize and improve various sections of the By-law.

Occasionally, the interpretation of By-law 1-88 is unclear, and in some cases the content has become redundant, and therefore, general updates to the Zoning By-law are required to reflect changes in development standards and policy direction.

The majority of the amendments being considered in this report deal with general administrative changes and minor revisions to the By-law to improve the understanding and interpretation of specific sections. The following 27 amendments to Zoning By-law 1-88 are applicable on a City-wide basis, and include a discussion and a proposed course of action to address each issue.

1. R5 Residential Zone:

Schedule "A" of By-law 1-88 establishes minimum development standards (e.g. lot size, building setbacks, etc.) for certain lands in the City. The R5 Residential Zone permits single and semi-detached dwellings, on lots with a minimum frontage of 7.5m/unit and requires a minimum interior side yard setback of 1.5m. Applying the minimum interior side yard setback requirement of 1.5m on each side of a dwelling (3m total) for a lot with a 7.5m frontage results in a building envelope that is only 4.5m in width.

The R2, R3, and R4 Residential Zones on Schedule "A" have greater minimum lot frontage requirements (i.e. 15m, 12m, and 9m/unit, respectively) but require a smaller minimum interior side yard setback of 1.2m, resulting in a dwelling with a greater mass and scale. Furthermore, Footnote #4 to Schedule "A", which applies to the R5 Zone, permits a reduction in one interior side yard to 0.3m, where it abuts a side yard of a minimum of 1.2m, which cannot occur if all adjacent lots in the R5 Zone have a side yard of 1.5m.

It is considered appropriate to amend the interior side yard setback for the R5 Zone from 1.5m to 1.2 m, which would allow the application of Footnote #4 to facilitate buildable lots.

Amendment: The proposed amendment to By-law 1-88 is as follows:

"Amend Schedule "A" by deleting the minimum 1.5m interior side yard setback for an R5 Residential Zone and substituting therefor a minimum 1.2m requirement."

2. Schedule "A3":

Schedule "A3" to By-law 1-88 provides minimum development standards for lands within the more recently developed residential areas of Vaughan (e.g. Block 18). When Schedule "A3" was implemented in 2002 (By-law 192-2002, as amended), it created a number of specific requirements, which are implemented through the use of footnotes on the Zone Requirement Table. Specifically, reference to existing "Footnote #8" respecting the minimum required spacing between driveways in a Residential Detached Zone and applicable to the RD1, RD2, RD3, RD4, and RD5 Zones was inadvertently omitted in the Table, and will need to be added.

Amendment: The proposed amendment to By-law 1-88 is as follows:

"Amend the Table in Schedule "A3" by adding "8" in reference to Footnote "8" after the following text "Residential Detached Zone" below the title "Permitted Use Category".

3. Section 1.5 "Administration and Enforcement":

The purpose of this Section is to require all construction within the City of Vaughan to be subject to the acquisition of a Building Permit from the Chief Building Official. However, this Section makes reference to By-law 241-93, which is an outdated and redundant Building Standards By-law, and has been revised several times as required by the *Ontario Building*

*Code.* This can mislead persons reading By-law 1-88 to make reference to an outdated By-law related to an older version of the *Ontario Building Code*.

Amendment: The proposed amendment to By-law 1-88 is to remove the reference to "By-law 241-93" from Section 1.5 "Administration and Enforcement" and replace it with the words "General Building Standards By-law."

4. Section 2.0 "Definitions":

Section 2.0 "Definitions" of By-law 1-88 includes the definitions used to interpret the By-law, which are sequentially (i.e. 1, 2, 3, etc.) numbered for the ease of locating and referencing definitions. However, as By-law 1-88 is amended over time, definitions are added and deleted.

The result is a numbering system that remains in order but uses a combination of numerical and alphabetical references (i.e. 1a, 3a, etc) for reference purposes, which can be confusing to the reader. For ease of incorporating or deleting of future definitions to By-law 1-88, it is recommended that the numbering system be removed and that all definitions be listed in alphabetical order to allow for the addition and deletion of definitions over time.

Amendment: The proposed amendment to By-law 1-88 is to delete and replace Section 2.0 "Definitions" in its entirety, thereby removing the existing numbering system and reorganizing the existing definitions into alphabetical order to allow future amendments and definitions to be easily incorporated or deleted from the "Definitions" section of By-law 1-88. In order to implement this amendment, it is also required that all site-specific exceptions under Section 9.0 "Exceptions" to By-law 1-88 that include a numerical reference associated with a definition as defined in Section 2.0 be amended to reflect the removal of the numbering system.

5. Definition of a "Pit":

The existing definition of a "Pit" makes reference to the Pits and Quarries Control Act, R.S.O., 1980, C. 378, which is an older version of the regulatory legislation that was in effect at the time of the passing of By-law 1-88.

Amendment: The suggested amendment to the definition of a "Pit" is to delete the existing definition in Section 2.0 "Definitions" and replace with the following text referencing the current Act:

"PIT- Means a pit as defined in the Aggregate Resources Act, R.S.O. 1990, C.A.8."

This proposed amendment constitutes an administrative amendment to the Zoning By-law.

6. Definition of "Service Shop, Personal":

By-law 1-88 currently defines a "Personal Service Shop" as follows:

"Means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes a barber's shop, hair dressing establishment, a shoe repair shop and other similar services, but does not include a body rub parlour."

This existing definition does not reflect the broad range of personal service uses that currently operate within the City or those that have existed through the implementation of site-specific zoning amendments including a tanning salon, a tailor, a seamstress or

seamstress establishment, a beauty salon, a laundromat, dry cleaning depot, and a formal wear shop.

Amendment: The proposed amendment to the definition of a "Personal Service Shop" in By-law 1-88 is to delete the existing definition in Section 2.0 "Definitions" and replace with the following definition to permit a tanning salon, a tailor or seamstress establishment, a beauty salon, a laundromat, dry cleaning depot, and a formal wear shop as additional uses:

"PERSONAL SERVICE SHOP - Means a building or a part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes a barber's shop, hair dressing establishment, a shoe repair shop, a tanning salon, a tailor or seamstress establishment, a beauty salon, a laundromat, a dry cleaning depot, a formal wear shop, and other similar services, but does not include a body rub parlour."

Amendment: In addition, it is recommended that, the following definition for a "Dry Cleaning Depot" be added to Section 2.0 "Definitions" for additional clarity:

"DRY CLEANING DEPOT – Means a building or a part of a building used for the purpose of receiving articles to be subjected to the process of dry cleaning at another location off-site, and shall not permit dry cleaning equipment on the property."

7. Definition of "School, Private":

In 2002, By-law 72-2002 was enacted, which removed the definition of a "Commercial School" from By-law 1-88 and replaced it with the term "Technical School". This amendment was a response to the multiple references in By-law 1-88 to a "Commercial School" and a "Technical School", which were effectively considered to be the same use. However, the existing definition of a "Private School" still makes reference to a "Commercial School", which is not defined in By-law 1-88.

Amendment: The proposed amendment to By-law 1-88 is to provide the following definition for a "Private School", which deletes reference to a Commercial School" and replaces with "Technical School" to be consistent with the intent of By-law 72-2002 in 2002 but was inadvertently omitted in the original amendment.

"SCHOOL, PRIVATE – Means a school other than a Public School or a Technical School."

8. Definition of "Store, Video":

The existing definition of a "Video Store" makes reference to a redundant Licensing By-law Number (By-law 218-97), which prohibits an Adult Videotape Store.

Amendment: The proposed amendment to By-law 1-88 is to remove the reference to "By-law 218-97" and replace it with the following text "Adult Videotape Store By-law", thereby making reference to the most current By-law.

This proposed amendment constitutes an administrative amendment to the Zoning By-law.

9. Section 3.1 "Zones":

The Table of Contents in Section 3.1 "Zones" makes reference to all the acronyms used on Key Maps 1A to 11G to By-law 1-88 and their related Zone categories. There are six (6) Zone

categories that were implemented through site-specific Zoning By-law Amendments that are shown on the Key Maps, but are not referenced in this Table of Contents as follows:

<u>Zone Acronym</u>	<u>Zone</u>	<u>Implementing Exception Paragraph/By-law</u>
RA4	Apartment Residential Zone	9(657)
AC	Automotive Commercial Zone	9(477)
SCD	Vaughan Shopping Centre District Zone	9(1030)
TPC	Theme Park Commercial Zone	9(194)
T	Transportation Zone	9(480)

Amendment: The proposed amendment to By-law 1-88 is to add the above noted Zone categories to the Table of Contents in Section 3.1 in their respective alphabetical order, which will identify these Zone categories that are implemented through the site-specific zoning by-law amendments and to be consistent with the by-law Key Maps.

This amendment constitutes an administrative amendment to the Zoning By-law.

10. Section 3.5 "Height Exceptions" (Belfry and Clock Tower):

Section 3.5 of By-law 1-88 "Height Exceptions" permits certain structures to be excluded from the building height restrictions in the By-law. Two (2) examples of these structures include a belfry (the part of a steeple or other structure in which a bell is hung) and a clock tower.

The original intent of this section was to allow certain commercial and institutional developments an opportunity to incorporate a clock tower or belfry into a building, which can contribute to the architectural character of a development. However, there has been instances where this height exemption has been used to construct a belfry and clock tower in residential areas, which is not the intent or purpose of this building height exemption.

Amendment: The proposed amendment to By-law 1-88 is to delete the existing text in Section 3.5 "Height Exceptions" and substitute with the following text, thereby restricting height exemptions for belfry's and clock towers to institutional and commercial development only:

"Height restrictions set forth in this By-law shall not apply to a church spire, belfry and clock tower for institutional and commercial uses only, chimney, farm building or structure, flag pole, water tank, windmill, radio or television tower or antenna, communications receiving or transmission tower, a silo, or drive-in theatre screen."

11. Section 3.8 "Parking Requirements" (Commercial School):

Section 3.8 "Parking Requirements" establishes minimum parking requirements for all permitted uses contained within By-law 1-88. The parking requirements for a "Public Elementary School" and a "Secondary School" both make reference to a "Commercial School", which is a use that was eliminated from By-law 1-88 in 2002 by By-law 72-2002 and replaced with the term "Technical School".

Amendment: The proposed amendment to By-law 1-88 is to replace the reference to "Commercial School" with the term "Technical School" for both "Public Elementary School" and "Public Secondary School" uses listed in Section 3.8, in conformity with By-law 72-2002.

This proposed amendment constitutes an administrative amendment to the Zoning By-law.

12. Section 3.14(c) "Permitted Yard Encroachments and Restrictions" (Porches and Balconies):

Section 3.14 (c) "Permitted Yard Encroachments and Restrictions" (Porches and Balconies) of By-law 1-88 provides provisions for the encroachment of uncovered and unenclosed porches and balconies, which are not on foundations. Specifically, the interpretation of the word "open" has been interpreted to mean "uncovered", and the words "which is not constructed on footings" to mean "unexcavated", which was the original intent of this provision. The intent was to allow a property owner to construct a small porch or balcony that did not have the effect of increasing the mass or size of the main structure.

However, as a result of an amendment to By-law 1-88, special provisions for the newer "Residential Detached Zones" (Section 4.22) included the addition of a definition for a "*Porch, Unenclosed (Covered or Uncovered)*" in the By-law resulting in a conflicting interpretation of the use of the word "open" in Section 3.14(c).

Amendment: The proposed amendment to this section of By-law 1-88 is to delete the existing text in Section 3.14(c) "Permitted Yard Encroachments and Restrictions" and substituting with the following text:

- "c) Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres."

13. Section 3.14(g) "Permitted Yard Encroachments and Restrictions" (Satellite Dishes):

Section 3.14(g) of By-law 1-88 "Permitted Yard Encroachments and Restrictions" (Satellite Dishes) provides minimum standards for the location of satellite dishes within the City, including minimum setbacks from property lines and a maximum height as follows:

"A satellite dish shall be permitted only in the rear yard, provided such dishes are set back from the rear and side lot lines a minimum of 1.5 metres or the equivalent of the minimum side yard, whichever is greater. The maximum height of any such satellite dish shall be 4.5 metres measured from grade level to the highest point of the structure";

Furthermore, Section 6.1.11 "Satellite Dishes" provides different standards for satellite dishes located in Employment Area and C7 Service Commercial Zones as follows:

"Notwithstanding Subsection 3.14(g) a satellite dish shall be permitted in any Employment Area or C7 Service Commercial Zone provided:

- a) The satellite dish shall not be located in the front or exterior side yard or between any main building and a streetline;
- b) The satellite dish shall comply with the minimum yard and maximum height requirements of the Zone as shown in Schedule "A";
- c) Notwithstanding paragraph (b) above, a satellite dish may encroach a maximum of 1.5 m into the minimum side yard requirement, except where there is a mutual driveway, provided the satellite dish is located a minimum of 6 metres above finished grade."

These sections of the By-law were written in the early 1990's when the average size of a satellite dish was significantly larger than those used by common carriers today, thereby

requiring significant rear yard and side yard setbacks to reduce their visual impact on adjacent property owners.

A report was prepared in October 2001 by the Planning Department to the Committee of the Whole (Working Session) which analyzed the impact and success of the current zone standards for these larger satellite dishes, and the required changes to By-law 1-88 for the smaller satellite dishes which are currently available to the public. The following recommendation was approved by Council on November 12, 2001, which was inadvertently never implemented:

- "1. THAT Staff be directed to prepare the necessary amendments to the Zoning By-law to implement the following standards respecting satellite dishes/antennae:
  - a) that dishes less than 0.9m square or in diameter be attached to the main building, and be no higher than the height of the building; and,
  - b) that the current standards be maintained for dishes greater than 0.9m square or in diameter and antennae."

The Staff Report previously prepared in 2001, based the above-noted recommendations on a review of the standards of other surrounding municipalities. It was noted that many do not place any zoning restrictions on the smaller satellite dishes (less than 0.9m in diameter) other than requiring that the dish be attached to the main dwelling, and that the height not exceed the highest point of the roof on the main building.

Amendment: It is proposed that Section 3.14 (g) and 6.1.11 of By-law 1-88 be amended to implement the resolution of Vaughan Council from November 2001, by adding the following text to the end of Sections 3.14g) "Permitted Yard Encroachments and Restrictions" and 6.1.11 "Satellite Dishes":

"That satellite dishes less than 0.9m in diameter be attached to the main building, and be no higher than the height of the building."

14. Section 3.17 "Portions of Buildings Below Grade":

Section 3.17 of By-law 1-88 "Portions of Building Below Grade" includes provisions to regulate portions of buildings below grade (e.g. basements and parking garages). By-law 1-88 currently requires a minimum setback of 1.8m from the front property line for all portions of buildings below grade. However, there is no specific setback requirement in By-law 1-88 to regulate a minimum setback for below grade structures to the rear or side property lines, and therefore it has generally been interpreted to be 0m. The 1.8m setback at the front property line was established to allow for room for the placement and repair of underground services (e.g. sewers and water) without causing damage to the underground portion of buildings.

It is proposed that Section 3.17 "Portions of Buildings Below Grade" be amended to: i) specifically implement a 0m setback to the interior and rear yard setbacks to clarify the interpretation of this Section; and ii) introduce a minimum 1.8m minimum exterior side yard setback for any portions of a building below grade, which would facilitate the location and repair of in-ground services.

Amendment: The proposed amendment to By-law 1-88 is to delete the text in Section 3.17 "Portions of Buildings Below Grade" and replace with the following text:

"The minimum setback from the front lot line and the exterior lot line to the nearest part of a building below finished grade shall be 1.8 metres, except where the minimum yard for a zone is less than 1.8 metres in which case the minimum setback shall be the same as such minimum yard(s). The minimum setback from the interior side lot line and the rear

lot line to the nearest part of a building below finished grade shall be 0m.”

15. Section 3.24 “Prohibited Uses”:

Section 3.24 “Prohibited Uses” of By-law 1-88 identifies specific uses that are not permitted within any Zone category within the City, including but not limited to asphalt manufacture or refining, blast furnace, oil storage tanks and mixing plant. A “Mixing Plant” is currently defined in By-law 1-88 as follows:

“MIXING PLANT - Means a building or a structure or part of a building or structure where concrete, mortar, plaster or paving materials are mixed or batched or are weighed and measured for mixing off site.”

This definition precludes the mixing of any cement in Vaughan, including small mixers at construction sites, or mixers used by some manufacturing businesses which are accessory to the main or principal use of the business.

The intent of this section and the definition of a “Mixing Plant” is to prohibit large scale full-time and outdoor cement mixing plants within Vaughan, which occupy an entire building and/or property and may prove to be a nuisance to nearby property owners. The intent was not to prevent small-scale businesses, which rely on the mixing of cement to create cement products, and which do not represent the primary function of their daily operations or physical space.

Amendment: The proposed change to the definition of a “Mixing Plant” is to include additional wording to the end of the existing definition that will allow the mixing of concrete, mortar, and plaster that is accessory to a permitted employment use provided it is conducted within a wholly enclosed building and with a limited output of concrete per batch. This amendment will allow those uses which require a small mixing operation that is accessory, but not the primary function of a business. The proposed amendment to By-law 1-88 is to add the following text to the end of the existing definition of a “Mixing Plant”:

“...and shall not include the mixing of concrete, mortar and plaster accessory to a permitted use provided all mixing shall occur within a wholly enclosed building and with a maximum batching capacity of 3 cubic metres at any one time.”

16. Section 3.26 “Mezzanines”:

Section 3.26 “Mezzanines” of By-law 1-88 provides building standards related to the construction of mezzanines within buildings. Specifically, By-law 1-88 permits the space devoted to open and closed mezzanines to be a maximum of 40% and 10%, respectively, of the gross floor area of the building. As such By-law 1-88 currently permits a combined (open and closed) mezzanine area of 50% of the gross floor area of the building. However, the requirements of this Section are out-of-date and conflict with the current requirements of the *Ontario Building Code*, which only allows a combined (open and closed) mezzanine to a maximum of 40% of the total Gross Floor Area of a Building.

Amendment: It has been determined through the review of By-law 1-88 that the requirements of the *Ontario Building Code* are more restrictive than that of By-law 1-88, and therefore, By-law 1-88 needs to be amended to reflect the current Code requirement. To improve the implementation and clarity of this Section of By-law 1-88, it is recommended that the existing wording be deleted and replaced with new wording, which references the *Ontario Building Code*. The proposed amendment to By-law 1-88 is to delete the first paragraph in Section 3.26 “Mezzanines” and replace it with the following wording:

“Mezzanines shall be permitted in single use and multi-unit industrial and commercial



buildings in accordance with the Ontario Building Code."

17. Section 4.1.1 "Accessory Buildings and Structures":

Section 4.1.1 "Accessory Buildings and Structures" of By-law 1-88 provides minimum standards for the location, size, and height of an accessory structure associated with a main dwelling in a Residential Zone. The maximum size of all accessory structures on a residential lot is not permitted to exceed 67m<sup>2</sup> or 10% of the lot area, whichever is lesser.

However, Section 4.1.1(b) "Accessory Buildings and Structures" of By-law 1-88, permits a reduced rear yard and interior side yard setback of 0.6m for a detached building used as a garden or storage shed provided that such uses do not exceed the maximum floor area (ranging from 6 to 10 m<sup>2</sup> based on lot frontage), are located in the rear yard only, and do not exceed 2.5m in height.

The building setbacks for any accessory structure (including garden/storage sheds), which has a floor area greater than that permitted by Section 4.1.1(b) are subject to the same zone setbacks applicable to the main dwelling under By-law 1-88 and the structure is not permitted to exceed a maximum building height of 4.5m to the peak of the roof.

Occasionally, the reduced 0.6m rear yard and interior side yard setbacks provided in Section 4.1.1(b) for garden and storage sheds are mistakenly interpreted to apply to all other accessory structures (e.g. pool cabanas), and not just the accessory structures that comply with the garden/storage shed standards found in Section 4.1.1(b), which permits a reduction in the required yards.

Amendment: The proposed amendment to By-law 1-88 is to delete the current provisions in Section 4.1.1 and replace it with the following text in italics, thereby adding updated text to improve the overall clarity of the interpretation of this section, as follows:

- a) The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed ten percent (10%) or 67 square metres, whichever is the lesser;
- b) The maximum height of any accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade;
- c) Any accessory building or structure shall be located in the rear yard *and subject to the required setbacks of the main dwelling unit on the lot, provided that a garage or carport may be erected in a side yard or front yard, in compliance with the provisions of Schedules "A", "A1" and "A3*;
- d) No accessory building or structure shall be used for human habitation;
- e) *Notwithstanding the provisions of Paragraphs (a), (b), and (c) above, the following provisions apply to a detached building used as a garden or storage shed only, and which is accessory to the residential use:*

<u>Lot Frontage</u>	<u>Maximum Floor Area of a Garden or Storage Shed</u>
Less than 9.0m	6 m2
9.0 - 17.99 m	8 m2

18 m and greater

10 m<sup>2</sup>

- f) *Where the maximum floor area of a garden or storage shed does not exceed the maximum provided in Paragraph (e) above, the following additional standards shall apply:*
- i) the garden or storage shed shall be located in the rear yard;
  - ii) the minimum rear and interior side yard shall be 0.6 metres;
  - iii) the minimum exterior side yard required shall be equal to that required for the main use on the same lot;
  - iv) the maximum height of the garden or storage shed shall not exceed 2.5 metres from finished grade to the highest point of the structure; and,
  - v) notwithstanding (ii) and (iii) above, eaves, gutters and other similar projections appurtenant to the garden or storage shed shall not encroach more than 0.3 metres into the required yard;
- g) *Where the maximum floor area of a garden or storage shed exceeds the maximum stated in Paragraph (e) above, the structure shall be deemed to be an accessory structure and subject to the provisions in Paragraphs (a), (b), and (c);*
- h) In computing lot coverage, a garden or storage shed shall not be included provided that it is:
- i) constructed in accordance with the maximum floor area requirements set out in Subsection 4.1.1 (e); and,
  - ii) erected in the rear yard; and,
  - iii) used only as a garden or storage shed;
- i) 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;
- j) Notwithstanding the provisions of Paragraph (b) above, the maximum height of any retaining wall constructed on a property line between two (2) residential lots shall be one (1) metre. Height shall be measured from the finished ground level to the highest point of the wall. A retaining wall which exceeds one (1) metre in height must be set back from the nearest property line a distance equal to its height. If the height of the wall on one side is different than the height on the other side, for the purposes of this paragraph the height of the wall shall be the greater of the two; and,
- k) Any architectural or design element, used in the hard landscaping of any yard, which is greater than 1.8 m in height shall be set back from the property line a distance equal to the height of said architectural or design element. Such elements shall not be considered to be structures for the

purposes of calculating any minimum yard requirements.”

18. Section 4.1.4(f) "Dimensions of Driveways":

Section 4.1.4(f) "Dimensions of Driveways" of By-law 1-88 provides minimum development standards for the construction of driveways in residential areas. This section of the By-law is often misinterpreted in two respects.

Firstly, the by-law does not clearly state that the maximum width of a curb cut in a residential Zone is be 6 m, which is the intent of the by-law. In order to remedy this situation, it is suggested that appropriate wording be added to this section to clearly identify that the maximum curb cut in a Residential Zone permitted under By-law 1-88 is 6 m.

Secondly, on lots with a frontage of 12 m or greater, By-law 1-88 currently permits a maximum driveway width of 9 m. This is often misinterpreted to permit a 9 m wide driveway for it's full length extending from the face of the garage to the street curb (including the curb cut and municipal boulevard), which is not the intent of By-law 1-88.

The intent of the By-law is to provide a maximum driveway width from the face of the garage to the front lot line (property line), not including the lands in the municipal boulevard which lies between the front lot line (property line) and the curb cut. As noted above, the curb cut should not exceed 6m in width.

Amendment: The proposed amendment to By-law 1-88 is to delete the existing provisions in Section 4.1.4 (f) in their entirety and substituting therefor the following text to provide further clarity respecting the maximum width of a driveway at the street curb, and at the property line in residential areas:

"Dimensions of Driveways:

- i) The maximum width of a driveway at the street curb and a curb cut shall be six (6) metres, provided circular driveways having two points of access shall have a maximum driveway width and curb cut width of nine (9) metres. For lots zoned RR Rural Residential Zone and A Agricultural Zone, circular driveways having two points of access shall have a maximum combined curb cut and driveway width of 15 metres measured at the street curb.
- ii) Where there is no street curb, the maximum width of the driveway shall be measured at a point 4.25 metres from the street line, onto the private side of the lot.
- iii) The portion of the driveway between the front lot line and the street curb shall not exceed six (6) metres in width;
- iv) Not more than one (1) driveway per lot shall be permitted, and a circular driveway shall not access more than one street;
- v) Driveways located between a lot line abutting a street and a garage or dwelling wall in either front or exterior side yards shall be constructed in accordance with the following requirements:

<u>Lot Frontage</u>	<u>Maximum Width Of Driveway</u>
6.0 - 6.99 m <sup>(1)</sup>	3.5 m

7.0 - 8.99 m <sup>(1)</sup>	3.75 m
9.0 - 11.99 m <sup>(1)</sup>	6.0 m
12.0 m and greater <sup>(2)</sup>	9.0 m

- (1) The Lot Frontage for Lots between 6.0 - 11.99 m shall be comprised of a Minimum of 33% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2.
- (2) The Lot Frontage for Lots 12.0 m and greater shall be comprised of a Minimum of 50% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2."

19. Section 4.1.4 "Parking and Access Requirements":

The Vaughan Engineering Department prepared a report entitled "Summer 2008 Rainstorm Update" for consideration at the November 25, 2008 Committee of the Whole Working Session. On December 8, 2008, Vaughan Council resolved the following:

"Zoning By-law 1-88 be amended to prohibit the construction of back-sloped residential driveways in the City due to the high potential for flooding and property damage during a major storm event."

The Vaughan Engineering Department has determined that the flooding of basements has become a growing concern in the City. In response, to address the concerns surrounding the flooding of basements, the Engineering Department proposed a number of solutions in the aforementioned report, including but not limited to the prohibition of the reverse slope driveways for all new low and medium density residential development (e.g. single and semi-detached houses, and townhouses).

During extreme storm events such as the one many areas in the GTA experienced on August 19, 2005, the storm water flow can exceed the capacity of older storm sewer systems resulting in the storm sewers overflowing. Depending on the intensity of the storm, water may overtop the curb, and then flow down the driveway, into the garage and basement. The catch basins that drain the driveway, which are often lower than the storm sewer can additionally result in minor surcharging of storm water into the basement. Due to the increased effect that reverse slope driveways can have on basement flooding, it is recommended that reverse slope driveways be prohibited in the City.

Amendment: The proposed amendment to By-law 1-88 is to add the following subclause to Section 4.1.4 "Parking and Access Requirements"

"g) Reverse Grade Driveways

That all driveways shall have a positive slope away from all parts of the building or structure to the street for all single family detached, semi-detached dwellings, townhouse dwellings and street townhouse dwellings."

This clause will implement Council's resolution of December 8, 2008.

20. Section 4.1.4(f) "Number of Driveways":

Section 4.1.4(f) "Number of Driveways" in By-law 1-88 provides regulations regarding the maximum size of driveways and curb cuts. The intent of this section is to ensure that the front yard maintains some soft landscaping elements such as grass, gardens, and planting to reduce the effect of urban heat, improve on-site drainage and to improve the overall aesthetics of a community.

This Section is not clear about the number of driveways permitted on a corner lot, where the intent of the By-law is to allow one driveway, either in the front yard or in the exterior yard, and not one in each yard. The provisions must also be clarified to restrict circular driveways with access on both the front yard and exterior side yard for a corner lot which can impact the flow of traffic at an intersection, and potentially increase opportunities for conflict between pedestrians using public sidewalks and motor vehicles using the driveways and roadways.

Amendment: The proposed amendment to Section 4.14(f) of By-law 1-88 is to add wording that will restrict the number of driveways to one (1) per lot and to require circular driveways to enter and exit onto the same public road, to prevent access onto two public roads, where the lot is a corner lot with access to both the front yard and exterior yard. The proposed change to By-law 1-88 has been incorporated into the proposed text for Amendment #18 noted in the "Dimensions of Driveways" section above as follows:

"Not more than one (1) driveway per lot shall be permitted, and a circular driveway shall not access more than one street."

21. Section 5.0 Pharmacy Use in "Commercial Zones":

Section 5.0 "Commercial Zones" of By-law 1-88 establishes the permitted uses within the various Commercial Zones throughout the City. A "Pharmacy" is a defined use in Section 2.0 (Definitions) of the By-law, however, it is not specifically listed as a permitted use in any commercial zone category within By-law 1-88, which often leads to confusion with respect to where a "Pharmacy" use is permitted.

The definition of a "Retail Store" includes a "Pharmacy" as a permitted use. A "Retail Store" is permitted within the C1, C2, C3, C4, C5, C8, C9, C10, and C11 Commercial Zones and within the definition of an "Office Building" in Section 2.0 "Definitions".

Amendment: The proposed amendment to Section 5.0 of By-law 1-88 is to add a "Pharmacy" as a permitted use to the following Sections:

- i) 5.2 "C1 Restricted Commercial Zone"
- ii) 5.4 "C3 Local Commercial Zone"
- iii) 5.5 "C4 Neighbourhood Commercial Zone"
- iv) 5.9 "C8 Office Commercial Zone"
- v) 5.10 "C9 Corporate Centre Zone"
- vi) 5.11 "C10 Corporate District Zone"
- vii) 5.12 "CMU1 Mixed Use 1 – Town Centre Zone"
- viii) 5.13 "CMU2 Mixed Use 2 – Town Centre Zone"

ix) 5.14 "C11 Mainstreet Commercial Zone"

The C2 General Commercial Zone permits all uses in a C1 Restricted Commercial Zone and the C5 Community Commercial Zone permits all uses in a C4 Neighbourhood Commercial Zone, therefore the Pharmacy use does not need to be added as a permitted use in the C2 and C5 Zones.

Amendment: Furthermore, there is currently no specific parking standards for a pharmacy in Section 3.8 as it is currently considered a retail store. It is recommended that a new parking standard be added to Section 3.8 for a pharmacy use, and that the parking standard be the same standard as a retail store, being 6.0 parking spaces per 100 sq. m. GFA.

These changes will clarify where a pharmacy is permitted where a retail store is already permitted.

Amendment: It is recommended that the definition of an "Office Building" in Section 2.0 "Definitions" also be amended to include a pharmacy as an additional permitted use, where an office building is greater than three (3) storeys in height and where ancillary uses are permitted on the ground floor.

Amendment: However, medical buildings can often be less than three (3) storeys in height and generally require a small pharmacy for use by the practitioners in the building. Therefore, it is also recommended that the following wording be added to the definition of an "Office Building" to permit a small scale (75m<sup>2</sup>) pharmacy on the ground floor of an office building used for medical purposes that is less than three (3) storeys in height:

"Notwithstanding the above, a pharmacy not exceeding 75m<sup>2</sup> shall be permitted in an office building not exceeding three (3) storeys in height."

22. Section 5.1.6. "Outdoor Patio" and Section 6.1.13 "Outdoor Patio Provisions":

By-law 1-88 currently permits outdoor patios accessory to an eating establishment, provided they comply with the minimum standards for the Commercial Zones (Section 5.1.6) and the Employment Zones (Section 6.1.13) each of which includes the following:

"No public sidewalk, road allowance or lane shall be used for the purpose of an outdoor patio."

This provision of By-law 1-88 prevents an outdoor patio on public lands. (i.e. owned by a municipal or regional government such as a road right-of-way or sidewalk). The policies within the Provincial Places to Grow Plan and emerging direction of the future City Official Plan with respect to urban design and sustainability encourages active streetscapes in both the public and private realm. Active streetscapes include the location of patios in strategic locations including public sidewalks that would provide opportunities for social interaction.

Appropriate development controls are currently in place respecting the construction of a patio located on public property within the municipal right-of-way. A patio accessory to a permitted use is currently subject to site plan approval, and a patio located within a Municipal or Regional Right-of-Way (eg. sidewalk) is subject to approval by the appropriate public authority and would require an encroachment agreement.

Amendment: The proposed changes to Sections 5.1.6. "Outdoor Patio" and 6.1.13 "Outdoor Patio Provisions" of By-law 1-88 is to amend the above noted provision that currently does not permit a patio on a public sidewalk, road allowance, or lane, thereby providing more flexibility for the construction of a patio accessory to a permitted use, without having to obtain a variance or amendment to the Zoning By-law.

23. Section 5.12 "C11 Mainstreet Commercial Zone":

Section 5.12 "C11 Mainstreet Commercial Zone" was implemented by By-law 167-2006 on May 23, 2006, and applicable to the Kleinburg area. However, the By-law was subsequently appealed to the Ontario Municipal Board and recently approved on October 5, 2009. In the interim, Vaughan Council approved a By-law Amendment for the Mixed Use Town Centre Zones for the development at the northwest corner of Bathurst Street and Centre Street in Thornhill, which was not appealed and as a result, Sections 5.12 "CMU1 Mixed Use 1-Town Centre" and 5.13 "CMU2 Mixed Use 2 – Town Centre" were added to By-law 1-88 thereby resulting in multiple references to Section "5.12".

Amendment: The proposed Amendment to By-law 1-88 is to delete the reference to "Section 5.12" C11 Mainstreet Commercial Zone" and replace it with "Section 5.14 Mainstreet Commercial Zone" thereby implementing a proper numbering system within the Commercial Section of the By-law. In addition, By-law 167-2006 made changes to existing Exceptions to By-law 1-88 which included reference to Section 5.12, which must be replaced with the correct reference to Section 5.14

This amendment constitutes an administrative amendment to the Zoning By-law.

24. Section 6.1.1 "Permitted Uses in all Employment Area Zones":

Section 6.1.1 of By-law 1-88 makes reference to a "*Commercial School*" as a permitted use within all "Employment Area Zones". A Commercial School is no longer defined in By-law 1-88, and must be removed from this Section, as it has been replaced with the term "*Technical School*" (a permitted use in this section) that is defined in By-law 1-88, as noted previously in this report.

Amendment: The proposed amendment is to delete reference to the term "Commercial School" from Section 6.1.1 "Permitted Uses in all Employment Area Zones".

This amendment constitutes an administrative amendment to the Zoning By-law.

25. Section 6.1.10 "Waste Transfer Stations and Material Recovery Facilities":

Amendment: Section 6.1.10 "Waste Transfer Stations and Material Recovery Facilities" should be removed from By-law 1-88 as it references Zoning By-law 255-93, which never came into full force and effect. The intent of this Section was to permit Waste Transfer Stations and Material Recovery Facilities as-of-right in certain Employment Zones. However, Council later confirmed that applications for these uses should be considered on a site-specific basis and not be included as permitted uses in the general text of By-law 1-88. Accordingly, this section is redundant and should be deleted from By-law 1-88 in its entirety.

26. Section 8.2 "Agricultural Zone – Uses Permitted":

Section 8.2 "Agricultural Zone – Uses Permitted" of By-law 1-88 permits *Institutional Uses* that are owned and operated by religious, educational and charitable institutions supported in whole or in part by public funds in an Agricultural Zone.

Problems have arisen with the interpretation of this Section related to all types of *Institutional Uses* being permitted in the Agricultural Zone. The intent of the By-law is to allow for low-intensity institutional uses, which do not require significant amounts of sanitary/sewer and water allocation.

Accordingly, it is proposed that this provision be updated to restrict a residential "*Dwelling Unit*" (i.e. units with individual cooking and washroom facilities) as currently defined in Section 2.0 of By-law 1-88 from locating in the Agricultural Zone as an *Institutional Use*, and instead, it is suggested that any suite without cooking facilities that utilizes a common dining facility within the building be permitted in the Agricultural Zone. This form of development is exempt from the Region of York's policy for requiring sewage and water allocation.

Furthermore, this list of permitted uses makes reference to OPA #400, which has since been replaced by OPA #600. It is recommended that the reference to "OPA #400" will be deleted and replaced with "the applicable Official Plan".

Amendment: The proposed amendment to By-law 1-88 is to delete the text under "Institutional Uses" in Section 8.2 "Agricultural Zone – Uses Permitted:" and to substitute therefor the following text implementing the proposed amendment (shown in Italics below):

"Institutional

Church  
Community Centre  
Day Nursery  
Public Library  
Public or Private Hospital  
School

Correctional Or Crisis Care Group Home as defined in Section 2.0, only permitted in Agricultural Zone located within the "Rural Area - General" boundary or "Employment Areas" defined in the applicable Official Plan, as amended.

An institution owned and operated by a religious, educational or charitable institution supported in whole or in part by public funds but not including an Institutional Care Facility or Residential Dwelling Unit as defined in Section 2.0."

27. Section 4.1.4(c) "Parking or Storing of Trailers, Boats and Mobile Homes":

On April 2, 2007, Council approved the following recommendation from Councillor Sandra Yeung Racco:

- "1. That the City of Vaughan Legal Department research the feasibility and merit of revising By-law 1-88, Section 4.1.4 (c), Parking or Storing of Trailers, Boats and Mobile Homes, to include that in the case of a corner lot, boats, trailers and mobile homes shall not be stored in the side yard of a lot when the side yard is adjacent to and visible from the roadway; and,
2. That the City of Vaughan Legal Department report back to a future Committee of the Whole report in May 2007."

The Development Planning Department in consultation with the Building Standards and Legal Services Departments reviewed the existing standard regarding the parking and storage of recreational vehicles in Residential Zones in light of the standards of surrounding municipalities.

The existing standard allows one recreational vehicle to be parked or stored in the rear yard or exterior side yard, provided the boat or mobile home meets the minimum setback requirements for an accessory building as established in Section 3.16 of By-law 1-88. The existing standard ensures that recreational vehicles are not parked or stored within a



municipal boulevard, and are sufficiently setback from a public roadway, similar to the requirements for an accessory structure located in the rear or exterior side yard.

The Development Planning Department in consultation with the Building Standards and Legal Services Departments recommend that the existing standard respecting the Parking or Storage of Trailers, Boats and Mobile Homes in By-law 1-88 be maintained, as the standard provides appropriate requirements for these types of vehicles in residential zones, that is consistent with standards used by surrounding municipalities. Furthermore, the By-law Enforcement Department has informed the Development Planning Department that only one (1) complaint (2007) has ever been received by the City with respect to this existing standard, thereby demonstrating that the existing standard appropriately addresses this issue in Vaughan.

### **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**

N/A

### **Conclusion**

The Vaughan Development Planning Department in consultation with the Vaughan Building Standards and Vaughan Legal Services Departments has reviewed By-law 1-88 with respect to implementing general amendments to By-law 1-88 to clarify and/or correct specific sections of the By-law to improve its' interpretation and clarity and to update certain provisions of the By-law. The review includes a brief description of each issue and the proposed amendment to address each issue. There are a total of 27 proposed amendments to By-law 1-88. Should Council concur with the proposed amendments, the Development Planning Department will prepare the implementing zoning by-law for Council's enactment at a future meeting.

### **Attachments**

N/A

### **Report prepared by:**

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Respectfully submitted,

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/LG