

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 26, 2009

Item 1, Report No. 29, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 26, 2009.

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

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 12, 2009, be approved;
- 2) That the following recommendation contained in the memorandum from the Commissioner of Planning, dated May 12, 2009, be approved:

“That this memorandum respecting outdoor patios BE RECEIVED; and considered together with the other amendments to Zoning By-law 1-88 for File Z.07.009 (General Amendments to By-law 1-88); and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.”; and
- 3) That the following written submissions be received:
 - a) Mr. John Zipay, Commissioner of Planning, City of Vaughan, dated May 6, 2009, addressed to Ms. Linda Hijazi; and
 - *b) ~~Ms. Linda Hijazi, 275 Weldrick Road West, Richmond Hill, L4C 5P2, dated April 28, 2009.~~

Recommendation

recommends:

1. THAT the Public Meeting report for File Z.07.009 (General Amendments to Zoning By-law 1-88) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was advertised: April 17, 2009 in the Vaughan Today, which satisfies the public notification requirements of the *Planning Act*. An additional notice was placed in the Vaughan Citizen on April 23, 2009.
- b) As of May 1, 2009, no comments have been received by the Development Planning Department.

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 and to update certain provisions in the By-law.

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* Amended at the Council meeting of January 26, 2010, under Minute No. 12.

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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.

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 purpose of this City-initiated Zoning By-law review is to bring the existing provisions of By-law 1-88 in line with the current development standards that have been identified by the City while reviewing development applications, and to improve the clarity and interpretation of the text within certain sections of the By-law.

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 proposed amendments to Zoning By-law 1-88 are applicable on a City-wide basis.

Proposed Zoning By-law 1-88 Amendments

This section provides an explanation of the specific issues and provides suggested recommendations for changes to the Zoning By-law to address each issue. The exact wording for the required changes to the Zoning By-law will be presented in a future report to the Committee of the Whole. The Development Planning Department in conjunction with the Building Standards Department have identified the following matters to be reviewed in greater detail:

1. R5 Residential Zone:

“Schedule A” of By-law 1-88 establishes development standards (i.e. lot size, building setbacks, etc.) for all lands zoned R5 Residential Zone in the City. It has been determined through the implementation of this zone that the interior side yard setback for the R5 Residential Zone is too restrictive, given the minimum lot size of the R5 Zone.

The R5 Zone permits single detached 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 provision on each side of a 7.5m frontage lot (total of 3m) results in a building envelope that is only 4.5m (14.7ft) in width.

The R2, R3, and R4 Zones have greater minimum 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 larger structure with 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, thereby further confirming that the appropriate side yard setback should be 1.2m, rather than 1.5m.

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Suggested Action:

The suggested amendment to reduce the minimum interior side yard setback from 1.5m to 1.2m for lots in an R5 Residential Zone would allow for a slightly larger building envelope on a lot with the smallest lot frontage requirement, and would be more consistent with the other residential zones identified in By-law 1-88.

2. Schedule “A3”:

Schedule “A3” to By-law 1-88 provides minimum building and lot standards for residential zones within the newer residential areas of Vaughan. When Schedule “A3” was implemented in 2002 (By-law 192-2002, as amended), it created a number of specific requirements which are implemented through footnotes to the Zone schedule table. Specifically, the reference to “Footnote #8” respecting minimum spacing between driveways in a Residential Detached Zone (RD1, RD2, RD3, RD4, and RD5) was inadvertently omitted in the table.

Suggested Action:

The suggested amendment to the By-law would place the appropriate footnote reference on Schedule “A3” next to the RD1, RD2, RD3, RD4, and RD5 Zone categories to ensure that proper cross referencing occurs within this Schedule.

3. Section 1.5 “Administration and Enforcement”:

The purpose of this Section is to require that all construction within Vaughan shall be subject to the acquisition of a Building Permit from the Chief Building Official. However, this Section makes reference to an outdated and redundant Building Standards By-law (241-93), which 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*.

Suggested Action:

The suggested amendment to the By-law will remove the reference to “By-law 241-93” and replace it with the words “General Building Standards By-law” respecting permits and related matters, as amended.

4. Section 2.0 “Definitions”:

The Definitions Section has a numbering system that has been implemented for the ease of locating and referencing definitions within By-law 1-88. However, as the By-law is amended over time, definitions are added and deleted.

The result is a numbering system that remains in order but has sub-bullet points or sub-alphabetical letters after the reference numbers, which can be confusing to the reader. For ease of implementation of future definitions, the numbering system should be removed to allow for the simple addition and deletion of various definitions in alphabetical order.

Suggested Action:

The suggested amendment to the By-law would remove the existing numbering system and reorganize the existing definitions into alphabetical order to allow future definitions to be easily incorporated or deleted from the Definition Section of By-law 1-88.

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5. Definition of “Service Shop, Personal”:

The existing definition of a “Personal Service Shop” does not reflect the broad range of personal service uses that currently exist within the City. Since the definition was last updated in 1999 (By-law 31-99), an expanded variety of uses have emerged within the City of Vaughan that would be considered within the scope and intent of the Personal Service Shop definition. Additionally, some uses have existed for a longer period of time and have been captured through site-specific amendments, but excluded from the existing definition. These uses, in addition to new uses that could be considered personal service uses should be identified to ensure there is no misinterpretation about which uses constitute a personal service shop.

Suggested Action:

The suggested change to the definition of a Personal Service Shop would add the following uses to the list of permitted uses: a tanning salon, a tailor, a seamstress or seamstress establishment, a beauty salon, a laundromat, dry cleaning depot, and a formal shop. For some of these uses, specific definitions may be required for further clarity. The addition of these uses would allow a broader spectrum of uses that are consistent with the existing uses permitted under the definition of a Personal Service Shop.

6. Definition of “Store, Video”:

The existing definition of a “Video Store” makes reference to a redundant Licensing By-law Number (#218-97), which relates to the exclusion of an Adult Video Store use within the Definition.

Suggested Action:

The suggested amendment will remove the reference to the actual By-law number, which has changed a number of times, and will be replaced with the words “Adult Video Store By-law”. This will remove the need to amend By-law 1-88 and reference a new by-law number each time an amendment is made to the “Adult Video Store By-law” by simply making reference to the name of the By-law. This proposed amendment is administrative in nature.

7. Definition of “School, Private”:

In 2002 (By-law 72-2002), the definition of a “Commercial School” was removed from By-law 1-88 and was replaced with the term “Technical School”. This previous amendment was a response to multiple references that were made throughout By-law 1-88 to both 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”, a use that is not defined in By-law 1-88.

Suggested Action:

This amendment to the By-law proposes to remove the wording “Commercial School” from the definition of a “Private School” and replace it with “Technical School”, to ensure that the proper definition that was approved in 2002 is implemented. This proposed amendment is administrative in nature.

8. 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 five (5) site-

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specific zone categories that were implemented through specific Zoning By-law Amendments that are shown on the related Zoning Key Maps, but are not referenced in this table of contents. The five (5) zone categories are as follows:

Zone Acronym	Zone	Implementing Exception
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)

Suggested Action:

The suggested amendment would add the above noted zone categories to the table of contents in Section 3.1, which will identify the site-specific zone categories that are found within the site-specific amendments, but, which are not specifically included in the parent Zoning By-law 1-88.

9. Section 3.5 “Height Exceptions” (Belfry and Clock Tower):

The “Height Exceptions” section of By-law 1-88 allows certain structures to be excluded from the various 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 provide a clock tower and belfry, which can add valuable architectural character to an overall development concept and design. However, there have been a few instances where the existing provisions for height exemption have been used to construct a belfry and clock tower in residential situations, which was not the intended purpose.

Suggested Action:

The suggested amendment to this section would change the wording to specifically restrict the height exemption for a belfry and a clock tower to institutional and commercial uses only, thus preventing the construction of a belfry and/or a clock tower without a height restriction in a residential development.

10. Section 3.8 “Parking Requirements” (Commercial School):

Section 3.8 provides parking requirements for all permitted uses contained within the Zoning By-law. The parking requirements that relate to a “Public Elementary School” and a “Secondary School” both make reference to a “Commercial School”, which was a use that was eliminated from By-law 1-88 in 2002 (By-law 72-2002) and replaced with the term “Technical School”.

Suggested Action:

The suggested amendment to By-law 1-88 would replace the word “Commercial School” with “Technical School” for both “Public Elementary School” and “Secondary School” uses, thus changing the By-law to bring it into conformity with the amendment enacted by Council under By-law 72-2002. This suggested amendment constitutes an administrative amendment to the Zoning By-law.

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11. Section 3.14(c) “Permitted Yard Encroachments and Restrictions (Porches and Balconies)”:

Section 3.14 (c) 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 generally been interpreted to mean “uncovered”, and the words “which are not on foundations” 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 the 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).

Suggested Action:

The suggested amendment to this section of the By-law would delete the word “open” with the words “uncovered and unexcavated” adding clarity to the original intent and purpose of this Section in light of the different standards that apply to the newer residential zone standards in the By-law.

12. Section 3.14(g) “Permitted Yard Encroachments and Restrictions (Satellite Dishes)”:

Section 3.14(g) provides minimum standards for the location of satellite dishes within the City, including minimum setbacks from property lines and maximum height. This section of the By-law was 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 neighbours.

A report was prepared in October 2001 by the Development 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 changes to By-law 1-88 required for the smaller satellite dishes which are currently available to the public. The following recommendation was approved by Council on November 12, 2001:

- “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.”

However, the above-noted recommendations were never implemented due to concerns that the proposed changes could have potential implications with the Radio Communications Act, a Federally regulated Act.

After further reviewing the standards within other surrounding municipalities, it has been noted that many do not place any restrictions on the smaller satellite dishes (less than 0.9m in diameter) with the only exception requiring that they be attached to the main dwelling, and that the height not exceed that of the main dwelling.

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Suggested Action:

The Development Planning Department suggests that a clause be included in By-law 1-88 requiring that smaller satellite dishes (less than 0.9m in diameter) be attached to the main dwelling and that the height be restricted to that of the main dwelling, while maintaining the existing By-law standards for satellite dishes larger than 0.9m in diameter. Furthermore, staff will review the appropriateness of restricting the number of satellite dishes to be attached to any wall of the main dwelling. This will allow for a clear interpretation of the By-law requirements for the smaller dishes, which are more common than the older larger dishes.

13. Section 3.17 “Portions of Buildings Below Grade”:

This section provides provisions for all buildings that have a portions of a building below grade (i.e. basements and parking garages). By-law 1-88 currently states that all portions of buildings below grade must have a minimum setback of 1.8m from the front property line. However, there is no specific setback requirement to the rear or side property lines, which has generally been interpreted in the past to be 0m. The 1.8m setback at the front property line was established to allow for room underground for any services (i.e. sewer and water) and to establish an appropriate amount of space to service and repair any underground services without damaging buildings underground.

Suggested Action:

The suggested amendment to this section of the By-law will maintain the existing front yard setback of 1.8m for portions of buildings below grade, but will add specific wording that will allow a 0m interior side yard and rear yard setback to clarify the interpretation that has been taken since 1988, and will also establish a 1.8m setback to any exterior lot line to ensure sufficient access to subsurface services and infrastructure (i.e. sewers, telephone, hydro and gas lines, etc). This will remove any uncertainty about the minimum setbacks for any portion of a building below grade to any property line.

14. Section 3.24 “Prohibited Uses”:

Section 3.24 of By-law 1-88 identifies a list of 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. Recently, there have been specific concerns raised about the prohibition of “Mixing Plants” within the City. A “Mixing Plant” is defined as follows:

“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 weighted and measured for mixing off site.”

The issue that has been identified is that this definition precludes the mixing of any cement in Vaughan, including small mixers at construction sites, or mixers used by some manufacturing businesses.

The intent of this section was to prevent 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 never 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.

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Suggested Action:

The suggested change to the definition of a “Mixing Plant” will include additional wording to 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.

15. Section 3.26 “Mezzanines”:

Section 3.26 of By-law 1-88 provides building standards related to the construction of mezzanines. 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, whereas our By-law currently allows a combined (open and closed) mezzanine of 50%.

Suggested Action:

The suggested amendment will add a subclause to Section 3.26, that will restrict the total combined mezzanine (open and closed) to a maximum of 40% of the total building gross floor area or less to ensure the By-law standards are in compliance with the current provisions of the *Ontario Building Code*.

16. Section 4.1.1 “Accessory Buildings and Structures”:

The “Accessory Buildings and Structures” section of By-law 1-88 provides building standards for the location, size, and height of accessory structures 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 67m² or 10% of the lot area, whichever is lesser.

However, Section 4.1.1(b) within the “Accessory Buildings and Structures” section 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 (based on lot frontage), are located in the rear yard only, and do not exceed 2.5m in height.

The building setbacks for all other accessory structures (including garden/storage sheds), which have a floor area greater than that permitted by Section 4.1.1(b) are subject to the full zone setbacks required by By-law 1-88 and the structure is not permitted to exceed a maximum height to the peak of the roof of 4.5m.

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, 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.

Suggested Action:

The suggested amendment to By-law 1-88 will not change the requirements in the By-law, but will establish a revised wording that will specifically identify the structures which are permitted to have reduced setback and modified height requirements.

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17. 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.

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.

Suggested Action:

The suggested amendment to the By-law will require that all driveways shall have a positive slope away from all parts of a building or structure to the street for all residential single, semi-detached and townhouse developments. This will implement Council’s resolution of December 8, 2008.

18. Section 4.1.4(f) “Dimensions of Driveways”:

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

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

Secondly, on lots with a lot 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 its full length extending from the face of the garage to the street curb (including the curb cut), which is not the intent of By-law 1-88.

The intent in 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.

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Suggested Action:

The By-law should be amended to clearly state that the maximum width of the driveway be measured between the front wall of the house and the front lot line (property line).

The proposed amendment will add a new section indicating that the portion of the driveway between the lot line and the street curb (municipal boulevard) shall not exceed 6m.

19. Section 4.1.4(f) “Number of Driveways”

Section 4.1.4(f) of 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.

The requirements within this section are 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 requirements 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.

Suggested Action:

The suggested amendment to By-law 1-88 would 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.

20. Section 5.0 Pharmacy Use in “Commercial Zones”:

This section of By-law 1-88 establishes the permitted uses within the various Commercial Zones. A “*Pharmacy*” is a defined use in the definition section of the By-law, however the use is not specifically listed as being a permitted use in any 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, and C10 Zones.

Suggested Action:

The suggested amendment to Section 5.0 of By-law 1-88 would include adding a “*Pharmacy*” as a permitted use in all the zones listed above that currently permits a pharmacy through the “*Retail Store*”, definition. Furthermore, the “*Pharmacy*” use would be removed from the existing definition of a “*Retail Store*” to avoid conflicts in interpretation of the by-law. This would clearly identify the Zones where a “*Pharmacy*” is permitted.

21. 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*” that is defined in By-law 1-88.

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Suggested Action:

The suggested amendment would replace the wording “*Commercial School*” with the wording “*Technical School*”.

22. Section 6.1.10 “Waste Transfer Stations and Material Recovery Facilities”:

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 types of uses should be considered on a site-specific basis and not be included in the general text of By-law 1-88. On this basis, this section is redundant and should be removed in its entirety.

23. Section 8.2 “Agricultural Zone – Uses Permitted”:

Section 8.2 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.

Suggested Action:

Accordingly, it is suggested that this provision be updated to restrict a residential “*Dwelling Unit*” (i.e. units with individual cooking and washroom facilities) as currently defined in 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 utilize a common dining facility within the building be permitted in the Agricultural Zone. This form of development is considered to be low-intensity, and are exempt from the Region of York’s policy for requiring sewage and water allocation.

24. 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 Departments reviewed the existing standard regarding the parking and storage of recreational vehicles in residential zones in light of the standards of surrounding municipalities.

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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.

Suggested Action:

The Development Planning Department in consultation with the Building Standards and Legal Departments suggests 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

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

N/A

Conclusion

The above issues, but not limited to, will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Meeting or in writing, and be addressed in a comprehensive report to a future Committee of the Whole meeting. In particular, consideration will be given to the general and administrative amendments that are being suggested by the City's Development Planning and Building Standards Departments to improve clarity and interpretation of By-law 1-88.

Attachments

N/A

Report prepared by:

Ryan Mino, Planner, ext. 8213
Mauro Peverini, Manager of Development Planning, ext. 8407

/LG

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 26, 2009

Item 2, Report No. 29, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on May 26, 2009.

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**OFFICIAL PLAN AMENDMENT FILE OP.09.002
ZONING BY-LAW AMENDMENT FILE Z.09.009
MADISON BATHURST HOLDINGS LIMITED
WARD 5**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 12, 2009, be approved; and
- 2) That the following deputations, petition, maps, coloured rendering and photographs, Artist's Concept, and written submissions be received:
 - a) Mr. Stephen Feldman, 271 Franklin Avenue, Thornhill, L4J 7L7;
 - b) Mr. Steve Colatosti, 9601 Bathurst Street, Richmond Hill, L4C 8Y5;
 - c) Ms. Olga Kanevsky, 42 Carmel Street, Vaughan, L6A 0W6;
 - d) Mr. Michael Oliverio, 159 Pemberton Road, Richmond Hill, L4C 3T6;
 - e) Ms. Vivian Lau, 37 Asner Avenue, Vaughan, L6A 0W6;
 - f) Mr. Wayne Diep, 52 Carmel Street, Vaughan L6A 0W6;
 - g) Mr. Matthew Ber, 34 Carmel Street, Maple, L6A 0W7, written submission dated May 8, 2008, and petition;
 - h) Mr. Brandon Smith, 16 Yarden Drive, Vaughan, L6A 0W2;
 - i) Mr. Stephen Panzer, 2 Asner Avenue, Vaughan, L6A 0W3, Madison Homes Artist's Concept, and written submissions from Mr. Rostislav Vishnever and Mr. Yevgeny Vishnever, both dated May 12, 2009;
 - j) Mr. Elad Bar, 19 Carmel Street, Vaughan, L6A 0N5;
 - k) Mr. Sam Biback, 103 Southvale Drive, Vaughan, L6A 0Y8;
 - l) Mr. David Pisarek, 12 Asner Avenue, Vaughan, L6A 0W3 and written submission dated May 11, 2009;
 - m) Ms. Maria Elent, 8 Haven Road, Vaughan, L6A 0X1;
 - n) Ms. Christine Tchilingirian, 195 Stephan Street, Richmond Hill, L4C 5N9;
 - o) Mr. Marcelo Ferreira, 58 Asner Avenue, Vaughan, L6A 0W6;
 - p) Mr. Wei Fang, 41 Haven Road, Vaughan, L6A 0W8;
 - q) Mr. Eduard Ratz, 58 Haven Road, Vaughan, L6A 0W8;
 - r) Mr. Frank Greco, 10504 Islington Avenue, Box 772, Kleinburg, L0G 1C0;
 - s) Mr. Aurete Lavie, 38 Carmel Street, Maple, L6A 0W6;
 - t) Mr. Damian Serjeant; 11 Carmel Street, Maple, L6A 015; and
 - u) Mr. James Kennedy, KLM Planning Partners Inc., 64 Jardin Drive, Unit 1B, Concord, M3J 2K8, maps, coloured rendering and photographs on behalf of the applicant.
- 3) *That the written submission from Ms. Linda Hijazi, 275 Weldrick Road West, Richmond Hill, L4C 5P2, dated April 28, 2009, be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Public Meeting report for Files OP.09.002 and Z.09.009 (Madison Bathurst Holdings Limited) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

This will be addressed when the technical report is completed.

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* Amended at the Council meeting of January 26, 2010, under Minute No. 12

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Communications Plan

- a) Date the Notice of a Public Meeting was circulated: April 17, 2009.
- b) Circulation Area: 150 m and additional polling as shown on Attachment #2.
- c) One (1) Comment has been Received as of May 1, 2009, from a Vaughan resident who has no objection to the proposal, but is concerned with future traffic volumes increasing along Bathurst Street.

Purpose

The Owner has submitted the following applications on the 0.888 ha subject lands shown on Attachments #1 and #2, to facilitate the following residential development shown on Attachments #3 to #5:

- a) a 6-storey, 138 suite assisted living seniors retirement residence with a children's day nursery use on the ground floor; and,
 - b) a 15-storey, 156 unit seniors condominium apartment building, with 7 ground level podium townhouse units fronting onto Bathurst Street.
1. An Official Plan Amendment Application (File OP.09.002) to amend the policies of OPA #600, as follows:

	Current OPA #600 Official Plan Designation and Policies ("Medium Density Residential- Commercial")	Proposed Amendments to OPA #600
a)	Lands are designated "Medium Density Residential – Commercial"	Redesignate the subject lands to "High Density Residential – Commercial"
b)	Maximum 4-storey apartment buildings	Current maximum is 12 storeys under the "High Density Residential-Commercial" designation. Proposal to permit 15 storeys for one of the apartment buildings.
c)	Maximum net site density 60 units/ha (53 units)	Current maximum density is 150 units/ha (133 units) under the "High Density Residential-Commercial" designation. Proposal to permit a maximum density of 339 units/ha (301 units). Applicant is proposing to utilize an equivalent density measure of 3.11 FSI (Floor Space Index) to facilitate a maximum building size of 27,650.37 m ² .
d)	Permits a Day Nursery (children) use in Medium "Density Residential – Commercial" designation	To permit a Day Nursery (children) use within the "High Density Residential - Commercial" designation

2. A Zoning By-law Amendment Application (File Z.09.009) to rezone the subject lands from A Agricultural Zone to RA3 Apartment Residential Zone with the following exceptions to the RA3 Zone standards of By-law 1-88:

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	By-law Standard	By-law 1-88 Requirements and Permissions for RA3 Zone	Proposed Exceptions to RA3 Zone
a.	Minimum Parking requirements	530 spaces	270 spaces
b.	Minimum landscaped strip widths	6.0m landscape strip abutting street lines and 2.4m abutting a Residential Zone	i) 1.5m abutting Bathurst Street; ii) 2.23m abutting Lebovic Campus Drive; iii) 3.4m abutting Gesher Crescent; iv) 0.5m abutting a Residential Zone
c.	Minimum Setback to front lot line for portions of the building below grade	1.8m	0m
d.	Permitted uses	i) Apartment Dwelling	i) Townhouse units ii) Assisted Living Seniors Retirement Residence
e.	Minimum amenity area	Bachelor unit - 15m ² 1 bedroom unit - 20m ² 2 bedroom unit - 55m ² Total Required: 8,170m ²	Total amenity area of 2,410m ² regardless of unit type
f.	Minimum lot area per unit	67m ² /unit	29.51m ² /unit
g.	Minimum Yards	Front (Bathurst St.) - 7.5m Rear (Gesher Cres.) - 7.5m Interior (North property line) -½ building height = 28.2m Exterior (Lebovic Campus) - 7.5m	1.5m 3.0m 5.0m 2.0m

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h.	Definition of a Lot	Lot – Means a parcel of land fronting onto a street separate from any abutting land to the extent that a consent would not be required for its conveyance.	Revise definition to have subject lands considered as one lot for zoning purposes regardless of future consents, easements, etc.
i.	Loading space	Not permitted between a building and a street	Permit a loading space between a building and a street.

Additional zoning exceptions may be required as identified through the review of the applications.

Background - Analysis and Options

Location - Northwest corner of Bathurst Street and Lebovic Campus Drive, shown as “Subject Lands” on Attachments #1 and #2.

Surrounding Land Uses - Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

a. Conformity with Provincial Policies, and Regional and City Official Plans

The applications will be reviewed in the context of the applicable Provincial policies, and Regional and City Official Plan policies.

b. Appropriateness of Proposed Uses and Amendments

The appropriateness of permitting the proposed residential retirement and children’s day nursery uses on the subject lands will be reviewed in consideration of the proposed density, amendments to the Official Plan and Zoning By-law, and compatibility with other uses on the site and in the surrounding area.

c. Urban Design and Architectural Guidelines

An Urban Design Brief has been submitted to demonstrate conformity of the proposed development with the applicable Block 11 Urban Design and Architectural Guidelines. The Sun/Shadow Study submitted in support of the applications will also be reviewed.

d. Site Development Application

A complete Site Development Application should be submitted to facilitate a comprehensive review of the proposal with respect to the provision of proper access, traffic impact and circulation, parking, appropriate urban design, building elevations and massing, building height and shadow impact, landscaping and buffering, stormwater management and engineering servicing and grading requirements that will be complementary to the surrounding area.

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e. Traffic Impact Study

The Transportation and Traffic Study/Parking Study submitted in support of the application must be reviewed and approved by the Region of York and the Vaughan Engineering Department.

f. Sustainable Development

Opportunities for sustainable design, including LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc., and CEPTD (Crime Prevention Through Environmental Design), will be reviewed and implemented through the site plan approval process, if approved.

g. Phase 1 Environmental Report

The Phase 1 ESA (Environmental Site Assessment) submitted in support of the application must be approved to the satisfaction of the Vaughan Engineering Department.

h. Region of York

The Owner will be required to satisfy all requirements of the Region of York.

i. Servicing

A Functional Servicing Report has been submitted. The availability of water and sanitary sewage servicing capacity must be identified and allocated by Council, if approved; use of the Holding Symbol "(H)" may be required if servicing capacity is unavailable.

j. Phasing

The project is proposed to be developed in phases; use of the Holding Symbol "(H)" may be required to implement phases of the development, if approved.

k. Other Studies

The applicant has also submitted a Wind Study and Noise Study, which must be approved to the satisfaction of the Vaughan Engineering Department, and an Archaeology Study, which must be approved to the satisfaction of the Vaughan Cultural Services Division.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of these applications, to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The applications have been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered. The Owner has not applied for an exemption from Regional Approval of the Official Plan Amendment. Should the City approve the application, final approval will be required from the Region of York.

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Conclusion

The preliminary issues identified in this report and any other issues and required studies identified through the processing of the applications will be considered in the technical review of the applications, together with comments from the public and Council expressed at the Public Meeting or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan
4. Conceptual East and South Elevations
5. Conceptual West and North Elevations

Report prepared by:

Laura Janotta, Planner, ext. 8634
Mauro Peverini, Manager of Development Planning, ext. 8407

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)