

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 8, 2014

13 ZONING BY-LAW AMENDMENT FILE Z.13.030
1321362 ONTARIO INC., 11336 HIGHWAY 27 G. P. INC., KLEINVIT ESTATES INC.,
AND 11220 HIGHWAY 27 HOLDINGS INC.
WARD 1 - VICINITY OF REGIONAL ROAD 27 AND KIRBY ROAD

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Interim Director of Planning/Director of Development Planning, dated March 25, 2014, be approved; and
- 2) That the deputation of Mr. Jeff Solly, Sorbara Group, Steeles Avenue, Vaughan, be received.

1. THAT Zoning By-law Amendment File Z.13.030 (1321362 Ontario Inc., 11336 Highway 27 G. P. Inc., Kleinvit Estates Inc., and 11220 Highway 27 Holdings Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the R1 Residential Zone subject to site-specific Exceptions 9(1377), 9(1378), 9(1379) and 9(1393) to permit an increase to the maximum permitted building height and the maximum lot coverage on the lots identified in Table 1 of this report and on Attachments #4 to #7 inclusive.

a) The development of the subject lands will involve using innovative Low Impact Development Design (LID) measures, which have been reviewed by the City, and the Toronto and Region Conservation Authority (TRCA) as follows:

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- i. Stormwater management strategies that include a rural inspired approach to stormwater management with bio-retention swales within the road allowance that provide for stormwater to collect and infiltrate into the groundwater system instead of the typical urban curb and gutter approach where stormwater is piped into a storm sewer system leading to a stormwater management pond.
- ii. Balanced ground water infiltration on a pre-development and post-development basis due to treating stormwater at the source rather than at the end (i.e., in the pipe) as the impact of large rain events on receiving streams and outfalls is reduced as the volume and speed of stormwater is mitigated through the outfall process.
- iii. Roof drains from the dwelling units will be connected to rain barrels to collect stormwater instead of the underground storm sewer, and the topsoil depths on the lot will be increased to provide for a greater pervious area to increase the amount of storage for stormwater infiltration and evapotranspiration.
- iv. A reduced road right-of-way with surface drainage swales and sub-surface infiltration trenches instead of a wider right-of-way with curbs and gutters.
- v. Driveways utilizing permeable interlocking pavers or porous asphalt.

Economic Impact

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

Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the Kleinburg and Area Ratepayers' Association (KARA). The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca. To date, one letter dated November 25, 2013, from KARA was received with the following comments:

- i. The Kleinburg and Area Ratepayers' Association will not object to the exception to increase the maximum building height, as a result of the grading modifications to allow front draining lots and the definition for how the building height is measured, in order to implement low impact design.
- ii. The Kleinburg and Area Ratepayers' Association does not support the increase to the maximum lot coverage of 35% due to concerns that the covered decks and porches may be enclosed in the future, and that the owner should reduce the footprint of the houses to incorporate the covered decks and porches within the maximum lot coverage of 35%.

Purpose

To seek approval from the Committee of the Whole of Zoning By-law Amendment File Z.13.030 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the R1 Residential Zone subject to site-specific Exceptions 9(1377), 9(1378), 9(1379) and 9(1393) to permit the zoning exceptions identified in Table 1 and on Attachments #4 to #7 inclusive to facilitate the development of detached dwelling units within Plan of Subdivision Files 19T-03V02 (Registered Plan 65M-4371), 19T-08V04 (Registered Plan 65M-4377), and 19T-08V05 (Registered Plan 65M-4370) and Draft Approved Plan of Subdivision File 19T-08V06, in consideration of the following site-specific zoning exceptions:

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Table 1:

	By-law Standard	Zoning By-law 1-88, R1 Residential Zone, subject to site-specific Exceptions 9(1377), 9(1378), 9(1379) and 9(1393) Requirements	Proposed Exceptions to the R1 Residential Zone, Exceptions 9(1377), 9(1378), 9(1379) and 9(1393)
a.	Maximum Lot Coverage (42 lots for detached dwelling units)	35%	35.89% to 41.53% (Subject lots are shown on Attachment #3 and the specific lots where an increase in the maximum lot coverage is proposed are identified on Attachments #5, #6 and #7)
b.	Maximum Building Height (99 lots and 7 blocks for detached dwelling units)	9.5 m	9.51 m to 11.3 m (Subject lots are shown on Attachment #3 and the specific lots where an increase to the maximum permitted building height is proposed are shown on Attachments #4, #5, #6 and #7)

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the west side of of Regional Road 27, and south of Kirby Road. The subject lands are located within four Plans of Subdivision shown on Attachment #3. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The portion of the subject lands located within Registered Plan 65M-4370 (Draft Plan of Subdivision File 19T-08V05), Registered Plan 65M-4377 (Draft Plan of Subdivision File 19T-08V04) and Registered Plan 65M-4371 (Draft Plan of Subdivision File 19T-03V02) are designated “Low-Rise Residential” by Vaughan Official Plan (VOP) 2010, Volume 2, Section 13.22, which was adopted by Vaughan Council on September 27, 2010 as modified on March 20, 2012, and approved by the Ontario Municipal Board on December 2, 2013. The “Low-Rise Residential” designation permits detached dwellings and does not prescribe a maximum building height or maximum lot coverage. The application conforms to VOP 2010.

The portion of the subject lands that are within Draft Plan of Subdivision File 19T-08V06 are designated “Residential Area - Humber North Extension” by in-effect OPA #601 (Kleinburg-Nashville Community Plan), as amended by site-specific OPA #738. The “Residential Area - Humber North Extension” designation permits detached dwelling units and does not prescribe a maximum building height or lot coverage. OPA #738 was approved on August 29, 2013, but it's consolidation could not be timed with the approval of VOP 2010, Volume 2. The application conforms to VOP 2010.

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On September 25, 2012, Zoning By-law 153-2012 (Exception 9(1377)), Zoning By-law 154-2012 (Exception 9(1378)), and Zoning By-law 155-2012 (Exception 9(1379)), and on June 25, 2013, Zoning By-law 105-2013 (Exception 9(1393)) were enacted by Vaughan Council to facilitate Draft Plan of Subdivision Files 19T-08V05, 19T-08V04, 19T-03V02 and 19T-08V06, respectively.

The subject lands are zoned R1 Residential Zone by Zoning By-law 1-88, subject to site-specific Exceptions 9(1377), 9(1378), 9(1379) and 9(1393). The R1 Residential Zone of Zoning By-law 1-88 permits a maximum lot coverage of 35% and a maximum building height of 9.5 m on each lot within the approved plans of subdivision. The proposed zoning exceptions, to permit an increased lot coverage and building height on the subject lands as identified in the "Purpose" section of this report, do not comply with Zoning By-law 1-88, and therefore, an amendment to the Zoning By-law is required.

The Planning Department has reviewed the proposed site-specific exceptions to Zoning By-law 1-88, as amended, and provides the following comments:

i. Maximum Building Height

The owner proposes to increase the maximum permitted building height from 9.5 m to a height, ranging between 9.51 m to 11.3 m, on specific lots as identified on Attachments #4 to #7 inclusive. The owner has requested modifications to the R1 Residential Zone standards in Zoning By-law 1-88, in order to address site grading conditions and Low Impact Development Design (LID) measures that have been implemented in each Plan to achieve sustainable site designs as described in the "Contribution to Sustainability" section of this report. This has resulted in rear to front draining lots where the grade is lower at the front of the lot, as shown on Attachment #9 and other grading requirements.

Zoning By-law 1-88 requires that the building height be calculated between the average elevation of the finished grade at the front of the dwelling (front being defined as the wall containing the main entrance to the dwelling) to the highest point of the roof surface, where there is a flat or mansard roof or the mean height between the eaves, and the highest point of the roof, where there is a gable, hip or gambrel roof. As a result, the building is higher than the maximum permitted building height in the R1 Residential Zone compared to the standard lot grading shown on Attachment #8.

A request to increase the maximum permitted building height from 9.5 m to 11 m was previously approved (Zoning By-law 168-2005, Exception 9(1162)) by Vaughan Council in the Humber North Extension Area, within the Kleinburg Community. In 2005, Humberplex Developments Inc. submitted Zoning By-law Amendment File Z.05.004 to increase the maximum permitted building height for Draft Plan of Subdivision File 19T-01V04, shown on Attachment #2. This plan of subdivision consists of 142 lots with 18 m lot frontages, 25 lots with frontages between 15 m to 17.8 m, and lot areas ranging between 540 m² to 800 m².

The site-specific exception for the Humberplex Developments Inc. subdivision facilitated the design of single detached dwelling units that feature high pitch roofs with 3.05 m internal floor to ceiling heights and to address the overall site grading which slopes downward from the easterly top-of-bank towards Regional Road 27. The proposed building heights (ranging between 9.51 m and 11.3 m) for the lots subject to this report are similar to the Humberplex Developments Inc. subdivision, with comparable lot sizes.

ii. Maximum Lot Coverage

The owner is also proposing to increase the maximum permitted lot coverage in Zoning By-law 1-88 to facilitate the design of the proposed detached dwelling units in the subdivision with large covered and unenclosed porches at the front and the rear of the dwelling in order to

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accommodate appropriate seating and outdoor amenity areas, in accordance with the North Humber Extension Area Architectural Design Guidelines, which were approved by Vaughan Council on December 11, 2012. The proposed maximum lot coverage ranges between 35.89% to 41.53% as specified by lot on Attachments #5 to #7 inclusive. Zoning By-law 1-88 permits a maximum lot coverage of 35%.

The proposed detached dwelling unit designs will maintain the minimum yards (7.5 m front and rear yards, 1.2 m interior side yards and 4.5 m exterior side yards) required by Zoning By-law 1-88, as shown on Attachment #10. The lot depths in the subdivisions range between 36 m to 44m. The subdivisions are also screened from view on Regional Road 27 by a berm and fence combination and abut valley lands to the north and west and a buffer block and road (Hedgerow Lane) to the south. Accordingly, the proposed building heights and lot coverages for the plan of subdivision will not impact on adjacent properties that are outside of this enclave.

In addition, the increased lot coverage allows generous sized porches to accommodate outdoor seating and provide a more useable outdoor amenity area and thereby maintain a positive link between the private residential space and the public space (street/neighbours) in accordance with the Architectural Design Guidelines, and all located within the permitted zoning envelope as shown on Attachment #10. All dwellings within each of the 4 subdivisions will be of similar size, with minor differences in lot coverage attributed to the covered and unenclosed porches as shown on Attachment #10. John G. Williams Limited, the Control Architect for the Humber North Extension Area, has reviewed the proposal and has no objections as the increased lot coverage does not contravene the Architectural Design Guidelines, promotes a positive private space and public space relationship, and will contribute to the design of the dwelling units.

There have also been Minor Variance Applications approved by the Vaughan Committee of Adjustment in the community surrounding the subject lands for requests to permit an increase to the maximum lot coverage on lots that are zoned R1 Residential Zone and have similar zoning standards as the subject lands, as follows:

- i. Minor Variance File A335/13 to increase the maximum lot coverage from 30% to 35.7% for a new detached dwelling unit at 169 Rushworth Crescent to accommodate a dwelling unit with 30% lot coverage and covered porches with 5.7% lot coverage at the front and rear of the building that was approved in October 2013.
- ii. Minor Variance File A348/13 to increase the maximum lot coverage from 35% to 36.93% for a new detached dwelling unit at 25 Rosebud Court to accommodate an uncovered and unenclosed terrace at the rear of the building that was approved in November 2013.
- iii. Minor Variance File A239/13 to increase the maximum lot coverage from 35% to 36.9% for a new detached dwelling unit at 1 Winterlude Court to accommodate a dwelling unit with a terrace at the rear of the building that was approved in August 2013.

In summary, the proposed site-specific zoning exceptions are required as a result of the detailed design work for each Plan of Subdivision, where it has become apparent that exceptions to the maximum building height and maximum lot coverage requirements of Zoning By-law 1-88 are necessary. These exceptions allow the dwelling units proposed in the Plans of Subdivision to contribute to Low Impact Development Design (LID) measures that have been implemented in each Plan to achieve sustainable site designs and to promote a positive relationship with private residential space and the public space (street/neighbours), in accordance with the Goals and Objectives of Green Directions Vaughan and the North Humber Extension Area Architectural Design Guidelines. These modifications are considered minor in nature and maintain the intent of the original development proposals, and implementing Official Plans and Zoning By-laws. For the reasons discussed above, the Planning Department can support the proposed zoning exceptions.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

- i. Lead and Promote Environmental Sustainability
The Owner will be incorporating the sustainable site and building features identified in the “Contribution to Sustainability” section of this report.
- ii. Plan and Manage Growth & Economic Vitality
The proposed development implements the City's Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Servicing for the proposed development has been identified in accordance with the annual servicing/allocation report approved by Vaughan Council.
- iii. Enhance and Ensure Community Safety/Health and Wellness

The overall subdivision development includes a linear (park) amenity space/walking trails/bicycle storage facilities to enhance the City's existing inventory of public amenity space, within the Plans of Subdivision.

Regional Implications

N/A

Conclusion

Zoning By-law Amendment File Z.13.030 has been reviewed in accordance with the policies of the Official Plan, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Planning Department is satisfied that the proposed zoning exceptions to permit an increased building height and lot coverage on specific lots as identified on Attachments #3 to #7 inclusive, is appropriate and will facilitate development on the subject lands that conforms to the Official Plan and is compatible with the existing and permitted uses in the surrounding area. Accordingly, the Planning Department can support the approval of the Zoning By-law Amendment application.

Attachments

1. Context Location Map
2. Location Map
3. Overall Plan - Lots/Blocks for Proposed Building Heights and Lot Coverage Exceptions
4. Registered Plan 65M-4370 / Draft Plan of Subdivision File 19T-08V05: Proposed Maximum Building Heights
5. Registered Plan 65M-4377 / Draft Plan of Subdivision File 19T-08V04: Proposed Maximum Building Heights and Maximum Lot Coverages
6. Registered Plan 65M-4371 / Draft Plan of Subdivision File 19T-03V02: Proposed Maximum Building Heights and Maximum Lot Coverages
7. Draft Plan of Subdivision File 19T-08V06: Proposed Maximum Building Heights and Maximum Lot Coverages
8. Cross Section - Standard Grading
9. Cross Section - Back to Front Grading Change
10. Building Coverage

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(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.)