

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 21, 2015

Item 33, Report No. 17, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 21, 2015.

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ZONING BY-LAW AMENDMENT FILE Z.13.021

PHILIP DIFONZO

WARD 1 - VICINITY OF HUNTINGTON ROAD AND KING-VAUGHAN ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated April 14, 2015:

Recommendation

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.021 (Philip DiFonzo) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the portion of the subject lands identified as the "Proposed Lot" on Attachment #3 from RR Rural Residential Zone to RR(H) Rural Residential Zone with the addition of the Holding Symbol "(H)", together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the implementing Zoning By-law require that prior to the removal of the Holding Symbol "(H)" on the lands identified as "Proposed Lot", the following conditions shall be addressed:
 - i) the Owner shall successfully obtain approval of a Site Development Application from Vaughan Council for development on the proposed lot and the Owner shall submit a noise report, functional servicing report for the septic system, and a restoration/tree planting plan, which includes the replacement of one tree for each protected tree that is removed to facilitate development, and any other required studies through the site plan application; and,
 - ii) the Owner shall successfully obtain approval of a Consent Application to facilitate the severance of the subject lands into 2 parcels from the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of the Committee.

Contribution to Sustainability

The application implements the following Goal and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

Economic Impact

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

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Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Kleinburg and Area Ratepayers' Association. To date, correspondence has been received with the following comments:

- i) T. and C. Oppedisano, Ranch Trail Road, correspondence dated November 22, 2013, supporting the proposal.
- ii) D. and L. Beltrame, Ranch Trail Road, correspondence dated November 22, 2013, supporting the proposal.
- iii) T. Colagiaco and L. Colagiaco, Ranch Trail Road and R. Colagiaco, correspondence dated November 25, 2013, supporting the proposal.
- iv) T. and J. Gileppo, Ranch Trail Road, correspondence dated November 26, 2013, supporting the proposal.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.021 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the RR Rural Residential Zone standards subject to site-specific Exception 9(237), together with the site-specific zoning exceptions identified in Table 1, to facilitate the severance of the existing lot into 2 parcels in the manner shown on Attachment #3.

Background - Analysis and Options

Location

The subject lands are located at the southwest intersection of Huntington Road and Ranch Trail Road, municipally known as 15 Ranch Trail Road, shown as "Subject Lands" on Attachments #1 and #2. The subject lands have an area of 1.2 ha (12,000 m²), with a frontage of 81 m on Ranch Trail Road and a depth of 153 m, and are developed with one detached dwelling that is located in the north half of the property.

Official Plan - Land Use Designation / Uses

a) Official Plan Amendment #600

In June 2013, at the time the subject zoning application was submitted, the subject lands were designated, "Estate Residential" within the Rural Use General Area by in-effect OPA #600, which required a minimum lot size of 6,000 m² in an estate residential plan of subdivision and an average minimum lot size of 8,000 m². The Owner proposes to create two lots, as shown on Attachment #3, each with a proposed lot area of 6,000 m². If, the application is approved, the average lot area within the estate residential subdivision as shown on Attachment #4 (Registered Plan M-89) would be 11,000 m² (1.1 ha), which conforms with the Official Plan.

The Official Plan requires lands designated "Estate Residential" to have a lot area of sufficient size to accommodate a private well for water supply and a private septic system (tile bed) for sewage disposal. The proposed retained and severed lots will each have a lot area of 6,000 m² to meet the servicing requirement of the Official Plan.

b) City of Vaughan Official Plan 2010 - Designation / Consent Policies

The subject lands are designated "Rural" and are located within the Natural Areas and Countryside (Schedule 1, Urban Structure) by Vaughan Official Plan 2010 (VOP 2010), which permits the following uses:

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- i) existing residential dwellings within the area shown on Schedule 1 as Natural Areas and Countryside;
- ii) only those uses legally existing prior to the adoption of VOP 2010;
- iii) only those building types legally existing prior to the adoption of this Plan.

VOP 2010 establishes consent (severance) policies for the Rural area, and includes, but is not limited to the following, for non-farm residences unrelated to a farm operation:

- i) the consent shall be subject to an amendment to the zoning by-law;
- ii) the City shall be satisfied that the approval of the severances shall not establish an undesirable precedent for additional severances in the immediate area and the adequacy of the surrounding road network will not be incrementally compromised; and,
- iii) lots to be created shall be limited to a size commensurate with their intended uses, including private services for water supply and sewage, and appropriate in the context of the area in which they are located.

In regard to the above, the Owner has submitted the subject Zoning By-law Amendment Application. The Vaughan Planning Department is satisfied that the proposed zoning amendment will not establish an undesirable precedent for additional severances as there is a limited opportunity in the estate plan of subdivision (Attachment #4) for additional severances to occur given the lot configurations and existing large dwellings on the lots in the subdivision. In addition, municipal servicing is unavailable in the area and the lots are of sufficient size to accommodate private services for water supply and sewage, and conditions of approval are included to ensure the proposed lot can be adequately serviced.

c) Greenbelt Plan

The subject lands are located within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan. The policies of the Greenbelt Plan, in accordance with VOP 2010, apply to the proposed lot only. The retained lot represents an existing lot developed with a detached dwelling. VOP 2010 requires that lands located within 120 m of a key natural heritage feature or key hydrologic feature, that natural heritage and hydrological evaluations be undertaken to identify a vegetation protection zone, which:

- i) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function; and,
- ii) is established to achieve, and be maintained as natural self-sustaining vegetation.

VOP 2010 states that a Core Feature consists of natural heritage components such as woodlands, valley and stream corridors, and a minimum Vegetation Protection Zone. A Vegetation Protection Zone is proposed adjacent to the Humber River Watershed to the west and to the Significant Woodland to the south, as shown on Attachment #3. The 12.94 m wide Vegetation Protection Zone satisfies the requirements of the Toronto and Region Conservation Authority (TRCA) and the City, as discussed in the Vaughan Policy Planning Department and Toronto and Region Conservation Authority sections of this report.

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d) VOP Summary

The proposal conforms to the VOP 2010 policies respecting the use, which permits a detached dwelling unit in the Rural designation, and the Consent (Severance) and Greenbelt Plan policies.

GTA West Corridor

The subject lands are located within the Greater Toronto Area (GTA) West Corridor Study Area, however, are not located within the area identified in the November 2014 Route Alternatives Plan currently under review by the Province of Ontario or the area of interest identified by the Ministry of Transportation.

Zoning

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, subject to Exception 9(237), as shown on Attachment #2, which permits only the lots as identified on Schedule E-240 of Exception 9(237), as shown on Attachment #4, for detached dwelling units. To facilitate the proposed severance of the subject lands as shown on Attachment #3, an amendment to Zoning By-law 1-88 is required together with the approval of the following site-specific zoning exceptions:

Table 1: Proposed Zoning Exceptions

	By-law Standard	Zoning By-law 1-88, RR Rural Residential Zone, subject to site-specific Exception 9(237) Requirements	Proposed Exceptions to the RR Rural Residential Zone, Exception 9(237)
a.	Permitted Uses	Existing Lot - Detached Dwelling	Require the following: Proposed Lot - No buildings and/or structures, including pool and septic system infrastructure, shall be permitted at grade or below grade within any portion of the lands identified as Natural Self-Sustaining Vegetation Area (Within and Outside of the Vegetation Protection Zone) as shown on Attachment #3.
b.	Maximum Number of Dwelling Units on a Lot (Lot 12A)	Existing Lot is identified as Lot 12 A on Schedule E-240 to Exception 9(237), which permits only 1 dwelling on this lot	Permit 2 detached dwellings on Lot 12 A, specifically 1 detached dwelling on the Retained Lot and 1 detached dwelling on the Proposed Lot, as shown on Attachment #3.

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c.	Minimum Lot Frontage	Existing Lot - 81 m (Ranch Trail Road)	Retained Lot - 81 m (Deem Ranch Trail Road to be the front lot line for the purposes of establishing the lot frontage) Proposed Lot - 74.27 m (Huntington Road)
d.	Minimum Lot Area	Existing Lot - 12,000 m ²	Retained Lot - 6,000 m ² Proposed Lot - 6,000 m ² , which includes the area of the Natural Self-Sustaining Vegetation Area (Within and Outside the Vegetation Protection Zone) in the calculation of the minimum lot area.
e.	Minimum Total Natural Self-Sustaining Vegetation Area (Within and Outside the Vegetation Protection Zone)	By-law 1-88 does not include a minimum total Natural Self-Sustaining Vegetation Area	Proposed Lot: 1,847 m ² (30.8%) comprised of 500 m ² Natural Self-Sustaining Vegetation Area (Within the Vegetation Protection Zone) and 1,347 m ² Natural Self-Sustaining Vegetation Area (Outside of the Vegetation Protection Zone), as shown on Attachment #3
f.	Maximum Lot Coverage	Existing Lot - 10%	Proposed Lot - For the purposes of this By-law, the total developable area shall be 5,500 m ² , which excludes the 500 m ² area of the Natural Self-Sustaining Vegetation Area (Within the Vegetation Protection Zone), and shall be used in order to calculate the lot coverage, and shall permit the following: i) a maximum lot coverage of 10% for all buildings and structures, including accessory buildings or structures and a pool; and,

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			ii) a maximum lot coverage of 25% of the total developable area which includes the maximum lot coverage of 10% for the area of any building and structure, including accessory buildings or structures and a pool, and the area for the septic system infrastructure, including reserve bed and well; and, up to a maximum of 10% impervious area within the developable area.
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Proposed Zoning Exceptions

a) Permitted Uses

In accordance with the Greenbelt Plan policies in VOP 2010, no development or site alteration is permitted within the Natural Heritage Network, which includes the Natural Self-Sustaining Vegetation Area (Within and Outside the Vegetation Protection Zone). Accordingly, should the zoning application be approved, the implementing zoning by-law shall prohibit development on the portion of the proposed lot identified as Natural Self-Sustaining Vegetation Area, as shown on Attachment #3.

b) Maximum Number of Dwelling Units / Minimum Lot Area / Minimum Lot Frontage

Site-specific Exception 9(237) permits only one detached dwelling unit on the subject lands (Lot 12A on Attachment #4) and establishes the minimum lot frontage and area requirements. To facilitate the proposed severance of the subject lands, site-specific exceptions are necessary to the zoning provisions respecting the maximum number of dwelling units, minimum lot area and minimum lot frontage. The proposed lot areas would maintain the original intent of OPA #600 and the application would result in development that conforms to VOP 2010, subject to the recommendations in this report, and therefore, these zoning exceptions can be supported.

c) Minimum Total Developable Area / Minimum Total Natural Self-Sustaining Vegetation Area / Maximum Lot Coverage

The Greenbelt Plan and VOP 2010 policies exclude key natural heritage features from the developable area of the lands. As the Vegetation Protection Zone, which includes the 30 m buffer to the top-of-the bank, is a key natural heritage feature, the 500 m² Natural Self-Sustaining Vegetation Area (Within the Vegetation Protection Zone) that lies within the proposed lot, is excluded from the calculation of the developable area of the subject lands. Therefore, a minimum total developable area standard is included in Table 1 to establish the land area available for development. In addition, a zoning exception is required to provide for the 1,847 m² (30.8%) minimum total Natural Self-Sustaining Vegetation Area comprised of a 500 m² Vegetation Protection Zone and a 1,347 m² Natural Self-Sustaining Vegetation Area on the proposed lot to protect and/or provide the opportunity for natural plantings to occur. Further to the Greenbelt Plan

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policies in VOP 2010, there are specific lot coverage requirements such as the maximum lot coverage of 25% of the total developable area for any building and structure, including accessory buildings or structures and a pool, and the area for the septic system infrastructure, including reserve bed and well, as well as limiting the impervious area to not exceed 10% of the total developable area, to optimize the compatibility of the proposed development with the natural surroundings.

d) Holding Symbol “(H)”

Should the application be approved, the implementing Zoning By-law will rezone the proposed lot to RR(H) Rural Residential Zone with the addition of the Holding Symbol “(H)”, as shown on Attachment #3, and include the following conditions to remove the Holding Symbol “(H)” from the property to ensure that the Greenbelt Plan requirements are addressed and implemented, and a Consent Application to sever the lands is approved, prior to any development being undertaken:

- i) The Owner must successfully obtain the approval of a Site Development Application for development of a dwelling on the proposed lot, and the following, but not limited to, including a noise report, functional servicing report for the septic system, and a restoration/tree planting plan, which includes the replacement of one tree for each protected tree that is removed shall be submitted in support of the application; and,
- ii) The Owner shall successfully obtain approval of a Consent Application to facilitate the severance of the subject lands from the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of the Committee.

The Vaughan Planning Department is satisfied that the proposed rezoning of the subject lands in the manner shown on Attachment #3, together with the requested site-specific exceptions discussed earlier are appropriate to facilitate the severance and development of the subject lands.

Vaughan Policy Planning Department

The Vaughan Policy Planning Department has reviewed the application and provides the following comments:

a) Minimum Natural Self-Sustaining Vegetation Area (Within the Vegetation Protection Zone)

Sub-section 3.2.3.4 of VOP 2010 establishes a 30 m wide minimum Vegetation Protection Zone buffer to significant valleylands in the Greenbelt Plan Area. The top-of-the bank and 30 m wide minimum Natural Self-Sustaining Vegetation Area (Within the Vegetation Protection Zone) has been delineated as this area is considered part of the key natural heritage feature and is not included in the calculation of the area of the proposed lot.

b) 30% Natural Self-Sustaining Vegetation Area

The Greenbelt policies in VOP 2010 require that 30% of the total developable area of the site is to remain or be returned to natural self-sustaining vegetation, and be delineated and a restoration plan provided. The 30.8% Natural Self-Sustaining Vegetation that is being protected in this application includes the lands Within and Outside the Natural Self-Sustaining Vegetation Protection Zone. The Vaughan Policy Planning Department is satisfied with the submission as shown on Attachment #3, respecting the proposed 30.8% Natural Self-Sustaining Vegetation.

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Vaughan Development Engineering and Infrastructure Planning Services Department

The Vaughan Development Engineering and Infrastructure Planning Services Department has reviewed the application and provides the following comments:

a) Environmental Site Assessment

The Site Screening Questionnaire and signed Certificate dated April 8, 2013, for the subject lands have been reviewed, and Staff is satisfied that no further environmental site assessment reports are required at this time. As such, there are no objections for allowing this development application to proceed to the Committee of the Whole.

b) Road Network

The Owner shall provide a plan showing the proposed access locations.

c) Servicing and Stormwater Management

The Owner shall provide a septic system for the proposed lot. The sanitary sewage system shall be designed in accordance with the Ontario Building Code and/or the Ministry of the Environment, and should be reviewed by the Building Standards Department and other approval Agencies as required.

d) Noise

The Owner shall provide a noise report in support of the development of the proposed lot.

e) Summary

The Owner of the subject lands intends to sell the proposed lot. As such, the implementing Zoning By-law will zone the proposed lot with the Holding Symbol "(H)", as shown on Attachment #3, and require Site Development Approval where the Vaughan Development Engineering and Infrastructure Planning Services Department requirements must be addressed.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has reviewed the application and advises that the proposed lot appears to be located within the 30 m minimum Vegetation Protection Zone of a Significant Valleyland to the south and is within the TRCA's Regulated Area of the Humber River Watershed as a valley corridor is located to the west of the subject lands. The TRCA advises that the proposal conforms to the Valley and Stream Corridor Management Program (VSCMP) as the proposed lot appears to be 13 m from the top-of-the bank of the Significant Valleyland. The proposed severance would ensure that the valley corridor remains wholly on one of the properties, being the proposed lot, and therefore, conforms to VSCMP.

The TRCA has further advised that a Permit, in accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation), is required for any development (e.g., construction) on the proposed retained and/or severed lands, as a portion of the subject lands is located within the Regulated Area of the Humber River Watershed. The TRCA has reviewed the proposal and has no objections, provided the minimum Vegetation Protection Zone and Natural Self-Sustaining Vegetation Area are provided, as shown on Attachment #3.

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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 this report.

ii) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

York Region has reviewed the application and advised that they have no comments or objections to the approval of the proposal.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.13.021 to facilitate the severance of the subject lands in the manner shown on Attachment #3. The application has been reviewed by the City and the TRCA, and subject to the recommendations in this report, the proposal conforms with the Greenbelt Plan and Vaughan Official Plan 2010. The Vaughan Planning Department has recommended that the proposed lot be zoned with the Holding Symbol "(H)", as shown on Attachment #3, to require Site Development Approval to ensure that the Greenbelt Plan and VOP 2010 policies are implemented prior to development occurring on the lot and that the Owner successfully obtain approval for a Consent Application to sever the lands from the Vaughan Committee of Adjustment. The Holding Symbol "(H)" will be removed from the proposed lot once these conditions are satisfied. The Vaughan Planning Department can support the approval of the Zoning By-law Amendment Application, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning
4. Schedule "E-240" to By-law 1-88, Exception 9(237)

Report prepared by:

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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.)