

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2013

Item 5, Report No. 47, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 19, 2013.

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**ZONING BY-LAW AMENDMENT FILE Z.13.018
BERKLEY HOMES (KLEINBURG) INC.
WARD 1 - VICINITY OF REGIONAL ROAD 27 AND NASHVILLE ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 5, 2013:

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.018 (Berkley Homes (Kleinburg) Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - a) rezone Blocks 57 and 58 in approved Plan of Subdivision File 19T-84076 as shown on Attachment #3, from R1 Residential Zone to RR Rural Residential Zone, subject to Exception 9(455), to facilitate the future conveyance of these Blocks to the adjacent properties municipally known as 190 Nashville Road and 10 Howland Mill Road, respectively;
 - b) amend the R1 Residential Zone, subject to Exception 9(1368), to facilitate the construction of detached dwellings with an increase to the maximum permitted building height and the maximum lot coverage on a lot-specific basis, as shown in Table #1 of this report;

Contribution to Sustainability

The application implements the following Goals 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.

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- a) all windows are EnergyStar rated (low E glass, argon gas);
- b) upgraded high-efficiency heating and cooling systems;
- c) all future dwellings will be equipped with a Heat Recovery Ventilator (HRV);
- d) 75% of the interior lights will be fitted with CFL or LED lighting; and,
- e) EnergyStar rated appliance packages will be provided in each dwelling.

Economic Impact

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

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Communications Plan

On May 24, 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, the following correspondence was received:

- i) David and Darlene Share, Nashville Road, correspondence dated June 6, 2013, respecting concerns with the grade differential between the subject lands and the Share's property, the retaining walls, the drainage of the subject lands, and the proposed increased dwelling heights.

During the Public Hearing on June 18, 2013, the Agent (EMC Group Limited) and David and Darlene Share discussed the concerns and verbally advised Committee of the Whole that their issues were resolved. The Development Planning Department has not received any further correspondence from David and Darlene Share.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.13.018 for the subject lands shown on Attachments #1 and #2, specifically to amend Zoning By-law 1-88, as follows:

- i) rezone Blocks 57 and 58 in approved Plan of Subdivision File 19T-84076 as shown on Attachment #3, from R1 Residential Zone to RR Rural Residential Zone, subject to Exception 9(455), to facilitate the future conveyance of these Blocks to the adjacent properties municipally known as 190 Nashville Road and 10 Howland Mill Road respectively, in order to implement a consistent RR Rural Residential Zone over the entirety of each of these properties; and,
- ii) amend the R1 Residential Zone, subject to Exception 9(1368), by adding the following site-specific exceptions for the approved Plan of Subdivision File 19T-84076, as shown on Attachment #3:

	By-law Standard	By-law 1-88 Requirements of R1 Residential Zone, subject to Site-Specific Exception 9(1368)	Proposed Exceptions to R1 Residential Zone, subject to Site-Specific Exception 9(1368)
a.	Maximum Building Height for a Gable, Hip or Gambrel Roof	9.5 m (measured to the mid-point of the roof)	10.4 m (as shown on Attachment #4 - The Jasper (Period Revival) Elevation)
b.	Maximum Building Height and Definition of Building Height for a Mansard Roof	9.5 m (measured to the highest point of the roof surface)	10.4 m (measured to the "deck line" and not to include a tower structure, as shown on Attachment #4, in the building height calculation) "Deck Line" shall be defined as follows: "means the horizontal line at which the roof pitch transitions". (as shown on Attachment #4 - The Jasper (Second Empire) Elevation)

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c.	Maximum Lot Coverage	35%	38%
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Background - Analysis and Options

The subject lands are located on the west side of Regional Road 27, north of Nashville Road, in Lots 24 and 25, Concession 8, City of Vaughan.

Ontario Municipal Board Decision

On March 7, 2012, the Ontario Municipal Board (OMB) approved site-specific Official Plan Amendment #614, Draft Plan of Subdivision File 19T-84076, and Zoning By-law Amendment File Z.147.85 for the subject lands shown on Attachments #1 and #2. The OMB approval facilitates a 44 lot residential subdivision for detached dwellings, with site-specific zoning exceptions implemented by in-effect By-law 36-2012 (Exception 9(1368)).

Committee of Adjustment

On March 21, 2013, the Vaughan Committee of Adjustment approved Minor Variance applications A062/13 and A063/13, for Lots #44 and #43 respectively, as shown on Attachment #3, to permit an increase in the maximum building height as follows:

- i) A062/13 and A063/13 – approved to permit a maximum building height of 11 m and 10.10 m for Lots 43 and 44 respectively, on Plan of Subdivision File 19T-84076, whereas Zoning By-law 1-88 permits a maximum building height of 9.5 m.

Official Plan and Zoning

The subject lands are designated “Serviced Residential” by in-effect OPA #601 (Kleinburg - Nashville Community Plan), as amended by site-specific OPA #614, which permits detached dwellings on the subject lands. OPA #601, as amended by OPA #614, does not prescribe a maximum building height or lot coverage for individual detached dwellings. The application conforms to the in-effect Official Plan.

The subject lands are designated “Low-Rise Residential” by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and approved, in-part, by the Ontario Municipal Board on July 23, 2013.

The “Low-Rise Residential” designation in VOP 2010 permits detached dwellings with a maximum 3-storey building height and does not prescribe a maximum density for this designation. The application conforms to VOP 2010.

The subject lands are zoned R1 Residential Zone by Zoning By-law 1-88, subject to Exception 9(1368). The R1 Residential Zone permits a maximum lot coverage of 35% for each individual lot, and a maximum building height of 9.5 m.

Proposed Rezoning of Blocks 57 and 58 on Approved Plan of Subdivision File 19T-84076

The Owner is proposing to convey Blocks 57 and 58 in approved Plan of Subdivision File 19T-84076 (shown on Attachment #3) to the adjacent landowners to the west (municipally known as 190 Nashville Road and 10 Howland Mill Road, respectively) to provide an additional buffer area

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between these properties and the subject development. These Blocks have been identified on the draft M-Plan and a condition is included in the draft Subdivision Agreement for Plan of Subdivision File 19T-84076 (Berkley Homes (Kleinburg) Inc.) to require the conveyance of Blocks 57 and 58. These Blocks are zoned R1 Residential Zone, subject to Exception 9(1368), while the adjacent lands are zoned RR Rural Residential Zone, subject to Exception 9(455). In order to implement a consistent zone category on the entirety of each lot when merged with Blocks 57 and 58, the Owner is proposing to rezone these Blocks to RR Rural Residential Zone, subject to Exception 9(455), prior to their conveyance.

The Development Planning Department supports the proposal to rezone Blocks 57 and 58, prior to their conveyance, as this would ensure that a consistent zone category is applied on the entirety of 190 Nashville Road and 10 Howland Mill Road.

Proposed Building Height and Lot Coverage

Zoning By-law 1-88, as amended, permits a maximum building height of 9.5 m and lot coverage of 35% for each individual lot in the R1 Residential Zone on the subject lands.

Zoning By-law 1-88 defines “building height” to be measured as follows:

“Building height means the vertical distance between the average elevation of the finished grade at the front of the building (i.e. the wall containing the main entrance); and,

- i) in the case of a flat and/or mansard roof, the highest point of the roof surface;
- ii) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point of the roof surface,

exclusive of any accessory roof construction such as a chimney, tower, steeple, elevator, mechanical room or television antenna.”

Prior to submitting Zoning By-law Amendment File Z.13.018, and as part of the approval process for Plan of Subdivision 19T-84076, Heritage Vaughan Committee approved 10 dwelling models, based on previously approved Urban Design and Architectural Design Guidelines. Upon finalizing registration of Plan of Subdivision 19T-84076, the Owner determined that the building heights and lot coverage of some of the Heritage Committee approved dwelling models would not comply with Zoning By-law 1-88 requirements. Further, the measured building heights are increased due to the approved grading for Plan of Subdivision 19T-84076 (this issue is discussed in greater detail below).

The Owner is proposing to amend the maximum building height permitted on the subject lands and the definition of “building height” as follows:

- i) permit a maximum building height of 10.4m for a gable, hip or gambrel roof; and,
- ii) permit a maximum building height of 10.4 m for a mansard roof measured to the “deck line” and not to include a tower structure, as shown on Attachment #4, in the building height calculation. The “deck line” is proposed to be defined as, “the horizontal line at which the roof pitch transitions” (as shown on Attachment #4 - The Jasper (Second Empire) Elevation).

The Owner is proposing that the maximum building height (10.4 m), the amended definition for building height identified above, and the maximum lot coverage (38%) apply to each lot in the subdivision. The lot coverage includes the area devoted to covered porches and decks, which the Owner is proposing to provide as potential custom options for each dwelling.

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The Development Planning Department does not support the Owners request to permit a maximum “blanket” building height of 10.4 m, with a modified definition of “building height” for a mansard roof, and a maximum lot coverage of 38% on each lot in the subdivision. The Owner’s request can set an unwanted, negative precedent for future similar requests in the Kleinburg-Nashville community and permit dwellings that are larger in height, character and scale than what was anticipated and approved by Heritage Vaughan Committee.

Therefore, the Development Planning Department recommends that the maximum building height and definition in Zoning By-law 1-88 be maintained, and that a lot-specific building height and lot coverage be implemented, as shown in Table #1, in order to reflect the unique character of this enclave and to respond to the recommendation of the Heritage Vaughan Committee.

Table #1

Lot Number (Attachment #3)	Maximum Building Height for Gable, Hip or Gambrel Roof	Maximum Building Height for Mansard Roof	Maximum Lot Coverage
1	10.3 m	10.3 m	35%
2	10.1 m	11.8 m	37.3%
3	10.1 m	11.8 m	38%
4	10.2 m	11.9 m	38%
5	10.2 m	11.9 m	38%
6	10.2 m	11.9 m	38%
7	10.3 m	12 m	38%
8	10.3 m	12 m	37.3%
9	10.3 m	12 m	37.3%
10	9.5 m	11.6 m	38%
11	10.3 m	12 m	38%
12	10.2 m	11.9 m	37.3%
13	10.3 m	12 m	37.3%
14	9.5 m	11.9 m	37.3%
15	9.7 m	12.1 m	37.3%
16	10.1 m	11.8 m	35%
17	9.5 m	11.2 m	35%
18	9.5 m	12.1 m	35%

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19	10 m	11.7 m	35%
20	10.4 m	12.1 m	35%
21	9.5 m	12.1 m	35%
22	9.5 m	12.1 m	35%
23	10.4 m	12.1 m	35%
24	9.5 m	11.1 m	36.5%
25	10.3 m	12 m	36.5%
26	10.1 m	11.8 m	36.5%
27	10.2 m	11.9 m	36.5%
28	9.5 m	11.4 m	36.5%
29	9.5 m	12.1 m	36.5%
30	10.2 m	11.9 m	36.5%
31	10 m	11.7 m	36.5%
32	10.3 m	12 m	36.5%
33	10.1 m	11.8 m	36.5%
34	9.8 m	11.5 m	36.5%
35	9.8 m	11.5 m	36.5%
36	9.7 m	11.4 m	36.5%
37	9.6 m	11.3 m	36.5%
38	9.7 m	11.4 m	36.5%
39	9.5 m	12.1 m	36.5%
40	9.5 m	12.1 m	35%
41	9.6 m	11.3 m	35%
42	10.3 m	12 m	35%

*Note: The maximum building height for Lots 43 and 44 was approved by the Committee of Adjustment.

The building heights and lot coverages identified in Table #1 are based on a “worst-case” scenario for each lot in the subdivision measured using the Zoning By-law 1-88 definition for “building height” and “lot coverage”. The “worst case” scenario with respect to the maximum building height occurs when the tallest dwelling model is placed on a rear-to-front graded lot, which necessitates additional stairs being added to the front entrance of a dwelling to make up

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the difference in grade caused by the elevation change from the rear to the front of the lot. With respect to the building height as defined by Zoning By-law 1-88, this causes the building height of the average elevation to increase, as it is measured using the average elevation of the finished grade at the front of the building (i.e. the wall containing the main entrance). Further, a majority of the dwelling models that were approved by Heritage Vaughan Committee are greater in building height than what is permitted by Zoning By-law 1-88 (9.5 m), adding to the overall building height.

The “worst case” scenario for the maximum (38%) lot coverage occurs when the largest model home, which may or may not include optional upgrades (e.g. covered porch or deck), is placed on the lot with the smallest lot area in the subdivision.

The Development Planning Department can support the proposed maximum building height and lot coverage identified in Table #1. The subject lands represent an enclave located on the west side of Regional Road 27. The lots closest to Regional Road 27 will be screened by a proposed landscape berm and fence and the balance of the lots in the subdivision are located adjacent to valley lands zoned OS1 Open Space Conservation Zone. Also, the extent to which the maximum building height may be exceeded in the subdivision will vary depending on the model dwelling chosen by the purchaser. As shown on Table #1, the building height, for a dwelling with a gable, hip or gambrel roof ranges between 9.5 m (complying with By-law 1-88) to a maximum of 10.4 m on Lot 20, whereas the maximum building height for a dwelling with a mansard roof ranges between 10.3 to 12.1 m. For example, the Owner has advised that of the 13 dwellings sold to date, 6 of these dwellings (on Lots 17, 18, 22, 29, 39 and 40) comply with the maximum 9.5m building height permitted in Zoning By-law 1-88. The increase in the lot coverage is considered to be minor in nature representing a maximum increase of 3% for 7 of the 44 lots, 1.5% for 23 lots, and no increase on 14 lots. Further, Heritage Vaughan Committee has approved the dwelling models and recommended approval of the additional building height and lot coverage, on a site-specific basis, as discussed below.

Heritage Vaughan Committee

On July 17, 2013, the Heritage Vaughan Committee considered the Owner’s proposal to permit a maximum building height (10.4 m) and lot coverage (38%) on each lot in the subdivision and deferred the matter to a future Committee meeting, to allow the Owner to address their concerns. The primary concern raised by the Heritage Vaughan Committee was supporting a request for a building height and lot coverage increase in a “blanket-style” approval that would affect all of the lots in the approved subdivision on Annsleywood Court.

On September 11, 2013, the Owner returned to the Heritage Vaughan Committee, with information respecting the maximum building height and lot coverage on an individual lot basis, at which time the Committee approved the following recommendation:

- “1) That Heritage Vaughan Committee have no objection to the proposed Zoning By-law Amendment subject to the following condition:
 - i) That the Zoning Bylaw be written in a manner that specifies which lots require 38%, 37.3%, and 36.5% lot coverage and that a schedule be attached to the by-law amendment to visually demonstrate the maximum allowable lot coverage assigned to the lot;
- 2) That approval of the Zoning Bylaw Amendment application be supported but that it not set a precedent for nearby properties.”

The Development Planning Department has addressed the condition raised by Heritage Vaughan Committee by recommending that the lot-specific building height and coverage standards identified in Table #1 of this report be implemented in the Zoning By-law, should this application be approved by Vaughan Council.

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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.
- iii) Preserve Our Heritage and Support, Diversity, Arts & Culture
The Heritage Vaughan Committee has reviewed the proposal and supports the proposed development subject to the comments in this report.

Regional Implications

The Region of York has no objection to the above-noted application as the proposal does not impact Regional Road 27.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.13.018 in consideration of the policies of in-effect OPA #601, as amended by site-specific OPA #614, the requirements of Zoning By-law 1-88, the comments received from City Departments, external public agencies, neighbouring land owners, and the area context. The Development Planning Department is satisfied that the proposal to rezone Blocks 57 and 58 to RR Rural Residential Zone to facilitate their conveyance to the properties municipally known as 190 Nashville Road and 10 Howland Mill Road and create one consistent zone category for each property is appropriate and complies with Zoning By-law 1-88. The Development Planning Department also recommends that the maximum building height and lot coverage be approved on a lot-specific basis, as shown in Table #1 of this report. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.13.018, subject to the recommendations in this report.

Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Plan of Subdivision File 19T-84076 and Existing Zoning
- 4. Typical Front Elevations

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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.)