

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

**ZONING BY-LAW AMENDMENT FILE Z.16.004
THE CORPORATION OF THE CITY OF VAUGHAN
GENERAL AMENDMENTS TO ZONING BY-LAW 1-88
REVIEW OF RESIDENTIAL AIR CONDITIONER (AC) REGULATIONS
ALL WARDS - CITY WIDE**

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Managers of Development Planning, dated October 5, 2016, be approved; and
- 2) That the deputation of Mr. Giorgio Dispenza, Fermar Drive, Maple, be received.

1. THAT the Public Hearing report for File Z.16.004 (The Corporation of the City of Vaughan - Review of Residential Air Conditioner (AC) Regulations) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

- a) Date the Notice of a Public Hearing was circulated: September 9, 2016, a Notice of Public Hearing was mailed to all City of Vaughan Registered Community Ratepayer Associations and BILD (York Chapter)
- b) A Notice of this Public Hearing was published in the September 8, 2016 editions of the Vaughan Citizen and Vaughan Liberal Newspapers
- c) Notification of this Public Hearing was posted on the CityPage Online, the City Update E-Newsletter, and the City's website at www.vaughan.ca

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Item 1, CW(PH) Report No. 36 – Page 2

The proposed amendments to Zoning By-law 1-88 would implement Vaughan Council's adoption of the "Review of Residential Air Conditioner (AC) Regulations" report on June 7, 2016, included as Attachment #2.

The proposed amendments to Zoning By-law 1-88 are summarized in Table 1 below:

Table 1: Amendments for Residential Central AC Units and Heat Pumps in Zoning By-law 1-88			
	By-law 1-88 Standard	By-law 1-88 Requirement in all Residential Zones	Proposed Amendments
a.	Setback/Encroachment for Central Air Conditioner (AC) Units and Heat Pumps into the Interior Side Yard, Rear Yard and Exterior Side Yard of any Residential Lot	Central air conditioner (AC) units and heat pumps are permitted in any required side yard or rear yard of residential lots provided such unit is setback a minimum of 1.2 metres from an interior side lot line, and may encroach a minimum setback of 1.5 metres into the required rear yard and exterior side yard, provided that encroachment only occurs on yards with flankage on local roads	<p>External ground mounted central air (AC) conditioner and heat pumps shall be permitted in the interior side yard with a minimum setback of 0.6 metres (to allow surface drainage to pass), and a maximum encroachment of 1.5 metres into the required rear yard and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads</p> <p>External wall mounted central air conditioner (AC) units shall be permitted in the interior side yard having a minimum setback of 0.3 metres, and a maximum encroachment of 1.5 metres into the required rear yard and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads</p>
b.	Definition of External Ground Mounted Central and Wall Mounted Air Conditioner and Ground Mounted Heat Pump Units	Zoning By-law 1-88 does not define ground or wall mounted central air conditioner (AC) units or heat pump units	External ground mounted air conditioner (AC) and heat pump units shall mean mechanical cooling and heating units that are situated at grade on all weather concrete or equivalent pads.

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			External wall mounted air conditioner (AC) units shall mean mechanical cooling units that are permanently affixed to a building wall and situated a minimum of 0.3 metres above grade (to allow for surface drainage to pass)
c.	Permitted Encroachments	Section 3.14 d) of Zoning By-law 1-88 does not permit encroachments into an interior side yard closer than 1.2 metres to a lot line except eaves and gutters.	Adding central air conditioner (AC) and heat pump units as permitted yard encroachments.

Background - Analysis and Options

The City of Vaughan has a framework for regulating the lawful siting of AC and heat pump units. The City's Zoning By-law 1-88, Noise By-law, and Subdivision Agreements are tools currently used by the City to create a suitable framework to govern the placement of these units. Warning clauses have been implemented in Subdivision Agreements for new residential developments advising builders and purchasers of the requirement to comply with Zoning By-law 1-88, as it relates to the lawful placement of AC and heat pump units.

Review of Residential Air Conditioner (AC) Regulations Report

Zoning By-law 1-88 provides specific setback and locational requirements for the proper siting of AC units on residential lots. In many of the new and unassumed subdivisions within the City, builders and homeowners have installed AC units contrary to the Zoning By-law setback requirements. Builders and homeowners cannot adhere to current Zoning By-law requirements because more intensified development has resulted in smaller lots, thereby establishing narrower side yard conditions. As such, the current Zoning By-law 1-88 regulations for AC units and heat pumps are no longer practical for townhome units or single detached dwellings.

The current Zoning By-law 1-88 minimum interior side yard requirement for AC and heat pump units is 1.2 metres, which ultimately creates non-compliance should a homeowner install any of these units within the interior side yard. Consequently, the units must be relocated to comply with Zoning By-law 1-88 requirements, or the builder/homeowner must apply for a Minor Variance and obtain approval from the Vaughan Committee of Adjustment. From 2010 to 2015, the City has processed approximately 216 Minor Variance applications to address non-compliant locations of existing AC units.

In 2014, Vaughan Council recommended that City staff review appropriate mechanisms that are available to ensure builders are compliant with the placement and location of residential AC units (Council Resolution 61, Report 36, dated September 9, 2014) as follows:

"That staff be directed to undertake a review of the mechanisms available to ensure that builders comply with pertinent By-laws of the City when placing or erecting accessory structures including air conditioners."

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In December 2015, staff from the Planning & Growth Management Portfolio retained an external consultant (DeLoyde Development Solutions Ltd.) to review the existing regulations affecting the lawful placement of AC units and heat pumps. The report, entitled “AC Zoning Study” is included as part of Attachment #2. The study found that the City of Vaughan has more restrictive zoning regulations affecting the lawful placement of AC and heat pump units, in comparison with other similar municipalities. For instance, most municipalities have no minimum interior side yard setback requirements for AC units, or have minimum setbacks ranging from 0.3 metres to 0.6 metres, depending on whether such units are wall mounted or located at grade.

The AC Zoning Study identified that the interior side yard is an appropriate location for AC and heat pump units, as currently permitted by Zoning By-law 1-88. The consultant's review determined that a complete de-regulation is not appropriate in meeting the needs and expectations of Vaughan residents. Accordingly, the study recommended revisions to Zoning By-law 1-88, as identified in Table 1 above, for AC units and heat pumps. The proposed amendments to Zoning By-law 1-88 would also reduce the potential number of Minor Variance applications for AC and heat pump units.

The findings from the consultant's report were considered by the Committee of the Whole (CW) on May 31, 2016, in a report from the Deputy City Manager, Planning & Growth Management, entitled “City of Vaughan Review of Residential Air Conditioner (AC) Regulations”. The CW recommended approval of the recommendations in the report, which were subsequently ratified by Vaughan Council on June 7, 2016. Vaughan Council directed that staff (the Vaughan Development Planning Department) commence a process to amend Zoning By-law 1-88, to reflect the findings in the AC Zoning Study, which recommended changes to the current Zoning By-law standards for residential AC and heat pump units.

Preliminary Review

The Vaughan Development Planning Department has identified the following matters that will be reviewed to implement the June 7, 2016, direction of Vaughan Council:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Implementation of Vaughan Council Decision	<ul style="list-style-type: none">▪ The implementation of the proposed amendments to City of Vaughan Zoning By-law 1-88 identified in Table 1, to permit reduced interior and exterior side yard encroachments for external ground and wall mounted AC units and heat pumps will be reviewed in consideration of the following:<ul style="list-style-type: none">▪ The May 31, 2016, report, from the Deputy City Manager, Planning & Growth Management, as ratified by Vaughan Council on June 7, 2016, which included the AC Zoning Study in Attachment #2.▪ The proposed definitions for external ground and wall mounted AC units and ground mounted heat pumps, and the general provisions for the Residential Zones in Zoning By-law 1-88, as identified in Table 1.

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b.	Builder and Public Information	▪ Options for communications packages such as a web brochure will be reviewed to inform citizens and builders on the new AC and heat pump regulations.
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Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of the review of AC and heat pump regulations to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

Regional Implications

There are no Regional implications resulting from this review as AC units and heat pumps in residential areas are located on private property.

Conclusion

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

The current zoning standards regulating the lawful placement of AC units and heat pumps no longer reflect contemporary urban development standards. The City retained a consultant to study and recommend amendments to Zoning By-law 1-88. The consultant's findings and recommendations were identified in a staff report to the Committee of the Whole on May 31, 2016 and were supported by Vaughan Council on June 7, 2016. The intent of this Public Hearing report is to implement the proposed amendments to Zoning By-law 1-88 to update the AC unit and heat pump requirements, subject to any further comments by the public and building industry that result from this meeting.

Attachments

1. Context Location Map
2. City of Vaughan Review of Residential Air Conditioner (AC) Regulations Report (May 31, 2016, and adopted by Vaughan Council on June 7, 2016)

Report prepared by:

Natalie Wong, Planner 1, ext. 8866

1. **ZONING BY-LAW AMENDMENT FILE Z.16.004** **P.2016.30**
THE CORPORATION OF THE CITY OF VAUGHAN
GENERAL AMENDMENTS TO ZONING BY-LAW 1-88
REVIEW OF RESIDENTIAL AIR CONDITIONER (AC) REGULATIONS
ALL WARDS - CITY WIDE

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Managers of Development Planning recommend:

1. THAT the Public Hearing report for File Z.16.004 (The Corporation of the City of Vaughan - Review of Residential Air Conditioner (AC) Regulations) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability resulting from the review of residential air conditioner (AC) regulations, such as maintaining appropriate drainage between dwelling units, will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Hearing was circulated: September 9, 2016, a Notice of Public Hearing was mailed to all City of Vaughan Registered Community Ratepayer Associations and BILD (York Chapter)
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Purpose

To receive comments from the public and the Committee of the Whole on Zoning By-law Amendment File Z.16.004 (The Corporation of the City of Vaughan) to amend the City's Zoning By-law 1-88 regarding residential central air conditioner (AC) regulations, specifically to permit reduced interior side yard and exterior side yard encroachments for central AC units and heat pumps, and to introduce definitions for external ground and wall mounted central AC and ground mounted heat pumps, as identified in Table 1 of this report.

The proposed amendments to Zoning By-law 1-88 would implement Vaughan Council's adoption of the "Review of Residential Air Conditioner (AC) Regulations" report on June 7, 2016, included as Attachment #2.

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b.	Builder and Public Information	<ul style="list-style-type: none"> ▪ Options for communications packages such as a web brochure will be reviewed to inform citizens and builders on the new AC and heat pump regulations.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

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Regional Implications

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Report prepared by:

Natalie Wong, Planner 1, ext. 8866

Respectfully submitted,

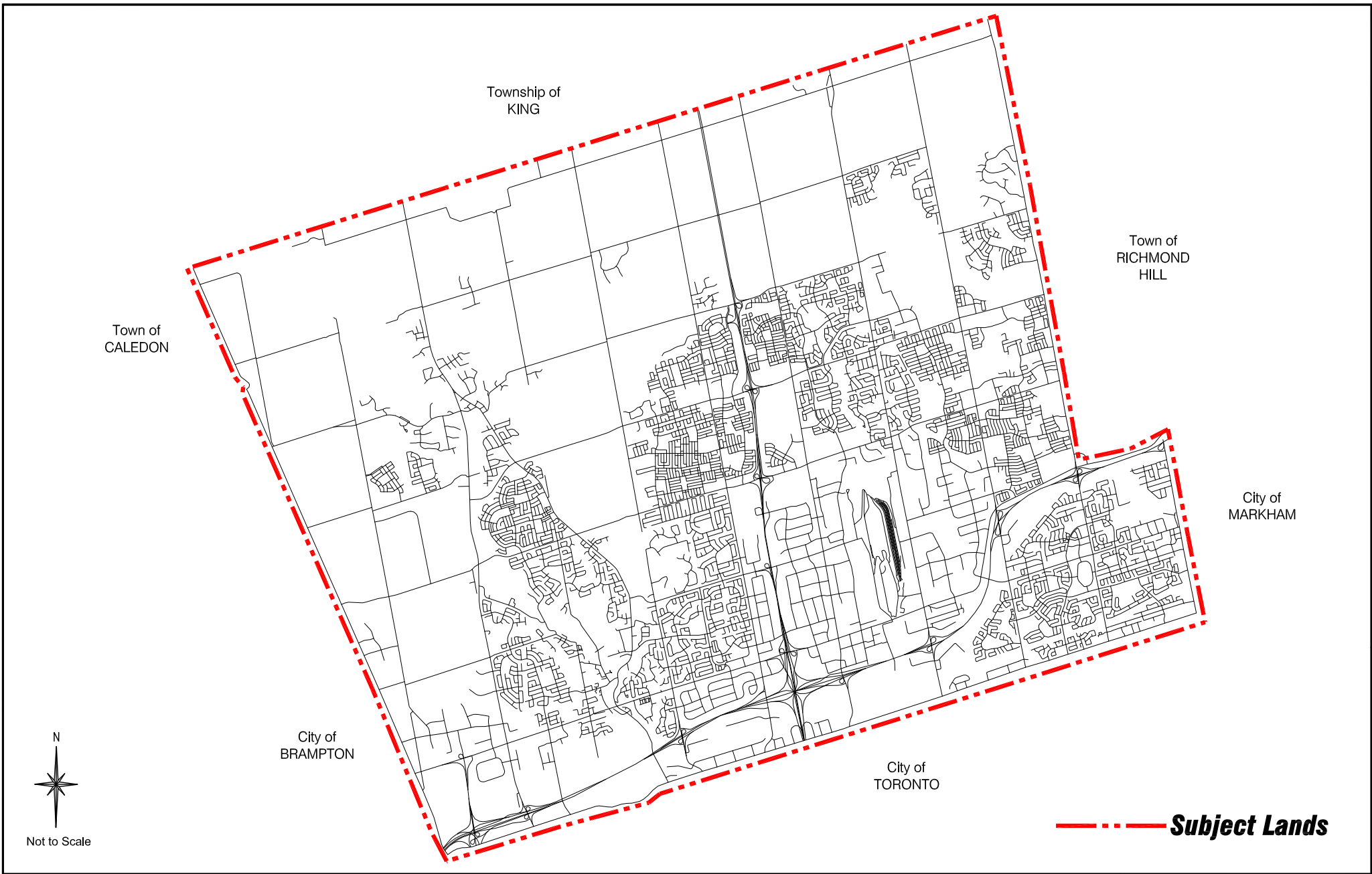
JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

GRANT UYEYAMA
Director of Development Planning

MAURO PEVERINI
Senior Manager of Development Planning

BILL KIRU
Senior Manager of Development Planning

/LG



Context Location Map

LOCATION:
City Wide

APPLICANT:
The Corporation of the City of Vaughan



Attachment

FILE:
N/A

DATE:
May 31, 2016

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