

## **HERITAGE VAUGHAN COMMITTEE    SEPTEMBER 11, 2013**

### **3.     HERITAGE REVIEW FOR ZONING AMENDMENT– BERKLEY HOMES (KLEINBURG) INC. – WARD 1**

#### **Recommendation**

Cultural Services recommends:

- 1)     That Heritage Vaughan have no objection to the proposed Zoning Bylaw 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.

#### **Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, and Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

#### **Economic Impact**

N/A

#### **Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

#### **Purpose**

To review the proposed Zoning Bylaw Amendment application only, as it relates to the Berkley Homes subdivision. The applicant is proposing increased height, increased lot coverage, and an alternate definition of how maximum height is calculated on a mansard or flat roof. The applicant is also proposing to rezone a small parcel of the land that will be transferred over to neighbouring land owners.

#### **Background - Analysis and Options**

Berkley Homes is a recently approved subdivision made up of 44 lots in the Kleinburg–Nashville Heritage Conservation District. A new-build subdivision in a heritage conservation district is unprecedented in Ontario.

An application for the proposed Zoning Bylaw Amendment was presented to Heritage Vaughan at their July 17, 2013 meeting, however, was the matter was deferred to a later meeting so that more information could be provided to the Committee in relation to the lot coverage increase required on specific lots within the approved subdivision.

The applicant presented several different styles of homes for the subdivision that would then be selected by the potential homebuyers. These styles were presented to the Heritage Vaughan Committee at its meeting on September 21, 2011 where they were approved.

More recently, the applicant received approval for increased height for two model homes through a Committee of Adjustment variance (application # A062/13 and A063/13). They approved the height of 10.01 metres to the midpoint of the roof for one and 11 metres to the peak of a mansard roof for the other.

As the development entered the engineering stages and certain grading changes were proposed for the subdivision it was realized that the previously proposed building heights would be different from what was originally proposed. Furthermore, as each homebuyer has the option for various styles and optional features (decks and such), most styles conform with the Zoning Bylaw while other styles do not. Rather than the applicant requesting several minor variances for each building, the applicant is proposing a Zoning Bylaw Amendment to cover the "worst case scenario" if the tallest/largest styles are selected for many of the lots throughout the entire subdivision.

The applicant is proposing five amendments to the Zoning Bylaw:

1. To permit a maximum **building height of 10.4 metres** for a gable, hip, or gambrel roof - measured at the midpoint. Zoning Bylaw permits a maximum height of **9.5 metres** - measured at the midpoint.
2. To permit a maximum **building height of 10.4 metres** for a flat or mansard roof, measured to the "deck line" (see attachments). The Zoning Bylaw permits a maximum building height of 9.5 metres - measured at the highest point.
3. (related to point number 2) To include a definition for "deck line" which is absent from the current Zoning Bylaw.
4. To permit a maximum **lot coverage of 38%**. Zoning Bylaw permits a maximum **lot coverage of 35%**.
5. To rezone block 57 and 58 to RR Exception 9(455). This is to facilitate that transfer of land parcels to neighbouring land owners.

Please refer to the attached report provided by the applicant for more information.

### Analysis

The various designs that homebuyers can select for this subdivision have all been approved by Heritage Vaughan and this Zoning Bylaw Amendment is to provide the buyers more all options of home and is to address height issues that resulted from grading changes.

With respect to lot coverage, 15 of the homes would require a maximum of 36.5%, 7 homes would require between 37.1 and 37.3%, and 7 homes would require 38% lot coverage. The remaining 15 homes conform to the existing zoning.

While the applicant has provided information explaining that only a select number of homes will require increased lot coverage, they are seeking 38% lot coverage for the entire subdivision. In this scenario, it is possible that in the future a homeowner with 35% lot coverage could construct an addition of 3% lot coverage that will be fully within the existing zoning bylaw amendment. As such, staff's recommendation is that the Zoning Bylaw Amendment provide specific lot coverage amounts for specific lots located within the subdivision.

### Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- **STRATEGIC GOAL:**  
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**  
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, however the necessary resources have not been allocated and approved.

### **Regional Implications**

N/A

### **Conclusion**

The proposed Zoning Bylaw Amendment will allow for the previously approved dwelling designs within the subdivision.

### **Attachments**

1. Location Map
- 2 - 11. Report submitted by applicant. August 21, 2013
12. Maximum Building Height Plan, received August 21, 2013
13. Building Height Matrix, received August 21, 2013
14. Maximum Lot Coverage Plan. Received August 21, 2013
15. Lot Coverage Matrix. Received August 21, 2013
16. Building Elevations. Received August 21, 2013
- 17 – 26. Definition of height and deck line in other municipalities. Submitted by applicant August 21, 2013

### **Report prepared by:**

Daniel Rende  
Cultural Heritage Coordinator  
Recreation and Culture Department

Angela Palermo  
Manager of Cultural Services  
Recreation and Culture Department



Location Map

**Report to Heritage Vaughan Committee  
Berkley Homes (Kleinburg) Inc.  
Plan of Subdivision 19T-84076**

**Date: August 21, 2013**

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**1.0 PURPOSE**

The owner is seeking approval of the City of Vaughan's Cultural Heritage Committee for re-zoning application Z.13.018. The application was subject a formal Public Meeting on June 18, 2013 and the applicant appeared before Heritage Vaughan on July 17<sup>th</sup>, 2013. Re-submission of additional background information as well as a revised proposal was requested at the July 17<sup>th</sup> meeting. As the agent for the applicant Berkley Homes (Kleinburg) Inc., we hereby enclose the following in support of the September 11, 2013 Heritage Vaughan meeting.

**2.0 PROPERTY DESCRIPTION**

The subject lands are located on the North side of Nashville Road, on the West side of Regional Road 27 in the Village of Kleinburg.

The site encompasses 8.917 ha and is bounded by a single detached home to the North, a 20 m Buffer strip to the East, the Cornerstone Community Church to the South and a small pocket of residential homes along Howland Mill Road and Nashville Road. The property is flanked by primarily Conservation lands to the West (Figure 1).

**Figure 1**



### **3.0 BACKGROUND**

The plan of subdivision was draft approved and zoned in March of 2012 by the Ontario Municipal Board (OMB). The developer acquired this property following its receipt of OMB approvals. Their acquisition included a complete set of draft plan conditions that required fulfillment, along with a draft zoning by-law amendment that subsequently went on to be ratified by Council.

The subdivision falls within the *Kleinburg Nashville Heritage Conservation District* and is subject to Cultural Heritage Department Review and approval. Architectural Control Guidelines were prepared for the entire subdivision and in working closely with the Cultural Heritage Dept., the builder has received approval of the guidelines. All homes will be subject to an Architectural Control Review Submission and must adhere to the guidelines in order to receive subsequent approvals from the control architect.

During the detailed engineering design stages of the project and preliminary architectural siting process, it became apparent to the developer that the approved house designs may not meet the zoning height parameters based on the resultant grading situation.

This rezoning application will allow builder to successfully carry out the Architectural Control Guidelines.

### **4.0 PLAN OF SUBDIVISION**

The plan includes forty-four (44) single detached lots accessed through an entrance on Regional Road 27, and includes two cul-de-sacs running north and south, a SWM Pond and Open space blocks. The lots range in frontage from 18.3m (60ft) to 21.6m (70ft). A copy of the preliminary M-Plan can be found in **Appendix A**.

The Developer is in the process fulfilling draft conditions at this time in efforts to register the subdivision, and the Builder has begun their sales program.

### **5.0 PROPOSAL - ZONING BY-LAW AMENDMENT**

The application being presented applies to the residential lots only with the exception of the two model homes (shown in yellow with the red dashed outline) See **Figure 2**.

**Figure 2**



The submitted Rezoning Application seeks the following:

- a maximum building height of up to 10.4m for a gable, hip or gambrel roof;
- a maximum height of up to 10.4m for a flat or mansard roof measured to the "deck line", not to include a tower structure;
- the definition of a "deck line;"
- a maximum lot coverage of up to 38%; and
- to rezone blocks 57 & 58 to RR Exception 9(455).

### **5.1 BUILDING HEIGHT**

A comprehensive site plan and matrix showing the subdivision lots and their proposed maximum building height (**Appendix B**) has been prepared by the Architect based on the siting of the tallest home on each lot in the subdivision. A height for each a "P" Elevation (hipped, gambrel or gable roof) and an "S" Elevation (mansard roof) have been provided on the plan. It is important to note that should an alternate model be sold on any of the

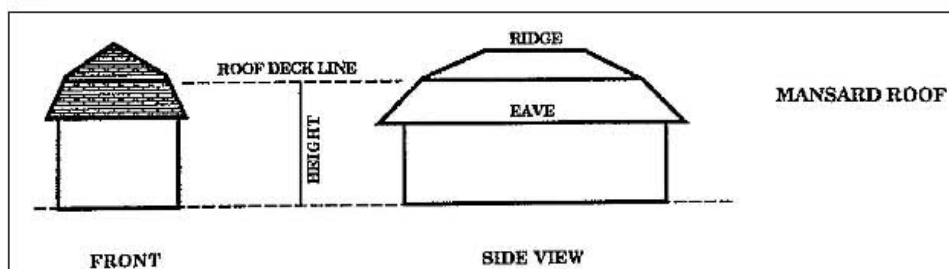
unsold lots, than the resulting height will be lower than what is sited on the plan. This site plan was prepared as an example in order to present the worst case scenario.

- The two lots in green are the **model homes** which have been approved for 10.01m and 11.0m heights through a previous Committee of Adjustment application.
- The 12 lots shown in yellow are the **sold** lots. Sitings for the homes sold have been prepared by the architect and the heights range from 9.13m to 10.30m. The lots that are shaded partly in yellow and blue are sold lots that fall within the current permitted zoning height in the approved by-law.
- The lots shown in white represent **unsold** lots where the final roof height has not been determined. In order to predict what the effective height may be on the unsold lots, the builder's detailed siting exercise.
- The analysis pointed to the fact that predicted roof heights could range from under 9.5m which is the current permitted height, to a maximum of 10.40m if Mansard roofs are measured to the deck line and towers are excluded. This assumption is based on the tallest house model being sited on each and every lot.
- In order to avoid a number of minor variances as the lots are sold, through the direction of the city, the builder has chosen to deal with all lots together in the subject application in efforts to standardize the zoning by-law in efficient use of the City's resources.

## **5.2 BUILDING HEIGHT- DEFINITION OF "DECK LINE"**

- The City of Vaughan currently measures roof height to the top of a mansard roof or the "Ridge" which is the highest part of the roof surface.
- In the illustration displayed in **Figure 3** displays an example of how various municipalities measure roof height for a Mansard Roof. In this application since we are requesting that the mansard roof be measured to the **DECK LINE**, we are providing a definition being: *"the horizontal line at which the roof pitch transitions"*.

**Figure 3**



Source: City of Markham By-law 177-96 consolidated Aug 2, 2006 Roof Height Definitions

- Our research has shown that “Deck line” is a standard method of measuring a mansard roof across various municipalities. By-laws from neighbouring municipalities such as Markham, Town of Richmond Hill, Brampton and Toronto all follow this procedure. (Others include Oakville, and Ajax) **See Appendix C.**
- Our application also asks that a tower or structure be excluded from the calculation of roof height specifically for Mansard roofs which has also been a common practice evident in a variety of municipalities. (Markham, Toronto (North York), and Richmond Hill). In Vaughan by-law 1-88 only allows that towers or structures be excluded in the calculation of commercial building heights.

### **5.3 STREETScape**

**Appendix D** shows a streetscape view of two of the elevations being sold in the subdivision. Both have been tested on Lot 20 for comparison purposes.

- The home on the left is a HIPPED roof variety (architecturally known as the Period Revival). The red line signifies the midpoint of the roof, being the point at which the roof height is measured by by-law 1-88. The height of this home is 10.4m.
- The home on the right is one of the MANSARD style homes (also known as Second Empire), this particular model having a tower feature. The Red line illustrates the existing by-law whereas the green line, indicates the deck line proposed by-law height. The height of this roof would be 10.37 to the deckline excluding the tower feature. It is evident in this sketch that the midpoint of a hipped roof and the deckline of a mansard are consistent.
- The hipped roof, is actually PHYSICALLY HIGHER than the mansard roof tower included, however based on the definition in by-law 1-88 the mansard roof would “by definition” be higher. Also, important to note is that the upper slope of the mansard roof (the area between the deckline and the top of the roof BETWEEN THE GREEN AND RED LINE) is not visible from street level when viewed in close proximity to the building. Given this situation, it would be appropriate to allow the mansard roof to be measured at the deckline reflecting the roof height in a standardized way, also allowing the builder to simply set a maximum roof height across the site.

### **6.0 LOT COVERAGE**

The current allowable lot coverage is in the approved by-law is 35%, the Builder is requesting a small increase in coverage to allow for a variety of models to be sited across the entire site as well as permission to provide home buyers with an optional rear yard balcony.

A matrix has been prepared by the Builder outlining the effective coverage resulting from every model available (10 options with 3 elevations each) on all 44 lots (Refer to Appendix E). It is

important to note that the builder has restricted the sale of certain models on the lots that would result in coverage higher than 38%.

In order to standardize the zoning by-law, the developer/builder's original application requested a coverage of 38% to apply to the whole site, excluding the model homes. It is the owner's preference to approach the re-zoning in this way as it would be simpler for Staff to administer and implement as a By-law Amendment.

Based on discussions at the meeting of the Heritage Vaughan Committee of July 17, 2013, the developer has revisited their original request for one (1) standard lot coverage applying to the whole subdivision, and is now providing information outlining how reduced maximum coverages could apply to the site on a lot by lot basis. An updated colour coded coverage site plan is included in **Appendix E**.

As itemized in the legend, the lots shown in yellow are large enough to meet the 35% maximum coverage requirement and those lots that have an "s" marked on them have been sold and do not exceed the maximum lot coverage in the approved by-law. Lots shaded in blue require an increased coverage of 36.5%, those shaded in orange require between 37.1% and 37.3%. As a result of this lot by lot approach, the builder has been able to reduce their original request to only seven (7) of the forty-four (44) lots, requesting 38% coverage (shown in red).

Currently lots 10, 14, 15, 28 and 39 are the only sold lots with minor "over coverage" issues. Since the immediate surrounding area is not inhabited, we draw Heritage Staff and Committee's attention to the lots abutting the closest neighbouring development being the existing church and residential enclave of Howland Mill Road (Lots 16 through 24). These lots will not encounter any coverage issues due to their size, and it is confirmed that Lot 18 has been sold and it does not have a coverage issue.

## **7.0 MODEL REPETITION**

The subdivision is subject to building repetition restrictions as outlined in the approved Architectural Control Guidelines prepared by SRN Design dated April 2013. There are ten models having three elevations each.

The guidelines restrict the repetition of models along the street based on criteria of Massing, Façade, Architectural Style and Colour. Since the builder has demonstrated what the worst case scenario could be in terms of height and lot coverage through their analysis (as per site plans in Appendix), these restrictions point to the fact that only a maximum amount of the largest model may be sited across the subdivision.

For example, the guidelines outline that no less than two different model facades between the same model's façade is permitted. Siting the same model facades across the street from one another is also not permitted. The model façade across the street must be separated by one lot from the original lot. With respect to architectural style repetition, no more than four facades of the same style are permitted in a row. These guidelines will limit the construction of the

largest height and coverage model (if chosen by buyer) and thus lessening the presence of heights of up to 10.4m and lot coverage of up to 38%.

#### **8.0 ENGINEERING DETAILS**

The developer has worked with the City in efforts to lower the elevation of the site through their engineering designs so that the finished grade of the proposed homes abutting the church and neighboring residential enclave are kept lower. The owner has worked in good faith with the neighbouring landowners to achieve the following results:

- Maximizing road grade in accordance with City Standards to reduce retaining wall height;
- Creating extended walk –out conditions by lowering rear yards to reduce wall height;
- Utilized storm sump pumps for units backing onto southerly retaining wall in order to maintain lower underside of footing elevation therefore, reducing house heights;
- Retain trees and create a buffer between the new and existing residential lots;
- Gratuitously convey tree protection area blocks (57 & 58) to existing landowners to protect and maintain existing trees as well as provide additional buffering to the development;
- Maintained pre-development drainage to the south most corner of the site allowing for the retaining wall to be over 2m lower compared to draining the small area to the stormwater management facility.

##### **8.1 Rear to Front Draining Lots**

Based on the site topographic characteristics and constraints as outlined above, the proposed roadway has resulted in a steep gradient and many rear to front draining lots. Rear to front graded lots will require more steps in the front of the house causing the average elevation to be higher, since the building height is calculated at the average elevation, this would contribute to increased building height, more so than a conventional split drained lot.

The builder has also made efforts to try to minimize the amount of steps at the front of the homes with rear to front drainage by introducing steps inside the homes to achieve lower building heights.

#### **9.0 COMPARIBLE HEIGHTS IN KLEINBURG**

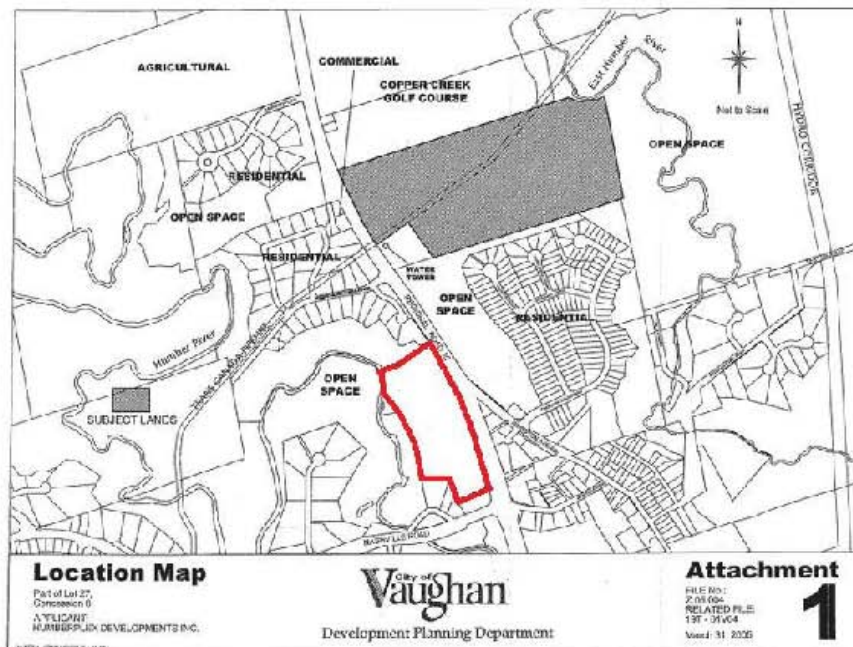
**Figure 4** below shows a subdivision in the immediate Kleinburg area that is of similar architectural style and massing to the proposed subdivision. The property shaded grey or

hatched is the "Humberplex Developments Inc." Subdivision located north of the Berkley property, just across Highway 27.

We draw your attention to this example as it is zoned R1 and was approved for 11m heights through a rezoning application. The 11m height is a standard height throughout newer subdivisions in Vaughan and in our experience, and in consultation with the architect it is commonly accepted across various municipalities.

The subject application proposes 10.40m maximum height which is less than the 11m norm found in the immediate surrounding area. The applicant is seeking 0.6m or 60cm (22in) less than what already exists in the surrounding area.

**Figure 4**



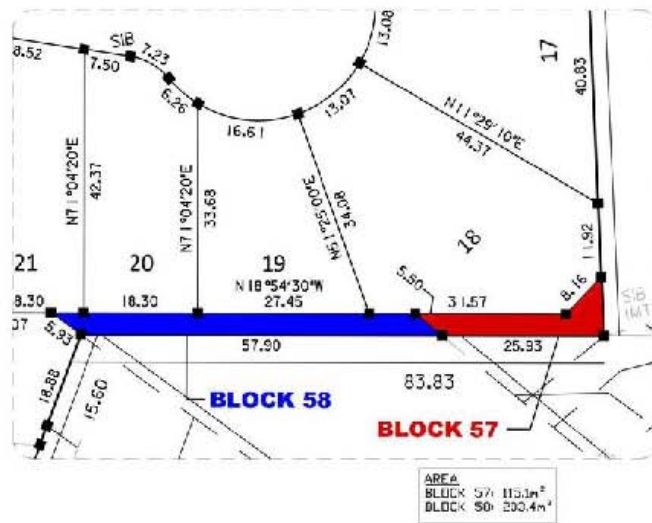
#### **10.0 CONVEYANCE OF BLOCK 57 & 58**

Blocks 57 and 58 are parts in the plan of subdivision that have been sectioned off from the back of lots 18 through 21 on the M-Plan that will be given at no cost to the adjacent residential lots located at 190 Nashville and 10 and Howland Mill Road (**Figure 5**). A combined total of 318.5 sq.m or (3428.31 sq. ft).

We note that 10 Howland Mill Road and 190 Nashville Road are currently zoned RR with an exception 9(455). The Berkley Subdivision is Zoned R1 including Block 57 & 58 and upon registration, the blocks will be gratuitously conveyed to the properties on Howland Mill & Nashville Road and would resultantly become land locked failing to comply with the R1 zoning requirements.

To remedy this, the zoning amendment includes provision for the re-zoning of blocks 57 & 58 from R1 to RR 9(455) in order to seamlessly merge the parts with the abutting lands.

**Figure 5**



## 11.0 SUMMARY

In summary the re-zoning of the subject site in relation to its roof heights and coverage can be viewed as being acceptable and minor; The application conforms to the in-effect OPA 601 as amended by Site Specific OPA 614 as well as the new Vaughan OP 2010, and it would have very little impact on the surrounding uses.

- The builder's analysis points to the fact that maximum heights of 10.4m and coverages of 38% are being requested for implementation and administration reasons, however only a select few lots, once sold will require the upper range in height and coverage;
- The subdivision is screened and buffered on the east and west sides and the increased roof height will not be visible from the road;

- The impact on the neighbouring properties is minimal as the proposed tallest resulting roof height would be under 3ft (90cm) higher than what is permitted by By-Law 1-88 (9.5m to 10.4);
- An edge restoration planting plan along the shared lot line of the subdivision and the existing subdivision further screens the new homes from the existing homes;
- The use of the "deckline method" of measuring roof height is acceptable as it is widely used in various municipalities and it is congruent with the midpoint of a hipped roof, therefore not forcing any additional height into the equation;
- The rezoning of Block 57/58 could be viewed as a housekeeping amendment to By-Law 1-88 in order to allow the conveyance of the subject blocks at the time of registration to the existing homeowners;
- The builder has altered the architectural designs of the homes in order to lessen the impact of the finished grades on the subdivision streetscape;
- The developer has worked with the City's Engineering dept. for the past year in efforts to provide for a smoother transition from the proposed subdivision elevation to the existing pocket of homes.

Respectfully Submitted,

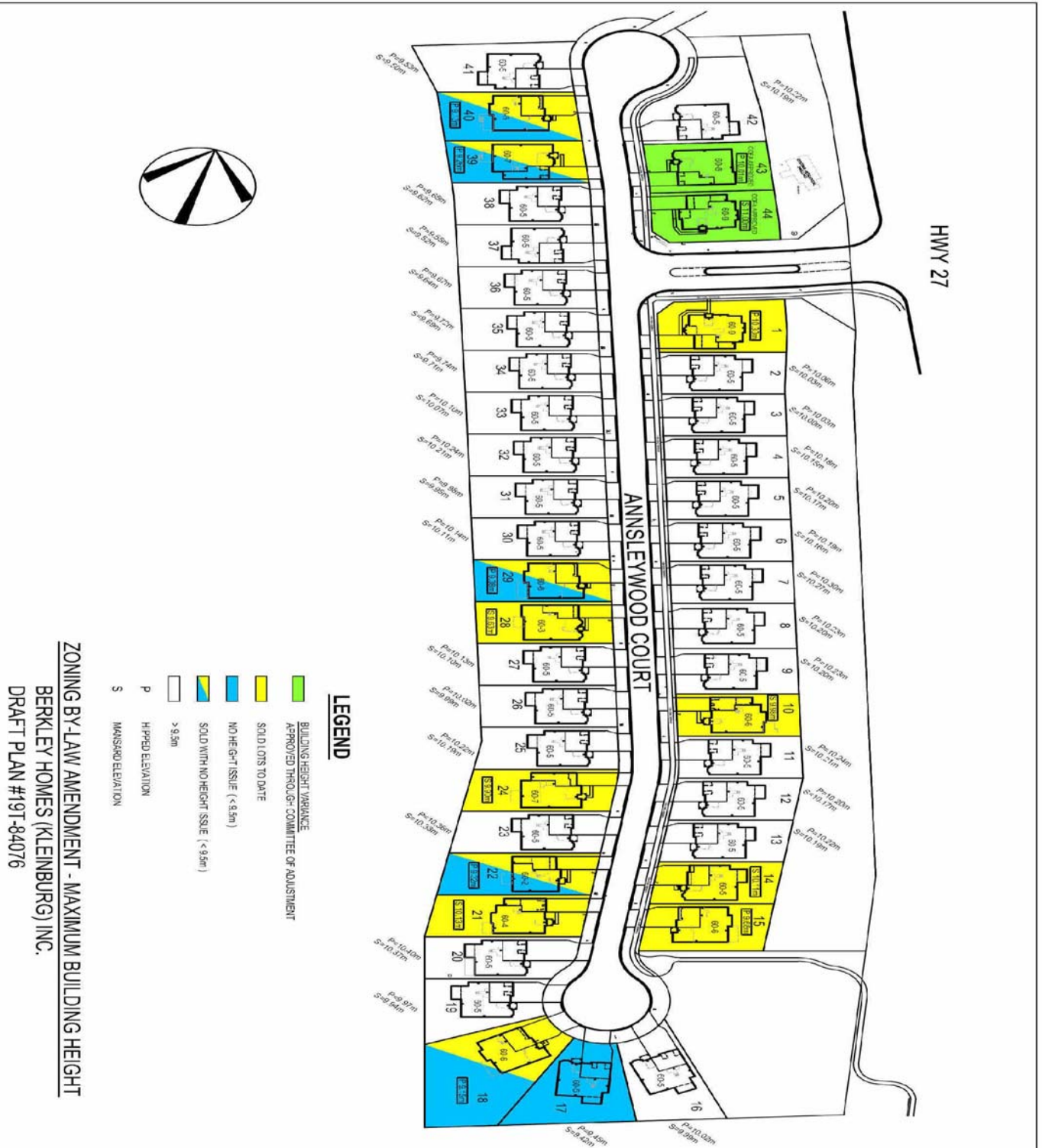
**EMC GROUP LIMITED**



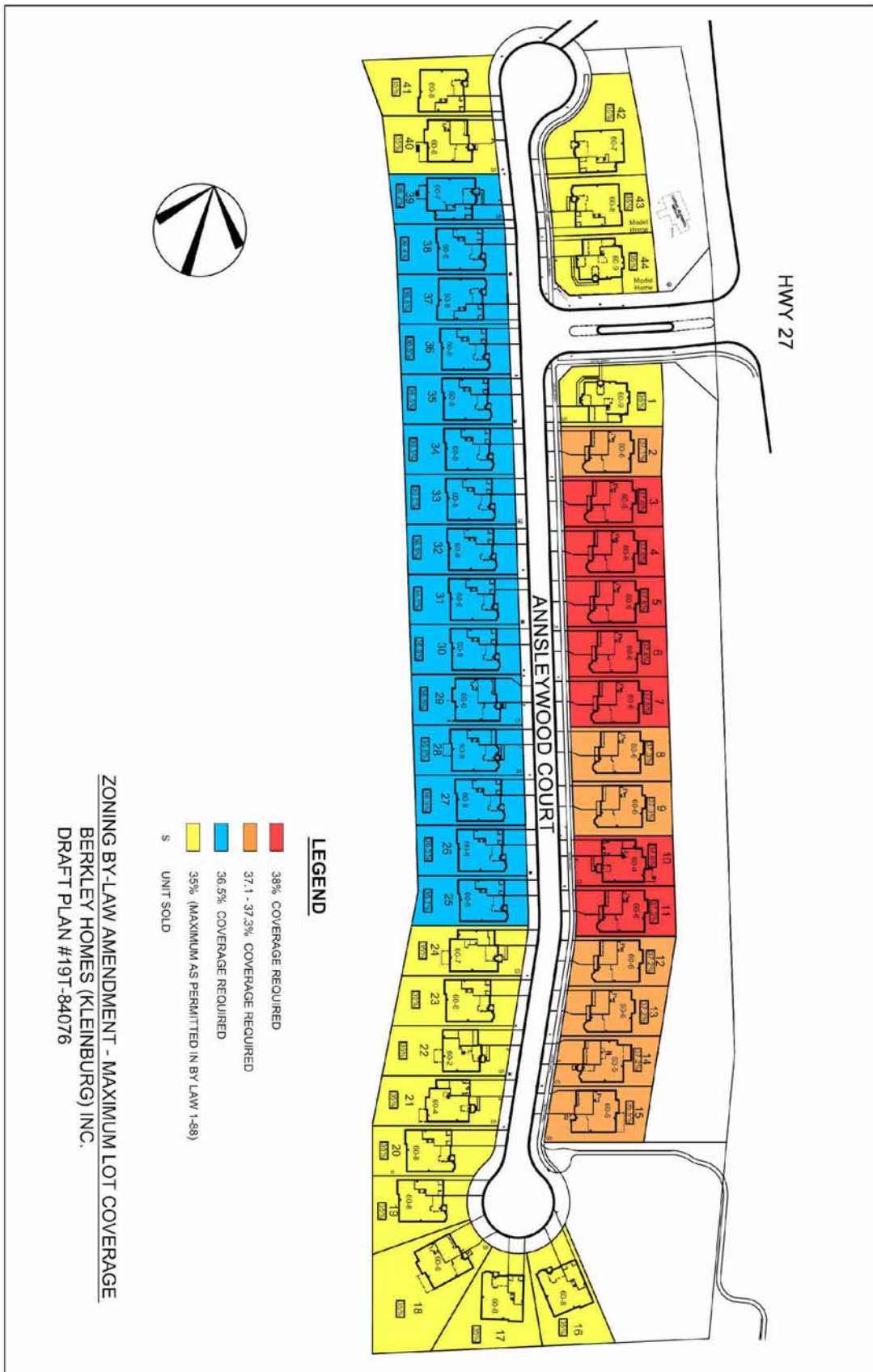
Nadia Zuccaro, MCIP, RPP

Planner

*Attachments (Appendix A-E)*



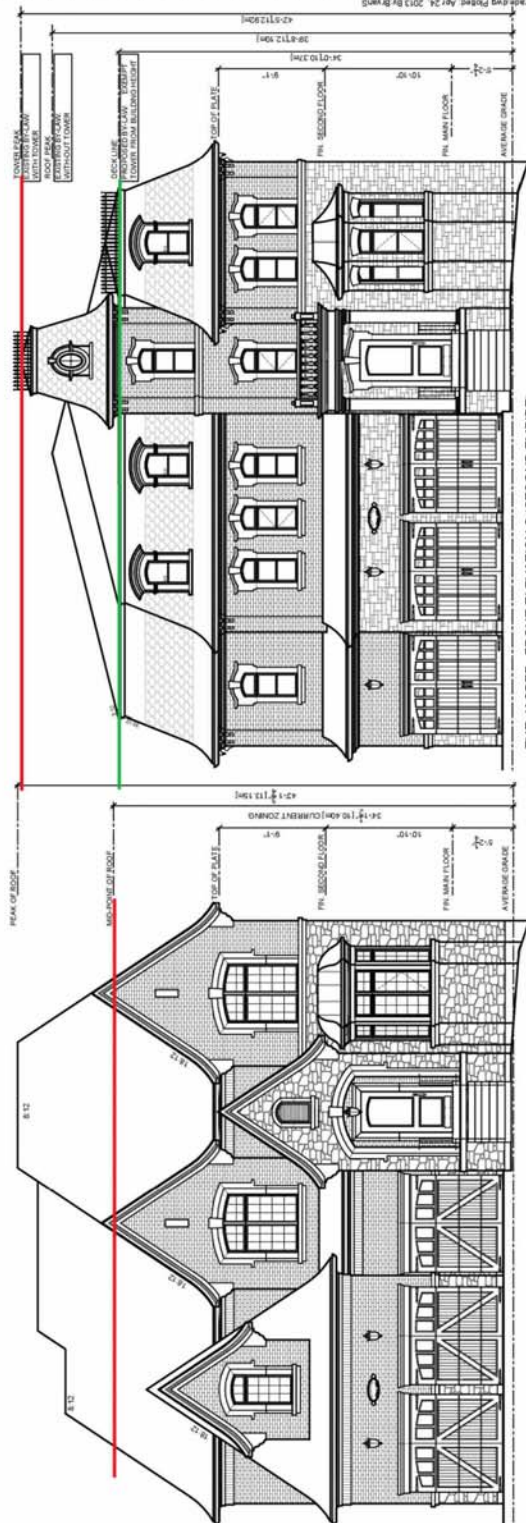
ZONING BY-LAW AMENDMENT - DRAFT PLAN # 19T-84076 BERKLEY HOMES (KLEINBURG ) INC. BUILDING HEIGHT MATRIX						
DATE: July 25, 2013				Proposed By-Law Amendment		
LOT	LOT GRADING CONDITION	Model #	EL.	Building Height to Mid-Point (m)	EL.	Building Height to Deck Line (Mansard Roof) (m) *
1	BF/WOD	60-9 'P' (Sold)	P	10.30		
2	BF/WOD	60-5 (Pre-Site)	P	10.06	S	10.03
3	BF/WOD	60-5 (Pre-Site)	P	10.03	S	10.00
4	BF/WOD	60-5 (Pre-Site)	P	10.18	S	10.15
5	BF/WOD	60-5 (Pre-Site)	P	10.20	S	10.17
6	BF/WOD	60-5 (Pre-Site)	P	10.19	S	10.16
7	BF/WOD	60-5 (Pre-Site)	P	10.30	S	10.27
8	BF/WOD	60-5 (Pre-Site)	P	10.23	S	10.20
9	BF/WOD	60-5 (Pre-Site)	P	10.23	S	10.20
10	BF/WOD	60-6 'S' (Sold)			S	9.98
11	BF/WOD	60-5 (Pre-Site)	P	10.24	S	10.21
12	BF/WOD	60-5 (Pre-Site)	P	10.20	S	10.17
13	BF/WOD	60-5 (Pre-Site)	P	10.22	S	10.19
14	BF/WOD	60-5 'S' (Sold)			S	10.11
15	BF/WOD	60-6 'P' (Sold)	P	9.68		
16	WOB	60-5 (Pre-Site)	P	10.02	S	9.99
17	WOB	60-5 (Pre-Site)	P	9.45	S	9.42
18	WOB	60-6 'P' (Sold)	P	9.15		
19	WOB	60-5 (Pre-Site)	P	9.97	S	9.94
20	WOB	60-5 (Pre-Site)	P	10.40	S	10.37
21	WOB	60-4 'S' (Sold)			S	10.13
22	WOB	60-2 'P' (Sold)	P	9.32		
23	WOB	60-5 (Pre-Site)	P	10.36	S	10.33
24	WOB	60-7 'S' (Sold)			S	9.90
25	WOB	60-5 (Pre-Site)	P	10.22	S	10.19
26	WOB	60-5 (Pre-Site)	P	10.02	S	9.99
27	WOB	60-5 (Pre-Site)	P	10.13	S	10.10
28	WOB	60-8 'S' (Sold)			S	9.63
29	WOB	60-6 'P' (Sold)	P	9.38		
30	WOB	60-5 (Pre-Site)	P	10.14	S	10.11
31	WOB	60-5 (Pre-Site)	P	9.98	S	9.95
32	WOB	60-5 (Pre-Site)	P	10.24	S	10.21
33	WOB	60-5 (Pre-Site)	P	10.10	S	10.07
34	LOB/WOB	60-5 (Pre-Site)	P	9.74	S	9.71
35	LOB	60-5 (Pre-Site)	P	9.72	S	9.69
36	LOB	60-5 (Pre-Site)	P	9.67	S	9.64
37	LOB	60-5 (Pre-Site)	P	9.55	S	9.52
38	LOB	60-5 (Pre-Site)	P	9.65	S	9.62
39	LOB	60-7 'P' (Sold)	P	9.26		
40	LOB	60-6 'P' (Sold)	P	9.13		
41	WOB	60-5 (Pre-Site)	P	9.53	S	9.50
42	BF/WOD	60-5 (Pre-Site)	P	10.22	S	10.19
43	BF/WOD	60-8 'P' (Sold)**	P	10.01		
44	BF/WOD	60-9 'S' (Sold)***			S	11.00 ***
* TOWER EXCLUDED FROM BUILDING HEIGHT						
** Lot # 43 = C of A APPROVED (10.01 m to Mid-Point of Roof )						
*** Lot # 44 = C of A APPROVED (11.0 m to PEAK of Mansard Roof)						
Lot # 20 - Worst Case Scenario = 10.40 m						
SOLD UNIT						
BF = BACK TO FRONT ; WOD = WALK OUT DECK (4R-6R MAX.) ;						
WOB = WALK OUT BASEMENT ; LOB = LOOK OUT BASEMENT (7R-12R MAX.)						



[illegible]



Project Number 12019	Issued										Scale N.T.S.	Client ROSEHAVEN HOMES	Project KLEINBURG HERITAGE ESTATES	Lot Size 18.3m X 40m	Model 60-5 THE JASPER Square Footage	Page ZBA-3
	1	FEB 2013	BS													
	2	FEB 2013	MJS													
	3	FEB 2013	MJS													
	4	APR 1913	BS													



THE JASPER -FRONT ELEVATION S (SECOND EMPIRE)

## Mansard

THE JASPER FRONT ELEVATION B / PERIOD TEN (N/A)

Hipped

TOWN OF AJAX  
BY-LAW 95-2003**GARAGE, PRIVATE**

Shall mean a detached *accessory building*, car port, or portion of a *dwelling* which is designed or for the sheltering of one or more private *motor vehicles* and may also include the storage of household wares or materials incidental to the residential occupancy and which is fully enclosed and roofed.

**GARDEN CENTRE**

Shall mean the *use of land, buildings or structures* for the growing of flowers, plants, shrubs, or trees and shall also include the retail sale of such goods, products and equipment as are normally associated with gardening or landscaping.

**GOLF COURSE**

Shall mean a *premises* for the purpose of playing golf and may include such associated *uses* as a *restaurant, banquet facility, retail store*, fitness centre and other *buildings or structures* devoted to the maintenance and operation of the *golf course*.

**GOLF DRIVING RANGE**

Shall mean an open air recreation facility where the sport of golf is practiced from individual tees and which may include *accessory structures* to house the tees, a kiosk for golf balls and golf club rentals, and a *structure* from which the golfers tee off.

**GROUP HOME**

Shall mean a residence, licensed or funded under an Act of the Parliament of Canada or Province of Ontario, that is designed for the accommodation of 3 to 10 persons, exclusive of staff, living under supervision in a *dwelling unit* and whom by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. For the purposes of this by-law, *group homes* are classified either as *Group Home A* or *Group Home B*.

**GROUP HOME A**

Shall mean a *group home* primarily for persons who have been referred by a *hospital*, recognized social services agency or health professional.

**GROUP HOME B**

Shall mean a *group home* operated primarily for persons who have been placed on probation, released on parole, or admitted for correctional purposes.

**HEIGHT**

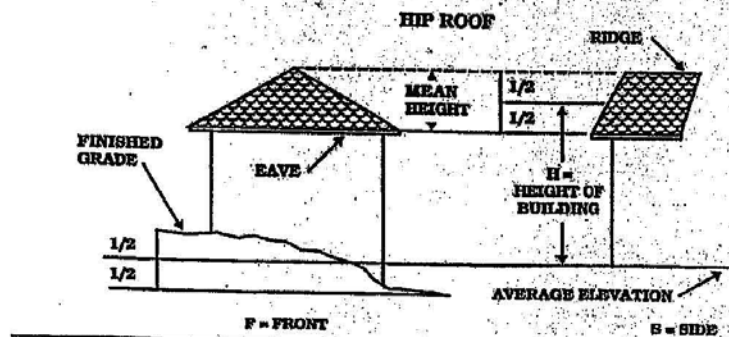
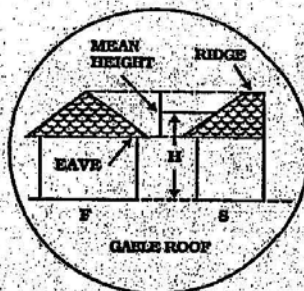
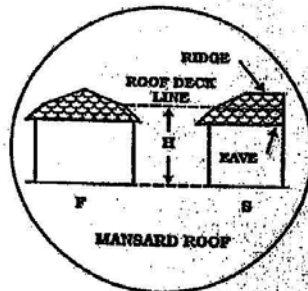
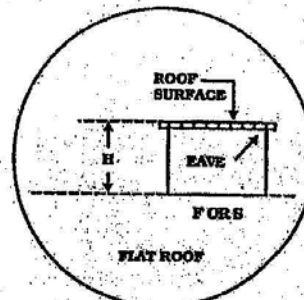
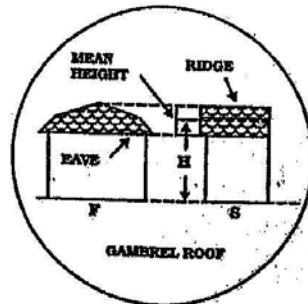
Shall mean the vertical distance from the average level of the *established grade* of the street in front of the *building* to:

- a) the highest point of any exterior wall of a flat roofed *building*;
- b) the mean *height* between the eaves and ridge of a pitched roof; or
- c) the deck roof line of a mansard roof.

When no grade has been established the level of the crown of the street upon which the *building* fronts at right angles to the mid point of that *building* shall be considered the *established grade*.

TOWN OF AJAX  
BY-LAW 95-2003

# ILLUSTRATIONS OF BUILDING HEIGHT



TOWN OF MARKHAM  
BY-LAW 177-96

AUGUST 2, 2006

**"Height"** means with reference to a *building* or *structure*, the vertical distance measured from the established grade of such *building* or *structure* to:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the decline of a mansard roof;
- c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- d) in case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas shall not be included in the calculation of height. Mechanical features such as structures containing the equipment necessary to control an elevator are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.

**"Heritage Building"** means a *building* that has been deemed by the Council of the Corporation of the Town of Markham to be of architectural and/or historic interest and located on its original foundation or relocated from another area. Said *buildings* may be renovated, enlarged or modified subject to compliance with all requirements of this and any other relevant By-law.

**"Home Occupation"** means an occupation conducted for gain in a *dwelling unit* or a detached accessory building.

**"Hotel"** means a *premises* that contains rooms with or without private cooking facilities that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and accessory banquet facilities.

**"Industrial Use"** means a *premises* used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses, but does not include a *motor vehicle repair garage*, a *motor vehicle body shop* or a *motor vehicle service station*. For the purposes of this definition, research laboratories and printing establishments are considered to be *industrial uses*.

**"Institutional Building"** means a *building* containing *institutional* uses such as *places of worship*, *community centres* and *libraries* and where such uses in total, occupy more than 50% of the *gross floor area* of the *building* and *driveways* and ramps that provide access onto the *lot* from the street.

**"Kenne"** means a *premises* where dogs are boarded or are kept for the purposes of breeding.

**"Landscaping"** means trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, and may include lands that are used as walkways and *driveways* and ramps that provide access on to the *lot* from the street, all of which are designed to enhance the visual amenity of a property and shall not include *parking areas*.

**"Landscaped Open Space"** means that space on a *lot* which is not covered by *buildings* or *structures* and is used exclusively for *landscaping*.

**"Lane"** means a subsidiary thoroughfare which is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

**"Library"** means a *premises* containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation.

**"Loading Space"** means an unobstructed area of land which is used for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded or unloaded from such vehicle.

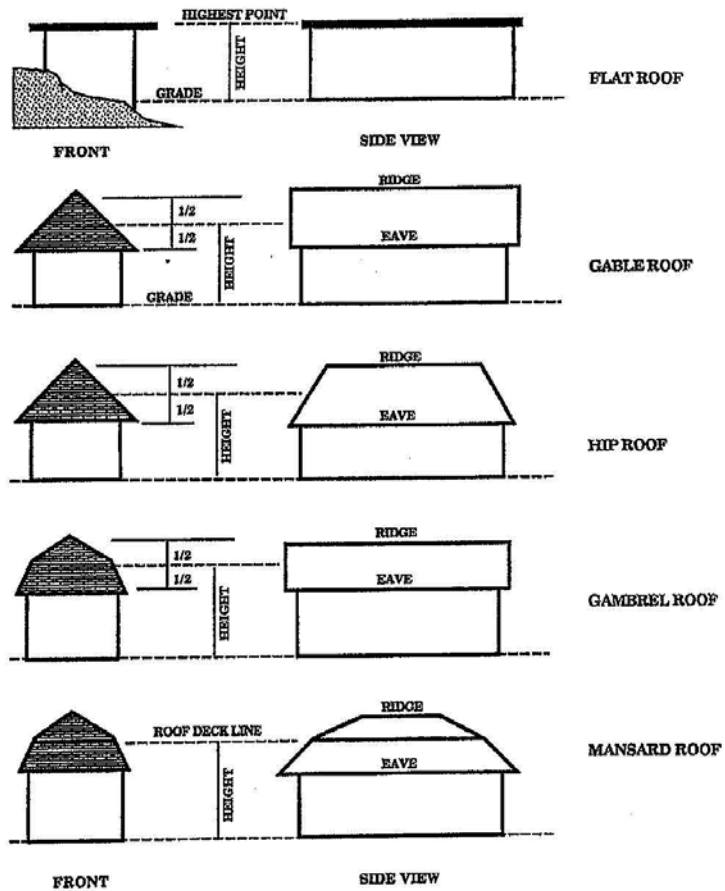
**"Lot"** means a parcel of land that abuts a *public street* that is registered as a legally conveyable parcel of land in the Registry Office.

**"Lot Area"** means the total horizontal area within the *lot lines* of a *lot*.

**"Lot, Corner"** means a *lot* at the intersection of two or more *public streets* or upon two parts of the same *public street* with such street or streets containing an angle of not more than 135 degrees or a *lot* upon which the tangents at the street extremities of the *interior side lot lines* contain an angle of not more than 135 degrees. The corner of a *lot* on a curved corner shall be that point on the *streetline* nearest the point of intersection of the said tangents.

TOWN OF MARKHAM  
BY-LAW 177-96

APPENDIX 2  
HOW TO CALCULATE THE HEIGHT  
OF BUILDINGS AND STRUCTURES



NOTE: This appendix is to be used for illustration purposes only and does not form part of the By-law.

# TOWN OF NEW TECUMSETH BY-LAW 96-103

"Amenity Area" means common outdoor space, whether at grade or not, provided for the active or passive recreation and enjoyment of the occupants of a residential development.

"Ancillary" means subordinate or secondary.

"Animal Hospitals and Shelters" means the temporary accommodation and care or impoundment of animals within an enclosed building, including a veterinary clinic, but does not include kennels.

"Attached" shall mean a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

"Automotive Body Shop" shall mean a lot, building or structure used for the painting or repairing of motor vehicle bodies, or parts thereof, but shall not include an automotive service station, an automotive maintenance garage, a gas bar, a car wash or a salvage yard.

"Automotive Maintenance Garage" shall mean a lot, building or structure used for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, includes the repair or replacement of muffler, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, tires, wheels, windshields, windows and other mechanical or electrical parts of systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include an automotive body shop, a gas bar, a car wash, or a salvage yard.

"Automotive Sales and Service Establishment" shall mean any building or lot where new and/or used motor vehicles are stored or displayed for the purpose of sale or lease and may include the storage and sale of accessories and lubricants for motor vehicles, and an automotive maintenance garage.

"Automotive Service Station" shall mean a lot, building or structure used for the sale of fuel, lubricants and accessories for motor vehicles and may also include an automotive maintenance garage, but a bulk fuel depot is not permitted.

"Automotive Wrecking Establishment" (see Salvage Yard).

"Basement" shall mean that portion of a building which is partly below ground level which has at least 25 to 30 percent of its height (measured from

finished floor to finished ceiling) above the average finished grade adjacent to the exterior walls of the building (see Figure A).

Amended by By-Law #98-111 (98-06-17)

"Bed & Breakfast Facilities" means a single detached dwelling used as the permanent residence of the hosts with no greater than 3 bedrooms available to guests. The facilities shall be restricted to serving overnight guests only, and shall not offer services to non-guests. This definition shall not include a "Tourist Inn".

"Building" means any structure, constructed or placed on, in, over or under land used for the shelter, accommodation, or enclosure of persons, animals, materials or equipment, but does not include a wall, fence, public roadway or a bridge forming part of a public roadway.

"Building Height" means the greatest vertical distance measured from the average finished grade to the extension walls of the building grade to:

- in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater;
- the deck line of a mansard roof; and
- in the case of a pitched, hip, gambrel or gabled roof, a point midway between the eaves and the ridge.

In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple, church spire, belfry, water tank, clock tower, farm building, windmill, flag pole, ventilator, or antenna, is not to be included (See Figure B).

"Building, Primary" shall mean a building or structure from which the principal use of the lot on which it is situated is conducted. In a Residential zone, the dwelling is the primary building.

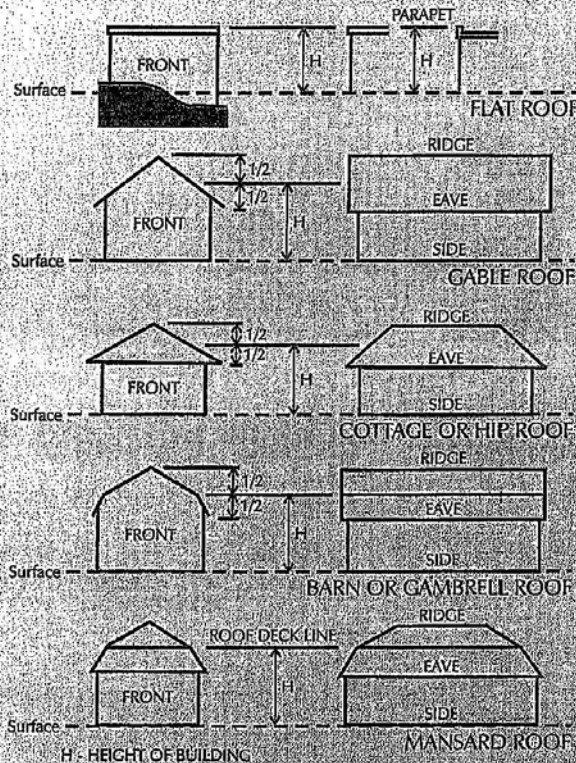
"Bulk Fuel Depot" shall mean a lot or building where bulk storage of fuel, including petroleum products and propane tanks place, and where wholesaling and retailing of these products may be carried on. A fuel depot may include a card-lock operation

"Bulk Storage Yard" means land which is used for the open storage of goods and materials, machinery, petroleum products, and/or equipment, but does not include a salvage yard nor the storage of such items as would require approval under the Public Health Act, RSO 1990, as amended from time to time.

"Bunkhouse" shall mean a dwelling with a common room for sleeping and shared food preparation and sanitary facilities.

TOWN OF NEW TECUMSETH  
BY-LAW 96-103

Figure B: Illustration of Building Height Definitions



Note: These illustrations are for clarification and convenience and do not form part of this By-Law.

**"Communally Serviced Residential Development"** shall mean settlements which are not physically associated with urban communities, but include amenities and infrastructure normally associated with an urban environment, and which occur on communal services, but shall not include estate residential or hamlets.

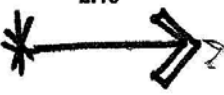
**"Conservation"** shall mean the use of a lot, building or structure for the purpose of management of natural resources, fish and wildlife, but shall not include agriculture.

**"Contractor's Shop or Yard"** means the use of land for the provision of building, lumber, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road, sewer or other construction services which require on-site storage space for materials, construction equipment or vehicles including sales, display, office or technical support service areas in conjunction with these uses.

Amended by By-law #97-23 (97-03-12)

CITY OF TORONTO (NORTH YORK)  
BY-LAW 7625

## DEFINITIONS

- 1.77  
Basement 2-4
- 2.6 **Basement** shall mean a storey which has not more than one half of the height between the floor and ceiling below the established grade.
- 2.7 **Block** shall mean all land fronting on one side of a street between the nearest streets, intersecting, meeting or crossing the aforesaid street.
- 2.7.1 **Block (on a registered plan)** shall mean a parcel of land on a registered plan, which parcel is indicated by the word and letter "Block A", "B", "C" or as the case may be.
- 2.8 *Repealed by By-law 30964.*
- 2.8.1 **Boarding Kennel** means the use of land, building or structure where animals are boarded for gain, and without limiting the generality of this definition includes animal training facilities. *(By-law 33091)*
- 2.9 **Boarding or Lodging House** shall mean a dwelling in which lodging with or without meals is supplied for gain, but shall not include a hotel, hospital, children's home, nursing home, home for the aged or other similar establishment.
- 2.9.1 **Building** shall be defined in accordance with the provisions in the Building Code Act as it may be amended from time to time. *(By-law 30964)*
- 2.10  **Building Height** shall mean the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge. For buildings other than single family dwellings, a penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament upon or to house the mechanical equipment of the building shall be disregarded in calculating the height of such building. For single family dwellings, a tower, cupola, steeple or other roof structure except a chimney, shall be included in calculating the height of such building provided that skylights and parapets may exceed the maximum building height by a maximum of 0.5 metres. *(By-law 31181)*
- 2.11 **Building By-law** shall mean *The Building Code Act*, and regulations made thereunder as it may be amended from time to time. *(By-law 31733)*
- 2.11.1 **Building Inspector** shall mean that City Official who is charged from time to time with the duty of enforcing the Building By-law.
- 2.11.1 **Building Commissioner** shall mean the chief building official appointed by the City Council or his authorized designate. *(By-law 30964)*
- 2.13 **Business Office** means the use of a building or part of a building for the

January 31, 2001

**TOWN OF RICHMOND HILL  
BY-LAW 235-97**

**6.77 HEALTH CENTRE**

Means a building or a part of a building which is used for the purpose of physical fitness and may include a gymnasium, exercise room, steam room, sauna, racquet sports facilities, sun room, swimming pool, massage room, or any other use related to physical fitness, but does not include a commercial body rub or erotic massage parlour. A massage room must be associated with at least one other of the above permitted uses within the Health centre.

**6.78 HEIGHT**

~~Means, with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:~~

- (i) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- (ii) ~~the decline of a mansard roof;~~
- (iii) the mean level between eaves and ridge of a gabled hip or gambrel roof or other type of pitched roof;
- (iv) in case of a structure with no roof, the highest point of the said structure.

Flagpoles and roof constructions which are less than 5.5 metres in height and do not occupy more than 30% of the area of the roof upon which they are located shall not be included in the calculation of maximum height.

**6.79 HOME OCCUPATION**

Means an economic enterprise operated within a dwelling unit, incidental and secondary to the residential use.

**6.80 HOTEL**

Means a building or part of a building or 2 or more connected buildings used mainly for the purpose of catering to the needs of the traveling public by the furnishing of sleeping accommodations which do not include separate kitchen or housekeeping facilities but may include a restaurant, dining room, lounge, meeting rooms, retail stores, and other ancillary uses.

**6.81 INSTITUTIONAL USE**

Means the use of land, building or structure or part thereof by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain.

**6.82 LANDSCAPING**

Means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and shall not include parking areas, driveways or ramps.

**6.83 LANE**

Means a public or private means of access which affords a secondary means of access to an abutting property in addition to a street.

**TOWN OF OAKVILLE  
BY-LAW 1984-63**

**PART I ALL ZONES**

**"bed and breakfast establishment"** means the provision of lodging with or without meals for the traveling public within a detached dwelling, provided that:

- i) The minimum lot frontage is 12m;
- ii) A maximum of two rooms or two suites not exceeding in total 25% of the gross floor area of the detached dwelling shall be used for the purposes of lodging for the traveling public;
- iii) There shall be no kitchen facilities for the exclusive use of the traveling public lodging at the bed and breakfast establishment;
- iv) The bed and breakfast establishment shall be operated by a person or persons whose principal residence is the detached dwellings; and,
- v) There shall be one additional off-street parking space for each room used for the purposes of lodging for the traveling public in addition to the required parking for the detached dwellings;

**"buffer strip"** means a strip of land with landscaping as specified elsewhere in the by-law;

**"building height"** means the vertical distance between the established grade; and,

- i) The highest point of a flat roof including any parapets, or
- ii) The deck line of a mansard roof, or
- iii) The mean height between the eaves and ridge of a gabled, hip, or gambrel roof;

**"business and professional offices"** means a building, or part of a building, designed or used for the practice of a profession, the conduct of the office operations of a business, public or government administration, but does not include a medical office or administrative office;

**"car compound"** means a parcel of land used only for the temporary storage of damaged or impounded motor vehicles;

**"cemetery"** means the lands used or intended to be used for the interment of human remains and may include a crematorium, mausoleum and a columbarium;

**"church organization"** means a religious association or corporation which maintains a place for regular worship;

**CITY OF BRAMPTON  
BY-LAW 270-2004**

**BUILDING** shall mean any structure, whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, materials or equipment, but shall not include a house trailer or mobile home.

**BUILDING AREA** shall mean the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells and all other spaces within the building, but excluding open air porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

**BUILDING HEIGHT** shall mean the vertical distance between the established grade, and:

(a) in the case of a flat roof, the highest point of the roof surface,

(b) in the case of a mansard roof, the deck line, or

(c) in the case of a peaked, gabled, hip or gambrel roof, the mean height level between eaves and ridge.

**BUILDING, MAIN** shall mean the building in which the principal purpose for which the lot is used is carried on.

**CARPORT** shall mean an accessory building or structure or part thereof, the perimeter of which is more than forty (40) percent unenclosed and which is used for the parking or temporary storage of vehicles.

**CATERING TRUCK** shall mean a truck cab and frame with a catering box installed thereon, having a vehicle weight not in excess of 3300 kilograms, from which various beverages, foods and sundries are sold at various locations.

**CELLAR** (see **BASEMENT**)

**CEMETERY** shall mean a cemetery, crematorium, mausoleum, or columbarium within the meaning of the *Cemeteries Act*.

**COMMERCIAL USE** shall mean the use of land, building or structures for the purposes of buying and selling of commodities and supplying of services, as distinguished from the manufacturing, assembling or storage of goods.

**COMMUNITY CENTRE** shall mean a building or place used for community activities of a social, cultural or recreational character and operated on a non-profit basis.

**COMMUNITY CLUB** shall mean a building or place operated by a social organization.

**COMPOSTING FACILITY** shall mean a facility whose primary purpose is the composting of food waste and organic materials.

**CONSERVATION AREA** shall mean an area of land owned by a conservation authority.