



SUBJECT: *Zoning By-law Amendment
Infill Housing By-law
File No. D14-08-07*

FROM: Marco Ramunno, Director of Planning & Development Services

DATE: May 28, 2008

RECOMMENDATION

THAT report PL08-060 be received as information and that Council determine their position with respect to the application, subject to public comments received.

BACKGROUND

History

As Council is aware, Staff have been studying infill housing and the issues associated with infill housing for the last two years. This was by way of Council direction as a result of a delegation from residents who expressed concerns with the kind of infill or redevelopment housing currently occurring. Staff have since studied how other municipalities in the Greater Toronto Area have dealt with the issue of oversize infill housing through their zoning by-laws. Furthermore, a Committee was formed made up of Staff from both the Planning & Development Services and Building Administration Departments and some preferred zoning options have been identified and chosen by Council.

Notification

As directed by Council, notice of the subject application was given by mail to all assessed property owners which would be affected by the proposed by-law and a public notification appeared in the Aurora Era Banner on May 6, 2008.

Chronology

- At the General Committee Meeting of April 18, 2006, the Committee considered a delegation from a resident of Hillview Road who expressed concerns with the infill or redevelopment housing currently occurring. The resident suggested that zoning changes aimed at preventing “monster homes” from being constructed should be investigated and passed. The Committee passes the following resolution:

“THAT the issues presented by the residents of Hillview Road.....be referred to the CAO and Senior Management Team for a report back on short term and long term solutions that can be implemented and that a report be provided for the next General Committee meeting;

THAT staff also contact the Town of Richmond Hill and the City of Toronto to determine what legislation their municipalities have implemented to address the issue of monster homes; and

THAT staff be requested to draft and bring forward a policy with timelines and deliverables, which outlines how to halt the construction of monster homes, and maintain the character of the distinct neighbourhoods in the Town of Aurora.”

- On June 20, 2006, a report was presented at the General Committee Meeting which outlined the process Staff would take to study the infill housing issue and identified how other municipal by-laws in Greater Toronto are dealing with the issue.
- On October 3, 2006, an update report was presented at the General Committee Meeting which identified the Staff Members of the working group which would be studying the matter and identified some preferred zoning options.
- On June 26, 2007 a Public Open House was held at the Town Hall where the preferred zoning options were presented. Staff attempted to obtain public input regarding the options and attempted to obtain input regarding what the applicable geographic area should be. For those who were not able to attend, the materials present at the Public Open House were placed on the Town’s website, along with a questionnaire for anyone who would like to provide their comments.
- On October 24, 2007 a Statutory Public Planning Meeting is held which presented the first draft of the by-law and presented Council with two options regarding applicable geographic location. Council chose the first option which consists of the Town’s heritage neighbourhoods as identified by the Town’s Community Planner. The second option would apply to all subdivisions registered prior to 1980 and has been attached as Figure 1.
- The draft by-law was intended to proceed to the December 4, 2007 General Committee Meeting for consideration, however a number of residents and property owners from Hillview Road came forward to express concern about the draft by-law. The draft by-law was therefore deferred in order to provide for the opportunity to have further consultation with those individuals that have interests on Hillview Road.
- A meeting was held at the Town Hall on January 28, 2008 between Staff and residents/landowners on Hillview Road and a separate by-law for Hillview Road was agreed upon and drafted.
- The two draft by-laws were therefore before the General Committee on their meeting of February 19, 2008, however the Committee decided that further public notification on the matter was warranted.
- After further notification, the two by-laws proceeded to the March 18, 2008 General Committee Meeting, where the Committee decided that the two by-laws should be presented separately and that the subject by-law (4980-07.D) should proceed to a

further public meeting. Therefore, the purpose of the Public Planning Meeting being held tonight is to again present Draft By-law No. 4980-07.D, in accordance with the aforementioned resolution of the General Committee on March 18, 2008.

PROPOSAL

Staff have drafted a Zoning By-law Amendment which contains provisions for infill housing. Draft By-law No. 4980-07.D is attached as Appendix "A" for Councils' review and action and was written based on the above noted preferred zoning options as identified by Planning & Development Services and Building Administration Department Staff.

Draft By-law No. 4980-07.D contains the following provisions which have been revised based on comments received from the public primarily at the March 18, 2008 General Committee Meeting:

i) Front Yard Set Back

The draft by-law contains a provision which requires that the minimum front yard set back is calculated based on the average set back of the adjacent dwellings. Currently a front yard set back of at least 6.0 metres (19.7 feet) is required. This provision was included in order to ensure that newly constructed dwellings are located along the street in a manner that is consistent with the existing streetscape and thus reducing its impact on the streetscape.

ii) Maximum Depth

The draft by-law contains a provision which requires that the maximum allowable depth of a building is measured from the required front yard set back and shall not exceed 16.0 metres (52.5 feet). Currently building depth would be controlled by the required front and rear yard set backs of 6.0 metres (19.7 feet) and 7.5 metres (24.6 feet). Again, this provision was included in the draft by-law in an attempt to reduce the impact a new dwelling would have on a neighbouring property and the larger neighbourhood by controlling its size/mass.

The definition of depth is as follows:

- Existing Dwellings: means the horizontal distance between the front and rear exterior walls of a building.
- New Dwellings: means the horizontal distance between the minimum required front yard setback identified in Section 7.9.2 (based on the average set back of the adjacent dwellings) and the rear exterior walls of a building.

iii) Building Height

The maximum allowable height of a building is currently 10.0 metres (32.8 feet). The draft by-law proposes a maximum allowable building height of 8.5 metres (27.9 feet) for a building with a flat roof and 9.5 metres (31.2 feet) for a building with any other type of roof.

It was always intended that the implementing by-law would reduce the maximum allowable height. Staff believe that this reduction in height would reduce the impact of new housing in existing areas and is also achievable from a development perspective. **It is noted that the maximum allowable building height has been increased the by half a metre (1.6 feet), from 8.0 metres to 8.5 metres (26.2 feet to 27.9 feet) for a building with a flat roof and from 9.0 to 9.5 metres (29.5 feet to 31.2 feet) for a building with any other type of roof, as a result of comments received at the March 18, 2008 General Committee Meeting.**

The by-law also contains a provision which limits the maximum allowable distance between the roof of a basement and the beginning of a first storey to 1.0 metres (3.3 feet). This provision is also intended to reduce the impacts associated with the height and mass of a building.

iv) Garages and Driveways

The draft by-law proposes the following new provisions for garages and driveways:

- **Maximum Garage Width: 40% of the width of the lot frontage (this provision used to read 40% of the width of the dwelling, however it has been changed as a result of comments received at the March 18, 2008 General Committee Meeting);**
- **Maximum Garage Projection: 2.0 metres (6.6 feet) beyond the point of the main building closest to the Front Lot Line and cannot be closer than 6.0 metres (19.7 feet) to the Front Lot Line;**
- **Maximum Driveway Width: cannot exceed the width of the garage; and**
- **Negative Sloping Driveways are prohibited.**

Including a provision with respect to maximum garage width would again aid in limiting building mass and impacts on adjacent properties and streetscape. Limiting garage projections would ensure that a garage cannot be constructed completely in front of a dwelling, thus providing for a more desirable streetscape and design. Limiting the width of a driveway would provide for more space for landscaping thus potentially reducing hard surfaces and allowing for a more desirable streetscape and design. Finally, prohibiting driveway depressions would also decrease the mass associated with the façade of a building.

v) Maximum Coverage of Accessory Buildings

Currently the maximum allowable lot coverage for accessory buildings and structures is 7.5% where the lot area is less than 400.0 m² (0.1 acres) and 15% where the lot area is equal to or greater than 400 m². The draft by-law proposes to reduce the maximum allowable coverage for accessory buildings and structures to 7.5% regardless of the lot area.

This provision is once again intended to reduce the impact of a new development by reducing the amount of built form, therefore providing for a development that is more compatible with the existing neighbourhood.

Minimum Distance Separation between Dwellings

This provision is no longer applicable and has been removed from the draft by-law as a result of public input at the March 18, 2008 General Committee Meeting. The draft by-law used to contain a provision which stated that in addition to the minimum required interior side yard setbacks in the R2 Zone (1.2 for 1 storey and 1.5 for 2 storey) the proposed by-law also requires that new dwellings maintain the following distance separations:

1 storey dwelling	2.4 metres
2 storey dwelling	3.0 metres
3 storey dwelling	3.6 metres

Study Area

Geographic Location

At the first Public Planning Meeting held on October 24, 2007, Staff identified two possible geographic locations for consideration. The option chosen by Council consists of the neighbourhoods lying in and around the Town's heritage urban areas, with the exception of the Northeast Old Aurora Heritage Conservation District which is regulated by its own plan. The infill housing study/by-law process began as a result of concerned residents from this area and this area has been experiencing the most controversial forms of infill development. At the first Public Meeting this would have included the area subject to the Hillview Road/Tyler Street By-law as illustrated on Figure 2, which is now proceeding separately. The second option would have extended the applicable geographic location to include all properties located within a subdivision which was registered prior to 1980. Staff believes that the potential for infill development, redevelopment and renovation exists in this expanded area as well, and that this area can be expanded as the neighbourhoods become older and begin to experience pressure for infill/redevelopment.

Applicable Zones

Presently, only properties which are zoned "Detached Dwelling Second Density Residential (R2) Zone" or any R2 Exception Zone, and "Special Mixed Density Residential (R5) Zone" used for the purposes of a detached dwelling are proposed to be included in the by-law. Staff believes that the R2 and R5 zones are the zones most in need of additional zoning provisions to regulate infill housing.

Staff have examined the possibility of applying the draft by-law to the "Detached Dwelling First Density Residential (R1) Zone" and believes that it would not be warranted at this time as the R1 Zone has larger requirements with respect to lot area, frontage and set backs. The minimum lot area in a R1 Zone is 2,000 square metres (0.5 acres), with a minimum lot frontage of 30.0 metres (98.4 feet), a minimum front and rear yard set back requirement of 9.0 metres (29.5 feet) and a minimum side yard requirement of 4.5 metres (14.8 feet).

Certainly, the provisions of the subject by-law could not be applied to the R1 Zone without reducing the requirements of that zone. Therefore, if Council believes there is merit in applying further provisions to the R1 Zone in the future, another by-law would have to be drafted, independent of By-law No. 4980-07.D.

Staff have decided however that applying the height provisions of By-law No. 4980-07.D to the R1-1 Zone, located on Hawthorne Lane, would be beneficial as this zone has a reduced requirement for minimum lot area and frontage of 835.0 m² (0.21 acres) and 22.0 metres (72.18 feet). Given these reduced zoning requirements, the potential to be negatively impacted by building height would increase. The other provisions of By-law No. 4980-07.D could not be appropriately applied to the R1-1 Zone, as this zone maintains the requirements of the parent R1 Zone with respect to set backs.

Some dwellings located within the area which would be affected by By-law No. 4980-07.D fall partially or entirely within the "Environmental Protection (EP) Zone." The only enlargement permitted to existing dwellings in the EP Zone is an increase in height. Therefore, Staff have also applied the height provisions of the subject by-law to the EP Zone. The other provisions of By-law No. 4980-07.D cannot be appropriately applied to the EP Zone, as any outward enlargement or expansion of an existing dwelling would be prohibited without getting relief from the zoning by-law.

COMMENTS

At the General Committee Meeting held on March 18, 2008 the following concerns were raised by members of the public:

- The distance separation between dwellings provision is too restrictive, as a number of homes were constructed on the property line or are even encroaching into the neighbouring property.

This provision has therefore been removed from the proposed by-law.

- The provision regarding maximum allowable garage width is too restrictive and in some cases only a single car garage can be constructed.

This provision has therefore been changed so that the maximum allowable garage width cannot exceed 40% of the width of the lot frontage, whereas it used to restrict the maximum allowable garage width to 40% of the width of the dwelling. This provision only applies where the lot frontage is 15.0 metres (49.2 feet) or greater, therefore allowing for the construction of at least a two car garage.

- The reduction in the maximum allowable building height to 8.0 metres (26.2 feet) for a building with a flat roof and 9.0 metres (29.5 feet) for a building with any other type of roof is too restrictive.

Staff believes there is merit in lowering the current maximum allowable building height of 10.0 metres (32.8 feet) in order to achieve the goals of the proposed by-

law as they relate to neighbourhood conformity and streetscape impact. Staff have however proposed to increase this provision by half a metre (1.6 feet) to 8.5 metres (27.9 feet) for a building with a flat roof and 9.5 metres (31.2 feet) for a building with any other type of roof.

- The proposed by-law will have a negative impact on property values/create a poor area of Aurora.

The proposed by-law would still allow for reasonable expansion and redevelopment, while maintaining the character of existing neighbourhoods and protecting individual property rights by ensuring that the redevelopment of a neighbouring property would not negatively impact existing residences. Furthermore, every effort has been made to ensure that the proposed by-law would not be so restrictive that properties could not be reasonably expanded or redeveloped. This was one of the main reasons why a committee, which included the Town's Chief Building Official and Manager of Building and Development Services was formed to study the infill housing issue and draft the implementing by-law.

- Other comments and questions were:
 - What motivated these changes?
 - Why now?
 - Proposed By-law is discriminatory, it only applies to one area.
 - Why was this geographic area chosen?

As previously mentioned, Council directed Staff to study how other municipalities were dealing with infill housing and bring forward provisions which would "halt the construction of monster homes, and maintain the character of the distinct neighbourhoods in the Town of Aurora." This Council resolution was a result of delegations from residents that were concerned with the kind of redevelopment that was occurring in their neighbourhood.

At the first Public Planning Meeting, Council chose to apply the proposed by-law to the oldest and most vulnerable area to infill development. This would have also included the area subject to the separate Hillview Road/Tyler Street By-law. The second option presented at this meeting would have extended the applicable geographic location to include all properties located within a subdivision which was registered prior to 1980.

At the General Committee Meeting held on March 18, 2008 the Committee indicated that this report should state how the proposed by-law addresses the "Monster Homes" issue. Originally this by-law was to also apply to the area covered by the recently drafted by-law for Hillview Road and the portion of Tyler Street west of George Street. If this were the case, the same kind of large-scale development that has been occurring within this area would not be possible.

As previously mentioned, a separate by-law has been drafted for this area as a result of public input from the residents and landowners on these two streets which is a lot less restrictive. The proposed by-law (4980-07.D) does however address Council's intent to "maintain the character of the distinct neighbourhoods in the Town of Aurora."

Further Public Comments

The Planning & Development Services Department has received only one letter in response to the Town's May 6, 2008 notification regarding tonight's public meeting. The letter is from the owners of 58 Tyler Street, Carl and Charmaine Hunter, and states that the maximum allowable depth of 16.0 metres (52.5 feet) is too restrictive and would not allow for the desired expansion of their existing dwelling. The letter states that "most of the older homes do not have habitable basements. Therefore if one was renovating a home to meet today's living requirements the ground floor would have to accommodate a living room, dining room, kitchen, laundry, powder room and family room. If we assume these rooms are of average size this would bring the depth of the home closer to 18.288 metres (60 ft)."

As previously mentioned, Staff are of the opinion that the proposed by-law would provide the opportunity for reasonable expansions to existing dwellings. Having said that, the proposed by-law would apply to a large area and it is impossible to account for every individual circumstance. The *Planning Act* recognizes this and provides the opportunity to apply for a Minor Variance in instances where the by-law cannot be specifically met however the general intent of the by-law could still be maintained.

OPTIONS

Option 1

Given that this is the second Public Planning Meeting, the third time the proposed by-law has been before Council for approval, and that Staff have attempted to address all outstanding issues, Council has the option of approving Draft By-law No. 4980-07.D tonight.

Option 2

Council also has the option of directing Staff to bring Draft By-law No. 4980-07.D back to a further General Committee Meeting for approval, which would include any changes to the proposed by-law Council feels is necessary, including public input.

Option 3

Finally, Council also has the option of denying Draft By-law No. 4980-07.D if they feel that it is no longer warranted.

FINANCIAL IMPLICATIONS

Staff of the Policy Planning Division are completing this project internally.

LINK TO STRATEGIC PLAN

The Strategic Plan contains objectives to ensure high quality, comprehensive community planning to protect the overall investment of citizens in the community. Amending the Town's Zoning By-law in order to put into place zoning provisions which would better regulate infill housing facilitates this objective.

PROVINCIAL POLICY STATEMENT

There are no conflicts with the policies of the Provincial Policy Statement as a result of this application.

CONCLUSION

The Planning & Development Services Department is proposing to amend the Zoning By-law in order to include provisions which would better regulate infill housing. A by-law has therefore been drafted and has been appended to this report for Councils' review. The by-law amendment process was initiated by Councils' direction and the proposed by-law has been revised numerous times to reflect the views of the Community. Staff have noted in previous reports that the by-law may not be perfect, but every attempt has been made to craft a by-law that would achieve the goals of maintaining the character of Aurora's existing neighbourhoods, while ensuring that new development does not impact on the quality of life of existing residents.

In order to ensure these goals are met and in order to ensure that the proposed zoning changes are not too restrictive, a Committee was formed made up of Staff from both the Planning & Development Services and Building Administration Departments to study and draft the proposed by-law. Staff therefore believes there is merit to the proposed by-law and that it would achieve the goals desired by Council as stated in their initial resolution on the matter in April 2006.

ATTACHMENTS**Figures**

Figure 1: Option 2 (As presented at the first Public Planning Meeting - October 24, 2007)

Figure 2: Schedule "A" to Draft By-law No. 5002-08.D

Appendices

Appendix A - Draft By-law No. 4980-07.D

PRE-SUBMISSION REVIEW

Management Team Meeting - May 21, 2008

***Prepared by: Fausto Filipetto, Policy Planner
Extension 4342***

***Marco Ramunno, M.C.I.P., R.P.P.
Director of Planning & Development Services***

***John S. Rogers,
C.A.O.***