



STAFF REPORT ACTION REQUIRED

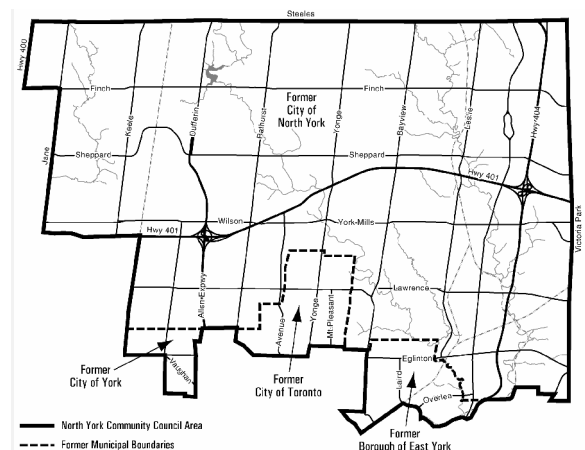
Zoning Amendments to Repeal Bylaws That Regulate Reverse Slope Driveways in the North York Community Council District Boundary

Date:	March 10, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
Reference Number:	ny090008

SUMMARY

The flooding of basements in grade-related houses has been a growing problem. A contributing factor to some basement flooding is when driveways lead downward into garages located in the lower level of houses, which is currently permitted in the zoning bylaws applying to the North York Community Council jurisdictional area. On January 27 and 28, 2009, City Council enacted five zoning by-law amendments, Nos. 98-2009, 99-2009, 100-2009, 101-2009 and 102-2009, corresponding to the boundaries of the North York Community Council that restrict the as-of-right permission to develop reverse slope driveways.

On February 23, 24 and 25, 2009, City Council requested a report regarding bylaws to repeal these bylaws. This report recommends passing the attached zoning amendment which will repeal the provisions previously adopted restricting reverse slope driveways. An accompanying report recommends bylaws to re-establish the restrictions on Reverse Slope Driveways to be passed by City Council at a later date.



RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. enact the Zoning By-law Amendment for the repeal of the bylaws regulating reverse slope driveways in the zoning by-laws of the former cities of Toronto, North York, York, East York (Township and Leaside bylaws) as they may apply to the district boundary of the North York Community Council substantially in accordance with the draft zoning by-law identified as Attachment No. 1.
2. authorize the City Solicitor to make such stylistic and technical changes to the text draft zoning by-law amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In a separate action, on September 9, 2008, North York Community Council considered a Member Motion on “Local Measures to Reduce Basement Flooding in the North York Community Council Area”.

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-15555.pdf>

At its meeting of September 24 and 25, 2008, City Council considered the North York Community Council report (NY18.53) and adopted the following, as amended:

1. City Council direct the Chief Planner and Executive Director, City Planning Division, to report to the North York Community Council for its meeting on November 18, 2008, on possible amendments to the bylaws in the North District that will eliminate all, as-of-right, reverse sloped driveways in the North District.
2. City Council direct that this item be scheduled as a public hearing.

Also at the meeting of September 24 and 25, 2008, City Council considered a report from Toronto Water, dated August 18, 2008, “Update on the Engineering Review Addressing Basement Flooding” (EX23.16).

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-15074.pdf>

Among the several decisions coming from this, City Council directed City Planning to deal with zoning regulations in the new city-wide zoning bylaw that prohibit new reverse slope driveways, inform the Committee of Adjustment as to their impact, and:

“... in the interim, ... report to the November 13, 2008 meeting of the Planning and Growth Management Committee on possible other joint measures of the Toronto Water and Planning Divisions to give equivalent effect to this recommendation in the period prior to consideration of the new Zoning By-law.”

At its meeting held on November 18, 2008, North York Community Council adopted the following:

“The Chief Planner and Executive Director, City Planning, to report to North York Community Council for its meeting of January 13, 2009, on possible amendments to the by-laws in the North District that will eliminate all, as-of-right, reverse sloped driveways in the North District, as previously directed by City Council at its meeting of September 24 and 25, 2008.” and,

“A statutory public meeting be held on this matter at the North York Community Council meeting of January 13, 2009, as previously directed by City Council at its meeting of September 24 and 25, 2008.”

On January 27 and 28, 2009, City Council enacted five zoning by-laws that restricted reverse slope driveways for new residential dwellings in the North York Community Council area.

On February 23, 24 and 25, 2009, City Council adopted the following:

1. North York Community Council Item NY22.34 be referred back to the North York Community Council for further consideration.
2. The Director of Community Planning, North York District, be requested to report to North York Community Council at the earliest possible date regarding a by-law to repeal the North York Zoning By-laws and, further, report on by-laws to re-establish the prohibitions on Reverse Slope Driveways contained in the repealed by-laws (the “Replacement By-laws”).
3. The Director of Community Planning, North York District, and the City Clerk be directed to schedule a public meeting, pursuant to the Planning Act, before the North York Community Council for consideration of the repealing by-law and the Replacement By-laws.
4. The North York Community Council be requested to consider the report and recommend to City Council the date on which the Replacement By-laws should be enacted.

<http://www.toronto.ca/legdocs/mmis/2009/mm/bgrd/backgroundfile-19334.pdf>

ISSUE BACKGROUND

At its meeting held on September 24 and 25, 2008, City Council had before it a report from the General Manager, Toronto Water entitled “Update on the Engineering Review of Addressing Basement Flooding”. The report discussed the issues and challenges facing the City with respect to the elimination of basement flooding. The report also described the contribution reverse slope driveways provide to this on-going concern. The report

recommended, among other measures, amendments to the zoning bylaws to restrict the construction of reverse slope driveways that may exacerbate the problem.

COMMENTS

Passing of Repealing Bylaws

Bylaws Nos. 98-2009, 99-2009, 100-2009, 101-2009 and 102-2009 that were passed by City Council on January 27 and 28, 2009, in order to restrict reverse slope driveways, are recommended for repeal. The purpose for repealing these bylaws is to give opportunity to a number of development proposals that include reverse slope driveway designs and that have received approvals through rezoning applications, variance applications to the Committee of Adjustment, or from the Ontario Municipal Board (OMB) on appeal to obtain a building permit. This would also allow an opportunity to those who had purchased property with the intent of incorporating a reverse slope driveway designs, where previously permitted, to apply for a building permit.

In an accompanying report, it is recommended that bylaws restricting reverse slope driveways be passed once again but at a future date to be determined by Council, based on a recommendation from North York Community Council.

CONTACT

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SIGNATURE

Thomas C. Keefe
Director, Community Planning
North York District
City Planning Division

ATTACHMENTS

Attachment 1: Draft Repealing Reverse Slope Driveway Bylaw

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Attachment 1: Draft Repealing Reverse Slope Driveway Bylaw

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.:

BY-LAW No. -2009

To amend former Township of East York By-Law No. 6752, former City of Toronto By-law 438-86, former Town of Leaside By-law 1916, former City of North York By-law 7625, former City of York By-law 1-83 by Repealing Bylaw 98-2009, 99-2009, 100-2009, 101-2009 and 102-2009, being By-laws to Establish the Minimum Elevation of the Entrance to an Area Used for the Parking of a Vehicle in association with certain Residential Buildings.

WHEREAS authority is given to City Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended to pass this by-law; and

WHEREAS City Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. City of Toronto By-law Nos. 98-2009, 99-2009, 100-2009, 101-2009 and 102-2009 are hereby repealed.

ENACTED AND PASSED this day of January, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)