

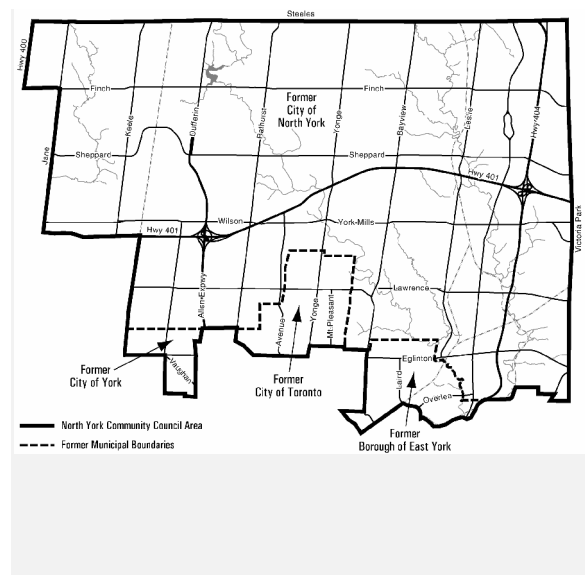
Zoning Amendments to Regulate Reverse Slope Driveways in the North York Community Council District Boundary

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| 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: | ny090007 |

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 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, which is the subject of an accompanying report, and a report on bylaws to re-establish the restrictions on Reverse Slope Driveways. This report responds to the latter request by recommending that the attached draft zoning bylaw amendments be passed by City Council at a later date.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact the Zoning By-law Amendments for 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-laws identified as Attachment No. 1, 2, 3, 4 and 5 ;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the text draft zoning by-law amendment as may be required.
3. North York Community Council recommend to City Council the date upon which Attachment Nos. 1, 2, 3, 4 and 5 should be enacted by Council.

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

Reverse Slope Driveways Restrictions

During extreme storm events, when the stormwater runoff flows exceed the design capacity of the storm sewer system, the system becomes overloaded and the storm sewers surcharge (ie. the flows back up and pressurize the storm sewer system) and can become another major source of basement flooding. Surface flooding is another source of basement flooding. Surface flooding on streets is mainly the result of poor street grading. Current design standards for storm drainage, which were developed in the mid 1970s, include a design for the storm sewer system to intercept and convey the stormwater runoff from a one in 2 year to a one in 5 year return storm event. For larger storms, stormwater that can't be intercepted by the storm sewer remains on the road surface and flows along the streets, typically to a low point where it outlets via an overland flow route to the nearest watercourse. However, in many of the older areas of the City developed prior to 1970, many of the streets do not provide a continuous flow route, are very flat or have low points with no place for the water to outlet. Significant ponding can occur on the street, particularly during heavy rain conditions, overtopping the curb and flowing onto private property. This is particularly problematic in areas where the lots are poorly graded (in many cases toward the house) or where homes have reverse sloped driveways, stormwater is conveyed directly to the house.

Reverse slope driveways are a significant source of water flow and contribute to basement flooding as the catchbasins that drain the driveway are at a lower elevation in relation to the road and therefore are susceptible to flooding from even minor surcharging of the storm sewers. Reverse slope driveways are also susceptible to surface flooding in low lying areas. When ponding occurs on the road, stormwater can overtop the curb, flowing down the driveway directly into the garage and basement. Due to the significant effect reverse sloped driveways have on basement flooding, it is recommended that reverse sloped driveways be restricted in order to help alleviate the problem of basement flooding.

Passing of Replacement Bylaws

In an accompanying report before the Community Council, Bylaw Nos. 98-2009, Zoning Amendments to Regulate Reverse Slope Driveways in the North York Community Council District Boundary

99-2009, 100-2009, 101-2009 and 102-2009 that were passed by Council on January 27 and 28, 2009 to restrict reverse slope driveways, are recommended for repeal. Consideration of repeal of these bylaws follows from direction by City Council passed at its meeting held on February 23, 24 and 25, 2009. The purpose for repealing these bylaws is to give opportunity to a number of development proposals that include reverse slope driveways 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 offer an opportunity to those who had purchased property with the intent of incorporating a reverse slope driveway, where previously permitted, to apply for a building permit.

City Council's direction from its February 23, 24 and 25, 2009 meeting also requests the reinstatement of zoning amendments restricting reverse slope driveways. City Council's direction also specifies that North York Community Council, after due consideration of this report, should recommend to City Council the date on which these new bylaws should be enacted. As a matter of assistance to the Community Council in recommending a date, the following information about the current applications for reverse slope driveways is provided.

To date Toronto Building has been able to identify 63 properties in North York District that involve reverse slope driveways in their design and are currently in the process of obtaining a building permit. Of these properties 31 have received Committee of Adjustment or OMB approval for permission to incorporate a reverse slope driveway into the design but have not applied for a building permit prior to the passage of the reverse slope driveway bylaws in January of this year. A further 16 properties received Committee of Adjustment or OMB approval for other variances but not for reverse slope driveway design because at the time a reverse slope driveway was permitted. These properties are unable to attain a building permit at this time. The remaining 16 properties fall into two categories. At the time of application by some property owners, the zoning permitted reverse slope driveways but other zoning variances were required. In such cases, no further action was taken by the applicants. In a second category of applications, reverse slope driveway designs were identified as not permitted and therefore unable to proceed with a building permit. In such instances applicants have the choice of changing their design or applying to the Committee of Adjustment. Again in this category no action has been taken by the applicants.

It is important to note that the bylaw repealing the reverse slope driveway bylaws originally passed on January 28, 2009, will be before City Council on April 29 and 30, 2009. There then follows an appeal period which ends in the first week of June. If there are no appeals, the bylaw is deemed to be in full force and effect. No building permit may be issued before that time.

After the repealing bylaw is in effect, the previous zoning regulations applying to reverse slope driveways apply. Minor variance applications that were received for reverse slope driveways are valid and as-of right reverse slope driveway designs may be considered. It is important to note that any building permit applications that are not issued prior to the

reinstatement of the reverse slope driveway bylaws may be unable to be issued by Toronto Building after the date of passing of the new reverse slope driveway bylaws.

If the purpose of the repeal of the previous bylaws is to allow current applicants with reverse slope designs as described above an opportunity to obtain a building permit, then North York Community Council should consider recommending to City Council that the new reverse slope driveway bylaws be passed either at its meeting held on October 26 and 27 or the its meeting to be held on November 30 and December 1, 2009. This would give better opportunity to applicants to obtain all the necessary permits.

If there is concern that the amount of time would give an the opportunity for new applications for reverse slope driveways to come forward, then North York Community Council should consider recommending to City Council that the new reverse slope driveway bylaws be passed at the City Council meeting of September 30 and October 1.

It should be noted that in staff's view, passing the new reverse slope driveway bylaws at the City Council meeting scheduled for July 6 and 7 would likely leave insufficient to time for the processing all the building permit applications associated with reverse slope driveways.

CONTACT

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Zoning Bylaw and Environmental Planning
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SIGNATURE

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

ATTACHMENTS

Attachment 1: Draft new East York Reverse Slope Driveway Bylaw
Attachment 2: Draft new former City Reverse Slope Driveway Bylaw
Attachment 3: Draft new Leaside Reverse Slope Driveway Bylaw
Attachment 4: Draft new North York Reverse Slope Driveway Bylaw
Attachment 5: Draft new York Reverse Slope Driveway Bylaw

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Attachment 1: Draft new East York 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 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. Despite any other general or specific provision in Zoning By-law No. 6752 of the former Township of East York, enacted under section 34 of the *Planning Act* or its predecessor section, the following shall apply to the area depicted in the attached Schedule 1:
 - (1) for a **ONE-FAMILY DETACHED DWELLING, SEMI-DETACHED DWELLING, DUPLEX DWELLING, DOUBLE DUPLEX DWELLING, TRIPLEX DWELLING, DOUBLE TRIPLEX DWELLING**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
 - (A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; and
 - (B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

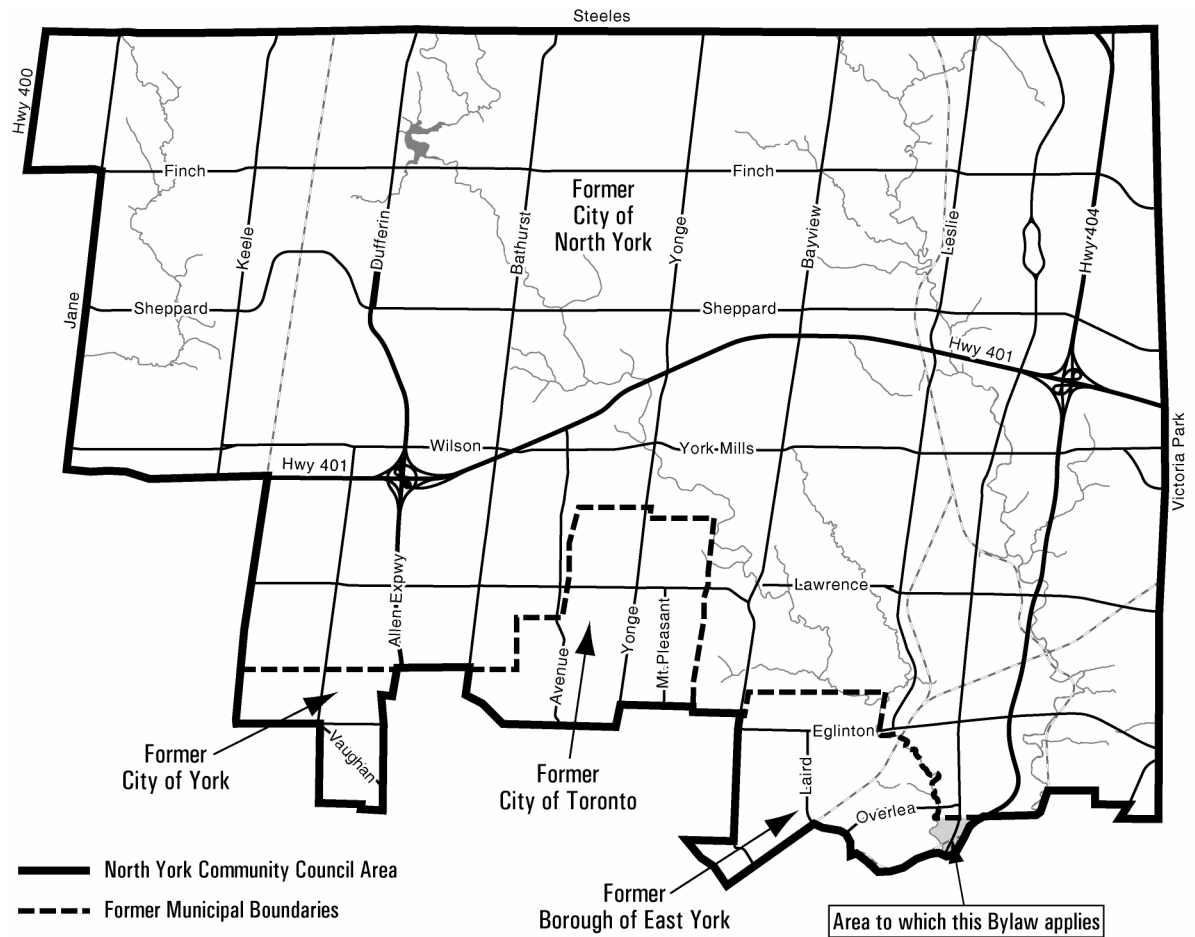
ENACTED AND PASSED this day of A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule 1



Attachment 2: Draft new former City Reverse Slope Driveway Bylaw
Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.:

BY-LAW No. -2009

**To amend former City of Toronto By-Law No. 438-86 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. Despite any other general or specific provision in Zoning By-law No. 438-86 of the former City of Toronto, enacted under section 34 of the *Planning Act* or its predecessor section, the following shall apply to the area depicted in the attached Schedule 1:
 - (1) for a **DETACHED HOUSE, DUPLEX, ROW HOUSE, ROOMING HOUSE, ROWPLEX, SEMI-DETACHED HOUSE, SEMIDETACHED DUPLEX, TRIPLEX HOUSE, SEMI DETACHED TRIPLEX HOUSE**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

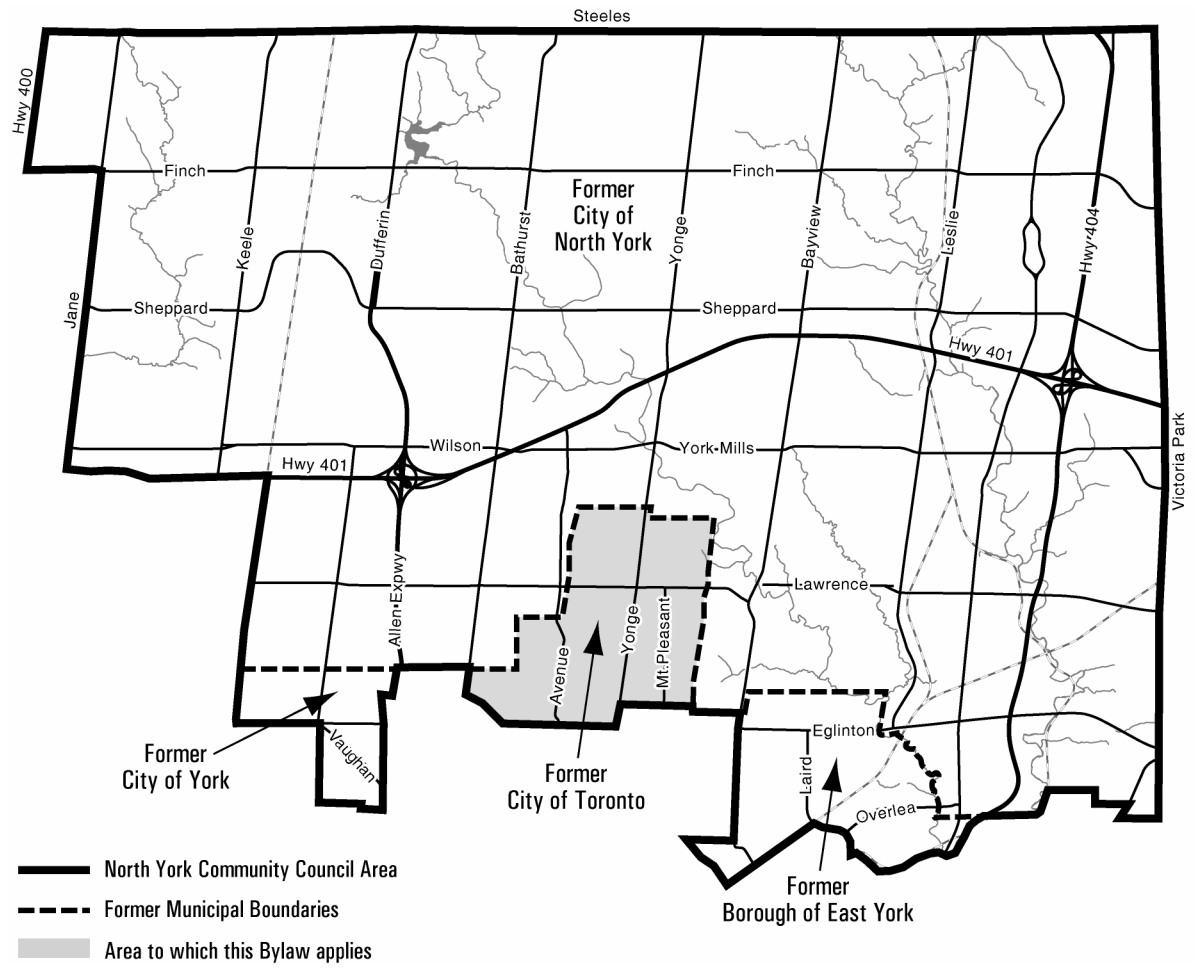
ENACTED AND PASSED this day of , A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule 1



Attachment 3: Draft new Leaside Reverse Slope Driveway Bylaw
Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.:

BY-LAW No. -2009

**To amend former Town of Leaside By-Law No. 1916 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. Despite any other general or specific provision in Zoning By-law No. 1916 of the former Town of Leaside, enacted under section 34 of the *Planning Act* or its predecessor section the following shall apply to the area depicted in the attached Schedule 1:
 - (1) for a **ONE-FAMILY DETACHED DWELLING, SEMI-DETACHED DWELLING, DUPLEX DWELLING, DOUBLE DUPLEX DWELLING, TRIPLEX DWELLING, MULTIPLE ATTACHED DWELLING, COACHOUSE DWELLING, CONVERTED DWELLING**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
 - (A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; and
 - (B) higher than a the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

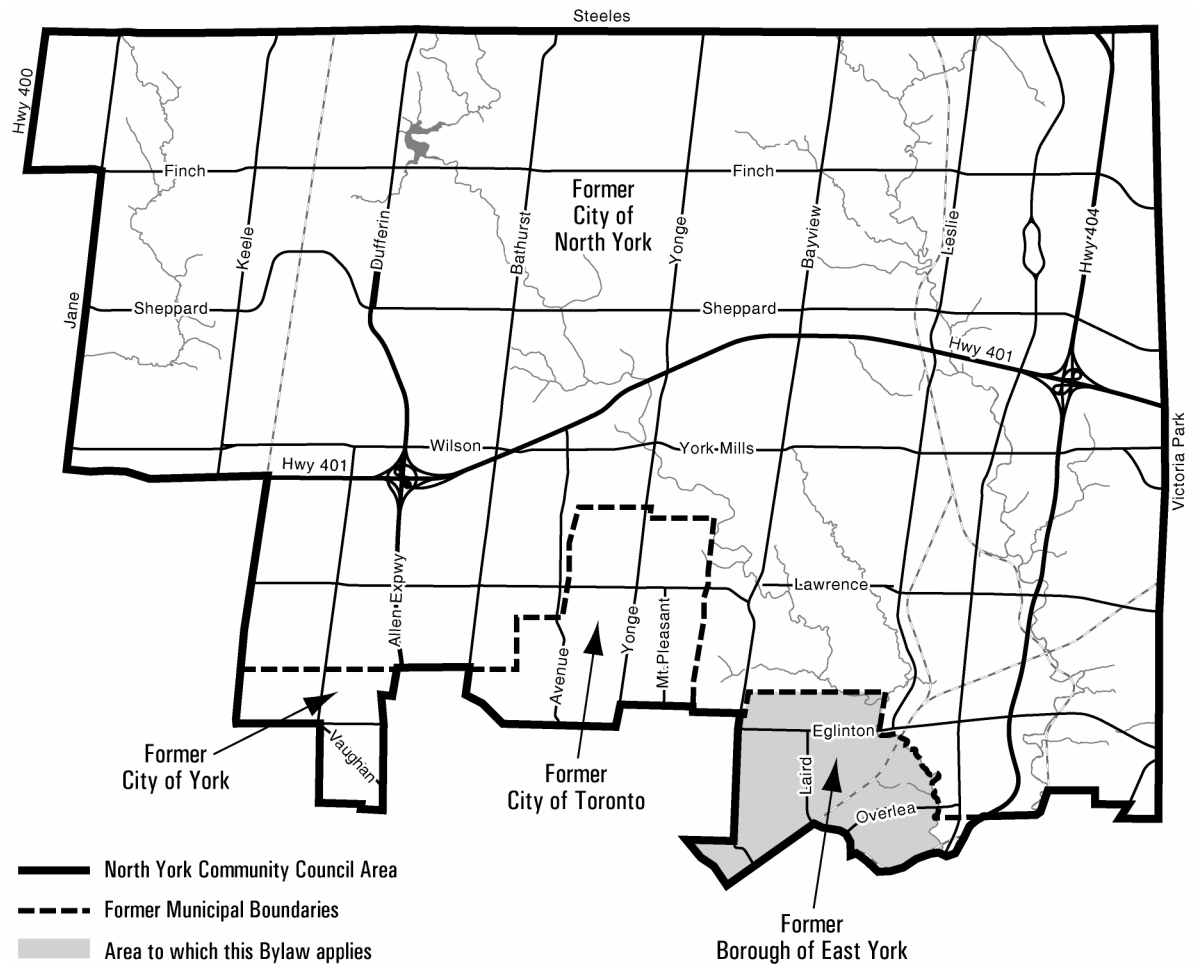
ENACTED AND PASSED this day of , A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule 1



Attachment 4: Draft new North York Reverse Slope Driveway Bylaw

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.:

BY-LAW No. -2009

**To amend former City of North York By-Law No. 7625 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. Despite any other general or specific provision in Zoning By-law No. 7625 of the former City of North York, enacted under section 34 of the *Planning Act* or its predecessor section the following shall apply to the area depicted in the attached Schedule 1:
 - (1) for a **ONE FAMILY DETACHED DWELLING, SEMI-DETACHED DWELLING, DUPLEX DWELLING, DOUBLE DUPLEX DWELLING, TRIPLEX DWELLING, MULTIPLE ATTACHED DWELLING, BOARDING OR LODGING HOUSE, CONVERTED DWELLING**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
 - (A) higher than the elevation of the street, arterial road or minor arterial road, the lot abuts measured at its centerline, directly across from the driveway leading to the parking space; and
 - (B) higher than a the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

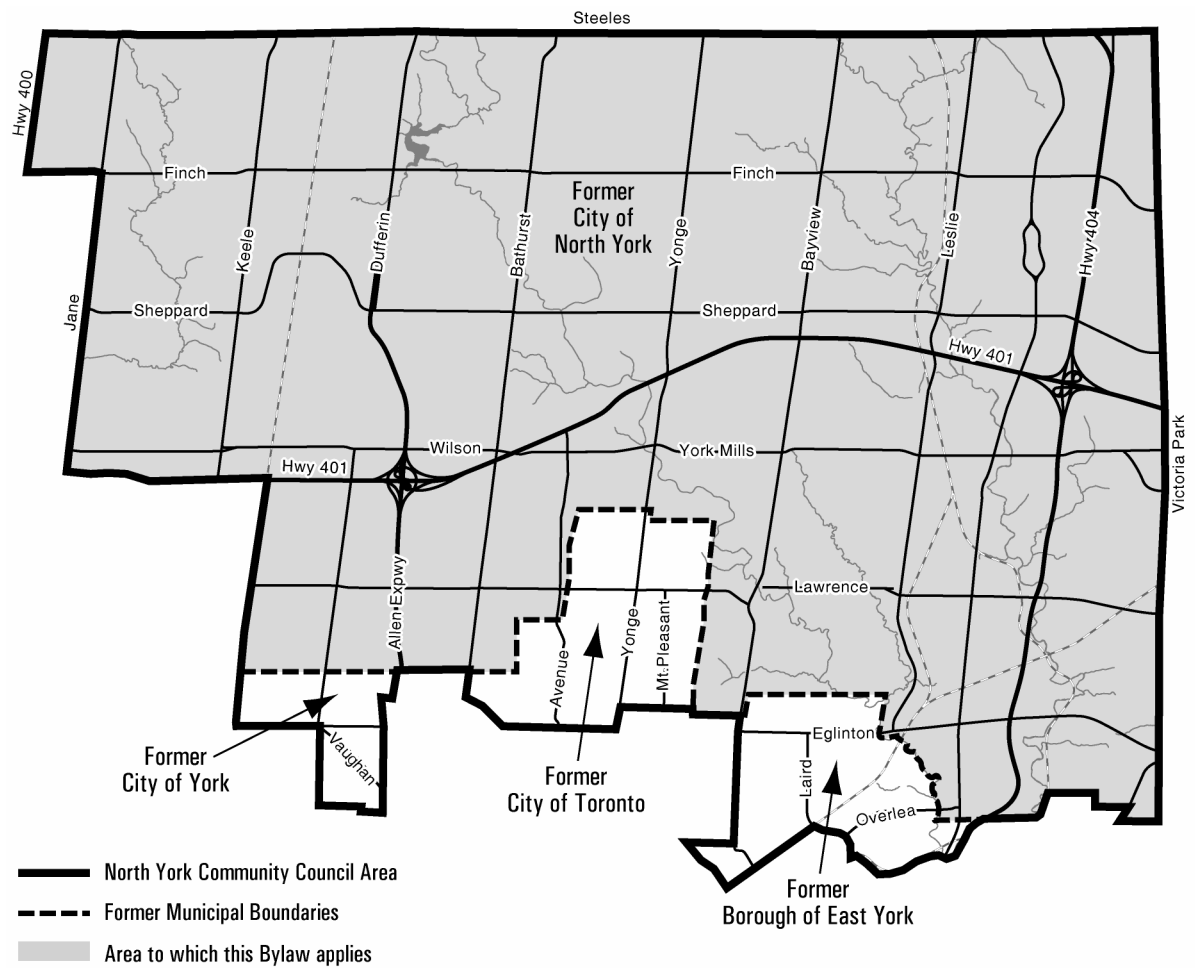
ENACTED AND PASSED this day of , A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule 1



Attachment 5: Draft new York Reverse Slope Driveway Bylaw

Authority:

Enacted by Council:

CITY OF TORONTO

Bill No.:

BY-LAW No. -2009

To amend former City of York Zoning By-law No. 1-83 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. That Section 3.7 General Provisions – Miscellaneous, of Zoning By-law 1-83 of the former City of York, as amended, is further amended by adding the following as new subsection 3.7.6:

3.7.6 MINIMUM ELEVATION OF ENTRANCE TO PARKING AREA – RESIDENTIAL BUILDINGS

- (1) In the area in the former City of York, depicted in the attached Schedule 1, for a **DWELLING HOUSE, SEMI-DETACHED HOUSE, DUPLEX HOUSE, DOUBLE DUPLEX HOUSE, TRIPLEX HOUSE, DOUBLE TRIPLEX HOUSE, MULTIPLE DWELLING HOUSE, STACKED STREET TOWNHOUSE, STACKED TOWNHOUSE, TOWNHOUSE, BOARDING HOUSE OR LODGING HOUSE**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
 - (A) higher than the elevation of the street, arterial road or minor arterial road, the lot abuts measured at its centerline directly across from the driveway leading to the parking space; and
 - (B) higher than a the elevation of a lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space.

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

SANDRA BUSSIN,
 Speaker

ULLI S. WATKISS
 City Clerk

(Corporate Seal)

Schedule 1

