

**DEPOSITION TO THE PLANNING AND
GROWTH MANAGEMENT COMMITTEE**

Stan Makow, OAA

**Statutory Public Meeting on the
Final Report on the City-wide Zoning By-law**

March 6, 2013



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City staff have done an excellent job in organizing zoning maps and a zoning By-law which is accessible on-line.

Harmonized zoning will make it easier to work across the city.

ORIGINAL CITY COUNCIL OBJECTIVE: *NEW ZONING SHOULD NOT BE MORE RESTRICTIVE*

- A key objective of the Zoning By-law Project was to capture the intent of the existing zoning bylaws.
- This direction came in response to concerns that the Zoning By-law Project would revise, alter or change the development standards related to matters such as height, density, setbacks and use, particularly in residential communities throughout the City.
- In capturing the intent of existing zoning by-laws, the Project focused on the development of “common language” as opposed to changes to the development standards
 - March 2009 Planning and Growth Committee Staff Report

NEW ZONING SHOULD REFLECT CURRENT TRENDS IN HOME DESIGN

- *Toronto's committee of adjustment deliberates over 3,000 to 3,500 variance or consent applications a year. About 10% of those are appealed.*
- The city recommends a zoning review before C of A; combined, these adds thousands of dollars and several months to a project.
- Zoning which does not reflect current trends and approvals adds cost, uncertainty and rancor to urban infill projects, ultimately harming the entire city.

CURRENT HEIGHT LIMITS IN TORONTO AND NORTH YORK HAVE ALLOWED FOR GOOD ARCHITECTURE



THE HEIGHT OF ALL OF THESE HOMES WOULD NO LONGER BE ALLOWED AS- OF-RIGHT WITH PROPOSED BY-LAW



354 RUSSELL HILL ROAD TORONTO



354 RUSSELL HILL ROAD

438-86 ALLOWABLE HEIGHT - 11.0m

438-86 AS BUILT HEIGHT - 10.8m

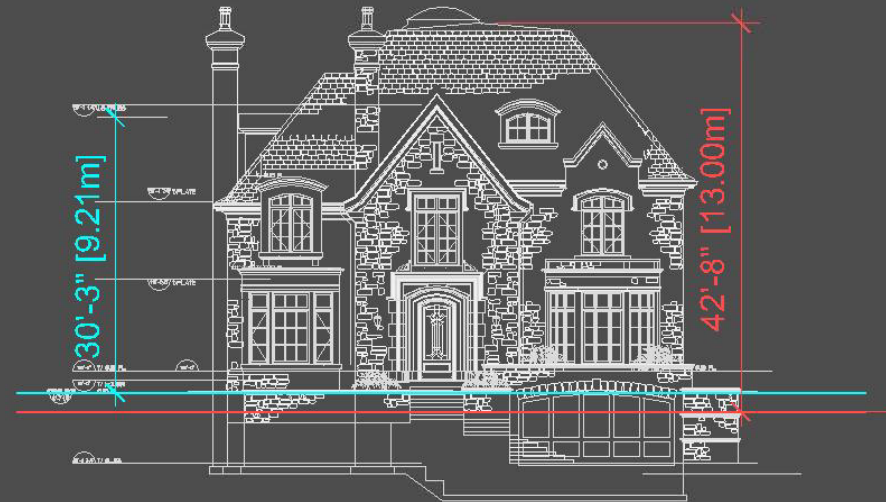
- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 11.0m

HEIGHT PER PROPOSED BY-LAW - 11.62m

- OVER LIMIT BY 0.62m -

19 ROSEMARY LANE TORONTO



19 ROSEMARY LANE

438-86 ALLOWABLE HEIGHT - 11.0m
438-86 AS BUILT HEIGHT - 9.21m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 11.0m
HEIGHT PER PROPOSED BY-LAW - 13.0m

- OVER LIMIT BY 2.0m-

48 DUNLOE ROAD TORONTO



48 DUNLOE

438-86 ALLOWABLE HEIGHT - 11.0m
 438-86 AS BUILT HEIGHT - 11.0m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 11.0m
 HEIGHT PER PROPOSED BY-LAW - 12.61m

- OVER LIMIT BY 2.61m -

107 VESTA DRIVE TORONTO



107 VESTA DRIVE

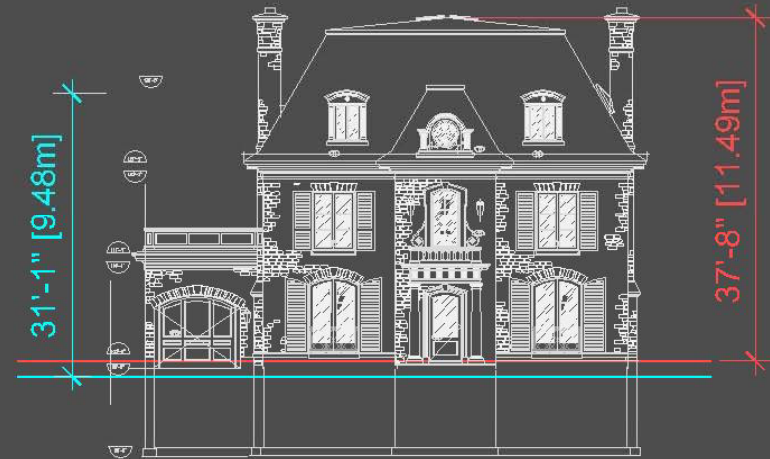
438-86 ALLOWABLE HEIGHT - 11.0m
438-86 AS BUILT HEIGHT - 10.64m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE HEIGHT PER PROPOSED BY-LAW - 11.0m
- 11.57m

- OVER LIMIT BY 0.57m -

17 ARDMORE ROAD TORONTO



17 ARDMORE ROAD

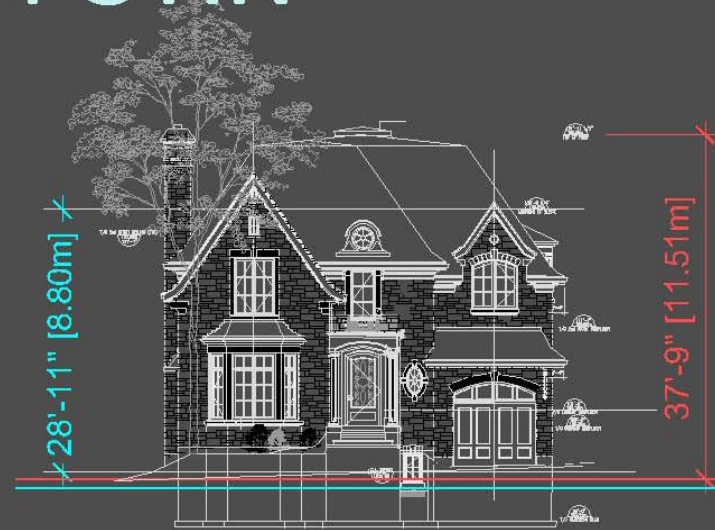
438-86 ALLOWABLE HEIGHT - 11.0m
438-86 AS BUILT HEIGHT - 9.48m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 11.0m
HEIGHT PER PROPOSED BY-LAW - 11.49m

- OVER LIMIT BY 0.49m -

129 BUCKINGHAM AVENUE NORTH YORK



129 BUCKINGHAM AVENUE

7625 ALLOWABLE HEIGHT - 8.8m
7625 AS BUILT HEIGHT - 8.8m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 10.0m
HEIGHT PER PROPOSED BY-LAW - 11.51m

- OVER LIMIT BY 0.49m -

RECOMMENDATION 1:

- IN TORONTO, WHERE HEIGHT WAS MEASURED TO THE MID-POINT AND NOW WILL BE MEASURED TO RIDGE, HEIGHT SHOULD BE INCREASED BY MINIMUM 1 METER OVER PROPOSED HEIGHTS
- IN FOREST HILL, HEIGHTS WILL BE INCREASED TO 12m INSTEAD OF 11m.

THE PROPOSED BY-LAW HAS A TOTAL RESTRICTION ON THREE-STOREY FLAT ROOFED HOUSES

- THIS RESTRICTION RESTRICTS MODERN ARCHITECTURAL EXPRESSION IN A WAY TOTALLY INAPPROPRIATE FOR A COSMOPOLITAN CITY.
- WITH A SETBACK THIRD FLOOR, THE MASSING APPROXIMATES THE 2½ STOREY HOUSES FOUND THROUGHOUT THE CITY.

THE FLAT ROOF RESTRICTION OVERREACHES THE STATED GOAL:

"The concern with flat-roof buildings arises from the possibility of building a 3-storey building in an area that would typically see a 2-storey dwelling with a pitched-roof. A 3-storey building is thought to be inappropriate if the area is mainly 2-storey buildings with pitched-roofs. In addition, a 3-storey flat-roof building would create greater overlook issues, result in more shadowing and would generally feel more imposing than a 2-storey pitched-roof building."

- March 1, 2010 report to the Planning and Growth Management Committee from the Chief Planner

11.0m HOUSE
AS-OF-RIGHT PRESENT BY-LAW
THIRD STOREY APPROVED



37 GLENAYR ROAD TORONTO



37 GLENAYR ROAD

438-86 ALLOWABLE HEIGHT - 11.0m
438-86 AS BUILT HEIGHT - 11.0m

- COMPLIES AS OF RIGHT -

PROPOSED BY-LAW ALLOWABLE - 7.2m
HEIGHT PER PROPOSED BY-LAW - 10.4m

- OVER LIMIT BY 3.2m -

-THIRD STOREY NOT ALLOWED -



- SENSITIVE TO AND FITS IN WITH STREETScape
- MASSING APPROXIMATES NEIGHBOURING HOUSES
- SOLAR PANELS HIDDEN FROM VIEW

RECOMMENDATION 2:

- BYLAW SHOULD PROVIDE LANGUAGE ALLOWING FOR THREE-STOREY FLAT ROOFED HOUSES THAT ARE IN KEEPING WITH THE MASSING OF THE STREET AS DETERMINED BY THE COMMITTEE OF ADJUSTMENT.
- *THIS IS IMPORTANT BECAUSE IF THREE STOREY FLAT ROOFED HOUSES ARE EXCLUDED IN THIS BY-LAW, PLANNING WILL WRITE LETTERS RECOMMENDING REFUSAL TO C OF A.*

FLOOR AREA / FLOOR SPACE INDEX

- THROUGHOUT THE CITY FLOOR AREAS THAT ARE WELL IN EXCESS OF WHAT IS ALLOWED AS-OF-RIGHT ARE ROUTINELY APPROVED.
- FOR EXAMPLE, IN MUCH OF FOREST HILL, FLOOR AREAS AS HIGH AS 0.8 TIMES LOT COVERAGE ARE APPROVED, WHEREAS THE AS-OF-RIGHT IS 0.35 TIMES THE AREA OF THE LOT.

PROBLEMS OF INCONSISTENCY OF BY-LAW WITH CONTEMPORARY DEVELOPMENT

- DOES NOT CONFORM WITH THE STATED INTENT OF THE BY-LAW
- MAKES IT IMPOSSIBLE FOR A HOMEOWNER, OR POTENTIAL HOMEOWNER, TO KNOW HOW THEIR PROPERTY MIGHT BE DEVELOPED
- ALLOWS NEIGHBORS WITH OTHER ISSUES TO STOP A PROJECT
- ADDS CONSIDERABLE TIME AND EXPENSE TO MOST PROJECTS
- PREVENTS SOME PROJECTS WHICH COULD BE DESIRABLE FROM BEING BUILT
- ULTIMATELY, ZONING APPROVALS ARE OFTEN DECIDED BASED ON NEIGHBOURS OR HOMEOWNERS WITH DEEP POCKETS AND PATIENCE FOR A FIGHT, NOT POLICY OR PLANNING.

THE PROPOSED BY-LAW:

“1.5.2 Purpose and Intent of this By-law

This By-law regulates the use of land, the bulk, height, location, erection and use of **buildings and structures**, the provision of **parking spaces, loading spaces** and other associated matters in the City of Toronto.”

THE PROPOSED BY-LAW WAS NOT WRITTEN TO REFLECT PRESENT STANDARDS:

- City Planners have stated that 'Toronto is not-an as of right city' and that the law is written so that many projects need to go to Committee
- The OMB has long accepted that some GFA rules in the Toronto are not intended to be enforced, but are intended to serve as triggers to require C of A review.

THE BYLAW SHOULD REFLECT ITS ACTUAL PURPOSE:

- WHEN PEOPLE SEE THAT THERE IS A NEW BY-LAW, THE ASSUMPTION WILL BE MADE THAT FLOOR AREAS AND LOT COVERAGE HAVE BEEN UPDATED TO REFLECT THE ACTUAL CURRENT PLANNING INTENT
- PASSING A NEW BY-LAW WHICH DOES NOT UPDATE DENSITY AND COVERAGE NUMBERS TO REFLECT THE REALITY SENDS THE MESSAGE TO RATEPAYERS THAT THE DENSITY AND COVERAGE IN THE BY-LAW IS THE RIGHT DENSITY. THE NUMBERS IN THE BY-LAW MUST REFLECT THE REAL INTENT OF THE ZONING BY-LAW.

RECOMMENDATION 3:

- A STUDY SHOULD BE MADE OF WHAT IS COMMONLY APPROVED AT C of A AND SUPPORTED BY CITY PLANNING, AND THE BY-LAW SHOULD REFLECT THESE REAL STANDARDS
- FOR EXAMPLE, IN A NEIGHBOURHOOD SUCH AS FOREST HILL, WHERE .35 IS CURRENTLY PERMITTED, 0.7 SHOULD BE ALLOWED AS-OF-RIGHT, WITH A PROVISION FOR APPEAL TO THE COMMITTEE FOR THE EXTRA 0.1