STAFF REPORT
ACTION REQUIRED

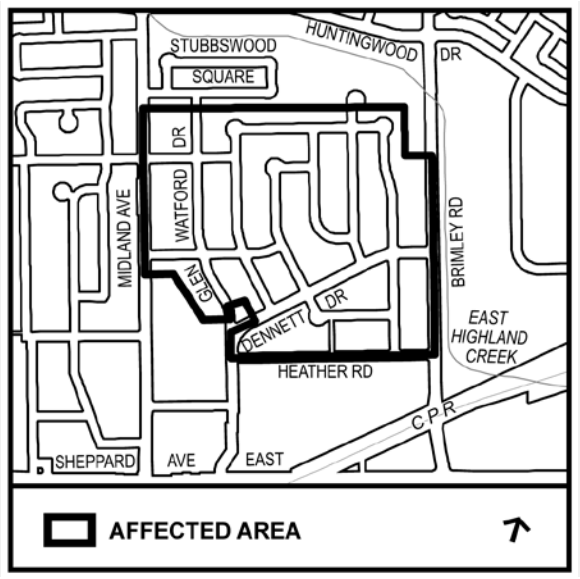
Properties located east of Midland Avenue, west of Brimley Road, south of Stubbswood Square, and north of Heather Road– City Initiated Zoning By-law Amendment – Final Report

Date:	March 7, 2018
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 41 – Scarborough-Rouge River
Reference Number:	18 118356 EPS 00 OZ

SUMMARY

This City-initiated zoning by-law amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

On February 21, 2018, Scarborough Community Council directed the Director, Community Planning Scarborough District in consultation with the Director, Zoning and Committee of Adjustment, to bring forward to a statutory public meeting of Scarborough Community Council on April 4, 2018, a staff report and amendment to Zoning By-law No. 569-2013, to restore the minimum lot frontages and lot areas for the residential properties shown in the "Affected Area" on Attachment 1 to this report.



This report recommends a City-initiated technical amendment to Chapter 900 Site Specific Exceptions of Zoning By-law No. 569-2013 to amend the regulations contained in Exception RD 267 to restore the lot frontage and lot area requirements that existed prior to the date of the enactment of Zoning By-law

No. 569-2013 for the residential detached dwelling properties in the Affected Area on Attachment 1 to this report.

The proposed zoning by-law amendment implements the *Neighbourhoods* and Healthy Neighbourhoods policies of the Official Plan by maintaining and promoting the physical stability of the residential neighbourhood in the Affected Area, particularly with respect to lot size and lot frontage.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Zoning By-law amendment to Zoning By-law No. 569-2013, substantially in accordance with Attachment No. 2 to this report dated March 7, 2018, from the Director of Community Planning, Scarborough District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The Agincourt Community Zoning By-law No. 10076 of the former City of Scarborough enacted on August 1, 1960 and approved by the Ontario Municipal Board on February 16, 1962, contained performance standards within certain areas which set out minimum lot frontage and minimum lot area requirements based on the size of the existing lot on the registered plan of subdivision. "Performance Standard 1" set a maximum of one single family dwelling per lot as shown on a registered plan. As such, lot frontage and lot area maximums were required to be in conformity with what existed on the registered plan of subdivision and any deviation from those standards required a variance.

When the City-wide Zoning By-law No. 569-2013 was brought forward to City Council on May 9, 2013, site-specific provisions related to minimum lot frontage and minimum lot area for the Agincourt Community were not included for residential properties shown in the Affected Area on Attachment 1 to this report. Instead, the Agincourt Community was subject to the general minimum lot frontage and lot area standards under the Residential Detached Zone (RD) in Zoning By-law No. 569-2013, which sets out a minimum lot frontage of 12 metres and minimum lot area of 360 square metres.

While both Zoning By-laws were applicable law for the purposes of obtaining a building permit, the more restrictive zoning standard would be applied by the Chief Building Official. The existing standards in the Agincourt Community Zoning By-law No. 10076 continued to limit minimum lot frontage and minimum lot area. On September 13, 2016, the Ontario Municipal Board issued a partial approval order of the City-wide Zoning By-law which brought into full force and effect the regulations concerning lot frontage and lot area. This caused the regulations of Zoning By-law No. 569-2013 to supersede Performance Standard 1 of the Agincourt Community Zoning By-law No. 10076 and render it no longer applicable.

Two Committee of Adjustment applications have recently been submitted to City Planning for consent and minor variances for two properties in the Affected Area. The consent applications would create lot frontages close to or in accordance with the 12 metre minimum lot frontage requirements of the Residential Detached Zone (RD) in Zoning By-law No. 569-2013.

In addition to the general RD Zone provisions applicable to the properties in the Affected Area, Site Specific Exception RD 267 of Zoning By-law No. 569-2013 also regulates these existing residential properties. Provisions under Exception RD 267 regulate building setbacks to side and front lot lines, setbacks for attached and detached garages and density (floor space index).

Upon review of these Committee of Adjustment applications, staff became aware that the zoning by-law regulations under Exception RD 267 of Zoning By-law No. 569-2013 do not secure the existing residential lot frontages and lot areas that were previously established through Performance Standard 1 of the Agincourt Community Zoning By-law No. 10076. This is inconsistent with zoning provisions for lot frontage and lot area that regulate other residential properties in nearby neighbourhoods in the Agincourt Community which set out minimum lot frontage and lot area requirements to mirror those which existed prior to the date of the enactment of Zoning By-law No. 569-2013.

City staff have reviewed the existing residential lot frontages in the Affected Area and have determined that almost all of the residential lots have frontages 15 metres or greater.

On February 21, 2018, Scarborough Community Council directed the Director, Community Planning Scarborough District in consultation with the Director, Zoning and Committee of Adjustment, to bring forward to a statutory public meeting of Scarborough Community Council on April 4, 2018, a staff report and amendment to Zoning By-law No. 569-2013, to restore the minimum lot frontages and lot areas for the residential properties shown in the "Affected Area" on Attachment 1 to this report.

Site and Surrounding Area

The Affected Area lands are shown on Attachment 1. The lands are located between Midland Avenue and Brimley Road. To the south is Heather Road, the Agincourt Collegiate school

property and a church property. To the north are residential houses that front onto the southerly road extension of Stubbswood Square, North Agincourt Junior Public School lands and North Agincourt Park.

The existing residential lots in the Affected Area were created through registered plans of subdivision. These plans of subdivision were filed in the Registry Office in the 1950's. This stable residential neighbourhood consists mostly of bungalows and some two storey residential homes.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (the "PPS") provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing: recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff are of the opinion that the proposed zoning by-law amendment is consistent with the Provincial Policy Statement (2014) and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan

The Affected Area lands are designated *Neighbourhoods* on Map 19 - Land Use Plan of the Toronto Official Plan. *Neighbourhoods* are considered as physically stable areas primarily made up of low density type residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1.5 of the Official Plan requires development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space;
- continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- conservation of heritage buildings, structures and landscapes.

The intent of the Official Plan is to promote physical stability in areas designated as *Neighbourhoods.*

The Healthy Neighbourhoods policies of the Official Plan considers *Neighbourhoods* to be physically stable areas. Development within *Neighbourhoods* will be consistent with this

objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

Amended *Neighbourhoods* Policy 4.1.5 provides refined and improved guidance regarding compatible development in established *Neighbourhoods*, to respect and reinforce the existing physical character of the neighbourhood, including among other matters, the prevailing size and configuration of lots.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, which decision has been appealed in part. The Ontario Municipal Board commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link:
www.toronto.ca/OPreview/neighbourhoods.

Zoning

The residential properties in the Affected Area lands are zoned Residential Detached Zone (RD) under City-wide Zoning By-law No. 569-2013 and are subject to Site Specific Exception RD 267. Detached houses are a permitted building type in the RD Zone. If there are no site or area specific minimum lot frontage and minimum lot area requirements, the general requirements for a detached house in the RD Zone apply, which are 12 metres and 360 square metres, respectively.

Site Specific Exception RD 267 does not include minimum lot area and lot frontage provisions. As such, the Affected Area is subject to the general minimum lot frontage and lot area standards under the Residential Detached Zone (RD) in Zoning By-law No. 569-2013, which set out a minimum lot frontage of 12 metres and a minimum lot area of 360 square metres.

The Affected Area lands are also zoned Single-Family Residential (S) Zone under the former City of Scarborough Agincourt Community By-law No. 10076. Single-family dwellings are a permitted use in the S zone.

Performance Standard 1 permitted a maximum of one single family dwelling per lot as shown on a registered plan of subdivision. As such, lot frontage and lot area maximums were previously

required to be in conformity with what existed on the registered plan of subdivision. However, on September 13, 2016, The Ontario Municipal Board issued a partial approval order of the City-wide Zoning By-law which acted to render Performance Standard 1 of the Agincourt Community Zoning By-law No. 10076 to be no longer applicable.

Reasons for Application

A City-initiated technical amendment to Zoning By-law No. 569-2013 is required to ensure that the minimum lot frontage and lot area requirements for the existing residential properties in the Affected Area are included in Site Specific Exception RD 267.

COMMENTS

It is recommended that Zoning By-law No. 569-2013 be amended to re-establish the standard of requiring existing lot frontages and lot areas to match those that were created through registered plan of subdivision for the residential lots in the Affected Area shown on Attachment 1 in accordance with Performance Standard 1 of Agincourt Zoning By-law No. 10076. This city-initiated technical zoning by-law amendment amends Exception RD 267 to permit the minimum required lot frontage and minimum required lot area to be that which existed prior to the date of the enactment of City-wide Zoning By-law No. 569-2013. The draft amending zoning by-law is included as Attachment 2 to this report.

The proposed zoning by-law amendment implements the *Neighbourhoods* and Healthy Neighbourhoods policies of the Official Plan by maintaining and promoting the physical stability of the residential neighbourhood in the Affected Area, particularly with respect to lot size and lot frontage.

CONTACT

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SIGNATURE

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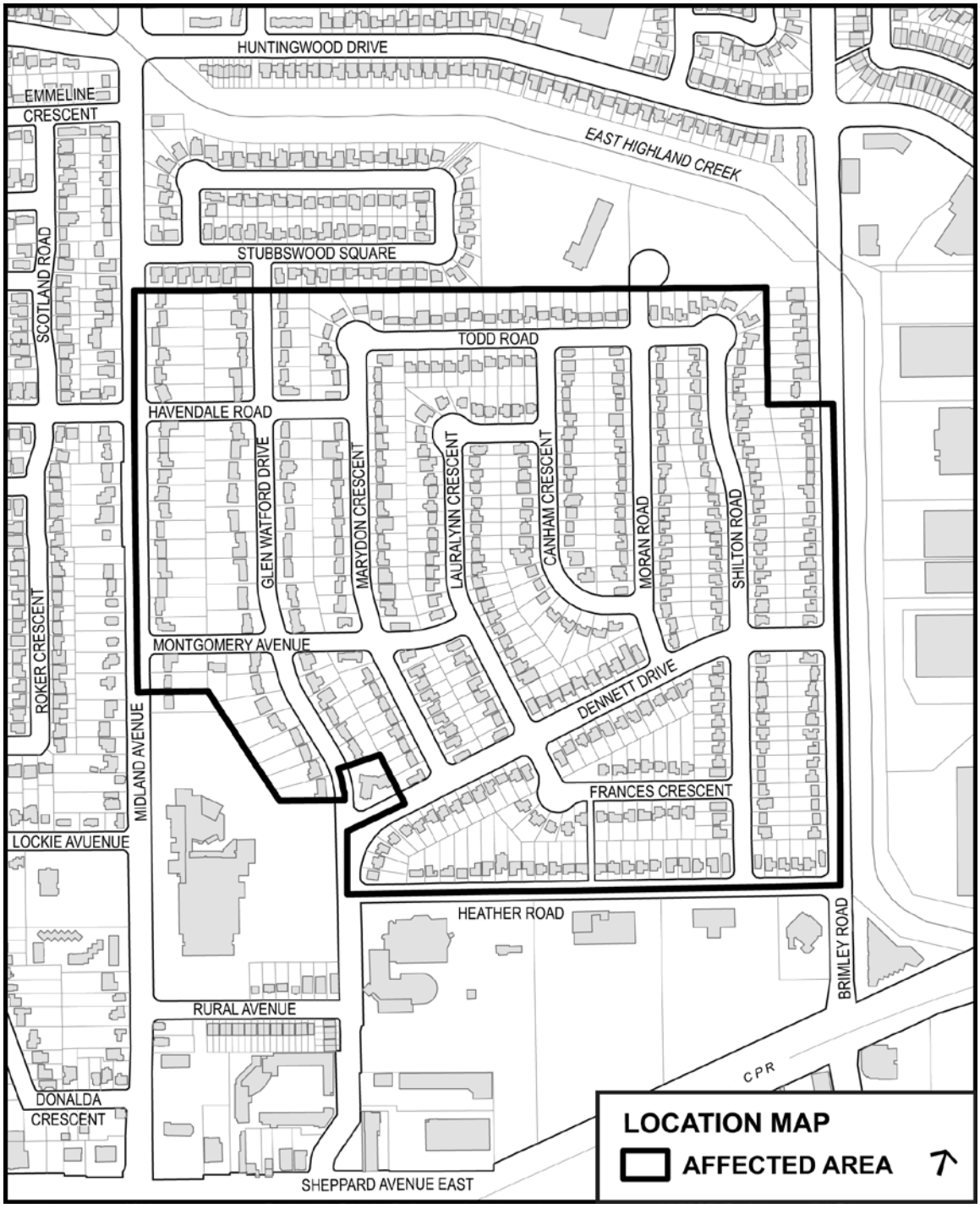
Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Location Map-Affected Area Plan (Agincourt Community)
Attachment 2: Draft Zoning By-law Amendment to Zoning By-law No. 569-2013

Attachment 1: Location Map-Affected Area Plan (Agincourt Community)



Attachment 2: Draft Zoning By-law Amendment to Zoning By-law No. 569-2013

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2018]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands located east of Midland Avenue, west of Brimley Road, south of Stubbswood Square and north of Heather Road

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;

3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.3.10 Exception Number 267 by adding a new regulation (E) and (F) under the heading 'Site Specific Provisions', so that it reads:

(267) Exception RD 267

Site Specific Provisions:

(A) The minimum **building setback** from a **front lot line** is 9.0 metres;

(B) The minimum **building setback** from a **side lot line** is 0.9 metres;

(C) The minimum **building setback** from a **side lot line** that abuts a **street** is 2.4 metres;

(D) An attached or detached garage must be set back a minimum of 0.3 metres from a **side lot line** that does not abut a **street**;

(E) The minimum required **lot frontage** is that which existed prior to the date of the enactment of this By-law;

(F) The minimum required **lot area** is that which existed prior to the date of the enactment of this By-law;

(G) These lands must comply with exception 900.3.10(1462).

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



TORONTO
Diagram 1

File # 18 118356 EPS 00 OZ

City of Toronto By-Law 569-2013
Not to Scale
2/22/2018