

Memo

To: Mayor and Members of Council
From: Planning Services Department
CC: Town Clerk
Date: March 20, 2017
Subject: **Public Meeting and Recommendation Report - Town-initiated Omnibus Zoning By-law Amendment to Zoning By-law 2014-014 (File 42.25.16) - All lands south of Dundas Street and north of Highway 407 - By-law 2017-025**

The above-noted matter is **Item 6** on the agenda of tonight's Planning and Development Council meeting.

A revised version of the proposed By-law 2017-025 (to amend Zoning By-law 2014-014) has been provided to the Clerk. It includes the following changes to the version of the By-law included in the agenda:

- A.** In Item 3(c) on page 2 of the proposed By-law 2017-025, which would amend the definition of Residential Floor Area, the last clause has been corrected to read "greater than 25%" (instead of "less than 25%") as shown in the excerpt below.

The definition of *Residential Floor Area* (Floor Area, Residential) is amended by deleting subsection (c) and replacing it with the following:

- "(c) Where any *dwelling* having more than one *storey* has an attached *private garage*, an area equal to the *floor area* of the *private garage* shall be *residential floor area* if:
- i) the attached *private garage* has a *height* equal to or greater than 6.0 metres, measured from the finished floor level of the *private garage* to the highest point of the *structure* containing the *private garage*; and,
 - ii) the *residential floor area* located directly above the *private garage* is **greater** than 25% of the *private garage floor area* below."

- B.** Item 4(h) on page 5 and 6 of the proposed By-law 2017-025, which would have added a new section 4.26, Compliance Achieved within a Lot, to Zoning By-law 2014-014, has been deleted so that potential conflicts related within Zoning By-law 2014-014 may be reviewed and addressed by a future amendment.

A new section is added to the end of Part 4 as follows:

~~4.26 Compliance Achieved within a Lot~~

- ~~a) Unless otherwise specified, compliance with the standards of this By-law shall be achieved within the lot on which the building is constructed or the use is undertaken;~~
- ~~b) The division of a lot into one or more parcels of tied land or condominium units and common elements through the creation of one or more condominiums shall be deemed not to result in non-compliance with this By-law, provided:
 - ~~i) the standards in this By-law are met if applied to the lot as a whole;~~
 - ~~ii) in the absence of a shared party wall, compliance with the setback requirements is met within each parcel of tied land, if applicable; and,~~
 - ~~iii) the parking standards, servicing requirements and access requirements for each parcel of tied land or condominium units are met within the parcel of tied land or through a common element tied to that parcel.”~~~~

- C. In Item 11(g) on page 11 of the proposed By-law 2017-025, which amends a site-specific special provision, the new clause has been changed to read “different” (instead of “differed”) as shown in the excerpt below.

Section 15.341 (Wallace Road, York Street, Speers Road) is amended by adding a new section 15.341.2, Parking Provisions, as follows:

“15.341.2 Parking Provisions	
The following parking provisions apply:	
a)	Where a <i>business office</i> is provided <i>accessory</i> to a different main permitted <i>use</i> , the parking rate for the main permitted <i>use</i> shall apply to any <i>floor area</i> occupied by a <i>business office</i> provided the <i>business office</i> occupies an area equal to or less than 25% of the total <i>net floor area</i> on the <i>lot</i> .”

The staff recommendation for has been revised accordingly:

REVISED RECOMMENDATION

1. That By-law 2017-025, as revised, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2014-014, as amended (Omnibus Zoning By-law Amendment, File 42.25.16), be passed;
2. That notice of Council’s decision reflect that no comments were received from the public or, if comments are received, that they have been appropriately addressed; and,
3. That no further notice be required.