

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 15, 2017

FROM: Planning Services Department

DATE: April 24, 2017

SUBJECT: Study to Recommend Appropriate Zoning Regulations for
Roof Top Terraces and Balconies

LOCATION: Town wide

WARD: Town wide

Page 1

RECOMMENDATION:

That the report titled *Study to Recommend Appropriate Zoning Regulations for Roof Top Terraces and Balconies*, dated April 24, 2017, from the Planning Services department, be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This Study to Recommend Appropriate Zoning Regulations for Roof Top Terraces and Balconies will assist staff in the preparation of improved zoning regulations.
- A public open house is intended to be scheduled in June to discuss draft changes and to solicit public input.
- A final report will be presented to Planning and Development Council in the Fall of 2017. Amendments to the Zoning By-law 2014-014 will be proposed to implement the final recommendations.

BACKGROUND:

The Town's Zoning By-law 2014-014, passed by Council on February 25, 2014 includes prohibition of balconies and uncovered platforms in Residential -0 zones:

6.0 Residential Zones

6.4.5 Balcony and Deck Prohibition

Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone.

On April 11, 2016 the Ontario Municipal Board approved amendments to Zoning By-law 2014-014, which introduced regulations for rooftop terraces:

4.6.6 Rooftop Terraces (PL140317)

The following provisions shall apply to rooftop terraces:

- a) A rooftop terrace is only permitted on a lot in a Residential Medium (RM), Residential High (RH), Mixed Use (MU), Neighbourhood Commercial (C1), Community Commercial (C2), Core Commercial (C3), or Office Employment (E1) Zone;*
- b) A rooftop terrace is not permitted on the roof of the first storey of any building;*
- c) The minimum setback for a rooftop terrace from the edge of a roof shall be 2.0 metres;*
- d) No structures, excluding a mechanical penthouse, associated with a rooftop terrace are permitted on a lot in a RM1, RM2 or RM3 Zone;*
- e) No structure on a rooftop terrace shall have walls;*
- f) No structures on a rooftop terrace shall exceed 20% of the total area of the rooftop terrace and such structures shall not be deemed a storey;*
- g) No access from grade shall be permitted to a rooftop terrace; and*
- h) The outer boundary of a rooftop terrace shall be defined using a barrier having a minimum height of 1.2 metres.*

COMMENT/ OPTIONS:

Through the processing of development applications, staff experienced several situations in which the above mentioned existing regulations appeared to be problematic. For example, prohibition of balconies on such a large scale does not contemplate instances in which the balconies would not create any negative impact on privacy of the surrounding properties, such as large lots abutting the lake, ravines, woodlots or parks. Further, the prohibition is only applicable in the -0 Suffix Zones. There are many instances in which these properties abut other low residential zones in which balconies are permitted, which creates an unbalanced situation.

Since the passing of Zoning By-law 2014-014 in February 2014, 32 applications for a minor variance to permit a balcony in -0 zone have been processed. Due to the prohibition of balconies, requests for minor variances are not being supported by staff.

Roof top terraces provide opportunities for outdoor amenity spaces in urban areas. When designed well, they can contribute to an increase of tree canopy coverage and reducing the storm water run-off. The zoning regulations regarding roof top terraces may prohibit or significantly restrict terraces in locations which may be desirable. Therefore, applying the current regulations may result in unintended consequences. As the definition for roof top terraces recognizes any terraces over the roof structure (such as garages or podiums of the buildings) as roof top terraces, the regulations have a considerable impact on the viability of a building's design.

This study will help staff evaluate if the existing regulations are effective and if some revisions to the existing regulations may provide for both more functional and creative, as well as more inclusive design.

STUDY INPUTS:

A detailed assessment of factors influencing design and development of balconies and roof top terraces has been underway by staff. This assessment is based on research of applicable regulations in other municipalities in the Greater Golden Horseshoe, as well as research of existing developments featuring roof top terraces and balconies and comparison and analysis of the findings.

After detailed research and collecting of adequate information to analyze the existing regulations, staff is examining regulations which could be used to achieve a more desirable and balanced outcome.

NEXT STEPS:

In June 2017, staff will provide a public consultation opportunity to review and comment on the draft zoning changes. Based on comments received, staff will prepare the final recommendation for a Zoning By-law Amendment. A Statutory Public Meeting at Planning and Development Council is anticipated in early fall of 2017, with a Recommendation Report to follow.

CONSIDERATIONS:

(A) PUBLIC

An open house will be scheduled for June 2017, to discuss the draft changes and solicit public input. If additional public consultation opportunities are identified, they will occur in fall of 2017. Project updates will be available via the Town of Oakville website.

From: Planning Services Department

Date: April 24, 2017

Subject: Study to Recommend Appropriate Zoning Regulations for Roof Top Terraces and Balconies

Page 4

(B) FINANCIAL

This project will be completed by Town staff. There are no financial implications arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Coordination with Building Department is ongoing. This project might change the Zoning By-law in effect. Since the changes might affect the design and development of Town lands and facilities, staff in other departments will be consulted on this project.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The project works to enhance the built environment of the community. The Town's sustainability goals and objectives will be reflected in the proposed changes to the Zoning By-law.

Prepared by:

Jana Kelemen, MCIP, RPP

Urban Designer, Urban Design

Recommended by:

Christina Tizzard, MCIP, RPP

Manager, Urban Design

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services