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Town of Aurora

General Committee Report

No. PDS21-131

Subject: Town Initiated Zoning Amendment to Comprehensive Zoning By-Law Number 6000-17

Prepared by: Wm. Jean, Manager-Building Division/CBO

Department: Planning and Development Services

Date: November 16, 2021

Recommendation

1. That Report No. PDS21-131 be received; and,
2. That Staff be directed to proceed with a Statutory Public Meeting to present a draft Zoning By-Law amendment to the Town's Comprehensive Zoning By-Law Number 6000-17 for general housekeeping purposes, as described herein.

Executive Summary

This report seeks Council's direction to proceed with a Statutory Public Meeting to present a Town initiated Zoning By-law amendment for general housekeeping purposes. Staff have identified the following amendments to the Town's Comprehensive Zoning By-law 6000-17:

- A minimum landscaping area is proposed for the front yard in residential zoning districts.
- Reviewing the encroachment into the rear yard of residential dwellings for decks.

Background

Section 34 of the *Planning Act* grants municipalities the power to pass a Zoning By-Law as well as subsequent amendments to the document. Finding technical issues within a comprehensive Zoning By-Law is not unusual or uncommon. The intent of regular housekeeping amendments is to make technical updates to the document to address

issues that may come up and ensure that the policies of the Town's Official Plan and the Province are effectively implemented.

Analysis

Since the implementation of the Comprehensive Zoning By-Law 6000-17 in 2017, staff have strived to ensure the document is monitored so that it remains relevant, implementing the intent and any corrections are completed in a timely manner. This report deals with the following amendments:

A minimum landscaping area is proposed for the front yard in residential zoning districts

The objectives of the Town's Stable Neighbourhood Urban Design Guidelines with respect to landscaping in Front Yards are to:

- Maintain the green landscape character of the neighbourhood;
- Plan for the urban canopy;
- Screen views to rear yard parking; and,
- Preserve mature trees.

The Stable Neighbourhood Urban Design Guidelines speaks to "Preserving the integrity of the existing landscaped pattern of front and rear yards, notably with mature trees and large front lawns".

The current regulations for driveways in low density residential zoning districts places a restriction on the maximum width of a driveway based on the width of the lot. The current regulations place a maximum restriction of the width of the driveway as follows:

Lot Frontage	Maximum width of driveway
Less than 3.5 meters	3.5 meters
9.0 meters – 18.0 meters	6.0 meters
18.0 meters or greater	10.0 meters
Located on exterior lot line < 18 meters	6.0 meters
Located on exterior lot line > 18 meters	10.0 meters, with the exception of 6.0 meters at street line

With regards to the Estate Residential and Rural Zones, a maximum driveway width does not apply, with the exception that the maximum driveway width at the street line should not exceed 6.0 meters.

Circular driveways are only permitted on lots having a lot frontage of 25.0 meters or greater with a maximum cumulative width of the driveway at the street line of 10 meters.

These regulations control the amount of area in a residential front yard for the purposes of a driveway or parking space. The remaining front yard is not addressed. Also, the Town's Official Plan does not address landscaped open space in the general residential context.

Under current zoning regulations, there are no provisions on how the remaining front yard should be treated. There is currently no prohibition to disallow the entire front yard of a residential dwelling to be paved with a hard surface. This allows for by-law infractions such as illegal front yard parking.

It is proposed that the areas in the front yard of a residential zoning district other than the driveway be required to be landscaped, as per the definition of *Landscaping* in the Town's Comprehensive Zoning By-law. This will not fully disallow any hard landscaping in the front yard, as the current definition of *Landscaping* does allow minor hard landscaping components such as walkways and sidewalks. Also, importantly this will deter illegal front yard parking, as well as, ensuring an aesthetical residential neighbourhood and facilitate permeability for ground water recharge.

This amendment would also be consistent with the standards of many York Region municipalities. See Figure 1 for a summary of front yard landscaping standards residential zones for a number of municipalities in York Region.

Reviewing the encroachment into the rear yard for residential dwellings for decks

The Town's Zoning By-law requires minimum yard setbacks for residential buildings for the front, side, and rear yards. However, certain building and architectural elements may encroach into the yard. The amount of encroachment depends on the type of building element. Currently, open porches, uncovered terraces and decks 3.2 meters in height or less may encroach 3.7 meters into a required rear yard but in no case closer than 3.8 meters from the rear lot line.

The Town has received complaints in the past that the privacy of neighbours is impinged when high decks are constructed in rear yards. It is proposed that the current encroachment regulations apply to 1.8 meters or less instead of the current 3.2 meters or less. For decks greater than 1.8 meters, the same maximum encroachment would apply as that of a balcony which is 2.5 meters. The aim of the proposed amendment is to protect neighbours' privacy by having high decks encroaching less into rear yards.

The current regulations in the Town's Comprehensive Zoning By-law are consistent with the other York Region municipalities (see Figure 2). In fact, the other municipalities have less strict regulations than the Town of Aurora except for the City of Vaughan.

Figure 3 lists the current regulations for Yard Encroachments in the Town's Zoning By-Law and Figure 4 presents the proposed regulations for Yard Encroachments.

Advisory Committee Review

Not applicable

Legal Considerations

Even though the amendments detailed in this report are being initiated by the Town, the *Planning Act* requires Council to hold at least one statutory public meeting for the purpose of giving the public an opportunity to make representations in respect of the proposed amendments. Any person or public body who makes oral submissions at the Public Meeting may appeal any amendment to the zoning by-law once it is enacted by Council.

Financial Implications

There are no direct financial implications as a result of this report.

Communications Considerations

The Town will use "inform" as the level of engagement for this meeting. The meeting will be publicized through the Town's website as well as through social media and the local newspapers, in accordance with past practice. The Town will also reach out to those who have registered on Engage Aurora to participate in the Official Plan review process to ensure that those interested stakeholders are provided with the information regarding the meeting and have an opportunity to participate.

Link to Strategic Plan

While the Zoning By-law amendment process supports all of the goals and objectives of the Town's Strategic Plan in some fashion, the most relevant goals are: Supporting an exceptional quality of life for all and enabling a diverse, creative and resilient economy. The relevant supporting objectives include: Strengthening the fabric of our community

and promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business.

Alternative(s) to the Recommendation

1. That Council provide direction.

Conclusions

Staff is proposing a Town initiated zoning amendment to the Comprehensive Zoning By-Law to ensure the front yard of residential dwellings are not compromised by illegal front yard parking, as well as keeping front yards aesthetically attractive and facilitating ground water recharge. The proposed rear yard amendment for decks will ensure residents have a greater privacy for the use of their rear yards.

Subject to Council's direction, staff is proposing to hold a statutory public meeting to present a draft amendment to the Town's Comprehensive Zoning By-Law 6000-17. The proposed housekeeping amendment will help ensure that the Zoning By-Law remains relevant and fulfils the intent of the Town's Official Plan.

Attachments

- Figure 1 – Comparison of Municipalities front yard landscaping for residential buildings
- Figure 2 – Comparison of Municipalities on residential rear yard deck encroachments
- Figure 3 – Current Yard Encroachment Regulations
- Figure 4 - Proposed Yard Encroachment Regulations
- Figure 5 – Draft By-law for proposed housekeeping zoning amendments

Previous Reports

None

Pre-submission Review

Agenda Management Team review on October 28, 2021

Approvals

Approved by David Waters, MCIP, RPP, PLE, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer