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865 Gibraltar Road - A088/22

Minor Variance Requested:

Zoning By-law 01-2021

1. Notwithstanding any other requirements of this By-law, where any TransCanada pipeline is shown on Schedule B-5, the following requirements shall apply:
 - c. No minimum setback from the nearest portion of a TransCanada pipeline easement shall apply to any minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway.

WHEREAS

Notwithstanding any other requirements of this By-law, where any TransCanada pipeline is shown on Schedule B-5, the following requirements shall apply:

- c. A minimum setback of 7.0 m from the nearest portion of a TransCanada pipeline easement shall also apply to any minimum required parking area or loading area, including any minimum required parking space, loading space, stacking space, bicycle parking space, and any associated aisle or driveway.

4.23.1 c) TransCanada Pipeline and Facilities

The general intent and purpose of the Official Plan and zoning by-law are to provide for appropriate setbacks and in this instance, setbacks to easements for pipelines and facilities operated by TransCanada Pipelines. Allowing parking and loading areas to directly abut the underground pipeline easement on the Subject Lands will allow for a more efficient use of lands within the built boundary of the City which is desirable. Further, there is no inherent need for a parking and loading setback to underground facilities. An easement has been acquired in favour of the pipeline operator over the Subject Lands and it is assumed that the easement includes all of the lands required to operate and maintain their facilities and the proposal will therefore have no impact. The required setback would sterilize a portion of employment land within the built boundary, grossly enlarging the effective area of the easement, and contribute to development pressures on rural areas of the City. Further there is no change to the required building setbacks to the underground facilities under easement on the Subject Lands which will avoid impact on the operation or maintenance of the facilities. The proposal will therefore have no impact and is desirable given that it will allow for a more efficient development of lands within the built boundary of the City.

Zoning By-law 1-88

1. **PARKING SPACE** - Means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles;

WHEREAS

PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 6.0 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles.

2.0 DEFINITIONS

The general intent and purpose of the Official Plan and zoning by-law are to provide vehicle parking spaces that are of sufficient size and configuration to store vehicles. Allowing parking spaces to be slightly shallower in depth will ensure the efficient layout of parking areas and reduce the amount of space required for parking vehicles. The City of Vaughan Review of Parking Standards Contained within The City of Vaughan's Comprehensive Zoning By-law: Final Report dated March 2010, prepared by IBI Group, (the "City Parking Study") suggests that a parking space depth of 5.7 metres is appropriate for the City of Vaughan. Further, the proposed parking space depth is the same as has been approved by the City through the recently approved by the City of Vaughan Comprehensive Zoning By-law 01-2021 (The "New City By-law") and will provide for contemporary parking space requirements. The requested parking space depth of 5.7 is a minor reduction from the required 6.0 metres, will have minimal impact and is desirable given that it will allow for a more efficient development of the lands.

2. Loading and unloading shall be permitted between a building and a street;

WHEREAS

Loading and unloading shall not be permitted between a building and a street.

3.9 d) LOADING SPACE REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to ensure that loading spaces are provided for some uses and that the location of loading and unloading does not impact abutting lands. The location of loading spaces on the Subject Lands are proposed to be south facing and opposite Gibraltar Road from a cemetery use which has been graded to a higher elevation than the street. In this regard, the area opposite Gibraltar Road from the proposed loading spaces is a sloped landscaped area and not a sensitive area. Further, a landscape strip will be required along Gibraltar Road and will allow for an opportunity to provide plant material that can help to screen the view of the loading area from the street. The south facing location of the loading areas will also orient these areas toward the interior of the employment area which will minimize impact on non employment areas and is desirable. It is relevant to note that the New City By-law does not prohibit loading or unloading between a building and a street. The impact of the loading bays on abutting lands will be minor and will result in a desirable development of the lands.

3. For a warehousing use, a minimum parking requirement of 0.5 parking spaces per 100 square metres of GFA shall be required;

WHEREAS

For a warehousing use, a minimum parking requirement of 1 parking spaces per 100 square metres of GFA shall be required.

3.8 a) PARKING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide for the appropriate number of parking spaces to support employment uses. The City Parking Study assessed the parking utilization rates in employment areas in the City and indicates that due to low employee densities and

infrequent visits from clientele, the employment parking supply and peak occupancy ratios are considerably lower than for other land uses. Further, the study concludes that many industrial land uses, including warehouse uses, appear to provide a substantial excess in parking supply. The City parking Study further suggest that the warehouse use parking requirements in other jurisdictions are below the 1 parking space per 100 square metres of GFA required by Zoning By-law 1-88. Given the low utilization rate for parking in industrial areas, providing a lower parking supply will reduce the amount of land set aside for parking which will allow for a more efficient use of the land and is desirable. Further, the City has decided that a rate of 0.5 parking spaces per 100 square metres of gross floor area for a warehouse use is appropriate through City Council's approval of the New City By-law. Allowing the parking rate of the New City By-law to apply to the Subject Lands is desirable given the proposed development of the lands.

4. The following types of Accessible Parking Spaces shall be provided:

Type A – An Accessible Parking Space measuring a minimum of 3.4 metres in width by 5.7 metres in length that is designated as “Van Accessible” and which abuts an Accessible Access Aisle.

Type B - An Accessible Parking Space measuring a minimum of 2.4 metres in width by 5.7 metres in length and which abuts an Accessible Access Aisle.

WHEREAS

The following types of Accessible Parking Spaces shall be provided:

Type A – An Accessible Parking Space measuring a minimum of 3.4 metres in width by 6.0 metres in length that is designated as “Van Accessible” and which abuts an Accessible Access Aisle.

Type B - An Accessible Parking Space measuring a minimum of 2.4 metres in width by 6.0 metres in length and which abuts an Accessible Access Aisle.

3.8 d) i) PARKING REQUIREMENTS

The general intent and purpose of the Official Plan and zoning by-law are to provide accessible vehicle parking spaces that are of sufficient size and configuration to store vehicles for persons with disabilities. As noted above, allowing parking spaces to be slightly shallower in depth will ensure the efficient layout of parking areas and reduce the amount of space required for parking vehicles. The proposed accessible parking space depth is the same as has been approved by the City through the recently approved New City By-law and will provide for contemporary requirements. The requested parking space depth of 5.7 is a minor reduction from the required 6.0 metres, will have minimal impact and is desirable given that it will allow for a more efficient development of the lands.

Given the above it is our opinion that the proposed minor variances meet the intent and purpose of the Official Plan and zoning by-law, are minor in nature, are desirable and represent good planning.