

Zoning Confirmation Report

Terms of Reference

1. Description

The purpose of the Zoning Confirmation Report (ZCR) is to identify all zoning compliance issues, if any, at the outset of a *Planning Act* application.

2. When Required

- All zoning by-law amendment applications; and
- All site plan control applications.

3. Contents

The Zoning Confirmation Report comprises two components depending on the type of application submitted:

Component 1 – Zoning Confirmation Report Checklist

Is required for all Site Plan Control applications and all Zoning By-law amendment applications. The intent of the ZCR Checklist is to determine whether a proposal meets the requirements of the Zoning By-law or whether relief is required before the application can be deemed complete. The applicant is required to fill out the ZCR Checklist that forms part of this Terms of Reference.

- ZCR Checklist - Refer to Annex 1

Component 2 – Zoning Confirmation Report Draft List of Requested Relief

Is required for all Zoning By-law amendment applications only and consists of a draft list of requested relief from the Zoning By-law. The intent is for the applicant to ensure that the requested relief is comprehensive, specific and consistent with the rest of the Zoning By-law.

- ZCR Draft List of Requested Relief - Refer to Annex 2

NOTE: The requirements of the two ZCR components may be modified by staff on a case-by-case basis to suit the development.

4. Roles and Responsibilities / Qualifications

A Zoning Confirmation Report must be signed by the applicant or an authorized representative of the applicant.



5. Annex 1 - Zoning Confirmation Report Checklist

A. Project Information			
Review Date:	11.28.2024	Official Plan designation:	Minor Corridor (Downtown Core Transect)
Municipal Address(es):	433 Lyon Street North	Legal Description:	Lots 19, 20 and 21, South Florence Street and Lots 19, 20 and 21 North Gladstone Avenue
Scope of Work:	Zoning By-law Amendment & Lift Part Lot Control		
Existing Zoning Code:	R4UD, R4UD[478], TM H(15)	By-law Number:	2008-250
Schedule 1 / 1A Area:	Area B / Y	Overlays Applicable¹:	Mature Neighbourhoods Overlay

¹ Mature Neighbourhoods Overlay, Floodplain Overlay, and/or Heritage Overlay.

B. Zoning Review			
For Zoning By-law Amendments, please use the proposed zone and subzone requirements, if different than existing.			
Proposed Zone/Subzone (Zoning By-law Amendments only):			
Zoning Provisions ¹	By-law Requirement or Applicable Section, Exception or Schedule Reference	Proposal	Compliant (Y/N)
Principal Land Use(s)			
Lot Width			
Lot Area			
Front Yard Set Back ²			
Corner Side Yard Setback	SEE APPENDED ZONING TABLES		
Interior Side Yard Setback			
Rear Yard Setback			
Lot Coverage Floor Space Index (F.S.I.)			
Building Height ³			
Accessory Buildings Section 55			



Zoning Provisions ¹	By-law Requirement or Applicable Section, Exception or Schedule Reference	Proposal	Compliant (Y/N)
Projections into Height Limit Section 64			
Projections into Required Yards Section 65			
Required Parking Spaces Section 101 and 103			
Visitor Parking spaces Section 102			
Size of Space Section 105 and 106			
Driveway Width Section 107			
Aisle Width Section 107			
Location of Parking Section 109			
Refuse Collection Section 110			
Bicycle Parking Rates Section 111			
Amenity Space Section 137			
Other applicable relevant Provision(s)			
Landscaped buffer abutting Avenue L			

SEE APPENDED
ZONING TABLES

¹ This template represents a small selection of applicable provisions. Please consider the lot's geography (i.e. corner/through lot, proximity to water, inside/outside Greenbelt) and proposed land use (i.e. drive through operation, outdoor commercial patio, Planned Unit Development, long semi) and consult the by-law to determine which other sections of the By-law must be met. This can be attached in a separate document.

² Note that different performance standards apply to low-rise residential development inside the Greenbelt. Please reference Section 144 for these standards, where applicable.

³ This includes maximum building height, minimum building height and setback provisions, where they exist

E. Comments / Calculations

6. Annex 2 - Zoning Confirmation Report Draft List of Requested Relief from Zoning

As part of a Zoning By-law Amendment application, the applicant is required to identify all required relief from the Zoning By-law for the development that is the subject of the application. Below is an example of how the applicant should structure this component of the submission requirements for the Zoning Confirmation Report Draft List of Requested Relief.

- **The Draft List of Requested Relief from Zoning is a list of those items indicated as “not compliant” as identified through Component 1: Zoning Confirmation Report Checklist.** A template list is provided below, with examples.
- The list is required so that City staff can review the requested relief and determine if the application is complete and consistent. The onus is placed on the applicant to identify all needed relief for the proposed development.
- **A draft zoning schedule is required to be provided with Annex 2, if it is anticipated to be required.** A zoning schedule may be required when specific relief such as for height, setbacks, stepbacks or land uses need to be isolated to certain locations on the lot.

Draft List of Requested Relief from Zoning		
By-law Requirement or Applicable Section	Requirement	Proposed
Ex. Permitted land uses in GM2 (s. 188)	N/A	Museum ¹
Ex. Front yard setback (Table 187)	3 m	2.5 m
Ex. Parking Rate (s. 101)	20 spaces	12 spaces

¹ Only the non-compliant land use(s) needs to be listed in this column.

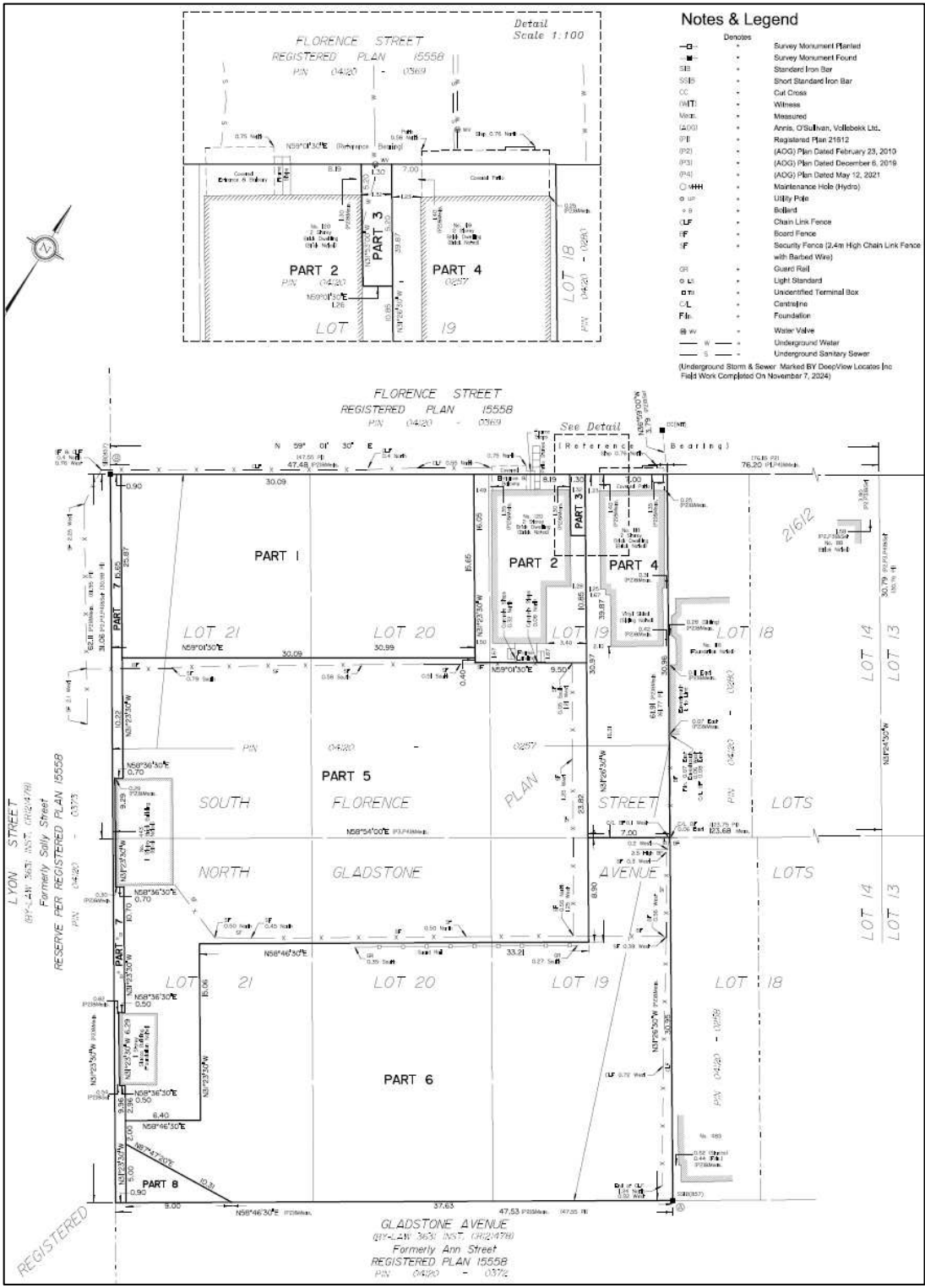


Table 2. Part 5 (existing MTS) zoning review - R4UD, R4UD[478], and TM H(15)

Section	Provision	Required / Permitted	Part 5 (Existing MTS)	Notes
91(1)(f)	Utility installations that are subject to the requirements of the Environmental Assessment Act are permitted in all zones, and are not subject to the provisions of this Zoning By-law	Exempt from the ZBL	Existing Municipal Transformer Station (MTS) is a utility installation subject to the requirements of the EA Act.	-

Table 3. Part 1 (vacant) zoning review - R4UD

Section	Provision	Required / Permitted	Part 1 (Vacant)	Notes
Table 162A	Minimum lot width	4.5 m to 15 m (varies depending on dwelling type)	15.65 m	Proposed vacant lot is wide enough to accommodate all permitted residential dwelling types
Table 162A	Minimum lot area	135 m ² to 450 m ² (varies depending on dwelling type)	470.9 m ²	Proposed vacant lot is large enough to accommodate all permitted residential dwelling types.

Table 4. Part 6 (vacant) zoning review - TM H(15)

Section	Provision	Required / Permitted	Part 6 (Vacant)	Notes
Table 197	Minimum lot width	No minimum	Varies	Proposed vacant lot has adequate frontage and lot width to accommodate permitted uses.
Table 197	Minimum lot area	No minimum	972 m ²	Proposed vacant lot has adequate lot area to accommodate permitted uses.

Table 5. Parts 2, 3 and 4 (existing detached dwellings) zoning review – R4UD and R4UD[478]

Section	Provision	Requirement / Permitted	Parts 2 and 3 (Existing Dwelling at 120 Florence)		Part 3 (Existing Dwelling at 118 Florence)
			Permitted	Unknown	
			Red Text	Incompliant	
Table 162A	Minimum lot width	7.5 m	9.49 m	7 m	
Table 162A	Minimum lot area	225 m ²	152.4 m ²	216.8 m ²	
Table 162A	Maximum building height	11 m	Unknown (likely less than 11 m) Notes: Survey and Google Streetview identify a two-storey building so it is assumed the height is 6-8 metres	Unknown (likely less than 11 m) Notes: Survey and Google Streetview identify a two-storey building so it is assumed the height is 6-8 metres	
144(1)	Minimum front yard setback	Must align with the average of the abutting lots' corresponding yard setback abutting the street. However, need not exceed the minimum of the underlying subzone (4.5m).	Abutting property: 1.35 m Required: 1.35 m Provided: 1.3 m	Abutting properties: 1.35 m and 10.5 m Average of abutting: 5.93 m Required: 4.5 m Provided: 1.35 m	
144(1)(d)	Minimum front yard setback	In no case may be less than 1.5 m	Provided: 1.3 m	Provided: 1.35 m	
Table 162B, Endnote 4 and Table 144A(i)	Minimum rear yard setback	For lots located within S. 342 and whose rear lot line abuts an R1, R2, R3 or R4 zone, see Part V, Section 144 –	Lot depth: 16.05 m Required: 4.01 m (25% of lot depth) Provided: 1.67 m	Lot depth: 30.97 m Required: 7.5 m (25% of lot depth and area but need not exceed 7.5 m) Provided: 16.31 m	

		Alternative Yard Setbacks for Lowrise Dwellings in the Greenbelt. In all other cases the minimum rear yard setback is 25% of the lot depth which must comprise at least 25% of the area of the lot, and need not exceed 7.5 m, except on lots with depths of 15 metres or less, in which case the minimum rear yard setback is 4 m.	Notes: Abuts a R4 zone	Notes: Abuts a TM zone
Table 162A	Minimum interior side yard setback	1.2 m / 0.6 m	1.49 m / 1.28 m	1.23 m / 0.25 m
Table 139(1)	Minimum aggregated soft landscape area in the front yard (percentage)	Where the front yard setback is less than 1.5 m, no minimum, however, all lands within the front yard and within the corner side yard that are not occupied by permitted driveways, walkways and projections must consist of soft landscaping.	Unknown Notes: The existing driveway, walkway, and projections pre-date this provision of the ZBL (2007 Google Streetview confirms this). Since the covered patio and balcony projections encroach into the ROW it is unknown if they were permitted when constructed.	Unknown Notes: The existing driveway, walkway, and projection pre-date this provision of the ZBL (2007 Google Streetview confirms this). Since the covered patio projection encroaches into the ROW it is unknown if it was permitted when constructed.
139(2)	A driveway is subject to the following:	(a)(i) within the Mature Neighbourhoods Overlay a driveway is only permitted where in accordance with the confirmed Streetscape Character Analysis and Table 140B; and where permitted, the maximum width is as per Table 139(3) (a)(ii) within Area A on Schedule 343, the maximum width is as per Table 139(3).	Unknown Notes: A Streetscape Character Analysis was not identified as a requirement during pre-consultation. Further, the existing driveway and front yard character pre-dates this provision of the ZBL (2007 Google Streetview confirms this).	Unknown Notes: A Streetscape Character Analysis was not identified as a requirement during pre-consultation. Further, the existing driveway and front yard character pre-dates this provision of the ZBL (2007 Google Streetview confirms this).
Table 139(3)(iii)	Driveway regulations where the minimum lot width required is 7.5 m to less than 8.25 m	Maximum width of an individual single driveway: 2.75 m Maximum width of a shared driveway: 3 m	Portion on Parts 2-3: ± 1.32 m – 1.28 m Total driveway width: ± 2.55 m – 2.53 m Notes: The proposed property line between Parts 2-3 and Part 4 divides the driveway approximately in half.	Portion on Part 4: ± 1.23 m – 1.25 m Total driveway width: ± 2.55 m – 2.53 m Notes: The proposed property line between Parts 2-3 and Part 4 divides the driveway in half.
139(4)	A walkway located in a front yard or corner side yard is permitted subject to the following:	(b) Where a walkway extends from the right-of-way, it must be separated from any driveway by at least 0.6m of soft landscaping.	Unknown Notes: Survey and Google Streetview appear to show the walkway being more than 0.6 m from any driveway.	Unknown Notes: Survey and Google Streetview appear to show the walkway being more than 0.6 m from any driveway.
		(c) The width of a walkway may not exceed: (ii) In the case of any other residential use building, 1.2 m;	Unknown Notes: Survey and Google Streetview appear to show the walkway being less than 1.2 m in width.	Unknown Notes: Survey and Google Streetview appear to show the walkway being less than 1.2 m in width.
		(e) A walkway may not extend to the right-of-way on a lot less than 10m in width where a driveway is provided.	Walkway exists Notes: the lot width is less than 10 m and a driveway is provided (shared)	Walkway exists Notes: the lot width is less than 10 m and a driveway is provided (shared)
		(f) A maximum of one walkway per yard is permitted to extend to the right-of-way in the case of a detached, semi-detached, long semi-detached or townhouse dwelling.	One walkway exists in the front yard	One walkway exists in the front yard

106(1)	Parking space provisions	Any motor vehicle parking space must be: (a) At least 2.6m wide (b) Not more than 3.1m wide (c) At least 5.2m long	Parking space width varies and is less than the required minimum of 2.6 m. Total parking space length is capable of being at least 5.2m. Notes: Parking space is part of a shared driveway, with the portion on Part 2-3 being ± 1.32 m – 1.26 m wide, whereas the total width is ± 2.55 m – 2.5 m.	Parking space width varies and is less than the required minimum of 2.6 m. Total parking space length is capable of being at least 5.2m. Notes: Parking space is part of a shared driveway with the portion on Part 4 being ± 1.23 m – 1.24 m wide, whereas the total width is ± 2.55 m – 2.5 m.
107(2)	Driveway provisions	A driveway providing access to parking spaces other than in a parking garage or parking lot must have a minimum width of 2.6 metres.	Total driveway width is ± 2.55 m, less than the required minimum of 2.6 m. Notes: Driveway is shared with the portion on Parts 2-3 being ± 1.32 m – 1.28 m wide, whereas the total width is ± 2.55 m – 2.53 m.	Total driveway width is ± 2.55 m, less than the required minimum of 2.6 m. Notes: Driveway is shared with the portion on Part 4 being ± 1.23 m – 1.25 m wide, whereas the total width is 2.55 m – 2.53 m.
109(3)	In the R1, R2, R3, R4, R5, V1, V2 and V3 zones:	(a) no parking space may be established and no person may park a motor vehicle: (i) in a required and provided front yard;	Existing parking located partly within the front yard. Note: The existing front yard parking pre-dates this provision of the ZBL (2007 Google Streetview confirms this).	Existing parking located partly within the front yard. Note: The existing front yard parking pre-dates this provision of the ZBL (2007 Google Streetview confirms this).
		(b) a walkway is permitted in any yard, provided that: (i) the walkway does not exceed 1.8m in width; and	Unknown Notes: Survey and Google Streetview appear to show the walkway being less than 1.8 m in width.	Unknown Notes: Survey and Google Streetview appear to show the walkway being less than 1.8 m in width.
		(b) a walkway is permitted in any yard, provided that: (ii) the walkway consists of hard landscaping.	Walkway consists of hard landscaping.	Walkway consists of hard landscaping.
Table 65(5)	Fire escapes, open stairways, stoop, landing, steps and ramps	(b) other features: i) where at or below the floor level of the first floor: 1.in the case of the interior side yard or rear yard: no limit,	Rear yard open stairway and landing projects approximately 1.67 m and is 0.08 m from the rear lot line.	NA
Table 65(6)	Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings	(b) In the R1, R2, R3 and R4 Zones within Area A of Schedule 342: (iii) Where a lot has a depth of 23.5 m or less, the maximum projection is 0 m above the first floor; (iv) In all other cases, the maximum projection is 2 m, but no closer than 1 m from any lot line.	Lot depth is less than 23.5 m and so the maximum permitted projection is 0 metres above the first floor. The covered second floor balcony appears to project over 2 m and beyond the front lot line. The maximum permitted projection for the first floor is 2 m, but not closer than 1 m from any lot line. The covered patio appears to project over 2 m and beyond the front lot line.	The maximum permitted projection for the first floor is 2 m, but not closer than 1 m from any lot line. The covered patio appears to project over 2 m and beyond the front lot line.