

PLANNING REPORT

RE

PROPOSED BRIDAY HOUSING DEVELOPMENT

12433 DILLON DRIVE, TECUMSEH, ONTARIO

PREPARED FOR

TAMRA AND TONY TENO

██████████ LITTLE RIVER BOULEVARD, TECUMSEH, ONTARIO

AUGUST 29, 2019

BY

STOREY SAMWAYS PLANNING LTD.

PLANNING REPORT RE
PROPOSED BRIDAY HOUSING DEVELOPMENT
12433 DILLON DRIVE, TECUMSEH, ONTARIO

1.0 INTRODUCTION

1.1 PURPOSE

The purpose of this report is to provide a planning analysis of the zoning and official plan amendment applications for a proposed 63 residential unit development by Briday Victoria Development Corporation, consisting of two and three storey townhouse unit buildings at 12433 Dillon Drive in Tecumseh, for Tamra and Tony Teno, who are local residents. It is intended that this report be submitted to Tecumseh Council for consideration as part of the public consultation meeting on this project scheduled for September 10, 2019.

1.2 DOCUMENTS REVIEWED

In the course of preparing this report I have reviewed these applications within the context of the following documents:

- The Provincial Policy Statement (PPS)
- The County of Essex Official Plan (COP)
- The Town of Tecumseh Official Plan (TOP)
- The Planning and Design Justification Report, prepared by Zelinka Priamo Ltd. on behalf of Briday, June 2019
- Planning report prepared by Chad Jeffery of Planning and Building Services, Town of Tecumseh, August 13, 2019
- Various other relevant documents regarding residential intensification, and the Traffic Impact and Engineering studies submitted with the application in support of the project.

I should note, at the time of writing, that while I am able to make a conclusion regarding the planning merits of the applications, there are several important documents not available for review, namely:

- Peer Review by Dillon Consulting on behalf of the Town of the traffic impact and engineering studies by the applicant
- Essex Regional Conservation Authority (ERCA) comments
- Final report by the Tecumseh Planning and Building Services Department
- The actual amending documents.

1.3 CONCLUSION

As discussed in more detail below, it is my opinion that these applications are:

- Not consistent with the Provincial Policy Statement
- Not in conformity with the County Official Plan
- Not in conformity with the Tecumseh Official Plan

Accordingly, the applications should be refused or deferred until such time as the Town has prepared residential intensification development standards.

2.0 ANALYSIS

2.1 OVERVIEW

The reports prepared by Zelinka Priamo and the Tecumseh Planning department both speak to the general emphasis in the PPS, COP and TOP on the positive role of residential intensification in achieving goals with regard to the provision of housing within settlement areas, and I agree with the planning merits of that notion. Where I diverge from these reports is that there are parts of the PPS, COP and TOP which speak to the need for appropriate regulation of intensification, and it is these policies to which I will be referring.

2.2 PROVINCIAL POLICY STATEMENT (PPS)

Section 4.7 of the PPS states:

The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans....

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement...

Comment: the Tecumseh Official Plan was initially adopted in 1973 and finally approved in 1978. I understand it went through a further review process in 1995. The latest consolidation occurred in 2015.

Clearly the TOP is seriously out-of-date and not consistent with Section 4.7 of the PPS. It should also be noted that Section 26 (1.1) of the Planning Act **requires** official plans to be updated no more than 10 years after its initial approval and every five years thereafter. Tecumseh is in violation of the Planning Act as well as the PPS.

I understand that a new official plan has been prepared and is undergoing internal review at present. It is expected to be released for public review by the end of this calendar year. Development standards regarding intensification should be a part of that new OP process, which suggests that the Briday application should be deferred until these new policies have gone through a proper vetting with the appropriate stakeholders and public consultation.

Clause (e) under Section 1.4.3, Housing, of the PPS states:

Planning authorities shall provide for an appropriate range and mix of housing...by:

(e) establishing development standards for residential intensification...

Comment: in fact the TOP does provide development standards for residential intensification as discussed further below, but which are not appropriately addressed, in either the Zelinka Priamo or Planning Department reports. If the existing OP standards are considered out-of-date then establishing new ones needs to go through the OP process described above, and simply not assumed, as appears to be happening with the Briday proposal.

2.3 COUNTY OFFICIAL PLAN (COP)

As noted in the OVERVIEW above, the COP encourages residential intensification within primary settlement areas such as Tecumseh in Section 3.2.7, Intensification and Redevelopment. The last paragraph states:

Where possible, new development in older established areas of historic, architectural or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

Comment: neither the Zelinka Priamo or Tecumseh Planning Department reports took notice of this policy, or performed any meaningful analysis to determine the “character” of the existing neighbourhood.

2.4 TECUMSEH OFFICIAL PLAN (TOP)

The TOP generally supports residential intensification of underutilized or vacant lots within built up areas. Section 3.3.8 provides the basis for which intensification will be reviewed:

3.3.8 In the Town of Tecumseh, Council will encourage both public and private sector landowners, developers and builders to undertake small-scale infilling type residential activities that make the most efficient and cost-effective use of existing municipal infrastructure and services. Infilling means the residential

*development of a **similar scale, density and use on vacant lots or undeveloped lands within built up areas** [my emphasis] of the municipality, to create additional dwelling units.*

The Zelinka Priamo report provides only a cursory review of the scale and density of the surrounding built-up area. In order to provide a more detailed understanding of the density and scale of the existing neighbourhood surrounding the subject property, a walking survey was undertaken in late December, 2018 in the area shown in Appendix “A”. The results were as follows:

- There were 222 dwelling units counted. 6 were multiple units found in two separate buildings. The remaining 216 were single detached; 61 were two-storeys; and the remainder being of a lower profile type.
- The overall net density is 11.42 units / hectare or 4.62 units per acre.¹

By comparison we know the scale and density of the proposed development as follows:

- Density of 27.5 units / hectare or 11.1 units per acre
- All units are of the townhouse type and two storeys or greater.

The Briday development density is 240% greater than the surrounding neighbourhood. In terms of scale, 100% of the Briday development is two storeys or greater and 28% of the surrounding neighbourhood is two storeys.

In my opinion the proposed development is not similar in scale or density to the surrounding built up area, as required in Section 3.3.8, and therefore is not in conformity with the Tecumseh Official Plan.

It should be noted that there is another recent project in Tecumseh somewhat similar to the Briday proposal in that it involved the residential intensification of a surplus school site – Carmelita Court. A walking survey was undertaken in mid-January, 2019 for the area shown in Appendix “B”, with the following results:

- There are 88 residential units in the area surrounding the Carmelita Court development of which 49 are single detached dwellings and 39 are townhouse units. Eight of these units, or 9%, are two storeys.
- The overall density in the built up area is 12.7 units / hectare, or 5.2 units per acre. i.e., a little higher than the area around the proposed Briday development.

The Carmelita project consists of 46 single storey townhouse / semi-detached units on 2.8 hectares giving a density of 16.39 units / hectare or 6.64 units per acre. With regard to Section 3.3.8 of the TOP, the Carmelita project can be said to be similar in scale to the

¹ The area for each lot used in the density calculation is based on the Town of Tecumseh GIS.

surrounding built-up area. Carmelita is 28% higher in density which Council and Administration of the day considered to be similar in density to the surrounding built-up area, and therefore in conformity with the TOP.

If one were to apply this precedent of residential intensification to a surplus school site within an existing residential built up area to the proposed Briday development, a 28% increase in density would result in an overall development of 1.28 x 4.62 units / acre (surrounding neighbourhood density) on a 5.66 acre site, or 34 units, a significant majority of which would be single storey, rather than the 63 unit development of two and three storey buildings actually proposed.

2.5 OTHER DOCUMENTS

2.5.1 HOUSING AND RESIDENTIAL INTENSIFICATION DISCUSSION PAPER, MARCH 2015

This Discussion Paper was prepared as part of the new Tecumseh Official Plan process by Chad Jeffery, Manager of Planning Services for Tecumseh. In my view it was comprehensive and well written. I have included it in my review of the Briday applications as Mr. Jeffery made several notable comments regarding intensification in existing residential areas. The quotes below are found in Section 4.2, Residential Intensification, of the Discussion Paper.

*Appropriate policies and guidelines will be needed to ensure that residential intensification occurs in suitable locations and **the standard of residential amenity area is maintained or enhanced** (p.33) [my emphasis]*

*Intensification efforts must consider how development **fits within and enriches the existing context** (p.33) [Mr. Jeffery's emphasis]*

*New development should **respect the local context and contribute** to it in a positive way (p.33) [Mr. Jeffery's emphasis]*

*Guidelines and criteria **will need to be developed in the new Official Plan** to direct intensification efforts to the most appropriate areas (p.35) [my emphasis]*

Mr. Jeffery has suggested three overlapping tests to be applied to residential intensification proposals, namely:

1. The standard of residential amenity of the area is maintained or enhanced.
2. The proposed development must fit within and enrich the existing context.
3. The proposed development should respect the local context and contribute to it.

It is my opinion that were these tests, as recommended by Mr. Jeffery, applied to the Briday proposal, it would fail.

Finally I note that Mr. Jeffery recognizes that “guidelines and criteria” regarding intensification will need to be included in the new Official Plan. In my opinion such policies would make the TOP consistent with the Provincial Policy Statement and be brought into conformity with the County Official Plan, neither of which, in my opinion, as discussed earlier, it is today.

2.5.2 INTENSIFICATION IN STABLE RESIDENTIAL AREAS – TOWN OF NEWMARKET

This document was prepared by the Newmarket Planning Department as a report to Council in October of 2017. I have included it as it provides a brief discussion on Best Practices with regard to intensification as found in eight other Ontario municipalities. I found it instructive, and applicable to Tecumseh, for three reasons:

1. It notes on P.2 that intensification in “stable residential neighbourhoods” may be permitted (as opposed to other areas where it is positively encouraged) provided it is done “respectfully”.
2. Existing residential areas are referred to being stable, older mature and established. New intensification development must be compatible with the neighbourhood in terms scale, height, massing, architecture, setbacks, orientation, streetscape and building separation.
3. A number of tools are proposed to protect existing neighbourhood character including official plan policies, special zoning restrictions in existing neighbourhoods, urban design guidelines and special site plan control policies.

The emphasis underlying these best practices is that protection of an existing neighbourhood character takes priority in considering an intensification project. In my opinion, attempts to respect the local neighbourhood by the Briday development have been minimal and unsatisfactory.

3.0 CONCLUSION / SUMMARY

The Briday Victoria Development proposal for a 63 unit townhouse development on a surplus school site is an example of residential intensification, a form of development generally encouraged by the Provincial Policy Statement (PPS), County of Essex Official Plan (COP) and Tecumseh Official Plan (TOP). However closer examination shows the project as proposed is neither consistent or in conformity with these documents.

The PPS requires that local official plans be kept reasonably current with PPS policies. It has been at least 24 years since the TOP has undergone an official plan review, which is in violation of the PPS, the Planning Act and the COP. As well, the PPS requires that specific development standards be prepared regarding housing intensification. Until the Town goes through this process, the Briday proposal is at best premature.

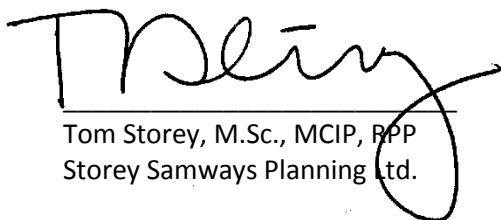
The COP approved in 2014, similar to the PPS requires that the TOP be made current with the COP within a reasonable time period, which has not happened. Also similar to the PPS, the COP requires that development standards be prepared for residential intensification recognizing such development is consistent with the overall character of older established neighbourhoods. The TOP and Briday proposal fail on both counts. Therefore the project is not in conformity with the COP.

The TOP, although seriously dated, does contain intensification standards requiring new development to be similar to a surrounding built up area in scale and density. As demonstrated, the proposal greatly exceeds the existing neighbourhood in both instances. It could be argued that a precedent exists for infilling of a surplus school site on another property (Carmelita Court) surrounded by an established residential neighbourhood. Application of the density and scale parameters of this project would result in a substantial reduction in the number of units and in the proposed scale of the Briday project.

In my opinion, the Briday project fails to meet the density and scale requirements for infilling and therefore is not in conformity with the TOP.

It is my recommendation that the Briday application be either refused or deferred until such time as the Town has updated its Official Plan and in particular develops modern residential intensification standards based on a comprehensive public consultation process.

Prepared by:



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Attachments:

Appendix "A" – Victoria School Neighbourhood
Appendix "B" – Carmelita Neighbourhood
Appendix "C" – Newmarket Report

APPENDIX "A" – VICTORIA SCHOOL NEIGHBOURHOOD



APPENDIX "B" – CARMELITA NEIGHBOURHOOD



APPENDIX "C" – NEWMARKET REPORT



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October 16, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-40

TO: Committee of the Whole
SUBJECT: Intensification in Stable Residential Areas – Best Practices
ORIGIN: Planning Department

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2017-40 dated October 16, 2017 regarding intensification in stable residential areas be received and the following recommendation(s) be adopted:

THAT Council direct staff to organize a council workshop to provide further detailed information on each of the options presented in this report including but not limited to associated costs, resources necessary and impacts to customers.

COMMENTS

Council at their March 27 2017 (COW) meeting adopted the following recommendation:

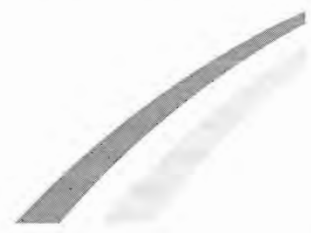
That staff be requested to review Zoning By-law Number 2010-40 and By-law Number 2013-30 to address best practices related to infill development standards across the town as a whole and provide a report to Council.

ISSUE

Residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment. Concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current zoning by-law regulations but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

Residential dwellings have evolved substantially over the past half-century; homes today have greater lot coverage and floor area and are much higher. This disproportion is most evident with intensification developments in low-density residential areas where a new or remodelled home is situated next to one that is approximately 40 to 50 years old.



Intensification in Newmarket

Newmarket must rely on intensification within the Town's Urban Centres to accommodate projected population growth over the next 25 years, as the supply of greenfield lands is nearly exhausted. Intensification in the stable residential areas is, for the most part, limited to infill through the creation of new lots subject to the compatibility policies of the Town's Official Plan. The Town's approach to intensification must reflect the general framework for urban structure established by the Province and refined by York Region.

The Province of Ontario has advocated for intensification to be the key direction for managing growth in communities throughout the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Integral to the Growth Plan is an emphasis on intensification and re-urbanization of existing built-up areas to curtail urban sprawl, support transit and protect significant greenlands and the Oak Ridges Moraine.

As directed by the Province in its Growth Plan, intensification is intended to be focused on urban growth centres, intensification corridors, major transit station sites, brownfields, and greyfields. These areas are envisioned to attract a significant portion of population and employment growth. They are to provide a diverse range of uses and high quality public open spaces in support of vibrant neighbourhoods, transit, walking and cycling, along with achieving higher densities and providing for appropriate transitions to adjacent neighbourhoods.

While intensification is directed to the Town's urban centres, limited intensification can still occur in stable residential neighbourhoods. If done respectfully, the redevelopment can be of value to the community. However, redevelopment can occur in a manner that does not respect the built form that exists. In older neighbourhoods, existing lot areas and frontages are often large enough to accommodate larger homes while still meeting the requirements of the zoning by-law. As a result, new development can occur in a form that is inconsistent with the height, building footprint, design and character of the existing residential dwellings in the neighborhood.

Background

Staff researched this issue in 2013 culminating in a zoning by-law amendment for the older established areas of Newmarket, as depicted in the attached By-Law 2013-30, which modified three requirements affecting the siting of a dwelling on a lot. Within the subject area, By-Law 2013-30 reduced the maximum permitted height, reduced the maximum permitted coverage and modified the way in which front yard setback is determined.

Specifically, the by-law amendment defined maximum heights for one, one and a half and two storey dwellings and reduced the overall maximum height of a building on a lot from 10.7 m measured to the mid-point of the roof to 10 m measured from the front grade to the highest point of the roof. The by-law also reduced the maximum lot coverage for a 1.5 storey and 2 storey house from 35% to 25% and modified the way in which front yard setback is determined to allow a dwelling to be in line with dwellings on either side regardless of the front yard setback standard.

Committee of Adjustment – since Council passed By-law 2013-30, 9 applications for relief from the zoning by-law as it relates to these areas were received by the Committee of Adjustment. Of these, 7 were approved by the Committee and 2 have been denied and have since been appealed to the Ontario Municipal Board.

Best Practices

A number of municipalities have recently researched and applied various mechanisms to address the issues of compatibility of new residential dwellings and large additions in established residential areas of their communities. Below is a brief description of the tools each municipality has implemented.

Brampton – added Official Plan policies regarding defined “Older Mature Neighbourhoods” requiring new development to be compatible with the existing neighbourhood in scale, height, massing, architecture, setbacks, orientation and building separation. To implement the policy, Site Plan Control was imposed on older mature neighbourhoods applicable to all new dwellings or additions greater than 50 square metres in area. Brampton also included modifications to the zoning permission in the area of coverage, height and setbacks.

Burlington- has conducted a number of studies that look at neighbourhood character that were endorsed by Council in 2016. Burlington is now in the process of amending their zoning by-law as it relates to setbacks, driveways, landscaping, and lot coverage.

Cambridge- created an “Established Neighbourhoods” overlay in their zoning by-law that applies to the study areas. These areas have modified zoning standards as it relates to height, averaging of side and front yard setbacks, limiting of garage projections and minimum and maximum driveway widths.

Halton Hills- has recently concluded their review of Mature Neighbourhoods which has resulted in an Official plan amendment that discusses Mature Neighbourhood Areas and provides objectives and policies relating to new and replacement housing. Halton Hills have also approved new zoning regulations for the specific areas as they relate to heights, setbacks and coverage.

Kitchener – has amended their zoning by-law as it relates to setbacks, heights, garage placement; introduced site plan approval processes for single detached, semidetached and duplex dwellings in select neighbourhoods, updated their Urban Design Manual to provide guidance on infill and new developments; and developed a Citizen’s Guide to Intensification in an effort to ensure infill development within the identified areas is compatible with the surrounding context.

Oakville – drafted urban design policies called “Design Guidelines for Stable Residential Neighbourhoods” to address compatibility of new development. These policies informed a new zoning by-law that provided for specific zone standards for the study areas similar to Newmarket’s 2013 by-law. Oakville also included a standard that scaled the permitted residential floor area based on the lot size, meaning larger lots would have increasingly smaller floor area ratios to discourage excessively large homes from being developed.

Ottawa- adopted a Mature Neighbourhood Plan and Urban Design Guidelines along with a “Streetscape Character Analysis” tool under the zoning by-law to regulate new buildings in the study areas. The analysis tool used by Ottawa requires additional time and effort for the applicant and municipal staff to process development applications. Further details on this tool are provided in the below discussion.

Richmond Hill- have developed a number of Infill Studies/Tertiary Plans intended to guide infill housing in a similar manner to urban design guidelines. As the infill areas are described in the Official Plan, development applications that do not meet the objectives are deemed to be in conflict with the Official Plan.

Having the control provisions in the OP heavily regulates development. Applications must conform to the infill and urban design guidelines for the infill area.

Discussion on Options

In reviewing best practices from other municipalities, there is no consistent approach in addressing the issue of perceived overbuilding in established residential areas. The following provides options that are in use in other municipalities and available for Council's consideration. These options can be implemented individually or combined.

1. Keep existing zone standards
2. Implement changes to the existing zoning standards within an identified study area similar to the modifications approved for established residential areas in 2013.
3. Amend the Official Plan to establish policies that direct that character areas be established through zoning tools. Adopt an implementing Zoning By-law to modify the zoning on certain streets to better reflect existing character.
4. Create Urban Design Manual/Guidelines for infill projects.
5. Expand site plan control approval to apply to single detached, semi-detached and duplex dwellings in identified areas.
6. Develop a streetscape character analysis process similar to the City of Ottawa
7. Implement Cultural Heritage Landscape in identified areas under the Ontario Heritage Act.

1. Keep the existing zone standards

The first option to consider is to maintain the existing standards in the zoning by-law. An argument can be made that the differences between lots and dwelling sizes are what make an interesting and vibrant neighbourhood. The by-law provisions as they relate to building standards have largely been unchanged in the established areas of Newmarket since the passing of the 1979 comprehensive town wide by-law. Communities are not static and as time passes changes are inevitable.

In the implementation of a policy or standards that would limit the ability to sever property and/or more strictly control building permissions, it would have to apply not only to new construction but also to any additions/changes existing property owners may desire in the future.

2. Implement Changes to the Residential Zone Standards (individual streets or study wide area)

The modifications that were implemented through By-law 2013-30 could be expanded to other areas of Newmarket that are experiencing similar intensification. The principle behind establishing new standards is that the regulations would be reflective of the existing built form for an identified neighbourhood. The

minimum lot area and frontage, maximum lot coverage and minimum building setbacks would be similar to the existing dwellings.

Where a proposal could not meet the minimum requirements a minor variance would be required and the application would be subject to a public process, require Committee of Adjustment approval, and be reviewed on the merits of the specific situation.

Through the use of GIS mapping, the approximate lot coverage for low density dwellings in established neighbourhoods can be determined. For this approach to be implemented appropriately, the identification of neighbourhood boundaries would have to be determined. Careful consideration would have to be given to the criteria used to define the boundaries. Subdivisions that were developed in the last 10-20 years will likely not benefit from any changes as the homes are typically built to the maximum permissions in the zone standards. These would include areas such as the southwest and southeast quadrants, northwest quadrant and other areas that have been recently developed.

An outcome of any changes to Zoning By-law 2010-40 is that there will be many homes in the low-density residential zones which comply with the current zoning by-law but will not conform to the recommended changes found in this report; essentially they will become legal non-conforming buildings. Legal non-conforming residential dwellings are often found in older neighbourhoods as they were built under a previous zoning by-law or at a time when a zoning-by-law did not exist.

An existing legal non-conforming building is permitted to continue indefinitely and is recognized by the Zoning By-law. However, an addition to an existing legal non-conforming dwelling must comply with the current Zoning By-law regulations or obtain approval for a minor variance.

It is impossible to capture every nuance and deviation from a zoning by-law with a proposed by-law amendment as described in this section of the report. Legal non-conforming uses, buildings, and structures are common and are the product of an evolving town.

3. Amend the Official Plan to establish policies that direct that character areas be established through zoning tools. Adopt an implementing Zoning By-law to modify the zoning on certain streets/neighbourhoods to better reflect existing character.

As neighbourhoods develop at different times, there are many different types of neighbourhoods with different character traits. Currently, the Town's Official plan contains general policies under the Residential section addressing compatibility indicating that the policies of the plan protect the stability of the Stable Residential Areas and ensure that new development is compatible with the existing character of the neighbourhood. The Official Plan reads that the Stable Residential Areas permits accessory units and infill units through the creation of new lots consistent with the size and form of housing as a whole. The creation of new lots are subject to the compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

This type of general language is common in Official Plans. While providing some guidance for new development, it leaves what constitutes "compatible" up to interpretation. By providing further details on specific neighbourhood character of particular areas through an Official Plan amendment, an implementing zoning by-law would be uniquely tailored to the identified neighbourhoods.

This option appears to be best coupled with design guidelines similar to the Town of Richmond Hill. Richmond Hill has identified "priority infill" areas in their Official Plan with the intention that specific studies will be developed for these areas. Development within a priority infill area is subject to the applicable infill study and assessed based on conformity with the infill and urban design guidelines that have been approved by council. As noted above, having the control provisions in the OP heavily regulates development and applications must conform to the infill and urban design guidelines for the infill area.

4. Create Urban Design Manual/Guidelines for infill projects.

Many municipalities have created an Urban Design manual for mature neighbourhoods. As new development should be properly integrated into the existing streetscape, design guidelines would provide a basic framework for making decisions on massing, layout and compatibility within the context of the existing neighbourhood character. On their own, a manual or guidelines would provide context and guidance for property owners wishing to complete additions to existing dwellings or a new build however, they are not legislative and could not be strictly enforced unless coupled with an additional process such as the below site plan approval process or enhanced Official Plan policies related to infill development.

5. Expand site plan control approval to apply to single detached, semi-detached and duplex dwellings in identified areas.

Another option that is available to Council to better manage infill and redevelopment in the stable residential areas is through the site plan process under Section 41 of the *Planning Act*, rather than exclusively through "as of right" building permits.

The building permit process has regard for zoning regulations and the *Ontario Building Code*, however, the site plan review process would offer the Town an opportunity to provide detailed evaluations of residential proposals. The characteristics of an existing neighbourhood can be analyzed and proposals could be reviewed against the backdrop of fit within the larger community. Public feedback could also be integrated in the process (if needed) through community consultation however there would continue to be no mechanism for residents to appeal a site plan decision.

The transparency and integration of the site plan review process allows the Town to provide greater assurances to communities that development in residential areas will occur sensibly and respectfully with the built character of Newmarket's older established neighbourhoods. However, requiring site plan approval on lots within certain zones or areas would create an additional cost to landowners and require additional staff resources to process applications. The review of plans would have to be streamlined to ensure a proper use of time and resources. A fee schedule would also have to be developed factoring in cost recovery.

The process can be defined to only be applicable to new builds and additions that meet a particular threshold.

6. Develop a streetscape character analysis process similar to the City of Ottawa

Ottawa in 2015 adopted an infill by-law that provided a "Mature Neighbourhood" overlay that regulates the character of low rise residential development based on the existing character of the streetscapes in established neighbourhoods. In order to determine all the zoning requirements for a lot, a streetscape

analysis is required. The "Streetscape Character Analysis" is a complex system that intends to measure character based on the number of occurrences in an area and allows the streetscape design to be implemented in a systematic way. Through an application, this process requires applicants to demonstrate how the proposed structures will fit into the existing streetscape by identifying and recording the attributes of 21 lots surrounding the property.

The process requires additional time and effort for the applicant and municipal staff to process the development application. In addition, the process relies on photo documentation supplied by the applicant and extensive property mapping resources provided by City of Ottawa. The details of this tool will be further discussed in the recommended workshop.

7. Implement cultural heritage landscape in identified areas under the Ontario Heritage Act.

Defining specific Cultural Heritage Landscapes (CHL) under the Ontario Heritage Act is another tool available to the municipality to guide development proposals. A CHL is defined in the 2014 Provincial Policy Statement as *"a geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association."* Examples would include Heritage Conservation Districts, neighbourhoods, parks, industrial areas, shrines or spiritual places, aboriginal sites or trails and distinct or unique land-use patterns.

For example, the City of Kitchener has identified 12 residential neighbourhoods as cultural heritage landscapes.

The identification and implementation of Cultural Heritage Landscapes would require the contracting of a Heritage Consultant to review and recommend areas for inclusion and the basis for such recommendations. Along with any identified CHL, the establishment of guidelines would be necessary to control development proposals. A CHL could also be the basis for listing properties as non designated heritage properties or the establishment of a Heritage Conservation District.

CONCLUSIONS

As there are a number of options with verifying degrees of process and resources involved, it is appropriate to hold a workshop with Council to provide further detailed information on each of the identified options. This workshop will assist staff in determining a preferred approach based on Council's desired level of service, budgetary constraints, public consultation, timeframe involved to implement and acceptable impact to customers and staff resources. The timing of such a workshop could all in Q1 2018.

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for any proposed changes to the Official Plan and/or Zoning By-law. Any process that involves defining neighbourhood character either through an Official Plan Amendment or guidelines for infill development should include public consultation with those residing in various neighbourhoods. Any option beyond modest changes to the zoning by-law should include a public awareness/education campaign. At Council's direction, staff can organize a Public Information Centre after the recommended workshop but prior to making a final recommendation to garner input from the public.

BUDGET IMPACT (CURRENT AND FUTURE)

There are no immediate budget impacts as a result of the recommendations of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca



Commissioner, Development and Infrastructure Services



Director of Planning & Building Services



Senior Planner - Community Planning