

COMMUNICATION 131135

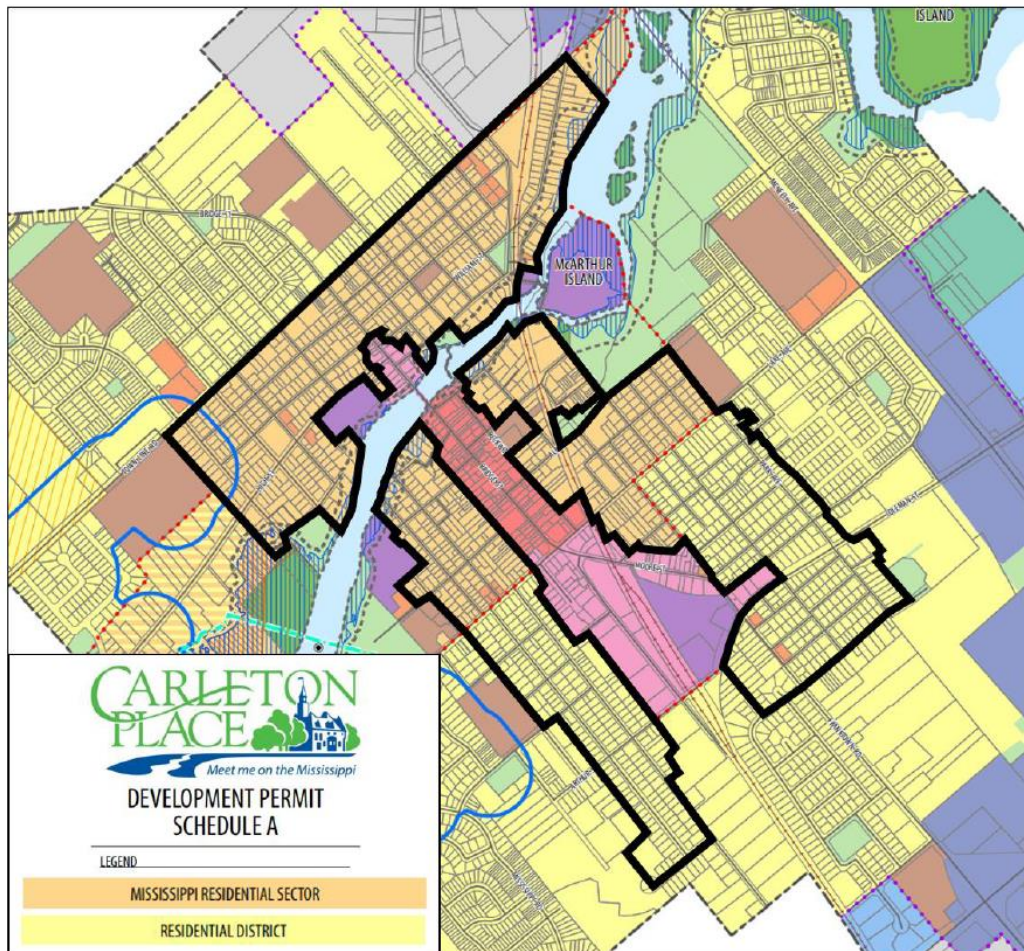
Received From: Niki Dwyer, RPP MCIP, Director of Development Services
Addressed To: Committee of the Whole
Date: November 24, 2020
Topic: Interim Control By-law Update

BACKGROUND

In May 2018, Council passed an Interim Control By-law in accordance with Section 32 of the Planning Act, prohibiting any new development within a defined area in excess of 28' (8.5m). Following the adoption of the interim control by-law, the Town commissioned a Neighbourhood Character Study to:

- Consider the existing character within the Study Area,
- Understand what elements that influence character are important to residents,
- Review the existing policies and guidelines in the context of the character analysis and feedback received, and
- Provide recommendations for improvements to policy, design direction, and possible changes to the Development Permit By-law.

Figure 1 – Study Area



Following the provincial declaration of the State of Emergency due to the COVID-19 Pandemic, Council elected to pass a 1-year extension of the Interim Control By-law to permit adequate time to consider the Neighbourhood Character Study. The extension was appealed to the Local Planning Appeals Tribunal and a (virtual) Case Management Conference has been scheduled for December 16, 2020.

The purpose of this report is to present the final Neighbourhood Character Study for acceptance and seek direction from Council to move forward with the statutory amendment process to the Development Permit By-law reflective of the recommendations of the study.

COMMENT

The Neighbourhood Character Study employed a best-practice policy analysis as well as stakeholder consultation to understand the local contextual values of the study area. The study concluded that generally the current policies drafted in the Development Permit By-law are not specific to the distinct neighbourhood identified as the “Mississippi Residential Sector”. While the area is identified as having its own unique sense of place, the provisions for new construction mirror those utilized for suburban development of greenfield sites.

The primary recommendation resulting from the Study was the adoption of an Amendment to the text of Section 4.3 (Mississippi Residential Sector). A copy of the proposed Amendment can be found in Appendix A and a copy of the Final Neighbourhood Character Study can be found on the Municipality’s [website](#).

No alterations to the boundary of the Mississippi Residential Sector are recommended at this time. As a result, the amendment will only impact the lands identified as orange in Figure 1. Figure 1 also denotes the limits of the Study Area which has been subject to review.

The Neighbourhood Character Study presented three (3) options for Council’s consideration:

- Option 1: Status Quo – The Town may elect not to amend their current planning and design regulations for residential development within the Study Area at this time. If this approach is chosen, all current approval processes will remain intact.

- Option 2: Amend Provisions of the Mississippi Residential Sector – Amend Section 4.3 of the Development Control By-law to create unique development standards for the designation rather than the current approach which relies on the standards of the Residential District. These provisions will assist to ensure that development is appropriate and desirable within the area, which will further help to inform the by-law’s built form inventory and design criteria sections.

- Option 3: Comprehensive Official Plan and Development By-law Review – Conduct a fulsome review of the Town’s planning policy. The review will allow for an update of the Official Plan and subsequent by-law to better reflect the current state of the Town and the recent growth it has seen. The review may go as far as to re-designate municipal lands, re-define density targets and revise the

existing community design framework. This could also include an update of the Municipality's built form inventory and design criteria sections.

Staff recommends Council continue to explore improvements and amendments to the policy and respective by-law through the comprehensive review process of the Official Plan (underway presently) and the Development Permit By-law (to occur within 3-years). The blanket approach to designating residential neighbourhoods at large within the Municipality regardless of their district character elements has resulted in inconsistent and incompatible infill, particularly as it pertains to higher densities.

It is recommended that Council provide support to staff to undertake a 2-step approach to amending the Development Permit By-law to establish a more structured and localized approach to evaluating development:

Step 1 – Adopt the consultant's proposed amendment outlined in Option 2 above; and

Step 2 – Undertake the comprehensive review of the building inventory and design criteria as part of the statutory reviews of the Official Plan and Development Permit By-law with the intent of create specific zones within the municipality which provide localized design guidelines and lot provisions based on an identified cohesive neighborhood.

It is not recommended that Council move directly into Step 2 at this time, as the delivery of an amended Official Plan and Development Permit By-law may take several months to complete and will not be completed before the termination date of the extended Interim Control By-law in May 2021.

STAFF RECOMMENDATION:

THAT Council receive the [Neighbourhood Character Study](#) by JL Richards and Associates for information purposes; and

THAT Council direct staff to undertake the statutory public process to amend Section 4.6 of the Development Permit By-law.

Appendix A – Proposed Amendment (Draft)

4.3 MISSISSIPPI RESIDENTIAL SECTOR

The Mississippi Residential Sector Policy Area is an established older residential area which is composed of a mix of neighbourhoods characterized by a range of housing types. The area, though dominated by single dwelling units, includes semi-detached, duplex, row townhouses and small apartment dwellings located on tree lined streets with several parks, schools, churches, local commercial uses and municipal amenities. The range of dwellings varies from modest single dwellings to stately heritage homes.

The purpose and intent of the following regulatory framework is to provide for the appropriate development and redevelopment of the area while recognizing the existing character and architectural styles of the neighborhood.

4.3.1 Permitted Uses

Residential Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Detached Dwelling 	<ul style="list-style-type: none"> • Existing Institutional Uses
<ul style="list-style-type: none"> • Semi-Detached Dwelling 	<ul style="list-style-type: none"> • Existing Commercial and Industrial Uses
<ul style="list-style-type: none"> • Duplex Dwelling 	<ul style="list-style-type: none"> • Parks

4.3.2 Discretionary Uses

Residential Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Townhouse Dwelling • Triplex Dwelling 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Seniors' Residential Dwelling
<ul style="list-style-type: none"> • Quadplex Dwelling • Apartment Dwelling 	<ul style="list-style-type: none"> • Retirement Home • Daycare Facilities • Recreation Facilities • Office, Retail Store and Personal Service Businesses are permitted on lots adjacent to the Downtown District on Victoria, Beckwith and Allan Streets

4.3.3 Development Standards

Development standards per use shall be in accordance with the following subsections and subject to all other applicable provisions of this By-law including consistency with the Community Design Framework in Sections 13 and 14.

4.3.3.1 Development Standards – Single Detached Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	500m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	18 metres (60 feet)
Front Yard (minimum absolute)	The median setback of adjacent properties
Exterior Side Yard (minimum absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	Combined interior yards of 4.5m minimum with a minimum

	of 1.5 metres on one side (5 feet)
Rear Yard Depth (minimum)	8 metres (26.3 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	144 square metres (1,550 square feet)
Building Height (maximum)	8.5 metres (28 feet)
Minimum Dwelling Unit Area	92.9 square metres (1,000 square feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.1.1 Additional Provisions – Single Detached Dwellings

1. The width of the garage and driveway shall not exceed 30% of the overall lot frontage. The main garage foundation shall be set back a minimum of 6.0 metres (19.6 feet) from the front or exterior side lot line.
2. Should the dwelling exceed two storeys in height, all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.

4.3.3.2 Development Standards – Semi-Detached Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	250m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	9 metres (29.5 feet)
Front Yard (minimum absolute)	The median setback of adjacent properties
Exterior Side Yard (minimum absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	3m (9 feet) No side yard shall be required along the common wall
Rear Yard Depth (minimum)	8 metres (26.3 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	72 square metres (830 square feet)
Building Height (maximum)	8.5 metres (28 feet)
Minimum Dwelling Unit Area	92.9 square metres (1,000 square feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.2.1 Additional Provisions – Semi-Detached Dwellings

1. The width of the garage and driveway shall not exceed 40% of the overall lot frontage. When considering the width of the garage calculation for semi-detached dwellings the overall percentage of coverage of any one block can be utilized. For the purposes of this calculation the overall garage width calculation can always be considered for the original block and will survive the severance process. The main garage foundation shall be set back a minimum of 6.0 metres (19.6 feet) from the front or exterior side lot line.
2. Should the dwelling exceed two storeys in height, all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.
3. The driveway must not extend further than the exterior wall of the garage.
4. 50% of the total frontage for semi-detached units must have soft/green landscape elements.

4.3.3.3 Development Standards – Duplex Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	500m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	18 metres (60 feet)
Front Yard (minimum absolute)	The median setback of adjacent properties
Exterior Side Yard (minimum absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	Combined interior yards of 4.5m minimum with a minimum of 1.5 metres on one side (5 feet)
Rear Yard Depth (minimum)	8.0 metres (26.2 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	144 square metres (1,550 square feet)
Building Height (maximum)	8.5 metres (28 feet)
Minimum Dwelling Unit Area	92.9 square metres (1,000 square feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.3.1 Additional Provisions – Duplex Dwellings

1. The width of the garage and driveway for duplex dwellings shall not exceed 30% of the overall lot frontage. The main garage foundation shall be set back a minimum of 6.0 metres (19.6 feet) from the front or exterior side lot line.
2. Should the dwelling exceed two storeys in height, all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.

4.3.3.4 Development Standards – Townhouse Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	160m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	6 metres (20 feet)
Front Yard (minimum absolute)	The median setback of adjacent properties
Exterior Side Yard (minimum absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	3m (9 feet) No side yard shall be required along the common wall
Rear Yard Depth (minimum)	8 metres (26.3 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	48.0 square metres (516.7 square feet)
Building Height (maximum)	8.5 metres (28 feet)
Minimum Dwelling Unit Area	92.9 square metres (1,000 square feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.4.1 Additional Provisions – Townhouse Dwellings

1. The width of the garage and driveway shall not exceed 50% of the

overall lot frontage. The main garage foundation shall be set back a minimum of 6.0 metres (19.6 feet) from the front or exterior side lot line.

2. Should the dwelling exceed two storeys in height, **all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.**
3. **Notwithstanding the definition of “Dwelling – Townhouse” of the By-law, a “Townhouse” in the Mississippi Residential district shall be defined as follows:**
“Means a building that is divided vertically into three or more dwelling units, but not more than 4, attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance.”
4. **All multi-unit residential dwellings shall be subject to a Class 3 Development Permit.**
5. **Each primary dwelling unit shall have a front-facing entrance.**

4.3.3.5 Development Standards – Triplex and Quadplex Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	600m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	24 metres (79 feet)
Front Yard (minimum absolute)	The median setback of adjacent properties
Exterior Side Yard (minimum absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	Combined interior yards of 4.5m minimum with a minimum of 1.5 metres on one side (5 feet)
Rear Yard Depth (minimum)	8.0 metres (26.2 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	192 square metres (2,000 square feet)
Building Height (maximum)	8.5 metres (28 feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.5.1 Additional Provisions – Triplex and Quadplex Dwellings

1. No parking shall be allowed in either the front or exterior side yards.
2. All multi-unit residential dwellings shall be subject to a **Class 3** Development Permit.
3. Should the dwelling exceed two storeys in height, **all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.**
4. Pedestrian walks shall be not less than 1.2 metres (4.0 feet) in width and shall be provided wherever normal pedestrian traffic will occur.
5. Garbage and refuse pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5.0 feet) in height

- around the perimeter.
6. Approaches to multi-unit dwelling structures and entrance areas shall be landscaped with trees and attractive shrubs. Areas not used for buildings, drives and parking spaces shall be seeded or landscaped and shall be kept in an attractive condition.
 7. **The dwelling house shall have a single, central door on the front façade of the dwelling. Additional entrances may be permitted on the rear façade wall.**

4.3.3.6 Development Standards – Apartment and Seniors’ Residential Dwellings

STANDARDS	REQUIREMENTS
Lot Area (minimum)	600m ²
Lot Coverage (maximum)	50%
Lot Frontage (minimum)	24 metres (79 feet)
Front Yard Build Within Area (absolute)	The median setback of adjacent properties
Exterior Side Yard Build Within Area (absolute)	The median setback of adjacent properties
Interior Side Yard (minimum)	Combined interior yards of 4.5m minimum with a minimum of 1.5 metres on one side (5 feet)
Rear Yard Depth (minimum)	8.0 metres (26.2 feet)
Usable Landscaped Open Space in the Rear Yard (minimum)	192 square metres (2000 square feet)
Building Height (maximum)	8.5 metres (28 feet)
No Encroachment Area from Front or Exterior Side Lot Line	2.5 metres (8.2 feet)

4.3.3.6.1 Additional Provisions Apartment and Seniors’ Residential Dwellings

1. All proposals for Apartment Dwellings and Senior’s Residential Dwellings will be subject to a Class 3 Development Permit.
2. Should the dwelling exceed two storeys in height, **all subsequent storeys shall be reduced to 50% of the gross floor area of the floor below and located wholly within the gable or dormers of the roof.**
3. All development shall be serviced by a public water supply and a public sanitary sewage system. Development applications which propose development on private water and sewage systems will not be approved.
4. Visitor parking spaces shall be delineated through signage.
5. A maximum of 40% of the lot area may be used for at grade parking.
6. All residential buildings containing more than four (4.0) dwelling units shall be required to be located on an arterial or collector roadway. Notwithstanding the foregoing, a residential building containing more than six (6.0) dwelling units may be permitted to be located on a local roadway but will be required to gain approval from Council of a Class 3 Development Permit.
7. Off street parking areas shall not open directly on to a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles.
8. Pedestrian walks shall be not less than 1.2 metres (4.0 feet) in width and shall be provided wherever normal pedestrian traffic will occur.

9. Garbage and refuse pickup and other multi-unit utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least 1.5 metres (5.0 feet) in height around the perimeter.
10. All telephone and electric service utilities shall be underground in all multi-unit developments.
11. All developments shall be provided with a liberal and functional landscaping scheme. Interior roads, parking areas and pedestrian walks shall be provided with shade trees which are of an appropriate size and character. Open space adjacent to buildings and malls between buildings that are to be utilized by residents and border strips along the sides of pedestrian walks shall be graded and seeded.
12. Approaches to multi-unit dwelling structures and entrance areas shall be landscaped with trees and attractive shrubs. Areas not used for buildings, drives and parking spaces shall be seeded or landscaped and shall be kept in an attractive condition.
13. Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same and shall, where necessary, be shielded to avoid distributing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from adjoining properties.

4.3.4

Development Standards – Non-Residential Uses

1. Bed and Breakfast Establishments may be permitted subject to the following provisions:
 - i. All proposals are subject to a Class IA Development Permit approval stream.
 - ii. A full drawing set will be required to be submitted for review and consideration prior to approval.
 - iii. Residential character of the neighbourhood will be maintained.
 - iv. Adequate parking is provided and screened year round.
 - v. The proposed development must meet the provisions, requirements and standards Section 4.3.3.1.
2. Retirement Homes are permitted subject to the development standards outlined in section 9.2 and the design requirements of Sections 13 and 14.
3. Daycare Facilities are permitted subject to the development standards outlined in section 5.2.3 and the design requirements of Sections 13 and 14.