City of Kingston
Report to Council
Report Number 17-139

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: May 2, 2017
Subject: Consideration of an Interim Control By-Law and Alternative Options – Near Campus Neighbourhoods

Executive Summary:

At the January 10, 2017 meeting, Council directed staff to report back to the January 24, 2017 meeting on how best to word an Interim Control By-Law prohibiting any new development of, or alterations to, one-family dwellings, two-family dwellings, row dwellings, group dwellings, semi-detached dwellings and multiple family dwellings within the Sydenham, Portsmouth and Williamsville Districts (the “Near Campus Neighbourhoods”), excluding lands within the Williamsville Main Street Study, the area subject to the Kingston Penitentiary/Portsmouth Olympic Harbour visioning and any land owned by Queen's University or by St. Lawrence College. Report Number 17-050 provided Council with a draft Interim Control By-Law as directed, land use planning rationale and a summary of legal challenges related to the passage of an Interim Control By-Law.

Subsequently, at the January 24, 2017 meeting, Council directed staff to undertake an appropriate land use study in respect of the city’s existing policies and regulations regarding residential intensification within the same area, in order to provide a detailed assessment of development and/or conversion pressures and specific recommendations to guide the future of these areas. Council also asked that a Public Meeting be held to receive feedback from residents on the draft Interim Control By-Law and other policy changes, and directed staff to report back to Council with options/recommendations in April. A Public Meeting was held on March 1, 2017.

The purpose of this report is to report back to Council with a summary of the input gathered by staff and to provide options on how to proceed to achieve the intent as outlined in the Council motion dated January 10, 2017.
The concerns identified by members of the public throughout the course of the consultation process on the draft Interim Control By-Law have primarily focused on infill and intensification, particularly the addition of new units and bedrooms within existing one and two-family dwellings, the upkeep of rental housing, lack of amenity space, and property standards and noise violations in the Near Campus Neighbourhoods.

Staff have considered the feedback received from the public, along with the merits, limitations and risks of using an Interim Control By-Law and recommend that an Interim Control By-Law in the Near Campus Neighbourhoods not be implemented at this time. Instead, staff recommend an alternative approach that includes short and long-term recommendations.

The short-term recommendations include: (1) amendment to the five principal zoning by-laws to implement the recommendations of the Amenity Area Study Final Report; (2) removal of the conversion provisions included in Sections 5.23 and 5.23(a) in Zoning By-Law Number 8499; and (3) implementation of the Official Plan Update.

The long-term recommendations include: (1) undertaking the City-Central Growth and Infill Strategy Study; (2) a review of the Site Plan Control By-Law to capture other types of residential development that is currently not subject to Site Plan Control; (3) review of parking standards to explore parking requirements on a per bedroom basis; and (4) a re-evaluation of the concept of residential rental licensing. It is anticipated that this holistic approach will help guide appropriate infill and intensification in the Near Campus Neighbourhoods.

Recommendation:

That an Interim Control By-Law prohibiting any new development of, or alterations to, one-family dwellings, two-family dwellings, row dwellings, group dwellings, semi-detached dwellings and multiple family dwellings within the Near Campus Neighbourhoods not be implemented; and

That staff be directed to prepare the terms of reference for the City-Central Growth and Infill Strategy as discussed in Report Number 17-139; and

That the terms of reference for the City-Central Growth and Infill Strategy be presented to Council by August 2017; and

That staff be directed to immediately undertake an amendment to the five principal zoning by-laws, as appropriate, to implement the recommendations of the City of Kingston Amenity Area Review Study Final Report dated January 2015; and

That staff be directed to immediately undertake an amendment to Zoning By-Law Number 8499 to remove the conversion provisions included in Sections 5.23 and 5.23(a); and

That staff be directed to re-evaluate the appropriateness of implementing residential rental licensing and report back to Council with the findings.
Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER
Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Denis Leger, Commissioner, Corporate & Emergency Services  Not required
Jim Keech, President and CEO, Utilities Kingston  Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer  Not required
Options/Discussion:

Origin
At the January 10, 2017 meeting, Council highlighted that the success of post-secondary institutions in the city are creating a high volume of demand for housing near both St. Lawrence College and Queen’s University. Enrollment of first year students is intended to increase at both institutions, and with the majority of students living off-campus after their first year, it is anticipated that there will continue to be pressures on the private market to provide this supply of housing. Council further identified that the existing zoning by-laws do not currently provide adequate protection of stable neighbourhoods and permit the conversion of one-family dwellings into dwellings that are able to accommodate a large number of bedrooms. Over time, the cumulative effect of change in built residential form in these areas has impacted the neighbourhood desirability for many residents. Residents in Portsmouth, Williamsville and Sydenham Districts have asked Council for help in protecting their neighbourhoods.

Council directed staff to report back to the January 24, 2017 meeting of Council on how best to word an Interim Control By-Law prohibiting any new development of, or alterations to, one-family dwellings, two-family dwellings, row dwellings, group dwellings, semi-detached dwellings and multiple family dwellings in the Portsmouth, Sydenham and Williamsville Districts, excluding the corridor described in the Williamsville Main Street Study, the area subject to the Kingston Penitentiary/Portsmouth Olympic Harbour visioning and any land owned by Queen's University or by St. Lawrence College. A map showing the study area is included as Exhibit A.

Report Number 17-050 prepared by staff for the January 24, 2017 Council meeting detailed:

- The purpose of an Interim Control By-Law;
- The land-use planning concerns and other issues identified by Council and residents, a summary of previous studies conducted in relation to similar issues;
- The existing Official Plan policies and proposed revisions in response to concerns heard through the five-year Official Plan review;
- The existing zoning by-laws, the new City-wide Zoning By-Law Update, the Near Campus Neighbourhoods Study;
- A summary of legal considerations related to the passage of an Interim Control By-Law; and
- A draft Interim Control By-Law as directed by Council.

At the January 24, 2017 meeting, Council directed staff to undertake an appropriate land use study in respect of the city’s existing policies and regulations regarding residential intensification within the study area in order to provide a detailed assessment of development and/or conversion pressures and specific recommendations to guide the future of these areas. Council also asked that a Public Meeting be held to receive feedback from residents on the draft Interim Control By-Law and other policy changes and directed staff to report back to Council with options/recommendations in April.
The purpose of this report is to provide Council with a summary of the input gathered by staff and to provide options on how to proceed to achieve the intent as outlined in the Council motion dated January 10, 2017. A summary of the policy considerations is also provided below.

**Study Area**
As mentioned previously, the study area identified by Council includes lands within the Portsmouth, Williamsville and Sydenham Districts with the exception of the corridor described in the Williamsville Main Street Study, the area subject to the Kingston Penitentiary/Portsmouth Olympic Harbour visioning and any land owned by Queen’s University or by St. Lawrence College.

Over time, the study area has experienced pressure for infill residential development that has resulted in intensification through the construction of additions, conversion of existing floor area and the demolition of existing buildings for the construction of larger, more intense forms of residential development. The overall study area is comprised of a broad mix of land uses including residential, commercial, institutional (including post-secondary, hospitals and former corrections uses), open spaces and environmental protection areas; however, the focus of concern is low density residential, which is the most prevalent use found within the study area.

**Provincial Policy Statement**
The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The PPS promotes Ontario’s long-term prosperity and social well-being by wisely managing change and promoting efficient land use and development patterns, among other considerations. The PPS encourages an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment, institutional, recreation, park and open space, and other uses to meet the long-term needs of a community. The PPS states that “Planning authorities shall identify appropriate opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas…” (Policy 1.1.3.3). Policy 1.4.3 directs planning authorities to “provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by... permitting and facilitating all forms of residential intensification…”

**Official Plan**
The City’s Official Plan sets out the land use planning goals and policies that guide physical development, protection of natural and cultural heritage, resource management and necessary supporting infrastructure. One of the goals of the Official Plan is to manage future growth within the Urban Boundary in a strategic and efficient manner that optimizes infrastructure and public investment, promotes diverse economic activity and prosperity, supports an attractive, accessible, safe and sustainable city, protects Kingston’s cultural and natural resources, and provides a variety of housing options for all residents. The city supports intensification by redeveloping the existing built-up area through compatible infill development that respects cultural heritage resources, existing housing stock, and the stability of neighbourhoods. Greater intensification is directed to the Princess Street Corridor and the “Centres” identified in the Plan.
Section 2 of the Official Plan provides the strategic policy direction, including direction related to the overall City Structure, Principles of Growth, Phasing of Growth, Stable Areas and Areas in Transition, and Land Use Compatibility. The City Structure, as outlined in Section 2.2 and delineated in Schedule 2 of the Official Plan, identifies the majority of the study area as a “Housing District”, with large “Open Space” and “Major Institution” land holdings. Some lands within the boundary of the study area are within “Centres” and “Corridors” (Exhibit B).

The City Structure is further divided into specific land use designations that regulate the character and intended function of each area, as well as the types of uses that are permitted. The land use designations are outlined in Section 3 and delineated in Schedule 3, and provide direction for future development principles with more specific means of implementation than the City Structure policies. Land Use Schedule 3-A designates lands within the study area “Residential”, “Open Space”, “Environmental Protection Area”, “Harbour Area”, “Institutional”, “Arterial Commercial”, “District Commercial”, “Main Street Commercial” and “Central Business District” (Exhibit C). The residential uses that are the focus of this report are largely contained within the “Housing District” City Structure component and the “Residential” land use designation.

The land use designation that is intended to permit the primary forms of housing is “Residential”, which permits detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartments within the stable “Housing Districts”. The relevant residential policies are contained within Section 3.3 of the Official Plan. While the Official Plan contains city-wide intensification targets, it does not specifically allocate those targets by district. Some districts are receiving greater infill growth pressures based on their proximity to post-secondary institutions with student populations that continue to grow.

Official Plan Update
The city has recently completed the five-year review of the Official Plan (Official Plan Update). During the course of the public consultation process, the City received considerable feedback regarding the current policies guiding infill and intensification in established residential neighbourhoods. The current policies of the Official Plan speak to the protection of “Stable Areas” while allowing for varying levels of infill and intensification in areas that are “In Transition”. One of the concerns highlighted by the community is that there is a lack of clarity in the existing policies with respect to what neighbourhoods are considered “Stable” versus “In Transition”. There is also a concern that the policies do not adequately guide the form of development that may be appropriate, with little guidance related to compatibility tests that a proposal should satisfy to ensure it fits and appropriately mitigates any adverse impacts.

In response to the feedback received, several revisions have been made throughout the Official Plan. Section 2.2 of the current Official Plan presents the City Structure, as illustrated in Schedule 2, including “Housing Districts”, “Centres” and “Corridors”. Revisions made throughout Section 2.2 support the goal of seeing the majority of intensification directed to areas identified as “Centres” and “Corridors”. The Plan further acknowledges that such areas are, or may be, subject to specific policies that clarify expectations regarding built form (i.e. Williamsville Main Street, the Central Business District, etc.). Section 2.2 of the Official Plan has also been revised
to clarify that “Housing Districts”, also illustrated in Schedule 2, are planned to remain stable, in accordance with the Stable Area policies.

Section 2.6 of the current Plan speaks to Stable Areas and Areas in Transition. Revisions to this section have been made to remove Areas in Transition and confirm that “Housing Districts” are planned to remain stable, while infill and intensification should be focused in the “Centres” and “Corridors”. This section now focuses on the built form expectations of development within an area considered to be Stable. A series of policy tests have been added under Section 2.6.3 of the Plan to identify the type of infill and/or intensification that is appropriate within a Stable Area, and the type of development that is not appropriate. Further, policy revisions have been made under Section 2.6.5 to identify when proposals for intensification within a Stable Area may result in destabilization. The removal of the Areas in Transition policies will require that proposals for infill and intensification, outside of “Centres” and “Corridors”, demonstrate compatibility as considered within Stable Areas.

The current Official Plan includes repetitive, and sometimes contradictory, tests for land use compatibility. The revisions in the Official Plan Update now focus on a succinct set of compatibility tests and mitigation measures in Section 2.7 and have removed any repetitive or contradictory policies by tying relevant policies back to Section 2.7.

In addition, in order to take a proactive approach to planning in the areas central to the city near Queen’s University Main and West Campuses, along with St. Lawrence College Campus, revisions included in the Official Plan Update include a Future Planning Study Area identified as Near Campus Neighbourhoods on the Detailed Planning Areas map (Schedule 13). The purpose of this study is to identify specific policy recommendations that further strengthen and reinforce the proposed Stable Area policies for “Housing Districts” in the Official Plan, while also supporting the City’s overall goals of achieving smart growth through appropriate infill and re-development within existing built-up areas.

The proposed Nodes and Corridors Study, planned to commence in 2018, is intended to bring focus and clarity for higher forms of residential intensification, mainly directing them outside of “Housing Districts”. New policies have been added to recognize this intent and acknowledge that the boundary of any Future Planning Study Area will be considered at the outset of the area-specific planning study. The mapping of the Near Campus Neighbourhoods is within the study area identified by Council.

The Official Plan Update was submitted to the Ministry of Municipal Affairs on March 16, 2017. The Ministry has 180 days to complete its review; however, a decision is expected sooner.

Existing Zoning By-Laws
Almost all lands designated “Residential” in the study area are within the boundary of the City of Kingston Zoning By-Law Number 8499, with the exception of a few properties located along the waterfront that have site specific Harbour Zone exceptions in the Downtown and Harbour Zoning By-Law Number 96-259 (Exhibits D, E and F). The study area includes a diverse range of residential uses, building types and lot fabric, including single detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartment buildings. Accordingly, By-
Law Number 8499 places the residential areas in a number of different zones with various permitted uses and applicable performance standards:

- “A” – One-Family Dwelling and Two-Family Dwelling
- “A1” – One-Family Dwelling
- “A2” – One-Family Dwelling
- “A3” – One-Family Dwelling and Two-Family Dwelling
- “A4” – One-Family Dwelling and Two-Family Dwelling
- “A5” – One-Family Dwelling and Two-Family Dwelling
- “B” – Three to Six Family Dwelling
- “B1” – Multiple Family Dwelling
- “B2” – Multiple Family Dwelling (Unified Ownership)
- “B3” – Multiple Family Dwelling
- “C” – Commercial Uses
- “E” – Special Education and Medical Uses

In addition to the zones noted above, there are a number of site specific exceptions that have been passed by the city throughout the study area.

**New City-wide Zoning By-Law Project**

The city is in the process of preparing a new City-wide Zoning By-Law to replace the existing separate, outdated zoning by-laws with one comprehensive vision for planning and development in the city. Work on this project began in April of 2015 concurrently with the Official Plan Update project.

Staff have worked with Dillon Consulting Limited to collect and analyze data required to complete a consolidation of the five existing zoning by-laws and, where required, update the standards to ensure conformity with the current policy framework, including the revisions contained in the Official Plan Update. The first draft of the new City-wide Zoning By-Law was released to the public on October 27, 2016, which was accompanied by a series of consultation events held across the city throughout November and December. Staff are currently reviewing comments received on the first draft and are working with the project consultant and the public to implement required revisions prior to the release of the second draft of the by-law.

**Interim Control By-Laws**

Section 38 of the *Planning Act* allows municipalities to pass an Interim Control By-Law (ICBL), to be in effect for a period not exceeding one year, prohibiting the use of land, buildings or structures for specific purposes in a defined area if Council has directed that a review or study be undertaken in respect of land use planning policies in that area. The study must be completed within a year, with a maximum extension of one additional year permitted by the *Planning Act*. Should an extension beyond the initial year be required, Council would be required to pass an amending by-law to allow for the extension of one additional year.

The purpose of an ICBL is to allow a municipality to control development in areas where it wishes to review the land use planning policies, or where new policies will be developed. If an
ICBL is appealed, it is considered to remain in effect from the date of passing unless otherwise ordered by the OMB. If any Official Plan and/or zoning by-law amendments that result from the land use planning study are appealed to the OMB, the Planning Act provides that the ICBL may remain in effect past the two year period until the OMB issues a decision on the planning policies that implement the results of the study.

An ICBL is a powerful planning tool by which the city may respond quickly to perceived planning problems. Prior to passage, Council must authorize the land use planning study to be undertaken and substantiate the planning rationale behind the ICBL. The scope of the planning study and the area to be subject to the ICBL must be clearly identified in the Council resolution. Once the by-law is enacted, the expectation is that the planning study will be completed expeditiously and will result in formal amendments that implement the future planning policies for the study area.

A number of cases have established four principles that govern the appropriate use of an ICBL:

- Section 38 must be interpreted strictly given that it permits a municipality to negate development rights;
- A municipality must substantiate the planning rationale for the ICBL;
- An ICBL must conform with the Official Plan; and
- The planning review authorized by the by-law must be carried out fairly and expeditiously.

The leading case dealing with ICBLs is Equity Waste Management of Canada Corp. versus Halton Hills, a case from the Court of Appeal for Ontario. The general direction established in this case is that courts are instructed to adopt a generous and deferential approach to reviewing the exercise of municipal discretion to enact an ICBL. The case also confirmed that it is not a prerequisite that there be an emergency or other case of urgency in order to enact such a by-law; the purpose is to allow a municipality time to fairly and properly reconsider its land use planning policies.

**Interim Control By-Laws in Other Ontario Municipalities**

Staff have researched ICBLs enacted by other Ontario municipalities in the past, including Toronto, Halton Hills, Mississauga, Ottawa, Caledon, Brampton, Guelph, London and Hamilton.

A summary of the key findings is provided below:

- The geographic area subject to an ICBL in other municipalities was specific to the area facing a planning policy problem, sometimes as small as encompassing a few blocks.

- Examples of planning rationales behind enacting an ICBL and undertaking a land use study in other municipalities include: to address land use conflicts and potential negative impacts of new development on existing uses (generally residential); to assess the compatibility of established uses in an area with the use permissions that exist through the zoning by-law; and to determine an appropriate policy framework for controlling redevelopment of residential properties within established neighbourhoods.
• Some municipalities included exceptions in the ICBL, whereas some did not. Examples of
exceptions include: putting a cap on the permitted gross floor area of additions relative to
the area of the building that existed as of the date of passing of the by-law (Brampton By-
Law Number 035-2013); permitting repair and renovation in respect of a use permitted
under the zoning by-law provided it does not have the effect of changing the use or
increasing the gross floor area of the use (Mississauga By-Law Number 0046-2011).

• Some municipalities such as Halton Hills and Brampton established an “exemption
process” for the approval of site-specific exemptions from the ICBL, instead of using the
minor variance process. It appears that the rationale behind not using the minor variance
process was that it did not involve Council approval, whereas amending an ICBL to
create site-specific exemptions would require Council approval.

• There does not appear to be case law establishing a legal precedent related to the above
approaches using floor area caps or alternative exemption processes as no appeals were
filed.

Public Engagement and Summary of Public Input

University District Summit
On February 11, 2017 the Alma Mater Society (AMS) of Queen’s University hosted a day-long
summit to create a platform for various stakeholder groups to come together to discuss near-
campus neighbourhood issues. This was an excellent event that was well attended by 95
participants, including community members, City of Kingston staff and members of Council. As a
follow-up to the Summit, the AMS released a summary report that synthesized feedback
generated over the course of the event and also provided the results of a Housing Survey that
over 500 respondents completed on February 3, 2017.

Some of the key data from the housing survey indicated that 71% of respondents identified that
their preference is to find accommodation with single detached homes over other multi-
residential forms of housing. On a per unit basis, the survey showed that 58% of respondents
desire residential units with 4-6 bedrooms, while 29% of respondents would prefer to live in
accommodations with only 2-3 bedrooms per unit. These results were also anecdotally shared
by Summit attendees through the individual session. Additional feedback shared during the
break-out session also commented that although the city has put a lot of emphasis on focusing
housing growth to main corridors, like Princess Street in Williamsville, not all students desire to
live in that more-urban type of environment and therefore there needs to be a variety of housing
forms available to accommodate housing needs around post-secondary institutions.

The Summit Summary Report also identifies a number of other key issues for consideration and
recommendations, including support for a rental licensing program, exploration of a nuisance
by-law, proactive educational opportunities for students, additional partnership opportunities
between the AMS, Queen’s and City of Kingston amongst many other suggestions.
Stakeholder Interviews and Public Meeting

On February 15, 2017, staff met with a number of stakeholders to gather input on the draft Interim Control By-Law, attached as Exhibit A to Report Number 17-050 (from the January 24, 2017 Council Meeting). The stakeholders interviewed included representatives from City Council, neighbourhood associations from the study area, Queen’s University and St. Lawrence College, student governments of both post-secondary institutions and local planning professionals.

A Public Meeting to gather input on the draft Interim Control By-Law was held on March 1, 2017 at City Hall. The Public Meeting included a briefing from staff, as directed by Council, and an opportunity for the public to ask questions and provide comments. In order to allow everyone an opportunity to ask questions or provide comments, a professional facilitator was hired to run the meeting and oral submissions were limited to three minutes. A copy of the presentation is included in Exhibit G. A dedicated city webpage was also established that directed interested members of the public to the relevant studies and staff reports related to the draft Interim Control By-Law.

The public engagement process was supplemented by an online survey, which elicited feedback from 908 respondents. Of these, 563 respondents fully completed the survey, and the remainder provided either incomplete or partial responses. The following highlights the key findings of the online survey. These are based on responses received from the 563 individuals that fully completed the survey.

- Approximately 87 percent of the 563 survey respondents live in, or own properties in the Williamsville, Sydenham or Portsmouth districts.
- Approximately 75 percent of the 563 survey respondents indicated that they had land use concerns related to the construction of new homes, new additions or the conversion of existing homes in the three electoral districts.
- From a list of potential land use concerns that was provided to the respondents, the following garnered the maximum number of responses: loss of privacy due to overlook; a reduction in the ability to enjoy a property; visual intrusion that disrupts the streetscape and buildings; and architectural incompatibility in terms of scale, style, massing and colour.
- Approximately 52 percent of the 563 survey respondents “strongly agreed” to the use of an Interim Control By-Law while a land use study is undertaken, approximately 18 percent “agreed”, approximately 10 percent “disagreed”, and approximately 20 percent “strongly disagreed”.
- When asked to select from a list of land uses that should be prohibited by an Interim Control By-Law during the completion of the land use study, the following garnered the maximum number of responses: additions on existing buildings that create new units, conversion of existing buildings to create new units, additions on existing buildings that create new bedrooms, and new apartment buildings.
- Approximately 67 percent of the 563 survey respondents expressed concern regarding the extent of change to the look of their neighbourhood that had taken place over time.
Approximately 72 percent of the 563 survey respondents felt that greater architectural controls (such as control of building materials, placement of windows, etc.) are needed to regulate building design in the Near Campus Neighbourhoods.

The results of the survey are included in Exhibit H.

The following is a summary of input received at the Public Meeting and through stakeholder interviews and the “open-ended” questions included in the online survey. Input received has been paraphrased and grouped by general theme.

Key issues identified:
- Concern about the height and scale of new development;
- New development is not in keeping with the original character of the neighbourhood;
- Lack of amenity and open space;
- Lack of affordable housing;
- Concern about illegal units and illegal additions;
- Need for additional housing as student enrollment has increased;
- Several buildings in Near Campus Neighbourhoods are in run down condition;
- Lack of proper maintenance of properties;
- Concerned about single-family homes being converted into commercial ventures by absentee landlords;
- Concern about student behavioural issues;
- Concern about garbage and noise violations in the area; and
- Concern regarding high rents and property taxes.

Suggested approaches to address the issues (other than the use of an Interim Control By-Law):
- The City should encourage and incentivize more apartments to take the pressure off of this area;
- Consider corridors or specific areas targeted towards intensification;
- Control on the size of buildings is required;
- Adopt form-based zoning;
- Undertake the planning study as soon as possible;
- Revise the zoning by-law as soon as possible;
- Need strict architectural controls;
- Develop design guidelines;
- Seek to balance the heritage character with new development opportunities;
- Consider amenity space requirements;
- Consider green roof tops and garden areas;
- Need stronger controls and follow-up inspections;
- Greater enforcement of property standards;
- Ensure that landlords maintain their properties; and
- Work with Queen’s University and St. Lawrence College to address student housing.
Draft Interim Control By-Law:

- The by-law should specifically address large additions to existing dwellings and the addition of new units;
- The by-law is necessary for the protection of neighbourhoods and to provide a cohesive vision for development;
- The by-law should exempt legal secondary suites;
- The study area should be limited as the issues are primarily in the Sydenham District;
- Concern that the by-law is discriminatory and will result in regulating people;
- Concern that the by-law will not guarantee the preservation of neighbourhoods;
- Development that is unrelated to large additions will be restricted;
- The by-law would discourage investment in residential development in the area;
- New infill development replacing older homes should not be held under the freeze if we want to enhance our neighbourhoods;
- The actual number of “monster additions” that have been built is significantly less than the number of “good” development projects that could be started during the proposed period of the Interim Control By-Law;
- The by-law would result in collateral damage and affect the construction business; and
- New developments are helping to bring the neighbourhood to life.

Consideration of an Interim Control By-Law in the Near Campus Neighbourhoods

Section 2.6.10 of the City’s Official Plan enables the passage of an ICBL in Areas of Transition where policy guidance has not been provided or in the case of a Stable Area that is subject to transition pressures that threaten to destabilize it. This can be done while the city initiates a land use study or a secondary plan study to determine long-term impacts and provide a detailed assessment that will result in specific recommendations or a secondary plan to guide the future of the area. Sections 9.5.23 and 9.5.24 also enable the passage of an ICBL and any extensions to the period of time in accordance with the permissions in the Planning Act.

In conjunction with the removal of the Areas in Transition policies in the Official Plan Update as discussed earlier in this report, Section 2.6.10 referenced above (now Section 2.6.7) has been revised to acknowledge that the city may pass an ICBL in order to advance a broader land use

Staff have considered the merits as well as limitations and risks of implementing an ICBL in the Near Campus Neighbourhoods as discussed below.

Merits

- An ICBL would provide an opportunity for the city to control development in an area where Council wishes to review land use planning policies, or develop new policies. An ICBL would restrict intensification as well as the expansion of existing buildings that are permitted as-of-right (as identified by members of public and Council as being problematic), while the study is in process.

- The ICBL would continue to permit any use that existed legally prior to the passing of the by-law. The imposition of an ICBL would therefore preserve the status quo.
The ICBL would not prohibit any use or building for which a Building Permit had been issued prior to the passing of the by-law.

Section 38(6) of the Planning Act provides that:

“...where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under Section 34 that applied immediately prior to the coming into force of the Interim Control By-Law again come in force and have effect in respect of all lands, buildings or structures formerly subject to the Interim Control By-Law.”

Therefore, after an ICBL is in force, Council may amend the by-law to reduce the area impacted by the by-law as more information becomes available through the land use study process, provided there is planning justification for the reduction in area. However, such an amendment would be subject to appeal.

Limitations/risks

- An ICBL cannot be used to regulate matters other than the use of land, building or structures. While many of the issues identified by members of the public are related to land use planning, an ICBL cannot address matters such as property standards and human behaviour.

- It is challenging to compare the issue under review for Kingston with examples from other municipalities as the diversity of issues that have been defined is more complex in nature. The variety of residential uses that are permitted by the current zoning by-law mixed with significant variations in residential lot sizes make it very difficult to restrict certain types of uses from others in order to appropriately focus a by-law that could withstand legal challenge.

- Many of the concerns identified by the public and staff are related to the existing standards contained in Zoning By-Law Number 8499. It is recognized that the current zoning framework is outdated and is disconnected from the city’s Official Plan, which requires a holistic solution. The zoning framework applicable to the study area also applies to several other areas of the city (Exhibit J). Implementing an ICBL to only certain areas of the city to provide time for the city to address the fundamental policy disconnect between the Official Plan and the zoning by-law, while the other areas of the city (for example the Kingscourt area, the North King’s Town area, etc.) continue to be regulated by the same zoning is problematic and vulnerable to legal challenge. Staff are of the view that focusing the ICBL on the three districts may shift growth pressures to other areas adjacent to those districts, which are also governed by the same problematic zoning standards.

- The Council identified study area includes a diverse range of uses and forms of development. The implementation of an ICBL would not address the concerns while respecting the diverse characteristics of such a large study area.
• As noted in Report Number 17-050, once in force, no land may be used for a purpose prohibited by the ICBL. As currently drafted, this includes creation of new units within the study area, including secondary residential units. The Ministry of Municipal Affairs and the Ministry of Housing recognize secondary residential units as an important tool in contributing to the supply of private sector affordable housing choices. Therefore, putting a “freeze” on potential secondary residential units could be seen by the Ministry as being contrary to a matter of Provincial interest.

• Staff are also mindful that in enacting an ICBL, the city would have to be prepared to defend the by-law in possible litigation. An ICBL may be challenged in two forums: 1) via section 38(4) of the Planning Act to the Ontario Municipal Board; and 2) via section 273 of the Municipal Act, 2001 to the Superior Court of Justice. If the by-law is appealed, a significant amount of staff time and resources would need to be diverted towards preparation and participation in such a hearing, which could otherwise be used more effectively in carrying out the planning study. Staff note that any amendment to the by-law, such as the extension of the by-law by another year, would also be subject to appeal.

• Section 45.1 of the Planning Act outlines the powers of the Committee of Adjustment. The Committee of Adjustment may grant minor variances from the provisions of a by-law passed under Section 34 (zoning by-law) or Section 38 (Interim Control By-Law). Enacting the ICBL would not preclude individual land owners from applying for a minor variance from the ICBL after it is in force. A 20-day appeal period would follow once a decision is made on the minor variance application. It is anticipated that additional staff time and resources would need to be diverted towards the review of these minor variance applications.

• Provincial and municipal land use planning policy and legislation strive towards the creation of inclusive communities that provide housing opportunities for all. Section 34 of the Planning Act sets out the powers of municipalities to pass zoning by-laws to regulate matters including the use of land (for example residential, commercial, industrial) and standards associated with land uses such as height, floor area, parking requirements, etc. The zoning by-law cannot “people zone”, i.e. regulate on the basis of occupants rather than the use of land, buildings or structures. Some members of the public have identified concerns that an ICBL could be considered discriminatory and will result in regulating people due to the large number of post-secondary students residing in the study area.

It is for the above reasons that staff recommend that Council not enact an Interim Control By-Law. Recognizing that the land use study will take over a year to complete, staff have devised a number of short-term and long-term recommendations as discussed below that are strategically laid out to respond to the complexity of land use and other issues identified through the public consultation process.
Recommendations
The following is a summary of recommendations by staff to begin to address the issues present in the Near Campus Neighbourhoods.

In the past, Building Permit applications have been made to convert single detached dwellings in certain zones into multi-unit dwellings using regulations that allow for as-of-right conversion. These conversion applications are seen as problematic as they have the potential to bypass both regulatory review and public consultation. A city-initiated zoning by-law amendment (File Number D14-029-2013) was initiated to remove sections 5.23 and 5.23(A) related to conversion of single-unit homes to two-unit and multi-unit dwellings in Zoning By-Law Number 8499. A Public Meeting was held on July 4, 2013, but it was later recommended that this review be undertaken as part of the new City-wide Zoning By-Law. As mentioned previously, the existing residential conversion provisions in Section 5.23 of Zoning By-Law Number 8499 were removed in the first draft of the new zoning by-law as publicly presented. However, since the implementation of the new City-wide Zoning By-Law is not anticipated to occur in 2017, staff recommend that the process of amending Zoning By-Law Number 8499 to remove the conversion provisions be commenced immediately with a Public Meeting being hosted in June with a comprehensive report to follow in short-order.

Implementation of the Amenity Area Review Study (short-term)
Through a Request for Proposal (RFP) process, Dillon Consulting Limited was retained in 2013 to assist the city in determining the appropriate types of amenity areas that residential developments should provide and the regulations and policy tools necessary to enforce this requirement. A Non-Statutory Public Meeting was held on January 16, 2014, where a draft Amenity Area Review Study was presented for public review and comment. Several rounds of consultation with the development community were undertaken after the Public Meeting throughout 2014. The results and recommendations were finalized and are contained within a report titled “City of Kingston Amenity Area Review Study Final Report” dated January 2015. The report provides recommendations for changes to the Official Plan and zoning by-law to appropriately regulate amenity areas. These recommendations include:

- Changing the definition of ‘amenity area’ within the City of Kingston Official Plan and zoning by-laws to one consistent definition;
- Requiring amenity area to be provided on a per-unit basis;
- Providing new rates for amenity area provision;
- Adding functional design standards and principles for amenity areas into the Official Plan, zoning by-laws and urban design guidelines; and
- Removing play space requirements from the zoning by-laws.

The final report and its recommendations were presented to the Planning Committee on April 2, 2015. The report was received by Council on April 21, 2015.

Revisions to reflect the recommendations of the final report have been included in the Official Plan Update and the first draft of the new City-wide Zoning By-Law. However, since the
implementation of the new City-wide Zoning By-Law is not anticipated to occur in 2017, staff recommend that the amendments to the five principal zoning by-laws be undertaken in advance of the new City-wide Zoning By-Law. Staff propose immediately undertaking further review of appropriate amenity space provisions for one and two-unit dwellings and presenting those recommendations in a Public Meeting to be hosted by the end of June 2017. This may help with controlling the conversion of existing one and two-family dwellings into more units as proposals would have to demonstrate that an adequate amount of amenity area can be accommodated on-site.

Implementation of the Official Plan Update (short-term)
The revisions to the Official Plan Update include new policies related to built form and the built environment, as well as revisions to the land use compatibility policies. A decision from the Ministry on the Official Plan Update is anticipated in a few months. Following the Ministry’s decision, staff will begin to review development applications against the new policies contained in the Official Plan Update. The new policies will provide an enhanced ‘lens’ for review of Planning Act applications to ensure greater compatibility of built form for residential infill projects. While staff recognize that this would not apply to as-of-right scenarios, the new policies will provide additional criteria for compatibility which don’t exist and now will need to be met before a Planning Act application can be considered good planning.

City-Central Growth and Infill Strategy (long-term)
At the January 24, 2017 meeting, Council directed staff to undertake an appropriate land use study in respect of the city’s existing policies and regulations regarding residential intensification within the Council-identified study area, in order to provide a detailed assessment of development and/or conversion pressures and specific recommendations to guide the future of these areas.

A fundamental concern that has been identified is the disconnect between the Official Plan policies and the zoning framework. The zoning by-law does not conform to the city’s Official Plan and is a continuing legacy from pre-amalgamation. The zoning framework applicable to the Council-identified study area also applies to several other areas of the city as shown in Exhibit J.

The city’s Official Plan directs intensification to “Centres” and “Corridors”, and contains high level policy direction regarding intensification through moderate increasing in building height or at the edge of neighbourhoods and adjacent to “Centres” and “Corridors”. While it is recognized that the Official Plan underwent a five-year review recently, the Official Plan lacks specific direction regarding the appropriate form of infill and intensification at the neighbourhood or district level in existing built-up areas of the city.

Upon further review and consideration of this matter, staff recommend that a land use study be undertaken that holistically considers the larger residential area of the city regulated by Zoning By-Law Number 8499. The lands that are currently regulated by Zoning By-Law Number 8499 are some of the only lands within the urban boundary that are not subject to a secondary plan level of policy, yet they face some of the most significant growth pressures related to achieving ‘smart growth’ through infill and intensification. It is proposed that the study identify a growth strategy that guides future development in the central area of the city, and proposes a zoning
framework that implements this strategy. It is anticipated that this work will be implemented through amendments to the Official Plan as well as the zoning by-law. This study will not include Williamsville or the Princess Street Corridor or the area defined for the North King Town’s Secondary Plan.

Members of the public have also expressed concerns regarding the built form and massing of new development, especially the as-of-right developments that do not go through the public process. It is also proposed that the study will include the preparation of area-specific design guidelines for the built form of future development and redevelopment to ensure that new developments are appropriately integrated in a way that respects the character and scale of the existing adjacent neighbourhood. The study will address such currently gaps in policy related to the location of unit access in relation to the public street, landscaped open space and façade materials.

Staff also note that a component of the study is intended to analyze the remaining infrastructure (water and sewer) capacity within city-central and how best to direct this through land use policy, including a strategy to ‘up-zone’ certain locations where land assembly is possible to support high density purpose built housing. Utilities Kingston identified concern for the servicing capacity that exists in the neighbourhoods that surround Queen’s University as part of the Downtown Residential Review and more recently through consultation with the Planning, Building & Licensing Services Department on the five-year Official Plan Update.

As part of engaging the community in the study, staff propose that a community working group be created. The working group is recommended to be comprised of representatives from City Council, representatives from relevant community groups and local agencies, interested community members, representatives from Queen’s University and St. Lawrence College, and representatives from the student governments of both post-secondary institutions. The working group is intended to serve as a forum to cultivate ideas, host discussions, share knowledge and set priorities as part of the study. A similar process is being used for the ongoing work on the North King’s Town Secondary Plan, which has made invaluable contributions to the first phase of the project.

Review of Site Plan Control By-Law (long-term)

The Planning Division will be initiating a review of the Site Plan Control By-Law in 2017. Currently, multi-unit residential developments containing four or more dwelling units are subject to Site Plan Control. Through the review, staff will be looking at the feasibility of capturing additional types of residential development (for example development, redevelopment or conversions of three-unit residential developments) that would be required to go through the Site Plan Control review process, specifically as it relates to the design and architecture of buildings, and the location of parking and on-site garbage and recycling to ensure that these proposals are consistent with city standards. The Site Plan Control process also affords the opportunity for members of Council to “bump-up” a Site Plan Control application to the Planning Committee for review and consideration. The Delegated Authority By-Law (By-Law Number 2006-75) provides for the delegation of authority to the Director of Planning, Building & Licensing Services to approve Site Plans Control applications. However, in cases where a
“bump-up” is requested, the Planning Committee has been delegated the authority to make a final decision on the proposal.

Review of Parking Provisions (long-term)
Staff are currently undertaking a city-wide parking review to more comprehensively review existing parking standards and explore the possibility of establishing new parking provisions on a per bedroom basis instead of by the unit as our policies currently require. This is work that is complementary to the consolidated zoning by-law project and has already been subject to an initial Public Meeting. This may help with controlling the large additions that are put on one and two-unit dwellings as proposals would have to demonstrate that an adequate number of parking spaces can be provided on the lot based on the number of occupants.

Re-evaluation of Residential Rental Licensing (long-term)
The Municipal Act, 2001, was amended in 2007 allowing municipalities to license any business or activity that is considered appropriate in pursuing the public good. Under the new regulations, the City of Oshawa was the first municipality in Ontario to license residential rental units. Since then, several other Ontario municipalities, including London and Waterloo, have passed residential rental licensing by-laws.

Residential rental licensing regulates residential rental units by requiring that landlords operate their properties according to certain standards to ensure that the health and safety of the residents is protected. Residential rental licensing is different from zoning by-laws in that zoning regulates the use of land by controlling how the land may be used, location of buildings and structures, the types of buildings permitted, lot sizes and dimensions, parking requirements, setbacks and building heights, etc. Residential rental licensing has been previously considered by the city as part of the Central Accommodation Review project (Report Number PC-15-031). Some of the potential advantages of residential rental licensing are:

- A licensing by-law could apply to new as well as existing rental housing;
- A licensing by-law would enforce bedroom limits;
- A licensing by-law would provide greater opportunities for property standards enforcement through a regular scheme of mandatory inspections of rental properties;
- A licensing by-law may reduce the negative impacts that a rental property may have on a surrounding neighbourhood by ensuring that the property complies with all applicable by-laws with respect to exterior maintenance;
- It may provide for safer rental accommodation;
- It may improve quality of life for renters; and
- It may result in increased property values for rental properties.

However, through the review, it was recommended that residential rental licensing not be pursued by the city at that time.

Many of the concerns identified by members of the public relate to the upkeep of rental housing and property standards. The concerns were reinforced at the University District Summit in 2017.
hosted by the AMS of Queen’s University. One of the key recommendations resulting from the District Summit included the establishment of a rental licensing program for the city.

The Licensing and Enforcement Division has commenced a review of the Licensing By-Law (By-Law Number 2006-213) in 2017. Through this review, staff will be re-evaluating the concept of residential rental licensing, building off the experience of other municipalities that have considered residential rental licensing in the past. This comprehensive review will also include a business case analysis that analyzes the staff resources that will be required to support and sustain a city-wide rental licensing program.

Proactive Enforcement Strategy (current)
The city has been carrying out proactive enforcement of the Property Standards By-Law and the Yards By-Law in a number of areas, which has included the addition of a dedicated Property Standards Officer in the Near Campus Neighbourhoods. Over the first three months of 2017 since the new officer has been in place, the city had issued 93 property standards violations and 352 yard violations. For comparative purposes, the table below shows the number of violations issued during the same time frame in 2015 and 2016.

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<th>2016</th>
<th>2017</th>
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<tr>
<td></td>
<td>Total</td>
<td>84</td>
<td>137</td>
<td>291</td>
</tr>
</tbody>
</table>

Online Access to Building Permit Information through DASH (current)
In response to community input and frustration related to lack of access of information related to neighbourhood building activity, staff undertook the necessary work to link the data in our land management system to the our GIS platform. The Ontario Building Code has no requirement for public input or notification for Building Permits. There is a new map tab that has been added to the public map viewer that now not only shows all active planning and heritage applications but also shows all active Building Permits city-wide. That information can be accessed via the city’s webpage 24 hours a day and is updated in real time as permits are issued.
A summary chart showing the anticipated timelines for each of the short and long-term recommendations is included as Exhibit K.

**Existing Policy/By-Law:**

*Planning Act, R.S.O. 1990*
City of Kingston Official Plan
Zoning By-Law Number 8499

**Notice Provisions:**
Not applicable

**Accessibility Considerations:**
Not applicable

**Financial Considerations:**
Staff will be reviewing the resources necessary to undertake the work associated with the proposed Central Kingston Growth Strategy and will report on the details when the terms of reference are presented to Council.

**Contacts:**
Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252
Sukriti Agarwal, Senior Planner, Planning Division 613-546-4291 extension 3217

**Other City of Kingston Staff Consulted:**
Greg Newman, Manager, Policy Planning
Marnie Venditti, Manager, Development Approvals

**Exhibits Attached:**
Exhibit A  Map of Council Directed Study Area
Exhibit B  Official Plan, City Structure Map of Study Area
Exhibit C  Official Plan, Land Use Designation Map of Study Area
Exhibit D  Zoning By-Law Numbers 8499 and 96-259, Map of Sydenham District within Study Area
Exhibit E  Zoning By-Law Numbers 8499 and 76-26, Map of Portsmouth District within Study Area
Exhibit F  Zoning By-Law Number 8499, Map of Williamsville District within Study Area
Exhibit G  Public Meeting Presentation
Exhibit H  Results of On-line Survey
Exhibit I  Map of Active Application on Lands Designated Residential within Study Area
Exhibit J  Area to which Zoning By-Law Number 8499 Applies
Exhibit K  Summary of Recommendations
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ZONING BY-LAW 8499 & 76-26 MAP OF PORTSMOUTH DISTRICT

 Legend:
- **Boundary of Zoning By-Law 8499 & 76-26**
- **Consolidated Zoning Boundaries**
- **District Area**

Map details:
- Portsmouth area
- 8499
- 76-26

Source: Planning, Building & Licensing Services, Department of Community Services.
INTERIM CONTROL BY-LAW in the Near Campus Neighbourhoods

City of Kingston - Public Meeting

Wednesday, March 1, 2017
Introductions

Facilitator:
- Donna Hinde, The Planning Partnership

City of Kingston Staff:
- Lanie Hurdle, Commissioner, Community Services
- Paige Agnew, Director, Planning, Building & Licensing Services
- Greg Newman, Manager, Policy Planning
- Lacricia Turner, Manager, Licensing & Enforcement
- Lisa Capener-Hunt, Manager, Building Services & Chief Building Official

Legal Counsel:
- Tony Fleming, Partner, Cunningham, Swan, Carty, Little & Bonham LLP
Agenda

Ground Rules
Part 1: How did we get here?

Part 2: Planning in Near Campus Neighbourhoods – work that’s already underway.

Part 3: What’s an Interim Control By-law and what’s it meant to do?

Part 4: What did the on-line survey reveal?

Part 5: What are the options?

Break for a few questions of clarification after each Part’s presentation
Agenda

If you wish to speak following the City’s presentation, please sign-up at the registration desk.

The order of speakers will be determined by the sign-up form.

A 3 minute time limit on speakers so we can hear from as many people as possible tonight.
Ground Rules
Ground Rules

All participants in public consultation events have a role to play in ensuring meaningful, purposeful and respectful engagement. As participants we:

1. Understand that final recommendations/decisions may not reflect all individual opinions and interests.

2. Agree to share our thoughts calmly, openly, honestly and constructively, respectfully offering ideas, suggestions, alternatives and strive to reach feasible solutions.

3. Understand tonight’s forum is not a debate.

4. Identify concerns and issues early.

5. Listen to and be respectful of other points of view, opinions and interests we may not share.

6. Believe public engagement leads to better decisions.
Part 1
How did we get here?
30 Years of Planning in Near Campus Neighbourhoods

- Student Housing Review (SHR): Phase I
- SHR: Phase II and III
- SHR - City Council Decision
- Amendments to ZBL 8499 (By-law 93-200)
- Interim Control By-law 91-323
- Interim Control Area Study
- Amendments to ZBL 8499 (By-law 2005-212)
- Interim Control By-law Extended
- Analysis of Committee of Adjustment Applications (1993 to 2002)
- Central Accommodation Review (CAR) Proposal
- Downtown Residential Review (DRR) Discussion and Recommendations
- DRR Working Committee Recommendations
- Residential Intensification in the area around Queen’s University
- CAR Review of Previous Studies
- CAR Regulating Number of Bedrooms
- OP Update Comprehensive Report
- CAR Summary and Options Report
- Queen’s University 2009 Land Use Project Course Report
- Design Guidelines for Residential Lots
- City Council Motions ICBL and Land Use Study
- ICBL Public Meeting
- Report to April 18 Council Meeting

Council Meeting 13 May 2, 2017
Part 2
Planning in Near Campus Neighbourhoods – work that’s already underway
Work That’s Underway – Updating Official Plan

Protecting Stable Areas (Housing Districts)
Protecting Stable Areas (Housing Districts)

- Housing Districts, as **mapped**, are intended to remain **stable**.

- Housing Districts, while stable, may contain areas undergoing fundamental change and areas that have the potential to support limited growth.

- Policies define specific situations through which intensification may be permitted within a stable area. Emphasis has been placed on the need to demonstrate how a proposal will be **compatible** in terms of **built form**.

- Where development has the potential to **destabilize** a neighbourhood, an Official Plan amendment will be required along with a planning rationale which addresses an explicit list of land use factors (e.g. function, character, built form, massing, etc.).

- **Secondary plans and specific policy area** plans will be advanced, as appropriate, to establish a land use planning framework to support future decisions (e.g., Near Campus Neighbourhoods Plan, North King’s Town, Rideau Community, etc.)
Near Campus Neighbourhoods – Future Study Area

- Central Accommodation Review (CAR) undertaken in 2012 to evaluate impact of development and residential intensification in central area of City;

- Conclusions (2015) led to the definition of a Future Study Area in the Official Plan targeting the Near Campus Neighbourhoods.

- Study will help guide future decision making and may include opportunities to direct, through pre-emptive policy and regulatory
A New Zoning By-law for the City of Kingston

- Land use in the City currently controlled through **five separate** zoning by-laws.
- Standards to provide greater clarity, particularly regarding the types of residential use.

- Reviewing the advantages of regulating residential uses and parking by the number of bedrooms, rather than per dwelling unit.

- Conversion policies from By-law 8499 have already been removed in Draft 1 of the new Zoning By-law. **This will lessen “as-of-right” building conversions.**
Restructuring
1. Both by-law and property standards staff have been placed into **zones** for better coverage in the City.
2. Staff are now teamed up so that backfilling occurs during absences.

Notification for Property Owners
1. **Email Notification Program** is designed to assist us in reaching owners in a more timely manner when an issue has occurred at/on their property.
2. Working to **promote this program** on our website, via word of mouth, and will include information in the tax bill insert mailed to every property owner this year.

By-Law Information Sessions
1. Our general by-law team has attended **neighbourhood meetings**, when asked to provide information on general by-law concerns and answer resident’s questions.

Property Standards
1. Working with Queen’s AMS on a **property standards initiative** that will educate students on basic property standards, yards, garbage and recycling issues.
2. **Students** were actively engaged and trained on how to identify issues and the steps necessary to resolve and/or prevent them.
3. **New property standards officer** in place to focus on Sydenham District and Williamsville.
Work That’s Underway  General By-law & Property Standards

By-Law Review
**Updating** a number of by-laws in the next 2-3 years. Staff plans for 2017 are currently being completed.

Staff Training
General by-law staff have received **cross training** with property standards staff so that they can assist during peak times. This will help improve customer service.

Rental Licensing Program
Staff are currently re-exploring a **rental housing by-law/or licensing program** building off the experience of Oshawa, Waterloo, Guelph, Toronto etc.

New Software Review
Currently looking into **new software** options that will allow us to provide better customer service and facilitate greater community engagement.

Zoning Non-Compliance
Working to develop a scope of work for a 2017 project aimed at identifying **zoning non-compliance** using MPAC taxation data.
Part 3

What’s an Interim Control By-law & what’s it meant to do?
What is an Interim Control By-law?

A provision within the *Planning Act* (s.38) that permits municipalities to **freeze** specified types of land uses and development within a defined area for up to one-year.

It is a powerful tool that municipalities can employ when they require **time to study** impacts, re-evaluate planning goals, and determine appropriate land use and planning policy responses.
To implement the Interim Control By-law:

- Council must first, by by-law or resolution, **direct that a review or study** be undertaken on land use planning policies in the municipality or in any defined area of the municipality.

- Council may then pass a by-law (Interim Control By-law) that **prohibits the use of land, buildings or structures** within the defined area for such purposes as defined in the by-law.

- The Interim Control By-law shall not exceed a period of **one year**.

- The time period **may be extended an additional year** (two years total) by Council amendment.

- The land use study must be undertaken in a **timely fashion**.

- The planning issues being studied must be **connected to the prohibition** contained within the Interim Control By-law.
Ontario Planning Legislation

The test to validate the use of an Interim Control By-law is not one of urgency/emergency, but whether the by-law is necessary to create

“breathing space to rethink land-use policies by suspending development that may conflict with any new policy”
Who is affected?

All properties and structures within the defined area of the Interim Control By-law.

The By-law may exempt/permit certain types of land-uses.

Applications submitted prior to Interim Control By-law passing are not exempt (re-zoning, minor variance, etc).

Approvals granted prior to Interim Control By-law passing are not exempt.
Can an Interim Control By-law be appealed?

Yes – they are heavily contested and are often appealed

Anyone who receives notice of the passing of the Interim Control By-law can appeal within 60 days of the date of passing.

Appeals can be site-specific or apply to the entire Interim Control By-law.

The Interim Control By-law remains in effect during an appeal.

Legitimate grounds for an appeal must be established by the appellant and often include land use planning or legal issues.

Alleged loss in property value is not a legitimate land use planning appeal.
Can an Interim Control By-law be varied to permit some development?

Yes – the test to do so is the standard test for a minor variance:

- Is the requested variance minor?

- Does it meet the purpose and intent of the Official Plan?

- Does it meet the purpose and intent of the Zoning By-law?

- Will it result in development that is appropriate and desirable?

Will the variance undermine the purpose of the Interim Control By-law.
Ontario Human Rights Code

Provincial and municipal land use planning policy and legislation strive towards the creation of inclusive communities that provide housing opportunities for all.

Section 2(1) of the Ontario Human Rights Code states:

“Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance.”
Ontario Human Rights Code

In the Zone: Housing, Human Rights and Municipal Planning indicates:

“opposition to housing projects based on stereotypes or prejudice towards the people who will live in them can be a violation of people’s rights to be free from discrimination in housing – which means it can be against the law.”
Part 4
What did the on-line survey reveal?
Interim Control By-law Survey Highlights

Survey Respondents: 445

- 79% of Survey Respondents live in or own property in the Near Campus Neighbourhoods
- Support for the Interim Control By-law while the Study is being completed: 50% strongly in favour, 23% in favour
Of survey respondents have land use concerns related to construction of new homes, new additions or conversions of existing homes in the Near Campus Neighbourhoods.

Concerns were recorded at the following rates:

- Building Depth: 88%
- Building Height: 84%
- Lot Line Setbacks: 78%
- Increased Density: 77%
- Side and Rear Entries: 77%
- Lack of Parking Spaces: 75%
- Lack of Amenity and Open Space: 75%
- Property upkeep, noise, poor enforcement: 61%
Interim Control By-law Survey Highlights

A number of issues were identified by respondents that contribute to the concerns, including:

- Increased shading on property
- A loss of privacy due to intrusive overlook
- Increased light pollution, noise, odour, dust, vibrations
- Increased traffic
- A reduced ability to enjoy a property, or the normal amenity associated with it
- Visual intrusion and disruption to streetscapes and buildings
- Architectural incompatibility (scale, style, massing, colour)
- Inadequate parking supply
Stakeholder interviews - Review Amenity Space

Re-evaluating Performance Standards - Amenity

• Stakeholder feedback through interviews presented option to apply **amenity area** requirement to one-family and two-family dwellings in A Zone, being the subject of numerous **Planning Act** applications

• Requirement to provide amenity space, applied to one and two-family dwellings, could **lessen the potential footprint** of a structure by requiring outdoor space intended for private use

• Option could be implemented through a **zoning by-law amendment** and reinforced with an **Official Plan amendment** which would create a stronger policy framework for the consideration of amenity space supply

• Other **performance standards**, such as lot area, landscaped open space, yard setbacks, and building height, are being evaluated through this review in tandem with corresponding land use matters (e.g., intensity of use, site function, compatibility, etc.).
Part 5
What are our options?
Interim Control By-law Impact on Issues

**Physical Form**

Planning tools to protect character defined by:

- height
- form and mass
- setback
- landscape
- architectural detail

1. Official Plan
2. Zoning
3. Architectural Control / Site Plan
4. Heritage Conservation District

City currently undertaking studies to protect character

- Option 1: Get on with the studies
- Option 2: Enact the ICBL and get on with the studies

**Pace of Change**

ICBL will not affect the pace of change over the long-term

**Behaviour**

ICBL will not impact behaviour
Pace of Change

Planning Applications in Study Area (2005 - 2016) - By Type

- Minor Variance
- Zoning Bylaw Amendment Consent
- Site Plan Control
- Official Plan Amendment

Council Meeting 13 May 2, 2017
Pace of Change

Planning Applications in Study Area (2005 - 2016) - Total

Council Meeting 13 May 2, 2017
Active applications in Near Campus Neighbourhoods
Next Steps
Public Meeting TODAY
Close of Online Survey March 10, 2017
Staff Analyze All Input Received to Date
Staff Prepare Report to Council regarding ICBL
Council to Consider Staff Report May, 2017
Completion of Land Use Study
Contact Information
Please Complete Online Survey by March 10, 2017
  • www.CityofKingston.ca/InterimControl

Submit Written Comments:
  • pagnew@cityofkingston.ca
  • City of Kingston, Planning Division
    216 Ontario Street
    Kingston ON, K7L 2Z3
Introductions

Facilitator:
  - Donna Hinde, The Planning Partnership

City of Kingston Staff:
  - Lanie Hurdle, Commissioner, Community Services
  - Paige Agnew, Director, Planning, Building & Licensing Services
  - Greg Newman, Manager, Policy Planning
  - Lacricia Turner, Manager, Licensing & Enforcement
  - Lisa Capener-Hunt, Manager, Building Services & Chief Building Official

Legal Counsel:
  - Tony Fleming, Partner, Cunningham, Swan, Carty, Little & Bonham LLP
Applications in the Near Campus Neighbourhoods
Work That’s Underway – Updating Official Plan

We are have prepared revised policy to protect stable areas:

2.6 Protecting Stable Areas and Areas in Transition

Many neighbourhoods in the City of Kingston have remained stable for generations and are expected to remain so during the lifetime of this Plan. The protection of neighbourhoods is a fundamental concern of the City’s residents. Other areas where the historic function is changing or has been lost would welcome a new or revitalized use. The City Structure policies indicate that in accordance with Section 2.2, Housing Districts are planned to remain stable whereas the Centres and Corridors are the areas where within which change and major intensification are intended, as well as areas where little change is warranted or desired. However, circumstances may change over the course of this Plan. Applications for change are expected, and there may be new opportunities that are created through public or private investment or divestiture, government policy, technology, or through demographic change. The Secondary Planning Areas, Specific Policy Areas and Future Planning Study Areas illustrated in Schedule 13 have been or are planned to be, subject to strategic planning activities intended to support land use change and development. Accordingly, while some portions of these areas may be characterised as stable, other areas are expected to undergo fundamental change. This section sets out the strategic planning approach to address development applications for change in areas considered to be stable areas, and will guide the City in responding to applications in areas undergoing transition or having the potential to change, and conversely guides the City in responding to applications that have the potential to destabilize an area.

Goal:

To maintain or improve the City’s quality of life by having a pattern of cohesive neighbourhoods and districts, and fostering economic growth by directing investment and development to areas of the City for which strategic planning activities have been undertaken or are planned to be undertaken, and by managing the degree of change that is warranted in different locations, stable areas to achieve compatible development and land use.

Stable areas will be protected from development that is not intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, or type of use. Accordingly, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:

a. Stable areas will continue to be characterized by their existing building stock.

b. Infill development in stable areas will be that is limited and designed to complement the area’s existing built form, architectural and streetscape character, and level of activity and streetscapes.

c. On lands designated Residential, intensification through conversion within the existing building envelope provided it is demonstrated the conversion is compatible with existing development taking into account the policies of Section 2.7, and is generally considered to be compatible with stable areas.

d. On lands designated Residential, intensification that requires a zoning by-law amendment or minor variance in support of factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:

- complement existing uses in the area;
- support a transition in density and built form;
- support active transportation and public transit, and
- be compatible with existing development taking into account the policies of Section 2.7 of this Plan.

e. Redevelopment or intensification projects that out-of-character shall not be supported in stable areas.
Near Campus Neighbourhoods
Policies are being included in the review to specifically address the land use planning concerns raised by area residents within the Near Campus Neighbourhoods.

2.3.5 The Future Planning Study Areas, identified in Schedule 13, may be added to from time to time to address local issues (e.g., demographic shift, increased post-secondary school enrolment, rural development, etc.) that may affect growth and development in specific area contexts.

2.3.5.1 The delineation of the boundaries of any Future Planning Study Area will be considered at the outset of undertaking any area-specific planning study.

2.3.6 In accordance with the Central Accommodation Review, the City will undertake an intensification study of areas near to the campuses of Queen’s University and St. Lawrence College (Planning Area No. 13 on Schedule 13) to identify locations that would be appropriate for larger scale, medium or higher density, residential development. Once complete, the findings of the Study will be implemented through Official Plan amendments and the use of regulatory controls (e.g., pre-zoning), as appropriate. The process of undertaking the Study will include a comprehensive process of public engagement and opportunities for stakeholder input.
High Density Residential Policies (Official Plan Review)

3.3.C High Density Residential Policies

High density residential uses will be directed to the Centres and Corridors identified in Schedule 2 to this Plan and to the areas planned for high density residential uses in Secondary Plans or Specific Policy Area Plans identified in Schedule 13. Proposals for new high density residential land use are encouraged to be located within walking distance (i.e., 400 metres) and complementary land uses.

Density

3.3.C.1 High density residential land uses primarily include apartments and mixed use buildings with commercial on the ground floor with and a residential density of 75 units per net hectare or more, unless an approved secondary plan establishes other provisions.

Built Form

3.3.C.2 The density of a residential use is a function of the number of units per net hectare and is not always indicative of built form. Proposals for new high density residential that are not in keeping with the established built form of adjacent development must demonstrate compatibility with regard to both land use and built form considerations.

Transition Compatibility in Density & Built Form

3.3.C.3 New high density residential projects must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan, which involves such matters as siting and designing the building to be compatible with adjacent development in terms of function and design. High density residential development must be designed to ensure a transition in density and built form, particularly along the periphery of Centres and Corridors, and areas for which a Secondary Plan or Specific Policy Area Plan has been established.
Addressing Built Form

Massing
Yard setbacks
Height
Open Space
Lot coverage (% lot area)
Compatibility
Loss of privacy, shadowing, etc.
Amenity
Functional space (exterior) tied to intensity of use (dwelling units versus bedrooms)?
Amenity Area

Currently required for multiple family dwellings on a \textit{per bedroom} basis

\begin{tabular}{|l|c|c|}
\hline
\textbf{Dwelling Unit Type} & \textbf{Amenity Area Requirement (per Unit)} & \textbf{Play Space Requirement (per Unit)} \\
\hline
Bachelor & 14.0m$^2$ & 0m$^2$ \\
1 bedroom & 18.5m$^2$ & 0m$^2$ \\
2 bedroom & 40.0m$^2$ & 2.3m$^2$ \\
3 bedroom & 65.0m$^2$ & 2.3m$^2$ \\
4 bedroom & 90.0m$^2$ & 2.3m$^2$ \\
5 bedroom & 123.0m$^2$ & 2.3m$^2$ \\
More than 5 bedrooms & 123.0$m^2$, plus 7.0$m^2$ for each additional bedroom beyond 5 & 2.3$m^2$ \\
\hline
\end{tabular}

Amenity Area

Proposed (through City’s Amenity Area Study) to be applied on a per unit basis
10m2 in downtown and Williamsville Main Street
18m2 everywhere else
Amenity Area

Short term Opportunity
Apply amenity area requirement (5.27) to “one-family dwelling” and “two-family dwelling” on a per bedroom basis.
Advance Official Plan amendments to reinforce the intent of supplying amenity areas, as outlined in the Amenity Area Study
Purpose of Amenity Area

The purpose of amenity areas is to enhance quality of life for residents of multi-unit dwellings by providing amenity opportunities in constrained spaces. Amenity areas should provide opportunities for:
Passive and active recreation;
Access to the outdoors;
Socializing in a private or semi-private environment; and/or,
Gatherings with activities not typically permitted in public or in public parks.

The following principles should guide the design of amenity areas:
Functional amenity areas are programmed:
In the case of a large development where more amenity space is provided, different spaces should be programmed in different ways (e.g., a party room, gym, and library); or,
In a small development, more generic programing might be better for users (e.g., a grassed backyard could be used for sport or to host a barbeque).
Purpose of Amenity Area

Functional amenity areas are **versatile**: Amenity areas can be used for a variety of activities to meet the needs and desires of diverse residents; and, Amenity areas should be viable for the long term and easy to adapt should the needs of residents change.

Functional amenity areas are **well integrated**: Amenity areas should be designed with accessibility in mind so they are barrier-free and suitable for use by all residents; Amenity areas should be conveniently located for use by all residents; Amenity areas should serve as transitional semi-private space when located adjacent to the street or other public space; and, Amenity areas should be designed with appropriate safety and security for the users.
Q1 Do you live in, or own properties in, the Williamsville, Sydenham and/or Portsmouth districts?

Answered: 563  Skipped: 0

Yes | No
--- | ---
86.86% | 13.14%

Total: 563

Answer Choices | Responses
--- | ---
Yes | 489
No | 74
Total | 563
Q2 Please explain your interest in the Interim Control Bylaw or land use planning study in the Williamsville, Sydenham and Portsmouth districts.

Answered: 69     Skipped: 494
Q3 Do you have any land use concerns related to the construction of new homes, the construction of new additions or the conversion of existing homes in the Sydenham, Portsmouth or Williamsville Districts (the near campus neighbourhoods)?

Answered: 563  Skipped: 0

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>75.31%</td>
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<tr>
<td>No</td>
<td>24.69%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
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</table>
Q4 Building depth is the distance from the front of a building to the back of a building. I am concerned about the allowable building depth in the near campus neighbourhoods.

Answered: 424  Skipped: 139

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
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<td>Yes</td>
<td>81.13%</td>
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<tr>
<td>No</td>
<td>18.87%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
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</table>
Q5 Building depth can have land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to building depth?

Answered: 345  Skipped: 218

Too much shadowing

Loss of privacy due to intrusive overlook

Increased levels of light pollution, noise, odour, dust or vibration

Increased and uncomfortable levels of light, noise, vibration, odour, dust

Increased level of... (not specified)

Environmental damage or... (not specified)

Diminished service levels or... (not specified)

A reduction in the ability... (not specified)

Visual intrusion through... (not specified)

Degradation of, or cultural loss to, the local landscape

Architectural incompatibility... (not specified)

The loss or impairment of... (not specified)

Other. Please provide any additional comments.

Answer Choices

<table>
<thead>
<tr>
<th>Impact</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much shadowing</td>
<td>231</td>
</tr>
<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>306</td>
</tr>
<tr>
<td>Increased levels of light pollution, noise, dust or vibration</td>
<td>215</td>
</tr>
</tbody>
</table>
### Interim Control Bylaw Survey

<table>
<thead>
<tr>
<th>Impact</th>
<th>Percentage</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased and uncomfortable wind speed</td>
<td>11.88%</td>
<td>41</td>
</tr>
<tr>
<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>66.96%</td>
<td>231</td>
</tr>
<tr>
<td>Environmental damage or degradation</td>
<td>52.75%</td>
<td>182</td>
</tr>
<tr>
<td>Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</td>
<td>44.35%</td>
<td>153</td>
</tr>
<tr>
<td>A reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>89.86%</td>
<td>310</td>
</tr>
<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>80.58%</td>
<td>278</td>
</tr>
<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>53.04%</td>
<td>183</td>
</tr>
<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>85.51%</td>
<td>295</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>53.04%</td>
<td>183</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>24.06%</td>
<td>83</td>
</tr>
</tbody>
</table>

**Total Respondents: 345**
Q6 Building height is generally considered to be the distance from the ground to the top of the roof. I am concerned that permitted building height is too tall in the near campus neighbourhoods.

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
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<tbody>
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<td>Yes</td>
<td>76.65%</td>
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<tr>
<td>No</td>
<td>23.35%</td>
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<tr>
<td>Total</td>
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</tbody>
</table>
Q7 Building height can have land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to building height?

Answered: 325  Skipped: 238

<table>
<thead>
<tr>
<th>Impact</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much shadowing</td>
<td>78.77% 256</td>
</tr>
<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>83.69% 272</td>
</tr>
<tr>
<td>Increased levels of light pollution, noise, odour, dust or vibration</td>
<td>59.69% 194</td>
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<tr>
<td>Increased and uncomfortable levels of light</td>
<td></td>
</tr>
<tr>
<td>Increased level of light pollution</td>
<td></td>
</tr>
<tr>
<td>Environmental damage or...</td>
<td></td>
</tr>
<tr>
<td>Diminished service level</td>
<td></td>
</tr>
<tr>
<td>Diminished level of service</td>
<td></td>
</tr>
<tr>
<td>A reduction in the ability</td>
<td></td>
</tr>
<tr>
<td>Visual intrusion</td>
<td></td>
</tr>
<tr>
<td>Degradation of, or cultural degradation</td>
<td></td>
</tr>
<tr>
<td>Architectural incompatibility</td>
<td></td>
</tr>
<tr>
<td>The loss or impairment of, or cultural...</td>
<td></td>
</tr>
<tr>
<td>Other. Please provide any other concern</td>
<td></td>
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</table>
### Interim Control Bylaw Survey

<table>
<thead>
<tr>
<th>Issue</th>
<th>Percentage</th>
<th>Respondents</th>
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</thead>
<tbody>
<tr>
<td>Increased and uncomfortable wind speed</td>
<td>20.62%</td>
<td>67</td>
</tr>
<tr>
<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>56.31%</td>
<td>183</td>
</tr>
<tr>
<td>Environmental damage or degradation</td>
<td>41.23%</td>
<td>134</td>
</tr>
<tr>
<td>Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</td>
<td>43.08%</td>
<td>140</td>
</tr>
<tr>
<td>A reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>80.31%</td>
<td>261</td>
</tr>
<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>84.62%</td>
<td>275</td>
</tr>
<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>51.69%</td>
<td>168</td>
</tr>
<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>86.46%</td>
<td>281</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>57.54%</td>
<td>187</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>15.08%</td>
<td>49</td>
</tr>
</tbody>
</table>

**Total Respondents:** 325
Q8 Typically, properties have a front, rear and 2 side property lines. I am concerned that buildings in the near campus neighbourhoods are being constructed too close to side property lines.

Answered: 424  Skipped: 139

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<td>Yes</td>
<td>75.71%</td>
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<tr>
<td>No</td>
<td>24.29%</td>
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<td>Total</td>
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</table>
Q9 The distance from the edge of a building to a side property line can have land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to building distance from a side property line?

Answered: 322  Skipped: 241

<table>
<thead>
<tr>
<th>Land Use Impact</th>
<th>Responses</th>
</tr>
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<tbody>
<tr>
<td>Too much shadowing</td>
<td>63.66%</td>
</tr>
<tr>
<td>Loss of privacy due to increased levels of light</td>
<td></td>
</tr>
<tr>
<td>Increased levels of light and increased discomfort</td>
<td></td>
</tr>
<tr>
<td>Increased level of environmental damage or loss</td>
<td></td>
</tr>
<tr>
<td>Diminished service levels of increased services</td>
<td></td>
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<tr>
<td>A reduction in the ability to maintain services</td>
<td></td>
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<tr>
<td>Visual intrusion related to increased levels of light</td>
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<tr>
<td>Degradation of, or cultural loss of, architectural</td>
<td></td>
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<tr>
<td>Architectural incompatibility</td>
<td></td>
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<tr>
<td>The loss or impairment of architectural incompatibility</td>
<td></td>
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<tr>
<td>Other. Please provide any other concerns</td>
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</table>

Council Meeting | May 2, 2017 | 182
<table>
<thead>
<tr>
<th>Impact</th>
<th>Percentage</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>85.09%</td>
<td>274</td>
</tr>
<tr>
<td>Increased levels of light pollution, noise, odour, dust or vibration</td>
<td>55.28%</td>
<td>178</td>
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<tr>
<td>Increased and uncomfortable wind speed</td>
<td>15.53%</td>
<td>50</td>
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<tr>
<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>48.14%</td>
<td>155</td>
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<tr>
<td>Environmental damage or degradation</td>
<td>47.20%</td>
<td>152</td>
</tr>
<tr>
<td>Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</td>
<td>39.75%</td>
<td>128</td>
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<tr>
<td>A reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>81.99%</td>
<td>264</td>
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<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>77.02%</td>
<td>248</td>
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<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>47.52%</td>
<td>153</td>
</tr>
<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>78.88%</td>
<td>254</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>47.83%</td>
<td>154</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>16.77%</td>
<td>54</td>
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</table>

**Total Respondents: 322**
Q10 Intensification may include the addition of bedrooms or units to a property. I am concerned with the level of intensification allowed on properties in the near campus neighbourhoods.

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>87.97%</td>
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<td>No</td>
<td>12.03%</td>
</tr>
<tr>
<td></td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td></td>
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<td>424</td>
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Q11 The intensification of a property may have land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to intensification?

Answered: 373  Skipped: 190

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tbody>
<tr>
<td>Too much shadowing</td>
<td>33.78%</td>
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<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>61.39%</td>
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<tr>
<td>Increased levels of lifestyles</td>
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<tr>
<td>Increased and uncomfortable levels</td>
<td></td>
</tr>
<tr>
<td>Increased level of pollution</td>
<td></td>
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<tr>
<td>Environmental damage or pollution</td>
<td></td>
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<tr>
<td>Diminished service levels</td>
<td></td>
</tr>
<tr>
<td>A reduction in the ability to enjoy the view</td>
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<tr>
<td>Visual intrusion through windows</td>
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<tr>
<td>Degradation of, or cultural destruction</td>
<td></td>
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<tr>
<td>Architectural incompatibility</td>
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<tr>
<td>The loss of or impairment of services</td>
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<tr>
<td>Other. Please provide any other information</td>
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<tr>
<th>Impact</th>
<th>Percentage</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased levels of light pollution, noise, odour, dust or vibration</td>
<td>61.39%</td>
<td>229</td>
</tr>
<tr>
<td>Increased and uncomfortable wind speed</td>
<td>9.12%</td>
<td>34</td>
</tr>
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<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>71.31%</td>
<td>266</td>
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<td>Environmental damage or degradation</td>
<td>44.50%</td>
<td>166</td>
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<tr>
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<td>54.16%</td>
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<td>79.36%</td>
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<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>54.16%</td>
<td>202</td>
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<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>43.43%</td>
<td>162</td>
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<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>60.05%</td>
<td>224</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>39.95%</td>
<td>149</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>28.42%</td>
<td>106</td>
</tr>
</tbody>
</table>

**Total Respondents: 373**
Q12 Currently, the zoning allows for some properties to add new units to the back of existing buildings. I am concerned when new units have a door in the side or back of the building.

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>61.56%</td>
</tr>
<tr>
<td>No</td>
<td>38.44%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>
Q13 The addition of new units with a door in the side or back yard can have land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you when new units have a door in the side or back of the building?

Answered: 261  Skipped: 302

<table>
<thead>
<tr>
<th>Land Use Impact</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much shadowing</td>
<td>20.69%</td>
</tr>
<tr>
<td>Loss of privacy due to increased levels of light</td>
<td>36%</td>
</tr>
<tr>
<td>Increased and uncomfortable levels of light</td>
<td>15%</td>
</tr>
<tr>
<td>Increased level of environmental damage or degradation</td>
<td>10%</td>
</tr>
<tr>
<td>Diminished service level</td>
<td>25%</td>
</tr>
<tr>
<td>A reduction in the ability to enjoy the site</td>
<td>50%</td>
</tr>
<tr>
<td>Visual intrusion to the site</td>
<td>42.5%</td>
</tr>
<tr>
<td>Degradation of, or cultural compatibility of site</td>
<td>36%</td>
</tr>
<tr>
<td>Architectural incompatibility</td>
<td>30%</td>
</tr>
<tr>
<td>The loss or impairment of services in the site</td>
<td>25%</td>
</tr>
<tr>
<td>Other. Please provide any other concerns</td>
<td>5%</td>
</tr>
</tbody>
</table>

Council Meeting 13 May 2, 2017

188
<table>
<thead>
<tr>
<th>Impact</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>66.67%</td>
<td>174</td>
</tr>
<tr>
<td>Increased levels of light pollution, noise, odour, dust or vibration</td>
<td>52.49%</td>
<td>137</td>
</tr>
<tr>
<td>Increased and uncomfortable wind speed</td>
<td>6.51%</td>
<td>17</td>
</tr>
<tr>
<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>63.98%</td>
<td>167</td>
</tr>
<tr>
<td>Environmental damage or degradation</td>
<td>33.33%</td>
<td>87</td>
</tr>
<tr>
<td>Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</td>
<td>37.16%</td>
<td>97</td>
</tr>
<tr>
<td>A reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>77.39%</td>
<td>202</td>
</tr>
<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>47.51%</td>
<td>124</td>
</tr>
<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>36.02%</td>
<td>94</td>
</tr>
<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>62.45%</td>
<td>163</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>34.10%</td>
<td>89</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>21.07%</td>
<td>55</td>
</tr>
<tr>
<td><strong>Total Respondents:</strong> 261</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Q14 The existing zoning bylaw calculates the number of required parking spaces based on the number of units on a property. I am concerned that the method of determining the required parking for a property is insufficient because it does not take into consideration the total number of household occupants.

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>74.76%</td>
</tr>
<tr>
<td>No</td>
<td>25.24%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>
Q15 When parking spaces are calculated based on the number of units and not bedrooms, there may be land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to the calculation of parking spaces?

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>inadequate supply of parking</td>
<td>77.83%</td>
</tr>
<tr>
<td>increased levels of light pollution, noise, odour, dust or vibration</td>
<td>40.09%</td>
</tr>
<tr>
<td>increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>69.34%</td>
</tr>
<tr>
<td>environmental damage or degradation</td>
<td>47.17%</td>
</tr>
<tr>
<td>diminished service levels because physical infrastructure necessary to support a use or area are overloaded</td>
<td>36.08%</td>
</tr>
<tr>
<td>a reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>62.26%</td>
</tr>
<tr>
<td>visual intrusion that disrupts the streetscape</td>
<td>52.36%</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>27.83%</td>
</tr>
</tbody>
</table>

Total Respondents: 424
Q16 I am concerned that the zoning bylaw does not require enough amenity area or landscaped open space for the number of occupants that live in buildings

Answered: 424  Skipped: 139

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>82.08%</td>
</tr>
<tr>
<td>No</td>
<td>17.92%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>
Q17 When there is not enough amenity area or landscaped open space for all occupants on a property, there may be land use impacts on adjacent properties. In the near campus neighbourhoods, which of the following land use impacts are a concern to you related to amenity area and landscaped open space?

Answered: 349   Skipped: 214

- Too much shadowing
- Loss of privacy due ...
- Increased levels of li...
- Increased and uncomfortabli...
- Increased level of...
- Environmental damage or...
- Diminished service leve...
- A reduction in the ability ...
- Visual intrusion th...
- Degradation of, or cultu...
- Architectural incompatibil...
- The loss or impairment o...
- Other. Please provide any...

Answer Choices

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much shadowing</td>
<td>34.38% 120</td>
</tr>
<tr>
<td>Impact</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Loss of privacy due to intrusive overlook</td>
<td>59.60%</td>
</tr>
<tr>
<td>Increased levels of light pollution, noise, odour, dust or vibration</td>
<td>51.00%</td>
</tr>
<tr>
<td>Increased and uncomfortable wind speed</td>
<td>12.03%</td>
</tr>
<tr>
<td>Increased level of traffic that can disrupt the intended function or amenity of a use or area</td>
<td>50.72%</td>
</tr>
<tr>
<td>Environmental damage or degradation</td>
<td>60.46%</td>
</tr>
<tr>
<td>Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</td>
<td>38.11%</td>
</tr>
<tr>
<td>A reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting</td>
<td>83.67%</td>
</tr>
<tr>
<td>Visual intrusion that disrupts the streetscape or, buildings</td>
<td>63.32%</td>
</tr>
<tr>
<td>Degradation of, or cultural heritage resources</td>
<td>40.69%</td>
</tr>
<tr>
<td>Architectural incompatibility in terms of scale, style, massing and colour</td>
<td>52.72%</td>
</tr>
<tr>
<td>The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents</td>
<td>39.54%</td>
</tr>
<tr>
<td>Other. Please provide any other impacts:</td>
<td>15.47%</td>
</tr>
</tbody>
</table>

Total Respondents: 349
Q18 Do you have any other land use concerns that have not been identified? If so, please provide your other land use concerns and their associated land use impacts below

Answered: 205  Skipped: 358
Q19 Do you have any other general concerns in the near campus neighbourhoods? For example, property appearance or upkeep, the construction of illegal units or units that are not built to the Building Code, enforcement, noise or nuisance, etc.?

Answered: 563  Skipped: 0

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>76.20%</td>
</tr>
<tr>
<td>No</td>
<td>23.80%</td>
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<tr>
<td>Total</td>
<td></td>
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</tbody>
</table>
Q20 Please identify your other general concerns in the study area

Answered: 393  Skipped: 170
Q21 Do you support the use of an Interim Control Bylaw while a land use study is undertaken?

Answered: 563  Skipped: 0

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
<td>52.04%</td>
</tr>
<tr>
<td>Agree</td>
<td>18.29%</td>
</tr>
<tr>
<td>Disagree</td>
<td>9.95%</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>19.72%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
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</tbody>
</table>
Q22 Please select the types of land uses you feel need to be prohibited by an Interim Control Bylaw during the completion of the land use study.

Answered: 396  Skipped: 167

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>new single detached homes and semi-detached homes</td>
<td>17.17%</td>
</tr>
<tr>
<td>new duplexes and triplexes</td>
<td>54.04%</td>
</tr>
<tr>
<td>new townhouses</td>
<td>37.12%</td>
</tr>
<tr>
<td>new apartment buildings</td>
<td>63.89%</td>
</tr>
<tr>
<td>additions on existing buildings that create new floor area</td>
<td>51.52%</td>
</tr>
<tr>
<td>additions on existing buildings that create new bedrooms</td>
<td>70.96%</td>
</tr>
<tr>
<td>additions on existing buildings that create new units</td>
<td>87.37%</td>
</tr>
<tr>
<td>conversion of existing buildings to create new bedrooms</td>
<td>68.43%</td>
</tr>
<tr>
<td>conversion of existing buildings to create new units</td>
<td>79.55%</td>
</tr>
</tbody>
</table>

Other (please specify)
<table>
<thead>
<tr>
<th>Other (please specify)</th>
<th>19.44%</th>
<th>77</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Respondents: 396</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Q23 Do you have any suggestions, other than the use of an Interim Control Bylaw, as to how your land use concerns (if any), can be addressed in the near campus neighbourhoods?

Answered: 278  Skipped: 285
Q24 Do you have any issues or concerns if there are policy recommendations from the land use study that result in a change to the existing zoning permissions related to your property or neighbourhood?

Answered: 234   Skipped: 329
Q25 I am concerned about the extent of change to the look of my neighbourhood that has taken place over time.

Answered: 538  Skipped: 25

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>43.31%</td>
</tr>
<tr>
<td>Agree</td>
<td>23.61%</td>
</tr>
<tr>
<td>Disagree</td>
<td>18.03%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>15.06%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>538</strong></td>
</tr>
</tbody>
</table>
Q26 Do you feel that greater architectural controls (e.g. control of building materials, placement of windows, etc.) are needed to regulate building design in the near campus neighbourhoods?

Answered: 548  Skipped: 15

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>72.26%</td>
</tr>
<tr>
<td>No</td>
<td>27.74%</td>
</tr>
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Total 548
Q27 Please provide any other related comments or concerns that you may have.

Answered: 199  Skipped: 364
<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>100.00%</td>
</tr>
<tr>
<td>Company</td>
<td>0.00%</td>
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<tr>
<td>Address</td>
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<tr>
<td>Address 2</td>
<td>0.00%</td>
</tr>
<tr>
<td>City/Town</td>
<td>0.00%</td>
</tr>
<tr>
<td>State/Province</td>
<td>0.00%</td>
</tr>
<tr>
<td>ZIP/Postal Code</td>
<td>100.00%</td>
</tr>
<tr>
<td>Country</td>
<td>0.00%</td>
</tr>
<tr>
<td>Email Address</td>
<td>100.00%</td>
</tr>
<tr>
<td>Phone Number</td>
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</table>
Q29 Phone Number

Answered: 390  Skipped: 173
OFFICIAL PLAN - LAND USE DESIGNATION

LEGEND

CURRENT - LAND USE DESIGNATION

- Arterial Commercial
- Business Park Industrial
- Central Business District
- District Commercial
- Environmental Protection Area
- EPA Submerged Vegetation
- General Industrial
- Harbour Area
- Institution
- Main Street Commercial
- Open Space
- Residential

ACTIVE APPLICATIONS (35)

- Consent (4)
- Minor Variance / Permission (8)
- Official Plan Amendment (OPA) (0)
- Site Plan Control (8)
- Zoning ByLaw Amendment (ZBA) (15)

Lake Ontario

Council Meeting 13 May 2, 2017

208
### Summary of Proposed Recommendations and Anticipated Timeline

<table>
<thead>
<tr>
<th>Recommendations</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Online access to Building Permit information through DASH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementation of the Amenity Area Review Study (Zoning By-law Amendment)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal of conversion provisions (Sections 5.23 and 5.23(A) of Zoning By-law Number 8499 (Zoning By-law Amendment)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementation of the Official Plan Update</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undertaking the City-Central Growth and Infill Strategy Study</td>
<td></td>
<td>12-18 months</td>
</tr>
<tr>
<td>Review of the Site Plan Control By-law</td>
<td></td>
<td>8-8 months</td>
</tr>
<tr>
<td>Review of parking standards to explore parking requirement on a per bedroom basis</td>
<td></td>
<td>6-8 months</td>
</tr>
<tr>
<td><strong>Enforcement</strong></td>
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</tr>
<tr>
<td>Pro-active Enforcement Strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Re-evaluation of Residential Rental Licensing</td>
<td></td>
<td>6-8 months</td>
</tr>
</tbody>
</table>

Legend:
- **Green** - Ongoing
- **Yellow** - Short-term Recommendation
- **Pink** - Long-Term Recommendation