Subject: Multi-Residential Interim Control By-law Study - Proposed Official Plan Amendment and Zoning By-law Amendment

Reference:

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To: Mayor and Members of City Council

Recommendation:

1. THAT the reports titled "MRICBL Background Study" prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix A to Report S64/2022 **BE ACCEPTED**.

2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan ("Official Plan") **BE AMENDED** as follows:

2A) Change the text of the Official Plan as follows:

a) "Commercial Corridor" changes to "Mixed Use Corridor"

b) "Commercial Centre" changes to "Mixed Use Centre"

c) "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

THAT Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

i. "Commercial Corridor" changes to "Mixed Use Corridor"

ii. "Commercial Centre" changes to "Mixed Use Centre"

iii. "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

RESIDENTIAL INTENSIFICATION	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available

2C) Delete 6.3.1.3 and replace it with the following:

INTENSIFICATION, INFILL & REDEVELOPMENT	6.3.1.3	To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.

2D) Delete 6.3.2.1 and replace it with the following:

PERMITTED USES	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

2E) Delete 6.3.2.3 and replace it with the following:

TYPES OF LOW PROFILE HOUSING	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows: (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units.

2F) Delete 6.3.2.4 and replace it with the following:

LOCATIONAL CRITERIA	6.3.2.4	Residential intensification shall be directed to the Mixed Use Nodes and areas generally within 200 metres of those Nodes. Within these areas mid-profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. Residential development shall be located where: (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided.

2G) Delete 6.3.2.5 (c) and replace it with the following:

(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

2H) Delete 6.3.2.5 (f) and replace it with the following:

(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council.

2I) Delete 6.3.2.9 and replace it with the following:

NEIGHBOURHOOD COMMERCIAL EVALUATION CRITERIA

6.3.2.9 Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;

(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;

(iii) within a site of potential or known contamination;

(iv) where traffic generation and distribution is a provincial or municipal concern;

(v) adjacent to heritage resources; and

(vi) where market impact is identified as a municipal concern;

(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;

(d) capable of being provided with full municipal physical services and emergency services; and

(e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

HERITAGE CONSERVATION	6.3.2.17	Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan. Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

2K) Delete 6.3.2.29 and replace it with the following:

COMPATIBLE ADDITIONAL UNITS	6.3.2.29	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

2L) Delete 6.5 and replace it with the following:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The following objectives and policies establish the framework for development decisions in all Commercial areas.

2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

RESIDENTIAL INTENSIFICATION	6.5.1.8	To promote residential intensification with medium and high profile buildings to meet the housing needs of the City in appropriate areas where municipal services, transit and employment are in proximity.

2N) Delete 6.5.2.2 and replace it with the following:

RESIDENTIAL AND ANCILLARY USES	6.5.2.2	Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment. Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre. In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that: (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and

(b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

(i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.

2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

PERMITTED USES 6.5.3.1 Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.

Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

2R) Delete 6.5.3.3 and replace it with the following:

STREET PRESENCE 6.5.3.3 Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

(a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-or-way abutting the development site; and

(b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;

(c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

(i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

2U) Delete 6.9.2.2

2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

LOCATIONAL CRITERIA

6.9.2.2 Mixed Use Nodes development shall be located where:

(a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;

(b) full municipal physical services can be provided;

(c) public transportation service can be provided; and

(d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

(b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

(j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

RECOGNIZE MATURE NEIGHBOURHOODS AS HERITAGE RESOURCE

9.3.8 Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.

3. THAT Zoning By-law 8600 **BE AMENDED** as follows:

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3B) Add Section 10.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3D) Add Section 10.2.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3F) Add Section 10.3.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3H) Add Section 10.4.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4	Main Building Height - maximum	9.0 m

3J) Add Section 10.5.5.10 as follows:

.10	Gross Floor Area - maximum	400 m^2

3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

11.2.5 PROVISIONS

.1 Duplex Dwelling

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m^2
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m^2

.2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m^2
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.10	Gross Floor Area – maximum	400 m^2	
.3	Single Unit Dwelling		
.1	Lot Width – minimum	9.0 m	
.2	Lot Area – minimum	270.0 m^2	
.3	Lot Coverage – maximum	45.0%	
.4	Main Building Height – maximum	9.0 m	
.5	Front Yard Depth – minimum	6.0 m	
.6	Rear Yard Depth – minimum	7.50 m	
.7	Side Yard Width – minimum	1.20 m	
.10	Gross Floor Area – maximum	400 m^2	
.4	Double Duplex Dwelling or Multiple Dwelling		
.1	Lot Width – minimum	18.0 m	
.2	Lot Area – minimum	540.0 m^2	
.3	Lot Coverage – maximum	45.0%	
.4	Main Building Height – maximum	9.0 m	
.5	Front Yard Depth – minimum	6.0 m	
.6	Rear Yard Depth – minimum	7.50 m	
.7	Side Yard Width – minimum	1.80 m	
.10	Gross Floor Area – maximum	400 m^2	
.5	Townhome Dwelling		
.1	Lot Width – minimum	20.0 m	
.2	Lot Area – per *dwelling unit* – minimum	200.0 m^2	
.3	Lot Coverage – maximum	45.0%	
.4	Main Building Height – maximum	9.0 m	
.5	Front Yard Depth – minimum	6.0 m	
.6	Rear Yard Depth – minimum	7.50 m	
.7	Side Yard Width – minimum	1.50 m	
.10	Gross Floor Area – maximum	400 m^2	

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3O) Add Section 11.3.5.10 as follows:

	Semi-	Single Unit	Townhome

		Detached Dwelling	Dwelling	Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2	400 m^2

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m

3Q) Add Section 11.4.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m^2	400 m^2

3R) Delete Section 5.2.20.1

4. THAT Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.

5. THAT the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Executive Summary:

On July 13th, 2020, Council approved Interim Control By-law 103-2020 that prohibits the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units, other than those exempted in the Interim Control By-law in order to conduct a study. Council approved an extension to By-law 99-2021 on May 18, 2022 for an additional year. The Interim Control By-law will expire on July 13, 2022.

The City hired a consortium of consultants made up of Municipal Planning Consultants, The Planning Partnership and The Altus Group (the “consultants) to undertake the study. The main purpose of the Multi-Residential Interim Control By-law (MRICBL) Study is to determine the following:

- The appropriate locations within the city that can accommodate additional residential density;
- How to appropriately guide growth to those geographic areas;
- The extent to which a designated area can accommodate growth;
- How to ensure compatibility within the existing neighbourhood context; and
- The MRICBL Study also includes a review of Group Homes, Lodging Houses and Shelters to bring in compliance with the Human Rights Code.

The consultants have completed three reports that contain recommendations for the City to consider implementing to achieve the purposes of the MRICBL Study. Some of these recommendations will be implemented with the adoption of the OPA and Zoning Bylaw amendments contained in the recommendations of this report, while others will form part of an ongoing work program for the City.

The proposed Official Plan Amendment (OPA) implements a number of the recommendations that start to put the policy direction around infill and intensification in place. This policy direction focus intensification to areas that can support it and where it is most appropriate. The majority of intensification will be guided to “Intensification Priority Areas” made up of Mixed Use Centres, Mixed Use Corridors and Mixed Use Nodes, all of which will be identified on a new Official Plan Schedule D1.

Compatibility of proposed development within existing neighbourhoods is also addressed in the amendments by providing some direction about defining and describing it, as well as making it a requirement of all new development. The OPA also provides the policy foundation for adopting the Intensification Guidelines as a way to help design and evaluate development proposals for compatibility with surrounding neighbourhood.

The proposed ZBA focuses primarily on addressing the compatibility of infill development proposals in existing mature/stable neighbourhoods.

This report also recommends the adoption of the Windsor Intensification Guidelines to provide direction for the design of future residential projects that respect the unique character of Windsor’s existing neighbourhoods. The Urban Design Guidelines will provide predictability for applicants, the City, and stakeholders, by providing consistent direction about the criteria for the design of proposed development in Intensification Areas. The provisions, and examples in the Intensification Guidelines will be used as the foundation of design for intensification projects, and will be used in the assessment development proposals.

The MRICBL Study includes a review of definitions of Group Home, Lodging House and Shelter in Zoning By-law 8600 and 85-18. These definitions have been problematic in the way they are defined in the zoning by-law and need to be addressed for compliance with the Ontario Human Rights Code. Staff are continuing to work with the consultants to develop appropriate definitions and zoning requirements that are consistent with the OHRC and what the *Planning Act* can enable. A subsequent ZBA will be coming to Standing Committee and Council in the near future to addresses the definitional issues.

Additionally, staff have been reviewing opportunities within the existing zoning categories to allow more "as of right" housing options. A subsequent ZBA will be coming to Standing Committee and Council to "pre-zone" some of the Intensification Priority Areas to provide for more housing options.

Background:

Section 38(1) of the Planning Act permits a municipality to pass an interim control by-law (ICBL) that prohibits the use of land, buildings or structures for such purposes as set out in the by-law. This in effect "freezes" development (that is described by the by-law) on the lands for a period not to exceed one year. An ICBL is an important planning tool that allows the municipality to rethink its current land use policies by suspending development that may end up conflicting with any new policy that may be developed. However, in order to enact an ICBL, Council must direct that a review or study be undertaken with respect to the existing land use policies in question.

On July 13th, 2020, Council approved Interim Control By-law 103-2020 that prohibits the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units, other than those exempted in the Interim Control By-law in order to conduct a study. No appeals were received. This will allow Administration to review and, if deemed appropriate, implement the findings of the said study.

On May 18, 2021, Council approved By-law 99-2021 that extended Interim Control By-law 103-2020 for an additional year. The Interim Control By-law will expire on July 13, 2022.

The City hired a consortium of consultants made up of Municipal Planning Consultants, The Planning Partnership and The Altus Group (the "consultants) to undertake the study. The consultants have now completed the background studies and drafted amendments to the City's Official Plan and Zoning By-law 8600 to implement the recommendations of the background reports.

The purpose of this report is to recommend amendments to the Official Plan and Zoning By-law 8600 and By-law 85-18 that implement the findings of the Multi-Residential Interim Control By-law (MRICBL) Study.

Discussion:

The main purpose of the MRICBL Study is to determine the following:

- The appropriate locations within the city that can accommodate additional residential density;

- How to appropriately guide growth to those geographic areas;

- The extent to which a designated area can accommodate growth;

- How to ensure compatibility within the existing neighbourhood context; and

- The MRICBL Study also includes a review of Group Homes, Lodging Houses and Shelters to bring in compliance with the Human Rights Code.

To address the above items, the consultants completed three reports:

Demographics and Economic Analysis (Altus Group) (attached as Appendix A) – This report provides demographic and economic analysis on factors driving intensification and infill demand in the City to inform planning policy recommendations for necessary changes to the City of Windsor Official Plan and Zoning By-law to achieve the goal of increased intensification within the City's existing built-up area.

The Multi-Residential Interim Control Bylaw Study Background Report (Municipal Planning Consultants and The Planning Partnership) (attached as Appendix B) – This report reviews relevant legislation, and City of Windsor policy documents and makes recommendations to address the main purposes of the study.

Intensification Guidelines (The Planning Partnership) (attached as Appendix C) – This document contains design guidelines that are intended as a framework that outlines the characteristics of various design concepts and principles associated with infill and intensification. The intent is to guide new development to become distinctive, while contextually compatible with existing neighbourhoods.

Each report contains recommendations for the City to consider implementing to achieve the purposes of the MRICBL Study. Some of these recommendations will be implemented with the adoption of the OPA and Zoning Bylaw amendments contained in the recommendations of this report, while others will form part of an ongoing work program for the City. The key findings of the above reports are as follows:

The Demographic Report:

The Demographic Report was prepared by the Altus Group. This report provides demographic and economic analysis on factors driving intensification and infill demand in the City to inform planning policy recommendations for necessary changes to the City's Official Plan and Zoning By-law with the goal of increasing intensification within the City's existing built-up area. The analysis contained in the report was used to inform the policy recommendations made in the subsequent consultant reports.

The following is a summary of the findings of the Demographic Report:

- The City needs more housing in the inner areas of the City, with populations in a majority of the City declining due to a lack of new housing options and shrinking average household sizes;

- The City is not seeing enough purpose-built rental housing constructed to meet demand;

- Access to retail, transit and other community amenities can bolster the market for new residential development, making an area attractive to prospective new households;

- Similarly, adding residential uses near existing retail clusters can improve the viability of those retail environments. The practice of redeveloping major retail centres for a mix of uses including residential, as well as other community amenities such as parks, community centres, and even additional retail is growing across Ontario and Canada;

- The introduction of residential uses in close proximity to established retail centres can help to add value for retailers and allow for a mix of uses that make for convenient shopping for new residents, as well as help boost demand for additional retail uses in some cases;

- The City needs to account for prospective growth in post-secondary enrolment in forecasting housing needs; and,

- Given the significant under supply of industrial space in the Province and Southwestern Ontario, the City should be seeking to retain as many occupied and vacant employment lands as possible, unless there are compelling reasons to allow residential uses on them.

The Multi-Residential Interim Control Bylaw Study Background Report:

Enabling infilling and intensification in the city can help to achieve a number of Provincial and municipal objectives. As such, the main purpose of the study prepared by Municipal Planning Consultants and The Planning Partnership is to

- Determine the appropriate locations within the City that can accommodate additional residential density;
- How to appropriately guide growth to those geographic areas;
- Determine to what extent a designated area can accommodate growth; and,
- How to ensure compatibility within the existing neighbourhood context.

A comprehensive approach to planning for residential intensification within a definable urban structure framework provides greater clarity and certainty for the developers looking to construction infill and/or higher density projects, and the neighbourhoods that will become home to these projects. This means that there is a clear responsibility for the City to define where intensification initiatives are appropriate and desirable, and equally important, where those intensification activities need to be more significantly planned for and managed.

There is an increasing awareness that the character of existing and historic or mature communities in Windsor is vitally important. The proposed framework encourages intensification in the appropriate areas while also ensuring the compatibility of the development with the surrounding neighbourhood. As such, there has been as much emphasis on ensuring compatible development as there has been on exploring new ways for the city to grow.

In order to develop the framework, and the subsequent recommendations, it is important to understand a number of fundamental principles and the legislative authority under the Planning Act for planning for housing. All regulations of the City's planning instruments must implement planning regulations in accordance with the Ontario Human Rights Code. Section 2.1 of the Code which 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, age, marital status, family status, disability or the receipt of public assistance.*

The City cannot use the *Planning Act* to regulate the number of residents in a dwelling unit, the tenure of a dwelling unit, or the relationship to one another of the people living in the dwelling unit. It cannot implement policies or regulations that discriminate, even inadvertently, against anyone based on the any of the reasons cited above.

The City can control the land uses permitted on a lot, the number of dwelling units on a lot, the number and size of buildings on a lot, the location of the buildings on a lot and the height and massing of buildings on a lot and parking requirements. It can also require that new development be compatible with existing neighbourhoods, and implement ways to evaluate this. The Multi-Residential Interim Control Bylaw Study Background Report focuses on a policy framework that the City can implement under its Planning Act authority, while also ensuring compliance with Ontario's Human Rights Code. The following is a summary of the conclusions found within the Multi-Residential Interim Control Bylaw Study Background Report:

- Stand-alone medium and high profile buildings should be permitted in the Regional Centres (designation name to exclude "Commercial"), with a policy framework that ensures appropriate transitions to adjacent communities;
- Medium profile combined (mixed) use buildings should be permitted in the Regional Centres and the Corridors with a policy framework that ensures appropriate transitions to adjacent communities;

- Combined use buildings up to 4 storeys high should be permitted in the Neighbourhood Nodes;
- The Residential policies should include consideration of modestly scaled intensification projects within 50 m of a Neighbourhood Node;
- Mature Neighbourhoods should be identified on Schedule G to the Official Plan;
- Intensification in these areas should be limited to development of a consistent character to what presently exists in those areas in terms of front and side-yard setbacks, height and density;
- The low density Residential Zones should include maximum gross floor area limits and reduce maximum height to 9 metres;
- The minimum dwelling unit size should be eliminated from the Zoning By-law;
- The Residential policies should define limits to intensification that will ensure that re-development for intensification is compatible with the existing built form;
- Additional policies regarding parking and landscaping requirements should be included in the Official Plan;
- The City should amend the Official Plan and Zoning By-law to ensure compliance with the Human Rights Code for various forms of Special Needs Housing; and,
- The Official Plan should enable Council to adopt Design Guidelines and implement those guidelines through architectural control in the development process. Design Guidelines will be implemented through a combination of Associated Official Plan design-focused policies, the Zoning By-law and Site Plan Approval, and potentially through urban/architectural design control processes.

Recommendation 1 is to adopt The Multi-Residential Interim Control Bylaw Study Background Report as the required study from passing the Interim Control By-law and as the supporting documentation for the proposed Official Plan Amendment and Zoning Bylaw Amendments.

Proposed Official Plan Amendment

The proposed Official Plan Amendment (OPA) implements a number of the recommendations above. The OPA puts the policy direction around infill and intensification in place. This policy direction focus intensification to areas that can support it and where it is most appropriate – places that have access to transit, goods and services, infrastructure, etc.

The majority of intensification will be guided to “Intensification Priority Areas” made up of Mixed Use Centres, Mixed Use Corridors and Mixed Use Nodes, all of which will be identified on a new Official Plan Schedule D1.

Compatibility of proposed development within existing neighbourhoods is also addressed in the amendments by providing some direction about defining and describing it, as well as making it a requirement of all new development. The OPA also

provides the policy foundation for adopting the Intensification Guidelines as a way to help design and evaluate development proposals for compatibility with surrounding neighbourhood.

The Official Plan (OP) is implemented by the Zoning Bylaw, so adopting the OPA will allow for the Zoning Bylaw Amendments to be consistent with the OP. The policy framework will also provide guidance for the development of subsequent Zoning Bylaw Amendments that will implement the remaining recommendations contained in the consultant's report.

Recommendation 2 is recommending that the OP be amended in the manner described in the recommendation.

Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment (ZBA) addresses a number of the recommendations coming out of the Multi-Residential Interim Control Bylaw Study Background Report and begins to implement the policy framework contained within the updated OP.

The proposed ZBA focuses primarily on addressing the compatibility of infill development proposals in existing mature/stable neighbourhoods. The Low Profile Neighbourhoods have existing intensification rights as a result of the Additional Dwelling Unit policies which now permit up to three units on a property. The consultants concluded that the current zoning provisions, particularly the building massing provisions, for the lower profile zoning categories are too permissive and fail to preserve the character of the surrounding neighbourhoods.

As a result, the recommended ZBA reduces the maximum building height from 10 metres to 9 metres in the RD1.1, RD1.2, RD1.3, RD1.4, RD1.5, RD2.1, RD2.2, RD2.3, and RD2.4. It will also limit the total maximum gross floor area to 400m^2 (~4,305 ft^2) for a property. These changes are intended to make sure that the scale and height of new development is more consistent with what is currently found within many neighbourhoods.

Recommendation 3 describes the proposed amendments to the Comprehensive Zoning By-law and recommends that Zoning By-law be amended.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The vision of the PPS focuses growth and development within urban settlement areas, that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Planning authorities are encouraged to permit and facilitate a range of housing options, including residential intensification, to respond to current and future needs. Land use patterns should promote a mix of housing, including opportunities for infill and

intensification that support a broad range of housing options. Specific Provincial Policy that applies to this OPA and ZBA are summarized below.

Policy 1.1.1 of the PPS states:

"Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;"

The proposed OPA and ZBA is supportive of an efficient development approach that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs, and it accommodates an appropriate range of residential uses, and optimizes investments in transit.

Policy 1.1.3.1 of the PPS states:

"Settlement areas shall be the focus of growth and development."

Policy 1.1.3.2 of the PPS states:

"Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

e) support active transportation;

f) are transit-supportive, where transit is planned, exists or may be developed;"

Policy 1.1.3.3 of the PPS states:

> *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The OPA and ZBA promotes a land use that makes efficient use of land and existing infrastructure, and identifies appropriate locations and promote opportunities for transit-

supportive development and a range of housing options through intensification. Active transportation options and transit services have been taken into consideration in recommending the appropriate locations for additional infill and intensification.

Policy 1.1.3.3 of the PPS states:

> *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

The OPA provides development standards that will help to facilitate appropriate intensification and development that is compatible with the surrounding neighbourhood.

Windsor Intensification Guidelines

Building on the principles of 'compatible' development and guided by the policies articulated in the Official Plan (OP), the objective of the Intensification Guidelines is to provide direction for the design of future residential projects that respect the unique character of Windsor's neighbourhoods.

The design guidelines (see Appendix C) are intended to guide new development to become distinctive, while relating harmoniously to the use, scale, architecture, streetscapes, and neighbourhoods of Windsor, as well as meeting the needs of its citizens and visitors. The Urban Design Guidelines will provide predictability for applicants, the City, and stakeholders, by providing consistent direction about the criteria for the design of proposed development in Intensification Areas. The provisions, and examples in the Intensification Guidelines will be used as the foundation of design for intensification projects, and will be used in the assessment development proposals.

Recommendation 5 is to adopt the City of Windsor Intensification as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.

Future Work Program

There are few areas that were identified in the Background Report that are still being reviewed and will be part of the Planning Department's short-term work programme. It is anticipated that there will be additional Zoning By-law Amendments required to further support intensification across the city.

The MRICBL Study includes a review of definitions of Group Home, Lodging House and Shelter in Zoning By-law 8600 and 85-18. These definitions have been problematic in the way they are defined in the zoning by-law and need to be addressed for compliance with the Ontario Human Rights Code. Staff are continuing to work with the consultants to develop appropriate definitions and zoning requirements that are consistent with the OHRC and what the *Planning Act* can enable. A subsequent ZBA will be coming to Standing Committee and Council in the near future to addresses the definitional issues.

Additionally, staff have been reviewing opportunities within the existing zoning categories to allow more “as of right” housing options. A subsequent ZBA will be coming to Standing Committee and Council to “pre-zone” some of the Intensification Priority Areas to provide for more housing options.

Risk Analysis:

Given that the Recommendations in this report represent a fundamental change to how the City of Windsor proposes to guide and regulate infill and intensification opportunities throughout the city, there is a significant chance that the recommended OPA and/or ZBA(s) will be appealed to the Ontario Land Tribunal (OLT).

In the event of an appeal to the OLT, the Interim Control By-law will remain in place until such time that all appeals have been resolved.

Financial Matters:

There are no short term financial implications with adoption of these recommendations. The implementation of the recommendations from this report and subsequent Zoning By-law Amendments will provide more housing options in a fiscally responsible way.

Consultations:

An in-person Open House was held at All Saints Church on May 26, 2022 to consult the public on the draft Official Plan Amendment and draft Zoning By-law Amendment.

A special meeting of the Development & Heritage Standing Committee was held on May 9, 2022 to discuss the Background Report and preliminary direction coming from the recommendations. This meeting was open to the public and saw one delegate offer their support for the direction of the study.

A virtual public engagement session was held on April 5, 2022 from 6-8pm to present the findings and recommendations from the background report to interested members of the public. Eighteen (18) people attended the session and provided feedback. The feedback from the session was positive.

Planner’s Opinion:

It is the Planner’s opinion that the proposed OPA and ZBA related to infill development and intensification are consistent with the Provincial Policy Statement and represent good planning.

Conclusion:

The recommendations above come from the extensive background review and analysis conducted by the consultants hired by the City to prepare the study that is required with the passing of an Interim Control By-law. The consultants provided an infill and intensification framework and a number of recommendations that will be implemented by adopting the OPA and ZBA proposed above, as well as, subsequent Zoning Bylaw Amendments.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Neil Robertson, MCIP, RPP Thom Hunt, MCIP, RPP

Manager of Urban Design City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

Approvals:

Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Dana Paladino	Acting Commissioner, Legal & Legislative Services
Jelena Payne	Commissioner, Economic Development & Innovation
Shelby Askin Hager	Chief Administration Officer (A)

Notifications:

Name	Address	Email

Appendices:

1 Appendix A – The ALTUS Background Report
2 Appendix B – The Multi-Residential Interim Control Bylaw Study Background Report
3 Appendix C – The City of Windsor Intensification Guidelines