



Planning & Building Services

MISSION STATEMENT

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"

REPORT #: S 99/2017	Report Date: 6/1/2017
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	Clerk's File #: ST2017

To: Mayor and Members of City Council

Subject: Interim Control By-law Land Use Study - Phase 2 Report: policy and regulatory changes for off-street parking areas within BIAs and Mainstreet areas (Traditional Commercial Streets) (Wards 2, 3, 4, 5 and 6)

RECOMMENDATION:

- I. THAT the Official Plan Amendment as shown in Appendix A to Report # S 99/2017 regarding new land use policy and schedule applicable to off-street parking areas within Traditional Commercial Streets **BE ADOPTED**; and
- II. THAT an amendment to Zoning By-law 8600 as shown in Appendix B to Report # S 99/2017 regarding new zoning provisions applicable to off-street parking areas within Traditional Commercial Streets **BE PASSED**; and
- III. THAT the Demolition Control By-law shown in Appendix C to Report # S 99/2017 **BE PASSED**; and
- IV. THAT the City Planner and City Engineer jointly **REPORT BACK** to City Council within 18 months regarding issues arising from recommendations I - III and options for measures that may further support the amendments.

EXECUTIVE SUMMARY:

This Phase 2 Report provides policy and regulatory recommendations as a conclusion to the Interim Control Bylaw Study carried out since late 2015. The Interim Control Bylaw, prohibiting new and expanded parking areas, was put in place to prevent further demolition of commercial buildings within Business Improvement Areas (BIAs) for the purpose of creating new surface parking areas.

A review of the Provincial Policy Statement and Official Plan provides a policy basis for recommendations for BIAs and other Mainstreet areas (Traditional Commercial Areas). A new Official Plan Special Policy Area for Off-Street Parking within Traditional Commercial Areas, and a zoning overlay with additional provisions, and new commercial zoning district for parking, are proposed to implement the policies. The proposed policies and regulations would prohibit new or expanded parking areas abutting Traditional Commercial Streets and instead, redirect the parking to locate behind the main rear wall of any building on the property. The recommendations also provide a framework to evaluate future applications for zoning amendments to permit residential lands within 75 metres of Traditional Commercial Streets to be used as parking areas. New vehicular access from the Traditional Commercial Street will be restricted. The Zoning Bylaw Amendment also proposes reductions to required off-street parking space provisions to harmonize requirements across the Traditional Commercial Streets. The recommendations also include a Demolition Control Bylaw applied to lands within 100 metres of the Traditional Commercial Street to prevent demolition of residential dwellings without an approved redevelopment plan.

The report also contains a description of other related issues beyond the scope of this study which may warrant further consideration. Therefore, it is recommended that administration work towards reporting back to City Council on potential issues arising from the proposed policy and regulatory changes.

BACKGROUND:

Section 38 of the *Planning Act* permits a municipality to pass an interim control by-law prohibiting the use of land, buildings or structures for such purposes as set out in the by-law (i.e. effectively „freezing“ certain types of development) for up to a year with the ability to extend the by-law for a further year. Interim Control By-laws 126-2015 and 127-2015 were adopted by Council on September 8, 2015, and came into effect on October 20, 2015 and September 8, 2015 (respectively). By-law 142-2015 was adopted on October 5, 2015 and came into effect on the same day.

Council initiated these By-laws due to concern over the proposed demolition of commercial buildings to create new surface parking areas within the Business

Improvement Areas (BIAs). The By-laws prohibit the creation of new or expanded off-street parking areas in BIAs. On March 21, 2016, Council endorsed the terms of reference for undertaking the land use study of parking areas within the City's BIAs and directed administration to examine the appropriateness of implementing design guidelines for surface parking within the BIAs.

Due to the scope of research and work involved, in September 2016, Council extended Interim Control Bylaws 126-2015, 127-2015 and 142-2015 for an additional year (i.e. until September 6, 2017) via CR552/2016 and By-law 136-2016.

In May 2017, Administration held a public open house to provide an opportunity for businesses, residents, BIA's and other interested stakeholders to review background material related to the study and ask questions of Administration. On June 19, 2017, Council received a „Phase 1“ report that presented background information for the land use study, which included:

- *Review of Official Plan and other policy;*
- *Review of Zoning By-law and other regulations;*
- *Inter-jurisdictional research;*
- *Field study;*
- *Consultation; and*
- *Analysis of the study area.*

Administration also engaged in consultation internally in the development of the proposed recommended policy and regulatory changes.

Study Area

Council also endorsed the revised study area as part of the Phase 1 Report, which includes BIAs and other Mainstreets, collectively identified as Traditional Commercial Streets (see Appendix A):

- Olde Sandwich Towne, Wyandotte Towne Centre, Erie Street, Ottawa Street, Walkerville, Ford City, Pillette Village, and Olde Riverside BIAs;
- Ouellette Avenue between Wyandotte Street and Tecumseh Road;
- University Avenue West between Randolph Avenue and Salter Avenue;
- Wyandotte Street West between California Avenue and Campbell Avenue; and
- Tecumseh Road East between Forest Avenue and Chilver; Cadillac Street and Larkin Road; and Westcott Road and Rossini Boulevard.

The study area is comprised of compact, mixed use commercial areas that were designed to be walkable with buildings close together (e.g. often adjoining) and building

facades abutting the public right-of-way. These areas were intended to serve the needs of the surrounding neighbourhoods and many served as the commercial centre of former towns prior to being annexed into the City of Windsor. In addition to serving the surrounding neighbourhoods, these areas have also become specialized retail, entertainment, and service destinations that draw customers from across the Windsor-Essex Region as well as out-of-town visitors.

Many of these traditional manistreet areas were designed and built prior to the automobile and as a consequence, off-street parking was not considered. Over the years many buildings along traditional commercial streets have been demolished to make space for surface parking. While parking is important to the modern-day success of these areas, the cumulative loss of buildings has a negative effect on the unique built form, walkability, character and economic potential of these Traditional Commercial Areas.

DISCUSSION:

The purpose of the study is to recommend a policy context that accommodates off-street parking while retaining the unique built form and positive characteristics in Windsor's Traditional Commercial Areas.

The following discussions on the Provincial Policy Statement and Official Plan form the supportive policy basis for the proposed policy amendments.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. Section 3(5) of Ontario's *Planning Act* requires that any planning matter decision of Council or a planning board be consistent with the PPS. With this in mind, the following analysis of the requested amendments is provided.

The PPS is intended to be read in its entirety and all relevant policies are to be applied to each situation. On a comprehensive basis the proposed Official Plan amendment and rezoning is consistent with the relevant themes of the PPS and specific policies, which include:

Section 1.1:	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns.
1.1.1(a)	promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

1.1.1(e)	promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
Section 1.1.3: Settlement Areas	
1.1.3.1	Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
1.1.3.2	Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1. efficiently use land and resources; 4. support active transportation; 5. are transit-supportive, where transit is planned, exists or may be developed; and b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for 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.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
Section 1.6.7: Transportation Systems	
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.
Section 1.7: Long-Term Economic Prosperity	
1.7.1	Long-term economic prosperity should be supported by: c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
Section 1.8: Energy Conservation, Air Quality and Climate Change	

1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
Section 2.6 Cultural Heritage and Archaeology	
2.6.1	<p>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p>

Official Plan

The Official Plan (OP) is a policy document which provides guidance for the physical development and redevelopment of the City over a 20-year time horizon while considering important social, economic, cultural and environmental matters and goals. The following is an overview of land use and design policies that are applicable to BIAs and Mainstreet areas.

Mixed Use

The majority of the study area is designated for the „Mixed Use” within the OP. Lands designated Mixed Use provide for compact nodes and linear corridors of commercial, office, institutional uses and residential uses. These areas are intended to be focal points of the surrounding community and *“designed with a pedestrian orientation and foster a distinctive and attractive area identity”*.

Location Criteria in section 6.9.2.3 directs Mixed Use development to collector and arterial roads where public transportation service can be provided and the surrounding area is compatible with Mixed Use development. Evaluation criteria in section 6.9.2.4 requires new mixed use development to provide adequate off street parking; be compatibility with surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and be pedestrian oriented; and feasible where traffic generation and distribution is a provincial or municipal concern.

Design guidelines in section 6.9.2.5 encourages at least one building wall to be located on an exterior lot line and oriented toward the street to allow direct sidewalk pedestrian access from the public right-of-way. Guidelines also encourage parking and loading areas to be located at the rear of buildings where they do not significantly interrupt the pedestrian circulation or traffic flow. Mid-block vehicular access to properties are discouraged while rear yard service road or alley access is encouraged.

Section 6.9.2.7 allows Council to establish off street parking standards that recognize and support the use of public transportation and/or shared parking arrangements (e.g. calculate parking requirements for entire mixed use area vs. individual uses/properties).

Commercial Corridor

A small portion of the study area is designated „Commercial Corridor“ (i.e. Pillette Village BIA and portions of Tecumseh Road East). The commercial corridor policies only permit commercial uses (e.g. retail, service, entertainment, and office). Similar to the mixed use policies, section 6.5.3.3 encourages *“development to provide a continuous street frontage and presence”* and *“locate the buildings at the street frontage lot line with parking accommodated at the rear of the site”*.

Evaluation criteria in section 6.5.3.7 requires adequate off-street parking be provided for new development. Design guidelines in section 6.5.3.8 encourage “where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street”.

Mainstreets

The OP identifies „Mainstreets“ on Schedule G: Civic Image. The majority of Mainstreets identified in the OP are BIAs, however Schedule G also includes sections of University Avenue West, Wyandotte Street West, Tecumseh Road East, and Wyandotte Street East near Lauzon Road. Mainstreets are defined in section 8.11.2.10 of the OP as areas with a diverse mixture of commercial, residential and other land uses; pedestrian activity along the streetscape; and unique surrounding neighbourhoods. Mainstreet policies in section 8.11.2.11 recognize the unique built form within these areas and require a higher quality of design and streetscaping within the public realm (e.g. neighbourhood specific street furniture and lighting, protection of views and vistas, and streetscaping that enhances the pedestrian experience).

Built Form

The Built Form policies in section 8.7.2.5 of the OP states that *“Council will require new development to support the creation of continuous building facades along Mainstreets*

through the street level presence of:

(a) community facilities, retail shops, and other frequently visited uses; and

(b) architectural features and elements which can be experienced by pedestrians.”

Policy 8.7.2.6 states that “*Functions which do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street*”.

Policy 8.7.2.9 states that “*Council will not allow the interruption of continuous building facades for driveway access unless no other reasonable alternative exists.*” This policy does however allow the strategic interruption of continuous building facades for pocket parks, plazas, or other open spaces that support street activity.

Streetscape

Policies 8.11.2.19 - 8.11.2.21 speak generally to mitigating effects of and reducing the scale of surface parking lots, including policy language that encourages:

- the partial screening of surface parking lots;
- the reduction in scale of large surface parking lots; and
- avoiding large expanses of surface parking fronting the street.

Based on review of OP policies conducted in Phase 1 of the Land Use Study, it was recognized that gaps remain in the current OP policies with respect to achieving the consistency with the PPS - especially with respect to the promotion of well-designed built form within mainstreets, for the purpose of supporting the long-term economic prosperity of these areas. The OP policies currently have descriptive language that generally encourages continuous built form and discourages parking abutting main streets, however it lacks specific policies that would implement this policy direction.

Official Plan Amendment

The proposed policy changes are packaged as a Special Policy Area (Appendix B-Proposed Official Plan Amendment) which would cover Traditional Commercial Areas that have a similar built form to the BIAs. The amendment also includes a new Schedule A.1 to Volume 1 of the OP to designate Traditional Commercial Streets and areas in the vicinity where the policies would apply to. The policy would apply to properties adjacent to and areas within 100m of the centerline of the Traditional Commercial Streets. The policy will guide new development or redevelopment of parking areas (i.e. creation or reconfiguration of five or more parking spaces).

Prohibiting Off-Street Parking Abutting Traditional Commercial Streets

The policy clearly prohibits parking abutting Traditional Commercial Streets to prevent any further disruption to the continuous building facades abutting the street. The policy also provides options for property owners who are seeking to provide parking in the study area. Underground parking, which creates the least amount of visual impact to the Traditional Commercial Street, as well as parking structures with ground floor commercial uses which continues active street frontages are some preferred options.

Parking areas accessory to a main use (i.e. on the same property as a commercial or mixed use building along Traditional Commercial Streets) would be permitted, however the surface parking is limited to the area behind the rear building wall so as to reduce the negative visual impact and allow for buildings to be located close to the Traditional Commercial Street.

Prohibiting New Vehicle Access Where Alley May be Used

The policy also seeks to minimize pedestrian and vehicle conflict by prohibiting new vehicular access from Traditional Commercial Streets as the access would interrupt the continuous building facades and negatively impact the walkability of the street. Instead, the policies permit vehicular access from the side street as well as from the alley where it exists to minimize the number of breaks there will be to the building wall. Where no other access is available to the lot other than from the Traditional Commercial Street, the access may be permitted, however limited in width.

Providing Opportunities for Off-Street Parking Behind Commercial Buildings

Recognizing that properties on Traditional Commercial Streets are sometimes completely covered with a building and have no excess space to provide accessory parking behind, the policy proposes a framework for providing parking in the vicinity of these streets - on properties behind the commercial properties.

Through extensive field visits of the areas, it is apparent that redevelopment of residential property into parking areas behind commercial blocks have been taking place over the years. Historically, these redeveloped lots were often designated as „Residential“ Land use under the OP, and would have required at least three Planning Act applications being an Official Plan Amendment, Zoning Bylaw Amendment, and a Site Plan approval in order to be redeveloped into a parking lot. Further, there is currently no policy direction to guide the rezoning of residential properties for use as a parking area.

The proposed policy makes it easier for the redevelopment to take place by removing the requirement to amend the Official Plan (saving time, money and risk of delays or denial) - provided the proposed parking area meets criteria set out in the proposed

policy subject to meeting of criteria. While redevelopment of residential properties is not ideal, it is a compromise that will reduce the demand for demolition of commercial buildings to provide parking abutting the Traditional Commercial Street.

The following criteria are applicable to proposed parking areas on residential properties in order to minimize adverse impacts to residential areas:

- Limits to the distance and extent to which parking areas may encroach into residential areas. The property being considered for rezoning must be located entirely within 75 meters (250 feet) of the centerline of an identified Traditional Commercial Street.
- No low profile housing, small scale form of development, are permitted between the proposed parking lot and Traditional Commercial Streets. The OP defines low profile housing, small scale forms as single detached, semi-detached, duplex, and row and multiplexes with up to 8 units. The intent of this criteria is to locate the proposed parking areas as close as possible to the businesses that it would serve, as well as minimizing the impacts of parking to as few residential properties as possible.
- Properties with cultural heritage value identified on the Municipal Heritage Register cannot be rezoned for use as a parking area.
- Enhanced landscaping design will be required to minimize adverse impacts on abutting residential properties and ensure parking areas are safe and attractive.

The 75 metre distance from the centre of traditional commercial streets is based on a number of existing municipally and privately owned parking lots within BIAs. These lots, which represent good examples of off-street parking areas were constructed on two or three former residential lots. The approximate distance from the centre of Traditional Commercial streets, across half of the right-of-way, the commercial property, alley and three 9 metre (or 30 foot) residential properties is 75 metres. In addition to being based on current examples it is the opinion of Planning Staff that this distance represents a desirable balance between creating enough space for a functional parking lot and not encroaching too far into residential blocks.

If and when any residential lot is proposed to be converted into a parking area, the Rezoning application would require standard notification practices (current standards are to notify property owners within a 120m). The rezoning application to change the use of the lands will be decided by Council on a site-by-site basis, and the public would have an opportunity to provide their comments on the individual applications at the Planning, Heritage and Economic Development Standing Committee as well as at Council meetings.

Enhanced Landscaping and Screening of Parking Areas

All new proposed off-street parking areas within and adjacent to traditional commercial streets will be subject to enhanced landscaping and screening policies. The goal of these policies is to reduce the visibility of the parking from right of ways, improve the aesthetics and safety of parking areas as well as mitigate any potential adverse impacts on neighbouring properties. The Site Plan Control process will implement any landscaping requirements.

Exception

Due to the parallel orientation of Drouillard Road and surrounding residential streets the creation of a parking area on residential properties behind commercial buildings could result in an undesirable mid-block parking on a residential street. For this reason a parking area may be permitted on property abutting Drouillard Road - provided it is located behind the front wall of the building.

Preventing Residential Demolition

The maintenance of existing commercial and mixed use built form along traditional commercial streets is the primary goal of the study. By directing parking areas behind commercial buildings, the demolition of residential property adjacent to traditional commercial streets becomes an issue. Where loss of residential dwellings is a concern the *Planning Act* allows Council to pass a demolition control by-law that provides Council with authority to issue or refuse residential demolition requests subject to conditions. Where no demolition control by-law is in effect the Chief Building Official must issue a demolition permit within 10 days of receiving an application if all requirements under the Building Code Act have been complied with.

The proposed demolition control policy and respective by-law helps prevent demolition of buildings with a dwelling unit component along Traditional Commercial Street, and is extended to a 100m centerline distance from the street to the surrounding neighbourhood to ensure the same protection is provided to the side streets. Council may impose conditions to ensure residential redevelopment is completed within a proposed timeframe and to ensure that the demolished property is not left vacant. The Redevelopment Plan policies that other Demolition Control Areas are subject to and referenced from Volume 1 of the Official Plan, which allows for landscaped open space, does not apply to this special policy area.

Zoning By-law Amendments

Parking Overlay

Currently many of the properties within the study area have zoning districts that allow

for a public parking area as a permitted use (i.e. standalone parking area). Parking area locations and access are generally not restricted in the study area save and except for some of the heritage areas.

Amendments to Zoning Bylaw 8600 (ZBL) implement the OP Special Policy Areas relating to the location of parking areas and site design. To implement the policy across a number of different zoning districts an overlay is used to apply additional zoning provisions on top of the existing (underlying) zoning for properties abutting Traditional Commercial Streets through “Specific Zoning Exceptions in Certain Areas” under Section 20 of the ZBL (Appendix C- Proposed Zoning By-law 8600 Amendments). Bicycle parking is exempt from this zoning overlay provision.

Permitted Uses

Within the overlay a public parking area is prohibited, however a parking garage with permitted ground floor uses extending from the Traditional Commercial Street at least 10 metres (32 feet) deep into the building is permitted. The intent of this provision is to allow for structured parking as long as an active commercial use is maintained abutting the street.

Location Related Additional Provisions

Accessory parking areas serving a use (or uses) on the same property as well as parking aisles, and stacking spaces are prohibited between the street and the building as well as to the side of buildings. All parking areas must be located behind the furthest main rear building wall. The zoning overlay also prohibits vehicle access (i.e. curb cuts and driveways) from the Traditional Commercial Streets unless there is no alternative way of access via side street or alley. Where permitted, the driveway access is also limited to a maximum of one per property and to maximum width of 7m; minimum is lowered for two-way access to 3m for parking areas leading to 20 parking spaces or less. These restrictions and prohibition seeks to minimize vehicle and pedestrian conflict, leave more room for on-street parking spaces, and maximize building footprints abutting traditional commercial streets. The minimum required width provides opportunities for vehicular access to small/medium scale parking areas while still retaining most of the street frontage for active uses.

The Drouillard Road Area is considered differently as well in the ZBL where the regulations are written so that parking between the front of the building and the street is not permitted, while allowing for parking at the side and rear of the building. Similar driveway access restrictions would apply.

School related uses such as School Bus Loading Zones and Kiss-and-Ride Zones were not intended to be affected by these regulations therefore are exempt. Schools will be subject to all other off-street parking regulations proposed.

New Commercial District 1.13 for Converted Parking Areas

A new Commercial District 1.13 has been created to provide a consistent zoning framework that can be applied to properties located at the back of the Traditional Commercial Streets, when the properties apply for a rezoning to create parking areas or public parking areas. Recognizing that the area which may be rezoned for parking behind Traditional Commercial Streets is limited, the new commercial district provides for efficient parking area design by removing the separation originally required between parking areas and alleys. The priority for parking area separation is the area between parking and an interior lot line (e.g. adjacent to a residential use) of a minimum of 0.9 metres (3 feet). Where the lot width can accommodate a greater separation from abutting residential uses, a separation greater than 0.9 metres is required.

Reduced Parking Requirements

The ZBL currently has reduced minimum off-street parking requirements for certain uses (e.g. restaurants, retail stores, offices, etc.) within the Central Business District (CBD) as well as in Business Improvement areas and other defined areas. The amendments also propose extending the reduction of required parking spaces that currently already applies to BIAs to other Mainstreets areas that are also considered Traditional Commercial Areas in the Special Policy Area. The harmonization of parking requirements within these areas, which have similar built form, transit services, and walkable/active transportation amenities will make reuse of vacant spaces and infill development easier.

Demolition Control Bylaw

The proposed OP policy may increase the potential of parking lots being created on residential lands (i.e via rezoning) behind Traditional Commercial Streets. This also has the potential of increasing the demolition of existing residential units. Normally, a demolition permit is required to be issued within 10 days of application through regular processing through the Chief Building Official. The *Planning Act* provides authority to create a Demolition Control Bylaw which prohibits the demolition of dwellings units. Where such a by-law applies, a demolition application can be approved or refused by Council within thirty days of receiving an application, following which the applicant has rights to appeal to the Ontario Municipal Board. Demolition Control provides Council with the ability to refuse proposed demolitions for dwellings units where there are no concrete plans for redevelopment.

The proposed Demolition Control By-law extends 100 metres (330 feet) either side of the centreline of the Traditional Commercial Streets identified in the Special Policy Area of the Official Plan (Appendix D- Proposed Demolition Control By-law). The Sandwich area was not included in the newly proposed Demolition Control Bylaw as a large

portion of Sandwich is already subject to Demolition Control 20-2007. Demolition Control By-law 11806 and Bylaw 9198 also overlap with the Wyandotte Town Center BIA area and the latter is also in effect in the Erie Street BIA, however where in conflict, the newly proposed Demolition Control Bylaw would prevail. Where a construction permit has been issued for a new replacement building, the property shall not be exempt to Demolition Control but Council will issue a demolition permit for the residential property subject to standard *Planning Act* conditions.

The Demolition Control Bylaw would not apply to buildings that are subject to a demolition order under the *Fire Protection and Prevention Act*. Properties on the Windsor Municipal Heritage Register would be subject to the demolition provisions of the *Ontario Heritage Act* rather than this Demolition Control Bylaw. Property would also be exempt to Demolition Control where it has undergone a successful rezoning for parking through the associated Special Policy Area and regulations for Off-Street Parking in Traditional Commercial Areas. If the demolition is granted by Council, the property is still subject to requirements to construct or redevelopment within a certain time frame determined by Council and could face tax penalties against the land should the timeline not be met.

Other Related Issues

Throughout the study process, issues have been raised that extend beyond the scope of the study, however may warrant future study and consideration. Some of these items include:

Built Form & Urban Design

Built form and other Urban Design related elements were not part of the scope of this study. However, these elements are essential components that support the character and vitality of Traditional Commercial Areas. In addition to policies, creation of urban design guidelines not restricted to parking areas may be helpful in supporting the continuous building walls along Traditional Commercial Areas.

Heritage Buildings

Planning staff have been undergoing a continual exercise to survey Traditional Commercial Streets and their surrounding areas for heritage buildings. Over twenty commercial properties were identified with potential cultural heritage value and were proposed to be added on the Windsor Municipal Heritage Register. Inclusions to the Windsor Municipal Heritage Register of Residential properties with potential cultural heritage value will be proposed shortly.

Parking Study

This Land Use study does not investigate neighbourhood or block area parking demand and supply. A parking study may provide analysis and recommendations regarding on-street parking, residential parking permits, adjustments to parking requirements such as maximum parking requirements, and other issues relevant to traditional commercial streets.

Shared Parking

Shared parking optimizes parking capacity as it enables complementary land uses with varying peak schedules to share parking spaces. In areas such as Traditional Commercial Areas where a cluster of businesses/activities are closely located and where there is inadequate land for parking areas, a shared parking study may be warranted in the future.

Bicycle Parking

The demand or shortage of vehicular parking in BIA can be alleviated by creating environments that enhance or encourage other alternative modes of transportation such as cycling. Currently, under Zoning Bylaw 8600, the required number of bicycle parking is directly linked to the number of parking spaces in the parking area. This report does not deal with Bicycle parking. It is anticipated that the recently approved Active Transportation Study will recommend future transportation network improvements, possibly including some measure on bicycle parking and infrastructure.

Autonomous Vehicles

Though not a common reality yet, it has been projected that Autonomous Vehicles will become widely adopted in 7 to 15 years. This will result in significant modifications to site and building access and is anticipated to also reduce the need for additional parking areas. Meanwhile, it is important to retain building stock fronting onto streets and not remove them for surface parking.

Alley Improvements and Maintenance

The proposed policy and regulations may result in a greater shift of vehicular traffic from busier streets to alleys. While alley improvements to upgrade the infrastructure may be required as part of site plan approval, the overall maintenance budget such as the cost of winter control will have to be increased as alley usage increases, to ensure public safety.

Under the Accessibility for Ontarians with Disabilities Act (AODA), where parking for a development is located on the opposite side of an alley from the building it is serving, the alley may form part of the exterior path of travel under the AODA and be required to

build to higher standards of construction and/or maintenance than is typical for an alley. This issue could also be addressed under the Site Plan approval process, in consultation with Legal and/or Risk Management.

Cut-Through Traffic

There has been concern that the emphasis on access through adjacent local roads would result in increased vehicular traffic passing through residential areas. Traffic calming or other measures may have to be explored further should such an unintended consequence arise.

RISK ANALYSIS:

There are community risks associated with any actions or inaction related to this study. Failing to make policy or regulatory changes prior to the expiration of the interim control by-law may result in demolition request for buildings abutting traditional commercial streets to construct parking areas. Requests to establish new or expanded parking areas on currently vacant properties may also materialize. Both of these risks would detract from the walkability, unique character, and economic viability of traditional commercial streets.

Risks associated with adopting the recommended policy and regulatory changes include:

- Potential loss of Residential dwellings within 75 meters of traditional commercial streets
- Reduction of minimum off-street parking requirement for certain uses may result in increased demand for on-street parking as well as increased demand for new residential permit parking areas
- Increase use of public alleys will require additional resources for maintenance
- Appeals to the Ontario Municipal Board

FINANCIAL MATTERS:

This study has been undertaken by Planning Staff using existing resources. Implementation of the OP and zoning amendments and demolition control by-law do not require funding. Indirect costs related to the amendments could include increases to the alley maintenance budget and potential funding for future studies within traditional commercial areas.

Assessed property values and tax levies within traditional commercial streets are expected to increase as commercial and mixed use buildings occupy the property that used to contain surface parking. The new limits to access from the Traditional

Commercial Streets preserves more of the curb to accommodate on-street parking and to retain use of revenue-generating parking meters.

CONSULTATIONS:

Public Notice & Engagement

In March 2017, Administration attended the Windsor Business Improvement Area Advisory Committee to present an overview of the Interim Control By-law study and update members on the study project timelines. The BIA coordinators were notified by email, and property owners located within 100m of the centreline of the Study Area were provided a courtesy mailed notice one week before the Phase 1 Background Report was presented at the May 15, 2017, Planning Heritage Economic Development Standing Committee.

The notice provided different opportunities for interested parties to continue engaging in the study process by contacting staff via phone, email or by registering for study updates through an online comment form. The notice also referred to a webpage that was created to inform about the Interim Control Bylaw Study progress. 311 and media release by the City of Windsor, as well as reporting by traditional media also ensured that the public was well notified about the ongoing study.

Interested parties who signed up for study updates were informed of this report by email or phone. An advertisement was placed on Windsor Star on June 16, 2017 as mandated by the Planning Act.

Comment Form

A comment form was created and made available online prior to the Open House date on May 24th until June 15 to give the public an opportunity to provide feedback. (Appendix E- Comment Form). Comments were also received through the Open House session held on May 24th. There were several comments received by interested parties that are summarised/reported in Appendix F- Comments received from the Public.

Departments and Agencies

Administration engaged in discussions and worked with a number of municipal departments and external agencies during the study period to draft the policies/regulations. Comments from municipal departments and external agencies are attached as Appendix G.

CONCLUSION:

Balancing good urban design while accommodating large amounts of surface parking is an inherently compromising exercise. Too much space dedicated to parking has a

negative effect on character, visual appeal, and walkability - leading to vacant and underused buildings and property. Failing to plan for and accommodate parking can cause issues to spill over into surrounding residential areas. The proposed amendments to the Official Plan and Zoning By-law seek a balanced approach that prohibits standalone surface parking abutting the Traditional Commercial Streets and redirects parking to be located behind the commercial buildings.

It also creates a consistent framework and opportunity for parking areas behind the Traditional Commercial Streets to be converted into parking lots to serve the uses along the Traditional Commercial Streets. The proposed Demolition Control By-law within Traditional Commercial Areas will simultaneously provide protection against any demolition of any residential properties behind identified streets and the mixed-use buildings along the Traditional Commercial Streets.

This report concludes the Interim Control By-Study and implements the intent of the study to retain the unique continuous built form of Traditional Commercial Areas and to prevent demolition of buildings in those areas for surface parking.

PLANNING ACT MATTERS:

Greg Atkinson, MCIP, RPP

Planner III-Economic Development

Kristina Tang

Planner II-Revitalization & Policy Initiatives

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

Thom Hunt, MCIP, RPP

City Planner/Executive Director of Planning and Building

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

SAH

OC

APPROVALS:

Name	Title
Michael Cooke	Manager, Planning Policy
Don Wilson	Manager, Development Applications
Thom Hunt	City Planner, Executive Director of Planning & Building Department
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Rosanna Pellerito	Manager, Operating Budget Control and Financial Administration
Dwayne Dawson	Executive Director, Operations and Deputy City Engineer
Mark Winterton	City Engineer
Onorio Colucci	Chief Administrative Officer

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APPENDICES:

Appendix A- Map of Study Area

Appendix B- Proposed Official Plan Amendment: Special Policy Areas

Appendix C- Proposed Zoning By-law 8600 Amendments

Appendix D- Proposed Demolition Control By-law

Appendix E- Comment Form

Appendix F- Comments from the Public

Appendix G- Comments from Internal Departments and External Agencies