



**The Corporation of the City of Stratford
Planning and Heritage Committee
Open Session
AGENDA**

Date: Monday, April 8, 2019

Time: 7:15 P.M.

Location: Council Chamber, City Hall

Committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Mayor Mathieson, Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Sebben, Councillor Vassilakos

Staff Present: Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Ed Dujlovic - Director of Infrastructure and Development Services, Michael Humble - Director of Corporate Services, David St. Louis - Director of Community Services, Jacqueline Mockler - Director of Human Resources, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead

Pages

1. Call to Order

The Chair to call the Meeting to Order.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

3. Sub-committee Minutes 5 - 12

Sub-committee minutes are attached for background regarding the discussion held at the March 28, 2019 Sub-committee meeting.

4. Delegations

None scheduled.

5. Report of the Manager of Development Services

5.1 Zone Change Application Z02-19, 45 Cambria Street and Pt Lot 30C, Plan 93, Planning Report (PLA19-008) 13 - 36

Motion by _____

Staff Recommendation:

1. THAT Council resolve in accordance with Section 34(17) of the Planning Act, that no further public notice is required to consider change to the requested permitted land uses, specifically to remove laundromat as a permitted use and to restrict the size of a restaurant use at 45 Cambria Street.
2. THAT the zoning of 45 Cambria Street BE CHANGED from a General Industrial I2 Zone to a General Industrial Special I2-32 Zone;
3. And THAT the zoning for Pt Lot 30C, Plan 93 BE CHANGED from a Residential R2(2) Zone to a Residential Special R2(2)-48 Zone for the following reasons:

public input was received and considered;

the request is consistent with the Provincial Policy Statement;

the request is consistent with the goals and objectives of the Official Plan; and

the zone change will provide for zoning that is consistent with the Official Plan policies.

5.2 Heritage Stratford Resolution-“Non-Designated” Properties for Municipal Heritage Register (PLA19-007) 37 - 40

Staff Recommendation: THAT Council direct staff to notify the 44 property owners of the Heritage Stratford resolution and inform them of the upcoming public open house;

THAT staff hold a public open house to educate and inform affected

property owners and the public on the objectives of including non-designated properties on the Municipal Heritage Register;

AND THAT following the public open house, staff forward a final recommended list of properties to be included on the Municipal Heritage Registry as non-designated properties for Council's consideration.

Motion by _____

Sub-committee Recommendation: THAT Council direct staff to notify the 44 property owners of the Heritage Stratford resolution and inform them of the upcoming public open house;

THAT staff hold a public open house to educate and inform affected property owners and the public on the objectives of including non-designated properties on the Municipal Heritage Register;

AND THAT following the public open house, staff forward a final recommended list of properties to be included on the Municipal Heritage Registry as non-designated properties for Council's consideration.

6. Report of the Municipal By-law Enforcement Officer

- 6.1 Proposed variance to Sign By-law #159-2004 for 17 George Street West (PLA19-009) 41 - 43**

Motion by _____

Staff Recommendation: THAT the requested sign variance to allow two 1.07m x 3.4m (42inch x134inch) internally illuminated fascia signs on the north and west facing walls of the building, above the main entrance, for the City of Stratford Police Service be approved.

7. For the Information of Committee

- 7.1 Project Update 44 - 45**

The Manager of Development Services provided a verbal update on ongoing projects in the City, noting 1 new zone change application, 1 new condominium application and one new site plan application since last month. He reviewed numbers for various applications. The Project Update will be attached to the April 8, 2019 Planning and Heritage Committee agenda in its entirety.

- 7.2 Demolition Control By-law (PLA19-006) 46 - 63**

This item has been listed on the April 23, 2019 Planning and Heritage Committee agenda to allow the CBO to have further discussion with the

Stratford and Area Builder's Association.

Sub-committee Recommendation: THAT Council receive the Demolition Control By-law report;

THAT prior to formal approval there is a Public Notification of Council's intent to pass a Demolition Control By-law;

AND THAT following notification Council consider approving the draft Demolition Control By-law.

8. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by _____

Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.



**The Corporation of the City of Stratford
Planning and Heritage Sub-committee
MINUTES**

Date: March 28, 2019

Time: 4:30 P.M.

Location: Council Chamber, City Hall

Sub-committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Bunting, Councillor Clifford, Councillor Vassilakos

Staff Present: Jeff Leunissen - Manager of Development Services, Jodi Akins - Council Clerk Secretary, Mike Beitz - Corporate Communications Lead, Jonathan DeWeerd - Chief Building Official

Also present: Gary Lingard and Daryl Pol (Item 4.1), Members of the Public

1. Call to Order

The Chair called the meeting to Order.

Councillor Clifford provided regrets for this meeting.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made at the March 28, 2019 Subcommittee meeting.

3. Delegations

None scheduled.

4. Report of the Chief Building Official

4.1 Demolition Control By-law (PLA19-006)

Staff Recommendation: THAT Council receive the Demolition Control By-law report;

THAT prior to formal approval there is a Public Notification of Council's intent to pass a Demolition Control By-law;

AND THAT following notification Council consider approving the draft Demolition Control By-law.

Sub-committee Discussion: The Chief Building Official summarized the staff report and explained the purpose of a demolition control by-law is to give the municipality control over premature demolition of housing stock and ensuring that replacement structures are approved and built within a reasonable time.

The number of residential demolitions and rebuilds was pointed out in the report, with only 3 properties not rebuilt within 6 months of issuing a building permit.

Staff met with Heritage Stratford and the Stratford & Area Builder's Association and their comments are summarized in the report. Heritage Stratford was in general support and SABA expressed concern as to whether the numbers justified a by-law. No written concerns were received by Building staff, although SABA did submit written concerns to the Clerk's Office.

The CBO reviewed how the process for a Demolition Control Application process would work and recapped the highlights of the draft by-law.

It was questioned by Sub-committee whether there could be subsequent fines beyond the \$20,000 for leaving a property vacant past the two year deadline, expressing concern that the fine may be paid but the property could continue to sit vacant. The Manager advised that staff would have to consult with the City's solicitor regarding fines.

The Chair advised that correspondence from SABA dated February 15, 2019 was received by the Clerk's Office and was circulated to Sub-committee members and staff prior to the meeting.

Motion by Councillor Ritsma

Sub-committee Decision: THAT a representative from the Stratford & Area Builder's Association be heard regarding the proposed Demolition Control By-law.

Carried

Gary Lingard introduced himself and Daryl Pol as volunteers for SABA and provided some history on their experience in the building/developing industry. He stated that builders are here to make money and suggested that they will not sit on land. They want to solve any problems and build. Typically builders make \$10-15,000 per single family house. Developers can sometimes make more depending on the situation, and some examples were provided.

The cost of a house is 1/3 cost of building, 1/3 is cost of the land and 1/3 is taxes and fees. Mr. Lingard suggested that this by-law is a fee. He expressed concerns that this by-law would not help affordable housing, that the cost to build here was more expensive than London or Kitchener, that the number of demolitions did not justify this by-law and that additional costs would be added up front for site plans which may need to be changed.

He stated that the City, SABA and the builders all need to be on the same page. The current relationship is good but what the builders and developers need is a stable, cost-effective environment to build in.

Daryl Pol stated that his big question is why and what are they trying to accomplish with this by-law. They are being penalized for taking down homes and rebuilding new homes, noting that they have not taken down

a home without increasing the housing stock when rebuilding. They have started to shy away from purchasing, demolishing and rebuilding homes due to increasing costs and this may be another hurdle.

Mr. Pol stated that there are cost savings in utilities to removing a home quickly. He questioned timing in the by-law, noting that they understood they would have to apply for a site plan six months after demolition. The CBO clarified that under the draft by-law they would have 2 years to construct after demolition. Mr. Pol requested a longer time period, noting that they occasionally wait for neighbouring properties to become available for purchase before developing. He also expressed concern that they have to work very hard to make decent profit margin on infill properties and this is another deterrent. He expressed a want to build affordable housing in Stratford and he believes this by-law is more red tape.

In response to a question from Sub-committee regarding a timeline from purchase to construction, Mr. Pol replied it can take up to 3-4 years, depending on whether a zone change is required.

As to whether they have considered renting properties instead of demolishing until the time came to rebuild, Mr. Pol responded that in some situations they could but many times, the homes are not suitable for a renter and the cost to improve the home for a renter for a short period of time would not be recouped. Mr. Lingard suggested if it was worth fixing up to rent, it would be worth renovating and selling as a single family home.

The Chair stated that she put this motion forward as there have been a number of neighbourhoods in the city that have had their stability threatened due to premature demolitions and lots sitting vacant.

With respect to the three properties that fell outside of the six month building permit timeline, the CBO advised that they were rebuilt within a year.

A Sub-committee member suggested that builders of larger developments of condos or townhouses could apply to Council for an extension of the two year deadline. Mr. Lingard stated that they believe that Stratford is a

heritage town and that this control should be done by other means. Mr. Pol expressed concern that a Council exemption is still red tape to deal with. Mr. Lingard expressed understanding for where Sub-committee is coming from but noted that builders need to know as many rules prior to purchasing as possible and the possibility that Council may turn down an application for demolition is concerning.

Discussion took place regarding demolition control by-laws in other municipalities and whether there are provisions under the Heritage Act for demolition controls. The CBO advised that the draft by-law was based off the Kitchener, Waterloo and Hamilton by-laws.

Both Mr. Lingard and Mr. Pol suggested that this seems to be heritage specific and expressed concern that a blanket by-law is not appropriate.

The Chair clarified that this is not a heritage issue; it is to replenish housing stock and stabilize neighbourhoods by not letting lots sit vacant. She suggested that the cost of the program won't cost builders anything else, as it will be covered under the cost of the existing demolition permit.

Mr. Lingard stated that their concern is having to put site plans up sooner, as they understood that they would be required to file a site plan prior to getting a demolition permit. It was noted that the only additional fee would be the \$20,000 fine if the property is not rebuilt within two years, and only if they do not come to Council requesting an extension, as long as it is granted.

The CBO clarified that if it is a single residential, infill lot, site plan approval is not required prior to demolition.

The Manager added for clarity that there are two different permits. A demolition control permit under the Planning Act, which is what is being discussed and a demolition permit under the Building Code, which is existing.

Mr. Pol stated that he would need some additional time to think about it further as SABA had interpreted the proposed policy different than what they were hearing today.

In response to where the \$20,000 fine came from and whether Council

could reduce that, the CBO advised that is the maximum fine out of the Planning Act and the solicitor reviewed the fine structure based on what other municipalities were doing.

With respect to the two-year timeframe, that is the minimum time for a demolition control by-law and it can be extended.

The CBO advised that no dates have been set for public notification at this time.

Motion by Councillor Ritsma - Vice Chair

Sub-committee Recommendation: THAT Council receive the Demolition Control By-law report;

THAT prior to formal approval there is a Public Notification of Council's intent to pass a Demolition Control By-law;

AND THAT following notification Council consider approving the draft Demolition Control By-law.

Carried

5. Report of the Manager of Development Services

5.1 Heritage Stratford Resolution-"Non-Designated" Properties for Municipal Heritage Register (PLA19-007)

Staff Recommendation: THAT Council direct staff to notify the 44 property owners of the Heritage Stratford resolution and inform them of the upcoming public open house;

THAT staff hold a public open house to educate and inform affected property owners and the public on the objectives of including non-designated properties on the Municipal Heritage Register;

AND THAT following the public open house, staff forward a final recommended list of properties to be included on the Municipal Heritage Registry as non-designated properties for Council's consideration.

Sub-committee Discussion: The Manager of Development Services reviewed the staff report, explaining the purpose of the Municipal Heritage Register and that non-designated properties of interest could be added.

There are 44 properties that have been identified as having cultural or heritage value but that have not been designated. Heritage Stratford has suggested that they contact those property owners prior to adding to the list and staff concur.

Staff are recommending that property owners be contacted and explain what it means to be on the register. If on the Register, property owners wouldn't be able to demolish or materially change the house without Council approval. Council would have 60 days to give approval.

Staff are planning a consultation process and open house and intend to bring back a list of properties for addition to the Register.

Motion by Councillor Bunting

Sub-committee Recommendation: THAT Council direct staff to notify the 44 property owners of the Heritage Stratford resolution and inform them of the upcoming public open house;

THAT staff hold a public open house to educate and inform affected property owners and the public on the objectives of including non-designated properties on the Municipal Heritage Register;

AND THAT following the public open house, staff forward a final recommended list of properties to be included on the Municipal Heritage Registry as non-designated properties for Council's consideration.

Carried

6. Project Update

The Manager of Development Services provided a verbal update on ongoing projects in the City, noting 1 new zone change application, 1 new condominium application and one new site plan application since last month. He reviewed numbers for various applications. The Project Update will be attached to the

April 8, 2019 Planning and Heritage Committee agenda in its entirety.

7. Advisory Committee/Outside Board Minutes

There are no Advisory Committee/Outside Board minutes to be provided to Sub-committee at this time.

8. Next Sub-committee Meeting

The next Planning and Heritage Sub-committee meeting is April 25, 2019 at 4:30 p.m. in the Council Chamber, City Hall.

9. Adjournment

Motion by Councillor Vassilakos

Sub-committee Decision: THAT the Planning and Heritage Sub-committee meeting adjourn.

Carried

Meeting Start Time: 4:30 pm

Meeting End Time: 5:19 pm



MANAGEMENT REPORT

Date: April 8, 2019
To: Planning and Heritage Committee
From: Jeff Leunissen, Manager of Development Services
Report#: PLA19-008
Attachments: None

Title: Zone Change Application Z02-19, 45 Cambria Street and Pt Lot 30C, Plan 93, Planning Report

Objective: The purpose of this report is to provide staff's recommendation on the Zone Change Application submitted by Michael Heisz, accepted on January 28, 2019, to rezone the property at 45 Cambria Street and the property legally described as Pt Lot 30C, Plan 93.

45 Cambria Street

The requested Zoning By-Law Amendment on the lands at 45 Cambria Street is to rezone the lands from a General Industrial I2 Zone to a General Industrial Special I2 Zone to permit the following uses: a contractor's yard or shop, a dwelling unit as an accessory use, a factory store, a food processing establishment, an industrial use, a private club, a veterinarian clinic, a warehouse, a business and professional office, a personal care establishment, a personal service establishment and take-out or eat in restaurant. The applicant is also requesting special regulations to reduce the minimum setback for parking spaces from West Gore Street to 2.7m.

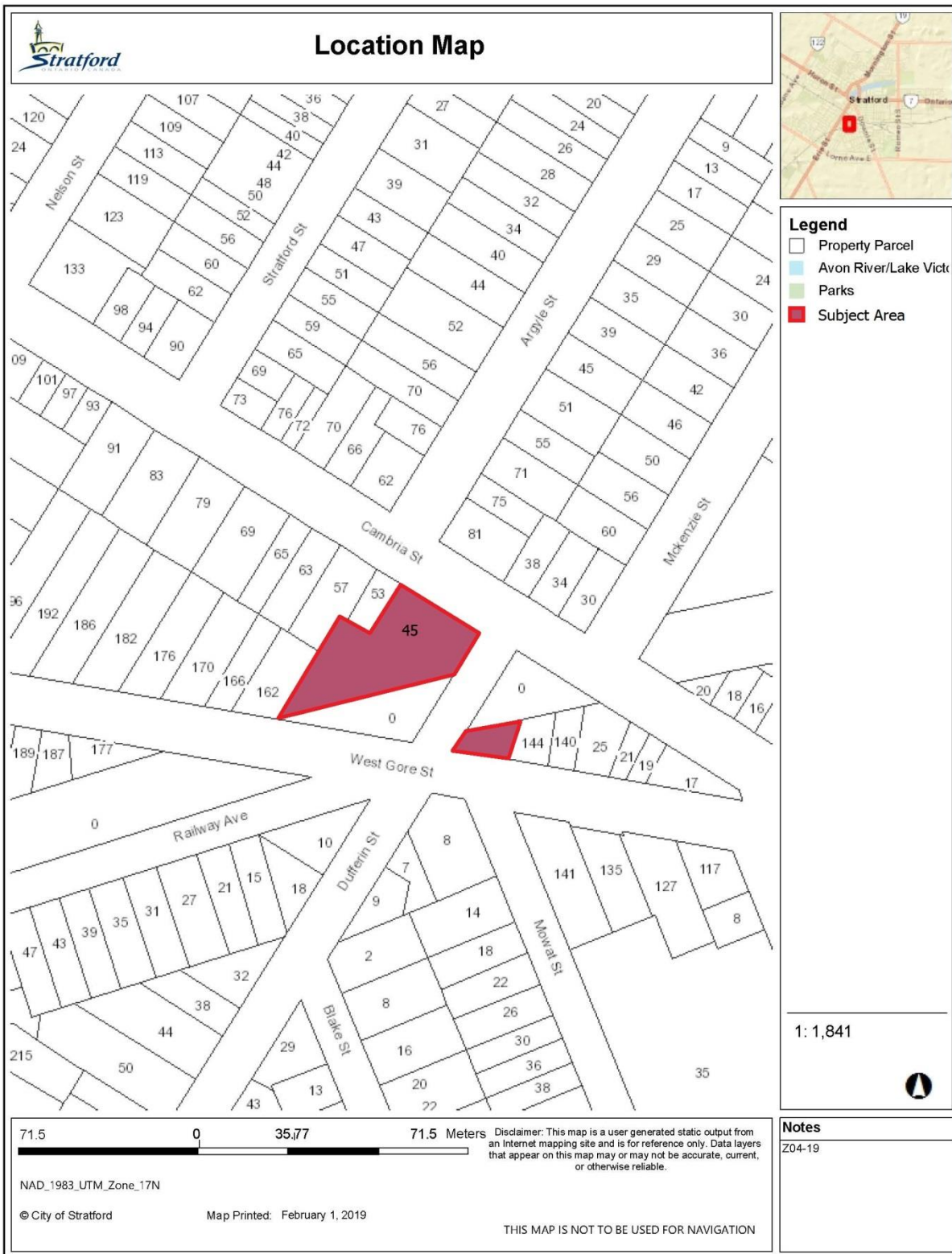
The applicant has removed the laundromat from the list of requested uses in the Special I2 Zone.

Pt Lot 30C Plan 93

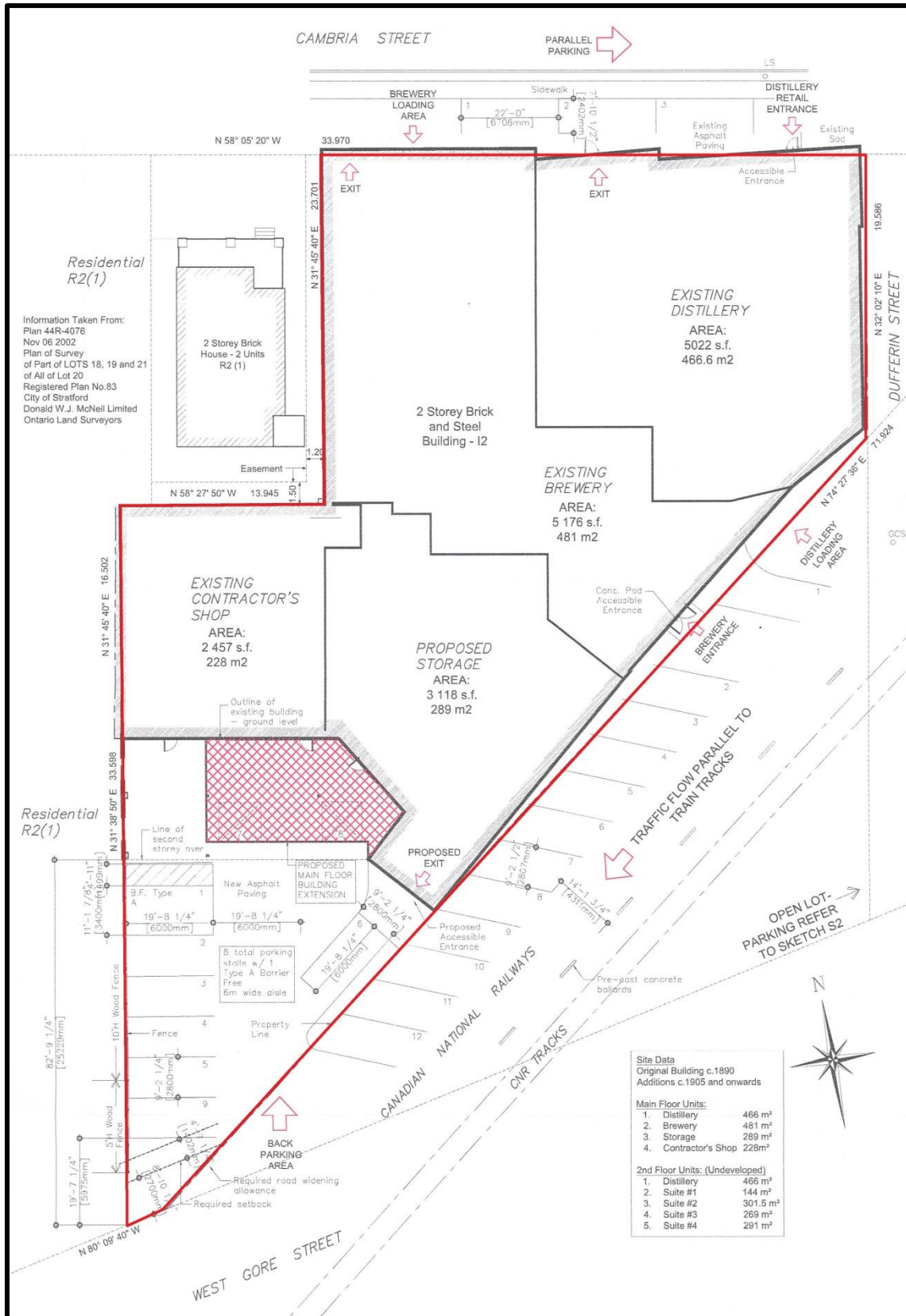
The requested Zoning By-Law Amendment on the lands legally described as Pt Lot 30C Plan 93 is to rezone the lands from a Residential Second Density R2(2) Zone to a Residential Second Density Special R2(2) Zone to permit parking accessory to uses permitted at 45 Cambria Street and to reduce the minimum setback for parking spaces from West Gore Street to 2.7m.

In support of the application, a Planning Justification Report, prepared by Jeff Elliott and dated January 2019, was submitted.

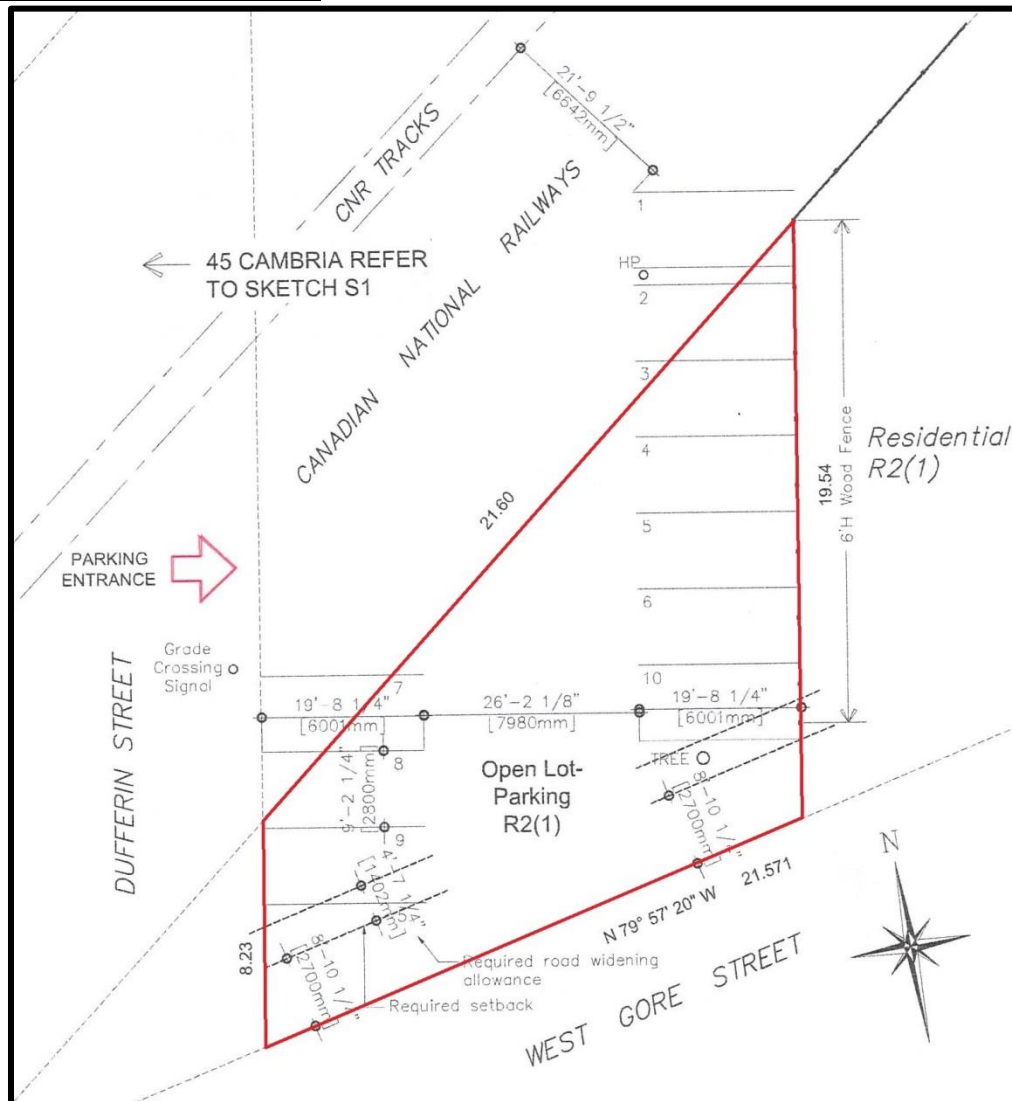
Zoning and Location Map



Concept Plan – 45 Cambria Street



Concept Plan - Pt Lot 30C Plan 93



Additional Information

Although not part of this application, the concepts plans both show parking on lands immediately adjacent to the subject lands. The owner has entered into an agreement with Canadian National Railway to allow them to use these adjacent lands for parking and access to the site.

Background: The subject lands consist of two separate properties, 45 Cambria Street and Pt Lot 30C, Plan 93, located on the southwest corner of Cambria Street and Dufferin Street and the northeast corner of West Gore and Dufferin Street respectively.

The subject lands at 45 Cambria have an approximate area of 2119 m² and a lot frontage of 37.5 m and the lands legally described as Pt Lot 30C Plan 93 have an approximate area of 364 m² and a lot frontage of 28.2m.

Site Characteristics - 45 Cambria:

Existing Use: Multi-use building: distillery, brewery, industrial storage
 Frontage: 37.5 m (123 ft)
 Depth: Irregular
 Area: 2119 m² (0.52 ac)
 Shape: Irregular

Site Characteristics - Pt Lot 30C Plan 93:

Existing Use: Vehicle parking
 Frontage: 28.2 m (93 ft)
 Depth: Irregular
 Area: 364 m² (0.09 ac)
 Shape: Irregular

Surrounding Land Uses:

North: Single family residential (Residential)
 East: Railway Lands / Single family residential (Residential)
 West: Single family residential / Duplex (Residential)
 South: Railway Lands / Single Family Residential (Residential)

Agency Comments

Circulation of the application to various agencies produced the following comments to date (March 29, 2019):

Engineering Services

- A 1.44 m road widening is required along both Cambria Street and West Gore Street.
- Parallel parking is permitted on the south side of Cambria Street
- The parallel parking spaces in front of the building on Cambria Street are not legal parking spaces.
- The measurements for setback and widenings depicted should be flipped on the sketch.

Building Services

- No comments

Fire Department

- No concerns

Upper Thames River Conservation Authority

- No objection

CN Rail

- CN Rail does not have any concerns about the zoning change as the uses are similar to the existing uses. We would request to be circulated on any additional permits for this site that may change the building configuration or site grading.

Festival Hydro

- No concerns

Stratford Police

- No concerns

Stratford Transit

- No concerns

Subject Lands 45 Cambria from Dufferin Street



Subject Lands 45 Cambria from Cambria Street



Subject Lands 45 Cambria from West Gore Street



Subject Lands Pt Lot 30C Plan 93



History

On January 18, 2018, a building permit for a brewery, with an accessory beer tasting room, was issued for one of the units located within the building addressed as 45 Cambria Street. A brewery is permitted in the General Industrial I2 Zone. Accessory uses which are clearly incidental, secondary or subordinate to, and exclusively devoted to a main use are also permitted in the I2 Zone.

In the Public Meeting Planning Report, staff indicated that no wood fire oven was shown on the building permit drawings. No wood fire oven was shown on the original permit application; however, the building permit applicant did submit a Notice of Change to the approved building permit to Building Services on May 7, 2018 to add a wood fire oven. No approval to this Notice of Change was granted.

On August 28, 2018, a complaint was received regarding smoke originating from 45 Cambria Street. Upon inspection of the property, it was discovered that a wood oven had been installed in the brewery. No wood fire oven was shown on the building permit drawings. Staff considers a wood oven for pizza to be beyond the scope of an accessory use as it is not exclusively devoted to the brewery use. The unit owner was provided an opportunity to bring the site into compliance with the Zoning By-law which was the genesis for this application.

Public Comments

Staff have received four written and one verbal response to the public circulation.

Two letters have been written in support of the existing businesses, noting that the revitalization of the existing building has created a community hub and a positive space for the community. The letters reference the contributions of the businesses to the local economy and that the businesses provide employment within the community.

One letter from an adjacent neighbour has expressed concerns with smoke that has been created by the use of the wood stove. This resident has also expressed a concern with airborne chemicals that could result from laundry chemicals, if the laundromat use is permitted as part of the zoning amendment. A letter has also been received which corroborates the concerns expressed relating to potential laundromat impacts on the neighbour.

Staff has also received verbal comments from a resident who has expressed concerns with smoke emissions, parking problems on Cambria Street and the nuisances that patrons have caused in the neighbourhood on occasion.

Analysis:

Existing Situation

The subject lands are comprised of two separate parcels: 45 Cambria Street and Pt Lot C Plan 93. 45 Cambria Street contains an approximately 1,465 m² industrial building that was previously used as a building materials yard. The current owner changed the uses of the building to a distillery, a brew-pub that serves pizza, and industrial storage. Pt Lot C Plan 93 is vacant and used for surface parking.

2014 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest and is set out in three main areas: Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. All development applications shall be consistent with the Provincial Policy Statement ("PPS").

Building strong communities is achieved by promoting efficient development and land use patterns and avoiding development patterns that cause environmental, public health or safety concerns.

Section 1.1.1 of the Provincial Policy Statement states that healthy, liveable and safe communities are sustained by:

- Avoiding development and land use patterns which cause environmental or public health impacts and safety concerns and
- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Section 1.1.3.2 of the Provincial Policy Statement states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and support active transportation.

Section 1.1.3.3 of the Provincial Policy Statement states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock.

The proposed development represents an opportunity for redevelopment of a building on full services that is not expected to result in greater compatibility issues than if the building were occupied by uses permitted under the existing Industrial zoning. The property is located on a public transit route and the infrastructure required for the development is already in place.

The request to develop the subject lands for an industrial/commercial building is appropriate for the subject lands and is consistent with the 2014 Provincial Policy Statement.

Official Plan Designation

The property is designated Residential Area and is identified as being within the Heritage Area of the Official Plan.

The Residential Area policies allow for a range of dwelling types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings.

Section 5.5 of the Official Plan deals with development adjacent to railways. Ideally impacts on sensitive uses are mitigated by separation distances. Where this is not possible, noise and safety mitigation is incorporated into the site design through the uses of berms, fencing, building materials, opening sizes and warning clauses. The existing building is situated immediately adjacent to the railway right-of-way and it is not possible to economically incorporate safety and noise mitigation measures for sensitive residential land uses in the existing building.

The existing uses on the property known municipally as 45 Cambria Street are considered to be non-conforming to the Residential Area policies of Official Plan. Section 9.2.3 ii) of the Official Plan allows for the expansion, enlargement or change of existing non-conforming uses to more compatible uses without an Official Plan amendment. Within this policy a use can be rezoned to allow for the expansion, enlargement or to be zoned to another more compatible use without the need for an Official Plan amendment provided the modifications to the use can meet the following criteria:

- a) The modifications will not add to any air, noise or water pollution problems and does not involve hazardous activities or substances that threaten the safety of the surrounding area;
- b) The modified use will continue to achieve an acceptable measure of compatibility with the adjacent uses, is not associated with any building deterioration or lack of

- property maintenance, and does not interfere with the development of conforming uses in the surrounding area;
- c) The modifications will not detract from the general intent of the Official Plan for the development of the area;
 - d) Any expansion or enlargement which increases the lot area of the non-conforming use will be subject to a zone change application and review under the policies of this Plan.

The subject lands at 45 Cambria Street are currently zoned to permit a broad range of industrial uses including an industrial use (manufacturing, processing and wholesaling), a building materials yard, a motor vehicle sales and service establishment, a food processing establishment and a contractor's yard. Such uses can have significant noise and odour impacts, they can operate 24 hours per day and they can include lighting for security. Use of the site for a small restaurant is not expected to result in greater noise, odour, parking, hours of operation and lighting impacts than could occur under the existing zoning. By removing many of the industrial uses from the existing zoning, future impacts on area properties is anticipated to be less than what otherwise may occur if the zoning by-law was not amended.

The property described as Pt Lot C Plan 93 is proposed to be used for parking in support of 45 Cambria Street. No change to the use of this property is proposed as it is currently being used for parking for 45 Cambria Street. This parcel does not have a suitable lot configuration to support a functional residential building.

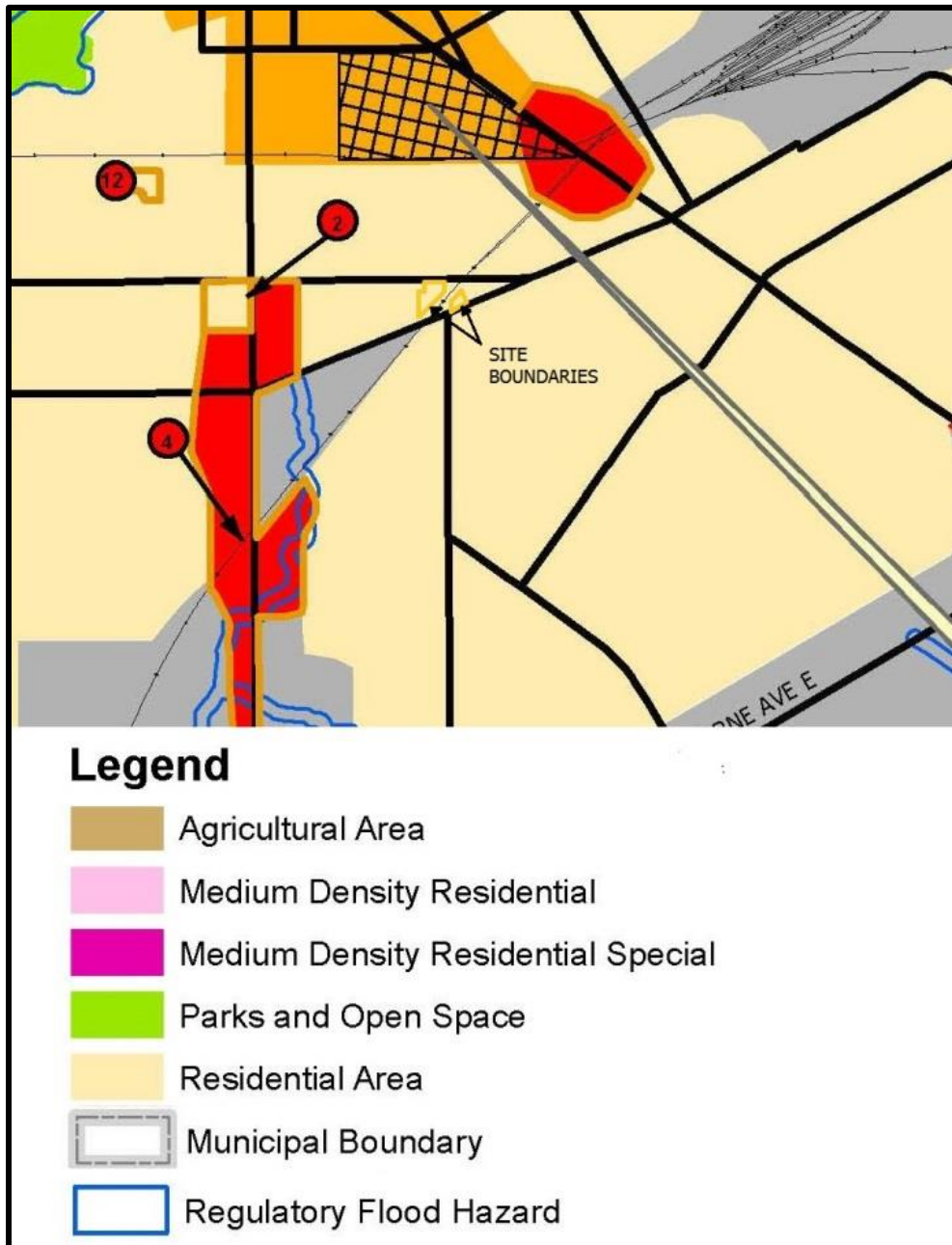
The proximity of the parcels to the railway right-of-way do not make them preferred locations for residential infill. For this reason, the continuation of non-residential uses is considered appropriate.

The proposed land uses would not create greater water, air or noise pollution impacts than what may occur if the lands were used by uses permitted within the General Industrial I2 Zone. The proposed land uses are intended to allow for the development of the remaining section of the existing building and are not resulting from a lack of property maintenance. Given the above, the proposed adaptive reuse of 45 Cambria Street is considered to be in conformity with Section 9.2.3 ii) of the Official Plan.

Cambria Street and West Gore Street are collector streets and Dufferin Street is a local street.

The proposed zone change application has been reviewed against the policies of the Official Plan and is considered to be in conformity with the plan.

Excerpt from Schedule "A" - Official Plan, General Land Use Plan

Zoning By-Law45 Cambria Street

The lands at 45 Cambria Street are zoned General Industrial I2 Zone which permits a broad range of industrial uses including contractor's yard or shop, equipment rental and service establishments, food processing establishment, fuel storage, an industrial use, motor vehicle repair, service, sales and rental establishments, warehousing and industrial use.

The applicant has asked that the following uses be permitted at 45 Cambria Street: a contractor's yard or shop, a dwelling unit as an accessory use, a factory store, a food processing establishment, an industrial use, a private club, a veterinarian clinic and a warehouse, a business and professional office, a laundromat, a personal care establishment, a personal service establishment and take-out or eat in restaurant.

The range of uses requests are expected to have reduced compatibility impacts than those permitted by the General Industrial I2 Zone.

In 2016, the applicant submitted and received approval for a minor variance for reduced setbacks to recognize the existing building location, for reduced lot coverage and landscape open space requirements, and to reduce the number of required parking spaces for the distillery to 0 (our file A12-16).

Pt Lot 30C Plan 93

The lands legally described as Pt Lot 30C Plan 93 are zoned Residential Second Density R2(2) Zone which permits a range of residential uses including single and semi-detached dwellings, boarding house, converted and duplex dwellings, elementary school and religious institutions.

The rezoning of the lands to a Residential Second Density Special R2(2) Zone will allow for parking accessory to the uses permitted at 45 Cambria Street with a minimum setback for parking spaces from West Gore Street of 2.7m.

This property is of insufficient size and configuration to accommodate a new single detached dwelling with appropriate measures to mitigate impacts from the abutting railway right-of-way. Application of zoning to permit parking uses for 45 Cambrian Street would not result in new impacts in the area, as this property has been used for parking, and it would reduce the parking impacts of 45 Cambria Street. Application of a special zone to permit parking in support of 45 Cambria Street is considered sound planning.

Parking

The property known municipally as 45 Cambria Street was previously used as a building materials yard and the building envelope encompassed nearly the entire property. Based on parking calculations provided with the application, staff has determined the previous building materials yard should have provided 58 parking spaces. Parking for the previous use was provided on the CN rail lands and along the City's right of way on Cambria Street. This property enjoys legal non-conforming rights with respect to parking.

Staff has reviewed the list of potential uses for the property and determined 65 parking spaces would be required. When considering the legal non-conforming parking, the proposed new use of the building would require 7 on-site parking spaces. The applicant has submitted a concept plan that would provide 9 on-site parking spaces at 45 Cambria Street.

The applicant has also noted that they have an agreement in place with CN Rail that will allow for approximately 12 parking spaces to be utilized next to the existing building. This area has

also been used by the previous owner for an extended period of time and will provide for additional relief to accommodate parking for customers.

Parking at 45 Cambria

When the building operated as Timbermart

Use	Area m ²	Parking Factor	# of stalls req'd
Ground Level			
Retail - or direct retail support	676.12	1/30m ² n.f.a.	22.54
Building Material Yard	1368.6	1/100m ² g.f.a.	13.69
Upper Level			
Office	102.27	1/50m ² n.f.a.	2.05
Industrial - Woodworking shop	1292.05	1/80m ² n.f.a.	16.15
Warehouse	284.47	1/100m ² n.f.a.	2.84
Total			57.26
Rounded up to			58

Current and Proposed uses

Use	Area m ²	Parking Factor	# of stalls req'd
Ground Level			
Distillery - Retail	42.09	1/30m ² n.f.a.	1.4
Distillery - process	424.5	1/80m ² n.f.a.	5.3
Brewery - restaurant (90 seats)	300	1/4 seats	22.5
Brewery - process	180.9	1/80m ² n.f.a.	2.3
Unit #2 - industrial	296.3	1/80m ² n.f.a.	3.7
Unit #3 - industrial	227.8	1/80m ² n.f.a.	2.8
			480.9
Upper Level			
Distillery - tasting room (30 seats)	90.0	1/4 seats	7.5
Distillery - storage	375.5	1/80m ² n.f.a.	4.7
Suite 1	144.0	1/30m ² n.f.a.	4.8
Suite 2	301.5	1/30m ² n.f.a.	10.0
Suite 3	269.0	1/30m ² n.f.a.	9.0
Suite 4	291.2	1/30m ² n.f.a.	9.7
Total			83.7
Rounded up to			84

Scale of Use

While the site does enjoy legal non-conforming rights with respect to parking, large parking generators should be limited to ensure the neighbourhood is not impacted greater than was the case when it was previously used as a building materials yard. For this reason, staff believe the size of restaurant uses should be restricted to ensure that parking and traffic to the subject lands does not have a greater impact on the surrounding areas than previous uses. Planning staff are of the opinion that the zoning should allow for a maximum size of all restaurant uses on the property of 500m² and a maximum size of any individual restaurant use of 300m². This limit reduces impacts on the surrounding uses, it would allow for the proposed brewery/restaurant use to remain in operation, and still allow for an additional small restaurant use(s) if parking can be provided.

The recommended zoning to a General Industrial Special I2 and Residential Second Density Special R2(2) would allow for the adaptive use of the property and is not expected to result in greater impacts on nearby residential properties than could have occurred under the current zoning. The General Industrial Special I2 Zone and Residential Second Density Special R2(2) are considered appropriate for the development of the lands.

Issues Raised By the Public

Emissions

Residents have expressed concerns with current emissions from the wood burning stove that is being used by the brewery. The existing permitted uses in the I2 zone could potentially produce greater emissions than what is currently being emitted from the existing wood burning fireplace and the City of Stratford does not have any by-laws in place to prohibit the use of wood burning fireplaces for residential or commercial buildings. The applicant has increased the height of the chimney to lessen the impacts on the neighbourhood and in response to neighbours concerns; the applicant has removed the laundromat from the list of requested uses in the Special I2 Zone.

Parking

A neighbour has also expressed concerns with parking along Cambria Street and impacts from patrons using the existing parking at the southern section of 45 Cambria Street. The parking area exists and has been used by customers of 45 Cambria Street for an extended period of time. The applicant is required to maintain the existing fence along the western property line as a planting strip which will continue to buffer the parking area from the residential properties to the west. The parking area along the Cambria Street property boundary is located within the municipal right-of-way, but has been used as parking for an extended period of time. If there are concerns relating to parking that is impeding the sidewalk or travelled portion of the roadway, the matter should be brought to the attention of the Stratford Police Services for a response.

Pedestrian Safety

A resident noted that the increased traffic from the businesses at 45 Cambria Street is a concern for the pedestrian safety of school children that use a crosswalk at the corner of

Mowat and West Gore Streets. The existing parking lot at Pt Lot 30C Plan 93 has access provided solely from Dufferin Street. The land uses already permitted in the General Industrial I2 Zone are expected to have higher traffic demands than those uses that are being proposed by the applicant. There are no planned changes to the location of driveways and it is not expected that the traffic generated by the proposed rezoning will cause any greater change to the safety of the pedestrian crossing on West Gore Street.

Urban Design and Landscape Guidelines

Council approved the City's Urban Design and Landscape Guidelines in May 2014. The collector roads policy states that collector roads shall have a higher level of design than local roads through the integration of boulevards that include wide sidewalks on both sides, consistent paving, lighting and public art where appropriate. Sidewalks are located on Cambria, Dufferin and West Gore Street and site plan approval is not required for the changes to the parking lot areas. If a site plan approval is required for future development proposals, staff will review the development against the Urban Design and Landscape Guidelines to ensure that building additions are complementary and compatible with the neighbourhood.

Council Adopted Strategic Priorities

On January 27, 2014, Council adopted Strategic Priorities for the next three to five years. The three priority pillars are: Long Term Financial Planning, Affordable Living, and Active Healthy Lifestyle. This application is consistent with the Strategic Priorities as it promotes an industrial re-development that is located on a public transit route supports an active lifestyle. The recommended zone change is considered to be in keeping with the City's Strategic Priorities.

This Zoning By-law Amendment is consistent with the PPS, in keeping with the Official Plan provisions, and the intent of the Zoning By-law, is considered to be consistent with the City's Strategic Priorities, and represents good planning.

Financial Impact: No municipal expenses are anticipated to support the development. Commercial uses are subject to development charges at a rate of \$2.59 per square foot. For example, development charges for a 300m² (3,229 ft²) restaurant would be \$8,363.11.

Applicable development charges will be calculated as part of the Building Permit application and paid prior to any commercial permit being issued.

Other

Should the Planning and Heritage Committee not approve the staff recommendation, the motion shall include a statement outlining how the recommendation of the Planning and Heritage Committee complies with the Provincial Policy Statement and the City of Stratford Official Plan and how public input was considered.

Staff Recommendation:

- 1. THAT Council resolve in accordance with Section 34(17) of the Planning Act, that no further public notice is required to consider change to the requested permitted land uses, specifically to remove laundromat as a permitted use and to restrict the size of a restaurant use at 45 Cambria Street.**
- 2. THAT the zoning of 45 Cambria Street BE CHANGED from a General Industrial I2 Zone to a General Industrial Special I2-32 Zone;**
- 3. And THAT the zoning for Pt Lot 30C, Plan 93 BE CHANGED from a Residential R2(2) Zone to a Residential Special R2(2)-48 Zone for the following reasons:**
 - I. public input was received and considered;**
 - II. the request is consistent with the Provincial Policy Statement;**
 - III. the request is consistent with the goals and objectives of the Official Plan; and**
 - IV. the zone change will provide for zoning that is consistent with the Official Plan policies.**



Prepared by: Jeff Bannon, MCIP, RPP – Planner



Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services



Rob Horne, Chief Administrative Officer

April 1, 2019

BEING a By-law to amend Zoning By-law 201-2000 as amended, with respect to zone change Z04-19 to rezone the lands known municipally as 45 Cambria Street to allow for a site specific General Industrial I2 Zone and the property legally described as Pt Lot 30C, Plan 93 to allow for a site specific Residential R2(2) Zone.

WHEREAS authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

AND WHEREAS the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

AND WHEREAS the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 8 to By-law 201-2000 as amended, is hereby amended:

by changing from a General Industrial I2 Zone to General Industrial Special I2-32 Zone those lands outlined in heavy solid lines and described as General Industrial Special I2-32 Zone on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as Lots 18 to 21, Plan 83 in the City of Stratford and known municipally as 45 Cambria Street.

2. That By-law 201-2000 as amended, be further amended by adding to Section 18.4, being the Exceptions of the General Industrial I2 Zone the following:

"18.4.32 a) Defined Area (45 Cambria Street)
I2-32 as shown on Schedule "A", Map 8

b) Permitted Uses

- business office
- contractor's yard or shop
- dwelling unit as an accessory use
- eat-in or take out restaurant

- factory store
- food processing establishment
- industrial use
- personal care establishment
- personal service establishment
- private club
- professional office
- veterinarian clinic
- warehouse

- c) Minimum setback to a parking area or parking aisle
– West Gore Street 2.7m
- d) Maximum size of a restaurant 300m²
- e) Maximum size of all restaurants at 45 Cambria Street 500m²

3. That Schedule "A", Map 8 to By-law 201-2000 as amended, is hereby amended:

by changing from a Residential Second Density R2(2) Zone to a Residential Second Density Special R2(2)-48 Zone those lands outlined in heavy solid lines and described as Residential Second Density Special R2(2)-48 Zone on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as Pt Lot 30C Plan 93 in the City of Stratford.

4. That By-law 201-2000 as amended, be further amended by adding to Section 6.4, being the Exceptions of the Residential Second Density Zone the following:

"6.4.48 a) Defined Area (Pt Lot 30C Plan 93)
 R2-48 as shown on Schedule "A", Map 8

b) Permitted Uses

- Parking area for lands know municipally as 45 Cambria Street

c) Minimum setback to a parking area or parking aisle
– West Gore Street 2.7m

5. shall come into effect upon Final Passage in accordance with the *Planning Act*.

Read a FIRST, SECOND AND THIRD TIME AND

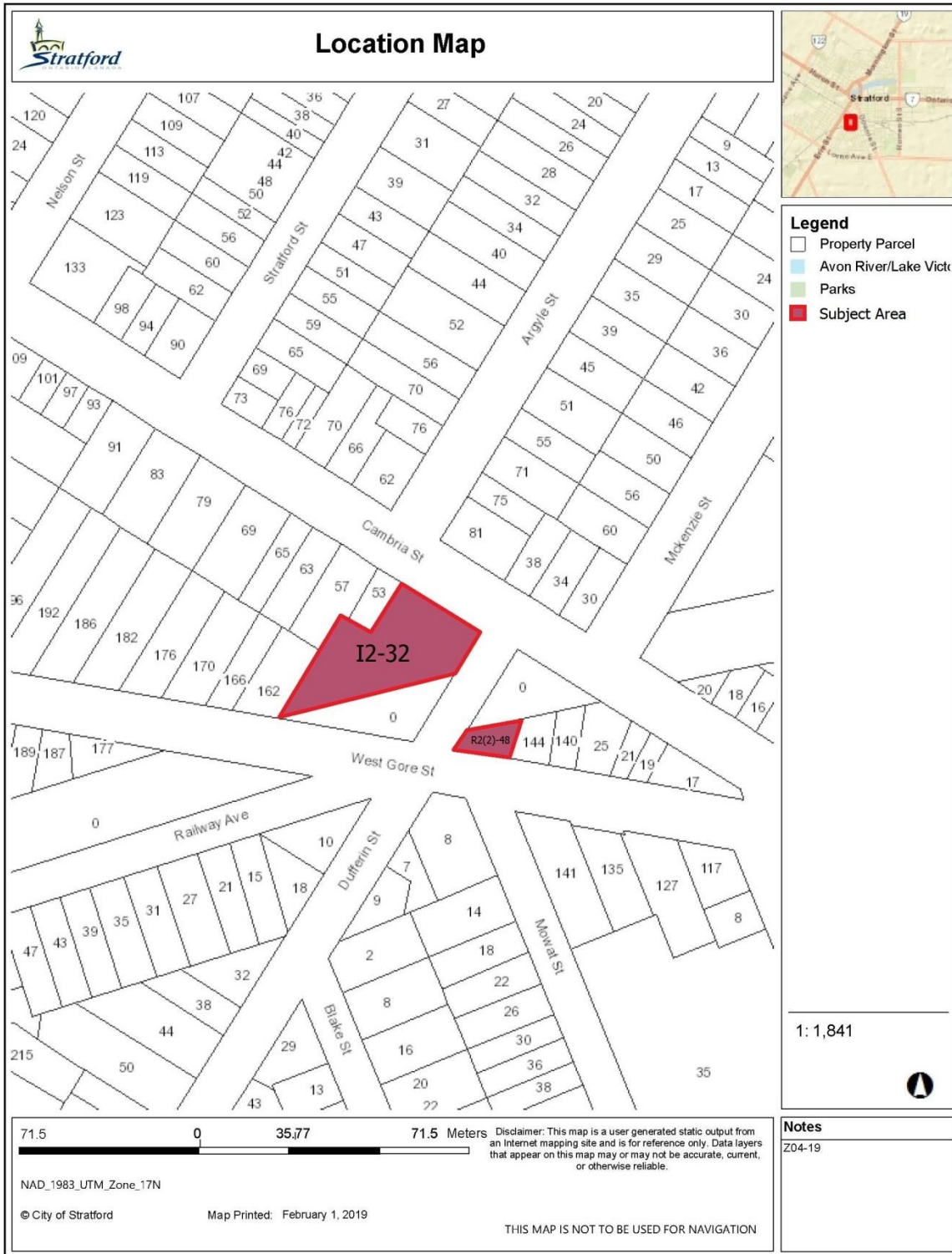
FINALLY PASSED this the xxth day of xxxxxxx 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Schedule "A" to By-law ???-2019

45 Cambria Street and Pt Lot 30C, Plan 93





CITY OF STRATFORD PUBLIC MEETING MINUTES

A **PUBLIC MEETING** was held on Monday, March 4, 2019 at 7:05pm in the Council Chamber, City Hall, Stratford to give the public and Council an opportunity to hear all interested persons with respect to Zone Change Application Z04-19, 45 Cambria Street and Pt Lot 30C, Plan 93 in the City of Stratford.

COUNCIL PRESENT: Mayor Mathieson - Chair presiding, Councillors Martin Ritsma, Tom Clifford, Bonnie Henderson, Graham Bunting, Danielle Ingram, Kathy Vassilakos, Jo-Dee Burbach, Cody Sebben, Brad Beatty and Dave Gaffney.

REGRETS: David St. Louis - Director of Community Services

STAFF PRESENT: Rob Horne – CAO, Mike Humble – Director of Corporate Services, Ed Dujlovic – Director of Infrastructure & Development Services, Jacqueline Mockler – Director of Human Resources, Joan Thomson – City Clerk, Tatiana Dafoe – Deputy Clerk, Jeff Bannon – City Planner, Rachel Tucker – City Planner, Jeff Leunissen – Manager of Development Services, Mike Beitz – Corporate Communications Lead and Nancy Bridges – Recording Secretary.

ALSO PRESENT: Members of the public, Media.

Mayor Mathieson called the meeting to order and stated that the purpose of the meeting is to give Council and the public an opportunity to hear all interested persons with respect to Zone Change Application Z04-19, 45 Cambria Street and Pt Lot 30C, Plan 93 in the City of Stratford.

Mayor Mathieson explained the order of procedure for the public meeting.

STAFF PRESENTATION:

The City Planner, described the property at 45 Cambria and the small parking lot relating to the zone change application. They are two separate properties and the owners have an agreement with CN Rail for the small parking lot, as it is legal non-conforming. The Planner outlined the surrounding properties as residential and railway lands. The Official Plan designation is Residential Area and the property is identified as being within the Heritage Area. The existing uses on the property are considered to be non-conforming to the Official plan and these can be changed/expanded to be more compatible uses without an Official Plan amendment. The zone change application is so the owners can add additional uses and continue with the current uses.

The Planner noted in January 2018 a building permit was issued for a unit in 45 Cambria Street and on August 28, 2018 staff received a complaint regarding the smoke from the wood pizza oven. Staff considered a pizza oven beyond the approved uses at that time.

The Planner noted that the applicant has asked that the existing permitted uses continue to be permitted and that the following new uses be permitted:

- A business and professional office, a laundromat, a personal care establishment, a personal service establishment and take-out or eat in restaurant

The applicant is also requesting special regulations to reduce the minimum setback for parking spaces from West Gore Street to 2.7 metres.

The application was circulated to various agencies and the public. Comments were received from the public. Two responses were in favour of the application and support the business. The main concerns expressed by the other responses were:

- Smoke from the pizza oven
- Possibility of a laundromat in the facility and the resulting chemical smells
- Parking
- Safety of the school crosswalk in the area

QUESTIONS FROM COUNCIL:

Councillor Ingram inquired whether there are existing dwelling units on site and whether land use compatibility uses could contradict with future dwelling units.

The Planner noted there are no dwelling units at this time and that any issues would be addressed at a later date.

Councillor Sebben inquired whether a specific use, such as laundromat, could be removed from the approval, while allowing all other uses in the application.

The Planner noted this option could be explored and discussed with the applicant and that it is possible to exclude laundromat from the approval.

Councillor Burbach asked for clarification of the location of the school crossing.

The Planner noted the crossing is located on West Gore Street, near the corner of Dufferin on the North East side.

APPLICANT PRESENTATION:

Michael Heisz, the applicant, stated that the purpose of the zone change application is to make the building more useful in the neighbourhood. They would have no issues removing laundromat from the approval. They have tried to address the concerns from the public regarding the pizza oven and have made efforts to fix the smoke problems.

QUESTIONS FROM COUNCIL:

Councillor Henderson asked for clarification as she did not understand why having a laundromat would cause problems.

Mr. Heisz stated he was not aware of why there would be concerns.

The Planner noted that staff had received a letter regarding serious health concerns of a neighbour. The citizen expressed concerns as they are more susceptible to smells and airborne chemicals and that the citizen may have to move if a laundromat is allowed.

Mr. Heisz clarified that dry cleaner was previously removed from the application and that laundromat could be removed as well.

Councillor Ritsma referenced two letters of concerns that had been received regarding the wood burning pizza oven and suggested using an alternative fuel.

Phil Buhler, co-owner of Jobsite Brewery, noted that gas could be used and the building was already fitted with natural gas. They had chosen to use wood as a novelty. The off-gassing from gas would most likely be less potent than wood.

Councillor Henderson inquired whether there were any regulations that could be put in place to reduce the smells from a laundromat.

Mr. Heisz did not know specific regulations but agreed that there would be rules in place governing laundromats.

QUESTIONS FROM THE PUBLIC:

Gerald Grey acknowledged that the smoke from the pizza oven has been reduced following alterations to the smoke stacks however he still has concerns. Mr. Grey noted his concerns with the smoke on already high-smog days in the summer, parking and the fire door on the Cambria side of the building.

Kaileigh Kryzstofiak and Verne Good spoke on behalf of an area resident who has a severe allergy to scents, such as smoke and laundromat chemicals. The location of the residence is optimal because of the lack of immediate neighbours.

Paul Ragogna clarified that the school crossing is located at West Gore and Mowat. He stated that the revitalization of the building at 45 Cambria Street has been extremely positive for the community. The owners' have done a great job making the building into a community hub and rejuvenating a historical building. He believes there are more positives than negatives relating to the current uses of the building.

Mayor Mathieson adjourned the meeting at 7:34pm

There were no requests to receive further information, as indicated on the form at the public meeting on March 4, 2019.



MANAGEMENT REPORT

Date: March 28, 2019
To: Planning and Heritage Sub-committee
From: Jeff Leunissen, Manager of Development Services
Report#: PLA19-007
Attachments: None

Title: Heritage Stratford Resolution-“Non-Designated” Properties for Municipal Heritage Register

Objective: To provide background information to the Planning and Heritage Sub-Committee regarding Heritage Stratford’s resolution to list non-designated properties of cultural value or interest to the City Municipal Heritage Register under Section 27(1.2) of *the Ontario Heritage Act* and to set out a process to implement this objective.

Background:

On September 11, 2018, Heritage Stratford resolved the following:

That City Council approve 44 properties to be on the City’s register of properties of heritage value or interest, as authorized by section 27(1.2) of the Ontario Heritage Act;

that the owners of the properties identified for inclusion be given notice of Council’s intent, information about the reasons for and implications of inclusion and an opportunity to decline inclusion; and that

the necessary staff resources be assigned to ensure these recommendations are carried out in a timely manner.

Analysis: Section 27 of the *Ontario Heritage Act* requires every municipality in Ontario to maintain a Municipal Heritage Register of all properties of cultural heritage value or interest. Section 27(1.2) of the *Ontario Heritage Act*, as amended in 2005, allows municipal councils to expand the Municipal Heritage Register to list properties that have not been designated, but that the municipal council believes to be of cultural heritage value or interest. The decision to list a non-designated property on the Municipal Heritage Register

rests with municipal council, upon consultation with its municipal heritage committee, i.e. Heritage Stratford.

The City of Stratford Official Plan contains the framework for including non-designated properties on the Municipal Heritage Register. Section 3.5.5 states: "the Register may include property that has not been designated under the *Ontario Heritage Act* but that Council believes to be of heritage value or interest. Council shall consult with Heritage Stratford prior to making any modifications to the Register involving properties which are not designated. The provisions of the *Ontario Heritage Act* respecting demolition of heritage resources listed in the Register shall apply."

As outlined by Sections 27(3)-(5) of the *Ontario Heritage Act*, owners of non-designated properties listed on the Municipal Heritage Register are required to provide the council of the municipality at least 60 days' notice if they intend to demolish or remove the building or structure. This 60 day period allows staff, the municipal heritage committee and municipal council the opportunity to discuss alternatives to demolition, such as retention or adaptive re-use, it allows time for photo-documentation of the property prior to demolition, or time to proceed with intent to designate the property under the *Ontario Heritage Act*.

The *Ontario Heritage Act* does not define demolition. The *Ontario Building Code Act* does define "demolition" and it is defined as the following: "demolition means to do anything in the removal of a building or any material part thereof." As demolition of a structure or material part thereof requires a permit under the Building Code, demolition referenced in Section 27(3) of the *Ontario Heritage Act* is considered to match demolition as defined by the *Ontario Building Code Act*.

Non-designated properties listed on the Municipal Heritage Register are not subject to Heritage Alteration Permits.

If a demolition or building permit application was received which proposed to remove a building or remove a material part of a building which is listed on the Municipal Heritage Register, the Chief Building Official (CBO) would be prohibited from issuing the permit for 60 days. If only a portion of the building is proposed to be removed, the CBO would be tasked with determining whether or not what is proposed to be removed is reasonably defined to be "a material part" of the building. It is recommended that the CBO discuss with Heritage Stratford or a sub-committee of Heritage Stratford, the extent that "a material part thereof" is considered demolition under the *Ontario Heritage Act*. It is recommended the CBO and Heritage Stratford establish some general guidelines as to what constitutes "material part" prior to Municipal Council passing any by-law adding non-designated properties to the Register.

Process for listing non-designated properties on the Municipal Heritage Register

The process for implementing this initiative began in 2017 when Heritage Stratford engaged the Heritage Resource Centre for the purpose of compiling a list of non-designated properties to be listed on the Municipal Heritage Register. The Heritage

Resource Centre reviewed over 600 properties previously assessed and identified the top 190 properties deemed to have the highest cultural value or significance. The Heritage Resource Centre took pictures of each property and developed a description of the property. The Heritage Resource Centre ultimately identified 44 properties that they deemed to be a priority to be listed on the Municipal Heritage Register.

Additionally, research was conducted by staff on the process used by other municipalities to include non-designated properties on the Municipal Heritage Register.

Based on feedback from the Heritage Resource Centre and research by staff, Heritage Stratford believes it is necessary and beneficial, to notify property owners of the City's intention to list their property on the Municipal Heritage Register as a non-designated property. The *Ontario Heritage Act* does not require communication with property owners or consent to proceed with listing non-designated properties on the Municipal Heritage Register; however, public engagement provides an opportunity to educate property owners on what it means to be included on the Register. It would also provide staff an opportunity to find out which property owners do not want to be on the Register.

Staff support Heritage Stratford's approach and recommends that a public open house be held prior to Council proceeding with the passage of any by-law. Affected property owners would be invited to the open house by letter. Holding a public open house would allow staff and Heritage Stratford to field questions and to further educate the affected property owners and the public on the process and implications of being on the Municipal Heritage Register. It would also provide staff an opportunity to discuss, with affected property owners and the public, material which may be required with a future application. For example, some municipalities require photographs of the affected property with an application.

After the public open house is held, the final step would be to have Council pass a by-law to list the non-designated properties on the Municipal Heritage Register. This is not subject to appeal to any applicable appeal body such as the Conservation Review Board or the Local Planning Appeal Tribunal.

Ultimately, non-designated properties on the Registry will be included on the City's Heritage webpage in a similar way designated properties on the Registry are listed today.

This initiative accomplishes the following:

- it recognizes properties of cultural heritage value in the community,
- promotes knowledge and enhances an understanding of the community's cultural heritage,
- is a planning document that would be consulted by municipal decision makers when reviewing development proposals or building permit applications; and
- is a way to introduce property owners to the *Ontario Heritage Act* and perhaps a desire to have their property designated.

This initiative is an important tool in planning for property conservation that is consistent with Section 2.6 of the Provincial Policy Statement and it is in conformity with Section 3.5.5 of the City of Stratford's Official Plan. The Municipal Heritage Register provides easily accessible information about cultural heritage properties for Council, planning staff, property owners, developers, tourists, educators and the general public; and provides interim protection for a listed property.

Financial Impact: All costs associated with listing non-designated properties on the Municipal Heritage Register are within the existing budget. The cost to notify property owners and conduct a public open house is expected to be less than \$400.

Staff Recommendation: THAT Council direct staff to notify the 44 property owners of the Heritage Stratford resolution and inform them of the upcoming public open house;

THAT staff hold a public open house to educate and inform affected property owners and the public on the objectives of including non-designated properties on the Municipal Heritage Register;

AND THAT following the public open house, staff forward a final recommended list of properties to be included on the Municipal Heritage Registry as non-designated properties for Council's consideration.



Rachel Tucker, Planner



Jeff Leunissen, Manager of Development Services



Rob Horne, Chief Administrative Officer

Date: April 8, 2019
To: Planning and Heritage Committee
From: Matthew Smith, Municipal By-Law Enforcement Officer
Report#: PLA19-009
Attachments: None

Title: Proposed variance to Sign By-law #159-2004 for 17 George Street West

Objective: To consider a variance to the City of Stratford Sign By-law to permit the City of Stratford Police Service, located at 17 George Street, to erect two internally illuminated fascia signs.

Background: The City of Stratford Police Service is seeking approval to install two approximately 1.07m x 3.4m (42inch x134inch) internally illuminated fascia signs on the north and west facing walls of the building, above the main entrance. An "internally illuminated sign" means a sign illuminated by any internal artificial light source". The Police station is in the Heritage Conservation District and Section 10.0 (a) of the Sign By-law states: "internally illuminated signs" are prohibited in the Heritage Conservation District.



Currently, signage for the Police station includes a small LED illuminated fascia sign installed on the west side of the building. This sign does not meet the needs of the Police Service. The City of Stratford Police Service is an essential service and they believe their signage should be highly visible in the dark.

The Sign By-law has anticipated there may be instances where alterations or variances to the regular provisions may be warranted. When considering a sign variance, the Planning and Heritage Sub-committee, Planning and Heritage Committee, and Council shall have regard for:

23.0 e)

- (i) Special circumstances or conditions applying to the land, building or use referred to in the application;
- (ii) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (iii) Whether the special circumstances or conditions are preexisting and not created by the owner or the applicant; and
- (iv) Whether the sign that is the subject of the variance will alter the essential character of the area.

Heritage Stratford has been advised of the proposed sign and has provided the following comment(s). "Heritage Stratford does not object, but does not think this position should be interpreted as a precedent for future commercial signage. We also recommend the signs be no brighter or larger than is necessary to provide adequate visibility."

The proposed new internally illuminated signs would meet the needs of emergency services, would not alter the essential character of the building or cause any hindrances to adjacent properties and is considered to meet criteria 23.0 e) (i) and (iv) of the Sign By-law. The City of Stratford Police Services building is relatively large and the proposed signs do not cover historic or architectural elements of the building or alter the surrounding area.

For the above reasons, staff has no objection to the requested sign variance.

Financial Impact: None

Staff Recommendation: THAT the requested sign variance to allow two 1.07m x 3.4m (42inch x134inch) internally illuminated fascia signs on the north and west facing walls of the building, above the main entrance, for the City of Stratford Police Service be approved.



Matthew Smith, Municipal Law Enforcement Officer



Jeff Leunissen, Manager of Development Services
for Ed Dujlovic, Director of Infrastructure and Development Services



Rob Horne, Chief Administrative Officer

Project Update –March 2019

Recent Zone Change Applications

265 St. David St – requested amendment from a R1(3)-27 Zone to a R5 Zone to permit a 6 unit converted dwelling. (Z05-19)

Recent Plan of Condominium Applications

350 O’Loane Avenue – 45 residential units and 5 parking units (31CDM19-003)

Recent Site Plan Applications Under Review

305 Romeo Ave S – 596 m² commercial plaza (SP02-19)

Committee of Adjustment

	2019 (To Date)	2018	2017	2016	2015
Consents	7	11	23	6	18
Minor Variances	4	13	33	25	31

Other Planning Applications	2019 Year to Date	2018	2017
Official Plan Amendment Applications		3	1
Zone Change Applications (Holding Provision Applications)	5	10 (1)	9 (2)
Plan of Subdivision Applications		3	1
Plan of Condominium Applications	3	1	1
Part Lot Control Applications	1	1	2
Site Plan Applications	2	26	22
OMB Hearings	1	3	1
Formal Consultation Submissions	4	23	25

Local Planning Appeal Tribunal

None scheduled

Awaiting a Decision on OPA No. 21 appeal

New Dwelling Unit Permits Issued

Dwelling Type	2019 (To Date)	2018	2017	2016	Five Year Average (2014-18)^{1 2}
Single detached dwellings	3	92	102	103	85.8
Duplex/Semi-Detached dwellings	0	8	4	28	9
Triplex/Quad Dwellings	0	0	0	8	3
Townhouse Dwelling	0	4	12	37	26
Apartment Dwelling	0	339	59	53	109
Other	0	4	1	4	3
Total	3	442	179	234	226
Total Number of Permits	105	534	547	626	
Total Construction Value \$	14,747,508	191,067,060	86,859,411	83,913,429	

¹Numbers rounded for convenience purposes.

²On average, 6 dwelling units are demolished each year

Significant Building Permits Recently Issued or Currently Under Review

40 Daly Ave – conversion of a single detached dwelling to a 2 unit converted dwelling

55 Orr St. – new single detached dwelling

60 St. Andrew St. – alterations to a secondary school

Comprehensive Zoning By-law Review

On March 25, 2019, Planning and Heritage Committee confirmed the assumptions and approach contained in the August 2018 Draft Comprehensive By-law with revisions contained in the report February 2019 report to Planning and Heritage Sub-Committee. Staff will now work with the consultant to schedule the statutory public meeting.



MANAGEMENT REPORT

Date: March 28, 2019
To: Planning and Heritage Sub-committee
From: Jonathan DeWeerd, Chief Building Official
Report#: PLA19-006
Attachments: None

Title: Demolition Control By-law

Objective: To approve a Demolition Control By-law for the City of Stratford.

Background: At the November 13, 2018 meeting, the previous Council resolved the following regarding the draft demolition by-law:

"THAT Council receive this report and refer the draft By-law to staff to consult with stakeholders and the public, and to return to Council with a by-law for adoption no later than February 2019."

The purpose of Demolition Control By-laws are to give municipal councils some control over the premature demolition of housing stock and ensure that replacement structures are approved and built within a reasonable time frame.

Legislative Framework

The Ontario *Planning Act* gives municipalities the legislative authority to designate an area of the City as a Demolition Control By-law where there is also a Property Standards and Maintenance By-law in effect. The Act limits demolition control by-laws to residential properties, it provides an appeal option if Council refuses to issue a permit or neglects to make a decision within 30 days, it allows for a condition that construction of a new building be substantially complete not less than two years from the date of demolition of the existing building, and it allows for a fine not exceeding \$20,000 for each dwelling unit.

Over the last 5 years, an average of 6.2 dwelling units have been demolished per year. The following table outlines the number of residential demolitions and rebuilds of residential properties.

	Residential Demolitions	Dwellings Rebuilt
2018	6	4
2017	5	3
2016	4	1
2015	8	6
2014	8	7

Note: Building permits were issued for dwelling rebuilds within 6 months for all but 3 properties noted above.

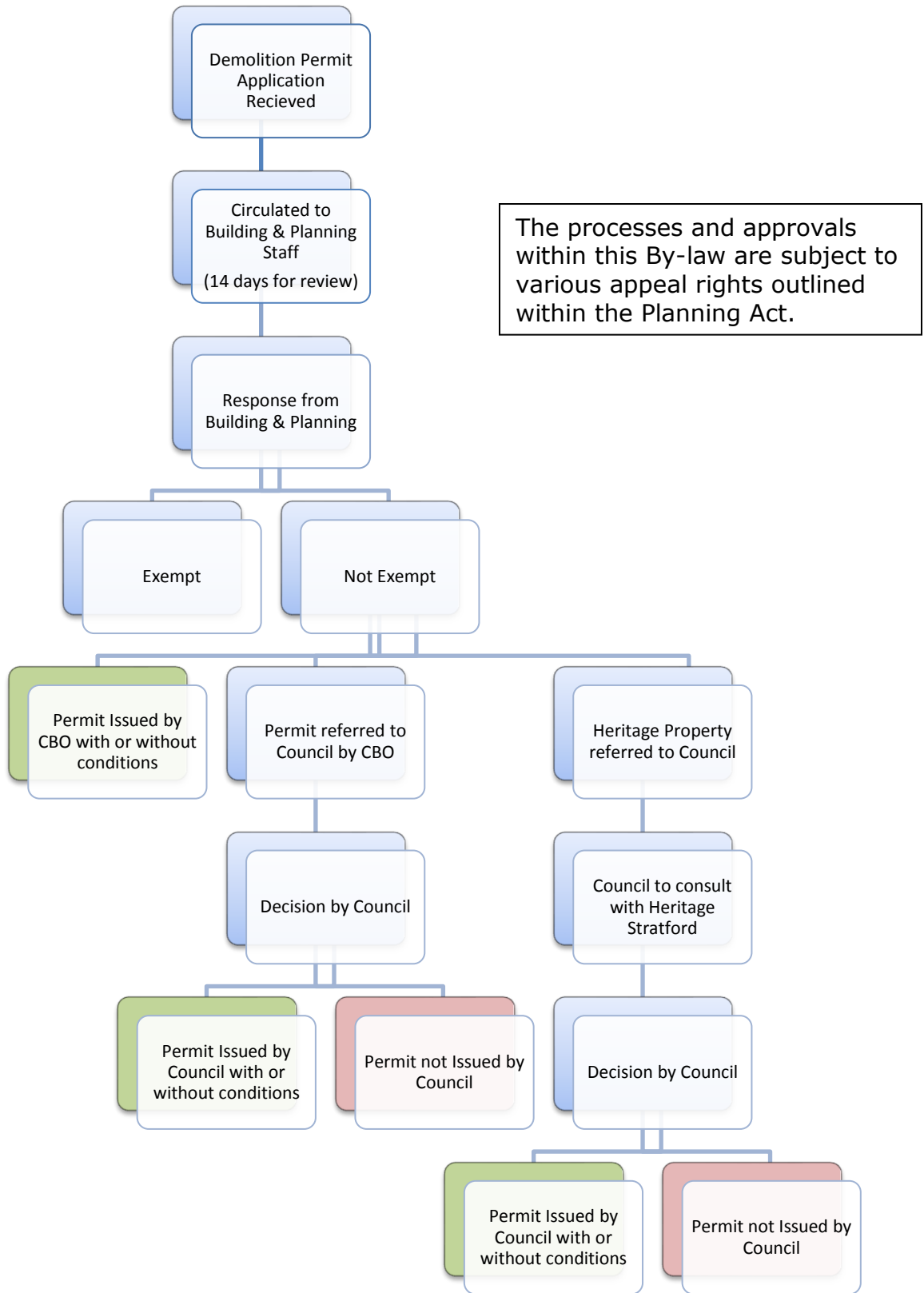
Analysis: Staff was able to meet with Heritage Stratford on January 8, 2019, and Stratford & Area Builders Association (SABA) on February 7, 2019. At both meetings, staff was able to present the draft by-law and receive comments from those in attendance. At each of these meetings, staff encouraged formal comments to be submitted. At the writing of this report, only formal comments were received from Heritage Stratford. Heritage Stratford's comments indicated their general support of the by-law with a few minor suggested edits including that the two year period for reconstruction be extended subject to valid reasons by the applicant, and that exceptions 3(b) and (e) may cause owners of properties to neglect the buildings to justify demolition. The legislation states the permit may be issued on the condition the new building is substantially complete not less than two years from the day the demolition of the existing building has commenced. The legislation also permits, under Section 33(11), a permit holder to apply to Council for relief from conditions if it is not possible to complete the new building within the specified time or if construction of the new building has become not feasible on economic or other grounds.

At the meeting with SABA, representatives expressed concerns with the proposed by-law including whether for 5-6 demolitions per year the City of Stratford even requires a Demolition Control By-law. No written comments were received from SABA. Staff understands that in lieu of formal comments, SABA intends to request to speak directly to Council regarding their concerns with this by-law.

Comments received have been considered by staff and have been incorporated into the Demolition Control By-law herein. Based on the comments received, no significant changes were made to the draft by-law.

The flow chart on the following page shows how Demolition Control Application will be processed. Note: the Demolition Control Application is separate and distinct from a Demolition Permit under the Ontario Building Code.

Demolition Control By-law Process



Staff has also drafted an Application for Demolition Control. The proposed application form would be utilized when collecting and ensuring an application meets the requirements of the Demolition Control By-law. It is believed the application process will generally be as follows:

- Applicant will submit a completed application form to staff in Development Services,
- After receipt of a complete application, it will be circulated for a period of 14 days to Building and Planning staff for comment
 - Should the property be designated under the Ontario Heritage Act, the consideration of a Heritage Permit Application seeking approval for demolition, will be required before a decision on the Demolition Control Application can be made,
- Upon review of all relevant issues, a staff recommendation will be made on whether or not the proposed demolition is supported, supported with conditions, or opposed. The applicant will be advised as to the department's recommendation.
- Depending on the circumstances as outlined in the by-law the application will either be considered and decided by Council, or be considered by the City's Chief Building Official.
- The Chief Building Official may refer a non-Heritage Act designated building to Council for a decision if they believe it to be in the public interest to do so.
- The Planning Act prescribes an appeal procedure whereby the applicant may appeal the City's decision to the Local Planning Appeal Tribunal.

To review, based on a comprehensive review of neighbouring municipalities' Demolition Control by-Laws, a By-law that contains the following was drafted for consideration:

- Designating the entire City of Stratford as a Demolition Control Area;
- Delegating authority to issue demolition permits for residential properties to the Chief Building Official;
- Council will have the authority to refuse demolition permits and to issue demolition permits for residential properties designated under the *Ontario Heritage Act* or listed on the Municipal Heritage Register and those applications referred to Council by the Chief Building Official;
- Outlining which Development Approvals are to be obtained by the applicant prior to the issuance of the Demolition Control Permit;
- Outlining conditions that may be applied to any Demolition Control permit, particularly related to the replacement building construction deadlines and applicable fines, such as \$50,000 per dwelling unit if demolition is commenced prior to a permit being issued under this By-law, and \$20,000 for each dwelling unit demolished and not replaced within a 2 year timespan; and
- Defining any permitted exemptions to the By-law.

Staff is recommending that Council approve the proposed By-law and receive for information the process for demolition permits included in this report.

The attached draft By-law has been prepared with input from the City solicitor.

In addition to a Demolition Control Permit, a Demolition Permit issued under the Building Code Act will also be required where applicable.

Financial Impact: Staff currently process and collect fees for an average of 6.2 dwelling unit demolition permits each year. There will be some additional cost for permits which are referred to Council for consideration and if a charge has to be placed on the tax levy. It is anticipated that the current fees for Demolition permits will adequately cover the costs for this program; however, staff will monitor resources required to implement this By-law and if additional fees are required, they will be requested as part of the Building Permit annual fee review.

Staff Recommendation: THAT Council receive the Demolition Control By-law report;

THAT prior to formal approval there is a Public Notification of Council's intent to pass a Demolition Control By-law;

AND THAT following notification Council consider approving the draft Demolition Control By-law.



Jonathan DeWeerd, Chief Building Official



Ed Dujlovic, Director of Infrastructure and Development Services



Rob Horne, Chief Administrative Officer

Draft Demolition Control By-law

Being a By-law of The Corporation of the City of Stratford pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, as amended, respecting the designation of an area of demolition control and the requirement for a permit for demolition of residential buildings.

WHEREAS authority is given to the Council of The Corporation of the City of Stratford pursuant to Section 33 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to designate as an area of demolition control any area within the City of Stratford to which a standards of maintenance and occupancy by-law under Section 15.1 of the *Building Code Act, 1992, S.O. 1992 c.23* applies;

AND WHEREAS Property Standards By-law No. 141-2002 prescribes standards of maintenance and occupancy for all properties in the City of Stratford pursuant to Section 15.1 of the *Building Code Act, 1992, S.O. 1992 c. 23*;

AND WHEREAS authority is given to the Council of The Corporation of the City of Stratford pursuant to Section 33(3) and 33(6) of the *Planning Act, R.S.O. 1990, c. P.13*, to issue or refuse to issue a permit to demolish a residential property;

AND WHEREAS authority is given to the Council of The Corporation of the City of Stratford by Section 23.1 of the *Municipal Act, 2001, S.O. 2001 c.25*, as amended, to delegate its powers and duties to any person, subject to the restrictions set out in Sections 23.2 to 23.5, inclusive, of the *Municipal Act, 2001*;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. In this By-law:

- (a) "Act" means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended.
- (b) "Chief Building Official" means the Chief Building Official or his/her delegate appointed by by-law of The Corporation of the City of Stratford under subsection 3(2) of the Act for the purposes of enforcement of the Act.

- (c) "City" means the geographic area of the City of Stratford or the municipal corporation, as the context requires;
 - (d) "Council" means the Council of The Corporation of the City of Stratford;
 - (e) "Demolish" or "Demolition" means to do anything in the removal of a building or any material part thereof as defined in Section 1(1) of the Act;
 - (f) "Demolition Permit" means a document issued by The Corporation of the City of Stratford in accordance with the Act indicating that the person has obtained permission pursuant to this by-law to Demolish a Residential Property;
 - (g) "Dwelling Unit" means any property that is used or designated for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
 - (h) "Residential Property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building;
2. All areas within the boundaries of the City are designated as a demolition control area.
3. No person shall demolish a Residential Property in the City without being issued a Demolition Permit pursuant to the by-law, unless:
- (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units in the Residential Property;
 - (b) the Residential Property is not a permitted use under the current zoning by-law;
 - (c) the Residential Property is owned by the City and the Demolition is required for the imminent implementation of a City capital works project previously approved by Council;

- (d) the Residential Property is a mobile home;
 - (e) the Residential Property has been found to be unsafe under Section 15.9 of the Act or to be an immediate danger to the health and safety of any person under Section 15.10 of the Act and a demolition order has been issued under either Section of the Act;
 - (f) the proposed demolition of the Residential Property is necessary to allow for the environmental remediation of the site and completion of a record of site condition as specified by a qualified professional under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.
 - (g) the residential property is exempt under any provincial or federal statute.
4. Council hereby delegates its authority under subsections 33(3), 33(6) and 33(7) of the *Planning Act* to the Chief Building Official with respect to issuing or refusing Demolition Permits for Residential Properties, with the following exceptions:
- (a) the authority to issue a Demolition Permit for a Residential Property designated under Parts IV or V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
 - (b) the Chief Building Official deems it appropriate at his/her discretion to refer an application to Council for the issuance or refusal of a demolition permit.
5. A Demolition Permit may be subject to the following conditions:
- (a) that the applicant for the Demolition Permit has applied for and received a building permit under Section 8 of the Act for a replacement building on the property;
 - (b) that if the replacement building is not erected within two (2) years of the issuance of the Demolition Permit of the existing Residential Property, the City be paid the sum of [Twenty-Thousand (\$20,000) Dollars] for each Dwelling Unit Demolished, which sum:

- i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - ii) is a lien or charge on the property until paid; and
- (c) that the applicant for the Demolition Permit has registered on the title to the property notice of conditions (a) and (b) above in a form satisfactory to the Chief Building Official and City Solicitor.
6. Any person who Demolishes a Residential Property or permits the Demolition of a Residential Property without a Demolition Permit in contravention of this By-law is guilty of an offence and on conviction is liable to a fine of not more than Fifty-Thousand (\$50,000) dollars for each Dwelling Unit contained in the Residential Property, the whole or any portion of which Residential Property has been Demolished.
7. This By-law shall come into force and effect upon the date of the approval of the set fines pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

READ a FIRST, SECOND and THIRD TIME and
FINALLY PASSED this the [Xth] day of [XX], 201[X].

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson



February 15, 2019

City of Stratford
 Planning and Heritage Sub-Committee
 c/o Clerks Division
 P.O. Box 818
 1 Wellington St.
 Stratford ON N5A 6W1

Dear Councillor Danielle Ingram,

**Re: Planning and Heritage Sub Committee, Proposed Demolition Control By-law
 Stratford and Area Builders' Association Input Submission**

Pursuant to ongoing, engaging and productive dialogue between the Stratford and Area Builders' Association and Infrastructure Development Services – City of Stratford, we respectfully submit the subject commentary to the city for consideration when deliberating and making recommendations to Council. We reference the November 13, 2018 Management Report by Jonathan DeWeerd - CBO, and the supporting Draft Demolition Control By-law.

As you may know, the Stratford and Area Builders' Association (SABA) is the leading and recognized voice for the residential land developer, light commercial builder, homebuilder, professional renovator, design professional and building suppliers who service the broader construction industry in Perth County. Our membership exceeds 100 firms engaged in helping to build the beautiful and historic Stratford community for people to live, work and play. SABA is proud to be affiliated with the Ontario Home Builders Association at a provincial level and Canadian Home Builders Association at a national level.

Our commentary herewith is a result of a consensus based approach, founded in an active committee of dedicated volunteers representing the diverse membership of the association. In arriving at consensus, we evaluate and aim to support our members' interests, on balance with multi-stakeholder interests in the broader community context.

In the Management Report, submitted by staff to committee, the objective was defined as; "To receive input on a draft Demolition Control By-law and approve a process for consultation with the objective to have a final By-law before Council no later than February 2019". We respectfully request, that you take our commentary into consideration, in the spirit of the objective defined and stated.



The input desired through this process, in our view is as a result of a resolution in April 2018 whereby Council resolved the following; “That staff develop and implement a Demolition Control By-law, to return to Council prior to the 2018 election, which requires submission of plans for redevelopment of a vacant residential, commercial and industrial property within 6 months of a demolition permit.”

We understand, as Mr. DeWeerd notes in the Management Report, the purpose of this By-law is to give municipal councils some control over the *premature demolition* of housing stock and ensure that a replacement structure(s) is approved and built within a reasonable time frame.

SABA Commentary:

Developers do not buy property or demolish buildings without a plan to do something now or in the future – their goal is to make it profitable and useful evaluating highest best-use of the site, which can change with market conditions based on a sophisticated pro forma analysis. Timelines and plans are not always clearly defined at the time of purchase. It takes significant effort, financial commitment, assumed risk, and time to have a development shovel ready.

In further analysis of applicable legislation, under the Ontario *Planning Act* (OPA), we recognize and agree with staff that this By-law would be applicable to only residential properties as defined within the definition of “residential” under the OPA and as reflected within the By-law.

SABA Commentary:

Why is this needed?

Is this driven primarily due to Heritage value concerns? If so, is there not a more appropriate possibility to address through Heritage Act Controls, and not through Demolition Control.

In our consensus process, we evaluated the potential impacts such a By-law would have. Effectively we explored numerous unintended consequences that may result from a broad sweeping Demolition Control Area for the entire City of Stratford. Our conclusions are as follows:

SABA Commentary:

It is going to cause other, worse impacts, including prolonged existence of abandoned and/or derelict residential properties. These derelict residences providing challenges and concerns with unauthorized users/squatters and personal (if becoming occupied) and public safety concerns.

The cost implications to the developer to have to leave the residence standing during a period while evaluating options also must be accounted for. In pursuit of maintaining a non-viable structure for redevelopment until the development becomes financially viable for the developer, the following must be accounted for in the pro forma and ROI; heat/hydro, insurance, liability, cost of up front work required to stabilize or make safe in some way. Given the prescriptive nature of the Ontario Building Code, we know once structure, mechanical systems, electrical systems, or building envelope are repaired to safe operation, compliance expands to include upgrading to



current code standards. For residential, little compliance relief is available under Div. B Part 11 OBC to offset through compliance alternatives.

Squaring the circle of affordability continues to challenge the entire residential industry in Ontario, and as such, any prolonged carrying costs that cannot be realized through a future agreement of purchase and sale, continues to elevate risk for the developer. When risk is elevated, developers will look at other options carrying less risk. Housing stock increases are therefore impacted.

Housing stock most often is increased with infill lots as the number of replacement units is greater than that being removed. This proposed By-law will NOT encourage but deter infill development.

The legislated 2 year turn around on replacement construction is too short to allow for the redevelopment of residential properties, given the nature of land assembly and the desire for intensified or increased housing stock. The timeline works against the goal of increased stock. The homes that will be required to be left standing as a result of not being demolished therefore, in order to meet the intent of the Control By-law - will not enhance available housing stock as they are most often not rentable properties.

In order to facilitate further meaningful dialogue on the draft By-law, we have considered on balance some alternatives that we believe are viable, and will result in a favourable approach when contemplating a go forward solution:

SABA Commentary:

SABA would be supportive of property standards requirement surrounding restored vacant lots. The vacant lot being maintained to an appropriate standard upon demolition and made good, and if not maintained, fines as necessary to ensure compliance. Based on our previous assertions, it is in the best interest of the developer to keep costs to a minimum, therefore fines will not be a desired result for them to achieve that goal. (Refer to Appendix A for photos of a potential before and after result when considering a single infill lot in an urban setting.)

Under Part 33, the Ontario Planning Act (OPA) contains a relief provision in subsection 11 as it relates to subsection 7, as follows:

“Application to council for relief from conditions of demolition permit

(11) Where a condition has been imposed under subsection (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.”

Through the inclusion of this provision, we believe the City would be able to take a case by case approach, without limiting the generality of the 2 year timeline per subsection (7) for such cases that it may be feasible to meet the intent of the By-law. (Refer to Appendix B for the Planning Act excerpt – Part 33)



If the committee deems it appropriate, SABA Municipal Liaison Committee would be pleased to continue working with Infrastructure and Development Services to refine the language around either of these two or both aforementioned alternatives in some combination. While we still as noted in our submission, have a looming question of the motivation behind this Demolition Control By-law, in absence of a clear indication, these alternatives are submitted for consideration, in good faith.

SABA has requested a delegation time slot for the February 28th Council Sub-committee meeting to speak to any questions you may have regarding our submission. We have also requested of the clerk to reserve our time, to offer a further verbal presentation of our findings in support of this submission.

Thank you to the committee for its work, and we wish to thank the CBO, Jonathan DeWeerd, the Director of Infrastructure and Development Services, Ed Dujlovic, and the Manager of Development Services, Jeff Leunissen for maintaining an open dialogue on a regular basis with SABA, and we look forward to working with the committee further as may be needed.

Sincerely,

John Meinen
President
Stratford and Area Builders' Association

Attch.
DAS/Appendix A
Appendix B



Appendix A



Figure 1 – Abandoned/Derelict Home in a city setting



Figure 2 – The Empty House Next Door - Lincoln Institute of Land Policy



Figure 3 Clean Vacant Lot in a city setting



Appendix B

Demolition control area

33 (1) In this section,

“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals; (“logement”)

“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building. (“immeuble d’habitation”) R.S.O. 1990, c. P.13, s. 33 (1).

Establishment of demolition control area by by-law

(2) When a by-law under section 15.1 of the Building Code Act, 1992 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section. R.S.O. 1990, c. P.13, s. 33 (2); 1997, c. 24, s. 226 (4).

Council may issue or refuse to issue permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to L.P.A.T.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Notice of appeal

(5) The person appealing to the Tribunal under subsection (4) shall, in such manner and to such persons as the Tribunal may direct, give notice of the appeal to the Tribunal. 2017, c. 23, Sched. 5, s. 92.

Application for demolition permit where building permit issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of demolition permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector’s roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.



Registration of notice

(8) Notice of any condition imposed under subsection (7) may be registered in the proper land registry office against the land to which it applies.

Registration of certificate

(9) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to L.P.A.T.

(10) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, the applicant may appeal to the Tribunal for a variation of the conditions and, where an appeal is brought, the Tribunal shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Tribunal considers appropriate, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Application to council for relief from conditions of demolition permit

(11) Where a condition has been imposed under subsection (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.

Notice of application

(12) Notice of application under subsection (11) shall be sent by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and, where the council under subsection (14) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Extension of time

(13) Despite subsection (12), the council may, at any time, extend the date specified in that subsection for the making of an application for relief from the conditions on which the permit was issued.

Powers of council on application

(14) Where an application is made under subsection (11), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to L.P.A.T.

(15) Any person who has made application to the council under subsection (11) may appeal from the decision of the council to the Tribunal within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal



and the Tribunal on the appeal has the same powers as the council has under subsection (14) and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Offence

(16) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished.

Standards for health and safety remain in force

(17) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control. R.S.O. 1990, c. P.13, s. 33 (3-17).

Certain proceedings stayed

(18) Subject to subsection (17), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 15.1 of the Building Code Act, 1992 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Tribunal has heard the appeal and issued its order thereon. R.S.O. 1990, c. P.13, s. 33 (18); 1997, c. 24, s. 226 (5); 2017, c. 23, Sched. 5, s. 80.

Exemption re Building Code

(19) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in subsection 8 (1) of the Building Code Act, 1992. R.S.O. 1990, c. P.13, s. 33 (19); 1997, c. 24, s. 226 (6).