

The Corporation of the Town of Ajax

COMMUNITY AFFAIRS AND PLANNING COMMITTEE

Monday, May 2, 2016 at 7:00 p.m.
Council Chambers, Town Hall
65 Harwood Avenue South



Confirmed by: AH

AGENDA

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Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To manoeuvre back to the agenda page use the **Ctrl + Home** keys simultaneously **OR** use the "Bookmark" icon to the left of your screen to navigate from one report to the next

C. Jordan, Chair

1. Call To Order

2. Disclosure of Pecuniary Interest

3. Adoption of Minutes

3.1 **April 4, 2016**..... 2

4. Public Meeting

4.1 **Zoning By-law Amendment Application Z1/16**
Mountcliffe Developments Inc.
Block 161, 40M-2390
Northeast Corner of Gillett Drive and Salem Road, P. Allore, Director of Planning &
Development Services / A. Dunn, Development Planner..... 5

5. Presentations / Reports

5.1 **Development Permit System Study: Addendum Report**, P. Allore, Director of Planning
& Development Services / S. Andis, Senior Policy Planner 19

6. Adjournment

**Minutes of the
Community Affairs & Planning Committee Meeting
Held in the Council Chambers, Ajax Town Hall,
At 7:00 p.m. on April 4, 2016**

***Alternative formats available upon request by contacting:
accessibility@ajax.ca or 905-619-2529 ext. 3347***

| | | |
|----------|-----------------------------|-------------|
| Present: | Chair - Regional Councillor | S. Collier |
| | Regional Councillor | C. Jordan |
| | Councillors | M. Crawford |
| | | R. Ashby |
| | | J. Dies |
| | | P. Brown |
| | Mayor | S. Parish |

1. Call to Order

Chair Collier called the meeting to order at 7:00 p.m.

2. Disclosure of Pecuniary Interest

There were no disclosures of pecuniary interest.

3. Adoption of Minutes

Moved by: S. Parish

Seconded by: P. Brown

That the Minutes of the Community Affairs and Planning Committee Meeting held on March 7, 2016 be adopted.

CARRIED

4. Public Meetings

- 4.1 Belleterre Real Estate Partners Ltd. (Richpark Homes)
Official Plan Amendment Application OPA15-A4
Zoning By-law Amendment Application Z8/15
Draft Plan of Subdivision Application S-A-2015-04
Draft Plan of Condominium Application C-A-2015-04
Site Plan Application SP17/15
806 Rossland Road West**

Sean McCullough, Development Planner, presented a thorough review of the report and recommendations included in the meeting agenda.

In response to questions posed by Committee members, S. McCullough provided more detailed explanations of the underground stormwater management chamber, the location of the four communal parking spaces, the traffic studies that indicate the proposal is compatible with projected future traffic patterns and volumes in the area, and the notice being provided to prospective purchasers of the private garbage collection and snow clearing obligations. Mr. McCullough also explained the “Woonerf” concept being used to allow car, bicycle and pedestrian traffic to share a narrow corridor.

Chair Collier declared the meeting to be a public meeting and invited comments. With no comments being received, Chair Collier closed the public meeting.

Chair Collier then invited the proponent to address the Committee. Tony Biglieri, Biglieri Group planning consultants, advised that he represented the site developer. Mr. Biglieri advised that his client supports the Town staff report and the recommendations therein. Mr. Biglieri provided additional details on the private garbage collection, trails connectivity, and distributed photos that described the “Woonerf” concept.

Moved by: S. Parish
Seconded by: C. Jordan

1. That Official Plan Amendment OPA15-A4, submitted by Belleterre Real Estate Partners Ltd., be approved and that staff be authorized to prepare and forward an implementing by-law to Council for its consideration at a future meeting, as provided within Attachment 1 to this report;
2. That Zoning By-law Amendment Z8/15, submitted by Belleterre Real Estate Partners Ltd., be approved and that staff be authorized to prepare and forward an implementing zoning by-law to Council for its consideration at a future meeting, as provided within Attachment 2 to this report;
3. That Draft Plan of Subdivision S-A-2015-04, submitted by Belleterre Real Estate Partners Ltd., be endorsed and that staff be authorized to grant draft approval of the plan of subdivision, subject to the proposed draft conditions, as provided within Attachment 3 to this report;
4. That Draft Plan of Condominium C-A-2015-04, submitted by Belleterre Real Estate Partners Ltd., be endorsed and that staff be authorized to grant draft approval of the plan of subdivision, subject to the proposed draft conditions, as provided within Attachment 4 to this report; and
5. That Site Plan SP17/15, submitted by Belleterre Real Estate Partners Ltd., be endorsed, and that staff be authorized to grant final site plan approval subject to finalizing all required drawings to the satisfaction of the Town of Ajax.

CARRIED

5. Presentations / Reports

None.

6. Adjournment

Moved by: M. Crawford

Seconded by: J. Dies

That the April 4, 2016 meeting of the Community Affairs and Planning Committee be adjourned. (7:30 p.m.)

CARRIED

Chair

D-Clerk

TOWN OF AJAX REPORT



REPORT TO: Community Affairs and Planning Committee

SUBMITTED BY: Paul Allore, MCIP, RPP
Director of Planning and Development Services

PREPARED BY: Amanda Dunn, MCIP, RPP
Development Planner

SUBJECT: **Zoning By-law Amendment Application Z1/16
Mountcliffe Developments Inc.
Block 161, 40M-2390
Northeast corner of Gillett Drive and Salem Road**

WARD: 2

DATE OF MEETING: May 2, 2016

REFERENCES: Draft Plan of Subdivision S-A-2005-08
Draft Plan of Subdivision S-A-2005-04

RECOMMENDATIONS:

1. **That Zoning By-law Amendment Application Z1/16, submitted by Mountcliffe Developments Inc., be approved and that staff be authorized to prepare and forward an implementing zoning by-law to Council for its consideration at a future Council meeting, as provided within Attachment 1 to this report.**

1.0 BACKGROUND:

In 2005, Mountcliffe Development Inc. and Luvian Homes submitted Draft Plan of Subdivision Applications to develop lands on the east side of Salem Road, north and south of Gillett Drive. Through the approval of these draft plans there were eight (8) remnant part blocks within the Luvian Subdivision and one (1) remnant block within the Mountcliffe subdivision. It was always envisioned that these remnant blocks would be merged to create developable lots which would front/flank onto Gillett Drive. Luvian and Mountcliffe entered into discussions in 2015 to decide how these remnant lands could be developed. It was understood that the two developers would enter into a land exchange agreement in order to create eight (8) developable lots.

1.1 Subject Lands & Surrounding Land Use Context

The subject lands are located on the north side of Gillett Drive, between Salem Road North and Keith Wright Crescent (See Figure 1). The subject lands are approximately 0.15 hectares (0.37 acres) in size, with approximately 116 metres of frontage onto Gillett Drive. The subject lands are currently vacant.



Application:
Zoning By-law Amendment Z1/16

Applicant:
Mountcliffe Developments Inc.

Date: May 2, 2016

Figure 1

Subject Lands and Existing
Zoning

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The surrounding land uses are as follows:

North: To the north are 8 partial lots from Luvian's "Heroes Point" residential development. These lots will be combined with the subject lands to create developable lots. Further north are single detached dwellings.

East: To the east is Keith-Wright Crescent. Across Keith-Wright Crescent are single detached dwellings.

South: To the south is Gillett Drive. Across Gillett are single detached dwellings. Further south is the Canadian Pacific Railway Belleville Subdivision main line.

West: To the west is Salem Road North. Across Salem Road North are single detached dwellings within the Wyndam Manor residential development.

1.2 Proposal

Mountcliffe Developments Inc. is proposing to rezone the subject lands from Residential One – 'F' (R1-F) Zone (Exception 143) to Residential One – 'D' (R1-D) Zone (Exception 134) to facilitate the development of eight (8) single detached residential dwelling lots along Gillett Drive (See Figure 2).

It is proposed that the eight (8) residential lots will be created through the part lot control process exemption, and will be subject to an amending subdivision agreement and a (H) Holding Provision to secure for all of the proposed engineering and landscaping works and technical requirements prior to the issuance of any building permit.

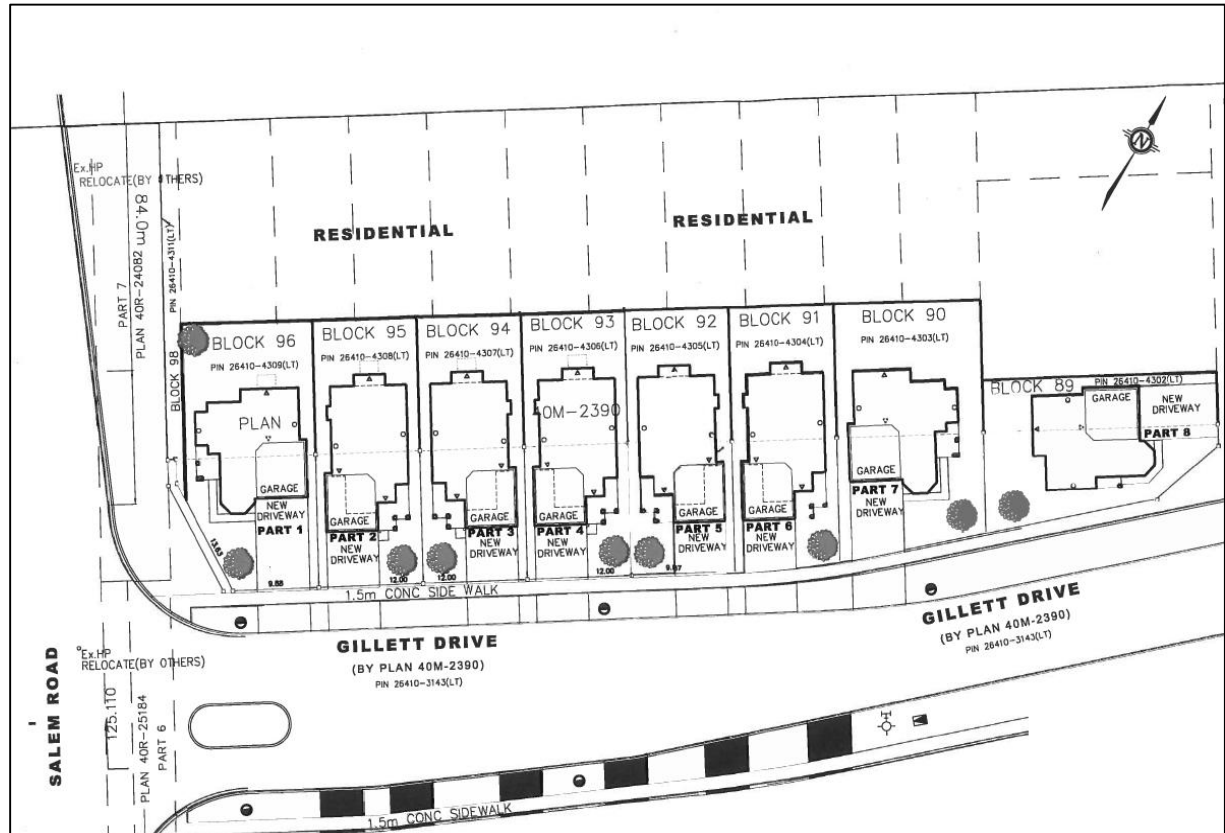
2.0 DISCUSSION:

2.1 Provincial Policies (Provincial Policy Statement 2014 and Growth Plan)

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe encourage development within designated growth areas, residential intensification, compact urban form and transit supportive development.

These documents outline the intent that new development should contribute to the creation of complete communities, support the availability of housing types and assist pedestrian activity. The proposed development would provide for units developed in a manner which utilizes land more efficiently while optimizing the use of existing infrastructure.

The proposed development meets the objectives of the Provincial Policy Statement 2014 and Growth Plan.



Application:
Zoning By-law Amendment Z1/16

Applicant:
Mountcliffe Developments Inc.

Date: May 2, 2016

Figure 2
Proposed Siting Plan

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2.2 Durham Regional Official Plan

The subject lands are designated “Living Areas” with a “Regional Corridor” overlay within the Durham Regional Official Plan. Living Areas shall be used predominantly for housing purposes.

Regional Corridors shall be planned and developed in accordance with the relevant policies of the underlying land-use designation (i.e. Living Areas), such as higher density mixed-use areas, supporting higher order transit services and pedestrian oriented development. Portions of Regional Corridors with an underlying Living Areas designation, which are identified as appropriate for higher density mixed-use development in area municipal Official Plans, shall support an overall, long-term density target of at least 60 residential units per gross hectare and a floor space index of 2.5.

The Region has noted that the development proposal represents a reasonably small infill site within an established neighborhood and complies with the policies of the Regional Official Plan.

The Region has indicated that an updated Site Screening Questionnaire is required in accordance with the Region of Durham Site Contamination Protocol. Further, an updated Noise Impact Study will be required to address potential noise impacts and identify appropriate mitigation measures as the subject property fronts onto Salem Road (designated Type “B” Arterial Road in the Regional Official Plan) and is in proximity to the Canadian Pacific Railway.

Given the configuration and location of the lands, the level of intensification contemplated by the Regional Official Plan is not possible on the subject lands.

In accordance with the foregoing, the Region of Durham staff find the proposed Zoning By-law Amendment acceptable.

2.3 Town of Ajax Official Plan

The Town of Ajax Official Plan designates the subject lands as “Low Density Residential” which permits single detached, semi-detached, duplex and linked dwellings within a maximum density of 30 units per net hectare (uph).

The rezoning of the subject property from R1-F to R1-D will unify the zoning for all of the undeveloped parcels on the north side of Gillett Drive between Salem Road and Keith-Wright Crescent to support the development of eight (8) residential lots on these lands. The eight (8) residential lots would result in a density of approximately 26 units per net hectare, which is within the density range for the existing Low Density Residential land use designation.

The proposal conforms to the policies and objectives of the Town of Ajax Official Plan.

2.4 Town of Ajax Zoning By-law

The subject lands are currently zoned Residential One - ‘F’ (R1-F) Zone and are subject to Exception 143.

The subject lands would be rezoned from Residential One - ‘F’ (R1-F) Zone to Residential One - ‘D’ (R1-D) Zone in order to permit the development of eight (8) residential lots. As part of the zoning amendment, Exception 143 will be replaced by Exception 134. This will permit detached dwellings with a minimum lot frontage of 11.3 metres consistent with the frontage of lots existing within the community.

The proposed Zoning By-law amendment is provided in Attachment 1 to this report.

3.0 REPORTS AND STUDIES

3.1 Noise Study

A noise report was submitted as part of the Mountcliffe development (S-A-2005-04), which included the subject block, entitled Noise Impact Study, Draft Plan of Subdivision Baycliffe – Ajax A8, prepared by Sernas Associates, dated September, 2005. The noise report concluded that noise levels were acceptable. The report recommended that the most western lot which would abut Salem Road have a mandatory central air conditioning warning clause and a 2.4m high noise barrier to protect the rear yard amenity area from Salem Road. The remaining seven (7) interior lots were recommended to have an optional central air conditioning, warning clauses. These requirements would be included within the future amending subdivision. However, given the date of the report, the Region has requested that it be updated before final approval be granted. The requirement for an updated noise study is included as part of the requirement to lift the Holding (H) provision.

3.2 Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment was also submitted as part of the Mountcliffe development (S-A-2005-04), prepared by Canada Engineering Services Inc, dated July 27, 2005. The report concluded that based on the site visit, the historical data, and interviews carried out, the site was found to be clean. However, given the date of the report, the Region has requested that a Site Screening Questionnaire be submitted before final approval be granted. This matter will also need to be satisfied as a condition of lifting the Holding (H) provision.

4.0 DISCUSSION

4.1 Built Form

The proposed dwellings will complete the streetscape and will be in keeping with the character of the existing neighbourhood. The dwellings will be two storeys in height and will provide double car garages. Six (6) of the driveways will be paired and seven (7) of the driveways will be accessed from Gillett Drive and one (1), the eastern corner lot will be accessed from Keith-Wright Crescent. The dwellings will be constructed of brick and stone. (See Figure 3 – Model Designs).

4.2 Part Lot Control Exemption & Amending Subdivision Agreement

The proposed lots would be created through the part lot control exemption process. An amendment to the existing Mountcliffe subdivision agreement would secure for all required engineering and landscape works. Once the part lot control exemption process has taken place, the Town would pass a By-law deeming the part blocks 89-96 of Registered Plan 40M-2491 to be “deregistered”. According to the Town’s solicitor, this would allow the part blocks to merge with the part lots and enable the creation of developable lots along Gillett Drive. These separate By-Laws would be brought forward concurrently with the by-law to lift the Holding (H) Provision on the lands.

4.3 Holding Provision

There is an existing (H) Holding Provision on the part blocks (northern parcel). This (H) Holding Provision would be extended to include the Mountcliffe Development. As mentioned in Section 2.2 of this report, the (H) Holding Provision would ensure that an updated Noise Study and Site Screening Questionnaire as required by the Region of Durham are submitted prior to lifting the (H) Holding Provision and issuing building permits.



Application:
Zoning By-law Amendment Z1/16

Applicant:
Mountcliffe Developments Inc.

Date: May 2, 2016

Figure 3
Model Designs

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5.0 AGENCY COMMENTS

5.1 The Region of Durham

The Region of Durham Works Department identified that service connections (water and sanitary) were installed through Plan of Subdivision S-A-2005-01 (Beechridge) and to Part 8 under plan of subdivision S-A-2005-08 (Luvian). There are no fees owing to the Region of Durham.

5.2 Other Agencies

The application was also circulated to Veridian Connections, Enbridge Gas Distribution Inc., Hydro One, Bell Canada, Rogers Cable Systems, Canada Post, Municipal Property Assessment Corporation, Durham Region Planning Department, Durham Region Works Department, Town of Ajax Finance, By-law, Design Services, Fire and Emergency, Transportation and Building Services, all of whom has no objection with the proposed zoning by-law amendment.

6.0 FINANCIAL IMPLICATIONS:

There are no financial implications associated with the recommendations of this report.

7.0 COMMUNICATIONS:

A public open house was held on February 18, 2016 in the Town of Ajax Council Chambers. Notification was sent to persons within 120 metres (400 feet) of the subject lands. The public open house notification was also posted in the Ajax News Advertiser Community Page and on the Town's website.

The public open house was attended by two area residents including Ward 2 Councillor Renrick Ashby. Inquiries were made about the timing of construction and the built form. The residents were informed that a total of eight (8) single detached dwellings are to be built and construction may begin in the fall of 2016.

8.0 CONCLUSION:

Staff have reviewed Zoning By-law Amendment Z1/16, proposing to rezone the subject lands from Residential One – 'F' (R1-F) Zone (Exception 143) to Residential One – 'D' (R1-D) Zone (Exception 134), to facilitate the development of eight (8) single detached residential lots on Gillett Drive.

The proposed rezoning of the subject lands will allow for remnant parcels to be developed, and complete the pattern of development along Gillett Drive between Salem Road and Keith-Wright Crescent. The density of development is appropriate given the configuration of the lands and the local land use context.

Therefore, development is consistent with the policies of the Provincial Policy Statement 2014, the Growth Plan, the Durham Region Official Plan and the Town of Ajax Official Plan. Staff are recommending approval of the proposed zoning by-law amendment.

ATTACHMENTS:

ATT-1: Draft Zoning By-law Amendment (Z1/16)

Paul Allore, MCIP, RPP
Director of Planning and Development Services

Gary Muller, MCIP, RPP
Manager of Planning

Amanda Dunn, MCIP, RPP
Development Planner

THE CORPORATION OF THE TOWN OF AJAX
BY-LAW NUMBER XXX - 2016

A By-law to amend By-law Number 95-2003, as amended.

WHEREAS authority is granted under Section 34 of the *Planning Act*, R.S.O., 1990, c. P. 13, for the Council to approve this By-law;

AND WHEREAS the Council of the Corporation of the Town of Ajax has approved Zoning By-law Amendment Application Z1/16 to amend By-law Number 95-2003, as amended, with respect to the subject lands described as BLOCK 161, 40M-2390, as identified on Schedule “A” to this By-law;

AND WHEREAS, the Council of the Town of Ajax deems it appropriate to pass an implementing Zoning By-law to regulate the future development of the subject land;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

1. THAT the Zoning Schedule, specifically Map 18, attached to and forming part of Zoning By-law No. 95-2003, as amended, is hereby further amended by rezoning Block 161, 40M-2390 from “Residential One –‘F’ Zone, (R1-F Zone)” to “Residential One – ‘D’ Zone (R1-D Zone)” for the lands shown on Schedule “B” attached hereto, and;
2. THAT the Exception Schedule, specifically Map 18, attached to and forming part of By-law No. 95-2003, as amended, is hereby further amended to delineate the new boundary of Exception 134, as shown on Schedule “C” attached hereto;
3. THAT the Section 8.1.1, List of Holding Provisions, By-law No. 66-2009 of 95-2003, as amended, is hereby deleted and replaced with the following:

| By-law No. | Property Description | Permitted Uses Until Holding Provision Removed | Conditions for Removal | Date Enacted |
|------------|--|---|---|--------------|
| XXX_ 2016 | <p>North Part Lot 6, Concession 3 and Block 161, Plan 40M2390</p> <p>Lands on the east side of Salem Road, north of the CPR tracks and south of Taunton Road</p> <p>Land Owner: Luvian Homes (Salem Road) Limited and Mountcliffe Developments Inc.</p> <p>File Reference: Z1/16</p> | <p>Prior to removing the holding provision, the subject lands may be used in accordance with the provisions of the “R1-F” Zone (Exception 143) as outlined in Section 6.6 and Section 7 of Zoning By-law 95-2003, as amended.</p> | <ul style="list-style-type: none">• That the eight part lots are merged with Part Blocks 89 through to 96 on Draft Plan of Subdivision S-A-2005-08 to create 8 fully developable lots under the R1-D Zone (Exception 134).• That the applicant complete the following studies and reports to the satisfaction of the Town of Ajax and Region of Durham:<ul style="list-style-type: none">- Site Screening Questionnaire- Noise Impact Study | |

4. By-law Number 95-2003, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law.

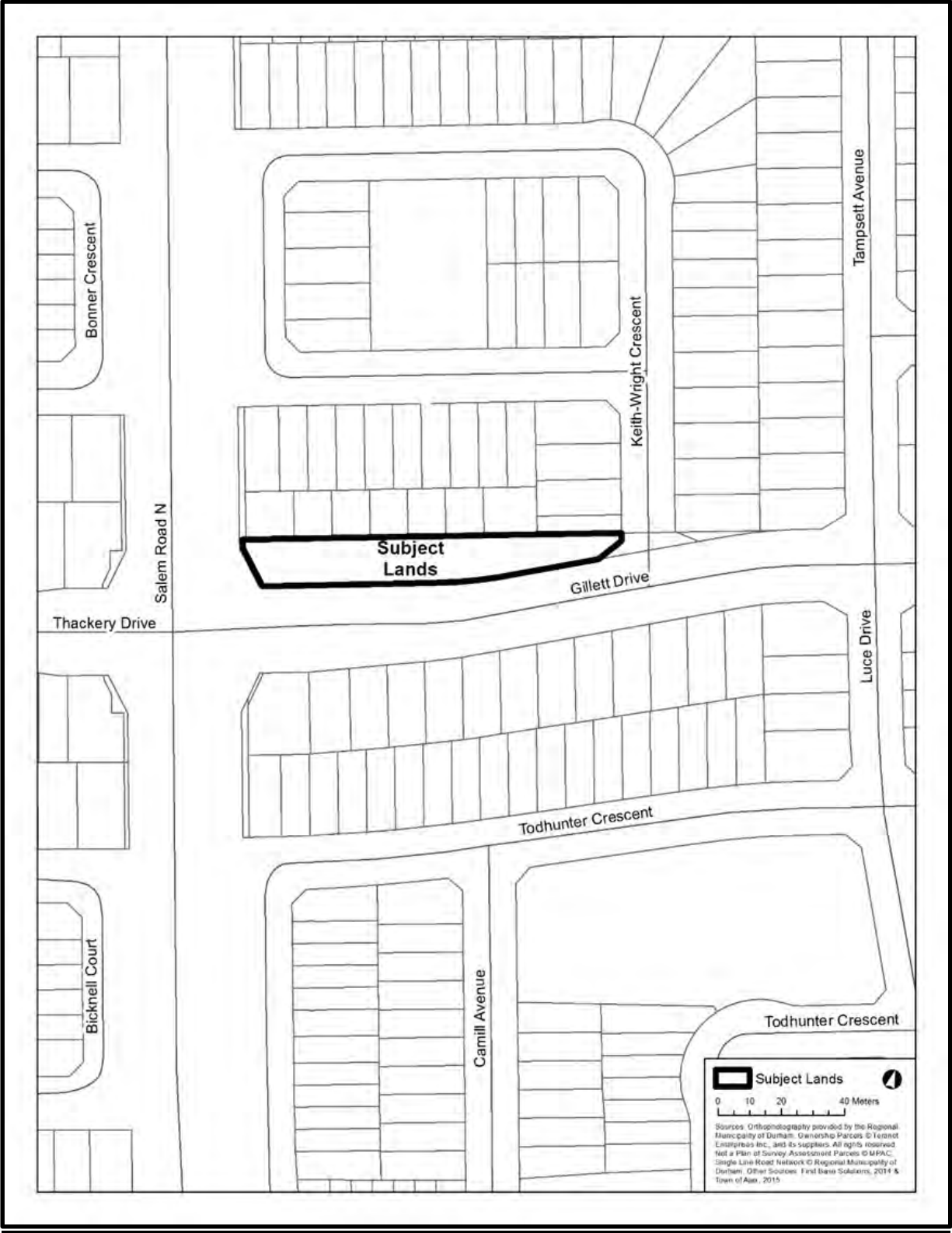
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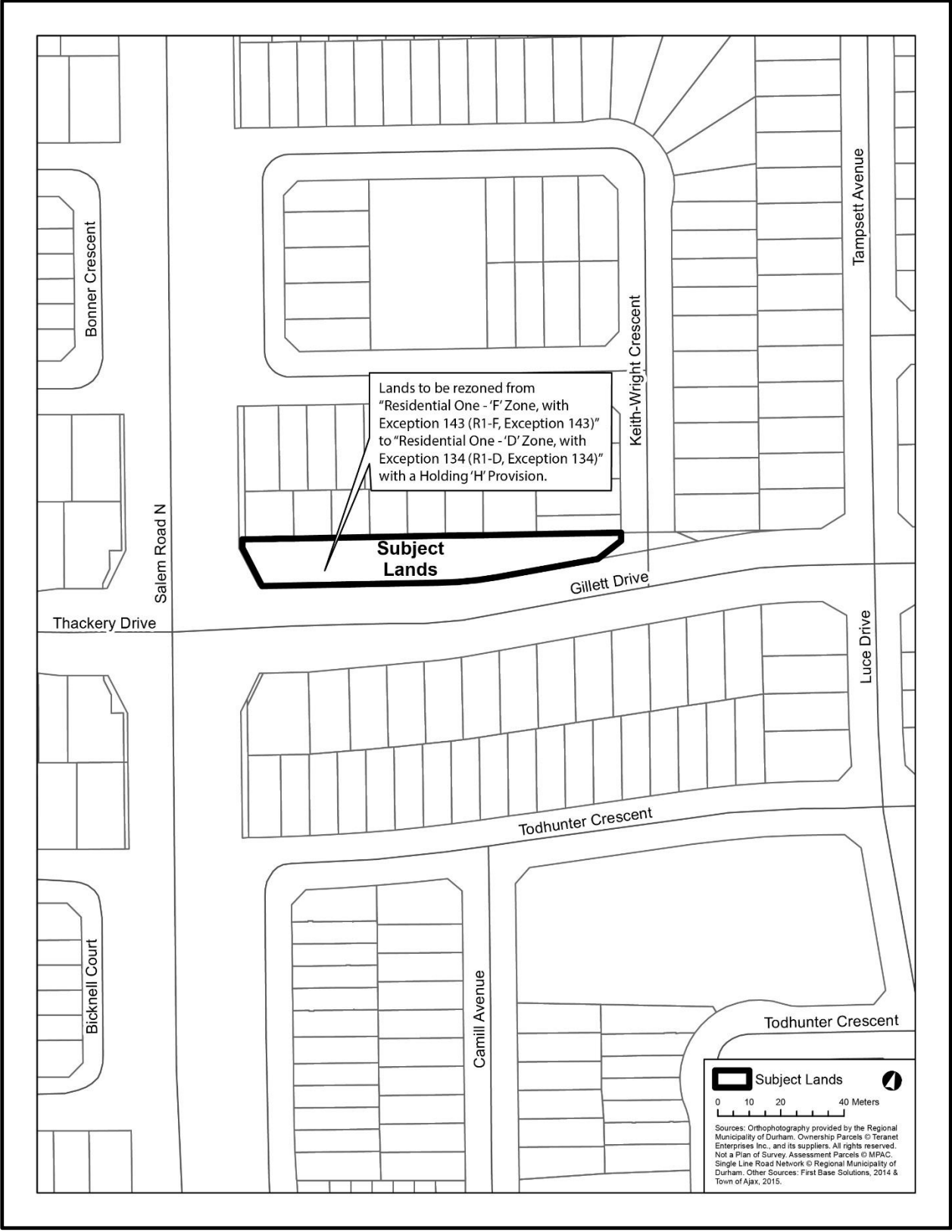
Mayor

Clerk

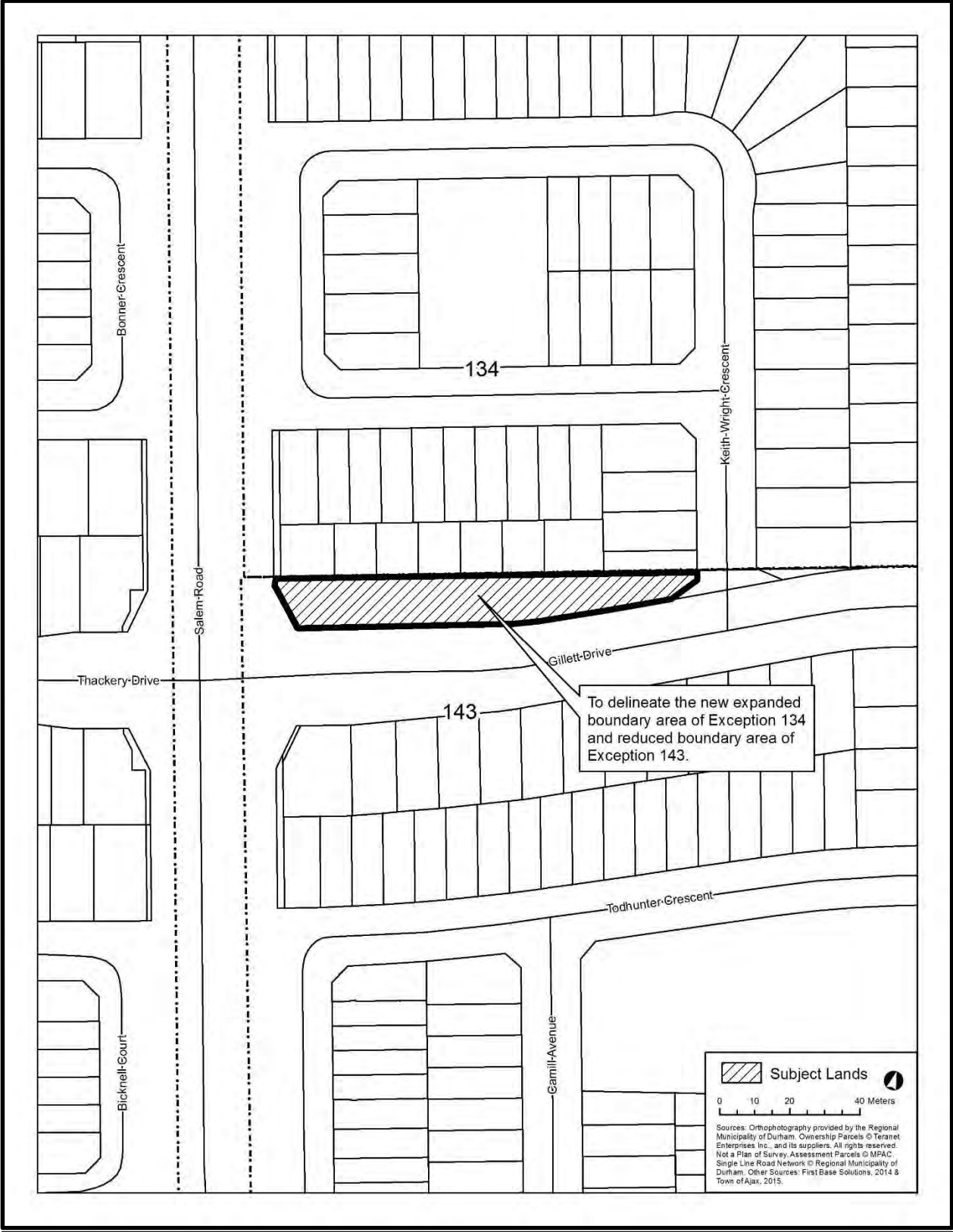
SCHEDULE “A” to By-law No. XX-2016
Location Map – Subject Lands



SCHEDULE “B” to By-law No. XX-2016
Zoning Schedule



SCHEDULE “C” to By-law No. XX-2016
Exception Schedule



TOWN OF AJAX REPORT



REPORT TO: Community Affairs and Planning Committee

SUBMITTED BY: Paul Allore, MCIP, RPP
Director, Planning and Development Services

PREPARED BY: Stev Andis, MCIP, RPP
Senior Policy Planner

SUBJECT: **Development Permit System Study: Addendum Report**

WARDS: All

DATE OF MEETING: May 2, 2016

REFERENCE: Community Affairs and Planning Committee March 7, 2016
General Government Committee March 5, 2015
Capital Account 960111

RECOMMENDATIONS:

1. That the Report to Community Affairs and Planning Committee dated May 2, 2016 entitled "Development Permit System Study: Addendum Report" be received for information; and
2. That staff and the consultants be authorized to prepare Draft Official Plan DPS policies and a Draft Framework DPS By-law to be presented at a future meeting of Community Affairs and Planning Committee prior to releasing the Draft Official Plan DPS policies and Draft Framework DPS By-law to the public, agencies and other stakeholders to obtain comments and feedback.

1.0 BACKGROUND

On March 7, 2016, staff and the consultants (Gladki Planning Associates) presented a Background Report on the Development Permit System (DPS) to Community Affairs and Planning Committee (CAP). Key elements of the Background Report include an outline of the steps involved for a municipality to establish a DPS, an examination of the suitability of a DPS in Ajax and a discussion on how the DPS could be implemented in Ajax.

Staff also recommended proceeding with the preparation of enabling Official Plan DPS policies and a Framework DPS By-law, including public consultation. Committee referred the item back to staff requesting further information, including where the Town may apply a DPS, an explanation of the costs and benefits of implementing a DPS, and an explanation of Council's role in establishing and administering a DPS.

In particular, the following questions and concerns were raised at the March 7, 2016 CAP meeting:

- Since there are no third party appeals to the Ontario Municipal Board (OMB) of a Development Permit application (i.e. only the applicant can appeal a municipality's decision or non-decision of an application to the OMB), how are residents involved?
- New homeowners that did not participate or were not present in the land use planning visioning exercise to establish an Area Specific DPS By-law may not understand or agree with the pre-established vision for the area
- What role does Council have?
- Could an Area Specific Policy approach provide the same level of control as a DPS?
- What are the costs and benefits of implementing a DPS?

2.0 DISCUSSION

The discussion in this staff report builds upon the background information and addresses Committee's questions and concerns from the CAP meeting on March 7, 2016 by: comparing the DPS to the current planning system in Ajax in terms of appeals to the OMB and public participation; examining the benefits of implementing a DPS; and examining potential candidate DPS locations. For context purposes, a table providing an outline of the current planning system versus the DPS is provided in Attachment 1.

2.1 Benefits of Using the DPS

Efficient - Eliminates Minor Variances

The DPS is a more efficient process because it not only pre-zones¹ lands to implement the established vision for an area, it also removes the need for minor variances to deal with development details. This could translate into better application processing times and a more effective use of planning staff time and resources.

Since the Zoning By-law was adopted by Council in July 2003, approximately 800 Minor Variance applications have been approved by the Committee of Adjustment. An Area Specific DPS By-law can provide flexibility through discretionary uses and variations to development standards, provided the intent of the DPS By-law is maintained, which translates into fewer delays and development being realized sooner.

Effective – Provides Regulatory Powers for Previously Negotiated Matters

The DPS is a more effective process in that matters that are typically addressed and negotiated through the site plan review process and articulated in urban design guidelines (landscaping, building elevations, site access and servicing, waste storage, pedestrian circulation, parking, loading, etc.) have the force of regulation in an Area Specific DPS By-law. This provides the municipality with greater certainty in achieving the land use and urban design vision for a designated area. It can also help create a sense of place and character based on the community's vision.

¹ The intent of pre-zoning is to eliminate the need for zoning by-law amendments which means that a development would proceed directly to site plan and building permit. However, in many cases under this planning system it's determined that minor variances are needed to accommodate the development design part way through the site plan review process.

Transparent – Complete Land Use and Urban Design Vision Established Upfront

The DPS requires extensive public engagement at the beginning of the process to formulate the Area Specific DPS By-law. Public input is an essential part of developing a community vision. By specifying architectural and urban design requirements, the DSP facilitates certainty and provides developers, the public and the municipality with clear, quantifiable parameters as to what the development outcomes for an area will be from the outset.

Conversely, even if an area is pre-zoned in a zoning by-law, the ultimate architectural and urban design vision for the area is not known at the outset; these matters are negotiated through the site plan review process. As such, under the current planning system the ultimate built form and design of a site remains uncertain until the end of the approval process.

Public Benefits – Expanded Range of Conditions Can Be Imposed on Development

Unlike zoning, the DPS allows conditions to be placed on approvals. Placing conditions on development approvals is not new, as conditions are regularly placed on approvals of site plan applications. However, the range of conditions that can be placed on a Development Permit approval go beyond what the *Planning Act* currently permits as part of site plan approval. Additionally, conditions imposed through a DPS are articulated in the Official Plan and DPS By-law which provides certainty as opposed to conditions imposed through site plan which are negotiated.

The DPS Regulation under the *Planning Act* states that any condition imposed must be a type that is permitted in the Official Plan and must be reasonable and related to the appropriate use of land. As such, the Town could reasonably impose conditions on a Development Permit related, but not limited, to the provision of affordable housing or cash-in-lieu, the provision of sustainability elements such as green roofs, or the provision of infrastructure upgrades or cash-in-lieu. Sustainability elements, such as low impact development and green building design, are being examined as part of the Comprehensive Zoning By-law Review and early analysis is revealing that while some sustainability elements can reasonably be enforced in zoning, many others are more appropriately addressed in site plan control or alternatively through a DPS where there is more certainty in achieving outcomes because such matters would have the same legal enforceability as zoning.

2.2 Appeals and the Public Consultation Process

Once an Area Specific DPS By-law is in effect, appeals to Development Permit applications can only be made by the applicant; similar to site plan applications.

Each stage in the process to establish a DPS (Official Plan policies, Framework By-law and Area Specific By-law) will require general and targeted consultation with residents, businesses, landowners, developers, builders, utilities, government agencies and all other stakeholders. Third party appeals to the OMB are only permitted at the time official plan policies and DPS By-laws are adopted by Council.

The public consultation approach is similar to pre-zoning an area based on land use and urban design studies. With the current planning system, when a development is proposed in an area that is pre-zoned, the proponent is only required to go through site plan approval and building permit. There is no third party appeal for site plan; the DPS is similar. Further, if a development proposal is not in conformity with the regulations in a pre-zoned or DPS area, a Zoning By-law Amendment or Development Permit Amendment application is required. The

process for both of these application types under the *Planning Act* is identical; they both must have a public consultation component, are subject to Council approval and can be appealed to the OMB by a third party. As such, there is no difference in the appeals and consultation process for new homeowners or other landowners that did not participate in the land use planning visioning exercise to establish an Area Specific DPS By-law versus an area that is pre-zoned, with the exception of the minor variance process.

2.3 Approaches to the Approval of Development Permit Applications

The Town can decide how it wants to administer the Development Permit approval process. One approach is to set out Development Permit Classes based on the expected level of complexity for an area. The following is one example of potential Development Permit Classes for illustration purposes only:

- Class 1: Development proposal conforms to the permitted uses and the development standards
- Class 2: Development proposal is for a discretionary use and conforms to the development standards
- Class 3: Development proposal is for a discretionary use and is requesting a variation to the development standards
- Class 4: Development proposal is for a discretionary use, is requesting a variation to the development standards and requires technical studies or reports such as a Traffic Impact Study or Environmental Impact Study

Using the example above, one approach could be to delegate approval authority for Classes 1 and 2 to staff (similar to Site Plan Control), with Classes 3 and 4 requiring approval from Council (similar to Zoning By-law Amendments). There may also be instances where the Director of Planning and Development Services may refer an application, which has staff delegated approval authority, to Council. Similarly, Council may request an application be brought forward for its approval. This is substantially the same as the current process of bringing Site Plan applications to Council for major developments such as Lifetime Fitness, BMW and Medallion/Pat Bayly Square; it would simply be formalized in the DPS process.

Similar to Site Plan applications that are brought to a meeting of the Community Affairs and Planning Committee, notice of the meeting to review a Development Permit application would be circulated to adjacent landowners and posted in the local newspaper. This would allow Council to hear and consider public input prior to making a decision.

Additionally, staff or Council may refuse a Development Permit application that does not meet specified criteria to allow for a discretionary use or variation to a development standard, if it is determined that the criteria are not met. Refusal of a Development Permit application would be appealable to the OMB by the applicant. Staff anticipate that all applications, with staff delegated approval authority, where recommendation for refusal is made would be brought forward to Council.

The establishment of appropriate Development Permit application fees will not be undertaken as part of this Study, but would be undertaken as part of the annual review of the Planning Act Fees and Charges By-law. However, it is anticipated that, based on the Town's current planning application fees, the fee structure for various types of Development Permit applications would be revenue neutral. Application fees will continue to be based on the amount of staff processing time and effort required.

2.4 Potential Candidate DPS Locations

The intent of the DPS Study is to put in place the appropriate Official Plan DPS policies and Framework DPS By-law to establish administrative matters that would apply to every future Area Specific DPS By-law. Based on the Town's work program and upcoming studies identified within the Town's Long Range Capital Forecast, staff have identified some potential areas where a DPS would be of value and where detailed planning visioning has not yet occurred.

Go Transit Station Node/Central Ajax Employment Area

In keeping with the Town's Official Plan and the provincial Growth Plan, intensification and mixed use redevelopment is envisioned for lands within walking distance of the Ajax GO Transit Station. The area is in need of positive change and currently includes a mix of older and in some cases obsolete industrial buildings that are not well connected to the surrounding transportation network. A future study will establish a vision for the area, identify and make recommendations to improve accessibility to the transportation system, identify infrastructure constraints, and establish planning policies and regulations to guide future development. This study is estimated to commence in the fall of 2017 as a catalyst to positive change in this area.

Midtown Corridor

The Midtown Corridor refers to the area on both sides of Harwood Avenue, between Highway 401 and Kingston Road. This area is in need of improvement and rehabilitation. A future study will include recommendations on development regulations to transform the corridor into a mixed use, pedestrian and active transportation friendly link between the Downtown and Uptown. It will address whether a Community Improvement Plan is appropriate to facilitate rehabilitation and improvement. It will also address the implications of extending the centre median to continue the 'ceremonial route' through this area. The study would commence in the fall of 2018.

Uptown Regional Centre

The Uptown Regional Centre is the area along Kingston Road that is primarily comprised of the Durham Centre and other large format retail development. It is identified as a primary area for residential intensification within the Durham Regional Official Plan and Ajax Official Plan. This area is projected to accommodate a total of 1,850 residential units (3,500 residents) by 2031. A study is forecast to commence in 2019 to guide redevelopment of the Uptown into a vibrant outdoor shopping area as well as a place to live and work. The study will look at accommodating a new urban residential population, addressing servicing implications, and identifying a network of streets, public parks and squares. In order to bring the concept of intensification for the Uptown to fruition, a publically acceptable vision would be established to determine building locations, heights, massing, treatment of public spaces, parking and other parameters. A DPS would codify these components so that the vision for intensification is clearly understood and enforceable.

3.0 FINANCIAL IMPLICATIONS

The amount of \$70,000 (inclusive of HST) for Gladki Planning Associates was approved in the 2014 budget under Capital Account 960111. Invoicing for work completed to date is \$22,537 (inclusive of HST). The remaining budget amount will facilitate the development of Official Plan DPS policies and a Framework DPS By-law.

3.1 Costs and Benefits

Allocation of Financial Resources

As noted in Section 2.4, the GO Transit Station Node/Central Ajax Employment Area, Midtown Corridor and Uptown Regional Centre, are all earmarked for review in the Town's Long Range Capital Forecast. The studies for each of these areas will assess the suitability of implementing an Area Specific DPS By-law. As funds are already forecast², it is anticipated that no additional financial resources would be needed to implement an Area Specific DPS By-law through any of these studies.

Administrative Similarities

The DPS is a comprehensive and innovative way of undertaking planning and while only a few municipalities have implemented the system to date, the components that make up the DPS are familiar, longstanding planning tools that the Town is already administering. In fact, the DPS has administrative similarities with the Town's current practice of concurrently reviewing development applications.

Streamlined and Expedited Development

The establishment of an Area Specific DPS By-law would codify site plan and urban design matters, and would eliminate the need for a separate minor variance application and appeal process which, as noted in Section 2.1, would translate into fewer delays for the applicant and development being realized sooner. Implementation of a DPS would also build on the Town's reputation of being a leader in streamlined application review through programs like PriorityPath certified sites and through concurrent review of planning and building applications. Further, the Town would not be subject to OMB hearings from third party appeals of minor variance applications, which would offset some of the study costs.

Application Fees

Implementation of a DPS is intended to be a revenue neutral process in that the application fees will be based on the amount of application processing effort. Additionally, because the DPS is a more transparent planning tool, it is anticipated that having the system in place would facilitate redevelopment. An increase in more intensified redevelopment activity will also translate into increased tax revenue to the Town sooner.

4.0 COMMUNICATION ISSUES

Should Council provide authorization to proceed with the development of Official Plan DPS policies and a Framework DPS By-law, staff and the consultants will undertake a public consultation process that will include an Open House for the public and targeted meetings with agencies, the development industry, landowners and local businesses.

² \$70,000 from the Strategic Initiatives Reserve has been allocated to a study in 2017 for the GO Transit Station Node/Central Ajax Employment Area; \$60,000 (\$57,000 from the Development Charges Fund and \$3,000 from the Development Reserve Fund) has been allocated to a study in 2018 for the Midtown Corridor; and \$105,000 (\$95,000 from the Development Charges Fund and \$5,500 from the Development Reserve Fund) has been allocated to a study in 2019 for the Uptown Regional Centre.

5.0 CONCLUSION

The DPS is an enhancement to the zoning system. Where it is applied it replaces and combines zoning, minor variances and site plan application requirements. The DPS provides a greater degree of flexibility and discretion than zoning by building in the minor variance process, by giving site plan control matters and urban design guidelines the enforceability of regulation, and by permitting conditional approvals.

Also as noted in the March 7, 2016 CAP report, based on municipal experiences to date, the DPS has been more efficient and effective at helping achieve design considerations; applicants have been more satisfied with the DPS than the zoning regime; and, the DPS has been generally well received by the public.

The introduction of the DPS in strategic locations in Ajax would provide further efficiencies while facilitating high quality, pedestrian-friendly, mixed use redevelopment in those locations beyond what may otherwise be accomplished under the current planning system. As such, staff recommend that the Town proceed with the establishment of Official Plan DPS policies and a Framework DPS By-law.

ATTACHMENTS

ATT-1: Table of the Current Planning System versus the DPS

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Senior Policy Planner

Gary Muller, MCIP, RPP
Manager of Planning

Paul Allore, MCIP, RPP
Director, Planning and Development Services

ATT 1:
Table of the Current Planning System versus the DPS

Table of the Current Planning System versus the DPS

| Current System | DPS |
|---|---|
| <p>Zoning</p> <ul style="list-style-type: none"> • Legal tool used to regulate land use and the intensity of development • Amendments can be made to change the permitted uses or development standards to accommodate a type of land use or size/configuration of building that is not currently permitted but that could be appropriate • Since Zoning By-law 95-2003 came into effect, approximately 120 Zoning By-law Amendments stemming from development applications have been passed by Council | <ul style="list-style-type: none"> • Legal tool to regulate land use and the intensity of development • Similar to zoning in that it establishes permitted uses and development standards on a property • Incorporates the minor variance process by establishing 'discretionary uses' and 'variations' to development standards (subject to meeting criteria) to allow flexibility in the type and form of development on a property • Incorporates site plan control matters (landscaping, building elevations, site access and servicing, waste storage, pedestrian circulation, parking, loading, etc.) and urban design guidelines under one process • Provides more regulatory powers by giving area specific policies, urban design guidelines and site plan control the same level of legal enforceability as zoning |
| <p>Minor Variance</p> <ul style="list-style-type: none"> • Legal tool that excuses development from specific provisions of the zoning by-law, such as building height or maximum lot coverage, or permits a minor change to the use of the property • Since Zoning By-law 95-2003 came into effect, nearly 800 Minor Variance applications have been approved by the Committee of Adjustment | |
| <p>Area Specific Official Plan Policies</p> <ul style="list-style-type: none"> • Tool used to establish overarching official plan policies for an area to provide specific land use and urban design guidance • Even though official plan policies are Council adopted documents, they do not have the legal enforceability that zoning by-laws possess | |
| <p>Urban Design Guidelines</p> <ul style="list-style-type: none"> • Tool used to enhance the quality of development within a particular area by outlining specific design criteria that could, for instance, be related to the design of streets, parks, open spaces, landscaping, or the look of buildings | |

| Current System | DPS |
|---|-----|
| <ul style="list-style-type: none"> • Even though guidelines are Council adopted documents, they do not have the legal enforceability that zoning by-laws possess | |
| <p>Site Plan Control</p> <ul style="list-style-type: none"> • Tool used to shape development through the review of design features to address issues such as landscaping, building elevations, site access and servicing, waste storage, pedestrian circulation, parking, and loading • Design elements subject to Site Plan Control are not subject to the same regulatory provisions of zoning and are usually negotiated with the applicant | |

The DPS does not replace the subdivision, lot creation or building permit processes which continue to be separate and distinct applications and approval processes.