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Interim Control By-law Exemption Process - Expiration Staff Report to Council

Report Number: 2020-56

Department(s): Planning Services

Author(s): Adrian Cammaert

Meeting Date: July 20, 2020

Recommendations

1. That the report entitled Interim Control By-law Exemption Process - Expiration, dated July 20, 2020 be received; and,
2. That in consideration of the Established Neighbourhood Study recommendations coming to a statutory public meeting on August 31, 2020 and through a staff report to Committee of the Whole on October 5, 2020, no further Interim Control By-law exemption applications be accepted after 4:30pm on August 24, 2020; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide a date for Council's consideration that would serve as a cut-off for exemption applications to the Interim Control By-law 2019-04.

Background

In June 2018, Council authorized staff to commence the Established Neighbourhood Study (ENS). The purpose of the ENS is to address the issues of compatibility of new residential dwellings in established neighbourhoods by amending the Official Plan and Zoning By-law. The ENS is currently in its final stages, with next steps being the statutory public meeting on August 31, 2020 and the final recommendations being presented through a staff report to Committee of the Whole on October 5, 2020.

The Town's Interim Control By-law (ICBL) was passed in January 21, 2019 in order to control some forms of development that commonly present compatibility issues, namely those dealing with large scale single-detached dwellings. The intention was to pause these types of development applications until such time as the new planning policies were in place resulting from the ENS that could better guide recommendations on such applications. The ICBL was recently extended to be in effect up to January 21, 2021.

Following the establishment of the ICBL on January 21, 2019, an exemption process was approved by Council in May 2019 to allow certain developments to proceed that have demonstrated that they meet specific physical and streetscape character compatibility tests.

Discussion

Selection of Cut-Off Date

With the ENS coming to conclusion in October, the need for the ICBL Exemption process will no longer be required. At this time, a date needs to be determined that will serve as the cut-off for accepting Interim Control By-law exemption applications. Through this report, staff are recommending that this date be August 24, 2020 (4:30pm).

Two guiding principles were used to determine the cut-off date:

1. Providing adequate time between Council approval of the cut-off date and the cut-off date itself, during which time the cut-off date will be communicated to the public and development community; and
2. Ensuring that the ICBL Exemption process terminates prior to any adoption of the ENS recommendations in October, 2020.

It is staff's opinion that the recommended date of August 24, 2020 (4:30pm) satisfies both of these principles.

Any exemption application(s) received between July 20 and 4:30pm on August 24 would proceed to either the August 24 or the September 14 Committee of the Whole.

ICBL Exemption Applications To-Date

For reference, there have been 16 ICBL exemption applications received since the exemption process was established in May 2019. These applications are listed below:

| Number | Address | Committee of the Whole Month | Outcome |
|--------|-------------------------|------------------------------|----------|
| 1 | 578 Lydia Street | May 2019 | Approved |
| 2 | 316 Darlington Crescent | June 2019 | Approved |
| 3 | 624 Srigley Street | June 2019 | Approved |

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|----|------------------------|---------------|---------------------------------------|
| 4 | 170 Victoria Street | August 2019 | Approved |
| 5 | 292-294 Court Street | August 2019 | Withdrawn |
| 6 | 178 Parkview Crescent | November 2019 | Approved |
| 7 | 844 Magnolia Avenue | November 2019 | Approved |
| 8 | 81 Joseph Street | November 2019 | Approved |
| 9 | 164 Beechwood Crescent | January 2020 | Withdrawn |
| 10 | 110 Niagara Street | January 2020 | Approved |
| 11 | 721 Lowell Avenue | January 2020 | Withdrawn |
| 12 | 730 Arthur Street | January 2020 | Approved |
| 13 | 176 Parkview Crescent | June 2020 | Approved |
| 14 | 164 Beechwood Crescent | June 2020 | Approved |
| 15 | 318 Andrew Street | July 2020 | IN PROGRESS (recommended denial) |
| 16 | 737 Grace Street | July 2020 | IN PROGRESS (recommended approval) |

Conclusion

This report has outlined the rationale for terminating the ICBL exemption process, effective August 24, 2020 at 4:30pm. This date provides adequate time for staff to communicate the cut-off date externally and ensures that the ICBL exemption process will terminate prior to any adoption of the ENS recommendations.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces

Consultation

None.

Human Resource Considerations

None.

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Budget Impact

None.

Attachments

None.

Submitted by

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Approved for Submission

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Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

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