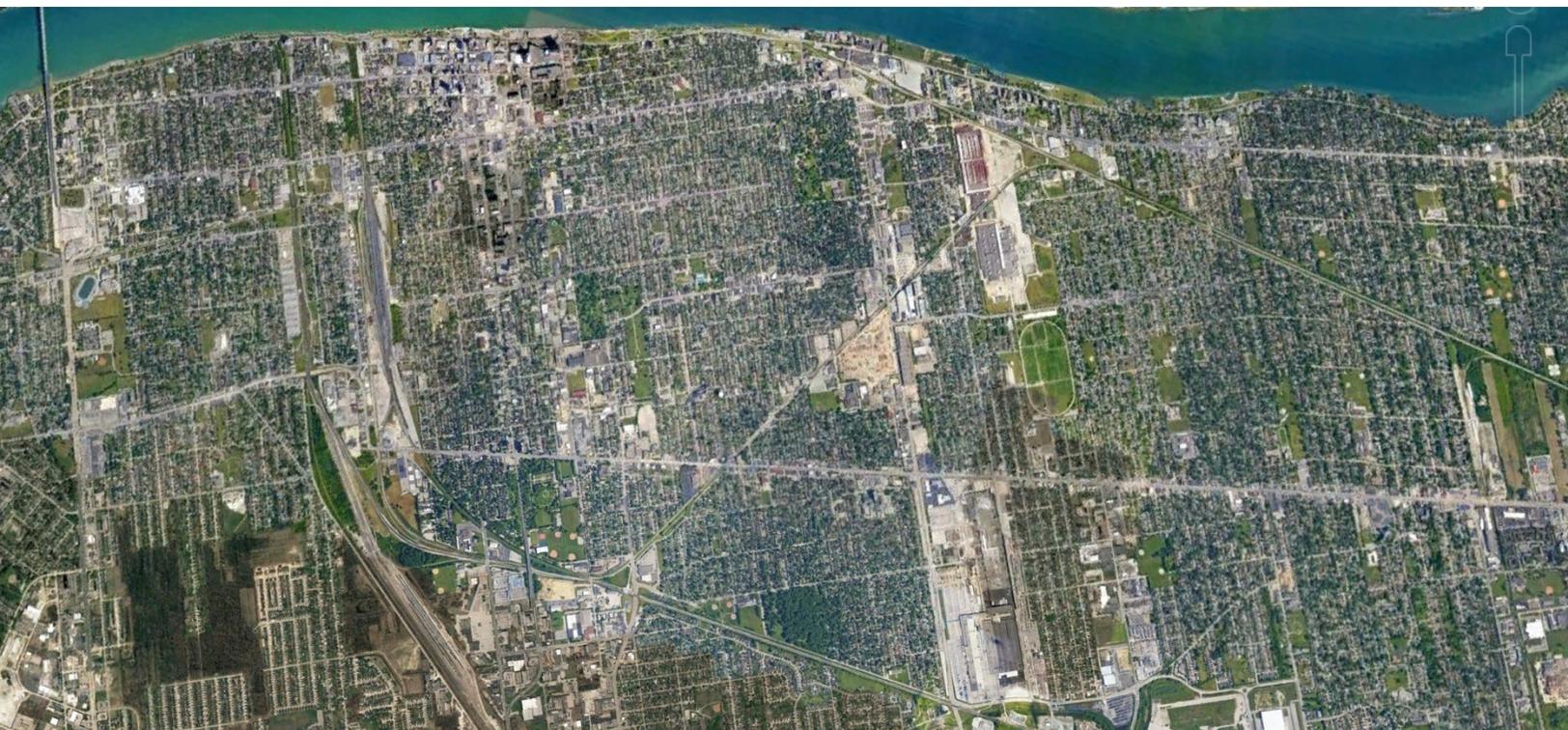




**MULTI-RESIDENTIAL INTERIM CONTROL
BYLAW STUDY
BACKGROUND REPORT**



**MUNICIPAL PLANNING
CONSULTANTS**

APRIL 20, 2022

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1.0 Introduction

The City of Windsor passed Interim Control By-law 103-2020 on July 13, 2020 to prohibit the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units, other than those excepted by the Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the review.

There is a desire across Ontario to see existing communities intensify over time because, in accordance with Provincial Policy, intensification delivers on a number of key planning principles, including:

- A more efficient use of land and investments in municipal infrastructure, typically based on an urban structure of higher density centres and corridors;
- The establishment of transit supportive forms of development that will support transit system investment and promote more mobility options within the City; and,
- The delivery of a broader mix of housing types, including housing that is more affordable than the traditional housing stock.

Intensification also causes great anxiety where it is proposed within or immediately adjacent to any of the City's existing residential neighbourhoods. Conversations about community character and impacts of change dominate Council's deliberations on development applications that affect residential communities.

The main purpose of the study is to:

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

In September 2021 the City retained the consulting team comprised of Municipal Planning Consultants, The Planning Partnership and Altus Group to complete this study. The result of this work will be changes to the City of Windsor Official Plan and

Zoning By-law to build a foundation within municipal planning documents to detail a rationale for where density makes sense within the City. The end products will be amendment to the City's Official Plan and Zoning By-laws that are required to implement the recommendations in this report, as may be approved by Council. In addition, the products will include Design Guidelines to assist staff and Council in their review and assessment of intensification proposals to ensure compatibility within the community.

2.0 Policy Review

The hierarchy of Planning legislation and policy in the Province of Ontario requires the Official Plan to have regard for matters of Provincial Interest and be consistent with Policy Statements issued by the Province. The Province strongly supports intensification and infilling within the existing urban areas and requires the City of Windsor to enable and promote this form of development. The following is a brief summary of the legislation and Policies that are intended to guide decisions regarding these matters.

2.1 Planning Act, RSO 1990, c.13,) (as amended)

Section 2 of the Planning Act requires all decisions on Official Plans and Zoning By-laws to have regard for the following matters of Provincial Interest as they relate to housing and communities:

- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) the minimization of waste;*
- (h) the orderly development of safe and healthy communities;*
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*

- (p) *the appropriate location of growth and development;*
- (q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) *the promotion of built form that,*
 - (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*
 - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

Enabling infilling and intensification in the City has been demonstrated to achieve these objectives where this form of development is properly planned and managed.

The key issue in considering how the City can appropriately manage/regulate the development and use of various forms of housing under the legislative authority of the Planning Act starts with a recognition of a number of fundamental principles, including:

- The regulations of the City's planning instruments must begin with an understanding of the responsibility to implement planning regulations in accordance with the Human Rights Code. Section 2.1 of the Code states:

"Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance."

- The City cannot regulate the occupancy of a dwelling unit. In other words, the number of residents in a dwelling unit cannot be controlled.
- The City cannot regulate the tenure of a dwelling unit. In other words, whether the unit is owned or rented, and whether that rental is short-term or long-term.
- The City can control the land uses permitted on a lot, the number of dwelling units on a lot, the number of buildings on a lot, the location of the buildings on a lot and the height and massing of buildings on a lot and parking requirements.

2.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) is the only policy statement issued under Section 3 of the Planning Act that is in effect within the City of Windsor. The PPS is a wide reaching document, addressing all of the planning issues identified in Section 2 of the Act and providing direction to municipalities for implementation of the policies. Consideration of policies related to intensification include environmental, social, health and safety, financial and cultural issues. These matters are addressed in the PPS and to a great extent have already been implemented in the City of Windsor Official Plan. Key to the consideration of this matter are the policies that direct the City to undertake specific actions and include policies in the City's Official Plan to encourage and promote intensification. The following provides a brief summary of those policies.

1.0 Building Strong Healthy Communities

Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3.2 Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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

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

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The provincial support for intensification is strong and the requirement for the City to accommodate and plan for this form of development is very clear.

2.3 City of Windsor Official Plan

The Official Plan for the City was originally approved in 2002 but has been the subject of significant amendments to keep the Plan updated. Chapter 3 of the Plan includes a broad Development Strategy for the City and was included in the Plan by amendment in 2012. At that time the 2005 PPS was in effect and had many of the same or similar policies regarding infilling and intensification as the 2020 PPS.

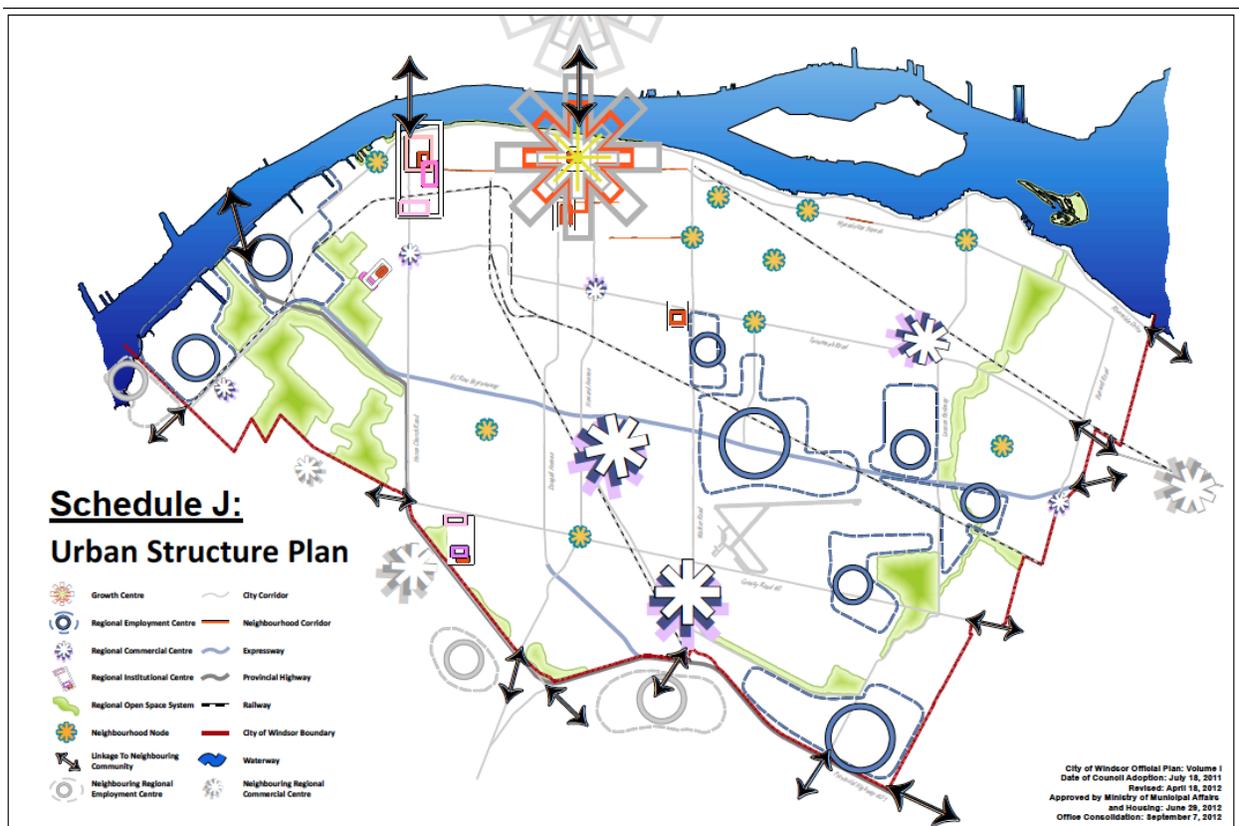


Figure 1 – Windsor Official Plan Schedule J

Schedule J to the Official Plan, the Urban Structure plan was added to the Official Plan at the same time and is shown here as Figure 1. It acts as an overlay designation and refers back to the policies in Section 6 and designations on Schedule D (Land Use) and Schedule E (City Centre Planning District) of the Plan.

Schedule J identifies a number Nodes in the City. The following policies describe the characteristics and functions of the Nodes:

3.3.1 Nodes

Nodes in this context are existing or future locations of concentrated activity on the Urban Structure Plan that serve the societal, environmental and economic needs at a neighbourhood and/or regional scale. The most successful nodes are the ones that exhibit a wide variety of land uses, including higher density residential and employment uses, and have access to frequent public transit service. Smaller scale community and neighbourhood nodes play an important role in providing services to the surrounding neighbourhoods, providing a range of housing opportunities and, providing a recognized sense of place for these neighbourhoods.

There are a hierarchy of Nodes identified in the Plan. This hierarchy is summarized in the following policy excerpts from the Plan:

3.3.1.1 Growth Centres are the highest in the hierarchy of nodes in Windsor due to their scale, density, range of uses, function and current or future identity. Growth Centres should be planned:

- (a) To serve as focal areas for investment in institutional and regionwide public services, as well as commercial, recreational, cultural and entertainment uses;*
- (b) To accommodate and support major transit infrastructure;*
- (c) To serve as high density major employment centres;*
- (d) To accommodate a significant share of households and employment growth; and,*
- (e) To accommodate a minimum density of 200 residents and 200 jobs per net hectare;*

The minimum density for new residential-only development is 80 units per net hectare.

While these policies do not specifically promote intensification of these Growth Centres, they clearly support higher density residential uses within the identified Nodes.

3.3.1.2 Major Activity Centres are second in the hierarchy of nodes in Windsor.

The following comprise Windsor's Major Activity Centres:

- (a) Regional Commercial Centres;*
- (b) Regional Institutional Centres;*
- (c) Regional Employment Centres; and*
- (d) Regional Open Space System.*

Future residential development and redevelopment at Major Activity Centres should be medium (30 units per net hectare) to high-density (80+ units per net hectare). Residential intensification is desired at or near Major Activity Centres.

Regional Employment Centres and Regional Open Space System areas are not appropriate for residential development. However, the existing policies enable residential development to occur at significant densities in the and Regional Commercial Centres. This concept is supported by the following:

In the future these nodes should function as vibrant mixed-use commercial-residential neighbourhoods serving a higher density of population. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

The Urban Structure Plan also identifies as hierarchy of Corridors within the City, including City Corridors and Neighbourhood Corridors. Residential development along City Corridors include medium and high profile developments of between 14 and 58 metres (16 storeys) in height. There are no provisions for intensification of residential uses within the Neighbourhood Corridors.

The Neighbourhood policies in Chapter 3 permit a mix of low and medium density development within the Neighbourhood areas as follows:

The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.

The policies in Chapter 3 of the Plan are implemented in greater detail in Chapter 6, and on Schedules D and E of the Plan. It is noted that many of the policies in Chapter 6 of the Plan were enacted before Chapter 3 and Schedule J were approved.

There are three Land Use designations that permit residential uses; Residential, Mixed Use (Schedule D) and City Centre Planning District (Schedule E).

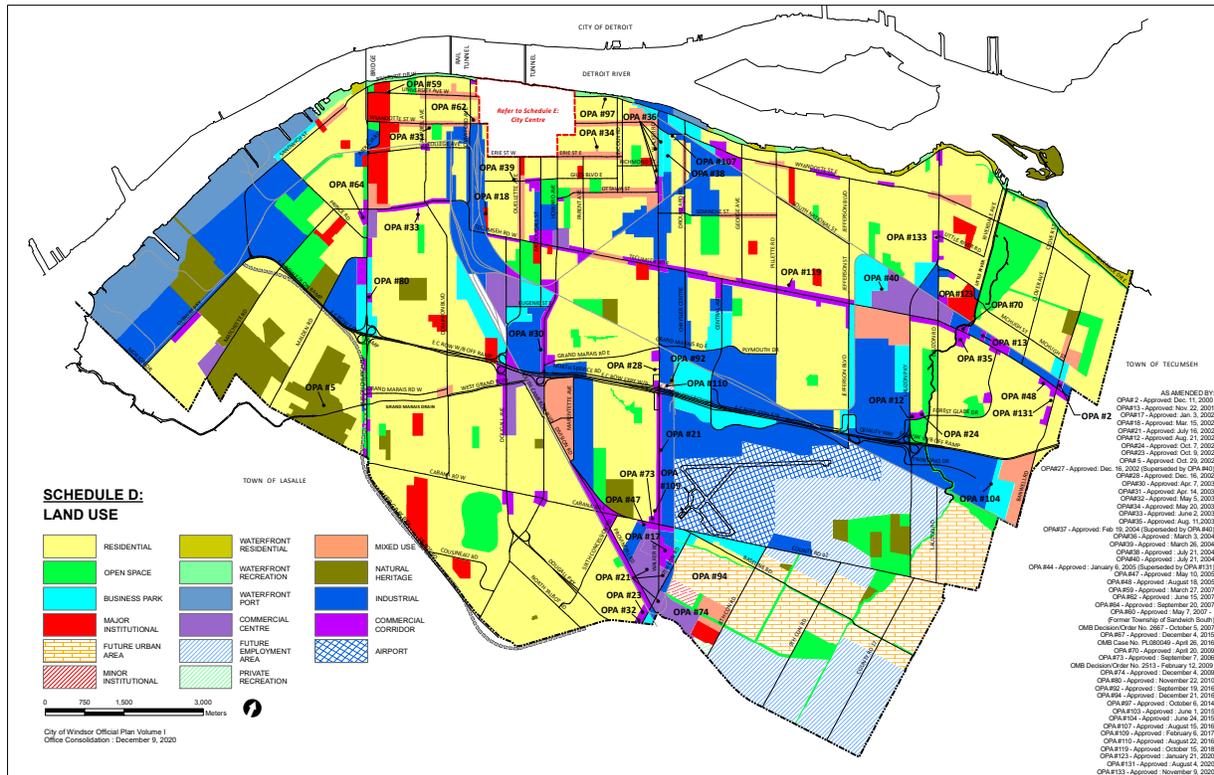


Figure 2 - Windsor Official Plan Schedule D

The Residential policies in the Plan permit low, medium and high profile residential uses subject to the following policies:

6.3.1.3 To promote selective residential redevelopment, infill and intensification initiatives.

6.3.2.5 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;

- (e) *capable of being provided with full municipal physical services and emergency services; and*
- (f) *facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.*

Apart from these policies, there is little direction provided to direct higher densities in the Residential designation. This is why the Urban Structure policies in Section 3 are of assistance.

The City updated the Residential policies in 2020 (OPA 130) to incorporate the permissions for secondary residential units as required by the Province in Bill 108. The policies now permit additional units in a single detached, semi-detached, or rowhouse dwelling (the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot. These policies enable significant small-scale intensification in the City

The Mixed Use areas are multi-functional areas which integrate compatible commercial, institutional, open space and residential uses. Low profile residential uses are not permitted in these areas however there are no policies related to permitted density or height. Mixed Use Areas include Corridors and Centres. Often there are Commercial Centres in proximity to Mixed Use Areas (Devonshire Mall and Tecumseh Mall areas). A number of the Mixed Use areas are also in proximity to the Nodes and on City Corridors shown on Schedule J. The criteria for evaluation residential uses in the Mixed Use area are the same as identified in Section 6.3.2.5, quoted above.

Within the Regional Commercial Centre Nodes shown on Schedule J, there are Commercial Centre and Commercial Corridor designations shown on Schedule D to the Plan. While residential uses are described and density policies are included in Chapter 3 of the Plan, residential uses are not permitted in the Commercial Centre or Commercial Corridor policies in Chapter 6 of the Plan. Therefore, it would be necessary to amend the Official Plan, Chapter 6 and Schedule D, in order to implement the policies in Chapter 3 and Schedule J.

The City Centre Planning District is identified as a Growth Centre on Schedule J. Schedule E identifies the land use designations associated with the policies in Chapter 6. The designations that permit residential uses include the Residential Areas and the Mixed Use Areas.

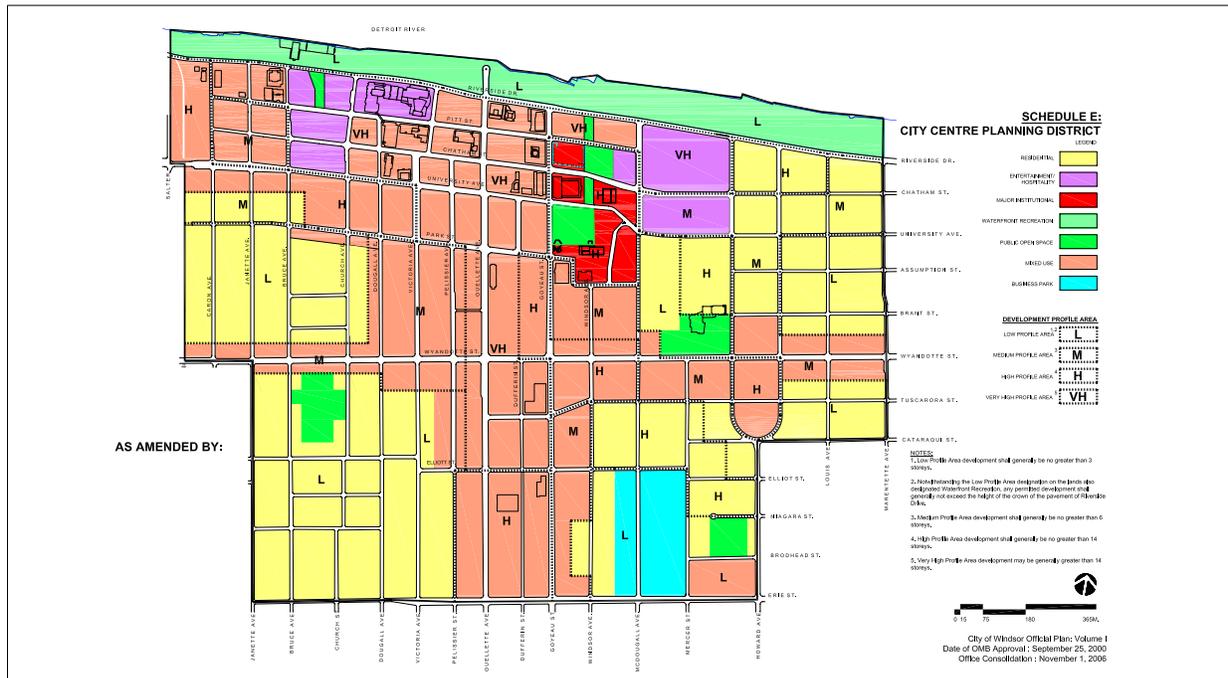


Figure 3 - Windsor Official Plan Schedule E

Schedule D and the policies in Chapter 6 of the Plan assign the following height/density provisions for this area:

- (a) Low Profile Area (L) where development is generally no greater than three (3) storeys in height and up to 8 units;
- (b) Medium Profile Area (M) where development is generally no greater than six (6) storeys in height;
- (c) High Profile Area (H) where development is generally no greater than fourteen (14) storeys in height; and
- (d) Very High Profile Area (VH) where development is generally greater than fourteen (14) storeys in height.

2.4 Zoning By-law

Most of the City is regulated under Zoning By-law 8600. It was initially approved in 1986 and has been amended on many occasions through the years. That part of the City that was Annexed from the Town of Tecumseth in 1985 is subject the Zoning By-law 85-18.

Zoning enables development to occur immediately, subject to compliance with other applicable law. For this reason, most land is zoned to permit the existing use as well

as a range of uses permitted by the Official Plan. The City passed Interim Control By-law 103-2020 in July, 2020 to prohibit the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units that would otherwise be permitted by the Zoning By-law. Since that time the City has approved a number of exceptions to the ICBL to permit multiple residential uses. The location of these exceptions is shown on Figure 4.

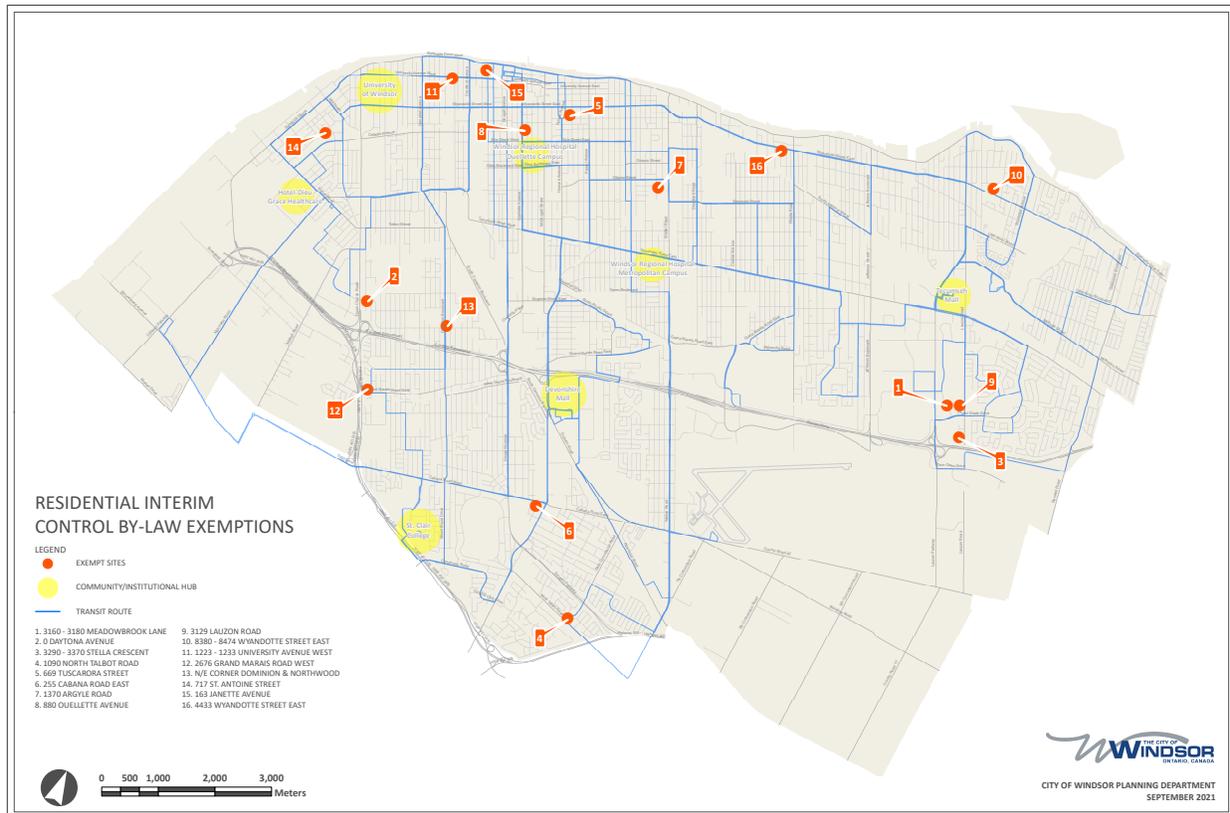


Figure 4 - Approved Exceptions to ICBL

Most intensification projects in the City occur through a zoning by-law amendment process. This allows for a full review and public consultation of the proposal before the zoning is in place. This process would occur for most of the developments of 5 or more units that are currently subject to the Interim Control By-law (ICBL). For this reason, this section of the report is focused on those other forms of housing that are currently restricted under the ICBL; group home, shelter and lodging house. We have also added the definition of fraternity house for reasons described below. These uses are defined in By-law 8600 as follows:

FRATERNITY OR SORORITY HOUSE means a dwelling used exclusively for the accommodation of students of a college or university who are also members of a chartered fraternity or sorority.

GROUP HOME means a dwelling that is:

- 1. For the accommodation of six to ten persons, exclusive of staff;*
- 2. For persons living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being; and*
- 3. Licensed or funded by the federal, provincial or municipal government. A correctional institution, fraternity or sorority house, hospital, hotel, lodging house, private home day care, religious residence or residential care facility is not a group home.*

LODGING HOUSE means a dwelling in which a minimum of four persons, not including staff, are provided with lodging for hire, with or without meals. A correctional institution, fraternity or sorority house, group home, hospital, hotel, private home day care, religious residence or residential care facility is not a lodging house.

SHELTER means a lodging house used exclusively for the provision of temporary accommodation to individuals who are in need of ancillary health care, counselling and social support services.

The preferred term to use is Special Needs Housing. The Social Housing Reform Act (2002 s.2) defined Special Needs Housing as;

A unit that is occupied by or is made available for occupancy by a household having one or more individuals who require accessibility modifications or provincially-funded support services in order to live independently in the community;

The reason for including the definition of Fraternity House in this report it that appears to be contrary to Section 35 of the *Planning Act*, and more recent decisions on the Human Rights Code in that it regulated who can live in the dwelling based on their relationship (students and members of a chartered fraternity or sorority). The definition should be deleted and the use should be considered a Lodging House for the purposes of the Zoning By-law.

Lodging houses are permitted in many of the Residential District Zones. Figure 5 illustrates where these zones are located in the City. In addition there have been many amendments to the By-law to permit lodging houses in other residential Zones within the City.

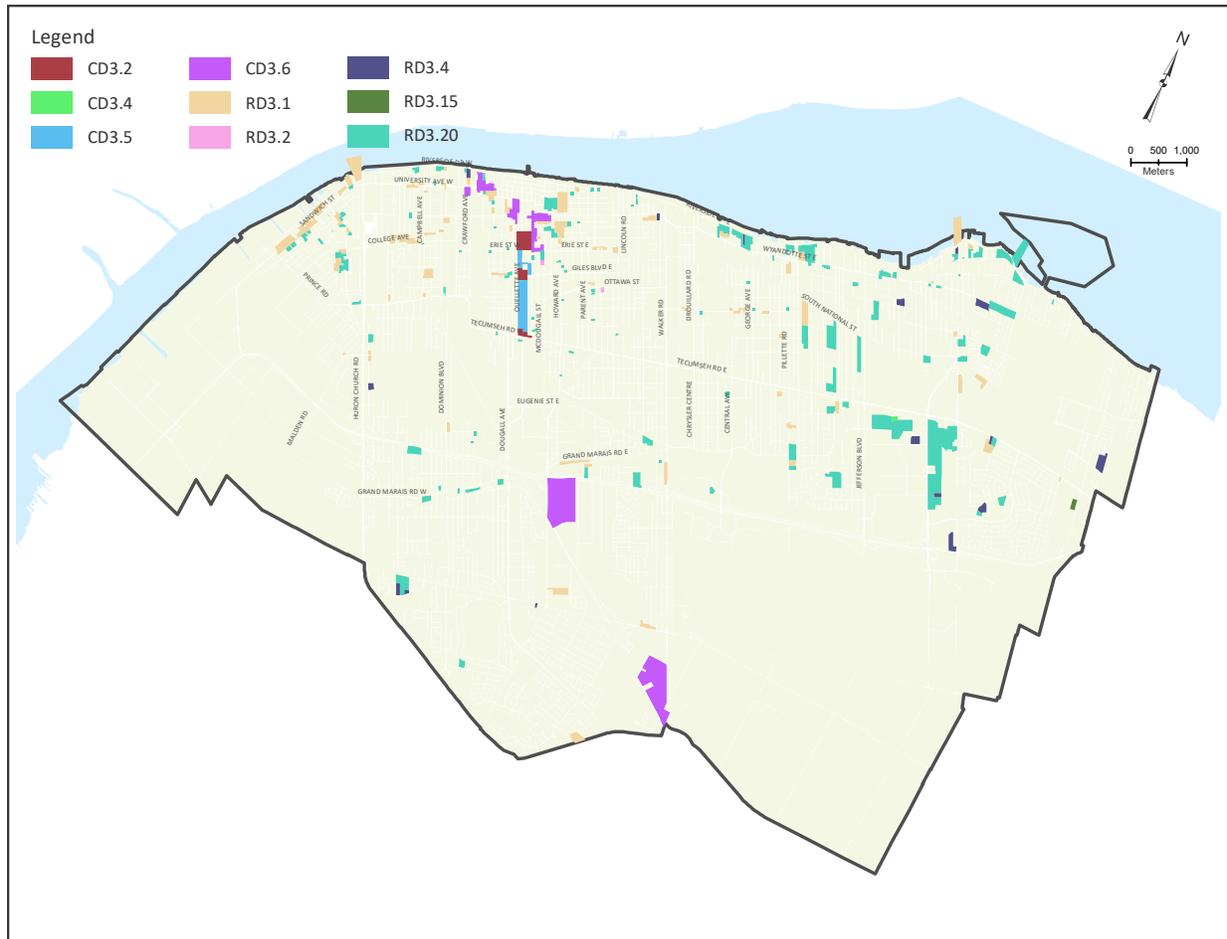


Figure 5 - As of Right Lodging House Zones

Group Homes have been recognized as residential uses and, under the provisions of the Human Rights Code, cannot be treated any differently than any other residential use in the Zoning By-law.

Shelters are only permitted as of right in the Institutional District 6 (ID1.6) Zone. However, the definition of 'shelter' includes a lodging house, which is permitted in many RD3 and CD3 Zones. A minor adjustment to the By-law could correct this potential problem.

Most of Windsor's low density residential areas are in the R1 and R2 zones. The Zone standards are very common for urban areas; 9 m frontage for singles, 12 m frontage

for duplex, lot coverage of 45% and maximum height of 10 m. While these zone standards are typical, they do not reflect the existing built form of many areas.

In those neighbourhoods with primarily 1 or 1 1/2 story houses, the By-law permits 3 stories with a flat roof and a building of 486 sq m (5,225 sq ft), excluding the basement. On a 12 m lot the By-law permits up to 607 sq m (6,530 sq ft).

After the Province enacted Bill 108 in 2019, the More Homes, More Choice Act, the City was required to amend its Zoning By-law to permit up to three dwelling units on a single lot. Where a duplex is a permitted use up to six units are now permitted. With the zone regulations described above, it is possible to build a duplex with six units, each unit being over 100 sq m - the typical size for a three bedroom unit. These types of buildings are currently being constructed in the residential areas in proximity to the University. There is concern that this size of the buildings and the density are not in character with the neighbourhood. In order to address this issue it is necessary to amend the zoning By-law to limit the size of the buildings, perhaps through greater limits on height and gross floor area.

It is also noted that the City's Zoning By-law includes a minimum dwelling unit size of 40 sq m. Staff note a number of variance requests to reduce this requirement. The Building Code specifies the minimum size for specific rooms in a dwelling. Many municipalities have eliminated a zoning requirement and relied upon the Building Code to regulate dwelling unit size, thereby enabling smaller units without planning approval.

The Commercial District Three (CD3.1 and CD3.2) Zones permit mixed use developments as of right. The maximum height is limited to the longest length of an exterior lot line - usually frontage. This zoning promotes the development of combined use buildings in those areas. The large retail centres are presently zoned CD3.3 and do not permit residential uses. It is reasonable to expect that, in the event that the Official Plan was changed to permit residential uses in these areas, the approval process would require an amendment to the Zoning By-law.

Many of the Corridors in the City are zoned in the Commercial District Two (CD2) Zones. The zone permits dwelling units as part of a 'combined use building' (not defined). The Zones impose a 14 m height limit on buildings which is just enough for ground floor retail and three residential floors. To build a 5 storey building an amendment to the By-law would be required as a 5 storey building with ground floor retail would be 20 m high.

The CD1 zone also permits residential dwellings but establishes a 7.5 m height limit, providing only for two storey buildings. To build a 3 storey building the height limit would need to be 12 m. The CD2 and CD3 zones permit residential dwellings in a combined use building but restrict the residential units to floors above the commercial uses. The City advises that a number of amendments to the By-law have been considered to permit residential units on main floors, behind commercial units.

Areas where combined use buildings are permitted as of right in the Zoning By-law are shown on Figure 6.

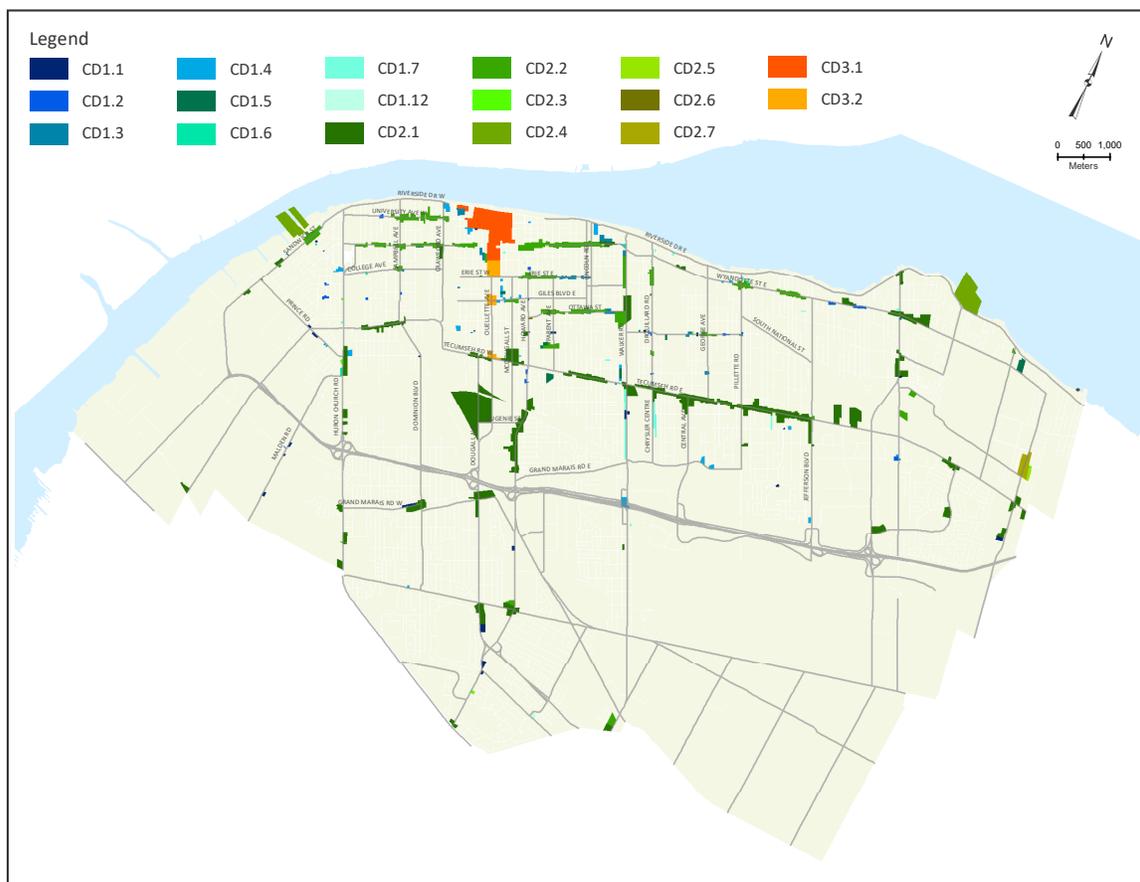


Figure 6 - Permitted Combined Use

The Zoning By-law plays a crucial role in implementing the framework for various forms of Special Needs Housing, as articulated in the Official Plan. It is crucial that the Zoning By-law permit Special Needs Housing in all zones that permit residential uses, subject to the built form regulations of the individual zone, again, keeping in mind that there should be no reference to elements of occupancy or tenure. This is absolutely crucial

because if there is to be consideration of a licensing program under the Municipal Act, the use must be identified as a permitted use in the Zoning By-law.

3.0 Licensing Special Needs Housing under the Municipal Act

The Planning Act is a very poor regulatory instrument in dealing with the management of various forms of Special Needs Housing. On the other hand, the Municipal Act (2001) gives municipalities the specific authority to license, regulate and govern some forms of Special Needs Housing operating within the municipality. This includes the authority to pass licensing by-laws covering the business of renting residential units and operating rooming, lodging or boarding houses/group homes.

It is suggested that the City consider for those forms of Special Needs Housing that are not within a Commercial or Institutional Zone, the implementation of a licensing program that appropriately manages the number of occupants/staff, ensures appropriate inspections by fire and building officials and establishes a regime to ensure the health and safety of staff and residents of those facilities. A licensing regime may also regulate behavioural elements of some forms of Special Needs Housing, where there is the potential for non-compliance and/or nuisance. Most municipalities do not charge significant licensing fees in order to encourage participation in the licensing program.

Of course, the establishment of a licensing program requires a commitment to enforcement and, potentially the need to levy fines or other orders that affect granting of permits, inspection and the management of health and safety issues as well as behavioural issues.

4.0 Market Overview Summary

Altus Consulting Group has prepared a Market Overview for housing in the City of Windsor (2022) as part of this Study. The following is a summary of their findings.

1. The City needs more housing in the inner areas of the City, with populations in a majority of the City declining due to a lack of new housing options and shrinking average household sizes;
2. The City is not seeing enough purpose-built rental housing constructed to meet demand;
3. Access to retail, transit and other community amenities can bolster the market for new residential development, making an area attractive to prospective new households;

4. Similarly, adding residential uses near existing retail clusters can improve the viability of those retail environments. The practice of redeveloping major retail centres for a mix of uses including residential, as well as other community amenities such as parks, community centres, and even additional retail is growing across Ontario and Canada;
5. The City needs to account for prospective growth in post-secondary enrolment in forecasting housing needs.

For greater detail, refer to the full Altus Report (Attachment 2).

5.0 Directing Intensification

There is an increasing awareness that the character of existing and historic or mature communities in Windsor is vitally important. The image of a community is created by the buildings and landscape elements which frame and contain spaces that are viewed from streets and sidewalks. A comprehensive approach to planning for residential intensification in a definable urban structure means that there is a clear responsibility of the City to define where intensification initiatives are appropriate and desirable within the City, and equally important, where those intensification activities need to be more significantly managed.

In addition to reviewing the Land Use designations, associated policies and Zoning within the City, the following additional factors have been considered:

- Transit
- Goods and Services
- Municipal Services
- Development Constraints
- Community Improvement Areas
- Mature/Historic Neighbourhoods

5.1 Transit

The transit system in Windsor is a bus system. Promoting intensification and affordable housing in proximity to transit is critical to reducing the reliance and costs of operating a motor vehicle. The CAA estimates the cost of new automobile ownership in Canada to be about \$1,100/month. Owning a used car is less expensive however eventually maintenance costs balance payment costs. Locating density in proximity to transit (within 500 m) reduces household costs and municipal costs and is significantly better for the environment.

5.2 Goods and Services

The ability to walk to sources of essential goods and services reduces costs, pollution, energy consumption and promotes a healthier life-style. Having goods and services within 500 m to one's residence provides these benefits. In addition, the residential uses in proximity to the commercial uses supports the vitality of the commercial uses. For these reasons, mixed-use areas provide excellent opportunities for intensification and affordable housing.

5.3 Municipal Services and Infrastructure

In order to support higher densities at moderate costs, it is important to locate that development in areas that are already serviced at a level that can support the additional uses. Intensification should be directed to areas in proximity to roads that can accommodate additional traffic, sanitary and water services that can accommodate additional flow, and stormwater management facilities that can accommodate additional flow.

Consideration must also be given to areas where community services and institutions are reasonably close. Proximity to parks and schools is important for providing for quality of life and recreation. Major institutions provide services and well as employment.

5.4 Development Constraints

Natural development constraints are identified as Natural Heritage Areas in the Official Plan. All forms of development should avoid these areas.

Flooding is a major constraint in Windsor as the land is very flat and the natural soils have low permeability. Major flooding events have happened through the City in recent years. The high water table in the City also makes it difficult and expensive to create underground parking areas in many parts of the City.

Large areas within the City are also recognized as having High Archaeological Potential. While not an absolute constraint, the costs to assess, document and perhaps recover features or leaving them in place, can considerably extend the approval time and costs for new development.

5.5 Community Improvement Areas

Community Improvement Areas in the City are places where the City has already undertaken studies and determined that development should be encouraged. The Municipal Act prohibits municipalities from providing funding in the form of grants, low cost loans or reduced municipal fees for properties without first completing a Community Improvement Plan. Community Improvement Areas also have targeted municipal expenditures for improvements to infrastructure, streetscape, parkland and other community facilities to encourage redevelopment and investment.

5.6 Mature Neighbourhoods

There are areas in the City where intensification needs to be limited in order to protect the character and cultural significance of the neighbourhood. Provincial policies mandate that some intensification shall be permitted in all residential areas - primarily in the form of additional residential units. However, care must be taken in the neighbourhoods that have cultural and historic significance to ensure that what intensification is permitted is done so with the greatest consideration of the potential impact on the character of those neighbourhoods. The examples of as-of-right development permitted in the RD1 and RD2 zones in Section 2.4 illustrate the need to change some zoning provisions in order to protect low density residential neighbourhoods.

These factors have been combined on a single map of the city (Figure 7) in order to assist in the establishment of areas that should be considered as priority intensification areas.

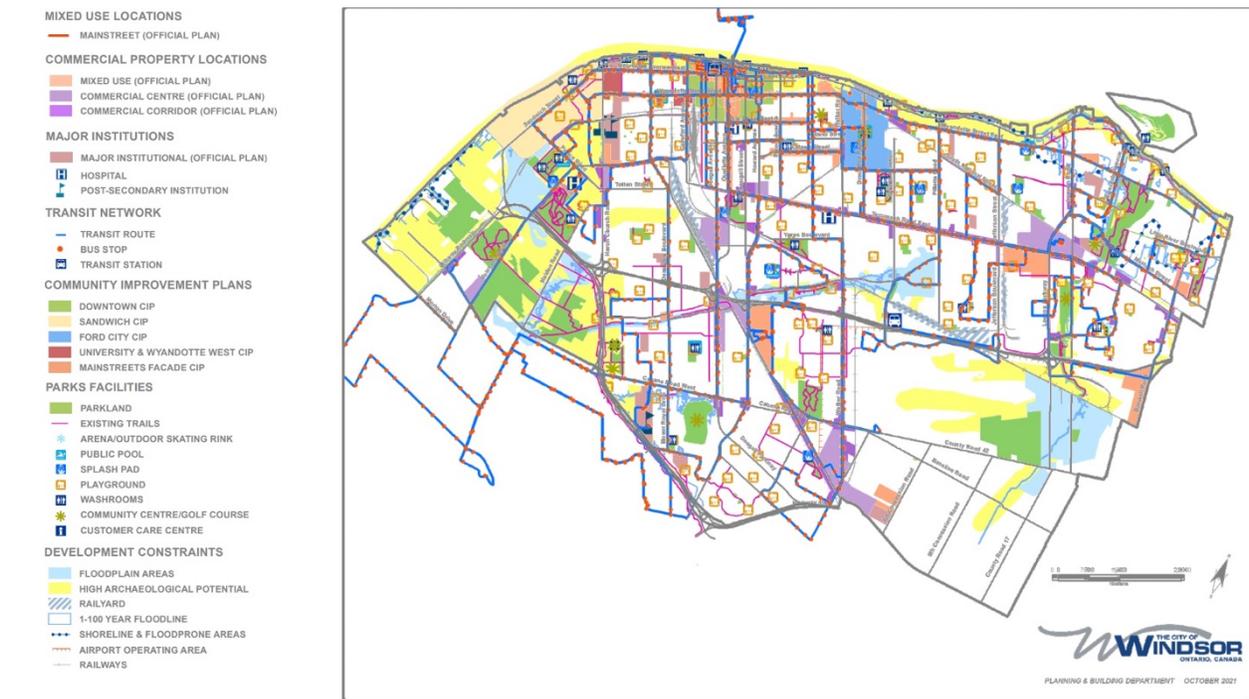


Figure 7 - Intensification Location Factors

Based on these location factors, the existing City Centre, Regional Commercial Nodes and Corridors appear to be best suited to accommodating the majority of intensification activity. These areas should be identified as Intensification Priority Areas in the Official Plan. The official Plan should clearly identify that the majority of intensification in the City should be directed to these areas. Intensification in Neighbourhood Nodes can also produce affordable units through intensification while re-enforce the local function of those areas.

6.0 Character Precincts

A review of the Official Plan Location Factors and the built form in the City indicates that there are five residential and residential/commercial mixed use areas that have distinct characteristics. These areas are shown on Figure 8 and described below.

Each of these Precincts will require different policies and Design Guidelines to guide intensification.

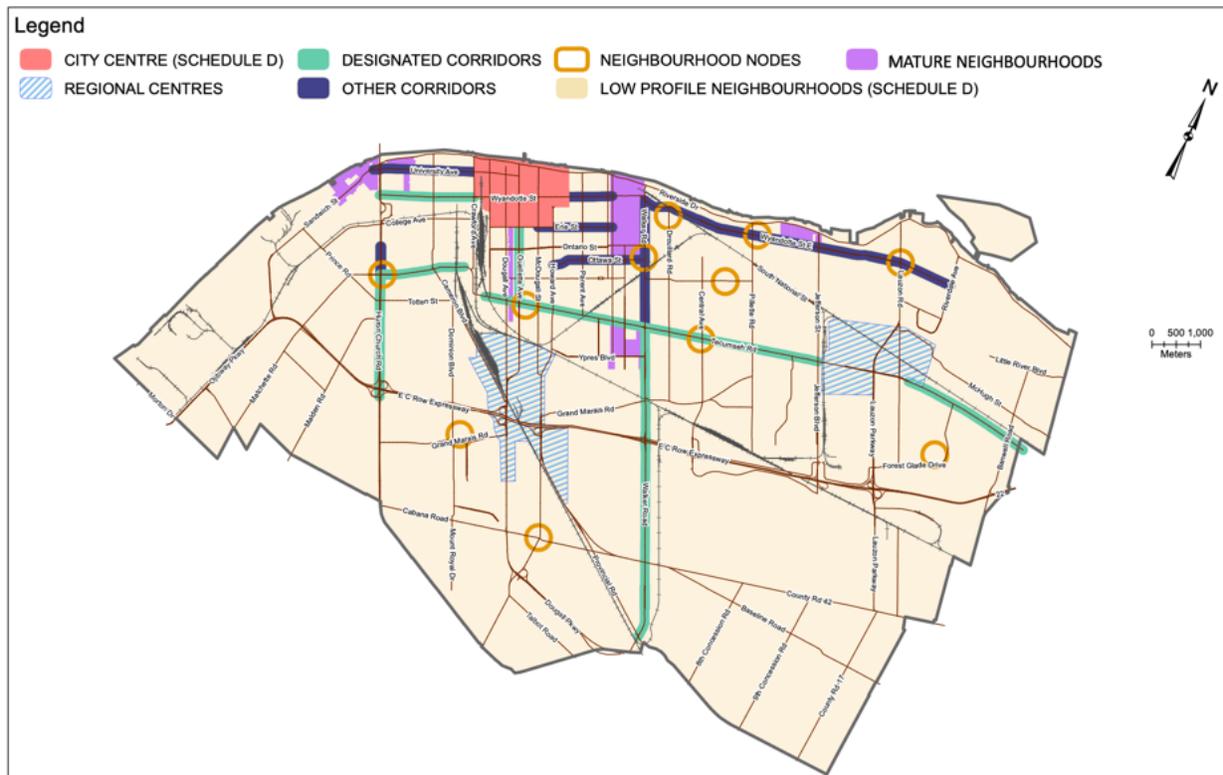


Figure 8 - Windsor Character Precincts

6.1 City Centre

This area is shown on Schedule E to the Official Plan and well described in that document. It consists of medium to high profile buildings, ground floor retail/office uses and generally reflects a post-war architectural style. The Official Plan directs higher density residential uses to this area as part of the mixed use character and includes appropriate Design Criteria.

6.2 Regional Nodes

These areas are shown graphically on Schedule J to the Official Plan. Schedule D to the Official Plan shows the areas as Mixed Use, Commercial Centres, Commercial Corridors and Business Parks. Chapter 3 of the Official Plan acknowledges that over time these areas will become mixed use communities, however this is not reflected in Chapter 6 of the Plan. The areas are large commercial centres with generally low profile buildings (less than 3 stories), vast parking lots and adjacent to major transportation routes.

6.3 Corridors

The Corridors connect Regional Centres, the City Centre and Employment Areas with four-lane roads and major transit routes. They are referred to as Commercial Corridors in Chapter 6 of the Plan and on Schedule D. However, they also include low and medium profile residential uses and local commercial uses.

6.4 Neighbourhood Nodes

Neighbourhood Nodes typically occur at intersections of arterial or collector roads. They are mixed use areas with local commercial uses, some specialty retail and dining and low to medium profile (under 5 stories) residential uses. The goods and services provided are local serving and oriented to pedestrian traffic. There is limited off street parking.

6.5 Low Profile Neighbourhoods

Most of the residential areas in the City are designated as Residential areas on Schedule D to the Official Plan. However, these areas also contain some medium profile and high profile buildings as the Official Plan permits all densities within the Residential designation. Most of the medium and high profile buildings are in the vicinity of Corridors and Neighbourhood nodes within the Residential designation. Many of the low profile neighbourhoods that were reviewed reflect the architectural style of the 1960's and 1970's, primarily bungalow or 1 1/2 story buildings on large lots with mature landscapes

6.6 Mature Neighbourhoods

There are a number of neighbourhoods in the City that warrant special consideration due to their historic and culturally significant character. These communities include Walkerville, Old Town and Sandwich. These neighbourhoods were designed and built in the 1920's and 1930's and have a consistent architectural style that reflects the prosperous City that Windsor became in that era.

7.0 Policy Direction

The passing of the ICBL is an indication that the City believes it does not have suitable policies or regulations to address appropriate infilling and intensification within the City. Updated policies are required to provide greater direction to Council, Staff and the public when considering proposals for multiple residential developments. The

following provides general direction for how the current planning policies and regulations should be modified to provide this direction.

7.1 Change and Investment

Maintaining historic neighbourhoods requires investment, however that investment is of a smaller scale, primarily directed toward maintenance. The City has Community Improvement Plans that provide incentives for maintaining the architecture integrity of historic buildings while promoting investment in those areas.

Investment in change is more significant as it often requires purchase and removal of existing development and investment in infrastructure to support large scale buildings. The City directs the most significant change and investment to be directed to the City Centre and the least change to occur in Historic and Stable Neighbourhoods. The following graphic depicts the scale of investment in change anticipated in the City's Official Plan.

Investment in Change

City Centre - Regional Centres - Corridors - Neighbourhood Nodes - Residential Neighbourhoods - Mature Neighbourhoods



The Official Plan Policies should clearly direct the greatest degree of change and investment in intensification to the City Centre, followed by Regional Centres then Corridors.

Figure 9 -
Tecumseh
Rd and
Lauzon
Parkway
Regional
Centre



The current Regional Commercial Centres have tremendous capacity to accommodate large scale housing projects. They typically have sufficient vacant lands to accommodate buildings and

parking. The Centres could also use additional residential support for the commercial uses. These areas should be identified as Intensification Priority Areas.

The corridors in the City, and to a lesser extent the Neighbourhood Nodes can accommodate mid-rise residential and commercial mixed use buildings through the redevelopment of presently underutilized commercial sites. Recent changes to the retail market will put added pressure on old shopping centres and plazas to redevelop in order to ensure that the site remains viable.



Figure 10 - Tecumseh Rd Corridor

The Corridors and Nodes should also be identified as Intensification Priority Areas in the Official Plan.

7.2 Protection and Promotion

In order to promote or facilitate investment, planning policies must reduce uncertainty. Similarly, in order to protect existing neighbourhoods and their individual character, policies must clearly protect those areas. These objectives should also be reflected in the City's Intensification Strategy.

In developing this Strategy, the policies need to reflect the degree of protection and the degree of promotion or facilitation. The following graphic depicts how these directions relate to the Character Precincts in the City.

City Centre - Regional Centres - Corridors - Neighbourhood Nodes - Residential Neighbourhoods - Mature Neighbourhoods



The current Official Plan policies in Chapter 3 of the Plan clearly express the intent to promote investment in the City Centre and promote change in the Regional Commercial Centres. Additional policies to increase the extent of promoting change and development in the Corridors would assist in directing intensification to those Areas.

Clear policies are required to protect the character of stable Residential Neighbourhoods and especially the identified Mature Neighbourhoods. In these areas, detailed Design Guidelines would greatly assist the City to protect the character while not entirely preventing any change,

7.3 Defining Compatible Development

All communities evolve over time, and one of the most important challenges for decision makers is to establish an approach to development approval that ensures that change is understood on the basis of "Compatible Development". The concept and definition of compatible development is intended to ensure that all new development within the City is appropriately integrated into the existing built form and landscape and enhances the image, livability and character of the entire City. The starting point is to consider the tested definition of "Compatible Development", as follows:

"Compatible development means development that may not necessarily be the same as, or even similar to the existing buildings in the vicinity, but, nonetheless, enhances an established community and coexists with existing development without causing any undue, adverse impact on surrounding properties."

"Compatible Development" is an overarching principle of good planning, applicable throughout the City of Windsor, and its definition needs to be clearly understood, and applied in different ways, in different contexts throughout the City. This definition raises a variety of key phrases that require further definition:

Development in the vicinity - the concept of vicinity can be flexible. Within this neighbourhood context, the definition of vicinity should vary by the scale of development. There are generally two key scales of development/ redevelopment that must be considered, including:

- Major redevelopment, where land assembly and significant development intensification are proposed - likely in a townhouse or apartment form. The vicinity here should be extensive, perhaps community based; and,

- Minor redevelopment, where land assembly is not necessarily required, but existing dwellings are demolished and replaced by new intensified development. The vicinity here should include properties within 150 metres in all directions. This vicinity could be reduced further if the anticipated impacts are considered to be more immediate - within a few properties on either side and across the street of a proposal.

Enhance an established community - this is a general phrase that needs to be articulated. In order to pass this test, the nature and character of the defined vicinity needs to be considered and clearly articulated. Clear statements about those attributes that define the character of that vicinity are required to assist in the determination of what form of building can "enhance" that character, and what form of building may be "detrimental". Further, community investment is an important factor to consider where new and significant investment within a District may be both necessary and desirable.

"Coexistence without undue, adverse impact on surrounding properties" - this is quite an onerous test, usually related to easily identifiable/quantifiable impacts like shadow, privacy, traffic and parking problems. In some instances, the concept of "visual impact" may be established as an important development review criteria. Visual impact analysis will need to be tied to the attributes that define the area's character, either on a District-wide or defined vicinity basis.

7.4 Special Needs Housing

The Official Plan and Zoning By-law need to be amended to provide a definition of Special Needs Housing, and remove all other definitions that related to how a dwelling unit is to be used, particularly where a specific group of people are specifically recognized - like students, or seniors - or where the number residents and/or relationship among residents is identified. It is appropriate for the definition of Special Needs Housing to be inclusive of a host of types of Special Needs Housing so that direction can be appropriately provided in the Zoning By-law.

- Permit in all designations where residential uses are permitted, specific identification of Special Needs Housing, subject to meeting the built-form policies and regulations of the designation.
- Define the differences among forms of Special Needs Housing that are institutional in nature (long-term care homes, for example), and potentially commercial (short-term accommodations, for example) and identify where those uses are appropriately accommodated.

8.0 Summary of Recommendations

The next phase of this project will be a comprehensive implementation strategy that will consider a host of recommendations that are geared to:

- Prioritizing the City's centres corridors and nodes for intensification through supportive Official Plan policies.
- Reducing the risks inherent to the planning approvals process by pre-zoning identified centres and corridors for intensification and mixed-use development. Pre-zoning will identify the appropriate permitted land uses and will establish appropriate built form, massing and transition regulations.
- Reducing the cost of development by right-sizing parking standards and parkland dedication requirements and identifying areas where financial incentives may be considered.

The corollary is also true, the comprehensive implementation strategy will provide a host of recommendations that will provide planning tools aimed at regulating intensification initiatives within the City's established neighbourhoods

Subject to the endorsement of these recommendations, amendments to the Official Plan and Zoning By-law would be prepared for consideration by the City:

1. Stand-alone medium and high profile buildings should be permitted in the Regional Centres (designation name to exclude "Commercial"), with a policy framework that ensures appropriate transitions to adjacent communities.
2. Medium profile combined (mixed) use buildings should be permitted in the Regional Centres and the Corridors with a policy framework that ensures appropriate transitions to adjacent communities.
3. Combined use buildings up to 4 storeys high should be permitted in the Neighbourhood Nodes.
4. The Residential policies should include consideration of modestly scaled intensification projects within 50 m of a Neighbourhood Node.
5. Mature Neighbourhoods should be identified on Schedule G to the Official Plan. Intensification in these areas should be limited to development of a consistent

character to what presently exists in those areas in terms of front and side-yard setbacks, height and density.

6. The low density Residential Zones should include maximum gross floor area limits and reduce maximum height to 10 m.
7. The minimum dwelling unit size should be eliminated from the Zoning By-law
8. The Residential policies should define limits to intensification that will ensure that re-development for intensification is compatible with the existing built form. Additional policies regarding parking and landscaping requirements should be included in the Official Plan.
9. The City should amend the Official Plan and Zoning By-law to ensure compliance with the Human Rights Code, and to set a policy framework for the City to establish and enforce a licensing program for various forms of Special Needs Housing.
10. The Official Plan should enable Council to adopt Design Guidelines and implement those guidelines through architectural control in the development process. Design Guidelines will be implemented through a combination of Associated Official Plan design-focused policies, the Zoning By-law and Site Plan Approval, and potentially through urban/architectural design control processes.

Respectfully submitted

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