Residential Intensification in Established Neighbourhoods Study (RIENS)

Final Report
February 13, 2017
PREFACE

This Final Report is the second of two reports that represent the Residential Intensification in Established Neighbourhoods Study (RIENS).

The Issues and Options Report was the first report completed for the RIENS. It reviewed the Study process, described the Study Area, described the form and location of intensification that has occurred in the Study Area and provided a review of other municipal practices to managing residential intensification in established neighbourhoods. Also included in this report were a series of options for consideration by the project team, City Council, and the public.

This Final Report is meant to complement the Issues and Options Report and focus on the recommendations that are being made. A further purpose of this Final Report is to provide an overview of the process and the feedback received through the various forms of public engagement that were undertaken.

As indicated in the Issues and Options Report, Provincial, Regional and City policies establish the requirement to accommodate population growth in various forms. Residential intensification is one of the ways in which the City is required to accommodate population growth. While intensification has been occurring in the City’s established neighbourhoods for decades, the City decided in 1994 through updates to its Zoning By-law to provide for a variety of housing types within its zoning categories which, for the most part, continue to be in place today. In 2009, the City’s framework was re-affirmed, refined and approved by Council through the Kitchener Growth Management Strategy (KGMS).

The benefits of intensification are well documented. From an efficiency perspective, intensification in built up areas maximizes existing infrastructure and reduces the need to spend tax dollars building and maintaining new infrastructure to support urban development at the edges of our cities. Intensification in developed areas also supports public transit and maintains residential densities that are needed to support small businesses and schools.

Residential intensification can occur at many different scales and in many different forms and they include the:

- Redevelopment of an existing lot;
- Development of vacant or underutilized lot;
- Addition of units in an existing building;
- Expansion of a building to add additional units;
- Assembly of abutting lots to permit higher density; and,
- Replacement of a single-detached dwelling on an existing lot.

All of the above forms of intensification are commonly referred to as infill housing.

On the basis of the above, the RIENS reviews the City’s current planning approval process for new development projects in the established neighbourhoods to determine if
changes are necessary. The RIENS also reviews planning rules that govern development that have been established in the City’s Zoning By-law. The purpose of the RIENS is to develop a clear and fair process for approving redevelopment projects in the established neighbourhoods that will encourage compatible development.

Below are a number of observations about the City’s current planning process.

1. The City’s current Zoning By-law is generally permissive in that it permits a number of different dwelling types in residential zones and there are few differences between the scale of development that is permitted in several of the residential zones. *This means that the current zoning may permit dwelling types on a street that are very different than what exists today, particularly in a circumstance where the predominant housing type on a street is single detached dwellings.*

2. There are limited controls in the Zoning By-law on the location, placement and width of garages in the Study Area. *In the absence of new rules for garages, there is potential for more suburban style development to be built, which would be out of character in the Study Area.*

3. Given that the Zoning By-law is permissive with respect to the permitted height of dwellings, there is the potential for a new dwelling to be much higher than the adjacent dwellings. *This means that a new three-storey dwelling could be built as of right beside a single-storey bungalow.*

4. The Zoning By-law establishes a minimum front yard setback that does not take into consideration the front yard setbacks of adjacent lots. In some cases, the front yard setbacks of properties on a street may be greater than the established minimum front yard setback in the Zoning By-law. *This means that a new dwelling could locate much closer to the front of a property than the adjacent dwellings. (A new dwelling can also located much farther back on the lot than adjacent dwellings as well).*

5. When an application for a new development requires a minor relief (e.g. request for a reduction of the requirements in the Zoning By-law) then an applicant can apply for a Minor Variance. Similarly, if an applicant is interested in creating a new lot for development then an applicant can apply for Consent. These applications are considered and approved by the Committee of Adjustment (CoA). The CoA provides notice in the newspaper and a courtesy mailing to property owners within a 30-metre radius of the subject property before the Hearing. However, there is no requirement to place a notice on the property itself. *This could mean that some members of public may not be aware that an application is being considered.*

6. The City currently requires Site Plan Approval for new buildings that have three or more dwelling units. This means that single-detached, semi-detached and duplex dwellings do not have to go through the Site Plan Approval process. *This means that the City does not have control over the architectural style or other site characteristics (like trees) of new single-detached, semi-detached or duplex dwellings since only a building permit is typically required.*
Given the permissive nature of the current Zoning By-law, many development proposals comply with the zoning and only require a building permit. There is no public process for the issuing of a building permit. However, once the permit is issued, it is required to be posted on the property. This means that the public may not be made aware of a proposed development until the permit is issued and when construction has been initiated.

While the City does not want to discourage infill development, it does want to ensure that the right rules and processes are in place to ensure that new development is as compatible as possible with existing development. The focus of RIENS is to determine how to encourage compatible development by changing some of the zoning rules that currently apply and the processes that are followed when applications are being considered.

With the above in mind, this Final Report contains a number of recommendations that are designed to support compatible development. In this regard, a number of changes to the Zoning By-law are being recommended to recognize the character of development in established neighbourhoods. While the zoning recommendations are intended to refine the rules to support neighbourhood character, they are not meant to limit, restrict or discourage intensification. It is also recommended that the City can make minor changes to its current planning processes while continuing to support and promote intensification. These recommended changes are intended to be preventative in nature and will ensure, to the greatest extent possible, that new development will respect the neighbourhood where it is being proposed.

Table A: Summary of Study Recommendations (continued on next page).

<table>
<thead>
<tr>
<th>Category</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Changes in the Study Area</td>
<td>1. Amend the City's zoning by-law as it applies to the Study Area.</td>
</tr>
<tr>
<td></td>
<td>1A Require new construction to generally be located a distance from the street that is in line with existing dwellings.</td>
</tr>
<tr>
<td></td>
<td>1B Reduce the maximum building height to permit a maximum of two storeys only in a circumstance where a replacement dwelling is proposed between two bungalows and maintain the current maximum permitted height everywhere else (10.5 metres).</td>
</tr>
<tr>
<td></td>
<td>1C Require that new garages be detached in the rear yard or attached on the side and recessed behind the front face of the dwelling in areas where this is the norm. In addition, new restrictions on garage width, garage projection and driveway width should be added to the City's Zoning By-law for the remainder of the Study Area.</td>
</tr>
<tr>
<td></td>
<td>2 Consider through further study, whether or not certain areas that have permissions for a variety of multiple dwelling housing forms and which are predominantly the site of single detached dwellings should be re-zoned to reflect the existing housing forms of the neighbourhood.</td>
</tr>
<tr>
<td>Category</td>
<td>Recommendations</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>ProcessEnhancements</td>
<td>3 Change the notification process for consent and minor variance applications by requiring the placement of a notice sign on the property when an application is being considered.</td>
</tr>
<tr>
<td></td>
<td>4 Require Site Plan Approval for single-detached, semi-detached and duplex dwellings as a pilot project in select neighbourhoods identified by the Cultural Heritage Landscape Study.</td>
</tr>
<tr>
<td>Urban Design Manual</td>
<td>5 Update the Urban Design Manual to provide additional guidance on infill development and new development adjacent to established neighbourhoods.</td>
</tr>
<tr>
<td>Public Information and Awareness (about intensification)</td>
<td>6 Develop a Citizen’s Guide to Intensification to assist homeowners and developers when developing plans for infill development and which explain the planning processes that apply for the benefit of all.</td>
</tr>
</tbody>
</table>

On the basis of the above, this Final Report is divided into the following sections:

**Section 1** provides a brief overview of the Study background, Study Area and process as well as concurrent projects in the City. Readers are encouraged to consult the Issues and Options Report for a more detailed review of background material.

**Section 2** provides a summary of engagement in each phase of the Study. This section references all meetings with the public, the stakeholder team and with Council. Complete meeting notes can be found on the City’s website at [www.kitchener.ca/RIENS](http://www.kitchener.ca/RIENS).

**Section 3** presents our recommendations. The recommendations, upon presentation to Council, are the final deliverable of the Study.

**Section 4** briefly sets out the next steps for the City following the presentation of the recommendations to Council. It is noted that the recommendations are simply recommendations and will require Council endorsement for future implementation and in some cases a statutory public process.
TABLE OF CONTENTS

Preface ........................................................................................................................................ ii

1.0 Background .......................................................................................................................... 8

1.1 Study Area .......................................................................................................................... 9

1.2 Study Process ....................................................................................................................... 10
  1.2.1 Phase 1: Background Review ..................................................................................... 10
  1.2.2 Phase 2: Assessment of Options ............................................................................... 11
  1.2.3 Phase 3: Recommendations ....................................................................................... 11

2.0 Summary of Engagement ..................................................................................................... 12

2.1 Phase 1: Background Review .............................................................................................. 12
  2.1.1 Engagement Session #1 .......................................................................................... 12
  2.1.2 Stakeholder Meeting #1 ......................................................................................... 13

2.2 Phase 2: Assessment of Options ......................................................................................... 15
  2.2.1 Council Strategy Session .......................................................................................... 16
  2.2.2 Engagement Session #2 .......................................................................................... 16
  2.2.3 Stakeholder Meeting #2 .......................................................................................... 18
  2.2.4 Bus Tour .................................................................................................................. 18

2.3 Phase 3: Recommendations ................................................................................................. 18
  2.3.1 Engagement Session #3 .......................................................................................... 19
  2.3.2 Stakeholder Meeting #3 .......................................................................................... 19
  2.3.3 Engage Kitchener ...................................................................................................... 20

3.0 Recommendations ................................................................................................................ 20

3.1 Zoning ................................................................................................................................ 22
  3.1.1 Building Height ......................................................................................................... 23
  3.1.3 Garage Width, Garage Projection and Driveway Width ............................................. 25
  3.1.4 Front Yard Setback ..................................................................................................... 27
  3.1.5 Review of Zoning in Specific Residential Areas ....................................................... 31
  3.1.6 Other Zoning Options That are not Recommended .................................................. 31

3.2 Process Enhancements ......................................................................................................... 34
  3.2.1 Current Notification Approach Used by the City ....................................................... 34
  3.2.2 Experiences in Other Municipalities .......................................................................... 35
  3.2.3 Recommendation ....................................................................................................... 36

3.3 Site Plan Approval ................................................................................................................ 36
  3.3.1 Site Plan Approval Recommendation ......................................................................... 38

3.4 Urban Design Manual Updates ............................................................................................ 39
  3.4.1 Infill Development ...................................................................................................... 40
    3.4.1.1 Direction on the use of UDM in the Official Plan .................................................. 40
  3.4.2 UDM Recommendation .............................................................................................. 42
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4.2.1</td>
<td>Establishing the Assessment Area</td>
<td>43</td>
</tr>
<tr>
<td>3.4.2.2</td>
<td>Identifying Recurring Character Elements</td>
<td>44</td>
</tr>
<tr>
<td>3.4.2.3</td>
<td>Assessing Compatibility</td>
<td>45</td>
</tr>
<tr>
<td>3.4.3</td>
<td>Development Adjacent to Established Residential Neighbourhoods</td>
<td>46</td>
</tr>
<tr>
<td>3.4.3.1</td>
<td>Direction on the use of UDM in the Official Plan</td>
<td>46</td>
</tr>
<tr>
<td>3.4.3.2</td>
<td>Community Character in the OP</td>
<td>47</td>
</tr>
<tr>
<td>3.4.3.3</td>
<td>The Current UDM and Interface Issues</td>
<td>48</td>
</tr>
<tr>
<td>3.5</td>
<td>Guide to Intensification</td>
<td>49</td>
</tr>
<tr>
<td>4.0</td>
<td>Summary</td>
<td>50</td>
</tr>
<tr>
<td>4.1</td>
<td>Implications of the Recommendations</td>
<td>50</td>
</tr>
<tr>
<td>4.2</td>
<td>Implementing the Recommendations</td>
<td>52</td>
</tr>
<tr>
<td>4.3</td>
<td>Outside of the Study Area</td>
<td>53</td>
</tr>
<tr>
<td>5.0</td>
<td>Next Steps</td>
<td>54</td>
</tr>
</tbody>
</table>
1.0 BACKGROUND

In December 2015, the City of Kitchener retained Meridian Planning Consultants to undertake the Residential Intensification in Established Neighbourhoods Study (RIENS). Throughout 2016, the Project Team (comprised of City of Kitchener staff and Meridian Planning Consultants) engaged with the public, Council and the development industry throughout each phase of the Study in a variety of ways. On the basis of the above, this Final Report provides a summary of all engagement opportunities and presents the final recommendations for consideration by the City.

The City’s current planning framework promotes intensification and directs intensification to take place primarily (but not exclusively) in its intensification areas that include the downtown area (Urban Growth Centre), nodes and corridors.

The RIENS area is generally comprised of established neighbourhoods where limited intensification and change overall is expected to occur. However, due to development pressures this area may see more change. Established neighbourhoods are generally more static than other areas and, as such, can be negatively impacted by intensification or other forms of change if not directed or managed appropriately in accordance with their unique contexts.

There are several ways that residential intensification can and does occur in the City’s established neighbourhoods. These include the:

- Modification of an existing single-detached dwelling to add one or more dwelling units either internally or in a building addition;
- Replacement of a single-detached or duplex dwelling on an existing lot and additions;
- Redevelopment of existing lots at higher densities;
- Adaptive reuse of existing non-residential buildings or properties;
- Development of vacant or underutilized lots; and,
- Assembly of abutting lots to permit higher density development.

There are several staff reports to the City’s Planning & Strategic Initiatives Committee of Council that provide background and context to the issues along with outlining a number of actions that have already been taken, are in progress, or are planned.

In August 2013, staff report CSD-13-084 (‘Residential Intensification – Infill Housing’) discussed the topic and outlined a number of immediate or interim actions, including adjustments to certain zoning items, urban design guidelines and process matters.

Over the past two years, Council continued to receive and identify ongoing issues with various scales of infill developments. Eventually, this Study was added to the City’s Corporate Business Plan in the beginning of 2015.

There are also two major planning studies that are currently underway that relate to and may be influenced by the recommendations from this Study. This includes the Planning Around Rapid Transit Stations study (PARTS study), which will provide policy direction.
for future development and stability within station study areas along with recommendations for capital projects to ensure that these areas are developed in a way that is transit supportive and adds value to the community. The PARTS Plans will be implemented through new secondary plans, zoning and urban design guidelines. The recommendations of this Study will be applied to PARTS areas that remain low rise residential.

Another on-going City project is the Comprehensive Review of the Zoning By-law (CRoZBy) that includes a review of all existing zones including residentially zoned properties in the City. Any zoning rule changes that are a result of the RIENS (outside of existing Secondary Plans) could be implemented through the CRoZBy process. Given the timing of the review of urban residential zoning that will be initiated in early 2017, and which will include public consultation, it is anticipated that any proposed zoning changes for lands outside of existing Secondary Plans will be implemented, wherever possible, through the CRoZBy process.

For the remainder of this Final Report, the RIENS will be referred to as the ‘Study’ and the RIENS Area will be referred to as the ‘Study Area’.

1.1 STUDY AREA

The Study Area includes the City’s central neighbourhoods and Vanier Planning community (see Figure 1 below).

![Figure 1: Study Area (Central neighbourhoods and Vanier planning community).]
It is recognized that the Study Area is very large. However, the focus of the Study is only on those lands that are designated in the Official Plan and zoned for low-density residential uses. Lands that are designated and/or zoned for higher density residential uses or designated for other purposes are not part of this Study.

1.2 STUDY PROCESS

The Study process included three Phases: the background review, the preparation of options and the preferred recommendations. The Study process and deliverables are identified below in Figure 2. Each Phase involved regular consultation and input from the public and stakeholders. While each engagement opportunity is briefly referred to in Sections 1.2.1–1.2.3 below, a more detailed summary of each engagement opportunity is provided in Section 2.0 of this Final Report.

**Figure 2: Study process.**

### 1.2.1 PHASE 1: BACKGROUND REVIEW

The background review included the following tasks: a review of all of the materials and information relevant to the City’s current planning process in the Study Area, a review of zoning and built form in each neighbourhood and a comparison of approaches used by other municipalities for established neighbourhoods. These tasks provided the basis for understanding how and what types of intensification could be expected in the Study Area. It also assisted in identifying challenges that would need to be considered with respect to intensification in the Study Area such as land use compatibility, neighbourhood character and interface considerations where low-rise residential development abut properties that can accommodate higher density development.

During the completion of the work described above, the Project Team held the first Engagement Session and the first Stakeholder meeting.
The results of the background review were compiled into the Issues and Options Report and the following categories of options were presented for consideration.

1. Changes to the Zoning By-law;
2. Updates to the Official Plan;
3. Updates to the Urban Design Manual;
4. Changes to the existing approval processes (such as expand Site Plan Control, change notice requirements and implement the Cultural Heritage Landscape Study);
5. Establish a new approval process (such a develop a Streetscape Character Analysis (Ottawa) and/or implement a Development Permit System (Edmonton)); and,
6. Improve public information and awareness about intensification through the development of a guide.

1.2.2 PHASE 2: ASSESSMENT OF OPTIONS

The purpose of Phase 2 of the Study was to determine which options from Phase 1 were the most appropriate for the City to consider. The Project Team focused on the relationship between and elements that define compatibility and character. In this regard, it was identified that elements such as the physical form of a building and how and where it is arranged on a lot could have an impact on compatibility. Some of these included: height and massing, setback from the front lot line, location and width of garage and driveway and architectural style.

In addition to the above, consideration was also given to character and how defining elements of the built form and setting are consistent or not. Examples used to describe character included: lot width, vegetation (e.g. street trees and the size, location age and/or variety), building (size, location, orientation and/or materials), architectural style and the location of garages and driveways.

These elements were presented at a Council Strategy Session, the second Engagement Session and the second Stakeholder Meeting.

The input and feedback on the above provided the Project Team with a better sense of the areas where the City could improve its planning processes. These findings were used to develop preliminary draft recommendations that were first presented on a bus tour led by the Project Team.

1.2.3 PHASE 3: RECOMMENDATIONS

Phase 3 is the current and final Phase of the Study. Phase 3 began with a set of draft recommendations based on the completion of Phase 1 and 2. These draft recommendations were presented to the public at a third Engagement Session, to the Stakeholder group at a subsequent meeting and in an Engage Kitchener online survey. The purpose of these engagement opportunities was to present and receive feedback on the draft recommendations.
In addition to the above, this Final Report has been prepared and it marks one of the last deliverables for the Study. The final deliverable will be a presentation to Council/Committee to consider the recommendations that are presented in this Final Report for the Study Area.

### 2.0 SUMMARY OF ENGAGEMENT

The Study process was designed to incorporate considerable public consultation in each Phase. In total, this included three public engagement sessions, three stakeholder meetings, a bus tour, a Council strategy session, discussions at the Waterloo Region Home Builders’ Association Kitchener Liaison Committee meetings and a month-long Engage Kitchener survey. On March 6, 2017, this Final Report and recommendations will be presented to Council.

Following each public event (engagement sessions and stakeholder meetings) notes were prepared and posted on the City’s website. These notes can be found at [https://www.kitchener.ca/RIENS](https://www.kitchener.ca/RIENS). Below is a description of the consultation events that occurred in each Phase of the Study process.

#### 2.1 PHASE 1: BACKGROUND REVIEW

Consultation in Phase 1 was introductory in nature. The two opportunities to engage in Phase 1 included the Engagement Session #1 and the Stakeholder Meeting #1. These are discussed below.

##### 2.1.1 ENGAGEMENT SESSION #1

The first engagement session was held on March 8, 2016 at the Rockway Golf Course. The purpose of the first engagement session was to provide an introduction to the Study, describe the study process, identify the goals and objectives of the study, provide an explanation of what intensification is and how the City’s current approach to residential intensification can be improved. Following the presentation, the public asked questions about the Study and highlighted areas that they felt should be considered as part of the Study.

In addition, at the end of this meeting those interested in joining the stakeholder team were invited to sign up. It was explained that stakeholders are interested members of the public that were to be involved in focused discussions about the Study.

Below are the questions and comments that were heard from those in attendance.

Questions (with project team answers in italics):

- **Are there Regional roads in the Study Area and will the Region be involved?** Yes, there are Regional roads in the Study Area and the Region will be consulted during the Study process.
• **Will setbacks be reviewed as part of the process?** Yes, setbacks will be reviewed along with other zoning standards.

• **What is the timeline for the Study?** The timeline is approximately one year.

• **Will any consideration be given to trees in this Study?** Yes, trees will be a factor in evaluating neighbourhood character.

• **Are other uses being considered?** The Study focus is on residential land uses, but may consider processes for lands that may convert from another use to residential use.

• **How are lands in Heritage Conservation Districts being treated?** Lands in Heritage Conservation Districts are included in the RIENS study, but only those that are zoned for lower-density residential (e.g. R-1, R-2, R-3, R-4, R-5 or R-6).

• **What if there are other areas where landowners are interested in being part of the process?** The Study will include several opportunities for consultation, however the Study Area is the Central Neighbourhoods and Vanier Community. It will be up to Council to study areas beyond the defined Study area.

• **How will the City manage applications in the next year as this Study progresses?** Applications submitted during the Study will be subject to, and evaluated in accordance with the current land use framework.

• **How do the PARTS study and RIENS study differ?** The PARTS study focuses on land use in the vicinity of the transit stations and the RIENS focuses on the rules and processes that should apply for permitted low-density residential development.

General Comments made by the public:

• Real life example provided of construction of a semi-detached dwelling that was permitted as of right adjacent to an existing single detached dwelling.

• Consideration should be given to coach housing being permitted in laneways.

• Renters also have a stake in the future of the City - not just property owners and developers.

• Consideration should be given to better understanding the relationship between zoning and taxation.

• Protection of tree canopy should be a factor to consider.

• The rules regarding the relationship between new development on corridors and low-density housing should be reviewed.

• Concern about Kitchener becoming like Waterloo.

• Suggest that Heritage Conservation District Plans be reviewed.

• Considerable interest expressed in finding out what the intensification rules are in different parts of the City.

### 2.1.2 STAKEHOLDER MEETING #1

The first stakeholder meeting was held on April 6, 2016 at the Rockway Community Centre. As mentioned in Section 2.1.1, interested members of the public were invited to sign up for the stakeholder team and it was explained that their role was to participate in
in focused discussions about the Study. The group was comprised of twelve residents within the Study Area and two planning consultants.

The meeting began with introductions and a brief description of why stakeholders chose to join the stakeholder team. The Project Team then provided a brief description of what the Zoning By-law does, how it controls development and described how each zone standard impacts how a lot is developed. The meeting was opened up to a general discussion that included real life examples of what stakeholders see as working and what could be improved. Also discussed were the types of uses that are permitted in each residential zone and the approaches that have been implemented in other municipalities to manage residential intensification.

At this meeting, stakeholders listed the reasons below for becoming involved:

- Concern for the community and how development may impact the overall look and feel of the area;
- Supportive of intensification that occurs in the ‘right way’;
- Being involved in this process means taking action in developing an appropriate process;
- Desire to be proactive and engaged in a study that may have impacts on how development in older neighbourhoods is approved in the future;
- An interest in the preservation of community heritage features; and,
- Intensification should enhance the area where it happening and have a positive impact.

In addition to the above, below are the questions and comments raised at the stakeholder meeting by those in attendance.

Questions (with project team answers in italics):

- **In some areas, there are live/work units that are pretty close to the sidewalk. How does this happen?**
  In some areas, such as mixed-use corridors, there is a reduced or no requirement for setback. This type of corridor is zoned differently than low-rise residential areas and is not included in the Study, however the study would provide recommendations on how to deal with the interface behind such areas and low density residential areas.

- **Will demographics and building activity information be reviewed during this process?**
  City staff has provided the Project Team with information on building activity in the area. This will be a consideration in the Study and will be discussed at future meetings.

- **How do Cultural Heritage Landscapes fit in to the Study?**
  Cultural Heritage Landscapes have not yet been covered in our research, but the Project Team will look further into this and the impact that this may have.
General comments:

- Notification process for Committee of Adjustment applications should be improved. Notices are not clear and the content can be confusing.
- Desire to have more rules that govern the building height, type of materials, style (specific emphasis on heritage), and landscaping to be reflective of what exists on the street where development is proposed.
- Suggestion that more rules for development to blend with existing streetscape is important, particularly as a way to ensure that development resembles surrounding character and is appropriate.
- Suggestion that more rules may deter poor development.
- Real life example was provided where standards such as depth of dwelling and garage rules in the Zoning By-law could have made a residential development more appropriate in terms of streetscape and the experience of local neighbours.
- Real life examples were provided of a positive experience that some stakeholders had in working with a developer of a residential property to request changes to the development to reflect their neighbourhood character.
- Experience where the ratio of building mass to lot size (floor space ratio) was manipulated for a development that created a negative impact on community.
- Real life examples of newer development that fits in with surrounding character were provided.
- Interest in building line and front yard setbacks to ensure located of houses is uniform along street.
- The public process for development applications is very important to stakeholders.
- Consideration for standards in relation to the hierarchy of roads in the City, specifically with parking requirements for developers.
- Interest in seeing better cohesion between departments in the approvals process.
- There are a wide variety of uses that are permitted and many of the zones seem open.
- Suggestion that semis may not need driveways or could have a shared driveway to look more like single-detached dwellings.
- Concern for types of houses (reference to rooming/boarding houses) that are permitted and public safety.
- Interest in adding lanes (and lane-based housing) to the Study discussion.
- Interest in learning more about the City of Ottawa's approach to regulating character.

2.2 PHASE 2: ASSESSMENT OF OPTIONS

The purpose of the consultation events in Phase 2 was to interact with the public and receive input and feedback on the available options to the City. The available options were identified in the Issues and Options Report and this was posted on the project webpage when completed in Phase 1. In Phase 2, the Project Team conducted a Council Strategy Session, Engagement Session #2, Stakeholder Meeting #2 and a bus tour. These are discussed below.
2.2.1 COUNCIL STRATEGY SESSION

On May 16, 2016, a Council strategy session was held for the Study. For this session, the Project Team prepared Council Report CSD-16-031 ‘Residential Intensification in Established Neighbourhoods Issues and Options Report’ and delivered a presentation on the Study. The purpose of the Council strategy session was to obtain initial feedback from Council members on priorities for what neighbourhood characteristics should be addressed and on the options identified in the Issues and Options Report.

The feedback from the Council strategy session and public engagement initiatives were intended to assist the Project Team in determining what neighbourhood characteristics are of primary interest to Council and the community and what changes to the rules and processes would help new development best fit, while recognizing trade-offs. On the basis of the above, Council was provided with two questions for discussion:

1. What do you see as the top priorities for ensuring compatibility? (Examples: setbacks, location of garage, landscape area, building height, architectural style).
2. The report outlines a “menu” of options (Issues and Options Report, Table 26, Page 72) for evaluating development applications. To varying degrees, these options either change rules or add approval steps so that development applications are compatible with the neighbourhood. In some cases, the additional steps will also add costs and time to obtain approvals. What are your thoughts on the proposed options and trade-offs?

In response to the above, Council members provided a variety of answers on their top priorities for ensuring compatibility. The Council minutes can be accessed here or through the City’s website at:
https://lf.kitchener.ca/WeblinkExt/0,0,0/doc/1444694/Page1.aspx.

With respect to process options, there were several questions about the implications of a new process such as the Streetscape Character Analysis (City of Ottawa) and a Development Permit System (City of Edmonton). In this regard, Council members indicated that they are cognizant of staff resources and the implications of introducing a new process.

Several members of Council expressed interest in updates to the Urban Design Manual as well as improved notification requirements for consent and minor variance applications. The development of an infill guide for the community was also highlighted as an important resource to both residents and the development community.

2.2.2 ENGAGEMENT SESSION #2

The second engagement session was held on June 14, 2016 at the Victoria Park Pavilion. The first part of the meeting included a presentation on the overall intent of the Study, some of its background, its current status and the product of the work to date. The presentation also included a review of compatibility and compatibility tests, neighbourhood character and character elements as well as possible options for the Study Area.
The second part of the engagement session was an interactive session that involved using ‘clickers’ to identify public preferences on elements that contribute to compatibility and character. In order to gauge the public’s preferences, participants were asked to identify their preference using ‘clicker’ software. This allowed the Project Team to better understand and discern the public’s preferences on the relative importance of the specific character elements that were presented. The elements evaluated included height, setback from the front lot line, location of garage, width of interior side yard and architectural character. Participants were shown a number of images which showed infill housing examples with varying building elements (including building setbacks, design, garage projection, and height) that varied from the existing dwellings on either side, and were asked to provide their opinion on whether they thought the new dwelling in the middle was compatible with the homes on either side. Participants’ assessments of the images were made by selecting a number from a 5-point scale, with 1 being most desirable and 5 being least desirable.

In addition to the above, below are the questions and comments raised at the meeting by those in attendance.

Questions (with answers from the project team in italics):

- **Can a control be implemented for the rear wall or depth of dwelling?** Yes, but this is not a control that is currently used by the City. The City does, however, implement a minimum rear yard setback that is measured from the rear property line.
- **Who comprises the stakeholder group?** At the first meeting, an announcement was made to those in attendance to sign up to be on the stakeholder group.
- **What are the Ottawa and Edmonton methods mentioned in the presentation?** Ottawa uses a streetscape character analysis and Edmonton uses a development permit system. These are explained at length in the report that is available online (www.kitchener.ca/RIENS), however these options deal with process and the focus on today’s meeting is on compatibility and character.
- **Does this Study consider compatibility in terms of zoning?** Yes, the report that is available online (www.kitchener.ca/RIENS) identifies a list of potential options, others of which include amendments to Official Plan policies, updates to site plan control, updates to the urban design manual, potential change in process and notification for planning applications.

Comments:

- Concern that this Study is focused on implementing more preventative measures rather than encouraging infill.
- Concern that the Study process does not explore the personal connections and neighbour-to-neighbour interactions that occur in neighbourhoods and that make each area unique.
- Indicated that, in some cases, neighbourhoods are diverse and that is the distinct character.
- Suggest that other elements, such as porches, should be included in the Study because it contributes to place making.
• Suggest that the Study consider the relationship between neighbourhoods in terms of permanent residents and renters and how changes to current standards may impact the viability of the renting market.

2.2.3 STAKEHOLDER MEETING #2

The intent of the second stakeholder meeting was to provide each participant with an opportunity to provide their comments on the value of the approach that was used at Engagement Session #2 and to provide their opinions on which of the options that were presented at Engagement Session #2 had merit.

A number of stakeholders who had attended Engagement Session #2 were supportive of the approach taken and felt that the questions posed and the comments made by the public assisted them in understanding what some of the issues and challenges are. The stakeholders also indicated that they felt that zoning rule changes that deal with front yard setbacks, building height and garage width and projection should be explored. The stakeholders were also very supportive of requiring the posting of a sign on a property when an application for minor variance and consent has been submitted.

Some stakeholders also identified front porches and trees as important character elements in some neighbourhoods. It was also noted that should the site plan or other similar process be considered, expectations should be set upfront so that the process is clear and not too onerous.

2.2.4 BUS TOUR

On October 4, 2016, the Project Team took members of Council, City staff, members of the public and media representatives on a bus tour through the Study Area. The bus tour was for informational and educational purposes. An information package that was prepared for the bus tour can be found here or accessed on the City’s website here: https://www.kitchener.ca/en/livinginkitchener/resources/Planning/RIENS/PLAN_-IENS-Bus-Tour-Oct-4-2016.pdf.

The purpose of the bus tour was to provide examples of and explain the type of development that can occur as-of-right in accordance with the City’s current Zoning By-law permissions. To accomplish this, the bus tour visited various locations and provided examples of how the draft recommendations could impact future development. The following streets were visited as part of this tour: Simeon Street, Sydney Street, Fourth Avenue, Vanier Drive, Kehl Street and Homewood Avenue.

2.3 PHASE 3: RECOMMENDATIONS

Based on the consultation events and an analysis of the options presented in Phase 2, a set of draft recommendations were developed in Phase 3. The draft recommended options considered the pros, cons and implications (to both the City, the public and applicants) that would result if they were to be implemented.
2.3.1 ENGAGEMENT SESSION #3

The third engagement session was held on October 27, 2016 at the Rockway Golf Course. The purpose of this engagement session was to present and receive feedback on the draft recommendations for the Study Area. This meeting was structured as a workshop and the recommendations were discussed at each table, with a member of City staff facilitating the discussion.

The participants were asked to choose some or all of the seven recommendations for discussion within each group. The participants were generally supportive of the recommendations that were being made. The roundtable discussions generated a number of suggestions including: controlling the extent of development within the rear yard; establishing measures to save trees; requiring that only detached garages be permitted in certain areas, considering laneway development where appropriate; expanding site plan control beyond just the pilot areas; retaining some R-6 zoning areas to maintain choice and flexibility; reviewing areas that are zoned R-7; and preference for an online version of the Citizen’s Guide to Infill Development.

2.3.2 STAKEHOLDER MEETING #3

The third Stakeholder meeting was held on November 3, 2016 at the Rockway Community Centre. The purpose of this meeting was to provide an opportunity to further discuss and receive feedback the draft recommendations.

This was an open forum discussion. Below are some of the comments that were made:

- General overall support for the report recommendations;
- Consideration could be given for larger backyard setbacks on deeper lots;
- Concern about the practicality of measuring building heights and who provides those measurements;
- Consideration could be given to providing for varying roof pitches as it relates to height;
- Consideration should be given to establishing different rules in areas where detached garages in the rear yard are the norm;
- Confirmation that there is a need to evaluate those areas that have zoning to allow multiple dwellings in stable areas (but not in all areas);
- General support for site plan control but prefer to include other areas than just the pilot project areas;
- There is a need to ensure that the site plan approval process for homes is not too prohibitive;
- Acknowledge that there are benefits to a Citizen’s Guide to inform the planning process and support the maintenance of character of neighbourhoods; and,
- Supportive of the use of a notice on a property for minor variance and consent applications.
2.3.3 ENGAGE KITCHENER

From November 1 to December 13, 2016, an online survey on the draft recommendations was available through Engage Kitchener. This platform is an online forum that allows citizens to offer their feedback, share opinions and exchange ideas about City programs, services and decisions. Below is a brief summary of the general comments that were provided on the draft recommendations.

The majority of participants agreed that front yard setbacks help to ensure that new development respects the existing neighbourhood and streetscape. However, some participants also raised a number of concerns with the front yard setback recommendation and its impact on building design, the potential to stifle unique home designs and the options available for intensification.

For the building height recommendation, a number of participants agreed that an averaging approach would promote a more visually appealing streetscape while respecting existing development in the area. Some suggested that the roof type and the angle of roofline could have some impact on building height and identified this as a factor for consideration in the recommendations. There were also a number of participants that disagreed with the building height recommendation and commented that it may restrict intensification efforts and potentially limit innovation in building design.

There were many responses in favour of controlling the construction of garages and driveways in the RIENS area. Others indicated that the recommendations should consider the context and recognize that there is the potential for increased street parking by limiting garage size based on lot width.

A number of participants indicated that they are supportive of the site plan approval pilot project as a means to conserve existing streetscape, heritage housing stock and landscaping. However, others expressed concern that this process could discourage redevelopment because of the additional required planning approvals.

The majority of participants responded in favour of the recommendations for notification of consent and minor variance applications. Similar support was also provided for the recommendations to develop a Citizen’s guide for infill development. In addition, a number of participants identified content that could be included in the guide.

3.0 RECOMMENDATIONS

The recommendations presented in this section are the product of an iterative process shaped by feedback received from the public, Council and internally within the Project Team. It is noted that these recommendations are simply recommendations for the Study Area and that they are subject to Council endorsement as well as (in some cases) a future statutory process for implementation.
Table 1 provides a summary of the final recommendations.

Table 1: Summary of Study Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| Zoning Changes in the Study Area| 1. Amend the zoning by-law as it applies to the Study Area.  
1A. Require new construction to generally be located a distance from the street that is in line with existing dwellings.  
1B. Reduce the maximum building height to permit a maximum of two storeys only in a circumstance where a replacement dwelling is proposed between two bungalows and maintain the current maximum permitted height everywhere else (10.5 metres).  
1C. Require that new garages be detached in the rear yard or attached on the side and recessed behind the front face of the dwelling in areas where this is the norm. In addition, new restrictions on garage width, garage projection and driveway width should be added to the City’s Zoning By-law. |
| Process Enhancements            | 2. Consider through further study, whether or not certain areas that have permissions for a variety of multiple dwelling housing forms and which are predominantly the site of single detached dwellings should be re-zoned to reflect the existing housing forms of the neighbourhood.  
3. Enhance the notification process for consent and minor variance applications by requiring the placement of a notice sign on the property when the application is being considered.  
4. Require Site Plan Approval for single-detached, semi-detached and duplex dwellings as a pilot project in select neighbourhoods identified by the Cultural Heritage Landscape Study. |
| Urban Design Manual             | 5. Update the Urban Design Manual to provide additional guidance on infill development and new development adjacent to established neighbourhoods. |
| Public Information and Awareness (about intensification) | 6. Develop a Citizen’s Guide to Intensification to assist homeowners and developers when developing plans for infill development and which explain the planning processes that apply for the benefit of all. |

To a large extent, the modification of existing zoning rules (Recommendation #1) or the addition of new rules would have a direct impact on primarily rebuilds and additions on existing lots. These rules would also affect new development on new lots as well. A review of the zoning in specific residential areas (Recommendation #2) will require a closer look at some areas that currently provide for higher densities but are currently comprised of mainly single-detached dwellings.
Process enhancements are another area of opportunity for the City to improve its current planning process. Adding a sign notice for consent and minor variance applications (Recommendation #3) would provide the public with more awareness of development activity in the City. Introducing Site Plan Approval to single-detached, semi-detached and duplex dwellings as a pilot project (Recommendation #4) provides the City with an avenue for reviewing other building design elements and tree protection to support the heritage features of neighbourhoods. This pilot project could be implemented in one or more neighbourhoods identified in the Cultural Heritage Landscape Study.

Updates to the Urban Design Manual (Recommendation #5) would assist in making guidelines for infill projects more effective for projects requiring a Planning Act approval (such as zoning bylaw amendment, site plan approval, minor variance and consent).

Developing a Citizen’s Guide to Intensification (Recommendation #6) would provide a resource to the public, development community and Council. This would contribute to public awareness about intensification and the processes required for residential development in the established neighbourhoods.

Unless otherwise stated, the recommendations presented below only apply to lands within the Study Area.

## 3.1 ZONING

A number of municipalities have modified their Zoning By-laws to protect the character of existing residential neighbourhoods from the encroachment of new homes that are not in character with the existing homes by passing infill by-laws. Generally, these by-laws were not intended to control the architectural style of a dwelling. Instead, the intent was to establish rules that were designed to ensure that new development could exist in harmony with existing development.

In recent years, the City has begun to experience increased demand and pressure for redevelopment in the City’s established neighbourhoods. Given that the City’s established residential neighbourhoods are almost completely developed, many of the new people moving into these areas will simply move into existing homes. Some may renovate and add onto those homes and others will replace that home with a newer home. This is a necessary part of the evolution of any city.

The City’s current Zoning By-law applies six Residential zones in the Study Area, from R-2 to R-7. The zone names reflect the relative intended density of housing forms. Generally, as the zone numbers increase, the variety of permitted housing types increases while the size of lots for single-detached dwellings decreases.

Within the R-2 to R-7 zones, the zoning rule changes are recommended to apply to single-detached dwellings, semi-detached dwellings, duplex dwellings and street fronting townhouses. For multiple dwellings in the R-5 to R-7 zones, it is recommended that the site development regulations be evaluated through either the future review of Secondary Plans or through the CRoZBy process (for properties outside of the Secondary Plans).
On the basis of the above, zoning changes have been recommended for building height, front yard setback, garage location, garage width, garage projection and driveway width. It is noted that the recommendations are not intended to stifle creativity or discourage renovations, additions to existing dwellings or the replacement dwellings. Rather, the intent is to ensure that future changes in the City’s established neighbourhoods are positive and generally compatible with the character of existing development.

It is noted that the sections below reference standards used in other municipal Zoning By-laws. These are presented for comparison purposes only and readers are encouraged to seek out these documents for all applicable regulations.

3.1.1 BUILDING HEIGHT

The City’s current Zoning By-law establishes a maximum building height of 10.5 metres for single-detached, semi-detached, duplex dwellings and street fronting townhouses throughout the Study Area and the City as a whole. This maximum building height permission could easily permit a three-storey dwelling that has three full floors.

With the above in mind, the as-of-right permission for maximum building height means that new development is not required to have regard for adjacent dwellings. As a consequence, this means that the height of new dwellings could greatly exceed the height of the existing dwellings that are adjacent to or in the vicinity of the new dwelling. In this regard, there is the potential for a new dwelling to be incompatible from a built form perspective with those existing dwellings in some cases.

Other municipalities have applied different maximum building height standards that apply to infill areas, such as the City of Kitchener’s established neighbourhoods. These are identified in Table 2.

Table 2: Maximum building height provisions in other municipal Zoning By-laws.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Oakville</td>
<td>9.0 metres</td>
</tr>
<tr>
<td>City of Mississauga</td>
<td>7.5 metres (flat roof)</td>
</tr>
<tr>
<td></td>
<td>9.5 metres (sloped roof)</td>
</tr>
<tr>
<td>Town of Markham</td>
<td>8.0 metres (flat roof)</td>
</tr>
<tr>
<td></td>
<td>9.8 metres (pitched roof)</td>
</tr>
<tr>
<td>City of Brampton</td>
<td>8.5 metres</td>
</tr>
<tr>
<td>Municipality</td>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>Town of Oakville</td>
<td>9.0 metres</td>
</tr>
<tr>
<td>City of Mississauga</td>
<td>7.5 metres (flat roof)</td>
</tr>
<tr>
<td></td>
<td>9.5 metres (sloped roof)</td>
</tr>
<tr>
<td>Town of Markham</td>
<td>8.0 metres (flat roof)</td>
</tr>
<tr>
<td></td>
<td>9.8 metres (pitched roof)</td>
</tr>
<tr>
<td>City of Brampton</td>
<td>8.5 metres</td>
</tr>
</tbody>
</table>
All of the Zoning By-laws reviewed in the municipalities in the table above permit a maximum building height that is less than the current maximum building height permitted in the City of Kitchener Zoning By-law.

Given that the current height permission in the City's Zoning By-law is applied uniformly and without regard to the character of those streets with predominantly bungalows, it is clear that there is a need to address the height permission in some parts of the Study Area. However, it is our opinion that it is not necessary to consider a reduced height permission in circumstances where existing dwellings on a street already have a height of two storeys or greater. In our view, the potential for land use incompatibility is much greater in circumstances where new 3 storey dwellings are proposed on a street with bungalows that are 1.5 storeys or less in height. Given that it is the character of the street that is being considered in this analysis, it is how the height of the building fits in with the height of other buildings that are facing the street that is being considered.

With the above in mind, it is recommended that the City’s Zoning By-law height permissions be modified such that in a circumstance where a replacement dwelling is proposed and the dwellings on either side have a height of 2 storeys or less, the maximum permitted height for the replacement dwelling should be 8.5 to 9.0 metres depending on the way height is measured. This reduction in the permitted height would allow for no more than a two-storey dwelling with a pitched roof. This is illustrated in Figure 3 and Figure 4. This recommendation would apply in the R-2 to R-7 Zones and wherever bungalows are the predominant housing form. The new zoning provisions would apply to replacement dwellings and building additions.

In a circumstance where a replacement dwelling is proposed and at least one of the dwellings on either side have a height of 2 storeys or greater, the maximum permitted height should remain as is at 10.5 metres.

Some additional thought with respect to implementation will be required to ensure that a very simple way of determining when the reduced height maximum applies.

Figure 3: Illustration of permitted building height in the City’s current Zoning By-law. Example is on a street with mainly one-storey dwellings.
3.1.3 GARAGE WIDTH, GARAGE PROJECTION AND DRIVEWAY WIDTH

In the Study Area, a considerable number of dwellings have detached garages that are located towards the rear of the residential lots. The garage location dictates the location and width of the driveway in existing circumstances. There are also parts of the Study Area that do not have attached garages. However, it is generally expected that an attached garage will be a key requirement for most builders and homeowners when considering the development of a replacement dwelling, unless the City’s Zoning By-law does not permit an attached garage.

The City’s Zoning By-law establishes garage width and garage projection standards for properties that were created after May 29, 2000. For semi-detached dwellings, the garage width and garage projection standards only apply to properties that were created after August 28, 2006. Given that many properties within the Study Area were developed well before this time, this means that the garage width and projection rules do not apply. Without garage width and garage projection rules, Figure 5 is a graphic of the type of development that could occur in the Study Area as-of-right (assuming all other zoning standards were met).

The only time that the current garage width and garage projection standards would be applied in the Study Area is if a new lot is created as a result of a severance.

Many municipalities, including Kitchener, have included rules in their Zoning By-laws to regulate the width and projection of garages in new development areas, but not in established residential areas. This was primarily in response to concerns about the impact of garages on the front of every dwelling on the ultimate character of new neighbourhoods.

Figure 4: Illustration of recommended building height of 8.5 or 9.0 metres.

Figure 5: An example of as-of-right development that could occur in the Study Area.
The intent of these restrictions is to regulate the design so that there is an appropriate relationship between garage and dwelling face. Many of these types of restrictions on garage width are also accompanied by restrictions on driveway width to ensure that an appropriate amount of non-paved surface is also provided on each lot. These provisions also recognize that in many new development areas, public transit is not available and as a consequence, multiple car ownership remains very common and necessary in these newer areas.

These provisions were typically applied only in new development areas simply because established residential areas were, for the most part, already established. However, given that the current restrictions on garage width and projection do not apply within the Study Area, the potential does exist (however remote) for someone to replace an existing dwelling and erect a new dwelling in Kitchener that has a much wider garage than the other dwellings on the same street. It is our opinion that if this were to occur, a significant land use compatibility issue would be created and the character of the particular neighbourhood affected.

Table 3 identifies the maximum garage width and garage projection standards as set out in other municipal Zoning By-laws as they apply in infill areas.

Table 3: Garage width and projection regulations in other municipal Zoning By-laws.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Maximum Garage Width</th>
<th>Garage Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Mississauga</td>
<td>• 6 metres in the R4 and R5 zones</td>
<td>• No projection in infill areas.</td>
</tr>
</tbody>
</table>
| Town of Richmond Hill| • 6.5 metres (lot width 18.3 metres or less)  
                           • 9.7 metres on larger lots              | • 2.1 metres in some areas             |
| Markham              | • 7.7 metres (in some areas when lot width is 18.3 metres or less) | • 2.1 metres in some areas             |
| Town of Oakville     | • One parking space: 3.0 metres.      | • 1.5 metres                           |
|                      | • Two parking spaces: 5.6 metres.     |                                        |
| City of Ottawa       | • Single attached garage: 3 metres    | • No projection permitted in infill areas.       |
|                      | • Double attached garage: 6 metres    |                                        |

Given the lack of rules currently, there is a need to develop zoning regulations for garages in circumstances where garages exist only in the rear yard (or not at all), and for circumstances where attached garages are appropriate and should be permitted.

With respect to those streets and neighbourhoods where garages are in the rear yard, attached to the side of the house and recessed from the front face of the dwelling, or do not exist at all, there are four distinct options to consider as set out below:
1. Garages are permitted but they are restricted in width in relation to the lot frontage and not permitted to extend beyond the front face of the dwelling.
2. Garages are permitted, but they are only permitted in the form of detached garages that are located within the rear yard.
3. Garages are permitted but they are required to be recessed beyond the front face of the dwelling to minimize their visual impact.
4. Garages are not permitted at all.

To recognize and protect the character of those areas where existing garages are not that visible, it is recommended that the City's Zoning By-law indicate that detached garages in the rear yard and attached garages in the side yard and which are recessed behind the front face of the dwelling are the only types of garages permitted. This can be accomplished by creating a special 'overlay' zone or by making a case by case determination on what rules should apply based on where garages are located on the two immediately abutting properties. In this regard, a more detailed review of character (with respect to garage location and garage projection) may be required in certain areas that may result in recommendations for further restrictions through the City's Secondary Plans review or CRoZBy process.

With respect to those parts of the Study Area where attached garages would be acceptable, applying the City's current rules is not recommended since they are too permissive and would permit development that is incompatible with existing development in the Study Area. In this regard, our recommendations are below:

1. For lots that have a lot width that is less than 15 metres, permit a single-car garage with a driveway width that matches and prohibit the projection of the garage from beyond the front of the dwelling.
2. For lots that have a lot width that is 15 metres or greater, permit a double-car garage with a driveway width that matches and prohibit the projection of the garage from beyond the front of the dwelling.

With respect to the recommendations above, the garage projection would be measured from the habitable portion of the dwelling or the front wall of a porch or veranda.

The new zoning provision would apply to replacement dwellings and building additions. In addition the new zoning provision would only apply to single-detached, semi-detached, duplex and streetfronting townhouses on lands within the existing R-2 to R-7 zones.

3.1.4 FRONT YARD SETBACK

The City’s current Zoning By-law establishes a minimum front yard setback of 4.5 metres for the habitable portion of a dwelling and 6 metres for the attached garage for single-detached, semi-detached and duplex dwellings in the R-2 to R-7 zones. There are certain structural elements and architectural features that are currently permitted to project into the front yard setback such as: stairs or access ramps, canopies, balconies, air conditioners and mechanical equipment and terraces/porches/decks.
In addition to the above, Section 5.7 of the City's Zoning By-law reduces the minimum front yard requirement in any zone when the two adjacent houses are closer to the street line than the Zoning By-law allows:

"In the case of a lot between two existing buildings both of which encroach upon the required front yard and are not more than 18.0 metres apart, a building may be located on such lot so that the front face of the building is no closer to the street line than the front face of that existing building which is located furthest from the street line."

While the Zoning By-law sets out the minimum front yard setback requirement (and some exceptions) on an individual property basis, it does not currently require new dwellings to be located generally the same distance from the street as other dwellings on adjacent lots. In addition, the Zoning By-law does not establish a maximum setback either, which means that a dwelling could be located on the rear portion of the lot, provided all other setbacks are met.

One of the most compelling and easily seen characteristics of the City’s established neighbourhoods is the way in which all of the existing dwellings on the same side of a street all relate to the street in the same way (it is recognized that there are exceptions). In other words, each of the dwellings on one side of a street is located generally the same distance away from the front lot line. In many cases, this has occurred naturally as the new homes were developed either by the same builder or individually. In other cases, this has occurred simply because the depth of the lot combined with the desire for an appropriately sized backyard led to the locating of the building close to the front lot line.

On some streets, the majority of houses are located closer to 6 or 7 metres from the front lot line (much greater than the minimum 4.5 metres set out in the current Zoning By-law). In this scenario, the potential exists for a replacement dwelling to be located closer to the front lot line than every other dwelling on the same side of the street. Figure 6 below illustrates this scenario.

Figure 6: Example of a dwelling that could locate closer to the front lot line than every other dwelling on the same side of the street.

*Minimum front yard setback from a garage is 6.0 metres.
Similarly, the opposite scenario could permit a replacement dwelling to theoretically be located farther back from the street than other dwellings on the same side of the street if the owner wishes to and/or if the lot is relatively deep since there is nothing currently in the Zoning By-law that prevents this from occurring. Figure 7 below illustrates this scenario.

Some municipalities have adopted Zoning By-laws that require the location of the front wall of new development in established neighbourhoods to have regard for existing adjacent dwellings. In both the City of Toronto and the City of Ottawa, the minimum front yard is determined by averaging the front yards of abutting lots. The City of Ottawa also establishes a maximum front yard of 6 metres, while the City of Toronto does not. Given that the Ottawa Mature Neighbourhood Overlay applies to a limited area, and the Toronto by-law applies to a much larger geographic area, it is understandable why the Toronto by-law does not include a maximum front yard.

In terms of the Study Area, the character of existing streets can be supported if new replacement dwellings are generally located in line with the existing dwellings on the same side of the street. This will ensure that circumstances where a new dwelling “sticks out” in front of other dwellings on the same side of the street does not occur. In addition, including some type of control on the maximum setback will ensure that a “hole” in the building wall is not created when a replacement dwelling is constructed. An example of this is provided in Figure 8.
On the basis of the above, it is recommended that the City consider including a new rule that applies to all building forms in the R2-R7 zones that indicate that the minimum and the maximum front yard shall be the average of the existing yards of the two dwellings on each of the abutting lots. If the lot is a corner lot, the setback would then be the same as the front yard of the one abutting lot. In order to provide some flexibility on where the front wall is located, the Zoning By-law could indicate that the front wall must be located within 0.5 metres on either side of the average. The provision would not change the requirement that the garage be located a minimum of 6 metres from the front lot line. In addition, either the front wall or the front of the porch could be considered, again to provide some flexibility and to encourage the building of porches.

Consideration could be given to including all of the other lots that face the same side of the street in the calculation; however, it is our opinion that this is not necessary since it is the front yards of the immediately abutting lots that should be considered when redevelopment is proposed in the form of a replacement dwelling. Including only the dwellings on either side also takes into account the variability that may exist on a block.

With respect to the maximum setback from the front lot line, incorporating an arbitrary maximum setback as is the case in Ottawa is not appropriate in the Study Area, since the maximum setback established in Ottawa of 6 metres may actually create a circumstance where the minimum required front yard based on the averaging discussed above is greater than the maximum setback. However, there would be no need for a maximum setback if our recommendation on where the front wall should be located as per the above is implemented.

Implementing this recommendation would go a long way towards ensuring that replacement dwellings are located in a manner that is compatible with the location of other dwellings on the same side of the street.
3.1.5 REVIEW OF ZONING IN SPECIFIC RESIDENTIAL AREAS

There are some residential areas in the Study Area that are zoned R-6 and R-7 that are the site of mainly single-detached dwellings and where multiple dwellings are permitted as-of-right. Based on the character of these neighbourhoods and the predominance of single-detached dwellings, it is recommended that these areas be reviewed to determine whether or not the zoning continues to be appropriate. Examples of criteria to assess whether or not the zoning of these areas is appropriate could include:

- Consistency of dwelling types, including size, in the area;
- Development potential, specifically the size and configuration of the lots;
- Potential for lot consolidation;
- Cultural heritage characteristics in the neighbourhood and the benefits of protecting this heritage;
- Adjacent land uses;
- Proximity to transit;
- Location in neighbourhood (centre versus the edge);
- Classification of street of which the dwellings have frontage on; and,
- The established policy framework in the City.

These criteria could be considered as part of the review and update of existing Secondary Plans and/or the CRoZBy process.

This review may determine, in some cases, that the current zoning is appropriate where a single-detached residential area is zoned for townhouses and multiple dwellings and is beginning to transition in built form or is situated in an area that is appropriate for that transition. In the alternative, it may be determined that the zoning should change to protect the current character of the neighbourhood.

On the basis of the above, below is our recommendation:

1. That the City, within secondary plan areas, review the zoning for areas zoned R6 and R7 as part of the secondary plan review process; and,
2. That the City, for areas outside of secondary plan areas, reviews the zoning for zoned R6 and R7 areas as part of CRoZBy.

3.1.6 OTHER ZONING OPTIONS THAT ARE NOT RECOMMENDED

A number of comments were made at the 3rd Engagement Session about the need to control the length of replacement dwellings on existing lots. Essentially, the concern is that as replacement dwellings are developed, landowners will take full advantage of the permissions included within the Zoning By-law in developing the new dwelling. Specifically, since the Zoning By-law has a required minimum rear yard of 7.5 metres, the concern is that landowners and builders will build a new dwelling to the rear yard requirement to maximize available floor area.

For example, in some neighbourhoods the rear yard setbacks are generally 10-15 metres. In these neighbourhoods, this means that rear wall of new development could
be located several metres closer to the rear property line compared to the rear wall of adjacent dwellings. The impact of this is that the new development could potentially overlook and create shadows onto existing adjacent backyards. Some municipalities have established a depth of dwelling standard in their Zoning By-laws to try to mitigate this from happening and to ensure that the sizes of backyards are consistent.

However, the City’s Zoning By-law establishes a maximum lot coverage regulation that controls the amount of land that can be covered by a dwelling or accessory structure. This standard, in conjunction with the other minimum standards, can be used to control the location of a dwelling on a property. This existing maximum lot coverage standard allows for a building to cover a maximum of 55% of the property, with the habitable portion being capped at 45% and accessory buildings and structures capped at 15%.

The lot coverage restriction in Kitchener would permit the full development of a typical residential lot (12 metres by 30 metres) in accordance with the required setbacks. However, as a lot gets larger, less of the available land area that is not within the setback area can be used when the lot coverage is 55%. If it assumed that our recommendation on where the front wall of replacement dwellings should be located is implemented, any replacement dwelling will be oriented towards the front of the lot and it would not be possible to extend the dwelling to within 7.5 metres of the rear lot line on larger properties.

There are a number of municipalities that have established a maximum lot coverage requirement that is much lower than what the City of Kitchener Zoning By-law allows. For example, the City of Markham permits 25-35%, the City of Brampton permits a maximum of 30% (excluding accessory structures) and the Cities of Oshawa and Burlington, Town of Richmond Hill and Etobicoke York District permit lots coverages of up to 20-40%.

Some municipalities have also regulated the maximum depth of dwelling in their Zoning By-laws. The City of Markham establishes a maximum depth of dwelling of 16.8 metres and 18.9 metres for residential additions. The former Cities of North York and Etobicoke permit a maximum depth of dwelling to 19.0 metres (these provisions are now enshrined in the City of Toronto by-law).

On the basis of the above, there are two options that the City could consider to prevent issues with future development and potential compatibility issues with rear yards. These are discussed below.

The City could reduce the maximum lot coverage standard in the Zoning By-law. This would increase the probability that the lot coverage will be consistent with adjacent and established development. It is noted that one consequence of the above is that this would limit the size of proposed dwellings and may restrict layout options, particularly for single-storey dwellings.

Another option that the City could implement is to establish a new maximum depth of dwelling rule to all or some of the zones. Placing limits on the depth of dwellings in established residential neighbourhoods is intended to address shadowing and overlook into adjacent back yards. There may not be one uniform standard to fit all circumstances.
or zones. In this regard, the City would be required to complete an analysis of the Study Area to determine what depth would be appropriate.

However, it is recommended that the City delay considering the changes suggested above, given that it is recommended that the front yard of replacement dwellings be generally in line with other dwellings on the same side of the street. This new rule, in conjunction with the lot coverage restriction should prevent new homes from extending too far into a previously undeveloped backyard.

The Issues and Options Report also identified several zoning changes for the Study Area that are not included in the final recommendations. These are identified and discussed in Table 4.

**Table 4: Other Zoning change options not recommended.**

<table>
<thead>
<tr>
<th>Zoning Change Options Identified in the Issues and Options Report</th>
<th>Reason for Not Being Included as a Study Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modify the maximum front yard requirement by increasing the minimum requirement.</td>
<td>Not required because the final recommendations include a new front yard setback rule that considers the front yards of dwellings on adjacent properties.</td>
</tr>
<tr>
<td>Modify the building height standard by adding a new rule that deals with maximum permitted height for additions only.</td>
<td>Not required because the final recommendations include a modified building height rule for any new development.</td>
</tr>
<tr>
<td>Replace the minimum interior side yard requirement with a maximum occupied frontage rule.</td>
<td>Not required because the current interior side yard requirements are appropriate.</td>
</tr>
<tr>
<td>Apply the existing maximum garage projection rule to existing lots.</td>
<td>The current Zoning By-law rules for garages would not be appropriate to apply in the Study Area because they are too permissive.</td>
</tr>
<tr>
<td>Apply the existing maximum garage width rule to existing lots.</td>
<td></td>
</tr>
<tr>
<td>Apply a new maximum floor space ratio restriction to all or some of the permitted dwelling types.</td>
<td>Not required because the City already relies on lot coverage restrictions.</td>
</tr>
<tr>
<td>Establish a new maximum height of first-storey floor above grade rule for all of the zones.</td>
<td>Not required because the final recommendations include a modified building height rule. This also was not identified as being a prominent issue in the Study Area.</td>
</tr>
</tbody>
</table>

The above zoning change options all have advantages in terms of controlling different aspects of development - however, they do not have the same impact on built form as the recommended zoning rules. Despite the above options not being included in the final recommendations, it is noted that the City could consider incorporating any or all of these in the future should it be deemed necessary at that time.
3.2 PROCESS ENHANCEMENTS

Members of Council and the public expressed support for process enhancements such as improved notification for new development. The Planning Act requires that notice be provided for applications for a minor variance and consent. However, the means by which notice is provided in this case is up to the City.

3.2.1 CURRENT NOTIFICATION APPROACH USED BY THE CITY

At the present time, the City advises the public of applications for consent and minor variance through the Committee of Adjustment by placing a notice of Hearing in the newspaper and mailing a courtesy notice to property owners within a 30-metre radius of the subject property.

Ontario Regulations 197/96 and 200/96 under the Planning Act outline the notification requirements for consent and minor variance applications. In this regard, the Committee of Adjustment can circulate the application to every owner of land within 60 metres of the property and require that a notice be posted on the property itself, or provide notice in a newspaper only. The City has chosen the latter in addition to a circulation letter notice to all property owners within 30 metres. This approach exceeds the notification requirements of the Planning Act.

As a draft recommendation, replacement of the newspaper notice with a sign notice (and associated letter circulation) was considered. Upon evaluation, the feedback received from City staff is that the sign notice be included in addition to the minimum legislated requirements to avoid a number of the implementation challenges. Some of these include:

• Tight timelines for the Committee of Adjustment circulation would make it difficult to produce signs that meet the mandatory content requirements. Staff identified that some applications include a number of variances or complex consent requests (e.g. easements, lot additions) that would be difficult to include on the sign;
• The City is responsible, under the Planning Act, for adherence to notice requirements. If the posted sign is a legislated requirement, it would be time intensive for staff to either install the signs or to confirm that posting requirements are met by the applicant.
• The volume of applications processed in a year has ranged in recent years from 125 to 269. Production of signage may pose a challenge due to application volumes.

Instead of a sign notice to meet all of the mandated requirements, City staff has preference for a standardized sign that can be easily administered. The standardized sign would provide awareness on the property that a Committee of Adjustment application is underway. Interested individuals would then seek additional information through the City’s website or by contacting the City to find out more about the application.
3.2.2 EXPERIENCES IN OTHER MUNICIPALITIES

The City of Vaughan requires a minimum of one sign for each road frontage on the subject property for both minor variance and consent applications. Such a sign must be installed within 14 days after the day on which the Committee of Adjustment received the complete application. The City of Vaughan also requires the submission of two photos to demonstrate proof that the signs have been erected. Below is an example of material required on a sign and an illustration of sign placement on a property.

![Example of information required on the City of Vaughan sign.](image)

**Figure 9: Example of information required on the City of Vaughan sign.**

![Illustration of where sign is to be located on the subject property (City of Vaughan).](image)

**Figure 10: Illustration of where sign is to be located on the subject property (City of Vaughan).**

Additional requirements speak to the material (waterproof), size (minimum 11 x 17) and type of lettering (must be in black). The sign is required to be approximately 3 metres from the property line at approximately the centre of the lot. Once the Hearing of the application is complete, the sign is required to be removed within 7 days.

The City of Toronto also requires the posting of a public notice sign for applications of consent and minor variance. The City of Toronto provides applicants with the public notice sign that is required to be posted in a prominent location on the property that is visible from the street. For minor variance applications, the sign must be posted on the subject property for 10 days prior to the Hearing. For consent applications, the sign must be posted for 14 days prior to the Hearing.

The City of Cambridge is another municipality that requires a notice sign for minor variance and consent applications. The City of Cambridge supplies the applicant with the required number of Development Application Notification Sign(s) that must be posted on the property immediately after being issued. The City of Cambridge requires a sign to be posted along street frontages of the subject lands as near to the street line as possible and at least one metre above grade parallel to or facing the street. For minor variance applications, the sign must be posted at least 10 days prior to the Hearing. For consent applications, a sign must be posted at least 14 days prior to the Hearing.

In addition to posting a sign, each of the municipalities referenced above is also required to mail notice to landowners within 60 metres of the subject property.
3.2.3 RECOMMENDATION

It is our opinion that requiring the placement of a sign on the property in cases where a minor variance or consent is proposed will assist in ensuring that the public is aware of applications in their neighbourhood. On this basis the following is recommended:

1. That the City consider the use of property signage for minor variance and consent applications as a means to augment its current notification process beyond the minimum requirements of the Planning Act.

This change in the way notification is provided can be implemented only in the Study Area or it could be a City-wide change. If notice enhancements were implemented within the Study Area only, this means that staff would have to implement multiple approaches, which may lead to some confusion on the part of the public. On this basis, it is recommended that this be a City-wide change.

3.3 SITE PLAN APPROVAL

The City of Kitchener currently requires Site Plan Approval for multiple dwellings with three or more dwelling units as well as non-residential development. This means that single-detached, semi-detached or duplex dwellings do not require Site Plan Approval. Site Plan Approval is a tool under the Planning Act that allows the City to regulate certain external building, site and boulevard design matters such as character, scale, appearance and sustainable streetscape design.

Site Plan Approval can be used to require new development to comply with a set of criteria and standards to support compatibility and neighbourhood character.

City Council approved the Kitchener Cultural Heritage Landscape (CHL) study on April 27, 2015. The areas that have been identified as a CHL are shown on Figure 11 below. CHLs are historic places that blend the built and natural environment and provide valuable insight into events, people and activities that have shaped and continue to shape Kitchener. The CHL study was an exercise that identified these areas throughout the City.
Applying Site Plan Control in designated neighbourhoods (such as one or more of the neighbourhoods identified in the City’s CHL) would provide an alternative review option for specific characteristics that are important in the neighbourhood for those areas that do not establish a Heritage Conservation District (HCD). It is noted that the City currently recommends a review of certain site and building features (such as tree protection and building elevations) be required as a condition of consent applications for lot creation. In this regard, this review would be similar to the review process for the recommended site plan control in certain RIENS neighbourhoods.

The City’s new Official Plan establishes policies in Section 17.E.22.1 that would require, by by-law, an applicant to apply for Site Plan Approval for a single-detached, semi-detached and duplex dwellings that have been identified as a cultural heritage resource or have cultural heritage value. Once the City’s Official Plan is in effect the City will have to amend its Site Plan Control By-law to include single-detached, semi-detached and duplex dwellings within CHL areas.

In order to apply Site Plan Control more broadly to single-detached, semi-detached and duplex dwellings within CHLs, it is important to establish expectations (e.g. rules and procedures) and to understand resource implications. To help determine the resource implications for broader use of this tool as well as the benefits, it is recommended that implementation of Site Plan Control for single-detached, semi-detached and duplex dwellings be tested through a pilot project for a period of time and with a limited geography.

The Cedar Hill and Central Frederick neighbourhoods are recommended for the pilot project for a couple reasons. First, there have been a number of development
applications in the past few years within these neighbourhoods. Secondly, these neighbourhoods are scheduled to undergo review of their Secondary Plans initiated in 2017. The framework for review of site plan (i.e. updated zoning regulations and design guidelines specific to the neighbourhood) will form the expectations for design and review through the site plan process.

Additional information on the Cedar Hill and Central Frederick neighbourhoods can be found in Appendix 6 (Pages 54-57) of the CHL Study Report or accessed here: https://www.kitchener.ca/en/insidecityhall/resources/PLAN_CHL_S tudy_Appendix_6_CHL_Data_Sheets.pdf.

3.3.1 SITE PLAN APPROVAL RECOMMENDATION

On the basis of the above, it is recommended:

1. That the City consider requiring Site Plan Approval in the Cedar Hill and Central Frederick neighbourhoods/CHLs as a pilot project for new single-detached, semi-detached and duplex dwellings.

As mentioned above, this recommendation is made on the basis that it will be implemented as a pilot project in two neighbourhoods of the Study Area. The City will need to determine the length of the pilot project as well as indicators for success in order to assess whether Site Plan Approval should become a requirement in all CHL areas.

The pilot project would define resource implications and may require additional staff. Without implementing Site Plan Approval as a pilot project, if would be difficult for the City to understand the implications of implementing this process. It is noted that the Site Plan Approval will have an impact on the timing of building permits and additional costs to the landowner such as the required evaluation of character through a Heritage Impact Assessment (HIA), Site Plan application fee and review time for staff (it is noted that Council could establish a lower application fee). In addition to the above, if the Site Plan Approval were expanded to all CHL areas, it is likely that there would be a greater impact to staff resources due to an increase in the number of applications that would need to be reviewed.

The Development Permit System (DPS) (City of Edmonton) or the Streetscape Character Analysis (SCA) (City of Ottawa) are other processes used to review character for development proposals. These processes were reviewed in depth in the Issues and Options Report. However, establishing a DPS for all or part of the Study Area would require a considerable amount of up-front work to identify the character of area, the specific rules that would be applied and the extent to which variations to those rules would be considered. It is our opinion that there is no need for a DPS in the Study Area if the zoning recommendations being made in this report are implemented. In addition and for those areas where there is a desire to consider architectural style in more detail, requiring Site Plan Approval in those areas would allow for these additional considerations as part of the process.
While the SCA process established by the City of Ottawa is interesting, it does establish the need to carry out detailed analyses in support of each application and this has an impact on the timing of approvals and the staff time required to assess these applications. In some cases and depending on the context, it may actually fall on staff to complete some of the analysis. It is our opinion as per the above that there is no need to establish such a process if the zoning recommendations being made in this report are implemented and site plan control is applied in key areas. It is also noted that the Site Plan Approval process also achieves the same objectives in terms of being able to review various elements of the character of a neighbourhood.

3.4 URBAN DESIGN MANUAL UPDATES

The City’s current Urban Design Manual (UDM) (2012) is a resource that is intended to assist the City with the review of development applications under the Planning Act and to provide guidance to developers and builders when considering and designing projects. The UDM is another tool that the City can use to assist in ensuring that new development is compatible with the existing context within the Study Area. The City will be undertaking a comprehensive review of the UDM in 2017 which will incorporate changes to guidelines affecting infill development.

Section 11 of the City of Kitchener Official Plan (OP) establishes the basis for the use of the Urban Design Manual as follows:

"Kitchener will be a city designed for people. The City is committed to achieving a high standard of urban design, architecture and place making to positively contribute to quality of life, environmental viability and economic vitality. Urban design is a vital component of city planning and goes beyond the visual and aesthetic character of individual buildings and also considers the functionality and compatibility of development as a means of strengthening complete communities.

The emphasis on urban design in our community is consistent with and supports both the City’s Strategic Plan and the Kitchener’s Growth Management Program.

It is intended that the Urban Design Policies for communities, neighbourhoods, sites and buildings will provide guidance and direction to our City and its residents as our city grows, develops and evolves. The additional details of implementation to be able to achieve and maintain our community vision will be contained in the City’s Council adopted and approved Urban Design Manual".

Section 11.C.1.1 of the OP states that high quality urban design will be required for all development applications under the Planning Act including re-zoning, site plan, consent and minor variance. In addition, the OP indicates that more detailed urban design guidelines should be prepared to implement the OP. There are two circumstances where the UDM has potential application affecting the Study Area - for infill development and for adjacent properties that may be mixed use or medium and high-density development. Figure 12 identifies a property where the UDM would be applied on Victoria Street.
Below are our recommendations on urban design guidelines to be considered in preparation of the comprehensive update to the UDM.

### 3.4.1 INFILL DEVELOPMENT

#### 3.4.1.1 Direction on the use of UDM in the Official Plan

Section 11.C.1.28 of the OP provides some direction on how the UDM is to be utilized in the Central Neighbourhoods: "The Urban Design Manual provides design direction with respect to character, built form and amenities in both typologies of neighbourhoods. In the Central Neighbourhoods the City’s primary focus will be to ensure that new infill development is compatible with the existing neighbourhood.” Section 11.C.1.33 then states the following as it relates to building design, massing and scale design:

"The City will encourage the following:

- **Provision of attractive building forms, façades and roof designs which are compatible with surrounding buildings;**
- **Infill development to complement existing buildings and contribute to neighbourhood character, particularly if located within close proximity of a recognized cultural heritage resource or Heritage Conservation District;**
- **Minimization of adverse impacts on site, onto adjacent properties (particularly where sites are adjacent to sensitive land uses) and into the public realm through building design;**
- **Individual architectural innovation and expression that reinforces and positively contributes to achieving the City’s urban design goals and objectives; and,**
- **The highest standard of building design for buildings located at priority locations,**
Section 11.C.1.32 states that special design considerations should be given to buildings in priority locations such as corner lots or those at terminating views (see Figure 14).

Section 4 of the OP deals with housing and within this section, the following urban design objective is included in Section 4.1.3: "To ensure that new residential areas and the redevelopment of lands for residential uses and residential infill projects reflect a high standard of urban design."

Section 4.C.1.7 of the OP then provides some guidance on how the UDM can assist with the review of applications: "The City may require a site plan, elevation drawings, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, architectural design, landscaping, screening and/or buffering. These requirements are intended to address the relationship to adjacent residential development, to ensure compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts."

The City's expectations with respect to protecting the existing character of neighbourhoods is set out in Section 4.C.1.9: "Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility."

The key component of the above policy is to ensure compatibility with the existing built form and the community character of the established neighbourhood. This is where the UDM can be a very useful tool since it can be relied upon to make this determination, if it contains the necessary guidance.

### 3.4.1.2 The Current UDM and Infilling

The focus of our review of the UDM is on Part A (shown in Figure 15), which contains the most pertinent guidelines related to infill.

Section 1.0 of Part A outlines the City’s vision. In this regard, a number of principles dealing with function, order, identity, appeal and built form are provided. With respect to built form, it is indicated that the City encourages a compatible built form, encourages high density (in appropriate locations such as in the Downtown and along major roads) and supports compact development in central
neighbourhoods. It is our opinion that additional guidance is required in this section with respect to protecting the character of existing development in the RIENS Area.

Section 3.0 of Part A deals with community design, mainly for the purposes of designing new subdivisions, but the principles apply to infill development as well. As an example, Section 3.1.2, the 6th bullet relating to streetscapes states: "Promote 'eyes on the street' by minimizing front yard setbacks and providing porches, doors and front windows facing the public street.

Section 3.3 addresses heritage resources and applies to heritage resources of natural, historical, architectural or cultural significance. Through the comprehensive review of the UDM, it will be important for any infill guidelines to work in concert with heritage guidelines since character and compatibility are key elements affecting both urban design and heritage.

Section 4.0 of Part A deals with neighbourhood design including specific discussions regarding the Central Neighbourhoods in Section 4.1. The following goal is then identified for the Central Neighbourhoods: "To ensure new infill development is compatible with the existing neighbourhood". This section includes a number of design guidelines with respect to neighbourhood character, and built form. These guidelines relate to compatibility, building massing, urban street relationship, building materials and architectural elements.

Section 6.0 addresses building design and massing with Section 6.2 specific to infill development. The goal for the infill development is: "To ensure infill development complements existing buildings and neighbourhood character." The associated design guidelines discuss scale and compatibility, building mass, design features and materials, and the location of parking.

The guidelines related to infill clearly set out the City’s expectations. However, the UDM does not articulate how these guidelines are to be assessed. Some guidance in this regard is provided in Section 4.C.1.8 of the OP as it relates to circumstances where a re-zoning or a minor variance. To summarize the policy, it states that new buildings or modifications to existing buildings must respect the scale, massing and character of the existing neighbourhood and impacts of the proposal must be evaluated in order to achieve an appropriate site and neighbourhood design.

This policy provides some additional guidance (maintain consistent yards for example), and it is recommended that the above policy direction be referenced within the UDM. However, it also does not establish how such an assessment is to be carried out.

3.4.2 UDM RECOMMENDATION

It is recommended that the comprehensive update to the UDM consider:

1. Creating a section on infill development that combines text, images, and illustrations that implement the policy direction of the Kitchener OP; and,
2. Providing additional guidance with respect to assessment of development proposals with respect to assessing compatibility.
To accomplish this, it is recommended that the comprehensive review of the UDM include a stand-alone section that addresses infill development.

The infill development section should include a discussion for assessing character that could be organized into three parts:

1. Establishing the Study Area;
2. Identifying Recurring Character Elements; and;
3. Assessing Compatibility.

Below is a discussion of each part.

3.4.2.1 Establishing the Assessment Area

Given that any proposed development is being compared to existing development to determine compatibility, the starting point in any assessment is the delineation of the area to be assessed.

In this regard, and because the context of every development application is potentially different, it is difficult if not impossible to establish an assessment area in advance of understanding the nature of the application. The primary factors to consider are:

- Type and scale of development; and,
- Establishing an adequately sized study area.

With respect to the type of development, if a replacement dwelling is proposed and that dwelling is the same type of dwelling as the others on both sides of the street (such as in Figure 17), the assessment area in that context could be restricted to the dwellings on the block where the proposal is situated including both sides of the street, since there is similar development very close by. However, if an existing dwelling was to be replaced with a dwelling of a different type, such as a semi-detached or street townhouse development, a larger assessment area may be necessary to determine how to best fit in the proposed development with the existing character of the area, since there may be limited examples in the immediate area.

With respect to the size of the assessment area, it should be representative enough to determine what the recurring character elements are. For example, determining the compatibility of a new dwelling on a street with only three houses may be difficult and a larger study area would then be appropriate.
3.4.2.2 Identifying Recurring Character Elements

Once the study area has been established, the following elements (and others if appropriate) should be considered to determine what the recurring character elements are (note that the photos below are from the City of Toronto Neighbourhood Urban Design Guidelines Template and How-To-Manual). While the terminology used in some of the photos below is unique to the City of Toronto, they are illustrative of the elements that should be taken into account if there is a Planning Act approval required, which triggers the application of the UDM.

1. **Architectural style** with different building features such as cornices, gable heights, porch elevations and roof pitches;

2. **Sizes, shapes, styles, placement and number of doors, stoops and windows facing the street**;

3. **The elevation of the floor of the first storey** (which deals solely with the height of the first floor as it relates to the grade);

4. **The nature of the building materials used**;

5. **The placement of the dwelling on the lot as it relates to the lot lines**;
6. The nature and location of mature trees.

With a series of factors established through the UDM, and in some cases, specific to a secondary plan area, a ‘character index’ can then be developed to determine the character rating of a study area. The intent of such a ‘character index’ is to determine whether there is a high degree of consistency between the elements that define the character of an area. In our opinion, the greater the number of recurring elements, the higher degree of consistency there is between those elements that define the character of an area. In addition, the more consistency amongst the main defining elements, the more obvious the character and the higher the neighbourhood will rank on a character index.

3.4.2.3 Assessing Compatibility

Once a determination has been made on the recurring elements of neighbourhood character, the proposed development can then be assessed. In some cases, it may be relatively straightforward to make a judgment call on assessing various components of a proposal. For example, if the existing dwellings in a study area all had dwellings with similar roof pitches, this becomes a recurring characteristic (this assessment would be done only as part of a Planning Act application).

If the other dwellings on the same side of the street have front porches, the new dwelling should also have a front porch to reinforce the existing character. When there are recurring elements such as these, it is recommended that these recurring elements be replicated to maintain a certain amount of consistency in a neighbourhood to preserve its overall aesthetic appeal and sense of place.

It is also recommended that the UDM identify as many character elements as possible to assist in the assessment of compatibility. One of these character elements could be scale of the proposed development. For example, in assessing the scale of a proposed development, the new development should not have the appearance of being significantly larger than the existing dwellings in the study area as per Figure 18 (which is from the Oakville Urban Design Manual), where the location of the proposed development in Figure 19 is preferred.

![Figure 18: Appearance of new development much larger than existing development.](image)

![Figure 19: Example of preferred development.](image)
Where it becomes more challenging to determine compatibility is when there are variations in architectural style (such as in Figure 20) in the Study Area. In this regard, and as discussed at the engagement sessions held for the RIENS, it is not our intent to require new development to replicate the style of adjacent dwellings or to otherwise imitate adjacent styles. In this regard, the following is noted in the Oakville Urban Design Manual: Instead of imitation, new development "should be designed to address the site and maintain the patterns found within the neighbourhood. New development, when contextually designed, may reflect any architectural style and still maintain compatibility with the character of the surrounding neighbourhood."

With respect to massing, there are many ways to achieve compatibility for new development that do not involve the replication of the existing building style of adjacent dwellings and which, instead, involve the inclusion of elements or patterns of the architectural styles in the general area. It is recommended that the UDM provide examples of how this can be achieved through the use of visual cues and the emphasizing and de-emphasizing of certain architectural elements. Two diagrams from Oakville (shown as Figure 21a and 21b below) provide an example:

3.4.3 DEVELOPMENT ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBOURHOODS

3.4.3.1 Direction on the use of UDM in the Official Plan

The Kitchener OP identifies a number of intensification areas (such as the downtown and major roads) and it is within these areas where more significant intensification is to be directed. There are three community nodes that are located within or partially within
the Study Area. These are located at Highland Road West and Westmount Road, Victoria Street and Westmount Road and Frederick Street near the Conestoga Parkway. Five neighbourhood nodes are also located within the Study Area as well. In addition, there are four urban corridors within the Study Area and they are Belmont Avenue, Highland Road, King Street and Victoria Street. Development within these nodes and corridors will potentially be located adjacent to established residential areas.

The OP recognizes that there will be an interface between such development and adjacent developed areas. In this regard, Section 3.2.5 states the following objective: “To maintain a compatible interface between intensification areas and surrounding areas and achieve an appropriate transition of built form.”

The term compatible is then defined by the OP as follows: “Land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts. Compatibility or compatible should not be narrowly interpreted to mean ‘the same as’ or even as ‘being similar to’.”

Within the definition of ‘compatible’ is the term ‘adverse impacts’ which is also defined by the OP as follows: “May include but will not be limited to: shadows over private amenity areas or on building facades for an acceptable duration, issues of privacy, overlook conditions, negative microclimatic impacts, light pollution (such as light trespass or glare), odour, vibration, noise pollution, urban heat island effects, visual clutter or obstruction of views and/or vistas.”

On the basis of the above, the City’s OP clearly identifies the types of impacts that need to be considered when development is proposed adjacent to established residential areas. It is recommended that these terms and definitions be carried forward into the UDM.

3.4.3.2 Community Character in the OP

Section 4.1.5 of the OP states the following: “To encourage and support the retention and rehabilitation of older housing or the reconstruction of existing housing to maintain the housing stock and the stability and community character of established residential neighbourhoods.”

The term ‘community character’ in the above policy is a defined term, and in this regard, it is defined as follows: “Refers to identifiable pockets of the urban fabric with distinctive physical attributes. These attributes include but are not limited to development patterns, scale of the built environment, architectural vernacular of existing buildings and structures, cultural heritage resources and community infrastructure. Community character is a reflection of community image, identity and sense of place and may also reflect cultural and social values. Cultivating community character is intended to foster community pride.”

It is recommended that additional guidance be included as part of the comprehensive review of the UDM regarding assessing the impacts of development within
intensification areas on established neighbourhoods. This new section should reflect and build upon the policies in the Official Plan referenced above.

As per Section 11.C.1.5 of the Official Plan, it is anticipated that more detailed urban design guidelines and/or urban design briefs may be prepared by the City for the City as a whole or for specific geographic areas, land uses or built form typologies to augment the urban design policies in this section of the OP. In this regard, the UDM is intended to provide the guidance necessary to address interface issues in accordance with the policies of the OP.

3.4.3.3 The Current UDM and Interface Issues

Part A of the UDM does not contain a dedicated section on how to assess these types of applications. It is recognized that Section 5.0 of Part A deals with site design and contains standards on site circulation, site services, landscape design, site signage, lighting, emergency access, building clusters and public art. While the focus of Section 5.0 is on the layout of uses and amenities on individual sites, there are a number of guidelines that address compatibility with adjacent properties covering topics such as: perimeter landscaping and screening of parking and other site elements; the design of parking structures; streetscape design; and, lighting design.

The current UDM includes design briefs that cover various geographies that interface with the Study area’s established residential neighbourhoods including the PARTS design brief and mixed-use corridors, such as Belmont Ave. These briefs include guidelines that discuss transitions to adjacent neighbourhood. There is, however, limited explanation of the City’s expectations for what these transitions will look like. In addition, although there are references to the need to conduct shadow and wind analyses, there is no direction in the UDM on expectations or criteria for evaluating shadow and wind impacts to between these higher density developments and the adjacent established residential neighbourhood. It should be noted that each of the PARTS plans will result in design guidelines which could include expectations for transitioning to the established residential neighbourhoods. Additionally, the Tall Buildings Design Guidelines will further inform scale and compatibility between tall buildings (9 storeys and taller) and adjacent lower density development.

It is our opinion that the comprehensive review of the UDM should include enhanced guidelines that provide additional direction on interface issues. There is also a need to include some discussion on adverse effects as well, per the definition in the OP, in terms of describing what adverse effects are and how they can be mitigated.

There is also a need for some clear direction on building heights as it relates to neighbouring properties. One of the easiest ways to relate appropriate building height to existing development is through the use of angular planes. With respect to the rear yard and side yard angular plane, a 45-degree angular plane rule could be applied. This means that if there was a 15 metre separation between the rear wall of an existing dwelling and a proposed building, the maximum height of the building would be 15 metre as per Figure 22, which assumes that the lot line separating the two properties is at the midpoint of the 15-metre distance between the two buildings.
If the rear wall of the dwelling was located 20 metres from the rear yard of a proposed building, the height of the building could extend to 26 metres as per Figure 23 assuming that the lot line separating the two properties is at the midpoint.

The challenge with measuring the angular plane from the rear of the dwelling on the adjacent lot is that it potentially allows for the placing of buildings closer to the rear lot line and in a manner that provides the potential for overlook and shadow impacts. As a result one of the factors to consider is whether the property line should be the starting point in all circumstances. Ultimately, it is a culmination of various analyses depending on the scale of a project (angular plane, shadow/wind, site function, etc.) that will determine the appropriate site layout.

On lots that are not that deep, consideration could then be given to measuring the angular plane from the rear of the dwelling. An alternative approach would be to measure the angular plane from the rear yard setback line on the adjacent property, which in many cases would be somewhere between the actual rear wall of the dwelling and the property line.

### 3.5 GUIDE TO INTENSIFICATION

Development proposals can be subject to many policies, standards and guidelines that can appear to be complex for both the applicant and for members of the public. In this regard, there is an opportunity to assist applicants and members of the public navigate development proposals by developing a guide to intensification in the City. A guide could include, but is not limited to, the following:

- Provide the basis for why intensification is important;
- Describe how the Official Plan and Zoning By-law apply;
- Incorporate illustrations to describe how standards are applied (e.g. where is the front yard setback measured vs. the side yard setback);
• Describe how other planning processes can influence development proposal;
• Identify the types of construction or changes that require applications;
• Identify the ways that the public can become involved;
• Identify timelines for development proposals; and,
• Provide answers to Frequently Asked Questions.

The recommendation for a citizen’s guide can be rolled out as part of the communications plan developed under the City’s corporate priority (Business Plan #OG3) Accurate Communication of Plans for Future Development. The plan was developed after a thorough review of what and how information is available about planning and development projects.

The goals of the communications plan are to improve access to information about future developments and to raise the overall understanding of planning practices so that residents are better informed about what’s happening in their community. The plan recommends using a variety of tools including updates to the website, interactive mapping, social media and print material.

The purpose of creating a citizen’s guide is to provide more information to residents about what is/could happen in their neighbourhoods. It can also help guide property owners interested in developing/changing their own property. The resource implications will be dependent on the scope of the project (e.g. interactive mapping, online resources, hardcopy information pamphlets) and could likely be developed using existing resources.

On the basis of the above, it is recommended:

1. That, as part of the City’s corporate priority (Business Plan #OG3) Accurate Communication of Plans for Future Development, a Citizen’s Guide to Intensification be prepared.

The creation of the guide will require staff resources to design and produce the guide, however it has the potential to assist staff in the future by reducing the number of questions about the development process.

4.0 SUMMARY

4.1 IMPLICATIONS OF THE RECOMMENDATIONS

A summary of the implications for each recommendation is provided in Table 5 (next page).
### SUMMARY OF RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Approach to Making the Changes</th>
<th>Impacts on Development Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How much work is involved to implement?</strong></td>
<td><strong>Are changes to the Official Plan required?</strong></td>
</tr>
<tr>
<td><strong>Is a Council approval required to implement?</strong></td>
<td><strong>Are there appeal rights to establish the option?</strong></td>
</tr>
<tr>
<td><strong>What is the effect on staff resources?</strong></td>
<td><strong>Are additional approvals needed?</strong></td>
</tr>
<tr>
<td><strong>What are the potential impacts on the applicant?</strong></td>
<td><strong>Will the public be consulted or notified?</strong></td>
</tr>
</tbody>
</table>

#### Zoning Rule Changes

| 1 | Zoning changes (building height, garage width, garage projection, driveway width, front yard setback) | Moderate - ZBA requires public meeting. | Yes - requiring at least one public meeting. | No - the changes are technical in nature. | Yes - the ZBA can be appealed. | Minimal | Different rules are applied rather than more rules. | The applicant will have to factor in changes to rules into their design. | No - unless minor variance is needed. |

| 2 | Review the zoning on specific residential areas | Extensive - A more detailed review of certain identified streets would have to be carried out. | Yes - requiring at least one public meeting for ZBA. Additional consultation expected for each area. | Yes - required if OP designation had to be amended to Low Rise Residential. | Yes - the ZBA and OP can be appealed. | Minimal | No | Changes will impact development potential. | No |

#### Process Enhancements

| 3 | Add Sign notice for Committee of Adjustment applications (Consent and Minor Variance). | Minimal - new procedure and co-ordination with sign shop. | No - but a Council decision is required if the application fee is increased to cover cost. | No | No | Minimal - additional time to hand out signs/ explain procedure. | No | Responsible for installing sign and application fee may increase to cover the cost of the sign. | Notified - sign on property, letter circulated to properties within 30 metre radius of subject property and an ad in the newspaper. |

| 4 | Introduce Site Plan Control as a pilot project in specific areas (for singles, semis and/or duplexes) | Moderate - establish new procedures and amend site plan control by-law. | Yes - Amendment to the Tariff of Fees by-law and site plan control by-law are required. | No | No | Moderate | Requiring site plan approval for single detached, semi detached and duplex dwellings is a new approval requirement. | Cost and additional processing time, potential for additional consulting services. | No |
4.2 IMPLEMENTING THE RECOMMENDATIONS

There are options for the City to implement each of the recommendations. Some of the recommendations could be implemented through ongoing concurrent projects while others may require their own process for implementation. These are identified below.

Table 6: Options to implement the recommendations (continued on next page).

<table>
<thead>
<tr>
<th>Category</th>
<th>Recommendations</th>
<th>Implementation Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Changes</td>
<td>Make changes to the existing zoning rules within the Study Area.</td>
<td>The zoning change recommendations could be implemented through the review of Residential zones as part of the CRoZBy review that is currently underway.</td>
</tr>
<tr>
<td></td>
<td>Front Yard Setback</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building Height</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Garage Width and Garage Projection and Driveway Width</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Review the zoning for R6 and R7 properties in specific residential areas.</td>
<td>1. For lands that are within a Secondary Plan, the zoning changes could be updated as part of the future review of these areas. 2. For lands that are subject to the CRoZBy review, the zoning changes could be updated as part of the CRoZBy process.</td>
</tr>
<tr>
<td>Process Enhancements</td>
<td>Enhance the notification process for consent and</td>
<td>Procedure changes would be needed, along with sign production and an</td>
</tr>
<tr>
<td>Category</td>
<td>Recommendations</td>
<td>Implementation Option</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>minor variance applications</td>
<td>by including a sign notice.</td>
<td>The City’s current Site Plan Control By-law would have to be amended to conform to Section 17.E.22 of the 2014 Official Plan which would include Site Plan Approval for any development within the CHL.</td>
</tr>
<tr>
<td>Introduce Site Plan Control</td>
<td>as a pilot project in specific neighbourhoods identified in the Cultural Heritage Landscape Study.</td>
<td>Policies could also be added to the Official Plan that set out the pilot project area, success indicators and timelines for the pilot process.</td>
</tr>
<tr>
<td>Public Information and Awareness</td>
<td>Develop a Citizen’s Guide to Intensification.</td>
<td>This is a document that could be prepared in-house by staff,</td>
</tr>
<tr>
<td>(about intensification)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4.3 OUTSIDE OF THE STUDY AREA

There are other areas in the City (specifically along the edge of the Study Area) that have similar characteristics to the Study Area neighbourhoods. Below is a brief description of which recommendations could be considered for implementation outside of the Study Area.

Some of the zoning rule changes could be applied outside of the Study Area. This could include front yard setback and building height recommendations. The garage width, garage projection and driveway width rules have been designed to specifically control for attached garages in the Study Area. These rules could be reviewed to apply to all lots that are not subject to the current Zoning By-law rules.

In addition to the above, a review of the R-6 and R-7 zones could be performed on a City-wide basis (as opposed to just the Study Area) as part of the CRoZBy review. However, given the amount of work that may be required, it may be more appropriate to consider this fully as part of a separate process.

With respect to process enhancements, the City could require a sign for applications of Consent and Minor Variance outside of the City as well. This would provide a consistent approach across the City.

As recommended, the application of Site Plan Control is only as a pilot project in two neighbourhoods identified in the CHL in the Study Area. It is noted that the CHL also identifies some neighbourhoods outside of the Study Area. In this regard, if the City...
eventually requires Site Plan Control in all CHL areas, this would also apply to the identified neighbourhoods outside of the Study Area.

The updates recommended to the UDM are for the established neighbourhoods in the Study Area, but could be applied to all established neighbourhoods (including those outside of the Study Area) in the City. Interface considerations could also be utilized in reviewing applications that that may be in one of the identified scenarios.

As it is recommended in this Final Report, the development of a Citizen’s Guide to Intensification is intended to provide information on more than just intensification and would therefore be a useful resource for development throughout the City. However, it is noted that the specifics of the recommended Guide have not yet been determined. If the City decided that the Guide should focus solely on intensification it would likely be better suited as an information resource to property owners in the Study Area.

On the basis of the above, some of the recommendations could be implemented outside of the Study Area. For those recommendations that have been identified as options for implementation outside of the Study Area, the same implementation options as identified in Section 4.2 could be considered.

5.0 NEXT STEPS

This Final Report is the last written deliverable for the Study. The recommendations that are presented in this Final Report are the product of research and consultation with members of the public, development community and Council. In this regard, the recommendations represent the best options for the City to utilize in the dealing with residential intensification in the established neighbourhoods at this time.

The immediate next step is to present these recommendations to Council and obtain their endorsement. It is noted that the recommendations in this Final Report are intended for the Study Area, however Council could decide to endorse some of the recommendations City-wide at the same time or in the future. Following the outcomes of Council, the City will be responsible for implementation through the various avenues, depending on the recommendation that were identified in Section 4.0 above.

It is important to note that the final deliverable of the Study is a set of recommendations and, as such, are inherently different from amendments to the Official Plan or Zoning By-law. This means that the recommendations provided for in this Final Report, and as a result of this Study, are not ‘in effect’ or final in any way. This also means that the recommendations are subject change, including the scope to extend beyond the Study Area, at Council’s discretion.

In order for the recommendations to be implemented, the City will have to proceed through the statutory process and fulfill the requirements for consultation under the Planning Act. While the process differs slightly for Official Plan, Zoning By-law or Site Plan amendments, it is noted that any amendment that is proposed under the Planning Act will be subject to complete the statutory public consultation requirements.