



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

**Date:** October 12, 2021

**Time:** 3:05 P.M.

**Location:** Electronic Meeting

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

**Staff Present:** Joan Thomson - Chief Administrative Officer, Tatiana Dafoe - City Clerk, Taylor Crinklaw - Director of Infrastructure and Development Services, Karmen Krueger - Acting Director of Corporate Services, David St. Louis - Director of Community Services, John Paradis - Fire Chief, Kim McElroy - Director of Social Services, Anne Kircos - Acting Director of Human Resources, Alyssa Bridge - Manager of Planning, Chris Bantock - Deputy Clerk, Jodi Akins - Council Clerk Secretary

To watch the Council meeting live, please click the following link: <https://stratford-ca.zoom.us/j/89913406211?pwd=L1FaOWxGUUQ5aGJtMHpRbzJQekJqQT09>

A video recording of the meeting will also be available through a link on the City's website at <https://www.stratford.ca/en/index.aspx> following the meeting.

Pages

**1. Call to Order**

The Chair to call the Meeting to Order. Councillor Ingram provided regrets for this meeting.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a

member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

**3. Sub-committee Minutes** 12 - 16

Sub-committee minutes are attached for background regarding the discussion held at the September 30, 2021 Sub-committee meeting.

**4. Delegations**

None scheduled.

**5. Report of the Manager of Planning**

**5.1. Planning Report, Zoning By-law Amendment Application Z09-21, 379 Ontario Street (PLA21-022)** 17 - 28

Michele Little & Michael Costello, owners and applicants, will be in attendance at the meeting to answer questions from Committee.

Motion by \_\_\_\_\_

**THAT Michele Little & Michael Costello be heard.**

Motion by \_\_\_\_\_

**Staff Recommendation: THAT Application Z09-21 to amend the zoning on 379 Ontario Street located on the south side of Ontario Street from a Mixed Use Residential (MUR) Zone to a site-specific Mixed Use Residential (MUR) Zone to permit a hobby shop BE APPROVED for the following reasons:**

- Public interest was considered;
- The request is consistent with the Provincial Policy Statement and conforms with the Official Plan; and
- The request will facilitate development that is appropriate for the lands, is compatible with the surrounding lands and is good planning.

**5.2. Modification to Draft Approved Plan of Subdivision 31T18-001A, 40, 48, 50, 60, 66 and 72 Daly Avenue Revised Conditions of Draft Approval (PLA21-021)** 29 - 69

\*this item is also listed on the October 12, 2021 reconvene Council agenda for consideration.

Caroline Baker, agent for the applicant, has requested to address Committee on this matter.

Motion by \_\_\_\_\_

**THAT Caroline Baker of Baker Planning Group, agent for the applicant, be heard.**

Motion by \_\_\_\_\_

**Staff Recommendation: THAT Plan of Subdivision application 31T18-001A, submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN Ba dated MAY 14/21,**

**known municipally as 40, 48, 50, 60, 66 and 72 Daly Avenue, legally described as Lots 7, 8, 9, 10, 11 and 12, Registered Plan 74, be approved by the City of Stratford pursuant to Section 51(31) of the Planning Act subject to the revised conditions listed below for the following reasons:**

- **the proposed plan of subdivision is consistent with the Provincial Policy Statement;**
- **The proposed plan of subdivision conforms with the City of Stratford Official Plan;**
- **The application was circulated to the public and regard for their response was had in the recommended plan and conditions of approval;**
- **The proposed plan of subdivision will result in sound land use planning and is considered appropriate for the development of the land.**

#### **Conditions of Draft Approval**

**That the City of Stratford pursuant to Section 51(31) of the Planning Act grant draft approval to Plan of Subdivision 31T18-001A subject to the following conditions:**

1. **This draft approval applies to the draft plan submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN\_Ba dated MAY 14/21, which shows a total of 2 single detached dwelling lots, 7 semi-detached dwelling lots and 2 duplex dwelling lots.**
2. **This approval of the draft plan applies for five years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the**

Approval Authority.

3. The municipal addresses shall be assigned to the satisfaction of the Manager of Planning.
4. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of Stratford and referenced to NAD83UTM Zone 17 horizon control network for the City of Stratford mapping program.
5. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
6. The Owner shall satisfy all the requirements, financial and otherwise, of the City of Stratford in order to implement the conditions of this draft approval.
7. The subdivision agreement between the Owner and the City of Stratford shall be registered against the lands to which it applies.
8. That prior to the City executing the Subdivision Agreement, the Owner shall conduct a pre-construction vibration assessment to establish a baseline for vibration levels. The Owner shall implement recommendations of the vibration assessment and complete and implement any reports or controls arising from the assessment.
9. The Owner shall grant to the appropriate authorities such easements and/or land dedications as may be required for utility, road, drainage or other municipal purposes.
10. This subdivision shall be registered in one (1) phase.
11. In conjunction with the submission of Engineering drawings, the Owner shall submit an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of Stratford and Ministry of Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the Director of Infrastructure and Development Services.
12. The Owner's professional engineer shall provide inspection services for all work required for the development of the plan, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the Director of Infrastructure and Development Services. The Owner's professional engineer shall provide full time inspection for all underground works.
13. The Owner shall comply with all City of Stratford standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the

City's standards, guidelines, or requirements shall be completed to the satisfaction of the Director of Infrastructure and Development Services.

14. The Owner shall pay in full all Engineering Administration fees, as determined by the Director of Infrastructure and Development Services, prior to any construction activity on the site.
15. That prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
16. Should temporary measures be required for this subdivision, construction costs for these temporary measures shall be borne by the Owner and any cost to remove the temporary measure shall be borne by the Owner.
17. Should municipal services be required, the Owner shall construct all municipal services for the subject lands at the sole expense of the Owner. PARKLAND
18. Prior to the City executing the Subdivision Agreement, the Owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of Stratford. In order to determine the value of the land, the Owner shall submit an appraisal completed by a qualified individual to the satisfaction of the City. SANITARY SERVICING
19. The Owner shall construct and connect to the existing sanitary sewer on Worsley Street to the satisfaction of the Director of Infrastructure and Development Services.
20. The Owner shall obtain the necessary private access agreements for services and is to provide the City copy of said private access agreement for their file.
21. The Owner shall have its consulting professional engineer design and supervise the construction of the sanitary servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.
22. The Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the Director of Infrastructure and Development Services.
23. The Owner shall not connect any weeping tile connections into the sanitary sewers within this plan. STORMWATER SERVICING
24. In conjunction with the submission of the engineering drawings, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the Director of Infrastructure and Development Services. This report shall propose either the Daly Avenue lots should have a storm service installed to the property line for future connection to a future

new storm sewer or that the lots be serviced to Worsley Street; include identification of the major and minor stormwater overland flow routes; easement widths; and stormwater quality control all to the satisfaction of the Director of Infrastructure and Development Services.

25. The Owner shall obtain the necessary private access agreements for drainage and services and is to provide the City copy of said private access agreement for their file.
26. Prior to the Manager of Engineering providing confirmation to the Chief Building Official that municipal services are in place, the Owner shall construct and have operational stormwater servicing works including major and minor overland flow routes and stormwater quality control measures satisfactory to the Director of Infrastructure and Development Services.
27. The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.
28. The Owner shall address forthwith any deficiencies of the stormwater works and/or monitoring program.
29. Prior to assumption, the Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the Director of Infrastructure and Development Services.

#### TRANSPORTATION/ROADS

30. The Owner shall construct a 1.5 metre (5') sidewalk on the outside of the frontage of the following streets within a time-frame as directed by the Director of Infrastructure and Development:
  - i. Daly Avenue
  - ii. Worsley Street
31. The Owner shall provide a 3.35 m working easement along the Worsley Street frontage to the City of Stratford.

#### FIRE

1. The Owner shall not burn any materials on site.

#### UTRCA

1. Prior to undertaking any works or site alteration including filling, grading, or construction in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from Upper Thames River Conservation Authority.

#### OTHER UTILITIES

1. Prior to the entering into a subdivision agreement, the Owner shall obtain approval from the City and Festival Hydro. Any new addition and/or relocation of existing electrical infrastructure will be at the Owner's expense.
2. In conjunction with the submission of Engineering drawings, the Owner may be required to submit a street lighting plan for approval by both the City and either Festival Hydro or Hydro One.
3. The subdivision agreement shall make provision for the planting of trees in the boulevard to the satisfaction of the Director of Community Services.
4. The subdivision agreement shall make provision for the physical location of Community Mail Boxes which satisfies the requirements of Canada Post.

#### OTHER

1. That the subdivision agreement includes a clause requiring the Owner to prepare an information package outlining the use and purpose of all easements and overland flow routes on the property, to the satisfaction of the Manager of Engineering Services and include a copy of the information package in all agreements of purchase and sale.
2. That the subdivision agreement includes a clause requiring that all future dwelling units on the subject lands be constructed with a front porch, a pitched roof and masonry building products and that the subdivision agreement include a clause requiring that all offers or purchase and sale include a clause advising the future purchaser of these requirements to the satisfaction of the Manager of Planning.
3. That the subdivision agreement includes a clause requiring that all offers of purchase and sale and lease agreements for the lots with frontage on Worsley Street include a clause advising that on street parking along Worsley Street is not permitted and that limited parking is available on each on Worsley Street.
4. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

#### Clearance Conditions

1. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by the Upper Thames River Conservation Authority that condition 33 has been carried out to their satisfaction.
2. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Festival Hydro that conditions 34 and 35 have been carried out to their satisfaction.
3. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Canada Post that condition 37 has been carried out to their satisfaction.

#### NOTES TO DRAFT APPROVAL

1. The applicant is directed to Section 51(39) and 51(43) of the Planning Act, R.S.O. 1990 as amended, regarding referral of any imposed conditions to the Local Planning Appeals Tribunal. Requests for referrals are to be directed to the Subdivision Approval Authority of the City of Stratford.
2. It is the applicant's responsibility to fulfill the conditions for draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Stratford, to the attention of the Manager of Planning, Infrastructure and Development Services Department, City of Stratford, quoting the above-noted file number.
3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for final approval, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.
4. The Owner/developer is advised that the provisions of the Development Charge By-law apply to this draft approval.
5. Required agreements with the municipality will be prepared by the City of Stratford upon written request being received by the Manager of Engineering of the City of Stratford Infrastructure and Development Services Department from the applicant.
6. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning final approval requirements relative to the Certification of Titles Act.
7. The final plan approved by Corporation of the City of Stratford must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of the Planning Act, R.S.O. 1990 as amended.
8. All plans of subdivision are to be prepared and presented in



metric units.

9. Easements required for utility or drainage purposes should be granted to the appropriate authority. Contact Infrastructure and Development Services Department prior to any transfer of easements to the City of Stratford.
10. Some of the conditions of draft approval will be cleared through the inclusion of appropriate requirements in the subdivision agreement, where acceptable to the City of Stratford.
11. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise or lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wooden poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
12. Privacy fences shall be placed on private properties. Fencing designs will be consistent with City standards and shall be the responsibility of the individual property Owners.

## 6. Report of the Director of Infrastructure and Development Services

### 6.1. Sign Permit – Ground Sign to be Erected in Place of Existing Ground Sign, 166-194 Ontario Street (PLA21-016)

70 - 71

**Staff Recommendation:** THAT the variance request by the owner of 166-194 Ontario Street to erect a new ground/pylon sign be denied as the proposed sign does not meet the requirements of the Sign By-law 159-2004.

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT the variance request by the owner of 166-194 Ontario Street to erect a new ground/pylon sign in the current location be approved.

### 6.2. Proposed Exemption from Sign By-law 159-2004 Section 13.0, 925 Ontario Street (PLA21-020)

72 - 73

**Staff Recommendation:** THAT the request by Florence Signs, on behalf of

City Pizza, for a Sign By-law exemption to erect a fascia sign at 925 Ontario Street exceeding the 20% coverage, be DECLINED as the proposed sign does not meet the requirements of the Sign By-law 159-2004.

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT the request by Florence Signs, on behalf of City Pizza, for a Sign By-law exemption to erect a fascia sign at 925 Ontario Street exceeding the 20% coverage, be approved.

## 7. Report of the Chief Building Official

### 7.1. Annual Building Permit Fee Report 2020 (PLA21-019)

74 - 76

**Staff Recommendation:** THAT a one-time transfer from the Special Projects Reserve of \$90,998.85 to the Building Reserve be authorized;

AND THAT funding of the remaining 2020 Building Inspection Admin G-251-2400 deficit of \$156,456.73 with the Building Permit Reserve G-07-BSUR-0000 be approved.

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT a one-time transfer from the Special Projects Reserve of \$90,998.85 to the Building Reserve be authorized;

AND THAT funding of the remaining 2020 Building Inspection Admin G-251-2400 deficit of \$156,456.73 with the Building Permit Reserve G-07-BSUR-0000 be approved.

## 8. For the Information of Committee

### 8.1. Project Update

77 - 79

**Sub-committee Discussion:** The Manager of Planning provided a high-level overview of activities as follows:

- The department is in receipt of a high volume of applications.
- A public meeting to be held on September 30<sup>th</sup> to consider two applications, the first for the construction of 64 townhouses at 3202 Vivian Line 37 and a multiple level residential building at 30 Queensland Rd.
- There is quite a bit of site plan application activity in the Wright Business Park.

- Staff have given site plan approval for 50 street fronting townhouses on Bradshaw Drive and a 46 unit, 3-story apartment building on Orr Street.
- Staff have released the final draft of the comprehensive zoning by-law. It is scheduled to be considered by the Planning and Heritage Committee on October 21, 2021.
- They have had 41 formal consultations to date this year.

## 9. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by \_\_\_\_\_

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



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

Date: September 30, 2021  
 Time: 3:30 P.M.  
 Location: Electronic Meeting

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

Staff Present: Taylor Crinklaw - Director of Infrastructure and Development Services, Alyssa Bridge - Manager of Planning, Jonathan DeWeerd - Chief Building Official, Jodi Akins - Council Clerk Secretary, Tatiana Dafoe – City Clerk

Also present: John Florence, Members of the public

### 1. **Call to Order**

The Chair called the meeting to Order.

### 2. **Disclosure of Pecuniary Interest and the General Nature Thereof**

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

#### Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made by a member at the September 30, 2021, Planning and Heritage Sub-committee meeting.

### 3. Delegations

None scheduled.

### 4. Report of the Director of Infrastructure and Development Services

#### 4.1 Sign Permit – Ground Sign to be Erected in Place of Existing Ground Sign, 166-194 Ontario Street (PLA21-016)

**Staff Recommendation:** THAT the variance request by the owner of 166-194 Ontario Street to erect a new ground/pylon sign be denied as the proposed sign does not meet the requirements of the Sign By-law 159-2004.

**Sub-committee Discussion:** The Director of Infrastructure and Development Services reviewed the staff report. The sign has been in place for several years. When the owner went to replace it, staff advised that there was an infraction of the sign by-law, as the sign is required to be set back 1 metre from the property line.

It was questioned whether the replacement sign is different or if there have been complaints about sightline or safety issues related to the current sign. The Director stated there is no indication it has been a hindrance and he believes the sign is just a newer version of what is currently there.

Discussion took place about the location of the sign and what would be required to comply with the Sign By-law. The Director advised his understanding is that the sign would be placed in the middle of their parking lot, which would be the nearest location that would comply. Concern was expressed that there are no locations for the sign that would comply and still allow the property to function.

Motion by Councillor Ingram

**Sub-committee Recommendation: THAT the variance request by the owner of 166-194 Ontario Street to erect a new ground/pylon sign in the current location be approved.**

In response to whether there would be any liability concerns for the City should the sign be allowed to remain in its current location, the Director advised it is not blocking snow plow equipment and it is on private property so there are no liability issues.

The Chair called the question on the motion.

**Carried**

#### **4.2 Proposed Exemption from Sign By-law 159-2004 Section 13.0, 925 Ontario Street (PLA21-020)**

**Staff Recommendation:** THAT the request by Florence Signs, on behalf of City Pizza, for a Sign By-law exemption to erect a fascia sign at 925 Ontario Street exceeding the 20% coverage, be DECLINED as the proposed sign does not meet the requirements of the Sign By-law 159-2004.

**Sub-committee Discussion:** The Director of Infrastructure and Development Services reviewed the request and advised that the infraction of the Sign By-law is the exceedance of a maximum sign area of 20% for fascia signs.

In response to questioning, the Director clarified that it is 20% of all the signs and the proposed location is shown in the staff report and would cover 25% of the fascia area.

Motion by Councillor Vassilakos

**Sub-committee Decision: THAT John Florence be heard regarding the Sign By-law exemption request for 925 Ontario Street.**

**Carried**

John Florence introduced himself as a partner in Florence Signs, based out of Cambridge. He provided some background on the siting of the new City Pizza store, noting that they are tucked in the back corner of the Stratford Centre Mall under the large canopy of the Food Basics store.

The request is for individual letters on the fascia to identify that the City Pizza store is located there. In response to whether there were any other options proposed, Mr. Florence advised they had originally considered a box sign such as the pharmacy sign. They proposed individual letters as some municipalities will calculate the measurements based on each individual letter. They have not come up with anything smaller as they do not wish to reduce the branding of City Pizza any smaller and it balances the pharmacy sign.

In response to whether there would signage on the actual business storefront, Mr. Florence advised there would be smaller letters above the entrance doors to the store.

In response to questions, the Director advised that he was not aware of any stores in the area that have received a similar variance. He confirmed that the applicant has put forth \$823.00 for the sign permit application and there were no further fees required.

Motion by Councillor Vassilakos

**Sub-committee Recommendation: THAT the request by Florence Signs, on behalf of City Pizza, for a Sign By-law exemption to erect a fascia sign at 925 Ontario Street exceeding the 20% coverage, be approved.**

**Carried**

## **5. Report of the Chief Building Official**

### **5.1 Annual Building Permit Fee Report 2020 (PLA21-019)**

**Staff Recommendation:** THAT a one-time transfer from the Special Projects Reserve of \$90,998.85 to the Building Reserve be authorized;

AND THAT funding of the remaining 2020 Building Inspection Admin G-251-2400 deficit of \$156,456.73 with the Building Permit Reserve G-07-BSUR-0000 be approved.

Motion by Councillor Clifford

**Sub-committee Recommendation: THAT a one-time transfer from the Special Projects Reserve of \$90,998.85 to the Building Reserve be authorized;**

**AND THAT funding of the remaining 2020 Building Inspection Admin G-251-2400 deficit of \$156,456.73 with the Building Permit Reserve G-07-BSUR-0000 be approved.**

**Carried**

## **6. Project Update**

**Sub-committee Discussion:** The Manager of Planning provided a high-level overview of activities as follows:

- The department is in receipt of a high volume of applications.

- A public meeting to be held on September 30<sup>th</sup> to consider two applications, the first for the construction of 64 townhouses at 3202 Vivian Line 37 and a multiple level residential building at 30 Queensland Rd.
- There is quite a bit of site plan application activity in the Wright Business Park.
- Staff have given site plan approval for 50 street fronting townhouses on Bradshaw Drive and a 46 unit, 3-story apartment building on Orr Street.
- Staff have released the final draft of the comprehensive zoning by-law. It is scheduled to be considered by the Planning and Heritage Committee on October 21, 2021.
- They have had 41 formal consultations to date this year.

## **7. Advisory Committee/Outside Board Minutes**

There were no Advisory Committee/Outside Board minutes provided for the information of Sub-committee.

## **8. Next Sub-committee Meeting**

The next Planning and Heritage Sub-committee meeting is Thursday, October 28, 2021 at 3:30 p.m.

## **9. Adjournment**

Motion by Councillor Ingram

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

**Carried**

Meeting Start Time: 3:30 P.M.

Meeting End Time: 3:53 P.M.





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## MANAGEMENT REPORT

**Date:** October 12, 2021  
**To:** Planning and Heritage Committee  
**From:** Alyssa Bridge, Manager of Planning  
**Report#:** PLA21-022  
**Attachments:** None

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**Title:** Planning Report, Zoning By-law Amendment Application Z09-21, 379 Ontario Street

**Objective:** The purpose of this report is to describe staff's evaluation and recommendation of Zone Change Amendment application Z09-21, for the lands known municipally as 379 Ontario Street. The purpose of the application is to amend the existing MUR zone to a site-specific MUR zone, to permit a hobby shop as an additional permitted use.

The application was accepted on July 5, 2021.

A proposed site plan outlining the floor area of the proposed use was submitted with the application.

## Location Map:





**Background:** The subject property is municipally addressed as 379 Ontario Street, is located on the south side of Ontario Street between Front Street and Queen Street, and has an area of approximately 0.045 hectares (0.112 acres). The subject lands are legally described as PLAN 47 E PT LOT 10 W PT LOT 11 SUBJ TO ROW in the City of Stratford. The application is to rezone the property from a MUR zone to a site-specific MUR zone to permit a hobby shop as an additional permitted use.

**Site Characteristics:**

Characteristic	Information
Existing Use:	Duplex
Frontage:	13.01m (42.88ft)
Depth	36.4m (119.42ft)
Area	474.56m <sup>2</sup> (5108.12ft <sup>2</sup> )
Shape	Regular

**Surrounding Land Uses:**

Direction	Use
North	Vacant Land (Residential)
East	Fiveplex (Residential)
West	Single Detached Dwelling (Residential)
South	Single Detached Dwelling (Residential)

**Subject Lands – 379 Ontario Street (Photo taken July 16, 2021):**



### Agency Comments

The application was circulated to various agencies on July 19, 2021, and the following comments have been received to date:

- Engineering:
  - No objection.
- Community Services:
  - No concerns.
- Upper Thames River Conservation Authority:
  - No objection.

### Public Comments

Notice of the application was sent to 108 abutting property owners on July 19, 2021. Notice was also included in the 'Town Crier' published in the Beacon Herald on July 24, 2021. The public meeting was held on August 16, 2021. No public comments have been received to date.

### **Analysis:**

#### Provincial Policy Statement

All planning decisions in the Province of Ontario shall be consistent with the Provincial Policy Statement (PPS) which came into effect on May 1, 2020. The 2020 PPS provides policy direction on matters of provincial interest relating to Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

Building Strong and Healthy Communities can be achieved by encouraging efficient land use and development patterns that support sustainability by promoting resilient communities, environmental protection, and economic growth. The requested zoning would permit a hobby shop that is consistent with the PPS through the efficient use of land and the promotion of economic opportunities in the City of Stratford.

There are no Wise Use and Management of Resources or Protecting Public Health and Safety matters of consistency with the proposed amendment.

The zone change amendment for a hobby shop use is consistent with the 2020 Provincial Policy Statement.

#### Official Plan Designation

The subject lands are designated as a "Residential Area" in the Official Plan. This permits low and medium density residential uses including single detached, semi-detached, triplex dwellings and townhouses. Existing Residential Areas in the City are characterized by low density, one- and two-unit dwellings whereas medium and higher density forms are developed primarily in or near the Downtown Core.

Section 4.5.1 of the Official Plan sets out goals and objective for Residential Areas, including:

- To maintain in all residential areas the essential neighbourhood qualities of quiet enjoyment, privacy, upkeep, public health and safety and basic municipal services.
- To ensure that where intensification of development is proposed in residential areas, it is compatible in terms of scale, density and design with neighbouring development and adheres to sound planning principles related to servicing, traffic, site design and amenities, provided there is sufficient capacity in the City's municipal services to accommodate that development.
- To achieve a mix of housing types and a minimum average density of housing in the development of new residential areas to provide diversity in the housing stock, more affordable housing opportunities and a more efficient investment and ongoing maintenance of municipal services and facilities.
- To create new residential neighbourhoods which have a sense of identity, which encourage neighbourhood interaction, which are less auto-dependent and which are designed to establish and maintain essential neighbourhood qualities.
- To allow certain non-residential uses in residential areas which are complementary to, or compatible with, the neighbourhood or which meet neighbourhood needs, and which do not individually or cumulatively undermine essential neighbourhood qualities.
- To provide neighbourhood parks and other open space facilities which are within convenient and safe walking distance of residents.

The Zone Change Amendment for the use of a hobby shop contributes to the achievement of the Residential Area goals of the Official Plan as it will maintain essential neighbourhood qualities by providing for a non-residential use which is complementary and compatible with the neighbourhood.

The subject lands are within Special Policy Area 2 as shown on Schedule 'A' of the Official Plan. A mix of residential, commercial and institutional uses are encouraged within this area. Commercial uses will be restricted and generally limited to office uses, specialty retail shops and small restaurants with limited parking requirements. The requested use of a hobby shop would be considered a specialty retail shop and as a result it conforms to the Official Plan's direction for land uses within for Special Policy Area 2.



Excerpt from Official Plan Schedule 'A' – Land Use:



The proposed zoning amendment is consistent with the Official Plan as it contributes to the goals and objectives of Residential Areas while conforming with the policies of Special Policy Area 2.

Zoning By-law

The subject lands are currently zoned Mixed Use Residential (MUR) which permits the following uses:

- boarding house dwelling,
- business office,
- clinic,
- commercial school,
- converted dwelling,
- day nursery,
- duplex dwelling,
- dwelling unit,
- group home,
- home occupation,
- hostel,
- inn,
- nursing home,
- personal care establishment,

- professional office,
- religious institution,
- retirement home/lodge,
- single detached dwelling, existing,
- specialized medical offices; and
- studio.

The Zone Change Amendment is requested to rezone the subject lands from a Mixed Use Residential (MUR) Zone to a site-specific Mixed Use Residential (MUR) Zone. The requested change to a site-specific MUR Zone would permit a portion of the ground floor to be used as a hobby shop. The proposed definition for a hobby shop is: an area of a building in which video games, card games, board games, or similar products are offered for sale.

The Zoning By-law requires a rate of one parking space per dwelling for a duplex and one parking space per 30m<sup>2</sup> of net floor area for a specialty shop. As a result, two parking spaces are required for the hobby shop and one parking space is required per dwelling unit. The applicant has provided a concept plan showing that there is sufficient space to accommodate the required parking.

Planning staff are of the opinion that the Zone Change to allow for a hobby shop as a permitted use maintains the general intent and purpose of the Zoning By-law.

The Zone Change Amendment is consistent with the PPS, conforms with the Official Plan, maintains the intent of the Zoning By-law, is consistent with the City's Strategic Priorities and represents good planning.

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

**Financial Impact:** No municipal infrastructure is required for the proposed use.

### **Alignment with Strategic Priorities:**

#### **Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

**Staff Recommendation: THAT Application Z09-21 to amend the zoning on 379 Ontario Street located on the south side of Ontario Street from a Mixed Use Residential (MUR) Zone to a site-specific Mixed Use Residential (MUR) Zone to permit a hobby shop BE APPROVED for the following reasons:**

- I. Public interest was considered;**
- II. The request is consistent with the Provincial Policy Statement and conforms with the Official Plan; and**



**III. The request will facilitate development that is appropriate for the lands, is compatible with the surrounding lands and is good planning.**



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Alyssa Bridge, MCIP, RPP, Manager of Planning



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Taylor Crinklaw, Director of Infrastructure and Development Services



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Joan Thomson, Chief Administrative Officer

### **Draft By-law**

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Being a By-law to amend By-law 201-2000 as amended, with respect to zone change application Z09-21, to rezone the lands known municipally as 379 Ontario Street located on the south side of Ontario Street between Front Street and Queen Street in the City of Stratford to allow for a site-specific Mixed Use Residential (MUR) Zone.

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

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

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

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

1. That Schedule "A", Map 5 to By-law 201-2000 as amended, is hereby amended:

by changing from Mixed Use Residential (MUR) Zone to a site-specific Mixed Use Residential (MUR) Zone, those lands outlined in heavy solid lines and described as Mixed Use Residential (MUR) on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as PLAN 47 E PT LOT 10 W PT LOT 11 SUBJ TO ROW known municipally as 379 Ontario Street.

2. That By-law 201-2000 as amended, be further amended by adding to Section 10.4, being the Exceptions of the Mixed Use Residential (MUR) Zone the following:

10.4.            a) Defined Area (379 Ontario Street)

MUR-\_\_ as shown on Schedule "A", Map 5

b) Permitted Uses:

- Hobby shop
- All other uses permitted in the MUR zone

c) Definition

For the purposes of the Defined Area, the following shall apply:

- i) Hobby shop means an area of a building in which video games, card games, board games, or similar products are offered for sale.

d) Maximum floor area permitted for a Hobby Shop: 61m<sup>2</sup>

e) Special Use Regulations

A Hobby Shop is restricted to the ground floor only.

3. This By-law shall come into effect upon Final Passage and in accordance with the *Planning Act*.

\_\_\_\_\_  
Mayor – Daniel B. Mathieson

\_\_\_\_\_  
Clerk – Tatiana Dafoe

**Schedule "A" to By-law \_\_\_\_-2021**

Ontario St						
369	371	375	MUR-____ 379	383	389	393



## MANAGEMENT REPORT

**Date:** October 12, 2021  
**To:** Planning and Heritage Committee  
**From:** Alyssa Bridge, Manager of Planning  
**Report#:** PLA21-021  
**Attachments:** September 13, 2021 Management Report – Modifications to draft Approved Plan of Subdivision 31T-18001A, 40, 48, 50, 60, 66 and 72 Daly Avenue

**Title:** Modification to Draft Approved Plan of Subdivision 31T18-001A, 40, 48, 50, 60, 66 and 72 Daly Avenue Revised Conditions of Draft Approval

**Objective:** To provide an overview and evaluation of options to ensure that the future built form of dwellings within Draft Plan of Subdivision 31T18-001A conform with the Heritage Area policies of the City's Official Plan.

**Background:** At the September 13, 2021, Planning and Heritage Committee meeting, the following recommendation was made:

**THAT Plan of Subdivision application 31T18-001A, submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN Ba dated MAY 14/21, be referred to the City Solicitor to determine:**

- **Whether a condition of draft approval can be added to require the completion of a site plan and submission of elevation drawings in response to a building permit, both to be reviewed and approved by Stratford City Council.**

In September 2018, the City granted draft approval to Plan of Subdivision 31T18-001. The draft approved plan consisted of 10 single detached dwellings on 0.4ha of land. The subject lands are located on the north side of Daly Avenue between St. Vincent Street South and Birmingham Street.

In 2019, the applicant requested modifications to the draft approved plan to include an additional 0.2ha of land and to change single detached dwelling lots to duplex and

semi-detached lots. Under the Planning Act, a public meeting is required for major modifications to draft approved plans of subdivision. Due to the nature of the requested modifications (namely the inclusion of additional land into the draft plan of subdivision), a public meeting was held on March 9, 2020, to discuss the revised draft plan of subdivision which included 2 single detached dwelling lots, five duplex dwelling lots and five semi-detached dwelling lots on 0.6 ha of land.

Following the public meeting, the applicant has further revised the proposed modification to the draft approved plan of subdivision. The requested modifications related primarily to the form of residential development along Worsley Street. The revised plan of subdivision contains two single detached dwelling lots, two duplex dwelling lots and seven semi-detached dwelling lots on 0.6 ha of land.

On September 13, 2021, staff recommended approval of the modified draft plan of subdivision subject to a number of conditions of draft approval.

**Analysis:** The lands subject to the application are located at 40, 38, 60, 60, 66 and 72 Daly Avenue and are located within the Heritage Area as identified on Schedule A to the City's Official Plan.

Official Plan Policy 3.5.8 gives direction with respect to infilling in Heritage Areas. Specifically, the policy requires that where infilling is proposed, the inherent heritage qualities of the area or corridor will be retained, restored and ideally enhanced. City Council has requested additional information regarding potential tools to ensure that the future built form on the lots within the draft plan of subdivision conform with this policy. Three options were considered in attempt to address Council's intent. These options include looking into Site Plan Control, Building Permit Review, and Subdivision Agreement, all of which are describe in detail below.

#### Site Plan

Site plan control is a planning tool that a municipality uses to evaluate certain site elements, such as walkways, parking areas, landscaping or exterior design on a parcel of land where development is proposed. Site Plan control is regulated under Section 41 of the Planning Act.

#### Site Plan Control By-law (By-law 111-2000)

The City of Stratford has a Site Plan Control By-law. This By-law designates all land in the City of Stratford as Site Plan Control area, meaning that no development shall take place within this unless the owner has entered into a Site Plan Agreement with the City.

The Site Plan Control By-law also sets out several circumstances where a Site Plan Agreement is not required. These include minor renovations and additions to existing buildings and small accessory buildings and structures. Single detached, duplex and triplex dwellings are also generally exempt from the Site Plan Control process, with the

possible exception of infilling situations and additions or enlargements or new building in flood-prone areas.

Generally speaking, single detached, duplex and triplex dwellings are exempt from the Site Plan process as they are smaller in scale and often the lots have been created through the plan of subdivision process where details related to site servicing, stormwater management and lot grading and drainage have been addressed through the subdivision agreement. This draft plan of subdivision application proposes a combination of single detached, duplex and semi-detached dwellings which would typically be exempt from the City's Site Plan Control process. The proposed development is considered as infill in nature and a result supports the justification to require the development to go through Site Plan approval as contemplated by the Site Plan Control By-law.

#### Delegation of Site Plan Approval

Site Plan approval in the City of Stratford has been delegated to staff through By-law 103-2012. Site Plan approval is often delegated to staff as the review is typically technical in nature as well as to ensure expedited reviews as required to meet regulated timelines. If the municipality fails to make decision regarding the Site Plan within 30 days, applicants are permitted to appeal to the Ontario Land Tribunal ct.

The City's current delegation by-law does contain a number of scenarios where Site Plan approval can be referred to City Council where they may continue to exercise the delegated powers and authority for Site Plan applications, including where an application is highly complex or controversial.

While both the City's existing Site Plan Control-By-law and the City's Delegation By-law for Site Plan Approval contain frameworks to require the future lots in the draft plan of subdivision to go through Council-approved Site Plan Approval, there are some limitations to the use of Site Plan Control for the proposed subdivision.

#### Limitations of Site Plan Control

The Planning Act specifically restricts a municipality's site plan approval scope to the exterior design of a building. This can include items such as character, scale, appearance and design features of buildings. This control is intended for aesthetic purposes only, meaning that Site Plan Control can be used to regulate the look and character of a building.

The parameters on the review of building elevations as part of the Site Plan application would need to be in accordance with existing Official Plan policies and Urban Design Guidelines. The Official Plan does not contain a detailed policy direction on what constitutes the inherent heritage qualities of the Heritage Area and Heritage Corridor. Chapter 6 (Community Design Strategy) to the Official Plan does provide some general policy direction to ensure that the City's distinctive identity, visual quality and urban character is maintained and enhanced. Specifically, OP Policy 6.2.9 states that infill

development is to implement the rhythm, massing, character and context of adjacent development, while recognizing that built forms evolves over time and that new buildings should not necessarily replicate existing buildings.

The City's Urban Design Guidelines through Section 4.4.2.5 provides additional guidance on the design of infill developments, including that buildings be designed to respect the height, massing and setbacks of existing development and that infill development should be consistent with adjacent setbacks to fit into the neighbourhood streetscape and contribute to a continuous public street edge.

When the Zoning was amended in association with the original draft plan of subdivision application in 2018, regulations were incorporated on the massing of the future buildings with respect to height and setbacks and to permit dwelling units that are low-density to match the character of the surrounding area.

Given that the current Zoning for the subject property regulates many of the aspects required by the Official Plan and the Urban Design Guidelines and that the City cannot require design elements beyond what is specified in the Official Plan or Urban Design Guidelines, there are a limited details that could be required through a future Site Plan application with respect to maintaining or enhancing the qualities of the Heritage Area.

In addition, Site Plan Approval would be required for each individual lot. The fee for a Site Plan application is \$3,277. Site Plan submissions are typically prepared by Architects, Planners or Engineers (or a combination thereof). The cost and time associated with the Site Plan approval process would likely increase the purchase price of any future dwelling on the subject lots.

Due to the time, cost and limitations on the influence that Site Plan approval would have on the future dwellings as a result of the Planning Act and Official Plan policies, staff do not recommend this as a potential option to ensure conformity with the Heritage Area policy of the Official Plan.

#### The Building Code/Building Permit Review

The Building Code Act requires the issuance of a Building Permit by the Chief Building Official prior to the construction of a building. The Building Code Act requires that permits be issued unless the proposed building or construction contravenes the Act or any other applicable law.

Ontario Regulation O.Reg. 332/12 prescribes what constitutes applicable law under the Building Code and includes Zoning By-laws, the Ontario Heritage Act (for properties designated under Part IV or where a Notice of Intent to Designation has been issued) and Site Plan Approval. Building elevations to satisfy the Heritage Area policies of the City's Official Plan would not be considered applicable law. This means that should these elevations not accompany the Building Permit application or if the elevations



submitted do not reflect the intent of the Official Plan policies, the Chief Building Official cannot withhold issuance of the building permit.

In addition, building permits for residential projects are to be issued within 10 days of receipt which does not provide sufficient time for Council to review and provide input of building elevations through this process. It is also notable that the Official Plan policies with Heritage Areas does not give definitive direction as to the heritage elements to be included within the elevation drawings, meaning that there is no defined set of rules upon which the elevations are to be evaluated against. Given that these elevations would not be considered applicable law and a building permit could not be withheld on that basis, staff do not recommend this option.

#### Subdivision Agreement

A third option to ensure the future units constructed with the draft plan of subdivision lands maintain or enhance the heritage character of the neighbourhood would be to include a clause in the subdivision agreement requiring that all future dwellings be constructed with front porches, a pitched roof and masonry building products. This clause would also include a requirement that a clause advising of the building design requirements be included in all offers of purchase and sale as it is understood that the lots will be sold to individual builders. This option would allow Council to specify with more detail the building components that are required to satisfy the Heritage Area policies of the Official Plan and would ensure that this requirement is registered on the title of the property and disclosed to the future purchasers of the lots.

Staff recommend that the following condition be included as a condition of draft approval to implement this requirement:

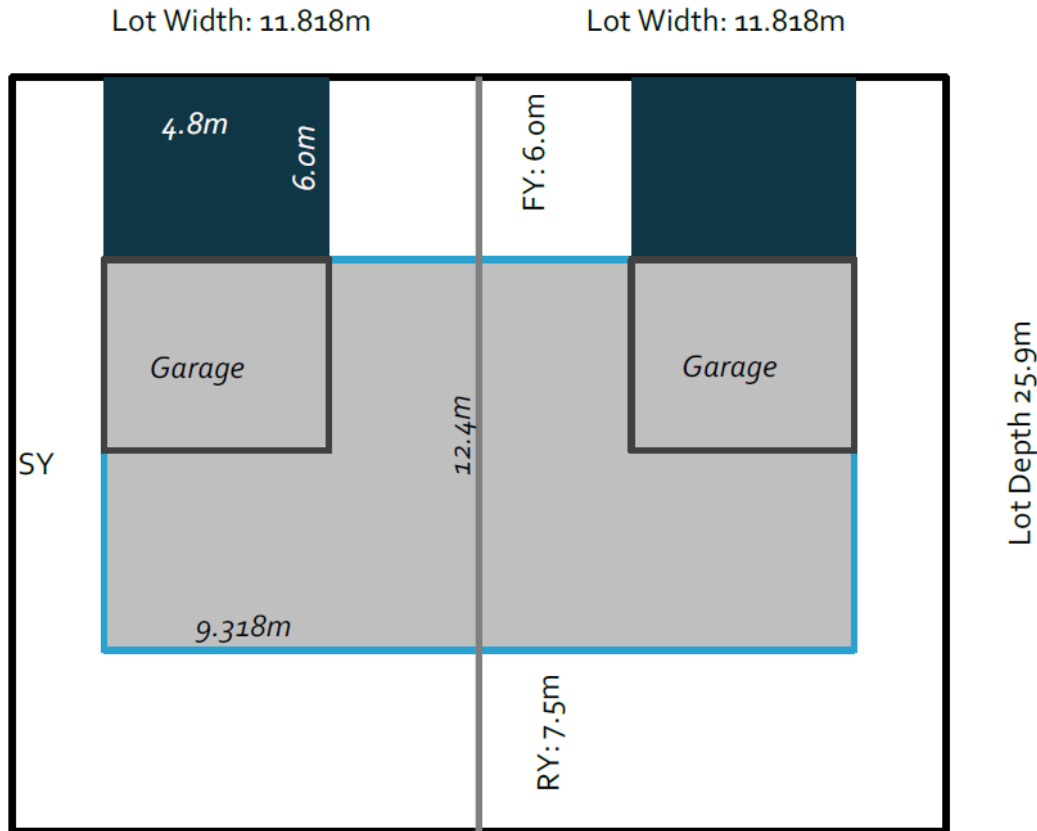
- That the subdivision agreement include a clause requiring that all future dwelling units on the subject lands be constructed with a front porch, a pitched roof and masonry building products and that the subdivision agreement include a clause requiring that all offers of purchase and sale include a clause advising the future purchaser of these requirements.

This additional condition of draft approval has been shared with the applicant who is in agreement with this approach.

#### Parking

At the September 27, 2021 Council meeting, a question was raised regarding the provision of off-site parking for the lots proposed on Worsley Street. The Zoning By-law requires an off-street parking size of 2.4 metres by 6.0 metres for semi-detached dwellings. The Zoning By-law also restricts the width of a garage to 60% of the façade as well as requires that a garage be setback a minimum of 6.0 m from the property line. The applicant has provided a sketch to demonstrate that based on the requirements of the Zoning By-law, four off street parking spaces could be provided on

each proposed semi-detached lot based on the minimum parking space size of the Zoning By-law.



Staff have included a condition of draft approval in the revised conditions of draft approval requiring that all agreements of purchase and sale and lease agreements including a clause to advise future occupants that there is no on-street parking on Worsley Street and that there is limited on-site parking available.

**Financial Impact:** Development charges expected to be collected, based on the proposed number and type of units, is \$117,424.00, based on the 2021 rate (net gain of 8 new single and semi-detached dwelling units x \$14,678 per unit).

Due to infill nature of the proposed development, no additional municipal assets will be added to the asset management plan as requiring maintenance and replacement.

### **Alignment with Strategic Priorities:**

#### **Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

#### **Staff Recommendation:**

**THAT Plan of Subdivision application 31T18-001A, submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN Ba dated MAY 14/21, known municipally as 40, 48, 50, 60, 66 and 72 Daly Avenue, legally described as Lots 7, 8, 9, 10, 11 and 12, Registered Plan 74, be approved by the City of Stratford pursuant to Section 51(31) of the Planning Act subject to the revised conditions listed below for the following reasons:**

- **the proposed plan of subdivision is consistent with the Provincial Policy Statement;**
- **The proposed plan of subdivision conforms with the City of Stratford Official Plan;**
- **The application was circulated to the public and regard for their response was had in the recommended plan and conditions of approval;**
- **The proposed plan of subdivision will result in sound land use planning and is considered appropriate for the development of the land.**

#### **Conditions of Draft Approval**

**That the City of Stratford pursuant to Section 51(31) of the Planning Act grant draft approval to Plan of Subdivision 31T18-001A subject to the following conditions:**

- 1. This draft approval applies to the draft plan submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN\_Ba dated MAY 14/21, which shows a total of 2 single detached dwelling lots, 7 semi-detached dwelling lots and 2 duplex dwelling lots.**
- 2. This approval of the draft plan applies for five years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.**
- 3. The municipal addresses shall be assigned to the satisfaction of the Manager of Planning.**

4. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of Stratford and referenced to NAD83UTM Zone 17 horizon control network for the City of Stratford mapping program.
5. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
6. The Owner shall satisfy all the requirements, financial and otherwise, of the City of Stratford in order to implement the conditions of this draft approval.
7. The subdivision agreement between the Owner and the City of Stratford shall be registered against the lands to which it applies.
8. That prior to the City executing the Subdivision Agreement, the Owner shall conduct a pre-construction vibration assessment to establish a baseline for vibration levels. The Owner shall implement recommendations of the vibration assessment and complete and implement any reports or controls arising from the assessment.
9. The Owner shall grant to the appropriate authorities such easements and/or land dedications as may be required for utility, road, drainage or other municipal purposes.
10. This subdivision shall be registered in one (1) phase.
11. In conjunction with the submission of Engineering drawings, the Owner shall submit an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of Stratford and Ministry of Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the Director of Infrastructure and Development Services.
12. The Owner's professional engineer shall provide inspection services for all work required for the development of the plan, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the Director of Infrastructure and Development Services. The Owner's professional engineer shall provide full time inspection for all underground works.

13. The Owner shall comply with all City of Stratford standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the Director of Infrastructure and Development Services.
14. The Owner shall pay in full all Engineering Administration fees, as determined by the Director of Infrastructure and Development Services, prior to any construction activity on the site.
15. That prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
16. Should temporary measures be required for this subdivision, construction costs for these temporary measures shall be borne by the Owner and any cost to remove the temporary measure shall be borne by the Owner.
17. Should municipal services be required, the Owner shall construct all municipal services for the subject lands at the sole expense of the Owner.

#### **PARKLAND**

18. Prior to the City executing the Subdivision Agreement, the Owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of Stratford. In order to determine the value of the land, the Owner shall submit an appraisal completed by a qualified individual to the satisfaction of the City.

#### **SANITARY SERVICING**

19. The Owner shall construct and connect to the existing sanitary sewer on Worsley Street to the satisfaction of the Director of Infrastructure and Development Services.
20. The Owner shall obtain the necessary private access agreements for services and is to provide the City copy of said private access agreement for their file.
21. The Owner shall have its consulting professional engineer design and supervise the construction of the sanitary servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.
22. The Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved

site satisfactory to the Director of Infrastructure and Development Services.

23. The Owner shall not connect any weeping tile connections into the sanitary sewers within this plan.

#### **STORMWATER SERVICING**

24. In conjunction with the submission of the engineering drawings, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the Director of Infrastructure and Development Services. This report shall propose either the Daly Avenue lots should have a storm service installed to the property line for future connection to a future new storm sewer or that the lots be serviced to Worsley Street; include identification of the major and minor stormwater overland flow routes; easement widths; and stormwater quality control all to the satisfaction of the Director of Infrastructure and Development Services.
25. The Owner shall obtain the necessary private access agreements for drainage and services and is to provide the City copy of said private access agreement for their file.
26. Prior to the Manager of Engineering providing confirmation to the Chief Building Official that municipal services are in place, the Owner shall construct and have operational stormwater servicing works including major and minor overland flow routes and stormwater quality control measures satisfactory to the Director of Infrastructure and Development Services.
27. The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.
28. The Owner shall address forthwith any deficiencies of the stormwater works and/or monitoring program.
29. Prior to assumption, the Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the Director of Infrastructure and Development Services.

#### **TRANSPORTATION/ROADS**

**30. The Owner shall construct a 1.5 metre (5') sidewalk on the outside of the frontage of the following streets within a time-frame as directed by the Director of Infrastructure and Development:**

- i) Daly Avenue**
- ii) Worsley Street**

**31. The Owner shall provide a 3.35 m working easement along the Worsley Street frontage to the City of Stratford.**

#### **FIRE**

**32. The Owner shall not burn any materials on site.**

#### **UTRCA**

**33. Prior to undertaking any works or site alteration including filling, grading, or construction in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from Upper Thames River Conservation Authority.**

#### **OTHER UTILITIES**

**34. Prior to the entering into a subdivision agreement, the Owner shall obtain approval from the City and Festival Hydro. Any new addition and/or relocation of existing electrical infrastructure will be at the Owner's expense.**

**35. In conjunction with the submission of Engineering drawings, the Owner may be required to submit a street lighting plan for approval by both the City and either Festival Hydro or Hydro One.**

**36. The subdivision agreement shall make provision for the planting of trees in the boulevard to the satisfaction of the Director of Community Services.**

**37. The subdivision agreement shall make provision for the physical location of Community Mail Boxes which satisfies the requirements of Canada Post.**

#### **OTHER**

**38. That the subdivision agreement includes a clause requiring the Owner to prepare an information package outlining the use and purpose of all easements and overland flow routes on the property, to the satisfaction of the Manger of Engineering Services and include a copy of the information package in all agreements of purchase and sale.**

**39. That the subdivision agreement includes a clause requiring that all future dwelling units on the subject lands be constructed with a front porch, a pitched roof and masonry building products and that the**

**subdivision agreement include a clause requiring that all offers or purchase and sale include a clause advising the future purchaser of these requirements to the satisfaction of the Manager of Planning.**

**40. That the subdivision agreement includes a clause requiring that all offers of purchase and sale and lease agreements for the lots with frontage on Worsley Street include a clause advising that on street parking along Worsley Street is not permitted and that limited parking is available on each on Worsley Street.**

**41. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.**

#### **Clearance Conditions**

- 1. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by the Upper Thames River Conservation Authority that condition 33 has been carried out to their satisfaction.**
- 2. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Festival Hydro that conditions 34 and 35 have been carried out to their satisfaction.**
- 3. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Canada Post that condition 37 has been carried out to their satisfaction.**

#### **NOTES TO DRAFT APPROVAL**

- 1. The applicant is directed to Section 51(39) and 51(43) of the Planning Act, R.S.O. 1990 as amended, regarding referral of any imposed conditions to the Local Planning Appeals Tribunal. Requests for referrals are to be directed to the Subdivision Approval Authority of the City of Stratford.**
- 2. It is the applicant's responsibility to fulfill the conditions for draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Stratford, to the attention of the Manager of Planning, Infrastructure and Development Services Department, City of Stratford, quoting the above-noted file number.**



3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for final approval, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.
4. The Owner/developer is advised that the provisions of the Development Charge By-law apply to this draft approval.
5. Required agreements with the municipality will be prepared by the City of Stratford upon written request being received by the Manager of Engineering of the City of Stratford Infrastructure and Development Services Department from the applicant.
6. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning final approval requirements relative to the Certification of Titles Act.
7. The final plan approved by Corporation of the City of Stratford must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of the Planning Act, R.S.O. 1990 as amended.
8. All plans of subdivision are to be prepared and presented in metric units.
9. Easements required for utility or drainage purposes should be granted to the appropriate authority. Contact Infrastructure and Development Services Department prior to any transfer of easements to the City of Stratford.
10. Some of the conditions of draft approval will be cleared through the inclusion of appropriate requirements in the subdivision agreement, where acceptable to the City of Stratford.
11. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise or lower without warning,

depending on the electrical demand placed on the line. Warning signs should be posted on wooden poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

12. Privacy fences shall be placed on private properties. Fencing designs will be consistent with City standards and shall be the responsibility of the individual property Owners.




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Alyssa Bridge, MCIP, RPP, Manager of Planning




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Taylor Crinklaw, Director of Infrastructure and Development Services




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Joan Thomson, Chief Administrative Officer



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## MANAGEMENT REPORT

**Date:** September 13, 2021  
**To:** Planning and Heritage Committee  
**From:** Alyssa Bridge, Manager of Planning  
**Report#:** PLA21-017  
**Attachments:** None

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**Title:** Modifications to draft approved Plan of Subdivision 31T18-001A, 40, 48, 50, 60, 66 and 72 Daly Avenue

**Objective:** The purpose of this report is to provide staff's evaluation and recommendation on modifications to draft approved Plan of Subdivision (our file 31T18-001A), submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corporation.

**Background:**

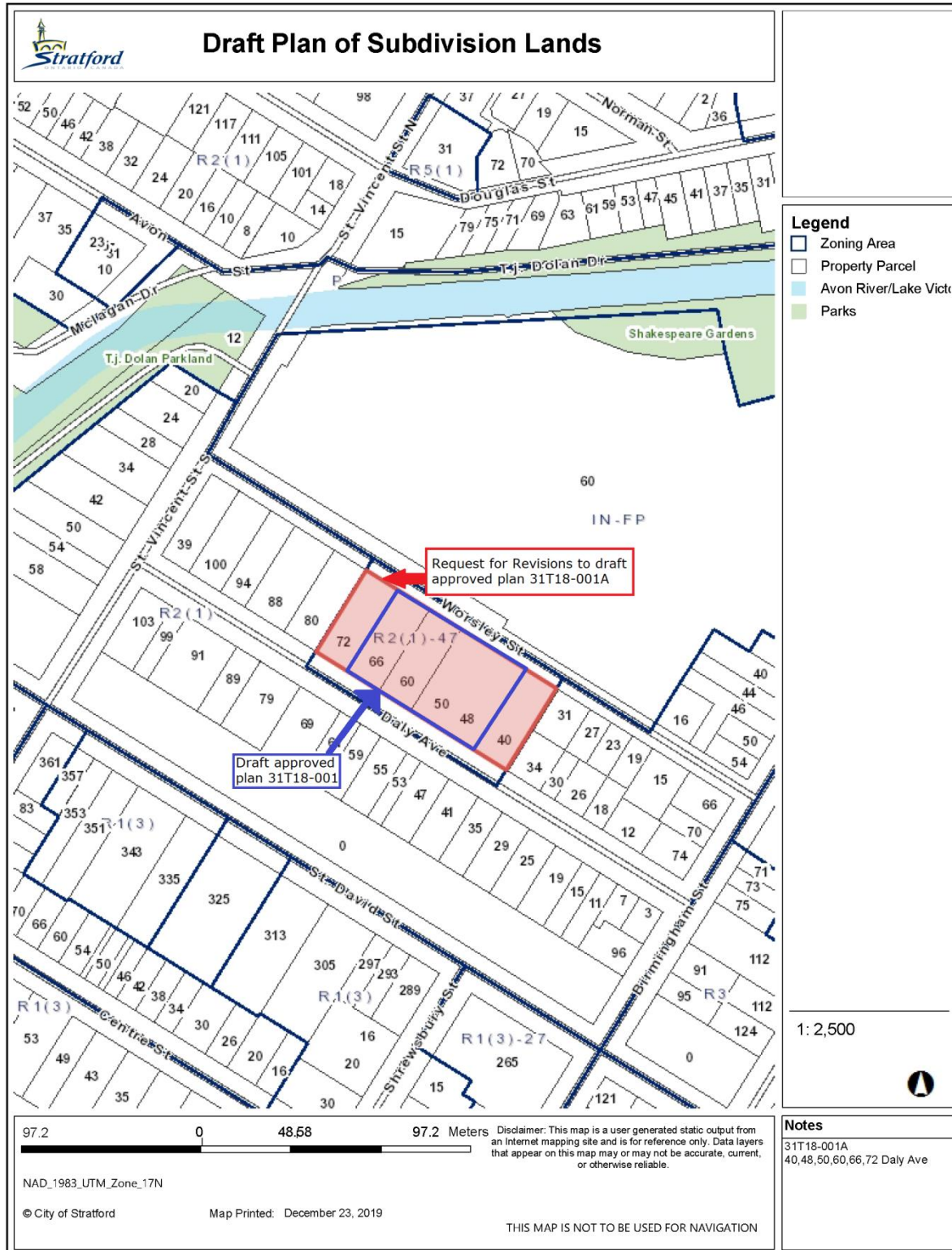
In September 2018, the City granted draft approval to Plan of Subdivision 31T18-001. The draft approved plan consisted of 10 single detached dwellings on 0.4ha of land. The subject lands are located on the north side of Daly Avenue between St. Vincent Street South and Birmingham Street.



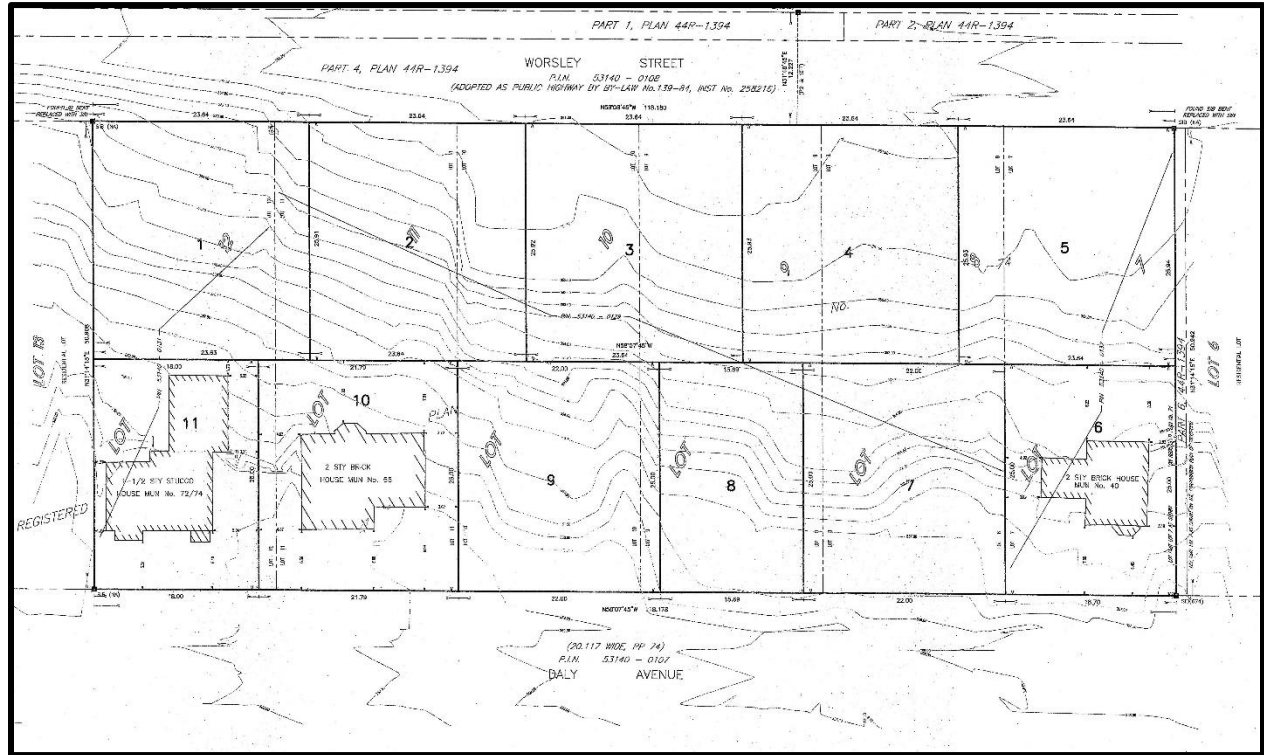
In 2019, the applicant requested revisions to the draft approved plan to include an additional 0.2ha of land and to change single detached dwelling lots to duplex and semi-detached lots. The applicant also requested a resolution from Council to permit future minor variance applications on the subject lands. A public meeting was held on March 9, 2020 to discuss the revised draft plan of subdivision which included 2 single detached dwelling lots, five duplex dwelling lots and five semi-detached dwelling lots on 0.6 ha of land.

Following the public meeting, the applicant has further revised the draft plan of subdivision and is now proposing to modify the form of residential development along Worsley Street. The revised plan of subdivision contains two single detached dwelling lots, two duplex dwelling lots and seven semi-detached dwelling lots on 0.6 ha of land. In addition to the proposed lots, the applicant is requesting easements be established that are intended to provide for stormwater servicing and for the maintenance of proposed retaining walls. The proposed lots are to be accessed by Worsley Street and Daly Avenue. Lot frontages range from approximately 15m to 24m.

# 40, 48, 50, 60, 66, 72 Daly Avenue – Location Map



## Proposed Revised Draft Plan of Subdivision (31T18-001A):



### Site Characteristics:

Characteristic	Information
Existing Use:	Vacant land, a duplex dwelling and a single detached dwelling, and a single detached dwelling with a bed and breakfast establishment
Frontage:	118 m (388 ft)
Depth	50.9 m (167 ft)
Area	0.6 ha (1.49 ac)
Shape	Rectangular
Slope	Grade difference of approximately 7m in between Daly Avenue frontage and Worsley Street frontage

### Surrounding Land Uses:

Direction	Use
North	Secondary School (Institutional/Flood Plain)
East	Single detached dwelling (Residential)
South	Single detached dwellings (Residential)
West	Duplex dwelling (Residential)



Daly Avenue Frontage – Photo Taken July 8, 2021:



Worsley Street Frontage – Photo Taken July 8, 2021:





## Agency Comments

Circulation of the application to various agencies produced the following comments to date (July 8, 2021):

- Building Services (February 9, 2020)
  - General
    - Development charges are applicable at current Residential rates per unit.
    - Building Permits are required to be obtained for the proposed new dwelling units and any new additions proposed to existing dwellings.
    - A separate site servicing permit for 40, 66 and 74 Daly Ave is required to be obtained prior to any new sanitary service installation.
    - A separate building permit is required to be obtained for the retaining wall construction. Please note separate permits will be required to be obtained for each property the retaining wall is located on, as a building permit cannot be issued for structures that cross property lines. The design of the retaining wall is to be completed by a Professional Engineer
    - Municipal Addressing is to be established prior to the issuance of building permits
    - Area is located within the UTRCA Regulation area. Prior to the issuance of any building permits, permits are to be obtained thru UTRCA and approvals submitted with building permit applications. If no permits are required to be obtained thru the UTRCA confirmation of that is required to be provided with building permit applications.
    - Geotech Report completed by a P.Eng will be required to be submitted to Building Inspector at time of excavation inspections.
  - Services
    - Cleanouts are required to be provided every 30m for the proposed 6" sanitary lines. Please revise servicing plan to show cleanouts for Lot 10, Lot 9, & 40 Daly Ave.
    - As per 7.4.7.4(4) of the Ontario Building Code (OBC), turns in Sanitary Line where cleanouts are located shall be achieved by using 45degree bends. Please ensure this is denoted on plans.
    - Sanitary services look to join at property line for 66 & 74 Daly Ave. Connection between services cannot occur, sanitary services are to remain separate for both properties.
- Festival Hydro (February 10, 2021)
  - Once plan is approved, the developer will need to contact Festival Hydro to discuss servicing requirements and enter into a subdivision servicing agreement for electrical servicing of the lots. Services will be provided off Daly Avenue and Worsley Street. Existing electrical infrastructure in the area will need to be upgraded at developer's cost to service additional lots.

- Hydro One (Jan 21, 2020): No concerns
- Fire Department (January 27, 2021): No concerns
- Wightman (January 13, 2020)
  - Interested in installing service duct to dwellings when other utilities are being installed.
- Heritage Stratford (April 22, 2020)
  - HS views the proposed sub-division, which will add 10 multi-family buildings to an area of predominately single family buildings, as a significant infill and thinks its impact on the Heritage Area should be assessed in the HIA. We do not understand how the Planning Dept could be satisfied that the inherent heritage qualities of the Heritage Area will be retained in the absence of such an assessment. Jeff L has frequently cited the Dept.'s lack of heritage expertise. And, in the absence of renderings and/or elevations, we have questions as to whether anyone could appropriately assess the impact.
- Upper Thames River Conservation Authority (January 22, 2020): No objection
- Huron Perth Catholic District School Board (January 17, 2020): No concerns
- Canada Post (January 21, 2020)
  - Canada Post has reviewed the proposal for the above noted Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes. Our centralized delivery policy will apply for any buildings of 3 or more self-contained units with a common indoor area. For these units the owner/developer will be required to install a mail panel and provide access to Canada Post.
- Engineering Services (March 1, 2021)
  - Draft Plan of Subdivision – Dwg. 1 – rev. 6
    - Show all underlying legal fabric (Registered Plan 74), including existing easements
    - Make proposed lot lines prominent, remove proposed easements
  - Planning Letter, Baker Planning Group, dated December 14, 2020
    - The table on page 2 provides descriptions of the proposed lots that do not match the engineering plans
  - General Comments
    - A 3.35 m City easement along the Worsley Street frontage will be required to allow proper access for maintenance and operation of existing underground infrastructure on Worsley Street

- The existing sidewalk on Worsley Street is to be extended across the entire frontage to the west property limits in accordance with City standards
- Stormwater management quality control to City standards is required
- The subject development will adhere to Accessibility for Ontarians with Disabilities Act (AODA), in addition to requirements outlined in the Ontario Building Code.
- A Transportation Impact Study is not required. The addition of five semi-detached lots (ten units) and three duplex lots (6 units) will not produce sufficient peak traffic volumes to impact the level of service of Worsley Street or Daly Avenue. Worsley Street does face occasional challenges at school drop off and pick up times due to its relatively narrow pavement. The addition of less than ten peak hour trips, generally not at the school traffic peak hour, should not worsen the current situation
- The developer should produce an information package for all lot purchasers outlining the use and purposes of any and all easements and overland flow routes on the lots. The information package should also explain the rights and obligations of the parties to the easements.
- As noted in the planning letter, a pre-construction vibration assessment is required. Any recommendations contained in the assessment must be accommodated in both the design of the subdivision and its construction.
- Drawings:
  - Existing Conditions and Removals Plan – Dwg. 1 – rev. 4
  - Site Grading Plan – Dwg. 2 – rev. 4
  - Site Servicing Plan – Dwg. 3 – rev. 4
  - Erosion and Sediment Control Plan – Dwg. 4 – rev. 4
  - Cross-Section Details – Dwg. 5 and 6 – rev. 4
  - Notes and Details – Dwg. 7 – rev. 4
- A full technical review of the engineering drawings will be undertaken after the appropriate fees are received, in accordance with the current Fees and Charges by-law. For this proposed development, the review fee is set at \$572.00 per submission.
- Preliminary comments:
  - In general the plans submitted are inconsistent, and in some cases illegible
  - Contours should be removed from all engineering plans except grade plans
  - Lot numbering must match the draft plan
  - Proposed easements must be shown consistently on all plans
  - No encroachments will be allowed on rights-of-way

- Major overland flow routes must be identified on the grade plan. Provide calculations to show how major storm flows (250yr) will be accommodated. Easements may be required.
- Provide location and details for stormwater quality control implementation to achieve Enhanced level (80% TSS removal)
- Existing services to lots on Worsley Street must be utilized in favour of new services, unless proven to be inaccessible
- Daly Ave lots are to have storm service laterals installed to property line and capped for future connection to new storm sewer when available. Alternatively, storm connection may be made to Worsley, in appropriately sized easements. For lots with no storm service, sump pump outlet location should be shown on Grade Plan
- Due to the depth of private services in the lot easements and the need for retaining walls, a staging plan must be provided to determine timing of construction and ensure servicing activities do not impact buildings that may be already constructed

### Public Comments

Notice of the application was sent to 65 surrounding property owners on January 13, 2020. Notice was also published in the Beacon Herald on January 18, 2020.

One resident provided an oral submission at the Public Meeting and 16 emails/letters were received from residents in response to the circulation with the following concerns:

- The size and scale of the development does not respect the heritage attributes in the area
- Increase in on-street parking
- Increase in density
- Ongoing development has damaged Daly Avenue
- Increase in traffic in area and decrease in the safety for residents
- Sewage and stormwater cannot be properly controlled
- Suggesting Heritage Conservation District should be considered
- Development doesn't retain the heritage character of the area
- Future minor variances shouldn't be permitted
- Loss of trees has impacted the neighbourhood
- Development would not maintain the characteristics of the existing streetscape
- Retaining walls and two-car garages are not in keeping with the neighbourhood
- Overdevelopment in close proximity to flood-plain
- Number of retaining walls and easements demonstrate the property is being overdeveloped
- Lack of amenity space in area to support the density
- Heritage Impact Statement must be completed
- Development will depreciate property values
- Impacts on the surrounding environment
- Disruptions from ongoing construction equipment

Matters raised by the public are addressed in detail in the Analysis section of this report.

## **Analysis**

### **Provincial Policy Statement**

Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on May 1, 2020.

Section 1.1.1 of the Provincial Policy Statement states:

“Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;  
[...]
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs”.

Section 1.1.3.2 of the Provincial Policy Statement states:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public services facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion”.

Section 1.4.3 of the Provincial Policy Statement states:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;”

Section 1.6.6.1b)3) of the Provincial Policy Statement states:

“Planning for sewage and water services shall ensure that these systems are provided in a manner that is feasible, financially viable over their lifecycle” and complies with all regulatory requirements”.

The PPS supports new housing which efficiently uses land, resources, infrastructure and public service facilities away from lands impacted by hazards. The policies also support the use of active transportation and transit in areas where it exists. The proposed modification and draft plan of subdivision provides for the development of a mix of residential uses that include single detached dwellings, duplex and semi-detached dwellings that utilize existing infrastructure and provide a range and mix of housing types and densities. The lands promote active transportation as they are in close proximity to educational and recreational facilities and relatively close to the downtown core and public transit. The proposed easements will provide for proper servicing to the subject lands.

Section 2.6.1 and 2.6.3 of the Provincial Policy Statement state:

“Significant built heritage resources and significant cultural heritage landscapes shall be conserved”.

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”.

The subject lands are located within a Heritage Area as identified in the City Official Plan, however, are not designated under the Heritage Act or on a register of properties of cultural heritage or interest.

The subject properties are located directly across from a property that is designated under Part IV of the Heritage Act. The applicant has completed a Heritage Impact Assessment (HIA) which recommends that where construction activity occurs within 50 metres of the residence at 55 Daly Avenue, a pre-construction vibration assessment should be completed to establish a baseline for vibration levels in advance of construction activities. The vibration assessment will determine what future controls will be required to allow development on the subject lands. Implementation of the recommendations of the HIA have been included through a condition of draft approval.

Sections 3.1.6 and 3.1.7 of the Provincial Policy Statement state:

"Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

and Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

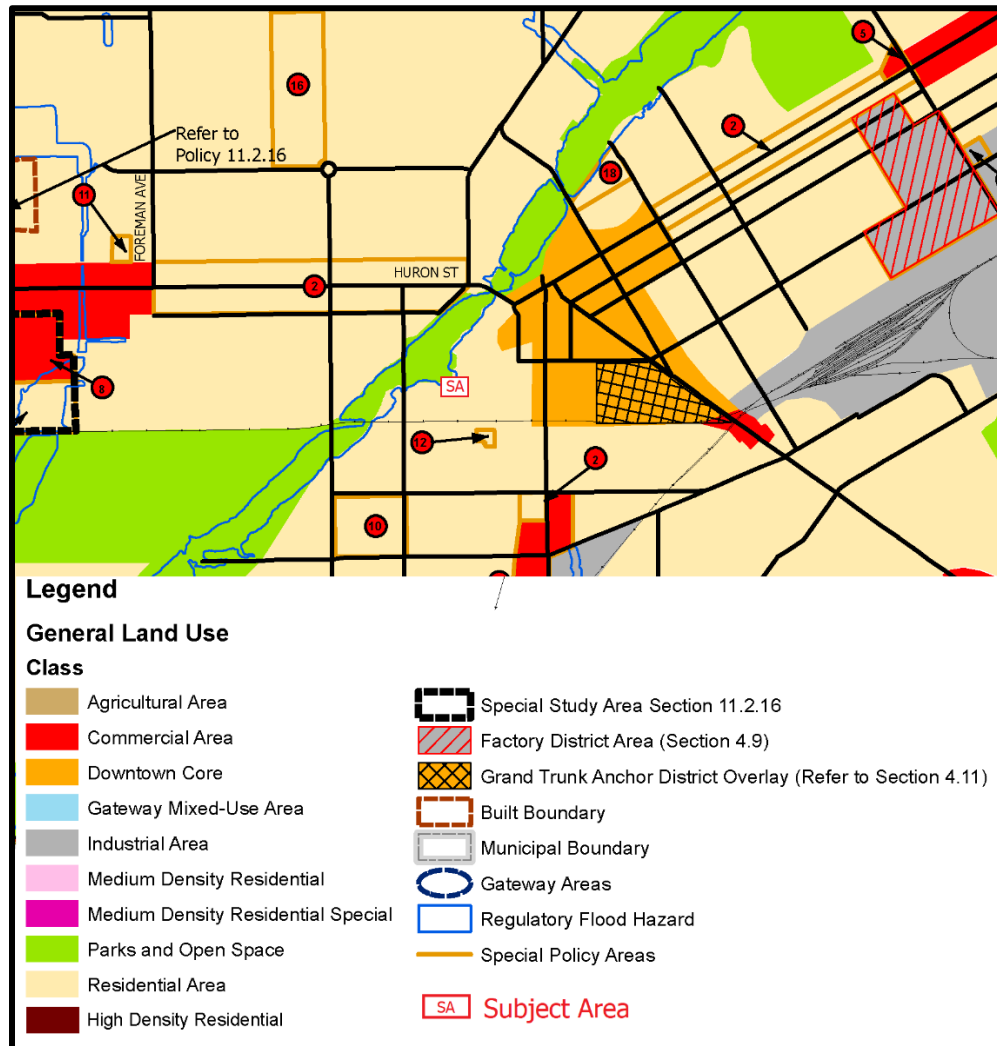
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result."

The UTRCA has advised they have no objection to the application. In association with a previous minor variance application, the applicant provided material to the UTRCA which demonstrates safe access could be achieved. The recommended conditions of draft approval require the applicant obtain a permit from the UTRCA prior to any development which is consistent with 3.1.7 of the PPS.

The proposed modification is consistent with the Provincial Policy Statement, 2020.

## Official Plan

### Official Plan – Schedule “A”



The property is designated as Residential Area on Schedule “A” Land Use, has a small area within the UTRCA Regulation Limit delineated on Schedule “B” Natural Heritage and Natural Hazards, and is within the Heritage Area on Schedule “E” Heritage Areas.

Within the Residential Area designation, single detached, semi-detached, and duplex dwellings are permitted uses. The Guiding Principles of the Official Plan include the encouragement of appropriate intensification and infill which reflects the existing context of the City with respect to factors such as height, design. Heritage Conservation is also a Guiding Principle. With respect to Heritage Conservation, the Guiding Principle upon which the Official Plan was based, is that the City should protect areas, landmarks and features which contribute to its distinct character and sense of place.

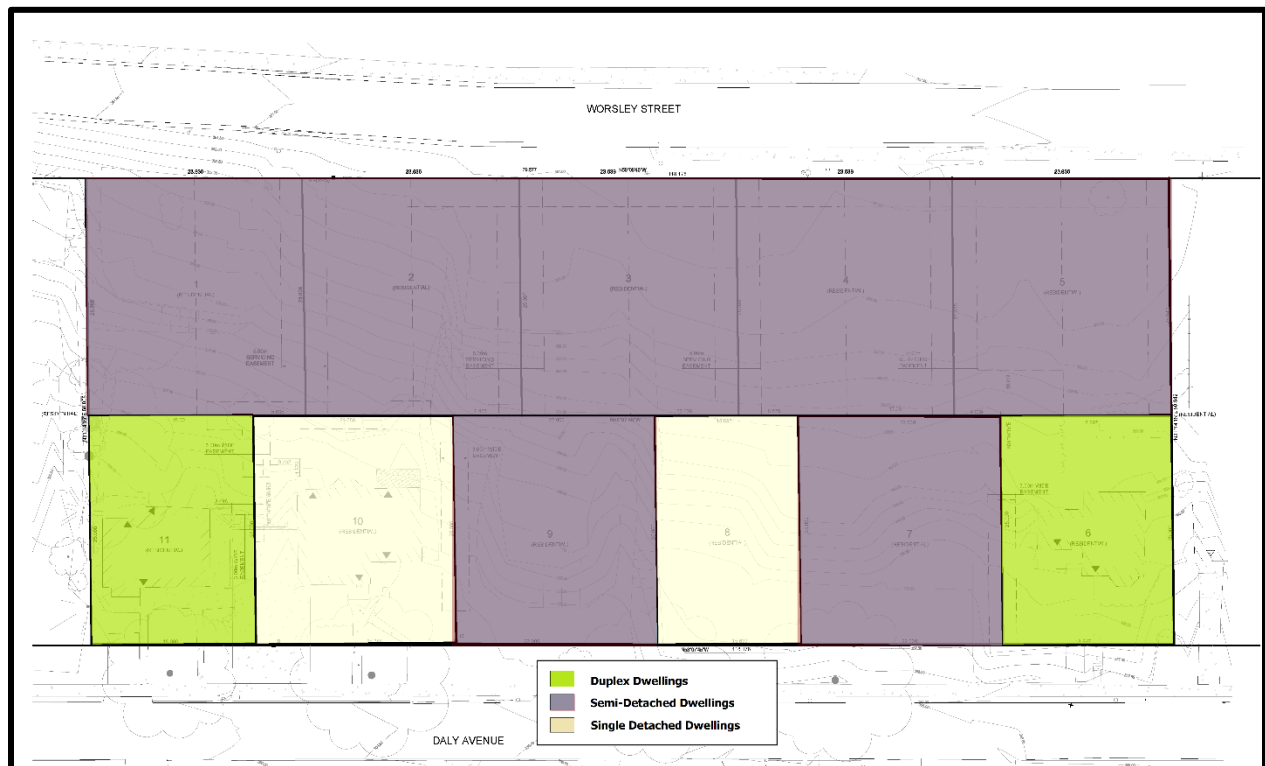
Under the Goals and Objectives for Residential Areas Section 4.5.1 reads:



ii) To ensure that where intensification of development is proposed in residential areas, it is compatible in terms of scale, density and design with neighbouring development and adheres to sound planning principles related to servicing, traffic, site design and amenities, provided there is sufficient capacity in the City's municipal services to accommodate that development.

The proposed modifications continue to encourage the development of an underutilized parcels and will contribute to the provision of a variety of housing densities within the City. The infilling policies of the Official Plan encourage development that is compatible with, and sensitive to existing development in the area. The character of Daly Avenue and Worsley Street is defined by ground-oriented housing primarily single detached and converted dwellings. The addition of semi-detached and duplex lots is compatible with the existing development in the area.

### Proposed Land Uses



The revised parcels would allow for a modest increase in the density of the development. Most lots in the surrounding area have frontages in the 16.7m to 19.2m range but there are lots with frontages of 8.5m, 9.1m and 11m. The revised lots on Daly Avenue range from 15.7m to 22m frontage and on Worsley Avenue each of the lots have 23.6m of frontage. The proposed lot pattern is in keeping with other existing lots in the area and conforms with the policies of Section 4.5.3.1 of the Official Plan.

The proposed revisions would allow for additional density and building massing that accommodates duplex dwellings and semi-detached dwellings in the neighbourhood. The new buildings will be required to meet the existing zoning regulations and the building massing is already permitted in the zone.

Other lots in the area on smaller parcels of land are able to functionally accommodate both the dwelling and associated parking. It is expected the revised new lots can also meet this standard. The revised plan of subdivision will provide for infill development in conformity with the policies of the Official Plan.

The subject lands are located within the City of Stratford's built boundary. The Official Plan contains an intensification target requiring that 25% of residential growth occur within the built boundary between 2013 and 2033. The proposed development will contribute to the achievement of the intensification target.

Section 3.5.8 of the Official Plan states:

"In the 'Heritage Areas' and the 'Heritage Corridors' as shown on Schedule 'E', the City will ensure that, where infilling is proposed or municipal services are being installed or upgraded, the inherent heritage qualities of the area or corridor will be retained, restored and ideally enhanced unless overriding conditions of public health and safety warrant otherwise."

A considerable portion of the land within the draft plan of subdivision boundaries is currently vacant. The requested modifications and plan of subdivision will permit residential uses which have a similar massing and building envelope as existing dwellings on both Daly Avenue and Worsley Street. The existing zoning permits minimum front yard depths that allow new buildings to match the existing street wall. Filling this gap with buildings that are permitted with a similar height, massing and setback as existing buildings will improve the character of this streetscape and are encouraged by Section 3.5.8 of the Official Plan.

#### Servicing and Infrastructure

Engineering Services has stated that the properties to be located on Daly Avenue can be adequately serviced through the proposed easements. Separate services for each of the proposed lots are being provided and the easements are of sufficient size to accommodate the new services.

The existing Worsley Street road allowance varies from 12.3m to 16.7m. Typical local road allowances have a width of 20m. Section 7.2.1 of the Official Plan allows for the City to accept reduced road standards if other alternatives are not available and if the road can serve anticipated volumes. Engineering Services initially requested a road widening along Worsley Street but withdrew this request after considering the nature of development along the streetscape and the fact it was rebuilt in early 2000 using the existing road allowance width. Engineering has requested a working easement be

established along the Worsley Street frontage as it would make any future reconstruction easier. It is recommended conditions of draft approval require the owner to provide a 3.35m working easement to the City to ensure the City is able to maintain existing infrastructure in this non-typical road allowance.

#### Upper Thames River Conservation Authority

A small portion of the lands along Worsley Street are within the UTRCA Regulation Limit. Section 5.3.7 v) of the Official Plan indicates "ingress and egress should be safe and dry, pursuant to contemporary floodproofing guideline". The UTRCA has advised they have no objection to the application. It is recommended the conditions of draft approval require the applicant to obtain a permit from the UTRCA prior to final approval. With this condition, the application is in accordance with Section 5.3.7 v) of the Official Plan.

The proposed modification to the draft approved plan of subdivision conforms with the policies of the Official Plan and represents good planning.

#### Zoning By-Law

The lands are zoned Residential Second Density R2(1)-47 Zone which permits a range of low profile, low density uses such as boarding house dwelling, converted dwelling, duplex dwelling, single detached dwelling, semi-detached dwelling. Also permitted are a day nursery, elementary school, group home, home occupation, and a religious institution. The provisions of the R2(1)-47 Zone allow for a minimum setback of 5.0m on Worsley Street, a minimum lot depth of 25m, a maximum deck encroachment into a rear yard of 3.5m, building height to be measured from the average grade at the front yard setback for lots on Daly Avenue and a specified design width of Worsley Street of 12m.

The applicant was also requesting a resolution from Council to permit future minor variance applications on the subject lands. All minor variance applications are prohibited within two years of a property receiving approval for site specific zoning unless Council declares by resolution that such an application is permitted. The statutory timeframes restricting minor variances applications within the Planning Act has lapsed and as such, the permission of Council to allow future minor variance applications is no longer required.

#### Plan of Subdivision

The proposed modified plan of subdivision contains two single detached dwelling lots, two duplexes, seven semi-detached dwellings.

Grading and topography will have a significant impact on how the subject lands develop. It is because of the grading that proposed private drain connections for the Daly Avenue lots are connected to services on Worsley Street via permanent easement. The Functional Servicing Letter, submitted with the application, has been reviewed by Engineering Services and additional information is required to confirm some

information, including width of the easement; however, they believe these matters can be addressed through conditions of draft approval and detailed engineering drawing review. The recommended conditions of draft approval require the owner to submit the required additional information prior to final approval (registration) of the subdivision.

The recommended conditions of draft approval require the entire subdivision to be registered in one phase and any temporary measures, if required, to be to the satisfaction of the City. These conditions are recommended to prevent erosion during construction.

### Public Comments

In response to the Notice of Application and at the Public Meeting, the public has raised a number of issues. Each of these issues are addressed below.

#### *Damages to Daly Avenue and Ongoing Construction*

The subdivision agreement will include provisions to ensure that securities are provided that can be used to repair any damage to the public boulevard that occurs as a result construction activities. With any construction activity there will always be some neighbourhood disruption. The revised subdivision plan will result in the development of eight new buildings on the subject lands.

#### *Stormwater Management*

Area residents are concerned with additional hard surfaces on the lands and stormwater will impact other properties. The developer is required to maintain stormwater within the plan of subdivision and ensure that the adjacent properties are not adversely affected. Conditions have been included in the staff recommendation that will ensure stormwater quantity is controlled to the satisfaction of the City; that temporary measures, if required, are to the satisfaction of the City, that all the lands are developed/graded in one phase; and that the City's Engineering standards for the plan of subdivision are achieved.

#### *Heritage*

The existing City Official Plan policy requires that a Heritage Impact Assessment is completed to study the impact of development that is adjacent to a designated Heritage building. This has been completed and staff have included conditions in the recommendation to ensure that the recommendations of the assessment are implemented. The Official Plan does not require a Heritage Impact Assessment for infill development within a Heritage Area.

#### *Amenity and Park Space*

The applicant is required to meet the setback requirements of the Residential Second Density R2(1)-47 with any development. The existing zone provides adequate amenity rear yard amenity space for each property that is to be developed. The subject lands are within walking distance to the many amenities found in the downtown core and are directly across from a public school site.

### *Overdevelopment next to Flood Plain*

The Upper Thames River Conservation Authority was circulated with the original and current plan of subdivision applications. Their concerns relating to safe access being provided are addressed through conditions of draft approval. They have no concerns with the requested revisions to the plan of subdivision or with the increase in density in proximity to the Flood Plain.

### *Parking and Traffic*

Area residents are concerned the additional units will increase traffic and create on-street parking issues. The existing Zoning By-Law provisions require one parking space set back from the road allowance for each dwelling unit and the applicant has not requested any variances to reduce parking or parking setbacks. The applicant has noted that the revised Plan of Subdivision to allow additional semi-detached dwellings on Worsley Street will allow for additional parking to be provided on private property.

Engineering Services note that a traffic impact study is only required when a development is expected to generate at least 75 peak hour trips. The proposed development is expected to generate less than 10 trips during peak hours and as a result a traffic impact study was not required. Engineering Services have not identified any additional traffic or parking related issues with this project. Worsley Street and Daly Avenue are both local streets and would still remain below the traffic volume capacity for both streets.

### *Density, Compatibility, Retaining Walls and Easements*

Area residents are concerned about the increase in density and that the proposed new dwellings will not be compatible with existing area buildings. The proposed lots meet the minimum requirements of the in-effect R2(1)-47 zone and the resulting density can be accommodated in the area. The need for retaining walls and easements is a function of the topography of the subject land. The existing slope of the subject land results in a need to provide retaining walls to ensure that buildings can be safely constructed, stormwater can be accommodated without impacting adjacent properties and erosion is controlled. The easements will also provide for servicing and the maintenance of the retaining walls.

### *Loss of trees and Environmental Impact*

Area residents have expressed concerns with the owner removing trees on private property. They are concerned with the loss of tree cover, increased erosion, and aesthetic impacts on the street. The City of Stratford implemented a Private Tree By-Law on June 8, 2020. The By-Law requires permits to be obtained for the removal of any tree that measures a minimum of 30cm in diameter at a height of 1.37m above ground level. The permit may require protection of trees that are to be retained or compensation for trees that are to be removed. If any trees in the road allowance are impacted by the proposal, the owner will be required to replace or provide a payment for any boulevard trees that will be removed as part of the development. The developer

has stated that additional trees will be planted along the common rear lot lines of the lots that are being proposed and it would be the responsibility of the individual home owners to maintain any landscaping on their private property.

#### Conclusion

Staff are of the opinion that the revised recommended conditions of draft approval will ensure orderly development and that appropriate services are installed to meet the needs of future residents. With the recommended conditions, the proposed modifications to draft plan of subdivision 31T18-001 is consistent with the Provincial Policy Statement, conforms with the City's Official Plan, and is considered good planning.

Planning staff consulted with the applicant on the proposed conditions of subdivision approval.

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

**Financial Impact:** Development charges expected to be collected, based on the proposed number and type of units, is \$117,424.00, based on the 2021 rate (net gain of 8 new single and semi-detached dwelling units x \$14,678 per unit).

#### **Alignment with Strategic Priorities:**

##### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

##### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

#### **Staff Recommendation: Plan of Subdivision**

**THAT Plan of Subdivision application 31T18-001A, submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN Ba dated MAY 14/21, known municipally as 40, 48, 50, 60, 66 and 72 Daly Avenue, legally described as Lots 7, 8, 9, 10, 11 and 12, Registered Plan 74, be approved by the City of Stratford pursuant to Section 51(31) of the Planning Act subject to the conditions listed below for the following reasons:**

- **the proposed plan of subdivision is consistent with the Provincial Policy Statement;**

- **The proposed plan of subdivision conforms with the City of Stratford Official Plan;**
- **The application was circulated to the public and regard for their response was had in the recommended plan and conditions of approval;**
- **The proposed plan of subdivision will result in sound land use planning and is considered appropriate for the development of the land.**

### **Conditions of Draft Approval**

**That the City of Stratford pursuant to Section 51(31) of the Planning Act grant draft approval to Plan of Subdivision 31T18-001A subject to the following conditions:**

- 1. This draft approval applies to the draft plan submitted by Baker Planning Group, on behalf of Larson Properties Partnership Corp., prepared by NA Geomatics Inc., certified by David J. Raithby O.L.S., Drawing No. 18-6002-CH3\_DRAFT PLAN\_Ba dated MAY 14/21, which shows a total of 2 single detached dwelling lots, 7 semi-detached dwelling lots and 2 duplex dwelling lots.**
- 2. This approval of the draft plan applies for five years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.**
- 3. The municipal addresses shall be assigned to the satisfaction of the Manager of Planning.**
- 4. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of Stratford and referenced to NAD83UTM Zone 17 horizon control network for the City of Stratford mapping program.**
- 5. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.**
- 6. The Owner shall satisfy all the requirements, financial and otherwise, of the City of Stratford in order to implement the conditions of this draft approval.**
- 7. The subdivision agreement between the Owner and the City of Stratford shall be registered against the lands to which it applies.**

8. That prior to the City executing the Subdivision Agreement, the Owner shall conduct a pre-construction vibration assessment to establish a baseline for vibration levels. The Owner shall implement recommendations of the vibration assessment and complete and implement any reports or controls arising from the assessment.
9. The Owner shall grant to the appropriate authorities such easements and/or land dedications as may be required for utility, road, drainage or other municipal purposes.
10. This subdivision shall be registered in one (1) phase.
11. In conjunction with the submission of Engineering drawings, the Owner shall submit an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of Stratford and Ministry of Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the Director of Infrastructure and Development Services.
12. The Owner's professional engineer shall provide inspection services for all work required for the development of the plan, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the Director of Infrastructure and Development Services. The Owner's professional engineer shall provide full time inspection for all underground works.
13. The Owner shall comply with all City of Stratford standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the Director of Infrastructure and Development Services.
14. The Owner shall pay in full all Engineering Administration fees, as determined by the Director of Infrastructure and Development Services, prior to any construction activity on the site.
15. That prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
16. Should temporary measures be required for this subdivision, construction costs for these temporary measures shall be borne by the



**Owner and any cost to remove the temporary measure shall be borne by the Owner.**

- 17. Should municipal services be required, the Owner shall construct all municipal services for the subject lands at the sole expense of the Owner.**

#### **PARKLAND**

- 18. Prior to the City executing the Subdivision Agreement, the Owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of Stratford. In order to determine the value of the land, the Owner shall submit an appraisal completed by a qualified individual to the satisfaction of the City.**

#### **SANITARY SERVICING**

- 19. The Owner shall construct and connect to the existing sanitary sewer on Worsley Street to the satisfaction of the Director of Infrastructure and Development Services.**
- 20. The Owner shall obtain the necessary private access agreements for services and is to provide the City copy of said private access agreement for their file.**
- 21. The Owner shall have its consulting professional engineer design and supervise the construction of the sanitary servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.**
- 22. The Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the Director of Infrastructure and Development Services.**
- 23. The Owner shall not connect any weeping tile connections into the sanitary sewers within this plan.**

#### **STORMWATER SERVICING**

- 24. In conjunction with the submission of the engineering drawings, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the Director of Infrastructure and Development Services. This report shall propose either the Daly Avenue lots should have a storm service installed to the property line for future connection to a future new storm sewer or that the lots be serviced to Worsley Street; include identification of the major and minor stormwater overland flow routes; easement widths; and stormwater quality control all**

**to the satisfaction of the Director of Infrastructure and Development Services.**

- 25. The Owner shall obtain the necessary private access agreements for drainage and services and is to provide the City copy of said private access agreement for their file.**
- 26. Prior to the Manager of Engineering providing confirmation to the Chief Building Official that municipal services are in place, the Owner shall construct and have operational stormwater servicing works including major and minor overland flow routes and stormwater quality control measures satisfactory to the Director of Infrastructure and Development Services.**
- 27. The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, including any temporary works, to the satisfaction of the Director of Infrastructure and Development Services.**
- 28. The Owner shall address forthwith any deficiencies of the stormwater works and/or monitoring program.**
- 29. Prior to assumption, the Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the Director of Infrastructure and Development Services.**

#### **TRANSPORTATION/ROADS**

- 30. The Owner shall construct a 1.5 metres (5') sidewalk on the outside of the frontage of the following streets within a time-frame as directed by the Director of Infrastructure and Development:**
  - i) Daly Avenue**
  - ii) Worsley Street**
- 31. The Owner shall provide a 3.35 m working easement along the Worsley Street frontage to the City of Stratford.**

#### **FIRE**

- 32. The Owner shall not burn any materials on site.**

#### **UTRCA**

- 33. Prior to undertaking any works or site alteration including filling, grading, or construction in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from Upper Thames River Conservation Authority.**

## **OTHER UTILITIES**

- 34. Prior to the entering into a subdivision agreement, the Owner shall obtain approval from the City and Festival Hydro. Any new addition and/or relocation of existing electrical infrastructure will be at the Owner's expense.**
- 35. In conjunction with the submission of Engineering drawings, the Owner may be required to submit a street lighting plan for approval by both the City and either Festival Hydro or Hydro One.**
- 36. The subdivision agreement shall make provision for the planting of trees in the boulevard to the satisfaction of the Director of Community Services.**
- 37. The subdivision agreement shall make provision for the physical location of Community Mail Boxes which satisfies the requirements of Canada Post.**

## **OTHER**

- 38. That the subdivision agreement includes a clause requiring the Owner to prepare an information package outlining the use and purpose of all easements and overland flow routes on the property, to the satisfaction of the Manger of Engineering Services and include a copy of the information package in all agreements of purchase and sale.**
- 39. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.**

## **Clearance Conditions**

- 1. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by the Upper Thames River Conservation Authority that condition 33 has been carried out to their satisfaction.**
- 2. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Festival Hydro that conditions 34 and 35 have been carried out to their satisfaction.**

3. That prior to the signing of the final plan by the Mayor and Clerk, the City is to be advised by Canada Post that condition 37 has been carried out to their satisfaction.

#### **NOTES TO DRAFT APPROVAL**

1. The applicant is directed to Section 51(39) and 51(43) of the Planning Act, R.S.O. 1990 as amended, regarding referral of any imposed conditions to the Local Planning Appeals Tribunal. Requests for referrals are to be directed to the Subdivision Approval Authority of the City of Stratford.
2. It is the applicant's responsibility to fulfill the conditions for draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Stratford, to the attention of the Manager of Planning, Infrastructure and Development Services Department, City of Stratford, quoting the above-noted file number.
3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for final approval, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.
4. The Owner/developer is advised that the provisions of the Development Charge By-law apply to this draft approval.
5. Required agreements with the municipality will be prepared by the City of Stratford upon written request being received by the Manager of Engineering of the City of Stratford Infrastructure and Development Services Department from the applicant.
6. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning final approval requirements relative to the Certification of Titles Act.
7. The final plan approved by Corporation of the City of Stratford must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of the Planning Act, R.S.O. 1990 as amended.
8. All plans of subdivision are to be prepared and presented in metric units.
9. Easements required for utility or drainage purposes should be granted to the appropriate authority. Contact Infrastructure and Development


**Services Department prior to any transfer of easements to the City of Stratford.**

- 10. Some of the conditions of draft approval will be cleared through the inclusion of appropriate requirements in the subdivision agreement, where acceptable to the City of Stratford.**
- 11. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise or lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wooden poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.**
- 12. Privacy fences shall be placed on private properties. Fencing designs will be consistent with City standards and shall be the responsibility of the individual property Owners.**




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Jeff Bannon, MCIP, RPP, Planner




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Alyssa Bridge, MCIP, RPP, Manager of Planning




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Joan Thomson, Chief Administrative Officer

## MANAGEMENT REPORT

**Date:** September 30, 2021  
**To:** Planning and Heritage Sub-committee  
**From:** Greg Rabe, Municipal Law Enforcement Officer  
**Report#:** PLA21-016  
**Attachments:** None

**Title:** Sign Permit – Ground Sign to be Erected in Place of Existing Ground Sign, 166-194 Ontario Street

**Objective:** To consider a variance request for the replacement of an existing ground sign with a new sign in the same location.

**Background:** The owner of 166-194 Ontario Street has applied for a sign permit to replace the existing pylon/ground sign. The new ground sign measures 22.6 feet high and is proposed to be erected in the same location where the existing ground sign is currently located. The location of the sign does not comply with the setbacks noted in the sign by-law and for that reason the owner is requesting a sign variance.



**Analysis:** The proposed location for the new ground/pylon sign would not be in accordance with the City of Stratford Sign By-law 159-2004 as the location would not

meet minimum street setback of 1m (3.28 ft) from the property line. In accordance with the By-law, Section 13.0, when the existing sign is removed the applicant/owner is required to meet the setback requirements.

**Financial Impact:** There is no relating financial impact to the City.

**Alignment with Strategic Priorities:**

**Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting, and retaining a diversity of businesses and talent.

**Staff Recommendation: THAT the variance request by the owner of 166-194 Ontario Street to erect a new ground/pylon sign be denied as the proposed sign does not meet the requirements of the Sign By-law 159-2004.**




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Greg Rabe, Municipal Law Enforcement Officer




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Taylor Crinklaw, Director of Infrastructure and Development Services




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Joan Thomson, Chief Administrative Officer

## MANAGEMENT REPORT

**Date:** September 30, 2021  
**To:** Planning and Heritage Sub-committee  
**From:** Kelton Frey, Municipal Law Enforcement Officer  
**Report#:** PLA21-020  
**Attachments:** None

**Title:** Proposed Exemption from Sign By-law 159-2004 Section 13.0, 925 Ontario Street

**Objective:** To consider the request for an exemption to the City of Stratford Sign By-law 159-2004, allowing the tenant named "City Pizza" to erect a fascia sign that is over the maximum area, and to be situated on "Food Basics" façade.

**Background:** Florence Signs, on behalf of City Pizza, has requested a variance to install a fascia sign on the northeast roof overhang used by Food Basics at 925 Ontario Street. This request doesn't comply with the Sign By-law, which indicates a maximum 20% sign area for fascia signs.

After the application for the sign variance was submitted, Florence Signs installed an illegal banner sign in the approximate location where the new fascia sign was proposed to be installed. Staff have contacted the owner and Florence Signs to remove the prohibited sign from the building façade. Florence Signs has complied with the request to remove the signage.





**Analysis:** The proposed location for the new fascia sign would not be in accordance with the City of Stratford Sign By-law 159-2004 as the location would not meet maximum sign area of 20% of the building face of the first storey.

**Financial Impact:** A sign variance application fee of \$601, and a sign permit application fee of \$222 have been received for consideration of this exemption.

**Alignment with Strategic Priorities:**

**Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting, and retaining a diversity of businesses and talent.

**Staff Recommendation: THAT the request by Florence Signs, on behalf of City Pizza, for a Sign By-law exemption to erect a fascia sign at 925 Ontario Street exceeding the 20% coverage, be DECLINED as the proposed sign does not meet the requirements of the Sign By-law 159-2004.**




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Kelton Frey Municipal Law Enforcement Officer




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Taylor Crinklaw Director of Infrastructure and Development




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Joan Thomson, Chief Administrative Officer



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## MANAGEMENT REPORT

**Date:** September 30, 2021  
**To:** Planning and Heritage Sub-committee  
**From:** Jonathan DeWeerd, Chief Building Official  
**Report#:** PLA21-019  
**Attachments:** None

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**Title:** Annual Building Permit Fee Report 2020

**Objective:** To consider permit fees collected and operational costs for 2020.

**Background:** In accordance with subsection 7(4) of the *Building Code Act*, 1992 S.O. 1992, Chapter 23, as amended, the City is required to prepare a report on the permit fees received and the direct and indirect costs to administer and enforce the *Building Code Act* in its area of jurisdiction. A Building Permit Reserve has been established to ensure funds are available to administer and enforce the *Building Code Act* in the event of an economic slowdown. Previously, Council approved the Building Permit Reserve to have a target balance of one year's operating costs (direct and indirect), which is in line with other municipalities.

Currently, Stratford's Building Permit Reserve has a balance of \$156,466.73.

**Analysis:** The revenue collected in 2020 was consistently lower than previous years but slightly higher than the revenue collected in 2019. The contributing factor to the reduced revenue continues to be the lack of serviced building lots within the City of Stratford.

In November of 2020, serviced lots became available in the subdivisions south of McCarthy Road West, and as a result building permits were issued in the final quarter of 2020. The newly serviced lots and subsequent building permits issued at the end of 2020 contributed to a significant portion of the revenue for 2020. In the first two quarters of 2021 new residential dwelling stock has seen a steady increase within the City of Stratford due to the available serviced building lots. The anticipated consistent supply of developable housing will help stabilize permit revenue going forward.

The following chart indicates the total fees and total costs for the calendar year of January 1 to December 31, 2020.

Total Building Permit fees received in 2020.		\$ 485,308.23
Total Direct Costs (Building Services) to administer and enforce the <i>Building Code Act</i> including the review of applications for permits and inspection of buildings.	\$ 608,501.75	
Total Indirect Costs (Corporate) of administration and enforcement of the <i>Building Code Act</i> including support and overhead costs.	\$ 95,250.00	
Total Direct Costs (Building Services) and Indirect Costs (Corporate).	\$ 703,751.75	\$ 703,751.75
Permit Fees received less Direct and Indirect Costs*		(\$218,443.52)*

\*Permit fees were not collected for City projects and basement isolation programs in 2020. In 2021 revisions to the Building By-law now require City projects to pay building permit fees.

December 31, 2019 Building Permit Reserve	\$247,465.58
Amounts used from Reserve for Permitting Software	(90,998.85)
December 31, 2020 Building Permit Reserve	\$ 156,466.73
2020 Permit Fees received less Direct and Indirect Costs	(\$ 218,443.52)
December 31, 2020, Building Permit Shortfall after depleting Building Reserve	(\$ 61,976.79)

Direct and Indirect costs decreased from \$748,982.95 in 2019 to \$703,751.75 in 2020, which is \$45,231.20 or approximately a 6% decrease in overall costs. This decrease was due to reduced spending due, in part to Covid, within the division including a reduction in staff training, legal fees, and a reduced software subscription cost as we transitioned to new permitting software.

The reserve fund is intended to ensure that, even if the building activity in a municipality goes down, building services can continue to be provided for a time without affecting the Municipalities finances and staffing. Money in the reserve fund can only be used for costs of delivering services related to the administration and enforcement of the *Building Code Act* such as staffing for plan review, permit issuance, and inspections.

The reserve balance, if this report is approved, will be at a negative level. City staff are continuing to monitor current revenues for 2021 to ensure that the fees collected are indeed the cost of providing services. A report on building permit fees is expected to be submitted to Council for consideration later this year. City Staff will continue to review this balance in accordance with Bill 124 *Building Code Statute Law Amendment Act*, 2001 to determine what can be done with future deficits or surpluses.

**Financial Impact:** In 2019, the province granted 'Modernization Funding' to municipalities to assist with projects that would modernize their organizations and processes. The funds were not prescriptive, and unspent monies form part of the Special Projects Reserve (G-R18-SPEC). To date the funds have been partially used for various projects but are not fully committed. Purchasing of software to modernize the permitting process qualifies as appropriate use of the modernization funds, so staff are recommending that the building permitting software purchase be funded by this reserve. This would result in a one-time transfer from the Special Projects Reserve to the Building Reserve of \$90,998.85. Note that this is intended as a one-time transfer and that the building department will continue to budget the operations on a user-pay basis and consistently review fees to ensure that there is sufficient user revenues to cover expenses.

### **Alignment with Strategic Priorities:**

#### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

**Staff Recommendation: THAT a one-time transfer from the Special Projects Reserve of \$90,998.85 to the Building Reserve be authorized;**

**AND THAT funding of the remaining 2020 Building Inspection Admin G-251-2400 deficit of \$156,456.73 with the Building Permit Reserve G-07-BSUR-0000 be approved.**




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Jonathan DeWeerd, Chief Building Official




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Taylor Crinklaw, Director of Infrastructure and Development Services




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Joan Thomson, Chief Administrative Officer

## **Project Update – September 2021**

### **Recent Plan of Subdivision Applications**

Northwest Stratford 5<sup>th</sup> Phase (31T21-001) 4117 Perth Line 36 (includes Official Plan and Zone Change), 526 residential units proposed.

### **Recent Plan of Condominium Applications**

File number 31CDM21-001 for 100 Gordon Street for 7 residential units, 9 parking units and common elements including visitor parking, utility room, storage room, hallways, elevator, landscape areas and accessible parking spaces.

### **Recent Zone Change Applications**

- Z06-20 – 370-396 Ontario Street – MUR/C1 to R5(2)
- Z01-21 – 4117 Perth Line 36
- Z02-21 – 55-65 Lorne Ave E – I2-15 to add additional permitted uses
- Z03-21 – 14 Milton Street – Change from R2(2) to R3 special zone
- Z04-21 – 34 Brunswick Street – Change from C3 to C3 special zone
- Z05-21 – 16 Blake Street – Change from R2(1) to R3
- Z06-21 – 215 Douro Street – Change from R2(1)-7 to site-specific R2(1) to add use
- Z07-21 – 525 O’Loane Avenue
- Z08-21 – 100 Gordon Street – Change from C2-9 to R5(1)
- Z09-21 – 379 Ontario Street – Change from MUR to site-specific MUR
- Z10-21 – 3202 Vivian Line 37 – Change from Future Residential to R4(2)
- Z11-21 – 30 Queensland Road – Change from C1-2 to R5(2)
- Z12-21 – 7 and 9 Cobourg Street – Change from C3 to C3 site-specific

### **Site Plan Applications**

- SP13-18 – 677 Erie Street (Gas Station)
- SP05-20 – 74 Church Street
- SP10-20 – 265 St. David Street
- SP01-21 – 533 Romeo Street
- SP02-21 – 677 Erie Street (Hotel)
- SP03-21 – 379 Romeo Street
- SP04-21 – 294, 295 and 338 Bradshaw Drive
- SP05-21 – 3797 Downie Road 112
- SP06-21 – 645 Wright Blvd
- SP07-21 – 659 Wright Blvd
- SP08-21 – 89 Lorne Ave
- SP09-21 – 25 Wright Blvd
- SP10-21 – 1041 Erie Street

- SP11-21 – 249 Lorne Ave
- SP12-21 – 125 Orr Street
- SP13-21 – 1076-1100 Ontario Street
- SP14-21 – 230 Britannia Street
- SP15-21 – 219 Lorne Ave
- SP16-21 – 100 Gordon Street
- SP17-21 – 730 Wright Blvd (320 Durkin St)

### **Comprehensive Zoning By-law Review**

- Draft Comprehensive Zoning By-law will be presented to Planning and Heritage Committee on October 21, 2021.

### **Ontario Land Tribunal Hearings**

- 236 Britannia Street draft plan of subdivision and zone change applications (File 31T19-001 and Z09-19) have been appealed. Hearing scheduled for three days in October 2021.
- Minor Variance A19-21 – 268 Cambria Street. No hearing events have been scheduled.

<b><u>Committee of Adjustment</u></b>	<b>2021 (To Date)</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
<b>Consents</b>	12	11	16	11	23	6
<b>Minor Variances</b>	42	22	22	13	33	25

<b><u>Other Planning Applications</u></b>	<b>2021 To Date</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
<b>Official Plan Amendment Applications</b>	3	1	0	3	1
<b>Zone Change Applications (Holding Provision Applications)</b>	12	6 (1)	11	10 (1)	9 (2)
<b>Plan of Subdivision Applications</b>	1	0	1	3	1
<b>Plan of Condominium Applications</b>	2	0	4	1	1
<b>Part Lot Control Applications</b>	0	0	2	1	2
<b>Site Plan Applications</b>	17	11	17	26	22
<b>LPAT Hearings</b>	3	1	1	3	1

<b><u>Other Planning Applications</u></b>	<b>2021 To Date</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
<b>Formal Consultation Submissions</b>	41	22	19	23	25

### **New Dwelling Unit Permits Issued**

<b>Dwelling Type</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Single detached dwellings</b>	89	41	23
<b>Duplex/Semi-Detached dwellings</b>	0	2	2
<b>Triplex/Quad Dwellings</b>	4	0	5
<b>Townhouse Dwelling</b>	55	45	14
<b>Apartment Dwelling</b>	0	10	59
<b>Other (Conversions)</b>	3	3	5
<b>Total</b>	<b>151</b>	<b>101</b>	<b>108</b>
<b>Total Number of Permits</b>	412	458	465
<b>Total Construction Value \$</b>	69,987,102	54,974,541	98,112,623