



Town of Aurora Stable Neighbourhoods Study | PEER REVIEW

Stable Neighbourhoods Peer Review Information Report

January 16, 2019

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The Planning Partnership

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1.0 Introduction + Purpose

Over the past several years, the Town of Aurora has experienced significant housing demand and growth pressures, as has much of the Greater Golden Horseshoe. While new growth often results in benefits for municipalities, there has been increasing concern by some residents that demand for new housing is having a detrimental impact on the character of Aurora's Stable Neighbourhoods. In these areas, there has been a trend of older, smaller dwellings on large lots being demolished and replaced, or significantly enlarged, with the resulting dwellings being larger, and with different site design and built form characteristics than the original houses in the neighbourhood. Part of the concern by the local residents is that these new dwellings are often permitted "as-of-right" - constructed without the need for a rezoning or minor variances to the existing Zoning By-law, due to what is perceived as relatively permissive standards.

To properly evaluate these concerns, and propose solutions, Council directed Town Staff to undertake a Stable Neighbourhoods Study, which concluded with Staff recommendations for amendments to the existing Zoning By-law applicable to the Stable Neighbourhoods. However, as a result of a Council non-decision on these amendments, on September 18, 2018, Staff was directed that a consultant "*experienced in development in mature residential neighbourhoods, be hired to provide an information report for the Public Planning meeting*". The Planning Partnership was subsequently retained to conduct a Peer Review of the Aurora Stable Neighbourhoods Study.

The purpose of this Information Report is to outline the process to date, describe the background work undertaken as part of this Peer Review, and to identify appropriate next steps. This Information Report will also review the work already completed by Town Staff and evaluate potential implications or risks. The recommendations will identify a number of planning approaches available to the municipality that can help to find a balance between protecting those character-giving elements that make these neighbourhoods attractive places to live, and providing the flexibility needed to support innovation and ongoing investment as these neighbourhoods continue to evolve.

2.0 What Has Been Done

2.1 Process Summary

In the fall of 2017, Council considered a motion to have a study conducted of the By-laws governing development in Stable Neighbourhoods to ensure that the intent of the Town's Official Plan was being realized. To this end, Council directed Staff to prepare an Interim Control By-law to restrict new residential development or additions that exceed the provisions of the existing Zoning By-law for a period of one year. This permitted Staff to carry out the Stable Neighbourhoods Study, applicable to three Aurora neighbourhoods: Regency Acres, Aurora Heights and Town Park. The Interim Control By-law was enacted on January 30, 2018.

In accordance with the approved Terms of Reference, Town Staff undertook a Stable Neighbourhoods Study over the course of the first half of 2018:

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- > **On February 28, 2018**, the Town held a Public Open House to obtain public feedback on the existing Official Plan and Zoning By-law provisions with respect to protecting Stable Neighbourhoods;
- > **On May 29, 2018** Staff presented a compilation of feedback received from the public as well as a review of municipal best practices drawn from comparable municipalities to Council, as part of a Special Council Meeting. At this meeting, two areas along Temperance Street and Tyler Street were added to the Study Area and Staff was directed to proceed to a Public Planning Meeting to consider specific options for amending the Zoning By-law and other planning tools;
- > **On June 27, 2018** a Public Planning Meeting was held to consider potential Zoning By-law Amendment options, as well as other potential strategies. At this meeting, Council directed Staff to address public comments received in a further report which would present a proposed DRAFT Zoning By-law Amendment, as well as report back on an Amendment to the Site Plan Control By-law;
- > **On July 17, 2018**, Council recommended that a *"a By-law to include Site Plan approval for new development, redevelopment and large additions within the Stable Neighbourhood Study Area as identified in Figure 1 be enacted at a future Council Meeting"*. For the purposes of this By-law, the Stable Neighbourhoods Study Area was amended to exclude the Tyler Street area due to the existing volume of redevelopment. Aurora Heights was also proposed to be excluded, but was ultimately included at Council's request. The proposed DRAFT Zoning By-law Amendment was referred back to Staff after a Council non-decision; and,
- > As a result of this non-decision, **on September 18, 2018**, Staff was directed to retain a consultant with significant experience in development in mature residential neighbourhoods to provide an information report for a future Public Planning Meeting.

2.2 Key Issues Identified by the Public

Over the course of the Stable Neighbourhoods Study, the Town received hundreds of comments from members of the public, which represent diverse views on the need for the protection of these Stable Neighbourhoods, and the need to balance that protection with flexibility for innovation and opportunities for new investment. The following lists the key issues identified through these comments (no specific order of importance):

- > Concern with the impacts on community character caused by new out-of-scale "monster houses", including the risk of losing the uniqueness of these Neighbourhoods, built at certain times;
- > Need specific rules for each Neighbourhood (not a one-size-fits-all character study) and need to implement policies of the OP;
- > Should implement zoning changes which better match existing houses, or permit only incremental size increases compared to the original houses;
- > Maintaining the beauty of a heritage or older neighbourhood can attract new tax-paying residents;

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- > Allowing monster houses increases the property values such that the children of current residents will never be able to afford to live here;
- > Want better public notification/information/consultation for infill development;
- > Concern with the impacts of new large houses, with respect to sunlight, privacy, aesthetics, loss of mature trees and natural airflow, and should implement specific requirements/tests to eliminate these impacts;
- > Concern that proposed changes to current zoning permissions and/or other added barriers to redevelopment may negatively impact property values, which can have a serious impact on a family's largest investment (their house);
- > Concern that proposed changes hurt new residents who bought at height of prices and planned to expand. Some residents are depending on the value of their property for their retirement/children's futures;
- > Concern that the proposed changes will hinder a property owner's ability to replace or expand their house to meet changing needs/desires. The houses built in the 60s and 70s are no longer appropriate for today's needs, it is the lot that has value;
- > Concern that the proposed changes will deter new investment/residents and negatively impact the tax base;
- > Concern that the proposed changes may cause the neighbourhoods to stagnate, with no added diversity and a transition to increasingly rental tenure and/or multi-family housing with poor upkeep, since new families do not want to be trapped with the existing small houses.;
- > Concern that the proposed changes may disincentivize younger people from moving/buying in these Neighbourhoods.
- > Appreciate the new beautiful houses and how they improve/enhance the Neighbourhood;
- > Could implement additional restrictions to protect character, but which are flexible enough to permit diversity, find balance to permit new replacement houses while still protecting the scale and character of the area;
- > Concern that the proposed changes could push prospective residents to greenfield/new subdivisions because they want newer houses – however, some residents want a larger house in an established neighbourhood;
- > Changes within these Neighbourhoods are already occurring so there is no point in trying to stop subsequent ones – that will only cause those new houses that are already built to stand out more;

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- > Could implement Urban Design Guidelines and/or Architectural Control to mitigate negative impacts, rather than restricting development and impacting property values;
- > There is no architectural value in the 60s and 70s track housing and they are very poorly insulated with poor energy-efficiency; and,
- > Would like to maintain the same development rights as elsewhere in the Town.

3.0 Policy Context

3.1 Town of Aurora Official Plan (2010)

The Study Areas identified in the Town's Study are designated Stable Neighbourhood on Schedule A of the Official Plan, with the exception of several minor areas included in the Greenlands System. Schedule D identifies that the Town Park Neighbourhood is located within the Heritage Resource Areas and includes a number of properties that are designated under Part IV of the Ontario Heritage Act. Parts of the Town Park Neighbourhood is within the Aurora Promenade (Downtown Core) Secondary Plan and Community Improvement Area. A small portion of Aurora Heights is located within the Special Policy Area 20.

The Aurora Official Plan is guided by a number of fundamental principles. The following is considered most relevant:

- > **Protecting Stable Neighbourhoods** - It is the intent of the Official Plan to ensure that Aurora's Stable Neighbourhoods are protected. Aurora's existing Neighbourhoods, both older and newer, are not only a defining element of Aurora's character and urban structure, but also a tremendous asset and attractor for new residents and investment interests. The Official Plan seeks to ensure that the stability and vibrancy of these existing neighbourhoods is protected from the negative impacts of potential incompatible development and growth pressures. Any infill that occurs must be compatible with the established community character.

In Section 3.2 Community Structure, Stable Neighbourhoods are identified as consisting of "*existing residential neighbourhoods that, through the policies of this Plan, will be largely protected from the impacts of new development. Infill development and other forms of intensification will be restricted within Stable Neighbourhoods*". The Stable Neighbourhoods are specifically identified as anticipated to accommodate additional residential growth through the introduction of secondary suites.

In Section 6.5 Ground-Related Residential Uses, it states that particular attention could be given to ensure that the frontage and size of any new lots shall maintain the character of the existing streetscape and be compatible with the neighbourhood within the Stable Residential Area designation. Further, ground-related residential is defined to include single-detached, semi-detached and townhouse forms of development.

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Section 8.0 Protecting Stable Neighbourhoods includes the policies guiding the Stable Neighbourhoods designation. The intent of the designation is to protect Stable Neighbourhoods from incompatible forms of development, while still permitting them to evolve and be enhanced over time. All new development must be compatible with the surrounding context. Permitted uses include a full range of ground-related housing, including specialized housing, as well as several non-residential neighbourhood supportive uses.

The Stable Neighbourhoods development policies guide new development to ensure that it is sympathetic to the form and character of the area and is compatible in scale and design. To this end, the Stable Neighbourhoods designation may be subject to Site Plan Review.

Development in the Stable Neighbourhoods shall have a maximum height of three storeys or 9 metres (whichever is less) and no new apartment buildings are permitted. Specific criteria are provided for all types of development, with the exception of single-detached and semi-detached dwellings, to ensure compatibility.

Further, a specific design policy requires that new development respects and reinforces the existing physical character, including with respect to lot, street and block patterns, size and configuration of lots, building type, height and scale, front yard, side and rear-yard setback patterns and the conservation and enhancement of cultural heritage resources.

Of particular relevance to the consideration of new development within Stable Neighbourhoods is the concept of compatible development. In the Official Plan's Glossary, compatible development is defined as "*development that may not necessarily be the same or similar to the existing buildings in the vicinity, but, nonetheless, enhances an established community and coexists with existing development without causing any undue adverse impact on surrounding properties*".

3.2 Zoning By-Law (6000-17)

A new Zoning By-law was approved by Council on June 27, 2017 to implement the Town's Official Plan. As part of this process, Council approved directions to staff which outlined proposed amendments to the By-law, as well as proposed sections that would remain unchanged. The sections which were to be unchanged included the low density provisions R1 to R7.

- > **Aurora Heights Neighbourhood** – The Aurora Heights Study Area is zoned Detached Third Density Residential (R3) which permits a detached dwelling, second suite and home occupation. A number of streets within this neighbourhood are subject to Exception 37 which reduces the minimum exterior side yard setback from 6 metres to 4.5 metres. These streets consist of Hill Drive, Orchard Heights Boulevard, Devins Drive, Banff Drive and Bigwin Drive;
- > **Regency Acres Neighbourhood** – The Regency Acres Study Area is zoned Detached Third Density Residential (R3) which permits a detached dwelling, second suite and home occupation; and,

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- > **Town Park Neighbourhood** – The Town Park Study Area is mostly zoned Detached Third Density Residential (R3) south of Metcalfe Street, which permits a detached dwelling, second suite and home occupation. North of Metcalfe Street, it is zoned Special Mixed Density Residential (R7) which permits detached, semi-detached and duplex dwellings, a second unit, home occupation, double duplex or triplex dwellings and converted dwellings, although there are a few properties subject to Exceptions 474 (additional permission for office uses and associated development standards), 272 (additional permission for 2 apartment units above first storey, a drugless practitioner’s office and offices in existing building and associated development standards) and 85 (additional permission for 8 dwelling units and associated development standards).

In addition to these principal zones, there are a number of properties along the south side of Metcalfe Street which are zoned Semi-Detached and Duplex Dwelling Residential (R6), which permits semi-detached or duplex dwellings, a second suite, home occupation and linked dwellings, and subject to Exception 229 which provides alternate development standards. There are further two properties zoned Detached Fourth Density Residential (R4), which permits a detached dwelling, second suite and home occupation, with one property subject to Exception 230 which provides alternate development standards. Finally, there is one property zoned Detached Fifth Density Residential (R5) which permits a detached dwelling, second suite and home occupation.

Considering the above, the pre-dominant zone is Detached Third Density Residential (R3), with Special Mixed Density Residential (R7) as the secondary zone. The following table outlines the development standards associated with these two zones.

Minimum Requirements	Detached Third Density Residential (R3)	Special Mixed Density Residential (R7)			
		Single	Semi/Duplex	Triplex	Double Duplex
Dwelling Type	Single	Single	Semi/Duplex	Triplex	Double Duplex
Lot Area	460 m ²	Same as R3 Zone	650 m ²	835 m ²	1,110 m ²
Lot Frontage	15 m		20 m	21 m	22 m
Front Yard Setback	6 m		6 m	6 m	6 m
Rear Yard Setback	7.5 m		7.5 m	7.5 m	7.5 m
Interior Side Yard Setback	1.2 m (one storey) 1.5 (greater than one storey)		1.2 m (one) 1.5 (one+)	2.5 m	2.5 m
Exterior Side Yard Setback	6 m		6 m	6 m	6 m
Lot Coverage (maximum)	35%		35%	35%	35%
Height (maximum)	10 m		10 m	10 m	10 m

3.3 Site Plan Review

Site Plan Review allows the Town to review the detailed aspects of proposed development as a key component of implementing the Town’s policies, and considers a wide range of elements, including site and building design, scale, mobility networks/access and landscaping.

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Until recently, the Town of Aurora's Site Plan By-law 3604-95.D exempted all single and semi-detached dwellings from Site Plan Approval, and therefore much of the development in Aurora's Stable Neighbourhoods did not go through this process. However, the Town's Official Plan states that all development within the Stable Neighbourhoods may be subject to Site Plan Approval. To this end, on July 24th, 2018, Council directed that a By-law be enacted to require a "Basic" Site Plan Review (a scoped version of typical Site Plan Review) for new/replacement single or semi-detached dwellings, additions equal to or greater than 50 m², or new/replacement detached garages within the Stable Neighbourhoods Study Area, (with the exception of the Tyler Street neighbourhood),

This new requirement will allow staff to review matters such as site design as well as architectural design to ensure the proposed dwelling proportions, massing and architectural details are appropriate and compatible with the surrounding area. Approval authority is delegated to Staff.

4.0 Peer Review Methodology

As part of the Peer Review work for the Stable Neighbourhoods Study, The Planning Partnership conducted several site visits and interviews with experts in related fields to gain a comprehensive understanding of the neighbourhood contexts and the potential implications of changes to the current planning framework.

4.1 Site Visits

The Planning Partnership conducted comprehensive site visits of the three neighbourhoods of Regency Acres, Aurora Heights and Town Park on the following days: December 4th, 5th, 6th and 27th. Over the course of these site visits, every street within the Stable Neighbourhoods Study Areas was visited, and detailed photographic records with supplemental notes were taken.

As an overview, it was clear from these site visits that the Town Park Neighbourhood, which has been evolving for many years, includes a range of architectural styles and built forms, including both heritage houses and new construction.

In contrast, the Regency Acres and Aurora Heights Neighbourhoods both demonstrate a much higher level of consistency in age of buildings, architectural styles, lot characteristics and building scale. These two Neighbourhoods encompass smaller houses with lower profile architectural styles and a building placement on lots which create a strong sense of openness.

The following is a preliminary description of the neighbourhood characteristics based on our site visits:

Regency Acres Neighbourhood Overview

- > **Neighbourhood feel:** Regency Acres is characterized by large lots within a curvilinear street pattern. Houses are generally well spaced with a low profile architectural style, and are relatively consistent along

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each street. With large setbacks, limited landscaping and wide streets, there is a strong sense of openness.

Sidewalks with a grassed boulevard are provided on one side of most streets, with the more prominent streets having a treed boulevard. Other streets have a more rural character with swales and no sidewalks. The street widths are significant, which when combined with the large setbacks of the houses, contribute to a sense of openness. There is a significant amount of green space and trees tend to be mid-age;

- > **Lot features:** Lots in the neighbourhood tend to be large and spacious, permitting significant front and side yard setbacks. Landscaping tends to be dominated by grassy front lawns with some mid-age trees and access to the lots is exclusively via the driveway; and,
- > **Housing/building types:** The built form is primarily characterized by well-spaced, modest 1 to 2 storey houses with shallow pitched roofs with a range of shapes/directions, low profile front entrances with little or no front porch and use a variety of brick, stucco, siding and stone. The built-form is very homogenous throughout this Neighbourhood.

Properties have a mixture of small attached garages, carports, detached garages in the backyard or driveway parking.

The architectural style and colour palette of the houses are relatively consistent along each street.

Summary Observations: While a number of the newer houses fit relatively well within the neighbourhood, several newly built houses, or houses currently under construction appear to be generally much larger in scale, both in terms of height and in floor area. These houses tend to have a bulkier mass which can appear to overwhelm adjacent houses and loom in adjacent rear yards, demonstrate a much grander or ornate architectural style, and have steeply pitched roofs and prominent entryways. Further, these houses include a combination of smaller side yard setbacks, different pattern of stone façades, little to no stepping down of height to the sides, rears or front to break up massing, imposing unbroken front façades, and raised basements which contribute to a taller building.

Aurora Heights Neighbourhood Overview

- > **Neighbourhood feel:** Aurora Heights is characterized by large lots within a curvilinear street pattern with some variation in topography. Houses are generally well spaced with low profile rooflines and front doors. A strong sense of space is created with large setbacks and wide streets and boulevards.

Sidewalks with a grassed and/or treed boulevard are provided on one side of most streets, with the more prominent streets having a sidewalk on both sides. The street widths are significant, especially at curves and turning circles in cul-de-sacs. The width of the streets and the large setbacks of the houses contribute to a strong sense of openness. There is a significant amount of greenery and shrubs with trees tending to be mid-age;

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- > **Lot features:** Lots in the neighbourhood tend to be large and spacious, permitting significant front and side yard setbacks. Landscaping tends to include significant grassy front lawns with shrubbery and some mid-age trees; access to the lots is exclusively via the driveway; and,
- > **Housing/building types:** The built form is primarily characterized by well-spaced, modest 1 to 2 storey houses, with many split-level houses. The built-form is very homogenous throughout this Neighbourhood.

The shallow pitched roofs general have the peak towards the centre of the house, or extending parallel to the street, creating a less visibly striking feature.

Front entrances are low profile, often flush with the front façade or set back to create a small porch. Some front entrances are also located to the side of the house.

The houses use a combination of brick, stucco and siding.

The housing generally has a mixture of small attached garages, carports, detached garages in the backyard or driveway parking.

The architectural style and colour palette of the houses are relatively consistent along each street.

Summary Observations: While a number of the newer houses fit relatively well within the neighbourhood, several newly built houses, or houses currently under construction appear to be generally much larger in scale, both in terms of height and in floor area. These houses tend to have a bulkier mass compared with adjacent houses, and demonstrate modern architectural styles, with contrasting roof lines. They also tend to have smaller side yard setbacks and little to no stepping down of height to the sides or front to break up massing.

Town Park Neighbourhood Overview

- > **Neighbourhood feel:** Town Park is a distinctive urban neighbourhood with an eclectic mix of building forms and architectural styles set within a modified grid street network. This neighbourhood demonstrates the evolution of housing from the historic houses to the north to the late 20th century houses in the south and is well integrated with its surroundings.

The neighbourhood is structured around a modified grid street network, interrupted by a watercourse corridor which crosses Town Park from north-west to south-east. Sidewalks are provided on at least one side of almost all streets, some with a boulevard. The streets and intersections are narrower than in the newer neighbourhoods, helping to create a more comfortable pedestrian environment. This neighbourhood is located between a traditional main street and an older industrial area and therefore there are a mix of adjacent land uses, adding to the diverse building forms;

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- > **Lot features:** Lots are relatively large, and contain significant mature trees and landscaping. Houses have variable side yard setbacks and are either accessed via a driveway or walkway and,
- > **Housing/building types:** The housing in this neighbourhood is eclectic, with a significant number of older houses to the north, including semi-detached houses, and newer construction further south. There are a variety of front yard setbacks, although most of the older housing stock is located relatively close to the street. This smaller setback combined with a large concentration of 1.5 to 2.5 storey houses creates a strong sense of enclosure to the streetscape.

Front doors are generally prominent and the front façade is frequently softened with significant front porches.

Garages are not prominent. Where they are provided, they are generally set back from the front façade or are detached and to the rear of the property, with the exception of many of the newer houses.

There is a wide range of roof lines and pitches, with a steeper pitch dominating older built forms, located generally to the north of the Neighbourhood.

Summary Observations: While the diverse housing styles in this neighbourhood mean that many new houses are easily integrated, several houses given their landscape treatments, modern design and scale, stand out along the streetscape. These houses tend to display a combination of more prominent and larger garages, a large and imposing front façade with only a minimal or no front porch, large massing with little to no stepping down to adjacent properties and a raised first floor which can exaggerate the overall height.

4.2 Expert Interviews

In response to some of the comments from the public and as an integral part of our peer review work, The Planning Partnership arranged several interviews with experts in the relevant fields of real estate market, fiscal impact, law, heritage and urban design. The purpose of these interviews was to obtain insight with respect to managing change through "downzoning" and the implications of any changes to existing permissions and/or development approval processes for affected properties. It is our opinion that understanding the effects of "downzoning" and identifying any unforeseen impacts is a crucial element for Council's consideration. The following is a summary of the results from these various conversations:

Legal Discussion

Experts Interviewed: Michael Foderick, McCarthy Tetrault + Paul Chronis and Barnet Kussner, WeirFoulds

As part of this interview, a number of topics were covered which could have relevance for Aurora's Stable Neighbourhoods. The first topic centred around the issue of legal jeopardy should the Town move forward with "downzoning" within these Stable Neighbourhoods:

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- > **The concept of "injurious affection"** - "Injurious affection" addresses circumstances where there is a loss of property value that is linked to expropriation law. "Downzoning" is not equivalent to expropriation. Official Plan and Zoning By-law Amendments to preserve neighbourhood character would not likely trigger a claim of injurious affection.

It was concluded that "downzoning" within Stable Neighbourhoods would come with an extremely limited exposure of legal liability to the Town. Property rights are not "absolute" in Canada, and can be adjusted without compensation, except in extreme situations that typically, as noted, involve expropriation;

- > **The concept of "legal non-compliance"** - Creating a "legal non-complying" building does not significantly jeopardize the legal rights of the property owner in the short-term. However, creating a circumstance where a legally constructed building is made to be "legal non-complying" does create a stigma, and has implications on selling, rebuilding or enlarging the building in the future.

It is a reasonable expectation that, should the Town move forward with a "downzoning" regime, all existing buildings that do not conform with the new rules be given appropriate recognition through site-specific zoning. Alternatively, legal non-compliance can be ameliorated more generically if the concept of a use or building legally authorized before a more restrictive By-law applied is appropriately defined in the Official Plan/Zoning By-law.

It is important to note that the issue of legal non-compliance is likely to apply to a number of houses that have been renovated and/or expanded over time, not just the new builds that are the current focus of public concern;

- > **The Official Plan:** To date, much of the discussion has focused on the regulations for development within the existing Zoning By-law. It is crucial to note that the Zoning By-law must conform to the Official Plan, and importantly, applications for rezoning, or for minor variances, must conform to the Official Plan. In that regard the Town could consider replacing the concept of "compatible development" to a test that better meets the intent of the Town and community, as all development evaluations will be based on the terminology included in the Stable Neighbourhoods policies.

It was, however, felt that the current definition of "compatible development" was useful in that it does provide some flexibility for innovation and ongoing investment. Official Plan policy could be adjusted to identify how community character is to be defined. The key is to ensure a balance between control and flexibility to ensure that community character is enhanced and impacts are minimized as a neighbourhood evolves over time. It was suggested that City of Toronto OPA 320 was a good example of how to better define community character;

- > **The "Basic" Site Plan Review Process:** This approach has already been implemented by the Town and is seen as an excellent way to ensure that new development is made to be more compatible with existing development. Site Plan Review is a tool that may include much more design detail than the Official Plan

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or Zoning By-law. Site Plan Review may include architectural detail, colour and building materials, among other details, as long as the Town has prepared and approved appropriate Design Guidelines that specify what is required.

- > **Restrictive Covenants:** It was agreed that Restrictive Covenants are a powerful regulatory tool that prohibits defined actions and provides the highest level of control to the benefit of the land owners. The municipality would have no involvement, with the onus being on land owners to establish the regulatory elements and to gather those property owners together to sign the agreement and register the agreement on title. Restrictive covenants are outside of the Planning Act, and there are no appeal rights. The residents would require legal advice to establish the appropriate documentation.
- > **Recognizing "Uniqueness":** Overall, it was felt that it is very important to understand and regulate character giving elements that are unique to any given neighbourhood, and potentially even specific districts within neighbourhoods such that character is adequately captured by the Zoning By-law provisions and any associated Design Guidelines. It is recognized that it is always difficult to use broad based Zoning to recognize unique character-giving attributes. There is a need to identify and articulate what is being regulated, and what the metrics of the regulation should be.

Real Estate Market/Fiscal Discussion

Experts interviewed: Michael Kaukonen and Andrew Browning, Cushman & Wakefield; Mark Conway, NBLC

- > **A balance between control and flexibility is crucial:** The appropriate management of a Stable Neighbourhood through changes to the existing planning regime - regulatory elements as well as process requirements - must ensure that there is an appropriate balance between protecting those character-giving elements that make these neighbourhoods attractive places to live, and providing the flexibility needed to support ongoing innovation and ongoing investment as these neighbourhoods continue to evolve.
- > **Redevelopment represents investment in the community:** More modern and/or larger scale redevelopment represents a larger than typical investment, and has the impact of enhancing property values in proximity. Generally, the construction of modern, larger houses raises the land values of the surrounding lots as more people become interested in buying properties with the intention to redevelop. Risks associated with development approvals decreases for subsequent buyers and therefore they are willing to pay more for nearby properties or properties with "as-of-right" permissions, than for those properties where development potential is substantially limited to existing built-forms and existing scales.
- > **"Downzoning" has impacts on property values:** If development potential is substantially limited to existing built-forms and existing scales, property values will eventually stagnate relative to other areas in the Town that have more liberal planning rules. Where development potential is substantially restricted, the rules/processes are effectively exerting a downward pressure on land value. There is the additional risk that families, who are critical to supporting neighbourhood functions, may stop relocating to these neighbourhoods since the older, smaller scale housing stock may not meet their long-term needs or aspirations. Over time, "stable" without investment may facilitate a loss of character through neglect.

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- > **"Downzoning" has impacts on the market:** "Downzoning" hinders the ability of prospective buyers to tear down and rebuild a larger, more modern house, and that could cause the "redeveloper" market to disappear, thereby limiting the market to only those purchasers who are willing to live in the existing house – with little opportunity for future rebuilding potential. It is important to consider the amount of demand for large modern houses on large properties in Stable Neighbourhoods compared to large modern houses in new subdivisions with modern public amenities, and determine if there is a strong enough demand to overcome increased restrictions.

Heritage Discussion

Expert Interviewed: Carl Bray, Bray Heritage

The Planning Partnership was part of the team, led by Carl Bray, working toward the establishment of a Heritage Conservation District (HCD) that included the Town Park Neighbourhood. An HCD identifies heritage characteristics that are worthy of preservation, defines the area where those characteristics are predominant and then promotes a planning regime that conserves that overarching character. An HCD is approved under Part V of the Ontario Heritage Act, and is partly implemented through the Town's Official Plan, Zoning By-law and Site Plan Control processes. Typically, the HCD study includes the preparation of detailed Design Guidelines that inform all of the other planning tools and processes.

The HCD process that included the Town Park Neighbourhood was ultimately unsuccessful. As part of the process, it was clear that there was significant concern regarding the impacts an HCD could have on marketability, loss of property value and the loss of development potential, issues which are also relevant to the Stable Neighbourhoods Study (and identified by the public). In particular there was a vocal group of community members opposed to increased municipal regulation over their properties. However, it was equally clear that there was a very mixed response to the potential for an HCD, and it was difficult to understand the real community consensus rather than the more extreme positions as presented by ratepayers. As a result, Council did not approve the HCD.

Urban Design Discussion

Experts Interviewed: Rick Merrill and Wai Ying DiGiorgio, The Planning Partnership

- > **Neighbourhood character is comprised of multiple elements:** The elements that establish neighbourhood character generally have to do with the scale of streets, the public realm (streetscapes and parks) and building design. Neighbourhood character is primarily related to the visual impact of development on the adjacent streetscape - the streetscape itself, the rhythm and style of buildings and the spaces between them. These elements encompass the walkability of streets, proximity to open space and/or parkland, street trees, public walkways and location of schools, which are frequently addressed in Design Guidelines.

More specific building design controls focus more on the built form elements of the neighbourhood, including the basic style of housing, the front and side yard setbacks, building materials on the exterior of

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the house, the relationship between houses related to height and roof type and the size and location of garages.

- > **Resident concerns can be addressed:** Those character-giving elements that are most frequently raised as issues by neighbourhood residents are related to density, height, type (i.e. single-detached dwelling or townhouses) and design (i.e. should be the same style and scale as existing houses). Where new houses do not reflect the same architectural style as the existing neighbourhood, it is important to include similar or common characteristics such as height, width, massing, and/or detailing (windows, building articulation, materials).
- > **Introducing contemporary design can be done correctly:** In considering contemporary design, the key elements that need to be addressed must always relate back to the existing context of the neighbourhood. This context can include the existing front yard setback of the adjacent houses, the overall height of adjacent houses, the massing, the horizontal and vertical modulation of the windows and doors and the building materials used in the neighbourhood. Extending design principles and basic building patterns can help to blend contemporary and traditional architectural expressions.
- > **Design Guidelines are a valuable tool:** In order to appropriately consider a full spectrum of changes to the existing planning regime - regulatory tools and processes, it is necessary to understand in detail just what the character giving elements of each of the individual Neighbourhood are, how they might be quantified and regulated and which planning tool or process is the most appropriate mechanism for control. That work is typically done through the preparation of Design Guidelines, which, in turn, inform the use of the other available planning tools or processes (Zoning By-law, Minor Variances and Site Plan Review).

5.0 Approaches from Other Municipalities

As part of their work on the Stable Neighbourhoods Study, Town Staff undertook a review of the approaches taken by other municipalities to guide new development in older residential neighbourhoods. The following outlines the approach taken by those municipalities reviewed by the Town, supplemented by further review conducted by The Planning Partnership.

5.1 Summary of Town Staff's Review

City of Brampton

Beginning with the passing of an Interim Control By-law in 2013, the City of Brampton undertook a study which involved reviewing the policies for building additions and replacements in the City's mature neighbourhoods. This study focused on single detached dwellings only. As a result of this study, the Brampton passed Official Plan and Zoning By-law Amendments in the fall of 2014. The Official Plan Amendment introduced a policy framework for infill development in older, mature neighbourhoods which directs that new or replacement dwellings and building additions equal to or greater than 50 m² shall be compatible with the host community and that these

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forms of development may be subject to a scoped site plan control process. The Zoning By-law Amendment introduced a new mature neighbourhood overlay zone, to which the following are applicable:

Minimum Requirements	
Rear Yard Setback	Equal to 25% of the depth of the lot, or the minimum rear yard depth required by the zone designation of the lot, whichever is greater
Interior Side Yard Setback	1.2 m for the first storey, plus 0.6 m for each additional storey, or part thereof, where the lot width is less than or equal to, 16 m 1.8 m where the lot width is 16 m to <21m 2.8 m where the lot width is 21 m to <30 m 3.0 m where the lot width is 30 m or greater
Lot Coverage (maximum)	30%, excluding permitted accessory structures
Building Height (maximum)	8.5 m

An Amendment to the Site Plan Control By-law was further passed to implement the new Site Plan Control powers for replacement buildings and additions in the mature neighbourhoods. A subsequent Zoning By-law Amendment in 2017 added detached garages as requiring Site Plan Approval.

Supporting these policy and regulatory changes, Brampton also produced a Guide for Infill Housing in Mature Neighbourhoods to help support compliance with the new policy requirements. The Planning Partnership is currently updating the Design Guidelines for Infill Housing, and is part of the team preparing the City's new Comprehensive Zoning By-law.

Summary: In summary, the key actions of the City of Brampton that could be considered by the Town of Aurora include:

- > In the Official Plan, state that new or replacement dwellings and additions equal or greater to 50 m² shall be compatible with community and be subject to scoped site plan approval;
- > Minimum rear yard setback to be based on a percentage of the lot depth, or the minimum rear yard setback required by the original zone, whichever is greater;
- > Interior side yard setback to be based both on number of storeys and on lot width; and,
- > Development of Design Guidelines for Infill Housing in Mature Neighbourhoods.

Town of Halton Hills

The Town of Halton Hills passed an Interim Control By-law in February 2016, and extended it in February 2017, to permit the preparation of a Mature Neighbourhoods Character Study. The objective of this study was to determine whether the Town's Official Plan and Zoning By-law are effective in maintaining the character of the mature neighbourhoods of Georgetown and Acton, and to propose any recommendations. As a result of this Study, Halton Hills Council approved an Official Plan Amendment and Zoning By-law Amendment in May 2017.

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The Official Plan Amendment provides stronger policy direction, including requiring that new housing, replacement housing, additions and alterations be compatible and sensitive to the existing character of the Mature Neighbourhood Areas, providing additional considerations for minor variance applications within Mature Neighbourhood Areas and adding/amending three key definitions: Mature Neighbourhood Area, Character and Compatible.

The Zoning By-law Amendment provided some clarity with respect to several definitions and the minimum driveway length, and introduced Mature Neighbourhood provisions for single detached dwellings in the Low Density Residential 1 (LDR1) zones, addressing the minimum interior side yard setback, exterior side yard setback, maximum height and maximum lot coverage. Further, for any two storey dwelling, a balcony or deck shall not be permitted on a second storey in the interior side yard. The Halton Hills zoning provisions are as follows:

Minimum Requirements	LDR1-1(MN)	LDR1-2(MN)	LDR1-3(MN)	LDR1-4(MN)
Lot Frontage	18.0 m	15.0 m	12.0 m	9.0 m
Front Yard Setback	6.0 m	6.0 m	4.5 m, however a garage facing this lot line must be setback 6.0 m and may project no further than 2.0 m beyond the first storey of the main building	4.5 m, however a garage facing this lot line must be setback 6.0 m and may project no further than 2.0 m beyond the first storey of the main building
Rear Yard Setback	7.5 m	7.5 m	7.5 m	7.5 m
Interior Side Yard	1.2 m, plus 0.6 m for each full storey above the first storey	1.2 m, plus 0.6 m for each full storey above the first storey	0.6 m on one side and 1.0 m on the other side, 0.6 m on each side for each full storey above the first storey.	0.6 m on one side and 1.0 m on the other side, 0.6 m on each side for each full storey above the first storey.
Exterior Side Yard	4.5 m	4.5 m	3.0, however a garage facing this lot line must be setback 6.0 m and may project no further than 2.0 m beyond the first storey of the main building	3.0, however a garage facing this lot line must be setback 6.0 m and may project no further than 2.0 m beyond the first storey of the main building
Height (maximum)	10.0 m (2.5 storeys)	10.0 m (2.5 storeys)	11.0 m	11.0 m
Lot Coverage (maximum)	40% for 1 & 1.5 storeys 35% for 2 & 2.5 storeys	40% for 1 & 1.5 storeys 35% for 2 & 2.5 storeys	40%	40%

Summary: In summary, the key actions of the Town of Halton Hills that could be considered by the Town of Aurora include:

- > In the Official Plan, provides additional considerations in evaluating minor variance applications within Mature Neighbourhood Areas, and include definitions for Mature (Stable) Neighbourhood Areas and Character;

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- > Specifically articulates the front and exterior side yard setback for a garage as well as limits how much it can project beyond the main façade; and,
- > Don't permit a balcony or deck on a second storey in the interior side yard.

Town of Newmarket

In 2013, the Town of Newmarket amended its Zoning By-law to better address the compatibility of infill development in older, established neighbourhoods. This Amendment modified three requirements affecting the siting of a dwelling on a lot – the maximum height, the maximum lot coverage and how to measure the front yard setback. The modified development standards for the established areas apply to three existing zones, R1-B, R1-C and R1-D, indicated by the suffix '119', and are as follows:

Minimum Requirements	R1-B-119, R1-c-119 and R1-D-119
Front Yard Setback	Notwithstanding any other provision of this by-law, structures built between existing buildings shall be built with a setback which is within the range of existing front yard setbacks for the abutting buildings, but this depth shall not be less than 3 metres from the front lot line.
Rear Yard Setback	7.5 m
Exterior Side Yard Setback	6.0 m
Interior Side Yard Setback	1.2 m for 1 storey 1.5 m for 1.5 storeys 1.8 m for 2 storeys
Lot Coverage (maximum)	35% for 1 storey 25% for 2 storeys
Height (maximum)	7.5 m for 1 storey 8.5 m for 1.5 storeys 10 m for 2 storeys For the purposes of this exception, height shall be measured from the front grade of the dwelling to the highest portion of the roof.
Driveway Width (maximum)	6.0 m

The Town of Newmarket recently accepted proposals to carry out a detailed study of its stable neighbourhoods, with the product being Design Guidelines and recommendations for potential amendments to the Official Plan and Zoning By-law.

Summary: In summary, the key actions of the Town of Newmarket that could be considered by the Town of Aurora include:

- > Front yard setback based on the front yard setback range of the adjacent buildings; and,
- > Height measured to the highest portion of the roof.

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5.2 Supplemental Municipal Approaches

To supplement the review undertaken by Town Staff, The Planning Partnership also reviewed the approaches taken by the Town of Richmond Hill and the City of Burlington as part of this Peer Review exercise. These additional approaches help provide additional context for how municipalities are addressing the challenges of accommodating new development within older residential neighbourhoods, while also maintaining neighbourhood character.

Town of Richmond Hill

Rather than addressing new development in older neighbourhoods as a whole, the Town of Richmond Hill has conducted a number of area-specific Infill Studies and Design Guidelines to better consider the specific contexts of new development. In particular, the Village Core Neighbourhood Design Guidelines were developed in 2001 to address concerns that new development was occurring which was not compatible with the special character of the Village Core Neighbourhood. This Neighbourhood contains number of heritage dwellings and a diverse range of dwelling styles, similar to Aurora's Town Park neighbourhood.

Following a detailed examination of the existing community characteristics, including architecture, land use, heritage, building age, lot size and frontage, street design and trees, as well as exploring the definition of "compatible development", the work completed determined what contributed to community character and what could be required of new development.

The resulting Design Guidelines, which are used in evaluating planning applications, aim to strike a balance between supporting new development and ensuring compatibility, by providing guidance for colour and material, front doors and porches, garage doors, windows, roofs, signage, building/lot relationships, and landscape features.

In addition to developing Design Guidelines for the Village Core Neighbourhood, this study also provided Official Plan Amendment recommendations, including that the Official Plan identify the role of Site Plan Control, the use of Design Guidelines and visual impact analysis for relevant neighbourhoods, as well as outlining the definition of "community character" and its key indicators for the Village Core Neighbourhood.

City of Burlington

Starting in 2013, the City of Burlington undertook the preparation of three Character Area Studies to understand what contributed to each neighbourhood's character, articulate the concerns related to potentially incompatible infill development and propose recommendations for better regulating new development. The Character Area Studies resulted in a number of Official Plan and Zoning By-law Amendment recommendations for consideration and final approval by Council.

To the Official Plan, the City added Neighbourhood Character Area policies for the three neighbourhoods, additional policies for evaluating minor variance applications involving single-detached dwellings or new lot creation

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in the Neighbourhood Character Areas and definitions for Scale, Neighbourhood Character and Neighbourhood Character Area.

The Zoning By-law was amended to provide more location-specific zoning provisions addressing driveways, side yard setbacks, front yard setbacks, specific maximum lot coverages for one and a half storey dwellings, maximum floor area ratios, maximum dwelling depths, regulations mitigating the impacts of garage doors and adding a definition for Floor Area Ratio – Low Density Residential (see below). As part of the Zoning By-law Amendments, the City further prepared a number of supporting graphics to help to illustrate the key concepts relating to the neighbourhood character.

Also coming out of these detailed neighbourhood studies, the City decided to eliminate Site Plan Approval in low density residential areas, which was replaced with the more restrictive zoning provisions and a zoning clearance certificate and grading and drainage approvals process.

In summary, the key actions of the City of Burlington that could be considered by the Town of Aurora include:

- > Preparation of neighbourhood-specific Character Area Studies;
- > Inclusion of a Character Area policy section in the Official Plan, including Character Area statements and policies with respect to objectives, compatible development, permitted uses, how new development could respect existing character and the protection of mature trees;
- > Inclusion of additional policies for evaluating minor variance applications in the Neighbourhood Character Areas and definitions for Scale, Neighbourhood Character and Neighbourhood Character Area;
- > Minimum interior side yard setback based on property width and whether there is an attached or detached garage;
- > Articulate a maximum dwelling depth;
- > Articulate the maximum width of a front-loading garage based on percentage of building elevation width;
- > Regulate whether decks can be permitted above the first storey in the side or rear yard;
- > Specify number of permitted driveways, minimum length and maximum width; and,
- > Provide a maximum Floor Area Ratio and add definition for Floor Area Ratio – Low Density Residential;

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6.0 Review of Staff Report Recommendations

6.1 Peer Review of Staff Recommendations

Recommendation	Commentary/Assessment
Introduce a new suffix to identify properties within the proposed Zoning By-law Amendment Area	May not be appropriate. This is an administrative change needed to implement Stable Neighbourhood-specific zoning provisions. However, this approach could consider the opportunity to create more than one Neighbourhood specific zone, either to recognize differences between the Neighbourhoods and/or to recognize differences within the Neighbourhoods.
Reduce the maximum building height from 10m to 9m	Appropriate. This is an appropriate change which conforms to, and implements the Stable Neighbourhoods Development Policies in the Official Plan. It could be noted that as the Official Plan states that the maximum permitted height in the Stable Neighbourhoods is 9 metres, the Zoning By-law could establish a lower height limit, where appropriate.
Building height will remain to be measured between the average finished grade and the mid-point of the roof (sloped roof) and to the peak (flat roof)	Appropriate. This approach to measuring building height where sloped roofs are proposed is appropriate, as it reduces the incentive to construct flat roofs, which often result in a greater vertical massing. However, there is nothing to say that where a flat roof is proposed, the maximum height could be different.
Provide a sliding scale for the maximum lot coverage from 40% (single storey) to 30% (2-storeys)	May not be appropriate. This may not be an appropriate tool in Aurora's Stable Neighbourhoods due to a wide variety of lot sizes. The variety of lot sizes include some very large lots, which means that the maximum size of a new house can vary widely and be significantly larger than the existing built form. The proposed sliding scale is an improvement; however, it is questioned as to whether this regulatory tool actually achieves the desired objective.
Reduce the lot coverage for accessory structures from 15% to 10% for lots greater than 460 m ² and from 7.5% to 5% for lots less than 460m ²	May not be appropriate. As above, this may not be an appropriate tool in Aurora's Stable Neighbourhoods due to a wide variety of lot sizes. While the proposed maximum lot coverage for accessory structures accounts for some variance in lot size, it is questioned as to whether this regulatory tool actually achieves the desired objective.
Limit the driveway width in select neighbourhoods within the Study Area to a maximum of 3.5m (single car driveway)	Appropriate. This is an appropriate limitation, considering that most existing houses have modest parking facilities which contribute the neighbourhood character, coupled with the associated benefits of a higher quality public realm.
Introduction of a 'basic' site plan process, with approval authority delegated to Staff, for new or replacement single or semi-detached houses, additions greater than 50 m ² or new or replacement detached garages of any size	Appropriate. This is an appropriate process that has been implemented by the Town. It allows the Town to have a greater ability to ensure that new houses are compatible with the existing neighbourhood, to a greater extent than what can be achieved by zoning alone. In particular, the Town's Official Plan specifies that Site Plan Agreements shall provide controls over " <i>siting, massing, access, public areas and exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design</i> ". It is important to note that if the Town wishes to utilize Site Plan Control to address architectural detail, building materials and colour, Council approved Design Guidelines will need to be prepared to fully articulate municipal requirements.

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Town Staff have proposed a number of adjustments to the current Zoning By-law that would have the effect of moderating the scale of new development within the three Stable Neighbourhoods. The proposed changes are an attempt to achieve a balance between encouraging innovation and ongoing investment, while also protecting key character-giving elements.

The changes proposed are considered to be "downzoning", such that current flexibility to expand existing dwellings and/or build new, larger dwellings is constrained in comparison to existing regulations. While the Town's approach would have a moderating effect on the scale of development within the Stable Neighbourhoods, the approach could be improved.

The implementation of the "Basic" Site Plan Review is considered an excellent addition to the Town's toolbox within the Stable Neighbourhoods.

6.2 Review of Ratepayer Associations' Input

Recommendations	Height (maximum)	Lot Coverage (maximum)	Setbacks (minimum)	Driveways/ Garages	Other
Town of Aurora	9m (no change to measurement approach)	30% 2-storey 40% 1-storey (reduced coverage for accessory buildings)	No change	Max width of 3.5m	Introduction of 'basic' site plan
Regency Acres Ratepayers Association	Measured to peak of roof 9m 2-storeys 7.5m 2-storey with flat roof 7.5m 1-storey	25% 2-storeys 30% 1-storey	Side yard 2m 2-storeys 1.5m 1-storey	Discourage excessive hardscaping in front yard	Require a hydrologic study for replacement houses Max first floor height, include attic in floor space measures, restrict 2 nd floor balconies/decks, lighting, drainage, construction impacts, mature tree preservation
Aurora Heights Ratepayers Association	Measured to peak of roof 8.5m (max 2 storeys) - No flat roofs - Basement may be a max of 1m above grade	Max of 25% (maximum square footage of 2,000)	Front yard: 8m Rear yard: 8m Interior side yard: 2m Exterior side yard: 6m	Single car garage/ driveway only - at grade	No 2 nd floor balconies
Town Park Area Resident Rate Payers Association	Measured to peak of roof 9m 2-storey 6.5 1-storey	Sliding scale from 20% or 2500 ft ² GFA	Side yard: 1.5m (max eave projection 0.5m beyond setback)	Only single attached garages, setback 2.5m from main façade Detached garages encouraged Control width of driveway	Update tree protection

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The approach by the various ratepayers groups indicates that some of the residents would like to propose even more restrictive regulations than those proposed by Town Staff. The metrics of the ratepayers approaches for their individual Neighbourhoods may have merit, and most have been dealt with in other municipal jurisdictions.

The range of ideas, and the metrics that go along with them, could be considered as part of a complete application, as part of additional Zoning By-law regulations, or as part of a Site Plan Control Manual. It is important to note that the less flexible the regulations get, the greater the impacts on property value and marketability. In addition, it is likely that the amount "legal non-compliance" within each Stable Neighbourhood will increase.

The key issue is finding the correct balance between control and flexibility, in order to conserve character, while still promoting innovation and ongoing investment.

7.0 Conclusions/Recommendations

The following conclusions summarize the key findings and observations resulting from this Peer Review exercise. The intention is that these findings help to support and guide the City in moving forward towards the appropriate protection of its Stable Neighbourhoods.

1. Many municipalities across the Greater Golden Horseshoe are grappling with similar issues within their mature, stable neighbourhoods. The redevelopment of more modest house forms with more modern, and larger dwellings is seen by some as having a negative impact on community character, and by others a positive investment in an ever evolving neighbourhood. Notwithstanding the broad range of public opinion on the issue, almost every Official Plan includes clear principles and policies that are aimed at "protecting stable neighbourhoods", while promoting a "compatible" evolution.
2. There is a variety of approaches to "protecting stable neighbourhoods" within the municipal context. Some approaches are relatively straightforward, while others become quite complex. There are some similarities:
 - > Recognition that every Stable Neighbourhood is unique and that specific Character Area Studies and associated Design Guidelines are necessary to identify the key character-giving elements and metrics;
 - > Reliance on the Official Plan, the Zoning By-law and Site Plan Review to articulate and regulate development;
 - > Focus on building height, setbacks and lot coverage as key character defining elements of built form; and,
 - > Most reflect "downzoning" where the new regulatory framework reduces the flexibility and amount of redevelopment potential than the pre-existing regulatory framework.

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3. There is no "correct" approach in planning terms that will work in every circumstance. More complex approaches from the other municipalities canvassed tend to rely upon detailed studies that determine the metrics for the elements of site and building design that are determined to be character-giving elements of each individual Stable Neighbourhood. Those Character Area Studies and associated Design Guidelines inform both the Zoning By-law and Site Plan Review processes, and are specific to each individual Stable Neighbourhood.
4. Town Staff have proposed a number of adjustments to the current Zoning By-law that would have the effect of moderating the scale of new development within the three Stable Neighbourhoods. The proposed changes are an attempt to achieve a balance between encouraging innovation and ongoing investment, while also protecting key character-giving elements. The changes proposed are considered to be "downzoning", such that current flexibility to expand existing dwellings and/or build new, larger dwellings is constrained in comparison to existing regulations. While the Town's approach would have a moderating effect on the scale of development within the Stable Neighbourhoods, the approach could be improved.

RECOMMENDATION 1: *The Town should proceed with the approval of a new Zoning By-law regime, as proposed by Town Staff, with the following considerations:*

- > ***Given the variety of lot sizes within each of the Stable Neighbourhoods, lot coverage restrictions would be a relatively ineffective regulatory tool, and could be replaced with a maximum floor area requirement. The maximum floor area would provide some flexibility to accommodate larger new houses, as well as additions to existing dwellings, while appropriately managing the scale of development;***
 - > ***The maximum height permitted should be 9 metres, as per the Official Plan, and lower height limits could be considered for each of the Stable Neighbourhoods, where appropriate; and,***
 - > ***The Town could also consider limitations to the number, width and/or placement of garage doors to better reflect their current modest impact on the streetscape.***
5. The Town has introduced a "Basic" Site Plan Review process which provides the Town with a greater level of control over ensuring the compatibility of new or replacement houses, additions and detached garages.

RECOMMENDATION 2: *To better articulate the requirements for the "Basic" Site Plan Review Process the Town could proceed with the preparation of Council approved Design Guidelines that fully articulate the Town's expectations with respect to site and building design within the Stable Neighbourhoods. Further, the Design Guidelines could articulate specific guidance for colour, building materials and architectural detail, in accordance with the requirements of the Planning Act.*

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6. Correspondence from the ratepayers indicates that some of the residents would like to propose even more strict regulations than those proposed by Town Staff (and as modified by the recommendations of this Report). The key ideas expressed by the ratepayers include:
- > Provide different maximum heights for both peaked and flat roofs;
 - > Establish a maximum first floor height;
 - > Prohibit flat roofs;
 - > Restrict how much of the basement can be above grade;
 - > Specify maximum floor area of the dwelling;
 - > Include attic in floor space measurements;
 - > Restrict second floor balconies/decks;
 - > Specify maximum eave projection beyond setback;
 - > Consider regulations for lighting, drainage, construction impacts, mature tree preservation;
 - > Discourage excessive hardscaping in front yard;
 - > Require hydrologic study for replacement houses;
 - > Permit only a single care garage/driveway, must be at grade;
 - > Require attached garage to be setback from façade (specify setback); and,
 - > Encourage detached garages

Many of these ideas may have merit for application within one or more of the Stable Neighbourhoods, and most have been dealt with in other municipal jurisdictions. The range of ideas could be considered as part of a complete application, as part of additional Zoning By-law regulations, or as part of a Design Guideline or a Site Plan Review Manual.

It is important to note that the less flexible the regulations get, the greater the impacts on property value and marketability. In addition, it is likely that the amount "legal non-compliance" within each Stable Neighbourhood will increase as stricter regulations are imposed.

7. The three Stable Neighbourhoods are different, particularly the Town Park Neighbourhood in comparison to the newer Aurora Heights and Regency Acres Neighbourhoods. There are several built-form elements which appear to contribute most to new houses not "fitting in" within the existing context, which vary depending on the individual Stable Neighbourhood. In particular, these elements can include contrasting roof lines, different building materials/palette, larger or more prominent garages, size and/or design of porches, grander/more ornate architectural style, as well as significant height and massing with little transition to adjacent houses.

RECOMMENDATION 3: Should the Town wish to consider additional changes to the existing planning regime, beyond Recommendations 1 and 2, each Stable Neighbourhood needs to be fully and individually studied to determine:

- > ***The array of character-giving elements that are important within each individual Stable Neighbourhood and that best reference the existing unique site design and built form attributes;***

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- > *The metrics for the identified character-giving elements of site and building design; and,*
- > *The identification of the appropriate planning tool or process for the regulation/management of each of the character-giving elements.*

Each individual Character Area Study will produce Neighbourhood-specific Design Guidelines that will inform both the Zoning By-law and Site Plan Control processes. The Neighbourhood-specific Design Guidelines should focus on the provisions that are related to the character-giving elements, which might include setbacks, floorplates, height, location/size of garages, floor area, landscaping and building materials. Some of these elements are more appropriately dealt with in the Official Plan, the Zoning By-Law, or through Site Plan Control. The objective of the Town should be a comprehensive package of policies, regulations and requirements.

8. It is important to note that regardless of what any Zoning By-law actually regulates, there is always the potential that a property owner will apply for a minor variance or rezoning that facilitates the form of development that they desire. The key is that the minor variance or rezoning must conform with the Official Plan, so it is important that the Official Plan provides the appropriate overarching framework within which development applications will be evaluated by Staff, and voted on by Council.

It is the Official Plan that establishes the principles and policies for "protecting stable neighbourhoods", and the key issue here is the definition of "compatible" development. It is clear, based on the submissions by some of the ratepayers to date, that the concept of "compatible" development does not reflect what they are looking for with respect to their expectations for "protection". Again, it is important to note that the less flexible the policies of the Official Plan get, the greater the impacts on property value and marketability.

RECOMMENDATION 4: *Should the Town wish to consider additional changes to the existing planning regime, beyond Recommendations 1 and 2, they could consider amending the Official Plan to replace the word "compatible" within the policies related to Stable Neighbourhoods with a more specific phrase, such as "consistent with", or "similar to".*

9. The Town can proceed with "downzoning" properties with extremely limited risk of legal consequences. Notwithstanding the low risk of legal exposure, "downzoning" does have negative impacts on the long-term property value and marketability. Property value is reduced because future development potential is limited, and marketability is reduced because potential buyers looking for redevelopment opportunities will now look elsewhere. Further, the overall pool of buyers will be reduced in Stable Neighbourhoods with a restrictive planning regime because there is little opportunity for future property investment/enhancement, either for themselves, or as a resale proposition.

In addition, should the Town proceed with "downzoning", a number of existing properties will become "legal non-complying". Creating a "legal non-complying" property does not significantly jeopardize the

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legal rights of the property owner in the short-term. However, creating a circumstance where a legally constructed building is made to be "legal non-complying" does create a stigma, and has implications on selling, rebuilding or enlarging the building in the future, with the ultimate intention that the existing building will be made to conform at some point in the future.

RECOMMENDATION 5: Should the Town wish to consider additional changes to the existing planning regime, beyond Recommendations 1 and 2, all existing properties that do not conform with the new regulations could be given appropriate recognition through site-specific zoning. Alternatively, legal non-compliance could be ameliorated more generically if the concept of a use or building legally authorized before a more restrictive By-law applied is appropriately defined in the Official Plan/Zoning By-law.

It is important to note that the issue of legal non-compliance is likely to apply to a number of houses that have been renovated and/or expanded over time, not just the new builds that are the current focus of public concern.

10. The issue of "downzoning" is an obviously controversial one. There will always be those members of the community that are in favour of the approach, as well as those who are opposed. It is extremely important that the Town understand the appetite for "downzoning", within each of the Stable Neighbourhoods because it fundamentally affects the development rights that are currently enshrined in the Official Plan and Zoning By-law. Further the extent of the "downzoning" (more or less restrictive) will also be a controversial discussion, with likely little consensus. The Town needs to hear from everyone that will be affected by these planning policy/regulatory changes.

RECOMMENDATION 6: Should the Town wish to consider additional changes to the existing planning regime, beyond Recommendations 1 and 2, a substantive public outreach program should be undertaken to ensure that all affected landowners have a chance to understand and respond to the proposed changes to their current "as-of-right" development permissions. Public consultation is a fundamental component of any planning activity, particularly when municipal action may have wide-spread impacts.