

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kaitlyn Lacelle Urban Planner	Meeting Date
Date	November 12, 2019	
Subject	Street Tree Provisions <i>New Street Tree By-law 700-80</i> <i>Zoning By-law Amendment No. 300-7-2</i> <i>Municipal Plan By-law Amendment No. 300-33-1</i>	
Length of presentation (if applicable)	15 minutes	

ISSUE

The Town’s street tree provisions are currently within the Zoning By-law No. 300-7. However, these provisions regulate off-site development in the Town’s street right-of-way (i.e. outside privately-owned lots); therefore these provisions are better suited to being within a stand-alone by-law under the *Local Governance Act (LGA)*.

Town staff also encountered cases where street trees could not be planted in accordance with the Zoning By-law and/or a previously submitted Tree Planting Plan (required at the time of subdivision approval) due to physical constraints (e.g. topography, utility infrastructure, or easement adjacent to respective lot). This has led to cases in which fees for street trees were collected, but policy or regulatory guidance was not established to provide the required direction for staff on where these trees may be planted in the event physical constraints do not allow.

The proposed new Street By-law No. 700-80 by and large includes the existing provisions under the Zoning By-law No. 300-7, but with an additional section 9 which details where the Town may plant street trees where physical constraints do not allow planting adjacent to the lot in question (i.e. adjacent to the development for which fees were collected).

The proposed Zoning By-law Amendment No. 300-7-2 proposes to remove the street tree provisions which are proposed to be included in the new Street Tree By-law No. 700-80.

Further, proposed Municipal Plan By-law Amendment No. 300-33-1 proposes to add additional policies supporting the planting of street trees throughout the Town to facilitate community-wide tree canopy coverage in existing, developed neighbourhoods and in future growth areas. The Municipal Plan Amendment also references the new Street Tree By-law and the locational guide for planting street trees where physical constraints do not allow planting adjacent to the lot in question.

BACKGROUND

The requirement for builders/developers to provide fees for street trees is currently outlined in subsection 17(5) and ‘Part 5 – Street Trees and Landscaping’ under the Zoning By-law. A fee of \$400 per street tree is collected at the time of development permit issuance for new main building construction. This requirement may be as per a previously required Tree Planting Plan, provided by the developer at time of subdivision approval, and the Zoning By-law; or solely as per the requirements of the Zoning By-law for existing, subdivided lots. (The requirement of a Tree Planting Plan at the time of subdivision approval is outlined in the Town’s Subdivision Procedures, Standards, and Guidelines, which are given effect through the subdivision by-law (By-law # 300-61, A By-law Relating to the Subdivision of Lands in the Town of Riverview). The street tree program is implemented through the Parks and Recreation Department, including selecting the location of required trees in the Town’s street right-of-way.

Enactment of the new LGA in January 2018 allows municipalities to exercise a broader ambit of powers through by-law. The street tree provisions currently in the Zoning By-law are better suited to being within a stand-alone by-law, since the Zoning By-law should primarily focus on regulating development standards on private lots.

MUNICIPAL PLAN

In order to support the overall direction of this initiative, Administration is proposing to include the following additional policies in the Municipal Plan to support the Town's overarching goal to facilitate community-wide tree canopy coverage in existing, developed neighbourhoods and in future growth areas.

The existing Policy 5.1.4 is under 'Chapter 5: Residential Development,' subsection '5.1 Developing Beautiful Complete Neighbourhoods.' This policy reads:

In order to create beautiful and safe streets, Council shall ensure that street trees are required on all streets, and in an effort to promote walkable communities, provide specific direction in the Subdivision Standards to ensure that sidewalks are an integral part of all newly developed areas.

Proposed Municipal Plan Amendment No. 300-33-1 would include the following additional policies:

Policy 5.1.4A: Further to policy 5.1.4, it is a policy of Council to facilitate tree canopy coverage throughout the Town in existing, developed neighbourhoods and in future growth areas.

Policy 5.1.4B: Despite policy 5.1.4 and where required street tree(s) cannot be planted within the street adjacent to the lands subject to the development for new main building construction due to physical constraints including but not limited to topography, geology, proposed roads, easements, utility or public infrastructure, it is a Policy of Council to facilitate the location of new required street trees as per the Street Tree By-law (By-law No. 700-80 A By-law Requiring Street Trees for New Main Building Developments within the Town of Riverview.)

ZONING BY-LAW AND STREET TREE BY-LAW

The proposed Zoning By-law Amendment No. 300-7-2 is attached for Council's consideration. As previously mentioned, the goal is to remove the specific street tree provisions from the Zoning By-law and relocate them within the new Street Tree By-law No. 700-80. The Zoning By-law would make reference to this new by-law, as applicable.

The new Street Tree By-law will outline the specific street tree provisions that were previously outlined in the Zoning By-law. The existing provisions will remain the same (e.g., number of trees, fee, size, etc.), with the addition of Section 9 which provides the flexibility for planting in alternate locations as required and in accordance with the new Municipal Plan Policy 5.1.4B.

INTERDEPARTMENTAL REVIEW

The proposed Street Tree By-law 700-80, Zoning By-law Amendment No. 300-7-2 and Municipal Plan By-law Amendment No. 300-33-1 were reviewed by the following departments of the Town:

- Economic Development
- Engineering and Public Works
- Parks, Recreation and Community Relations
- Urban Planning
- Legal

CONCLUSION

The proposed Zoning By-law and Municipal Plan amendments and the new Street Tree By-law by and large maintain the status quo in terms of requirements, and provide further direction and clarification. Therefore, Administration recommends that Council move forward with this item.

RECOMMENDATION

It is recommended that Riverview Town Council proceed with Street Tree By-law No. 700-80, Municipal Plan By-law Amendment No. 300-33-1, and Zoning By-law Amendment No. 300-7-2, and that:

- 1) A public presentation for the Municipal Plan By-law Amendment No. 300-33-1 be scheduled for December 9, 2019;
- 2) That the Municipal Plan By-law Amendment No. 300-33-1 and Zoning By-law Amendment No. 300-7-2, with associated additions and changes, be referred to the Planning Advisory Committee for its written views; and
- 3) That a public hearing be tentatively scheduled for January 13, 2020, which may be confirmed at the above-noted public presentation

ALTERNATIVES

- That Council postpone the request for additional information; or
- That Council deny the request.

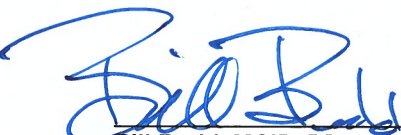
RISK ANALYSIS

Administration does not see any risks associated with this application.

CONSIDERATIONS / ENJEUX

Financial	N/A
Environmental	N/A
Public Consultation	Public consultation will include statutory notices (website and newspaper) in accordance with the <i>Community Planning Act</i> and <i>Local Governance Act</i> ; and a statutory public presentation for the Municipal Plan By-law Amendment and a public hearing for the Municipal Plan and Zoning By-law Amendments.
Attachments	<ul style="list-style-type: none">• Street Tree By-law No. 700-80• Municipal Plan By-law Amendment No. 300-33-1• Zoning By-law Amendment No. No. 300-7-2• Resolution• Presentation


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