

The Corporation of the City of Burlington By-law 03-2017

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A By-law to adopt Official Plan Amendment No. 104 to add
Neighbourhood Character Area policies for Roseland, Indian Point, and
Shoreacres neighbourhoods.

Files: 502-02-1 & 505-08-04 (PB-80-16)

Whereas the Council of the Corporation of the City of Burlington in accordance with the provisions of Section 17 and 21 of the *Planning Act*, 1990, as amended, approved recommendation PB-80-16 at its meeting held on December 19, 2016,

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Amendment No. 104 to the Official Plan (1994) of the Burlington Planning Area consisting of the attached amendment and supporting documentation is hereby adopted.
2. That this by-law shall come into full force and take effect on the final day of passing thereof.

Enacted and passed this 23rd day of January, 2017

Mayor Rick Goldring _____

City Clerk Angela Morgan _____

AMENDMENT NO. 104 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment as contained in Part B of this text constitute Amendment No. 104 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of the amendment is to:

- i) Add *Neighbourhood Character Area* policies for Roseland, Indian Point, and Shoreacres neighbourhoods;
- ii) Add policies for evaluating minor variance applications involving single detached dwellings or new lot creation in *Neighbourhood Character Areas*; and
- iii) Add definitions for *Scale*, *Neighbourhood Character*, and *Neighbourhood Character Area*.

2. SITE AND LOCATION

The policies apply at a city-wide and area-specific scale, as detailed in the respective policies.

The definition of “*Scale*” applies city-wide. The definitions of “*Neighbourhood Character*” and “*Neighbourhood Character Area*” apply to character areas as defined in Zoning By-law 2020, as amended.

3. BASIS FOR THE AMENDMENT

Residential areas are experiencing, to varying degrees, transition throughout the city, which has raised concern regarding compatibility of redevelopment.

Since 2013, the city has initiated three studies, referred to as the *Character Area Study for Indian Point*, the *Character Area Study for Roseland*, and the *Shoreacres Character Study*. The Roseland and Indian Point character studies were prepared by Brook McIlroy and Macaulay Shiomi Howson Ltd, and the Shoreacres character study was prepared by MHBC and George Robb Architects. Through research and analysis, and community engagement and consultation, a series of Official Plan and Zoning amendments were prepared.

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The purpose of the amendments is to help manage redevelopment change within residential neighbourhoods and to address compatibility matters by establishing a foundation for zoning regulations and matters to be considered through development application processes.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change None Proposed

Text Change

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as follows:

Part III, Land Use Policies – Urban Planning Area, Section 2.0 Residential Neighbourhood Areas, is hereby amended by adding the following Subsection 2.12:

2.12 Neighbourhood Character Areas

Neighbourhood Character Areas play an important role in the City's Urban Structure by defining specific neighbourhoods where only limited, *compatible development* is anticipated.

2.12.1 Objectives

- (i) To maintain, protect and enhance *neighbourhood character* by ensuring that *development and re-development* within *Neighbourhood Character Areas* is *compatible* with and respectful of the *neighbourhood character*.
- (ii) To manage change in *Neighbourhood Character Areas* through appropriate *development applications*.
- (iii) To maintain and improve the urban forest in *Neighbourhood Character Areas* through the enhancement and/or replacement of trees.

2.12.2 General Policies

- a) *Neighbourhood Character Areas shall* be identified in the City's Zoning By-law.

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- b) City Council *may* add or delete *Neighbourhood Character Areas* or alter the boundaries of existing *Neighbourhood Character Areas* from time to time through further amendment to the Zoning By-law, without the need for an Official Plan Amendment.
- c) Notwithstanding the policies of Part III, Subsection 2.2.2 b) and c) of this Plan, permitted residential uses in *Neighbourhood Character Areas shall* be restricted to single-detached dwellings.
- d) Proposed *development should* respect the existing *neighbourhood character* by incorporating built form and design elements, architectural features, building separations, lot coverage, scale, *floor area ratio*, and landscape qualities and characteristics that are prevalent in the *Neighbourhood Character Area*.
- e) All healthy mature trees *should* be preserved, and replanting *should* be required where loss of significant trees occurs.

2.12.3 Site Specific Policies

- (i) Indian Point is a distinct historic *Neighbourhood Character Area* characterized by its lakeside location; few streets; large and mature tree canopy; spacious properties separated by large open spaces between houses and a variety of architectural styles. New *development* shall protect and enhance these *neighbourhood character* elements.
- (ii) Roseland is a distinct *Neighbourhood Character Area* defined by its garden-like setting with large and mature trees, strong historic character, and homes with varied and unique architectural styles. Lots are spacious with dwellings that are well proportioned in relation to the property size and having a *scale* that is *compatible* with adjacent dwellings and which reinforces the open space character. Streets within the *Neighbourhood Character Area* contain wide landscaped boulevards and street lamps that complement the *neighbourhood character* of the private properties. New *development* shall protect and enhance these *neighbourhood character* elements.

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Part VI, Implementation – Section 4.0 Committee of Adjustment, Subsection 4.2, Minor Variance Policies, is hereby amended by adding the following Clause c):

- c) For lands within *Neighbourhood Character Areas*, minor variance applications for *development* and *re-development* of a single detached dwelling *shall* be evaluated based on the following additional criteria:
 - (i) consistency with *neighbourhood character*;
 - (ii) on properties that are located at the end of a terminating street, dwellings *should* be designed and located to reinforce a framed focal point; and
 - (iii) dwellings located on corner lots *should* create a strong connection to both *streetscapes* through attractive facades and landscaping facing each street.

Part VI, Implementation – Section 4.0 Committee of Adjustment, Subsection 4.4, Consent Policies, Clause 4.4 e), is hereby amended by adding the following Subclauses (x) and (xi):

- (x) within *Neighbourhood Character Areas*, the proposed *development shall* achieve consistency with *neighbourhood character*; and
- (xi) within *Neighbourhood Character Areas*, the minimum lot widths and areas of proposed new lots in *Neighbourhood Character Areas shall* meet or exceed the average lot width and lot area of single detached residential lots fronting on both sides of the same street within 120 m of the subject property.

Part VIII – Definitions is hereby amended by adding the following definitions:

Neighbourhood Character - The collective physical qualities and characteristics which are prevalent in a *Neighbourhood Character Area* and which define its distinct identity, and includes a range of built form and design elements which coexist without adverse impact within the *Neighbourhood Character Area*.

Neighbourhood Character Area - A residential neighbourhood identified in the Zoning By-law, which shares physical qualities and characteristics that collectively provide a distinct and recognizable character that is different from neighbouring areas.

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Scale - The proportion of a building or building element created by the placement and size of the building or element in comparison with adjacent buildings or building elements and to human dimension.

2. INTERPRETATION

This Official Plan amendment shall be interpreted in accordance with the “Interpretation” policies of Section 3.0, Interpretation, of Part VI, Implementation of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan amendment shall be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the Burlington Planning Area.