

# Character Area Study for Indian Point and Roseland: Consultation Brief

January 8, 2015

## Introduction

This Consultation Brief pertains to the Character Area Study for Indian Point and Roseland. This brief has been prepared by the Planning & Building Department (Policy Section) staff and includes preliminary input from other City departments. The purpose of this brief is to:

1. Provide background information about the Character Area Study for Indian Point and Roseland;
2. Present potential planning directions affecting Official Plan policies, zoning and implementation; and
3. Request formal feedback. This brief has been developed for consultation purposes. The directions are not final recommendations and are subject to change.

Final drafts of proposed Character Area policies, zoning regulations and process changes will be brought forward for Council consideration as part of a future staff report implementing the outcomes of the Character Area Study.

Comments or questions can be directed to:

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## 1.0 Background

Within the City of Burlington's land use framework, the low-density residential areas of the City are generally subject to uniform policies which describe the built form and anticipated density of low-density residential areas. Over time, differences between newer residential areas and older residential areas became evident with respect to lot sizes, setbacks, house design and size, but the existing applicable policies do not adequately acknowledge these differences.

Over recent years, the Indian Point and Roseland neighbourhoods have faced a series of incremental development changes in the form of demolitions, rebuilds, minor variance and consent applications. A number of development applications in these neighbourhoods led to Ontario Municipal Board (OMB) hearings which generated significant community interest. The OMB hearings and subsequent decisions reinforced the need for clarity in the Official Plan policies that apply to residential neighbourhoods in order to reduce ambiguity and provide a more effective policy framework including policies, definitions and evaluation criteria for development applications. Following two staff directions related to the Indian Point and Roseland neighbourhoods, the City initiated a Character Area Study for Indian Point and Roseland in order to:

- Establish the boundaries of Indian Point and Roseland for the purpose of the study;
- Identify the area characteristics of Indian Point and Roseland with specific emphasis on what makes these areas distinct within the City of Burlington;
- Review the merit of establishing defined "Character Areas" in the City's Official Plan in recognition of the identified area characteristics of Indian Point and Roseland; and to
- Improve the management of neighbourhood character issues associated with the redevelopment within Indian Point and Roseland.

## 2.0 Character Area Study

In 2013, the Terms of Reference for the study were developed by staff and Brook McIlroy and Macaulay Shiomi Howson Ltd were retained as the consultants on the project. The Character Area Study for Roseland and Indian Point was formally initiated in January 2013 as part of the Official Plan Review. The purpose of the Study is to identify the character area elements of Roseland and Indian Point and to develop policy and implementation tools to manage neighbourhood change. Between April 2013 and February 2014, three neighbourhood meetings and one working committee meeting were held for each neighbourhood (8 meetings total). The consultants' reports were completed in August 2014 and are available at <http://cms.burlington.ca/Page10521.aspx>.

### 3.0 Roseland and Indian Point Policy Review

The Residential Areas policies in the Official Plan generally describe the low-density residential areas across the City, but do not provide policy objectives or directions for specific neighbourhoods within the low-density residential areas. More specifically, the existing residential policies do not directly address the re-development and infill that is taking place in specific residential neighbourhoods. This current context requires additional policy and zoning direction in order to manage the changes occurring in established neighbourhoods.

Through the study and staff review, the following issues were identified and form the basis for the potential policies, zoning and implementation described in Section 4.0 of this brief:

#### 1) The Official Plan does not have specific policies to manage development in Character Areas

The Roseland and Indian Point neighbourhoods are distinct, established residential areas in the City that are experiencing some transitions due to development occurring within the neighbourhood such as demolition and reconstruction, additions, and lot severances. The Official Plan does not contain specific policies that recognize, describe or protect the unique characteristics of a particular neighbourhood.

Under the current Official Plan, most of the residential areas in the City, including Roseland and Indian Point, fall within the *Low-Density Residential* designation and these residential areas are all subject to the same general vision and broad policies. Residential neighbourhoods that fall within this land use designation are characterized by their density (less than 25 units per hectare) and built form (single-detached and semi-detached residential dwellings).

#### 2) The Zoning By-law provisions for Indian Point and Roseland do not reflect the existing housing stock

New homes that have been built in Indian Point and Roseland in recent years have been viewed by some members of the public as incompatible with the existing streetscape. The scale and massing of the newer dwellings, as well as the siting of homes, has been viewed as interrupting the rhythm of the streetscape.

The Roseland neighbourhood is primarily comprised of properties zoned R1.2 and the Indian Point neighbourhood is comprised of properties zoned R2.1.

The current zoning requirements for Roseland and Indian Point are provided below:

<b>Regulation</b>	<b>R1.2 (Roseland)</b>	<b>R2.1 (Indian Point)</b>
<b>Lot Area</b>	925 m <sup>2</sup>	700 m <sup>2</sup>
<b>Lot Width</b>	24 m	18 m
<b>Lot Coverage</b>	35% for one storey dwellings 25% for dwellings greater than one storey	40% for one storey dwellings 37.5% for one and a half storey dwellings 35% for two storey dwellings
<b>Front Yard Setback</b>	9 m	11 m
<b>Rear Yard Setback</b>	9 m	10 m
<b>Side Yard Setback</b>	10% of the lot width, minimum of 1.2 on one side	10% of the lot width, minimum of 1.2 on one side
<b>Building Height</b>	7.5 m for one storey 8.5 for one and a half storey 10 m for two storeys	7.5 m for one storey 8.5 m for one and a half storey 10 m for two storeys 13 m for two and a half storeys

Within the existing planning framework, managing the built form in residential areas is limited by certain considerations, including the following:

- Real estate and market trends are outside of the purview of municipal planning departments;
- Architectural taste cannot be regulated through the use of planning tools, but architectural features and building materials can be considered through urban design guidelines;
- Property owners have the right to demolish and construct additions and new dwellings within existing zoning regulations without being subject to a public process;
- The influence of zoning on built form has limitations that generally reflect the buildable envelope of a dwelling; and
- Older residential dwellings differ from newer residential dwellings because of multiple factors including, but not limited to: changes in the Ontario Building Code, market demands and trends (e.g. the market has shown demand for 10 ft (3 m) high ceilings), and differences in building materials and standards (e.g. subflooring materials are thicker today than they were historically).

### **3) The Site Plan Approval process is a useful tool to manage redevelopment in Character Areas**

The City of Burlington currently has a Site Plan Control By-law that requires site plan approval for single-detached residential dwellings and additions greater than 70m<sup>2</sup> in Low-Density Residential Zones and North Aldershot.

Staff is currently reviewing the site plan approval process for single-detached residential dwellings throughout Burlington. The ability for staff to review the siting, grading and design of new residential dwellings or significant additions occurs through the site plan process for residential dwellings in low-density residential zones and North Aldershot.

### **4) There are challenges associated with implementing the Urban Design Guidelines for Low-Density Residential Zones**

The City of Burlington has *Urban Design Guidelines for Low-Density Residential Zones* that are referenced during the Site Plan process. The existing design guidelines for low-density residential development speak to broad topics in all of the low-density residential zones and can be challenging to implement during the Site Plan process.

### **5) There is a need to maintain the tree canopies in Character Areas**

Many of the public and private trees in Roseland and Indian Point are close to a century old and they provide a significant tree canopy along the streets and throughout the neighbourhood. However, most of the trees are nearing the end of their lifespan and residents have expressed a desire to maintain the tree canopy and the presence of large, mature trees in Roseland.

The City of Burlington does not have a private tree by-law. Private trees that are located near shared property lines (boundary vegetation) are afforded some protection through the Forestry Act. Boundary vegetation is reviewed during the Site Plan approval process and requires either an arborist report or a written agreement between neighbours regarding the preservation or removal of boundary vegetation.

### **Alternative Options Considered**

The Character Area Study Reports for Roseland and Indian Point contain a number of different recommendations related to policy, process and implementation. These recommendations were very useful to the study process and the dialogue with the public. The following section describes alternative options that were tabled by the consulting team and/or the public during the course of this project.

*Peer Review Process for Roseland:*

The Peer Review process involves the establishing a process to send certain development applications in Character Areas to a third-party professional for an independent evaluation of the development application which would be provided to City staff and, in some situations, to Council.

Staff is not proceeding with the creation of a peer review process for minor variance, consent and site plan applications in Character Areas because the opportunity to request a peer review for a development application is already enabled through existing policies in the City's Official Plan.

*Legacy Zoning for Roseland:*

Throughout the study, the project team worked through the concept of legacy zoning for Roseland based on the desire to maintain the layout and character of the homes in Roseland. The legacy zoning approach uses the existing front yard and side yard setbacks on each property within the study area to establish the required front and side yard setbacks for future development on each property and retains the existing rear yard setback requirement set out in Zoning By-law 2020.

Staff used various mapping exercises and property information to review the layout, arrangement and pattern of existing dwellings in Roseland and Indian Point in comparison to the existing front, side and rear yard setbacks required in the Zoning By-law.

Based on the mapping analysis, internal discussions and public consultation, staff recognizes that some zoning changes are required in order to manage change in the Character Areas, but staff is not proceeding with the implementation of legacy zoning in Roseland.

Staff has also considered some of the challenges that could arise from the legacy zoning approach including, but not limited to, the following:

- The requirement for each property owner to provide a survey of their property in order to determine the applicable setbacks during the submission of a development application which could be unexpected and add a delay and cost to the applicant.
- The redevelopment of a one-storey dwelling to a two-storey dwelling using existing setbacks may pose privacy, shadow and/or access issues if the existing setbacks are substandard to current zoning regulations or are very close to a shared property line.
- Existing residential dwellings with small building footprints may face significant redevelopment constraints and be deprived of a reasonable amount of expansion to a home.
- Future severances would require variances for a side yard setback.

- The absence of minimum front and side yard setback requirements for newly created lots.

Staff is of the opinion that the legacy zoning approach introduces a number of implementation challenges and, therefore, staff is not prepared to support the legacy zoning approach.

#### *Increasing Minimum Lot Width in Indian Point:*

Staff does not support the consultants' recommendation to increase the minimum lot frontage to reflect the previous "R-2" zoning for the purposes of reducing the number of severance opportunities in Indian Point. However, staff is of the opinion that this change in zoning would put several properties into a legal, non-conforming status for their lot frontage.

The consultants' recommendation to increase the minimum lot frontage would effectively increase the lot frontage requirements for the creation of any new lots, but would have no material impact on existing lots. If an existing lot has a lot frontage that is less than 21.3 m and the lot frontage requirement were changed to 21.3 m through an amendment to the Zoning By-law, then the lot would have a legal, non-conforming lot frontage. However, the lot would not require a variance for the lot frontage unless new development triggered the need for a separate variance (e.g. a variance for the front yard setback) in which case a variance for lot frontage would be included on the same minor variance application. Staff is of the opinion that the proposed increase in lot width would offer little benefit to the neighbourhood because there are very few remaining properties on Indian Point that have a lot width and area large enough to support a viable severance opportunity and, further, the other opportunities discussed in this brief will aid in managing neighbourhood change.

#### *Private Tree Incentives for Roseland and Indian Point*

The consultants' recommended that the City explore additional opportunities to encourage the protection of existing trees and the planting of new trees on private property. The potential opportunities suggested by the consultant include: a larger City-wide initiative to partially or fully subsidize new trees on private property; the creation of information pamphlets to help educate residents about the importance of the urban tree canopy and to encourage the planting of new private trees; and implementing a harvesting, planting and nursing community initiative.

Planning staff, in consultation with RPM staff, is of the opinion that the priority should remain on administering and maintaining public trees throughout the city as there are significant financial and staffing implications in administering a program of this magnitude.

In addition to the consultant recommendations, staff has also considered the following alternatives as ways to manage neighbourhood change.

### *Demolition Control*

Staff has researched this option and determined that demolition control is a valuable tool in situations where there is concern that lots may remain vacant for long periods of time or when a number of demolitions, especially adjacent ones, are anticipated within a city block. Sites that are left vacant or with an incomplete replacement structure can negatively impact property values and lead to other property standards and maintenance issues. A Demolition Control By-law would require Council approval prior to the issuance of a demolition permit and a standard condition that the applicant / owner be required to complete the new building in place of the demolished building within two years from the date the demolition permit is issued. Failure to comply with this condition may result in a fine. In some municipalities which have implemented demolition control, a condition of the demolition permit is final site plan approval of the proposed development.

Staff has reviewed the recent demolitions and rebuilds in the Character Areas and notes that there is generally minimal lag time between a demolition and the construction of the new dwelling on the property. Staff also notes that the implementation of a demolition control by-law would not require notification to the community when demolitions are imminent, nor would it make the demolition permit process nor the site plan process a public process that utilizes public input.

In staff's opinion, imposing a demolition control by-law would be overly restrictive and would not address the community's concerns regarding notifications of demolitions.

### *Increasing the Ratio of Building Setback to Building Height*

A building setback to building height ratio is a tool that can be used to control the dominance of a building in the streetscape.

Staff is of the opinion that the ratio of building setback to building height should not be implemented as a zoning provision which would require an increased front yard setback as a ratio of the proposed building height. For example, the minimum front yard setback for a building 9 m in height would be 9 m, but the minimum front yard setback for a building 10 m in height would be 10 m. Staff has determined that the existing front yard setbacks (9 m in Roseland and 11 m in Indian Point) provide an adequate buffer from the street and an additional increase to the front yard setback would push new dwellings closer to the rear property line and may impact the privacy of adjacent properties.

### *Enhancing Building Articulation*

Some of the recent residential dwellings that have been built in Roseland and Indian Point have less building articulation than the existing residential dwellings. Without projections, recessions or architectural features, some dwellings can appear monolithic

(defined as an indivisible and uniform entity) and out of character with the existing housing stock.

Staff is proposing to include building articulation as a consideration on the proposed Design Brief that is required for submission with new site plan, minor variance and consent applications. The articulation of a building, which includes size, shape and location of architectural elements, is difficult to regulate through zoning. Urban design guidelines can discourage monolithic building facades by encouraging house designs to be broken up into smaller architectural components and to use dormers, stepbacks and recessed facades in order to reduce the perceived bulk of the home. However, building articulation is generally left to the discretion of an architect or designer and cannot easily be regulated through zoning provisions.

#### *Establishing a Maximum Gross Floor Area Requirement*

Gross floor area refers to the sum of the areas of each floor of a building as measured from the exterior face of outside walls. The project team has discussed the merits of including a maximum gross floor area for buildings in Roseland or Indian Point. Staff has concluded that the range of lots is significant and that it would be difficult to establish one appropriate gross floor area to apply to all of the lots in one or both Character Areas. Further, the impact of new development on the streetscape is generally determined by building height, building spacing, building articulation and architectural features. The proposed changes to the Zoning By-law address building height and building spacing (side yard setbacks) and building articulation and architectural features, which are difficult to regulate through policy or zoning, are subject to the City's *Urban Design Guidelines* and the proposed Design Brief.

## **4.0 Potential Character Area Directions for Roseland and Indian Point**

Staff has considered the recommendations that were provided in the Character Area Study reports, input from residents and additional policy and technical review to develop the following planning directions for Roseland and Indian Point.

### **1) Develop Official Plan policies to protect and manage development in Character Areas**

In order to ensure that the Character Areas are recognized at a policy level, area-specific Official Plan policies are proposed in order to establish a policy framework. It is anticipated that these policies will include a vision statement for each Character Area; introductory text and objectives; general policies that apply to current and future character areas; and neighbourhood-specific policies that address character elements and provide a set of criteria to be considered when evaluating development proposals (e.g. consent, minor variance and site plan applications) in Character Areas. The creation of these policies will lay the foundation for additional Official Plan policies, zoning regulations and urban design guidance. While developing potential policies for

the Character Areas, staff also identified the need to amend and add definitions to the Official Plan in order to bring clarity to frequently used terms such as “compatible”, “mass” “neighbourhood character” and “scale”.

## **2) Prepare amendments to the Zoning By-law for Roseland and Indian Point to reflect the existing housing stock**

To address issues of built form within Character Areas and respect the existing housing stock, staff is considering the following modifications to the Zoning By-law:

- a) Reduce the maximum building height of dwellings from 10 m to 9 m in Character Areas
- b) Increase the side yard setbacks of 2 storey dwellings from 10% of the lot width to 15% of the lot width to balance the height of taller dwellings with greater separation distance
- c) Prohibit second storey balconies in rear yards which may negatively impact rear yard privacy
- d) Prohibit two storey architectural features (such as columns or windows) which are not found in traditional nor contemporary residential neighbourhoods
- e) Limit the width of a garage to 50% of the front façade of a dwelling and limit the projection of a front-loading garage to the front façade of a dwelling in order to emphasize the residential dwelling and minimize the presence of the garage
- f) Reduce the maximum lot coverage in Indian Point to be consistent with the lot coverage requirements in the Designated Areas, such as Roseland (35% for one storey dwellings and 25% for dwellings greater than one storey), in order to reflect and maintain the existing spacing between, among and around homes.

## **3) Maintain the Site Plan Control By-law for Character Areas**

In order to address the types of issues that were identified through the Character Area Study, the site plan approval process should remain in effect for residential development in Character Areas.

## **4) Develop an Urban Design Brief to evaluate Site Plan, Minor Variance and Consent applications in Character Areas**

The requirement for an Urban Design Brief to be submitted by an applicant as part of development applications in Character Areas will assist in achieving more compatible development. The urban design brief form includes a series of design objectives for development in Roseland and Indian Point to be considered by an applicant as part of a site plan, minor variance or consent application.

The purpose of the urban design brief is multi-fold:

- a) to raise the applicant’s awareness of the design considerations for development in Character Areas;

- b) to place responsibility on the applicant to demonstrate that the proposed dwelling satisfies the Character Area policies and is compatible with adjacent dwellings by requiring a signed design brief as part of site plan application;
- c) to have a signed document in the public file confirming that the applicant has reviewed and understood the design considerations and incorporated them into their proposal; and
- d) to establish a mechanism to un-delegate site plan approval from the Director of Planning and Building and return the site plan decision to City Council for site plan applications that cannot satisfy the design brief. This process may aid in resolving potential deadlock and, in some instances, may trigger a neighbourhood meeting.

### **5) Co-ordinate opportunities to plant trees on public rights-of-way as part of the Urban Forestry Management Plan**

Planning staff, in consultation with Roads and Parks Maintenance (RPM) staff, support City-initiated initiatives to proactively plant trees within the public right-of-way, particularly in areas with a high percentage of mature trees such as Roseland and Indian Point. The Roseland and Indian Point areas will be considered in the City's review of potential street tree planting locations.

Recognizing the importance of fostering engagement and supporting stewardship of the urban forest, the City's Urban Forest Management Plan (UFMP) includes recommendations aimed at developing urban forestry related events, introducing a staff position focused on community engagement, implementing an awards program to recognize urban forest stewardship and expanding partnerships with community groups to undertake urban forest stewardship activities.

## **5.0 Character Area Study Next Steps/Timeline**

The contents of this brief, including the potential approaches outlined in Section 4.0, are intended as a consultation tool. Upon completion of public consultation in January 2015, the policy directions outlined in this brief will be finalized and staff will develop draft policy amendments to the Official Plan. Additional public consultation opportunities regarding the final draft of detailed policy amendments for the Character Areas will be provided in the form of a Statutory meeting for the proposed amendments to the Official Plan and Zoning By-law. Below is a visual representation of next steps and contact information to provide comments on the contents of this policy brief.



If you wish to receive future email updates regarding the Official Plan Review, including upcoming event meetings and public consultation opportunities, please subscribe at the following link: <http://cms.burlington.ca/Page8181.aspx>

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