Planning and Building Department

TO: Chair and Members of the Community Development Committee

SUBJECT: Proposed Zoning By-law Amendment - Removal of Maximum Floor Area Ratio Regulation from the RO4 Zone (Orchard Community)

Report Number: PB-52/10 File Number: 520-08/10
Report Date: June 1, 2010 Ward(s) Affected: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 X 6 ☐ All ☐
Date to Committee: July 12, 2010 Date to Council: July 15, 2010

Recommendation: APPROVE the City-initiated Zoning By-law amendment 2020.290, as contained in Appendix I of Report PB-52/10, to remove the maximum floor area ratio regulation from the RO4 zone (certain lands in the Orchard Community); and ENACT By-law 2020.290, as contained in Appendix I of Report PB-52/10.

File: 520-08/10.

Purpose: ☐ Address goal, action or initiative in strategic plan
 ☑ Establish new or revised policy or service standard
 ☐ Respond to legislation
 ☐ Respond to staff direction
 ☐ Address other area of responsibility

Reference to Strategic Plan: N/A

Executive Summary: This report recommends a City-initiated amendment to the Zoning By-law to remove the maximum floor area ratio regulation from the RO4 zone which applies to certain parcels of land located in the Orchard Community.
Background: In November 1995, the City of Burlington adopted the Orchard Secondary Plan and implementing Official Plan Amendment 198 to the former Official Plan. Amendment 198 was incorporated into the City’s new Official Plan upon its approval by the Region of Halton in March 1997.

The Secondary Plan and implementing Amendment identified four neighbourhood commercial nodes within the Orchard Community, which were intended to serve as higher-intensity centres of development with a mix of residential and retail and service commercial uses. These nodes were located in the following areas (see Location Sketch No. 1):

- North east and north west corners of Sutton Drive and Upper Middle Road;
- Four corners of Sutton Drive and Dryden Avenue;
- Corners of Dryden Avenue and Prescott Place; and
- South-east corner of Sutton Drive and Dundas Street.

Upon approval of the City’s new Zoning By-law 2020 in June 1999, almost all of the properties within these four nodes were zoned within a special RO4 zone to reflect the greater mix of uses and increased development intensity permitted on these properties. The area of land at Sutton Drive and Dundas Street still remains in a D zoning but is intended to be rezoned to RO4 in the future once land assembly takes place.

The lands that are currently zoned RO4, or intended to be zoned RO4 upon assembly, are indicated on the attached Location Sketch No. 1. There are a total of nine blocks of land zoned or intended to be zoned RO4, seven of which have been developed and two of which are still vacant.

The RO4 zone contains several regulations governing development intensity, namely:

- A maximum residential density of 185 units/hectare;
- A maximum floor area ratio of 1.0:1;
- A maximum lot coverage of 60%; and
- A maximum building height of five storeys.
Discussion:

City staff has been processing a number of development applications in the RO4 zone over the past few years. In each case, staff has found that the maximum floor area ratio of 1.0:1 appears to have been erroneously set too low and is an impediment to allowing development to occur according to the vision for the Neighbourhood Commercial areas as set out in the Orchard Secondary Plan. Staff therefore recommends that the floor area ratio regulation be removed.

As noted above, there are other regulations in the zoning by-law that will remain to regulate development intensity: namely, the maximum density, lot coverage and height regulations noted above. In staff’s opinion, if the floor area ratio regulation is deleted, these other remaining regulations are sufficient to ensure effective control of development intensity.

Public Consultation
See below (Communication matters.)

Financial Matters:
N/A

Environmental Matters:
N/A

Communication Matters:
In accordance with the Planning Act and the provisions of the Official Plan for site-specific zoning by-law amendments, staff has provided notice of the public meeting through direct public mailing to public agencies and by general newspaper notice.

To date, there have been no comments received from agencies or the public concerning the proposed amendment.

Conclusion:
To remove an existing impediment to achieving the development of the Orchard Community neighbourhood commercial nodes in the manner envisaged by the Orchard Secondary Plan, staff recommends approval of a City-initiated zoning by-law amendment to delete the 1.0:1 maximum floor area ratio requirement from the RO4 zone.
Respectfully submitted,

Brian Chire  
Senior Planner - Policy  
(905) 335-7600, ext. 7787

### Appendices:

| I. Proposed Zoning By-law 2020.290 |

### Notifications:

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### Approvals:

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01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn

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01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn
Sketch No. 1

LOCATION/ZONING SKETCH

City initiated rezoning application to remove the maximum floor area regulation from the RO4 zone.

AREAS AFFECTED:
- DEVELOPED LANDS
- UNDEVELOPED FOR RO4 USES

FILE No. 520-08/10

DATE: JUNE 7, 2010
APPENDIX I

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.290

A By-law to amend By-law 2020, as amended;
Removal of Maximum Floor Area Ratio in RO4 Zone
(Orchard Community)
File No.: 520-08/10

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON
HEREBY ENACTS AS FOLLOWS:

1. Part 2, Residential Zones, Section 20, RO4 Zone Regulations, is hereby amended by deleting Subsection 20.4, Floor Area Ratio, and re-numbering subsequent subsections accordingly.

2. When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……day of ……………… 2010.


_____________________________________MAYOR


_____________________________________CITY CLERK
EXPLANATION OF PURPOSE AND EFFECT OF ZONING BY-LAW 2020.290

The purpose of this By-law is to remove the maximum floor area ratio regulation from the RO4 zone in the Orchard Community (affecting certain parcels of land located east of Appleby Line, north of Upper Middle Road.)

For further information concerning By-law 2020.290, please contact Rosalind Minaji of the City Planning & Building Department at 335-7600, Extension 7809.