



TO: Development and Infrastructure Committee
FROM: Planning and Building
SUBJECT: The Character Area Study for Indian Point and Roseland

Report Number: PB-14-16 Wards Affected: 1, 4

File Numbers: 505-08-04

Date to Committee: February 17, 2016 Date to Council: February 29, 2016

Recommendation:

Receive the *Character Area Study for Indian Point and the Character Area Study for Roseland Final Reports*, dated August 2014 by Brook McIlroy/Macaulay Shiomi Howson Ltd (under separate cover);

Endorse, in principle, the staff recommended Planning Directions contained in PB-14-16 for the Indian Point Character Area;

Endorse, in principle, the staff recommended Planning Directions contained in PB-14-16 for the Roseland Character Area;

Direct the Director of Planning and Building to consult with the public on the draft Official Plan Amendments, Zoning By-law regulations and Design Brief, as contained in Appendices A, B and C of PB-14-16 respectively; and,

Direct the Director of Planning and Building to bring forward, following completion of the public consultation, for Council approval or enactment, the final Official Plan amendments, Zoning By-law amendments and Design Brief, on a City-wide basis, or for the Indian Point and Roseland Character Areas, as appropriate.

Purpose:

The purpose of this report is to:

- transmit the *Character Area Study for Indian Point and the Character Area Study for Roseland Final Reports*, dated August 2014 (hereon referred to as Character Area Study) prepared by Brook McIlroy/Macaulay Shiomi Howson;
- highlight the findings and recommendations from the Character Area Study Reports;

- present staff's recommended options for Indian Point and Roseland neighbourhoods with respect to draft Official Plan policies, Zoning By-law amendments, and draft design considerations as part of development applications for low-density residential areas; and,
 - initiate the final round of consultation with the public on the draft Official Plan policies and Zoning By-law regulations.
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1.0 Background:

In 2011, there were a series of developments that occurred within the Indian Point and Roseland neighbourhoods which generated community concerns about increasing development pressures and about development compatibility. Some of these redevelopments resulted in Ontario Municipal Board (OMB) hearings in each neighbourhood.

The new development that has occurred in both Roseland and Indian Point in the last 5-10 years has, in many cases, resulted in larger homes and homes of a modern architectural style. These types of changes are common in desirable stable, established neighbourhoods with high real estate values.

The community expressed concerns about the development pressures to the City and as a result, Council passed two staff directions: to study the development pressures, to review how existing policy, zoning and development process were addressing the development; and to develop recommendations.

The staff directions, provided below in chronological order, were identified as a component of the 2012 Official Plan Review:

DIRECTION TO REVIEW PLANNING POLICIES FOR INDIAN POINT

Direct the Director of Planning and Building to review the planning policies for the Indian Point neighbourhood in the context of the Official Plan Review which is scheduled to begin in 2012, such review to include direct engagement with the residents of the neighbourhood. (CD-15-2011, September 6, 2011)

Direct the Director of Planning and Building to move ahead as soon as possible with discussion with the public regarding issues related to the lot patterns at Indian Point and Roseland. (PB-44-12-1, July 3, 2012).

The Character Area Study for Roseland and Indian Point was formally initiated in January 2013 as part of the Official Plan Review and the consulting team, Brook McIlroy and Macaulay Shiomi Howson, was retained. The purpose of the Study is to identify and define the character area components of Roseland and Indian Point and to develop policy and implementation tools to manage neighbourhood change. Between April 2013

and February 2015, four neighbourhood meetings and one working committee meeting were held for each neighbourhood (10 meetings total).

On December 2, 2013, a delegation on behalf of the Roseland Community Organization requested that Council implement an Interim Control By-law in Roseland to halt applications for land severance and accompanying minor variances until the Roseland Character Area Study was completed and consideration given to the implementation of related Official Plan amendments.

Following the delegation, Burlington City Council issued the staff direction provided below:

FEASIBILITY OF AN INTERIM CONTROL BY-LAW FOR THE ROSELAND COMMUNITY

Direct the Director of Planning & Building to report back by January 2014 on the feasibility of an Interim Control Bylaw for the Roseland community, while the character area study is underway. (SD-29-13, December 2, 2013)

Planning staff prepared a report to Council (PB-16-14) in January 2014 recommending that:

- the Character Area Study for Roseland and Indian Point be removed from the scope and schedule of the Official Plan Review;
- staff proceed to complete the Study on an expedited basis, independent of the OPR, with delivery of a staff report bringing forward the results of the Study and any recommended Official Plan Amendment, Zoning By-law Amendment and other planning tools by February 2015; and
- to not proceed with the enactment of an Interim Control By-law.

Council also approved the removal of the Character Area Study for Roseland from the scope and schedule of the Official Plan Review and directed that the Study be completed on an expedited basis by Q1 2015.

While staff was not directed to remove the Character Study for Indian Point from the OPR, staff proceeded to process both studies concurrently as this was the most efficient use of staff time and consultant resources given the similarities of both study areas.

In 2015, the Official Plan Review was placed on hold and the focus was placed on the development of the City's Strategic Plan. During this time, other planning studies including the Character Area studies were also placed on hold. The delay has enabled the alignment between the Character Area Study for Roseland and Indian Point to be considered concurrently with the Shoreacres Study. Staff was directed to commence with the Shoreacres Study in the fall of 2014. While each of these areas has distinct character, there are similar development issues and considerations in developing recommendations for policy, zoning and process changes in each neighbourhood.

2.0 Discussion:

This report will outline four policy directions and the consultants' recommendations as well as the potential Official Plan policies, Zoning By-law amendments and Urban Design Brief.

Based on the findings of the study, staff has established four general directions for the Character Area Study in the areas of policy, process and implementation. The following directions for these neighbourhoods aim to strike a balance between managing the development changes that may occur while still allowing property owners some flexibility in exercising their rights to build, demolish and / or rebuild on their properties.

- A. Develop Official Plan policies to protect and manage development in Character Areas**
- B. Prepare amendments to the Zoning By-law for the Character Areas**
- C. Develop a Design Brief to be completed by applicants and used by staff to evaluate development applications in Character Areas**
- D. Continue to co-ordinate opportunities to plant trees on public rights-of-way as part of the Urban Forestry Management Plan in Character Areas**

3.0 Potential 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.

A summary table of the staff recommended Policy Directions are as follows:

Direction No.	Nature of Direction	Where applicable	Page	Appendix
A	Develop Official Plan Policies	All Neighbourhood Character Areas	6	A
B1	Add a Floor Area Ratio requirement	Indian Point and Roseland	9	B
B2	Increase side yard setbacks	Indian Point and Roseland	11	B
B3	Regulate two-storey architectural features, garage projections, widths and height	Indian Point and Roseland	12	B
B4	Prohibit rear yard second-storey balconies	Indian Point and Roseland	13	B
B5	Reduce the maximum lot coverage	Indian Point	14	B
B6	Reduce building height	Indian Point	16	B
B7	Reduce front yard setbacks	Indian Point (Properties west of Indian Road)	17	B
C	Add a requirement for a Design Brief submission with development applications	All Neighbourhood Character Areas	18	C
D	Co-ordinate opportunities for tree planting on public rights-of-way	All Neighbourhood Character Areas	19	N/A

DIRECTION A: Develop Official Plan policies to protect and manage development in Character Areas

Issue:

The Roseland and Indian Point neighbourhoods are distinct, established residential areas experiencing transitions due to development occurring within the neighbourhoods (e.g. demolition and reconstruction, additions and lot severances).

The OP does not contain specific policies to recognize, describe or protect the unique characteristics of a specific neighbourhood with respect to infill and redevelopment.

Current Policy Status:

Under the current OP, most residential areas in the City are located within the Low-Density Residential designation and are all subject to the same general vision and broad policies. Generally, the OP policies focus on establishing density and housing forms (e.g. single or semi-detached housing).

The OP does not contain definitions for certain terms that are related to neighbourhood character.

Consultants' Direction:

The consultants have recommended the OP contain specific policies identifying Roseland and Indian Point including Character Area statements and neighbourhood specific policies.

Recommended Planning Direction A:

Staff recommends that a Character Area Statement, neighbourhood specific policies and additional definitions be added to the OP for the Roseland and Indian Point Character Areas. These policies will include a vision statement for each Character Area, introductory text and policies that address character elements, such as compatible building materials, separation between buildings and tree protection, and provide criteria for evaluating development applications.

The Character Area statement and objectives will establish the vision and objectives for each neighbourhood, provide a descriptor for the area and lay the foundation for additional Official Plan policies, zoning regulations and urban design guidance. Using the character elements identified during the study, staff has developed specific policies for Roseland and Indian Point (Appendix A) that can be further supported through specific zoning regulations (Appendix B). The proposed policies will serve as additional criteria to be considered when evaluating development proposals in Character Areas.

Whether a proposed development is defined as an infill or intensification application, it will still be subject to the evaluation criteria for development in Character Areas. Staff will consider and address the Character Area policies in staff reports which will provide greater clarity for staff recommendations.

While developing potential policies for the Character Areas, staff also identified the need to make general amendments to the OP in order to define certain terms and to amend other terms including “compatible”, “mass”, “neighbourhood character area”, “neighbourhood character”, “neighbourhood” and “scale”.

DIRECTION B: Prepare amendments to the Zoning By-law for Indian Point and Roseland

Issue:

The scale and massing of recent developments has generated debate about their compatibility with existing dwellings and impact to the neighbourhood character. Also, existing zoning regulations in some cases do not reflect the unique attributes of the Roseland and Indian Point neighbourhoods.

Current Policy Status:

The Roseland neighbourhood, comprised of properties zoned R1.2 and R2.3, is subject to standard zoning with uniform requirements for front, side and rear yard setbacks as well as lot width, lot coverage and building height.

The Indian Point neighbourhood is zoned R2.1 and is subject to standard zoning with uniform requirements for front, side and rear yard setbacks as well as lot width, lot coverage and building height.

Consultants' Direction:

The consultants recommended the following zoning changes in Indian Point:

- Amend the minimum lot width to reflect the previous zoning (21.3 m)
- Reduce the maximum lot coverage to 25%

The consultants recommended the following zoning changes in Roseland:

- Amend the Zoning By-law to implement "Legacy Zoning"
- Maintain the existing 9 m rear yard setback
- Maintain the 2 to 2.5 storey maximum dwelling height
- Maintain the maximum lot coverage

The "Legacy Zoning" approach uses the existing front yard and side yard setbacks on each property to establish the required front and side yard setbacks for future development on that property. For example, if an existing house had a front yard setback of 5 m and side yard setbacks of 2 m per side, an addition or future residential dwelling on the property would be required to use the 5 m front yard setback and the 2 m side yard setbacks for the building envelope regardless of the R1.2 zone setbacks in the Zoning By-law.

Recommended Planning Direction B:

Staff recommends several amendments to the Zoning By-law regarding building height, side yard setbacks and provisions for garages outlined below. Staff also recommends the introduction of a Floor Area Ratio (FAR) requirement to help control building massing. These amendments are outlined in Directions B1 to B7 below.

Sub-direction B1: *Introducing a Floor Area Ratio Requirement in Indian Point and Roseland*
(See Appendix B, Tables 1 & 2)

Issue:

The massing of a dwelling is a design element that contributes to character of an area and can also generate issues of compatibility when there are significant massing differences between buildings. For example, a building that has a front façade that rises up two storeys has a different appearance than a two storey building where the second storey floor space is built into the roofline and recessed back from the façade of the first storey.

Although the Zoning By-law currently establishes lot coverage restrictions, it does not control the massing of proposed dwellings. [Note: Lot coverage, also referred to as the building footprint, describes the percentage of the lot that can be covered by a building].

Current Policy Status:

There is no Floor Area Ratio (FAR) requirement for dwellings in any low-density residential zone, which includes the R1.2 and R2.3 zones in Roseland and the R2.1 zone in Indian Point.

The *Urban Design Guidelines for Low-Density Residential* zones address the principle of massing, but there are no zoning regulations to require it.

Consultants' Direction:

The consultants did not provide a recommendation on Floor Area Ratio.

Recommended Planning Direction B1:

Staff recommends that a requirement for a maximum Floor Area Ratio (FAR) of 0.4:1 be introduced into the Indian Point and Roseland Character Areas to help regulate the size and mass of dwellings greater than one storey. This requirement would translate the existing design principle into a zoning regulation. The FAR regulation would be used in conjunction with the lot coverage regulations. Through the combination of lot coverage and floor area ratio, the massing of new dwellings will be improved. New dwellings that are two storeys in height will utilize a smaller building footprint and new dwellings that maximize their lot coverage on the first floor will become one-and-a-half storey dwellings as a result of the floor area ratio requirement.

Below is a scenario of how they both would work together: The Zoning By-law currently uses a lot coverage requirement in residential zones. A

maximum lot coverage of 25% would allow a property owner to create a building footprint that is 25% of the lot area. In the case of a 1000 m² lot, the maximum building footprint would be 250 m². If the property owner wished to build a one-storey house on the 1000 m² lot with 25% lot coverage, the house would be 250 m² in size. If the property owner wished to build a two-storey house where both floors were the same in area, the house would be 500 m² in size (250 m² on each floor).

Floor Area Ratio is a ratio of the total building floor area across all floors to the lot area. In the example used above, a floor area ratio of 0.4:1 on the lot that is 1000 m² in area would allow the property owner a total building floor area across all floors of 400 m². If the property owner is required to comply with both the lot coverage requirement and the floor area ratio requirement, the property owner is left with a maximum building footprint of 250 m² and a maximum building floor area of 400 m².

In this scenario, the property owner could choose to use the 250 m² building footprint on the first storey of the house, but would be left with 150 m² of floor area for the second storey to arrive at the maximum building floor area of 400 m². If the property owner chooses to have the same floor area on both the first and second storey, the property owner would be limited to 200 m² on the first storey and 200 m² on the second storey.

Sub-direction B2: *Increase Side Yard Setbacks in Indian Point and Roseland*

(See Appendix B, Tables 1 & 2)

Issue:

Staff and residents recognize that multiple adjacent residential dwellings that rely on the minimum side yard setbacks can resemble a barracks-like built form with a nearly continuous façade and minimal visual breaks between dwellings.

Current Policy Status:

In Indian Point and Roseland, the minimum required side yard setback for residential dwellings with attached garages (which represent the majority of new residential development) is 10% of the lot width (with a minimum of 1.2 m on one side) regardless of whether or not the dwelling is a one, one and half or two storey.

Consultants' Direction:

The consultants did not provide a recommendation on side yard setbacks in Indian Point and Roseland.

Recommended Planning Direction B2:

Staff's recommendation is to:

- Maintain the side yard setback of 10% of lot width for one storey residential dwellings;
- Increase the side yard setback to 12% of the lot width for one and a half storey residential dwellings; and
- Increase the side yard setback for two storey dwellings to 15% of the lot width to a maximum of 3 m per side in order to address the relationship of building height to building spacing (Appendix B).

The addition of a side yard setback requirement that is related to both lot width and building height will increase the amount of open space between adjacent two-storey buildings and reduce the likelihood of a continuous built form along the street.

Sub-direction B3: ***Improve Building Articulation by Regulating Two-Storey Architectural Features and Garages in Indian Point and Roseland***
(See Appendix B, Tables 1 & 2)

Issue:

Design elements of a new dwelling can either contribute or compromise the compatibility of existing development. Elements such as two-storey columns and projecting garages have raised issues within the community in terms of impact to neighbourhood character.

Current Policy Status:

Council has adopted the *Urban Design Guidelines for Low Density Residential Zones* used for dwellings subject to the site plan process. While the guidelines provide direction that discourages two-storey architectural features, garage widths and garage projections, there are no zoning regulations for two-storey architectural features, garage widths or garage projections.

Consultants' Direction:

The consultants recommended enhancing the *Urban Design Guidelines for Low-Density Residential Zones* to ensure new development is compatible with the neighbourhood character.

Recommended Planning Direction B3:

Staff is recommending to prohibit two-storey architectural features such as columns, porticos and windows in both Character Areas because two-storey features add perceived height to residential dwellings and are not common in traditional and contemporary residential neighbourhoods in southern Ontario.

Also, staff is recommending limiting the width and the projection of garages in order to emphasize the presence of the residential dwelling and minimize the presence of the garage.

Sub-direction B4: ***Improve Rear Yard Privacy by Prohibiting Second Storey Balconies in Indian Point and Roseland***
(See Appendix B, Tables 1 & 2)

Issue:

Some residents have expressed concerns that a second storey balcony on an adjacent lot has adverse impacts on their rear yard privacy.

Current Policy Status:

The City's existing *Urban Design Guidelines for Low Density Residential Zones and North Aldershot* discourages second storey balconies to be located in rear yards, however, there are no zoning regulations that establish this requirement.

Consultants' Direction:

The consultants did not provide a recommendation on second storey balconies in rear yards in Indian Point and Roseland.

Recommended Planning Direction B4:

Staff is recommending that this guideline addressing second storey balconies be translated into a zoning provision in order to ensure that adequate privacy in rear yard amenity space is maintained (Appendix B).

Sub-direction B5: *Reduce the Maximum Lot Coverage in Indian Point*

(See Appendix B, Table 1)

Issue:

Many of the properties in Indian Point have significantly less lot coverage than permitted in the Zoning By-law. As a result, a new dwelling could be constructed in accordance with the Zoning By-law and have a massing much larger than an existing dwelling. A significant variation of massing can contribute to issues of compatibility between dwellings and some may appear “overbuilt” relative to existing homes.

Current Policy Status:

At present, the lot coverage for most of the lots in the neighbourhood ranges between 15 and 25%.

The properties on Indian Point are zoned R2.1 and are currently subject to the following lot coverage provisions:

Dwelling Type	Dwelling with Attached Garage	Dwelling Without Attached Garage
One storey	40% including accessory buildings	32% plus 8% for accessory buildings
One and a half storey	37.5% including accessory buildings	29.5% plus 8% for accessory buildings
Two or more storeys	35% including accessory buildings	27% plus 8% for accessory buildings

Consultants’ Direction:

The consultants recommended reducing the lot coverage in Indian Point to 25%.

Recommended Planning Direction B5:

In order to reflect and maintain the existing spacing between, among and around homes, the maximum lot coverage should be reduced. Staff recommends that the maximum lot coverage be reduced to be consistent with the lot coverage requirements in the Designated Areas in the Zoning By-law (these are older residential neighbourhoods in the City which have a lower lot coverage requirement than other residential areas) to maintain open space throughout the neighbourhood. Lots in Indian Point share similar characteristics to the lots in the Designated Area and that the lot

coverage requirements for Indian Point should be amended to reflect the lot coverage requirements set out in the Designated Areas.

Staff has reviewed the existing zoning regulations for Indian Point and considered the additional regulations from Conservation Halton that apply to many of the homes in Indian Point as a result of its location on both Burlington Bay and Indian Creek. It should be noted that while staff are recommending a reduction of lot coverage (or building footprint) by 5-10%, staff are also recommending a reduced front yard setback for properties along the lake which increases the buildable area, in recognition of the Conservation Halton constraints at the rear property and in recognition of setbacks of existing dwellings.

If future lots were to construct homes using the 35% lot coverage requirement for two storey dwellings, staff is of the opinion that the character of Indian Point could substantially change as the built form would become denser and may appear overbuilt.

The provisions for dwellings in Designated Areas are provided below:

Dwelling Type	Dwelling with Attached Garage	Dwelling Without Attached Garage
One storey	35% including accessory buildings	27% plus 8% for accessory buildings
All Other Dwelling Types	25% including accessory buildings	17% plus 8% for accessory buildings

Even with a reduction of the maximum lot coverage, staff analysis indicates that there remains potential for property owners to construct additions to their dwellings. This is because many properties have a lot coverage that is significantly less than 25% and therefore, there is “room to grow”.

Sub-direction B6: ***Reduce Building Height in Indian Point***
(See Appendix B, Table 1)

Issue:

Staff and residents recognize that a recently constructed two storey dwelling is often substantially larger than a two storey dwelling that was constructed several decades ago. This is because of different construction techniques, changes to the Ontario Building Code and Fire Code, and due to different housing styles and preferences. As a result, issues of compatibility can be generated when new construction occurs next to existing construction, even if there are no variances to the zoning by-law and the number of storeys is the same for both dwellings.

Current Policy Status:

In Indian Point, the maximum permitted building height is two and a half storeys (13 m).

In Roseland, the maximum permitted building height for properties that abut Lakeshore Road is 2.5 storeys (13 m); and for those that do not abut Lakeshore Road, it is 2 storeys (10 m).

Consultants' Direction:

The consultants did not provide a recommendation on building height in Indian Point.

Recommended Planning Direction B6:

The maximum height of two storey homes in Indian Point should be reduced to a maximum height of 2 storeys (10 m) to reflect the existing neighbourhood which contains a mix of older homes, bungalows and some newer homes. Further, this reduced height is the same as the permitted height for the majority of the properties located in Roseland.

Sub-direction B7: ***Reduce the Front Yard Setback for Properties West of Indian Road to Increase Buildable Area***
(See Appendix B, Table 1)

Issue:

All of the properties located on the west side of Indian Road are subject to Conservation Halton regulations. These regulations impact the building envelope for these properties and limit redevelopment potential.

Also, the front yard setback requirement also is a constraint to the building envelope. It should be noted that the front yard zoning requirement generally exceeds the front yard setbacks of existing dwellings located on the properties west of Indian Road.

Current Policy Status:

Properties on the west side of Indian Road are zoned R2.1 and are required to meet an 11 m front yard setback in accordance with the Zoning By-law.

Consultants' Direction:

The consultants did not provide a recommendation on the front yard setback in Indian Point.

Recommended Planning Direction B7:

Staff recommends that the front yard setback for properties located on the west side of Indian Road be reduced to 4 m in order to ensure an appropriate building envelope is available on these properties (Appendix B).

DIRECTION C: Develop a Design Brief to evaluate development applications in Character Areas

Issue:

The existing design guidelines for low-density residential development speak to very broad topics in all of the low-density residential zones and can be challenging to implement during the site plan process.

Current Policy Status:

The City of Burlington has *Urban Design Guidelines for Low-Density Residential Zones* that are referenced during the site plan process.

Consultants' Recommendation:

The consultants recommended the creation of a design brief to assist with development applications.

Recommended Planning Direction C:

Staff is of the opinion that the requirement for an urban design brief to be submitted as part of a development application in Character Areas will assist in achieving more compatible development.

The urban design brief form (Appendix C) includes a series of design objectives for development in Roseland and Indian Point to be considered by an applicant as part of a development application. The purpose of the urban design brief is: a) to raise 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 a development application; and c) to have a signed document in the public file confirming that the applicant has reviewed the design considerations and incorporated them into their proposal.

DIRECTION D: Continue to co-ordinate opportunities to plant trees on public rights-of-way as part of the Urban Forestry Management Plan

Issue:

Throughout the public consultation process, the residents of the Roseland and Indian Point neighbourhoods have identified the large, mature trees and resulting tree canopy as one of the key features of their neighbourhood. Among the defining features of the Roseland neighbourhood are the large trees that line the streets and frame properties. The continuous tree canopy is vast, and creates a sense of enclosure and attractiveness of the streetscapes. These trees, which are privately and publicly owned, provide privacy for residents and shaded streetscapes. Their maturity signifies the neighbourhood's age and history.

Feedback from the Roseland neighbourhood working group revealed a desire to maintain the existing character of the neighbourhood by ensuring that both privately and publicly owned trees are protected to maintain the tree canopy and that mature trees reaching the end of their life expectancy are replaced with new trees in proportion to the property and house sizes.

In some instances, there has been strong reaction in the community to the removal of trees to accommodate new development, especially when the tree removal precedes a development application and/or demolition.

Current Policy Status:

The development of Burlington's Urban Forest Management Plan (UFMP) began in 2009 and was approved by Council on July 5, 2010. The purpose of the UFMP is to establish a vision for Burlington's urban forest, review current practices and compare these to established best practices, to inform and support current and future policy and budget directions, and to promote public awareness of the importance of Burlington's urban forest.

The UFMP includes a recommendation to "increase resources and implement a formal program to plant in public spaces dominated by mature trees (so that regeneration is started before the mature trees must be removed)."

In 2014, members of the Roseland Community Association approached city staff to discuss initiatives aimed at maintaining the neighbourhood's tree canopy. These discussions led to the development of the Roseland Tree Planting initiative. This project involved an assessment of the municipal rights-of-way within the Roseland neighbourhood for locations for planting new trees. Volunteers from the Roseland Community Association provided valuable assistance in the both the assessment of locations and community outreach aspects of this project. In the end, 23 locations were identified as both suitable for a new tree as well as accepted by affected homeowners. To date, 11 of

these trees have been planted with the remaining scheduled to be planted in the spring of 2016.

Consultants' Direction:

The consultants did not provide a recommendation for trees on public land.

Recommended Planning Direction D:

The Roseland Tree Planting Initiative provided an opportunity to proactively plant trees within the public rights-of-way in areas with a high percentage of mature trees. In addition to the public investment in maintaining Roseland's tree canopy, this project also provided an opportunity to further raise awareness amongst homeowners about the importance of trees within the neighbourhood and some of the challenges related to planting trees in areas dominated by mature trees.

4.0 Additional Opportunities Considered, but not being Recommended

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 additional opportunities that were considered, but are not being recommended by staff.

4.1 *Peer Review Process for Roseland*

Consultants' Recommendation:

Initiate a peer review process where additional guidance is required on development applications.

Planning Direction:

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 for City staff to request a peer review for a development application is already enabled through existing policies in the City's Official Plan.

4.2 *Legacy Zoning for Roseland*

Consultants' Recommendation:

Amend the zoning by-law to support 'Legacy Zoning'.

Planning Direction:

Staff has 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 for applications for development as minor as constructing a front porch or building a small addition on the side of the dwelling
- The redevelopment of a one-storey dwelling to a two-storey dwelling using existing setbacks may pose privacy, shadow and/or access issues, especially if the existing setback for a one-storey dwelling is located close to a shared property line. Flexibility in siting the new dwelling could address compatibility considerations.
- Existing residential dwellings with small building footprints may face significant redevelopment constraints by not being able to re-develop to either side or towards the front of the property

- Existing residential dwellings that are currently off-center or situated in an unusual location on the lot would be required to use that position and orientation through future redevelopment
- Proposed additions to the front of or side of a dwelling would always be subject to a minor variance application
- Future severances would require variances for a side yard setback for the retained lot and for the severed lot
- Lots created through severance would not have a minimum front and side yard setback requirements for newly created lots

Staff has also reviewed the lotting pattern in Roseland and notes that the existing dwellings are generally situated in a linear formation in relation to the front lot line and the setbacks of existing dwellings are generally in alignment with the zoning regulations. As such, staff does not foresee adverse impacts arising from continuing to apply the existing front yard setbacks as set out in the Zoning By-law.

Staff has chosen not to proceed with the legacy zoning approach. Staff has consulted with other municipalities and has not come across a municipality where an approach like legacy zoning is currently in effect. As a result, the effectiveness of the legacy zoning approach cannot be evaluated with any empirical evidence.

Staff is of the opinion that a) the legacy zoning approach introduces a number of implementation challenges, b) there are no adverse impacts arising from continuing to apply the existing front yard setbacks as set out in the Zoning By-law and c) Direction B2 appropriately addresses increased spacing between dwellings, therefore staff is not prepared to support the legacy zoning approach.

4.3 *Increasing Minimum Lot Width in Indian Point*

Consultants' Recommendation:

The consultants recommended amending the minimum lot width to reflect the previous "R-2" Zoning (21.3 m).

Planning Direction:

Staff does not support the consultants' recommendation to increase the minimum lot width to reflect the previous "R-2" zoning. The rationale for this increase in lot width is to reduce the number of severance opportunities in Indian Point.

Changing the zoning would put several properties into a legal, non-conforming status for their lot width and 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. Staff also notes that, in many cases, severance applications are submitted with minor

variances for lot width because one or both of the proposed lots will not meet the minimum lot width. Increasing the lot width is unlikely to prevent future severance applications.

The consultants' recommendation to increase the minimum lot width would effectively increase the lot width requirements for the creation of any new lots, but would have minimal impact on existing lots. If an existing lot has a lot width that is less than 21.3 m and the lot width 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 width. However, the lot would not require a variance for the lot width 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 width would be included on the same minor variance application. Staff is not recommending a change to lot width.

4.4 *Private Tree Incentives for Roseland and Indian Point*

Consultants' Recommendation:

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 Direction:

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.

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

Issue:

Staff identified that, in some situations, buildings that are located at the minimum front yard setback and take advantage of the maximum permitted building height can appear to dominate the streetscape.

Current Zoning Status:

In Roseland, the minimum front yard setback in the R1.2 zone is 9 m and the minimum front yard setback in the R2.3 zone is 7.5 m. In Indian Point, the minimum front yard setback is 11 m, although Sub-direction B7 of this report recommends reducing the front yard setback for properties west of Indian Road to 4 m. In all low-density residential zones, the maximum building height for a 2 storey residential dwelling is 10 m except for those properties abutting or south of Lakeshore Road which are permitted a maximum building height of 2 and a half storeys (13 m).

Planning Direction:

The ratio of building setback to building height should not be implemented as a zoning provision. The ratio of a building setback to building height could be regulated through zoning through a zoning provision that 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, 11 m in Indian Point and 4 m for properties on the west side of Indian Road 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.

4.6 *Establishing a Maximum Gross Floor Area Requirement*

Issue:

Some residents suggested that a zoning requirement for maximum gross floor area would assist in achieving more compatible massing.

The massing of a dwelling is a design element that contributes to character of an area and can also generate issues of compatibility when there are significant massing differences between buildings.

Although the Zoning By-law currently establishes lot coverage restrictions, it does not control the massing of proposed dwellings. [Note: Lot coverage, also referred to as the building footprint, describes the percentage of the lot that can be covered by a building].

Current Policy Status:

There are no Official Plan policies or Zoning By-law provisions that regulate maximum gross floor area.

Planning Direction:

Staff is satisfied that the proposed changes to the Zoning By-law outlined in Appendix B address building height, spacing and massing, particularly through the proposed combination of FAR and lot coverage requirements. Staff does not recommend a maximum GFA requirement because it would be difficult to establish one or even several appropriate gross floor area maximums to apply to all of the lots in one or both Character Areas.

4.7 *Establishing a Private Tree By-law in Roseland*

Issue:

A private tree by-law specific to the Roseland neighbourhood was suggested and supported by some who attended the consultation sessions as a means to protect trees on private lands.

Current Status:

The City of Burlington does not have a Private Tree By-law. The City of Burlington considered a City-wide Private Tree By-law in 2013 and Council opted not to proceed with a Private Tree By-law at that time.

Planning Direction:

Staff does not support the enactment of a private tree by-law for the Roseland and Indian Point neighbourhoods. The findings of the Private Tree By-law Feasibility Study conducted in 2013 recommended that, taking into account the information gathered through various surveys, a review of legislation and the significant informal and statistically significant feedback received throughout the public consultation process that totaled over 70,000 touch points with the community, a (City-wide) private tree bylaw not be implemented. Instead Council approved the focus of staff efforts being on public education and awareness programs, and providing additional opportunities for residents to get involved, alongside community partners and stakeholders. The Roseland Tree Planting Initiative provided an excellent example of this in practice.

In addition, given the age of the neighborhood, there are a number of older trees and trees in poor condition that could be removed even within the criteria provided with a private tree by-law.

Although there was strong support for a by-law specific to Roseland by some who attended the consultation sessions, there remains a division of

opinion with other residents opposing a by-law in favor of more proactive tree planting and urban forestry management practices as described above.

4.8 *Creating Additional Residential Zones in Roseland*

Issue:

Many of the residential lots in Roseland are not uniform in terms of lot area, lot width and orientation and some lots have an irregular shape. This variation in lot size and lot width makes it difficult to evaluate the properties under one residential zone category since some properties exceed the minimum requirements in the Zoning By-law and other properties fall below the minimum requirements in the Zoning By-law. Some residents have expressed interest in changing the requirements in the Zoning By-law as a means of reducing the number of potential severances in the neighbourhood.

Current Zoning Status:

Almost all of the lots in the Roseland boundary are zoned R2.1 with the exception of some properties located along Guelph Line that are zoned R2.3.

Planning Direction:

Staff does not recommend creating additional zones for the Roseland community.

Zoning is typically applied over large blocks that share similar characteristics and the mix of lots along many of the streets in Roseland prove difficult to arrange into pre-set categories. The variation in lot sizes and shapes is part of what makes Roseland unique. In general, the lots in the northern portion of Roseland are smaller in area and have lot widths narrower than the minimum in the Zoning By-law compared to lots located in the southern portion of Roseland. However, there are numerous exceptions to this observation which make it difficult to establish customized zoning for Roseland.

If a new zone that more closely reflects the smaller lots on a street is put in place, then the likelihood increases for the property owners of lots larger than the minimum lot area and width to consider the viability of a severance application. If a new zone applies to a street where a number of lots fall below the minimum lot area and width, then the lots do not reflect the zone category and are more likely to be evaluated as they exist

rather than in comparison of their zone category during severance applications.

In one example, a street may have one or two 60 ft lots among eight or nine 30 ft lots and all of the lots fall within a zone category that requires a 50 ft lot width. During the evaluation of a severance application for the 60 ft lots, Planning staff is required to review the subject property as it exists in its current context (i.e. surrounded by numerous 30 ft lots) as well as the consent considerations provided for in the Official Plan in addition to the requirements in the Zoning By-law.

4.9 *Prohibiting Severances in Roseland*

Issue:

Public feedback included the request to prohibit land severances in Roseland. Concerns related to severances included that it would permit incompatible development, and “dilute the value of” Roseland.

Current Policy Status:

The *Planning Act* allows any property owner the right to make an application to sever their property. Unless changes are made to this Provincial legislation, a municipality cannot prohibit property owners from applying for severance applications.

Planning Direction:

Staff does not recommend a prohibition on severances as the City has a legal obligation to accept and process land severance (also referred to as “consent”) applications for land severances in all areas of the City. As noted above, the Roseland community has a wide variety of lot sizes and shapes and cannot be easily categorized into one or two zoning categories that reflect the lotting pattern. While prohibition of severances is not a feasible option, it is recommended that the OP contain consent policies to more effectively evaluate the applications for approval or refusal (Appendix A). One example is the proposed policy which states that, in addition to meeting the requirements of the Zoning By-law, the minimum lot widths and areas of proposed new lots shall exceed the average lot width and lot area of residential lots on both sides of the same street within 120 m of the subject property (Appendix A). This proposed policy will ensure that new lots are consistent with adjacent lots.

4.10 *Requiring Site Plan Applications as a Condition of Severance*

Issue:

Public feedback included the suggestion that site plan approvals to be tied to Committee of Adjustment applications (minor variance and consent) so that Planning staff and the Committee of Adjustment understand what the proposed houses will look like while evaluating the applications and so that the public would have a mechanism to guarantee the house design proposed on the lot.

In some situations, the applicant who proposes to sever a property will sell one of or both the retained and severed parcel and will not be responsible for the design or construction of the new dwellings. In these situations, the exercise of requiring an applicant to provide conceptual house drawings is not binding in any way and will not bind the future owners of the vacant land to the same house that was submitted by the individual who severed the property.

Current Policy Status:

The *Planning Act* does not require that these two processes be linked and therefore the Official Plan cannot make it a legal requirement. As such, the City adopts an informal process to request additional information and / or drawings from the applicant to demonstrate that the two appropriate residential dwellings can be accommodated on the proposed severed and retained lots.

Planning Direction:

Staff do not recommend establishing a requirement that a consent application be linked to a site plan process. To address the matter of compatibility between existing and new development, staff recommend a series of changes to OP policy, zoning regulations and process requirements.

The *Planning Act* regards the site plan process and the land severance process as separate planning processes that fall under different sections of the *Act*. The *Planning Act* provides certain considerations for lot creation that differ from the considerations for site plan approval. Where proposed lots are evaluated with respect to available servicing, access to public roads and compatible area and width for the purpose of the lot, proposed buildings that go through site plan are evaluated with respect to matters such as grading and drainage, protection of City and boundary vegetation and zoning compliance.

The proposed Official Plan policies and zoning provisions recommended by staff in this report address several issues related to neighbourhood compatibility for future development in Roseland and Indian Point. Staff is also proposing a new requirement for applicants to submit a design brief as well as visual drawings with development applications in Roseland in the proposed Official Plan amendments included in Appendix A. However, an applicant may submit potential house designs at the time of land severance, but may change their mind, for a variety of reasons, about the house design(s) before the house or houses are constructed. While the Official Plan policy will request visual information about the future homes to be submitted with a severance application, staff recognizes that those submitted house designs are not legally binding.

4.11 *Requiring Dwellings on Corner Lots to be Angled Towards the Street*

Issue:

Public feedback has included a suggestion to maintain dwellings on corner lots which are angled towards the intersection (as opposed to directly facing one street).

Current Status:

There is no policy or zoning regulation that requires a property owner to angle a proposed house towards the intersection rather than locating a dwelling to face one street or another.

Planning Direction:

Staff does not recommend developing a policy or zoning by-law regulation requiring a new dwelling on a corner lot to maintain the same footprint as the pre-existing dwelling (e.g. if the previous dwelling was located at an angle to the corner, that the new dwelling be required to be constructed at an angle). Staff notes that there are some corner lots with dwellings positioned on an angle to two streets, while other dwellings are positioned parallel to the two streets. This variation is indicative that both approaches to locating a dwelling can suit a neighbourhood. Requiring a dwelling to be constructed diagonally to the street is overly restrictive and could impact the rear yard amenity space of a new dwelling (e.g. would result in a triangularly shaped yard).

The interface between a dwelling and the street can be addressed through architectural features such as wrap-around porches and attractive elevations on each street. To address the consideration of the importance

of dwellings located on corner lots and their relationship to the streetscape, staff recommends in the proposed Official Plan policies that, “dwellings located on corner lots should create a strong connection to both streetscapes through attractive facades and landscaping facing each street” (Appendix A).

4.12 *Strengthening the Urban Design Guidelines and Site Plan Approval Process*

Issue:

Public feedback included the suggestion that the site plan approval process should be made more rigorous to include additional design and public notice and involvement requirements

Current Policy Status:

The City currently requires new development and significant additions to go through the Site Plan approval process. During this process, new dwellings are subject to the *Urban Design Guidelines for Low-Density Residential Zones*.

Planning Direction:

Staff recommends that any changes to the site plan process be considered in the context of staff report PB-03-16. Staff is recommending the inclusion of a design brief requirement to be submitted with development applications in order to address urban design considerations in the Character Areas. The Recommended Planning Direction C (page 18 of this report) describes the design brief requirement in more detail.

4.13 *Establishing a Demolition Control By-law in the Roseland Character Area*

Issue:

Public feedback included the comment that the City should establish a Demolition Control By-law for the Roseland Character Area in order to provide notice to residents about forthcoming demolitions in their neighbourhood and limit the length of time that a lot could remain vacant.

Current Policy Status:

The City of Burlington does not have a Demolition Control By-law in effect in any part of the City. The City has a Property Standards By-law

applicable to the entire City and can therefore approve a Demolition Control Area By-law for any part, including the Roseland neighborhood.

Planning Direction:

Demolition control is typically used:

- As a tool applicable to properties that have been designated under the Ontario Heritage Act;
- To address speculative development where development is occurring without approved replacement structure;
- To address “block busting” where most or all properties on a lot are demolished and remain vacant in anticipation of future redevelopment; and / or
- To prevent long term vacancy and loss of assessment revenue

In Roseland, the issues listed above are not applicable, and therefore staff does not recommend a demolition control by-law. Further, the use of a demolition control by-law would not require public engagement in the process and therefore, it is not a tool which would address the public feedback comment that the community should be involved when a dwelling is demolished. The demolition control process remains a private process between the property owner and the City and no additional notifications to the neighbourhood are required prior to the issuance of a demolition permit. However, the public can obtain building and demolition permit data on the City’s website. The information can be accessed through an interactive map that shows the current status of permits City-wide.

Staff does not support the establishment of a Demolition Control Area By-law for the Roseland Neighborhood because “block busting”, speculative demolition and long replacement periods for redevelopment have not been identified as issues in Roseland.

4.14 Adding Minor Variance Criteria to the Official Plan

Issue:

In order to address the subjectivity of the minor variance process, specific minor variance criteria policies could be added to the OP.

Current Policy Status:

One of the four tests for a minor variance application set out in the *Planning Act* is whether or not the proposed application meets the

purpose and intent of the Official Plan including all applicable OP policies relevant to the minor variance application. Bill 73 has been approved by Royal Assent, but the vast majority of the Bill, including the minor variance provisions, has yet to be proclaimed into force.

Planning Direction:

Recent amendments to the *Planning Act* through Bill 73 may allow a municipality to include specific criteria for minor variance applications in the City's Official Plan. The amendments could potentially have City-wide implications and will be considered as part of the Official Plan Review.

If approved, the Neighbourhood Character Area policies proposed in Appendix A would form a section of the Official Plan and future minor variance applications would be evaluated based on the purpose and intent of the Neighbourhood Character Area policies.

5.0 Process and Timing

The first phase of the Study, which included four rounds of public engagement and the delivery of the consultants' report, has been completed.

As a result of a staff direction that put the Official Plan Review on hold, affiliated studies such as the Character Area Study were also put on hold for a period in 2015. Staff have used the opportunity to tie the Character Area Study for Indian Point and Roseland (which was initiated in 2013) with the directions arising from the more recent Shoreacres Study in late 2015.

The second phase of the Study involves the subject staff report, public feedback on the proposed polices and zoning regulations and the implementation of an Official Plan Amendment and Zoning By-law Amendment.

Staff is committed to notifying the affected communities through direct mailing and email notification prior to bringing forward the proposed Official Plan policies, Zoning By-law regulations and urban design tools for Council approval in Q2 (April - June) 2016.

6.0 Financial Matters:

Total Financial Impact

In total, the consultants were paid \$85,620 for their work on the study.

Other Resource Impacts

Not applicable.

7.0 Public Engagement Matters:

Future Engagement and Communication

Notice will be mailed to the residents in the Indian Point and Roseland neighbourhoods advising them that staff report PB-14-16 is available to review prior to the February 17, 2016 Development and Infrastructure Committee meeting and requesting written feedback on the proposed policies and zoning regulations.

Following the comment period, staff will summarize the public feedback and bring forward a report recommending the final Official Plan amendments, Zoning By-law amendments and/or Design Brief on a City-wide basis, or for the Indian Point and / or Roseland Character Areas, as appropriate.

Past Engagement and Communication

Neighbourhood Workshops

The Character Area Study included three neighbourhood workshops and one working committee meeting in each neighbourhood, each of these building on the outcomes of the previous workshop.

During the first workshop in each neighbourhood, the various public and private realm elements that contribute to neighbourhood character were identified and discussed. At the second workshop, the project team described the opportunity to enhance existing planning tools that are currently in place as well as the potential to implement new planning tools. At the third neighbourhood workshop, the project team acknowledged that there are pros and cons to the available policy tools, processes and regulations.

A webpage was created on the City's website so that all information from the workshop events was posted and shared with the general public.

Following the release of the consultation brief described below, an additional neighbourhood meeting was held with each community in January 2015 described below.

Character Area Consultation Brief

In December 2014, planning staff released a consultation brief on the Character Area website and emailed the website link to the brief to all of those who had signed up to be notified of study updates via email.

City staff scheduled neighbourhood meetings to discuss the directions of the consultation brief with both neighbourhoods in January 2015.

On January 14, 2015, a neighbourhood meeting was held at the Art Gallery of Burlington to discuss the consultation brief with residents from Indian Point. According to the sign-in sheet, 13 residents attended the meeting.

On January 22, 2015, a neighbourhood meeting was held at the Burlington Seniors' Centre to discuss the consultation brief with residents from Roseland. According to the sign-in sheet, 46 people attended the meeting.

Staff provided a feedback period to comment on the consultation brief until mid-February 2015 and to-date have received approximately 15 emails and letters related to the neighbourhood meeting and / or the consultation brief.

The Character Area Study included various public engagement opportunities outlined below.

Date / Timing	Type of Public Engagement	Contact Points
Character Area Study webpage	Online resource (website) available from March 2013 to present	Unknown
April 2, 2013	Neighbourhood Meeting for Indian Point <i>Presentation and discussion regarding neighbourhood vision and character elements</i>	25
May 1, 2013	Neighbourhood Meeting for Roseland <i>Presentation and discussion regarding neighbourhood vision and character elements</i>	67
June 5, 2013	Second Neighbourhood Meeting for Indian Point <i>Presentation and discussion to introduce the available policy and process tools that could protect character elements</i>	9
June 25, 2013	Neighbourhood Meeting for Roseland <i>Presentation to introduce the available policy and process tools that could protect character elements</i>	28

November 26, 2013	Working Committee Meeting for Roseland <i>Detailed discussion and refinement of potential opportunities</i>	7
December 11, 2013	Working Committee Meeting for Indian Point <i>Detailed discussion and refinement of potential opportunities</i>	4
January 29, 2014	Third Neighbourhood Meeting for Roseland <i>Presentation and discussion regarding consultants' recommendations</i>	16
February 11, 2014	Third Neighbourhood Meeting for Indian Point <i>Presentation and discussion regarding consultants' recommendations</i>	27
January 14, 2015	Neighbourhood Meeting for Indian Point <i>Presentation and discussion regarding staff directions contained in the Consultation Brief</i>	13
January 22, 2015	Neighbourhood Meeting for Roseland <i>Presentation and discussion regarding staff directions contained in the Consultation Brief</i>	46
Email blasts	Elite Emails sent out	4
Character Area Study comment forms	Structured comment form	10 (Roseland) 2 (Indian Point)
General emails and letters	Emails and letters received	35

Note: The presentations for each workshop can be found on the Official Plan Review website at the following link: <http://cms.burlington.ca/Page10521.aspx>

Indian Point Petition

In January 2015, staff was advised that a number of residents in Indian Point were planning to sign a petition to terminate the Character Area Study. A copy of the petition was provided to staff in February 2015. The wording in the petition stated the following:

"I wish to state that I am against any changes to the current zoning and bylaws for Indian Point, Burlington, Ontario, and respectfully ask that the Mayor and Council drop the Character Area Study and its implications. I hereby give authorization to [name] to

present this petition to the Planning Department, Mayor and Council for the City of Burlington.”

Below this wording, there were signatures representing twenty properties that fall within the Indian Point study boundary and one signature representing a property that did not fall within the Indian Point study boundary. The Indian Point study area contains thirty properties and some residents own more than one property in the study boundary.

Burlington Housing and Development Liaison Committee (HDLC)

The findings of the Character Area Study for Roseland and Indian Point have been presented to Burlington Housing and Development Liaison Committee (HDLC) to inform them of the project team’s analysis and recommendations.

8.0 Next Steps:

Should Council direct the Director of Planning and Building to prepare the amending by-laws to implement this study, public notice will be provided for a public meeting to be held at a future meeting of the Development and Infrastructure Committee.

Staff recommends a two-month comment period on the draft changes that are included in Appendices A-C. Based on the feedback, staff will prepare final Official Plan and Zoning By-law amendments for the consideration of Council in late 2016.

9.0 Conclusion:

The recommended directions seek to find a balance between clarity and flexibility and between the public interest and private property rights. Planning staff have chosen to enhance the zoning regulations for the Character Areas while retaining some flexibility to permit choices in housing form and architectural style.

Respectfully submitted,

Rosa Bustamante, Special Business Area Co-ordinator

335-7600 ext. 7259

Appendices:

Appendix A – Draft Official Plan Policies, March 2015

Appendix B – Draft Amendments to Zoning By-law 2020, March 2015

Appendix C – Draft Design Brief for Character Areas, March 2015

Appendix D – Boundary Maps of Roseland and Indian Point

Appendix E – Public Comments

Appendix F – Character Area Study for Indian Point

Appendix G – Character Area Study for Roseland

Note: Appendix F and G are available online at

www.burlington.ca/agendasandminutes

Notifications: (after Council decision)

Name:	Mailing or E-mail Address:

Approved by:

Mary Lou Tanner, Director of Planning and Building

Joan Ford, Director of Finance

Lisa Shields, Assistant City Solicitor

James Ridge, City Manager

APPENDIX A – Draft Official Plan Policies, January 2016

Description of Official Plan Amendment(s)	Wording for Official Plan Amendment(s) [additions shown in bold and underline; deletions shown in strike-through]	Rationale
<p>Add/Amend Definitions to Part VIII, Definitions of Official Plan (City wide)</p>	<p>AMEND EXISTING DEFINITIONS</p> <p>Compatible: development or re-development <u>which may or may not be the same as or similar to existing development, but</u> that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/objective standards, where they exist, <u>and is divided into two types:</u></p> <p>i) <u>Land Use Compatibility – includes criteria such as, but not limited to:</u> noise, vibration, dust, odors, <u>air quality (e.g. odors, dust and other air emissions)</u>, traffic, safety, <u>wind,</u> sun-shadowing, and the potential for serious adverse health impacts on humans and animals; <u>and</u></p> <p>ii) <u>Design Compatibility – includes criteria such as, but not limited to: scale, height, massing, articulation, architectural elements such as cladding materials, windows and type of roof, landscaping, fencing and context.</u></p> <p>Massing: the overall bulk, size, physical volume and/or magnitude of a structure or project <u>based on the combination</u></p>	<p><i>The amendment of existing definitions and the creation of new definitions will add clarity and defensibility to the Official Plan policies that reference these terms.</i></p>

of the dimensions of length, depth, height and volume which give a structure its overall shape and scale; a building is often composed of many masses, hence the term *massing*, which is often used to describe the form or shape of structures.

ADD NEW DEFINITIONS

Neighbourhood Character Area: A residential neighbourhood identified in the Zoning By-law, which shares one or a number of private and public realm qualities and characteristics that collectively give this neighbourhood an identity, quality and sense of place, and a distinct and recognizable character that is different from neighbouring areas.

Neighbourhood Character: The collective physical and visual qualities and characteristics of various elements which are prevalent in the neighbourhood and give a neighbourhood its distinct identity, quality and sense of place. These qualities and characteristics may include, but shall not be limited to, such features as streets network and design, lot configuration and patterns, lot areas and widths, building design, façade articulation and materials, building height, location and orientation on the lot and in relation to adjacent lots and buildings, trees, vegetation and other natural features, infrastructure, open spaces, heritage resources and age of construction.

Neighbourhood: A geographical vicinity generally defined by boundaries created by major roads, railways or other man-made or natural features, which may or may not share

	<p><u>common qualities and characteristics.</u></p> <p><u>Scale: The sense of proportion or apparent size or <i>massing</i> of a building or building element as created by the placement and size of the building or element in its setting in comparison with the size of adjacent buildings or building elements and as perceived from the street in relation to human scale.</u></p>	
<p>Add Policy 2.2.3 to Part III, Section 2 of the Official Plan and re-number subsequent sections accordingly</p>	<p><u>2.2.3 Neighbourhood Character Areas</u></p> <p><u>Neighbourhood Character Areas as defined in this Plan and identified in the Zoning By-law play an important role in the City’s Urban Structure by defining relatively stable neighbourhoods where only limited, compatible development is anticipated, while other areas in the City undergo more significant <i>infill</i> and <i>intensification</i>. All development in a defined Neighbourhood Character Area shall be compatible in character and design with the existing character of that particular Neighbourhood Character Area.</u></p> <p><u>2.2.3.1 Objectives</u></p> <p><u>a) To maintain, protect and enhance the character of defined Neighbourhood Character Areas;</u></p> <p><u>b) To ensure that development within defined Neighbourhood Character Areas is compatible in character and design, appropriate, context sensitive and respectful of the character of the defined Neighbourhood Character Area;</u></p> <p><u>c) To manage change in defined Neighbourhood Character Areas through appropriate planning mechanisms and</u></p>	<p><i>The addition of policies for Neighbourhood Character Areas will create the policy framework that supports changes to the Zoning By-law, planning processes and the creation of a Design Brief.</i></p> <p><i>These additional policies will assist City staff during the evaluation of development applications and strengthen the defensibility of staff reports at the Committee of Adjustment, City Council meetings and Ontario Municipal Board hearings.</i></p>

	<p><u>processes; and,</u></p> <p><u>d) To maintain and improve the urban forest in Neighbourhood Character Areas through the protection, enhancement and/or replacement of trees during development and redevelopment.</u></p>	
	<p><u>2.2.3.2 General Policies</u></p> <p><u>a) Neighbourhood Character Areas will be identified in the City’s Zoning By-law.</u></p> <p><u>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.</u></p> <p><u>c) Notwithstanding the policies of Part III, Subsections 2.2.2 a), b) and c) of this Plan, development in defined Neighbourhood Character Areas shall be subject to the following:</u></p> <ul style="list-style-type: none"> <u>(i) Single-detached housing units shall be permitted as well as uses compatible with, complementary to and serving the primary residential use of the land such as accessory dwelling units, home occupations, neighbourhood parks and offices;</u> <u>(ii) The size, shape and configuration of new lots shall be compatible with the existing predominant lotting pattern within the Neighbourhood Character Area;</u> <u>(iii) In addition to meeting the requirements of the Zoning By-law, the minimum lot widths and areas of proposed new lots in Neighbourhood Character Areas shall exceed the average lot width and lot area of residential lots on both sides</u> 	<p><i>These policies set out considerations for development applications and support the Design Brief and existing Urban Design Guidelines.</i></p> <p><i>This policy (i) restricts the built form to single-detached dwellings.</i></p> <p><i>This policy (ii) requires new lots to be reflective of lot sizes and shapes and the existing lotting pattern in the Neighbourhood Character Area.</i></p> <p><i>This policy (iii) requires new lots to be compatible with both the requirements in the Zoning By-law and the average lot width and areas of lots within 120 m of the subject</i></p>

of the same street within 120 m of the subject property, unless the average lot width and lot area are less than the minimum requirements in the Zoning By-law. In the case of a corner lot, this provision shall apply to lots on both streets within 120 m;

- (iv) **Proposed development shall respect the existing neighbourhood character by incorporating built form and landscaping elements that visually reference architectural and other features that are commonly found in the Neighbourhood Character Area including, where applicable, wrap-around porches, high quality natural building materials such as brick, stone and/or wood cladding which reflect existing materials used in the area, peaked roofs and vertical and horizontal façade articulation that acknowledges adjacent dwellings. Such development does not have to precisely replicate the existing built form in the Neighbourhood Character Area, but it should support the surrounding context and not radically depart from that context;**
- (v) **Proposed development should be compatible with the predominant pattern of existing setbacks, siting, orientation and separation distances within the Neighbourhood Character Area;**
- (vi) **On properties that are located at the end of a terminating street, dwellings should be designed**

property, if these are larger. This ensures that, where the existing lots in an area do not reflect the lot requirements in the current zoning because they are larger than the minimum standards in the Zoning By-law, the proposed severance will be evaluated using the existing lotting pattern.

This policy (iv) requires new development to include architectural features that exist in the neighbourhood (i.e. wrap-around porches, brick cladding, one-storey garages, etc.).

This policy (v) requires consideration of the existing setbacks, siting, orientation and separation distances of dwellings surrounding the proposed development.

This policy (vi) addresses the siting of new dwellings.

	<p><u>and located to reinforce a framed focal point;</u></p> <p>(vii) <u>Dwellings located on corner lots <i>should</i> create a strong connection to both streetscapes through attractive facades and landscaping facing each street;</u></p> <p>(viii) <u>Development applications <i>shall</i> include the submission of a design brief that addresses the ways in which the proposed lots and the proposed development will be <i>compatible</i> with the <i>Neighbourhood Character Area</i> policies. The design brief should include visual information such as drawing elevations of the proposed development and/or three dimensional renderings;</u></p> <p>(ix) <u>All healthy mature trees should be preserved and replanting should be required where loss of significant trees occurs.</u></p>	<p><i>This policy (vii) requires an attractive façade on each side of a dwelling facing a street.</i></p> <p><i>This policy (viii) requires the applicant to submit a design brief that explains how the proposed development will respond to the Neighbourhood Character Area.</i></p> <p><i>This policy (ix) encourages property owners to preserve healthy, mature trees and replant where loss of significant trees occurs.</i></p>
	<p><u>2.2.3.3 Indian Point Character Area</u></p> <p><u>Indian Point is a distinct historic <i>Neighbourhood Character Area</i> characterized by its lakeside location; few streets; large, mature tree canopy; spacious properties containing houses that are relatively smaller in proportion to their lot size and a variety of architecture. New <i>development</i> should protect and enhance these <i>character</i> elements.</u></p> <p>a) <u>New <i>development</i> shall demonstrate properties that are <i>compatible</i> in <i>Neighbourhood Character and Design</i> with the elements of the <i>Neighbourhood Character Area</i>, including:</u></p> <ul style="list-style-type: none"> - <u>Low lot coverage; and</u> - <u>Ample separation between adjacent buildings.</u> 	<p><i>The addition of policies for Indian Point will create the policy framework that supports changes to the Zoning By-law and the creation of a Design Brief. The neighbourhood-specific policies for Indian Point and Roseland distinguish them as two separate neighbourhoods with different characteristics.</i></p>

	<p>b) <u>Views to the waterfront from Algonquin Road and Mohawk Road should be protected and enhanced where possible in the location of new dwellings.</u></p>	
	<p><u>2.2.3.4 Roseland Character Area</u></p> <p><u>Roseland is a distinct <i>Neighbourhood Character Area</i> defined by its garden-like setting with mature trees, strong historic <i>character</i> and homes with a variety of varied and unique architectural styles. Lots are spacious with dwellings that are relatively 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 <i>Neighbourhood Character Area</i> contain wide landscaped boulevards and street lamps that complement the <i>character</i> of the private properties.</u></p> <p>a) <u>New development shall demonstrate properties that are compatible in <i>Neighbourhood Character and Design</i> with the elements of the <i>Neighbourhood Character Area</i>, including:</u></p> <ul style="list-style-type: none"> - <u>Ample separation between adjacent buildings; and</u> - <u>Smaller detached garages, where garages are provided.</u> 	<p><i>The addition of policies for Roseland will create the policy framework that supports changes to the Zoning By-law and the creation of a Design Brief. The neighbourhood-specific policies for Indian Point and Roseland distinguish them as two separate neighbourhoods with different characteristics.</i></p>
<p>Add Policy 4.4 h) to Part VI, Section 4 of the Official Plan</p>	<p><u>4.4. h) For lands within designated <i>Neighbourhood Character Areas</i> as identified in the Zoning By-law, new lots shall also be subject to the additional policies for lot creation contained in Part III, Section 2.2.3 of this Plan.</u></p>	<p><i>This policy will be added to the Consent Criteria in the OP and requires that proposed consent applications in Neighbourhood Character Areas satisfy the applicable Neighbourhood Character Areas policies.</i></p>

APPENDIX B – Draft Amendments to Zoning By-law 2020, January 2016

Table 1: Draft Zoning Regulations for Indian Point	
NO. 1: ADD FLOOR AREA RATIO REQUIREMENT (See Sub-direction B1 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Add a requirement to the Indian Point Character Area to establish a maximum floor area ratio (FAR).	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
N/A	Footnotes to Table 2.4.1 (e) Properties located within the Roseland Character Area on ZONING MAPS in Part 15: The maximum floor area ratio is 0.4:1.

DRAFT ZONING BY-LAW AMENDMENTS

NO.2: INCREASE SIDE YARD SETBACK (See Sub-direction B2 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Increase the side yard setback for one and a half storey dwellings with an attached garage or carport to 12% and for two storey dwellings to 15% up to a maximum of 3 m from the existing 10%	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
Footnotes to Table 2.4.1 (a) With attached garage or carport: 10% of actual lot width Without attached garage or carport: 10% of actual lot width, 3 m minimum on one side	Footnotes to Table 2.4.1 (d) Properties located within the Indian Point Character Area on ZONING MAPS in Part 15: With attached garage or carport: One storey: 10% of actual lot width One and a half: 12% of actual lot width up to a maximum of 3 m Two storey: 15% of actual lot width up to a maximum of 3 m Without attached garage or carport: One storey: 10% of actual lot width, 3 m minimum on one side One and a half: 12% of actual lot width, 3 m minimum on one side Two storey: 15% of actual lot width, 3 m minimum on one side

DRAFT ZONING BY-LAW AMENDMENTS

NO. 3: ADDITIONAL ZONING PROVISIONS (See Sub-directions B3 and B4 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Add additional provisions to the Zoning By-law to regulate two-storey architectural features, garage width and garage projections. Add additional provisions to the R1, R2, R3 Zone Regulations (Part 2, Section 4)	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
N/A	For properties located within the Indian Point Character Area on Zoning Maps in Part 15: <ul style="list-style-type: none"> a) Balconies located above the first storey in the rear yard are not permitted. b) The height of porches, arcades, columns, porticos or windows located on the first storey shall not exceed the height of the first storey. c) The width of a garage shall not exceed 50% of the total front elevation of the dwelling. d) Garages with garage doors facing the street are not permitted to project beyond the front elevation of the dwelling.

DRAFT ZONING BY-LAW AMENDMENTS

NO. 4: REDUCE LOT COVERAGE (See Sub-direction B5 in Report PB-14-16)			
Description of Draft Zoning By-law Amendment(s): Add the Designated Area symbol (grey with white dots) to the Indian Point study boundary on the Zoning Maps in Part 15			
Existing and Draft Zoning Comparison			
Existing Zoning By-law Provision			Draft Zoning By-law Amendment
Dwelling Type	Dwelling with Attached Garage	Dwelling Without Attached Garage	[map change to include Indian Point in the Designated Areas]
One storey	40% including accessory buildings	32% plus 8% for accessory buildings	
One and a half storey	37.5% including accessory buildings	29.5 plus 8% for accessory buildings	
Two or more storeys	35% including accessory buildings	27% plus 8% for accessory buildings	
	40% in R3.3 and R3.4 zones	32% plus 8% in R3.3 and R3.4 zones	
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings	
	25% for all other dwelling types including accessory buildings	17% for all other dwelling types plus 8% for accessory buildings	

NO. 5: REDUCE BUILDING HEIGHT (See Sub-direction B6 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Add a footnote to Residential Building Heights (Table 2.31.1)	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
<p>Building Height Maximum</p> <p>Peaked Roof Dwellings</p> <p>1 storey to 7.5 m</p> <p>1 1/2 storey to 8.5 m</p> <p>2 storey to 10 m</p> <p>Flat Roof Dwellings</p> <p>1 storey to 4.5 m</p> <p>2 storey to 7 m</p> <p>Footnote to Table 2.3.1 Residential Building Height</p> <p>a) Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall have a maximum height up to 2 ½ storeys in accordance with the provisions of “All Other Zones”, Table 2.31.1 B). For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.</p>	<p>Footnote to Table 2.31 Residential Building Height</p> <p>b) Properties located within the Indian Point Character Area on Zoning Maps in Part 15 shall have a maximum height of 2 storeys (10 m).</p> <p><i>[This provision applies to peaked roof dwellings; flat roof dwelling heights remain unchanged]</i></p>

DRAFT ZONING BY-LAW AMENDMENTS

NO. 6: REDUCE FRONT YARD SETBACK (WEST SIDE OF INDIAN ROAD) (See Sub-direction B7 in Report PB-14-16)		
Description of Draft Zoning By-law Amendment(s): Reduce the front yard setback for properties located on the west side of Indian Road		
Existing and Draft Zoning Comparison		
Existing Zoning By-law Provision		Draft Zoning By-law Amendment
Zone	Front Yard	Footnotes to Table 2.4.1
R2.1	11 m	(e) Properties located on the west side of Indian Road on ZONING MAPS in Part 15 may have a front yard of 4 m.

DRAFT ZONING BY-LAW AMENDMENTS

Table 2: Draft Zoning Regulations for Roseland	
NO 1.: ADD FLOOR AREA RATIO REQUIREMENT (See Sub-direction B1 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Add a requirement to the Roseland Character Area to establish a maximum floor area ratio (FAR).	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
N/A	Footnotes to Table 2.4.1 (e) Properties located within the Roseland Character Area on ZONING MAPS in Part 15: The maximum floor area ratio is 0.4:1.

DRAFT ZONING BY-LAW AMENDMENTS

NO. 2: INCREASE SIDE YARD SETBACK (See Sub-direction B2 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Increase the side yard setback for one and a half storey dwellings to 12% of actual lot width and for two storey dwellings to 15% of actual lot width, up to a maximum of 3 m from the existing 10% of actual lot width	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
Footnotes to Table 2.4.1 (a) With attached garage or carport: 10% of actual lot width Without attached garage or carport: 10% of actual lot width, 3 m minimum on one side	Footnotes to Table 2.4.1 (d) Properties located within the Roseland Character Area on ZONING MAPS in Part 15: With attached garage or carport: One storey: 10% of actual lot width up to a maximum of 3 m One and a half: 12% of actual lot width up to a maximum of 3 m Two storey: 15% of actual lot width up to a maximum of 3 m Without attached garage or carport: One storey: 10% of actual lot width, 3 m minimum on one side One and a half: 12% of actual lot width, 3 m minimum on one side Two storey: 15% of actual lot width, 3 m minimum on one side

DRAFT ZONING BY-LAW AMENDMENTS

NO. 3: ADDITIONAL ZONING PROVISIONS (See Sub-direction B3 and B4 in Report PB-14-16)	
Description of Draft Zoning By-law Amendment(s): Add additional provisions to the Zoning By-law to regulate rear yard balconies, two-storey architectural features, and garage width and garage projections. Add additional provisions to the R1, R2, R3 Zone Regulations (Part 2, Section 4)	
Existing and Draft Zoning Comparison	
Existing Zoning By-law Provision	Draft Zoning By-law Amendment
N/A	For properties located within the Roseland Character Area on Zoning Maps in Part 15: <ul style="list-style-type: none"> e) Balconies located above the first storey in the rear yard are not permitted. f) The height of porches, arcades, columns, porticos or windows located on the first storey shall not exceed the height of the first storey. g) The width of a garage shall not exceed 50% of the total front elevation of the dwelling. h) Garages with garage doors facing the street are not permitted to project beyond the front elevation of the dwelling. i) The height of a detached garage shall not exceed 3 m in height (peaked roof or flat roof).

APPENDIX C – Draft Urban Design Brief for Character Areas, January 2016

Design Brief for Character Areas

The Design Brief should be completed by the applicant or the applicant's authorized representative and signed by the applicant as part of a complete application for development applications for properties located within a Character Area and shall include the following:

1. Describe how the proposed development maintains the purpose and intent of the Character Area policies set out in the City's Official Plan.
2. Describe how the proposed development contributes to the neighbourhood character by incorporating building and site elements that are similar to existing neighbourhood features on the street and that complement the qualities of the neighbourhood. If the property is located on a corner lot, both streets are included.
3. Describe how the proposed development maintains the *scale*, character and general layout of the property and other properties on the street. Provide specific examples describing how the *scale*, *massing*, proportions or features of the proposed development will relate well to adjacent dwellings on the street.
4. Describe how the proposed development complements the *neighbourhood character* through the use of common cladding materials (primary, secondary and accent) that are found on adjacent dwellings on the street.
5. Describe how the proposed development incorporates architectural elements and design elements such as rooflines, dormers, porches and fenestration (window treatment) that are found on adjacent dwellings on the street.
6. Describe how the proposed development incorporates a prominent primary entrance through architectural detailing and ample window openings on all façades visible from the street to provide a clear sense of arrival.
7. Describe how the proposed development retains established landscaping, such as healthy mature trees and existing topography, as a result of designing the proposed dwelling or addition around these features.

8. If the proposed development has a full second storey, describe how it incorporates architectural features, building articulation and/or cladding materials that are different from those used on the first storey to minimize the *massing*.
9. If the proposed development is a heritage resource or a property included on the City's Heritage Directory or it is located adjacent to a heritage resource or a property included on the City's Heritage Directory, describe how it responds to the heritage elements by referencing those patterns and elements in the *scale*, form, proportion and materials of the new dwelling.
10. Describe how the amenity areas of abutting properties and related privacy considerations have been considered in the layout and design of the proposed development.