



**SUBJECT: Character Studies and Low Density Residential Areas –
Statutory Public Meeting**

TO: Development and Infrastructure Committee

FROM: Planning and Building Department

Report Number: PB-80-16

Wards Affected: All

File Numbers: 502-02-1, 505-08-04

Date to Committee: December 13, 2016

Date to Council: December 19, 2016

Recommendation:

Approve the amendments to the Official Plan, as contained in appendix A of planning and building department report PB-80-16, which relate to the implementation of the Roseland, Indian Point, and Shoreacres Character Studies; and

Approve the amendments to the Zoning By-law, as contained in appendix B of planning and building department report PB-80-16, which relate to the implementation of the Roseland, Indian Point, and Shoreacres Character Studies.

Purpose:

The purpose of this report is to:

1. Recommend for approval the proposed Official Plan and Zoning By-law amendments for low density residential areas along with the Roseland, Indian Point, and Shoreacres character areas;
2. Provide the results from the surveys conducted during the drop in open house meetings held in October 2016;
3. Summarize the public comments received from the drop in open house meetings and surveys; and
4. Highlight refinements to the proposed Official Plan and Zoning By-law amendments since Report PB-70-16 was presented to Committee on September 12, 2016.

The proposed recommendations align with the following objective in Burlington's Strategic Plan 2015-2040:
A City that Grows

- Intensification
 - 1.2.e: Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.
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Background and Discussion:

Report PB-70-16 (Character Area Studies and Site Plan Approval for Low Density Residential Areas) was presented to the Community and Corporate Services Committee on September 12, 2016.

The purpose of the above noted report was to:

1. Consolidate the proposed amendments to the Official Plan, Zoning and Site Plan By-laws from previous reports PB-03-16, PB-14-16, PB-15-16 into one omnibus report;
2. Highlight refinements to the proposed amendments since the previous reports were presented to the Development and Infrastructure Committee on February 17, 2016;
3. Outline the elimination of the site plan process for low density residential areas; and
4. Identify next steps for public notice and statutory public meeting.

Council supported the staff recommendations from report PB-70-16 subject to further public consultation. As such, staff held drop in open house meetings on:

- October 17, 2016 at the Art Gallery of Burlington;
- October 18, 2016 at Robert Bateman High School; and
- October 21, 2016 at City Hall.

It should be noted that Council also modified the staff recommendation from report PB-70-16 regarding the elimination of the site plan process for low density residential areas by changing the word "endorse" to "approve".

The above referenced drop in open house meetings were advertised by staff in the Burlington Post, via social media, and through various email lists. Although public attendance was relatively low for all three drop in open house meetings, staff did engage with residents who lived both within and outside of the character study areas.

Results of Surveys Conducted During Drop In Open House Meetings

A total of 10 surveys were completed and submitted during the Drop In Open House Meetings.

Survey Results:

Q1: Is the City on the right track with the proposed changes to the Official Plan?

Agree: 7 Disagree: 1 Unsure: 2

Q2: Is the City on the right track with the proposed changes to the Zoning By-law?

Agree: 6 Disagree: 2 Unsure: 2

Q3: Are the proposed changes appropriate?

Too Restrictive: 1 Not Restrictive Enough: 4 Just Right: 2 Unsure: 2
(1 no answer)

Q4: Should there be any changes to the proposed recommendations?

Yes: 5 No: 1 Unsure: 3 (1 no answer)

Q5: Please provide first 3 digits from your postal code.

The majority of people who completed surveys lived within the character study areas.

Q6: Do you live in a proposed character area?

Yes: 7 No: 3

Survey Conclusions:

The majority of survey responses indicated that we are on right track with Official Plan (OP) and Zoning changes but we can go further as what was proposed in report PB-70-16 was not restrictive enough. Most indicated that further changes are needed and most people completing the surveys live in character study areas.

The survey responses helped staff gauge where refinements were needed, if any, to the proposed OP and Zoning By-law amendments. The following section summarizes the public comments received from the drop in open house meetings and surveys.

Public Comments from Drop In Open House Meetings

Public comments received from the drop in open house meetings and related surveys are summarized as follows with a staff comment below each:

- A design brief should be submitted with Committee of Adjustment (CofA) applications.
 - Minor variance applications must meet the four tests (purpose and intent of Official Plan, purpose and intent of Zoning By-law, be minor, and be desirable) of the *Planning Act* to be approved. The proposed amendments to the OP and Zoning By-law from this report tighten up the regulatory framework for development thus increasing the rigidity for compliance with the four tests and decisions made by the CofA. A design brief does not necessarily add value to the decision making process as it would skew the conversation about the contents of the design brief document instead of the development proposal meeting the four tests of the *Planning Act* which include the revised OP policies. A design brief is a tool more commonly used with site plan applications. As the site plan process for low density residential areas has been eliminated, staff are not recommending this approach.
- An OP policy is required for CofA to consider whether a submitted design brief and proposed development conforms to OP policy.
 - As mentioned above, a design brief does not add value to the CofA process. Additionally, the four tests established in the *Planning Act* require all decisions from CofA to meet the purpose and intent of the OP. The OP currently identifies the four tests in its policy framework. An additional OP policy requiring CofA to consider OP policy conformity is redundant.
- Amendments should consider the new “5th test” for minor variance applications.
 - Bill 73 amended the *Planning Act* to create a “5th test” which allows Council to establish additional criteria to be considered for minor variance applications. The proposed OP policies for character areas are a new subsection in the OP policy framework and range from new definitions to implementation policies. In effect, the proposed OP policies are the additional criteria to be considered for CofA applications in character areas. Since these criteria have been integrated into OP policy, compliance with the original 4 tests is all that is needed.
- An OP policy is required to strongly encourage applicants to consult with neighbours before applying to CofA.
 - CofA is a public process where neighbours are notified (when a formal application is submitted), can participate, and influence decisions. Consultation is built into the process. The city cannot compel an applicant to consult with

neighbours prior to actually submitting an application. An OP policy encouraging such would be misleading to the public, applicant, and decision makers.

- An OP policy is required for CofA to consider whether an applicant has consulted with neighbours before making a decision.
 - CofA is a public process where neighbours are notified, can participate, and influence decisions. The city cannot compel an applicant to consult directly with neighbours. Courteous behaviour is not an appropriate matter to regulate in the OP. When a public notice is issued for a CofA process, there is an equal responsibility for neighbours to come forward and express their issues, if any. The responsibility for communication does not rest fully with the applicant.
- The OP should identify Shoreacres with a distinct character area statement similar to Roseland and Indian Point.
 - Indian Point and Roseland character studies were included in the OP review process. Lessons learned from those studies is that zoning was the most appropriate planning tool to address built form and compatibility considerations as redevelopment occurs within neighbourhoods. As such, the Shoreacres character study was scoped to be a zoning review only; an OP character area statement was not needed. Despite this, it is important to note that the balance of the proposed OP policies for character areas will also apply to Shoreacres. These proposed OP policies are robust and interconnected and will serve a similar function to the character statements.
- A private tree by-law is needed to protect character of neighbourhoods.
 - Council has directed the Roads and Parks Maintenance Department to investigate the implementation of a pilot tree by-law for the Roseland neighbourhood. This initiative is still underway.
- Shoreacres character area FAR should be 0.4:1
 - Report PB-70-16 proposed a 0.45:1 FAR across all low density residential zones including character areas. On a 1000sm lot, the difference between 0.45 and 0.4 FAR is 50m² (538sf). This difference decreases as lot size decreases. Through the drop in open house meetings, residents from Shoreacres community strongly requested that the FAR for Shoreacres character area be reduced to 0.4:1 to account for the majority of modest bungalows in the study area. As a pilot, staff will test the 0.4:1 FAR in Shoreacres character area only and compare outcomes with 0.45:1 FAR for all other low density residential areas.

- Shoreacres character area FAR should be 0.3:1.
 - The majority of Shoreacres residents have requested 0.4:1 FAR. Staff will test 0.4:1 and determine if appropriate for Shoreacres character area.
- Rear yard setbacks should be more than 4.5m for corner lots in Shoreacres and should match the required 10m rear yard setback for interior lots.
 - Corner lots have frontage on two streets. As such, perceptions of front and rear yards can vary depending on the design of a dwelling. Despite this, the Zoning By-law identifies the front yard to be the narrowest street frontage. Yard setbacks create a potential envelope for where a dwelling can be situated on a property. Lot coverage requirements provide an additional restriction to further limit the size of dwelling floor plate. Although a dwelling on a corner lot can conceivably be built to 4.5m from the rear lot line, lot coverage restrictions often prevent this from happening. An example of this is the dwelling on a corner lot in the Shoreacres character area (246 Oak Crescent) which has a rear yard setback of 10.85m instead of the permitted 4.5m. The 4.5m rear yard setback offers flexibility for a corner lot house design without allowing a larger house than would otherwise be permitted on an interior lot. As such, no proposed amendments to corner lot yard setbacks are being recommended.
- 2 storey dwellings should be prohibited in Shoreacres.
 - 2 storey dwellings are considered compatible with 1 storey dwellings throughout the city. Zoning is not the appropriate tool to prevent 2 storey dwellings in a neighbourhood. A heritage district designation would be needed to consider preservation of the bungalows in Shoreacres.
- Concerns over loss of privacy.
 - This is a continuation of the request for 2 storey dwelling prohibition. Not permitting second storey decks and balconies in rear or side yards will help with this concern. Limitations of windows in Zoning By-law is not desirable due to building code requirements.
- Legacy zoning was preferred option for Roseland.
 - Legacy zoning is a creative way to preserve an eclectic building pattern in an established neighbourhood. An unintended consequence of legacy zoning is that it would unfairly limit the long term redevelopment potential for certain properties depending on where existing dwellings have been historically situated on site. Compliance with legacy zoning could also generate unexpected compatibility and

privacy concerns by forcing a new building to be located in an undesirable location on a property. The benefits of legacy zoning were outweighed by a lack of fairness and consistency in zoning rights.

- Need a stronger statement regarding 24m lot width.
 - Staff are not clear what this comment means. The proposed implementation policies in the OP for minor variances related to land divisions provide significant protection for lot widths and areas in character areas.
- 30% lot coverage to 1 ½ storey dwelling in designated area is a big problem.
 - Lot coverages for 1 and 2 storey dwellings were not identified as a problem. The proposed lot coverage for 1 ½ storey dwellings splits the difference between permitted lot coverages for 1 and 2 storey dwellings.
- Lot coverage should include poured foundations for porches.
 - Lot coverage is a zoning tool used to manage building mass. Unless there is floor area above, porches do not contribute to building mass and are intentionally not included in lot coverage calculation. Porches are an enhancing element as they soften a dwelling's mass; overregulation of such could have unintended consequences and discourage their usage in home designs.
- Stop Indian Point study and leave zoning alone.
 - Council directed staff to conduct the Indian Point character study. Staff have not received direction from council to stop.
- Front loading garages should be allowed to have a minor projection in front of a dwelling facade
 - The default zoning requirement will be that front loading garages be aligned with or recessed from its dwelling façade. This is consistent with the site plan design guideline for low density residential areas. Projections for front loading garages can be assessed through the CofA process based on the overall architectural design of a dwelling.
- Concern about design and materials used and need for design guidelines for new homes.
 - Council directed staff to eliminate the site plan process for detached dwellings and approved the elimination of such on October 3, 2016. Design guidelines only have value when there is an appropriate process such as site plan to

implement them. New dwellings now only require zoning and engineering review prior to a building permit. Neither of these review processes include urban design thus the only time design guidelines could be applied is during a CofA process. This would represent a small proportion of new development and the majority of new homes could be constructed with no regard for design guidelines. As such, with no consistent method to apply the guidelines for all new detached dwellings, they would quickly be undermined, lose value, and be misleading to the public in terms of true influence and protection of neighbourhood character.

- The proposed amendments do not go far enough / the proposed amendments are too restrictive.
 - There is no perfect set of policies or zoning regulations that will satisfy everyone. Finding balance in the regulatory framework is the goal. Eliminating some process (site plan) in exchange for more regulations (zoning) is an example of this balance. The proposed amendments to the OP and Zoning By-law are quite extensive for lands both within and outside of the character study areas. While they do not go so far as to prohibit 2 storey dwellings in neighbourhoods comprised of bungalows, they do improve how 2 storey dwellings fit in their respective neighbourhoods (i.e. not permitting second storey balconies/decks, FAR, modified setbacks, etc.). The proposed amendments will not prevent land divisions that comply with the Zoning By-law from occurring in established neighbourhoods but they will have a significant impact on how land divisions requiring a minor variance are reviewed. The proposed amendments will not prevent change. They build on the current set of policies and regulations to reasonably tighten up the regulatory framework where appropriate.

The following section summarizes the refinements to the proposed amendments since Report PB-70-16.

Refinement of Proposed Amendments from Report PB-70-16

Since report PB-70-16 was presented to Committee, staff have had the opportunity to further consult with each other and with the public through drop in open house sessions and surveys. To ensure successful implementation, staff have refined the proposed amendments from report PB-70-16 as follows:

Official Plan:

- Reorganization of proposed OP policies but their intent remains the same.
- Minor editorial amendments to site specific policies such as reintroducing the term historic to the Roseland character statement and replacing “should” with “shall” in both statements.

Zoning By-law:

- Permission for second storey balconies and decks in Uptown, Orchard, and Alton zones as these communities have their own zoning framework and are not subject to the same low density residential zoning regulations of the city's more established neighbourhoods. Homes in the Uptown, Orchard, and Alton neighbourhoods are collectively newer, similar in design and size, and built around the same time period whereas homes in more established neighbourhoods range in vintage, size, and design thus more potential for sensitivities through new development;
- Regulation for driveway length should recognize other driveway requirements identified in the zoning by-law such as in the Orchard Community zones;
- Specification of a 0.4:1 FAR for the Shoreacres character study area only. This will be monitored and used as a test compared to the 0.45:1 ratio for all other low density residential zones;
- Elimination of windows from regulations for architectural features to improve ease of interpretation and implementation;
- Addition of a note recognizing existing dwellings as of the date of this by-law amendment to avoid any unnecessary non conformity issues related to garages; and
- Revision of FAR definition to further clarify how it is calculated.

Financial Matters:

All character studies have been completed within their allocated budgets.

Total Financial Impact

Elimination of the site plan process for low density residential areas will reduce site plan revenues as detailed in report PB-03-16 presented in February of this year. The elimination of the site plan process for low density residential areas shall be replaced by applications for zoning and site engineering certificates. The fee for a site engineering certificate, when combined with the zoning certificate application fee, will cover the costs for staff effort and offset most of the decreased site plan revenue for the city.

Other Resource Impacts

The proposed Zoning By-law amendments could trigger an increase in CofA applications providing additional city revenues and opportunities for public consultation in the decision making process.

Public Engagement Matters:

After report PB-70-16 was presented to committee on September 12, 2016, staff held three drop in open house meetings to further consult with the public. Staff were available to clarify any issues, answer questions, and listen to concerns. The result of this additional public consultation has been summarized in this report. A final drop in open house meeting has been scheduled for December 6, 2016 to discuss the refinements to the proposed amendments identified earlier in this report.

The character study webpages have been updated with the proposed amendments and all mailing lists from the character studies have been notified of such. Public notice for this report has been provided in the newspaper.

Conclusion:

The recommendations in this report refocus our policy and regulatory framework to be more proactive in supporting established low density residential areas and enhance customer service delivery.

Respectfully submitted,

Jamie Tellier, Manager of Urban Design, x7892

Rosa Bustamante, Manager of Policy Planning – Mobility Hubs , x7259

Andrea Smith, Manager of Policy and Research, x7385

Appendices:

- a. Official Plan Amendments
- b. Zoning Bylaw Amendments
- c. Supporting Graphics for the Proposed Zoning Bylaw Amendments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

APPENDIX A

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

CONSTITUTIONAL STATEMENT

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

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of the amendment is to:

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

2. SITE AND LOCATION

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

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

3. BASIS FOR THE AMENDMENT

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

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

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

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change None Proposed

Text Change

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

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

	2.12 Neighbourhood Character Areas
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	<p><i>Neighbourhood Character Areas</i> play an important role in the City's Urban Structure by defining specific neighbourhoods where only limited, <i>compatible development</i> is anticipated.</p>
	<p>2.12.1 Objectives</p>
	<p>a) To maintain, protect and enhance <i>neighbourhood character</i> by ensuring that <i>development and re-development</i> within <i>Neighbourhood Character Areas</i> is <i>compatible</i> with and respectful of the <i>neighbourhood character</i>.</p>
	<p>b) To manage change in <i>Neighbourhood Character Areas</i> through appropriate <i>development applications</i>.</p>
	<p>c) To maintain and improve the urban forest in <i>Neighbourhood Character Areas</i> through the enhancement and/or replacement of trees.</p>
	<p>2.12.2 General Policies</p>
	<p>a) <i>Neighbourhood Character Areas</i> shall be identified in the City's Zoning By-law.</p>
	<p>b) City Council <i>may</i> add or delete <i>Neighbourhood Character Areas</i> or alter the boundaries of existing <i>Neighbourhood Character Areas</i> from time to time through further amendment to the Zoning By-law, without the need for an Official Plan Amendment.</p>
	<p>c) Notwithstanding the policies of Part III, Subsection 2.2.2 b) and c) of this Plan, permitted residential uses in <i>Neighbourhood Character Areas</i> shall be restricted to single-detached dwellings.</p>
	<p>d) Proposed <i>development</i> should respect the existing <i>neighbourhood character</i> by incorporating built form and design elements, architectural features, building separations, lot coverage, scale, <i>floor area ratio</i>, and landscape qualities and characteristics that are prevalent in the <i>Neighbourhood Character Area</i>.</p>
	<p>e) All healthy mature trees <i>should</i> be preserved, and replanting <i>should</i> be required where loss of significant trees occurs.</p>

	2.12.3 Site Specific Policies
	<p>a) Indian Point is a distinct historic <i>Neighbourhood Character Area</i> characterized by its lakeside location; few streets; large and mature tree canopy; spacious properties separated by large open spaces between houses and a variety of architectural styles. New <i>development</i> shall protect and enhance these <i>neighbourhood character</i> elements.</p>
	<p>b) Roseland is a distinct <i>Neighbourhood Character Area</i> defined by its garden-like setting with large and mature trees, strong historic character, and homes with varied and unique architectural styles. Lots are spacious with dwellings that are well proportioned in relation to the property size and having a <i>scale</i> that is <i>compatible</i> 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>neighbourhood character</i> of the private properties. New <i>development</i> shall protect and enhance these <i>neighbourhood character</i> elements.</p>

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

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

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

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

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

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

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

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

2. INTERPRETATION

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

3. IMPLEMENTATION

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

APPENDIX B

BY-LAW NUMBER 2020.374, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.374

A By-law to amend By-law 2020, as amended;

File No.: 502-02-1

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-80-16 on December 19, 2016 , to amend the City's existing Zoning By-law 2020, as amended, dealing with regulations for low density residential zones and character areas;

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

1. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.3 Patios, Decks, Balconies, and Porches – Residential, Section 2.3.2 is hereby amended by adding subsection (b):

- b) Decks located above the first storey in the side and rear yard of detached dwellings are not permitted.

The above shall not apply to Uptown Centre, Orchard Community and Alton Community zones.

2. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.3 Patios, Decks, Balconies, and Porches – Residential, Section 2.3.3 is hereby amended by adding subsection (a):

- a) Balconies located above the first storey in the side and rear yard of detached dwellings are not permitted.

The above shall not apply to Uptown Centre, Orchard Community and Alton Community zones.

3. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.24 Driveway Widths and Landscape Open Space Area, Section 2.24 2) is amended by adding subclause (c):

- c) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps, only one driveway is permitted for each residential property including corner lots.

4. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.24 Driveway Widths and Landscape Open Space Area, Section 2.24 is amended by renumbering subsection 3) to 4).

5. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.24 Driveway Widths and Landscape Open Space Area, Section 2.24 is amended by adding a new subsection 3):

- 3) Unless otherwise specified in this by-law, driveways shall be a minimum of 6m in length.

- a) For dwelling units within a plan of condominium, driveway lengths shall be 6.7m in length measured from back of curb to front of garage.

6. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.24 Driveway Widths and Landscape Open Space Area, Section 2.24 4) is amended by adding subclause (h):

h) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps, regardless of lot width, shall be subject to subsection (e) above. Circular and hammerhead driveways are subject to subsections (f) and (g) above.

7. Part 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.31 Residential Building Height, Footnotes to Table 2.31.1 is amended by replacing footnote (a) as follows:

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 (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this building height regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

8. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Table 2.4.1 is amended by adding Footnote (d) for Side Yard column to the R1.2 and R2.1 zones:

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R1.2	24 m	925 m ²	9 m	9 m (c)	(a) (d)	9 m
R2.1	18 m	700 m ²	11 m	10 m (c)	(a) (d)	4.5 m

9. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Footnotes to Table 2.4.1 is hereby amended by adding the following subsection (d):

(d) Properties located within the Roseland and Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps:

With attached garage or carport:

Lots under 17m in width: 10% of actual lot width

Lots between 17-25m in width: 12% of actual lot width

Lots greater than 25m in width: 15% of actual lot width up to a maximum of 5 m

Without attached garage or carport:

Lots under 17m in width: 10% of actual lot width, 3 m minimum on the side with a driveway

Lots between 17-25m in width: 12% of actual lot width, 3 m minimum on the side with a driveway

Lots greater than 25m in width: 15% of actual lot width, 3 m minimum on the side with a driveway

10. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Table 2.4.1 is amended by adding Footnote (e) and (f) for the Front Yard column to the R2.1 zone:

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2.1	18 m	700 m ²	11 m (e) (f)	10 m (c)	(a) (d)	4.5 m

11. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Footnotes to Table 2.4.1 is amended by adding Footnotes (e) and (f):

(e) Properties located on the west side of Indian Road as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a front yard of 4 m.

(f) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps with an R2.1 zone shall have a front yard of 9m.

12. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Table 2.4.1 is amended by adding Footnote (g) for the Side Yard column to the R2.4 zone:

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2.4	16 m	600 m ²	6 m	9m (c)	(b) (g)	4.5 m

13. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Footnotes to Table 2.4.1 is amended by adding Footnote (g):

(g) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a side yard subject to footnote (a) above.

14. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Section 4.2, Lot Coverage, Table 2.4.3, All Dwellings in Designated Areas, is amended to include one and a half storey dwellings:

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 22% for one and a half 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
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15. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, Section 4.2, Lot Coverage, Table 2.4.3, footnote (c) is amended by replacing footnote (c) as follows:

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 (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this lot coverage regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

16. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, is hereby amended by adding the following subsection 4.5 Floor Area Ratio:

4.5 Floor Area Ratio

- a) The maximum floor area ratio is 0.45:1.
- b) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a maximum floor area ratio of 0.4:1.
- c) 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 (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this floor area ratio regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

17. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, is hereby amended by adding the following subsection 4.6 Dwelling Depth:

4.6 Dwelling Depth

- a) Maximum depth of a dwelling shall be 18m measured from building wall closest to front lot line to building wall closest to rear lot line.

Note - 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 (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this dwelling depth regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

18. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, is hereby amended by adding the following subsection 4.7 Architectural Features:

4.7 Architectural Features

- a) On building elevations facing a street, the height of columns on the first storey shall not exceed the height of the ceiling of the first storey.

19. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, is hereby amended by adding the following subsection 4.8 Garages:

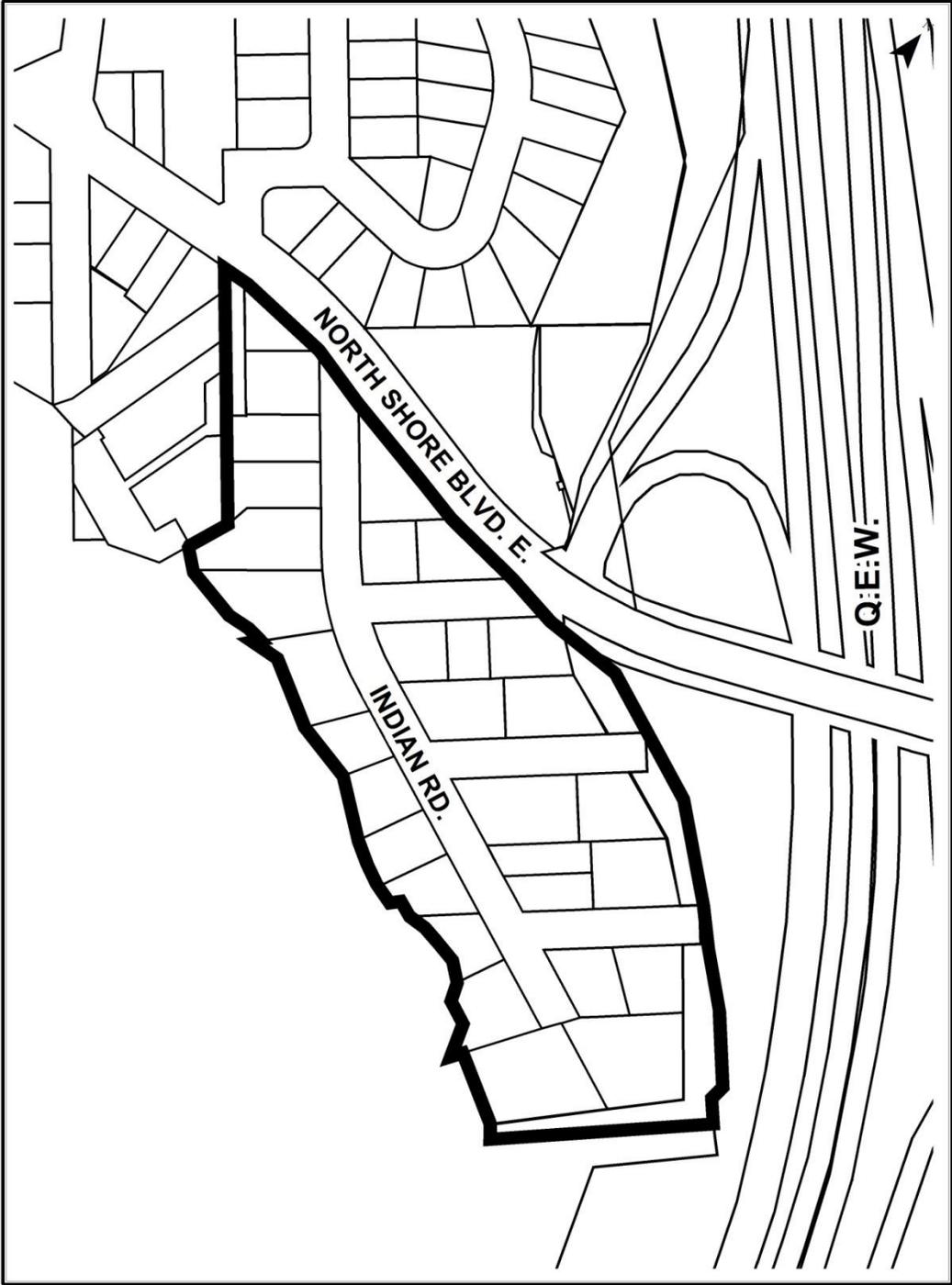
4.8 Garages

- a) The width of a front loading attached garage shall not exceed 50% of the width of its building elevation.
- b) An attached garage with a garage door facing the street is not permitted to project beyond the front wall on the first storey of a dwelling.

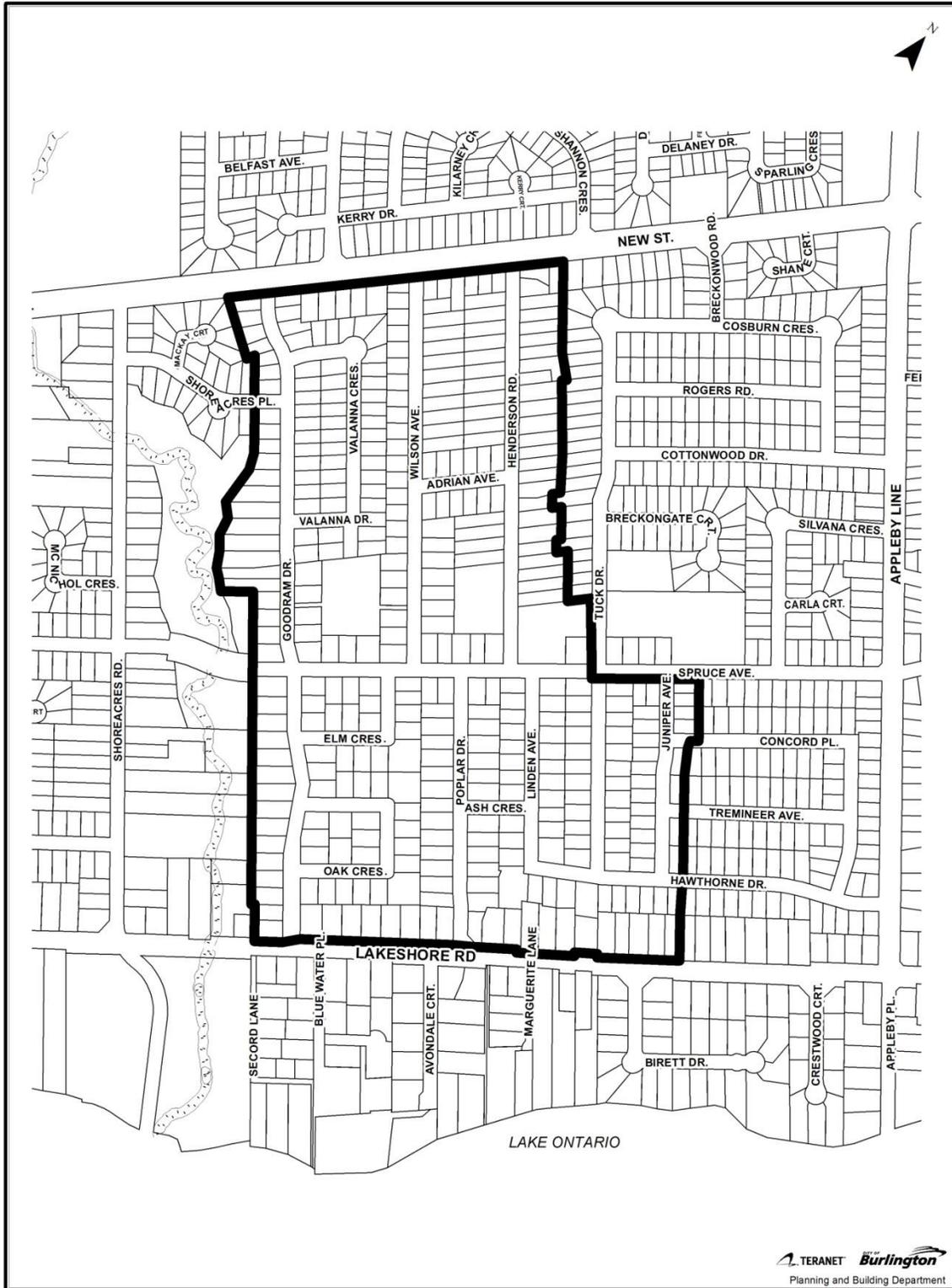
Note - Notwithstanding Part 2, Section 4.8 of By-law 2020, as amended, any dwelling which legally existed as of the date of the enactment of Zoning By-law 2020.374 (December 13, 2016), and used for a purpose permitted by this By-law, is deemed to conform to the regulations of this By-law for the life of the existing dwelling.

20. Part 2 of By-law 2020, as amended, Residential Zones, Section 4 R1, R2, R3 Zone Regulations, is hereby amended by adding the following subsection 4.9 Character Area Maps:

b) Indian Point Character Area



c) Shoreacres Character Area



21. Part 15 of By-law 2020, as amended, Zoning Maps, are amended to include the boundaries of the Roseland, Indian Point, and Shoreacres Character Areas as found in the maps in Schedule A of this By-law.

22. Part 15 of By-law 2020, as amended, Zoning Maps, are amended to include the Indian Point Character Area and Shoreacres Character Areas as a designated area for lot coverage as found in Schedule A of this By-law.

23. Part 16 of By-law 2020, as amended, Definitions, Floor Area Ratio – Low Density Residential is added with the following:

Floor Area Ratio – Low Density Residential

The mathematical relationship between the floor area of a dwelling and its lot area determined by dividing the floor area of a building (including attached garage and stair case) by the net area of that lot.

24 a) 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

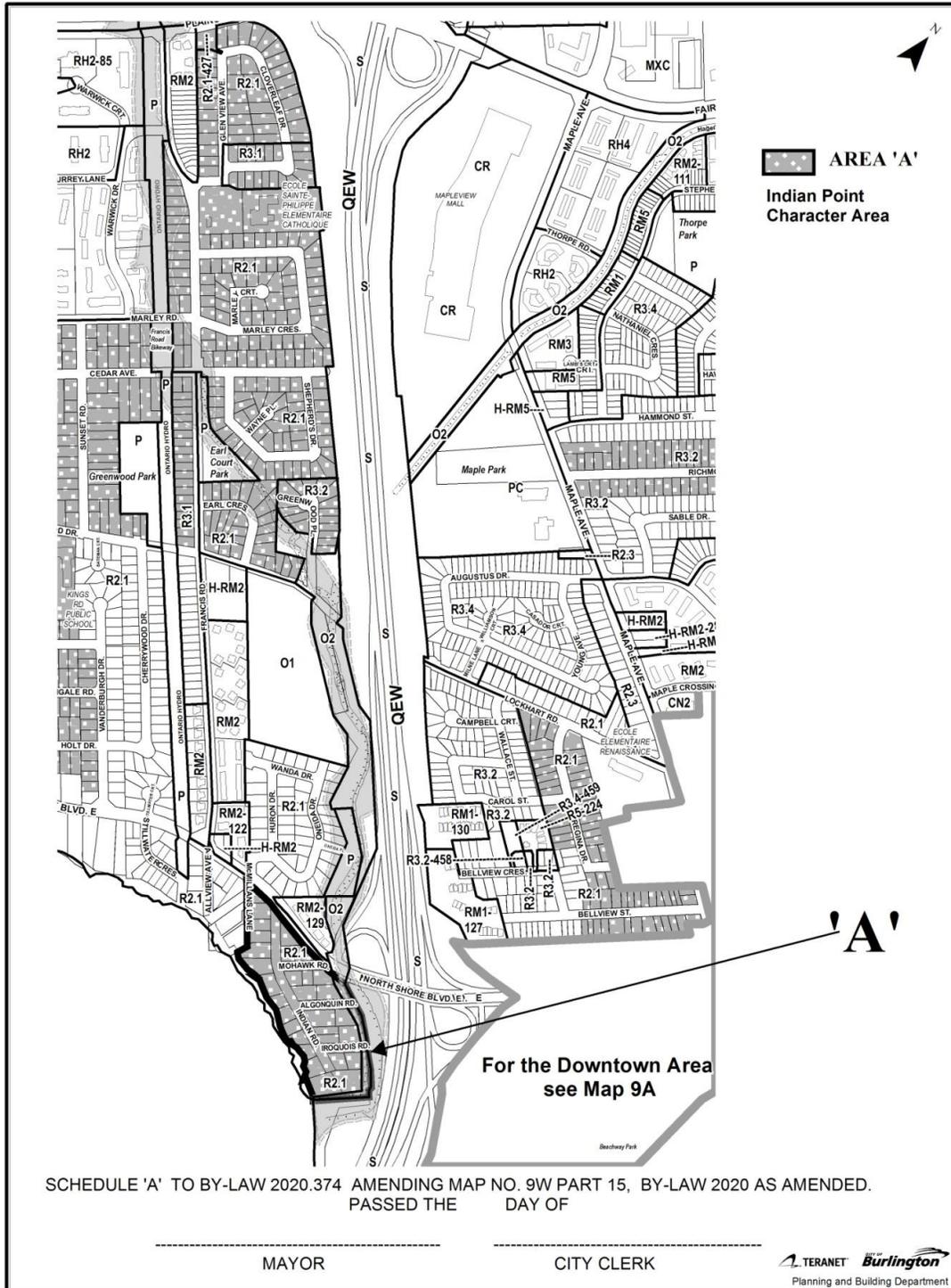
24 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

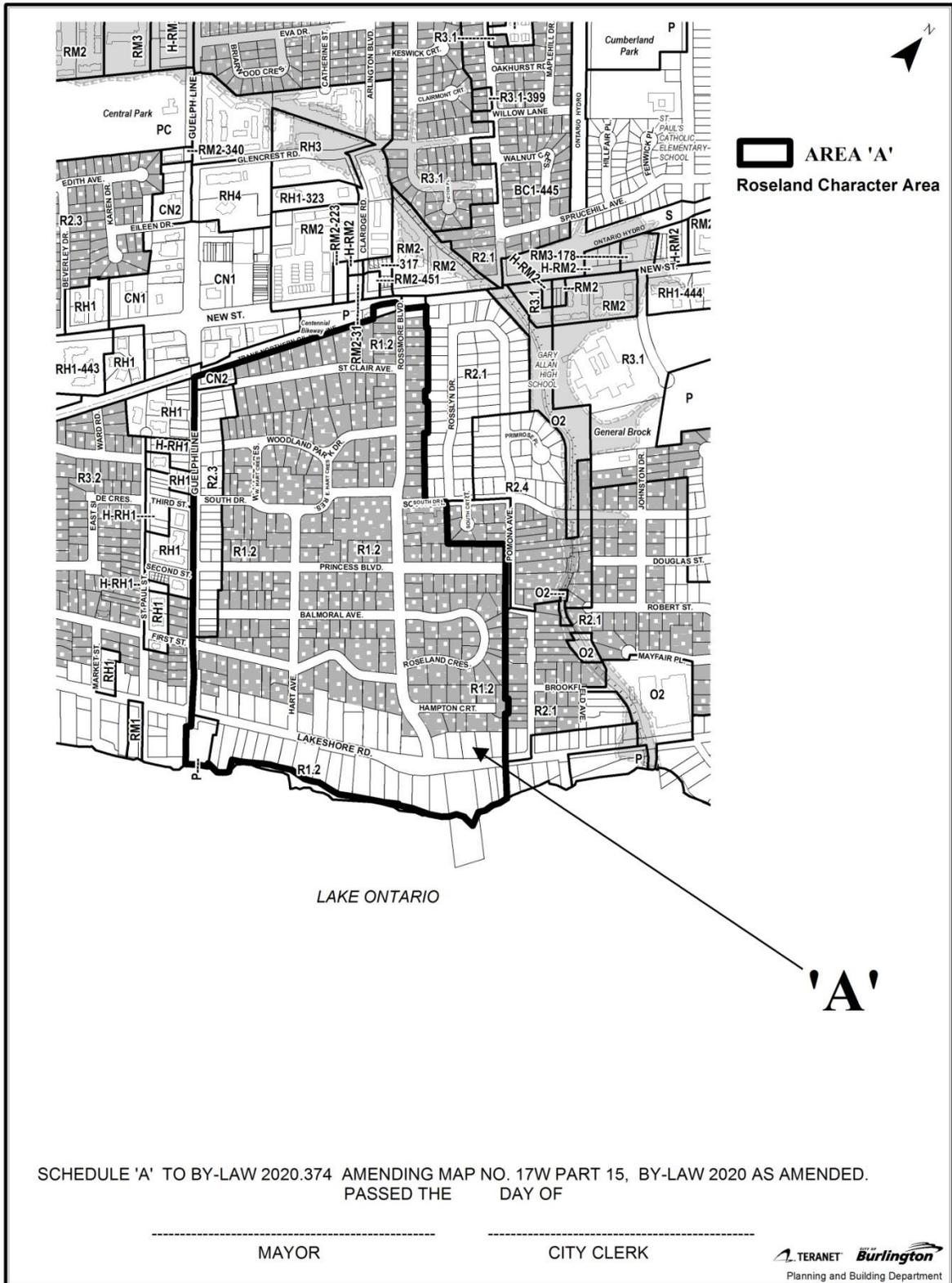
ENACTED AND PASSED thisday of 2016.

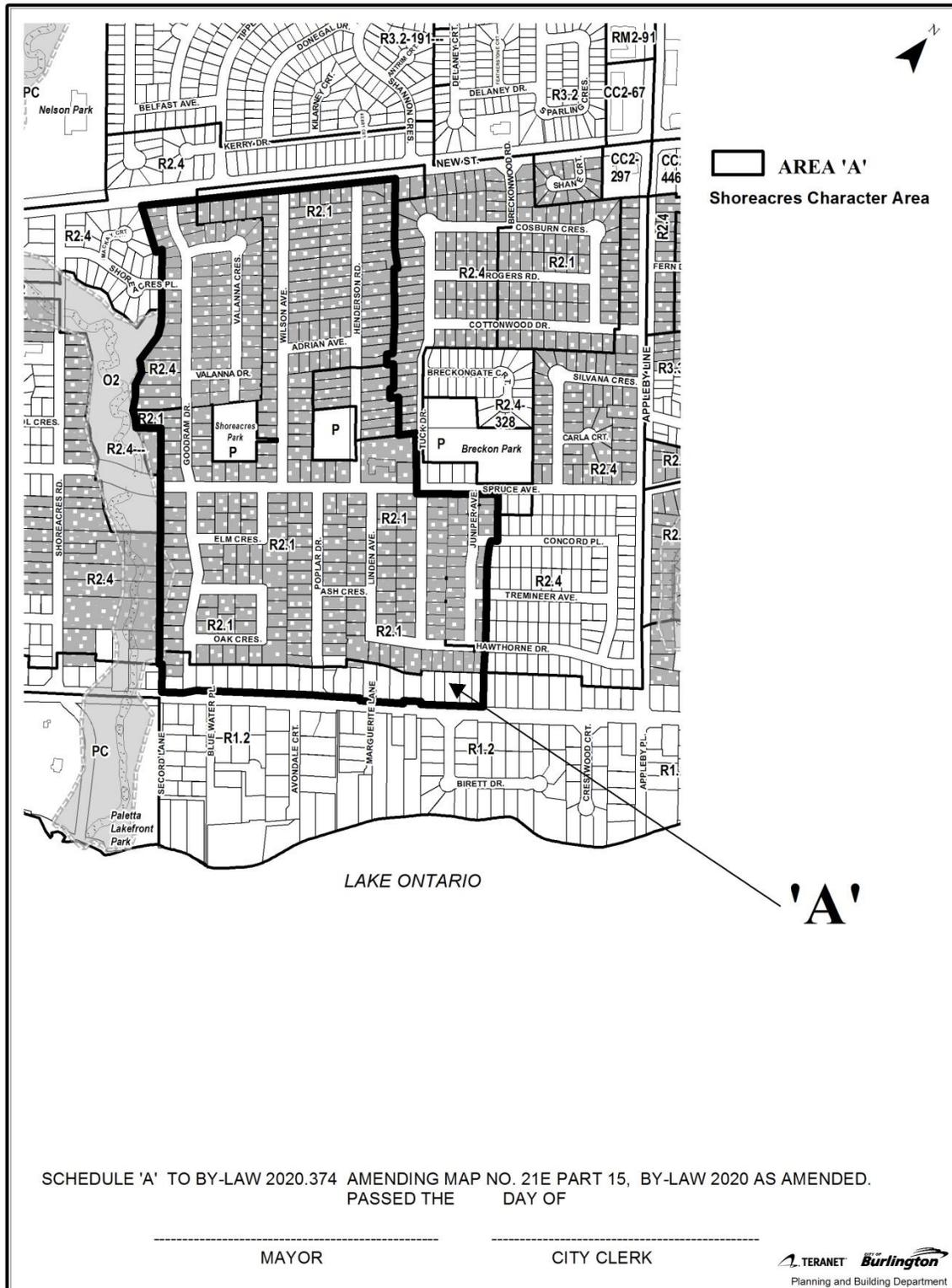
_____MAYOR

_____CITY CLERK

Schedule A of By-law 2020.374 Zoning Maps







Appendix C

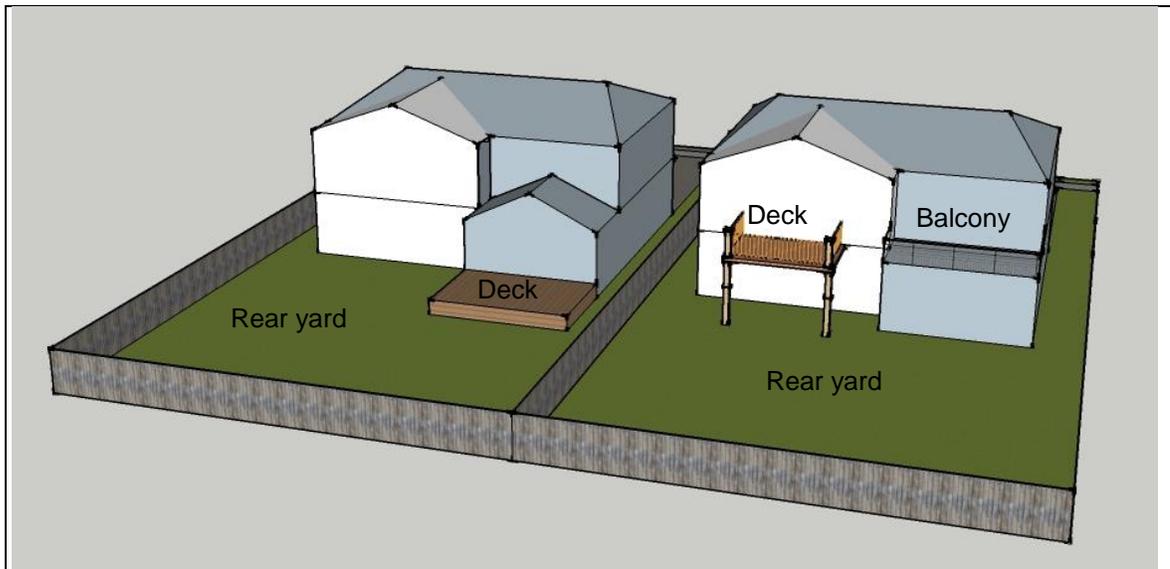
Supporting Graphics for the Proposed Zoning By-law Amendments

The following proposed zoning regulations are graphically illustrated below:

- Balcony Regulations
- Front Yard Setbacks
- Lot Coverage
- Floor Area Ratio
- Architectural Features
- Garage Widths and Projections

Proposed Balcony Regulations:

Balconies located above the first storey in the side and rear yard of detached dwellings are not permitted.

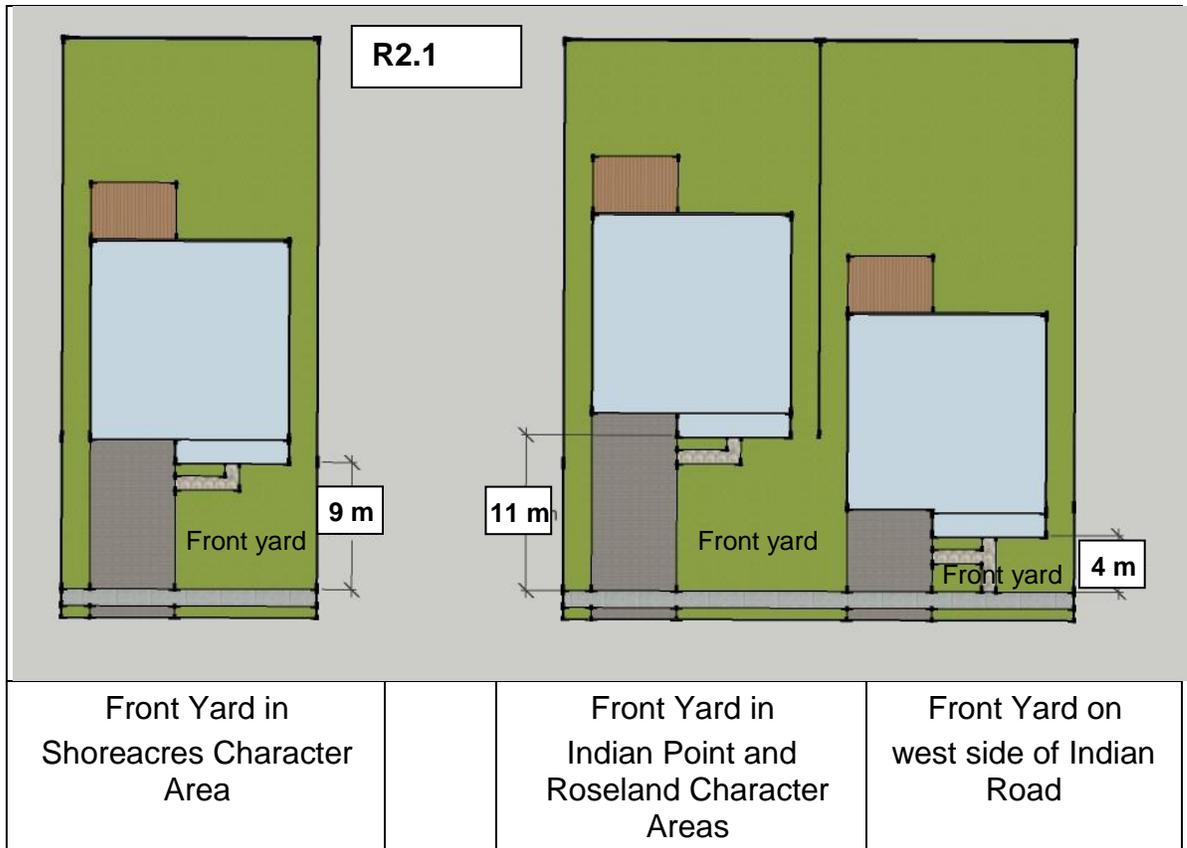


YES	NO
Deck located below the first storey in the rear yard	Deck or balcony located above the first storey in the rear yard

Proposed Front Yard Setback Regulations:

Properties located on the west side of Indian Road as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a front yard of 4 m.

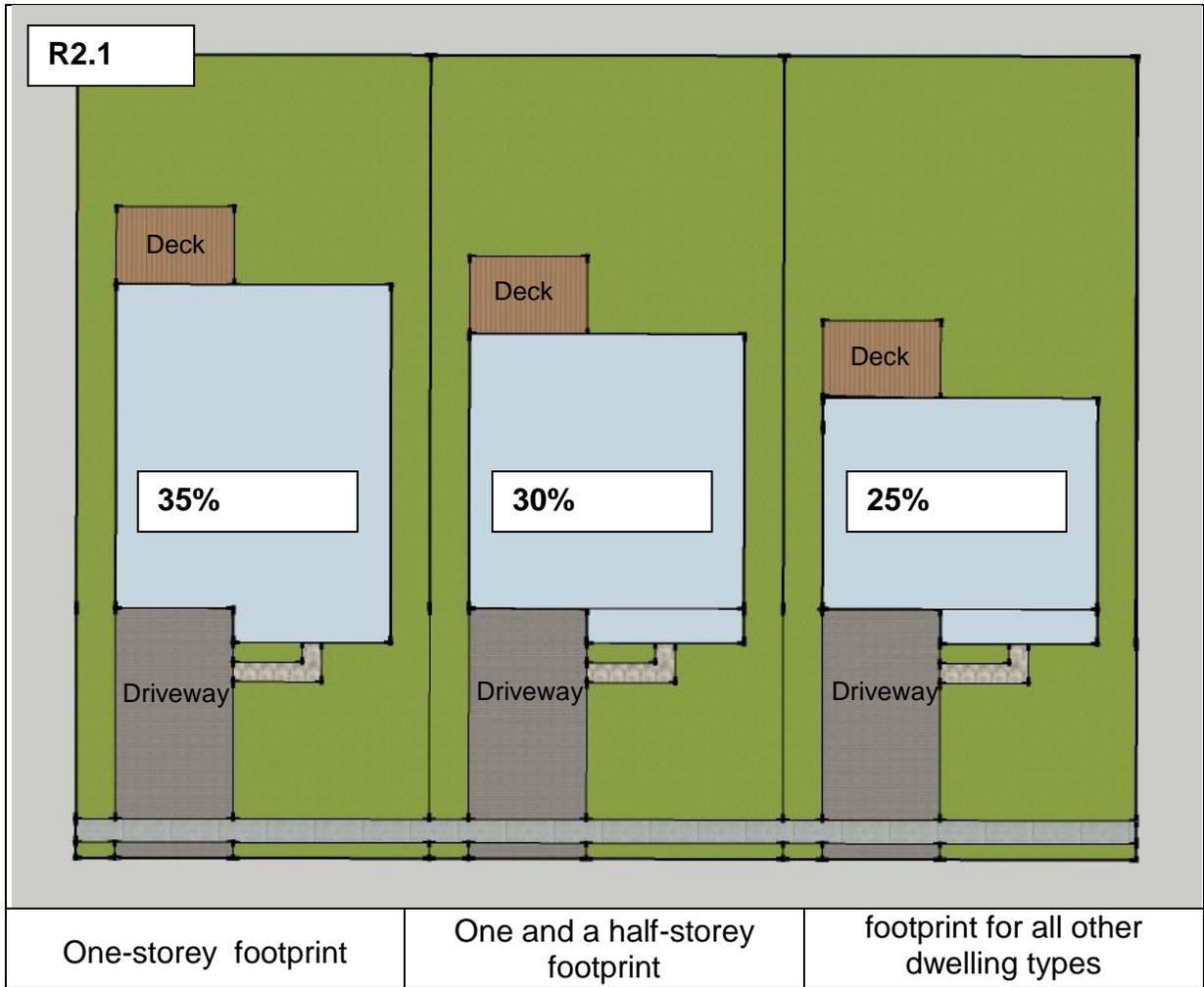
Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps with an R2.1 zone shall have a front yard of 9m.



Proposed Lot Coverage Regulations

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
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
	30% for one and a half storey dwellings including	22% for one and a half storey dwellings plus 8% for accessory buildings

	accessory buildings 25% for all other dwelling types including accessory buildings	17% for all other dwelling types plus 8% for accessory buildings
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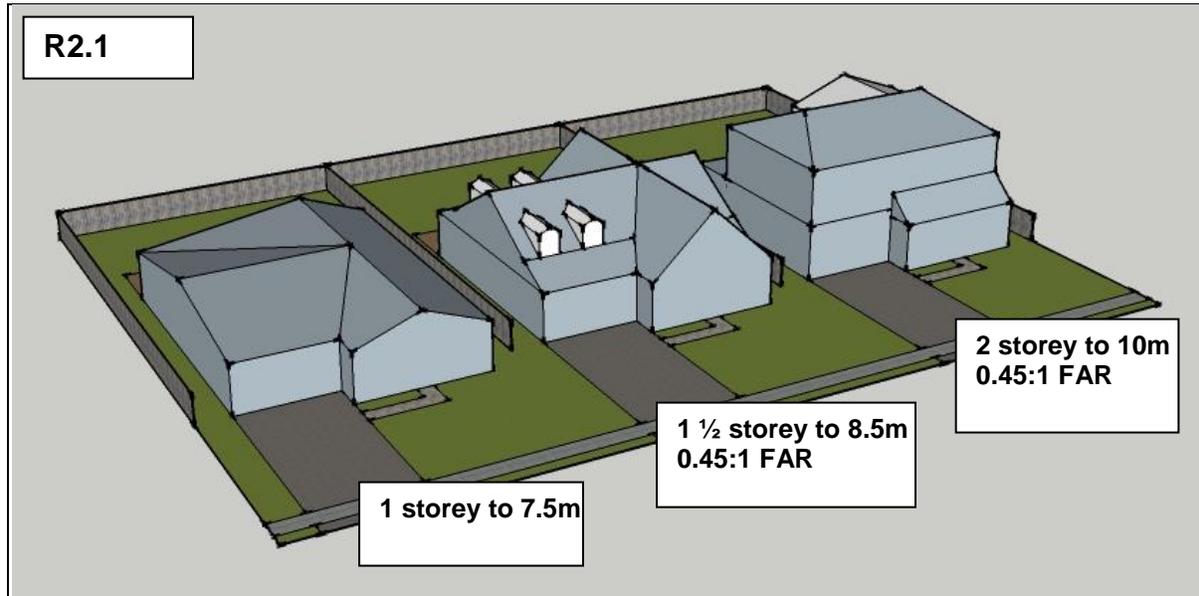
Proposed Floor Area Ratio Regulations:

Floor Area Ratio

The maximum floor area ratio is 0.45:1.

Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a maximum floor area ratio of 0.4:1.

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 (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this floor area ratio regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.



Proposed Architectural Feature Regulations:

On building elevations facing a street, the height of columns on the first storey shall not exceed the height of the ceiling of the first storey.



NO



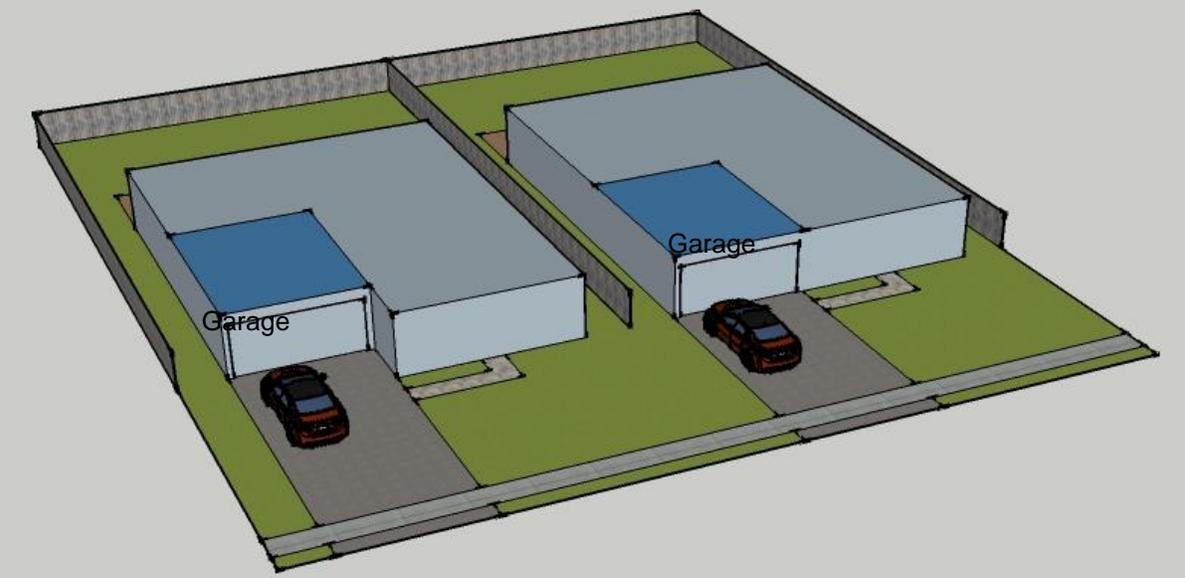
NO

Columns exceeding the height of the ceiling of the first storey	Columns exceeding the height of the ceiling of the first storey
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Proposed Garage Width and Projection Regulations

The width of a front loading attached garage shall not exceed 50% of the width of its building elevation.

An attached garage with a garage door facing the street is not permitted to project beyond the front wall on the first storey of a dwelling.

	
YES	YES
Garage door does not project beyond the front wall on the first storey	



NO	NO
Garage door projects beyond the front wall on the first storey (does not include porch)	Garage door exceeds 50% of the width of the building elevation