



**SUBJECT: Statutory Public Meeting and Recommendation Report for  
a Proposed Zoning By-law Amendment for 1333 Lakeshore  
Road and adjacent hydro corridor lands**

**TO: Planning and Development Committee**

**FROM: Planning and Building Department**

Report Number: PB-39-17

Wards Affected: 2

File Numbers: 520-04/17

Date to Committee: June 27, 2017

Date to Council: July 10, 2017

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### **Recommendation:**

Approve Zoning By-law 2020-380, rezoning the lands at 1333 Lakeshore Road and the adjacent hydro corridor from O3 (Open Space) to DI (Downtown Institutional) as outlined in planning and building department report PB-39-17; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

### **Purpose:**

The purpose of the report is to recommend approval of the proposed Zoning By-law amendment made by the City of Burlington to rezone 1333 Lakeshore Road and the adjacent hydro corridor lands used for parking from O3 to DI.

The development proposal aligns with the following objectives in Burlington's Strategic Plan 2015-2040

#### **An Engaging City**

- **Good Governance**
  - City infrastructure, such as buildings and roads, are in good condition and properly maintained.

<b>RECOMMENDATIONS:</b>		<i>Approval</i>	<b>Ward No.:</b>	<b>2</b>
<b>Application Details</b>	<b>APPLICANT:</b> <b>OWNER:</b> <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>PROPOSED USE:</b>	<i>City of Burlington</i> <i>City of Burlington and Hydro One</i> <i>520-04/17</i> <i>City-initiated Rezoning</i> <i>No change. Art Gallery of Burlington</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b> <b>MUNICIPAL ADDRESSES:</b> <b>PROPERTY AREA:</b> <b>EXISTING USE:</b>	<i>East of Brock Rd., west of Nelson Ave., south of Elgin St.</i> <i>1333 Lakeshore Road and Hydro Corridor</i> <i>1.5ha</i> <i>Art Gallery of Burlington and parking area</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b> <b>OFFICIAL PLAN Proposed:</b> <b>ZONING Existing:</b> <b>ZONING Proposed:</b>	<i>Downtown Mixed Use Centre - Waterfront West/Public Lands Precinct</i> <i>No change</i> <i>O3 – Open Space</i> <i>DI – Downtown Institutional</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>  <b>PUBLIC COMMENTS:</b>	<i>N/A</i>  <i>None</i>		

## Background and Discussion:

The City has initiated a Zoning By-law amendment for the city-owned lands located at 1333 Lakeshore Road (Art Gallery of Burlington) and the portion of the adjacent hydro corridor which is used for parking associated with this use. No new development is proposed on this property as a result of this city-initiated Zoning By-law Amendment. The purpose of the proposed Zoning By-law amendment is to correct the zoning on the subject lands to better reflect the current uses of the property. The lands affected by this

application are illustrated on the detail sketch provided as Appendix I to this report. No change will be made to the zoning of the adjacent Brock Park lands.

On March 9, 2017, Infrastructure Ontario provided the City with permission to rezone the portion of the hydro corridor associated with the parking for the Art Gallery of Burlington.

## **Site Description**

The 1.1 hectare site is located on the north side of Lakeshore Road, west of Maple Avenue on the block bounded by Brock Road, Nelson Avenue, and Elgin Street. The property contains a large building used by the Art Gallery of Burlington and an associated parking area north of the building which is partially comprised of hydro corridor lands.

### **Surrounding Land Uses:**

- South: A small parcel of land immediately north of the AGB Building is zoned Holding-O3, beyond which is Lakeshore Road and Spencer Smith Park which is zoned as a Community Park (PC zone)
- North: Brock Park which is zoned as a Neighbourhood Park (P zone), Elgin Street, beyond which is the extension of the hydro corridor lands which is zoned for Utility Services (S zone), and lands zoned DRL for Downtown Residential Low-Density uses
- East: Nelson Avenue, beyond which is land zoned for Downtown Residential High-Density (DRH), land zoned for Utility Services (S), and lands zoned for for Downtown Residential Low-Density uses (DRL)
- West: A property zoned for Open Space with a site specific exception O3-343 which permits neighbourhood commercial uses, Brock Road, beyond which is land zoned for Utility Services (S), and lands zoned for Downtown Residential High-Density uses (DRH)

A map depicting the zoning on the surrounding properties is provided as Appendix II to this report.

## **Description of the Application**

The City of Burlington has initiated a rezoning of city-owned lands at 1333 Lakeshore Road and the portion of the hydro corridor used for parking which is immediately adjacent and part of the same city block.

The City is proposing to rezone the lands from the current Open Space (O3) zoning to the Downtown Institutional (DI) zone. The building on the subject land houses the Art Gallery of Burlington and the current zoning on the subject lands is not reflective of the

cultural and institutional uses of this property. The building is used as a place of assembly, for cultural uses, as a teaching and recreation facility, and for accessory retail sale of artistic works. For these reasons, the Downtown Institutional (DI) zone is a more appropriate zone for the subject lands.

## **Policy Framework**

The proposed Zoning By-law amendment is subject to the following policy framework: the Provincial Policy Statement (PPS) 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020, as amended.

### **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. Through the PPS, growth and development is to be focused within the established settlement areas and be based on densities and a mix of land uses which efficiently use land and resources, and supports transit and active transportation. The institutional use of these lands complements the nearby downtown core of Burlington by providing cultural amenities within walking distance from the Downtown, is accessible via existing transit service and bike lanes, and compliments the diverse public space uses across Lakeshore Road at Spencer Smith Park. The proposed Zoning By-law amendment is consistent with the policies of the PPS.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe provides a growth management policy direction for the defined growth plan area. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient, well-designed form. The proposed Downtown Institutional zoning of the subject lands does not contemplate any new development on the subject lands. However, the institutional use of these lands for the Art Gallery of Burlington contributes to a vibrant, complete downtown community in Burlington by offering cultural amenities in a central, urban area of the City.

### **Halton Region Official Plan (ROP)**

The subject lands are designated as “Urban Area” in the ROP and is within the boundary of the “Urban Growth Centre” overlay. In the ROP, the Urban Growth Centres serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses. As noted earlier,

there is no new development proposed for this property, and the current use of the property for the Burlington Art Gallery provides opportunities for cultural and recreational activities in downtown Burlington. As such, the rezoning of the subject lands is in keeping with the Urban Growth Centre overlay objectives of the ROP.

### **City of Burlington Official Plan**

The subject lands are designated as “Downtown Mixed Use Centre, Waterfront West/Public Lands Precinct” on Schedule E of the City’s Official Plan (OP) and is located within the lands identified as the “Downtown Urban Growth Centre Boundary”. In the Waterfront West/Public Lands Precinct designation, existing uses and government and institutional uses are permitted. The institutional uses policies of the OP defines “Institutional Uses” as public or private educational facilities, places of worship, hospitals and other social service facilities, long term care and day-care facilities, public community facilities, cemeteries, and buildings and facilities owned by municipal, provincial, or federal governments. The city-initiated Zoning By-law amendment to rezone the subject lands from an Open Space O3 zone to the Downtown Institutional DI zone is a correction to the zoning on the subject lands in order to recognize the existing institutional use of the City-owned property for the Art Gallery of Burlington. Therefore, the rezoning of the subject lands does not trigger the need for an Official Plan amendment.

### **Zoning By-law 2020**

The subject lands are currently zoned Open Space O3 in the City of Burlington’s Zoning By-law 2020, as amended. The Open Space O3 zone permits public parks, public and private open spaces, cultural heritage resources, archaeological restoration, trails and nature viewing, natural resource management, transportation and utilities, agriculture outside of woodlots, and storm water management and erosion control. The O3 zone contemplates limited uses that are minimally impactful on surrounding natural context.

The Downtown Institutional DI zone permits the following uses: public uses, parks and open space, community and recreational facilities, cultural heritage resources and facilities, as well as festive, cultural, and ceremonial uses. The Art Gallery of Burlington has several functions including three public art gallery spaces, art education facilities, dedicated studio space for seven local art guilds (photography, hand-weaving, spinning, sculpture, woodcarving, fine arts, pottery and hooking craft). Accessory uses of the facility include a café, gallery shop, and event space. The Art Gallery of Burlington functions as a non-profit with charitable organization status. The use of the subject lands can be considered as both a public use and a community facility or community institution. The gallery space is open to the public and is located on public lands. The Art Gallery of Burlington is a publically accessible, cultural facility that also offers

recreational opportunities by offering art classes and studio space to local art guilds. For these reasons, the rezoning of the subject lands from the Open Space O3 zone to the Downtown Institutional zone is appropriate.

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### **Financial Matters:**

This application is being processed by the City of Burlington for City-owned lands. The City has incurred the expense of posting two public notice signs on the subject lands and posting a notice in the Burlington Post.

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### **Public Engagement Matters:**

On May 17, 2017 two public notices signs regarding the proposed rezoning of the subject lands were posted on the property. A public notice regarding the proposed City-initiated rezoning and the statutory public meeting was printed in the Burlington Post on May 25, 2017.

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### **Conclusion:**

Staff has initiated a Zoning By-law amendment in accordance with applicable provincial, regional, and local planning policies. Staff recommends that that Zoning By-law 2020-380 be approved to rezone the subject lands from the Open Space O3 zone to the Downtown Institutional DI zone in order to better reflect the cultural facilities, community institutional use, and recreational use of the property.

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Respectfully submitted,

Lauren Vraets, Planner II

335-7600 ext.7536

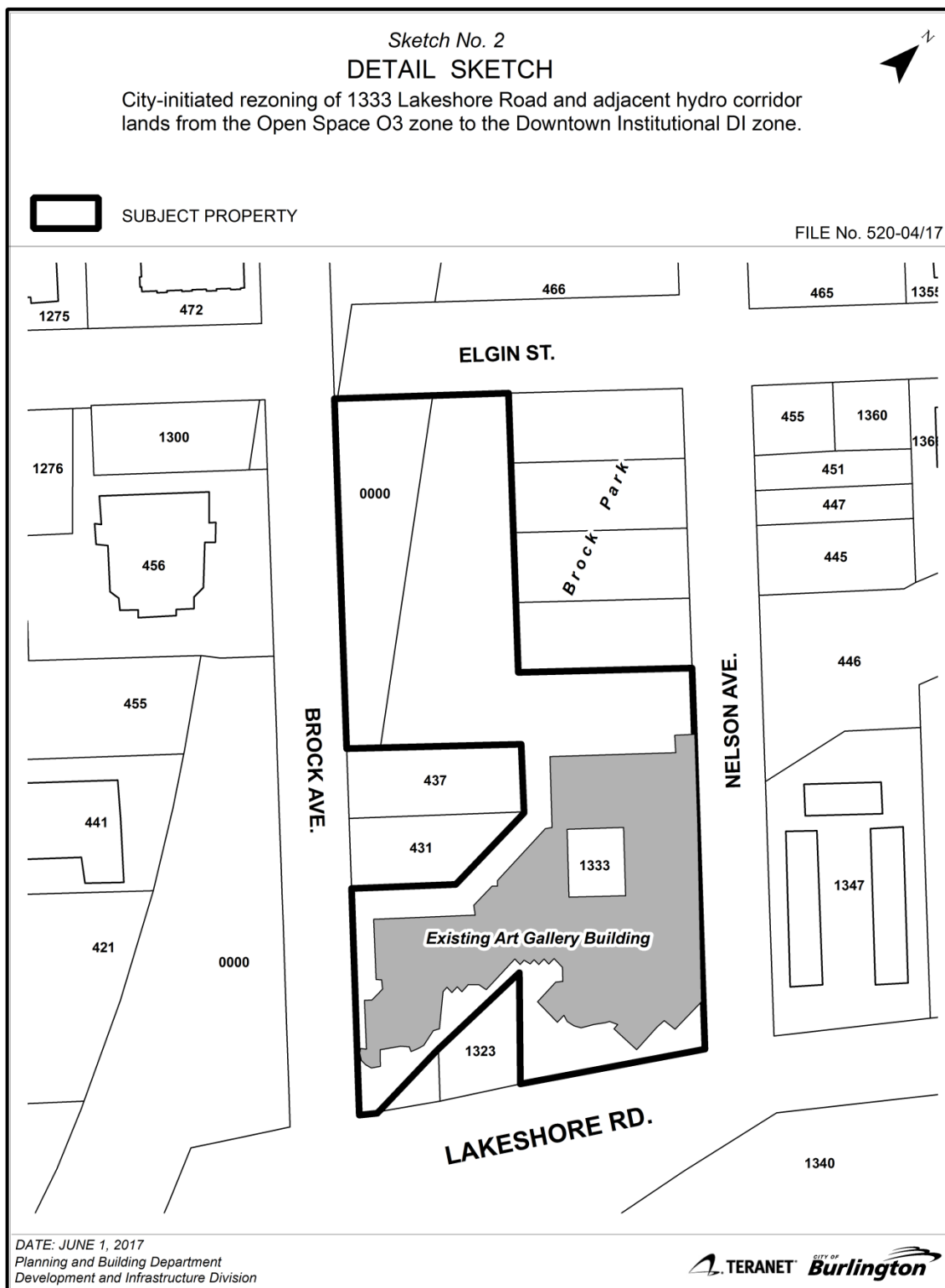
### **Appendices:**

- I. Detail Sketch
- II. Zoning Sketch
- III. Draft Zoning By-law

**Report Approval:**

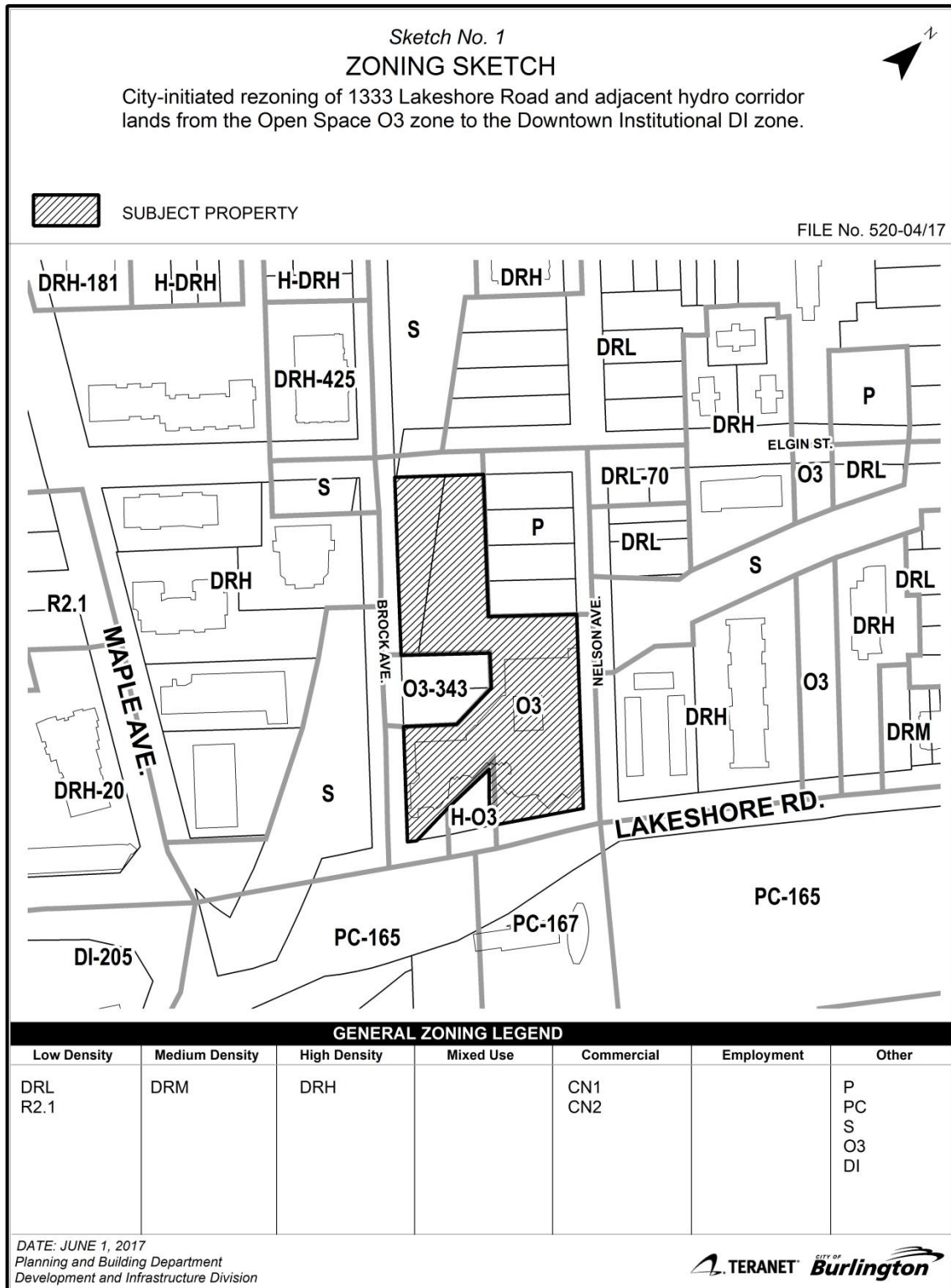
All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

# Appendix I – Detail Sketch





## Appendix II –Zoning Sketch



Appendix III – Draft Zoning By-law

City of Burlington By-Law 2020.380

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

for the lands known as 1333 Lakeshore Road and Hydro Corridor Lands identified as PT LTS 40, 41, 42, 43 & 44, PL 65, designated as PTS 1, 2 & 3 20R3106; LTS 50 & 51, PL 65, & PT LTS 45, 46, 47, 48 & 49, PL 65, designated as PTS 1 & 2 20R9046 & AS IN BH15546, BH18182, BH16634, BH15625, BH16661; S/T 498387 BURLINGTON

File No.: 520-04/17

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-39-17 on June 27<sup>th</sup>, 2017, to amend the City's existing Zoning By-law 2020, as amended, to change the zoning on the subject lands to the Downtown Institutional DI zone;

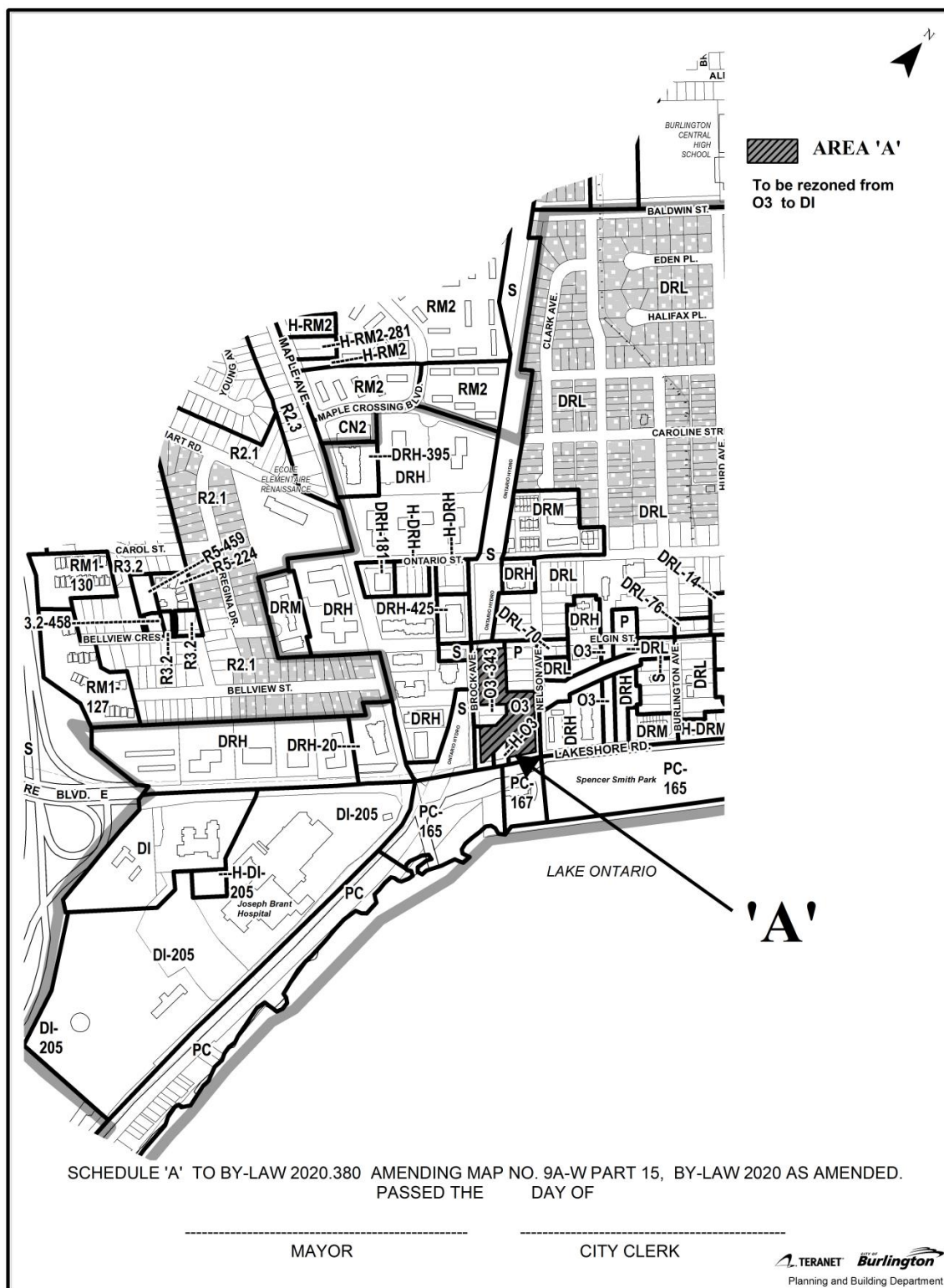
The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Zoning Map Number 9A-W of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from O3 to DI.
3. 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.
4. 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 this 27<sup>th</sup> day of June, 2017.

Mayor Rick Goldring \_\_\_\_\_

City Clerk Angela Morgan \_\_\_\_\_



## EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.380

By-law 2020.380 will rezone the property at 1333 Lakeshore Road and the adjacent hydro corridor lands from the Open Space O3 zone to the Downtown Institutional DI zone.

For further information regarding By-law 2020.380, please contact Lauren Vraets of the City's Planning and Building Department at 905-335-7600, ext. 7536.