



SUBJECT: Housekeeping Amendments to Zoning By-law 2020 – Floor Area Ratio

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-32-21

Wards Affected: 6

File Numbers: 520-03-03/21

Date to Committee: June 8, 2021

Date to Council: June 22, 2021

Recommendation:

Approve the proposed housekeeping amendment to Zoning By-law 2020 as outlined in community planning department report PL-32-21; and

Enact By-law 2020.431 as outlined in Appendix A to community planning department report PL-32-21.

PURPOSE:

This report recommends City-initiated general housekeeping amendments to Zoning By-law 2020 addressing general matters of clarification.

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Since the adoption of Comprehensive Zoning By-law 2020 in June 1999, Planning staff have periodically prepared housekeeping amendments to the by-law. The most recent housekeeping by-law, enacted by Council in July 2018, was By-law 2020.394.

The purpose of the amendments recommended in this report is to update regulations and maps contained in Zoning By-law 2020, so the By-law remains accurate and clear while providing consistency for implementation and enforcement. The identified modifications are minor and considered to be of a housekeeping nature.

Table 1 presents the recommended housekeeping amendments to Zoning By-law 2020 and the staff explanation to provide context.

TABLE 1 – PROPOSED ZONING BY-LAW AMENDMENTS

PROPOSED ZONING BY-LAW AMENDMENT		STAFF EXPLANATION
PART 14 – EXCEPTIONS TO ZONE DESIGNATIONS		
Ward 6	Amend Exception 448 by: deleting regulations for maximum Floor Area Ratio that apply across multiple properties within the subject lands, and replacing them with regulations for maximum Floor Area Ratio that apply individually to each property within the subject lands.	See 'Strategy/Process' section below

Strategy/Process

The proposed Zoning By-law amendment affects Exception 448, which applies to lands at the northwest corner of Appleby Line and Palladium Way, as shown on Figure 1 below. Exception 448 modifies the underlying “BC1” (Business Corridor) zone by adding specific regulations related to Floor Area Ratio (FAR), among others. Exception 448 was created in 2014 through by-law 2020.342 (report PB-24-14, file 520-10/13). At the time, it was anticipated that the subject lands would develop comprehensively through a single Site Plan application. The intent of the FAR Regulations in Exception 448 was to allow higher FAR (up to 1.2:1) on the portion of the lands (“Area A”) that fronts on Appleby Line, while still requiring that overall, the entirety of the subject lands (Areas A and B combined) would not exceed a FAR of 0.8:1. This was based on a concept for five-storey office buildings to be developed on the Appleby Line frontage (Area A) and smaller industrial buildings to be developed on the western part of the site (Area B).

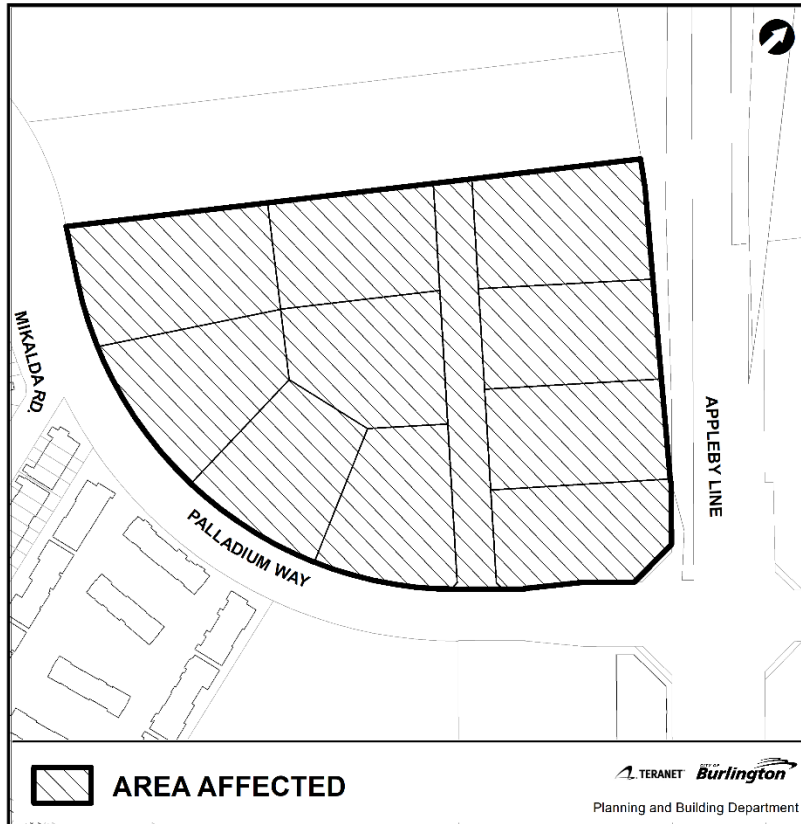


Figure 1: Lands affected by proposed Zoning By-law Amendment

In 2016, the property owner changed their plans for the subject property and applied for a plan of subdivision to create ten lots/blocks and a new public road on the subject lands, rather than pursuing a comprehensive development of the entire site. In 2017, this plan of subdivision received draft approval (report PB-29-17, 24T-16001B, 510-01/16). After the plan of subdivision is registered, the ten lots/blocks will be able to develop independent of one another through separate Site Plan applications. This creates an implementation challenge with the existing Floor Area Ratio regulations in Exception 448, which are measured jointly across all of the new lots/blocks. The Community Planning Department would need to track statistics for the entire subdivision to ensure that development on one lot/block does not push the entire subdivision over the maximum permitted Floor Area Ratio of 1.2:1 for Area A and 0.8:1 for Areas A and B combined.

To resolve this issue, a housekeeping amendment is proposed that will simplify and clarify the existing FAR regulations of Exception 448 by translating the existing maximum FARs for Areas A and B into a Floor Area Ratio that will apply separately to each of the ten new lots/blocks. This will allow for more efficient processing of applications by City staff and will create greater certainty for current and future property owners because they will know the regulations apply to their property only and are not dependent on the scale of development on the other properties in the subdivision.

The proposed amendment results in a maximum FAR of 1.1:1 for each individual lot/block in Area A and a maximum FAR of 0.7:1 for each individual lot/block in Area B. This is a result of translating the regulation from one that applies to the entire subdivision to one that applies to each property individually, while maintaining the following principles of the original regulation:

- maximum FAR is higher on the lands fronting Appleby Line than in the western half of the subject lands; and
- maximum FAR of the entire subdivision will not exceed 0.8:1.

The proposed housekeeping amendment is an update for clarification and simplification purposes only and does not change the existing maximum FAR of 0.8:1 for the entirety of the subject lands.

Official Plan Conformity

The Official Plan (1997, as amended) designates the subject lands as Business Corridor. This designation sets a maximum FAR of 0.5:1; however, a site-specific policy (Part III, section 3.4.3.f) allows for lands in the vicinity of the Highway 407 interchange to have a higher intensity of development subject to a travel demand management plan. The higher FAR permitted by Exception 448 was developed through a site-specific Zoning By-law Amendment application as discussed in report PB-25-14, and the currently proposed amendment does not result in any increase to the maximum FAR beyond what was already approved through by-law 2020.342 (report PB-25-14).

The City's new Official Plan (2020, subject to appeals) also designates the subject property as Business Corridor. The relevant policies of the new Official Plan encourage a minimum FAR of 0.25:1 and do not establish a maximum FAR for Business Corridor lands. The new Official Plan (2020) is subject to appeals that will be assessed by the Local Planning Appeal Tribunal (LPAT) to determine their validity. The LPAT will then issue an Order to confirm which parts of the new Official Plan (2020) are subject to a valid appeal.

The housekeeping amendments to the Zoning By-law proposed through this report conform to both the Official Plan (1997) and the new Official Plan (2020).

Financial Matters:

Not applicable

Climate Implications

Not applicable

Engagement Matters:

In accordance with the policies of the City's Official Plan for general or city-wide Zoning By-law amendments, notice of the subject public meeting was provided by way of a newspaper notice in the Burlington Post thirty days prior to the public meeting. A letter outlining all of the proposed amendments was also sent to external public agencies thirty days in advance of the public meeting.

The current property owner is aware of the proposed amendment and has expressed support for the amendment as worded in Appendix A of this report. The owner is currently working towards clearing conditions to achieve final approval and registration of the draft-approved plan of subdivision for the subject lands.

Conclusion:

The recommended City-initiated amendments to Zoning By-law 2020 will ensure that the By-law remains clear and implementable. The proposed amendments conform to the Burlington Official Plan (1997, as amended) as well as the new Burlington Official Plan (2020). The proposed amendments are consistent with the Provincial Policy Statement and conform with or do not conflict with the applicable provincial plans and the Regional Official Plan.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner

(905) 335-7600 ext. 7811

Appendices:

- A. Draft Zoning By-law 2020.431

Notifications:

Clerks Department to consult Community Planning Department in preparation of notifications

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

APPENDIX A

**DRAFT BY-LAW NUMBER 2020.431,
SCHEDULE 'A' AND EXPLANATORY NOTE**

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.431

A By-law to amend By-law 2020, as amended;
File No.: 520-03-03/21 (PL-32-21)

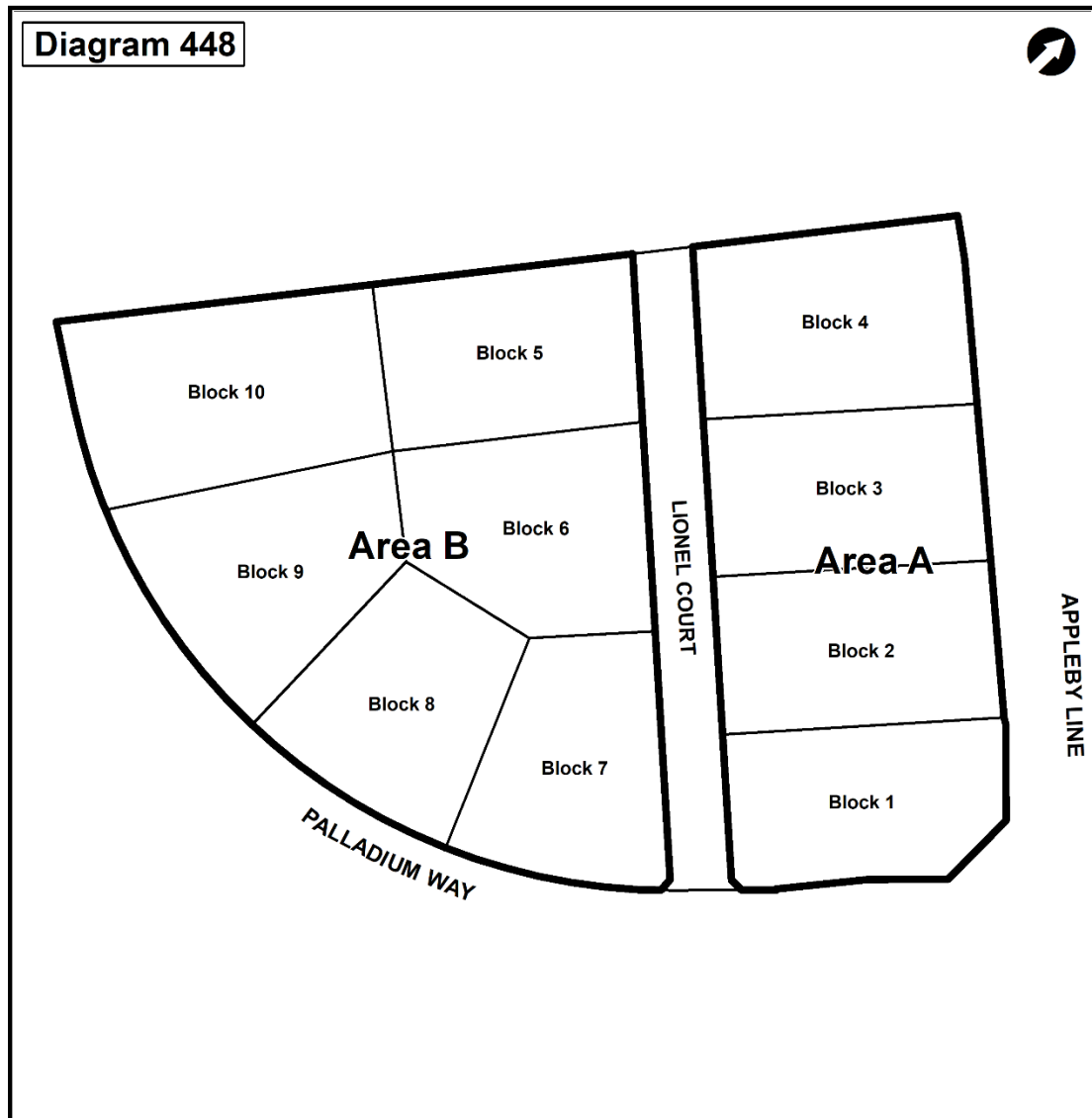
WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved the Recommendations in report PL-32-21 on June 22, 2021, for city-initiated general amendments to Zoning By-law 2020, as amended;

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

1. PART 14 of By-law 2020, Exceptions to Zone Designations, Exception 448, be amended by:
 - i. deleting:
 - Maximum Floor Area Ratio for Area A in Diagram 448: 1.2:1
 - Maximum Floor Area Ratio for Areas A & B in Diagram 448: 0.8:1
 - ii. and replacing it with:
 - Maximum Floor Area Ratio for each block in Area A in Diagram 448: 1.1:1
 - Maximum Floor Area Ratio for each block in Area B in Diagram 448: 0.7:1

2. PART 14 of By-law 2020, Exceptions to Zone Designations, Exception 448, be amended by:
 - i. Deleting DIAGRAM 448 and replacing it with the following revised DIAGRAM 448:



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.

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 Local Planning Appeal Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this 22nd day of June, 2021.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.431

By-law 2020.431 is a general by-law that will amend the City's Zoning By-law 2020, as amended, for the purpose of clarifying and simplifying floor area ratio regulations in the zoning by-law that apply to lands north of Palladium Way and west of Appleby Line by allowing floor area ratio to be applied to each individual property rather than applied across multiple properties within an area.

For further information regarding By-law 2020.431, please contact Thomas Douglas, Senior Planner, Burlington Community Planning Department at (905) 335-7600 extension 7811.