



SUBJECT: Interim Control By-law Land Use Study

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-01-20

Wards Affected: 2, City-wide

File Numbers: 502-02-71

Date to Committee: January 14, 2020

Date to Council: January 30, 2020

Recommendation:

Receive the Interim Control By-law Land Use Study report prepared by Dillon Consulting and attached as Appendix B; and

Approve the proposed Official Plan Amendment attached in Appendix D; and

Approve the proposed Zoning By-law Amendment attached in Appendix E; and

Repeal the Interim Control By-law from the subject lands upon expiry of the appeal period for the proposed Official Plan and Zoning By-law amendments, provided no appeals are filed.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment

Background and Discussion:

1.0 Background of Interim Control By-law Land Use Study

On March 5, 2019, City Council implemented an Interim Control By-law (ICBL) in order to undertake a land use study to:

- Assess the role and function of the downtown bus terminal and the Burlington GO Station on Fairview Street as Major Transit Station Areas;
- Examine the planning structure, land use mix and intensity for the lands identified in the study area; and
- Update the Official Plan and Zoning By-law regulations as needed for the lands identified in the study area.

Staff report PB-36-19 included a recommendation to implement an ICBL in response to two primary concerns:

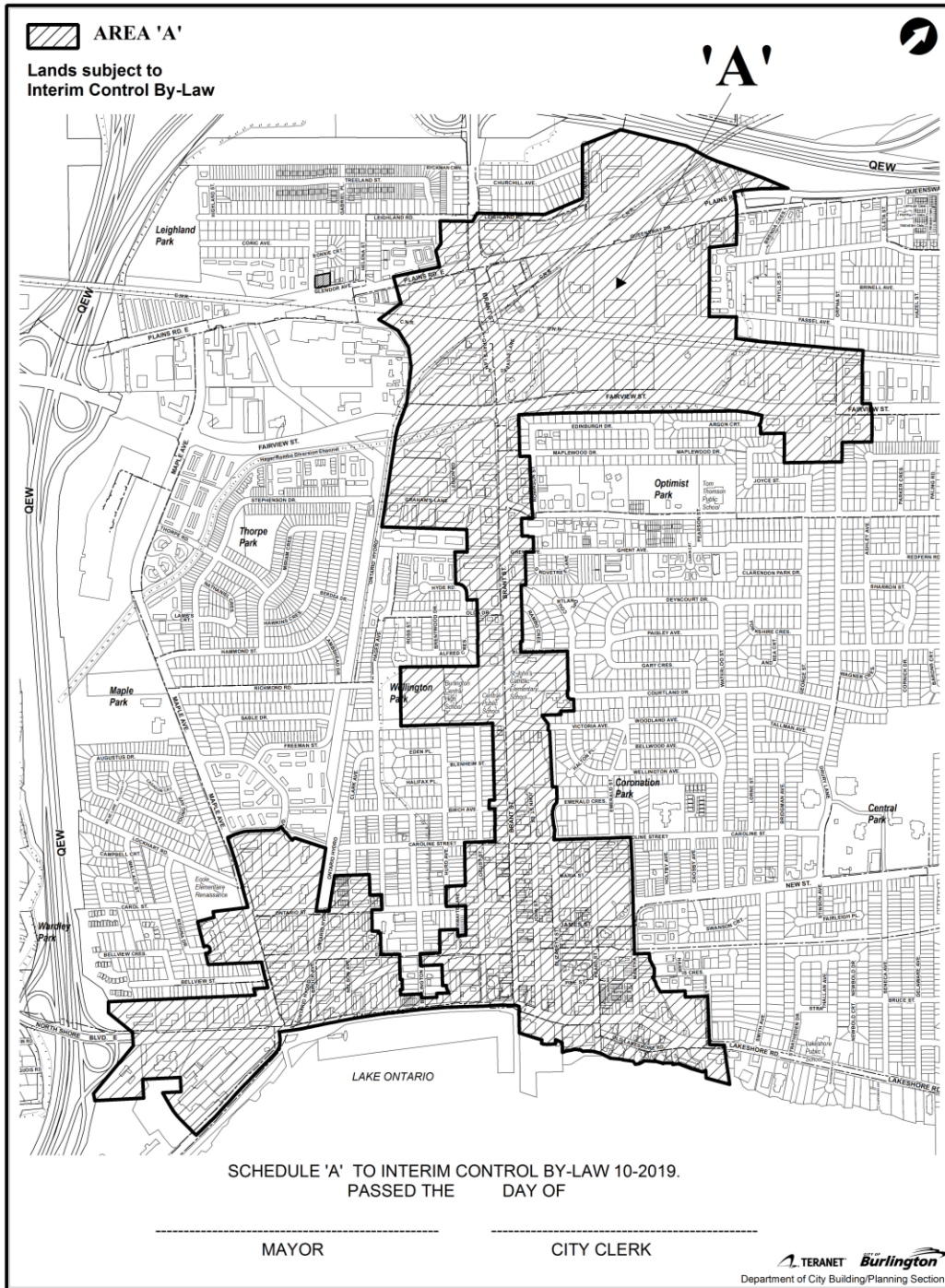
- 1) Growth pressures that continue to emerge for the lands in the study area; and
- 2) The role and function of the John Street Bus Terminal as a Major Transit Station Area.

There are multiple pending developments in the application review stage where the proposed intensities are significantly higher than those anticipated by the current Official Plan or the adopted Official Plan which is currently under review. Further, the John Street Bus Terminal's designation as an MTSA in the Province's 2017 Growth Plan was relied upon by the Ontario Municipal Board in its decision to allow a 26-storey development at 374 Martha Street, citing that, as an MTSA, the bus terminal could support intensities well in excess of those contained in the Official Plan.

2.0 Study Area

The Interim Control By-law study area is shown in Figure 1. The lands in the study area include the Downtown Urban Growth Centre (UGC) in the southern portion and lands in proximity to the Burlington GO Station in the northern portion.

Figure 1: Interim Control By-law Study Area



3.0 Planning Policy Framework

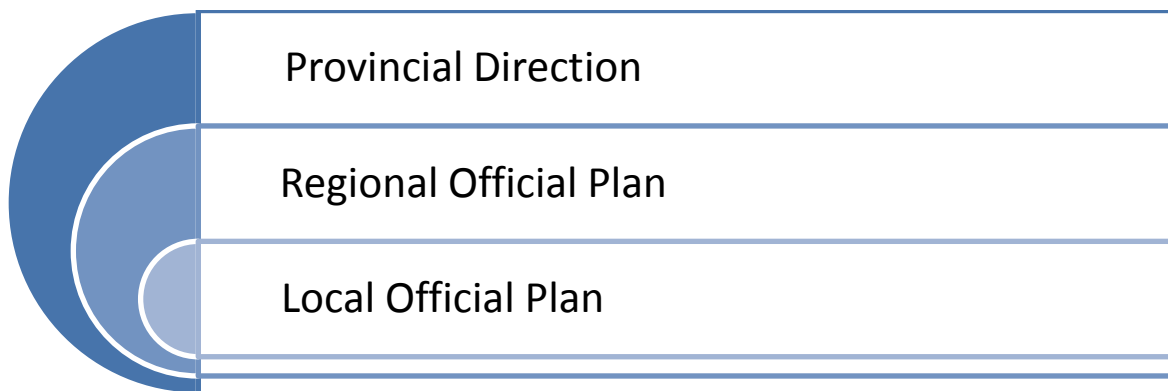
In Ontario, planning matters are identified and considered through planning direction and policy that is established at three different levels of government: Provincial, Regional and local planning matters.

The Provincial government addresses planning matters through planning legislation and accompanying provincial direction found in Provincial acts, plans and documents such as the *Planning Act of Ontario*, the *Provincial Policy Statement*, the *Places to Grow Act*, the *Growth Plan for the Greater Golden Horseshoe* and the *Greenbelt Plan*, among others. The Province takes a broad lens related to large-scale planning issues such as protecting the Province’s agricultural land, ensuring opportunities for employment growth are maintained, protecting natural heritage systems such as woodlots and wetlands, and managing suburban sprawl by directing growth into the built-up areas of cities.

These broad directions are further refined, and the provincial legislation is implemented at a smaller scale through single / upper-tier Regional Official Plans. These are plans prepared by Regional governments where the provincial direction and planning principles are formalized to reflect the Regional context and incorporated into Regional Official Plans. These plans are required to conform to the Provincial legislation and plans by incorporating the same or similar planning policy language and definitions. Regional governments are typically responsible for several municipalities and therefore their plans are generally focused on Region-wide matters that impact more than one municipality within their jurisdiction.

And finally, at the local level, municipalities are required to prepare local Official Plans that address the matters affecting their municipality, but which are still required to conform to the planning framework established at both the Provincial and Regional levels. Local Official Plans address much more specific planning issues within a city and provide greater detail and clarity on how a broad provincial direction is addressed at a local level. The relationship between these three levels of planning policy is shown in Figure 2.

Figure 2: The Relationship Between Provincial Plans, the Regional Official Plan and the City’s Official Plan



4.0 The Growth Plan for the Greater Golden Horseshoe, 2006

In the early 2000's, the Province recognized that the area surrounding the Greater Toronto and Hamilton Area (GTHA) was rapidly growing outward as a result of a strong economy, the desirability of the GTHA as a destination of choice for people and businesses relocating from other parts of Canada and the world, and the availability of land. Like many parts of North America, Ontario was experiencing significant suburban sprawl. The issue was particularly concerning in Ontario because the sprawl had the potential to expand into prime agricultural lands and sensitive environmental areas. Some of the Province's best soil for supporting agricultural uses and some of the most fragile ecosystems were at risk from suburban development patterns of land-intensive subdivisions. This outward sprawl presented challenges in terms of the high costs of extending services and maintaining infrastructure in expanding suburban areas while also driving retail and business activity away from the historic downtown cores of cities and closer to the new development by locating retail activities in suburban malls and big box retail centres. In order to address this uncoordinated sprawl, the Province enacted the *Places to Grow Act* in 2005 and set the stage for the Growth Plan for the Greater Golden Horseshoe, 2006 with several objectives, including among others:

- To protect environmentally sensitive areas and agricultural lands;
- To manage suburban sprawl and drive new development back into built-up areas that already had existing infrastructure in place (water and wastewater capacity);
- To introduce major transit station areas as appropriate locations for intensification and transit-supportive development; and
- To revitalize downtown cores and drive growth and investment back into these areas.

5.0 A Place to Grow, 2019

Since the Growth Plan's initial release in 2006, it has been amended a number of times: first in 2017 with changes to policy areas including intensification and density targets; directing growth to Major Transit Station Areas (MTSAs) including minimum density targets; and the introduction of "prime employment areas". The plan was updated again in 2019 when the document was renamed *A Place to Grow, 2019* with a planning horizon to 2031 and changes were made to several policy areas including employment lands, settlement area adjustments, transit-supportive development, and the natural heritage system and agricultural system mapping.

Although some modifications were made to the above-mentioned policy areas in the 2017 Growth Plan and in *A Place to Grow* in 2019, the underlying principles and premise of the Growth Plan to manage population and job growth and direct future growth to key areas such as Urban Growth Centres and major transit station areas remain the same.

5.1 Urban Growth Centres

As mentioned in Section 3.0 of this report, the Province sets broad policies and direction for various planning matters. In *A Place to Grow*, the Province defines an “Urban Growth Centre” (UGC) as “existing or emerging downtown areas shown in Schedule 4 and as further identified by the Minister on April 2, 2008”. Section 2.1 of *A Place to Grow* states:

The Growth Plan, 2006 identified 25 *urban growth centres* and this Plan continues to recognize those *urban growth centres* as regional focal points for accommodating population and employment growth. The continued revitalization of *urban growth centres* as meeting places, locations for cultural facilities, public institutions, and major services and transit hubs with the potential to become more vibrant, mixed-use, *transit-supportive* communities is particularly important.

The Urban Growth Centres are depicted on Schedule 4 of the Growth Plan and *A Place to Grow* provides additional policy guidance in Section 2.2.3.2 b): “Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare for... Downtown Burlington”. In the Region of Halton’s Official Plan, the Urban Growth Centre boundary for each lower-tier municipality, including Burlington, is depicted on Map 1. Burlington’s in-force and effect Official Plan requires an update in order to conform with the Region’s Official Plan (ROPA 38) as shown on Appendix D as discussed in Section 11 of this report.

5.2 Major Transit Station Areas

In *A Place to Grow*, 2019, the Province defines “major transit station areas” as “the area including and around any existing or planned *higher order transit station* or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk”¹. *A Place to Grow* provides the policy guidance in Section 2.2.4.2: “For *major transit station areas* on *priority transit*

¹ *A Place to Grow*, 2019 defines the term “higher order transit” but does not define the term “major bus depot”.

corridors or subway lines, upper- and single-tier municipalities in consultation with lower-tier municipalities, will delineate the boundaries of *major transit station areas* in a *transit-supportive* manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.” The Priority Transit Corridors are shown on Schedule 5 of the Growth Plan, which includes the Lakeshore West line to Burlington GO, and has a prescribed minimum density target of 150 people and jobs per hectare. Through this policy, the Province recognizes that there are numerous major transit station areas across the province, but that each major transit station area will have its own characteristics and should be more closely reviewed through a Municipal Comprehensive Review (MCR, also referred to as the Regional Official Plan Review).

The Province directs that upper-tier municipalities such as the Region of Halton are responsible for evaluating the major transit station areas within the region, delineating the boundaries of each major transit station area and determining the density target that is appropriate for each major transit station area (Sections 5.2.3.2, 5.2.5). Through the Region’s Official Plan review process, which is required to conform to *A Place to Grow* and which has a planning horizon to 2041, existing and proposed Major Transit Station Areas in Halton will be reviewed and may be grouped into categories based on their overall role, regional functionality, characteristics and the opportunity to provide enhanced mobility and connectivity throughout the Region.

Building upon the work completed by the Region of Halton through the Defining Major Transit Requirements in Halton Region (2019) and in keeping with the policies of the Growth Plan, the final delineation of the MTSA boundaries and the identification of minimum density targets, will be established by the Region of Halton through their MCR and will be included on a schedule in the City’s Official Plan through a future Official Plan Review.

6.0 Metrolinx’s Regional Transportation Plan

In 2008, Metrolinx, the Provincial agency tasked with implementing a province-wide public transit system, released *The Big Move*. This document was intended to show the long-term plan to connect key nodes throughout the Greater Golden Horseshoe via the GO network comprised of both GO trains and GO buses. While the GO network had historically been used as a commuter line to drive residents in suburban areas into the core of downtown Toronto, Metrolinx envisioned a longer-term, comprehensive network with more balanced travel patterns connecting dozens of strategic nodes to the system. In 2018, Metrolinx released the 2041 Regional Transportation Plan to build on the *Big Move* through five strategies related to completing the delivery of current regional transit projects; connecting more of the region with frequent rapid transit; optimizing the

transportation system; integrating transportation and land use and preparing for an uncertain future.

6.1 Mobility Hubs

Through the Big Move, Metrolinx established and emphasized the concept of “Mobility Hubs”. This concept is based around the planning concept of transit-supportive development which links growth and development to transit infrastructure and grounds the relationship between where people live and work with how people move around via public transit and active transportation modes such as walking and cycling. The importance of transit-supportive development lies in the opportunity to make it easier for people to live in places without the need for a private vehicle or with a reduced need for a private vehicle. If people who live in and around transit supportive development can make most of their daily trips by transit, cycling or walking, they are less likely to require a vehicle. A reduction in the number of people who rely on vehicles will generally lead to more active and healthier population, mitigate traffic congestion and extend the lifespan of roads and highways. The Big Move envisioned a future network of Mobility Hubs across the GO network supported by public transit investments and this vision continues in the Regional Transportation Plan.

7.0 Key Terms in Provincial Policy

The following table provides a list of designations that are used within the planning policy framework, the provincial document in which the designation is found, the decision maker of the designation, the definition of the term and its meaning.

Designation	Provincial and Regional Documents	Decision Maker	Definition	What It Means
Urban Growth Centre	<p><i>A Place to Grow: Growth Plan for the Greater Golden Horseshoe</i>; Legislation; Defined and mapped in Regional Official Plan</p> <p>(Previously identified in <i>Places to Grow, 2006</i> and <i>Places to Grow, 2017</i>)</p>	<p>Province and Region:</p> <p>Provincial Plan and Regional Official Plan</p>	<p>“Existing or emerging downtown areas shown in Schedule 4 and as further identified by the Minister on April 2, 2008.”</p>	<p>The Province has identified Urban Growth Centres in <i>A Place to Grow</i> as existing or emerging downtown areas. The policy guidance for UGC’s indicates that these are areas that are planned to be focal areas for investment in regional public service facilities as well as commercial, recreational, cultural and entertainment uses; accommodate and support the transit network at the regional scale; to serve as high-density major employment centres that will attract significant employment uses and accommodate significant population and employment growth.</p> <p>Further, they will be planned to achieve, by 2031 or earlier, a specific minimum density target.</p>
Major Transit Station Area	<p><i>A Place to Grow: Growth Plan for the Greater Golden Horseshoe</i>; Defined and mapped in Regional Official Plan</p> <p>(Also previously defined/identified in <i>Places to Grow, 2006</i> and <i>Places to Grow, 2017</i>)</p>	<p>Province: Definition</p> <p>Regional Official Plan: Mapping</p>	<p>“The area including and around any existing or planned <i>higher order transit</i> station or stop within a <i>settlement area</i>; or the area including and around a major bus depot in an urban core. <i>Major transit station areas</i> generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk”.</p>	<p>The Province has identified major transit station areas as areas within 500 to 800 metres of transit stations where development can be supported by transit infrastructure.</p> <p>Specific boundaries and minimum density targets will be assigned to major transit station areas on priority transit corridors (this includes Burlington GO and Appleby GO) through the Region’s MCR.</p>

<p>Mobility Hub</p>	<p>The Regional Transportation Plan (RTP); Defined and mapped in Regional Official Plan (Previously identified in the Big Move, 2008)</p>	<p>Region Official Plan: Definition and Mapping</p>	<p>“Mobility Hubs are Major Transit Station Areas at the intersection of two or more Frequent Rapid Transit Network routes, designed to support a high number of transit boardings and alightings, and facilitate seamless, efficient transfers between modes. They have and/or are planned to have a high density mix of jobs, residences, public services, and other land uses that encourage and support transit use and active transportation, or the potential to develop into areas with a high-density mix of land uses.”</p>	<p>Metrolinx identified Mobility Hubs as Major Transit Station Areas that are or were intended to receive public transit investments. This term was incorporated into the Region of Halton Official Plan through ROPA 38.</p>
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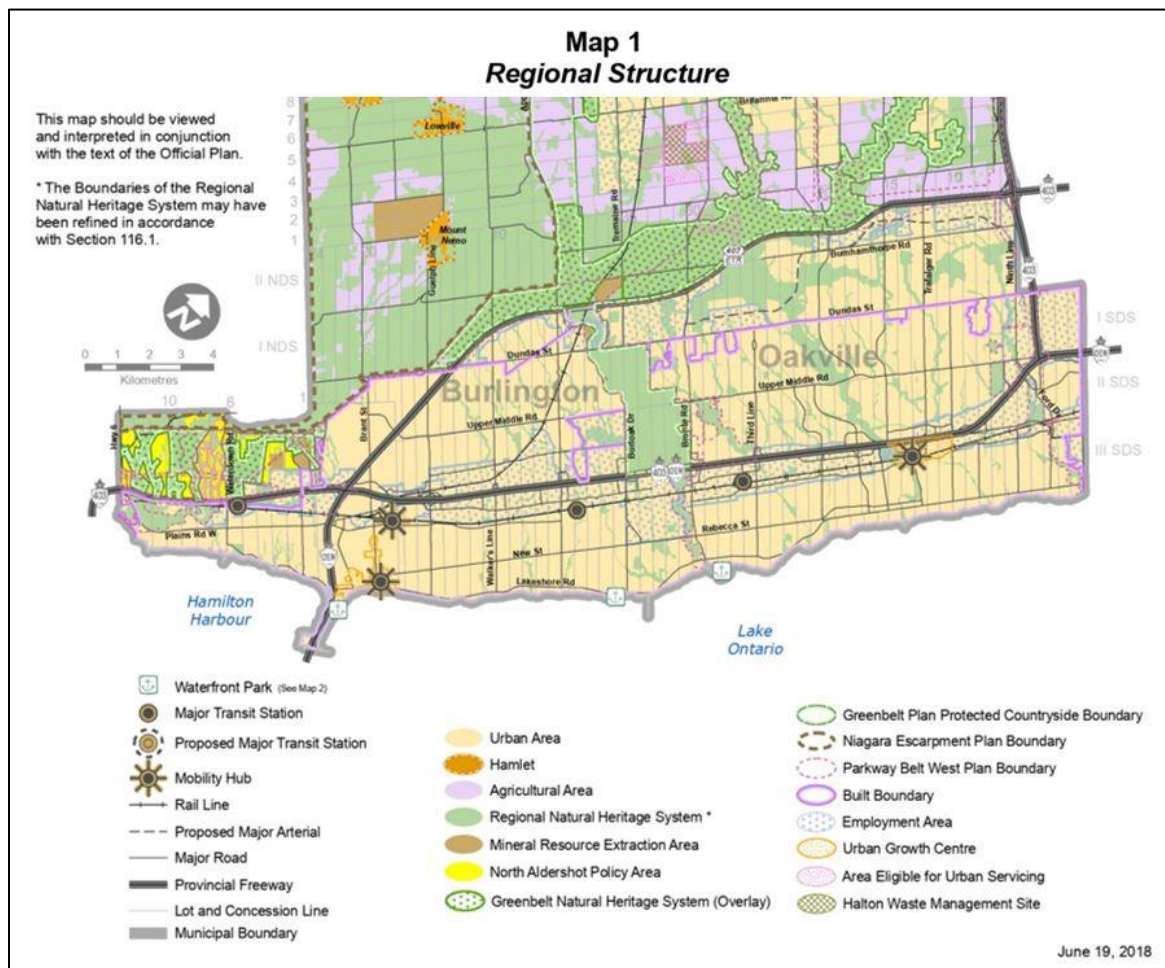
It is important to recognize that this is the planning framework that is in place at the time of undertaking the Interim Control By-law Land Use Study. Local Official Plans are required to conform to policies and terms that are established and defined by the Provincial government. The *Planning Act* requires that local Official Plans do not conflict with Provincial plans. In accordance with 3(5) of the *Planning Act*, “a decision of the council of a municipality... in respect of the exercise of any authority that affects a planning matter... shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Notwithstanding the above, local Official Plan policies can provide clarity on how provincial plans, policies and definitions will be implemented within the local context of the municipality as long as the local planning policy approach still conforms to Regional and Provincial planning policy. An overview and timeline of these planning processes that depicts the complexity of aligning local planning studies and Official Plans with the Regional Official Plan and Provincial plans and policies is included in Appendix A.

8.0 Major Transit Station Areas in Burlington

The Province defined Major Transit Station Areas as “the area including and around any existing or planned *higher order transit* station within a *settlement area*; or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500 m radius of a transit station, representing about a “10-minute walk” in the Growth Plan in 2006”. With the introduction of this term and related policies in the Growth Plan, the Region of Halton was required to implement this provincial planning direction into the Region’s Official Plan when they last completed a Regional Official Plan Review process (ROPA 38) in 2009, which allocated growth to the 2031 planning horizon. Through ROPA 38, the Region included the definition of “Major Transit Station Areas” in the Regional Official Plan and identified these areas on Map 1 in their Official Plan (Figure 3).

Figure 3: Excerpt of Map 1 of the Region’s Official Plan



As a lower-tier municipality, the City of Burlington is required to conform to provincial and regional planning policies and is therefore required to include the definition of Major Transit Station Areas in the City’s Official Plan and provide planning policies for these

areas through an Official Plan review process or through the creation of a new Official Plan. However, since the 2017 Growth Plan established that it is the responsibility of upper-tier municipalities to delineate MTSA boundaries and establish density targets for individual MTSA through a Municipal Comprehensive Review, the City's Official Plan cannot establish the precise boundaries of the City's MTSA on a schedule, or establish the density target in planning policies until the Region has completed this exercise and established it in the Regional Official Plan. Once the MTSA have been delineated and density targets established in the Region's Official Plan, the City will be able to update the City's Official Plan to conform to the Region's Official Plan. In this way, the City's ability to provide planning guidance and clarity around major transit station areas through an amendment to the City's existing Official Plan has limitations as it pertains to boundaries and density targets, although the City can provide recommendations to the Region of Halton for consideration while the Region undertakes its Regional Municipal Comprehensive Review process over the coming years. Nevertheless, the City is required to incorporate the term "major transit station area" into the existing Official Plan and can establish planning policies and guidance for these areas as long as the City does not delineate the MTSA or establish density targets for them.

Through the Interim Control By-law Land Use Study, the City has the opportunity to review the concept of Major Transit Station Areas through a local lens and provide planning policy guidance for these areas through an amendment to the existing in-force and effect Official Plan which must be in conformity with ROPA 38.

9.0 Interim Control By-law Land Use Study

The City retained Dillon Consulting in the spring of 2019 to assist with the Interim Control By-law Land Use Study.

The study was comprised of four stages:

- Stage 1: Review Background Material and Data Collection/Analysis
- Stage 2: Assess the Role and Function of the Major Transit Station Areas
- Stage 3: Examine the Planning Structure, land use mix and intensity
- Stage 4: Reporting

Stages 1 and 2 of the study included a summary of the policy context for the ICBL Land Use Study, including relevant Provincial, Regional and City policies as well as other reports and guidelines and an analysis of the existing and planned land uses, heights, density, amenities in the study area, trip generation and transit ridership and mode share information in order to assess the role and function of the major transit station areas.

Stage 3 involved an examination of the planning structure, land use mix and intensity in the current Official Plan and Zoning By-law 2020 with recommended policy and zoning directions.

Stage 4 culminated in the preparation of a report by Dillon (Appendix B) that summarized the findings of Stages 1, 2 and 3 and resulted in policy and zoning recommendations which are described in Section 10 of this report.

An overview of Dillon's report is summarized below:

- *A Place to Grow* defines major transit station areas as “the area including and around any existing or planned *higher order transit station* or stop within a *settlement area*; or the area including and around a major bus depot in an urban core”.
- While it is clear that GO Stations are served by higher order transit on dedicated rail lines, there is more ambiguity surrounding the term “major bus depot” which is not a defined term in provincial policy.
- The Province's Growth Plan identifies the downtown as an “Urban Growth Centre” and the downtown bus terminal as a “major transit station area”; Metrolinx identifies the downtown bus terminal as a “mobility hub” and the Region's Official Plan identifies the downtown as Burlington's “Urban Growth Centre” and the downtown bus terminal as both a “mobility hub” and a “major transit station”. These identifiers are found in both provincial and regional planning documents.
- As a lower-tier municipality, Burlington is required to conform to upper tier and provincial planning policy which means that Burlington's Official Plan must identify major transit station areas which have been identified in the Region's Official Plan.
- A closer analysis of the downtown bus terminal concludes that it is not currently functioning as a major bus depot based on the common characteristics of typical major bus depots or passenger terminals which were used to assess the Downtown Bus Terminal under existing and future conditions:
 - location;
 - connectivity;
 - physical infrastructure;
 - transit transfer; and
 - convergence.
- Recognizing that there are some limitations of the downtown bus terminal as it functions today and in the future, it is appropriate to distinguish the downtown Major Transit Station Area from other Major Transit Station Areas on the GO rail line through a policy framework in the City's Official Plan.

- Recognizing that there are a number of on-going initiatives such as the Scoped Re-examination of the Official Plan and the secondary planning work for the Mobility Hubs which is underway, the following items should be addressed to provide guidance in the interim:
 - Recognizing the importance of transit-supportive development in the Official Plan;
 - Defining the two different functions of the Burlington GO and Downtown Burlington MTSAs in the Official Plan based on their differing roles;
 - Providing development criteria for assessing transit and complete community supportiveness;
 - Updating policies and permissions for lands in the immediate vicinity of the Burlington GO to avoid potential for unplanned/uncoordinated development in close proximity to the GO Station;
 - Updating policies and permissions for mixed use areas (MXT) to ensure alignment between current Official Plan and Zoning By-law; and
 - Updating key definitions to ensure alignment with the Growth Plan.

10.0 ICBL Land Use Study Recommended Official Plan Policy and Zoning Directions

Chapter 7 of the Dillon report provides a series of recommended policy directions for the in-force Official Plan and Zoning By-law which are summarized in Section 10.1 below.

10.1 Recommended Official Plan Policy Directions

Part I – Policy Framework

Policy Direction 1: Recognize the role of MTSAs and transit-supportive land uses in the Land Use Vision

Staff Comment: Additional policy language has been proposed to be added to Part I, Section 4 to introduce the role of MTSAs and the importance of transit-supportive development in the city (Appendices B and C of this report).

Part II – Functional Policies

Policy Direction 2: Strengthen policy direction on transit supportive land uses city-wide to recognize the relationship between land use and transit.

Staff Comment: Additional policy language has been proposed to be added to Part II, Sections 3 and 6 to strengthen the relationship between land use and transit. A new subsection 3.11 Transit-Supportive Development has been proposed to strengthen the concept of transit-supportive development into the Official Plan and

provide objectives and policies that apply to transit-supportive development.

Policy Direction 3: Add city-wide policies defining the need to plan for complete communities

Staff Comment: Additional policy language has been proposed to be added to Part II, Section 6 to integrate transit-supportive development as a component of complete communities.

Part III – Land Use Policies – Urban Planning Area

Policy Direction 4: Add policies to Part III identifying the location, function and scale of Major Transit Station Areas in Burlington.

Staff Comment: A new Section 7 has been proposed to be added to Part III to establish a major transit station area typology in the Official Plan and distinguish the various major transit station areas in Burlington: MTSAs that are on a Priority Transit Corridor as identified in the Growth Plan and served by Regional Express Rail; the Aldershot GO MTSA which is served by Regional Express Rail but not on a Priority Transit Corridor in the Growth Plan; and the Downtown Bus Terminal MTSA which is not served by Regional Express Rail.

This new section also identifies the need for secondary plans or major planning studies for major transit station areas served by Regional Express Rail and includes policies requiring development in major transit station areas to be transit-supportive, achieve multi-modal access to stations and direct major office and institutional development to these areas.

Policy Direction 5: Consider strengthening the connection between the Burlington GO MTSA and the Downtown Burlington MTSA

Staff Comment: New policy language has been proposed in Part III, Section 7 which encourages the City to consider strengthening the connection between the Burlington GO MTSA and the Downtown Burlington MTSA through several transit priority measures including queue jump lanes and transit signal priority. (Appendices C and D).

Policy Direction 6: Add a policy describing the role and function of the Downtown Burlington MTSA

Staff Comment: New policies in Part III, Section 7 describe the role and function of the Downtown Burlington MTSA.

Policy Direction 7: Add a policy describing the role and function of the Burlington GO MTSA

Staff Comment: New policies in Part III, Section 7 describe the role and function of the Downtown Burlington MTSA.

Policy Direction 8: Update land use policies to support transit-supportive development within the Burlington GO MTSA, including changes to the Mixed Use Corridor – General, Mixed Use Corridor – Commercial, Mixed Use Corridor - Employment and General Employment policies.

Staff Comment: Some of the specific policy matters identified in this policy direction have been addressed through the adopted Official Plan or will be addressed through the Comprehensive Zoning By-law process that will commence following approval of the adopted Official Plan. Certain policy directions for the Mixed Use Corridor – Employment and General Employment designations to remove or increase floor area ratios, introduce minimum building heights to some employment uses and/or to remove permissions related to large scale motor vehicle dealerships have been recommended to a future Official Plan Review process as referenced in Section 16 of this report.

New policies have been added to guide development applications in advance of the completion of secondary plans or major planning studies for lands in proximity to the Burlington GO Station.

Additional policy language has been proposed in Part III, Section 7 to implement a requirement in the Zoning By-law for bicycle parking spaces.

Additional policy language has been proposed in Part III, Section 7 to permit ancillary retail and service commercial uses in multi-storey office buildings to allow small-scale commercial uses to support a future office building.

Part VI - Implementation

Policy Direction 9: The OP should include criteria to evaluate development applications in advance of the Area Specific Plans

Staff Comment: New policy language has been proposed in Part III, Section 7 for the Special Planning Area to provide a stronger and more comprehensive list of criteria to be satisfied when evaluating development applications in the Special Planning Area.

Part VII – Schedules & Tables

Policy Direction 10: Schedule changes are needed to reflect the policy changes and opportunities for clarity in policy application

Staff Comment: New Schedules M and M-1 for the Special Planning Area and an update to Schedules B and E of the Official Plan have been proposed to correspond to the new policies regarding the study area which are proposed in Part III, Section 7. The Priority Transit Corridor along the Lakeshore West GO Rail Line has not been shown on a new Official Plan schedule as it is already identified on Schedule 5 of the Growth Plan and new policy language that includes the term Priority Transit Corridor includes a reference to the Growth Plan.

Policy Direction 11: Consideration for the need for a Special Planning Area should be given

Staff Comment: A Special Planning Area has been proposed on Schedules B, E and M to delineate the lands within the study area to which the new proposed policies would apply. Schedules B and E have also been proposed to be updated with the Urban Growth Centre in accordance with Regional Official Plan Amendment 38.

Part VIII – Definitions

Policy Direction 12: Update definitions to provide clear policy direction and conform with provincial policy.

Staff Comment: The following definitions have been proposed to be updated or added to the Official Plan (included in Appendices C and D) in order to align with provincial policy documents and/or to assist in the interpretation of the proposed Official Plan policies:

- Active Transportation
- Compact Built Form
- Complete Communities
- Complete Street
- Frequent Transit
- Higher Order Transit
- Major Transit Station Area
- Major Trip Generator
- Mid-rise Building
- Multi-Modal
- Public Service Facilities

- Tall Building
- Transit-Supportive or Transit-Supportive Land Use
- Urban Design Brief

The definition for “Priority Transit Corridor” has not been proposed in the Official Plan Amendment (Appendix D) because the proposed Official Plan policy references to the term “Priority Transit Corridor” include a clear reference to the term as defined in the Growth Plan. “Urban Design Brief” and “Active Transportation” are terms staff have added to provide clarity to the proposed policies that include these terms.

10.2 Recommended Zoning Directions

Zoning Direction 1: Existing Zoning By-law inconsistencies with in-force Official Plan

Staff Comment: The proposed zoning by-law amendment includes maximum building heights to permit land use intensities that encourage transit-supportive development while ensuring that development is appropriate and compatible given the context of the surrounding area. See Section 14 of this report for more information about these changes.

Zoning Direction 2: Zoning By-law changes based on recommended policy directions to remove permissions for motor vehicle related uses, such as sales, rentals, service stations and repairs; standalone townhouses and floor area ratios and to include a requirement for bicycle parking.

Staff Comment: Several of these zoning directions have been addressed in the adopted Official Plan and/or would be difficult to implement in zoning because they would require site-specific permissions on a significant number of properties within the study area which would result in a large number of site-specific zoning by-law amendments for individual properties. The proposed zoning by-law amendment does remove standalone townhouses as a permitted use in the MXT zone and introduces a minimum requirement for bicycle parking in the MXT zone. The other zoning directions related to the recommended policy directions, including those related to motor vehicle related uses and floor area ratios, will be explored through the secondary plan for the Burlington GO Station Mobility Hub and through the Comprehensive Zoning By-law Review.

Zoning Direction 3: Permitted Uses: Community Institution and Hotel

Staff Comment: The proposed zoning by-law amendment introduces “Community Institution” as a permitted use in the MXT zone. The proposed zoning by-law amendment does not include hotel as a permitted use because hotels are generally land-intensive uses and this opportunity will be explored further through the secondary plan for the Burlington GO Mobility Hub.

11.0 Recommendations to the Official Plan and Zoning By-law

Building on the work completed by Dillon, staff is of the opinion that amendments to the in-force and effect Official Plan and Zoning By-law are required in order to:

- strengthen the relationship between land use and transit in the Official Plan;
- strengthen the concept of Major Transit Station Areas into the Official Plan;
- establish a Major Transit Station Area typology within Burlington’s Official Plan policy framework;
- provide development criteria to evaluate development applications within the special planning area in advance of the completion of secondary plans or major planning studies; and
- provide policy guidance to encourage transit-supportive development around the Burlington GO Station while also ensuring that development is appropriate and compatible given the context of the surrounding area.

The recommendations in the Dillon report are clear that amendments to the Official Plan and Zoning By-law are required in order to accommodate appropriate higher density around the Burlington GO Station without compromising the City’s ability to comprehensively plan for the area through a secondary planning exercise.

In staff’s opinion, the ambiguity around the term “major bus depot in an urban core” in provincial policy provides municipalities with the opportunity to more clearly define the level of transit-supportive density that is appropriate for these areas, such as the area around the Downtown John Street Bus Terminal in downtown Burlington. Dillon’s report concludes that the downtown bus terminal is not currently functioning as a major bus depot based on common characteristics of typical major bus depots. Based on Dillon’s evaluation of the function of the Downtown John Street Bus Terminal and its role as an MTSA that is not supported by planned Regional Express Rail, the transit-supportive densities associated with the Downtown John Street Bus Terminal should be reflective of the bus terminal’s role and function and the transit service level provided. The narrow rights-of-way downtown and the absence of Regional Express Rail or dedicated rights-of-way limit the transit service level that is available in the Downtown MTSA and therefore the Downtown Major Transit Station Area should be differentiated from the

other Major Transit Station Areas located along the GO rail line through a policy framework in the Official Plan.

The residents and jobs associated with development in the Downtown Burlington MTSA will contribute towards meeting the Urban Growth Centre (UGC) target of a minimum of 200 residents and jobs combined per hectare, as identified in the Growth Plan. Given the limited function of the Downtown Bus Terminal, the Downtown MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown Urban Growth Centre.

11.1 Urban Growth Centre Boundary Conformity

Through the Interim Control By-law Land Use Study, Schedules B and E of the in-force and effect Official Plan require an update in order to conform with the Region’s Official Plan (ROPA 38). These amendments include an updated Urban Growth Centre boundary in the City’s Official Plan schedules to conform with Burlington’s Urban Growth Centre boundary as shown in ROPA 38 (Appendix D).

12.0 Proposed Amendments to the in-force and effect Official Plan

The following table provides a summary of the proposed amendments to the in-force and effect Official Plan. A detailed table of these proposed amendments can be found in Appendix C.

	Description of the Proposed Official Plan Amendment
Part I – Policy Framework	<p>Section 4.3 – The Future Built Form and Natural Environment</p> <p>New policy language has been proposed that describes major transit station areas as a component of the City’s Urban Planning Area.</p>
Part II – Functional Policies	<p>Section 3.3.1 and 3.3.2 – Roads</p> <p>Additional policy language has been proposed to include references to pedestrians and cyclists when referring to active transportation.</p> <p>Section 3.4.2 – Transit Services</p> <p>Additional policy language has been proposed to incorporate the term major transit station areas and include a cross reference to city-wide transit priority measures.</p> <p>Section 3.7.2 – Rail and Air</p> <p>Additional policy language has been proposed to provide more flexibility and support the opportunity to locate more</p>

	<p>sensitive land uses in proximity to railways to assist implementing transit-supportive development.</p> <p>Section 6.1 – Design</p> <p>Additional policy language has been proposed to incorporate the role of transportation in the overall urban form.</p> <p>Section 6.3 – Existing and New Communities Policies</p> <p>Additional policy language has been proposed to highlight the importance of more compact forms of development along transit and transportation corridors to support complete communities.</p> <p>Section 3.11 – Major Transit Station Areas</p> <p>This is a new subsection that strengthens the concept of transit-supportive development in the Official Plan by recognizing the role of Major Transit Station Areas and strengthening the relationship between land use and transit through objectives and policies.</p>
<p>Part III – Land Use Policies – Urban Planning Area</p>	<p>Section 1.0 – Introduction</p> <p>Additional policy language directs the reader to review the principles, objectives and policies in Section 7.0 Special Planning Area in conjunction with the underlying land use designations.</p> <p>Section 5.3.2 – Mixed Use Corridors - General</p> <p>Additional policy language has been proposed to establish the role of the Region of Halton’s Municipal Comprehensive Review which will delineate the major transit station area boundaries and identify minimum density targets.</p> <p>Section 5.3.3 – Mixed Use Corridor – Commercial Corridor</p> <p>Additional policy language has been proposed to remove reference to timeframe of development and acknowledge the redevelopment of the mixed use commercial corridors.</p> <p>Section 5.5 – Downtown Mixed Use Centre</p> <p>Minor policy edits to include a reference to the Regional Official Plan and update the reference to the Urban Growth Centre.</p>

	<p>Section 7 – Major Transit Station Areas</p> <p>This is a new section that provides policy guidance on the role and function of major transit station areas (MTSAs) and establishes a major transit station typology within the Burlington context. This section highlights the importance of conducting secondary plans or major planning studies for the Major Transit Station Areas and acknowledges the role of the Region of Halton’s Municipal Comprehensive Review which will delineate the major transit station area boundaries and identify minimum density targets.</p> <p>Section 7.1 Major Transit Station Areas Objectives and General Policies</p> <p>This is a new subsection that provides new objectives and policies which are applicable to all four of the major transit station areas in the City.</p> <p>Section 7.2 – Major Transit Station Area Special Planning Area</p> <p>This is a new subsection that provides new objectives and policies which are applicable to the lands included within the MTSA Special Planning Area.</p> <p>Section 7.2.2 q) – Development Criteria</p> <p>This is a new subsection that establishes a comprehensive set of development criteria that must be satisfied when evaluating a development application in the MTSA Special Planning Area. These criteria include compatibility with other land uses, consistency with the MTSA typology in Section 7, tree protection, multi-modal considerations and the conservation of cultural heritage resources, among others.</p> <p>Section 7.2.3 – Burlington GO MTSA</p> <p>This is a new subsection that describes the Burlington GO MTSA and provides policy guidance for any development applications that are received in advance of the completion of a secondary plan and approval of the implementing Official Plan amendment for the Burlington GO MTSA. These policies are focused on lands in closest proximity to the GO Station including the establishment of a height peak in built form at the GO Station.</p> <p>Section 7.2.4 – Downtown Burlington MTSA</p> <p>This is a new subsection that describes the Downtown Burlington MTSA and provides clarity about the</p>
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	relationship of the Downtown Burlington MTSA in supporting the Urban Growth Centre.
Part VII – Schedules & Tables	<p>Schedules M and M-1 have been created to delineate the area that is subject to the policies that apply to the Special Planning Area and Schedule B and Schedule E have been updated to include the Special Planning Area boundary.</p> <p>Schedules B and E have also been updated to reflect the revised Urban Growth Centre boundary for downtown Burlington in accordance with the Region’s Official Plan following Regional Official Plan Amendment (ROPA 38). Minor boundary changes were made the UGC boundary with the most noteworthy change being the exclusion of Spencer Smith Park.</p>
Part VIII - Definitions	<p>The following definitions have been proposed to be updated or added to the Official Plan in order to align with provincial plans and policies such as <i>A Place to Grow</i>, 2019 and/or to assist in the interpretation of the proposed Official Plan policies:</p> <ul style="list-style-type: none"> Active Transportation Compact Built Form Complete Communities Complete Street Frequent Transit Higher Order Transit Major Transit Station Area Major Trip Generator Mid-rise Building Multi-Modal Public Service Facilities Tall Building Transit-Supportive or Transit-Supportive Land Use Urban Design Brief

12.1 Major Transit Station Area Typology

The most significant policy change being proposed to the in-force Official Plan is the inclusion of new subsections and amendments to existing policies that incorporate the provincial direction, strengthen the relationship between land use and transit in the policy framework and provide policy guidance for major transit station areas through the creation of a major transit station area typology and associated policies. Burlington has four major transit station areas as designated by the Province and the Region of Halton; however, these major transit stations have different roles and functions within the city. Staff recognize that major transit station areas are strategic growth areas in the City of Burlington and should be planned comprehensively through secondary planning processes or major planning studies. Secondary planning work was initiated for the City's four mobility hubs (which are also major transit station areas) in early 2017; however, the secondary plans have not yet been completed.

Following a Council direction in early 2019 to undertake a Scoped Re-examination of the Official Plan as part of modifications to the new Official Plan, the technical studies that were initiated through the downtown secondary planning work will be completed and additional or updated policies will be recommended for the downtown area. The scoped re-examination will result in an updated policy framework to accommodate future growth to 2031 downtown including lands around the Downtown John Street Bus Terminal. Secondary planning work for the three GO Station areas (Aldershot GO, Burlington GO and Appleby GO) is expected to resume in mid-2020.

Through the Interim Control By-law Land Use study, staff have recognized the need to establish a major transit station typology and distinguish the major transit station areas in Burlington from each other. The majority of the proposed Official Plan policy changes are contained within Part III – Land Use Policies – Urban Planning Area where a new Section 7 – Major Transit Station Areas has been proposed.

The proposed policies in Part III, Section 7 address the role of major transit station areas in the City's Urban Planning Area which are intended to serve as city-wide destinations and which will exhibit a variety of land uses, building types and densities designed and oriented to support and facilitate transit and active transportation. The proposed typology distinguishes Burlington's MTSA's from a local perspective given the transportation and infrastructure context and type of existing and planning transit service within each MTSA:

MTSAs on Regional Express Rail (RER)

The Burlington GO and Appleby GO MTSA's are both located on a Priority Transit Corridor, as identified in the Growth Plan. MTSA's on Priority

Transit Corridors are important due to their relationship and position along higher order transit² routes with planned frequent transit service³ by way of RER within the Greater Toronto and Hamilton Area.

The Aldershot GO MTSA is also located along higher order transit routes with planned frequent transit service by way of RER, however it is not identified on a Priority Transit Corridor in the Growth Plan.

MTSAs Not on Regional Express Rail (RER)

The Downtown Burlington MTSA is not located on a Priority Transit Corridor nor is it supported by higher order transit, nor frequent transit within a dedicated right-of-way.

It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of RER.

The Region of Halton will be responsible for the final delineation of the MTSA boundaries and the identification of minimum density targets through their Municipal Comprehensive Review and those boundaries and minimum density targets will be incorporated into the City's Official Plan through a subsequent Official Plan Review. In addition, secondary planning work for the three GO Station MTSAs has been initiated and will establish a comprehensive vision for transit-supportive development in each MTSA on the RER.

It is important to distinguish the Downtown MTSA from those MTSAs located along the Lakeshore West GO Line. Within the downtown, there is a historic fine-grain, grid street pattern with smaller blocks and narrow rights-of-way which was established over a century ago. This street network supports the existing transit-supportive built form that contributes to the creation of a vibrant, walkable and cycling-friendly complete community.

The Downtown Burlington MTSA is anchored by the downtown John Street bus terminal which functions as an intercity bus transfer point. The findings of the

² *A Place to Grow, 2019* defines "higher order transit" as "Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way".

³ *A Place to Grow, 2019* defines "frequent transit service" as "A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week".

Dillon report conclude that the term “major bus depot” is not defined in the Growth Plan and that, based on best practice of the typical characteristics of major bus depots, the terminal does not currently function as a major bus depot. Some of these limitations include the limited opportunities to provide higher order transit or transit in a dedicated right-of-way due to the narrow street configurations and the limited existing and future transit demand during morning and afternoon peak hours based on the current land use mix and limited major trip generators in the downtown such as major office or institutional uses. This is likely to continue into the future unless improvements and enhancements are made to strengthen the bus terminal’s function as a major bus depot.

The proposed Official Plan policies also provide clarity that the Provincial targets for MTSAs and UGCs are not intended to be applied in a cumulative manner, but rather that each target applies to its respective area and that the Downtown Burlington MTSA provides an important role in supporting the UGC. In March 2018, the Province released a draft document titled “Application of the Intensification and Density Targets” which was described as guidance to support implementation of the Growth Plan for the Greater Golden Horseshoe, 2017. This document explains that more than one target can apply to a geographic area and that, in those cases, development within the overlapping areas will contribute towards the achievement of all applicable targets. One of the examples provided states that “If the MTSA was located within the UGC, the population associated with residential development would also contribute towards meeting the UGC density target” (p. 9). Although at the time of writing this report, the Region of Halton has not delineated a boundary for the downtown major transit station area, the proposed Official Plan policies provide clarity that, if and when the downtown major transit area boundary is delineated, the population and jobs associated with any development in the Downtown Burlington MTSA will contribute towards meeting the Urban Growth Centre density target of a minimum of 200 people and jobs combined per hectare, as identified in the Growth Plan. Given the limited function of the Downtown Bus Terminal, the MTSA is not expected to be a significant driver for intensification in the Downtown Urban Growth Centre. The proposed Official Plan policies also requires development applications within the Special Planning Area to be consistent the MTSA typology established in the new proposed Section 7.

13.0 Proposed Amendments to the Zoning By-law

Chapter 7 of the Dillon report includes several recommended zoning changes based on the findings of the Interim Control By-law Land Use Study in order to align the Official Plan directions with the zoning by-law. Several of these recommended zoning changes support the objective of encouraging a compact, mixed use development pattern with

greater flexibility for employment uses, the removal of permissions associated with private vehicle use, and the provision of zoning regulations for bicycle parking and multi-modal infrastructure. However, one of the challenges created by adding or removing land use permissions in Official Plan policies is ensuring that those policy changes are carried through to the Zoning By-law in order to ensure that the land use permissions can be implemented as intended by the Official Plan policy. The study area is large and covers a significant number of properties which fall into many different zones and which include many site-specific zoning permissions. In order to add or remove a zoning regulation that applies only to the properties within the study area but does not affect all of the other properties city-wide that have the same parent zone, requires dozens of site-specific zoning by-law amendments. For example, to add a requirement for a minimum number of bicycle parking spaces to properties located within the study area, site-specific zoning amendments would be required to ensure that requirement only applies to properties within the study area. If the regulation were to be added to the MXC zone, for example, numerous individual site-specific zoning amendments would be required in order to address each property in the study area and to ensure that the additional requirement does not apply to all properties zoned MXC across the city. For this reason, staff determined that some of the proposed policies and zoning changes would be more appropriately addressed through other initiatives such as the subsequent secondary planning exercise for the Burlington GO MTSA, through a future Official Plan review and/or through the future Comprehensive Zoning By-law Review as outlined in Section 16 of this report.

14.0 The Fairview Mixed Use Intensification Corridor and MXT and CR-351 Zones

The scope of the Interim Control By-law Land Use Study included an assessment of the role and function of the major transit station areas as well as an examination of the planning structure, land use mix and intensity for the study area with updates to the Official Plan and Zoning By-law as needed. A review of the zoning regulations applicable to lands in the study area identified the opportunity to update zoning regulations to better contribute towards the planning and urban design vision for the area and to support transit-supportive development while ensuring that they are appropriate and compatible given the context of the surrounding area.

The Dillon report recommends that, until secondary planning work for the Burlington GO MTSA is completed, a maximum height should be established for the subject sites which do not currently have a maximum height established in the Zoning By-law. This recommendation applies to lands located on the north side of Fairview Street and south of the rail line, between Brant Street and Drury Lane (Appendix B).

The City initiated secondary planning work for the Burlington GO MTSA through the Mobility Hubs project which was initiated in early 2017. Through that process, a series

of public meetings were held, and several staff reports were prepared to advance preliminary and draft concepts for the secondary plan. Through this work, staff developed a set of policy objectives and directions to guide the Mobility Hubs secondary planning work which remain relevant:

- Directing the highest intensity to areas in closest proximity to the GO Station
- Minimizing shadow impacts on public parks and open spaces and low density established residential neighbourhoods;
- Providing height transitions to surrounding areas outside of the MTSA area including low density neighbourhoods and other planned contexts such as the Mixed Use Corridor along Fairview Street;
- Providing increased permeability for active transportation options to and from the GO Station;
- Creating feasible opportunities for new parks and open spaces to serve current and future residents and employees in each area;
- Identifying new and existing streets and other linkages to serve as key green, active transportation corridors to facilitate improved connectivity within, to and from the MTSA;
- Providing a level of intensity to attract new retail and commercial functions to serve current and future residents and employees;
- Planning for a variety of housing forms to attract a broad range of demographics; and
- Recognizing existing employment functions and providing for a variety of new and expanded employment and commercial opportunities.

The policy objectives and directions stemming from the Burlington GO Mobility Hub study were translated into a series of principles that are applicable to development in proximity to the Burlington GO Station along the Fairview Mixed Use Corridor and lay the foundation for subsequent policies proposed for this area in this report:

Built Form Concentrated Closest to GO Station

It is important to establish a built form vision within the Burlington GO MTSA that directs the highest intensity of development to the areas in closest proximity to the GO Station.

Grid Network

It is important to ensure provision of a public right-of-way parallel to Fairview Street to facilitate a walkable and bikeable grid network, a high quality streetscape and to provide connectivity to the Burlington GO Station.

Parks and Open Space

This is an area devoid of any public park space and it is important to ensure the provision of public parks which are easily accessible, located on street frontage for visibility and framed by low-rise buildings or podiums to minimize shadowing to contribute to the creation of a complete community.

Built Form and Relationship to Streets

It is important to consider the future built form along Fairview Street that interfaces with low density established residential neighbourhoods to the south, southeast and northeast and to ensure that shadowing is minimized due to the solar orientation that casts shadows to the east and south during the spring and summer months when residents often enjoy their rear yard amenity areas.

It is also important to consider the relationship of buildings to Drury Lane and Brant Street and taper building heights down to 6 storeys to provide continuity with the Fairview Street Mixed Use Corridor which permits buildings up to 6 storeys in height.

14.1 Proposed Official Plan & Zoning Changes in the Burlington GO MTSA

In the absence of a completed secondary plan for the Burlington GO MTSA which establishes a clear built form vision for the Burlington GO MTSA, there remains a risk that the lands located within the Fairview Street Mixed Use Corridor south of the railway could develop in an unplanned, uncoordinated way that would compromise City's ability to comprehensively plan for a complete community in this important strategic growth area located around the Burlington GO MTSA. Until such time as the secondary plan and the Region's Municipal Comprehensive Review process are completed, staff are proposing amendments to the Official Plan and Zoning By-law to provide policy guidance for this area.

The proposed Official Plan policies in Section 7.2.3 that apply to the Burlington GO MTSA incorporate the principles described above in Section 14 of this report. These proposed policies will help guide development applications by requiring that:

- The highest density and tallest buildings be concentrated closest to the GO Station which has the closest pedestrian access to the GO Station;

- Development incorporates a variety of built forms including mid-rise buildings to provide a human scale experience at the street;

- Development supports the creation of a complete community through a more compact built form that is supported by a mix of uses, parks, green spaces, public service facilities, offices and institutions;

Development incorporates pathways and complete streets to create a continuous and permeable active transportation network;

Large-scale, stand-alone retail and service commercial uses not be permitted;

Ancillary retail and service commercial be permitted in multi-storey office buildings; and

Development applications for sites located on the north side of Fairview Street between Brant Street and Drury Lane which are submitted prior to the completion of a secondary plan be subject to specific policies.

14.2 Proposed Policies to Guide Development Applications in Advance of a Secondary Plan

The new proposed Major Transit Station Area policies recognize that there is a significant opportunity to deliver transit supportive development and achieve the objectives of a complete community on the lands bounded by Brant Street, Fairview Street and Drury Lane which are closest to the Burlington GO Station lands. The proposed policy framework establishes three areas as shown on the proposed Schedule M-1 (Appendix D): Area A includes the GO Station lands and immediate vicinity with the GO Station building located in the centre of the area and Areas B-1 and B-2 include the lands to the east and west of Area A. Each area has corresponding policies to guide development in the north half of each respective area abutting the rail line and the south half of each respective area abutting Fairview Street. The proposed policies in Part III, Section 7.2.3.2 require that development applications submitted prior to the completion of the secondary plan for sites located on the north side of Fairview Street, between Brant Street and Drury Lane be subject to the following:

The public open space network and street network shall be designed to create direct, multi-modal access to the GO Station;

Tall buildings should provide a minimum separation distance of 30 m from another tall building;

Tall buildings should not exceed a maximum floor plate of 750 m²

Development applications comprising more than one tall building adjacent to the railway corridor should incorporate height variations amongst tall buildings such that no more than two buildings achieve the same maximum height and that adjacent buildings incorporate height variations within each area (A, B-1 and B-2);

New public parks and open spaces shall be provided in each area (A, B-1 and B-2);

Public parks and open spaces shall be framed by low-rise buildings or podiums to minimize shadowing and create pedestrian-friendly spaces;

Development applications containing residential uses should include a portion of units with 3 or more bedrooms;

Development shall contain a minimum of two permitted uses and should contain three permitted uses, one of which should be office;

Retail and service commercial uses should be located at street level in office or residential buildings;

Infill or intensification development applications in the area bounded by Brant Street, Fairview Street, Drury Lane and the rail corridor should be required to dedicate an unencumbered public right-of-way to the City to facilitate a walkable and bikeable grid network and provide connectivity to the Burlington GO Station with priority given to establishing a new east-west mid-block public right-of-way between Brant Street and Drury Lane;

Development adjacent to the new mid-block public right-of-way shall provide a 3 storey podium; and

The zoning by-law will establish a minimum number of bicycle parking spaces for residential development.

Additional policies have been proposed to provide guidance for this area by establishing maximum heights for development applications received in advance of the completion of a secondary plan (see Appendices C and D). The proposed policies establish a maximum building height of 24 storeys in the north half of Area A and a maximum building height of 19 storeys in the south half of Area A with a requirement for a maximum podium height of 6 storeys for the first 20 metres set back from Fairview Street. In Area B-1 and B-2, the proposed maximum building height is 19 storeys in the north half of the areas and 11 storeys in the south half with a requirement for a maximum podium height of 6 storeys for the first 20 metres set back from Fairview Street, Brant Street and Drury Lane to provide a built form transition and human-scale interface at the edges of the area.

14.3 Proposed Zoning Changes in the Burlington GO MTSA

In order to implement these policy directions, Planning staff are proposing the following amendments to the Zoning By-law. These proposed amendments are contained in Appendix E.

	Description of the Proposed Zoning By-law Amendment
Part 5 of the Zoning By-law MXT Zone	Permit "Community Institution" Removing the permission for stand-alone standard, stacked or back-to-back townhouses Adding a diagram 5A to establish maximum building heights in storeys Adding a requirement for a minimum number of short-term and long-term bicycle parking spaces for residential and entertainment uses Removing the requirement for upper storeys of multi-storey buildings to be at least 50% of the gross floor area of the first storey
Part 5 of the Zoning By-law Exception CR-351	Adding reference to Diagram 5A to establish maximum building heights in storeys Removing the requirement for the gross floor area of each upper storey of a building containing more than one storey to be at least 50% of the gross floor area of the first storey

15.0 Regional Approval of Proposed Official Plan Amendments

As discussed in Section 3 of this report, local Official Plans or Official Plan amendments are required to conform to the planning framework established at both the Provincial and Regional levels. The Region of Halton is the approval authority for Burlington's Official Plan and any amendments to the Official Plan. Section 17(2) of *The Planning Act* provides that Regional Council is "the approval authority in respect of the approval of a plan as an official plan of a local municipality in the... Regional Municipality of Halton" and Section 17(10) of *The Planning Act* enables the Regional Council to pass a by-law exempting any or all plans or proposed official plan amendments from its approval under this section".

The Region of Halton has the ability to exempt the proposed Official Plan amendments from Regional approval subject to a set of conditions which are set out in the Regional Municipality of Halton By-law No. 17-99. For a local Official Plan amendment to comply with the Regional conditions for exemption, it must be processed in accordance with all Planning Act provisions and requirements and in particular Sections 2 and 3; conform to or not conflict with either the Niagara Escarpment Plan or the Parkway Belt West Plan; have regard to the applicable Provincial Policy Statement; conform to the Halton Region Official Plan; incorporate all Halton Region concerns regarding Halton's assigned and/or deleted responsibilities; and not raise any concerns as expressed by the Local Municipality Council or the Director of Planning for the adopting Area Municipality.

If the proposed Official Plan amendments contained in Appendix D are not adopted or if they are significantly modified, the Region of Halton may not grant an exemption of the proposed Official Plan amendments from Regional approval which would require additional time for the proposed Official Plan Amendments to be considered and approved by the Region of Halton.

16.0 Other Recommendations Arising from the ICBL Land Use Study

During the ICBL Land Use Study, several opportunities were identified to support the role of transit and transit supportive development in the City of Burlington. While some of those opportunities include the proposed Official Plan policy amendments and proposed Zoning By-law amendments, other opportunities are more appropriately directed to the Region’s Municipal Comprehensive Review process and/or other City projects. The following table summarizes the other recommendations arising from the ICBL Land Use Study:

Direction or Recommendation	Process or Project Name
Delineate the major transit station areas and include them on a schedule in the Official Plan	Region’s Municipal Comprehensive Review Process
Establish minimum density targets for the major transit station areas to the planning horizon of 2041.	Region’s Municipal Comprehensive Review Process
Recommended policies related to the MTSA typology and updated policies for the Mixed Use Corridor.	Modifications to the Adopted Official Plan
Recommended policy directions for Mixed Use Corridor – Employment and General Employment to remove or increase floor area ratios, to introduce minimum building heights to some employment uses and to remove permissions related to large scale motor vehicle dealerships.	New Official Plan and/or Future City Official Plan Review Process
Recommended zoning directions for Mixed Use Corridor – Employment and General Employment to remove or increase floor area ratios, to introduce minimum building heights to some employment uses and to remove permissions related to large scale motor vehicle dealerships.	Future Comprehensive Zoning By-law Review Process

Recommended policy identifying the need for an active transportation plan to identify and protect opportunities for physically separated bicycle facilities.	The Integrated Mobility Plan will address active transportation matters including facilities for both pedestrians and cyclists.
Recommendations for future transit planning as outlined in Chapter 6 of the Dillon report in Appendix B.	Future Transit Planning Projects

Financial Matters:

Source of Funding

Funding of \$600,000 from the Policy initiatives reserve fund was approved as part of the 2019 budget for Official Plan related initiatives to cover a number of related studies, including the Interim Control Bylaw Study.

Connections:

The findings of the Interim Control By-law Land Use Study and the findings of the Scoped Re-examination of the Official Plan project have been coordinated throughout the project. The findings of the Interim Control By-law Land Use Study and the proposed Official Plan amendment, once approved by Council, will be incorporated into the adopted Official Plan through modifications.

The proposed policy and operational recommendations related to pedestrians, cyclists and active transportation and transit networks have been provided to inform the work being undertaken through the Integrated Mobility Plan and future transit planning work.

Climate Implications

Strengthening the connection between land use and transit in the Official Plan and directing growth to transit-supportive locations supports the City's objective to achieve a lower carbon footprint by supporting the development of a compact built form and supporting mixed use development that will encourage walking, cycling and transit by locating intensification in areas that are well served by transit.

Enterprise Risk:

Not applicable.

Engagement Matters:

A statutory public notice was provided in the newspaper and through direct mailing to property owners located within 120 m of the study area and within the study area. A statutory public meeting is being held on January 14, 2020.

Conclusion:

The findings of the Interim Control By-law Land Use Study provide the City with an opportunity to strengthen the relationship between land use and transit in the City's Official Plan, to achieve conformity with provincial plans and policies and to establish a major transit station area typology in addition to development criteria for the Special Planning area with which development applications can be evaluated.

Respectfully submitted,

Rosa Bustamante, Manager, Interim Control By-law Land Use Study

Samantha Romlewski – Planner II, Interim Control By-law Land Use Study

Jamie Tellier, Interim Planning Director, Community Planning

Heather MacDonald, Executive Director, Community Planning, Regulation & Mobility

Appendices:

- A. Overview and Timeline of Local, Regional and Provincial Planning Processes
- B. Interim Control By-law Land Use Study prepared by Dillon Consulting
- C. Overview of Proposed Official Plan Amendments
- D. Proposed Official Plan Amendments with Proposed Schedules
- E. Proposed Zoning By-law Amendments

Notifications:

Curt Benson, Region of Halton

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.