

The New Zoning By-law Project [DRAFT] Public Engagement Plan

Background

The City's current Zoning By-law (Zoning By-law 2020, as amended) was enacted and passed on June 21, 1999 and is over two decades old. A comprehensive review and update is required to bring it into conformity with Burlington's New Official Plan (the "BOP, 2020"). BOP, 2020 was adopted in 2018 and approved by Halton Region in 2020. Policy 12.1.5(2) of BOP, 2020 directs that a comprehensive review of the City's Zoning By-law be undertaken. Under Section 26 (9) of *the Planning Act*, a zoning by-law must be brought into conformity with a new or updated official plan no later than three years after it comes into effect. BOP, 2020 is under appeal to the Ontario Land Tribunal (OLT), and no decisions have been made with respect to its approval at this time. Therefore, relevant sections of the Burlington Official Plan, 1997 will remain in effect until the applicable appeals have been resolved.

Engaging people on issues that affect their lives and their city is a key component of democratic society. Public involvement encourages participation, actions and personal responsibility. Burlington's commitment to public engagement is reflected in its [Community Engagement Charter](#), adopted by City Council. The Charter establishes the commitments, responsibilities and concepts of the relationship between the City of Burlington and the citizens of Burlington related to public engagement. The goal of community engagement is to lead to more informed and, therefore, better decision-making.

The following plan provides a roadmap of the engagement activities that will take place over the next year, highlighting at which points in the process engagement will take place, who will be engaged and the level of engagement. The plan also clearly defines which aspects of the process the City and public can influence throughout the discussion.

Project Overview

- On September 20, 2022 Council endorsed the workplan and proposed terms of reference for the New Zoning By-law Project.
- The Comprehensive Zoning By-law Review and Update will commence in Q1 of 2023 for public engagement.
- Through 2023, the Project Team will undertake a review and analysis of the applicable policy context, overall structure and content of the by-law, current rules and standards, and best practices and consult with stakeholders and public to help create a useful document for all.

- By Q2 2025, staff anticipate that the final draft of the Zoning By-law will be presented for adoption by Council and move forward with any appeals that are filed.

Decision Statement

At the beginning of an engagement process, it is helpful to know, “what is the decision to be made?” The decision statement clearly identifies:

- What decision needs to be made;
- Who is the decision maker; and
- When the decision is required.

By Q2 of 2025, Burlington City Council will vote to adopt a new comprehensive Zoning By-law to support in the implementation of the Burlington Official Plan, 2020 and to guide development and investment on private lands within the project study area.

Summary of Stakeholders

A stakeholder is anyone who has an interest or concern about a specific topic. To identify the stakeholders for the New Zoning By-law Project, a mapping process will be used to confirm all the people who are affected by this work, those who have influence or power over the work and those that have an interest in its outcome. It is expected that various individuals and groups will be identified across the following categories:

- Residents (including newcomers, young families and young people)
- Resident groups
- Indigenous communities
- Community organizations; special interest, advocacy, and activism groups
- Development industry
- Government and public service providers (internal and external)
- City Advisory Committees and arms-length city agencies
- Private and non-profit community service providers
- Elected Officials
- Media

Once the stakeholders and interested or affected individuals and groups have been confirmed, the engagement milestones in this plan will be refined to reflect the tactics and level of engagement required for each party throughout the New Zoning By-law Project.

Objectives of Engagement

The following objectives provide a clear understanding of what the public engagement will strive to achieve through the community discussion about the New Zoning By-law Project:

- Clearly establish aspects of the Zoning By-law Review that can be influenced by the public;
- Provide relevant information about the project, decision-making process, and how the public can provide input and feedback;
- Work with City communications and engagement staff, as well as consultants, to provide a coordinated approach to engagement, communication and evaluation, review and update of the Zoning By-law(s);
- Provide multiple channels for people to provide meaningful input virtually, and if possible, in-person at appropriate decision points;
- Create an ongoing record of what is said during engagement opportunities and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community that highlight how feedback was or was not incorporated into the final recommendations to Council;
- Gather meaningful input from members of the community whose voices are historically underrepresented in conversations about city issues;
- Establish a project page on getinvolvedburlington.ca as the main online platform for up-to-date information about the project and upcoming engagement opportunities; and
- Use clear, plain language in the delivery of the Engagement Plan to inform the public about what can and cannot be influenced through the New Zoning By-law Project.

Covid-19

The City of Burlington continues to take appropriate action to prioritize the health and well-being of our community and staff. Our goal is to keep the public and staff safe and help minimize the spread of the COVID-19 virus. The intent is to offer both virtual and in-person engagement opportunities where and when possible.

Project Milestones and Engagement Level

At the Regular Meeting of Council on September 13, 2022 City Council [modified/endorsed] the workplan for the New Zoning By-law Project. The key project phases and associated milestones for the project are presented below. For each milestone, the Engagement Plan identifies where public input will take place, who will be involved in the engagement and what level of engagement will occur. The different levels of engagement are based on the [International Association of Public Participation \(IAP2\)'s Public Participation Spectrum](#), which is also a component of Burlington's [Community Engagement Charter](#).

The table below outlines the project milestones where significant public engagement opportunities will take place.

Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
September 13, 2022	CPRM meeting to present the Terms of Reference for New Zoning By-law Project – comprehensive zoning review and update	Introduce the project and the anticipated timeline for project completion. Also present the draft engagement plan for endorsement.	City of Burlington Council, Individuals and groups of interest	Inform stakeholders Involve/ Collaborate with Council
Q3 2022	Est. Technical Review Group	Begin to envision a new working By-law that is both modern and functional for all. The purpose of the technical review group is twofold: 1) to provide feedback and comment to identity issues with the current zoning framework and by-laws in the City, and 2) to help guide the construction of the new by-law.	Internal staff from various departments	Inform and consult with Technical Advisory Team
Q3 & Q4 2022	Finalize Engagement Plan	Gather feedback regarding the draft Engagement Plan. Refine and finalize the Engagement Plan using input from interested or affected individuals and groups. The Engagement Plan may be modified	Core Project Team, Engagement Team and Communications team.	Collaborate with the different teams

		base on input from the Project Consultant.		
Q1 2023	Project Launch	Introduce the Zoning By-law review to the Public, stakeholders and to begin to seek public input and comments.	All	Inform all groups
1. Q3 & Q4 2022 2. Q2 to Q4 2023 3. Throughout 2024	Targeted Stakeholders group engagement meeting	Gather information regarding stakeholder views for the New Zoning By-law and provide examples of what currently works for the By-law and what does not. Meetings will focus on the progress as well as the opportunity to review the draft prior to presentation to Council.	Developers, members of Public, members of different citizens groups and BIA's, as well as First Nations Group and Conservation groups etc.	Inform and involve
Ongoing throughout the project (Q1 2023 to Q2 2025)	Technical Advisory Team meetings	Discuss and collaborate with internal staff to receive information and data pertaining to the details of the Zoning by-law. Meetings will focus on progress of the review and further knowledge of the functionality of the current by-law	Technical Advisory Team	Involve and collaborate
Q3 2022 to Q1 2023	Research and Analysis	Staff and the consulting team will conduct research, review and analyze data from best practices and feedback from the technical review group, external working group and Council.	Core Project Team, Technical Advisory Team, Stakeholders and Public	Involve different teams, stakeholders and public

Q1 2024	First draft of the new Zoning By-law released to public	The first draft of the by-law will be released to the public for review and comments.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform and involve all groups
1. Q1 2024 2. Q3 2024	Open Houses (2 different dates)	The open houses will educate and inform the public of any changes proposed to the By-law and allow them the opportunity to discuss and express any support or concerns. Staff can refine the draft to address any concerns (if required).	Public	Inform and involve public and interested stakeholders
Q2 2024	First draft of the new Zoning By-law presented to Council	Following release to the public for review, the first draft of the new Zoning By-law will be presented to Council for discussion along with a report focusing on community and stakeholder feedback received to date and the proposed high-level changes to the document. Additional feedback will be encouraged to help advance the final product.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform and involve
Q4 2024	Second draft of the new Zoning By-law released/presented to Council Statutory Public Meeting	Following release to the public for review, the second draft of the new Zoning By-law will be presented to Council for discussion and report on community and stakeholder feedback received to date. Additional feedback will be encouraged to help advance the final product.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform

		This will require public notice for the Statutory public meeting.		
Q1 2025	Present the final document to Council for enactment	Share the final draft of the new Zoning By-law (and Technical OPA, if required), and how public input informed the process.	Technical Advisory Team, Stakeholders and Public and Steering Committee	inform

Policies and Factors That Cannot be Influenced

In every public engagement process, it is important to be aware of the things that cannot be influenced: either because they are beyond the City’s control (for example things that are required by regional or provincial policy or law), or because they are outside the scope of the project as set out in the Council-approved work plan. In discussing the New Zoning By-law Project, the following aspects of the project are considered ‘givens’ and will not be included in engagement activities:

1. The scope of work, timing and resources, including the terms of reference for the New Zoning By-law Project has been approved by Council through staff report PL-60-22. Please refer to the project Terms of Reference to understand what will not be delivered as part of this Project’s scope.
2. The City of Burlington cannot vary Provincial legislation, policies or directives which must be reflected within the new Zoning By-law.
3. The new Zoning By-law must comply with the City of Burlington’s Official Plan, 2020, not the Burlington Official Plan, 1997, and cannot be influenced once an appeal decision has been rendered. Although public consultation and engagement will occur, residents should note that heights of intensification areas will reflect the City of Burlington’s Official Plan and will not be able to be varied through this process.
4. Major Transit Service Areas (MTSA) will not be reviewed as part of this project and are undergoing a separate concurrent review.
5. Rural areas will continue to be governed by the Niagara Escarpment Commission (NEC) and will not be evaluated through this project
6. The City of Burlington will not accept individual zoning amendments as part of the project.
7. Certain aspects of this project will be informed by the outcome of various OLT appeals.

How the City Will Collect and Respond to Feedback

Throughout the engagement process, City staff will diligently collect and record all input provided by stakeholders. All input will be recorded by theme into response tables, showing in detail how the comments were considered and how they did or did not shape the study process, the zoning by-law recommended to Council, and why.

Evaluating the Public Engagement Process

Throughout the New Zoning By-law Project, City staff will capture interim feedback on the engagement process through measures such as feedback / satisfaction surveys. This will allow for ongoing and incremental evaluation of engagement efforts and will support an iterative process where feedback may influence the engagement process throughout the project.

To assist in measuring how the public participation contributed to the project decision to be made, the following will be used to evaluate the public participation process.

1. Once the project is complete, measure the degree to which community members felt they:
 - a. Understood the project's process and its limitations
 - b. Understood how the feedback they provided influenced the outcome of the City Council approval.
2. Evaluate each form of engagement. How did each of the engagement approaches used help to achieve the engagement objectives?
3. Analyze how the feedback received about the forms of engagement impacted the overall public participation process as the project moved forward.