

The Corporation of the City of Burlington By-law
City of Burlington By-law 62-2023

A by-law to adopt Official Plan Amendment No. 1 to comply with
Section 16 (3) of the Planning Act and apply to any land use
designation that permits residential uses within the City of Burlington
subject to the Burlington Official Plan 2020
File: 505-09/23 (PL-53-23)

Whereas the Council of the Corporation of the City of Burlington in accordance
with the provisions of Section 16 and 17 of the Planning Act, 1990, as amended,
approved the recommendation in community planning department report PL-53-
23 at its meeting held on September 12, 2023.

Now therefore the Council of the Corporation of the City of Burlington hereby
enacts as follows:

1. That Amendment No. 1 to the Burlington Official Plan (2020) consisting of
the attached amendment and supporting documentation is hereby
adopted.
2. That this by-law shall come into full force and take effect of the final day of
passing thereof.

Enacted and passed this 26th day of September, 2023

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

AMENDMENT NO.1 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON, 2020

CONSTITUTIONAL STATEMENT

The Amendment contained in Part “B” of this document constitutes Amendment No.1 to the Official Plan of the City of Burlington, 2020.

In accordance with Section 17 (24.1) of the Planning Act, there is no appeal of the Amendment.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment (OPA) is to amend the policies of the *Burlington Official Plan, 2020*, to implement changes that have been made to the Planning Act resulting from Bill 23, More Homes, Built Faster Act, 2022.

On October 26, 2022, the Province introduced Bill 23, More Homes Built Faster Act, 2022, which received Royal Assent on November 28, 2022. The goal of the legislation is to facilitate the construction of 1.5 million new homes in Ontario by 2031. This omnibus bill amended a number of existing statutes including the Planning Act.

The proposed Official Plan Amendment responds to the Bill 23 changes to section 16(3) of the Planning Act by amending the City’s Additional Residential Unit policies in subsection 8.7.2: “Additional Residential Units” of the *Burlington Official Plan, 2020*. The amended policies will ensure compliance with section 16(3) of the Planning Act.

2. SITE AND LOCATION

The Official Plan Amendment applies to any land use designation that permits residential uses within the City of Burlington subject to the *Burlington Official Plan*.

3. BASIS FOR THE AMENDMENT

- a) Bill 23, More Homes Built Faster Act, 2022, received Royal Assent on November 28, 2022.
- b) Schedule 7 of the Bill made changes to Section 16(3) of the Planning Act regarding Additional Residential Units.

- c) Section 17 (24.1) of the Planning Act limits appeal rights for policies that permit additional residential units. As such, subsection 8.7.2 “Additional Residential Units” of the *Burlington Official Plan, 2020* are currently in effect and therefore may be amended.
- d) The Statutory Public Meeting about the Official Plan Amendment will be held on September 12, 2023, including a final recommendation.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Text Change:

The text of the *Official Plan of the Burlington, 2020* is hereby amended as follows:

<p>8.7.2(2) Additional Residential Unit Policies</p>	<ul style="list-style-type: none"> a) Where one single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit is permitted on a <i>parcel of urban residential land</i>, <i>additional residential units</i> may be permitted in accordance with the following: <ul style="list-style-type: none"> (i) A maximum of two <i>additional residential units</i> may be permitted in addition to the principal unit, for a total of three residential units. (ii) In all cases a maximum of one <i>additional residential unit</i> may be located within a building or structure <i>accessory</i> to the principal unit. (iii) Where a <i>parcel of urban residential land</i> has an existing <i>garden suite</i>, a maximum of one <i>additional residential unit</i> may be permitted, only within the principal building. b) The maximum density provisions of this Plan and those contained in the implementing Zoning By-Law, <i>shall</i> not apply to the <i>development of additional residential units</i>. c) <i>Additional residential units shall</i> not be
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	<p>permitted within a <i>hazardous site or hazardous lands</i> and shall have flood-free access.</p> <p>d) <i>Additional residential units</i> shall be subject to regulations under <u>The Planning Act</u> and regulations in the implementing Zoning By-law which shall be based on good land use planning principles, including health and safety and environmental considerations.</p>
<p>Chapter 13 - DEFINITIONS</p> <p>Additional Residential Units</p>	<p>Additional Residential Unit(s) – A self-contained <i>dwelling unit</i> which is located within, and/or on the same <i>parcel of urban residential land</i> as a single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit.</p>
<p>Chapter 13 - DEFINITIONS</p> <p>Parcel of Urban Residential Land</p>	<p>Parcel of Urban Residential Land – a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,</p> <ol style="list-style-type: none"> 1. sewage works within the meaning of the <i>Ontario Water Resources Act</i> that are owned by, <ol style="list-style-type: none"> i. a municipality, ii. a municipal service board established under the <i>Municipal Act, 2001</i>, iii. a city board established under the <i>City of Toronto Act, 2006</i>, iv. a corporation established under sections 9, 10 and 11 of the <i>Municipal Act, 2001</i> in accordance with section 203 of that Act, or v. a corporation established under sections 7 and 8 of the

	<p><i>City of Toronto Act, 2006</i> in accordance with sections 148 and 154 of that Act, and</p> <p>2. a municipal drinking water system within the meaning of the <i>Safe Drinking Water Act, 2002</i>; (“parcelle de terrain urbain d’habitation”).</p>
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