

OFFICIAL PLAN AMENDMENT
AMENDMENT NO. 141 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No.141 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this City-initiated Housekeeping Amendment is to address general matters of accuracy and clarity. The amendments proposed are minor, related to typographical errors and are considered to be of a housekeeping nature. The proposed housekeeping amendment will not make changes to any existing permissions in the 1997 Official Plan, as amended.

2. SITE AND LOCATION

The subject Housekeeping amendment affects several site specific policies within the Official Plan, as amended. The subject lands are municipally known as:

- 1085 Clearview Avenue; 1082, 1086 & 1090 St. Matthew's Avenue
- 40-70 Plains Road East
- 688, 694, and 698 Brant Street
- 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street
- 1157-1171 North Shore Boulevard
- 441 Maple Avenue
- 407 Martha Street
- 409 Brant Street
- 535-551 Brant Street

3. BASIS FOR THE AMENDMENT

The amendments proposed by OPA 141 are minor, related to typographical errors and are considered to be of a housekeeping nature. This OPA will not make changes to any existing permissions in the 1997 Official Plan, as amended and as such, the proposed amendment continues to conform and comply with the policies of Halton Region's Official Plan, the Planning Act, Growth Plan and the PPS.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Map Change:

Not Required.

1.2 Text Change:

The text of Part III, Land Use Policies, Urban Planning Area, of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the “Description of Change” column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	2.0 Residential Areas 2.2.3 Site Specific Policies	Delete section 2.2.3 s), as follows: s) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew’s Avenue: i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys shall be permitted; ii) Notwithstanding Policy 2.5.2 a) xiii), direct access shall be permitted from a local road.
2.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Delete section 5.3.2 t), as follows: t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum floor area ratio of 4.41:1 and a maximum building height of 12 storeys shall be permitted. Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, service commercial uses, and residential lobbies are to be located at the street level and along the street façade of the

		building. Residential uses are also permitted on the ground floor and away from the street facing facade.
3.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Delete section 5.3.2 t), as follows:</p> <p>t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated “Mixed Use Corridor – General” and identified as 688, 694, and 698 Brant Street, the following policies shall apply:</p> <ul style="list-style-type: none"> i) a mixed-use building, with a maximum density of 408 units per net hectare shall be permitted; ii) the maximum Floor area ratio shall be 4.11:1; iii) the maximum building height shall be 13 storeys; and iv) retail use on the second storey tied to the primary retail or service commercial use on the first storey shall be permitted.
4.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Delete section 5.3.2, as follows:</p> <p>Notwithstanding the policies of Part III, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development shall be permitted with a maximum Building height of 34 storeys with a maximum floor area ratio of 6:1. Development on the subject lands shall:</p> <ul style="list-style-type: none"> i) not exceed 19 storeys for buildings that front onto Fairview Street. ii) small scale motor vehicle dealerships are prohibited. iii) demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein. iv) contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.

		<p>v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.</p> <p>vi)retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.</p> <p>vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.</p> <p>viii) <i>may</i> consider the following objectives:</p> <p>I.To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces.</p> <p>II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.</p> <p>III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.</p> <p>IV.To provide podium setbacks and setbacks within the built form along Fairview Street.</p> <p>V.To ensure appropriate tower setback from Fairview Street.</p> <p>VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.</p> <p>VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.</p> <p>VIII.To ensure connectivity between the Appleby GO Station and Sherwood Park through the proposed promenade.</p>
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5.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 m), as follows: m) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.
6.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 g), as follows: g) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.
7.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 g), as follows: g) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare shall be permitted.
8.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct	Delete section 5.5.8 o), as follows: o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings shall be 18 storeys. The maximum floor area ratio shall be 8.4:1.
9.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Delete section 5.5.8.2 136), as follows: 136) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings shall be 27 storeys, plus mechanical penthouse. The maximum floor area ratio shall be 11.5:1. Retail, service commercial, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.
10.	2.0 Residential Areas 2.2.3 Site Specific	Insert section 2.2.3 r), as follows: <u>r) for the lands located at 1085 Clearview Avenue and 1082,</u>

	Policies	<p><u>1086 and 1090 St. Matthew's Avenue:</u></p> <p><u>i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys shall be permitted;</u></p> <p><u>ii) Notwithstanding Policy 2.5.2 a) xiii), direct access shall be permitted from a local road.</u></p>
11.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Insert section 5.3.2 u), as follows:</p> <p><u>u) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum floor area ratio of 4.41:1 and a maximum building height of 12 storeys shall be permitted.</u></p> <p><u>Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, service commercial uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.</u></p>
12.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Insert section 5.3.2 v), as follows:</p> <p><u>v) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated "Mixed Use Corridor – General" and identified as 688, 694, and 698 Brant Street, the following policies shall apply:</u></p> <p><u>i) a mixed-use building, with a maximum density of 408 units per net hectare shall be permitted;</u></p> <p><u>ii) the maximum Floor area ratio shall be 4.11:1;</u></p> <p><u>iii) the maximum building height shall be 13 storeys; and</u></p> <p><u>iv) retail use on the second storey tied to the primary retail or service commercial use on the first storey shall be permitted.</u></p>

13.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Insert section 5.3.2 w), as follows:</p> <p><u>w) Notwithstanding the policies of Part III, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development shall be permitted with a maximum Building height of 34 storeys with a maximum floor area ratio of 6:1. Development on the subject lands shall:</u></p> <p><u>i)not exceed 19 storeys for buildings that front onto Fairview Street.</u></p> <p><u>ii)small scale motor vehicle dealerships are prohibited.</u></p> <p><u>iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.</u></p> <p><u>iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.</u></p> <p><u>v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.</u></p> <p><u>vi)retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.</u></p> <p><u>vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.</u></p> <p><u>viii) may consider the following objectives:</u></p> <p><u>I.To ensure particular attention will be given to the relationship between the public and</u></p>
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		<p><u>private realms in the development of buildings, streets, and urban open spaces.</u></p> <p><u>II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.</u></p> <p><u>III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.</u></p> <p><u>IV.To provide podium setbacks and stepbacks within the built form along Fairview Street.</u></p> <p><u>V.To ensure appropriate tower setback from Fairview Street.</u></p> <p><u>VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.</u></p> <p><u>VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.</u></p> <p><u>VIII.To ensure connectivity between the Appleby GO Station and Sherwood Park through the proposed promenade.</u></p>
<p>14.</p>	<p>5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts</p>	<p>Insert section 5.5.5 i), as follows:</p> <p><u>i) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.</u></p>
<p>15.</p>	<p>5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts</p>	<p>Insert section 5.5.5 j), as follows:</p> <p><u>j) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12</u></p>

		<u>storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.</u>
16.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Insert section 5.5.5 k), as follows: <u>k) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a</u>
17.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Insert section 5.5.8.2 o), as follows: <u>o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413</u> <u>Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings shall be 18 storeys. The maximum floor area ratio shall be 8.4:1.</u>
18.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Insert section 5.5.8.2 q), as follows: <u>q) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings shall be 27 storeys, plus mechanical penthouse. The maximum floor area ratio shall be 11.5:1. Retail, service commercial, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.</u>

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the Burlington Planning Area.