



SUBJECT: New Zoning By-law Project – Phase 1: Residential Zones – Discussion Paper and Project update

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-34-24

Wards Affected: All

Date to Committee: July 8, 2024

Date to Council: July 16, 2024

Recommendation:

Receive community planning department report PL-34-24 providing the Phase 1: Residential Zones – Discussion Paper and an update on the New Zoning By-law Project.

Executive Summary:

This report provides an update on the New Zoning By-law Project (NZBP) completed to date and presents the findings of the Phase 1: Residential Zones – Discussion Paper (attached as Appendix A). The discussion paper reviews the research and analysis that has been completed as part of project's Phase 1, Step 1 (Research & Analyse), including key themes, and considerations as it relates to the Residential Zones and accompanying sections of the new Zoning By-law. It is intended to initiate conversations on key topic areas that will inform the next steps of the project and ultimately the development of the first phase of the new zoning by-law. As it is an interim deliverable the options and approaches presented in this paper could change and be refined over the course of the project.

This report also identifies connections the NZBP has with other City initiatives that are underway, including the Burlington Official Plan, 2020 Targeted Realignment Exercise, Major Transit Station Area (MTSA) Area-Specific Planning, and the implementation of the Housing Accelerator Fund.

This report provides an overview on the next steps of the project, including the work that is to be completed over the summer to begin Step 2 (Build & Engage). The workplan involves City Staff providing engagement opportunities for external stakeholders, including the public and the development industry and preparation of the first draft of the

Residential Zones. The options and approaches set out within the discussion paper will be considered as part of the development of the new Zoning By-law.

PURPOSE:

The purpose of this report is to provide an update on the New Zoning By-law Project and present the findings of the Phase 1: Residential Zones – Discussion Paper.

Vision to Focus Alignment:

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Background and Discussion:

Project Background

In September 2022, Council approved Report PL-60-22, which endorsed the original Terms of Reference (ToR) for the New Zoning By-law Project, authorized staff to engage consultants through a competitive bid process to carry out the work outlined in the ToR, and directed staff to finalize an engagement plan and to provide quarterly updates on the NZBP.

Accordingly, staff have provided the previous updates:

- Update No. 1 – May 30, 2023, [Report PL-41-23](#)
- Update No. 2 – Sept. 28, 2023, [Council Information Package](#)
- Update No. 3 – December 5, 2023, [Report PL-62-23](#) – Revised Work Plan
- Update No. 4 – March 22, 2024, [Council Information Package](#)

In addition to the delivery of the Discussion Paper, this report provides a fifth update on the NZBP and discusses what's next for the project.

Progress / Next Steps

Phase 1, Step 1 – Research & Analyse

The consulting team, with the assistance of staff, has completed a detailed review of the Residential Zones and associated sections in the current Zoning By-law in comparison to the Burlington Official Plan, 2020 and conducted a review of best practices for zoning for residential and residential supportive land uses. Internal stakeholder meetings have

been held with the Technical Advisory Committee and Steering Committee to engage with them on the draft discussion paper that has been prepared by the consulting team. Step 1 concludes with the presentation of the discussion paper to Council through Community Planning Department report PL-34-24.

After the completion of Step 1 – Research & Analyse, Step 2 – Build & Engage – will begin, which will include preparation of the first draft of the Residential Zones and associated sections of the new Zoning By-law.

Discussion Paper

The purpose of the Phase 1: Residential Zones – Discussion Paper (attached as Appendix A to Report PL-34-24) is to start a conversation and present early directions on key topic areas that will inform the next step of the project and ultimately the development of the City's new Zoning By-law. The discussion paper is intended to explore the considerations that are within the scope of the project. The findings and approaches presented in this paper may change and staff anticipate refinements as the project moves forward and the conversation with Council, the public and other stakeholders in Burlington evolves.

The Discussion Paper is organized into 14 chapters and are as follows:

- Chapter 1 provides a brief overview of the project, its purpose and goals, why the By-law is being updated, timing and the paper's organizational structure;
- Chapter 2 reviews upper level policy and legislation, including Planning Act updates, Provincial Policy Statement, 2020, Growth Plan, 2020 and Halton Region Official Plan, and highlights changes that are relevant to the scope of the project;
- Chapter 3 examines the policies contained in Residential Neighbourhoods Areas designation of the Burlington Official Plan, 2020 (BOP, 2020) as the Residential Zones are required to conform to this section. This section also highlights Council's commitment to "4 units as of right" as it relates to the permitting of Additional Dwelling Units and the requirement for the New Zoning By-law to include permissions to conform to the Council motion;
- Chapter 4 discusses the overall structure of the Residential Zones in the City's existing Zoning By-law to illustrate the context of the current zoning framework;
- Chapters 5, 6, 7, 8 and 9 provides considerations for the new Zoning By-law as it relates to structure/organization, layout/formatting, definitions, general conditions and provisions, and review of best practices from other municipal zoning by-laws that were recently approved;
- Chapter 10 presents the findings from an analysis of minor variance and zoning by-law amendments from 2013 to 2023 to understand if any provisions in existing

Residential Zones are problematic and should be updated as part of the comprehensive review;

- Chapter 11 provides an overview of recommendations from the City's Housing Strategy that relate to matters within the scope of the project;
- Chapter 12 provides an overview of project objectives that were identified within the approved Terms of Reference and identifies recommendations to be considered as part of the development of the new Zoning By-law;
- Chapter 13 illustrates a proposed framework for consideration to form the basis of the preparation of the draft zoning by-law in the next phase of the project; and
- Chapter 14 outlines the next steps for the project, including work over the summer to begin Step 2.

Key Themes

The key themes of the Discussion Paper are summarized below:

- Recent and future updates to the *Planning Act* need to be considered as part of the development of the New Zoning By-law, including changes from Bills 108, 109, 97, 23 and 185;
- Need to align with the objectives of the Provincial Planning/Policy Statement as it relates to facilitating housing options and supporting appropriate opportunities for residential intensification in the City's residential neighbourhoods areas;
- Zoning By-law will have to permit residential housing forms that support the objective of intensification;
- Alignment with outcomes of Burlington Official Plan, 2020, Targeted Realignment Exercise;
- Implementing the policy directions of the Residential Neighbourhoods Areas designation of the BOP, 2020;
- New Zoning By-law will need to conform with updates from the Official Plan Amendment to increase housing options;
- Preliminary review of existing Residential zones highlighted that across the City there are 16 sets of standards for detached dwellings, eight sets of standards for semi, four sets of standards for duplexes, three sets of standards for triplexes and fourplexes, different townhouse forms have a different number of standards, and seven different zones that permit apartments; and
- The best practices review highlighted variability among other municipalities in what is regulated within a zoning by-law versus what gets regulated in urban guidelines (ie. dwelling depth provisions). Another example of variability among

municipalities would be how residential parking standards are administered (ie. regulating parking for apartments based on bedrooms).

Strategy/process

The Phase 1: Residential Zones – Discussion Paper (Appendix A), outlines a number of options and suggested approaches to be considered as part of the development of the new Zoning By-law. Phase 1 of the project concludes with the presentation of the discussion paper to Council. Over the summer, work will begin on Step 2 of the project. This will involve staff working on the first draft of the new zoning by-law. This draft will be shared with the public, developers and other interested parties for feedback in the fall. The options and approaches set out within this discussion paper will be considered as part of Step 2 of the New Zoning By-law Project.

Connections to Other Initiatives

Housing Accelerator Fund (HAF) Implementation

The Housing Accelerator Fund (HAF) is a \$4 billion federal initiative administered by the Canada Mortgage and Housing Corporation (CMHC), that will run from 2024-2027. This application-based program will provide funding directly to municipalities across the country to incentivize and support initiatives that will accelerate the supply of housing.

On January 15, 2024, Infrastructure Canada and CMHC announced the City of Burlington's application was approved resulting in the City receiving \$21,156,248.60 in funding to incent 618 units. The 618 units are part of the City's Housing Supply Growth Target of 2,724 permitted housing units, as outlined in the application. The City is responsible for achieving this target by the completion of the program in 2027.

The City's approved [HAF Action Plan](#) includes seven initiatives, including further clarification through a Council [Motion Memo ADM-24-23](#). The Memo also identifies a "no parking minimum" pilot focused on two Frequent Transit corridors in Burlington Official Plan, 2020. Report [CS-04-24](#) outlines the status of the initiatives under the approved HAF Action Plan.

In [Motion Memo ADM-17-23](#), City Council declared its intention to allow four units as of right, and to direct staff to engage with the community to implement four units as of right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.

Burlington Official Plan, 2020 Targeted Realignment Exercise

The City is currently undertaking the Burlington Official Plan, 2020, Targeted Realignment Exercise as part of an overall strategy to align the policies of Burlington's Official Plan, 2020 (BOP, 2020) with the recent and ongoing changes to the Provincial

and Regional policy frameworks that have taken place since the Regional approval of the BOP, 2020 in November 2020. This work will be supported by detailed population and employment growth analysis work that will be undertaken as part of this exercise, and by a flexible and responsive engagement approach identified in [Appendix B](#) of [Staff Report PL-01-24](#) to ensure public involvement.

Through Council approval of [Report PL-45-23 – Burlington Official Plan, 2020 Targeted Realignment Exercise – initial workplan](#) on July 11, 2023, Staff were directed to initiate the workplan for the BOP, 2020 Targeted Realignment Exercise.

Staff will be providing an update on the BOP 2020, Targeted Realignment Workplan to the July 8th meeting of the Committee of the Whole through staff report PL-50-24: BOP 2020 Targeted Realignment Exercise – Workplan Update 3.

Official Plan Amendment to Increase Housing Options

As a part of the BOP 2020, Realignment Exercise, staff are moving forward the Official Plan Amendment to Increase Housing Options project which advances [the motion](#) unanimously approved by Council at the October 17, 2023, Council Meeting, that declared City Council's intention to allow four residential units per lot as-of-right, and which directed staff to engage with the community to implement four units as-of-right and other actions of the Housing Strategy. This motion supports the objectives of the City's Housing Strategy and supported the City's successful Housing Accelerator Fund application. Work on this project is now underway. Staff have begun engaging with the public through the Increasing Housing Options Survey 1 and staff are anticipating to bring forward an initial draft of the Official Plan Amendment to the September Committee of the Whole as a part of the project's [engagement plan](#) and prior to detailed engagement on the draft OPA in the fall. For additional details, please see staff Report PL-50-24 mentioned above.

Major Transit Station Area (MTSA) Area-Specific Planning

In June 2024, through report [PL-03-24](#), Council adopted the Major Transit Station Area Official Plan Amendment (OPA) No. 2 and approved in principle the Community Planning Permit (CPP) By-law provided in Appendix B of staff report PL-03.24, which will together guide growth and development within the City's Major Transit Station Areas. Council directed staff to make the necessary refinements to the CPP By-law, including any changes to reflect any modifications as a result of the Ministerial approval of OPA 2. Staff are also making refinements to the CPP By-law per the scope of work identified in the [staff memo](#) dated June 18th, 2024 to Council. The NZBP project team will continue to work collaboratively to ensure alignment with the MTSA Community Planning Permit System project.

Financial Matters:

The project remains on budget and is proceeding on funding of \$538,000; approved by Council as part of the 2021 Budget. As discussed in [Report PL-62-23](#), the shift to a phased work plan for the project may result in future impacts to the overall project budget. Any anticipated impacts will be communicated to Council in a timely manner.

Climate Implications:

On April 23, 2019, Burlington City Council unanimously passed a motion to declare a climate emergency. Broadly, the City has set out frameworks to provide innovative solutions and opportunities to address appropriate land use while making better use of existing land, infrastructure and services. The New Zoning By-law Project is intended to implement the policies of the new BOP, 2020, which broadly promotes “development measures and patterns to achieve a low carbon, energy secure and climate resilient community” (BOP, 2020 1-10). Aligning the Zoning By-law’s permitted uses and regulations with respect to height and density policies and directions of the new BOP, 2020 can streamline the development review and approvals process and accelerate the City’s evolution to a more efficient compact urban form with transit supportive densities that promote walking, cycling and other low carbon transportation modes.

Engagement Matters:

The NZBP team has finalized the engagement plan in collaboration with the BOP, 2020 Targeted Realignment Exercise team. A Communication Plan has also been prepared to support engagement with the public and other interested parties that is planned for the project. The engagement launch includes a Get Involved page and a baseline/data collection survey. A primer document will be posted this summer to provide the public with the opportunity to gain a basic understanding of zoning and its importance to their neighbourhood and city.

Engagement is planned for fall 2024 when the first draft of the Residential Zones and accompanying sections of the new Zoning By-law is targeted to be released to the public, developers and other interested parties. They will be asked to provide comments on the draft by-law leading up to and at a public open house in Q4 2024. This will be followed by refinements and the release of a second draft of the Residential Zones. Staff will provide opportunities for review and input on the second draft of the document. As noted above, the New Zoning By-law Project is an Official Plan conformity exercise intended to implement the vision already established through the Council approved

BOP, 2020. Engagement tools and opportunities will focus on user experience and improvements to the zoning rather than re-examining the approved official plan vision. As the project progresses, other tactics will be used to engage the public and interested parties as it relates to the preparation of the new Zoning By-law.

Conclusion:

This report outlines progress to date on the NZBP. As part of the update, the discussion paper has been presented that outlines key topic areas, including research and analysis completed as part of Step 1 and outlines preliminary recommendations as it relates to the Residential Zones and accompanying sections of the new Zoning By-law. As noted above, it is intended to initiate conversations on key topic areas that will inform the next step of the project and ultimately the development of the City's new Zoning By-law. As it is an interim deliverable, the options and approaches presented in this paper could change and be refined over the course of the project.

Respectfully submitted,

Mark Johnson, MCIP, RPP

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Appendices:

A. Phase 1: Residential Zones – Discussion Paper

Report Approval:

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