

**OFFICIAL PLAN AMENDMENT
PROPOSED AMENDMENT NO. 3 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA**

CONSTITUTIONAL STATEMENT

The Amendment contained in Part “B” of this document constitutes Amendment No. 3 to the Official Plan of the City of Burlington, 2020.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment is to revise certain elements of the text of the Burlington Official Plan, 2020 to implement the findings of Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options project, including expanding permissions to allow up to four units on residential lots within the urban area in order to implement elements of Motion Memorandum ADM-17-23 and the Housing Strategy.

The effect of the proposed Amendment is to amend policies from the *Burlington Official Plan, 2020* to:

- Support ground-oriented intensification that considers the context and character of Burlington’s Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas;
- Update the policies relating to the Residential Neighbourhood Areas designations;
- Expand permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas designations; and,
- Update the policies for Additional Residential Units in order to permit three Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.

SITE AND LOCATION

The proposed amendment applies to Residential Neighbourhood Areas Policies within the City of Burlington subject to the Burlington Official Plan, 2020.

2. BASIS FOR THE AMENDMENT

- a) At the October 17, 2023, Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved motion Memorandum ADM-17-23.

- b) Section 17 (24.1) of the Planning Act limits appeal rights for policies that permit additional residential units up to two 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.
- c) On April 2, 2024, the Ontario Land Tribunal issued a Decision granting the City’s motion for Partial Approval of the *Burlington Official Plan, 2020*, which included the Residential Neighbourhood Area policies, amongst other policies. As such, Section 8.3 “Residential Neighbourhood Areas” 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 December 3, 2024, with a final recommendation report on January 13, 2025.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Text Change:

The amendment includes the changes to the text of the Burlington Official Plan, 2020 as described in the following table:

In the “Description of Change” column, text that is underlined is new text to be inserted into the Burlington Official Plan, 2020 by way of changes to the in-effect policies. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1	1.8 Site Level Metrics: Density and Intensity	<p>Modify Section 1.8 Site Level Metrics: Density, and Intensity <u>Density and Built Form</u></p> <p>This Plan uses a number of metrics to describe the degree of <i>development</i> envisioned or required at a site level, within the various land use policies of this Plan. This is described as either density, <u>built form</u> or <i>intensity</i>. In each case, this Plan identifies the <i>intensity</i> or <u>built form</u> density-metric. There are two general categories:</p> <ul style="list-style-type: none"> • In the case of both the Mixed Use Intensification Area and <i>employment</i>

		<p>lands a measure of <i>intensity</i> is employed. <i>Intensity</i> is described as the <i>floor area ratio</i>, the relationship between the building(s) and the <i>net</i> area of the site on which they are located.</p> <ul style="list-style-type: none"> In the case of the Residential Neighbourhood Areas, a measure of density and built form is employed. Density is described as the number of units over the net area of the site which the development is located. <u>Built form is described as either <i>low-rise, mid-rise or high-rise</i> and is used to describe the <i>scale</i> of the residential building within the Residential Neighbourhood Areas.</u>
2	Table of Contents: Land Use Policies – Urban Area	<p>Modify the Table of Contents: Land Use Policies – Urban Area as follows:</p> <p>8.3.3 Residential Low-Density Low-Rise Neighbourhoods I 8.3.4 Residential – Medium-Density Low-Rise Neighbourhoods II 8.3.5 Residential – High-Density High-Rise Neighbourhoods</p>
3	8.1.1(4.7) Uptown Residential – Medium Density Designation Low-Rise Neighbourhoods II	<p>Modify Section 8.1.1(4.7) by renaming the designation as follows:</p> <p><u>Uptown Residential – Medium-Density Low-Rise Neighbourhoods II Designation</u></p>
4	8.1.1(4.7.2) Policies	<p>Modify Section 8.1.1(4.7.2) a) as follows:</p> <p>The policies contained in Subsection 8.3.4, Subsections 8.3.7 through 8.3.10, and Subsection 8.7.2 of this Plan, <i>shall</i> apply to lands designated Uptown Residential-Medium Density <u>Low-Rise Neighbourhoods II</u>.</p>
5	8.1.1(4.7.2) Policies	<p>Modify Section 8.1.1(4.7.2) b) as follows:</p> <p>Notwithstanding Subsection 8.1.1(4.7.2) a) of this Plan, single-detached dwellings <u>dwellings</u> <i>shall</i> not be permitted on lands designated Uptown Residential - Medium-Density <u>Low-Rise Neighbourhoods II</u>.</p>

6	8.3 Residential Neighbourhood Areas	<p>Modify Section 8.3 as follows:</p> <p>The lands designated as "Residential Neighbourhood Areas" on Schedule B: Urban Structure, within the Urban Area, are intended to provide for housing for <u>a full range of residential uses, and as well as other residential supportive land uses that are part of an urban residential environment and contribute to the overall well-being of its residents.</u></p> <p><u>While not recognized as an area where significant growth and development will take place, the physical character of the Residential Neighbourhood Areas will continue to evolve over time in a way that is compatible with the surrounding neighbourhood.</u></p> <p><u>All neighbourhoods change over time: through additions and renovations, people moving in and out of the neighbourhood, and infill development. Residential intensification is part of this evolution, and through compatible infill development that may not necessarily be the same as or similar to existing or planned development in the area but can co-exist without causing adverse impacts to the surrounding neighbourhood.</u></p> <p>Housing may take many forms ranging from single detached homes to tall buildings, and will occur primarily in the form of intensification within existing areas.</p> <p><u>All strictly residential based land uses are compatible with one another as the use provides the same housing function: a place to live and call home. Policies within the Neighbourhood Residential Areas will focus on ensuring the built form is compatible and context-sensitive to the surrounding neighbourhood.</u></p>
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		<p>The city's Residential Neighbourhood Area is comprised of three land use designations based on density and building types <u>built form</u>: <u>Low-Rise Neighbourhoods I, Low-Rise Neighbourhoods II, and High-Rise Neighbourhoods identified on Schedule C: Land Use – Urban Area of this Plan, are based on built form, density and building types, Residential – Low Density, Residential – Medium Density and Residential – High Density identified on Schedule C: Land Use – Urban Area, of this Plan</u> Each designation is <u>further details</u> on the function, location, <u>built form density and scale of development</u> permitted.</p> <p>New residential housing within the Residential Neighbourhood Area will be accommodated primarily through the <i>intensification</i> of existing areas, where <i>compatible</i>. The <i>City</i> will address new housing demands, through the best use of existing <i>infrastructure</i> and <i>public service facilities</i> within the Urban Area.</p>
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7	8.3.1 General Objectives	<p>Modify Section 8.3.1 as follows:</p> <p>a) To <i>encourage</i> new residential <i>development</i> and residential <i>intensification</i> within the Residential Neighbourhood Area in accordance with Provincial, Regional and <i>City</i> growth management objectives, while recognizing that the density and form of new <i>development</i> must be balanced with other planning considerations, such as the availability of <i>infrastructure</i> and <i>public service facilities</i>, and also ensuring that new <i>development</i> achieves <i>compatibility</i> and integration within existing residential neighbourhoods.</p> <p><u>b) To recognize that the Residential Neighbourhood Areas will evolve over time to accommodate population growth and changing demographics to respond to the changing needs of those who call these neighbourhoods home.</u></p> <p>b) c) To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and <i>active transportation</i>.</p> <p>c) d) To <i>encourage</i> the accommodation of a diverse range of household sizes and incomes.</p> <p>d) e) To <i>encourage</i> a strong <i>live/work relationship</i> within the city by providing housing that reflects the existing and future socio-economic, employment and demographic characteristics of local residents.</p> <p>e) f) To provide, where <i>compatible</i>, housing opportunities in proximity to <i>Employment Areas</i> and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and</p>
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		<p>neighbourhood amenities with a reduced dependence on private automobiles.</p> <p>f) <u>g)</u> To provide opportunities for limited small-scale commercial uses within medium and high density residential neighbourhood areas <u>Low-Rise Neighbourhoods II and High-Rise Neighbourhoods</u>, where <i>compatible</i>, which serve the day-to-day needs of residents without the need for a private automobile.</p> <p>g) <u>h)</u> To <i>encourage</i> the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including <i>assisted and special additional needs housing, affordable housing</i> and rental housing <u>in order to contribute towards meeting the needs of current and future residents at all stages of life and that are attainable at all income levels, and move the city towards the vision for housing in Burlington.</u></p> <p>h) <u>i)</u> To ensure that <i>development</i> within the Residential Neighbourhood Area is <i>compatible</i> with <u>and considers the surrounding properties the surrounding physical character.</u></p> <p>i) <u>To encourage innovative housing design that is designed to accommodate additional residential units to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life.</u></p> <p>k) <u>Healthy mature trees contribute to physical character. Development shall be consistent with the policies of Section 4.3, Urban Forestry, of this Plan.</u></p>
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8	8.3.2 a)	<p>Modify Section 8.3.2 a)(i) as follows:</p> <p><i>assisted and special <u>additional</u> needs housing</i> such as group homes <u>group homes</u>, retirement homes <u>retirement homes</u> and long-term care facilities <u>long-term care facilities</u>, provided compatibility <u>compatibility</u> with the surrounding neighbourhood is achieved;</p>
9	8.3.2 b)	<p>Modify Section 8.3.2 b) as follows:</p> <p>Multi-unit residential <i>developments</i> in Residential Neighbourhood Areas <i>should</i> incorporate a mix of unit sizes, <u>including units that contain more than one bedroom</u>, to accommodate a diverse range of household sizes and incomes.</p>
10	8.3.3 Residential Low-Density Low-Rise Neighbourhoods I	<p>Modify Section 8.3.3 by renaming the Section as follows:</p> <p><u>Residential – Low Density Low-Rise Neighbourhoods I</u></p>
11	8.3.3 Residential Low-Density Low-Rise Neighbourhoods I	<p>Insert a new preamble as follows:</p> <p><u>The Low-Rise Neighbourhoods I designation is comprised of residential areas that consist of low-rise, ground-oriented dwellings. The Low-Rise Neighbourhoods I designation is intended to allow for gradual and compatible change in the form of infill development that respects the existing low-rise character of the city's Neighbourhoods, and allows for more housing options to exist.</u></p>

<p>12</p>	<p>8.3.3(1) Policies</p>	<p>Modify Section 8.3.3(1) as follows:</p> <p>a) On lands designated Residential—Low Density, Low-Rise Neighbourhoods I, single-detached and semi-detached dwellings, and <u>duplexes</u> <i>may</i> be permitted.</p> <p>b) c) Notwithstanding Subsection 8.3.3(1) a) of this Plan, townhouses <i>may</i> be considered by the <i>City</i> on lands designated Residential—Low Density, Low-Rise Neighbourhoods I, through a site-specific Zoning By-law Amendment application subject to the fulfillment of the following criteria:</p> <ul style="list-style-type: none"> (i) the development does not exceed the density established in Subsection 8.3.3(1) c) of this Plan; <u>the development shall include up to a maximum of 4 principal dwelling units;</u> (ii) the <i>development</i> form is <i>compatible</i> with the surrounding area; (iii) the <i>development</i> form is respectful of the <i>physical character</i> of the neighbourhood <u>by incorporating built form and landscape qualities that are prevalent in the surrounding area;</u> and (iv) the <i>development</i> includes the provision of a functional <i>amenity area</i>, at grade; (v) <u>the development may be permitted to a maximum height of two (2) storeys;</u> <u>and</u> (vi) <u>Healthy mature trees contribute to physical character. Development shall be consistent with the policies of Section 4.3, Urban Forestry, of this Plan.</u> <p><u>b) Notwithstanding Subsection 8.3.3(1) a) of this Plan, triplexes and fourplexes may be</u></p>
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considered by the *City* on lands designated Low-Rise Neighbourhoods I, where they satisfy Zoning standards for those built form types. The Zoning regulations shall be established and shall be based on the following:

(i)-the *development* of triplexes and fourplexes shall be permitted at the peripheries of neighbourhoods.

(ii) sufficient lot area and frontage;

(iii) appropriate lot coverage; and

(iv) *development may be permitted to the maximum height of 2 storeys*;

~~e) On lands designated Residential – Low Density, *development shall be permitted to a maximum density of twenty five (25) units per net hectare.*~~

d) On lands designated Residential – Low Density, Low-Rise Neighbourhoods I, the maximum height *shall* be established through the implementing Zoning By-law.

e) On lands designated Residential – Low Density Low-Rise Neighbourhoods I, in addition to the criteria contained in Subsection 12.1.7(2) of this Plan, the following criterion *shall* be considered when evaluating minor variance applications for increased height:

(i) the maximum building height *should* be comparable to the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application.

13	<p>8.3.4 Residential – Medium Density <u>Low-Rise Neighbourhoods II</u></p>	<p>Modify the Section by renaming the Section as follows:</p> <p><u>Low-Rise Neighbourhoods II</u></p>
14	<p>8.3.4 Residential – Medium Density <u>Low-Rise Neighbourhoods II</u></p>	<p>Insert a new preamble as follows:</p> <p><u>The Low-Rise Neighbourhoods II designation is comprised of mainly <i>low-rise ground-oriented dwellings</i> with opportunity for <i>low-rise non-ground-oriented dwellings</i> at the peripheries of the neighbourhoods. The intent of the Low-Rise Neighbourhoods II designation is to maintain a <i>low-rise</i> built form and character while allowing more housing options by permitting <i>compatible infill development</i>. The neighbourhoods in the Low-Rise Neighbourhoods II designation will evolve over time to include <i>non-ground oriented dwellings</i> along the peripheries of the neighbourhood and provide an appropriate built form transition in <i>scale</i> between the <i>ground-oriented dwellings</i> and <i>non-ground-oriented dwellings</i>.</u></p>

15	8.3.4(1) Policies	<p>Modify Section 8.3.4(1) as follows:</p> <p>a) On lands designated Residential—Medium Density <u>Low-Rise Neighbourhoods II</u>, <i>ground and non-ground-oriented dwellings</i> including single-detached and semi-detached dwellings, <u>duplex, triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, and low-rise residential buildings</u> <i>may</i> be permitted.</p> <p>b) On lands designated Residential—Medium Density, ground and non-ground-oriented dwellings, as specified in Subsection 8.3.4(1) a) of this Plan, may be permitted at a density of twenty six (26) to seventy five (75) units per net hectare, subject to Subsection 8.3.4(1) c) of this Plan.</p> <p><u>b) Existing single-detached dwellings on lands designated Low-Rise Neighbourhoods II are deemed to conform to the Low-Rise Neighbourhoods II designation and policies of this Plan.</u></p> <p>c) On lands designated Residential—Medium Density <u>Low-Rise Neighbourhoods II</u>, <i>development may</i> be permitted to a maximum height of:</p> <p style="padding-left: 40px;">(i) three (3) storeys for <i>ground-oriented dwellings</i> (not including rooftop <i>amenity</i> / outdoor areas); or</p> <p style="padding-left: 40px;">(ii) four (4) storeys for <i>non-ground-oriented dwellings</i> <u>dwellings</u>.</p>
16	8.3.5 Residential—High Density High-Rise Neighbourhoods	<p>Modify Section 8.3.5 as follows:</p> <p>Residential—High Density <u>High-Rise Neighbourhoods</u></p>
17	8.3.5 Residential—High Density High-Rise Neighbourhoods	<p>Insert new preamble as follows:</p> <p><u>The High-Rise Neighbourhoods designation is intended to accommodate limited infill development that fits into and is sensitive to</u></p>

		<p><u>the existing <i>physical character</i> of the surrounding neighbourhoods.</u></p> <p><u><i>Intensification</i> in the High-Rise Neighbourhoods designation is not limited to mid-rise and tall buildings and can take the form of <i>ground</i> and <i>non-ground oriented</i> housing. Infill <i>development</i> will be expected to enhance the street-level experience for pedestrians.</u></p>
18	8.3.5(1) Policies	Modify Section 8.3.5(1) as follows:

		<p>a) On lands designated Residential—High Density <u>High-Rise Neighbourhoods</u>, <i>ground and non-ground-oriented dwellings</i> including <u>triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses, attached housing and apartments, but excluding single-detached and semi-detached dwellings, may be permitted.</u></p> <p>b) On lands designated Residential—High Density, <i>ground and non-ground-oriented dwellings</i>, as specified in Subsection 8.3.5(1) a) of this Plan, may be permitted, with a density ranging between seventy six (76) and one hundred and eighty five (185) units per <i>net</i> hectare. <u>On lands designated High-Rise Neighbourhoods, the maximum height of development shall be established through the implementing Zoning By-Law.</u></p> <p>c) Notwithstanding density range identified in Subsection 8.3.5(1) b) of this Plan, <i>development</i> with a proposed <u>height</u> density in excess of the established maximum height in the implementing Zoning By-law, one hundred and eighty five units per <i>net</i> hectare, <i>may</i> be considered by the <i>City</i> through a site-specific Zoning By-law Amendment, without the need for an amendment to this Plan, subject to the fulfillment of the following criteria:</p> <ul style="list-style-type: none">(i) a significant reduction of parking at grade;(ii) the development should be located within four hundred (400) m of a frequent transit corridor; and(iii) the development shall conform with all applicable minimum and maximum height requirements as stated in the Zoning By-law. <i>the development should provide a functional outdoor common amenity area at grade level for use by residents.</i>
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		<p>d) On lands designated Residential—High Density High-Rise Neighbourhoods, the maximum height of <i>development shall be established through the implementing Zoning By-Law.</i></p> <p>e) <u>d) Development</u>, except triplex and fourplex dwellings on lands designated Residential—High Density High-Rise Neighbourhoods <i>should</i> provide a functional outdoor common <i>amenity area</i> at grade level for use by residents.</p>
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19	<p>8.3.9 Retail and Service Commercial Uses</p>	<p>Modify Section 8.3.9(2) a) as follows:</p> <p>Retail and/or <i>service commercial uses</i> may be permitted within proposed residential development in Residential—Medium Density Low-Rise Neighbourhoods II and Residential—High Density High-Rise Neighbourhoods designations subject to the following criteria:</p> <p>(i) on lands designated Residential—Medium Density, the proposed development shall achieve a minimum density of fifty-one (51) units per net hectare;</p> <p>(ii) (i) the property <i>shall</i> be adjacent to a Major Arterial or Multi-Purpose Arterial Street, Urban Avenue, or Main Street, as identified on Schedule O-1: Classification of Transportation Facilities-Urban Area, of this Plan;</p> <p>(iii) (ii) the retail and/or <i>service commercial use shall</i> be primarily intended to serve on-site residents and those located within immediate walking distance of the property;</p> <p>(iv) (iii) the retail and/or <i>service commercial use shall be compatible</i> with the surrounding area and respectful of the <i>physical character</i> of the neighbourhood; and</p> <p>(v) (iv) the retail and/or <i>service commercial uses shall</i> be located at grade level within a building containing residential uses.</p>
20	<p>8.3.10 Day Care Centres</p>	<p>Modify Section 8.3.10 a) (ii) a. as follows:</p> <p>Within Residential—Low Density Low-Rise Neighbourhoods I, the day care centre <i>shall</i> be small in <i>scale</i>. The Zoning By-law <i>shall</i> establish a maximum floor area for day care centres in this designation</p>

<p>21</p>	<p>8.7.2 Additional Residential Units 8.7.2(2) Policies</p>	<p>Modify Section 8.7.2(2) as follows:</p> <p>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:</p> <ul style="list-style-type: none"> (i) A maximum of two <u>three</u> <i>additional residential units</i> may be permitted in addition to the principal unit, for a total of three-four residential units. (ii) In all cases a maximum of one (1) <i>additional residential unit</i> may be located within a building or structure accessory 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 <u>two</u> <i>additional residential units</i> may be permitted, only within the principal building. <p>b) The maximum density provisions of this Plan and those contained in the implementing Zoning By Law, shall not apply to the development of <i>additional residential units</i>. Notwithstanding Subsection 8.7.2(2) a) (ii) of this Plan, a second <i>additional residential unit</i> may be permitted within the same building accessory to the principal unit as the first <i>additional residential unit</i>, if determined appropriate through the work of Phase 1 of the New Zoning By-law project.</p> <p>c) <i>Additional residential units</i> shall not be permitted within a <i>hazardous site</i> or <i>hazardous lands</i>, <u>unless where specifically permitted by the conservation authority</u>, and shall have flood-free <u>safe</u> access.</p> <p>d) c) <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</p>
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		<p>on good land use planning principles, including health and safety and environmental considerations.</p> <p><u>d) The Zoning By-law shall contain parking standards for Additional Residential Units that consider alternative parking standards where appropriate.</u></p> <p><u>e) Additional Residential Units shall have adequate servicing.</u></p>
22	Chapter 13 - Definitions	<p>Add definition as follows:</p> <p><u>Additional Needs Housing</u> - means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.</p>