

DGM- 01-25: Appendix D – Detailed Planning Analysis and Justification

Table of Contents

Planning Analysis 3

Provincial Policy Framework 3

 Planning Act 3

 Ontario Regulation 299/19: Additional Residential Units 4

 Provincial Planning Statement, 2024 5

Municipal Planning Documents..... 7

 Regional Official Plan (ROP) 7

 Burlington Official Plan, 2020 8

 Status of the Policies of the Burlington Official Plan, 2020..... 8

 City’s Growth Framework..... 9

 Housing..... 10

 Zoning By-law 10

Relevant Plans, Strategies and Studies 11

 Vision 2040: Burlington’s Strategic Plan 2015-2040..... 11

 Burlington’s Plan From Vision to Focus 2022-2026..... 11

 Burlington Housing Strategy 12

 Roseland and Indian Point Character Area Studies 13

Planning Justification: Official Plan and Zoning By-law Amendments 14

Official Plan Amendment No. 3 14

 Official Plan Amendment No. 3: Amendment Overview 14

 Policy specific amendments and planning justification 15

 Site Level Metrics: Density and Intensity (Chapter 1, Section 1.8) 15

 Uptown Residential – Medium Density Designation (Chapter 8, Subsection 8.1.1(4.7))..... 16

 Residential Neighbourhood Areas (Chapter 8, Section 8.3)..... 16

 General Objectives (Chapter 8, Subsection 8.3.1) 18

 General Policies (Chapter 8, Subsection 8.3.2) 19

 Residential – Low Density (Chapter 8, Subsection 8.3.3) 19

 Residential – Medium Density (Chapter 8, Subsection 8.3.4)..... 21

 Residential – High Density (Chapter 8, Subsection 8.3.5)..... 22

 Neighbourhood Character Areas (Chapter 8, Subsection 8.3.6) 22

 Retail and Service Commercial Uses (Chapter 8, Subsection 8.3.9) 24

Additional Residential Units (Chapter 8, Subsection 8.7.2).....	25
Neighbourhood Character & Neighbourhood Character Areas (Chapter 13, Definitions)	26
Additional Needs Housing (Chapter 13, Definitions)	27
Process: Official Plan Amendment and Modifications through the Ontario Land Tribunal	27
Zoning By-law 2020	28
Proposed Zoning By-law Amendment.....	28
Amendment Overview	28
Additional Residential Units – 4 units as-of-right.....	28
Reduced Minimum Parking Requirements for ARUs.....	29
Other Regulations	29
Maximum Lot Coverage	30
Floor Space Index (FSI)	30
Other Changes to Performance Standards.....	31
Proposed Zoning By-Law Amendment and Staff Explanation	31

Planning Analysis

Provincial Policy Framework

Planning Act

The *Planning Act* sets out legislation guiding land use planning in Ontario. The *Planning Act* provides the basis for considering matters of provincial interest that includes, among other matters, the following:

- *The adequate provision of a full range of housing, including affordable housing;*
- *Appropriate location of growth and development;*
- *The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- *the supply, efficient use and conservation of energy and water;*
- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the orderly development of safe and healthy communities;*

Municipalities are required to prepare official plans and policies to guide future development and create zoning by-laws to regulate and control land use.

Planning decisions and documents such as an official plan must be consistent with the Provincial Planning Statement, 2024 and must conform to and not conflict with Provincial Plans. As detailed below, Planning Staff are of the opinion that the proposed amendments comply with provincial policies and the *Planning Act*.

The *Planning Act* also sets out regulations relating to Additional Residential Units. The *Planning Act* provides an additional residential unit framework using an “as-of-right” permission approach which supersedes local official plans and zoning provincially. The additional residential unit framework, which came into force on November 28, 2022, through Bill 23, *More Homes Built Faster Act, 2022*, applies to any parcel of urban residential land in settlement areas with full water and sewage services, where residential units are permitted. In addition to the principal dwelling unit within a detached, semi-detached, or row house, up to two additional residential units are permitted per property as either:

- two additional residential units in a detached, semi-detached, or row house;
- or
- one additional residential unit in a detached, semi-detached, or row house and one additional residential unit in an accessory building or structure.

These changes also prohibited municipalities from:

- imposing development charges or requiring parkland dedication or cash-in-lieu in connection with any additional residential units; and

- applying minimum unit sizes and requiring more than one parking space in connection with these units.

In September 2023, the City amended its Additional Residential Unit policies through City-Initiated amendments to the Burlington Official Plan, 2020 (Official Plan Amendment No.1) and Zoning By-law 2020 (Zoning By-law Amendment No. 2020.460). This amendment brought the City's Official Plan and Zoning By-law into compliance with the *Planning Act*.

The proposed amendments (attached as Appendix A and B to Staff Report DGM-01-25) further reduce barriers for Additional Residential Units by permitting a total of three Additional Residential Units, for a total of four units as-of-right. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments comply with the regulations set out in the *Planning Act*.

Ontario Regulation 299/19: Additional Residential Units

On November 20, 2024, under the *Planning Act*, the associated Ontario Regulation 299/19 Additional Residential Units was amended through Ontario Regulation 462/24 in order to further reduce barriers relating to the creation of ARUs. The recent amendment to O.Reg 299/19 sets out province-wide regulations that supersede more restrictive regulations within local zoning by-laws relating to certain lot elements for lots with at least one Additional Residential Unit. The regulations under the amended O.Reg 299/19 include:

- A building or structure on a parcel of urban residential land containing an additional residential unit may penetrate any angular plane that is described in the (zoning) by-law;
- A building or structure shall be at least 4 metres from another building or structure on the parcel if the other building or structure contains a residential unit;
- Up to 45 percent lot coverage is permitted for buildings and structures on a parcel of urban residential land on which at least one additional residential unit is located;
- No limit to the floor space index of the parcel of urban residential land where at least one additional residential unit is located; and
- The minimum lot area for a parcel of urban residential land with at least one additional residential unit is the same as the minimum lot area where no additional residential unit exists.

O. Reg 299/19 does provide that buildings and structures with additional residential units would still be subject to any maximum height and minimum setback requirements established through a Zoning By-law. The Zoning By-law regulations will prevail over the O.Reg 299/19 in the situations where the local by-laws permit buildings and/or structures to be located less than 4 metres from one another; and/or where lot coverage of over 45 percent is permitted.

The amendments to Zoning By-law 2020 will address new regulations under O.Reg 299/19, as outlined in the Zoning By-law Amendment section below.

Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments comply with the *Planning Act* and address matters outlined in O.Reg 299/19.

Provincial Planning Statement, 2024

The province introduced the Provincial Planning Statement (PPS, 2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan, 2019) while building upon housing-supportive policies from both documents. The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province;
- align development with infrastructure to build a strong and competitive economy that is investment-ready;
- foster the long-term viability of rural areas; and
- protect agricultural lands, the environment, public health and safety.

The PPS, 2024 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1).

In accordance with Section 2.1.6 Planning authorities should support the achievement of *complete communities* by:

- a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

The proposed Official Plan and Zoning By-law Amendments align with Section 2.16 of the PPS 2024 by providing flexibility in the Official Plan policies and additional opportunities for an increase in the mix and range of housing options to be available for all within the city's existing neighbourhoods, aiming to reduce barriers for multi-

generational housing and working towards the city's vision for housing in Burlington. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are in alignment with Section 2.1.6 of the PPS, 2024. Housing is an important aspect of the PPS, 2024 as outlined in Section 2.2. In Accordance with Section 2.2.1 b) Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:

1. permitting and facilitating all *housing options* required to meet the social, health, economic and wellbeing requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3.

The PPS directs that growth and development be focused in 'Settlement Areas' which include built-up urban areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an official plan for development over the long term. Section 2.3.1(1) provides that within Settlement Areas, growth should be focused in, where applicable, strategic growth areas, including Major Transit Station Areas.

In accordance with Section 2.3.1 (2), land use patterns within Settlement Areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

The proposed Official Plan Amendment provides additional opportunities to increase housing options within the existing land-use pattern for the urban area as outlined in the Official Plan. The proposed amendments, in Planning Staff's opinion, will result in incremental growth and change that efficiently utilizes existing infrastructure within the urban area. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendment are consistent with the PPS, 2024.

Furthermore, in accordance with Section 2.3.1(3), Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

In accordance with Section 2.3.3 Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

In accordance with Section 6.1.5, Official Plans shall identify provincial interests and set out land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

The proposed Official Plan and Zoning By-law Amendment provide opportunity for increased range and mix of housing options through infill development within the city's Residential Neighbourhood Areas. The proposed Official Plan Amendment, along with the existing policies of the Burlington Official Plan, 2020 will support future zoning regulations that will provide appropriate direction to guide further consideration of additional dwelling types in the Residential Neighbourhood Areas. In Planning Staff's opinion, the proposed will further support diversifying residential uses at a scale appropriate for the Residential Neighbourhood Areas, and consistent with the direction outlined in the PPS, 2024.

Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS, 2024.

Municipal Planning Documents

Regional Official Plan (ROP)

Section 44 of the Regional Official Plan (ROP) provides "broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services". As of July 1, 2024, through the changes made to the *Planning Act*, the Province identified the Region of Halton as an "upper-tier municipality without planning responsibilities". As a result the Regional Official Plan is no longer an official plan of the Region of Halton, and instead it has been deemed an official plan of each of the lower-tier municipalities in Halton, including the City of Burlington, until it is revoked or amended by the respective municipality. At this time, Planning Staff continue to align planning policy with the policies outlined in the ROP.

The policies identified in the Official Plan Amendment apply to the "Urban Area" as identified on Map 1H – Regional Urban Structure of the ROP, as amended. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

In accordance with Section 85, some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

The proposed Official Plan and Zoning By-law Amendments ensure efficient use of existing developed lands by providing additional flexibility in the policies and opportunities to increase housing stock and housing within the existing Residential Neighbourhood Areas. In Planning Staff's opinion the proposed policies and regulations will result in incremental growth and change that is respectful of the surrounding neighbourhood context, including physical character. This type of change, in Planning Staff's opinion, provides efficient use of existing infrastructure as well.

As per the analysis provided, Planning Staff is of the opinion that the proposed City Initiated Official Plan Amendment and Zoning By-law Amendment aligns with the ROP.

[Burlington Official Plan, 2020](#)

The Burlington Official Plan, 2020 sets out the City's long-term vision and establishes strategic priorities for growth management, land use and infrastructure and is a policy framework that guides the City's decision making and approval processes ensuring that all new development contributes to this long-term vision.

[Status of the Policies of the Burlington Official Plan, 2020](#)

On November 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. A significant portion of the Burlington Official Plan was appealed in 2020 and a number of policies are subject to broad appeal and therefore not in effect. An OLT decision was issued on January 4, 2023, confirming that some portions of the new Official Plan came into effect on December 22, 2020. This means that the Plan has legal status and can be amended in accordance with the *Planning Act*.

Since January 2023, a number of additional policies have been brought into effect through approved settlements and a Partial Approval that was issued by the OLT in April of 2024 including the policies identified in Official Plan Amendment No.3, attached as Appendix A to Staff Report DGM-01-25. All of these policies are currently in effect and therefore may be amended in accordance with Sections 16,17 and 21 of the *Planning Act*.

OPA 1, an amendment to the new Burlington Official Plan which implemented the changes to Additional Residential Unit policies introduced through Bill 23, is in full force and effect following its adoption by Council in September 2023. At an OLT Case Management Conference (CMC) related to the Burlington Official Plan, 2020, held on July 7, 2023, it was identified by the City that, since the release of ROPA 48 & 49 and Bill 23, both legal and policy changes have occurred which have conformity requirements. It was noted that these changes impact the City's new OP and have resulted in the need for the City to reexamine portions of the Plan. Since July 2023, additional changes have been made to the provincial policy framework, including the new PPS 2024 coming into effect on October 20, 2024. For further information on the approach for relating to the OLT modification process please see the Process: Official Plan Amendment and modifications through the Ontario Land Tribunal section of this Report.

City's Growth Framework

The Burlington Official Plan, 2020 outlines the City's Growth Framework which presents a built form strategy for new development and identifies locations where the City will be planning for significant population and employment growth and higher intensity of mixed uses in the coming decades. These areas where significant growth and change are identified as the Primary Growth Areas, Secondary Growth Areas and Employment Growth Areas. Examples include, the city's Urban Growth Centre and Major Transit Station Areas surrounding Burlington's three GO Stations, the Downtown and Uptown Urban Centres, as well as intensification Corridors and Mixed-Use Nodes.

While also included in the Growth Framework, the Established Neighbourhood Area, inclusive of the Residential Neighbourhood Areas outlined in the Urban Structure, are seen as areas where intensification is generally discouraged, with a number of exceptions, as stated in Section 2.4.2(3) b):

- (i) Development in accordance with the maximum density and/or intensity permitted under the applicable land use designation;
- (ii) Consents;
- (iii) Plans of subdivision;
- (iv) Lands designated Residential – High Density, in accordance with Subsection 8.3.5(1) c); and/or
- (v) Additional Residential Units.

Further, Section 2.4.2(3) c) states that in the Established Neighbourhood Area, land assembly for development applications shall be discouraged.

The amendments do not propose changes to the Growth Framework and the proposed changes to the Residential Neighbourhood Areas recognize that these areas are not areas where significant growth and change will happen, nor require land assembly in order to create the infill housing types proposed to be permitted

In Planning Staff's opinion that the proposed amendments will allow for infill and intensification lot by lot in alignment with the existing lot fabric and will result in incremental change to a neighbourhood over time, rather than larger development applications which are seen in the Primary and Secondary Growth Areas. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments align with the city's overall Growth Framework set out in the Burlington Official Plan, 2020.

Housing

Section 3.1 outlines the Housing policies of the Burlington Official Plan, 2020, and states that:

the City will promote an appropriate and adequate range of housing choices by type, tenure and affordability level, to accommodate the needs of all city residents and worked, regardless of age, income level, physical, sensory and mental health and ability, culture, level of support services, household structure and family composition.

Section 3.1.1 outlines the policies and objectives relating to housing supply, with the intent to ensure there is sufficient supply of housing which promotes a mix of housing types and tenures across the city while making efficient use of existing developed lands and infrastructure.

The policies of Section 3.1.2 relate to Housing Tenure with the objective to maintain balance between rental and ownership housing stock and encouraging the provision of new rental housing.

The Official Plan Amendment proposes changes to the Residential Neighbourhood Area policies by removing density requirements and permitting additional residential uses that fit the built form under each designation, the proposed amendments provide more flexibility for the creation of additional housing and adds to the mix of housing options and tenures available.

The Official Plan and Zoning By-law Amendments also increase opportunities for Additional Residential Units by removing barriers to putting in an ARU. ARUs, in Planning Staff's opinion, also provide the opportunity to create additional new low-rise ground-oriented rental stock as well as provide opportunities for the creation of multi-generational housing. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments align with the Housing policies of the Burlington Official Plan (BOP), 2020.

Zoning By-law

The Zoning By-law is the main planning tool that implements the objectives and policies of the City's Official Plan and controls the use of land including how land may be used, the types of buildings that are permitted and how they may be used, the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and where buildings and other structures can be located.

The City is currently undertaking the New Zoning By-law Project, which is focused on comprehensively updating the City's Zoning By-law to implement the policies of the new Burlington Official Plan, 2020. The first phase of the New Zoning By-law work plan is focused on the Residential Zones portion of the Zoning By-law.

Staff have elected to set initial regulations to support the development of Additional Residential Units through the City's existing Zoning By-law in order to meet the timelines outlined by the Housing Accelerator Fund Action Plan – Initiative 3 relating to permitting four units as-of-right. The New Zoning By-law Project team will continue to monitor the efficacy of the regulatory framework for Additional Residential Units and will work to refine performance standards to be delivered as part of Phase 1 of the New Zoning By-law Project to further reduce barriers to ARUs in the City's neighbourhoods.

The proposed amendments through Official Plan No. 3 relating to changes to the Residential Neighbourhood Areas, if approved, will be addressed through Phase 1 of the New Zoning By-law Project. Through Phase 1 of the NZBP, the project team is reviewing the City's residential zones and will explore further opportunities for gentle intensification in accordance with the policy direction. This includes further study and consideration for permitting additional residential units beyond the current performance standards found in the City's existing zoning by-law, and as proposed to be amended in Appendix B to Staff Report DGM-01-25.

Relevant Plans, Strategies and Studies

[Vision 2040: Burlington's Strategic Plan 2015-2040](#)

[Vision 2040: Burlington's Strategic Plan 2015-2040](#) outlines the city's strategic response to address economic and demographic changes and provides guidance for long-term decision making for a twenty-five year period. It outlines four key strategic directions and objectives for Burlington: a City that Grows, a City that Moves, A Healthy and Greener City and an Engaging City. In Planning Staff's opinion, the Official Plan and Zoning By-law Amendments assist the city in achieving measurable goals of increasing the population under the *A City that Grows* strategic objective by creating opportunities for increasing housing options and housing units within the city's neighbourhoods.

[Burlington's Plan From Vision to Focus 2022-2026](#)

Vision to Focus is the City's four-year work plan which prioritizes key strategic directions from the Strategic Plan. Vision to Focus outlines four key focus areas: designing and delivering complete communities; providing the best services and experiences; protecting and improving the natural environment and taking action on climate change; and driving organizational performance.

The city's objective under Focus Area 1 – Designing and delivering complete communities is to *create all-inclusive, thriving, vibrant, healthy connected and safe communities*, through commitment to:

- *managing change and growth, while maintaining the high quality of life experience by our residents;*
- *ensuring housing options and choices are available for all residents so they may find a home to meet their needs; and*
- *building our community for our children and grandchildren of today and those in the next generations so they can choose to live, work and play in Burlington, amongst other things.*

The Official Plan Amendment proposes to increase housing options and flexibility within the Residential Neighbourhood Areas, by reducing barriers, such as density requirements, in order to allow for more housing types and units that are compatible and fit in within the existing built form in our neighbourhoods. Planning Staff are of the opinion that the amendments will result in infill development on a lot by lot basis resulting in incremental growth and change over time in our neighbourhoods. The proposed Official Plan and Zoning By-law Amendments further assist in achieving actions 6, 7 and 11 of the Housing Strategy and support planning to deliver on Burlington's 2031 aspirational Housing Pledge Target of 29,000 units, as outlined in Action B, of Focus Area 1 of the Vision to Focus workplan. Planning Staff are of the opinion that the Official Plan and Zoning By-law amendments support the direction in Focus Area 1 of Vision to Focus.

Through reducing barriers to Additional Residential Units and creating flexibility within the policies and regulations for additional housing options, Planning Staff are of the opinion that the Official Plan and Zoning By-law Amendments may result in fewer Planning Act applications and will efficiently create more opportunities for infill development to go straight to the Building Permit process, which assists with achieving objectives under Focus Area 2 – Providing the best services and experiences.

Planning Staff are of the opinion that the Official Plan and Zoning By-law Amendments align with Vision to Focus: 2022-2026 work plan and Vision 2040: Burlington's Strategic Plan.

[Burlington Housing Strategy](#)

The City of Burlington's [Housing Strategy](#) provides a road map and acts as a guiding document for addressing local housing needs and increasing housing options. It helps the City work towards meeting the housing needs of the community and move the City closer to the Vision for Housing in Burlington:

Everyone is welcome in Burlington. Burlington is a city where all current and future residents have access to the housing options that meet their needs at all stages of life, and that are attainable at all income levels.

The Housing Strategy identifies 12 recommended actions that the City can take to increase housing options across the City. It provides a set of themes that guide the strategy, a list of priority actions, quick wins and an implementation plan to put the

Housing Strategy into action. The proposed Official Plan and Zoning By-law amendments support Theme 2: Support a Broad Variety of Housing Types and Forms: Increase housing options that meet the needs of all current and future residents at all stages of life.

The Housing Strategy emphasizes the City's role and opportunity to address the "missing middle" from both the perspective of having housing options that are affordable/attainable for middle-income households and for the opportunity to diversify the spectrum of housing types and tenures.

Identifying opportunities to increase the range of housing options available aligns with and works toward implementing Housing Strategy Actions 6, 7 and 11 and the related sub-actions:

- Action 6: Build upon the policies of the Official Plan, 2020 and the findings of the Housing Strategy Project to inform the Comprehensive Zoning By-law project (now the New Zoning By-Law Project), to assist in broadening the range and mix of housing in the City and to explore tools to streamline processes.
- Action 7: Support, permit and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate.
- Action 11: Encourage Additional Residential Units (ARUs) and consider a registry and monitoring program to evaluate the success of the framework and to make sure the ARUs meet health and safety standards.

The Official Plan Amendment proposes policies that encourage and support increasing housing options by creating flexibility within the Residential Neighbourhood Area policies and broadening residential use permissions in each designation that fit within the built form. The proposed Zoning By-law Amendment reduces regulatory barriers for Additional Residential Units through reducing parking requirements and permitting additional lot coverage to allow for larger Additional Residential Units.

The proposed amendments to the Residential Neighbourhood Areas aim to provide additional flexibility to increase housing options through mainly low-rise ground-oriented housing types by focusing on built form and removing density requirements.

Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law amendments align with the overall Vision for Housing in Burlington by increasing housing options and works towards accomplishing Actions 6, 7 and 11 of the Housing Strategy.

[Roseland and Indian Point Character Area Studies](#)

Between 2012 and 2015, Council directed Planning Staff to conduct character studies of the Indian Point, Roseland and Shoreacres neighbourhoods in response to the development pressures these neighbourhoods were seeing. The *Character Area Study for Roseland (2014)* and *Character Area Study for Indian Point (2014)*, resulted in a

series of recommendations for policies relating to establishing defined character areas in the 1997 Official Plan, identifying and defining the character area components for the Roseland and Indian Point neighbourhoods, and policy tools to manage changes in these areas.

The intent of the resulting policies is to maintain, protect and enhance the neighbourhood character within the Neighbourhood Character Areas by limiting development to development that is compatible and consistent with the neighbourhood character. Policies restrict development to single-detached dwellings. The policies further aim to protect healthy mature trees by being consistent with policies under Section 4.3, Urban Forestry of the Burlington Official Plan, 2020.

Planning Staff are proposing to remove the Neighbourhood Character Area policies of the Burlington Official Plan, 2020. Planning Staff are proposing to carry forward the lessons learned through the Character Area Studies, as outlined in the Planning Justification Section of this Report.

Planning Justification: Official Plan and Zoning By-law Amendments

Official Plan Amendment No. 3

Official Plan Amendment No. 3: Amendment Overview

The proposed Official Plan Amendment No. 3 implements Phase 1 and 2 of the Official Plan Amendment to Increase housing Options Project by proposing amendments to the Burlington Official Plan, 2020 to:

- Amend 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;
- Amend the policies of the Official Plan in order to support ground-oriented intensification that considers the context and character of Burlington's Residential Neighbourhoods while providing opportunities for more diverse 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, supported by other policy guidance to be implemented through the development of the new Zoning By-law; and
- Implement permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas.

The proposed amendment will address the Housing Accelerator Fund Action Plan's Initiative 3 and assist in addressing Council direction and Actions 6 and 7 of the Housing Strategy. At this time the existing Zoning By-law will continue to be more restrictive than the policies of the Burlington Official Plan, 2020 until the finalization of Phase 1 of the

new Zoning By-law. The new Zoning By-law will establish regulations and performance standards for each housing type.

Policy specific amendments and planning justification

Site Level Metrics: Density and Intensity (Chapter 1, Section 1.8)

Section 1.8: A General Guide to This Plan, provides an outline of the metrics used to clarify the objectives of the policies of the Burlington Official Plan, 2020. The subsection titled, Site Level Metrics: Density and Intensity, states that in the case of the Residential Neighbourhood Areas, a measure of density is employed to describe the degree of development envisioned at a site level. Density is described as the number of units measured over the net areas of the site which the development is located.

Each of the three Residential Neighbourhood Area designations applies a permitted density as either a maximum in the case of the Residential – Low Density designations, or as a density range in the case of the Residential – Medium Density and Residential – High Density designations, limiting the number of units that would be permitted on a lot, based on a lot of one (1) net hectare in size. This is then used to calculate the number of units permitted based on the size of the developable lot. In contrast, in the cases of Mixed Use Intensification Areas and Employment Lands, a measure of intensity is employed, which is described as floor area ratio, or the relationship between the building(s) and the net area of the site on which they are located.

While density can be used to limit the number of units on a lot, it does not control aspects of physical character such as scale, massing, height amongst other things that the Official Plan and Zoning By-law can control through built form regulations, through regulations such as height maximums, lot coverage percentages and more.

The proposed amendment would remove density as a site level metric for the Residential Neighbourhood Areas and instead apply built form as the site level metric. The proposed amendment describes the metric of built form as either low-rise, mid-rise or high-rise and that the intent of this metric is to describe the built form and scale of development permitted in each of the Residential Neighbourhood Area designations. The built form metric further provides more flexibility than placing an intensity measure and provides additional clarity and is easier to understand.

The intent of removing density as a metric and maximum permission within the Residential Neighbourhood Areas is to provide flexibility for more housing options within the designations. The maximum density requirements strictly limited the number of units that could be permitted per lot, based on the size of the lot. Most lots within the Residential – Low Density designation would not be able to accommodate four units per lot. By removing the density maximums or ranges, and instead focusing on built form, a development is not restricted on a site level by a maximum number of units per lot by size and would be allowed to include any number of units as long as the development fits within the permitted built form and permitted housing types for the designation.

Planning Staff are of the opinion, that by removing density as a metric for describing the type and degree of development expected in the neighbourhoods, and instead using built form to describe the type of development expected (low-rise, ground related for example) will allow for more clarity about the type of development expected while providing flexibility and reducing barriers to increasing housing options by allowing the opportunity for more units per lot, where appropriate and allowing additional housing types that fit the permitted built form and in Planning Staff's opinion are compatible with the existing built form of a neighbourhood.

[Uptown Residential – Medium Density Designation \(Chapter 8, Subsection 8.1.1\(4.7\)\)](#)
Section 8.1.1(4.7) of the Burlington Official Plan, 2020 provides the policies for the Uptown Residential – Medium Density designation. The Uptown Residential – Medium Density designation is within the Uptown Urban Centre, and the intent of the policies under the Residential – Medium Density designation is to preserve the existing established, lower intensity residential neighbourhood area located east of Appleby Line. The policies for the Uptown Residential – Medium Density designation rely upon the Residential – Medium Density Designation (Section 8.3.4) policies under the Residential Neighbourhood Areas.

The proposed amendment would rename the designation as Uptown Residential – Low-Rise Neighbourhoods II in order to align with the renaming convention of the Residential – Medium Density designation and the amendments to the Residential Neighbourhood Area policies. Planning Staff are of the opinion that the proposed changes to the Uptown Residential – Medium Density Designation is appropriate as the proposed changes continue the intent of the Uptown Residential – Medium Density Designation, which is to preserve the existing established, lower intensity residential neighbourhood which is low-rise in nature and continues to provide flexibility within the existing built form. There are no proposed changes to the Site-Specific policies, as these are in some cases currently being developed. A future development application requiring an Official Plan Amendment, separate from the Site-Specific policies, would be subject to the amended policies under the parent designation.

[Residential Neighbourhood Areas \(Chapter 8, Section 8.3\)](#)

The Residential Neighbourhood Areas, as identified on Schedule B: Urban Structure of the Burlington Official Plan, 2020, represent a significant portion of the City's Urban Area and are intended to provide for housing and other residential supportive land uses that are part of an urban residential environment.

The preamble to the Residential Neighbourhood Area policies indicates that new residential housing within the Residential Neighbourhood Area will be accommodated primarily through the intensification of existing areas, where compatible, and that the City will address new housing demands, through the best use of existing infrastructure and public services facilities with the Urban Area.

The City's Residential Neighbourhood Area is comprised of three land use designations based on density and building types: Residential – Low Density, Residential – Medium Density, and Residential – High Density, as identified on Schedule C: Land Use – Urban Area. Each of the designations is based on the function, land uses, location, density and scale of development.

The Official Plan Amendment proposes changes to the Residential Neighbourhood Area preamble. The proposed changes recognize that the Residential Neighbourhood Areas are not recognized as an area where significant growth and development will take place but will still evolve overtime through compatible infill intensification. The changes reinforce that the definition of compatible does not necessarily mean the same as the existing or planned development in the area, but nonetheless can co-exist without causing adverse impact to the surrounding area. The amended preamble further instills that all strictly residential based land uses are compatible with one another and provides that the focus will be on the compatibility of the built form and scale of the buildings with the existing neighbourhood. The intent of the amendments to the preamble for the Residential Neighbourhood Areas are to provide clarity for the reader that compatible change and growth are expected to take place within the neighbourhoods, and that there is flexibility within the designations for additional housing types and units.

Built Form based policies for the Residential Neighbourhood Area and Designations

The Official Plan Amendment proposes to set a revised policy framework for the Residential Neighbourhood Area and the three existing designations by removing the density based policies, and moving towards built form based policies, which prioritize the form and scale of buildings and the existing physical character to articulate the vision for Burlington's Residential Neighbourhood Area.

Built form can be used to describe the overall size and shape of a building. Height and massing of a building are important considerations when understanding the potential impact that a building may have on surrounding properties.

The intent of focusing policies for each of the Residential Neighbourhood Area designations on built form, is to add flexibility to increase housing options while, in the opinion of Planning Staff, still being context-sensitive to the existing surrounding neighbourhood. The proposed amendment would require new as-of-right development to fit within the prescribed built form, and associated built form regulations or where applicable, be compatible with the designation's built form and outlined criteria for potential amendments to the Zoning By-law.

The proposed amendment also provides clarity about the form of development to be expected in each of the designations. The proposed amendments are to the existing designations, exactly to the same extent as identified on Schedule C: Land Use – Urban Area, of the Burlington Official Plan, 2020. Planning Staff have reviewed each of the three density-based Neighbourhood designations and policies, and propose the following built-form alternative focus for each of the designations:

Existing Designation Name	Proposed Amended Designation Name
Residential – Low Density	Low-Rise Neighbourhoods I
Residential – Medium Density	Low-Rise Neighbourhoods II
Residential – High Density	High-Rise Neighbourhoods

The proposed amended designations focus on built form, specifically height as the defining characteristic for each of the existing designations. Low-rise buildings (up to 4 storeys), mid-rise buildings (five (5) to eleven (11) storeys) and tall buildings (12 storeys and above) all of which are currently defined terms in the BOP, 2020 and would provide a predictable built form based on the existing established designations. Further, the Burlington Official Plan, 2020 defines ground-oriented development and non-ground-oriented development which is used to describe the design of residential uses:

Ground-Oriented Dwelling: a *dwelling unit* which is designed to be accessible by direct access from the ground or by means of stairways. Buildings containing *ground oriented housing units* usually do not exceed three storeys in height.

Non-Ground Oriented Dwelling: a *dwelling unit* which is designed to be accessible primarily by indirect access through an elevator. Buildings containing *non-ground oriented housing units* usually exceed three (3) storeys in height.

In moving towards built form-based policies, Staff are proposing to remove density as a metric and requirement for future infill development within the Residential Neighbourhood Area designations. While density can be used to limit the number of units on a lot, it does not control aspects of physical character such as scale, massing, height amongst other things that the Official Plan and Zoning By-law can control through built form regulations. There are no proposed changes to the Site Specific policies.

Planning Staff are of the opinion, that by removing density as a metric for describing the type and degree of development expected in the neighbourhoods, and instead using built form to describe the type of development expected (low-rise, ground related for example) will allow for more clarity about the type of development expected while providing flexibility and reducing barriers to increasing housing options by allowing the opportunity for more units per lot, where appropriate and allowing additional residential land uses that fit the permitted built form and in Planning Staff's opinion are compatible with the existing built form of a neighbourhood.

General Objectives (Chapter 8, Subsection 8.3.1)

Section 8.3.1 outlines the General Objectives for the Residential Neighbourhood Areas. The proposed amendment adds additional objectives for the Residential Neighbourhood Areas including:

- Recognizing that the Residential Neighbourhood Areas will evolve over time to accommodate population growth and changing demographics to respond changing needs of those who call these neighbourhoods home;
- Encourage innovative housing design to accommodate additional residential units to support the creation of new rental units and multi-generational housing to create flexibility to respond to the changing needs of a household, at all stages of life; and
- Protecting healthy mature trees.

General Policies (Chapter 8, Subsection 8.3.2)

The General Policies section of the Residential Neighbourhood Area policies are policies which apply to all three of the designations. The proposed Official Plan Amendment adds additional detail to Section 8.3.2 b) to further request that multi-unit developments incorporate a mix of unit sizes to include units with more than one bedroom. Throughout the engagement on the Official Plan Amendment to Increase Housing Options Project and earlier through the Housing Strategy, it became apparent that there is a need for larger units with more than one bedroom within multi-unit developments. In Planning Staff's opinion this policy will assist in increasing the housing options and unit sizes to encourage the accommodation of a diverse range of household sizes and incomes. Planning Staff are of the opinion that the added policy supports increasing housing options as set out as a main theme of the Housing Strategy, and towards the overall vision for housing in Burlington, and addresses Council's direction.

Residential – Low Density (Chapter 8, Subsection 8.3.3)

Section 8.3.3 outlines the policies for the Residential – Low Density designation. The amendments rename the designation to the Low-Rise Neighbourhoods I designation and revises the designation to focus on built form. Through removing the density requirements and focusing on a low-rise ground-oriented built form, there is, in Planning Staff's opinion, more flexibility to increase housing options within this designation.

The proposed amendment permits duplexes as-of-right, in addition to single-detached and semi-detached dwellings already considered permitted housing types within the BOP, 2020. Planning Staff are of the opinion, that by permitting duplexes as-of-right, there will be more as-of-right opportunities for development that is commonly rental tenure in comparison to semi-detached dwellings, increasing additional housing tenure options within the low-rise neighbourhoods. Zoning will continue to provide regulations in regards to setbacks, height, lot coverage parking requirements, and lot size, among other things, which will restrict which lots can functionally be used for a semi-detached dwelling or duplex dwelling.

The amendments also direct Zoning to establish regulations for triplexes and fourplexes within the Residential – Low Density designation based on the following:

- the development of triplexes and fourplexes shall be limited to the peripheries of neighbourhoods;
- sufficient lot area and frontage;
- appropriate lot coverage; and
- a maximum height of 2 storeys.

The proposed considerations will allow for, in Planning Staff's opinion, compatible development: that is low-rise and ground-oriented in nature but differs from the existing dwelling types and standard design, which will allow for the gradual growth and evolution at the peripheries of the existing Residential – Low Density neighbourhoods. Planning Staff are proposing this approach, in combination with permitting four units as-of-right through the Additional Residential Unit policies of the Official Plan, 2020, which requires the additional residential units to fit within the building envelope requirements, with some proposed modifications as outlined below, for the permitted use and/or accessory building, in order to allow for gradual change to the look and feel of the Residential – Low Density neighbourhoods that is still compatible with, and respects the overall physical character. The proposed policy will allow for an incremental increase in dwelling units and housing options over time in our Residential – Low Density neighbourhoods that is respectful of the existing built form.

The proposed amendments to permit up to fourplexes, where the zoning deems appropriate and four units as-of-right through the Additional Residential Unit policies support the overall theme of supporting a broad variety of housing types and forms of the Housing Strategy, and specifically assist in achieving Action 6 and related sub-action 43:

Monitor how the Official Plan policies are working to deliver a broad range of ground-oriented built form housing types, and then if needed, provide more flexibility for compatible higher-intensity ground oriented built forms within the Low-Density Residential Neighbourhoods (e.g townhouses) through a potential future Official Plan Amendment that would be subject to a public process. This would include permitting this type of infill development to be considered by the Committee of Adjustment through a Minor Variance process, rather than a Zoning By-law Amendment process.

In Planning Staff's opinion, the proposed amendment will increase opportunities for the creation of more housing options and units in the Residential – Low Density designation in a way that is compatible with the existing built form and assists in achieving Council's direction.

The Official Plan Amendment proposes changes to Section 8.3.3 b), the notwithstanding clause for the consideration of townhouses through a site-specific Zoning By-law Amendment application, without an Official Plan Amendment. The proposed changes include:

- Removing the maximum density requirement and instead capping the number of principal dwelling units to four per townhouse development;
- Including request for the development to incorporate built form and landscape qualities prevalent in the surrounding area;
- Permitting a maximum height of two storeys; and
- Ensuring that the development is consistent with the policies of Section 4.3 Urban Forestry of the Official Plan, in order to protect healthy mature trees.

While the proposed amendments require a site-specific Zoning By-law Amendment, the proposed changes do remove density as a barrier to the creation of townhouse units within the Residential – Low Density designation. The proposed amendments further ensure that townhouse development is compatible with and respectful of the existing physical character of the surrounding neighbourhood. Planning Staff are of the opinion that through the proposed criteria, there is additional opportunity for townhouse development that respects the existing physical character of the neighbourhood.

Overall, Planning Staff are of the opinion that the proposed amendments to the Residential – Low Density designation will increase housing options within the city's neighbourhoods in a way that is desirable and respects the existing physical character of the city's Residential – Low Density neighbourhoods. The proposed amendments support the Actions and Themes of the Housing Strategy and Council's direction.

Residential – Medium Density (Chapter 8, Subsection 8.3.4)

Section 8.3.4 provides the policies for the Residential – Medium Density designation. The Residential – Medium Density designation permits higher intensity multi-unit development such as townhouses, and low-rise non-ground oriented residential buildings at the peripheries of neighbourhoods. This designation largely reflects existing medium density forms including for example, townhomes. While the Residential – Medium Density designation permits higher intensity uses, the built form continues to be low-rise in nature, with policies outlining a maximum of three storeys for ground-oriented development and four storeys for non-ground-oriented development. The proposed amendment would rename the Residential – Medium Density designation to the Low-Rise Neighbourhoods II designation in order to focus on the expected built form for the designation. The proposed changes to the Residential – Medium Density designation include:

- Removal of the permitted density range;
- Increased permitted uses including permitting duplexes, triplexes, fourplexes and multiplexes; and
- Restricting single-detached dwellings to existing dwelling units only.

The proposed amendments will, in Planning Staff's opinion, provide additional flexibility and increased housing options and intensity within the Residential – Medium Density designation, and is in support of the Council direction and overall goals of the Housing Strategy.

Residential – High Density (Chapter 8, Subsection 8.3.5)

The policies for the Residential – High Density designation are outlined in Section 8.3.5 of the Burlington Official Plan, 2020. The proposed amendments revise the name of the designation to High-Rise Neighbourhoods to focus on built form rather than density. This designation will continue to permit multi-unit residential uses, up to tall buildings.

The proposed amendments remove the density requirements for both as-of-right development and the notwithstanding clause to permit additional intensity under this designation (Section 8.3.5 c)) and focuses on height permissions. The proposed changes to Section 8.3.5 c) includes focusing the Notwithstanding clause to permit additional height, rather than density; and requiring functional outdoor common amenity at grade. In Planning Staff's opinion, the proposed amendments to the notwithstanding clause continue to be in alignment with the Growth Framework of the Burlington Official Plan, 2020 and will allow additional unit creation within a permitted built form.

The proposed amendments to the Residential – High Density designation also increases the permitted uses to include triplexes, fourplexes and multiplexes. The intent of permitting these additional residential uses is in order to provide additional opportunities for infill development within the Residential – High Density designation neighbourhoods, where the size of the lot may functionally not be able to accommodate a townhouse or tall building development.

Planning Staff are of the opinion that the proposed amendments to the Residential – High Density designation assist in creating opportunities for more housing options through infill development, and increasing potential units for lots which may be able to accommodate the development or redevelopment of a lot for tall buildings, which meets the intent of the Council direction to increase housing options.

Neighbourhood Character Areas (Chapter 8, Subsection 8.3.6)

The Neighbourhood Character Area policies in the BOP, 2020 were carried forward from the Burlington Official Plan, 1997. The policies provide that development shall be restricted to single-detached dwellings and require development to respect the existing neighbourhood character built form and design elements of the neighbourhood including architectural features, building separations, lot coverage, scale, floor area ratio, and landscape qualities and characteristics that are prevalent in the Indian Point and Roseland neighbourhoods. The overall policies also provide that healthy mature trees contribute to neighbourhood character and development shall be consistent with the policies of Section 4.3 Urban Forestry of the BOP, 2020. The Site-Specific policies under Section 8.3.6(3) relate to the defining character of Indian Point and Roseland:

- a) Indian Point is a distinct historic *Neighbourhood Character Area* characterized by its lakeside location; few streets; large and mature *tree* canopy; spacious properties separated by large open spaces between housings and a variety of architectural styles. New *development shall* protect and enhance these *neighbourhood character* elements.

b) Roseland is a distinct *Neighbourhood Character Area* defined by its garden-like setting with large mature *trees*, strong historic character, and homes with varied and unique architecture styles. Lots are spacious with dwellings that are well proportioned in relation to the property size and having a *scale* that is *compatible* with adjacent dwellings and which reinforces the open space character. Streets within the *Neighbourhood Character Area* contain wide landscaped boulevards and street lamps that complement the *neighbourhood character* of private properties. New *development shall* protect and enhance these *neighbourhood character* elements.

Planning Staff are proposing to remove the Neighbourhood Character Area policies from the BOP, 2020. Since the preparation of the Neighbourhood Character Areas Studies and the approval of the 2020 Official Plan, the upper levels of government's understanding of housing and housing need has changed, as a result, the provincial policy framework has shifted significantly, making notable changes including limitations to site plan control.

Further, to the significant changes to the *Planning Act*, the City's understanding of its role in housing continues to evolve through documents like the City's Strategic Plan, Housing Strategy, HAF Action Plan and its commitment to its Housing Pledge. As a result, the way that the City approaches neighbourhood character is also evolving.

As a result of recent shifts to provincial policy, the Neighbourhood Character Area policies are now more prescriptive than the Provincial policies set out in the *Provincial Planning Statement, 2024* (PPS, 2024), the *Planning Act*, and the City's recently approved Housing Strategy. The PPS, 2024 requires that municipalities plan for efficient development patterns within the Settlement Area that efficiently use land and resources including optimizing existing and planned infrastructure and public services and support active transportation. This direction for municipalities to plan for efficient development patterns under the PPS, 2024 is similar to previous direction under the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The PPS, 2024 also requires that municipalities provide a mix of housing options including permitting and facilitating all types of residential intensification including the *development and introduction of new housing options within previously developed areas*. All land use decisions must be consistent with the PPS, 2024.

By removing the policies which restrict housing options in the Neighbourhood Character Areas to single-detached dwellings, to allow the residential uses permitted within the Residential – Low Density designation, including semi-detached and duplex dwellings, the City will be taking a more equitable approach to development in Burlington's

Residential Neighbourhood Areas, that aligns with the new provincial policy framework and the objectives of the City's Housing Strategy and Strategic Plan.

In 2017, the City of Burlington exempted single-detached and semi-detached dwellings from Site Plan Control. Further changes to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022*, further limited the application of Site Plan Control for developments with less than 10 dwelling units. As a result, the City's authority to control the appearance or aesthetic, such as design elements and architectural features like materials, colour, etc. is limited for any permitted dwelling types fewer than 10 units.

Based on the analysis and justification above Planning Staff recommend the removal of the Neighbourhood Character Area policies from the Official Plan. The proposed amendments carry-forward the lessons learned in the form of policies that can be applied to all Residential Neighbourhood Areas, and including focus on compatibility of infill development with the physical character of the surrounding neighbourhood; and an added emphasis on the importance of healthy mature trees and physical character.

Planning Staff are of the opinion that the removal of the Neighbourhood Character Area policies and the proposed amendments align with the overall direction and objectives of the City's Housing Strategy, Council direction and Provincial Legislation.

Retail and Service Commercial Uses (Chapter 8, Subsection 8.3.9)

Policies for retail and service commercial uses with the Residential Neighbourhood Areas, specifically the Residential – Medium Density and Residential – High Density designations and includes the following criteria under Section 8.3.9(2) a) :

- (i) On lands designated Residential – Medium Density, the proposed *development shall* achieve a minimum density of fifty-one (51) units per *net* hectare;
- (ii) The property *shall* 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;
- (iii) The retail and/or *service commercial* use *shall* be primarily intended to serve on-site residents and those located within immediate walking distance of the property;
- (iv) The retail and/or *service commercial* use *shall* be *compatible* with the surrounding area and respectful of the *physical character* of the neighbourhood; and
- (v) The retail and/or *service commercial* uses *shall* be located at grade level within a building containing residential uses.

The proposed amendment removes the density requirement for developments including retail and service commercial uses. Planning Staff are of the opinion that the proposed Official Plan Amendment does not have any adverse impact on the ability to add residential supportive uses, and continues to ensure that the development inclusive of retail and/or service commercial uses is respectful of the surrounding neighbourhood and compatible by still including requirements relating to being in a context-sensitive

location such as on a major street and being within a building that contains residential uses. Planning Staff are of the opinion that the proposed Official Plan Amendment provides additional opportunities for the ability for context-sensitive residential supportive land uses to exist within the Residential – Medium Density designation, which can ultimately contribute to the overall well-being of nearby residents and the provision of complete communities in our Residential Neighbourhood Areas.

Additional Residential Units (Chapter 8, Subsection 8.7.2)

The Additional Residential Unit policies are detailed in Section 8.7.2 of the Burlington Official Plan, 2020. The proposed amendments to the Additional Residential Unit policies increase the number of Additional Residential Units from two to three, plus the principal unit, in order to permit a total of four units as-of-right per parcel of urban residential land, where a single-detached, semi-detached or townhouse dwelling is permitted. The Official Plan Amendment also proposes additional policies for Additional Residential Units, including:

- Requiring the New Zoning By-law to contain parking standards for Additional Residential Units that consider alternative parking standards when appropriate;
- Requiring the New Zoning By-law to consider opportunities for up to two Additional Residential Units to be contained within an accessory building; and
- Ensure that Additional Residential Units have adequate servicing.

The proposed amendments to the Additional Residential Unit policies address Council's direction to permit four units as-of-right, and Initiative 3 of the Housing Accelerator Fund Action Plan.

The proposed amendments to permit four units as-of-right through the Additional Residential Unit policies will, in Planning Staff's opinion, result in a continuation of the existing physical character within the City's neighbourhoods by requiring the four units per lot to meet the policies and regulations for the principal dwelling building and/or accessory building's building envelope, save and except for the total permitted lot coverage now is permitted up to 45 percent and no limit Floor Space Index, as per the legislation changes to O.Reg 299/19. Planning Staff are of the opinion, that, while the lot coverage changes under O.Reg 299/19 will permit a higher lot coverage percentage than what is permitted under the current Zoning By-law, the change is, in Planning Staff's opinion, minor in nature as the R1, R2 and R3 Zones permit in some cases, up to 40 percent lot coverage for one storey residential uses and up to 35 percent to 40 percent for two or more storey dwellings depending on the dwelling type.

Through the consultation on the changes to the O. Reg 299/19 the Province outlined the intent of the change was to set out a provincial standard for lot coverage for buildings and structures on lots with Additional Residential Units in order to *make it easier to build ancillary buildings like garden and laneway suites on existing lots, as well as rear additions to the primary building*. Planning Staff are of the opinion that the additional lot

coverage would have a minimal impact on the overall massing and built form from the public right-of-way, as the principal building would still be required to meet the required setbacks, yard requirements, and height limitations detailed in the Zoning By-law.

Further, the Zoning By-law under Part 1, Section 2.2 b) (i) does not permit Accessory Buildings greater than 10 m² within a front yard, street side yard or the required side yard, and therefore, in Planning Staff's opinion would be in keeping with the built form massing from the public right-of-way, and still would be required to meet the rear yard setbacks posing no more of adverse impact on neighbouring lots. Planning Staff are of the opinion that even with the proposed lot coverage changes made to O.Reg 299/19, permitting four units as-of-right through the Additional Residential Unit policies will result in the continuation of the existing physical character within the City's neighbourhoods while providing opportunities for increase housing options in Burlington's neighbourhoods.

Planning Staff are of the opinion that the proposed Official Plan Amendment addresses the Council direction to permit four units as-of-right and will provide opportunities for more housing options and units within the City in a way that is compatible with the existing built form of our neighbourhoods.

Neighbourhood Character & Neighbourhood Character Areas (Chapter 13, Definitions)

The definition of Neighbourhood Character and Neighbourhood Character Areas specifically apply to only the Neighbourhood Character Areas. As Staff are proposing to remove the Neighbourhood Character Area policies from the Burlington Official Plan, 2020, the related terminology would be obsolete.

The term *Physical Character*, as defined in the Burlington Official Plan, 2020 is employed similarly to the definition of Neighbourhood Character but applies more broadly applying to the character or distinctive qualities seen within areas and neighbourhoods within the Residential Neighbourhood Areas. While currently under appeal, *Physical Character* is defined in the Burlington Official Plan, 2020 as:

The distinctive qualities within a physical area which are defined by elements such as scale, massing, vegetation, topography, lotting pattern, colour, texture, material and the relation between structures, spaces and landforms.

Planning Staff are of the opinion that the removal of the definitions of Neighbourhood Character and Neighbourhood Character Areas is in alignment with the proposed removal of the Neighbourhood Character Areas and the overall direction from Council. The term Physical Character will then be used to refer to character for all Residential Neighbourhood Areas, among others, including the neighbourhoods that were subject to the Neighbourhood Character Area policies.

Additional Needs Housing (Chapter 13, Definitions)

The Official Plan Amendment proposes to add an additional term to Chapter 13, Definitions. The term *Additional Needs Housing* is to eventually replace the term *Special Needs Housing*, in order to align with the terminology used in the Provincial Planning Statement, 2024. The proposed definition is verbatim from the PPS, 2024:

Additional Needs Housing – 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.

Planning Staff are of the opinion that the added definition complies with the PPS, 2024 and therefore should be added to address the revised definition under provincial regulation.

Process: Official Plan Amendment and Modifications through the Ontario Land Tribunal

The majority of the policies relating to Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options are now in force including the Introduction to the Official Plan, Uptown Residential – Medium Density designation, the Residential Neighbourhood Area policies, and the Additional Residential Unit policies among others, and therefore may be amended in accordance with Sections 16, 17 and 21 of the *Planning Act*.

There are a small number of policies relating to Phase 2 of the Official Plan Amendment to Increase Housing Options project that remain subject to appeal, including the Schedules relating to the above-mentioned policies, and the Neighbourhood Character Areas.

While changes to appealed policies typically proceed by way of OLT modification, in some limited and specific circumstances, amendments may also be brought forward to withdraw policies. These policies fall into the two categories listed below.

1. Policies recommended for removal from the Burlington Official Plan, 2020

- Neighbourhood Character Areas (Chapter 8, Subsection 8.3.6)
- Neighbourhood Character and Neighbourhood Character Area (Chapter 13, Definitions)

(Council can withdraw policies that did not come into effect)

2. Schedules requiring modification to reflect the proposed amendments to the in-effect policies of the Burlington Official Plan, 2020:

- Schedule C: Land Use - Urban Area
- Schedule E: Land Use Uptown Urban Centre
- Policy cross references and renumbering to policies currently appealed

(Modifications will require consent of all of the parties through the OLT process).

These proposed changes cannot be implemented through this Official Plan Amendment. The City's current approach to advancing the appealed portions of the Burlington Official Plan, 2020 is through modifications through the OLT process. In order to move forward with the proposed changes, staff will require direction from Council to move forward with these modifications through the OLT process, as set out in the recommendations of Report DGM-01-25.

Should Council approve the recommendation to withdraw the Neighbourhood Character Area policies through the modification process from the Burlington Official Plan, 2020, the Neighbourhood Character Area policies of the Burlington Official Plan, 1997 would still be in effect. As such, Planning Staff are seeking Council direction to commence a City-initiated Official Plan Amendment to the 1997 Official Plan through Staff Report DGM-01-25 to remove the Neighbourhood Character Area policies from the Burlington Official Plan, 1997, through an additional Statutory Public process, as required by the *Planning Act*.

Additionally, there are a number of policy cross references and renumbering of policies currently appealed. In this case, the remaining matters of conformity will be addressed through the City's Official Plan Targeted Realignment Exercise. In addition to matters of conformity, the realignment will address housekeeping matters such as terminology changes and cross-references throughout other sections of the Official Plan, 2020.

Zoning By-law 2020

Proposed Zoning By-law Amendment

Amendment Overview

The proposed amendments to Zoning By-law 2020, as amended, are attached as Appendix B. The amendments will ensure alignment with the Official Plan policies, as proposed to be amended by OPA 3, and will meet HAF requirements for permitting four units as-of-right. The amendments also reflect recent changes to O. Reg 299/19 to ensure alignment with the Planning Act regulations. The proposed amendments to Zoning By-law 2020 and staff's explanation for context, can be found below under heading "Proposed Zoning By-Law Amendment and Staff Explanation".

Additional Residential Units – 4 units as-of-right

The City's existing Zoning By-law (Zoning By-law 2020, as amended) currently permits up to two additional residential units (previously referred to as an "accessory dwelling unit" or "ADU") on a detached, semi-detached or townhouse lot that is served by municipal sewage and water services. Both Additional Residential Units (ARUs) may be contained within the principal building. Alternatively, one ARU may be contained in a

detached accessory building on the same lot as the principal building, and the other ARU may be contained within the principal building.

The proposed amendments to the existing Zoning By-law will ensure alignment with the Official Plan policies, as proposed to be amended, by increasing as-of-right the number of additional residential units to three from two in addition to the principal dwelling unit (and allowing four residential units per property as-of-right) on all residential lands in the settlement area on full sewer and water services.

Reduced Minimum Parking Requirements for ARUs

The current Zoning By-law requires that a minimum of two parking spaces be provided for each principal dwelling unit plus a minimum of one parking space be provided for each ARU. For example, for a property to have three ARUs, five parking spaces total would be required. Five parking spaces would require a total area of 82.5 m² (approximately 900 square feet or the size of a 2-bedroom dwelling unit). This presents a barrier due to limited space on a residential property to achieve competing objectives of providing space for housing, protecting existing trees, usable outdoor amenity space, and cars.

Staff have heard from residents that the City's current parking requirement for ARUs is considered a barrier to their ability to add an ARU on their property. To remove this barrier and encourage the creation of more ARUs, staff is proposing a reduction in the number of parking spaces required for an ARU. If approved, no parking space is required for one ARU and one additional parking space is required for the second or third ARUs. For example, instead of five parking spaces total being required for a detached dwelling with three ARUs, three parking spaces total would be required.

This recommended approach is intended to be supported through the creation of a city-wide on-street residential parking permit system. Staff are targeting Q1 2025 to bring forward a report considering the creation of a city-wide on-street parking permit system.

Other Regulations

The proposed amendment also includes removing or adding requirements to enable conversion of existing buildings into ARUs and by doing so, eliminating the need to obtain approval such as a minor variance. For example, requirements for a minimum 3 metre side yard would not apply for the conversion of a lawfully existing attached garage into an ARU, a lawfully existing Accessory Building is permitted to be converted to an Additional Residential Unit., and exterior recladding of a building would be permitted to project a maximum of 0.05 metres from the existing wall of the building.

ARUs will be subject to all other existing performance standards found in the Zoning By-law for the principal building or accessory building such as height and setbacks, except as proposed to be amended.

It should be noted that it may not be feasible for all properties to accommodate three additional residential units in compliance with the proposed parking standards and other

performance standards. For example, it is expected that additional residential units will be less common on smaller lots or lots with semi-detached dwellings and townhouses due to the physical space required to house cars.

Maximum Lot Coverage

The City's Zoning By-law currently does not contain a performance standard to regulate lot coverage for ARUs. However, lot coverage for a proposed ARU in a principal building or an accessory building would be indirectly assessed by applying Part 2, Section 4.2, Table 2.4.3 of the Zoning By-law. With the amendments to O. Reg 299/19 coming into force on November 20th, staff have been relying on the 'Compliance with Other Regulations (Part 1, Section 1.1)' section of Zoning By-law 2020 to permit additional residential units in accordance with the Planning Act provisions, as the changes supersedes local zoning. Additionally, Council has raised concerns to staff regarding the potential impacts of future infill development within neighbourhoods as a result of the Provincial changes to allow maximum lot coverage to 45% for all buildings and structures on parcels with ARUs. Acknowledging this context and that the City has taken an incremental approach for ARUs in response to previous legislative and policy changes at the Provincial level as well as other changes in City policy including the City Housing Strategy and the City's application to the Housing Accelerator Fund, staff are recommending changes to lot coverage requirements that build upon the regulatory framework that exists in the City's current Zoning By-law. It is proposed that the City amend the Zoning By-law to add a regulation for all buildings with Additional Residential Units the maximum lot coverage may be the greater of the applicable zone or 45%. This approach will provide flexibility for the property owner to determine how best to allocate the 45% lot coverage for the creation of ARUs on their lands, which support the implementation of the City's Housing Strategy and Burlington's Housing Accelerator Fund Action Plan and is anticipated to ultimately support the development of more housing in Burlington. It is noted that New Zoning Bylaw Project will study and explore opportunities to refine the ARU regulatory framework that exists in the City's current Zoning By-law to enable the shift in focus within the Official Plan towards the compatibility of the built form of buildings within residential neighbourhoods. The proposed amendment also includes an increase to the maximum size of accessory buildings to enable the recommended approach for maximum lot coverage on properties with ARUs. Staff are recommending the maximum size of accessory buildings which include an additional residential unit be increased from 50 m² to 80 m². A review of practices in other municipalities was undertaken as it relates to maximum size of accessory buildings and it was found to range from 80 m² to 100 m². It is noted that the approach identified above is in conformity with the changes to O. Reg. 299/19.

Floor Space Index (FSI)

The City's existing Zoning By-law contains floor area ratios for Residential zones. To bring the Zoning By-law into conformity with O. Reg. 299/19 as it relates to the changes to FSI, it is recommended that the requirements for maximum Floor Area Ratio shall not apply to properties with ARUs. It is noted by the Province that the rationale for removing

this requirement would be to make it easier to build structures with more livable space, including ancillary buildings and laneway suites on existing lots.

Other Changes to Performance Standards

As noted above, the Province as part of the amendments to O. Reg 299/19 has made changes to other performance standard including: angular plane, minimum lot size, and minimum building distance separation for parcels of urban residential land. With respect to these performance standards, no amendments are required as the City’s existing regulations are appropriate and not in conflict with the changes to O. Reg. 299/19, or in the case of performance standards for angular plane the City does not contain requirements for dwellings containing ARUs or accessory buildings with ARUs.

Proposed Zoning By-Law Amendment and Staff Explanation

PROPOSED ZONING BY-LAW AMENDMENT		STAFF EXPLANATION
Part 1 – General Conditions and Provisions		
1.	<p>Amend Section 2.21 Uses Permitted in All Zones, Subsection 2.21 (u), as follows:</p> <p>i. Deleting:</p> <ul style="list-style-type: none"> • “(u) Additional Residential Units Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones. • Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted. • In addition to the principal dwelling unit, up to two Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a Townhouse are only permitted on a POTL where one Townhouse is permitted. • Only one Additional Residential Unit 	<p>To update regulations for Additional Residential Units in all zones (Part 1, Section 2.21, Subsection (u)) to ensure consistency with the new Official Plan and compliance with the <i>Planning Act</i>.</p> <p>To remove or add requirements to enable the conversion of existing buildings into ARUs.</p> <p>To add a performance standard to regulate lot coverage for ARUs to ensure compliance with the <i>Planning Act</i>.</p> <p>To update size of an accessory building containing an ARU to enable the performance standard to regulate lot coverage.</p> <p>To remove the requirements for maximum Floor Area Ratio as it applies to properties with ARUs to ensure compliance with the <i>Planning Act</i>.</p>

	<p>may be located within an Accessory Building.</p> <ul style="list-style-type: none"> • Only one exterior entrance is permitted on each elevation of the principal building facing a street. • Parking shall not be permitted in that portion of the rear yard defined as the area between the extension of the two lines projected backward from the two side walls of the principal building. • Tandem parking spaces are permitted. • Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces. • Requirements for minimum floor area per dwelling unit and Minimum Floor Area Ratio shall not apply to lots with Additional Residential Units.” and <p>ii. Replacing:</p> <p>“(u) Additional Residential Units</p> <p>(i) Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.</p> <p>(ii) Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.</p> <p>(iii) In addition to the principal dwelling unit, up to three Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a</p>	
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	<p>Townhouse are only permitted on a Parcel of Tied Lands where one Townhouse is permitted.</p> <p>(iv) Only one Additional Residential Unit may be located within an Accessory Building.</p> <p>(v) Only one exterior entrance is permitted on each elevation of the principal building facing a street.</p> <p>(vi) Tandem parking spaces are permitted.</p> <p>(vii) Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.</p> <p>(viii) Requirements for minimum floor area per dwelling unit and minimum floor area ratio shall not apply to lots with Additional Residential Units.</p> <p>(ix) Notwithstanding Part 1, Subsection 2.2 (b), the floor area of an Accessory Building containing an Additional Residential Unit is permitted up to a maximum of 80 m².</p> <p>(x) Notwithstanding Part 1, Subsection 2.2 (b), a lawfully existing Accessory Building is permitted to be converted to an Additional Residential Unit.</p> <p>(xi) Notwithstanding Part 2, Section 4.1, Table 2.4.1, requirements for a minimum 3 metre side yard shall not apply for the conversion of a lawfully existing attached garage into an Additional Residential Unit.</p> <p>(xii) Notwithstanding anything in this By-law for all buildings with Additional Residential Units the maximum lot coverage may be the greater of the applicable zone or 45%.</p> <p>(xiii) Notwithstanding Part 2, Section 4.5, requirements for maximum floor area ratio shall not apply to properties with Additional Residential Units.</p> <p>(xiv) Exterior recladding of a building may project a maximum of 0.05 metres from the existing wall of the building.”</p>	
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2.	<p>Amend Section 2.25, Table 1.2.6: Off-Street Parking Standards, as follows:</p> <ul style="list-style-type: none"> i. Deleting: “1 space per unit” under the Parking Standard for Additional Residential Unit; and ii. Replacing it with: “First unit: 0 spaces Second or third units: 1 space” under the Parking Standard for Additional Residential Unit. 	<p>To reduce the number of parking spaces required to encourage the creation of ARUs.</p>