
SUBJECT: City-initiated Official Plan and Zoning By-law Amendments to increase housing options

TO: Committee of the Whole

FROM: Development and Growth Management
Community Planning

Report Number: DGM-01-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

Recommendation

Approve Official Plan Amendment No. 3 to the City of Burlington Official Plan, 2020 as provided in Appendix A of development and growth management report DGM-01-25; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting the Official Plan Amendment No. 3, as contained in Appendix A of development and growth management report DGM-01-25; and

Enact By-law 2020.494 as contained in Appendix B of development and growth management report DGM-01-25; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 3 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No. 3 is approved; and

Approve modification of Schedule C: Land Use – Urban Area and Schedule E: Land Use – Uptown Urban Centre of the Burlington Official Plan 2020 to reflect the revised names of the designations of the Urban Residential Area, as contained in Appendix C; and

Withdraw the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Instruct the City Clerk to prepare the necessary by-law to amend by-law no. 24-2018 that adopted the Burlington 2020 Official Plan, to repeal Subsection 8.3.6 “Neighbourhood Character Areas”; and

Authorize the Commissioner, Legal & Legislative Services/City Solicitor, or his designate, to advise the OLT of the withdrawal of the policies of Subsection 8.3.6 “Neighbourhood Character Areas” of the Official Plan, 2020; and

Direct the Director of Community Planning to prepare a City-initiated Official Plan Amendment to the 1997 Burlington Official Plan to remove Part III Subsection 2.12 - Neighbourhood Character Areas.

Executive Summary

Purpose of report:

The purpose of this report is to recommend approval of the City initiated amendments to the Burlington Official Plan, 2020 and Zoning By-law 2020, attached as Appendix A and B to this report. These amendments satisfy, in significant part, Council Motion [ADM-17-23](#) to:

“engage with the community to implement four units as-of-right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”

This report provides an overview of the comments received on the Draft Official Plan Amendment No.3 and Draft Zoning By-law Amendment presented at the Committee of the Whole Statutory Public meeting on December 3, 2024.

The recommended amendments to the Official Plan, 2020 and Zoning By-law 2020, permit four units as-of-right through the Additional Residential Unit policies contained within the Burlington Official Plan, 2020 and Zoning By-law, 2020, in order to meet the requirements of the Housing Accelerator Fund. Additionally, OPA 3, amends the policies of the Residential Neighbourhood Area, BOP, 2020 to remove density requirements which will support gentle ground-oriented intensification with consideration to the context and character of Burlington’s Established Neighbourhoods. This approach provides significant opportunities to increase the diversity of housing options within the City’s existing neighbourhoods to meet the needs of all residents at all stages of life and at all income levels and to further the objectives of the City’s Housing Strategy, Housing Pledge, Housing Accelerator Fund Action Plan and Strategic Plan.

Recommendation Report

Background

Project Background – Official Plan Amendment to Increase Housing Options Study

The Official Plan Amendment to Increase Housing Options Study has been underway since April 2024 through the Burlington Official Plan, 2020 Targeted Realignment Exercise in close alignment with Phase 1 of the New Zoning By-law Project (NZBP). For more details on the project, please refer to [PL-66-24 Official Plan Amendment to Increase Housing Option – Preferred Approach](#) and [PL-92-24 Draft Official Plan Amendment and Zoning By-law Amendment to increase housing options](#)

The objective of the Official Plan Amendment to Increase Housing Options Study is to identify tools that support gentle ground-oriented intensification that consider the context and character of Burlington’s 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.

This project focuses on using planning implementation tools such as the [Official Plan](#), and [Zoning By-law](#) and identified opportunities to put into place a policy framework and regulations to help support a variety of housing options within the City’s Urban Area, with a particular focus on the City’s neighbourhoods.

Council Motion ADM-17-23

At the October 17, 2023, meeting of Council, City Council declared its intention to allow four units per lot as-of-right and unanimously approved a motion that directed staff to: “*Engage with the community to implement four units as-of-right and other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.*” The motion directly supported the City’s successful application to the Housing Accelerator Fund (HAF) and falls under initiative 3 of the [Housing Accelerator Fund Action Plan](#). A decision by Council on the recommended Official Plan Amendment and Zoning By-law Amendment satisfy the requirements related to Initiative 3.

Draft Official Plan Amendment 3 and Draft Zoning By-law Amendment Statutory Public Meeting

On December 3, 2024, staff presented [draft OPA 3](#) and [ZBLA](#) to a Committee of the Whole Statutory Public Meeting through [Staff Report PL-92-24](#) in order to hear comments and questions from members of Council and the public. Staff continued to accept questions, comments, and recommendations until December 13, 2024. Appendix E and F of this report provides a record of the comments received, staff’s responses to those comments, and any resulting modifications to the Official Plan Amendment and Zoning By-law Amendment.

A Note on the Recent Changes to Ontario Regulation 299/19 – Additional Residential Units

On Sept. 23, 2024, the Province posted the proposed amendments to O. Reg 299/19 with a 30-day commenting period, closing on Oct. 23, 2024. The proposed amendments to O. Reg. 299/19 were posted through [ERO posting #019-8369](#) and propose that the regulations in O. Reg. 299/19 would override a number of regulations in local municipalities zoning by-laws to support the creation of additional residential units. Planning Staff submitted comments through the ERO posting #019-9210 as detailed in the letter attached to [Council Information Package](#) dated Oct. 25, 2024.

On November 20, 2024, the proposed amendments to O.Reg. 299/19 came into effect, which are outlined in Appendix D. The changes of note are outlined below:

- The regulation permits up to 45% coverage of the surface of the parcel where an ARU is present, superseding local Zoning By-laws; and
- There is no limit to the floor space index on a parcel where an ARU is present. However, the height and setback requirements of the City's Zoning By-law would still apply.

For more details about the impact of these changes, and the resultant modifications made to the draft Zoning By-law Amendment presented to Committee of the Whole on December 3, 2024, please see Appendix D – Detailed Planning Analysis and Justification.

OPTION 1 – Recommended Approval of Official Plan Amendment No. 3 and Zoning By-law Amendment No. 2020.494

Draft Official Plan Amendment No.3

Official Plan Amendment No. 3 (Appendix A) implements Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options Study 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 residential 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 Established 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 Zoning By-law.

- Implement permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas.

The proposed amendments will address the HAF Action Plan Initiative 3 and assist in addressing Actions 6 and 7 of the Housing Strategy. A subsequent third phase of the Official Plan Amendment to Increase Housing Options is set out in staff Report [PL-66-24](#) and will Study and identify areas along the peripheries of our neighbourhoods to evaluate additional opportunities for increased housing options but is not considered in this report.

Draft Zoning By-law Amendment 2020.494

In contrast, the recommended Zoning By-law Amendment 2020.494 (Appendix B) implements phase 1 of the Official Plan Amendment to Increase Housing Options Study and will ensure alignment with recent changes to Ontario Regulation 299/19 to:

- Amend the regulations for additional residential units to permit three (3) Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.
- Reduce parking minimums required for additional residential units from 1 per unit to zero for the first ARU and then 1 parking space for the 2nd or 3rd ARU.
- Permit up to 45% lot coverage on a lot containing at least 1 ARU.

In addition to the proposed regulations discussed above, the 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.

Subsequent work on the New Zoning By-law Project will incorporate the findings of the Official Plan Amendment to Increase Housing Options Study [Background Report, Engagement Feedback Report](#) and Public and Agency Feedback documents (Appendices D and E Respectively to this report) as a part of the NZBP Project though not considered in this report.

Community Engagement

Engagement has been a central element to Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options Project. The engagement was informed by the Official Plan Amendment to Increase Housing Options [Engagement Plan](#). A detailed Feedback Report was prepared that provided detailed information about the engagement that took place between May and October 2024. For details on the engagement tactics used, the feedback collected and how it informed the draft Official Plan Amendment to Increase Housing Options please see the feedback report attached as [Appendix C](#) to Staff Report PL-92-24. The Official Plan Amendment to Increase Housing Options Feedback Report, also provides an overview of the engagement undertaken and feedback received and how it did or did not influence the [Draft Official Plan Amendment](#) and [Draft Zoning By-law Amendment](#).

Analysis

Policy Framework

The proposed Official Plan and Zoning By-law Amendments are subject to review in accordance with the Planning Act; Provincial Planning Statement, 2024; the Official Plans for the City of Burlington (Region of Halton Official Plan 1995 as amended; City of Burlington Official Plan, 1997 as amended; and City of Burlington Official Plan, 2020 as amended); and the City of Burlington Zoning By-law 2020. As part of the review Staff also considered the Vision 2024 Strategic Plan; the Burlington Housing Strategy; Roseland Character Area Study; and the Indian Point Character Area Study. The detailed planning justification and policy analysis can be found within Appendix D attached to this report. Planning Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with provincial policy including the Provincial Planning Statement, 2024 and the Planning Act.

Modifications to Draft Official Plan Amendment No.3 Informed by Public and Agency Consultation

Additional feedback was received at [the Statutory Public Meeting](#) on December 3, 2024, and was accepted until December 13, 2024. This feedback was used to refine and finalize the Official Plan Amendment and Zoning By-law Amendment attached as Appendix A and B respectively to this report. A detailed commenting table related to public feedback can be found in Appendix E. Agency comments can be found in Appendix F to this report. A summary of the resulting modifications can be found below:

- Revisions to policy 8.7.2 (2) of the Official Plan to permit units in an accessory building if deemed appropriate by the findings of phase 1 of the New Zoning By-law Project and the development of appropriate regulations and performance standards.
- Modifications to the Draft Zoning By-law Amendment to increase the maximum size of accessory buildings to enable the approach for maximum lot coverage on properties with ARUs recommending increasing the maximum size to 80m² from 50m².
- Modifications to the Draft Zoning By-law related to recent changes to O.reg 299/19 such as but not limited to, permitting up to 45% lot coverages where an ARU is present on a parcel of urban residential land.
- Modifications to the Official Plan Amendment to reflect comments made by Conservation Halton as identified in Appendix F. Staff will continue work with Conservation Halton on these comments and others as a part of the New Zoning By-law project.

Recommendation Details

Staff recommend approval of Official Plan Amendment No. 3 and Zoning By-law Amendment 2020.494, per the policy analysis and planning justification outlined in Appendix D to this report. Staff are of the opinion that the Amendments contained in Appendices A and B of this report satisfy, in significant part, Council's Motion to permit four units as-of-right and to implement certain actions of the City's Housing Strategy in a manner consistent with Provincial policy and regulations and in alignment with the objectives of the City's Housing Strategy, Housing Accelerator Fund Action Plan, Strategic Plan and Housing Pledge.

Amendment to the Existing Zoning By-law (By-law 2020, as amended)

To meet the HAF timeline requirements for permitting four units as-of-right, an amendment to the existing Zoning By-law (By-law 2020, as amended) is recommended in order to align the City's ARU regulations with the new policy framework proposed by Draft OPA 3. Given scheduled delivery of Phase 1 – Residential Zones of the new Zoning By-law (Targeted for Q2, 2025), staff have elected to set initial regulations to support the development of ARUs through the City's existing Zoning By-law. The NZBP team will continue to monitor the efficacy of the regulatory framework for ARUs and will work to refine performance and parking standards to be delivered as a part of Phase 1 of the NZBP to further reduce barriers to ARUs and other missing middle housing in the City's Neighbourhoods.

Recommended Modifications to BOP 2020 Policies Appealed to the OLT

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. There are a small number of policies currently subject to appeal that have been identified for modification or withdrawal through Phase 2. These policies fall into the two categories listed below. These proposed changes cannot be implemented through an Official Plan Amendment. The City's current approach to advancing the appealed portions of the BOP, 2020 is through modifications through the OLT process. Staff will be seeking direction from Council to move forward with these modifications through the OLT process.

1. Policies recommended for removal from the BOP 2020
 - 8.3.6: Neighbourhood Character Areas
 - 13 Definitions: Neighbourhood Character and Neighbourhood Character Area
2. Schedules requiring modification to reflect the proposed amendments to the in-effect policies of the BOP 2020:
 - Schedule C – Land Use Urban Area
 - Schedule E – Land Use Uptown Urban Centre
 - Policy cross references and renumbering to policies currently appealed

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 realignment exercise, as noted through Report [PL-45-23](#). 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.

Downtown Low-rise Neighbourhood Precinct Designation

Staff report PL-66-24 included the policies of the Downtown Urban Centre's Low-Rise Neighbourhood Precinct Designation for review as a part of Phase 2 of the project work to explore opportunities for increased flexibility and housing options. Staff have elected to focus on the Residential Neighbourhood Area as the primary focus of Phase 2 as the Residential Neighbourhood Area covers a substantial geography of the City of Burlington and its policies are largely in effect while the policies of the Downtown Low-Rise Neighbourhood Precinct remain under appeal. Pending a decision from the OLT and these policies coming into effect, these policies would be considered in a subsequent phase of the Official Plan Amendment to Increase Housing Options Study.

Key Dates & Milestones

- Oct 17, 2023: Council Motion ADM-17-23 to: *“engage with the community to implement four units as-of-right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”*
- January 2024: First installment of HAF Funding received.
- April 8, 2024: Project outline in the Targeted Realignment update
- April 4, 2024: Residential Policies of the BOP 2020 are deemed in effect
- May to October 2024: Engagement on the Official Plan Amendment to Increase Housing Options Study
- September 9, 2024: Staff Report [PL-66-24](#) Official Plan Amendment to Increase Housing Options – Preferred Approach and Background Report presented to Committee of the Whole.
- October 17, 2024: Confirmation from the Ministry that OPA 3 is exempt from Ministerial Approval.
- October 20th, 2024: PPS 2024 came into effect
- Nov 1, 2024, Statutory Public Notice for December 3rd Statutory Public Meeting
- November 20, 2024: Amendment to Ontario Regulation 299/19 – Additional Residential Units came into effect.
- December 3, 2024: Statutory Public Meeting for the draft Official Plan Amendment No. 3 and draft zoning by-law amendment through Staff Report [PL-92-24](#).
- November 25, 2024 to December 13, 2024: Engagement on proposed OPA/ZBA: delegations, agencies, technical, the public, indigenous communities and MMAH.
- January 14, 2025: Recommendation Report to Committee of the Whole, OPA No. 3 and ZBLA 2020.494.

- January 28, 2025: Council Meeting – Decision point
 - January 31, 2025: Housing Accelerator Fund Initiative 3 deadline
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Implications

Through Staff Report PL-66-24 Council approved a detailed engagement plan to deliver on the objectives of the Official Plan Amendment to Increase housing Options Study to an upset limit of \$10,000 to be funded by the Housing Accelerator Fund to deliver the engagement plan. Over the course of the project, Staff identified additional opportunities to promote the project's engagement events and identified the need to have two statutory public meetings requiring promotion in the Hamilton Spectator. Staff also sought guidance and peer review from SGL and Dillon Consulting in their capacity as consultants for the New Zoning By-Law Project. As a result, the \$10,000 budget was exceeded by \$1935.68, this change to the HAF related expenditure was approved by the Corporate Strategic Lead of the Housing Accelerator Fund.

References

- [Motion Memorandum ADM -17-23](#)
 - [Housing Strategy, 2021](#)
 - [HAF Action Plan](#)
 - [Burlington's Official Plans Webpage](#)
 - [Zoning by-law, 2020](#)
 - [New Zoning By-law Project – Phase 1: Residential Zones Discussion Paper and Project Update](#)
 - [PL-66-24 – Official Plan Amendment to Increase Housing Options – Preferred Approach](#)
 - [PL-92-24 – Draft Official Plan Amendment and Zoning By-law Amendment to Increase Housing Options](#)
 - [Official Plan Amendment to Increase Housing Options – Engagement Plan](#)
 - [O.Reg 299/19 – Additional Residential Units](#)
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Strategic Alignment

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

- A. Official Plan Amendment
- B. Zoning By-Law Amendment
- C. Schedule C: Land Use – Urban Structure, Burlington Official Plan, 2020, Modified and
Schedule E: Land Use – Uptown Urban Centre, Burlington Official Plan, 2020 Modified
- D. Planning Analysis and Justification
- E. Public Submissions & Responses November 25th to December 13th
- F. Agency Submissions November 25th to December 13th

Draft By-laws for Approval at Council:

- 2020.494 and Official Plan Amendment No. 3

Notifications:

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Report Approval:

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.