



Authorized commenting Agency for



July 9, 2025

Todd Evershed, MCIP, RPP
Supervisor, Special Projects & Urban Design

City of Burlington
426 Brant Street
Burlington, ON L7R 2G2

Via email: newzoning@burlington.ca

Dear Todd Evershed:

**RE: New Zoning By-law Project – Draft Zoning By-law for Residential Zones
City of Burlington
MHBC File: PAR 50098**

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) are the planning consultants for TransCanada PipeLines Limited (“TCPL”), an affiliate of TC Energy Corporation (“TC Energy”). This letter is in response to notification and request for comments for the City of Burlington’s draft new Zoning By-law for residential zones. TCPL has one (1) high-pressure natural gas pipeline contained within its easement(s) (“TCPL Pipeline Right-of-Way”) crossing the City of Burlington.

TCPL’s pipelines and related facilities are federally regulated and are subject to the jurisdiction of the Canada Energy Regulator (“CER”). As such, certain activities must comply with the Canadian Energy Regulator Act (“Act”) and associated Regulations. The Act and the Regulations noted can be accessed from the CER’s website at www.cer-rec.gc.ca.

Policy Context

TCPL’s pipelines are defined as *infrastructure* in the *Provincial Planning Statement, 2024 (“PPS”)*. In accordance with Policy 3.3.1 of the PPS, “*planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs*”.

TCPL’s pipelines and facilities are also defined as *major facilities* in the PPS. In accordance with the policies in Section 3.5 of the PPS, where avoidance is not possible, planning authorities shall protect the long-term viability of existing or planned major facilities that are vulnerable to encroachment by ensuring that the planning and development of adjacent sensitive land uses is only permitted if potential adverse effects to the proposed adjacent sensitive land uses are minimized and mitigated, and potential impacts to major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Appropriate setbacks to the TCPL Pipeline Right-of-Way are needed to manage the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. TCPL also

provides feedback on official plan policies and zoning regulations to align with TCPL's Damage Prevention Best Practices.

We have reviewed the draft Zoning By-law and request the following revisions for better alignment with TCPL's development and regulatory standards:

~~Red strikethrough~~ = deletion Green underline = addition

5.33 Setback From A Pipeline Easement

- a) *Every building and accessory building shall maintain a minimum setback of 7 metres from a pipeline right of way.*
- b) *Accessory structures shall maintain a minimum setback of 3 metres from the pipeline right of way.*
- c) *The following minimum setbacks shall apply from the edge of the TransCanada PipeLines Limited (TCPL) pipeline right-of-way:*
 - i. *Buildings or structures: 7 metres*
 - ii. *Parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated aisle or driveway: 7 metres*

5.6 Swimming Pools

- c) *On lots abutting a pipeline, a swimming pool must be set back 3 m from the limits of the right-of-way.*
- e) *On lots abutting or containing a TransCanada PipeLines Limited (TCPL) pipeline right-of-way, an in-ground swimming pool must be set back a minimum of 7 m from the edge of the pipeline right-of-way.*

Thank you for the opportunity to comment. We look forward to reviewing the updated Zoning By-law. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC



Kaitlin Webber, MA, RPP, MCIP
Intermediate Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited

July 24, 2025

Community Planning
426 Brant Street
Burlington, ON | L7R 3Z6

Sent via email to: newzoning@burlington.ca

ATTN: New Zoning Bylaw Project Team
RE: New Zoning Bylaw Project
Your File #: Draft Residential Zoning Bylaw
Our Reference #: ENB20250702-01ON

Thank you for sending Enbridge notice of this project. Enbridge works with municipalities and stakeholders regarding planning and development in proximity to our pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We request that this response package is provided in full to the landowner / applicant, as applicable, as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Proposed Development

We understand that this application is the first draft of the City of Burlington's new **Zoning By-law** for residential zones.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed application encompasses all residential zones in the city of Burlington and thus intersects with Enbridge's Liquids Pipelines infrastructure.

Assessment & Requirements

The Zoning By-law was reviewed, and appears to contain some existing policies with respect to development in proximity of pipeline infrastructure, including:

- Section 5.33 states: "Every **building** and **accessory building** shall maintain a minimum **setback** of 7 metres from a pipeline right of way." and
"Accessory structures shall maintain a minimum **setback** of 3 metres from the pipeline right of way.

- Section 5.6 states: “On **lots abutting** a pipeline, a **swimming pool** must be set back 3 m from the limits of the right-of-way.”

We appreciate the consideration of pipeline infrastructure in the existing draft and recommend that some additional maps and policies be considered for inclusion.

Policy Recommendations:

- 1) **Mapping:** We recommend that Enbridge’s pipelines (and any other pipelines) and facilities be indicated on one or more maps within the Zoning By-law. Requests for GIS data from Enbridge should be sent to notifications@Enbridge.com.
- 2) As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. To ensure that all development within the pipeline assessment area is referred to Enbridge for review and comment, we recommend inclusion of the following policy:
 - a. "When a neighbourhood plan, zoning amendment, subdivision application or development permit application is proposed that involves land within 200m of a pipeline, as demonstrated in “Map xx: _____” (per recommendation #1), Administration shall refer the matter to the pipeline company for review and input."
- 3) To ensure that no unauthorized ground disturbance or pipeline crossings occur when development progresses, we recommend the following policy be included within the Zoning By-law:
 - a. “All development within 30m or crossings of a pipeline shall require written consent from the pipeline company and is the responsibility of the applicant to obtain prior to development approval.”

Future Development Requirements

Although the Zoning By-law details a long-term future development vision, there are development requirements that will be mandatory at the subdivision and development stage that will be helpful to consider prior to application submission. Please review **Attachment 02 | Enbridge Development Requirements** for requirements for planning and development in proximity of pipelines. In addition, for more information about when written consent is required and how to submit an application, [Enbridge Pipeline Crossing Guidelines](#). For additional resources on safe development in proximity of Enbridge’s pipeline network please view [Enbridge’s Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge’s pipelines and facilities. All future project notifications should be sent to notifications@enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again



Enbridge
10175 101 St NW
Edmonton, Alberta T5J 0H3
Canada

for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Sincerely,

Damage Prevention Program
Enbridge Liquids Pipelines (LP) Damage Prevention

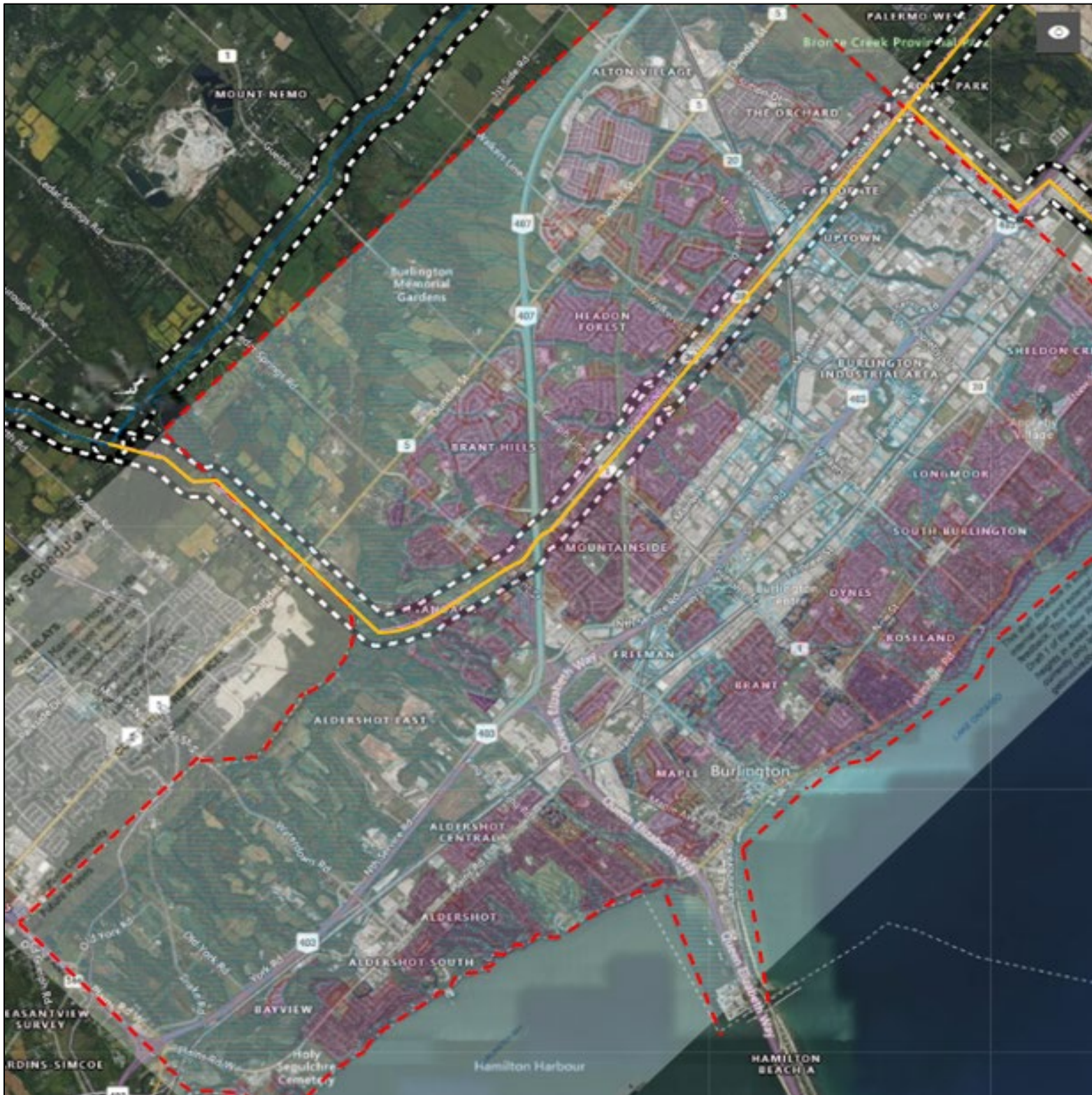


ENBRIDGE
notifications@enbridge.com
10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com
Safety. Integrity. Respect. Inclusion. High Performance.

Attachment 01

Approximate Location of Pipeline Infrastructure



PLEASE CONTACT YOUR LOCAL ONE CALL CENTRE (WWW.CLICKBEFOREYOU DIG.COM) FOR ANY GROUND DISTURBANCE WITHIN 30m OF PIPELINE INFRASTRUCTURE



Pipeline Assessment Area (200m)



Enbridge Pipelines (Liquid)



Subject Site

Local Context Overlay Residential Zoning By-law

City of Burlington
Referral ID: ENB20250702-01ON

July 2025

Attachment 02

Enbridge Development Requirements

Attachment 02 | Enbridge Development Requirements

Definitions

- A **Right-of-Way (ROW)** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a “controlled area” or “safety zone”.
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19. Depending on the pipeline location, operator, and regulator this may also be known as the “notification zone”, “referral area” or “class location assessment area”.

Locating the Pipeline | Click Before You Dig

Any person planning to construct a facility across, on, along or under a pipeline (including the right-of-way), conduct a ground disturbance activity within 30 metres of the centreline of a pipe, or operate a vehicle or mobile equipment across a right-of-way, must first request a locate service. To identify the precise alignment of the pipeline on the subject lands, Locate Requests can be made online, via mobile apps, or via phone (see table below),

The locate request must be made a minimum of three (3) business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify Enbridge to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. Enbridge requests a minimum of five (5) business days’ notice for any work involving explosives.

Canadian One-Call Centres		
Province	Phone	Website
British Columbia	1.800.474.6886	www.bc1c.ca
Alberta	1.800.242.3447	www.utilitysafety.ca
Saskatchewan	1.866.828.4888	www.sask1stcall.com
Manitoba	1.800.940.3447	www.clickbeforeyoudigmb.com
Ontario	1.800.400.2255	www.ontarioonecall.com
Quebec	1.800.663.9228	www.info-ex.com
Nova Scotia & New Brunswick	1.800.344.5463	www.info-ex.com
Northwest Territories	Contact Enbridge Pipelines Inc. (1-867-587-7000)	
www.clickbeforeyoudig.com		

Right-of-way

A right-of-way is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it:

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.
- Enbridge must have the ability to access Enbridge's pipeline right-of-way at all times for construction, maintenance, operation, inspection, patrol, repair, replacement and alteration of the pipeline(s). Therefore, the Enbridge pipeline right-of-way shall be maintained as green space, park belt or open space.
- No work shall take place on Enbridge's pipeline right-of-way without the presence of an Enbridge representative.
- Storage of materials and/or equipment, grading or placing fill on Enbridge's pipeline right-of-way is not permitted without prior written consent from Enbridge.

Written Consent

Any proposed crossings of the pipeline right-of-way or ground disturbance within the Prescribed Area or pipeline right-of-way are subject to Enbridge's written consent in accordance with the Canadian Energy Regulator Act and regulations including the Canadian Energy Regulator Pipeline Damage Prevention Regulations as amended or replaced from time to time (or for pipelines contained within Alberta, the Pipeline Act (Alberta) and Pipeline Rules as amended or replaced from time to time).

The applicant will require Enbridge's written consent or a crossing agreement prior to undertaking the following activities:

- Constructing or installing a facility across, on, along or under an Enbridge pipeline right-of-way;
- Conducting any activity that would cause ground disturbance (excavation or digging) on an Enbridge's pipeline right-of-way or within 30m perpendicularly on each side from the centerline of Enbridge's pipe (the "Prescribed Area");
- The operation of a vehicle, mobile equipment or machinery across an Enbridge pipeline right-of-way; outside of the travelled portion of a highway or public road;
- Using any explosives within 300m of Enbridge's pipeline right-of-way.

For more information about when written consent is required and how to submit an application, please see [Enbridge Pipeline Crossing Guidelines](#).

Prescribed Area

The Prescribed Area is an area of 30 m (approximately 100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".

For pipelines crossing provincial boundaries, Enbridge is regulated by the Canada Energy Regulator and is subject to the Canadian Energy Regulator Act and its regulations as amended or replaced from time to time.

- Section 335(1) of the Canadian Energy Regulator Act prohibits any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the Prescribed Area unless the construction or activity is authorized by the pipeline company.
- Section 335(2) of the Canadian Energy Regulator Act prohibits any person to operate a vehicle or mobile equipment across a pipeline unless the vehicle or equipment is operated within the travelled portion of a highway or public road or such operation is authorized under section 13(1) of the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations).

For pipelines contained within Alberta, Enbridge is regulated by the Alberta Energy Regulator and is subject to the Pipeline Act and Pipeline Rules as amended or replaced from time to time.

- As per the Alberta Energy Regulator, any person who plans to engage in an activity that causes a ground disturbance within the pipeline right-of-way must obtain the written consent of the pipeline company.

Crossings

- Written consent from Enbridge is required for all crossings of the pipeline.
- The written authorization request must include:
 - Drawings with cross sections of the proposed new road and road widening to verify the depth of cover from both sides of the road.
 - Drawings should include any new utilities that will cross the ROW.
- No vehicles or mobile equipment, including heavy machinery, will be permitted to cross Enbridge's pipeline right-of-way without the prior written consent of Enbridge. Please complete Enbridge's Equipment Specification and Data Sheet(s) to make an application for temporary equipment crossing including timeframe, type and weight of equipment per axle together with the name of the applicant, address, contact name and phone number/email.
- Where future development such as a roadway or a parking area is proposed over the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. **The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.**

Ongoing Activities

- Written consent must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

Class Monitoring in the Pipeline Assessment Area

As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**.

- If a pipe replacement is necessary because of the proposed development, temporary workspace shall be granted to Enbridge on terms and conditions to be (or as) negotiated. This workspace will be adjacent to the existing pipeline right-of-way and may be up to a maximum of 15m wide on either or both sides. Grading or landscaping of the workspace is not permitted until the replacement has been completed.

Subdivisions

- Lot lines are not to be incorporated over Enbridge's pipeline right-of-way. If lot lines are incorporated over Enbridge's pipeline right-of-way, the owner agrees, in writing to include the following warning clause in all offers of sale and purpose and/or lease:
"Future residents are advised that Enbridge owns and operates _____pipeline(s) within an _____m pipeline right-of-way on the property. As a result, there are conditions that apply to various activities over the pipeline right-of-way that must be approved by Enbridge."
- All display plans in the lot/home sales office shall identify the Enbridge pipeline right-of-way-corridor within the proposed linear park block(s).

Structures and Setbacks

Development setbacks from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.

Other Development

Wells / Septic Systems

Wells or septic systems shall not be located on Enbridge's pipeline right-of-way. Construction of any septic system within 30m of the pipeline right-of-way requires prior written notification to Enbridge to ensure the septic bed will not adversely impact the integrity of the pipeline and pipeline right-of-way. Written consent from Enbridge must be received prior to the start of any work.

Aerial Power Lines

Aerial power lines crossing the pipeline right-of-way require aerial warning devices installed and properly maintained. No poles, pylons, towers, guys, anchors or supporting structures of any kind are permitted on the pipeline right-of-way.

Pathways, Fencing & Landscaping

Fencing Along ROW

- For development along an Enbridge right-of-way, permanent fencing shall be erected and maintained by the Developer at the Developer's cost along the limits of Enbridge's pipeline right-of-way. The fence erected must meet Enbridge's and the governing municipality's specifications concerning type, location and height. Any excavations for fence posts on, or within 30m of the pipeline must be done by hand or hydrovac. There shall be no augers operated on the pipeline right-of-way. The Developer shall notify Enbridge three business (3) days prior to any excavation for fence posts located on or within 30m of the pipeline.
- Limits of the pipeline right-of-way parallel to the pipeline shall be delineated with permanent fencing to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering Enbridge's pipeline right-of-way.
- Enbridge's written consent must be obtained and One Call notifications must be completed prior to any fence installations.

Landscaping

No landscaping shall take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines, as follows:

- The landowner / developer shall ensure a 5m continuous access way in the pipeline right-of-way is provided for the Enbridge repair crews.

In order to maintain a clear view of the pipeline for the purposes of right-of-way monitoring, which is required by federal regulation, trees and shrubbery planted in proximity to the pipeline must meet the following criteria:

- Enbridge permits the following vegetation within the pipeline right-of-way: Flowerbeds, vegetable gardens, lawns and low shrubbery (under 1 m in height), and
- The mature growth height of vegetation does not exceed 1.5 m (5 ft) at maturity and must maintain a minimum distance of 3 m (10 ft) from the nearest pipeline.

Pathways / Trails

No pathways shall be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements:

- A pathway crossing Enbridge's pipeline right-of-way shall be installed as close as possible to a ninety (90) degree angle to the Enbridge pipeline(s).
- The width of the pathway shall not exceed 3m.
- A parallel pathway within Enbridge pipeline right-of-way shall maintain a minimum 5m separation from the edge of the Enbridge pipeline(s).
- Enbridge's pipeline(s) must be positively identified at certain intervals as directed by Enbridge's representative for parallel installation.
- Enbridge shall install pipeline markers at all road, pathway and other crossings throughout the development area at Developer's cost.

Drainage and Erosion

- The Developer shall ensure drainage is directed away from the pipeline right-of-way so that erosion will not adversely affect the depth of cover over the pipeline(s).
- Any large-scale excavation adjacent to the pipeline right-of-way, which is deeper than the bottom of the pipe, must maintain a slope of 3:1 away from the edge of the pipeline right-of-way.
- Depth of cover over Enbridge pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.

Construction

- During construction of the site, temporary fencing must be erected and maintained along the limits of the pipeline right-of-way by the Developer to prevent unauthorized access by heavy machinery. The fence erected must meet Enbridge's specifications concerning type, height and location. The Developer is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction. The Developer is responsible for the cost of material, installation and removal.
- Original depth of cover over the pipeline(s) within Enbridge's pipeline right-of-way shall be restored after construction. This depth of cover over the pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.
- In the event Enbridge's pipeline(s) suffer contact damage or other damage as a result of construction, work shall stop immediately and Enbridge to be immediately notified.

Liability

In no event shall Enbridge be liable to the developer and/or landowner(s) for any losses, costs, proceedings, claims, actions, expenses or damages (collectively "Claims") the Developer and/or landowner(s) may suffer or incur as a result of or arising out of the presence of Enbridge pipeline(s) and/or operations on the pipeline right-of-way. The Developer and/or landowner(s) shall be responsible for all costs and expenses incurred to install, repair, replace, maintain or remove the Developer's and/or landowner(s) installations on or near the pipeline right-of-way and shall indemnify and save harmless Enbridge from all Claims brought against, suffered or incurred by Enbridge arising out of the activities of the Developer and/or landowner(s) in respect of the development or arising out of the presence, operation or removal of the Developer's and/or landowner(s) installations on or near Enbridge's pipeline right-of-way.



Metrolinx Comments for: City of Burlington - Draft 1 New Residential Zoning Bylaw

From Planning Correspondence <PlanningCorrespondence@metrolinx.com>

Date Thu 2025-08-07 4:35 PM

To Lau, Rebecca <Rebecca.Lau@burlington.ca>

Cc Jenna Auger <Jenna.Auger@metrolinx.com>

1 attachment (45 KB)

Metrolinx Comment Table -City of Burlington Draft New Zoning Bylaw for Residential Zones Aug 06.docx;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rebecca,

Please find attached comments as requested for the ZBA.

Thank you for the opportunity to review and comment.

Planning correspondence Team c/o

Ali Downer

Pronouns: She/Her

Administrative Assistant – Planning

Telephone: (416) 202-4458

Email: ali.downer@metrolinx.com

97 Front Street West Suite 400 Toronto ON M5J 1E6

METROLINX

THINK FORWARD | SERVE WITH PASSION | PLAY AS A TEAM

This e-mail is intended only for the person or entity to which it is addressed. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachments.

Internal Due Date: August 06, 2025

Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones
 Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

Item	OP Policy Number Or reference schedule	Comments/Concerns	Related Provincial Ministries	Policy Basis/Rationale Reference to Planning Act, PPS or Provincial Plan Section or Policy	Proposed Revision	Reviewing Team/Business Unit	Name of Reviewer
1	Section 5.34	<p>The City of Burlington is subject to the Metrolinx Lakeshore West GO rail services, which operates within the Metrolinx Oakville Rail Subdivision & the Canadian National (CN) Oakville Subdivision. As such, the following proposed revisions prioritizes the protection of sensitive land uses in proximity to rail facilities & services.</p> <p>It should be noted that the engagement of Metrolinx and its Technical Advisor, where applicable, will require all related fees to be borne by the owner/applicant.</p>	MTO	Provincial Policy Statement, Section 3.4 & 3.5	<p>The following is applicable to all proposed construction within 300m of the Metrolinx Oakville Rail Subdivision:</p> <p><i>Development within 300m of the Metrolinx Rail Corridor shall require an Acoustical Study, which shall include the current rail traffic data and the Standard Metrolinx Noise Warning Clause.</i></p> <p><i>Development within 75m of the Metrolinx Rail Corridor shall require a Vibration Study.</i></p> <p><i>Development adjacent to the Metrolinx Rail Corridor shall not alter any drainage patterns, flows and / or volumes, absent review and approval by Metrolinx and its Technical Advisor.</i></p>	Adjacent Construction Review (ACR)	Jenna Auger

Internal Due Date: August 06, 2025

Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones
Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

					<p><i>Development adjacent to the Metrolinx Rail Corridor shall require execution of agreements with Metrolinx as deemed applicable.</i></p> <p><i>Development within 300m of the Metrolinx Rail Corridor shall require registration of an Environmental/Operational Easement in favour of Metrolinx, over the subject lands.</i></p> <p><i>Development adjacent to the Metrolinx Rail Corridor shall provide the standard setback and safety barrier (berm) or receive approval of an alternative per a Rail Safety Report, to be reviewed and approved by Metrolinx and its Technical Advisor.</i></p> <p><i>Work within 30ft or beyond (depending on the nature of the equipment) from the closest edge of Metrolinx rail shall require a Metrolinx Work Permit.</i></p>		
--	--	--	--	--	---	--	--

Internal Due Date: August 06, 2025

Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones
Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

					<p><i>Vegetation within 3.5m of the mutual property line with Metrolinx shall be restricted to low lying vegetation only.</i></p> <p><i>Development adjacent to the Metrolinx Rail Corridor shall install the Metrolinx Standard Security Fence along the mutual property line, save and except for, where substitutes are deemed satisfactory by Metrolinx.</i></p> <p>The following is applicable to all proposed construction within 300m of the Canadian National Oakville Rail Subdivision:</p> <ul style="list-style-type: none"><i>That any development within 300m of a rail corridor with Metrolinx services and / or operations, shall require the inclusion of the Metrolinx Noise Warning Clause; and, the</i>		
--	--	--	--	--	---	--	--

Internal Due Date: August 06, 2025

Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones
Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

					<i>Registration of an Environmental/Operational Easement in favour of Metrolinx, over the subject lands, all to the satisfaction of Metrolinx.</i>		
--	--	--	--	--	--	--	--

Notes for use:

- In the Reference to Planning Act, Provincial Plan and PPS column, **please be as specific as possible** when **referencing policy, legislation, etc.**
- In the “**Proposed Revision**” column, recommended updates should be *italicized*, text additions should be **boldface** and deletions should be a ~~strikethrough~~.
- In instances where the “**Proposed Revision**” is based on missing official plan policies or it is a general comment without a specific suggested revision, the “**Comments/Concerns**” column can include a “**See Proposed Revision**” note. This is intended to prevent the same information being duplicated between both columns.



Aug 13, 2025

Planning and Development
City of Burlington
426 Brant St., PO Box 5013
Burlington, ON L7R 3Z6

New Zoning Bylaw Team:

Subject: **Draft Residential Zoning Bylaw - June 2025**
Review Circulation for Comments
July 2, 2025
Halton DSB's Comments

The Halton District School Board (Halton DSB) extends its appreciation to the City of Burlington for the opportunity to review and comment on the Draft Residential Zoning By-law. We welcome this engagement and value the City's commitment to collaboration with educational partners in the land-use planning process.

The following comments are submitted from the perspective of Halton DSB's role in delivering public education across Burlington and supporting the broader goals of building inclusive, complete, and sustainable communities. Our intent is to ensure that the zoning framework allows public education infrastructure to evolve alongside urban growth while maintaining operational flexibility and responsiveness to student needs.

General Planning and Operational Considerations

1. Flexibility for School Site Development and Expansion

School sites are dynamic public assets whose needs evolve significantly over time due to demographic shifts, educational program advancements, and technological changes. The Draft By-Law should incorporate sufficient flexibility to allow for future adaptations of school facilities, including additions, renovations, adaptive re-use of full facilities and/or empty pupil spaces, and the integration of new programming spaces, without requiring full amendment processes where

Street Address: J.W. Singleton Education Centre • 2050 Guelph Line, Burlington, Ontario L7P 5A8

Mailing Address: J.W. Singleton Education Centre • P.O. Box 5005, Stn. LCD 1, Burlington, Ontario L7R 3Z2

Phone: 905-335-3663 | 1-877-618-3456 Fax: 905-335-9802

www.hdsb.ca

possible. Such flexibility will greatly benefit the Halton DSB's ability to maintain high-quality, responsive learning environments and operate its core functions.

2. Acknowledgment of Schools as Community Hubs

Schools and Board-Owned facilities serve as vital community hubs, offering a wide array of programs and services that extend beyond core educational functions. The zoning by-law should explicitly acknowledge and permit a comprehensive range of compatible ancillary uses on school sites, such as:

- Before and after-school childcare programs
- Daycare centers (as a primary or ancillary use)
- Alternative education and programming spaces
- Spaces for partnerships with local community organizations, sports leagues, and cultural groups.
- Administrative functions of the Board for its central staff.

Explicitly permitting these uses will reinforce the role of schools as integral community assets and optimize the use of public infrastructure.

3. Adjacent and nearby uses - existing and proposed

The Halton DSB needs to ensure that future higher-density residential or non-residential developments that are near or abutting to school properties are reviewed to ensure that measures are put in place to mitigate potential negative impacts (e.g., shadow, noise, traffic, privacy concerns), to safeguard the safety, security, and quality of the learning environment for students and staff.

With recent changes to the Planning Act with Protected Employment Zones, the Board wants to ensure uses are compatible with Board uses.

4. Burlington Central Campus (Baldwin and Brant Street) Zoning and OP Alignment

As part of Burlington's Official Plan Targeted Realignment Exercise, the Board has previously requested that the "Downtown Public Service" designation in the New Official Plan 2020 (currently under appeal) be extended from the Burlington Central High School and Central Public School sites to the recently acquired track and field that current has a "Parks and Promenade Designation". We attach for reference the documents relating to the above-referenced request.

This would secure a full secondary school site and support the Halton DSB's vision for a K-12 urban campus, allowing for modernization to 21st-century learning and AODA standards, subject to Ministry funding within 10 years.

That said, the Board recognizes that the proposed zoning maintains the residential use designation across all three (3) aforementioned parcels of land, which would permit elementary

and secondary school uses, as well as ancillary Day Care facilities. It's also recommended that public service facilities of the City should be a consideration for permitted uses, in the event that joint partnerships could be explored in the future.

In summary, the Halton DSB would like to coordinate with the City to develop a site-specific policy within the Zoning By-law Project to facilitate future redevelopment and to provide flexibility in its current usages.

Residential Zoning By-law - Draft City of Burlington June 2025

Part 2: Establishment of Zones and Uses

2.1 Zone Designations

The Halton DSB recommends that the City consider designating existing school sites as part of the LN8 land use category. While active school sites serve essential community functions, recognizing their potential long-term contribution to a more diverse housing stock—particularly if declared surplus in the future—aligns with the City's goals for affordable and attainable housing.

This designation may support a broader range of residential typologies and intensification opportunities, should these lands become available. Halton DSB understands this would require a conformity exercise with the Official Plan, and would be committed to working with the City to undertake these exercises so school sites can remain a community asset.

2.5 Multiple Zones on One Lot

The Halton DSB notes that four (4) sites in the City straddle two (2) residential zones and/or zones that will be part of a future phase in the study, they are (with their addresses, as follows:

1. Alton Village PS - 3290 STEEPLECHASE DRIVE
2. C.H. Norton - 2120 CLEAVER AVE
3. John William Boich - 2474 Sutton Dr
4. Orchard Park - 5151 DRYDEN AVE

We request that, as part of this exercise, the underlying residential zones be consistent and take on the classification with the higher density. Given that the school zoning requirements are consistently applied to all zones, i.e., permitted in all zones, there shouldn't be any further issues.

Of greater concern to the Board is the application of setback when a school has multiple blocks, and they are adjacent to one another. The Board requests that for Halton DSB properties that currently exist and are adjacent to one another, they would not be required to adhere to the minimum interior yard setbacks.

This will allow for greater flexibility in the placement of buildings on site and maximize opportunities for campus-style approaches. The Board acknowledges that future dispositions and/or severances will be required to adhere to the necessary zoning by-law requirements. Facilities and their addresses that fall within this category are as follows:

1. Burlington Central High School - 1433 BALDWIN ST
2. Central Public School - 638 BRANT ST
3. Florence Mears - 2102 BERWICK DR
4. New Street Education Centre (Shared parking requirements on two sites, and landscape buffers) - 3250 New Street

Part 4: Definitions

School

The Halton DSB respectfully suggests the following alternative definition to better reflect the comprehensive nature of public school operations, including all forms of elementary and secondary education:

School means a premises used primarily for elementary or secondary academic instruction, *including alternative education programs, or for the administrative offices and support of school board business and responsibilities* that meet the requirements of the Education Act, R.S.O. 1990, c. E.2, as amended. This includes public **schools** and private **schools** offering curriculum approved by the Province of Ontario, but does not include a **School**, Commercial or **School**, Post-Secondary."

The Board would also like to confirm that Language Instruction for Newcomers to Canada (LINC) and Adult Education would fall in either a secondary school setting or a post-secondary school setting. It should also be noted that Section 5.15 references colleges and universities, which may not include not-for-profit instructional programs offered federally or provincially.

Board Administrative Uses

The Halton District School Board requests the inclusion of a definition for Board Administrative Uses that will encompass land, buildings, or structures owned by a publicly funded school board and used for non-instructional purposes that support the operation of the educational system.

Portable Classrooms Definition

The Halton DSB requests the creation of a clear and distinct definition for "Portable Classrooms" that accurately distinguishes them from permanent buildings while explicitly acknowledging their function as essential and temporary educational spaces. This

definition should facilitate their efficient integration into school site planning without triggering the same regulatory requirements as permanent structures.

Sensitive Land Uses

Halton DSB strongly supports the City's inclusion of "Schools" within the definition of "Sensitive Land Uses."

5. Part 5: General Provisions

5.2b Accessory Structures

The Halton DSB is requesting a specific exemption to permit accessory structures within the front or exterior side yard of a school property.

Many schools have on-site childcare facilities, which are often located at the front of the building for easy access. An associate play area with its accessory structures may need to be placed in the front or exterior side yard adjacent to the entrances. In addition, many secondary schools are situated on lots that have two frontages. This clause can limit the functionality of the entire site by forcing all accessory structures to be located on the interior side or rear yards. An exemption would allow the Halton DSB to make better use of the available land and better align the school's layout with its physical location. This would provide more flexibility for a school's operational needs and community access.

5.13 Office Uses in Residential Zones - Integration of Administrative and Ancillary Educational Uses

To optimize the use of public assets and promote administrative and operational efficiency, the Halton DSB frequently incorporates administrative offices or specialized program spaces directly within existing school buildings, particularly at secondary schools, but could explore the same in elementary schools. These uses can be integral to the efficient operation of our educational system, supporting school staff, students, and various programs that benefit the broader community.

Halton DSB requests that the proposed zoning by-law permit school board administrative offices within elementary and secondary school facilities, either recognizing them as complementary to the primary educational function and essential for viable school operations or as a standalone facility primarily dedicated to Board administrative uses for systemwide operations.

This should include both accessory uses (such as an administrative space within a school building or for a standalone school board administrative facility on school properties, similar to the M.M. Robinson HS and JW Singleton Centre campus. This flexibility supports adaptive reuses of underutilized spaces, allowing continuous public use through Halton DSB or in partnership with other community organizations.

Acknowledging the different requirements of office uses, the Board would also recommend additional clauses in Section 5.13 for school board administrative offices in residential zones, within an existing school site.

5.15 Schools

The Board has the following additional comments to consider as part of the General Provisions for uses permitted in all zones. The Board continues to be supportive of this approach, as it provides for maximum flexibility in program offerings throughout the City of Burlington.

b) Lots must abut certain roadways

The Halton District School Board requests that *the exemption to this clause* be expanded to include the reconstruction or replacement of an existing school facility, even if the site does not abut one of the specified roadway types. This would ensure that schools can be rebuilt on their current sites without requiring conformity to arterial or collector road frontage.

e) Minimum setback from all other Lot Lines: 15 metres.

The Halton DSB wishes to have further discussions with the City of Burlington regarding the proposed continued application of a 15-metre setback from “all other lot lines” for school sites.

The Halton DSB is increasingly being challenged to provide modern school facilities on more compact urban sites. In this context, a universal 15-metre setback from all other lot lines could be restrictive to maximizing the use of the site and exterior play areas, especially when applied to portable classrooms. This substantial setback will severely reduce the usable footprint of school properties, thereby significantly limiting critical opportunities for:

- Efficient and optimal placement of future permanent school buildings.
- The effective design and integration of future additions.
- The provision of essential outdoor programming spaces, including playgrounds, sports fields, and outdoor learning areas, which are fundamental to student well-being and a holistic educational experience.

The Halton DSB recommends that the By-Law incorporate reduced setbacks for permanent school structures and reduced setbacks for portable classrooms. The following table (**Table 1**) provides provisions that have recently been used for school site designations in the Town of Oakville and the Town of Milton, which the Board would like to use as the basis for further discussions. Recommended setbacks have also been provided for both building types.

Table 1: Comparable Setbacks for Schools & Recommended Setbacks

Setback	North Oakville Secondary Plan (2009-189) I Zone	Liveable Oakville (2014-014) CU Zone	Milton IA Zone (06-2014)	Milton IB Zone (06-2014)	Requested Setbacks for Buildings	Requested Setbacks for Portables
Front Yard	3m	6m	3m	3m	3m (no change)	3m (no change)
Interior Side Yard	1.5m	4.5m	6m +3m (if residential adjacent)	6m+6m (if residential adjacent)	6m	3m
Exterior Side Yard (flankage)	3m	6m	7.5m	9m	3m (no change)	3m (no change)
Rear Yard	7.5m	7.5m	7.5m +3m (if residential adjacent)	7.5m+6m (if residential adjacent)	7.5m	3m

f) The maximum building height: 3 storeys

The Halton DSB requests an increase in the maximum allowable height for school buildings from a maximum of 3-storeys to a maximum of **4-storeys**. The Halton DSB is actively engaged in planning for and developing more compact, urban-appropriate school sites to serve growing communities, particularly in areas of intensification. To accommodate the necessary student capacity and diverse programming within these often constrained footprints, it is essential to have the flexibility to build vertically. This increase in height allowance could facilitate more.

g) Parking setback requirements

The Halton DSB requests that, where a school site shares a lot line with designated open space, parking be permitted up to the shared property line. Furthermore, the Board requests that the zoning by-law allow for the possibility of parking encroaching onto City-owned lands, provided that a formal agreement can be established between the Board and the City.

h) Administrative Uses

The Halton DSB requests the addition of a clause that recognizes Administrative Uses (Board Offices) on a school site as a permitted use. This should include administrative functions as an ancillary, primary, or sole use, where such uses support the delivery of public education. This

provision should apply to both operating and former school facilities, to allow for flexible and continued use of public assets in support of educational services.

5.32 Setback from a Creek

The Halton DSB requests clarification on Clause 5.32 regarding whether schools are required to maintain a full 15-metre setback from a creek or a reduced setback—such as 6 metres from the greater of the limit of the floodplain or top of bank—is permitted.

5.38 Number of Buildings per Lot

The Halton DSB requests an exemption to Clause 5.38, which restricts the number of buildings permitted on a lot. The Board currently operates two campuses in Central PS — Burlington Central HS and M.M. Robinson HS, with the J.W. Singleton Education Centre, where multiple buildings exist on a single lot. To allow for future facility improvements or the creation of campus-style arrangements that enhance educational delivery and operational efficiency, the Board requests that such sites not be restricted by this provision.

5.39 Availability of Municipal Services and Utilities

The Halton DSB requests an exemption to Clause 5.39(a).

In certain circumstances, the Board has been required to expropriate land and proceed with school construction prior to the availability of full municipal services. In such cases, schools have been connected to the necessary services in advance of their opening. To allow for continued flexibility in addressing growth-related needs, the Board requests that school construction not be restricted solely based on the immediate availability of services, provided that all servicing is completed prior to occupancy.

5.42 Exemptions to Height Provisions

The Halton DSB requests that seasonal sports domes be included in the list of exemptions under the Height Provisions of the zoning by-law. These structures are temporary and support recreational and educational programming during specific times of the year.

Including them as an exemption would provide the flexibility needed to support student and community use without being constrained by permanent height limitations.

5.3 Roof Top Mechanics

Halton DSB currently observes the by-law as written for new projects and trusts that existing schools will be grandfathered if they do not meet the new requirements. The Board also proactively provides screening for rooftop mechanical units during any planned renovations.

In anticipating design challenges of accommodating alternative school designs on smaller sites, the Halton DSB respectfully requests that the new by-law provide greater flexibility to address these specific needs, specifically for the school board sites. Halton DSB welcomes the opportunity for further discussion on this matter.

6. Part 6 Parking and Loading

6.1 Off-Street Parking and Loading Requirements (Table 2)

Table 2 illustrates the parking requirements of 1.5 spaces per classroom at an elementary school, three (3) parking spaces per classroom at a secondary school, and four (4) parking spaces per 100m² of gross floor area at a Daycare Centres. Halton DSB has no comments on this provision.

In the event the City of Burlington is supportive of the recommended Office Uses on former/active school sites, office parking requirements, or references to the Office parking requirements to accommodate the administrative board buildings on a school site will be required.

6.12 Bicycle Parking

d) Required bicycle parking for large bicycles

Halton DSB requests to be exempt from this provision. Halton DSB recognizes the intent to accommodate diverse cycling needs. This specific requirement poses practical challenges for school sites due to the high volume of standard student bicycles and the operational complexities of managing such designated spaces within a school environment. Our priority is ensuring ample and accessible bicycle parking for the vast majority of student and staff cyclists.

i) Illumination

The Halton DSB requests an exemption from this requirement on school sites. Given that the primary use of bicycle parking at schools occurs during daylight hours (arrival and dismissal), dedicated illumination for these specific areas is generally not operationally necessary. Our existing site lighting strategies focus on entrances and main pathways for student safety, which typically provide adequate ambient light for any minimal use outside of peak hours. This exemption would allow for efficient resource allocation towards essential educational and safety priorities.

Table 3 Bicycle Parking Space Requirements

Halton DSB is committed to promoting and supporting active transportation to schools as a safe, healthy, and sustainable way for students and staff to travel to school. However, the bicycle parking needs of schools differ from those of other public facilities. To better reflect the unique

nature of school-based bicycle parking demand, it is requested that the City exempt Halton DSB from the minimum parking space requirements for both short-term and long-term parking.

An exemption from short-term bicycle requirements would allow the Board to design with greater flexibility, address space and safety concerns, and adapt facilities to respond to actual patterns of bicycle use. This flexibility would also ensure sufficient space is available for safe and convenient access for other forms of active and single-occupant transportation, such as scooters, skateboards, or strollers.

Furthermore, Halton DSB requests an exemption for schools from any specific requirement to provide designated 'long-term' bicycle parking spaces. The concept of 'long-term' bicycle parking, as typically defined for residential or commercial buildings (e.g., secure, weather-protected, often indoors for extended periods), is largely incongruous with the operational patterns of a public elementary or secondary school. While schools provide secure outdoor racks for daily student use, the demand for true 'long-term' bicycle storage for multi-day or overnight periods is negligible or non-existent in the context of a public elementary or secondary school. Mandating such facilities would result in underutilized infrastructure and an inefficient allocation of resources and site space.

By allowing Halton DSB to tailor bicycle parking to real-world needs, the City enables the Board to invest in the most effective facilities for encouraging cycling and other sustainable travel while maintaining a safe function and adaptable school sites.

6.15 d) Loading Spaces

Halton DSB requests an exemption from any requirement for multiple loading docks for school properties, advocating instead for a **minimum requirement of one (1) loading dock per school site**, regardless of school size. It is also requested that there not be a size requirement for Loading Spaces, as the Board will not require full-sized transport vehicles for its delivery needs.

A single, appropriately designed loading dock is fully sufficient to meet the operational needs of any school, regardless of its size. This adjustment to the By-Law would enable the Halton DSB to manage its facilities more efficiently, utilize its valuable land assets more effectively, and avoid additional infrastructure costs, all while maintaining effective support for school operations.

6.16 c) and 6.16 d) Electric Vehicle Parking Spaces

The Halton DSB acknowledges and supports efforts to promote sustainable transportation and EV adoption. However, we respectfully request exemptions from the specific clauses mandating a minimum of 10% of proposed parking spaces be provided as Electric Vehicle (EV) Ready parking spaces (6.16c), including the requirement for Level 2 charging capacity for all EV-ready or installed spaces on school properties. (6.16d)

Mandating Level 2 charging capacity for all EV-ready or installed spaces would incur substantial capital and ongoing operational costs for the Halton DSB. Furthermore, providing readily available charging infrastructure could attract vehicles onto school sites for charging purposes by individuals without legitimate school business, potentially increasing traffic congestion and posing safety concerns within school zones. Lastly, it would also present an equity issue for School Board staff, where only certain staff would benefit from the parking spaces on-site.

Therefore, the Halton DSB seeks an exemption from this requirement to ensure the responsible allocation of public funds while continuing to explore sustainable practices that are genuinely aligned with the operational realities and needs of our school communities.

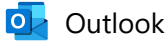
Should you have any questions or require further clarification regarding our comments, please do not hesitate to contact the undersigned. The Halton DSB would be more than open to reviewing its comments in greater detail with the Zoning Team.

Sincerely,

Michelle D'Aguiar

Michelle D'Aguiar
Senior Planner
905-335-3663 ext 3395
daguiarm@hdsb.ca

Cc. F. Thibeault
I. Hopkins
B. Vidovic
D. Gunasekara
I. Gaudet
M. Wildfong
K. Hill Montague
A. Enns
T. Evershed



Outlook

CH Comments: new Residential ZBL, June 26, 2025 draft

From Laura Schreiner <lschreiner@hrca.on.ca>
Date Wed 2025-08-20 3:50 PM
To Lau, Rebecca <Rebecca.Lau@burlington.ca>
Cc Evershed, Todd <Todd.Evershed@burlington.ca>

1 attachment (6 MB)

Public Draft_June 26 2025_Internal Circulation_CH Comments_25.08.20.docx;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rebecca,

Thank you for circulating the June 26, 2025 draft of the new Residential Zoning By-law (ZBL) to CH and giving us an opportunity to comment, as well as for your time in recent meetings to discuss a few of the policies about which I had questions. Attached is a Word version of the June 26, 2025 draft with CH comments in the form of tracked-change text edits and comment bubbles.

Three other high-level comments for you at this stage, which did not fit within the text edits:

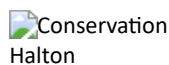
1. CH staff note that recent changes made under OPA 3 (Draft Official Plan to Increase Housing Options) in combination with the new Residential ZBL as currently drafted may unintentionally be allowing more additional dwelling units on properties that do not have safe access (refer to Section 5.2.3.c of the PPS, 2024). **CH recommends further discussion** between CH's planning and water resources engineering teams and the City's policy planning and zoning by-law implementation teams to determine whether edits to the new Residential ZBL are warranted to address this.
2. As mentioned in our previous comments (Email, Laura Schreiner : Mark Johnson, June 6, 2025), CH continues to recommend that any public consultation materials for the new Zoning Bylaw (e.g. display boards, brochures) include the CH regulated area on all drawings/schedules. This will help provide clarity and reasonable expectations for residents and other stakeholders regarding properties that may be located in hazardous lands where additional requirements may apply.

For clarity, CH's regulation limit does not represent a development limit. Consultation with CH is required to determine any potential requirements and what development may be permitted within the regulated area.

3. CH recommends renaming the "HRCA" layer on the online Zoning By-Law Mapping to "Conservation Halton Approximate Regulated Area" for greater clarity for users. (I acknowledge this may not, strictly speaking, be part of the new ZBL, but as it relates to the CH overlay in Schedule A and would assist readers, I wanted to provide this recommendation along with our ZBL comments.)

As always, please let me know if I can clarify any of these comments or suggestions. We appreciate the City's continued consultation with us on the ZBL project and look forward to working together on next steps.

Sincerely,
Laura



Laura Schreiner
Environmental Planner

2596 Britannia Road West, Burlington, ON L7P 0G3
[905.336.1158 ext.2230](tel:905.336.1158) | lschreiner@hrca.on.ca

Suggested Text Edits to By-law from Conservation Halton, Aug. 20, 2025

2.3 Zone Boundaries

When determining the boundary of any **zone** as shown on Schedule A, the following rules apply:

- a) Where a **zone** boundary is shown following a street, **lane**, unopened road allowance; railway right-of-way; or **utility** corridor, the centreline of such street, **lane**, unopened road allowance, railway right-of-way or **utility** corridor is the boundary and the **zone** designations shall be deemed not to be **abutting**;
- b) Where a **zone** boundary is shown as running substantially parallel to a street or **lane**, and the distance from the street or **lane** is not indicated, the distance shall be determined by the scale of the zoning map measured from the limit of the street or **lane**;
- c) Where a **zone** boundary is shown as substantially following **Lot Lines**, the **zone** boundary follows such **Lot Lines**;
- d) Where a **zone** boundary is shown following a watercourse, the top-of-bank of the watercourse, plus a 6 metre erosion access allowance shall be the boundary as determined by Conservation Halton;
- e) Where a **zone** boundary is shown as following **flooding-floodplain** hazard limits established by Conservation Halton, the **zone** boundary shall be the **flooding floodplain** hazard limits **plus a 6 metre access** allowance as determined by Conservation Halton;
- f) Where a **zone** boundary is shown following a natural heritage feature or area, or other key feature including buffers or other wetlands, the boundary shall be determined by the scale of the zoning map. Where **existing** features on the ground are at variance with the zoning maps, the actual location on the ground shall govern;
- g) Where none of the above applies, the **zone** boundary shall be scaled from the Schedule(s); and
- h) The determination of the boundaries of Niagara Escarpment Development Control is administratively the responsibility of the Niagara Escarpment Commission in accordance with regulations passed under the *Niagara Escarpment Planning and Development Act*.

Commented [LS1]: Recommend clarifying this policy to apply only to floodplain, as spill flood hazard behaves differently and zone boundaries would not likely follow spill limits. A 6 m access allowance applies to floodplains the same way it does the top of bank (2.3.e), although it does not apply to the spill flood hazard.

Part 4: Definitions

I

Institutional Use: means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Commented [LS2]: Definition pulled from the PPS, 2024

5.12 Home Occupation

- e) For a **home daycare**, the maximum number of non-resident persons being supervised is five.

Commented [LS3]: Just flagging inconsistent use of "day care" vs. "daycare" (see definitions section).

5.14 Uses Permitted In All Zones

- a) The following uses are permitted in all residential **zones**:
- i) **Schools** subject to Section 5.15;
 - ii) Long-term care facility and **retirement home** subject to Section 5.16;
 - iii) Public and private hospitals subject to Section 5.17;
 - iv) Parks and open space subject to the requirements of the Parks and Open Space **Zones** in Bylaw 2020;
 - v) Places of worship subject to Section 5.18;
 - vi) **Day care centre** subject to Section 5.19;
 - vii) **Group home** subject to Section 5.20;
 - viii) **Correctional group home** subject to Section 5.21;
 - ix) **Emergency shelter** subject to Section 5.22;
 - x) **Boarding house** subject to Section 5.23;
 - xi) **Additional needs housing**;
 - xii) Utilities subject to Section 5.24;
 - xiii) **Community gardens**;
 - xiv) Agriculture Use subject to Section 5.25;
 - xv) **Bed and Breakfast** subject to Section 5.26;
 - xvi) **Model Homes** subject to Section 5.27;
 - xvii) **Temporary Sales Offices** subject to Section 5.28; and
 - xviii) Infrastructure.

Commented [LS4]: Should there be special provisions/section for this?

Subject to compliance with any other rules or standards which are generally applicable and required elsewhere in this Bylaw or any other rules or standards specified for the use in this Bylaw.

- b) **Institutional uses** including hospitals, long-term care homes, **additional needs housing**, **retirement homes**, pre-schools, school nurseries, **day care centres**, and **schools**, are only permitted outside of **hazardous lands**.

Commented [LS5]: Recommended adding the Institutional use definition from PPS 2024 to the Definitions section (see text edit therein).

5.30 Setback To Lake Ontario And Burlington Bay

In addition to the other rules of this Bylaw, the following regulations shall apply:

- a) For **lots** located within 30 m of the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline, all **buildings** and **structures** greater than 15 m² in area shall maintain a **setback** of 30 m from the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline.
- b) The required **setback** in subsection a) may be reduced to the applicable **setback** requirement in the respective **zone** in which the **lot** is located, provided the approval of Conservation Halton is obtained.
- c) For **lots** located adjacent to the Lake Ontario and Burlington Bay shoreline, all **buildings** and **structures** shall maintain a 5 m side **yard setback** along one **interior side Lot Line**. This **setback** may be reduced to the side **yard** standard contained in the respective **zone** in which the **lot** is located, provided that there is a municipal road with direct access to the shoreline, or there is a combined **setback** on two neighbouring properties totaling 5 m, and provided the approval of Conservation Halton is obtained, except that, the following shall be exempt from these rules:
 - i) shoreline protection works,
 - ii) docks,
 - iii) waterfront trails,
 - iv) archaeological restoration projects,
 - v) forest, wildlife, and fisheries management projects, and
 - vi) storm water management and flood control projects.

Commented [LS6]: Please note that this approach (long term stable top of slope) is not how CH determines regulated area or development setbacks along the shoreline. However, since CH retains regulatory control of the shoreline, we do not regularly have issues with this policy as written (5.30.b gives enough flexibility). CH staff is available to discuss further with City staff upon request.

5.31 Setbacks Abutting Creek Blocks and Other Zones

- a) Notwithstanding the other rules of this Bylaw, all **buildings** and **structures** shall maintain the following **setbacks** from a **creek block** or from an O2 **zone**, O3 **zone**, or RG **zone** of Zoning Bylaw 2020:
 - i) 15 m for those areas located on Schedule A;
 - ii) 3 m if **creek block** includes a 3 m buffer from limit of the flood plain and erosion hazards.
 - iii) 7.5 m for all other areas;

Commented [LS7]: CH is not clear what "those areas" of Schedule A refers to. If it refers to CH-regulated areas, CH's 15 metre regulatory allowance is already included in those areas, so this 15 metre setback would be additional. This is not a requirement of CH's. Based on conversation with Rebecca Lau, wherein neither party was clear on the intent of this policy, recommend removing 5.31.a.i unless the City has another reason to keep it.

Commented [LS8]: Please note that CH cannot require or enforce these setbacks. As discussed with Rebecca Lau, development setbacks within regulated areas are managed under CH policies and would be confusing/complex to try to replicate in detail within the ZBL. As discussed, CH recommends removing references to CH from these policies and only retaining whatever setbacks in this section reflect City requirements (e.g. for NHS purposes).

- b) The above provision shall not apply to Uptown Centre, Orchard Community, and Alton Community **zones**, where only the **setbacks** of the base zoning apply.
- c) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of Conservation Halton is obtained where it **is** related to regulated areas.

Commented [LS9]: See above comment. We recommend removing this (5.31.c) reference to CH if reference is also removed from 5.31.a.

5.32 Setback From A Creek

Every **building**, including **accessory buildings** 15m² in size or greater, shall maintain a minimum **setback** of 6 m from the greater of the limit of the flood plain and the top-of-bank of ~~a~~**any** creek **regulated by Conservation Halton, whether which is not** within a **creek block or not**, unless a reduced **setback** is specifically permitted by Conservation Halton.

Commented [LS10]: Please note CH policy is broader than this, with the same provision applying to development activities such as parking lots, grading, and placement of fill. However this policy as written specific to buildings and structures is accurate, just not our entire picture. If the City's intent with this policy is to speak specifically to buildings/structures, we have no comment. If the intent is to reflect CH's policies more broadly, recommend rewording as "Development activities such as placement of buildings including accessory buildings 15m2 in size or greater, grading, and placement of fill shall maintain a minimum setback..."

5.40 Additional Residential Units

- a) Up to three **additional residential units** are permitted on a **parcel of urban residential land** in all Residential **zones** where a **detached dwelling, semi-detached dwelling, street townhouse, or block townhouse** is permitted.
- b) For clarity, **additional residential units** in association with a **street townhouse** are only permitted on a **Parcel of Tied Land** where one townhouse is permitted.
- c) Of the three **additional residential units** permitted in subsection a) two **additional residential unit** may be located within an **accessory building**.
- d) Additional residential units are also permitted in a **zone** preceded by an H (Holding) **zone** prefix in an **existing building** lawfully permitted on the date the amending Bylaw creating the 'H' zoning was enacted or within any additional permitted under Section 2.6.
- e) **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**.
- f) Requirements for minimum floor area per **dwelling unit** and minimum and maximum floor area ratio shall not apply to **lots** with **additional residential units**.
- h) Where an exterior entrance to an **additional residential units** is accessed from an **interior side yard**, the minimum **interior side yard** for the dwelling shall be 1.5 metres.

Please also see text edit as this would apply to all regulated creeks. If 5.31 is edited per above comments to remove reference to CH, this edit would cover all of CH's interest in creek setbacks.

- i) **Tandem parking spaces** are permitted.
- j) Exterior stairs above the **first storey** to an additional **dwelling unit** are not permitted in the **front yard, exterior side yard** and in the required **interior side yard**.
- k) A lawfully **existing accessory building** is permitted to be converted to an **additional residential unit**.
- l) Notwithstanding Section 5.2 c), the floor area of an **accessory building** containing an additional residential unit is permitted to a maximum of 80 square metres.
- m) Notwithstanding Section 5.2 d), the minimum **interior side yard** and **rear yard** for an **accessory building** containing an **additional residential unit** shall be 1.2 m.
- n) A minimum separation distance of four metres shall be provided between the main dwelling on a **lot** and an **accessory building** containing an **additional residential unit**.
- o) A 1.2 metre wide unobstructed pedestrian access shall be provided from the street to the entrance of an **accessory building** containing an **additional residential unit**. A gate may be constructed within the pedestrian access, but no encroachments shall be permitted within the 1.2 metre width.
- p) Notwithstanding Section 5.2 d), the maximum **building height** for an **additional residential unit-detached** shall be 6 metres for a **flat roof** and 7 metres for a peaked roof measured from the **established grade** to the uppermost point of the roof surface.
- q) The second **storey** of an **additional residential unit-detached** shall have a minimum 3 metre **interior side yard** and **rear yard setback**.
- r) **Platform structures** and exterior stairs above the **first storey** and rooftop **amenity areas** are not permitted on or attached to an **additional residential unit-detached**.
- s) **Additional residential units are only permitted on hazardous lands where specifically permitted by Conservation Halton and the City.**

Commented [LS11]: Recommend this be added to manage the development of ARUs within hazards, e.g. spill flood hazards that are found in multiple residential neighbourhoods. CH can permit ARUs within spills where certain safety criteria are met, but not in all cases.



2025-08-27

City of Burlington
426 Brant Street,
Burlington, Ontario
L7R 3Z6

Via e-mail: newzoning@burlington.ca;

**Re: City of Burlington's Draft Phase 1 Zoning Bylaw – Residential Zones
("Draft Zoning By-law") Response on behalf of Canadian National
Railway ("CN Rail") to the Draft Zoning By-law**

To whom it may concern;

CN Rail is pleased to have the opportunity to participate in the City of Burlington's update to the Zoning By-law. It is our understanding that Community Meetings to receive feedback on Phase 1 of the Draft Zoning By-law (Residential Zones) was held on August 14, 2025 and an additional meeting is scheduled for August 24, 2025. We request that the comments herein be considered.

We recognize and understand that there is growing emphasis on the delivery of housing units and strategic intensification as per the Provincial Policy Statement, 2024 ("PPS, 2024"). The Province of Ontario continues to emphasize the importance of maintaining and promoting economic competitiveness in an evolving economy, in addition to the provincial goals to increase housing. As such, the PPS 2024 maintains that development in proximity to rail shall be compatible with, and supportive of, the long-term purposes of goods movement corridors. Additionally, development of sensitive land uses in proximity to goods movement corridors like the CN Rail infrastructure, including rail lines and rail yards, should be avoided. If the development of sensitive land uses cannot be avoided, then the development approvals should be designed to mitigate and minimize potential adverse effects on public health and safety.

CN Rail is the owner and operator of the Aldershot Rail Yard, and several main rail lines in the City of Burlington including all or a portion of the Halton and Oakville Subdivision lines. The Halton and Oakville Subdivision lines transverse the City of Burlington and are an integral component of railway and transit infrastructure. The rail lines and Aldershot Rail Yard are embedded within existing residential neighbourhoods, industrial areas, and open spaces. The Aldershot Rail Yard is located within the middle of the proposed Aldershot GO MTSA Secondary Plan Area, awaiting Minister of Municipal Affairs and Housing approval. The eastern boundary of the Aldershot Yard is approximately Hidden Valley Road, and the western boundary of the Aldershot Yard is approximately King Road.



We are providing this letter on behalf of CN Rail to outline CN's comments regarding Phase 1 of the Draft Zoning By-law for Residential Zones, dated June 2025. CN Rail is of the opinion that the Zoning By-laws are one of the most effective opportunity to introduce robust zoning provisions to protect and mitigate current and future residents/sensitive uses in proximity to rail infrastructure from potential adverse effects from railway operations. **Please note that text in red indicates a requested consideration or proposed amendment to the Zoning By-law.**

***Request:** It is our request that the following feedback on the provisions of the Draft Zoning By-law for Residential Zones be implemented into the final version of the Zoning By-law.*

Land Use Compatibility and Separation Distances for Sensitive Uses

CN Rail objects, in principle, to sensitive land uses within 300 m of a Rail Yard. Within 300 m to 1000 m of a Rail Yard, a proposed development requires a land use compatibility study to determine the required mitigation strategies from rail operations.

Furthermore, CN Rail requires that land use compatibility studies and/or noise assessments are necessary to identify mitigation strategies for sensitive uses proposed within 300 metres of a rail line, such as the Oakville and Halton Subdivisions.

CN Rail acknowledges that several neighbourhoods abut or are in proximity to the Rail Lines and the Aldershot Rail Yard. CN Rail is not suggesting altering existing zones to introduce legal non-conforming uses for existing residential homes within 300 metres of the Rail Lines or Yard. However, CN Rail requests that new zoning does not expand upon, intensify, or introduce new sensitive uses to these areas without the proper land use compatibility assessments being completed, or the requirement for a Development Agreement with CN Rail.

Noise and vibration produced from rail yard and railway operations are extremely difficult to mitigate at source. In addition, there are existing land use planning conflicts in the area of the Aldershot Yard, as a result of yard operations and residential development abutting and in proximity to the yard. CN Rail has received multiple complaints about current yard operations from existing residents in the vicinity of the Aldershot Yard. We also understand that City Council has also received complaints from existing residents due to CN's operations. These complaints represent a real risk to CN Rail's operations and CN's ability to serve industries in and around Southern Ontario.

We acknowledge and appreciate the inclusion of Section 5.34 Setback from a Railway Right-of-Way in the Draft Zoning By-law. Section 5.34 currently states:

Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter and boarding house shall be located no closer than 30 metres from any railway corridor.

However, Section 5.34 does not adequately capture the scope of potential adverse effects from railway operations and facilities as currently written. Nor does it capture all of the sensitive land uses that are contemplated in the draft zoning by-law. CN Rail requests that all sensitive uses not be permitted within 300 m of the Aldershot Yard, and not within 30 metres of a Main Line. Setbacks for uses from a Rail Yard or main line to address rail safety (i.e. derailment) concerns should be 30 m, unless a Development Viability Assessment per FCM-RAC is done to address rail safety matters and design for a crash wall if required.

Furthermore, Section 5.34 of the Draft Zoning By-law does not currently require a land use assessment within certain distances from rail infrastructure for the expansion or introduction of new sensitive uses. Land Use Compatibility impacts from noise and vibration of rail operations on sensitive uses should be studied within 300 m of a rail line or spur. CN Rail's position regarding assessing land use compatibility matter for sensitive land uses from a Rail Yard should reflect the 1,000 m study area in the D-series guidelines. The D-Servies Guidelines are one of several documents which inform the Land Use Compatibility guidelines and procedures as mentioned in the PPS 2024.

CN Rail proposes the following additions to Section 5.34:

Request: *Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter, boarding house, hotel, community centre, and outdoor patio/amenity areas shall be located no closer than 30 metres from any railway corridor.*

Request: *Notwithstanding any other rules in this Bylaw, all sensitive land uses (list above) within 300 metres of Aldershot Rail Yard, shall be prohibited, excluding uses that existed on the date of the passing of this zoning by-law. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road.*

Request: *Development of sensitive land uses (list above) within 300 metres of a rail line shall require a land use compatibility assessment to identify the required land use compatibility mitigation strategies necessary to mitigate the potential adverse effects from railway operations. Such an assessment must identify the legal mechanism to secure*

the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.

Request: *All sensitive land uses (list above) within 1000 metres of Aldershot Rail Yard shall require a land use compatibility assessment to identify the required land use compatibility necessary to mitigate the potential adverse effects from railway operations. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road. Such an assessment must identify the legal mechanism to secure the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.*

Proposed Zoning

The Interactive Zoning Map provided on the City's website provides the location of the proposed zones corresponding to the Draft Zoning By-law. As mentioned, it is acknowledged that the CN Rail Halton and Oakville Subdivisions currently run through many established neighbourhoods in the City. However, CN is of the opinion that it is inappropriate to propose new, higher density and intensified zones near or along railway lines without the appropriate provisions to mitigate potential adverse effects from railway activities. Furthermore, railway property is not clearly identified on the draft mapping.

Request: *CN RAIL requests that the railway properties are clearly identified on the future zoning schedule.*

As mentioned, CN Rail does not wish to amend the proposed zoning to introduce legal nonconforming uses for existing developments within 300 metres of the Rail Line or 1,000 metres of the Rail Yard. However, CN Rail objects in principle to the expansion or introduction of new sensitive uses through as-of-right zoning unless required land use compatibility assessments have been completed, and land use compatibility measures have been incorporated into the Zoning By-law. For example, the Draft Zoning By-law is proposing to change the existing RM2 zones located near Glendor Avenue & Plains Road East, Plains Road East & Maple Avenue, and Fairview Street & Brant Street, to LN8. The table below summarizes the existing and proposed as-of-right zoning for area at Plains Road East and Glendor Avenue:

<p>Current</p> <p>Table 2.7.1 RM Zone Permitted Uses</p> <p>RM2</p>	<p>Proposed</p> <p>Part 7 Residential Zones Table 4: Permitted Uses in All Residential Zones</p> <p>LN 8</p>
<ul style="list-style-type: none"> • Detached Dwelling • Semi-detached Dwelling • Duplex Building • Triplex Building • Fourplex Building • Townhouse • Retirement Home • Lodge, Fraternity, Private Club • Community Institution 	<ul style="list-style-type: none"> • Detached Dwelling • Semi-detached dwelling • Duplex Dwelling • Triplex Dwelling • Fourplex Dwelling • Multiplex • Block Townhouse • Apartment Building

The introduction of the LN8 zone is a substantial expansion of residential uses within proximity of the CN Rail Line. As currently written, there are no zoning provisions in place to secure noise mitigation strategies necessary to protect expanded or newly introduced sensitive uses. In addition, we are not aware of any land use compatibility studies that have been completed to determine whether potential adverse effects can be avoided, or if potential adverse effects cannot be avoided, they have been minimized and mitigated. CN Rail is concerned that this approach to intensification without mitigation leaves limited opportunities in the development approvals process to introduce the appropriate requirements to ensure land use compatibility. As an example, if the lands at Plains Road East and Glendor Avenue are developed into a high-rise apartment building, facilitated by as-of-right zoning, it is not clear what mitigation measures are required and there are no provisions in the Zoning By-law to ensure that the recommended noise mitigation strategies are implemented.

As CN Rail has reiterated, CN Rail does not object to the expansion or introduction of sensitive uses only when it is accompanied by robust planning or legal mechanisms to ensure that recommended noise mitigation strategies, including but not limited to upgraded windows, brick façades, and noise berms, are implemented.

Enclosed Noise Buffers

The CN Rail Aldershot Rail Yard is classified as a Class 3 facility per the D-Series Guidelines. Development near rail yards often require on-building mitigation for nearby sensitive uses, including residential dwelling units. An example of on-building mitigation includes Enclosed Noise Buffers, as permitted through a Class 4 designation for the sensitive land use under NPC-300. It is our recommendation that the City defines Enclosed Noise Buffers and amends the Zoning By-law to prohibit their use. Therefore, any development which requires an enclosed noise buffer as a mitigation strategy must apply for an amendment to the Zoning By-Law.

***Request:** it is our recommendation that a provision prohibiting the use of enclosed noise buffers is added as a general provision in Section 5, to require any development necessitating such mitigation strategy to apply for a Zoning By-law Amendment to Council.*

Planning Act Changes

It is common that mitigation measures with respect to noise and vibration are often executed through the layout of interior and exterior areas, the placement of windows, and the use of upgraded construction materials. It is a misconception between City Staff and Developers alike that all types of land use compatibility measures and recommended mitigation strategies can be addressed at the Site Plan stage of the development approvals process. However, recent *Planning Act* changes have excluded the type and manner of construction from Site Plan Control. Specifically, Section 41, Subsection 4.1 of the *Planning Act* which states that the following matters are excluded from site plan control:

- a) Interior Design
- b) Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).
- c) The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).



- d) The manner of construction and standards for construction. 2006. c.23, s. 16 (5); c. 21, Sched 9, s. 11(3).

Furthermore related to the Site Plan approval process, Section 41, subsection 4.1.1 of the Planning Act states that “The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands”.

As such, the mitigation measures related to noise, including interior design and material requirements, fall outside the scope of site plan control and cannot be secured in the site plan control process. It is for this reason that provisions to require appropriate land use compatibility studies and demonstrate how the recommended noise mitigation measures will be secured, prior to the site plan approval process, need to be included within the Zoning By-law.

It is CN Rail’s preference that intensification along the rail corridor is thoughtfully planned to acknowledge, study, and identify recommended mitigation strategies prior to development approval. As currently proposed, as-of-right intensification along the rail corridor leaves limited opportunities to identify land use compatibility conflicts, and secure recommended land use compatibility mitigation strategies. CN Rail encourages the City of Burlington to ensure proposed areas of intensification along the rail corridor pre-emptively protect land use compatibility through zoning, separate restrictions on title (ie. a CN Development Agreement), or other land use planning approval mechanisms (ie. a Subdivision Agreement). Therefore, it is CN Rail’s preference that as-of-right zoning in proximity to the rail corridor is generally limited to the existing land uses, and that site specific amendments be utilized where land use compatibility mitigation strategies can be assessed and secured. The intended goal is to ensure that public health is protected, and that the economic competitiveness of industries in the City of Burlington is maintained.

Conclusion

We would like to thank you again for the opportunity to comment on the City of Burlington Draft Zoning By-law review (Phase 1). We look forward to continuing to work with the City of Burlington throughout this process to ensure that this important industry is protected in the land use framework in Ontario. Please forward all future documents to proximity@cn.ca and the undersigned.



Thank your time and we look forward to receiving further information on this initiative.

Yours very truly.

WSP CANADA INC.

C. B. John-Baptiste

Chad B. John-Baptiste, MCIP, RPP

Senior Principal, Urban and Community Planning – Ontario

Copy: proximity@cn.ca

Saadia.Jamil@cn.ca