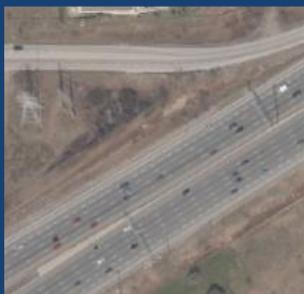
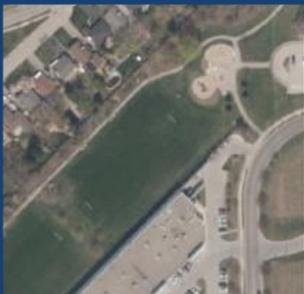


PLANNING RATIONALE REPORT

1510 – 1515 North Service Road & 2202 – 2208
Industrial Street, Burlington

Prepared For Kau G.P. Inc.



Description

PROJECT No.:

DATE:



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CHECKED BY:

MP

DP-001

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1.0 INTRODUCTION

The Biglieri Group Ltd. (“TBG”) was retained by Kau G.P. Inc. (the “Owner”) to provide planning services with respect to a proposed Zoning By-Law Amendment (“ZBA”) of the lands municipally addressed as 1510-1515 North Service Road and 2202-2208 Industrial Road in the City of Burlington (“subject lands” or “lands”). The subject lands are comprised of five parcels (Property Identification Numbers 071320166, 071320168, 071320121, 071320122, and 071320119).

This Planning Rationale Report has been prepared in support of a proposed ZBA for the subject lands to expand permitted uses within the CE-33 and CE-34 zones applicable to the lands. Specifically, the ZBA would allow convenience/specialty food stores (maximum 1 per property, maximum size of 1,800 square metres), automotive uses, recreational establishments, restaurants, and veterinary services — all of which are uses already permitted in the broader Employment Commercial (CE) zone.

The proposal does not include new development but increases leasing flexibility to reduce vacancies. The site, located near major roads (QEW, Hwy 407) and mixed-use areas, is designated for employment growth and intensification in Burlington’s Official Plan. A Holding (“H”) Symbol would apply specifically to Recreational Establishments until a Record of Site Condition (RSC) is filed.

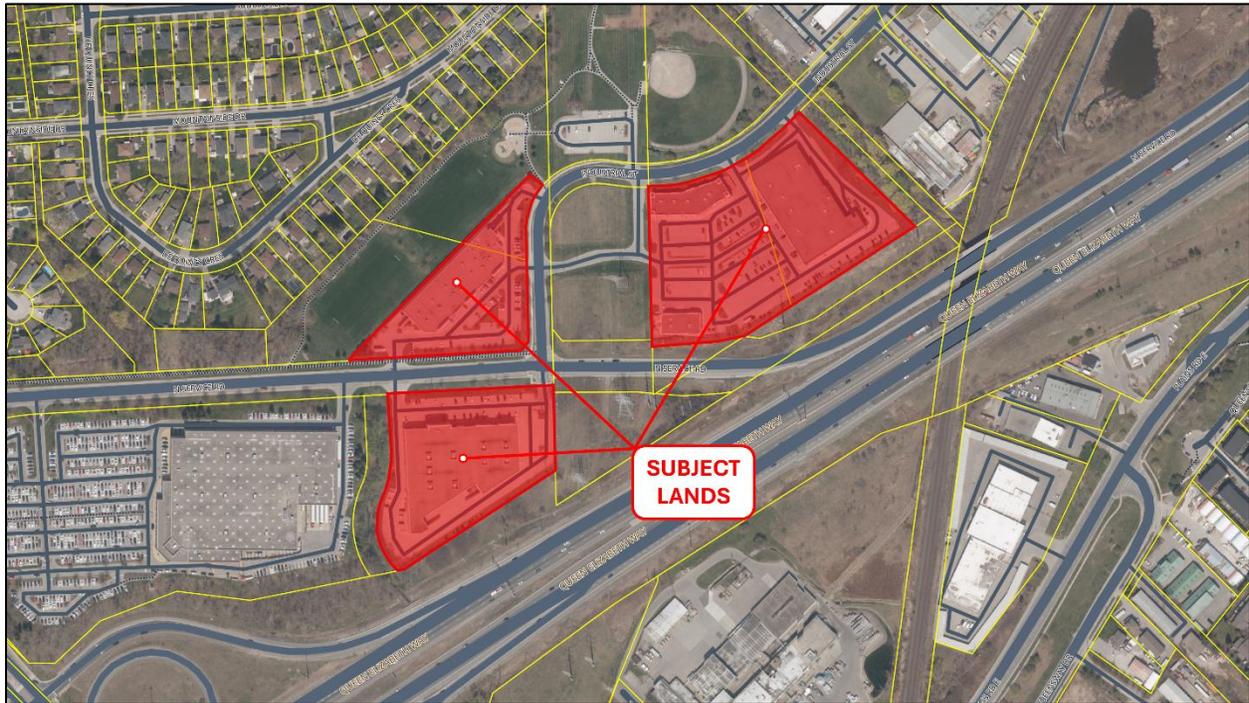
The purpose of this report is to provide an overall planning framework for understanding the proposed ZBA in the context of land use compatibility, economic development, regulatory compliance, and public interest. This report includes: an overview of the subject lands and their surroundings, including nearby land uses; a description of the proposal, including zoning history, and required planning approvals; an analysis of the existing and forthcoming policy and regulatory framework as it relates to the proposal; and a concluding assessment of the merits of the amendment.

In our opinion, the proposed ZBA represents an opportunity to:

- **Enhance the economic viability** of the subject lands by allowing a broader range of commercial and employment uses;
- **Optimize the use of existing buildings** without requiring physical modifications or intensification;
- **Support job growth** by expanding business opportunities within an established commercial and employment area; and
- **Maintain compatibility** with the City’s planning objectives while promoting flexible, market-responsive land use policies.

Overall, the proposed ZBA aligns with good planning principles, supports Burlington’s long-term economic and employment objectives, and enhances the flexibility of commercial leasing within the subject lands.

Figure 2 - Aerial Context Map



2.2 Surrounding Context

The subject lands are located within a mixed-use area that transitions from low-density residential neighbourhoods to highway-oriented commercial and employment lands. To the north, single-detached homes and Roly Bird Park provide a suburban and recreational setting. To the east, industrial and employment lands include warehouses, offices, and other employment businesses. To the south, the QEW supports regional connectivity, alongside large-scale retail and industrial uses and some residential. To the west, commercial plazas with retail (Costco Wholesale), restaurants, and services benefit from proximity to Brant Street, a key arterial road. This diverse setting positions the site as a commercial and employment hub with strong local and regional connections.

North: Low-density residential neighbourhoods, primarily consisting of single-detached homes, organized in a suburban grid layout. Roly Bird Park, which serves as a key public recreational space.

East: Employment lands, including warehouses, office spaces, commercial buildings and other employment businesses. Utility and rail corridors and stormwater management areas.

South: The QEW (Queen Elizabeth Way), a major provincial highway that facilitates regional connectivity. Additional commercial and industrial uses, including large-scale retail plazas and some residential.

West: Commercial plazas, including retail businesses, restaurants, and service-oriented establishments. Proximity to Brant Street, a key arterial road providing local access to Burlington's core.

3.0 PROPOSAL

3.1 Description of Proposal

The “proposal” seeks a Zoning By-law Amendment (ZBA) for the properties at 1510 and 1515 North Service Road and 2202-2208 Industrial Street in Burlington to expand the range of permitted commercial and employment uses while maintaining the existing built form. The subject lands, currently zoned Employment Commercial (CE-33 and CE-34), contain multiple one-storey commercial buildings with existing tenants such as SAIL (outdoor sporting goods), Power Yoga Canada, Tiny Hoppers Daycare, Desi Mandi (grocery store), Floors Plus More, EQ3 Burlington, and Mobilia Burlington.

The proposed amendment will allow additional uses, including automotive uses, recreational establishments, restaurants (including fast food and convenience restaurants), and veterinary services, which are currently restricted under the in-force site-specific CE-33 and CE-34 zones but are permitted within the broader Employment Commercial (CE) parent zone. Additionally, the proposal seeks to increase the maximum floor area for a Convenience/Specialty Food Store to 1,800 square meters per property, removing previous limitations on this use.

To ensure environmental compliance, the amendment includes a Holding ("H") Symbol, which will apply exclusively to recreational establishments, requiring the landowner to obtain a Record of Site Condition (RSC) before such uses can be permitted. The proposal does not include any physical modifications to the site, changes to the built form, or revisions to parking provisions, maintaining the existing layout while enhancing the flexibility of permitted uses.

3.2 Required Approvals

In our opinion, the proposed development has had appropriate regard for the matters of provincial interest set out in the Planning Act, is consistent with the Provincial Planning Statement, and conforms to the Region of Halton Official Plan and City of Burlington Official Plan.

The proposal requires an amendment to the City of Burlington Zoning By-law 2020, as amended, in order to expand the range of permitted commercial and employment uses while maintaining the existing built form, in keeping with the broader Employment Commercial (CE) parent zone. Accordingly, a draft Zoning By-law Amendment has been prepared as part of the complete applications which specifies the specific exceptions for each of the parcels comprising the lands.

4.0 POLICY & REGULATORY CONTEXT & ANALYSIS

4.1 Provincial Planning Statement

On August 20, 2024, the Ministry of Municipal Affairs and Housing (“MMAH”) released a new Provincial Planning Statement (“2024 PPS”). The 2024 PPS is intended to be a streamlined land use policy framework that replaces the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2019. It builds on housing-supportive policies from both documents and provides municipalities with the tools and flexibility to increase housing supply, align development with infrastructure for a competitive economy, support rural viability, and protect agricultural lands, the environment, and public health and safety.

The 2024 PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the 2024 PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. The 2024 PPS came into force and effect on October 20, 2024.

Settlement Areas

Section 2.3 of the 2024 PPS provides policy direction with respect to settlement areas in Ontario, which is a defined term. Settlement areas are urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. Settlement areas are: a) built-up areas where development is concentrated, and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long term.

The subject lands are located within the City of Burlington, which is a settlement area as per the 2024 PPS.

According to Policy 2.3.1.1, settlement areas are the focus of growth and development. In this regard, Policy 2.3.1.2 states that land use patterns within settlement areas should be based on densities and a mix of land uses which:

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

Furthermore, Policies 2.3.1.3 to 2.3.1.6 of the 2024 PPS provides that planning authorities should promote intensification and redevelopment to create complete communities. They must set minimum targets for intensification within built-up areas and are encouraged to establish density targets in designated growth areas. Large and rapidly growing municipalities, such as Burlington (as per Schedule 1 of the PPS), should aim for 50 residents and jobs per hectare. Phasing policies may be implemented to ensure orderly development and align it with the timely provision of infrastructure and public services.

The proposal is consistent with the general policies for settlement areas under Section 2.3.1 by expanding upon the list of compatible uses on lands within a settlement area, promoting efficient land use patterns, and optimizing existing and planned infrastructure. The proposal supports a broader mix of land uses and contributes to intensification, aligning with the PPS policies that encourage the efficient use of land and infrastructure on existing municipal water and wastewater services.

Conclusions

In our opinion, the proposal is consistent with the 2024 Provincial Planning Statement including the policies outlined for efficient use of land and infrastructure within settlement areas.

4.2 Halton Region Official Plan

The Halton Region Official Plan (“ROP”) is a long-range planning document that guides land use and development within the Regional Municipality of Halton. It was adopted to formalize past decisions and to direct future physical development in a way that meets the needs of current and future residents within the Region. The ROP expresses the collective aspirations of Halton Region’s communities, aiming to preserve the quality of life and character of its landscapes while supporting sustainable growth. It provides policy direction for managing land and natural resources, accommodating population and employment growth, delivering regional services, and ensuring conformity with provincial legislation such as the Planning Act and the Municipal Act.

Originally adopted in 1994 as The Regional Plan [1995] and approved (with modifications) in 1995, it replaced the earlier 1980 Regional Plan. Since then, the ROP has undergone several significant reviews and amendments to respond to emerging needs and to align with new provincial policies. Major updates include Regional Official Plan Amendment (ROPA) 25 in 2004, ROPA 38 in 2009 as part of the Sustainable Halton initiative, and more recently ROPA 48 and 49. ROPA 48, adopted in July 2021 and approved with modifications in November 2021, introduced a defined Regional Urban Structure to guide population and employment growth. ROPA 49, adopted in June 2022, updated Halton’s strategy for accommodating future growth, but the Province rescinded its approval in December 2023 through Bill 150. In May 2024, Bill 162 reinstated some components of the original ROPA 49 that were supported by the local municipalities.

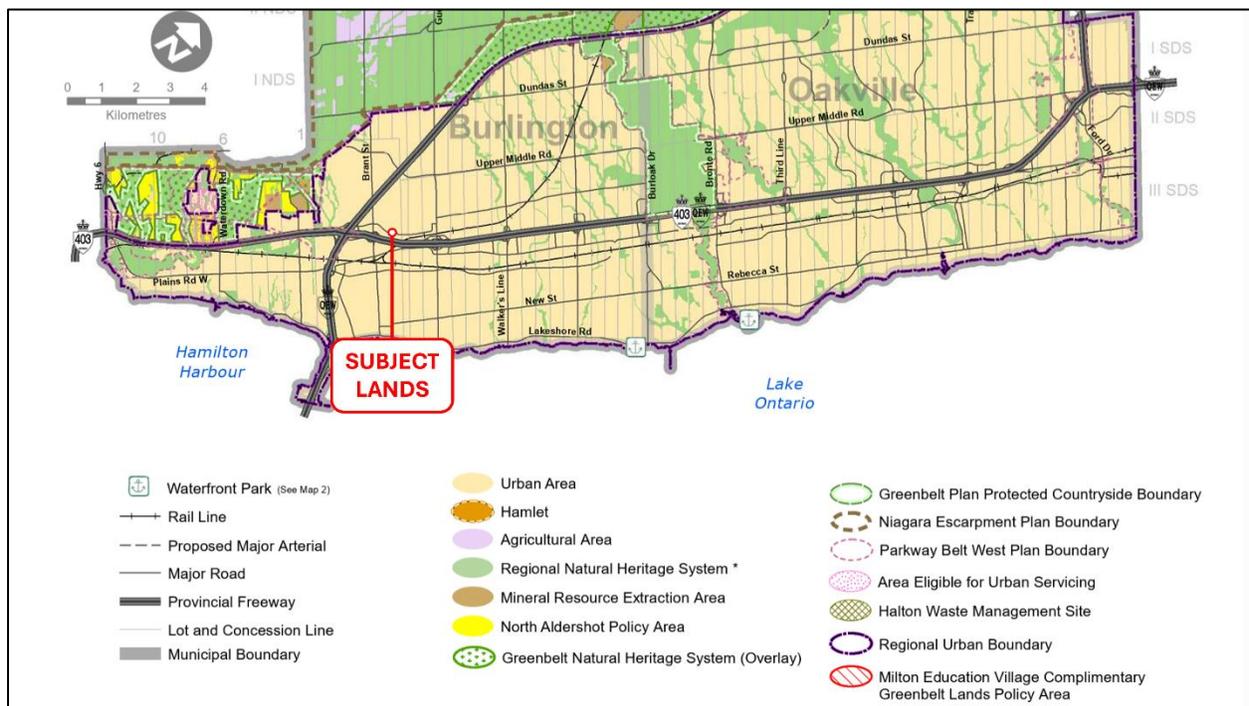
The ROP has been subject to Office Consolidation to incorporate all modifications and approved amendments, with the most recent version dated May 16, 2024. This version includes detailed land use designations, policies on land stewardship and healthy communities, and growth targets extending to the year 2051.

However, as a result of legislative changes introduced through Bill 23, the More Homes Built Faster Act, 2022, and confirmed by Bill 185, the Cutting Red Tape to Build More Homes Act, 2024, Halton Region, since July 1, 2024 no longer retains any planning authority. Since that date, the ROP no longer functions as an official plan of the Region but forms part of the official plans of each local municipality within Halton—namely the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Town of Oakville—unless repealed or modified by those municipalities. This change signifies a major shift in planning governance in Halton Region and places increased responsibility for land use planning on the local municipalities.

Since the ROP continues to offer land use policy direction for the City of Burlington, the policies within it apply to the subject lands and the proposal.

According to the ROP, the subject lands are located within a number of mapped policy areas that together provide direction for their long-term use and development. On Map 1, which outlines the Regional Structure, the lands are situated within the Region’s Urban Area boundary and designated as *Urban Area* (see **Figure 3** below).

Figure 3 - ROP Map 1: Regional Structure



As described in Policies 72 to 77, this designation reflects the Region’s intent to accommodate a significant share of population and employment growth within a framework that supports compact, transit-supportive, and complete communities. Policies 72 and 72.1 of the ROP set out the goal and objectives for the Urban Area and the Regional Urban Structure. The overarching goal is to manage growth in a way that fosters complete communities, enhances mobility, addresses climate change, and improves housing affordability, sustainability, and economic prosperity. The supporting objectives emphasize compact, transit-supportive development; the creation of diverse, interconnected communities; the orderly phasing of growth; protection of employment areas;

balancing jobs and housing; promoting intensification; adaptive re-use of land; and ensuring a range of employment and educational opportunities across the Region.

Furthermore, Policies 74 to 76 of the ROP define the *Urban Area* as the land within the Regional Urban Boundary where urban services are or will be available to support current and future development. The *Urban Area* is intended to accommodate the Region's planned population and employment growth, intensification and density targets, and phasing schedules as outlined in various tables of the Plan. While local official plans and zoning by-laws govern permitted uses and lot creation, all development must also conform to the policies of the Regional Official Plan.

Policy 77 of the ROP outlines how the Region will manage population and employment growth to 2051. It requires Halton and its Local Municipalities to coordinate population and employment forecasts, intensification targets, and phasing schedules in accordance with Tables 1, 2, 2a, and 2b of the Plan.

Tables 1, 2, and 2A from the ROP provide key population, employment, intensification, and phasing data that help rationalize the proposed expanded commercial land use permissions on the subject lands in Burlington.

Table 1 shows that Burlington's population is projected to grow from 195,000 in 2021 to 265,160 by 2051, with employment increasing from 98,340 to 124,390 in the same period. This growth suggests an increasing demand for commercial services, employment-supporting land uses, and amenities within the city. Given that the subject lands are located within the *Urban Area* but outside of Regional Employment Areas, it is appropriate to allow expanded commercial uses that align with population growth, support a broader mix of economic activity, and provide services to the growing residential and employment base.

Table 2 highlights intensification and density targets for Burlington, particularly the goal of 20,500 new housing units within the Built-Up Area by 2051. This reinforces the need for expanded commercial land uses to support intensification efforts by ensuring access to services, retail, restaurants, and employment opportunities within the existing urban framework.

Table 2A provides the phasing framework for new development in Burlington, with 4,790 new units planned within the Built Boundary from 2022-2026, increasing to 5,270 from 2037-2041. Employment growth is expected to rise steadily, reaching 4,300 new jobs by 2041. This steady increase underscores the importance of adaptable land use planning that accommodates commercial, service-based, and employment-supporting uses that are not reliant on traditional industrial employment.

Together, these tables confirm that Burlington is experiencing substantial urban growth, increasing residential intensification, and a demand for improved job opportunities, including those jobs outside strictly defined employment areas. Expanding commercial land use permissions aligns with these trends by promoting economic activity, supporting intensification policies, and ensuring a balanced urban structure that meets the evolving needs of the city's residents and workforce.

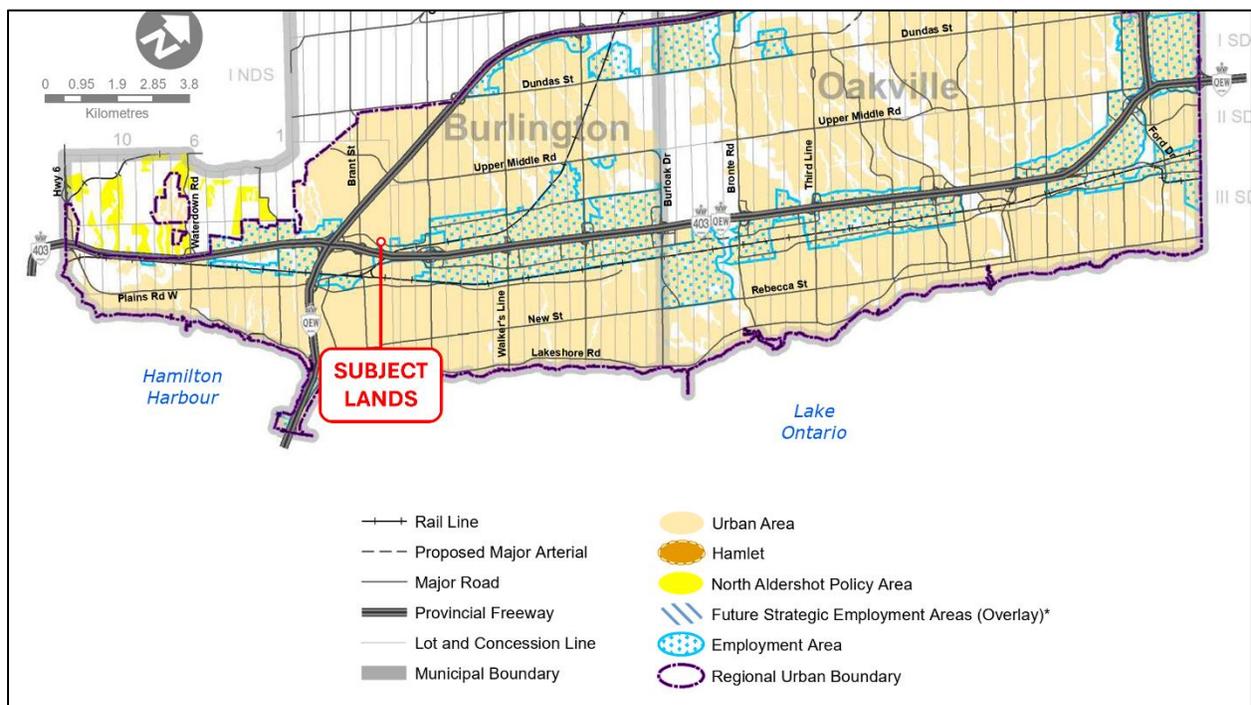
Local municipalities must reflect these forecasts and targets in their official plans and planning processes and prepare detailed area-specific plans for major growth areas. The ROP also requires

financial and infrastructure planning, monitoring of intensification performance, and a strategy to address any deficits in intensification targets.

Overall, the policy ensures orderly, efficient, and sustainable growth by tying land use planning to infrastructure, environmental protection, economic development, and complete community principles. The *Urban Area* is where full municipal services are provided and where development is expected to occur in accordance with both Regional and Local Official Plans. Permitted land uses within the *Urban Area* include residential, commercial, institutional, employment, and recreational uses, subject to the policies of the Plan and conformity with local zoning and planning documents.

On Map 1C, which identifies Future Strategic Employment Areas, the subject lands are shown as being outside of any delineated *Employment Area* (see **Figure 4** below). While they fall within the *Urban Area*, they are not designated for employment-focused uses under the Region’s employment land strategy. As such, these lands are not intended for long-term protection for employment purposes, such as manufacturing, warehousing, or logistics uses. Their designation as *Urban Area* rather than *Employment Area* implies a broader range of potential land uses may be considered, including commercial, residential or mixed-use development, depending on the local Official Plan and zoning permissions.

Figure 4 - ROP Map 1C: Future Strategic Employment Areas



Map 1H, which sets out the Regional Urban Structure, further clarifies that the lands are designated as *Urban Area* and are within the *Built Boundary* but are located outside of any delineated *Major Transit Station Area* (“MTSA”) and outside the boundaries of Regional *Employment Areas* (see **Figure 5** below).

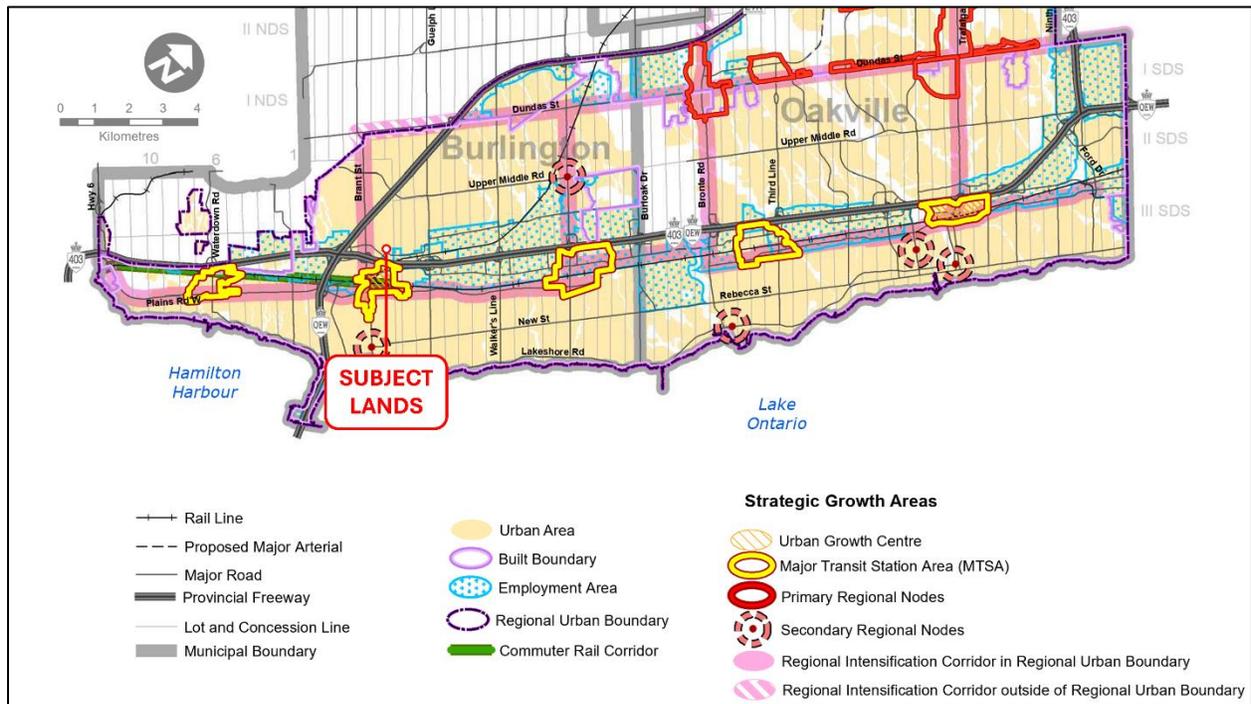
The *Built Boundary* refers to the limits of the area that was already developed and built up as of June 2006, as defined by the Province and incorporated into the Region's planning documents. It forms a key component of the Region's Regional Urban Structure and is distinct from the Designated Greenfield Area, which comprises lands within the *Urban Area* but outside the *Built Boundary* that are intended for future development. The purpose of the *Built Boundary* is to help the Region implement its intensification strategy by clearly identifying where intensification and redevelopment should be focused. Most growth annually to the year 2051 is directed to the Built-Up Area. This supports the creation of compact, transit-supportive, and complete communities, as required by broader goals outlined in Policies 72 and 72.1. The intent of delineating the Built Boundary is to manage growth in a sustainable and cost-effective manner by prioritizing the use of existing infrastructure, reducing urban sprawl, encouraging active transportation and transit use, and protecting the natural and agricultural systems outside the Urban Area. It also plays a role in achieving intensification and density targets set out in Table 2 of the ROP and ensuring alignment with provincial growth management objectives.

Policies 75 - 76 affirms that permitted uses within the *Urban Area*—where both the Built Boundary and Designated Greenfield Area are located—are governed by local official plans and zoning by-laws, provided they conform to the ROP. Therefore, commercial development is permitted and expected in the *Urban Area* (including within the Built Boundary), but the specific types and locations are regulated at the local level.

Policy 77 of the Halton Region Official Plan does not specifically address commercial development within the *Urban Area* or the *Built Boundary* in isolation. Instead, it provides a broad growth management framework that governs how population and employment (including residential, employment, and other land uses) are to be distributed, phased, and serviced to 2051. However, commercial development is implicitly supported within the *Urban Area*, including the *Built-Up Area*, as part of the Region's direction to:

- Promote complete communities (Policy 72.1(3)), which include a mix of residential, employment, and commercial uses.
- Direct growth to the Built-Up Area to achieve a minimum of 45% of new residential development annually (Policy 77(2.1)), which indirectly supports complementary commercial uses.
- Require a balance of jobs and housing and support live-work relationships (Policy 72.1(7)), which may involve commercial employment such as retail, services, and office uses.
- Plan for a range and balance of employment uses, including retail and office (Policy 72.1(10)).

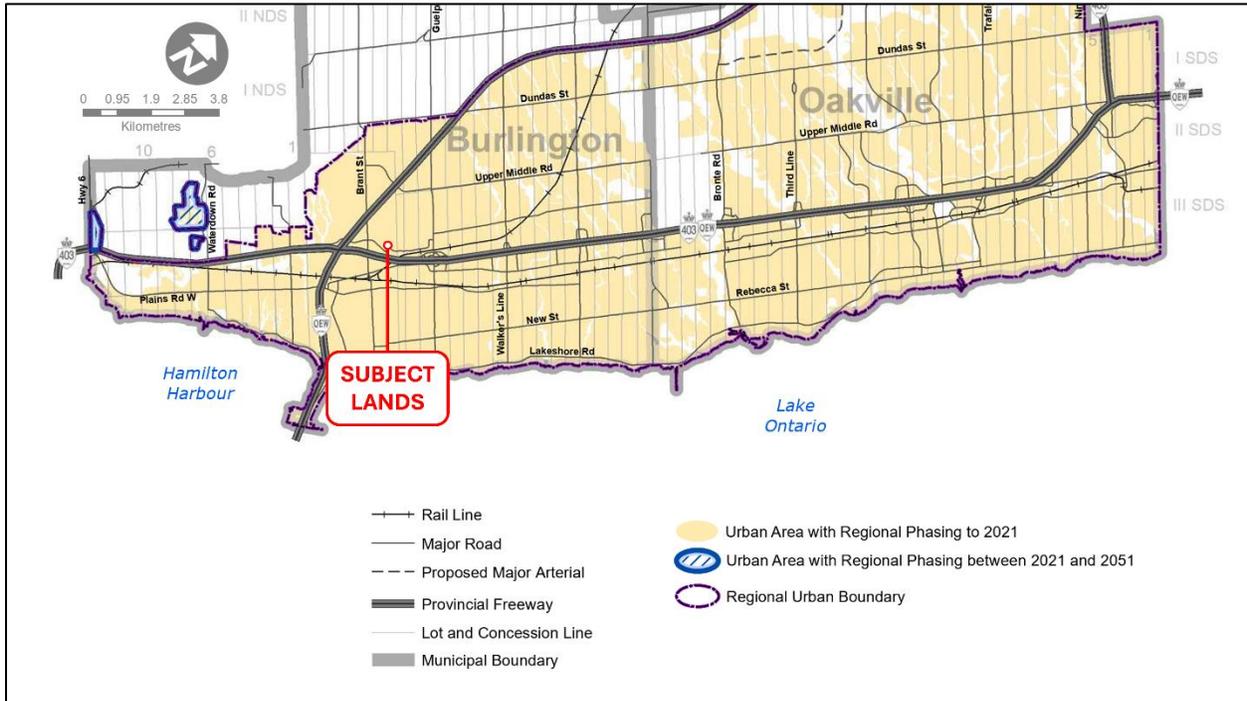
Figure 5 - ROP Map 1H: Regional Urban Structure



Lastly, under Map 5, which outlines Regional Phasing, the lands are located within the *Urban Area* and identified as part of the area phased for development by the year 2021 (see **Figure 6** below). This indicates that the lands are already within the portion of the *Urban Area* intended to be developed in the early phases of the Region’s growth strategy. The inclusion in the 2021 phasing area suggests that the necessary servicing and infrastructure to support development are either in place or expected to be provided in a timely manner. Overall, the combination of these mapping layers confirms that the subject lands are within the serviced and developable part of the Region, though not within areas prioritized for long-term employment land protection.

Policy 55 establishes that Halton’s growth strategy is guided by the distribution of population and employment outlined in Table 1, with planning extended to 2051 through a municipal comprehensive review. Growth is phased according to Map 5 (Regional Phasing) and supported by infrastructure such as transportation and urban services. Policy 77(16) requires Local Municipalities to phase development in accordance with Map 5 and Table 2A, ensuring that growth progresses in an orderly manner within each municipality. The phasing of employment and residential lands is independent, and major planning applications, such as Area-Specific Plans, zoning amendments, and subdivision approvals, must align with these policies. Policy 77(17) mandates that before a Local Municipality approves development within any Regional phase or advances from one phase to the next, specific conditions must be met. These include Regional Council approval of a financial and implementation plan, ensuring infrastructure and public services are in place, and that intensification targets in Table 2 and Table 2A are achievable. Unused phasing allocations from Table 2A can be carried forward to maintain consistency in the Region’s growth management framework.

Figure 6 - ROP Map 5: Regional Phasing



Locational context is key. While the broader *Urban Area* supports a mix of uses—including residential, commercial, institutional, and employment—the subject lands are not within an area the Region has identified for long-term protection as a strategic employment area. As such, the Region has not identified these lands as a critical component of Halton’s employment land base that would necessitate the strict protection of industrial or employment-focused functions.

Furthermore, the 2024 PPS introduces a refined definition of “employment area” that narrows the intended purpose of such areas to clusters of business and economic activities specifically tied to manufacturing, warehousing, goods movement, and research and development connected to manufacturing. Retail and office uses not associated with these primary activities—as well as general commercial and institutional uses—are explicitly excluded from being considered employment area uses under this new definition. This change in policy direction reinforces the need to differentiate between true “employment areas” and other commercial or mixed-use areas that may historically have been captured under broader employment designations.

In this context, the proposed ZBA seeks to broaden the range of permitted uses on the subject lands to include automotive uses, recreational establishments, restaurants (including fast food and convenience restaurants), and veterinary services—uses which are already permitted in the parent Employment Commercial (CE) zone but are currently restricted under the existing site-specific CE-33 and CE-34 zones. These proposed uses are not inconsistent with the policies of the Region’s *Urban Area* designation, which allows for a range of commercial activities that support complete communities. Importantly, they do not conflict with the intent of the PPS definition of “employment areas”, as they are neither located within nor proposed to be added to any delineated employment area within the ROP.

Given this, the proposed ZBA represents a rational and appropriate adjustment that reflects the broader policy shift away from protecting commercial uses within employment areas and instead allows for the evolution of non-core employment sites into more flexible, commercially viable land use configurations. It aligns with the intent of the *Urban Area* designation on lands within the *Built Boundary* in the Halton Region Official Plan and conforms to the updated land use priorities in the 2024 PPS by recognizing that the subject lands are not part of the Region’s strategic employment land supply and can therefore accommodate a broader range of uses.

Conclusions

In our opinion, the proposed Zoning By-law Amendment conforms with the ROP by supporting a mix of appropriate commercial uses within the *Built-Up, Urban Area*, outside of the Region’s protected employment areas. It aligns with the Plan’s vision for complete communities, efficient land use, and economic diversification. The proposal respects the Regional structure and does not compromise the Region’s long-term employment land strategy.

4.3 City of Burlington Official Plan

The City of Burlington Official Plan, as amended (“1997 OP”) is a policy document that guides land use, development, and resource management within the city. It is intended to balance local community interests with provincial policy direction, ensuring that all development aligns with Burlington’s long-term vision. The 1997 OP establishes policy direction for development while allowing flexibility for private-sector initiatives within the public interest. It also defines when and how amendments to the plan can be made. The 1997 OP integrates Burlington’s planning policies with the broader Halton Regional Official Plan and provincial frameworks such as the former Provincial Policy Statement, the Niagara Escarpment Plan, the Greenbelt Plan, and the former Growth Plan for the Greater Golden Horseshoe.

Originally adopted in 1994, the Burlington OP was approved by Halton Region in 1997 and has been subject to multiple amendments over the years. The most recent office consolidation incorporates modifications and updates as of July 30, 2024.

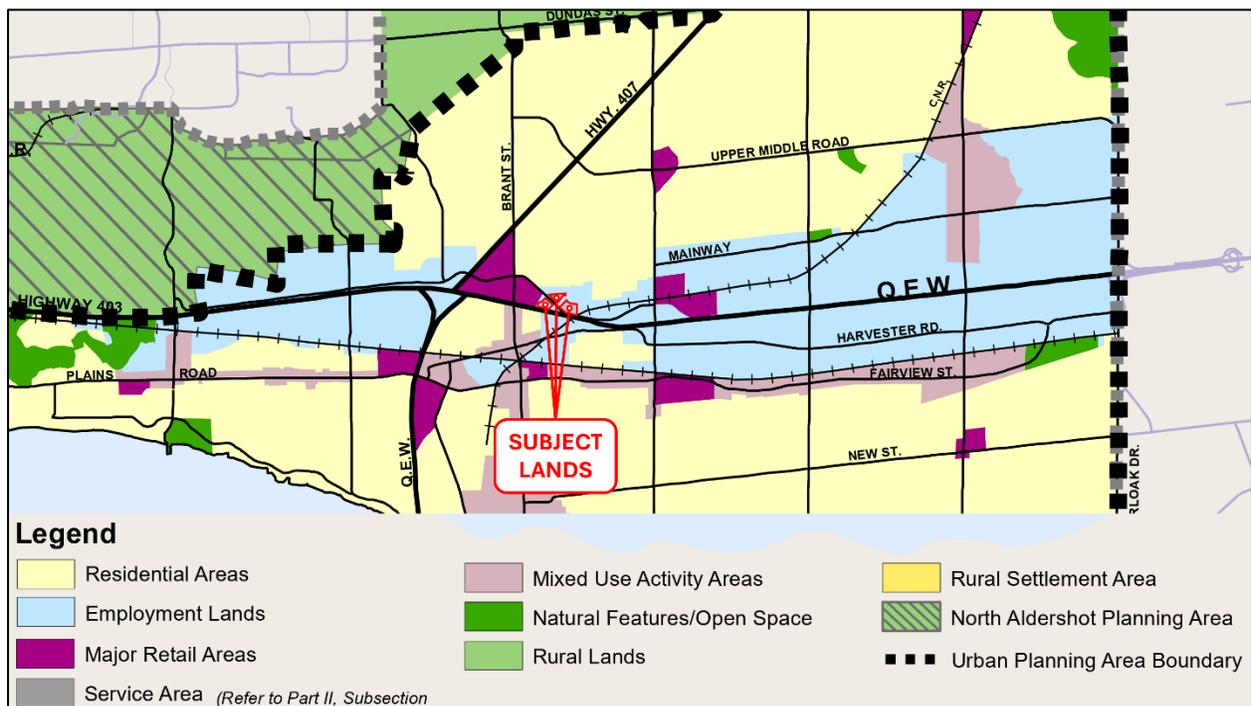
Recent amendments to this version of the Burlington OP include updates to conform with the former Provincial Growth Plan, intended to ensure that the city accommodates projected population and employment growth. Other amendments focused on zoning and land use changes, including increased density permissions for residential developments and new mixed-use and commercial designations in areas previously set aside for employment. Additionally, there have been efforts to integrate sustainable development guidelines into planning policies, although some amendments in this area have been deferred for further review.

The 1997 OP is now largely outdated, having been functionally replaced by the Burlington Official Plan, 2020, which was approved by Halton Region on November 30, 2020, with modifications. The July 2024 Office Consolidation of the 2020 OP incorporates all subsequent amendments up to July 2, 2024, reflecting a more modern approach to land use planning that aligns with updated provincial policies and growth projections. However, because the 2020 OP remains under appeal, it has not yet come fully into force, leaving certain aspects of planning policy unresolved.

While these appeals are being addressed, parts of the 1997 Official Plan will remain in effect, continuing to govern development where the 2020 OP cannot yet be applied. This creates a policy misalignment, as the 1997 OP does not fully reflect Burlington’s updated growth management strategies or the latest provincial planning directions, including the transition from the now-repealed Growth Plan for the Greater Golden Horseshoe to the 2024 Provincial Planning Statement. Until the appeals are resolved, and necessary updates are made to bring the 2020 OP into full conformity with the 2024 PPS, Burlington must continue to navigate planning decisions using a combination of the in-force 1997 OP and the partially applied 2020 OP.

According to the 1997 OP, the subject lands are located within the area identified on Schedule A – Settlement Pattern as *Employment Lands* (see **Figure 7** below). This schedule is intentionally high-level and generalized in nature, representing only nine broad land use categories across the urban area. Its purpose is to provide an overview of the structural organization of the City rather than detailed, site-specific land use permissions. The identification of the subject lands as *Employment Lands* signals their intended role in accommodating economic activity; however, it does not on its own confer any detailed permissions or zoning entitlements. For that, one must turn to more specific designations and written policies found elsewhere in the 1997 OP.

Figure 7 - 1997 OP Schedule A: Settlement Pattern



The general policies on *Employment Lands* in the 1997 OP are set out in Section 3.0 and are intended to preserve and promote a strong and diverse economic base by ensuring an adequate supply of land for industrial, manufacturing, office, and related employment uses.

Commercial uses are permitted within these *Employment Lands* but are limited in scope and carefully controlled to maintain the primary employment function of these areas. As per Policy 3.2.2(b), retail and service commercial space may only occupy a small portion of a building—up to 15% of total floor area for most industrial or office uses, or 25% for smaller buildings under 1,000 square metres—and only for the retail sale of goods manufactured, processed, or assembled on-site. This restriction reinforces the 1997 OP’s goal to support employment-generating uses while avoiding land use conversions that might undermine the City’s long-term employment land supply.

The overarching intent, as stated in Policies 3.1(e) and 3.2.1(e), is to allow only a limited amount of retail and service commercial uses on *Employment Lands*, ensuring they remain viable and attractive to businesses and industries. Any proposal to expand commercial permissions or re-designate employment lands must meet a comprehensive set of criteria under Policy 3.2.2(d), including consistency with provincial planning policies, no negative impact on the employment land base, compatibility with surrounding uses, and clear justification of need or benefit to the community. Overall, the Plan supports a full range of employment uses while permitting commercial uses only when they are accessory or clearly supportive of employment functions.

Again, detailed land use permissions are found the specific urban land use designations and written policies found elsewhere in the 1997 OP.

On Schedule B – Urban Land Use Plan, which provides more detailed land use direction, the subject lands are designated as *Employment Commercial* (see **Figure 8** below). A review of the mapping suggests that a small sliver of 1510 North Service Road may also be designated as *Regional Commercial*, with a conceptual watercourse illustrated near the southwest corner of that parcel. However, given the inherent limitations of the Official Plan schedules, this mapping may not be fully accurate. Rather, we interpret the planned intent for the site to be limited to the *Employment Commercial* designation. The boundaries of land use designations shown on the schedules are approximate unless they coincide with clearly defined physical features such as roads, railways, property lines, or hydro corridors. The schedules are conceptual tools intended to be read alongside zoning maps, property surveys, and the detailed policy framework.

The *Employment Commercial* land use designation in the 1997 OP (as amended by OPA 55) is intended to provide strategically located areas within the city that support a broad range of employment-generating activities, particularly those that do not fit neatly within traditional retail or employment categories. As outlined in Policies 4.2.2(a)(iii) and 4.5.1, the intent of the designation is to accommodate both conventional employment uses and specialized commercial uses that demonstrate employment characteristics. These may include businesses that primarily serve other businesses, operations requiring expansive land areas, or uses typically found adjacent to or within employment areas. Importantly, the designation is not intended to support retail that caters to the daily or weekly shopping needs of local residents, which is instead directed to Regional, Community, or Neighbourhood Commercial areas as described in Policy 4.2.2(c).

Permitted uses within the *Employment Commercial* designation are detailed in Policy 4.5.2(a) and include all uses allowed in the *General Employment* designation (such as office, industrial, and light manufacturing uses), as well as commercial sales and services directed toward the business community or those involving significant wholesaling, processing, or warehousing components. In addition, retail uses may be permitted provided they require large land areas or building footprints—

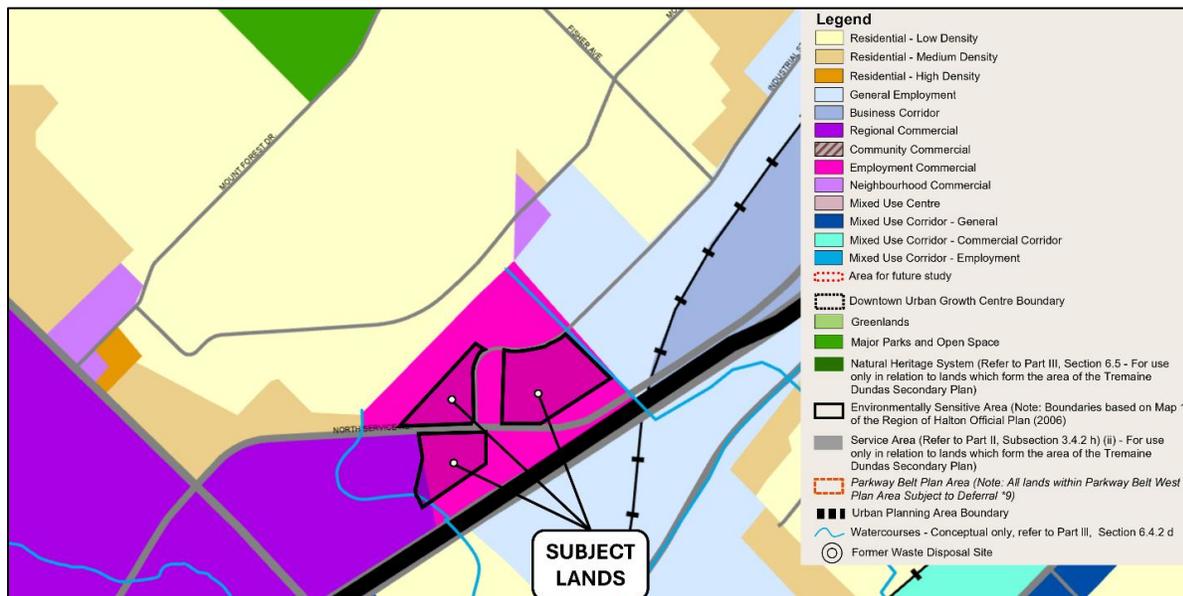
typically with outdoor storage or display—and are characterized as infrequent shopping destinations. Examples include home improvement and home décor retailers with associated warehousing space. However, these uses are subject to further performance standards. For example, under Policy 4.5.2(b), a minimum individual retail store size of 1,000 square metres is generally required, unless the lands are specifically exempt, such as those along the North Service Road east of Brant Street.

According to Part III, Policy 3.3.2.a), the following uses may be permitted within the *General Employment* designation, which are therefore, also permitted in the *Employment Commercial* designation:

- (i) industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses; offices uses; research and information processing; recreational uses; large scale motor vehicle dealerships; and adult entertainment uses;
- (ii) a limited range of retail uses such as convenience stores, and a limited range of service commercial uses such as restaurants and banks, subject to the provisions of Part III, Subsection 3.3.2 d);
- (iii) in locations adjacent to residential areas, only uses that would have a limited impact on the surrounding area will be permitted; and
- (iv) a residence for a watchman or caretaker.

Part III, Policy 3.3.2 d) provides that retail and service uses in employment areas must primarily serve nearby businesses and employees. They are only allowed on sites with buildings totaling over 3,000 square metres. Ancillary uses can occupy up to 15% of any one building, except restaurants, which can occupy 100% of a building if the site exceeds 3,000 square metres in total, the combined restaurant space stays under 15% of total site floor area, and the site has access to an arterial road. Automotive uses like gas stations and car washes are exempt from these size limits.

Figure 8 - 1997 OP Schedule B: Urban Land Use Plan



The designation is also guided by a set of planning controls and limitations intended to ensure compatibility and functionality. As per Policies 4.5.2(c) and (d), the maximum floor area ratio is 0.3:1 (or 0.5:1 for offices), and zoning may limit the full range of uses or intensity of development on a site-specific basis depending on considerations like traffic, compatibility, and environmental constraints. Moreover, Policy 4.5.2(e) affirms that the City does not intend to designate new lands for *Employment Commercial* use, and Policy 4.5.2(f) outlines rigorous criteria for any re-designation proposals, including requirements for arterial road access, traffic impacts, market need, compatibility, and servicing.

In summary, the purpose and intent of the *Employment Commercial* designation is to provide space for hybrid commercial-employment uses that support the broader business community and complement nearby employment areas, while restricting retail and service uses that would compete with or undermine the function of designated commercial centres. Commercial uses are therefore permitted conditionally, not as-of-right, and must demonstrate alignment with the employment-focused character of the designation and the broader policy framework of the Official Plan.

The proposed ZBA for the subject lands conforms with the 1997 OP (as amended), specifically within the framework of the *Employment Commercial* land use designation as outlined in Sections 4.2.2 and 4.5. The 1997 OP supports the development of strategically located areas that accommodate a broad range of employment-generating activities and commercial uses that exhibit employment characteristics. The proposed expansion of permitted uses—including automotive services, recreational establishments, restaurants, and veterinary services—aligns with the intent of the *Employment Commercial* designation, which is to permit commercial uses that are generally larger in scale, serve the business community, and are not intended to meet the regular daily retail needs of the local residential population (Policy 4.2.2(a)(iii), Policy 4.5.1).

The proposal maintains the existing built form and land use character of the lands and introduces no physical expansion or land conversion that would undermine the function of the City's Employment Lands. It also preserves the employment focus of the site by maintaining and enhancing the mix of business-serving commercial tenants, in keeping with the objectives of Policy 3.1 and Policy 3.2. Moreover, the introduction of a Holding ("H") symbol for recreational uses tied to environmental compliance is consistent with the Plan's direction to manage site-specific conditions and mitigate potential impacts (Policy 4.5.2(d)).

Although the 1997 OP applies a controlled approach to retail and service commercial uses within employment areas—typically requiring a demonstrated employment relationship or large-format, infrequent shopping characteristics—the subject lands are uniquely situated along the North Service Road, east of Brant Street. As recognized in Policy 4.5.2(b), this area is exempt from the 1,000-square-metre minimum floor area requirement for retail stores, acknowledging a more flexible application of retail-related permissions in this corridor. The proposal's request to increase the maximum floor area for a convenience/specialty food store to 1,800 square metres is reasonable within this policy context, especially considering the site's current and historic commercial function and the fact that it continues to operate in a manner consistent with the employment-serving intent of the designation.

Conclusions

In our opinion, the proposed ZBA to expand the list of permitted commercial uses on the lands conforms with the policy direction of the 1997 OP by preserving the existing character of the site, expanding uses in a manner that remains compatible with the surrounding context, and respecting the limits and intent of the *Employment Commercial* designation. The proposal advances the OP's goals of maintaining a strong economic base, supporting private-sector investment, and ensuring a balanced land use structure that accommodates both traditional and evolving forms of employment.

4.4 New City of Burlington Official Plan

The New City of Burlington Official Plan, 2020 ("2020 OP"), is the City of Burlington's primary land use planning document that outlines a comprehensive vision for how the city will manage growth and development to the year 2031 and beyond. Adopted by City Council on April 26, 2018 and approved with modifications by Halton Region on November 30, 2020, the 2020 OP represents a significant shift in planning direction, focusing on accommodating growth through intensification within the existing urban area. This approach reflects the City's transition from a predominantly suburban community to one that is more urban, sustainable, and resilient. The Plan was originally prepared in conformity with provincial legislation and policies, including the *Planning Act* and the former Growth Plan for the Greater Golden Horseshoe, and was intended to align with the Halton Region Official Plan as it existed at the time.

The intent of the 2020 OP is to manage and direct physical change in Burlington while protecting social, economic, built, and natural environments. It provides a framework for development that supports the creation of complete communities, which are compact, livable, and inclusive, with convenient access to jobs, housing, services, transportation, and open space. The 2020 OP emphasizes the protection of established neighbourhoods, natural heritage systems, and agricultural lands while directing new population and employment growth to specific areas of the urban structure such as the downtown, major transit station areas, and mixed-use nodes and corridors.

Not all parts of the 2020 OP are currently in effect. Following its approval, several sections were appealed to the Ontario Land Tribunal. A decision issued on January 4, 2023 confirmed that some policies took effect on December 22, 2020, while others remain under appeal. As a result, the City relies on a combination of the in-force portions of the 2020 OP and the 1997 OP, which continues to apply where appeals are unresolved. Policies not in effect are highlighted in yellow in the Plan and are considered informative but not binding.

As of July 1, 2024, the *Planning Act* was amended to remove Halton Region's role as an upper-tier planning authority. The Halton Region Official Plan is now deemed the local plan of each lower-tier municipality, including Burlington, until amended or repealed by each municipality. Accordingly, land use planning in Burlington is currently governed by a combination of the applicable parts of the ROP, the 1997 OP, and the in-force sections of the 2020 OP (three official plans).

To address this layered framework, the City is undertaking a realignment of the 2020 OP to streamline policies and align with updated provincial direction. The current version of the 2020 OP, consolidated

as of July 2, 2024, includes all approved modifications and amendments, though legal status must be confirmed through official records and OLT decisions. Users must review all relevant schedules, definitions, appeal statuses, and explanatory notes to determine which policies apply to a given property.

According to Schedule A – City System of the 2020 OP, the subject lands are located within the *Urban Area*. However, this schedule is highlighted in yellow, indicating that it is currently under appeal and therefore not in force or effect (see **Figure 9** below). Schedule B – Urban Structure identifies 1510 North Service Road as falling within the *Mixed-Use Nodes and Intensification Corridors*, while the remainder of the subject lands are designated as *Lands Designated for Employment Uses* with an overlay labelled *Region of Halton Employment Area* (see **Figure 10** below). It is important to note that this overlay does not align with the current Halton Region Official Plan (ROP), as the subject lands fall outside the *Employment Area* boundaries shown on ROP Map 1C: Future Strategic Employment Areas and Map 1H: Regional Urban Structure. Like Schedule A, Schedule B is also under appeal and not in force. Schedule B1 – Growth Framework shows the subject lands within the *Delineated Built Boundary* and part of an *Employment Growth Area*, but this schedule is likewise under appeal and has no current legal effect (see **Figure 11** below). Lastly, Schedule C – Urban Land Use Plan designates the subject lands as *Employment Commercial Centre*; however, it too is highlighted in yellow, meaning it is under appeal and not in force or effect (see **Figure 12** below).

Figure 9 - 2020 OP Schedule A: City System

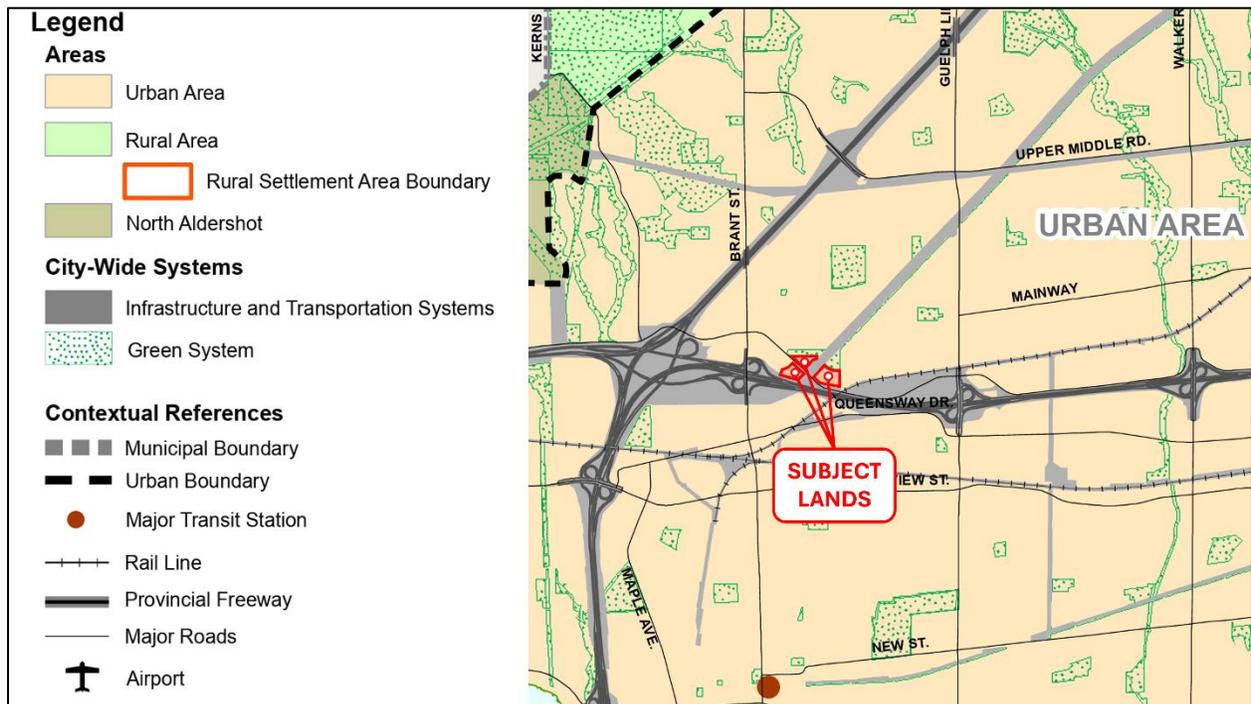


Figure 10 - 2020 OP Schedule B: Urban Structure

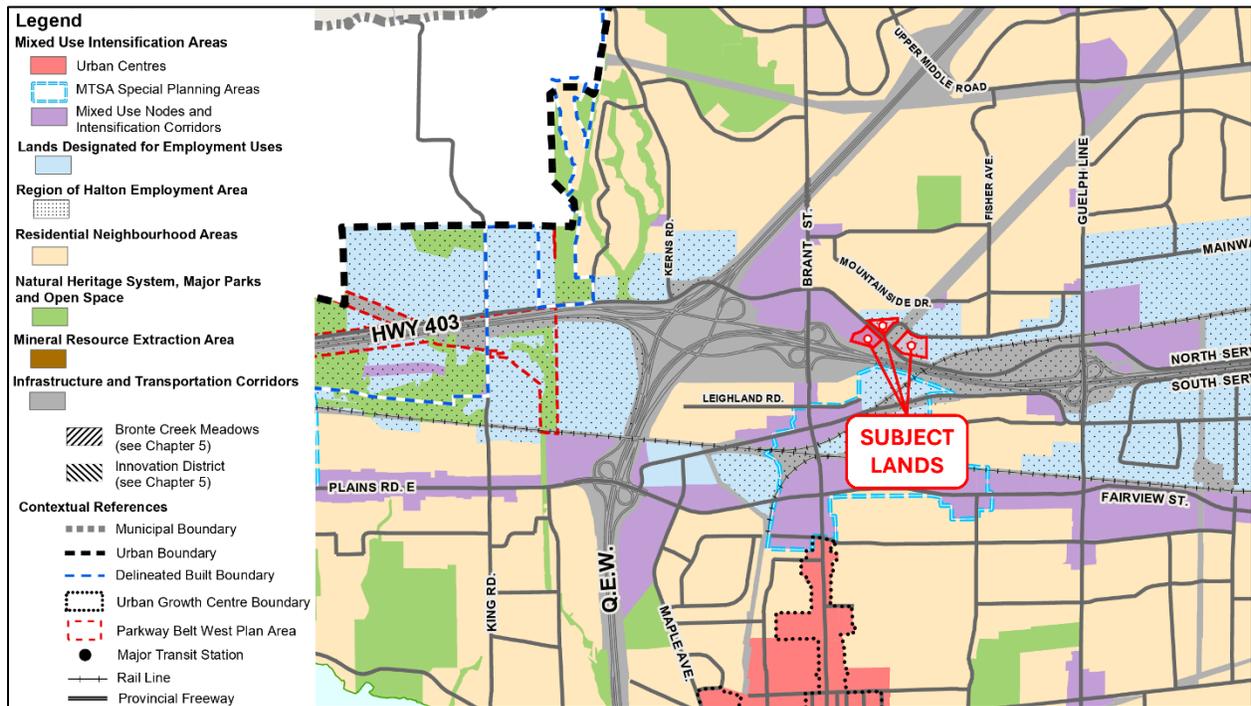


Figure 11 - 2020 OP Schedule B1: Growth Framework

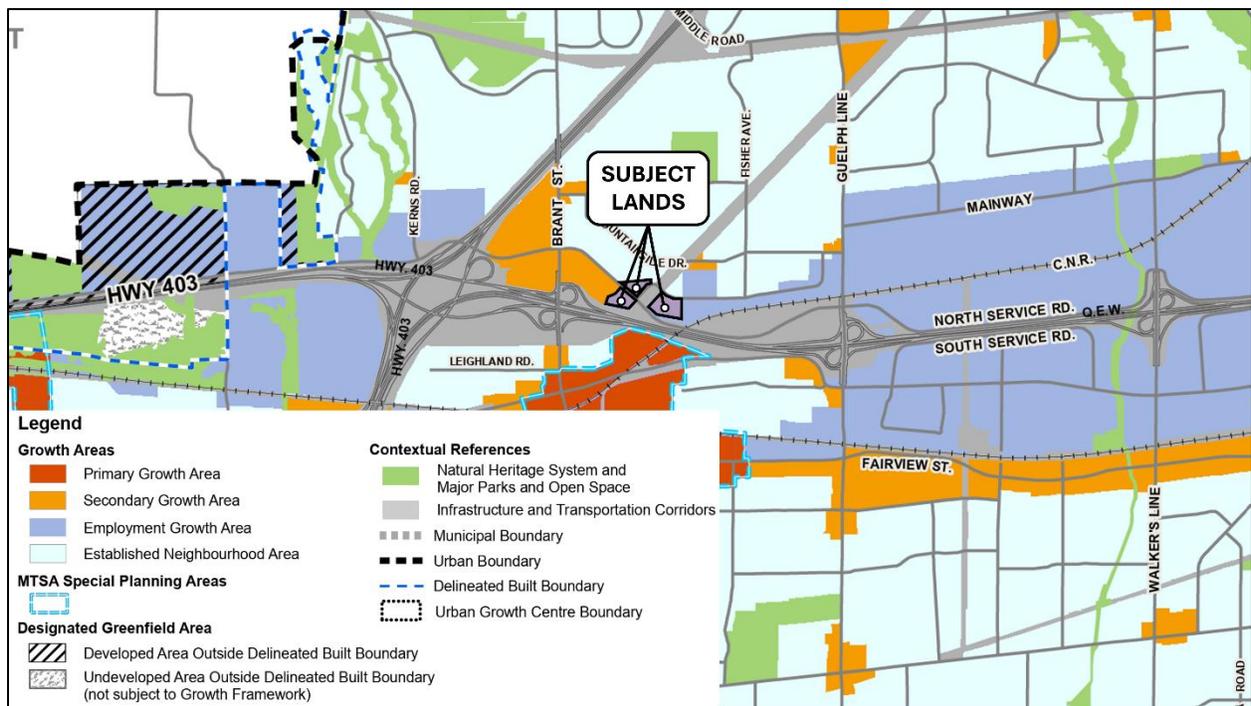
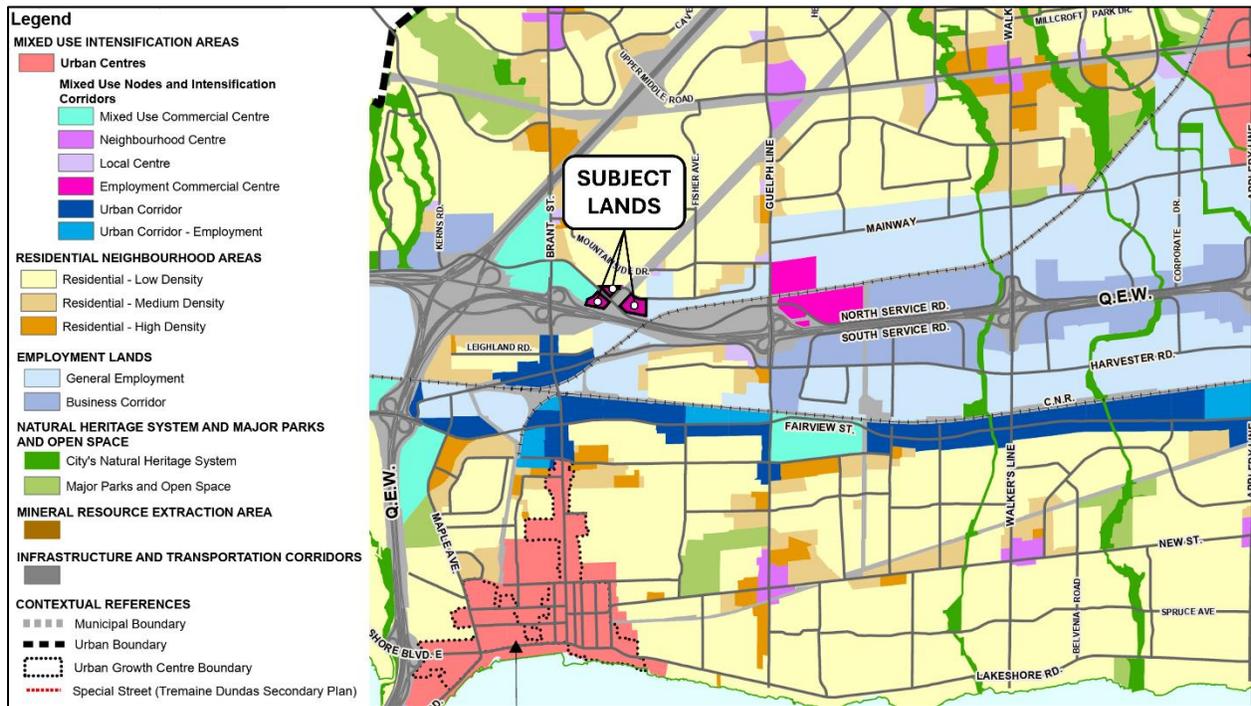


Figure 12 – 2020 OP Schedule C: Urban Land Use Plan



The purpose and intent of land within Burlington’s *Urban Area* is to manage growth by focusing development and intensification within existing built-up areas (“Delineated Built Boundary”), as the City transitions from a suburban to a more urban and sustainable community. This shift is necessary to meet provincial directives, which require Burlington to accommodate growth within its current urban boundaries. Intensification is directed to specific areas where it can be supported by existing or planned infrastructure, while protecting established residential neighbourhoods from major change and preserving agricultural and natural heritage lands outside the Urban Area (Policy 1.4.2).

The *Urban Area* of the City is intended accommodate the majority of forecasted population and employment growth (Policy 2.2.1). It includes lands serviced by municipal water and wastewater systems and is organized through a detailed Urban Structure (Policy 2.3), which defines distinct functions for areas such as mixed-use intensification zones, employment lands, residential neighbourhoods, and natural heritage features. Growth will be focused in areas identified through the Growth Framework (Policy 2.4), which differentiates between *Primary Growth Areas*, *Secondary Growth Areas*, *Employment Growth Areas*, and *Established Neighbourhood Areas*. The Growth Framework is designed to communicate where the City is planning for significant change and where intensification is generally discouraged (Policy 2.4.1).

This targeted approach supports efficient use of infrastructure and transit, promotes complete communities with diverse housing, mobility options, and access to services, and helps reduce greenhouse gas emissions while supporting a strong economy (Policy 2.1). Chapter 8 of the Plan contains more detailed policies for the various land use designations within the Urban Area, which must be read together with other applicable policies.

Mixed Use Nodes and Intensification Corridors, on the other hand, are specific areas intended as strategic locations for compact, higher-intensity development integrating a mix of residential, commercial, and employment uses. These areas are intended to support efficient use of infrastructure, promote transit use, encourage walkability, and foster the creation of complete communities. While commercial uses are permitted, the specific range and type of uses depend on the underlying land use designations. *Mixed Use Nodes* are divided into four designations—*Mixed-Use Commercial Centres*, *Neighbourhood Centres*, *Local Centres*, and *Employment Commercial Centres* — each with varying functions, scales, and intensities. Commercial uses are central to all these designations, though residential uses are prohibited in *Employment Commercial Centres* to maintain their employment-supportive function.

Intensification Corridors are generally located along major arterial roads and are classified into Urban Corridor and Urban Corridor – Employment Lands. Urban Corridors allow for mixed uses, including commercial and residential, especially at key intersections and transit hubs. In contrast, Urban Corridor – Employment Lands prohibit major retail and residential uses, focusing on employment with some accessory retail and service commercial uses at-grade. General objectives for *Mixed Use Nodes and Intensification Corridors* (Policy 8.1.3(1)) include creating vibrant, pedestrian-friendly, transit-accessible areas that integrate residential and commercial uses while ensuring compatibility with surrounding neighbourhoods. The policies promote a diverse housing mix, sustainable built forms, efficient infrastructure, and the preservation of community identity. General policies (Policy 8.1.3(2)) support these objectives by guiding orderly development, encouraging comprehensive site planning, maintaining existing commercial functions, and ensuring compatibility with adjacent residential areas. Provisions also address land assembly, infrastructure coordination, and retention of essential services such as food stores during redevelopment.

All policies under Section 8.1.3 remain under appeal and are therefore not in force or effect.

Policy 2.3.3 sets out the policy direction for lands identified as part of the *Region of Halton Employment Area* in the 2020 OP and is under appeal. This policy emphasizes the joint responsibility of the City and the Region of Halton to protect and preserve designated employment areas for current and future use. Lands within the Region of Halton Employment Area are shown as an overlay on Schedule B and are governed by the Regional Official Plan in case of conflict. These areas are intended to support a diverse economic base and provide a range of employment opportunities, while prohibiting residential and major non-employment uses, except in limited cases permitted by the Regional Plan.

It is again noted that this overlay does not align with the current Halton Region Official Plan (ROP), as the subject lands fall outside the *Employment Area* boundaries shown on ROP Map 1C: Future Strategic Employment Areas and Map 1H: Regional Urban Structure. Like Schedule A, Schedule B is also under appeal and not in force.

Policies 2.4.1(b) and 2.4.2(4) provide direction on land within Employment Growth Areas (both policies are under appeal). Policy 2.4.1(b) identifies Employment Growth Areas, along with Primary and Secondary Growth Areas, as locations where the City plans to accommodate significant employment and population growth through higher intensity mixed uses, helping to shift Burlington from a suburban to a more urban form.

Policy 2.4.2(4) defines Employment Growth Areas as employment-focused designations outside of the Primary and Secondary Growth Areas, identified on Schedule B-1. These areas are intended to support intensification of employment uses and are expected to accommodate a large share of Burlington's future employment growth. All forms of employment intensification are permitted, provided they align with the permissions of the underlying land use designation.

While commercial uses are generally permitted, they must comply with the underlying land use designation.

Accordingly, the 2020 OP designates the subject lands as *Employment Commercial Centre*. The Policies of 8.1.3(6) establish direction for lands designated *Employment Commercial Centre*. Policy 8.1.3(6) and 8.1.3(6.2) are under appeal; but Site-specific policy 8.1.3(6.3)(b) is in force and effect, which applies to the subject lands.

The *Employment Commercial Centre* designation provides locations near designated *Employment Lands* for a broad mix of employment-related and large-format commercial uses (Policy 8.1.3(6.1)). These areas are intended for uses that serve the business community, require large land areas, and are not intended to meet the daily or weekly shopping needs of surrounding residential areas. Over time, these areas may transition to more compact built forms but will retain their core employment and commercial functions.

Under Policy 8.1.3(6.2) (under appeal), commercial uses are permitted, including retail and service commercial uses that support business activities, large-format or infrequent shopping uses, hospitality, entertainment, and recreation. Industrial, office, and automotive commercial uses are also allowed. However, residential uses are prohibited. Minimum building heights of two storeys are encouraged, and retail units are generally expected to be at least 1,000 square metres in size, with flexibility to extend retail into upper storeys. A site-specific policy (Policy 8.1.3(6.3)(b)) for lands at 1510 & 1515 North Service Road and 2202 & 2208 Industrial Street is in force and effect and removes the minimum floor area requirement for individual retail units on those specific properties.

In our opinion, the proposal to amend the Zoning By-law for the subject lands conforms with the *Employment Commercial Centre* land use designation in the 2020 OP (Policy 8.1.3(6), under appeal), by maintaining the designation's core intent and function while enhancing its flexibility.

The *Employment Commercial Centre* designation is intended to support a wide range of employment-generating and large-format commercial uses that serve the business community and are not primarily focused on meeting the day-to-day retail needs of surrounding residential areas. The proposed uses—including automotive uses, restaurants, veterinary services, and recreational establishments—are all consistent with the uses contemplated in Policy 8.1.3(6.2), which allows for commercial and employment-oriented uses such as industrial, warehousing, service trades, large-format retail, hospitality, entertainment, and recreation. While the policies encourage compact built forms and a transition to more urban development over time, they also recognize the continued function of existing large-scale retail and commercial facilities.

The proposal respects and proposed to maintain the existing built form on the lands, preserves the employment and commercial function of the site, and introduces additional permitted uses that are already contemplated within the broader *Employment Commercial (CE)* parent zone. It does not

introduce residential uses, which are explicitly prohibited under the designation, and maintains the area's compatibility with surrounding employment lands. The requested increase in floor area for Convenience/Specialty Food Stores to 1,800 square metres per property is also in keeping with the designation's intent to accommodate large-format commercial uses, while the inclusion of a Holding ("H") Symbol for recreational establishments ensures environmental due diligence is maintained.

Overall, the proposal aligns with the objectives of the *Employment Commercial Centre* designation by supporting employment growth, enhancing land use flexibility, and maintaining the site's commercial-employment character, thereby conforming with the Burlington Official Plan, 2020.

Conclusions

In our opinion the proposal conforms with the 2020 OP by helping to advance its vision for intensification and economic diversification within the *Urban Area*. It supports the *Employment Commercial Centre* designation by reinforcing the site's role as a hub for employment-related and large-format commercial uses, consistent with both the general and site-specific policies of the Plan. By maintaining the existing built form while broadening the range of permitted uses, the proposal aligns with the City's goals for a more urban, sustainable, and resilient community.

4.5 Burlington Official Plan Targeted Realignment Exercise

The City of Burlington has now launched a targeted realignment exercise ("TRE") to update its 2020 Official Plan. The goal is to ensure the plan reflects recent legislative and policy changes, aligns with the community and Council's vision for growth, and supports key city strategies like housing and mobility.

The Burlington Official Plan, 2020 TRE began with the presentation of an initial work plan in June 2023. Since then, the City has undertaken a series of steps to update and align its Official Plan with new legislation, provincial and regional policies, and community priorities. Key milestones included public meetings on proposed changes for additional residential units in September 2023, followed by community engagement events such as Food for Feedback and Mayor's Speaker Series events. A series of update reports were delivered to the Committee of the Whole between January and July 2024, along with public surveys and open houses to gather input on increasing housing options and the Bronte Creek Meadows Area-Specific Planning Project. Further engagement occurred throughout the fall, including public events and online consultations. In December 2024, staff presented updates and proposed policy directions to both the Committee of the Whole and City Council. As of March 3, 2025, the project is at the stage where the findings from the "Growth Analysis Review – City of Burlington" are being presented and reviewed (i.e., Staff Report DGM-20-25).

Staff report DGM-20-25 summarized findings from a population and employment growth study prepared by Watson & Associates and Dillon Consulting. It provided updated forecasts to 2051 to support Burlington's new role in growth management after assuming planning authority from Halton Region in 2024.

By 2051, Burlington's population was projected to reach 265,200, requiring 35,400 new housing units. Most growth was expected in urban growth areas, with identified shortfalls in affordable and rental housing. The City would need to deliver around 500 new rental units per year to meet demand.

Employment was forecast to grow to 124,000 jobs, nearly exhausting Employment Area lands. The report emphasized preserving these lands and planning for long-term employment needs.

Although the Housing Pledge aimed for 29,000 new units by 2031, the report anticipated 18,000 fewer but noted the development pipeline showed strong potential. Staff were directed to return in Q3 2025 with proposals to enhance the City's capacity to manage growth. The report supported the City's Housing Strategy, Housing Accelerator Fund, and future planning efforts.

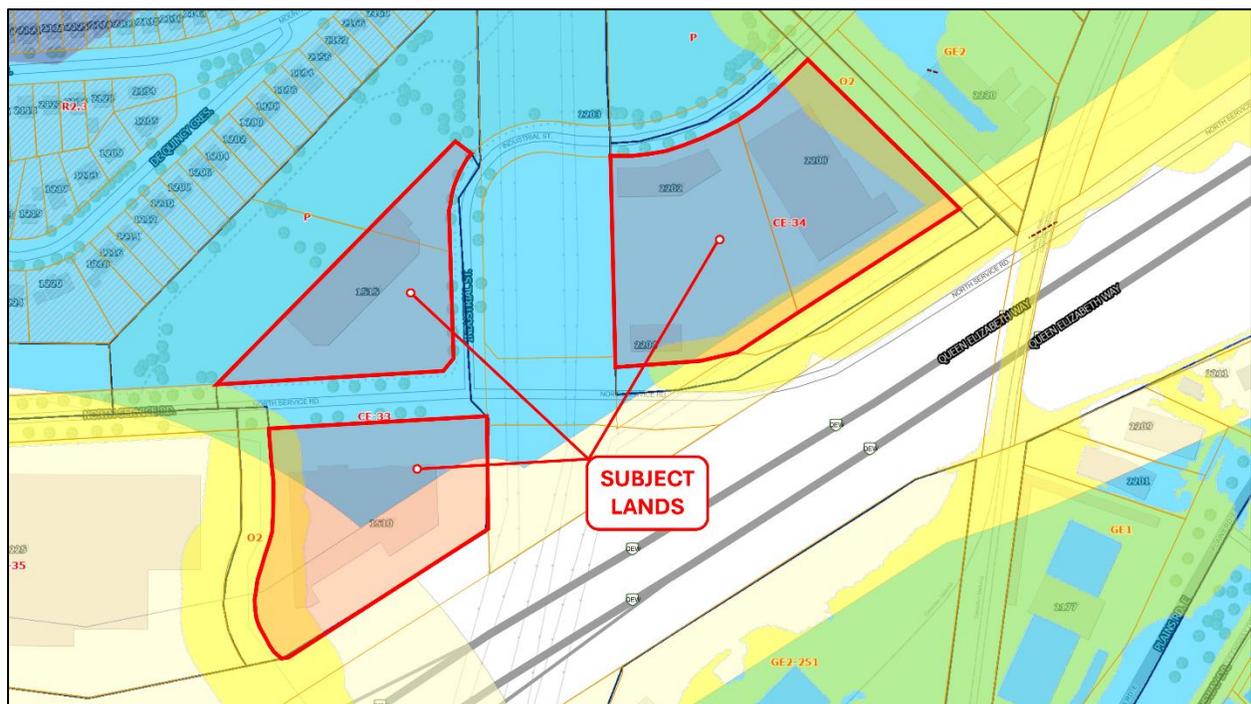
There have not been complete drafts of realigned City Official Plan text or schedules as part of the TRE to date. Notwithstanding, the Staff Report DGM-20-25 supported expanded land use permissions by providing clear, evidence-based projections for population, housing, and employment growth to 2051. On the employment side, Burlington is expected to nearly exhaust its Employment Area lands by 2051, making land efficiency and job density critical. As Burlington now leads its own growth management efforts, the report offered strong justification for expanded land use permissions that align with planning goals, housing needs, and long-term economic sustainability—benefiting both the City and the subject lands.

4.6 City of Burlington Zoning By-law

The City of Burlington's Zoning By-law 2020, as amended (“ZBL”), is the in-force Zoning By-law for the City and regulates how land can be used in the city. It sets rules for the types and uses of buildings, lot sizes, parking, building heights, setbacks, and where structures can be located. Its purpose is to guide orderly development and land use in the community. Our understanding is that the ZBL is currently subject to several active appeals, including those involving properties at 1200 King Road, Eagle Heights, and Bronte Creek Meadows.

Under Zoning By-law 2020, the subject site includes two zones: 1510–1515 North Service Road is zoned Employment Commercial with Site-Specific Exception 33 (CE-33), while 2202–2208 Industrial Street is zoned Employment Commercial with Site-Specific Exception 34 (CE-34). Additionally, an Open Space (“O2”) zone buffer exists along the western edge of 1510 North Service Road, the Southern edge of 2202–2204 Industrial Street, and the southern and eastern edges of 2208 Industrial Street (see Figure 13 below).

Figure 13 - Zoning By-law 2020, as Amended



Parent Employment Commercial Zone

Table 4.2.1 of Part 4 – Commercial Zones of the ZBL sets out the list of permitted uses in each of the commercial zones in the City of Burlington. In the parent “CE” zone, permitted uses include retail uses such as: large building supplies/garden store, large furniture and appliance store, large home and auto supplies store, and other retail stores (which includes office supplies; office furniture and equipment; computer hardware and software; electrical equipment supplies and services; industrial equipment supplies and services; heating and ventilation supplies and services; tool sales and service; automobile parts and upholsterer; lumber yard and home improvement centre; paint, glass,

and wallpaper; kitchen and bathroom centre; antique refinishing and sales; floor coverings; swimming pool sales and service; hot tubs/whirlpools; window and door sales and installation; hardware; blinds, draperies, curtains, and wall coverings; linens, bedding, and sheets; decorating centre; house wares; lighting; electronics; and, art shop and gallery).

The parent CE Zone also permits a variety of service commercial uses including: standard restaurant, standard restaurant with dance floor, fast food restaurant, convenience restaurant, elevated parking facility, funeral home, veterinary services, other service commercial uses, banks, trust companies, credit unions, and outdoor patios.

For restaurants, a restaurant may occupy up to 100% of the total floor area of a single building on a lot where the total existing building floor area of all buildings on the lot is 3000 square metres or greater, and where the lot abuts an arterial, multi-purpose arterial, or minor arterial road. Where the total building floor area of all buildings on the lot is less than 3,000 square metres, or where the lot does not abut an arterial, multipurpose arterial, or minor arterial road, the total floor area of all restaurants shall not exceed 15% of the floor area of each building within which the restaurant is located. Where contiguous lots are developed as one comprehensive development or under a single comprehensive site plan, all lots shall be deemed to be one lot for purposes of applying this zoning regulation. For standard restaurants with dance floors in buildings containing residential dwelling units, this use is only permitted at grade where office uses or uses accessory to residential are located on the second storey.

For veterinary service type uses, the keeping of animals outside is not permitted (i.e., boarding or kennels).

Other service commercial uses and banks, trust companies, credit unions are permitted on a lot having a total building floor area of 3,000 square metres. The total floor area of all service commercial uses shall not exceed 15% of the floor area of each building within which another use is located.

Offices are also permitted as of right in the parent Employment Commercial zone, as are a variety of automotive type uses, such as car wash per Part 1, 2.9, motor vehicle service station per Part 1, 2.10, motor vehicle sales, leasing, rental, and service, motor vehicle repair garage, motor vehicle parts & accessory sales, and retail propane facility per Part 1, 2.7. There are some exceptions for car wash per part 1, 2.9, motor vehicle service station per Part 1, 2.10, and motor vehicle repair garage, which are not permitted when abutting a residential zone.

The parent CE zone also permits several entertainment and recreation type uses including a Recreational Establishment, Entertainment Establishment, Video Game/Pinball Machine Arcade, and Night Clubs.

Lastly, several dedicated industrial uses are permitted in keeping with those allowed in the General Employment (“GE2”) zone.

The specific general provisions mentioned for the automotive type uses (i.e., Part 1, Section 2.7, 2.9, and 2.10) establish that Propane Fuel Storage and Handling Facilities must follow all regular zoning rules, with additional restrictions. Tanks cannot be located in required front or side yards, and must be at least 30 m from residential zones. Retail propane facilities need a minimum lot size of 3,000 m²

and must be separated from residential zones by at least 30 m or a wide street. Tanks must maintain setbacks, and total storage cannot exceed 45,000 litres.

Car Washes must maintain a 6 m front yard setback or 20 m if bay doors face the street. If next to a residential zone, a 12 m setback is required. On-site queuing space is required: 3 spaces plus 1 exit space for manual bays, and 10 spaces plus 2 exit spaces for automatic bays.

Motor Vehicle Service Stations follow zone-specific rules and must also comply with additional requirements. These include queuing lanes (same as car washes), lighting setbacks (3 m), canopy setbacks (3 m from streets, 9 m from residential zones), and access width and placement rules. Fuel pump islands need 4.5 m setbacks and are restricted at corners to maintain visibility.

Tables 1.2.3 and 1.2.4 provide further lot size and setback requirements, depending on the zone.

Overall, the intent for the lands zoned “CE” is to support a broad mix of commercial, employment, automotive, and limited industrial uses in line with the City of Burlington’s Zoning By-law 2020, as amended. Importantly, the parent CE zone permits restaurants, automotive uses and veterinary uses as proposed through the Site Specific ZBA. Overall, the zoning supports flexible, mixed-use development that encourages commerce as the core purpose, aligns with long-term planning goals, and ensures appropriate land use through site-specific controls and buffers.

Site-Specific Exceptions

Site-Specific Exceptions 33 and 34 apply to portions of the Subject Site as described above and allow additional retail and service commercial uses beyond what is normally permitted. Both exceptions permit uses such as Convenience/Specialty Food Store, furniture and home appliance retail, fitness clubs, caterers, and a hotel, while specifically prohibiting uses like nightclubs, fast food restaurants, and banquet or conference centres.

Exception 33 allows a standard restaurant (up to 560 m²) and outdoor patio south of North Service Road, with specific building height, yard, and parking requirements. It also includes detailed rules for the location of garbage and loading areas and limits the combined floor area for additional permitted uses to 15,800 m² across CE-33 and CE-34.

Exception 34 permits similar uses but adds sporting goods retail. It also allows one restaurant and patio with strict setback requirements and limits garbage facility placement. Parking and loading regulations are specified, with a slightly higher parking requirement for sporting goods stores. Like Exception 33, it caps total floor area for specified uses and overrides some standard CE zone rules.

Overall, Site-Specific Exceptions 33 and 34 were introduced to allow a broader range of retail and service commercial uses on the subject lands while ensuring compatibility with the surrounding area through specific design, parking, and use limitations. These exceptions permit uses such as furniture retail, fitness clubs, and hotels, while prohibiting others like veterinary services, nightclubs and banquet centres, and include strict controls on restaurant size, patio placement, and total floor area.

However, several uses already permitted as-of-right in the parent CE zone—such as veterinary services and fast-food restaurants—were prohibited. This reduces flexibility for tenancing, is not

aligned with the pertinent Official Plan policies as described above, and has necessitated the current Zoning By-law Amendment) to align permissions on the subject lands with those broadly allowed across the CE zone.

Lastly, with respect to parking, it is noted that both the CE-33 and CE-34 zones require that Off-street parking for all permitted uses be provided at the rate of 3.2 spaces per 100 m² gross floor area. Except that in the CE-34 zone, parking for a sporting goods store shall be provided at the rate of 4 spaces per 100 m² gross floor area. This Site Specific ZBA does not propose to amend these ratios and the Site current complies with these parking provisions as outlined below:

1515 North Service Road:

- GFA: 3,089m²
- Parking Rate (per CE-33): 3.2 spaces per 100 m² gross floor area
- Parking Required (per CE-33): $3.2/100 \times 3,089 = 99$ Spaces (98.8 spaces)
- Parking Provided: 117 spaces

1510 North Service Road:

- GFA: 5,514.72m²
- Parking Rate (per CE-33): 3.2 spaces per 100 m² gross floor area
- Parking Required (per CE-33): $3.2/100 \times 5,514.72 = 177$ Spaces (176.4 spaces)
- Parking Provided: 188 spaces

2202–2208 Industrial Street:

- GFA - sporting goods store: 4,736m²
 - o Parking Rate (per CE-33): 4 spaces per 100 m² gross floor area
 - o Parking Required (per CE-33): $4/100 \times 4,736 = 190$ Spaces (189.44 spaces)
 - o Parking Provided: 261 Spaces
- GFA – all other uses: 1,243m²+560m²=1,803m²
 - o Parking Rate (per CE-33): 3.2 spaces per 100 m² gross floor area
 - o Parking Required (per CE-33): $3.2/100 \times 1,803 = 58$ Spaces (57.6 spaces)
 - o Parking Provided: 58 Spaces
- Total Parking Required: 248 spaces
- Parking Provided: 299 spaces

Conclusions

The proposed Zoning By-law Amendment for the subject lands complies with, and is appropriately aligned to, the range of permitted uses outlined in the parent Employment Commercial (CE) zone of the City of Burlington's Zoning By-law 2020, as amended. The purpose of the amendment is to expand the list of permitted uses—specifically automotive uses, recreational establishments, restaurants (including fast food and convenience formats), and veterinary services—which are currently excluded under the site-specific CE-33 and CE-34 zones but are clearly contemplated and permitted in the broader CE zone.

These proposed uses are compatible with the character and intent of the Employment Commercial designation, which is intended to support a mix of commercial, service, and employment-generating activities. The proposal reflects the intent of the ZBL by enhancing economic flexibility and business

viability on the site, while maintaining the existing one-storey built form and site layout. No physical changes or intensification are proposed, and parking remains in surplus based on current zoning requirements.

Further, the proposed increase in permitted floor area for a Convenience/Specialty Food Store—from 1,500 m² to 1,800 m² per property—is modest and reflects the evolving nature of retail operations while remaining in line with the overall intent of the CE zone to support larger-format and specialty retail uses. The 1,800 m² further aligns with the definition of a Convenience/Specialty Food Store within the Zoning By-law.

To ensure responsible development, the inclusion of a Holding (“H”) Symbol for recreational establishments, requiring a Record of Site Condition (RSC), adds a layer of environmental due diligence. This approach demonstrates that the proposal respects both the regulatory framework and community interest, while enabling more complete utilization of the subject lands within the CE zone's intended vision.

Lastly, in our opinion, the proposed ZBA will also maintain the commercial intent of the subject lands by enabling a broader yet appropriate range of commercial and employment-supportive uses, consistent with the vision for the Employment Commercial (CE) zone. While distinct from Burlington’s designated prestige employment lands, which serve a separate industrial and corporate function, the subject lands play a vital role in supporting job retention and growth through commerce-driven activities. By enhancing land use flexibility without altering the built form, the ZBA reinforces the site's long-standing function as a vibrant commercial hub, helping to sustain economic activity and employment opportunities in a way that complements the City’s broader employment land strategy.

In summary, the proposed ZBA maintains full compatibility with the land use permissions and objectives of the parent CE zone. It supports Burlington’s goals for job creation and commercial growth, aligns with current planning policy frameworks, and is appropriate for the subject lands given their established commercial function and context.

4.7 New Zoning Bylaw Project

The City of Burlington has launched its New Zoning Bylaw (“New ZBL”) Project intended to modernize and simplify land use rules across the city. The New ZBL will align with the 2020 Official Plan, support streamlined development approvals and reflect current zoning practices.

The New ZBL Project began with the presentation of the Initial Terms of Reference on September 13, 2022, followed by several progress updates to Council and committees throughout 2023 and 2024. Work on the Zoning Bylaw Project continues into 2025. No draft text or schedules of a New ZBL have been prepared to date; however, as part of the ongoing work on this project into 2025, the owner will be filing comment / request letter to the City with the intent of implementing the requested proposal through the New ZBL Project.

5.0 SUPPORTING MATERIALS

5.1 Site Planning

As discussed above, no changes are proposed to the Subject Site. Accordingly record drawings of the existing buildings located on the Subject Site have been used to illustrate existing conditions (including lot boundaries, building footprints, and access), and demonstrate compliance with zoning provisions.

5.2 Servicing

C.F. Crozier & Associates was retained to determine if the proposal would cause a strain on the sanitary system currently servicing the subject lands. The proposed new uses—including a convenience/specialty food store (max 1,800 square metres per property), automotive uses, recreational establishments, restaurants, and veterinary services—will occur within the existing buildings and maintain “Light Commercial” classification under Halton Region design criteria.

As building sizes remain unchanged, the sanitary design flows also remain unchanged:

- **Average Dry Weather Flow:** 1.63 L/s
- **Infiltration Flow:** 1.52 L/s
- **Overall Peak Flow:** 3.15 L/s (same for both existing and proposed conditions)

The letter concludes that the proposed changes will not add strain to the existing sanitary system, and any change in flow is considered negligible.

5.3 Community Engagement

A Pre-Application Public Engagement Meeting was not held as there is no new development proposed on the Subject Site, and further as the uses proposed to be added are permitted in the parent CE zone. Staff and the local councillor have been advised.

5.4 Implementing By-Laws

A Draft Zoning By-law Amendment (ZBA) has been provided as part of the complete application submission. The draft by-law text outlines the specific zoning amendments being requested for each parcel comprising the subject lands, clearly identifying proposed changes to permitted uses and applicable zoning provisions.

6.0 CONCLUSIONS

The proposed Zoning By-law Amendment for the subject lands at 1510–1515 North Service Road and 2202–2208 Industrial Street represents a modest but meaningful refinement to the existing regulatory framework. The amendment seeks to better align the site-specific CE-33 and CE-34 zones with the broader permissions of the parent Employment Commercial (CE) zone by introducing several commercial and employment-supportive uses already permitted elsewhere in the City—namely, automotive uses, recreational establishments, restaurants (including fast food and convenience formats), and veterinary services. It also modestly increases the maximum allowable floor area for convenience/specialty food stores to reflect evolving retail formats.

The proposal is restricted to land use permissions. It maintains the existing built form and does not introduce any new development, construction, or intensification. It reinforces the employment and commercial function of the site and supports long-term economic sustainability by enhancing leasing flexibility and reducing vacancy. Importantly, it includes a Holding (“H”) Symbol for recreational establishments, ensuring that environmental standards are upheld through the filing of a Record of Site Condition (RSC).

The ZBA is consistent with the 2024 Provincial Planning Statement, conforms to the Halton Region Official Plan (as it now applies municipally), and conforms with both the in-force and emerging policy frameworks of the City of Burlington’s 1997 and 2020 Official Plans. The proposed changes respect the *Employment Commercial* land use designation, preserve the site's established character, and promote a more adaptive, market-responsive planning approach.

In our professional opinion, the proposal represents good planning. It provides a balanced and appropriate response to current policy directions and market conditions, enhances the site’s economic viability, and maintains compatibility with surrounding land uses. The proposed ZBA strengthens the commercial function of the subject lands while supporting broader municipal goals for employment and growth.

We therefore recommend approval of the proposed Zoning By-law Amendment.

Yours truly,

The Biglieri Group Ltd.



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Partner



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Senior Associate



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