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IMPLEMENTATION AND INTERPRETATION

Meeting the objectives of this Plan will require an ongoing commitment to implementation. This commitment is reflected in the employment of tools and the development of a budget that responds to the objectives of this Plan.

Traditional planning tools such as Official Plans and Official Plan Amendments, Zoning By-laws, Plans of Subdivision, Plans of Condominium and Part Lot Control, *area-specific planning,* minor variances and consents and other tools are described.

This section also provides guidance in understanding and making clear the intent and application of the policies and schedules of this Plan.

Implementation of this Plan will be through means of the powers conferred upon the *City* by The Planning Act, The Municipal Act, The Town of Burlington Act and other Provincial statutes and regulations that may apply. These means include the enactment of by-laws, conditions of approval on *development,* including entering into *development* agreements; the construction of public works; and the acquisition of lands.

12.1 IMPLEMENTATION

12.1.1 GENERAL

12.1.1(1) OBJECTIVES

a) To provide for the use of a full range of regulatory mechanisms for the purpose of implementing the land use, growth management and *infrastructure* objectives and policies of this Plan.

b) To co-ordinate the *City's* capital works program, long term Asset Management Plan, this Plan and the budget to maximize benefits to the city's physical, natural, economic and social environment and financial sustainability.

c) To support other strategic initiatives of the *City.*

12.1.1(2) POLICIES

a) This Plan *shall* be implemented by both public and private *development* in accordance with the policies of this Plan and other regulatory mechanisms. Municipal by-laws, including zoning by-laws, public works and public undertakings *shall* conform to this Plan.

b) All *development* and *infrastructure* is subject to the provisions of this Plan, the Regional Official Plan and all applicable Provincial Plans. In the event of any conflict between this Plan and the provisions of the Regional Official Plan or any applicable Provincial Plan, the provisions of the Regional Official Plan or the applicable Provincial Plan *shall* prevail; however, where the provisions of this Plan are more restrictive the provisions of this Plan *shall* apply, unless doing so would conflict with the Provincial Plan or the Regional Official Plan.

c) The decisions and actions of the *City*, including public investment in services, service delivery and *infrastructure*, will be guided by this Plan. The policies of the plan will inform the *City* capital budget process. This Plan acknowledges that a number of critical city building services are provided to the *City* by other levels of government.

d) The *City* has approved a Development Charges By-law based on a detailed background study. The Development Charges By-law will be amended as required to ensure that the by-law responds to forecasted growth, that the services and capital facilities and *infrastructure* required to support the forecasted growth are considered, and that growth pays for growth to the fullest extent of the Development Charges Act, as amended.

e) Development charges will assist in providing the public *infrastructure* investments required by future *development.*

f) Land *may* be acquired and/or held by the *City* for the purposes of implementing any part of the Plan.

g) The *City* will ensure that any public works, public or private *development* and agreements regarding land division, condominiums, site plans and building conform with this Plan.

h) The *City shall* complete a*rea-specific planning* studies for specific areas or to address a specific planning issue. These planning studies *shall* be approved by resolution of *City* Council and *shall* be incorporated by way of an amendment to this Plan.

12.1.1(3) OFFICIAL PLAN

a) The *City* will make amendments to this Plan at any time, or revise it and/or incorporate new objectives, policies and specific designations, as required.

b) The *City* will review the Plan as a whole to ensure that it is responding to the needs of the community, in accordance with the requirements of The Planning Act.

c) Urban boundary expansions and *employment* land conversions will only be considered as part of a *municipal comprehensive review.*

d) The statutory Official Plan Review is the only time the *City* will consider modifications to the Urban Structure as shown on Schedule B: Urban Structure, of this Plan.

e) Notwithstanding Subsection 12.1.1(3) d) of this Plan, minor modifications to the Urban Structure, as shown on *S*chedule B: Urban Structure, of this Plan, *may* be considered in the context of a site-specific Official Plan Amendment outside of an Official Plan Review.

f) The *City* will monitor the implementation of the Growth Framework polices of this Plan and will determine if a review of the policies and schedule is required.

g) An Official Plan Amendment *shall* be required where a *development application* does not conform with the established land use designation and/or the policies or schedules of this Plan.

h) When considering a site-specific Official Plan Amendment, at the earliest point the *City* will determine if the application *should* be considered within the immediate planning context or whether an area specific policy, an *area-specific plan* or a general policy change *may* be required.

i) Any privately or *City*-initiated Official Plan Amendment *shall* be assessed against the following criteria to the satisfaction of the *City*:

(i) consistency with the intent of the Urban Structure as outlined in Section 2.3, The Urban Structure, of this Plan;

(ii) in the case of a site-specific Official Plan Amendment, consideration of the relevant principles, objectives and policies of this Plan, including the Growth Framework as outlined in Section 2.4, the Development Criteria contained in Subsection 12.1.2(2.2) c) of this Plan, and, where applicable, the land use designation established on the site**;**

(iii) conformity or lack of conflict with Provincial and Regional Plans, policies and legislation;

(iv) consistency with the Provincial Policy Statement;

(v) *compatibility* with the surrounding area and proper integration with the surrounding neighbourhood or approved *area-specific plan*;

(vi) in the case of a site-specific Official Plan Amendment, existing *infrastructure* and *public service facilities* such as parks, are available and can accommodate the proposed use without costly expansion, upgrading or public investment that would require the deferral of other planned improvements to *infrastructure* and *public service facilities*, to the satisfaction of both the *City* and the Region of Halton;

(vii) in the case of a site-specific Official Plan Amendment, consideration of

the relationship of the subject site to the *multi-modal* transportation system;

(viii) whether the amendment, if approved, would establish an undesirable precedent;

(ix) whether the amendment, if approved, would remove a significant barrier to *development* that would otherwise render the site undevelopable and/or underutilized;

(x) financial *sustainability*, in accordance with Section 6.5, Financial Sustainability, of this Plan;

(xi) in the case of an Official Plan Amendment proposing residential uses in either the Secondary Growth Area, or Established Neighbourhood Area, or the Primary Growth Area where an *area-specific plan* has not been completed as identified on Schedule B-1: Growth Framework, of this Plan, *shall* consider city building objectives, consistent with the City's Strategic Plan. The *City*, in consultation with the proponent, *shall* determine how subsection a., and which of one or more of subsections b. through e., *shall* be delivered as part of the proposed *development*. The city building objectives *shall* be delivered to the satisfaction of the *City* with any required agreements, and appropriate phasing in the case of a major comprehensive *development*, and *shall* be exclusive of section 37 benefits:

a. additional sustainable building design measures that contribute significantly towards the Environmental and Energy Leadership section goals of the City's Strategic Plan and/or the goals of the Community Energy Plan; and

b. affordable, rental *housing* with rents equal to or less than the Local Municipal Average Market Rent (AMR) as per the CMHC annual rental report; or,

c. deliver a portion of units with three (3) or more bedrooms; or,

d. the co-location of community space, or *public service facilities* which includes parks; or

e. residential units provided in partnership with a municipal housing provider or a charitable not for profit organization, including but not limited to, *affordable*, *assisted* or *special needs housing*.

12.1.2 PLANNING PROCESS: DEVELOPMENT APPLICATIONS

12.1.2(1) COMPLETE APPLICATIONS

Development proponents *shall* be required to meet with *City* staff to discuss requirements related to *development applications* in advance of their submission.

12.1.2(1.1) OBJECTIVE

a) To establish pre-consultation requirements and complete application policies to provide direction to support the *City* in requesting all information or material required to process *development applications*.

12.1.2(1.2) POLICIES

a) The *City shall* require that adequate pre-consultation with the *City* occurs prior to the submission of a *development application*, and will *encourage* pre-consultation with other affected agencies such as the Region of Halton and Conservation Halton, where appropriate. Within areas subject to the Niagara Escarpment Plan and Development Control, proponents will be *encouraged* to contact the Niagara Escarpment Commission to discuss permitted uses and *development* criteria.

b) The *City may* require *development* proponents to hold a community meeting in advance of a formal *development application* in order to obtain additional information needed to process the *development application*.

c) For an application for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision, or consent (other than those consent applications made for the purposes outlined in Subsection 12.1.12(4.1) c) (i) to (iv) of this Plan), the *City* will require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application *shall* be determined by the *City* and Region of Halton as part of the pre-consultation process. This information *may* include, but *shall* not be limited to, the following:

(i) Planning justification report, including *employment* or residential needs analysis, where required;

(ii) land assembly documents;

(iii) survey and severance sketch, prepared by an Ontario Land Surveyor;

(iv) land use *compatibility* study, in accordance with Subsection 4.6.2 of this Plan;

(v) retail and service commercial needs assessment, in accordance with Chapter 8 of this Plan;

(vi) financial impact study, in accordance with Subsection 6.5.2 of this Plan;

(vii) housing impact statement, in accordance with Subsection 3.1.1(2) i) of this Plan;

(viii) park concept plan, in accordance with the applicable policies of Subsection 3.3.2 of this Plan;

(ix) *agricultural* impact assessment (AIA), in accordance with Subsection 9.2.2 (d) of this Plan;

(x) *social impact assessment,* in accordance with Subsection 6.1.2 h) of this Plan;

(xi) archaeological report, in accordance with Subsection 3.5.2(5.2) of this Plan;

(xii) Heritage Impact Study, in accordance with Subsection 3.5.2(5) of this Plan;

(xiii) *cultural heritage landscape* impact assessment, in accordance with Subsection 3.5.2(5.1) of this Plan;

(xiv) conceptual site plan layout;

(xv) architectural plans;

(xvi) 3-D model of proposed buildings;

(xvii) Burlington Urban Design Advisory Panel (BUD) comments;

(xviii) height survey of adjacent buildings, in accordance with Subsection 8.3.3(1) e) of this Plan;

(xix) angular plane study;

(xx) shadow analysis plan, in accordance with Subsection 7.3.2 of this Plan;

(xxi) wind impact study, in accordance with Subsection 7.3.2 of this Plan;

(xxii) arborist's report, in accordance with Subsection 4.3.2 of this Plan;

(xxiii) *tree* inventory and preservation plan, in accordance with Subsection 4.3.2 of this Plan;

(xxiv) landscaping plan, in accordance with Subsections 4.3.2 and 7.3.2 of this Plan;

(xxv) water & waste water functional servicing report, in accordance with Regional requirements;

(xxvi) hydrogeology study/water budget & hydrology study, in accordance

with Subsections 9.1.2 and 9.5.2 of this Plan;

(xxvii) source protection disclosure report, in accordance with Subsections 4.4.2(2) n) and o) of this Plan;

(xxviii) noise feasibility study/vibration study, in accordance with Section 4.6 and Subsection 6.2.5(2) of this Plan;

(xxix) transportation impact study, in accordance with Subsection 6.2.1(2) d) of this Plan;

(xxx) *Transportation Demand Management* Plan and implementation strategy, in accordance with Subsection 6.2.10(2) of this Plan;

(xxxi) parking justification report;

(xxxii) storm water management report/functional drainage report, storm services plan and *flooding hazard* delineation and/or grading and drainage plans, in accordance with Subsection 4.4.2(2) of this Plan;

(xxxiii) *environmental* impact assessment (EIA), in accordance with Subsection 4.2.4 of this Plan;

(xxxiv) top-of-bank demarcation/ slope stability assessment/ creek erosion assessment/ geomorphic study, in accordance with Subsection 4.4.2(3) of this Plan;

(xxxv) *shoreline hazardous lands* studies, in accordance with Subsection 4.5.1(2) of this Plan;

(xxxvi) geotechnical report, in accordance with Subsection 4.4.2(2) of this Plan;

(xxxvii) Phase I Environmental Assessment, in accordance with Subsection 4.7.2 of this Plan;

(xxxviii) Phase II Environmental Assessment/Record of Site Condition, in accordance with Subsection 4.7.2 of this Plan;

(xxxix) landfill assessment, in accordance with Subsection 4.8.2 of this Plan;

(xl) Sustainable Building and Development Guidelines Checklist, in accordance with Subsection 7.4.1 of this Plan;

(xli) phasing strategy for *development* of retail and *service commercial* uses, in accordance with Chapter 8 of this Plan; and/or

(xlii) *Public Consultation Strategy*.

(xliii) response to comments received at a community meeting held in advance of a formal *development application*;

(xliv) comprehensive block plan in accordance with 8.1.1(3.7) and 8.1.1(3.20);

(xlv) urban design brief, in accordance with Subsection 7.1.2 of this Plan;

(xlvi) tenant relocation and assistance plan.

d) All required reports and technical studies *shall* be carried out by *qualified persons* retained by and at the expense of the applicant. Where appropriate, the *City* will require a peer review of any report or study by an appropriate *public authority* or a *qualified person* retained by the *City* at the applicant's expense. In addition to *City* requirements, the applicant *shall* ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed.

e) An application for an Official Plan Amendment, Zoning By-law amendment, plan of subdivision or consent *shall* be considered complete under The Planning Act only when the items as determined by the *City* and Region, as listed in clause b) above, have been provided.

f) In the absence of pre-submission consultation between an applicant and the *City*, and/or the absence of adequate supporting information or material required to consider a *development application,* the *City shall* deem an application incomplete and *may* refuse the *development application.*

12.1.2(2) DEVELOPMENT CRITERIA

Future *development* in the city will occur primarily through *intensification*. In considering all *development applications*, the *City* will ensure that *development* is *compatible* with the existing pattern and character of adjacent and proximate *development*, by satisfying the criteria outlined in this section of the Plan, in addition to the relevant policies of the Plan, including the underlying land use designations.

12.1.2(2.1) OBJECTIVES

a) To establish a set of criteria against which all *development applications shall* be evaluated, to be administered according to the context of the planning matter under consideration, and in proportion to the complexity and *scale* of the planning matter being considered. These criteria *shall* be reviewed in accordance with the policies of this Plan, any other relevant City policies and Provincial Policies, as well as policies of other agencies such as the Region of Halton and Conservation Halton.

b) To ensure *development applications* are consistent with the Provincial Policy Statement, and conform to applicable Provincial Plans and the Regional Official Plan.

c) To ensure that appropriate technical analysis is undertaken.

12.1.2(2.2) POLICIES

a) The population and *employment* growth distributions established in the Regional Official Plan and contained in Subsection 2.2.4 of this Plan, are intended to apply at a city-wide level and cannot be applied on a site-specific basis as a rationale for approving or refusing *development applications* for *development* that would otherwise conform with all of the policies of this Plan, and the policies of the Provincial Growth Plan, as amended.

b) Any population and job targets established by this Plan *shall* not be applied on a site-specific basis, and *shall* only be applied to the entire geography to which the targets apply.

c) The following criteria *shall* be satisfied when evaluating all *development applications,* where applicable:

(i) the *development shall* be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan;

(ii) the *development* achieves built form *compatibility;*

(iii) the *development shall* be consistent with the intent of the Urban Structure as outlined in Section 2.3, Urban Structure of this Plan and maintains the land use vision established in the land use designations of this Plan;

(iv) the *development* achieves high quality urban design and is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan;

(v) the *development,* where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes *intensification;*

(vi) the *development* can be supported by available *infrastructure* and *public service facilities*;

(vii) the *development* preserves and protects *trees*, consistent with the policies contained in Section 4.3, Urban Forestry, of this Plan;

(viii) the *development* provides buffering, setbacks and *amenity area* so that an appropriate transition between existing and proposed buildings are provided;

(ix) the *development shall*:

a. demonstrate that future *development* on the adjacent property(ies) will not be compromised by the proposal;

b. be designed to facilitate future pedestrian, cycling and/or private street connections across one or more adjacent properties, where such opportunities exist, as determined by the *City*; and

c. demonstrate, to the satisfaction of the *City,* the appropriate phasing of *development* where existing retail and *service commercial* uses are being re-developed, to minimize adverse impacts on the provision of goods and services to support the surrounding areas;

(x) the *development* maintains, enhances and restores the *City's* Natural Heritage System in accordance with the policies in Section 4.2, Natural Heritage System, of this Plan;

(xi) the *development*, where residential uses are proposed demonstrates, the degree to which *public service facilities* and other neighbourhood conveniences, such as community centres, *recreation,* neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit;

(xii) The *development* addresses *multi-modal* transportation considerations and is consistent with the policies in Section 6.2: Multi-modal Transportation, of this Plan, including but not limited to:

a. the *development shall* mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity;

b. the *development* accommodates sufficient off-street parking and *transportation demand management* measures in accordance with the policies in Subsection 6.2.10 of this Plan;

(xiii) the *development conserves cultural heritage resources*, where applicable, in accordance with the policies in Section 3.5, Cultural Heritage Resources, of this Plan;

(xiv) the *development* provides stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan;

(xv) the *development* addresses *hazardous lands* and *hazardous sites in* accordance with Subsection 4.4.2(3) of this Plan;

(xvi) the *development* considers the relationship to existing or planned transit facilities including a *frequent transit corridor, higher order*

transit, bus routes and/or transit shelters;

(xvii) the *development* complements and connects with the *public realm*, including walking and cycling facilities;

(xviii) the *development shall* be consistent with the contaminated sites policies contained in Section 4.7, Contaminated Sites, of this Plan; and;

(xix) the *development shall* consider all other relevant principles, objectives and policies of this Plan.

d) Consent applications *shall be* subject to the additional policies of Subsection 12.1.12(4) of this Plan.

e) Where deemed by the *City* to be necessary and appropriate, the development of an a*rea-specific plan* will be required in accordance with Subsection 12.1.3 of this Plan, to ensure the orderly and efficient *development* of any property or group of properties.

12.1.3 PLANNING PROCESS: AREA SPECIFIC PLANNING

12.1.3(1) OBJECTIVES

a) To undertake a*rea-specific planning* studies to allow the orderly and planned *development* of areas, communities or neighbourhoods.

b) To ensure that the community vision, growth management and *infrastructure* objectives of this Plan are considered in the a*rea-specific planning* process.

c) To define the range of supporting studies that *may* be required.

12.1.3(2) AREA-SPECIFIC PLANNING POLICIES

a) The policies of this Plan identify areas of the city where *area-specific plans* are required to appropriately guide *development*. *Area-specific plans shall* be prepared for vacant *designated greenfield areas,* Innovation Districts, and existing and future *major transit station areas* where the *City* has an interest in guiding major change in the city.

b) *Area-specific plans* will be adopted through amendments to this Plan. Following adoption by the *City* of an Official Plan Amendment as a result of an *area-specific plan, development shall* be guided by both the general policies of this Plan and the policies that apply specifically to the *area-specific plan*.

c) Area- specific plans will be prepared by the City.

d) Council *may*, by resolution, require the preparation of other future *area-specific plans* including, but not limited to, the following areas:

(i) Primary Growth Areas, as identified on Schedule B-1: Growth Framework, of this Plan;

(ii) large areas of vacant or under-utilized lands;

(iii) select mixed use Nodes and Intensification Corridors within Secondary Growth Areas, as identified on Schedule B-1: Growth Framework, of this Plan, and as outlined in Subsection 2.4.2(2) of this Plan; and

(iv) any location in the city that requires comprehensive planning to enable suitable *development*.

e) An *area-specific plan* will contain policies for the *development* of communities. In addition to communities with a mix of different uses, the *area-specific plan may* contain solely lands designated for employment uses without residential uses or *may* contain solely an *Intensification Area* as identified by the Urban Structure of this Plan.

f) An *area-specific plan* must demonstrate how the community vision, growth management and *infrastructure* objectives of this Plan are being met and will include, but is not limited to, the following, subject to the satisfaction of the *City,* and Region and Conservation Halton where applicable:

(i) a statement of objectives for the intended character and physical *development* of the planning area that *shall* include environmental, social and economic matters;

(ii) boundaries of the area or community;

(iii) policies for the protection of the *City's* Natural Heritage System and for the protection of public health and safety within *hazardous lands* and *hazardous sites*;

(iv) capacity targets of population, housing units and *employment,* including targets for *affordable housing*;

(v) policies for the provision of housing to achieve a range and mix of unit types, *employment* and commercial land uses, including local facilities for social, cultural, *recreational,* educational and religious purposes which should be located in community hubs and integrated to promote cost effectiveness. *Development shall* achieve land use patterns that promote mixed use, compact, *transit-supportive*, walkable communities;

(vi) location, types and density of all types of uses that contribute to creating *healthy communities,* having regard for the Region of Halton Healthy Communities Guidelines, through:

a. urban design;

b. diversity of land uses;

c. appropriate mix and densities of housing;

d. provision of local parks and open space;

e. strengthening live-work relationship through a proper balance of residential and *employment* land uses; and

f. promoting active transportation and public transit use.

(vii) consideration for land use *compatibility* in accordance with Regional and Provincial guidelines;

(viii) overall *development* density for the area or community and, if it is located within the *Designated Greenfield Area*, how this density will contribute towards achieving the minimum overall *development* density for *Designated Greenfield Areas* in the city as set out in Subsection 2.2.3 of this Plan and the Regional phasing as set out in Table 2A of the Regional Plan;

(ix) policies to establish a *multi-modal* transportation network that promotes public transit and *active transportation*, including a strategy for early introduction of transit services;

(x) policies for the maintenance, upgrading and *rehabilitation* of *utility* services;

(xi) identification of *infrastructure* and *public service facilities* requirements in terms of full life cycle costs for consideration in relation to the capital budget and the long term asset management plan;

(xii) direction regarding cultural heritage resource conservation;

(xiii) direction regarding area-specific urban design and *sustainable* design policies to create attractive and vibrant places;

(xiv) strategies for the implementation and monitoring of the above-noted matters; and

(xv) assessment of the phasing of *development* based on the *City's* Development Phasing Strategy and financial capabilities of the *City* and Region to provide *infrastructure* and *public service facilities* for the proposed *development.*

g) In addition to the requirements of Subsection 12.1.3(2) f) of this Plan, the a*rea-specific plan* studies and subsequent amendments for *Intensification Areas* as identified by the *City's* Growth Framework will be designed to address the criteria below. The a*rea-specific plan* will identify specific density targets consistent with planned transit service levels, and any *transit-supportive* land-

use guidelines established by the Province. The a*rea-specific plan* studies will achieve the following:

(i) cumulatively attract a significant portion of population and *employment* growth;

(ii) achieve increased residential and *employment* densities that support and ensure the viability of existing and planned transit service levels;

(iii) generally achieve higher densities than the surrounding areas; and

(iv) achieve an appropriate transition of built form to adjacent areas.

h) In addition to the requirements of Subsections 12.1.3(2) f) and g) of this Plan, a*rea-specific plans* undertaken for *Major Transit Station Areas (MTSAs)* will also be subject to the objectives of Subsection 8.1.2 and the policies of Subsection 12.1.3(4) of this Plan.

i) The specific contents and supporting studies of the *area-specific plan* will be scoped in proportion to the context, complexity and size of the area being considered, subject to the satisfaction of the *City* and Region of Halton, in consultation with Conservation Halton and other agencies as required.

12.1.3(3) OTHER SUPPORTING STUDIES

a) Supporting studies will be required as part of the *area-specific planning* process, and will be completed to the satisfaction of the *City*, in consultation with the Region of Halton, Conservation Halton and/or the Province, as appropriate. The supporting studies *may* include, but are not limited to, the following:

(i) land use scenarios and final *area-specific plans*, associated analysis and policies;

(ii) *multi-modal* Transportation Impact Studies and Parking Analysis, including an area-specific *Transportation Demand Management Plan*;

(iii) Market Impact Study;

(iv) Financial Impact Study;

(v) Urban Design and *Sustainability* Guidelines;

(vi) Servicing and Public *Utility* Study and water and waste water servicing plans;

(vii) storm water management report or, if the scale of *development* justifies, a sub-watershed study in accordance with Subsection 4.4.2(1) of this Plan;

(viii) Environmental Impact Assessments, if any part of the *City's* Natural

Heritage System is affected in an area not covered by a sub-watershed study;

(ix) studies to delineate *hazardous lands* (e.g. slope stability study, meander belt assessment) if an area has not been addressed by a sub-watershed study;

(x) environmental *compatibility* assessment;

(xi) Air Quality Impact Assessment;

(xii) Public Service Facilities Plan;

(xiii) Agricultural Impact Assessment;

(xiv) Housing Impact Statement, in accordance with Subsection 3.1.1(2) i) of this Plan;

(xv) Archaeological Assessment Report;

(xvi) Cultural Heritage Evaluation Report;

(xvii) Phasing and Implementation Plan;

(xviii) evaluation of implementation tools including, but not limited to:

a. Community Planning Permit System;

b. form-based zoning;

c. Community Improvement Plans and other incentives;

d. community benefits provisions;

e. *infrastructure* and *public service facility* funding strategies;

f. monitoring;

(xix) identification of other *City* requirements, including, but not limited to:

a. priority list of *City* investments; and

b. required updates to other *City* processes and standards.

12.1.3(4) MAJOR TRANSIT STAION AREA AREA-SPECIFIC PLANS GUIDING POLICIES

a) The *City* will prepare and adopt *area-specific plans* for lands within Major Transit Station Area (MTSA) Special Planning Areas identified on Schedule B, Urban Structure, of this Plan, in accordance with policies contained in this section and in Subsections 12.1.3(2) and 12.1.3(3) of this Plan. These *area-specific plans* will be adopted by amendment to this Plan.

b) The Major Transit Station Area Special Planning Area boundaries identified on Schedules B, F, G and H of this Plan, have been identified by the City. The final

boundaries of the *major transit station areas* will be delineated by the Region of Halton through its *municipal comprehensive review*, which will also establish minimum density targets for these areas, in conformity with the Provincial Growth Plan.

c) Each *MTSA* planned to be served by Metrolinx's Regional Express Rail (RER), and identified as a Commuter Rail Corridor/Transit Priority Corridor on Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, *should* be planned to higher order transit supportive densities.

d) The *area-specific plan* will plan for a range of densities within each *MTSA*. Optimal heights, densities and *floor area ratios* on individual sites will be assessed and identified through the detailed *MTSA* a*rea-specific planning* process.

e) The *area-specific plan* will include a transportation analysis and establish policy that supports the achievement of the Region of Halton's targeted modal split within each *MTSA*, in accordance with Halton Region's Transportation Master Plan.

f) The *area-specific plan* will include a transportation plan and associated policies that give priority to transit, pedestrian and bicycle access over other *modes* of transportation, and will consider opportunities to provide improved walking and cycling connections both within the *MTSA* and to adjacent neighbourhoods.

g) The *area-specific plan* will include policies to support efficient and accessible transit within each *MTSA.* The *area-specific plan* will include policies that support pedestrian movements and a well-designed and *human-scale* private and *public realm.*

h) The *area-specific plan* will evaluate and provide recommendations on reduced vehicle parking requirements, shared parking, and the use of surface and structured parking both above and below grade, in conjunction with *transportation demand management* measures. The *area-specific plan* will evaluate and provide recommendations for bicycle parking requirements and standards for weather protected storage facilities and bike share facilities.

i) The a*rea-specific plan* will evaluate the role of *MTSA* connectors, as outlined in Subsection 6.2.9 of this Plan, and provide recommendations on any works required along connectors to support individual hub objectives and to achie*ve transit supportive land uses* and improved design standards on primary and secondary connectors.

j) Requirements for *sustainable* building, site and neighbourhood design measures including, but not limited to, innovative *sustainable* energy, water,

landscape and waste management practices, will be identified through the *area-specific plan.*

k) The enhancement of existing *watercourses* and diversion channels will be explored through the *area-specific plan.* The lands adjacent to these areas will be considered for pedestrian and cycling connections.

l) The *area-specific plan* will consider opportunities to provide safe and easy crossings of the rail corridor. The locations for rail crossings *should* support direct, continuous, and barrier free circulation.

m) The *area-specific plan* will establish policy to support the retention and continued development of *employment* uses within *MTSAs* that are appropriate in proximity to *sensitive land uses* and will establish for each *MTSA* a targeted ratio of people to jobs. Tools will be developed to ensure the incremental and comprehensive achievement of such targets including the development of strategies to attract *employment* uses to *MTSAs*.

n) Updates to existing *City* standards and processes needed to achieve the vision for the *MTSA* will be reviewed as part of the *area-specific planning* process.

12.1.4 PLANNING PROCESS: SPECIAL URBAN STUDY AREAS

12.1.4(1) OBJECTIVES

a) To identify other areas of the city which have been identified as being, or planned to be, subject to an *area-specific plan* or other planning exercise initiated by the *City.*

b) To identify the general location as well as challenges and opportunities that *shall* be examined through further study.

c) To provide, where necessary, interim direction for special study areas.

12.1.4(2) DOWNTOWN WATERFRONT HOTEL PLANNING STUDY

a) The Downtown Waterfront Hotel Planning Study is identified as 2020 Lakeshore Road, as outlined on Schedule D: Land Use-Downtown Urban Centre, of this Plan.

b) A planning study will consider the existing and planned context and will guide the *development* of this site, which represents a significant opportunity for mixed use *development* linking the downtown with the waterfront. Located next to Spencer Smith Park and the Brant Street Pier, any further *development shall* provide a high quality of urban design reflecting the landmark nature of this site. Input from residents will be required to ensure the new *development* reflects a high quality of urban design that enhances the community's access to the waterfront and the downtown.

c) Until the study is completed and approved, only the uses *existing* as of the date of approval of this Plan, are permitted.

12.1.5 ZONING BY-LAW

Section 34 of The Planning Act enables the development of Zoning By-laws to regulate land use. Where the Official Plan provides high level direction on land use, built form and density ranges, the Zoning By-law provides specific direction on location, orientation and form of buildings, as well as density, height, parking requirements and coverage, among other considerations. The full range of uses permitted in the Plan *may* not be permitted in a given zone. This Plan and the Zoning By-law will be used in conjunction with each other.

12.1.5(1) OBJECTIVES

a) To define the uses permitted in specific locations within the city and the specific *development* regulations relating to those uses.

12.1.5(2) POLICIES

a) The *City* will complete a comprehensive review of the City's Zoning By-law, within three years of the adoption of this Plan or any future Official Plan Review. The existing Zoning By-laws *shall* remain in effect during the review period. Any amendments to the by-laws during the review period *shall* be required to conform with this Plan.

b) The Zoning By-law *shall* establish:

(i) zoning regulations that apply to all lands within the city;

(ii) land use zones, their permitted uses and their geographic extent;

(iii) *development* standards relative to *City*-wide regulations and specific

zones; and

(iv) any other regulations required to implement the Plan.

c) Where there are land uses that do not conform to the Plan, the *City* will amend the zoning where appropriate to permit either the *existing uses* or new uses that represent a shift or transition in use toward the use designated in the Plan.

d) The Zoning By-law may include detailed maps that define the location, size and shape of the land, the location and dimensions of areas occupied by buildings or structures, the yard, parking and loading areas, the access to the land and other similar siting arrangements.

e) Some areas designated for urban uses will remain undeveloped until municipal *infrastructure* becomes available and other municipal requirements are met. During this interim period, these undeveloped areas *may* be zoned for *agriculture* or open space uses to *preserve* them for their designated urban uses. These zones will be referred to as Development Zones.

f) Where appropriate, the *City* will, in conjunction with a Zoning By-law passed pursuant to The Planning Act, impose one or more prescribed conditions on the use, erection or location of buildings or structures and require an owner of land to which the by-law applies to enter into an agreement with the *City* relating to the condition(s). This agreement may be registered against the lands to which it applies and the *City* may enforce the agreement against the owner and any and all subsequent owners of the land.

g) The *City* will consider the use of form-based zoning to implement the objectives and policies of this Plan.

12.1.6 HOLDING ZONES

The Planning Act allows municipalities to specify the use to which lands, buildings and structures may be put at such time in the future as the holding symbol is removed. The placement of a Holding or H zone is subject to a formal public process; however, once the specified conditions are met, the process requires only that the owner request that the H be lifted. There is no public process, nor means to appeal, except by the property owner.

12.1.6(1) OBJECTIVE

a) To identify the uses that are ultimately intended for specific lands, but to delay their actual *development* until a future date when certain conditions are met.

12.1.6(2) POLICIES

a) The *City may* designate a holding zone with the prefix H, and specify the future uses of these lands that, at the present time, are considered premature or inappropriate for *development* and require the demonstration of resolution of conditions related to any one or more of the following reasons:

(i) *infrastructure* and *public service facilities* such as sanitary sewers, storm water management facilities, water supply, and parks are insufficient to serve the proposed *development*;

(ii) transportation facilities are inadequate or inappropriate based on anticipated traffic;

(iii) the number and location of access points to the site are inadequate and incapable of functioning safely and efficiently;

(iv) where *development* relies upon other matters occurring first, such as the consolidation of land ownership to ensure the orderly *development* of the project and to secure funding for *infrastructure*, services or outstanding *development application* processing costs;

(v) supporting studies are required on matters related to traffic, soils, protection of any site features, environmental constraints or design features prior to *development* approval;

(vi) the presence of known site *contamination;* and

(vii) *development* agreements are required to guide the appropriate *development* of the site and their relevant conditions have been, or will be, met.

b) Removal of the "H" prefix will depend on meeting the specific *City* conditions identified by the Holding Zone By-law.

c) Where a holding zone is in effect, no building or structure may be built on the site, unless permitted by the *City,* or until the holding zone designation is removed.

d) The Zoning By-law will identify lands subject to holding provisions and specify the land uses permitted and any regulations applying in the interim. The following uses *may* be permitted while a holding provision is in effect:

(i) all *existing uses*, buildings or structures;

(ii) a *home occupation* in an existing single-detached dwelling;

(iii) a public or private park, provided no permanent buildings or structures are built; and

(iv) an agricultural or farming use.

12.1.7 MINOR VARIANCES

The Planning Act establishes the ability to set up a Committee of Adjustment. The Committee will consider applications for minor variances to the Zoning By-law.

12.1.7(1) OBJECTIVE

a) To ensure that proposed *development* that involves adjustment(s) to by-laws, conforms to the general intent of the Official Plan and Zoning By-law.

12.1.7(2) POLICIES

a) The Committee of Adjustment, in granting an application for minor variance from the Zoning By-Law, *shall* be satisfied that the variance:

(i) is minor in nature;

(ii) is desirable for the appropriate *development* or use of land;

(iii) maintains the general intent and purpose of this Plan;

(iv) maintains the general intent and purpose of the Zoning By-law;

(v) meets any additional criteria prescribed by the Province; and

(vi) meets any additional criteria established by the *City*, including any applicable Council-approved *design guidelines*.

b) In commenting to the Committee of Adjustment on a proposal requiring multiple minor variances from the Zoning By-law, if the *City* determines that the *cumulative impact* of the proposed variances is not considered to be minor, it will be recommended that the proposal should be processed by way of rezoning.

c) The *City may* require the submission of additional information or material in order to allow an evaluation of minor variance applications.

d) For lands in *Neighbourhood Character Areas*, minor variance applications for *development* of a single detached dwelling *shall* be evaluated based on the following additional criteria:

(i) compatibility with the neighbourhood character area;

(ii) on properties that are located at the end of a terminating street, dwellings *should* be designed and located to reinforce a framed focal point; and

(iii) dwellings located on corner lots *should* create a strong connection to both *streetscapes* through attractive facades and landscaping facing

each street.

12.1.8 COMMUNITY BENEFITS

Community benefits are an integral part of community and city building in an intensifying city. Section 37 of The Planning Act provides the *City* with the opportunity to secure facilities, services or matters that are either new features or that represent an enhanced level of service. These support quality of life of new and existing residents and provide services and facilities that the *City* would otherwise be unable to provide.

This tool is one way the *City* can contribute to meeting its city building objectives including growth through *intensification,* while mitigating the costs to existing tax payers when increased service levels are required to support the community. It also provides an opportunity for the community to tangibly share in the benefits that landowners accrue from achieving increased height, density and/or *intensity* permissions on their lands.

Community benefits provisions pursuant to Section 37 may be used by the *City* to authorize increases in height, density and/or *intensity* of *development* otherwise permitted by the by-law. In return the landowner will provide, or contribute to facilities, services, or matters of public benefit.

The community benefit will be greater than the *City* would typically achieve through standard requirements and must demonstrate a reasonable, proportional relationship to the increase in height, density and/or *intensity.*

12.1.8(1) OBJECTIVE

a) To consider permitting increases in height, density and/or *intensity* otherwise permitted in this Plan, or as contained in a Zoning By-Law, in return for the provision of facilities, services or other matters as indicated in this Plan to achieve public benefits beyond the statutory requirements of The Planning Act or this Plan.

12.1.8(2) POLICIES

a) *City* Council *may* authorize an increase in the building height, density and/or *intensity* of *development* otherwise permitted by the Plan or in a Zoning By-Law in return for community benefits in the form of facilities, services or matters provided that:

(i) the *development* proposal constitutes good planning in that it is consistent with the intent of the policies of this Plan;

(ii) the community benefits bear a reasonable planning relationship to the increase in building height, density and/or *intensity* of the proposed

development; and

(iii) there is adequate *infrastructure* to support the increase in building height, density and/or *intensity*.

b) The *City may* require the use of community benefits provisions with regard to the following matters, in the form of facilities or contributions, which *shall* be greater than that which would be achieved through the requirements of this Plan, other *City* standards, The Planning Act or The Development Charges Act:

(i) provision of *special needs*, *assisted* and *affordable housing*, in the form of land, residential units and/or cash contributions, to be transferred to the appropriate housing provider as determined by the *City*;

(ii) provision of parks, trails and open space;

(iii) protection, restoration, enhancement and/or dedication of the Natural Heritage System and/or other natural heritage features such as *woodlots;*

(iv) provision of improved pedestrian and cycling access to public transit and enhanced public transit *infrastructure,* facilities and services;

(v) provision of public areas, crosswalks and walkways and connections to external public walkways/trail systems;

(vi) provision of new, and/or enhancements to, existing *public service facilities* and open space facilities such as parks and community, cultural and *recreational* facilities;

(vii) *conservation* of *cultural heritage resources* or contributions to community heritage initiatives;

(viii) provision of public art and/or contribution to the *City*'s public art reserve fund;

(ix) provision of *sustainable* building and *development* measures;

(x) provision of public *streetscape* improvements including the enhanced ability to accommodate *active transportation*, to support more trees and *tree* viability and bury *utilities*;

(xi) provision of land, or contribution to a strategic land reserve fund; and/or

(xii) other community benefits that may be identified in *area-specific plans*, *community improvement plans,* or other community improvements that may be identified through the *development* approval process.

c) Recognizing that the type of community benefit may vary throughout the city, the determination of the specific community benefit *should* be considered in the context of the neighbourhood setting, including the consideration of local community needs, an approved a*rea-specific plan,* or any other strategic initiatives or priorities.

d) The *City* will consider developing community benefit policies applicable to specific areas of the city.

e) Where more specific policies related to the approach to considering community benefits are developed as part of an *area-specific plan*, the more specific policies *shall* apply.

f) Priority *should* be given to community benefits projects within the vicinity of the location of the increased density or height.

g) In a Primary Growth Area as identified on Schedule B-1: Growth Framework, of this Plan, where possible, community benefits *should* be retained within the same Primary Growth Area.

h) The increase in the building height, density and/or *intensity* of *development*, unless otherwise specified, *should* be assessed against the in force and effect zoning of the subject site.

i) One or more agreements *shall* be required between the landowner and the *City* relating to the increased height, density and/or *intensity* in exchange for the community benefits provisions.

j) The *City* will consider developing a Community Benefits Strategy to set priorities.

12.1.9 INTERIM CONTROL BY-LAWS

12.1.9(1) OBJECTIVE

a) To prohibit the use of lands, buildings or structures except for certain defined purposes until a review or study is undertaken in respect of land use planning policies in the area defined by the interim control by-law.

12.1.9(2) POLICIES

b) Where the *City* has directed that a review or study be undertaken in respect of land use planning policies in the city or in any defined area of the city, the *City may* pass an interim control by-law to be in effect for a time period which *shall* not exceed one (1) year from the date of passing. This by-law *shall* prohibit the use of land, buildings or structures within the city or within the defined area except for such purposes as set out in the interim control by-law.

c) Notice, as required by The Planning Act, *shall* be provided within thirty (30) days of the passing of the interim control by law.

d) The *City may* amend the interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two (2) years from the date of the passing of the interim control by-law.

e) Where an interim control by-law ceases to be in effect, the *City may* not for a period of three (3) years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

12.1.10 TEMPORARY USE BY-LAWS

12.1.10(1) OBJECTIVE

a) To authorize the temporary use of land, buildings or structures for any purpose that would otherwise be prohibited, where it can be demonstrated that the objectives of the plan are maintained.

12.1.10(2) POLICIES

a) The *City may* pass a by-law under The Planning Act to authorize the temporary use of land, buildings or structures, provided:

(i) the use is demonstrated to be temporary in nature;

(ii) the use *shall* be consistent with the general intent of this Plan;

(iii) the use is *compatible* with adjacent uses;

(iv) an agreement is entered into with the *City* related to the *development* of the temporary use; and

(v) an agreement is entered into with the *City* agreeing to terminate the use upon expiry of the temporary use by-law.

b) This by-law *shall* define the area to which it applies and *shall* specify the period of time for which the authorization *shall* be in effect, which *shall* not exceed three (3) years from the day of passing of the by-law.

c) The *City may* by by-law authorize the temporary use of a *garden suite*. This by-law *shall* define the area to which it applies and *shall* specify the period of time for which the authorization shall be in effect, which *shall* not exceed twenty (20) years from the date of passing of the by-law.

d) The *City may* by by-law grant further periods of not more than three (3) years each during which the temporary use is authorized.

e) Upon the expiry of the by-law, the temporary use *shall* be terminated

12.1.11 LEGAL NON-CONFORMING USES

12.1.11(1) OBJECTIVE

a) To recognize legal non-conforming uses, while recognizing that these uses *should* eventually cease.

12.1.11(2) POLICIES

a) Legal non-conforming uses, buildings or structures throughout the city *should* eventually cease, so that the land affected *shall* revert to a use, building or structure that conforms with the intent of the Plan and the Zoning By-law. In special circumstances, however, it *may* be appropriate to consider the extension or enlargement of a non-conforming use, building or structure.

b) The Committee of Adjustment, in granting an application for the extension or enlargement of non-conforming land, buildings or structures, or uses *shall* be satisfied that:

(i) the proposed extension or enlargement does not represent an unreasonable increase to the size and *intensity* of the legal non-conforming use;

(ii) adequate measures are provided to protect surrounding uses through landscaping, buffering or screening; appropriate setbacks for buildings and structures are provided; and/or devices and measures for reducing nuisance(s) caused by matters such as noise, outside storage, lighting and advertising;

(iii) the features of the existing non-conforming use and proposed extension and/or enlargement are considered to be *compatible* with adjacent uses;

(iv) there are or will be adequate *infrastructure* to meet the additional needs resulting from the expansion or extension of the use;

(v) there are adequate off-street parking areas, loading facilities and on-site screening;

(vi) traffic and parking conditions in the area *shall* not be unacceptably affected and traffic hazards *shall* be minimized by appropriate design of access points to and from the site, and improvement of site conditions, especially close to intersections;

(vii) the objectives and policies of this Plan and standards established in the Zoning By-law are upheld; and

(viii) the proposed use is not within *hazardous lands,* except where

specifically exempted by Conservation Halton or identified as a Special Policy Area in this Plan.

12.1.12 DIVISION OF LAND

12.1.12(1) SUBDIVISION, CONDOMINIUM AND PART LOT CONTROL

Section 50 of The Planning Act provides the ability to create, through the subdivision approval process, new, separate *lots* of record.

Condominium approval is authorized by The Condominium Act.

Section 51 of The Planning Act provides guidance related to the creation of all new *lots* created through plan of subdivision and all new units and common elements created through plan of condominium.

12.1.12(2) OBJECTIVE

a) To ensure the orderly *development* of new *lots* and blocks in the city with regard to, among other things, health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.

12.1.12(3) POLICIES

a) The entire Plan area *shall* be subject to subdivision control and part lot control, pursuant to The Planning Act. The provisions of The Planning Act *shall* be employed to ensure conformity with the policies of this Plan, and that a high standard of design is maintained in all *development*.

b) Subdivision agreements *shall* establish the conditions of approval of a plan of subdivision to ensure that the provision of funds, services, facilities, and other matters are to the satisfaction of the *City*, the Region of Halton and other agencies. The applicant *shall* be required to post securities with the *City* to ensure the conditions of the subdivision agreement are fulfilled.

c) A plan of subdivision or condominium *shall* be required where:

(i) the number of *lots* created is greater than four (4) within the Urban Area as identified on Schedule A: City System, of this Plan; or

(ii) the number of *lots* created is greater than two (2), within *Rural Settlement Areas* as identified on Schedule A: City System, of this Plan;or

(iii) the extension or the creation of a public road allowance or municipal infrastructure is required, at the discretion of the Region of Halton and City.

d) The *City may*, by by-law designate any plan of subdivision, or part thereof, that has been registered for eight (8) years or more, not to be a registered plan of subdivision.

e) The *City shall* include a lapsing date in accordance with The Planning Act.

f) The *City may* by by-law, exempt all or parts of a registered plan of subdivision from part lot control to permit the conveyance of portions of lots or blocks. By-laws to exempt lands from part lot control *shall* be limited to a period of not more than three (3) years.

12.1.12(4) CONSENTS

The Planning Act provides the municipality the authority to delegate the granting of consents to sever land to the Committee of Adjustment.

12.1.12(4.1) POLICIES

a) Subject to the other policies of this Plan and the policies of the applicable Provincial Plans, in Settlement Areas, new lots may be created through *consent*.

b) A plan of subdivision *shall* be considered as the main method of providing *lots* in the city. Consent for land conveyances *shall* only be granted where they will not compromise the orderly *development* of land or the general public interest.

c) *Development* which proposes the creation of *lots* requiring the construction of a new public road, the execution of a *development* agreement, or which proposes the creation of more than four (4) new *lots, shall* not proceed by way of consent. The creation of *lots* within the *Rural Settlement Areas* also *shall* be subject to the policies of Subsection 9.5.2 and 12.1.12(3) c) of this Plan.

d) Subject to the other policies of this Plan, and the policies of the applicable Provincial Plans, new *lots may* be created only for the following purposes:

(i) for the purpose of acquisition by a *public authority*. Acquisition by a *public authority* in *prime agricultural areas shall* not be permitted except if the *lot* is created for the installation of infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;

(ii) for the purpose of consolidating *lots*;

(iii) for adjusting *lot* lines provided that:

a. the adjustment is minor and for legal or technical reasons such as

easements, corrections of deeds and quit claims; and

b. the proposal does not result in additional building *lots*;

(iv) for the purpose of creating a new *lot* for conservation purposes in accordance with Subsection 4.2.5 e) of this Plan; and

(v) for the severance of an existing dwelling that is demonstrated, to the satisfaction of the *City,* to be surplus to a *commercial agricultural operation* in the Agricultural Area, as identified on Schedule I: Land Use-Rural Area, of this Plan, as the result of a *farm consolidation,* provided that:

a. a minimum of one (1) dwelling is maintained on a farm *lot* owned by and part of the consolidated *agricultural operation* applying for the severance;

b. the applicant has owned and operated the *commercial agricultural operation* for a minimum of three (3) years at the date of application for the severance, as demonstrated through Land Title and Farm Registration Number;

c. the surplus dwelling has been built and occupied since December 16, 2004;

d. the surplus dwelling is habitable on the date of application for the severance and is determined by the City's Chief Building Official to meet the *City's* standards for occupancy without substantial demolition and/or new construction;

e. the surplus dwelling is not mobile, portable or temporary and is not a *secondary dwelling unit* or a dwelling *accessory* to a *commercial agricultural operation* to house full-time *farm* help;

f. the new *lot* created for the surplus dwelling *shall:*

i. front onto an existing public road that is of a reasonable standard of construction and is generally maintained all year round;

ii. be limited in size to the minimum area needed to accommodate the surplus dwelling plus private, on-site, individual well water supply and waste treatment systems that conform to the Region of Halton's by-laws and standards and to Provincial, legislation, regulations and standards; and

iii. be in compliance with the Minimum Distance Separation (MDS) Formulae;

g. a *lot* retained for *agricultural use* that is not to be merged with an *abutting* farm lot *shall* be a minimum twenty (20) hectares in size; and

h. if the dwelling on the surplus *lot* is expanded or replaced, the footprint of the expanded or new dwelling *shall* not be more than twenty-five (25) percent greater than the footprint of the dwelling that existed on the *lot* on the lot at the time of the severance

i. as a condition of the severance, the *lot* retained for *agricultural use shall* be either:

i. merged on title with an *abutting* farm lot owned by and part of the consolidated *agricultural operation*; or

ii. zoned to *Agricultural Purposes Only* (APO) to prohibit new dwellings in perpetuity;

j. notwithstanding the policies of Subsections 12.1.12(4.1) c)(v) c., d., and j) ii) of this Plan, within the Niagara Escarpment Plan Area *lot* creation for a residence surplus to a farming operation *may* only be permitted outside of the Escarpment Natural Area and Mineral Resource Extraction Area, subject to the following:

i. the application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a *farm consolidation*;

ii. lot creation is to be undertaken in accordance with the policies of the Niagara Escarpment Plan;

iii. the proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application; and

iv. as a condition of the severance, if the severance does not result in the merger of *abutting* lots, the *lot* retained for *agricultural use* is listed as *Agricultural Purposes Only* in the Niagara Escarpment Plan and an appropriate legal restriction is registered on title in accordance with the Niagara Escarpment Plan.

e) Subject to other policies of this Plan, new *lots may* be created by way of consent within the *Rural Settlement Areas* designation shown on Schedule A:

City System, and all designations shown on Schedule C: Land Use - Urban Area, of this Plan. In commenting to the Committee of Adjustment, the *City shall* ensure the following factors are considered:

(i) the policies contained in Subsection 12.1.2(2.2), Development Criteria, of this Plan;

(ii) the size, configuration and location of the proposed consent *should* be appropriate for the use proposed considering the *infrastructure* available; or where municipal *infrastructure* is not available, the adequacy of potable water supply and the suitability of the soil for septic tanks;

(iii) the *lot* size and proposed use of the proposed consent *should* conform to the provisions of the Zoning By-Law, where applicable;

(iv) the *lot should* have a *compatible* width and area with *lots* in the immediate vicinity;

(v) any new *lots* intended for building *should* front on an existing public or common element street or road;

(vi) a traffic hazard *shall* not be created by access to a street or road with limited sight lines on curves or grades;

(vii) provision *shall* be made for future streets, and *lot* creation and *development shall* not preclude or inhibit the future *development* of surrounding lands, where applicable;

(viii) the proposed consent *should* not fragment the ownership of *hazardous lands* and *key natural features*, or unacceptably affect drainage patterns;

(ix) the frontage of new *lots* intended for building *should* generally not be less than approximately forty (40) percent of the *lot* depth;

(x) within *Neighbourhood Character Areas,* the proposed development shall achieve consistency with neighbourhood character;

(xi) within *Neighbourhood Character Areas,* the minimum *lot* widths and areas of proposed new *lots* in *Neighbourhood Character Areas shall* meet or exceed the average *lot* width and *lot* area of single detached residential *lots* fronting on both sides of the same street within one hundred and twenty (120) m of the subject property;

(xii) consents within lands designated Business Corridor or General Employment, including flag *lots* or other arrangements, are *encouraged* if it can be demonstrated that the *lot* functions adequately and no access or traffic issues are created; and

(xiii) for lands subject to the Niagara Escarpment Plan and Development Control or within the Greenbelt Plan, *lot* creation is also subject to the policies of the applicable designations of the Niagara Escarpment Plan and Greenbelt Plan, respectively.

12.1.13 SITE PLAN CONTROL

12.1.13(1) OBJECTIVE

a) To ensure safe, functional and orderly *development* having high standards of design and efficiency of land use and *infrastructure*, particularly with respect to site function.

12.1.13(2) POLICIES

a) The entire area within the City of Burlington is designated as a Site Plan Control Area. A Site Plan Control By-law *may* be enacted by the *City* and *may* affect all or part of the Site Plan Control Area.

b) The *City may* deem certain types of *development* exempt from Site Plan Control.

c) An application for Site Plan Control approval *shall* include the submission of plans and drawings showing the location of all buildings and structures to be built and all facilities to be provided as part of the proposed *development*, as well as matters relating to:

(i) exterior design, including, without limitation, the character*, scale,* appearance and design features of buildings, and their *sustainable* design;

(ii) the *sustainable* design elements on any adjoining highway under the *City* or Region's jurisdiction, including, without limitation, *trees,* shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;

(iii) facilities designed to have regard for accessibility for persons with *disabilities*.

d) Where an application for site plan control approval is made, the *City shall* review the submission based on the provisions for Site Plan Control in The Planning Act and the Site Plan Control By-law and the *development* criteria in Subsection 12.1.2(2) of this Plan, and include such criteria as:

(i) *compatibility* with the surrounding area;

(ii) urban design standards;

(iii) function and efficiency;

(iv) safety and access;

(v) adequacy of infrastructure;

(vi) grading and drainage; and

(vii) landscaping and lighting.

e) The *City may* require the fulfillment of conditions and an agreement for site plans, based on the provisions for Site Plan Control as specified in The Planning Act.

12.1.14 COMMUNITY PLANNING PERMIT SYSTEMS

12.1.14(1) OBJECTIVES

a) To provide for an alternative land use regulatory framework that implements the objectives and policies of this Plan.

b) To establish a comprehensive planning framework that facilitates and shapes *development* that is consistent with the planned vision for an area.

c) To provide a means of expediting *development* approvals by establishing principles to facilitate desired *development* and by combining the zoning, site plan approval and minor variance processes into one review and approval process for *development* proposals in a defined area.

12.1.14(2) POLICIES

a) The *City may* implement a community planning permit system in accordance with The Planning Act.

b) Policies *may* be adopted as part of this Plan with respect to the passing of a Community Planning Permit By-law to establish a community planning permit system.

c) Prior to adopting a Community Planning Permit By-law, the *City shall* identify one or more areas as Community Planning Permit Areas by way of an amendment to this Plan. The amendment *shall*:

(i) identify the proposed community planning permit area(s);

(ii) contain a statement of the *City's* goals, objectives and policies in proposing a community planning permit system for the area(s);

(iii) include types of conditions within a community planning permit area, as provided in the applicable Ontario Regulation;

(iv) set out the types of criteria that may be included in the community

planning permit by-law, and determining whether any class of development or any use of land may be permitted by the proposed community planning permit; and

(v) set out the scope of the authority that may be delegated and any limitations on the designation, if *City* Council intends to delegate any authority under the community planning permit by-law.

12.1.15 COMMUNITY IMPROVEMENT

The Planning Act enables municipalities to prepare, adopt and implement *Community Improvement Plans* (CIPs) to support their strategic and planning objectives in designated C*ommunity Improvement Project Areas.* These objectives may include: community *intensification* and renewal; improvements to the quality of living and working environments; energy efficiency and conservation and reduction in greenhouse gas emissions; protection and restoration of *cultural heritage resources*; economic development and adaptation; and environmental consideration or other justification.

Once a *Community Improvement Plan* has been adopted, the *City* may offer incentives to *encourage* private sector investment in support of the City's community improvement objectives. The *City* may also undertake a wide range of actions for the purpose of carrying out the *Community Improvement Plan.*

12.1.15(1) OBJECTIVES

a) To facilitate the planning or re-planning, design or re-design, subdivision, clearance, *development*, reconstruction and *rehabilitation* of lands and/or buildings.

b) To facilitate the preservation, restoration, adaptive reuse and improvement of *built heritage resources* and *cultural heritage landscapes.*

c) To facilitate the restoration, maintenance, enhancement and protection of the Natural Heritage System, parks, open space and recreational amenities.

d) To facilitate the construction of a range of housing types and the construction of accessible, *assisted, special needs* or *affordable housing*.

e) To upgrade and improve municipal *infrastructure* such as sanitary sewers, storm sewers, watermains, roads and sidewalks.

f) To enhance the *public realm.*

g) To improve pedestrian and bicycle circulation and accessibility for all persons.

h) To facilitate *transit supportive* land uses and improve the quality of, and accessibility to, transit facilities.

i) To facilitate the ongoing viability, revitalization and *development* of growth areas as identified by the *City*, and other areas that *may* require community improvement.

j) To foster the long term economic viability of the Agricultural System and of individual *agricultural operations* through the development of *agricultural, agriculture-related* and *on-farm diversified uses.*

k) To minimize or mitigate land use conflicts, and to protect *normal farm practices* and the *right to farm.*

l) To facilitate the revitalization of *Rural Settlement Areas*.

m) To improve environmental and energy consumption conditions.

n) To facilitate and promote economic and cultural development.

12.1.15(2) POLICIES

a) *Community Improvement Project Area(s)* will be designated by by-law where the boundary of which *may* be all or part of the City of Burlington.

b) *Community Improvement Plan(s)* may be prepared, adopted and implemented within a designated *Community Improvement Project Area(s),* pursuant to The Planning Act and the Community Improvement policies set out in this Plan. The *City* and the Region of Halton will participate in the preparation and implementation of community improvement programs.

c) *Community Improvement Plans* may include programs to facilitate municipal and private sector improvements that address identified objectives of *Community Improvement Project Areas.*

d) Criteria for designation of *Community Improvement Project Areas* will be based on one or more of the following conditions being present:

(i) vacant *lots* and underutilized properties and buildings which have potential for *intensification* or expansion to better utilize the land base or the public *infrastructure*;

(ii) high commercial vacancy rates;

(iii) known or perceived environmental contamination;

(iv) other barriers to the repair, *rehabilitation* or *development* of underutilized land and/or buildings;

(v) buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, energy efficiency, renewable energy and/or sustainability improvements, or

development;

(vi) absence of an adequate mix of uses;

(vii) deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, streetscapes and/or street lighting, municipal parking facilities, sidewalks, and other pedestrian facilities, cycling facilities, transit facilities, curbs, or road state of repair;

(viii) poor overall quality of the *public realm*, including but not limited to, *streetscapes* and urban design, street furniture, signage, parks and open space and/or overhead wiring;

(ix) Rural Settlement Areas with the potential for revitalization and the development of uses supportive of the Agricultural System and agri-tourism;

(x) lands within the Agricultural Land Base;

(xi) a concentration of obsolete or aging low-density land uses, vacant lots, surface parking lots and/or abandoned buildings;

(xii) deficiencies in infrastructure and public service facilities including but not limited to, public open space, municipal parks, neighbourhood parks, and indoor/outdoor recreational facilities;

(xiii) opportunities to improve the mix of housing types; and/or

(xiv) any other environmental, *sustainability*, energy efficiency or community development reason.

e) Priority for the designation of *Community Improvement Project Areas* and the preparation and adoption of *Community Improvement Plans* will be given to:

(i) those areas targeted for growth and *intensification*, in particular, Primary and Secondary Growth Areas;

(ii) Employment Growth Areas and identified Innovation Districts;

(iii) the Rural Planning Area;

(iv) those areas where the greatest number of conditions (as established in Subsection 12.1.15(2) d) of this Plan are present;

(v) those areas where one or more of the conditions (as established in Subsection 12.1.15(2) d) is particularly acute; and/or,

(vi) where one or more of the conditions (as established in Subsection 12.1.15(2) d) of this Plan) exists on a number of sites in the City.

f) In order to implement a *Community Improvement Plan* within a designated *Community Improvement Project Area*, the *City* will consider undertaking a range of actions pursuant to The Planning Act, including actions such as:

(i) offering financial incentives to encourage private sector investments supporting the objectives of the *Community Improvement Plan*;

(ii) improvements to the public realm and public facilities;

(iii) integration with other public works and/or Municipal, Regional, Provincial or Federal programs or initiatives;

(iv) utilization of the community benefit provisions of The Planning Act, as a way of assisting in the achievement of Community Improvement objectives;

(v) establishment of a Demolition Control Area By-Law; and/or

(vi) preparation of urban *design guidelines* and property standards by-laws.

g) In the preparation of a *Community Improvement Plan,* and any subsequent amendments, the *City* will solicit the input of public bodies and agencies, residents, property owners and other stakeholders pursuant to The Planning Act.

h) All initiatives undertaken as part of *Community Improvement Plans* will conform with the policies contained in this Plan, all other relevant legislation, regulations and other related municipal policies and by-laws.

i) The *City* will be satisfied that its participation in community improvement activities will be within the financial capabilities of the *City.*

12.1.16 PARKLAND DEDICATION

12.1.16(1) OBJECTIVE

a) To acquire lands for park purposes that are beneficial to the entire community.

12.1.16(2) POLICIES

a) Parkland dedication from residential *development shall* be required as a condition of *development*. The amount of land *shall* be determined on the following basis:

(i) for low density residential *development*, with a proposed density of less than fifteen (15) units per *net* ha, parkland *shall* be dedicated at the rate of five (5) percent of the land area;

(ii) for low or medium density residential development, with a proposed

density of fifteen (15) to fifty (50) units per net ha, parkland shall be dedicated at the rate of one (1) ha per three hundred (300) units; and

(iii) for high density residential *development*, with a proposed density greater than fifty (50) units per *net* ha, parkland *shall* be dedicated at the rate of one (1) ha per three hundred (300) units.

b) Parkland dedication from new commercial, *industrial* and office *development* and certain *institutional development* defined by by-law, *shall* be based on a rate of two (2) percent of the land area.

c) Parkland dedication from mixed use *development shall* be determined as follows: for the residential component of the *development*, park dedication *shall* be on the basis of Subsection 12.1.16(2) a) of this Plan; for the commercial, *industrial* and *institutional* component of the *development*, parkland dedication *shall* be two (2) percent of the land area for the percentage of the *total floor area* used for non-residential uses.

d) The payment of money equal to the value of the land otherwise required to be conveyed for parks *may* be required at the discretion of the *City*, in accordance with the Park Dedication Bylaws in effect.

e) Lands required for drainage and shoreline protection purposes, Natural Heritage System protection, *hazardous lands*, *hazardous sites* and other lands unsuitable for *development, shall* not be accepted as parkland conveyance.

f) Dedication of waterfront lands for park purposes *shall* also be subject to the policies of Subsection 4.5.3(2) e) of this Plan.

12.1.17 CASH-IN-LIEU OF PARKING

12.1.17(1) OBJECTIVE

a) To enable cash-in-lieu of parking that is beneficial to the entire community and supports alternative modes of travel.

12.1.17(2) POLICIES

a) Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the *City may* require a cash payment in lieu of all or part of the parking requirements. Such funds *may* be used to support facilities for parking, transit, bicycling and walking in the surrounding area as deemed appropriate by the *City*.

12.1.18 MAINTENANCE AND OCCUPANCY STANDARDS

12.1.18(1) OBJECTIVE

a) To administer a comprehensive program for standards for maintenance and occupancy within the city.

12.1.18(2) POLICIES

a) The *City* will administer a program regarding standards for maintenance and occupancy for all or any part of the city. The program will contain requirements for the maintenance of both residential and non-residential buildings, yards and *accessory* buildings, adequacy of sewage and drainage facilities, and the maintenance of walks, passages, fences and garbage disposal facilities.

b) Standards of maintenance and occupancy will be implemented by the *City* through the Property Maintenance and Occupancy Standards By-law(s), as amended, applicable to all or any part of the city. The *City* will ensure that the by-law(s) complies with the Plan provisions regarding property maintenance and occupancy standards.

c) The *City* will require that all properties affected by by-law(s) conform to the Property Maintenance and Occupancy Standards.

d) By-laws and amendments respecting standards for maintenance and occupancy of property will be administered and enforced by Property Standards Officer(s).

e) Appeals and reviews of orders issued under the by-laws respecting standards for the maintenance and occupancy of property will be the responsibility of the Property Standards Committee.

f) The *City* will undertake further studies with respect to conditions of residential, non-residential and vacant *lots* ensuring city-wide application of the program.

12.1.19 NIAGARA ESCARPMENT PLAN AREA

12.1.19(1) OBJECTIVES

a) To ensure new development within the Niagara Escarpment Plan Area complies with the Niagara Escarpment Plan, The Niagara Escarpment Planning and Development Act and the requirements of the *City,* as applicable.

b) To permit land uses subject to the policies of the Plan, and where applicable, the appropriate policies and detailed Development Criteria of the Niagara Escarpment Plan.

12.1.19(2) POLICIES

a) All *development* within the Niagara Escarpment Plan Area *shall* meet the Development Criteria of the Niagara Escarpment Plan. In addition, a development permit *shall* be obtained prior to any *development* occurring or any other permit being issued, unless the *development* is exempt through the Development Control regulation.

b) If the use of a Zoning By-Law or Holding Zone is proposed within the Niagara Escarpment Plan Area, the related permitted uses *shall* conform to this Plan and the Niagara Escarpment Plan.

12.1.20 INFRASTRUCTURE AND DEVELOPMENT AGREEMENTS

12.1.20(1) OBJECTIVE

a) To ensure the costs of new *infrastructure* are shared equitably among the benefiting parties.

12.1.20(2) POLICIES

a) A Master Servicing Agreement, signed by the benefiting major parties involved in *development may* be required to be submitted and approved by the *City* and the Region of Halton as a condition of zoning and or subdivision approval. Such an agreement *shall* be based on the findings of a Site Servicing Master Plan, the Comprehensive Storm Water Management Plan and any other studies deemed necessary by the *City.* Such agreement will ensure that the necessary approvals and the required contributions of funds and lands and commitments for *infrastructure* and *public service facilities* will be in place and operative prior to or, coincident with, occupancy and use of land, for the following:

(i) *public service facilities,* including public open spaces;

(ii) *water;*

(iii) *waste water;*

(iv) *storm water management;*

(v) *road infrastructure and widenings; and*

(vi) *other utilities.*

b) If difficulties or undue delays are encountered with respect to the preparation and/or signature of Master Site Servicing and/or Master Storm Water Management Agreements described in Subsection 12.1.20(2) a) of this Plan, the *City may* be requested to attempt to resolve such difficulties or delays.

Where resolution of such problems is not deemed feasible by the *City* or is not possible even with the *City*'s intervention, the *City may* approve alternative mechanisms to satisfy the intent of the applicable policy.

12.1.21 STRATEGIC INVESTMENT AREAS

12.1.21(1) OBJECTIVES

a) To establish an approach for addressing identified barriers or constraints to *intensification* or to facilitate population and *employment* growth in accordance with the *City's* strategic priorities.

12.1.21(2) POLICIES

a) In cases where existing or planned *infrastructure* and public service capacity is deficient, the *City*, by resolution of Council, may identify one or more Strategic Investment Areas within the city.

b) Strategic Investment Areas *may* be identified within the Primary, Secondary or Employment Growth Areas identified in Schedule B-1: Growth Framework, of this Plan.

c) A Strategic Investment Area will be the focus for the use of innovative financial, economic development or planning tools available to the City in order to assist with overcoming identified barriers or constraints to intensification.

d) A Strategic Investment Area may include, but will not be limited to, the following tools:

(i) differential development charges;

(ii) Community Improvement Plans;

(iii) community benefits;

(iv) public/private *infrastructure* agreements, including front-ending agreements;

(v) area-specific plans;

(vi) *City*-initiated land acquisition/*development;*

(vii) *City*-initiated Official Plan and/or Zoning By-Law amendments;

(viii) community planning permit systems; and/or

(ix) economic development strategies.

12.1.22 DELEGATED AUTHORITY

12.1.22(1) OBJECTIVES

a) To delegate to staff the authority to pass minor by-law amendments under Section 34 of The Planning Act that are of a minor nature, in accordance with Section 39.2 of The Planning Act, and the *City's* Delegated Authority By-law.

b) To delegate to staff the authority to make certain technical changes to an Official Plan of the City, without an amendment.

12.1.22(2) POLICIES

a) Delegation of authority to pass minor by-law amendments under Section 34 of The Planning Act *shall* be limited to:

(i) a by-law to lift a Holding "H" Zone;

(ii) a by-law to authorize temporary use of land, buildings, or structures in a defined area;

(iii) a by-law for the purpose of housekeeping to ensure accuracy and clarity, and to assist in the consistent interpretation and application of the Zoning By-law;

(iv) a by-law for any technical changes required to ensure accuracy and clarity, and to assist in the consistent interpretation and application of the Zoning by-law such as:

a. altering the numbering, arrangement and cross-referencing of Zoning regulations;

b. correcting clerical, grammatical and spelling errors;

c. updates to address references;

d. adding technical information to maps or schedules; and/or

e. changing format or presentation

(v) a by-law to permit amendments to a zoning regulation (not including the permission for land uses otherwise not permitted or changes in the Zoning designation) where no objections are received during the commenting period set out in Subsection 12.1.23(2)(b)(ii) and the proposed by-law amendments are consistent with the applicable policies of the Official Plan. In the event that any objections are received during the commenting period, staff shall report to the Committee of the Whole with a recommendation regarding the proposed by-law amendment.

b) Authority is delegated to staff to make technical changes, without a Plan amendment, that do not alter intent, meaning, or substance, as follows:

(i) alteration of the numbering, arrangement and cross-referencing of provisions;

(ii) correction of clerical, grammatical, and spelling errors;

(iii) updating of address references;

(iv) updating of agency and/or *public authority* names;

(v) removal of obsolete and/or redundant policies;

(vi) updating of schedules, tables or graphics; and

(vii) alteration of format or presentation.

12.1.23 ALTERNATIVE MEASURES

12.1.23(1) OBJECTIVES

a) To establish alternative measures used for informing and obtaining the views of the public for all notifications required by The Planning Act and The Ontario Heritage Act.

12.1.23(2) POLICIES

a) Notice of all planning and all heritage matters otherwise required by The Planning Act and The Ontario Heritage Act to be given through publication in a newspaper, *shall* be given through publication on the *City's* webpage and will not be published in a newspaper. In all other respects, the standard notice provisions of The Planning Act and The Ontario Heritage Act *shall* apply.

b) The *City shall* use the following alternative measures for minor by-law amendments as referred to in subsection 12.1.22(2)a):

(i) Notice of a proposed minor by-law amendment will be provided in accordance with subsection 12.1.23(2)a);

(ii) A commenting period of not less than 20 days *shall* be applied to a proposal for a minor by-law amendment;

(iii) All submissions made in writing from the public will be considered when making a decision regarding a minor by-law amendment; and

(iv) A statutory public meeting will not be required prior to the approval of a minor bylaw amendment.

12.2 INTERPRETATION

The Official Plan represents the policy of the *City* with respect to land use and related matters. This Plan is to be read in its entirety and all policies are to be considered and balanced in its implementation.

The Plan includes both numbered policies and explanatory text. The explanatory text provides clarity and intent to the numbered policies. The Plan also includes illustrative figures and statutory schedules. Illustrative figures are provided to guide the interpretation of this Plan, whereas schedules form part of the policy of this Plan.

12.2.1 OBJECTIVE

a) To provide guidance in the interpretation of the objectives, policies, illustrative figures and schedules of the Plan.

12.2.2 POLICIES

a) The Official Plan *shall* be read in its entirety and all relevant policies *shall* be considered and balanced when implementing this Plan.

b) The objectives are part of this Plan and assist in understanding the intent of the policies. In the event of ambiguity or conflict in the policies of this Plan for specific circumstances, the preamble *shall* provide interpretative guidance.

c) The objectives and policies presented in Chapters 1 to 7 inclusive and Chapters 11 and 12 of this Plan, unless otherwise specified, apply to the entire Plan area.

d) The objectives and policies presented in Chapters 8, 9 and 10 of this Plan, unless otherwise specified, apply only to the lands so designated on the City System, Urban Structure and the Land Use Plan schedules.

e) The designations and other areas identified on Schedules A to N of the Plan are intended to show general areas. The boundaries are approximate and are subject to interpretation at the time of implementation of the Plan, except for those boundaries established by well-defined features such as railways, highways and roads, *utility* corridors, property boundaries or where specifically defined in an *area-specific plan* or in this Plan.

f) Notwithstanding Subsection 12.2.2 e) of this Plan, the Growth Framework area boundaries, as identified on Schedule B-1: Growth Framework, of this Plan, are static. However, boundaries *may* be subject to interpretation by the *City* where a proposed *development* or *lot* consolidation crosses more than one Growth Area. In such instances, where the proposed *development* or *lot* consolidation involves a property immediately adjacent to a Major Arterial,

Multi-Purpose Arterial, Urban Avenue, Main Street or Industrial Connector Street, as shown on Schedule O-1: Classification of Transportation Facilities – Urban Area, Schedule O-3: Classification of Transportation Facilities – Downtown Urban Centre, or Schedule O-4: Classification of Transportation Facilities – Uptown Urban Centre, of this Plan, the *City may* extend the most *intensification* permissive area to the entire site(s).

g) The text of this Plan *shall* be used to interpret and clarify the schedules. In the case of a discrepancy between the policies and the related schedule, the policies will take precedence.

h) Where the intent of this Plan is maintained, minor boundary adjustments will not require amendment to this Plan, unless more specific direction is provided by this Plan. Consideration of such an adjustment will include a review of:

(i) the existing Zoning By-law;

(ii) prevailing *lot* depths;

(iii) lotting pattern and orientation and natural features, such as *watercourses*; and

(iv) land use patterns.

In cases where more certainty is required, the *City may* require the development of area-specific mapping, adopted through amendment to this Plan.

i) Permitted uses listed for each land use designation are only permitted subject to the following:

(i) the site is not considered *hazardous lands* or a *hazardous site* or subject to soil *contamination;*

(ii) adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region of Halton; and

(iii) *development* meets all applicable statutory requirements, including regulations, policies of the Regional Official Plan, this Plan, zoning by-laws and municipal by-laws.

j) Where lists or examples of permitted uses are provided in Chapters 8, 9 and 10 of the Plan, they are intended to indicate the possible range and type of uses that *may* be considered. Specific uses that are not listed, but are considered by the *City* to be similar to the listed uses and to conform to the general intent of the applicable land use designation, *may* be recognized as a permitted use.

k) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* density or *intensity* at every location, based on site-specific factors that *may* include, but not be limited to, *compatibility*, *physical character* and urban design considerations, traffic, land use compatibility, *negative impacts* on the Natural Heritage System, environmental factors such as soil *contamination, hazardous lands, hazardous sites* or any other site constraints.

l) Minor variations from numerical requirements in the Plan *may* be permitted without a Plan amendment, provided the general intent of the Plan is maintained.

m) [Subsection not in use]

n) For an accurate reference to the City of Burlington Official Plan and/or subsequent amendments thereto, the Certified True Copy lodged with the *City* Clerk should be consulted.

o) In cases where there is a conflict between site-specific or *area-specific plan policies* and general policies, the site-specific or *area-specific plan policies shall* prevail.

p) Although the land use designations of this Plan are intended to be conceptual in nature, in cases where a parcel of land contains two separate land use designations, the policies of each designation *shall* apply only to the portion of the property so designated.

q) Illustrative figures such as graphics and photos are not part of this Plan, but are included only for the purpose of illustration.

r) Certain words throughout the Plan are defined either through policy, defined geographically on a Schedule to this Plan, or are italicized and included in Chapter 13: Definitions, of this Plan. For all other words found in this Plan, the standard meaning is implied.

s) The appendices to this Plan contain additional information and do not constitute part of this Plan; however, they are applicable in implementing the Plan policies. These appendices may be amended from time to time by the *City* without requiring a formal amendment to this Plan.

t) Both the appendices to this Plan and other guidelines and policies as adopted by the Province, Region or *City* from time to time, which are not specifically referenced in the appendices to this Plan, *may* be used as part of the consideration of *development* proposals.

u) On October 20, 2024, the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, 2019 were revoked and a new

Provincial Planning Statement was enacted. However, the Provincial Policy Statement and the Growth Plan will continue to apply where the Greenbelt Plan refers to them, to maintain existing protections for the Greenbelt.

Until this Plan has been revised to reflect the updated Provincial policy framework, a reference to the Provincial Policy Statement or the Growth Plan in relation to lands located outside of the Greenbelt Plan area, as shown on Schedule A-1: City System - Provincial Land Use Plans and Designations, of this Plan, *shall* be interpreted in accordance with section 1.3, of this Plan

Within the Greenbelt Plan area, and outside of the Niagara Escarpment Plan area, a reference to the Provincial Policy Statement or the Growth Plan *shall* be interpreted as a reference to the Provincial Policy Statement or the Growth Plan, respectively, as they read immediately before revocation.

v) On July 1, 2024, through changes to The Planning Act, the Province identified the Region of Halton as an "upper-tier municipality without planning responsibilities". As a result, the Regional Official Plan is no longer an official plan for the Regional Municipality of Halton.

Instead, it has been deemed an official plan of each of the lower-tier municipalities in Halton (City of Burlington, Town of Halton Hills, Town of Milton, and Town of Oakville), until it is revoked or amended by the respective municipality.

Until this Plan has been revised to reflect the transition of Regional planning responsibilities, any reference to the Regional Official Plan and its requirements *shall* be interpreted as a reference to an official plan/requirement of the City of Burlington and the two Plans *shall* be read as companion documents.

w) On October 31, 2025, the Province announced its intention to consolidate Ontario's 36 conservation authorities into regional conservation authorities. These proposed changes include the potential consolidation of Conservation Halton into the "Western Lake Ontario Regional Conservation Authority".

Until this Plan has been revised to reflect future changes to conservation authority names and boundaries, any reference to Conservation Halton *shall* be interpreted as a reference to the applicable authority name and boundaries established under the Conservation Authorities Act.

12.3 MONITORING

The *City* recognizes the importance of information to support sound and effective decision making and priority setting. Monitoring is essential to the implementation of this Plan and will help measure the success of the Plan, allow the *City* to respond to new trends and to continuously improve the effectiveness of the Plan.

12.3.1 GENERAL OBJECTIVES

a) To evaluate the effectiveness of this Plan's policies over time and ensure that its objectives remain valid or respond to changing circumstances, as appropriate.

b) To develop a series of indicators to provide an effective means of monitoring the policies and objectives of this Plan.

c) To establish and maintain a growth management monitoring program to assess the adequacy of the policies of this Plan and to measure their success in managing population and *employment* growth.

d) To monitor housing in the city to assess the effectiveness of the policies of this Plan in addressing local housing needs.

e) To monitor the state of the environment of the city to assess the effectiveness of policies on *sustainable development* and environmental protection, as well as meeting the Hamilton Harbour Remedial Action Plan targets.

f) To provide consultation on the effectiveness of policies and the early identification of new issues.

g) To analyze the effectiveness of the policies within the Plan with other plans adopted by the *City*, including, but not limited to, the Strategic Plan and Transportation Plan.

12.3.2 GENERAL POLICIES

a) At least once every ten (10) years the *City* will review the Plan, which will include a public meeting required under The Planning Act. This review will determine if:

(i) the policies and targets of the Plan are being met;

(ii) the objectives and policies of the Plan remain valid and realistic in view of changing social, economic, environmental and technological circumstances;

(iii) the policies of the Plan are adequate for the achievement of its

strategic directions and objectives; and

(iv) policy components that will require further research and amendment will be considered, as required.

12.3.2(1) GROWTH MONITORING

12.3.2(1.1) POLICIES

a) In conjunction with the Region of Halton, the *City* will regularly monitor the type and distribution of growth occurring in the city to assist with *infrastructure,* transit, growth management and land use decision making.

b) A framework will be developed for monitoring growth to measure progress towards achieving the policies outlined in this Plan to include, among other things:

(i) population and employment growth;

(ii) population and employment densities;

(iii) residential and employment intensification;

(iv) employment and housing mix; and

(v) residential and non-residential *development* activity.

12.3.2(2) HOUSING MONITORING

12.3.2(2.1) POLICIES

a) The *City* will regularly monitor housing in the city to assess the effectiveness of this Plan's housing policies in addressing local housing needs.

b) In conjunction with the Region of Halton, the *City* will monitor new housing units by density type as well as *assisted* and *affordable housing*, based on targets established in the Regional Official Plan.

12.3.2(3) ENVIRONMENTAL MONITORING

12.3.2(3.1) POLICIES

a) Once each Council term, the *City* will prepare a State of the Environment Report to serve as background information for the comprehensive review of the Strategic Plan and *may* engage a citizens' advisory committee for this purpose.

b) The State of the Environment report will include, but is not necessarily limited to, Environment, Economy and Social indicators of *Sustainable Development.*

12.3.2(4) MONITORING REPORT

a) In support of this Plan's strategic directions and guiding principles, an Official Plan monitoring report will be prepared for Council on an annual basis which, at a minimum, will report on growth, *development* activity and housing in the city.