Planning Justification Report

1497-1511 Old Plains Road West

1511 Old Plains Road West Inc.

City of Burlington

Official Plan and Zoning By-law Amendment Applications

January 2025

GSP group

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Prepared for:
1511 Old Plains Road West
200-3170 Harvester Road
Burlington, ON L7N 3W8

Prepared by:
GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9

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1.0 INTRODUCTION

This Report has been prepared in support of a City of Burlington Official Plan Amendment application and a Zoning By-law Amendment application (the "Subject Applications") on behalf of 1511 Old Plains Road West Inc. to permit the redevelopment of lands municipally known as 1497, 1499, 1505 and 1511 Old Plains Road West within the City of Burlington ("the Site") to facilitate the residential redevelopment of the Site.

Specifically, the proposed amendments are as follows:

- An Official Plan Amendment application to redesignated the lands from a North Aldershot Policy Area commercial designation to a residential designation with the urban area, and to incorporate wording permitting residential development over the entirety of the property if and when the governance of the Parkway Belt West Plan does not apply; and
- A Zoning By-law Amendment application to rezone the lands form a North Aldershot Policy Area commercial zone to a residential zone within the urban area as well as establish site-specific zoning regulations to permit the Proposed Development.

This Report has been prepared by GSP Group Inc. The purpose of this Report is to describe the Proposed Development, the Subject Applications, the applicable planning policies and regulations, and to provide justification to support the Subject Applications to permit the Proposed Development.

A Pre-Consultation Meeting was held with staff on August 30, 2023 for the proposed residential use.

2.0 SITE DESCRIPTION AND SURROUNDING USES

2.1 Site Description

The Site is an irregular shape with four (4) municipal addresses (namely: 1497, 1499, 1505 & 1511 Old Plains Road West) with a combined area of ±1.18 ha. Once the MTO land dedication is transferred, the site will have an area of 1.09 ha.

This area is identified as parcel 'A' on **Figure 1**. Parcel B as indicated on the same figure has been purchased from the City of Burlington, having an area of 330m^2. The combined area of Parcel A and Parcel B is 11,831m^2. The individual parcels currently have access via Old Plains Road West, and the access will be consolidated to provide one vehicular access out to Old Plains Road West.

The Site has a frontage of ±134.95m along Old Plains Road West and ±103.46m along Plains Road West. The lot depth varies. The overall topography of the Site is generally flat. The Site is an undeveloped lot covered in grasses with some trees along the boundaries. All buildings have been demolished.

The Site abuts three roads, Highway 6: a provincial highway, Old Plains Road West and Plains Road West: municipal roads. The abutting land parcel to the north is a car pool parking lot.



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Site Location

Source: City of Burlington GIS, Queens Printer for Ontario (February 2018)

Figure 1

2.2 Surrounding Land Uses

The surrounding land uses include a carpool parking lot that is located immediately north of the Site (refer to **Image A**). The area to the east is characterized by townhouses with access to Plains Road West and single-detached dwellings located along Edgemoor Avenue. The area immediately south of the Site is occupied by a hydro-electricity corridor, beyond which is a commercial RV centre (refer to **Image B**). The western boundary of the Site abuts Highway 6.

Image A: Carpool parking lot located immediately north of the Site.
Source: Google Street View, July 2017



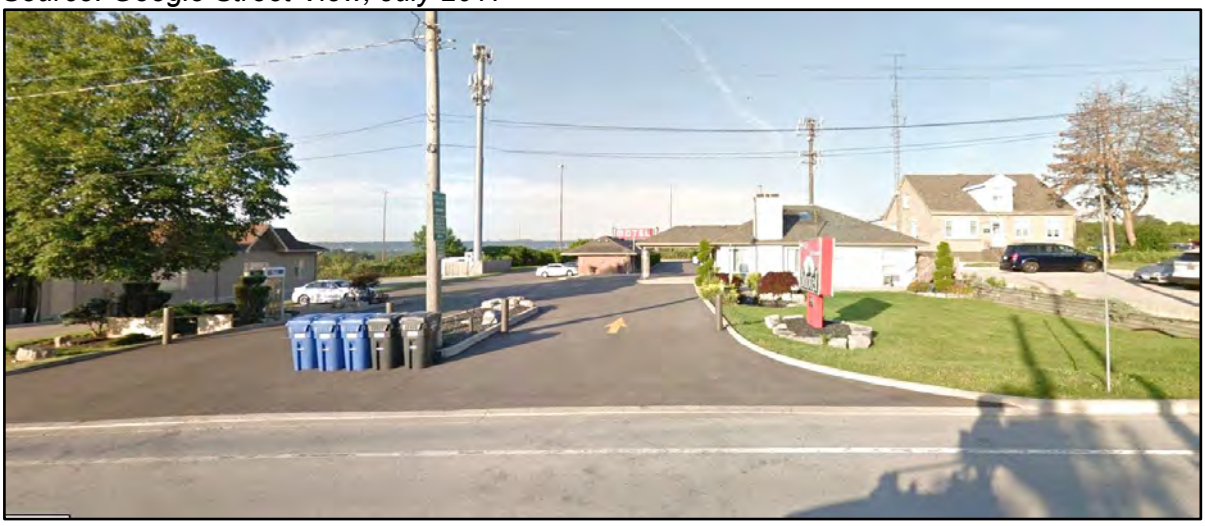
Image B: Commercial RV centre located south of the Site beyond the hydro corridor.
Source: Google Street View, July 2017



2.3 Community Context

The Site is situated on the western edge of Burlington where Highway 6 forms the boundary with Hamilton. The local area is dominated by the Highway 403-Highway 6 interchange, which acts as a significant barrier and effectively trisects the nearby lands. The area to the north, beyond the carpool parking lot and east of Highway 6, is occupied by the expansive (±11ha) Wedgewood Golf Centre. The lands to the east include a small residential enclave (known as the "Bridgeview Community") featuring townhouses and single-detached dwellings. Further to the east is a creek valley and the kind of hilly and dense woodlands that characterize much of North Aldershot. The lands to the south are a mix of commercial and residential uses. Specifically, the east-side of Plains Road West includes residential uses in the form of single-detached dwellings, while the west-side of the Plains Road West features commercial uses such as an RV sales centre, a paving company, and a motel (refer to **Image C**). Further to the south, across Highway 403, the Royal Botanical Gardens Rock Garden can be found at a distance of approximately 820m from the Site. The area across Highway 6 to the west is characterized by pockets of single-detached dwellings intermixed with open space and instructional uses, such as the Sisters of St. Joseph Church. **Figure 2** depicts an aerial map of the Site while the neighbourhood context is depicted in **Figure 3**.

Image C: The City View Inn Motel is located south of the Site on Plains Road West.
Source: Google Street View, July 2017





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Aerial View
Source: ESRI Areial Imagery (2022)

Figure 2



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Neighbourhood Context
Source: Hamilton Online Aerial Imagery (2019)

Figure 3

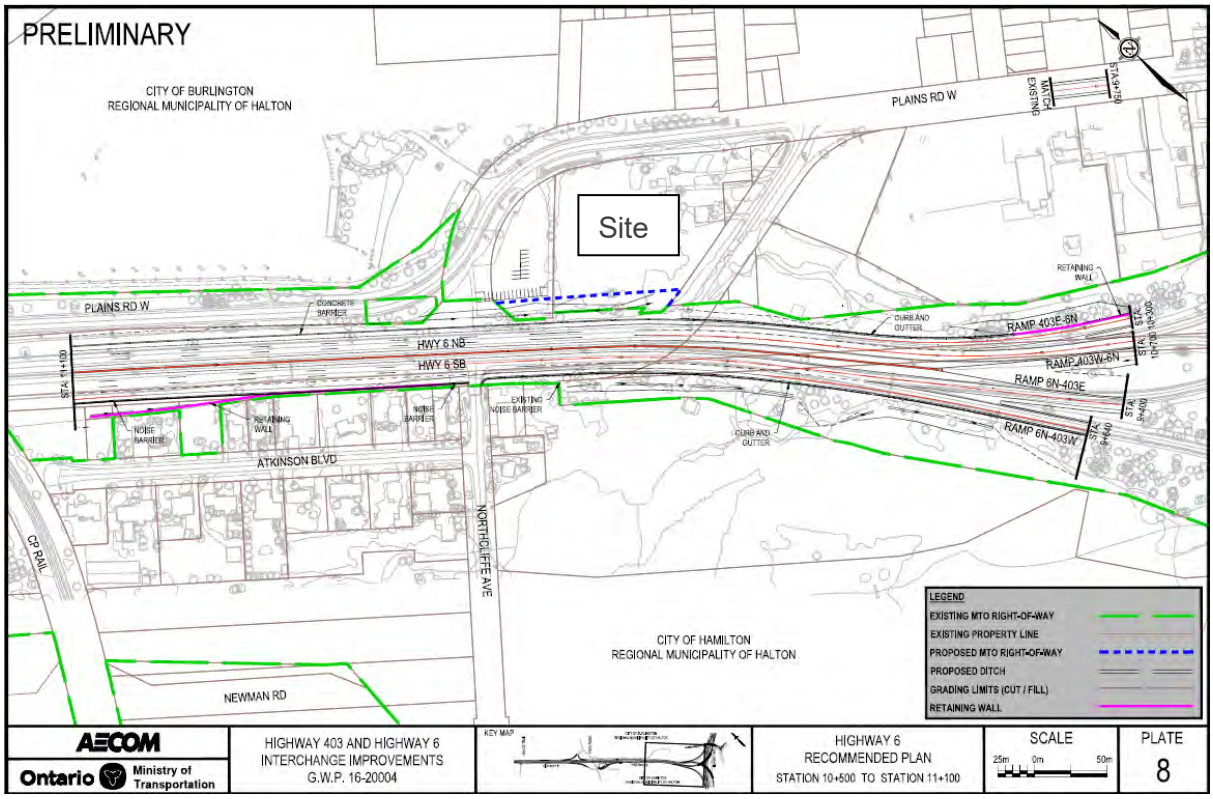
3.0 PROPOSED DEVELOPMENT

3.1 Site Limitations

While the overall site area is 11,818m^2 (1.18 hectares), the developable area of the site is limited by Ministry of Transportation (MTO) and Parkway Belt West (PBW) requirements.

Ministry of Transportation (MTO)

The MTO has provided a Preliminary/Draft plan (Plate 8), indicating the required additional right of way area that the Province has deemed necessary for the Highway 403 and Highway 6 interchange improvements. The length of the frontage of lands abutting Highway 6, at an irregular 10 metre minimum depth is require to be dedicated, identified with the dotted blue line in the Plate 8 image below. In addition, a 14 metre setback from this land dedication is required, meaning no permanent buildings, drive aisles, or required parking can be situated within this setback.



Parkway Belt West (PBW)

The Parkway Belt West Plan overlays the property along the western lot line abutting the MTO car pool lot, at a width of 30 metres into the Site. Permitted uses within this area does not include the proposed residential use, and therefore the proposed development includes a Phase 1 design outside the PBW lands until such time as the governance of the PBW does not apply and the Phase 2 ultimate build out can proceed.



It is important to note that the 30 metre wide PBW area is larger than the corresponding Utility Service Zone limit, which is measured at approximately 14m wide. The PBW limits shown on the Site extend eastward through the existing townhouses and single detached dwellings.

3.2 Overview of Proposed Development

The Proposed Development envisions a residential development in the form of 3-storey stacked townhouses, comprising of an ultimate build out of 75 one and two bedroom units arranged within 10 blocks on the Site.

Due to development restrictions tied to the PBW overlay, the proposal has been divided into two phases. Phase 1 (51 units) is proposed to advance pending approval of the OPA and ZBA applications, with Phase 2 (24 units) advancing only when the governance of the PBW ceases to apply.

Site access will be facilitated via a driveway to Old Plains Road West, with internal roads designed to ensure efficient vehicular circulation.

Amenity areas include private terraces and shared outdoor space. Each unit in the proposed development includes an amenity area either at grade or on a terrace. Additionally, two communal outdoor amenity areas are planned. The lands that cannot be developed due to the PBW and MTO development setbacks may also function as amenity space, though are not calculated within the amenity area regulation.

Parking for the development is provided at a rate of 1.15 spaces per unit with one (1) designated space for each unit within the garage and 11 visitor spaces distributed throughout the Site. The visitor spaces would all be constructed during Phase 1.

Overall, the Proposed Development will:

- Introduce a new development similar in height and scale to the existing residential uses located east of the Site;
- Increase the City's housing stock with excellent road access, specifically to: Highway 6, Highway 403, Plains Road, and York Boulevard, and within walking distance to transit;
- Make effective use of an undeveloped Site; and
- Incorporate surplus land owned by the municipality into the Site.

To facilitate the Proposed Development, a Site Plan application will be filed at a future date.



Figure 4a: Phase 1 Site Plan (G+C)



Figure 4b: Phase 2 Ultimate Buildout Site Plan (G+C)

3.3 Public Consultation Strategy

The location of the site and the surrounding parcel fabric supports the direction to advise the immediate public of the proposal with a hand delivered flyer. The flyer will outline the proposed development, highlighting the two phases, and include details on the proposed Planning Act applications. The flyer will include a site plan and images of the development. Contact information will be provided to allow for additional correspondence and response to comments.



All residential dwellings and all commercial tenants will be hand delivered the flyer. Expected circulation of this flyer is within four weeks of application submission.

3.4 Supporting Reports and Studies

A number of supporting reports and studies were required as part of the complete applications pursuant to the pre-consultation meeting, including:

- Land Use compatibility Study (RWDI)
- Urban Design Brief (Whitehouse, Jan 2025)
- Waste Management (G+C) [not summarized]
- Sustainable Building and Development Guidelines Checklist (Whitehouse, Jan 2025)
- Functional Servicing and Storm Water Management Report (CF Crozier, Dec 2024
- Transportation Impact Study (CF Crozier, Dec 2024)
- Noise Feasibility Study (HGC, December 2024);
- Phase I Environmental Site Assessment (Landtek Limited / Apr. 2023);
- Archeological Report (Stage 1 - 2 Archeological Assessment, This Land Archaeology Inc. / May, 2018)

The following provides a summary of the key findings and conclusions of the primary supporting studies. The individual reports should be reviewed in their entirety.

3.4.1 Functional Servicing and Stormwater Management (SWM) Report

Crozier, Dec 2024

Crozier prepared a Functional Servicing and Stormwater management report to support the proposal.

The report concludes:

1. Water servicing is proposed to be provided by the existing 300 mm diameter PVC watermain along Plains Road West through a single connection. The connection is proposed to be a 200 mm diameter fire service, which will split to a 150 mm diameter domestic service at the property line.
2. Sanitary servicing is proposed to be provided by the existing 200 mm diameter sanitary sewer along Old Plains Road West through a single connection. The proposed service connection is designed as a 200 mm diameter sanitary sewer via manhole connection.
3. The site will be graded to mimic pre-development conditions and discharge stormwater towards Old Plains Road West. Stormwater runoff will be captured by on-site catch basins, conveyed by internal storm sewers, and attenuated by orifice controls in conjunction with an underground storage tank. All storm flows from the site discharges to the existing 2.0x2.0m box culvert along Old Plains Road West as per pre-development conditions.
4. Water quality objective will be met using landscaping features and a Stormceptor unit to achieve 80% TSS removal on-site.
5. Site water balance objective will be achieved through ground infiltration.

3.4.2 Transportation Impact Study and Parking Study

Crozier, December 2024

Crozier prepared a Transportation Impact Study to assess the impacts of the proposal on the road network and indicates that “based on the analyses of the future total conditions, the development proposal is expected to have negligible impact on traffic operations within the study road network and can therefore be supported from a transportation operations perspective.”

Site lines were also analyzed and the Study indicated that the sight lines are expected to be adequate for safe and efficient vehicle movements within and around the intersection of Plains Rd W and Old Plains Rd.

Crozier also reviewed the minimum parking requirements compared to the parking provided in the proposal and determined that an adequate number of off street visitor parking spaces will be provided for the development.

3.4.3 Noise Feasibility Study
HGC, January 2025

HGC conducted a Noise Feasibility Study for the proposal. The results of the study indicated that with suitable noise control measures integrated into the design of proposed residential development, it is feasible to achieve the MECP guideline sound levels.

Highway 403 and rail traffic were not considered significant to warrant an assessment due to separation distance and intervening land uses.

Future traffic sound levels at the dwelling units will exceed MECP guidelines, and recommendations to address these exceedances were provided.

Central air conditioning and upgraded glazing constructions will be required for all units. Noise warning clauses are recommended to inform future residents of the traffic noise impacts and presence of the nearby
commercial uses.

For the southern common amenity area, a noise barrier (may be comprised of a combination of a earth berm with a noise wall on top) is required of a minimum height of 2.5 metres along the southern and western limits of the amenity area.

3.4.4 Phase 1 Environmental Site Assessment
Landtek Limited, April 2023

The primary objective of the Phase 1 ESA was to identify and document if actual or potential environmental sources of contamination are associated with the Site. The findings of Phase 1 include the following:

- Based on a review of historical information, the Site has been used for either residential purposes from at least the late 1980s until the present, or vacant undeveloped lands;
- No adjacent and/or neighbouring properties are considered to represent a potential environmental concern to the Site;

- No evidence of chemical manufacturing/storage, and/or underground storage tanks (USTs) on the Site. There was no observed evidence of fill pipes, breather pipes or ground depressions that may indicate the presence of any UST's. No above ground storage tanks (ASTs) were observed on the Site.

The conclusion and recommendation indicate that based on the Phase 1 ESA findings, no issues of potential environmental concern were identified for the Site, and based on the findings no further work is required.

3.4.5 Stage 1 - 2 Archeological Assessment
This Land Archaeology Inc., Jan. 8, 2018, updated May 7, 2018

This Land Archaeology Inc. was contracted to conduct a Stage 1 and Stage 2 archaeological assessment on the Site.

The Stage 1 study provides background information on the Site's geography, history, previous archaeological field word and current land conditions. The background material indicated high Aboriginal and Euro-Canadian archaeological potential. Accordingly, a Stage 2 assessment was required in accordance with the 2011 Standards and Guidelines for Consultant Archaeologists.

The Stage 2 assessment involved a test pit assessment at 5m intervals across the extent of the Study Area and the identification of portions of the property that held low archaeological potential. No archaeological resources were uncovered. Since the Stage 2 archaeological assessment did not result in the discovery of any archaeological resources, This Land Archaeology Inc. recommended that no further archaeological concerns are associated with the Study area, and no further archaeological work is required.

3.4.6 Sustainable Building and Development Checklist Report
Whitehouse Urban Design , January 2025

Thie report was prepared to highlight sustainability measures provided within the proposal. Numerous mandatory and voluntary features are provided on this site including but not limited to: accessible units, internal sidewalk connections, bicycle storage, ability to accommodate EV charging stations, native planting species, permeable pavers.

The report concludes that the proposal addresses all mandatory items in the checklist, and includes voluntary contributions.

3.4.7 Urban Design Brief

Whitehouse Urban Design, January 2025

The Urban Design Brief provides review of urban design and policy objectives within the Official Plan such as circulation, organization, compatibility, architectural design, landscaping and sustainability. Key highlights from the Brief include:

- *The proposed design is in keeping with the scale, density and materials/ colours found within the existing neighbourhood and therefore will be compatible with and enhance the physical character of the area.*
- *The planned development will feature socially engaging spaces, including outdoor amenity areas and safe gathering spots for residents. These spaces will incorporate planting and seating options suitable for all demographics, as well as open areas for passive recreation.*
- *The ample distance between paved surface of Old Plains Road and the lot line, provides a deep boulevard compatible with a residential built form typology. The development proposal offers an improved street edge along Old Plains Road and Plains Road West with removal of scrub material, new tree plantings and other landscaping, and architectural form.*
- *This development proposal has main facades fronting Old Plains Road, as well as side-building condition at Old Plains Rd, and Plains Rd West. At these location an upgraded side-building façade is incorporated.*

The Brief concludes that the proposal aligns with the objectives of the policies.

3.4.8 Land Use Compatibility

RWDI, December 2024

RWDI has been retained to undertake a land use compatibility study for the proposal. Evaluation of noise, dust and odor will be reviewed. The cursory review by RWDI indicates the anticipation of no major issues from surrounding facilities that cannot be mitigated.

4.0 PLANNING POLICY AND REGULATORY CONTEXT

The following documents contain key considerations in determining the appropriateness of the Subject Applications and Proposed Development in the context of provincial, regional, and local policies and regulations.

4.1 Ontario Planning Act, R.S.O. 1990, c. P.13

The *Planning Act R.S.O. 1990, c. P.13* provides for a land use planning system led by provincial policy, integrates matters of provincial interest in provincial and municipal planning decisions and provides for statutory planning processes in Ontario. Section 2 of the Planning Act, sets out matters of Provincial Interest when considering an application under the Act.

Relevance to the Site: An analysis of the Proposed Development in response to the prescribed Provincial interest is found in Section 6.1.

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS (2024) is issued under the authority of Section 3(1) of the Planning Act and came into effect on October 20th, 2024. Section 3(5) of the Planning Act requires that decisions affecting planning matters be consistent with the PPS. The Official Plan Amendment and Zoning By-law Amendment applications must be considered in the context of the PPS and consistent with the following relevant policies:

Section 2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

   a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;

   b) permitting and facilitating:

      1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Section 2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
   a) efficiently use land and resources;
   b) optimize existing and planned infrastructure and public service facilities;
   c) support active transportation;
   d) are transit-supportive, as appropriate; and
   e) are freight-supportive.

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

4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

5. Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.
6. Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.

Section 2.9 Energy Conservation, Air Quality and Climate Change

1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
   a) support the achievement of compact, transit-supportive, and complete communities;
   b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
   c) support energy conservation and efficiency;
   d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
   e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate

Section 3.3 Transportation and Infrastructure Corridors

1. Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit, and electricity generation facilities and transmission systems to meet current and projected needs.

2. Major goods movement facilities and corridors shall be protected for the long term.

3. Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.
   New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities.

4. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

5. The co-location of linear infrastructure should be promoted, where appropriate.

Relevance to the Site: An analysis of the Proposed Development in response to the prescribed Provincial interest is found in Section 6.3.

4.3 Parkway Belt West Plan, 1978

The Parkway Belt West Plan was implemented in 1978 to achieve four primary objectives, of which one of them was to designate and protect land needed for linear regional infrastructure such as transit, utility and electric power facility corridors. The Site is located immediately north of the Mount Hope Transmission Line connecting Dundas Transformer Station to Burlington Transformer Station.

The northern portion of the Site is identified on Map 2 of the Plan as "Utility" within the "Public Use Area". The northern portion of the Site is also covered by a Minister's Zoning Order (MZO), filed as Ontario Regulation 482/73.

An Environmental Registry of Ontario posting 019-6167, posted in October 25, 2022 identified a proposal to revoke the Parkway Belt West Plan. Updated on September 27, 2024 the notice states "there has been no change to the status of this proposal and it is still being considered."

Relevance to the Site: The proposed Phase 1 of the development does not conflict with the Parkway Belt West Plan as the location of the proposed buildings are outside of the Parkway Belt West lands. The proposed Phase 2 would only proceed once the Parkway Belt West Plan no longer governs the site.

4.4 Region of Halton Official Plan. 1995 as amended

The Halton Region Official Plan, 1995, was approved by the Minister of Municipal Affairs and Housing, with modifications, on Nov. 27, 1995. Modification and amendments to the ROP have been approved up to and including May 16, 2024.

Regional Official Plan Amendment 49 – updated Halton's strategy for accommodating growth. It was adopted by Regional Council on June 15, 2022, and approved by the Province, with modifications, on November 4, 2022. In December 2023, through Bill 150, Planning Statute Law Amendment Act, 2023, the Province rescinded its November 2022 decision on ROPA 49. Following, in May 2024 through Bill 162, Get It Done Act, 2024, the Province reinstated certain modification from its original November 2022 decision on ROPA 49 which were supported by the Local Municipalities in Halton.

The site was included in the reinstated modifications supported by the City of Burlington.

As of July 1, 2024, the Regional Plan is no longer an official plan for the Regional Municipality of Halton. Instead, it is an official plan of each of the Local Municipalities in Halton, including the City of Burlington, until such time as it is revoked or amended by the respective municipality.

The ROP divides the area of Halton into eight mutually exclusive land use designations. As per Map 1, Regional Structure, and implemented through ROPA 49, the Site is identified within the "Urban Area" within the Region of Halton's urban boundary, with the Parkway Belt West identified (see **Figure 5**). This urban designation redesignated the lands from North Aldershot Policy Area (NAPA).

The Site is also identified on Map 5, Region Phasing as "Urban Area with Regional Phasing between 2021 and 2051"

Urban Area and the Regional Urban Structure

72. The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

72.1 The objectives of the Urban Area are:

(1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.

(2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.

(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.

(4) To ensure that growth takes place commensurately both within and outside the Built Boundary.

74. The Urban Area consists of areas so designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities

Housing

84. The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.

85. The objectives for housing are:

(1) To establish housing targets by type and appropriate density for the Local Municipalities and the Region as a whole.

(2) To explore and implement new approaches to reduce residential land and construction costs and to effect an adequate supply of Affordable Housing.

(3) To coordinate, improve upon, and expedite the development approval process so as to reduce the overall cost of housing.

(4) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.

(5) To meet housing needs through the provision of Assisted Housing, Affordable Housing and Special Needs Housing in Halton.

(6) To integrate Assisted and Special Needs Housing with Market Housing.

(7) To provide and manage Assisted Housing in Halton through the Halton Community Housing Corporation.

(8) To encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. (9) To encourage the Local Municipalities to maintain the quality of the existing housing stock.

(10) To participate in and deliver Provincial and/or Federal housing programs that are beneficial to housing development in Halton.

(11) To coordinate and provide information on housing needs in Halton through centres that are accessible in each Local Municipality.

(12) To support the use of surplus public and not-for-profit lands, where appropriate, for developing Assisted Housing and Affordable Housing.

(13) To promote residential intensification through the development or redevelopment of brownfield and greyfield sites.

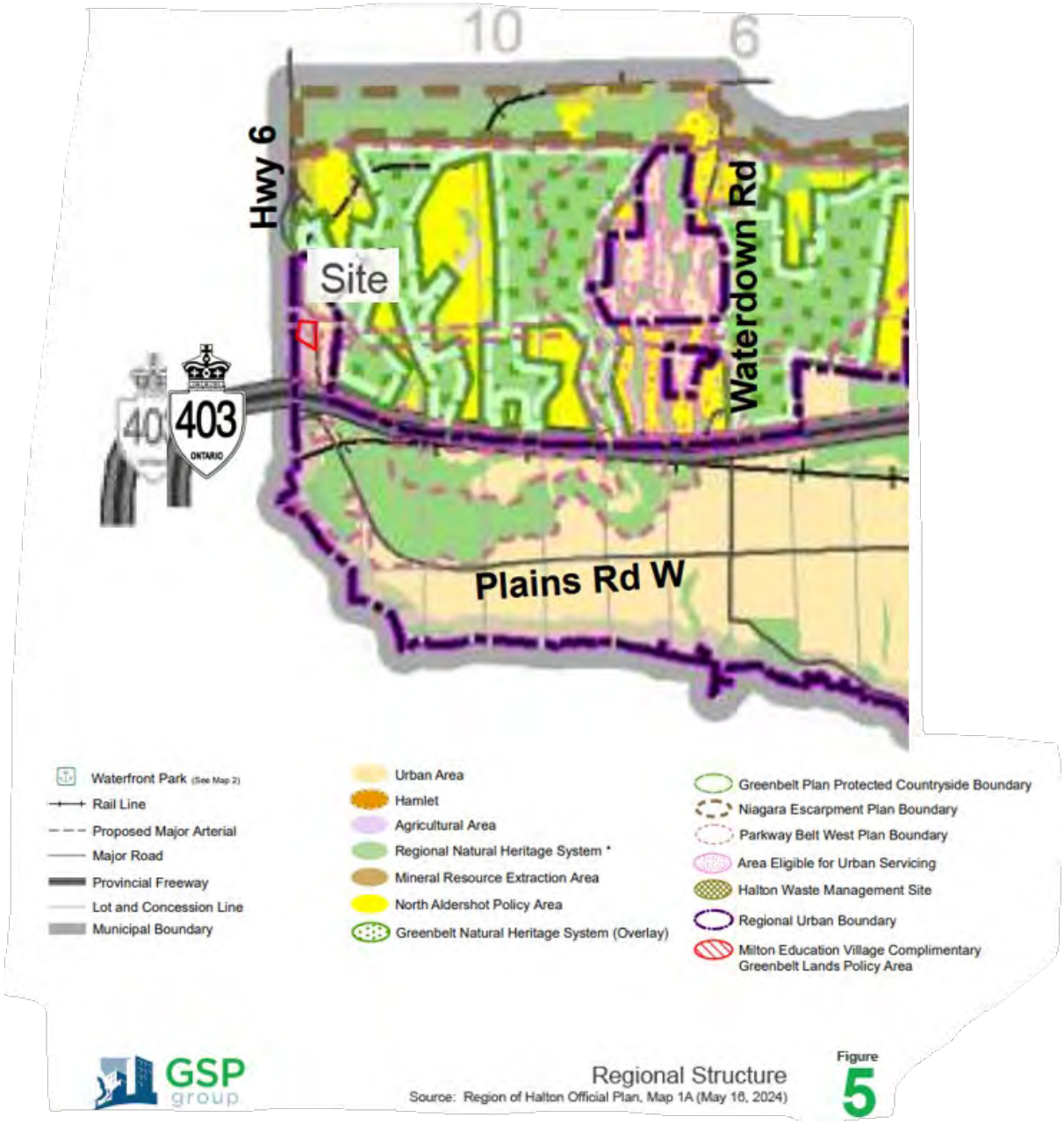
It is the policy of the Region to

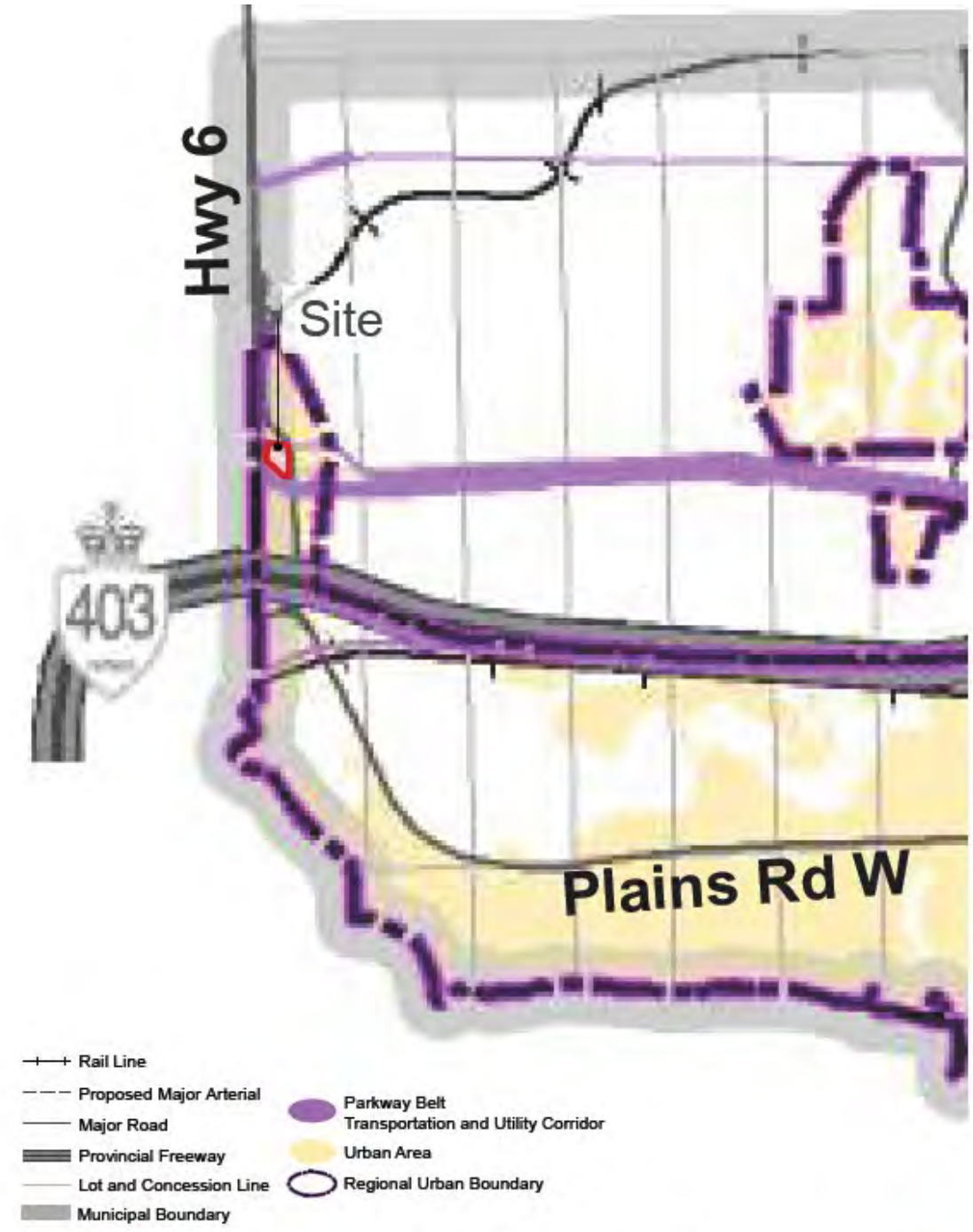
86 (6) Adopt the following housing targets:

a) that the per cent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings be at least 65 per cent to 2031 and at least 75 per cent each year thereafter;

(11) Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained

Relevance to the Site: An analysis of the Proposed Development in response to the prescribed Regional interest is found in Section 6.5.


10
6
Hwy 6
Site
Waterdown Rd
403
ONTARIO
Plains Rd W
Waterfront Park (See Map 2)
Rail Line
Proposed Major Arterial
Major Road
Provincial Freeway
Lot and Concession Line
Municipal Boundary
Urban Area
Hamlet
Agricultural Area
Regional Natural Heritage System *
Mineral Resource Extraction Area
North Aldershot Policy Area
Greenbelt Natural Heritage System (Overlay)
Greenbelt Plan Protected Countryside Boundary
Niagara Escarpment Plan Boundary
Parkway Belt West Plan Boundary
Area Eligible for Urban Servicing
Halton Waste Management Site
Regional Urban Boundary
Milton Education Village Complimentary Greenbelt Lands Policy Area
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Regional Structure
Source: Region of Halton Official Plan, Map 1A (May 16, 2024)
Figure
5



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Parkway Belt Transportation and Utility Corridors

Source: Region of Halton Official Plan, Map 1B (May 16, 2024)

Figure 6



GSP group

Function Plan of Major Transportation Facilites

Source: Region of Halton Official Plan, Map 3 (May 16, 2024)

Figure 7

4.5 City of Burlington Official Plan, 1997 as amended

The current City of Burlington Official Plan ("OP") was approved in January 2008 by Halton Region, subsequently appealed to the OMB and ultimately approved in October 2008. The policies of the OP are in force and effect.

The lands are designated 'North Aldershot Commercial', 'Parkway Belt West'.

As the designation of North Aldershot Commercial is not consistent with the Regional Official Plan, an appropriate urban area residential designation is proposed.

Relevance to the Site:
Given the residential medium density policies of the 2020 Official Plan are in effect, it is understood that an amendment to the 1997 Official Plan designation to Residential – High Density within the Urban Area on Schedule B: Comprehensive Land Use Plan – Urban Planning Area is not required.

While the 1997 OP would require a redesignation to High Density, the 2020 OP allows for the proposal to fall within Medium Density.

An analysis of the Proposed Development in response to Urban Area designation within the ROP to be reflected in the City Official Plan, is found in Section 6.6.



GSP group

Burlington 1997 Official Plan – North Aldershot Planning Area

Source: City of Burlington 1997 Official Plan, Schedule D (June 2011)

Figure 8

4.6 New City of Burlington Official Plan, 2020

While the Region of Halton approved the New Official Plan in 2020, the 2020 OP received 48 appeals. Through a Decision issued on January 4, 2023, the OLT confirmed which parts of the Burlington Official Plan, 2020 came into effect on December 22, 2020.

The designation of the property falls within the North Aldershot Policy Area and has not been amended based on the Urban Area designation with the Region OP.

As the designation of North Aldershot Commercial is not consistent with the Regional Official Plan, an appropriate urban area residential designation is proposed.

In conformity with the Regional Official Plan, the OPA is to remove the lands from the designation of North Aldershot Policy Area and to designate the lands:

- Urban Area within Schedule A: City System
- Residential Neighbourhood Area within Schedule B: Urban Structure
- Designated Greenfield Area within Schedule B-1: Growth Framework
- Residential Medium Density within Schedule C: Land Use Urban Area

The New OP provides criteria to use to assess the appropriateness of an Official Plan Amendment within Section 12.

Relevance to the Site: An analysis of the Proposed Development in response to the appropriateness of an Official Plan Amendment as well as redesignating the site to an urban residential designation is found in Section 6. Policies are included in Section 6.

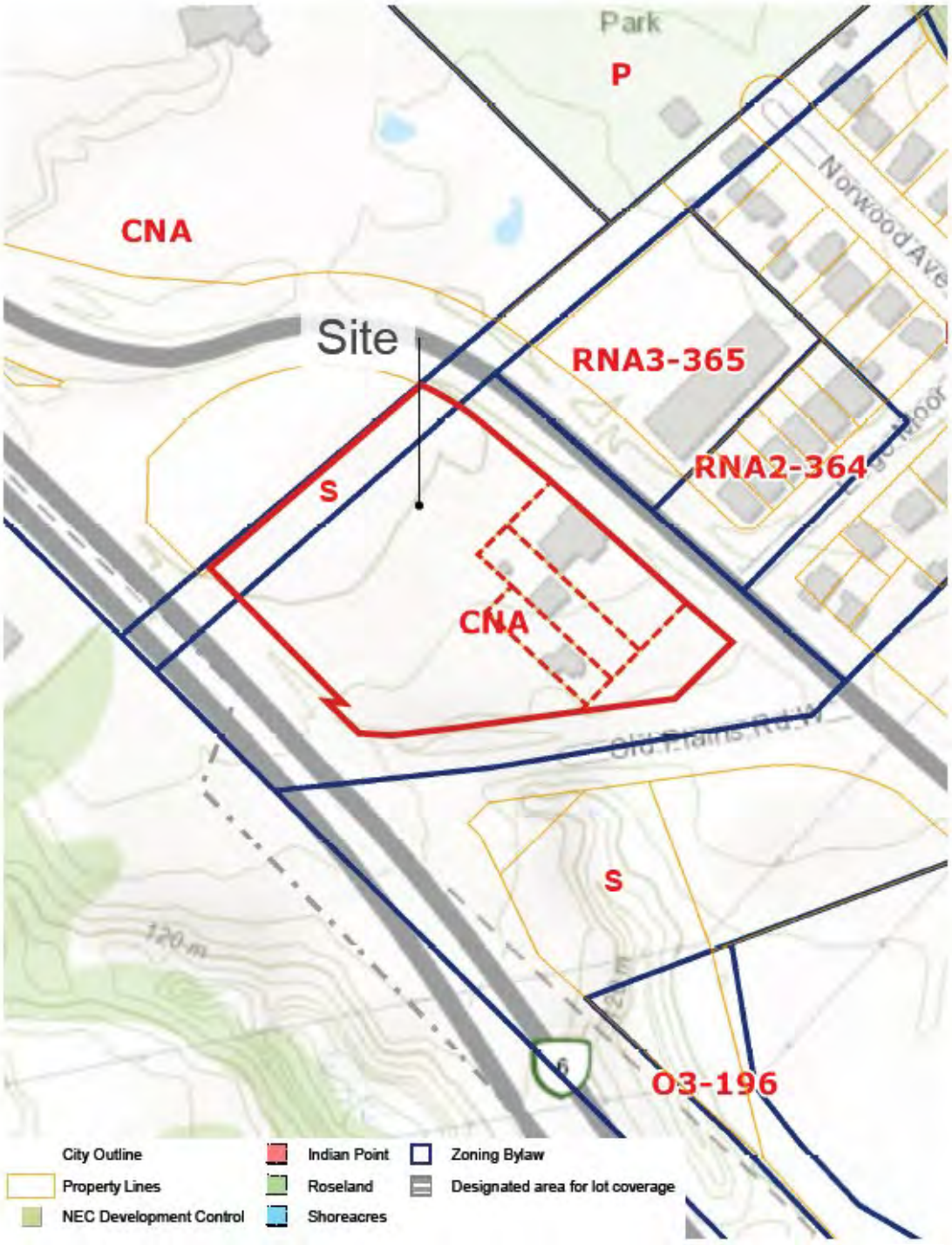
4.7 Burlington Zoning By-law No. 2020

The Site is currently zoned S (Utility Services) and CNA (Commercial North Aldershot) in the City of Burlington Zoning By-law No. 2020 as illustrated in **Figure 9**. Permitted uses within the S zone include transportation, communication and utility uses; as well as open space and outdoor recreation uses such as play fields and associated paths and parking lots.
Permitted uses within the CNA zone focuses on retain and service commercial uses.

Relevance to the Site: The portion of the Site within the S zone will not be redeveloped while the Parkway Belt West Plan applies to the lands. This is reflected in the Phase 1 concept.

As the province is contemplating the removal of the PBW plan, the proposal includes a Phase 2 design extending the residential use onto these lands. It is anticipated that a future Zoning By-Law Amendment will be required on this portion of the lands, identical to the proposed RM3 zone suggested on the Phase 1 portion.

The Phase 1 portion requires a Zoning By-law amendment to permit the residential use. The City has suggested the RM3 zone as the parent zone, as well as establish site specific provisions to implement the proposal. An analysis of the Proposed Development in relation to the application zoning is found in Section 6.8



GSP group

Current Zoning

Source: City of Burlington Zoning By-law No. 2020, Web Map (Retrieved January 31, 2018)

Figure 9

5.0 PLANNING APPLICATIONS

5.1 Official Plan Amendment

An Official Plan amendment is required to amend the existing "North Aldershot Commercial" designation to "Urban Area" within Schedule A, "Residential Neighbourhood Area" within Schedule B, "Designated Greenfield Area" on Schedule B-1 and "Residential Medium Density". Site Specific wording is to be included to allow for the future Residential use across the entirety of the site if and when the Parkway Belt West governance is removed. A draft Site-Specific Special Policy for inclusion in the OP has been prepared and appended to this Report (see **Appendix A**).

5.2 Zoning By-law Amendment

In order to permit the redevelopment of the Site as proposed, a Zoning By-law Amendment is required to amend the CNA zone to an urban residential zone to permit the residential use. The municipality has suggested the RM3 zone, and will include site specific modifications.

The remaining lands will continue to be zoned "Utility Services, S". It is anticipated that a zoning by-law amendment will be required on these lands if the Parkway Belt West Plan is revoked.

Draft Site-Specific Zoning By-law Provisions have been prepared and appended to this Report (See **Appendix B**). Specifically, the following modifications to the RM3 zone regulations are required to implement the proposed concept:

- To permit a visitor parking ratio of 0.15 spaces per unit, whereas the by-law required 0.25 spaces per unit;
- To permit a front yard setback to Old Plains Road of 4m whereas the by-law requires 7.5m;
- To permit a Rear Yard Setback to the north lot line of 3m, whereas the by-law requires 9m;
- To permit a street side yard to Plains Road West of 3m whereas the by-law requires 6m;
- To permit a roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter to encroach a maximum of 3.15m into a required yard;
- To permit an amenity area of 13sqm per bedroom in a unit, whereas the by-law requires 25sqm per bedroom in a unit;

- To permit a landscaped area abutting a street (Old Plains Road) of 1m, whereas the by-law requires 4.5m;
- To permit a landscaped area abutting a street (Plains Road West) of 2m whereas the by-law requires 6m;
- To permit a density range of 25 to 69 units per hectare, whereas the by-law required 25 to 50 units per hectare.

6.0 PLANNING SUMMARY AND ANALYSIS

6.1 Ontario Planning Act, R.S.O. 1990, c. P.13

Section 2 of the Planning Act, sets out matters of Provincial Interest when considering an application under the Act. The following table provides an analysis of the Proposed Development in response to the prescribed Provincial interest:

Table 1: Provincial Interest

Provincial Interest		Response
a)	*The protection of ecological systems, including natural areas, features and functions*	The Site is not located in a Natural Heritage System as per Ministry of Natural Resources and Forestry online NHS mapping.
b)	*The protection of the agricultural resources of the Province*	The Site is not located in the Agricultural Land Base for the Greater Golden Horseshow as per online mapping (Agricultural Systems Portal).
c)	*The conservation and management of natural resources and the mineral resource base*	As per Schedule D of the Burlington Official Plan the Site is not located in a Mineral Resource Extraction area. Also, as mentioned above, the Site is not located in a Natural Heritage System as per the Ministry of Natural Resources and Forestry online NHS mapping.
d)	*The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest*	This Land Archaeology Inc. conducted a Stage 1 and Stage 2 archaeological assessment on the Site. Stage 1 of the Archeological assessment was completed and led to the need for a Stage 2 assessment. As no archaeological resources were uncovered in Stage 2, it was recommended that there are no further archaeological concerns, and no further archaeological work is required.
e)	*The supply, efficient use and conservation of energy and water*	The Site utilizes existing energy and water infrastructure. Refer to the Functional Servicing and Stormwater Management Report).

Provincial Interest		Response
f)	*The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems*	The Site utilizes existing sewage, water, and wastewater infrastructure. Refer to the Functional Servicing and Stormwater Management Report
g)	*The minimization of waste*	Site is vacant.
h)	*The orderly development of safe and healthy communities; the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies*	Two (2) barrier free parking spaces have been provided and accessible units will be provided.
i)	*The adequate provision and distribution of educational, health, social, cultural and recreational facilities*	N/A
j)	*The adequate provision of a full range of housing, including affordable housing*	The site proposes 75 one and two bedroom stacked townhouse units.
k)	*The adequate provision of employment opportunities*	Construction will facilitate temporary employment opportunities.
l)	*The protection of the financial and economic well-being of the Province and its municipalities*	The release and sale of a surplus piece of land by the municipality will reduce the overall land maintenance burden on the City.
m)	*The co-ordination of planning activities of public bodies*	N/A
n)	*The resolution of planning conflicts involving public and private interests*	N/A
o)	*The protection of public health and safety*	N/A
p)	*The appropriate location of growth and development*	The Site is designated Urban Area within the Region of Halton Official Plan. The site is an underutilized parcel of land that can accommodate the gentle low rise density utilizing servicing as outlined in the servicing report. The development proposed is an appropriate use because it will not overburden the existing infrastructure.
q)	*The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians*	The site is within a 10 min walking distance (750m) of public transit, and includes internal pedestrian connections.

Provincial Interest		Response
r)	*The promotion of built form that,* *(i) is well-designed,* *(ii) encourages a sense of place, and* *(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant*	The Proposed Development meets the criteria as follows: The site design allows for pedestrian circulation, individual amenity areas and communal amenity areas. The elevations facing the street are enhanced.
s)	*The mitigation of greenhouse gas emissions and adaptation to a changing climate*	The site will incorporate sustainability design measures, including permeable pavers and others as outlined in the Sustainability guideline check list. .

Based on the above analysis, the Proposed Development is consistent with the prescribed provincial interest criteria.

6.2 Provincial Planning Statement (2024)

Consistent with the PPS, the Site is providing a high quality, compact form, with a range and mix of housing types in the area by introducing an additional attached housing design, stacked townhouses, and providing one and two bedroom units. The site can support the density proposed allowing for efficient use of underutilized parcels of land. The site can contribute to residential density targets.
The proposal incorporates sustainability measures such as permeable pavers. The proposal has regard for the provincial highway to the west and will implement mitigation measures, such as building materials and noise walls.

Based on the above analysis, the proposal is consistent with the policies of the PPS.

6.3 Region of Halton Official Plan

In conformity with the Regional Official Plan policies, the ROP supports intensification on lands within the urban area. While outside the built boundary, the ROP provides the objective to ensure that "growth takes place commensurately both within and outside the built boundary" (72.1(4)).

	Area to exclude (ha)	Area for density calculation (ha)	Phase 1 Units	Units/ha	Ultimate Build Out Units	Ultimate Units/ha
Entire Site	----	1.18	51	43.23	75	68.56
Excluding MTO Dedication	0.09	1.09		**46.79**		**68.81**

Table 1 within the ROP identifies the City of Burlington population planning to increase to 265,160 by 2051. This includes a density target of 76 people and jobs per hetare in the designated greenfield area by 2041. Using an overall persons per unit (ppu) of 2.1, the site would provide between 116.7 to 171.7, contributing to meeting the density targets.

A portion of the lands have been identified within the Parkway Belt West Plan. Lands within the Parkway Belt West area are not contemplated for development while the PBW plan governs the site. No use of these lands are proposed until these lands are not held under the PBW plan for utility.

An Environmental Registry of Ontario posting 019-6167, posted in October 25, 2022 identified a proposal to revoke the Parkway Belt West Plan. Updated on September 27, 2024 the notice states “there has been no change to the status of this proposal and it is still being considered.”

The site is within the area identified as “Eligible for Urban Services.” The Functional Servicing Report outlines how the existing services will support the proposed development.

The proposal allows for the existing character of the neighbourhood to be maintained as directly to the east is a small residential low rise enclave that is compatible with the proposed residential development.

For these reasons, the Proposed Development is consistent with the Regional Official Plan.

6.5 City of Burlington Official Plan 1997

The “North Aldershot Commercial” designation does not align with designation within the Urban Area.

In conformity with the Regional Official Plan, and if the 2020 OP residential designation was not in force and effect, the 1997 OP would be proposed to be amended to remove the lands from a designation within the North Aldershot Policy Area (Schedule B) and to designate the lands *Residential – High Density* within the Urban Area on Schedule B: Comprehensive Land Use Plan – Urban Planning Area.

It is understood that an amendment to the 1997 OP is not required as the residential medium density policies in the 2020 OP are not appealed, and therefore apply. Nevertheless, applicable policies and justification are as follows:

Policy 2.2.2 e): *In Residential-High Density areas, either ground or non-ground-oriented housing units with a density ranging between 51 and 185 units per net hectare shall be permitted.*

Ground oriented housing units are proposed on the site, with a density ranging from 46.79 units per 62.2 units per hectare excluding PBW lands) for Phase 1 development with an ultimate build out density of 68.81 u/ha.

It is understood that an amendment to the 1997 OP is not required as the residential medium density policies in the 2020 OP are not appealed, and therefore apply.

Policy 2.2.2 g) (iii) *subject to the density requirements of Part III, Subsection 2.2.2 e), street townhouses and stacked townhouses, back to back townhouses, attached housing and apartments shall be permitted in Residential-High Density areas.*

In conformity with this policy, stacked townhomes are proposed on the site.

Policy 2.5.2 General Policies provides evaluation criteria for housing intensification within established neighbourhoods.

While the site is on the periphery of a residential area, not within, the criteria have been analyzed below:

Policy	Response
(i) adequate municipal services to accommodate the increase demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;	A Functional Servicing Report has been prepared and identifies servicing for the proposal. School accommodation will be assessed with the circulation of the application. Amenity areas, common and private are provided within the proposal. Bridgeview Park is located within walking distance of the Site.
(ii) off-street parking is adequate;	Crozier prepared a parking justification report, analyzing the proposed parking ratio and concluded that off-street parking is adequate.
(iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;	Crozier prepared a Traffic Impact Study and concluded that the proposal can be supported from a transportation perspective and that the orientation of ingress and egress can be supported.
(iv) the proposal is in proximity to existing or future transit facilities;	The proposal is within a 10 min walking distance (750m) of an existing transit facility located at Plains Rd W and York Blvd.
(v) compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;	Compatibility is successfully achieved between the proposal and the existing residential area to the east. Existing attached dwellings in the form of townhouses exist along Plains Rd W with a side wall interface. Single detached dwellings wrap along Edgemoor Ave and Noorwood Ave. Existing homes are one to two storeys in height. These existing homes are physically separated from the Site by a municipal road (Plains Rd W). The scale proposed is a three storey product, a continuation of a low rise residential design. The siting of the existing residential buildings vary from approximately 4m – 6m along Plains Rd W. Proposed are setbacks of 3m – 9m. Parking is buffered from Plains Road West, the street that directly separates the existing residential area.

(vi) effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;	Whitehouse Urban Design prepared a TPP Plan and indicated retention of trees where not impacted by the development. Compensation will be provided for those trees requiring removal.
(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;	Sun/Shadow study was not required for the application submission as these buildings are proposed at three storeys.
(viii) accessibility exists to community services and other neighbourhood conveniences such as community centers, neighbourhood shopping centers and health care;	The Site is located on a multi purpose arterial road allowing for vehicular connections to the provincial highway north into Hamilton and vehicular, transit, or other modes of transportation directly south further into Burlington where community services and neighbourhood convinces outside of the immediate area can be accessed.
(ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;	There are no identified impacts to the established neighbourhood.
(x) where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate	Adjacent to the site is the car pool parking lot along the northern site limit. The adjacent property has ample frontage along Plains Road West and will not be compromised by the proposal.
(xi) natural and cultural heritage features and areas of natural hazard are protected	N/A
(xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m);	N/A The conservation authority has been confirmed to not require circulation of this application.
(xiii) proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition	N/A

between existing and proposed residential buildings is provided.	

The Proposed Development is low-rise in nature and will not obstruct significant views of the Escarpment brow and does not require a Visual Impact Analysis. The Proposal will not require the construction of major roads.

The existing residential homes are currently on full municipal services. The proposal, through justification within the civil engineering reports, maintains that the development will not overburden the existing municipal services available for the Site.

The proposal is situated on a large parcel of land currently underutilized. The extent of intensification is limited to developable area constraints. The proposal is a low-profile development that will integrate well and not overburden the location.

The proposal can contribute to bringing onstream in the immediate future, much needed housing for the City of Burlington.

The proposal conforms with the 1997 Official Plan where certain policies apply.

6.6 City of Burlington Proposed New Official Plan, 2020

The amendment proposed to the lands designated "Parkway Belt West" includes a site specific policy to allow for residential uses on the date that a Parkway Blet land use regulation does not apply to the site.

The "North Aldershot Commercial" designation does not align with designations within the Urban Area.

In conformity with the Regional Official Plan, the OPA is to remove the lands from a designation within the North Aldershot Policy Area (Schedule B) and to designate the lands:

- *Urban Area* within Schedule A: City System
- *Residential Neighbourhood Area* within Schedule B: Urban Structure
- Designated Greenfield Area within Schedule B-1: Growth Framework; and
- *Residential – Medium Density* within the Urban Area on Schedule B: Comprehensive Land Use Plan – Urban Planning Area.

Applicable policies and justification are as follows, with the policies currently under appeal labeled:

[under appeal]
Policy 2.2.1 a), b)
Urban Area

a) The Urban Area represents the lands where forecasted population and employment growth will be accommodated.

b) Within the Urban Area, municipal water and/or waste water will be provided to accommodate concentrations of existing and future development, in accordance with the policies of this Plan and the Regional Official Plan.

The site currently underutilized and can support residential intensification on urban services.

[under appeal]
Policy 2.2.3 v), vi)
Designated Greenfield Area

v) The Designated Greenfield Area is located between the Urban Area Planning Boundary and the Delineated Built Boundary and represents the lands within the Urban Boundary which were not built up in 2006. The City of Burlington is expected to achieve

a minimum density target of 45 residents and jobs per hectare across the entire designated greenfield area within the city. The Regional Natural Heritage System is excluded in the measurement of that density target.

vi) Development in the designated greenfield area will occur in a manner which contributes to the City's overall vision for building healthy and complete communities.

In conformity with these policies, using an overall persons per unit (ppu) of 2.1, the site would provide between 116.7 to 171.7residents and jobs per hectare, contributing to meeting the density targets. The proposal brings residential units on stream on an underutilized site that is ready for redevelopment.

[under appeal]
Policy 2.3.4
Residential Neighbourhood Areas

a) Lands identified as Residential Neighbourhood Areas make up a significant proportion of the Urban Area. These areas are intended to accommodate a wide range of residential uses and forms, together with supporting parkland, and other land uses such as small-scale commercial uses or home occupations that are part of the residential environment.
b) Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area, in accordance with subsection 2.4 and the applicable policies of Chapter 8: Land Use Policies – Urban Area of this Plan.
c) Residential Neighbourhood Areas also include a number of Neighbourhood Character Areas, which were identified through planning studies. These areas are guided by additional area-specific policies and Zoning By-law regulations to ensure that development is compatible with the existing neighbourhood character

In conformity with these policies, the proposal accommodates 51 to 75 stacked townhouse residential units and at three storeys, with open space amenity areas and appropriate setbacks and massing, is compatible and enhances the surrounding area.

Policy 8.3.1 GENERAL OBJECTIVES

a) To encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.

b) To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and active transportation.

c) To encourage the accommodation of a diverse range of household sizes and incomes.

d) To encourage a strong live/work relationship within the city by providing housing that reflects the existing and future socio-economic, employment and demographic characteristics of local residents.

e) To provide, where compatible, housing opportunities in proximity to Employment Areas and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and neighbourhood amenities with a reduced dependence on private automobiles.

f) To provide opportunities for limited small-scale commercial uses within medium and high density residential neighbourhood areas, where compatible, which serve the day-to-day needs of residents without the need for a private automobile.

g) To encourage the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including assisted and special needs housing, affordable housing and rental housing. To ensure that development within the Residential Neighbourhood Area is compatible with surrounding properties.

In conformity with these polices, the proposal is in accordance with Provincial, Regional and City growth management objectives. Supporting studies submitted with the application indicate the development, with further analysis, can be serviced for immediate occupation. While public transit is not directly abutting the site, access to transit is within a 10 minute walk (750m) and future development in the area may warrant extending transit service to the immediate location. The form of attached housing exists in the area, with the proposal providing an additional form of attached housing, in stacked townhouse units. One and two bedroom units are proposed providing for a mix of unit sizes, and at three storeys in height, the low rise buildings are compatible with the existing residential uses nearby.

Policy 8.3.2 GENERAL POLICIES

a) In addition to the permitted uses of each land use designation, within Residential Neighbourhood Areas, the following neighbourhood support uses may be permitted:

   (i) assisted and special needs housing such as group homes, retirement homes and long-term care facilities, provided compatibility with the surrounding neighbourhood is achieved;

(ii) home occupations and cottage industries, which are compatible with, and complementary to, the primarily residential neighbourhood; and subject to the policies of Subsection 8.3.7 of this Plan;

(iii) office conversions within existing single-detached dwellings, which are compatible with, and complementary to, the primarily residential neighbourhood, and subject to the policies of Subsection 8.3.8 of this Plan; and

(iv) neighbourhood parks and open spaces.

b) Multi-unit residential developments in Residential Neighbourhood Areas should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

c) Development which proposes the creation of a new common roadway will be encouraged to provide the roadway in the form of a public right-of-way.

d) The preservation and enhancement of on-site trees and vegetation will be encouraged in order to assist in maintaining the character of the surrounding neighbourhood.

e) Where there is a significant loss of existing on-site trees and vegetation, appropriate compensation shall be provided.

In conformity with these policies, a mix of unit sizes are proposed in the form of one and two bedroom units, the majority (67% in each phase) two bedroom units. Existing trees have been assessed through a TPP plan.

Policy 8.3.4 RESIDENTIAL-MEDIUM DENSITY

8.3.4(1) POLICIES

a) On lands designated Residential – Medium Density, ground and non-ground oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings may be permitted.

b) On lands designated Residential – Medium Density, ground or non-ground oriented dwellings, as specified in Subsection 8.3.4(1) a) of this Plan, may be permitted at a density of twenty-six (26) to seventy-five (75) units per net hectare, subject to Subsection 8.3.4(1) c) of this Plan.

c) On lands designated Residential – Medium Density, development may be permitted to a maximum height of:

(i) three (3) storeys for ground-oriented dwellings (not including rooftop amenity/outdoor areas); or

(ii) four (4) storeys for non-ground-oriented dwellings.

d) Development of non-ground oriented buildings shall be permitted only at the periphery of existing neighbourhoods

In conformity with these policies, three storey stacked townhouses are proposed at a density of 46.8 u/ha for Phase 1 (removing the MTO land dedication). Full build out would propose a density of 68.81 u/ha.

	Area to exclude (ha)	Area for density calculation (ha)	Phase 1 Units	Units/ha	Ultimate Build Out Units	Ultimate Units/ha
Entire Site	----	1.18	51	43.23	75	63.56
Excluding MTO Dedication	0.09	1.09		**46.8**		**68.81**

[under appeal]
Policy 12.1.1.(3) i)
Any private or City-initiated Official Plan Amendment shall be assessed against the following criteria included to the satisfaction of the City.

	Official Plan Amendment Application Assessment Criteria	**Conformity of Proposed Development**
(i)	consistency with the intent of the Urban Structure as outlined in Section 2.3, The Urban Structure, of this Plan;	As per Section 2.3, the City's Urban Structure elaborates on the Urban Area illustrated on Schedule A: City System. As identified on Schedule A, the site currently falls within the North Aldershot Area, and does not conform with the Region Official Plan. The proposed amendment is to bring the site into the Urban Area, with the Residential Neighbourhood Area. Justification conforming with these policies is provided above.
(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;	Refer to the following chart.

	Official Plan Amendment Application Assessment Criteria	Conformity of Proposed Development
(iii)	conformity or lack of conflict with Provincial and Regional Plans, policies and legislation;	As per previous sections of this report the Proposed Development is in conformity with provincial plans and policies. Furthermore, the Proposed Development does not conflict with the Parkway Belt West Plan as Phase 2 will not be constructed until the governance of the PBW ceases. . As per previous sections of this report, the Proposed Development is in conformity with the Regional Official Plan, as the ROP designates the site Urban Area and permits municipal services.
(iv)	consistency with the Provincial Policy Statement;	The Provincial Policy Statement has been replaced with the Provincial Planning Statement. The proposal is consistent with the new PPS as justified above.
(v)	compatibility with the surrounding area and proper integration with the surrounding neighbourhood or approved area-specific plan;	Compatibility is successfully achieved between the proposal and the existing residential area to the east. Existing attached dwellings in the form of townhouses exist along Plains Rd W with a side wall interface. Single detached dwellings wrap along Edgemoor Ave and Noorwood Ave. Existing homes are one to two storeys in height. These existing homes are physically separated from the Site by a municipal road (Plains Rd W). The scale proposed is a three storey product, a continuation of a low rise residential design. The Development would serve the residents to the east of the Site in the Bridgeview Community by partially screening noise and sound from Highway No. 6.
(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;	Amenity areas, common and private are provided within the proposal. Bridgeview Park is located within walking distance of the Site and can accommodate the proposal.
(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;	The site includes a sidewalk on the eastern side of Plains Road W. and is within walking distance (750m) to transit stops that connect to many amenities and also the Appleby GO station.
(viii)	whether the amendment, if approved, would establish an undesirable precedent	If approved—the amendment would not set an undesirable precedent as the Site is within the Urban Area as designated by the Region of Halton.
(ix)	whether the amendment, if approved, would remove a significant barrier to development that	The amendment allows for the permission of residential uses on an underutilized property that can contribute to the housing need.

	Official Plan Amendment Application Assessment Criteria	Conformity of Proposed Development
	would otherwise render the site undevelopable and/or underutilized;	
(x)	financial sustainability, in accordance with Section 6.5, Financial Sustainability, of this Plan;	The Proposed Development would utilize existing water, sanitary, and stormwater infrastructure.
(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:	Sustainable measures are being provided and can be reviewed with the Sustainability checklist. The remaining items can be reviewed through the application processing.
	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.	

[under appeal]

Policy 12.1.2(2.2) POLICIES

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

	Development Application Criteria	Conformity of Proposed Development
i)	the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan;	RWDI has been retained to conduct a Land Use compatibility study and any mitigation measures identified will be implemented.
ii)	the development achieves built form compatibility;	The proposal continues with the low rise residential built form consisting of detached and attached housing within the area, providing a three storey stacked townhouse product.
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;	As per Section 2.3, the City's Urban Structure elaborates on the Urban Area illustrated on Schedule A: City System The proposal is to include the site within the urban area to conform with the Region OP. Justification has been provided regarding these policies.
iv)	the development achieves high quality of urban design and is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan;	An Urban Design Brief has been prepared to support the proposal and concludes that the proposal meets the urban design and policy objectives within the Official Plan such as circulation, organization, compatibility, architectural design, landscaping and sustainability.
v)	the development, where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes intensification;	Pursuant to Schedule B-1: Growth Framework, the Site is proposed to be within the Greenfield Area. Justification has been provide regarding these policies.
vi)	the development can be supported by available infrastructure and public service facilities;	Crozier prepared a Functional Servicing and Stormwater management report to support the proposal. Public Service facilities can support the additional phased unit yield.
vii)	the development preserves and protects trees, consistent with the policies contained in Section 4.3, Urban Forestry, of this Plan;	There are trees on the site that will be protected. Where trees are proposed to be removed, compensation practices will be incorporated.
viii)	the development provides buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided.	The Site does not directly abut existing buildings/lots to the east, south and west. There is a natural transition area built in between these lot lines and neighbouring buildings. To the north is an existing car pool lot, absent of buildings. The low rise building placement of the proposal provides appropriate transition, and sufficient amenity area is provided on site.
ix)	the development shall:	

	Development Application Criteria	Conformity of Proposed Development
	a. demonstrate that future development on the adjacent property(ies) will not be compromised by the proposal;	Development on adjacent properties will not be compromised by the Proposed Development. The sole adjacent property is the car pool lot to the north and this development does not preclude development potential on that site.
	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	None deemed required.
	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;	N/A – The Proposed Development does not include the redevelopment of existing retail and service commercial uses.
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;	N/A – The Site does not contain elements of the City's Natural Heritage System as identified on Schedule M – The Natural Heritage System.
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;	Bridgeview Park is under a five minute walk and provides an open field and play structure. Transit is located within walking distance (under 10 min, 750m
xii)	The development addresses multi-modal transportation considerations and is consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited to:	The Proposed Development enhances multi-modal transportation by providing bicycle spaces. Transit can be accessed from the development.
	a) the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity;	A study was prepared by Crozier to assess any impacts.
	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;	The Parking Study prepared by Crozier concludes that adequate off street parking and TDM measures will be provided.
xiii)	the development conserves cultural heritage resources, where applicable, in accordance with the policies in Section 3.5, Cultural Heritage Resources, of this Plan;	N/A – No cultural heritage resources have been identified on the Site.
xiv)	the development provides stormwater management in accordance with the policies of Subsection 4.4.2.(2) of this Plan;	A Functional Servicing and Stormwater Management Report concluded that the Stormwater Management requirements of the City of Burlington, Halton Region,

	Development Application Criteria	Conformity of Proposed Development
		and MOECC, could be met provided that the Report recommendations were followed.
xv)	the development addresses hazardous lands and hazardous sites in accordance with Subsection 4.4.2.(3) of this Plan;	N/A – The Site is not identified as being within Conservation Halton's regulated area as per online mapping. Furthermore, no hazardous Sites are identified on the Site pursuant to Schedules.
xvi)	the development considers the relationship of the development to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters;	The Site is located within walking distance of an existing transit route and the development promotes the extension of transit to the immediate area.
xvii)	the development complements and connects with the public realm, including walking and cycling facilities;	The proposal provides connections out to Old Plains Road which connects to the broader walking and cycling network.
xviii)	the development shall be consistent with the contaminated sites policies contained in Section 4.7, Contaminated Sites, of this Plan; and;	A Phase 2 Environmental Report was prepared an concluded contaminants have not been found on site.
xix)	the development shall consider all other relevant principles, objectives and policies of this Plan.	Justified throughout report.

Therefore, the Subject Applications and Proposed Development have appropriate regard for the draft New OP.

6.7 Burlington Zoning By-law No. 2020

The subject property is zoned CNA (Commercial North Aldershot) in the City of Burlington Zoning By-law 2020. The CNA zone permits a range of commercial uses but does not permit public storage. A Zoning By-law Amendment is required to propose a residential urban zone, RM3 to permit the proposed stacked townhouses.

Requested Modifications to RM3Zone

Compliance Chart for Burlington Zoning By-law 2020				
Policy	**Requirement**	**Phase 1 (51 units)** **Comply** ✗ / ✓	**Phase 2 (+24 units)** **75 total** **Comply** ✗ / ✓	**Modification**
Part 1 – General Conditions and Provisions				
Section 2: General Provisions				
2.13 d)	The following obstructions may project 65 cm maximum into a required yard: A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter	Encroachment of 3.15m ✗		**3.15m**
2.25 (Table 1.2.6)	Off-Street Parking Standards: Stacked Townhouse: 1 occupant space per unit, PLUS 0.25 visitor spaces per unit	REQ: 51 occupant 12.75 (13) Visitors PROV: 51 occupant 11 Visitors ✗	REQ: 24 occupant 6 Visitors PROV: 24 occupant 0 Visitors ✗	**0.15 spaces for visitors**
2.26 (1)	Parking Space Size & Accessibility: Min. Width: 2.75m Min. Area: 16.5 sq.m Min. internal dimensions for a private garage are 6.0m depth x 3.0m width x 2.0m height	Provided ✓	Provided ✓	**----**

Compliance Chart for Burlington Zoning By-law 2020				
Policy	**Requirement**	**Phase 1 (51 units)** **Comply** ✗ / ✓	**Phase 2 (+24 units)** **75 total** **Comply** ✗ / ✓	**Modification**
2.26 (9)	Designated Accessible Parking Spaces (2.26: Accessibility is not required for 20% of the required occupant parking in townhouse, back-to-back townhouse, stacked townhouse, maisonette, fourplex, and apartment buildings.)	51 x 20% = 41 + 13 = 54 required spaces 51-90 required spaces: 2 designated accessible parking spaces 2 provided ✓	24x20% = 19 + 6 = 25 required, added to Phase 1 = 79 total required 2 accessible parking spaces still required. 2 provided in Ph 1 ✓	----
2.31 b)	Residential Building Height Maximum: Peaked Roof Dwellings: 3 storeys to 14m	Provided ✓	Provided ✓	----
Part 2 – Residential Zones				
Section 10: RM3 Zone Regulations				
10.1 (Table 2.10.1)	Lot Width: 30m	+- 89 m ✓		-----
	Lot Area: 0.4 ha	1.18 ha ✓		----
	Front Yard setback: 7.5m	4.2m to Old Plains Road ✗		**4m**
	Rear Yard setback: 9m	30m+ to north lot line ✓	3.2m to north lot line ✗	**3m**
	Side Yard setback: 4.5m	+-19m post dedication to western lot line ✓		-----
	Street Side Yard: 6m	3m ✗	6.5m ✓	**3m**
	Density: 25 to 50 u/ha	51/1.09 = 46.8 u/ha post MTO dedication ✓	75/1.09 =68.81 u/ha post MTO dedication ✗	**69 u/ha**
	Amenity Area: 25 sq.m for each bedroom in a unit	REQ: 17 1BR x 25 = 425sqm 34 2 BR x 50 = 1,700sqm Total: 2,125	REQ: 8 1BR x 25 = 200sqm 16 2BR x 50 = 800sqm Total: 1,000sqm	**12.5 sqm for each bedroom in a unit**

Compliance Chart for Burlington Zoning By-law 2020				
Policy	**Requirement**	**Phase 1 (51 units)** **Comply** ✗ / ✓	**Phase 2 (+24 units)** **75 total** **Comply** ✗ / ✓	**Modification**
		PROV: 10sqm exclusive use for each 1BR = 170sqm 13sqm exclusive use for each 2BR = 442sqm Common Amenity in Ph 1 450sqm Total: 1,062 12.5sqm provided for each bedroom ✗	PROV: 10sqm exclusive use for each 1BR = 80sqm 13sqm exclusive use for each 2BR = 208sqm Common Amenity in Ph 2 380sqm Total: 668 16.5 provided for each bedroom ✗	
	Privacy Area: 10 sq.m per unit	Provided ✓	Provided ✓	----
10.2	Landscaped Area: 4.5 m abutting a street having a deemed width up to 26 m (Old Plains Rd West) 6 m abutting a street having a deemed width greater than 26 m (Plains Rd West)	1m to Old Plains Road 2m to Plains Rd W ✗	Old Plains Rd: N/A Plains Rd West: 6m ✗	**1m to Old Plains Rd W, 2m to Plains Rd W.**
10.4	Building Height: (a) Maximum height: 3 storeys (b) Stacked townhouse dwellings shall be provided in accordance with Part 1, Subsection 2.31 "Residential Building Height".	Provided ✓	Provided ✓	----

Justification for each modification is provided below:

a) To permit a visitor parking ratio of 0.15 spaces per unit, whereas the by-law required 0.25 spaces per unit;
b) To permit a front yard setback to Old Plains Road of 4m whereas the by-law requires 7.5m;
c) To permit a Rear Yard Setback to the north lot line of 3m, whereas the by-law requires 9m;
d) To permit a street side yard to Plains Road West of 3m whereas the by-law requires 6m;
e) To permit a roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter to encroach a maximum of 3.15m into a required yard;
f) To permit an amenity area of 13sqm per bedroom in a unit, whereas the by-law requires 25sqm per bedroom in a unit;
g) To permit a landscaped area abutting a street (Old Plains Road) of 1m, whereas the by-law requires 4.5m;
h) To permit a landscaped area abutting a street (Plains Road West) of 2m whereas the by-law requires 6m;
i) To permit a density range of 25 to 69 units per hectare, whereas the by-law required 25 to 50 units per hectare.

Parking:

The purpose of this regulation is to provide sufficient number of parking spaces per use. Crozier prepared a Parking Justification Study and through their analysis concluded that sufficient off street parking will be provided for the proposal. It is important to note that all visitor parking spaces will be built in Phase 1, providing an oversupply at the onset. Based on this analysis, the modification can be supported.

Yard Setbacks, Porch Encroachment and Landscape Strip width:

The purpose of these regulations are to provide an appropriate area for landscaping, servicing, and building relationship to the street. The depth of the setbacks are undulating along both street frontages. Along Plains Road West, the majority of the townhouse blocks have an end wall interface, and the setback varies from 3m to 4.2m. the Phase 2 building has a larger

setback meeting the required minimum. The two drive aisles provide a pinch point closer to the lot line, which occurs in two locations. Along Old Plains Road West, the pinch point occur at the visitor parking spaces. The reduced setbacks maintain enough space for servicing and mitigation plantings where warranted. In addition, the actual lot line is set back from the pavement of the street which provides for a vegetated interface between the development and the asphalt of the road. The site directly abuts roads on the east and south, with the car pool lot the adjacent use to the north and the interface at this location remains appropriate. Based on this analysis, the modifications can be supported.

Amenity Area:

The purpose of this regulation is to provide an appropriate amount of amenity space for each dwelling unit. The dwelling units contain a minimum of 10 square metres of exclusive use amenity space, in addition to the dedicated communal amenity spaces, two areas disbursed throughout the site. These defined spaces provide 12.5 square meters of amenity space per bedroom within a unit. It is important to note that during Phase 1 30 metre wide undeveloped area to the north will remain vacant as well as the amenity area along the eastern limits. In addition, there is a 14 metre wide portion of the site along the western limits that will also remain undeveloped. Off site, Bridgeview Park is under a five minute walk and provides an open field and play structure. Based on this analysis, the modification can be supported.

Density:

69 units per hectare is requested, calculated at full build out across the entire property. The Phase 2 plan shows how the units would be situated, with the road dedication and development setback required to the MTO lands. The requested density will conform with the policies of the 2020 OP as the medium density residential designation includes a density range policy of 26 to 75 units per hectare. The proposed density does not overwhelm the site, or the neighbourhood and can be accommodated from a traffic and servicing perspective. Based on this analysis, the modification can be supported.

7.0 RECOMMENDATIONS

It is our opinion that the Proposed Development and associated Official Plan and Zoning By-law Amendments represent good land use planning and should be approved for the following reasons:

a) The Proposed Development is consistent with the policies of the Provincial Panning Statement;
b) The Proposed Development is in conformity with the Region of Halton Official Plan;
c) The Proposed Development maintains the intent of the functional and land use policies of both the 1997 Burlington Official Plan and the 2020 Burlington Official Plan;
d) The Proposed Development provides an opportunity for land use intensification at an appropriate height and scale within the context of the immediate area;
e) The proposed site layout, building form, height, and massing are compatible within the local the neighbourhood context;
f) The road network has the capacity to accommodate the redevelopment;
g) The Proposed Development provides for the efficient use of land and infrastructure; and
h) The Proposed Development is supported by technical studies that confirm the proposal is appropriate.

Respectfully,



Sarah Knoll, MCIP, RPP
Vice President / Senior Planner

APPENDIX A

AMENDMENT NO.__ TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA (1497-1511 OLD PLAINS ROAD WEST)

CONSTITUTIONAL STATEMENT

The details of the Amendment as contained in Part B of this text constitute Amendment No. ___ of the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to amend the land use designation from “North Aldershot Commercial” to :

Urban Area on Schedule A: City System

Residential Neighbourhood Area on Schedule B: Urban Structure

Designated Greenfield Area on Schedule B-1: Growth Framework

Residential Medium Density on Schedule C: Land Use.

2. SITE AND LOCATION

The subject lands are located at 1497-1511 Old Plains Road West.

3. BASIS FOR THE AMENDMENT

The basis for permitting this Amendment is as follows:

- The Amendment is consistent with the Provincial Planning Statement;
- The Amendment is consistent with the Urban Area residential policies of the Burlington Official Plan;
- The Proposed Development is compatible with the surrounding development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Text Change:

The following text is added to Chapter 8.3.4(2) of the Burlington Official Plan:

“8.3.4(2)_) Policy 8.3.4(1) shall apply to the site as a whole only when the governance of the Parkway Belt West Plan is not in force.

2. INTERPRETATION

3. IMPLEMENTATION

This Official Plan amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

APPENDIX B

APPENDIX __ -
ZONING BY-LAW AMENDMENT 2020.___
THE CORPORATION OF THE CITY OF BURLINGTON
BY-LAW NUMBER 2020.___

A By-law to amend By-law 2020, as amended; to permit the development of stacked townhouses at 1497-1511 Old Plains Road West,
File No.: _____

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Part 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception __ as follows:

Exception **xxx**	**Zone** **RM3-xxx**	**Map**	**Amendment** **2020___**	**Enacted**
1. <u>Regulations</u> a) Density		25 to 69 units per hectare		
b) Front Yard Setback		4m to Old Plains Road		
c) Street Side Yard setback		3m to Plains Road West		
d) Rear Yard Setback		3m to north lot line		
e) Encroachment		A roofed-over or screened but otherwise unenclosed 1-storey porch including steps may project 3.15m maximum into a required yard roof overhang excluding eaves and gutter		
f) Amenity Area		13 square metres per bedroom in a unit		
g) Landscaped Area abutting a Street		2m abutting Plains Road West 1m abutting Old Plains Road		

2. <u>Off Street Parking Requirements</u> Required Visitor Parking 0.15 spaces per unit
Except as amended herein, all other provisions of this By-law, as amended, shall apply.

2. That Zoning Map Number of PART 15 to By-law No. 2020, as amended, is hereby amended by changing the zoning from the CNA Commercial North Aldershot to a modified RM3 Zone, for the lands, the extend and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

3. When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

4. If one or more appeals are filed pursuant to the provision of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.