1.0 INTRODUCTION *D9

To be read with other parts of the Plan

This part of the Plan presents the principles, objectives and policies for the land use designations identified on the Settlement Pattern and the Comprehensive Land Use Plan for the Urban Planning Area. The principles, objectives and policies for each land use designation should be read in conjunction with the principles, objectives and policies in other parts of the Plan.

2.0 RESIDENTIAL AREAS

The lands identified as "Residential Areas" on Schedule A, Settlement Pattern provide for housing and other land uses that are part of a residential environment. Housing *may* take many forms ranging from detached homes to high-rise apartment structures. To provide opportunities for the broad range of residential uses that will satisfy the City's housing requirements, and provide for *compatibility* issues to be suitably addressed, three categories of residential land use have been identified on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. These categories are based on the function, permitted uses, location, density and scale of *development*.

The following principles, objectives and policies provide a framework that will guide future *development* decisions for Residential Areas:

2.1 Principles

Safe and secure

a) Housing in Burlington *shall* be safe and secure for all residents.

Supply

b) To the extent to which land is available in the Urban Planning Area, a sufficient supply of owner occupied and rental housing *shall* be maintained to meet existing and future needs.

Range

c) To the extent to which land is available in the Urban Planning Area, a broad, diverse range of housing types *shall* be provided including housing which is affordable and accessible for all residents.

Demand

d) The City *shall* address new housing demands, through the best use of existing resources and community *infrastructure*, and through new community development.

2.2 General

2.2.1 Objectives

Intensification

a) To *encourage* new residential *development* and residential *intensification* within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of *intensification* must be balanced with other planning considerations, such as *infrastructure* capacity, *compatibility* and integration with existing *residential neighbourhood*s. OPA 55

Consider natural environment

b) To provide housing opportunities that are *compatible* with the protection of the *natural environment*.

Encourage other forms of transportation

c) To provide housing opportunities that *encourage* usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car.

Variety of housing

d) To *encourage* a strong *live/work relationship* in the City by providing a variety of housing that reflects the existing and future socio-economic and demographic characteristics of local residents and job opportunities.

Close to other uses

e) To provide, where *compatible*, housing opportunities in proximity to *employment* areas and residential support uses such as shopping and recreational areas to create opportunities to reduce travel times.

Integrate types of housing

f) To *encourage* the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.

Compatible with development

g) To require new residential *development* to be *compatible* with surrounding properties.

2.2.2 General Policies

Permitted uses

a) Within Residential Areas, a broad range of residential dwelling types *shall* be permitted, including *assisted* and *special needs housing* such as *group homes*, rest/retirement homes and *long-term care facilities*, as well as uses *compatible* with, complementary to and serving the primary residential use of the land, such as *home occupations* and *cottage industries*, neighbourhood parks, and offices.

Density range

b) Land use in Residential Areas *shall* comply with the land use designations contained on Schedule B, Comprehensive Land Use Plan-Urban Planning Area.

Low Density

c) In Residential-Low Density areas, single-detached and semi-detached housing units with a density to a maximum of 25 units per *net* hectare *shall* be permitted. In addition, other forms of *ground oriented* housing units with a density to a maximum of 25 units per *net* hectare *may* be permitted, provided that these forms are *compatible* with the scale, urban design and community features of the neighbourhood.

Medium Density

d) In Residential-Medium Density areas, either *ground or non-ground-oriented* housing units with a density ranging between 26 and 50 units per *net* hectare *shall* be permitted.

High Density

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.

Housing in other designations

f) Residential land uses are permitted in some other designations on Schedule B, Comprehensive Land Use Plan – Urban Planning Area. These residential land uses are subject to both the Residential land use policies of this Plan as well as the policies of the other land use designations in which they are permitted. OPA 55

Building form

g) The following building forms for residential *development shall* be permitted:

Low Density

(i) detached and semi-detached homes *shall* be permitted in Residential-Low Density areas. Other forms of *ground oriented*, attached housing *may* be permitted, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 c) for these areas and provided that these forms are *compatible* with the scale, urban design and community features of the neighbourhood; OPA 55

Medium Density

(ii) detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments *shall* be permitted in Residential-Medium Density areas, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 d), for these areas; and OPA 55 OPA 81

High Density

(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. OPA 7 OPA 81

2.2.3 Site Specific Policies

Orchard Community

a) Notwithstanding the policies of Part III, Subsection 2.2.2 a), c) and d) of this Plan, residential *development* in Orchard Community *shall* be subject to the following: OPA 7 OPA 20

(i) in Residential-Low Density designations the maximum density of *development shall* be 30 units per *net* hectare. On the property located on the east side of Orchard Road, north of Upper Middle Road, described as 2171 Orchard Road, the maximum density of *development shall* be 35 units per hectare;

(ii) in Residential-Low Density designations housing forms include predominantly single-detached and semi-detached units, townhouses and street townhouses, duplexes, three-plexes and four-plexes are also permitted;

(iii) in Residential-Low Density designations the housing mix *shall* not be exclusively single-detached and semi-detached forms of housing. Residential *development applications* will be evaluated

by the City to ensure the overall residential density and housing mix will be achieved;

(iv) in Residential-Medium Density designations housing forms include townhouses, street townhouses and stacked townhouses, semi-detached, duplexes, three-plexes and four-plexes. This designation also permits detached *dwelling units* up to a maximum of 15 percent of the total housing mix on each property.

Medium Density in Orchard Community

b) Notwithstanding the policies of Part III, Subsection 2.2.2 a), c) and d) of this Plan, in Orchard Community *neighbourhood commercial* centres, including offices *may* also be permitted on lands designated Residential - Medium Density. Such centres *shall* be subject to the following:

(i) a maximum non-residential floor area of 200 sq. m;

(ii) the predominant residential character of the transit corridor is maintained; and

(iii) the site is located adjacent to the intersection of two public roads or adjacent to a *community facility*.

Queensway Drive

c) Notwithstanding the policies of Part III, Subsection 2.2.2 a) of this Plan, *development* on lands described as 2290 Queensway Drive *shall* be subject to the following: OPA 2

(i) in addition to the uses permitted in Part III, Subsection 2.2.2 a) of this Plan, additional specialized retail and personal service uses, as set out in the Zoning By-law, *shall* be permitted on the property described as 2290 Queensway Drive; and

(ii) the additional permitted retail and *service commercial* uses are permitted within the existing building only.

Unsworth Avenue at Sumach Drive

d) Notwithstanding the policies of Part III, Subsection 2.2.2 a), c) and d) of this Plan, *development* on the lands designated 'Residential-Medium Density' and 'Residential-Low Density' on the property, bounded by Unsworth Avenue on the east, the main Grindstone Creek Valley on the south, the tributary valley of the Grindstone Creek on the west, and the C.N.R. railway on the north, *shall* be subject to the following: OPA 12

(i) notwithstanding the other policies of this Plan, a *neighbourhood commercial* centre, including offices, *may* also be permitted. Such a centre *shall* have a maximum non-residential floor area of approximately 400 sq. m;

(ii) any recommended upgrading of Sumach Drive and Unsworth Avenue *shall* be designed to respect, to the greatest extent possible, the existing character of these roads; and

(iii) the boundary between the "Residential-Medium Density" designation and the "Greenlands" and "Environmentally Sensitive Area" designations is the boundary of the Grindstone Creek Valley *Environmentally Sensitive Area* as approved by Halton Region.

South of Upper Middle Rd., west of C.N.R.

e) Notwithstanding the policies of Part III, Subsection 2.2.2 a) to e) of this Plan, residential *development* on lands designated "Residential-Medium Density" south of Upper Middle Road, between Shoreacres Creek and the C.N.R. railway line, *shall* be subject to the following: OPA 17

(i) *development* of these lands *shall* be limited to a residential "alternative housing" community designed and oriented to special needs groups, containing features and components such as seniors-oriented *recreation*, health, retail and community services, and a continuum of residential units and care facilities, unless it can be demonstrated to the satisfaction of City Council that there is not sufficient market for such a community;

(ii) a maximum of approximately 525 *dwelling units shall* be permitted within an "alternative housing" community, including a maximum of 300 apartment units.

Alton Community

f) Notwithstanding the policies of Part III, Subsection 2.2.2 a) to g) of this Plan, residential *development* in Alton Community *shall* be subject to the following additional policies: OPA 3

(i) in Residential-Low Density designations the maximum density of *development shall* be 30 units per *net* hectare;

(ii) residential *development* along the north side of Dundas Street *shall* be subject to additional building setbacks and berm and buffering requirements to address noise and other impacts associated with Dundas Street;

(iii) in Residential-High Density designations, housing forms include street townhouses and stacked townhouses, attached housing and apartments to a maximum height of 10 storeys;

4853 Thomas Alton Boulevard

(iv) notwithstanding the General Policies of Part III, Subsection 2.2.2 e) of this plan, a maximum density of 299.5 units per hectare *shall* be permitted on the property at 4853 Thomas Alton Boulevard; and OPA 99

(v) notwithstanding the Alton Community policies of Part III, Subsection 2.2.2 f) (iii) of this plan, a maximum height of 17 storeys *shall* be permitted on the property at 4853 Thomas Alton Boulevard. OPA 99

South-west quadrant of Guelph Line and Glenwood School Drive

g) In addition to the other policies of this Plan, the following policies *shall* apply to *development* in the south-west quadrant of Guelph Line and Glenwood School Drive: OPA 31

(i) this intersection is identified as a *gateway* to the City and any *development* abutting the intersection *shall* be in a compact, urban form;

(ii) Council *shall* adopt Urban *Design Guidelines* which will guide the form and design of *development* abutting the intersection, prior to the approval of any *development*;

(iii) the lands will be developed with buildings that front and face the street, and building heights, *massing*, setbacks and landscape features will be designed to enhance the *gateway* function of this intersection;

(iv) an increase in *floor area ratio* to a maximum of 2.0:1 *may* be permitted, provided that the building height, *massing*, setbacks and landscaping features are designed to enhance the *gateway* function of the intersection in accordance with the approved Urban *Design Guidelines*;

(v) the Zoning By-law *shall* also contain provisions that facilitate the implementation of the approved *design guidelines*, including the reduction of building setbacks, increase in *floor area ratio*s, and adjustments to landscaping requirements.

South side of Plains Road, between Cooke Boulevard and Filmandale Road

h) Notwithstanding the policies of Part III, Subsection 2.2.2 d) of this Plan, the lands designated "Residential Medium Density" on the south side of Plains Road, between Cooke Boulevard and Filmandale Road, *shall* be subject to site-specific zoning regulations designed to protect the existing character of this portion of Plains Road and provide *compatibility* with the abutting neighbourhood to the south. Any exterior alteration or addition to the property *shall* maintain the residential appearance and character of the property. OPA 55

North side of Upper Middle Road, east and west of William O'Connell Blvd.	i)	Notwithstanding the policies of Part III, Subsection 2.2.2 d) and Part III, Subsection 2.11 of this Plan, the lands designated "Residential-Medium Density" located on the north side of Upper Middle Road, east and west of William O'Connell Boulevard, and described as 4107, 4119, 4123, 4173, 4179 & 4187 Upper Middle Road, *may* also be used for offices, subject to land assembly and *compatibility* being provided with the abutting detached *residential neighbourhood* to the north.	OPA 55
Tobyn Drive and Upper Middle Road	j)	Notwithstanding the density provisions of this Plan, within the "Residential-High Density" designation located at 1800 Tobyn Drive, apartment buildings and at least one retirement home with a combined *floor area ratio* of 2.2:1 *may* be permitted. In addition, the two buildings adjacent to the western property line are permitted to have a limited range of ground floor retail, *service commercial* and office uses provided these uses are complementary to the seniors' residential complex.	OPA 60
Upper Middle Road and Itabashi Way	k)	Notwithstanding the density provisions of this Plan, within the Residential-High Density designation at 4100 Upper Middle Road, a retirement community consisting of a long term care facility, apartment buildings and retirement home units, with a combined *floor area ratio* of 1.9:1, may be permitted.	OPA 67
New Street and Claridge Road	l)	Notwithstanding the policies of Part III, Subsection 2.2.2 a) and g), of this Plan, on lands designated "Residential - Medium Density" and identified as 3095 New Street, a mixed use building with office and residential uses shall be permitted and the maximum building height shall be 3 storeys.	OPA 87
1284 Guelph Line	m)	Notwithstanding the policies of Part III, Subsection 2.2.2 a) and g), of this Plan, on the lands designated "Residential - High Density" and identified as 1284 Guelph Line, a four storey apartment building shall be permitted with a maximum density of 230 units per net hectare.	OPA 90
North of Prospect Street, 30 m east of Robinson Street	n)	Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, on the northern portion of the lands designated "Residential-High Density" and identified as 2051-2067 and 2077-2085 Prospect Street, only *ground-oriented housing units shall* be permitted to ensure *compatibility* with the abutting detached residential neighbourhood to the north.	OPA 98
4880 Valera Road	o)	Notwithstanding the policies of Part III, Subsection 2.2.2 a) of this Plan, commercial land uses in the form of mixed used use or stand alone buildings *shall* be provided fronting on Thomas Alton Boulevard. Residential building height *shall* be transitioned to provide for a lower height fronting Valera Road and existing residential development to the south.	OPA 102

North of Prospect Street, 220 metres west of Pearson Street

p) Notwithstanding the policies of Part III, Section 2.0, Subsection 2.2.2 e) and g) iii) of this plan, on the northern portion of the lands designated "Residential – High Density" and identified as 2087-2103 Prospect Steet, only *ground-oriented housing units* in the form of stacked townhouses *shall* be permitted to ensure *compatibility* with the abutting detached residential neighbourhood to the north. OPA 115

North side of New Street, 75 metres west of Guelph Line

q) Notwithstanding the policies of Part III, Section 2.0, Subsection 2.2.2 a) and e) of this Plan, the subject lands *shall* be subject to the following: OPA 117

(i) A *community facility shall* be provided on the ground floor of the residential building

(ii) A maximum density of 234 units per hectare is permitted for *special needs housing* including *seniors' housing* in the retirement home building

(iii) A maximum density of 207 units per hectare is permitted for the residential apartment building

1085 Clearview Avenue; 1082, 1086 and 1090 St. Matthew's Avenue

r) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew's Avenue: OPA 120

(i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys *shall* be permitted;

(ii) Notwithstanding Policy 2.5.2 a) xiii), direct access shall be permitted from a local road.

2294 & 2300 Queensway Drive

s) Notwithstanding the policies of Part III, Subsection 2.2.2 d) of this Plan, on the lands designated "Residential-Medium Density" and identified as 2294 & 2300 Queensway Drive, a townhouse development consisting of townhouse development with a maximum density of 68 units per net hectare *shall* be permitted. OPA 127

454-462 Cumberland Avenue & 3255, 3259, and 3265 New Street

t) Notwithstanding the policies of Part III, Subsection 2.2.2 e), of this plan on the lands designated "Residential High Density" and identified as 454-462 Cumberland Avenue & 3255, 3259, and 3265 New Street, a maximum density of 346 units per net hectare *shall* be permitted OPA 140

Tremaine Dundas Community

u) Notwithstanding the policies of Part III, Subsection 2.2.2 d) and g)(ii), d), the following policies *shall* apply to the Tremaine Dundas Community: OPA 107

(i) In Residential - Medium Density areas, a density ranging between 26 and 75 units per net hectare *shall* be permitted.

(ii) In addition to 2.2.2. g)(ii), limited, small-scale retail uses that serve the day to day needs of residents within close proximity *may* be permitted at grade within a building containing residential uses in the

storeys above, subject to being *compatible* with the main residential use and respectful of the *physical character* of the neighbourhood. Such uses will be guided by appropriate standards in the Zoning By-law including, but not limited to parking, access and amenity areas.

(iii) *Development* in the Residential – Medium Density *shall* be a maximum of two storeys within 70 metres from an *employment* use to ensure adequate land use compatibility with the Business Corridor designation and lands located within the Town of Oakville. Any increase in height within the noted 70 metres from an *employment* use shall require a site specific Zoning By-law amendment and an air quality assessment to assess potential future industrial source characteristics and all industrial and traffic impacts from the surrounding areas.

(iv) Any new *sensitive land uses* within 70 meters of an *employment* designation *shall* submit a Land Use Compatibility Assessment to identify potential issues and prescribe appropriate mitigation measures. Mitigation measures could include but are not limited to a range of site layout and building design strategies, including such as building setbacks, orientation, landscaping and materiality, as well as acoustic barriers intended to attenuate noise, such as fencing, landscaping or vegetation. If required, environmental warning clauses can be issued and included in Offers of Purchase and Sale, lease/rental agreements or condominium declarations. Specific mitigation measures that *may* be required will be finalized through the site plan stage.

(v) An updated Noise and Vibration Study will be required as part of any proposed development application to assess all transportation and stationary noise sources in the vicinity of the application.

4274 Dundas Street

v) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a maximum density of 220 units per *net* hectare *shall* be permitted. OPA 151

2.3 Housing Supply

2.3.1 Objective

Sufficient Supply

a) To ensure that a sufficient supply of suitably designated and serviced residential land is maintained to meet existing and future housing needs.

Rental Housing

b) To *encourage* the retention of existing rental housing and the construction of new rental housing. OPA 55

2.3.2 Policies

Short-term supply

a) To the extent to which land is available in the Urban Planning Area, City Council *shall* maintain its fair share of land within the *regional market area* with servicing capacity sufficient to provide a three year supply of residential units, available through lands suitably zoned to facilitate residential *intensification* and *re-development*, as well as land in draft approved and registered plans, in order to meet anticipated short term housing needs. OPA 55

Long-term supply

b) To the extent to which land is available in the Urban Planning Area, City Council *shall* maintain the ability to accommodate its fair share of residential growth within the *regional market area* for a minimum of 10 years through residential *intensification* and re-*development* and, if necessary, lands which are designated and available for residential *development*, in order to meet anticipated long term housing demands. OPA 55

Surplus lands

c) The use of surplus lands owned by the municipality and other government agencies for residential purposes, including affordable or *assisted housing shall* be considered before using them for other land uses.

Municipal services

d) City Council *shall* ensure an adequate level of local municipal services to meet the demands of residential *development*.

Needed for infrastructure

e) City Council *shall* advise the Region of Halton and the Provincial Government of the need for *infrastructure* and servicing funding associated with the provision of additional housing in the City.

Conversion of rental properties

f) The demolition or conversion to freehold or condominium ownership of residential rental properties containing six or more units *should* not be permitted unless the following conditions are satisfied: OPA 62

(i) the rental vacancy rate by dwelling/structure type for the City of Burlington as defined and reported yearly through the C.M.H.C. Rental Market Survey has been at or above 3 per cent for the preceding two-year reporting period;

(ii) the building for which conversion is proposed meets the requirements of the property standards by-law, the Ontario Building Code, and any other applicable law, or will be upgraded in accordance with these standards and requirements;

(iii) where demolition occurs, replacement rental housing units are provided for those units that are demolished;

(iv) that negative economic and other impacts upon tenants are minimized; and

(v) the requirements of any applicable Provincial legislation or regulation, as amended, are met.

Innovative housing tenure

g) City Council *shall* consider the provision of innovative forms of housing tenure, such as common element, phased and vacant land condominiums, as a means of increasing housing diversity, choice and supply in the City. OPA 55

Rental housing

h) The City *shall*, in co-operation with other orders of government, *encourage* the provision of a range of housing types, including rental housing, for individuals and families. OPA 55

2.4 Housing Affordability

2.4.1 Objective

Type and tenure

a) To ensure that a range of housing and tenure types are available to meet the various lifestyle and income group needs of the existing and future population.

Affordability

b) To *encourage* the *development* of *affordable housing* throughout the City.

2.4.2 Policies

Provincial Policy Statement

a) New residential *development shall* be required to satisfy the requirements of the Provincial Policy Statement relating to the provision of *affordable housing.* OPA 55

Designate affordable housing lands

b) As part of the *development* approval process, City Council *may* require the designation of lands for *affordable housing*. These lands *shall* either be retained and developed by a developer as *affordable housing* or made available to a cooperative or non-profit housing group.

Community Benefits By-Law

c) Community Benefits provisions *may* be implemented to *encourage* the creation of *affordable housing*. Such community benefits provisions *shall* be subject to Part VI, Section 2.3 and will include, but will not be limited to, an awareness of and regard for the *cumulative impact* of any increased height and/or density on the City's and Region's ability to provide services and a requirement that any increased height and/or density be *compatible* with the surrounding area.

Processing priority

d) City Council *shall* give processing priority to *development applications* which will provide the type, size and tenure of housing required to meet the social and economic needs of the City's residents. OPA 55

Targets

e) City Council *shall*, in co-operation with the Region, update its Municipal Housing Statement to establish five-year housing targets by type to meet the housing needs identified in the joint Regional-Municipal Housing Statement. OPA 55

Development standards

f) City Council *shall* establish *development* standards for residential *intensification*, re-*development* and new residential *development* which minimize the cost of housing and facilitate compact urban form, while maintaining appropriate levels of public health and safety. OPA 55

Monitoring of conversion

g) City Council *shall* establish guidelines and monitor the conversion of existing rental housing to other uses to protect tenants and rental housing stock. OPA 55

Tremaine Dundas Community

h) The following additional policies *shall* apply to the Tremaine Dundas Community: OPA 107

(i) The *City encourages* the *development* of *affordable housing* by means of permitting secondary dwelling units as of right and innovative housing designs and residential *development* that consider such matters as more modest amenities, materials and finishes and an examination of innovative building design. The *City* also *encourages* housing designs that facilitate subsequent conversion to provide additional housing units that support achievement of *affordable housing* targets.

(ii) *Development* applications, greater than 100 residential units, *shall* be required to provide a Housing Impact Statement identifying a commitment to achieve the Region's housing targets of affordable, assisted and/or special needs housing units, identifying how estimated rents and/or initial sales prices of the *development* are at or below the *affordable housing* thresholds by type and information regarding the number of *affordable housing* units per phase of *development.*

(iii) A range and mix of housing types will be provided in each development phase.

2.5 Housing Intensification

2.5.1 Objectives

Increase housing stock

a) To *encourage* residential *intensification* as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, *accessory dwelling units*, *infill*, *re-development* and conversions within existing neighbourhoods, provided the additional

housing is *compatible* with the scale, urban design and community features of the neighbourhood.

Areas For intensification

b) To *encourage* the re-*development* of under-utilized residential lands where appropriate at the periphery of existing *residential neighbourhood*s for *non-ground-oriented* housing purposes. OPA 55

2.5.2 General Policies

Evaluation criteria

a) The following criteria *shall* be considered when evaluating proposals for housing *intensification* within established neighbourhoods:

(i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;

(ii) 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;

(iv) the proposal is in proximity to existing or future transit facilities;

(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;

(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; OPA 55

(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor *amenity areas*, is at an acceptable level;

(viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;

(ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;

(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; OPA 55

(xi) natural and *cultural heritage* features and areas of natural hazard are protected; OPA 55

(xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and OPA 55

(xiii) proposals for non-ground oriented housing *intensification shall* be permitted only at the periphery of existing *residential neighbourhood*s 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 between existing and proposed residential buildings is provided. OPA 55 OPA 83

Planning Justification

b) where a proposal for residential *intensification* is deemed to have potentially significant adverse impacts, Council *shall* require a planning justification report by a *Qualified Person*, outlining how the proposed *development* will be *compatible* with the existing neighbourhood. The report *shall* include, but *shall* not be limited to the criteria listed in Part III, Subsection 2.5.2 a) above. The report *shall* determine whether these impacts can be reduced to acceptable levels and *shall* recommend any measures required to mitigate or reduce the adverse impacts to acceptable levels. OPA 55

Expanded consultation

c) where a proposal for residential *intensification* is deemed to have potentially significant adverse impacts, Council *may* require an expanded public consultation process, including additional neighbourhood meeting(s). OPA 55

Height guidelines

d) Council *may* adopt guidelines for maximum building heights to be used in the consideration of applications for residential *intensification*, in order to ensure *compatibility* of proposed building heights with the height of existing buildings in the neighbourhood, giving consideration to existing City regulations and guidelines. OPA 55

Increased building height

e) The following criterion *shall* be considered when evaluating minor variance applications for increased height to detached and semi-detached dwellings in low density residential designations: OPA 69

(i) the maximum building height *should* not exceed the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application.

OPA 55

2.5.3 Accessory Dwelling Units

Permit accessory units

a) The creation of *accessory dwelling units* in detached dwellings in the "Residential-Low Density" designation *shall* be permitted subject to certain conditions and standards as outlined in the Zoning By-law and other applicable regulations, such as the Ontario Building Code. In addition, Council *may* consider the registration of *accessory dwelling units* through a Registration By-law pursuant to The Municipal Act.

Evaluation criteria

b) Zoning Regulations relating to *accessory dwelling units* in detached dwellings in residential zones *shall* be based on the following:

(i) the property is of sufficient size to accommodate required parking for both the principal unit and the *accessory dwelling unit* without significant impacts to the *streetscape*;

(ii) the creation of the *accessory dwelling unit* results in a residential character that is *compatible* with the surrounding *residential neighbourhood* in terms of *massing*, heights, visual appearance, privacy, open space and *amenity areas;*

(iii) reasonable health and safety standards are met;

(iv) the density provisions of Part III, Subsection 2.2.2 c), *shall* not apply to properties containing *accessory dwelling units* in accordance with Zoning By-law provisions.

Tremaine Dundas Community

OPA 107

c) Notwithstanding the policies of Part III, Subsection 2.5.3 a), the following policies *shall* apply to the Tremaine Dundas Community:

(i) A maximum of one accessory/secondary dwelling unit is permitted in Residential - Medium Density designations within a detached dwelling unit, semi-detached dwelling units or a townhouse dwelling unit.

2.5.4 Infill Development

Ground oriented housing

a) *Ground-oriented* residential *infilling* within existing neighbourhoods *shall* be *encouraged*.

Compatibility with surrounding area

b) New *infill development shall* be *compatible* with the surrounding *development* in terms of height, scale, *massing*, siting, setbacks, coverage and amount of open space; and in the case of individual applications for consent, the additional policies of Part VI, Subsection 4.4 of this Plan apply. OPA 55

Compatibility with neigh-bourhood

c) The creation of new housing that is *compatible* with existing neighbourhoods, *shall* be *encouraged*.

Planning Justification

d) Where a proposal for residential *infill* is deemed to have potentially significant adverse impacts, Council *may* require a planning justification report by a *Qualified Person*, outlining how the proposed *development* will be *compatible* with the existing neighbourhood. This report *shall* include, but *shall* not be limited to, the criteria listed in Part III, Subsection 2.5.2 a), above. The report *shall* determine whether these impacts can be reduced to acceptable levels and *shall* recommend any measures required to mitigate the adverse impacts to acceptable levels. OPA 55

Expanded consultation

e) Where a proposal for residential *infill* is deemed to have potentially significant adverse impacts, Council *may* require an expanded public consultation process, including additional neighbourhood meeting(s). OPA 55

2.5.5 Garden Suites

Temporary use

a) Zoning By-laws *may* be enacted pursuant to The Planning Act to permit the use of self-contained, portable *dwelling units* within yards of existing dwellings ("*garden suites*") as a form of temporary accommodation within *residential neighbourhood*s.

Evaluation criteria

b) The following criteria *shall* be considered when evaluating proposals for *garden suite*s:

(i) the *lot* size and layout in terms of accommodating the *garden suite* without unreasonable loss of private outdoor *amenity area;*

(ii) the *compatibility* of the *garden suite* with adjacent residential properties and the surrounding *residential neighbourhood* in terms of *massing*, heights, visual appearance, privacy, open space *amenity areas*, *lot* size and *lot* coverage; OPA 55

(iii) adequacy of municipal services to accommodate the *garden suite*; and

(iv) adequacy of on-site parking.

(v) health and safety standards or criteria are met. OPA 55

Agreement required

c) As a condition of approval of a *garden suite*, City Council *shall* require an agreement between the City and the owner and/or tenant, including, such matters as the installation, maintenance and removal of the suite; the period of occupancy of the suite; and the monetary or other form of security that City Council *may* require for actual or potential costs to the municipality related to the suite.

2.6 Assisted and Special Needs Housing

2.6.1 Objective

Maintain supply

a) To maintain a supply and to integrate *assisted* and *special needs housing* in all neighbourhoods.

2.6.2 Policies

Non-Profit Housing Corporation

a) City Council *shall* generally support the Halton Community Housing Corporation and other providers of *assisted housing* in providing *assisted housing* in the City, and *shall* consider supporting their applications to the Province of Ontario and/or Government of Canada for funding under various non-profit housing programs. OPA 55

Designate sites for assisted and special needs housing

b) As part of the *development* approval process, City Council *may* require the designation of sites for *assisted* and *special needs housing*. These lands *shall* either be retained and developed by the developer or made available to providers of *special needs housing*.

Standards and criteria

c) The provision of *assisted* and *special needs housing shall* be subject to planning standards and design criteria designed to maintain public health and safety, as set out in the implementing zoning by-law. OPA 55

Community Benefits By-Law

d) Community Benefits provisions *may* be implemented to *encourage* the creation of *assisted* or *special needs housing*. Such community benefits provisions *shall* be subject to Part VI, Section 2.3 and will include but will not be limited to, an awareness and regard for the *cumulative impact* of any increased height and/or density on the City's ability to provide servicing and a requirement that any increased height and/or density be *compatible* with the scale of the surrounding area.

Supply

e) City Council *shall encourage* providers of *special needs housing* in maintaining the supply of *special needs housing* in the City.

Group Homes

f) *Group homes* have land use features that will require special regulations and locational considerations to be part of the Zoning By-law. These different *group home* types *shall* be defined in the Zoning By-law. To prevent the concentration of *group homes* in one area of the City, City Council *shall* establish a minimum distance between some *group homes* in the Zoning By-law.

Seniors' housing

g) The supply and integration of *seniors' housing shall* be *encouraged* throughout the City.

Density provisions

h) Notwithstanding the other provisions of this Plan, *assisted* and *special needs housing* containing *dwelling units* without full culinary and sanitary facilities *may* be excluded from the density provisions of the Plan. OPA 7

Processing priority

i) City Council *shall* give processing priority to *development applications* for *assisted* and *special needs housing*. OPA 55

2.7 Home Occupations and Cottage Industries

2.7.1 Objective

Home based work

a) To provide opportunities for limited, small-scale, home-based office and personal *service commercial* activity and *cottage industries* in residential areas, that are *compatible* with the main residential use and function of the area. OPA 7

2.7.2 Policies

Locations

a) Regulations relating to the location of *home occupations shall* be included in the Zoning By-law.

Zoning regulations

b) Zoning By-law regulations relating to *home occupation*s and *cottage industries shall* be based on the following: OPA 7

(i) persons employed by the *home occupation* or *cottage industry shall* be limited to residents of the household from which the *home occupation* or *cottage industry* is conducted;

(ii) the *home occupation* or *cottage industry* use *shall* be *accessory* to the primary residential use of the *dwelling unit*, and the size of the area devoted to the *home occupation* and *cottage industry shall* be restricted to a percentage of the size of the *dwelling unit*;

(iii) outside storage and display *shall* be prohibited, and exterior signage restricted; and

(iv) the *home occupation* or *cottage industry shall* be limited to those that are *compatible* with adjacent residential uses with respect to noise, odour, traffic levels and parking.

2.8 Day Care Centres

2.8.1 Objective

Day care facilities

a) To provide opportunities for limited, small-scale, day care facilities for children or seniors that serve the residential community and are *compatible* with the main residential use and function of the area.

2.8.2 Policies

Locations

a) Regulations relating to the location of day care centres *shall* be included in the Zoning By-law.

Zoning regulations

b) Zoning regulations and site plan considerations relating to day care centres in residential zones *shall* be based on the following:

(i) the day care maintains a residential character *compatible* with the *residential neighbourhood* in terms of *massing*, height, visual appearance, and open space and *amenity areas*;

(ii) adequate parking, vehicular ingress/egress and drop-off, and adequate indoor and outdoor *amenity areas* for children's play are provided;

(iii) the impacts on the neighbourhood are acceptable in terms of noise, lighting, odours, security, removal of vegetation, sun-shadowing and privacy, or will be brought to acceptable levels; and

(iv) the site abuts a major arterial, multi-purpose arterial, minor arterial or collector road, and the local transportation system can accommodate any increased demands.

2.9 Neighbourhood Parks

2.9.1 Objective

Neighbour-hood Parks

a) To provide opportunities for small-scale, neighbourhood parks within *residential neighbourhood*s to meet the local recreational and open space needs of the residents.

2.9.2 Policies

Not shown on Land Use Schedule

a) The location of neighbourhood parks will not be designated on Schedule B, Comprehensive Land Use Plan – Urban Planning Area.

Need/Location determined through development application

b) The need for and location of future neighbourhood park sites within residential areas *shall* be determined when considering rezoning or subdivision applications, based on local parkland needs, the need and ability to accommodate park and recreational facilities, accessibility to residents from the surrounding neighbourhood and *compatibility* with adjacent residential *development*.

Parks zoning

c) Neighbourhood parks *shall* be included in a separate zoning category in the Zoning By-law.

Locations

d) Neighbourhood parks *shall* be *encouraged* to be located adjacent to school sites.

2.10 Educational Facilities

2.10.1 Objective

Distribution

a) To provide an equitable distribution of educational facilities in Residential Areas.

2.10.2 Policies

Consultation

a) The City *shall* consult with the local school boards prior to designating school sites during s*econdary planning.*

2.11 Offices

2.11.1 Objective

Offices

a) To provide opportunities for limited, small-scale offices that serve the residential community and are *compatible* with the main residential use and function of the area.

2.11.2 Policies

Locations

a) Regulations relating to the location of offices *shall* be included in the Zoning By-Law.

Zoning regulations

b) Zoning regulations relating to offices in residential zones *shall* be based on the following:

(i) vehicular access to the office *should* be directly from a multi-purpose arterial, minor arterial or major arterial road; OPA 55

(ii) signage for offices *shall* be restricted to be in keeping with the residential character of the area;

(iii) where an existing building of heritage value is converted to office use, limited, architecturally *compatible* additions *shall* be permitted, provided they are sensitive to the character of the area;

(iv) the creation of the office results in a residential character that is *compatible* with the surrounding *residential neighbourhood* in terms of *massing*, heights, visual appearance, privacy, open space and *amenity areas;* OPA 55

(v) adequate off-street parking is provided; and

(vi) adequate buffering is provided to adjacent residential properties. OPA 55

2.12 [Section Number Not in Use]

3.0 EMPLOYMENT LANDS

The lands identified as "Employment Lands" on Schedule A, Settlement Pattern are the main locations where office and *industrial* activities will occur. In order to recognize the needs of existing and future *employment* activities and to address concerns over land use *compatibility* and function, *employment* land uses are provided for under two land use designations on Schedule B, Comprehensive Land Use Plan – Urban Planning Area: General Employment and Business Corridor. These designations are based on range of permitted uses, the scale and intensity of the *development* allowed, the design standards that *shall* apply and the potential effects of these uses on adjacent uses.

The following principles, objectives and policies provide a framework that *shall* guide future *development* decisions for Employment Lands.

3.1 Principles

Strengthen employment and economic base

a) Burlington's *employment* and economic base *shall* be strengthened by providing a municipal environment that *encourages* the establishment, retention and expansion of businesses and institutions.

Jobs and assessment base

b) The economic strength of the City *shall* be improved by increasing job opportunities and expanding the assessment base through *employment* and economic development.

Balanced consideration

c) Economic development *shall* occur within the context of a balanced consideration of physical, social, economic and environmental demands and constraints.

Compatibility with other uses

d) *Employment* activities *shall* develop and operate in a fashion that is *compatible* with other land uses, especially residential.

Full range of uses

e) A full range of *industrial*/manufacturing and office uses and related services *shall* be permitted in Employment Lands.

Public transit

f) *Employment* activities that attract large numbers of employees *shall* be served by public transit.

Sufficient supply of land

g) A sufficient supply of lands for *employment* purposes *shall* be maintained to meet existing and future needs.

3.2 General

3.2.1 Objectives

Economic development strategy

a) To *encourage* an economic development strategy that is focused on maintaining and expanding the City's manufacturing base while also promoting the expansion of corporate and professional business offices.

Land supply to provide choice

b) To maintain a sufficient supply of land within the Urban Planning Area for *employment uses* in order to meet the anticipated needs, including an

OPA 55

adequate supply of serviced land and an allowance for choice in terms of location, size of property and servicing needs. It is the general intent of this Plan that this supply *shall* not be reduced through re-designation of *employment* lands to permit non-*employment uses*.

Site plan control, urban design

c) To *encourage*, through the implementation of site plan control and urban design policies, aesthetically pleasing *development* in the City, especially along major roads.

Employment uses

d) To provide appropriate locations for *employment uses* that have features that are not *compatible* with other land uses.

Retail and service uses

e) To limit the amount of retail and *service commercial* use floor space in areas designated for *employment* and office *developments* to maintain their long-term viability.

Access to infrastructure

f) To locate *industrial*/manufacturing uses so as to provide convenient access to *infrastructure* such as rail sidings, high voltage power lines, heavy truck roadbeds and truck routes.

3.2.2 Policies

Sufficient supply of Employment Land

a) A sufficient supply of land designated for *employment uses shall* be maintained within the Urban Planning Area in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property and servicing needs.

Retail sales areas

b) A maximum of 15 per cent of the total floor area of an *industrial* or office building in a General Employment or Business Corridor *may* be used for the purposes of the display and/or for the retail sale of products manufactured, processed, fabricated or assembled on the premises. In the case of *industrial* and office uses using less than 1,000 sq. m of total floor area, up to 25 per cent of the total floor area *may* be used for the display and/or for the retail sale of products manufactured, processed, fabricated or assembled on the premises.

Development abutting residential

c) Where *development* abuts existing or future residential areas, landscaping and other site plan design elements *shall* be required in order to create an aesthetically pleasing environment for the residents.

Re-designation of Employment Lands

OPA 55

d) Proposals for the re-designation of lands designated for *employment uses* to non-*employment uses*, or to add a range of uses to an *employment* designation that are primarily permitted in a non-*employment* designation, *shall* be evaluated based on meeting the following criteria:

(i) the proposal *shall* only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;

(ii) the proposal *shall* not detrimentally affect the short and long term *employment* land needs of the City;

(iii) the intensity and characteristics of the proposed non-*employment uses shall* not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;

(iv) the site's physical and natural characteristics, *development* constraints and location shall justify the consideration of non-*employment* uses at the subject location;

(v) re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads *shall* be discouraged;

(vi) support studies as identified in Part VI, Section 1.3, clause f), General Policies, of the Plan are prepared; OPA 74

(vii) in addition to (i) through (vi) above, the re-designation *shall* also meet at least two of the following conditions:

i. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;

ii. the *development* of the site is not feasible for *employment uses* within the planning horizon of the Plan;

iii. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;

iv. the proposal will have a beneficial impact on the surrounding uses and the broader community;

v. the *development* of the lands for non-*employment uses* will meet a public need identified by City Council resolution.

e) In keeping with the provisions of the Growth Plan for the Greater Golden Horseshoe, *development* or *re-development* of permitted uses on lands identified as 'Employment Lands' on Schedule A of the Official Plan within a *major transit station area* shall have a minimum *floor space index* of 0.5 and a minimum building height of 2 storeys. ***R16** OPA 59

** as per Decisions of the OMB dated 08/03/27 and 08/03/31 (Case No. PL061117) Order yet to issue*

3.3 General Employment Designation

3.3.1 Objectives

Broad range of uses

a) To provide locations in the City for a broad range of *employment* and office uses.

Separate uses

b) To separate General Employment areas from other *sensitive land uses,* particularly residential, due to potential negative effects.

Uses abutting residential

c) To provide some locations in the General Employment designation for low-intensity, *industrial* uses, and offices that have a limited effect on the surrounding environment and that are generally small-scale. These uses can usually be located close to other land uses, including residential land uses, without significant conflicts if appropriate site plan design features are used and if appropriate mitigation measures are incorporated.

Traditional industrial uses

d) To provide locations for existing, new and/or relocating manufacturing, assembly, distribution and service *industrial* uses.

3.3.2 General Policies

Permitted Uses

a) The following uses *may* be permitted within the General Employment designation:

(i) *industrial* uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, *utilities,* transportation, storage, service trades and construction uses; offices uses; research and information processing; *recreational uses*; *large scale motor vehicle dealerships*; and *adult entertainment* uses. OPA 10 OPA 61

(ii) a limited range of retail uses such as convenience stores, and a limited range of *service commercial* uses such as restaurants and banks, subject to the provisions of Part III, Subsection 3.3.2 d); OPA 55

(iii) in locations adjacent to residential areas, only uses that would have a limited impact on the surrounding area will be permitted; and

(iv) a residence for a watchman or caretaker.

Floor Area Ratio

b) Zoning By-law regulations affecting office uses on General Employment lands *may* permit a *floor area ratio* of *development* at any site of up to 0.5:1.

Zoning of sites

c) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every OPA 55

location based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination*.

Ancillary uses

d) The retail and *service commercial* uses permitted under Part III, Subsection 3.3.2 a) (ii) *shall* be subject to the following:

(i) such uses *shall* be ancillary to, and primarily serve, uses, businesses and employees within the surrounding *employment* area; OPA 55

(ii) such uses *shall* only be permitted on lands having one or more buildings with a total floor area greater than 3,000 sq. m;

(iii) no more than 15 per cent of the total floor area of any one building *shall* be used for ancillary uses, except that a restaurant *may* occupy up to 100 per cent of the total floor area of any one building if the total floor area of all buildings on the site is greater than 3,000 sq. m., if the total floor area of all restaurants does not exceed 15 per cent of the total floor area of all buildings on the site, and if the site abuts and has vehicular access to a major arterial, multi-purpose arterial or minor arterial road; and OPA 55

(iv) *automotive* related uses such as gas stations and car washes are not subject to clauses (ii) and (iii).

Adult Entertainment

e) Regulations relating to the location of *adult entertainment* establishments shall be included in the Zoning By-law and shall be based on the following: OPA 61

(i) a separation distance of 400 m from land uses that are sensitive to *adult entertainment* uses, such as residential, schools, places of worship and assembly, retail commercial and day care centres;

(ii) properties containing *adult entertainment* establishments shall not abut a Provincial highway or major arterial road;

(iii) restrictions on the number and size of establishments and the establishment of a separation distance between them, which *may* be reduced when they are separated by a major barrier such as a Provincial highway.

Site Plan considerations

f) The design and *development* of General Employment areas *shall* ensure *compatibility* between the General Employment areas and adjacent land uses. The following site design and *development* factors *shall* be considered for new and/or expanding General *Employment uses*:

(i) off-street parking *shall* be located away from adjacent uses;

(ii) loading areas *shall* be located to avoid conflict between pedestrian and vehicular traffic away from adjacent residential areas and adjoining roads;

(iii) outdoor storage areas *shall* be fenced and/or screened;

(iv) the number and location of vehicular access points *shall* be limited to minimize disruption to traffic flows;

(v) lighting *shall* be directed to minimize impacts on adjacent residential uses;

(vi) the proposal provides convenient access to public transit services;

(vii) the proposal includes features to promote public safety;

(viii) off-street parking areas, loading areas and site service areas *shall* be screened and landscaped; and

(ix) urban design considerations contained in Part II, Section 6.0.

Re-designation-evaluation criteria

g) Proposals for the re-designation of lands to General Employment from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the area has access to and from a multi-purpose arterial or major arterial road;

(ii) full municipal services including sewer, water and utilities are available;

(iii) *development* of the site *shall* be *compatible* with existing and proposed uses in the surrounding area;

(iv) the site has direct access to roads that can accommodate the anticipated traffic generated by the proposed *development*;

(v) the anticipated traffic *shall* not result in through traffic in surrounding residential areas; and

(vi) efficient public transit service can be provided in the area.

Existing industrial uses

h) The City will *encourage* the retention of existing *industrial* uses and permit a wide range of *industrial* uses at these locations.

3.3.3 Site Specific Policies

Existing shale quarry

a) Notwithstanding the other policies of this Plan, the existing shale *quarry* operation located in the Alton Community, *shall* be subject to the following: OPA 3

(i) *incompatible* land uses will be directed away from the licensed *quarry* operation;

(ii) in conjunction with the Provincial and Regional regulations the City *shall* regulate the operation of *pits* or *quarries* to minimize adverse impact on surrounding land uses;

(iii) in conjunction with the Provincial and Regional regulations the City *shall* regulate *pits* and *quarries* and accessory operations to ensure that environmental pollution is minimized, consistent with standards laid down in pertinent legislation and municipal regulations;

(iv) the City *shall* support the undertaking of hydrogeological studies in accordance with Provincial legislation and policies of the Region of Halton, Conservation Halton and other appropriate agencies to ensure that surface and ground water resources are protected from the *adverse effects* of mineral resource extraction;

(v) the City *shall* consider the shale *quarry* operation as an *interim* use and *encourage* its progressive *rehabilitation* for an appropriate after-use; and

(vi) where *rehabilitation* is being undertaken by reforestation, the after use *shall* aim to re-establish a functioning *ecosystem* similar in condition to the natural *ecosystem* in the region.

1195 Walker's Line

b) Notwithstanding Part III, Subsection 3.3.2 d), freestanding restaurant uses *shall* be permitted on property at 1195 Walker's Line. OPA 28

4045 Harvester Road

c) Notwithstanding Part III, Subsections 3.2.1 (f), 3.2.2 (b), and 3.3.2 (d), on the property at 4045 Harvester Road, one freestanding restaurant and one additional office or *industrial* building of a minimum 1,430 sq. m. in size, containing up to 30 per cent of a limited range of retail and *service commercial* uses, *shall* be permitted. OPA 40

5366 and 5900 Upper Middle Road – Driveway location from Mainway

d) One driveway *may* also be permitted through the woodlot fronting on the north side of Mainway only provided the following conditions are met: OPA 55

(i) it is demonstrated that it is integral to the function of and concept of the *development* of the abutting lands and that this function and

concept cannot be achieved by a driveway which does not affect the woodlot;

(ii) it is demonstrated, through the submission of a detailed study and related plans, that the location, design, construction and maintenance of the driveway will maintain the integrity of the woodlot with respect to linkage functions and wildlife habitat and will minimize the impact of sunlight and wind patterns on edge vegetation along the driveway; and

(iii) upon receipt of a site plan indicating a driveway through the woodlot, City Council *shall* establish a process for public consultation to provide input on those matters referred to above, and prior to considering the site plan, City Council *shall* convene a public meeting in order to obtain public input regarding any proposed driveway through the woodlot.

Lands south of Harvester Road, between Laurentian Drive and Cumberland Avenue

e) The following additional policies apply to those lands designated "General Employment" located south of Harvester Road, between Laurentian Drive and Cumberland Avenue: OPA 31

(i) notwithstanding Part III, Subsection 3.3.2 b), increased *floor area ratio*s to a maximum of 0.65:1 *may* be permitted in response to the Master Servicing/Cost Sharing Agreement signed by the property owners which provides for enhanced *streetscaping* and design standards on these lands;

(ii) Council *shall* adopt Urban *Design Guidelines* which will guide the form and design of *development* in this area;

(iii) as part of the review of any *development* proposals, a north-south pedestrian connection *may* be provided across the Canadian National Railways tracks at Cumberland Avenue. The actual location and design details will be determined by the City and Canadian National Railways;

(iv) as part of the *re-development* of lands west of Roseland Creek, a pedestrian and bicycle path *shall* be provided along the Roseland Creek south from Harvester Road and a pedestrian crossing access over the Roseland Creek *may* be provided near the southern extent of Laurentian Drive, subject to the approval of Conservation Halton; OPA 55

(v) *development* on land susceptible to flooding is only permitted if approved by Conservation Halton and all buildings in the spill area along the CNR tracks must be set at a height greater than the spill elevation while maintaining adequate flood storage.

Lands located west of King Road, south of Highway 403

f) Notwithstanding Part III, Section 3.3.2 a), the following additional policies apply to lands designated "General Employment" and located west of King Road, south of Highway 403, and described as 1200 King Road: OPA 55

(i) *recreation* and *entertainment* uses, including a sports arena and/or stadium, shall be permitted only up to a maximum seating capacity of 9,000 persons. Any *recreation* or *entertainment* uses(s) with a seating capacity in excess of 9,000 persons shall require a further amendment to this Plan;

(ii) the Zoning By-law shall contain provisions relating to *recreation* and *entertainment* uses, placing a Holding (H) zone prefix on these lands which prohibit a sports arena and/or stadium with a maximum seating capacity of 9,000 persons, until the following is completed to the satisfaction of the City:

i. the submission of a parking and access study which demonstrates that site access and parking will be adequate to meet the demands of the sports arena and/or stadium facility;

ii. the proposed east-west service road extending from Waterdown Road to King Road has received all applicable approvals to permit its construction; and

iii. adequate securities have been posted with the City to ensure that the construction of the entire east-west service road will be completed concurrent with the completion of the sports arena and/or stadium facility.

3.4 Business Corridor Designation

3.4.1 Objectives

Prestige type uses

a) To provide locations in the City for prestige-type offices and *industrial* uses that require good access and high visibility along major transportation routes.

Range of uses

b) To permit a wide range of *employment uses* including office, *industrial* and related uses.

Design and development standards

c) To establish high design and *development* standards for Business Corridor lands.

3.4.2 General Policies

Permitted Uses

a) The following uses *may* be permitted within the Business Corridor designation: OPA 7

(i) a broad range of office uses; *industrial* uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, *utilities* and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant pollution or excessive noise; hotel, conference and convention uses;

(ii) a limited range of retail commercial uses such as convenience stores, and a limited range of *service commercial* and *recreation use*s such as restaurants, banks and fitness centres, subject to the provisions of Part III, Subsection 3.4.2 e); and

(iii) a residence for a watchman or caretaker.

Floor Area Ratio

b) Zoning By-law regulations affecting office uses on Business Corridor lands *may* permit a maximum *floor area ratio* of *development* at any site of up to 0.5:1.

Zoning of sites

c) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location, based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination*. OPA 55

Building heights, development intensities

d) A range of building heights and *development* intensities *shall* be permitted within areas designated as Business Corridor.

Ancillary uses

e) The retail, *service commercial* and *recreation use*s permitted under Part III, Subsection 3.4.2 a) (ii) *shall* be subject to the following:

(i) such uses *shall* be ancillary to, and primarily serve, uses, businesses and employees within the surrounding *employment* area;

(ii) such uses *shall* only be permitted on lands having one or more buildings with a total floor area greater than 3,000 sq. m;

(iii) no more than 15 per cent of the total floor area of any one building *shall* be used for ancillary uses, except that a restaurant my occupy up to 100 per cent of the total floor area of any one building if the total floor area of all buildings on the site is OPA 55

greater than 3,000 sq. m., if the total floor area of all restaurants does not exceed 15 per cent of the total floor area of all buildings on the site and if the site abuts and has vehicular access to a major arterial, multi-purpose arterial or minor arterial road; and

(iv) *automotive* related uses such as gas stations and car washes are not subject to clauses (ii) and (iii).

Site Plan considerations

f) The design and *development* of Business Corridor areas *shall* ensure a high degree of *compatibility* between new prestige *industrial* and office uses and adjacent non-*industrial* uses. The following site design and *development* factors *shall* be considered for new and/or expanding Business Corridor uses:

(i) off-street parking *shall* be located away from adjacent uses;

(ii) loading areas *shall* be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads;

(iii) outdoor storage areas *shall* be fenced and/or screened;

(iv) the number and location of vehicular access points *shall* be limited to minimize disruption to traffic flows;

(v) lighting *shall* be directed to minimize impacts on adjacent uses;

(vi) the proposal provides convenient access to public transit services;

(vii) the proposal includes features to promote public safety;

(viii) off-street parking areas, loading areas and site service areas *shall* be screened and landscaped; and

(ix) urban design considerations contained in Part II, Section 6.0.

Re-designation-evaluation criteria

g) Proposals for the re-designation of lands to Business Corridor from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the area has access to and from a multi-purpose arterial or major arterial road;

(ii) full municipal services including sewer, water and utilities are available;

(iii) *development* of the site *shall* be *compatible* with existing and proposed uses in the surrounding area;

(iv) the site has direct access to roads that can accommodate the anticipated traffic generated by proposed *development*;

(v) the anticipated traffic *shall* not result in through traffic in surrounding residential areas;

(vi) efficient public transit service can be provided to the site; and

(vii) the site is located in an area where there is visibility to the Queen Elizabeth Way**,** Highway 403 or Highway 407 or is adjacent to a freeway interchange. OPA 7

3.4.3 Site Specific Policies

North side of North Service Road

a) In addition to the other policies of this Plan, on the lands on the north side of the North Service Road, west of the hydro corridor east of King Road, lower intensity *development* will be permitted subject to the following: OPA 55

(i) the open-space character of the area is to be maintained to the maximum possible degree;

(ii) outside storage of goods and materials is prohibited;

(iii) all uses except parking to be enclosed;

(iv) parking facilities to be landscaped and screened;

(v) landscaping, tree planting and berms to be provided within landscape areas abutting North Service Road and King Road;

(vi) wooded areas, hedgerows and trees to be protected to the maximum possible degree;

(vii) a maximum impervious coverage of 40 per cent *shall* be provided for *lots* which generally front the North Service Road, save and except Block 2, Plan 20M-745, or as permitted in the zoning by-law;

(viii) a brick manufacturing plant *shall* be permitted as an *accessory use* to a licensed mineral resource extraction use provided the plant is located within the licensed area;

(ix) notwithstanding the other policies of Subsection 6.2.3 q) (v) of the Parkway Belt West Plan, the outside storage of finished brick materials is permitted on approximately 7.5 hectares of land consisting of the southernmost 4.8 hectares of Part 1, Plan 20R-13159 and approximately the westernmost 2.7 hectares of Part 2, Plan 20R-13159; and

OPA 66

(x) notwithstanding Part III, Subsection 3.4.2 a) of this Plan, a *large-scale motor vehicle dealership* is permitted on land identified as 441 North Service Road. A limited amount of outside storage of motor vehicles for retail use is permitted, provided the storage area is screened from the North Service Road with landscaping and decorative features. Waste and refuse containers are permitted provided they are screened from the North Service Road.

North side of North Service Road, west of King Road

OPA 55

b) *Development* or *re-development* of lands designated "Business Corridor" on the north side of North Service Road west of King Road, will also be required to undertake the following:

(i) a site-specific Environmental Impact Assessment as described in Part II, Section 2.5 of this Plan to ensure that impacts on the *natural environment* are minimized through maximum impervious surface limits and setbacks from *watercourses* and natural features;

(ii) a viewshed study and calculate maximum building heights to ensure views to the escarpment are maintained to the maximum extent;

(iii) comply with the criteria of Part V, Section 2.4, Design, of this Plan.

291 North Service Road

OPA 155

(iv) Notwithstanding 3.4.2 a) and d) asphalt manufacturing with unenclosed equipment *shall* be permitted and a maximum building height of 20 metres for manufacturing equipment and 25 metres for silos *shall* be permitted.

Fraser Drive and The QEW

c) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, a retail furniture showroom in combination with a furniture warehouse is permitted on lands at the north-west corner of Fraser Drive and the Queen Elizabeth Way, provided the retail showroom does not exceed 50 per cent of the floor area of the building.

North Service Road & Champlain Ave. & 4315 North Service Road

OPA 11
OPA 33
OPA 57

d) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, a motor vehicle dealership is also permitted at the north-west corner of North Service Road and Champlain Avenue and at 4315 North Service Road.

South side of QEW, east of Guelph Line

OPA 19

e) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, freestanding restaurants are permitted on those lands identified

as Lots 1, 2, 3 and 12 within Plan M-130, located on the south side of the Queen Elizabeth Way along South Service Road, east of Guelph Line.

Highway No. 407-Alton Community

f) In addition to the uses and policies in Part III, Subsection 3.4.2 a), b), e) and f) of this Plan, within the Alton Community: OPA 3

(i) lands within the vicinity of highway interchanges are permitted to have a higher intensity of *development* subject to the submission of a *travel demand management* plan; and

(ii) outdoor storage is prohibited in yards adjacent to Highway No. 407. Outdoor storage in other locations must be sited, fenced and screened so as not to detract from the character of the Business Corridor.

West side of Guelph Line, south of the QEW

g) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, on those lands located on the west side of Guelph Line, between the Queen Elizabeth Way and Glenwood School Drive, the sale of antiques and reproduction furniture and decorative accessories is permitted. OPA 24

North-east Corner, Dundas Street and Palladium Way

h) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, *development* of the lands at the north-east corner of Dundas Street and Palladium Way *shall* be subject to the following additional policies: OPA 3

(i) up to 0.9 hectare of the lands *may* be used for freestanding *service commercial* uses including restaurants and service stations and a freestanding convenience store, provided the total floor area of these uses does not exceed 1,400 sq. m, excluding a service station; and

(ii) the remainder of the lands *shall* only be used in accordance with the uses permitted in Part III, Subsection 3.4.2 a) (i).

West side of Cumberland, Avenue, south of South Service Road

i) Notwithstanding the policies of Part III, Subsection 3.4.2 e), a freestanding fitness and racquet club *may* be permitted on property located on the west side of Cumberland Avenue, south of South Service Road, and identified as 960 Cumberland Avenue. OPA 31

North side of Harvester Road, West of Cumberland Avenue

j) Notwithstanding the policies of Part III, Subsection 3.4.2 e), motor vehicle sales and leasing *may* be permitted on the north side of Harvester Road, west of Cumberland Avenue, subject to the provision of landscaping to screen views from the Queen Elizabeth Way, the use of low intensity lighting directed away from abutting properties and the provision of a pedestrian access to properties on the South Service Road. OPA 31

Intersection of Harvester Road and Guelph Line

k) In addition to the other policies of this Plan, the following policies apply to *development* within the north-east and south-east quadrants of the intersection of Harvester Road and Guelph Line: OPA 31

(i) this intersection is identified as a *gateway* to the City and will consist of high quality, high rise office *development* fronting and facing Guelph Line and Harvester Road. An urban plaza located at the south-east corner will signal the entry into the corporate *gateway*;

(ii) Council *shall* adopt Urban *Design Guidelines* which will guide the form and design of *development* abutting the intersection, prior to the approval of any *development*. Building heights, *massing*, setbacks, *streetscape* and landscape features will be designed to enhance the *gateway* function of this intersection;

(iii) the Zoning By-law *shall* contain provisions which will permit the *development* of high quality, business corridor uses at an increased *floor area ratio* of up to 2.0:1 at the south-east corner of Guelph Line and Harvester Road, in order to act as visual *landmarks* and help establish the *gateway* to the City. The Zoning By-law *shall* also contain provisions that facilitate the implementation of the approved *design guidelines*, including the reduction of building setbacks, increase in *floor area ratio*, and adjustments to landscaping requirements;

(iv) pedestrian access *shall* be provided from lands east of Roseland Creek, over the creek and through to Guelph Line, as part of the *re-development* of lands west of Roseland Creek;

(v) the Zoning By-law *shall* contain provisions placing an "H" (Holding) zone on the lands bounded by the Roseland Creek, Guelph Line, the CNR tracks and Harvester Road, until such time as the property owners sign a Master Servicing/Cost Sharing Agreement for future creek, servicing, traffic and streetscaping improvements in the area;

(vi) all *development* within the lands bounded by the Roseland Creek, Guelph Line, the CNR tracks and Harvester Road, *shall* be evaluated within the context of a comprehensive site plan for the entire area that provides appropriate detail with respect to built form, land use mix, internal road pattern and pedestrian access.

North-east corner of Appleby Line and northerly leg of Harrison Court

l) In addition to the other policies of this Plan, the lands located at the north-east corner of Appleby Line and the northerly leg of Harrison Court, shall be subject to the following policies: OPA 3

(i) banks and similar uses as identified through the zoning by-law, shall not be subject to the provisions of Part III, subsection 3.4.2 (e);

(ii) all parking areas are to be provided as surface parking. No above grade or below grade parking structures are permitted;

(iii) if a site plan application(s) is submitted on these lands that proposes any noise sensitive uses as defined in the Zoning By-law, such application shall be circulated for comment to the owners of 3087 Harrison Court and 5155 & 5235 Dundas Street.

Northwest quadrant of Walker's Line and QEW

m) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, the property at 3455 North Service Road shall permit a large furniture and appliance store provided it forms a component of a building that also includes office uses having a minimum floor area of 2,000 m^2. The retail portion of the subject building may occupy no more than 49% of the gross floor area and includes related store office and restaurant uses. A warehouse space component that is accessible to the public shall also be permitted and shall not be included in the retail calculations. OPA 89

3110 South Service Road

n) In addition to the uses permitted in Part 111, Subsection 3.4.2 a) and e) of this Plan, the property at 3110 South Service Road *may* permit a veterinary clinic provided it forms a component of a building that includes a minimum total floor area of 2,600 square metres for office and training facility uses. The veterinary clinic portion of the subject building *may* occupy no more than 30% of the total floor area. Notwithstanding Part 111, Subsection 3.4.2 b) of this Plan, a maximum of 0.65:1 *floor area ratio* may be permitted. OPA 131

4103 Palladium Way

o) In addition to the uses permitted in Part Ill, Subsection 3.4.2 a) and e) of this Plan, the property at 4103 Palladium Way *may* permit a *Long Term Care* Facility and Retirement Home uses with a maximum *floor area ratio* of 2.03:1. OPA 134 OPA 156

Tremaine Dundas Community

p) Notwithstanding the policies of Part III, Subsection 3.4.2 a), the following *shall* apply to the Tremaine Dundas Community: OPA 107

(i) A hotel, conference and convention use is not permitted.

In addition to the other policies of this Plan, the following policies apply to *development* within the Tremaine Dundas Community:

i. *Development* in the Business Corridor blocks along the west side of Tremaine Road *shall* achieve land use compatibility with future *employment* uses along the east side of Tremaine Road, as well as with residential, mixed uses and *Natural Heritage System* areas located to the west within the secondary plan area.

ii. The Business Corridor *shall* have a minimum of 70 - 90 m in depth (dependant on adjacent land use) to provide sufficient buffering between residential uses within the Tremaine Dundas Community and future potential industrial uses located within the Town of Oakville.

iii. With the exception of the stormwater management ponds along Tremaine Road, *development* within the Business Corridor *shall* create a continuous street frontage that complements the anticipated Town of Oakville Tremaine Road frontage and helps address potential noise compatibility concerns with future *employment* uses in the Town of Oakville.

iv. *Development* in the Business Corridor blocks along Tremaine Road *shall* be a minimum of two storeys in height (or the equivalent height) to provide screening and buffering for residential *development* to the west.

v. *Development* in the Business Corridor area that abuts residential areas will include adequate landscaping, fencing, noise abatement or other measures to achieve compatibility between uses.

vi. Loading, servicing and delivery functions in Business Corridor areas *shall* be consolidated to the extent practical, be generally located at the rear/side of buildings and be screened from public view.

vii. Lands within the Business Corridor area *may* be used for stormwater management, including *Low Impact Development* features and naturalization, and for enhancements to *Key Features* as part of the *Natural Heritage System*.

viii. Outside storage *may* be permitted provided adequate screening and buffering is established.

5051 Harvester Road

q) Notwithstanding the policies of Part Ill, Subsection 3.4.2(b) and (e) of this plan on the lands identified as 5051 Harvester Road and designated "Business Corridor", the following policies *shall* apply: OPA 153

The maximum floor *area ratio shall* be 2.5:1;

(i) *Service Commercial* uses are permitted as a standalone use;

(ii) There is no limit on the percentage of total floor area of anyone building used for ancillary uses, including restaurant uses.

4.0 MAJOR RETAIL AREAS

The lands identified as "Major Retail" on Schedule A, Settlement Pattern provide locations where the primary use of land involves the buying and selling of services and goods on a City-wide or community-wide basis. Additional *neighbourhood commercial* locations also exist and are included in the "Residential Areas" designation on Schedule A. To provide for the orderly *development* and distribution of retail and *service commercial* uses, four Commercial Area land use designations have been identified on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. The Regional Commercial, Community Commercial, Employment Commercial and Neighbourhood Commercial categories are based on the function, permitted uses, location, intensity and scale of *development*.

Retail and *service commercial* land uses are also permitted in Mixed Use Activity Areas as identified on Schedule A, Settlement Pattern. Provisions for the *development* of retail and *service commercial* uses in these designations are outlined in Part III, Section 5.0 of the Plan. Any one cluster of retail facilities that *may* be proposed through applications to re-designate lands to Mixed Use Corridor-Commercial Corridor, or to permit additional uses within a Mixed Use Corridor –Commercial Corridor designation, will not be permitted to approach the size or significance of a Regional or Community Commercial designation. OPA 55

The following principles, objectives and policies provide a framework that will guide future *development* decisions for Major Retail areas:

4.1 Principles

Need For retail lands

a) *Encourage* the orderly distribution and *development* of retail and *service commercial* uses to satisfy the shopping and service needs of residents and shoppers.

Public Transit

b) Shopping activities that attract large numbers of employees and shoppers *shall* be served by public transit.

4.2 General

4.2.1 Objectives

Designate a sufficient supply of land

a) To designate sufficient lands within the Urban Planning Area to accommodate the anticipated growth in retail demand during the planning period, including an adequate supply of serviced land, choice of location and size of properties.

Location and market

b) To direct major retail facilities and related services to shopping areas based on market needs and locational criteria for such uses.

Traffic impacts

c) To minimize the impact of retail and other service *development* on adjacent lands uses and on the traffic *carrying capacity* of the local roads.

Direct uses to existing areas

d) To direct proposed retail facilities to existing and designated locations rather than re-designating lands from another land use.

4.2.2 Policies

Function

a) The orderly *development* and distribution of commercial areas *shall* be *encouraged* with the designation of Commercial Areas with the following functions:

Regional Commercial

(i) *Regional Commercial areas shall* provide a wide range of retail and *service commercial* uses and *community facilities*. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all of the City as well as population in adjacent municipalities;

Community Commercial

(ii) *Community Commercial areas shall* provide a wide range of retail and *service commercial* uses, and *community facilities* not generally found within *neighbourhood commercial areas*. These commercial areas are smaller in size and function to a Regional Commercial and serve as a focal point for community activity for the surrounding residential and business areas;

Employment Commercial

(iii) Employment Commercial areas *shall* allow for a wide range of *employment uses* and also a limited range of retail commercial uses which have *employment* characteristics, such as: OPA 55

i. serving business uses to a large extent;

ii. requiring expansive land areas which can not be easily accommodated in *community* and *regional commercial areas*;

iii. often locating in or adjacent to *employment* areas;

iv. are not intended to serve the regular daily and weekly shopping needs of the surrounding residential and business community;

Neighbourhood Commercial

(iv) *Neighbourhood Commercial areas* provide opportunities for local shopping that meet residents' day-to-day and weekly goods and service needs. OPA 55

Retail in other designations

b) Additional lands for retail and *service commercial* uses are designated under Mixed Use Corridor and Mixed Use Centres land use designations on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. Policies addressing the design and *development* of Mixed Use Corridor and Mixed Use Centre areas are subject to the objectives and policies of Part III, Section 5.0 of the Plan.

Range of uses

c) *Regional Commercial areas* and *Community Commercial areas shall* be mainly developed for retail and *service commercial* uses, however, office and residential uses *may* also be permitted. Employment Commercial areas *shall* be developed for large-scale retail uses which cannot be easily accommodated in the other commercial areas and which also serve the business community. OPA 55

Re-designation evaluation criteria

d) Proposals for the re-designation of lands to Regional Commercial or Community Commercial from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on meeting the following criteria:

(i) the site area and proposed building area comply with minimum and/or maximum requirements for commercial areas as outlined in Part III, Subsection 4.3.2 and Part III, Subsection 4.4.2 of the Plan, if applicable;

(ii) the proposal has a primary trade area population appropriate for the intended use;

(iii) there is a demonstrated need for the proposed re-designation, and the market impact of the proposal has been assessed on a City-wide basis in terms of its impact on the planned function of any existing or designated Commercial area or Mixed Use Centre; OPA 55

(iv) adequate municipal services are available;

(v) sufficient on-site parking is provided;

(vi) the site is served by an adequate level of public transit;

(vii) the anticipated traffic will not result in through traffic in surrounding residential and business areas or detrimental impacts on local roads;

(viii) for a *Community Commercial area*, the site is located on at least two multi-purpose arterial or major arterial roads that can accommodate the anticipated traffic;

(ix) for a *Regional Commercial area*, the site is located on at least two multi-purpose arterial or major arterial roads, or a multi-purpose arterial or major arterial road and a Provincial freeway which can accommodate the anticipated traffic; and

(x) the proposed re-designation is *compatible* with adjacent land uses and will not adversely affect the supply, desirability or viability of any existing or designated *employment use* or area. OPA 55

Consult with adjacent municipalities

e) The City *shall* consult with the Region of Halton and adjacent municipalities where Official Plan and rezoning applications for new retail *development* involve primary trade areas extending outside of the City.

Home occupations

f) *Home occupation*s and *cottage industries shall* be permitted in Regional Commercial and Community Commercial subject to the policies of Part III, Section 2.7. OPA 7

Market Impact study

g) In addition to the above, any proposal for additional retail uses which includes a *warehouse club*, *supermarket/grocery store* or *large department store*, or the sale of food in excess of 1,800 sq. m. in area, *shall* require the submission of a comprehensive market impact study which assesses the market impact of the proposal on existing and designated commercial areas throughout the City. OPA 55

4.3 Regional Commercial Designation

4.3.1 Objectives

Regional Scale Commercial

a) To provide locations in the City for shopping areas that offer a wide range of retail and *service commercial* uses and *community facilities*. These commercial areas are considered major activity centres in terms of size and use and are intended to serve all of the City as well as the population in adjacent municipalities.

Jobs and housing

b) To *encourage* job creation and residential land uses where appropriate at *Regional commercial areas*.

4.3.2 Policies

Permitted Uses

a) The following uses *may* be permitted within the Regional Commercial designation: all types of retail uses, *supermarkets/grocery stores*, *service commercial* and personal service uses; *department stores*, *warehouse club*s, home and auto supplies, and furniture stores; financial institutions and services; offices; *entertainment, recreation* and other *community facilities* such as day care centres; and *may* permit *medium and high density residential* uses to a maximum height of twelve storeys and subject to evaluation of site-specific criteria that *may* include, but not be limited to, traffic, land use *compatibility* and environmental factors. OPA 55

The floor area of a property designated Regional Commercial that is devoted to freestanding residential, hospitality, *entertainment, recreation* and office uses, *shall* not exceed half of the total floor area on the property.

Form of development

b) *Development* in a *Regional Commercial Area* or node *shall* be a commercial centre functioning primarily for Regional scale shopping, where a group of retail, *service commercial* or other uses function with some common parking and loading facilities, and egress and ingress, and *may* include lands on other quadrants of an intersection. Freestanding buildings *shall* be permitted on the site provided they do not adversely affect access or traffic circulation within the commercial area.

Residential uses

c) Residential uses *shall* be located in buildings exclusively used for residential use or in upper storeys of commercial buildings.

Office uses

d) Office uses *shall* be located in freestanding buildings, within the shopping centre building, or on upper storeys of commercial buildings.

Site/Building size

OPA 55
OPA 3

e) A *Regional Commercial area* or node *shall* be at least 20 ha in size and have a total retail building area of approximately 45,000 sq. m. or greater. Notwithstanding this policy, the lands designated "Regional Commercial" on the north side of Plains Road East, west of the Queen Elizabeth Way, *may* have a minimum size of 5 ha and a minimum retail building area of 20,000 sq. m. In addition, the lands designated "Regional Commercial" on the east side of Appleby Line, south of Highway 407, may have a minimum size of 8 ha and a minimum retail building area of 16,000 sq. m.

Zoning of sites

OPA 55

f) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination.*

Site plan considerations

g) The design and *development* of *Regional Commercial Areas* or nodes *shall* promote *compatibility* between the Regional Commercial and adjacent land uses. The following factors *shall* be considered in reviewing proposals for new and/or expanding Regional Commercial uses:

(i) the site plan includes features that integrate the commercial area with surrounding uses;

(ii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, to and from transit stops;

(iii) the number and location of vehicular access points *shall* be limited to minimize disruption to traffic flows and to minimize the impact on local streets;

(iv) off-street parking areas, loading areas and service areas *shall* be screened and landscaped;

(v) the site plan promotes public safety;

(vi) the proposal promotes convenient access to public transit services;

(vii) off-street parking *shall* be located away from adjacent uses;

(viii) loading areas and service areas *shall* be located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas;

(ix) outdoor storage areas *shall* be fenced and/or screened;

(x) lighting is directed to minimize impacts on adjacent residential uses; and

(xi) the major entrance(s) to the commercial centre building *shall* be located adjacent to the principal public transit stop(s) or a covered walkway *shall* be provided between the major entrance(s) to the shopping centre building and the principal transit stop(s).

Public transit

h) *Regional commercial areas* or nodes *shall* be fully served by public transit services.

3011,3019, 3023, 3027, 3035, 3047, 3051 Appleby Line

i) Notwithstanding the policies of Part Ill, Subsection 4.3.2 of this plan on the lands identified as 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line and designated "Regional Commercial", the following policies shall apply: OPA 55 OPA 163

(i) land uses sensitive to noise, vibration, dust, odours or other effects caused by transportation or industrial facilities, such as residential and certain institutional uses as outlined in Part II, Subsection 4.3 d), are not permitted;

(ii) subject to the above, uses permitted in the Mixed Use Corridor-Employment designation shall also be permitted.

North-west corner of Appleby Line and Dundas Street

j) Notwithstanding the policies of Part III, Subsection 4.3.2 a) of this Plan, the lands at the north-west corner of Appleby Line and Dundas Street *shall* be subject to the following: OPA 3 OPA 55

(i) a maximum floor area of 12,000 sq. m. per retail use;

(ii) increases in the maximum floor area per retail use *may* be permitted provided the increase is substantiated by market studies.

2055, 2075 & 2085 Fairview Street

k) Notwithstanding the other policies of this Plan, the lands on the north side of Fairview Street, east of Rambo Creek (municipally known as 2055, 2075 and 2085 Fairview Street) *shall* be subject to the following: OPA 50

(i) notwithstanding Part III, Subsection 4.3.2 a), *warehouse club*s are not permitted, *medium and high-density residential* uses are permitted, and only those uses identified in Subsection 4.3.2 a) that are *transit supportive uses*, as defined in the Growth Plan for the Greater Golden Horseshoe (2006) are permitted. For purposes of clarification, of the uses permitted by Part III, Subsection 4.3.2 a) (as amplified in this policy), offices and *medium and high-density residential* uses are deemed to be *transit-supportive* uses. All permitted uses *shall* have a minimum *floor area ratio* of 0.5:1 and a minimum building height of two storeys;

(ii) notwithstanding clause (i) above, and Part III, Subsections 4.3.2 b) and e), a single-storey *department store*, not exceeding 12,000 sq. m. of gross floor area, is permitted, provided that no greater than 15 per cent (1,800 sq. m.) of the gross floor area within the *department store shall* be used for the sale of food products;

(iii) notwithstanding Part III, Subsection 4.3.2 a), the floor area devoted to freestanding residential and office uses *may* exceed half of the total floor area of the site; and

(iv) Part III, Subsection 4.3.2 e), regarding site/building size does not apply.

915 Brant Street and 2030 DePaul's Lane

l) Notwithstanding the other policies of this Plan, the lands on the north side of Fairview Street, west of Rambo Creek and east of Brant Street (municipally known as 915 Brant Street and 2030 DePaul's Lane), *shall* be subject to the following: OPA 50

(i) notwithstanding Part III, Subsection 4.3.2 a), *warehouse club*s are not permitted, *medium and high density residential* uses are permitted, and only those uses identified in Subsection 4.3.2 a) that are *transit supportive uses*, as defined in the Growth Plan for the Greater Golden Horseshoe (2006) are permitted. For the avoidance of doubt, of the uses permitted by Part III, Subsection 4.3.2 a) (as amplified in this policy), offices and *medium and high density residential* uses are deemed to be *transit-supportive* uses.

All permitted uses *shall* have a minimum *floor area ratio* of 0.5:1 and a minimum building height of two storeys;

(ii) notwithstanding Part III, Subsection 4.3.2 a), the floor area devoted to freestanding residential and office uses *may* exceed half of the total floor area of the site;

(iii) Part III, Subsection 4.3.2 e) regarding site/building size does not apply.

East side of Appleby Line, south of Highway 407

m) On the lands designated "Regional Commercial" on the east side of Appleby Line, south of Highway 407, and described as 3251 Appleby Line, the following additional policies apply: OPA 3

(i) in addition to the uses permitted under Part III, Subsection 4.3.2 a), one *large building supplies/garden store* use is permitted. Notwithstanding Part III, Subsection 4.3.2 a), residential uses, *supermarkets/grocery stores, department stores, warehouse clubs,* and retailing of non-work related apparel are not permitted;

(ii) if a *large building supplies/garden store* is not constructed on these lands, the total floor area of all buildings and structures on the lands shall not exceed 22,300 sq. m. If a *large building supplies/garden store* with a minimum floor area of 13,000 sq. m. is constructed on these lands, the total floor area of all buildings and structures on the lands shall not exceed 26, 670 sq. m. If a *large building supplies/garden store* with a minimum floor area of 13,940 sq. m is constructed on these lands, the total floor area of all buildings and structures on the lands shall not exceed 27,590 sq. m;

(iii) all parking areas are to be provided as surface parking. No above grade or below grade parking structures are permitted;

(iv) if a site plan application(s) is submitted on these lands that proposes any noise sensitive uses as defined in the Zoning By-law, such application shall be circulated for comment to the owners of 3087 Harrison Court and 5155 & 5235 Dundas Street.

3091 Appleby Line

n) On the lands designated "Regional Commercial" at the north-east corner of Appleby Line and the southerly leg of Harrison Court, described as 3091 Appleby Line, the following additional policies apply: OPA 79

(i) in addition to the uses permitted under Part III, Subsection 4.3.2 a), one large building supplies/garden store use is permitted. Notwithstanding Part III, Subsection 4.3.2 a), residential uses, supermarkets/grocery stores, department stores, large furniture and appliance stores, large home and auto supply stores and warehouse clubs are not permitted;

(ii) land uses sensitive to noise, vibration, dust, odours or other effects caused by transportation or industrial facilities, such as certain institutional uses as outlined in Part II, Subsection 4.3 d), are not permitted;

(iii) if a large building supplies/garden store with a minimum floor area of 6,038 sq. m. is constructed on these lands, the total floor area of all buildings and structures on the lands shall not exceed 8,593 sq. m. for commercial uses and 557 sq. m. for office uses. If a large building supplies/garden store is not constructed on these lands, the total floor area of all buildings and structures on the lands shall not exceed 8,128 sq. m. for commercial uses and 557 sq. m. for office uses;

(iv) all parking areas are to be provided as surface parking. No above grade or below grade parking structures are permitted;

(v) if a site plan application(s) is submitted on these lands, such application shall be circulated for comment to the owners of 3087 Harrison Court and 5155 & 5235 Dundas Street.

4.4 Community Commercial Designation

4.4.1 Objectives

Community scale Commercial

a) To provide locations in the City for shopping areas that offer a wide range of retail and *service commercial* uses, and *community facilities* not generally found within residential communities. These shopping areas are smaller in size and function to a *Regional commercial area* or node and serve as a focal point for community activity for the surrounding residential and business areas.

Jobs and housing

b) To *encourage* job creation and residential land uses at *Community Commercial areas* or nodes.

4.4.2 Policies

Permitted uses

a) The following uses *may* be permitted within the Community Commercial designation: all types of retail uses, *supermarkets/grocery stores; service commercial* and personal service uses; *department stores*; financial institutions and services; offices; *entertainment, recreation* and other *community facilities* such as day care centres; and *medium and high density residential* uses to a maximum height of twelve storeys and subject to evaluation of site specific criteria that *may* include, but not be limited to, traffic, land use *compatibility* and environmental factors. OPA 55

Except for the lands designated Community Commercial on the south side of Plains Road, east of Daryl Drive, and at the northeast corner of New Street and Appleby Line, the floor area of a property designated OPA 121

Community Commercial that is devoted to freestanding residential, hospitality, *entertainment, recreation* and office uses, *shall* not exceed half of the total floor area on the property..

Form of development

b) *Development* in a *Community Commercial area* or node *shall* be a planned commercial centre as outlined in Part III, Subsection 4.2.2 and/or in a grouping of separate buildings, including lands on other quadrants of the intersection. Freestanding buildings *shall* be permitted provided they do not adversely affect access to or traffic circulation within the commercial area.

Residential uses

c) Residential uses *shall* be located in buildings exclusively used for residential use or in upper storeys of commercial buildings.

Office uses

d) Office uses *shall* be in freestanding buildings, within a shopping centre building or on upper storeys of commercial buildings.

Site/Building size

e) A *Community Commercial area* or node *shall* be approximately 5 to 12 ha in size and have a maximum retail building area of approximately 45,000 sq. m. OPA 55

Zoning of sites

f) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination.* OPA 55

Larger retail uses

g) Retail uses between 1,800 sq. m. and 5,600 sq. m. in gross floor area where food products are not the principal goods retailed *shall* occupy no more than 30 per cent of the total floor area of any one site within a *Community Commercial area* or node. OPA 55

Site plan considerations

h) The design and *development* of *Community Commercial areas* or nodes *shall* promote *compatibility* between the *Community Commercial area* or node and adjacent land uses. The following factors *shall* be considered in reviewing proposals for new and/or expanding *Community Commercial* uses:

(i) the site plan includes features that integrate the commercial area with surrounding uses;

(ii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses and to and from transit stops;

(iii) the number and location of access points to an arterial road *shall* be limited to minimize disruption to traffic flows and to minimize the impact on local streets;

(iv) off-street parking areas, loading areas and service areas *shall* be screened and landscaped;

(v) the site plan promotes public safety;

(vi) the proposal promotes convenient access to public transit services;

(vii) off-street parking *shall* be located away from adjacent uses;

(viii) loading areas and service areas *shall* be located to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential areas;

(ix) outdoor storage areas *shall* be fenced and/or screened;

(x) lighting is directed to minimize impacts on adjacent residential uses;

(xi) the major entrance(s) to the commercial centre building *shall* be located adjacent to the principal public transit stop(s) or a covered walkway *shall* be provided between the major entrance(s) to the shopping centre building and the principal transit stop(s).

Public transit

i) *Community Commercial areas* or nodes *shall* be fully served by public transit services.

4.5 Employment Commercial Designation

OPA 55

4.5.1 Objective

Provide locations

a) To provide locations in the City for a wide range of *employment uses*, as well as retail uses which have *employment* characteristics, such as:

(i) serving business uses to a large extent;

(ii) requiring expansive land areas which can not be easily accommodated in *community* and *regional commercial area*s;

(iii) locating in or adjacent to *employment areas*;

(iv) are not intended to serve the regular daily and weekly shopping needs of the surrounding residential and business community.

4.5.2 Policies

Permitted uses

a) The following uses *may* be permitted within the Employment Commercial designation:

(i) uses permitted within the General Employment designation;

(ii) commercial sales and services to the business community or those that have a significant processing, wholesaling or warehousing component;

(iii) retail uses that require significant land areas, many with outdoor sales and storage and characterized as infrequent shopping destinations;

(iv) home improvement and home décor sales uses which require large building areas, some of which have significant warehousing components and which are infrequent shopping destinations.

Minimum floor area

b) Each individual retail store in an Employment Commercial designation *shall* have a minimum floor area of 1,000 sq. m., except that this provision *shall* not apply to those lands designated "Employment Commercial" along the North Service Road, east of Brant Street.

Zoning regulations

c) The maximum *floor area ratio* of *development* at any site *shall* be 0.3:1, except for office uses which *shall* have a maximum *floor area ratio* of 0.5:1.

Zoning of sites

d) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location. This determination will be based on site-specific factors that *may* include, but not be limited to, market impact, traffic, land use *compatibility*, natural hazards and features, and environmental factors such as soil *contamination.*

No additional land

e) It is the general intent of this Plan that the designation of additional lands for Employment Commercial purposes *shall* not be permitted.

Re-designation criteria

f) Proposals for the re-designation of lands to Employment Commercial from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on meeting the following criteria:

(i) the site has access to, and visibility from, at least one major arterial or multi-purpose arterial road that can accommodate the anticipated traffic;

(ii) the site is located on the periphery of an *employment* area with separation from predominant *industrial* traffic;

(iii) the traffic generated by the proposal will not have adverse impacts upon the local, Regional and Provincial road system and the interchange areas of Provincial highways;

(iv) there is a demonstrated need for the Employment Commercial use and the market impact of the proposal has been assessed in terms of its impact on the planned function of any existing or designated *Regional, Community or Neighbourhood Commercial* Area or Mixed Use Centre;

(v) the proposal is *compatible* with adjacent residential or *employment* land uses and will not adversely affect the supply, desirability or viability of any existing or designated *employment use* or area;

(vi) adequate municipal services are available;

(vii) sufficient on-site parking is provided; and

(viii) the anticipated traffic will not result in through traffic in surrounding residential and business areas or detrimental impacts on local roads.

North Service Road at Guelph Line

g) Notwithstanding the uses permitted by this designation, retail commercial uses and *warehouse clubs* are also permitted on the lands located on the north side of the Queen Elizabeth Way, east of Guelph Line, south of the CNR and west of the Ontario Hydro Utility Corridor. The additional permitted uses are those allowed under the zoning by-law in effect on the day of the adoption of the Official Plan, July 11, 1994. In addition, Part III, Subsection 4.5.2 b) of this Plan *shall* not apply for these lands.

4.6 Neighbourhood Commercial Designation

4.6.1 Objective

Neighbourhood needs

a) To provide opportunities for limited *neighbourhood commercial* centres within and at the periphery of *residential neighbourhood*s in locations that meet residents' day-to-day and weekly goods and service needs.

4.6.2 Policies

Designate on Land Use Schedule

a) The orderly *development* and distribution of *neighbourhood commercial areas shall* be *encouraged* with the designation of *neighbourhood commercial* shopping areas on Schedule B, Comprehensive Land Use Plan - Urban Planning Area, with the following functions:

Small-Scale

(i) small-scale *neighbourhood commercial areas* are intended to provide a limited range of retail and *service commercial* uses and *community facilities* that serve the daily and weekly needs of the immediate neighbourhood. These shopping areas will have a site area of approximately 1.0 ha and maximum building area of approximately 2,500 sq. m;

Large-Scale

(ii) large-scale *neighbourhood commercial areas* are intended to provide a limited range of retail and *service commercial* uses and

community facilities that serve the daily and weekly needs of the immediate neighbourhood and surrounding residential community. Large-scale *neighbourhood commercial areas* will have a site area of up to 5 ha and a maximum building area of approximately 12,500 sq. m.

Residential uses

b) Residential uses *may* be permitted in the second and/or third storey of retail/commercial buildings.

Evaluation criteria

c) The following criteria *shall* be considered when evaluating applications for new or expanded *neighbourhood commercial* sites:

(i) there is a demonstrated need for the *development* in terms of existing and future market conditions;

(ii) the impacts of the proposal on adjacent residential *development* are acceptable with respect to noise, dust, vibration, lighting, odours, security, sun-shadowing, removal of vegetation and privacy, or the proposed *development* has the capability to mitigate any impacts to acceptable levels;

(iii) the proposal is *compatible* to the surrounding neighbourhood in terms of height, *massing*, setbacks, and landscape and buffer areas;

(iv) small-scale *neighbourhood commercial* uses are located on a collector street, minor arterial road, multi-purpose arterial road or major arterial road;

(v) large-scale *neighbourhood commercial* uses are located at the intersection of minor arterial, multi-purpose arterial or major arterial roads;

(vi) the effects of the proposal on the capacity of the transportation system and existing traffic levels are acceptable; and

(vii) on-site parking is adequate to accommodate the level of commercial *development* proposed.

New or expanding Neighbourhood Commercial

d) The design and development of Neighbourhood Commercial areas shall promote compatibility between the Neighbourhood Commercial area and adjacent land uses. The factors to be considered in reviewing proposals for new and/or expanding Neighbourhood Commercial uses are outlined in Part III, Section 4.3.2, subsection g.). OPA 83

Queensway Drive

e) Notwithstanding the policies of Part III, Subsection 4.6.2 a) and b) of this Plan, the small scale Neighbourhood Commercial shopping area located on the lands on the south side of Queensway Drive, west of Guelph Line and east of Cleta Street *shall* also permit office, *entertainment* and hospitality uses such as hotels and restaurants.

Orchard Community

f) The four small-scale Neighbourhood Commercial areas within the Orchard Community *shall* also permit medium and *high density residential* uses, financial and office uses and urban squares. These uses will be subject to the following: OPA 7

(i) a maximum floor area of approximately 300 sq. m per non-residential establishment;

(ii) the maximum height of any building *shall* be five storeys; OPA 55

(iii) non-residential uses *shall* only be allowed on the ground floor of predominantly residential buildings, although offices *may* be allowed above the ground floor;

(iv) townhouses, street townhouses, stacked townhouses, duplexes, three-plexes, four-plexes and walk-up apartments housing forms *shall* only be permitted;

(v) the combined, total floor area for office, retail and *service commercial* uses, excluding restaurant uses, within Neighbourhood Commercial areas in Orchard Community *shall* not exceed 7,000 sq. m; and

(vi) the approval of initial *development shall* allow for the ultimate *re-development* potential of the lands at the densities anticipated by this designation.

Upper Middle Road & William O'Connell Boulevard

g) Notwithstanding the policies of Part III, Subsection 4.6.2 a) and b) of this Plan, the small scale Neighbourhood Commercial area located on the land at the north-west corner of Upper Middle Road and William O'Connell Boulevard *shall* permit only office use. OPA 5

North-west corner, Dundas Street and Walker's Line

h) Notwithstanding the policies of Part III, Subsection 4.6.2 a) and b) of this Plan, the large scale Neighbourhood Commercial shopping area located at the north-west corner of Dundas Street and Walker's Line, *shall* be subject to the following: OPA 3

(i) a maximum *lot* area of 2.0 hectares;

(ii) *supermarkets/grocery stores*, to a maximum total floor area of 3,250 sq. m., *shall* only be permitted if substantiated by a market study to be completed at the time of zoning application.

South-east corner, Walker's Line and Upper Middle Road

i) In the Neighbourhood Commercial Area at the south-east corner of Upper Middle Road and Walker's Line, retail commercial floor area will be subject to the following:

(i) a Phase I maximum of 26,500 sq. m; and

(ii) in Phase II retail commercial floor area *may* exceed 26,500 sq. m, up to a maximum 25 per cent *lot* coverage, provided the increase is substantiated by market studies.

South-east corner, Dundas Street and Sutton Drive

OPA 96

j) Notwithstanding the policies of Part III, Subsections 2.2.2 e) and 4.6.2 f) (ii), (iv) and (vi) of this Plan, the Neighbourhood Commercial area at the south-east corner of Dundas Street and Sutton Drive, *shall* be subject to the following:

(i) Apartment buildings *shall* be permitted with a maximum density of 237 units per net hectare; and

(ii) The maximum height of apartment buildings fronting on Dundas Street and Sutton Drive *shall* be 6 storeys.

420 Guelph Line

OPA 124

k) Notwithstanding Part III, Subsection 4.6.2 a)i) and b) of this Plan, for the lands identified as 420 Guelph Line, the following policies *shall* apply:

(i) a mixed-use building with 170 residential units *shall* be permitted;

(ii) the minimum non-residential gross floor area *shall* be 445 square metres;

(iii) the maximum building height *shall* be 11 storeys, plus a mechanical penthouse; and,

(iv) the maximum building area *shall* be in accordance with the Zoning By-law.

800 Burloak Drive

OPA 145

l) Notwithstanding the policies of Part III, Section 4.6, Subsections 4.6.2 a), b) and c) of this Plan, the subject lands *shall* be subject to the following:

(i) Retail and *service commercial* uses *shall* be permitted with a limited amount of *service commercial* uses at grade, *dwelling units shall* be permitted above the second storey of the building.

(ii) maximum building height of 4 storeys

(iii) be in accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.

5.0 MIXED USE ACTIVITY A REA

The lands identified as "Mixed Use Activity Area" on Schedule A, Settlement Pattern provide locations where *employment*, shopping and residential uses will be developed. *Employment*, shopping and residential land uses will be integrated in a compact urban form, at higher *development* intensities and will be pedestrian-oriented and highly accessible by public transit. Mixed Use areas will foster community interaction by providing focus on *community facilities.* Mixed Use Activity Areas will occur in linear and nodal forms and are provided for under four land use designations on Schedule B, Comprehensive Land Use Plan - Urban Planning Area: Mixed Use Corridor-General, Mixed Use Corridor-Employment, Mixed Use Corridor-Commercial Corridor, and Mixed Use Centre. These designations are based on spatial distribution, the scale and intensity of the *development* allowed, the design standards that *shall* apply and the potential effects of these uses on adjacent uses.

The following principles, objectives and policies provide a framework that will guide future *development* decisions for all Mixed Use Activity Areas:

5.1 Principles

Alternative to low density, suburban form

a) Mixed Use Activity Areas provide alternatives to low density, suburban *development* and *encourage* the efficient use of physical resources and municipal services.

Special community identity

b) The design and *development* of Mixed Use Activity Areas provide opportunities to create and/or maintain a special community identity and a focal point for a variety of City-wide, community and neighbourhood functions.

Address demand

c) Mixed Use Activity Areas address the demand for higher intensity *employment*, shopping and residential areas within the City.

5.2 General

5.2.1 Objectives

Integrate uses

a) To *encourage* comprehensively planned mixed use *employment*, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and *entertainment uses* with residential uses, *community facilities*, cultural facilities, institutions and open space in a compact urban form, while retaining *compatibility* with nearby land uses.

Compact urban form, pedestrian /transit oriented

b) To ensure Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction.

Infrastructure and services

c) To direct the phasing and/or expansion of municipal *infrastructure* and services to ensure the timely and orderly *development* of Mixed Use Activity Areas.

5.2.2 Policies

City Structure Plan

a) Mixed Use Activity Areas identified on Schedule A, Settlement Pattern *shall* be designated as either Mixed Use Corridor-General, Mixed Use Corridor-Employment, Mixed Use Corridor-Commercial Corridor or Mixed Use Centre on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. OPA 55

Mixed Use Corridors

b) Lands designated as Mixed Use Corridor-General, Mixed Use Corridor-Employment, and Mixed Use Corridor - Commercial Corridor on Schedule B, Comprehensive Land Use Plan - Urban Planning Area *shall* be subject to the policies contained in Part III, Section 5.3.

Mixed Use Centres

c) Lands designated as Mixed Use Centre on Schedule B, Comprehensive Land Use Plan - Urban Planning Area *shall* be subject to the policies contained in Part III, Sections 5.4 to 5.6.

Design and development

d) The design and *development* of Mixed Use Activity Areas *shall* promote these areas as focal points for community activities that are characterized by a compact form of *development*, pedestrian-orientation, greater accessibility to public transit and higher intensity *development*.

Municipal Services

e) The construction and expansion of municipal services *shall* provide for the *development* of Mixed Use Activity Areas in an orderly and cost effective fashion.

Consult with Adjacent Municipalities

f) The City *shall* consult with the Region of Halton and adjacent municipalities where Official Plan and rezoning applications for new retail *development* involve primary trade areas extending outside of the City.

Home Occupations

g) *Home occupation*s and *cottage industries shall* be permitted in Mixed Use Corridors and Mixed Use Centres subject to the policies of Part III, Section 2.7. OPA 7

Priority locations

h) Mixed Use Activity Areas *shall* be priority locations for: OPA 55

(i) land assembly at strategic locations;

(ii) *infrastructure*/public facility improvements;

(iii) creation and application of financial, regulatory and other incentives;

(iv) new municipal facilities and services;

(v) creation and application of *brownfield re-development* strategies;

(vi) preparation of comprehensive traffic and parking studies and strategies;

(vii) provision of higher levels of transit service compared with other areas of the City.

Urban Design

i) It is the general intent of this Plan that Mixed Use Activity Areas *shall* be subject to a high quality of urban design. City Council *may* require the preparation of Urban *Design Guidelines* for specific Mixed Use Activity Areas or the preparation of site-specific Corridor Studies for Mixed Use Corridor Areas, which *may* include such *design guidelines* as a component of the Corridor Study. These guidelines *shall* be referenced in an appendix to this Plan and be used in the evaluation of all *development* proposals within the Mixed Use Activity or Corridor Area. OPA 55

Shared or on-street parking

j) In order to balance pedestrian and vehicular movements in a safe and efficient manner, various approaches *may* be considered, including shared parking facilities in central locations, and/or on-street parking where deemed appropriate by detailed studies. OPA 55

Integration with neighbourhoods

k) The City *may* ensure the proper integration of Mixed Use Activity Areas with surrounding neighbourhoods through measures such as pedestrian walkways, cycling paths and transit routes, and the protection of the *physical character* of these neighbourhoods through urban design. OPA 55

Reduced parking

l) The City *may* consider the use of reduced parking standards in Mixed Use Activity Areas in order to *encourage* greater reliance on non-automobile forms of transportation. OPA 55

Monitoring

m) The City *may*, in consultation with the Region, monitor the performance of Mixed Use Activity Areas in achieving the goals and objectives of this Plan. OPA 55

5.3 Mixed Use Corridors (General, Employment and Commercial Corridor)

5.3.1 Objectives

Integrate uses along Arterial Roads

a) To provide locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use *development*s with *high density residential*, retail, *service commercial*, office, *entertainment, community facilities* and institutions, and open space uses.

Higher intensity development

b) To *encourage* higher intensity, *transit-supportive* and pedestrian-oriented mixed use *development,* including land in the vicinity of a *major transit station area,* such as a GO Transit station**,** in a compact urban form, while retaining *compatibility* with nearby land uses. ***R16** OPA 55 OPA 59

Mixed uses

c) To permit mixed use *development*s on individual sites where various combinations of residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another.

5.3.2 General Policies *R16

Permitted uses

a) The following uses *may* be permitted within the Mixed Use Corridor-General, Mixed Use Corridor-Employment and Mixed Use Corridor-Commercial Corridor designations:

(i) a wide range of retail, *service commercial* and personal service uses; financial institutions and services; a broad range of office uses; *entertainment*, *recreation* and other *community facilities* such as day care centres; and *small scale motor vehicle dealerships*; OPA 10

(ii) *high density residential* uses and a full range of office uses. Townhouses *may* only be permitted as a component of an overall *development* of mixed residential or residential/commercial building forms, where the townhouse portion of the mixed development does not abut the multi-purpose arterial or major arterial road and where the *development* of the townhouse component does not compromise the long-term objectives for the Mixed Use Corridor designation with respect to such matters as mix of uses, building form and intensity; and OPA 55 OPA 81

(iii) *development* and *re-development* of lands within a *major transit station area*, such as a GO transit commuter rail station, shall achieve a higher intensity of *re-development* and consist of *transit* OPA 59

supportive uses, as called for and defined in the Growth Plan for the Greater Golden Horseshoe. Notwithstanding Part III, Subsection 5.3.3 b) and e), those lands designated Mixed Use Corridor subject to the Commercial Corridor Policies of Subsection 5.3.3 and located within a *major transit station area,* shall permit only *transit supportive uses*, as defined in the Growth Plan for the Greater Golden Horseshoe, have a minimum *floor space index* of 0.5 and a minimum building height of two storeys. *R16

Retail function

b) Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within and in close proximity to the Corridor.

Commercial building form

c) Retail and *service commercial* uses are to be located at street level in office or residential buildings.

Zoning regulations

d) Zoning By-law regulations affecting Mixed Use Corridors *shall* be based on the following factors:

(i) the maximum *floor area ratio* of *development* at any site *shall* be 1.5:1. City Council *may* consider a higher *floor area ratio* in conjunction with a site-specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and *infrastructure* and the provision of *compatibility* with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking; OPA 55

(ii) the minimum building height *shall* be two storeys and the maximum building height *shall* be six storeys. Where required to ensure *compatibility*, four to six storey buildings *may* be required to be terraced back from adjacent residential areas and/or the street; OPA 55

(iii) the implementing zoning by-law *shall* identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street. These setbacks *may* be modified for specific corridors following the completion of Council-approved Corridor studies; OPA 55

(iv) all buildings *shall* be required to have a building entrance from the building façade closest to the corridor street; and OPA 55

(v) off-street parking needs *may* be reduced for sites with *transit-supportive* designs or shared parking arrangements.

(vi) notwithstanding subclause (b) (ii) above, no minimum building height is required for the following properties: OPA 55

i. east of King Road, south of Highway 403 (1200 King Road);
ii. east side of Waterdown Road, south of Highway 403 (101 Masonry Court);
iii. 4415 Fairview Street;
iv. south-west corner of Fairview Street and Appleby Line (4460 to 4490 Fairview Street and 666 to 676 Appleby Line), for buildings less than 1200 sq. m. in size.

Zoning of sites

e) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but are not limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination*. OPA 55

Higher intensity sites

f) Higher density land uses and taller buildings *shall* be permitted at locations where Mixed Use Corridor areas intersect with multi-purpose arterial roads, major arterial roads or provincial freeways; or existing areas of *development* concentration, subject to the criteria outlined in Part III, Subsection 5.3.2, d) (i).

Site plan considerations

g) The design and *development* of Mixed Use Corridors *shall* ensure *compatibility* between the Mixed Use Corridor uses and adjacent land uses, particularly residential uses. The following factors *shall* be considered in reviewing proposals for new and/or expanding Mixed Use Corridor uses:

(i) buildings *should* be located so as to be in proximity to the street, to provide a sense of human comfort and pedestrian scale and interest, and *should* be in close proximity to transit services; OPA 55

(ii) the site plan includes features that integrate the *development* with surrounding uses;

(iii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses and to and from transit stops;

(iv) the number and location of vehicular access points *shall* be limited to minimize disruption to traffic flows and to minimize the impact on local streets;

(v) wherever possible, off-street parking *should* be located in the side and rear yards and away from adjacent residential uses. Off-street parking areas, loading areas and service areas *shall* be screened and landscaped and located to minimize adverse impacts on adjacent residential uses; OPA 55

(vi) the site plan promotes public safety;

(vii) outdoor storage areas *shall* be fenced and/or screened;

(viii) lighting is directed to minimize impacts on adjacent residential uses.

Transit/ pedestrian supportive design

h) *Transit-supportive* and pedestrian-oriented urban design *shall* be required in the *development* of Mixed Use Corridor sites.

Encourage alternative forms of transportation

i) The design and *development* of Mixed Use Corridors *shall encourage* the use of public transit, pedestrian and bicycle travel as an alternative to the automobile and *shall* maximize personal safety by encouraging site plan features such as:

(i) buildings *should* be oriented to the street and transit services, and buildings *should* be located so as to be in proximity to, and face the street, to provide a sense of human comfort and pedestrian scale and interest; OPA 55

(ii) safe and convenient access *shall* be provided for pedestrians between buildings and transit stops, parking areas, and other buildings and facilities; and

(iii) roads *shall* be designed for automobile use, efficient transit service as well as pedestrian and bicycle travel.

Re-designation-Evaluation Criteria

j) Proposals for the re-designation of lands to Mixed Use Corridor from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the impact of the proposal on adjacent land uses, particularly residential;

(ii) adequate municipal services are available;

(iii) sufficient on-site parking is provided;

(iv) the site is served by efficient *peak period* public transit;

(v) vehicular access to and from the site does not adversely affect local streets; and

(vi) the site is located on a multi-purpose arterial or major arterial road that can accommodate the anticipated traffic.

Street level retail commercial

k) Retail, *service commercial* and other pedestrian-oriented use *shall* be *encouraged* at the street level.

Infill existing areas

l) *Infilling* of existing, linear Mixed Use Corridors *shall* be *encouraged* rather than the designation of new areas.

Corridor studies

m) It is recognized that certain segments of the Mixed Use Corridor designation differ in character from each other and City Council *may* require the preparation of Corridor Studies for all or part of various Mixed Use Corridors to provide specific guidance for their *re-development* and *intensification*. City Council *may* identify corridor segments on the basis of specific *physical characteristics*, identity and location, establish priority areas for which Corridor Studies will be undertaken, and outline specific items that Corridor Studies will address. The implementation of Council-approved Corridor Studies *may* require further amendments to this Plan or the Zoning By-law. Studies of this kind *may* also be required as part of an application for *development* or *re-development* along a Mixed Use Corridor. OPA 55

n) Notwithstanding the uses permitted in Part III, Subsection 5.3.2 a) of this Plan, *large scale motor vehicle dealership*s existing on the day of the adoption of this Plan *may* be expanded on the abutting property within the Mixed Use Corridor – General designation without an amendment to this Plan at the following locations: OPA 11

(i) south-east corner of Fairview Street and Drury Lane;

(ii) south-west corner of Fairview Street and Brant Street;

(iii) north-west corner of Plains Road and Brant Street; and

(iv) north side of Plains Road West, opposite Daryl Drive.

South-west corner of Brant Street and Leighland Road

o) Notwithstanding Part III, Subsections 5.3.2 b) and c) of this Plan, a two-storey retail *development* is permitted on land identified as 1030 Brant Street, and 1428 and 1430 Leighland Road. Permitted uses on these lands include retail only or a combination of retail, office and residential uses, with a minimum of two storeys. The retail function of the store may extend beyond the day to day and weekly shopping needs of residents within and adjacent to the Corridor. OPA 68

West side of Falcon Boulevard, 35 metres south of Plains Road East

p) Notwithstanding the policies of Part III, Subsections 5.3.2 a) and d) of this Plan, on the lands designated "Mixed Use Corridor-General" and identified as 980 and 986 Falcon Boulevard, only an apartment building shall be permitted and the maximum building height shall be 4 storeys.

North east corner of Plains Road East and Glendor Avenue

q) An infill townhouse project that is not part of a larger mixed use development *shall* be permitted at the north east corner of Plains Road East and Glendor Avenue. OPA 95

Northwest corner of Plains Road East and Helena Street

r) Notwithstanding policy a) ii) in Part III, Section 5.3.2 General Policies, an infill townhouse project that is not part of a larger mixed use development *shall* be permitted on the northwest corner of Plains Road East and Helena Street. OPA 114

84, 92 and 104 Plains Road East and 990 Glenwood Avenue

s) Notwithstanding the use, height, *floor area ratio* and design policies contained in Part Ill, Subsections 5.3.2 a), d) and g) of this Plan, for the properties identified as 84, 92 and 104 Plains Road East and 990 Glenwood Avenue, the following policies *shall* apply: OPA 116 OPA 164

a. a mixed use building consisting of residential and at-grade retail and *service commercial uses shall* be permitted;

b. the maximum building height *shall* be 12 storeys;

c. the maximum *floor area ratio shall* be 4.91 :1.

484 and 490 Plains Road East

t) Notwithstanding the policies of Part III, Subsections 5.3.2 a) ii) and d) ii) of this Plan, for the lands described as 484 and 490 Plains Road East, the following policies *shall* apply: OPA 118

(i) two mixed-use buildings with residential and at-grade office and commercial uses, with a maximum building height of 9 storeys *shall* be permitted;

(ii) stacked townhouse units *shall* be permitted; and,

(iii) a maximum density of 211 units per hectare *shall* be permitted.

40-70 Plains Road East

u) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum floor area ratio of 4.41:1 and a maximum building height of 12 storeys *shall* be permitted. OPA 133

Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, service commercial uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing façade.

688, 694, and 698 Brant Street

v) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated "Mixed Use Corridor – General" and identified as 688, 694, and 698 Brant Street, the following policies *shall* apply: OPA 135

(i) a mixed-use building, with a maximum density of 408 units per net hectare *shall* be permitted;

(ii) the maximum Floor Area Ratio *shall* be 4.11:1;

(iii) the maximum building height *shall* be 13 storeys; and

(iv) retail use on the second storey tied to the primary retail or service commercial use on the first storey *shall* be permitted.

720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street

w) Notwithstanding the policies of Part lll, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated "Mixed Use Corridor – General" and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development *shall* be permitted with a maximum building height of 34 storeys, with a maximum floor area ratio of 6:1. Development on the subject lands *shall*: OPA 139

(i) not exceed 19 storeys for buildings that front onto Fairview Street.

(ii) small scale motor vehicle dealerships are prohibited.

(iii) demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.

(iv) contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.

(v) facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.

(vi) retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.

(vii) be in accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.

(viii) incorporate measures to avoid or minimize and mitigate potential adverse effects to the development from noise and air emissions including odour.

(ix) incorporate measures to avoid or minimize and mitigate potential impacts on industrial, manufacturing or other uses, including reducing the risk of complaints, and to ensure the ability of major facilities to comply with environmental approvals, registrations, legislation, regulations and guidelines for both current and future operations.

(x) individual buildings on Schedule 'B' may exceed a floor area ratio of 6:1 provided the cumulative total maximum floor area ratio for all of the buildings on Schedule 'B' do not exceed 6:1.

(xi) *may* consider the following objectives:

I. To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces.

II. To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.

III. To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.

IV. To provide podium setbacks and stepbacks within the built form along Fairview Street.

V. To ensure appropriate tower setback from Fairview Street.

VI. To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.

VII. To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.

VIII. To ensure connectivity between the Appleby GO Station and Sherwood Park through the proposed promenade.

1026 Cooke Boulevard

x) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 a) ii), d) i) and d) ii) of this Plan, a *Floor Area Ratio* of 11:1, and a maximum building height of 24 storeys *shall* be permitted. OPA 143

1062 and 1074 Cooke Boulevard

y) Notwithstanding the policies of Part III, Subsection 5.3.2 d) i), ii) of this plan the lands described as 1062 and 1074 Cooke Boulevard, mixed-use buildings containing residential units with a maximum floor area ratio of 9.3:1 and a maximum building height of 30 and 34 storeys (plus mechanical penthouse and rooftop amenity) shall be permitted. The lands described as 1062 and 1074 Cooke Boulevard are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines. OPA 144

1010 Downsview Drive and 355 Plains Road East

z) Notwithstanding Part III, Subsection 5.3.2 d) (i) and (ii), and f) of this Plan, on the lands designated "Mixed Use Corridor – General" and identified as 1010 Downsview Drive and 355 Plains Road East, a mixed-use development consisting of mid-rise buildings *shall* be permitted subject to the following: OPA 146

(i) On the lands identified as 1010 Downsview Drive one 9-storey apartment building and 3 storey stacked townhouses, exclusive of mechanical penthouse/rooftop amenity and a maximum *floor area ratio* of 2.3:1 *shall* be permitted.

(ii) On the lands identified as 355 Plains Road East, two 11-storey apartment buildings connected by a 6-storey podium and 3 storey stacked townhouses, exclusive of mechanical penthouse/rooftop amenity and a maximum *floor area ratio* of 4.9:1 *shall* be permitted.

(iii) development on the lands shall:

I. address the interface with the existing residential neighbourhood located to the north along Dowland Crescent through the provision of appropriate building and underground setbacks and review tree preservation along the north property line.

II. provide appropriate stepbacks within the built form along Plains Road East and Downsview Drive.

III. provide appropriate stepbacks within the built form for the existing residential development along the west property line on 1010 Downsview Drive.

IV. establish an appropriate building setback from the east property line on 355 Plains Road East to allow adequate separation from the adjacent existing buildings as well as any proposed new adjacent buildings.

789-795 Brant Street

aa) Notwithstanding the policies of Part Ill, Subsection 5.3.2 a) ii), 5.3.2 d) i), and 5.3.2 d) ii), of this plan on the lands described as 789-795 Brant Street a mixed use building consisting of retail/*service commercial* uses at-grade and residential uses, with a maximum *Floor Area Ratio* of 12.2:1, a maximum density of 1408 units per *net* hectare and a maximum building height of 33-storeys shall be permitted. OPA 147

South side of Plains Road, east of Shadeland Avenue - 276, 284 and 292 Plains Road East

ab) Notwithstanding the policies of Part III, Subsections 5.3.2 d) i) and d) ii) of this Plan, a maximum *Floor Area Ratio* of 2.6: 1 and a maximum building height of 7 storeys *shall* be permitted. OPA 132

Tremaine Dundas Community

ac) Notwithstanding the policies of Part III, Subsection 5.3.2 a) (i), the following additional policy *shall* apply to the Tremaine Dundas Community: OPA 107

(i) Farmers market use is permitted.

Tremaine Dundas Community

ad) Notwithstanding the policies of Part III, Subsection 5.3.2 a) (ii), the following additional policies *shall* apply to the Tremaine Dundas Community: OPA 107

(ii) Residential uses *shall* not be permitted on the ground floor of buildings abutting a major arterial or abutting a local collector within 90 metres of Dundas Street.

(iii) Floor to ceiling height of the ground floor *shall* be a minimum of 4.5 metres to accommodate commercial uses within mixed use buildings.

(iv) Townhouse dwelling units *may* only be permitted as a component of an overall mixed-use development provided the long term objectives of the Mixed Use Corridor – General are not compromised in terms of function of the Mixed Use Corridor – General as a vibrant gathering and focal point within the community, mix of retail and service commercial uses, overall site design, building form or intensity.

Tremaine Dundas Community

ae) Notwithstanding the policies of Part III, Subsection 5.3.2 d) (i), the following additional policies *shall* apply to the Tremaine Dundas Community: OPA 107

(i) The maximum floor area ratio of *development shall* be 2.0:1. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application without the need for an amendment to this Plan provided that the

objectives of the Mixed Use Corridor-General designation are maintained.

(ii) Buildings fronting onto a major arterial street *should* be a minimum of three storeys. Buildings greater than four storeys *shall* require appropriate site specific air quality assessments at site plan stage.

(iii) An updated Noise and Vibration Study will be required as part of any proposed *development* application to assess all transportation and stationary noise sources in the vicinity of the application.

784 Brant Street

af) Notwithstanding the policies of Part 111, Subsection 5.3.2d(i), (ii) and (v) of this Plan, on the lands designated "Mixed-Use Corridor-General" and identified as 784 Brant Street, 2 mixed use buildings *shall* be permitted with ground floor commercial with a maximum density of 662.7 units per hectare and a maximum building height of 18 and 25 storeys for each tower. The building *abutting* Brant Street *shall* incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street. OPA 149

2362 Fairview Street

ag) Notwithstanding the policies of Part Ill, Section 5.3, Subsection 5.3.2 d) i) and d) ii) of this Plan, a *Floor Area Ratio* of 4.1:1, and a maximum building height of 13 storeys including the mechanical penthouse *shall* be permitted. OPA 150

141, 147 and 153 Plains Road West

ai) Notwithstanding the policies of Part Ill, Section 5.3, Subsections 5.3.2 d) i) and d) ii) of this Plan, a *Floor Area Ratio* of 5:1, and a maximum building height of 12 storeys *shall* be permitted. OPA 154

5.3.3 Mixed Use Corridor-Commercial Corridor

5.3.3.1 Objectives

Recognition

a) To recognize certain sections of the Mixed Use Corridors which have been largely developed for space-extensive, automobile-oriented large retail uses, and are not expected to *re-develop* significantly in the short-term. OPA 55

Long-Term re-development

b) To *encourage* the eventual long-term *re-development* of these sites in a more intensive, pedestrian and transit oriented manner, that is more consistent with the principles and objectives for Mixed Use Activity Areas. OPA 55

5.3.3.2 Policies

Commercial Corridor locations

a) Notwithstanding the policies of Part III, Subsection 5.3.2, the following Mixed Use Corridor locations as shown on Schedule B are generally recognized for lower intensity, retail *development* than found in the Mixed Use Corridor-General designation as outlined in Part III, OPA 14 OPA 15 OPA 26 OPA 41

Subsection 5.3.2, and in accordance with the policies of Part III, Sections 5.1 and 5.2 of this Plan, and are subject to the policies of Part III, Subsection 5.3.3: OPA 55

(i) south side of Plains Road East, between the CNR at Glendor Avenue and Queensway Drive;

(ii) north side of Fairview Street, between the Queen Elizabeth Way and Drury Lane;

(iii) north side of Fairview Street, between the *Regional Commercial area* and Walker's Line, including the north-east corner of Fairview Street and Walker's Line; OPA 31

(iv) south side of Fairview Street, between the *Regional Commercial area* and Woodview Ave; OPA 31

(v) west side of Appleby Line, between Fairview Street and south to the Hydro Corridor;

(vi) north-east corner of Plains Road West and Howard Road; OPA 14

(vii) north-west corner of Plains Road East and Cooke Boulevard; OPA 14

(viii) the north-east corner of Fairview Street and Walker's Line; OPA 14

(ix) the 0.7 hectare property at 4175 Fairview Street; OPA 14

(x) the 6.5 hectare property at 4415 Fairview Street; OPA 15

(xi) the 0.56 hectare property located at the north-east corner of Plains Road East and Brant Street; OPA 41

(xii) 101 Masonry Court. OPA 55

Permitted uses

b) The following uses *may* be permitted within the Mixed Use Corridor-Commercial Corridor locations: OPA 10

(i) a range of retail, *service commercial* and personal service uses; financial institutions and services, a broad range of office uses; *entertainment*, *recreation* and other *community facilities* such as day care centres and motor vehicle dealerships;

(ii) *medium* and *high density residential* uses subject to the policies of Part III, Subsection 5.3.2 a) (ii); OPA 55

(iii) a limited number and range of large-scale retail and *service commercial* uses such as retail uses up to 5,600 sq. m. in gross floor area where food products are not the principal goods retailed, and retail commercial uses that require either multi-tenant or freestanding buildings on sites that have significant needs for on-site storage and parking, such as garden centres, *automotive commercial*, furniture and home furnishing uses and home improvement stores; and OPA 55

Retail function

c) Mixed Use Corridors- Commercial Corridor lands are intended to provide for the retail needs of the residents and businesses within the City and from adjacent areas. It is not the intent of this Plan that any one cluster of retail facilities that *may* be proposed through applications to re-designate lands to Mixed Use Corridor -Commercial Corridor, or to permit additional uses within a Mixed Use Corridor -Commercial Corridor designation, approach the size or significance of the Regional or Community Commercial designations. OPA 55

Prohibited uses

d) *Industrial* uses *shall* not be permitted in Mixed Use Corridor-Commercial Corridor locations.

Zoning regulations

e) Zoning By-law regulations affecting Mixed Use Corridor- Commercial Corridor locations *shall* be based on the following factors:

(i) the maximum *floor area ratio shall* be 1.5:1. City Council *may* consider a higher *floor area ratio* in conjunction with a site-specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and *infrastructure*; the provision of *compatibility* with adjacent uses through measures such as terracing; a high quality of building design, landscaping and streetscaping; and the provision of underground parking; OPA 55

(ii) the maximum building height *shall* be three storeys, except office and residential uses where the maximum building height *shall* be six storeys.

Zoning of sites

f) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination.* OPA 55

Transit/ pedestrian supportive design

g) *Transit-supportive* and pedestrian-oriented urban design *shall* be required in the development of Mixed Use Corridor - Commercial Corridor sites.

Re-designation-evaluation criteria

h) Proposals for the re-designation of lands to Mixed Use Corridor-Commercial Corridor from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the impact of the proposal on adjacent land uses, particularly residential;

(ii) adequate municipal services are available;

(iii) sufficient on-site parking is provided;

(iv) the site is served by efficient *peak period* public transit;

(v) vehicular access to and from the site does not adversely affect local streets; and

(vi) the site is located on a multi-purpose arterial or major arterial road that can accommodate the anticipated traffic;

(vii) there is a demonstrated need for the additional retail facilities; OPA 55

(viii) the criteria outlined in Part III, Subsection 5.3.3.2 f) are achieved; OPA 55

(ix) any application for additional retail within a Commercial Corridor *shall* be subject to a criterion that any retail node *shall* have a maximum retail floor area of 14,000 sq. m. (For the purposes of this policy, retail node is defined as a contiguous retail *development* or *developments* beside one another, on opposite corners of a street, or across a street, which *may* or *may* not share a joint access or function as a single or unified *development*.) OPA 55

Infill existing Areas

i) *Infilling* of existing, linear Mixed Use Corridors- Commercial Corridors *shall* be *encouraged* rather than the designation of new areas.

Prohibitions

j) Notwithstanding the uses permitted in Part III, Subsection 5.3.3.2 b) of this Plan, for properties identified in Part III, Subsection 5.3.3.2 a) (vi), (viii) and (ix), residential uses are prohibited, *supermarket/grocery store* uses are prohibited and individual retail uses are allowed to a maximum floor area of 3,000 sq. m. OPA 105

Prohibitions

k) Notwithstanding the uses permitted in Part III, Subsection 5.3.3.2 b) of this Plan, for the property identified in Part III, Subsection 5.3.3.2 a) (x), residential uses are prohibited, *supermarket/grocery store* uses are prohibited and individual retail uses are allowed to a maximum floor area of 3,000 sq. m. OPA 15

2089 and 2095 Fairview Street

l) Notwithstanding the use, height, *floor area ratio* and design policies contained in Part III, Subsections 5.3.2 a), d) and g), and Part III, Subsections 5.3.3.2 b) and e) of this Plan, for the properties identified as 2089 and 2095 Fairview Street, the following policies *shall* apply: OPA 59

(i) townhouses *shall* be a permitted use;

(ii) the maximum building height *shall* be 17 storeys. Additional height may be permitted if the proposed building is LEED certified (or equivalent to the satisfaction of the Director of Planning and Building).

(iii) there *shall* be a total site (at full build out) minimum *floor space index* of approximately 0.5:1 and the maximum 1.5:1 *floor space index shall* not apply;

(iv) any subsequent *re-development* of these properties, involving the demolition and replacement of previously constructed buildings, *shall* permit only those uses contained in Part III, Subsections 5.3.2 a) and 5.3.3.2 b) of this Plan.

35 Plains Road East

m) Notwithstanding the use, height, *floor area ratio* and design policies contained in Part III, Subsections 5.3.2 a), d) and g), and Part III, Subsections 5.3.3.2 b) and e) of this Plan, for the property identified as 35 Plains Road East, the following policies *shall* apply: OPA 105 OPA 162

(i) a mixed use building consisting of residential and at-grade retail or *service commercial shall* be permitted;

(ii) the maximum building height *shall* be 13 storeys;

(iii) the maximum *floor area ratio shall* be 6.9:1.

1120 Cooke Boulevard

n) *Development* on the lands described as 1120 Cooke Boulevard *shall* be in accordance with the following: OPA 142

(i) *Development shall* incorporate measures to avoid or minimize and mitigate potential adverse effects to the *development* from noise and air emissions including odour.

(ii) *Development shall* incorporate measures to avoid or minimize and mitigate potential impacts on industrial, manufacturing, or other uses, including reducing the risk of complaints, and to ensure the ability of major facilities to comply with environmental approvals, registrations, legislation, regulations, and guidelines for both current and future operations.

(iii) Notwithstanding the use, floor area ratio, height, and design policies contained in Part III, Subsections 5.3.2 c), d) (i) and (ii), and g) (i) and (v), and 5.3.3.2 c) and e) (i) and (ii), of this Plan, for the lands described as 1120 Cooke Boulevard, the following policies *shall* apply:

a. a mixed-use *development* comprising three buildings, with a combined maximum 1165 *dwelling units* and a combined maximum *Floor Area Ratio* of 9:1:1 *shall* be permitted;

b. a maximum building height of 34 storeys (plus mechanical)

shall be permitted;

c. non-residential uses *shall* be located at ground level in two of the three buildings;

d. surface parking spaces for residential visitors and/or non-residential uses may be provided.

5.3.4 Mixed Use Corridor-Employment

Employment Oriented locations

a) Notwithstanding the policies of Part III, Subsection 5.3.2, the following Mixed Use Corridor locations as shown on Schedule B are primarily intended for higher intensity, transit and pedestrian oriented *employment development* and are subject to the policies of Part III, Subsection 5.3.4:

(i) Cooke Boulevard;

(ii) Waterdown Road;

(iii) north side of Plains Road West, between Howard Road and Cooke Boulevard, except the north-east corner of Plains Road West and Howard Road and the north-west corner of Plains Road East and Cooke Boulevard. OPA 14

(iv) Plains Road East, between the Queen Elizabeth Way and the CNR at Glendor Avenue;

(v) north side of Fairview Street, between Drury Lane and Guelph Line;

(vi) north side of Fairview Street, between Walkers Line and Sherwood Forest Park, except the 0.7 hectare property at 4175 Fairview Street, the north-east corner of Fairview Street, and the north-east corner of Fairview Street and Walker's Line, and except the 6.5 hectare property at 4415 Fairview Street, and except 5135 & 5155 Fairview Street and 720, 735 & 740 Oval Court OPA 15 OPA 139

(vii) Appleby Line, between the Queen Elizabeth Way and Mainway;

(viii) Legion Road and Grahams Lane;

(ix) west side of Appleby Line, between Thomas Alton Boulevard and Palladium Way; OPA 3 OPA 79

(x) the south-east corner of Walker's Line and Palladium Way and the north-east corner of Walker's Line and Dundas Street; OPA 3 OPA 49

(xi) south-west corner of Walker's Line and Palladium Way; and OPA 3

(xii) 920 to 932 Brant Street. OPA 55

Permitted uses

b) The following uses *may* be permitted within the Mixed Use Corridor-Employment locations: *industrial* uses; a broad range of office uses, a limited range of retail, *service commercial* and personal service uses OPA 10

which serve the day to day needs of employees; financial institutions and services; *entertainment*, *recreation* and other *community facilities* such as libraries and day care centres and motor vehicle dealerships.

Retail function

c) Mixed Use Corridors-Employment lands are intended to provide for the retail and *service commercial* needs of the *employment uses* and their employees within and immediately adjacent to the Corridor. In addition, retail uses related to home improvement *shall* be permitted. OPA 16

Prohibited uses

d) In Mixed Use Corridor-Employment locations, residential uses *shall* be prohibited. In addition, individual retail and *service commercial* uses *shall* be limited to a maximum size as set out in the Zoning By-law. OPA 55

Zoning regulations

e) Zoning By-law regulations affecting Mixed Use Corridor-Employment locations *shall* be based on the following factors:

(i) the maximum *floor area ratio* of development at any site *shall* be 1.0:1, except *industrial* uses, where the maximum *floor area ratio shall* be 0.5:1;

(ii) the maximum building height *shall* be six storeys, except for *industrial* uses, where the maximum building height *shall* be two storeys;

(iii) buildings *should* be located so as to front and face the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and to transit services; and OPA 55

(iv) off-street parking needs *may* be reduced for sites with *transit-supportive* designs or shared parking arrangements

Zoning of sites

f) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but not be limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination.* OPA 55

Transit/ pedestrian supportive design

g) *Transit-supportive* and pedestrian-oriented urban design *shall* be required in the development of Mixed Use Corridor-Employment sites.

Re-designation-evaluation criteria

h) Proposals for the re-designation of lands to Mixed Use Corridor-Employment from another designation *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the impact of the proposal on adjacent land uses, particularly residential;

(ii) adequate municipal services are available;

(iii) sufficient on-site parking is provided;

(iv) the site is served by efficient *peak period* public transit;

(v) vehicular access to and from the site does not adversely affect local streets; and

(vi) the site is located on a multi-purpose arterial or major arterial road that can accommodate the anticipated traffic.

Infill existing areas

i) *Infill*ing of existing, linear Mixed Use Corridors-Employment *shall* be *encouraged* rather than the designation of new areas.

Lands located west of King Road, south of Highway 403

j) Notwithstanding Part III, Subsection 5.3.2, the following additional policy applies to lands designated "Mixed Use Corridor-Employment" and located west of King Road, south of Highway 403, and described as 1200 King Road: OPA 55

(i) should the sports arena and/or stadium facility referenced in Part III, Subsection 3.3.3, clause f), be constructed on the "General Employment" lands located to the south, additional *retail and service commercial* uses related to the sports arena and/or stadium facility and permitted in the Mixed Use Corridor-Commercial Corridor designation shall be permitted. These uses shall consist of those uses permitted in the MXC zone, with the exception of residential uses, *supermarket/grocery store* and *large building supply store.*

Re-designation from Mixed Use - Employment

k) Proposals for the re-designation of lands designated Mixed Use-Employment to allow non-*employment uses*, or to add a range of uses to the Mixed Use Corridor-Employment designation that are primarily permitted in a non-*employment* designation, *shall* be evaluated based on meeting the following criteria: OPA 55

(i) the proposal *shall* only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;

(ii) the proposal *shall* not detrimentally affect the short and long-term *employment land* needs of the City;

(iii) the intensity and characteristics of the proposed non-*employment uses shall* not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;

(iv) the site's physical and natural characteristics, *development* constraints and location *shall* justify the consideration of non-*employment uses* at the subject location;

(v) re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads *shall* be discouraged;

(vi) support studies as identified in Part VI, Section 5.3, Other Studies Policies of the Plan are prepared;

(vii) in addition to (i) through (vi) above, the re-designation *shall* also meet at least two of the following conditions:

i. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;

ii. the *development* of the site is not feasible for *employment uses* within the planning horizon of the Plan;

iii. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;

iv. the proposal will have a beneficial impact on the surrounding uses and the broader community;

v. the *development* of the land for non-*employment uses* will meet a public need identified by City Council resolution.

Tremaine Dundas Community

l) Notwithstanding the policies of Part III, Subsection 5.3.4 b), the following additional policy *shall* apply to the Tremaine Dundas Community: OPA 107

(i) Prestige Industrial and Office uses are encouraged. Farmers market use is permitted.

(ii) In addition to the other policies of this Plan, the following policies apply to *development* within the Tremaine Dundas Community:

i. *Development* in the Mixed Use Corridor - Employment block along the west side of Tremaine Road *shall* achieve land use compatibility with future *employment* uses along the east side of Tremaine Road, as well as with residential uses located to the west.

ii. *Development* in the Mixed Use Corridor - Employment area *shall* be a minimum of two storeys and a maximum of 6 stories although buildings located in close proximity to the intersection of Tremaine Road and Dundas Street *should* be a minimum of three storeys. Any increase in maximum height *shall* require a site specific Zoning By-law amendment and an air quality assessment to assess potential existing and future industrial and traffic impacts from the surrounding areas.

iii. Outside storage *shall* not be permitted in the Mixed Use Corridor - Employment area.

iv. Loading, servicing and delivery functions in the Mixed Use

Corridor - Employment area areas *shall* be consolidated to the extent practical and *shall* generally be located to the rear of buildings and screened from public view.

v. Lands within the Mixed Use Corridor - Employment area *may* be used for stormwater management including *Low Impact Development* and naturalization with emphasis on creating more open/green space between buildings.

5.4 Mixed Use Centre

5.4.1 Objectives

Integrate uses at strategic locations

a) To provide locations centred at the intersection of selected major arterial roads, inter-municipal transit stations and the Downtown that will serve as areas for mixed use *developments* consisting of medium and *high density residential*, retail, *service commercial*, office, *industrial*, *entertainment*, *community facilities* and institutions, and open space uses. OPA 32

Higher intensity development

b) To *encourage* higher intensity, *transit-supportive* and pedestrian-oriented *development* within Mixed Use Centres while retaining *compatibility* with nearby land uses.

Mixed uses

c) To permit mixed use *developments* on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another.

Open Space system

d) To create an open space system incorporating both public and private lands which provides linkages to adjacent major open space areas and ensures that the *development* in the Mixed Use Centres is well landscaped and balanced with open space areas, such as squares and parkettes, appropriate for an urban setting.

Personal safety

e) To ensure that the *development*, both on a comprehensive and a site-specific basis, is designed to promote personal safety.

Diverse Transportation system

f) To promote a more diversified transportation system which serves private vehicular and public transit traffic, as well as pedestrians and cyclists.

5.4.2 Policies

Permitted uses

a) The following uses *may* be permitted in Mixed Use Centres:

(i) a wide range of retail, *service commercial* and personal service uses; financial institutions and services; a broad range of office uses; *employment*, *entertainment*, *recreation* and other *community facilities* such as day care centres; and OPA 32

(ii) *medium* and *high density residential* uses, and to a limited extent, *low density residential* uses. OPA 74

Zoning Regulations

b) Zoning By-law regulations affecting Mixed Use Centres *shall* be based on the general policies for Mixed Use Centres contained in Part III, Section 5.4 and the specific policies for individual Mixed Use Centres, prepared as part of the *secondary plan*ning study for each Mixed Use Centre and contained in Part III, Sections 5.5 and 5.6. OPA 31

Development intensities

c) A range of *development* intensities *shall* be permitted.

Building heights

d) A range of building heights *shall* be permitted.

Open space and parkland requirements

e) Open space and parkland *shall* be provided in Mixed Use Centres. The open space and parkland *should* integrate the Mixed Use Centre with the surrounding area. Lands considered as open space comprise publicly owned and publicly accessible private resources, including community and neighbourhood parks, hydro right-of-ways, any private landscaped open space accessible to the public, storm water management facilities, creek blocks, pedestrian walkways and related open space amenities and centre medians/boulevards within public road allowances.

Zoning of sites

f) The zoning of individual sites *may* not allow for the full range of permitted uses or the full extent of *development* intensity at every location based on site specific factors that *may* include, but are not limited to, traffic, land use *compatibility*, market impact, natural hazards and features, and environmental factors such as soil *contamination.* OPA 55

Site plan considerations

g) The design and development of Mixed Use Centres *shall* ensure *compatibility* between the Mixed Use Centre uses and adjacent uses. The following factors *shall* be considered in reviewing proposals for new and/or expanding Mixed Use Centre uses:

(i) buildings *should* be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible; OPA 55

(ii) the site plan for individual sites includes features to integrate the new development with surrounding uses;

(iii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, and to and from transit stops;

(iv) off-street parking areas, loading areas and service areas *shall* be screened and landscaped;

(v) the site plan promotes public safety;

(vi) the site plan promotes convenient access to public transit services;

(vii) off-street parking areas *shall* be located in the side and rear yards.

(viii) off-street parking *shall* be located away from adjacent residential uses; and

(ix) loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas.

Transit/ pedestrian supportive design

h) The design and development of Mixed Use Centres *shall encourage* the use of public transit, pedestrian and bicycle travel as an alternative to the car and *shall* maximize personal safety by incorporating features such as:

(i) buildings *should* be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible; and OPA 55

(ii) safe and convenient access *shall* be provided for pedestrians between buildings and transit stops, parking areas and other buildings and facilities.

Re-designation-evaluation criteria

i) Proposals for the re-designation of lands to Mixed Use Centre *shall* require an amendment to the Plan and *shall* be evaluated based on the following criteria:

(i) the impact of the proposal on adjacent land uses, particularly adjacent residential;

(ii) adequate municipal services are available;

(iii) sufficient on-site parking *shall* be provided;

(iv) the site is served by efficient public transit;

(v) vehicular access to and from the site does not adversely affect local streets; and

(vi) the site is located at the intersection of two multi-purpose arterial or major arterial roads and/or an inter-municipal transit station that can accommodate the anticipated traffic.

Street level retail commercial

j) Retail, *service commercial* and other pedestrian-oriented uses *shall* be required at the street level in the Downtown Core, Wellington Square and Old Lakeshore Road Mixed Use precincts in the Downtown Mixed Use Centre, and *shall* be *encouraged* to locate at street level in other designations. OPA 55

Residential intensification

k) Proposals for residential *intensification shall* be evaluated on the basis of the objectives and policies of Part III, Section 2.5.

Monitor open space

l) Development in Mixed Use Centres *shall* be monitored by the City to ensure that an appropriate amount of open space is provided taking into account the size and scale of each *lot* and the proposed *development,* and recognizing the amount of open space to be provided on public lands.

Reduced and shared parking

m) Reduced parking standards, shared parking formulae and/or on-street parking *may* be permitted on Mixed Use Centre lands to reflect the increased intensity of *development* and accessibility by transit and other *modes* of travel. Opportunities for the sharing of parking in mixed use developments *may* be considered subject to evaluation by the City.

5.5 Downtown Mixed Use Centre

5.5.1 Principles

Growth Centre

a) In keeping with the "Places to Grow" Growth Plan for the Greater Golden Horseshoe, 2006, the boundary for the Downtown Burlington Urban Growth Centre is shown on Schedule B, Comprehensive Land Use Plan – Urban Planning Area and Schedule E, Downtown Mixed Use Centre. This boundary includes various land use designations as outlined on Schedules B and E, and as such, development within this boundary is subject to the specific policies of the applicable land use designations. However, the principles of the Downtown Burlington Urban Growth Centre are as follows: OPA 55

(i) this area *shall* accommodate a significant share of population and *employment* growth within the City; and

(ii) this area *shall* accommodate high density *employment*.

Distinct identity

b) As a Mixed Use Centre the Downtown *shall* take advantage of the unique qualities that set it apart from all other areas of the City and contribute to a distinct identity. These qualities include the waterfront location and related activities, historic buildings, *streetscape*s and *development* pattern, cultural activities, pedestrian orientation, and recognition as a centre of business and civic activity.

Vibrant people place

c) The Downtown is a lively, vibrant "people place" with a wide variety of *employment,* shopping, leisure, residential and tourism opportunities.

Centre for public activities

d) The Downtown *shall* be the City's centre for public gatherings, festive and civic occasions, and social interaction.

Mixed Use Centre

e) Specialty retail, community retail, and government and institutional, service and other business office development, as well as residential uses *should* be located in the Downtown.

Entertainment and cultural activities

f) Public and private *entertainment* and cultural facilities such as restaurants, outdoor patios, galleries and theatres *shall* be directed to certain precincts in the Downtown, providing day and evening activity seven days of the week, year-round.

Urban design

g) New *development shall* be of high quality design to maintain and enhance the Downtown's image as an enjoyable, safe, pedestrian-oriented place, and designed and built to complement pedestrian activity and historical attributes as outlined in the Downtown Urban *Design Guidelines* referenced in Part III, Subsection 5.5.11 a) of this Plan. OPA 55

Re-development and parking

h) The Downtown *shall* be *re-developed* through the *infill*ing of existing surface parking lots, the *rehabilitation* of existing buildings and the *intensification* of under-utilized lands and buildings, in keeping with its role as Provincial Growth Centre, ensuring that such *development shall encourage* transit use and that an adequate supply of parking is provided. OPA 55

Function of Downtown

i) The Downtown Mixed Use Centre *shall* provide a municipal wide function for lifestyle and *entertainment uses* and a Community Commercial function for the surrounding residents. OPA 55

Waterfront

j) Protection and enhancement of public access to the waterfront and waterfront facilities will be a primary focus, which must be recognized in the consideration of *development* or *re-development* of properties. Reasonable protection of views to the lake from public areas such as streets and trails *shall* also be provided in the consideration of development or *re-development* proposals. OPA 55

Transportation

k) Cross-town travel through the Downtown for automobiles will be discouraged and some level of vehicular congestion in the Downtown will be expected and tolerated, especially during *peak period*s and downtown events. OPA 55

Inclusiveness

l) The City *shall* strive to make the Downtown an *inclusive* community. OPA 55

5.5.2 Objectives

Mixed use role

a) To establish the Downtown as a Mixed Use Centre composed of retail, service, office, public and residential uses while providing a focus and source of identity in the context of the City as a whole.

Minimum density targets

b) To establish minimum density targets for residents and jobs in accordance with the "Places to Grow" Growth Plan for the Greater Golden Horseshoe. OPA 55

Unique mixed use role

c) To establish a unique role for the Downtown so that it provides for certain uses such as offices, and residential, as well as unique opportunities such as independent, specialty retail activities and waterfront recreational opportunities.

Pre-eminent role

d) To establish and maintain the Downtown's primary role as the City centre for cultural, governmental, civic and waterfront activities.

Compact City core

e) To create a compact Downtown city core with a mix of residential, commercial and other uses, as an alternative to the car oriented shopping plazas, malls and business corridors.

Tourism	f)	To *encourage* tourism in the Downtown based on the significance of Spencer Smith Park, Beachway Park, the Joseph Brant Museum and the Burlington Art Centre, which are located adjacent to the Downtown.	
Residential Function	g)	To increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the *live/work relationship*, ensure the Downtown is used after business hours, and create a local market for convenience and service goods.	OPA 74
Local and specialized commercial	h)	To provide commercial activity that serves the general needs of Downtown residents as well as specialized functions for the entire community.	
Open space	i)	To ensure that buildings in the downtown are offset by a range of open space areas (that *may* include parkettes, urban plazas, and pedestrian networks) that *may* allow for both passive and active recreational and social activities.	OPA 55
Waterfront environment	j)	To create a unique waterfront area to accommodate recreational, cultural and leisure pursuits.	
Downtown Waterfront link	k)	To create a strong link between the Downtown and the waterfront, so that the waterfront becomes an integral part of the Downtown.	
Design excellence	l)	To establish the concept of design excellence in the Downtown to *encourage* long-term investment.	
Precincts	m)	To establish planning precincts within the Downtown, each with their own distinct character and specific planning policies.	OPA 55
Streetscape and environment	n)	To create a continuous, harmonious, safe and attractive environment through *streetscape*, building facade improvements and the design of new buildings.	
Compatible development	o)	To ensure that the density, form, bulk, height and spacing of development is *compatible* with the surrounding area.	
Transportation system	p)	To provide an efficient and safe transportation system for the movement of people and goods that is sensitive to other Downtown goals and objectives.	
Balance of transportation system	q)	To provide a balanced approach to transportation by increasing transit use and the pedestrian orientation and improving the pedestrian and bicycle linkages between the Downtown and other parts of the City.	
Provision of parking	r)	To provide adequate and safe parking in the Downtown.	
Inclusiveness	s)	To ensure that development in the downtown has regard for the principle of *inclusive*ness as defined in Part VIII, Definitions, of this Plan.	OPA 55

5.5.3 General Policies

Land Use Plan

a) *Development shall* be permitted in accordance with the land use designations of Schedule E, Land Use Plan - Downtown Mixed Use Centre.

Minimum density targets

b) Within the Urban Growth Centre Boundary as delineated on Schedule B, Comprehensive Land Use Plan – Urban Planning Area, and Schedule E, Downtown Mixed Use Centre, the target is established of a minimum gross density of 200 residents and jobs per hectare, in accordance with the "Places to Grow" Growth Plan for the Greater Golden Horseshoe, 2006. OPA 55

Density and community benefits

c) Higher densities and intensities will be *encouraged* within certain precincts of the Downtown Mixed Use Centre. The provision of community benefits *may* be considered for *developments* proposing residential and business *intensification*. OPA 74

City Owned land

d) The status of City-owned properties in the Downtown *shall* be reviewed periodically to determine if there is potential for *development* to enhance the function of the Downtown.

Holding zones

e) Holding Zones *may* be used to reduce processing times of *development applications* in areas where land assembly is a requirement of *development.*

Land banking

f) A City land banking program *may* be established for buying, selling or leasing property to meet public policy objectives or to assist private sector *re-development* under community improvement provisions of The Planning Act.

Cultural Heritage resources

g) The Downtown's *cultural heritage resources shall* be *preserved* and integrated into new *development*, where possible, and any *development* close to *cultural heritage resources shall* be sensitive to the historic context of the street and not just of the immediately adjacent buildings, to maintain the character of established areas.

Integration of uses

h) Retail stores, offices, hotels, institutional and *entertainment uses shall* be integrated with residential uses, *community facilities* and open space.

Major entertainment facility

i) The position of City Council is that major *entertainment* facilities *should* locate within the Downtown Mixed Use Centre unless it can be demonstrated that such a facility cannot be located within this area. OPA 55

Commercial attractions and services

j) Hotels, theatres, cafes, rooftop terraces, sidewalk patios, restaurants, cultural and recreational facilities and tourist-oriented attractions and services *shall* be directed to locate within the Downtown Core, Wellington Square Mixed Use and Old Lakeshore Road Mixed Use precincts. OPA 55

Inclusiveness

k) Proposals that have regard for the principle of *inclusiveness shall* be *encouraged*. OPA 55

5.5.4 The St. Luke's and Emerald Neighbourhood Precincts

OPA 55

Objective

a) To *preserve* the stable residential and heritage character of these neighbourhoods, and to ensure that any *re-development* is *compatible* with the existing character of the neighbourhoods.

Permitted uses

b) The following uses *may* be permitted in the St. Luke's and Emerald Neighbourhood Precincts:

(i) *existing uses*;

(ii) detached dwellings to a maximum density of 25 units per *net* hectare and a maximum building height of 2 ½ storeys;

(iii) *accessory dwelling units* subject to Part III, Subsection 2.5.3;

(iv) *group homes*;

(v) *home occupations* and *cottage industries;*

(vi) neighbourhood parks;

(vii) offices in existing buildings subject to Part III, Section 2.11.

Caroline, Elizabeth, Maria and Pearl Street Block

c) Notwithstanding Part III, Subsection 5.5.4 b) above, *medium density residential* development with a maximum height of three storeys *may* be permitted in the Emerald Neighbourhood within the block bounded by Caroline, Elizabeth, Maria and Pearl Streets, provided such development is *compatible* with the existing detached residential character of the Emerald Neighbourhood. Additional density greater than 50 units per *net* hectare and additional building height to a maximum of five storeys, in the westerly areas of this block along Elizabeth Street, *may* be considered without amendment to this Plan, subject to the provision of community benefits and the preparation of detailed plans demonstrating land use *compatibility* and transitional building form with the existing detached dwellings to the north and east.

Compatibility

d) All *development* and *re-development shall* be *compatible* with the existing character of these neighbourhoods with respect to such matters as heights, setbacks, *massing*, design and community features.

Southeasterly corner of Caroline Street and Pearl Street

e) Notwithstanding the policies of Part III, Subsection 5.5.4 b) above, a semi-detached dwelling is permitted on the property at the southeasterly corner of Caroline Street and Pearl Street.

OPA 91

5.5.5 Downtown Residential Medium and/or High Density Precincts

OPA 55

Objective

a) To recognize the variety of the existing residential *medium and/or high density development* that currently exists within these precincts and to provide for future *medium or high density residential* development or *re-development* which is *compatible* with the existing *development.*

Permitted uses

b) The following uses *may* be permitted in the Downtown Residential Medium and/or High Density precincts:

(i) *existing uses*;

(ii) *ground* or *non-ground oriented* housing units ranging between 26 and 185 units per *net* hectare, including *assisted* and *special needs housing* such as *group homes*, retirement homes and *long-term care facilities;*

(iii) *home occupations* and *cottage industries*;

(iv) neighbourhood parks;

(v) offices.

Compatibility

c) All *development* and *re-development shall* be *compatible* with the existing character of these precincts and the neighbouring precincts with respect to such matters as heights, setbacks, *massing*, design and community features.

East side of Maple Avenue, south of Maple Crossing Boulevard

d) Notwithstanding Part III, Subsection 5.5.5 b) (ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 561 and 569 Maple Avenue, one 21 storey apartment building having a maximum density of 321 units per hectare is permitted.

OPA 71

West side of Brock Avenue, north of Elgin Street

e) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at the northwest corner of Elgin Street and Brock Avenue, one 14 story apartment building having a maximum density of 353 units per hectare is permitted.

OPA 85

South-west corner of Brock Avenue and Ontario Street

f) Notwithstanding Part III, Subsection 5.5.5. b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at the south-west corner of Brock Avenue and Ontario Street, a maximum density of 751 units per hectare is permitted.

OPA 108

Southwest corner of James Street and Martha Street

g) Notwithstanding Part III, Subsection 5.5.5 b) ii) of this Plan, within the Downtown Residential Medium and/or High Density Precincts designation located at 2082, 2086 and 2090 James Street, one 14 storey apartment building, inclusive of roof-top mechanical and amenity, with a maximum of 150 dwelling units is permitted

OPA 123

2085 Pine Street

h) Notwithstanding Part III, Subsection 5.5.5 b) ii) of this Plan, within the Downtown Residential Medium and/or High Density Precincts designation located at 2085 Pine Street, a maximum density of 365 units per hectare *shall* be permitted. OPA 125

North-east corner of North Shore Boulevard and the Q.E.W

i) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for *special needs housing* including *seniors housing* in a retirement home. OPA 122

East side of Maple Avenue, north of Lakeshore Road

j) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted. OPA 129

401-417 Martha Street

k) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare *shall* be permitted. OPA 138

OPA 55

5.5.6 Waterfront West/Public Lands Precinct

5.5.6.1 Objectives

Public accessibility

a) To maintain and attempt to increase public accessibility to the Lake Ontario waterfront.

Linkages

b) To integrate and provide linkages between the waterfront and other designations within the Downtown Mixed Use Centre.

5.5.6.2 Policies

Permitted uses

a) The following uses *may* be permitted in the Waterfront West/Public Lands precinct:

(i) *existing uses;*

(ii) government and institutional uses, including hospitals and *long-term care facilities.*

Leisure and recreational opportunities

b) Land designated for parks and open space uses *shall* provide recreational opportunities that *may* include festive, cultural and ceremonial activities.

Public and private lands

c) Lands within this designation include both publicly and privately owned properties. The designation of privately owned properties does not imply that these lands are available or open to public use. It is the long-term intent of this Plan that those areas of privately owned properties adjacent to the Lake Ontario waterfront *shall* come into public ownership through applications for *re-development*, in accordance with the policies of Part II, Subsection 9.4.2 of this Plan.

Open space function

d) Private and public open space *shall* be provided at street level in the design of new *development,* recognizing the importance of creating gathering and passive leisure spots, and encouraging pedestrian movement.

Facilities and services

e) Facilities and services *shall* be designed to assist programming and special events in Spencer Smith Park.

Complementary park uses

f) On the former Brant Inn site and lands at the western limit of Spencer Smith Park, complementary cultural, commercial and recreational ventures *may* be developed.

5.5.7 Old Lakeshore Road Mixed Use Precinct

OPA 55

5.5.7.1 Objectives

Objectives

a) To provide an area in the Downtown for high intensity, mixed use *development* that is pedestrian-oriented and *transit-supportive*, which helps meet Provincial Growth objectives and provides for a transition from the highest density mixed-use area (Wellington Square Mixed Use Precinct) to the more residential areas to the east.

Specialty uses

b) To provide an area that is intended for mixed use *development* consisting primarily of residential uses in conjunction with specialty retail and *service commercial* uses and *entertainment uses* to serve the Downtown residents, employees and visitors.

High standard of design

c) To require a high standard of design that has a sense of pedestrian scale and comfort that is compatible with existing development and reflects the unique history and character of the precinct.

East, West & South Sectors

d) To establish East, West & South Sectors that will be subject to specific land use policies. Schedule E identifies the general limits of the Sectors with Area ‘A’ being the West Sector, Area ‘B’ being the East Sector and Area ‘C’ being the South Sector.

5.5.7.2 Policies

Permitted uses

a) The following uses *may* be permitted:

(i) *high-density* apartment residential uses, including the residential use of upper storeys of commercial buildings;

(ii) commercial activities including local service and retail uses, office and administration uses;

(iii) cultural uses of all types;

(iv) leisure, *recreation* and hospitality uses;

(v) *entertainment uses*;

(vi) *community facilities*.

Density and height

b) West Sector (Area 'A', Schedule E):

Development will be subject to the following criteria:

The minimum density of residential buildings *shall* be 51 units per *net* hectare. The minimum height of buildings *shall* be two storeys and the maximum height of buildings *shall* be 10 storeys and 31.5 m.

East Sector (Area 'B', Schedule E):

Development will be subject to the following criteria:

The minimum density of residential buildings *shall* be 51 units per *net* hectare. The minimum height of buildings *shall* be two storeys and the maximum height of buildings *shall* be 6 storeys and 19.5 m.

West Sector - special considerations

c) Taller buildings *may* be permitted in the West Sector, up to a maximum height of 15 storeys and 47 m, where they provide *compatibility* with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium, and subject to the community benefits provisions of Part VI, Section 2.3 of this Plan and the following details to the satisfaction of City Council:

(i) assembly of lands from the Martha Street alignment to Waterfront East consisting of lands within Area 'A', including the Old Lakeshore Road road allowance, and the westerly portion of Area 'C';

(ii) continuation of the Martha Street alignment to meet Old Lakeshore Road;

(iii) construction of and dedication to a public authority, a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Part III, Subsection 5.5.7.2 (i);

(iv) closure of a portion of Old Lakeshore Road to achieve *re-development* and *intensification*;

(v) provision of a view corridor from Martha Street to Lake Ontario;

(vi) provision of enhanced public spaces;

(vii) preservation or relocation of significant *cultural heritage resources* within the precinct;

(viii) submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

East Sector - special considerations

d) Taller buildings *may* be permitted in the East Sector, up to a maximum height of 8 storeys and 29 m, where they provide *compatibility* with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating ground level, street-oriented podium, and subject to the community benefits provisions of Part VI, Subsection 2.3 of this Plan and the following details to the satisfaction of City Council:

(i) Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;

(ii) preservation or relocation of significant *cultural heritage resources* within the precinct;

(iii) submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

South Sector

e) The South Sector is comprised of lands located on the south side of Old Lakeshore Road. *Development* of these lands is constrained due to waterfront setback legislation that is administered by Conservation Halton. Existing buildings *may* be maintained, renovated, or repaired if damaged, but *may* not be expanded.

Notwithstanding the above policy, should shoreline studies be completed to the satisfaction of City Council and Conservation Halton that demonstrate lands within the South Sector are developable, lands located east of the Martha Street extension *shall* be subject to the East Sector policies contained in Part III, Subsection 5.5.7.2 above, while lands located west of the Martha Street extension *shall* be subject to the West Sector policies contained in Part III, Subsection 5.5.7.2 above.

At-Grade commercial

f) Retail or *service commercial* uses are required continuously at grade along public streets in residential or office buildings.

Setbacks and parking

g) Buildings *shall* be constructed close to the street line with no surface parking permitted, except for loading and emergency vehicles. Existing surface parking is recognized for properties located in the South Sector, abutting Lake Ontario.

Cultural Heritage Resources

h) Significant *cultural heritage resources should* be *preserved* and integrated into new development. The relocation of *cultural heritage* buildings within the precinct will be considered, including within a conservation authority setback from Lake Ontario, as an alternative to removal of such buildings.

The transfer of *development* rights to other lands within the Old Lakeshore Road Precinct is permitted for the following properties, subject to approval of such plans by City Council, as a means of preserving in perpetuity the buildings identified below:

- 2101 Old Lakeshore Road (The Chrysler Carriage House): A floor area of 320 sq. m. *may* be transferred to other lands in the East Sector once the building has been designated pursuant to Part IV of The Ontario Heritage Act and a conservation easement has been granted for the entire building, in favour of the City by the owner of the property; OPA 83

- 2084 Old Lakeshore Road (former Estaminet): A floor area of 1,500 sq. m. *may* be transferred to other lands in the West Sector once the building has been designated pursuant to Part IV of The Ontario Heritage Act and a conservation easement has been granted for the entire building in favour of the City by the owner of the property. OPA 83

Holding zones

i) A holding zone *may* be used to specify the conditions of *development* that must be completed to achieve the higher density *development* outlined in Part III, Subsections 5.5.7.2 c) and d).

Waterfront Trail – condition of development or re-development

j) Notwithstanding Part II, Subsection 9.4.2 m), the following policies *shall* apply for a waterfront trail in the Old Lakeshore Road Precinct in the West Sector:

Along the waterfront where the distance between the water and the public roadway will accommodate both the *development* and the Waterfront Trail, the proponent will be required to undertake the following as a condition of approval of a *development application* to the satisfaction of City Council:

(i) dedicate free of charge to the City, lands below the *stable top of bank*;

(ii) dedicate to the City as part of parkland dedication, a minimum 15 metre wide strip of land above the *stable top of bank*. *Should* the value of this dedication exceed normal parkland dedication, the proponent would receive compensation for the difference (i.e. either payment or provision of community benefits) as a condition of approval of an Official Plan or Zoning Amendment or plan of subdivision;

(iii) carry out a survey, shoreline protection, and complete construction of the Waterfront Trail above the *stable top of bank;*

(iv) dedicate free of charge to the City, the completed Waterfront Trail and associated land;

(v) dedicate free of charge to the City, any required links to adjacent public open space, roadways and other properties.

2107-2119 Old Lakeshore Road, and 2114 Lakeshore Road

k) Notwithstanding Part III, Subsection 5.5.7.2 b) and d) of this Plan, for the lands described as 2107-2119 Old Lakeshore Road, and 2114 Lakeshore Road, the maximum height of buildings shall be 10 storeys and 31.5 metres. Taller buildings may be permitted, up to a maximum height of 12 storeys and 37 metres, where they provide compatibility with surrounding land uses and a sense of pedestrian scale by use of building design incorporating a ground level, street-oriented podium, and subject to the community benefits provisions of Part VI, Subsection 2.3 of this Plan and the following details to the satisfaction of City Council;

(i) Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;

(ii) Preservation or relocation of significant cultural heritage resources within the precinct;

(iii) Submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

2093, 2097, 2101 Old Lakeshore Road and 2100 Lakeshore Road

l) Notwithstanding Part III, Subsection 5.5.7.2 a)i), b), c), d) and f) of this Plan, for the lands identified as 2093, 2097, 2101 Old Lakeshore Road and 2096, 2100 Lakeshore Road, the following policies *shall* apply: OPA 126

(i) a mixed-use building with a maximum density of 940 units per hectare *shall* be permitted;

(ii) the maximum building height *shall* be 27 storeys, Plus rooftop mechanical equipment, and 88.4 metres; and,

(iii) The minimum non-residential gross floor area *shall* be 426 square metres.

2083 Lakeshore Road

m) Notwithstanding the policies of Part Ill, Subsection 5.5.7.2 of this plan on the lands identified as 2083 Lakeshore Road and designated "Old Lakeshore Road Mixed Use Precinct", the following policies *shall* apply: OPA 160

(i) The maximum *floor area ratio shall* be 11.6:1;

(ii) The maximum height shall be 28 storeys (inclusive of mechanical penthouse),

2072 Lakeshore Road

n) Notwithstanding Part Ill, Subsection 5.5.7.2 b) of this Plan, on the lands identified as 2072 Lakeshore Road and designated "Old Lakeshore Road Mixed Use Precinct", the following policies *shall* apply: OPA 158

(i) The maximum *floor area ratio shall* be 13.85:1;

(ii) The maximum building height *shall* be 23 storeys (excluding mechanical penthouse),

Notwithstanding Part II, Subsection 3.3.2 e) of this Plan, the following policies *shall* apply:

(i) A 4 m x 4 m daylight triangle with corner rounding shall be required at Lakeshore Road and Pearl Street

2076 Lakeshore Road

n) Notwithstanding the policies of Part Ill, Subsection 5.5.7.2 of this plan on the lands identified as 2076 Old Lakeshore Road and designated "Old Lakeshore Road Mixed Use Precinct", the following policies *shall* apply: OPA 159

(i) The maximum floor *area ratio shall* be 11.9:1;

(ii) The maximum height shall be 25 storeys (inclusive of mechanical penthouse and mezzanine).

Notwithstanding the policies of Part Ill, Subsection 5.5.7.2 j), and Notwithstanding Part II, Subsection 9.4.2 m), the following policies shall apply for a waterfront trail in the Old Lakeshore Road Precinct in the West Sector:

i. dedicate free of charge to the City, lands below the stable top of bank;

ii. dedicate free of charge to the City, the completed Waterfront Trail and associated land;

iii. dedicate free of charge to the City, any required links to adjacent public open space, roadways and other properties.

5.5.8 Downtown Core Precinct

OPA 55

5.5.8.1 Objectives

High Density

a) To designate the inner core area of the Downtown for higher density *development* consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre, to meet Provincial Growth objectives and to help support increased transit use.

High standard of design

b) To require a high standard of design for new buildings in order to provide a sense of place, *compatibility* with existing *development* and a sense of pedestrian scale and comfort.

5.5.8.2 Policies

Permitted uses

a) The following uses *may* be permitted in the Downtown Core precinct:

(i) commercial activities including local service and retail uses to office and administration uses;

(ii) *high-density residential* apartment uses, including the residential use of upper storeys of commercial buildings;

(iii) cultural uses of all types;

(iv) *recreation* and hospitality uses;

(v) *entertainment uses*;

(vi) *community facilities*.

Height and density

b) The minimum density of residential buildings *shall* be 51 units per *net* hectare. The minimum height of buildings *shall* be two storeys. The maximum height of buildings *shall* be four storeys. Taller buildings up to a maximum height of eight storeys and 29 m *may* be permitted where they provide *compatibility* with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor, and subject to the community benefits provisions of Part VI, Subsection 2.3 of this Plan.

Floor area ratios

c) The maximum *floor area ratio* for any individual site *shall* be 4.0:1, except that higher *floor area ratio*s *may* be permitted in conjunction with the provisions of clause b) above.

At-grade commercial

d) Retail or *service commercial* uses are required continuously at grade along public streets in residential or office buildings and in parking garages, except where bordering residential precincts.

Setbacks and parking

e) Buildings *shall* be required to be constructed to the street line with no surface parking permitted, except for loading and emergency vehicles.

On-site parking

f) On-site parking is not required for non-residential uses.

West side of Brant Street, between Baldwin Street and Caroline Street

g) Notwithstanding the above policies, the lands on the west side of Brant Street, between Baldwin Street and Caroline Street, *shall* be subject to site-specific zoning regulations designed to *preserve* the existing low-rise, residential appearance and character of this area and to ensure *compatibility* with the abutting *residential neighbourhood* to the west.

West side of Locust Street between Elgin Street and Caroline Street

h) Notwithstanding the above policies, the lands on the west side of Locust Street, between Caroline Street and Ontario Street, and the properties on the west side of Locust Street south of Ontario Street, described as 458 to 472 Locust Street inclusive, *shall* be subject to site-specific zoning regulations designed to *preserve* the existing low-rise, residential appearance and character of this area and to ensure *compatibility* with the abutting *residential neighbourhood* to the west, and permitted uses *shall* be limited to residential, office and *service commercial* uses.

Angular plane studies

i) Applications for increased building heights for mid to high rise buildings in the Downtown Core Precinct *may* be required to provide an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

North-west Quadrant of Elgin Street and Locust Street

j) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and d) of this Plan, *development* within the north-west quadrant of Elgin Street and Locust Street *shall* have a minimum height of two storeys and a maximum height of seven storeys with the use of terracing above the fourth storey abutting Blathwayte Lane and the north property line, and *shall* have a maximum *floor area ratio* of 4.6:1 for any individual site, and that retail or *service commercial* uses are required along Locust Street. OPA 112

Post-Secondary educational facility

k) Notwithstanding Part III, Subsections 5.5.8.2 b) and c) of this Plan, any building which contains a public post-secondary educational facility in over 50 per cent of its floor area is permitted a maximum height of ten storeys and a maximum *floor area ratio* of 5.0:1.

Block bounded by Caroline Street, Elizabeth Street, Maria Street and John Street	l)	Notwithstanding Part III, Subsections 5.5.8.2 b) and c) of this Plan, development located within the block bounded by Caroline Street, Elizabeth Street, Maria Street and John Street shall permit one 17 storey (55 m) apartment building on Maria Street, and a maximum floor area ratio of 6.7:1 for the entire site is permitted.	OPA 78
North-east corner of Brant Street and James Street	m)	Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 421, 425, 427, 429 and 431 Brant Street, the maximum height of buildings *shall* be 23 storeys and 81 metres. The maximum *floor area ratio shall* be 9.45:1.	OPA 106
North-west corner of Lakeshore Road and Martha Street	n)	Notwithstanding Part III, Subsection 5.5.8.2 b) and c) of this Plan, for the lands described as 374 and 380 Martha Street, the maximum height of buildings *shall* be 27 storeys and 88.75 metres. The maximum *floor area ratio shall* be 13.3:1.	OPA 111
South-east corner of Brant Street and James Street	o)	Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings shall be 18 storeys. The maximum floor area ratio shall be 8.4:1.	OPA 113
North-east corner of Lakeshore Road and Pearl Street	p)	Notwithstanding Part III, Subsection 5.5.8.2 b), c) and d) of this Plan, for the lands described as 383-385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road, the maximum height of buildings *shall* be 31 storeys and 107 metres, including mechanical penthouse and elevator machine room. The maximum *floor area ratio shall* be 12.0:1. Retail, *service commercial*, office, live/work, and residential lobby are required continuously at grade along public streets in residential, mixed-use or office buildings.	OPA 128
535-551 Brant Street	q)	Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings shall be 27 storeys, plus mechanical penthouse. The maximum *floor area ratio* shall be 11.5:1. Retail, *service commercial*, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.	OPA 136

5.5.9 Wellington Square Mixed Use Precinct

OPA 55

5.5.9.1 Objectives

High Density

a) To designate a limited, concentrated area within the Downtown for taller, high density *development* in order to help meet Provincial Growth objectives and to support greater transit use, but to prevent unlimited spread of higher density throughout the Downtown.

High standard of design

b) To require a high standard of design for new buildings in order to provide a sense of place, *compatibility* with existing *development* and a sense of pedestrian scale and comfort.

5.5.9.2 Policies

Permitted uses

a) The following uses *may* be permitted in the Wellington Square Mixed Use precinct:

(i) commercial activities including local service and retail uses to office and administration uses;

(ii) *high-density residential* apartment uses, including the residential use of upper storeys of commercial buildings;

(iii) cultural uses of all types;

(iv) *recreation* and hospitality uses;

(v) *entertainment uses*;

(vi) *community facilities.*

Density and height

b) The minimum density of residential buildings *shall* be 51 units per *net* hectare. The minimum height of buildings *shall* be two storeys. The maximum height of buildings *shall* be eight storeys and up to 29 m with terracing required above the second floor. Taller buildings up to a maximum of fourteen storeys *may* be permitted where they provide *compatibility* with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor, and subject to the community benefits provisions of Part VI, Subsection 2.3 of this Plan.

Floor area ratio

c) The maximum *floor area ratio* for any individual site *shall* be 5.0:1, except that higher *floor area ratios may* be permitted in conjunction with the provisions of clause b) above.

At-Grade commercial

d) Retail or *service commercial* uses are required continuously at grade along public streets in residential or office buildings and in parking garages.

Setbacks and parking

e) Buildings *shall* be required to be constructed to the street line with no surface parking permitted, except for loading and emergency vehicles.

Parking

f) On-site parking is not required for non-residential uses.

Views to lake

g) In order to maintain as many public view corridors to the lake as possible, properties on the south side of Lakeshore Road *shall* maintain a certain amount of their road frontage to remain unoccupied by buildings. The exact amount and location of these view corridors *shall* be determined through the preparation of detailed *Design Guidelines*.

Downtown Waterfront East

h) Notwithstanding the provisions of Part III, Subsection 5.5.9.2 b), within the property located south of Lakeshore Road, between Elizabeth Street and Pearl Street, one taller building *may* be permitted, provided the floor area of a typical floor in the building is not greater than 600 sq. m. and a study of the wind, shadow and sun impacts is completed.

No Re-designation

i) It is the intent of this Plan that there *shall* be no re-designation of additional lands to be added to the Wellington Square Mixed Use precinct.

Angular plane studies

j) Applications for increased building heights for mid to high rise buildings in the Wellington Square Mixed Use Precinct *may* be required to provide an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

North-west corner of Lakeshore Road and Pearl Street

k) Notwithstanding Part III, Subsections 5.5.9.2 b) and c) of this Plan, within the Wellington Square Mixed Use Precinct at the north-west corner of Lakeshore Road and Pearl Street, one 17-storey building up to a maximum height of 53.5 m, having a maximum *floor area ratio* of 4.9:1 *may* be permitted. This policy is tied to the provision of certain community benefits. OPA 54

Foot of Brant Street

l) Notwithstanding the above policies, the lands along the Lake Ontario shoreline, at the foot of Brant Street, (known as the Travelodge lands), represent a significant opportunity for mixed use *development* linking the Downtown with the waterfront. Any further *development* on these lands *shall* provide a high quality of urban design reflecting the *landmark* nature of this site and *shall* be contingent upon the completion of a master plan to the satisfaction of City Council. This master plan *shall* address the integration of these lands with the publicly owned lands to the south and west and the private *development* to the east, and *shall* address other matters such as preservation of lake views and enhancements to the *public realm*.

5.5.10 Downtown Major Institutional Precinct

OPA 80

5.5.10.1 Objectives

Identify for uses

a) To identify an area of the Downtown Mixed Use Centre for major public, institutional, open space and related uses.

5.5.10.2 Policies

a) The following uses may be permitted in the Downtown Major Institutional Precinct:

Permitted uses

(i) public uses;

(ii) institutional uses;

(iii) community facilities and open space;

(iv) the properties identified as 1205 Lakeshore Road and 1230 Nort Shore Boulevard may be developed in accordance with the "Business Corridor" policies of Part III of this Plan, except that recreation and conference centre/hotel uses are also permitted.

5.5.11 Watercourse

OPA 55

Permitted uses

a) The following uses *may* be permitted in the Watercourse designation:

(i) non-intensive outdoor *recreation use*s;

(ii) *essential* public *utilities* and services;

(iii) *flood* and erosion control facilities;

(iv) *watershed* management works.

Prohibit development

b) *Development* on lands designated Watercourse *shall* be prohibited.

Limits of watercourse

c) The precise limits of the Watercourse designation *shall* be determined by the City, in conjunction with Conservation Halton.

Rehabilitation and public access

d) As part of the *development* or *re-development* approval process, the City *may* require *rehabilitation* of degraded *watercourse* areas and seek opportunities for provision of improved public access to the *watercourse* area.

Southwest corner of James Street and Martha Street

OPA 123

e) In addition to the other policies of this Plan, the portion of the lands known as 2082, 2086, and 2090 James Street that are designated Watercourse are subject to the Regional Natural Heritage System policies and the applicable definitions of the Regional Official Plan,

2009 which are hereby incorporated by reference into this Plan. In the case of a conflict, the more restrictive policies shall apply.

5.5.12 Urban Design

Design Guidelines

a) The City *shall* prepare and adopt Urban *Design Guidelines* for the Downtown which *shall* be specific to each neighbourhood and precinct, reflecting the vision and characteristics of that neighbourhood and precinct. These guidelines are referenced in Appendix B of this Plan and *shall* guide and be used in the evaluation of all *development* proposals in the Downtown. OPA 55

Establish pedestrian corridors

b) Continuous pedestrian walkways *shall* be established between retail areas in the Downtown, e.g., Brant Street, Lakeshore Road, Village Square and Pearl Street, and between the commercial areas and the waterfront.

Grade-related activity

c) The continuity of grade-related activity areas both inside and outside of buildings *shall* be maintained.

Pedestrian oriented

d) Buildings and public areas *shall* be designed to consider pedestrian scale, comfort, safety and access.

Preservation of views

e) The design of new buildings *shall* ensure views to the lake are *preserved* and orientation of the building is toward the Lake, where feasible.

Need for urban design studies

f) Site-specific urban design studies *may* be required as part of a *development* proposal to investigate and recommend a design for *compatibility* with surrounding uses, micro-climate effects, pedestrian safety, and issues of *human scale* and views.

Use of water theme

g) The decorative use of water *shall* be *encouraged* throughout the Downtown in order to strengthen the link between the waterfront and the Downtown.

Property standards

h) Standards *shall* be outlined and enforced for the maintenance and occupancy of property in order to *preserve* the quality of buildings in the area and the character of the Downtown.

Street furniture

i) Street furniture, such as garbage bins, bike racks, benches, street lamps, tree lighting, banners and flower treatments, and sidewalks, crosswalks and bike paths *shall* be designed and located to link the Downtown and the waterfront.

Utilities

j) Local utility companies *shall* be *encouraged* to locate all utilities underground or in locations that do not visually detract from the Downtown.

Gateways

k) *Gateways shall* be established at the west, north, north-east and east entrances to the Downtown through distinctive designs to alert people that they are entering a distinct place.

Streetscape

l) Methods of improving the appearance of the *streetscape* and buildings along Brant Street *shall* be investigated and implemented.

Outdoor public areas

m) Outdoor public areas *shall* be designed to complement the interior uses of local buildings.

Pedestrian corridor

n) All development along pedestrian walkways *shall encourage* pedestrian activity including designing attractive store fronts, open space and parking lots.

Building facades

o) Property owners *shall* be *encouraged* to improve their building facades so that these improvements relate to and are sensitive to nearby historical features, blend with the facades of adjacent buildings and complement *streetscape* improvements in the area.

Parking garages

p) Prior to the development of any public parking structure, consideration *shall* be given to the location, scale, design and *massing*, so that the structure is *compatible* with the area.

New development

q) The construction of new buildings *compatible* with *cultural heritage resources shall* be *encouraged* in the Downtown to blend new development with existing *streetscape*s and add to the area's character.

Public Areas

r) Indoor and outdoor public spaces *shall* be planned that have symbolic meaning and ceremonial and cultural purposes.

Civic and festive areas

s) Suitable locations *shall* be provided for civic and festive programs.

5.5.13 Waterfront

Waterfront promenade

a) A continuous waterfront walkway *shall* be developed along the entire Lake Ontario frontage in the Downtown Mixed Use Centre. The promenade *may* be achieved in conjunction with the necessary shoreline protection.

Waterfront linkage

b) The master plans for Spencer Smith Park and Beachway Park *shall* consider establishing links with the Downtown and take into account the roles the former Brant Inn site and the foot of Brant Street can play in connecting Beachway Park, Spencer Smith Park and the Downtown. The master plans *shall* recognize the environmental sensitivity of Burlington Beach as a natural dynamic beach. OPA 55

Public lake access

c) Public access *shall* be provided to the Lake, where feasible.

View of the lake

d) All waterfront *development* will be appropriately terraced to *preserve* and frame views of Lake Ontario and Burlington Bay.

5.5.14 Transportation and Parking

Movement of people

a) Sidewalks, bike paths and roads *shall* be designed for pedestrian, bicycle and car travel by using both the existing street grid and alternative walkways and bikeways.

Path system

b) A pedestrian and cycling path system *shall* be provided that links the Downtown with the waterfront and the rest of the City.

Transit focus

c) The Downtown will continue to be served by high levels of transit, linking it to all other parts of the Urban Planning Area.

Pedestrian oriented streets

d) Streets such as Lakeshore Road *shall* become more pedestrian-oriented through the use of traffic calming and other means.

Parking requirements

e) All *development shall* be required to provide parking in accordance with the Zoning By-law. Parking *may* be permitted on a reduced basis in combination with cash in lieu of parking and/or the establishment of a *Travel Demand Management Plan* as outlined in Part II, Section 3.9 of this Plan.

Accessible municipal parking

f) Municipal parking *shall* be provided in locations that are convenient and accessible to the Downtown and waterfront.

Provision of parking

g) Sufficient parking *shall* be provided to serve the needs of public and private uses in the Downtown, while considering the desire to increase transit modal split as well as other transportation alternatives to the car.

Multi-use parking lots

h) Parking lots *shall* be designed to allow the lot to be used for public purposes when parking demand is low or when special occasions are held in the Downtown and the waterfront.

Landscaping of parking areas

i) The visual impact of existing parking lots on streets *shall* be minimized through integrating landscape treatment.

Use of front yards

j) Existing front yards *shall* be *preserved* as landscaped open space rather than parking spots in those areas being *re-developed* in the St. Luke's and Emerald Neighbourhoods and the Residential Medium and High Density designations.

Parking garage function and design

k) Parking garages *shall* provide active commercial facilities at street levels where feasible, combine design elements emphasizing pedestrian orientation and safety, and include urban design principles that apply to all development in the Downtown.

New parking spaces

l) Municipal parking lots and structures in the Downtown *shall* be constructed when needed and when economically feasible.

5.5.15 Transit

Promote transit

a) The use of transit *shall* be promoted in the Downtown, in order to reduce traffic and parking demands and traffic congestion and air pollution, by providing increased levels of service, encouraging *transit-supportive* land use planning and introducing appropriate "transit priority" and *Travel Demand Management (TDM)* measures. OPA 55

Increased modal split

b) Council *shall* pursue various methods to *encourage* the achievement of a greater modal split for transit in the Downtown. OPA 55

Effective transit

c) *Development applications* in the Downtown *shall* be reviewed to ensure that proposed land *development* supports and *encourages* the efficient and effective use of transit services. OPA 55

Downtown hub

d) Council *shall* support the location of the Downtown as a hub of the City's Transit Network. OPA 55

Transit integration

e) By means of a transit service review, Council *shall* explore increased service coordination and integration within the Downtown, and between the Downtown transit station and other commuter rail stations, and improved fare integration between Burlington Transit and other transit operations. OPA 55

5.6 Uptown Mixed Use Centre

5.6.1 Principles

Intersection focus

a) The Uptown Mixed Use Centre will be an intersection-focused centre with the highest intensity of *development* immediately adjacent to the intersection of Appleby Line and Upper Middle Road. The intensity of *development* will decrease the further it is located from the intersection. However, there will also be spines of higher intensity uses along Appleby Line and Corporate Drive.

Focal point

b) The Uptown Mixed Use Centre is considered to be a secondary node to the Downtown and will be a focal point for north-east Burlington- a mixed use community with more urban, rather than suburban, attributes. OPA 55

Phased development

c) Development is likely to proceed over an extended period of time, as a result, *development* while meeting the City's objectives for the area, *may* initially occur at intensities which are less than the maximums permitted.

Urban nature

d) The highest quality urban design in both the private and public areas, including the design of Appleby Line, Upper Middle Road, Corporate Drive and hydro right-of-way, will be *essential* both to establish the urban nature of the area from the outset of *development,* and for the success of the *development* at all stages of its growth.

5.6.2 Objectives

Focal point

a) To establish the Uptown Mixed Use Centre as a mixed use community which also provides a focal point for north-east Burlington.

High quality

b) To achieve a high quality urban level of design on both private and public lands, particularly along Appleby Line, Upper Middle Road, and Corporate Drive at all stages of *development.*

Phased development

c) To recognize the long-term nature of the *development* and provide the flexibility in the design approach to any specific project, provided the City's objectives for the area achieved.

Street edge

d) To create a definable street edge along Appleby Line and Upper Middle Road, particularly adjacent to the intersection of the two roads.

5.6.3 General Policies

Secondary Plan

a) The overall *development* of lands within the Uptown Mixed Use Centre *shall* be subject to the land use designations of Schedule F, Land Use Plan - Uptown Mixed Use Centre**.**

Public lands

b) The design of all lands in public ownership, particularly the road allowances of Appleby Line and Upper Middle Road and hydro right-of-ways will:

(i) maximize the attractiveness of the roadways to pedestrians through features such as the provision of a centre median and wider sidewalks on Appleby Line, sidewalks generally provided on most streets, bicycle routes and landscaping;

(ii) identify the area as a focal point for north-east Burlington through the introduction of unique design and features at the intersection of Appleby Line and Upper Middle Road and the boundaries of the area and along the Appleby Line corridor;

(iii) ensure that the hydro corridor immediately adjacent to the intersection of Appleby Line and Upper Middle Road is landscaped in a manner which recognizes the urban context of the area and the need to *encourage* pedestrian use of the intersection;

(iv) ensure that the design of parks and other public open space features recognizes the ultimate urban character of the area and appeals to the wide range of people who will be using the facilities;

(v) ensure that common public design elements such as streetlights and street signs are consistent throughout the Uptown Mixed Use Centre.

Pedestrian system

c) A well-defined pedestrian walkway system *shall* be required linking each *lot* or block within the Mixed Use Centre Area designations and the Mixed Use Corridor Area designation. The system will provide linkages between buildings, adjacent sites, surrounding areas, public streets, particularly those with transit routes and the general pedestrian system in other areas of the Uptown Mixed Use Centre. The system *may* take a variety of forms, but does not need to be capital intensive and can include approaches such as changes in paving material.

Bicycle system

d) Provision will be made for bicyclists in all development in the various Mixed Use Centre Area designations and the Mixed Use Corridor Area designation, as appropriate for the size and scale of the *lot* and the proposed development. Where such facilities include a bikeway it *may* be designed to be integrated with the general pedestrian system and will also link with the general bikeway system in other areas of the Uptown Mixed Use Centre. Such facilities *may* take a variety of forms, but, do not need to be capital intensive and can include approaches such as changes in paving material, the use of painted lines on roads and the provision of bicycle parking areas.

Parking areas

e) Parking areas *shall* be well landscaped in accordance with the approved *design guidelines* for the area. They *shall* include pedestrian walkways which link buildings with adjacent sites. Wherever possible parking lots on properties in different ownership will be *encouraged* to have joint access points and will be integrated to minimize barriers to vehicular travel within the Uptown Mixed Use Centre.

Pedestrian activity

f) The City *shall encourage* the design of all development in the Uptown Mixed Use Centre to provide a safe, functional and attractive pedestrian environment. This is a particular concern for properties along Appleby Line and the north side of Upper Middle Road, as well as the public road allowances. The urban nature of the area *shall* be recognized through the inclusion of a combination of features including:

(i) minimizing the visual impact of parking areas by controlling the amount of parking permitted in the front of buildings and providing breaks in parking areas through the use of landscaping and the positioning of buildings to create smaller areas, while still ensuring the creation of functional areas;

(ii) specifying the type of use located at grade level on the major roads;

(iii) specifying the type of landscaping on both private and public lands, to include urban features such as the use of low fences or hedges rather than berms or wide landscape strips to provide buffering for parking areas;

(iv) encouraging the location of residential garages on rear laneways or at the side or rear of dwellings, rather than in front of the dwelling;

(v) designing buildings with facade articulation to achieve a scale of development which is attractive to pedestrians; and

(vi) introducing features in the road allowance including wider sidewalks on major roads, sidewalks generally provided on most streets including private roads, the utilization of street furniture including sitting areas, transit shelters and on-street parking**.**

Street edge

g) Building areas and other design features are to be located in very close proximity to the Appleby Line and Upper Middle Road road allowances for any property located between the intersection and the proposed collector ring road. In other areas, buildings *shall* be setback no more than 16 m from the road allowance on Appleby Line, except for any *automotive commercial* uses, or uses in the Uptown Commercial designation.

Residential uses

h) Where *high density residential* or mixed use development is located adjacent to *medium density residential* uses, design *should* assist in mitigating any incompatibilities through such approaches as the incorporation of architectural features and setbacks, placement of service facilities such as loading bays so that they are screened and the location of major entrances so that traffic will be directed away from *medium density residential development.*

Relationship to transit

i) *Development should* be designed to promote the use of public transportation by incorporating site plan features such as:

(i) the implementing zoning by-law *shall* identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street, and all buildings *should* be required to have a building entrance from the building façade closest to the corridor street; OPA 55

(ii) safe and convenient access will be provided for pedestrians between buildings and transit stops, parking areas, and other buildings and facilities; and

(iii) roads will be designed for efficient transit service as well as pedestrian and bicycle travel.

5.6.4 Uptown Commercial/Residential I

Permitted uses

a) The following uses *may* be permitted in the Uptown Commercial/Residential I designation:

(i) retail and *service commercial* uses including business, administration uses, and *automotive commercial* uses: OPA 46

(ii) *high density residential* uses;

(iii) office uses;

(iv) hotel, conference and convention uses; and

(v) *entertainment uses*.

Parking

b) Parking areas for buildings, structures or uses which are not located in the Uptown Commercial/Residential I designation *shall* be prohibited.

North-west Quadrant

c) In the Uptown Commercial/Residential I designation in the north-west quadrant of the intersection of Appleby Line and Upper Middle Road:

(i) residential *development* is to be located in the upper storeys of buildings containing other permitted uses; and

(ii) retail and *service commercial* uses *shall* be required at grade level in buildings or portions of buildings fronting on Appleby Line.

Retail Development-North-west quadrant

d) In the Uptown Commercial/Residential I designation in the north-west quadrant of the intersection of Appleby Line and Upper Middle Road and in combination with the Uptown Commercial/Residential II designation retail and *service commercial* floor area *shall* be subject to:

(i) a Phase I maximum of 26,500 sq. m. The amount of retail and *service commercial* floor area *may* exceed the Phase I retail cap to a maximum of 25 per cent *lot* coverage, provided that market studies substantiating the increase are submitted at the time of application. The market studies must have regard for the existing and potential retail and *service commercial* needs of the City, and in particular the north-east urban area, and any other conditions a future Council *may* impose at the time an application to exceed the Phase I maximum is made;

(ii) a maximum of 7,400 sq. m total floor area for individual retail uses in the Uptown Commercial/Residential I; and

(iii) a minimum of four principal uses contained wholly in the Uptown Commercial/Residential I and II designations.

South-east quadrant

e) In the Uptown Commercial/Residential I designation in the south-east quadrant of the intersection of Appleby Line and Upper Middle Road:

(i) residential *development* is to be located in the upper storeys of buildings containing other permitted uses; and

(ii) retail and *service commercial* uses *shall* be required at grade level in buildings or portions of buildings fronting on Appleby Line.

North-east quadrant

f) In the Uptown Commercial/Residential I designation in the north-east quadrant of the intersection of Appleby Line and Upper Middle Road:

(i) *development shall* be predominantly residential or office uses, including buildings which *may* be used entirely for residential or office purposes;

(ii) any retail and *service commercial* uses *shall* be limited to grade or below grade locations in buildings containing the other permitted uses; and

(iii) notwithstanding the limitation to *high density residential* uses, *medium density residential* uses *may* be permitted in the narrow eastern portion of this area.

Zoning regulations

g) Zoning By-law regulations affecting Uptown Commercial/Residential I locations *shall* be based on the following factors:

(i) a maximum *floor area ratio* of 2.5:1; and

(ii) a maximum building height of 35 m.

North-east corner of Appleby Line and Ironstone Drive

h) Notwithstanding Part III, Subsection 5.6.4 g), within the Uptown Commercial/Residential I designation located at 1963 Appleby Line, one 16-storey mixed-use residential building up to a maximum height of 53 metres, having a maximum *floor area ratio* of 3.7:1, and a maximum of 210 residential units is permitted. OPA 63

1989 Appleby Line

i) Notwithstanding Part III, Subsection 5.6.4 g), within the Uptown Commercial/Residential I designation located at 1989 Appleby Line, a mixed-use residential building with ground-level commercial uses, a maximum *floor area ratio* of 6.2:1, maximum 462 residential units, and a maximum building height of 78 m (including mechanical penthouses), shall be permitted OPA 148

1989 Appleby Line

j) Notwithstanding Part III, Subsection 5.6.15 b), surface parking for a mixed-use development with ground-floor retail or service commercial uses will be permitted within the portion of 1989 Appleby Line that forms part of the gas pipeline right-of-way OPA 148

5.6.5 Uptown Commercial/Residential II

Permitted uses

a) The following uses *may* be permitted in the Uptown Commercial/Residential II designation:

(i) retail and *service commercial* uses including business and administration uses;

(ii) *automotive commercial* uses on lands fronting on Appleby Line, or as an *accessory use* to one major commercial operation;

(iii) *high density residential* uses;

(iv) office uses; and

(v) *recreation* and *entertainment uses*.

Residential development

b) Residential *development shall* only be permitted as part of a mixed use development or in a freestanding building provided:

(i) the residential use can be integrated with any other existing or proposed *development* on the site and the surrounding area through the submission of a detailed concept plan for the site and surrounding lands and other related information; and

(ii) facilities are available to the residential *development* in the Uptown Commercial/Residential I and II designations, including open space and *recreation* facilities, to serve the needs of the residents.

Retail development

c) In the Uptown Commercial/Residential II designation and in combination with the Uptown Commercial/Residential I designation in the north-west quadrant of the intersection of Appleby Line and Upper Middle Road retail and *service commercial* floor area *shall* be subject to:

(i) a Phase I maximum of 26,500 sq. m. The amount of retail and commercial floor area *may* exceed the Phase I retail cap to a maximum of 25 per cent *lot* coverage, provided that market studies substantiating the increase are submitted at the time of application. The market studies must have regard for the existing and potential retail and *service commercial* needs of the City, and in particular the north-east urban area, and any other conditions a future Council *may* impose at the time an application to exceed the Phase I maximum is made;

(ii) a maximum of 10,200 sq. m total floor area for individual retail uses in the Uptown Commercial/Residential II; and

(iii) a minimum of four principal uses contained wholly in the Uptown Commercial/Residential I and II designations.

Zoning regulations

d) Zoning By-law regulations affecting Uptown Commercial/Residential II locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 1.5:1; and

(ii) a maximum building height of 28 m.

5.6.6 Uptown Commercial

Permitted uses

a) The following uses *may* be permitted in the Uptown Commercial designation:

(i) retail and *service commercial* uses which primarily serve the automobile and the tourist and which rely heavily upon the traveling public for their economic existence and uses predominantly related to surrounding urban *development* or supplementary to a major commercial centre;

(ii) office uses; and

(iii) *recreation* and *entertainment uses*.

Retail development

b) Individual retail uses will be permitted to a maximum total floor area of 10,200 sq. m.

Zoning regulations

c) Zoning By-law regulations affecting Uptown Commercial locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 0.5:1; and

(ii) a maximum building height of 12 m.

5.6.7 Uptown Employment

Permitted uses

a) The following uses *may* be permitted in the Uptown Employment designation:

(i) limited retail and *service commercial* uses including business and administration uses, but, excluding *automotive commercial* uses;

(ii) *industrial* uses;

(iii) office uses;

(iv) hotel, conference, convention and banquet facility uses; and

(v) *recreation* and *entertainment uses*.

Retail and service commercial uses

b) All retail and *service commercial* uses *shall* be located at grade or below grade level in buildings of 3,000 sq. m or greater containing the other permitted uses.

Zoning regulations

c) Zoning By-law regulations affecting Uptown Employment locations *shall* be based on the following:

(i) a maximum *floor area ratio* for *industrial* uses of 0.5:1;

(ii) a maximum *floor area ratio* for other permitted uses, including mixed use *developments* which incorporate *industrial* uses of 1.0:1, with the exception of the lands at the south-west corner of Appleby Line and Upper Middle Road where the maximum *floor area ratio shall* be 1.5:1; and

(iii) a maximum building height of 28 m.

5.6.8 Uptown Commercial/Residential III

Permitted uses

a) The following uses *may* be permitted in the Uptown Commercial/Residential III designation:

(i) retail and *service commercial* uses including business and administration uses, but, excluding *automotive commercial* uses:

(ii) *high density residential* uses;

(iii) office uses;

(iv) hotel, conference, convention and banquet facility uses;

(v) *automotive commercial* uses on lands fronting on Appleby Line, or as an *accessory use* to one major commercial operation located in the northerly 1.91 hectares of the designation, with the exception of the lands at the south-east corner of the intersection of Appleby Line and Ironstone Drive and the north-east corner of the intersection of Appleby Line and Corporate Drive; and

(vi) *recreation* and *entertainment uses*.

Zoning regulations

b) Zoning By-law regulations affecting Uptown Commercial/Residential III locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 1.5:1; and

(ii) a maximum building height of 35 m.

South-east corner of Appleby and Ironstone

c) A retirement home with a maximum *floor area ratio* of 2.5:1 and a maximum density of 255 units per hectare *shall* be permitted at the south-east corner of Appleby Line and Ironstone Drive. OPA 65

Northeast corner of Appleby Line and Corporate Drive

d) A multi-unit residential building with a minimum of four storeys having a maximum *floor area ratio* of 4.15:1, and a maximum of 71 units *shall* be permiteed at the north east corner of Appleby Line and Corporate Drive. OPA 94 OPA 97

5.6.9 Uptown High Density Residential

Permitted uses

a) The following uses *may* be permitted in the Uptown High Density Residential designation:

(i) limited retail and *service commercial* uses including business uses and administration uses, but excluding *automotive commercial* uses;

(ii) office uses;

(iii) *high density residential* uses;

(iv) *recreation* and *entertainment uses*.

Residential development

b) Residential *development shall* be permitted as part of a mixed use development or in a freestanding building. Where residential uses form part of a mixed use *development,* such uses *shall*:

(i) be located in the upper storeys of mixed use buildings; and

(ii) be integrated with other permitted uses, with adequate on-site facilities provided for residents including landscape and open space areas, and amenity, parking and service facilities.

Corporate Drive development

c) All *development* along Corporate Drive, including freestanding residential buildings, *shall* be designed in a manner to *encourage* a business image for the *streetscape*. Consideration for building design details, the placement of structures, entrances, parking areas, service areas and *amenity areas,* including balconies, *shall* be included in the *design guidelines* established in accordance with Part III, Subsection 5.6.3 of this Plan.

Zoning regulations

d) Zoning By-law regulations affecting Uptown High Density Residential locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 1.0:1; and

(ii) a maximum building height of 24 m, except in the case of residential *development*. Residential units, either in a freestanding building or contained within a building with other uses, *shall* be restricted in height in accordance with the terms and conditions contained in the executed subdivision agreement.

Retail and service commercial uses

e) All retail and *service commercial* uses *shall* be located at grade or below grade, in buildings containing other uses.

Residential density

f) Notwithstanding the definition of *high density residential* uses in Part VIII of this Plan, *high density residential* uses in the Uptown High Density Residential designation *shall* be limited to a maximum density of 100 units per *net* hectare.

5.6.10 Uptown Residential Areas

Permitted uses-Medium Density

a) The following uses *may* be permitted in the Uptown Medium Density Residential designation:

(i) *medium density residential* uses.

Building forms-Medium Density

b) Residential building forms in Uptown Medium Density Residential areas include townhouses, street townhouses, stacked townhouses, duplexes, three-plexes and walk-up apartments. OPA 7

Building heights

c) The Zoning By-Law regulations pertaining to building heights *shall* be based on the following: OPA 7

(i) a maximum building height of 12 m in Uptown Medium Density Residential areas; and

(ii) a maximum building height of 24 m in Uptown High Density Residential areas.

5.6.11 Uptown Watercourse Area

Permitted uses

a) The following uses *may* be permitted in the Uptown Watercourse Area designation:

(i) non-intensive outdoor *recreation use*s;

(ii) *essential* public utilities and services;

(iii) flood and erosion control facilities; and

(iv) *watershed* management works.

Prohibit development

b) *Development* on lands designated Uptown Watercourse Area *shall* be prohibited.

Limits of watercourse

c) The precise limits of the Uptown Watercourse Area designation *shall* be determined by the City, in conjunction with Conservation Halton.

Setbacks

d) New *development* adjacent to valleys *shall* be subject to a buffer strip setback from the *stable top of bank* associated with the valley. The location of the top of bank *shall* be determined by the City, in conjunction with Conservation Halton.

Development and alteration

e) *Development* or alteration of lands designated as Uptown Watercourse *shall* be subject to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation administered by Conservation Halton. OPA 55

Dedication of buffer strip

f) Notwithstanding any other provisions of this Plan, as part of the *development* approval process, the owner *shall* dedicate to the City a strip of land beyond the *stable top of bank* for a width of up to a maximum of 5 m. This dedication *shall* be without cost to the City and *shall* not be accepted as parkland dedication or cash-in-lieu of parkland pursuant to The Planning Act. Except as specified below, this land *may* be used for the purpose of calculations permitted density, coverage and open space for development on developable parcels within the plan of subdivision from which the strip of land is being dedicated. This policy as it relates to the calculation of density, coverage and open space does not apply where the strip of land is located between a creek and a storm water detention facility.

5.6.12 Uptown Mixed Use Corridor- Employment Area

Permitted uses

a) The following uses *may* be permitted in the Uptown Mixed Use Corridor-Employment Area designation:

(i) retail and *service commercial* uses including business and administration uses, but, excluding *automotive commercial* uses;

(ii) office uses;

(iii) research, development and information processing uses;

(iv) light assembly and manufacturing uses *compatible* with abutting residential uses in buildings containing other permitted uses;

(v) hotel, conference, convention and banquet facility use; and

(vi) cultural, leisure and *recreation use*s.

Zoning regulations

b) Zoning By-law regulations affecting Uptown Mixed Use Corridor-Employment locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 1.0:1; and

(ii) a maximum building height of 24 m.

Special Heritage features

c) Consideration *shall* be given to the protection and integration of the *heritage features* found in the existing farm cluster into proposed developments at the north-east corner of Appleby Line and Mainway.

Retail and service commercial uses

d) All retail and *service commercial* use *shall* be located at grade or below grade level in buildings of 3,000 sq. m or greater in size containing the other permitted uses, provided that retail uses *shall* be limited to retail stores up to a maximum of 300 sq. m.

Re-designation from Uptown Mixed Use Corridor-Employment

e) Proposals for the re-designation of lands designated Uptown Mixed Use Corridor-Employment to allow non-*employment uses,* or to add a range of uses to the Uptown Mixed Use Corridor-Employment designation that are

OPA 55

primarily permitted in a non-*employment* designation*, shall* be evaluated based on meeting the following criteria:

(i) the proposal *shall* only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;

(ii) the proposal *shall* not detrimentally affect the short and long-term *employment* land needs of the City;

(iii) the intensity and characteristics of the proposed non-*employment uses shall* not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;

(iv) the site's physical and natural characteristics, *development* constraints and location *shall* justify the consideration of non-*employment uses* at the subject location;

(v) re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads *shall* be discouraged;

(vi) support studies as identified in Part VI , Section 5.3, Other Studies Policies of the Plan are prepared;

(vii) in addition to (i) through (vi) above, the re-designation *shall* also meet at least two of the following conditions:

i. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;

ii. the *development* of the site is not feasible for *employment uses* within the planning horizon of the Plan;

iii. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;

iv. the proposal will have a beneficial impact on the surrounding uses and the broader community; and

v. the *development* of the land for non-*employment uses* will meet a public need identified by City Council resolution.

5.6.13 Uptown Office/Business Park Area

Permitted uses

a) The following uses *may* be permitted in the Uptown Office/Business Park Area designation:

(i) office uses;

(ii) research, development and information processing uses;

(iii) light assembly and manufacturing uses *compatible* with abutting residential uses; and

(iv) *cultural*, leisure and *recreation use*s.

Zoning regulations

b) Zoning By-law regulations affecting Uptown Office/Business Park locations *shall* be based on the following:

(i) a maximum *floor area ratio* of 1.0:1; and

(ii) a maximum building height of 12 m.

Retail sales areas

c) A maximum of 15 per cent of the total floor area of an *industrial* or office building *may* be used for the purposes of the display and/or for the retail sale of products manufactured, processed, fabricated or assembled on the premises. In the case of *industrial* and office uses less than 1,000 sq. m of total floor area, up to 25 per cent of the total floor area *may* be used for the display and/or the retail sale of products manufactured, processed, fabricated or assembled on the premises.

Landscaping

d) A landscaping berm *shall* be provided where Uptown Office/Business Park uses on Mainway abut residential development.

5.6.14 Uptown General Employment Area

Objectives and policies

a) The objectives and policies for this designation are found in Part III, Section 3.3, General Employment, of this Plan.

1830 Ironstone Drive

b) Notwithstanding the permitted uses under Part III, Subsection 3.3.2 a) and d) of this Plan, on the property described as 1830 Ironstone Drive, the retail sales of building and construction materials *may* be permitted in one freestanding building with a maximum floor area of 12,000 sq. m. OPA 55

5.6.15 Open Space OPA 55

Open Space system

a) The open space system *shall* generally conform with the following:

(i) private and public open space systems *shall* be designed to ensure linkages both between open space areas in the Uptown Mixed Use Centre and open space areas adjacent to it. Linkages to major features such as the valley of the Main Sheldon Creek, Bronte Creek Provincial Park and the woodlot in the north-east quadrant of the intersection of Appleby Line and Upper Middle Road *should* be clearly defined;

(ii) establish an integrated, linked system of small urban open space areas including parkettes, squares, sitting areas and landscape features such as fountains, statues and planting areas throughout the mixed use areas, the majority of which *shall* be on private lands and form part of the pedestrian walkway system;

(iii) provide well defined linkages from the neighbourhood parks through the design of the public and private street system to other areas of the Uptown Mixed Use Centre, particularly the valley of the main branch of the Sheldon Creek; and

(iv) maximize public use of hydro right-of-way with landscaping, pedestrian and bicycle facilities.

Utility corridors

b) The hydro and gas pipe line right-of-ways on the south side of Upper Middle Road *shall* generally remain undeveloped except for associated electric power facilities and secondary land uses such as trail systems and landscaping features.

5.6.16 Transportation

Transportation guidelines

a) Transportation guidelines will assist in the achievement of the Uptown Mixed Use Centre policies and to provide criteria for the evaluation of specific *development applications*, including applications for site plan approval. These guidelines *may* be reviewed periodically and *may* be amended from time to time provided that any amendments *shall* conform with this Plan and *shall* be adopted by Council.

Road designs

b) Appleby Line and Upper Middle Road in the Uptown Mixed Use Centre will be designed to balance the conflicting demands created the regional travel demands and need for pedestrian friendly design. The City *shall* use a variety of traffic calming techniques including:

(i) reduced lane width;

(ii) provision for a landscaped centre median;

(iii) provision for some type of on-street parking adjacent to the intersection of Appleby Line and Upper Middle Road, notwithstanding the general prohibition on on-street parking in Part VII, Table 1 - Function and Classification of Transportation Facilities;

(iv) provision of transit priority measures including Reserved Bus Lanes (RBL) and traffic signal priority; and

(v) use of alternative road geometrics and materials at pedestrian crossing areas.

Collector Ring Road-Purpose

c) A collector ring road will link the four quadrants of the Appleby Line and Upper Middle Road intersection together, as shown schematically on Schedule J, Classification of Transportation Facilities - South of No. 1 Side Road. The purpose of the collector ring road is:

(i) provide an optional route to travel through the main intersection, thus reducing the demands on the intersection; and

(ii) provide direct connections between the quadrants, at intersections which *may* be signalized, for all *modes* of transportation.

Collector Ring Road-Design

d) The collector ring road *shall* be designed and implemented as follows:

(i) all roads *shall* generally have sidewalks on both sides;

(ii) all roads *shall* provide for bicycle travel, as well as use by public transit vehicles, if required;

(iii) reduced right-of-ways, reduced setbacks and other mechanisms to ensure the viability of the proposed collector ring road and adjacent uses; and

Sidewalks

e) Sidewalks *shall* generally be required on both sides of any road. Exceptions *may* be made for specific circumstances identified in the *design guidelines* for the Uptown Mixed Use Centre and for residential *development* projects, where sidewalks *may* only be required on one side of the street.

Travel Demand Management Plan

f) Each landowner in the Uptown Office/Business Park Area designation, and any *development* within the Uptown Commercial, Uptown Commercial/Residential, Uptown Employment and Uptown Mixed Use Corridor Employment Area designations which contains more than 3,000 sq. m of total floor area for office or *industrial* uses *may* be required, prior to the occupancy and use of land, to establish a *Travel Demand Management Plan* and Implementation Strategy, subject to the approval of the City. OPA 55

On-Street parking

g) On-street parking *may* be permitted on any street in the Uptown Mixed Use Centre.

5.6.17 Implementation

Regard for lands to the east

a) Any Master Servicing Agreement *shall* have regard for the *development* of the lands to the east bounded by Upper Middle Road, Burloak Drive, Mainway and the western edge of the valley of the main branch of Sheldon Creek.

Storm Water Agreement

b) A Storm Water Management Agreement as described in Part II, Subsection 2.11.3 of this Plan, signed by all the benefiting major

landowners in the south-east, north-east and north-west quadrants of the Uptown Mixed Use Centre, *shall* be required as a condition of approval of draft plan of subdivision or in the case where there is no plan of subdivision, as a condition of approval of a site plan.

6.0 NATURAL FEATURES AND OPEN SPACE

The most significant natural features in the City's Urban Planning Area are identified under three separate land use designations on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. The "Greenlands" designation identifies those lands which together form a permanent natural resource base consisting of natural features and open space areas which are ecologically sensitive. This land use designation also applies to lands in the Rural Planning Area. The "Major Parks and Open Space" designation is intended for community- and city-wide parks and other public and private open space lands. The "Watercourse" designation pertains to the majority of creeks and drainage channels. The "*Natural Heritage System*" designation pertains to the natural heritage system identified through the Tremaine Dundas Community Secondary Plan.

The wise management and conservation of natural features, major park and open space lands, and *watercourses shall* be based on the following principles, objectives and policies:

6.1 Principles

Preservation and protection

a) The long-term preservation and protection of significant natural features is a responsibility of local residents, property owners, government agencies and the private sector.

Community character

b) Parks and open space lands are valuable resources to the community and play an important role in defining the character and lifestyle of the City's residents.

Watercourses

c) *Watercourses* with their associated valleys and *floodplain*s provide a source of natural habitat and wildlife corridors and are *essential* to the movement of storm water run-off.

6.2 Greenlands Designation

6.2.1 Objectives

Permanent resource base

a) To ensure the long-term preservation of lands that form a permanent natural resource base consisting of ecologically sensitive natural areas.

Importance of Natural Features

b) To recognize the importance of the *Environmentally Sensitive Areas*, *Areas of Natural and Scientific Interest, Provincially and Regionally Significant Wetlands*, the Niagara Escarpment, major creeks and associated *valleylands* and other significant natural features such as woodlots, hazard lands, Lake Ontario and Burlington Bay shorelines and areas of *wildlife habitat.*

Preserve and protect

c) To *preserve* and protect significant natural and *cultural heritage* features and landscapes; landforms performing important biological and ecological processes and functions; and areas providing non-intensive recreation opportunities.

Environmental evaluation

d) To require an Environmental Evaluation of all development proposals affecting significant natural resource features on lands designated Greenlands.

6.2.2 General Policies

Permitted uses

a) The following uses *may* be permitted in the Greenlands designation:

(i) existing agricultural operations including *accessory buildings, structures* and facilities; OPA 55

(ii) *existing uses*;

(iii) single-detached dwellings on existing *lots* created under The Planning Act*;*

(iv) non-intensive *recreational uses* such as nature viewing;

(v) forest, wildlife and fisheries management;

(vi) *archaeological* activities;

(vii) *essential* transportation and *utility* facilities;

(viii) *accessory buildings, structures* and facilities and site modifications to accommodate them, provided the effects on the *natural environment* are minimal;

(ix) incidental uses and site modifications to accommodate them, provided the effects on the *natural environment* are minimal; and

(x) *home occupations* and *cottage industries.*

Recreation uses

b) Non-intensive *recreation use*s *shall* be permitted only when natural features are *preserved* to the maximum possible degree; buildings and structures are minor in scale; and there is no or minimal parking provided on-site.

Prohibit development In wetlands, floodplains and regulated areas

c) Notwithstanding Part III, Subsection 6.2.2 a), no *development shall* be allowed within the portions of the Greenlands designation containing: *Provincially Significant Wetlands* as identified through the Ministry of Natural Resources in accordance with Provincial policy, regulatory *floodplains* as identified by Conservation Halton, areas regulated by Conservation Halton, unless permission has been received by Conservation Halton, and the edge of Lake Ontario and Burlington Bay between the shoreline and the top of bank. OPA 55

Environmental Evaluation

d) The proponent of any *development* of lands within the Greenlands designation *may* be required to prepare an *Environmental Evaluation* Report subject to the policies of Part II, Section 2.5 of this Plan, if the development would adversely affect the environment. Single-detached dwellings and agricultural related uses such as barns and sheds would be

exempt from this policy. An Evaluation is required for large-scale agricultural related uses such as secondary processing facilities.

ESAs

e) *Environmentally Sensitive Areas (ESAs*) are identified as an overlay on Schedule B, Comprehensive Land Use Plan - Urban Planning Area. The precise boundaries of these areas *shall* be determined in conjunction with the Region of Halton. Specific policies for *ESAs* are:

(i) the alteration of the physical and/or biological features *shall* be restricted;

(ii) subject to the requirements of Part III, Subsection 6.2.2 d), the proponent of any *development*, including public works, inside or within 50 m of an *ESA* must prepare an *Environmental Evaluation* Report as described in Part II, Section 2.5; and

(iii) the alteration of any condition or land use that *may* affect the *ESA shall* be subject to approval of the appropriate authority, based on site plans submitted by, and agreements entered into with the developer.

Agreements

f) Property owners and Government and other agencies are *encouraged* to enter into voluntary agreements regarding the protection of natural features.

Natural Feature inventory

g) The City *shall* prepare, and update on a periodic basis, an inventory of significant natural areas in the Urban Planning Area which are worthy of preservation through designation as Greenlands and/or acquisition by a public authority.

Direct development away from Greenlands

h) *Development* in Urban Areas and Rural Settlement Areas *shall* be directed away from Greenlands areas on those parcels of land that are partially within the Greenlands designation. The City *may* consider the transfer of *development* potential from areas inside Greenlands designations to areas outside Greenlands designations provided the other objectives of this Plan are achieved OPA 55

2100 Brant Street

i) Notwithstanding the other policies of this Plan, the portion of the lands, identified as 2100 Brant Street being the lands bounded by the Tyandaga Golf Course to the west, Havendale Boulevard to the north and Wellington Green to the south (2050-2057 Brant Street), that is designated Greenlands is subject to the Regional Natural Heritage System Policies and the applicable definitions of the Regional Official Plan which are hereby incorporated by reference into this Plan. OPA 109

6.2.3 Protection and Acquisition of Natural Features Policies

Land stewardship

a) The retention of lands designated Greenlands containing significant natural features by private land owners *shall* be *encouraged* rather than the dedication of these lands to the City or the purchase of lands by the City.

Dedication To City

b) Where retention by private landowners is not feasible or desirable, the dedication of natural features to the municipality *shall* be *encouraged*. The dedication of lands designated Greenlands *may* be accepted as parkland dedication only if they provide needed public recreational opportunities, as identified by the City.

Municipal purchase

c) The purchase of lands with significant natural features *shall* only take place if the land stewardship and dedication options outlined in Part III, Subsection 6.2.3 are not feasible, if the lands will provide a needed public recreation function and there are sufficient funds available to purchase the lands.

Community Benefits By-Law

d) When considering *development applications* involving significant natural features, community benefits provisions pursuant to Section 37 of The Planning Act *may* be implemented to *encourage* the retention or dedication of natural features. Such community benefits provisions *may* address increases in density and height of *development,* and *shall* be subject to Part VI, Section 2.3 of this Plan.

Other incentives

e) The City *may* consider other incentives to the retention and dedication of lands containing significant natural features such as density transfers and flexible *development* standards.

Early identification

f) Significant natural features that are worthy of preservation and protection and areas where *development should* not be permitted will be identified in the early planning stages, particularly during *secondary planning* studies.

6.3 Major Parks and Open Space Designation

6.3.1 Objectives

Valuable resources

a) To recognize parks and open space lands as valuable resources to the community that play an important role in defining the character and lifestyle of the City's residents.

Supply of parks

b) To ensure an adequate and equitable supply of parks and open space, and the full range of leisure opportunities are available throughout the City.

Joint Use of facilities

c) To *encourage* the joint use of parks and other recreation and leisure facilities with other agencies such as the school boards, Conservation Halton and the Region of Halton.

Park classification

d) To establish a park classification in order to effectively address the parks and recreational needs of City residents.

6.3.2 Policies

Park classification

a) The municipal parks system *shall* consist of Parkettes, Neighbourhood Parks, Community Parks, City Wide Parks and Special Resource Areas. The function of each type of park is defined in the Parks and Recreation Department Parks Master Plan, as amended from time to time. The main function of each park type is as follows:

(i) a Parkette consists of a small land area that is designed to provide a variety of passive and visual benefits for the surrounding area;

(ii) a Neighbourhood Park is designed and located to serve the recreational needs of a neighbourhood;

(iii) a Community Park is designed and located to serve several neighbourhoods;

(iv) a City Park is designed to serve the leisure needs of all the residents of the City; and

(v) a Special Resource Area is an area of parkland in its natural state used for conservation and/or preservation.

Land Use Schedules

b) All City Parks and Community Parks are designated as Major Parks and Open Space on Schedule B, Comprehensive Land use Plan - Urban Planning Area. Parkettes, Neighbourhood Parks and Special Resource Areas are not identified under a separate land use designation in the Urban Planning Area.

Rural & North Aldershot Parks

c) Policies pertaining to municipal parks in the Rural Planning Area are contained in Part IV of this Plan, and policies pertaining to parks and open space in the North Aldershot Planning Area are contained in Part V of this Plan. OPA 55

Permitted uses

d) Uses permitted within the Major Parks and Open Space designation *may* include: municipal parks and related *community facilities*, *golf courses* and related facilities, and outdoor *recreation use*s.

Supply of parks

e) The amount of parkland to be provided in the City, including the distribution of parkland by park type *shall* be defined in the Parks and Recreation Department Parks Master Plan, as amended from time to time. The majority of new parkland *shall* be acquired by the City through the development approval process as parkland dedication in accordance with Part VI, Section 2.7.

Connections to parks

f) Connections between neighbourhoods and parks, such as pedestrian and bicycle trails, *shall* be identified and secured during the development approval process. Provision for these connections *shall* be included in the design of the park.

Rights-of-way

g) The public acquisition and integration of *utility* corridors such as railway rights-of-ways and hydro rights-of-ways *shall* be *encouraged* for the purposes of expanding the City's walkway and bikeway systems.

Environmental Protection, safety

h) A high priority *shall* be placed on environmental protection, public safety, public access and increased visibility along streets during the detailed design and development of parks.

Design of parks

i) Parks *shall* be located, designed and maintained to enhance the local neighbourhood or community.

Areas deficient In Parkland

j) In areas of the City that are deficient in parkland, parkettes and small horticultural areas *may* be developed by the City to respond to this deficiency.

Surplus school sites

k) When school/park combinations are declared surplus for educational purpose, the City *shall* consider alternative ways to maintain the existing parkland levels in the immediate area.

Co-ordinate with other orders of Government

l) The City *shall* work with other orders of government to coordinate strategies and funding opportunities to acquire and *preserve* parks and open space, particularly along the waterfront.

Waterfront Park Master Plans

m) The design, development and use of Burloak Waterfront Park, Paletta Waterfront Park, LaSalle Park, Spencer Smith and Burlington Beach Waterfront Park *shall* be subject to Park Master Plans. Each master plan *shall* be prepared by the City, in conjunction with the Region of Halton and Conservation Halton.

Adjacent facilities

n) Consideration will be given to locating school sites and City or Community Parks adjacent to one another in order to achieve economies of scale and avoid duplication of services.

South of Upper Middle Road, between Shoreacres Creek and the CNR

o) Notwithstanding the other policies of this Plan, the lands designated "Major Parks and Open Space," south of Upper Middle Road, between Shoreacres Creek and the C.N.R. railway line, and north of and adjacent to the C.N.R. railway line, *shall* be subject to the following: OPA 17

(i) the lands *shall* only be used as a private or public open space use separation buffer for residential *development* on the lands south of Upper Middle Road, between Walker's Line and Appleby Line, and the adjoining industries located to the south of the C.N.R. railway line;

(ii) permitted uses within this designation *shall* be limited to only one public health care (Wellness House) building, provided that no overnight heath care accommodation is permitted, private open space, storm water management and erosion control facilities, walking trails, nature viewing and parking lots.

Tremaine Dundas Community

p) Notwithstanding the other policies of this Plan, the following additional policies *shall* apply to the Tremaine Dundas Community: OPA 107

(i) Parks within the Tremaine Dundas Secondary Plan community *shall* provide active and passive recreational opportunities and ensure residents are within 400 metres of parkland, open space or trails.

6.4 Watercourses *D28

6.4.1 Objectives

Protect life and property

a) To ensure the protection of life and property in the *floodplain* areas of *watercourses.*

Minimize threat

b) To minimize the threat of injury, loss of life, property damage and economic and social disruptions caused by flooding.

Fisheries

c) To promote the net gain of *fish habitat* as per applicable legislation.

6.4.2 Policies

Storm water policies

a) The policies of this section are to be read in conjunction with the Storm Water Management principles, objectives and policies of Part II, Section 2.11.

Prohibit development

b) Development on lands designated Watercourse on Schedule B, Comprehensive Land Use Plan - Urban Planning Area *shall* be prohibited.

Permitted uses

c) Uses permitted on lands designated Watercourse *may* include: non-intensive outdoor *recreation use*s; *essential* public *utilities* and services, flood and erosion control facilities; and watershed management works.

Limits of watercourse

d) The precise limits of the Watercourse designation *shall* be determined by the City, in conjunction with Conservation Halton, based on mapping of the Regulatory *Floodplain*s as prepared by Conservation Halton, where applicable. OPA 55

Where Regulatory *Floodplain* mapping exists for *watercourses* in the City, mapping showing the extent of the regulatory *floodplain*s is contained in Appendix G to this Plan. This mapping is provided for information and advisory purposes only and is subject to change from

time to time without requiring a further amendment to this Plan. It is noted that all *watercourses* have a natural *floodplain* associated with them; however, certain *watercourses* do not have *floodplain* mapping completed at this time. Any works within or near a *watercourse shall* be reviewed by the City and Conservation Halton for *floodplain* implications. Landowners are advised to contact Conservation Halton for more accurate determination of the precise limits of the areas subject to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulations and for more detailed information concerning the administration of these regulations.

Setbacks

e) New *development* adjacent to *watercourses shall* be subject to a setback from the *stable top of bank*, the *regulatory floodplain* and meander belt width (whichever is the greater) that are associated with the *watercourse.* The location of the *stable top of bank*, *regulatory floodplain* and meander belt width *shall* be determined by the City, in conjunction with Conservation Halton. OPA 55

Development and alteration

f) *Development* or alteration of lands designated as Watercourse *shall* be subject to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation administered by Conservation Halton. OPA 55

Zoning of land

g) As part of the *development* approval process, the zoning of Watercourse lands to an appropriate open space zoning category *shall* be required. OPA 55

Dedication of land

h) As part of the *development* approval process, the dedication of Watercourse lands to the City *shall* be required in accordance with the requirements of Part II, Subsection 2.11.3 g).

Private ownership

i) It is not intended that all lands designated Watercourse *shall* be acquired by the City, if the policies of this Plan can be achieved by other means.

Tremaine Dundas Community

6.5 Natural Heritage System -Tremaine Dundas Community OPA 107

6.5.1 Objectives

a) To provide a framework for maintaining, restoring and enhancing the *Natural Heritage System* of the Tremaine Dundas Community.

6.5.2 Policies

a) The *Natural Heritage System* in the Tremaine Dundas Secondary Plan is comprised of the Greenbelt Natural Heritage System and the Regional Natural Heritage System.

(i) The Natural Heritage System represents a systems approach to protecting and enhancing natural and ecological features and functions.

(ii) The Greenbelt NHS in the secondary plan area is comprised of

Key Features and Vegetation Protection Zones that have been identified in accordance with the Greenbelt Plan policies and applicable Regional Official Plan policies. The Greenbelt Natural Heritage System consists of the *Key Features* within the Regional Natural Heritage System and the following *Key Features*:

1. sand barrens, savannahs and tall grass prairies,
2. permanent and intermittent streams,
3. lakes,
4. seepage areas and springs,
5. alvars and,
6. *significant* habitat of special concern species.

(iii) The Regional *Natural Heritage System* within the secondary plan area is scientifically structured on the basis of the following components:

1. *Key Features*, which include:
    a. *habitat of endangered and threatened* species;
    b. *significant wetlands*;
    c. *significant coastal wetlands*;
    d. *significant woodlands*;
    e. *significant valleylands*;
    f. *significant wildlife habitat*;
    g. *significant areas of natural and scientific interest*; and
    h. *fish habitat*;
2. *enhancements* to the *Key Features*;
3. *linkages*;
4. *buffers*;
5. *watercourses* that are within a Conservation Halton Regulation Limit or that provide a *linkage* to a *wetland* or a *significant woodland*; and
6. *wetlands* other than those considered *significant* under Subsection 6.5.2 (iii) of this Plan.
7. *Key Features* that have been identified are shown on Schedule B of the Tremaine Dundas Secondary Plan which is listed at

Part IX, Appendix C, C6 of this Plan.

b) No *development* is permitted within the *Natural Heritage System* not referenced in Section 6.5.2 d) unless it has been demonstrated through an Environmental Implementation Report (EIR) or equivalent study that there will be no *negative impacts* on the *Natural Heritage System* or its *ecological functions* or *hydrologic functions*.

c) The following uses be permitted in the *Natural Heritage System* designation:

(i) Existing uses;

(ii) Non-intensive recreation uses such as nature viewing and pedestrian trails;

(iii) Forest, wildlife and fisheries management;

(iv) Archaeological activities;

(v) *Essential* transportation and utility facilities;

(vi) *Essential* watershed management and flood and erosion control projects either carried out or supervised by a *public authority*.

d) No *development* and *site alteration* is permitted within *significant wetlands, significant habitat of endangered and threatened species* and *fish habitat* except in accordance with Provincial and Federal legislation or regulations.

e) No *development* is permitted within Hazard Lands and other areas regulated by Conservation Halton unless permission has been issued by Conservation Halton.

f) The following uses *may* be permitted within *linkages* and *enhancements* to the key natural features:

(i) Trails consistent with the *City's* Community Trails Strategy as reviewed and approved by the *City*, which *shall*;

i. not be located within *hazardous lands*;

ii. use native species to naturalize trail edges;

iii. be the minimum width required;

iv. be designed with suitable surfacing material compatible with their surroundings, as per the *City*'s Community Trails Strategy; and

v. be designed and located to help to manage access to the *Natural Heritage System* by minimizing impacts to *Key Features*;

vi. be consistent with a Trail Management Plan undertaken as part of the completion of the Environmental Implementation Report and Functional Servicing Study (EIR/FSS);

vii. be on publicly owned lands; and

viii. be designed such that the trails and associated activities do not impact negatively on ecologically sensitive areas or resource uses such as agricultural operations.

(ii) Compatible *Low Impact Development infrastructure* (i.e. vegetated swales) that is *essential* to provide conveyance functions, as reviewed and approved by the *City*, the Region of Halton and Conservation Halton;

(iii) A "Special Street" reviewed and designed in consultation with the *City*, Conservation Halton and Halton Region to facilitate safe movement of wildlife between the central woodlands and Bronte Creek valleylands.

g) The following uses may be permitted within buffers:

(i) Trails, as reviewed and approved by the *City*, the Region of Halton and Conservation Halton where it can be demonstrated that these elements do not result in a *negative impact* on the *Natural Heritage System*;

(ii) Compatible *Low Impact Development infrastructure* (i.e. vegetated swales) that is essential to provide conveyance functions, as reviewed and approved by the *City*, the Region of Halton and Conservation Halton

h) The boundaries of the *Natural Heritage System* as identified in the Tremaine Dundas Secondary Plan Subwatershed Study Update, May 2018, *may* be refined with additions, deletions and/or boundary adjustments through a future Environmental Impact Assessment (EIA) or similar study completed to the satisfaction of the *City*, Region and where appropriate Conservation Halton. Once such refinements have been approved through an approval process under The Planning Act, these refinements *shall* be in effect on the date of such approval. The Region and *City* will maintain mapping showing such refinements and incorporate them as part of the *City*'s statutory review of the Official Plan.

i) *Buffer* refinements for the Tremaine Dundas Secondary Plan are to be implemented using a science-based approach by:

(i) recognizing the *buffers* applied to Key Natural Features applied at the Regional scale in the Regional Official Plan and as carried

forward through the Subwatershed Study Update (May, 2018);

(ii) following an approach that is consistent with the policies of the *City*, Region of Halton, Conservation Authority and Province, and the findings of the Ontario Municipal Board in its decision dated April 6, 2016, PL111358 and consistent with the risk-based approach and steps described in the Region's Buffer Refinement Framework to be used as the foundation for the refinement process;

(iii) recognizing *Key Feature* and *watercourse* sensitivity and significance and their contribution to the long term *ecological functions* of the Regional Natural Heritage System;

(iv) considering the nature and scope of the proposed adjacent land use, and any measures intended to improve and enhance *buffer* function.

j) *Enhancements* to the *Key Features* are either ecologically supporting areas adjacent to individual *Key Features* or measures internal to individual *Key Features* that increase the ecological resilience and function of those *Key Features*.

(i) Potential opportunities for enhancements within *Key Features*, *buffers* and *linkages* have been suggested in the Tremaine and Dundas Secondary Plan Subwatershed Study, May 2018 Update.

(ii) Such opportunities are to be further explored through the Environmental Implementation Report and Functional Servicing Study (EIR/FSS), including potential additional opportunities for enhancements, both within and adjacent to *Key Features*.

(iii) The final enhancements, as identified through the Environmental Implementation Report and Functional Servicing Study (EIR/FSS), are to be identified and described in a Restoration and Enhancement Plan prepared in consultation with the *City*, Halton Region and Conservation Halton and implemented through the plan of subdivision.

k) The *Natural Heritage System may* also support trails provided it can be demonstrated that these elements do not result in a *negative impact* on the *Natural Heritage System*.

l) The hedgerow located on the westerly side of the central woodland connecting to the Bronte Creek valleylands have been identified by the Ministry of Natural Resources and Forestry (MNRF) as potential species at risk habitat for endangered bats that will require further study through the Environmental Implementation Report and Functional Servicing Study (EIR/FSS). The hedgerow has been identified on Schedule B as an "Area for Future Study". The "Area of Future Study" can be removed

without amendment to this Plan upon approval of the completed EIR/FSS to reflect the results of the Study.

m) The designation of land as part of the *Natural Heritage System* does not imply that those lands are available or open to public use.

n) Where *buffers* are not already naturally vegetated, trees *shall* be planted in *buffers* (in conjunction with other naturalization plantings) to contribute to the protection of *Key Features* and their functions from some of the impacts associated with adjacent land uses in accordance with landscape plans approved by the *City*, Halton Region and Conservation Halton.

o) Trees *may* also be planted (in conjunction with other naturalization plantings) in *linkages* and *enhancements* to the *key features* (in conjunction with other naturalization plantings) where opportunities are identified to improve *ecosystem* functions.

p) Preservation and / or replacement of Endangered Butternut trees *shall* be in accordance with applicable regulations under the Endangered Species Act as enforced by the Ministry of Natural Resources and Forestry.

q) The *watercourse* located at the southeast corner of the Tremaine Dundas Secondary Plan area *may* be relocated provided its ecological and *hydrologic functions* are maintained within a natural channel design, an appropriate buffer is provided to the *watercourse* (as per the Tremaine and Dundas Secondary Plan Subwatershed Study Update, May 2018), and the required permits and approvals are obtained from Federal government, Provincial government and Conservation Halton. Should the watercourse be relocated, the adjacent land use designation *shall* be deemed to apply.

r) If a *development application* involves lands in or adjacent to the *Natural Heritage System* and/or *hazardous lands*, the *City shall* seek, through the *development* approval process, the dedication of those lands and associated *buffer* lands to the *City*, Conservation Halton, another *public authority* or a private conservation organization. These lands *shall* not be considered for the purpose of parkland dedication.

s) An Environmental Monitoring Plan, based on the framework to be provided in the Environmental Implementation Report and Functional Servicing Study (EIR/FSS) *shall* be prepared in consultation with the *City*, Region of Halton and Conservation Halton, as a condition of draft plan of subdivision approval.

t) Trails *may* be permitted within *Key Features* where:

(i) Use of the existing informal trail along the westerly side of the central woodland and use of this route is determined to result in fewer impacts on the *Key Feature* than the creation of a new trail;

or

(ii) A trail connection is required to facilitate appropriate access and no alternative route is feasible.

u) Trails will be designed to safely accommodate all trail users according to a hierarchy that is consistent with the *City*'s Community Trails Strategy.

v) Trails, where within or adjacent to *Key Features*, will be located and designed to minimize impacts and encourage appropriate forms of access and use in accordance with Conservation Halton policies

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