1.0 IMPLEMENTATION TOOLS

1.1 Principle

Efficient and effective implementation

a) Efficient and effective regulatory and decision-making procedures *shall* be used to guide the development and management of the City's physical environment to achieve the community vision outlined in Part I - Policy Framework and the principles, objectives and policies of the Plan.

1.2 General Objectives

Full range

a) To provide for the use of a full range of regulatory mechanisms for the purpose of implementing the principles, objectives and policies of the Official Plan.

Capital works

b) To coordinate the City's capital works to maximize benefits to the City's physical, economic and social environment.

1.3 General Policies

Implementation

a) The Plan *shall* be implemented by both public and private *development* in accordance with policies of this Plan and other regulatory mechanisms. All applicable municipal by-laws and capital works programs *shall* implement the Plan.

Land acquisition

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

Conformity to Plan

c) City Council *shall* ensure that *development* and agreements regarding subdivision, condominiums, site plans and building conform with the Plan.

Secondary/ Tertiary Plans

d) City Council *may* undertake *secondary or tertiary*/neighbourhood planning studies for specific areas or to address a specific planning issue. These planning studies *shall* be approved by resolution of City Council and *shall* be incorporated by way of an amendment to the Plan.

Pre-consultation

e) City Council *shall* require that adequate pre-consultation with the City occurs prior to the submission of an application for *development*, and *shall encourage* pre-consultation with other affected agencies such as the Region of Halton and Conservation Halton, where appropriate. Within areas subject to the Niagara Escarpment Plan and within areas of Development Control, proponents *shall* be *encouraged* to contact the Niagara Escarpment Commission to discuss permitted uses and *development* criteria. ***D40** OPA 55

Additional Information

f) For an application for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision, or consent (other than those consent applications made for the purposes outlined in Part VI, Subsection 4.4 c) of this Plan), City Council *may* require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application *shall* be determined by the City and Region of Halton as part of the pre-consultation process. This information *may* include, but *shall* not be limited to, the following: OPA 55

(i) Planning justification report for Official Plan Amendment and rezoning applications only (including a Land Use or Major Policy change rationale for Official Plan Amendment applications); OPA 74

(ii) conceptual site plan layout;

(iii) storm water/Functional Drainage Report or storm services plan and *flood plain* delineation;

(iv) water & waste water service report;

(v) tree inventory and preservation study;

(vi) traffic/transportation impact and/or parking study;

(vii) hydrogeology study/ water budget & hydrology study;

(viii) *agricultural* impact assessment report;

(ix) market impact study;

(x) *financial impact* study;

(xi) top-of-bank demarcation/geotechnical report to identify the *stable top of bank;*

(xii) *environmental evaluation* report;

(xiii) noise and vibration study;

(xiv) shadow analysis plan;

(xv) park concept plan;

(xvi) Phase I Environmental Assessment;

(xvii) Phase II Environmental Assessment/Record of Site Condition;

(xviii) land assembly documents;

(xix) height survey of adjacent buildings;

(xx) hydro corridor land use application;

(xxi) *sensitive land use* report;

(xxii) landfill impact study;

(xxiii) employment/residential needs analysis;

(xxiv) archaeological report;

(xxv) risk study;

(xxvi) *utility* and telecommunications service report;

(xxvii) heritage impact study. ***D40, D53**

Qualified Persons and Peer Reviews

g) All required reports and technical studies *shall* be carried out by *Qualified Persons* retained by and at the expense of the applicant. The City *may* require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the City at the applicant's expense. In addition to City requirements, the applicant *shall* ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed. OPA 55

Complete applications

h) An application for an Official Plan Amendment, Zoning By-law amendment, plan of subdivision or consent will be considered complete under The Planning Act only when the items as determined by the City and Region, as listed in clause f), have been provided, and when the required notice sign referenced in Part VI, Section 7.2 of this Plan has been erected on the property. ***D40, D53** OPA 55

Incomplete applications

i) In the absence of pre-submission consultation between an applicant and the City, and the submission of adequate supporting information or material with an application, City Council *may* deem an application incomplete and *may* refuse the application. ***D40** OPA 55

2.0 LAND USE CONTROLS AND IMPLEMENTATION TOOLS

2.1. Zoning By-Law

2.1.1 Objectives

Permitted Uses regulations

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

Non-Development zone

b) To define a non-development zone where the ultimate use of lands is undetermined.

2.1.2 Policies

Zoning By-law Review

a) City Council *shall* undertake a comprehensive review of the City's Zoning By-laws, following the adoption of the Plan. The existing Zoning By-laws *shall* remain in effect during the review period. Any amendments to the by-laws during the review period *shall* be required to conform with the Plan.

Lands not in conformity

b) Where there are land uses that do not conform to the Plan, Council *may* amend the zoning to permit either the *existing uses* or new uses that represent a shift or transition in use toward the use designated in the Plan.

Detailed maps and regulations

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

Government lands

d) The Zoning By-law *shall* designate lands other than school sites and hospitals that are the responsibility of Federal, Provincial or municipal government or agencies and are used for transportation, *utility*, communication or other purposes.

Development zones

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

Conditions of Zoning By-laws

f) City Council *may*, in conjunction with a zoning by-law passed pursuant to Section 34 of The Planning Act, impose one or more prescribed conditions on the use, erection or location of buildings or structures and *may* require an owner of land to which the by-law applies to enter into an agreement with the City relating to the condition(s). This agreement *may* be registered against the lands to which it applies and the City *may* enforce the agreement against the owner and any and all subsequent owners of the land. OPA 55

2.2 Holding Zones

2.2.1 Objective

Identify future use

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

2.2.2 Policies

Holding "H" zones

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

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

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

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

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

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

(vi) the presence of known site *contamination.* OPA 55

"H" Removal

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

No new buildings

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

Permitted uses

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

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

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

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

(iv) an *agricultural* or *farming* use.

North Aldershot Planning Area

e) In the North Aldershot Planning Area, removal of the "H" prefix *shall* depend on meeting the following: OPA 55

(i) approval by Council of a subdivision or condominium plan in accordance with this Plan;

(ii) completion of a signed Site Plan Agreement if necessary;

(iii) signing of any other agreements with public agencies;

(iv) payment of any outstanding costs to public agencies;

(v) approval for access;

(vi) provision of adequate services to the satisfaction of the City and the Region; and

(vii) completion of a signed Residential Development Agreement for cluster *development*.

2.3 Community Benefits Provisions

2.3.1 Objective

Height/Density increases

a) To permit increases in height and density in return for the provision of facilities, services or other matters as indicated in the Plan.

2.3.2 Policies

Community Benefits-considerations

a) Community Benefits provisions pursuant to Section 37 of The Planning Act *may* be used by the City in the Zoning By-law to allow increases in height and density of *development* beyond those permitted by the Zoning By-law in exchange for facilities, services, or matters of public benefit as are set out in the Community Benefits section of the implementing Zoning By-law. The City *may encourage* the use of community benefits provisions with regard to the following matters: OPA 55

(i) provision of a wide range of housing types including *special needs*, *assisted* or other low-income housing;

(ii) provision of parkland dedication beyond the requirements of the Plan;

(iii) protection of natural features such as woodlots, beyond the parkland dedication requirements of the Plan;

(iv) improved access to public transit or implementation of a *Travel Demand Management* Plan;

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

(vi) provision of public parking;

(vii) provision of community and open space facilities such as small parks, day care centres, schools, community centres and recreational facilities, cultural facilities, and other municipal facilities such as firehalls and libraries;

(viii) conservation of *cultural heritage feature*s;

(ix) protection or enhancement of significant views;

(x) provision of *affordable housing*, beyond the basic Provincial requirements;

(xi) provision of public art; OPA 55

(xii) provision of green technology and sustainable architecture, such as '*green roofs*;' OPA 55

(xiii) provision of *streetscape* improvements in accordance with Council approved *design guidelines*; and OPA 55

(xiv) other local improvements identified in community design plans, *community improvement plans,* capital budgets or other implementing plans or studies. OPA 55

Conforms to Official Plan

b) Community benefits provisions *shall* be considered where the increased density and height conforms with the intent of the Plan and the increase in height and density is *compatible* with adjacent existing or proposed *development*.

Agreement

c) An agreement *shall* be required between the landowner and the City relating to the community benefits provisions.

2.4 Interim Control By-laws OPA 55

2.4.1 Objective

Prohibit uses until study undertaken

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

2.4.2 Policies

Enactment of Interim Control By-law

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

Extension of By-law

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

Prohibition of further By-laws

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

2.5 Site Plan Control

2.5.1 Objective

Site Plan Control

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

2.5.2 Policies

Area affected

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

Exemptions

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

Plans and drawings

c) An application for Site Plan Control approval *shall* include the submission of plans and drawings showing the location of all buildings and structures to be built and all facilities to be provided as part of the proposed *development*, as well as matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings, and their sustainable design, as well as matters relating to: OPA 55

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

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

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

Site Plan considerations

d) Where an application for Site Plan Control approval is made, City Council *shall* review the submission based on the provisions for Site Plan Control in The Planning Act and the Site Plan Control By-law and include such criteria as:

(i) *compatibility* with adjacent uses;

(ii) urban design standards;

(iii) function and efficiency;

(iv) safety and access;

(v) adequacy of servicing;

(vi) grading and drainage; and

(vii) landscaping and lighting.

Less than 25 dwelling units

e) In situations of a residential building of less than twenty-five (25) units, unless otherwise exempted from Site Plan Control and specifically defined in the Site Plan Control By-law, City Council *may* require the applicant to submit drawings showing plan elevations and cross-sectional views, in order to assess the appropriateness of the proposal. These drawings will be required for such *development* in the North Aldershot Planning Area as specified in subdivision agreements.

Agreement

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

North Aldershot Planning Area

g) In the North Aldershot Planning Area, the following additional policies *shall* apply: OPA 55

(i) The City *shall* require site plan approval for *development* and *re-development* in accordance with City policy, and in addition on specified lands including detached dwelling *development* on individual *lots* in accordance with Section 41 of The Planning Act, and any other applicable legislation;

(ii) Site plan control will be used to protect landscape features, slopes, remnant vegetation or significant views. Lands affected by such site plan control are shown on Schedules D-C1 to D-C11. The *lots* and blocks subject to site plan control as generally indicated on the aforementioned maps will be identified at the time of draft approval. Council *shall* use the policies of this plan in assessing proposals for *development* and *re-development;*

(iii) The City *shall* require Building Envelope Control for *development* and *re-development* on specified lands. *Lots* subject to Building Envelope Control are identified in Schedules D-C1 to D-C11. Proposals for *development* or *re-development* on *lots* subject to building envelope control will be circulated to the Conservation Halton for comment; and

(iv) On those *lots* subject to Building Envelope Control, the building envelope and driveways will be located so as to avoid steep slopes and vegetation features identified in the Environmental Implementation Report, and/or to provide view access and/or reduce visual impact of *dwelling unit*s on the *streetscape*. The specific use of Building Envelope Control will be as described in the Official Plan Sub-Area policies outlined in Part V, Section 11.0 of this Plan. Building Envelope Control does not exempt *lots* or buildings from conforming to the Zoning by-Law.

2.6 Maintenance and Occupancy Standards

2.6.1 Objective

Comprehensive program

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

2.6.2 Policies

Maintenance and Occupancy Program

a) City Council *shall* administer a program regarding standards for maintenance and occupancy for all or any part of the City. The program *shall* contain requirements for the maintenance of both residential and non-residential buildings, yards and *accessory buildings*, adequacy of sewage and drainage facilities, and the maintenance of walks, passages, fences and garbage disposal facilities. OPA 55

By-Law

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

All properties to conform

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

Property Standards Officer

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

Property Standards Committee

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

Further studies

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

Official Plan conformity

g) City Council *shall* ensure that all elements of the property standards program conform to the Plan.

2.7 Parkland Dedication

2.7.1 Objective

Acquire parkland

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

2.7.2 Policies

Condition of development

a) Parkland dedication from residential *development shall* be required as a condition of *development*. The amount of land or the amount of money paid in lieu of land, *shall* be determined on the following basis: OPA 47

Residential-Low Density

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

Residential-Low and Medium Density

(ii) for *low or medium density residential development*, with a proposed density of 15 to 50 units per net hectare, parkland *shall* be dedicated at the rate of 1 hectare per 300 units; and OPA 7 OPA 47

Residential-High Density

(iii) for *high density residential development*, with a proposed density greater than 50 units per net hectare, parkland *shall* be dedicated at the rate of 1 hectare per 300 units. OPA 47

Commercial, industrial and institutional

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

Mixed use

c) Parkland dedication from mixed use *development shall* be determined as follows: for the residential component of the *development*, park dedication *shall* be on the basis of Part VI, Subsection 2.7.2 a); for the commercial, *industrial* and institutional component of the *development*, parkland dedication *shall* be 2 per cent of the land area for the percentage of the total floor area used for non-residential uses. OPA 7

Cash-in-lieu

d) The payment of money equal to the value of the land otherwise required to be conveyed for parks *may* be required. OPA 7

Flood, valley lands

e) Lands required for drainage and shoreline protection purposes, lands susceptible to flooding, steep valley slopes, hazard lands and other lands unsuitable for *development*, *shall* not be accepted as parkland conveyance.

Waterfront Trail

f) Dedication of waterfront lands for park purposes *shall* also be subject to the policies of Part II, Subsection 9.4.2.

2.8 Niagara Escarpment Plan Area

2.8.1 Objectives

Development Control

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

Policies

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

2.8.2 Policies

Development Permit

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

Zoning and Holding By-laws

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

2.9 Master Servicing Agreement

2.9.1 Objective

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

2.9.2 Policies

Master Servicing Agreement

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

(i) open spaces;

(ii) water;

(iii) sanitary sewers;

(iv) storm water management;

(v) road *infrastructure* and widenings; and

(vi) other *utilities*.

Execution of Agreement

b) If difficulties or undue delays are encountered with respect to the preparation and/or signature of Master Site Servicing and/or Master Storm Water Management Agreements described in Part VI, Subsection 2.9 a), the City *may* be requested to attempt to resolve such difficulties or delays. Where resolution of such problems is not deemed feasible by the City or is not possible even with the City's intervention, the City *may* approve alternative mechanisms to satisfy the intent of the applicable policy.

2.10 Servicing

North Aldershot Planning Area

a) In the North Aldershot Planning Area, servicing of any *development shall* be provided only in accordance with the Water and Wastewater Treatment policies of the Region of Halton and in particular those policies which prohibit private connections to existing and future trunk watermains, wastewater mains and water reservoirs situated outside the Urban Planning Area, except those which comply with relevant legislation or legally executed or binding agreements existing at the time of the adoption of the Region of Halton Official Plan. OPA 55

Provide services

b) In the North Aldershot Planning Area, the *development* pattern established in this Plan is based on the fact that the Region of Halton has determined that it is prudent and feasible to provide water and wastewater services to portions of the subject area as defined in the Regional Official Plan. OPA 55

3.0 INTERPRETATION

3.1 Objective

Guide interpretation

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

3.2 Policies

Functional policies

a) The principles, objectives and policies presented in Part II of the Plan, unless otherwise specified, apply to all of the lands in the City of Burlington regardless of the land use designation shown on the City Structure and Land Use schedules.

Land Use policies

b) The principles, objectives and policies presented in Parts III, IV and V of the Plan, unless otherwise specified, apply only to the lands so designated on the Settlement Pattern and the Comprehensive Land Use Plan schedules.

Boundaries

c) The designations identified on Schedules A to I of the Plan are intended to show general use areas. The boundaries are flexible and are subject to interpretation at the time of implementation of the Plan, provided the intent of the Plan is maintained, except for those boundaries established by well defined features such as railways, highways and roads or where specifically defined in the Plan.

Permitted uses

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

Numerical requirements

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

Certified true copy

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

Provincial and Regional Land Use Plans

g) In cases where there is a conflict between the Official Plan and the applicable Provincial Land Use Plan or Regional Official Plan, the Provincial Land Use Plan and Regional Official Plan prevail unless the Official Plan is more restrictive.

Site specific and general policies

h) In cases where there is a conflict between site specific and general policies, the site specific policies *shall* prevail.

One parcel two designations

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

4.0 COMMITTEE OF ADJUSTMENT

4.1 Objectives

Conform to purpose & intent

a) To ensure that proposed *development* and specific uses of lands that involve adjustment(s) to by-laws, conform to the general intent and purpose of the Plan and Zoning By-law.

New lots

b) To ensure that the creation of new *lots* maintains the orderly *development* of lands.

4.2 Minor Variance Policies

Four Tests

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

(i) is minor in nature;

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

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

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

Cumulative impact

b) In commenting to the Committee of Adjustment on a proposal requiring applications for multiple minor variances from the Zoning By-law, the City *shall* ensure that the *cumulative impact* of the proposed variances is considered, and if the *cumulative impact* of the proposed variances is not considered to be minor, it will be recommended that the proposal *should* proceed by way of rezoning. OPA 55

Neighbourhood Character Areas

c) For lands within *Neighbourhood Character Areas*, minor variance applications for *development and re-development* of a single detached dwelling *shall* be evaluated based on the following additional criteria: OPA 104

(i) consistency with *neighbourhood character*;

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

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

4.3 Legal Non-Conforming Use Policies

Extensions and enlargements

a) Legal non-conforming uses, buildings or structures throughout the City *should* eventually cease, so that the land affected *shall* revert to a use, building or structure that conforms with the intent of the Plan and the Zoning By-law. In special circumstances, however, it *may* be appropriate to consider the extension or enlargement of a non-conforming use, building or structure. OPA 7

Considerations

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

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

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

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

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

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

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

(vii) the intent of the Plan and standards established in the Zoning By-law are upheld.

4.4 Consent Policies *D22, D23

Orderly development

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

Consent not appropriate

b) *Development* which proposes the creation of *lots* requiring the construction of a new public road, the execution of a *development* agreement, or which proposes the creation of more than two new *lots, should* not proceed by way of consent. OPA 55

Restricted on Rural Lands

c) Subject to other policies of this Plan, new *lots shall* only be created by way of consent within the Rural Lands designated on Schedule A, Settlement Pattern, for the following purposes:

(i) to correct conveyances, enlarge existing *lots* or through acquisition by a public body or a non-profit entity for natural heritage conservation, provided no separate buildable *lot* is created; or

(ii) for the purpose of consolidating *lots* or re-configuring *lot* lines that would result in no new additional building *lots*. ***D55**

Rural Settlement Areas and Urban Planning Area

d) Subject to other policies of this Plan, new *lots may* be created by way of consent within the "Rural Settlement Areas" designation shown on Schedule A, Settlement Pattern and all designations shown on Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

Matters to consider

e) In commenting to the Committee of Adjustment, the City will ensure the following factors are considered: OPA 55

(i) where applicable, the policies for *infill development* contained in Part III, Subsection 2.5.4 of this Plan;

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

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

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

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

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

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

(viii) the proposed consent *should* not extend into areas susceptible to flooding or erosion, or adversely affect drainage patterns; and

(ix) the frontage of new *lots* intended for building *should* generally not be less than approximately 40 per cent of the *lot* depth.

(x) within *Neighbourhood Character Areas,* the proposed *development shall* achieve consistency with *neighbourhood character*; and OPA 104

(xi) within *Neighbourhood Character Areas*, the minimum lot widths and areas of proposed new lots in *Neighbourhood Character Areas shall* meet or exceed the average lot width and lot area of single detached residential lots fronting on both sides of the same street within 120 m of the subject property. OPA 104

North Aldershot Planning Area

f) In the North Aldershot Planning Area designated on Schedule D, subdivision of land *shall* generally take place by plan of subdivision. Consents *shall* be permitted: OPA 55

(i) for technical or legal purposes; or,

(ii) where the municipality is satisfied that the consent will not prejudice implementation of the Sub-Area plans outlined in Part V, Section 11.0 of this Plan and/or the ultimate subdivision of land; and

(iii) where the factors as set out in Part VI, Subsection 4.4 e) are met.

Niagara Escarpment Planning Area

g) For lands subject to the Niagara Escarpment Plan and Development Control, *lot* creation is also subject to the policies of the applicable designations of the Niagara Escarpment Plan. OPA 55

5.0 SECONDARY and TERTIARY/NEIGHBOURHOOD PLANNING PROCESS

5.1 Objective

Orderly development

a) To undertake *Secondary or Tertiary*/Neighbourhood Plan studies to allow the orderly and planned *development* of areas, communities or neighbourhoods.

Other studies

b) To undertake other supporting studies that are required.

5.2 Secondary and Tertiary/Neighbourhood Planning Policies

Amendment to Plan

OPA 55

a) *Secondary Plans* and *Tertiary/*Neighbourhood Plans *may* be prepared by the City. *Secondary Plans shall* be adopted through amendments to the Plan, while *Tertiary/*Neighbourhood Plans *may* be adopted by Council as policy without requiring an amendment to the Plan. Following adoption by City Council of a *Secondary Plan* or *Tertiary*/Neighbourhood Plan and any implementing amendment, *development shall* be guided by both the *Secondary and/or Tertiary*/Neighbourhood Plan and the implementing amendment if applicable.

Matters to consider

b) *Secondary and Tertiary*/Neighbourhood Plans *shall* address issues at a level of detail sufficient to guide *development* within the area affected, and *may* include, but are not limited to the following:

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

(ii) policies for the provision of housing, employment, schools, institutional and commercial or other land use matters, including the location, form and intensity of *development* for such uses;

(iii) policies addressing the transportation network as it relates to the study area, the community's needs and overall transportation objectives;

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

(v) policies for local leisure needs;

(vi) policies for unique environmental areas and natural features;

(vii) direction regarding heritage conservation and area-specific urban design policies;

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

(ix) assessment of the phasing of *development* based on the City's Development Phasing Strategy and financial capabilities of the City and Region to provide municipal services and *infrastructure* for the proposed *development.*

List of Secondary Plans

c) A list of approved *Secondary Plans* is included for reference in Appendix C of this Plan. OPA 55

5.3 Other Studies Policies

Studies required

a) Support studies *may* be required as part of the *secondary or tertiary*/neighbourhood planning process to ensure the feasibility of conceptual plans. The support studies *may* include, but are not limited to Site *Development* Analysis, Sanitary and Storm Sewer Study, Storm Water Management Study, Transportation Study, Market Feasibility and Impact Study, *Environmental Evaluations* and *Financial Impact Analysis.* OPA 7

Urban Design plans

b) Urban design plans *shall* be prepared in accordance with the policies of Part II, Section 6.0.

Technical studies

c) Technical studies are to be completed by the developer to the satisfaction of the City of Burlington.

6.0 MONITORING

6.1 Objectives

Effectiveness of Plan

a) To evaluate the effectiveness of the Plan's policies over time and ensure that its objectives respond to changing circumstances.

Monitoring

b) To provide an effective means of monitoring the policies and objectives of the Plan through quality of life indicators as well as other factors.

Housing

c) To establish and maintain a comprehensive monitoring program for housing to improve the City's ability to respond to housing issues and to assess the strengths and weaknesses of its existing policies.

Sustainable Development

d) To monitor progress in *Sustainable Development* within the City. OPA 55

Consultation

e) To provide consultation on the effectiveness of policies and the early identification of new issues. OPA 55

De-Listing of Hamilton Harbour

f) To document progress on the de-listing of Hamilton Harbour through the Hamilton Harbour Remedial Action Plan. OPA 55

6.2 Policies

Five Year Review

a) At least once every five years City Council *shall* evaluate the need to review the Plan, which *shall* include a public meeting required under The Planning Act. This review *shall* determine if:

(i) the principles, objectives and policies of the Plan remain valid and realistic in view of changing circumstances; and

(ii) the policies of the Plan are adequate to achieve the principles and objectives.

Number of Amendments

b) Ongoing monitoring of the number of amendments that have been processed and/or the frequency of challenge faced in dealing with proposals to change the Plan *shall* be used to review its effectiveness.

Further research

c) Policy components that *may* require further research and amendment *may* be considered, as required.

Property Standards

d) Once each Council term, City Council *shall* review the Property Standards By-law(s) to ensure their effectiveness and identify buildings that require by-law enforcement. OPA 55

Housing database

e) A housing related database *shall* be maintained on an ongoing basis. The information collected *shall* be available to the public, private *development* industry, community groups and other interested parties on a regular basis.

Local housing market

f) City Council *shall* annually monitor the local housing market and review the effectiveness of the City's housing policies in addressing local housing needs.

Monitoring of targets

g) In conjunction with the Region of Halton, the City *shall* regularly monitor the attainment of population and employment targets contained in the Regional and City Official Plans by considering measures such as the current overall municipal employment-to-population ratio, amount of *infill development*, and prevailing residential and employment densities of developing areas as compared with those stated in the respective *Secondary Plans.* OPA 55

Housing inventory

h) An inventory of existing vacant and potential residential lands *shall* be maintained, including potential sites for *affordable housing*.

Assisted and Special Needs Housing

i) An inventory of potential *assisted* and *special needs housing* sites *shall* be maintained and forwarded to the Halton Community Housing Corporation and other providers of *assisted housing.*

6.3 Environmental Monitoring

Objective

In order to ensure the continuing effectiveness of policies for *Sustainable Development* and environmental protection as well as to meet Remedial Action Plan targets it is necessary to monitor the environment over an extended period of time. OPA 55

State of Environment Report

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

Indicators

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

De-listing of Hamilton Harbour

c) The City will assist in the efforts to ensure that Hamilton Harbour is de-listed as an Area of Concern by 2015.

7.0 PUBLIC AND AGENCY PARTICIPATION/NOTIFICATION

7.1 Objectives

Seek Input

a) To actively seek input of individuals, community and special interest groups, and public boards, commissions and agencies on planning and related matters.

Public participation

b) To ensure that the community goals are reflected in plans for *development* by encouraging public participation in the planning and decision-making process.

7.2 Policies

a) City Council *shall* seek to inform and obtain public and agency input during:

All Planning Stages

(i) the review of the Plan, by-laws and land *development* approval processes;

Special studies

(ii) the preparation and/or review of *Secondary Planning* studies, *Community Improvement Project Plans* and other planning studies; and

Other issues

(iii) for any other planning or *development* situation where Council desires public involvement.

Committee to hold Public Meetings

b) City Council *shall* establish a Committee of Council to conduct public meetings pursuant to The Planning Act.

c) The procedure to inform and obtain public and agency input *shall* include the following steps:

Erect sign

(i) a sign *shall* be placed on the subject property by the applicant, indicating the basic details of the application for a site-specific amendment to the Official Plan or Zoning By-law and/or a plan of subdivision. A site-specific amendment *may* involve a map designation change and/or policy change which applies to a block of land. The wording, design and placement of the sign is to be approved by the City;

Preliminary notification

(ii) a preliminary notification of the application for amendment(s) to the Official Plan or Zoning By-law and/or a plan of subdivision, including basic details, *may* be given at least 30 days prior to the Council meeting to consider approval of the proposed amendment(s) and/or subdivision. For site specific amendments and subdivisions the preliminary notification *shall* be sent by prepaid first class mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined

OPA 7
OPA 55

on Schedule C and the North Aldershot Planning Area as outlined on Schedule D, and *may* be sent to every tenant. For amendments that generally apply to the City, a notice *shall* be placed in a local newspaper approved by the City Clerk, that has a general circulation in the area;

Agency circulation

(iii) the details of the proposed amendment(s) to the Official Plan or Zoning By-law and/or a plan of subdivision *shall* be circulated for comments to all boards, commissions and agencies that are considered to have an interest in the matter and a reasonable period given for comments;

Notice of Public Meeting

(iv) notice of a public meeting to inform and obtain comments from the public *shall* be given at least 14 days prior to the date of the meeting, when a preliminary public notification has been given. When this preliminary public notification has not been given, notice of the public meeting *shall* be given at least 30 days prior to the date of the meeting. For an Official Plan or Zoning By-law amendment that applies generally to the City, notice of the public meeting *shall* be placed in the local newspaper. OPA 7 OPA 55

For a site specific amendment or a plan of subdivision, notice of this public meeting *shall* be placed in a local newspaper and/or sent by mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined on Schedule C and the North Aldershot Planning Area as outlined on Schedule D, and *may* be sent to every tenant and to any parties who have requested notification of any meetings on this particular matter, provided the request is received before notices are issued.

Notice of a public meeting *shall* include, where applicable, information regarding the power of the Ontario Municipal Board to dismiss an appeal if an appellant has not provided Council with oral submissions at a public meeting or written submissions before a plan is adopted or a by-law is passed

At least one Public Meeting

(v) at least one public meeting *shall* be held by the Committee of Council to inform and obtain comments from the public. In the case of a Plan amendment, adequate time *may* be allowed after the public meeting for staff to analyze all public comments before the staff report and the proposed amendment is dealt with by Council, except in the case of a housekeeping amendment or an amendment for which there is no public interest. No public interest *shall* be interpreted when no written objections to the proposed amendment are received prior to the public meeting and no verbal objections to the proposed amendment are made at the public meeting. In the case of a Zoning By-law amendment and/or plan of subdivision, or OPA 55

where it is determined that adequate time has been provided for analysis of the comments on an Official Plan Amendment, a decision and recommendation to Council on the approval of the application *may* be made by the Committee at the meeting, if appropriate;

Information to City Council

(vi) following a public meeting of the Committee, the recommendation of the Committee *shall* be presented to Council. Any person *may* also appear as a delegation before Council regarding a proposed amendment to the Plan or Zoning By-law and/or the plan of subdivision, providing he or she registers with the City Clerk prior to the Council meeting; OPA 55

Notification of decision

(vii) notification of the Council decision regarding the proposed amendment and/or the plan of subdivision *shall* be given to the applicant and persons who expressed an interest in the matter, by the City Clerk; and

Joint Public Meetings

(viii) when applications for amendments to both the City and Regional Official Plans are made to permit *development* on the same property, City Council *may* hold a joint public meeting with the Region of Halton to consider both applications concurrently, in order to eliminate duplication of processing and to streamline and simplify public consultation. OPA 55

8.0 LAND USE DESIGNATIONS TO BE DETERMINED

8.1 Objectives

Identify areas

a) To indicate those lands for which the final land use designations and policies are awaiting the outcome of planning studies.

Long term policies

b) To conduct *secondary planning* and/or major planning studies that establish long term *development* policies for areas designated as "Land Use Designations To Be Determined" on Schedule A, Settlement Pattern and/or Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

Interim development policies

c) To establish interim *development* policies for areas designated as "Land Use Designations To Be Determined" on Schedule A, Settlement Pattern and/or Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

Study requirements

d) To identify the requirements for the *secondary planning* and major planning studies.

8.2 General Policies

Secondary Plans and Major Studies

a) *Secondary planning* studies or major planning studies *shall* be conducted for areas designated as "Land Use Designations To Be Determined" on Schedule A, Settlement Pattern, and/or Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

Matters to consider

b) The studies referred to in Part VI, Subsection 8.2 a) *shall* be conducted in accordance with Part VI, Section 5.0.

Amendment to Plan

c) The findings of the studies referred to in Part VI, Subsection 8.2 a) *shall* be implemented through an amendment to this Plan.

8.3 Alton Community Study Area *D9, *D32

Location

a) The Alton Community is bounded on the north and west by Highway 407, the south by Dundas Street and the east by Bronte Creek. OPA 3

Interim development

b) Until the remaining unapproved portions of the Alton Community Secondary Plan and Official Plan Amendment 3 are approved, the *development* of lands within these portions of the Alton Community *shall* be directed as follows: OPA 3

(i) *existing uses*, *agricultural* uses, uses permitted under the Zoning By-law and the Parkway Belt West Plan are permitted; and

(ii) the provisions of the Parkway Belt West Plan, where applicable.

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