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COMPLETE COMMUNITIES

Complete communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing and *public service facilities* including *affordable housing,* schools, *recreation* and open space for their residents. *Culture* and community activities thrive, creating a positive sense of place, inclusivity and community. Convenient access to public transportation and options for active transportation are also provided.

Broadly, the policies of this Plan aim to provide a wide range of opportunities to accommodate jobs and housing. A successful and *complete community* must also provide residents with access to a range of services and facilities that will satisfy health, education, social, religious and recreation needs. Several key elements of a complete community, such as housing, *public service facilities* and *institutional uses*, parks, *cultural resources* and *cultural heritage resources,* are addressed by the policies of this chapter; however the entire Plan is intended to work together to deliver the elements of a *complete community*.

3.1 HOUSING

Housing is fundamental to the social, economic and physical well-being of the city's residents and neighbourhoods. The *City* will promote an appropriate and adequate range of housing choices by type, tenure and affordability level, to accommodate the needs of all city residents and workers, regardless of age, income level, physical, sensory and mental health and ability, culture, level of support services, household structure and family composition.

3.1.1 HOUSING SUPPLY

3.1.1(1) OBJECTIVES

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

b) To promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures across the city, subject to the policies of this Plan.

c) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing, while maintaining *compatibility* with the character of existing neighbourhoods.

d) To support the Region of Halton in the establishment and monitoring of minimum housing targets.

e) To maintain the quality of the existing housing stock.

3.1.1(2) POLICIES

a) To the extent to which land is available in the Urban Area, the *City shall* maintain the ability to accommodate its share of residential growth within the *regional market area.* The *City* will assist the Region of Halton in the establishment and monitoring of annual minimum targets for the production of housing units by density type, and for the production of *assisted* and *affordable housing*, based on targets established in the Regional Official Plan.

b) The *City* will work with the Region of Halton to provide opportunities for housing for a wide array of socio-economic groups and those with differing physical needs and household compositions, using all available planning mechanisms and tools.

c) The use of surplus lands owned by the *City* and other *public authorities shall* be considered for *affordable* and *assisted housing,* before using them for other land uses.

d) In consultation with the Region of Halton, the *City* will ensure an adequate level of local municipal *infrastructure* to meet the demands of residential *development.*

e) *The City* will support housing initiatives that facilitate revitalization, particularly the identification and remediation of *brownfield, greyfield* and *bluefield* lands, *compact built form*, flexibility and adaptability in the design and function of the housing stock, and an increased variety of housing alternatives.

f) In partnership with the Region of Halton, other *public authorities* and the private sector, the *City* will identify *brownfield, greyfield* and *bluefield* sites outside *employment areas* and work toward encouraging their availability where appropriate, for *development* for housing purposes, including a component of *affordable housing* and/or *assisted* and *special needs housing.* Such sites or lands *may* be declared as Community Improvement Project Areas subject to Subsection 12.1.15 of this Plan, to facilitate their *development*.

g) The *City* will develop a city-wide housing strategy that will support the Region of Halton's Housing Strategy and will:

(i) describe the current range and mix of housing in the city;

(ii) establish city-wide housing objectives, including, among other

objectives special reference to a seniors housing strategy and *long term care facilities*;

(iii) consider the housing policies and strategies from this Plan and *area-specific plans;*

(iv) examine opportunities for partnerships to increase the supply of *affordable housing;*

(v) develop:

a. minimum targets in support of achieving the Region of Halton's housing mix and *affordable* and *assisted housing* targets;

b. minimum targets within *mid-rise* and *tall buildings* for *affordable*, *assisted* and/or *special needs housing*;

c. minimum targets for two (2) and three (3) bedroom units for residential *development* applications, including minimum targets for 3 or more bedroom units;

(vi) consider financial and other incentives, including grants, property tax reductions, *infrastructure* improvements and Community Improvement Plans to facilitate the provision of *affordable housing* and/or *assisted* and *special needs housing;*

(vii) research and develop, in association with the Region of Halton and local municipal partners, an inclusionary zoning by-law as part of either a Region-wide program, or as a city-wide program.

(viii) recommend any required amendments to this Plan to implement the findings of the city-wide housing strategy.

h) The *City shall* require the submission of a *housing impact statement* where a *development* proposal includes more than one hundred (100) *dwelling units*, identifying:

(i) how the proposal contributes to achieving the Region of Halton housing targets, including identification of any proposed new *affordable* or *assisted* housing units;

(ii) how the estimated rents and/or initial sales prices of the *development* are at or below the *affordable housing* thresholds by type;

(iii) where construction of the units is expected to occur in phases, information regarding the number of *affordable housing* units to be provided per phase, where applicable; and

(iv) the proposed legal and/or financial mechanisms to ensure the

delivery of any proposed new *affordable housing* commitments, and mechanisms to retain the long term affordability of units, where applicable.

i) The *City* will advise the Region of Halton and senior levels of government of the need for *infrastructure* and servicing funding associated with the provision of additional housing in the city.

j) The *City* will consider the provision of innovative forms of housing tenure, such as co-operative housing, and common element, phased and vacant land condominiums, as a means of increasing housing diversity, choice and supply in the city.

k) The *City* will *encourage* a mix of housing forms. However, the city's existing areas of Residential Low-Density *shall* be considered sufficient to contribute towards that component of the mix.

l) The *City* will *encourage* the building and *development* industry to incorporate *universal design* features in all new buildings.

m) The *City* will support and encourage the ongoing maintenance and stability of the existing housing stock in the community by:

(i) enforcing of the *City's* Property Standards By-law;

(ii) supporting the reuse and adaptation of the housing stock; and

(iii) supporting community access to programs funded by senior levels of government for the rehabilitation and repair of housing.

3.1.2 HOUSING TENURE

3.1.2(1) OBJECTIVE

a) To maintain balance between rental and ownership housing stock in the city by protecting the existing supply of rental housing and encouraging the provision of new rental housing.

3.1.2(2) POLICIES

a) The demolition of residential rental properties or the conversion to freehold or condominium ownership of a residential rental property containing six (6) or more units, in part, or in whole, *shall* not be permitted unless the following conditions are satisfied:

(i) the rental vacancy rate by structure type for the City of Burlington as defined and reported yearly through the C.M.H.C. Rental Market Report has been at or above three (3) percent 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) that negative economic and other impacts upon tenants are minimized to an acceptable level; and

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

b) Notwithstanding 3.1.2 (2) a) (i), the demolition of residential rental units *may* be permitted in conjunction with a *development application* which at a minimum *shall* provide the same number of rental units with the same number of bedrooms per unit, at a similar rental rate at the time of *development application* submission, as those units that are demolished.

c) A *development application* related to the demolition of residential rental properties or the conversion to condominium tenure or owner occupancy *shall* include, to the satisfaction of the *City*, proof of tenant notification of the demolition or conversion proposal and proof of notification of the rights of tenants under Provincial residential tenancy legislation, including a minimum of 1 (one) tenants' only meeting as a part of the *development application* process. The preparation of a tenant relocation and assistance plan, including right to return and alternative accommodations to lessen hardship, *may* also be required.

d) The *City* will *encourage* the construction of rental housing with a full mix and range of unit types and sizes.

3.1.3 HOUSING AFFORDABILITY

3.1.3(1) OBJECTIVES

a) To promote the provision of an appropriate range and mix of *affordable housing* to meet the needs of the existing and future population.

b) To support programs designed to increase the supply of *affordable housing*.

c) To *encourage* the development of *affordable housing* throughout the city.

d) To explore new approaches to reduce residential land and construction costs, including expediting the *development* approval process, as an aid to reduce the overall cost of housing.

3.1.3(2) POLICIES

a) The *City* will identify, promote and where appropriate, participate in, *affordable* and *assisted housing* opportunities funded by senior levels of government.

b) In consultation with the *development* industry, the *City* will consider the establishment of alternative *development* standards for residential *intensification* and new residential *development* which minimize the cost of housing and facilitate *compact built form,* while maintaining appropriate levels of public health and safety.

c) The *City* will consult with the *development* industry to develop innovative housing designs that encourage the *development* of more *affordable housing.*

3.1.4 ASSISTED AND SPECIAL NEEDS HOUSING

3.1.4(1) OBJECTIVES

a) To meet housing needs by permitting *assisted* and *special needs housing* in all residential neighbourhoods in the Urban Area of the city.

b) To integrate *assisted* and *special needs housing* with *market housing.*

c) To support housing programs that are beneficial to the provision of *assisted* and *special needs housing.*

3.1.4(2) POLICIES

a) *Assisted* and *special needs housing shall* be permitted throughout the city, but are *encouraged* to locate within the Urban Area, where residential uses are permitted and where public transit, retail and *public service facilities* are readily accessible.

b) The *City* will encourage providers of *assisted* and *special needs housing* in maintaining the supply of *assisted* and *special needs housing* in the Urban Area of the city. The Zoning By-law *shall* contain provisions that will permit *assisted* and *special needs housing* in all residential neighbourhoods, subject to reasonable planning standards and design criteria.

c) The *City* will support the Halton Community Housing Corporation and other providers of *assisted* and *special needs housing* in providing *assisted* and *special needs housing* in the city, and will support their applications to senior levels of government for funding under housing programs.

d) The *City* will identify, promote and where appropriate, participate in, *assisted* and *special needs housing* opportunities funded by senior levels of government.

e) The *City* will recognize the importance of *development applications* which will provide *assisted* and *special needs housing*, and further, will give priority to planning approval of those receiving funding from senior levels of government or where proposed by a charitable not for profit organization. Any *development application shall* be assessed by the relevant policies of this Plan.

f) The *City shall* require that *assisted* and *affordable housing* projects receiving government funding include, as appropriate, units with *universal design* and energy conservation standards, as described by the Region of Halton.

g) Notwithstanding the other provisions of this Plan, the Zoning By-law *may* exclude *assisted* and *special needs housing* containing *dwelling units* without full culinary and sanitary facilities from the density provisions of this Plan.

3.2 PUBLIC SERVICE FACILITIES AND INSTITUTIONAL USES

This section is intended to ensure that a broad range of *public service facilities*, such as police/fire services, libraries, schools, parks, community centres, hospitals, and *long-term care facilities*, are planned for at a neighbourhood and city-wide scale in order to serve the current and future needs of residents. These services are provided by many levels of government and *public authorities*. The *City* makes decisions for some of these facilities, such as libraries, parks and community centres.

An *institutional use* includes a broad category of uses that provide a service to the public but that service is provided by other partners in the community. Examples include private day care facilities, trade schools, private schools, and places of worship. These are important uses that are part of a *complete community*.

3.2.1 OBJECTIVES

a) To ensure that *public service facilities* and *institutional uses* are recognized as having an important role both within neighbourhoods and the city as a whole.

b) To ensure that current and future neighbourhood and city-wide needs for *public service facilities* and *institutional uses* are considered and planned for as part of future growth and *development* planning.

c) To recognize the role of *public service facilities*, in particular parks and open spaces, in contributing to more *complete communities* that support recreation, sports and active living.

d) To support the development of a city-wide Post-Secondary Institution Strategy.

e) To recognize that *public service facilities* and *institutional uses may* contain *sensitive land uses* that *may* not be appropriate in all areas of the city.

3.2.2 POLICIES

a) *Public service facilities shall* be permitted in all land use designations identified on Schedule C: Land Use – Urban Area, Schedule I: Land Use – Rural Area and Schedule K: Land Use- North Aldershot; with the exception of the Natural Heritage System, Agricultural Area, and Mineral Resource Area designations of this Plan. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan also apply.

b) In the Urban Area, *institutional uses shall* be permitted within all land use designations identified on Schedule C: Land Use - Urban Area, of this Plan, with the exception of the Natural Heritage System designation of this Plan. In the North Aldershot Area, *institutional uses may* be permitted within all land use designations identified on Schedule K: Land Use– North Aldershot, with the exception of the Greenlands (Escarpment Plan Area), Environmental Protection Area and North Aldershot Special Study Area land use designations, subject to meeting the conditions set out in Subsection 10.3.2 k) of this Plan.

c) Notwithstanding Subsections 3.2.2 a) and b) of this Plan, *public service facilities* and *institutional uses* are discouraged from locating within the *employment area* as they often require locations that would better serve the broader community. These uses *may* only be permitted in the *Employment Area* where the following criteria are met:

(i) the use is an *ancillary employment use,* as defined in Chapter 13, Definitions, of this Plan;

(ii) the use is located at the periphery of the *employment area,* as shown on Schedule B: Urban Structure, of this Plan by being within 400 m of a Major Arterial, Multi-Purpose Arterial Street or an Urban Avenue, as identified on Schedule O-1: Classification of Transportation Facilities-Urban Area, of this Plan;

(iii) the use has access to at least one Major Arterial, Multi-Purpose Arterial, Urban Avenue, or Industrial Connector Street, as identified on Schedule O-1: Classification of Transportation Facilities – Urban Area, of this Plan;

(iv) the use has a maximum floor area of 500 sq. m.; and,

(v) the use *shall* not contain a residential use.

d) Notwithstanding Subsections 3.2.2 b) of this Plan, *major places of worship shall* not be permitted within lands designated for employment uses, with the exception of lands designated Urban Corridor-Employment Lands.

e) Notwithstanding Subsections 3.2.2 a), b) and c) of this Plan, *public service facilities* and *institutional uses* that are considered a *sensitive land use* which are proposed within an *employment area, shall* be subject to the following:

(i) consideration of whether the use is considered an *ancillary employment use*;

(ii) meeting the criteria established in Subsection 3.2.2 c) ii) through v); and

(iii) a site-specific Zoning By-law amendment *shall* be required to the Zoning By-law. Such an amendment will be considered only following the completion of a land use compatibility assessment that addresses all relevant considerations such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines and the Region of Halton's Land Use Compatibility Guidelines, Air Quality Guidelines, the policies of Section 4.6, Land Use Compatibility, of this Plan, and any other relevant considerations to ensure that the location and design of the use mitigates *adverse effects*.

f) *Institutional uses* proposed within the Rural Area *shall* only be permitted to locate within the Rural Settlement Area designations as shown on Schedule I: Land Use – Rural Area, of this Plan.

g) The *City* will initiate the preparation of a comprehensive, city-wide Post-Secondary Institution Strategy that will consider, at a minimum:

(i) an economic development strategy;

(ii) an analysis and discussion of the relative strengths and opportunities related to the potential to accommodate a post-secondary institution in Primary Growth Areas, including the Downtown or *Major Transit Station Areas* or areas within the *Designated Greenfield Area*; and

(iii) an analysis of the *infrastructure,* investments and supportive uses that would likely be required to support a potential post-secondary institution.

h) *Area-specific plans shall* identify and plan for future *public service facility* needs, including community hubs as identified in Subsection 12.1.3 of this Plan, and *shall* have regard for potential future *institutional uses* which may be required to serve residents.

i) The implementing Zoning By-law *shall*:

(i) subject to the policies of Subsections 3.2.2 a), b), c), d) and e) of this Plan, permit *public service facilities* and *institutional uses* within all Urban Area zones, with the exception of the zones implementing the Natural Heritage System designation, provided such uses abut a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, Neighbourhood Connector or Industrial Connector Street, as identified on Schedule O-1: Classification of Transportation Facilities – Urban Area, of this Plan; and

(ii) establish regulations, where appropriate, regarding the location and associated *development* standards for *public service facilities* and *institutional uses* in order to achieve a high degree of *compatibility*

with surrounding areas. Such regulations *may* include, but *shall* not be limited to: design standards, parcel size requirements, minimum setbacks and/or minimum separation distances from like uses or other *sensitive land uses*.

j) Surplus *public service facilities may* be acquired by the *City* where such lands and/or buildings are deemed to be required to fulfill a community need, are cost-effective, and in cases involving surplus public education facilities, the acquisitions are in accordance with the appropriate Ontario Regulation for surplus public education facilities.

k) The co-location of more than one *public service facility* and/or *institutional use* within a single building, site or community hub is *encouraged*.

l) The City will collaborate and consult with service planning, funding and delivery sectors to facilitate the co-ordination and planning of community hubs and other *public service facilities.*

m) Notwithstanding any policy of this Plan, *public service facilities* and *institutional uses shall* not be subject to a floor area maximum as identified within any land use designation contained within this Plan, with the exception of *institutional uses* located within an *employment area* in accordance with Subsections 3.2.2 c), d) and e) of this Plan.

n) Notwithstanding Subsection 3.2.2 i) (i) of this Plan, *existing* public education facilities not abutting a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, Neighbourhood Connector or Industrial Connector Street as identified on Schedule O-1: Classification of Transportation Facilities – Urban Area, of this Plan, *shall* be a permitted use.

3.2.3 SITE-SPECIFIC POLICIES

a) **1500 Kerns Road and 4721 Palladium Way:** Notwithstanding Subsection 3.2.2 d) of this Plan, an individual *major place of worship* is permitted at 1500 Kerns Road and 4721 Palladium Way.

b) **4209 Palladium Way, 4691 Palladium Way, and 4380 South Service Road:** Notwithstanding Subsections 3.2.2 c) and e) of this Plan, individual *minor places of worship* are permitted at the following locations:

(i) 4209 Palladium Way;

(ii) 4691 Palladium Way;

(iii) 4380 South Service Road.

c) **4103 Palladium Way:** Notwithstanding Subsection 3.2.2 e), Subsection 8.2.2 i) and Subsection 8.2.2 j) of this Plan, a *long term care facility may* be

permitted on the site subject to a site specific Zoning By-law amendment which will be considered only following the completion of a land use compatibility assessment that addresses all relevant considerations such as noise, vibration, odor, and dust using Provincial Land Use Compatibility guidelines and the Region of Halton's Land Use Compatibility Guidelines, Air Quality Guidelines, the policies of Section 4.6, Land Use Compatibility, of this Plan and any other relevant considerations to ensure that the location and design of the use mitigates *adverse effects.*

3.3 PARKS, RECREATION AND OPEN SPACE

Parks and open space are an essential component of a healthy and *sustainable* city. Parks, open space and *recreational* opportunities contribute to a healthier environment and healthier residents, improving quality of life, providing positive public health outcomes and creating a sense of belonging. The policies in this section provide direction on parks and open space in all areas of the city.

3.3.1 OBJECTIVES

a) To recognize parks and open space lands as valuable resources to the community that play an important role in defining the character of the city and lifestyle of the city's residents.

b) To ensure an adequate and equitable supply of parks, open space and public gathering space, and that a full range of leisure opportunities, are available throughout the city.

c) To collaborate with other agencies such as the school boards, Conservation Halton and the Region of Halton, in the planning and development of parks and other *recreation* and leisure facilities.

d) To implement the park classification system established in the Parks, Recreation and Cultural Assets Master Plan, as amended from time to time, in order to effectively address the parks and *recreation* needs of city residents.

e) To collaborate with partner agencies to create and enhance the Cootes to Escarpment Ecopark System and the Niagara Escarpment Parks and Open Space System.

3.3.2 POLICIES

a) The municipal parks system *shall* consist of Parkettes, Neighbourhood Parks, Community Parks, City Wide Parks and Special Resource Areas/Linkages. The function of each type of park is defined in the Parks, Recreation and Cultural Assets 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/Linkage is an area of parkland in its natural state used for conservation and/or preservation, and *may* include *non-intensive recreation uses.*

b) The policies in this section apply to all parks and open space throughout the city. Additional parks and open space policies are found in Chapter 8: Land Use Policies - Urban Area, Chapter 9: Land Use Policies – Rural Area, and Chapter 10: Land Use Policies - North Aldershot, of this Plan.

c) The location of neighbourhood parks, special resource areas/linkages and parkettes will not be designated on Schedule C: Land Use - Urban Area, Schedule I: Land Use - Rural Area, or Schedule K: Land Use - North Aldershot, of this Plan.

d) The amount of parkland to be provided in the city, including the distribution of parkland by park type will be defined in the Parks, Recreation and Cultural Assets Master Plan, as amended from time to time. The majority of new parkland will be acquired by the *City* through the *development* approval process as parkland dedication in accordance with Subsection 12.1.16 of this Plan.

e) The *City* will update the existing Parks, Recreation and Cultural Assets Master Plan, and *may* identify new park types and park functions.

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. Additional policies related to trails and cycling are found in Subsection 6.2.4 of this Plan.

g) The public acquisition and/or use 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.

h) A high priority *shall* be placed on environmental protection, accessibility for all ages and abilities, public safety, public access and increased visibility along streets during the detailed design and development of parks.

i) Parks *shall* be located, designed and maintained to enhance the local neighbourhood or community.

j) In areas of the city that are deficient in parkland, parkettes *may* be developed by the *City* to respond to this deficiency.

k) The *City* will work with other orders of government to co-ordinate strategies and funding opportunities to acquire and preserve parks and open space, with priority given to areas along the waterfront, the Cootes to Escarpment Ecopark System and the Niagara Escarpment Parks and Open Space System.

l) The design, development and use of Burloak Waterfront Park, Paletta Waterfront Park, LaSalle Park, Spencer Smith and Burlington Beach Waterfront Park will be subject to Park Master Plans, Park Development Plans and/or revitalization plans. Each Master Plan will be prepared by the *City*, in conjunction with the Region of Halton and Conservation Halton.

m) Consideration will be given to locating school sites and parks adjacent to one another, in order to avoid duplication of services.

3.3.3 OTHER USES

3.3.3(1) CEMETERIES AND ACCESSORY FACILITIES

a) A *cemetery* and *accessory* facilities and structures *shall* be located in accordance with Provincial Land Use Compatibility Guidelines. A *crematory shall* not be considered an *accessory* use to a cemetery and *shall* be considered an *industrial* use that is subject to the policies contained in Section 4.6, Land Use Compatibility, of this Plan.

3.4 CULTURAL RESOURCES

Culture makes each place unique and *cultural resources* are central to building a vibrant, liveable and unique community. They have the ability to boost economic development and tourism by making destinations for visitors and local residents and are linked to other aspects of the city's overall health, including the environment.

Cultural resources include the following categories: Community Cultural Organizations; Creative Cultural Industries; Cultural Events and Festivals; Cultural Facilities and Spaces; *Cultural Heritage Resources*; Independent Artists; Natural Heritage; and Public Art.

The *City* recognizes the importance of planning for a wide range of arts, culture, *recreation* and leisure opportunities as well as the role of *cultural resources* in meeting the needs of the community and ensuring that each component contributes to the future quality of life. Benefits can include: enhanced civic pride and identity; enhanced tourism and economic development opportunities; site beautification; enhanced cultural vibrancy; new opportunities for the local cultural community; encouragement of community dialogue; and a lasting legacy for future generations.

3.4.1 OBJECTIVES

a) To support *cultural resources* in a way that contributes to increased cultural vibrancy and diversity in the community.

b) To increase the amount of publicly visible art throughout the city.

3.4.2 GENERAL POLICIES

a) The *City* will support a wide range of *creative cultural industries* in appropriate locations throughout the city.

b) The *City* will maintain an inventory of *cultural resources*.

c) The *City* will consider opportunities for establishing cultural clusters or districts that can create a critical mass of cultural activity in specific geographic areas.

3.4.3 PUBLIC ART

a) The *City* will manage a city-wide public art program that will make art more visible throughout the city, in accordance with the Public Art Master Plan.

b) A citizens' panel *shall* advise and assist the *City* in the acquisition and siting of public art.

c) The *City* will ensure that public art is a consideration in all significant new and enhanced related capital projects.

d) The *City* will *encourage* the inclusion of public art in all significant private sector *development* across the city, using applicable planning tools and processes. Private sector developers will be *encouraged* to follow the best practices established by the *City* for the acquisition and selection of public art. The *City* will provide assistance in the application of these practices.

3.5 CULTURAL HERITAGE RESOURCES

Burlington's heritage is a living legacy that helps the community to understand its past, provides context for the present, and influences the future. *Cultural heritage resources* are comprised of *built heritage resources*, *cultural heritage landscapes,* and *archaeological resources*. *Cultural heritage resources* are located throughout the city and many are privately owned. These resources provide physical and cultural links to the identity of the city, create a sense of civic pride, and contribute to the quality of life and enjoyment of the city by residents and visitors alike. The *conservation* of *cultural heritage resources* also contributes to the overall *sustainability* of the city.

This section contains objectives and policies which recognize the irreplaceable nature of *cultural heritage resources* and provides a framework for their identification, promotion, and *conservation*.

3.5.1 OBJECTIVES

a) To recognize and raise awareness of *cultural heritage resources* in the city.

b) To *encourage* and support public and private stewardship of the city's *cultural heritage resources*.

c) To *encourage* innovation and creativity in the maintenance, *rehabilitation*, renovation, and reuse of *cultural heritage resources*.

d) To minimize the demolition, destruction, deterioration, and inappropriate alteration and/or use of *cultural heritage resources* in accordance with legislative authority and sound heritage conservation practices.

e) To identify *cultural heritage resource* conservation issues early on and throughout in the land use planning and decision-making process.

f) To ensure that new *development* in areas with cultural heritage character does not detract from the overall cultural heritage character of the area, as defined through study.

g) To identify *archaeological resources* and areas of archaeological potential and to ensure that significant *archaeological resources* are *conserved* on lands where *development* or *site alteration* is proposed.

h) To identify *cultural heritage landscapes* in the city.

i) To *encourage* an active and engaged approach to heritage conservation, and to provide practical advice to owners of *cultural heritage resources* about the means of protecting and maintaining *cultural heritage resources*.

j) To *encourage* and develop private and public financial and non-financial support for the conservation of *cultural heritage resources* and to support the continuing use, reuse, care and conservation of *cultural heritage resources* by encouraging property owners to seek out and apply for any available funding for conservation work and good stewardship.

k) To *encourage* other orders of government, including the Region of Halton, Provincial ministries, and Conservation Halton, to take actions to *conserve*, enhance and use *cultural heritage resources* located in the City of Burlington.

3.5.2 POLICIES

3.5.2(1) USE AND TREATMENT OF CULTURAL HERITAGE RESOURCES

a) The *City* will protect, enhance and manage *City*-owned and/or *City*-maintained *cultural heritage resources* in a manner that furthers the objectives of this Plan and sets an example of leadership for the community in the *conservation* of *cultural heritage resources*. Heritage *conservation* planning *shall* be an integral part of the land use planning process in the city.

b) The *City shall* consult its municipal heritage committee with regard to the identification, protection, use and treatment of *cultural heritage resources*.

c) *Cultural heritage landscapes*, including *cemeteries,* and *significant* views *should* be inventoried and *conserved.*

d) The *City* will consider the use of government and/or non-government funding, including grants, loans and/or tax rebates to support the implementation of heritage *conservation* objectives.

e) *Cultural heritage resources shall* be protected and *conserved*, in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada and other recognized heritage protocols and standards.

f) The *City shall* use criteria established by Provincial regulation under The Ontario Heritage Act for determining cultural heritage value or interest and for identifying and evaluating properties for listing on the Municipal Register and for designation under The Ontario Heritage Act. The *City may* further refine these criteria and provide guidelines for their use.

3.5.2(2) PUBLIC ENGAGEMENT

a) *Cultural heritage resources shall* be *conserved* through actions that are determined in consultation with the municipal heritage committee (Heritage Burlington). Conservation actions will also be determined through consultation with property owners, local residents, special interest groups, government agencies, and First Nations and Metis communities, as

appropriate. These actions include identifying, managing, interpreting and using *cultural heritage resources* in responsible, creative and *sustainable* ways.

b) The municipal heritage committee will advise and assist the *City* on matters relating to *cultural heritage resources* and will promote heritage conservation and collaborative stewardship within the city, through public engagement and communication initiatives.

3.5.2(3) IMPLEMENTATION

a) A Municipal Register of Cultural Heritage Resources *shall* be maintained in consultation with the municipal heritage committee.

b) The Municipal Register *shall* contain all properties designated under The Ontario Heritage Act and *may* contain properties that are believed to be of cultural heritage value or interest to the *City* or a community, in accordance with The Ontario Heritage Act. To ensure effective protection and to maintain its currency, the Municipal Register will be updated regularly and be accessible to the public.

c) The *City* will participate in the *conservation* and *development* of *cultural heritage resources* through a range of actions which *may* include acquisition, assembly, resale, joint venture, tax incentives, grant or loan programs, community benefits, or other forms of involvement that will result in the sensitive *conservation* of those resources.

d) Pursuant to The Ontario Heritage Act, The Planning Act, The Building Code Act, The Municipal Act, or any other relevant legislation, the *City may* enact by-laws or adopt other measures for the management and *conservation* of *cultural heritage resources.*

e) The *City* will *encourage*, where appropriate, the adaptive re-use of a *built heritage resource* in a manner that is not destructive to the *heritage attributes* of the resource.

f) Pursuant to the provisions of The Ontario Heritage Act, the *City may* enter into heritage conservation easement agreements with private property owners to ensure the long-term maintenance and *conservation* of *cultural heritage resources*.

g) Provisions *may* be included within the Zoning By-law to ensure that the *development* of properties containing *cultural heritage resources*, and the *development* of properties adjacent to *cultural heritage resources,* are *compatible* with the existing heritage character of an area.

h) *Area-specific planning* land use studies and *community improvement plans* and programs, including the provision of *infrastructure*, *shall* identify *cultural heritage resources* that exist in the area under study and propose ways to *conserve*, integrate, protect and enhance any significant *cultural heritage resources*.

3.5.2(4) HERITAGE DESIGNATION

a) The designation of *cultural heritage resources* under the provisions of The Ontario Heritage Act, will be pursued to implement the objectives and policies of this Plan.

b) The *City may* give priority to designating non-designated properties listed on the Municipal Register over other historic properties.

c) The *"*Statement of Significance*"* in a designation by-law will outline the *heritage attributes* that must be maintained and which define the heritage value of the *cultural heritage resource*.

d) Owners of *cultural heritage resources* designated under The Ontario Heritage Act *shall* be required to *conserve* the *heritage attributes* identified in the Statement of Significance of the resource.

e) *Cultural heritage resources may* be *conserved* through designation as Heritage Conservation Districts under The Ontario Heritage Act where some or all of the following criteria have been met:

(i) the District contains *cultural heritage resources* that reflect an aspect of local history by nature of location and historical significance of setting;

(ii) the District contains *cultural heritage resources* that are of a style of architecture or method of construction which is historically or architecturally significant to the city, Region or Province;

(iii) the District contains other important earth science features, *archaeological resources*, natural elements, landscape or aesthetic attributes that are not sufficient for individual designation, but lend support in evaluating the criteria for designation; and/or

(iv) that together are of cultural heritage value to a community for their interrelationship, meaning or association, which is explored and determined through a community engagement process.

3.5.2.(4.1) USE AND TREATMENT OF DESIGNATED CULTURAL HERITAGE RESOURCES

a) *Cultural heritage resources* designated under The Ontario Heritage Act will be *conserved* in accordance with best practices in heritage *conservation*.

b) Alterations to *cultural heritage resources* designated under The Ontario Heritage Act, including *site alteration* or the erection, demolition, alteration, or removal of any building or structures on the designated property, will require the written consent of the *City* in accordance with The Ontario Heritage Act.

c) The *City* will require the submission of supporting materials, which *may* include a Heritage Impact Statement prepared by a *qualified person*, prior to recognizing a complete application for consent to alter a property designated under The Ontario Heritage Act.

d) Any alteration to an existing building or structure and/or new construction within a Heritage Conservation District under The Ontario Heritage Act will be considered on the property's assessed heritage value and contribution to the character of the district as determined by the district guidelines.

3.5.2(5) DEVELOPMENT POLICIES

a) All *development shall* consider *cultural heritage resources* and, wherever feasible, incorporate these resources into any *development* plans in a way that *conserves* the *heritage attributes* of the *cultural heritage resource.*

b) If *development* is proposed on any property that in the opinion of the *City* has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, the property, or portions of the property, *may* be considered for heritage designation or the entering into of a heritage conservation easement agreement, to secure *conservation* of *cultural heritage resources*.

c) All options for the retention of *cultural heritage resources* in their original location *should* be exhausted before resorting to re-location. The following alternatives *shall* be given due consideration in order of priority:

(i) on-site retention in the original use and location and integration with the surrounding or new *development*;

(ii) on-site retention in an adaptive re-use;

(iii) re-location to another site within the same *development*; and

(iv) re-location to a sympathetic site within the city.

The *City* will consider other *conservation* solutions as appropriate.

d) Completion of a Heritage Impact Study by a *qualified person shall* be required prior to the *City* recognizing a complete application for proposed *development,* where the *City* foresees potential unacceptable impacts on the *heritage attributes*(including important landscapes, vistas and *streetscape*) of a property designated pursuant to The Ontario Heritage Act, or of a property that in the opinion of the *City* has the potential to meet eligibility criteria for designation under The Ontario Heritage Act. Completion of a Heritage Impact Study *may* be required prior to any approvals for proposed *development* where the *City* foresees potential unacceptable adverse impacts on the cultural *heritage attributes* of any other property identified on the City's Municipal Register. The applicant *shall* submit a Heritage Impact Statement when:

(i) the proposal requires an Official Plan Amendment, a zoning by-law amendment, a plan of subdivision, a plan of condominium, a site plan application, or where necessary, a consent or minor variance application;

(ii) the proposal involves the demolition of a building or the removal of a building or landscape feature or part thereof of a *cultural heritage resource*; and/or

(iii) there is potential for unacceptable adverse impacts to a *cultural heritage resource* from the proposed *development*.

e) If a *development* proposal substantially changes in scope and/or design from that described in the Heritage Impact Statement, the *City shall* require that the applicant submit additional information, which may include a revised Heritage Impact Statement, as needed in the opinion of the *City*.

f) Approval of *development* on lands containing *cultural heritage resources* and/or within a *cultural heritage landscape may* be subject to *conservation* of the *cultural heritage resource*. Should the *City,* in consultation with its municipal heritage committee, determine that the proposal to alter, demolish or erect a structure that would detract from, or indirectly impair the character, quality, *heritage attributes* or stability of a *significant cultural heritage resource*, the proposal *shall* be subject to the recommendations of a Heritage Impact Statement.

g) *Cultural heritage resources* that are to be removed, demolished, or significantly altered with the appropriate approvals from the *City, shall* be recorded for archival purposes with a history, photographic record and measured drawings, as appropriate, before alteration, removal or demolition. Such documentation *shall* be provided to the *City* for archival purposes.

h) Local *utility* companies and public works projects *shall* design and locate *infrastructure*, equipment and devices and conduct work in such a manner so that they do not detract from the visual character of the *heritage attributes* of *cultural heritage resources.*

i) *Trees* and other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a *cultural heritage resource should* be *preserved*, and considered in the design of any *development.* Where removal of *trees* or other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a *cultural heritage resource* is proposed, the *City may* require the applicant to revise the proposal such that these features are retained.

j) The *City may* require a letter of credit or other financial security satisfactory to the *City,* from the owner of property containing a *cultural heritage resource* or of property within a *cultural heritage landscape,* to secure:

(i) protection of the resource during *development* and/or re-location; and/or

(ii) implementation of measures to *conserve* the *cultural heritage resource* approved by the *City.*

k) For the purpose of assessing the impacts of *development* or *site alteration* on adjacent lands to protected heritage property, adjacent lands include lands that directly abut the *protected heritage property*; lands located on any corner of an intersection where a *protected heritage property* occupies one of the corners; and lands located directly across a public or private street from a *protected heritage property*.

l) *Development* and *site alteration shall* not be permitted on adjacent lands to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved.*

3.5.2.(5.1) CULTURAL HERITAGE LANDSCAPES

a) The proponent of a major *development* or *infrastructure* proposal within a Cultural Heritage Landscape Study Area Boundary identified in Appendix -A-1: Cultural Heritage Landscape Study Area: Rural, of this Plan, *may* be required to prepare a Cultural Heritage Landscape Impact Assessment. The Assessment *shall* be completed by a *qualified person* in accordance with terms of reference approved by the *City* and *shall* include:

(i) the identification and evaluation of *cultural heritage resources,* natural features and landscape and aesthetic attributes within and

adjacent to the Cultural Heritage Landscape Study Area and the inter-relationships among them;

(ii) public and agency consultation to assess the significance and value of the *cultural heritage landscape* and its components to the community;

(iii) mapping of *cultural heritage resources* and attributes and of the boundaries of the *cultural heritage landscape* as identified through the Assessment;

(iv) a Statement of Significance providing a brief summary of the cultural heritage value or interest, historical integrity and community value of the *cultural heritage landscape* as developed during the evaluation of its significance; and

(v) recommended measures and strategies to *conserve* the *cultural heritage landscape*.

b) Where a Cultural Heritage Landscape Impact Assessment is required by Subsection 8.1.1(3.23)(d) of this Plan, it *shall* be completed by a *qualified person* in accordance with terms of reference approved by the *City*. The Cultural Heritage Landscape Impact Assessment should assess the entire potential cultural heritage landscape study area within which the *development* is proposed, as shown on Appendix A-2: Potential Cultural Heritage Landscape Study Areas: Downtown, but may be scoped to the satisfaction of the *City* through the approved terms of reference.

c) If a *development* proposal substantially changes in scope and/or design from that described in a Cultural Heritage Landscape Impact Assessment, the *City shall* require that the applicant submit additional information, which may include revisions or addenda to the Cultural Heritage Landscape Impact Assessment.

d) The recommendations of an approved Cultural Heritage Landscape Impact Assessment *shall* be implemented through approvals required under The Planning Act, The Niagara Escarpment Planning and Development Act, The Heritage Act, and other applicable legislation and regulations.

3.5.2(5.2) ARCHAEOLOGICAL RESOURCES

a) *Development* and *site alteration shall* not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*. In consultation with the Provincial and Regional governments, the need for the study and *conservation* of *significant* archaeological sites *shall* be determined during

the review of *development* or *site alteration* proposals. An archaeological survey and the *conservation* or rescue excavation of *significant archaeological resources*, that *may* be affected by the *development* or *site alteration may* be required. Archaeological assessments and mitigation *shall* be done by an archaeological consultant licensed by the appropriate Provincial Ministry.

b) The *City* recognizes the role of the Region of Halton in maintaining and implementing the Archaeological Master Plan. The Archaeological Master Plan *shall* be referenced as an important planning tool and implemented within the boundaries of the city and *shall* be a consideration as part of any planning process.

c) Any archaeological or other artifacts of cultural heritage *significance* discovered on properties during the *development* or *site alteration* of privately owned land *shall* be deeded gratuitously to the appropriate *public authority*.

d) Removal of artifacts from an archaeological site *shall* be prohibited, except in accordance with the requirements of The Ontario Heritage Act, the Provincial Government or the *City*.

e) The *City shall* engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.