

Appendix A: Detailed Comments

Bill 137 – Schedule 17, COVID Act, 2020 – Impacts on the City of Burlington

Summary of Changes to Planning Act	Impact on Burlington/Questions
<p><u>Inclusionary Zoning</u></p> <ul style="list-style-type: none"> - Changes proposed to be implemented provide the Minister with authority, as part of an order zoning land outside the Greenbelt Area, to use inclusionary zoning to require affordable housing units in proposed developments. - These changes proposed to be implemented would allow the Minister to require agreements between the land owner and the municipality or the landowner and the Minister to address inclusionary zoning matters and to ensure continued compliance with affordable housing requirements. 	<ul style="list-style-type: none"> - Staff are supportive of Inclusionary Zoning (IZ) as part of a Minister Zoning Order (MZO) to support the development of affordable housing. However, more clarity is required around the implementation of this requirement as part of a MZO. Will this requirement only apply to those municipalities that have established an Inclusionary Zoning framework (OP policies, IZ Bylaw) or could this requirement result in a municipality being directed to undertake the required background work and establish an Inclusionary Zoning framework. - While the Planning Act restricts IZ to Protected Major Transit Station Areas and Community Planning Permit System areas, it appears that should the legislation be implemented that IZ may be implemented outside these specified areas. Staff is supportive of the implementation as proposed.
<p><u>Site Plan</u></p> <ul style="list-style-type: none"> - Changes proposed to be implemented allow the Minister to address site plan matters in areas covered by a zoning order, where needed. - This authority, if utilized by the Minister, would supersede municipal site plan authority, where the Minister so provides in a zoning order. 	<ul style="list-style-type: none"> - In the City of Burlington, Site Plan Review is required city-wide. All residential (except single family and semi-detached dwellings), industrial, commercial and institutional developments, and renovations, additions, parking lots, patios, are subject to review by the City’s staff Site Plan Review Committee, and approval by the Municipality. - At the City of Burlington, the Site Plan Review Committee consists of staff from various departments including Site Engineering, Transportation, Zoning, Fire and Planning. This technical committee, plus other staff as required, conducts a thorough review of applications and provides

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<ul style="list-style-type: none"> - Through the zoning order, the Minister could require a municipality and development proponent to enter into an agreement dealing with matters related to site plan control. - The Minister will be able to give binding direction outside the zoning order concerning the agreement to scope matters that need to be addressed or to specify how the matters are to be addressed. 	<p>recommendations on site plans to ensure that development is in compliance with City zoning and development standards. The Committee is also responsible for assessing compliance with the City's Site Plan control objective, which is to ensure safe, functional and orderly development having high standards of design and efficiency of land use and servicing.</p>
<p><u>Matters that may be dealt within agreement</u></p>	<ul style="list-style-type: none"> - Questions remain regarding implementation. Staff would like to seek more information with respect to dealing with specified direction from the Minister regarding site plan matters (subject to agreement and binding direction) and how that direction might impact a municipality's ability to respond to site specific matters that may arise.
<ul style="list-style-type: none"> - The changes if implemented require that any development be undertaken in accordance with <ul style="list-style-type: none"> o Plans showing location of all buildings and structures, show location of all facilities and works to be provided, including facilities designed to have regard for accessibility for persons with disabilities o Drawings showing plan, elevation and cross-section views for each building to be erected, except for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display, <ul style="list-style-type: none"> A. Massing and conceptual design, B. Relationship of proposed building to adjacent buildings, streets and exterior areas to which members of the public have access, C. Provision of interior walkways, stairs, elevators and escalators to which the public have access 	<ul style="list-style-type: none"> - Staff would like to request more information as to the rationale for not requiring drawings showing plan, elevation and cross-sections views for residential purposes containing fewer than 25 dwelling units, as noted in clause (4.4). - It is noted that clause (4.6) (a) includes the ability for the Minister's direction to provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement. All matters listed in 4.4, at a minimum, should be dealt with in an agreement to ensure a safe and functional site with a high standard of design. Alternatively, it should be at the discretion of the municipality to review the site and plans to determine whether one or more of the matters listed in subsection 4.4 could reasonably not be dealt with in the agreement. - Matters of design should specify materials with regards to drawings showing plan, elevation and cross-section of proposed buildings.

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<p>D. Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings and their sustainable design</p> <p>E. Matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design</p> <p>F. the sustainable design elements on any adjoining highway under a municipality'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, and</p> <p>G. facilities designed to have regard for accessibility for persons with disabilities</p> <p>- matters that may be dealt with in agreement also include anything that may be imposed as a condition by a municipality</p>	<p>- Staff would like to note that some parts of Burlington's site plan review process currently extend beyond Section 41 requirements, including streetscaping in the City's road allowance and construction management plans. Staff note that these items should be considered as matters that may be dealt with in agreement.</p> <p>- Staff should be involved and consulted in the preparation and review of an agreement, however it is unclear how municipal staff would participate in this process. Staff seek to understand further the potential impact to resourcing given that a Site Plan development application fee is collected to recover the costs related to processing applications.</p>
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