

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street
13rd Floor, Toronto
ON M7A 2J3

January 29, 2021

Subject: City of Burlington’s Comments on the proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order: ERO Number 019-2811

This submission represents the City of Burlington (“City”) comments in response to the posting of notice on the Environmental Registry of Ontario related to changes to the Planning Act that enable the Minister to address site plan and apply inclusionary zoning as part of a zoning order. The Minister of Municipal Affairs and Housing released the posting for a consultation period that extended from December 16, 2020 to January 30, 2021.

The submission includes a high level discussion of key comments and a detailed comment table arranged by topic in Appendix A: Detailed Comments.

Inclusionary Zoning

Amendment proposed to be implemented:

The changes to section 47 of the Planning Act provide the Minister with authority, as part of a zoning order outside the Greenbelt Area, to use inclusionary zoning to require affordable housing units in proposed developments. These changes 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.

Staff Analysis:

While the City is supportive of Inclusionary Zoning (IZ) requirements as part of a Minister’s Zoning Order to support the development of affording housing, further direction and clarity is required around the implementation of this change to the Planning Act. This includes clarity on the ability to implement IZ prior to the establishment of an IZ framework.

The City is supportive of IZ as part of an Minister's Zoning Order located outside of a Protected Major Transit Station Area or Community Planning Permit System area.

Site Plan Control

Amendment proposed to be implemented:

The recent amendments to section 47 of the *Planning Act* allow the Minister to address site plan matters in areas covered by a zoning order, where needed. The new authority to address site plan matters could be used in conjunction with a new Minister's Zoning Order or an amendment to an existing Minister's Zoning Order.

This authority, if utilized by the Minister, would supersede municipal site plan authority, where the Minister so provides in a zoning order. Through the zoning order the Minister could require a municipality and a development proponent (or landowner) 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 the matters that need to be addressed or to specify how the matters are to be addressed.

Staff Analysis:

In the City of Burlington, site plan is required city-wide and the vast majority of proposed development (with the exception of single family and semi-detached dwellings) is subject to the process. Site Plan Review involves review by a wide range of City Departments and other agencies to ensure development is in compliance with City zoning and development standards. The objective is to ensure safe, functional and orderly development having high standards of design and efficiency of land use and servicing.

The City requests clarification regarding implementation of site plan matters as part of a Minister's Zoning Order, as well as the agreement dealing with matters related to site plan control. This includes how specific direction from the Minister regarding site plan matters might impact a municipality's ability to respond to site specific matters that may arise.

City also requests more information on the drawing and plan requirements, and note that streetscaping and construction management plans should be considered as matters that may be dealt with in an agreement, as it is standard practice for those items to be included in the site plan review process in Burlington.

Conclusion

The City of Burlington is supportive of Inclusionary Zoning requirements as part of a Minister Zoning Order to require affordable housing units in proposed developments, however further clarity is requested around implementation. With regards to site plan matters, the City requests 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. The City also requests clarity related to the implementation of agreements and plan/drawing requirements.

Please accept the detailed cover letter and attached table as the City of Burlington's comments with a focus on seeking clarity with respect to the implementation of provisions in the Planning Act that provide the Minister enhanced authority to address Inclusionary Zoning and site plan matters as part of a zoning order.

Please note that comments will be publicly shared with Burlington City Council, and any further comments will be forwarded to the Provincial Planning Policy Branch of the Ministry of Municipal Affairs and Housing.

Thank you for providing the City of Burlington the opportunity to comment on these recent changes to section 47 of the Planning Act.

Respectfully submitted,



Alison Enns M.Pl., MCIP, RPP
Manager of Policy and Community
Community Planning Department

Attached:

Appendix A: Detailed Comments