

**DRAFT BY-LAW NUMBER 2020.394,  
SCHEDULE 'A' AND EXPLANATORY NOTE**

**THE CORPORATION OF THE CITY OF BURLINGTON**

**BY-LAW NUMBER 2020.394**

A By-law to amend By-law 2020, as amended;  
File No.: 520-03-01/17

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved the Recommendations in report PB-64-18 on July 16, 2018, for city-initiated general amendments to Zoning By-law 2020, as amended;

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON  
HEREBY ENACTS AS FOLLOWS:**

1. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.2 – ACCESSORY BUILDINGS AND STRUCTURES AND UNITARY EQUIPMENT, Subsection 2.2.1 (b) (ii), be amended by:
  - (i) deleting the words “(not required)” in the 3<sup>rd</sup> bullet; and
  - (ii) deleting “Maximum encroachment” and replacing it with “Maximum roof overhang encroachment from a wall” in the 4<sup>th</sup> bullet.
2. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.2 – ACCESSORY BUILDINGS AND STRUCTURES AND UNITARY EQUIPMENT, Subsection 2.2.1 (c) (ii), be amended by:
  - (i) deleting the words “(not required)” in the 3<sup>rd</sup> bullet; and

- (ii) deleting “Maximum floor area” and replacing it with “Maximum area” in the 4<sup>th</sup> bullet; and
  - (iii) deleting “Maximum encroachment” and replacing it with “Maximum roof overhang encroachment from a post” in the 6<sup>th</sup> bullet..
3. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.3 – PATIOS, DECKS, BALCONIES, AND PORCHES – RESIDENTIAL, Table 1.2.1, 1<sup>st</sup> column, 9<sup>th</sup> row, be amended, by deleting the words “in a Rear Yard (See Illustration No. 1 – Side Yard” following the words “Setback from a Side Lot Line”.
  4. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.3 – PATIOS, DECKS, BALCONIES, AND PORCHES – RESIDENTIAL, Footnotes to Table 1.2.1, Footnote (a) be amended by inserting the words “(excluding stairs)” after the following “Total combined area of all platforms over 1.2 m high”.
  5. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.4 – FENCING AND PRIVACY SCREENS, Subsection 2.4.2 be amended by:
    - (i) deleting “Setback from the street” and replacing it with “Setback from street line” in Item (d); and
    - (ii) inserting a new section (f) as follows: “(f) Setback from a side lot line that extends from a common wall dividing dwelling units: 0 m” and;
    - (iii) renumbering the existing subsections “(f)” and “(g)” to “(g)” and “(h)”.
  6. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.22 – PROHIBITED USES, Subsection (c) (vi) first line be amended by inserting “, institutional” following the word “commercial”.
  7. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.24 – DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA, Subsection 2 (a) second line be amended by inserting the words “or through lot” following the words “corner lot”.
  8. PART 3 of By-law 2020, Employment Zones, Subsection 4.6 – RETAIL SALES, be amended by:
    - (i) deleting Item 2 and renumbering the remaining items accordingly; and
    - (ii) by inserting “the building used for accessory retail sales or showroom shall be separated from” after the words “The area within” in Item 5.

9. PART 3 of By-law 2020, Employment Zones, Subsection 5.14 – RETAIL SALES, be amended by:
  - (i) deleting Item 2 and renumbering the remaining items accordingly; and
  - (ii) by inserting “the building used for accessory retail sales or showroom shall be separated from” after the words “The area within” in Item 5.
10. PART 3 of By-law 2020, Employment Zones, Subsection 6.10 – RETAIL SALES, be amended by:
  - (i) deleting Item 2 and renumbering the remaining items accordingly; and
  - (ii) by inserting “the building used for accessory retail sales or showroom shall be separated from” after the words “The area within” in Item 5.
11. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 74, be amended by
  - (i) Replacing “H-UCR1” with “UCR1” in the second column of the header; and
  - (ii) Deleting Section (1); and
  - (iii) Deleting the words “(2) Upon removal of the ‘H’ Holding symbol, the following shall apply: (a) In addition to the UCR1 zone regulations, the following shall apply” and replacing it with “(1) Regulations.”
12. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 75, be amended by
  - (i) Replacing “H-UCR2” with “UCR2” in the second column of the header; and
  - (ii) Deleting Section (1); and
  - (iii) Deleting the words “(2) Upon removal of the prefix Holding Zone symbol ‘H’, the following additional regulations shall apply” and replacing it with “(1) Regulations:.”
13. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 96, be amended by deleting “Maximum floor area” and replacing it with “Floor Area.”
14. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 346, Item 3, Additional Regulations for Office Uses, 3<sup>rd</sup> regulation, be amended by deleting “Landscape Area Buffer” and replacing it with “Landscape Buffer”.

15. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 392, be amended by:

- (i) Deleting the words “Prior to the removal of the ‘H’ Holding Symbol the following uses are permitted”; and
- (ii) Deleting the words “Following the removal of the ‘H’ Holding Symbol, the following additional uses are permitted.”; and
- (iii) Deleting “Required Parking prior to ‘H’ removal : 235 spaces” and replacing it with “Required Parking: 357 spaces”; and
- (iv) Deleting “Required Parking following ‘H’ removal: Parking will be provided in accordance with the findings of a parking study required as a condition of H-removal to the satisfaction of the Director of Planning and the Director of Engineering.”

16. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 448, be amended by deleting the sentence “The lot shall be deemed to be one lot for the purposes of applying zoning regulations.”

17. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 452, be amended by:

- (i) Inserting the words “from property line” at the end of Item 3 i) Hotel, Minimum yards “east: 16m”; and
- (ii) Deleting the words “The lands zoned MXE-452” in the first line of Item 4 and replacing it with “The property zoned MXE-452 and O2”.

18. PART 14 of By-law 2020, Exceptions to Zone Designations, EXCEPTION 466, Item 2, Regulations for Place of Worship, be amended by deleting the word “Buffer” and replacing it with “Area” in the regulation “Landscape Buffer abutting Waterdown Road”.

19. PART 15 of By-law 2020, Zoning Maps, MAP No. 3, be amended by rezoning lands located at 1047 Gallagher Road from “P” to “R2.1” and including this property in the designated area for lot coverage as shown on Schedule “A” attached to this By-law.

20. PART 15 of By-law 2020, Zoning Maps, MAP No. 9, be amended by rezoning lands located at 731, 733, 737, 739, 743 and part of 745 Hager Avenue from “RH1” and “RM2” to “RM2” as shown on Schedule “A” attached to this By-law.

21. PART 15 of By-law 2020, Zoning Maps, MAP No. 29, be amended by rezoning part of the surplus right-of-way located at the southwest corner of Orchard Road and Dryden Avenue from "RO2-252" to "D" as shown on Schedule "A" attached to this By-law.

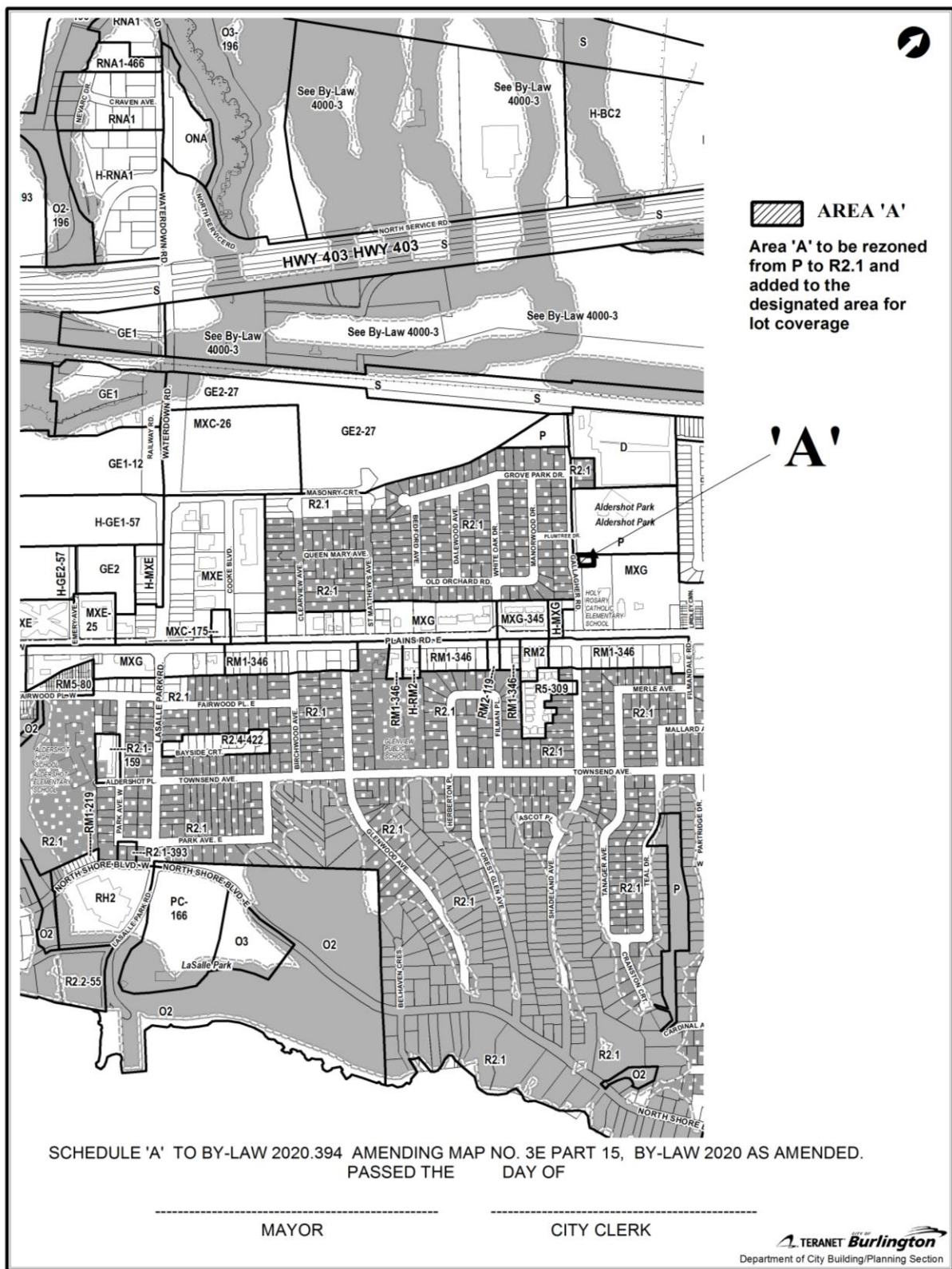
When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal this By-law shall be deemed to have come into force on the day it was passed.

**ENACTED AND PASSED** this .....day of ..... 2018 .

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK











## **EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.394**

By-law 2020.394 is a general by-law that will amend various parts of the City's Zoning By-law 2020, as amended, for the purposes of updating, clarifying and correcting various provisions and regulations in the zoning by-law.

For further information regarding By-law 2020.394, please contact Silvina Kade, Coordinator of Zoning, Burlington Department of City Building at (905) 335-7600 extension 7871.