

The Corporation of the City of Burlington

City of Burlington By-Law 2020.429

A By-law to amend By-law 2020, as amended;
File No.: 520-03-01/21 (PL-29-21)

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 PL-29-21 on June 22, 2021, 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 1.6 – Compliance With This By-law, Subsection 1.6.1 (b) be amended by:
 - i. Deleting the word: “existing”; and
 - ii. Replacing it with: “lawfully established”.
2. PART 1 of By-law 2020, General Conditions and Provisions, Section 1.6 – Compliance With This By-law, Subsection 1.6.1 (c) be amended by:
 - i. Deleting the word: “existing”; and
 - ii. Replacing it with: “lawfully established”.
3. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.2 – ACCESSORY BUILDINGS AND STRUCTURES AND UNITARY EQUIPMENT, Subsection 2.2.3 be amended by:
 - i. Deleting: “Where a building or structure for the storage of garbage for non-residential uses would be permitted only in a rear or side yard, not in the front or street side lot line and shall comply with the following regulations.”; and
 - ii. Replacing it with: “Where a building or structure for the storage of garbage for all other uses not mentioned in 2.2.1, would be permitted only in a rear or side yard, not in the front or street side lot line and shall comply with the following regulations:”

4. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.13 ENCROACHMENT INTO YARDS, Subsection 2.13.1 (a) be amended by:
 - i. Deleting: “eave or gutter overhang”; and
 - ii. Replacing it with: “roof overhang excluding eaves and gutter”.
5. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.13 ENCROACHMENT INTO YARDS, Subsection 2.13.1 (d) be amended by:
 - i. Deleting: “A roofed-over or screened but otherwise unenclosed 1-storey porch”; and
 - ii. Replacing it with: “A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter”.
6. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.16 SITE PLAN AND BUILDING PERMIT APPLICATIONS, Subsection (b) be amended by:
 - i. Deleting: “A Zoning Clearance Certificate application or Committee of Adjustment development application for lands within low density residential zones submitted prior to the enactment of By-law 2020.374 on December 19, 2016 shall be reviewed in accordance with the zoning regulations in effect at the time the application was submitted.”
7. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.21 USES PERMITTED IN ALL ZONES, Subsection (n) be amended by:
 - i. Deleting: “Allotment Garden”; and
 - ii. Replacing it with: “Community Garden”.
8. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.25 OFF-STREET PARKING AND LOADING REQUIREMENTS, Table 1.2.6: Off Street Parking Standards be amended by:
 - i. Adding: “Accessory Dwelling Unit” to the column listing “Use” and “1 space” to the column listing “Parking Standard”; and
 - ii. Deleting: “Allotment Garden” from the column listing “Use” and “1 space per garden plot” to the column listing “Parking Standard”.

9. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.31 RESIDENTIAL BUILDING HEIGHT, Table 2.31.1 A) Building Additions, be amended by:

- i. Deleting: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the ceiling of the existing dwelling, a maximum of 6 m at the peak of the roof or a maximum of 3m to a flat roof for a two storey and 4.5 m at the peak of the roof or a maximum of 2.25 m to a flat roof for a one and half storey.”; and
- ii. Replacing it with: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the 1st floor ceiling of the existing dwelling.

The following height regulations apply:

- i. A maximum of 6 m at the peak of the roof or a maximum of 3 m to a flat roof for a two storey and / or second storey addition.
- ii. A maximum of 4.5 m at the peak of the roof or a maximum of 2.25 m to a flat roof for a one storey and one and a half storey addition.”.

10. PART 1 of By-law 2020, General Conditions and Provisions, Section 2.31 RESIDENTIAL BUILDING HEIGHT, Table 2.31.1 B) Building Additions, be amended by:

- i. Deleting: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the ceiling of the existing dwelling a maximum of 6.25 m at the peak of the roof or a maximum of 3 m to a flat roof.”; and
- ii. Replacing it with: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the 1st floor ceiling of the existing dwelling.

The following height regulations apply:

- i. A maximum of 6.25 m at the peak of the roof or a maximum of 3 m to a flat roof, for a two storey and / or second storey addition.
- ii. A maximum of 4.5 m at the peak of the roof or a maximum of 2.25 m to a flat roof, for a one-storey and one and a half-storey addition.”

11. PART 2 of By-law 2020, Residential Zones, ZONE DESIGNATIONS, be amended by:

- i. Replacing: “R4” with “R5” in the listing of Zone Designations for Low Density Residential.”
12. PART 2 of By-law 2020, Residential Zones, Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, be amended by:
 - i. Deleting: “Floor Area of accessory dwelling unit: 42 m² minimum, 100 m² maximum”.
13. PART 2 of By-law 2020, Residential Zones, Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, be amended by:
 - i. Deleting: “On lots containing an accessory dwelling unit, a maximum of 50% of the lot area between a street line and the building elevation facing the street may be used for driveways, walkways, and patios; the remaining 50% shall be landscaped open space.”
14. PART 2 of By-law 2020, Residential Zones, Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, be amended by:
 - i. Deleting the section of the footnote entitled “Parking” including Table 2.3.1.1; and
 - ii. Replacing it with: “Parking for the principle dwelling and the accessory dwelling unit shall not be permitted in that portion of the rear yard defined as the area between the extension of the two lines projected backward from the two side walls of the dwelling.”
15. PART 6 of By-law 2020, Downtown Mixed-Use Centre Zones, Section 7. DRM ZONE REGULATIONS (DOWNTOWN MEDIUM DENSITY RESIDENTIAL), Subsection 7.1, Table 6.7.1, be amended by:
 - i. Deleting: “Apartment”; and
 - ii. Replacing it with: “Apartment/Retirement Home”.
16. PART 14 of By-law 2020, Exceptions to Zone Designations, Exception 493, Subsection 4. f) ii Required Parking, be amended by:
 - i. Deleting: “4880 Valera Road”; and
 - ii. Replacing it with: “4916 Thomas Alton Boulevard”.
17. PART 15 of By-law 2020, Zoning Maps, Map 15W, be amended by:

- i. Amending the zoning designation for 1245, 1243, 1241, 1239, 1238, 1240, 1242, 1244, 1246, 1248 and 1250 Tyrrell Road from “R3.5” to “R3.4” as shown on Schedule “A” attached to this By-law.

18. PART 15 of By-law 2020, Zoning Maps, Map 18W, be amended by:

- i. Removing the Designated Area for Lot Coverage shading from 600 Maplehill Drive as shown on Schedule “A” attached to this By-law.

19. PART 16 of By-law 2020, Definitions, Accessory Dwelling Unit, be amended by:

- i. Deleting: “One self contained dwelling unit created through converting part of, or adding on to, one existing detached dwelling unit.”; and
- ii. Replacing it with: “One self contained dwelling unit created through converting part of, or adding on to, one existing detached dwelling unit, also referred to as an additional residential unit in the Ontario Planning Act.”

20. PART 16 of By-law 2020, Definitions, Allotment Garden, be amended by:

- i. Deleting: “Allotment Garden - An interim use of public lands for raising crops, horticulture, and gardening.”; and
- ii. Replacing it with: “Community Garden - An interim use of lands for raising crops, horticulture, and gardening.”

21. PART 16 of By-law 2020, Definitions, Landscape Buffer, be amended by:

- i. Deleting: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs, or berms.”; and
- ii. Replacing it with: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees. Snow storage is not permitted in a required landscape buffer.”

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.

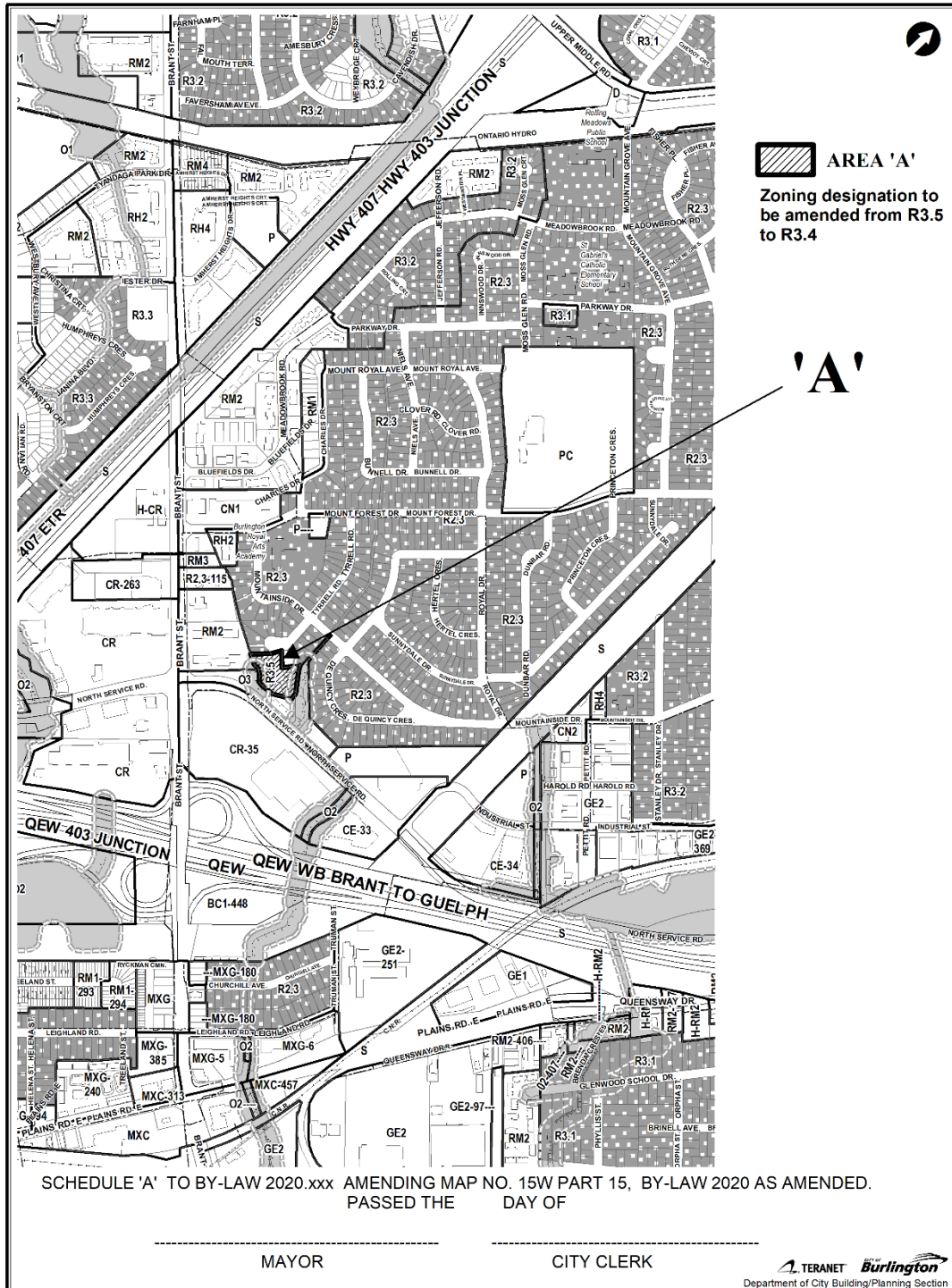
If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal this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

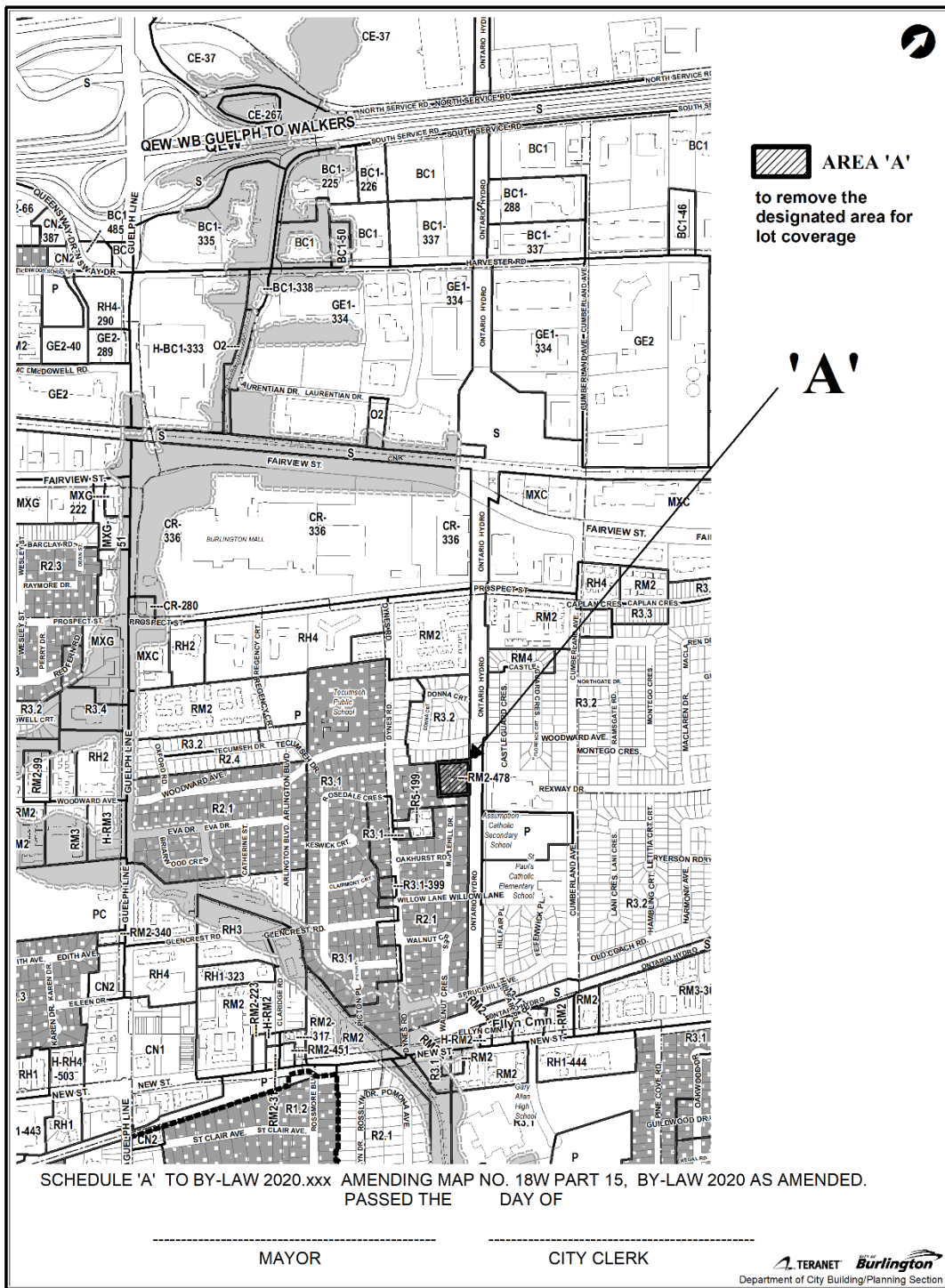
Enacted and passed this 22nd day, of June 2021.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

Schedule A – Zoning Maps





EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.429

By-law 2020.429 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 2020.429, please contact Jamie Tellier, Manager of Planning Implementation, Burlington Community Planning Department at (905) 335-7600 extension 7892.