

BY-LAW NUMBER 2020.440, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.440

A By-law to amend By-law 2020, as amended;
2294 & 2300 Queensway Drive
File No.: 520-10/19

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 recommendation PL-31-22 on May 17, 2022, to amend the City's existing Zoning By-law 2020, as amended, to permit a townhouse development;

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

1. Zoning Map Numbers 14W and 14E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from H-RM2 to H-RM3-513.
3. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is amended by the addition of the following section to Appendix A:

68	H-RM3-513	Map 14W & 14-E	Resolution: PL-31-22
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- a) The owner submits a Letter of Reliance for the Phase 1 and Phase 2 ESA, (as per O. Reg 153/04) and a Record of Site Condition or a MOECP approved Risk Assessment, to demonstrate the lands are suitable for the intended use, to the satisfaction of Halton Region and the City Director of Engineering Services;

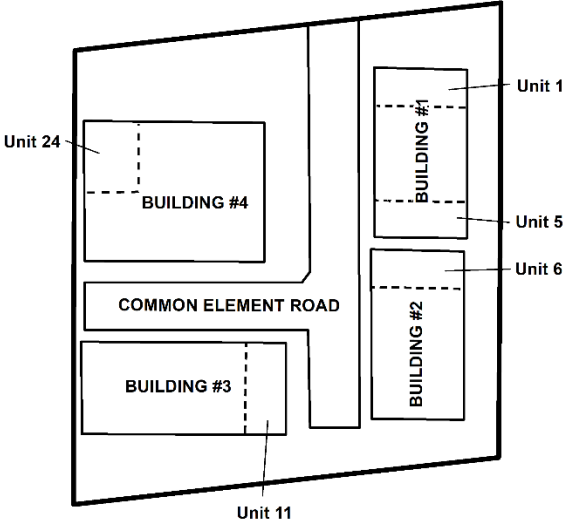
Notwithstanding subsection a) above, this Holding provision does not prevent the issuance of a building permit necessary to authorize:

- i) the removal of soil, rock or fill for the purpose of making an excavation; or
- ii) the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a record of site condition.

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 513 as follows:

Exception 513	Zone H-RM3	Map 14W & 14E	Amendment 2020.440	Enacted
1. <u>Regulations for Entire Site (Refer to Diagram 513)</u>				
a) Notwithstanding Part 1, Section 2.27 (Deemed Street Width), all zoning regulations shall be measured from a distance of 7.5 m south of the actual street width of Queensway Drive as it existed on the day of the passing of this by-law.				
b) Lot Area: 0.35 ha				
c) Yard Requirements:				
a. Front yard:				
i. Building 1: 0 m				
ii. Building 4: 2.8 m to dwelling, 0.1m to guard rail				
b. West side yard: 1.2 m, including balconies for Building 4				
c. East side yard: 5 m to main building face; 4.7 m to second and third storey projection.				
d. Yard abutting R1, R2, R3 zone:				
i. South: 6 m				
ii. West: 1.2 m				
iii. Windows shall not be permitted on the west elevation of Building 3				
d) Maximum Density for Entire Site: 68 units per net hectare				
e) Landscape Buffer abutting an R1, R2, R3 Zone: 2.5 m along the south property line only; a privacy screen and French drain system may extend into the required landscape buffer.				
f) Landscape Area abutting Queensway Drive:				
a. Abutting Building 1: 0 m				
b. Abutting Building 4: 2.8 m				
c. Transformers and mailboxes and guard rails may encroach within a landscape area.				
<u>Fencing & Privacy Screens</u>				
g) Fence height for residential uses: 2.4 m maximum				
<u>Regulations for Townhouse Dwellings</u>				
h) Maximum Number of Townhouse Units: 16 units				
i) Privacy Area (Building 3, Unit 11): 17.2 m ²				
j) Decks and balconies above the first storey in the rear yard of a townhouse dwelling are not permitted.				
k) Minimum Driveway Length: 1.7 m measured from back of curb to front of garage				

Exception 513	Zone H-RM3	Map 14W & 14E	Amendment 2020.440	Enacted
<u>Regulations for Back-To-Back Townhouses</u>				
l) Maximum Number of Units:		8 units		
m) Maximum Balcony Projection:		2 m		
n) Maximum Building Height:		4 storeys to 13.7 m		
o) Rooftop privacy areas are permitted and shall be stepped back at minimum 2.5 m from the edge of the 3 rd storey.				
p) A loading space is not required.				
<u>2. Regulations for Parcels of Tied Land (Refer to Diagram 513)</u>				
a) Front Yard:				
a. Building 1:		2.2 m		
b. Building 2 & 3:		1.7 m		
c. Building 4, Unit 24:		2.8 m to dwelling including balconies and 0.1 m to guard rail		
b) Driveway Length for Buildings 1, 2 and 3:		1.7 m, measured from back of curb to front of garage		
c) Side Yard adjacent to an exterior wall of a building:				
a. Building 1, Unit 5 & Building 2, Unit 6:		0.6 m		
b. All other exterior walls:		0 m, except Units 16, 17 & 24		
d) Yard abutting a public street:				
a. Building 1, Unit 1:		0 m		
b. Building 4, Unit 24:		2.8 m		
e) Rear yard (Buildings 1 & 2):		5 m to main building face; 4.7 m to second and third storey projection		
f) Rear yards shall be a pervious landscaped surface to the satisfaction of Engineering Services				
g) Accessory structures and buildings shall not be permitted within the rear yards.				
<u>Patios, Decks, Balconies:</u>				
h) Buildings 1 & 2:				
a. Decks:		3.9 m from east property line		
b. Balconies:		Not permitted in rear elevation		
c. Patios up to 0.6 m high:				
i. 2.5 m from east property line				
ii. Any patios in the rear yard shall consist of pervious surface material to the satisfaction of Engineering Services				
iii. Patio roofs are not permitted				
i) Building 3:				
a. Deck Platform:		1.5 m maximum projection from rear wall		
b. Deck Stairs:		3.9 m maximum projection from rear wall for units 11-14 4.1m maximum projection from rear wall for units 15-16		
c. Deck Roofs:		Not permitted		

Exception 513	Zone H-RM3	Map 14W & 14E	Amendment 2020.440	Enacted
<p>d. Balconies: Not permitted in rear elevation</p> <p>e. Patios up to 0.6 m high:</p> <ul style="list-style-type: none"> i. 2.5 m maximum projection from rear wall ii. Any patios in the rear yard shall consist of pervious surface material to the satisfaction of Engineering Services iii. Patio roofs are not permitted 				
<p>DIAGRAM 513</p>  <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p>				

- 5 a) 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
- 5 b) 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 Ontario Land Tribunal this by-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2022.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.440

By-law 2020.440 rezones lands at 2294 & 2300 Queensway Drive to allow 16 townhouse dwellings and 8 back-to-back townhouse dwellings.

For further information regarding By-law 2020.440, please contact Rebecca Lau of the Burlington Community Planning Department at (905) 335-7600, extension 7860.

SCHEDULE 'A' TO ZONING BY-LAW 2020.440

