

**APPENDIX D: Draft Zoning By-law**

**BY-LAW NUMBER 2020.443, SCHEDULE 'A' AND EXPLANATORY NOTE**

**THE CORPORATION OF THE CITY OF BURLINGTON**

**BY-LAW NUMBER 2020.443**

A By-law to amend By-law 2020, as amended; 5030-5045 Tico Creek Common  
File No.: 520-13/21

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 Recommendation PL-51-22 on July 12, 2022 to amend the City's existing Zoning By-law 2020, as amended, to permit an increase in the maximum building floor area as well as to expand Retail Store permissions for the two proposed 1-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line;

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

1. Zoning Map Number 28-W 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 subject to Exception MXE-452 as amended by this by-law.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by replacing Exception MXE-452 with the following:

<b>Exception 452</b>	<b>Zone MXE-452</b>	<b>Map 28-W</b>	<b>Amendment 2020.350 PL141237 (OMB) 2020.382 2020.394 2020.443</b>	<b>Enacted Jul 21/15  Sept 11/17 Jul 11/18</b>
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1. Prohibited Uses: Outdoor amenity areas associated with a hotel.
2. The following additional uses are permitted:
  - i) Bank, Trust Company, Credit Union
  - ii) Hotel
 

The hotel shall include sealed, inoperable windows connecting to noise and odour sensitive spaces such as hotel suites or conference rooms and recreation areas, i.e. pool and fitness studios, with a minimum Sound Transmission Class (STC) rating of STC 31;

The hotel shall include a minimum STC 42 rating for the exterior walls;

The ventilation intake for the hotel and the hotel rooms shall be drawn through a carbon filtration system with the air intake for the hotel to be at grade level at the northwest end of the hotel. The air intake filters are to be maintained and changed following the manufacturers recommended schedule;

The hotel shall be kept under slight positive pressure under normal meteorological conditions.

The lands zoned MXE-452 are classified as a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.
3. Regulations for the entire site:
  - i) A maximum of one drive-through is permitted on the site
  - ii) Parking: 152 spaces including 6 designated accessible parking spaces
  - iii) Maximum Retail Floor Area: 860 m<sup>2</sup>
  - iv) Notwithstanding Part 5, Section 2 Table 5.2.1, footnote (l) shall not apply
  - v) Landscape area:
    - a. South: Minimum 1.5 m (adjacent to parking only)
    - b. North: Minimum 1.4 m
    - c. Adjacent to Building A abutting Appleby Line: 1.5 m
    - d. Adjacent to Building B abutting Appleby Line: 3.0 m
  - vi) Pedestrian walkway: a 1.8 m walkway shall be provided from the street connecting the sidewalk to the principal entrance of a building and shall be unencumbered except that the walkway may cross a driveway

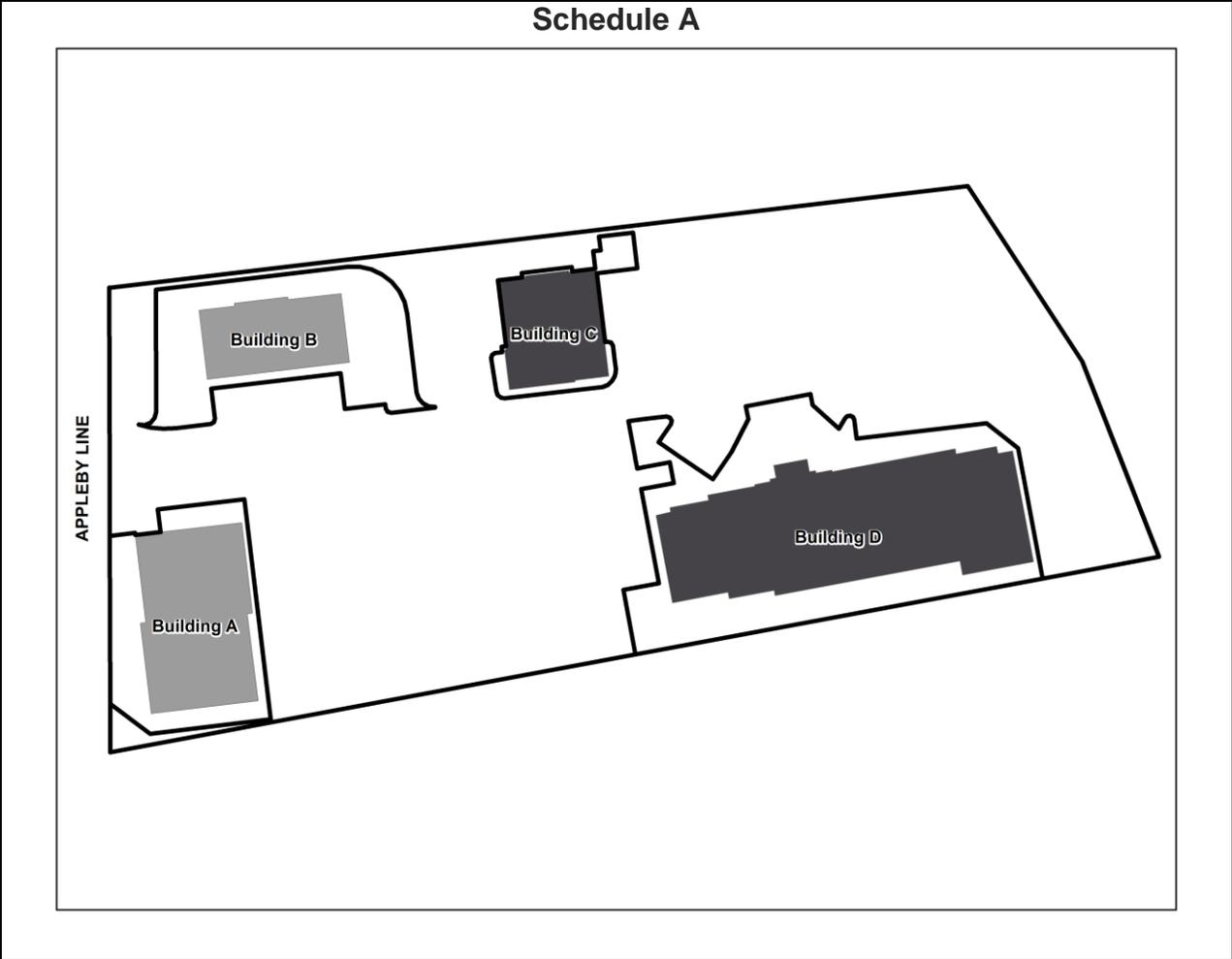
- vii) Minimum setback from an O2 zone for parking: 3.5 m
- viii) Minimum setback from an O2 zone for building: 4.0
- ix) Maximum of one freestanding 'Fast Food Restaurant' building permitted

4. Regulations:

- i) Hotel:
  - Maximum number of units: 108
  - South Yard: 3 m
  - East Yard: 16 m from property line
  - Maximum Height: 6 storeys
- ii) Building A:
  - Maximum Floor Area: 560 square metres
  - Maximum Yard abutting a street: 5 m
- iii) Building B:
  - Maximum Floor Area: 300 square metres
  - Minimum Yard abutting a street: 15m
  - Maximum Yard abutting a street: 20m
- iv) Banks, Trust Companies, Credit Unions:
  - Maximum one freestanding building
  - Stacking lanes and/or drive aisles are not permitted on a building elevation facing a street

5. The lands zoned MXE-452 shall be considered one lot for the purposes of applying zoning regulations and shall not be subject to the additional regulations in Part 1, Section 2.33 of Zoning By-law 2020 applicable to Parcels of Tied Land in any zone other than a Low Density Residential Zone.

Except as amended herein, all other provisions of this By-law, as amended, shall apply.



- 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** this .....day of ..... 2022 .

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK

## EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.443

By-law 2020.443 rezones lands on 5030-5045 Tico Creek Common, to permit an increase in the maximum building floor area as well as to expand Retail Store permissions for the two proposed 1-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line.

For further information regarding By-law 2020.443, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.