

**BY-LAW NUMBER 2020.428, SCHEDULE 'A' AND EXPLANATORY NOTE****THE CORPORATION OF THE CITY OF BURLINGTON****BY-LAW NUMBER 2020.428**

A By-law to amend By-law 2020, as amended; 4063 Upper Middle Road  
File No.: 520-03/17

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 Recommendation PL-42-22 on July 12, 2022, to amend the City's existing Zoning By-law 2020, as amended, to permit an apartment building consisting of 32 residential dwelling units;

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

1. Zoning Map Number 24-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 hereby rezoned from D to H-RH3-508.
3. The lands designated as "B" on Schedule "A" attached hereto are hereby rezoned from D to O2.
4. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#	H-RH3-508	Map 24-W	Resolution: PL-42-22
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The Owner dedicates the lands associated with Shoreacres Creek and its associated buffer, as identified in Report PL-42-22 and shown on "B" on Schedule "A" attached hereto, to the City of Burlington, to the satisfaction of the City Director of Community Planning.

5. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 508 as follows:

Exception 508	Zone H-RH3	Map 24-W	Amendment 2020.428	Enacted July XX, 2022
<b>1. <u>Permitted Uses:</u></b>				
a) Prior to the removal of the Holding ("H") Provision, the lands zoned O2 will be dedicated to the City of Burlington and only the existing uses are permitted.				
<b>2. <u>Regulations for Apartment Buildings:</u></b>				
a) Maximum Number of Dwelling Units:			32	
b) Setbacks to Building:				
i) Front Yard including balconies:				
Minimum			9.8 m	
Maximum			12 m	
ii) Rear Yard:			4.8 m	
iii) Side Yard:				
Floors 1-2, including balconies:			6 m	
Terrace on the 3rd floor:			6 m	
Floors 3 and above, including balconies:			7.1 m	
iv) Abutting Creek Block:			0 m	
c) Setbacks to Below-grade and Above-grade Parking:				
i) Front Yard:			10 m	
ii) Rear Yard:			4.7 m	
iii) Side Yard:			6 m	
iv) Abutting Creek Block:			0 m	
d) Setback to an O2 zone:			0 m	
e) Each parking space shall have a minimum area of 14.9 m <sup>2</sup> for a maximum of 8 parking spaces.				
f) Maximum Height:			9 storeys up to 33 m	
g) Landscape Buffer Encroachment:			A Loading Space and Retaining Wall is permitted within the	

required 3m westerly  
Landscape Buffer.

h) Outside Storage (moloks):

i) Permitted in the front yard.

ii) Solid screen enclosure not required.

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

6. 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
6. 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 XX day of July, 2022

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MAYOR

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CITY CLERK

## EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.428

By-law 2020.428 rezones lands on 4063 Upper Middle Road, to permit an eight-storey residential building.

For further information regarding By-law 2020.428, please contact Melissa Morgan of the Burlington Community Planning Department at (905) 335-7600, extension 7788 or [melissa.morgan@burlington.ca](mailto:melissa.morgan@burlington.ca).

## SCHEDULE "A"

