



# **Burlington Major Transit Station Areas: Community Planning Permit By-law**

**DRAFT FOR PUBLIC CONSULTATION - October 2023**

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# 1 Introduction

## 1.1 Title

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1.1.1 This By-law, as amended, may be cited as the “Community Planning Permit By-law for the Burlington Major Transit Station Areas”.

## 1.2 Goals and Objectives

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1.2.1 The goal of the Community Planning Permit System (CPPS) is to:

a) Implement the vision, principles and policies of the Burlington Official Plan and Area Specific Plans for the Major Transit Station Areas (MTSAs).

1.2.2 The objectives of the **City** in implementing the Community Planning Permit System include but are not limited to:

a) To implement a land use regulatory framework that supports the objectives and policies of the MTSAs.

b) To provide greater certainty to the **development** community and current and future residents through establishing principles to support desired **development** that aligns with the Council-approved policy framework for the MTSAs.

c) To streamline the **development** process to assist the **development** industry by combining the zoning, site plan approval and minor variance processes into one review and approval process, in alignment with the requirements and objectives of this By-law and the Burlington Official Plan.

- d) To support the **development** of complete communities that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing and public service facilities including affordable housing, schools, recreation and open space for their residents.

### 1.3 Guiding Principles

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The following Guiding Principles form the basis for the provisions in this By-law. When considering an application, the following Guiding Principles **should** be considered:

#### A City that Grows

- **Development** will contribute to the creation of **complete communities** in each MTSA through growth that responds to the present and future needs of the community.
- **Development** will include a mix of uses, including employment, **retail** and **service commercial** uses that demonstrate the achievement of the assigned target proportion of residents and jobs and that serve the needs of residents.
- **Development** will be diverse and include housing forms, sizes and tenures that demonstrate the achievement of general target proportion of residents and jobs that meet the needs of current and future residents and that includes balanced, targeted population growth for youth, families and newcomers and as outlined in the **City’s** Housing Strategy.
- **Development** will be limited to the capacity and financial capability of the Region of Halton to deliver municipal sewage and water services within the MTSA.

- **Development** will support the retention and expansion of existing employment functions and **encourage** new employment functions and employment uses, including but not limited to **office** which are compatible with other uses and serve to make each MTSA an employment destination within the **city**.



### A City that Moves

- **Development** will contribute to a **multi-modal** transportation network that includes **complete streets** and supports seamless connections within and adjacent to the MTSA.
- **Development** will minimize parking and prioritize pedestrians, **active transportation** and public transit.
- **Development** will contribute to a lively, high-quality, comfortable **public realm** featuring a connected network of publicly accessible spaces such as public squares, parks and open spaces and **public service facilities** that incorporate street trees, landscaping and vegetation and provide connection of these spaces with the **City's** broader parks and trails network and Privately-Owned Publicly Accessible Space (POPS).



### A Healthy & Greener City

- **Development** will maintain, restore and where possible enhance the long-term ecological integrity and biodiversity of the **Natural Heritage Features and Areas**, including the Natural Heritage System and its ecological and hydrologic functions within the MTSA.
- **Development** will protect public health, safety, and property from natural hazards within and beyond the MTSA boundary.



- **Development** will target carbon neutrality in MTSAs through the use of district energy, **sustainable** building measures and other innovative approaches.
- **Development** will prioritize and implement innovative **sustainable** practices and the possibility of **green infrastructure** related to energy, water, landscape (such as street trees) and waste management that together assist with adapting to the **impacts of a changing climate**.
- **Development** will ensure the provision of a range of open spaces and connections, including an opportunity to consider POPS.



### An Engaging City

- **Development** will contribute to the provision of a range of **public service facilities**, including parks, schools, emergency services, **day cares**, recreational facilities and other community needs to support future growth.
- **Development** will include built form transitions that respect existing Established Neighbourhood Areas and the MTSAs.
- **Development** will provide **human scale** built form and **activated street** frontages in order to foster street level communities.
- **Development** will achieve design excellence in the MTSAs that will **encourage** long-term investment and the creation of high quality and **sustainable** built forms contributing to achieving these communities with a unique sense of place.
- **Development** will acknowledge the existing history of the areas (Cultural, Archaeological, Natural, Indigenous).

- **Development of infrastructure** projects will be coordinated by the **City**. This will include **streetscape** improvements and future road projects, with upgrades to water and sanitary networks in collaboration with the Region of Halton to minimize the impacts of construction on the residents and businesses within the MTSAs.
- **Development** will be supported by collaborative **infrastructure** provision.

# 2 Definitions and Interpretation



## 2.1 Interpretation

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- 2.1.1 The provisions of this By-law are minimum requirements except where a maximum requirement is specifically identified.
- 2.1.2 This By-law **shall** be read in its entirety and interpreted in conjunction with the Burlington Official Plan (2020).
- 2.1.3 Compliance with this By-law does not exempt any person from the requirements of any Federal, Provincial, Regional or Municipal legislation, approval process, licensing or permitting regime, agreements, or other By-law.
- 2.1.4 The provisions and standards of this By-law set out in Sections 5,6,7 and 8 *may* be applied to the **lot** or to an entire development, at the discretion of the Approval Authority.
- 2.1.5 Notwithstanding the definition of **development** in Section 2.5, an application involving only site alteration subject to the **City's** Site Alteration By-law or tree removal subject to the **City's** Private Tree Protection By-law is not subject to the Community Planning Permit By-law.
- 2.1.6 The Burlington Private Tree Protection By-law applies to all private property in all Community Planning Permit Precincts identified on Schedules B-1, C-1, and D-1 of this By-law.
- 2.1.7 Notwithstanding provision 2.1.5, the Burlington Private Tree Protection By-law does not apply to woodland or greenlands that are governed by the Halton Region Tree By-law.

## 2.2 Community Planning Precincts and Conservation Halton's Regulatory Limit

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- 2.2.1 Community Planning Permit Precincts are identified on Schedules B-1, C-1, and D-1 of this By-law.
- 2.2.2 Community Planning Permit Precincts are specified areas that prescribe the permitted and discretionary uses and the applicable **development** standards in each Community Planning Permit Area.
- 2.2.3 The delineation and regulation of **hazardous lands** and **hazardous sites** is administered by Conservation Halton. For reference purposes, the Conservation Halton Regulatory Limit is depicted on Appendices B-1, B-2 and B-3, however the exact delineation of **hazardous lands** and **hazardous sites** shall be determined by Conservation Halton. Notwithstanding the provisions of the Community Planning Permit Precincts, lands within the Conservation Authority Regulatory Limit **shall** be subject to additional provisions.
- 2.2.4 Boundaries of Community Planning Permit Precincts shown on the Schedules are intended to follow **lot lines**, street centre lines and other similar elements and features. Where a boundary on the Schedules:
- a) follows a street, lane, utility or railway right-of-way or watercourse, it is considered to follow the centerline of such street, lane, utility or railway right-of-way or watercourse;
  - b) substantially follows **lot lines** shown on a registered plan of subdivision, it is considered to follow such **lot lines**;
  - c) passes through a **lot** and the distance is not indicated, the boundary shall be measured using the scale of the Precinct Schedule;
  - d) varies from the Schedules to any site specific amendment, the boundaries shall be as per those shown on the site specific amendment;

- e) shows a discrepancy due to drafting errors or is ill-defined, the Director of Community Planning shall be responsible for interpreting boundaries in consultation with Conservation Halton regarding the Conservation Halton Mapping; and
- f) is determined or revised through a Plan of Subdivision application, it is considered to follow the centerline of such street, lane, utility or railway right-of-way.

2.2.5 The City may update the relevant Appendices of this By-law from time to time without amendment to this By-law.

### 2.3 Forms of Words

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2.3.1 Unless otherwise defined, words not defined in this By-law **may** be given their definition in the *Planning Act* and the Ontario Building Code. Words not defined in this By-law **shall** take on their usual meaning, or the meaning as they are defined in the Burlington Official Plan (2020) or relevant City guidelines or standards.

2.3.2 For the purposes of this By-law,

- a) words used in the present include the future;
- b) words in the singular number include the plural number and words in the plural include the singular number;
- c) the words “used” and “occupied” **shall** include the words “arranged” and “designed to be used or occupied” respectively;
- d) the words “may”, “should” and “shall” express either flexibility or strength within this By-law and **shall** be interpreted as follows:

- i) “may” implies that there is discretion and flexibility or that criteria are to be satisfied in the application of a provision or standard within this By-law;
  - ii) “should” implies that the provision or standard is directive and a professional planning rationale is required in order not to fully comply with a provision or standard within this By-law; and
  - iii) “shall” implies that the provision or standard is mandatory or it is required to comply with a provision or standard within this By-law.
- e) where a provision or standard involves two or more conditions, connected by a conjunction, the following **shall** apply:
- i) “and” means all the connected items **shall** apply in combination; and
  - ii) “or” means that the connected items **may** apply singly or in combination.

### 2.4 Reference Aids

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- 2.4.1 Words that are **bold** denote terms defined in Section 2.5.
- 2.4.2 Tables form part of this By-law and are used throughout to present provision or standard in a concise format.
- 2.4.3 All measurements in this By-law appear in metric.
- 2.4.4 Appendices do not form part of this By-law, but are provided for information purposes.

### 2.5 Defined Terms

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#### Accessory Drive-through

- An amenity to a **principal** use whereby goods or services are provided, either wholly or in part, to customers located within a motor vehicle.
- **Accessible Parking Space** A parking space for the use of persons with disabilities.

#### Accessory Building or Structure

- A detached building or structure not used for human habitation, the use of which is naturally or customarily incidental and subordinate to, or exclusively devoted to a **principal** use, **building** or structure and located on the same lot therewith. Accessory Buildings **may** include a detached garage, workshop, shed, or pool house. Accessory Structures may include arbours, gazebos, pergolas, play structures, or detached car port exclusive of patios or decks.

#### Accessory Use

- The use of any land, **building** or structure which is normally incidental to, subordinate to, or exclusively devoted to, the **principal** use located on the same lot.

#### Active Transportation

- Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

### Activated Street

- An MTSA Major Mixed Use Street or MTSA General Mixed Use Street as shown on Figures 1a, 2a or 3a of this By-law, or a street identified by the **City** as such in accordance with subsection 8.1.2(2.3) c) of the Burlington Official Plan (2020).

### Additional Residential Unit

- A self-contained **dwelling unit** which is located within, and/or on the same **parcel of urban residential land** as a **rowhouse**.

### Adult Entertainment Establishment

- Any premise or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, or to which an admittance or other fee is required, service of an employee, entertainer or other person who exposes to view any portion of the nipple or areola of the female breast or any portion of his or her pubic hair, anus, cleft of the buttocks, penis, vulva or genitals, or any other service designed to appeal to erotic or sexual appetites or inclinations.

### Animal Care Establishment

- Premises for the caring, grooming and training of domesticated animals, excluding livestock, for a fee on a daily basis, excluding breeding, overnight boarding and outdoor facilities.



### Apartment Building

- A **building** consisting of more than 4 **dwelling units**, which units have a common entrance from the street level and where the occupants have the right to use in common, halls, stairs, **yards**, and **accessory buildings**.

### Automotive Commercial

- Uses involving the sale of automobiles and the repair and maintenance of automobiles and the sale of gasoline or similar products and **shall** include **small scale motor vehicle dealerships**, motor **vehicle** repair garages, car washes and service stations, and does not include **large scale motor vehicle dealerships**.

### Bicycle Parking, Long-Term

- An area that is equipped with a bicycle rack or locker that is accessible, secure, weather protected and for use by occupants of a building and is not provided within a dwelling unit, suite, or on a balcony.

### Bicycle Parking, Short-Term

- An area for the purpose of parking and securing bicycles at **grade** that is accessible for visitors to a building.

### Body-Rub Parlour

- Any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the

body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed, or registered to do so under the laws of the Province of Ontario.

### **Building**

- Means **building** as defined in the Ontario Building Code Act, S.O. 1992, Chapter 23.

### **Built Heritage Resource**

- A **building**, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

### **Cannabis Production Facility**

- Premises authorized by a license issued by the federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, under the Cannabis Act, SC 2018, as amended, to obtain cannabis by any method or process, including by:
  - (a) **manufacturing**;
  - (b) synthesis;
  - (c) altering its chemical or physical properties by any means; or
  - (d) cultivating, propagating or harvesting it or any living thing from which it **may** be extracted or otherwise obtained.

### Car-Share Parking Space

- A designated parking space reserved for use by persons commuting or travelling together.

### City

- The Council of the Corporation of the **City** of Burlington; or alternatively, where an approval power has been delegated by the **City** of Burlington Council, the delegated approval authority, or the administration of the Corporation of the **City** of Burlington.

### Community Garden

- A piece of land operated by the **City**, an individual or a group of people which is used collectively by a group of people for the growing of produce through individual or shared plots.

### Community Planning Permit Application

- Formal request to the City of Burlington for a Community Planning Permit.

### Complete Communities

- Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. **Complete communities** are age-friendly and **may** take different shapes and forms appropriate to their contexts.

### Complete Street

- A street designed, built and operated to enable safe access for all users, in that pedestrians, cyclists, transit-users, and motorists of all ages and abilities are able to safely move along and across the right of way. **Complete streets** foster livability while enhancing the **public realm** and encouraging **sustainable** growth patterns.

### Conservation or Conserved

- The identification, protection, management and use of **built heritage resources, cultural heritage resources** in a manner that ensures their cultural heritage value or interest is retained. This **may** be achieved by the implementation of recommendations set out in a **conservation** plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative **development** approaches **should** be included in these plans and assessments.

### Cultural Heritage Resources

- **Built heritage resources, cultural heritage landscapes and archaeological resources** that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some **cultural heritage resources may** already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

### Day Care Centre

- A facility where temporary care, protection, and supervision are provided to more than 5 children or elderly persons but which **shall** not provide overnight accommodation.

### Daylight Triangle

- Areas providing clear visibility for safe vehicular movement between streets, **driveways**, and other intersections. **Daylight triangles** also present an opportunity for enhancing the street and integrating several modes of transportation safely.

### Designed Electric Vehicle Parking Space

- A parking space designed and constructed to be **electric vehicle** ready, allowing for the future installation of **electric vehicle** supply equipment that conforms to Section 86 of the Electrical Safety Code.

### Development

- In this By-law, “**development**” means:
  - the construction, erection or placing of one or more buildings or structures on land,
  - the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,
  - the laying out and establishment of,
  - a commercial parking lot,
  - sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act*,
  - sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*, or
  - sites for the location of three or more **trailers** as defined in subsection 164 (4) of the *Municipal Act, 2001*,
  - site alteration, including but not limited to:

- alteration of the **grade** of land, and
- placing or dumping fill, or
- the removal of vegetation.

### Driveway

- A single passageway or series of interconnected passageways, for exclusive or shared private use, providing vehicular access between a street or condominium common element roadway and an area used for the parking, loading, or storage of a vehicle.

### Dwelling Unit

- Means **dwelling unit** as defined and determined under the *Ontario Building Code Act, S.O. 1992*, Chapter 23.

### Electric Vehicle

- Means a motor vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.

### Electric Vehicle Parking Space

- A parking space constructed and equipped with a minimum Level 2 **Electric Vehicle** Charging Device.

### Encourage

- Reasonable efforts are made to accommodate the desired result.

### Entertainment

- Any place devoted to the presentation of live **entertainment** and performances or for the commercial showing of films, including such facilities as movie theatre, dinner theatre, supper club or cabaret, but **shall** not include **adult entertainment establishment, gaming premises**, or video game & pinball machine arcade.

### Floor Area

- Means **floor area** as defined and determined under the *Ontario Building Code Act, S.O. 1992*, Chapter 23.

### Floor Area, Gross (GFA)

- The sum of each **floor area** of a **building**.

### Gaming Premises

- Premises that are a gaming site as defined in the Ontario Lottery and Gaming Corporation Act, 1999.

### Grade

- Means **grade** as defined and determined under the Ontario Building Code Act, S.O. 1992, Chapter 23.

### Green Infrastructure

- Natural and human-made elements that provide ecological and hydrological functions and processes. **Green infrastructure** can include components such as **natural heritage features** and

systems, parklands, storm water management systems, street trees, urban forests, natural channels, permeable surfaces and green roofs.

### Ground-Oriented Dwelling

- A **dwelling unit** which is designed to be accessible by direct access from the ground or by means of stairways. **Buildings** containing **ground-oriented dwelling** units usually do not exceed three **storeys** in height.

### Group Home

- A single housekeeping unit supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A **Group Home shall** be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act.

### Hazardous Lands

- Property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

### Hazardous Sites

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography.)



### Hazardous Substances

- Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

### Height, Building

- Means building **height** as defined and determined under the Ontario Building Code Act, S.O. 1992, Chapter 23.

### Home Occupation

- An activity that provides a service as an **accessory use** within a **dwelling unit** or in an **accessory building**.

### Hotel

- Means **hotel** as defined under the Ontario Building Code Act, S.O. 1992, Chapter 23.

### Human Scale

- The proportional relationship of the physical environment to human dimensions, acceptable to public perception and comprehension in terms of the size, height, bulk, and/or massing of **buildings** or other features of the built environment.

### Impacts of a Changing Climate

- The present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

### Industrial

- Assembling, fabricating, **manufacturing**, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses.

### Infrastructure

- Physical structures (facilities and corridors) that form the foundation for **development**. **Infrastructure** includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

### Institutional Uses

- Private services and/or facilities which provide a public health, education, **recreation** and/or social service related function to residents and which can be appropriately accommodated in most areas of the **city**. **Institutional uses may** include, but **shall** not be limited to, places of worship, cemeteries, private educational facilities, **day care centres** or long term care facilities, but **shall** not include **group homes**, private medical clinics or **public service facilities**.

### Landscape Area

- An area of land within a **lot** dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which **may** include other decorative landscape features. A ground sign **may** be located within a **landscape area**. A **landscape buffer may** be included in the calculation of **landscape area**. Snow storage and transformers are not permitted in a required **landscape area**.

### Landscape Buffer

- 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 and transformers are not permitted in a required **landscape buffer**.

### Lane

- A public or private right-of-way providing a means of access to **lots** abutting thereon.

### Large Scale Motor Vehicle Dealership

- A motor **vehicle** dealership greater than 0.2 ha in size which contains significant outside storage and a large proportion of associated automobile repair and service facilities.

### Legal Non-Conforming Use

- The use of any land, **building** or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose.

### Light Industrial

- Assembling, fabricating, **manufacturing**, or processing uses that have a low probability of fugitive emissions such as noise, odour, dust or vibration, and that are compatible with any abutting **sensitive land uses**.

### Loading Space

- An off-street space or berth on the same **lot** with a **building** for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

### Lot

- A parcel of land under one ownership which is established as a separate parcel of land in accordance with the provisions of the **lot** creation sections of the *Planning Act*, including a parcel acquired from Her Majesty in right of Canada, Her Majesty in right of Ontario, the Regional Municipality of Halton, or the Corporation of the City of Burlington, appropriated for the exclusive use of a **building** or a group of **buildings** comprising one undertaking or enterprise, and which abuts a public street, except if it has been created as a **parcel of tied land**, in which case, it **may** abut a common element condominium road.

### Lot Area

- The total horizontal area with the **lot lines** of a **lot**.

### Lot, Corner

- A **lot** situated at the intersection of and abutting two or more streets or parts of the same street, including any reserve area, where the angle at the intersection or projected angle at the intersection of the tangents of the **street lines** is not more than 135 degrees.

### Lot Line

- Any boundary of a **lot**.

### Lot Line, Front

- The **lot line** that divides a **lot** from the street provided that in the case of a **corner lot**, the shorter lot line that abuts a street **shall** be deemed to be the **front lot line**, and the longer **lot line** that abuts a street **shall** be deemed to be a **side lot line** abutting a street. In the case of a **through lot**, only one of the **lot lines shall** be deemed to be the **front lot line**. In the case of an irregular shaped **lot**, the straight line joining the two points where the **side lot lines** respectively intersect the **street line shall** be not less than 9.1 metres.

### Lot Line, Rear

- The **lot line** or point of intersection of the **side lot lines** farthest from and opposite the **front lot line**.

### Lot Line, Side

- A **lot line** other than a **front** or **rear lot line**. In the case of a **corner lot**, the longer **lot line** that abuts a street **shall** be known as the **side lot line** abutting a street.

### Lot, Through

- A **lot** bounded on two opposite sides by streets.

### Low-Rise Building

- A building four (4) storeys in height or less.

### Major Facilities

- Facilities which **may** require separation from **sensitive land uses**, including but not limited to airports, **manufacturing** uses, transportation **infrastructure** and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

### Manufacturing

- The use of land, **building** or structures for the purpose of **manufacturing**, assembly, preparing, finishing, treating, repairing, warehousing, or adapting for sale of any goods, substance, article, or service.

### May

- There is discretion and flexibility or that criteria are to be satisfied in the application of a provision or standard.

### Mid-Rise Building

- A **building** five (5) to eleven (11) **storeys** in height.

### Multi-Modal

- The availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air, and marine, and the interconnection between modes.

### Natural Heritage Features and Areas

- Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### Negative Impact

- In regard to potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive **development**. **Negative impacts should** be assessed through environmental studies, including hydrogeological or water quality impact assessments, in accordance with Provincial standards;
- In regard to water resources, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive **development** or **site alteration** activities;
- In regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under *The Fisheries Act*;

- In regard to other **natural heritage features and areas**, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive **development** or **site alteration** activities.

### Night Club

- An establishment or part thereof, whose **principal** function is the provision of music, prerecorded or live music, for dancing by club patrons, having a minimum dance **floor area** of 10 m<sup>2</sup>, and where food and/or beverages **may** be served, but **shall** not include an **adult entertainment establishment**.

### Noxious Use

- The use of any premises which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.

### Office

- A **building** or part of a **building** where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration, and **may** include activities such as research, **development** and information processing.

### Parcel of Tied Land (POTL)

- Any parcel of land legally bound and tied to a common element condominium. A parcel of tied land must front on either a public street or a condominium common element roadway.



### Parcel of Urban Residential Land

- A parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by By-law and that is served by:
  - sewage works within the meaning of the *Ontario Water Resources Act* that are owned by
    - a municipality,
    - a municipal service board established under the *Municipal Act, 2001*,
    - a city board established under the *City of Toronto Act, 2006*,
    - a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
    - a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
  - a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*.

### Park

- The use of any **lot** consisting largely of open space, which **may** include outdoor **recreation use** areas, sports fields, playgrounds, playfield, food concession, outdoor theatres, or other similar use in a manner that is accessible to the public.

### Patio, Outdoor

- An outdoor area associated with a permitted **restaurant** located on the same **lot** as the **restaurant**, and which **shall** provide tables and seating for patrons to be served meals and/or refreshments for consumption on the premises.

### Place of Assembly

- Means a building or part of a building used to accommodate the gathering of people for events such as trade shows, banquets, conferences, conventions, meetings, seminars, workshops or other similar events and **may** include accessory food preparation.

### Podium

- The lower portion of a **tall building** or **mid-rise building**, which is clearly differentiated from the spaces above, designed to define and support adjacent streets, parks, and open space at an appropriate scale, integrate with adjacent **buildings**, achieve transition with nearby **buildings** and contribute to the pedestrian experience.

### Primary Metals Industry

- A smelter, blast furnace, cupola, mill, or other factory used for the production of primary iron or steel, including, among other things, pig-iron, ferrous alloys, and other primary non-ferrous alloys.

### Principal

- Means main or primary purpose for which any **lot** is used. **Principal building** means the **building** where the **principal** use is located.

### Public Authority

- Any federal, provincial, regional, county or municipal agency including any commission, board, authority or department established by such agency exercising any power or authority under a Statute of Canada or Ontario.

### Public Realm

- All spaces to which the public has unrestricted access, such as streets, parks and sidewalks.

### Public Service Facilities

- Land, **buildings** and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services and cultural services. **Public service facilities** do not include **infrastructure**.

### Qualified Person

- An individual with qualifications and/or credentials related to a field of study and who is therefore appropriate for conducting a study and/or providing an expert opinion that has been required by the **City**. The **qualified person** must be to the satisfaction of the **City** or where appropriate, is/be defined by relevant legislation, regulation and/or standards.

### Recreation Use

- A place designed and equipped for the consumer to actively participate in the conduct of sports, fitness and other leisure time activities, undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential; but does not include a **night club**, **adult entertainment establishment**, video game & pinball machine arcade, **gaming premises** or public auditorium, community or recreational centre, or overnight accommodation.

### Residential Amenity Area, Private

- An outdoor area reserved for the exclusive use of the occupants of a **dwelling unit**, such as a patio, deck, balcony, solarium, or other such area.

### Residential Amenity Area, Common

- An interior area within a residential **building** or an outdoor area exterior to the residential **building** which is designed and intended primarily for the leisure and recreation of the occupants of the **building**.

### Restaurant

- An eating establishment located in a **building** or structure or part thereof where food and beverages are prepared and served for consumption on or off the premises.

### Retail

- A part of a **building** where merchandise is displayed, rented, or sold directly to the public.

### Rowhouse

- A residential **building** that is divided vertically into three or more separate **dwelling units** where each **dwelling unit** has a separate external entrance. A **rowhouse** is also known as a townhouse.

### Sensitive Land Uses

- **Buildings, common amenity areas,** or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant

discharges generated by a nearby **major facility**. **Sensitive land uses may** be a part of the natural or built environment. Examples **may** include, but are not limited to residences, **day care centres**, and educational and health facilities.

### Service Commercial

- Non-**retail** commercial uses, including **animal care establishments**. **Service commercial** excludes **automotive commercial** uses.

### Setback

- The horizontal distance between the boundary of a **lot**, parcel, or block of land, and the nearest point of any **building** or structure, measured perpendicular to the boundary.

### Shall

- The provision or standard is mandatory or it is required to comply with a provision or standard.

### Should

- The provision or standard is directive and a professional planning rationale is required in order not to fully comply with a provision or standard.

### Site Alteration

- **Site alteration** is defined according to the City of Burlington Site Alteration By-law.

### Small Scale Motor Vehicle Dealership

- A motor **vehicle** dealership of less than 0.2 ha in size in which the principal activity is the retail sale of vehicles.

### Special Needs Housing

- Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, and includes, but is not limited to, needs such as mobility requirements or support functions required for daily living. Examples **may** include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, seniors' housing, **group homes**, emergency shelters, housing for the homeless, and independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community-based support services in their own home.

### Storey

- Means storey as defined and determined under the Ontario Building Code Act, S.O. 1992, Chapter 23.

### Storey, First

- Means first storey as defined and determined under the Ontario Building Code Act, S.O. 1992, Chapter 23.

### Street Line

- The division between a street and a **lot**.

### Streetscape

- The visual appearance of a street formed by the location of physical features such as **buildings**, pedestrian, cycling, transit and vehicular facilities and landscaping.

### Street Wall

- The condition of enclosure along a street created by the fronts of **buildings** and enhanced by the continuity and **height** of the lower building facades.

### Sustainable and Sustainability and/or Sustainable Development

- A systems based approach to growth and **development** where economic, social and environmental factors are jointly considered and harmonized. **Development** must meet the needs of the present without compromising the ability of future generations to meet their own needs.

### Tall Building

- A **building** twelve (12) **storeys** or higher.

### Tandem Parking Space

- A parking space that can only be accessed by passing through another parking space from a street, **lane** or **driveway**.

### Trailer

- A **vehicle** designed to be towed by a motor **vehicle** for the purpose of transporting or storage of goods, materials, equipment or livestock such as boat and snowmobile **trailers**.

### Tree

- Tree is defined according to the **City** of Burlington Public Tree By-law and Private Tree By-law.

### Urban Agriculture

- The growing of crops for food at a small scale, including **community gardens** and small-scale sales of urban agricultural products, and does not include the raising of livestock or a **cannabis production facility**.

### Vegetation

- Vegetation is defined according to the City's Site Alteration By-law.

### Vehicle

- A motor vehicle, traction engine, farm tractor, road building machine and any **vehicle** drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars or electric or steam railways running only upon rails.

### Yard

- An area extending from the lowest level below **grade** to the sky, open and uncovered, appurtenant to a **building** or structure and unoccupied by any **building** or structure, except as specifically



permitted in this By-law. In determining **yard** measurements the minimum horizontal distance from the respective **lot lines shall** be used.

### Yard, Front

- A **yard** extending across the front of a **lot** between the **side lot lines**, and between the **front lot line** and the nearest wall of any **building** above **grade**, produced to the **side lot lines**.

### Yard, Rear

- A **yard** extending across the rear of a lot between **side lot lines** and between the **rear lot line** and the nearest wall of any **building** above **grade** produced to the **side lot lines**.

### Yard, Side

- A **yard** extending from the **front yard** to the **rear yard** between the **side lot line** of the **lot** and the nearest wall, above **grade**, of any **building**.

### Yard, Street Side

- A **side yard** immediately adjoining a public street.

*Note: The defined terms do not exhaustively define the prohibited uses in Section 5.4. The City may consider whether this would support by-law implementation.*



# 3 Administration

## 3.1 Application of this By-law

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3.1.1 All **development** within the areas identified on Schedule A to which this By-law applies **shall** require a Community Planning Permit.

## 3.2 Exemptions

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- 3.2.1 Notwithstanding provision 3.1.1, the following types of **development shall** not require a Community Planning Permit:
- a. Any **development** consistent with Site Plan Control approval issued pursuant to the **City of Burlington Site Plan Control** By-law, as amended;
  - b. Any **development** consistent with a minor variance in place at the date of passing this by-law;
  - c. Placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;
  - d. Projects initiated by a public authority in accordance with provision 5.3.1; and
  - e. Repairing or rebuilding a **building** or structure which constitutes a **legal non-conforming use** if:
    - i. the **Development** is solely limited to the repairing or rebuilding of a **building** or structure which constitutes a **legal non-conforming use**;
    - ii. the **building** or structure is situated in the same location; and

iii. the **building** or structure maintains the same envelope.

3.2.2 For further clarity, the following activities do not constitute **development** and do not require a Community Planning Permit:

- a) Interior alterations to an existing **building** provided that there is no change in use or intensification;
- b) Repairs and maintenance of any existing lawfully established **buildings** or structures such as the replacement of windows, doors, stairs, and decks, that will not result in changes to the footprint, location, height, or **gross floor area** of the structure; and
- c) Repairs and replacement of existing lawfully established **buildings** and foundations provided that the works do not involve the placement of fill, alteration of existing **grades**, or changes to the footprint, location, height, or **gross floor area** of the structure.

### **3.3 Community Planning Permit Classes and Delegated Authority**

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3.3.1 There are three classes of Community Planning Permits: Class 1 - Standards Met, Class 2 - Staff Variation, and Class 3 - Council Variation.

- a) Class 1 Community Planning Permits capture the minimum requirements and objectives of this By-law and the Burlington Official Plan that must be met as part of a Community Planning Permit Application; and
- b) Class 2 and Class 3 Community Planning Permits capture additional requirements that must be met as part of a Community Planning Permit Application and as outlined in provision 3.5.1.

- 3.3.2 Council delegates the authority to exercise **development** powers and duties on behalf of the **City** as set out in this By-law to the Approval Authority, in accordance with Table 3.1 below. Council **may** withdraw or amend this delegation at any time.
- 3.3.3 The Approval Authority for Provisional Approvals and Community Planning Permit applications **shall** be:
  - a) the Director of Community Planning for the **City** and/or delegate; and/or
  - b) the **City** Council/Community Planning Regulation and Mobility Committee (“Committee”).

**TABLE 3.1: Community Planning Permit Classes and Delegated Authority**

Class of Permit	Description	Approval Authority	Issuance of Provisional Approval of Community Planning Permit
Class 1 Community Planning Permit	Application meets all <b>development</b> standards of the By-law. No variation is required.	City Staff	City Staff
Class 2 Community Planning Permit	Application generally meets the intent, standards and provisions of this By-law but requires a staff variation based on: <ul style="list-style-type: none"> <li>● one or more <b>development</b> standards within the established Class 2 Variation Limit identified in Tables 6.2, 7.2, or 8.2;</li> </ul>	City Staff	City Staff

	<ul style="list-style-type: none"> <li>● <b>building height</b> within the maximum Class 2 Threshold established on Schedules B-3, C-3, or D-3; and/or</li> <li>● approval of a listed Discretionary Use.</li> </ul>		
Class 3 Community Planning Permit	<p>Application generally meets the intent, standards and provisions of the By-law but requires a Council Variation based on:</p> <ul style="list-style-type: none"> <li>● one or more <b>development</b> standards above the Class 2 Variation Limit identified in Tables 6.2, 7.2, or 8.2; and/or</li> <li>● <b>building height</b> above the maximum Class 2 Threshold established on Schedules B-3, C-3 and D-3.</li> </ul>	Council / Community Planning Regulation and Mobility Committee	<b>City Staff</b>

- 3.3.4 A Class 2 Community Planning Permit Application **may** be processed as a Class 3 Community Planning Permit at the discretion of the Director of Community Planning or designate, where they are of the opinion that the application would benefit from Council/Committee review.
- 3.3.5 Where an application has been referred to Council (or Committee), notice will be provided to the applicant during the pre-consultation stage outlined in Section 3.9.
- 3.3.6 At the time of submitting an application, an applicant **may** request that a Class 2 Community Planning Permit Application be processed as a Class 3 Community Planning Permit, where the applicant is of the opinion that the application would benefit from Council/Committee review.

#### 3.4 Variations

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- 3.4.1 Variations to standards of this By-law **may** be considered through the Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this By-law and the Burlington Official Plan.
- 3.4.2 Variations to the general standards of this By-law found in Section 5.0 **may** be considered through a Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this By-law and the Burlington Official Plan.
- 3.4.3 Variations are applied as a percentage of an eligible standard. The percentage referred to is the amount of the standard that **may** be varied.
- 3.4.4 A Community Planning Permit Application that requests a variation **shall** be subject to all requirements of this By-law.

- 3.4.5 For a Class 2 Community Planning Permit, Staff **may** vary the standards identified in Sections 5.0, 6.0, 7.0, and 8.0 of this By-law within the established limits and subject to the criteria in Section 3.5.
- 3.4.6 For a Class 2 or Class 3 Community Planning Permit, where a standard in Section 5.0 has no established limits within this By-law, Staff or Council **may** vary the standards identified in Section 5.0, subject to the criteria in Section 3.5.
- 3.4.7 For a Class 3 Community Planning Permit, Council **may** vary the standards identified in Sections 6.0, 7.0, and 8.0 of this By-law up to 100% subject to the criteria in Section 3.5, and subject to alignment with the Burlington Official Plan, provincial policy and any other applicable legislation.
- 3.4.8 A use **shall** not be added as a permitted use or a discretionary use through a Community Planning Permit. For any proposed new use within any Precinct, an Amendment to this By-law **shall** be required, in accordance with Section 4.2.
- 3.4.9 Despite provision 3.4.4 and 3.4.5, if in the opinion of the Approval Authority, the Community Planning Permit By-law criteria for variation from a standard are not met, the application **may** be refused.

### 3.5 Criteria for Variations from Standards

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- 3.5.1 Where a Class 2 or Class 3 Permit is required, in addition to the requirements of this By-law and in accordance with the objectives of this By-law, the following variation criteria **shall** be addressed to the satisfaction of the Approval Authority, prior to the issuance of a Community Planning Permit;
- a) the proposed **development** implements the Guiding Principles of this By-law;
  - b) the proposed **development** implements the **complete community** requirements and maintains the general intent of the Burlington Official Plan;
  - c) the proposed **development** does not result in significant off-site impacts, or any potential significant off-site impacts can be mitigated to the satisfaction of the Approval Authority;
  - d) the proposed **development** demonstrates consideration for provincial, regional and municipal guidelines and regard for technical studies; and
  - e) the proposed **development** is consistent with provincial policy, regulations and standards, as amended.



### 3.6 Discretionary Uses

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- 3.6.1 A discretionary use, as identified in this By-law, **may** be allowed subject to applicable criteria as set out in this By-law, including any criteria listed as a note to any permitted discretionary use or permitted **accessory use** in Tables 6.2, 7.2, or 8.2.
- 3.6.2 Where a Community Planning Permit Application includes a discretionary use, the provisions of Section 3.5 (Criteria for Variation), Section 3.13 (Conditions Attached to Approval), Section 3.14 (Provisional Approvals) and Tables 6.2, 7.2, and 8.2 **shall** be used to evaluate the discretionary use.

### 3.7 Agreements

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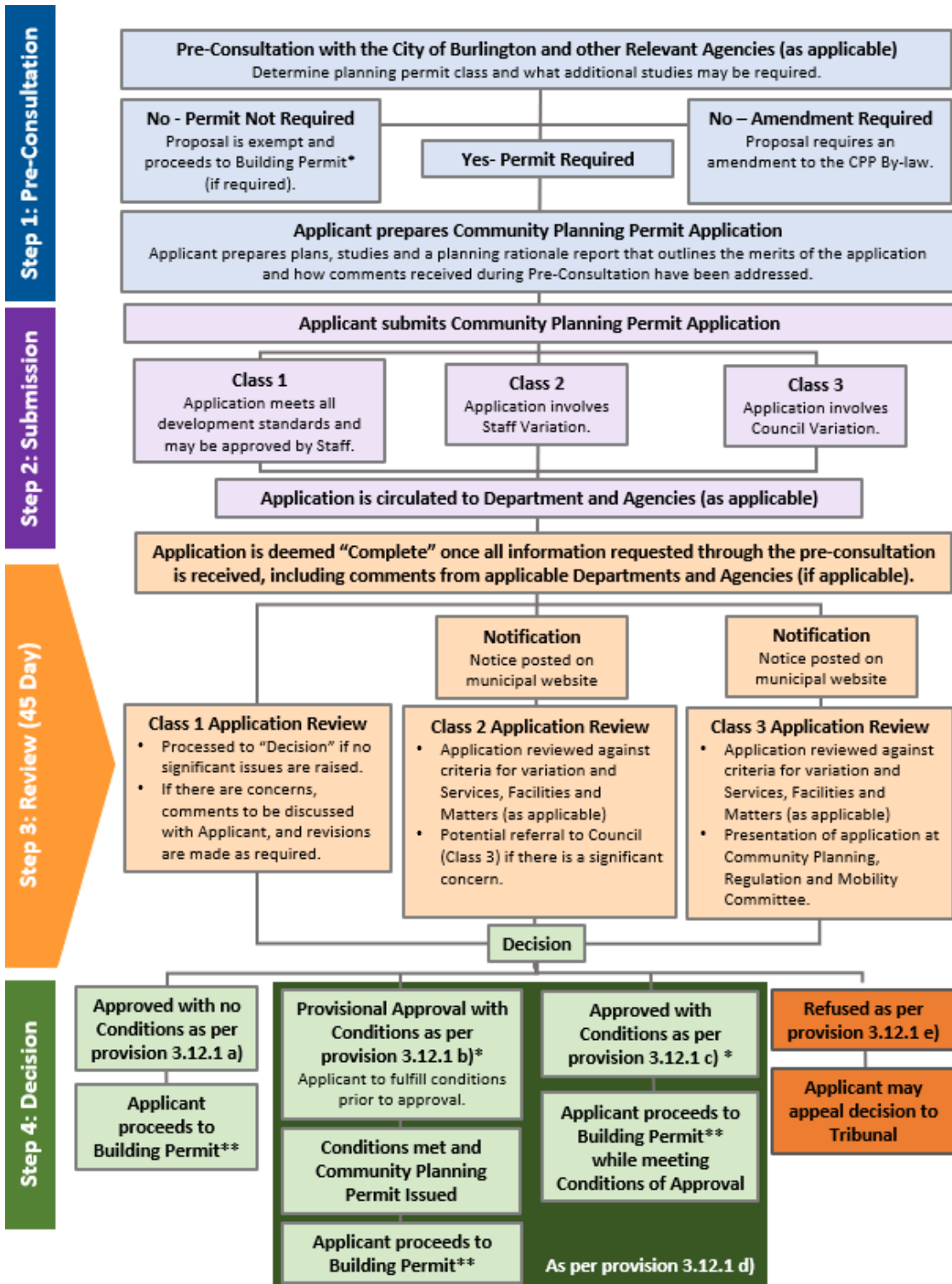
- 3.7.1 Where a Community Planning Permit is required, an applicant **may** be required, at the discretion of the Approval Authority, to enter into one or more agreements with the City to address conditions of approval.
- 3.7.2 In addition to provision 3.7.1, the agreement **may** be registered on title to the Owner's property at the Owner's expense.
- 3.7.3 Notwithstanding provision 3.7.1, the applicant is responsible to obtain all required approvals and permits beyond those provided as part of a Community Planning Permit.
- 3.7.4 Council delegates the authority to City Staff to prepare, approve, execute and to amend, any Community Planning Permit Agreement required by the Community Planning Permit By-law.
- 3.7.5 Pre-existing development agreements continue to be valid and binding and **may** be amended under this By-law if subject to a Community Planning Permit.

## 3.8 Application Process

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3.8.1 The Community Planning Permit Review process consists of the steps illustrated in Figure 3.1.

Figure 3.1: Community Planning Permit Review Process Diagram



\*Agreement to be Registered on Title (if required)

\*\*Other permits may need to be obtained from the Ministry of Transportation and Conservation Halton.

### 3.9 Pre-consultation

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- 3.9.1 Prior to the submission of a Community Planning Permit Application, the applicant **shall** be required to meet with **City** staff through a formal pre-consultation to obtain the requirements for a complete Community Planning Permit Application, unless exempt from a permit as outlined in Section 3.2 of this By-law.
- 3.9.2 The **City shall** require that pre-consultation with applicable agencies occurs prior to the submission of a Community Planning Permit Application, where appropriate.
- 3.9.3 Where a technical study or report is required to support a Community Planning Permit Application, the extent of the issues to be addressed will be identified by applicable agencies and/or **City** staff, based on the Burlington Official Plan and any terms of reference during the pre-consultation meeting.

### 3.10 Complete Applications

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- 3.10.1 Complete applications for a Community Planning Permit **shall** include:
- a) a fully completed and signed Community Planning Permit Application Form;
  - b) submission of the required application fees;
  - c) the application submission requirements identified on Schedule 1 of *Ontario Regulation 173/16*;
  - d) all requirements identified through pre-consultation, in accordance with the Burlington Official Plan (2020), and subject to the provisions in Section 3.11; and
  - e) any applicable agency approvals or permits required to be provided to the Approval Authority as determined during the pre-consultation meeting.

3.10.2 An application for a Community Planning Permit **shall** be considered complete if it meets the submission requirements identified on Schedule 1 of *Ontario Regulation 173/16*, and only when the information and material as determined by the **City** and affected agencies in Section 3.9 and Section 3.10 above, have been provided.

### 3.11 Required Information, Materials, Studies and Reports

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3.11.1 A list of technical studies and reports that **may** be required to be submitted at the time of a **Community Planning Permit Application** is contained in the Burlington Official Plan (2020). Additional technical reports **may** also be required for applicable agency approvals at the time of application.

3.11.2 All required reports and technical studies **shall** be carried out by a **qualified person** retained by and at the expense of the applicant.

3.11.3 At the discretion of the Approval Authority, any required technical studies and reports **may** be subject to peer review at the expense of the applicant.

### 3.12 Decision

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3.12.1 Upon review of a complete application the Approval Authority **may**:

- a) Approve the application without conditions and issue a Community Planning Permit;
- b) Approve the application and issue a Community Planning Permit with conditions attached, subject to Section 3.13 (Conditions Attached to Approval);
- c) Approve the application subject to conditions being met before the issuance of a Community Planning Permit, subject to Section 3.14 (Provisional Approval);

- d) Approve the application subject to the conditions being met before the issuance of the Community Planning Permit, subject to Section 3.13 (Conditions Attached to Approval), subject to Section 3.14 (Provisional Approval) and with conditions attached; or
- e) Refuse to approve the application.

3.12.2 Notwithstanding provision 3.9.2, when considering a Community Planning Permit, the Approval Authority **may** confer with any persons or public bodies that **may** have an interest in the application.

### 3.13 Conditions Attached to Approval

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- 3.13.1 Where a Community Planning Permit is required in accordance with the provisions of this By-law, the **City may** approve an application with conditions. A condition **may** be imposed if:
- a) The condition(s) are clear, precise and quantifiable; and
  - b) The condition **shall** include a clear statement of whether it must be complied with before the construction, renovation, demolition and certain changes for the use of buildings/structures.

- 3.13.2 Any recommendation within a technical study or report that is required as part of the Community Planning Permit Application or review process **may** be imposed as conditions of approval as appropriate and at the **City's** discretion.
- 3.13.3 A list of potential Conditions of Approval or Provisional Approval is found in Appendix A of this By-law.
- 3.13.4 In accordance with the *Planning Act*, the applicant **may** at any time, make a motion for directions to have the Tribunal determine whether a specified condition has been fulfilled or is valid.

#### 3.14 Provisional Approval

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- 3.14.1 Provisional Approval of a Community Planning Permit provides approval in principle, subject to certain conditions being met prior to issuance of a Community Planning Permit, as stipulated in this By-law.
- 3.14.2 The applicant **shall** fulfill the conditions associated with the Provisional Approval in advance of Community Planning Permit issuance, to the satisfaction of the Approval Authority.
- 3.14.3 Provisional Approval **shall** be valid for a period of one year, failing which the Provisional Approval will lapse.
- 3.14.4 Notwithstanding provision 3.14.3, requests for an extension of a Provisional Approval of a Community Planning Permit to meet a condition **may** be granted upon submission of a formal request to the **City**.

3.14.5 An extension of a Provisional Approval of a Community Planning Permit **may** be granted in one year intervals, to a maximum of three (3) requests, subject to this By-law and any provisions within, as amended.

### 3.15 Notice of Decision

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3.15.1 In accordance with the *Planning Act*, within 15 days of the date of decision, the **City shall** issue a written Notice of Decision to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality.

3.15.2 The Notice of Decision **shall**:

- a) include reasons for the decision; and
- b) give reasons for any conditions imposed and include any imposed conditions.



### 3.16 Appeal Process

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- 3.16.1 In accordance with the *Planning Act*, an applicant **may** appeal a decision on a Community Planning Permit Application in writing to the Tribunal, no later than 20 days after the day the Notice of Decision is given.
- 3.16.2 In accordance with the *Planning Act*, an applicant **may** appeal a non-decision on a Community Planning Permit Application in writing to the Tribunal if no decision was made within 45 days of an application being deemed complete.
- 3.16.3 Appeals must be made in accordance with *Planning Act* O. Reg. 173/16, s. 12 (3); O. Reg. 75/18, s. 5 (3); O. Reg. 366/21.

### 3.17 Modifications to Provisional Approvals of Community Planning Permits

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- 3.17.1 At the request of the applicant, and where considered appropriate by the City, modifications to a Community Planning Permit with Provisional or Conditional Approval, including changes to the **development** concept and supporting materials or to the conditions of Provisional Approval, **may** be made at any time, subject to the provisions within this By-law and the Burlington Official Plan.
- 3.17.2 Proposed modifications to a Community Planning Permit with Provisional Approval will be reviewed in accordance with the relevant sections of this By-law.
- 3.17.3 Proposed modifications **may** be subject to additional submission requirements to support the application, to the satisfaction of the Approval Authority.

- 3.17.4 Where an applicant applies to modify a Community Planning Permit with Provisional Approval, the fee **should** be equal to that which would be charged if the application was new. At the discretion of the Approval Authority, the fees **may** be waived or reduced if the change is minor, or the application to modify is received a short time after the issuance of the Community Planning Permit.



# 4 Other Administrative Matters

## 4.1 Transitional Provisions

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- 4.1.1 Any existing approved **development** and any existing site specific **development applications** in process at the time of passing this By-law, but not finally disposed of prior to the day this By-law comes into force and effect, **shall** be disposed of under the provisions of the former By-law, despite any repeal of such former By-law, and be incorporated in this By-law as appropriate as a site specific exception or Community Planning Permit.
- 4.1.2 Any site specific **development application** in process at the time of the passing of this By-law, and subsequently approved prior to the day that this By-law comes into force and effect **shall** prevail over the provisions of this By-law in the event of any conflict, and **shall** be incorporated into this By-law as a site specific exception or a Community Planning Permit.
- 4.1.3 Any site specific Community Planning Permit Application that are subject to a Tribunal appeal at the time of the passing of this By-law and subsequently approved by the Tribunal **shall** prevail over the provisions of this By-law in the event of any conflict, and **shall** be incorporated into this By-law as a site specific exception.

- 4.1.4 Any amendments to site specific **development** applications in progress **shall** be incorporated into this By-law and added to the Previous Site Specific Exceptions Table contained in Appendix E to this By-law. If applicable, Maps in the Schedules to this By-law **shall** also be updated to reference such Site Specific Exceptions.

### 4.2 By-law Amendment Process

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- 4.2.1 An amendment to this By-law **shall** be required:
- a) where a proposal exceeds the variation thresholds of a Class 3 Community Planning Permit for one or more development standards, or
  - b) where a proposal includes a use that is not a permitted or discretionary use (in this case, an amendment to the Burlington Official Plan **may** also be required), or
  - c) where a proposal includes a proposed amendment to the Protected MTSA boundary and/or an amendment to the boundary of a precinct (in this case, an amendment to the Burlington Official Plan **may** also be required).
- 4.2.2 An amendment to this By-law **may** be initiated by the City or by an applicant.
- 4.2.3 Any amendment to this By-law **shall**:
- a) be supported by a comprehensive planning rationale and complete Official Plan Amendment Application, as required, within the context of the planned vision for all of the lands within the area, subject to the By-law; and
  - b) must provide details of public and community engagement.

- 4.2.4 The planning rationale to support any amendment to this By-law must evaluate the application in the context of the goals, objectives and intent of this By-law and conformity with the Burlington Official Plan, and applicable provincial and regional plans.
- 4.2.5 In accordance with the *Planning Act*, applications to amend this By-law **shall** not be made before the fifth anniversary of the day this by-law is passed unless in compliance with *O. Reg. 173/16, s. 17 (5)*.
- 4.2.6 Provided that the purpose, effect, intent, meaning and permissions of this By-law are in no way changed or altered, the following technical revisions to this By-law are permitted without an amendment:
- a) Corrections to typographic or punctuation errors;
  - b) Additions to and revisions of technical information on the Schedules including but not limited to topographic information, street labels, notes, legends, colors, shading, title blocks, boundaries of Community Planning Permit Precincts abutting new or deleted streets;
  - c) Changes to figures, illustrations, diagrams, and Appendices which do not form an operative part of the By-law; or
  - d) Changes to any reference to legislation or regulations or sections thereof approved by another **public authority** to include any amendments or successor legislation.

### 4.3 Repeal of Other By-laws

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- 4.3.1 On the day that this By-law comes into force and effect, the following by-laws **will** be deemed to no longer apply to lands within the Permit Areas defined by this By-law:
- a) Zoning By-law 2020; and
  - b) City of Burlington By-law 35-2017 (site plan control);

- 4.3.2 Notwithstanding Section 4.3.1, the relevant provisions of the former By-laws noted in that section **shall** hereby be deemed to apply to lands within the Permit Areas defined by this By-law for the following purposes:
- a) Disposal of site specific applications in process in accordance with Section 4.1;
  - b) Application of previous site specific amendments and minor variances; and
  - c) Application of previous site specific conditions imposed by Holding provisions in accordance with Section 4.4.
- 4.3.3 For the purposes of applying the provisions given in Section 4.3.2, where they are deemed to apply, the provisions of the by-laws noted in that section shall prevail over the provisions of this By-law.

### 4.4 Previous Holding Provisions

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- 4.4.1 Where lands were deemed to be subject to a Holding provision by way of a by-law passed pursuant to Section 36 of the *Planning Act* on the day that this By-law comes into force and effect, the conditions associated with the applicable Holding provision **shall** be deemed to continue to apply.
- 4.4.2 Where there is a conflict between the provisions of this by-law and the specific provisions of any by-law imposing a Holding provision, the specific by-law imposing a Holding provision **shall** prevail.
- 4.4.3 Where a Community Planning Permit Application involves lands which are subject to conditions applied in accordance with Section 4.4.2, such conditions **shall** be applied in the same manner as if they were imposed by way of Section 3.13 of this By-law.
- 4.4.4 Previous Holding provisions are listed in Appendix E to this By-law.

## 4.5 Commencement of By-law

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4.5.1 This By-law **shall** come into force and effect as follows:

- a) the day after the last day for filing a notice of appeal, if there are no appeals; or,
- b) the day after the day on which all of the appeals are disposed of by the Tribunal or such later date as Tribunal **may** otherwise order.



# 5 General Provisions

## 5.1 Permitted Uses

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5.1.1 No **development may** be undertaken except in accordance with the provisions of this By-law.

## 5.2 Legal Non-Conforming Uses

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5.2.1 The expansion of an existing **building**, structure or use which constitutes a **legal non-conforming use shall** require a Community Planning Permit.

5.2.2 The expansion of an existing **building**, structure or use which constitutes a **legal non-conforming use may** only be permitted if the Approval Authority is of the opinion that:

- a) The proposed **development** is desirable for the appropriate **development** or use of the land; and
- b) The proposed **development** will not result in undue adverse impacts on neighbours and the neighbourhood.

## 5.3 Uses Allowed in all Precincts

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5.3.1 The following uses are allowed in any Precincts, subject to provision 5.3.2:

- a) **Institutional uses;**
- b) **Parks and Open Space;**
- c) **Public service facilities;**
- d) **Urban agriculture;** and



e) **Infrastructure.**

5.3.2 **Development** of any of the uses listed in provision 5.3.1 is subject to the following:

- a) The **development** must comply with any other provisions or standards which are generally applicable and required elsewhere in this By-law; and
- b) The **development** must comply with any other provisions or standards specified for the use and required elsewhere in this By-law.

## 5.4 Uses Prohibited in all Precincts

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5.4.1 The following uses are prohibited in all Precincts:

- a) **Accessory drive-throughs;**
- b) Abattoirs;
- c) **Adult entertainment establishments;**
- d) Animal research facilities;
- e) **Body-rub parlours;**
- f) Energy from waste facility;
- g) Explosives **manufacturing;**
- h) **Manufacturing** of asbestos products;
- i) **Manufacturing**, processing or storage of animal matter or by-products of animal matter;
- j) Medical waste storage and disposal;
- k) Motor **vehicle** wrecking yards;
- l) Petroleum refining;
- m) **Primary metals industries;**
- n) Pulp and paper mills;

- o) Research and **development** related to any prohibited use.
- p) Sugar refinery; and
- q) Vegetable oil mills.

5.4.2 The storage of **hazardous substances** and **noxious uses may** only be permitted subject to the completion of a land use compatibility assessment in accordance with provision 5.24.1 of this By-law and the provisions of the respective Precinct.

## 5.5 Specific Uses - Additional Residential Units

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- 5.5.1 In addition to the **principal dwelling unit**, up to 2 **additional residential units** are permitted on a **parcel of urban residential land** where one **rowhouse** is permitted, for a total of three **dwelling units**. For greater clarity, **additional residential units** in association with a condominium are only permitted on a **parcel of tied land** where one **rowhouse** is permitted.
- 5.5.2 Only one **additional residential unit** shall be located within an **accessory building**.
- 5.5.3 Parking in relation to the **development** of **additional residential units** 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 **principal building**.
- 5.5.4 **Tandem parking spaces** shall be permitted in relation to the **development** of **additional residential units**.
- 5.5.5 **Additional residential units** shall not be included in the calculation of the minimum number of visitor parking spaces.

## 5.6 Specific Uses - Special Needs Housing

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- 5.6.1 **Development** of **Special Needs Housing** is permitted in any Precinct where residential uses are permitted, subject to the following provisions:
- a) The **development** must comply with any other provisions or standards which are generally applicable and required elsewhere in this By-law.

- b) For the purposes of applying the provisions given in Sections 5.24 and 5.25, **Special Needs Housing shall** be considered a **sensitive land use**.
- c) **Development of Special Needs Housing shall** not be permitted on **hazardous lands** or **hazardous sites**, as determined by Conservation Halton and generally depicted on Appendices B-1, B-2 and B-3.

## 5.7 Specific Uses - Day Care Centres

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- 5.7.1 A **day care centre** is permitted as a **principal** use in all Precincts where residential uses are permitted, subject to provision 5.7.3.
- 5.7.2 A **day care centre** is permitted as an **accessory use** in all Precincts in relation to any permitted **principal** use, subject to the provisions given in provision 5.7.3.
- 5.7.3 Notwithstanding the permissions given in provisions of 5.7.1 and 5.7.2, **development** involving a **day care centre shall** be subject to the policies of the Burlington Official Plan and the following provisions:
  - a) For the purposes of applying the provisions given in Sections 5.24 and 5.25, a **day care centre shall** be considered a **sensitive land use**; and
  - b) **Development of a day care centre shall** not be permitted on **hazardous lands** or **hazardous sites**, as determined by Conservation Halton and generally depicted on Appendices B-1, B-2 and B-3.

## 5.8 Specific Uses - Home Occupations

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- 5.8.1 A **home occupation** is permitted in all **dwelling units** and related **accessory buildings**, subject to the following provisions:
- a) The **home occupation shall** be a home-based **office** or personal **service commercial** activity;
  - b) If the **home occupation** is located within a **dwelling unit**, then the **gross floor area** of the **home occupation** must be less than 50% of the **gross floor area** dedicated to the residential use;
  - c) Persons employed by the **home occupation shall** be limited to residents of the household from which the **home occupation** is conducted;
  - d) No **home occupation shall** interfere with the residential use of the **building** in which it is located;
  - e) No equipment or process **shall** be used which creates or becomes a public nuisance in regard to persistent noise, odour, fumes, vibration, glare, traffic or parking, nor **shall** it cause electrical interference or interference with telephone, television, radio or satellite equipment reception.
- 5.8.2 The following activities are prohibited on any **lot** in conjunction with the **home occupation**:
- a) Outdoor display or sales activities;
  - b) Outdoor **manufacturing** or processing activities;
  - c) Outdoor storage of equipment, goods, materials; and
  - d) Exterior signage.

## 5.9 Specific Uses - Outdoor Patios

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- 5.9.1 An **outdoor patio** is permitted as an **accessory use** in relation to any permitted **restaurant**, subject to the following provisions:
- a) Patio seating **shall** not exceed 50% of the capacity of the **restaurant**;
  - b) An **outdoor patio shall** be used exclusively for dining and **shall** not include any recreational or entertainment use or activity; and
  - c) An outdoor patio **shall** be located a minimum distance of 45 metres from all Residential Precincts and lands zoned residential outside of the Community Planning Permit Area.

## 5.10 Specific Uses - Temporary Uses, Buildings and Structures

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- 5.10.1 The **development** of a temporary **building**, structure or **trailer** is permitted for an **accessory use** in all Precincts where all of the following conditions are met:
- a) The associated **principal** use is permitted;
  - b) The **development** must comply with any other provisions or standards which are generally applicable and required elsewhere in this By-law;
  - c) The **development** must comply with any other provisions or standards specified for the associated **principal** use and required elsewhere in this By-law;
  - d) The **building**, structure or **trailer** is to be used on a temporary basis and for a definite period of time not exceeding 90 days; and
  - e) Notwithstanding 5.10.1 d), the building, structure or trailer **may** be used for a period of time exceeding 90 days where:

- i) It is used for the purpose of construction on the same **lot** for as long as any work which has neither been finished nor abandoned remains in progress; or
- ii) It is used for the purpose of selling or leasing **dwelling units** on the same **lot** for as long as any work associated with an approved Community Planning Permit which has neither been finished nor abandoned remains in progress; or
- iii) It is used for the purpose of selling or leasing **dwelling units** on a different **lot** subject to Council Approval of a Class 3 Community Planning Permit.

5.10.2 For the purposes of applying provision 5.10.1, a tent **shall** be considered a temporary structure.

5.10.3 A Community Planning Permit is not required for instances of **development** where all of the following conditions are met:

- a) The **development** solely involves a tent;
- b) The tent is to be used on a temporary basis and for a definite period of time not exceeding 90 days; and
- c) The **development** qualifies for the exemption from the requirement for a Building Permit provided for in Sentence 1.3.1.1(5) of Division C of the Ontario Building Code.

## 5.11 Servicing and Utilities

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- 5.11.1 The **City** and/or Halton Region **may**, at its sole discretion, require that an application for a Community Planning Permit demonstrate the following to the satisfaction of the **City** and/or Halton Region:
- a) The **development** includes adequate access to municipal water and wastewater systems; and
  - b) There is sufficient available capacity in the municipal water and wastewater systems to service the proposed **development**.
- 5.11.2 Where an application involves **development** which must occur in phases, the phasing of **development shall** be planned so as to ensure there will be sufficient available capacity in the municipal water and wastewater systems to service the proposed **development**.
- 5.11.3 The **City** and/or Halton Region **may**, at its sole discretion, require that an application for a Community Planning Permit provide details regarding the following elements insofar as they relate to the proposed **development**:
- a) The location and nature of existing and proposed utilities; and
  - b) The location and nature of connections to existing and proposed utilities.
- 5.11.4 In fulfilling the requirements given in provisions 5.11.1 and 5.11.3, the applicant **shall** provide the required information, materials, studies or reports in accordance with the provisions given in Section 3.11.



## 5.12 Mechanical Equipment

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- 5.12.1 Mechanical and unitary equipment (including hot boxes, heating equipment, electrical equipment, air conditioners and pumps), and other similar mechanical equipment **may** be located within a **yard** subject to the following standards:
- a) Such equipment **shall** be:
    - i) Setback from a **street line**: 3.0 metres
    - ii) Setback from a **side lot line** that does not abut a street: 0.6 metres
    - iii) Setback from a **rear lot line**: 0.6 metres
  - b) Where such equipment is located within a **yard** that abuts a street, it **shall** be screened from the street by an enclosure or landscaping.
- 5.12.2 Mechanical and unitary equipment **shall** be located no lower than 1 metre below the regulatory flood level.
- 5.12.3 Notwithstanding provision 5.12.1, a mechanical penthouse **shall** be subject to the **yard setback** provisions and standards of Sections 6, 7 and 8 this By-law, and **shall** not be considered to be a storey or contribute to building height.

## 5.13 Transportation

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- 5.13.1 The **City may**, at its sole discretion, require that an application for a Community Planning Permit demonstrate the following to the satisfaction of the **City**:
- a) The **development** includes adequate access to road and transit infrastructure;
  - b) There is sufficient available capacity in the transportation network intended to service the proposed **development** such that Regional roads and the **City's** street network will function efficiently;

- c) The design of all streets within the **development** conforms to the classification, function and general design requirements given in Burlington's Official Plan;
- d) The design and location of streets and the location of **active transportation** connections conforms to Burlington's Official Plan and meets the intent conveyed by Figure 1a, Figure 2a, and Figure 3a of this By-law; and
- e) The **development** conforms to best practices in **complete streets** or Burlington's Complete Streets Guidelines.

5.13.2 In fulfilling the requirements given in provision 5.13.1, the applicant **shall** provide the required information, materials, studies or reports in accordance with Section 3.11 of this By-law.

## 5.14 General Parking Provisions

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- 5.14.1 The parking and loading requirements of this Section 5.14 to 5.23 **may** be varied in accordance with this By-law and the following:
- a) Any variation to the required number of parking and **loading spaces shall** be considered a Class 2 variation.
- 5.14.2 Parking spaces, bicycle parking spaces and **loading spaces** required for a **development shall** be provided on-site, unless:
- a) the spaces are on a **lot** that forms part of a comprehensive **development**; and
  - b) all **lots** forming part of the comprehensive **development** are indicated on the same Community Planning Permit.

- 5.14.3 Notwithstanding 5.14.2, required parking spaces, other than **accessible parking spaces** or visitor parking spaces, **may** be provided off-site on another **lot** within 400m of the **development**, provided that the owners of both **lots** enter into an agreement with the City to be registered on the title of both **lots** to guarantee that the land required for the parking spaces shall continue to be used for such purpose.
- 5.14.4 The surface treatment of parking areas and parking spaces **shall** be constructed and maintained with concrete, asphalt, or pavers, and curbed with a continuous poured concrete curb.
- 5.14.5 Above-**grade** parking allocated with four or more surface parking spaces should not be located in the **front** or **street side yard** for all **low-rise, mid-rise, and tall buildings**.
- 5.14.6 Where the number of required parking spaces, bicycle parking spaces or **loading spaces** results in a fractional number, the total number of required spaces or stalls **shall** be rounded down to the next whole number.
- 5.14.7 Servicing, loading, and parking access **should** be from a rear public lane, shared private lane and/or shared driveways, and not from the **Activated Street** frontage.

### 5.15 Parking Areas

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- 5.15.1 Parking areas **shall** provide accesses to, and exits from, a road or **lane** such that backing or turning movements of motor vehicles entering or exiting the site avoid interference with traffic on the abutting roads or lanes.
- 5.15.2 Parking areas adjacent to a residential property **shall** require screening to the satisfaction of the Approval Authority.
- 5.15.3 Where there are four or more surface parking spaces, parking areas **should** be clearly marked to identify the location of the parking area.
- 5.15.4 Where there are four or more surface parking spaces in a parking area, a minimum 3.0 metre wide **landscape buffer shall** be required along the perimeter of the parking area, to the satisfaction of the Approval Authority.

### 5.16 Driveways and Parking Aisles

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- 5.16.1 A **driveway** providing access to a parking area or parking garage **shall** comply with the following minimum dimensions:
- a) 3.0 metres in width for a single traffic lane;
  - b) 6.7 metres in width for a double traffic lane, and
  - c) 2.0 metres of height clearance.
- 5.16.2 The minimum width of a parking aisle providing two-way access **shall** comply with the following minimum dimensions:
- a) 6.5 metres for 90-degree angle parking; or

b) 6.1 metres for parallel parking spaces.

5.16.3 The minimum width of a parking aisle providing one-way access to angled parking spaces **shall** be provided in accordance with Table 5.1.

**TABLE 5.1: One-way Parking Aisle Width**

Angle of Parking Space	Minimum parking aisle width (m) providing one-way access to angled parking space
90 degrees - 60 degrees	6.5
59 degrees - 45 degrees	5.5
44 degrees or less (excluding parallel parking)	4.5
Parallel Parking	4.0

## 5.17 Parking Spaces

- 5.17.1 The total number of on-site parking spaces required for a **development shall** comply with the provisions or standards given in Table 5.2 and Table 5.3, unless otherwise stated in Section 5.19.
- 5.17.2 When applying the provisions or standards given in Table 5.2 and Table 5.3, the total minimum number of required on-site parking spaces **shall** be the sum of parking spaces for residents and visitors.
- 5.17.3 Parking spaces for visitors **shall** be reserved for the exclusive use of visitors and **shall** be clearly delineated between resident and visitor parking.

**TABLE 5.2: Required Residential Parking Spaces**

Type of Development	Type of Parking	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
Stand-alone <b>ground-oriented dwellings</b>	Resident parking	1.00 parking spaces per <b>dwelling unit</b>	1.20 parking spaces per <b>dwelling unit</b>
Bachelor unit in a mixed use building or <b>apartment building</b>	Resident parking	0.70 parking spaces per <b>dwelling unit</b>	0.85 parking spaces per <b>dwelling unit</b>
	Visitor parking	0.15 visitor spaces per <b>dwelling unit</b>	0.15 visitor spaces per <b>dwelling unit</b>
	Resident parking	0.80 parking spaces per <b>dwelling unit</b>	1.00 parking spaces per <b>dwelling unit</b>

1 bedroom unit in a mixed use building or <b>apartment building</b>	Visitor parking	0.15 visitor spaces per <b>dwelling unit</b>	0.15 visitor spaces per <b>dwelling unit</b>
2 bedroom unit in a mixed use building or <b>apartment building</b>	Resident parking	1.00 parking spaces per <b>dwelling unit</b>	1.20 parking spaces per <b>dwelling unit</b>
	Visitor parking	0.15 visitor spaces per <b>dwelling unit</b>	0.15 visitor spaces per <b>dwelling unit</b>
3 or more bedroom unit in a mixed use building or <b>apartment building</b>	Resident parking	1.00 parking spaces per <b>dwelling unit</b> plus	1.20 parking spaces per <b>dwelling unit</b> plus
	Visitor parking	0.15 visitor spaces per <b>dwelling unit</b>	0.15 visitor spaces per <b>dwelling unit</b>

TABLE 5.3: Required Non-Residential Parking Spaces

Type of Development	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
<b>Day Care Centre</b>	0.8 parking spaces per 100 square metres of GFA	0.95 parking space per 100 square metres of GFA
<b>Entertainment</b>	4.0 spaces per 100 square metres of GFA	4.4 spaces per 100 square metres of GFA
<b>Hotel</b>	0.75 parking spaces per unit plus 7.5 per 100 square metres of public areas	0.85 parking spaces per unit plus 8.5 per 100 square metres of public areas
<b>Industrial</b>	1.0 parking space per 100 square metres of GFA	1.5 spaces per 100 square metres of GFA
<b>Institutional uses</b>	3.0 parking spaces per 100 square metres of GFA	3.3 parking spaces per 100 square metres of GFA
<b>Office/ Major Office/ Office for Industrial</b>	3.0 parking spaces per 100 square metres of GFA	3.3 parking spaces per 100 square metres of GFA



Type of Development	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
Place of Assembly	2.0 parking spaces per 100 square metres of GFA	2.2 parking spaces per 100 square metres of GFA
Recreation use	4.0 spaces per 100 square metres of GFA	4.4 spaces per 100 square metres of GFA
Restaurant	3.0 parking spaces per 100 square metres of GFA	3.3 parking spaces per 100 square metres of GFA
Retail	1.5 parking spaces per 100 square metres of GFA	2.0 parking spaces per 100 square metres of GFA
Service Commercial	3.0 parking spaces per 100 square metres of GFA	3.3 parking spaces per 100 square metres of GFA

### 5.18 Parking Space Dimensions

5.18.1 Unless otherwise specified in this By-law, all parking spaces **shall** comply with the following minimum dimensions:

- a) 2.7 metres in width; and
- b) 5.8 metres in length.

5.18.2 The minimum width of a parking space shall increase by 0.3 metres for each wall, column or other obstruction that is adjacent to or within a parking space.

- 5.18.3 Notwithstanding provision 5.17.2 above, an additional 0.3 metres is not required when:
- a) The maximum length of the wall, column or any other obstruction does not exceed 1.15 metres;
  - b) The wall, column or any other obstruction is located at the front or rear of the parking space;  
or
  - c) The wall, column or any other obstruction does not project more than 0.15 metres into the width of the parking space.
- 5.18.4 Up to 15% of the minimum required parking spaces **may** be designed for compact vehicles and shall be clearly identified as being reserved for the parking of small cars only.
- 5.18.5 Notwithstanding any other provision in this By-law, a parking space for compact vehicles **shall** comply with the following minimum dimensions:
- a) 2.4 metres in width; and
  - b) 5.5 metres in length.

### 5.19 Parking Flexibility

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- 5.19.1 Notwithstanding Section 5.15:
- a) Where a **dwelling unit** qualifies as an affordable dwelling unit, the minimum number of required resident parking spaces for the **dwelling units may** be reduced by 30% for greater clarity, this reduction does not apply to the required visitor parking spaces, at the discretion of the Approval Authority;
  - b) The minimum number of required parking spaces **may** be reduced by 1 space for every 15 square metres of **gross floor area** of locker, change room or shower facility provided by a **development**, specifically accessible to all of the secure **long-term bicycle parking** spaces;

- c) Where the minimum number of required parking spaces for residential and non-residential land uses are provided on the same **lot**, the number of required parking spaces **may** be reduced by 1 parking space for every 5 **dwelling units**, at the discretion of the Approval Authority.

## 5.20 Accessible Parking Spaces

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- 5.20.1 **Accessible parking spaces** shall be provided in accordance with the requirements set out in the *Accessibility for Ontarians with Disabilities Act, 2005*, as amended.

## 5.21 Electric Vehicle Parking Space

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- 5.21.1 **Electric vehicle parking spaces** shall be clearly identified and demarcated.
- 5.21.2 If a building has 4 or more **dwelling units**, 20% of the required parking spaces **shall** be provided as **electric vehicle parking spaces**, and 80% **shall** be provided as **designed electric vehicle parking spaces**.
- 5.21.3 For any non-residential use, a minimum of 10% of the required parking spaces **shall** be provided as **designed electric vehicle parking spaces**.

## 5.22 Loading Spaces

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- 5.22.1 **Loading spaces** shall comply with the following minimum dimensions:
- 2.7 metres in width;
  - 9.7 metres in length; and
  - 3.7 metres of height clearance.

- 5.22.2 The surface treatment of loading areas must be constructed and maintained with material suitable for their intended use (e.g., reinforced concrete).
- 5.22.3 A residential **building** containing 25 **dwelling units** or more **shall** provide and maintain on the same lot, at least 1 **loading space**.
- 5.22.4 A **building** with non-residential uses that requires the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, **shall** comply with the following minimum provisions:
- a) 1 **loading space** for **gross floor area** between 300 square metres and 2,300 square metres;
  - b) 2 **loading spaces** for **gross floor area** of 2,300 square metres to 7,360 square metres; and
  - c) 1 additional **loading space** for each **gross floor area** increment of 9,200 square metres (or part thereof) over 7,360 square metres.
- 5.22.5 The location of loading doors and associated loading facilities:
- a) **Shall** not be allowed within a front yard; and
  - b) **Shall** not be allowed in a required **yard** abutting a residential use unless screened from view by a visual barrier.

### 5.23 Bicycle Parking

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- 5.23.1 A bicycle parking space not located in an enclosed locker must be separated from parking spaces, visitor parking spaces or **loading spaces** by 2.0 metres or a physical barrier.
- 5.23.2 Each horizontal bicycle parking space shall be a minimum of 0.6 metres wide, 1.8 metres deep with a vertical clearance of at least 2.0 metres.
- 5.23.3 Each vertical bicycle parking space **shall** be a minimum of 0.6 metres wide, 1.1 metres deep with a vertical clearance of at least 2.3 metres.

- 5.23.4 Each bicycle parking space **shall** be accessed by an aisle with a minimum width of 1.5 metres.
- 5.23.5 Bicycle parking spaces and accesses **shall** be located on hard-surfaced areas.
- 5.23.6 Bicycle parking spaces must be illuminated.
- 5.23.7 **Short-term bicycle spaces** and **long-term bicycle parking** spaces **shall** be provided in accordance with the minimum requirements in Table 5.3.
- 5.23.8 Where a **lot** contains more than one use, the required number of bicycle parking spaces is the sum of all bicycle parking spaces required for each use.

**TABLE 5.3: Bicycle Space Requirements**

Use	Bicycle parking spaces, short term – minimum required	Bicycle parking spaces, long term – minimum required
<b>Apartment building</b>	0.1 spaces per <b>dwelling unit</b> , 2 spaces minimum	0.5 space per <b>dwelling unit</b> , 2 spaces minimum
Residential mixed-use building	In addition to the non-residential requirement, 0.1 spaces per <b>dwelling unit</b> is required, 2 spaces minimum	In addition to the non-residential requirement, 0.1 spaces per <b>dwelling unit</b> is required, 2 spaces minimum
Commercial multi-unit building (includes individual buildings on the same lot as the multi-unit building)	0.2 spaces per 100 m2 GFA, 2 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum

<b>Retail</b>	0.2 spaces per 100 m2 GFA, 2 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum
<b>Day care centre</b>	0.1 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum
<b>Restaurant</b>	2.0 spaces per 100 m2 GFA	0.1 spaces per 100 m2 GFA, 2 spaces minimum
<b>Office/ Office for Industrial</b>	0.13 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum
<b>Service Commercial</b>	0.05 spaces per 100 m2 GFA	2 spaces minimum 0.09 spaces per 100 m2 GFA, 2 spaces minimum
<b>Industrial</b>	0.03 spaces per 100 m2 GFA, 2 spaces minimum	0.07 spaces per 100 m2 GFA, 2 spaces minimum
All other non-residential uses	2 spaces minimum	2 spaces minimum

## 5.24 Land Use Compatibility

- 5.24.1 Proponents of **development** containing **sensitive land uses** must incorporate measures to avoid, or if avoidance is not possible, minimize and mitigate potential impacts and ensure long-term operational and economic viability of **major facilities** in accordance with provincial guidelines, standards and procedures.

- 5.24.2 Notwithstanding Tables 6.1, 7.1, and 8.1, any proposed **development** containing **sensitive land uses shall** require a land use compatibility assessment to be prepared in accordance with a Terms of Reference approved by the **City** prior to submitting a Community Planning Permit Application, demonstrating that potential impacts to industrial, **manufacturing** or other uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.
- 5.24.3 On lands planned for industrial uses, where a development proposal contains a heavy industrial or manufacturing use, compatibility studies **may** be required as part of a development application, and an appropriate transition to adjacent non-industrial lands should be provided.

### 5.25 Development in Proximity to Rail

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- 5.25.1 An application for a Community Planning Permit for a residential use or other **sensitive land use** within 30 metres from a property line abutting a rail right-of-way or 300 metres of a rail yard **shall** require an impact assessment to determine the compatibility of the proposed land use, to demonstrate the requirements of the Federation of Canadian Municipalities' Proximity to Rail Guidelines have been met and to recommend mitigation measures.

### 5.26 Activated Streets, Public Realm and Active Transportation Plan

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- 5.26.1 Along Major Mixed Use Streets, retail, service commercial or **office** uses **shall** be required continuously at grade in **buildings** having frontage onto Major Mixed Use Streets, as identified on Figures 1a, 2a, and 3a.
- 5.26.2 **Public service facilities, institutional uses** and residential lobby entrances **may** be permitted along Major Mixed Use Streets in conjunction with other permitted uses.

- 5.26.3 An application for a Community Planning Permit for **development** in any Precinct **shall** demonstrate, to the satisfaction of the Approval Authority, how the proposed **development** will contribute to the **Public Realm** and Active Transportation Plan as identified in Figure 1a, 2a and 3a.



**FIGURE 1a: Public Realm and Active Transportation Plan in the Downtown Burlington UGC / Burlington GO MTSA Permit Area**

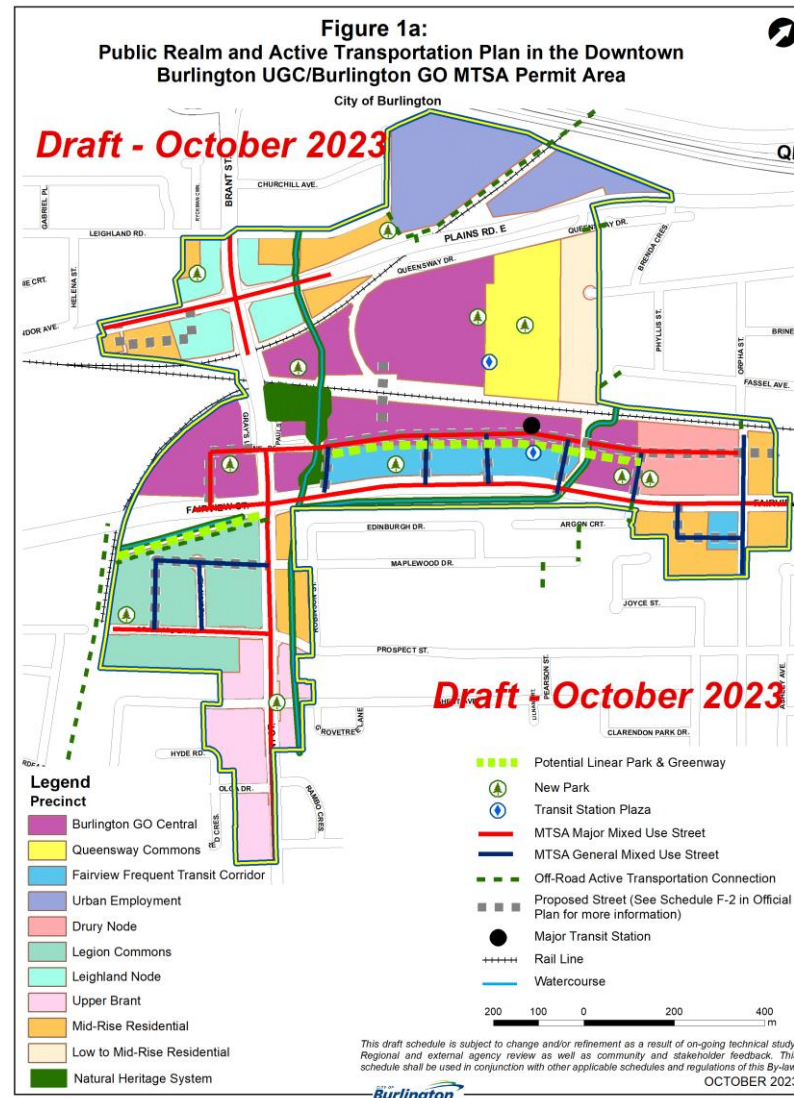


FIGURE 2a: Public Realm and Active Transportation Plan in the Aldershot GO MTSA Permit Area

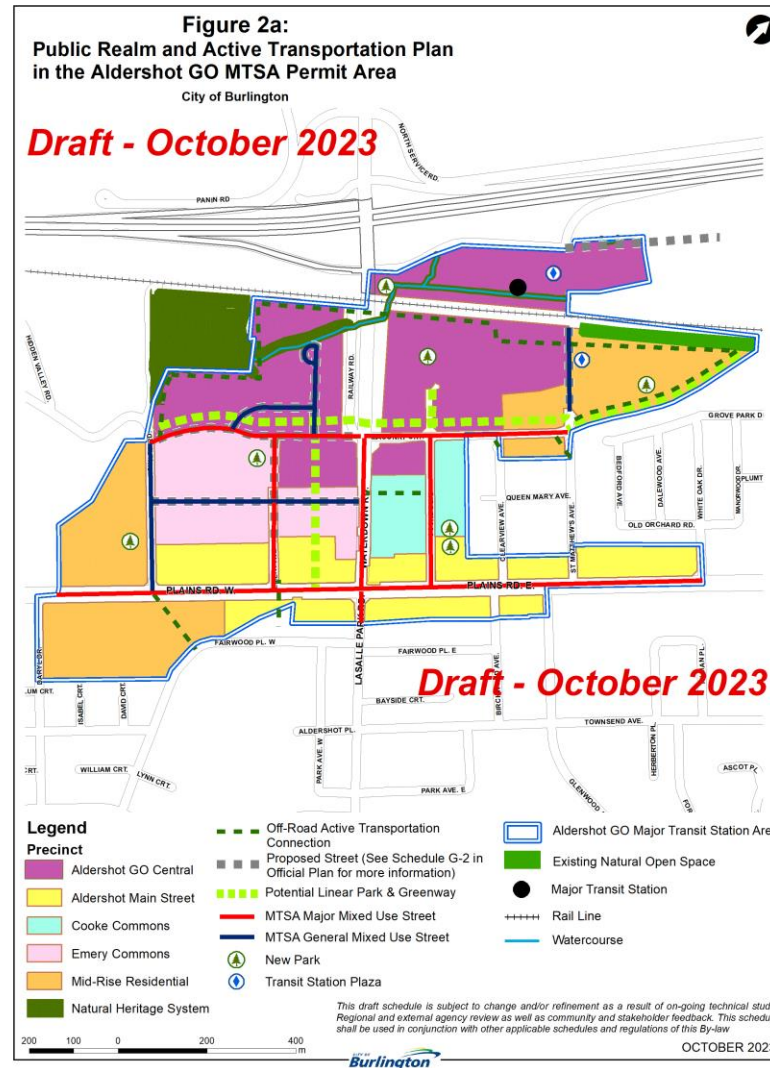


TABLE 3a: Public Realm and Active Transportation Plan in the Appley GO MTSA Permit Area



## 5.27 Building Podium Design

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- 5.27.1 An application for a Community Planning Permit for **development** in any Precinct adjacent to an **Activated Street**, as identified on Figure 1a, 2a and 3a, **shall** demonstrate consideration for the following, in addition to other applicable design guidelines:
- a) The lower **building should** be constructed with the highest quality of architecture and design;
  - b) Facades **should** be designed using architectural elements as well as materials to define unique components within the **building** to create horizontal and vertical articulation at **podium** level;
  - c) Front facades **should** incorporate clear glazing on windows and doors;
  - d) Use of architectural elements and expressions such as arches, awnings, canopies, colonnades, doors, windows, lively colours and the highest quality material at street level **should** be used to highlight individual units, differentiate between residential and non-residential entrances in mixed use **buildings**, and engage the street;
  - e) The maximum frontage at **grade** for individual retail and service commercial units **should** not exceed 10 metres along an **Activated Street** to create a character of small shops and to achieve a vibrant, active and animated built environment;
  - f) On sites with multiple towers, mid-block pedestrian connections **should** be provided through the **podium** to enhance permeability, break up the podium, and create additional corner conditions;
  - g) Storefronts **should** be articulated externally to breakdown the apparent width with a frequent rhythm that supports the pedestrian experience at street level; and
  - h) **Buildings** which surround, have proximity to, or front onto **parks** and open space will have the highest level of architectural expression, articulation and use of materials.

- 5.27.2 A **public service facility**, retail or service commercial operation may occupy more than one individual retail and service commercial unit or storey along an **Activated Street**, as identified on Figure 1a, 2a and 3a.

## 5.28 Burlington Housing Targets

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- 5.28.1 An application for a Community Planning Permit for **development** in any Precinct with a residential component proposed **shall** meet the minimum target for three-bedroom units as set out in the City of Burlington housing strategy; and demonstrate to the satisfaction of the Approval Authority how the proposed **development** will contribute to meeting the vision for housing in Burlington, targets for affordability, and other applicable targets for housing size and type, as outlined in the Burlington Housing Strategy.

## 5.29 Provision of Services, Facilities and Matters

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- 5.29.1 In addition to the requirements of provision 5.28.1, a Community Planning Permit for **development** in any Precinct **shall** be required to provide services, facilities and matters, as specified in provision 5.29.2 and 5.29.3, as applicable.
- 5.29.2 Table 5.4 sets out the Services, Facilities and Matters which **shall** be provided for a Class 1 Community Planning Permit Application.

**TABLE 5.4: Class 1 Services, Facilities and Matters**

Services, Facilities and Matter Element	Contribution Requirement
<b>Parkland Dedication</b>	Contribution of Planning Act Section 42 Parkland Dedication as per City of Burlington Parkland Dedication By-law 55-2023 in addition to the following as required to meet the needs of the Park Provisioning Master Plan: <ul style="list-style-type: none"> <li>• 3.3% of land value for low density***</li> <li>• \$22,090 per unit for medium density*** and</li> <li>• \$15,610 per unit for 51 units/net hectare and more***</li> </ul>
AND	
<b>Contribution towards Complete Communities</b>	<ul style="list-style-type: none"> <li>• \$488 per unit for apartment 2 bedrooms or more</li> <li>• \$362 per unit for apartment bachelor and 1 bedroom</li> </ul>
AND	
<b>Residential Units, Ownership**</b>	One of the following <b>shall</b> be provided: <ul style="list-style-type: none"> <li>• At least 2% of units exceed the affordability threshold for low-income deciles on average or;</li> <li>• At least 7% of units are affordable dwelling units to moderate income deciles* (5% required to be within 4<sup>th</sup> and 5<sup>th</sup> deciles on average) or;</li> </ul>

	<ul style="list-style-type: none"> <li>At least 15% of units are attainable to low-to moderate income deciles (10% required to be within 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> deciles on average).</li> </ul>
OR	
<b>Residential Units, Rental**</b>	<ul style="list-style-type: none"> <li>At least 3% of units are attainable to low-to-moderate income deciles on average (1% required to be within 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> deciles on average)</li> </ul>
<p>** Affordability threshold values will be set out in Appendix C are subject to change. Appendix C will be updated on an annual basis to indicate the values to be applied.</p> <p>***term as defined in the 1997 Burlington Official Plan</p>	

5.29.3 For a Class 2 Community Planning Permit Application, the Approval Authority **may** grant **building height** up to those identified as a Class 2 maximum height on Schedules B-2, C-2, and D-2 based on the applicant demonstrating how the proposed development meets or exceeds one or more of the city-wide annual housing targets and provides one of the following services, facilities and matters in addition to those identified in Table 5.4:

- a) An additional 1% of ownership units exceed the affordability threshold for low-income deciles on average; or
- b) An additional 3% of ownership units are affordable to the 4th and 5th income deciles on average); or
- c) An additional 10% of ownership units are attainable to the first five (5) income deciles on average (5% required to be attainable within the 2nd and 3rd income deciles on average); or
- d) An additional 2% of rental units are attainable to low-to-moderate income deciles on average\*; or

- e) Contribution of land at or above the parkland service level target for the respective Major Transit Station Areas as outlined in the Park Provisioning Master Plan, and per below:
- Downtown Burlington UGC / Burlington GO MTSA: 1 ha/1000 people
  - Aldershot GO MTSA 1 ha/1000 people
  - Appleby GO MTSA 1 ha/1000 people

5.29.4 An applicant **may** be required, at the discretion of the Approval Authority, to enter into one or more agreements registered on title with the City or another agency, for the provision of services, facilities and matters.

5.29.5 Notwithstanding the maximum height established on Schedules B-2, C-2, and D-2, the **City may** authorize a Class 3 variation provided the proposal satisfies all of the following conditions:

- a) The proposal is consistent with the goals, objectives and other provisions or standards of this By-law;
- b) The proposal provides facilities, services and matters that are above and beyond those that would otherwise be provided in Table 5.4; and
- c) The proposal provides facilities, services and matters that are proportional in quantity or monetary value to the height of **development** that may be allowed.

5.29.6 The **City** may require the provision of additional services, facilities and matters when applying the provisions of 5.29.3:

- a) Land to be conveyed to the **City** for municipal purposes;
- b) **Residential units** comprised of 3 or more bedrooms, beyond those required in Section 5.28;



- c) Accessible **dwelling units**;
- d) Purpose-built rental;
- e) Additional affordable housing units, beyond those required for a Class 2 permit;
- f) **Dwelling units** to be disposed of land to Halton Region or a not-for-profit housing provider for use as part of their housing portfolio;
- g) Community or institutional facilities;
- h) Public transportation infrastructure, facilities and services;
- i) **Active transportation infrastructure** and facilities;
- j) Public parking and improvements to existing public parking;
- k) Improvements to off-site streetscaping, beyond the City's streetscape guidelines;
- l) Public art;
- m) Urban forestry;
- n) Parkland and improvements to existing parks in excess of what is otherwise required in Table 5.4; and
- o) **Conservation**, protection and preservation of **cultural heritage resources** or **natural heritage features** and systems.

# 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area



## 6.1 Preamble

Burlington Junction is the **City's** Urban Growth Centre (UGC), the focal point for growth. It will have the greatest variety and **intensity** of uses in the **City**, from residential to commercial, cultural, recreation, **public service facilities, office** and other employment uses. Burlington Junction will be an urban destination for residents both within and beyond the MTSA for recreational, cultural, employment and day to day needs connected by a network of urban parks, linear parks and greenspaces.

## 6.2 Precincts

6.2.1 The Precincts established by the By-law within the Downtown Burlington UGC / Burlington GO MTSA Permit Area are as follows:

<ul style="list-style-type: none"><li>● Burlington GO Central (B)</li><li>● Queensway Commons (Q)</li><li>● Fairview Frequent Transit Corridor (F)</li><li>● Urban Employment (UE)</li><li>● Drury Node (D)</li><li>● Legion Commons (LC)</li></ul>	<ul style="list-style-type: none"><li>● Leighland Node (LL)</li><li>● Upper Brant (UB)</li><li>● Mid-Rise Residential (M)</li><li>● Low to Mid-Rise Residential (LM)</li><li>● Natural Heritage System (NH)</li></ul>
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### 6.3 Natural Heritage System Precinct

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- 6.3.1 **Development shall** not be permitted within the Natural Heritage System Precinct(s) in accordance with applicable Burlington Official Plan policies or unless otherwise permitted in this By-law.
- 6.3.2 **Development** in proximity to the Natural Heritage System Precinct(s) **shall** consider the impacts on all components of the Natural Heritage System as identified on Schedule B-1 and as identified in the Regional Official Plan or Burlington Official Plan Schedules.
- 6.3.3 Applications for a Community Planning Permit in proximity to the Natural Heritage System Precinct **may** require additional studies or technical reports as outlined in Appendix A - Conditions of Approval of this By-law.
- 6.3.4 **Development** on lands located within the Conservation Halton Regulation Limit, as identified on Appendix B-1, **may** require additional studies to demonstrate that there will be no negative impacts on **natural heritage features**.
- 6.3.5 **Development** in or near sensitive surface water features and sensitive ground water features, and their related hydrologic functions must demonstrate how potential **negative impacts** will be avoided or mitigated through the completion of environmental studies, including hydrogeological or water quality impact assessments, in accordance with Provincial standards.

## 6.4 Conservation Halton Regulatory Limit

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- 6.4.1 Lands within the Conservation Halton Regulatory Limit are depicted in Appendix B-1, B-2 and B-3 attached to this By-law, and include **hazardous lands, hazardous sites** and other natural features. Conservation Halton regulates lands in or adjacent to river or stream valleys, including (flooding and erosion hazards), wetlands, shorelines and other **hazardous lands**. The features mapped are approximate and there **may** be some **hazardous lands** and regulated areas which have not been included. Conservation Halton must be contacted to confirm the hazard limits.
- 6.4.2 **Development** in the Conservation Halton Regulatory Limit, as depicted in Appendix B-1, B-2 and B-3 attached to this By-law, **may** require additional studies to delineate and address technical requirements related to flooding and/or erosion hazards and any associated regulatory allowances/**setbacks**. **Development** in **hazardous lands** and **hazardous sites** must be consistent with provincial natural hazard policy and permission is required from Conservation Halton to undertake **development** within these areas, in accordance with Conservation Halton’s regulation and regulatory policies.

## 6.5 Permitted and Discretionary Uses

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- 6.5.1 Table 6.1 identifies the permitted and discretionary uses and associated conditions for each Precinct(s) within the Downtown Burlington UGC / Burlington GO MTSA Permit Area as follows:
- Permitted uses are identified by the symbol (P);
  - Discretionary uses are identified by the letter (D); and
  - Conditions are listed as notes below Table 6.1.

6.5.2 **Development** within the following Precincts **shall** contain a minimum of two permitted or discretionary uses as identified in Table 6.1 or as required by Section 5.0 of this By-law in the same **building**, on the same **lot**, or within the same **development** and **should** contain three permitted uses in the same **building** or on the same **lot** where feasible:

- Burlington GO Central (B);
- Queensway Commons (Q);
- Fairview Frequent Transit Corridor (F);
- Drury Node (D);
- Legion Commons (LC); and
- Leighland Node (LL).

6.5.3 Provision 6.5.2 **shall** not apply in the Burlington GO Central (B) and Drury Node (D) Precinct(s) where **office** is proposed.

6.5.4 **Development** within the Mid-Rise Residential Precinct **should** contain a minimum of two permitted or discretionary uses as identified in Table 6.1.

**Table 6.1: Permitted and Discretionary Uses in the Downtown Burlington UGC / Burlington GO MTSA Permit Area**

Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
Rowhouse						D(b)		D(b)	D(b)	P
Dwelling units above the first two storeys in a mixed use building	D(c)	P	P		P	P	P	P	P	
Apartment building, single use		D(b)	D(b)			P	D(b)	D(b)	D	p
Office, single use building	P		P	P	P				D	
Office, mixed use building	P	P	P	P	P	P	P	P(a)	P	

6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
Retail, mixed use building	P(a)	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)	P(a)	
Service commercial, mixed use building	P(a)	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)	P(a)	
Hotel, single use building	D(b)	D	D(b)					P		
Hotel, mixed use building	P	P	P					P		
Entertainment, mixed use building	P(a)	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)		
Recreation Use, single use building				D						
Recreation Use, mixed use building	P(a)	P(a)		D	P		P(a)	P(a)	P(a)	

## 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
<b>Industrial</b>				<b>P(d)(e)</b>						
<b>Accessory use - Retail</b>				<b>D</b>						
<b>Accessory use - Service commercial</b>				<b>D</b>						
<b>Other similar uses</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>

(a) Limited to bottom two floors only.

(b) **May** be permitted if developed as part of a single application that also contains at least one non-residential use and is not located along an **Activated Street** (see Figure 1a).

(c) **May** be permitted as a discretionary use if **development** contains office or community space.

(d) A **cannabis production facility** is not permitted within a **building** where food that is to be sold is produced, packaged, labelled or stored.

(e) A Waste Container Facility is permitted in conjunction with a Waste Transfer Station, provided it is not located on a corner lot, and provided the waste containers are located at least 30 m from the street line and are screened from the street by the **building** or by a 3 m high masonry wall.



## 6.6 Development Standards

- 6.6.1 Table 6.2 identifies the **development** standards and provisions for all lots within the Precincts in the Downtown Burlington UGC / Burlington GO MTSA Permit Area.
- 6.6.2 Setbacks from a street are measured in accordance with the public right-of-way width outlined in the Burlington Official Plan.

**Table 6.2: Development Standards in the Downtown Burlington UGC / Burlington GO MTSA Permit Area**

Precinct	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	Class 2 Variation Limit
<b>Front yard setback (minimum)</b>	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	3.0m	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	3.0m for retail at grade	4.5m	Up to 20%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)		3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)		
<b>Front yard setback (maximum)</b>	3.0m(a)	3.0m(a)	3.0m(a)	--	3.0m(a)	3.0m(a)	3.0m(a)	3.0m(a)	7.0m	7.0m	Up to 20%

## 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Precinct	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	Class 2 Variation Limit
<b>Interior side yard setback (minimum)</b>	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 10.0m (b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m	Up to 35%
<b>Exterior side yard setback (minimum)</b>	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	3.0m	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	1.5m for retail at grade	4.5m	Up to 35%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)		3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)		
<b>Rear yard setback (minimum)</b>	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	Up to 20%
<b>Landscape area (minimum percent of lot area)</b>	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	25%	Up to 5% of lot area

## 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Precinct	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	Class 2 Variation Limit
<b>Landscape buffer abutting Low-Mid Rise Residential Precinct and lands zoned residential outside of the Community Planning Permit Area (minimum)</b>	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	3.0m (f)	--	Up to 20%
<b>Private residential amenity area (3-10 dwelling units) (minimum)</b>	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	--	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	Up to 20% reduction
<b>Common residential amenity area (over 10 dwelling units) (minimum)</b>	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	--	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	Up to 20% reduction  Up to 50% may be provided outside of building
<b>Minimum first floor height (i)</b>	4.5m	4.5m	4.5m	--	4.5m	4.5m	4.5m	4.5m	4.5m	4.5m(c)	--

## 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Precinct	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	Class 2 Variation Limit
<b>Overall building length (maximum)</b>	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	Up to 10%
<b>Job-related GFA (minimum)</b>	TBD(h)	TBD(h)	TBD(h)	TBD(h)	TBD(h)	TBD(h)	TBD(h)	TBD(h)			--
<b>Height, building (minimum)</b>	6 storeys(d)	6 storeys	6 storeys	3 storeys (d)	6 storeys	4 storeys	6 storeys	11 storeys	4 storeys (g)	2 storeys	--
<b>Height, building (maximum)</b>	See Schedule B-2 and Section 5.29 for Services, Facilities and Matters associated with permitted Heights (e)										See Schedule B-3 and Section 5.29

## 6 Downtown Burlington UGC / Burlington GO MTSA Permit Area

Precinct	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (D)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	Class 2 Variation Limit
<b>Building setback from a flood hazard and/or erosion hazard</b>	7.5m	--	7.5m	7.5m	--	7.5m	7.5m	7.5m	7.5m	7.5m	4.5 metres if block includes a 3m buffer
<b>Parking (minimum and maximum)</b>	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	–See Provision 5.13.1

- (a) Maximum **front yard setback** does not apply where a **Daylight Triangle** is required for **driveway** access.
- (b) The 7.5m requirement only applies when abutting a single detached dwelling, semi-detached dwelling or **rowhouse**, otherwise the 3.0m standard applies
- (c) Only where a non-residential use is located on the ground floor. The **City may** consider an alternate first floor **height** for standalone residential buildings.
- (d) Unless the use is **industrial**, then no minimum **height** is required.
- (e) Where the integration and/or **conservation** of The Freeman House is incorporated into any future **development**, heights beyond the maximum **height** as identified on Schedule B-2 **may** be permitted.
- (f) Does not apply to the **development** of a tall- and/or **mid-rise building** adjacent to a tall- and/or **mid-rise** building.
- (g) Where **rowhouses** are proposed in conjunction with a larger **development**, the **rowhouse** component **shall** be a minimum **height** of 3 **storeys**.
- (h) Minimum GFA applies to the **floor area** of the job-related use only.
- (i) First floor height refers to the ground floor of a building and is measured from floor to ceiling.

## 6.7 Burlington GO Central Precinct

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- 6.7.1 **Development** located adjacent to existing and potential parks **should** consider opportunities to provide for built-form transition and reduce shadowing.
- 6.7.2 The **built heritage resource** known as 906 Brant Street, The Freeman House, **shall** be integrated into any future **development** on or including the subject property, and **should** include a visible relationship to the proposed new park.

## 6.8 Queensway Commons Precinct

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- 6.8.1 To provide appropriate **building** height transitions within the Queensway Common Precinct, the following provisions or standards will apply in accordance with Schedule B-2:
- a) **Building** heights up to twenty (20) **storeys** are permitted to be located nearest the rail corridor; and
  - b) Adjacent to the Low to Mid-Rise Residential Precinct(s), the maximum **height shall** be six (6) **storeys**.

## 6.9 Building Transitions

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- 6.9.1 Where a **tall** or **mid-rise building** is proposed that abuts a property identified as Residential-Low Density on Schedule C of the Burlington Official Plan, or abuts a property identified as Low to Mid-Rise Residential on Schedule B-1 of this By-Law, **development shall** incorporate transitions to minimize the impact of shadow and maximize access to sunlight, sky view, and privacy on neighbouring properties:
- a) No **building should** extend beyond a 45 degree angular plane measured from the shared **lot line**; or
  - b) Where there is a compelling planning reason to consider an alternative approach to the 45 degree angular plane, one or more of the following methods to achieve transition **shall** be incorporated to the satisfaction of the Approval Authority, including but not limited to:
    - i) Increased **yard setbacks**;
    - ii) **Building** stepbacks;
    - iii) Reduction in **building** massing;
    - iv) Introduction of intervening **ground-oriented dwelling** or built form; or
    - v) Other approaches informed by relevant **City** approved Urban Design Guidelines.

## 6.10 Linear Parks & Greenways

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6.10.1 To support the design of **complete communities**, the following provisions apply to linear parks and greenways within the Burlington GO Central Precinct, Fairview Frequent Transit Corridor Precinct, and the Legion Commons Precinct, which are depicted on Figure 1a as “Potential Linear Park & Greenway” of this By-law:

- a) Linear parks and greenways **should** respond to the context in which they are proposed and **should** focus on providing safe connections;
- b) A **setback** of 12m-20m **should** be provided from the ROW to the building’s edge in order to provide space for the linear park and greenways;
- c) Linear parks and greenways **shall** be located on the side of the ROW that provides optimal conditions for plant growth and health;
- d) The **height** of surrounding **development should** not overshadow the linear parks and greenways and provide appropriate sun and sky views; and
- e) Linear parks and greenways **should** provide a repetition of elements such as pavers, lighting, seating, planters and trees.

*Additional provisions for the Downtown Burlington UGC / Burlington GO MTSA Permit Area **may** be identified, pending further review.*





# 7 Aldershot GO MTSA Permit Area

## 7.1 Preamble

Located minutes from Hamilton at the western edge of Burlington, Aldershot Corners is a visitor’s first impression of Burlington when travelling from Hamilton and Niagara Region on the Lakeshore West GO line. The area is nestled within the Aldershot Village Business Improvement Area and focused at the corners of Plains Road, Waterdown Road and Cooke Boulevard. The vision for Aldershot Corners is to continue to evolve as an urban area with a distinct sense of neighbourhood character, supported by a mix of residential, commercial, and employment uses. The Aldershot GO MTSA is envisioned to consist of five distinct precincts with varying characteristics. New multi-modal urban streets and **active transportation** facilities will better connect the existing community, providing enhanced mobility and improved access to the GO Station, leisure and **recreation** opportunities in urban parks and open spaces, as well the many other amenities the Aldershot community already offers.

## 7.2 Precincts

7.2.1 The Precincts established by the By-law within the Aldershot GO MTSA Permit Area are as follows:

<ul style="list-style-type: none"><li>● Aldershot GO Central (A)</li><li>● Aldershot Main Street (AM)</li><li>● Cooke Commons (C)</li></ul>	<ul style="list-style-type: none"><li>● Emery Commons (E)</li><li>● Mid-Rise Residential (M)</li><li>● Natural Heritage System (NH)</li></ul>
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### 7.3 Natural Heritage System Precinct

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- 7.3.1 **Development shall** not be permitted within the Natural Heritage System Precinct in accordance with applicable Burlington Official Plan policies or unless otherwise permitted in this By-law.
- 7.3.2 **Development** in proximity to the Natural Heritage System Precinct **should** consider the impacts on all components of the Natural Heritage System as identified on Schedule C-1 and as identified in the Regional Official Plan or Burlington Official Plan Schedules.
- 7.3.3 Applications for a Community Planning Permit in proximity to the Natural Heritage System Precinct **may** require additional studies or technical reports as outlined in Appendix A - Conditions of Approval of this By-law.
- 7.3.4 **Development** on lands located within the Conservation Halton Regulation Limit, as identified in Appendix B-2, **may** require additional studies to demonstrate that there will be no negative impacts on **natural heritage features**.
- 7.3.5 **Development** in or near sensitive surface water features and sensitive ground water features, and their related hydrologic functions must demonstrate how potential **negative impacts** will be avoided or mitigated through the completion of environmental studies, including hydrogeological or water quality impact assessments, in accordance with Provincial standards.

## 7.4 Conservation Halton Regulatory Limit

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- 7.4.1 Lands within the Conservation Halton Regulatory Limit are depicted in Appendix B-1, B-2 and B-3 attached to this By-law, and include **hazardous lands, hazardous sites** and other natural features. Conservation Halton regulates lands in or adjacent to river or stream valleys, including (flooding and erosion hazards), wetlands, shorelines and other **hazardous lands**. The features mapped are approximate and there **may** be some **hazardous lands** and regulated areas which have not been included. Conservation Halton must be contacted to confirm the hazard limits.
- 7.4.2 **Development** in the Conservation Halton Regulatory Limit, as depicted in Appendix B-1, B-2 and B-3 attached to this By-law, **may** require additional studies to delineate and address technical requirements related to flooding and/or erosion hazards and any associated regulatory allowances/**setbacks**. **Development** in **hazardous lands** and **hazardous sites** must be consistent with provincial natural hazard policy and permission is required from Conservation Halton to undertake **development** within these areas, in accordance with Conservation Halton's regulation and regulatory policies.

## 7.5 Permitted and Discretionary Uses

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- 7.5.1 Table 7.1 identifies the permitted and discretionary uses and associated conditions for each Precinct(s) within the Aldershot GO MTSA Permit Area as follows:
- Permitted uses are identified by the symbol (P);
  - Discretionary uses are identified by the letter (D); and
  - Conditions are listed as notes below Table 7.1.

7.5.2 **Development** within the following Precincts **shall** contain a minimum of two permitted or discretionary uses as identified in Table 7.1 or as required by Section 5.0 of this By-law in the same **building**, on the same **lot**, or within the same **development** and **should** contain three permitted uses in the same **building** or on the same **lot** or within the same **development**, where feasible:

- Aldershot GO Central (except for **office development**); and
- Emery Commons.

7.5.3 **Development** within the **Mid-Rise Residential Precinct should** contain a minimum of two permitted or discretionary uses as identified in Table 7.1.

**Table 7.1: Permitted and Discretionary Uses in the Aldershot GO MTSA Permit Area**

Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
Rowhouse			D(b)	D(b)	P(d) / D(d)(e)
Dwelling units above the first two storeys in a mixed use building	D(c)(d)(e)	P	P	P	P(d) / D(d)(e)

Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
Apartment building, single use		D(b)	D(b)	D(b)	P(d) / D(d)(e)
Office, single use building	P				D
Office, mixed use building	P	P	P	P	P
Retail, mixed use building	P(a)	P(a)	P	P(a)	P(a)
Service commercial, mixed use building	P(a)	P(a)	P	P(a)	P(a)
Hotel, single use building	D(b)(d)			D(b)(d)	
Hotel, mixed use building	P(d)	P(d)	P(d)	P(d)	

Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
Entertainment, mixed use building	P(a)	P(a)	P(a)	P(a)	
Recreation Use, mixed use building	P(a)	P(a)	P(a)	P(a)	P(a)
Light Industrial	P(f)				D (f)
Other similar uses	D	D	D	D	D

- (a) Limited to bottom two floors only.
- (b) **May** be permitted if developed as part of a single application that also contains at least one non-residential use and is not located along an **Activated** Street (see Figure 2a).
- (c) **May** be permitted as a discretionary use if **development** contains office or community space.
- (d) As set out in provision 5.24 of this By-law, any proposed **development** containing sensitive uses **shall** require a land use compatibility assessment to be prepared in accordance with a Terms of Reference approved by the **City** prior to submitting a **Community Planning Permit Application**, demonstrating consideration for applicable MECP guidelines and best practices, and demonstrating compliance with applicable provincial legislative requirements.
- (e) Where the site is in proximity to an existing rail facility that is considered a **major facility**, the use **may** be permitted as a discretionary use if the **development** contains **light industrial**, or **office** as an intervening land use.
- (f) **May** be permitted as a discretionary use if it can be demonstrated that the use does not preclude the development of adjacent **sensitive land uses** to the satisfaction of the Approval Authority.

## 7.6 Development Standards

- 7.6.1 Table 7.2 identifies the **development** standards and provisions for the Precincts in the Aldershot GO MTSA Permit Area.
- 7.6.2 Setbacks from a street are measured in accordance with the public right-of-way width outlined in the Burlington Official Plan.

**Table 7.2: Development Standards in the Aldershot GO MTSA Permit Area**

Precinct	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)	Class 2 Variation Limit
<b>Front Yard Setback (minimum)</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	3.0 m for <b>retail at grade</b>	Up to 20%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	
<b>Front Yard Setback (maximum)</b>	3.0m(a)	3.0m(a)	3.0m(a)	3.0m(a)	7.0m	Up to 20%
<b>Interior Side Yard Setback (minimum)</b>	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	Up to 35%

Precinct	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)	Class 2 Variation Limit
<b>Street Side Yard Setback (minimum)</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	Up to 35%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)	
<b>Rear Yard Setback (minimum)</b>	7.5m	7.5m	7.5m	7.5m	7.5m	--
<b>Landscape Area (minimum percent of lot area)</b>	20%, with up to 10% by vertical means	20%, with up to 10% by vertical means	20%, with up to 10% by vertical means	20%, with up to 10% by vertical means	20%, with up to 10% by vertical means	Up to 5% of <b>lot area</b>
<b>Landscape Buffer abutting lands zoned residential outside of the Community Planning Permit Area (minimum)</b>	3.0m (d)	3.0m (d)	3.0m (d)	3.0m (d)	3.0m (d)	Up to 20%



Precinct	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)	Class 2 Variation Limit
<b>Private Residential Amenity Area (3 - 10 dwelling units) (minimum)</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	Up to 20% reduction
<b>Common Residential Amenity Area (over 10 dwelling units) (minimum)</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	4.0 sq. m for each <b>dwelling unit</b>	Up to 20% reduction  Up to 50% <b>may</b> be provided outside of building
<b>Minimum First Floor Height (i)</b>	4.5m	4.5m	4.5m	4.5m	4.5m(c)	--
<b>Overall Building Length (maximum)</b>	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for buildings located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	Up to 5%

Precinct	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)	Class 2 Variation Limit
<b>Job-related GFA (minimum)</b>	TBD(h)	TBD(h)	TBD(h)	TBD(h)		--
<b>Building Height (minimum)</b>	6 storeys	6 storeys	6 storeys	6 storeys (g)	4 storeys (g)	Up to 20%
<b>Building Height (maximum)</b>	See Schedule C-2 and Section 5.29 for Services, Facilities and Matters associated with permitted Heights (f)					See Schedule C-3 and Section 5.29
<b>Building Setback from a Flood Hazard and/or Erosion Hazard (e)</b>	7.5 m		--	--	7.5m	Up to 20%
<b>Parking (minimum and maximum)</b>	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Provision 5.13.1

Precinct	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)	Class 2 Variation Limit
<p>(a) Maximum <b>front yard setback</b> does not apply where a <b>Daylight Triangle</b> is required for <b>driveway</b> access.</p> <p>(b) The 7.5m requirement only applies when abutting a single detached dwelling, semi-detached dwelling or <b>rowhouse</b>, otherwise the 3.0m standard applies.</p> <p>(c) Only where a non-residential use is located on the ground floor. The <b>City may</b> consider an alternate first floor <b>height</b> for standalone residential buildings.</p> <p>(d) Does not apply to the <b>development</b> of a tall- and/or <b>mid-rise building</b> adjacent to a tall- and/or <b>mid-rise</b> building.</p> <p>(e) Conservation Halton regulates an allowance of 15 metres from Grindstone Creek in the Aldershot MTSA.</p> <p>(f) Within Aldershot Main Street Precinct where a <b>building</b> is adjacent to an existing Residential-Low Density designation as identified on Schedule C of the Burlington Official Plan, the maximum <b>height shall</b> be 6 <b>storeys</b>.</p> <p>(g) Where <b>rowhouse</b> are proposed in conjunction with a larger <b>development</b>, the <b>rowhouse</b> component <b>shall</b> be a minimum <b>height</b> of 3 <b>storeys</b>.</p> <p>(h) Minimum GFA applies to the <b>floor area</b> of the job-related use only.</p> <p>(i) First floor height refers to the ground floor of a building and is measured from floor to ceiling.</p>						

## 7.7 Building Transitions

7.7.1 Where a **tall** or **mid-rise building** is proposed that abuts a property identified as Residential-Low Density on Schedule C of the Official Plan, **development shall** incorporate transitions to minimize the impact of shadow and maximize access to sunlight, sky view, and privacy on neighbouring properties:

- a) No **building should** extend beyond a 45 degree angular plane measured from the shared **lot line**; or
- b) Where there is a compelling planning reason to consider one or more of the following methods to achieve transition:

- i) Increased **yard setbacks**;
- ii) **Building** setbacks;
- iii) Reduction in **building** massing;
- iv) Introduction of intervening **ground-oriented dwelling** or built form; or
- v) Other approaches.

## 7.8 Linear Parks & Greenways

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7.8.1 To support the design of **complete communities**, the following provisions apply to linear parks and greenways within the Aldershot GO MTSA, which are depicted on Figure 2a as “Potential Linear Park & Greenway” of this By-law:

- a) Linear parks and greenways **should** respond to the context in which they are proposed and **should** focus on providing safe connections;
- b) A **setback** of 12m-20m **should** be provided from the ROW to the building’s edge in order to provide space for the linear park and greenway;
- c) Linear parks and greenways **shall** be located on the side of the ROW that provides optimal conditions for plant growth and health;
- d) The **height** of surrounding **development should** not overshadow the linear parks and greenways and provide appropriate sun and sky views; and
- e) Linear parks and greenways **should** provide a repetition of elements such as pavers, lighting, seating, planters and trees.

## 7.9 Appropriate Buffers for Hidden Valley Park

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- 7.9.1 Appropriate buffers **shall** be incorporated for **development** along the boundary of Hidden Valley **Park** to protect the existing Natural Heritage System, in accordance with Section XX of this Plan and the policies in the Burlington Official Plan.

*Additional provisions for the Aldershot GO MTSA Permit Area **may** be identified, pending further review.*

# 8 Appleby GO MTSA Permit Area



## 8.1 Preamble

The Appleby Gateway is a key gateway into Burlington from Toronto at the eastern edge of Burlington, presenting a vital link between Burlington and the Greater Toronto Area and the first point of arrival for visitors travelling from Toronto on the Lakeshore West GO line. Traversed by a Metrolinx rail corridor, the Appleby Gateway North will grow to accommodate more intensive office and employment uses while continuing to support existing **major facilities**. Appleby Gateway South will evolve as an urban village with a balanced mix of employment, mid-rise residential and commercial opportunities. Transitions from the north to south are important and will focus on compatibility and will include mitigation measures to protect both existing employment uses and new sensitive uses. A network of new and enhanced **complete streets** and **active transportation** facilities will create additional options for riders travelling to and from the GO Station during peak periods, helping to manage congestion. The transportation network will provide access to recreation opportunities in nearby urban parks and open spaces, while also improving connectivity throughout the neighbourhood, to other MTSA's and beyond.

## 8.2 Precincts

8.2.1 The Precincts established by the By-law within the Appleby GO MTSA Permit Area are as follows:

<ul style="list-style-type: none"><li>● Appleby GO Central (AP)</li><li>● Fairview Frequent Transit Corridor (F)</li><li>● <b>Mid-Rise Residential (M)</b></li></ul>	<ul style="list-style-type: none"><li>● Urban Employment (UE)</li><li>● General Employment (GE)</li><li>● Natural Heritage System (NH)</li></ul>
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|---|--|
| <ul style="list-style-type: none"> <li>● Low to <b>Mid-Rise</b> Residential (LM)</li> </ul> |  |
|---|--|

### 8.3 Natural Heritage System Precinct

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- 8.3.1 **Development shall** not be permitted within the Natural Heritage System Precinct(s) in accordance with applicable Burlington Official Plan policies or unless otherwise permitted in this By-law.
- 8.3.2 **Development** in proximity to the Natural Heritage System Precinct(s) **should** consider the impacts on all components of the Natural Heritage System as identified on Schedule D-1 and as identified in the Regional Official Plan or Burlington Official Plan Schedules.
- 8.3.3 Applications for a Community Planning Permit in proximity to the **Natural Heritage System Precinct may** require additional studies or technical reports as outlined in Appendix A - Conditions of Approval of this By-law.
- 8.3.4 **Development** on lands located within the Conservation Halton Regulation Limit, as identified in Appendix B-3, **may** require additional studies to demonstrate that there will be no **negative impacts on natural heritage features**.
- 8.3.5 **Development** in or near sensitive surface water features and sensitive ground water features, and their related hydrologic functions must demonstrate how potential **negative impacts** will be avoided or mitigated through the completion of environmental studies, including hydrogeological or water quality impact assessments, in accordance with Provincial standards.

## 8.4 Conservation Halton Regulatory Limit

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- 8.4.1 Lands within the Conservation Halton Regulatory Limit are depicted in Appendix B-3 attached to this By-law, and include **hazardous lands, hazardous sites** and other natural features. Conservation Halton regulates lands in or adjacent to river or stream valleys, including (flooding and erosion hazards), wetlands, shorelines and other **hazardous lands**. The features mapped are approximate and there **may** be some **hazardous lands** and regulated areas which have not been included. Conservation Halton must be contacted to confirm the hazard limits.
- 8.4.2 **Development** in the Conservation Halton Regulatory Limit, as depicted in Appendix B-3 attached to this By-law, **may** require additional studies to delineate and address technical requirements related to flooding and/or erosion hazards and any associated regulatory allowances/**setbacks**. **Development** in **hazardous lands** and **hazardous sites** must be consistent with provincial natural hazard policy and permission is required from Conservation Halton to undertake **development** within these areas, in accordance with Conservation Halton’s regulation and regulatory policies.

## 8.5 Permitted and Discretionary Uses

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- 8.5.1 Table 8.1 identifies the permitted and discretionary uses and conditions in specific Precinct(s) for the Appleby GO MTSA Permit Area as follows:
- Permitted uses are identified by the symbol (P);
  - Discretionary uses are identified by the letter (D); and
  - Conditions are listed as notes below Table 8.1.



- 8.5.2 **Development** within the following Precincts **shall** contain a minimum of two permitted or discretionary uses as identified in Table 8.1 or as required by Section 5.0 of this By-law in the same **building**, on the same lot, or within the same **development**, and **should** contain three permitted uses in the same **building**, on the same **lot** or within the same **development**, where feasible:
- a) Appleby GO Central (AP) (except for **office development**); and
  - b) Fairview Frequent Transit Corridor (F).
- 8.5.3 **Development** within the **Mid-Rise** Residential Precinct **should** contain a minimum of two permitted or discretionary uses as identified in Table 8.1.

**Table 8.1: Permitted and Discretionary Uses in the Appleby GO MTSA Permit Area**

Permitted or Discretionary Use	Precincts					
	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)
Rowhouse in conjunction with a larger development, except single-detached, semi-detached dwelling			D(b)(d)	P(d)		

Permitted or Discretionary Use	Precincts					
	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)
Dwelling units above the first two storeys in a mixed use building	D(c)(d)	P(d)	P(d)			
Apartment building, single use		D(b)(d)	P(d)	P(d)		
Office, single use building	P	P	D		P	P
Office, mixed use building	P	P	P		P	P
Retail, mixed use building	P(a)	P(a)	P(a)			

Permitted or Discretionary Use	Precincts					
	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)
Service commercial, mixed use building	P(a)	P(a)	P(a)			
Hotel, single use building	D(b)(d)	D(b)				
Hotel, mixed use building	P(d)	P				
Entertainment, mixed use building	P(a)	P(a)				
Recreation use, mixed use building	P(a)		P(a)		D	D
Recreation use, single use building					D	D
Industrial					P(e)(f)	P(e)(f)
Accessory use - retail					D	D
Accessory use - service commercial					P	D

Permitted or Discretionary Use	Precincts					
	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)
Automotive commercial					P	
Other similar uses	D	D	D	D	D	D

(a) limited to bottom two floors only  
 (b) **May** be permitted if developed as part of a single application that also contains at least one non-residential use and is not located along an **Activated Street** (see Figure 3a).  
 (c) **May** be permitted as a discretionary use if **development** contains office or community space.  
 (d) As set out in provision 5.21 of this By-law, any proposed **development** containing sensitive uses **shall** require a land use compatibility assessment to be prepared in accordance with a Terms of Reference approved by the **City** prior to submitting a Community Planning Permit Application, demonstrating consideration for applicable MECP guidelines and best practices, and demonstrating compliance with applicable provincial legislative requirements.  
 (e) A **cannabis production facility** is not permitted within a **building** where food that is to be sold is produced, packaged, labelled or stored.  
 (f) A Waste Container Facility is permitted in conjunction with a Waste Transfer Station, provided it is not located on a corner lot, and provided the waste containers are located at least 30 m from the street line and are screened from the street by the **building** or by a 3 m high masonry wall.

## 8.6 Development Standards

- 8.6.1 Table 8.2 identifies the **development** standards and provisions for the Precincts in the Appleby GO MTSA Permit Area.
- 8.6.2 Setbacks from a street are measured in accordance with the public right-of-way width outlined in the Burlington Official Plan.

**Table 8.2: Development Standards in the Appleby GO MTSA Permit Area**

Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
Front Yard Setback (minimum)	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	3.0 m for <b>retail at grade</b>	4.5m	6.0m	3.0m	Up to 20%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)				
Front Yard Setback (maximum)	3.0m(a)	3.0m(a)	7.0m	7.0m	--	--	Up to 20%

## 8 Appleby GO MTSA Permit Area

Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
<b>Interior Side Yard Setback (minimum)</b>	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m, 7.5m(b)	3.0m	3.0m, 10.0m(b)	3.0m, 10.0m(b)	Up to 35%
<b>Street Side Yard Setback (minimum)</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	1.5m for <b>retail at grade</b>	4.5m	6.0m	3.0m	Up to 35%
	3.0m for residential (if permitted)	3.0m for residential (if permitted)	3.0m for residential (if permitted)				
<b>Rear Yard Setback (minimum)</b>	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	Up to 20%
<b>Landscape Area (minimum percent of lot area)</b>	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	25%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	20%, with up to 10 % by vertical means	Up to 5% of <b>lot area</b>

Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
Landscape Buffer abutting lands zoned Residential outside of the Community Planning Permit Area (minimum)	3.0m (e)	3.0m (e)	3.0m (e)	--	3.0m (e)	3.0m (e)	Up to 20%
Private Residential Amenity Area (3 - 10 dwelling units) (minimum)	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	—	—	Up to 20%
Common Residential Amenity Area (over 10 dwelling units) (minimum)	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	4.0 sq. m for each dwelling unit	—	—	Up to 20% reduction Up to 50% may be provided outside of building

Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
Minimum First Floor Height (h)	4.5m	4.5m	4.5m	4.5m(c)	–	–	--
Overall Building Length (maximum)	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	60m for <b>buildings</b> located within 15 m of a street for the portion of the <b>building</b> adjacent to the street.	Up to 5%
Job-related GFA (minimum)	<i>TBD(g)</i>	<i>TBD(g)</i>			<i>TBD(g)</i>	<i>TBD(g)</i>	--
Building Height (minimum)	6 storeys	6 storeys	4 storeys (f)	2 storeys	2 storeys (d)	3 storeys (d)	--



Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
<b>Building Height (maximum)</b>	See Schedule D-3 and Section 5.29 for Services, Facilities and Matters associated with permitted Heights						See Schedule D-3 and Section 5.29
<b>Building Setback from a Flood Hazard and/or Erosion Hazard</b>	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	4.5 metres if block includes a 3 m buffer
<b>Parking (minimum and maximum)</b>	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Section 5.13	See Provision 5.13.1

Precinct	Appleby GO Central (AP)	Fairview Frequent Transit Corridor (F)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)	General Employment (GE)	Urban Employment (UE)	Class 2 Variation Limit
<p>(a) Maximum <b>front yard setback</b> does not apply where a <b>Daylight Triangle</b> is required for <b>driveway</b> access.</p> <p>(b) The 7.5m requirement only applies when abutting a single detached dwelling, semi-detached dwelling or <b>rowhouse</b>, otherwise the 3.0m standard applies.</p> <p>(c) Only where a non-residential use is located on the ground floor. The <b>City may</b> consider an alternate first floor <b>height</b> for standalone residential <b>buildings</b>.</p> <p>(d) Unless the use is <b>industrial</b>, then no minimum <b>height</b> is required.</p> <p>(e) Does not apply to the <b>development</b> of a tall- and/or <b>mid-rise building</b> adjacent to a tall- and/or <b>mid-rise building</b>.</p> <p>(f) Where <b>rowhouses</b> are proposed in conjunction with a larger <b>development</b>, the <b>rowhouse</b> component <b>shall</b> be a minimum <b>height</b> of 3 <b>storeys</b>.</p> <p>(g) Minimum GFA applies to the <b>floor area</b> of the job-related use only.</p> <p>(h) First floor height refers to the ground floor of a building and is measured from floor to ceiling.</p>							

## 8.7 Building Transitions

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- 8.7.1 Where a **tall** or **mid-rise building** is proposed that abuts a property identified Low to Mid Rise Residential Precinct(s) as shown on Schedule D-1 of this by-law, **development shall** incorporate transitions to minimize the impact of shadow and maximize access to sunlight, sky view, and privacy on neighbouring properties:
- a) No **building** should extend beyond a 45 degree angular plane measured from the shared **lot line**; or
  - b) Where there is a compelling planning reason to consider an alternative approach to the 45 degree angular plane, one or more of the following methods to achieve transition **shall** be incorporated to the satisfaction of the Approval Authority, including but not limited to:
    - i) Increased **yard setbacks**;
    - ii) **Building** setbacks;
    - iii) Reduction in **building** massing;
    - iv) Introduction of intervening **ground-oriented dwelling** or built form; or
    - v) Other approaches informed by relevant **City** approved Urban Design Guidelines.

## 8.8 Linear Parks & Greenways

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- 8.8.1 To support the design of **complete communities**, the following provisions apply to linear parks and greenways within the Appleby GO Central Precinct and the Fairview Frequent Transit Corridor Precinct, which are depicted on Figure 3a as “Potential Linear Park & Greenway” of this By-law:
- f) Linear parks and greenways **should** respond to the context in which they are proposed and **should** focus on providing safe connections;
  - g) A **setback** of 12m-20m **should** be provided from the ROW to the building’s edge in order to provide space for the linear park and greenway;
  - h) Linear parks and greenways **shall** be located on the side of the ROW that provides optimal conditions for plant growth and health;
  - i) The **height** of surrounding **development should** not overshadow the linear parks & greenways and provide appropriate sun and sky views; and
  - j) Linear parks and greenways **should** provide a repetition of elements such as pavers, lighting, seating, planters and trees.

*Additional provisions for the Appleby GO MTSA Permit Area **may** be identified, pending further review.*

# 9 Site Specific Provisions



## 9.1 Site Specific Exceptions

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- 9.1.1 Notwithstanding any provisions to the contrary in the CPP By-law , the following provisions apply to the properties identified in the specific exceptions noted in Table 9.1.
- 9.1.2 In all other respects, the provisions of the CPP By-law continue to apply.

**Table 9.1 – Site Specific Exceptions**

[Table begins on next page]



## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0001	Downtown Burlington/ Burlington GO MTSA	Burlington GO (B)  Fairview Frequent Transit Corridor (F)	(new)	2071, 2081, 2087, 2089, 2093, 2095 Fairview Street Legal Description Halton Condo Plan 703 PLAN 99 PT LOT 79 RP 20R21376 PARTS 2,3,4	B-1

**Provisions:**

1. In addition to the uses permitted in an Burlington GO Central and Fairview Frequent Transit Corridor Precincts as set out in Table 6.1, Long Term Care Facilities and Community Institutions are permitted use.
2. Notwithstanding Section 5.3(Uses Allowed in all Permit Areas), only the following uses shall be permitted:
  - Home Day Care
  - Day Care
  - Group Home
  - Emergency Shelter
  - Residential Social Services
  - Miscellaneous
3. Maximum building height (storeys) shall be as shown on Diagram A provided that no more than four of the storeys consist of above-grade parking within the principal building. An attached parking structure is permitted north of the principal building, with a maximum height of 4 storeys.
4. A maximum of 36 parking spaces permitted in ground floor of Towers A, B, and C. The ground floor of Towers D and C cannot be used for parking.
5. There shall be a minimum average Floor Area Ratio of approximately 0.5:1 for the subject properties but no maximum Floor Area Ratio.
6. Notwithstanding Section 5.15, off-street parking standards for the following uses are as follows:
  - a) Apartment building:
    - 1.00 occupant space per one bedroom unit
    - 1.00 occupant space per two bedroom unit
    - 1.00 occupant space per three or more bedroom unit

- 0.18 visitor spaces per unit

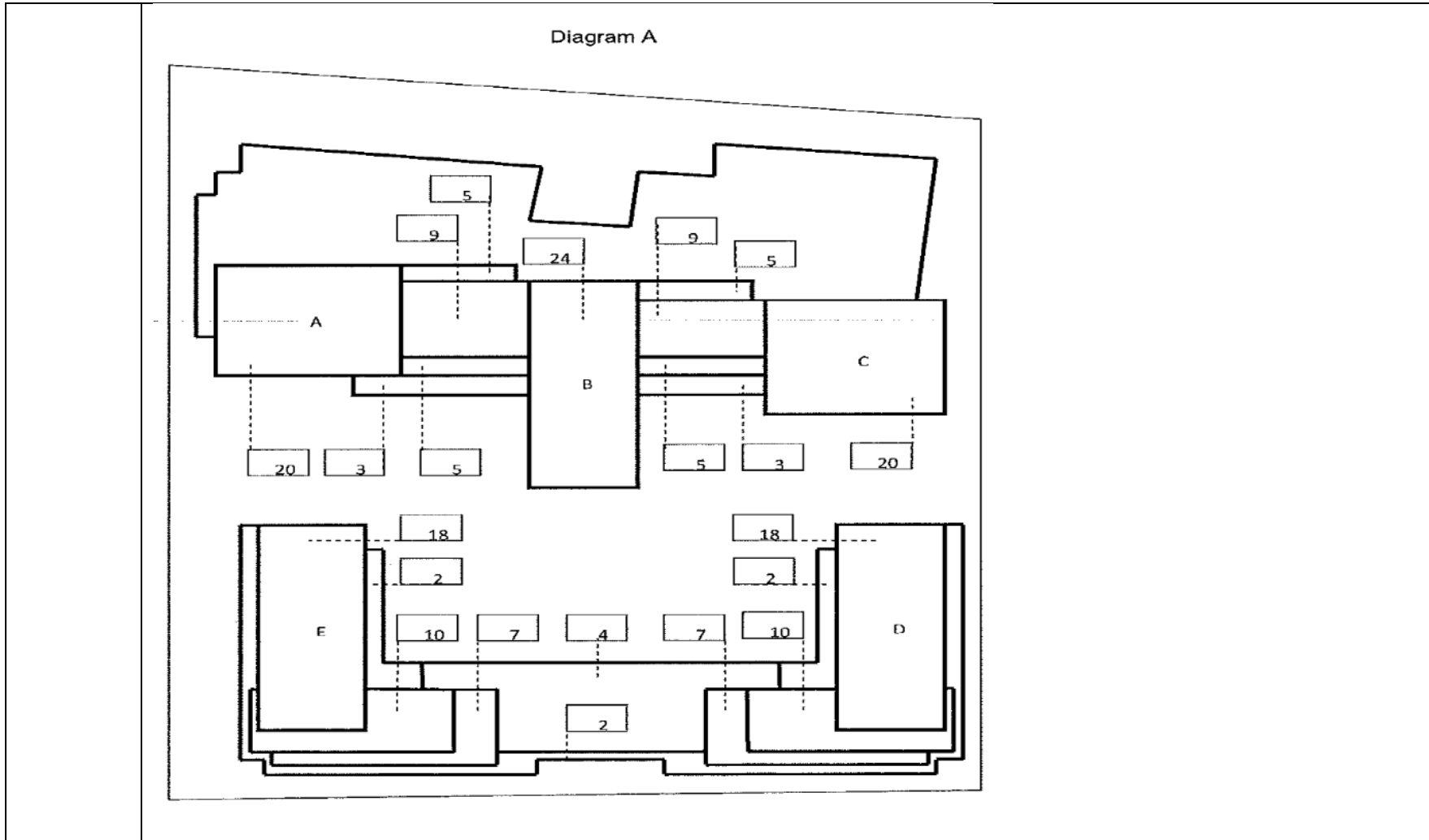
b) Retirement Home:

- 0.60 spaces per unit (including 0.1 visitor spaces per unit)

7. Notwithstanding Part 5, Subsection 4.13, the Amenity Area shall be a minimum of 20 m<sup>2</sup> per unit.
8. The maximum floor area per retail or service commercial unit is 3000 m<sup>2</sup>.
9. The minimum gross floor area requirement for ground floor retail and service commercial uses is 1550 m<sup>2</sup>.
10. The minimum gross floor area requirement for office uses is 2991 m<sup>2</sup>.
11. With the exception of a lobby to access office uses on upper levels, office uses are not permitted on the ground floor.
12. The maximum floor area for the ground floor lobby to access office uses on upper levels is 130 m<sup>2</sup>.
13. The maximum number of surface parking spaces is 255.
14. Section 5.20, bicycle parking shall not apply.

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



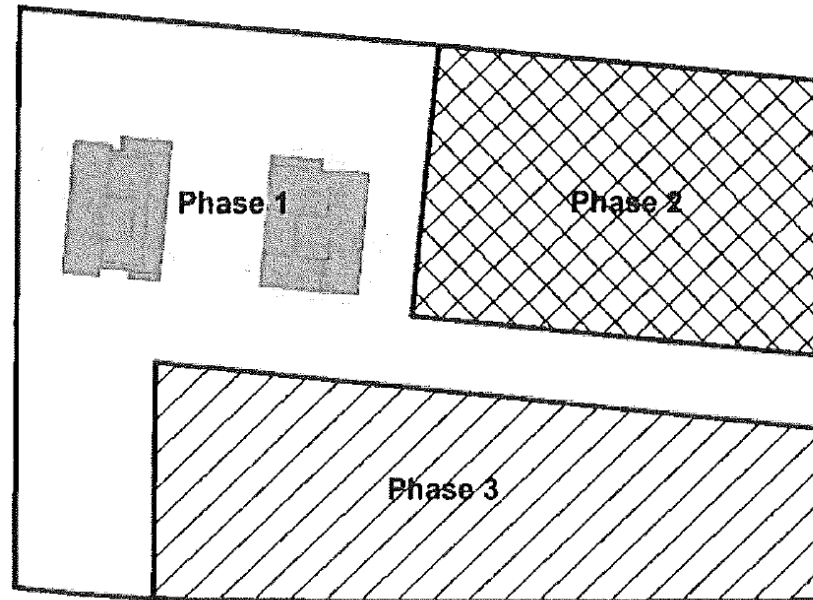


## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0002	Downtown Burlington/Burlington GO MTSA	Drury Node (D)	(new)	2243 & 2269 Fairview Street, 864 Drury Lane  Legal Description  PLAN 203 LOT 7 PT LOTS 6,8 RP 20R8796 PART 3 RP 20R14862 PART 1  PLAN 203 PT LOT 6 RP 20R8796 PART 2 RP 20R14862 PART 2  PLAN 203 PT LOT 6 RP 20R8796 PART 1	B-1

Provisions:

Diagram B



**1. Regulations apply to the Phase 1, Phase 2 and Phase 3 on Diagram B:**

- a. The property zoned D-0002 shall be considered one lot for the purposes of applying Community Planning Permit By-law regulations.
- b. Parking

Apartment Building

1 occupant space per unit

	Shared visitor, commercial maintenance spaces	0.16 spaces per unit
	c. Amenity Area per dwelling unit	16m <sup>2</sup>
	<b>2. <u>Regulations applying to Phase 1 on Diagram B:</u></b>	
	a. No more than 4 storeys shall consist of above-grade parking structure within the buildings.	
	b. Separation Distance for land uses sensitive to rail right-of-way	
	Floors 1 to 5	1 m
	Floors 6 to 39	28 m
	c. Yard Abutting South-West Property	
	Floors 1 to 5	0.6 m
	Floors 6 to 35	14.5 m
	d. Below-Grade Parking Structure	
	i) Abutting Railway (north-west property line)	1 m
	ii) Abutting south-west property line	0.8 m
	e. Maximum Heights	
	Building C1	36 storeys
	Building C2	39 storeys

- |   |                   |
|---|-------------------|
| f. Maximum Podium Height  | 5 storeys         |
| g. Maximum Building Floor Plates  | 890m <sup>2</sup> |
| h. The minimum separation distance between towers, excluding balconies, shall be 30 metres. |                   |

**3. Regulations applying to Phase 2 on Diagram B:**

- a. Separate Distance for land uses sensitive for railway right-of-way

Floor 1 to 5	1 m
Floor 6 to 37	28 m

- b. Yard Abutting Drury Lane

Floors 1 to 5	2.5 m
Floors 6 to 37	11 m

- c. Below-Grade Parking Structure

- |  |     |
|--|-----|
| i) Abutting Railway (north-west Property line) | 1 m |
|--|-----|

- |                         |       |
|-------------------------|-------|
| ii) Abutting Drury Lane | 1.2 m |
|-------------------------|-------|

- |                   |            |
|-------------------|------------|
| d. Maximum Height | 37 storeys |
|-------------------|------------|

- |                          |           |
|--------------------------|-----------|
| e. Maximum Podium height | 5 storeys |
|--------------------------|-----------|

- |                                  |                    |
|----------------------------------|--------------------|
| f. Maximum Building Floor Plates | 890 m <sup>2</sup> |
|----------------------------------|--------------------|

	<p>g. The minimum separation distance between towers, excluding balconies, shall be 30 metres.</p> <p>h. Landscape Area</p> <table><tr><td style="padding-left: 40px;">Abutting A Street</td><td style="padding-left: 100px;">0 m</td></tr></table> <p>4. Regulations applying to Phase 3 on Diagram B:</p> <table><tr><td style="padding-left: 40px;">a. Maximum Height</td><td style="padding-left: 100px;">36 storeys</td></tr><tr><td style="padding-left: 40px;">b. Maximum Podium height</td><td style="padding-left: 100px;">4 storeys</td></tr></table> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>	Abutting A Street	0 m	a. Maximum Height	36 storeys	b. Maximum Podium height	4 storeys
Abutting A Street	0 m						
a. Maximum Height	36 storeys						
b. Maximum Podium height	4 storeys						

## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0003	Downtown Burlington/Burlington GO MTSA	Upper Brant (UB)	(new)	688,694, and 698 Brant Street  Legal Description  PLAN 99 PT LOTS 65,66  PLAN 99 PT LOT 66	B-1

**Provisions:**

**1. Permitted Uses**

Retail and Service Commercial uses shall be permitted on the ground and second floor only with the second floor retail and service commercial uses tied to the primary use on the first floor. All non-residential uses, excluding ancillary residential uses, shall have direct access facing Brant Street.

Second storey floor area is prohibited in the first 9.0 metres of building depth, measured from the main wall facing the front lot line.

**2. Regulations for Mixed Use Building**

- |   |   |
|---|---|
| a. Maximum Building Height:<br>m                              | 13 storeys including mezzanine mechanical penthouse; 44 m |
| b. Maximum Floor Area Ratio:                                  | 4.11:1  |
| c. Maximum 13th Storey Gross Floor Area:                      | 472 m <sup>2</sup>  |
| d. Amenity Area:  | 15.3 m <sup>2</sup> per unit                              |
| e. Landscape Area Abutting a Street:                          | 1 m   |
| f. Yard Abutting Any Other Street:                            | 1 m   |
| g. North Side Yard Setback:                                   | 10 m  |
| h. South Side Yard Setback:                                   | 11 m  |
| i. Underground Parking Setback Yard<br>Abutting Brant Street: | 0.7 m   |



- |  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>j. Underground Parking North Side Yard Setback: 0.7 m</li> <li>k. Underground Parking South Side Yard Setback: 0.9 m</li> <li>l. Maximum Balcony Projection: 2m</li> <li>m. Required Parking: 1.1 parking spaces per dwelling unit including visitor parking spaces</li> <li>n. Required Non-Residential Parking: 3.5 parking spaces per 100 m<sup>2</sup> of gross floor area</li> <li>o. Required Residential Bicycle Parking Spaces: 185 bicycle parking spaces</li> </ul> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p> |
|--|---|

## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0004	Aldershot GO MTSA	Aldershot Main Street (AM)	(new)	92 Plains Road East  Legal Description  PLAN 725 PT LOTS 34,35,36	C-1

**Provisions:****1. Regulations for Apartment Building with Ground Floor Office:**

a) Maximum Number of Dwelling Units: 49

b) Floor Area:

i) Floor Area for Ground Floor Office: 183 m<sup>2</sup> maximum

ii) 7th Storey Area: Only a rooftop terrace (maximum 150 m<sup>2</sup>) and mechanical penthouse (maximum 205 m<sup>2</sup>) permitted on 7th storey

c) Yards:

i) Abutting Plains Road East:

Underground Parking Vent and guard: 1.6 m  
 Floor 7: 8 m to rooftop terrace  
 8 m to mechanical penthouse

ii) Abutting East Property Line:

Floors 1-4: 3 m including balconies  
 Floor 5: 6 m to building; 3 m to terrace  
 Floor 6: 6 m including balconies  
 Floor 7: 22 m to rooftop terrace  
 8.5 m to mechanical penthouse

iii) Abutting West Property Line:

	<p>Underground Parking Vent and guard: 1.8 m          Floors 1-6: 3 m; 2.6 m to balconies/terrace          Floor 7: 13 m to rooftop terrace          21 m to mechanical penthouse</p> <p>iv) Abutting South Property Line:</p> <p>Underground Parking Vent and guard: 4.8 m          Floors 1-4: 18 m          Floor 5: 21 m; 18 m to terrace          Floor 6: 21 m; 19.5 m to balconies          Floor 7: 23 m to rooftop terrace          25 m to mechanical penthouse</p> <p>d) Landscape Buffer:</p> <p>i) Abutting East and West Property Line: 3 m</p> <p>ii) Abutting South Property Line: 6 m</p> <p>iii) Vent Encroachment into Landscape Buffer: 1.2 m maximum</p> <p>iv) Walkway Encroachment into East Landscape Buffer: 1.5 m maximum</p> <p>v) Retaining wall, transformer and utility box may encroach into landscape buffer</p> <p>e) Landscape Area Abutting a Street: 0.9 m</p> <p>f) Parking:</p> <p>i) Occupant Parking: 55 spaces          ii) Shared Visitor/Office Parking: 16 spaces including 1 accessible parking space.</p>
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	<p>May include Car Share and E/V spaces</p> <p>g) Floor Area Ratio: 2.5:1 Maximum</p> <p>h) Height: 7 Storeys Maximum</p> <p>i) Loading Spaces: None Required</p> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p>
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## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0005	Aldershot GO MTSA	Mid-Rise Residential (M)	(new)	40-70 Plains Road  Legal Description  CON BF PT LOT 6 PLAN 725 LOT 1	C-1

	<p><b>Provisions:</b></p> <ol style="list-style-type: none"> <li>1. Additional Permitted Use:             <ol style="list-style-type: none"> <li>a. Supermarket/Grocery Store with a floor area greater than 365m<sup>2</sup></li> </ol> </li> <li>2. Commercial uses are only permitted on the ground floor facing Plains Road East.</li> <li>3. For the purposes of this by-law, the following definitions shall apply:             <ol style="list-style-type: none"> <li>i. Rooftop Terrace – means an outdoor amenity area located on the roof of a building;</li> <li>ii. Balcony – means an unenclosed or partially enclosed attached platform projecting from the face of a wall that is only directly accessible from within a building, surrounded by a balustrade, partial wall, or railing where required and without direct exterior access to grade.</li> </ol> </li> <li>4. Regulations for an Apartment Building with ground floor Commercial uses:             <table style="margin-left: 20px; border: none;"> <tr> <td style="padding-left: 20px;">a. Total ground floor retail and/or Service commercial area</td> <td style="padding-left: 20px;">1,027 m<sup>2</sup></td> </tr> <tr> <td style="padding-left: 20px;">b. Lot Area</td> <td style="padding-left: 20px;">0.68 ha</td> </tr> <tr> <td style="padding-left: 20px;">c. Maximum Floor Area Ratio</td> <td style="padding-left: 20px;">4.41:1</td> </tr> <tr> <td style="padding-left: 20px;">d. Maximum Number of Residential Units</td> <td style="padding-left: 20px;">389 units</td> </tr> <tr> <td style="padding-left: 20px;">e. Separation Distance between Floors above the 6<sup>th</sup> storey</td> <td style="padding-left: 20px;">15 m</td> </tr> </table> </li> <li>f. Yard Abutting Plains Road East:</li> </ol>	a. Total ground floor retail and/or Service commercial area	1,027 m <sup>2</sup>	b. Lot Area	0.68 ha	c. Maximum Floor Area Ratio	4.41:1	d. Maximum Number of Residential Units	389 units	e. Separation Distance between Floors above the 6 <sup>th</sup> storey	15 m
a. Total ground floor retail and/or Service commercial area	1,027 m <sup>2</sup>										
b. Lot Area	0.68 ha										
c. Maximum Floor Area Ratio	4.41:1										
d. Maximum Number of Residential Units	389 units										
e. Separation Distance between Floors above the 6 <sup>th</sup> storey	15 m										

	<ul style="list-style-type: none"> <li>i) Floor 1</li> <li>ii) Floors 2 to 6</li> <li>iii) Floor 7</li> <li>iv) Floors 8 to 11</li> <li>v) Floor 12</li> <li>vi) Outdoor Pool</li>   <li>g. Rear Yard (south zone boundary): <ul style="list-style-type: none"> <li>i. Floor 1</li> <li>ii. Floors 2 and 3 balconies</li> <li>iii. Floor 4</li> <li>iv. Floor 5</li> <li>v. Floor 6</li> <li>vi. Floor 7</li> <li>vii. Floor 8</li> <li>viii. Floor 9</li> <li>ix. Floor 10</li> <li>x. Floors 11 and 12</li> </ul> </li>   <li>h. Side Yard (east zone boundary): <ul style="list-style-type: none"> <li>i. Floors 1 to 10</li> <li>ii. Floor 11</li> </ul> </li>   <li>i. Side Yard (west zone boundary): <ul style="list-style-type: none"> <li>i. Floors 1 to 6</li> <li>ii. Floors 7 to 9</li> <li>iii. Floors 10 to 12</li> </ul> </li>   <li>j. Below-Grade Parking Structure:</li> </ul>	<ul style="list-style-type: none"> <li>3m</li> <li>3m to building, 1.2m to balconies</li> <li>6m to building, 3m to rooftop terrace</li> <li>6m to building, 4.2m to balconies</li> <li>9m to building, 6m to rooftop terrace</li> <li>7m</li>   <li>10.5m</li> <li>10.5 to the building, 10.1m to rooftop terrace, 8.7 to</li>   <li>13.3m to building, 10.5m to rooftop terrace</li> <li>16.4m to building, 13.3m to rooftop terrace</li> <li>19.5m to building, 16.4m to rooftop terrace</li> <li>22.5m to building, 19.2m to rooftop terrace</li> <li>25.5m to building, 22.2m to rooftop terrace</li> <li>28.5m to building, 25.5m to rooftop terrace</li> <li>29m to building, 28.2m to rooftop terrace</li> <li>29m</li>   <li>5.5m to building, 3.7 to balconies</li> <li>11.2m</li>   <li>2.7m</li> <li>3.7m to building, 3m to rooftop terrace/balconies</li> <li>3.7m</li> </ul>
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	<ul style="list-style-type: none"> <li style="margin-left: 40px;">i. Abutting Rear Yard (south zone boundary) 3m</li> <li style="margin-left: 40px;">ii. Abutting all other property lines 0m</li>   <li>k. Maximum Building Height 12 storeys up to 42m             <ul style="list-style-type: none"> <li>i. Floor 1 (minimum) 4.5m</li> </ul> </li>   <li>l. Amenity Area 21m<sup>2</sup> per unit</li>   <li>m. Parking Requirements:             <ul style="list-style-type: none"> <li>i. Occupant Parking 0.91 spaces per residential unit</li> <li>ii. Visitor and Commercial 0.06 spaces per residential unit</li> </ul> </li>   <li>n. Landscape Area:             <ul style="list-style-type: none"> <li>i. Abutting a street 0m</li> </ul> </li>   <li>o. Landscape Buffer Abutting a Residential zone:             <ul style="list-style-type: none"> <li>i. Rear Yard (south zone boundary) 3m (1.9m encroachment permitted for below-grade parking ramp drive aisle and 2 parking spaces)</li>   <li>ii. Side Yard (east zone boundary) 0m</li> </ul> </li>   <li>p. Driveway and Parking Spaces abutting R1, R2 and R3 Zone in the City' Zoning By-law 2020 1.1m</li> </ul> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p>
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## Site Specific Provisions

Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0006	Aldershot GO MTSA	Mid-Rise Residential (M)	(new)	<p>1085 Clearview Avenue; 1082, 1086 and 1090 St. Matthew's Avenue</p> <p>Legal Description</p> <p>PLAN 753 LOTS 26,27,28 PLAN 665 LT 64 RP 20R21465 PART 1</p> <p>CON 1 EF PT LOT 6</p> <p>CON 1 EF PT LOT 6 PLAN 665 LOT 66</p>	C-1

**Provisions:****1. Regulations for Apartment Building**

## a) Yards:

- |                                    |      |
|------------------------------------|------|
| i) Abutting Masonry Court:         | 5 m  |
| ii) Abutting St. Matthew's Avenue: | 4 m  |
| iii) Abutting Residential Zone:    | 13 m |
| iv) Abutting Clearview Avenue:     | 17 m |

## b) Setbacks for an Underground Parking Structure:

- |                                    |       |
|------------------------------------|-------|
| i) Abutting Masonry Court:         | 1.0 m |
| ii) Abutting St. Matthew's Avenue: | 0.1 m |
| iii) Abutting a Residential Zone:  | 2 m   |
| iv) Abutting Clearview Avenue:     | 0.5 m |

## c) Landscape Buffers:

- |                                 |     |
|---------------------------------|-----|
| i) Abutting a Residential Zone: | 3 m |
|---------------------------------|-----|
- ii) A hydro transformer and pad, underground parking garage, exhaust and intake vents associated with an underground parking garage, driveways, walkways, stairs, sod and amenity areas may encroach into required landscape buffers.

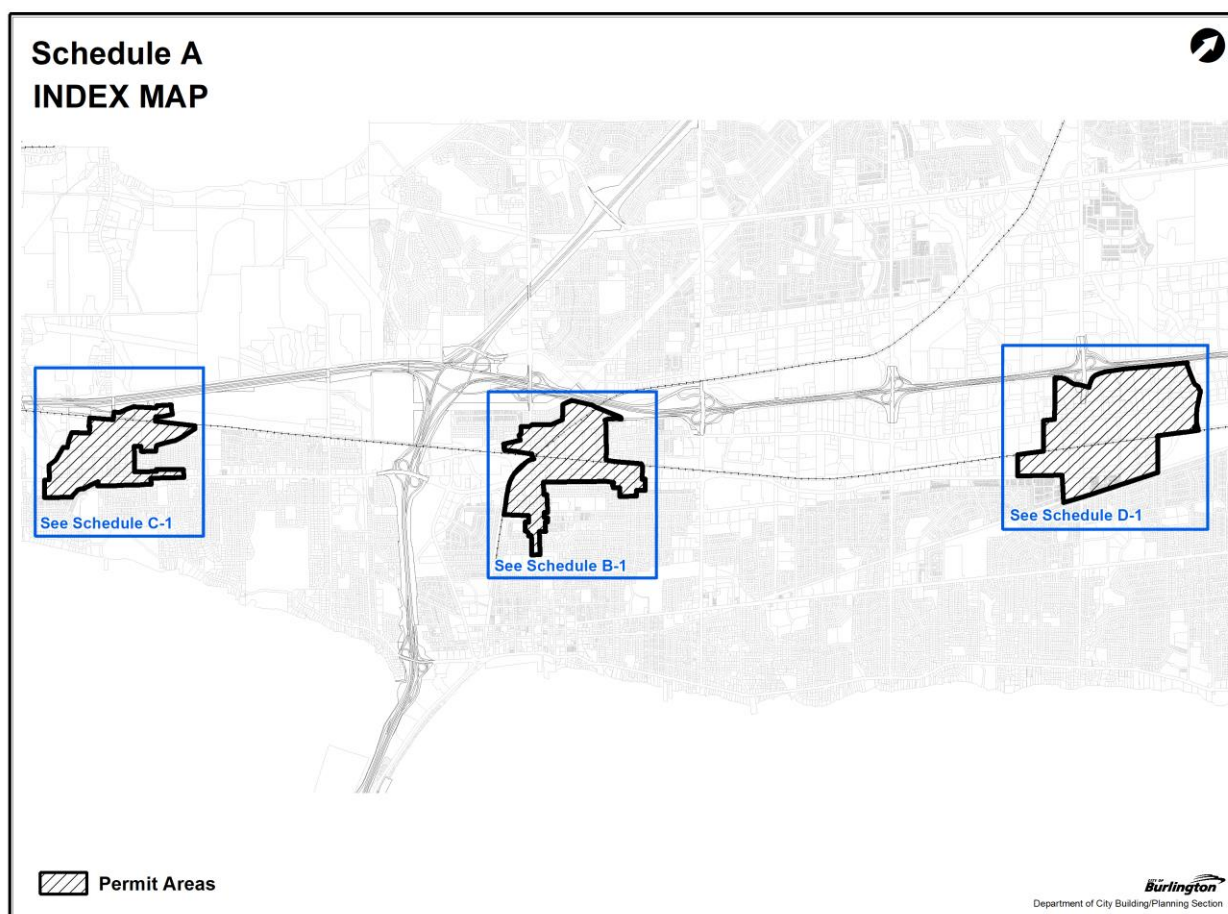
	<p>d) Parking:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">i) Occupant</td> <td style="text-align: right;">152 spaces</td> </tr> <tr> <td style="padding-left: 20px;">ii) Visitor</td> <td style="text-align: right;">29 spaces</td> </tr> <tr> <td style="padding-left: 20px;">iii) Enclosed Occupant Parking</td> <td style="text-align: right;">99%</td> </tr> </table> <p>e) Maximum Density: 262 units/ha</p> <p>f) Height:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">i) 7 storeys up to 24 m</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">ii) Height shall not include any mechanical penthouse, stairways or associated servicing structures or areas.</td> <td></td> </tr> </table> <p>g) Amenity Area: 14.5 m<sup>2</sup> per unit</p> <p>h) Setback from Driveway or Parking Lot to Residential Zone: 3 m</p> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>	i) Occupant	152 spaces	ii) Visitor	29 spaces	iii) Enclosed Occupant Parking	99%	i) 7 storeys up to 24 m		ii) Height shall not include any mechanical penthouse, stairways or associated servicing structures or areas.	
i) Occupant	152 spaces										
ii) Visitor	29 spaces										
iii) Enclosed Occupant Parking	99%										
i) 7 storeys up to 24 m											
ii) Height shall not include any mechanical penthouse, stairways or associated servicing structures or areas.											

## Site Specific Provisions

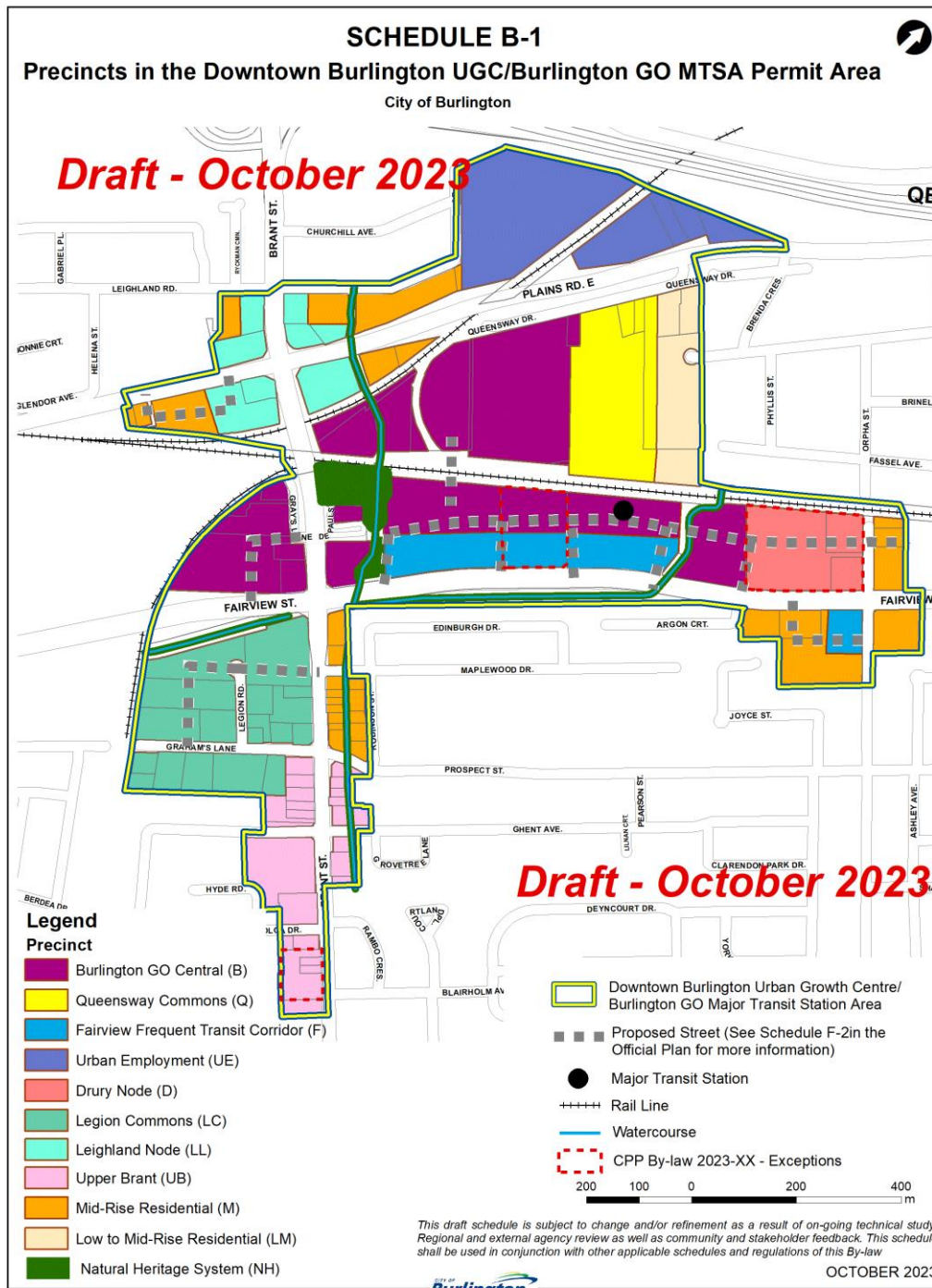
Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.
0007	Appleby GO MTSA	General Employment (GE)	(new)	5180 & 5200 Harvester Road  Legal Description  CON 3 SDS PT LOT 4 RP 20R15991 PARTS 1,2,3,4,5,6  CON 3 SDS PT LOT 4 RP 20R9338 PARTS 1,3 SAVE AND EXCEPT RP 20R9768 PART 1 RP 20R15991 PARTS 3,4,5	D-1
<p><b>Provisions:</b></p> <p>1. The following additional uses are permitted:</p> <p style="padding-left: 40px;">Sporting Goods sales and service</p> <p>2. Regulations:</p> <p>(a) Accessory Video Game &amp; Pinball Machines: 40 machines maximum</p> <p>(b) Sporting Goods retail floor area: 200 m2 maximum</p> <p>(c) Parking: 630 spaces</p> <p>(d) Landscape area abutting an O2 zone: 3 m</p> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>					

# 10 Schedules

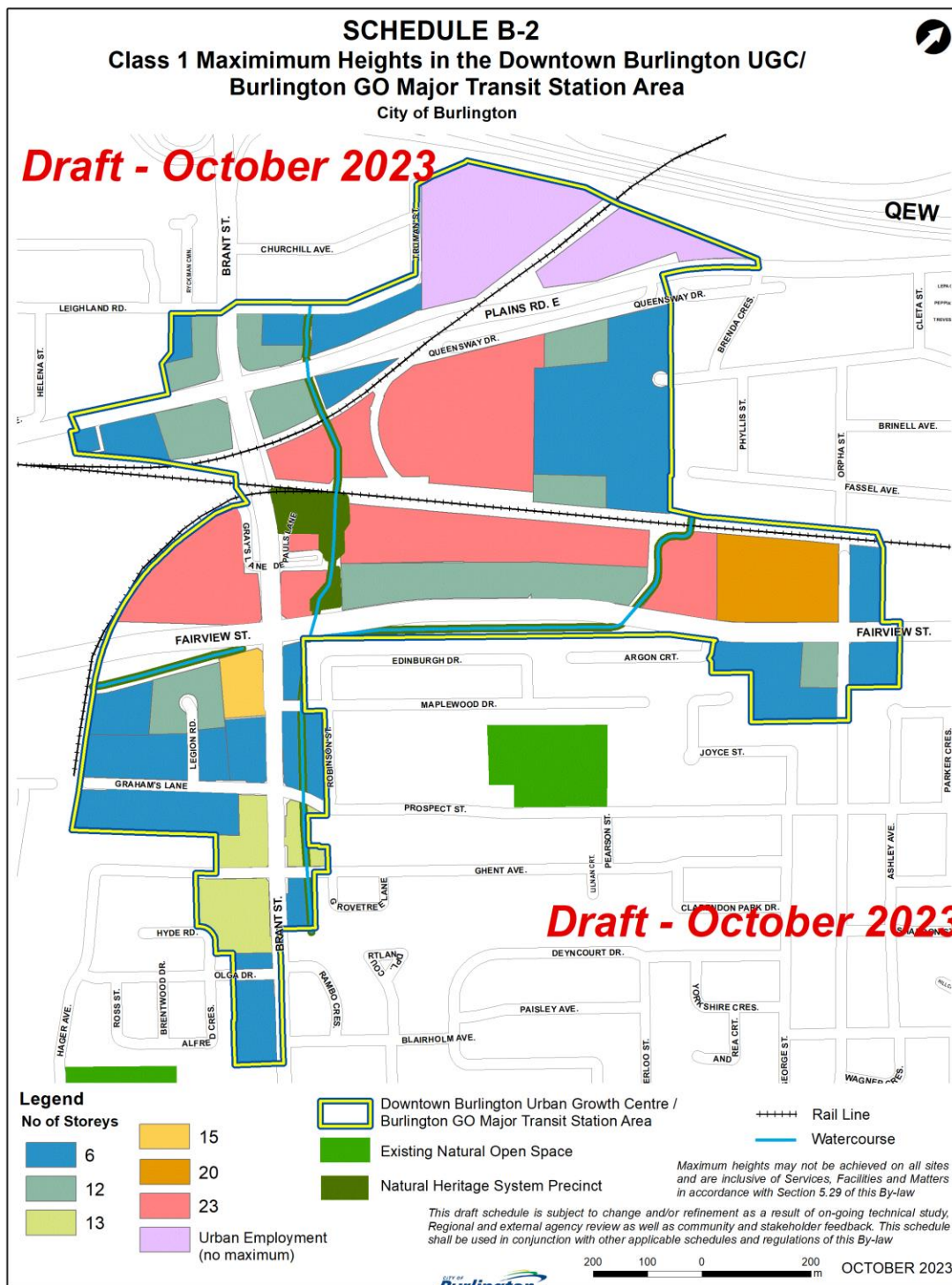
## Schedule A: Index Map



# Schedule B-1: Precincts in the Downtown Burlington UGC / Burlington GO MTSA Permit Area

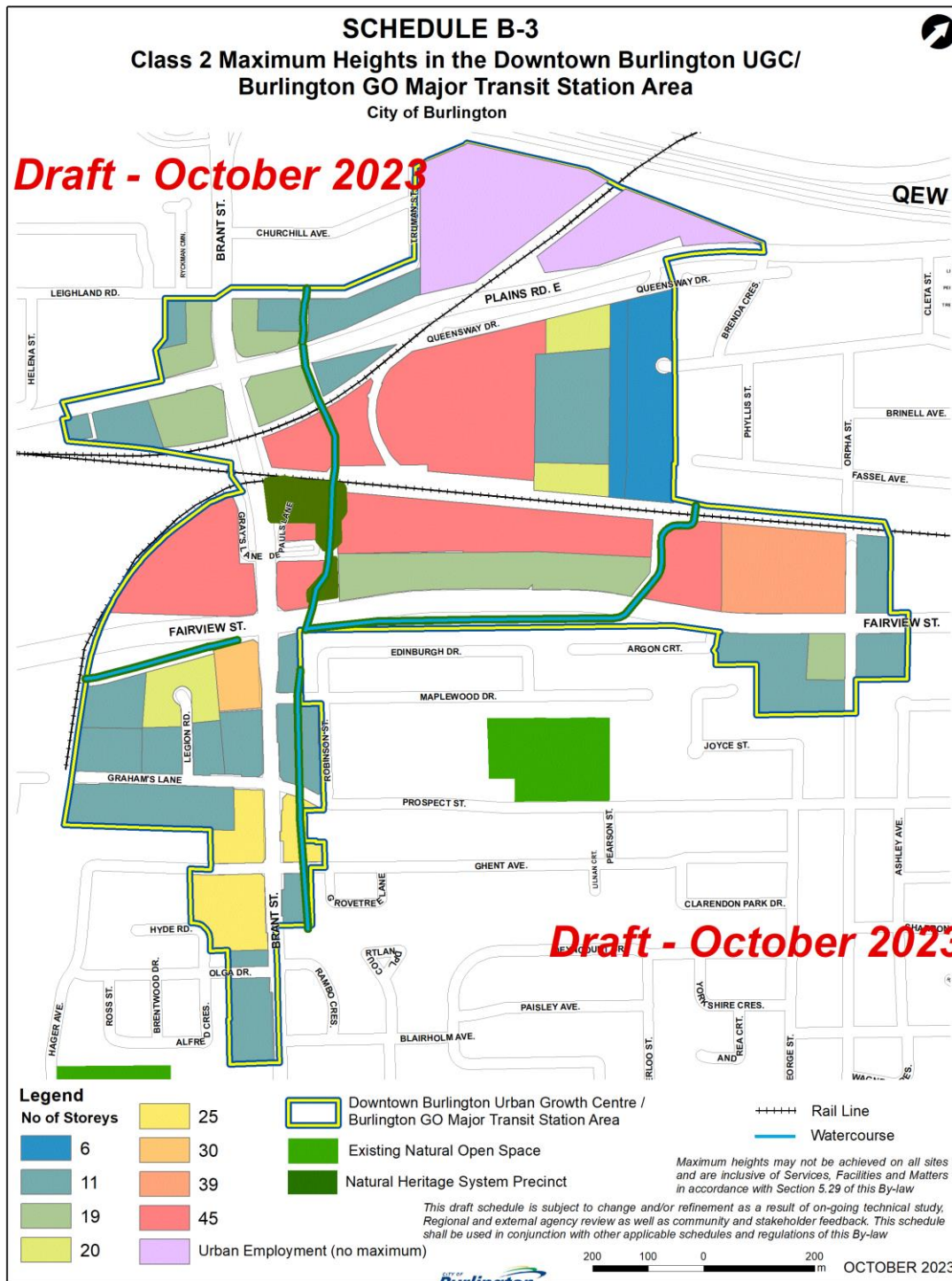


## Schedule B-2: Class 1 Maximum Heights in the Downtown Burlington UGC / Burlington GO MTSA Permit Area

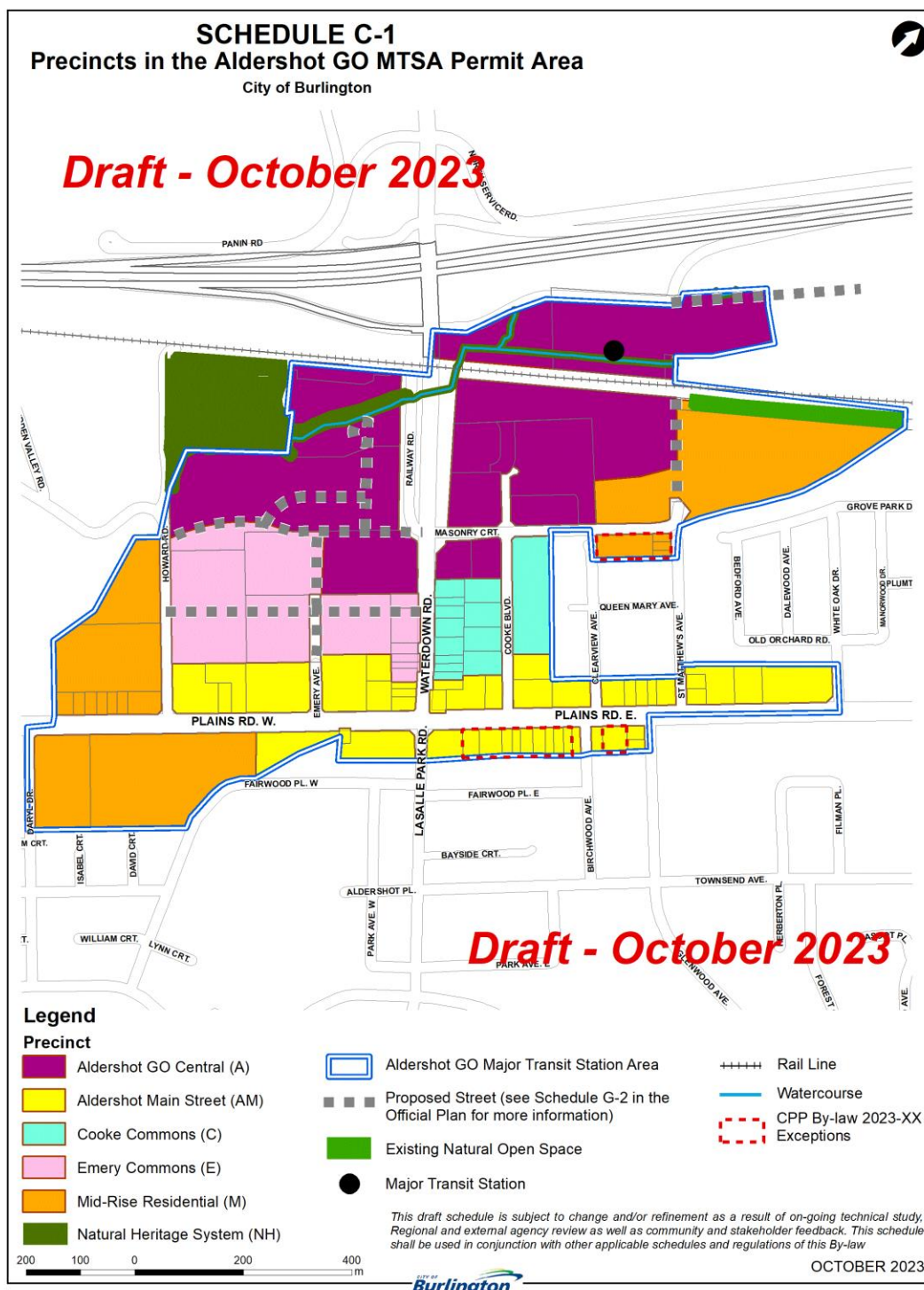




## Schedule B-3: Class 2 Maximum Heights in the Downtown Burlington UGC / Burlington GO MTSA Permit Area



## Schedule C-1: Precincts in the Aldershot GO MTSA Permit Area



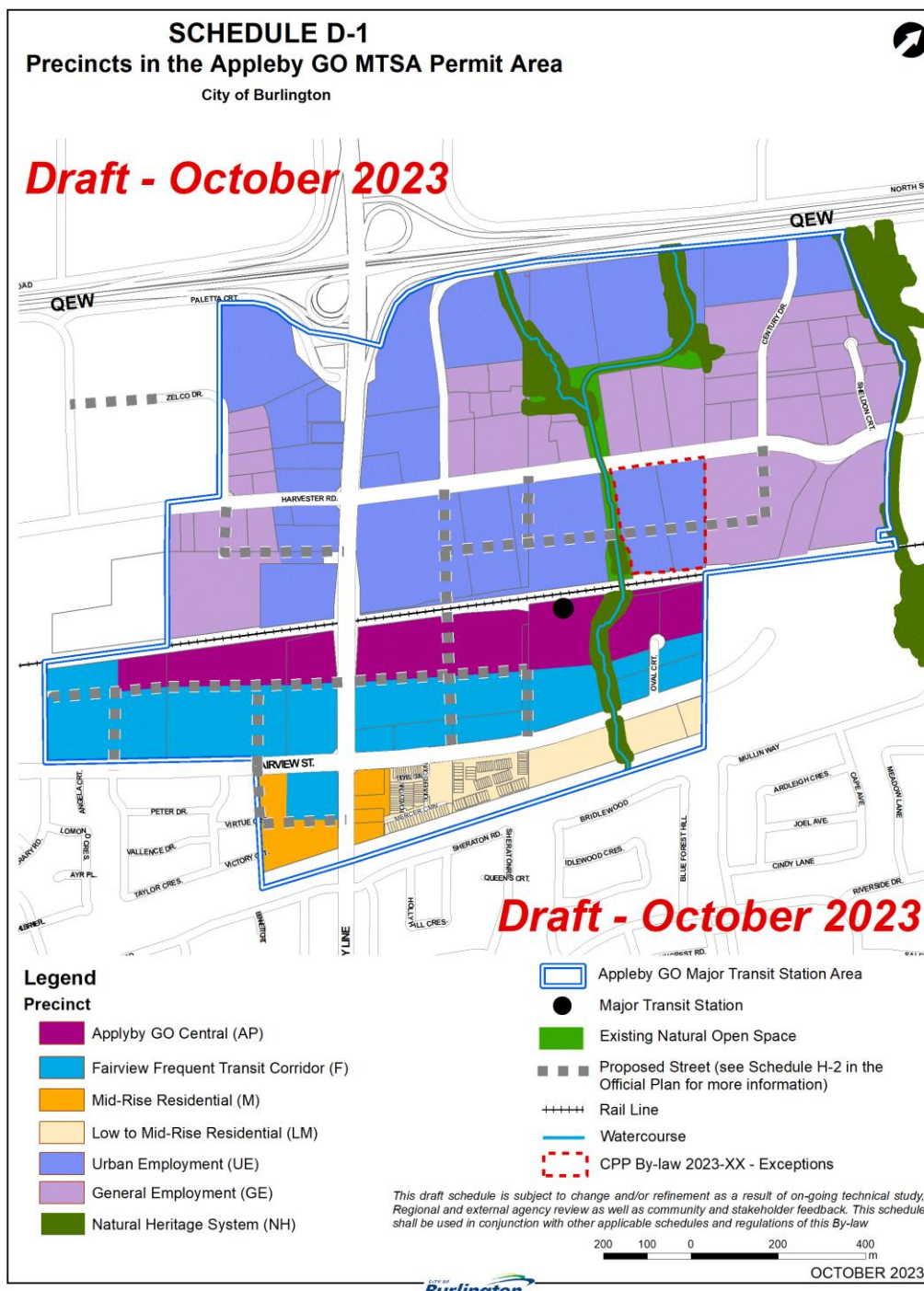
## Schedule C-2: Class 1 Maximum Heights in the Aldershot GO MTSA Permit Area



## Schedule C-3: Class 2 Maximum Heights in the Aldershot GO MTSA Permit Area



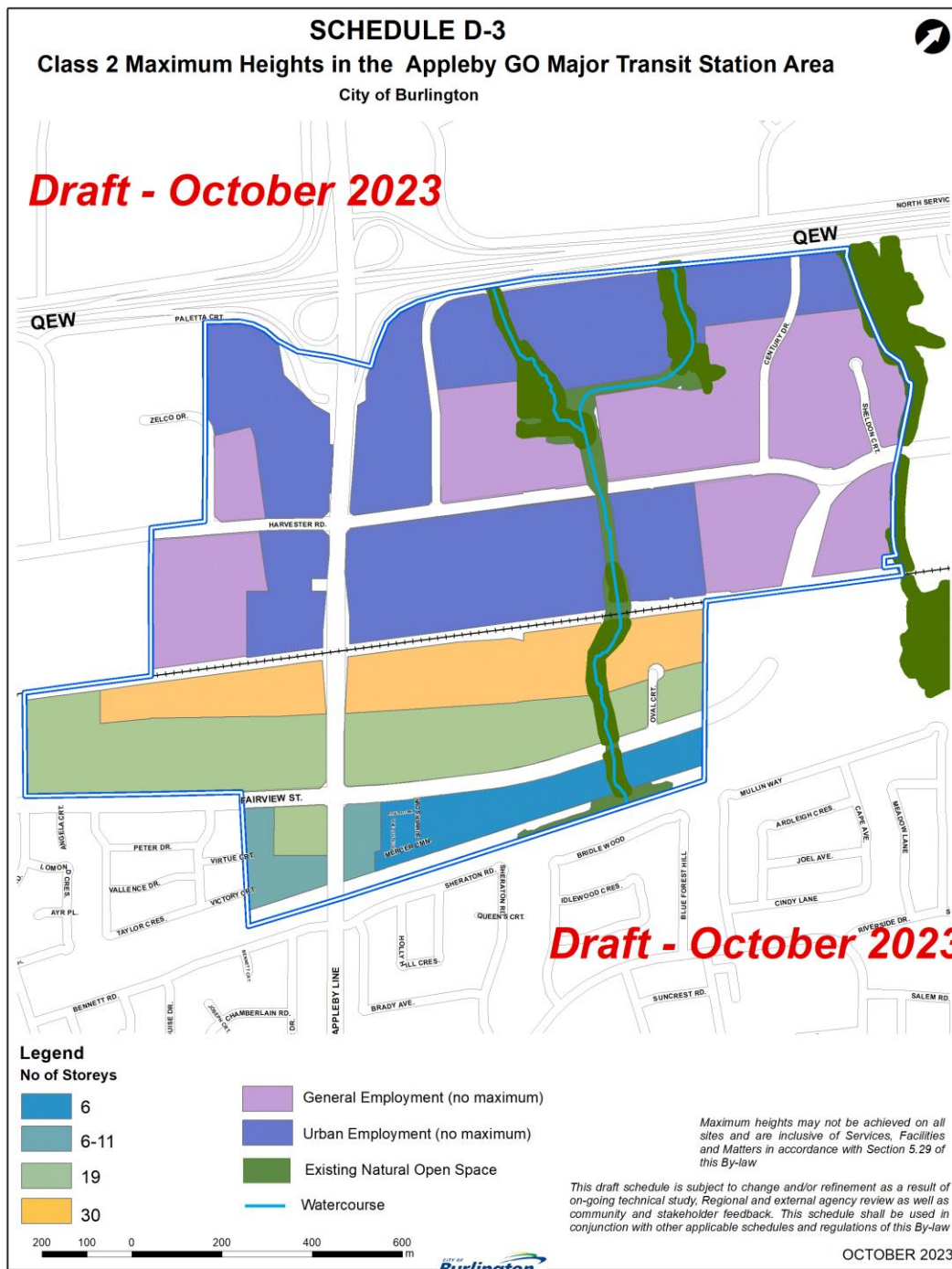
## Schedule D-1: Precincts in the Appleby GO MTSA Permit Area



## Schedule D-2: Class 1 Maximum Heights in the Appleby GO MTSA Permit Area



## Schedule D-3: Class 2 Maximum Heights in the Appleby GO MTSA Permit Area



# 11 Appendices

## Appendix A - Conditions of Approval and/or Provisional Approval

As a condition of approval of a Community Planning Permit, proponents **will** be required to enter in an agreement with the **City**, which **will** contain conditions of approval or of provisional approval. Those conditions **will** be identified and discussed through the permit review process and the resulting agreement **will** outline the nature of conditions, as well as when and how they are to be cleared, including at which stage of building permit application. Conditions **may** include any conditions authorized by section 4(5) of Ontario Regulation 173/16, including but not limited to the following:

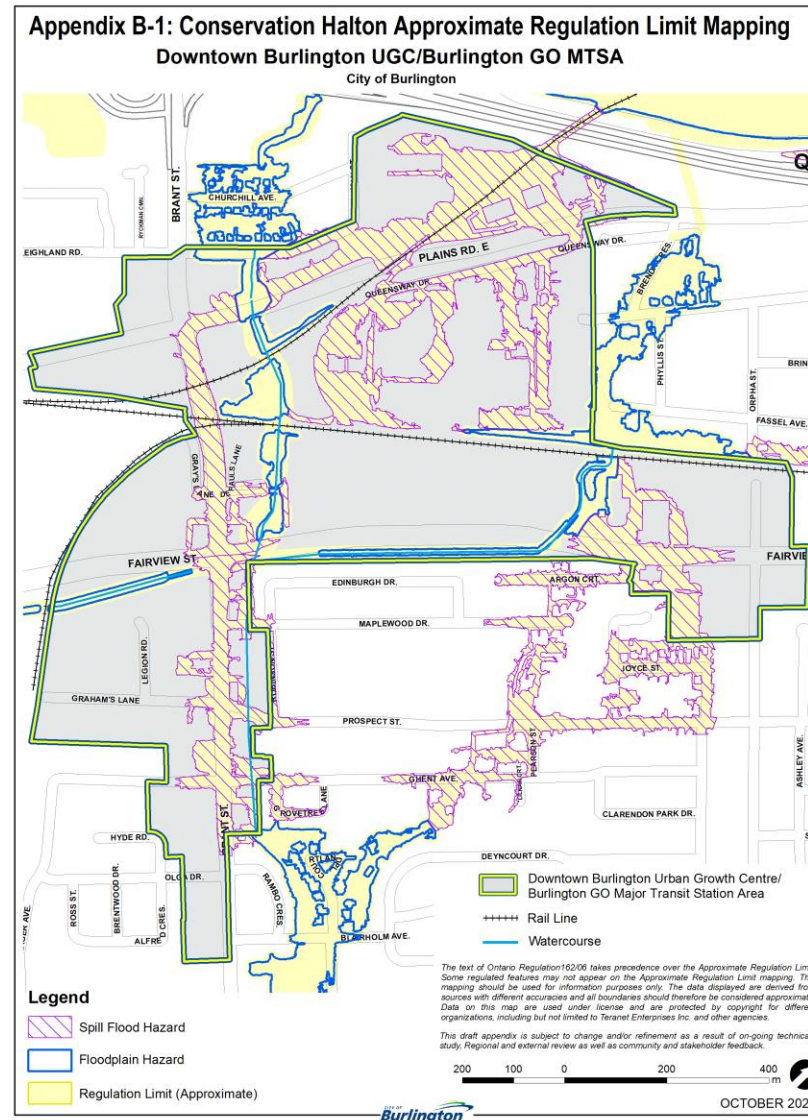
- Enter into an Agreement under Section 70.2 of the Planning Act;
- The submission of revisions to plans, architectural drawings, surveys, technical studies or a peer review of a technical study, submitted in support of a Community Planning Permit;
- The submission of letters of consent or agreements from adjacent property owners related to matters reviewed through the CPP process including encroachments, tree removals, mutual/shared access;
- Conveyances of creek blocks, road widening or new right of ways to the extent established in the Official Plan, 2020;
- Conveyances including easements in favour of the municipality including for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities;
- Encroachment Agreements with the City;

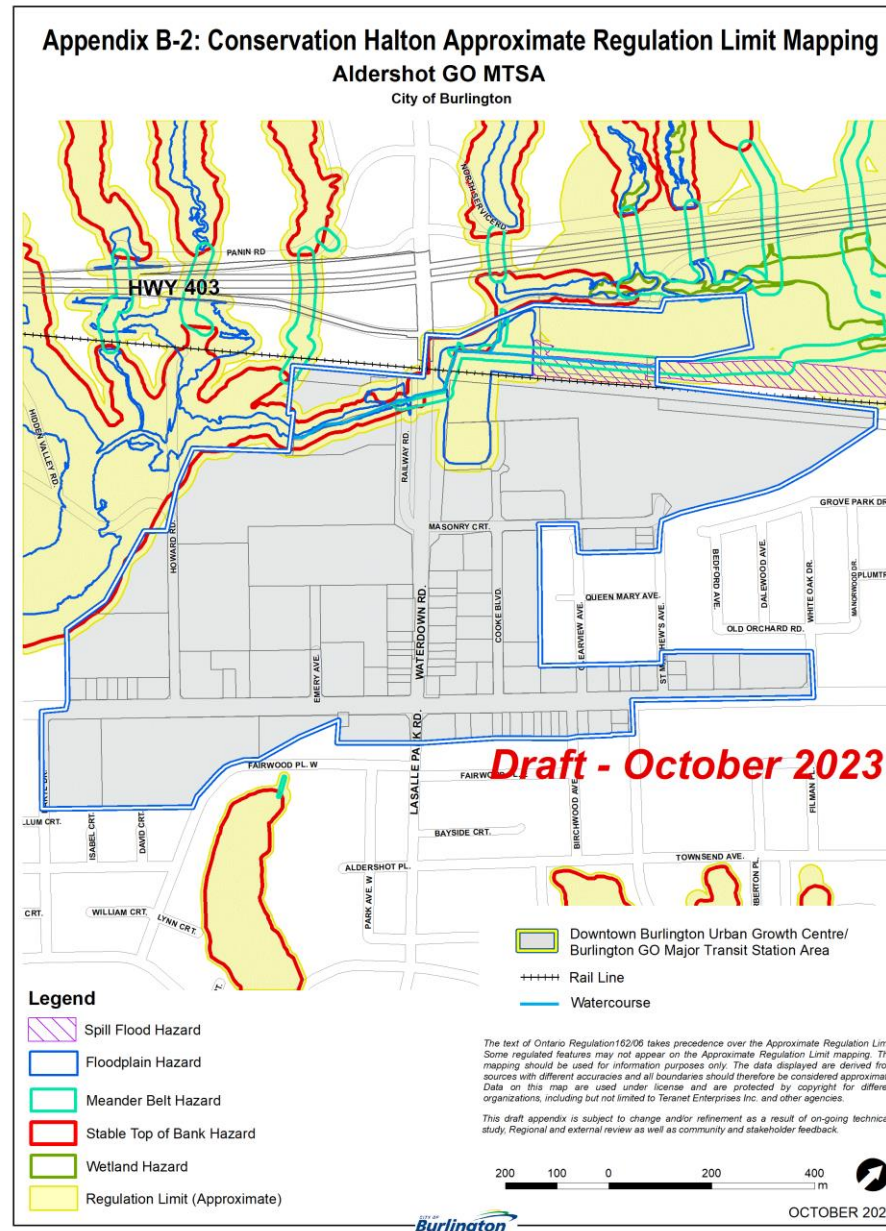


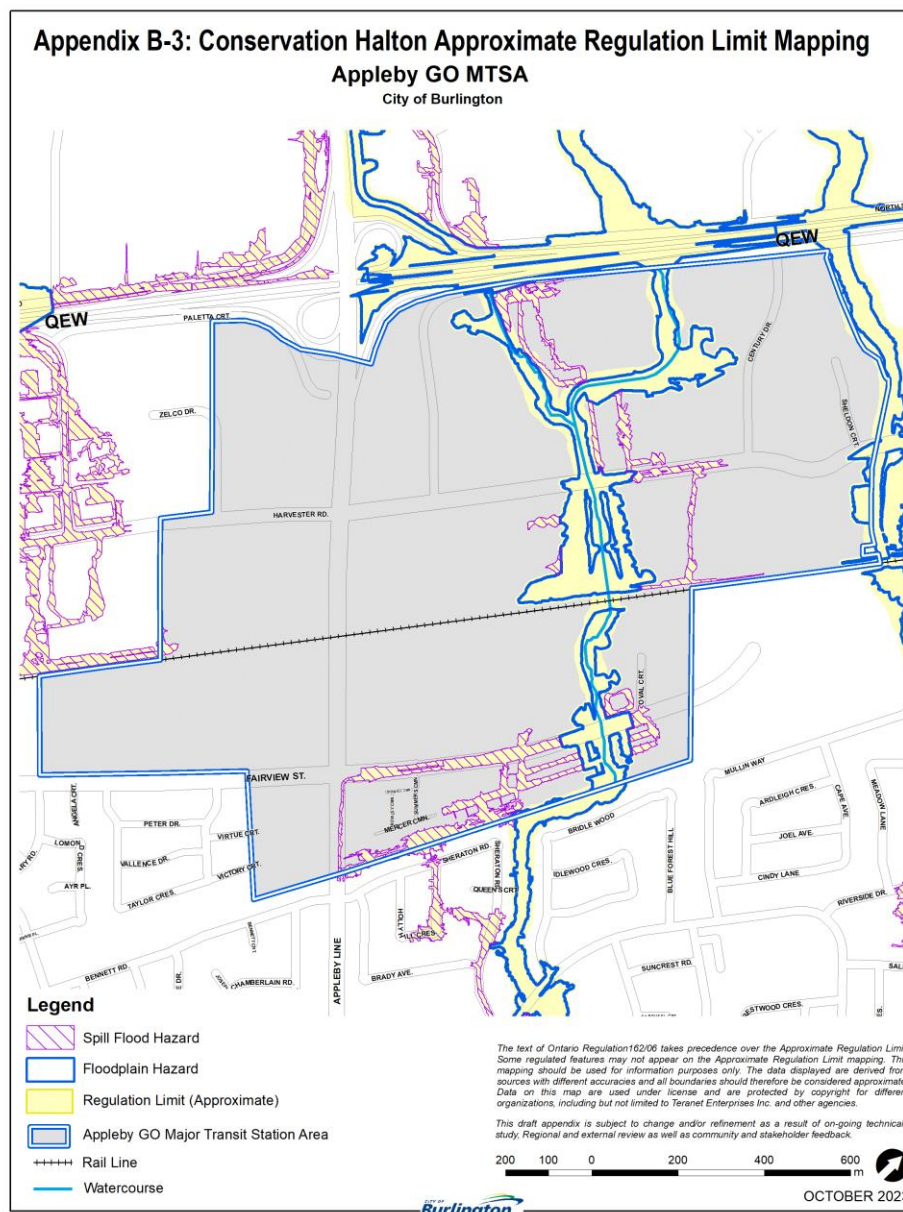
- The dedication of parkland or the payment of cash-in-lieu, in accordance with City of Burlington By-law 55-2023;
- Obtaining permit for site alteration, in accordance with City of Burlington By-law 64-2014 or for tree removal in accordance with City of Burlington By-law 40-2022
- The provision of services facilities & matters in accordance with 5(2)c of O. Reg 173 and section 5.29 of this by-law;
- Provide confirmation of approvals or permits from other agencies, including Provincial Ministries and Conservation Halton, among others, as appropriate;
- Provide drawings and details related to but not limited to:
  - outdoor lighting;
  - an approved landscape plan, including cost estimates;
  - accessibility and fire safety including fire access routes;
  - transportation matters including a transportation monitoring plan, cost estimates, utility coordination;
  - site servicing matters including the submission of updated technical studies, condition assessment, updated drawings and cost assessments, Utility Coordination;
  - site preparation matters including export/disposal location of soil from excavation works, erosion and siltation control measures, existing conditions of the City's storm sewer (video);
  - waste management matters including outdoor and communal waste storage;
  - construction management matters including road occupancy, shoring and tie-backs; and
- Confirmation of property address;
- Conveyances including easements and dedications in the favour of the municipality (or agency or other public utilities) for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities, or for the dedication of creek blocks, road widening or

new right of ways to the extent established in the Official Plan, 2020 and the supporting documentation or approvals;

## Appendix B - Conservation Halton Regulatory Limit Maps







## Appendix C - Ownership and Rental Housing Income Deciles and Affordability Threshold Values

**Table C.1 Owner Income Deciles, City of Burlington, 2016 and 2023**

***Owner Income Deciles, City of Burlington, 2016 and 2023***

Income Decile	Total Income		Maximum Affordable Purchase Price (September, 2023 through September, 2024)		
	2016	2023	Deep Affordable	Affordable	Attainable
Low Income, 1st Decile	\$39,637	\$49,361	\$141,032	\$164,537	\$246,805
Low Income, 2nd Decile	\$58,895	\$73,344	\$209,553	\$244,478	\$366,718
Low Income, 3rd Decile	\$75,205	\$93,655	\$267,585	\$312,183	\$468,274
Moderate Income, 4th Decile	\$92,700	\$115,442	\$329,834	\$384,806	\$577,209
Moderate Income, 5th Decile	\$109,851	\$136,800	\$390,858	\$456,001	\$684,002
Moderate Income, 6th Decile	\$129,174	\$160,864	\$459,611	\$536,213	\$804,319
High Income, 7th Decile	\$153,356	\$190,978	\$545,653	\$636,595	\$954,892
High Income, 8th Decile	\$185,419	\$230,907	\$659,735	\$769,691	\$1,154,537
High Income, 9th Decile	\$241,278	\$300,470	\$858,486	\$1,001,567	\$1,502,350
High Income, 10th Decile	\$241,279	\$300,471	\$858,489	\$1,001,571	\$1,502,356

Source for Total Income, 2016 values: City of Burlington Innovative Housing Strategy, Housing Needs and Opportunities Report, Table 16, p. C-12

Source for Total Income, 2023 values: CPI factor calculated in cell D8 above is used to factor the 2016 values to September, 2023

Table C.2 Renter Income Deciles, City of Burlington, 2016 and 2023

**Renter Income Deciles, City of Burlington, 2016 and 2023**

Income Decile	Total Income		Total Income (Monthly)	Maximum Affordable Monthly Rent (September, 2023 through September, 2024)		
	2016	2023	2023	Deep Affordable	Affordable	Attainable
Low Income, 1st Decile	\$18,849	\$23,473	\$1,956	\$391	\$587	\$782
Low Income, 2nd Decile	\$26,783	\$33,354	\$2,779	\$556	\$834	\$1,112
Low Income, 3rd Decile	\$35,798	\$44,580	\$3,715	\$743	\$1,115	\$1,486
Moderate Income, 4th Decile	\$44,808	\$55,801	\$4,650	\$930	\$1,395	\$1,860
Moderate Income, 5th Decile	\$53,815	\$67,017	\$5,585	\$1,117	\$1,675	\$2,234
Moderate Income, 6th Decile	\$63,919	\$79,600	\$6,633	\$1,327	\$1,990	\$2,653
High Income, 7th Decile	\$77,231	\$96,178	\$8,015	\$1,603	\$2,404	\$3,206
High Income, 8th Decile	\$93,514	\$116,456	\$9,705	\$1,941	\$2,911	\$3,882
High Income, 9th Decile	\$122,388	\$152,413	\$12,701	\$2,540	\$3,810	\$5,080
High Income, 10th Decile	\$122,389	\$152,414	\$12,701	\$2,540	\$3,810	\$5,080

Source for Total Income, 2016 values: City of Burlington Innovative Housing Strategy, Housing Needs and Opportunities Report, Table 15, p. C-12  
Source for Total Income, 2023 values: CPI factor calculated in cell D8 above is used to factor the 2016 values to September, 2023

## Appendix D - Previous Holding Provisions from Part 11 of the Burlington Zoning By-law 2020

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No building or structures shall be permitted in any zone followed by the symbol (H) or “Holding” until such time that the conditions outlined in Table D.1 have been fulfilled to the satisfaction of the Approval Authority, and/or where applicable the agency cited within the Holding Provision.

### Table D.1 Previous Holding Provisions

[Table begins on next page]



Roll #(s)	Zone (Zoning By-law 2020)	Exception # (Zoning By-law 2020)	By- law No.	Location	Map No. (Zoning By-law 2020)	Provisions
2402050512028000000	H-MXG	522	2020	688,694, and 698 Brant Street	Map 9	a) The owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region; b) The owner submits a Functional Servicing Report to the satisfaction of Halton Region; c) The owner submits a Waste Management Plan to the satisfaction of Halton Region; d) The owner demonstrates the replacement of the six (6) rental housing units within the subject property in accordance with Part 3, Subsection 2.3.2 f) of the Official Plan (1997, as amended) to the satisfaction of the Director of Community Planning and Halton Region.
2402050512029000000				Legal		
2402050512030000000				Description: PLAN 99 PT LOTS 65,66  PLAN 99 PT LOT 66		

Roll #(s)	Zone (Zoning By-law 2020)	Exception # (Zoning By-law 2020)	By-law No.	Location	Map No. (Zoning By-law 2020)	Provisions
2402010106022990000 2402010106095000000 2402010106094000000	H-RH3	506	2020	1085 Clearview Avenue; 1082, 1086 and 1090 St. Matthew's Avenue  Legal Description  PLAN 753 LOTS 26,27,28 PLAN 665 LT 64 RP 20R21465 PART 1  CON 1 EF PT LOT 6  CON 1 EF PT LOT 6 PLAN 665 LOT 66	Map 3-E	1. A Record of Site Condition has been filed with and acknowledged by the Ministry of the Environment; and, 2. All environmental site condition requirements related to the Record of Site Condition have been met.