



Burlington Major Transit Station Areas

## **Community Planning Permit By-law**

Proposed – May 2024

Document may be subject to formatting changes in advance of Council Approval

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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 MTSA Area Specific Plans and the **Burlington Official Plan**.

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 of the **Burlington Official Plan** 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 a 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

The following Guiding Principles, informed by the City’s Strategic Plan and **Burlington Official Plan** 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 for all income levels 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 and the City’s financial ability to provide services within the MTSAs.



- **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**.
- **Development** within each MTSA will be of the highest intensity where it is in closest proximity to major transit stations and current or planned frequent transit.
- **Development** will minimize its shadow impacts on public **parks**, open spaces, and low density residential neighbourhoods outside of the MTSA boundaries.

### 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 encourage Transportation Demand Management by minimizing parking and eliminating minimum parking requires, prioritizing 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 MTSA 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 **parks**, open spaces and linear park connections, considering the **City's** preference for land versus cash-in-lieu of land.

## 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 as well as existing and new **parks**, including linear **parks** and greenways.
- **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) and respects the interests of the Indigenous communities.
- **Development of infrastructure** projects will be coordinated by the **City**. This will include an enhanced **public realm, 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** planning and 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. This By-law **shall** be read in its entirety and interpreted in conjunction with the **Burlington Official Plan**.
- 2.1.2. 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-laws.
- 2.1.3. Compliance with this By-law does not exempt any person from *Planning Act* and *Condominium Act* processes related to the division of land.
- 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, and **shall** be measured in accordance with the public right-of-way widths outlined in the **Burlington Official Plan**.

### 2.2. Community Planning Permit Precincts

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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. 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. The Approval Authority, in consultation with any agency or other levels of government as applicable, **may** exercise discretion in interpreting precinct boundaries to meet the general objectives and guiding principles of this By-law.

### **2.3. Interpretation of Conservation Halton's Regulatory Limit**

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- 2.3.1. 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.
- 2.3.2. Notwithstanding the provisions of the Community Planning Permit Precincts, lands within Conservation Halton's Approximate Regulatory Limit **shall** be subject to Conservation Halton's legislative and regulatory requirements.





## 2.4. Interpretation of Words

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- 2.4.1. For the purposes of this By-law, words that are bolded **shall** take on their meaning as defined in Section 2.6 of this By-law. The definitions of words in this By-law are not intended to preclude the applicability of a definition under the *Ontario Building Code Act* for the purpose of obtaining a building permit.
- 2.4.2. 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**, relevant City plans, policies, guidelines or standards, provincial policies, and the *Planning Act*.
- 2.4.3. The Approval Authority **may** exercise discretion in interpreting defined and undefined words in this By-law to meet the general objectives and guiding principles of this By-law.
- 2.4.4. 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 (2) 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.
- f) the words ‘provision’, ‘standard’ and ‘requirement’ are sometimes used interchangeably to refer to the regulations of this By-law, and **may** be further interpreted as follows:
- i) ‘standard’ and ‘requirement’ refer to regulations that set out development standards, such as required **yards** and **setbacks**;
  - ii) ‘provision’ refers to all other regulations, such as regulations setting out permitted and prohibited land uses, and procedures and criteria for reviewing Community Planning Permit applications.

### 2.5. Reference Aids

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2.5.1. Tables form part of this By-law and are used throughout to present a provision or standard in a concise format.

2.5.2. All measurements in this By-law appear in metric.



2.5.3. Appendices do not form part of this By-law but are provided for information purposes. The City **may** update the Appendices of this By-law from time to time without amendment to this By-law.

## 2.6. Defined Terms

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*The defined terms of this By-law are intended to be consistent with the definitions and policies of the **Burlington Official Plan**, and provincial policies and also provide clarity to support by-law implementation. As per provision 2.4.3 of this By-law, the Approval Authority **may** exercise discretion in interpreting defined and undefined words in this By-law to meet the general objectives and guiding principles of this By-law.*

*Furthermore, in addition to provisions 2.4.2 and 2.4.3 of this By-law, the defined terms do not exhaustively define the prohibited uses in Subsection 5.3 (Uses Prohibited in all Precincts). The **City may** consider whether this would support by-law implementation.*

### 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 a valid accessible parking permit issued by the Province of Ontario.

### Accessory Building or Structure



- A detached **building** or structure not used for human habitation, unless it has been approved as an **additional residential unit**, 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**. Accessory **Buildings** are 50% or more enclosed by walls or **privacy screens** and **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 Schedules B-4, C-4, and D-4 of this By-law, or a street identified by the **City** as such in accordance with subsection 8.1.2(8.2) c) of the **Burlington Official Plan**.

### Additional 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.

### **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.

### **Adverse Effects**

- As defined in the Provincial Policy Statement, 2020 and *Environmental Protection Act*, means one or more of:
  - a) impairment of the quality of the natural environment for any use that can be made of it;
  - b) injury or damage to property or plant or animal life;
  - c) harm or material discomfort to any person;



- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

### Ancillary Employment Use

- The use of any land, **building**, or structure that is subordinate to and supportive of the uses in the surrounding Employment Area and primarily provides its service to the uses, businesses and employees in the surrounding Employment Area.

### 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.

### AODA

- The *Accessibility for Ontarians with Disabilities Act, 2005*, and Ontario Regulation 191/11 *Integrated Accessibility Standards*, as amended.

### Apartment Building

- A **building** consisting of more than 4 **dwelling units** which have a common entrance from the street level and where the occupants have the right to use common elements such as 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



- A structure having a roof supported by columns or walls or supported directly on the foundation, including all plumbing, works, fixtures and service systems appurtenant thereto.

### 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.

### Burlington Official Plan

- The City of Burlington Official Plan, 2020, as amended.

### 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.





### Canopy

- A roof like structure projecting more than 0.3 m from the exterior face of a **building**.

### 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 in accordance with Subsection 3.3 (Community Planning Permit Classes and Delegated Approval Authority) of this By-law, the delegated Approval Approver, 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.

### 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 (3) or more mobile homes as defined in subsection 46 (1) of the *Planning Act*,
    - sites for the construction, erection or location of three (3) or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*, or
    - sites for the location of three (3) 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**.

### Discretionary

- Where a use, as identified in this By-law, is the use of a proposed **development** for which a Community Planning Permit could be issued, as the discretion of the delegated approval authority or Council subject to applicable criteria and in accordance with the provisions of this By-law, including any criteria listed in each MTSA Permitted and Discretionary Use tables.

### 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

- A self-contained room or suite of rooms operated as a housekeeping unit under a single tenancy and located in a **building** and used or intended for use as residential premises and which contains kitchen and bathroom facilities for the exclusive use of that tenancy, except in the case of an **institutional** residential use, in which case a **dwelling unit shall** mean a room or suite of rooms used or intended for use as residential premises with or without exclusive kitchen and/or bathroom facilities. Long-term care facilities are excluded from this definition.

### Electric Vehicle

- 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.**

### Gaming Premises

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

### Grade

- When used with reference to a **building**, the average level of the proposed or finished surface of the ground where it meets a **building** at all exterior walls facing a street, exclusive of any artificial embankment or depressed **driveway**.

### 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.



### Gross Floor Area (GFA)

- The total area of the floor measured to the outside faces of exterior walls or the centre of common walls, excluding any part of the **building** devoted to:
  - **Vehicle or bicycle parking**
  - Storage
  - Air handling equipment
  - Hallways, stairways
  - Elevators and associated equipment
  - Washrooms
  - Foyers, lobbies, but not waiting areas/rooms

### 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 (3) **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

- The number of **storeys** contained between the roof and the floor of the **first storey**. For the purpose of calculating **building height**:
  - A partially or fully enclosed area exclusively used for **mechanical equipment shall** not be considered a **storey**
  - An enclosed or partially enclosed structure belonging to a non-residential amenity area or a **common residential amenity area**, or any portion of a **building** designed to provide access to a such an area **shall** not be considered a **storey**, in accordance with provision 5.30.9.





- A **mezzanine** located within the **first storey** of a **building shall** not be considered a **storey**
- A **mezzanine** located in a **storey** above the **first storey** of a **building shall** be considered a separate **storey**.

### Home Occupation

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

### Hotel

- A **building** or part of a **building** which contains four (4) or more individual guest rooms that provides sleeping accommodation for the travelling public or for recreation purposes.

### 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 existing prior to the day this By-law came into effect, 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 Open Space Area

- An area of land within a **lot** that contributes toward stormwater management, **tree** canopy cover, and biodiversity by being used for the growth and maintenance of grass, flowers, **trees**, shrubbery, natural **vegetation** and native species and other landscaping. A ground sign **may** be located within a



**landscape open space area.** A **landscape buffer**, surface walkway, surface **patio**, green roof, swimming pool or similar area **may** be included in the calculation of **landscape open space area**. A **landscape open space area may** be crossed by a **driveway** and included in the calculation provided it is substantially perpendicular to the **Landscape open space area**. Snow storage, transformers and retaining walls can encroach into a required **landscape open space area**. Landscape areas **may** include Low Impact **Development**.

### 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**.

### 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 (2) 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**.

### 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** or other **industrial** 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.

### Mechanical Equipment

- Equipment that functions to provide normal and everyday operation and maintenance of a **building**, and **may** include heating, cooling, ventilation, electrical, fire suppression, elevators or stair towers.

### Medical Office

- A **building**, structure, or part thereof, other than a hospital, used for consultation, examination, or therapeutic treatment by a physician, dentist or other individual authorized to practise as a health professional under the *Regulated Health Professions Act, S.O. 1991, c.18* as amended.

### 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. A **medical office** is considered an **office**.

### 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 flexible green spaces, playgrounds flexible play areas, areas for social gatherings, areas for special events and festivals, recreational fields and courts, food concessions, washrooms, or other similar use in a manner that is accessible to the public.

### Patio, Outdoor

- An outdoor area which provides tables and seating for patrons to consume food and/or beverages on-site.

### 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.

### Primary Public Entrance

- An entrance to all uses within a building that is located at grade and used by customers, employees, residents, tenants and other people, that may include doors to individual shops and businesses, lobby entrances or entrances to pedestrian-oriented plazas or publicly accessible open spaces between a building or a public right-of-way.

### Principal

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

### Privacy Screen

- A decorative wall or fence having a minimum height of 1.8 m and designed to provide privacy for a **patio**, deck, balcony, or part of a **yard**.

### 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. A **private residential amenity area shall** not include the area occupied at **grade** by the **buildings**, service areas, parking and **driveways**.

### 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**. A **private residential amenity area shall** not include the area occupied at **grade** by the **buildings**, service areas, parking and **driveways**.

### 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 and/or horizontally into three (3) or more separate **ground-oriented dwelling units** where each **dwelling unit** has a separate external entrance. A **rowhouse** is also known as a townhouse.

### Sensitive Land Uses

- **Buildings**, 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**.

### Storey

- The portion of a **building**
  - that is situated between the top of any floor and the top of the floor next above it, or
  - that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

For the purpose of determining permitted or **discretionary** uses, a **mezzanine** in the **first storey shall** not be considered a **storey**.

### Storey, First

- The **storey** with its floor closest to **grade** and having its ceiling more than 1.8 m above **grade**.

### 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.

### 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**.

### Variation

- Means when a **development** is seeking to vary from the standards as identified in the Community Planning Permit By-law in accordance with Section 3.7.

### 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.





## 3. Administration

### 3.1. Application of this By-law

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- 3.1.1. No **development** or change of use **shall** be undertaken within the areas identified on Schedule A of this By-law, except in accordance with the provisions of this By-law.
- 3.1.2. All **development** or changes of use within the areas identified on Schedule A to which this By-law applies **shall** require a Community Planning Permit/
- 3.1.3. 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 sections of the Burlington Official Plan (2020), legislation or regulations or sections thereof approved by another **public authority** to include any amendments or successor legislation.



## 3.2. Exemptions

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- 3.2.1. Notwithstanding provision 3.1.2, the following types of **development shall** not require a Community Planning Permit:
- a) An activity involving only **site alteration** subject to the **City's** Site Alteration By-law, as amended or **tree** removal subject to the **City's** Private **Tree** Protection By-law, as amended;
  - b) 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;
  - c) **Infrastructure** projects initiated by a **public authority**; and
  - d) 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. **Development** initiated by a **Public Authority** that is not an **infrastructure** project **shall** not be subject to provision 3.7.4 and Sections 5.0, 6.0, 7.0, and 8.0 of this By-law except with respect to Sections 5.18 to 5.25 and Sections 5.6, 5.26 and 5.27, and **shall** require:



- a) a Class 1 Community Planning Permit if no **variations** are requested to Sections 5.18 (General Parking Provisions) to 5.25 (Bicycle Parking); or
  - b) a Class 2 Community Planning Permit if **variations** to the standards in Sections 5.18 (General Parking Provisions) to 5.25 (Bicycle Parking) are requested.
- 3.2.3. Notwithstanding Section 3.2.2, where **development** is exempt from provisions of the *Planning Act*, **development** is only exempt to the extent that the Planning Act provides for.
- 3.2.4. 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 Approval Authority

- 3.3.1. There are three (3) classes of Community Planning Permits: Class 1 – Standards Met, Class 2 – Staff **Variation**, and Class 3 – Council **Variation**, as outlined in Table 3.1 and summarized below:



- a) Class 1 Community Planning Permits capture **developments** which meet the development standard minimum requirements and all objectives of this By-law and the **Burlington Official Plan**; and
- b) Class 2 and Class 3 Community Planning Permits capture **developments** that exceed the limits for a Class 1 Community Planning Permit, but which comply with the requirements and objectives of this By-law and the **Burlington Official Plan**, including additional requirements as outlined in Section 3.8. (Criteria for **Discretionary** Uses, **Variations** from Standards, and Class 2 or 3 Building Heights).

3.3.2. **City** Council delegates **development** powers and duties on behalf of the **City** to the Delegated Approver, as set out in this By-law and in accordance with Table 3.1 below. Council **may** withdraw or amend this delegation at any time.

3.3.3. The **City** will provide public notice of a Community Planning Permit application in accordance with Table 3.1. Updates to the application public notice procedures do not require amendment to the By-law. A Notice of Decision will be provided for all Community Planning Permits in accordance with Section 3.17.



TABLE 3.1: Community Planning Permit Classes, Delegated Approver, and Public Notice Procedure

Class of Permit	Description	Delegated Approver	Issuance of Provisional Approval of Community Planning Permit	Public Notice Procedures
Class 1 Community Planning Permit	Application meets all <b>development</b> standards of the By-law. No <b>variation</b> is required.	Director of Community Planning for the <b>City</b> and/or delegate.	Director of Community Planning for the <b>City</b> and/or delegate.	No notice required.
Class 2 Community Planning Permit	Application generally meets the intent, standards and provisions of this By-law but requires a Staff <b>Variation</b> based on: <ul style="list-style-type: none"> <li>● one (1) or more <b>development</b> standards within the established Class 2 <b>Variation</b> Limit identified in Tables 6.2, 7.2, or 8.2;</li> <li>● <b>building height</b> within the maximum Class 2 Threshold established on</li> </ul>	Director of Community Planning for the <b>City</b> and/or delegate.	Director of Community Planning for the <b>City</b> and/or delegate.	Staff to post notification on City website for public access.



Class of Permit	Description	Delegated Approver	Issuance of Provisional Approval of Community Planning Permit	Public Notice Procedures
	<p>Schedules B-3, C-3, or D-3;</p> <ul style="list-style-type: none"> <li>● approval of a listed <b>Discretionary</b> Use;</li> <li>● one (1) or more standards in Section 5; and/or</li> <li>● one (1) or more development standards within Section 9.2.</li> </ul>			
Class 3 Community Planning Permit	<p>Application generally meets the intent, standards and provisions of the By-law but requires a Council <b>Variation</b> based on:</p> <ul style="list-style-type: none"> <li>● one (1) or more <b>development</b> standards beyond the Class 2 <b>Variation</b> Limit identified in Tables 6.2, 7.2, or 8.2; and/or</li> </ul>	Council / Committee of Council.	Director of Community Planning for the <b>City</b> and/or delegate.	<p>Mail to residents within 120 metres of the subject property.</p> <p>Staff to post notification on City website for public access.</p>



Class of Permit	Description	Delegated Approver	Issuance of Provisional Approval of Community Planning Permit	Public Notice Procedures
	<ul style="list-style-type: none"> <li>● <b>building height</b> above the maximum Class 2 Threshold established on Schedules B-3, C-3 and D-3.</li> </ul> <p>Application proposes an alternative for additional Facilities, Services and Matters contribution.</p>			
Amendments (Class 1 and Class 2 standards)	Amendments to approved and provisionally approved <b>Community Planning Permit Applications</b> to vary a Class 1 or Class 2 standard as noted above.	Director of Community Planning for the <b>City</b> and/or delegate.	Director of Community Planning for the <b>City</b> and/or delegate.	In accordance with Public Notice Procedures for the applicable class of permit as noted above.



3.3.4. 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 and decision.

### 3.4. City Guidelines

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3.4.1. All classes of Community Planning Permit Applications **shall** demonstrate consideration for all **City** guidelines and policies, including but not limited to urban design guidelines, **sustainable development** guidelines, Community Planning Permit Application Guidelines and parkland dedication criteria, to the satisfaction of the Approval Authority prior to Community Planning Permit issuance.

### 3.5. Implementation of Tertiary Plans

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3.5.1. As outlined in Section 8.1.2 (9.1) Tertiary Plans of the **Burlington Official Plan**, **development** within a Tertiary Planning Area **shall** demonstrate how findings of a Tertiary Planning Process, such as the shared responsibility for **complete community** elements and **infrastructure**, have been considered in and incorporated into the **Community Planning Permit application** to the satisfaction of the Approval Authority prior to permit issuance.





### 3.6. Discretionary Uses

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- 3.6.1. A **discretionary** use **may** only be allowed if the criteria set out in Section 3.8 (Criteria for **Discretionary** Uses, **Variation** from Standards and Class 2 and 3 Building Heights) and any footnotes associated with the **discretionary** use as identified in Tables 6.2, 7.2, and 8.2 have been addressed to the satisfaction of the Approval Authority.
- 3.6.2. 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.

### 3.7. Variations

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- 3.7.1. **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, objectives and guiding principles of this By-law and the **Burlington Official Plan**.
- 3.7.2. **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, objectives and guiding principles of this By-law and the **Burlington Official Plan**.
- 3.7.3. **Variations** are applied as an amount or percentage of an eligible standard. The amount or percentage referred to is the amount of the standard that **may** be varied.
- 3.7.4. A Community Planning Permit Application for a Class 2 or Class 3 permit that requests a **variation shall** be in accordance with all requirements of this By-law.



- 3.7.5. For a Class 2 Community Planning Permit application, staff **may** approve or provisionally approve **developments** which vary from the standard identified in Sections 5.0, 6.0, 7.0, 8.0 and 9.2 of this By-law, provided the **variation** is within the established Class 2 **variation** limits and subject to the criteria in Section 3.8 or provision 9.2.2 and subject to alignment with the **Burlington Official Plan**, provincial policy and other applicable regulations and legislation.
- 3.7.6. Where a standard in Section 5.0 has no established limits within this By-law, staff **may** allow **variations** to the standards identified in Section 5.0, subject to the criteria in Section 3.8, and subject to alignment with the **Burlington Official Plan**, provincial policy and other applicable regulations and legislation.
- 3.7.7. 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 3.8, except maximum building height and subject to alignment with the **Burlington Official Plan**, provincial policy and any other applicable regulations and legislation.



### 3.8. Criteria for Discretionary Uses, Variations from Standards, and Class 2 or 3 Building Heights

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- 3.8.1. Where a Class 2 or Class 3 Permit is required, the proposed **development** or a **discretionary** use will only be allowed if the following criteria are addressed to the satisfaction of the Approval Authority prior to the issuance of a Community Planning Permit in accordance with Section 3.14 (Decision) and may be subject to conditions of approval in accordance with Section 3.15:
- a) the proposed **development** or a **discretionary** use implements the Guiding Principles of this By-law;
  - b) the proposed **development** or a **discretionary** use implements the **complete community** requirements and conforms to the **Burlington Official Plan**;
  - c) the proposed **development** or a **discretionary** use protects existing or planned *major facilities*, maintaining economic long term viability and does not result in significant off-site **adverse effects** or **negative impacts**, or any potential significant off-site **adverse effects** or **negative impacts** can be mitigated to the satisfaction of the Approval Authority;
  - d) the proposed **development** or a **discretionary** use demonstrates consideration for provincial, regional, and municipal guidelines and regard for technical studies; and
  - e) the proposed **development** or a **discretionary** use is consistent with provincial policy, regulations, and standards, as amended.

### 3.9. Agreements

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- 3.9.1. Where a Community Planning Permit is required, an applicant may be required, in the discretion of the Approval Authority, to enter into one (1) or more agreements with the City,



including but not limited to, agreements to address conditions of approval as outlined in Section 3.15 (Conditions Attached to Approval).

- 3.9.2. The agreement referred to in provision 3.9.1 shall be registered on title to the Owner's property at the Owner's expense.
- 3.9.3. The applicant is responsible to obtain all required approvals and permits beyond those provided as part of a Community Planning Permit.
- 3.9.4. 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.
- 3.9.5. Pre-existing **development** agreements, including Site Plan Agreements, continue to be valid and binding and may be amended under this By-law in accordance with a Community Planning Permit application.

### 3.10. Application Process

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- 3.10.1. The Community Planning Permit review process generally consists of the steps illustrated in Figure 3.1.

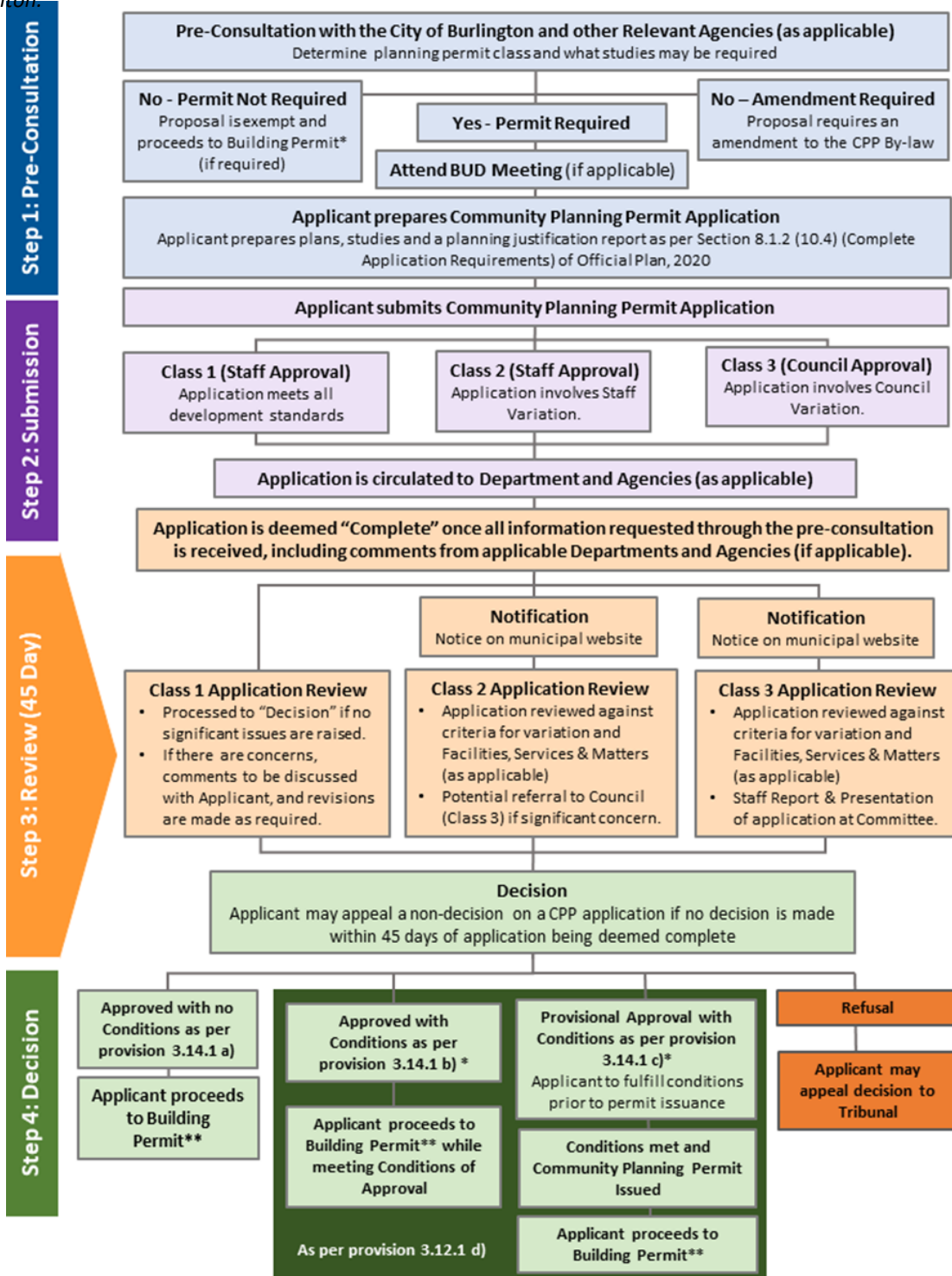


Figure 3.1: Community Planning Permit Review Process Diagram

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

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

Halton.





### 3.11. Pre-consultation

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- 3.11.1. 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 (Exemptions) of this By-law.
- 3.11.2. The **City shall** require that pre-consultation with applicable agencies and nearby **major facilities** occurs prior to the submission of a Community Planning Permit Application, where appropriate at the discretion of the delegated approver.
- 3.11.3. 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 in consultation with **City** staff, based on the **Burlington Official Plan** and all relevant terms of reference, during the pre-consultation meeting.
- 3.11.4. Where appropriate and in consultation with applicable agencies, the **City** will strongly **encourage** that technical studies related to **natural hazards** be submitted by the applicant, and reviewed by the **City** staff and applicable agencies, prior to the submission of a Community Planning Permit Application.



### 3.12. Complete Applications

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- 3.12.1. 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, as amended;
  - d) all requirements identified through pre-consultation, in accordance with the **Burlington Official Plan** and in accordance with the provisions in Sections 3.11 (Pre-consultation), 3.12 (Complete Applications) and 3.13 (Required Information, Materials, Studies and Reports)
  - e) any applicable agency approvals or permits required to be provided to the Approval Authority as determined during the pre-consultation meeting.

### 3.13. Required Information, Materials, Studies and Reports

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- 3.13.1. A list of technical studies and reports that **may** be required to be submitted at the time of a **Community Planning Permit Application** or as a condition of approval of a **Community Planning Permit Application** are contained in the **Burlington Official Plan**. Additional technical reports **may** also be required for applicable agency approvals at the time of application.
- 3.13.2. All required reports and technical studies **shall** be carried out by a **qualified person** retained by and at the expense of the applicant.



3.13.3. The City, in its discretion, may require that any required technical studies and reports be subject to peer review by a **qualified person** retained by the City at the expense of the applicant.

### 3.14. Decision

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3.14.1. 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, in accordance with Section 3.15 (Conditions Attached to Approval);
- c) Approve the application subject to conditions being met before the issuance of a Community Planning Permit, in accordance with Section 3.16 (Provisional Approval);
- d) Approve the application subject to the conditions being met before the issuance of the Community Planning Permit, in accordance with Section 3.15 (Conditions Attached to Approval), and Section 3.16 (Provisional Approval), and with conditions attached; or
- e) Refuse to approve the application.

3.14.2. Notwithstanding provision 3.11.2, 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.

### 3.15. Conditions Attached to Approval

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3.15.1. 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 is clear, precise, and quantifiable;
- b) The condition includes a clear statement of whether it must be complied with before the construction, renovation, demolition, and certain changes to the use of **buildings**/structures.

3.15.2. A condition of approval **shall** not deal with the following aspects of **buildings** and structure:

- a) Interior design;
- b) The layout of interior areas, other than interior walkways, stairs, elevators, and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent **buildings**; and
- c) The manner of construction and construction standards.

3.15.3. The City **may** impose the following types of conditions as a condition of approval:

- a) A condition that is permitted by section 34, 40, 41 or 42 of the *Planning Act*.
- b) A condition related to **site alteration**.
- c) A condition related to the removal or restoration of **vegetation**.
- d) A condition related to ongoing monitoring requirements that are considered necessary for the protection of public health and safety or the natural environment.
- e) A condition related to water, wastewater servicing and transportation network capacity and the phasing of **development** in accordance with subsection 8.1.2(10.2), Phasing and Monitoring, of the **Burlington Official Plan** and subsections 5.12 (Servicing and Utilities) and 5.16 (Transportation) of this By-law.
- f) A condition requiring the submission of confirmation of review, approvals and/or permits from other agencies and levels of government.



- g) A condition requiring the provision of specified facilities, services and matters in exchange for a specified height or density of **development** as identified in the Community Planning Permit By-law in accordance with Section 12.1.14(3) o) and p) of the **Burlington Official Plan** and subsection 5.30 (Building Heights and the Provision of Facilities, Services and Matters) of this By-law.
- h) With respect to paragraph 3, 3.1 or 3.2 of subsection 34(1) of the *Planning Act*, a condition that is related to the matters that would otherwise be prohibited under those paragraphs.
- i) A condition requiring the owner of land to enter into one (1) or more agreements with the City regarding one (1) or more conditions.
- j) A condition related to the payment of fees and the deposit of financial securities.

3.15.4. A list of potential Conditions of Approval or Provisional Approval is found in Appendix A of this By-law.

3.15.5. 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.

### 3.16. Provisional Approval

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3.16.1. 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.



- 3.16.2. 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.
- 3.16.3. Provisional Approval does not guarantee the ultimate issuance of a Community Planning Permit. If one (1) or more conditions of Provisional Approval have not been cleared to the satisfaction of the **City**, a Community Planning Permit **shall** not be issued. Changes to the design to address one (1) or more conditions or the results of the findings of a technical study **may** result in the need for a new circulation or new permit application.
- 3.16.4. Provisional Approval **shall** be valid for a period of one (1) year, failing which the Provisional Approval will lapse.
- 3.16.5. Notwithstanding provision 3.16.4, 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 Director of Community Planning at the **City**. The request for an extension **shall** be received and approved prior to the expiry of Provisional Approval.
- 3.16.6. An extension of a Provisional Approval of a Community Planning Permit **may** be granted in one (1) year intervals, to a maximum of three (3) requests, subject to this By-law and any provisions within, as amended.
- 3.16.7. Council delegates the authority to City Staff to amend any Community Planning Permit required by the Community Planning Permit By-law.



### 3.17. Notice of Decision

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- 3.17.1. 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.
- 3.17.2. The Notice of Decision **shall**:
- a) include reasons for the decision;
  - b) give reasons for any conditions imposed and include any imposed conditions; and
  - c) include a statement that an appeal to the Tribunal against a decision on a Community Planning Permit application **shall** only be made by the owner of the land to which the application relates in accordance with the *Planning Act*.

### 3.18. Modifications to Provisional Approvals of Community Planning Permits

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- 3.18.1. 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**.
- 3.18.2. Proposed modifications to a Community Planning Permit with Provisional Approval will be reviewed in accordance with the relevant sections of this By-law.



- 3.18.3. Proposed modifications **may** be subject to additional submission requirements to support the application, to the satisfaction of the Approval Authority.
- 3.18.4. 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 site specific application made under the *Planning Act* that has been approved or deemed complete 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 application made under the *Planning Act* that has been deemed complete 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 application made under the *Planning Act* that is 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 and provided that there are no other outstanding appeals respecting the lands.
- 4.1.4. Any amendments to site specific zoning by-law amendment, site plan, or minor variance applications in progress **shall** be incorporated into this By-law and added to the Previous Site Specific Exceptions Table contained in Section 9 (Site Specific Provisions) of this By-law. If



applicable, Maps in the Schedules to this By-law **shall** also be updated to reference such Site Specific Exceptions

- 4.1.5. Any zoning by-law amendment, site plan, or minor variance application that is in progress at the time this By-law comes into force and effect **may** continue to be processed as a Community Planning Permit application in accordance with the provisions of this By-law, at the request of the applicant and at the discretion of the **City** Director of Community Planning. When considering such requests, the **City** Director of Community Planning **may** allow for deviations to the pre-consultation and complete application submission requirements outlined in Section 3 (Administration) of this By-law, taking into consideration the extent of the review that has been completed on the zoning by-law amendment, site plan or minor variance application at the time of the applicant's request.
- 4.1.6. Notwithstanding provision 3.1.2, 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 at the date of passing of this By-law, as amended;
  - b) Any **development** consistent with a minor variance in place at the date of passing this By-law;



## 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 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
  - b) 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 the lands within the area, subject to the By-law; and
  - b) provide an engagement plan including details for providing public notification, open houses and statutory public meetings in accordance with the *Planning Act*.
- 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, guiding principles and intent of this By-law, precinct vision and policies 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). In accordance with the *Planning Act*, amendments to this By-law are permitted through a Council resolution before the fifth anniversary of the day this By-law is passed.

### 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 and identified on Schedule A:
- 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 (Transitional Provisions);
  - 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 (Previous Holding Provisions).
- 4.3.3. For the purposes of applying the provisions given in Section 4.3.2, 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 notwithstanding the repeal of Zoning By-law 2020.
- 4.4.3. Where a Community Planning Permit Application involves lands which are subject to conditions applied in accordance with provision 4.4.2, such conditions **shall** be applied in the same manner as if they were imposed by way of section 3.15 (Conditions Attached to Approval) of this By-law.



4.4.4. Previous Holding provisions are listed in Appendix D to this By-law and will be maintained and form part of this By-law until such time that the conditions outlined in Table D-1 Previous Holding Provisions have been fulfilled to the satisfaction of the Approval Authority, and/or applicable agency. An amendment to the By-law is not required when the Holding conditions have been met.

#### 4.5. Commencement of By-law

---

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 date as Tribunal **may** otherwise order.



## 5. General Provisions

### 5.1. Legal Non-Conforming Uses

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- 5.1.1. The expansion of an existing **building**, structure or use which constitutes a **legal non-conforming use shall** require a Community Planning Permit.
- 5.1.2. 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:
- The enlargement or extension of the **building** or structure is desirable for the appropriate **development**;
  - The enlargement or extension of the building or structure is similar to the purpose for which it was used on the day this By-law was passed or is more compatible with the uses permitted; and
  - The proposed **development** will not result in undue adverse impacts on neighbours and the neighbourhood.
- 5.1.3. The enlargement or extension of a **legal non-conforming use shall** require a Community Planning Permit subject to Section 3.3 provided the expansion or enlargement is used in the same manner and purpose for which it was used on the day this By-law was passed or is more compatible with the uses permitted.

### 5.2. Uses Allowed in all Precincts

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- 5.2.1. The following uses are allowed in any Precincts, subject to provision 5.2.2:



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

5.2.2. **Development** of any of the uses listed in provision 5.2.1 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.

### 5.3. Uses Prohibited in all Precincts

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

#### 5.4. Conservation Halton Regulation Limit

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- 5.4.1. Conservation Halton regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, **hazardous lands, hazardous sites**, and lands adjacent to these features. Lands within the Conservation Halton Approximate Regulation Limit are depicted in Appendices B-1, B-2 and B-3 attached to this By-law. The mapping is approximate and there **may** be some **hazardous lands, hazardous sites** and other regulated areas which have not been mapped. Conservation Halton must be contacted to confirm the regulation limits.
- 5.4.2. **Development** within or adjacent to Conservation Halton Approximate Regulation 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 regulated areas (e.g., flood plain, spill floor hazards, erosion hazards, wetlands, and any associated regulatory allowances/**setbacks**, etc.). **Development shall** generally be directed to areas outside of **hazardous lands and hazardous sites** and **shall** be consistent with provincial natural hazard policy. Permission is required from Conservation Halton to undertake works within regulated areas, in accordance with *Conservation Authorities Act* and associated requirements.



- 5.4.3. Following the completion of a detailed sub-watershed study or Environmental Impact Assessment, The Natural Heritage System precinct boundaries **may** be refined with additions and deletions without amendment to this By-law.
- 5.4.4. The proposed **development** includes adequate access to road and transit infrastructure, including safe access appropriate for the nature of the development and any applicable natural hazards.
- 5.4.5. As determined by Conservation Halton, **development shall** not be permitted to be located in **hazardous lands** and **hazardous sites** generally depicted on Appendices B-1, B-2 and B-3, where the use is:
- a) **Institutional use;**
  - b) Essential emergency service;
  - c) Uses associated with the disposal, manufacture, treatment, or storage of **hazardous substances;**
  - d) Additional residential uses, unless permitted by Conservation Halton; and
  - e) **Development of Additional Needs Housing** and a **day care centre**.

## 5.5. Specific Uses - Additional Residential Units

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- 5.5.1. In addition to the **principal dwelling unit**, up to two (2) **additional residential units** are permitted on a **parcel of urban residential land** where one (1) **rowhouse** is permitted, for a total of three (3) **dwelling units**. For greater clarity, **additional residential units** in association with a condominium are only permitted on a **parcel of tied land** where one (1) **rowhouse** is permitted.



- 5.5.2. Only one (1) **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 (2) lines projected backward from the two (2) 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 – Public Service Facilities and Institutional Uses within Employment Precincts

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- 5.6.1. Within the Urban Employment Precinct in the Burlington UGC/Burlington GO MTSA and the Urban Employment Precinct and General Employment Precinct in the Appleby GO MTSA, **public service facilities** and **institutional uses shall** only be permitted where all the following criteria are met:
- a) The use is an **ancillary employment use**;
  - b) The use is located within 400 m of a Major Arterial, Multi-Purpose Arterial Street or an Urban Avenue as identified on Schedules F-1 and H-1 of the **Burlington Official Plan**;
  - c) The use has access to at least one (1) Major Arterial, Multi-Purpose Arterial, Urban Avenue or Industrial Connector Street as identified on Schedules F-1 and H-1 of the **Burlington Official Plan**;
  - d) The use does not exceed 500 square metres in floor area;
  - e) The use does not contain a residential component or function where individuals reside on a temporary or permanent basis; and
  - f) The use is not a **sensitive land use**.
- 5.6.2. For greater clarity, a **public service facility** or **institutional use** that is a **sensitive land use shall** not be added as a permitted or **discretionary** use in an Urban Employment or General Employment Precinct through a Community Planning Permit. An Amendment to this By-law **shall** be required, in accordance with Section 4.2 (By-law Amendment Process) of this By-law.



## 5.7. Specific Uses - Additional Needs Housing

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- 5.7.1. **Development of Additional 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 5.26 (Land Use Compatibility) and 5.27 (Development in Proximity to Rail), **Additional Needs Housing shall be considered a sensitive land use.**

## 5.8. Specific Uses - Day Care Centres

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- 5.8.1. A **day care centre** is permitted as a **principal** use in all Precincts where residential uses are permitted, subject to provision 5.8.4.
- 5.8.2. 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 5.8.4.
- 5.8.3. A **day care centre** is permitted as a standalone use in all Precincts, subject to provision 5.8.4 and subject to the Section 5.28 (The Public Realm).
- 5.8.4. Notwithstanding the permissions given in provisions of 5.8.1, 5.8.2 and 5.8.3, **development** involving a **day care centre shall be subject to the policies of the Burlington Official Plan** and for the purposes of applying the provisions in Section 5.26 (Land Use Compatibility) and 5.27 (Development in Proximity to Rail), a **day care centre shall be considered a sensitive land use.**



## 5.9. Specific Uses - Home Occupations

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- 5.9.1. A **home occupation** is permitted in all **dwelling units** and related **accessory buildings**, subject to the following provisions and standards:
- a) The **home occupation shall** be a home-based **office** or personal **service commercial** activity that is not an **animal care establishment**;
  - 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; and
  - 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.
- 5.9.2. 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; and
  - c) Outdoor storage of equipment, goods, materials.



## 5.10. Specific Uses - Outdoor Patios

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5.10.1. An **outdoor patio** is permitted in association with the following uses:

- a) **Service Commercial;**
- b) **Restaurant;**
- c) **Entertainment;**
- d) **Hotel;**
- e) **Institutional Uses;**
- f) **Recreation Use;**
- g) **Public Service Facility;** and
- h) brewery, distillery, winery, or any use involved in the manufacturing of beer, wine or spirits, as licensed by the Alcohol and Gaming Commission.

5.10.2. An **outdoor patio** is subject to the following provisions and standards:

- a) An **outdoor patio shall** maintain a seating capacity of a minimum of 1.1 square metres per person;
- b) An **outdoor patio shall** be located a minimum distance of 10 metres from all Low to Mid Rise Residential Precincts and lands zoned residential outside of the Community Planning Permit Area;
- c) An **outdoor patio** is not permitted in a **yard** abutting lands zoned residential outside of the Community Planning Permit Area;
- d) An **outdoor patio** located at least 1.8m above **grade** or on the roof of a **building** is not permitted on lands abutting lands zoned residential outside of the Community Planning



Permit Area, unless the **patio** is facing an activated street and is screened from view of the abutting residential zone;

- e) An **outdoor patio may** be used to provide recreation or **entertainment** uses or activity, subject to the following:
  - i) Outdoor **entertainment** uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
  - ii) Outdoor entertainers are limited to one (1) entity (one (1) group or performer) at a time.
  - iii) The outdoor **entertainment** uses remain subject to all other City by-laws in effect, including the City's Nuisance and Noise By-law.
  
- f) An **outdoor patio shall** not be located within a required **landscape area** or **landscape buffer**;
- g) An **outdoor patio shall** not be located within an internal walkway, sidewalk, or required parking area or space including **accessible parking spaces** or associated accessible parking pathways;
- h) Notwithstanding subsection g) above, an **outdoor patio** that is temporary **may** be located within a required parking area or space, internal walkway, sidewalk, or other hard surfaced areas excluding a drive aisle, provided that:
  - i) The **outdoor patio**, including any structures, appurtenances, or physical extensions, is in place on a seasonal basis only between April 15 to October 31;



- ii) The **outdoor patio** does not occupy or obstruct access to any **accessible parking spaces** or associated accessible parking pathways;
- iii) The **outdoor patio** located on an internal walkway or sidewalk **shall** maintain an unobstructed pedestrian clear path with a minimum width of 1.8 metres; and
- iv) A temporary tent may be used on an outdoor patio.

### 5.11. Specific Uses - Temporary Uses, Buildings and Structures

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5.11.1. 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 5.11.1 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.

5.11.2. For the purposes of applying provision 5.11.1, a tent **shall** be considered a temporary structure.

5.11.3. 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.

## 5.12. Servicing and Utilities

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5.12.1. 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 and stormwater systems;
- b) There is sufficient available capacity in the municipal water and wastewater systems to service the proposed **development** in alignment with the MTSA Functional Servicing Report and the targeted Enhanced Functional Service Study in accordance with Section 8.1.2 (5.1) of **Burlington Official Plan**; and



- c) There is sufficient available capacity in the municipal stormwater system to service the proposed **development**.
- 5.12.2. Where an application involves **development** which must occur in phases, the phasing of **development shall** be planned to ensure there will be sufficient available capacity in the municipal water, wastewater, and stormwater systems to service the proposed **development** to the satisfaction of the City and Region, as applicable.
- 5.12.3. 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.
- 5.12.4. 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 3.13.

### 5.13. Sustainable Development

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- 5.13.1. In accordance with the policies of the **Burlington Official Plan**, **development shall** consider **sustainable development**, principles such as the following:
- a) Low-impact **development** strategies such as bioswales, permeable pavers, rain gardens and barrels, green roofs, green/net zero **buildings** in the **building** and site design of both publicly- and privately-initiated projects.





- b) **Encourage** innovative measures to help reduce the impacts of urban run-off and maintain base groundwater flow.
- c) Reduce waste and foster innovation through construction materials, practices, and operation of **buildings**, public and private spaces, and **infrastructure**.

5.13.2. **Development shall** demonstration consideration for the City's Sustainable Building and Development Guidelines (2021).

## 5.14. Fencing

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- 5.14.1. Fences **shall** comply with the provisions and standards of Sections 5.17 of this By-law.
- 5.14.2. For all non-residential uses and residential uses abutting non-residential uses, the maximum height of a fence is 3 m provided the fence is located on a common **lot line**.
- 5.14.3. For all residential uses, including mixed use **buildings** with a residential use, the maximum height of a fence is 2 m, except in the following cases:
  - a) Where the fence is located along a common **lot line** shared with an Established Neighbourhood Area as shown on Schedule B-1 of the **Burlington Official Plan**, the maximum fence height is 3 m;
  - b) Where the fence is located within 3 m of a **street line**, the maximum fence height is 1.2 m; and
  - c) Where the **grade** elevations along the fence vary, the maximum 2 m fence height **may** increase to 2.3 m provided that the lowest height of the same 3 m fence section does not exceed 2 m in height.



5.14.4. Fence height **shall** be measured vertically from **grade**, exclusive of any artificial embankment, to the highest point of each 3 m section of fence, excluding decorative post caps.

### 5.15. Mechanical Equipment

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5.15.1. **Mechanical equipment should** not be located in a required **yard** abutting a street. If proposed within a **yard** abutting a street, the **development** must be supported by appropriate justification demonstrating that the requirements of provisions 5.15.2 and 5.15.5 and the general provisions of this By-law have been met.

5.15.2. **Mechanical equipment may** be located within a **yard**, subject to the following provisions and standards:

- a) **Setback from lot line:** 0.6 m.
- b) Outdoor **mechanical equipment shall** be screened from the street by the **building**, an enclosure or landscaping.
- c) Outdoor **mechanical equipment shall** be located no lower than 1 metre above the regulatory flood level.

5.15.3. **Mechanical equipment shall** satisfy Provincial, Regional and **City** environmental noise criteria.



## 5.16. Transportation

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- 5.16.1. 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 Region:
- 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 **City** streets within the **development** conforms to the classification, function and general design requirements given in the **Burlington Official Plan**;
  - d) The design and location of **City** streets and the location of **active transportation** connections to **City infrastructure** conforms to **Burlington Official Plan** and meets the intent conveyed by Schedules B-4, C-4 and D-4 of this By-law;
  - e) The **development** conforms to best practices in **complete streets** or Burlington's Complete Streets Guidelines; and
  - f) Access to Regional roads will be according to the Region's most current Access Management Guidelines and any required transportation assessment be in accordance with the Region's most current Transportation Impact Guidelines. A Terms of Reference approved by the **City** and/or Halton Region is required for any requested transportation assessment.



5.16.2. In fulfilling the requirements given in provision 5.16.1, the applicant **shall** provide the required information, materials, studies or reports in accordance with Section 3.13 (Required Information, Materials, Studies and Reports) of this By-law.

### 5.17. Visibility Triangles

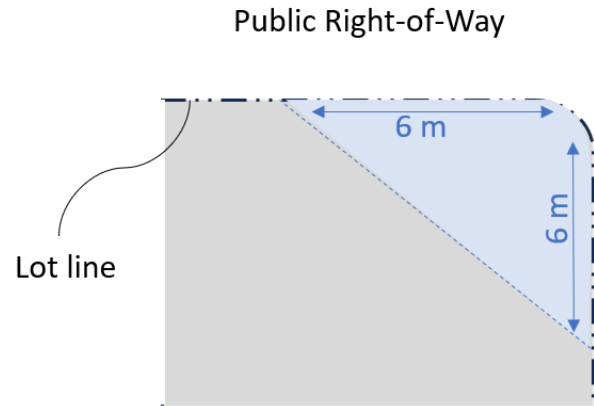
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- 5.17.1. Visibility triangles, where required, **shall** be provided fully within the subject site.
- 5.17.2. At every street intersection, a 6 m x 6 m visibility triangle **shall** be provided. This standard **may** be reduced to a 3 m x 3 m visibility triangle through a Class 2 application process.
- 5.17.3. At every **driveway**, laneway, parking aisle or other vehicular access intersecting a street, 3 m x 3 m visibility triangles **shall** be provided, measured by connecting the points as follows:
- a) Commencing at each edge of the vehicular access and measuring a distance of 3 m away from such edges at a 90 degree angle, and commencing at the **lot line** and measuring a distance of 3 m toward the **lot** at a 90 degree angle.
- 5.17.4. Within a visibility triangle, **buildings**, structures, solid fencing, **mechanical equipment** and landscaping **shall** not exceed a height of 1 m above the elevation of the street pavement measured at the centre point of intersecting streets or, where a visibility triangle is required by provision 5.17.3, the level of the travelled portion of the street.

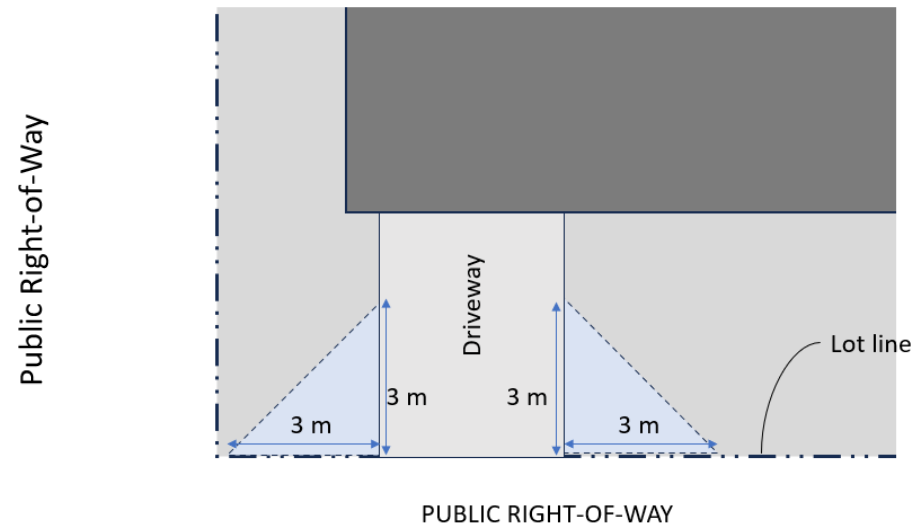


Figure 5.1: Illustrations of required visibility triangle at (a) street intersections, and (b) driveway intersections

(a)



(b)





## 5.18. General Parking Provisions

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- 5.18.1. The parking requirements of Sections 5.18 (General Parking Provisions) to 5.25 (Bicycle Parking) **shall** apply to parking areas located below **grade**, at **grade** and above **grade**, as well as parking structures.
- 5.18.2. The motor vehicle parking and loading requirements of Sections 5.18 (General Parking Provisions) to 5.25 (Bicycle Parking) **may** be varied in accordance with this By-law and the following:
- a) Any **variation** to the required number and dimension of parking, **driveways** and parking aisles and **loading spaces**, except **accessible parking space** requirements, **shall** be considered a Class 2 **variation**, up to a 100% **variation** of the standards.
- 5.18.3. **Vehicle** 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.



- 5.18.4. Notwithstanding 5.18.3, parking spaces, other than required **accessible parking spaces** or visitor parking spaces, **may** be provided off-site on another **lot** within 400 m 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.
- 5.18.5. For greater clarity, parking spaces, bicycle parking spaces and **loading spaces** required for a **development shall** not be permitted to be provided within the municipal right-of-way.
- 5.18.6. 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.
- 5.18.7. At **grade** parking with four (4) or more parking spaces **should** not be located in a **yard** abutting a street.
- 5.18.8. Where the number of proposed parking spaces, bicycle parking spaces or loading spaces results in a fractional number, the total number of required spaces or stalls **shall** be rounded up to the next whole number.
- 5.18.9. Where possible, 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, as identified on Schedules B-4, C-4 and D-4 of this By-law.



- 5.18.10. Parking and loading areas, including bicycle parking areas, **shall** be sufficiently illuminated to promote public safety. Where such areas are illuminated by lighting fixtures, the fixtures **shall** be arranged so that their light is directed or shielded away from residential dwellings.

### 5.19. Parking Areas

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- 5.19.1. 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 all modes of traffic, including pedestrians, cyclists, and motor vehicles, on the abutting roads or **lanes**.
- 5.19.2. Parking areas adjacent to a residential property **shall** require screening to the satisfaction of the Approval Authority.
- 5.19.3. Where there are four (4) 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.
- 5.19.4. Where there are **accessible parking spaces** in a parking area, the entrance of the parking area and circulation to and from the **accessible parking spaces shall** include a minimum overhead clearance of 2.75 m.





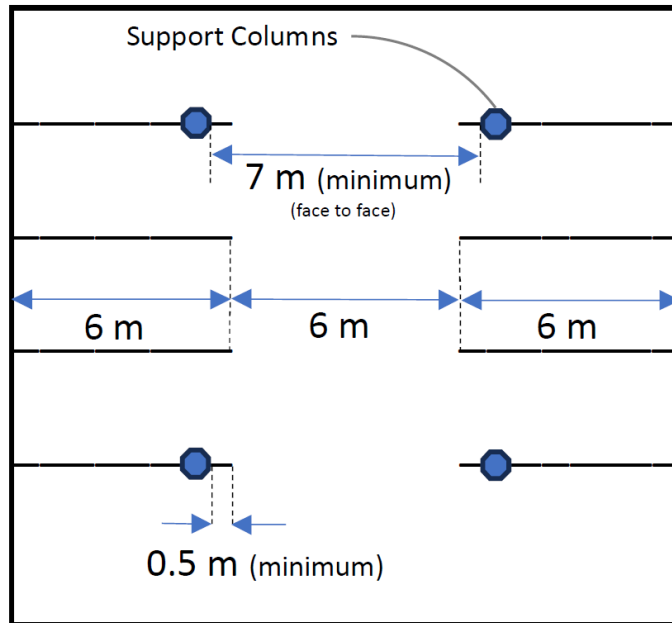
## 5.20. Driveways and Parking Aisles

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- 5.20.1. 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**; and
  - b) 6.0 metres in width for a double traffic **lane**.
- 5.20.2. The width of a parking aisle providing two-way access **shall** be 6.0 metres wide.
- 5.20.3. Structural columns **shall** be set back a minimum of 0.5 metres on both sides of the driving aisle to provide for a total of 7.0 metres minimum clearance for 90-degree angle parking measure from the face of column to face of column, as depicted in Figure 3.



Figure 5.2 Parking aisle width and column spacing diagram



5.20.4. 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	6.0  Structural columns <b>shall</b> be set back a minimum of 0.5 metres on both sides of the driving aisle to provide for a total of 7.0 metres minimum clearance for 90-degree angle parking measure from the face of column to face of column, as depicted in Figure 3.
59 degrees - 45 degrees	5.5
44 degrees or less (excluding parallel parking)	4.5
Parallel Parking	4.0



### 5.21. Parking Spaces

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- 5.21.1. The total number of on-site parking spaces provided in a **development shall** comply with the provisions or standards given in Table 5.2.
- 5.21.2. Notwithstanding Table 5.2, residential developments are **encouraged** to include the following:
- a) a minimum of 0.15 visitor parking spaces per **dwelling unit**, which can be shared with any non-residential uses on site; and,
  - b) 1 additional space per 75 **dwelling units** for maintenance/personal service spaces.
- 5.21.3. Parking spaces for visitors **shall** be clearly delineated between resident and visitor parking.



**Table 5.2: Residential and Non-Residential Parking Spaces**

Type of Development	Type of Parking	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
Residential	Residential Parking	No minimum	1.20 parking spaces per dwelling unit
	Visitor	No minimum	0.15 parking spaces per dwelling unit
	Accessible parking spaces	<p><b>Shall</b> be provided in accordance with the requirements set out in the AODA and as follows:</p> <ul style="list-style-type: none"> <li>a) On a site with 233 or fewer parking spaces, the total minimum number of accessible parking spaces to be provided <b>shall</b> be calculated as the sum of the requirements of the AODA applied to each type of parking space (i.e., resident versus visitor parking) that is provided.</li> <li>b) On a site with 234 or more parking spaces, the total number of accessible parking spaces to be provided <b>shall</b> be the greater of i. or ii. below:                             <ul style="list-style-type: none"> <li>i. 3% of the parking spaces provided, calculated as follows:</li> </ul> </li> </ul>	



Type of Development	Type of Parking	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
		Number of required accessible parking spaces, rounding up to the nearest whole number = (3% x number residential parking provided) + (3% x total visitor parking provided)  ii. The sum of the requirements of the AODA applied to each type of parking space (i.e., resident versus visitor parking) that is provided.	
Non-Residential	N/A	No minimum	4.4 spaces per 100 square metres of GFA
	Accessible parking spaces	<b>Shall</b> be provided in accordance with the requirements set out in the AODA and as follows:  a) On a site with 234 or more parking spaces, the total number of accessible parking spaces to be provided <b>shall</b> be calculated based on 3% of the parking spaces rounding up to the nearest whole number, or as required under the AODA, whichever results in the greater number of accessible parking spaces.	



5.21.4. Where an **accessible parking space** is provided, the **accessible parking space shall**:

- a) be identified with a provincially regulated vertical sign displaying the international symbol for accessible parking spaces and, where the space is intended as a 'Type A' space under the **AODA**, identifying the space as van accessible;
- b) be located adjacent to a delineated "accessible parking pathway" with a minimum width of 2.0 metres;
- c) where the space is intended as a 'Type A' space under the **AODA**, comply with the parking space width dimensions of the **AODA**;
- d) where the space is intended as a 'Type B' space under the **AODA**, comply with the parking space width dimensions in provision 5.22.2 a) of this By-law;
- e) comply with the minimum parking space length dimensions of Section 5.22 (Parking Space Dimensions) of this By-law; and
- f) have a minimum overhead clearance of 2.75 m.

## 5.22. Parking Space Dimensions

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

- a) 2.75 metres in width; and
- b) 6 metres in length.

5.22.2. Parallel parking spaces **shall** comply with the following minimum dimensions:

- a) 2.75 metres in width;
- b) 7.2 metres in length; and



c) Unobstructed end spaces **may** be 6.7 metres in length.

5.22.3. 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.

5.22.4. Notwithstanding provision 5.22.3 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 from the non-driving aisle end of the parking space;

b) The wall, column or any other obstruction is located at the front or rear of the parking space.

c) 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.

5.22.5. 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.

### **5.23. Electric Vehicle Parking Space**

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5.23.1. **Electric vehicle parking spaces shall** be clearly identified and demarcated.

5.23.2. If a **building** has 4 or more **dwelling units**, 20% of the proposed parking spaces in accordance with Section 5.21 (Parking Spaces) or as permitted through **variation shall** be provided as





**electric vehicle parking spaces**, and 80% of the proposed parking spaces **shall** be provided as **designed electric vehicle parking spaces**.

5.23.3. For any non-residential use, a minimum of 10% of the proposed parking spaces **shall** be provided as **designed electric vehicle parking spaces**.

## 5.24. Loading Spaces

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5.24.1. **Loading spaces shall** comply with the following minimum dimensions:

- a) 3.0 metres in width;
- b) 9.7 metres in length; and
- c) 3.0 metres of height clearance.

5.24.2. The surface treatment of loading areas must be constructed and maintained with material suitable for their intended use (e.g., reinforced concrete).

5.24.3. A residential **building** containing 25 **dwelling units** or more **shall** provide and maintain on the same **lot**, at least 1 **loading space**.

5.24.4. 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 2,299 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.

5.24.5. The location of loading doors and associated loading facilities **shall** be oriented to support the enhanced public pedestrian realm and:

- a) **Should** not be allowed within a **yard** abutting an activated street; and
- b) **Shall** not be allowed in a required **yard** abutting a residential use unless screened from view by a visual barrier.

### 5.25. Bicycle Parking

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5.25.1. A bicycle parking space not located in an enclosure must be separated from parking spaces, visitor parking spaces or **loading spaces** by 2.0 metres.

5.25.2. 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, exclusive of parking racks and hardware.

5.25.3. 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, exclusive of parking racks and hardware.

5.25.4. A minimum of 5% of required bicycle parking spaces **shall** be designated spaces for large bicycles, such as cargo, recumbent and bicycles with trailers.

5.25.5. Each bicycle parking space for large bicycles, such as cargo, recumbent and bicycles with trailers **shall** be horizontal.



- 5.25.6. Each horizontal bicycle parking space for large bicycles, such as cargo, recumbent and bicycles with trailers **shall** be a minimum of 0.91 metres wide, 3.05 metres deep with a vertical clearance of at least 2.0 metres, exclusive of parking racks and hardware.
- 5.25.7. Each bicycle parking space **shall** be accessed by an aisle with a minimum width of 1.5 metres.
- 5.25.8. Bicycle parking spaces and accesses **shall** be located on hard-surfaced areas.
- 5.25.9. Bicycle parking spaces must be illuminated.
- 5.25.10. Bicycle parking located at the end of a parking space **shall** not contribute toward Bicycle Parking Space Requirements.
- 5.25.11. **Short-term bicycle spaces** and **long-term bicycle parking** spaces **shall** be provided in accordance with the minimum requirements in Table 5.3.
- 5.25.12. Where a **lot** contains more than one (1) use, the required number of bicycle parking spaces is the sum of all bicycle parking spaces required for each use.



Table 5.3: Bicycle Parking 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 <b>building</b>	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, 0.5 spaces per <b>dwelling unit</b> is required, 2 spaces minimum
Commercial multi-unit <b>building</b> (includes individual <b>buildings</b> on the same <b>lot</b> as the multi-unit <b>building</b> )	0.2 spaces per 100 m <sup>2</sup> GFA, 3 spaces minimum	0.1 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum
<b>Retail</b>	0.2 spaces per 100 m <sup>2</sup> GFA, 3 spaces minimum	0.1 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum
<b>Day care centre</b>	0.1 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum	0.2 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum
<b>Restaurant</b>	3 spaces plus 1.0 space per 1000 m <sup>2</sup> GFA	0.1 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum
<b>Office/ Office for Industrial</b>	0.13 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum	0.2 spaces per 100 m <sup>2</sup> GFA, 2 spaces minimum <sup>1</sup>



Use	Bicycle parking spaces, short-term – minimum required	Bicycle parking spaces, long-term – minimum required
<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
<p><u>Footnote to Table 5.3:</u> 1 For every 30 long-term bicycle parking spaces required, 2 shower and change facilities <b>shall</b> be provided.</p>		

## 5.26. Land Use Compatibility

- 5.26.1. 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.
- 5.26.2. Notwithstanding Tables 6.1, 7.1, and 8.1, any proposed **development** containing **sensitive land uses** or a **major facility shall** require the completion of a Land Use Compatibility Screening Assessment at the pre-consultation process for potential issues of land use compatibility. This screening assessment will determine the need for a detailed land use compatibility study



prepared in accordance with a Terms of Reference approved by the **City** in consultation with affected **major facilities** as outlined in provision 3.11.3 of this By-law. The screening assessment and the detailed land use compatibility study must be completed accordance with provincial guidelines, standards, and procedures.

- 5.26.3. 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 complete **development** application, and an appropriate transition to adjacent non-**industrial** lands **should** be provided. On lands planned for **industrial** uses, the storage of **hazardous substances** and **noxious uses may** only be permitted subject to the completion of a land use compatibility study in accordance with the provision of Section 5.26 (Land Use Compatibility) of this By-law and subject to the regulations of the relevant Precinct.
- 5.26.4. Based on the **City's** review of the submitted site-specific technical studies, the **City may** impose conditions of approval regarding on-site or off-site mitigation measures that **may** be secured prior to development through an agreement and security or required prior to construction of **development** at the expense of the applicant for a **sensitive land use**.
- 5.26.5. An applicant **may** be required, at the discretion of the Approval Authority, to enter into one (1) or more agreements registered on title with the **City**, another agency or **major facility** for the provision of mitigation measures to address land use compatibility.



### 5.27. Development in Proximity to Rail

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5.27.1. 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. The **setbacks** in Tables 6.2, 7.2, and 8.2 will apply unless the property owner of the railway right-of-way approves a lower **setback** distance.

### 5.28. The Public Realm

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5.28.1. General Provisions

- a) An application for a Community Planning Permit for **development** in all Precincts **shall** demonstrate, to the satisfaction of the Approval Authority, how the proposed **development** will contribute positively and make connections to the **Public Realm** and Active Transportation Plan shown in Schedules B-4, C-4 and D-4 of this By-law.
- b) **Development shall** have consideration for the policies outlined in Section 7, Design Excellence, of the **Burlington Official Plan** and applicable Council approved design guidelines.



### 5.28.2. Activated Streets

- a) Along Major Mixed Use Streets, **retail, service commercial, institutional uses, day care centre, public service facility or office** uses **shall** be required continuously at **grade** in **buildings** facing Major Mixed Use Streets, as identified on Schedules B-4, C-4 and D-4 of this By-law, with the exception of the following:
- i) **Primary Public Entrances shall** be allowed at **grade** facing Major Mixed Use Streets in conjunction with the required uses listed in by 5.28.2 a).
  - ii) **Development** located within a Low to Mid-Rise Residential and Mid-Rise Residential Precincts **may** be exempt from the requirements of Major Mixed Use Streets, provided it can demonstrate to the satisfaction of the **City**, through a Class 2 permit application, that the proposal will provide an enhanced **public realm** and will not compromise the objectives of **Activated Streets**.
- b) Along General Mixed Use Streets, **retail, service commercial, institutional uses, day care centre, public service facility or office** uses are **encouraged** at **grade** in **buildings** facing General Mixed Use Streets, as identified on Schedules B-4, C-4 and D-4 of this By-law.
- c) A **public service facility, retail or service commercial** operation **may** occupy more than one (1) individual **retail** and **service commercial** unit or **storey** along an **Activated Street**.
- d) **Development** located along a Major Mixed Use Street **may** be permitted to include indoor **common residential amenity area** on the first or second floor of a **building**, provided it is no more than 10% of the total first floor area and is not facing the Major Mixed Use Street. Up to 15% of the total first floor area **may** be considered through a Class 2 Permit application provided it will not compromise the objectives of **Activated Streets**.





- e) An application for a Community Planning Permit for **development** in any Precinct adjacent to an **Activated Street shall** demonstrate consideration for the following, in addition to other applicable Council approved design guidelines:
- i) Front facades **should** incorporate clear glazing on windows and doors;
  - ii) Storefronts **should** be articulated externally, through stepping and recessing, to breakdown the apparent width with a frequent rhythm that supports the pedestrian experience at the street level and contribute to a vibrant, active, and animated built environment;
  - iii) **Development should** incorporate elements at human-scale such as lighting, seating, wayfinding, and entrances that are of a size and shape that is reasonable for an average person to perceive, and use to facilitate universal design and place-making; and
  - iv) Development **shall** ensure and plan space for **trees** within the public right-of-way to support enhancements to the **tree** canopy to improve air quality, reduce the urban heat island effect and improve stormwater retention while contributing green canopies to the overall city green canopy coverage, and targets. **Tree** planting **should** conform to the City's Urban Forest Management Plan policies as well relevant **tree** by-laws.

### 5.28.3. Transitions to Parks, Linear Parks, and Greenways

- a) An application for a Community Planning Permit for **development** in any Precinct adjacent to a **park**, linear **park** or greenway **shall** demonstrate consideration for the following, in addition to other applicable Council approved design guidelines:
- i) **Development** surrounding new **parks**, linear **parks** and greenways **should** be of an appropriate **height** and **setback** from **parks**, linear **parks**, and greenways to maximize sun



and sky views within the **parks**, and to provide seamless transitions that enhance areas where **public realm** and **development** interface; and,

- ii) Development **should** create connections through accessible paths, wayfinding, and activated edges (e.g., using landscaping) to activate, integrate, and link together multiple **public realm** features including a series of nodes and open spaces.

### 5.29. Building Podium Design

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5.29.1. An application for a Community Planning Permit for **development** in all Precincts **shall** demonstrate consideration for the following, in addition to other applicable Council approved 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) 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;
- d) 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; and,



- e) **Buildings** which surround, have proximity to, or front onto existing or new **parks** including linear **parks** and greenways, and open space will include **building** stepbacks, increased **yard setbacks**, and have the highest level of architectural expression, articulation, and use of materials.

### 5.30. Building Heights and the Provision of Facilities, Services, and Matters

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- 5.30.1. The maximum **building height** that is permitted through a Class 1 Community Planning Permit is shown on Schedules B-2, C-2, and D-2 of this By-law and is subject to the provision of facilities, services and matters in accordance with Provision 5.30.4 and Tables 5.4 and 5.5 below.
- 5.30.2. The maximum **building height** that **may** be allowed through a Class 2 Community Planning Permit is shown on Schedules B-3, C-3, and D-3 of this By-law and is subject to the provision of facilities, services, and matters in accordance with Provision 5.30.4 and Tables 5.4 to 5.6 below and, for proposed **building heights** above 12 **storeys**, the criteria outlined in Section 3.8 (Criteria for **Discretionary** Uses, **Variations** from Standards and Class 2 or 3 Building Heights) of this By-law.
- 5.30.3. A **building height** above the heights shown on Schedules B-3, C-3 and D-3 **may** be allowed through a Class 3 Community Planning Permit and is subject to the provision of facilities, services and matters in accordance with Provisions 5.30.4, 5.30.7 and Tables 5.4 to 5.6 below and the criteria outlined in Section 3.8 (Criteria for **Discretionary** Uses, **Variations** from Standards and Class 2 or 3 Building Heights) of this By-law.



5.30.4. In exchange for the approval of **building heights** for a **development** containing a residential use, the **City** will require the provision of facilities, services and matters as outlined in Tables 5.4 to 5.6 below, and as follows:

- a) For a **development** containing multiple **buildings**, the required facilities, services and matters will be calculated per **building**.
- b) The required Complete Community Contribution Fee **shall** be calculated based on all **dwelling units** in all **storeys** of the **building**.
- c) Notwithstanding Table 5.4, **development** or a change in use of a **building** or structure intended for purpose-built rental **shall** only be required to provide a Complete Community Contribution per Table 5.5.



**Table 5.4: Overview of Required Facilities, Services and Matters in Exchange for Building Height**

Proposed Building Height	1 to 11 storeys	12 to 30 storeys	31 storeys and above
Required Facilities, Services and Matters	Complete Community Contribution per Table 5.5	<p>Complete Community Contribution per Table 5.5;</p> <p>AND, for applications submitted at least one year after any part of this By-law comes into effect, either Option 1, Option 2 or Option 3:</p> <p>Option 1: Affordable ownership unit mix per Table 5.6;</p> <p style="text-align: center;">OR</p> <p>Option 2: Additional parkland per Table 5.7;</p> <p style="text-align: center;">OR</p> <p>Option 3: Alternative provision of facilities, services and matters equal to or greater than the value of Option 1 but not greater than the value of Option 2 and in accordance with provisions 5.30.5 and 5.30.7.</p>	<p>Complete Community Contribution per Table 5.5;</p> <p>AND, for applications submitted at least one year after any part of the By-law comes into effect,</p> <p>Additional facilities, services and matters equal to or greater than the value of applying Tables 5.6 or 5.7, in accordance with provision 5.30.5 and 5.30.7.</p>



**Table 5.5: Required Complete Community Contribution Amount**

	Required Contribution Amount
Complete Community Contribution	<ul style="list-style-type: none"> <li>• \$362 per studio and 1 bedroom <b>dwelling unit</b> in all <b>storeys</b> of the <b>building</b>.</li> <li>• \$488 per 2 bedrooms or more <b>dwelling unit</b> in all <b>storeys</b> of the <b>building</b></li> </ul>

**Table 5.6: Affordable Ownership or Rental Unit Mix Requirement**

	Required Mix
Affordable Ownership Mix	<p>5% of <b>dwelling units</b> are set aside as affordable ownership units.</p> <p>The purchase price of the affordable ownership units <b>shall</b> be equal to or less than:</p> <ul style="list-style-type: none"> <li>• \$456,000 for studio and 1-bedroom units</li> <li>• \$536,213 for 2- and 3-bedroom units and subject to any required agreements related to a minimum affordability period.</li> </ul>

\*The required mix **shall** be calculated based on the proposed number of units within the **storeys** that exceed 11 **storeys**



Table 5.7: Additional Parkland Requirements

Required Additional Parkland Amount
<p>\$22,090 per <b>dwelling unit</b> for <b>development</b> with a density equal to or less than 50 <b>dwelling units</b> per net hectare</p> <p style="text-align: center;">OR</p> <p>\$15,610 per <b>dwelling unit</b> for <b>development</b> with a density greater than 50 <b>dwelling units</b> per net hectare</p> <p>The required additional parkland amount <b>shall</b> be calculated based on the proposed number of units within the <b>storeys</b> that exceed 11 <b>storeys</b>.</p>



- 5.30.5. The **City may** accept the provision of optional alternative or required additional facilities, services, and matters in accordance with Table 5.4, subject to:
- 5.30.6. An application for consideration of in-kind contributions shall require a Class 3 Community Planning Permit.
- 5.30.7. The application for consideration of in-kind contributions must be submitted to the City with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed development or change of use. This documentation must be provided as part of the complete Community Planning Permit application, and intent to provide in-kind contributions must be identified by the proponent during pre-consultation stage.
- 5.30.8. In-kind contributions shall only be accepted if the same are approved by resolution of Council. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of the requirements of this subsection of the By-law shall be final and binding.
- 5.30.9. The value attributed to an in-kind contribution shall be as determined by Council, based on one (1) or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.
- 5.30.10. An applicant **may** be required, at the discretion of the Approval Authority, to enter into one (1) or more agreements registered on title with the **City** or another agency, for the provision of facilities, services and matters.





- 5.30.11. For proposed **building heights 12 storeys** or taller, the provision of optional alternative or required additional facilities, services, and matters **shall** meet a need identified by the **City**, such as the following:
- a) Land to be conveyed to the **City** for municipal purposes;
  - b) **Residential units** comprised of 3 or more bedrooms;
  - c) Accessible dwelling units;
  - d) Purpose-built rental;
  - e) Additional affordable housing units, beyond those required in Table 5.6;
  - 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) Public Service Facilities or Institutional use;
  - 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 required under Section 42 of the *Planning Act* and the **City's** Parkland Dedication By-law, as amended;
  - o) **Conservation**, protection and preservation of **cultural heritage resources** or **natural heritage features** and systems;
  - p) Implementation of voluntary sustainability measures above and beyond the City's Sustainable Building and **Development** Guidelines; and,



q) Any other in-kind contribution as approved by Council.

5.30.12. Notwithstanding provision 5.30.4, facilities, services and matters **shall** not be required with respect to:

- a) **Development** or a change in use of a **building** or structure intended for the provision of purpose-built rental **dwelling units**;
- b) **Development** or a change in use of a **building** or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*
- c) **Development** or a change in use of a **building** or structure intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;
- d) **Development** or a change in use of a **building** or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
  - i. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
  - ii. a college or university federated or affiliated with a university described in subparagraph (i);
  - iii. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- e) **Development** or a change in use of a **building** or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- f) **Development** or a change in use of a **building** or structure intended for use as a hospice to provide end-of-life care;



- g) **Development** or a change in use of a **building** or structure intended for use as residential premises by any of the following entities:
- i. a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
  - ii. a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
  - iii. a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

5.30.13. An enclosed or partially enclosed structure belonging to a non-residential, **common residential amenity area** on the rooftop of a **building**, or any portion of a **building** designed to provide access to a rooftop amenity area **shall** not be considered a **storey** provided it meets the standards of Table 5.8.



**Table 5.8: Standards for wholly or partially enclosed structures used as rooftop amenity area, or any portion of a building designed to provide access to a rooftop amenity area.**

Standard	Requirement	Class 2 Variation Limit
Total floor area (b)	Maximum 50% of floor area of the <b>storey</b> directly beneath	<b>May</b> be increased to 60% of floor area of the <b>storey</b> directly beneath
<b>Setback</b> from exterior walls of the <b>storey</b> directly beneath	5.0 m	<b>May</b> be reduced to 3.0 m
Linear height	3.0 m in vertical distance from the uppermost point of the <b>building</b> to the uppermost point of the rooftop enclosure	<b>May</b> be increased to 3.3 m
<p>Footnote to Table 5.8:</p> <p>(a) “Total floor area” refers to the combined floor area of all wholly or partially enclosed structures used as rooftop amenity area and all portions of a <b>building</b> designed to provide access to a rooftop <b>common residential amenity area</b></p>		



## 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, as described in the Official Plan and 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 (DN)</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 policies of the **Burlington Official Plan**, or unless otherwise permitted in this By-law.
- 6.3.2. **Development** within 120 metres of the Natural Heritage System Precinct(s) **shall** consider the impacts on all **natural heritage features** and components of the Natural Heritage System as identified on Schedule B-1 and as identified in the Schedules of the Regional Official Plan or **Burlington Official Plan**.
- 6.3.3. Applications for a Community Planning Permit within 120 metres of the Natural Heritage System Precinct **may** be required to include additional studies or technical reports as determined by applicable agencies and/or **City** staff during pre-consultation as outlined in subsection 3.11 (Pre-consultation), or as a condition of approval as outlined in provision 3.15.3 and Appendix A - Conditions of Approval of this By-law.
- 6.3.4. **Development** on lands located within the Natural Heritage System Precinct, as identified on Schedule 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. Permitted and Discretionary Uses

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- 6.4.1. Table 6.1 identifies the permitted and **discretionary** uses and associated criteria or conditions for each Precinct within the Downtown Burlington UGC / Burlington GO MTSA Permit Area as follows:
- a) Permitted uses are identified by the symbol (P);
  - b) **Discretionary** uses are identified by the letter (D); and
  - c) Criteria or conditions are listed as footnotes below Table 6.1.
- 6.4.2. **Development** within the following Precincts **shall** contain a minimum of two permitted or discretionary uses as identified in Table 6.1 or Section 5.0 of this By-law in the same **building, lot, or development** and **should** contain three permitted uses, where feasible:
- a) Burlington GO Central (B);
  - b) Queensway Commons (Q);
  - c) Fairview Frequent Transit Corridor (F);
  - d) Drury Node (DN);
  - e) Upper Brant (UB), abutting Brant Street;
  - f) Legion Commons (LC); and
  - g) Leighland Node (LL).



- 6.4.3. Provision 6.4.2 **shall** not apply in the Burlington GO Central (B), Fairview Frequent Transit Corridor (F), or Drury Node (DN) Precincts where **office** is proposed as a standalone use.
- 6.4.4. Provision 6.4.2 **shall** not apply in all Precincts where **Institutional Uses, Day Care Centres and Public Service Facilities** are proposed as a standalone use.
- 6.4.5. **Development** within the Mid-Rise Residential Precinct **should** contain a minimum of two (2) 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 (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
Rowhouse that existed prior to the day this By-law came into effect										P
Rowhouse						D(b)		D(b)	D(b)	
Dwelling units above the first two (2) storeys in a mixed use building	D(c)	P	P		P	P	P	P	P	P

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Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
Dwelling units above the first storey in a mixed use building									P	P
Mixed use building with first floor non-residential use and residential use above	P (h)	P (h)	P (h)		P (h)	P (h)	P (h)	P (h)		
Apartment building, single use		P(b)	P(b)			P(b)	P(b)	P(b)	D (g)	D (g)
Office, single use building	P		P	P	P				P	

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Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
Office, mixed use building	P	P	P	P(f)	P	P	P	P(a)	P	
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)		

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



Permitted or Discretionary Use	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)

Footnotes to Table 6.1:

- (a) Limited to bottom two (2) floors only.
- (b) A single use apartment building, single use hotel or a **Rowhouse** may be permitted if developed as part of a single application that also contains at least one (1) non-residential use and the single use apartment building is not facing a Major Mixed Use Street as per Schedule B-4 (Public Realm and Active Transportation Plan) of this By-law.
- (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.
- (f) The mixed use **building shall** not contain a residential use or function where individuals reside on a temporary or permanent basis.
- (g) A single use apartment building where located within a Low to Mid-Rise Residential and Mid-Rise Residential Precinct and along a Major Mixed Use Street **may** be exempt from the requirement of Major Mixed Use Streets, provided it can demonstrate to the satisfaction of the **City** that the proposal will provide an enhanced **public realm** as per provision 5.28.2 a) ii) of this By-law.
- (h) Mixed use building with first floor non-residential use and residential use above **may** be permitted if one (1) or more of the following uses identified in Appendix E is included within the first storey and the use will serve the day-to-day and weekly needs of current and future residents and employees in the area in accordance with the Official Plan.



## 6.5. Development Standards

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- 6.5.1. Tables 6.2 and 6.3 identify the **development** standards and provisions for all **lots** within the Precincts in the Downtown Burlington UGC / Burlington GO MTSA Permit Area. The standards and provisions **shall** apply to all Precincts in the MTSA unless otherwise specified in the table.
- 6.5.2. Despite the **yard** requirements of Table 6.2,
- a) A **canopy** located between the **first storey** and second **storey** is permitted within a required **yard** abutting any street; and
  - b) **Buildings** and structures are permitted to encroach below **grade** into a required **yard**, subject to the following standards and provisions:
    - i) Below **grade**, **buildings** and structures **shall** maintain a minimum 1 m **setback** from a **lot line**. Through a Class 2 application, the minimum **setback** below **grade** from a **lot line** may be reduced to 0.6 m, subject to demonstration by the applicant to the satisfaction of the Approval Authority that any shoring required to support the construction of the **building** or structure is entirely located within the limits of the subject site;
    - ii) The **development** is **setback** from a railway right-of-way, pipeline easement, or Natural Heritage System Precinct in accordance with Table 6.2; and
    - iii) **Buildings** and structures **shall** not be permitted within a required **landscape buffer**.



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

Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
Yard abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b> or abutting a Low to Mid-Rise Precinct within the Community Planning Permit Area	7.5 m	<b>May</b> be reduced to 6.0 m	--
Yard abutting an <b>Activated Street</b>	2 m minimum and 3 m maximum	Minimum <b>may</b> be reduced to 1.5 m. Maximum may be increased to 3.5m.	(a) (b)
All other <b>Yards</b>	3 m	<b>May</b> be reduced to 2.4 m	--
<b>Setback</b> of a residential use or other sensitive land use from a railway right-of-way	30 m from the property line of the railway right-of-way	<b>May</b> be reduced in accordance with Section 5.27 of this By-law	--



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>Setback from a Pipeline Easement</b>	7 m	<b>May</b> be reduced to a <b>variation</b> acceptable to the pipeline company	--
<b>Setback</b> from a Natural Heritage System Precinct	<b>Shall</b> be in accordance with recommended <b>setbacks</b> in an approved Environmental Impact Study by Conservation Halton or as directed by Conservation Halton or the Approval Authority		--
<b>Landscape Open Space Area</b>	20% of <b>lot area</b> , except: <ul style="list-style-type: none"> <li>in the Low to Mid-Rise Residential Precinct, the minimum <b>landscape open space area</b> is 25% of <b>lot area</b>.</li> </ul>	<b>May</b> be reduced to 15% of <b>lot area</b> ; In the Low to Mid-Rise Precinct, <b>may</b> be reduced to 20% of <b>lot area</b>	(c)
<b>Landscape Buffer</b> abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b> or a Low to Mid-Rise Precinct within the Community Planning Permit Area	3 m except: <ul style="list-style-type: none"> <li>if the subject <b>development</b> is within a Low to Mid-Rise Residential Precinct, or</li> </ul>	<b>May</b> be reduced to 2.4 m	(d)





Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
	<ul style="list-style-type: none"> <li>is a tall or <b>mid-rise building</b> adjacent to a tall or <b>mid-rise building</b>, no <b>landscape buffer</b> is required.</li> </ul>		
<b>Residential amenity area (per dwelling unit)</b>	4.0 sq. m of <b>private residential amenity area</b> and 4.0 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	<b>May</b> be reduced to 3.2 sq. m of <b>private residential amenity area</b> and 3.2 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	(e)
<b>First storey height</b>	4.5 m, except: <ul style="list-style-type: none"> <li>in the Urban Employment Precinct, no minimum height is required; and</li> <li>in the Mid-Rise Residential and Low to Mid-Rise Residential</li> </ul>	--	(f)



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
	<p>Precinct, no minimum height is required if a residential use is located on the ground floor. Otherwise, the minimum <b>first storey</b> height in these precincts <b>shall</b> be 4.5 m.</p>		

Footnotes to Table 6.2:

- (a) The maximum **yard** requirement **shall** only apply to the **first storey** of a **building**.
- (b) The portion of a building along an Activated Street dedicated to the entrance of a residential lobby may have a maximum setback of 6 m.
- (c) Transformers, air shafts, snow storage and retaining walls **may** encroach into the required **Landscape Open Space Area**, with appropriate screening provided.
- (d) The **landscape buffer shall** include fencing installed along the common boundary. The fencing **shall** have a minimum height of 1.8 m, which **may** be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense, year-round screen. Snow storage is not permitted in a required **landscape buffer**.
- (e) Up to 50% of the required **common residential amenity area may** be provided outdoors.
- (f) **First storey** height is measured from the floor to ceiling of the **first storey**.



Table 6.3: Minimum and Maximum Building Height Standards in the Downtown Burlington UGC / Burlington GO MTSA Permit Area

Minimum Building Height (Storeys)	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
	6 (a)	6	6	3 (a)	6	4	6	11	4 (b)	2
Maximum Building Height (Storeys)	See Schedule B-2 and Section 5.30 (Building Heights and the Provision of Facilities, Services and Matter) for Facilities, Services and Matters associated with permitted heights (c) Class 2 <b>Variation</b> Limit: See Schedule B-3 and Section 5.30 (Building Heights and the Provision of Facilities, Services and Matter) Class 3 Height Limit: Maximum Height as determined by Council									
Footnotes to Table 6.3: (a) If the use is <b>industrial</b> , no minimum <b>building height</b> is required. (b) 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>building height</b> of 3 storeys. (c) Where the integration and/or <b>conservation</b> of The Freeman House is incorporated into any future <b>development</b> , <b>heights</b> beyond the maximum <b>building height</b> as identified on Schedule B-2 <b>may</b> be permitted.										



Minimum Building Height (Storeys)	Precincts									
	Burlington GO Central (B)	Queensway Commons (Q)	Fairview Frequent Transit Corridor (F)	Urban Employment (UE)	Drury Node (DN)	Legion Commons (LC)	Leighland Node (LL)	Upper Brant (UB)	Mid-Rise Residential (M)	Low to Mid-Rise Residential (LM)
	6 (a)	6	6	3 (a)	6	4	6	11	4 (b)	2

d) To provide appropriate **building** height transitions within the Queensway Common Precinct, the following provisions or standards will apply in accordance with Schedule B-3:

- i) **Building** heights up to twenty (20) **storeys** are permitted to be located nearest the rail corridor; and
- ii) Adjacent to the Low to Mid-Rise Residential Precinct, the maximum **height shall** be six (6) **storeys**.

### 6.6. Burlington GO Central Precinct

6.6.1. 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 new **park** envisioned west of Brant Street and north of Fairview Street in this Precinct and shown conceptually on Schedule C-4 of this By-law.



## 6.7. Building Transitions

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- 6.7.1. Where a **tall** or **mid-rise building** is proposed that abuts a property identified as Established Neighbourhood Area on Schedule B-1 of the **Burlington Official Plan**, or abuts a property identified as Low to Mid-Rise Residential Precinct on Schedule B-1 of this By-Law, or abuts an existing or new **park**, including linear **park** and greenway, **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 (1) 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.



## 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 on 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 (5) 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, as described in the Official Plan and 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> |
|---|---|



### 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 policies of the **Burlington Official Plan**, or unless otherwise permitted in this By-law.
- 7.3.2. **Development** within 120 metres of the Natural Heritage System Precinct **shall** consider the impacts on all **natural heritage features** and components of the Natural Heritage System as identified on Schedule C-1 and as identified in the Schedules of the Regional Official Plan or **Burlington Official Plan**.
- 7.3.3. Applications for a Community Planning Permit within 120 metres of the Natural Heritage System Precinct **may** be required to include additional studies or technical reports as determined by applicable agencies and/or **City** staff during pre-consultation as outlined in Subsection 3.11 (Pre-consultation), or as a condition of approval as outlined in provision 3.15.3 and Appendix A (Conditions of Approval) of this By-law.
- 7.3.4. **Development** on lands located within the Natural Heritage System Precinct, 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. Permitted and Discretionary Uses

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- 7.4.1. Table 7.1 identifies the permitted and **discretionary** uses and associated criteria and conditions for each Precinct 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
  - Criteria and conditions are listed as notes below Table 7.1.
- 7.4.2. **Development** within the following Precincts **shall** contain a minimum of two (2) permitted or **discretionary** uses as identified in Table 7.1 or Section 5.0 (General Provisions) of this By-law in the same **building, lot, or development** and **should** contain three (3) permitted uses where feasible:
- Aldershot GO Central (A);
  - Emery Commons (E);
  - Cooke Commons (C); and
  - Aldershot Main Street (AM).
- 7.4.3. Provision 7.5.2 **shall** not apply in the Aldershot GO Central (A), Emery Commons (E) and Cooke Commons (C) Precincts where **office** is proposed as a standalone use.
- 7.4.4. Provision 7.5.2 **shall** not apply in all Precincts where **Institutional Uses, Day Care Centres and Public Service Facilities** are proposed as a standalone use.





- 7.4.5. **Development** within the Mid-Rise Residential Precinct **should** contain a minimum of two (2) permitted or **discretionary** uses as identified in Table 7.1.
- 7.4.6. Sensitive uses within the Mid-Rise Residential Precinct, east of Waterdown Road, **may** not be allowed unless **office** or **light industry** uses are present as an intervening land use to the existing rail facility that is considered a **major facility**, as noted in footnote (e) of Table 7.1 and in accordance with Subsections 5.26 (Land Use Compatibility) and 5.27 (Development in Proximity to Rail) of this By-law.



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 that existed prior to the day this By-law came into effect	P				
Rowhouse			D(b)	D(b)	West of Waterdown Road: P(d) East of Waterdown Road: 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)
Dwelling units above the first two (2) storeys in all use building	D(c)(e)	P	P	P	West of Waterdown Road: P(d) East of Waterdown Road: D(d)(e)
Dwelling units in the second storey in a mixed use building		P (g)			West of Waterdown Road: P (d) East of Waterdown Road: 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)
Mixed use building with first floor non-residential use and residential use above	P (i)	P (i)	P (i)	P (i)	
Apartment building, single use		P(b)	P(b)	P(b)	West of Waterdown Road: P(d) (h) East of Waterdown Road: D(d)(e) (h)



Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
Office, single use building	P		P	P	P(e)
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)



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



Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
Light Industrial	D(e)(f)				D (e)(f)
Other similar uses	D	D	D	D	D

Footnotes to Table 7.1:

- (a) Limited to bottom two (2) floors only.
- (b) A single use apartment building, single use hotel or a **Rowhouse** may be permitted if developed as part of a single application that also contains at least one (1) non-residential use and the single use apartment building is not facing a Major Mixed Use Street as per Subsection 5.28.2 (Activated Streets) of this By-law. (See also Schedule C-4 of this By-law).  
**May** be permitted as a **discretionary** use if **development** contains **office** or community space.
- (d) As set out in Subsection 5.26 (Land Use Compatibility) of this By-law, any proposed **development** containing sensitive uses **shall** require a land use compatibility study 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



Permitted or Discretionary Use	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
<p>applicable MECP guidelines and best practices, and demonstrating compliance with applicable provincial legislative requirements. As a result of Tertiary planning outcomes in accordance with the policies of Subsection 8.1.2(9.1.1) of the <b>Burlington Official Plan</b>, where the site is in proximity to an existing rail facility that is considered a <b>major facility, office or light industrial may</b> be required as an intervening land use.</p> <p>(f) <b>May</b> be permitted as a <b>discretionary</b> use if it can be demonstrated that the use does not preclude the development of adjacent <b>sensitive land uses</b> to the satisfaction of the Approval Authority.</p> <p>(g) Permitted only where the site is adjacent to lands identified as Established Neighbourhood Area on Schedule B-1 of the <b>Burlington Official Plan</b>.</p> <p>(h) Where located within a Low to Mid-Rise Residential and Mid-Rise Residential Precinct and along a Major Mixed Use Street <b>may</b> be exempt from the requirement of Major Mixed Use Streets, provided it can demonstrate to the satisfaction of the <b>City</b> that the proposal will provide an enhanced <b>public realm</b> as per provision 5.28.2a) ii) of this By-law.</p> <p>(i) Mixed use building with first floor non-residential use and residential use above <b>may</b> be permitted if one (1) or more of the following uses identified in Appendix E is included within the first storey and the use will serve the day-to-day and weekly needs of current and future residents and employees in the area in accordance with the Official Plan.</p>					





## 7.5. Development Standards

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7.5.1. Tables 7.2 and 7.3 identify the **development** standards and provisions for the Precincts in the Aldershot GO MTSA Permit Area. The standards and provisions **shall** apply to all precincts in the MTSA unless otherwise specified in the table.

7.5.2. Despite the **yard** requirements of Table 7.2:

- a) A **canopy** located between the **first storey** and second **storey** is permitted within a required **yard** abutting any street; and
- b) **Buildings** and structures are permitted to encroach below **grade** into a required **yard**, subject to the following standards and provisions:
  - i) Below **grade**, **buildings** and structures **shall** maintain a minimum 1 m **setback** from a **lot line**. Through a Class 2 application, the minimum **setback** below **grade** from a **lot line** may be reduced to 0.6 m, subject to demonstration by the applicant to the satisfaction of the Approval Authority that any shoring required to support the construction of the **building** or structure is entirely located within the limits of the subject site;
  - ii) The **development** is **setback** from a railway right-of-way, pipeline easement, or Natural Heritage System Precinct in accordance with Table 7.2; and
  - iii) **Buildings** and structures **shall** not be permitted within a required **landscape buffer**.



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

Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>Yard</b> abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b>	7.5 m	<b>May</b> be reduced to 6.0 m	--
<b>Yard</b> abutting an <b>Activated Street</b>	2 m minimum and 3 m maximum	Minimum <b>may</b> be reduced to 1.5 m Maximum may be increased to 3.5m	(a) (b)
All other <b>Yards</b>	3 m	<b>May</b> be reduced to 2.4 m	--
<b>Setback</b> of a residential use or other sensitive land use from a railway right-of-way	30 m from the property line of the railway right-of-way	<b>May</b> be reduced in accordance with Section 5.27 of this By-law	--
<b>Setback</b> from a <b>Pipeline Easement</b>	7 m	<b>May</b> be reduced to a <b>variation</b> acceptable to the pipeline company	--



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>Setback</b> from a Natural Heritage System Precinct	<b>Shall</b> be in accordance with recommended <b>setbacks</b> in an approved Environmental Impact Study by Conservation Halton or as directed by Conservation Halton or the Approval Authority		--
<b>Landscape Open Space Area</b>	20% of <b>lot area</b>	<b>May</b> be reduced to 15% of <b>lot area</b>	(c)
<b>Landscape Buffer</b> abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b>	3 m, except: <ul style="list-style-type: none"> <li>if the <b>development</b> is a tall- and/or <b>mid-rise building</b> adjacent to a tall- and/or <b>mid-rise building</b>, no <b>landscape buffer</b> is required.</li> </ul>	<b>May</b> be reduced to 2.4 m	(d)
<b>Residential amenity area (per dwelling unit)</b>	4.0 sq. m of <b>private residential amenity area</b> and 4.0 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	<b>May</b> be reduced to 3.2 sq. m of <b>private residential amenity area</b> and 3.2 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	(e)



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>First storey height</b>	4.5 m, except: <ul style="list-style-type: none"> <li>in the Mid-Rise Residential Precinct, no minimum height is required if a residential use is located on the ground floor. Otherwise, the minimum <b>first storey</b> height in this precinct is 4.5 m.</li> </ul>	--	(f)
<p><u>Footnotes to Table 7.2:</u></p> <p>(a) The maximum <b>yard</b> requirement <b>shall</b> only apply to the <b>first storey</b> of a <b>building</b>.</p> <p>(b) The portion of a building along an Activated Street dedicated to the entrance of a residential lobby may have a maximum setback of 6 m.</p> <p>(c) Transformers, air shafts, snow storage and retaining walls <b>may</b> encroach into the required <b>Landscape Open Space Area</b> with screening provided.</p> <p>(d) The <b>landscape buffer shall</b> include fencing installed along the common boundary. The fencing <b>shall</b> have a minimum height of 1.8 m, which <b>may</b> be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense, year-round screen. Snow storage is not permitted in a required <b>landscape buffer</b>.</p> <p>(e) Up to 50% of the required <b>common residential amenity area may</b> be provided outdoors.</p> <p>(f) <b>First storey</b> height is measured from the floor to ceiling of the <b>first storey</b>.</p>			



Table 7.3: Minimum and Maximum Building Height Standards in the Aldershot GO MTSA Permit Area

Minimum Building Height (Storeys)	Precincts				
	Aldershot GO Central (A)	Aldershot Main Street (AM)	Cooke Commons (C)	Emery Commons (E)	Mid-Rise Residential (M)
	6	6	6	6 (a)	4 (a)
Maximum Building Height (Storeys)	See Schedule C-2 and Subsection 5.30 (Building Heights and the Provision of Facilities, Services and Matters) (b) Class 2 Variation Limit: See Schedule C-3, Section 5.30 and footnote (b) Class 3 Height Limit: Maximum Height as determined by Council				
<b>Footnotes to Table 7.3:</b>					
(a) Where rowhouses are proposed in conjunction with a larger development, the rowhouse component <b>shall</b> be a minimum building height of 3 storeys.					
(b) Within Aldershot Main Street Precinct where a building is adjacent to an existing Established Neighbourhood Area designation as identified on Schedule B-1 of the Burlington Official Plan, the maximum building height <b>shall</b> be 6 storeys.					



## 7.6. Building Transitions

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- 7.6.1. Where a **tall** or **mid-rise building** is proposed that abuts a property identified as Established Neighbourhood Area on Schedule B-1 of the **Burlington Official Plan** or abuts an existing or new **park**, including linear park and greenway, **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 (1) 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. Appleby GO MTSA Permit Area

### 8.1. Preamble

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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, as described in the **Burlington Official Plan** and 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>• Mid-Rise Residential (M)</li> <li>• Low to Mid-Rise Residential (LM)</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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## 8.3. Natural Heritage System Precinct

8.3.1. **Development shall** not be permitted within the Natural Heritage System Precinct(s) in accordance with applicable policies of the **Burlington Official Plan** or unless otherwise permitted in this By-law.

8.3.2. **Development** within 120 metres of the Natural Heritage System Precinct(s) **shall** consider the impacts on all **natural heritage features** and components of the Natural Heritage System as identified on Schedule D-1 and as identified in the Schedules of the Regional Official Plan or **Burlington Official Plan**.

8.3.3. Applications for a Community Planning Permit within 120 metres of the Natural Heritage System Precinct **may** be required to include additional studies or technical reports as determined by applicable agencies and/or **City** staff during pre-consultation as outlined in





Subsection 3.11 (Pre-consultation), or as a condition of approval as outlined in provision 3.15.3 and Appendix A (Conditions of Approval) of this By-law.

- 8.3.4. **Development** on lands located within the Natural Heritage System Precinct, 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. Permitted and Discretionary Uses

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- 8.4.1. Table 8.1 identifies the permitted and **discretionary** uses and associated criteria or conditions in specific Precinct for the Appleby GO MTSA Permit Area as follows:
- a) Permitted uses are identified by the symbol (P);
  - b) Discretionary uses are identified by the letter (D); and
  - c) Criteria or conditions are listed as footnotes below Table 8.1.
- 8.4.2. **Development** within the following Precincts **shall** contain a minimum of two (2) permitted or **discretionary** uses as identified in Table 8.1 or Section 5.0 (General Provisions) of this By-law in the same **building, lot, or development**, and **should** contain three (3) permitted uses where feasible:
- a) Appleby GO Central (AP); and



b) Fairview Frequent Transit Corridor (F).

- 8.4.3. **Sensitive uses shall** not be permitted in the Appleby GO Central and Fairview Frequent Transit Corridor precincts. Any proposal that proposes to include a **sensitive use shall** require an amendment to this By-law in accordance with Section 4.2 (Amendment Process) which demonstrates land use compatibility with existing and future major facilities.
- 8.4.4. Provision 8.5.2 **shall** not apply in the Appleby GO Central (AP), Fairview Frequent Transit Corridor (F), General Employment (GE) and Urban Employment (UE) Precincts where **office** is proposed as a standalone use.
- 8.4.5. Provision 8.5.2 **shall** not apply in all Precincts where **Institutional Uses, Day Care Centres and Public Service Facilities** are proposed as a standalone use.
- 8.4.6. **Development** within the Mid-Rise Residential Precinct **should** contain a minimum of two (2) 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 that existed prior to the day this By-law came into effect				P		
Rowhouse in conjunction with a larger development, except single-detached, semi-detached dwelling			D(b)(d)	P(d)		
Dwelling units above the first two (2) storeys in a mixed use building			P(d)			
Dwelling units above the first storey in a mixed use building			P(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)
Mixed use building with first floor non-residential use and residential use above						
Apartment building, single use			D(d) (h)	D(d) (h)		
Office, single use building	P	P	D		P	P
Office, mixed use building	P	P	P		P(g)	P(g)



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)
Retail, mixed use building	P(a)	P(a)	P(a)			
Service commercial, mixed use building	P(a)	P(a)	P(a)			
Hotel, single use building						
Hotel, mixed use building						
Entertainment, mixed use building	P(a)	P(a)				
Recreation use, mixed use building	D(a)(d)	D(a)(d)	D(a)(d)		D	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)
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
Automotive commercial					P	
Other similar uses	D	D	D	D	D	D
<p>Footnotes to Table 8.1:</p> <p>(a) limited to bottom two (2) floors only</p>						



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)

- (b) A single use **apartment building** may be permitted if developed as part of a single application that also contains at least one (1) non-residential use and the single use **apartment building** is not facing Major Mixed Use Street as per Subsection 5.28.2 (Activated Streets) of this By-law (see Schedule D-4 of this By-law).
- (c) **May** be permitted as a **discretionary** use if **development** contains **office** or community space.
- (d) As set out in Subsection 5.26 (Land Use Compatibility) of this By-law, any proposed **development** containing sensitive uses **shall** require a land use compatibility study 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.
- (g) The mixed use building **shall** not contain a residential use or function where individuals reside on a temporary or permanent basis.
- (h) Where located within a Low to Mid-Rise Residential and Mid-Rise Residential Precinct and along a Major Mixed Use Street **may** be exempt from the requirement of Major Mixed Use Streets, provided it can demonstrate to the satisfaction of the **City** that the proposal will provide an enhanced **public realm** as per provision 5.28.2a) ii) of this By-law.



## 8.5. Development Standards

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- 8.5.1. Tables 8.2 and 8.3 identify the **development** standards and provisions for the Precincts in the Appleby GO MTSA Permit Area. The standards and provisions **shall** apply to all Precincts in the MTSA unless otherwise specified in the table.
- 8.5.2. Despite the **yard** requirements of Table 8.2,
- a) A **canopy** located between the **first storey** and second **storey** is permitted within a required **yard** abutting any street; and
  - b) **Buildings** and structures are permitted to encroach below **grade** into a required **yard**, subject to the following standards and provisions:
    - i) Below **grade**, **buildings** and structures **shall** maintain a minimum 1 m **setback** from a **lot line**. Through a Class 2 application, the minimum **setback** below **grade** from a **lot line** may be reduced to 0.6 m, subject to demonstration by the applicant to the satisfaction of the Approval Authority that any shoring required to support the construction of the **building** or structure is entirely located within the limits of the subject site;
    - ii) The **development** is **setback** from a railway right-of-way, pipeline easement, or Natural Heritage System Precinct in accordance with Table 6.2; and
    - iii) **Buildings** and structures **shall** not be permitted within a required **landscape buffer**.





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

Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>Yard</b> abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b> or abutting a Low to Mid-Rise Precinct within the Community Planning Permit Area	7.5 m	<b>May</b> be reduced to 6.0 m	--
<b>Yard</b> abutting an <b>Activated Street</b>	2 m minimum and 3 m maximum	Minimum <b>may</b> be reduced to 1.5 m Maximum may be increased to 3.5m	(a) (b)
All other <b>Yards</b>	3 m	<b>May</b> be reduced to 2.4 m	--
<b>Setback</b> of a residential use or other sensitive land use from a railway right-of-way	30 m from the property line of the railway right-of-way	<b>May</b> be reduced in accordance with Section 5.25 of this By-law	--
<b>Setback</b> from a <b>Pipeline Easement</b>	7 m	<b>May</b> be reduced to a <b>variation</b> acceptable to the pipeline company	--
<b>Setback</b> from a Natural Heritage System Precinct	<b>Shall</b> be in accordance with recommended <b>setbacks</b> in an approved Environmental Impact Study by Conservation Halton or as directed by Conservation Halton or the Approval Authority		--



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<b>Landscape Open Space Area</b>	20% of <b>lot area</b> , except: <ul style="list-style-type: none"> <li>in the Low to Mid-Rise Residential Precinct, the minimum <b>landscape open space area</b> is 25% of <b>lot area</b>.</li> </ul>	<b>May</b> be reduced to 15% of <b>lot area</b> ; In the Low to Mid-Rise Precinct, <b>may</b> be reduced to 20% of <b>lot area</b>	(c)
<b>Landscape Buffer</b> abutting an Established Neighbourhood Area as shown on Schedule B-1 of the <b>Burlington Official Plan</b> , or a Low to Mid-Rise Precinct within the Community Planning Permit Area	3 m except: <ul style="list-style-type: none"> <li>if the subject <b>development</b> is within a Low to Mid-Rise Residential Precinct,</li> <li>or is a tall or <b>mid-rise building</b> adjacent to a tall or <b>mid-rise building</b>, no <b>landscape buffer</b> is required.</li> </ul>	<b>May</b> be reduced to 2.4 m	(d)
<b>Residential amenity area (per dwelling unit)</b>	4.0 sq. m of <b>private residential amenity area</b> and 4.0 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	<b>May</b> be reduced to 3.2 sq. m of <b>private residential amenity area</b> and 3.2 sq. m of <b>common residential amenity area</b> per <b>dwelling unit</b>	(e)



Standard	Requirement (minimum)	Class 2 Variation Limit (minimum)	Footnotes
<p><b>First storey</b> height</p>	<p>4.5 m, except:</p> <ul style="list-style-type: none"> <li>in the Urban Employment Precinct or General Employment precinct, no minimum height is required;</li> <li>in the Mid-Rise Residential and Low to Mid-Rise Residential Precinct, no minimum height is required if a residential use is located on the ground floor. Otherwise, the minimum <b>first storey</b> height in these precincts <b>shall</b> be 4.5 m.</li> </ul>	<p>--</p>	<p>(f)</p>
<p><u>Footnotes to Table 8.2:</u></p> <p>(a) The maximum <b>yard</b> requirement <b>shall</b> only apply to the <b>first storey</b> of a <b>building</b>.</p> <p>(b) The portion of a building along an Activated Street dedicated to the entrance of a residential lobby may have a maximum setback of 6 m.</p> <p>(c) Transformers, air shafts, snow storage and retaining walls <b>may</b> encroach into the required <b>Landscape Open Space Area</b> with appropriate screening provided.</p> <p>(d) The <b>landscape buffer shall</b> include fencing installed along the common boundary. The fencing <b>shall</b> have a minimum height of 1.8 m, which <b>may</b> be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense, year-round screen. Snow storage is not permitted in a required <b>landscape buffer</b>.</p> <p>(e) Up to 50% of the required <b>common residential amenity area may</b> be provided outdoors.</p> <p>(f) <b>First storey</b> height is measured from the floor to ceiling of the <b>first storey</b>.</p>			



**Table 8.3: Minimum and Maximum Building Height Standards in the Appleby GO MTSA Permit Area**

Minimum Building Height (Storeys)	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)
	6	6	4 (a)	2	2(b)	3 (b)
Maximum Building Height (Storeys)	See Schedule D-2 and Subsection 5.30 (Building Heights and the Provision of Facilities, Services and Matters) Class 2 Variation Limit: See Schedule D-3 and Section 5.30 Class 3 Height Limit: Maximum Height as determined by Council					
<b>Footnotes to Table 8.3:</b>						
(a) Where rowhouses are proposed in conjunction with a larger development, the rowhouse component <b>shall</b> be a minimum building height of 3 storeys.						
(b) If the use is industrial, no minimum building height is required.						

## 8.6. Building Transitions

8.6.1. Where a **tall** or **mid-rise building** is proposed that abuts a property identified as Established Neighbourhood Area on Schedule B-1 of the **Burlington Official Plan** or a Low to Mid Rise Residential Precinct as shown on Schedule D-1 of this By-law, or abuts an existing or new **park**, including linear park and greenway, **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 (1) 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.



# 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**

[Starts on next page]



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 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. 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





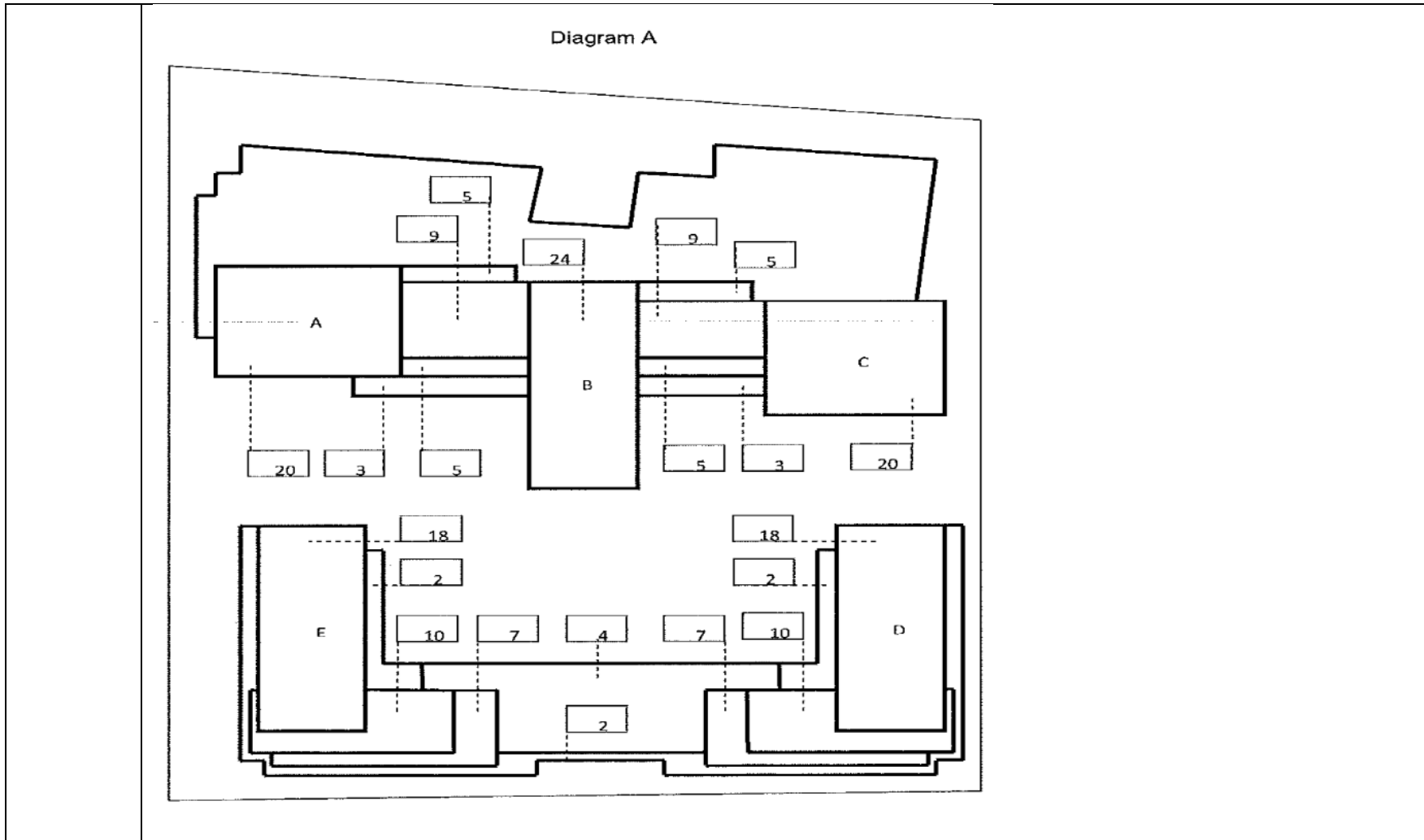
- 0.18 visitor spaces per unit

b) Retirement Home:

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

7. 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.

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





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								
<p>Provisions:</p> <p>1. <u>Permitted Uses</u></p> <p>Retail and Service Commercial uses <b>shall</b> 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 storey. All non-residential uses, excluding ancillary residential uses, <b>shall</b> have direct access facing Brant Street.</p> <p>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.</p> <p>2. <u>Regulations for Mixed Use Building</u></p> <table border="0" data-bbox="420 1039 1869 1364"> <tr> <td style="padding-left: 40px;">a. Maximum Building Height:</td> <td style="padding-left: 100px;">13 storeys including mezzanine mechanical penthouse; 44 m</td> </tr> <tr> <td style="padding-left: 40px;">b. Maximum Floor Area Ratio:</td> <td style="padding-left: 100px;">4.11:1</td> </tr> <tr> <td style="padding-left: 40px;">c. Maximum 13th Storey Gross Floor Area:</td> <td style="padding-left: 100px;">472 m<sup>2</sup></td> </tr> <tr> <td style="padding-left: 40px;">d. Amenity Area:</td> <td style="padding-left: 100px;">15.3 m<sup>2</sup> per unit</td> </tr> </table>						a. Maximum Building Height:	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
a. Maximum Building Height:	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 Abutting Brant Street:	0.7 m
j.	Underground Parking North Side Yard Setback:	0.7 m
k.	Underground Parking South Side Yard Setback:	0.9 m
l.	Maximum Balcony Projection:	2m
m.	Required Parking: parking spaces	1.1 parking spaces per dwelling unit including visitor parking spaces
n.	Required Non-Residential Parking:	3.5 parking spaces per 100 m <sup>2</sup> of gross floor area
o.	Required Residential Bicycle Parking Spaces:	185 bicycle parking spaces
<p>Except as amended herein, all other provisions of this By-law, as amended, <b>shall</b> apply.</p>		



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
<p>Provisions:</p> <p>1. Regulations for Apartment Building with Ground Floor Office:</p> <p>a) Maximum Number of Dwelling Units: 49</p> <p>b) Floor Area:</p> <p style="padding-left: 40px;">i) Floor Area for Ground Floor Office: 183 m2 maximum</p> <p style="padding-left: 40px;">ii) 7th Storey Area: Only a rooftop terrace (maximum 150 m2) and mechanical penthouse (maximum 205 m2) permitted on 7th storey</p> <p>c) Yards:</p> <p style="padding-left: 40px;">i) Abutting Plains Road East:</p> <p style="padding-left: 80px;">Underground Parking Vent and guard: 1.6 m</p> <p style="padding-left: 80px;">Floor 7: 8 m to rooftop terrace 8 m to mechanical penthouse</p> <p style="padding-left: 40px;">ii) Abutting East Property Line:</p> <p style="padding-left: 80px;">Floors 1-4: 3 m including balconies</p> <p style="padding-left: 80px;">Floor 5: 6 m to building; 3 m to terrace</p>					



	<p>Floor 6: 6 m including balconies                  Floor 7: 22 m to rooftop terrace                  8.5 m to mechanical penthouse</p> <p>iii) Abutting West Property Line:</p> <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 <b>may</b> encroach into landscape buffer</p> <p>e) Landscape Area Abutting a Street: 0.9 m</p>
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	<p>f) Parking:</p> <ul style="list-style-type: none"> <li>i) Occupant Parking: 55 spaces</li> <li>ii) Shared Visitor/Office Parking: 16 spaces including 1 accessible parking space. <b>May</b> include Car Share and E/V spaces</li> </ul> <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, <b>shall</b> apply.</p>
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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>Provisions:</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 <b>shall</b> 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:                             <ol style="list-style-type: none"> <li>a. Total ground floor retail and/or Service commercial area <span style="float: right;">1,027 m2</span></li> </ol> </li> </ol>					





	<ul style="list-style-type: none"> <li>b. Lot Area</li> <li>c. Maximum Floor Area Ratio</li> <li>d. Maximum Number of Residential Units</li> <li>e. Separation Distance between Floors above the 6<sup>th</sup> storey</li> <li>f. Yard Abutting Plains Road East:                             <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> </ul> </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> </ul>	<p>0.68 ha</p> <p>4.41:1</p> <p>389 units</p> <p>15 m</p> <p>3m</p> <p>3m to building, 1.2m to balconies</p> <p>6m to building, 3m to rooftop terrace</p> <p>6m to building, 4.2m to balconies</p> <p>9m to building, 6m to rooftop terrace</p> <p>7m</p> <p>10.5m</p> <p>10.5 to the building, 10.1m to rooftop terrace, 8.7 to balconies</p> <p>13.3m to building, 10.5m to rooftop terrace</p> <p>16.4m to building, 13.3m to rooftop terrace</p> <p>19.5m to building, 16.4m to rooftop terrace</p> <p>22.5m to building, 19.2m to rooftop terrace</p> <p>25.5m to building, 22.2m to rooftop terrace</p> <p>28.5m to building, 25.5m to rooftop terrace</p> <p>29m to building, 28.2m to rooftop terrace</p> <p>29m</p>
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	<ul style="list-style-type: none"> <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:                             <ul style="list-style-type: none"> <li>i. Abutting Rear Yard (south zone boundary)</li> <li>ii. Abutting all other property lines</li> </ul> </li>   <li>k. Maximum Building Height                             <ul style="list-style-type: none"> <li>i. Floor 1 (minimum)</li> </ul> </li>   <li>l. Amenity Area</li>   <li>m. Parking Requirements:                             <ul style="list-style-type: none"> <li>i. Occupant Parking</li> <li>ii. Visitor and Commercial</li> </ul> </li>   <li>n. Landscape Area:                             <ul style="list-style-type: none"> <li>i. Abutting a street</li> </ul> </li>   <li>o. Landscape Buffer Abutting a Residential zone:                             <ul style="list-style-type: none"> <li>i. Rear Yard (south zone boundary)</li> </ul> </li> </ul>	<p>5.5m to building, 3.7 to balconies 11.2m</p> <p>2.7m 3.7m to building, 3m to rooftop terrace/balconies 3.7m</p> <p>3m 0m</p> <p>12 storeys up to 42m 4.5m</p> <p>21m<sup>2</sup> per unit</p> <p>0.91 spaces per residential unit 0.06 spaces per residential unit</p> <p>0m</p> <p>3m (1.9m encroachment permitted for below-grade parking)</p>
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		ramp drive aisle and 2 parking spaces)
	ii. Side Yard (east zone boundary)	0m
	p. Driveway and Parking Spaces abutting R1, R2 and R3 Zone in the City's Zoning By-law 2020	1.1m
Except as amended herein, all other provisions of this By-law, as amended, <b>shall</b> apply.		



Exception No.	MTSA Permit Area	Precinct/Zone	By-law No.	Location	Schedule No.								
0006	Aldershot GO MTSA	Mid-Rise Residential (M)	(new)	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	C-1								
<p>Provisions:</p> <p>1. <u>Regulations for Apartment Building</u></p> <p>a) Yards:</p> <table data-bbox="420 974 1218 1347"> <tr> <td>i) Abutting Masonry Court:</td> <td>5 m</td> </tr> <tr> <td>ii) Abutting St. Matthew’s Avenue:</td> <td>4 m</td> </tr> <tr> <td>iii) Abutting Residential Zone:</td> <td>13 m</td> </tr> <tr> <td>iv) Abutting Clearview Avenue:</td> <td>17 m</td> </tr> </table>						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
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												



	<p>b) Setbacks for an Underground Parking Structure:</p> <ul style="list-style-type: none"> <li>i) Abutting Masonry Court: 1.0 m</li> <li>ii) Abutting St. Matthew’s Avenue: 0.1 m</li> <li>iii) Abutting a Residential Zone: 2 m</li> <li>iv) Abutting Clearview Avenue: 0.5 m</li> </ul> <p>c) Landscape Buffers:</p> <ul style="list-style-type: none"> <li>i) Abutting a Residential Zone: 3 m</li> <li>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 <b>may</b> encroach into required landscape buffers.</li> </ul> <p>d) Parking:</p> <ul style="list-style-type: none"> <li>i) Occupant 152 spaces</li> <li>ii) Visitor 29 spaces</li> </ul>
--	--



	<p>iii) Enclosed Occupant Parking</p> <p>e) Maximum Density:</p> <p>f) Height:</p> <p>    i) 7 storeys up to 24 m</p> <p>    ii) Height <b>shall</b> not include any mechanical penthouse, stairways or associated servicing structures or areas.</p> <p>g) Amenity Area:</p> <p>h) Setback from Driveway or Parking Lot to Residential Zone:</p> <p>Except as amended herein, all other provisions of this By-law, as amended, <b>shall</b> apply</p>	<p>99%</p> <p>262 units/ha</p> <p>14.5 m<sup>2</sup> per unit</p> <p>3 m</p>
--	--	--



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>Provisions:</p> <ol style="list-style-type: none"> <li>1. The following additional uses are permitted:                             <ul style="list-style-type: none"> <li>Sporting Goods sales and service</li> </ul> </li> <li>2. Regulations:                             <ul style="list-style-type: none"> <li>(a) Accessory Video Game &amp; Pinball Machines: 40 machines maximum</li> <li>(b) Sporting Goods retail floor area: 200 m2 maximum</li> <li>(c) Parking: 630 spaces</li> <li>(d) Landscape area abutting an O2 zone: 3 m</li> </ul> </li> </ol> <p>Except as amended herein, all other provisions of this By-law, as amended, <b>shall</b> apply</p>					



## 9.2. Specific Exceptions for Existing Rowhouses

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- 9.2.1. Notwithstanding any provisions to the contrary in the CPP By-law, the following provisions apply to the areas identified on Schedules B-1, C-2 and D-1 as “CPP By-law 2024-XX Exceptions for Existing **Rowhouses**”.
- 9.2.2. **Variations** to the standards in provision 9.2.4 may be allowed through a Class 2 application at the discretion of Approval Authority subject to following criteria instead of the criteria outlined in Section 3.8 of this By-law:
- a) is minor in nature;
  - b) is desirable for the appropriate **development** or use of land;
  - c) maintains the general intent and purpose of the **Burlington Official Plan**;
  - d) maintains the general intent and purpose of this By-law;
  - e) meets any additional criteria established by the City, including any applicable Council-approved design guidelines.
- 9.2.3. Sections 5.18 to 5.25 (inclusive) of this By-law **shall** not apply to parking areas, parking spaces, driveways and parking aisles, **loading spaces**, or bicycle parking spaces that existed prior to the day this By-law came into effect for **existing rowhouses**.
- 9.2.4. In all other respects, the provisions of the Community Planning Permit By-law continue to apply.





9.2.5. Accessory buildings, structures, **porches, patios, decks, privacy screens** and fencing for **existing rowhouses** are permitted subject to the following standards:

Accessory Buildings and Structures

- a) **Accessory buildings and structures** associated with an **existing Street Rowhouse**:
- i) **Accessory buildings** up to 15 m<sup>2</sup> in area:

**Table 9.2: Standards for Accessory Buildings up to 15 m<sup>2</sup> in area associated with an existing Street Rowhouse**

Standard	Requirement
<b>Setback</b> from a <b>side lot line abutting a street</b>	7.5 m
<b>Setback</b> from a <b>rear lot line abutting a street</b>	90 cm
<b>Setback</b> from a <b>front lot line</b>	15 m
<b>Setback</b> from any other <b>lot line</b>	No minimum
Maximum height	5.23 m

- ii) **Accessory buildings** greater than 15 m<sup>2</sup> in area and/or 2.5 m in height, or **accessory structures**:
- **Shall** not be permitted in a **front yard, street side yard** or required **side yard**
  - Permitted in a **rear yard** subject to the standards of Table 9.3



**Table 9.3: Standards for Accessory Buildings greater than 15 m<sup>2</sup> in area and/or 2.5 m in height and Accessory Structures associated with an existing Street Rowhouse**

Standard	Requirement	
	Accessory Buildings greater than 15 m <sup>2</sup> in area and/or 2.5 m in height	Accessory Structures
<b>Setback from a rear lot line</b>	7.5 m	7.5 m
<b>Setback from a side lot line</b>	1.2 m	90 cm
<b>Setback from a side lot line abutting a street:</b>	7.5 m	7.5 m
Maximum height	4.6 m (peaked roof), 3.5 m (flat roof)	3.7 m
Maximum roof overhang encroachment	0.5 m from a wall	0.5 m from a post
Maximum area of <b>accessory building or structure</b>	50 m <sup>2</sup> (a)	42 m <sup>2</sup>
Footnotes to Table 9.3:  (a) A detached swimming pool enclosure <b>may</b> be greater than 50 m <sup>2</sup> in area provided that the <b>yard</b> requirements for a <b>principal building</b> on the same <b>lot shall</b> apply to the pool enclosure.		



- b) **Accessory buildings and structures** associated with an existing **rowhouse** that is not considered a **Street Rowhouse** shall be subject to the **yard** requirements in Tables 6.2, 7.2, and 8.2.

#### Porches:

- a) A **roofed-over** or screened but otherwise unenclosed **1-storey porch** including steps and roof overhang excluding eaves and gutter is permitted to project a maximum of 0.65 m into a **front yard** or **street side yard**.
- b) A **porch** shall not exceed an area of 20 m<sup>2</sup> if it is not roofed over, otherwise there is no maximum area.

#### Patios & Decks:

- a) Except for **patio** roofs, **patios** associated with an existing **rowhouse** are permitted within all **yards**.
- b) **Patio** roofs and **decks** associated with an existing **Street Rowhouse** are permitted in all **yards** except a **front yard**, subject to the standards in Table 9.4 and provisions 9.2.4 h) and i).
- c) **Patio** roofs and **decks** associated with an existing **rowhouse** that is not a **Street Rowhouse** are permitted to encroach 3 m into all **yards** except a **yard** abutting a street, subject to provisions 9.2.4 h) and i).
- d) **Patios** and **decks** are allowed to be roofed over, screened in and enclosed by a handrail, but otherwise **shall** not be enclosed.
- e) A handrail for a **patio** or **deck** shall not exceed a height of 122 cm above the platform floor.



Table 9.4: Standards for Patio Roofs and Decks associated with an Existing Street Rowhouse

Associated with an Existing Street Rowhouse			
Standard	Patio Roofs, or Decks over 60 cm to 1.2 m high	Decks over 1.2 m high	
		and up to 15 m <sup>2</sup> in area	and over 15 m <sup>2</sup> in area
Maximum Area of Deck (a)	No maximum	15 m <sup>2</sup>	30 m <sup>2</sup>
Setback from a Street Line	3 m	4.5 m	6 m
Setback from a Rear Lot Line	1.8 m	4.5 m	6 m
Setback from a Side Lot Line	1.2 m (b)	1.8 m (b)	3 m
Maximum coverage (c)	50% of the yard area in which decks are located		
Footnotes to Table 9.4:			
(a) Total combined area of all platforms over 1.2 m high excluding stairs.			
(b) Where a side lot line extends from a common wall dividing attached dwelling units, the setback <b>shall</b> not apply.			
(c) Coverage means the surface area of a yard which may be covered by decks. This standard does not apply to patio roofs.			



### Privacy Screens

a) **Privacy screens** on **decks** and balconies are permitted for **existing rowhouses**, subject to the following standards:

- |  |       |
|--|-------|
| a. Maximum height from grade:  | 2.5 m |
| b. Maximum height from platform:   | 1.8 m |
| c. Enclosed on two sides only  |       |
| d. <b>Setback</b> from the <b>street line</b> :  | 9 m   |
| e. <b>Setback</b> from <b>side lot line</b> :  | 1 m   |
| f. <b>Setback</b> from a <b>side lot line</b> that extends from a common wall dividing <b>dwelling units</b> : | 0 m   |
| g. <b>Setback</b> from a <b>rear lot line</b> :  | 1.5 m |
| h. Combined length of <b>privacy screens</b> (per unit):   | 12 m  |

### Fencing

b) The maximum height of a fence **shall** comply with Subsection 5.14 (Fencing) of this By-law, except provision 5.14.2 b) applies only where a fence is located within 3 m of the **front lot line**.

9.2.6. For the implementation of provision 9.2.4, the following interpretation and definitions also apply:

### Interpretation of Daylight Triangles



- a) For the purpose of determining a **front lot line** or **side lot line** abutting a street, a **daylight triangle** is deemed not to exist, provided the minimum distance of any **building** or structure from the hypotenuse of a **daylight triangle** is 3 m.

## Definitions

### **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.

### **Deck**

- A platform or series of platforms, accessory to a **dwelling unit**, either free-standing or attached to the **dwelling unit**, and having a height greater than 60 cm measured from the lowest point of **grade** at the platform perimeter to the floor of the platform.

### **Existing Rowhouse or Existing Street Rowhouse**

- A **rowhouse** or **street rowhouse** that existed prior to the day this By-law came into effect.

### **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 (1) 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 (2) 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 (2) opposite sides by streets.

#### Patio

- A platform or series of platforms, accessory to a **dwelling unit**, either free-standing or attached to the **dwelling unit**, and having a height of up to 60 cm measured from the lowest point of **grade** at the platform perimeter to the floor of the platform.

#### Porch

- A platform located in a **front** or **street side yard**, with or without a foundation and/or basement with at least one (1) side open, that **may** be covered by a roof, with direct access to the ground and is attached to a **dwelling unit**.



### Rowhouse, Street

- A **rowhouse** where every individual **dwelling unit** is located on a separate **Lot** (including **Parcel of Tied Land**) with frontage on a public street and every **dwelling unit** has at least one (1) separate outside entrance.

### 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**.

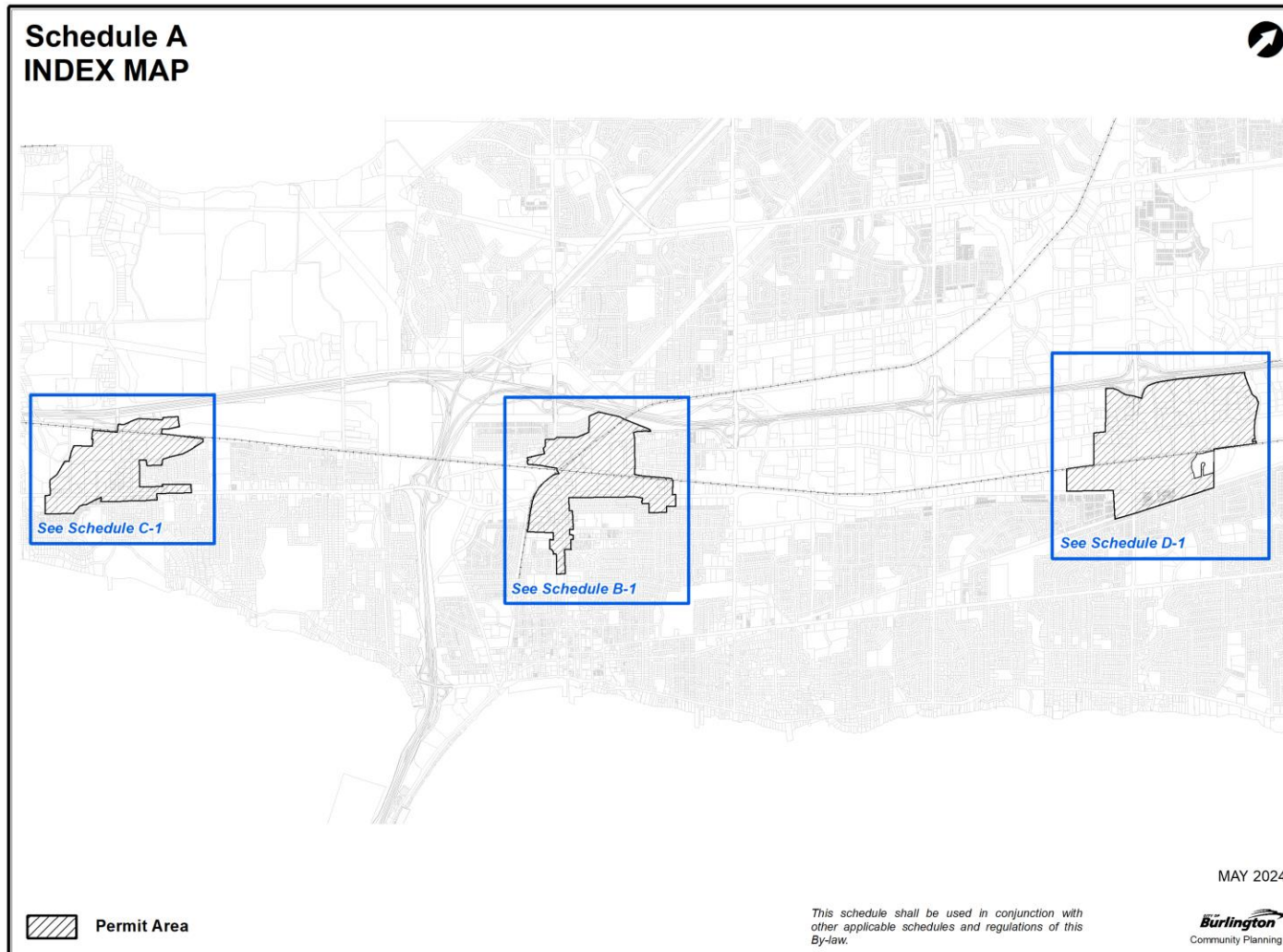
### Yard, Street Side

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

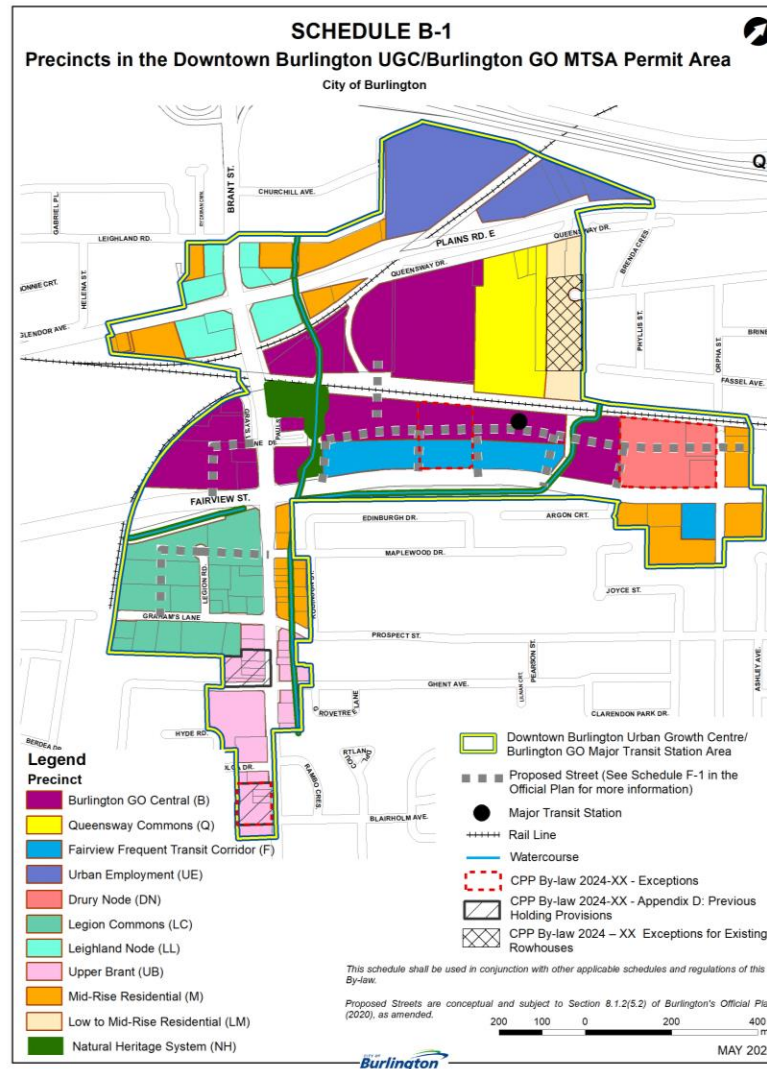




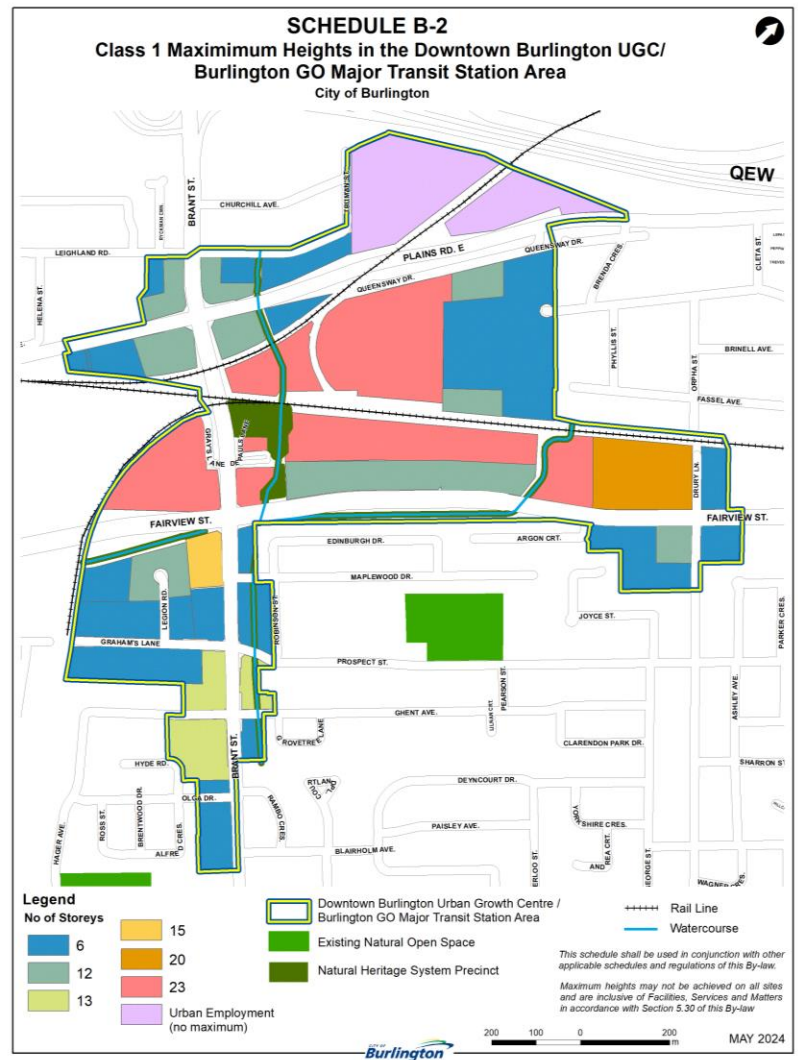
## Schedule A: Index Map



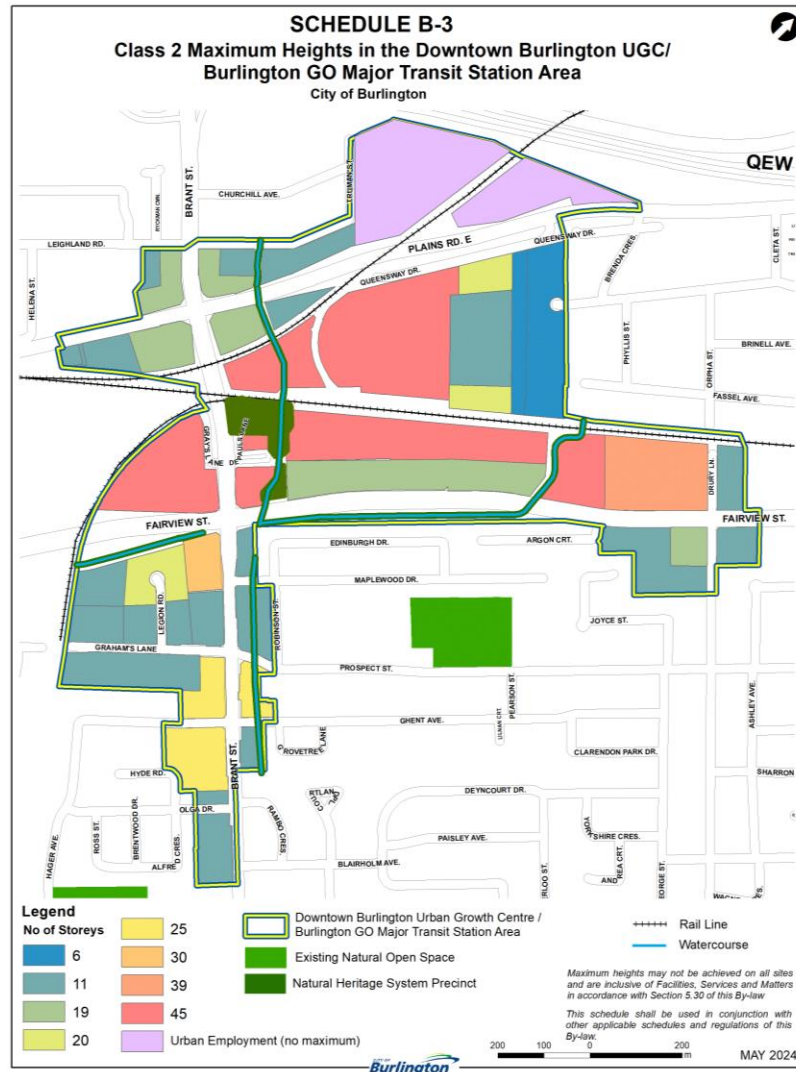
# Schedule B-1: Precincts in the Downtown Burlington UGC / Burlington GO MTSA Permit Area



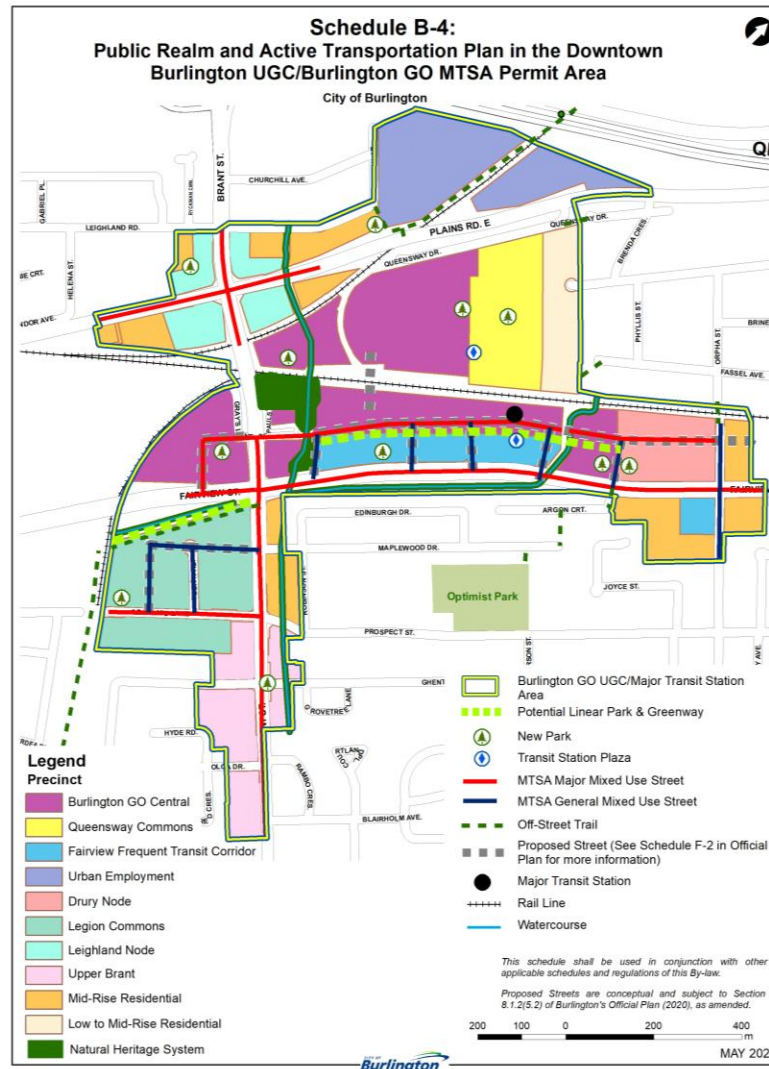
# Schedule B-2: Class 1 Maximum Heights in the Downtown Burlington UGC / Burlington GO MTSA Permit Area



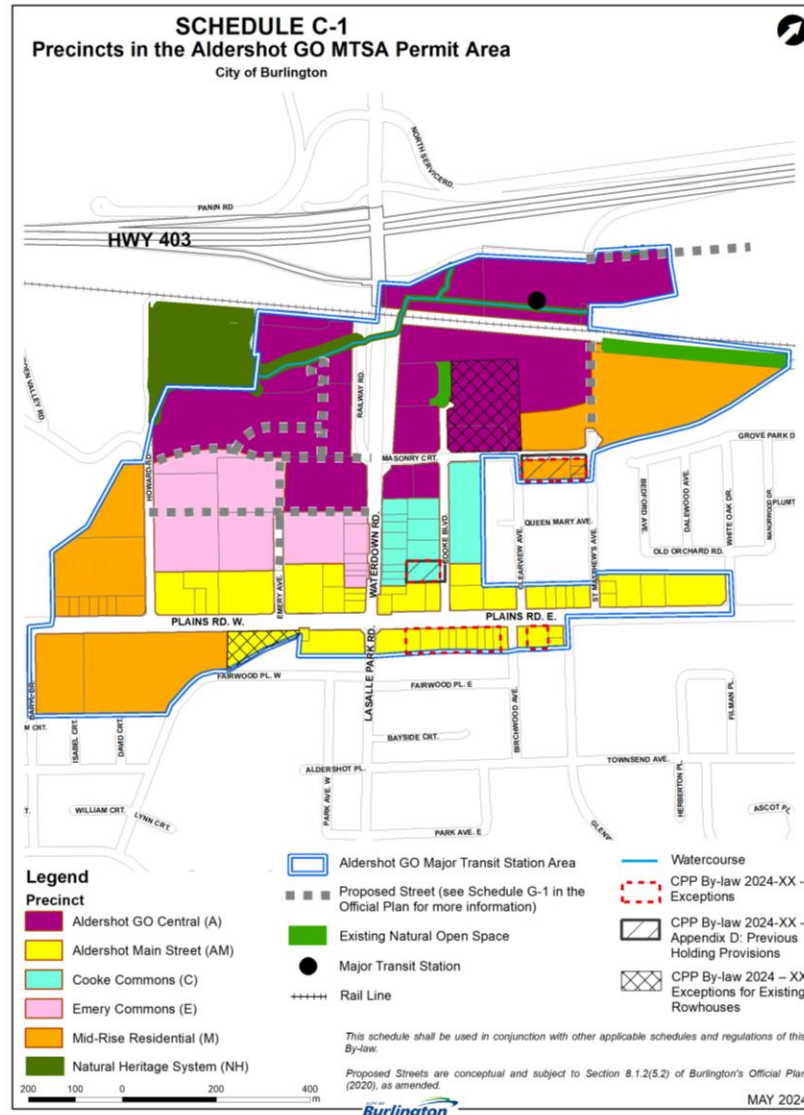
## Schedule B-3: Class 2 Maximum Heights in the Downtown Burlington UGC / Burlington GO MTSA Permit Area



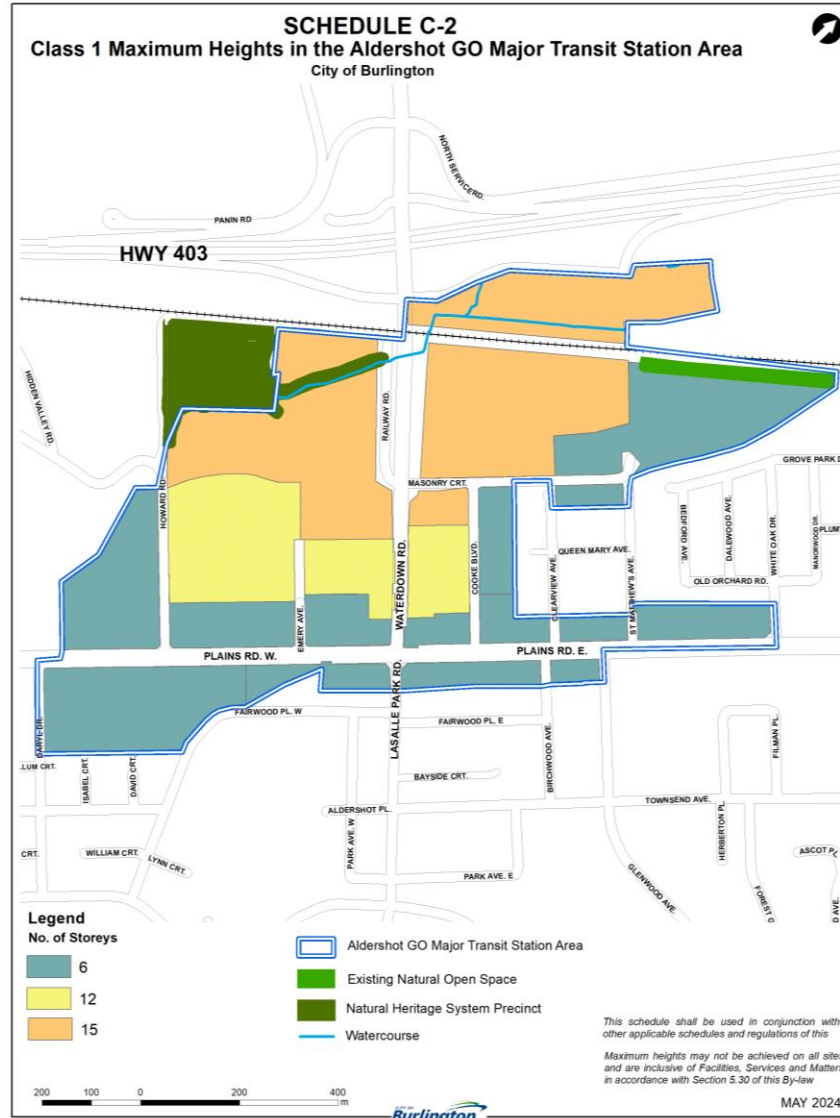
## Schedule B-4: Class 2 Maximum Heights in the Downtown Burlington UGC / Burlington GO MTSA Permit Area



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

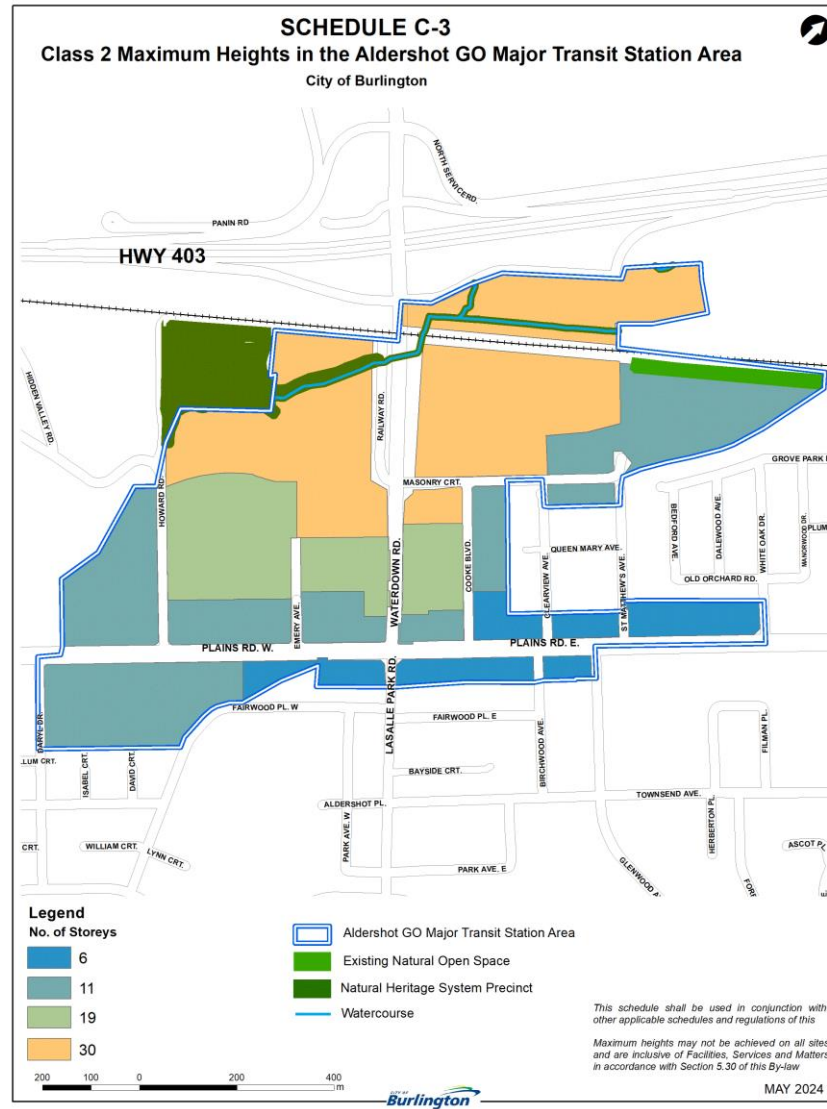


## Schedule C-2: Class 1 Maximum Heights in the Aldershot GO MTSA Permit Area

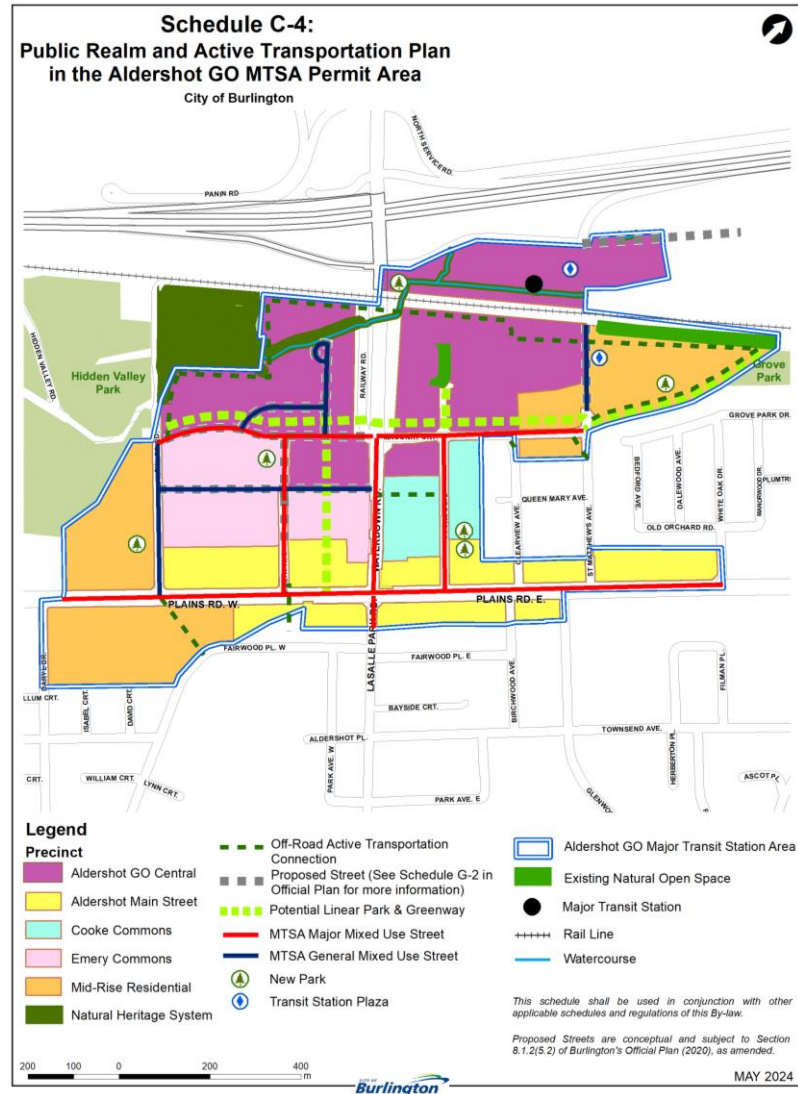




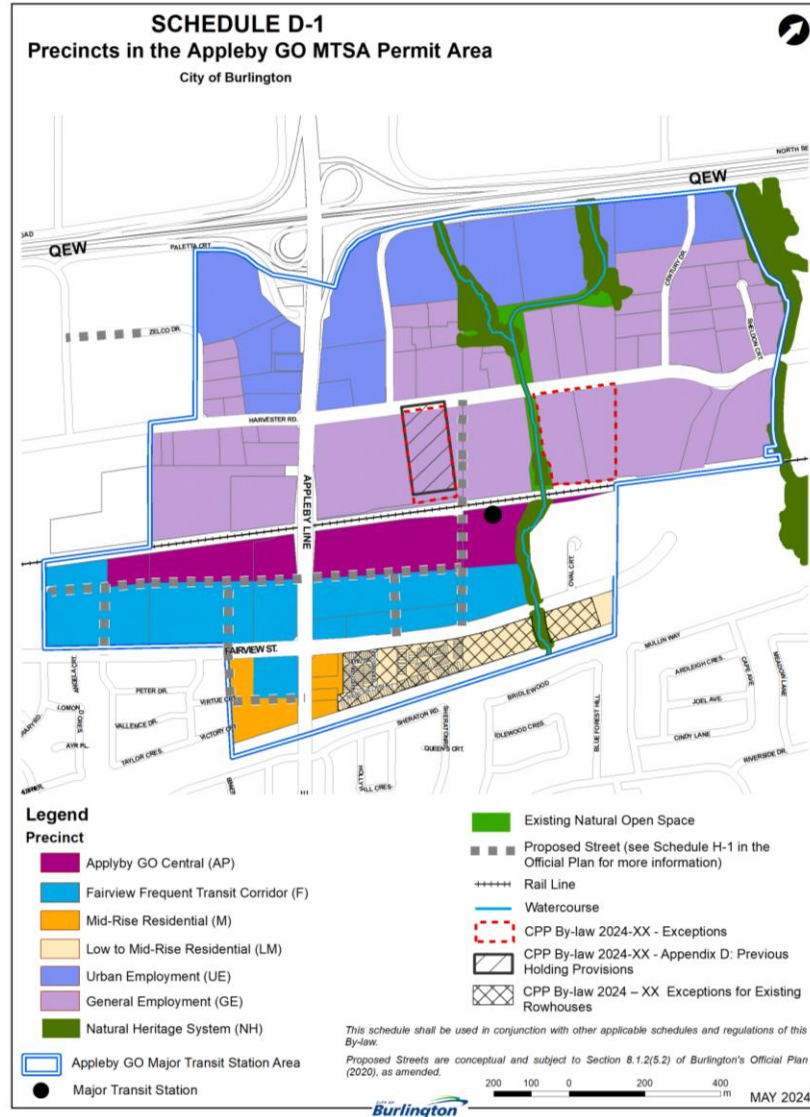
## Schedule C-3: Class 2 Maximum Heights in the Aldershot GO MTSA Permit Area



## Schedule C-4: Public Realm and Active Transportation Plan in the Aldershot GO MTSA



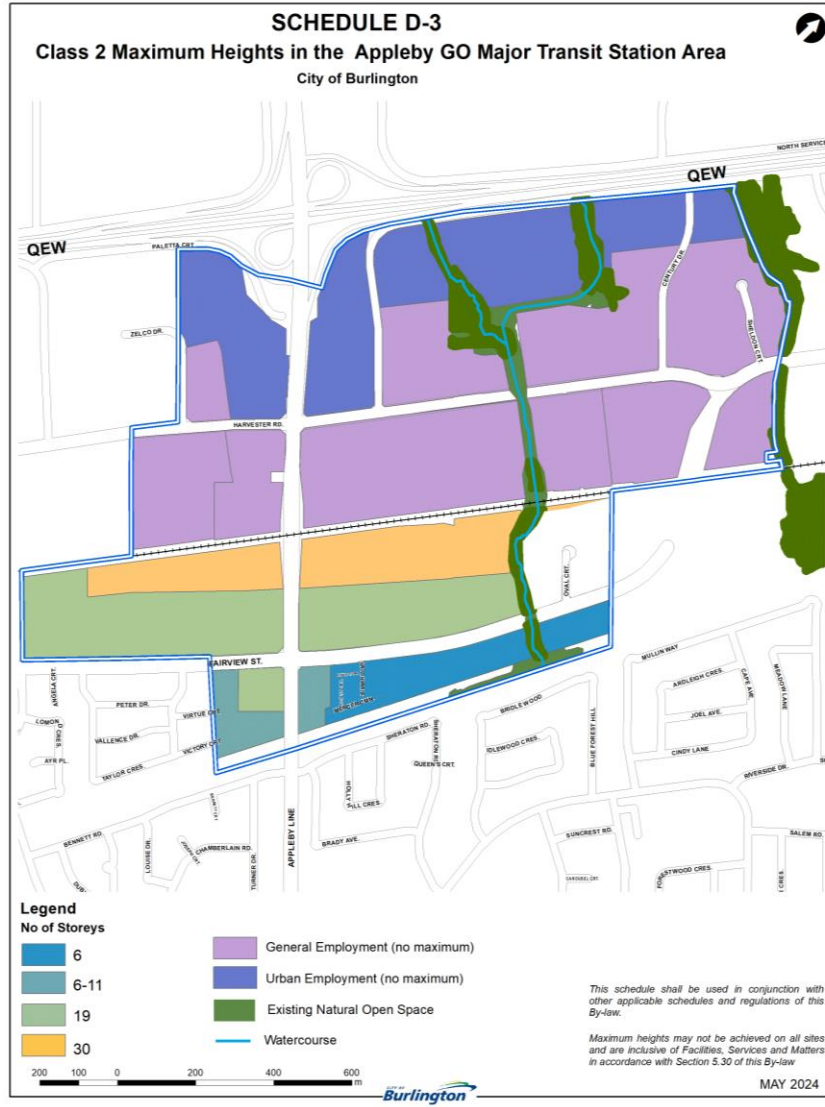
## Schedule D-1: Precincts in the Appleby GO MTSA Permit Area



## 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



## Schedule D-3: Public Realm and Active Transportation Plan in the Appleby GO MTSA





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

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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, as amended, including but not limited to the following:

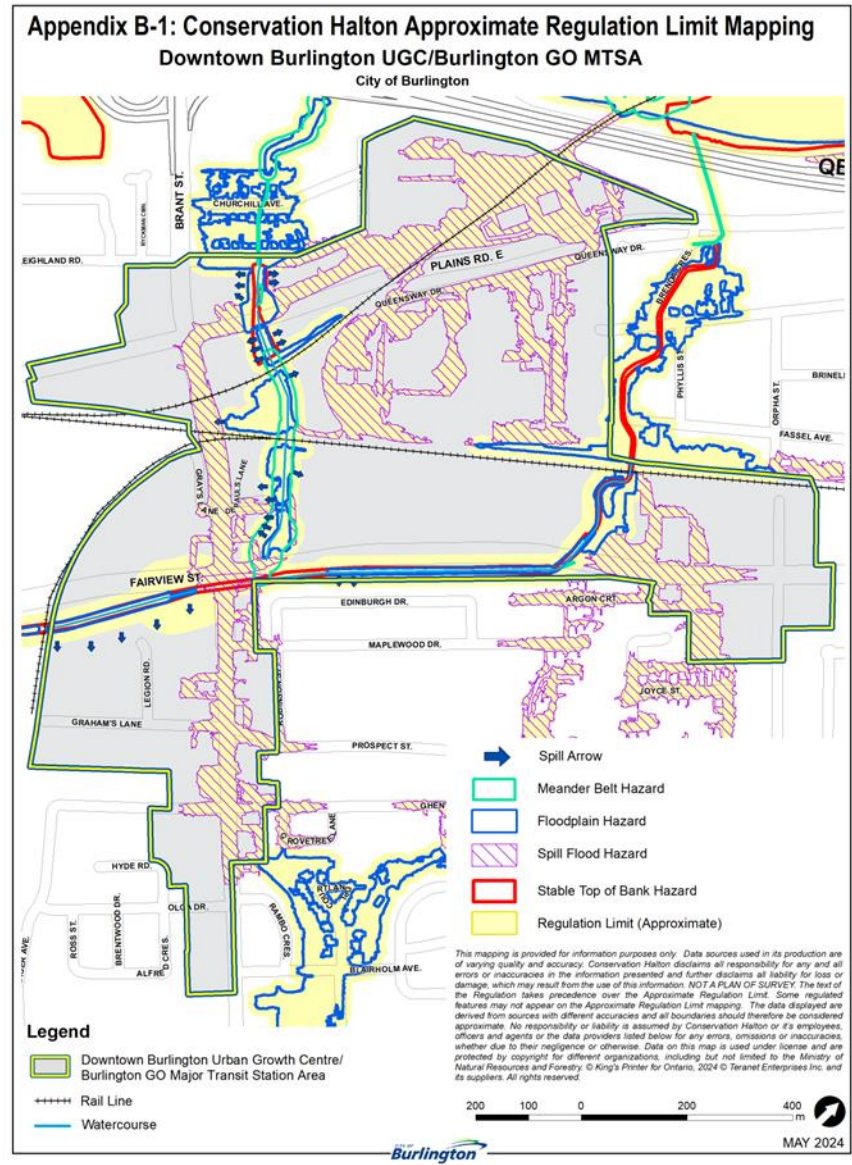
- Development is to proceed in accordance with the approved plans through the Community Planning Permit and the recommendations of plans and required technical studies **shall** it to be implemented/constructed and maintained.
- The submission of revisions to plans, architectural drawings, surveys, technical 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;
- The following conveyances will be provided at no cost to the City to the satisfaction of the Director of Community Planning or their designate and must be clear of all physical, title and financial encumbrances to the satisfaction of the City’s Executive Director of Legal Services and Corporation Council:
  - easements in favour of the municipality including for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities,
  - creek blocks, road widening or new right of ways to the extent established in the **Burlington Official Plan**;



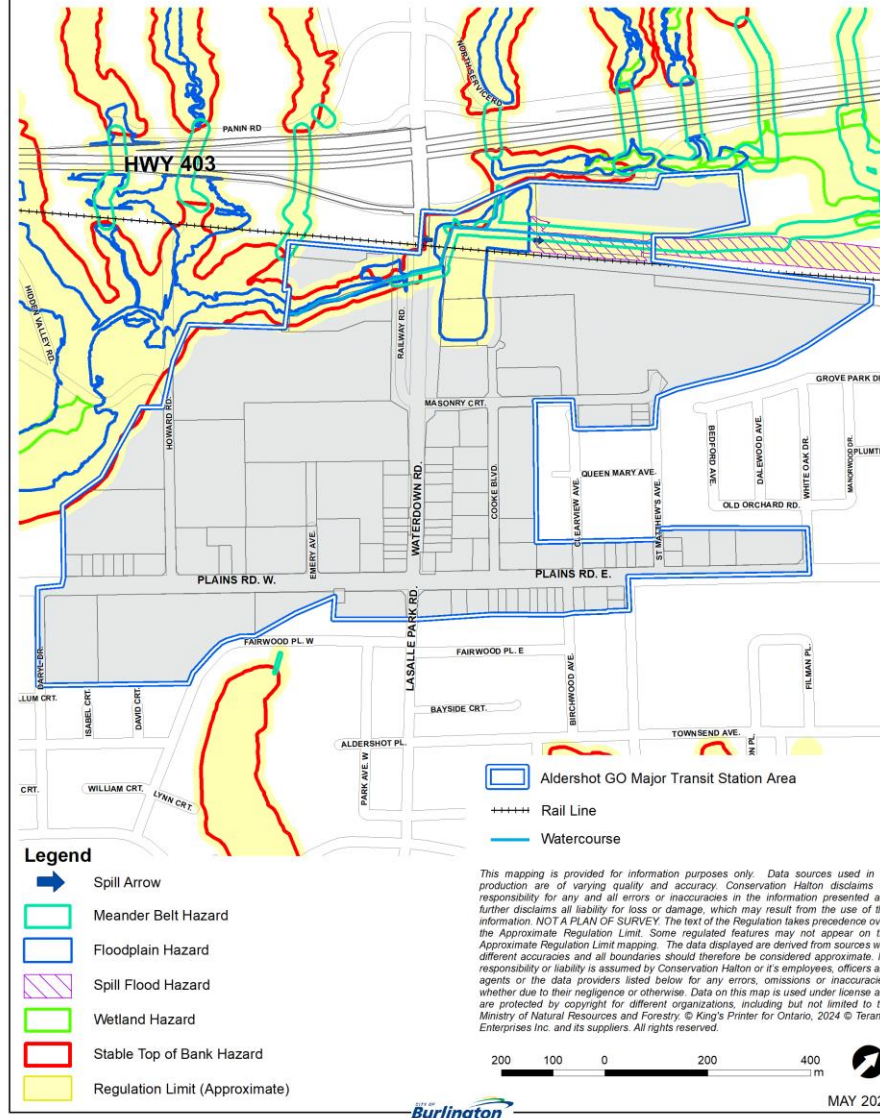
- Encroachment Agreements with the **City**;
- Provision of financial securities;
- The dedication of parkland or the payment of cash-in-lieu, in accordance with **City** of Burlington's Residential and Non-Residential **Park** Dedication By-laws;
- Obtaining permit for **site alteration**, in accordance with **City** of Burlington Site Alteration By-law, as amended or for **tree** removal in accordance with **City** of Burlington's Private **Tree** By-law and Public **Tree** By-law, as amended;
- The provision of facilities, services and matters in accordance with 5(2)c of *O. Reg 173/16*, as amended and section 5.30 (Building Heights and the Provisions of Facilities, Services and Matters) 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 and ensure that the title to property has merged;
- Agreements with required subdivision or condominium conditions as applicable;
- 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 **Burlington Official Plan** and the supporting documentation or approvals;

# Appendix B - Conservation Halton Regulatory Limit Maps



## Appendix B-2: Conservation Halton Approximate Regulation Limit Mapping Aldershot GO MTSA City of Burlington



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**Appendix B-3: Conservation Halton Approximate Regulation Limit Mapping**  
**Appleby GO MTSA**  
 City of Burlington



- Legend**
- Spill Arrow
  - Meander Belt Hazard
  - Floodplain Hazard
  - Spill Flood Hazard
  - Stable Top of Bank Hazard
  - Regulation Limit (Approximate)
  - Appleby GO Major Transit Station Area
  - Rail Line
  - Watercourse

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MAY 2024

## 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) 2023	Maximum Affordable Monthly Rent (September, 2023 through September, 2024)		
	2016	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)	Conditions
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.

Roll #(s)	Zone (Zoning By-law 2020)	Exception # (Zoning By-law 2020)	By- law No.	Location	Map No. (Zoning By-law 2020)	Conditions
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;
2402050512029000000						b) The owner submits a Functional Servicing Report to the satisfaction of Halton Region;
2402050512030000000				Legal Description: PLAN 99 PT LOTS 65,66  PLAN 99 PT LOT 66		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.

2402050502001030000	H-MXG	N/A	2020	784 Brant Street	N/A	<ul style="list-style-type: none"> <li>a) Water supply, sanitary sewers, stormwater management facilities, parks, and schools are sufficient for the development.</li> <li>b) Transportation facilities are adequate and appropriate for the development.</li> <li>c) The number and location of access points to the development are adequate and safe.</li> <li>d) Consolidation of land ownership has been completed to the City's satisfaction.</li> <li>e) Studies relating to traffic, soil, natural and heritage features, environmental constraints, design features, and market impact analysis have been completed to City's satisfaction.</li> </ul>
				Legal Description:		
				PLAN 99 PT LOT 68		
24020101060743407439	H-MXG	534	2020	1026 Cooke Boulevard	Map 3-E	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 Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of Halton Region;
- c) That the owner enters into a Development Agreement, Regional Servicing Agreement and/or Special Finance Agreement, if required, to finance the construction of the required off-site infrastructure upgrades prior to development, to the satisfaction of Halton Region;
- d) The owner submits a revised Land Use Compatibility Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures **shall** be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton

Region;

- e) The owner submits a revised Noise Impact Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures **shall** be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;
- f) The owner submits a revised Sun Shadow Study and Sun Access Factor calculations in accordance with the City's Shadow Study Guidelines and Terms of Reference, dated June 2020 and all mitigation measures **shall** be incorporated into the site plan to the satisfaction of the Director of Community Planning;
- g) The owner submits a revised Pedestrian Level Wind Study in accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of

Roll #(s)	Zone (Zoning By-law 2020)	Exception # (Zoning By-law 2020)	By- law No.	Location	Map No. (Zoning By-law 2020)	Conditions
						Reference, dated March 2020 and all mitigation measures <b>shall be</b> incorporated into the site plan to the satisfaction of the Director of Community Planning.
<b>2402090909035000000</b>	H-GE1- 52	534	2020	5100 Harvester Road	Map 27	a) The Region of Halton <b>shall be</b> satisfied with the adequacy of water supply and waste water services for this property.

## Appendix E – Uses in Mixed Use Building with First Floor non-residential use and residential above

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The following uses may be considered as a use to be incorporated into a mixed use building with first floor non-residential and residential above in accordance with Tables 6.1, 7.1 and 8.1. This list **may** change over time depending on market conditions and/or identified through a retail and service commercial needs report:

- Food Store;
- Convenience/Specialty Food Store;
- **Public Service Facility;**
- **Day Care Centre;**
- Office;
- Bank;
- Hardware Store; and,
- Other use subject to demonstrated market need and/or through a retail and service commercial report and subject to approval of the Approval Authority.