

The Corporation of The City of Burlington

City of Burlington By-Law Number 2020.484

A By-law to amend By-law 2020, as amended; for 1393 Graham’s Lane, for the purpose of permitting the development of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with a maximum height of 21 storeys, and a possible additional multi-unit residential building with a maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area).

File No.: 520-04/24 (PL-64-24)

Whereas Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and,

Whereas the Council of the Corporation of the City of Burlington approved Recommendation PL-64-24 on August 7, 2024, to amend the City’s existing Zoning By-law 2020, as amended, to permit the development of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with a maximum height of 21 storeys, and a possible additional multi-unit building with a maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area)

The Council of The Corporation of The City of Burlington hereby enacts as follows:

1. Zoning Map Number 10-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule “A” attached to this By-law.
2. The lands designated as “A” on Schedule “A” attached hereto are hereby rezoned from MXE to H-MXG-545.
3. The lands designated as “B” on Schedule “A” attached hereto are hereby rezoned from MXE to H-P.
4. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an “H” Holding Symbol, is amended by creating Section 88 as follows:

| 88. | H-MXG-545 | Map 10-E | Resolution: |
|--|------------------|-----------------|--------------------|
| The Holding symbol shall be removed from the zone designation by way of an amending Zoning By-law when the following has been completed: | | | |
| a) The owner shall submit a revised Land Use Compatibility Study addressing the peer review comments prepared by SLR Consulting | | | |

- (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning;
- b) The owner shall submit a revised Noise Impact Study addressing the peer review comments prepared by SLR Consulting (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning;
 - c) The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning;
 - d) The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning;
 - e) The owner shall submit a revised Pedestrian-Level Wind Study in accordance with the City’s Pedestrian-Level Wind Study Guidelines and Terms of Reference, March 2020, and all mitigation measures shall be incorporated into the Site Plan, to the satisfaction of the Director of Community Planning;
 - f) The owner shall submit a revised Shadow Study in accordance with the City’s Shadow Study Guidelines and Terms of Reference, March 2020, to the satisfaction of the Director of Community Planning;
 - g) The owner shall submit an updated Transportation Impact Study to the satisfaction of the Director of Transportation Services;
and,
 - h) A revised Functional Servicing Report shall be submitted that addresses the sewer capacity issue on Grahams Lane and how this issue is to be resolved to the satisfaction of Halton Region. In this regard, downstream servicing constraints shall be addressed and any extensions, upsizing and/or upgrades be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of servicing.

5. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an “H” Holding Symbol, is amended by creating Section 89 as follows:

| 89. | H-P | Map 10-E | Resolution: |
|--|------------|-----------------|--------------------|
| <p>The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:</p> <ul style="list-style-type: none"> a) The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning; and, | | | |

- b) The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning.

6. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 545 as follows:

| Exception 545 | Zone MXG | Map 10-E | Amendment 2020.484 | Enacted |
|--|-------------|-------------|-----------------------|---------|
| <p>1. <u>Additional Prohibited Uses:</u></p> <ul style="list-style-type: none"> a) Drive-through facilities b) Standard restaurant with dance floor c) Night Club <p>2. For the purposes of applying zoning regulations, the property zoned MXG-545 shall be considered one lot.</p> <p>3. <u>Regulations for the entire site:</u></p> <ul style="list-style-type: none"> a) Maximum Floor Area Ratio: 5.4:1 b) Separation between buildings: <ul style="list-style-type: none"> i. Storeys 1-6: 11 m including balconies ii. Storeys 7-11: 15 m including balconies iii. Storeys 12 and higher: 25 m excluding balconies c) Yard for a below-grade parking structure: <ul style="list-style-type: none"> i. Abutting west side lot line: 2.7 m ii. Abutting any other lot line: 0.9 m iii. Abutting a P zone: 0.9 m d) Notwithstanding Part 5, section 4.1, Table 5.4.1, the maximum yard abutting any other street shall not apply. e) Setback for above-grade access stairway building to the below-grade parking structure: <ul style="list-style-type: none"> i. From Graham's Lane, a P zone, or a railway: subject to principal building yards ii. From any other lot line: 1.5 m f) Stepbacks: <ul style="list-style-type: none"> i. A stepback shall be defined as the minimum horizontal distance that an external building wall is set back from the external building wall of a storey below it. ii. On building elevations abutting Graham's Lane or a P zone, storeys 7 and higher shall provide a 3 m stepback from the 6th storey. iii. On all other building elevations, storeys 7 and higher shall provide a 2 m stepback from the 6th storey. g) Balconies: <ul style="list-style-type: none"> i. Maximum projection from building wall: <ul style="list-style-type: none"> a. Building elevations facing Graham's Lane or a P zone: <ul style="list-style-type: none"> a. Storeys 1-6: 0 m b. Storeys 7 and higher: 1.5 m b. All other building elevations: 1.5 m ii. Not permitted within a required yard. iii. Balconies on storeys 1-11 shall not encroach into a required building separation as per 3(b) above. h) A rooftop terrace at any level shall maintain the principal building yards of the storey below it. i) Landscape Area abutting a street: Not required. j) Pedestrian walkway: | | | | |

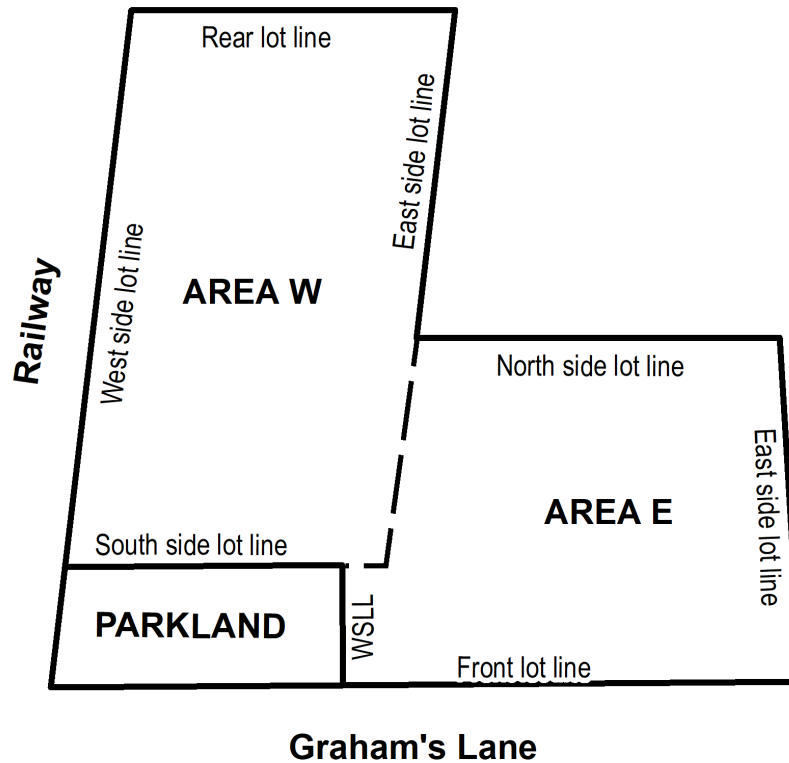
- i. Notwithstanding Part 5, Section 4.6 (f), a walkway with a width of 1.8 m shall be provided from the street connecting the sidewalk to the principal entrance of each non-residential unit and each residential lobby.
 - ii. A pedestrian walkway with a minimum width of 1.8 m that provides a direct pedestrian path from the front lot line to the north side lot line is required between a proposed building in Area E and any proposed building(s) in Area W.
 - iii. A pedestrian walkway described in 3 (j)(i) or (ii) above shall be unencumbered except that the walkway may cross a driveway, provided that the driveway is substantially perpendicular to the walkway.
- k) Loading and Unloading:
 - i. Loading and unloading shall not take place within 7.5 m of a P zone.
 - ii. In addition to Part 5, section 4.11 (b), loading/unloading docks shall be screened from view from a P zone.
- l) Amenity area: 13 m² per dwelling unit
- m) Accessory structures at grade:
 - i. Maximum height: One storey and 4 m
 - ii. Not permitted in a required yard abutting Graham's Lane or a P zone.
 - iii. Yard abutting all other lot lines: 1.5 m
- n) Accessory structures on a roof top terrace:
 - i. Maximum height from the rooftop: 3.7 m
 - ii. Notwithstanding Part 1, Section 2.2.2, any accessory structure located on a terrace and/or rooftop shall maintain the yard requirements of the floor level below the terrace and/or rooftop.
- o) Parking:
 - i. Notwithstanding Part 1, Subsections 2.25.1 and 2.25.4, there shall be no minimum number of parking spaces required.
 - ii. Where parking facilities are provided, designated accessible parking spaces for the exclusive use of persons with disabilities shall be identified with a provincially regulated vertical sign displaying the international symbol for accessible parking spaces. Designated parking spaces shall be included in the calculation of provided parking and shall be provided in accordance with the following:
 - a. Where 5 to 50 parking spaces are provided, 1 designated accessible parking space shall be provided.
 - b. Where 51 to 90 parking spaces are provided, 2 designated accessible parking spaces shall be provided.
 - c. Where more than 90 parking spaces are provided, 3% of provided parking shall be designated accessible parking spaces.
 - d. Medical office and institutional uses shall provide a minimum of one designated accessible parking space. Where out-patient services are provided, a minimum of 10% of the required parking shall be designated accessible parking spaces.
 - e. Each designated accessible parking space shall have a minimum width of 2.75 m and a minimum area of 16.5 m² and shall be located adjacent to a delineated "accessible parking pathway" with a minimum width of 2 m.
 - iii. Notwithstanding Part 2, Section 1(i)(ii), for apartment buildings 4 storeys or more in height, driveways and parking spaces shall be set back 2 m from a window of a habitable room in a dwelling unit located on the ground floor or basement.
 - iv. Part 5, Subsection 4.6 (c) shall not apply.
- p) Bicycle parking:
 - i. Long-term: 0.5 spaces/unit
 - ii. Short-term: 0.05 spaces/unit
 - iii. Vertical bicycle parking space dimensions:
 - a. 0.6 m width
 - b. 1.2 m length
 - iv. Horizontal bicycle parking space dimensions

- a. 0.6 m width
 - b. 1.8 m length
 - v. Long-term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees, or tenants of a building, and must be located in a building, at ground level or the first level above or below the ground floor. Required long-term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony, or in a storage locker.
 - vi. Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. All short-term bicycle parking spaces shall be provided at ground level.
- 4. Regulations for Area E as shown on Figure 545:
 - a) Minimum floor area for non-residential uses: 600 m²
 - i. Notwithstanding footnote (a) to Table 5.2.1, all non-residential uses may be located on either the ground floor or second floor, provided that a minimum of 480 m² of non-residential uses are provided on the ground floor in a building elevation facing the street.
 - b) Dwelling units, residential guest suites, and indoor residential amenity areas (excluding residential lobbies and residential primary building entrances) on the ground floor are not permitted within 15 m of a street.
 - c) Yards:
 - i. Yard abutting a P zone: 3 m
 - ii. Yard abutting Graham's Lane: 2.5 m
 - iii. Yard abutting north side lot line and east side lot line:
 - a. Storeys 1-6: 5.5 m
 - b. Storeys 7-11: 7.5 m
 - c. Storeys 12 and higher: 12.5 m
 - iv. Notwithstanding 4.(c)(iii)a. above, for entrance and exit ramps to a below-grade parking structure, the yard abutting a north side or east side lot line is 3 m.
 - d) Building height:
 - i. Minimum 4 storeys
 - ii. Maximum 17 storeys to 57 metres including rooftop mechanical penthouse and rooftop amenity.
 - iii. Minimum height of portions of first storey containing non-residential uses: 4.5 m
 - e) Maximum gross building floor area on each storey:
 - i. Storeys 1-11: No maximum
 - ii. Storeys 12 and higher: 800 m²
 - f) Maximum building length:
 - i. The maximum permitted length of a building, measured as a horizontal or vertical perpendicular measurement from outside wall to outside wall at any point within a building footprint, excluding balconies and permitted encroachments:
 - a. Storeys 1-11: 60 m
 - b. Storeys 12 and higher: 40 m
- 5. Regulations for Area W as shown on Figure 545:
 - a) Yards:
 - i. Yard abutting a P zone: 3 m
 - ii. Yard abutting rear or east side lot line:
 - a. Storeys 1-6: 5.5 m
 - b. Storeys 7-11: 7.5 m
 - c. Storeys 12 and higher: 12.5 m
 - iii. Notwithstanding Table 5.4.1:
 - a. Yard abutting a railway right-of-way: 15 m
 - b. Separation Distance from a

- | | |
|-----------------------|---|
| Railway Right-of-Way: | 15 m for land uses sensitive to a railway right-of-way. |
|-----------------------|---|
- c. The minimum yard abutting a railway and the minimum separation distance from a railway right-of-way in 5. (a)(iii) a. and b. above may be reduced where the railway operator has approved the reduced yard and separation distance and an associated crash wall located between the building and the railway.
 - iv. Yard abutting west side lot line:
 - a. 3 m for entrance and exit ramps to below-grade parking structure.
 - b. 10 m for a building containing dwelling units.
 - b) Building height:
 - i. Minimum 4 storeys
 - ii. One apartment building may have a maximum height of 21 storeys to 69 metres including rooftop mechanical penthouse and rooftop amenity.
 - iii. Additional apartment buildings within Area W shall have a maximum height of 12 storeys to 42 m including rooftop mechanical penthouse and rooftop amenity.
 - c) Maximum gross building floor area on each storey (all buildings in Area W combined):
 - i. Storeys 1-11: No maximum
 - ii. Storeys 12 and higher: 800 m²
 - d) Maximum building length:
 - i. The maximum permitted length of a building, measured as a horizontal or vertical perpendicular measurement from outside wall to outside wall at any point within a building footprint, excluding balconies and permitted encroachments:
 - a. Storeys 1-6: 90 m
 - b. Storeys 7-11: 60 m
 - c. Storeys 12 and higher: 40 m
 - e) Ground-level vehicle parking is not permitted in a yard abutting a P zone, with the exception of parallel parking spaces alongside a driveway.

Figure 545:

Figure 545



Not to scale

*WSSL: West Side Lot Line

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

5 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

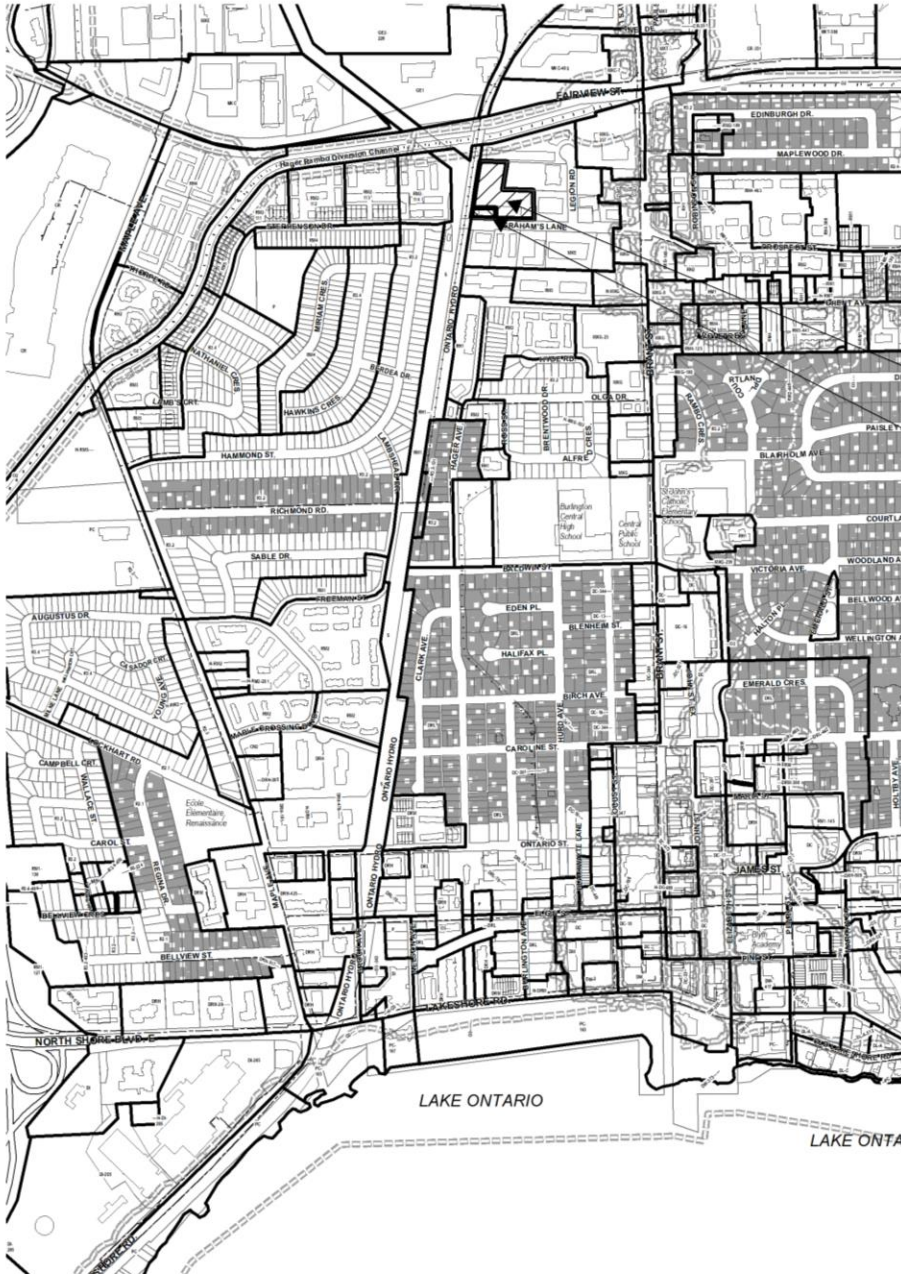
5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.


Enacted and passed this 7th day of August, 2024


Mayor Marianne Meed Ward _____

Deputy Clerk Lisa Palermo _____

SCHEDULE "A"



 **Area 'A'**
Area "A" to be rezoned from MXE to H-MXG-545

 **Area 'B'**
Area "B" to be rezoned from MXE to H-P

Area 'A'

Area 'B'

SCHEDULE 'A' TO BY-LAW 2020.484 AMENDING MAP NO. 10E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 7th DAY OF AUGUST, 2024

MAYOR

CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.484

By-law 2020.484 rezones lands at 1393 Graham's Lane to permit the development of a public park, one building with a maximum height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with maximum height of 21 storeys, and a possible additional multi-unit residential building with maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area).

For further information regarding By-law 2020.484, please contact Thomas Douglas of the Burlington Community Planning Department at (905) 335-7600, extension 7811.