

The Corporation of the City of Burlington

City of Burlington By-law Number 2020.483

A by-law to amend By-law 2020, as amended; 2362 Fairview Street
File No.: 520-05/24, PL-62-24

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 approved, on August 7, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit an apartment building with mixed uses on the ground floor.

The Council of the Corporation of the city of Burlington hereby enacts as follows:

1. Zoning Map Number 14-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.
3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#87	H-MXG-371	Map 14-E	Resolution:
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The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

- a) Prior to any site alteration, except those mentioned in Section 12 of O.REG. 153/04, the Owner satisfies the Region of Halton's Protocol for Reviewing Contaminated or Potentially Contaminated Sites by submitting a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC) that indicates the site is suitable for the proposed lands use. The Owner is also required to submit all environmental documentation used for filing the RSC to the satisfaction of the City of Burlington. The author of the environmental reports must extend third party reliance to Halton Region and the City of Burlington using the Regional reliance letter template.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, Exception 371, is amended by:
 - i. deleting "Additional Permitted Use: Motor Vehicle Storage" and replacing it with the following regulations:

Exception 371	Zone H-MXG	Map 14-E	Amendment 2020.205 2020.XXX	Enacted Apr 28/08 XXXXX																																		
<u>1. Regulations for an Apartment Building:</u>																																						
<p>a) Only the following uses are permitted on the ground floor:</p> <p>Retail Commercial Service Commercial Community Institutional Dwelling Units</p> <p>b) The following uses are prohibited on the 13th storey:</p> <p>Dwelling Units</p>																																						
c) Maximum Number of Dwelling Units:			338																																			
d) Maximum Height:			13 storeys including mechanical penthouse, up to 42 m																																			
e) Maximum Floor Area Ratio:			4.1:1																																			
f) Notwithstanding Part 5, Section 4.1, Table 5.4.1 the maximum yard abutting any other street shall not apply.																																						
<p>g) Yards:</p> <p>(i) Front:</p> <table border="0" data-bbox="537 995 1224 1178"> <tr><td>Floors 1 to 2:</td><td>5 m</td></tr> <tr><td>Floors 3 to 5:</td><td>3.5 m, 2 m to balconies</td></tr> <tr><td>Floor 6:</td><td>5 m, 2 m to balconies</td></tr> <tr><td>Floors 7 to 12:</td><td>5 m, 3 m to balconies</td></tr> <tr><td>Mechanical Penthouse:</td><td>13.5m</td></tr> <tr><td>Below-grade parking structure:</td><td>3 m</td></tr> </table> <p>(ii) East Side:</p> <table border="0" data-bbox="537 1241 1224 1272"> <tr><td>Floors 1 to 12:</td><td>7.5 m, 5.9 m to balconies</td></tr> </table> <p>(iii) West Side:</p> <table border="0" data-bbox="537 1335 1224 1367"> <tr><td>Floors 1 to 12:</td><td>8.8 m, 7.3 m to balconies</td></tr> </table> <p>(iv) Rear:</p> <table border="0" data-bbox="537 1430 1224 1724"> <tr><td>Floors 1 to 5:</td><td>19.6 m, 17 m to balconies</td></tr> <tr><td>Floor 6:</td><td>21.5 m</td></tr> <tr><td>Floor 7:</td><td>24.7 m</td></tr> <tr><td>Floor 8:</td><td>27.8 m</td></tr> <tr><td>Floor 9:</td><td>30.3 m</td></tr> <tr><td>Floors 10 to 12:</td><td>41.9 m</td></tr> <tr><td>Mechanical Penthouse:</td><td>61m</td></tr> <tr><td>Pergola:</td><td>13 m</td></tr> <tr><td>Below-Grade Parking Structure:</td><td>6 m</td></tr> </table>					Floors 1 to 2:	5 m	Floors 3 to 5:	3.5 m, 2 m to balconies	Floor 6:	5 m, 2 m to balconies	Floors 7 to 12:	5 m, 3 m to balconies	Mechanical Penthouse:	13.5m	Below-grade parking structure:	3 m	Floors 1 to 12:	7.5 m, 5.9 m to balconies	Floors 1 to 12:	8.8 m, 7.3 m to balconies	Floors 1 to 5:	19.6 m, 17 m to balconies	Floor 6:	21.5 m	Floor 7:	24.7 m	Floor 8:	27.8 m	Floor 9:	30.3 m	Floors 10 to 12:	41.9 m	Mechanical Penthouse:	61m	Pergola:	13 m	Below-Grade Parking Structure:	6 m
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h) Amenity Area:			22 m ² per unit																																			
i) Notwithstanding Part 5, Section 4.13, Doors, a pedestrian accessible door will not be provided on the building elevation facing the street.																																						

<p>j) Landscape Area:</p> <p>(i) Abutting a Street:</p> <p>(ii) Between the front property line and front wall of a building:</p> <p>(iii) Planter boxes are permitted in a required landscape area</p>	<p>5 m</p> <p>2 m</p>
<p>k) Required Parking:</p> <p>(i) Community Institutional:</p> <p>(ii) Service Commercial / Retail Commercial:</p>	<p>4 spaces per 100m²</p> <p>2 spaces per 100m²</p>
<p>l) Notwithstanding Part 5, Section 4.6(b), (c) and (d) where a development is comprised of residential and non-residential uses, up to 100% of the required visitor parking located on the development site may be counted towards the required non-residential parking.</p>	
<p>m) Parking Spaces and Driveways:</p> <p>(i) Parking spaces shall be setback 4 m from a window of a habitable room in dwelling units located on the ground floor.</p> <p>(ii) Driveways shall be setback 7.5 m from a window of a habitable room in dwelling units located on the ground floor.</p>	
<p>n) Bicycle Parking:</p> <p>(i) Apartment Building:</p>	<p>0.05 short-term bicycle parking spaces per unit</p> <p>0.5 long-term bicycle parking spaces per unit</p>
<p>o) For the purpose of Bicycle parking regulations:</p> <p>a) 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.</p> <p>b) Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.</p> <p>c) Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p> <p>d) Short term bicycle parking spaces are to be located close to the main pedestrian entrance and sheltered from the elements.</p> <p>e) Each bicycle parking space shall be 60cm x 1.8m in size.</p>	
<p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>	

Enacted and passed this 7th day of August, 2024.

Mayor Marianne Meed Ward _____

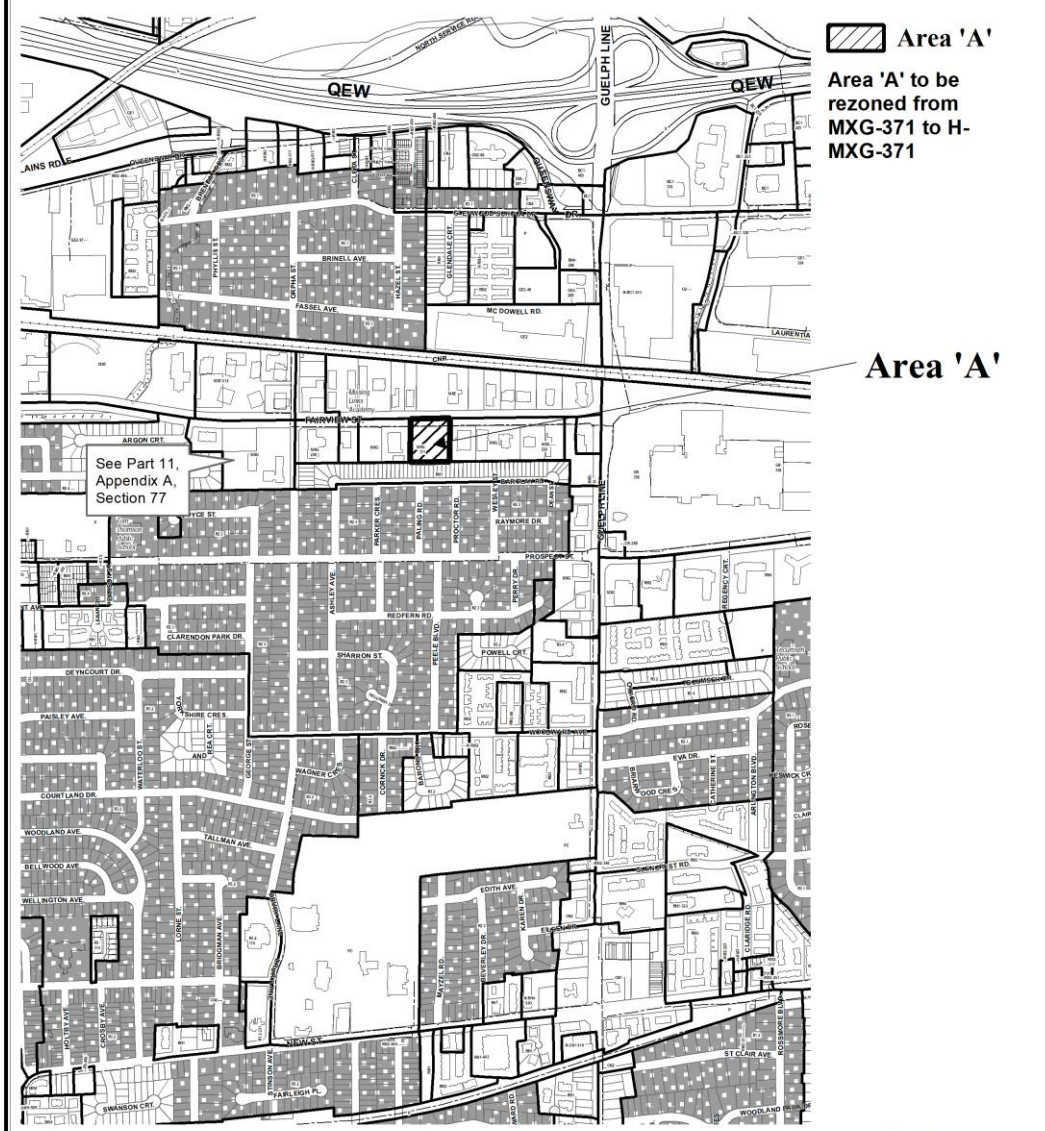
Deputy Clerk Lisa Palermo _____

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.483

By-law 2020.483 rezones lands on 2362 Fairview Street, to permit a 13-storey mixed-use building, including Mechanical Penthouse.

For further information regarding By-law 2020.483, please contact Elyse Meneray of the Burlington Community Planning Department at (905) 335-7600, extension 7642.

SCHEDULE "A"



SCHEDULE 'A' TO BY-LAW 2020.483 AMENDING MAP NO. 14E PART 15, BY-LAW 2020 AS AMENDED.
 PASSED THE 7th DAY OF AUGUST, 2024

 MAYOR

 CITY CLERK

