

Amending By-law

BY-LAW NUMBER 2020.502, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.502

A By-law to amend By-law 2020, as amended; 105 Avondale Court
File No.: 520-02/25, DGM-21-2025

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 DGM-21-2025 on April 15, 2025, to amend the City's existing Zoning By-law 2020, as amended, to permit a single detached dwelling on the subject lands;

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

1. Zoning Map Numbered 21E of PART 15 to By-law 2020, as amended, are 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 O2 to H-R1.2-561.
3. The lands designated as "B" on Schedule "A" attached hereto are hereby rezoned from R1.2-502 to H-R1.2-561.
4. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#98	H-R1.2-561	Map 14-W & 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 when the following have been completed:

- a) Conservation Halton accepts as-constructed drawings from the Applicant, in coordination with Conservation Halton Permit #8813, or any subsequent Conservation Halton Permit, to complete the Lake Ontario shoreline works required to facilitate the Lake Ontario

shoreline protection and confirmation of the Engineering Development Setback (EDS).

- b) Conservation Halton issues a permit and accepts as-constructed drawings from the Applicant, for all works relating to the culvert replacement, channel rehabilitation and drainage feature works required in the regulated area associated with the Lake Ontario shoreline hazard.
- c) The owner obtains a Tree Permit from the City for all work (including tree removal) proposed around City and private trees, including but not limited to submitting the following to the Manager of Urban Forestry:
 - i. A written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #690, to the satisfaction of the Manager of Urban Forestry; or a letter from a certified arborist confirming the neighboring tree will not be injured or removed is provided, to the satisfaction of the Manager of Urban Forestry.
 - ii. A legal survey prepared by an Ontario Land Surveyor, to the satisfaction of the Manager of Urban Forestry, confirming the exact location and ownership of tree #521 relative to the existing property line to verify ownership and any trunk encroachment on the neighboring property.
 - iii. Depending on the ownership of tree #521 as established through subsection (b) immediately above, a written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #521, to the satisfaction of the Manager of Urban Forestry; or a letter from a certified arborist confirming the neighboring tree will not be injured or removed, to the satisfaction of the Manager of Urban Forestry.
 - iv. Supporting documentation from the Ministry of Environment, Conservation, and Parks (MECP) to confirm exemptions from the Provisions of the Endangered Species Act for the two (2) Butternut trees proposed for removal
- d) The Owner submits the following with respect to the Channel Rehabilitation and Culvert Replacement works as outlined in the Water's Edge Preliminary Hydrology and Hydraulics Report dated December 17, 2024 to the satisfaction of the Director of Engineering Services (defined as the "Channel Rehabilitation and Culvert Works" in #98 of Part 11- Holding Zone Provisions, Appendix 'A'):
 - i. A letter from the neighbouring property owners of 113 Avondale Court, 136 Avondale Court and 4324 Blue Water Place,

consenting to the Channel and Culvert Works to be completed on their properties or a revised Channel Rehabilitation and Culvert Replacement report and drawings from a qualified person redesigning the works to be entirely on the Owner's Property;

- ii. The final Channel Rehabilitation and Culvert Replacement report and drawings for staff's review and approval,
 - iii. provide as-constructed certification from a Qualified Person for the Channel Rehabilitation and Culvert Works; and,
 - iv. After construction and certification of the shoreline protection works and channel rehabilitation and culvert works a draft reference plan identifying the regulated shoreline hazard and setback to be zoned open space, and part(s) containing the drainage feature, up to the stable top of bank and including a 5.0m wide maintenance access easement along the east side of the property within the limits of 105 Avondale Court, from the north side lot line to Lake Ontario, prior to depositing such draft reference plan at the Land Registry Office.
- e) Complete construction of the proposed Channel and Culvert Works to the satisfaction of the Director of Engineering Services;
- f) The owner fulfils the following requirements to extend a private forcemain on Avondale Court to the satisfaction of the Region of Halton:
- i. Provide a detailed engineering submission;
 - ii. Enter into a Regional servicing agreement;
 - iii. Obtain a Regional Services Permit; and,
 - iv. Obtain approval from the City of Burlington to allow private infrastructure in the City's right-of-way, including obtaining all municipal consents, agreements, and permits.

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 561 as follows:

Exception 561	Zone H-R1.2	Map 21E	Amendment 2020.502	Enacted April 15/25
1. Regulations:				
a) Lot width: 16 m measured along the front lot line abutting Avondale Crt.				
b) Notwithstanding Part 1, Section 1.7.1 (g), to permit all zoning regulations to be				

taken from the limit of the external property boundaries.

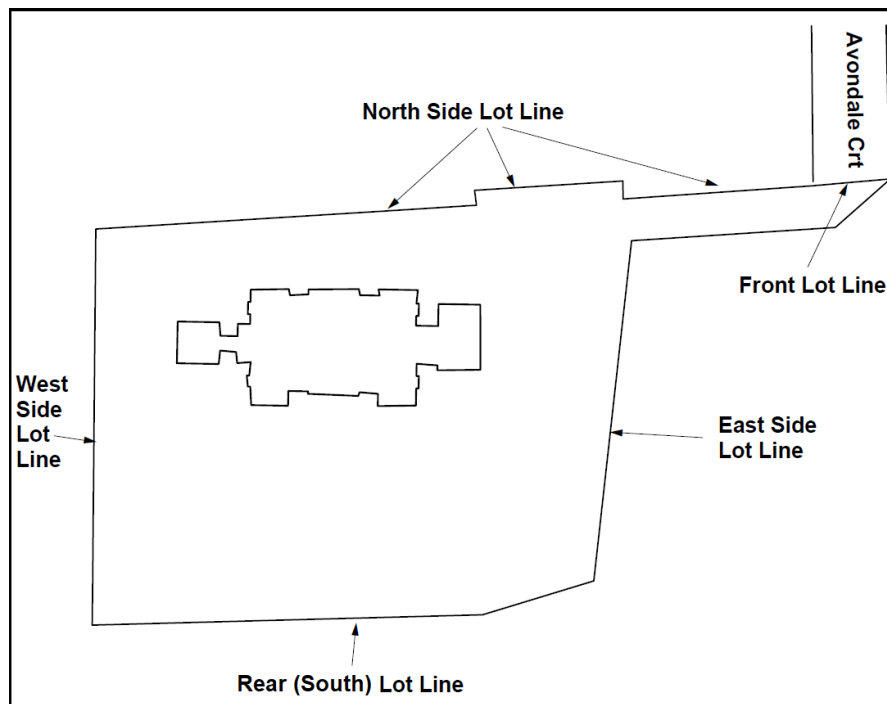
2. Regulations for an 02 zone:

- a) No buildings or structures are permitted within the 02 zone.

3. Regulations for a Detached Dwelling:

a) Yards:

- i) Rear (South) Yard: 38 m
- ii) East Side Yard: 24 m
- iii) West Side Yard: 16 m
- iv) North Side Yard: 13 m
- v) Abutting an 02 zone: 0 m for all buildings and structures including patios, decks and swimming pool.



- b) Maximum Building Height: Three storeys up to 23.5 m, measured from fixed grade.

- c) Notwithstanding the definition of a storey, a mechanical room and elevator overrun with a maximum floor area of 30 m² is only permitted within the attic. The remainder of the attic must be permanently demised with floor to ceiling partition walls and remain inaccessible for the life of the detached dwelling.

- d) Balconies located above the first storey on a wall facing the rear (south) yard on a detached dwelling may be permitted.

e) Decks and Patios :

 - (i) Maximum combined area of all platforms over 1.2m in height: 555m²
 - (ii) Shall not contain a basement or cellar.

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 thisday of 2025.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.502

By-law 2020.502 rezones lands on 105 Avondale Court, to permit a single detached dwelling and the associated relief.

For further information regarding By-law 2020.502, please contact William Wallace of the Burlington Community Planning Department at (905) 335-7600, extension 7809.

