

The Corporation of the City of Burlington

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 Maps 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:

<b>#93</b>	<b>H-R1.2-561</b>	<b>Map 14-W &amp; 14-E</b>	<b>Resolution:</b>
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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 along the east side lot line.

- c) Conservation Halton and City of Burlington receive revised submission materials acknowledging the limits of the proposed 'R1.2-561' ('Low Density Residential') and 'O2' ('Open Space') zones in relation to proposed site features, to the satisfaction of Conservation Halton and City of Burlington Staff.
- d) The owner obtain a Tree Permit for all work (including tree removal) proposed around City and private trees, with specific regard for:
  - a. A written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #690 is provided, 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.
  - b. A legal survey prepared by an Ontario Land Surveyor is submitted 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.
    - i. Dependent on ownership established through g) b. (immediately above), a written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #521 is provided, 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.
  - c. 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
- e) The Owner provides the following with respect to the Channel Rehabilitation and Culvert Replacement works to the satisfaction of the Director of Engineering Services;
  - a. A letter from the neighbouring property owners of 113 Avondale Court, 136 Avondale Court and 4324 Blue Water Place, consenting to the Channel Rehabilitation and Culvert Replacement 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,

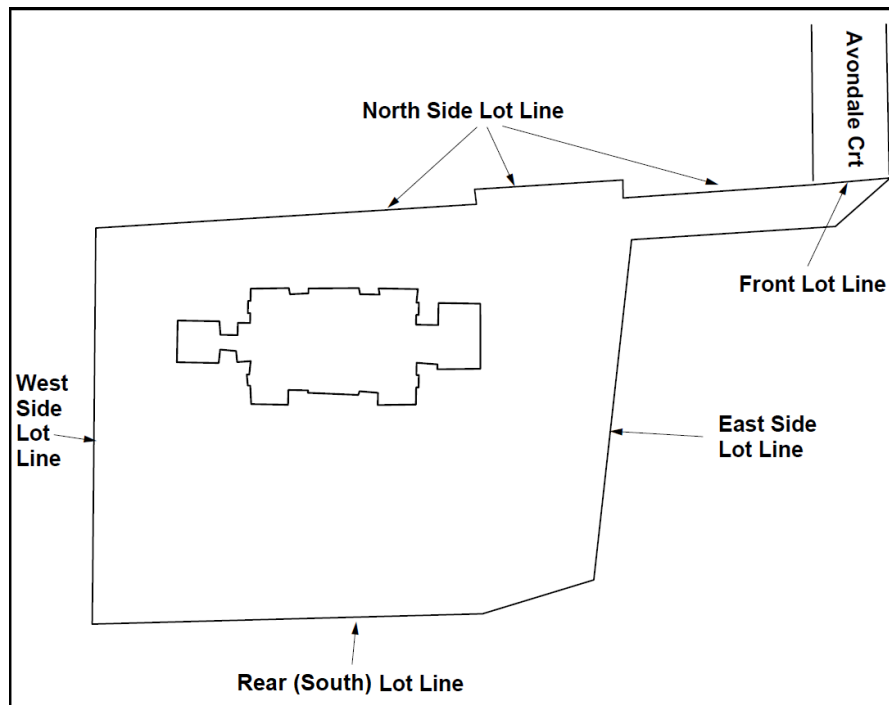
- b. The final Channel Rehabilitation and Culvert Replacement report and drawings for staff's review and approval, and complete construction of the proposed Channel Rehabilitation and Culvert Replacement works as outlined in the Water's Edge Preliminary Hydrology and Hydraulics Report dated December 17, 2024, and provide as-constructed certification for the works
  - c. After construction and certification of the shoreline protection works and channel rehabilitation and culvert replacement, provide a draft reference plan identifying the regulated shoreline hazard and setback to be zoned open space, and part(s) for the drainage feature, up to 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 for staff to review and approve prior to depositing at the Land Registry Office
  - f) The owner fulfils the following requirements to extend a private force main on Avondale Court to the satisfaction of the Region of Halton:
    - a. Provide a detailed engineering submission
    - b. Enter into a Regional servicing agreement
    - c. Obtain a Regional Services Permit
    - d. Obtain approval from the City of Burlington to allow private infrastructure in their roadway 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: <ul style="list-style-type: none"> <li>a) Lot width: 16 m measured along the front lot line abutting Avondale Crt.</li> <li>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.</li> </ul> 2. Regulations for an 02 zone: <ul style="list-style-type: none"> <li>a) No buildings or structures are permitted within the 02 zone, except for a single accessory building not greater than 15 m<sup>2</sup>, located outside of the stable slope allowance, setback no less than 2 m from the North Side Lot Line, for the sole purpose of monitoring access through the private driveway from Avondale Court.</li> </ul>				

### 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 O2 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 m<sup>2</sup> 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, except for maintenance purposes.
- 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: 555m<sup>2</sup>

(ii) Shall not contain a basement or cellar, except for below a covered portion, directly attached to the dwelling, not greater than 60 m<sup>2</sup>.

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.

Passed this 15th day of April, 2025

Mayor Marianne Meed Ward

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City Clerk Samantha Yew

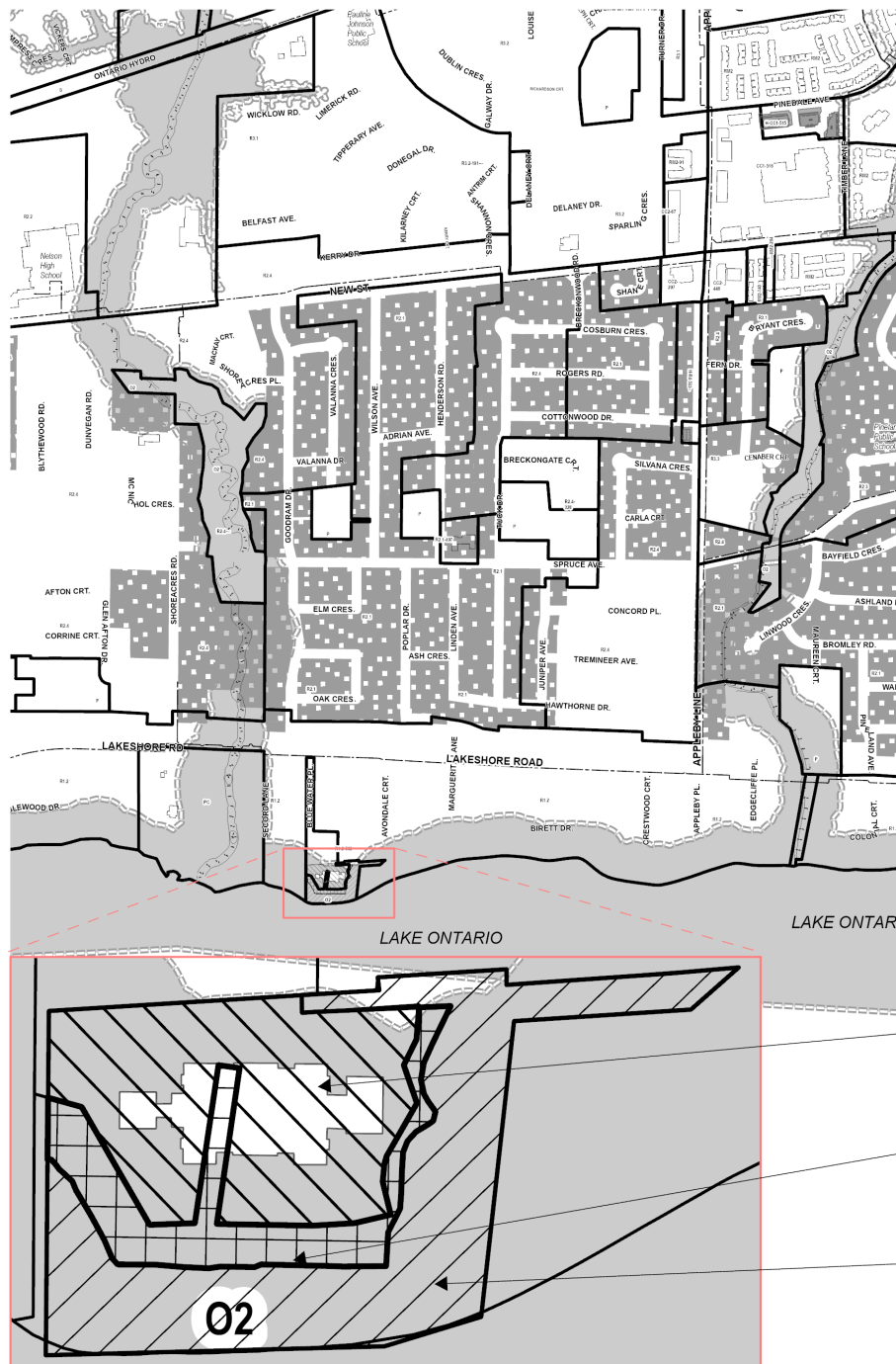
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EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.502

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.

# SCHEDULE "A"



SCHEDULE 'A' TO BY-LAW 2020.502 AMENDING MAP NO. 21E PART 15, BY-LAW 2020 AS AMENDED.  
PASSED THE 15th DAY OF APRIL, 2025

MAYOR

CITY CLERK