

## THE CORPORATION OF THE CITY OF BURLINGTON

### BY-LAW NUMBER 2020.505

A By-law to amend By-law 2020, as amended; 401-413 Brant Street, 444-450 John Street, 2002 and 2012 James Street  
File No.: 520-07/25 (DGM-37-25)

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-37-2025 on June 17, 2025, to amend the City's existing Zoning By-law 2020, as amended, to permit reduced parking standards, and parking space dimensions, an additional metre in overall building height, reduced second floor building height, and reduced setbacks to parking structure;

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

1. Part 11 of By-law 2020, as amended, Holding Zone Provisions, will retain the following section to Appendix A:

**#65                    H-DC-489                    Map 9A                    Resolution: PB-67-18**

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. The submission of a Letter of Reliance for the Phase 1 and Phase 2 ESA, and a Record of Site Condition or a MOECC approved Risk Assessment, to demonstrate that the lands are suitable for the intended use, to the satisfaction of Halton Region and the Director of Capital Works;
  - B. A geotechnical report and Functional Servicing study has been submitted to the satisfaction of the Director of Capital Works; and
  - C. The owner enters into a Residential Development Agreement, to the satisfaction of the Director of City Building.
2. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by replacing Exception 489 as it pertains to 401-413 Brant Street, 444-450 John Street, 2002 and 2012 James Street, with the following:

Exception 489	Zone H-DC	Map 9	Amendment 2020.505	Enacted
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Regulations for an Apartment Building:

a) Apartment buildings shall be subject to footnote (g) of Table 6.2.1 and shall contain a minimum of 365 square metres of retail, service commercial and/or office space on the second storey.		
b) Ground floor retail and/or service commercial area:		760m <sup>2</sup>
c) Lot Area:		0.2 ha
d) Maximum Floor Area Ratio:		8.8:1
e) Notwithstanding Part 6, Section 4.1, Table 6.4.1, maximum Yards abutting a street are not required.		
f) Yard Abutting Brant Street:		
(i) Storeys 1 to 3:		3 m, including balconies; 0 m to the existing heritage building
(ii) Storey 4:		7 m
(iii) Storey 5-17:		10 m
(iv) Storey 18-19:		13 m
g) Yard Abutting James Street:		
(i) Storeys 1 to 3:		3 m, including balconies
(ii) Storeys 4 to 17:		6 m
(iii) Storey 18-19:		9 m
h) Yard Abutting John Street:		
(i) Storeys 1 to 3:		1.8 m, including balconies; 0 m to the existing heritage building
(ii) Storeys 4 to 17:		4.8 m
(iii) Storey 18-19:		7.8 m
i) Side Yard (South):		
(i) Storeys 1 to 3:		0 m including balconies
(ii) Storeys 4-17:		3 m
(iii) Storey 18-19:		6 m

<p>j) Balconies/Terrace maximum projections from a building wall:</p> <ul style="list-style-type: none"> <li>(i) Storeys 4 and 5 on all building elevations:</li> <li>(ii) Storeys 6 to 17: <ul style="list-style-type: none"> <li>1. Abutting Brant Street:</li> <li>2. Abutting James Street:</li> <li>3. Abutting John Street:</li> <li>4. Abutting the south lot line:</li> </ul> </li> <li>(iii) Notwithstanding the above, a rooftop terrace shall maintain the principal building yards of the storey below it</li> </ul>	<p>2 m</p> <p>2.1 m</p> <p>2.4 m</p> <p>2.1 m</p> <p>2.4 m</p>
<p>k) Below-Grade Parking Structure:</p> <ul style="list-style-type: none"> <li>(i) Abutting a street:</li> <li>(ii) Abutting all other lot lines:</li> <li>(iii) Entrance and exit ramps to below grade parking structure setback:</li> </ul>	<p>0.5 m</p> <p>0.5 m</p> <p>1.8 m</p>
<p>l) Building Height:</p>	<p>19 storey maximum measured from fixed grade at Brant Street up to 66 m including mechanical penthouse</p>
<ul style="list-style-type: none"> <li>(i) First Storey :</li> <li>(ii) Second Storey :</li> <li>(iii) Notwithstanding the above, the minimum height of the first and second storey shall not apply to the two heritage buildings municipally known as 401 Brant Street and 444 John Street.</li> </ul>	<p>5.0 m</p> <p>3.7 m</p>
<p>m) For the purposes of determining storeys a stairway access corridor between the first and second storeys shall not be considered a storey</p>	
<p>n) Maximum Floor Area for Storeys at or above the 7<sup>th</sup> storey:</p>	<p>760 m<sup>2</sup></p>
<p>o) Glazing Percentage on the First Storey Elevation Facing a Street (John Street):</p>	<p>25 %</p>
<p>p) Visibility Triangle:</p>	

<ul style="list-style-type: none"> <li>(i) Brant Street x James Street:</li> <li>(ii) James Street x John Street:</li> <li>(iii) No portion of the principal building shall encroach into a visibility triangle at grade</li> <li>(iv) A canopy or awning may project a maximum of 2.8 m into the 16 m x 16 m visibility triangle abutting Brant Street and James Street</li> </ul>	<p>16 m x 16 m 5 m x 5 m</p>
<p>q) Notwithstanding Part 1, Section 2.13.1(b) Encroachments into Yards a canopy or awning may project to the street line</p>	
<p>r) Amenity area:</p>	<p>18 m<sup>2</sup> per unit</p>
<p>s) Parking for Apartment Dwelling Units:</p> <ul style="list-style-type: none"> <li>(i) 0.62 occupant spaces per unit</li> <li>(ii) 0.04 visitor spaces per unit</li> <li>(iii) A maximum of 61 occupant parking space, excluding designated accessible parking, can be provided in an automated parking system.</li> <li>(iv) Notwithstanding Part 1, Section 2.26(1)(a), an automated parking system parking pallet shall have the following dimensions: <ul style="list-style-type: none"> <li>1. width of 2.8 m;</li> <li>2. length of 5.6 m;</li> <li>3. area of 15.6 m<sup>2</sup>;</li> <li>4. vertical clearance of 2 m</li> </ul> </li> </ul>	
<p>t) For the purposes of this by-law an automated parking system shall be defined as follows:</p> <ul style="list-style-type: none"> <li>(i) An automated system for the purpose of parking and retrieving motor vehicles and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets.</li> </ul>	
<p>u) Required Bicycle Parking:</p> <ul style="list-style-type: none"> <li>ii) Short Term Bicycle Parking</li> <li>iii) Long Term Bicycle Parking</li> </ul>	<p>0.05 spaces per unit 0.5 spaces per unit</p>
<p>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.</p> <ul style="list-style-type: none"> <li>(i) Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony, or in a storage locker.</li> </ul> <p>w) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p>	
<p>Except as amended herein, all other provisions of the By-law, as amended, shall apply.</p>	

- 3 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;
- 3 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 17 day of June, 2025

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Samantha Yew \_\_\_\_\_

## **EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.505**

By-law 2020.505 rezones lands on 401-413 Brant Street, 444-450 John Street, 2002 and 2012 James Street, to a revised development proposal on the subject lands. The permitted uses from 2018 are still in place, the proposed amendments are intended to facilitate a revised building design.

For further information regarding By-law 2020.505, please contact Benjamin Kissner of the Burlington Community Planning Department at (905) 335-7600, extension 7913.

