

BY-LAW NUMBER 2020.507, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.507

A By-law to amend By-law 2020, as amended; for 35 Plains Rd. E.,
File No.: 520-06/25 and 505-05/25

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-40-25 on July 8, 2025, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a 13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units above for the lands located at 35 Plain Rd. E., Burlington;

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

1. Zoning Maps Numbered 3-E & 3-W of PART 15 to By-law 2020, as amended by By-law 2020.384, is hereby further amended as shown on Schedule "A" attached to this By-law.
2. In addition to site-specific exception MXC-470, the lands designated as "A" on Schedule "A" attached hereto are also subject to Exception MXC-565.
3. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by adding the following section to Appendix A:

#100	H-MXC-565	Map 3-E & 3-W	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 has been completed:

- a) A written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees following completion of the pre-construction exploratory root investigation

- exercise (if required) and report to the satisfaction of the Manager of Parks, Design and Construction.
- b) A trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational to the satisfaction of Halton Region.
 - c) A revised Functional Servicing Report is submitted to the satisfaction of Halton Region.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception H-MXC-565 with the following:

Exception 565	Zone H-MXC	Map 3-E & 3-W	Amendment 2020.507	Enacted July 8, 2025
<p><u>The provisions of Exception 470 shall apply, except as follows:</u></p> <p>1. <u>Regulations for an Apartment Building set out in Section 1. of Exception 470 shall be deleted and replaced with the following:</u></p> <ul style="list-style-type: none"> a) Number of units: 161 units maximum b) Definitions: <ul style="list-style-type: none"> Podium: means the lower portion or base of a mid-rise or tall building, including the ground floor and storeys above, which is clearly differentiated from the building portions vertically above it, and is designed to define and frame the street edge and public realm at an appropriate scale. Tower: Means that portion of a building located vertically above a Podium, which provides setbacks from the façade of the exterior podium walls below. Stepback: The horizontal recess of an exterior main wall of an upper building or tower from the exterior main wall of the podium or storey(s) immediately below c) Building height: 13 storeys up to 46.7m maximum including mechanical penthouse measured from fixed grade from Plains Road East d) Podium height: <ul style="list-style-type: none"> i) Abutting all yards: 6 storeys minimum ii) Abutting Plains Road East: 7 storeys maximum 6 storeys maximum within 11m of the south side yard 				

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| iii) Abutting Cooke Boulevard: | 8 storeys maximum
6 storeys maximum within 15m of the rear yard |
| iv) A podium is not required for a building elevation facing the rear yard which provides a minimum 38m setback to the rear lot line | |
| e) Yard abutting Cooke Boulevard: | |
| i) Storey 1: | 3 m minimum to building
1.9 m to stair enclosure
3.5 m maximum to building |
| ii) Podium: | 1.3 m |
| iii) Tower: | 3.3 m |
| iv) Storey 13: | 10 m
6.3 m to stair enclosure |
| f) Yard abutting Plains Road East: | |
| (i) Storey 1: | 3 m minimum to building
2.9 m to stair enclosure
3.5 m maximum |
| v) Podium: | 1.8 m |
| vi) Tower: | 3.6 m |
| vii) Storey 13: | 8.6 m |
| g) Rear Yard: | |
| (i) Storey 1 | 15.2 m |
| (ii) Podium: | 6.9 m |
| (iii) Tower: | 11.1 m |
| (iv) Storey 13: | 16 m |
| h) South Side Yard: | |
| (i) Podium: | 8 m, 1.2 m within 24 m of Plains Road East |
| (ii) Tower: | 10 m, 3.1 m within 24 m of Plains Road East |
| (iii) Storey 13: | 8.2 m |
| i) Maximum yard requirements abutting a street do not apply above the first storey | |
| j) Below-grade parking garage: | |
| i) Abutting Cooke Boulevard: | 0.2 m |
| ii) Abutting all other lot lines: | 0.4 m |
| iii) Abutting South Side Yard: | 0.5 m to covered parking ramp including associated rooftop Amenity Area |

- k) Stepbacks:
 - i) A 1.8 m stepback is required from the exterior wall of the podium to the exterior wall of the tower.
 - ii) Storey 13: Provide a 2 m stepback from the exterior building wall of the 12th storey

- l) Balconies and Terraces:
 - i) Balconies may project 1.8 m maximum from the wall of the building, provided that:
 - a. The sum of the length of the projections of each storey does not exceed:
 - (i) Abutting a street: 21 m
 - (ii) Abutting rear yard: 14 m
 - (iii) Abutting south side yard: 28 m
 - b. Balconies are not permitted to project beyond the exterior building wall of the podium storeys abutting a street or south side yard.

 - ii) A rooftop terrace and/or common amenity terrace shall maintain the principal building yards of the storey below it.

- m) Distance from the hypotenuse of a daylight triangle:
 - i) Building or balcony: 0 m
 - ii) Below-grade parking: 0.4 m

- n) Visibility Triangle: 5 m x 5 m

- o) Floor area ratio: 6.9:1 maximum

- p) Commercial floor area:
A minimum of 450 m² of retail or service commercial on the ground floor of an apartment building.

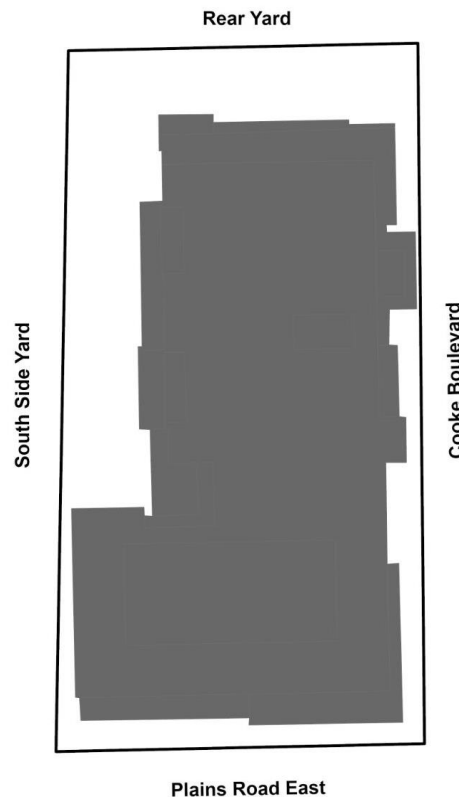
- q) Rooftop amenity:
In addition to an outdoor amenity area, a maximum of 360 m² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.

- r) Landscape area abutting a street: 0 m

- s) Building height first storey: 6 m
- t) Amenity Area: 15 m² per unit
- u) Parking:
 - i) Occupant and Visitor: none required
 - ii) Non-Residential: 6 including 1 designated accessible and 2 car share spaces
- v) Designated Accessible Parking:
 - i) 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.
 - ii) Parking spaces, excluding designated accessible parking, can be provided in an automated parking system.
 - iii) Notwithstanding Part 1, Section 2.26(1)(a), each automated parking system parking pallet **shall account for two occupant parking spaces and** have the following minimum dimensions:
 - a. width of 5.2 m;
 - b. length of 5.2 m;
 - c. area of 27 m²;
 - d. vertical clearance of 1.55 m
- w) For the purposes of this by-law an automated parking system shall be defined as follows:
 - 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.
- x) Bicycle parking:
 - i) Apartment Building: 0.1 short term bicycle parking spaces per unit
0.5 long term bicycle parking spaces per unit

- ii) Non-Residential uses:
 - 2 long term bicycle parking spaces plus 1 space per 1,000m² GFA
 - 3 short term bicycle parking spaces plus 1 space per 1,000m² GFA
- iii) 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.
- iv) Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
- v) Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
- y) Bicycle parking space size
 - i) Horizontal space: 0.6 m x 1.8 m
 - ii) Stackable space: 0.45 m wide x 1.8 m long x 1.2 m tall
 - iii) Vertical space: 1 m x 0.6 m

DIAGRAM 470



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 2020.507

By-law 2020.507 rezones' lands on 35 Plains Rd. E. to permit the development of a 13-storey mixed use building consisting of ground floor retail and service commercial with 161 residential units above.

For further information regarding By-law 2020.507, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.