



## Committee of the Whole

### Agenda

**Date:** October 6, 2025  
**Time:** 9:30 am  
**Location:** Council Chambers, City Hall, second floor

**Pages**

**1. Call to Order**

**2. Land Acknowledgement**

Burlington as we know it today is rich in history and modern traditions of many First Nations and the Métis. From the Anishinaabeg to the Haudenosaunee, and the Métis – our lands spanning from Lake Ontario to the Niagara Escarpment are steeped in Indigenous history.

The territory is mutually covered by the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy, the Ojibway and other allied Nations to peaceably share and care for the resources around the Great Lakes.

We acknowledge that the land on which we gather is part of the Treaty Lands and Territory of the Mississaugas of the Credit.

**3. Approval of the Agenda**

**4. Declarations of Interest**

**5. Presentations**

## 6. Delegations

To speak at a Committee meeting regarding an item on the agenda, individuals must register as a delegation no later than noon the Friday before the meeting. To register, complete the online application at [www.burlington.ca/delegation](http://www.burlington.ca/delegation) or submit a written request by email to Legislative Services at [clerks@burlington.ca](mailto:clerks@burlington.ca)

Individuals who have feedback to share but do not wish to speak at the committee meeting, can submit written comments by email to [clerks@burlington.ca](mailto:clerks@burlington.ca) by noon the business day before the meeting. Comments received will be circulated to committee members in advance of the meeting.

## 7. Consent Items

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to questions on items contained in the Consent Agenda.

### 7.1 Community donation toward a new leash-free park at Palmer Park (CSS-21-25) (CCS)

1 - 6

Support the Director of Recreation, Community and Culture in accepting a donation from a resident, made in memory of a family member, to support the development of a leash-free area within Palmer Park, as outlined in recreation, community and culture report CSS-21-25. This acceptance is conditional upon Council's approval of the City's funding for the project in the 2026 Capital Budget; and

Authorize the Director of Recreation, Community and Culture to execute a donation agreement with the donor, subject to the satisfaction of the Commissioner of Legal and Legislative Services, to formalize the contribution toward the leash-free area in Palmer Park as outlined in recreation, community and culture report CSS-21-25; and

Authorize the Director of Engineering Services to incorporate the leash-free area, funded in part through the aforementioned donation, into the design and implementation plans for Palmer Park, as outlined in recreation, community and culture report CSS-21-25.

- 7.2 Alton Community Centre – naming and signage implementation (CCS-22-25) (CCS) 7 - 13

Approve the renaming of the facility currently known as “Haber Community Centre” to “Alton Community Centre”, following the conclusion of the naming sponsorship agreement with Haber & Associates’ as outlined in recreation, community and culture report CSS-22-25; and

Authorize the Director of Recreation, Community and Culture, in collaboration with the Director of Engineering Services, to carry out all necessary actions to implement the name change, including updates to signage and revisions to all written and digital references to reflect the new name.

- 7.3 Appointments to Appeals Committee (LLS-47-25) (CCS) 14 - 17

Approve the appointments to the Appeals Committee for a term ending December 31, 2026, to align with the end of Council’s term, as contained in confidential appendix A to legislative services report LLS-47-25; and

Make the appointments’ names public following approval by Council at their meeting to be held October 14, 2025.

## 8. Community and Corporate Services

Repeal the following by-laws:

108-1994 – Downtown Streetscape Reserve Fund,

17-2005 – LaSalle Marina Reserve Fund,

33-2008 – Provincial Fall Economic Statements Transit Reserve Fund,

25-2013 – Randle Reef Reserve Fund,

56-2014 – Museum Board – Joseph Brant Transformation Project Reserve Fund,

65-2015 – Senior’s Centre Reserve Fund,

67-2015 – Haber Naming Sponsorship Reserve Fund,

006-2016 – Commodity Stabilization Reserve Fund, and

30-2019 – Art Gallery Reserve Fund,

as described in finance department report FIN-35-25; and

Approve the by-law substantially in the form attached as Appendix B to finance department report FIN-35-25, being a by-law to amend the Facilities and Programs Reserve Fund - Recreation Centres By-law 58-2015; and

Authorize the Chief Financial Officer to transfer reserve fund balances and adjust reserve fund commitments as outlined in finance department report FIN-35-25.

8.2 Burlington Sound of Music – 2025 festival re-cap and future direction (CCS-23-25)

30 - 46

Decline Burlington's Sound of Music Festival Inc.'s 2026 funding request and discontinue municipal financial support due to ongoing financial instability and non-compliance with Agreements conditions; and

Approve the reallocation of \$150,000—originally designated for Sound of Music in the 2026 Operating Budget—to the Community Investment Fund. This adjustment will enhance support for a broader range of festivals and events across Burlington, promote greater equity and sustainability in cultural programming, and create opportunities to potentially support a new music festival and/or provider in 2026; and

Direct staff to report back to Council on exploration of potential opportunities for a different form of music festival and/or a different operator of a music festival at Spencer Smith Park, following a call for expressions of interest from potential event organizers; and

Remove Council's Ex Officio appointment from the Burlington Sound of Music Inc. Board of Directors. A Council Member was appointed in 2022 under MO-03-22 for the duration of the term, building on a 2019 request from SOM (COW-11-19) to reinstate a Council-appointed ex officio position.

**9. Confidential Items and Closed Meeting**

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

9.1 Confidential Appendix A to legal and legislative department report LLS-47-25 regarding Appointments to Appeals Committee

Pursuant to Section 239(2) (b) personal matters about an identifiable individual, including municipal or local board employees

9.2 Confidential Triannual Litigation update report (LLS-37-25)

Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

9.3 Confidential Contingency report - August 31, 2025 (FIN-32-25)

Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

9.4 Confidential real estate matter - licence agreement with Ministry of Environment and Climate Change (LLS-46-25)

Pursuant to to Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

9.5 Confidential report on Provincial facilitation regarding Millcroft Golf Course (DGM-90-25) (revised title)

Pursuant to Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and  
Pursuant to Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**10. Rise and Report**

**11. Public Works**

**12. Growth Management**

12.1 Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 380 Brant St. (DGM-67-25)

47 - 60

That Council not withdraw the Notice of Intention to Designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated July 31, 2025, and attached to development and growth management report DGM-67-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-67-25, being a bylaw to designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 380 Brant St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

12.2 Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 444 Plains Rd. E. (DGM-78-25)

61 - 73

That Council not withdraw the Notice of Intention to Designate 444 Plains Rd. E. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 10, 2025, and attached to development and growth management report DGM-78-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-78-25, being a bylaw to designate 444 Plains Rd. E. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislative Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 444 Plains Rd. E., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

12.3 Heritage Response to Bill 23 – Objection to Notices of Intention to Designate, 482 and 490 Elizabeth St. (DGM-79-25)

74 - 94

That Council not withdraw the Notices of Intention to Designate 482 Elizabeth St. and 490 Elizabeth St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 8, 2025, and attached to development and growth management report DGM-79-25 as Appendix A; and

That Council enact the by-laws substantially in the form attached as Appendix B to development and growth management report DGM-79-25, being bylaws to designate 482 Elizabeth St. and 490 Elizabeth St. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislative Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notices of the passing of the by-laws designating 482 Elizabeth St. and 490 Elizabeth St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

12.4 Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 562 Maple Ave. (DGM-80-25)

95 - 111

That Council not withdraw the Notice of Intention to Designate 562 Maple Ave. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 11, 2025, and attached to development and growth management report DGM-80-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-80-25, being a bylaw to designate 562 Maple Ave. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 562 Maple Ave., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

12.5 Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 2280 No. 2 Side Rd. (DGM-81-25)

112 - 125

That Council not withdraw the Notice of Intention to Designate 2280 No. 2 Side Rd. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 7, 2025, and attached to development and growth management report DGM-81-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-78-25, being a bylaw to designate 2280 No. 2 Side Rd. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 2280 No. 2 Side Rd., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

- 12.6 Building Permit and Community Planning application fee reviews update (DGM-73-25) 126 - 134

Direct the Commissioner of Development and Growth Management to deliver a Council Workshop in Q1 2026 to discuss the fee review methodologies, alternative cost recovery models and the appropriate level of indirect costs for building permit and planning application fees;

Approve the amendment to By-Law 070-2024, a by-law to establish and impose certain 2025 rates and fees for services, activities or the use of property, attached as Appendix "A" to Development and Growth Management report DGM-73-25, effective October 14, 2025.

- 12.7 Amendment to Lot Maintenance By-law 49-2022 (Loose Leaf Collection) (DGM-48-25) 135 - 139

Approve the amendments to By-law 49-2022, known as the "Lot Maintenance By-law" being a by-law to regulate exterior property maintenance including vegetation, refuse, and graffiti, to clarify laws regarding the discarding of leaves on public property and correcting fine amounts, attached in draft form as per Appendix A to development and growth management report DGM-48-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor.

### 13. Statutory Public Meetings

Statutory Public Meetings will be discussed at 9:30 a.m. on Tuesday, October 7, 2025

- 13.1 Statutory Public Meeting and information report for the draft new Residential Zoning Bylaw (DGM-69-25) 140 - 400

Receive for information community planning department report DGM-69-25 regarding Statutory Public Meeting and information report for the draft Residential Zoning By-law; and

Direct the Director of Community Planning to prepare a final Residential Zoning By-law for Council adoption along with a staff recommendation report identifying changes in December 2025.

### 14. Information Items

- 14.1 Legislative Services forecast for standing committee reports (COW-14-25) 401 - 401

### 15. Staff Remarks

16. **Committee Remarks**

17. **Adjournment**

SUBJECT: Community donation toward a new leash-free park at Palmer Park

TO: Committee of the Whole

FROM: Community Services  
Recreation, Community and Culture

Report Number: CSS-21-25

Wards Affected: 4

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## **Recommendation**

Support the Director of Recreation, Community and Culture in accepting a donation from a resident, made in memory of a family member, to support the development of a leash-free area within Palmer Park, as outlined in recreation, community and culture report CSS-21-25. This acceptance is conditional upon Council's approval of the City's funding for the project in the 2026 Capital Budget; and

Authorize the Director of Recreation, Community and Culture to execute a donation agreement with the donor, subject to the satisfaction of the Commissioner of Legal and Legislative Services, to formalize the contribution toward the leash-free area in Palmer Park as outlined in recreation, community and culture report CSS-21-25; and

Authorize the Director of Engineering Services to incorporate the leash-free area, funded in part through the aforementioned donation, into the design and implementation plans for Palmer Park, as outlined in recreation, community and culture report CSS-21-25.

## **Executive Summary**

Purpose of report:

To seek Council's support for the acceptance of a donation exceeding \$50,000 and approval to execute an agreement with the donor, in accordance with the Delegated Authority By-law, and to proceed with the planning and development of a leash-free area within Palmer Park, contingent upon approval of the 2026 Capital Budget.

### Key findings:

A resident approached the Ward 4 Councillor with an offer to donate funds in memory of her late husband to support the development of a leash-free area at Palmer Park. This initiative aligns with the City's Live and Play Plan, which identifies a gap in leash-free amenities within a one-kilometer radius of the Palmer neighbourhood. Following collaborative discussions regarding scope, timing, and cost, staff and the donor agreed upon a design and a donation amount of \$100,000. The proposed 2026 capital budget includes the remaining \$40,000 required to complete the project. Subject to budget approval and receipt of the donation, staff will proceed with the development and construction of the leash-free area, with a community celebration anticipated in Fall 2026. Finance staff will issue a charitable tax receipt in Q1 2027 for the donor's 2026 tax reporting.

### Implications:

Acceptance of the donation and approval of the associated capital budget funding will enable staff to proceed with the development of a leash-free area at Palmer Park, including collaboration with the donor on a community awareness campaign. Legal staff will support the Recreation, Community and Culture (RCC) department in preparing the formal donation agreement, while Engineering staff will oversee the design, tendering, and construction phases of the project. RCC will also lead the coordination of a community celebration upon completion, and Finance staff will issue a charitable tax receipt to the donor in accordance with applicable reporting timelines.

The project is contingent upon Council's approval of the 2026 Capital Budget. Should the capital funding not be approved, the donation will not be accepted, and the project will not proceed.

# Recommendation Report

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## Background

In early 2025, the Ward 4 Councillor was approached by a resident wishing to make a memorial donation in honour of her late husband, with the intent of supporting the creation of a leash-free area within Palmer Park. In response, Engineering and Recreation, Community and Culture (RCC) reviewed the City's Live and Play Plan and confirmed a service gap in leash-free amenities within the Palmer neighbourhood.

Palmer Park was identified as a suitable location, offering a large open space adjacent to an existing parking lot. The proposed site meets required setback criteria from existing sports fields and aligns with operational and planning standards.

Following multiple iterations and cost evaluations, the preferred concept was estimated at \$140,000. In support of the initiative, the resident increased the original donation amount from \$50,000 to \$100,000.

To address the remaining funding requirements, \$40,000 has been included in the proposed 2026 Parks & Open Space proposed capital budget. In accordance with the City's Delegated Authority By-Law, an executed donation agreement between the City and the Donor is required for donations exceeding \$50,000.

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## Analysis

### Option 1 – Proceed with the Donation and Project Integration

Under this option, the City would accept the memorial donation and proceed with incorporating a leash-free area into Palmer Park. This approach aligns with the donor's preferred timeline and ensures that operational costs are included in the proposed 2026 Capital Budget, contingent upon its approval. The new amenity would be added to the City's asset inventory and maintained in accordance with established service standards. Staff would also facilitate community engagement through targeted outreach efforts, such as distributing informational flyers and installing onsite signage.

### Option 2 – Decline the Donation

Alternatively, the City may choose not to proceed with the donation due to workload or budgetary constraints. This decision would be inconsistent with the Live and Play Plan's recommendation to pursue alternative funding sources and may adversely affect future donor relationships. Declining the donation would result in the loss of a \$140,000 community asset in

an area currently underserved by leash-free amenities, for a City investment of \$40,000.

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### **Recommendation Details**

Staff recommend that Council support the proposed community donation, which will enable the development of a \$140,000 leash-free area in Palmer Park at a municipal capital investment of \$40,000. This initiative directly addresses a documented service gap in off-leash amenities in the Palmer neighbourhood and represents a cost-effective opportunity to enhance recreational infrastructure through community partnership.

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### **Key Dates & Milestones**

- **Q4 2025:** Council support of the memorial donation and approve the project as outlined in the proposed 2026 capital budget.
  - **Q1 2026:** Execution of donor agreement; issuance of project tender; community notification distributed via postcards.
  - **Late Q1 2026:** Tender awarded, and donation funds received.
  - **Q2–Q3 2026:** Construction of the leash-free area commences.
  - **Q3 2026:** Community celebration event held to mark project completion.
  - **Q1 2027:** Issuance of charitable tax receipt for 2026 tax reporting.
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### **Implications**

The estimated annual operating impact of the new leash-free area at Palmer Park is \$15,000. This amount will support routine maintenance activities including repairs to fencing and gate access, woodchip replenishment, vegetation trimming, winter operations, and associated staff time. This will be included in the multi-year forecast for inclusions in the 2027 budget once the park is fully operational.

While accepting the \$100,000 memorial donation promotes public goodwill and encourages civic generosity, it may result in the reallocation of resources away from existing infrastructure priorities.

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### **References**

- [PR-12-19](#) Proposed changes to the leash-free area criteria
- [RCC-07-22](#) Leash Free site application options for Ward 1 and Ward 5

- [RCC-12-24](#) Live and Play Plan - recommendations for future recreation infrastructure needs
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### **Strategic Alignment**

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
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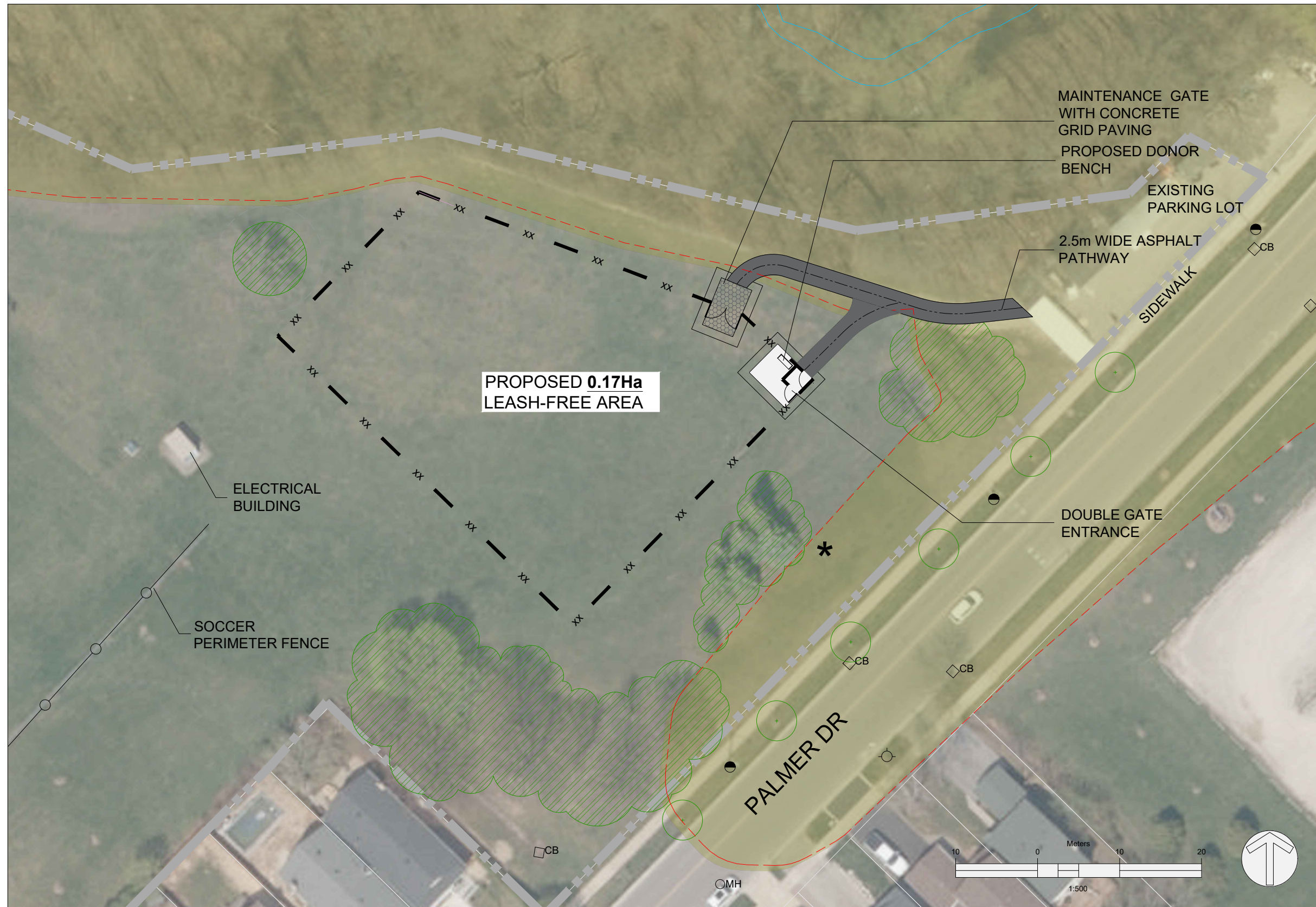
### **Appendices:**

A. Concept Design: Leash-Free Park (Palmer Park)

### **Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

# PALMER PARK- PROPOSED LEASH-FREE AREA



LEGEND	
	PROPERTY LINE
	CONSERVATION HALTON REGULATORY AREA
	EXISTING STREET TREES
	EXISTING PARK TREES
	STREETLIGHT
	HYDRANT
	CATCH BASIN
	MAINTENANCE HOLE
	PARK SIGN

**CONCEPT ONLY**

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SUBJECT: Alton Community Centre – naming and signage implementation

TO: Committee of the Whole

FROM: Community Services  
Recreation, Community and Culture

Report Number: CSS-22-25

Wards Affected: all

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

Approve the renaming of the facility currently known as “Haber Community Centre” to “Alton Community Centre”, following the conclusion of the naming sponsorship agreement with Haber & Associates’ as outlined in recreation, community and culture report CSS-22-25; and

Authorize the Director of Recreation, Community and Culture, in collaboration with the Director of Engineering Services, to carry out all necessary actions to implement the name change, including updates to signage and revisions to all written and digital references to reflect the new name.

## Executive Summary

Purpose of report:

The purpose of this report is to seek Council approval for the adoption of a new facility name; Alton Community Centre. The proposed name reflects the facility’s geographic location, aligns with municipal naming policies, and strengthens its connection to the surrounding community. This transition presents an opportunity to reaffirm the facility’s civic identity and reinforce its role as a cornerstone of the Alton neighbourhood. Implementation will include signage updates and a public art installation to commemorate the change.

Key findings:

The name Alton Community Centre directly reflects the facility’s location within the Alton neighbourhood and complements the adjacent Burlington Public Library - Alton Branch,

promoting a unified and easily recognizable civic presence. The proposed name adheres to the City's Naming of Corporate Assets Policy, which prioritizes clarity, geographic relevance, and community resonance. This naming strategy mirrors other effective examples such as Tansley Woods Community Centre and Tansley Woods Public Library, where consistent naming has enhanced wayfinding, community pride, and municipal branding. "Alton Community Centre" is a timeless and inclusive name that supports long-term identity building within the neighbourhood.

Implications:

To implement the name change, updates will be required across all physical signage, digital platforms, and written materials to reflect the new identity. In addition to these operational adjustments, staff recommend a public art installation that celebrates the renaming. This initiative will enrich the facility's welcoming atmosphere and serve as a lasting tribute to the Alton neighbourhood's vibrant spirit and community pride.

# Recommendation Report

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## Background

The facility naming sponsorship agreement with Haber & Associates', in place since June 2013, is concluding. The agreement was the result of a targeted campaign by City staff to secure a naming sponsor in advance of the opening of the new recreation facility in the Alton neighbourhood and was the only active facility naming sponsorship managed by the Recreation Community and Culture (RCC).

Staff recommend renaming the facility to **Alton** Community Centre, a name that aligns strongly with the [City's Naming of Corporate Assets Policy](#), which prioritizes name that:

- Have “a long-standing local area identification with residents”
- “Assist with emergency response situations by being consistent with street names and geographical locations, and meets the requirements of the Fire Department and Halton Regional Police”
- “Give a sense of place, continuity, and belonging, reflecting the geographic location, community, neighbourhood, or street where the corporate asset is located and/or
- “Recognize the historical significance of the area”
- “Reflect unique characteristics of the site” and the “types of services offered”

The name “Alton” is already widely used by residents to refer to the facility and aligns with the adjacent library, enhancing clarity for residents, visitors, and emergency services. A location-based name also ensures long-term continuity and minimizes the risk of future renaming. Finally, the name Alton supports and fosters the sense of community already present in the neighbourhood.

Staff's recent experiences with facility naming further support this approach:

- The Haber Community Centre sponsorship (PR-18-13) was secured only after an extensive campaign involving outreach to over 2,500 companies and has required ongoing staff resources to maintain the relationship.
- The Nelson Pool naming campaign (CIP May 1, 2017) concluded without securing a sponsor.
- The Robert Bateman Community Centre naming ([RCC-20-23](#)) demonstrated strong public preference for familiar and/or location-based names.

There are strong precedents for naming city facilities based on their geographic location, as seen with Aldershot Arena, Appleby Ice Centre, Mainway Ice Centre, and Tansley Woods Community Centre.

To support the new name and celebrate the Alton neighbourhood's identity, staff recommend initiating a public art project to animate the facility space and reflect the community's spirit. Engagement with residents on the artwork will take place throughout Fall 2025 and Winter 2026.

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## **Analysis**

### **Option 1 (recommended): Adopt the Name “Alton Community Centre”**

Adopting the name Alton Community Centre presents a timely and strategic opportunity to reinforce the facility's civic identity. The name is geographically accurate, aligns with the City's Naming of Corporate Assets Policy, and complements adjacent municipal assets such as the Alton Library. It is intuitive, easy to locate, and fosters a strong sense of place and pride within the neighbourhood. This naming approach reflects a consistent convention already proven effective in other areas of the city, including Tansley Woods, where unified naming has enhanced clarity and community recognition.

Key benefits of this option include immediate policy alignment, strengthened geographic and civic identity, improved wayfinding, and public recognition. It also avoids the additional costs and delays associated with extended consultation processes.

To commemorate the renaming and foster a welcoming environment, staff recommend commissioning a public art installation. This initiative would be supported through a reserve fund allocation requested as part of the 2026 capital budget process and would serve as a lasting tribute to the Alton neighbourhood and its vibrant community spirit. In parallel, staff will develop a communications plan to inform residents of the change and celebrate their new identity. This will include updates across digital platforms, signage, and community programming to ensure a smooth and inclusive transition.

### **Option 2: Undertake a Broader Naming Process**

Alternatively, Council may direct staff to initiate a broader naming process that invites community input on alternative names. While this approach may appear more participatory, it introduces some challenges and potential inefficiencies. Recent precedent—such as the renaming of the Robert Bateman Community Centre—demonstrates that extensive engagement can ultimately reaffirm the original name, suggesting that community sentiment may already favour “Alton Community Centre” due to its geographic relevance and familiarity.

This option would require additional time and resources to conduct meaningful engagement, potentially delaying signage updates and facility branding. It also risks misalignment with adjacent civic assets, such as the Alton Library, which could undermine efforts to establish a cohesive municipal identity.

While community engagement remains a valued principle, in this instance, the proposed name already reflects geographic context, policy alignment, and established naming precedent. Proceeding with “Alton Community Centre” offers a streamlined, cost-effective, and community-aligned solution that supports both operational efficiency and civic coherence.

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### **Recommendation Details**

Staff recommend that Haber Community Centre be officially renamed to Alton Community Centre, effective October 2025. This renaming reflects the City’s commitment to aligning facility names with community identity and geographical relevance.

To support the transition, a one-time expenditure will be required to update all associated signage and naming references. In addition, existing funds will be directed towards commissioning a public art installation that celebrates the renaming and enhances the facility’s welcoming atmosphere. The artwork will serve as a lasting tribute to the Alton Neighbourhood and its vibrant community spirit.

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### **Key Dates & Milestones**

- Fall 2025
    - Launch target communications to residents and stakeholders announcing the renaming of the facility.
    - Begin community engagement activities to inform the development of a public art installation celebrating the new name.
    - Update all digital platforms- including the City’s website, registration systems, and facility booking tools—to reflect the new name: Alton Community Centre.
  - Fall 2025/Winter 2026
    - Remove all interior and exterior signage referencing the former sponsor’s name.
    - Coordinate with Transportation Services and Roads, Parks and Forestry to update wayfinding and directional signage in the surrounding area, ensuring consistency and clarity for visitors and emergency services.
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## Implications

### Financial:

The conclusion of the naming sponsorship agreement will have no impact on the City's operating budget. All sponsorship proceeds were allocated to a dedicated capital reserve fund, which remains in a strong financial position and will continue to support future capital improvements at the Alton Community Centre.

To implement the renaming, a one-time expenditure of approximately \$40,000 is projected. This funding will cover the cost of updating or replacing exterior building signage, pylon signs, and roadway directional signage to reflect the new facility name. This expense, along with the requested capital expense for public art, will be drawn from the existing reserve fund and, as such, will not affect the 2026 operating budget.

### Public communications:

To support the transition to the new facility name, a public communication campaign will be launched to inform residents, stakeholders, and community partners. This campaign will ensure broad awareness of the change and reinforce the facility's renewed identity within the Alton neighbourhood.

In addition to updated on-site signage, a public art installation will be commissioned as a creative and symbolic expression of the new name. This initiative will include meaningful engagement with local artists and community members, fostering a sense of pride and ownership among residents and celebrating the neighbourhood's unique character.

Starting in Fall 2025, Communications and Recreation, Community and Culture (RCC) staff will begin a phased rollout of digital updates. This will include revisions to municipal websites, internal systems, and promotional materials to reflect the new name and ensure consistency across all platforms.

### Staffing:

To support the implementation of the renaming initiative, staff resources will need to be reallocated from other projects. This temporary shift will ensure the necessary coordination across signage updates, communications, and cultural programming, while maintaining overall project timelines and service standards.

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## References

- Policy: [Naming of Corporate Assets](#)
- Policy: [Donations and Sponsorships](#)

- Report: [RCC-20-23](#) Former Robert Bateman High School – naming update
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### **Strategic Alignment**

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

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### **Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

SUBJECT: Appointments to Appeals Committee  
TO: Committee of the Whole  
FROM: Legal and Legislative Services  
Legislative Services

Report Number: LLS-47-25

Wards Affected: All

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

Approve the appointments to the Appeals Committee for a term ending December 31, 2026, to align with the end of Council's term, as contained in confidential appendix A to legislative services report LLS-47-25; and

Make the appointments' names public following approval by Council at their meeting to be held October 14, 2025.

## Executive Summary

Purpose of report:

- The purpose of this report is to provide Council with the names of individuals recommended for appointment to the Appeals Committee. At a Special Council meeting held August 13, 2025, the existing appeals committee was dissolved and a new Appeals Committee was established with the approval of the Appeals Committee Terms of Reference attached as [Appendix A](#) to Development and Growth Management [report DGM-57-25](#). The new Appeals Committee is comprised of appointed citizens versus members of council. Legislative Services staff launched a recruitment campaign August 15 to Sept. 1, 2025 and re-initiated recruitment on Sep. 17, 2025 to invite qualified individuals to apply for membership to the Appeals Committee to fill vacancies.

# Recommendation Report

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## Background

On August 13, 2025, council approved the Appeals Committee Terms of Reference, establishing the new Appeals Committee. The recommendation details of development and growth management report DGM-57-25 include:

- establishment of a new appeals committee to conduct hearings for both Licensing and Property Standards matters
- change from council membership to appointed citizens
- elimination of report back to Council for a final decision
- Increasing the time business owners have to appeal the decision of staff to revoke, refuse or modify their licences.

Legislative Services staff launched a recruitment campaign to fill the 3-5 member composition on the Burlington Appeals Committee. Recruitment took place Aug. 15 to Sep. 17, 2025, and was re-initiated on Sep. 17, 2025, to allow for more applications to be submitted.

Recruitment opportunities were advertised on the City's website, social media and LinkedIn. In response to the recruitment, 9 applications were received from individuals expressing an interest in participating on the above noted committee.

Applicants for the Appeals Committee were interviewed by Hayley Manning Manager - Licensing and Administration, Adam Palmieri - Manager, By-Law Enforcement and Sean Elliot - Supervisor, Licensing & Administration. The interviews were conducted via Zoom providing more flexibility for participation by the interview panel and applicants.

In accordance with the Appeals Committee Terms of Reference, members will hold office for four years from the date of appointment to coincide with the Council term.

The appointments approved at the October 14, 2025 Council meeting will remain in effect until December 31, 2026, to align with the end of the current Council's term.

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## Analysis

The interview panel made their selection recommendations based on the committee's terms of reference and membership composition needs as well as the applicant's knowledge of the role, relevant skills and experience, expressed dedication/commitment, time availability, and communication skills.

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## Recommendation Details

Following a recruitment and interview process of qualified applicants, members of the community are being recommended for appointment to the Appeals Committee.

As a member of one of the City's boards and committees, residents can actively participate in local government. Committee members play an important role in shaping city initiatives, by working with staff and the community to contribute to improving the quality of life within the City of Burlington.

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## Key Dates & Milestones

Regular meeting of Council on October 14, 2025 – appointment approvals

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## Implications

Following the Council meeting on Oct. 14, 2025, staff will advise all applicants of Council's decision. Successful applicants will be provided with an orientation session and resource materials. All members of advisory committees and boards will complete required training in the areas of AODA, Privacy, Health & Safety, Respect in the Workplace, and Code of Conduct.

Individuals who are not appointed will be advised of other City of Burlington volunteer opportunities and that their application will be held to the end of the year.

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## References

- [DGM-57-25 Appeals Committee and proposed business licensing by-law amendments](#)
  - [CL-26-21 Public Appointment Policy](#)
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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Lisa Palermo

Manager Committee Services/Deputy Clerk  
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**Appendices:**

A. Confidential Appendix - recommended committee appointees

Pursuant to Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

SUBJECT: Corporate Reserve Fund review  
TO: Committee of the Whole  
FROM: Finance  
N/A

Report Number: FIN-35-25

Wards Affected: not applicable

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## **Recommendation**

Repeal the following by-laws:

108-1994 – Downtown Streetscape Reserve Fund,

17-2005 – LaSalle Marina Reserve Fund,

33-2008 – Provincial Fall Economic Statements Transit Reserve Fund,

25-2013 – Randle Reef Reserve Fund,

56-2014 – Museum Board – Joseph Brant Transformation Project Reserve Fund,

65-2015 – Senior’s Centre Reserve Fund,

67-2015 – Haber Naming Sponsorship Reserve Fund,

006-2016 – Commodity Stabilization Reserve Fund, and

30-2019 – Art Gallery Reserve Fund,

as described in finance department report FIN-35-25; and

Approve the by-law substantially in the form attached as Appendix B to finance department report FIN-35-25, being a by-law to amend the Facilities and Programs Reserve Fund - Recreation Centres By-law 58-2015; and

Authorize the Chief Financial Officer to transfer reserve fund balances and adjust reserve fund commitments as outlined in finance department report FIN-35-25.

## Executive Summary

### Purpose of report:

- To provide an administrative review of the City's reserve funds to ensure that they are still required and appropriately aligned with operational needs. The review will also evaluate the relevance and adequacy of associated bylaws, and identify any that may need to be updated, consolidated, or repealed to ensure effective financial management and compliance.

### Key findings:

- **Outdated or Redundant Reserve Funds**
  - Several reserve funds are no longer aligned with current City priorities or have not been utilized for several years, indicating they may no longer be required.
- **Opportunities for consolidation**
  - Some reserve funds have overlapping purposes, suggesting that consolidation could simplify administration and improve transparency.
- **By-laws requiring updates**
  - Some reserve funds are outdated and require revision to reflect revised practices.

### Implications:

- **Inefficient Use of Funds**
  - Maintaining outdated or unnecessary reserve funds may tie up financial resources that could otherwise be reallocated to projects or emerging needs.
- **Increased Administrative Burden**
  - Managing a large number of redundant or overlapping reserve funds increases administrative complexity and workload, potentially leading to inefficiencies in financial reporting and oversight.

# Recommendation Report

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## Background

Reserve funds are a key element of the City’s overall financial strategy, supporting long-term financial planning and fiscal stability. These funds are set aside for a specific purpose, either through legislated requirements or by Council direction. Maintaining sufficient reserve funds are critical to prudent financial management.

The primary purposes of maintaining reserve funds include:

- Providing financial stabilization in response to variable or unforeseen circumstances, ensuring adequate and sustainable cash flows;
- Funding one-time or short-term needs without impacting tax rates or user fees;
- Offering a source of internal financing;
- Supporting the replacement of capital assets and the long-term sustainability of infrastructure; and
- Enhancing financial flexibility to manage debt levels and safeguard the City’s financial position.

The City also currently holds four reserves. Following staff review, no changes to these reserves are recommended at this time.

Staff provide quarterly updates on the status of the City’s reserves and reserve fund balances. The balances as of June 30, 2025, are included in Appendix A.

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## Analysis

An initial review of existing reserve funds was undertaken by staff to ensure that they are required as per the designated use, that the purpose in which the funds were established remain applicable today and, where possible, should be consolidated to meet the current needs of the organization. Relevant City staff within other departments were consulted where necessary. Proposed actions were determined and are summarized below. A summary of all current reserve funds is provided in Appendix A.

### Repeal by-laws and close reserve funds

By-Law	Reserve Fund	Balance as of June 30, 2025	Recommendation
108-1994	Downtown Street	-	Repeal by-law and close reserve fund
17-2005	LaSalle Marina	-	Repeal by-law and close reserve fund
33-2008	Provincial Fall Economic Statements Transit	-	Repeal by-law and close reserve fund

25-2013	Randle Reef	-	Repeal by-law and close reserve fund
56-2014	Museum Board - Joseph Brant Transformation Project	-	Repeal by-law and close reserve fund
65-2015	Senior's Centre	365,912	Repeal by-law, close reserve fund and transfer balance to Recreation Centres reserve fund
67-2015	Haber Naming Sponsorship	637,692	Repeal by-law, close reserve fund and transfer balance to Recreation Centres reserve fund
006-2016	Commodity Stabilization	984,622	Repeal by-law, close reserve fund and transfer balance to Tax Rate Stabilization reserve fund
30-2019	Art Gallery	5,847	Repeal by-law, close reserve fund and transfer balance to the Art Gallery of Burlington

### **Amend Reserve Fund By-Law**

<b>By-Law</b>	<b>Reserve Fund</b>	<b>Balance as of June 30, 2025</b>	<b>Recommendation</b>
58-2015	Recreation Centres	203,946	Amend Section 1 of by-law 58-2015 to include Burlington Senior's Centre

### **Reserve Fund Commitments**

Following a comprehensive review of existing reserve fund commitments, staff have identified a total of \$458,027 in previously committed funds that can be released back to the applicable reserve funds.

These funds were identified for release based on a detailed assessment that considered the age of the commitments, the current status of associated projects, and confirmation that the funds are no longer required for their originally intended purposes.

The release of these commitments will restore funding availability within the following reserve funds.

<b>Reserve Fund</b>	<b>Total Commitments to release</b>
Tax Rate Stabilization	378,861
Forestry	31,516
Strategic Land Acquisition	23,216
Culture Initiatives	15,000
Strategic Plan	9,434
<b>Total</b>	<b>458,027</b>

## **Next Steps**

As of June 30th, the City's reserve and reserve fund balances total \$217.4 million. After accounting for the \$90.7 million in existing commitments, the uncommitted balance stands at \$126.7 million. It was identified in the City's recent Asset Management Plan, that the City's \$7.1 billion in capital assets are in good condition but trending to fair. Reserve and reserve funds are a vital component of the City's overall financial framework, providing the flexibility and stability needed to manage unforeseen challenges and fund essential long-term capital infrastructure. It is crucial that Council continues to prioritize investment in these funds to ensure the City remains financially resilient and prepared for future infrastructure demands.

This report represents the first phase of a broader reserve fund review, focused on addressing administrative matters such as the release of fulfilled or inactive commitments and the closure of outdated reserve funds. Staff acknowledge that a more comprehensive, strategic review is required to ensure reserve and reserve fund provisions remain aligned with the City's long-term priorities. As part of the proposed 2026 budget, Staff will recommend the development of a Long-Term Financial Plan for 2027. A key component of that plan will be an in-depth evaluation of the City's reserve and reserve fund strategy to support financial sustainability and the achievement of corporate objectives

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## **Recommendation Details**

Repeal by-laws 108-1994, 17-2005, 33-2008, 25-2013, 56-2014, 65-2015, 67-2015, 006-2016 and 30-2019 as these reserve funds are obsolete, no longer used or can be consolidated with another reserve fund.

Amend By-law 58-2015 to include Burlington Seniors Centre in the list of recreation facilities that can fund and draw from the reserve fund.

Approve the transfer of reserve fund balances and release of commitments as outlined in report FIN-35-25.

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## **Key Dates & Milestones**

N/A

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## Implications

- **Improved Financial Transparency and Accuracy**  
By releasing fulfilled or inactive commitments and closing outdated reserve funds, the City's financial statements and reserve fund balances will more accurately reflect current obligations and available resources.
  - **Enhanced Fiscal Stewardship**  
This administrative clean-up ensures that reserve funds are being actively managed, in alignment with best practices and the City's financial policies. It reinforces accountability and supports responsible financial oversight.
  - **Readiness for Long-Term Planning**  
Completing this initial phase lays the groundwork for a more comprehensive review as part of the planned Long-Term Financial Plan in 2027. It ensures that outdated or redundant items do not obscure future planning efforts or distort funding needs.
  - **Potential Reallocation of Resources**  
Funds released through this process may be reallocated to other reserve funds or priorities, providing greater flexibility to address emerging needs or strategic goals.
- 

## References

- [FIN-29-25 Financial Status Report as of June 30, 2025](#)
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## Strategic Alignment

(Select all that apply)

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

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## Appendices:

A. Reserve Fund Summary and balances as of June 30, 2025

B. City of Burlington By-law XX-2025 – A by-law to amend the Facilities and Programs Reserve Fund - Recreation Centres by-law 58-2015

**Draft By-laws for Approval at Council:**

- By-law XX-2025 to amend the Facilities and Programs Reserve Fund - Recreation Centres by-law to Council on October 14<sup>th</sup>, 2025.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

# Appendix A to FIN-35-25

Reserve Fund Name	Purpose	By Law No.	Reserve Fund Balance as of June 30, 2025
Development Charges	To recover growth-related costs associated with capital infrastructure, such as roads, community centres and transit, that is needed when more houses are built by developers.	41-2024, amended by 068-2024	31,568,856
Development Charges Exemption	To provide the necessary funding for capital projects identified for development charge exemption funding	44-2020	-
Park Dedication	To fund parkland acquisition and other recreational purposes in accordance with governing legislation and municipal policy.	55-2023	3,698,521
Public Benefits	To fund the capital costs of facilities, services, and other matters required as a result of higher-density residential development or redevelopment, in accordance with the Planning Act and the City's CBC strategy.	15-2017	3,159,015
Future Services	To accumulate funds collected from developers through development agreements to finance future capital works related to local service needs resulting from development, in accordance with the terms specified in those agreements.	015-2019	29,755,810
Vehicle Depreciation & Replacement - Fire	Funding the replacement and/or purchase of vehicles, equipment fleet and accessories for Fire services.	141-2002	768,379
Vehicle Depreciation & Replacement - Roads & Parks Maint	Funding the replacement and/or purchase of vehicles, equipment fleet and accessories for road, park and recreation maintenance services.	140-2002	821,502
Tyandaga Vehicle Depreciation	Funding the replacement and/or purchase of vehicles, equipment fleet and accessories for Tyandaga Golf Course services.	142-2002	(157,574)
Transit Vehicle and Equipment	To fund replacement and purchase of transit vehicles and related equipment.	54-2020	2,422,065
Provincial Fall Economic Statement (2007) Transit	For the transfer of funds from the Provincial Fall Economic Statement (2007) Funds for municipal transit capital expenditures.	33-2008	-
Provincial Gas Tax	For the accumulation of monies received from the provincial government under the Dedicated Gas Tax Funds for Public Transportation programs.	123-2004	3,429,498
Federal Gas Tax – Transit Dedicated	To accumulate funds to be used according to guidelines established within the Municipal Funding Agreement.	149-2006	1,086,086
Burlington Hydro Proceeds	Used to capture interest and dividend payments to the City as the sole shareholder. The funds are used for repayment of special circumstances debt, as a funding source for the Infrastructure Renewal Reserve Fund, an annual provision to the operating budget, and other one time capital initiatives.	16-2019	4,546,059
Capital Purposes - Dev & Infrastructure	Contributions from the Current Budget are held in this fund before they are required in the capital program. Provisions to Capital from Current are made annually.	2-1991	6,768,517
Infrastructure Renewal	For funding minor reconstruction of roads, creek work, facility or building retrofit and repairs and technology replacement. Provisions from the Current Budget are made annually.	116-1996	8,697,462
Information Technology Renewal	For funding capital renewal of the City's information technology systems and infrastructure.	109-2015	1,577,937
Federal Gas Tax	To execute the Municipal Funding Agreement for the Transfer of Federal Gas Tax Revenue under the New Deal for Cities and Communities between the Association of Municipalities of Ontario and the Corporation of the City of Burlington.	109-2005	(3,673,442)
Public Art	To fund future expenditures related to the acquisition, installation, deaccessioning, maintenance, preservation, restoration, and collection management of the City's Public Art Program.	89-2004	812,473
Railway Crossing	For funding future railway crossing improvements and possible new grade separations budgeted in the Capital Budget.	33-1997	13,949,691
Joseph Brant Memorial	In December 2009 Council approved a municipal contribution of not more than \$60 million toward the JBH Phase I Redevelopment plan.	28-2010	709,167
Strategic Plan	For funding the delivery of the initiatives identified in the City's 2015-2040 Strategic Plan.	46-2016	260,890
Strategic Land Acquisition	The accumulation of funds for the acquisition of land.	56-2008	8,174,419
Severe Weather	To accumulate funds primarily for the purpose of alleviating the fiscal impact of unforeseen or uncontrollable fluctuations in costs associated with severe weather events.	60-2010	4,818,473
Tax Rate Stabilization	To alleviate the fiscal impact on the city's budget and tax rate as a result of unforeseen or uncontrollable fluctuations in budgeted expenditures and revenues.	19-2019	6,691,999
Building Fee Stabilization	For the accumulation of monies to stabilize building permit revenues.	27-2005	4,246,430
Planning Fee Stabilization	To alleviate the impact of unforeseen or uncontrollable fluctuations in planning revenues and to address workload issues during times of increased development activity as approved by Council.	18-2019	620,190
Engineering Fee Stabilization	For the accumulation of monies to stabilize engineering revenues.	28-2005	467,598
Commodity Stabilization	To alleviate the impact of unforeseen or uncontrollable fluctuations in commodity costs.	006-2016	984,622
Employee Accident	Required by agreement for funding Workers' Compensation Board (WCB) claims and related expenses incurred by the City as a Schedule 2 employer.	25-1994	11,408,436
Election	For the purpose of funding election operations and events.	47-2020	571,504
Emergency Plan Reserve Fund	Funds for use: a. During a large-scale emergency or disaster; b. Business continuity planning; c. Emergency planning initiatives; d. Emergency exercise planning and conduct; e. Comprehensive hazard identification and risk assessment updates; f. Public education initiatives; and g. Specialized emergency training.	60-2023	195,208
Benefits	Fund consists of premium rebates from the insurance carrier, used to make various payments relating to the provision of benefits to staff.	26-1993	4,171,295

Municipal Consent	To alleviate the impact of unforeseen or uncontrolled fluctuations in Municipal Consent revenues, to address workload issues during times of increased development activity as approved by Council, or to fund the repair of municipal infrastructure resulting from development activity and construction occurring within the public right of way.	37-2023	234,851
Active Transportation	Fund for active transportation initiatives in accordance with the Integrated Mobility Plan.	12-2023	1,526,000
Provincial and Federal Grant	Solely for the purposes outlined per the agreement.	22-2021	10,704,616
Discovery Landing	For the capital renewal, capital enhancement and debt repayment of the Waterfront Centre.	66-2015	370,361
Paletta Mansion	For the capital renewal and capital enhancement of the Paletta Mansion.	64-2015	736,262
Tyandaga Golf Course	To support the capital renewal and capital enhancement of the Tyandaga Golf Course and the related program amenities operated by the City of Burlington.	22-2024	288,886
LaSalle Park Pavilion	For the capital renewal and capital enhancement of the LaSalle Park Pavilion.	63-2015	220,312
Parks & Rec Infrastructure - Seniors Centre	To support the capital renewal of the Burlington Seniors' Centre.	65-2015	365,912
Sports fields	To support the capital renewal and capital enhancement of the Sports Fields operated by the City of Burlington.	61-2015	155,463
Haber CC Capital	To support the capital renewal and capital enhancement of the Haber Recreation Centre.	67-2015	637,692
Recreation Centre	To support the capital renewal and capital enhancement of the Recreation Centres and the related program amenities operated by the City of Burlington.	58-2015	203,946
Pools	To support the capital renewal and capital enhancement of the Pools and the related program amenities operated by the City of Burlington.	60-2015	381,706
Arenas	To support the capital renewal and capital enhancement of the Arenas and the related program amenities operated by the City of Burlington.	69-2023	241,852
Culture	To support the capital renewal and capital enhancement of the Recreation Centres and the related program amenities operated by the City of Burlington.	59-2015	168,925
Randle Reef	To provide the City's and Region's contribution to ensuring the successful implementation of sediment remediation efforts for Randle Reef, by way of agreement with Environment Canada, Ontario Ministry of Environment, City of Hamilton, Hamilton Port Authority and US Steel Canada Inc.	25-2013	-
Downtown Streetscape	Funds for use in improving streetscaping in the downtown core area.	108-1994	-
Community Heritage	To provide financial assistance to owners of designated properties.	128-1985, amended by 16-1993, amended by 67-2014	178,985
Mundialization Committee	To provide funding for activities related to twin city anniversary celebrations including hosting delegations, travel by City staff and Council for anniversary celebrations and other related mundialization celebration expenses.	52-2020	145,675
Naval Memorial	Fund provided for the purpose of funding future expenditures related to the maintenance, preservation, restoration and management of the Naval Memorial Monument.	81-2009	34,349
LaSalle Marina	Funds for use: 1. Eventual dismantlement of the Marina infrastructure 2. Funding the refundable portion of the Senior Membership 3. Transitioning of current model to new operating model.	17-2005	-
Policy Initiatives	For funding corporate and departmental policy initiatives.	106-2015	443,452
Culture Initiatives	For funding expenditures to facilitate opportunities for enhancing city-initiated cultural programs.	107-2015	125,204
Energy Initiatives	For funding energy initiatives deemed to be feasible and in line with City objectives relating to energy conservation.	108-2015	119,562
Community Investment	For funding solely towards supporting future community initiatives approved through the Community Investment Policy.	115-2015	300,904
Sims Square	For capital purposes such as renovation, improvements/ enhancements that directly relate to Sims Square, repayment of debt and to fund any operating deficits of Sims Square	17-2019	174,290
Forestry	For Funding expenditures related to the preservation of City of Burlington's tree canopy from invasive species and diseases such as Emerald Ash Borer, Gypsy Moth and Dutch Elm. This includes treatment programs, removal and replacement of impacted trees, and related coordination and communication costs.	105-2015	131,635
Fire Dispatch	To support annual reporting to key stakeholders, as part of the Fire Dispatch Triparty Agreement.	45-2020	639,920
Fire Suppression	To fund ongoing training and certification to align with regulations and health and safety requirements.	49-2020	112,060
Green Initiatives	Fund for operating and capital investments in initiatives that support the creation and protection of green infrastructure, and environmentally healthy and resilient communities.	50-2020	736,333
Itabashi Garden	Fund for the care and maintenance of the Itabashi Garden at Tansley Woods.	51-2020	14,038

Municipal Accommodation Tax - City	Funds for use: 1. To improve visitor and resident experiences in Burlington through increasing the infrastructure and tourism capacity of the City to foster a positive destination image. 2. To enhance Burlington's national and international profile as the best city to live in Canada through placemaking and place branding initiatives.	57-2022	662,571
Municipal Accommodation Tax - Tourism	Funds for use: 1. To be a steward of the destination by marketing and managing all actions of the organization on behalf of our tourism stakeholders. 2. To increase awareness and visitation to Burlington through destination marketing and product development; while enhancing Burlington's national and international profile as a destination of choice for visitors. 3. To facilitate, collaborate, and ensure industry growth. 4. To become more competitive in the meetings and incentive travel, sports tourism, leisure travel, and group tour markets. 5. To provide economic recovery to tourism and hospitality businesses. 6. To attract new corporate sales business for hotels and attractions.	58-2022	1,532,992
Parking District	Funds for use: 1. Repairs and upgrades to downtown parking lots and garages. 2. Costs to operate those parking facilities. 3. Future parking needs through related reserve funds	60-2020	238,804
Parking Growth	For expenditures to facilitate growth opportunities for parking in the Downtown Parking Area.	46-2020	7,594,204
Parking Renewal	To support capital renewal of existing downtown parking infrastructure.	53-2020	3,369,896
Tree Establishment & Enhancement	To fund tree establishment and enhancement activities on City and privately owned properties including but not limited to tree and shrub planting and other naturalization projects as well as site preparation and post-planting care to support tree establishment.	55-2020, amended by 40-2024	1,126,204
Youth	For the purpose of funding furnishings, fixtures and the renewal of existing facilities in the City of Burlington to support recreational programs and services for youth.	77-2013	90,647
Art Gallery	To alleviate the impact of unforeseen operating expenses or for capital purposes such as for renovations, improvement and equipment that will benefit users of the centre or as otherwise directed by the Board and must be approved by the Art Gallery of Burlington Board of Directors, or otherwise approved by Council.	30-2019	5,847
Downtown BIA	For the purpose of funding future capital projects and future mill rate stabilization as approved by Council	39-1997, amended by 99-1999	295,115
Burlington Economic Development Corporation(BEDC) Operations	To provide a financial buffer to alleviate the impact of unforeseen operating expenses, subject to Board or Council approval.	33-2018	915,400
Innovation Centre	Funding to be used to alleviate the impact of unforeseen operating expenses or for capital purposes such as for renovations, improvement and equipment that will benefit users of the centre and must be approved by the Burlington Economic Development Corporation Board of Directors, or otherwise approved by Council.	32-2018	326,805
BEDC/Downtown Partnership - BEDC Marketing	For the purpose of pursuing specific strategic plan initiatives supporting the City of Burlington economic development activities and must be approved by the Burlington Economic Development Corporation Board of Directors, or otherwise approved by Council.	34-2018	317,820
Library Operating	To alleviate the impact of unforeseen operating expenses related to the Burlington Public Library.	43-2020	958,276
Tourism Burlington	To cover operating budget shortfalls, and special projects after the operating budget has been expended	69-2006	293,295
Ireland House Museum - General	Accumulate funds in a reserve fund for future general purposes of Ireland House Museum.	23-1990, amended by 143-1991	524,433
Ireland House Museum - Project	Accumulate funds in a reserve fund for future Ireland House Museum projects.	22-1990, amended by 143-1991	101,755
Joseph Brant Museum - General	Accumulate funds in a reserve fund for future general purposes of Joseph Brant Museum.	21-1990, amended by 143-1991	447,297
Joseph Brant Museum - Project	Accumulate funds in a reserve fund for future Joseph Brant Museum projects.	20-1990, amended by 143-1991	65,450
Museum Board – Joseph Brant Transformation Project	Funds to be used solely for the purpose of funding the Joseph Brant Museum Transformation Project.	56-2014	-
BPAC	To alleviate the impact of unforeseen operating expenses as approved by City Council.	55-2015	3,611,492
BPAC Reserve - Donations	For donations contributed to the Burlington Performing Arts Centre.	54-2015	15,643
CPRF - BPAC	For capital repairs, rehabilitation and renewal of the Burlington Performing Arts Centre.	50-2015	1,216,067
Innovation & Transformation	For expenditures to accelerate achievement of corporate strategic objectives and embed process improvements and related technology integration solutions and practices as well as learning into the organization	14-2023	445,393
Multi-Year Community Investment Plan	For capital investments in initiatives that support the advancement of Council endorsed master plan priorities and land acquisitions identified in the city's Multi-Year Community Investment Plan, including any related debt charges	77-2023	3,990,530
Burlington Beach Regional Waterfront Park	To fund future operating and capital requirements at the Burlington Beach Regional Waterfront Park including but not limited to park improvements, active transportation infrastructure, existing and additional parking improvements	13-2023	92,000
Council Special Initiatives	To fund Council member special initiatives	45-2022	74,205
Emergency Relief Reserve Fund	To provide financial relief to non-profit organization(s) and/or residents for eligible natural hazards, of floods and tornadoes	021-2025	250,000
<b>Total Reserve Fund Balance</b>			<b>200,506,419</b>
<b>Total Reserves Balance</b>			<b>16,867,415</b>
<b>Total Reserve Funds and Reserves Balance</b>			<b>217,373,834</b>

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to amend By-law 58-2015, being by-law to establish a Facilities  
and Programs Reserve Fund – Recreation Centres  
FIN-35-25

Whereas the Municipal Act, S.O. 2001, c.25, authorizes municipal councils to establish reserve funds for any purpose for which it has authority to spend money; and

Whereas the Council of The Corporation of the City of Burlington passed By-law 58-2015 to establish a Facilities and Programs Reserve Fund – Recreation Centres;

Whereas the Council of The Corporation of the City of Burlington deems it necessary to amend By-law 58-2015, to include the Burlington Senior's Centre;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Section 1 of By-law 58-2015 is amended by adding in "Burlington Senior's Centre" so that section 1 shall read as follows:
  1. That the Facilities and Programs Reserve Fund - Recreation Centres be established for the accumulation of monies received by way of surcharge from facility rentals, program registrations, memberships and/or unrestricted donations at Burlington Senior's Centre, Brant Hills Recreation Centre, Haber Recreation Centre, Mountainside Recreation Centre Community Rooms, Rotary Youth Centre, Tansley Woods Community Centre Gyms and Community Rooms, Sherwood Forest, Ella Foote Hall, Lowville School House ("Recreation Centres") to support the capital renewal and capital enhancement of these Recreation Centres and the related program amenities.
2. Subject to the amendments made in this By-law, in all other respects By-law 58-2015 is hereby confirmed unchanged.
3. This By-law comes into force on the date of its passing.

Appendix B to FIN-35-25

Enacted and passed this 14<sup>th</sup> day, of October, 2025

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

Deputy Clerk Lisa Palermo \_\_\_\_\_

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SUBJECT: Burlington Sound of Music – 2025 festival re-cap and future direction

TO: Committee of the Whole

FROM: Community Services  
Recreation, Community and Culture

Report Number: CSS-23-25

Wards Affected: all

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

Decline Burlington’s Sound of Music Festival Inc.’s 2026 funding request and discontinue municipal financial support due to ongoing financial instability and non-compliance with Agreements conditions; and

Approve the reallocation of \$150,000—originally designated for Sound of Music in the 2026 Operating Budget—to the Community Investment Fund. This adjustment will enhance support for a broader range of festivals and events across Burlington, promote greater equity and sustainability in cultural programming, and create opportunities to potentially support a new music festival and/or provider in 2026; and

Direct staff to report back to Council on exploration of potential opportunities for a different form of music festival and/or a different operator of a music festival at Spencer Smith Park, following a call for expressions of interest from potential event organizers; and

Remove Council’s Ex Officio appointment from the Burlington Sound of Music Inc. Board of Directors. A Council Member was appointed in 2022 under [MO-03-22](#) for the duration of the term, building on a 2019 request from SOM ([COW-11-19](#)) to reinstate a Council-appointed ex officio position.

## Executive Summary

This report provides a detailed review of the City's financial and operational support for Sound of Music (SOM), a free annual waterfront event delivered by Burlington's Sound of Music Festival Inc. (BSOM), a not-for-profit organization with over four decades of history in Burlington. While the festival continues to attract large crowds, in recent years, it has faced persistent financial instability. Contributing factors include the loss of major sponsorships, escalating operational costs, and underperformance in key revenue areas.

Between 2024 and 2025, the City provided nearly \$1 million in combined support to BSOM, including direct financial contributions, in-kind assistance, short-term loans, enhanced logistical support, annual grant funding, and a private donation facilitated through municipal channels. During this period, BSOM received close to 80% of the City's total event support budget—substantially more than any other festival or event in Burlington. The remaining 20% was distributed among ten other events. In addition to these more recent requests, a short-term loan of \$200,000 was provided to BSOM in October 2022 ([F-36-22](#)). This loan was subsequently forgiven in 2023 through one-time funding as part of the approved 2023 operating budget (Business Case 2023-058). That same business case also included an increase to BSOM's annual operating grant, raising it from \$100,093 to \$150,000.

To improve accountability in connection with the City's grant to BSOM, a Grant Agreement was introduced in 2025, which included, among other terms, the following requirements:

1. That BSOM submit a business plan, to the satisfaction of the City on or before June 1, 2025.
2. That BSOM repay outstanding arrears on or before September 30, 2025, with the balance at that time estimated to be approximately \$20,000.

In addition to this, in May 2025, BSOM signed a loan agreement with the City for \$225,000. The loan was expected to be paid back by September 1, 2025.

Although BSOM submitted a business plan, it did not meet the necessary standards for evaluation. Key financial details and strategic insights were lacking, making it difficult for the City to fully assess BSOM's long-term viability and alignment with its investment principles. As stewards of public resources, the City remains committed to supporting initiatives that demonstrate sound financial planning, strategic clarity, and sustainable impact. The remaining conditions of the agreements have not been fulfilled to date, and no substantial payments have been made toward the outstanding loan or arrears. As of October 6, 2025, Committee of the Whole meeting, following the final payment deadline of September 30, BSOM will continue to owe the City approximately \$245,000, with additional 2025 service invoices still pending.

Despite efforts to restructure its Board and introduce measures aimed at improving its financial health, BSOM continues to operate in a deficit and has not resolved its outstanding financial obligations. A private donation of \$200,000 was made to the City in support of BSOM and was applied directly to BSOM's outstanding debt. While this contribution offered temporary relief, and allowed the 2025 festival to proceed, it did not address the deeper, systemic challenges impacting BSOM's long-term financial sustainability.

In September 2025, BSOM submitted a new funding request (Appendix A), seeking:

- Forgiveness of the \$225,000 loan and \$20,000 in arrears
- A one-time emergency grant of \$200,000 to cover unpaid vendor costs
- An increase in annual municipal funding from \$150,000 to \$350,000

Given that the terms of the agreements will not be fulfilled by the September 30 deadline, and in light of the ongoing financial risk and the disproportionate level of municipal support allocated to BSOM, staff recommend that Council decline the 2026 funding request and discontinue any future financial support. It is further recommended that the budgeted annual grant of \$150,000, originally earmarked for BSOM, be reallocated to the Community Investment Fund to support a broader range of festivals and events, advancing equity and sustainability in cultural investment and to create opportunities to support a new music festival provider in 2026. This recommendation aligns with ongoing reviews of the Culture Plan and recreation grants, which emphasize the need for more balanced and inclusive event funding. Preliminary community engagement confirms strong public interest in music festivals, and as such staff are planning on reporting back with options for continuing a music festival at Spencer Smith Park, subsequent to the issuance of a call for interest targeting potential music event organizers.

In light of the recommendation to transition funding, it may be appropriate to conclude Council representation on the BSOM Board. This approach supports a clearer governance distinction ahead of a potential new delivery model, helps avoid any perceived conflicts of interest.

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## **Background**

Burlington's Sound of Music Festival Inc. (BSOM) is a not-for-profit organization that has delivered a free annual waterfront music festival since 1980. Originally a small parade and local showcase, it grew into a multi-stage event spanning downtown Burlington and Spencer Smith Park, featuring diverse musical genres and family-friendly programming. Marketed as "Canada's Largest Free Music Festival," it has, according to festival organizers, attracted peak attendance of over 400,000 and generated economic impacts exceeding \$30 million. Over time, the festival introduced ticketed concerts, club series, and vendor marketplaces, sustained largely through volunteers, sponsorships, and public funding. In recent years, organizers have acknowledged challenges in maintaining the festival's scale.

Since the COVID-19 pandemic, BSOM has faced mounting financial challenges. The loss of over \$250,000 in sponsorships, underperformance in fundraising initiatives such as "Live on the Lake," and rising operational costs have contributed to persistent deficits. Despite record attendance and increased grant support, the organization reported a shortfall of more than \$700,000 in 2022 alone.

Media reports and organizer statements since 2023 have consistently highlighted declining sponsorship revenues, rising operational costs, and increasing reliance on public support. In response, BSOM has undertaken internal reforms over the years—including Board restructuring, measures to strengthen their financial position, and future planning—but these measures have not resolved the core challenges. Organizers have acknowledged that sustaining free programming at the current scale would require more stable funding and structural adjustments. The organization continues to depend heavily on municipal funding and short-term financial relief to maintain operations, with limited success in diversifying its revenue base.

## **Municipal and Community Support**

Between 2024 and 2025, the City provided nearly \$1 million in combined support to BSOM, including direct financial contributions, in-kind assistance, short-term loans, logistical support, annual grant funding, and application of a private donation towards BSOM's indebtedness to the City. During this period, BSOM received nearly 80% of the City's total event support budget—far exceeding the allocation to any other festival or event in Burlington.

Following the 2024 festival, it became increasingly evident—based on ongoing patterns and available information—that BSOM was unable to meet its financial obligations, including repayment of outstanding arrears (\$95,000) and the short-term loan (\$125,000). In 2024, between in-kind and cash donations, the City provided BSOM more than \$400,000 of support. In the brief window between Committee and Council meetings ([RCC-19-24](#)), staff facilitated a

\$200,000 private donation to help reduce BSOM’s outstanding debt to the City. While this contribution offered short-term relief and enabled the 2025 festival to move forward, it did not resolve the organization’s underlying financial instability or long-term sustainability challenges.

To reinforce accountability in 2025, the City introduced a Grant Agreement that outlined several key conditions, including:

1. Submission of a business plan, to the satisfaction of the City, by June 1, 2025.
2. Repayment of outstanding arrears by September 30, 2025, with the balance at that time estimated at approximately \$20,000.

In addition, BSOM requested and was granted a supplementary loan to support pre-event expenses, citing ongoing cash flow challenges. Accordingly, BSOM entered into a Loan Agreement with the City in May 2025, under which the City provided \$225,000, repayable by September 1, 2025.

### **2025 Festival Re-Cap**

The 2025 festival, held June 12–15, was delivered with strong attendance and positive community engagement. BSOM achieved modest cost reductions and introduced new revenue initiatives. However, the organization remains in a deficit position. As of post-event reporting, BSOM remains in default on multiple financial obligations, including the \$225,000 short-term loan issued in 2025, approximately \$20,000 in arrears carried over from 2024, and additional outstanding service invoices related to the 2025 festival.

On August 12, 2025, BSOM issued a public appeal for corporate and community support, acknowledging its critical financial position and the need to reduce reliance on government funding. While the statement expressed gratitude for past City support, it also confirmed that the organization continues to operate unsustainably.

### **Disproportionate Support and Broader Context**

Over the past two years, BSOM has received a significantly higher portion of municipal event funding relative to other cultural events and festivals—representing 79% of the cultural events budget in 2024 and 80% in 2025. This concentration of investment underscores the need to rebalance and more strategically allocate resources to support a broader range of cultural programming across Burlington.

The broader event sector is navigating significant challenges, including rising costs, evolving regulatory requirements, and increased demands around risk management. In this context, the City must exercise fiscal responsibility and ensure that its support is distributed in a way that sustains a diverse and resilient cultural ecosystem. BSOM has made a lasting contribution to Burlington’s cultural identity and community life. However, despite considerable efforts and

support, the organization has not demonstrated a financially sustainable model. As stewards of public resources, the City is no longer in a position to provide ongoing financial relief to a single organization at this scale. Future investment must be guided by principles of equity, impact, and long-term viability across the sector.

Despite receiving considerable support and multiple opportunities to meet its obligations, BSOM has not fulfilled the conditions outlined in the two agreements. The submitted business plan (Appendix A) lacks the strategic depth and financial details required to justify continued investment. As such, staff recommend that the City discontinue financial support for BSOM.

This recommendation does not signal a retreat from arts and culture investment. On the contrary, it reflects a commitment to building a more resilient, inclusive, and sustainable cultural sector—one that supports a broader range of festivals and events and ensures public funds are used responsibly and transparently.

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## Analysis

### **Option 1 – Recommended: Discontinue Funding to BSOM and Reallocate Support to Broader Events in 2026 and beyond**

This option proposes a shift from the current operating model by discontinuing municipal financial support to BSOM due to ongoing financial instability and non-compliance with agreement terms. Staff recommend reallocating the \$150,000 grant previously earmarked for BSOM to the Community Investment Fund, enabling support for a broader range of cultural events and potentially a future music festival provider in 2026 and beyond.

This approach aligns with preliminary findings from the Culture Plan and recreation grant reviews, which highlight the need for more equitable and strategic investment to sustain and grow Burlington’s event landscape. To explore potential opportunities for a different form of music festival and/or a different operator of a music festival at Spencer Smith Park, staff will initiate an Expression of Interest (EOI) process to explore and identify potential options. The EOI will follow established policies and a transparent process, ensuring alignment with community priorities and the City’s strategic direction. Staff will report back with EOI outcomes and options for continuing waterfront music programming in Burlington.

Staff recognize the significant history of a music festival in Burlington and acknowledge BSOM’s contributions. However, as the identified funding shortfalls make apparent, the festival appears to be at a pivotal juncture. Its recent trajectory may suggest that the current model is no longer sustainable, and a refreshed approach to the form of music festival and/or its operation is warranted. Proceeding with an open call to the sector will help ensure future programming reflects community interest and supports the City’s evolving cultural vision.

## **Option 2: City support BSOM's proposal as identified in Appendix A**

This option would maintain the status quo by continuing municipal financial support to BSOM. It assumes that ongoing funding could help stabilize operations, retain volunteer and sponsorship networks, and enable delivery of the festival in 2026 and beyond. However, staff do not recommend this approach based on the considerations outlined earlier in the report. Despite BSOM's history of successful events, persistent financial instability raises concerns about long-term viability of the festival format and BSOM's ability to deliver it without significant grants. The City has a responsibility to uphold public trust and ensure equitable partnerships. Under current conditions, continued financial support would not align with these principles and risks perpetuating a cycle of deficit without a sustainable resolution.

## **Option 3: Transitioning oversight to the City**

Another option considered is for the City to assume direct responsibility for planning and delivering a waterfront music festival on its own, including programming, sponsorship development, and logistics, by integrating it into the broader cultural and tourism portfolio, or through 'taking over' BSOM's operation of festival. Given that many residents already associate the SOM event with the City, this may appear to be a natural and appealing direction for both Council and the community. However, despite public perception, this approach presents significant operational and financial challenges that limit its feasibility, and therefore is not recommended, these include:

- **Organizational Independence:** BSOM is an independent not-for-profit corporation governed by its own Board of Directors. While the City maintains a collaborative relationship with BSOM, including agreements and financial support, the organization operates independently, and its governance structure must be respected. The City cannot acquire or take over this not-for-profit corporation.
- **Limitations of Oversight:** The City does not have direct authority over BSOM's internal operations or decision-making processes. As such, it lacks full visibility into the organization's financial and operational history, which would be essential for assuming a more active role.
- **Capacity Constraints:** The City's Festivals and Events team, housed within the Recreation, Community and Culture (RCC) department, currently supports over 90 large-scale events annually. Their mandate includes the direct delivery of two major events—the Santa Claus Parade and the Canada Day Festival—and strategic partnerships with external organizers to enhance community programming. Given current resource levels and operational commitments, the team is not positioned to take on the full delivery of a festival of this scale and nature.

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## Recommendation Details

Under Option 1, staff recommend that Council respectfully decline BSOM's funding request as outlined in Appendix A and reallocate the \$150,000 annual grant to the Community Investment Fund. Administered by the RCC department, this fund is a core component of the City's broader community granting framework and the additional funding would be redirected to support the wider event sector including potentially a new music festival and/or provider in 2026.

This approach aligns with ongoing efforts to refresh [Burlington's Culture Plan](#) and conduct a comprehensive review of the recreation grants program, both of which are expected to deliver formal recommendations to Council in Q2 2026. Early findings from these initiatives highlight the need to broaden municipal support to foster a vibrant and sustainable event landscape—an area of service that continues to resonate strongly with residents. Initial community engagement has demonstrated clear public enthusiasm for music festivals in Burlington.

In response, staff will initiate an Expression of Interest (EOI) process to explore potential opportunities for a different form of music festival and/or a different operator of a music festival at Spencer Smith Park, with a commitment to report back to Council with EOI outcomes and options for continuing waterfront music programming at Spencer Smith Park.

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## Key Dates & Milestones

- **October- November 2025:** Staff initiate an expression of interest process to explore potential opportunities for a different form of music festival and/or a different operator of a music festival at Spencer Smith Park.
- **Q1 2026:** Staff will report back to Council with options identified in the expression of interest process.
- **Q1 2026:** Upon Council's approval of the 2026 operating budget, the \$150,000 grant, originally earmarked for BSOM will be redirected to the Community Investment Fund to support the broader event sector including a potential 2026 music festival and/or provider.
- **Q2 2026:** Staff will bring recommendations for Council's consideration regarding Culture Plan actions and the evolution of the recreation grants program.

## Implications

As of fall 2025, BSOM has an outstanding balance of approximately \$245,000 related to the 2025 loan agreement and other arrears owing to the City, with additional invoicing still pending. Should this amount remain unpaid by the end of the fiscal year, it will be deemed unrecoverable, resulting in a direct financial loss to the City. This outcome underscores the need to strengthen accountability measures in future funding agreements—building on those included in the current framework, which were effective in providing deeper insight into the organization and informing this recommendation. It also highlights the importance of re-evaluating the City’s broader approach to event support to promote long-term financial sustainability and uphold responsible stewardship of public resources.

The proposed shift aligns with the City’s broader strategic goal of cultivating a more diverse, inclusive, and sustainable event landscape. It complements ongoing work to update the Culture Plan and review the recreation grants program—both of which aim to improve equity, responsiveness, and long-term impact in cultural investment. Early findings from these initiatives suggest strong public interest in music festivals and a desire to broaden support beyond legacy events, creating space for new and emerging cultural experiences that reflect the evolving needs of the community.

Given BSOM’s role in Burlington’s cultural scene, the decision to conclude financial support may raise questions among residents. In answering any questions, it will be important to articulate the rationale behind the recommendation as identified in this report, reaffirm the City’s commitment to cultural vibrancy, and emphasize the opportunity for renewal through a transparent and inclusive process. BSOM is an independent not-for-profit corporation that has operated the festival. The City, while a significant supporter and owner of the land upon which the festival is held, does not operate the SOM festival. This report proposes that the City discontinue its financial support of BSOM while continuing to champion a thriving and equitable event ecosystem across Burlington.

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## References

[F-36-22](#) Financial Support for Sound of Music Inc

[RCC-14-24](#) Sound of Music Festival – 2024 Loan Request

[RCC-19-24](#) Sound of Music Festival - 2024 event recap and future city support

Follow up to [RCC-19-24](#) Sound of Music Festival-2024 Event Re-cap and Future City Support

[CSS-08-25](#) 2025 Sound of Music Festival loan request

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## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### Author:

Emilie Cote  
Director of Recreation, Community and Culture  
Recreation, Community and Culture Department  
Ext. 7353

### Appendices:

Appendix A: BSOM Ask of the City

### Notifications:

Dave Shepherd  
Board Chair  
Sound of Music Festival  
[Chair@soundofmusic.ca](mailto:Chair@soundofmusic.ca)

### Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.



September 9, 2026

Emilie Cote  
Director – Recreation, Community and Culture  
City of Burlington  
Delivered via email: [emilie.cote@burlington.ca](mailto:emilie.cote@burlington.ca)

Emilie:

The Sound of Music Festival's Board of Directors presents to the City Of Burlington, our current asks in regard to COB loan repayment, City of Burlington support annually (grant), and a new vision of the festival going forward.

The SOM Board of Directors are asking for the following:

Loan repayment:

1. Full relief from the COB loan that is past due on Sept 1, 2025. The amount owed is \$225,000.00;
2. Full relief from the aged COB AP of approximately \$22,000.00 from previous festival seasons.

1 time emergency support payment:

3. A one time grant of \$200,000.00 in October 2025, to pay all open AP from last years festival vendors. These are local southern Ontario vendors.

Annual Grant Support:

4. Annual grant of \$350,000.00 in January 2026, and payable annually in the same amount, for each festival year going forward.

With this financial relief and commitment from the City, moving to a new paid entry format, with a smaller footprint of days, with lower overall costs (over 100k), we are confident that we will be able to have a successful and profitable festival in 2026 and beyond. We will be able to continue to the tradition of the SOM for years to come.

\*Note, this is a last resort for the SOM. Over the last 45 days, we have made numerous media announcements, TV appearances, online and in person radio interviews, social media posts x 100, to show the people of this community, and the business leaders of this community, the dire situation that we are in. We have received nothing but love for the festival and how it brings this community together every father's day weekend. It was exactly as we thought.

Unfortunately, the business community does not feel the same love. We have reached out to all leaders of commerce – local and far. Big and Small. Profit and not for profit – with the ask of help us continue. Be a partner. Make a difference. We have had zero dollars donated. This is where we are at. This is our only chance to keep the music alive.



### Recap of 2025 Festival – Economic Impact - and the new Festival starting in 2026

The 2025 Festival showed great promise with an all Canadian line up, cost reductions in place and great weather. We rolled out a new donation process at the entry and at the POS terminals. Not mandated, but optional to donate. A 50/50 draw was soft launched as well.

While the attendance and volunteers were at the levels of expectation ( and note zero injuries or police arrests ) the financial numbers were more than disappointing.

The optional donations were not received well. Most attendees walked past and the donation POS without a look. The rhetoric we hears was, “its free, why are you asking for money? “. We had anticipated 6 figures in our budget.

The 50/50 was limited in success -we has our summer students walking through the crowd – but with some IT issues to start on Thursday, we are a day behind and never go to the point of material impact.

The largest and most concerning downturn was on the on the alcohol sales. Thursday night, which is usually a big night for sales, was half of anticipated budget. Sunday was less than half of budget. This is a trend that we feel will continue with healthier lifestyles.

Saturday was the only night that budget was met If you were there, you saw the amount of people. It was more than I have ever seen.

### New for 2026 Plan - Key Highlights

- 1 Main Stage, 1 BPAC Community stage
- Battle of the Bands to continue with local emerging talent all year long
- 3 day festival – with 5pm start on Friday, 1pm Sat and Sunday
- 1 Parade remains, same as 2025
- Savings of potentially \$115k
- Mandatory daily entrance fee of \$5.00 per person, or 3 for \$20.00 per family
- Option to volunteer at festival if paid entry is not viable.
- Executive Director recruited and placed for 2026
- 2 SOM Board seats for City of Burlington Designees

Paid entry is 90% less than other Ontario Festivals that charge entry fees. Kerr Fest, Elora Festival, Tall Pines Gravenhurst – these are all comparable in talent, smaller size, but charge 5-10x what we are proposing.



Sincerely

Dave Shepherd, CHRE, ICD.D  
Chairperson – Burlington’s Sound Of Music Festival

# Business Plan – Burlington Sound of Music Festival

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## 1. Executive Summary

The Burlington Sound of Music Festival (SOM) is Canada’s largest free outdoor music festival, attracting over 400,000 **attendees annually** to the Burlington waterfront. For more than 45 years, SOM has been a pillar of cultural life in Burlington, showcasing Canadian talent, boosting the local economy, and creating lasting memories for families and music lovers. SOM relies on sponsorships, grants, and community support to deliver this high-quality, accessible event. While the festival has grown into a major tourism draw, it remains underfunded compared to its scale. This business plan outlines how SOM will build sustainability, deepen community partnerships, and provide exceptional value to funders and sponsors.

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## 2. Organizational Overview

- **Legal Structure:** Non-profit corporation, governed by a volunteer Board of Directors.
  - **Mission:** To connect people through the power of music by delivering inclusive, and diverse programming that enriches Burlington and beyond.
  - **Vision:** To be recognized as a premier Canadian music festival that celebrates community, creativity, and culture.
  - **Track Record:** 45 years of operation, thousands of artists showcased, millions of attendees, and significant contributions to local tourism and business revenue.
- 

## 3. Festival Overview



**Location:** Spencer Smith Park, Burlington, ON

- **Duration: Three days** (with additional programming such as the BOTB, Opening day Kick-Off Concert and grande parade).
  - **Programming:** National Canadian headliners, emerging Canadian talent, local and regional acts, family zones, parade, food vendors, and community activities.
  - **Audience Profile:**
    - 60% Burlington/Halton residents ○ 40% visitors from across Ontario and beyond
    - Broad demographic appeal: families, youth, adults, seniors
  - **Economic & Social Impact:**
    - Generates millions in visitor spending (hotels, restaurants, shops).
    - Enhances and guarantees MAT tax revenue ○ Creates seasonal and part-time jobs. ○ Provides volunteer opportunities (over 1000 volunteers annually). ○ Enhances Burlington's reputation as a vibrant, cultural, waterfront city.
- 

## 4. Goals & Objectives

- **Cultural:** Showcase diverse music, including Indigenous, multicultural, and emerging artists.
  - **Community:** Keep the festival accessible to all, regardless of status or income.
  - **Economic:** Increase economic impact through tourism and local partnerships.
  - **Financial:** Develop a sustainable funding model, reducing over-reliance on single sources.
  - **Environmental:** leader in green initiatives (waste diversion, reusable cups, ecofriendly staging).
- 

## 5. Programming & Activities

- **Main Stages:** National and international headliners.
  - **Community & Family Zones:** Interactive activities, local musicians, youth-focused programming.
  - **Grande Festival Parade:** A long-standing tradition celebrating community spirit.
  - **Workshops & Collaborations:** Opportunities for youth musicians, schools, and cultural groups.
- 

## 6. Marketing & Promotion

- **Media Partnerships:** Strong local support from radio, print, and digital outlets.  
**Digital Strategy:** Active on social media, newsletter campaigns, and targeted online advertising.



- **Community Engagement:** School outreach, local business involvement, city partnerships.
  - **Sponsorship Visibility:** Naming rights, stage branding, on-site activations, digital promotion, exclusive hospitality experiences.
- 

## 7. Sponsorship & Funding Strategy

- **Sponsorship Packages:** Tiered offerings (Title Sponsor, Stage Sponsor, Community Partner, Local Business Friend).
  - **Sponsor Benefits:**
    - Exposure to 400,000+ attendees.
    - Media coverage (radio, print, digital).
    - Association with community pride, culture, and Canada's largest free festival.
    - Opportunities for on-site engagement with festivalgoers.
  - **Grant Funding:** Federal (Canadian Heritage), Provincial (Experience Ontario), Municipal (City of Burlington, Tourism Burlington).
- 

## 8. Operations & Logistics

- **Volunteers:** Over 1000 community volunteers annually.
  - **Safety:** Coordination with Burlington Fire, Halton EMS, and Halton Police.
  - **Accessibility:** Commitment to ensuring the festival is inclusive for all.
  - **Vendors & Partnerships:** Food, artisan, and retail vendors showcase local businesses.
- 

## 9. Financial Plan

### Revenue Sources:

- Sponsorships & partnerships
- Government & cultural grants
- Vendor fees
- Merchandise & beverage sales
- Donations

### Expenses:

- Artist fees
- Production & staging
- Security & logistics
- Marketing & media
- Insurance & permits



#### **Sustainability Plan:**

- Build multi-year sponsorship agreements.
  - Grow earned revenue (merch, VIP experiences, ticketed add-ons).
  - Diversify funding streams to stabilize financial position.
- 

## **10. Risk Management**

- **Weather:** Contingency planning for inclement conditions.
  - **Financial:** Diversifying funding, building reserves.
  - **Health & Safety:** Emergency plans, insurance, volunteer training.
  - **Operational:** Strong partnerships with city services, local businesses, Chamber of Commerce and Ec. Dev and Tourism, World Cup of Soccer collaboration?
- 

## **11. Sustainability & Future Vision**

The Burlington Sound of Music Festival is committed to long-term growth, innovation, and sustainability. Over the next five years, we aim to:

- Strengthen partnerships with funders and sponsors.
  - Expand green initiatives to become a model eco-friendly festival.
  - Showcase more diverse local talent and create opportunities for youth.
  - Increase economic impact and cultural prestige for Burlington.
- 

## **12. Appendices**

- Attendance and economic impact statistics (2022)
- Sample sponsorship packages 2025



## SOM Budget Historically

2026 estimated : \$1,230,000.00

2025 Actual: \$1,343,020.00

2024 Actual: \$1,772,343.00

2023 Actual: \$1,851,973.00

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SUBJECT: Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 380 Brant St.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-67-25

Wards Affected: 2

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

That Council not withdraw the Notice of Intention to Designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated July 31, 2025, and attached to development and growth management report DGM-67-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-67-25, being a bylaw to designate 380 Brant St. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 380 Brant St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## Executive Summary

Purpose of report:

- To present the objection to the notice of intention to designate the property municipally known as 380 Brant St. (the “Property”), which was published on the City of Burlington’s Public Notices webpage on July 10, 2025, and provide Council with the staff recommendation regarding the objection. The notice triggered the start of the 30-day

objection period. The City received a notice of objection from the owner of 380 Brant St. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Property meets two criteria for determining cultural value or interest and continues to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
  - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

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## Background

Council approved a staff recommendation to issue a Notice of Intention to Designate the Property at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the *Ontario Heritage Act* and to recommend that a Notice of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Property was based on a Cultural Heritage Evaluation Report (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Property met at least two of nine criteria under Ontario Regulation 9/06. The Statement of Cultural Heritage Value or Interest is attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

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## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notice of intention to designate and pass the by-law designating the Property (Recommended)
- Option 2 – Withdraw the notice of intention to designate (Not recommended)

The notice of intention to designate the Property was issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notice of intention to designate and pass the designation by-law.

Staff carefully reviewed the notice of objection for the Property, which did not contain any new information or cultural heritage analysis by a qualified heritage professional that would change the previous staff recommendation to designate the property under the OHA. As such, staff maintain the professional recommendation to designate the Property under Part IV of the OHA, as the property meets the criteria for determining cultural value or interest.

For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

---

## Recommendation Details

### Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
  - June 2023: Report [PL-34-23](#) – Heritage Response to Bill 23 presented to City Council.
  - Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
  - Spring of 2024: Launch of the Bill 23 – Heritage Designation Candidates Shortlist project.
  - June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
  - Summer of 2024: Stantec team conducts site visits from the public right-of-way and archival research.
  - Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
  - Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
  - Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
  - Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.
  - Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
  - Jul. 31, 2025: The notice of objection for 380 Brant St. is received.
- 

### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 380 Brant St. is a commercial/residential property. Based on the 2025 levy, if designated, the property could be eligible for an estimated property tax rebate of approximately \$6,800, with the city portion about \$2,500.
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000 (actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City’s intention to designate. The owner has submitted an objection to the proposed designation.

If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

---

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). [Burlington Official Plan, 2020](#).
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). [Provincial Planning Statement, 2024](#).
  - Stantec Consulting Ltd. (2025). *380 Brant Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

## Appendices:

- A. Objection to the Intention to Designate 380 Brant St. by DAVID THOMPSON (P.C.), on behalf of Emshih Developments Inc., dated July 31, 2025
- B. By-law for 380 Brant St. and Statement of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-law to Council on Oct. 14, 2025.

**Notifications:**

Planner will provide addresses.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.



One James St. S., 14<sup>th</sup> Flr.  
P.O. Box 926, Depot 1  
Hamilton, ON L8N 3P9

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[www.shlaw.ca](http://www.shlaw.ca)  
[www.classactionlaw.ca](http://www.classactionlaw.ca)

*Lawyers and Trade-mark Agents*

REPLY TO: DAVID THOMPSON  
DIRECT DIAL: 905-526-4382  
E-MAIL: [thompson@shlaw.ca](mailto:thompson@shlaw.ca)

July 31, 2025

**SENT BY E-MAIL:** [clerks@burlington.ca](mailto:clerks@burlington.ca); [john.oreilly@burlington.ca](mailto:john.oreilly@burlington.ca)

**CITY OF BURLINGTON**  
426 Brant Street, PO Box 5013  
Burlington, Ontario  
L7R 3Z6

**ATTENTION: JOHN O'REILLY, Heritage Planner  
& Heritage Burlington Advisory Committee Staff Liason**

**ATTENTION: OFFICE OF THE CITY CLERK**

Dear Mr. O'Reilly/City Clerk:

**RE: THE CITY OF BURLINGTON CULTURAL HERITAGE LANDSCAPE  
(380 BRANT STREET, BURLINGTON ONTARIO) - 23L0116**

We write on behalf of our client, Emshih Developments Inc. ("Emshih"), the legally registered owner of the above noted property.

This letter constitutes our client's formal objection to the intention to designate 380 Brant Street, Burlington (the "Property") under Part IV of *the Ontario Heritage Act*.

The heritage value of this Property has been reviewed and studied a number of times over the past 20 years. Staff's recommendation, supported by City Council, to designate the Property is not warranted.

Our client is deeply disappointed with the overall process and disagrees with the Statement of Cultural Heritage Value or Interest prepared for the Property.

Emshih's objection is based on the following:

### **1. Statement of Cultural Heritage Value or Interest**

The Statement of Cultural Heritage Value or Interest refers to features of the Property that have been altered and renovated over time and have significantly diminished the value of any heritage attributes.

At the time a demolition permit was issued, L.A.C.A.C. stated:

“[the Property] has gone through many name changes and alterations in the past 140 years. The original wooden structure was moved back from the street and a three-story addition was built on the front of the original wooden structure in 1903. Over the years there have been additions and alterations to the structure to the extent there is little recognizable from the original historic building”.

### **2. Prior Inclusion on the Municipal Heritage Register**

In 2004, Emshih applied for a demolition permit for the Property, at the time it was included on the Heritage Register. Following review by the L.A.C.A.C. (today The Burlington Heritage Advisory Committee), L.A.C.A.C. determined that there were no concerns with respect to issuing a Demolition Permit as, over the years, the many renovations and alterations to the Property had left little of the heritage characteristics intact. See letter from the Building Department attached as Schedule “A”.

A Demolition Permit was issued, however, demolition never occurred and today the building continues to be occupied by a restaurant operator.

### **3. Removal from Municipal Heritage Register**

The Property continued to be included on the Heritage Register after the Demolition Permit was granted. In 2009, Emshih requested the Property be removed from the Register. The Property was subject to further review by the Burlington Heritage Advisory Committee and Heritage Workshop. Removal occurred July 15, 2010, by council decision.

### **4. Lack of Notice and Consultation with Property Owners**

Emshih was not notified of the proposed inclusion of the Property until the day of the CPRM Committee Meeting held September 13, 2022. The proposed inclusion came as a surprise considering that the Property had been removed ten years earlier. It was also disappointing that Emshih as property owner was not notified and consulted in advance on a significant matter that has implications to the Property and its property rights.

**5. Additional and Unnecessary Workload for Staff**

The Planning Department is understaffed and inundated with workload relating to development applications, OLT hearings and ongoing matters related to the new Official Plan appeals, which continue to remain largely unresolved.

The intention to designate the Property and additional properties included in the review add yet another hurdle in bringing appropriate development to the downtown core and bringing much needed housing and affordable housing to the city.

Emshih formally objects to the intention to designate the Property as set out above and requests its timely removal from the City of Burlington Heritage Registry.

Yours very truly,

**SCARFONE HAWKINS <sup>LLP</sup>**

*"DAVID THOMPSON"*

**DAVID THOMPSON (P.C.)  
On behalf of Emshih Developments Inc.  
DT/ss**

## Appendix B – Designation By-law – DGM-67-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 380 Brant Street, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 380 Brant Street as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 380 Brant Street and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 380 Brant Street; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 380 Brant Street, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 380 Brant Street and upon the Ontario Heritage Trust and to cause notice

**Appendix B – Designation By-law – DGM-67-25**

of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

- 4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

---

Deputy Clerk Lisa Palermo

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## **Appendix B – Designation By-law – DGM-67-25**

### **Schedule “A”**

#### **Statement of Cultural Heritage Value or Interest**

##### **Description of Property**

The property is located at 380 Brant Street in the City of Burlington, Ontario. The property is located on Plan 92, Block Y, Lot 7 and Part Lot 6, in the former Township of Nelson. The property is situated on the west side of Brant Street, approximately 60 meters south of Elgin Street and contains a three-storey commercial structure.

##### **Cultural Heritage Value**

###### ***Design/Physical Value***

The property is representative of an early, evolved, mid-to-late-19th century Ontario vernacular hotel building. The original portion of the building was built in 1860 as a simple two storey Ontario vernacular frame hotel structure. This original structure was a box structure with rectangular windows and doors and wood cladding. When the hotel was renovated in 1894-1897, it was turned into a more elaborate hotel structure with an additional storey, red brick cladding and detailing (including brick dentils at the eaves, brick drip moulds on front façade windows, and quoins), and large full-width porch and balcony. The historic integrity of the structure (dating to the late 19th century alterations) is retained through its brick exterior, segmental and arched window and door openings, and red brick detailing including brick dentils, quoins, and drip moulds.

###### ***Historic Value***

The property is historically associated with the theme of growth and development of Wellington Square (now Burlington) in the 1860s. The original portion of the former hotel was constructed on the property in 1860 by James Taylor. The hotel was built during a period of economic boom in the 1860s in the village associated with the lumber industry. The village at this time could also be accessed by the railway travellers along the Great Western Railway line. In 1864 the hotel and property were sold to Elias de Garmo and family who operated Burlington Hotel until 1894. It was then when it was sold to James Roderick, who was responsible for the renovation of the hotel in the 1890s into its existing three storey brick-clad structure. Under Roderick the hotel was referred to as Hotel Raymond and remained as such into the early 20th century. By 1987, the property became Coronation House and operated as such until the late 20th century.

##### **Heritage Attributes**

The following heritage attributes were identified for 380 Brant Street:

- Attributes that contribute to the design value of the property include:
  - Three storey structure with a flat roof and two brick chimneys on the north elevation

## Appendix B – Designation By-law – DGM-67-25

- Red brick exterior cladding
- Front (east) façade
  - Brick dentils under roofline
  - Third storey symmetrically placed windows with semi-circular transoms, brick drip moulds, and stone sills
  - Second storey segmental window and door openings
  - Brick quoins
- Segmental window openings with brick voussoirs and stone sills (north and south elevations)
- Stone foundation
- Attributes that contribute to the historical value of the property include:
  - Its construction at 380 Brant Street during the 1860s economic and development boom in Wellington Square
  - Its historic use as a hotel from 1860 until the late 20th century, including Burlington Hotel, Hotel Raymond, and Coronation House

**Appendix B – Designation By-law – DGM-67-25**

**Schedule “B”  
Legal Description**

**1. Municipal Address:** 380 Brant Street

**Legal Description:** Lot 6, Blk Y, Compiled Plan PL92, Lot 7, Blk Y, Compiled Plan PL92; Burlington; Being all of PIN 07082-0158 (LT)

**Roll Number:** 2402060605006010000

---

SUBJECT: Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 444 Plains Rd. E.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-78-25

Wards Affected: 1

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

---

## Recommendation

That Council not withdraw the Notice of Intention to Designate 444 Plains Rd. E. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 10, 2025, and attached to development and growth management report DGM-78-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-78-25, being a bylaw to designate 444 Plains Rd. E. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 444 Plains Rd. E., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## Executive Summary

Purpose of report:

- To present the objection to the notice of intention to designate the property municipally known as 444 Plains Rd. E. (the “Property”), which was published on the City of Burlington’s Public Notices webpage on July 10, 2025, and provide Council with the staff recommendation regarding the objection. The notice triggered the start of the 30-

day objection period. The City received a notice of objection from the owner of 444 Plains Rd. E. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Property meets two criteria for determining cultural value or interest and continues to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
  - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

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## Background

Council approved a staff recommendation to issue a Notice of Intention to Designate the Property at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the Ontario Heritage Act and to recommend that a Notice of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Property was based on a Cultural Heritage Evaluation Report (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Property met at least two of nine criteria under Ontario Regulation 9/06. The Statement of Cultural Heritage Value or Interest is attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

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## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notice of intention to designate and pass the by-law designating the Property (Recommended)
- Option 2 – Withdraw the notice of intention to designate (Not recommended)

The notice of intention to designate the Property was issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notice of intention to designate and pass the designation by-law.

Staff carefully reviewed the notice of objection for the Property, which did not contain any new information or cultural heritage analysis by a qualified heritage professional that would change the previous staff recommendation to designate the property under the OHA. As such, staff maintain the professional recommendation to designate the Property under Part IV of the OHA, as the property meets the criteria for determining cultural value or interest.

For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

---

## Recommendation Details

### Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
  - June 2023: Report [PL-34-23](#) – Heritage Response to Bill 23 presented to City Council.
  - Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
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  - June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
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  - Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
  - Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
  - Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
  - Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.
  - Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
  - Aug. 10, 2025: The notice of objection for 444 Plains Rd. E. is received.
- 

### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 444 Plains Rd. E. is a commercial property. Based on the 2025 levy, if designated, the property could be eligible for an estimated property tax rebate of approximately \$3,000, with the city portion about \$1,100.
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000 (actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
    - An owner who submitted an objection may appeal once the designation bylaw is passed.
  - **Engagement**
    - Staff have notified the owner of the Property of the City’s intention to designate. The owner has submitted an objection to the proposed designation.
    - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.
- 

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). *Burlington Official Plan, 2020*. Retrieved from <https://www.burlington.ca/en/planning-and-development/officialplan.aspx#BurlingtonOfficial-Plan-2020>.
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). *Provincial Planning Statement, 2024*. Retrieved from <https://www.ontario.ca/files/2024-10/mmah-provincial-planning-statement-en-20241023.pdf>.
  - Stantec Consulting Ltd. (2025). *444 Plains Road East, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

**Appendices:**

- A. Objection to the Intention to Designate 444 Plains Rd. E. by Anna Kountouris, dated August 10, 2025
- B. By-law for 444 Plains Rd. E. and Statement of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-law to Council on Oct. 14, 2025.

**Notifications:**

Planner will provide addresses.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

August 10 2025

To: Chloe Richer

Senior Planner – Heritage

Planning & Development Department

City of Burlington

426 Brant Street

PO Box 5013

Burlington ON L7R 3Z6 hand delivered and by email to [Heritage@burlington.ca](mailto:Heritage@burlington.ca)

Dear Ms. Richer

**Re: 444 Plains Road East**

**Notice of objection to the notice of intention to designate the property**

I am the registered owner of 444 Plains Road East.

I do not agree to the Notice of Intention to Designate my Property.

I do not want the property to be Designated

I do not want the property on the registry.

A heritage designated property requires more upkeep and maintenance.

Designation would increase financial pressure on future generations to repair the structure.

The designation by-law requires heritage approvals, which takes months or years to get.

The building does not demonstrate a high degree of craftsmanship or merit and contains common building materials and design elements that are found throughout 19th century residences in Ontario.

The building does not demonstrate a high degree of technical or scientific achievement.

The property does not have the potential to yield information that is important to the understanding of the history of East Flamborough Township or the City of Burlington. The property contains a typical mid 19th century former farmhouse that was converted in the late 20th to 21st century into a commercial property.

The property does not reflect the work or ideas of a particular architect, artist builder, designer, or theorist, who is significant to the community.

The property is situated within a streetscape that contains a mixture of property types, architectural styles, and buildings dates. The streetscape was not determined to have a definable or cohesive heritage character. As such the property which contains a former mid 19 century farmhouse does not define, maintain or support the character of an area.

As it was determined above that this section of Plains Road East has no cohesive historic character. The property does not have a historical or visual link with the streetscape or adjacent commercial properties. Therefore the property is not physically, functionally, visually or historically linked to the surroundings.

The former farmhouse is not a prominent feature in a streetscape. It is a set back from the roadway and a smaller in height than nearby high structures. Thus it does not have landmark value.

The building has had major renovations on interior.

The building has had many renovations and has lost the heritage features and lacks Heritage character.

The exterior decorative bargeboard has been completely removed, stripping the house of its original historical attributes.

The shutters have been replaced with modern materials.

The roof shingles have been replaced with modern materials.

The bay window roof has been replaced with modern materials.

The rear addition includes modern steel commercial entry doors.

The front of the property has been paved to accommodate parking spaces for commercial use.

The back of the property has been paved and has landscaped pavers in place.

Section 27(15) requires the removal of non-designated properties from the heritage registry if the municipality has not given a notice of intention to designate the property within two years of adding the non-designated property to the heritage registry. If the property was listed prior to January 1, 2023, that date was January 1, 2025.

Remove 444 Plains Road East from the Heritage Registry as a listed property and do not pursue Heritage Designation.

Confirm receipt of our objection

Sincerely

A large black rectangular redaction box covering the signature and name of the sender.

## Appendix B – Designation By-law – DGM-78-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 444 Plains Road East, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 444 Plains Road East as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 444 Plains Road East and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 444 Plains Road East; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 444 Plains Road East, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 444 Plains Road East and upon the Ontario Heritage Trust and to cause

**Appendix B – Designation By-law – DGM-78-25**

notice of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

- 4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

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Deputy Clerk Lisa Palermo

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**Schedule “A”**

**Statement of Cultural Heritage Value or Interest**

**Description of Property**

The property is located at 444 Plains Road East in the City of Burlington. The property is situated on Part Lot 3, Broken Front, in the former Township of East Flamborough, former County of Wentworth. The property is located on the south side of Plains Road East, approximately 50 metres east of Willowbrook Road/Falcon Boulevard. It contains a mid-19th century former farmhouse.

**Cultural Heritage Value**

***Design/Physical Value***

The property contains a representative example of a mid-19th century Ontario vernacular farmhouse. The design of the former farmhouse is a typical mid-19th century one- and one-half storey structure with Tshaped plan. The structure retains a high level of heritage integrity through its maintained footprint, cross gable roof with rear one storey section that has a gable roof, eastern brick chimney, inverted finial, red brick exterior with brick voussoirs, asymmetrical exterior with offset entrances, bay window, and original fenestration pattern with wood windows and stone sills.

***Historic/Associative Value***

The property is historically associated with the development of market gardening that was significant to the growth of the community of Aldershot and Burlington. The property was purchased in 1889, by brothers John and Walter Horne. The Hornes were successful market gardeners, apple growers, and apple exporters in the former township of East Flamborough. John Horne lived in Thomas Smith’s former farmhouse on the property, built between 1856 and 1861, while Walter Horne built a new residence in 1900 to the east of the property; that has since been demolished. John Horne owned and farmed the property until 1920, when it was sold to John Lemon. Lemon was also a market gardener, who owned and farmed the property until 1938.

**Heritage Attributes**

The following heritage attributes have been identified for the property at 444 Plains Road East:

- Attributes that contribute to the design value of the property include:
  - One and one half storey structure with a cross gable roof
  - T-shaped plan with rear one storey section with gable roof
  - Eastern brick chimney
  - Red brick exterior
  - Concrete parged stone foundation
  - Front (north) façade

## Appendix B – Designation By-law – DGM-78-25

- Front facing gabled bay and separate gable peak
- Offset west entrance with wood sidelights and transom within a segmental frame and brick voussoir
- Bay window with 1/1 and 2/2 wood segmental frame windows with brick voussoirs and stone sills
- 2/2 semi-circular wood windows with semi-circular brick surrounds and stone sills
- Offset east entrance within a segmental frame with brick voussoir
- 2/2 wood segmental frame window with brick voussoir and stone sill
- West elevation
  - 2/2 wood segmental frame window with brick voussoir and stone sill
- East elevation
  - Inverted finial
  - 2/2 wood segmental frame windows with brick voussoirs and stone sills
  - Small segmental frame leaded glass windows on the first storey
  - Rear entrance with brick voussoir
  - 1/1 semi-circular wood frame window within a gable peak
- Attributes that contribute to the historical value of the property include:
  - Its historical association with late 19th to early 20th century market gardening, connected to property owners John Horne and John Lemon

**Appendix B – Designation By-law – DGM-78-25**

**Schedule “B”**

**Legal Description**

**1. Municipal Address:** 444 Plains Road East

**Legal Description:** Pt Lt 3, Con Broken Front, as in 808789; Burlington; Being all of PIN 07106-0043(LT)

**Roll Number:** 2402010119092000000

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SUBJECT: Heritage Response to Bill 23 – Objection to Notices of Intention to Designate, 482 and 490 Elizabeth St.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-79-25

Wards Affected: 2

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

That Council not withdraw the Notices of Intention to Designate 482 Elizabeth St. and 490 Elizabeth St. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 8, 2025, and attached to development and growth management report DGM-79-25 as Appendix A; and

That Council enact the by-laws substantially in the form attached as Appendix B to development and growth management report DGM-79-25, being bylaws to designate 482 Elizabeth St. and 490 Elizabeth St. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislative Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notices of the passing of the by-laws designating 482 Elizabeth St. and 490 Elizabeth St., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## Executive Summary

Purpose of report:

- To present the objection to the notices of intention to designate the properties municipally known as 482 Elizabeth St. and 490 Elizabeth St. (the “Properties”), which were published on the City of Burlington’s Public Notices webpage on July 10, 2025,

and provide Council with the staff recommendation regarding the objection. The notices triggered the start of the 30-day objection period. The City received a notice of objection from the owner of 482 Elizabeth St. and 490 Elizabeth St. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Properties meet at least two criteria for determining cultural value or interest and continue to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Properties of the City's intention to designate. The owner has submitted an objection to the proposed designations.
  - If the designation by-laws are passed, then notices of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

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## Background

Council approved a staff recommendation to issue Notices of Intention to Designate the Properties at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the *Ontario Heritage Act* and to recommend that Notices of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Properties was based on Cultural Heritage Evaluation Reports (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Properties met at least two of nine criteria under Ontario Regulation 9/06. The Statements of Cultural Heritage Value or Interest are attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

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## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notices of intention to designate and pass the by-laws designating the Properties (Recommended)
- Option 2 – Withdraw the notices of intention to designate (Not recommended)

The notice of intention to designate the Properties were issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notices of intention to designate and pass the designation by-laws.

Staff carefully reviewed the notice of objection for the Properties, which includes a memorandum prepared by a member of the Canadian Association of Heritage Professionals, Harsh Padhya, suggesting that both properties do not have contextual value. While staff are not in agreement, should this criterion be removed, the memorandum appears to acknowledge that both properties have design/physical value and historical/associative value, still meeting the minimum number of two criteria for designation under section 29, Part IV of the OHA. As such, staff maintain the professional recommendation to designate the Properties under Part IV of the OHA, as the properties meets the criteria for determining cultural value or interest. For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

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## Recommendation Details

### Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
- June 2023: Report [PL-34-23](#) – Heritage Response to Bill 23 presented to City Council.
- Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
- Spring of 2024: Launch of the Bill 23 – Heritage Designation Candidates Shortlist project.
- June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
- Summer of 2024: Stantec team conducts site visits from the public right-of-way and archival research.
- Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
- Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
- Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
- Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.
- Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
- Aug. 10, 2025: The notice of objection for 444 Plains Rd. E. is received.

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### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 482 and 490 Elizabeth St. are commercial properties. Based on the 2025 levy, if designated, the properties could be eligible for an estimated property tax rebate of approximately \$10,800, with the city portion about \$4,000 (482 Elizabeth St.) and approximately \$ 7,900, with the city portion about \$3,000 (490 Elizabeth St.).
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000

(actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
    - An owner who submitted an objection may appeal once the designation bylaw is passed.
  - **Engagement**
    - Staff have notified the owner of the Properties of the City’s intention to designate. The owner has submitted an objection to the proposed designations.
    - If the designation by-laws are passed, then notice of the by-laws will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.
- 

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). [Burlington Official Plan, 2020](#).
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). [Provincial Planning Statement, 2024](#).
  - Stantec Consulting Ltd. (2024). *482 Elizabeth Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
  - Stantec Consulting Ltd. (2025). *490 Elizabeth Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

**Appendices:**

A. Objection to the Intention to Designate 482 Elizabeth St. and 490 Elizabeth St. by Harsh Padhya, CAHP, dated August 8, 2025

B. By-laws for 482 Elizabeth St. and 490 Elizabeth St. and Statements of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-laws to Council on Oct. 14, 2025.

**Notifications:**

Planner will provide addresses.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

August 8, 2025

sent via email

**City Clerk, City of Burlington**

426 Brant Street

P.O. Box 5013

Burlington, ON L7R 3Z6

**Subject: Formal Objection to Proposed Heritage Designation – 482 and 490 Elizabeth Street, Burlington, Ontario**

I am representing the owners, 2705081 Ontario Inc. and The Court Group of Companies Inc. (██████████), and writing to formally object to the proposed heritage designation of the properties located at 482 and 490 Elizabeth Street, Burlington, as set out in the City's recent *Notice of Intention to Designate* under *Part IV of the Ontario Heritage Act*.

While we fully respect and support the principles of heritage preservation and recognise the importance of protecting Burlington's architectural and cultural history, a thorough review of the Cultural Heritage Evaluation Reports reveals several discrepancies including incorrect orientation directions and outdated or inapplicable attributes. Please review the edits / justification proposed for both the properties in red to the memorandum. As such, we object to the proposed designation of the properties municipally known as **482 and 490 Elizabeth Street**.

Our concerns and the detailed rationale for this objection are outlined in the attached memorandum, which we respectfully request be considered as part of the formal objection process.

Should you require any clarification or wish to discuss the contents of this letter or the accompanying memorandum, please do not hesitate to contact the undersigned.

*Harsh Padhya*

Harsh Padhya, CAHP

CC – Chloe Richer, Senior Planner - Heritage

## MEMORANDUM

### 490 Elizabeth Street, Burlington

#### 4.2 Statement of Cultural Heritage Value or Interest

##### Description of Property

The property is located at 490 Elizabeth Street in the City of Burlington at the historic address of Lot 1 Block F of Wellington Square in the former Nelson Township. The property is located on the west side of Elizabeth Street, at the south corner of the intersection of Elizabeth Street and Maria Street. The property contains a mid-19th century Neo-Classical style two- and one-half storey residence.

##### Cultural Heritage Value

##### Design/Physical Value

The residence demonstrates design and physical value as a representative example of a mid-19th century Neo-Classical residence. Likely built in 1855, the residence contains distinguishable elements typical to this style including the overall massing with two and one half storey height and rectangular plan, the symmetrical front ~~(east)~~ **(north)** façade with ~~wood frame~~ **replacement metal** windows and central entrance surrounded by sidelights and fanlight. The property also contains a two-storey porch on the ~~east~~ **west** facade with wooden pillars, paneled detailing, ~~turned balustrade~~, and oversized dentils at the eaves ~~The west elevation also contains a two-storey porch of a similar composition and materiality,~~ with an enclosed first storey.

##### Historic/Associative Value

The residence at 490 Elizabeth Street demonstrates historic and associative value for its connection to George Fisher, who purchased the property in 1888. George Fisher was a prominent businessman and president of the Burlington Canning Co which operated on the Burlington waterfront for over five decades. Fisher resided at the property into the 1920s.

##### Contextual Value

~~The residence demonstrates contextual value as it is historically linked to the adjacent structure at 482 Elizabeth Street. Both properties were built in the mid 19th century under the ownership of James Laing, an independently wealthy resident. The presence of the two structures and their historical relationship to each other is reflective of the mid 19th century settlement of Burlington's core near Lake Ontario.~~

**While the residence shares historical ownership with the neighbouring property at 482 Elizabeth Street, this alone does not confer contextual value. The mere association with a wealthy individual, such as James Laing, does not substantiate a meaningful contribution to the character or identity of the surrounding area. Contextual value under**

the Ontario Heritage Act requires a property to support or define the historic character of its setting. In this case, the house does not demonstrate a distinct visual, historical, or functional relationship with its surroundings beyond shared ownership. Furthermore, there is no clear evidence that James Laing played a significant public or civic role in Burlington's development during that period.

Therefore, it does not meet the threshold for contextual value criteria viii. 'Is physically, functionally, visually, or historically linked to its surroundings.'

### Heritage Attributes

The following heritage attributes have been identified for the **historic** structure at 490 Elizabeth Street.

- Exterior attributes that contribute to the design value include:
  - Two- and one-half storey structure with rectangular plan, brick construction, and hip roof
  - Symmetrical five bay organization of the front (north) façade with central entrance comprised of single entrance door with wood frame, pilasters, sidelight, transom, brick voussoir
  - Rectangular wood sash windows with wood storm covers on the first storey of the north, east, and south facades
  - Brick soldier courses on first storey windows on the north, east, and south facades and keystone details on the east façade windows
  - 8/2 sash wood frame windows on the second storey of the north, east, and south facades
  - Hip roof dormers with wood siding located on the east and south facades
  - ~~Two storey porch with wood pillars, paneled detailing, and wood balustrade located on the east façade~~
  - Two storey porch with wood pillars, panel detailing, and wood balustrade on north façade
  - Dentil detailing located on the eaves on all **the front (north) facade**
  - Brick chimney on the ~~north-west~~ **west** façade
- Attributes that contribute to the historical and associative value include:
  - Historical association with owner George Fisher who was a prominent businessman who was president of the Burlington Canning Co. that operated in Burlington for over five decades.
- ~~Attributes that contribute to the contextual value include:~~
  - ~~The residence's location on the west side of Elizabeth Street adjacent to 482 Elizabeth Street which shares its historical association having been built under the ownership of James Laing, an independently wealthy resident, in the mid-19th century.~~

## **482 Elizabeth Street, Burlington**

### 4.2 Statement of Cultural Heritage Value or Interest

#### Description of Property

The property is located at 482 Elizabeth Street in the City of Burlington. The property is located at the historic address of Lot 2 Block F of Wellington Square in the former Nelson Township. The property is located on the west side of Elizabeth Street, near the intersection of Elizabeth Street and Maria Street. The property contains a late 19th century residence with a rear addition from the 20th century.

#### Cultural Heritage Value

##### Design/Physical Value

The structure (**exclusive of the addition to the south elevation**) at 482 Elizabeth Street was built in 1873 and is a representative example of late 19th century Neo-Classical residential construction. The structure is a portrayal of the types of design and building materials that were available in the late 19th century to the upper-class homeowner or builder. The Neo-Classical style was popular in Ontario in the early to mid 18th century, taking much inspiration from Georgian architecture which preceded Neo-Classicism in popularity. The overall massing and fenestration of 482 Elizabeth Street displays the distinguishable elements of Neo-Classical architecture style. The residence at 482 Elizabeth Street is presently a vernacular interpretation of the style. While the residence is a simplified interpretation of Neo-Classicism, design elements are still present in the general massing, symmetrical layout of windows, and main entrance with pilasters, side lights, and transoms.

##### Historical/Associative Value

The property is historically associated with its use as a branch of the Burlington Public Library in the mid-20th century. Originally built as a residence in 1873, the property began being used as a library in 1950. During its use as a library, the property was frequented by a significant influx of European immigrants following the Second World War. The library at 482 Elizabeth Street was used as a place to educate British war brides.

##### Contextual Value

~~The property has historical links with the property at 490 Elizabeth Street. Both structures were built for the same owner, James Laing. Laing was a wealthy aristocrat who had two residences built on Elizabeth Street: 482 Elizabeth and 490 Elizabeth. Laing also owned multiple lots in the former Nelson Township. James Laing and his wife Christina were the first to live in the residence.~~

**While the residence shares historical ownership with the neighbouring property at 490 Elizabeth Street, this alone does not confer contextual value. The mere association with**

a wealthy individual, such as James Laing, does not substantiate a meaningful contribution to the character or identity of the surrounding area. Contextual value under the Ontario Heritage Act requires a property to support or define the historic character of its setting. In this case, the house does not demonstrate a distinct visual, historical, or functional relationship with its surroundings beyond shared ownership. Furthermore, there is no clear evidence that James Laing played a significant public or civic role in Burlington's development during that period.

Therefore, it does not meet the threshold for contextual value criteria viii. 'Is physically, functionally, visually, or historically linked to its surroundings.'

### Heritage Attributes

The following heritage attributes have been identified for the ~~property~~ **historic structure** at 482 Elizabeth Street.

- Exterior elements that contribute to the design value of the ~~property~~ **historic structure include** including:
  - Symmetrical layout of windows located on the north, east, and west elevation exclusive of the addition to the south elevation.
  - Main entrance ~~with sidelights, transoms, and pilasters~~ located on the north elevation
  - Two chimneys on the ridge of the roof on the gable ends visible from the north elevation
  - Brick construction located throughout the ~~property~~ **historic structure** exclusive of the addition to the south elevation
  - Rusticated stone foundation located throughout the ~~property~~ **historic structure**, exclusive of the addition to the south elevation
- Elements that contribute to the historical/associative value of the ~~property~~ **historic structure include**, including:
  - Historical association as a former library branch between 1952 and 1970.
- ~~Elements that contribute to the contextual value of the property, including:~~
  - ~~The residence's location on the west side of Elizabeth Street adjacent to 490 Elizabeth Street which shares historical links through their original owner, James Laing.~~

## Appendix B – Designation By-laws – DGM-79-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 482 Elizabeth Street, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 482 Elizabeth Street as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 482 Elizabeth Street and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 482 Elizabeth Street; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 482 Elizabeth Street, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 482 Elizabeth Street and upon the Ontario Heritage Trust and to cause

**Appendix B – Designation By-laws – DGM-79-25**

notice of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

- 4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

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Deputy Clerk Lisa Palermo

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**Schedule “A”**

**Statement of Cultural Heritage Value or Interest**

**Description of Property**

The property is located at 482 Elizabeth Street in the City of Burlington. The property is located at the historic address of Lot 2 Block F of Wellington Square in the former Nelson Township. The property is located on the west side of Elizabeth Street, near the intersection of Elizabeth Street and Maria Street. The property contains a late 19th century residence with a rear addition from the 20th century.

**Cultural Heritage Value**

***Design/Physical Value***

The structure at 482 Elizabeth Street was built in 1873 and is a representative example of late 19th century Neo-Classical residential construction. The structure is a portrayal of the types of design and building materials that were available in the late 19th century to the upper-class homeowner or builder. The Neo-Classical style was popular in Ontario in the early to mid-18th century, taking much inspiration from Georgian architecture which preceded Neo- Classicism in popularity. The overall massing and fenestration of 482 Elizabeth Street displays the distinguishable elements of Neo-Classical architecture style. The residence at 482 Elizabeth Street is presently a vernacular interpretation of the style. While the residence is a simplified interpretation of Neo-Classicism, design elements are still present in the general massing, symmetrical layout of windows, and main entrance with pilasters, side lights, and transoms.

***Historical/Associative Value***

The property is historically associated with its use as a branch of the Burlington Public Library in the mid- 20th century. Originally built as a residence in 1873, the property began being used as a library in 1950. During its use as a library, the property was frequented by a significant influx of European immigrants following the Second World War. The library at 482 Elizabeth Street was used as a place to educate British war brides.

***Contextual Value***

The property has historical links with the property at 490 Elizabeth Street. Both structures were built for the same owner, James Laing. Laing was a wealthy aristocrat who had two residences built on Elizabeth Street: 482 Elizabeth and 490 Elizabeth. Laing also owned multiple lots in the former Nelson Township. James Laing and his wife Christina were the first to live in the residence.

**Heritage Attributes**

The following heritage attributes have been identified for the property at 482 Elizabeth Street.

## Appendix B – Designation By-laws – DGM-79-25

- Exterior elements that contribute to the design value of the property, including:
  - Symmetrical layout of windows located on the north, east, and west elevation exclusive of the addition to the south elevation
  - Main entrance with sidelights, transoms, and pilasters located on the north elevation
  - Two chimneys on the ridge of the roof on the gable ends visible from the north elevation
  - Brick construction located throughout the property exclusive of the addition to the south elevation
  - Rusticated stone foundation located throughout the property, exclusive of the addition to the south elevation
- Elements that contribute to the historical/associative value of the property, including:
  - Historical association as a former library branch between 1952 and 1970
- Elements that contribute to the contextual value of the property, including:
  - The residence's location on the west side of Elizabeth Street adjacent to 490 Elizabeth Street which shares historical links through their original owner, James Laing

## Appendix B – Designation By-laws – DGM-79-25

### Schedule “B” Legal Description

1. **Municipal Address:** 482 Elizabeth Street

**Legal Description:** Lt 3 & Pt Lt 2, Blk F, Compiled Plan PL92, as in 821999, Burlington; Being all of PIN 07067-0063 (LT)

**Roll Number:** 2402060607035000000

## Appendix B – Designation By-laws – DGM-79-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 490 Elizabeth Street, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 490 Elizabeth Street as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 490 Elizabeth Street and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 490 Elizabeth Street; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 490 Elizabeth Street, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 490 Elizabeth Street and upon the Ontario Heritage Trust and to cause

**Appendix B – Designation By-laws – DGM-79-25**

notice of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

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Deputy Clerk Lisa Palermo

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**Schedule “A”**

**Statement of Cultural Heritage Value or Interest**

**Description of Property**

The property is located at 490 Elizabeth Street in the City of Burlington at the historic address of Lot 1 Block F of Wellington Square in the former Nelson Township. The property is located on the west side of Elizabeth Street, at the south corner of the intersection of Elizabeth Street and Maria Street. The property contains a mid-19th century Neo-Classical style two-and-one-half storey residence.

**Cultural Heritage Value**

***Design/Physical Value***

The residence demonstrates design and physical value as a representative example of a mid-19th century Neo-Classical residence. Likely built in 1855, the residence contains distinguishable elements typical to this style including the overall massing with two-and one-half storey height and rectangular plan, the symmetrical front (east) façade with wood frame windows and central entrance surrounded by sidelights and fanlight. The property also contains a two-storey porch on the east facade with wooden pillars, paneled detailing, turned balustrade, and oversized dentils at the eaves. The west elevation also contains a two-storey porch of a similar composition and materiality, with an enclosed first storey.

***Historic/Associative Value***

The residence at 490 Elizabeth Street demonstrates historic and associative value for its connection to George Fisher, who purchased the property in 1888. George Fisher was a prominent businessman and president of the Burlington Canning Co which operated on the Burlington waterfront for over five decades. Fisher resided at the property into the 1920s.

***Contextual Value***

The residence demonstrates contextual value as it is historically linked to the adjacent structure at 482 Elizabeth Street. Both properties were built in the mid-19th century under the ownership of James Laing, an independently wealthy resident. The presence of the two structures and their historical relationship to each other is reflective of the mid-19th century settlement of Burlington’s core near Lake Ontario.

**Heritage Attributes**

The following heritage attributes have been identified for the structure at 490 Elizabeth Street.

- Exterior attributes that contribute to the design value include:

## Appendix B – Designation By-laws – DGM-79-25

- Two-and-one-half storey structure with rectangular plan, brick construction, and hip roof
- Symmetrical five bay organization of the front (north) façade with central entrance comprised of single entrance door with wood frame, pilasters, sidelight, transom, brick voussoir
- Rectangular wood sash windows with wood storm covers on the first storey of the north, east, and south facades
- Brick soldier courses on first storey windows on the north, east, and south facades and keystone details on the east façade windows
- 8/2 sash wood frame windows on the second storey of the north, east, and south facades
- Hip roof dormers with wood siding located on the east and south facades
- Two storey porch with wood pillars, paneled detailing, and wood balustrade located on the east façade
- Two storey porch with wood pillars, panel detailing, and wood balustrade on north facade
- Dentil detailing located on the eaves on all facades
- Brick chimney on the north façade
- Attributes that contribute to the historical and associative value include:
  - Historical association with owner George Fisher who was a prominent businessman who was president of the Burlington Canning Co. that operated in Burlington for over five decades
- Attributes that contribute to the contextual value include:
  - The residence's location on the west side of Elizabeth Street adjacent to 482 Elizabeth Street which shares its historical association having been built under the ownership of James Laing, an independently wealthy resident, in the mid-19th century

## Appendix B – Designation By-laws – DGM-79-25

### Schedule “B” Legal Description

1. **Municipal Address:** 490 Elizabeth Street

**Legal Description:** Lt 1, Blk F, Compiled Plan PL92, Pt Lt 2, Blk F, Compiled Plan PL92, being the Nwly 37 feet; Burlington; Being all of PIN 07067-0062 (LT)

**Roll Number:** 2402060607036000000

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SUBJECT: Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 562 Maple Ave.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-80-25

Wards Affected: 1

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

That Council not withdraw the Notice of Intention to Designate 562 Maple Ave. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 11, 2025, and attached to development and growth management report DGM-80-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-80-25, being a bylaw to designate 562 Maple Ave. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 562 Maple Ave., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## Executive Summary

Purpose of report:

- To present the objection to the notice of intention to designate the property municipally known as 562 Maple Ave. (the “Property”), which was published on the City of Burlington’s Public Notices webpage on July 10, 2025, and provide Council with the staff recommendation regarding the objection. The notice triggered the start of the 30-

day objection period. The City received a notice of objection from the owner of 562 Maple Ave. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Property meets two criteria for determining cultural value or interest and continues to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
  - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

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## Background

Council approved a staff recommendation to issue a Notice of Intention to Designate the Property at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the Ontario Heritage Act and to recommend that a Notice of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Property was based on a Cultural Heritage Evaluation Report (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Property met at least two of nine criteria under Ontario Regulation 9/06. The Statement of Cultural Heritage Value or Interest is attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

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## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notice of intention to designate and pass the by-law designating the Property (Recommended)
- Option 2 – Withdraw the notice of intention to designate (Not recommended)

The notice of intention to designate the Property was issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notice of intention to designate and pass the designation by-law.

Staff carefully reviewed the notice of objection for the Property, which did not contain any new information or cultural heritage analysis by a qualified heritage professional that would change the previous staff recommendation to designate the property under the OHA. As such, staff maintain the professional recommendation to designate the Property under Part IV of the OHA, as the property meets the criteria for determining cultural value or interest.

For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

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## Recommendation Details

### Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
  - June 2023: Report [PL-34-23](#) – Heritage Response to Bill 23 presented to City Council.
  - Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
  - Spring of 2024: Launch of the Bill 23 – Heritage Designation Candidates Shortlist project.
  - June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
  - Summer of 2024: Stantec team conducts site visits from the public right-of-way and archival research.
  - Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
  - Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
  - Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
  - Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.
  - Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
  - Aug. 11, 2025: The notice of objection for 562 Maple Ave. is received.
- 

### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 562 Maple Ave. is a commercial/residential property. Based on the 2025 levy, if designated, the property could be eligible for an estimated property tax rebate of approximately \$2,700, with the city portion about \$1,300.
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000 (actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
    - An owner who submitted an objection may appeal once the designation bylaw is passed.
  - **Engagement**
    - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
    - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.
- 

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). [Burlington Official Plan, 2020](#).
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). [Provincial Planning Statement, 2024](#).
  - Stantec Consulting Ltd. (2025). *562 Maple Avenue, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

## Appendices:

- A. Objection to the Intention to Designate 562 Maple Ave. by Kelbryn Services Inc., dated August 11, 2025
- B. By-law for 562 Maple Ave. and Statement of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-law to Council on Oct. 14, 2025.

**Notifications:**

Planner will provide addresses.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

## KELBRYN SERVICES INC.

1413 Middletown Road  
Millgrove, Ontario, L8B 1A4

August 11, 2025

The Corporation of the City of Burlington  
426 Brant Street  
Burlington, Ontario

ATTENTION: City Clerk

Re: Notice of Objection to Proposed Designation  
of 562 Maple Avenue, Burlington  
Under Part IV of the Ontario Heritage Act

The undersigned, owner of the above referenced property, objects to the designation of the property under the Ontario Heritage Act.

Stantec Consulting Ltd. report prepared for the City of Burlington states that it identified two evaluation criteria, under Table 4.1 O. Reg. 9/06, specifically:

Criteria 1. “Is a rare, unique, representative, or early example of a style, type, expression, material, or construction method”.

Under this criteria the Consultant stated various attributes of the property as outlined in the Statement of Cultural Heritage Value or Interest attached to this Objection as Schedule “A”.

The undersigned submits that the attributes relied upon are not sufficient to designate for the following reasons:

- (i). The building style and type is not rare in Burlington or Ontario. A home four or five houses south of the property on Maple Avenue, relocated a few years ago from Ontario Street has similar attributes, except for the gingerbread detailing.
- (ii). The uniqueness of the building appears to be restricted to the gingerbread detail, which has been modified considerably since the 1902 photo used in the report, when the front porch exemplified such ornate detailing. The new porch, constructed with required permits has a modern design, thus degrading the uniqueness of the gingerbread detail.
- (iii). As stated in the report the structure represents an inexpensive farmhouse option and urban residential housing in the 19<sup>th</sup> Century, of which many were constructed and several still exist, thus not unique. In fact under Criteria 3, the Consultant when rejecting Criteria 3 states that the building is a standard late 19<sup>th</sup> Century structure.

Criteria 4. “Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community”.

The undersigned submits that this criteria should not be relied upon for the following reasons:

(i) With all due respect to the late Robert Lindley, there is no compelling evidence that Mr. Lindley is a person of significance in Burlington. Mr. Lindley may have been a well known and respected farmer, like many of his contemporaries, whose names appear prominently as street names crossing or abutting Maple Avenue. Admittedly, there is a short street with the name Lindley Common. That street is well off the beaten track and is not what one would expect for a person of significance, like, for example Brant Street, in honour of Joseph Brant.

Many clients who attend our offices admire the architecture and ask the age of the home and who built it. Most of them think it was built by one of Robert Lindley’s contemporaries whose names appear on streets in the immediate area. When I tell them it was Robert Lindley’s home they are surprised and ask if he is related to the owners of the Lindley Farm in Ancaster.

(ii) A person who is well known in the community during his lifetime is not necessarily a person of significance to qualify as a criteria for Heritage Designation. If that were the case all structures having attributes under Criteria 1 could be so designated.

(iii) It is submitted that the consultant and the Heritage Committee, not being able to find a second criteria to support Heritage Designation of the above referenced property, is attempting to create a person of significance from an ordinary, respected member of the community.

Please consider this objection when considering designation of the above property.

Respectfully Submitted,

KELBRYN SERVICES INC.

Per:



Eldon Hunt

## 4.2 Statement of Cultural Heritage Value or Interest

### Description of Property

The property is located at 562 Maple Avenue in the City of Burlington. The property is located at the historic address on Lot 34 of Brant's Block in the former Nelson Township and held the historic address of 564 Maple Avenue until 1985. The property is located on the west side of Maple Avenue. The property contains a late 19<sup>th</sup> century former residence.

### Cultural Heritage Value

#### Design/Physical Value

The property contains a representative example of late 19<sup>th</sup> century Gothic Revival former residential structure. The Gothic Revival style was popular in Ontario during much of the 19<sup>th</sup> century, and it was promoted in *The Canada Farmer* in the 1860s, as an inexpensive farmhouse option and was also used in urban residential areas. The residence was built in 1875 in the Gothic Revival style and was constructed of red brick. The structure contains a brick-clad addition to the north façade that appears to have been constructed by the early 20<sup>th</sup> century. While there are some minimal alterations the overall style and type of the property can be understood as a representative example of a late 19<sup>th</sup> century Goth Revival structure. These design elements include its one and one half storey height, symmetrical three bay façade organization with central entrance flanked by windows, brick exterior, side gabled roof, central gable peak, gingerbread detailing on gable peak, and arched window in the gable peak with decorative wood sash window.

#### Historic/Associative Value

The property was owned by Robert Lindley and the Lindley family from 1874 to 1922. Lindley was a successful produce farmer who cultivated produce on the agricultural fields and orchards formerly located on the property. Lindley contributed to the agriculture and fruit industry that dominated in Burlington in the late 19<sup>th</sup> to early 20<sup>th</sup> century. Farming fruit and selling the produce was a dominant industry in Burlington in the late 19<sup>th</sup> to early 20<sup>th</sup> century, given its location by the lake with a climate and geography conducive to growing fruit and other crops. The property has direct associations with the theme of fruit-based agricultural production in 19<sup>th</sup> and early 20<sup>th</sup> century Burlington that was critical to the development of Nelson Township and the City of Burlington.

#### Heritage Attributes

The following heritage attributes have been identified for the property at 562 Maple Avenue.

- Attributes that contribute to the design value of the property include:
  - Its one and one half storey height with side gable roof, central gable peak, and red brick construction



- Its symmetrical three bay front (east) façade organization of the original structure with central entrance flanked by windows
  - Its segmental arch window openings with brick voussoirs, located on the north and east façades
  - Its round arched window in the gable peak with decorative multi-pane wood sashes
  - Its gingerbread detailing on central gable peak located on the east façade
  - Date stone indicating construction date of 1875 located on the gable peak of the east façade
- Attributes that contribute to the historic value of the property include:
    - The property's location at 562 Maple Avenue that has historical associations with Robert Lindley who was a successful produce farmer is associated with the theme of fruit-based agricultural industry in Nelson Township and City of Burlington in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries



The property has direct associations with a theme that is significant to the community and understanding the development of Nelson Township and the City of Burlington. The architect or designer of the structure is unknown.

Based on the above discussion, 562 Maple Avenue meets criterion 4 of O. Reg. 9/06.

**Contextual Value**

The property is set within an urban context in the City of Burlington. Maple Avenue is largely residential street located near Burlington’s downtown core. The roadway is flanked by sidewalks, grassed boulevards, timber utility poles and streetlights. While the area was historically rural and supported farms, the streetscape has changed such that there is no longer a rural or agricultural character in the area. Residences on Maple Avenue include single detached houses as well as multistorey apartment complexes constructed of a variety of materials including brick, siding, stucco, and mixed materials. The residences appear to date from a variety of time periods including late 19<sup>th</sup> century, mid 20<sup>th</sup> century and early 21<sup>st</sup> century. The built environment around the property is varied and does not have a consistent historic character. As such, the property at 562 Maple Avenue does not define, maintain, or support the character of an area.

The property does not share similar characteristics or history to any adjacent structures on Maple Avenue. As such the property is not physically, visually, historically, or functionally linked to its surroundings. Due to its modest size, its materiality, and its placement adjacent to larger wayfinding structures, the property at 562 Maple Avenue is not considered a landmark.

Based on the above discussion, 562 Maple Avenue does not meet criteria of O. Reg 9/06 for contextual value.

**Summary**

Table 4.1 provides a summary of the findings of CHVI based on the evaluation according to O. Reg. 9/06 (subject to amendments of O. Reg. 569/22).

**Table 4.1 O. Reg. 9/06 Evaluation**

Criteria of O. Reg. 9/06	Yes/No	Comments
<b>Design or Physical Value</b>		
1. Is a rare, unique, representative, or early example of a style, type, expression, material, or construction method	Yes	The structure is representative of a residence built in the Gothic Revival style. Despite the alterations to the structure, the style and typology of the property can still be understood.
2. Displays a high degree of craftsmanship or artistic merit	No	The quality of execution and technical skill demonstrated at 562 Maple Avenue is typical of its late 19 <sup>th</sup> century construction date and on the industry standard for rural Gothic Revival design.



Criteria of O. Reg. 9/06	Yes/No	Comments
3. Demonstrates a high degree of technical or scientific achievement	No	The building does not demonstrate a high degree of technical or scientific achievement as it is a standard late 19 <sup>th</sup> century structure.
<b>Historical or Associative Value</b>		
4. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	Yes	The property is directly associated with Robert Lindley who was a prominent farmer in the late 19 <sup>th</sup> century, who cultivated agricultural lands and orchards and sold products in Burlington and the surrounding areas as far as Orillia.
5. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	No	While the property has historic associations with the theme of fruit-growing and agriculture that was critical to the 19 <sup>th</sup> century development of Burlington, it does not offer a new or greater understanding of a community or culture. The agricultural history of Burlington is well-documented in the local historical record. The property is not known to have used techniques that differed from standard agricultural practices of the time.
6. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community	No	The architect or builder is not known.
<b>Contextual Value</b>		
7. Is important in defining, maintaining, or supporting the character of an area	No	The area along Maple Avenue has been altered over time, and no longer contains a rural landscape that would have been present when the property operated as a farm. The varied architectural styles and building typologies do not form a cohesive historic character of which 562 Maple Avenue can define, maintain or support.
8. Is physically, functionally, visually, or historically linked to its surroundings	No	The property does not share visual, physical, or historical links to the surrounding properties.
9. Is a landmark	No	The modest design of the structure on the property is not a prominent feature in streetscape and is not known to be used as a local orientation guide or a point of reference. Thus, it does not have landmark value.

The property at 562 Maple Avenue was evaluated according to O. Reg. 9/06 of the OHA. The property was identified to meet two of the evaluation criteria. A SCHVI and the identification of heritage attributes is included in the following section.



## Appendix B – Designation By-law – DGM-80-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 562 Maple Avenue, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 562 Maple Avenue as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 562 Maple Avenue and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 562 Maple Avenue; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 562 Maple Avenue, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 562 Maple Avenue and upon the Ontario Heritage Trust and to cause

**Appendix B – Designation By-law – DGM-80-25**

notice of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

- 4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

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Deputy Clerk Lisa Palermo

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## Appendix B – Designation By-law – DGM-80-25

### Schedule “A”

#### Statement of Cultural Heritage Value or Interest

##### Description of Property

The property is located at 562 Maple Avenue in the City of Burlington. The property is located at the historic address on Lot 34 of Brant’s Block in the former Nelson Township and held the historic address of 564 Maple Avenue until 1985. The property is located on the west side of Maple Avenue. The property contains a late 19th century former residence.

##### Cultural Heritage Value

###### *Design/Physical Value*

The property contains a representative example of late 19th century Gothic Revival former residential structure. The Gothic Revival style was popular in Ontario during much of the 19th century, and it was promoted in *The Canada Farmer* in the 1860s, as an inexpensive farmhouse option and was also used in urban residential areas. The residence was built in 1875 in the Gothic Revival style and was constructed of red brick. The structure contains a brick-clad addition to the north façade that appears to have been constructed by the early 20th century. While there are some minimal alterations the overall style and type of the property can be understood as a representative example of a late 19th century Goth Revival structure. These design elements include its one-and one-half storey height, symmetrical three bay façade organization with central entrance flanked by windows, brick exterior, side gabled roof, central gable peak, gingerbread detailing on gable peak, and arched window in the gable peak with decorative wood sash window.

###### *Historic/Associative Value*

The property was owned by Robert Lindley and the Lindley family from 1874 to 1922. Lindley was a successful produce farmer who cultivated produce on the agricultural fields and orchards formerly located on the property. Lindley contributed to the agriculture and fruit industry that dominated in Burlington in the late 19th to early 20th century. Farming fruit and selling the produce was a dominant industry in Burlington in the late 19th to early 20th century, given its location by the lake with a climate and geography conducive to growing fruit and other crops. The property has direct associations with the theme of fruit-based agricultural production in 19th and early 20th century Burlington that was critical to the development of Nelson Township and the City of Burlington.

##### Heritage Attributes

The following heritage attributes have been identified for the property at 562 Maple Avenue.

## Appendix B – Designation By-law – DGM-80-25

- Attributes that contribute to the design value of the property include:
  - Its one-and-one-half storey height with side gable roof, central gable peak, and red brick construction
  - Its symmetrical three bay front (east) façade organization of the original structure with central entrance flanked by windows
  - Its segmental arch window openings with brick voussoirs, located on the north and east façades
  - Its round arched window in the gable peak with decorative multi-pane wood sashes
  - Its gingerbread detailing on central gable peak located on the east façade
  - Date stone indicating construction date of 1875 located on the gable peak of the east façade
- Attributes that contribute to the historic value of the property include:
  - The property's location at 562 Maple Avenue that has historical associations with Robert Lindley who was a successful produce farmer is associated with the theme of fruit-based agricultural industry in Nelson Township and City of Burlington in the late 19th and early 20th centuries

**Appendix B – Designation By-law – DGM-80-25**

**Schedule “B”  
Legal Description**

**1. Municipal Address:** 562 Maple Avenue

**Legal Description:** Pt Lt 34, RCP PL99, as in 735408; Burlington; Being all of PIN 07084-0182 (LT)

**Roll Number:** 2402020213244000000

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SUBJECT: Heritage Response to Bill 23 – Objection to Notice of Intention to Designate, 2280 No. 2 Side Rd.

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-81-25

Wards Affected: 3

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

That Council not withdraw the Notice of Intention to Designate 2280 No. 2 Side Rd. under Part IV, Section 29 of the Ontario Heritage Act, having considered the notice of objection by the owner, dated August 7, 2025, and attached to development and growth management report DGM-81-25 as Appendix A; and

That Council enact the by-law substantially in the form attached as Appendix B to development and growth management report DGM-78-25, being a bylaw to designate 2280 No. 2 Side Rd. under Part IV, Section 29 of the Ontario Heritage Act, in a form satisfactory to the Commissioner of Legal and Legislatives Services and City Solicitor; and

That Council direct the Director of Community Planning to provide notice of the passing of the by-law designating 2280 No. 2 Side Rd., in accordance with Subsection 29 (8) of the Ontario Heritage Act.

## Executive Summary

Purpose of report:

- To present the objection to the notice of intention to designate the property municipally known as 2280 No. 2 Side Rd. (the “Property”), which was published on the City of Burlington’s Public Notices webpage on July 10, 2025, and provide Council with the staff recommendation regarding the objection. The notice triggered the start of the 30-

day objection period. The City received a notice of objection from the owner of 2280 No. 2 Side Rd. within this timeframe. Pursuant to the *Ontario Heritage Act*, if an objection is received, Council shall consider the objection and decide whether or not to withdraw the notice of intention to designate.

Key findings:

- Staff remain of the opinion that the Property meets two criteria for determining cultural value or interest and continues to merit heritage designation.

Implications:

- **Financial**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program on their property taxes.
- **Legal**
  - An owner who submitted an objection may appeal once the designation bylaw is passed.
- **Engagement**
  - Staff have notified the owner of the Property of the City's intention to designate. The owner has submitted an objection to the proposed designation.
  - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.

# Recommendation Report

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## Background

Council approved a staff recommendation to issue a Notice of Intention to Designate the Property at the April 15, 2025, City Council meeting through Report [DGM-10-25](#) (Item 13.1 q.). The purpose of DGM-10-25 was to present City Council with a recommendation to designate 22 properties under Part IV, Section 29, of the *Ontario Heritage Act* and to recommend that a Notice of Intention to Designate be issued by Council for the properties.

The recommendation to issue the Notice of Intention to Designate the Property was based on a Cultural Heritage Evaluation Report (CHER) completed by Stantec Consulting Ltd., retained by the City to complete an evaluation of 27 shortlisted properties, which determined that the Property met at least two of nine criteria under Ontario Regulation 9/06. The Statement of Cultural Heritage Value or Interest is attached under Appendix B to this report. More information can be found in the “Key Dates & Milestones” section below.

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## Analysis

This report presents the following two options in accordance with Section 29 of the *Ontario Heritage Act* (OHA), for Council to consider in response to the notices of objection:

- Option 1 – That Council not withdraw the notice of intention to designate and pass the by-law designating the Property (Recommended)
- Option 2 – Withdraw the notice of intention to designate (Not recommended)

The notice of intention to designate the Property was issued under Section 29 (1) of the OHA and the property owner submitted a notice of objection, requiring Council to consider whether to withdraw or not withdraw the notice of intention to designate and pass the designation by-law.

Staff carefully reviewed the notice of objection for the Property, which did not contain any new information or cultural heritage analysis by a qualified heritage professional that would change the previous staff recommendation to designate the property under the OHA. As such, staff maintain the professional recommendation to designate the Property under Part IV of the OHA, as the property meets the criteria for determining cultural value or interest.

For the benefits, considerations, community engagement and communications and any additional information related to each option, see Report [DGM-10-25](#).

---

## Recommendation Details

### Key Dates & Milestones

- Nov. 28, 2022: Bill 23 received Royal Assent.
  - June 2023: Report [PL-34-23](#) – Heritage Response to Bill 23 presented to City Council.
  - Nov. 14, 2023: Heritage response to Bill 23 – shortlist of designation candidates ([PL-35-23](#)) went before Council.
  - Spring of 2024: Launch of the Bill 23 – Heritage Designation Candidates Shortlist project.
  - June 25, 2024: Project Kick-off Meeting with property owners takes place at Burlington City Hall.
  - Summer of 2024: Stantec team conducts site visits from the public right-of-way and archival research.
  - Oct. 9, 2024: The Heritage Burlington Advisory Committee (HBAC) is consulted on Batch 1 of Cultural Heritage Evaluation Reports (CHERs).
  - Dec. 17, 2024: HBAC is consulted on Batch 2 of CHERs.
  - Jan. 8, 2025: HBAC is consulted on Batch 3 of CHERs.
  - Jan. 29, 2025: HBAC is consulted on the fourth and final batch of CHERs.
  - Apr. 15, 2025: Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates ([DMG-10-25](#)) went before Council, recommending the designation of the Property, and Council approved issuing the notice of intention to designate the property.
  - Aug. 7, 2025: The notice of objection for 2280 No. 2 Side Rd. is received.
- 

### Implications

- **Total Financial Impact**
  - If Council chooses to designate the property by municipal by-law, the owner may become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties/components receive a 40 per cent rebate and eligible commercial properties can receive a 20 per cent rebate on their property taxes (city, regional and school board). 2280 No. 2 Side Rd. is a residential property. Based on the 2025 levy, if designated, the property could be eligible for an estimated property tax rebate of approximately \$2,500, with the city portion about \$1,200.
- **Source of Funding**
  - The Heritage Property Tax Rebate Program receives annual funding from the City's Operating Budget. The annual operating budget for the HPTRP is \$60,000 (actual costs in 2024 were about \$68,000). The budget for the program is required to be augmented to finance additional properties.

- **Legal**
    - An owner who submitted an objection may appeal once the designation bylaw is passed.
  - **Engagement**
    - Staff have notified the owner of the Property of the City’s intention to designate. The owner has submitted an objection to the proposed designation.
    - If the designation by-law is passed, then notice of the by-law will be issued for the property in accordance with Section 29, Part IV of the *Ontario Heritage Act*.
- 

## References

- City of Burlington. (October 31, 2023). *Heritage response to Bill 23 – shortlist of designation candidates*. Report No. [PL-35-23](#).
  - City of Burlington. (2024). [Burlington Official Plan, 2020](#).
  - City of Burlington. (April 7, 2025). *Heritage Response to Bill 23 – Evaluation of Shortlist of Designation Candidates*. Report No. [DGM-10-25](#).
  - Province of Ontario. (2024). [Provincial Planning Statement, 2024](#).
  - Stantec Consulting Ltd. (2025). *2280 No. 2 Side Road, City of Burlington, Ontario – Cultural Heritage Evaluation Report*.
- 

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

## Author:

Chloe Richer, MCIP, RPP, CAHP  
Senior Planner, Heritage  
(905) 335-7600 Ext. 7427

## Appendices:

- A. A. Objection to the Intention to Designate 2280 No. 2 Side Rd. by Wood Bull LLP., dated August 7, 2025
- B. By-law for 2280 No. 2 Side Rd. and Statement of Cultural Heritage Value or Interest

**Draft By-laws for Approval at Council:**

- By-law to Council on Oct. 14, 2025.

**Notifications:**

Planner will provide addresses.

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.



Johanna Shapira | B.A., J.D.

T. 416.203.5631  
E. jshapira@woodbull.ca

File No. 1984

August 7, 2025

**By Email**

City Clerk  
The Corporation of the City of Burlington  
426 Brant Street,  
P.O. Box 5013  
Burlington, Ontario L7R 3Z6

**Re: Notice of Objection  
Notice of Intention to Designate - 2280 No. 2 Side Road  
Proposed Designation Pursuant to Part IV, Section 29 of the  
Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "OHA")**

We represent Nelson Aggregate Co. ("**Nelson**"), the owner and operator of the Burlington Quarry (the "**Quarry**"), which is located north of No. 2 Side Road and west of Guelph Line within the City of Burlington (the "**City**"). The Quarry has been in operation since 1953; Nelson has owned and operated it since 1983.

We are in receipt of the Notice of Intention to Designate the property municipally known as 2280 No. 2 Side Road (the "**Subject Property**") pursuant to Section 29 of the OHA dated July 10, 2025 (the "**NOID**"). The Subject Property lies adjacent to the Quarry and is also owned by our client. As set out in our letter dated January 28, 2025 to the City's Heritage Advisory Committee and letter dated April 4, 2025 to City Council, the Subject Property is the subject of active *Planning Act*, R.S.O. 1990 c.P.13 and *Aggregate Resources Act*, R.S.O. 1990, c. A.8. applications to permit the southerly extension of the Quarry (the "**Extension Applications**").

Pursuant to Section 29(5) of the OHA and all other applicable and relevant provisions of law, our client hereby objects to the proposed designation of the Subject Property. The reasons for the objection and the relevant facts are provided below.

**Relevant Facts**

In May 2020, Nelson submitted applications to the Ministry of Natural Resources, the City, the Regional Municipality of Halton, and the Niagara Escarpment Commission to permit a westerly and southerly extension of the Quarry (defined above as the "Extension Applications"). Nelson appealed the Extension Applications to the Ontario Land Tribunal for lack of decision in 2022 (the "**Appeals**"), and the Appeals were the subject of a three-month hearing that started on March 4, 2025 (the "**Hearing**"). The Hearing is now complete subject to final submissions.

The Subject Property forms part of the proposed southerly Quarry extension. Significant research and assessment of the heritage aspects of the Subject Property were conducted in connection with the Extension Applications and Hearing. Consistent with the report prepared by Stantec assessing properties for designation, Nelson's heritage consultants at MHBC concluded that the heritage resources on the Subject Property consist of the existing house and barn. The areas around the house and barn have not been identified as being of significance for the purposes of designating the Subject Property.

Within the context of the proposed Quarry extension, the house and the barn are both proposed to be retained in situ. In fact, the entirety of the Subject Property, including both the house and the barn, are located outside of the extraction limits. Furthermore, the operational plan for the proposed Quarry extension requires the two buildings to be conserved. Blasting limits have been put into place to ensure the protection of the resources.

Based on its extensive work assessing the proposed Quarry extension, including the above-noted facts, MHBC concluded that the proposed Quarry extension will conserve the cultural heritage resources on the Subject Property.

### **Reasons for Objection**

The reasons for the objection are as follows:

1. It is clear that the house and barn on the Subject Property are not proposed to be demolished or altered to accommodate the proposed Quarry extension. Furthermore, the evidence at the Hearing suggests that any built resources on the Subject Property will be conserved in the context of the proposed extension; mitigation measures such as blasting controls have been put into place to protect the resources. On that basis, there is no need to designate the Subject Property at this time, prior to the Hearing completion. If the proposed Quarry extension is approved, no further heritage work is required to ensure that the built resources are conserved. Requiring additional permits would not only be unnecessary, but an inefficient use of public resources.
2. The areas surrounding the two buildings have not been identified as contributing to the cultural heritage value of the Subject Property. Therefore, if the City wishes to pursue designation, at any time, further study should first be completed to determine the appropriate geographic extent of a designation by-law.

### **Request of Council**

Based on the above, Nelson respectfully objects to the proposed designation of the Subject Property and requests that City Council withdraw the NOID.



Yours very truly,

**WOOD BULL LLP**

A handwritten signature in black ink, appearing to read "JRS", written in a cursive style.

Johanna Shapira  
JRS

cc: Client  
B. Zeman, MHBC

## Appendix B – Designation By-laws – DGM-81-25

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to designate 2280 No. 2 Side Road, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended

File: DGM-67-25

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended (the “*Ontario Heritage Act*”), authorizes council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS authority was granted by Council of The Corporation of the City of Burlington (“Council of the City of Burlington”) to designate the property at 2280 No. 2 Side Road as being of cultural heritage value or interest; and

WHEREAS Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 2280 No. 2 Side Road and upon the Ontario Heritage Trust, Notice of Intention to Designate the property, and has caused the Notice of Intention to Designate to be posted on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*; and

WHEREAS the Heritage Burlington Advisory Committee supports the designation of the property at 2280 No. 2 Side Road; and

WHEREAS Notice of Objection was served upon the Clerk of the City of Burlington within the prescribed time under the *Ontario Heritage Act* and was considered by Council of the City of Burlington; and

WHEREAS the reasons for designation are set out in Schedule “A” to this By-law;

NOW THEREFORE Council of the City of Burlington hereby enacts as follows:

1. The property at 2280 No. 2 Side Road, more particularly described in Schedule “B” to this By-law, is designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property at 2280 No. 2 Side Road and upon the Ontario Heritage Trust and to cause

**Appendix B – Designation By-laws – DGM-81-25**

notice of this By-law to be published on the City of Burlington’s website in accordance with notice requirements under the *Ontario Heritage Act*.

4. This By-law comes into force on the date of its passing.

Passed this 14<sup>th</sup> day of October, 2025.

Mayor Marianne Meed Ward

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Deputy Clerk Lisa Palermo

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**Schedule “A”**

**Statement of Cultural Heritage Value or Interest**

**Description of Property**

The property is located at 2280 No. 2 Side Road in the City of Burlington, Ontario. The property is situated on the north side of Dundas Street, approximately 1000 meters southwest of Guelph Line and contains a one-and-one-half storey stone residence built between 1820 and 1840, and a barn.

**Cultural Heritage Value**

***Design/ Physical Value***

The property located at 2280 No. 2 Sideroad was likely built between 1820 and 1840 and consists of a rare and representative example of an Ontario vernacular residence with Regency design influences built of stone in the City of Burlington. While the use of stone and the design style was common at the time the residence was constructed, the residence today is a rare example as few other Regency style stone structures remain in the City of Burlington. An addition to the residence dates to the mid-19th century. Regency design influences include the overall one-and-one-half storey massing of the structure, low pitched hip roof, and the symmetrical window layout. Vernacular elements include the stone construction and use of shaped stone in voussoirs and quoins. The gable roof barn on the west side of the property and its relationship to the stone dwelling is representative of the property’s historic use as a farmstead.

***Historic/Associative Value***

The property has historical and associative value for its connection to the Freeman family through the ownership of Joseph Freeman, who purchased the property in 1865. He then passed the property to his son, Edwin Freeman, in 1869. Joseph Freeman was a farmer and also owned other properties in the Plains Road and Brant Street area, known as Freeman Village, where several other Freeman family members lived and owned property. Edwin Freeman was a farmer who lived at the property with his wife and children. The Freeman family were prominent market gardeners in Burlington throughout the 19th century and into the 20th century. The area around Brant Street and Plains Road East was known as Freeman Village, named for Edwin’s grandfather, Joshua Freeman. The Freeman family lived in Freeman Village for several decades.

**Heritage Attributes**

The following heritage attributes were identified for 2280 No. 2 Side Road:

- Exterior attributes on the stone structure that contribute to the design and physical value of the property:
  - One-and-one-half storey stone dwelling

## Appendix B – Designation By-laws – DGM-81-25

- Stone construction located throughout the residence
- Stone voussoirs located above windows on the northwest façade
- Stone quoins located at the corners of the original structure on the northwest façade
- Symmetrical layout of windows and central door on the original portion of the northwest façade
- One storey massing with mid-to-late 19th century addition that becomes two storeys with the change in topography
- Low pitched hip roof
- Rubble stone foundation located on the original structure and addition
- Barn
  - Cut stone foundation
  - Gable roof
  - Placement west of the stone residence
- Attributes that contribute to the historical and associative value of the property:
  - Associations with the Joseph Freeman and with the Freeman family who were prominent landowners and market gardeners in Burlington

## Appendix B – Designation By-laws – DGM-81-25

### Schedule “B”

**1. Municipal Address:** 2280 No. 2 Side Road

**Legal Description:** Pt Lt 18, Con 2 NDS, as in 659602; s/t NU17648, if any; together with an easement over Pt Lt 19, Con 2 NDS as in 612786 as in HR912720; Burlington; Being all of PIN 07199-0039 (LT)

**Roll Number:** 2402030308117000000

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SUBJECT: Building Permit and Community Planning application fee reviews update  
TO: Committee of the Whole  
FROM: Development and Growth Management  
Community Planning

Report Number: DGM-73-2025

Wards Affected: All

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

Direct the Commissioner of Development and Growth Management to deliver a Council Workshop in Q1 2026 to discuss the fee review methodologies, alternative cost recovery models and the appropriate level of indirect costs for building permit and planning application fees; and

Approve the amendment to By-Law 070-2024, a by-law to establish and impose certain 2025 rates and fees for services, activities or the use of property, attached as Appendix "A" to Development and Growth Management report DGM-73-25, effective October 14, 2025.

## Executive Summary

On September 11, 2025, Watson and Associates presented to the [Pipeline to Permit Committee](#), explaining the Activity-Based Costing model and sharing initial findings on the costs to process building permits and planning applications as a part of the Building Permit and Planning Application Fee Reviews. Committee discussions highlighted the need for transparency, benchmarking, and to revisit indirect cost allocations to ensure alignment with cost recovery objectives under the Planning Act and Building Code Act. With forthcoming regulations through Bill 17 that may reduce processing effort, there is a need for Council to provide direction on desired levels of cost recovery, treatment of indirect/non-recoverable costs, and budget integration. Staff recommend convening a dedicated Council workshop in 2026 to examine these issues holistically before embedding a revised cost recovery model into the City's budget. Further, Staff recommend an adjustment to the 2025 Rates and Fees By-law

affecting the methodology for calculating fees for a planning application as outlined in Appendix A.

Purpose of report:

- The purpose of this report is to provide a summary of the presentation made by Watson at the September 11, 2025 Pipeline to Permit Committee. This report signals the need for further data refinements and discussion with Council at a future workshop. It also recommends a minor modification to the Rates and Fees By-law changing the methodology for calculating fees.

Key findings:

- Staff recognize the need for greater transparency, supporting information and further discussion related to the methodology, cost recovery models and direct and indirect costs.
- Staff recommend a Council workshop in Q1 2026 to engage with Council and receive direction regarding the building permit and planning application fee reviews.
- Staff anticipate completion of the fee review processes by Summer 2026 in advance of the 2027 Budget process.

# Recommendation Report

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## Background

On September 11, 2025 at the [Pipeline to Permit Committee](#), Watson and Associates presented a high-level overview of the Community Planning and Building Permit fee reviews, including an overview of the methodologies guiding their analysis. Watson outlined the data collection process which established allocated time and associated costing for each building permit or planning application type and shared some of the initial findings related to costing, relative to previous iterations of the fee review.

Following the presentation, members of the Pipeline to Permit Committee, Staff and Watson engaged in a discussion related to the costs of processing building permits and planning applications and the associated cost recovery objectives and obligations under the Planning Act, R.S.O. 1990, and the Building Code Act, 1992, S.O. 1992.

Members of Committee expressed an interest in benchmarking Burlington's fees against other municipalities as well as improving transparency through clear accounting of direct and indirect costs. Members of the Committee also expressed a desire for more transparency and detail related to the amount of effort applied to each application type. There was also discussion about the inclusion of effort estimates that reflected continuous process improvements which have been adopted since 2021. This was further emphasized through discussions about the implementation of Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025*. Bill 17 introduced new authorities for the Minister of Municipal Affairs and Housing to define what constitutes a "complete planning application"—including the power to prohibit specific studies or reports being listed as complete application requirements (i.e., sun/shadow, wind, urban design and lighting reports), and to override Official Plan requirements. Bill 17 received Royal Assent on June 5, 2025 and implementing regulations are expected to be released shortly. The implementation of Bill 17 has the potential to eliminate some of the planning studies accounted for in effort estimates to date and would reduce the overall processing effort of various applications, thus driving reduced overall costs.

A topic of significant discussion was the premise of cost recovery for various types of applications and the appropriate level of indirect costs which should be applied to development applications and building permits. Through this discussion, staff acknowledged the desire to revisit assumptions around indirect costs, balance financial sustainability with service delivery, and adjust methodologies to reflect best practices and economic realities.

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## Analysis

Staff's objective with a fee review is to right-size the application fees for building permits and planning approvals to support growth and investment in the City. The fees should reflect solutions from continuous improvement initiatives that have yielded opportunities for process efficiency.

Watson's presentation was intended to share the high-level initial findings related to the overall costs of processing various planning applications and building permits including direct and indirect costs. Another important factor in the determination of costs are the effort estimates to process or assess each application.

Based on staff's input into the model, in the majority of planning application types, the overall level of effort has been reduced since the 2021 Development Application Fee Review. This is directly attributed to changes in planning legislation as well as continuous improvement initiatives such as the Streamlining Development Applications Fund (SDAF) and the Streamlining Development Applications Project (SDAP). This combined with the nurturing of a culture of continuous improvement within the Development and Growth Management Division and within other contributing departments have led to a reduction in the overall processing effort for most application types. This is especially true of larger planning applications (Official Plan Amendments, Zoning By-law Amendments, Subdivision and Site Plan Applications). There are a smaller number of categories where the level of effort has increased, reflective of the transfer of responsibilities from Halton Region to the City, leading to overall increased processing costs. This particularly applies to Official Plan Amendments for Quarries and Niagara Escarpment Development Permit application types, where the Region had significant planning responsibilities. There are other application types, typically smaller scale, low rise residential applications where the level of effort has been relatively stable or slightly reduced. This reflects a greater level of customer service being applied in order to help residents find successful outcomes in their application processes.

It is important to note that the City has historically had different levels of cost recovery for different types of applications, however, given the City's housing goals and the current state of the housing market, staff understands and acknowledges the need to revisit the discussion on the desired amount of cost recovery per application. Staff also heard clearly from the Pipeline to Permit Committee members that there is a strong desire to revisit assumptions around indirect costs, balance financial sustainability with service delivery, and adjust methodologies to reflect best practices, the role of public service as well as our current economic realities.

These are important conversations and changes to cost recovery has implications for other City departments and for the budget. Staff understand the need to have a holistic conversation

around the methodology, the cost recovery model and the appropriate level of indirect costs. Staff are committed to ensuring that Council has the opportunity to have this important conversation.

Staff will take the feedback received at the Pipeline to Permit Committee and continue to work with Watson to refine the data and provide more visibility on the work done to date. This will be used to inform a fulsome discussion at a future Council workshop to explore the various approaches to cost recovery with the goal of ensuring that the cost recovery models are aligned with and integrated into the budget in advance of the 2027 budget.

Staff propose that a future Council Workshop focuses on:

- Indirect and non-recoverable costs associated with the processing of planning applications and building permits;
- The percentage of cost recovery from application fees;
- Integration with future budget approval processes; and
- Providing clarity around the methodology and effort estimates which will be further refined into the fall.

#### Recommendation

While staff work on refining both fee reviews into the fall, an immediate modification to the 2025 Rates and Fees By-law is proposed. The current Rates and Fees By-law provides instructions on the calculation of fees for an application. This has the effect of defining the scope of an application. For example, an application consisting of a podium and two towers would be treated as two applications and each application would be subject to the payment of the base and variable fees for the related components. Staff propose the elimination of the instructions so that multiple towers in a comprehensive development on a single lot are treated as a single application as outlined in Appendix A to this report and only one base fee would be charged, and the variable fee calculation would be commensurate with the scale of the development (number of units and non-residential gross floor area).

Additionally in the interim, the standard inflationary increase will be applied to the proposed 2026 rates and fees for both building administration and planning application fees as a part of the 2026 Rates and Fees By-law report for Committee of the Whole in November. This will be applied as an interim step until the broader fee review has been resolved.

Further to building administration fees being indexed via the 2026 Rates and Fees By-law, building permit fees are indexed as per the Building Permit By-law (66-2019) section 6.11.2. Building permit fees are indexed to the overall percentage increase to the total Human

Resource expenditures as approved in the annual budget in relation to the Building Department and are adjusted in the following year once the budget is finalized.

Following the Council workshop proposed for Q1 2026, staff will make comprehensive recommendations on changes to the Rates and Fees By-law and bring this back to Council for approval.

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### **Recommendation Details**

Staff acknowledges the need to continue to work on refinements to the inputs into the costing models and engage with Council, the public and the development community to ensure the cost recovery model recommended by staff is one that reflects Council’s vision and strategic direction and is fiscally sustainable.

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### **Key Dates & Milestones**

- Fall 2025: refinements to methodology, effort estimates and costing inputs
  - Winter 2026: Council Workshop
  - Summer 2026: Recommendation Report and Amendment to Rates and Fees By-law.
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### **Implications**

The additional time to make refinements to the work completed to date will allow for better alignment with the base budget process and ensure that the final recommended costs reflect on-going continuous improvement initiatives and legislative changes, leading to right-sized costing for building permits and planning applications.

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### **Strategic Alignment**

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### **Author:**

Jenna Puletto

Manager, Planning Implementation  
[Jenna.Puletto@burlington.ca](mailto:Jenna.Puletto@burlington.ca)

**Appendices:**

A. By-Law XX-2025

**Draft By-laws for Approval at Council:**

- BY-LAW NUMBER XX-2025, A by-law to amend By-law 70-2024, being a by-law to establish and impose certain 2025 rates and fees for services, activities or the use of property. October 14, 2025.

**Notifications:**

West End Home Builders Association (WEHBA)  
Building Industry and Land Development Association (BILD)

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

**THE CORPORATION OF THE CITY OF BURLINGTON**

**BY-LAW NUMBER XX-2025**

A by-law to amend By-law 70-2024, being a by-law to establish and impose certain 2025 rates and fees for services, activities or the use of property  
File: 435-04 (DGM-73-25)

Whereas sections 8, 9 and 11 of the Municipal Act, 2001, authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the City of Burlington; and

Whereas subsection 391(1) of the Municipal Act, 2001, authorizes the City of Burlington to impose fees or charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control; and

Whereas section 69 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, provides that Council may prescribe a tariff of fees for the processing of applications made in respect of planning matters;

Whereas Council approved report F-30-24 regarding 2025 rates and fees on November 19, 2024;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The section entitled "Maximum fee for an application shall be calculated as follows:" in Schedule A of By-law 70-2024 is hereby repealed and replaced with Schedule A attached to this by-law.
2. That in all respects, By-law 70-2024, as amended, be and is hereby confirmed.
3. This by-law shall come into force on October 14, 2025

Enacted and passed this 14th day of October 2025.

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

Acting City Clerk Lisa Palermo \_\_\_\_\_

## Schedule A – By-law XX-2025

### **Community Planning**

#### **Maximum fee for an application shall be calculated as follows:**

1. In cases where a development site is separated by a public road (i.e. non-contiguous and parcels) each land parcel shall constitute a separate application for all application types when calculating the maximum applicable fee.

SUBJECT: Amendment to Lot Maintenance By-law 49-2022 (Loose Leaf Collection)

TO: Committee of the Whole

FROM: Development and Growth Management  
By-law Compliance

Report Number: DGM-48-25

Wards Affected: All

Date to Committee: October 6, 2025

Date to Council: October 14, 2025

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## Recommendation

Approve the amendments to By-law 49-2022, known as the “Lot Maintenance By-law” being a by-law to regulate exterior property maintenance including vegetation, refuse, and graffiti, to clarify laws regarding the discarding of leaves on public property and correcting fine amounts, attached in draft form as per Appendix A to development and growth management report DGM-48-25, in a form satisfactory to the Commissioner, Legal and Legislative Services/City Solicitor.

## Executive Summary

This reports updates Lot Maintenance By-law 49-2022 to allow for enforcement of leaves placed on public property by adjacent private property owners. The existing by-law does include provisions for enforcement of leaf waste on private property but does not provide options for enforcement when leaves are placed on public property by an adjacent property owner. The proposed by-law amendment will allow enforcement action to be taken against property owners who do not properly place leaves on public property– aligning with enforcement on private property. The focus in 2025 will be on warning and education but staff will be requesting a set fine of \$150 from the Province of Ontario for each offence under Part I of the *Provincial Offences Act*. An amendment to By-law 49-2022 Offences and Penalties section is also being proposed to correct a typographical error in the system of fines established under the by-law. This amendment ensures that the fines set out in By-law 49-2022 are in line with the City’s statutory authority for a system of fines under section 429 of the *Municipal Act, 2001*.

# Recommendation Report

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## Background

During deliberations for the 2025 Budget (held in Fall 2024), questions were raised related to the ability to enforce the City of Burlington Loose Leaf Collection Program. The program requires property owners utilizing the loose leaf collection program to place leaves on or near the boulevard so that the City can pick them up based on a set schedule. There have been historical issues where leaves have been placed in a manner which blocked bike lanes, catch basins, ditches, sidewalks and walkways.

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## Analysis

The existing Lot Maintenance By-law 49-2022 allows for enforcement of leaf waste on private property but does not address when leaves are placed on public property (which is the case during the loose-leaf clean-up program). The proposed by-law amendment includes wording that allows the City to fine adjacent private property owners should leaves obstruct roads, bike lanes, sidewalks, walkways, catch basins and drainage ditches.

By-law Compliance staff will take over the enforcement of this program from Roads, Parks and Forestry in 2025. The focus will be on warning and education, but staff are requesting a set fine of \$150 from the Province of Ontario for a Part I Provincial Offences Act certificate. There is no guarantee they will approve this amount (could approve higher or lower fine), but further details will be communicated once determined.

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## Recommendation Details

The proposed by-law amendment allows for enforcement of leaves placed on public property and aligns with enforcement of leaf waste on private property.

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## Implications

Staff will work with Communications to include details of enforcement options as part of their regular communications regarding the program – including any potential fine amounts.

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## Strategic Alignment

(Select all that apply)

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
- 

### Author:

Kerry Davren  
Direction of By-law Compliance  
905-335-7777

### Appendices:

A. Amendment to Lot Maintenance By-law 49-2022

### Draft By-laws for Approval at Council:

- Amendment to Lot Maintenance By-law 49-2022 for Council approval on October 14, 2025

### Notifications:

Enrico Scalera  
Director, Roads, Parks & Forestry  
905-335-7777

### Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to amend by-law no. 49-2022, being a by-law to Regulate Exterior Property Maintenance including Vegetation, Refuse, and Graffiti  
(DGM-48-25, File 110-01-1)

Whereas Council of the Corporation of the City of Burlington has deemed it necessary to mitigate negative effects of the City's Loose Leaf Collection Program; and

Whereas it is desirable to amend the Lot Maintenance by-law no. 49-2022 to clarify rules of the City of Burlington Loose Leaf Collection Program; and

Whereas Council of the Corporation of the City of Burlington has deemed it necessary to amend by-law 49-2022 to update the fines for contravening the by-law to correct a typographical error in the amount;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Part 1 DEFINITIONS, Section 1.1 of by-law no. 49-2022 be amended to insert the following definition after the definition of "City or City of Burlington" and before the definition of "Council":

**"City of Burlington Loose Leaf Collection Program"** means the short-term fall leaf collection program operated by the City of Burlington whereby an owner can leave or place leaves on the curb, shoulder or boulevard for collection based on a set schedule as advertised by the City of Burlington.

2. That Part 7 – MAINTENANCE OF BOULEVARDS, SIDEWALKS, WALKWAYS AND DRIVEWAYS of by-law no. 49-2022 be amended by adding the following new sections after section 7.3:

7.4 No owner, except an owner of public property, shall cause or permit the placement of leaves on any sidewalk, walkway, street (including bike lane), ditch or catch basin abutting their property, including for the purpose of participating in the City of Burlington Loose Leaf Collection Program.

7.5 An owner shall be presumed to have caused or permitted the placement of leaves on any sidewalk, walkway, street (including bike lane), ditch or catch basin abutting their property, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

3. That Part 9 OFFENCES and PENALTIES section 9.5 (b) of by-law no. 49-2022 be amended by deleting "\$100,000.00" after the words "maximum fine of" and replacing it with "\$10,000.00".
4. That the amendment to section 9.5(b) of by-law no. 49-2022 shall be applied retroactively to any proceedings in respect of offences that occurred before the amendment came into force.
5. That in all other respects by-law no. 49-2022, , be and is hereby confirmed.
6. That this by-law comes into force the day it is passed.

Passed this \_\_\_\_\_ day, of \_\_\_\_\_ 2025.

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

Deputy Clerk Lisa Palermo \_\_\_\_\_

SUBJECT: Statutory Public Meeting and information report for the draft new Residential Zoning Bylaw

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-69-25

Wards Affected: All

Date to Committee: October 7, 2025

Date to Council: October 14, 2025

---

## **Recommendation:**

Receive for information community planning department report DGM-69-25 regarding Statutory Public Meeting and Information Report for the Draft Residential Zoning By-law; and

Direct the Director of Community Planning to prepare a final Residential Zoning By-law for Council adoption along with a staff recommendation report identifying changes in December 2025.

## **Executive Summary**

This report provides an overview of the Draft Residential Zoning By-law and next steps in the New Zoning By-law Project.

The purpose of the new Residential Zoning By-law is to implement the objectives and policies for the Residential Neighbourhood Areas designations of the Burlington Official Plan, 2020 as amended (BOP, 2020). The changes that are proposed in the Draft Residential Zoning By-law are intended to result in a by-law that:

- enables development and increased housing options in Burlington's neighbourhoods,
- is user-friendly and easy to interpret,
- is modern and innovative, and
- is flexible.

The Draft Residential Zoning By-law was posted on July 2, 2025 on the City's New Zoning By-law Project Page ([www.getinvolvedburlington.ca/newzoningbylaw](http://www.getinvolvedburlington.ca/newzoningbylaw)) for public review and comment. Along with the draft by-law, an interactive mapping tool was also made available for

the public to view the proposed residential zones of the draft by-law in comparison to the current zones under the Burlington Zoning By-law 2020. Discussion papers summarizing the background research and analysis that informed the draft by-law were also posted on the project page. On Aug. 27, 2025, supplementary information was posted to the project page regarding where triplex and fourplex dwellings and where low-rise apartments may be permitted within certain proposed low-rise zones.

Following the release of the draft by-law, by-law numerous engagement tactics were employed by-law to inform residents and key stakeholders about the proposed changes and seek feedback on the draft by-law. A statutory open house was held on Sept. 16, 2025. At the time of writing this report, 28 comments have been received from the public in addition to comments from agencies.

Feedback received on the draft by-law since Jul. 2, 2025 will be used to inform the final by-law that will be recommended to Council for approval in December 2025. If approved, once it is in effect, the final Residential Zoning By-law will replace the current Burlington Zoning By-law 2020 as the zoning by-law for all lands within the City's residential neighbourhoods.

**Purpose of report:**

- The purpose of this report is to provide background information and an overview of the Draft Residential Zoning By-law to support the statutory public meeting on the draft by-law and receive feedback from the public and Council on this matter.

## Background

On July 2, 2025, the City of Burlington posted the first draft of the new Residential Zoning By-law to the [New Zoning By-law Project webpage](#) for public review and comment (Appendix A to this report). The following supporting materials were also posted at the same time:

- a new interactive mapping tool, showing the proposed residential zones of the draft by-law compared against the zones of the current zoning by-law,
- the July 2024 Step 1, Residential Zones – Discussion Paper, prepared by SGL Consulting & Dillon Consulting,
- the June 2025 Residential Zones – Discussion Paper Addendum, prepared by SGL Consulting & Dillon Consulting (Appendix D), and
- the Community Engagement Backgrounder, which tells the story of the New Zoning By-law Project to date, including what zoning is and how the draft by-law was prepared (Appendix E).

On Aug. 27, 2025, supplementary information to the draft zoning by-law was posted on the New Zoning By-law Project (NZBP) webpage, providing the proposed criteria for where triplex, fourplex, and low-rise apartments may be allowed in some residential zones (Appendix B).

## New Zoning By-law Project Background

The New Zoning By-law Project began in September 2022. It is focused on delivering a new zoning by-law that implements the objectives and policies of the Burlington Official Plan (BOP, 2020). The *Planning Act* requires Council to update its zoning by-law to ensure conformity and implement the policies of a new or updated Official Plan within three years of the policies taking effect. The project is being advanced in phases, starting with Phase 1: Residential Zones.

### Phase 1: Residential Zones of the New Zoning By-law Project

The Draft Residential Zoning By-law that was released in July has been prepared as part of Phase 1: Residential Zones. The lands subject to this phase of the project consist of all lands within the Residential Neighbourhood Areas and designated as Low-Rise Neighbourhood I, Low-Rise Neighbourhood II or High-Rise Neighbourhood on Schedule C Land Use – Urban Area of the BOP, 2020 (see Appendix C).

The goal of Phase 1: Residential Zones is to deliver a new zoning by-law for the City's residential zones that:

- enables development and increase low-rise housing options in Burlington's neighbourhoods,

- makes it easier for readers to find and interpret zoning regulations,
- reflects modern and innovative land use planning and urban design practices, and
- provide flexibility for development, reducing zoning by-law amendment and minor variance applications.

The Draft Residential Zoning By-law is intended to implement the policies of Section 8.3 Residential Neighbourhood Areas of the BOP, 2020 as well as policies for additional residential units, garden suites, and residential supportive land uses (i.e., home occupations, cottage industries, offices, retail uses, service commercial uses, and day care centres), including policies to increase housing options and support gentle, ground-oriented intensification in Burlington’s neighbourhoods.

Staff note that the structure and organization of the draft Residential Zoning By-law is also intended to form the basis of future phases of the New Zoning By-law Project. Future phases of the project will involve amending the new zoning by-law to add new sections such as Uptown Zones, Mixed Use Zones and Natural Heritage Zones, relying on or making amendments as appropriate to the administration, interpretation, definitions, general provisions, and parking sections that will be established through this phase of the project.

### **How was the Draft Residential Zoning By-law prepared?**

The Draft Residential Zoning By-law was prepared based on detailed research and analysis undertaken by the project consultants, SGL Consulting and Dillon Consulting, with support from city staff and based on preliminary consultation with the public and targeted stakeholder groups. The supporting research and analysis that led to the preparation of the draft by-law is further outlined below.

#### Initial Background Research & Analysis: Discussion Paper (July, 2024)

As part of the first step of this phase of the project, the project and consulting team undertook the following background research and analysis:

- analysis of relevant planning policy and legislation,
- a best practice research of comparable municipalities to understand trends in how residential and residential-supporting land uses are regulated and to identify potential options for the overall structure, layout and format of the new zoning by-law, and
- a review of minor variance applications in Burlington’s existing Residential Zones from 2017 to 2023, to understand common regulations that have been varied and should be updated in the new Zoning By-law.

The zoning by-laws of several comparable municipalities to Burlington that were reviewed as part of the best practice research were: Town of Oakville; City of London; City of Guelph; City of St. Catharines; City of Vaughan; and City of Edmonton.

A summary of the research findings and preliminary recommendations from the consultant team which formed the basis of the draft by-law is provided in “Phase 1: Residential Zones – Discussion Paper”, prepared by SGL Consulting and Dillon Consulting. This paper was presented to Council through staff report [PL-34-24](#) in July 2024.

#### Official Plan Amendment 3 to Increase Housing Options & Discussion Paper Addendum

After the abovementioned research and analysis work was completed, in February 2025, the project workplan was adjusted to include additional research and analysis to address changes to the City’s policy framework resulting from Council’s approval of Official Plan Amendment No. 3 (OPA 3) in January 2025.

OPA 3 amended the BOP, 2020 to support gentle, ground-oriented intensification with consideration for the context and character of Burlington’s Established Neighbourhoods while providing opportunities for more diverse housing options to meet the needs of residents at all stages of life and at all income levels. OPA 3 added permissions which allow for more low-rise, ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas, and the possibility of allowing to up to two detached additional residential units (ARUs) per urban lot in the new Residential Zoning By-law. As a result, the NZBP team undertook best practices research and analysis to determine appropriate zoning standards for the new housing options enabled through OPA 3.

The NZBP team also conducted additional best practice research on zoning regulations related to administration, general provisions, definitions and parking to inform the preparation of those sections of the new Zoning By-law.

The findings and recommendations resulting from this work is summarized in the “Discussion Paper Addendum” prepared by SGL Consulting and Dillon Consulting and attached as Appendix D to this report.

#### Preliminary Engagement Activities

Preliminary engagement activities with the public and key stakeholders were also held as part of the team’s research and analysis work to seek feedback on what is working well with the current Zoning By-law, what can be improved, and suggestions on which municipalities the project team should consider when preparing the draft by-law. A summary of these preliminary engagement activities and feedback heard is provided in Appendix F to this report.

## Overview of Draft Residential Zoning By-law

The Draft Residential Zoning By-law is organized into eight parts:

Part 1: Administration

Part 2: Establishment of Zones and Uses

Part 3: Interpretation

Part 4: Definitions

Part 5: General Provisions

Part 6: Parking and Loading

Part 7: Residential Zones

Part 8: Holding Zone Requirements

- **Part 1: Administration** contains regulations related to where and when the by-law applies. It includes regulations related to legal non-conforming buildings and structures and transition regulations for projects for which a complete Planning Act application has been received by the City.
- **Part 2: Establishment of Zones and Uses** outlines the zones that are established in the by-law and sets out how zone boundaries, zone exceptions, and holding provisions are to be interpreted.
- **Part 3: Interpretation** provides regulations related to how the words, tables, numbers, permitted uses, and purpose statements of the by-law are to be interpreted. This part also includes guidance on how zone standards are to be applied in the case of phased condominiums, 0.3 m reserves, and multiple building connections, and guidance on how to interpret Conservation Halton's Regulatory Limit.
- **Part 4: Definitions** contains the definitions of defined terms in the by-law. Defined terms are bolded throughout the by-law for ease of interpretation.
- **Part 5: General Provisions** contains regulations that apply to all residential zones, similar to the current zoning by-law. The regulations in this part of the by-law relate to matters such as accessory uses, buildings and structures; patios, platform structures and porches; uses permitted in all zones (e.g. schools, day care centres); setback from infrastructure and creeks; outdoor patios; and rooftop features (e.g. mechanical equipment and solar panels).

- **Part 6: Parking and Loading** contains parking-related regulations, including minimum requirements for off-street parking, loading, bicycle parking, accessible parking, and electric vehicle parking spaces; dimensions of parking spaces, garages and driveways; illumination and surface treatment of parking facilities and lots; and setback requirements for parking structures.
- **Part 7: Residential Zones** provides regulations specific to each residential zone, organized by building type and zone. The draft by-law divides Burlington's neighbourhoods into nine residential zones (eight Low-Rise Neighbourhood Zones and one High-Rise Neighbourhood Zone).
- **Part 8: Holding Zone Requirements** will contain a list of properties subject to a holding symbol and the requirements to lift the hold. In the final by-law, this section will be updated to include any existing holds within the residential zones.

### What's Proposed to Change?

The Draft Residential Zoning By-law introduces a number of changes to how land, buildings and structures within Burlington's residential neighbourhood areas are regulated, with the goal of making it easier to build a broader range of low-rise housing forms at appropriate locations and subject to appropriate built form standards in Burlington's neighbourhoods, in accordance with BOP, 2020. These changes include:

- new permissions allowing semi-detached and duplex buildings broadly in the Low-Rise Neighbourhood Zones, and triplex, fourplex, multiplex and low-rise apartment buildings at the edges of some Low-Rise Neighbourhood Zones on lots facing a major street, where they are currently not permitted in the Zoning By-law 2020 but are now allowed by BOP, 2020.
- new permissions allowing up to two detached additional residential units (ARUs) on a parcel of urban residential land and allowing detached ARUs to be up to two storeys in height, subject to additional standards to reduce overlook and protect privacy on neighbouring lots.
- a streamlined number of residential zones along with simplified minimum lot area and frontage standards and new built form and functional standards, to add flexibility to the zoning by-law while recognizing and enhancing the residential character of areas (9 primary zones are proposed whereas the current zoning by-law contains 31 primary residential zones and subzones).
- new flexible front yard regulations that consider the existing conditions of a street and could minimize the need for some minor variances.

The draft by-law also introduces changes to the organization and formatting of zoning regulations and to defined terms, to make it easier for readers to find and understand the applicable zoning regulations for a property, such as:

- new illustrations to explain zoning concepts,
- simplified and intuitive organization of General Provisions and Parking sections, and
- defined terms are bolded, updated and streamlined.

Finally, some changes are proposed to modernize parking provisions and accommodate existing and future parking technologies.

A more detailed overview of the key changes can be found in the Community Engagement Backgrounder to Draft 1 that was released in July, 2025 alongside the draft by-law (Appendix E to this report).

### **Engagement Matters**

After the draft by-law was released, numerous engagement tactics were used to inform the public and other stakeholders of the draft by-law, encourage participation in the public consultation process and seek feedback on the draft by-law. These tactics included:

- emails to key stakeholder groups including Citizen Advisory Committees;
- social media posts;
- a month-long Google Ads campaign;
- drop-in public information centres around the city;
- an online comment form; and,
- meetings and workshops with development industry representatives, resident groups and other interested parties.

In accordance with the *Planning Act*, an in-person statutory open house was held on Tuesday Sept. 16, 2025, at Mountainside Community Centre from 6:30 p.m. to 8:30 p.m.

The giving of statutory notice of the open house and public meeting was completed on Sept. 5, 2025. A Notice of Statutory Open House and Public Meeting was posted on the [City's Public Notices webpage](#) on Aug. 27, 2025, and was emailed to prescribed persons and public bodies in the last week of August, 2025 and first week of September, 2025.

At the time of writing this report, 28 comments from the public have been received. Comments have also been received from several agencies, including Metrolinx, Enbridge Pipelines, TransCanada Pipelines, Halton District School Board, and CN Rail. City staff have also been actively engaged in discussions with Conservation Halton about the draft by-law.

A detailed overview of the engagement activities on the draft by-law, as well as a summary of the comments received on the draft by-law to date, is found in Appendix F of this report.

A copy of the written public and agency comments received to date on the draft by-law are found in Appendices G and H, respectively. Staff's response to the comments will be provided in the future recommendation report.

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## **Status**

The October 7, 2025 statutory public meeting is a significant milestone in Phase 1: Residential Zones of the NZBP and marks the end of Step 2: Build & Engage of this step of the project. The comments received on the draft by-law will be used to inform the development of the Final Residential Zoning By-law that is planned to be presented to Council for approval in December, 2025.

### Proposed Revisions to Draft Residential Zoning By-law

Staff note that the Residential Zoning By-law is still in draft form. As the October 7, 2025 Statutory Public Meeting will provide an opportunity for additional public input and feedback on the draft by-law, revisions are expected before the final draft by-law will be presented to Council for approval, based on feedback received so far and staff's ongoing review. In addition, the December, 2025 by-law will incorporate existing site-specific exceptions from Burlington Zoning By-law 2020 into the new by-law as appropriate, adding existing holding provisions, and updating the zoning map accordingly. An outline of other aspects of the by-law that are proposed to be revised and topics that are being explored further by the project team, based on comments received so far, are summarized in Appendix I to this report.

A detailed overview of the revisions made to the by-law will be included in staff's recommendation report to Council in December. Under section 34(17) of the *Planning Act*, where a change is made to a proposed by-law after the statutory public meeting is held, Council is required to determine whether any further notice is to be given regarding the zoning by-law. If significant changes are made, further consultation will be recommended by staff in the future staff report. The final by-law will be attached to future staff report and posted on the project webpage.

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## **Key Dates & Milestones**

The following are the key dates and milestones of Phase 1: Residential Zones of the NZBP, organized into the three steps of the project workplan.

### Step 1: Research & Analyze – September 2022 to July 2024

- This step of the project involves Council's endorsement of the original and revised project Terms of Reference and Workplan, and detailed research and analysis of relevant policies, legislation, and best practices in zoning and trends in minor variance applications, as well as preliminary engagement activities.

- This step was completed in July 2024 when “Phase 1: Residential Zones – Discussion Paper” was presented to Council.

### Step 2: Build & Engage – July 2024 to Present

This step focused on writing the Draft Residential Zoning By-law, additional research in response to changes to the policy framework, and public consultation on the Draft Residential Zoning By-law:

- July 2024 to May 2025: Additional preliminary engagement activities held (Appendix F).
- January 2025: OPA 3 to Increase Housing Options approved by Council.
- March 2025: Adjustments made to workplan to reflect new policy framework introduced through OPA 3.
- July 2, 2025: Release of Draft Residential Zoning By-law and supporting materials.
- July to Present: Public and targeted stakeholder engagement (Appendix F).
- Sept. 16, 2025: Statutory Public Open House held at Mountainside Community Centre.
- Oct. 7, 2025: Statutory Public Meeting at City Hall.

### Step 3: Close & Appeals – (Planned) October to December 2025

- Oct. 8 to November 2025: Preparation of final by-law for recommendation to Council.
- Dec. 1, 2025: Anticipated recommendation report to Committee of the Whole.
- Dec. 9, 2025: Anticipated Council meeting and decision.
- Rest of December: Appeal period (20 days) and preparation of strategies for the implementation of the new by-law, such as training and workshops.

## **Implications**

Strategic Connections: The statutory public meeting on the Draft Residential Zoning By-law is an important step in the completion of Action H (Complete the new Zoning By-law) in the City’s Strategic Plan and in the implementation of the objectives and policies of the BOP 2020, the findings from the City’s Official Plan Amendment to Increase Housing Options Study, and the objectives of the City’s Housing Strategy.

Climate Implications: The Draft Residential Zoning By-law responds to climate change by:

- providing the opportunity for additional housing to be built within the City’s existing urban area;
- providing increased housing opportunities at the periphery of neighbourhoods in transit supportive locations;
- providing updated bicycle parking requirements;
- providing new electric vehicle parking requirements to future-proof development; and,

- maintaining lot coverage requirements to ensure that landscaped open space is provided as part of redevelopment and providing requirements that speak to not only the quantity of space but also the quality of space.

Financial Implications: There are no direct financial implications associated with the recommendations of the report.

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## References

- Original Project Terms of Reference and Work Plan – Sept. 20, 2022 ([Report PL-60-22](#))
- Project Update 1 – May 30, 2023 ([Report PL-41-23](#))
- Project Update 2 – Sept. 28, 2023 ([Council Information Package](#))
- Project Update 3 – Dec. 5, 2023 ([Report PL-62-23](#) – Revised Work Plan)
- Project Update 4 – March 22, 2024 ([Council Information Package](#))
- Project Update 5 – July 8, 2024 ([Report PL-34-24](#) – Discussion Paper)
- City-initiated Official Plan and Zoning By-law Amendments to increase housing options (OPA 3) – Jan. 28, 2025 ([Report DGM-01-25](#))
- Project Update 6 – May 9, 2025 ([Council Information Package](#))
- Project Update 7 – Aug. 29, 2025 ([Council Information Package](#))

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## Strategic Alignment

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

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## Appendices:

- A. Draft Residential Zoning By-law
- B. Supplemental Information to Draft Residential Zoning By-law: Potential Streets Where Triplex, Fourplex and Low-rise Apartments Are Being Considered
- C. Map of Lands Subject to Draft Residential Zoning By-law
- D. Discussion Paper Addendum
- E. Public Engagement Backgrounder
- F. Summary of Engagement Activities to Date

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- G. Public Comments Received to Date
- H. Agency Comments Received to Date
- I. Proposed Revisions to Draft By-law & Topics Being Explored Further

**Notifications:**

N/A

**Report Approval:**

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

# Residential Zoning Bylaw

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**Draft**  
**City of Burlington**  
**June 2025**

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# Administration

## Part 1: Administration

### 1.1 Title

This Bylaw may be cited as the Burlington Residential Zoning Bylaw.

### 1.2 Compliance With This Bylaw

- a) No **building** or **structure** shall be erected or altered, and no change of use or occupancy of any **building, structure**, land, premises, or any part thereof shall be made except in compliance with the rules of this Bylaw.
- b) Where there is a conflict between rules of this Bylaw, the most restrictive regulation shall prevail.

### 1.3 Compliance With Other Regulations

- a) Compliance with this Bylaw does not exempt any person from the requirements of any Federal, Provincial, Conservation Authority, Regional or Municipal legislation, approval process, licensing or permitting regime, agreements, or other **City** Bylaws.
- b) Where there is a conflict with a provision of this Bylaw and the Niagara Escarpment Plan, the provision of the Niagara Escarpment Plan prevails.

### 1.4 Area to Which the Burlington Residential Zoning Bylaw Applies

The rules of this Bylaw shall apply only to the Residential zoned areas within the City of Burlington as shown on the zoning maps forming Schedule A of this Bylaw.

### 1.5 Repeal Of Existing Bylaws

Zoning Bylaw 2020 and all amendments thereto are hereby repealed as it applies to the areas shown in Schedule A.

### 1.6 Effective Date

The effective date of this Bylaw is XX.

### 1.7 Legal Non-conforming Uses

- a) Nothing in this Bylaw shall apply to prevent the use of any land, **building** or **structure** for any purpose prohibited by the Bylaw if such land, **building** or **structure** was lawfully used for such purpose prior to the effective date of this Bylaw, so long as it continues to be used for that purpose.
- b) Nothing in this Bylaw shall prevent the strengthening to a safe condition or the reconstruction of any **building** or **structure** or part of any **building** or **structure** that is

# Administration

used for a **legal non-conforming use** provided such alteration does not increase the height, size, volume or change the use of the **building** or **structure**.

- c) Nothing in this Bylaw shall prevent the reconstruction of a **building** or **structure** used for a **legal non-conforming use** which is severely damaged or destroyed by natural causes or by fire, provided the reconstruction will not increase in height, size or volume, or change the use of the **building** or **structure** and provided that the use has not ceased active continuous operation for a period of two years before the damage or destruction.

## 1.8 Non-complying Lots

- a) Where a **lot** in existence prior to the effective date of this Bylaw does not meet the minimum **lot area** or **lot frontage** requirements of the applicable zone, the **lot** is permitted to be used and **buildings** and **structures** thereon erected, enlarged, rebuilt, repaired or renovated, provided the use conforms with this Bylaw and the **buildings** and **structures** comply with all other rules of this Bylaw.

## 1.9 Non-complying Buildings and Structures

- a) Where a **building** permit has been lawfully issued for the construction of a **building** or structure and where the **yard** requirements for said **building** or **structure** are found to be in contravention of the minimum **yard** or **building height** by no more than 3 cm, the non-conforming **yard** shall be deemed to conform with the **yard** requirements of this Bylaw.
- b) A non-complying **building** or **structure** which existed legally prior to the effective date of this Bylaw may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:
  - i) does not further encroach into a non-complying **yard**;
  - ii) does not have a **building height** higher than the **existing** height; and
  - iii) complies with all other applicable provision of this Bylaw.
- c) Nothing in this By-law shall prevent the restoration or repair to a safe condition of any **building** or **structure** or part of any **building** or **structure** that has been deemed unsafe by a Professional Engineer, provided the restoration or repair will not change the use or increase the height, size or volume of the **building** or **structure** and provided that the use has not ceased active continuous operation for a period of two years.
- d) Nothing in this By-law shall prevent the reconstruction of a **building** or **structure** severely damaged or destroyed by natural causes or by fire, provided the reconstruction will not increase the height and/or size of the **building** or **structure**.
- e) Nothing in this By-Law will prevent the reconstruction of a lawfully established and **existing building** or **structure** in whole or in part, provided the reconstruction will not increase the height, size, volume or location of the **building** or **structure**.

# Administration

## 1.10 Lots Reduced by Acquisition for Road Widening or Park Dedications

- a) Nothing in this Bylaw prevents the continued use of a **lot** reduced in **lot size** or **lot frontage** by public acquisition for road widening or park dedication and which results in a legally **existing building** or **structure** having increased **lot coverage**, reduced area of **landscaped open space, front yard, side yard** or **rear yard** that does not conform to the regulations for the **zone** in which such **lot** is located provided that:
  - i) no further reduction is made in the dimensions, area or any other characteristics of the **lot** as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
  - ii) no **building** or **structure** or addition thereto is erected on the **lot** as reduced, subsequent to the date of such acquisition, except in accordance with all the rules for the **zone** in which such **lot** is located.
- b) On **existing lots** and subdivisions, the land that has been dedicated may be included in any calculation for the purpose of determining **lot area, lot coverage, gross floor area** or floor area ratio, provided that any **building** or **structure** is in accordance with all of the regulations of the Bylaw applicable to the site.

## 1.11 Enforcement and Penalties

Any person or corporation that contravenes any provision of this Bylaw is guilty of an offence and upon conviction is liable to the fine(s) as provided in the *Planning Act* and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence.

## 1.12 Technical Revisions not Requiring a Bylaw Amendment

Provided that the purpose, effect, meaning, and substance of this By-law are in no way affected, the following technical revisions to this By-law are permitted without public notice or a Zoning Bylaw Amendment:

- a) correction of grammar, punctuation, spelling errors or typographical errors;
- b) changes to section numbering;
- c) additions or revisions to technical information on maps or schedules including, but not limited to matters such as updating and correcting infrastructure information, keys, legends or title blocks; and
- d) changes to appendices, footnotes, headings, indices, notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this Bylaw and are editorially inserted for convenience or reference only.

# Administration

## 1.13 Illustrations and other Reference Aids Not Part of the Bylaw

Illustrations, Appendices, purpose statements, headings, indices, marginal notes, tables of contents, references to former enactments or enabling legislation do not form part of the Bylaw and are inserted for clarification and reference only.

## 1.14 Severability / Validity

A decision of a court of competent jurisdiction that one or more of the rules of this Bylaw or any portion of the Zoning Maps to this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other rules or parts of the rules of this Bylaw.

## 1.15 Transition Provisions– Complete Applications Received Prior to Bylaw Enactment

- a) The rules of the Burlington Residential Zoning By-law shall not apply to prevent the issuance of a **building** permit for a project for which a **complete application** for a:
  - i) Draft plan of subdivision,
  - ii) Draft plan of condominium,
  - iii) Subdivision Agreement,
  - v) Site Plan approval,
  - vii) Removal of part lot control, or
  - viii) Committee of Adjustment approvalwas received on or before **xx, 2025**, or in the event of an appeal of the Burlington Residential Zoning Bylaw to the Ontario Land Tribunal, received prior to the date when all appeals to the Burlington Residential Zoning Bylaw have been withdrawn or finally disposed of, and any subsequent **complete applications** related to the project received thereafter, and for which the building permit is issued within 5 years after the effective date of this Bylaw.
- b) Where a project qualifies under subsection a) above, a building permit for that project may be issued, or the Committee of Adjustment approval, the Site Plan approval, the removal of Part Lot Control, the approval of draft plan of subdivision, or approval of draft plan of condominium may be granted if the project in question complies with the rules of Zoning Bylaw 2020 as it read on **xx, 2025**, and provided that no significant revisions to the project are submitted after this date.
- c) The exemption provided by this Transition Clause shall not continue beyond the issuance of the approval upon which the exemption is founded; and, once the permit, agreement or approval under subsections a) has been granted, the rules of the Burlington Residential Zoning By-law, or any subsequent amendments thereto, shall apply to the lands in question.

# Administration

## 1.16 Transition Provisions– Applications Approved Prior to Bylaw Enactment

- a) Nothing shall prevent the erection or use of a **building** or **structure** for which an application for a building permit was accepted within two years after the effective date of the Burlington Residential Zoning By-law to implement:
  - i) A site plan approved prior to the date of passing of this Bylaw;
  - ii) A minor variance approved prior to the date of passing of this Bylaw;
  - iii) A draft plan of subdivision approved prior to the date of passing of this Bylaw: and/ or
  - iv) A draft plan of condominium approved prior to the date of passing of this Bylaw provided project in question complies with all other rules of Zoning Bylaw 2020 as it read on **xx, 2025**, and provided that no significant revisions to the project are submitted after this date.
  
- b) For the purpose of 1.16 a) iv), the definition of significant is to be defined by the Director of Community Planning.

## 1.17 Zoning Administrator

The Director of Community Planning shall be the administrator of the Bylaw.

# Establishment of Zones and Uses

## Part 2: Establishment of Zones and Uses

### 2.1 Zone Designations

This Bylaw establishes the following residential **zones** and places all lands subject to this Bylaw in one or more of the following **zones**:

Low-Rise Neighbourhood (LN1)  
Low-Rise Neighbourhood (LN2)  
Low-Rise Neighbourhood (LN3)  
Low-Rise Neighbourhood (LN4)  
Low-Rise Neighbourhood (LN5)  
Low-Rise Neighbourhood (LN6)  
Low-Rise Neighbourhood (LN7)  
Low-Rise Neighbourhood (LN8)  
High-Rise Neighbourhood (HN)

### 2.2 Zoning Exceptions

- a) Where a **zone** symbol shown on Schedule A contains a hyphen followed by a number, the number represents a site-specific provision that applies to the lands noted. Site-specific are shown on Schedule A of this Bylaw.
- b) The regulations of the site-specific provision supersede any inconsistent regulations in the remainder of this Bylaw.

### 2.3 Zone Boundaries

When determining the boundary of any **zone** as shown on Schedule A, the following rules apply:

- a) Where a **zone** boundary is shown following a street, **lane**, unopened road allowance; railway right-of-way; or **utility** corridor, the centreline of such street, **lane**, unopened road allowance, railway right-of-way or **utility** corridor is the boundary and the **zone** designations shall be deemed not to be **abutting**;
- b) Where a **zone** boundary is shown as running substantially parallel to a street or **lane**, and the distance from the street or **lane** is not indicated, the distance shall be determined by the scale of the zoning map measured from the limit of the street or **lane**;
- c) Where a **zone** boundary is shown as substantially following **Lot Lines**, the **zone** boundary follows such **Lot Lines**;
- d) Where a **zone** boundary is shown following a watercourse, the top-of-bank of the watercourse, plus a 6 metre erosion access allowance shall be the boundary or as determined by Conservation Halton;
- e) Where a **zone** boundary is shown as following flooding hazard limits established by Conservation Halton, the **zone** boundary shall be the flooding hazard limits as determined by Conservation Halton;
- f) Where a **zone** boundary is shown following a natural heritage feature or area, or other key feature including buffers or other wetlands, the boundary shall be determined by the

# Establishment of Zones and Uses

- scale of the zoning map. Where **existing** features on the ground are at variance with the zoning maps, the actual location on the ground shall govern;
- g) Where none of the above applies, the **zone** boundary shall be scaled from the Schedule(s); and
  - h) The determination of the boundaries of Niagara Escarpment Development Control is administratively the responsibility of the Niagara Escarpment Commission in accordance with regulations passed under the *Niagara Escarpment Planning and Development Act*.

## 2.4 Zone Maps and Overlays

The Zoning Map displays **zone** boundaries, overlay and appendix map information, which is attached as Schedule A and forms part of this Bylaw.

## 2.5 Multiple Zones on One Lot

- a) Where a **lot** falls into two or more **zones**, the use permissions and regulations for the applicable **zone** shall apply to that portion of the **lot**. Except, in cases where a **building** or **structure** is located on two or more **zones**, the more restrictive regulations shall apply.
- b) Notwithstanding subsection a) above, **parking spaces, driveways**, aisles and stacking spaces required by this Bylaw may be provided anywhere on a **lot** that falls into two or more **zones** except that portion of a **lot** in any Open Space Zone.
- c) A **zone** boundary dividing a **lot** into two or more **zones** is not a **Lot Line** for the purposes of this Bylaw.
- d) Notwithstanding 2.5 c), Where two or more **zones** apply to a **lot** and one of the **zones** is the NHS **zone**, the boundary between the NHS **zone** and the other **zone(s)** is considered a **Lot Line** for the purposes of calculating density, floor space index and determining **angular plane** requirements.

## 2.6 Holding Provisions

- a) Notwithstanding any other provision in this Bylaw, where the letter (H) followed by a number within a set of brackets follows a **zone** symbol, the lands affected are subject to a hold provision in accordance with Section 36 of the *Planning Act*.
- b) No person shall use the land to which the letter (H) symbol applies for any use other than the use that legally existed on the date the Bylaw applying the holding provision came into effect, or expand or replace an **existing building** or **structure**, until the (H) symbol is removed in accordance with the policies of the Official Plan and the criteria or reasons for removal of the (H) symbol have been satisfied.
- c) A minor addition to an **existing building** is permitted provided it doesn't exceed 50% of the **existing** floor area.
- d) **Lots** with holding provisions, including the conditions required to be satisfied prior to the removal of the (H) symbol, are identified in Section x.

# Interpretation

## Part 3: Interpretation

### 3.1 Defined terms

- a) Terms that are defined in Section 4 have been bolded in the text of the Bylaw.
- b) The definitions of words in this Bylaw are not intended to preclude the applicability of a definition under the Building Code any other Act or its regulations for the purpose of obtaining a building permit or approval.
- c) Words not defined in this Bylaw shall take on their usual meaning within a dictionary determined by the Director of Community Planning. The **City** may reference the meaning as they are defined in other relevant policy documents such as the Burlington Official Plan, Site Plan Guidelines, provincial policies, and the *Planning Act*.
- d) The Director of Community Planning may exercise discretion in interpreting defined and undefined words in this Bylaw to meet the general objectives and guiding principles of this Bylaw.

### 3.2 Interpretation Of Words

For the purposes of this Bylaw,

- a) words used in the present include the future;
- b) words in the singular include the plural and words in the plural include the singular;
- c) the words 'used' and 'occupied' shall include the words 'arranged' and 'designed to be 'used' or 'occupied' respectively;
- d) where a provision or standard involves two (2) or more conditions, connected by a conjunction, the following shall apply:
  - i) 'and' means all the connected items shall apply in combination; and
  - ii) 'or' means that the connected items may apply singly or in combination.
- e) the words 'provision', 'standard' and 'requirement' are sometimes used interchangeably to refer to the regulations of this Bylaw, and may be further interpreted as follows:
  - i) 'standard' and 'requirement' refer to regulations that set out **development standards**, such as required **yards** and **setbacks**;
  - ii) 'provision' refers to all other regulations, such as regulations setting out permitted and prohibited land uses.

# Interpretation

## 3.3 Interpretation Of Tables

- a) Where a “P” appears in a table it shall mean that the use is permitted in that **zone**.
- b) “--” shall mean the use is not permitted in that **zone**
- c) “P” followed by number “P#” means a qualification to the **permitted use** applies and is listed as a footnote to the table.
- d) a number in brackets (#) means one or more additional regulations apply and are listed as a footnote to the table.
- e) “m” means metres.
- f) “m<sup>2</sup>” means square metres.
- g) “N/R” means no requirement.

## 3.4 Interpretation Of Permitted Uses

- a) A use listed as a **permitted use** in a Table in Part 7 shall be permitted only with the **zone** in which it is permitted.
- b) A use not listed in a **permitted use** Table in Part 7 shall not be permitted in that **zone**, whether defined in Part 4: definitions or not.

## 3.5 Interpretation Of Phased Condominium Registration

Where a comprehensive Plan of Condominium has received Draft Plan Approval and where registration of the Plan is intended to occur in phases or stages, the draft approved plan of condominium shall be deemed to be one **lot** for purposes of applying zoning rules. Zoning regulations shall apply only to the external limits of the Plan, not to interior boundaries resulting from the registration of each phase.

## 3.6 0.3 m Reserves

For the purposes of this Bylaw, a 0.3 m reserve shall be considered to be part of the **abutting** road.

## 3.7 Rounding to Determine Bylaw Compliance

All measurements shall be rounded to 1 decimal place, based on the following rules of rounding numbers, to determine Bylaw compliance.

- a) For regulations calculated as a whole number, numbers less than 0.5 shall be rounded downward to the nearest whole number, and the numbers 0.5 and greater than shall be rounded upward to the nearest whole number;
- b) For regulations calculated as a number with one decimal place, numbers less than 0.05 shall be rounded downward to the nearest one-tenth number, and the numbers 0.05 and greater than shall be rounded upward to the one-tenth number;

# Interpretation

- c) For the purposes of calculating required parking, parking calculations shall be rounded to a whole number.

## 3.8 Multiple Building Connections

- a) Where **buildings** are connected only below ground, they are considered separate **buildings** for the purposes of applying the rules of the Bylaw.
- b) Except where a contrary intention is evident from the context, separation distances required by this Bylaw between **buildings** do not apply to those portions of the **building** below ground.
- c) Buildings connected above the ground floor by features such as pedways, breezeways, bridges, or other connections and that do not create additional **gross floor area** or gross leasable floor area within these connections are not considered one **building** for the purposes of applying the rules of the Bylaw.

## 3.9 Interpretation of Conservation Halton's Regulatory Limit

- a) The delineation of Conservation Halton's regulated area, including **hazardous lands** and wetlands, is defined by and subject to the Conservation Authorities Act and Ontario Regulation 41/24, which are administered by Conservation Halton.
- b) Schedule A includes the Approximate Regulation Limit of Conservation Halton as an Overlay.
- c) Conservation Halton must be contacted to confirm hazard and wetland limits.
- d) The text of the *Conservation Authorities Act* and associated regulation prevails over any mapping.
- e) Conservation Halton's regulation limit does not represent a **development** limit.
- f) Notwithstanding the rules of the residential **zones**, **development** within Conservation Halton's Approximate Regulation Limit shall be subject to Conservation Halton's legislative and regulatory requirements.
- g) A permit may be required from Conservation Halton prior to **development** occurring.

## 3.10 Purpose Statements

Purpose statements are included in this bylaw for each **zone** and are intended to assist in the understanding of the bylaw's objectives and purpose, the planning principles underlying the use provisions and the regulatory provisions of the **zone**. They do not form part of this by-law

# Definitions

## Part 4: Definitions

### A

**Abutting:** means having a **Lot Line** or portion thereof in common with another **Lot Line** or with a **Street Line**.

**Accessible Access Aisle:** means a barrier-free space located adjacent to an Accessible Parking Space, designed and marked in accordance with applicable Provincial accessibility standards to provide room for persons with disabilities to safely transfer to or from a vehicle.

**Accessible Parking Space:** means a **parking space** for the use of persons with a valid accessible parking permit issued by the Province of Ontario.

**Accessory Building or Structure:** means a detached **Building** or **Structure**, the use of which is **Accessory** to the principal Use, **Building**, or **Structure** located on the same **Lot** and shall include a detached **carport** as otherwise defined.

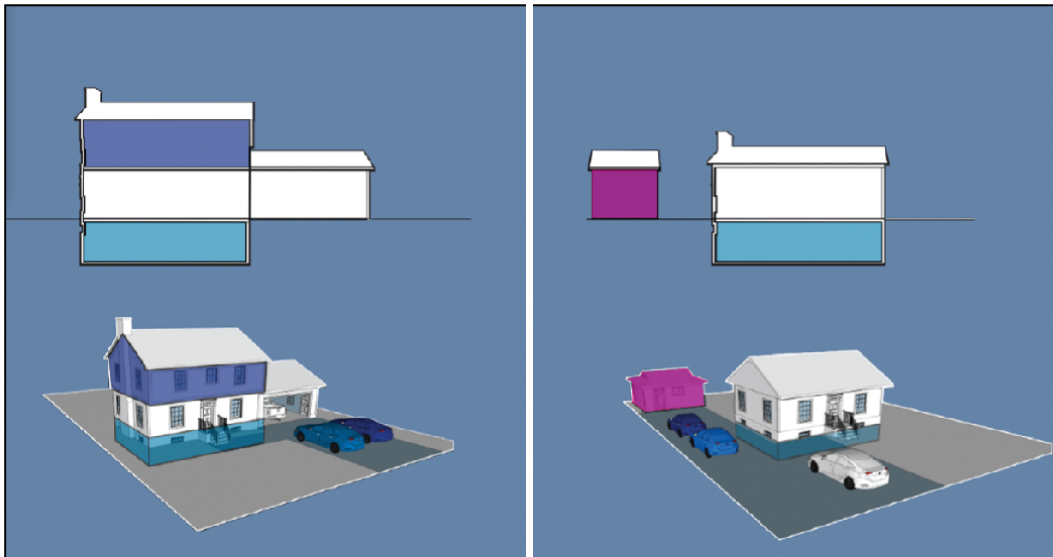
**Accessory Use:** means a use of land, a **Building**, or a **Structure** that is naturally and normally incidental to, subordinate to, and exclusively devoted to the principal Use, **Building**, or **Structure**, and located on the same **Lot**. 'Accessory' has a corresponding meaning.




**Additional Needs Housing:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of **additional needs housing** may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.





**Additional Residential Unit - Attached:** means a self-contained **Dwelling Unit** which is located on a **Lot** and contained within a **Detached Dwelling**, **Semi-Detached Dwelling**, **Block Townhouse** or **Street Townhouse**.

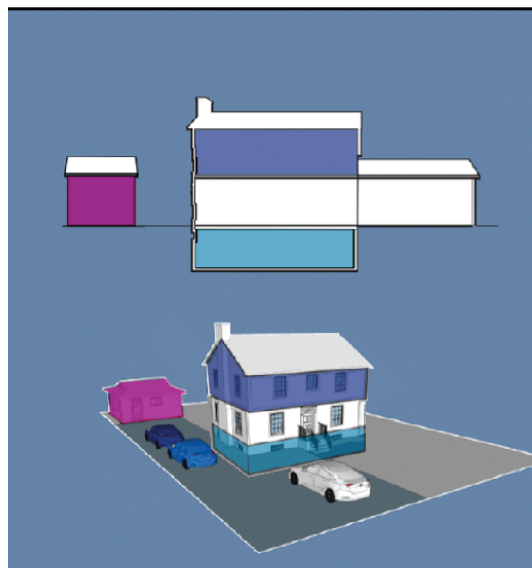
# Definitions





**Additional Residential Unit – Detached:** means a self-contained Dwelling Unit which is located within an Accessory Building on the same Lot that contains a Detached Dwelling, Semi-Detached Dwelling, Block Townhouse or Street Townhouse.



-  Principle Dwelling Unit
-  Additional Residential Unit Attached (1st)
-  Additional Residential Unit Attached (2nd)

-  Principle Dwelling Unit
-  Additional Residential Unit Attached (1st)
-  Additional Residential Unit Attached (2nd)
-  Additional Residential Unit Detached (3rd)



-  Principle Dwelling Unit
-  Additional Residential Unit Attached (1st)
-  Additional Residential Unit Attached (2nd)
-  Additional Residential Unit Detached (3rd)

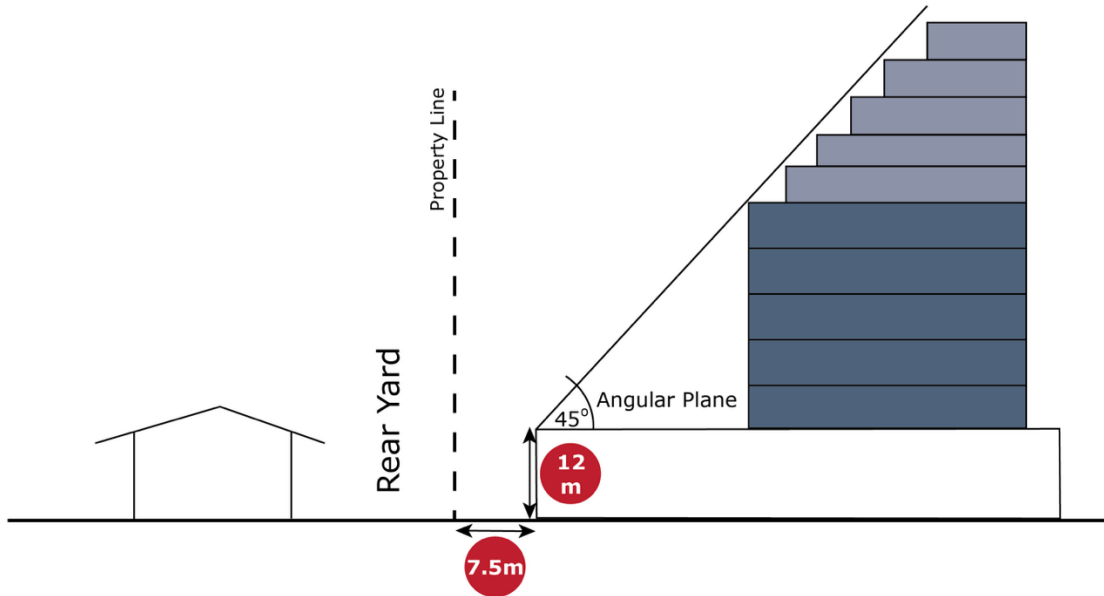
# Definitions

**Agricultural Use:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm **buildings** and **structures**, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

**Amenity Area - Common:** means an area on a **Lot** provided for the active or passive recreation and enjoyment of the occupants of a residential **development**, excluding a **Driveway** or any other **Parking Area**. Located inside or outside a **Structure**, **common amenity areas** may include landscape open space, **Building** rooftops, **patios**, terraces, above ground decks, **swimming pools**, party rooms, tennis courts and the like.

**Amenity Area - Private:** means an area on a **Lot** provided for private use for the active or passive recreation and enjoyment of the occupants of a **Dwelling Unit**, excluding a **Driveway**, **Parking Area**, or **walkway**, which is **accessory** to, directly accessible from, and outside of a **Dwelling Unit**.

**Angular plane:** means an imaginary inclined plane, rising over a **Lot**, drawn at a specified angle from the horizontal, which together with other **building** regulations and **Lot** size requirements, delineates the maximum bulk and **building height**.

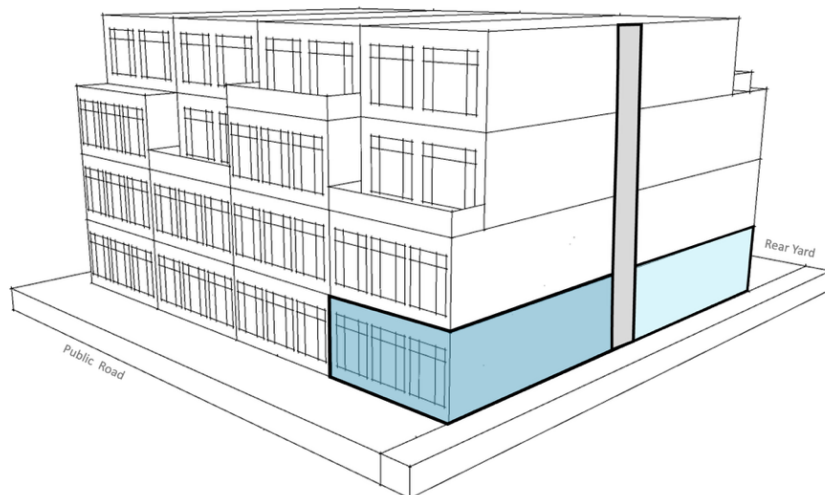


# Definitions

**Antenna System:** means any apparatus, including antennas (such as panel, whip, or dish types), supporting masts, poles, **towers**, or other **structures**, and associated **accessory** equipment (such as cabinets, shelters, transmission lines, and electrical components), designed or intended for transmitting or receiving radiocommunication, broadcasting, or telecommunication signals. This definition excludes: (a) Antennas used solely for **accessory** household television or radio reception (e.g., typical residential TV antennas or satellite dishes); and (b) Antennas used by a federally licensed amateur radio operator.

**AODA:** means the *Accessibility for Ontarians with Disabilities Act, 2005*, and Ontario Regulation 191/11 *Integrated Accessibility Standards*, as amended.

**Apartment Building:** means a **Building** containing five or more **Dwelling Units** which share a common entrance and utilize a common internal corridor, stairway, and/or elevator system. Occupants commonly share access to **Amenity Area** and **yards**.



# Definitions

## B

**Basement:** means that portion of a **Building** situated wholly or partly below the **First Storey**.

**Bay Window:** means a window assembly projecting outward from a wall of a **Building**, which may be multi-sided, boxed-out, or curved, does not constitute a **storey**, and is not supported by a foundation or footings extending below ground.

**Bed and Breakfast:** means an **accessory use** in which temporary sleeping accommodation, with or without meals, is provided for compensation within a **Dwelling Unit** that is the principal residence of the operator. Guest accommodation shall consist of guest rooms that do not contain cooking facilities. This use does not include a Hotel, Motel, **Boarding House** or Short-Term Accommodation.

**Bicycle parking space - long term:** means an area that is equipped with a bicycle rack or bicycle locker that is accessible, secure, weather protected and for use by occupants of a **building** and is not provided within a **dwelling unit**, suite, or on a balcony. A bicycle locker that is intended to satisfy the long-term bicycle parking requirements of this Bylaw shall not be used for any purpose other than bicycle parking.

**Bicycle parking space - short term:** means an area for the purpose of parking and securing bicycles at ground level that is accessible to a **building**.

**Boarder:** means any person who pays rent, fees or other valuable consideration for living accommodation in a **Boarding House**.

**Boarding House:** Means a building or part of a **building**, which provides, with or without meals and care, lodging to a **boarder** or **boarders** as the principal use, and may include one **dwelling unit** for the owner or caretaker but shall not include a hotel, **bed and breakfast** establishment, **dwelling unit**, **additional residential unit**, Short Term Accommodation or any other residential use otherwise defined in this Bylaw.

**Body-rub Parlour:** means any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed, or registered to do so under the laws of the Province of Ontario.

**Building:** means a fully enclosed **structure** used or intended for supporting or sheltering any use or occupancy by persons, animals or property. For greater clarity, the following items are excluded from this definition: **mobile homes**; trailers; and vehicles.

# Definitions

## C

**Canopy:** means a roof-like cover, which may be structural or fabric, projecting from an exterior wall of a **Building** or **Structure**, primarily intended to provide shelter over entrances, windows, **walkways**, or service areas, and which is typically open on multiple sides beneath the cover (excluding necessary supports).

**Carport:** means a partially enclosed **structure** intended for parking having a roof supported by columns, piers, or walls and in which the total area of all closures around the perimeter does not exceed 60% of the total area of all sides of said **carport**.

**Cemetery:** means land that has been established as a **cemetery** under the *Funeral, Burial, and Cremation Services Act* or under a predecessor of that Act, and in respect of which a certificate of consent issued by the registrar is registered in the land registry office; or land that is otherwise set aside to be used either for the interment of human and/or animal remains or for the scattering of cremated human and/or animal remains, or for both of these purposes, but does not include a crematory.

**City:** means the Corporation of the City of Burlington.

**Cluster Home:** means a multiple-unit residential **development** on a single **lot**, comprised of one- and/or two-unit **buildings** with attached units divided vertically from adjoining units.

**Commercial Vehicle:** means a **Motor Vehicle** having attached to it a truck or delivery body, and may include a food truck, bus, cube van, tow truck, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed.

**Common Wall:** means a vertical wall separating two or more units.

**Community Garden:** means an area of land operated and maintained by the **City**, an organization, or a group of individuals for the cultivation of fruits, vegetables, flowers, or herbs, primarily for personal use, donation, or incidental sale by the members, utilizing individual or shared plots.

**Complete Application:** means an application deemed to be complete in accordance with the *Planning Act* and *Ontario Building Code Act*.

**Correctional Group Home:** means a facility supervised by staff on a daily basis for persons who have been placed on probation, released on parole, or admitted for correctional purposes. A Correctional Facility shall be funded, licensed, approved, or supervised by the Province of Ontario, Corrections Canada, or any other Federal Government agency or by any organization on behalf of the Federal or Provincial Government, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff.

### **Creek Block**

A parcel or block of land, owned by the City of Burlington or other Public Agency, containing a watercourse defined as the greater of the Regulatory **Floodplain** or the valley through which

# Definitions

the watercourse flows and may include an open space buffer area beyond the top-of-bank, but which shall not include a separate parcel or block of land for a storm water detention pond.

## D

**Day Care Centre:** means a premises licensed or required to be licensed as a child care centre under the *Child Care and Early Years Act, 2014*, as amended, providing temporary care or supervision for children. This term also includes premises providing similar temporary day-time care or supervision for more than five adults, where overnight accommodation is not provided for persons receiving care.

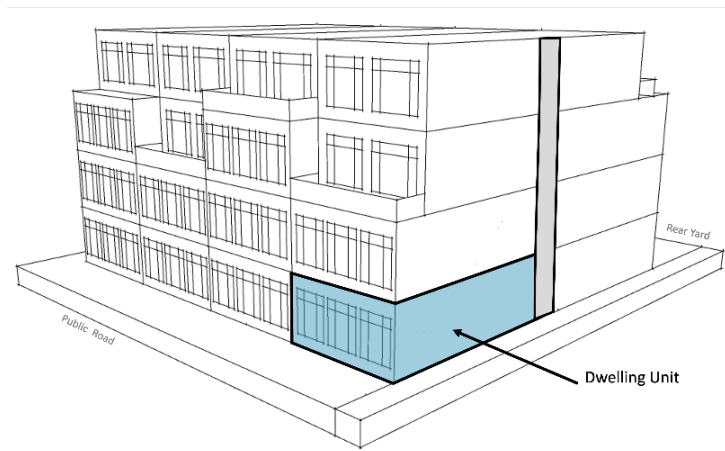
**Daylight Triangle:** means a triangular shaped area which if required, forms part of an intersecting street.

**Development:** means the creation of a new **lots**, a change in land use or the construction of **buildings** and **structures** requiring approval under the Planning Act, but does not include: (a) activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards; or (b) works subject to the *Drainage Act*.

**Driveway:** means a single passageway or series of interconnected passageways, for exclusive or shared private use, providing vehicular access between a street or condominium common element roadway and an area used for the parking, loading, or storage of a vehicle.

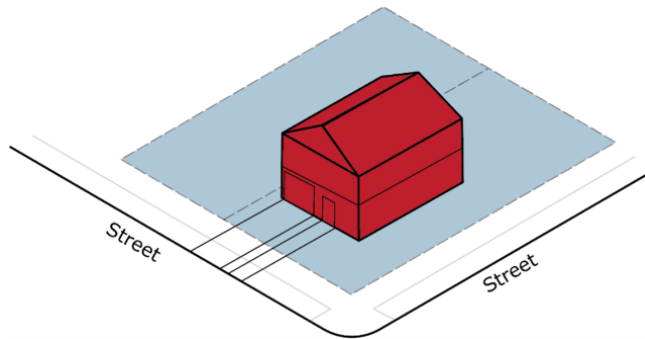
**Driveway Width:** means the width of a **Driveway**, determined as follows: (a) where there is an attached garage, the width is measured parallel to the front of such garage; or (b) where there is no garage or where there is a detached garage, the width is measured perpendicular to the primary path of vehicular travel on the **Driveway**.

**Dwelling Unit:** means a single **habitable room**, or a suite of **habitable rooms**, located in a **Building**, designed or intended for use as a residence by one or more persons living together as a single housekeeping unit, in which both private cooking facilities and private sanitary facilities are provided for the exclusive use of the occupants, and which has an independent entrance either directly from outside the **building** or through a common hallway or stairway inside the **building**.

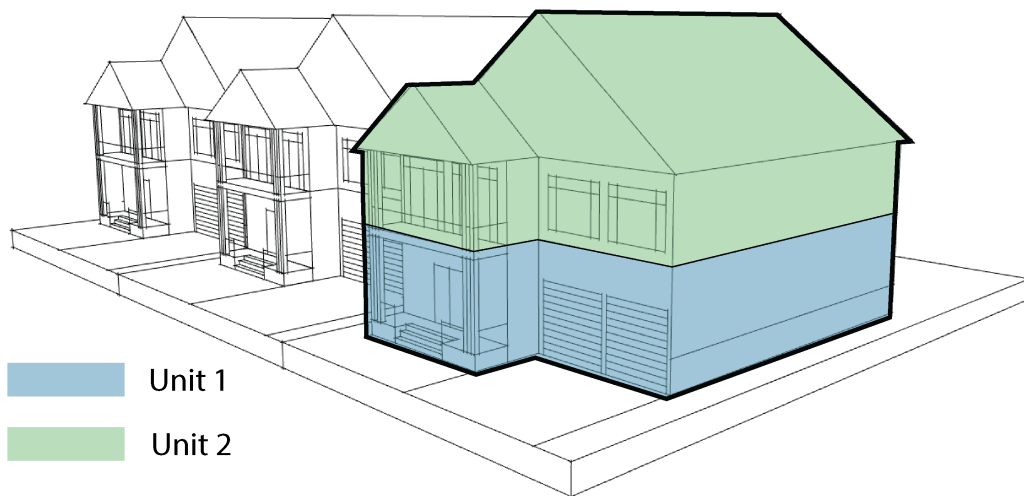


# Definitions

**Dwelling, Detached:** means a **Building** containing only one principal **Dwelling Unit** but may contain an **Additional Residential Unit** where permitted by this Bylaw.

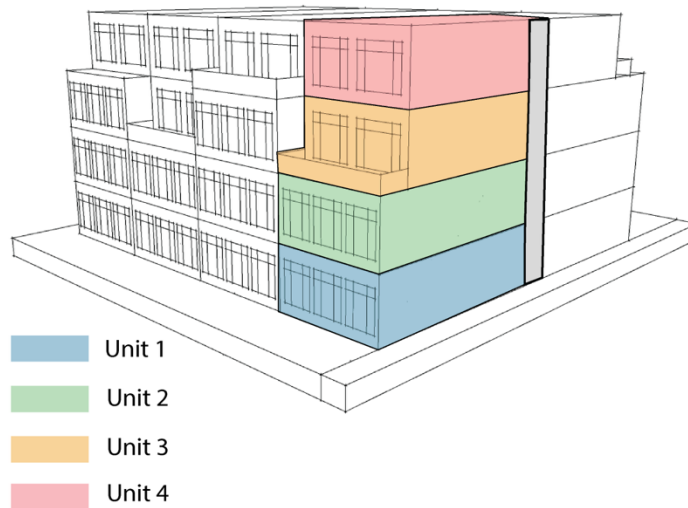


**Dwelling, Duplex:** means a **Building** that is divided horizontally into two principal **Dwelling Units**, each with independent access either directly from the outside or through a common vestibule

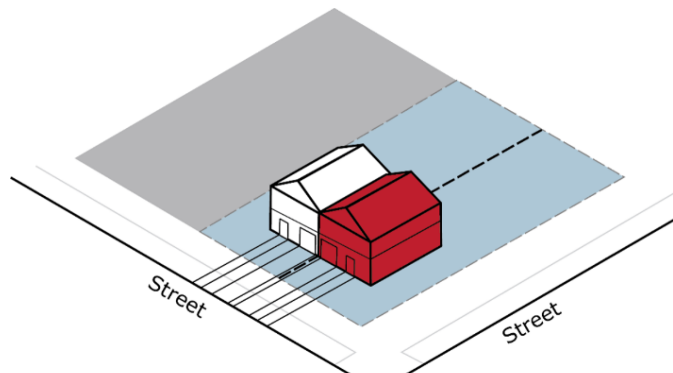


# Definitions

**Dwelling, Fourplex:** means a **Building** containing four principal **Dwelling Units**, where the units may be attached horizontally and/or vertically, and each unit has independent access either directly from the outside or through a common vestibule.

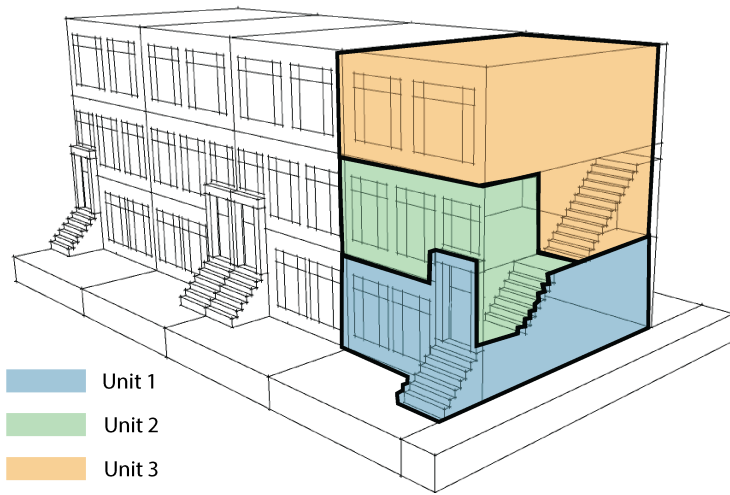


**Dwelling, Semi-Detached:** means a **Building** that is divided vertically by a **Common Wall** into two principal **Dwelling Units**, each with independent access. **Semi-Detached Dwellings** may contain one or more **Additional Residential Units** where permitted by this Bylaw.



# Definitions

**Dwelling, Triplex:** means a **Building** containing three principal **Dwelling Units**, where the units may be attached horizontally and/or vertically, and each unit has independent access either directly from the outside or through a common vestibule.



# Definitions

## E

**Electric Vehicle (EV):** means a **motor vehicle** that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.

**Electric Vehicle Capable Parking Space:** means a **parking space** designed and constructed with a roughed in electrical conduit, allowing for the future installation of a dedicated circuit and a minimum **Level 2 electric vehicle** supply equipment.

**Electric Vehicle Parking Space:** means a **parking space** designed and constructed as an **Electric Vehicle Capable Parking Space, Electric Vehicle Ready Parking Space, or EVSE Installed Parking Space.**

**Electric Vehicle Ready Parking Space:** means an **Electric Vehicle Capable Parking Space** that also features a dedicated electrical circuit terminating in an **Energized Outlet** or junction box, installed in accordance with the Electrical Safety Code, suitable for the future installation of **Level 2 Charging or higher Electric Vehicle Supply Equipment (EVSE).**

**Electric Vehicle Supply Equipment (EVSE):** means the equipment, including the connectors, attachment plugs, charging cables, and controls, installed specifically for the purpose of safely delivering electrical energy to an **Electric Vehicle.**

**Emergency Shelter:** means a premises providing temporary overnight lodging, meals, and essential support services in a supervised setting for persons requiring immediate shelter.

**Energized Outlet:** means an electrical outlet supplying current, specifically installed for the purpose of connecting **Electric Vehicle Supply Equipment (EVSE).**

**Established front yard:** means the average distance from the **Street Line** to the **front wall** of **existing buildings** situated on the two **lots** that abut each side of the property. In the case of a **corner lot**, or where one or both of the **abutting lots** are vacant, the next adjacent non-vacant **lot** shall be used in calculating the **established front yard.**

**EVSE Installed Parking Space:** means a **Parking Space** equipped with **operational Level 2 Charging or higher Electric Vehicle Supply Equipment (EVSE).**

**Existing:** means **existing** as of the date of the enactment of the provision that contains that word.

# Definitions

## F

**Fence:** means a barrier erected for the purpose of enclosing all or part of a **lot**, or marking a boundary, typically constructed of posts and wire, wood, metal, or masonry, individually or in combination. This includes associated gates, but excludes retaining walls or landscape features such as trellises or arbours unless they form an integral part of the **fence structure** itself.

**Fitness Centre:** means premises operated for profit or gain where facilities are provided for physical fitness activities such as weightlifting, exercise equipment use, and fitness classes, and may include **accessory** facilities.

**Flooding Hazard:** means the inundation, under the conditions specified below, of areas adjacent to shoreline or a river or stream system and not ordinarily covered by water:

- a) Along river, stream and small inland lake system, the flooding hazard limit is the greater of:
  - i) The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954), transposed over a specific watershed and combined with local conditions, where evidence suggests that the storm event could have potentially occurred over watershed in the general area;
  - ii) The one hundred year flood; and,
  - iii) a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodplain:** means the area, usually low lands, adjoining a watercourse, which has been or may be subject to flooding hazards.

**Floor Area, Accessory Buildings or Structures:** means the sum of the total horizontal area of each floor located at or above **grade**, measured to the outside of the exterior walls or posts of all **accessory buildings or structures** on a **lot**.

**Floor Area, Gross:** means the sum of the total horizontal area of each floor of a **building** measured from the exterior face of the exterior walls and the centre line of walls separating two **buildings** or uses but excluding the following areas: **motor vehicle parking areas**; bicycle **parking areas** located in a **parking structure**; loading areas; **basements**; **mechanical penthouses** and floor area used exclusively for mechanical or electrical systems serving the **building** (including mechanical shafts); elevator shafts; stairwells; and non-habitable attics.

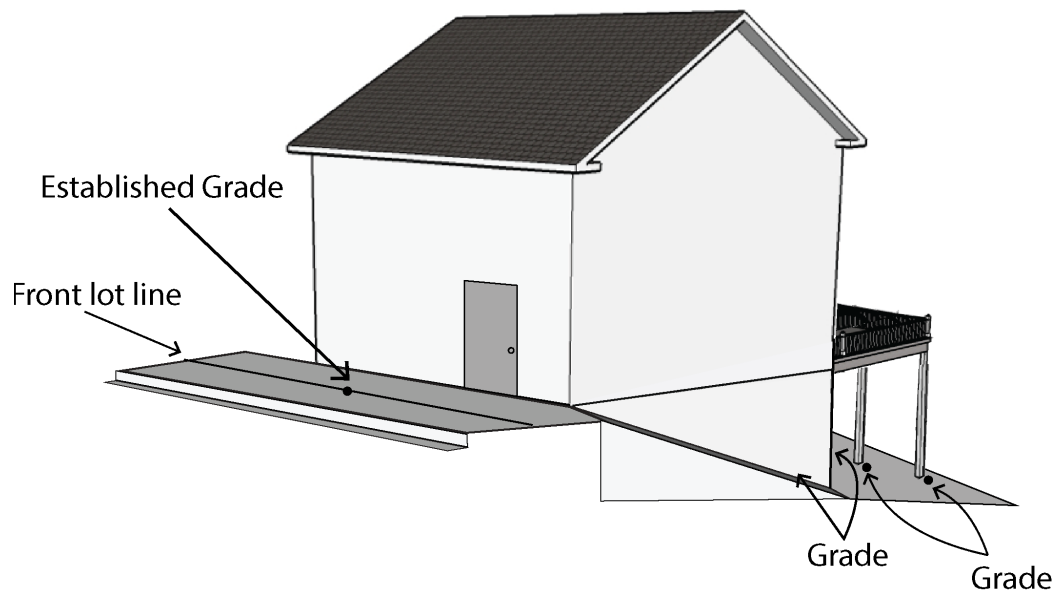
# Definitions

**Front Wall:** means the closest wall of a **building** to the **front Lot Line**.

## G

**Garage, Private:** means an enclosed **Accessory Building**, or an enclosed portion of a **principal Building**, designed or used primarily for the parking or storage of **Motor Vehicles** and **accessory** to the principal Use conducted on the same **Lot**.

**Grade:** means, when used with reference to a **building, structure platform structure or porch**, the lowest elevation of the finished surface of ground where it meets the **building, structure, platform structure or porch**.



**Grade, Established:** means the geodetic elevation taken at the midpoint of the **Front Lot Line** as confirmed by an Ontario Land Survey or Civil Engineer.

**Group Home:** means a single housekeeping unit in a residential **building** that is occupied by not more than ten persons (excluding staff or receiving family), living together under supervision that is licensed, approved, or funded under an Act of the Parliament of Canada or the Province of Ontario for the provision of specialized care or supervision.

# Definitions

## H

**Habitable Room:** means a room within a **Dwelling Unit** used or intended for use for living, sleeping, eating, or cooking. This excludes a bathroom, water closet compartment, laundry room, pantry, corridor, stairway, closet, lobby, **Private Garage**, **Basement** primarily used for storage/utility, non-habitable attic, sunroom not usable year-round, or any space used for **building** services or common access.

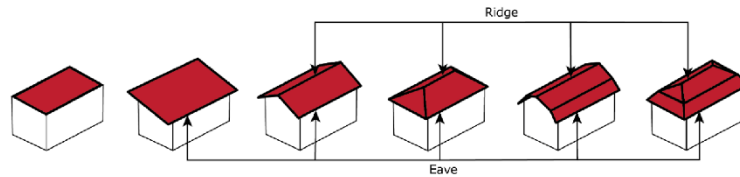
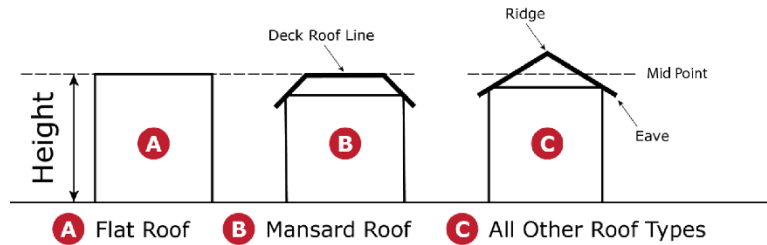
**Hard Landscaped Open Space:** means an area of land within a **Lot** dedicated to a *walkway* or area on a **Lot** surfaced by stable or fitted materials such as unit pavers, **patio** stones, concrete, gravel, stonework or artificial turf or similar materials, but does not include any **Driveway**, **internal roadway**, **Private Street**, ramp or **Parking Area**, **Parking Space** or **Loading Space**, whether surfaced or not.

**Hazardous Lands:** means property or lands that could be unsafe for **development** due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River System, this means the land, covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Height, Building:** means the vertical distance between the **established grade** of a **building** and the top of such **building**. The top is:

- a) In the case of a **flat roof**, the highest point of the roof's surface or **parapet**, whichever is greater;
- b) In the case of a mansard roof, the deck roof line;
- c) In the case of a gable, hip, gambrel or one slope roof, the mid point between the eaves and ridges; or
- d) Where an exterior wall, other than a required fire wall, extends above the top of the roof of a **building**, the topmost part of such exterior wall.

# Definitions



**Height, First Storey:** means the vertical distance between the top of the finished floor level of the **first storey** and the top of the finished floor level of the **storey** above.

**Height, Podium:** means the vertical distance measured from **established grade** to the highest point of the main roof surface of the **Podium**.

**Home Day Care:** means an **accessory use** where temporary care or supervision is provided within a **Dwelling Unit**, or a **building accessory** thereto, operated by a resident of that **Dwelling Unit**. Where care is provided for children, it must be in accordance with the regulations, including the maximum number of children permitted, under the *Child Care and Early Years Act, 2014*, as amended (whether licensed or unlicensed under that Act). Where care is provided for adults, it shall be for no more than five adults. Overnight accommodation shall not be provided for persons receiving care as part of a **Home Day Care**.

**Home Occupation:** means an activity that provides a service as an **accessory use** within a **dwelling unit** or in an **accessory building**.

# Definitions

## I

### **Internal Roadway**

Means a right of way or roadway that provides vehicular access to the **parking areas** and **parking spaces** on a residential property intended for multi-unit residential **development** and is not a **lane** or **private street**.

## K

**Kenel:** means an establishment **accessory** to a residential or **agricultural use** for the keeping, breeding, and raising of domesticated animals for profit or gain but which does not include a veterinary establishment.

## L

**Landscaped Open Space:** means that portion of the **Lot Area** which is required by this Bylaw to be used for Landscaping, and which excludes the area occupied by: **Buildings, Driveways, Bicycle Parking, Snow Storage, Transformers, Parking Areas, Parking Spaces;** and **Loading Spaces**. For clarity, **Landscaped Open Space** includes areas defined as **Hard Landscaped Open Space**, and **Soft Landscaped Open Space**, and may include Green Roofs and approved low impact **development** or stormwater management features when integrated as landscape elements, subject to any specific rules elsewhere in this Bylaw.

**Lane:** means a public or private right-of-way providing a means of access to **lots abutting** thereon.

**Legal Non-Complying Building or Structure:** means a **building** or **structure**, the use of which is permitted in the **zone** applying to the land, which was lawfully constructed prior to the date of passing of this Bylaw or relevant amendment, but which does not comply with one or more of the applicable **zone** standards.

**Legal Non-Conforming Use:** means the use of land, **buildings** or **structures** for a purpose which is not listed as a **permitted use** in the **zone** applying to the land, but which was lawful on the date of passing of this Bylaw or relevant amendment making the use non-conforming, and has continued since that date.

**Level 2 Charging:** means a Level 2 electric charging level as defined by SAE International's J1772 Standard, as amended.

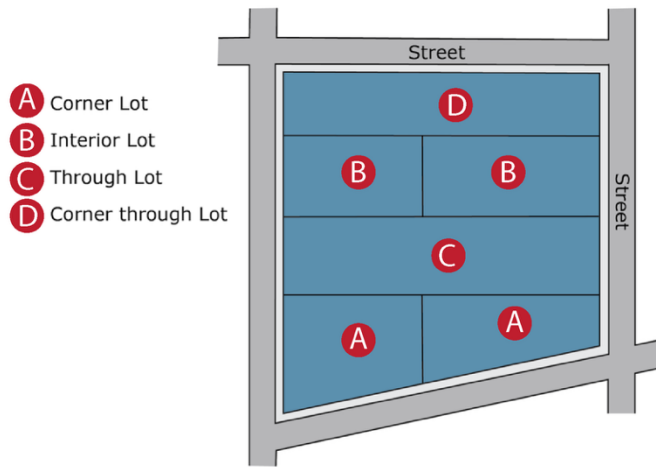
**Licensed Establishment:** means premises, which may include a **Restaurant**, nightclub, micro-brewery, or micro-distillery, that sells, provides, or serves alcohol pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario (AGCO), but does not include premises operating solely under a Special Occasion Permit or premises owned and operated by the **City**.

# Definitions

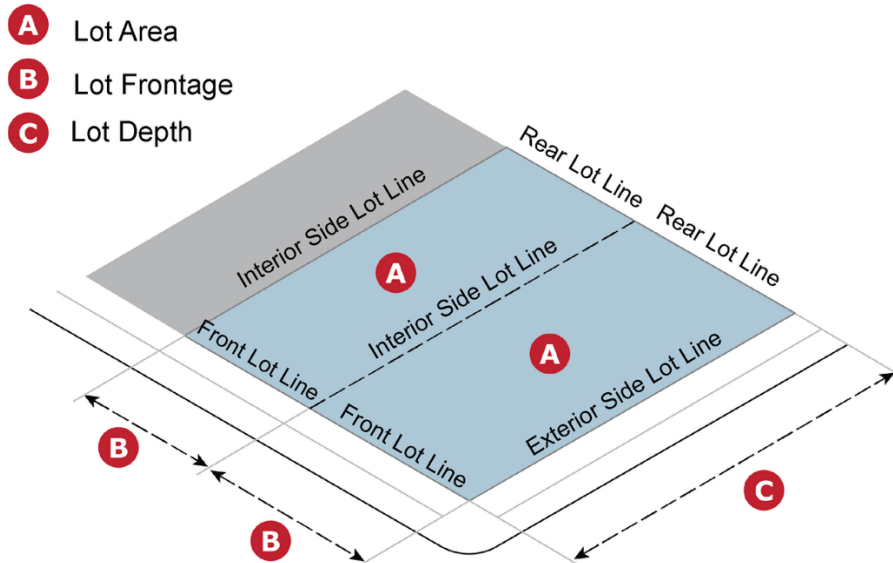
**Loading Space:** means an off-street space for the temporary parking of vehicles while loading or unloading merchandise or materials.

**Long Term Care Facility:** means a premises licensed or approved as a long-term care home under the *Fixing Long-Term Care Act, 2021*, as amended.

**Lot:** means a parcel of land under one ownership which is established as a separate parcel of land in accordance with the **lot** creation sections of the *Planning Act* which abuts a **public street**, except if it has been created as a **parcel of tied land**, in which case, it may abut a common element condominium road.



**Lot Area:** means the total horizontal area within the **Lot Lines** of a **lot**.



# Definitions

**Lot, Corner:** means a **lot** situated at the intersection of and **abutting** upon two or more streets or two parts of the same street, where the **street Lot Lines** have an angle facing the **lot** of 135 degrees or less. In the case of a curved **street Lot Line**, such angle shall be formed by the projected tangents drawn from the end points of the **street Lot Line**. A **corner lot** does not include an angle formed by a **lot abutting** the bulb of a cul-de-sac or a turning circle.

**Lot, Corner Through:** means a **lot** abutting three or more separate streets

**Lot, Interior:** means a **lot** other than a **corner lot** or a **through lot**.

**Lot, Through:** means a **lot** bounded on two opposite sides by streets provided that if any **lot** qualifies as both a **corner lot** and a **through lot**, it shall be deemed a **corner lot** for the purposes of this Bylaw.

**Lot Coverage:** means the percentage of the **lot area** covered by **buildings** excluding **accessory buildings and structures**, measured to the outside of the exterior walls, including all **buildings** and projections (cantilevered floor space, window projections, etc.).

**Lot Depth:** means the average horizontal distance between the **front** and **rear Lot Lines**. If the **front** and **rear Lot Lines** are not parallel, **lot depth** means the length of a straight line joining the middle of the **front Lot Line** with the middle of the **rear lot Line**.

**Lot Frontage:** means the horizontal distance between the **side Lot Lines** measured along the **front Lot Line**, provided that where the **front Lot Line** is not a straight line, or where the **side Lot Lines** are not parallel, the **lot frontage** shall be measured by a line at the **front yard setback** and parallel to the chord of the **front Lot Line**. For the purposes of this Bylaw, the chord of the **front Lot Line** is a straight line joining the two points where the **side Lot Lines** intersect the **front Lot Line**.

**Lot Line:** means any boundary of a **Lot**.

**Lot Line, Exterior Side:** means a **Side Lot Line** that abuts a street.

**Lot Line, Front:** means the **Lot Line** dividing a **lot** from a **street**. On a **corner lot**, the shorter **Lot Line abutting** a street is the **Front Lot Line**; if such lines are equal, the **Front Lot Line** shall be designated by the **City**. On a **through lot**, the **Front Lot Line** is typically the one providing primary vehicular access to the **principal use**, but may be otherwise designated by the **City**.

**Lot Line, Interior Side:** means a **Side Lot Line** that abuts another **Lot**.

**Lot Line, Rear:** means the **Lot Line** or point of intersection of the **Side Lot Lines** farthest from and opposite the **Front Lot Line**.

**Lot Line, Side:** means a **Lot Line** other than a **Front Lot Line** or a **Rear Lot Line**.

**Lot Line, Street:** means the division between a **Street** and a **Lot**.

# Definitions

**Lot of Record:** means a Lot according to a registered plan of subdivision, or a parcel of land, the deed to which was registered prior to December 31, 1970, but does not include a Lot in a registered plan which has been designated by Bylaw as a plan which shall be deemed not to be a registered plan of subdivision in accordance with the rules of the *Planning Act*.

## M

**Mechanical Equipment:** means equipment, devices, apparatus, and systems necessary for the functional operation and maintenance of a **building, structure**, or use located therein, including but not limited to equipment associated with heating, ventilation, air conditioning (HVAC), plumbing, electrical distribution, emergency power generation, fire suppression, elevators, communication systems, or **swimming pool** filtering and heating. This term applies to the equipment itself, whether located inside or outside a **building** or **structure**.

**Mechanical Penthouse:** means a fully enclosed **structure** located on the roof of a **building**, used exclusively for housing **mechanical equipment**, electrical equipment, elevator equipment, ventilation equipment, communication equipment, water tanks, or similar systems necessary for the operation of the **building**. A **Mechanical Penthouse** may include the minimum necessary associated stair or elevator shaft overruns providing access only to the roof level for service and maintenance purposes, but shall not include any floor area designed or used for human habitation, amenity space, or access thereto.

**Medical Clinic:** means premises used for the consultation, examination, diagnosis, or therapeutic treatment of human patients primarily on an out-patient basis by one or more physicians, dentists, or other health professionals governed by the *Regulated Health Professions Act, 1991*, as amended. A **Medical Clinic** may include an associated medical laboratory, diagnostic imaging facility, pharmacy, or dispensary as an **accessory use**, but does not include a Hospital or provide overnight accommodation for patient care.

**Mezzanine:** means an intermediate floor assembly between the floor and ceiling of any room or **Storey**, which may be enclosed or open to the room or **Storey** below, and includes an interior balcony. For the purposes of calculating **Gross Floor Area** and the number of **Storeys** in this Bylaw, a **Mezzanine** shall be included in **Gross Floor Area** and considered a separate **Storey** if: (a) it is enclosed by walls (other than required railings or guards) and its floor area exceeds 10% of the floor area of the room or **Storey** in which it is located; or (b) it is not enclosed by walls and its floor area exceeds 40% of the floor area of the room or **Storey** in which it is located.

**Mid-Rise Building:** means a **building** five to eleven **storeys** in height.

**Minimum Tower Setback:** means the minimum required horizontal distance between a specified **Lot Line** (**Front, Rear, Interior Side, or Exterior Side**) and the nearest wall of the **Tower** portion of a **Building**, measured perpendicular to the **Lot Line**.

# Definitions

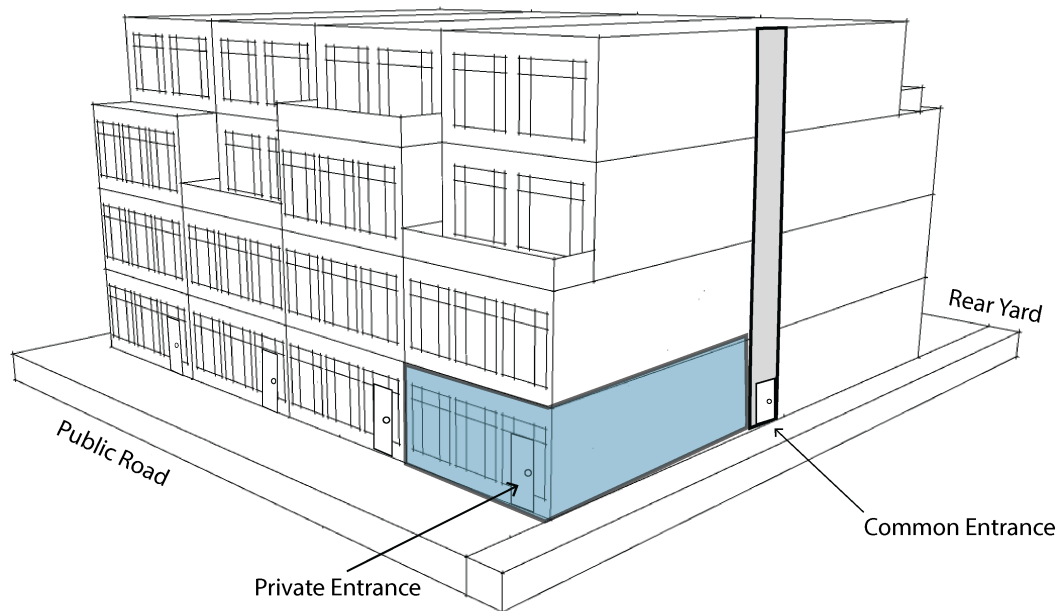
**Mobile Home:** means a dwelling designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the applicable Canadian Standards Association standard.

**Model Home:** means a **Building** constructed as an example of a **Dwelling Unit** type offered for sale or lease within an approved plan of subdivision, plan of condominium, or site plan **development**, which is used temporarily for marketing and display purposes and including **office** and / or show room and / or sales centre but is not occupied for residential purposes during its use as a **Model Home**.

**Motor Vehicle:** means an automobile, truck, and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other **motor vehicles** running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.

## **Multiplex**

Means a **building** containing more than 4 **dwelling units** with multiple private entrances and also a common entrance but is not an **apartment building**.



# Definitions

## N

**Natural Heritage Features and Areas:** means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

## O

**Office:** means premises used primarily for conducting the affairs of a business, profession, service, industry, or government, including administration, clerical work, management, consulting, or the practice of a profession. This use does not include a **Retail Store**, **Personal Service Establishment**, or industrial activities such as manufacturing or warehousing, unless otherwise specifically defined or permitted as **accessory**.

**Outdoor Patio:** means an outdoor area **accessory** to a permitted non-residential use, such as a **Restaurant** or **Licensed Establishment**, equipped and used for the seating of patrons for the consumption of food or beverages.

## P

**Parapet:** means an extension of a wall of a **building** above the roof line that forms a barrier at the edge of the roof.

**Parking Aisle:** means an internal access way located within a **parking area** that provides direct access to a **parking space** or **loading space** but shall not be considered a **driveway**.

**Parking Area:** means a **parking aisle** and **parking space**, but does not include any part of a street.

**Parking Lot:** means the total outdoor area of a **lot** used for the temporary parking of 5 or more **motor vehicles**, comprising **parking spaces**, **parking aisles**, **driveways**, the interior landscaped islands and medians, and may include EV Charging Stations, but excludes the required perimeter landscaped buffer to a **Lot Line**, for the accommodation of clients, customers, tenants, lessees, employees, or owners, but shall not include occupant **parking spaces** in the **driveway** of individual **dwelling units**.

**Parking Space:** means an area provided for the parking of a vehicle and includes **electric vehicle parking spaces**.

# Definitions

**Parking Structure:** means a **Building** or other **Structure**, or part thereof, located above or below **Grade**, used primarily for the parking or storage of five or more **motor vehicles**, and which may include **Electric Vehicle Parking Spaces** or **Electric Vehicle Supply Equipment (EVSE)**. This definition excludes a **private garage accessory** to a residential use with less than four **Dwelling Units**.

**Parcel of Tied Land:** means any parcel of land legally bound and tied to a common element condominium. A **Parcel of Tied Land** must front on either a **public street** or a condominium common element roadway and shall, subject to the regulations of this Bylaw that relate strictly to Parcels of Tied Land, be regarded as a type of **lot**.

**Parcel of Urban Residential Land:** means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by Bylaw and that is served by,

- a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
  - i) a municipality,
  - ii) a municipal service board established under the *Municipal Act, 2001*,
  - iii) a city board established under the *City of Toronto Act, 2006*,
  - iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
  - v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
- b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*.

**Passive Recreational Use:** means outdoor recreational areas and facilities requiring minimal land alteration, including walking or hiking trails, interpretative or educational signage, lookouts, boardwalks, picnic areas, benches, shade structures, and bicycle paths, but does not include trails primarily for use by motorized vehicles, formalized sports fields, or significant buildings.

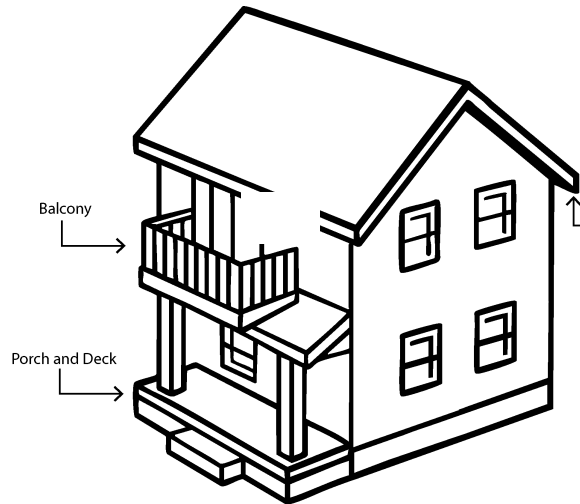
**Patio:** means an outdoor area on a **Lot**, typically with a surface constructed of materials such as concrete, pavers, stone, or wood, having a floor height less than 0.6 metres above adjacent **Grade**, used as **Amenity Area accessory** to a **Dwelling Unit**, and which is not covered by a roof.

**Permitted Use:** means a use permitted by this Bylaw.

**Personal Service:** Means a **building** or part of a **building** where services are provided and administered to individuals and their personal needs and where **accessory** retail sales is permitted and include but is not limited to hair care, esthetics, health and beauty treatment, dressmaking, tailoring, tattooing, piercing, shoe repair, dry cleaner's distribution station, printing and photocopying, and laundromat or similar uses, but shall not include a **body-rub parlor**.

# Definitions

**Platform Structure:** means a raised surface 0.6 metres or greater above **grade**, including but not limited to decks, balconies and terraces but does not include a landing.



**Podium:** means the lower portion or base of a **Mid-Rise Building** or **Tall Building**, including the Ground Floor and potentially **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.

*[Placeholder for future illustration]*

**Porch:** means a roofed platform attached to a **Building**, providing access to an entrance, which has direct access to **Grade** and is open on at least one or more sides (except for required guards or railings).

**Principal Building:** means the **Building** on a **Lot** in which the principal Use of the **Lot** is conducted. A **Lot** may have more than one **Principal Building** only where specifically permitted by this Bylaw.

**Privacy Screen:** means a decorative wall, **fence** or barrier designed primarily to provide visual privacy for a **Patio**, Deck, Balcony, or part of a **Yard**.

**Private Street / Road:** means a private right-of-way providing a means of access to **lots abutting** thereon, and is not owned by a **public authority**.

# Definitions

**Public Authority:** means any federal, provincial, Regional Municipality of Halton, or City of Burlington agency, and includes any commission, board, authority, or department established by such an agency exercising any power or authority under a Statute of Canada or Ontario.

**Public Street / Road:** means a public right-of-way providing a means of access to **lots abutting** thereon, and owned by a **public authority**.

## R

**Recreational Vehicle:** means a vehicle which provides short-term occupancy intended and used exclusively for travel, recreation, and vacationing, designed to be towed or propelled by a **motor vehicle** or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes, or other similar vehicles but does not include a **mobile home**.

**Renewable Energy System:** means a device or collection of devices that generates thermal energy or electrical power from **renewable energy** sources including, but not limited to, solar radiation, wind, geothermal energy, or biomass. This includes associated components such as photovoltaic panels, solar thermal collectors, turbines, ground or air source heat pumps, inverters, mounting **structures**, and transmission equipment, typically **accessory** to a principal use on the same **lot**.

**Restaurant, Convenience:** means any eating establishment having a floor area not exceeding 100 m<sup>2</sup>, with or without seating accommodation, located in a **building or structure** primarily devoted to another use or other uses, where food and beverages are prepared and served for consumption on or off the premises.

**Restaurant, Standard:** means a premises where food and beverages are primarily prepared and offered for consumption on the premises, typically involving service to seated patrons. Any take-out service is **accessory**, and it may include an associated **Outdoor Patio** or **Licensed Establishment** component, but does not include an associate Drive-Through Facility.

**Restaurant, Take-Out:** means a premises where food and beverages are primarily prepared for consumption off the premises, and which typically has limited or no seating area designed primarily for patrons consuming meals on the premises. This use may include an associated Drive-Through Facility where permitted.

**Retail Store:** means premises where merchandise is offered or kept for sale or rental directly to the public and includes a convenience store.

**Retirement Home:** means a **building** or part of a **building** that is a **retirement home** as defined in the *Retirement Homes Act, 2010*.

# Definitions

**Road, Collector:** means a road that connects neighbourhoods, distributes traffic to and from arterial roads, provides local routes and access to land uses. Collector Roads are identified on Schedule A.

**Road, Major Arterial:** means a road to serve regional and inter-municipal travel demands and accommodates regional or higher-order local transit service. **Major Arterial Roads** are identified on Schedule A.

**Road, Minor Arterial:** means a road that serve mainly local travel demands, which accommodate major local and inter-municipal bus routes, and which connect communities and inter-connect **Major and Multi-Purpose Arterial Roads**. **Minor Arterial Roads** are identified on Schedule A.

**Road, Multi-Purpose Arterial:** means a road that serves a mix of functions of **Major Arterial** and **Minor Arterial Roads** and which typically connects Major Arterials through urban areas or nodes. **Multi-Purpose Arterial Roads** are identified on Schedule A.

**Roof, Flat:** means a roof having a slope of less than 1:20

**Rooftop Terrace:** means an outdoor space located on the roof of a **building** which is improved and intended for use as **private or common Amenity Area**.

## S

**School:** means a premises used primarily for elementary or secondary academic instruction that meets the requirements of the *Education Act, R.S.O. 1990, c. E.2*, as amended. This includes public **schools** and private **schools** offering curriculum approved by the Province of Ontario, but does not include a **School, Commercial** or **School, Post-Secondary**.

**School, Commercial:** means premises used for providing private instruction or training in a particular skill, trade, art, or subject, operated primarily for profit or gain. Examples may include, but are not limited to, **schools** for business, computer training, driving, language, music, dance, or arts & crafts, but does not include a **School, School, Post-Secondary**, or **Fitness Centre**.

**School, Post-Secondary:** means premises used for post-secondary education and instruction, such as a university or a college of applied arts and technology, authorized by the Province of Ontario to grant degrees, diplomas, or certificates, and may include associated research facilities, student residences, and other **accessory uses**.

**Sensitive Land Uses:** means **buildings, amenity areas**, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects resulting from noise, odour, dust, vibration, or contaminant discharges generated by nearby land uses. **Sensitive land uses** may be a part of the natural or built environment and include, but are not limited to: (a) Residential uses (including **dwelling units, group homes, retirement homes**, and long-term care facilities); (b) Institutional uses

# Definitions

(including **schools**, places of worship, **day care centres**, hospitals, and libraries); and (c) Parks and outdoor recreational areas used primarily for passive recreation activities.

**Setback:** means the horizontal distance between a **Lot Line** or other specified boundary, and the nearest point of any **building** or **structure** on the **lot**, measured perpendicular to the **Lot Line** or boundary.

*[Placeholder for future illustration]*

**Shipping Container:** means a standardized, reusable container designed for the transport of goods by one or more modes of transportation (such as ship, rail, or truck), and may be used for **accessory** storage or other purposes as permitted by this Bylaw but does not include a **Building, Structure**, or Vehicle otherwise defined or regulated.

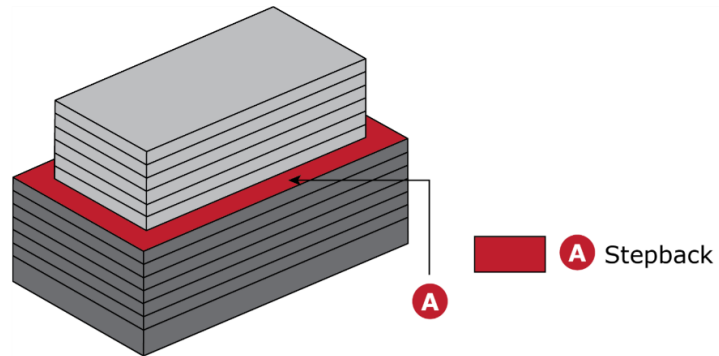
**Short-term Accommodation:** means the provision of a **Dwelling Unit** which is used for the temporary lodging of the travelling public for a rental period of not greater than 28 consecutive days to a maximum of 183 days per year in exchange for payment but does not include a Motel, Hotel, Hospital, **Long Term Care Facility, Retirement Home, Boarding House, Bed and Breakfast** Establishment, or similar uses otherwise defined in this Bylaw or other short-term accommodations where there is no payment.

**Soft Landscaped Open Space:** means an area of land within a **Lot** dedicated to the planting of trees, shrubs, flower beds, grass or other vegetative landscaping and which may include granular or loose geological materials such as soil, gravel and mulch which support vegetation, as well as other decorative landscape features but excludes hard surfaces such as **driveways, walkways, patios** or decks.

**Stacked Bicycle Parking Spaces:** means a two-tier bicycle parking solution comprised of horizontal spaces with one tier of **bicycle parking spaces** at ground level and a second tier of **bicycle parking spaces** directly above it, equipped with a mechanical device providing ground level access.

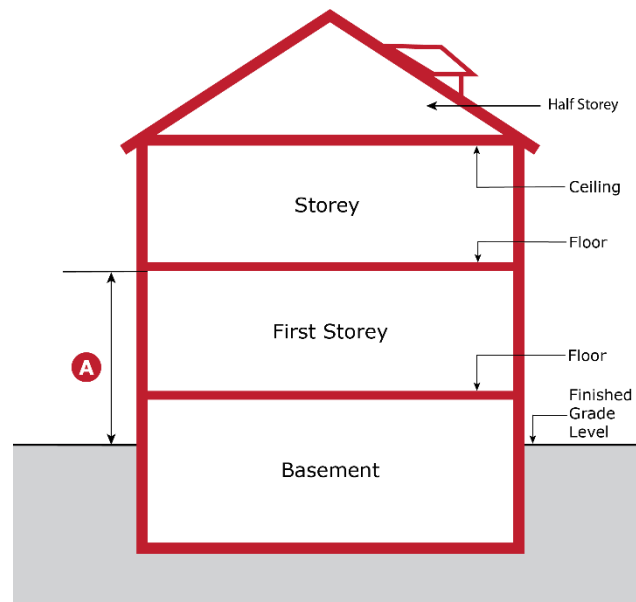
# Definitions

**Stepback:** means the horizontal recess of an exterior wall of an Upper **Building** or **Tower** from the exterior wall of the **Podium** or **storey(s)** immediately below.



**Storage Yard:** means an outdoor area on a **Lot** used primarily for the keeping or storage of goods, materials, equipment, or vehicles. Examples include, but are not limited to, storage for construction supplies, landscaping materials, road maintenance materials, **Shipping Containers**, contractor's equipment, **Motor Vehicles** (including salvage or impound yards where permitted), **Recreational Vehicles**, or **Utility Trailers**. A Storage **Yard** may include an **accessory** maintenance or repair facility related to the stored items, but does not include a **Parking Lot**, **Loading Space**, or areas used primarily for retail display.

**Storey:** means that portion of a **building** included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the surface of such floor and the ceiling or roof above it, but does not include a **Basement**, attic primarily used for insulation or mechanical systems, **Mezzanine**, or **Mechanical Penthouse**.



**A** First Storey: More than 1.8 m above finished grade level

# Definitions

**Storey, First:** means the lowermost **Storey** of a **building** having its ceiling 1.8 metres or more above **Established Grade**.

**Storey, Half:** means a finished floor area above the **first storey** and any attached garage that is located partially or wholly within a sloping roof and having a floor area that does not exceed 50% of the floor area of the **storey** directly below the **half storey**.

**Street / Road:** means a public road or **private road**.

**Street Line:** means a **Lot Line** dividing a **lot** from a street and is the limit of the street allowance.

**Street Width:** means the distance from **Lot Line** to **Lot Line** across a street, measuring the distance of land own by a Public Agency.

**Structure:** means anything that is constructed, erected, or placed on land, or affixed to something located on land, requiring a fixed location on the ground or attachment to something having a fixed location on the ground, but specifically excludes: (a) **Buildings**; (b) Signs; (c) **Fences**; (d) **Swimming pools** and hot tubs; (e) platforms, or **patios** with a floor height less than 0.6 metres above adjacent **Grade**; (f) **Walkways, driveways, patios**, sports courts, and similar surfaces constructed essentially at **Grade**; (g) Minor **accessory** landscape, recreational or decorative elements such as residential play equipment, planters, flagpoles, or garden ornaments; (h) Retaining walls having an exposed height less than 1.0 metre; and (i) Components of a **Utility Installation** such as individual poles, lines, pipes, or pedestals located within a public right-of-way or registered easement.

**Swimming Pool:** means any privately-owned outdoor tank or body of water used or which is intended to be used and maintained for swimming or display purposes and which has a maximum depth of water greater than 600 mm, other than an **existing** natural body of water or stream.

## T

**Tall Building:** means a **building** twelve **storeys** or higher.

**Tandem Parking Space:** means a **parking space** that can only be accessed by passing through another **parking space** from a street, **lane** or **driveway**.

**Temporary Sales Office:** means a temporary **Building, Structure**, or portion thereof (which may include part of a **Model Home** or its garage), used exclusively for the initial marketing, sale, or leasing of **lots** or units within an approved plan of subdivision, plan of condominium, or site plan **development**, and permitted only for a limited duration as specified elsewhere in this Bylaw.

**Tower:** means that portion of a **Tall Building** located vertically above a **Podium**, generally characterized by a smaller **Tower Floor Plate** than the **Podium**.

# Definitions

*[Placeholder for future illustration]*

**Tower Floor Plate:** means the **Gross Floor Area** of any individual **Storey** located within the Tower portion of a **building**.

**Tower Separation Distance:** means the minimum required horizontal distance between the exterior faces of the **Tower** portions (also referred to as **Upper Buildings**) of **buildings**. This distance shall be measured between **Towers** located on the same **lot**, and between a **Tower** on one **lot** and a **Tower** on an adjacent **lot**. For the purpose of measuring **Tower Separation Distance**, permitted projections such as balconies shall not be included.

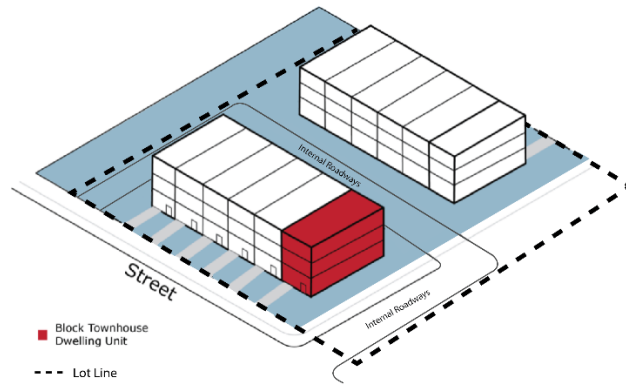
*[Placeholder for future illustration]*

**Townhouse Building:** means a **Building** containing four or more **Dwelling Units**, each divided from the others primarily by vertical **Common Walls** extending generally from foundation to roof, and each having an independent exterior entrance accessible directly from the ground level.

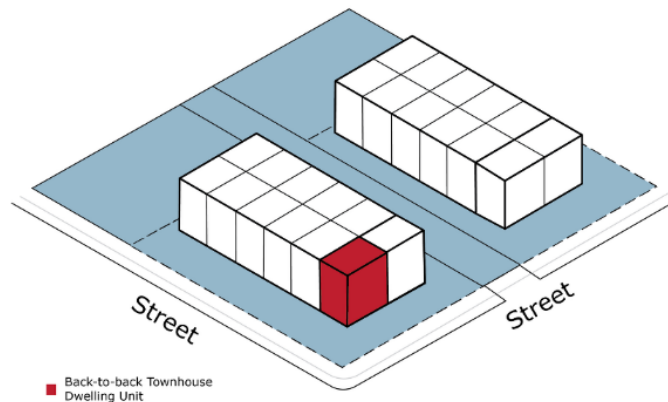
# Definitions

## Townhouse, Block

Means a **townhouse building** containing four or more **dwelling units** on a **lot** where each unit may share common vehicular access to a **public street** via a **driveway**, but shall not include a **street townhouse**. A Townhouse may contain one or more **Additional Residential Units** where permitted by this Bylaw.

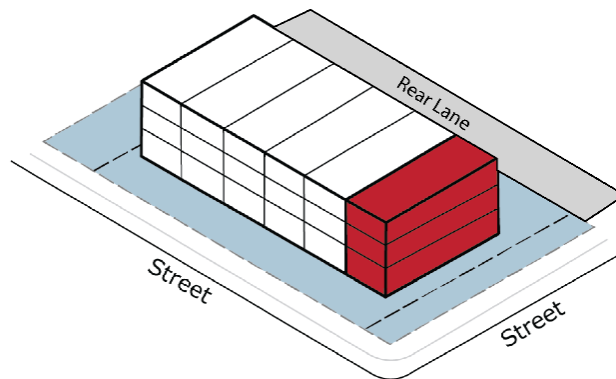


**Townhouse, Back-to-Back:** means a **Townhouse building** containing four or more **Dwelling Units** in which units are attached side-by-side and back-to-back by **Common Walls**, including a common rear wall, such that individual units do not have a **rear yard**, and where each unit has an independent entrance from the outside.



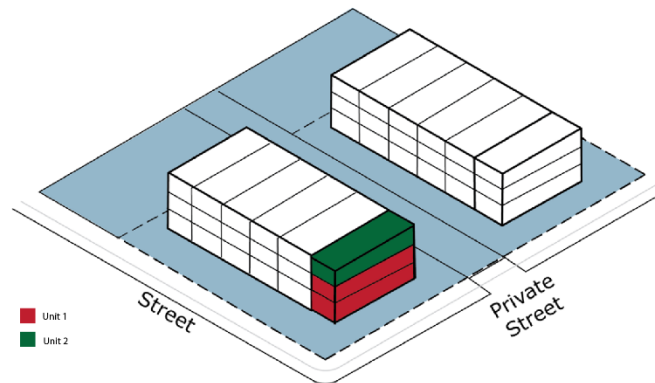
# Definitions

**Townhouse, Rear Lane:** means a **Townhouse building** where the units are accessed by a rear lane, with garages or parking spaces located at the rear of the lot.



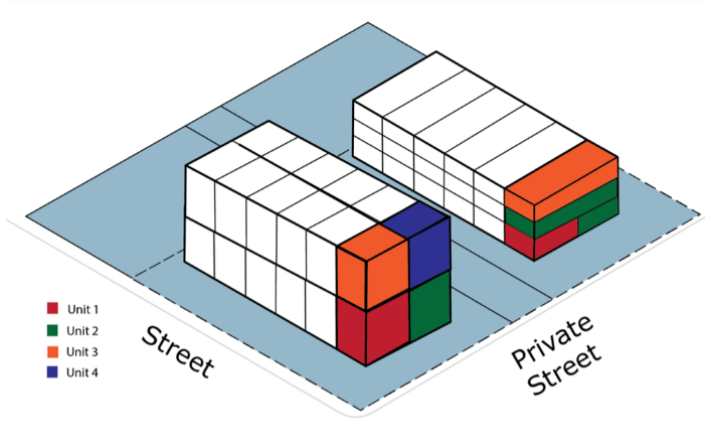
**Townhouse, Podium:** means a **Dwelling Unit** constructed in a townhouse form, typically having direct exterior access from the ground level or from a courtyard, located within the **Podium** of a **Mid-Rise Building** or **Tall Building**.

**Townhouse, Stacked:** means a **Townhouse building** containing four or more **Dwelling Units** arranged with units placed over or under other units, such that individual units are separated from each other both vertically (by common floor/ceiling assemblies) and horizontally (by **Common Walls**), and where each unit has an independent exterior entrance accessible from the ground level (which may include via an exterior or common interior stair).

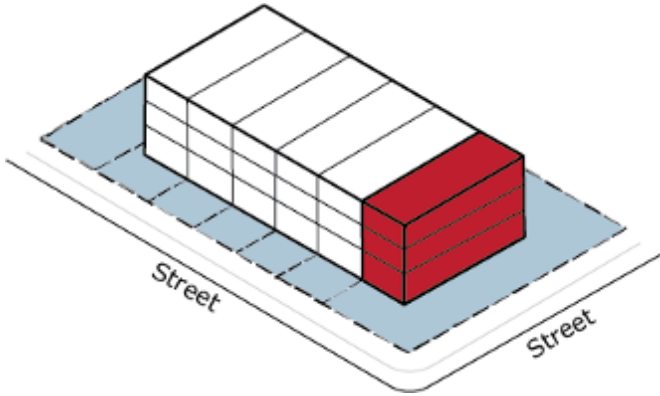


# Definitions

**Townhouse, Stacked Back-to-Back:** means a Townhouse, Stacked where **Dwelling Units** also share a common rear wall.



**Townhouse, Street:** means a **Townhouse building** where each individual **Dwelling Unit** is situated on its own legally conveyable **lot** or **Parcel of Tied Land** having **Lot Frontage** on a **public street**. A **Street townhouse** may contain one or more **Additional Residential Units** where permitted by this Bylaw.



# Definitions

## U

**Unitary Equipment:** means stand alone equipment including central air conditioning units, heat pumps, pool equipment, residential generators and gas metres which are consider **accessory stuctures**.

**Unit Width:** means the horizontal distance across the front of an individual unit measured from one side wall to the other, parallel to the street or main access point. Where units share walls with adjacent units, **unit width** is the horizontal distance measured from the middle of one shared wall to the middle of the other shared wall.

**Upper Building:** means the portion of a **Mid-Rise Building** located vertically above the **Podium**.

**Use:** means: (a) when used as a noun, the purpose for which land, a **Building**, or a **Structure** is designed, arranged, intended, occupied, or maintained; and (b) when used as a verb ("to use" or "using"), the act of utilizing land, a **Building**, or a **Structure** for a purpose.

**Utility:** means a water supply, storm water or wastewater system, gas or oil pipeline, the generation, transmission and distribution of electric power including **renewable energy** systems and district energy systems for electricity, heating and/or cooling, the generation, transmission and distribution of steam or hot water, **towers**, communication or telecommunication facilities and other cabled services, a public transit or transportation system, licensed broadcasting receiving and transmitting facilities, or any other similar works or systems necessary to the public interest, but does not include a new sanitary landfill site, incineration facilities or large-scale packer and/or recycling plants or similar uses.

**Utility Installation:** means the **buildings, structures**, equipment, lines, pipes, **towers**, poles, pedestals, or other physical works used to provide a **Utility** service. This includes but is not limited to facilities associated with water supply, wastewater systems, energy generation, transmission, and distribution (including electrical, gas, district energy, **renewable energy**), or communication/telecommunication systems, but excludes **Antenna Systems**.

**Utility Trailer:** means a vehicle designed to be towed by a **motor vehicle** for the purpose of transporting or storage of goods, materials, equipment or livestock such as boat and snowmobile trailers.

# Definitions

## V

**Visibility Triangle:** means a triangular area on a **corner lot** formed by the two **Street Lines** and a straight line drawn across the corner of the **lot** connecting two points measured a specified distance along each said line from their point of intersection. Where the **Street Lines** are not straight or do not intersect at a point, their point of intersection shall be determined by extending the lines to intersect.

## W

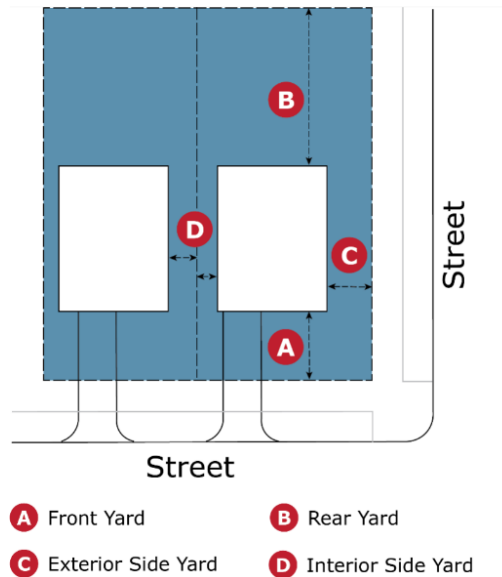
**Walkway:** means a surface treated area that provides pedestrian access to and from a **Driveway**, a Street or condominium common element roadway, and a **Dwelling Unit**.

**Window well:** means a recessed area at or below **grade**, between a below **grade** window and the surrounding earth which contains a foundation which forms part of the **building**.

# Definitions

## Y

**Yard:** means an open, uncovered space on a **Lot**, unoccupied from the ground upward except for landscaping or as otherwise specifically permitted by this Bylaw.



**Yard, Exterior Side:** means a **Yard** extending from the **Front Yard** to the **Rear Yard** between an **Exterior Side Lot Line** and the nearest wall of any **Building** or **Structure** on the **Lot**.

**Yard, Front:** means a **Yard** extending across the full width of the **Lot** between the **Front Lot Line** and the nearest wall of the **principal Building** located on the **Lot**.

**Yard, Interior Side:** means a **Yard** extending from the **Front Yard** to the **Rear Yard** between an **Interior Side Lot Line** and the nearest wall of any **Building** or **Structure** on the **Lot**.

**Yard, Rear:** means a **Yard** extending across the full width of the **Lot** between the **Rear Lot Line** and the nearest wall of the **principal Building** located on the **Lot**.

## Z

**Zone:** means a specific category of permitted land uses, **lot** standards, and **building** regulations established by this Bylaw, applicable to defined areas of land as delineated on the schedules forming part of this Bylaw.

# General Provisions

## Part 5: General Provisions

### 5.1 Accessory Uses

Where this Bylaw provides that land may be used or a **building** or **structure** may be erected and used for a **permitted use**, that use shall include any **accessory use** as long as the **accessory use** is located within the same premises.

### 5.2 Accessory Buildings, Accessory Structures and Unitary Equipment

The erection, alteration, enlargement, maintenance and use of **accessory buildings or structures** shall comply with the regulations of the applicable **zone**, except as otherwise provided for in this section.

- a) An **accessory building or structure** shall not be used for habitation except as an **additional residential unit** - detached in accordance with Section 5.40.
- b) An **accessory building or structure** shall not be located within a **front yard** or required **exterior side yard**.
- c) The floor area of all **accessory buildings and structures** in a residential **zone** shall not exceed 10% of the **lot area** to a maximum of 55 m<sup>2</sup> whichever is greater, except when approved as an **additional residential unit**. Further the purposes of this rule, floor area shall be measured to the exterior walls of a **building** or exterior of a post for a roof **structure** separate or attached to an **accessory building**. The floor area of an **accessory building and structure** is in addition to the maximum coverage for the primary dwelling or **building**.
- d) Additional regulations for **accessory buildings and structures** in a residential **zone**:
  - i) Minimum **rear yard setback**: 0.6 m
  - ii) Minimum **setback** from a **interior side Lot Line**: 0.6 m
  - iii) Minimum **rear yard setback abutting** a street: 1 m
  - iv) Maximum roof overhang from a wall or post: 0.5 m
  - v) Maximum height (peaked roof): 4.6 m
  - vi) Maximum height (**flat roof**): 3.5 m
- e) Notwithstanding subsection b), **unitary equipment** shall be permitted in the **front yard** but shall be no further than 1.5 metres from the **front wall** of the **principal building**.

# General Provisions

## 5.3 Garbage, Refuse and Storage

- a) No garbage or refuse shall be stored on any **lot** in a residential **zone** except within the **building** or **structure** on such **lot** or in a container in the **interior side yard** or **rear yard** of such **lot**.
- b) A dumpster or garbage container shall be regulated in the same manner as an **accessory building or structure** in accordance with Section 5.2.
- c) Garbage containers for a **detached dwelling**, **semi-detached dwelling** and **street townhouse** are exempt from the rules of Section 5.3 when an individual container is less than 1 cubic metre in size.
- d) Notwithstanding subsection 5.2 d), a **building** or **structure** for the storage of garbage shall comply with the following regulations:
  - i) Shall not located in a required **landscaped open space**;
  - ii) Shall not be located in a front or **exterior side yard**;
  - iii) Minimum **setback** from a **rear Lot Line**: 1 m
  - iv) Minimum **setback** from an **interior side Lot Line**: 1 m
  - v) Minimum **setback** from an LN1-LN7 **zone**: 15 m
  - vi) Maximum height: 3.7 m
  - vii) Shall not be located in any required **parking space** or obstruct any required **parking aisle**.

## 5.4 Patios, Platform Structures, and Porches

- a) A **patio** or **platform structure** that is covered by a roof and is attached to a dwelling shall be regulated as a **porch**.
- b) A **porch** is not permitted above the **first storey**.
- c) **Platform structures** and **porches** are subject to maximum encroachment rules of Section 5.10.
- d) **Platform structures** located above the **first storey** and attached to a wall facing the **interior side yard** or **rear yard** are not permitted in the LN3, LN4, LN5, or LN6 **zones**.

## 5.5 Fencing And Privacy Screens

- a) For all non-residential uses and residential uses **abutting** non-residential uses, the maximum **fence** shall be 3 metres provided the **fence** is located on the common **Lot Line**.
- b) For all residential uses the following regulations apply:

# General Provisions

- i) Maximum **fence** height: 2.5 m.
  - ii) Within a **front yard**, maximum **fence** height shall be 1.2 m within 3 m of a **front Lot Line**.
  - iii) Notwithstanding (c) above, where a **front yard** abuts the **rear yard** of a **corner lot** the maximum **fence** height shall be 2.5 m along the common property boundary within 3 m of a **front Lot Line**.
  - iv) Fencing for the purpose of enclosing a sport court is permitted to a maximum height of 3 m.
- c) Fence height shall be measured vertically from **grade**, exclusive of any artificial embankment, to the highest point of each 3 m section of **fence**, excluding decorative post caps.
- d) Where the **grade** elevations along the **fence** vary, maximum **fence** height may be increased by 0.3 m provided that the lowest height of the same 3 m **fence** section does not exceed the maximum permitted height.
- e) **Privacy screens** are permitted on all **porches**, decks and balconies to a maximum height of 1.8 m. from the floor surface of the **porch**, deck or balcony.

*[Placeholder for future illustration]*

## 5.6 Swimming Pools

- a) An outdoor **swimming pool** or hot tub shall be permitted as an **accessory use** to any residential use, in accordance with the following regulations:
  - i) Not permitted in a **front yard** or required **exterior side yard**.
  - ii) On **lots** less than 12 meters wide, permitted in a **rear yard** only.

# General Provisions

- iii) Minimum **setback** from a **Lot Line**: 1.5 metres measured from the inside wall of the pool and 0.9 metres measured from the outside of any **hard landscaped open space**.
  - iv) Notwithstanding subsection iii), where the height of the outdoor **swimming pool** is greater than 1.5 metres, the minimum **setback** from any **Lot Line** shall be 3.0 metres.
  - v) Maximum height of an outdoor **swimming pool**: 2.0 metres.
  - vi) Notwithstanding subsection v) above, the maximum height shall not apply to a **swimming pool** or hot tub that is located on a **rooftop terrace** of an apartment dwelling.
- b) A hydro-massage pool having a water surface area which is less than 8 m<sup>2</sup> shall not be subject to the above regulations.
  - c) On **lots abutting** a pipeline, a **swimming pool** must be set back 3 m from the limits of the right-of-way.
  - d) Any **structure** used to contain **mechanical equipment** that is accessory to the operation of an outdoor **swimming pool** shall be considered an **accessory building or structure** and subject to the general rules for **accessory buildings and structures** in Section 5.2.

*[Placeholder for future illustration]*

# General Provisions

## 5.7 Trailers, Recreation Vehicles and Commercial Vehicles

- a) The following regulations apply to parking of trailers and recreation vehicles in all residential **zones**:
  - i) Any **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which does not exceed a height of 2 metres, may be parked or stored in any **yard**.
  - ii) Any **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceeds a height of 2 metres, may be parked or stored in a **rear yard** or **interior side yard**.
  - iii) Notwithstanding (b) above, the parking or storage of a **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceeds a height of 3.6 metres, is prohibited.
  - iv) Parking and storage of recreation vehicles and trailers is not permitted within a **visibility triangle** or a required **landscaped open space** area.
- b) The parking of a maximum of one **commercial vehicle** shall be permitted in a residential **zone** subject to the following regulations:
  - i) The parking of a **commercial vehicle** shall only be permitted in a **private garage** or **driveway**.
  - ii) Where parked in a **driveway**, the **commercial vehicle**, including any attached equipment or accessories, shall not exceed 6.0 m in length and 2.3 m in height.
  - iii) A **commercial vehicle** in excess of the dimensions in subsection ii) shall only be permitted within a fully enclosed **private garage**.
  - iv) The minimum number of required **parking spaces** shall not be occupied or otherwise obstructed by the parking of a **commercial vehicle**.

## 5.8 Daylight Triangles

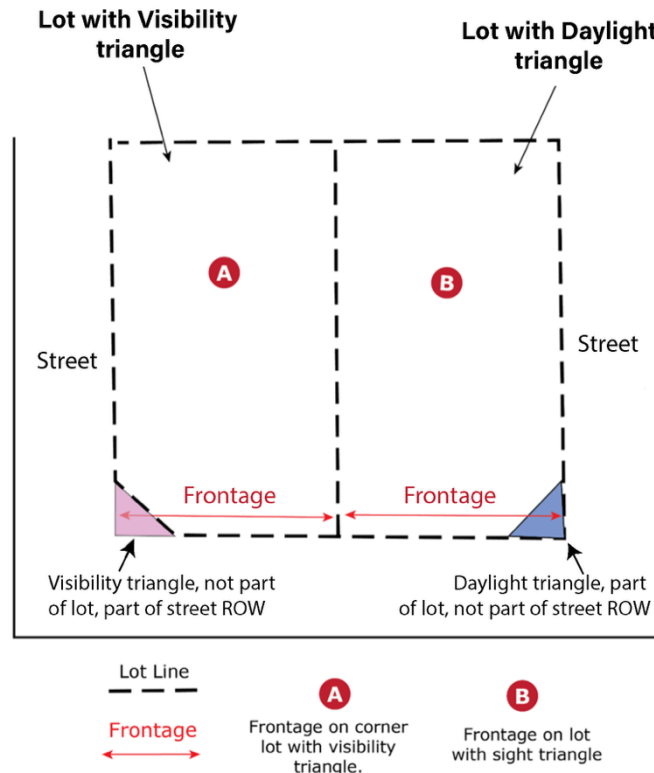
For purposes of determining a **front Lot Line**, or **side Lot Line abutting** a street or any **yard** dimension, a **daylight triangle** shall be deemed to be part of the **lot**, provided the minimum distance of any **building** or **structure** from the hypotenuse of the **daylight triangle** is 3 m.

## 5.9 Visibility Triangles

- a) At every street intersection, a 6 metre x 6 metre visibility triangle shall be provided
- b) At every driveway, lane, parking aisle or other vehicular access intersecting a street, 3 m x 3 m visibility triangles shall be provided.

# General Provisions

- c) Within a visibility triangle, buildings, structures, solid fencing, mechanical equipment and landscaping shall not exceed a height of 1 m above the elevation of the street pavement measured at the centre point of intersecting streets. This Rule shall not prevent the planting of one private or municipal deciduous tree within the defined triangle which is not subject to any height limit.



## 5.10 Encroachment Into Yards

Every part of a required **yard** shall be unobstructed except for the encroachments permitted in Table 1:

**Table 1: Permitted Encroachments into Yards**

Structure or Feature	Location of permitted encroachment	Maximum projection into a Required Yard	Minimum setback from Lot Line
Chimney; pilaster; belt course; sill; lintel; cornice; window box, ornamental projection	<b>Side yard</b>	0.5 m	0.6 m
	Any other <b>yard</b>	1 m	0.6 m
Awning or <b>Canopy</b>	<b>Side yard</b>	0.6 m <sup>(1)</sup>	0.6 m
	Any other <b>yard</b>	1 m <sup>(1)</sup>	

# General Provisions

Structure or Feature	Location of permitted encroachment	Maximum projection into a Required Yard	Minimum setback from Lot Line
Air Conditioners, heat pumps and similar <b>mechanical equipment</b>	<b>Side yard</b> or <b>rear yard</b>	1 m	0.6 m
Exterior stairs, fire escape, <b>basement</b> walkout	<b>Side yard</b> or <b>rear yard</b>	1.6 m	0.6 m
Roof Overhangs	Any required <b>yard</b>	1 m	0.3 m
Exterior Barrier-Free Accessibility Ramp	<b>Front</b> and <b>exterior side yard</b>	No maximum projection requirement	0.8 m
	<b>Interior side yard</b> or <b>rear yard</b>	No maximum projection requirement	0.6 m
<b>Porch</b>	<b>Front yard</b>	2 m <b>(A)</b>	1.5 <b>(B)</b>
	<b>Rear yard</b>	3 m <b>(A)</b>	4.5 m <b>(B)</b>
	<b>Interior side yard</b> <b>(C)</b>	0 m	<b>Building setback</b>
Platform <b>structure</b>	<b>Front yard</b> or <b>exterior side yard</b>	2m	1.5 m
	<b>Rear yard</b> where height is less than 1.2 m above <b>grade</b> <b>(A)</b>	N/R	1.8 m <b>(A)</b>
	<b>Rear yard</b> where height is more than 1.2 m above <b>grade</b> <b>(A)</b>	N/R	4.5 m <b>(A)</b>
	<b>Interior side yard</b> where height is less than 1.2 m above <b>grade</b> <sup>(2) (3)</sup> <b>(B)</b>	1 m	0.6 m
	<b>Interior side yard</b> where height is more than 1.2 m above <b>grade</b> <sup>(2) (3)</sup> <b>(B)</b>	0 m	1.8 m
<b>Platform Structure</b> above the <b>first storey</b>	<b>Interior side yard</b> or <b>rear yard</b>	1.6 m <sup>(4)</sup> <b>(C)</b>	1 m <b>(D)</b>
Roofed or unroofed loading dock	<b>Rear yard</b> <sup>(5)</sup>	3 m	3 m
<b>Window well</b>	Any required <b>yard</b>	1 m	0.6 m

# General Provisions

Structure or Feature	Location of permitted encroachment	Maximum projection into a Required Yard	Minimum setback from Lot Line
Bay window <sup>(6)</sup>	Side yard	0.5 m	0.6 m
	Front yard or exterior side yard	1.6 m	1.2 m
	Rear yard	1.6 m	N/R
Recladding of an existing building	Any required yard	0.15 m	N/R

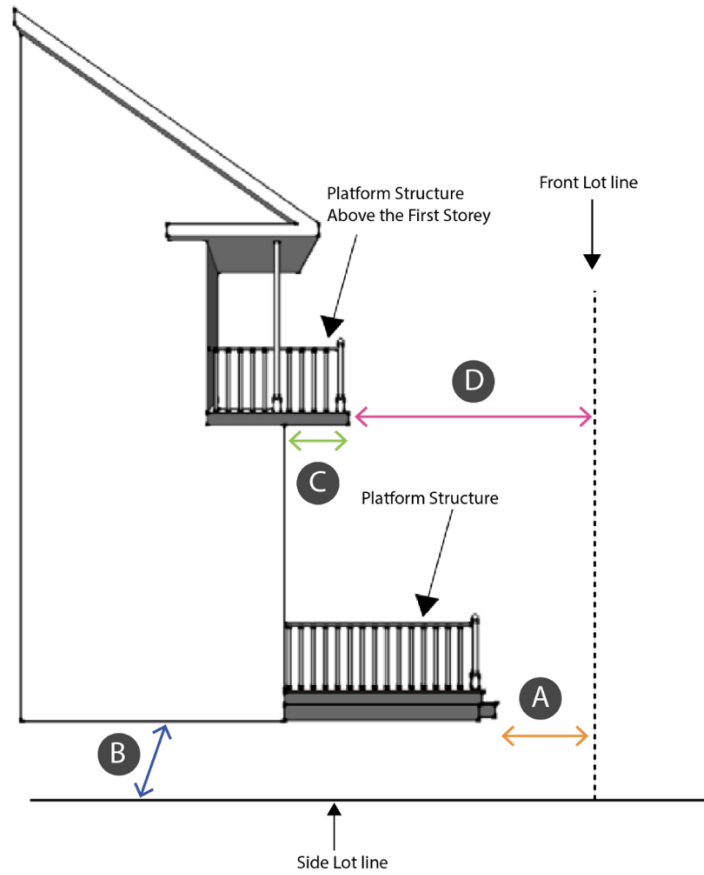
**Notes:**

- (1) Except in the HN **zone** where a **canopy** may project into a required front or **exterior side yard** up to half the distance of the required **yard**.
- (2) Where a **side Lot Line** extends from a **common wall** dividing attached **dwelling units** the **setback** shall not apply.
- (3) Height measured from the perimeter of the platform.
- (4) In no case shall a **platform structure** above the **first storey** project 3 metres beyond an exterior wall to which it is attached.
- (5) Except not permitted in a **yard abutting** an LN1-LN7 **zone**.
- (6) The maximum width shall not exceed 3 metres and must have at least 30% of the surface area of the projection as a window.

*[Placeholder for future illustration]*

# General Provisions

## Platform Structure



# General Provisions

## 5.11 Frontage On A Public Street

- a) Excepting Lots of Record and **Parcels of Tied Land** in a Common Element Condominium Corporation, no **building** or **structure** shall be constructed on a parcel of land which does not have frontage on a **public street**.
- b) Subsection a) does not apply to a **lot** used for:
  - i) A **utility installation**;
  - ii) A **cemetery**;
  - ii) A conservation/natural area.
- c) Subsection a) shall not restrict the erection of any **building** on a **lot** in a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period.

## 5.12 Home Occupation

A **home occupation** is permitted in all **dwelling units** and related **accessory buildings**, subject to the following regulations:

- a) If the **home occupation** is located within a **dwelling unit**, then the **gross floor area** of the **home occupation** must be less than 50% of the **gross floor area** dedicated to the residential use, excluding the **basement**.
- b) A **home occupation** shall not be permitted in an **accessory building** if it is occupied by an **additional residential unit**.
- c) Persons employed by the **home occupation** business shall be limited to residents of the household from which the **home occupation** is conducted.
- d) No **home occupation** shall interfere with the residential use of the **building** in which it is located.
- e) For a **home daycare**, the maximum number of non-resident persons being supervised is five.
- f) Where the business involves classes for teaching or instructional purposes, the maximum number of clients permitted at any one time shall be three.
- g) For pet grooming and pet training, a maximum of four pets are permitted within a dwelling.
- h) The following uses and activities are not permitted:
  - i) outside storage,
  - ii) outside manufacturing or processing activities,
  - iii) outside display and sales areas,

# General Provisions

- iv) automotive related uses,
- v) small engine repair,
- vi) **kennel**,
- vii) **restaurant**,
- viii) direct retail sales or customer merchandise pick up, and
- ix) nightclub.

## 5.13 Office Uses In Residential Zones

**Office** uses are permitted in a **building** constructed as a **detached dwelling** in all residential **zones**, including Holding residential **zones**, as a principal use provided the dwelling has existed on the **lot** for a minimum of 2 years, subject to the following regulations:

- a) Minimum **lot** width: 18 m
- b) The **lot** shall have a front or **side Lot Line** in common with a Major Arterial, Multi-Purpose Arterial, or **Minor Arterial road** as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan having a deemed width of 30 m or greater.
- c) Maximum number of **office** uses: 2
- d) Maximum **gross Floor Area** for all **office** uses: 200m<sup>2</sup>
- e) 50% of the **front yard** shall be maintained as **landscaped open space**.
- f) 25% of the **rear yard** and street **yard** shall be maintained as **landscaped open space**.
- g) Solid screen fencing with a minimum height of 2.5 m shall be installed along a **rear Lot Line** and along a **side Lot Line** extending from the **rear lot line** to the **front wall** of the dwelling.
- h) Parking shall be located in a **side** or **rear yard** only.
- i) Where the **lot** abuts a residential use, any **parking area** or **driveway** shall maintain a minimum **setback** of 6 m from the **rear lot line** and 3 m along that portion of the **side Lot Line** which is located in the **rear yard**.
- j) Storage or display of merchandise, material or equipment is prohibited.

## 5.14 Uses Permitted In All Zones

- a) The following uses are permitted in all residential **zones**:
  - i) **Schools** subject to Section 5.15;

# General Provisions

- ii) Long-term care facility and **retirement home** subject to Section 5.16;
- iii) Public and private hospitals subject to Section 5.17;
- iv) Parks and open space subject to the requirements of the Parks and Open Space **Zones** in Bylaw 2020;
- v) Places of worship subject to Section 5.18;
- vi) **Day care centre** subject to Section 5.19;
- vii) **Group home** subject to Section 5.20;
- viii) **Correctional group home** subject to Section 5.21;
- ix) **Emergency shelter** subject to Section 5.22;
- x) **Boarding house** subject to Section 5.23;
- xi) **Additional needs housing**;
- xii) Utilities subject to Section 5.24;
- xiii) **Community gardens**;
- xiv) Agriculture Use subject to Section 5.25;
- xv) **Bed and Breakfast** subject to Section 5.26;
- xvi) **Model Homes** subject to Section 5.27;
- xvii) **Temporary Sales Offices** subject to Section 5.28; and
- xviii) Infrastructure.

Subject to compliance with any other rules or standards which are generally applicable and required elsewhere in this Bylaw or any other rules or standards specified for the use in this Bylaw.

- b) Institutional uses including hospitals, long-term care homes, **retirement homes**, pre-schools, school nurseries, day cares, and **schools**, are only permitted outside of **hazardous lands**.

## 5.15 Schools

The following regulations apply to elementary **schools**, secondary **schools** and colleges and universities:

- a) Minimum **lot frontage**: 45 metres
- b) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan. This regulation shall not apply to an addition to an **existing school building** or the addition of portable classrooms or **accessory structures** on **existing school** sites.
- c) Minimum **setback** from any **Street Line**: 3 metres.
- d) Maximum **setback** from a **Street Line** in an LN1 **zone**: 6 metres.

# General Provisions

- e) Minimum **setback** from all other **Lot Lines**: 15 metres.
- f) The maximum **building height**: 3 storeys.
- g) Parking is not permitted within 3 m of a residential property in a residential **zone**.

## 5.16 Long-Term Care Facility and Retirement Home

The following regulations apply to a **long term care facility** and **retirement home**:

- a) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- b) Minimum **lot frontage**: 30 metres.
- c) Minimum **lot area**: 900 square metres.
- d) Maximum floor area ratio: 1.25:1.
- e) Minimum **front yard**: 7.5 metres **abutting** a street having a deemed width less than 30 metres and 9 metres **abutting** a street having a deemed width of 30 metres or more.
- f) Minimum **rear yard**: 9 metres.
- g) Minimum **interior side yard**: 4.5 metres.
- h) Minimum **exterior side yard**: 6 metres.
- i) Maximum **building height**: 4 storeys.
- j) Parking is not permitted within 3 m of a residential property in a residential **zone**.

## 5.17 Public and Private Hospitals

The following regulations apply to a public and private hospitals:

- a) Maximum **lot frontage**: 30 metres.
- b) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- c) Minimum **setback** from any **Street Line**: 3 metres.
- d) Minimum **setback** from all other **Lot Lines**: 15 metres.

# General Provisions

- e) Parking is not permitted within 3 m of a residential property in a residential **zone**.

## 5.18 Places of Worship

The following regulations apply to a place of worship:

- a) Includes an attached or detached manse, an **accessory dwelling unit** for a watchman and any other associated **buildings** located on the same property.
- b) Minimum **lot frontage**: 30 metres.
- c) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- d) Minimum **setback** from any **Lot Lines** or **Street Line**: 15 metres.
- e) Parking is not permitted within 3 m of a residential property in a residential **zone**.

## 5.19 Day Care Centre

The following regulations apply to a **day care centre**:

- a) Minimum **lot frontage**: 15 metres.
- b) Provides services to more than 5 children or adults
- c) Does not provide for overnight accommodation to those being cared for.
- d) Parking is not permitted within 3 m of a residential property in a residential **zone**.
- e) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- f) For all other **lot** requirements, subject to the respective **zone** requirements.
- g) A **Day Care Centre** is also permitted in conjunction with a **school** or place of worship where it will be subject to the **setback** requirements for a **school** or place of worship.

## 5.20 Group Home

The following regulations apply to a **group home**:

- a) Minimum **lot frontage**: 15 m metres.

# General Provisions

- b) In **apartment buildings** over 3 **storeys**, one **Group Home** is permitted for each 30 units and subject to one **Group Home** per floor.
- c) The minimum **amenity area** for any **group home** is 12 square metres for each resident, including live-in staff or receiving family, and not less than a total of 100 m<sup>2</sup> for each **group home**.
- d) Any **amenity area** shall be located in the **rear yard**.
- e) A **group home** is not permitted in dwelling containing an **additional residential unit**.
- f) For all other **lot** requirements, subject to the respective **zone** requirements.

## 5.21 Correctional Group Home

The following regulations apply to a **correctional group home**:

- a) Permitted in a **detached dwelling** only.
- b) Minimum **lot frontage**: 15 metres.
- c) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, or **Minor Arterial Road** as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- d) Minimum **setback** from any **Street Line**: 3 metres.
- e) Minimum **setback** from all other **Lot Lines**: 15 metres.
- f) Parking is not permitted within 3 m of a residential property in a residential **zone**.
- g) A **Correctional Group Home** is not permitted in a dwelling containing an **Additional Residential Unit**.

## 5.22 Emergency Shelter

The following regulations apply to an **emergency shelter**:

- a) Minimum **lot frontage**: 30 metres.
- b) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, or **Minor Arterial Road** as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- c) Minimum **setback** from any **Street Line**: 3 metres.
- d) Minimum **setback** from all other **Lot Lines**: 15 metres.

# General Provisions

- e) Parking is not permitted within 3 m of a residential property in a residential **zone**.
- f) The maximum number of beds permitted in an **emergency shelter** is 20.

## 5.23 Boarding House

The following regulations apply to a **boarding house**:

- a) Permitted in a **detached dwelling** only.
- b) Minimum **lot frontage**: 18 metres.
- c) The **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road as shown in Schedule O-1 Classification of Transportation Facilities - Urban Area of the Burlington Official Plan.
- d) The maximum number of beds permitted in a **boarding house** is 10.
- e) A **boarding house** is not permitted in a dwelling containing an **Additional Residential Unit**.
- f) For all other **lot** requirements, subject to the respective **zone** requirements.

## 5.24 Utility

- a) A **utility installation** is permitted in all **zones**.
- b) Notwithstanding subsection a), any **building** containing the **utility installation** must comply with **zone setback** rules and maximum **building height**.

## 5.25 Agricultural uses

- a) Livestock operations and outdoor cannabis production facilities are not permitted in a Residential **Zone**.
- b) A minimum **setback** of 15 metres from a street line or **Lot Line** is required for all **building** excluding a dwelling which shall be subject to the rules of the respective **zone**.

## 5.26 Bed and Breakfast

A **bed and breakfast** is permitted in a **detached dwelling** subject to the following regulations:

- a) Minimum **lot frontage**: 18 metres.
- b) A maximum of three guest rooms or suites.

# General Provisions

- c) No one other than a resident of the dwelling may be employed or have their services retained in the operation of the **Bed and Breakfast Home**.
- d) Meals shall be provided to the guests of the **bed and breakfast** only.

## 5.27 Model Homes

**Model homes** are permitted on lands that have received draft plan of subdivision or condominium approval for residential purposes, subject to the following regulations:

- a) The number of **model homes** does not exceed 10 units or 10% of the **dwelling units** draft approved in the plan of subdivision or condominium whichever is the lesser;
- b) The **model home** is built within a **lot** defined by the draft approved plan of subdivision or condominium;
- c) The **model home** complies with all other requirements of this Bylaw for the applicable type of **dwelling unit** with the exception of the parking requirements; and
- d) The **buildings** are used for the purpose of **model homes** only and shall not be occupied prior to the date of registration of the subdivision, condominium, or similar development agreement.

## 5.28 Temporary Sales Offices

**Temporary sales offices** for the sale or rental of residential **lots** or units in a plan of subdivision or condominium are permitted, subject to the following regulations:

- a) The **temporary sales office** shall not be permitted until an applicable plan of subdivision or condominium has received draft plan approval or the property is in a **zone** that permits the proposed **development**.
- b) The **temporary sales office** shall only be permitted for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days.
- c) The **temporary sales office** shall comply with the minimum **yards** for the applicable **zone**.
- d) If **parking spaces** are provided, the **temporary sales office** shall comply with the parking rules of this Bylaw.
- e) The **temporary sales office** is located in the plan of subdivision or condominium where the **lots** or units are being sold.

# General Provisions

## 5.29 Temporary Building and Structures for Construction

- a) Temporary **buildings** and **structures**, including a **shipping container**, normal and incidental to construction shall be permitted in all **zones**, provided that a valid **building** permit has been issued by the City of Burlington where a **building** permit is required, and that these uses shall only be permitted so long as the same are necessary for any work in progress which has been neither finished nor abandoned.
- b) Temporary **buildings** and **structures** shall be removed from the site within 60 days of final building permit inspection.

## 5.30 Setback To Lake Ontario And Burlington Bay

In addition to the other rules of this Bylaw, the following regulations shall apply:

- a) For **lots** located within 30 m of the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline, all **buildings** and **structures** greater than 15 m<sup>2</sup> in area shall maintain a **setback** of 30 m from the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline.
- b) The required **setback** in subsection a) may be reduced to the applicable **setback** requirement in the respective **zone** in which the **lot** is located, provided the approval of Conservation Halton is obtained.
- c) For **lots** located adjacent to the Lake Ontario and Burlington Bay shoreline, all **buildings** and **structures** shall maintain a 5 m side **yard setback** along one **interior side Lot Line**. This **setback** may be reduced to the side **yard** standard contained in the respective **zone** in which the **lot** is located, provided that there is a municipal road with direct access to the shoreline, or there is a combined **setback** on two neighbouring properties totaling 5 m, and provided the approval of Conservation Halton is obtained, except that, the following shall be exempt from these rules:
  - i) shoreline protection works,
  - ii) docks,
  - iii) waterfront trails,
  - iv) archaeological restoration projects,
  - v) forest, wildlife, and fisheries management projects, and
  - vi) storm water management and flood control projects.

## 5.31 Setbacks Abutting Creek Blocks and Other Zones

- a) Notwithstanding the other rules of this Bylaw, all **buildings** and **structures** shall maintain the following **setbacks** from a **creek block** or from an O2 **zone**, O3 **zone**, or RG **zone** of Zoning Bylaw 2020:
  - i) 15 m for those areas located on Schedule A;

# General Provisions

- ii) 3 m if **creek block** includes a 3 m buffer from limit of the flood plain and erosion hazards.
- iii) 7.5 m for all other areas;
- b) The above provision shall not apply to Uptown Centre, Orchard Community, and Alton Community **zones**, where only the **setbacks** of the base zoning apply.
- c) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of Conservation Halton is obtained where it related to regulated areas.

## 5.32 Setback From A Creek

Every **building**, including **accessory buildings** 15m<sup>2</sup> in size or greater, shall maintain a minimum **setback** of 6 m from the greater of the limit of the flood plain and the top-of-bank of a creek which is not within a **creek block**, unless a reduced **setback** is specifically permitted by Conservation Halton.

## 5.33 Setback From A Pipeline Easement

- a) Every **building** and **accessory building** shall maintain a minimum **setback** of 7 metres from a pipeline right of way.
- b) **Accessory structures** shall maintain a minimum **setback** of 3 metres from the pipeline right of way.

## 5.34 Setback from a Railway Right-of-Way

Notwithstanding any other rules in this Bylaw, all **buildings** and **structures** containing a **dwelling**, additional **dwelling unit**, place of worship, **day care centre**, **school**, college or university, hospital, long-term care facility, **retirement home**, **group home**, **correctional group home**, **emergency shelter** and **boarding house** shall be located no closer than 30 metres from any railway corridor.

## 5.35 Parcel of Tied Land (POTL)

**Development** on a POTL shall comply with all zoning regulations of this Bylaw related to **Lots**, except for frontage onto a **public street** where a POTL may front on either a **public street** or a condominium common element road.

## 5.36 Tents and Temporary Structures

- a) The use of temporary **structures**, tents, trailers or **recreational vehicles** for human habitation, business, storage of merchandise or other purposes, is prohibited except:
  - i) Tents may be used for children's play, excluding camps.

# General Provisions

- ii) Tents maybe be used by the operators of a circus, carnival or carousel for a maximum period of 14 days
- iii) Tents or trailers may be used for a special occasion or special sale of goods or merchandise in conjunction with a **permitted use**, for a maximum of 30 days in a calendar year.
- iv) One tent may be used for the seasonal sale of flowers, plants, shrubs, trees and other garden materials and landscape products, provided the zoning of the property permits the sale of these items, for a maximum period of 90 days and limited to one occasion in a 12 month period.
- v) The temporary **structure**, tent, trailer or **recreational vehicle** shall be set back a minimum of 3 m from a **Street Line** and shall not be located within a required **landscaped open space**.

## 5.37 Temporary Storage and Shipping Containers

- a) A movable storage **structure** or a **shipping container** may be permitted in a **driveway** of a residential property for a period not exceeding 30 days in any given calendar year, provided that:
  - i) the movable storage or **shipping container** is not located within or blocking access to a required **parking space**,
  - ii) the movable storage **shipping container** is **setback** a minimum of 0.6 metres from a **Street Line**,
  - iii) it does not exceed a maximum height of 3.0 m and a maximum length of 6.1 m.
- b) In no case shall a movable storage **structure** or **shipping container** encroach onto a public sidewalk, or a public right of way, or create a site line obstruction.

## 5.38 Number of Buildings Per Lot

No more than one **building** shall be located on a **lot** in a LN1-LN7 **zone**, with the exception of an **accessory building or structure** or an **Additional Residential Unit – Detached** as specifically permitted in this Bylaw.

## 5.39 Availability of Municipal Services and Utilities

- a) No land shall be built upon and no **building** or **structure** shall be erected or expanded for any purpose unless municipal services and utilities including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate.
- b) The **City** may, at its sole discretion, require that an application for a Zoning Bylaw Amendment demonstrate the following to the satisfaction of the City:

# General Provisions

- i) The **development** includes adequate access to municipal water and wastewater and stormwater systems;
  - ii) There is sufficient available capacity in the municipal water and wastewater systems to service the proposed **development** in accordance with Section 8.1.2 (5.1) of Burlington Official Plan; and
  - iii) There is sufficient available capacity in the municipal stormwater system to service the proposed **development**.
- c) Where an application involves **development** which must occur in phases, the phasing of **development** shall be planned to ensure there will be sufficient available capacity in the municipal water, wastewater, and stormwater systems to service the proposed **development** to the satisfaction of the **City**.
- d) The **City** may, at its sole discretion, require that an application for a Zoning Bylaw Amendment provide details regarding the following elements insofar as they relate to the proposed **development**:
- i) The location and nature of **existing** and proposed utilities; and
  - ii) The location and nature of connections to **existing** and proposed utilities.

## 5.40 Additional Residential Units

- a) Up to three **additional residential units** are permitted on a **parcel of urban residential land** in all Residential **zones** where a **detached dwelling, semi-detached dwelling, street townhouse, or block townhouse** is permitted.
- b) For clarity, **additional residential units** in association with a **street townhouse** are only permitted on a **Parcel of Tied Land** where one townhouse is permitted.
- c) Of the three **additional residential units** permitted in subsection a) two **additional residential unit** may be located within an **accessory building**.
- d) Additional residential units are also permitted in a **zone** preceded by an H (Holding) **zone** prefix in an **existing building** lawfully permitted on the date the amending Bylaw creating the 'H' zoning was enacted or within any additional permitted under Section 2.6.
- e) **Additional residential units** shall not be included in the calculation of maximum density, maximum number of **dwelling units**, or minimum number of visitor **parking spaces**.
- f) Requirements for minimum floor area per **dwelling unit** and minimum and maximum floor area ratio shall not apply to **lots** with **additional residential units**.
- h) Where an exterior entrance to an **additional residential units** is accessed from an **interior side yard**, the minimum **interior side yard** for the dwelling shall be 1.5 metres.
- i) **Tandem parking spaces** are permitted.

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- j) Exterior stairs above the **first storey** to an additional **dwelling unit** are not permitted in the **front yard, exterior side yard** and in the required **interior side yard**.
- k) A lawfully **existing accessory building** is permitted to be converted to an **additional residential unit**.
- l) Notwithstanding Section 5.2 c), the floor area of an **accessory building** containing an additional residential unit is permitted to a maximum of 80 square metres.
- m) Notwithstanding Section 5.2 d), the minimum **interior side yard** and **rear yard** for an **accessory building** containing an **additional residential unit** shall be 1.2 m.
- n) A minimum separation distance of four metres shall be provided between the main dwelling on a **lot** and an **accessory building** containing an **additional residential unit**.
- o) A 1.2 metre wide unobstructed pedestrian access shall be provided from the street to the entrance of an **accessory building** containing an **additional residential unit**. A gate may be constructed within the pedestrian access, but no encroachments shall be permitted within the 1.2 metre width.
- p) Notwithstanding Section 5.2 d), the maximum **building height** for an **additional residential unit-detached** shall be 6 metres for a **flat roof** and 7 metres for a peaked roof measured from the **established grade** to the uppermost point of the roof surface.
- q) The second **storey** of an **additional residential unit-detached** shall have a minimum 3 metre **interior side yard** and **rear yard setback**.
- r) **Platform structures** and exterior stairs above the **first storey** and rooftop **amenity areas** are not permitted on or attached to an **additional residential unit-detached**.

## 5.41 Outdoor Patios

- a) An **outdoor patio** is permitted in association with a **restaurant**
- b) An **outdoor patio** is subject to the following rules and standards:
  - i) An **outdoor patio** shall maintain a seating capacity of a minimum of 1.1 square metres per person;
  - ii) An **outdoor patio** shall be located a minimum distance of 10 metres from **zones LN1-LN8**;
  - iii) An **outdoor patio** located at least 1.8m above **grade** or on the roof of a **building** is not permitted on lands **abutting** lands zoned residential, unless the **patio** is screened from view of the **abutting residential zone**;
  - iv) An **outdoor patio** must comply with the regulations of the City of Burlington's Business Licensing Bylaw, as amended [042-2008].

# General Provisions

- vi) An **outdoor patio** shall not be located within a required **landscaped open space**;
- vii) An **outdoor patio** shall not be located within an internal **walkway**, sidewalk, or required **parking area** or space including **accessible parking spaces** or associated accessible parking pathways;
- viii) Notwithstanding subsection vii) above, an **outdoor patio** that is temporary may be located within a required **parking area** or space, internal **walkway**, sidewalk, or other hard surfaced areas excluding a **parking aisle**, provided that:
  - a) The **outdoor patio** does not occupy or obstruct access to any **accessible parking spaces** or associated accessible parking pathways;
  - b) The **outdoor patio** located on an internal **walkway** or sidewalk shall maintain an unobstructed pedestrian clear path with a minimum width of 1.8 metres; and
  - c) A temporary tent may be used on an **outdoor patio**.

## 5.42 Exceptions to Height Provisions

The height restrictions of this Bylaw shall not apply to:

- a) an antenna or mast (when attached to or on a **building**)
- b) a chimney or smokestack
- c) a church spire or steeple
- d) clock **tower**, bell **tower**, belfry, or church **tower**
- e) ornamental architectural features such as, but not limited to, cupolas and finials
- f) an electrical power transmission **tower** or line and related apparatus
- g) rooftop mechanicals (subject to Section 5.43)
- h) a light standard, including outdoor sports field lighting facilities
- i) a flag pole
- j) a Federally regulated and authorized telecommunications **tower**
- k) a water **tower**
- l) a weathervane, lightning rod or other weather device
- m) storage tank
- n) roof top solar panel (subject to Section 5.44)
- o) **Buildings** and **structures** that are **accessory** to a permitted agriculture use, provided that the **building** or **accessory structure** is not used for human habitation.
- p) Roof top access to a **rooftop terrace** of a ground-oriented **building** of four **storeys** or less:
  - i) the feature must be **setback** a distance equal to its height from the **exterior front wall** and exterior rear wall;
  - ii) the maximum total area for the feature is 10.5 square metres;

# General Provisions

- iii) the maximum projection for eaves beyond the exterior walls of the feature is 0.6 metres; and
- iv) the maximum height for eaves on the feature is 3 metres.

## 5.43 Roof Top Mechanicals

- a) Shall be **setback** a minimum of 5 metres from the **building** edge; or,
- b) Shall be **setback** a minimum of 1.5 metres and shall be enclosed on four sides and be screened with solid screening equal to the height of rooftop mechanical unit.
- c) The height and **storey** rules of this Bylaw shall not apply to rooftop **mechanical equipment, mechanical penthouse** and solar panels.
- d) A **mechanical penthouse**, including any appurtenances thereto shall not exceed 6.0 metres above the maximum height.
- e) Rooftop **mechanical equipment**, including any appurtenances thereto shall not exceed 2.0 metres above the maximum height.

## 5.44 Roof Top Solar Panels

- a) Rooftop solar panels shall be set back a minimum of 5.0 metres from all edges of a roof.
- b) Notwithstanding subsection a), rooftop solar panels that do not exceed a height of 0.9 metres above the roof upon which it is located may have a minimum **setback** of 0.0 metres from all edges of a roof.
- c) Rooftop solar panels shall not exceed a height of 2.0 metres above the roof upon which it is located.

## 5.45 Structures Related to Below-grade Parking

Notwithstanding any other requirement of this Bylaw, air ventilation shafts or an access staircase, shall be permitted anywhere on the same **lot** as the **parking structure** is located, subject to the following regulations:

- a) Shall not be located in a minimum required **front yard** or **exterior side yard**.
- b) Shall have a minimum **setback** of 3.0 m from any **Lot Line**.
- c) Air ventilation shafts are permitted to encroach up to the minimum required **landscaped open space**.

# General Provisions

## 5.46 Short-term Accommodation

Short-term accommodation is permitted within any **dwelling unit**, including an **accessory dwelling unit** subject to Section 5.40 and the following additional regulations:

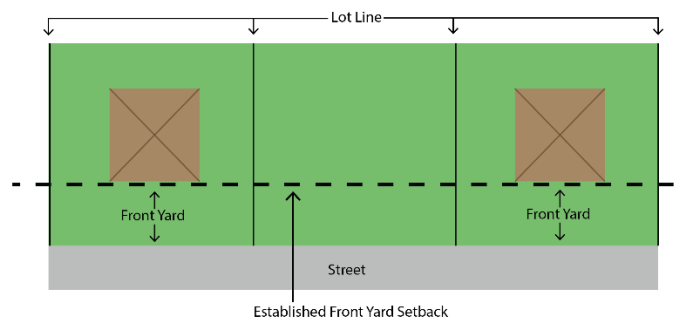
- a) The **dwelling unit** shall be the principal residence of the operator (landowner/tenant).
- b) A maximum of one short-term accommodation rental per **dwelling units** shall be permitted.

## 5.47 Large Dwelling Units Requirements

- a) In the case of a **mid-rise** or **tall apartment building**, at least 5 per cent of **dwelling units** must have at least three bedrooms, or a minimum **gross floor area** of at least 80 square metres.
- b) In the case of a low-rise **apartment building** or **stacked townhouse**, at least 15 per cent of **dwelling units** must have at least three bedrooms, or a **minimum gross floor area** of 80 square metres.
- c) The calculation for subsections (1) and (2) may be rounded down to the nearest whole number

## 5.48 Established Front Yard

- a) The minimum required **front yard** and/or minimum required **exterior side yard** may be reduced to the average of the **established front** and/or **exterior side yards** on **abutting lots** on either side of the subject lot, provided that the **building is setback** a minimum one metre from the **Lot Line** to be established by any required public acquisition of lands.
- b) On a **corner lot**, the average of the established **yard** will be calculated from the immediate **abutting** occupied lot and the occupied lot across the road on the same side of the road.



# General Provisions

- c) Where an **abutting lot** or adjacent **lot** thereto, or a **lot** across the road and on the same side of the road, is vacant, the next closest occupied **lot** on the same side of the road to the vacant property will be utilized to calculate the established average.

## 5.49 Highway Corridor Setback

Notwithstanding any other provision of this Bylaw, all **buildings** and **structures** and the following features shall be **setback** a minimum of 14.0 metres from the **Lot Line abutting** the boundary of Highway 403, Highway 407 and the Queen Elizabeth Way:

- a) Any required **parking area**, **parking lot** or loading area, including any required **parking space**, **loading space**, stacking space, or **bicycle parking space**, and any associated **parking aisle** or **driveway**;
- b) A required **amenity area**; and
- d) A stormwater management facility.

## 5.50 General Landscaping Provisions

- a) To qualify for any minimum landscaping coverage or minimum width of landscaping requirement of this Bylaw, an individual area of landscaping provided on a **lot** shall contain an area with minimum dimensions of 3 metres by 3 metres and may include additional area of lesser dimensions provided the additional area is contiguous to the 3 metres by 3 metres area.
- b) Landscaping provided on the roof of a **building** shall be included in the calculation of required landscaping on the **lot**, provided it meets the requirements of subsection (a) above.

# Parking and Loading

## Part 6: Parking and Loading

### 6.1 Off-Street Parking And Loading Requirements

- a) Whenever a new **development** occurs or whenever an **existing development** is enlarged, extended or increased in capacity, in accordance with this Bylaw, off-street vehicle **parking spaces** shall be provided and maintained on the property and within the **zone** designation for all uses.
- b) A minimum of one off-street **loading space** shall be provided in conjunction with every **principal building**, but shall exclude residential **buildings** less than 4 **storeys** high.
- c) The number of **parking spaces** required for **permitted uses** in all **zones** shall be in accordance with Table 2, unless otherwise specified in the respective **zones**. Where more than one use specified in Table 2 is provided on the same **lot** or in the same **building**, the **parking spaces** required shall be in respect of each use.

**Table 2: Off-Street Parking Standards**

Use	Parking Standard
<b>Detached Dwelling</b> <b>Semi-Detached Dwelling</b> <b>Duplex Dwelling</b>	2 <b>parking spaces</b> per unit;  If on a <b>parcel of tied land</b> fronting onto a common element condominium road: 1.5 <b>parking spaces</b> per unit where 1 <b>parking space</b> shall be located on the <b>parcel of tied land</b> and 0.5 <b>parking space</b> per unit for visitor parking shall be located within the common element condominium block which contains the condominium roadway.
<b>Street Townhouse, Rear Lane Townhouse</b>	2 <b>parking spaces</b> per unit
<b>Block Townhouse Dwelling, Fourplex Dwelling</b>	2 <b>parking spaces</b> per unit, 0.25 visitor <b>parking spaces</b> per unit
<b>Stacked Townhouse</b> <b>Stacked Back-to-back Townhouse</b>	1 <b>parking space</b> per unit, 0.25 visitor <b>parking spaces</b> per unit
<b>Triplex Dwelling</b>	1 <b>parking space</b> per unit
<b>Back-to-Back Townhouse</b>	2 <b>parking spaces</b> per unit
<b>Apartment Building, Multiplex</b>	1.25 <b>parking spaces</b> per unit inclusive of visitor parking.
<b>Dwelling Units on the 2<sup>nd</sup> or 3<sup>rd</sup> floor of a 2 or 3 storey commercial building</b>	1.25 <b>parking spaces</b> per unit, inclusive of visitor parking
<b>Additional Residential Unit</b>	0 <b>parking spaces</b> for the first <b>additional residential unit</b> 1 <b>parking space</b> for the second or third additional unit

# Parking and Loading

Use	Parking Standard
<b>Bed and Breakfast Establishment; Boarding House</b>	1 <b>parking space</b> per guest room in addition to the parking requirement for a <b>Detached Dwelling</b>
<b>Cemetery</b>	1 parking space per employee plus 1 <b>parking space</b> per 4 seats chapel capacity
<b>Convent, Monastery</b>	1 <b>parking space</b> per 2 beds
<b>Convenience Store, retail store</b>	3.5 spaces per 100 m <sup>2</sup> <b>gross floor area</b>
<b>Correctional Facility</b>	0.85 <b>parking space</b> per employee 0.25 visitor <b>parking spaces</b> per resident
<b>Day Care Centre</b>	4 <b>parking spaces</b> per 100 m <sup>2</sup> <b>gross floor area</b>
<b>Emergency Shelter</b>	0.85 <b>parking space</b> per employee 0.25 visitor <b>parking spaces</b> per resident
<b>Group Home</b>	2 <b>parking spaces</b>
<b>Home Occupation</b>	None required
<b>Home Day Care</b>	None required
<b>Hospital, Health Care Facility</b>	0.65 <b>parking spaces</b> per patient bed
<b>Long-Term Care Facility</b>	0.35 <b>parking spaces</b> per bed
<b>Personal Service</b>	4 spaces per 100 m <sup>2</sup> <b>gross floor area</b>
<b>Place of Worship</b>	0.6 <b>parking spaces</b> per 100 m <sup>2</sup> of <b>gross floor area</b> whichever is higher
<b>Restaurant</b>	18.5 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>
<b>Retirement Home</b>	<b>Parking spaces:</b> 0.6 <b>parking spaces</b> per unit Visitor: 0.25 <b>parking spaces</b> per unit 1 additional <b>parking space</b> per 50 units for the use of maintenance vehicles servicing the site
<b>School</b>	For elementary <b>schools:</b> 1.5 <b>parking spaces</b> per classroom For secondary <b>schools:</b> 3 <b>parking spaces</b> per classroom
<b>Post-Secondary School</b>	5 <b>parking spaces</b> per classroom plus 1 <b>parking space</b> per 20.0 m <sup>2</sup> GFA of auditoriums
<b>Commercial School</b>	5 <b>parking spaces</b> per 100 m <sup>2</sup> of <b>gross floor area</b>

# Parking and Loading

## 6.2 Parking Space Size

- a) Unless otherwise specified in this Bylaw, all **parking spaces** shall comply with the following minimum dimensions:
  - i) 2.75 metres in width; and
  - ii) 5.5 metres in length;

*[Placeholder for future illustration]*

- b) Parallel **parking spaces** shall comply with the following minimum dimensions:
  - i) 2.75 metres in width;
  - ii) 7.2 metres in length; and
  - iii) Unobstructed end spaces may be 6.7 metres in length.
- c) The minimum width of a **parking space** shall increase by 0.3 metres for each wall, column or other obstruction that is adjacent to or within a **parking space**.
- d) Notwithstanding provision c) above, an additional 0.3 metres is not required when:
  - i) The maximum length of the wall, column or any other obstruction does not exceed 1.15 metres from the non-driving aisle end of the **parking space**;
  - ii) The wall, column or any other obstruction is located at the front or rear of the **parking space**.
  - iii) Up to 15% of the minimum required **parking spaces** may be designed for compact vehicles and shall be clearly identified as being reserved for the parking of small cars only.
  - iv) Up to 5% of the minimum required **parking spaces** may be designed for a motorcycle, cargo bicycle or similar vehicle and shall be clearly identified as being reserved for the parking of motorcycles, cargo bicycles or similar vehicles only.

# Parking and Loading

- e) Notwithstanding any other provision in this Bylaw, a **parking space** for compact vehicles shall comply with the following minimum dimensions:
  - i) 2.4 metres in width; and
  - ii) 5.5 metres in length.
- f) Notwithstanding any other provision in this Bylaw, a **parking space** for motorcycles, cargo bicycles or similar vehicles shall comply with the following minimum dimensions:
  - i) 1.3 metres in width; and
  - ii) 3.05 metres in length.
- g) The minimum internal dimensions for a **private garage** shall comply with the following minimum dimensions:
  - i) 6.0 metres in depth;
  - ii) 3.0 metres in width; and
  - iii) 2.0 metres of height clearance.

*[Placeholder for future illustration]*

- h) The minimum internal dimensions for unobstructed area in the **private garage** shall comply with the following minimum dimensions:
  - i) 5.5 metres in depth;
  - ii) 3.0 metres in width; and
  - iii) 2.0 metres of height clearance.

One step is permitted in the unobstructed area.

# Parking and Loading

[Placeholder for future illustration]

## 6.3 Accessibility

- a) Accessibility shall not apply to a **parking space** in a garage which is for the exclusive use of a **dwelling unit**, provided the **driveway** serving the garage has a minimum length of 5.5 metres.
- b) Accessibility is not required for 20% of the required occupant parking in townhouse, **back-to-back townhouse**, **stacked townhouse**, maisonette, **fourplex**, and **apartment buildings**

## 6.4 Illumination

Where parking facilities are illuminated by lighting fixtures or standards, they shall be arranged so that light from the fixture is shielded and/or directed away from residential dwellings.

## 6.5 Surface Treatment

Every **parking lot**, which includes **parking spaces** and **driveways**, shall be graded and drained and the surface treated so as to provide a permanent durable and dustless surface. This provision shall not apply to **parking lots** of residential **developments** having three or fewer **dwelling units**.

## 6.6 Access

Every such **parking lot** shall have adequate means of entrance and exit directly to an **existing** street or public **lane**, and every such entrance and/or exit shall be clearly marked by directional signs.

# Parking and Loading

## 6.7 Parking Structures

- a) Any part of a **parking structure** that projects 1.6 m or more above **grade** shall be subject to the **yard** requirements of the **zone**.
- b) Entrance and exit ramps to below-**grade parking structures** and above-**grade parking structures** or **buildings** shall be set back 7.5 m from a **Street Line**.
- c) Below-**grade parking structures** do not require a **setback** from any **Lot Line**.
- d) Where a below-**grade parking structure** is located in accordance with subsection c) and is located below a required landscaped open space, there shall be a minimum depth of 2.0 metres between **grade** and the **structure**.

## 6.8 Multiple Zones

- a) Where a property is covered by more than one **zone**, required parking and loading facilities shall be provided within that area of the property zoned for the **permitted use** and within which the **permitted use** is located.
- b) However, a **driveway** providing access from a street to service a property zoned for a **permitted use** may be located on land zoned for a different **permitted use**.

## 6.9 Group Home Parking

Required Parking for **Group Homes** may include **tandem parking spaces** provided that at least 2 **parking spaces** are accessible at all times.

## 6.10 Correctional Group Home Parking

Required Parking for **Correctional Group Homes** may be blocked provided that at least 2 **parking spaces** are accessible at all times.

## 6.11 Designated Accessible Parking Spaces

- a) Where parking facilities are required, the number of **accessible parking spaces** provided shall be in accordance with the **AODA** and as follows:
  - i) the total number of **accessible parking spaces** to be provided on a site for residential use shall be calculated as the sum of the requirements of the **AODA** applied to each type of parking that is provided (i.e. resident versus visitor parking), rounding up to the nearest whole number.
- b) Where parking facilities are required, 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 **accessible parking spaces** shall be included in the calculation of required parking.

# Parking and Loading

- c) Where an **accessible parking space** is provided, the **accessible parking space** shall:
  - i) be identified with a provincially regulated vertical sign displaying the international symbol for **accessible parking spaces** and, where the space is intended as a 'Type A' space under the **AODA**, identifying the space as van accessible;
  - ii) be located adjacent to a delineated "**accessible access aisle**" with a minimum width of 2 metres;
  - iii) where the space is intended as a 'Type A' space under the **AODA**, comply with the **parking space** width dimensions of the **AODA**;
  - iv) where the space is intended as a 'Type B' space under the **AODA**, comply with the **parking space** width dimensions in Section 6.2;
  - v) comply with the minimum **parking space** length dimensions of Section 6.2; and
  - vi) have a minimum height clearance of 2.75 metres.
  
- d) Where there are **accessible parking spaces** in a **parking area**, the entrance of the **parking area** and circulation to and from the **accessible parking spaces** shall include a minimum overhead clearance of 2.75 m.

## 6.12 Bicycle Parking

- a) A **bicycle parking space** not located in an enclosure must be separated from **parking spaces**, visitor **parking spaces** or **loading spaces** by 2.0 metres.
- b) Each horizontal **bicycle parking space** shall be a minimum of 0.6 metres wide, 1.8 metres deep with 2.0 metres of height clearance, exclusive of parking racks and hardware.
- c) Each vertical **bicycle parking space** shall be a minimum of 0.6 metres wide, 1.1 metres deep with 2.3 metres of height clearance, exclusive of parking racks and hardware.
- d) A minimum of 5% of required **bicycle parking spaces** shall be designated spaces for large bicycles, such as cargo, recumbent and bicycles with trailers.
- e) Each **bicycle parking space** for large bicycles, such as cargo, recumbent and bicycles with trailers shall be horizontal.
- f) Each horizontal **bicycle parking space** for large bicycles, such as cargo, recumbent and bicycles with trailers shall be a minimum of 0.91 metres wide, 3.05 metres deep with 2.0 metres of height clearance, exclusive of parking racks and hardware.
- g) Each **bicycle parking space** shall be accessed by an aisle with a minimum width of 1.5 metres.

# Parking and Loading

- h) **Bicycle parking spaces** and accesses shall be located on hard-surfaced areas.
- i) **Bicycle parking spaces** must be illuminated.
- j) Bicycle parking located at the end of a **parking space** shall not contribute toward **Bicycle Parking Space** Requirements.
- k) **Short-term bicycle spaces** and **long-term bicycle parking spaces** shall be provided in accordance with the minimum requirements in Table 3.
- l) Where a **lot** contains more than one (1) use, the required number of **bicycle parking spaces** is the sum of all **bicycle parking spaces** required for each use.
- m) **Long-term bicycle parking spaces:**
  - i) Shall be provided in a secure, weatherproof enclosure with controlled access.
  - ii) A minimum of 25% of the required **bicycle parking spaces** shall be stored in a horizontal ground mounted position. The remainder of the spaces may be provided as **stacked** or vertical **bicycle parking space**.
  - iii) A minimum of 50 per cent of the required **bicycle parking spaces** must be horizontal. A **bicycle parking space** located on the lower level of stacked rack is considered a horizontal **bicycle parking space**.
- n) **Short-term bicycle parking spaces:**
  - i) Shall be located no more than 25 metres from the primary pedestrian entrance to the **building**.
  - ii) A minimum of 25% of the required **bicycle parking spaces** shall be weather protected.
  - iii) Must not be provided as **stacked** or vertical **bicycle parking space**.

**Table 3: Bicycle Parking Space Requirements**

<b>Use</b>	<b>Bicycle parking spaces, long-term – minimum required</b>	<b>Bicycle parking spaces, short term – minimum required</b>
<b>Apartment building</b>	0.1 spaces per <b>dwelling unit</b> , 2 spaces minimum	0.5 space per <b>dwelling unit</b> , 2 spaces minimum
Commercial multi-unit <b>building</b> (includes individual <b>buildings</b> on the same <b>lot</b> as the multi-unit <b>building</b> )	0.2 spaces per 100 m2 GFA, 3 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum

# Parking and Loading

Use	Bicycle parking spaces, long-term – minimum required	Bicycle parking spaces, short term – minimum required
<b>Retail Store</b>	0.2 spaces per 100 m2 GFA, 3 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum
<b>Day Care Centre</b>	0.1 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum
<b>Restaurant</b>	3 spaces plus 1.0 space per 1000 m2 GFA	0.1 spaces per 100 m2 GFA, 2 spaces minimum
<b>Office</b>	0.13 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum <sup>1</sup>
All other commercial uses not otherwise specified	0.05 spaces per 100 m2 GFA	2 spaces minimum 0.09 spaces per 100 m2 GFA, 2 spaces minimum
Industrial uses	0.03 spaces per 100 m2 GFA, 2 spaces minimum	0.07 spaces per 100 m2 GFA, 2 spaces minimum
All other non-residential uses not otherwise specified	2 spaces minimum	2 spaces minimum
Footnote to Table 3: 1 For every 30 <b>long-term bicycle parking spaces</b> required, 2 shower and change facilities shall be provided.		

## 6.13 Rounding Provision

Where the number of proposed **parking spaces, bicycle parking spaces** or **loading spaces** results in a fractional number, the total number of required spaces or stalls shall be rounded up to the next whole number.

## 6.14 Location

- Any **parking space, accessible parking space, bicycle parking space, and loading space** requirements of this Bylaw shall be provided for and located on the same **lot** as the use for which the parking is required.
- In a Residential **Zone**, all off-street parking shall be confined to the **driveway, garage, or carport**.

## 6.15 Loading Spaces

- Loading spaces** shall comply with the following minimum dimensions:

# Parking and Loading

- i) 3.0 metres in width;
  - ii) 9.7 metres in length; and
  - iii) 3.0 metres of height clearance.
- b) The surface treatment of loading areas must be constructed and maintained with material suitable for their intended use (e.g., reinforced concrete).
- c) A residential **building** containing 25 **dwelling units** or more shall provide and maintain on the same **lot**, at least 1 **loading space**.
- d) A **building** with non-residential uses that requires the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, shall comply with the following minimum rules:
- i) 1 **loading space** for **gross floor area** between 300 square metres and 2,299 square metres;
  - ii) 2 **loading spaces** for **gross floor area** of 2,300 square metres to 7,360 square metres; and
  - iii) 1 additional **loading space** for each **gross floor area** increment of 9,200 square metres (or part thereof) over 7,360 square metres.
- e) The location of loading doors and associated loading facilities:
- i) Shall not be allowed within a **yard abutting** a street; and
  - ii) Shall not be allowed in a required **yard abutting** an LN 1-8 **Zone**.

## 6.16 Electric Vehicle Parking Spaces

- a) Shared or common element **electric vehicle parking spaces** shall be clearly identified and demarcated.
- b) If a **building** has 4 or more **dwelling units**, a percentage of the provided number of **parking spaces** shall be provided as **electric vehicle parking spaces** as follows:
- i) 10% shall be **Electric Vehicle Supply Equipment Installed Parking Spaces** or **Electric Vehicle Ready Parking Spaces**, with at least one parking space being an **EVSE Installed Parking Space** available for use by all occupants of the **building**; and
  - ii) 40% of the parking provided shall be **Electric Vehicle Capable Parking Spaces**, **Electric Vehicle Ready Parking Spaces** or **Electric Vehicle Supply Equipment Installed Parking Spaces**.
- c) For any non-residential use, a minimum of 10% of the proposed **parking spaces** shall be provided as **Electric Vehicle Ready Parking Spaces**.
- d) All **Electric Vehicle Ready Parking Spaces** or **EVSE Installed Parking Spaces** must have an **Energized Outlet** capable of supporting **Level 2 Charging** or greater.

# Parking and Loading

## 6.17 Cash-in-Lieu of Parking

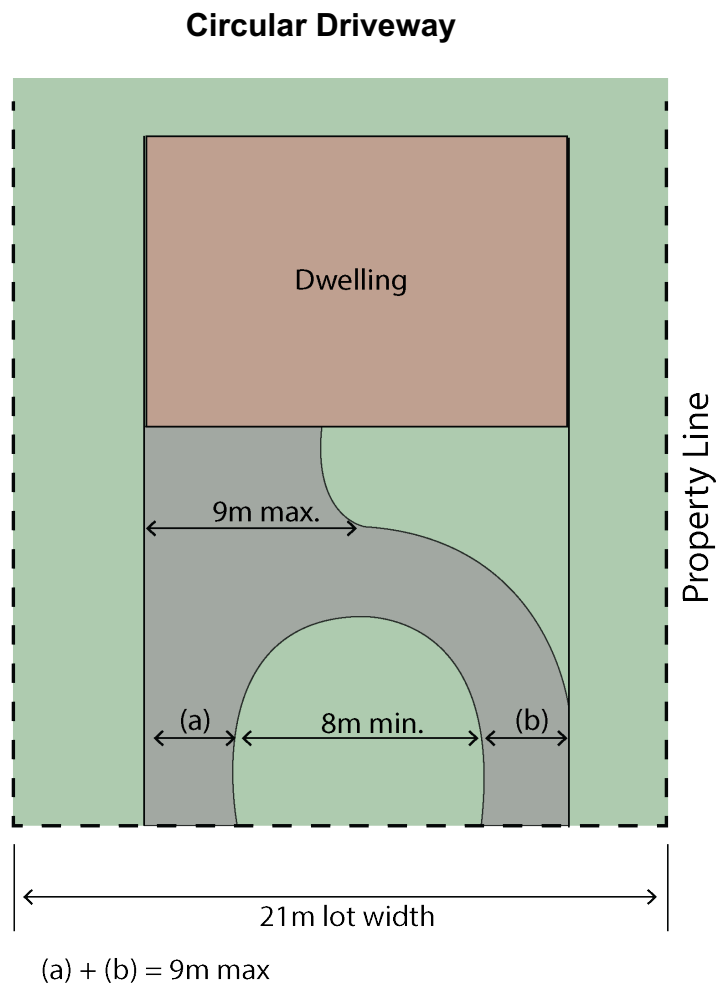
**Parking spaces** and **bicycle parking spaces** required by this Bylaw for non-residential uses shall not be required if the **City** enters into an agreement with the landowner respecting the payment of cash-in-lieu for some or all of the **parking spaces**, **bicycle parking spaces**, aisles, or **driveways** required, in accordance with Section 40 of the Planning Act.

## 6.18 Driveway Width and Landscaped Open Space Area

- a) A maximum of one **driveway** shall be permitted for each residential property, except in the case of a **corner lot** or **through lot** where a maximum of one **driveway** per street frontage may be permitted if the second **driveway** location is approved by the city.
- b) Where two **driveways** are permitted, the maximum width of one **driveway** shall be 4 metres inclusive of **walkways**.
- c) Unless otherwise specified in this by-law, **driveways** shall be a minimum of 6 m in length.
- d) For **dwelling units** within a plan of condominium, **driveway** lengths shall be 6 m in length measured from back of curb to front of garage.
- e) **Driveways** should have a minimum width of 2.75 m. The width of **driveways** and **walkways** shall be measured perpendicular to the direction of travel of the vehicle or person.
- f) Unless otherwise specified in this by-law, the following the combined maximum width of all hard surfaces (**driveways** plus **walkways**) for all dwelling types except apartments and **multiplexes** shall be:
  - i) For **lot frontage** less than 9 metres in width: 4.5 m.
  - ii) For **lot frontages** equal to or greater than 9 m and less than 12 m in width: 5.5 m.
  - iii) Notwithstanding the above, for **lot frontages** less than 12 m in width with an **existing** dwelling containing a two-car garage on or before December 14, 2009: 7 m.
  - iv) For **lot frontages** equal to or greater than 12 m and less than 18 m in width: 7.5 m.
  - v) For **lot frontages** equal to or greater than 18 m in width: 10 m.
- g) For **lots** identified in subsection f), the remaining **lot area** between a **Street Line** and a **front wall** of the dwelling facing a street shall be **landscaped open space** area, excluding **porches** and stairs.

# Parking and Loading

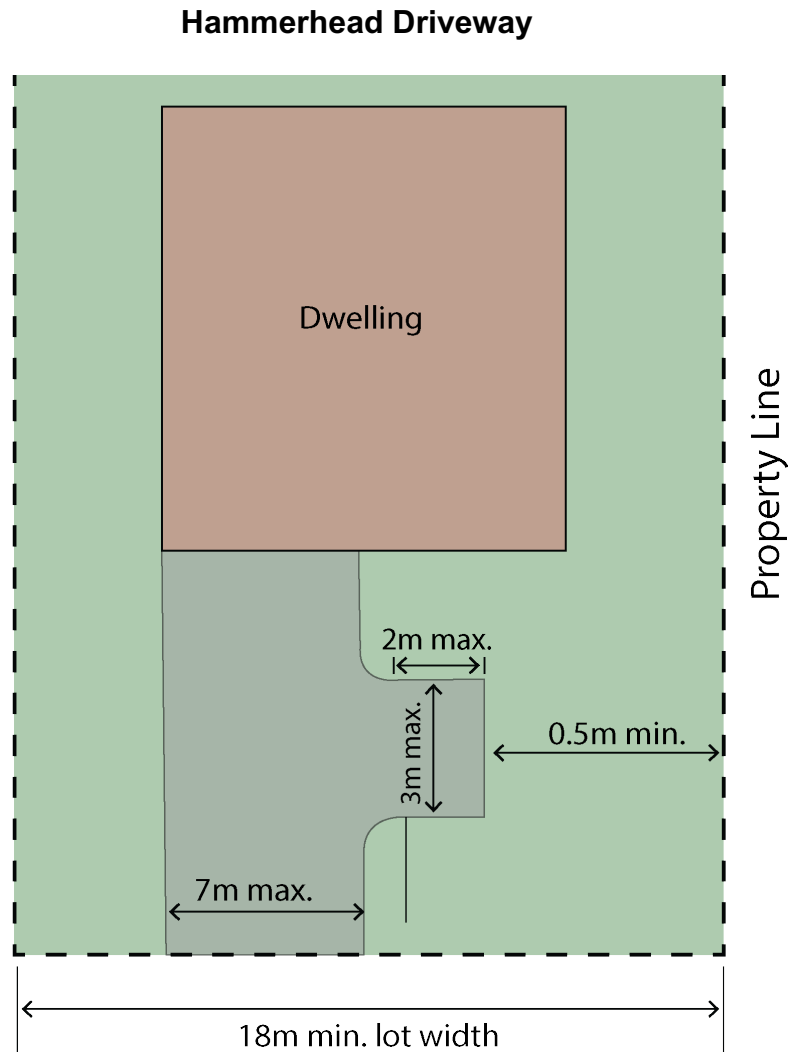
- h) Circular **Driveways** are permitted subject to the following:
- i) **Lot frontage** is equal to or greater than 21 m.
  - ii) Must be located in a front or **exterior side yard**.
  - iii) Maximum width of a **walkway** shall be 2 m.
  - iv) The combined width of the two points of access shall not exceed a maximum width of 9 m.
  - v) The widest point beyond circular **driveway** shall not exceed a maximum width of 9 m.
  - vi) Minimum width of 8 m of **landscaped open space** between **driveway** access points.



- i) A hammerhead **driveway** is permitted subject to the following:
- i) **Lot frontage** is equal to or greater than 18 m in width.
  - ii) Maximum width of a **walkway** shall be 2 m.
  - iii) The widest point not including the 2 m hammerhead extension shall not exceed a maximum of 7 m.
  - iv) Shall have a maximum width of 3 m.

# Parking and Loading

- v) Shall have a maximum length of 2 m extending perpendicularly from the **driveway**.
- vi) Shall be set back a minimum of 0.5 m from the **Interior Side Lot Line** and there **Exterior Side Lot Line**.



# Residential Zones

## Part 7: Residential Zones

### 7.1 Purpose Statements for Residential Zones

#### Low-Rise Neighbourhood 1-6 (LN1-6)

The purpose of this **zone** is to accommodate single **detached dwellings**, **semi-detached dwellings** and **duplex dwellings**, as well as **triplex** and **fourplex dwellings** under certain circumstances.

#### Low-Rise Neighbourhood 7 (LN7)

The purpose of this **zone** is to accommodate **semi-detached dwellings**, **duplex dwellings**, and **cluster homes** on a single **lot**.

#### Low-Rise Neighbourhood 8 (LN8)

The purpose of this **zone** is to accommodate **existing** single **detached dwellings** in addition to **semi-detached dwellings**, **duplex dwellings**, **triplex**, **fourplex** and **multiplex**, **block townhouses**, **street townhouses**, **rear lane townhouses**, **stacked townhouses**, **back-to-back townhouses** and **stacked back-to-back townhouses**. **Apartment buildings**, convenience stores, **personal services** and **retail stores** are also permitted subject to additional provisions.

#### High-Rise Neighbourhood(HN)

The purpose of this **zone** is to accommodate **triplex**, **fourplex** and **multiplex**, **block townhouses**, **street townhouses**, **rear lane townhouses**, **stacked townhouses**, **back-to-back townhouses**, **stacked back-to-back townhouses** and **apartment buildings**. Convenience stores, **personal services**, **restaurants** and **retail stores** are also permitted subject to additional provisions.

# Residential Zones

## 7.2 Permitted uses

The following Table 4 establishes the uses permitted in the Residential Zones.

**Table 4: Permitted uses in residential zones.**

Permitted uses	LN1	LN2	LN3	LN4	LN5	LN6	LN7	LN8	HN
<b>Residential uses</b>									
<b>Detached Dwelling</b>	P	P	P	P	P	P	--	P <sup>(1)</sup>	--
<b>Semi-Detached Dwelling</b>	P	P	P	P	P	P	P	P	--
<b>Duplex Dwelling</b>	P	P	P	P	P	P	P	P	--
<b>Cluster Homes</b>	--	--	--	--	--	--	P	--	--
<b>Triplex Dwelling</b>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	--	P	P
<b>Fourplex Dwelling</b>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	--	P	P
<b>Multiplex</b>	--	--	--	--	--	--	--	P	P
<b>Block Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Street Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Rear Lane Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Back-to-back Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Stacked Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Stacked Back-to-Back Townhouse</b>	--	--	--	--	--	--	--	P	P
<b>Apartment Building</b>	--	--	--	--	--	--	--	P <sup>(2)</sup>	P
<b>Non-residential uses</b>									
<b>Convenience Store</b>	--	--	--	--	--	--	--	P <sup>(3)</sup>	P <sup>(3)</sup>
<b>Personal Service</b>	--	--	--	--	--	--	--	P <sup>(3)</sup>	P <sup>(3)</sup>
<b>Restaurant Standard</b>	--	--	--	--	--	--	--	P <sup>(3)</sup>	P <sup>(3)</sup>
<b>Restaurant Take-Out</b>	--	--	--	--	--	--	--	P <sup>(3)</sup>	P <sup>(3)</sup>

# Residential Zones

Permitted uses	LN1	LN2	LN3	LN4	LN5	LN6	LN7	LN8	HN
Retail Store	--	--	--	--	--	--	--	P <sup>(3)</sup>	P <sup>(3)</sup>

**Notes:**

- (1) **Existing single detached dwellings** are permitted subject to the LN1 zone rules.
- (2) *Placeholder for next draft of the new Burlington Residential Zoning Bylaw* - Details about the specific locations where tri- and four-plex dwellings are permitted relies on further review, and updates as a result of this review will be contained in Draft 2.
- (3) Permitted on the ground floor of a **street townhouse, apartment building or multiplex** located adjacent to a Major Arterial or Multi-Purpose Arterial Street.

# Residential Zones

## 7.3 Provisions for Detached Dwellings and Duplex Dwellings in the Low-Rise Neighbourhood 1 to 6 Zones

### a) Lot and Building Requirements by Building Type

The following Table 5 and additional rules establish the **zone** standards that apply to **detached dwellings** and **duplex dwellings** in the Low-Rise Neighbourhood LN1 to LN6 zones. Rules for **accessory buildings and structures** are set out in Section 5.2.

**Table 5: Provisions for Detached Dwellings and Duplex Dwellings**

	LN1	LN2	LN3	LN4	LN5	LN6
Minimum <b>Lot Area</b>	225 m <sup>2</sup>	270 m <sup>2</sup>	360 m <sup>2</sup>	425 m <sup>2</sup>	680 m <sup>2</sup>	925 m <sup>2</sup>
Minimum <b>Lot Frontage</b> <b>(A)</b>	7.5 m	9 m	12 m	15 m	18 m	24 m
Minimum <b>Front Yard Setback</b> <b>(B)</b>	3m <sup>(1)(2)</sup>	3 m <sup>(1)(2)</sup>	6 m <sup>(1)</sup>	6 m <sup>(1)</sup>	7.5 m <sup>(1)</sup>	9 m <sup>(1)</sup>
Maximum <b>Lot Coverage</b>	50%	50%	40% <sup>(3)</sup>	35% <sup>(3)</sup>	35% <sup>(3)</sup>	35% <sup>(3)</sup>
Minimum <b>Rear Yard Setback</b> <b>(C)</b>	6 m	7 m	7.5 m <sup>(4)</sup>	9 m <sup>(4)</sup>	9 m <sup>(4)</sup>	9 m <sup>(4)</sup>
Minimum <b>Interior Side Yard Setback</b> <b>(D)</b>	1.2 m one side, 0.6 m other side <sup>(5)</sup>	1.2 m one side, 0.6 m other side <sup>(5)</sup>	1.2 m one side, 0.6 m other side <sup>(5)</sup>	1.5 m <sup>(5)</sup>	1.8 m <sup>(5)</sup>	2.4 m <sup>(5)</sup>
Minimum <b>Exterior Side Yard Setback</b> <b>(E)</b>	3 m <sup>(1)(2)</sup>	3 m <sup>(1)(2)</sup>	4.5 m <sup>(1)(2)</sup>	4.5 <sup>(1)(2)</sup>	4.5 <sup>(1)(2)</sup>	9 m
Minimum <b>Front Yard Soft Landscaped Open Space</b>	30%	30%	30%	30%	40%	50%
Maximum <b>Building Height</b> <b>(F)</b>	2 storeys to 10 m or 7.5 m for a flat roof <sup>(6)</sup>	2 storeys to 10 m or 7.5 for a flat roof <sup>(6)</sup>	2 storeys to 10 m or 7.5 m for a flat roof <sup>(6)</sup>	2 storeys to 10 m or 7.5 m for a flat roof <sup>(6)</sup>	2 storeys to 10 m or 7.5 m for a flat roof <sup>(6)</sup>	2 storeys to 10 m or 7.5 m for a flat roof <sup>(6)</sup>

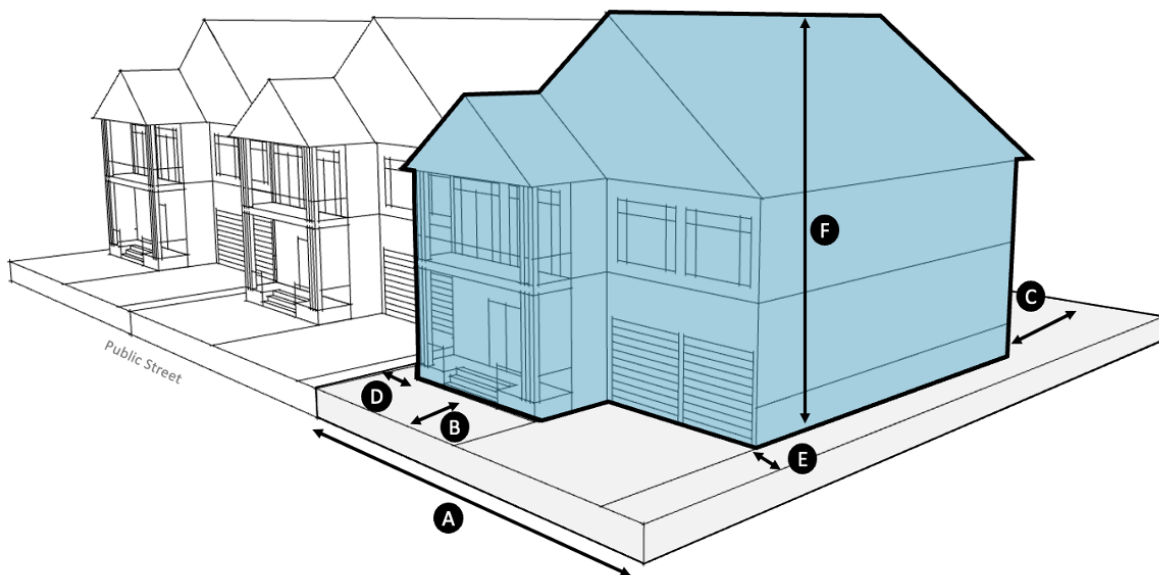
# Residential Zones

## Notes:

- (1) Or the **established front** or **exterior side yard**, whichever is less as per Section 5.48.
- (2) Except that for the wall of a **private garage** containing an opening for a vehicle, the minimum **front yard setback** or **exterior side yard setback** to the garage door of the **private garage** shall be 5.5 metres.
- (3) Minimum **lot coverage** on a lot with one or more **additional residential units** shall be 45%.
- (4) On a **corner lot** the **rear yard setback** may be 4.5 metres.
- (5) Where a detached **private garage** is in the **rear yard**, the minimum **interior side yard** leading to the **rear yard private garage** shall be 3 metres.
- (6) Properties with a front or **exterior side yard abutting** Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall have a maximum height up to 2.5 **storeys** to 13 metres. For **through lots**, the front **building** elevation shall determine the front of the **lot** for this regulation.

## b) Additional Provisions for Detached Dwellings and Duplex Dwellings

- i) The total width of all **private garage** door openings facing a street shall not exceed 50% of the width of its **building** elevation.
- ii) An attached **private garage** with a garage door facing a street is not permitted to project beyond the longest wall facing a street and containing residential floor area on the **first storey** of a dwelling.
- iii) The maximum height of the main entrance above **grade** shall be 1.5 metres.



# Residential Zones

## 7.4 Provisions for Semi-Detached Dwellings in the Low-Rise Neighbourhood 1 to 6 Zones

### a) Lot and Building Requirements by Building Type

The following Table 6 and additional rules establish the **zone** standards that apply to **semi-detached dwellings** in the Low-Rise Neighbourhood **zones**. Rules for **accessory buildings and structures** are set out in Section 5.2.

**Table 6: Provisions for Semi-Detached Dwellings**

	LN1	LN2	LN3	LN4	LN5	LN6
Minimum Lot Area	165 m <sup>2</sup>	195 m <sup>2</sup>	270 m <sup>2</sup>	270 m <sup>2</sup>	400 m <sup>2</sup>	500 m <sup>2</sup>
Minimum Lot Frontage <b>(A)</b>	6.5 m	6.5 m	9 m	9 m	9.5 m	13 m
Minimum Front Yard Setback <b>(B)</b>	3 m <sup>(1)(2)</sup>	3 m <sup>(1)(2)</sup>	6 m <sup>(1)</sup>	6 m <sup>(1)</sup>	7.5 m <sup>(1)</sup>	9 m <sup>(1)</sup>
Maximum Lot Coverage	50%	50%	40% <sup>(3)</sup>	40% <sup>(3)</sup>	35% <sup>(3)</sup>	35% <sup>(3)</sup>
Minimum Rear Yard Setback <b>(C)</b>	6 m	7 m	7.5m	9 m	9 m	9 m
Minimum Interior Side Yard Setback	0.6 m <sup>(4)</sup>	0.6 m <sup>(4)</sup>	1.2 m <sup>(4)</sup>	1.5 m <sup>(4)</sup>	1.8 m <sup>(4)</sup>	2.4 m <sup>(4)</sup>
Minimum Exterior Side Yard Setback <b>(D)</b>	3 m <sup>(2)</sup>	3 m <sup>(2)</sup>	4.5 m <sup>(2)</sup>	4.5 m <sup>(2)</sup>	4.5 m <sup>(2)</sup>	4.5 m <sup>(2)</sup>
Minimum Front Yard Soft Landscaped Open Space	30%	30%	30%	30%	30%	30%
Maximum Building Height <b>(E)</b>	2 storeys to 10 m or 7 m for a flat roof	2 storeys to 10 m or 7 m for a flat roof	2.5 storeys to 13 m or 7 m for a flat roof	2 storeys to 10 m or 7 m for a flat roof <sup>(8)</sup>	2 storeys to 10 m or 7 m for a flat roof <sup>(8)</sup>	2 storeys to 10 m or 7 m for a flat roof <sup>(8)</sup>

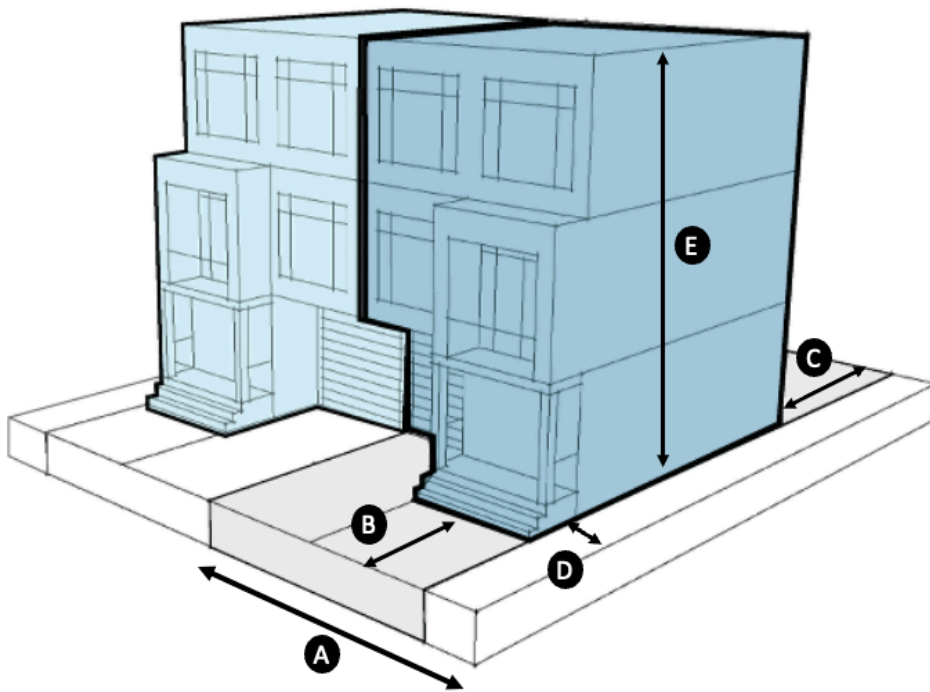
# Residential Zones

## Notes:

- (1) Or the **established front** or **exterior side yard**, whichever is less as per Section 5.48.
- (2) Except that for the wall of a **private garage** containing an opening for a vehicle, the minimum **front yard setback** or **exterior side yard setback** to the garage door of the **private garage** shall be 5.5 metres.
- (3) Maximum **lot coverage** on a lot with one or more **additional residential units** shall be 45%.

## b) Additional Provisions for Semi-Detached Dwellings

- i) The total width of all **private garage** door openings facing a street shall not exceed 50% of the width of the **building**.



# Residential Zones

## 7.5 Provisions for Cluster Dwellings in the Low-Rise Neighbourhood 7 Zone

### g) Lot and Building Requirements by Building Type

The following Table 7 and additional rules establish the **zone** standards that apply to **cluster homes** in the Low-Rise Neighbourhood 7 Zone.

**Table 7: Provisions for Cluster Dwellings**

	<b>LN7</b>
Minimum <b>Lot Area</b>	2000 m <sup>2</sup>
Minimum <b>Lot Frontage</b>	12 m
Maximum <b>Lot Coverage</b>	40%
Minimum <b>yard abutting</b> a street	7.5 m
Minimum <b>yard abutting</b> a rear <b>building</b> elevation	6 m <sup>(1)</sup>
Minimum <b>yard abutting</b> a side <b>building</b> elevation	3 m <sup>(2)</sup>
Minimum <b>Landscaped Open Space</b>	35%
Maximum <b>Building Height</b>	2 storeys to 10 m

**Notes:**

- (1) Except 9 m **abutting** an LN3, LN4, LN5 or LN6 Zone.
- (2) Except 4.5 m **abutting** an LN3, LN4, LN5 or LN6 Zone.

### b) Additional Provisions for Cluster Dwellings

- i) The minimum separation distance between cluster dwellings on the same **lot** shall be 2.4 metres for an side wall to side wall condition, 15 metres for a rear wall to rear wall condition and 15 metres for a **front wall** to **front wall** conditions.
- ii) The minimum distance from an end wall to an **internal roadway** shall be 1.5 metres.
- iii) The minimum distance from a wall other than an end wall to an **internal roadway** shall be 3.0 metres.
- iv) The minimum distance from an integral **private garage** of a cluster **dwelling unit** to an **internal roadway** shall be 5.5 metres.
- v) The maximum height of the main entrance above **grade** shall be 1.5 m.

# Residential Zones

## 7.6 Provisions for Triplex and Fourplex in the Low-Rise Neighbourhood Zones

### a) Lot and Building Requirements by Building Type

The following Table 8 and additional rules establish the **zone** standards that apply to **triplex** and **fourplex dwellings** in the Low-Rise Neighbourhood **Zones**.

**Table 8: Provisions for Triplex and Fourplex Dwellings**

	<b>Triplex</b>	<b>Fourplex</b>
Minimum <b>Lot Area</b>	390 m <sup>2</sup>	450 m <sup>2</sup>
Minimum <b>Lot Frontage</b>	13 m	15 m
Maximum <b>Lot Coverage</b>	45%	45%
Minimum <b>Front Yard Setback</b>	6m	6 m
Minimum <b>Rear Yard Setback</b>	7.5 m	7.5 m
Minimum <b>Interior Side Yard Setback</b>	1.2 m <sup>(1)</sup>	1.2 m <sup>(1)</sup>
Minimum <b>Exterior Side Yard Setback</b>	4.5 m	4.5 m
Minimum <b>Front Yard Soft Landscaped Open Space</b>	30%	30%
Maximum <b>Building Height</b>	2 <b>storeys</b> to 10 m in a LN1-6 Zone, 3 <b>storeys</b> to 14 m in LN8 <b>Zone</b>	2 <b>storeys</b> to 10 m in a LN1-6 Zone, 3.5 <b>storeys</b> to 15 m in LN8 <b>Zone</b>

**Notes:**

- (1) Where a detached **private garage** is in the **rear yard**, the minimum **interior side yard setback** leading to the **rear yard private garage** shall be 3 metres.
- (2) The minimum outdoor common amenity space requirement will comprise at least one contiguous outdoor area of a minimum of 30 m<sup>2</sup> at **grade**.

### b) Additional Provisions for Triplex and Fourplex

- i) The maximum height of the main entrance above **grade** shall be 1.5 metres.

# Residential Zones

## 7.7 Low-Rise Neighbourhood 8 Residential Zone Provisions

### a) Lot and Building Requirements for semi-detached dwellings

The rules for **semi-detached dwellings** in the Low-Rise Neighbourhood 8 **zone** shall be subject to the requirements of the LN1 **Zone** in Table 6.

### b) Lot and Building Requirements for triplex and fourplex dwellings

The rules for permitted **triplex** and **fourplex dwellings** in the Low-Rise Neighbourhood 8 **zone** shall be subject to the requirements of Section 7.5 and Table 8.

### c) Lot and Building Requirements for townhouses and back-to-back townhouses

i) The following Table 9 establishes the **zone** standards that apply in the various townhouse and **back-to-back townhouse** forms in the Low-Rise Neighbourhood 8 **zone**.

**Table 9: Provisions for Block, Street, Rear Lane and Back-to-Back Townhouse**

	Block Townhouse	Street Townhouse	Rear Lane Townhouse with detached rear garage	Rear Lane Townhouse with integral rear garage	Back-to-Back Townhouse <sup>(10)</sup>
Minimum Lot Area	4000 m <sup>2</sup>	160 m <sup>2</sup> <sup>(1)</sup>	165 m <sup>2</sup>	115 m <sup>2</sup>	75 m <sup>2</sup>
Minimum Lot Frontage or Unit Width <b>A</b>	5.5 m	6 m <sup>(2)(3)</sup>	5.5 m <sup>(4)</sup>	5.5 m <sup>(4)</sup>	6 m
Minimum Front Yard Setback <b>B</b>	4.5 m <sup>(5)</sup>	3 m <sup>(5)</sup>	3 m	3 m	3 m <sup>(5)</sup>
Minimum Rear Yard Setback <b>C</b>	7.5 m	6 m	1.75 m <sup>(6)</sup>	1.75 m <sup>(6)</sup>	0 m
Minimum Interior Side Yard Setback <b>D</b>	1.2 m <sup>(8)</sup>	1.2 m <sup>(7)(8)</sup>	1.2 m <sup>(7)(8)</sup>	1.2 m <sup>(7)(8)</sup>	1.2 m <sup>(7)(8)</sup>
Minimum Exterior Side Yard Setback <b>E</b>	3 m	3 m	3 m	3 m	3 m

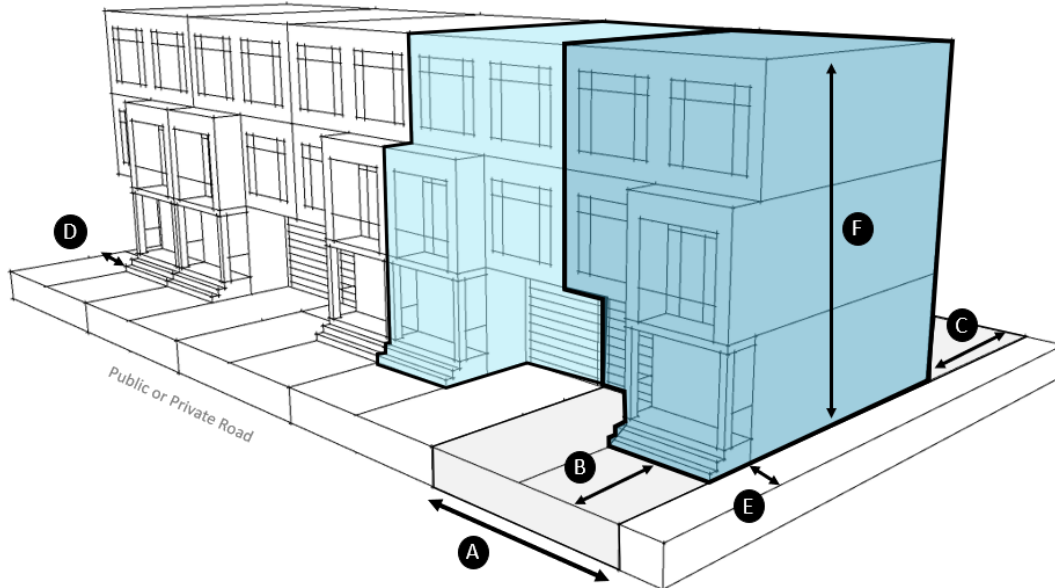
# Residential Zones

	Block Townhouse	Street Townhouse	Rear Lane Townhouse with detached rear garage	Rear Lane Townhouse with integral rear garage	Back-to- Back Townhouse <sup>(10)</sup>
Minimum Common Amenity Area	10 m <sup>2</sup> /unit <sup>(9)</sup>	N/R	N//R	N/R	N/R
Minimum Private Amenity Area	N/R	N/R	20 m <sup>2</sup> /unit	15 m <sup>2</sup> /unit	15 m <sup>2</sup> /unit
Minimum Front Yard Soft Landscaped Open Space	N/R	25%	50%	50%	25%
Maximum Building Height <b>F</b>	3 storeys to 14 m or 10 m for a flat roof	3 storeys to 14 m or 10 m for a flat roof	3 storeys to 14 m or 10 m for a flat roof	3 storeys to 14 m or 10 m for a flat roof	3 storeys to 14 m or 10 m for a flat roof
Maximum Number of Attached Units	8	8	8	8	16

## Notes:

- (1) Except 145 m<sup>2</sup> on a **private street**.
- (2) Except 5.5 m on a **private street**.
- (3) Except that for a **corner lot**, the minimum **lot frontage** shall be 9 metres.
- (4) Except that for a **corner lot**, the minimum **lot frontage** shall be 8.5 metres
- (5) Except that for the wall of a **private garage** containing an opening for a vehicle, the minimum **front yard setback** or **exterior side yard setback** to the garage door of the **private garage** shall be 5.5 metres.
- (6) To a **private garage**.
- (7) Where an **interior side Lot Line** shares a **common wall**, no **setback** is required.
- (8) Except when **abutting** a **detached dwelling**, **duplex dwelling** or **semi-detached dwelling** in an LN 4, 5 or 6 **Zone**, the **abutting yard** shall be a minimum of 4 m.
- (9) The minimum outdoor common amenity space requirement will comprise at least one contiguous outdoor area of a minimum of 55 m<sup>2</sup> at **grade**.
- (10) For multiple **back-to-back townhouses** occurring on one condominium **lot** or rental **lot**, the **lot area**, **lot frontage** and **amenity area** rules in Table 9 shall apply to each unit.

# Residential Zones



**d) Additional provisions for street townhouses and back-to-back townhouses**

- i) The total width of all **private garage** door openings facing a street shall not exceed 50% of its **building** elevation.
- ii) The maximum height of the main entrance above **grade** shall be 1.5 metres.
- iii) The minimum **lot depth** or unit depth of a **back-to-back townhouse dwelling unit** shall be 13.0 metres.

**e) Additional provisions for block townhouses**

- i) The minimum separation distance between **block townhouse buildings** on the same **lot** shall be 2.4 metres for an end wall to end wall condition, 12 metres for a rear wall to rear wall condition and 12 metres for a **front wall** to **front wall** conditions.
- ii) The minimum distance from an end wall to an **internal roadway** shall be 1.5 metres.
- iii) The minimum distance from an end wall to a **parking aisle, parking lot** or **parking space** shall be 1.5 m.
- iv) The minimum distance from an integral **private garage** of a **block townhouse** unit to an **internal roadway** shall be 5.5 metres.
- v) The minimum **landscaped open space** on the **lot** shall be 30%.
- vi) The maximum height of the main entrance above **grade** shall be 1.5 metres.

**k) Additional provisions for rear lane townhouses**

- i) The maximum height of the main entrance above **grade** shall be 1.5 m.

# Residential Zones

**g) Lot and Building Requirements for multiplex, stacked townhouse, stacked back-to-back townhouse and apartment buildings**

- i) The following Table 10 and additional rules establish the **zone** standards that apply to **multiplex, stacked townhouse, stacked back-to-back townhouses and apartment buildings**.

**Table 10: Provisions for Multiplex, Stacked Townhouse, Stacked Back-to-Back Townhouse and Apartment Building**

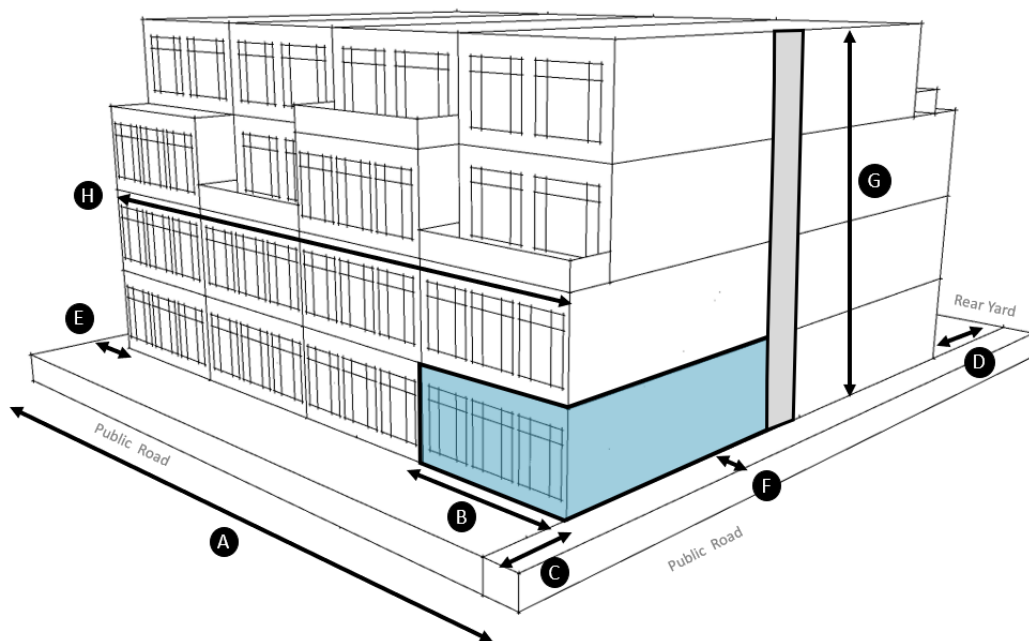
	Multiplex	Stacked Townhouse	Stacked Back-to-Back Townhouse	Apartment Building
Minimum Lot Area	2,000 m <sup>2</sup>	2,000 m <sup>2</sup>	2,000 m <sup>2</sup>	4,000 m <sup>2</sup>
Minimum Lot Frontage <b>A</b>	30 m	50 m	50 m	30 m
Minimum Unit Width <b>B</b>	N/A	5.5 m	5.5 m	N/A
Minimum Front Yard Setback <b>C</b>	3 m	3 m <sup>(1)</sup>	3 m <sup>(1)</sup>	3 m
Minimum Rear Yard Setback <b>D</b>	6 m <sup>(2)</sup>	6 m <sup>(2)</sup>	0	6 m <sup>(2)</sup>
Minimum Interior Side Yard Setback <b>E</b>	4 m	1.2 m <sup>(2)</sup>	1.2 m <sup>(2)</sup>	4 m
Minimum Exterior Side Yard Setback <b>F</b>	3 m	3 m	3 m	3 m
Minimum Common Amenity Area	5 m <sup>2</sup> /unit <sup>(3)</sup>	10 m <sup>2</sup> /unit <sup>(3)</sup>	10 m <sup>2</sup> /unit <sup>(3)</sup>	5 m <sup>2</sup> /unit <sup>(3)</sup>
Minimum Landscaped Open Space	35%	35%	35%	35%
Maximum Building Height <b>G</b>	4 storeys to 18 m or 13 m for a flat roof	4 storeys to 18 m or 13 m for a flat roof	4 storeys to 18 m or 13 m for a flat roof	4 storeys to 18 m or 13 m for a flat roof
Maximum Building Length <b>H</b>	60 m	60 m	60 m	60 m

**Notes:**

- (1) Except that for the wall of a **private garage** containing an opening for a vehicle, the minimum **front yard** or **exterior side yard** to the garage door of the **private garage** shall be 5.5 metres.
- (2) Except when **abutting a detached dwelling, duplex dwelling or semi-detached dwelling** in an LN 4, 5 or 6 Zone, the **abutting** internal side **yard setback** shall be a minimum 4 m, and the **abutting rear yard setback** shall be a minimum of 7.5 m.
- (3) The minimum outdoor common amenity space requirement will comprise at least one contiguous outdoor area of a minimum of 55 m<sup>2</sup> at **grade**.

# Residential Zones

- h) **Additional provisions for multiplex, stacked townhouse, stacked back-to-back townhouse and apartment buildings.**
- i) The maximum height of the main entrance above **grade** shall be 1.5 metres.
  - ii) When **abutting** a **detached dwelling, duplex dwelling** or **semi-detached dwelling** in an LN 4, 5 or 6 **Zone**, the fourth floor shall have a minimum setback of 3 metres.
  - iii) The minimum separation distance between **buildings** on the same **lot** shall be 2.4 metres for an end wall to end wall condition, 12 metres for a rear wall to rear wall condition and 12 metres for a **front wall to front wall** conditions.
  - iv) The minimum distance from an end wall to an **internal roadway** shall be 1.5 metres.
  - v) The minimum distance from a wall other than an end wall to an **internal roadway** shall be 3.0 metres.



# Residential Zones

## 7.8 High-Rise Neighbourhood Residential Provisions

### a) Lot and Building Requirements for triplex and fourplex dwellings

The rules for permitted **triplex** and **fourplex dwellings** in the High-Rise Neighbourhood **zone** shall be subject to the requirements of Section 7.5 and Table 8.

### b) Lot and Building Requirements for townhouses and back-to-back townhouses

The rules for permitted **block, street, rear land** and **back-to-back townhouses** in the High-Rise Neighbourhood **zone** shall be subject to the requirements of Section 7.6 and Table 9.

### c) Lot and Building Requirements for multiplex, stacked townhouses and back-to-back stacked townhouses

The rules for permitted **multiplex, stacked townhouse**, and **stacked back-to-back townhouses** in the High-Rise Neighbourhood **zone** shall be subject to the requirements of Section 7.6 and Table 10.

### d) Lot and Building Requirements by Building Type

The following Table 11 and additional rules establish the **zone** standards for **apartment buildings** in the High-Rise Neighbourhood **zone**.

# Residential Zones

**Table 11: Provisions for Apartment Buildings**

	<b>Apartment Building</b>
Minimum <b>Lot Area</b>	0.2 ha
Minimum <b>Lot Frontage</b>	30 m
Minimum <b>Front Yard</b>	3 m
Maximum <b>Front Yard</b>	7.5 m
Minimum <b>Rear Yard</b>	7.5 m
Minimum <b>Interior Side Yard</b>	4 m
Minimum <b>Exterior Side Yard</b>	3 m
Maximum <b>Exterior Side Yard</b>	7.5 m
Minimum <b>Tower Stepback from a Podium</b>	3 m <sup>(1)</sup>
Maximum Height of a <b>Podium</b>	<b>3 storeys</b>
Minimum separation between <b>Towers</b> on the same <b>lot</b>	25 m
Minimum <b>setback</b> of a <b>Tower</b> to a property line that is not the street	12.5 m
<b>Common Amenity Area</b>	5 m <sup>2</sup> / unit <sup>(2)</sup>
Maximum <b>Building Height</b>	See Maximum Heights in High-Rise Neighbourhood <b>Zone</b> Overlay in Schedule A
Minimum <b>Landscaped Open Space</b>	35%

**Notes:**

- (1) From the outer edge of the exterior wall of the **podium**.
- (2) The minimum outdoor common amenity space requirement will comprise at least one contiguous outdoor area of a minimum of 55 m<sup>2</sup> at **grade**.

**e) Additional Provisions**

- i) Where the **rear yard** of a **lot** containing a **mid-rise** or **tall apartment building** abuts a **lot** in a LN1-LN7 **Zone**, the **building height** above 3 **storeys** shall be limited by a 45-degree **angular plane** measured from a height of 12 metres at a **setback** of 7.5 metres from an adjoining LN1-LN7 **Zone**.
- ii) Where the **interior side yard** of a **lot** containing a **mid-rise** or **tall apartment building** abuts a **lot** in an LN1-LN7 **Zone**, the **building height** above 3 **storeys** shall be limited by a 45-degree **angular plane** measured from a height of 12 metres at a **setback** of 5.5 metres from an adjoining LN1-LN7 **Zone**.
- iii) The minimum separation distance between **podiums** and **mid-rise buildings** on the same **lot** shall be 2.4 metres for an end wall to end wall condition, 15 metres

# Residential Zones

for a rear wall to rear wall condition and 15 metres for a **front wall to front wall** conditions.

- iv) The minimum distance from an end wall to an **internal roadway** shall be 1.5 metres.
- v) The minimum distance from a wall other than an end wall to an **internal roadway** shall be 3.0 metres.
- vi) A **podium** shall be provided for **tall buildings**.

# Holding Zone Requirements

## Part 8: Holding Zone Requirements

The following list establishes the holding rules and the requirements to lift the hold.

- List of holds to be added.



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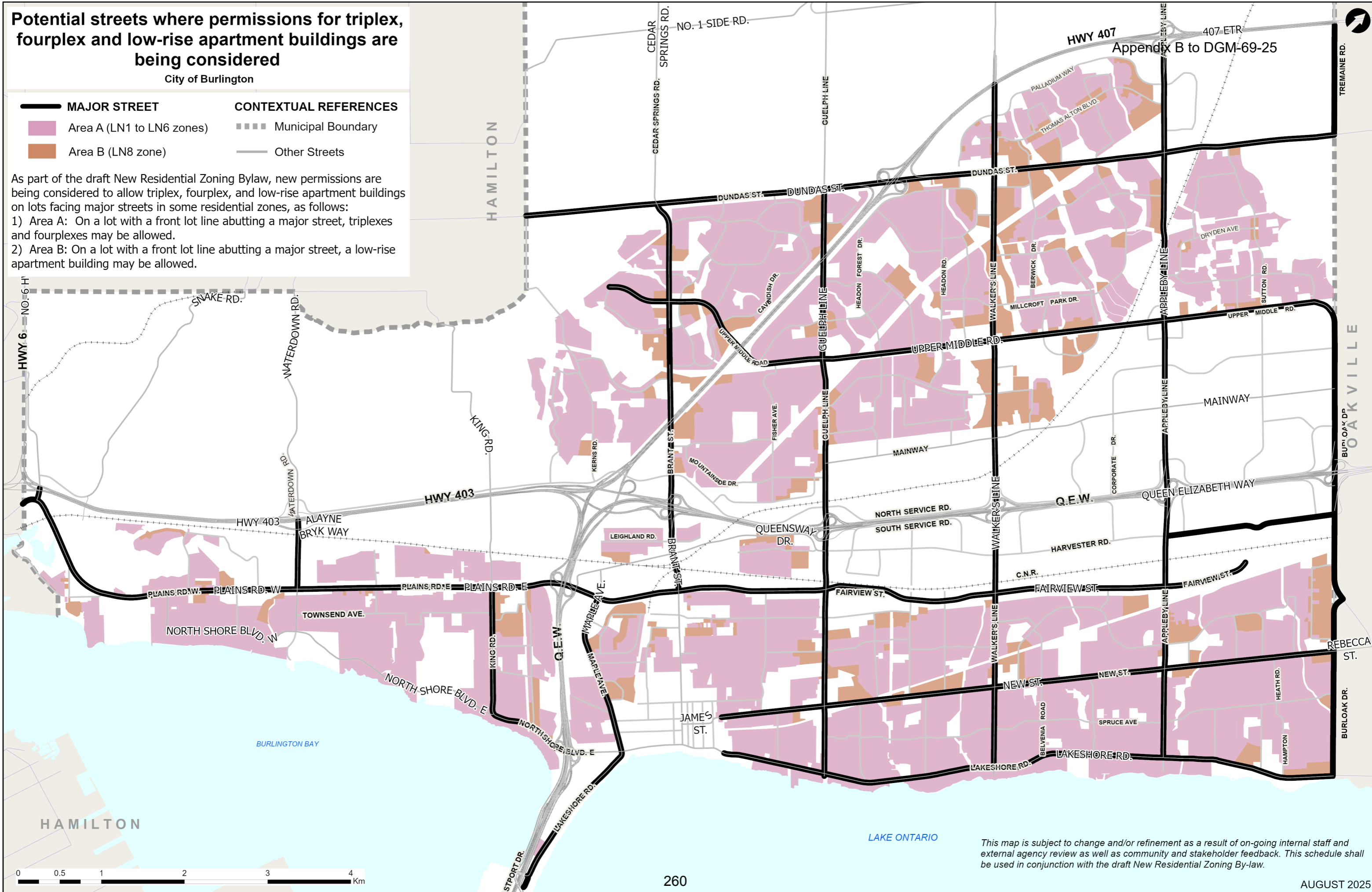
# Potential streets where permissions for triplex, fourplex and low-rise apartment buildings are being considered

City of Burlington

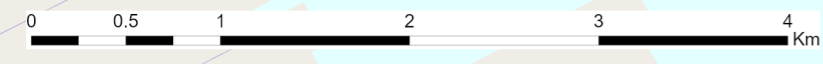
- |                           |                              |
|---------------------------|------------------------------|
| <b>MAJOR STREET</b>       | <b>CONTEXTUAL REFERENCES</b> |
| Area A (LN1 to LN6 zones) | Municipal Boundary           |
| Area B (LN8 zone)         | Other Streets                |

As part of the draft New Residential Zoning Bylaw, new permissions are being considered to allow triplex, fourplex, and low-rise apartment buildings on lots facing major streets in some residential zones, as follows:

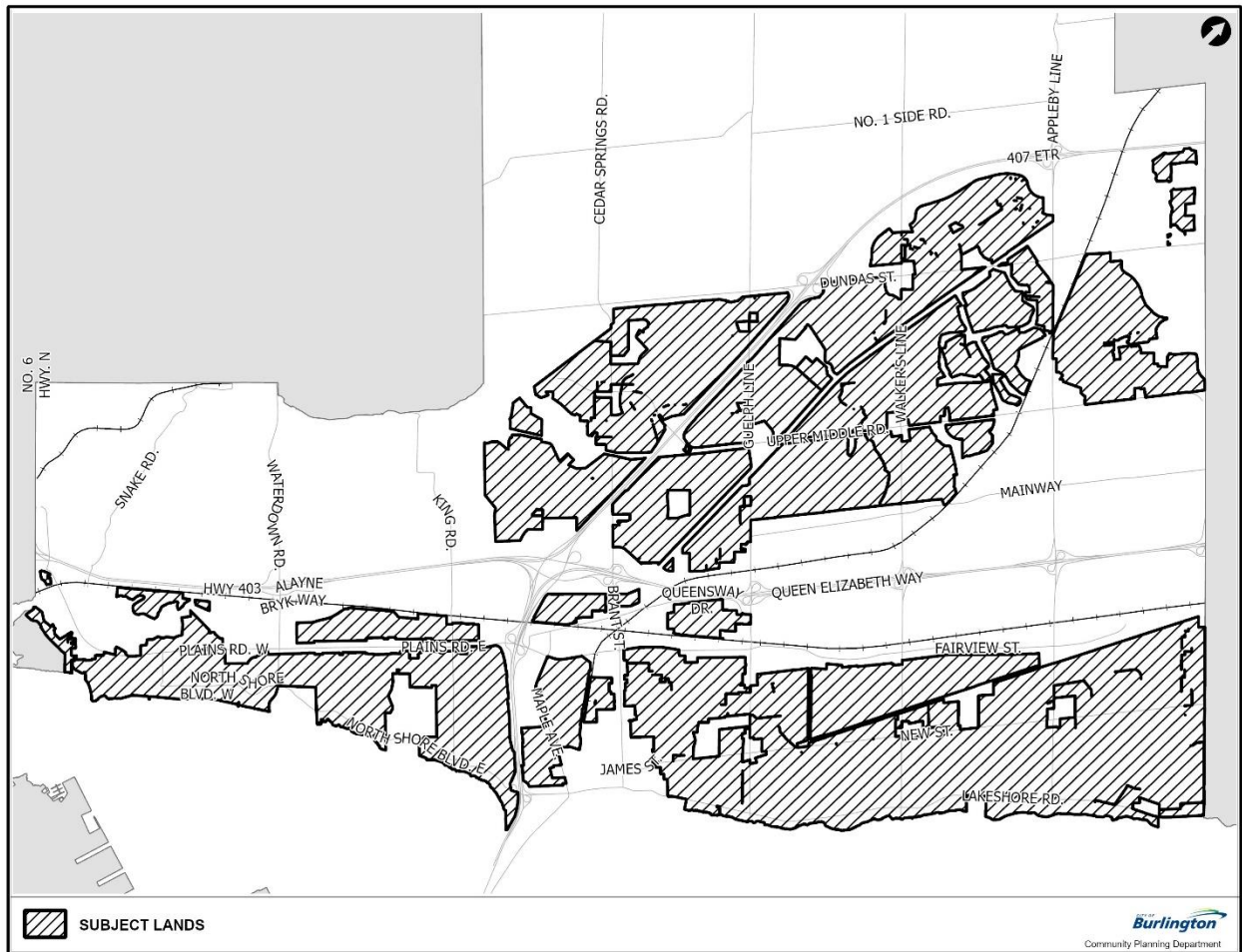
- 1) Area A: On a lot with a front lot line abutting a major street, triplexes and fourplexes may be allowed.
- 2) Area B: On a lot with a front lot line abutting a major street, a low-rise apartment building may be allowed.



This map is subject to change and/or refinement as a result of on-going internal staff and external agency review as well as community and stakeholder feedback. This schedule shall be used in conjunction with the draft New Residential Zoning By-law.



### Map of Lands Subject to Draft Residential Zoning Bylaw





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# Residential Zones - Discussion Paper Addendum

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Prepared for: City of Burlington  
May 2025

## Purpose

This Paper is an addendum to the June 2024 Residential Zones Discussion Paper. The purpose of this paper is twofold. One to address the policy changes in OPA #3 to increase housing options. Two to conduct a thorough best practice review of municipal zoning provisions that will be incorporated into Parts 1-4 of the draft Zoning By-law being Administration, General Provisions, Definitions and Parking.

## Implications of OPA #3

OPA #3 introduced several Official Plan policy changes that warranted consideration in the Zoning By-law. These changes have warranted a change in scope of work in order to consider:

- Permissions for 3 additional residential units (ARUs) and the performance standards / zone provisions to regulate them;
- Changes to the Residential Low Density designation to change the designation name and to permit triplexes and fourplexes on the periphery of neighbourhoods;
- Changes to the Residential Medium Density designation to change the designation name and permit a broader range of ground oriented dwellings including duplex, triplex, fourplex dwellings and multiplex including other permitted dwellings;
- Changes to the Residential High Density designation to change the designation name and permit additional housing types including triplex, fourplex and multiplexes as well as setting a standard permitted maximum height in the Zoning By-law;
- Considerations for reduced parking requirements to facilitate missing middle housing;
- Consideration for two ARU's in an accessory structure; and
- Consideration of approaches to address built form rather than density.

As part of this scope change, the consulting team working with City staff have undertaken analysis to answer the following questions:

- What are the appropriate regulations for duplex, triplex and fourplexes in the Low Rise Residential Zones considering best practices?
- What does “peripheries of neighbourhoods” mean and how can it be implemented in the Zoning By-law with respect to the provision of triplexes and fourplexes in the Low Rise Neighbourhoods I designation and non-ground oriented dwellings in the Low Rise Neighbourhoods II designation?
- How should “multiplexes” be defined in the Zoning By-law?
- What other housing forms would be considered missing middle and appropriate in low rise zones?

- How to address the RM4 Zone permissions, as single detached dwellings are no longer permitted in the Low-Rise Neighbourhoods II designation?
- With the removal of the Neighbourhood Character Area policies are there any character zone provisions should be carried forward in the new Zoning By-law?
- What are the Implications of OPA #3 for High-rise Residential Development?
- What built form provisions should be considered to replace existing density provisions?
- What are appropriate zoning standards for Additional Residential Units (ARU's) and
- What are the implications of allowing two ARU's in accessory structures?

### What are the Appropriate Regulations for Duplex, Triplex and Fourplexes?

For all best practice reviews of municipal zoning in this addendum report, a review was conducted of recent approved or nearly completed zoning by-laws. These included the Cities of Guelph, St. Catharines, Oakville, Vaughan and Ottawa. Due to the lack of other by-laws providing provisions on duplex, triplex and fourplexes, London was also added to the best practice review.

Table 1 shows the provisions for duplexes in other municipalities. Neither Vaughan nor Ottawa contains provisions for duplexes. The provisions vary considerably among the municipalities and even within the municipalities. Based on this review, duplexes could have the same yard, height and coverage provisions as a single detached lot, but to accommodate the parking, it is recommended that the lot frontage be no smaller than 12 metres to allow for a two car garage. The resultant minimum lot area would be 360 square metres.

**Table 1: Duplex Provisions**

Provision	Oakville	Guelph	St. Catharines	London
Lot area min.	743 m <sup>2</sup>	275-460 m <sup>2</sup>	280-630 m <sup>2</sup>	350-600 m <sup>2</sup>
Frontage min.	21 m	9-15 m	12-16.5 m	11.3-15 m
Front yard min	7.5 m	6-10 m	3-6 m	6-8 m
Exterior side yard min	3.5 m	4.5-10 m	3-4 m	6-8 m
Int. side yard min	3.5 m	1.2-1.5 m	1.2 m	1.2 m
Rear yard	7.5 m	7.5 m/ 20% (lesser)	6-7.5 m	6-7.5 m
Height max	12 m	3 storeys	10-11 m	10.5 m
Max lot coverage	25%		45%	30-45%

Table 2 contains to provisions for triplexes in other municipalities. Only Guelph, St. Catharines and London contain provisions for triplexes. As with duplexes, there is

considerable variation in the lot and yard provisions. It is assumed that triplex units would typically be three units stacked on top of one another. As such, the yard and coverage provisions could be similar to single detached houses except that one interior side yard should be a minimum of 3 metres to allow for side yard or rear yard parking. The lot frontage to accommodate the side yard driveway should be a minimum of 13 metres and the minimum lot area 390 square metres. To accommodate three storeys, the maximum height should be at least 10 metres.

**Table 2: Triplex Provisions**

Provision	Guelph	St. Catharines	London
Lot area min.	275-460 m <sup>2</sup>	420-945 m <sup>2</sup>	420-700 m <sup>2</sup>
Frontage min.	9-15 m	12-16.5 m	12-18 m
Front yard min	6-10 m	3-6 m	4.5-8 m
Exterior side yard min	4.5-10 m	3-4 m	4.5-8 m
Int. side yard min	1.2-1.5 m	1.2 m	1.2 m
Rear yard	7.5 m/ 20% (lesser)	6-7.5 m	6-7.5 m
Height max	3 storeys	10-11 m	10.5-12 m
Max lot coverage		45%	35-45%

Table 3 contains the provisions for fourplexes. Only St. Catharines and London contain provisions for fourplexes. The lot areas are considerably larger than other housing types, but both by-laws have frontages starting at 12 metres. Fourplexes could be in the form of two semi-detached duplex units or four stacked units with side yard parking. To accommodate those different built forms and the amount of parking required, it is recommended that the minimum lot frontage be 15 metres and a minimum lot area of 450 square metres. The minimum side yard on one side should be 3 metres and 1.2 metres on the other. Front, exterior and rear yards can be similar to single detached lots in the respective zones. The maximum building height should be at least 12 metres to accommodate 4 stacked units assuming one is partially below grade.

**Table 3: Fourplex Provisions**

Provision	St. Catharines	London
Lot area min.	560-1260 m <sup>2</sup>	550-700 m <sup>2</sup>
Frontage min.	12-16.5 m	12-18 m
Front yard min	3-6 m	4.5-8 m
Exterior side yard min	3 m	4.5-8 m
Int. side yard min	1.2 m	1.2 m
Rear yard	6-7.5 m	6-7.5 m
Height max	10-11 m	12 m
Max lot coverage	45%	35-45%

## What is the Periphery of a Neighbourhood?

OPA #3 in the Low Rise Neighbourhoods I designation permits the development of triplexes and fourplexes at the peripheries of neighbourhoods. In the Low Rise Neighbourhoods II designation, OPA 3 permits the “opportunity for low-rise non-ground oriented dwellings at the peripheries of the neighbourhoods”. It further states that, “The neighbourhoods in the Low-Rise Neighbourhoods II designation will evolve over time to include non-ground oriented dwellings along the peripheries of the neighbourhood and provide an appropriate built form transition in scale between the ground-oriented dwellings and non-ground-oriented dwellings”.

Non-ground oriented dwellings are defined in the Official Plan to be a dwelling unit which is designed to be accessible primarily by indirect access through an elevator and usually exceeds 3 storeys in height,

To operationalize these two policies, the zoning by-law must discern what periphery of the neighbourhood entails.

The Low Rise Neighbourhoods I designation is a large designation, and the entire designation in any one area of the municipality would not be considered just one neighbourhood but rather a series of neighbourhoods. Where the designation abuts a non-residential designation, as shown on Schedule C, such as General Employment, Business Corridor, Urban Corridor - Employment or an Employment Commercial Centre, it would entail the periphery of the neighbourhood. As well, where the Low Rise Neighbourhood I designation abuts a higher density residential designation and in keeping with the policy on transition in scale between ground-oriented dwellings and non-ground-oriented dwellings, the interface with those designations (i.e., parts of Urban Centres, Neighbourhood Centre, Local Centre, Urban Corridor, Low Rise Neighbourhoods II and the High Rise Neighbourhoods) would also be considered the periphery of a neighbourhood.



Within the Low Rise Neighbourhoods I designation itself, there may also be locations considered the periphery of a neighbourhood such as at a railway or major road such as a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

The Low Rise Neighbourhoods II designation is much smaller in area than the Low Rise Neighbourhoods I designation, and in many cases, it abuts the Low Rise Neighbourhoods I designation. In such locals, recognizing the policy to provide a transition in scale, it would not make sense to consider that designation interface as the periphery of a neighbourhood for a Low Rise Neighbourhoods II designation. However, where the Low Rise Neighbourhoods II designation abuts an employment or higher density designation or abuts a railway or major road, these interfaces could be considered the periphery of a neighbourhood.

It is recommended that in the Low Rise Neighbourhood I Zone, triplexes and fourplexes be permitted adjacent to the “periphery of a Low Rise Neighbourhood I” and define that in text to be a lot adjacent to an Employment Zone, a Commercial Zone, an Uptown Mixed-Use Centre Zone, a Downtown Zone except for the Downtown Residential Low-Density Zone, a Low Rise Neighbourhood II Zone, a High Rise Neighbourhoods Zone, a railway or a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

It is recommended that in the Low Rise Neighbourhood II Zone, apartment buildings be permitted adjacent to the “periphery of a Low Rise Neighbourhood II” and define that in text to be a lot adjacent to an Employment Zone, a Commercial Zone, an Uptown Mixed-Use Centre Zone, a Downtown Zone except for the Downtown Residential Low-Density Zone, a High Rise Neighbourhoods Zone, a railway or a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

### **How Should “Multiplexes” be Defined in the Zoning By-law;**

OPA #3 modifies Section 8.3.4(1) of the Official Plan to permit multiplexes on lands designated Low Rise Neighbourhoods II. To align with the Official Plan, the draft Residential Zoning By-law should permit multiplexes within the Low Rise Residential Zones.

Looking to best practice examples, the City of Guelph defines ‘multi-unit building’ as ‘a building or group of buildings which are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy.’

Oakville defines ‘dwelling, multiple’ to mean ‘a dwelling unit within a building containing three or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein’.

The City of Burlington Major Transit Station Area Community Planning Permit (CPP) By-law defines ‘apartment building’ as a building consisting of more than 4 dwelling units which have a common entrance from the street level and where the occupants have the right to use common elements. As such, it is understood that in the CPP a ‘multiplex’ would fall under the apartment definition.

The St. Catherines’ Zoning By-law refers to ‘multiple attached’ dwelling units but does not define this term, whilst Vaughan’s By-law refers only to ‘multiple-unit townhouse’, to mean a townhouse dwelling containing four or more dwelling units.

From the review, ‘multiplex’ is not a common term amongst the best practice examples, and there is a general lack of consistency in how such dwelling types are approached or which defined dwelling type these would fall under.

In defining multiplex, a key consideration for the City will be the specification around whether the entrance must be a ‘common’ entrance or a ‘private’ entrance, to differentiate a ‘multiplex’ from an apartment building. The definition of an apartment building is currently a building consisting of more than four units which have a common entrance from the street. Since fourplexes, townhouses, stacked townhouses and back to back townhouses are defined, a multiplex will need to be defined broadly as a building with more than 4 units with multiple private entrances but may also contain a common entrance and is not an apartment building.

### **What Other Housing Forms Would be Considered Missing Middle and Appropriate in Low Rise Zones?**

Burlington’s CPP By-law includes ‘rowhouse’ which is typically another name for townhouse but otherwise focuses on accommodating additional housing in various mixed use buildings. Most of the Zoning By-laws reviewed do not provide any additional housing forms that could be considered ‘missing middle’ beyond Additional Residential Units (ARU’s), various forms of townhouse dwellings, duplex, triplex and fourplex and low rise apartment buildings.

Vaughan’s Zoning By-law takes a more novel approach whereby specific categories are established for ‘townhouse residential zones’ and ‘multiple unit residential zones’, which whilst permitting a range of uses including ‘multiple-unit townhouse dwelling’, restrict these housing forms more to within those specific zones rather than permitting these uses more broadly across the residential zone categories.

Ottawa takes a different approach and only focuses on dwelling units with a limitation on the number of dwelling units on a lot without focus on particular types of dwelling units.

ARU's, duplex, triplex, fourplex, all forms of townhouses, multiplex and low rise apartment forms constitute an appropriate range of missing middle housing forms, considering Burlington's context and specific qualities (e.g. lack of laneways to accommodate laneway suites). The draft Zoning By-law should focus on how to permit ARU's, duplex, triplex, fourplex, townhouses and multiplex units in the Low Rise Neighbourhood Zones in order to maximize housing options.

### **How to Address the RM4 Zone Provisions?**

The RM4 Zone occurs in a number of locations in the City in areas generally designated Residential - Medium Density in the existing approved Official Plan. As an RM Zone, it is a medium density zone. However, in comparison to other Medium Density zones, it only permits detached and semi-detached dwellings as well as ARU's.

The minimum lot width in the RM4 Zone is 10 m for a detached dwelling and 8.5 metres for a semi-detached dwelling with a lot area of 300 square metres and 250 square metres respectfully. These frontage and lot sizes are smaller than any of the R1 to R3 zones.

Under OPA #3, detached dwellings are no longer permitted in the Low-Rise Neighbourhoods II designation which replaces the current Residential – Medium Density designation. However, “existing single-detached dwellings on lands designated Low-Rise Neighbourhoods II are deemed to conform to the Low-Rise Neighbourhoods II designation and policies”.

With that policy, the RM4 Zone could be incorporated into the new Medium Density zone in order to continue to recognize the existing detached dwellings, but the permitted uses in the zone would need to change to “existing detached dwellings”. Alternatively, the RM4 Zone could be combined with the new LDR 2 Zone which permits detached dwellings with a 9 metre frontage and a lot area of 270 square metres.

### **With the removal of the Neighbourhood Character Area policies are there any character zone provisions should be carried forward in the new Zoning By-law**

The Official Plan contains Neighbourhood Character Area policies in Section 8.3.6 which apply to three character areas: Roseland, Indian Point and Shoreacres. The intent of these policies was to ensure that development is consistent with and respectful of the neighbourhood character. These policies were summarized in the Phase 1: Residential Zones- Discussion Paper. OPA #3 did not change these policies. However, on January 28<sup>th</sup>, 2025, Council amended the by-law which approved Grow Bold: Burlington Official Plan to remove Section 8.3.6, Neighbourhood Character Areas from the Official Plan.

In the current Zoning By-law 2020, these three character areas are zoned R1.2 (Roseland) and R2.1 (Shoreacres and Indian Point) and are shown on maps in Section 4.9 Character Area Maps. As a result of the change to the Official Plan, these zones will be removed from the by-law. The specific provisions are reviewed to determine if they would be of value in the new residential zoning by-law.

### **Side Yards**

In Section 4.1 of By-law 2020, subsection d) provides for side yard requirements for Roseland and Indian Point with a sliding scale based on the width of a lot for lots greater than 17 metre widths. This provision could be applied to all large residential lots to maintain the open character of those areas.

### **Front Yards**

Subsections e) and f) require site specific front yard provisions that should be moved into a site specific exception.

### **Dwelling Depth**

Section 4.6 requires a maximum depth of a dwelling of 18 metres. This provision doesn't necessarily need to apply solely to Character Areas. It is a provision that is intended to limit the impact on the rear yards of adjacent properties when new replacement dwellings or additions are larger than the current house on a property. It is used in the following municipalities – Toronto (17 metres), Ottawa (20 metres for buildings with six or few dwelling units) and Oakville (20 metres). It is a provision that has worked well in Oakville and Toronto.

### **Architectural Features**

Section 4.7 sets out requirements for the height of a column on the first storey which is not to exceed the height of the ceiling of the first storey. This character provision is very much a design solution and not a built form consideration. It is recommended to be removed from the by-law.

### **Garages**

Section 4.8 a) requires that the width of an attached garage not exceed 50% of the building elevation. This provision is an appropriate built form provision for smaller lots where the garage can dominate the house and streetscape and reduce front yard open space. The Guelph zoning by-law contains a similar provision which is 50% of the lot frontage. It is recommended that this provision be maintained in the by-law.

Section 4.8 b) requires that an attached garage with a garage door facing a street not project beyond the longest portion of a wall facing a street. Again, this provision is an appropriate built form provision to ensure that on smaller lots, the garage won't dominate the house frontage. Other by-laws contain a similar provision including Guelph

which also allows a projection of 2 metres where a roofed porch is provided, and Oakville does not permit a projection of more than 1.5 metres from the face of the main wall. It is recommended that this provision be maintained in the by-law

### **What are the Implications of OPA #3 for High-rise Residential Development?**

OPA #3 significantly revised the regulations pertaining to high-rise residential development. Key changes include the following:

- **Renaming and refocusing of designation:** The "Residential – High Density" designation in the Official Plan is renamed to "High-Rise Neighbourhoods". A newly added preamble states that the designation is intended to accommodate limited infill development that is sensitive to the existing physical character of the surrounding neighbourhoods.
- **Expanded permitted uses:** The range of permitted dwelling types is expanded to include a variety of ground and non-ground-oriented dwellings but explicitly excludes single-detached and semi-detached dwellings. This aims to provide more opportunities for infill development.
- **Removal of density requirements:** The previous policy framework generally permitted development with a density between 76 and 185 units per net hectare, and beyond 185 units per net hectare if specific conditions could be met. The revised policy framework removes density requirements for development in the High-Rise Neighbourhoods designation and replaces them with height requirements. In keeping with the previous approach, the revised policy still defers to the implementing Zoning By-law as the vehicle through which height maximums are to be established.
- **Amendment to Notwithstanding Clause to focus on heights:** Section 8.3.5(1)(c) of the Official Plan previously allowed for consideration of additional intensity based on density. That provision is amended to instead permit additional height beyond the Zoning By-law's maximum through a site-specific Zoning By-law Amendment, without needing an amendment to the Official Plan. Certain conditions must be met in order to pursue this avenue (e.g., provision of functional outdoor common amenity space).

### **Implementing the OPA #3 Policy Framework in the New Zoning By-law**

In order to implement the policy framework as it relates specifically to maximum heights, the zoning by-law would need to be modified as follows:

- Remove regulations pertaining to minimum and maximum density values which apply to development in the RH (High Density) zones.
- Define maximum height values in alignment with the City’s Tall Building Guidelines, which defines a tall building as any building over 11 storeys (i.e., the zoning by-law should not set a maximum value of less than 11 storeys).
- Appropriate maximum height values could be carried forward from the existing zoning regulations applicable to the RH (High Density) zones and adapted to suit. The existing zoning framework sets maximum heights for apartments as ranging between 12 storeys, 18 storeys, 24 metres, or no maximum at all (depending on the specific zone).
- Use a spatial overlay to define maximum height values which apply to development in the RH (High Density) zones: Maximum height values could vary across the city, depending on location, so as to align with the policy intent that infill development be accommodated in a way that is sensitive to the existing character of surrounding neighbourhoods.

### **What Built Form Provisions Should be Considered to Replace Existing Density Provisions?**

The low-rise zones in the Burlington Zoning By-law do not contain density requirements per se but do contain minimum lot size requirements as is typical with many zoning by-laws in Ontario. These minimum lot sizes do result in a density limitation. However, there is no plan to remove minimum lot frontage and lot size requirements.

In Ottawa’s draft Zoning By-law, the ‘Neighbourhood Zones’ set out to permit a ‘full range’ of housing options and associated residential uses to reflect the direction of the Official Plan’s Neighbourhoods designation. Density is controlled using the primary ‘N-zones’ where a table sets out the maximum number of dwelling units per 100 sq. m. of lot area. Although this is a different way to control lot size, it is still a density requirement. N-subzones (A-F) are then used to regulate elements influencing residential character, with subzone A equating to the most urban character and subzone F representing the most suburban character, as defined in the Official Plan. The subzones (A-F) are used to regulate the following;

- Minimum lot width;
- Minimum lot width per vertically attached unit;
- Minimum setbacks: front yard, interior and exterior side yard, rear yard;
- Maximum building width.

### **Other Built form Provisions for Low-Rise Housing.**

Other by-laws do contain additional built form requirements for both low-rise and mid and high-rise buildings, although these additional built form provisions beyond the traditional provisions are quite limited for low-rise housing forms.

The Ottawa By-law requires a principal entrance to be located on the front or exterior side façade and provide direct access to the street. Guelph contains a similar provision.

For street townhouses, the Guelph By-law requires that the elevation of the principal entrance not be more than 1.5 metres higher than the elevation of the front lot line.

Ottawa has a requirement for buildings four storeys or less that the front façade of a building must comprise at least 25 per cent windows and the exterior side façade comprise at least 15 per cent windows. It also has a requirement that at least one principal entrance per principal building must be located on the front or exterior side facade and provide direct access to the street.

In Oakville's By-law, a minimum separation distance of 2.4 metres is required between detached dwellings on abutting lots in the same zone. Additionally, residential floor area above second storey height is permitted whereby the floor area above the second storey shall not exceed 35% of the residential floor area of the second storey immediately below.

#### **Other Built Form Provisions for Mid-Rise and High-Rise Housing**

Guelph's Zoning By-law provides a number of built form regulations, particularly in relation to apartment buildings in its high density apartment building zone, which include regulations for tower separation, requiring a 25 metre setback between apartment towers that are 7 storeys or greater, and also requiring a 12.5 metre setback of the tower portion of a building from an interior side or rear lot line.

For buildings less than 7 storeys, Guelph's By-law requires a building separation between walls with habitable windows of half of the building height to a max of 15 metres. Walls with no habitable windows shall be separated by a minimum of 3 metres.

Guelph's By-law also sets maximum floorplate size requirements for apartment buildings of 1,200 m<sup>2</sup> for floors 7 and 8 and 1,000 m<sup>2</sup> at 8<sup>th</sup> storey and above. A building step back of 3 metres above the 6<sup>th</sup> storey facing a street for buildings located within 15 m of a street is also required. A maximum building length of 75 metres is set for apartment buildings located within 15 metres of a street for the portion located adjacent to the street.

Angular plane regulations have been incorporated into Guelph's By-law, preventing building heights from exceeding an angular plan of 30 degrees from the RL1 and RL.2 zones and 45 degrees from the RL.3, RL.4, RM.5 and RM.6 zones.

Active entrance requirements for apartment buildings in the medium and high density zones within Guelph's By-law require there to be a minimum of 1 active entrance for every 30 metres of street line for buildings within 15 m of a street line.

Ottawa's Zoning By-law in its provisions for high-rise buildings, provides different tower separation distances for residential buildings greater than 10 storeys ranging from 15 to 23 metres and with interior and rear yard setbacks ranging from 7.5 metres to 11.5 metres depending on the area in which it is located. The by-law also requires a 45 degree angular plane in some of its Main Street and Corridor zones abutting an N1 - N4 zone.

St. Catherine's By-law provides very few built form provisions beyond standards of lot area, frontage, setbacks, height and lot coverage matters as established in the provision tables of Section 5. However, the standards themselves do feature more corresponding footnotes than is typically seen, providing further refinements to the standards. For example, the minimum interior side yard setback standard of 1.2 metres is caveated that for any portion over a 7 metre height, the setback shall increase to 2 metres. Additionally, in the R4 zone provisions for apartments, setback provisions are established in accordance with height. For example, a front yard setback must be 3 m for a portion of building less than 14 metres in height and 5 metres for portion of building 14 metres in height or greater. For a rear yard, the requirement is 4.5 metres for the portion of a building up to 14 metres in height, with an additional 0.5 metre for each additional 1 metre of height which results in a stepping back of a building similar to an angular plane.

Oakville's Zoning by-law provides a minimum separation distance between buildings containing dwelling units of 2.4 metres within the medium density residential zone, and establishes that a minimum setback from a daylight triangle of 0.7 metres applies. There are minimal additional built form provisions.

Within Vaughan's By-law, a 2.4 metre separation distance applies to the RM1 zone. Additionally, within the RM1 zone, a maximum width of 40 metres is established for the front main wall of a block of multi-unit townhouse dwellings.

The Vaughan by-law also contains, podium and tower requirements for buildings over 20 metres in height in the RM2 and RM3 zones. It set at a minimum podium height of 10.5 metres and a maximum podium height of 20 metres. A minimum tower step-back above the podium is 3 metres. A maximum tower floor plate of 850 square metres is required. The minimum tower separation distance is 30 metres, and the minimum tower setback from any rear or interior side lot line is 12.5 metres. In addition, a 45-degree angular plane requirement applies within the RM2 and RM3 zones.

## **What are appropriate zoning standards for Additional Residential Units (ARU's)?**

As input to this addendum Discussion Paper, City staff undertook a best practices review of municipalities that have recently made updates to their zoning standards for ARUs. This review included the neighbouring Towns of Milton and Oakville, as well as the Cities of Guelph, Kitchener and St. Catharines. Table 4 contains the best practice review for ARU zoning standards with Column H containing the recommendations for which provisions should be carried forward in the draft Zoning By-law.

The purpose of this review was to identify appropriate zoning standards for ARUs to ensure ARU's fit with existing development and complement a neighbourhood's character while reducing barriers for ARU's. In addition, this review builds on the recent amendments to the current zoning by-law made in response to the Province's changes to Ontario Regulation 299/19 Additional Residential Units.

### **Organization**

In the current City of Burlington Zoning By-law 2020 the ARU standards are set out in the general provisions section, where some performance standards may be found under 2.21 (u) and others for ARUs in an accessory building and structure being found in section 2.2.

From the review, it is common amongst the best practice examples to make a clear distinction between an ARU within a principal building and those within a separate detached building (or an accessory building or structure) on the same lot and provide each with distinct zoning standards. The by-laws tend to organize their ARUs provisions in a more logical way than the current by-law, which can help to make them easy to find, understand and apply.

It is recommended that the new Zoning Bylaw present the permissions and performance standards for ARUs in their own subsection with a further distinction between ARUs within a principal building and those within a separate detached building on the same lot. There will be a need to update the definition and provisions for accessory building or structures to cross reference this new subsection where accessory buildings or structures is converted and used for human habitation.

### **Building Distance Separation**

Currently Zoning Bylaw 2020 does not include provisions to regulate the minimum building separation distance between two buildings containing residential units on the same lot.

In Oakville's By-law, a minimum separation distance of 2 metres with a reduced rear yard is required, St. Catharines and Guelph's By-laws require 3 metres, Milton's By-law requires 3.5 metres, and Kitchener requires a minimum separation distance of 5 metres with minimum side yard requirements ranging from 0.6 to 0.9 metres.

It is recommended that a minimum building separation distance be provided for in the by-law and the City could consider a standard less than 4 metres, while still providing for adequate privacy, access, safety and outdoor amenity space.

### **Number of Entrances**

Currently, only one exterior entrance is permitted on each elevation of the principal building facing the street. This character provision is more of a design element than built form consideration. It is recommended that this provision be removed.

### **Building Height / Number of Storeys for ARUs within an Accessory Building**

In Section 2.21 of By-law 2020, subsection (u) (iv) provides for one ARU within an accessory building. Standards for the height of accessory buildings are found in Section 2.2 of Bylaw 2020. Currently, for accessory buildings greater than 10 square metres a maximum of one storey, and a building height of 4.6 metres for peaked roofs and 3.5 metres for flat roofs is permitted.

In Milton, Kitchener and Guelph's By-laws ARUs are permitted on the second floor of an accessory building or structure. The Milton, Kitchener and St. Catharines By-laws provide different requirements or exceptions for heights based on roof shape, which is consistent with the current approach in Zoning Bylaw 2020.

There was some variation in maximum heights for ancillary structures amongst best practice examples. The Oakville By-law permits a height up to a maximum of 4 metres, while Kitchener and St. Catharines By-law's permit up to 6 metres, Guelph's By-law permits up to 6.1 metres, and Milton's By-law permits up to 7 metres. Milton and Kitchener both place additional restrictions on maximum height based on the height of the principal building. Milton prohibits an ARU from exceeding the height of the principal building, while Kitchener only permits a 6 metre ARU where the principal building is at least 9.1 metres in height.

Milton and Guelph provide additional restrictions on the second floor of a two-storey building containing an ARU(s) to reduce overlook and protect privacy on neighbouring lots. To determine if an increase in building height is appropriate and whether a second storey could be developed in accessory buildings or structures, additional side yard and rear yard setbacks should be considered, as well as appropriate provisions for entrances and exterior stairs to a second storey, balconies, and rooftop amenity areas.

## **What are the Implications of Allowing Two ARUs in Accessory Structures?**

The City recently amended its zoning by-law to allow for the development of up to three additional residential units on parcels of urban residential land; however, only one additional residential unit may be developed in an accessory building. However, the City's recent OPA #3 includes a provision which allows for the development of two additional residential units within an accessory building "if determined appropriate through the work of Phase 1 of the New Zoning By-law Project" (see 8.7.2(2)(b) of OPA #3).

In order to determine whether two additional residential units could be developed in a single accessory structure, the following factors should be considered:

- **Parking:** Demand for on-site parking may increase with each additional residential unit (e.g., potentially 3+ vehicles total per lot assuming the total limit of four residential units is reached); this may imply a negative visual and environmental impact if parking areas need to be expanded. If provision of sufficient on-site parking is not possible or desired, there may be a spillover effect whereby demand for street parking is increased. This may necessitate implementation of a municipal street parking permit regime.
- **Massing:** Doubling the number of residential units in a single accessory structure may imply the need for larger or taller structures. This may imply negative impacts to adjacent neighbours in terms of the visual dominance of such structures in rear yards and shadowing, and more generally in terms of impact on neighbourhood scale and character.
- **Overlook and privacy:** Larger or taller accessory structures, especially those with more windows/openings, may imply increased potential for overlooking adjacent private yards and main dwellings due to proximity. These impacts may be more likely to occur with second-storey units.
- **Access:** Larger accessory structures may complicate the need for unobstructed access to both additional residential units from the street (e.g., by emergency services) or lead to potential conflicts with existing driveways/paths. Access to waste bins may also be an issue.
- **Outdoor amenity space:** Larger accessory structures may imply a proportionate reduction in private outdoor space available to the primary dwelling. Similarly, demand for outdoor space may increase in proportion to the number of residents. These issues imply the potential for inadequate or conflicting use of remaining yard space.

The issues noted above point to the need for careful balancing between competing interests while maintaining focus on the intended outcome of the policy framework: the need to increase housing supply.

### **Considerations for Allowing Two ARUs in Accessory Structures**

Other municipalities in Ontario have already developed regulatory frameworks which allow for two additional residential units in a single accessory structure (e.g., City of Guelph and City of Kitchener). There are several factors that the City could consider in setting the conditions under which allowing two additional residential units in a single accessory structure would be a reasonable approach to achieving the outcome of increasing the housing supply, while managing the impacts identified above.

It may be appropriate to permit the development of a second residential unit in an accessory structure in instances where it would be possible to meet all other applicable zoning regulations (e.g., parking, built form, setbacks, etc.) which would otherwise apply to the development of a single additional residential unit in such a structure. However, this approach may result in a very limited set of instances which would fit those conditions, potentially missing the opportunity to increase housing supply.

The City may wish to consider some combination of the following approaches when defining the conditions under which it would be appropriate to permit such development:

- Require the use of architectural features which minimize negative impacts to privacy in instances where physical proximity between residential properties is increased (e.g., use of obscure glass windows);
- Defining maximum building heights specific to accessory structures which include additional residential units;
- Prohibition or strict regulation of second-storey balconies/terraces;
- Increased setbacks, particularly for upper levels of the accessory structure;
- Landscape buffering/screening requirements which would minimize negative impacts to privacy (e.g., fences or tall hedges to separate properties); and
- Defining minimum requirements for provision of private outdoor amenity space to be retained for the primary dwelling and the additional residential units.

If the City wishes to expand the pool of properties which might readily meet reasonable conditions, the following approaches could be considered:

- Further reductions to parking requirements for properties near major transit stations/stops; and
- Increasing permitted maximum lot coverage above 45%.

## Best Practice Review

A best practice review of municipal zoning provisions was undertaken for Parts 1-4 of the draft Zoning By-law being Administration, General Provisions, Definitions and Parking. The review comprised those municipalities with recently approved or nearly completed zoning by-laws. These included the following zoning by-laws:

- City of Burlington By-law 2020 (February 2025 consolidation);
- City of Guelph By-law (2023)-20790 (consolidated as of April 18, 2023);
- City of Ottawa New Zoning By-law (Draft 1 as of April 29, 2024);
- City of St. Catharines By-law 2013-283 (consolidated as of December 16, 2023);
- City of Vaughan By-law 001-2021 (consolidated as of December 24, 2024); and
- Town of Oakville By-law 2014-014 (consolidated as of November 28, 2024).

In addition, the provisions in Burlington's recently approved Community Planning Permit By-law were also documented.

These best practices were reviewed with consideration of the following objectives as set out in the study RFP:

- To include accessibility updates that utilize plain language and foster a positive user experience including updated illustrations and graphics to support interpretation; and
- To update the standards and definitions to eliminate redundant / repetitive provisions and create regulations that reflect modern land use planning and urban design practices.

The resulting objective is to develop a robust, clear, legally sound, and internally consistent set of definitions, general conditions and provisions and parking provisions that accurately reflect contemporary planning practice and will effectively support the new by-law's residential zones. The overarching goal of this best practice review is to establish a modernized Zoning By-law that is unambiguous, user-friendly for staff, applicants, and the public, and capable of supporting the effective, consistent, and legally defensible implementation of all land use policies and regulations.

### Administration & Interpretation

As shown in Table 5, all the General Conditions or administrative provisions in the current City of Burlington Zoning By-law 2020 were documented in column C. Similar provisions in the other municipal by-laws and the Burlington Community Planning Permit By-law were documented in columns D through I. Where those municipal by-

laws contained additional administrative provisions, those were documented as well. In total the City compiled a list of 69 administrative terms including 13 existing terms.

Column J contains a recommendation of which provision should be carried forward. The recommendations were reached following a comparison of conditions across the By-laws and deciphering which conditions and administrative provisions should be retained, removed, implemented or combined to result in a more concise and easily interpreted set of standards.

### **General Provisions**

Table 6 contains the best practice review for General Provisions with Column J containing the recommendations for which provisions should be carried forward in the draft Zoning By-law.

Each of the 37 general provisions from Burlington’s existing Zoning By-law, in addition to another 67 provisions identified across the other By-laws which are not currently covered by the City’s comprehensive Zoning By-law were analysed. Provisions were carefully compared and where a provision in another By-law was considered to provide additional detail or clarity, text was incorporated into the draft provisions to improve a provision’s robustness. Following the incorporation of additional text and detail into the draft by-law, sections were combined or restructured to avoid the repetition of information. In some instances, specific provisions within existing sections were taken out to form their own cohesive sections to improve the readability of the General Provisions.

Where existing provisions did not frequently appear in the best practice By-law examples; were not easily enforceable; or were simply not considered to be appropriate for inclusion in a Zoning By-law, they were omitted to improve the conciseness of each section.

Throughout the review, there was a focus on the successful alignment of the draft General Provisions with those of Burlington’s recently approved Community Planning Permit By-law, where possible. For example, in some cases the base text of provisions was updated to reflect that of the CPP by-law where they were more concise yet still sufficiently comprehensive.

### **Definitions**

Table 7 contains the best practice review of definitions. The City compiled a database of 481 definitions which exist in the current in-force zoning by-law and/or in those of several other municipalities in Ontario.

Using this “best practices” database, the project team undertook a thorough evaluation of terms present in Burlington's zoning by-law, alongside a comparative analysis of definitions utilized in the by-laws of the comparator municipalities.

Each term was systematically assessed for its necessity, its capacity for clear and precise definition, and its functional role within the broader regulatory framework. Key principles guiding this refinement included ensuring definitions focus on describing what a term is, leaving quantitative standards and specific permissions to the regulatory sections, and promoting alignment with Burlington's Official Plan and overarching Provincial policy.

This iterative process resulted in the following recommendations:

- Add 122 essential new terms where gaps were identified (e.g., for emerging uses, modern building forms, or key environmental concepts);
- Retain and revise 77 existing definitions to improve clarity and remove embedded regulations;
- Consolidate 123 overlapping or synonymous terms under a single preferred term; and
- Delete or omit 122 terms deemed redundant, overly broad, subjective, or inconsistent with current best practices in zoning by-law drafting in Ontario;
- Consider 25 terms for inclusion only if deemed necessary pending further review; and
- Maintain 19 existing terms as they stand in the current zoning by-law.

The project team also identified 7 additional terms which were not included in the original database, but which needed to be added to the zoning by-law in order to provide for internal consistency between definitions.

### **Parking Provisions**

The best practices review in Table 8 identified the following key updates to create a more contemporary, flexible, and effective regulatory framework for parking:

- Implement core policy shifts:
  - Adopt provisions to eliminate minimum parking requirements in some areas (PMTSA) of the City (as per the Vaughan model) or in the entire City (as per the CPPS By-Law).
  - Update standards for Accessible Parking Spaces per proposed CPPS By-law.
  - Establish comprehensive requirements for Electric Vehicle (EV) Parking (Capable, Ready, EVSE Installed) per CPPS By-law.
  - Introduce detailed standards for Bicycle Parking (long-term spaces and short-term spaces) per CPPS By-law, potentially augmented with specifics from Guelph/ Ottawa hybrid model.
  - Adopt updated Loading Space requirements per CPPS By-law.

- Introduce new general standards:
  - Adopt a 'rounding up' rule for calculating all required parking/ loading spaces (Vaughan By-Law).
  - Mandate that all required parking, loading, and stacking facilities be located on the same lot as the use they serve (Vaughan/Oakville hybrid model).
  - Establish minimum driveway intersection angles (Vaughan model).
  - Establish Loading Space Requirements per proposed CPPS By-law
  - Introduce a 'Cash-in-Lieu of Parking' provision for non-residential uses, enabling flexibility (edited Oakville model, tied to Section 40 of the *Planning Act*).
- Consider optional enhancements and specific local controls:
  - Permit 'wheel strip driveways' for increased permeability (edited Ottawa model).
  - Explicitly confine off-street residential parking to the driveway, garage, or carport. (edited Vaughan model).
  - Allow a percentage of smaller, dedicated parking spaces for motorcycles/cargo bicycles (edited Ottawa model).
  - Develop specific regulations for parking/storage of Heavy Vehicles and Recreational Vehicles at residential properties, and for 'Vehicles Prohibited in Residential and Mixed Use Zones,' if ongoing local concerns warrant these controls.

These recommendations collectively aim to create a modernized, flexible, and comprehensive regulatory framework for parking in Burlington.

## Next Steps

This Addendum Discussion Paper will be reviewed with City Staff to confirm the direction for the New Zoning By-law. At the same time the best practice review of the Administration & Interpretation, General Provisions, Definitions and Parking Provisions will be used to create updated Chapters 1 to 4 which will be reviewed with City Staff.



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# Burlington New Residential Zoning Bylaw

Community Engagement  
Backgrounder to Draft 1

July 2025



# Outline and purpose of this Backgrounder



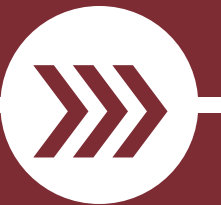
## Outline

- 1. Understanding Zoning**
- 2. The New Zoning Bylaw Project**
- 3. What's Proposed in the New Residential Zoning Bylaw**
- 4. Next Steps**

## Purpose

- ✓ Describe what is zoning and its role in city building
- ✓ Communicate the reasons for updating the zoning by-law
- ✓ Share insights from community feedback gathered so far
- ✓ Present the anticipated impacts on residents and businesses
- ✓ Guide participants on how to get involved and provide feedback

# Part 1: Understanding Zoning

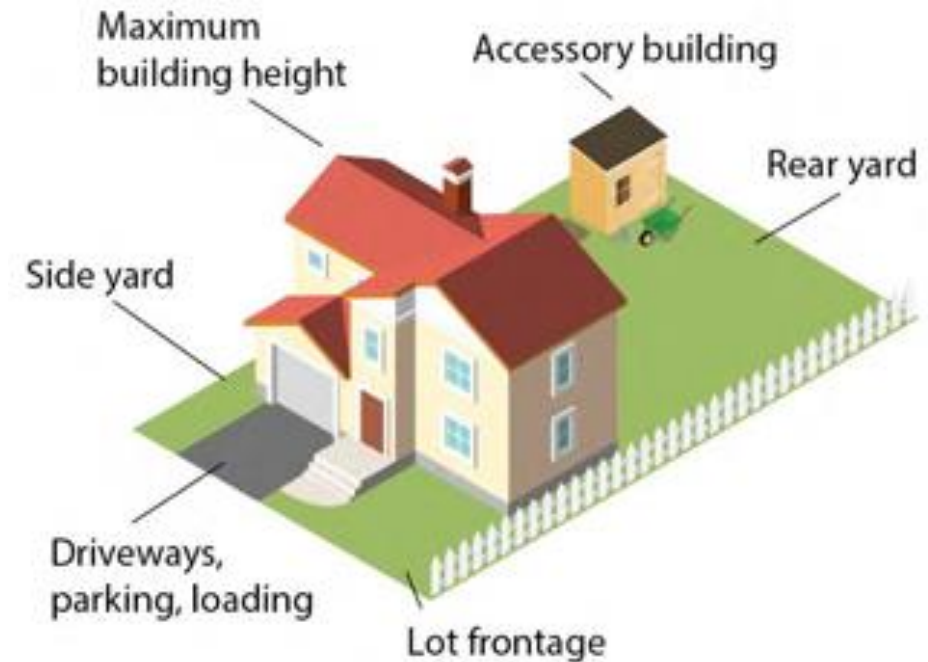


# What is a Zoning Bylaw and what does it do?

A zoning bylaw is a document that sets out rules for:

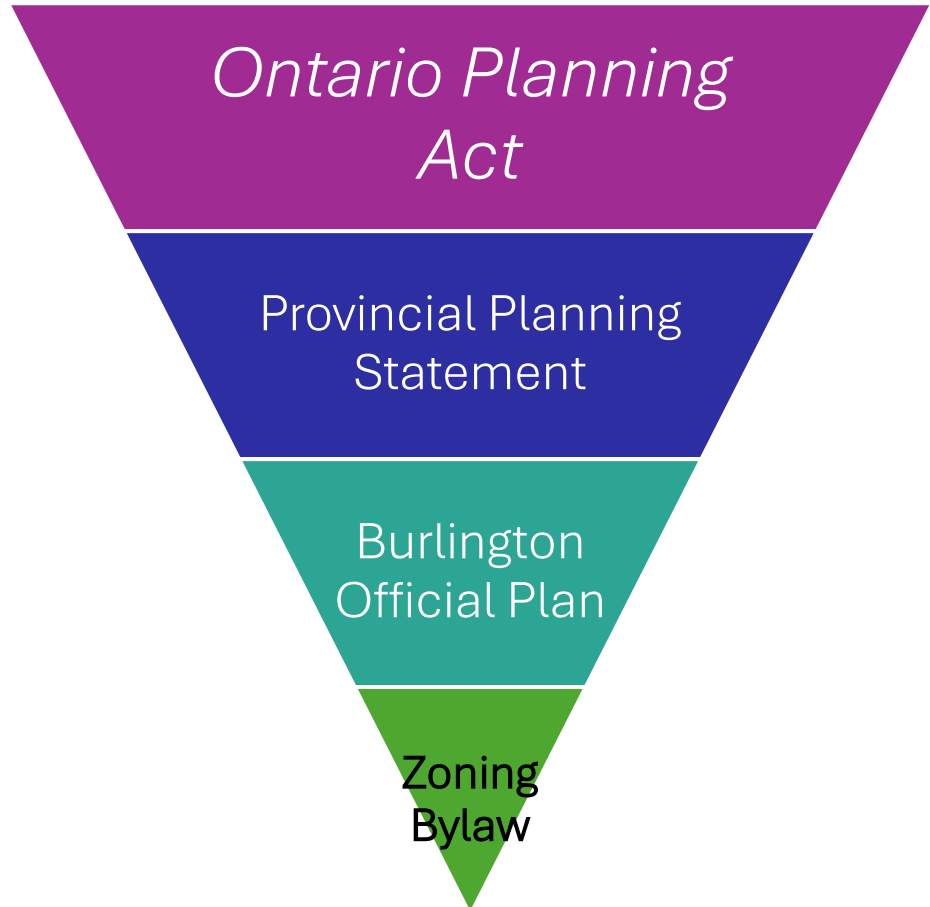
- how land can be used (e.g., as commercial residential, industrial or institutional);
- the types of buildings and activities that are allowed;
- where buildings and other structures can be located; and,
- other details like lot sizes, parking requirements, setbacks from property lines or other structures and building height and density.

Zoning helps keep land uses organized, sustainable and ensures community needs are met.



Source: City of Guelph Comprehensive Zoning Bylaw Review

# Why do we have Zoning?



**Zoning is Part of the Planning Framework:** Zoning executes Ontario's provincial planning framework at the property level.

**Official Plan Alignment:** It helps implement the policies in the city's Official Plan.

**Regulatory Tool:** It provides enforceable rules for land use and is a set of guidelines everyone must follow.

**Community Protection:** It prevents land use conflicts and supports balanced city growth.

**City Planning:** It ensures access to essential amenities like roads, parks, schools, and shops.

# What is Zoning about?



## Zoning is about

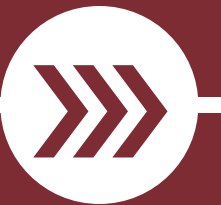
- The types of businesses and activities on a property
- The size, height, type and location of a building
- How much parking must be provided on a property
- Landscaping and open space on a property
- How lands or buildings are used



## Zoning is not about

- Property maintenance and general upkeep
- Who can own a property
- Determining business licensing
- How a building is constructed
- Controlling what a building looks like

# Part 2: The New Zoning Bylaw Project



# Policy Context

2020

The City's new Official Plan is approved, with modifications, by Halton Region.

2022

The City initiates the New Zoning Bylaw Project to update its Zoning Bylaw and implement the policies of the new Official Plan.

2023

The City approves further changes to its Official Plan and Zoning By-law 2020 to respond to new provincial legislation. It progresses the New Zoning Bylaw Project, deciding to take a phased approach.

2024

The consulting team is selected to advance the New Zoning Bylaw Project and starts working on the first phase of the project which is centered around the City's Residential Zones.

2025

The City approves Official Plan Amendment No. 3 to increase housing options. The consulting team continues to work on the New Zoning Bylaw Project concurrently with other municipal studies and initiatives like the Targeted Realignment Exercise and the Housing Strategy.

# Why are we creating a new Zoning Bylaw?

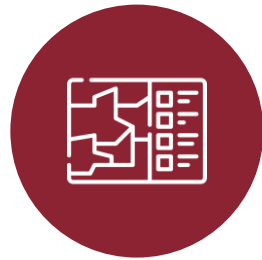
The current zoning bylaw is over 20 years old. The goal of the New Zoning By-law Project is to provide an updated set of rules for land use planning and development across Burlington that is in line with the new Official Plan.

The New Zoning Bylaw will:



## Be user-friendly

Simplify the rules and make them more accessible and easier to use



## Reflect modern practices

Reflect modern and innovative zoning practices



## Be a catalyst for development

Facilitate a streamlined process for development in alignment with the City's priorities and strategies



## Be developed through a consultative process

# Project Scope and Phases

The New Zoning Bylaw Project will be completed in phases.

**Phase 1 of the New Zoning Bylaw Project focuses on the City's Residential Zones and supporting more housing options in Burlington. It will broaden the range of permitted uses and allow for less restrictive regulations.**

- Subsequent phases will cover one or more of the following sections:
  - Uptown Zones
  - Downtown Zones
  - Mixed Use Zones
  - Commercial Zones
  - Employment Zones
  - North Aldershot Zones
  - Natural Heritage Zones
  - Parks and Open Space Zones
  - Other Zones



# Phase 1: Focus on Residential Zones

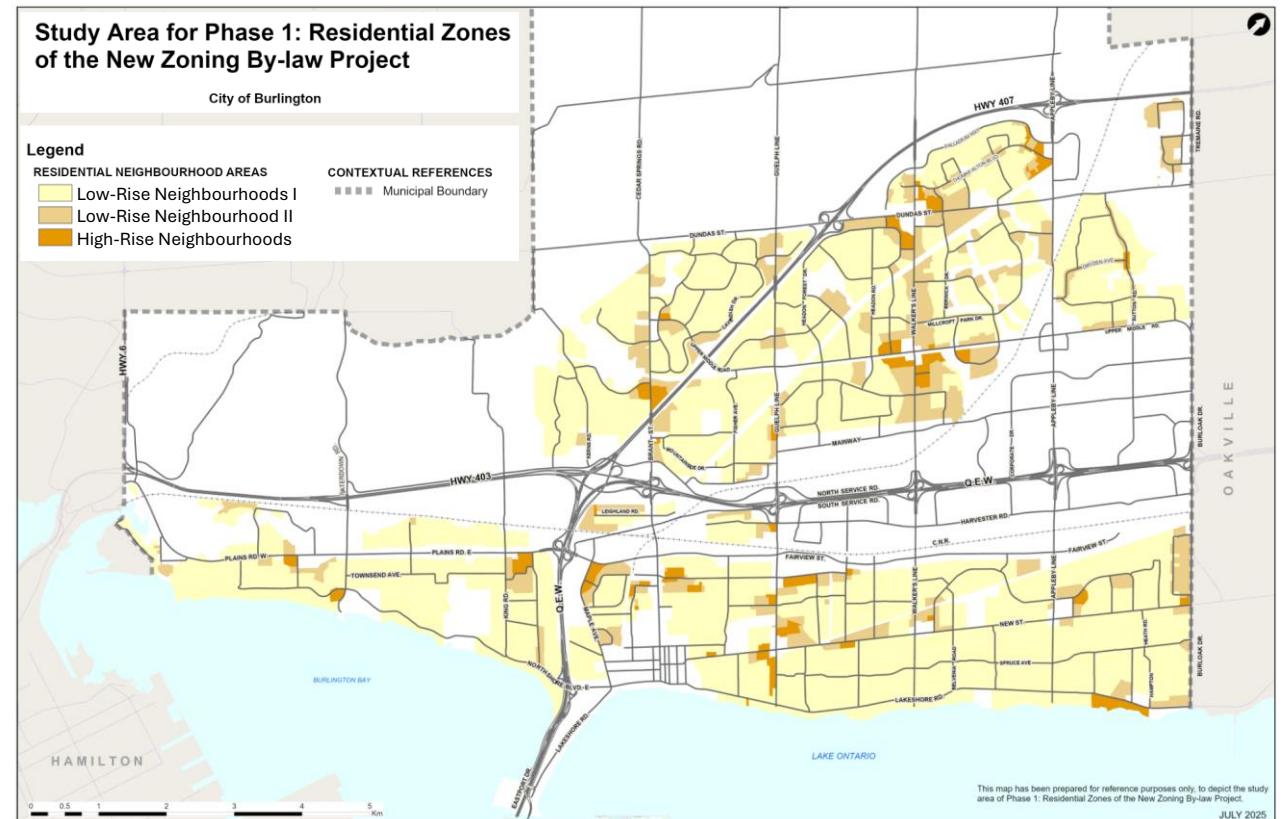


Phase 1 of the project focuses on Burlington's Residential Zones and will help support more housing options in Burlington's neighbourhoods by:

- Broadening the range of permitted uses
- Allowing for less restrictive regulations
- Supporting appropriate opportunities for residential intensification and gentle density

It will implement the objectives and policies of the new Burlington Official Plan (2020), particularly Section 8.3 Residential Neighbourhood Areas.

**This phase will result in a New Residential Zoning By-law and associated sections (e.g. Definitions, General Provisions, mapping, etc.) for residential neighbourhood areas in Burlington.**



# Supporting Burlington's housing priorities and strategies

**Phase 1 of the New Zoning Bylaw Project is essential for advancing Burlington's housing goals.**

**It aims to:**

## **Increase Housing Diversity**

By permitting various housing types, it addresses diverse needs and preferences, making it easier for residents to find suitable homes

## **Sustain Community Growth**

In line with the Housing Strategy and Official Plan, it ensures sustainable growth that benefits the entire community

## **Advance Housing Vision**

This project is a vital step toward realizing Burlington's housing vision, complemented by the City's Official Plan Amendment No. 3 (OPA 3) to increase housing options in Burlington's residential zones



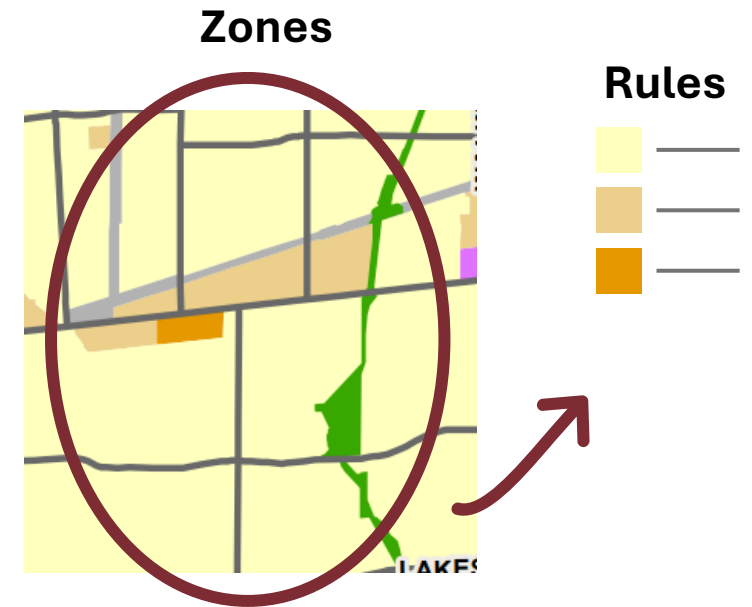
# How does this review impact you?

## The New Residential Zoning Bylaw may change the rules for your property.

### Depending on the new rules for your property it may mean:

- **No Change:** Current rules remain the same.
- **New Uses:** You may have new options for using or developing your property.
- **Legal Non-Conforming:** Current use may not comply with new rules, but no immediate changes are required.

**When changes apply:** New rules only affect you if you make changes, like adding to your house or converting it to multiple units.



# Phase 1 Project Schedule



## Step 1 Research and Analyse

Winter to Summer 2024

- Review relevant studies, reports, and plans that will inform the Zoning Bylaw
- Identify gaps
- Review best practices
- Summarize findings and release in a Discussion Paper
- Launch of public webpage and baseline survey

## Step 2 Build and Engage

Summer 2024 to Summer 2025

- Prepare Discussion Paper Addendum in response to OPA 3
- Develop first draft of the Residential Zoning Bylaw
- Release Discussion Paper Addendum
- Release first draft of the Bylaw
- Undertake broad and targeted engagement on the first draft of Bylaw

**We Are Here**

## Step 3 Council Adoption

Fall 2025

- Continue to gather feedback on first draft of Residential Zoning Bylaw
- Prepare the final draft of the Residential Zoning Bylaw
- Public Open House
- Statutory Public Meeting
- Council Adoption

# How we got here



## Best Practice Review

Reviewed zoning by-laws from other municipalities for best practices regarding regulated elements like lot area, frontage and height. Municipal by-laws reviewed included Guelph, London, Oakville, St. Catherines and Vaughan

## Minor Variance Analysis

Analyzed trends in minor variance applications in the City of Burlington

## Discussion Paper and Addendum

Prepared a Discussion Paper in 2024 and subsequent Addendum in 2025, which present findings from the best practices and minor variance review and analysis

## Community Feedback

Engaged with and surveyed the community and key interest groups in Summer 2024 to gather input on zoning issues and opportunities

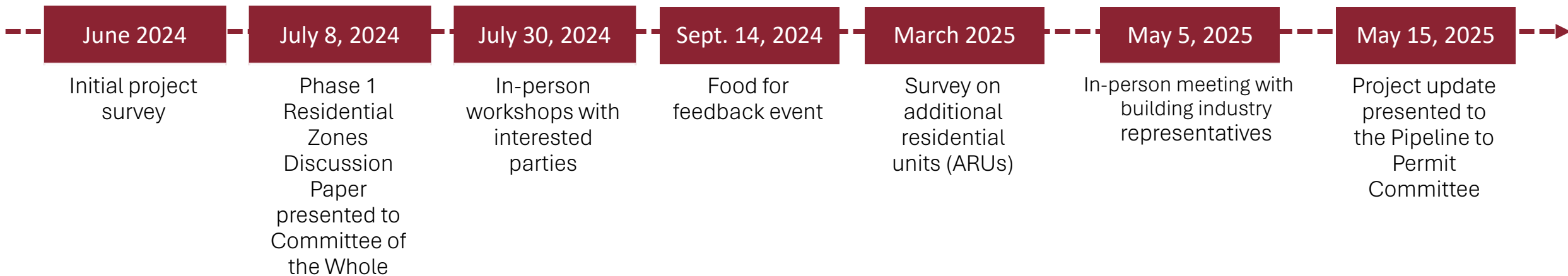
## New Residential Zoning By-law Development

Combined community insights with research and best practices to shape the first draft of the New Residential Zoning By-law

# Overview of consultation to date

Draft 1 of Burlington's the new Residential Zoning Bylaw is based on feedback gathered over the past year.

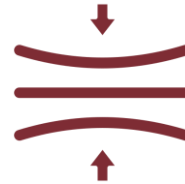
Here's a summary of the engagement events, meetings, sessions and tactics used to collect input that helped shape the draft Bylaw:



# What we've heard to date



**Increase housing options**



**Simplify and include flexible zones**



**Modernize zoning rules**



**Environmental impact and infrastructure capacity**

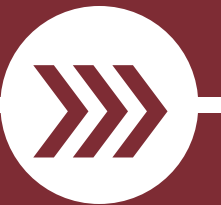


**Long-term vision and holistic community planning**

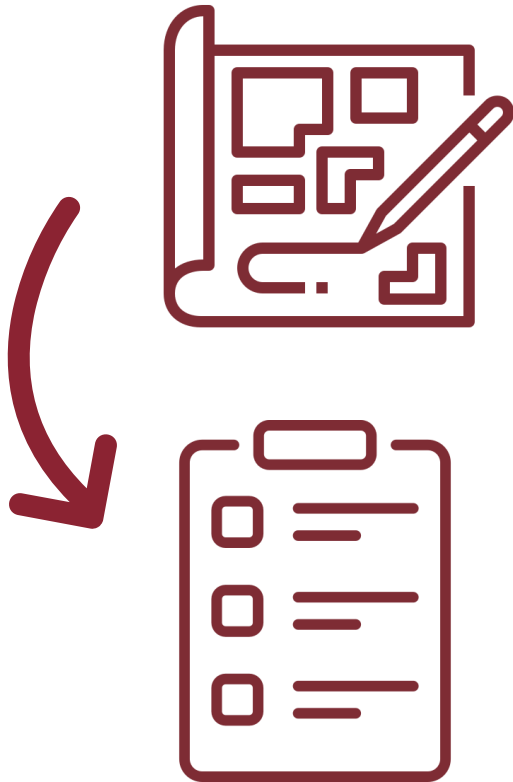


**Community engagement**

# Part 3: What's Proposed in the New Residential Zoning Bylaw



# Proposed Changes in the New Zoning Bylaw



- The first draft of the new Residential Zoning Bylaw introduces several changes.
- This section highlights some of the key changes that will help the City advance the goals discussed in Parts 1 and 2 above.
- At the top right corner of each slide in this section are symbols showing how the key changes relate to the feedback themes we have heard to date.



# Updated Definitions

## What's Changing?

- The definitions in the zoning bylaw have been modernized based on a best-practice review.
- Many definitions have been updated.
- Some terms have been consolidated.
- Some new terms have been added.

## Why is this important and how does it affect you?

- Modern definitions will make the zoning bylaw easier to apply and interpret.

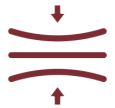


# General Provisions

Increase housing options



Simplify and include flexible zones



## What's Changing?

- General Provisions have been updated based on a Best Practice Review to simplify and streamline.
- Removed parking provisions from the General Provisions and put it in its own section.
- Removed all provisions not related to residential zones.

## Why is this important and how does it affect you?

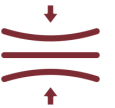
- Reorganizing and using plain language for the general provisions related to residential zones will make the zoning bylaw easier to apply and interpret.

# Number of Residential Zones

Increase housing options



Simplify and include flexible zones



## What's Changing?

- Nine (9) primary Residential Neighbourhood Zones are proposed.
  - From 21 primary Residential Zones (R1-R5, RM1-RM5, RH1-RH4, RO1-RO4, RAL1-RAL4) and 10 subzones (R1.1 through R3.4) to eight (8) primary LN1-8 zones and one (1) HN zone.

## Why is this important and how does it affect you?

- The new provisions have been streamlined, making it easier to understand the differences between them.
- This approach encourages flexibility and aligns with the City's goal of expanding housing options.

**31 primary zones and subzones**

**(existing Zoning Bylaw)**



**9 Zones**

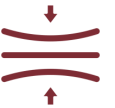
**(draft new Zoning Bylaw)**

# Zoning Standards for Accessory Residential Units (ARUs)

Increase housing options



Simplify and include flexible zones

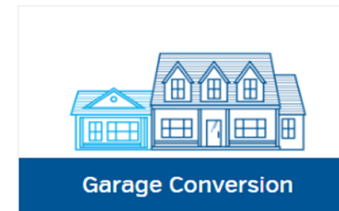


## What's Changing?

- New permissions allowing up to 2 ARUs within an accessory building (subject to conditions).
- Increases building heights for a detached ARU to 6 and 7 metres for a flat and peaked roof, respectively.
- Continues to allow:
  - Detached ARUs to be up to 80 m<sup>2</sup>.
  - 45% lot coverage where a property contains an ARU.
  - Tandem parking to accommodate an ARU

## Why is this important and how does it affect you?

- These changes aim to balance development flexibility with privacy and community impact considerations.



Garage Conversion

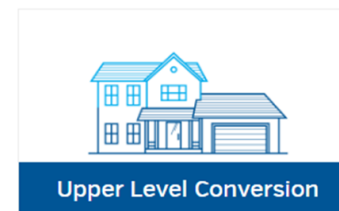


Accessory Building



Basement Conversion

check out the new **Garage Conversion Kit** to help you convert your garage into a separate dwelling unit



Upper Level Conversion



Main Level Addition



Above Garage

# Built Form Provisions

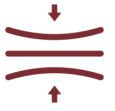
Long-term vision and holistic community planning



Increase housing options



Simplify & flexible zones

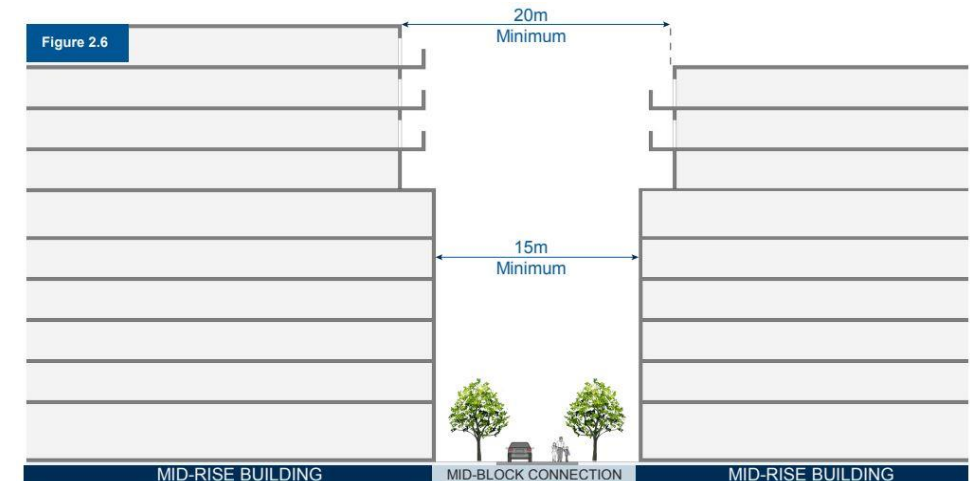


## What's Changing?

- The draft Bylaw proposes new provisions for residential zones to:
  - Simplify lot area and lot frontages and permit semi-detached dwellings in all LN zones.
  - Introduce built form standards (such as minimum building and tower separation distances, step-backs, and angular plane requirements) and functional standards (such as front yard soft landscaping and amenity area requirements).

## Why is this important and how does it affect you?

- Enhances residential character by focusing on built form regulations.

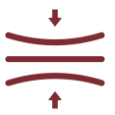


# Character Area Maps

Long-term vision and holistic community planning



Simplify and include flexible zones

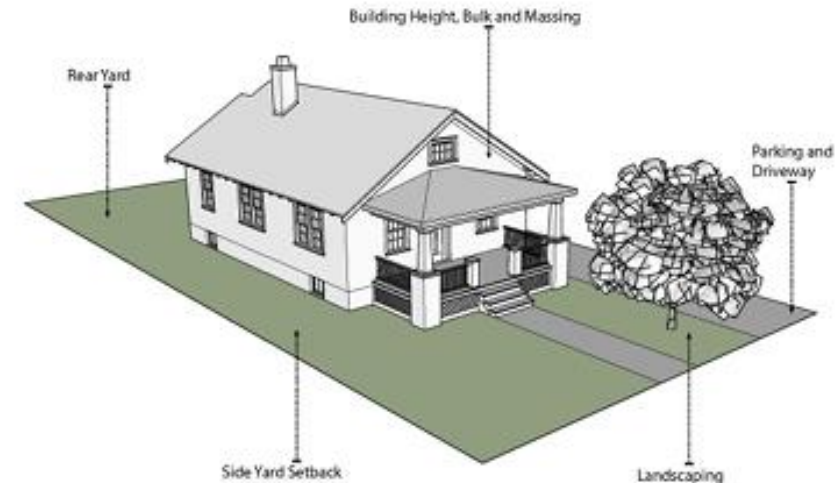


## What's Changing?

- Maps and provisions specific to Character Areas (Roseland, Indian Point, and Shoreacres) are removed.
- Some character area provisions will be carried forward:
  - Garage Width Restriction: Limit attached garage width to max. 50% of building elevation for smaller lots

## Why is this important and how does it affect you?

- These changes aim to preserve neighborhood character while adapting zoning regulations to broader applications.



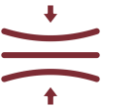
Source: City of Ottawa

# Missing Middle Housing Forms

Increase housing options



Simplify and include flexible zones



## What's Changing?

- Permitting 'missing middle' housing forms in Low Rise Neighbourhood Zones:
  - Additional Residential Units (ARUs).
  - All townhouse dwelling forms.
  - Duplex, triplex, fourplex, multiplex.
  - Low rise apartment buildings.



Source: City of Vancouver

## Why is this important and how does it affect you?

- These changes aim to address housing needs by diversifying available housing types in Burlington's low-rise areas

# Neighbourhood Periphery Considerations



## What's Changing?

- Triplexes and fourplexes may be permitted at the periphery of some LN1-6 zones, subject to:
  - Locational criteria (to be confirmed – see pages 4 to 6 in Discussion Paper Addendum for suggestions).
  - Minimum lot area, frontage and coverage standards.
  - Maximum 2 storeys in height.
- Low-rise apartment buildings permitted in the LN8 Zone.

## Why is this important and how does it affect you?

- These changes aim to strategically increase housing diversity at neighborhood edges, aligning with broader development goals.



Source: City of Hamilton

# Updated Parking Regulations

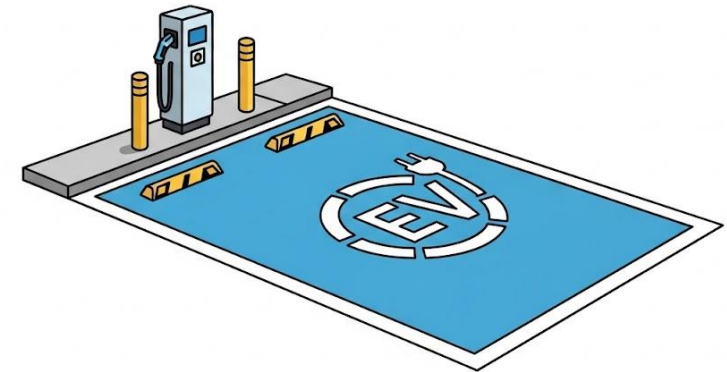


## What's Changing?

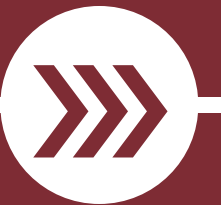
- Parking regulations have been updated.
- New regulations for electric vehicles.

## Why is this important and how does it affect you?

- The new zoning bylaw is set up to accommodate existing and future parking technologies.



# Part 4: Next Steps



# Learn More and Get Involved



**Visit the project website to learn more and stay informed of upcoming engagement events**

[getinvolvedburlington.ca/newzoningbylaw](http://getinvolvedburlington.ca/newzoningbylaw)



**To provide comments or ask questions, send them to**

[newzoning@burlington.ca](mailto:newzoning@burlington.ca)

# Next Steps in Project Schedule



## Step 1 Research and Analyse

Winter to Summer 2024

- Review relevant studies, reports, and plans that will inform the Zoning Bylaw
- Identify gaps
- Review best practices
- Summarize findings and release in a Discussion Paper
- Launch of public webpage and baseline survey

## Step 2 Build and Engage

Summer 2024 to Summer 2025

- Prepare Discussion Paper Addendum in response to OPA 3
- Develop first draft of the Residential Zoning Bylaw
- Release Discussion Paper Addendum
- Release first draft of the Bylaw
- Undertake broad and targeted engagement on the first draft of Bylaw

**We Are Here**

## Step 3 Council Adoption

Fall 2025

- Continue to gather feedback on first draft of Residential Zoning Bylaw
- Prepare the final draft of the Residential Zoning Bylaw
- Public Open House
- Statutory Public Meeting
- Council Adoption

## **Summary of Engagement Activities to Date**

This appendix summarizes the engagement activities and feedback heard during Phase 1: Residential Zones of the New Zoning By-law Project to date (September 2022 to September 19, 2025). It includes an overview of the engagement tactics and feedback received on the Draft Residential Zoning By-law (Table 1), as well as an overview of the pre-engagement activities that were undertaken to inform the preparation of the Draft Residential Zoning By-law (Table 2).

A summary of the engagement activities and comments received after September 19, 2025 will be provided in staff's future recommendation report.

### **1. Summary of Engagement and Comments Received on Draft Residential Zoning By-law to Date**

Through the engagement activities held following the release of the Draft Residential Zoning By-law, the project team heard the following feedback themes:

- Suggestions to improve the user-friendliness of the draft by-law and mapping
- Support for gentle density as a way to increase housing options and limit potential overdevelopment in other areas of the city
- Impacts of residential intensification on neighbourhood character, infrastructure, greenspace, traffic, parking, and livability
- Questions about how the regulations of the draft by-law compare to the current by-law
- Regulations related to sheds and accessory structures
- Regulations to support permeable landscaping and trees
- Differentiating between triplexes/fourplexes and a principal dwelling with multiple additional residential units

Table 1 provides a detailed overview of the engagement tactics and feedback heard. A copy of written comments received can be found in Appendices G and H of staff report DGM-69-25.

The feedback gathered on the Draft Residential Zoning By-law will be used to inform revisions to the by-law before the final draft is presented to Council for approval.

**Table 1 – Engagement Activities and Feedback Received on Draft Residential Zoning By-law (July 2025 – October 2025)**

Date	Engagement Tactic	Description & Feedback Themes Heard	Level of Engagement & Reach
July 2 – Aug. 27, 2025	<b>Online Comment Form on the Draft Residential Zoning By-law</b>	<p>An online comment form was made available on the Get Involved project webpage at the time of the release of the Draft Residential Zoning By-law to collect feedback on the draft by-law and mapping.</p> <p>Comments were received from all wards of the city, and from all age groups. The largest age groups represented were 35-44 (28%) and 55-64 (22%). Most respondents were owners (72%) and all other respondents identified as renters (22%).</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Residential intensification and impacts to neighbourhood character, infrastructure, community services, greenspace, and livability</li> <li>• User-friendliness of draft by-law and mapping</li> <li>• Suggestion to allow corner stores</li> <li>• A copy of the responses can be found in Appendix G of report DGM-69-25.</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 16 respondents</p>
July 2 – Sept. 5, 2025	<b>Emails from the Public</b>	<p>A project email address (<a href="mailto:newzoning@burlington.ca">newzoning@burlington.ca</a>) was created to provide another avenue for the community to share their feedback.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• User-friendliness of draft by-law and mapping</li> <li>• Concerns with grandfathering non-compliant sheds and accessory structures</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 12 emails received</p>

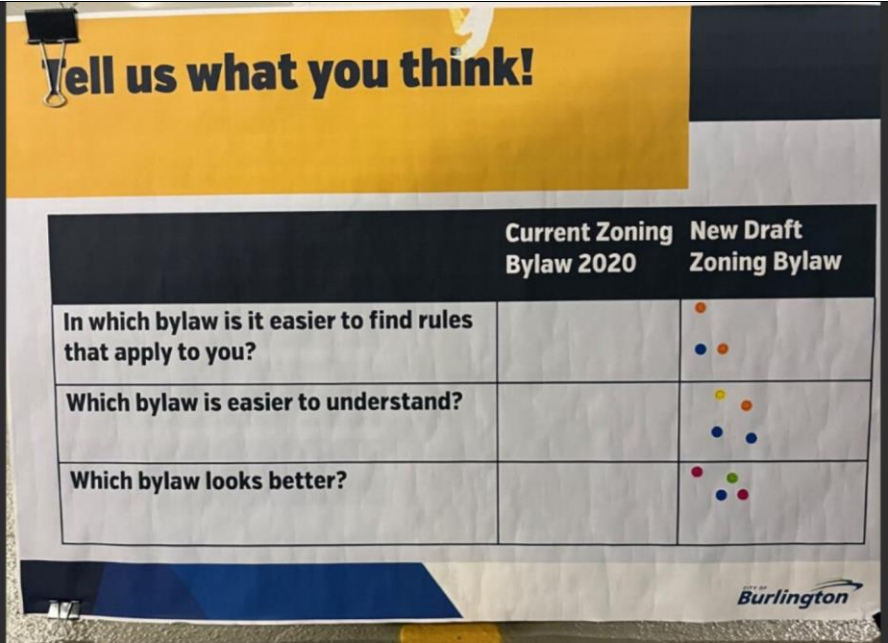
		<ul style="list-style-type: none"> <li>• Questions about how the regulations of the draft by-law compare to the current by-law</li> <li>• Residential intensification and impacts to infrastructure and public amenities</li> </ul>	
July – Oct. 2025	<b>Digital Outreach Campaign</b>	<p>The purpose of the campaign was to promote the New Zoning By-law Project, including the Draft Residential Zoning By-law and interactive mapping and upcoming engagement events. The campaign directed people to the project page to learn more, connect with the team, and provide feedback on the draft by-law and mapping.</p> <p>Tactics included:</p> <ul style="list-style-type: none"> <li>• Social media posts (Facebook, X, Instagram, LinkedIn)</li> <li>• Google advertisements from (July 7 - Aug. 3, 2025)</li> <li>• Displays on City EV charger screens and facility TV screens</li> <li>• Get Involved Burlington updates and email to subscribers</li> <li>• Get Involved Weekly Hot Topics Newsletter (Sept. 1, 2025)</li> </ul>	<p><b>Inform</b></p> <p><b>Reach:</b> 29,100 interactions with Google Advertisements (34.9% interaction rate; 83,500 impressions)</p> <p>1,025 social media engagements (2.5% engagement rate; 41,137 impressions) from July 2 – Sept. 17, 2025</p> <p>Approximately 3,463 subscribers opened the Get Involved Weekly</p>

			Hot Topics Newsletter
July 12, 2025	<b>Tiny Home VIP Industry Night at Ancaster Fairgrounds</b>	<p>The project team attended this event to inform ARU developers of the project and the Draft Residential Zoning By-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Simplifying ARU regulations and approval processes</li> <li>• Supporting innovation in building methods and ARU designs</li> </ul>	<p><b>Inform</b></p> <p><b>Reach:</b> 7 people engaged with the project team</p>
July 25 & 30, 2025	<b>Burlington Centre Lions Farmer's Market</b>	<p>The project team attended this event to inform the public of the project and the Draft Residential Zoning By-law, and to encourage the public to visit the project page and provide feedback on the draft by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Residential intensification and impacts to housing affordability, infrastructure, traffic, community amenities and neighbourhood character</li> <li>• Impact of proposed zoning changes on individual properties</li> <li>• Interest in building additional residential units</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 22 people visited the project booth on Jul. 25</p> <p>25 people visited the project booth on Jul. 30</p>
July 28, 2025	<b>Additional Residential Unit (ARU) Incentive Program Information Session for Homeowners</b>	<p>This event was led by the Housing Strategy team. The New Zoning By-law Project team were present to promote the project and the Draft Residential Zoning By-law, answer questions, and seek feedback on the draft by-law from homeowners interested in ARUs.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Support for regulations in the draft by-law regarding the height and number of detached ARUs</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 50+ people attended the event</p>

		<ul style="list-style-type: none"> <li>Concerns about existing zoning by-law restrictions on street-facing entrances for ARUs</li> </ul>	
Aug. 6, 2025	<b>Meeting with Custom Home Builders</b>	<p>The project team met with custom home builders that were previously consulted as part of the team’s preliminary engagement activities, to present an overview of how their earlier feedback was used to inform the draft by-law, and to invite feedback on the draft by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>User-friendliness of zoning by-law (clarity in terminology, definitions, and diagrams)</li> <li>Suggestions to simplify how building height is to be measured, particularly for additions, and to simplify setbacks</li> <li>Definitions for housing types</li> <li>Flexibility in housing design options</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 2 in-person attendees and 2 virtual attendees</p>
Aug. 14, 2025	<b>Tansley Woods Community Centre</b>	<p>The project team hosted a drop-in information centre to inform the public of the project and the Draft Residential Zoning By-law, and to encourage the public to visit the project page and provide feedback on the draft by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Concerns that existing zoning regulations for setbacks of sheds on small lots are too large</li> <li>Interest in regulations for tiny homes, additional residential units, triplex and fourplexes</li> <li>Questions about what’s proposed to change through the draft by-law</li> <li>Flooding considerations</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 14 people engaged with the project team</p>

Aug. 24, 2025	<b>Burlington Public Library - Aldershot Branch</b>	<p>The project team hosted a drop-in information centre to inform the public of the project and the Draft Residential Zoning By-law, and to encourage the public to visit the project page and provide feedback on the draft by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Concerns about impact of intensification on home values, community character, infrastructure, parking, and safety</li> <li>Suggestion to provide non-digital opportunities for engagement</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 5 people engaged with the project team</p>
Sept. 9, 2025 – Present	<b>Pin a Comment Map Tool</b>	<p>The project webpage was updated with a “pin a comment” map tool, allowing the public to share feedback on a specific property.</p>	<p><b>Consult</b></p> <p><b>Reach:</b> 0 responses as of Sept. 19, 2025</p>
Sept. 11, 2025	<b>Pipeline to Permit Committee</b>	<p>The project team provided a presentation on the Draft Residential Zoning By-law and sought feedback from the Committee.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Support for missing middle and gentle density solutions across Burlington’s established neighbourhoods</li> <li>Impacts of lot coverage and setback regulations on greenspace</li> <li>Regulations to facilitate purpose-built small homes to meet the growing needs of older adults, including integrated community supports</li> </ul>	<p><b>Inform / Consult</b></p>
Sept. 13, 2025	<b>Food for Feedback</b>	<p>The project team had a booth at the City’s Food for Feedback event to promote the project and invite feedback on the Draft Residential Zoning By-law.</p>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b></p>

		<p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Regulations related to trees, drainage, and greenspace</li> <li>• User-friendliness of zoning by-law</li> <li>• Concern about potential delay in by-law taking effect due to Ontario Land Tribunal appeals</li> <li>• Support for gentle density as a way to increase housing options citywide and limit potential overdevelopment in other areas of the city such as downtown.</li> <li>• Hardscaping permissions to expand parking for ARUs</li> <li>• “Iceberg houses” with multi-level basements and the impact to permeability of soft landscaping</li> </ul> <p>Staff also led a dot vote activity, which asked participants to vote for which by-law (draft or current) is easier to navigate and understand, and which is more visually appealing. All participants voted for the new zoning by-law.</p>	<p>40+ people visited the project booth; 11 voted</p>
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		 <table border="1" data-bbox="783 394 1604 732"> <thead> <tr> <th></th> <th>Current Zoning Bylaw 2020</th> <th>New Draft Zoning Bylaw</th> </tr> </thead> <tbody> <tr> <td>In which bylaw is it easier to find rules that apply to you?</td> <td></td> <td>• • •</td> </tr> <tr> <td>Which bylaw is easier to understand?</td> <td></td> <td>• • • •</td> </tr> <tr> <td>Which bylaw looks better?</td> <td></td> <td>• • • •</td> </tr> </tbody> </table>		Current Zoning Bylaw 2020	New Draft Zoning Bylaw	In which bylaw is it easier to find rules that apply to you?		• • •	Which bylaw is easier to understand?		• • • •	Which bylaw looks better?		• • • •	
	Current Zoning Bylaw 2020	New Draft Zoning Bylaw													
In which bylaw is it easier to find rules that apply to you?		• • •													
Which bylaw is easier to understand?		• • • •													
Which bylaw looks better?		• • • •													
Sept. 16, 2025	<b>In-person Statutory Public Open House</b>	<p>In accordance with the requirements of the <i>Planning Act</i>, a Statutory Public Open House was held at Mountainside Community Centre. The project team provided a presentation on the project and the Draft Residential Zoning By-law and then met with attendees to answer questions and receive feedback.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Differentiating between fourplexes/triplexes and a principal dwelling with multiple ARUs</li> <li>• Location restrictions for triplexes and fourplexes</li> <li>• Floor area for ARUs</li> <li>• “Iceberg houses” with multi-level basements and the impact to permeability of soft landscaping</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 11 attendees</p>												

		<ul style="list-style-type: none"> <li>Understanding how permitted uses and regulations for ARUs, driveways and setbacks in the draft by-law compares to the current zoning by-law</li> </ul>	
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## 2. Overview of Preliminary Engagement Activities (September 2022 to June 2025)

Table 2 provides an overview of engagement activities and feedback heard during the project initiation and background research and analysis work. This feedback was used to inform the preparation of the Draft Residential Zoning By-law.

**Table 2 – Preliminary Engagement Activities and Feedback Received (September 2022 – June 2025)**

Date	Report/engagement	Description & Themes Heard	Level of Engagement & Reach
Sept. 13, 2022	<b>Initial Terms of Reference on New Zoning By-law Project – Community Planning, Regulation and Mobility Committee Meeting</b>	<p>The purpose of this report and presentation was to present Council with a project plan including an outline of the scope, timeline, and budget in a proposed Terms of Reference for the comprehensive review and update of the City’s Zoning By-law (Zoning By-law 2020, as amended). This project workplan involved updating all zones of the by-law. This was the first opportunity to receive feedback on the project from Council and members of the public.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Impacts of infill developments on neighbourhood character and privacy</li> <li>Impacts of zoning on the development approval process</li> <li>Ensuring regulations support adequate greenspace for trees</li> <li>Questions about risks to the project posed by potential appeals of the new by-law to the Ontario Land Tribunal, changes to regional planning, and the status of Burlington Official Plan, 2020.</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 2 delegations</p>

Dec. 5, 2023	<b>New Zoning By-law Project – Revised Work Plan – Community Planning, Regulation and Mobility Committee Meeting</b>	<p>The project team presented a revised work plan for the City’s New Zoning By-law Project. The proposed work plan divided the project into a series of phases, with each phase focused on preparing one or more sections of the new Zoning By-law. The report also presented the proposed Terms of Reference for Phase 1: Residential Zones of the Project which was endorsed by Council on Dec. 12, 2023.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Built form regulations and impact on flooding, massing, and adjacent properties</li> <li>• Stakeholder engagement in the project</li> <li>• Simplifying zoning to facilitate a more efficient development approvals process</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 1 delegation</p>
June 28 – July 30, 2024	<b>Initial Project Survey</b>	<p>The project team released an initial survey to the public and stakeholders on the Get Involved project webpage to seek preliminary feedback on the New Zoning By-law Project. This feedback was useful in understanding respondents’ general knowledge of zoning as well issues of interest to be considered in the preparation of the new by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• User-friendliness of the zoning by-law (plain language, visual aids, simplifying regulations)</li> <li>• Stronger enforcement of zoning regulations</li> <li>• Impact of mixed-use and multi-unit housing on neighbourhood character, livability, traffic, and affordability</li> <li>• Short-term rentals</li> <li>• Maintaining walkable, well-serviced communities</li> <li>• Reducing red tape in zoning approvals</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 166 respondents</p>

		<ul style="list-style-type: none"> <li>Environmental safeguards (flood prevention and runoff management) and energy-efficient retrofits</li> </ul>	
July 8, 2024	<b>New Zoning By-law Project – Phase 1: Residential Zones – Discussion Paper and Project update – Committee of the Whole Meeting</b>	<p>The purpose of this public meeting, report and presentation was to provide an update on the New Zoning By-law Project and present the findings of the Phase 1: Residential Zones – Discussion Paper. The Discussion Paper summarized the research and analysis completed on topic areas to inform the development of the Draft Residential Zoning By-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Housing as a human right</li> <li>Permitting diverse housing types (e.g., group homes and multi-family units) to support affordability and stop urban sprawl</li> <li>Balanced growth that supports local amenities, livability, and environmental sustainability</li> <li>Ideas on how to engage the community in the project</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 2 delegations</p>
July 30, 2024	<b>In-person Workshop with Development Industry Representatives</b>	<p>The New Zoning By-law Project team met with development industry representatives to hear their feedback on what is and is not working with the current Zoning By-law 2020, as amended.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>Flexible and modern zoning <ul style="list-style-type: none"> <li>Allowing triplexes and semi-detached houses in low-density areas</li> <li>Relaxing parking requirements</li> <li>Simplifying outdated definitions and regulations</li> </ul> </li> <li>Clarity in height and density regulations</li> <li>Avoiding duplicating provincial regulations</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 20+ attendees</p>

		<ul style="list-style-type: none"> <li>• User-friendliness of the zoning by-law (interactive tools, visual aids, and plain language)</li> <li>• Reducing red tape and streamlining approvals</li> </ul>	
July 30, 2024	<b>In-person Workshop with Resident Associations and Groups</b>	<p>The purpose of this workshop was for the New Zoning By-law Project team to meet with residents and hear their feedback on what is and is not working with the current Zoning By-law 2020, as amended.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Impacts of new developments in established neighbourhoods on basement flooding and drainage</li> <li>• Clarity in definitions and regulations for height and setbacks</li> <li>• Impacts of intensification on Burlington’s family-friendly identity, including privacy, affordability, and the rise of oversized homes</li> <li>• Planning for complete neighbourhoods</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 5 attendees</p>
Sept. 14, 2024	<b>Food for Feedback</b>	<p>The project team attended Food for Feedback to inform the public about the purpose of zoning, promote the project, and invite feedback.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Impacts of increased housing density on traffic, street parking, stormwater management, energy demands, noise, and utility capacity</li> <li>• Zoning inconsistencies across neighbourhoods</li> <li>• Streamlining approvals for minor zoning changes</li> <li>• Flexibility for additions to legal non-conforming homes</li> <li>• Innovative and sustainable zoning models in other cities (Vancouver)</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 25+ attendees visited the project booth</p>

<p>March 20 – April 7, 2025</p>	<p><b>Additional Residential Units Developer Survey Responses</b></p>	<p>This survey was conducted by the City’s Housing Strategy team to receive feedback from additional residential unit (ARU) developers.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Flexibility and clarity in permissions for additional residential units</li> <li>• Clarity between zoning and Building Code requirements</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 7 respondents</p>
<p>May 5, 2025</p>	<p><b>Meeting with Building Industry Representatives</b></p>	<p>The project team hosted this meeting to receive feedback from the building industry on what kinds of specific improvements can be made to the zoning by-law.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Percentage-based setbacks and reduced parking requirements</li> <li>• Outdated definitions</li> <li>• Visual and streamlined zoning in other cities (Hamilton and Oakville)</li> <li>• Approval delays stem from departmental duplication and conflicting standards, especially for ARUs</li> <li>• Restrictive built form regulations and impacts on housing supply and character</li> <li>• Enabling gentle density through flexible design rules</li> </ul>	<p><b>Inform / Consult</b></p> <p><b>Reach:</b> 7 attendees</p>
<p>May 15, 2025</p>	<p><b>Pipeline to Permit Committee Responses to the Project Update</b></p>	<p>The purpose of this report and presentation was to provide the Pipeline to Permit Committee with an overview and update on Phase 1 of the New Zoning By-law Project.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• Visual tools to aid public understanding of gentle density</li> </ul>	<p><b>Inform / Consult</b></p>

		<ul style="list-style-type: none"> <li>• Aesthetic impacts of ARUs and other multi-unit housing forms</li> <li>• Infrastructure and community amenities (parks, schools, transit, retail) needed to support densification</li> <li>• Simplifying zoning</li> </ul>	
June 4 & 9, 2025	<b>Virtual Information Sessions for Additional Residential Unit Developers</b>	<p>The information sessions were led by the City’s Housing Strategy team. The project team provided a brief presentation to promote the project, invite feedback and answer questions.</p> <p><b>Feedback Themes:</b></p> <ul style="list-style-type: none"> <li>• None. Staff did not receive feedback at these sessions.</li> </ul>	<b>Inform</b>

## Public Comments Received

This appendix contains a copy of all written comments received from the public on the Draft Residential Zoning By-law, since the release of the by-law on Jul. 2, 2025 and up to Sept. 19, 2025. It includes a copy of written comments emailed or mailed directly to staff, and responses submitted through the online General Comment Form that was made available on the New Zoning By-law Project webpage from Jul. 2, 2025 to Aug. 27, 2025.

All feedback received is being reviewed and considered by the project team in the preparation of the final draft by-law. The future staff recommendation report will include a comment response matrix with staff's responses to the comments.

### 1. Written Comments Emailed / Mailed to Staff

No.	Commenter & Date of Comment	Comment
1.	Jane [REDACTED], Aug. 5, 2025, via email	<p>Dear Planning Staff and Council,</p> <p>I have already submitted a survey response but wanted to share an email also as a resident of Burlington, to provide input on the proposed zoning bylaw revisions. I respectfully urge the City to exclude non-compliant sheds and accessory structures (general provisions in section 5 I believe) from grandfathering, unless they meet current setback and construction standards.</p> <p>These smaller structures can still pose significant problems for neighbouring properties; especially in older neighbourhoods where homes are close together and lot sizes are modest. The updated bylaw is a key opportunity to address these long-standing issues.</p> <p>1.Safety and Fire Risk: Sheds near lot lines can pose fire spread risks, especially if constructed with flammable materials or placed too close to fences and homes.</p> <p><b>I personally witnessed this risk materializing which led to a 3-alarm fire in Toronto a couple of months ago in May - it was absolutely awful and could've been avoided.</b></p>

No.	Commenter & Date of Comment	Comment
		<p>I recommend that no grandfathering be granted unless the structure meets modern setback and construction safety standards (Burlington is the only municipality hasn't adopted setbacks). This is particularly important in residential zones where emergency access and fire separation distances are critical.</p> <p>2. Drainage and Water Issues: Older sheds built without proper setbacks may redirect runoff, snow melt, or rainwater onto neighbouring yards, causing erosion, pooling, or even foundation issues. These environmental impacts were not always addressed under earlier zoning rules or permit processes.</p> <p>3. Neighbourhood Character: Many legacy sheds were built with little regard for placement or impact. They may conflict with the City's vision for open, green, and visually consistent residential areas. Allowing them to remain indefinitely would compromise the intent of the new zoning direction and could lead to a patchwork of non-compliant and potentially unsightly structures.</p> <p>4. Minimal Burden to Comply: Sheds are relatively low-cost and simple to move or replace, especially compared to larger structures. Requiring compliance either immediately or within a reasonable transition period (e.g., 2–5 years) would not place undue hardship on property owners, while improving both safety and neighbourhood cohesion.</p> <p>I respectfully recommend:</p> <p>Non-compliant sheds not be grandfathered unless they meet current setback and construction standards.</p> <p>The City consider a compliance timeline for older sheds that fall short of today's safety and drainage</p>

No.	Commenter & Date of Comment	Comment
		<p>expectations.</p> <p>Enforcement be prioritized in cases where sheds create risks or ongoing disputes between neighbours.</p> <p>Thank you for your work on this important review. I appreciate the City's commitment to modern, safe, and neighbour-friendly zoning.</p> <p>Kind regards, Janet</p>
2.	<p>Brynn [REDACTED], Aug. 18, 2025, via email</p>	<p>Hi Todd!</p> <p>How are you, and how is the team? Congratulations to all of you on this amazing milestone of the draft zoning bylaw!</p> <p>I wanted to slip in my 2 cents as a resident :)</p> <p>1 - it's really exciting to see the city positioning itself for maturation and 'thickening up' as they say.</p> <p>2 - I was wondering how the City will be nimble and responsive to neighbourhood evolving needs. For example, if one area densifies more quickly with ADUs, is there a mechanism to smoothly fit in walkable amenities like bodegas, coffeeshops, etc, or a threshold to allow that area to automatically qualify to 'level up' it's permitted density in acknowledgement of the demand in that area?</p> <p>3 - thinking of efficiency in application processing: What is the planning rational for typical side yard setbacks? Is that provision redundant to obligations of the building code or the GDC by-laws - and if so, is this an opportunity to reduce the number of departments who are simultaneously evaluating that aspect of an application? (Personally this feels like a holdover simply because zoning bylaws have historically regulated this, without bringing much real public benefit from a planning standpoint, vs building code/GDC).</p>

No.	Commenter & Date of Comment	Comment
		<p>Tell everyone I say hi, and regardless of my questioning some of the details, I am thoroughly impressed with what the team has accomplished.</p> <p>Wishing you a smooth tride through committee. :)</p> <p>Brynn</p>
3.	<p>Jeff [REDACTED], Aug. 21, 2025, via email</p>	<p>I am trying to understand the information provided in the <a href="#">September 2024 zoning bylaw</a> and the <a href="#">June 2025 draft</a>.</p> <p>I am in R2.1 which in the current bylaw permits detached dwellings and Additional Residential Units (ARUs, subject to Part 1, section 2.21, subsection (u)) ,with a minimum lot width of 18 m, lot area of 700 m<sup>2</sup>, and various other parameters.</p> <p>According to the draft <a href="#">map</a> this property will be LN5 which will permit detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings and fourplex dwellings, with detail of the latter two subject to "further review". LN5 will have minimum lot area of 680 m<sup>2</sup>, minimum lot frontage of 18 m, and various other parameters. I don't see anything about ARUs for LN5.</p> <p>I am not a land use planner, a lawyer, etc. nor do I have resources to properly review and understand all the details of the zoning changes contained in hundreds of pages affecting the entire city.</p> <p>Could you please advise if my summary of the changes as they will affect my property are correct?</p> <p>Thank you.</p> <p>Jeff [REDACTED]</p>
4.	<p>Jeff [REDACTED], Aug. 29,</p>	<p>Why is it "necessary" to significantly change the types of housing permitted (semi, triplex, fourplex) in an area that has been single family detached for as long as I can remember? I understand there</p>

No.	Commenter & Date of Comment	Comment
	2025, via email	<p>is pressure to increase density, but this should be done in new developments where the buyers are choosing to live in a higher density area.</p> <p>Rezoning from R2.1 to LN5 means that I and other property owners are having the nature of our area changed without our desire or consent after we have been here for many years. This will inevitably result in increased traffic, noise, construction, congestion and all the other consequences of squeezing higher density into an area that was never designed, built or intended for it.</p> <p>Jeff</p>
5.	Tino [REDACTED] Sept. 4, 2025, via email	<p>Thank you for your prompt response. I would be available Thursday Sept 11. However if my questions can be answered below I can possibly forgo the meeting.</p> <p>Questions 1 and 2 pertain to setbacks in current zone R1.2 or LN6(proposed).</p> <p>1) Currently in R1.2 interior side yard setback (with attached garage) is 10% of lot width. In proposed LN6 you have a fixed setback limit of 2.4m. Is this correct?</p> <p>2) Porches (roofed) in front yard (eg over front entrance). Currently in R1.2 Part1(2.13.1(d)) the encroachment is set at 0.65m and with proposed LN6 is set at 2m Is this correct?</p> <p>Just a comment...In the zoning bylaw draft page 55 table I am confused by the circled letter references eg.. "A" "B" "C" and "D".. example in the Porch Rear Yard 3m provision. Is "A" not a reference to the front yard in your definitions. If so should this not be shown as "B".... same comment applies to other placements of the letters A,B,C,D in the table for other rules.</p> <p>Garages...</p> <p>Under current bylaw <i>Part2 4.8 GARAGES (a) The width of a front loading attached garage shall not exceed 50% of the width of its building elevation. (b) An attached garage with a garage door facing a street is not permitted to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.</i></p> <p>3) For corner lots, are garages (door side) permitted facing exterior side yard, provided the front (garage door) wall meets exterior side setback?</p> <p>4) if allowed, how does the 50% rule apply if any in this case? example ..if the front street side elevation of the building is 20m then the garage facing exterior side yard cannot exceed 15m in width?</p>

No.	Commenter & Date of Comment	Comment
		<p>In the new draft plan page 93 <i>Note(2) Except that for the wall of a private garage containing an opening for a vehicle, the minimum front yard setback or exterior side yard setback to the garage door of the private garage shall be 5.5 meters.</i></p> <p>5)Does this rule only apply for properties in zones LN1 through to LN5 but not LN6?</p> <p>Timelines Not to hold anyone to it...but what is the projected timeline to enacting the new bylaw? That's it for now.... Appreciate your feedback. Tino [REDACTED]</p>
6.	<p>Jason [REDACTED] Sept. 5, 2025, via email</p>	<p>To Whom It May Concern:</p> <p>Just a question to begin:</p> <p>If fourplexes are supposed to be as of right why are they mostly illegal to build in most of the city under this new planning bylaw? If I'm not reading it incorrectly it looks like permissions are restricted to major streets only.</p> <p>Thank you, Jason [REDACTED]</p>
7.	<p>Stephen [REDACTED], Sept. 9, 2025, via email</p>	<p>I am writing to share my concerns with the direction of the Housing Strategy. While I understand the need to plan for growth, I worry that the current focus on adding large numbers of multi-unit and high-density buildings will create significant traffic issues and strain our infrastructure.</p> <p>Neighbouring cities have already shown us the risks—quality of life for existing residents declines when growth is pursued too aggressively, without first addressing the impacts on transportation, services, and neighbourhood character. Burlington has always stood out as a place people want to live because of its balance, livability, and sense of community.</p>

No.	Commenter & Date of Comment	Comment
		<p>Please don't forget your current citizens in pursuit of additional tax revenue. Growth must be thoughtful, measured, and in keeping with the very qualities that make Burlington attractive in the first place.</p> <p>Regards,</p> <p>Stephen [REDACTED]</p>
8.	<p>Leslie [REDACTED] Sept. 15, 2025, via email</p>	<p>Good morning,</p> <p>As discussed with Kyle and Nick at the Food for Feedback event, please see below the email which I sent to Mark Johnson following our stakeholders' meeting last summer. I wouldn't be able to put together this kind of message now due to changes in personal circumstances, but my comments still hold true (it's interesting how the real estate market has changed in the last year and we're seeing that some developers got in over their heads as their "investments" sit around unsold, while leaving some of the negative impacts noted below).</p> <p>Anyway, as mentioned, I was hoping you could point me to the areas of the current draft that address my comments and concerns. I'm still hoping to make it to the meeting tomorrow at Mountainside so perhaps we can continue the conversation then.</p> <p>Thank you and have a good day,</p> <p>Leslie [REDACTED]</p> <p>--</p> <p>Good morning Mark</p>

No.	Commenter & Date of Comment	Comment
		<p>Apologies for leaving this til the last minute of your deadline as I had a few personal matters to deal with the last few weeks.</p> <p>I mainly wanted to provide a summary of some of the issues I see pop up in our neighbourhood. And I should preface these comments by saying that many of us in the Shoreacres area are aware that our "Character Area" designation is likely to be reconsidered with the changes to Zoning Bylaws. Perhaps we can discuss this further at the next stakeholder meeting? My views on low density residential zoning have evolved over the last few years. I never wanted this neighbourhood to be seen as "exclusive" but as excessively large homes make their way into the community, it feels like that is the direction it's moved in. House flippers and investors have changed the sense of community that existed when we first moved in - now it's "build a big home, take the money and leave the neighbours to deal with the lingering impacts". I could certainly never afford this neighbourhood if we were buyers over the last 5 or 6 years! And while I'm more amenable to other forms of housing than i used to be, I'm also aware that more flexible zoning probably impacts those of us in older neighbourhoods disproportionately, since no one is likely to tear down homes in the Orchard or Alton Village! Builders &amp; investors will want to get their hands on every bungalow and turn it over to something more lucrative... construction is already a constant around here and I anticipate that would just increase if someone knows they can build a few townhomes or a triplexes on their lot. My thoughts on zoning now relate directly to flooding mitigation and preserving one's enjoyment of their home &amp; property. I hope some of my anecdotal information at the last meeting helped provide context for some of my points, many of which are repeated below:</p> <p>*When choosing a home, there is a reasonable expectation that the conditions under which you bought it will not be significantly impacted. Where adjacent redevelopment occurs how can zoning bylaws ensure that the impact, if any, is minimal? This is particularly important where there are differences in elevation, since new builds are consistently built with higher foundations. Depending on elevation differences, that could mean a new house's first floor starts at the midway point of an</p>

No.	Commenter & Date of Comment	Comment
		<p>adjoining neighbour's. This leads to a massing situation and loss of privacy. Perhaps a limit on foundation heights for new builds?</p> <p>*For infill development, especially within areas prone to flooding (including groundwater flooding): limit the size of the new footprint to a reasonable number, i.e. max 25% larger than the previous one. Many of the new homes are building a footprint 3 times as big as what previously existed, disrupting the natural course of groundwater.</p> <p>*Clarity on building height: what is considered the "grade" if the elevation of property is higher than street grade? Also, what kind of height maximums is the City now considering since we can only build UP in Burlington? This would be a good section to include a picture or other visual to demonstrate height more clearly.</p> <p>*While others in my community may disagree, I welcome semi-detached homes. In my opinion, this is preferable over a single detached 4000-5000 sq ft home, which seems to have become the norm, often with only a few people living in it, and usually, put up for sale after 2 or 3 years. Again, with semis, impacts to neighbouring properties should be minimized.</p> <p>*What kind of zoning, if any, can be applied to what is built underground?</p> <p>*Conversations about increased dwelling depth and lot coverage are concerning given our vulnerability to flooding. Perhaps we should be increasing minimum requirements for permeable surfaces?</p> <p>*Side yard setbacks have become increasingly important for stormwater mitigation between properties. There should be no reduction to sideyard setbacks, and it is not a one-size fits all situation.</p> <p>*Window wells on new builds seem to be getting larger. As we have now seen due to recent storms, these fill up with water, causing flooding in those basements. Some properties are built with an enormous number of window wells, which encroach into the side yard setback, reducing the opportunity for suitable stormwater mitigation. There does not appear to be any notations on window</p>

No.	Commenter & Date of Comment	Comment
		<p>wells in the current zoning bylaws (at least, none that I could see), so perhaps they need to be looked at in terms of the number permitted, size/depth &amp; encroachment.</p> <p>*Flexibility to fencing &amp; privacy screen bylaws, particularly as it relates to loss of privacy due to new development. Residents should not be required to apply for a Variance in circumstances where their privacy has been compromised due to no fault of their own.</p> <p>*Porches - the wording below from the current zoning bylaw is puzzling, i.e. one can have as big a porch as they like as long as it has a roof? Covered porches have become de facto living spaces, with kitchens, fireplaces, televisions, and so on. They are being built with foundations or full basements underneath and are attached to the home and therefore need to be considered as part of the footprint.</p> <p>2.3.4 Porches are permitted in all zones, provided:</p> <ul style="list-style-type: none"> <li>• Maximum size 20 m2 (no roof)</li> <li>• <b>No maximum size if roofed over</b></li> <li>• Must meet principal building setback with encroachment allowance permitted in Part 1, Section 2.13 (d)</li> </ul> <p>*Balconies - new builds have been able to navigate around the “no 2nd storey balcony” by constructing covered porches that are accessible from a second storey window. Perhaps some tighter design controls here? And if they are to be permitted by way of an ADU, once again, impacts to neighbouring properties must be accounted for.</p> <p>*ADUs - as noted in the stakeholder meeting, Planning Staff and Council may want have the conversation about potential flooding impacts on basement units. If a homeowner builds a basement ADU, they may not be able to get proper insurance, leading to illegal rental units. Further, if they have insurance and become flooded, they are not likely to be re-insured.</p>

No.	Commenter & Date of Comment	Comment
		<p>*While the Committee of Adjustment rules fall under Provincial jurisdiction, is it possible for our Planning department to expand the current COA notification of 60 meters? Within the current guidelines, those notices only go out to a small handful of neighbours in older areas, leaving many folks unaware of potential changes. Could this be increased at your discretion?</p> <p>And lastly, i agree that the Zoning Bylaws should be in plain language, and include graphics/visuals that clearly demonstrate the item. Residents should also not need to click on multiple embedded links to find the information they need (I find this is something that happens a lot when searching for City documents and it is easy to get lost &amp; confused in all of that)</p> <p>Mark, thank you for the opportunity to submit these comments. I'm sure I will have other thoughts along the way.</p> <p>Have a nice weekend!</p> <p>Leslie [REDACTED]</p>
9.	Ivan [REDACTED] Sept. 18, 2025, via email	<p>Hi,</p> <p>I was speaking with Nataliya from Community Planning Division and she referred me to you. I was having a look at the draft for the New Zoning and I noticed in it there are no mention of Designated Areas any longer. Are these being removed except for Roseland &amp; Shoreacres?</p> <p>I am mostly interested in lot coverages. From what I understand, currently if I want to build a 2-storey house with attached garage in a designated area, it can only cover a maximum of 25% of the lot, but if its not located in a designated area it can cover 35% of the lot. In the new zoning draft, I only see the 35% figure.</p>

No.	Commenter & Date of Comment	Comment
		<p>Can you let me know about this please. I tried to reach Nikolas, Rebecca and Victoria without success.</p> <p>Thank you!</p> <p>Ivan</p> <p>--</p> <p>Thank you Rebecca.</p> <p>So, for LN4 and LN5, if this draft gets approved, it would be 35% maximum lot coverage if I am just building a house on it without any additional residential units.</p> <p>Please confirm.</p> <p>Thanks!</p> <p>Ivan</p>
10.	Jeff [REDACTED] Sept. 18, 2025 via email	<p>I don't agree that the change from R2.1 to LN5 constitutes a "gentle" intensification, it is potentially substantial.</p> <p>On King Road south of Marley Road most of the properties are large because the area was developed prior to the availability of city sewer systems, so needed space for septic fields. Sewer service has since been added, but many of the other characteristics of the area have not been updated to sustain higher density.</p> <p>For example, on King Road south of Marley there are no proper sidewalks separated from the roadway by either median or curb, just a couple of lines on the road to indicate lanes for pedestrians, cyclists, and motor vehicles. Likewise on King Road south of Marley there are no left turn lanes to</p>

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		<p>keep traffic flowing when a vehicle is waiting to turn left. Instead, vehicles pass on the pedestrian / cyclist lanes, ignoring the NO PASSING ON THE RIGHT signs. Also, landscapers, delivery vehicles, and anyone else who wants to use the pedestrian / cyclist lane as a place to park, because again it is just a line painted on the road.</p> <p>King Road from Marley to North Shore is 500 meters, it is straight and flat, with no features or characteristics to reinforce the 50 km/h speed limit. So traffic in this area often travels at 60 km/h or faster.</p> <p>Areas designed for higher density residential will have curbs, centre turn lanes, curves and other features intended to provide safer management of the additional traffic attracted by the higher density. To the best of my knowledge there are no plans for any such roadway improvements in this area, just the opportunity for developers to build much higher density on existing property without suitable and corresponding changes in the infrastructure.</p> <p>Jeff</p>
11.	<p>Albert  ██████████,  Sept. 18,  2025, via  email</p>	<p>Thanks for the meeting yesterday..</p> <p>We would like some information for the upcoming meeting scheduled for October the 1st at City Hall room 305 and 307.</p> <p>In regards to the development and construction of a 4 plex and or a home with 3 ARU's and one principal unit we would like to know the tenure possibilities of this described development ..</p> <p>IE: can a 4 flex be sold as 4 individual units ? Or can the Home with 3 ARU's and a principal unit be sold as individual units.. This would fulfill the " Missing Middle " mandate by creating more housing choices and most likely preferred by neighbouring homeowners.</p> <p>What development charges would apply to these two type of developments?</p> <p>For clarification why is a 4 plex and a home with 3 ARU's and a principal unit ( 4 units in total ) referred in different terms creating confusion.. if the intent is for the 4 plexs to be developed on the periphery of the neighbourhoods, by laws can be established to accommodate them for the ARU's by laws can be established for construction of 4 plexs in the established neighbourhoods allowing 4 units in each area</p>

No.	Commenter & Date of Comment	Comment
		<p>Regards, [REDACTED] Coral Gable Homes Ltd</p>
12.	<p>Lloyd [REDACTED] Sept. 18, 2025, via email</p>	<p>Currently the by law allows 3 ARU's in single family homes and freehold townhomes.. we are developing 6 condo 3 story townhomes on Plains rd and would like to add 3 ARU's in them when we construct. The current by law does not allow this as they have to be freehold or POTL's. To convert our condos to POTL's will cost approx \$100k.. We don't want to go through this process if not necessary..</p> <p>If the new by law is talking about triplex, fourplex and low rise buildings in the periphery, the ability to add more units in a townhome that is a condo should not make any difference.. we would like this addressed at the next meeting on the 01 Oct 2025 at City Hall.</p> <p>If you have a question in regards to this e mail please contact me directly</p> <p>Regards, [REDACTED] Coral Gable Homes Ltd</p>





## 2. Comments Received Through Online Comment Form

	Date Received	Specific Section of By-law	Comment
1.	Jul. 3, 2025	General Comment	Totally against this new by law. No thought had been to put on strain on services nor aesthetics to the existing neighbourhoods. Changing the whole bylaw to appease certain federal government ideologies is wrong.
2.	Jul. 3, 2025	General Comment	I have already had my next door neighbour build a totally out of place monster home. If any of my neighbours put an accessory building or a triplex or 4 plex I will move out of Burlington
3.	Jul. 3, 2025	Part 4: Definitions	Additional Residential Units - you can have multiple on one lot!!! Without taking into consideration of the size of the lot makes no sense! If I read correctly a 35 foot lot could have a ADU of size 80 metres???? And a 100 foot lot could have the same? If we are to build more houses having people live in a shed is not the answer. I love in an area where massive homes are built taking up most of the lot and towering over other homes - I don't think having an max ADU of 80 m is an answer to our housing crisis.
4.	Jul. 3, 2025	Proposed Zoning Map comment	This system is impossible to understand. TWhat is an LN4. What's the colour coded system explanation. Clear as mud. I'm used to heavy technology but this would be to thwart anyone from understanding the change from present to proposed. Can you make it more opaque? Get out and interact with the community. No one will have much use for this. Seems sneaky. Poor start. Start again.

5.		1.2 Compliance With This By-law	Who understands the magnitude of this doc. Certainly not any ordinary citizen. How can one possible be connected to this.
6.	Jul. 3, 2025	General Comment	Upon scanning the draft of the Burlington Residential Zoning Bylaw, as well as the Housing Strategy I'm unable to see the alignment to the City's Climate Action Plan, Climate Resilient Plan or the Urban Forest Management Plan - how is this possible? I found a single reference to 'complete communities" in the Housing Strategy. Burlington must plan for growth that respects a healthy environment for future generations. Retrofitting homes in the future to be more climate resilient versus advancing a strategy that builds green and affordable from the start, is irresponsible. I hope the next version is accountable to these key Plan's that support the City's Vision to Focus commitment.. Thank you
7.	Jul. 3, 2025	General Comment	City of Burlington is one of the best places to live in Canada because it is not so condensed. Current tax paying residents do not want all these new developments in our city, destroying all our open green spaces. We love it the way it is and choose Burlington as our home because of this. Developing more and more housing and condensing our traffic and infrastructure will definitely make our city less desirable, not more.
8.	Jul. 9, 2025	General Comment	Parking, and traffic is already very bad and adding fourplex's and ARUs everywhere in the community will make it worse. The proposal to bring more growth to stable neighborhoods all while continuing to raise property taxes each year is a flawed approach - we pay high property taxes because we don't want to live next to a fourplex... ARUs or "gentle" density will shift growth from the urban areas served by transit into low rise

			neighborhoods. This will not solve the housing crises - it will simply change the character of our community.
9.	Jul. 13, 2025	General Comment	<p>There should be no allowance for four units as of right. If more housing is needed it should be focused on intensification in the downtown area or on lands today that have little value to the community such as many areas along Fairview which maintain businesses that are seem to be falling apart and or are desolate. These proposed allowances should not occur in already established subdivisions. If the city is opposed to the above the only option should be to develop lands north of dundas on the greenbelt. The pressure, increased issues that will result should not come at the expense of homeowners and the communities they have bought into and developed.</p> <p>Does the city have a plan to deal with increased intensification outside of this option? Will it tax those homeowners who operate more than one unit more?</p> <p>This is not a good idea, and Brampton is a perfect example of this.</p> <p>Do not allow for intensification of existing communities at all.</p> <p>Horrible map to depict what you are proposing and provides no value to visualize what you are trying to propose.</p>
10.	Jul. 14, 2025	General Comment	Can you make it so corner stores are allowed in residential areas?

11.	Jul. 22, 2025	General comment	It maybe my phone but I found it hard to navigate - the site disappeared on a regular basis and I had to restart everything from the beginning. Also the background music is very annoying after being on the site for a half hour reading the proposed zoning by-law and going through the zoning map.
12.		Proposed Zoning Map comment	I looked around the map quite a bit and I may be blind but I could not catch sight of a colour index for the residential zone legend. The map shows all existing development, is there nothing pre-zoned like the Millcroft redevelopment? Again I may have missed it, but is this bylaw is for the "Urban boundary" only? If not, where are the zoning classes for all the rural estate subdivisions and small villages north of Dundas.
13.		Part 4: Definitions	Just a dumb question, why are the definition list at the beginning of the bylaw and not at the end?
14.	Aug. 3, 2025	General Comment	Are you able to advise when the by laws will be effective if passed?
15.	Aug. 5, 2025	Part 5: General Provisions: (5.2 Accessory Buildings And Structures And Unitary Equipment)	Dear Planning Staff and Council,  I am writing as a resident of Burlington to provide input on the proposed zoning bylaw revisions. I respectfully urge the City to exclude non-compliant sheds and accessory structures from grandfathering, unless they meet current setback and construction standards.  These smaller structures can still pose significant problems for neighbouring properties — especially in older neighbourhoods where homes are close together

			<p>and lot sizes are modest. The updated bylaw is a key opportunity to address these long-standing issues.</p> <p> Safety and Fire Risk</p> <p>Sheds near lot lines can pose fire spread risks, especially if constructed with flammable materials or placed too close to fences and homes. I recommend that no grandfathering be granted unless the structure meets modern setback and construction safety standards. This is particularly important in residential zones where emergency access and fire separation distances are critical.</p> <p> Drainage and Water Issues</p> <p>Older sheds built without proper setbacks may redirect runoff, snow melt, or rainwater onto neighbouring yards, causing erosion, pooling, or even foundation issues. These environmental impacts were not always addressed under earlier zoning rules or permit processes.</p> <p> Neighbourhood Character</p> <p>Many legacy sheds were built with little regard for placement or impact. They may conflict with the City's vision for open, green, and visually consistent residential areas. Allowing them to remain indefinitely would compromise the intent of the new zoning direction and could lead to a patchwork of non-compliant and potentially unsightly structures.</p> <p> Minimal Burden to Comply</p>
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			<p>Sheds are relatively low-cost and simple to move or replace, especially compared to larger structures. Requiring compliance either immediately or within a reasonable transition period (e.g., 2–5 years) would not place undue hardship on property owners, while improving both safety and neighbourhood cohesion.</p> <p><input checked="" type="checkbox"/> Recommendation</p> <p>I respectfully recommend:</p> <p>Non-compliant sheds not be grandfathered unless they meet current setback and construction standards.</p> <p>The City consider a compliance timeline for older sheds that fall short of today’s safety and drainage expectations.</p> <p>Enforcement be prioritized in cases where sheds create risks or ongoing disputes between neighbours.</p> <p>Thank you for your work on this important review. I appreciate the City’s commitment to modern, safe, and neighbour-friendly zoning.</p>
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16.	Aug. 5, 2025	General Comment	<p>Ammendments to current zoning to encourage or allow for more population density in the downtown Burlington core will negatively affect those living in Ward 2 by increasing local traffic, decreasing safety for pedestrians, increasing travel times, and increasing foot traffic through adjacent downtown neighbourhoods. The increase in population density will reduce already scarce availability of community supports and services, further populate schools where there is no land to further expand education spaces, and increase crime in the core. Panhandling and homelessness will continue to increase due to the amount of foot traffic in the downtown area and the anticipated increase in donations from pedestrians. Petty crime will continue to rise. We are already seeing items being stolen off of front yards in our neighbourhood, where this has never been a concern. Without better transportation supports, creating dense housing by way of condos or apartment buildings, will congest the city and make it less desireable, in addition to clogging an already busy waterfront. This will also reduce real estate values and create less safe spaces for our children to bike, walk, scooter, etc. This sounds like a short-sighted bylaw that is in the best interest of developers and downtown business owners, not taxpaying home owners.</p>
17.	Aug. 5, 2025	General Comment	<p>We need better infrastructure prior to any new builds. Traffic is already over stressed through the city. Worst in the northeast.</p> <p>We should also protect all remaining green space. Overpopulating Burlington damages the quality of life.</p>

18.	Aug. 5, 2025	Part 7: Residential Zones (7.3 Provisions for Detached Dwellings and Duplex Dwellings in the Low-Rise Neighbourhood 1 to 6 Zones)	The use of the words "to the garage door" in note 2 aka "Except that for the wall of a private garage containing an opening for a vehicle, the minimum front yard setback or exterior side yard setback to the garage door of the private garage shall be 5.5 metres." is confusing or assumes that the garage door is parallel with the front of the dwelling. As can be the case, the garage door can be perpendicular (90 deg) to the front wall of the dwelling. The front and and side setbacks are to a wall and not the garage door.
19.	Aug. 5, 2025	General comment	Please stop building and adding more people to our already over crowded city.. it was nice 10 years ago.. now it's unrecognizable and not in a good way.  Please stop building and adding more people to our already over crowded city.. it was nice 10 years ago.. now it's unrecognizable and not in a good way.
20.	Aug. 6, 2025	General Comment	That City Staff consider including a as-of-right green roof addition to homes in the zoning by-law
21.	Aug 24, 2025	General Comment	The proposed changes to the existing R2.1 (proposed LN5) zone will favour the construction of larger detached dwellings through reduced setbacks and increased lot coverage without increasing the number of dwelling units on a property. There should be different requirements for detached dwellings as opposed to semi-detached and duplex dwellings. Hoping the City will add curbs and sidewalks to the residential streets in the proposed LN5 zone as the increased number of dwelling units will increase traffic volumes. Hoping the City will upgrade approximately 70 year-old water & sewer infrastructure in the proposed LN5 zone to handle the increased number

			of dwelling units. Suggesting the parking requirement be reduced to 1 space per dwelling unit to not add to already increasing traffic congestion and motivate people to walk, cycle and/or use public transit.
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Authorized commenting Agency for



July 9, 2025

Todd Evershed, MCIP, RPP  
Supervisor, Special Projects & Urban Design

City of Burlington  
426 Brant Street  
Burlington, ON L7R 2G2

Via email: [newzoning@burlington.ca](mailto:newzoning@burlington.ca)

Dear Todd Evershed:

**RE: New Zoning By-law Project – Draft Zoning By-law for Residential Zones  
City of Burlington  
MHBC File: PAR 50098**

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MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are the planning consultants for TransCanada PipeLines Limited ("TCPL"), an affiliate of TC Energy Corporation ("TC Energy"). This letter is in response to notification and request for comments for the City of Burlington's draft new Zoning By-law for residential zones. TCPL has one (1) high-pressure natural gas pipeline contained within its easement(s) ("TCPL Pipeline Right-of-Way") crossing the City of Burlington.

TCPL's pipelines and related facilities are federally regulated and are subject to the jurisdiction of the Canada Energy Regulator ("CER"). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

### ***Policy Context***

TCPL's pipelines are defined as *infrastructure* in the *Provincial Planning Statement, 2024 ("PPS")*. In accordance with Policy 3.3.1 of the PPS, "*planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs*".

TCPL's pipelines and facilities are also defined as *major facilities* in the PPS. In accordance with the policies in Section 3.5 of the PPS, where avoidance is not possible, planning authorities shall protect the long-term viability of existing or planned major facilities that are vulnerable to encroachment by ensuring that the planning and development of adjacent sensitive land uses is only permitted if potential adverse effects to the proposed adjacent sensitive land uses are minimized and mitigated, and potential impacts to major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Appropriate setbacks to the TCPL Pipeline Right-of-Way are needed to manage the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. TCPL also

provides feedback on official plan policies and zoning regulations to align with TCPL's Damage Prevention Best Practices.

We have reviewed the draft Zoning By-law and request the following revisions for better alignment with TCPL's development and regulatory standards:

~~Red strikethrough~~ = deletion Green underline = addition

### **5.33 Setback From A Pipeline Easement**

- a) *Every building and accessory building shall maintain a minimum setback of 7 metres from a pipeline right of way.*
- b) *Accessory structures shall maintain a minimum setback of 3 metres from the pipeline right of way.*
- c) *The following minimum setbacks shall apply from the edge of the TransCanada PipeLines Limited (TCPL) pipeline right-of-way:*
  - i. *Buildings or structures: 7 metres*
  - ii. *Parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated aisle or driveway: 7 metres*

### **5.6 Swimming Pools**

- c) *On lots abutting a pipeline, a swimming pool must be set back 3 m from the limits of the right-of-way.*
- e) *On lots abutting or containing a TransCanada PipeLines Limited (TCPL) pipeline right-of-way, an in-ground swimming pool must be set back a minimum of 7 m from the edge of the pipeline right-of-way.*

Thank you for the opportunity to comment. We look forward to reviewing the updated Zoning By-law. If you have any questions, please do not hesitate to contact our office.

Sincerely,

**MHBC**



Kaitlin Webber, MA, RPP, MCIP  
Intermediate Planner | MHBC Planning

*on behalf of TransCanada PipeLines Limited*

July 24, 2025

Community Planning  
426 Brant Street  
Burlington, ON | L7R 3Z6

Sent via email to: [newzoning@burlington.ca](mailto:newzoning@burlington.ca)

**ATTN: New Zoning Bylaw Project Team**  
**RE: New Zoning Bylaw Project**  
**Your File #: Draft Residential Zoning Bylaw**  
**Our Reference #: ENB20250702-01ON**

Thank you for sending Enbridge notice of this project. Enbridge works with municipalities and stakeholders regarding planning and development in proximity to our pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We request that this response package is provided in full to the landowner / applicant, as applicable, as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

### **Description of Proposed Development**

We understand that this application is the first draft of the City of Burlington's new **Zoning By-law** for residential zones.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed application encompasses all residential zones in the city of Burlington and thus intersects with Enbridge's Liquids Pipelines infrastructure.

### **Assessment & Requirements**

The Zoning By-law was reviewed, and appears to contain some existing policies with respect to development in proximity of pipeline infrastructure, including:

- Section 5.33 states: "Every **building** and **accessory building** shall maintain a minimum **setback** of 7 metres from a pipeline right of way." and  
**"Accessory structures** shall maintain a minimum **setback** of 3 metres from the pipeline right of way.

- Section 5.6 states: “On **lots abutting** a pipeline, a **swimming pool** must be set back 3 m from the limits of the right-of-way.”

We appreciate the consideration of pipeline infrastructure in the existing draft and recommend that some additional maps and policies be considered for inclusion.

### Policy Recommendations:

- 1) **Mapping:** We recommend that Enbridge’s pipelines (and any other pipelines) and facilities be indicated on one or more maps within the Zoning By-law. Requests for GIS data from Enbridge should be sent to [notifications@Enbridge.com](mailto:notifications@Enbridge.com).
- 2) As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. To ensure that all development within the pipeline assessment area is referred to Enbridge for review and comment, we recommend inclusion of the following policy:
  - a. "When a neighbourhood plan, zoning amendment, subdivision application or development permit application is proposed that involves land within 200m of a pipeline, as demonstrated in “Map xx: \_\_\_\_\_” (per recommendation #1), Administration shall refer the matter to the pipeline company for review and input."
- 3) To ensure that no unauthorized ground disturbance or pipeline crossings occur when development progresses, we recommend the following policy be included within the Zoning By-law:
  - a. “All development within 30m or crossings of a pipeline shall require written consent from the pipeline company and is the responsibility of the applicant to obtain prior to development approval.”

### Future Development Requirements

Although the Zoning By-law details a long-term future development vision, there are development requirements that will be mandatory at the subdivision and development stage that will be helpful to consider prior to application submission. Please review **Attachment 02 | Enbridge Development Requirements** for requirements for planning and development in proximity of pipelines. In addition, for more information about when written consent is required and how to submit an application, [Enbridge Pipeline Crossing Guidelines](#). For additional resources on safe development in proximity of Enbridge’s pipeline network please view [Enbridge’s Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge’s pipelines and facilities. All future project notifications should be sent to [notifications@enbridge.com](mailto:notifications@enbridge.com), while questions about the details of this letter may be sent to the contact listed below. Thanks again



**Enbridge**  
10175 101 St NW  
Edmonton, Alberta T5J 0H3  
Canada

for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Sincerely,

**Damage Prevention Program**  
Enbridge Liquids Pipelines (LP) Damage Prevention

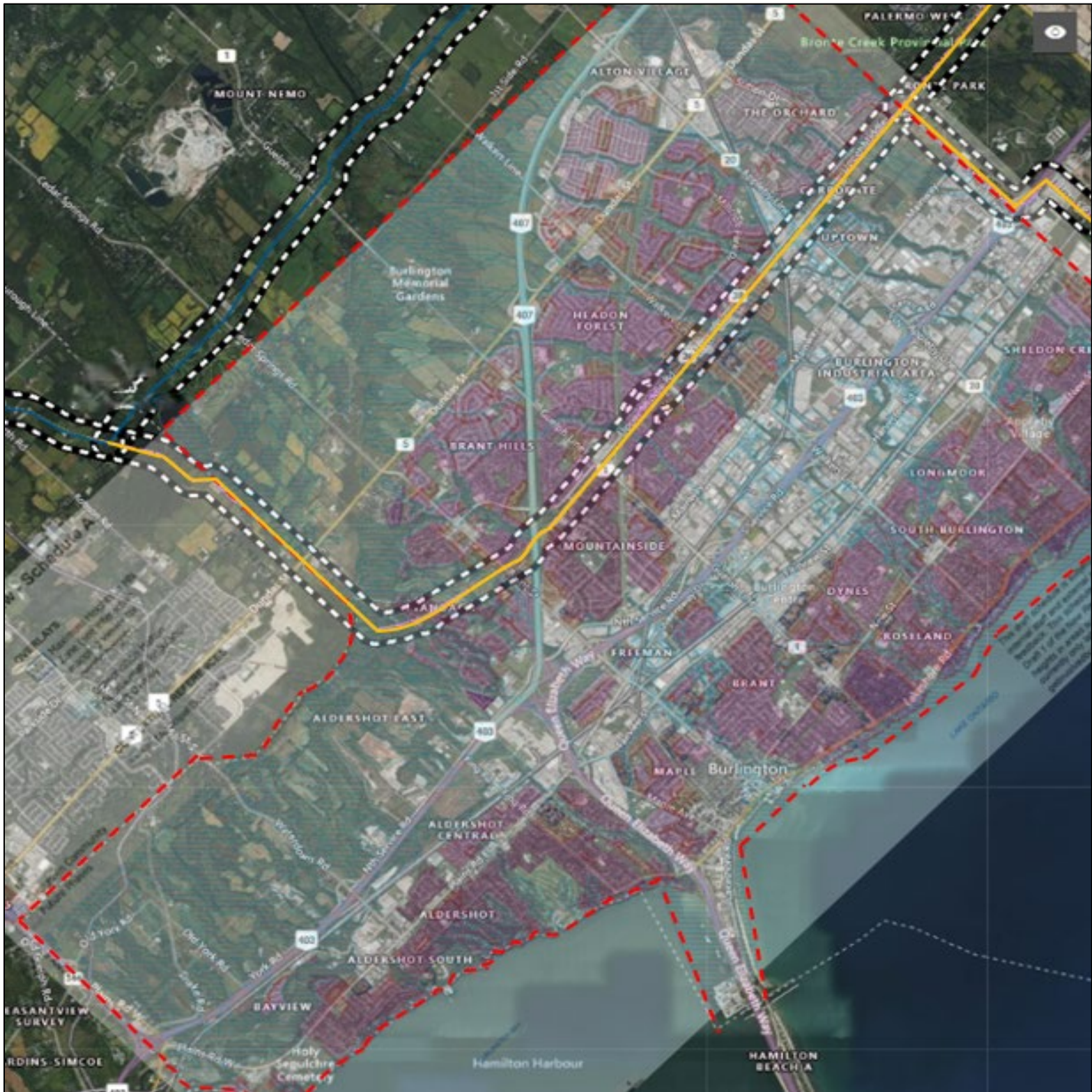


**ENBRIDGE**  
notifications@enbridge.com  
10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com  
**Safety. Integrity. Respect. Inclusion. High Performance.**

# Attachment 01

## Approximate Location of Pipeline Infrastructure



PLEASE CONTACT YOUR LOCAL ONE CALL CENTRE ([WWW.CLICKBEFOREYOU.DIG.COM](http://WWW.CLICKBEFOREYOU.DIG.COM)) FOR ANY GROUND DISTURBANCE WITHIN 30m OF PIPELINE INFRASTRUCTURE



Pipeline Assessment Area (200m)



Enbridge Pipelines (Liquid)



Subject Site

## Local Context Overlay Residential Zoning By-law

City of Burlington  
Referral ID: ENB20250702-010N

July 2025

# Attachment 02

## Enbridge Development Requirements

## Attachment 02 | Enbridge Development Requirements

### Definitions

- A **Right-of-Way (ROW)** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a “controlled area” or “safety zone”.
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19. Depending on the pipeline location, operator, and regulator this may also be known as the “notification zone”, “referral area” or “class location assessment area”.

### Locating the Pipeline | Click Before You Dig

Any person planning to construct a facility across, on, along or under a pipeline (including the right-of-way), conduct a ground disturbance activity within 30 metres of the centreline of a pipe, or operate a vehicle or mobile equipment across a right-of-way, must first request a locate service. To identify the precise alignment of the pipeline on the subject lands, Locate Requests can be made online, via mobile apps, or via phone (see table below),

The locate request must be made a minimum of three (3) business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify Enbridge to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. Enbridge requests a minimum of five (5) business days’ notice for any work involving explosives.

Canadian One-Call Centres		
Province	Phone	Website
British Columbia	1.800.474.6886	www.bc1c.ca
Alberta	1.800.242.3447	www.utilitysafety.ca
Saskatchewan	1.866.828.4888	www.sask1stcall.com
Manitoba	1.800.940.3447	www.clickbeforeyoudigmb.com
Ontario	1.800.400.2255	www.ontarioonecall.com
Quebec	1.800.663.9228	www.info-ex.com
Nova Scotia & New Brunswick	1.800.344.5463	www.info-ex.com
Northwest Territories	Contact Enbridge Pipelines Inc. (1-867-587-7000)	
<a href="http://www.clickbeforeyoudig.com">www.clickbeforeyoudig.com</a>		

## **Right-of-way**

A right-of-way is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it:

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.
- Enbridge must have the ability to access Enbridge's pipeline right-of-way at all times for construction, maintenance, operation, inspection, patrol, repair, replacement and alteration of the pipeline(s). Therefore, the Enbridge pipeline right-of-way shall be maintained as green space, park belt or open space.
- No work shall take place on Enbridge's pipeline right-of-way without the presence of an Enbridge representative.
- Storage of materials and/or equipment, grading or placing fill on Enbridge's pipeline right-of-way is not permitted without prior written consent from Enbridge.

## **Written Consent**

Any proposed crossings of the pipeline right-of-way or ground disturbance within the Prescribed Area or pipeline right-of-way are subject to Enbridge's written consent in accordance with the Canadian Energy Regulator Act and regulations including the Canadian Energy Regulator Pipeline Damage Prevention Regulations as amended or replaced from time to time (or for pipelines contained within Alberta, the Pipeline Act (Alberta) and Pipeline Rules as amended or replaced from time to time).

The applicant will require Enbridge's written consent or a crossing agreement prior to undertaking the following activities:

- Constructing or installing a facility across, on, along or under an Enbridge pipeline right-of-way;
- Conducting any activity that would cause ground disturbance (excavation or digging) on an Enbridge's pipeline right-of-way or within 30m perpendicularly on each side from the centerline of Enbridge's pipe (the "Prescribed Area");
- The operation of a vehicle, mobile equipment or machinery across an Enbridge pipeline right-of-way; outside of the travelled portion of a highway or public road;
- Using any explosives within 300m of Enbridge's pipeline right-of-way.

For more information about when written consent is required and how to submit an application, please see [Enbridge Pipeline Crossing Guidelines](#).

## **Prescribed Area**

The Prescribed Area is an area of 30 m (approximately 100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".

For pipelines crossing provincial boundaries, Enbridge is regulated by the Canada Energy Regulator and is subject to the Canadian Energy Regulator Act and its regulations as amended or replaced from time to time.

- Section 335(1) of the Canadian Energy Regulator Act prohibits any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the Prescribed Area unless the construction or activity is authorized by the pipeline company.
- Section 335(2) of the Canadian Energy Regulator Act prohibits any person to operate a vehicle or mobile equipment across a pipeline unless the vehicle or equipment is operated within the travelled portion of a highway or public road or such operation is authorized under section 13(1) of the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations).

For pipelines contained within Alberta, Enbridge is regulated by the Alberta Energy Regulator and is subject to the Pipeline Act and Pipeline Rules as amended or replaced from time to time.

- As per the Alberta Energy Regulator, any person who plans to engage in an activity that causes a ground disturbance within the pipeline right-of-way must obtain the written consent of the pipeline company.

### Crossings

- Written consent from Enbridge is required for all crossings of the pipeline.
- The written authorization request must include:
  - Drawings with cross sections of the proposed new road and road widening to verify the depth of cover from both sides of the road.
  - Drawings should include any new utilities that will cross the ROW.
- No vehicles or mobile equipment, including heavy machinery, will be permitted to cross Enbridge's pipeline right-of-way without the prior written consent of Enbridge. Please complete Enbridge's Equipment Specification and Data Sheet(s) to make an application for temporary equipment crossing including timeframe, type and weight of equipment per axle together with the name of the applicant, address, contact name and phone number/email.
- Where future development such as a roadway or a parking area is proposed over the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. **The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.**

### Ongoing Activities

- Written consent must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

## **Class Monitoring in the Pipeline Assessment Area**

As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**.

- If a pipe replacement is necessary because of the proposed development, temporary workspace shall be granted to Enbridge on terms and conditions to be (or as) negotiated. This workspace will be adjacent to the existing pipeline right-of-way and may be up to a maximum of 15m wide on either or both sides. Grading or landscaping of the workspace is not permitted until the replacement has been completed.

## **Subdivisions**

- Lot lines are not to be incorporated over Enbridge's pipeline right-of-way. If lot lines are incorporated over Enbridge's pipeline right-of-way, the owner agrees, in writing to include the following warning clause in all offers of sale and purpose and/or lease:  
*"Future residents are advised that Enbridge owns and operates \_\_\_\_\_pipeline(s) within an \_\_\_\_\_m pipeline right-of-way on the property. As a result, there are conditions that apply to various activities over the pipeline right-of-way that must be approved by Enbridge."*
- All display plans in the lot/home sales office shall identify the Enbridge pipeline right-of-way-corridor within the proposed linear park block(s).

## **Structures and Setbacks**

Development setbacks from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.

## **Other Development**

### **Wells / Septic Systems**

Wells or septic systems shall not be located on Enbridge's pipeline right-of-way. Construction of any septic system within 30m of the pipeline right-of-way requires prior written notification to Enbridge to ensure the septic bed will not adversely impact the integrity of the pipeline and pipeline right-of-way. Written consent from Enbridge must be received prior to the start of any work.

### **Aerial Power Lines**

Aerial power lines crossing the pipeline right-of-way require aerial warning devices installed and properly maintained. No poles, pylons, towers, guys, anchors or supporting structures of any kind are permitted on the pipeline right-of-way.

## **Pathways, Fencing & Landscaping**

### **Fencing Along ROW**

- For development along an Enbridge right-of-way, permanent fencing shall be erected and maintained by the Developer at the Developer's cost along the limits of Enbridge's pipeline right-of-way. The fence erected must meet Enbridge's and the governing municipality's specifications concerning type, location and height. Any excavations for fence posts on, or within 30m of the pipeline must be done by hand or hydrovac. There shall be no augers operated on the pipeline right-of-way. The Developer shall notify Enbridge three business (3) days prior to any excavation for fence posts located on or within 30m of the pipeline.
- Limits of the pipeline right-of-way parallel to the pipeline shall be delineated with permanent fencing to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering Enbridge's pipeline right-of-way.
- Enbridge's written consent must be obtained and One Call notifications must be completed prior to any fence installations.

### **Landscaping**

No landscaping shall take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines, as follows:

- The landowner / developer shall ensure a 5m continuous access way in the pipeline right-of-way is provided for the Enbridge repair crews.

In order to maintain a clear view of the pipeline for the purposes of right-of-way monitoring, which is required by federal regulation, trees and shrubbery planted in proximity to the pipeline must meet the following criteria:

- Enbridge permits the following vegetation within the pipeline right-of-way: Flowerbeds, vegetable gardens, lawns and low shrubbery (under 1 m in height), and
- The mature growth height of vegetation does not exceed 1.5 m (5 ft) at maturity and must maintain a minimum distance of 3 m (10 ft) from the nearest pipeline.

### **Pathways / Trails**

No pathways shall be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements:

- A pathway crossing Enbridge's pipeline right-of-way shall be installed as close as possible to a ninety (90) degree angle to the Enbridge pipeline(s).
- The width of the pathway shall not exceed 3m.
- A parallel pathway within Enbridge pipeline right-of-way shall maintain a minimum 5m separation from the edge of the Enbridge pipeline(s).
- Enbridge's pipeline(s) must be positively identified at certain intervals as directed by Enbridge's representative for parallel installation.
- Enbridge shall install pipeline markers at all road, pathway and other crossings throughout the development area at Developer's cost.

## **Drainage and Erosion**

- The Developer shall ensure drainage is directed away from the pipeline right-of-way so that erosion will not adversely affect the depth of cover over the pipeline(s).
- Any large-scale excavation adjacent to the pipeline right-of-way, which is deeper than the bottom of the pipe, must maintain a slope of 3:1 away from the edge of the pipeline right-of-way.
- Depth of cover over Enbridge pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.

## **Construction**

- During construction of the site, temporary fencing must be erected and maintained along the limits of the pipeline right-of-way by the Developer to prevent unauthorized access by heavy machinery. The fence erected must meet Enbridge's specifications concerning type, height and location. The Developer is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction. The Developer is responsible for the cost of material, installation and removal.
- Original depth of cover over the pipeline(s) within Enbridge's pipeline right-of-way shall be restored after construction. This depth of cover over the pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.
- In the event Enbridge's pipeline(s) suffer contact damage or other damage as a result of construction, work shall stop immediately and Enbridge to be immediately notified.

## **Liability**

In no event shall Enbridge be liable to the developer and/or landowner(s) for any losses, costs, proceedings, claims, actions, expenses or damages (collectively "Claims") the Developer and/or landowner(s) may suffer or incur as a result of or arising out of the presence of Enbridge pipeline(s) and/or operations on the pipeline right-of-way. The Developer and/or landowner(s) shall be responsible for all costs and expenses incurred to install, repair, replace, maintain or remove the Developer's and/or landowner(s) installations on or near the pipeline right-of-way and shall indemnify and save harmless Enbridge from all Claims brought against, suffered or incurred by Enbridge arising out of the activities of the Developer and/or landowner(s) in respect of the development or arising out of the presence, operation or removal of the Developer's and/or landowner(s) installations on or near Enbridge's pipeline right-of-way.



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## Metrolinx Comments for: City of Burlington - Draft 1 New Residential Zoning Bylaw


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From Planning Correspondence <PlanningCorrespondence@metrolinx.com>

Date Thu 2025-08-07 4:35 PM

To Lau, Rebecca <Rebecca.Lau@burlington.ca>

Cc Jenna Auger <Jenna.Auger@metrolinx.com>

 1 attachment (45 KB)

Metrolinx Comment Table -City of Burlington Draft New Zoning Bylaw for Residential Zones Aug 06.docx;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rebecca,

Please find attached comments as requested for the ZBA.

Thank you for the opportunity to review and comment.

Planning correspondence Team c/o

*Ali Downer*

Pronouns: [She/Her](#)

Administrative Assistant – Planning

Telephone: (416) 202-4458

Email: [ali.downer@metrolinx.com](mailto:ali.downer@metrolinx.com)

97 Front Street West Suite 400 Toronto ON M5J 1E6

 **METROLINX**

THINK FORWARD | SERVE WITH PASSION | PLAY AS A TEAM

This e-mail is intended only for the person or entity to which it is addressed. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachments.

Internal Due Date: August 06, 2025

**Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones**  
**Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans**

Item	OP Policy Number Or reference schedule	Comments/Concerns	Related Provincial Ministries	Policy Basis/Rationale Reference to Planning Act, PPS or Provincial Plan Section or Policy	Proposed Revision	Reviewing Team/Business Unit	Name of Reviewer
1	<b>Section 5.34</b>	<p>The City of Burlington is subject to the Metrolinx Lakeshore West GO rail services, which operates within the Metrolinx Oakville Rail Subdivision &amp; the Canadian National (CN) Oakville Subdivision. As such, the following proposed revisions prioritizes the protection of sensitive land uses in proximity to rail facilities &amp; services.</p> <p>It should be noted that the engagement of Metrolinx and its Technical Advisor, where applicable, will require all related fees to be borne by the owner/applicant.</p>	<b>MTO</b>	Provincial Policy Statement, Section 3.4 & 3.5	<p>The following is applicable to all proposed construction within 300m of the Metrolinx Oakville Rail Subdivision:</p> <p><b><i>Development within 300m of the Metrolinx Rail Corridor shall require an Acoustical Study, which shall include the current rail traffic data and the Standard Metrolinx Noise Warning Clause.</i></b></p> <p><b><i>Development within 75m of the Metrolinx Rail Corridor shall require a Vibration Study.</i></b></p> <p><b><i>Development adjacent to the Metrolinx Rail Corridor shall not alter any drainage patterns, flows and / or volumes, absent review and approval by Metrolinx and its Technical Advisor.</i></b></p>	Adjacent Construction Review (ACR)	Jenna Auger

Internal Due Date: August 06, 2025

**Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones**  
**Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans**

					<p><b><i>Development adjacent to the Metrolinx Rail Corridor shall require execution of agreements with Metrolinx as deemed applicable.</i></b></p> <p><b><i>Development within 300m of the Metrolinx Rail Corridor shall require registration of an Environmental/Operational Easement in favour of Metrolinx, over the subject lands.</i></b></p> <p><b><i>Development adjacent to the Metrolinx Rail Corridor shall provide the standard setback and safety barrier (berm) or receive approval of an alternative per a Rail Safety Report, to be reviewed and approved by Metrolinx and its Technical Advisor.</i></b></p> <p><b><i>Work within 30ft or beyond (depending on the nature of the equipment) from the closest edge of Metrolinx rail shall require a Metrolinx Work Permit.</i></b></p>		
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Internal Due Date: August 06, 2025

**Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones**  
 Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

					<p><b><i>Vegetation within 3.5m of the mutual property line with Metrolinx shall be restricted to low lying vegetation only.</i></b></p> <p><b><i>Development adjacent to the Metrolinx Rail Corridor shall install the Metrolinx Standard Security Fence along the mutual property line, save and except for, where substitutes are deemed satisfactory by Metrolinx.</i></b></p> <p>The following is applicable to all proposed construction within 300m of the Canadian National Oakville Rail Subdivision:</p> <ul style="list-style-type: none"> <li><b><i>That any development within 300m of a rail corridor with Metrolinx services and / or operations, shall require the inclusion of the Metrolinx Noise Warning Clause; and, the</i></b></li> </ul>		
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Internal Due Date: August 06, 2025

**Comment Table - City of Burlington Draft New Zoning Bylaw for Residential Zones**  
 Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024, and Provincial Plans

					<i>Registration of an Environmental/Operational Easement in favour of Metrolinx, over the subject lands, all to the satisfaction of Metrolinx.</i>		
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**Notes for use:**

- In the Reference to Planning Act, Provincial Plan and PPS column, **please be as specific as possible** when **referencing policy, legislation, etc.**
- In the “**Proposed Revision**” column, recommended updates should be *italicized*, text additions should be **boldface** and deletions should be a ~~strikethrough~~.
- In instances where the “**Proposed Revision**” is based on missing official plan policies or it is a general comment without a specific suggested revision, the “**Comments/Concerns**” column can include a “**See Proposed Revision**” note. This is intended to prevent the same information being duplicated between both columns.



Aug 13, 2025

Planning and Development  
City of Burlington  
426 Brant St., PO Box 5013  
Burlington, ON L7R 3Z6

New Zoning Bylaw Team:

Subject: **Draft Residential Zoning Bylaw - June 2025**  
Review Circulation for Comments  
July 2, 2025  
Halton DSB's Comments

The Halton District School Board (Halton DSB) extends its appreciation to the City of Burlington for the opportunity to review and comment on the Draft Residential Zoning By-law. We welcome this engagement and value the City's commitment to collaboration with educational partners in the land-use planning process.

The following comments are submitted from the perspective of Halton DSB's role in delivering public education across Burlington and supporting the broader goals of building inclusive, complete, and sustainable communities. Our intent is to ensure that the zoning framework allows public education infrastructure to evolve alongside urban growth while maintaining operational flexibility and responsiveness to student needs.

## **General Planning and Operational Considerations**

### **1. Flexibility for School Site Development and Expansion**

School sites are dynamic public assets whose needs evolve significantly over time due to demographic shifts, educational program advancements, and technological changes. The Draft By-Law should incorporate sufficient flexibility to allow for future adaptations of school facilities, including additions, renovations, adaptive re-use of full facilities and/or empty pupil spaces, and the integration of new programming spaces, without requiring full amendment processes where

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Mailing Address: J.W. Singleton Education Centre • P.O. Box 5005, Stn. LCD 1, Burlington, Ontario L7R 3Z2

**Phone: 905-335-3663 | 1-877-618-3456 Fax: 905-335-9802**

[www.hdsb.ca](http://www.hdsb.ca)

possible. Such flexibility will greatly benefit the Halton DSB's ability to maintain high-quality, responsive learning environments and operate its core functions.

## **2. Acknowledgment of Schools as Community Hubs**

Schools and Board-Owned facilities serve as vital community hubs, offering a wide array of programs and services that extend beyond core educational functions. The zoning by-law should explicitly acknowledge and permit a comprehensive range of compatible ancillary uses on school sites, such as:

- Before and after-school childcare programs
- Daycare centers (as a primary or ancillary use)
- Alternative education and programming spaces
- Spaces for partnerships with local community organizations, sports leagues, and cultural groups.
- Administrative functions of the Board for its central staff.

Explicitly permitting these uses will reinforce the role of schools as integral community assets and optimize the use of public infrastructure.

## **3. Adjacent and nearby uses - existing and proposed**

The Halton DSB needs to ensure that future higher-density residential or non-residential developments that are near or abutting to school properties are reviewed to ensure that measures are put in place to mitigate potential negative impacts (e.g., shadow, noise, traffic, privacy concerns), to safeguard the safety, security, and quality of the learning environment for students and staff.

With recent changes to the Planning Act with Protected Employment Zones, the Board wants to ensure uses are compatible with Board uses.

## **4. Burlington Central Campus (Baldwin and Brant Street) Zoning and OP Alignment**

As part of Burlington's Official Plan Targeted Realignment Exercise, the Board has previously requested that the "Downtown Public Service" designation in the New Official Plan 2020 (currently under appeal) be extended from the Burlington Central High School and Central Public School sites to the recently acquired track and field that current has a "Parks and Promenade Designation". We attach for reference the documents relating to the above-referenced request.

This would secure a full secondary school site and support the Halton DSB's vision for a K-12 urban campus, allowing for modernization to 21st-century learning and AODA standards, subject to Ministry funding within 10 years.

That said, the Board recognizes that the proposed zoning maintains the residential use designation across all three (3) aforementioned parcels of land, which would permit elementary

and secondary school uses, as well as ancillary Day Care facilities. It's also recommended that public service facilities of the City should be a consideration for permitted uses, in the event that joint partnerships could be explored in the future.

In summary, the Halton DSB would like to coordinate with the City to develop a site-specific policy within the Zoning By-law Project to facilitate future redevelopment and to provide flexibility in its current usages.

## **Residential Zoning By-law - Draft City of Burlington June 2025**

### **Part 2: Establishment of Zones and Uses**

#### **2.1 Zone Designations**

The Halton DSB recommends that the City consider designating existing school sites as part of the LN8 land use category. While active school sites serve essential community functions, recognizing their potential long-term contribution to a more diverse housing stock—particularly if declared surplus in the future—aligns with the City's goals for affordable and attainable housing.

This designation may support a broader range of residential typologies and intensification opportunities, should these lands become available. Halton DSB understands this would require a conformity exercise with the Official Plan, and would be committed to working with the City to undertake these exercises so school sites can remain a community asset.

#### **2.5 Multiple Zones on One Lot**

The Halton DSB notes that four (4) sites in the City straddle two (2) residential zones and/or zones that will be part of a future phase in the study, they are (with their addresses, as follows:

1. Alton Village PS - 3290 STEEPLECHASE DRIVE
2. C.H. Norton - 2120 CLEAVER AVE
3. John William Boich - 2474 Sutton Dr
4. Orchard Park - 5151 DRYDEN AVE

We request that, as part of this exercise, the underlying residential zones be consistent and take on the classification with the higher density. Given that the school zoning requirements are consistently applied to all zones, i.e., permitted in all zones, there shouldn't be any further issues.

Of greater concern to the Board is the application of setback when a school has multiple blocks, and they are adjacent to one another. The Board requests that for Halton DSB properties that currently exist and are adjacent to one another, they would not be required to adhere to the minimum interior yard setbacks.

This will allow for greater flexibility in the placement of buildings on site and maximize opportunities for campus-style approaches. The Board acknowledges that future dispositions and/or severances will be required to adhere to the necessary zoning by-law requirements. Facilities and their addresses that fall within this category are as follows:

1. Burlington Central High School - 1433 BALDWIN ST
2. Central Public School - 638 BRANT ST
3. Florence Mears - 2102 BERWICK DR
4. New Street Education Centre (Shared parking requirements on two sites, and landscape buffers) - 3250 New Street

#### **Part 4: Definitions**

##### **School**

The Halton DSB respectfully suggests the following alternative definition to better reflect the comprehensive nature of public school operations, including all forms of elementary and secondary education:

School means a premises used primarily for elementary or secondary academic instruction, *including alternative education programs, or for the administrative offices and support of school board business and responsibilities* that meet the requirements of the Education Act, R.S.O. 1990, c. E.2, as amended. This includes public **schools** and private **schools** offering curriculum approved by the Province of Ontario, but does not include a **School**, Commercial or **School**, Post-Secondary."

The Board would also like to confirm that Language Instruction for Newcomers to Canada (LINC) and Adult Education would fall in either a secondary school setting or a post-secondary school setting. It should also be noted that Section 5.15 references colleges and universities, which may not include not-for-profit instructional programs offered federally or provincially.

##### **Board Administrative Uses**

The Halton District School Board requests the inclusion of a definition for Board Administrative Uses that will encompass land, buildings, or structures owned by a publicly funded school board and used for non-instructional purposes that support the operation of the educational system.

##### **Portable Classrooms Definition**

The Halton DSB requests the creation of a clear and distinct definition for "Portable Classrooms" that accurately distinguishes them from permanent buildings while explicitly acknowledging their function as essential and temporary educational spaces. This

definition should facilitate their efficient integration into school site planning without triggering the same regulatory requirements as permanent structures.

### **Sensitive Land Uses**

Halton DSB strongly supports the City's inclusion of "Schools" within the definition of "Sensitive Land Uses."

## **5. Part 5: General Provisions**

### **5.2b Accessory Structures**

The Halton DSB is requesting a specific exemption to permit accessory structures within the front or exterior side yard of a school property.

Many schools have on-site childcare facilities, which are often located at the front of the building for easy access. An associate play area with its accessory structures may need to be placed in the front or exterior side yard adjacent to the entrances. In addition, many secondary schools are situated on lots that have two frontages. This clause can limit the functionality of the entire site by forcing all accessory structures to be located on the interior side or rear yards. An exemption would allow the Halton DSB to make better use of the available land and better align the school's layout with its physical location. This would provide more flexibility for a school's operational needs and community access.

### **5.13 Office Uses in Residential Zones - Integration of Administrative and Ancillary Educational Uses**

To optimize the use of public assets and promote administrative and operational efficiency, the Halton DSB frequently incorporates administrative offices or specialized program spaces directly within existing school buildings, particularly at secondary schools, but could explore the same in elementary schools. These uses can be integral to the efficient operation of our educational system, supporting school staff, students, and various programs that benefit the broader community.

Halton DSB requests that the proposed zoning by-law permit school board administrative offices within elementary and secondary school facilities, either recognizing them as complementary to the primary educational function and essential for viable school operations or as a standalone facility primarily dedicated to Board administrative uses for systemwide operations.

This should include both accessory uses (such as an administrative space within a school building or for a standalone school board administrative facility on school properties, similar to the M.M. Robinson HS and JW Singleton Centre campus. This flexibility supports adaptive reuses of underutilized spaces, allowing continuous public use through Halton DSB or in partnership with other community organizations.

Acknowledging the different requirements of office uses, the Board would also recommend additional clauses in Section 5.13 for school board administrative offices in residential zones, within an existing school site.

## **5.15 Schools**

The Board has the following additional comments to consider as part of the General Provisions for uses permitted in all zones. The Board continues to be supportive of this approach, as it provides for maximum flexibility in program offerings throughout the City of Burlington.

### **b) Lots must abut certain roadways**

The Halton District School Board requests that *the exemption to* this clause be expanded to include the reconstruction or replacement of an existing school facility, even if the site does not abut one of the specified roadway types. This would ensure that schools can be rebuilt on their current sites without requiring conformity to arterial or collector road frontage.

### **e) Minimum setback from all other Lot Lines: 15 metres.**

The Halton DSB wishes to have further discussions with the City of Burlington regarding the proposed continued application of a 15-metre setback from “all other lot lines” for school sites.

The Halton DSB is increasingly being challenged to provide modern school facilities on more compact urban sites. In this context, a universal 15-metre setback from all other lot lines could be restrictive to maximizing the use of the site and exterior play areas, especially when applied to portable classrooms. This substantial setback will severely reduce the usable footprint of school properties, thereby significantly limiting critical opportunities for:

- Efficient and optimal placement of future permanent school buildings.
- The effective design and integration of future additions.
- The provision of essential outdoor programming spaces, including playgrounds, sports fields, and outdoor learning areas, which are fundamental to student well-being and a holistic educational experience.

The Halton DSB recommends that the By-Law incorporate reduced setbacks for permanent school structures and reduced setbacks for portable classrooms. The following table (**Table 1**) provides provisions that have recently been used for school site designations in the Town of Oakville and the Town of Milton, which the Board would like to use as the basis for further discussions. Recommended setbacks have also been provided for both building types.

**Table 1: Comparable Setbacks for Schools & Recommended Setbacks**

Setback	North Oakville Secondary Plan (2009-189) I Zone	Liveable Oakville (2014-014) CU Zone	Milton IA Zone (06-2014)	Milton IB Zone (06-2014)	Requested Setbacks for Buildings	Requested Setbacks for Portables
Front Yard	3m	6m	3m	3m	<b>3m</b> (no change)	<b>3m</b> (no change)
Interior Side Yard	1.5m	4.5m	6m +3m (if residential adjacent)	6m+6m (if residential adjacent)	<b>6m</b>	<b>3m</b>
Exterior Side Yard (flankage)	3m	6m	7.5m	9m	<b>3m</b> (no change)	<b>3m</b> (no change)
Rear Yard	7.5m	7.5m	7.5m +3m (if residential adjacent)	7.5m+6m (if residential adjacent)	<b>7.5m</b>	<b>3m</b>

**f) The maximum building height: 3 storeys**

The Halton DSB requests an increase in the maximum allowable height for school buildings from a maximum of 3-storeys to a maximum of **4-storeys**. The Halton DSB is actively engaged in planning for and developing more compact, urban-appropriate school sites to serve growing communities, particularly in areas of intensification. To accommodate the necessary student capacity and diverse programming within these often constrained footprints, it is essential to have the flexibility to build vertically. This increase in height allowance could facilitate more.

**g) Parking setback requirements**

The Halton DSB requests that, where a school site shares a lot line with designated open space, parking be permitted up to the shared property line. Furthermore, the Board requests that the zoning by-law allow for the possibility of parking encroaching onto City-owned lands, provided that a formal agreement can be established between the Board and the City.

**h) Administrative Uses**

The Halton DSB requests the addition of a clause that recognizes Administrative Uses (Board Offices) on a school site as a permitted use. This should include administrative functions as an ancillary, primary, or sole use, where such uses support the delivery of public education. This

provision should apply to both operating and former school facilities, to allow for flexible and continued use of public assets in support of educational services.

### **5.32 Setback from a Creek**

The Halton DSB requests clarification on Clause 5.32 regarding whether schools are required to maintain a full 15-metre setback from a creek or a reduced setback—such as 6 metres from the greater of the limit of the floodplain or top of bank—is permitted.

### **5.38 Number of Buildings per Lot**

The Halton DSB requests an exemption to Clause 5.38, which restricts the number of buildings permitted on a lot. The Board currently operates two campuses in Central PS — Burlington Central HS and M.M. Robinson HS, with the J.W. Singleton Education Centre, where multiple buildings exist on a single lot. To allow for future facility improvements or the creation of campus-style arrangements that enhance educational delivery and operational efficiency, the Board requests that such sites not be restricted by this provision.

### **5.39 Availability of Municipal Services and Utilities**

The Halton DSB requests an exemption to Clause 5.39(a).

In certain circumstances, the Board has been required to expropriate land and proceed with school construction prior to the availability of full municipal services. In such cases, schools have been connected to the necessary services in advance of their opening. To allow for continued flexibility in addressing growth-related needs, the Board requests that school construction not be restricted solely based on the immediate availability of services, provided that all servicing is completed prior to occupancy.

### **5.42 Exemptions to Height Provisions**

The Halton DSB requests that seasonal sports domes be included in the list of exemptions under the Height Provisions of the zoning by-law. These structures are temporary and support recreational and educational programming during specific times of the year.

Including them as an exemption would provide the flexibility needed to support student and community use without being constrained by permanent height limitations.

### **5.3 Roof Top Mechanics**

Halton DSB currently observes the by-law as written for new projects and trusts that existing schools will be grandfathered if they do not meet the new requirements. The Board also proactively provides screening for rooftop mechanical units during any planned renovations.

In anticipating design challenges of accommodating alternative school designs on smaller sites, the Halton DSB respectfully requests that the new by-law provide greater flexibility to address these specific needs, specifically for the school board sites. Halton DSB welcomes the opportunity for further discussion on this matter.

## **6. Part 6 Parking and Loading**

### **6.1 Off-Street Parking and Loading Requirements (Table 2)**

**Table 2** illustrates the parking requirements of 1.5 spaces per classroom at an elementary school, three (3) parking spaces per classroom at a secondary school, and four (4) parking spaces per 100m<sup>2</sup> of gross floor area at a Daycare Centres. Halton DSB has no comments on this provision.

In the event the City of Burlington is supportive of the recommended Office Uses on former/active school sites, office parking requirements, or references to the Office parking requirements to accommodate the administrative board buildings on a school site will be required.

### **6.12 Bicycle Parking**

#### **d) Required bicycle parking for large bicycles**

Halton DSB requests to be exempt from this provision. Halton DSB recognizes the intent to accommodate diverse cycling needs. This specific requirement poses practical challenges for school sites due to the high volume of standard student bicycles and the operational complexities of managing such designated spaces within a school environment. Our priority is ensuring ample and accessible bicycle parking for the vast majority of student and staff cyclists.

#### **i) Illumination**

The Halton DSB requests an exemption from this requirement on school sites. Given that the primary use of bicycle parking at schools occurs during daylight hours (arrival and dismissal), dedicated illumination for these specific areas is generally not operationally necessary. Our existing site lighting strategies focus on entrances and main pathways for student safety, which typically provide adequate ambient light for any minimal use outside of peak hours. This exemption would allow for efficient resource allocation towards essential educational and safety priorities.

### **Table 3 Bicycle Parking Space Requirements**

Halton DSB is committed to promoting and supporting active transportation to schools as a safe, healthy, and sustainable way for students and staff to travel to school. However, the bicycle parking needs of schools differ from those of other public facilities. To better reflect the unique

nature of school-based bicycle parking demand, it is requested that the City exempt Halton DSB from the minimum parking space requirements for both short-term and long-term parking.

An exemption from short-term bicycle requirements would allow the Board to design with greater flexibility, address space and safety concerns, and adapt facilities to respond to actual patterns of bicycle use. This flexibility would also ensure sufficient space is available for safe and convenient access for other forms of active and single-occupant transportation, such as scooters, skateboards, or strollers.

Furthermore, Halton DSB requests an exemption for schools from any specific requirement to provide designated 'long-term' bicycle parking spaces. The concept of 'long-term' bicycle parking, as typically defined for residential or commercial buildings (e.g., secure, weather-protected, often indoors for extended periods), is largely incongruous with the operational patterns of a public elementary or secondary school. While schools provide secure outdoor racks for daily student use, the demand for true 'long-term' bicycle storage for multi-day or overnight periods is negligible or non-existent in the context of a public elementary or secondary school. Mandating such facilities would result in underutilized infrastructure and an inefficient allocation of resources and site space.

By allowing Halton DSB to tailor bicycle parking to real-world needs, the City enables the Board to invest in the most effective facilities for encouraging cycling and other sustainable travel while maintaining a safe function and adaptable school sites.

#### **6.15 d) Loading Spaces**

Halton DSB requests an exemption from any requirement for multiple loading docks for school properties, advocating instead for a **minimum requirement of one (1) loading dock per school site**, regardless of school size. It is also requested that there not be a size requirement for Loading Spaces, as the Board will not require full-sized transport vehicles for its delivery needs.

A single, appropriately designed loading dock is fully sufficient to meet the operational needs of any school, regardless of its size. This adjustment to the By-Law would enable the Halton DSB to manage its facilities more efficiently, utilize its valuable land assets more effectively, and avoid additional infrastructure costs, all while maintaining effective support for school operations.

#### **6.16 c) and 6.16 d) Electric Vehicle Parking Spaces**

The Halton DSB acknowledges and supports efforts to promote sustainable transportation and EV adoption. However, we respectfully request exemptions from the specific clauses mandating a minimum of 10% of proposed parking spaces be provided as Electric Vehicle (EV) Ready parking spaces (6.16c), including the requirement for Level 2 charging capacity for all EV-ready or installed spaces on school properties. (6.16d)

Mandating Level 2 charging capacity for all EV-ready or installed spaces would incur substantial capital and ongoing operational costs for the Halton DSB. Furthermore, providing readily available charging infrastructure could attract vehicles onto school sites for charging purposes by individuals without legitimate school business, potentially increasing traffic congestion and posing safety concerns within school zones. Lastly, it would also present an equity issue for School Board staff, where only certain staff would benefit from the parking spaces on-site.

Therefore, the Halton DSB seeks an exemption from this requirement to ensure the responsible allocation of public funds while continuing to explore sustainable practices that are genuinely aligned with the operational realities and needs of our school communities.

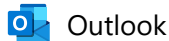
Should you have any questions or require further clarification regarding our comments, please do not hesitate to contact the undersigned. The Halton DSB would be more than open to reviewing its comments in greater detail with the Zoning Team.

Sincerely,

*Michelle D'Aguiar*

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Cc. F. Thibeault  
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K. Hill Montague  
A. Enns  
T. Evershed



## CH Comments: new Residential ZBL, June 26, 2025 draft

**From** Laura Schreiner <lschreiner@hrca.on.ca>  
**Date** Wed 2025-08-20 3:50 PM  
**To** Lau, Rebecca <Rebecca.Lau@burlington.ca>  
**Cc** Evershed, Todd <Todd.Evershed@burlington.ca>

1 attachment (6 MB)

Public Draft\_June 26 2025\_Internal Circulation\_CH Comments\_25.08.20.docx;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rebecca,

Thank you for circulating the June 26, 2025 draft of the new Residential Zoning By-law (ZBL) to CH and giving us an opportunity to comment, as well as for your time in recent meetings to discuss a few of the policies about which I had questions. Attached is a Word version of the June 26, 2025 draft with CH comments in the form of tracked-change text edits and comment bubbles.

Three other high-level comments for you at this stage, which did not fit within the text edits:

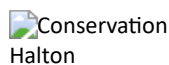
1. CH staff note that recent changes made under OPA 3 (Draft Official Plan to Increase Housing Options) in combination with the new Residential ZBL as currently drafted may unintentionally be allowing more additional dwelling units on properties that do not have safe access (refer to Section 5.2.3.c of the PPS, 2024). **CH recommends further discussion** between CH's planning and water resources engineering teams and the City's policy planning and zoning by-law implementation teams to determine whether edits to the new Residential ZBL are warranted to address this.
2. As mentioned in our previous comments (Email, Laura Schreiner : Mark Johnson, June 6, 2025), CH continues to recommend that any public consultation materials for the new Zoning Bylaw (e.g. display boards, brochures) include the CH regulated area on all drawings/schedules. This will help provide clarity and reasonable expectations for residents and other stakeholders regarding properties that may be located in hazardous lands where additional requirements may apply.

For clarity, CH's regulation limit does not represent a development limit. Consultation with CH is required to determine any potential requirements and what development may be permitted within the regulated area.

3. CH recommends renaming the "HRCA" layer on the online Zoning By-Law Mapping to "Conservation Halton Approximate Regulated Area" for greater clarity for users. (I acknowledge this may not, strictly speaking, be part of the new ZBL, but as it relates to the CH overlay in Schedule A and would assist readers, I wanted to provide this recommendation along with our ZBL comments.)

As always, please let me know if I can clarify any of these comments or suggestions. We appreciate the City's continued consultation with us on the ZBL project and look forward to working together on next steps.

Sincerely,  
Laura



**Laura Schreiner**  
Environmental Planner

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[905.336.1158 ext.2230](tel:905.336.1158) | [lschreiner@hrca.on.ca](mailto:lschreiner@hrca.on.ca)

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## Suggested Text Edits to By-law from Conservation Halton, Aug. 20, 2025

### 2.3 Zone Boundaries

When determining the boundary of any **zone** as shown on Schedule A, the following rules apply:

- a) Where a **zone** boundary is shown following a street, **lane**, unopened road allowance; railway right-of-way; or **utility** corridor, the centreline of such street, **lane**, unopened road allowance, railway right-of-way or **utility** corridor is the boundary and the **zone** designations shall be deemed not to be **abutting**;
- b) Where a **zone** boundary is shown as running substantially parallel to a street or **lane**, and the distance from the street or **lane** is not indicated, the distance shall be determined by the scale of the zoning map measured from the limit of the street or **lane**;
- c) Where a **zone** boundary is shown as substantially following **Lot Lines**, the **zone** boundary follows such **Lot Lines**;
- d) Where a **zone** boundary is shown following a watercourse, the top-of-bank of the watercourse, plus a 6 metre erosion access allowance shall be the boundary as determined by Conservation Halton;
- e) Where a **zone** boundary is shown as following **flooding-floodplain** hazard limits established by Conservation Halton, the **zone** boundary shall be the **flooding floodplain** hazard limits **plus a 6 metre access** allowance as determined by Conservation Halton;
- f) Where a **zone** boundary is shown following a natural heritage feature or area, or other key feature including buffers or other wetlands, the boundary shall be determined by the scale of the zoning map. Where **existing** features on the ground are at variance with the zoning maps, the actual location on the ground shall govern;
- g) Where none of the above applies, the **zone** boundary shall be scaled from the Schedule(s); and
- h) The determination of the boundaries of Niagara Escarpment Development Control is administratively the responsibility of the Niagara Escarpment Commission in accordance with regulations passed under the *Niagara Escarpment Planning and Development Act*.

**Commented [LS1]:** Recommend clarifying this policy to apply only to floodplain, as spill flood hazard behaves differently and zone boundaries would not likely follow spill limits. A 6 m access allowance applies to floodplains the same way it does the top of bank (2.3.e), although it does not apply to the spill flood hazard.

## Part 4: Definitions

I

**Institutional Use:** means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Commented [LS2]:** Definition pulled from the PPS, 2024

## 5.12 Home Occupation

- e) For a **home daycare**, the maximum number of non-resident persons being supervised is five.

**Commented [LS3]:** Just flagging inconsistent use of "day care" vs. "daycare" (see definitions section).

## 5.14 Uses Permitted In All Zones

- a) The following uses are permitted in all residential **zones**:
- i) **Schools** subject to Section 5.15;
  - ii) Long-term care facility and **retirement home** subject to Section 5.16;
  - iii) Public and private hospitals subject to Section 5.17;
  - iv) Parks and open space subject to the requirements of the Parks and Open Space **Zones** in Bylaw 2020;
  - v) Places of worship subject to Section 5.18;
  - vi) **Day care centre** subject to Section 5.19;
  - vii) **Group home** subject to Section 5.20;
  - viii) **Correctional group home** subject to Section 5.21;
  - ix) **Emergency shelter** subject to Section 5.22;
  - x) **Boarding house** subject to Section 5.23;
  - xi) **Additional needs housing**;
  - xii) Utilities subject to Section 5.24;
  - xiii) **Community gardens**;
  - xiv) Agriculture Use subject to Section 5.25;
  - xv) **Bed and Breakfast** subject to Section 5.26;
  - xvi) **Model Homes** subject to Section 5.27;
  - xvii) **Temporary Sales Offices** subject to Section 5.28; and
  - xviii) Infrastructure.

**Commented [LS4]:** Should there be special provisions/section for this?

Subject to compliance with any other rules or standards which are generally applicable and required elsewhere in this Bylaw or any other rules or standards specified for the use in this Bylaw.

- b) **Institutional uses** including hospitals, long-term care homes, **additional needs housing**, **retirement homes**, pre-schools, school nurseries, **day care centres**, and **schools**, are only permitted outside of **hazardous lands**.

**Commented [LS5]:** Recommended adding the Institutional use definition from PPS 2024 to the Definitions section (see text edit therein).

### 5.30 Setback To Lake Ontario And Burlington Bay

In addition to the other rules of this Bylaw, the following regulations shall apply:

- a) For **lots** located within 30 m of the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline, all **buildings** and **structures** greater than 15 m<sup>2</sup> in area shall maintain a **setback** of 30 m from the top of the long-term stable slope of the Lake Ontario or Burlington Bay shoreline.
- b) The required **setback** in subsection a) may be reduced to the applicable **setback** requirement in the respective **zone** in which the **lot** is located, provided the approval of Conservation Halton is obtained.
- c) For **lots** located adjacent to the Lake Ontario and Burlington Bay shoreline, all **buildings** and **structures** shall maintain a 5 m side **yard setback** along one **interior side Lot Line**. This **setback** may be reduced to the side **yard** standard contained in the respective **zone** in which the **lot** is located, provided that there is a municipal road with direct access to the shoreline, or there is a combined **setback** on two neighbouring properties totaling 5 m, and provided the approval of Conservation Halton is obtained, except that, the following shall be exempt from these rules:
  - i) shoreline protection works,
  - ii) docks,
  - iii) waterfront trails,
  - iv) archaeological restoration projects,
  - v) forest, wildlife, and fisheries management projects, and
  - vi) storm water management and flood control projects.

**Commented [LS6]:** Please note that this approach (long term stable top of slope) is not how CH determines regulated area or development setbacks along the shoreline. However, since CH retains regulatory control of the shoreline, we do not regularly have issues with this policy as written (5.30.b gives enough flexibility). CH staff is available to discuss further with City staff upon request.

### 5.31 Setbacks Abutting Creek Blocks and Other Zones

- a) Notwithstanding the other rules of this Bylaw, all **buildings** and **structures** shall maintain the following **setbacks** from a **creek block** or from an O2 **zone**, O3 **zone**, or RG **zone** of Zoning Bylaw 2020:
  - i) 15 m for those areas located on Schedule A;
  - ii) 3 m if **creek block** includes a 3 m buffer from limit of the flood plain and erosion hazards.
  - iii) 7.5 m for all other areas;

**Commented [LS7]:** CH is not clear what “those areas” of Schedule A refers to. If it refers to CH-regulated areas, CH’s 15 metre regulatory allowance is already included in those areas, so this 15 metre setback would be additional. This is not a requirement of CH’s. Based on conversation with Rebecca Lau, wherein neither party was clear on the intent of this policy, recommend removing 5.31.a.i unless the City has another reason to keep it.

**Commented [LS8]:** Please note that CH cannot require or enforce these setbacks. As discussed with Rebecca Lau, development setbacks within regulated areas are managed under CH policies and would be confusing/complex to try to replicate in detail within the ZBL. As discussed, CH recommends removing references to CH from these policies and only retaining whatever setbacks in this section reflect City requirements (e.g. for NHS purposes).

- b) The above provision shall not apply to Uptown Centre, Orchard Community, and Alton Community **zones**, where only the **setbacks** of the base zoning apply.
- c) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of Conservation Halton is obtained where it **is** related to regulated areas.

**Commented [LS9]:** See above comment. We recommend removing this (5.31.c) reference to CH if reference is also removed from 5.31.a.

### 5.32 Setback From A Creek

Every **building**, including **accessory buildings** 15m<sup>2</sup> in size or greater, shall maintain a minimum **setback** of 6 m from the greater of the limit of the flood plain and the top-of-bank of **a-any** creek **regulated by Conservation Halton, whether which is not** within a **creek block or not**, unless a reduced **setback** is specifically permitted by Conservation Halton.

**Commented [LS10]:** Please note CH policy is broader than this, with the same provision applying to development activities such as parking lots, grading, and placement of fill. However this policy as written specific to buildings and structures is accurate, just not our entire picture. If the City's intent with this policy is to speak specifically to buildings/structures, we have no comment. If the intent is to reflect CH's policies more broadly, recommend rewording as "Development activities such as placement of buildings including accessory buildings 15m2 in size or greater, grading, and placement of fill shall maintain a minimum setback..."

### 5.40 Additional Residential Units

- a) Up to three **additional residential units** are permitted on a **parcel of urban residential land** in all Residential **zones** where a **detached dwelling, semi-detached dwelling, street townhouse, or block townhouse** is permitted.
- b) For clarity, **additional residential units** in association with a **street townhouse** are only permitted on a **Parcel of Tied Land** where one townhouse is permitted.
- c) Of the three **additional residential units** permitted in subsection a) two **additional residential unit** may be located within an **accessory building**.
- d) Additional residential units are also permitted in a **zone** preceded by an H (Holding) **zone** prefix in an **existing building** lawfully permitted on the date the amending Bylaw creating the 'H' zoning was enacted or within any additional permitted under Section 2.6.
- e) **Additional residential units** shall not be included in the calculation of maximum density, maximum number of **dwelling units**, or minimum number of visitor **parking spaces**.
- f) Requirements for minimum floor area per **dwelling unit** and minimum and maximum floor area ratio shall not apply to **lots** with **additional residential units**.
- h) Where an exterior entrance to an **additional residential units** is accessed from an **interior side yard**, the minimum **interior side yard** for the dwelling shall be 1.5 metres.

Please also see text edit as this would apply to all regulated creeks. If 5.31 is edited per above comments to remove reference to CH, this edit would cover all of CH's interest in creek setbacks.

- i) **Tandem parking spaces** are permitted.
- j) Exterior stairs above the **first storey** to an additional **dwelling unit** are not permitted in the **front yard, exterior side yard** and in the required **interior side yard**.
- k) A lawfully **existing accessory building** is permitted to be converted to an **additional residential unit**.
- l) Notwithstanding Section 5.2 c), the floor area of an **accessory building** containing an additional residential unit is permitted to a maximum of 80 square metres.
- m) Notwithstanding Section 5.2 d), the minimum **interior side yard** and **rear yard** for an **accessory building** containing an **additional residential unit** shall be 1.2 m.
- n) A minimum separation distance of four metres shall be provided between the main dwelling on a **lot** and an **accessory building** containing an **additional residential unit**.
- o) A 1.2 metre wide unobstructed pedestrian access shall be provided from the street to the entrance of an **accessory building** containing an **additional residential unit**. A gate may be constructed within the pedestrian access, but no encroachments shall be permitted within the 1.2 metre width.
- p) Notwithstanding Section 5.2 d), the maximum **building height** for an **additional residential unit-detached** shall be 6 metres for a **flat roof** and 7 metres for a peaked roof measured from the **established grade** to the uppermost point of the roof surface.
- q) The second **storey** of an **additional residential unit-detached** shall have a minimum 3 metre **interior side yard** and **rear yard setback**.
- r) **Platform structures** and exterior stairs above the **first storey** and rooftop **amenity areas** are not permitted on or attached to an **additional residential unit-detached**.
- s) Additional residential units are only permitted on hazardous lands where specifically permitted by Conservation Halton and the City.

**Commented [LS11]:** Recommend this be added to manage the development of ARUs within hazards, e.g. spill flood hazards that are found in multiple residential neighbourhoods. CH can permit ARUs within spills where certain safety criteria are met, but not in all cases.



2025-08-27

City of Burlington  
426 Brant Street,  
Burlington, Ontario  
L7R 3Z6

Via e-mail: [newzoning@burlington.ca](mailto:newzoning@burlington.ca);

**Re: City of Burlington's Draft Phase 1 Zoning Bylaw – Residential Zones  
("Draft Zoning By-law") Response on behalf of Canadian National  
Railway ("CN Rail") to the Draft Zoning By-law**

To whom it may concern;

CN Rail is pleased to have the opportunity to participate in the City of Burlington's update to the Zoning By-law. It is our understanding that Community Meetings to receive feedback on Phase 1 of the Draft Zoning By-law (Residential Zones) was held on August 14, 2025 and an additional meeting is scheduled for August 24, 2025. We request that the comments herein be considered.

We recognize and understand that there is growing emphasis on the delivery of housing units and strategic intensification as per the Provincial Policy Statement, 2024 ("PPS, 2024"). The Province of Ontario continues to emphasize the importance of maintaining and promoting economic competitiveness in an evolving economy, in addition to the provincial goals to increase housing. As such, the PPS 2024 maintains that development in proximity to rail shall be compatible with, and supportive of, the long-term purposes of goods movement corridors. Additionally, development of sensitive land uses in proximity to goods movement corridors like the CN Rail infrastructure, including rail lines and rail yards, should be avoided. If the development of sensitive land uses cannot be avoided, then the development approvals should be designed to mitigate and minimize potential adverse effects on public health and safety.

CN Rail is the owner and operator of the Aldershot Rail Yard, and several main rail lines in the City of Burlington including all or a portion of the Halton and Oakville Subdivision lines. The Halton and Oakville Subdivision lines transverse the City of Burlington and are an integral component of railway and transit infrastructure. The rail lines and Aldershot Rail Yard are embedded within existing residential neighbourhoods, industrial areas, and open spaces. The Aldershot Rail Yard is located within the middle of the proposed Aldershot GO MTSA Secondary Plan Area, awaiting Minister of Municipal Affairs and Housing approval. The eastern boundary of the Aldershot Yard is approximately Hidden Valley Road, and the western boundary of the Aldershot Yard is approximately King Road.



We are providing this letter on behalf of CN Rail to outline CN's comments regarding Phase 1 of the Draft Zoning By-law for Residential Zones, dated June 2025. CN Rail is of the opinion that the Zoning By-laws are one of the most effective opportunity to introduce robust zoning provisions to protect and mitigate current and future residents/sensitive uses in proximity to rail infrastructure from potential adverse effects from railway operations. **Please note that text in red indicates a requested consideration or proposed amendment to the Zoning By-law.**

***Request:** It is our request that the following feedback on the provisions of the Draft Zoning By-law for Residential Zones be implemented into the final version of the Zoning By-law.*

### **Land Use Compatibility and Separation Distances for Sensitive Uses**

CN Rail objects, in principle, to sensitive land uses within 300 m of a Rail Yard. Within 300 m to 1000 m of a Rail Yard, a proposed development requires a land use compatibility study to determine the required mitigation strategies from rail operations.

Furthermore, CN Rail requires that land use compatibility studies and/or noise assessments are necessary to identify mitigation strategies for sensitive uses proposed within 300 metres of a rail line, such as the Oakville and Halton Subdivisions.

CN Rail acknowledges that several neighbourhoods abut or are in proximity to the Rail Lines and the Aldershot Rail Yard. CN Rail is not suggesting altering existing zones to introduce legal non-conforming uses for existing residential homes within 300 metres of the Rail Lines or Yard. However, CN Rail requests that new zoning does not expand upon, intensify, or introduce new sensitive uses to these areas without the proper land use compatibility assessments being completed, or the requirement for a Development Agreement with CN Rail.

Noise and vibration produced from rail yard and railway operations are extremely difficult to mitigate at source. In addition, there are existing land use planning conflicts in the area of the Aldershot Yard, as a result of yard operations and residential development abutting and in proximity to the yard. CN Rail has received multiple complaints about current yard operations from existing residents in the vicinity of the Aldershot Yard. We also understand that City Council has also received complaints from existing residents due to CN's operations. These complaints represent a real risk to CN Rail's operations and CN's ability to serve industries in and around Southern Ontario.

We acknowledge and appreciate the inclusion of Section 5.34 Setback from a Railway Right-of-Way in the Draft Zoning By-law. Section 5.34 currently states:

*Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter and boarding house shall be located no closer than 30 metres from any railway corridor.*

However, Section 5.34 does not adequately capture the scope of potential adverse effects from railway operations and facilities as currently written. Nor does it capture all of the sensitive land uses that are contemplated in the draft zoning by-law. CN Rail requests that all sensitive uses not be permitted within 300 m of the Aldershot Yard, and not within 30 metres of a Main Line. Setbacks for uses from a Rail Yard or main line to address rail safety (i.e. derailment) concerns should be 30 m, unless a Development Viability Assessment per FCM-RAC is done to address rail safety matters and design for a crash wall if required.

Furthermore, Section 5.34 of the Draft Zoning By-law does not currently require a land use assessment within certain distances from rail infrastructure for the expansion or introduction of new sensitive uses. Land Use Compatibility impacts from noise and vibration of rail operations on sensitive uses should be studied within 300 m of a rail line or spur. CN Rail's position regarding assessing land use compatibility matter for sensitive land uses from a Rail Yard should reflect the 1,000 m study area in the D-series guidelines. The D-Servies Guidelines are one of several documents which inform the Land Use Compatibility guidelines and procedures as mentioned in the PPS 2024.

CN Rail proposes the following additions to Section 5.34:

***Request:*** *Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter, boarding house, hotel, community centre, and outdoor patio/amenity areas shall be located no closer than 30 metres from any railway corridor.*

***Request:*** *Notwithstanding any other rules in this Bylaw, all sensitive land uses (list above) within 300 metres of Aldershot Rail Yard, shall be prohibited, excluding uses that existed on the date of the passing of this zoning by-law. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road.*

***Request:*** *Development of sensitive land uses (list above) within 300 metres of a rail line shall require a land use compatibility assessment to identify the required land use compatibility mitigation strategies necessary to mitigate the potential adverse effects from railway operations. Such an assessment must identify the legal mechanism to secure*

*the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.*

***Request:*** *All sensitive land uses (list above) within 1000 metres of Aldershot Rail Yard shall require a land use compatibility assessment to identify the required land use compatibility necessary to mitigate the potential adverse effects from railway operations. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road. Such an assessment must identify the legal mechanism to secure the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.*

### **Proposed Zoning**

The Interactive Zoning Map provided on the City's website provides the location of the proposed zones corresponding to the Draft Zoning By-law. As mentioned, it is acknowledged that the CN Rail Halton and Oakville Subdivisions currently run through many established neighbourhoods in the City. However, CN is of the opinion that it is inappropriate to propose new, higher density and intensified zones near or along railway lines without the appropriate provisions to mitigate potential adverse effects from railway activities. Furthermore, railway property is not clearly identified on the draft mapping.

***Request:*** *CN RAIL requests that the railway properties are clearly identified on the future zoning schedule.*

As mentioned, CN Rail does not wish to amend the proposed zoning to introduce legal nonconforming uses for existing developments within 300 metres of the Rail Line or 1,000 metres of the Rail Yard. However, CN Rail objects in principle to the expansion or introduction of new sensitive uses through as-of-right zoning unless required land use compatibility assessments have been completed, and land use compatibility measures have been incorporated into the Zoning By-law. For example, the Draft Zoning By-law is proposing to change the existing RM2 zones located near Glendor Avenue & Plains Road East, Plains Road East & Maple Avenue, and Fairview Street & Brant Street, to LN8. The table below summarizes the existing and proposed as-of-right zoning for area at Plains Road East and Glendor Avenue:

Current	Proposed
<b>Table 2.7.1 RM Zone Permitted Uses</b>	<b>Part 7 Residential Zones Table 4: Permitted Uses in All Residential Zones</b>
<b>RM2</b>	<b>LN 8</b>
<ul style="list-style-type: none"> <li>• <b>Detached Dwelling</b></li> <li>• <b>Semi-detached Dwelling</b></li> <li>• <b>Duplex Building</b></li> <li>• <b>Triplex Building</b></li> <li>• <b>Fourplex Building</b></li> <li>• <b>Townhouse</b></li> <li>• <b>Retirement Home</b></li> <li>• <b>Lodge, Fraternity, Private Club</b></li> <li>• <b>Community Institution</b></li> </ul>	<ul style="list-style-type: none"> <li>• Detached Dwelling</li> <li>• Semi-detached dwelling</li> <li>• Duplex Dwelling</li> <li>• Triplex Dwelling</li> <li>• Fourplex Dwelling</li> <li>• Multiplex</li> <li>• Block Townhouse</li> <li>• <b>Apartment Building</b></li> </ul>

The introduction of the LN8 zone is a substantial expansion of residential uses within proximity of the CN Rail Line. As currently written, there are no zoning provisions in place to secure noise mitigation strategies necessary to protect expanded or newly introduced sensitive uses. In addition, we are not aware of any land use compatibility studies that have been completed to determine whether potential adverse effects can be avoided, or if potential adverse effects cannot be avoided, they have been minimized and mitigated. CN Rail is concerned that this approach to intensification without mitigation leaves limited opportunities in the development approvals process to introduce the appropriate requirements to ensure land use compatibility. As an example, if the lands at Plains Road East and Glendor Avenue are developed into a high-rise apartment building, facilitated by as-of-right zoning, it is not clear what mitigation measures are required and there are no provisions in the Zoning By-law to ensure that the recommended noise mitigation strategies are implemented.

As CN Rail has reiterated, CN Rail does not object to the expansion or introduction of sensitive uses only when it is accompanied by robust planning or legal mechanisms to ensure that recommended noise mitigation strategies, including but not limited to upgraded windows, brick façades, and noise berms, are implemented.

### **Enclosed Noise Buffers**

The CN Rail Aldershot Rail Yard is classified as a Class 3 facility per the D-Series Guidelines. Development near rail yards often require on-building mitigation for nearby sensitive uses, including residential dwelling units. An example of on-building mitigation includes Enclosed Noise Buffers, as permitted through a Class 4 designation for the sensitive land use under NPC-300. It is our recommendation that the City defines Enclosed Noise Buffers and amends the Zoning By-law to prohibit their use. Therefore, any development which requires an enclosed noise buffer as a mitigation strategy must apply for an amendment to the Zoning By-Law.

***Request:** it is our recommendation that a provision prohibiting the use of enclosed noise buffers is added as a general provision in Section 5, to require any development necessitating such mitigation strategy to apply for a Zoning By-law Amendment to Council.*

### **Planning Act Changes**

It is common that mitigation measures with respect to noise and vibration are often executed through the layout of interior and exterior areas, the placement of windows, and the use of upgraded construction materials. It is a misconception between City Staff and Developers alike that all types of land use compatibility measures and recommended mitigation strategies can be addressed at the Site Plan stage of the development approvals process. However, recent *Planning Act* changes have excluded the type and manner of construction from Site Plan Control. Specifically, Section 41, Subsection 4.1 of the *Planning Act* which states that the following matters are excluded from site plan control:

- a) Interior Design
- b) Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).
- c) The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).



- d) The manner of construction and standards for construction. 2006. c.23, s. 16 (5); c. 21, Sched 9, s. 11(3).

Furthermore related to the Site Plan approval process, Section 41, subsection 4.1.1 of the Planning Act states that “The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands”.

As such, the mitigation measures related to noise, including interior design and material requirements, fall outside the scope of site plan control and cannot be secured in the site plan control process. It is for this reason that provisions to require appropriate land use compatibility studies and demonstrate how the recommended noise mitigation measures will be secured, prior to the site plan approval process, need to be included within the Zoning By-law.

It is CN Rail’s preference that intensification along the rail corridor is thoughtfully planned to acknowledge, study, and identify recommended mitigation strategies prior to development approval. As currently proposed, as-of-right intensification along the rail corridor leaves limited opportunities to identify land use compatibility conflicts, and secure recommended land use compatibility mitigation strategies. CN Rail encourages the City of Burlington to ensure proposed areas of intensification along the rail corridor pre-emptively protect land use compatibility through zoning, separate restrictions on title (ie. a CN Development Agreement), or other land use planning approval mechanisms (ie. a Subdivision Agreement). Therefore, it is CN Rail’s preference that as-of-right zoning in proximity to the rail corridor is generally limited to the existing land uses, and that site specific amendments be utilized where land use compatibility mitigation strategies can be assessed and secured. The intended goal is to ensure that public health is protected, and that the economic competitiveness of industries in the City of Burlington is maintained.

### **Conclusion**

We would like to thank you again for the opportunity to comment on the City of Burlington Draft Zoning By-law review (Phase 1). We look forward to continuing to work with the City of Burlington throughout this process to ensure that this important industry is protected in the land use framework in Ontario. Please forward all future documents to [proximity@cn.ca](mailto:proximity@cn.ca) and the undersigned.



Thank your time and we look forward to receiving further information on this initiative.

Yours very truly.

**WSP CANADA INC.**

*C. B. John-Baptiste*

Chad B. John-Baptiste, MCIP, RPP

Senior Principal, Urban and Community Planning – Ontario

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## Proposed Revisions to Draft Residential Zoning By-law and Topics Being Explored Further

### 1. Introduction

Based on the feedback received to date and staff’s ongoing review of the Draft Residential Zoning By-law, revisions to the by-law are expected to be made before the final draft by-law will be presented to Council. This appendix outlines the revisions that are proposed to be made, as well as emerging questions that are being explored by the project team which may result in changes to the by-law. This list is not exhaustive and may be expanded upon as staff continue to consider the comments that have been received. Staff’s future recommendation report accompanying the final draft by-law will include a detailed description and rationale of all changes made to the draft by-law.

### 2. Proposed Revisions to Draft Residential Zoning By-law

The following changes are proposed to the Draft Residential Zoning By-law to ensure clarity in interpretation and implementation. These changes are largely minor modifications to improve clarity or to carry forward regulations from the current Zoning By-law 2020.

**Table 1 – Proposed Revisions to the Draft Residential Zoning By-law**

Topic & Section	Description of Proposed Change
Administration (1.7; 1.8; 1.9; Definitions)	<ul style="list-style-type: none"> <li>• Simplify to generally allow for the reconstruction, restoration or repair of buildings and structures in emergency situations, and to allow the reconstruction and repair of lawfully established buildings and structures and change of use of such buildings and structures, as provided for under the Zoning By-law 2020 to enable development and provide clarity.</li> </ul>
Definition of “Height, Building”	<ul style="list-style-type: none"> <li>• Simplify how the height of buildings will be measured – peak of roof, rather than different methods for different roof shapes – to make it easier for interpretation and implementation.</li> <li>• Clarify that height for structures and accessory buildings and structures is to be taken from “grade” rather than “established grade”. Accessory buildings and structures are not permitted in the front yard or required exterior side yard. Unless the lot is unusually wide, accessory buildings or structures are typically located in the rear yard of a residential lot. Measuring from the grade around the accessory building or structure could help reduce the need for variances on lots that slope down from the street. This is also consistent with how the Zoning By-law 2020 currently measures the height of accessory buildings and structures from grade.</li> </ul>

Accessory buildings and structures (5.2)	<ul style="list-style-type: none"> <li>Clarify that the maximum floor area regulation applies to each accessory building and clarify that accessory buildings contribute to overall lot coverage.</li> </ul>
Platform structures (5.4; 5.10)	<ul style="list-style-type: none"> <li>Incorporate and update definitions and regulations for balconies, decks, residential patios and porches so that it is easier to find the regulations related to these types of structures.</li> </ul>
Encroachments (5.10)	<ul style="list-style-type: none"> <li>Simplify and reorganize some of the features listed in Table 1 (Encroachments into Yards) into more appropriate sections of the by-law so that it is easier to find relevant regulations and reduce duplication.</li> <li>Replace the word “encroachment” with “projection” to ensure regulations are in plain language.</li> </ul>
Unitary equipment and other mechanical equipment (5.2; 5.10)	<ul style="list-style-type: none"> <li>Consolidate regulations about these features into its own subsection, to make it easier for readers to find relevant regulations.</li> </ul>
Correctional group homes, emergency shelters, and boarding houses (5.21; 5.22; 5.23)	<ul style="list-style-type: none"> <li>Delete requirement for these uses to be located along a Major Arterial, Multi-Purpose Arterial, or Minor Arterial Road. This change is consistent with: policy 3.1.4(2) of the BOP, 2020; Action 6 of the City’s Housing Strategy to broaden the range and mix of housing in the City, building on the policies of the BOP, 2020 and the Housing Strategy Project; and recommendation 42 of the Housing Needs and Opportunities Report to “ensure regulations in the CZBL are not unintentionally discriminatory and do not unintentionally limit opportunities for a range of housing options, including supportive and assisted housing.”</li> </ul>
Availability of municipal services (5.39)	<ul style="list-style-type: none"> <li>Delete regulations 5.39 b) to d) as they are more appropriate as policies in an official plan.</li> </ul>
Section 5.40 – Additional residential units (ARUs)	<ul style="list-style-type: none"> <li>Clarify that only one accessory building containing up to two ARUs per lot is allowed, to be consistent with Official Plan Amendment No. 3.</li> <li>Clarify that regulation 5.40j) regarding exterior stairs applies to detached ARUs, and reorganize all regulations related to detached ARUs to be together for ease of reference.</li> <li>Clarify definition of “ Dwelling Unit” and “ Habitable Room” to provide staff with the ability to determine whether an additional residential unit is proposed or not to facilitate the implementation of ARU regulations.</li> </ul>
Short-term accommodations	<ul style="list-style-type: none"> <li>Delete regulations and update any regulations or definitions containing references to short-term accommodations to reduce</li> </ul>

(Section 5.46; Definitions)	overlap and potential conflicts with the City’s Short-Term Accommodation By-law.
Peripheries	<ul style="list-style-type: none"> <li>Footnote (2) to Table 3 (Permitted Uses in Residential Zones) will be replaced to allow triplex and fourplexes in the LN1-6 zones and apartment buildings in the LN8 zone, on a lot with a front lot line abutting a major street, per the Potential Streets map and text that was released to the public on Aug. 27, 2025. A mapping analysis was conducted based on the recommended locational criteria of the Addendum Report to see where triplexes, fourplexes could be allowed. It was found that the criteria captures many lots that are typically considered the interior of a neighbourhood, such as reverse lots which abut a major street, or lots at the end of a cul-de-sac that abut a railway or a non-residential zone. It is recommended that the peripheries only be defined as lots fronting a major street at this time as they are intuitively understood to be the edges of neighbourhoods. An expansion of the locational criteria could be considered as part of the next phase of the Official Plan Amendment to Increase Housing Options Project.</li> </ul>
Site-Specifics and Holding Provisions	<ul style="list-style-type: none"> <li>Incorporate existing site-specific regulations and holding provisions in the residential zones of the Zoning By-law 2020 into the new by-law.</li> </ul>
Evergreen Community Zone	<ul style="list-style-type: none"> <li>The REV Zones (Evergreen Community) of the Zoning By-law 2020 will be carried forward into the new by-law.</li> </ul>
General clarity, formatting and illustrations	<ul style="list-style-type: none"> <li>General edits throughout the by-law are being considered to clarify the regulations that apply to permitted land uses and eliminate redundant regulations and definitions.</li> <li>Edits to the formatting, illustrations, and organization of the new by-law (e.g. ensuring consistent bolding of terms, numbering; grouping similar regulations together) are proposed to further enhance the readability of the document and ensure that illustrations are accurate and reflective of their corresponding regulations.</li> </ul>

**3. Topics Being Further Explored**

The following topics are being further explored, which may result in changes to the by-law:

- Built Form:** How to clarify the distinction between permitted built forms, particularly regarding triplexes or fourplexes and a detached building containing two or three additional residential units; and regarding multiplexes and other types of multi-unit built forms.

- **Bill 17 Analysis:** What changes, if any, are recommended in response to the recent changes to the Planning Act through Bill 17 regarding as of right variances to setbacks in zoning by-laws.
- **Feasibility of some standards:** Confirmation of whether some standards of the by-law facilitate adequate lot drainage and a feasible built form. Specifically, the standards being reviewed at this time are related to side yard requirements, and maximum width of private garage doors for semi-detached, street townhouse and block townhouse built forms. Also, work to explore how the by-law could maintain some of the efficiencies provided by the current zoning by-law for projects involving building additions is also being conducted.
- **Administrative:** Options to clarify how the by-law may apply in the case of a building spanning multiple lots, and how projects for which a complete application under the *Planning Act* was received before the new by-law took effect could proceed under the new by-law.
- **Public Agencies:** How should the by-law be revised in consideration of the comments received from public agencies to date?

## Committee of the Whole Report Forecast November 3 & 4, 2025

Note: this forecast is subject to change

### Consent Items:

### Regular Items:

- Rates and Fees (FIN-33-25)
- 2025 to 2026 Group Benefits renewal (HRS-07-25)
- Burlington Climate Plan (PWS-07-25)
- Building Permit By-law Fee review (DGM-62-25)
- Heritage Response to Bill 23 – 368 Brant Street peer review (DGM-82-25)
- Community Heritage Fund update (DGM-83-25)
- Amendments to the Heritage Property Tax Rebate Program to update definitions (DGM-84-25)
- Evolving planning responsibilities (DGM-63-25)

### Statutory Public Meeting:

- Burlington Ave and Ontario St Heritage Conservation District Plan (DGM-68-25)