



**SUBJECT: Recommendation report for Zoning By-law Amendment for
1160 King Road**

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-55-17

Wards Affected: 1

File Numbers: 520-12/16

Date to Committee: November 1, 2017

Date to Council: November 13, 2017

Recommendation:

Approve, with modifications, the application submitted by Fothergill Planning and Development Inc., on behalf of 2486964 Ontario Inc., to amend the zoning by-law for the lands at 1160 King Road, as outlined in planning and building department report PB-55-17 (File 520-12/16); and

Approve Zoning By-law 2020-386, rezoning the lands at 1160 King Road from T-MR2 in Zoning By-law 4000-3 to BC1-471 as attached in Appendix D to planning and building department report PB-55-17; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

Purpose:

The report relates to the following objectives of the City of Burlington Strategic Plan:

A City that Grows

- Promoting Economic Growth
 - More people who live in Burlington also work in Burlington
 - The city's vision for employment lands has been developed with aggressive targets. The community, developers and industry together are achieving our economic potential. The city, along with its partners,

supports the development of employment lands through timely planning, infrastructure investments and other incentives.

RECOMMENDATIONS:		<i>Approval with modifications</i>	Ward No.:	<i>1</i>
Application Details	APPLICANT:	<i>Ed Fothergill, Fothergill Planning & Development Inc.</i>		
	OWNER:	<i>2486964 Ontario Inc.</i>		
	FILE NUMBERS:	<i>520-12/16</i>		
	TYPE OF APPLICATION:	<i>Rezoning</i>		
	PROPOSED USE:	<i>Industrial Condominium Development</i>		
Property Details	PROPERTY LOCATION:	<i>West side of King Road, north of Plains Road E.</i>		
	MUNICIPAL ADDRESSES:	<i>1160 King Road</i>		
	PROPERTY AREA:	<i>1.6 ha</i>		
	EXISTING USE:	<i>Vacant</i>		
Documents	OFFICIAL PLAN Existing:	<i>Business Corridor</i>		
	OFFICIAL PLAN Proposed:	<i>Business Corridor</i>		
	ZONING Existing:	<i>T-MR2 (By-law 4000-3)</i>		
	ZONING Proposed:	<i>BC1-471</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>None</i>		
	PUBLIC COMMENTS:	<i>One email, no phone calls</i>		

Background and Discussion:

Description of Applications and History

On March 2, 2017 the Planning and Building Department acknowledged that a complete application had been received for a Zoning By-law Amendment for 1160 King Road, to permit the development of a 55-unit industrial condominium complex. The location of the subject lands is illustrated in Appendix I.

Report PB-32-17, including all public comments received up until the date of report writing, was presented to Planning and Development Committee on May 30, 2017. A Statutory Public Meeting was held on this date and only the applicant, Ed Fothergill of Fothergill Planning and Development Inc., spoke at the time of public delegations. No other delegations were made at the Statutory Public Meeting with regard to this file.

Subsequent to the May 2017 Planning and Development Committee meeting and in light of all technical comments received, the applicant submitted a revised site plan and supporting engineering documentation and technical reports in support of this application for rezoning. The revised plan included 53 units, pedestrian connections throughout the site, increased landscape area along the north property line, and reduced parking. The applicant's environmental consultant provided an addendum to the original scoped Environmental Impact Assessment (EIA) and a Water Balance Report.

This report provides details of the revised application and an analysis of the proposal against applicable policies and regulations. Agency comments from the technical circulation are included, as well as a summary of the issues raised through discussion at the Statutory Public Meeting. It is recommended that the site be rezoned from T-MR2 from the previous Zoning By-law 4000-3 to BC1-471, with modified zoning regulations that are tailored for the site to require specific building setbacks and landscape areas abutting a creek block, minimum parking requirements, maximum unit density, and a list of prohibited higher traffic generating uses.

Discussion:

Policy Framework

The proposed Zoning By-law amendment is subject to the following policy framework: the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Halton Regional Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020, as amended.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement provides broad policy direction on land use planning and development matters of provincial interest. The PPS provides policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses. Staff finds the development proposal is consistent with the PPS as it accommodates an appropriate range and mix of uses to meet long-term needs of the community.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the existing urban areas through intensification. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient, well-designed form. The Growth Plan requires that development within a Natural Heritage System demonstrate no negative impact on the Natural Heritage System feature. The subject lands are adjacent to a candidate Regionally Significant Woodland and a regulated watercourse (Indian Creek). Staff finds the subject application is consistent with the Growth Plan as it supports a compact and efficient development form. Furthermore, the consultant who submitted the EIA in support of the proposal has concluded that the development will have no negative impact on the Natural Heritage System adjacent to this property.

Halton Region Official Plan (ROP)

The subject lands are designated as "Urban Area" in the ROP and are adjacent to a Natural Heritage System feature - a candidate Regional Significant Woodland to the north. Urban Areas are those locations where urban services (water and waste water) are or will be made available to accommodate existing and future development. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

Regional staff were circulated on the application, technical studies, and associated revisions. Regional Staff have provided indication that the site is capable of being serviced by water and wastewater infrastructure. The Region has required additional environmental documentation from the applicant in order to ensure that the development will not have a negative impact on the woodland located to the north. The applicant has provided this information to the satisfaction of the Region. The Region will be circulated at the site plan stage in order to ensure that the mitigation measures proposed are implemented on site.

City of Burlington Official Plan

The subject lands are designated as “Business Corridor” on Schedule B of the City’s Official Plan. In the Business Corridor designation, a wide range of employment uses may be permitted. These uses include prestige-type offices as well as a broad range of industrial uses related to manufacturing, assembly, warehousing, and distribution. The Business Corridor designation policies also indicate that a limited range of retail commercial uses and service commercial uses may be permitted. Section 3.4.2 c) states:

The zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location, based on site specific factors that may include, but are not limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as site contamination.

Due to the wide range of permitted uses in the proposed Business Corridor (BC1) zone, Planning Staff recommend limiting the permitted uses on the site through the implementing site specific by-law in order to prevent parking availability issues which could arise as a result of higher parking needs for some uses. The anticipated permitted uses on these lands contemplates a variety of industrial uses, and limited office uses, which are consistent with the permitted uses in the Business Corridor designation in the Official Plan.

Zoning By-law 2020

The subject lands are currently zoned T-MR2 (Industrial Transition) zone in the City’s former Zoning By-law 4000-3. This older zoning has remained on the property since the property was previously part of the lands under Deferral 42 of OPA 55. The Region of Halton confirmed the lifting of Deferral 42 from the subject lands at 1160 King Road in June of 2014. In order to develop the property, a rezoning to a current zoning designation in Zoning By-law 2020, as amended is required. The “T” or Transitional zoning is similar to today’s “H” Holding zone. Before a T zone is lifted, staff must be satisfied that adequate services exist to support the development.

The applicant has proposed that the property be rezoned to the Business Corridor (BC1) zone in order to develop four blocks of industrial condominium units on the subject lands. The applicant has submitted a concept plan for the development proposal which depicts 53, single storey industrial condominium units. Modifications to the BC1 zone were requested by the applicant to facilitate this development proposal.

The BC1 zone permits a wide range of industrial, office, hospitality, automotive uses, as well as limited retail and service commercial uses subject to additional regulations. However, as noted above, there may be instances where the full range of permitted

uses on a property are not available, given certain site constraints. In the case of the proposed development and the wide range of permitted uses in the BC1 zone, Planning Staff are recommending a modified approval of the development proposal in order to address potential issues with parking on the site in the future.

Parking Requirements

On September 25, 2017, Planning Staff presented a Draft Parking Study prepared by IBI Group at a meeting of the Committee of the Whole. The consultants looked at various types of development across the city and made recommendations to modify certain existing parking requirements based on the research conducted. The proposed development would be categorized as a Multi-Use Business Park, which, according to the recommended parking standards, would require a minimum of 3.5 spaces per 100m² gross floor area if more than 30% of the site is office use, or 2.0 spaces per 100m² gross floor area if office uses represent less than 30% of the uses on site. Currently, the parking requirement for lands zoned BC1 range from 1 space per 100m² gross floor area for industrial uses, 3.5 spaces and 6 spaces per 100m² gross floor area for office and medical office uses respectively, up to 10 spaces per 100m² gross floor area for convention centre uses. Planning Staff have taken the recommendations of the draft Parking Study into consideration for this development. Staff have concluded that a minimum parking requirement of approximately 1.5 spaces per 100m² of gross floor area rather than the recommended 2 spaces per 100m² of gross floor area is acceptable if the permitted uses, number of units, and floor area are limited.

As noted earlier, the BC1 zone proposed for this property permits a variety of uses, ranging from office, industrial, hospitality, automotive, and limited retail and service commercial uses. Given the range of permitted uses in the BC1 zone and the limited area for parking in the proposed development, Planning Staff have scoped the permitted uses in the modified Zoning By-law Amendment to a range of industrial uses and limited area for non-medical office uses.

Previous similar developments within the City have historically experienced issues with achieving parking requirements as uses changed over time. Planning Staff have addressed this concern by proposing a maximum floor area for the development limited to 6000m², of which a maximum of 1800m² is permitted to be for non-medical office use (30%). When the proposed maximum floor area is adjusted by a standard reduction of 15% to obtain the approximate gross floor area for parking calculation and 1.5 parking spaces per 100m² is applied, the result is approximately 75 required parking spaces. Planning Staff are recommending that the minimum parking requirement of 75 spaces be specified in the site specific Zoning By-law amendment for this development proposal.

Planning Staff have also modified the approval of this development to limit the number of individual units on the site to a maximum of 50 individual units, whereas the applicant

has requested 53 units. Knowing that each unit will have at least one person utilizing the building, and possibly more, a limit on the number of units permitted on the site is required in order to ensure there is sufficient parking and landscaping. The recommended limit of 50 units with a total of 75 parking spaces will represent a ratio of 1.5 spaces per unit. This will ensure one parking space per unit, as well as 0.5 visitor parking spaces per unit. In addition to the required parking spaces, Planning Staff have recognized that some unit occupants may utilize loading areas and the interior of the units beyond the overhead doors for additional, non-standard parking spaces. Permission for occupants to utilize these non-standard spaces has been written into the proposed Zoning By-law. These surplus spaces are not to be considered in the calculation of the minimum parking requirement of 75 spaces, as they may not be possible to achieve in a permanent fashion as units are resold over time.

Site Specific Exceptions

The conceptual site plan being considered for this development requires that certain setback reductions are made to the normal regulations of the BC1 zone in the City’s Zoning By-law. The following table details the regulations of the BC1 zone and the proposed site specific exception requested by the applicant. While Planning Staff can support the majority of the exceptions proposed for the site, staff are recommending modified approval of certain site specific exceptions for this development. The following table outlines the proposed site specific zoning requested by the applicant with an asterisk notation where Planning Staff have proposed a modified setback requirements:

Regulation	BC1 Zone	Exception Proposed	Staff Proposed BC1-modified zone	Staff Comment
Yard abutting a street with deemed width greater than 26m	15m	6.6m	6.6m	Acceptable
Minimum Rear Yard	7.5m	3.0m	3.0m	Acceptable
Minimum Side Yard (South)	4.5m	1.5m	1.5m	Acceptable
Minimum Side Yard (North)	4.5m	5.4m	5.4m	Minimum of 5.4m is required on north side to accommodate 10m buffer from boundary of adjacent natural heritage system and candidate woodlot
Building setback abutting a creek block, O2 or O3 zone:				
South:	7.5m	1.5m	1.5m	Acceptable
West:	7.5m	3.0m	3.0m	
North:	7.5m	5.4m	5.4m	

Landscape Area abutting a street with a deemed width greater than 26m	6.0m	6.0m	6.0m including walkway of a maximum 1.8m wide	Acceptable
Landscape Area abutting creek block, O2 or O3 zone: South: West: North:	3.0m 3.0m 1.5m	0m 3.0m 1.5m	0m 3.0m 1.5m	Fire exit walkways accommodated on southerly boundary remove landscaping area on this side. West side landscape area to include 1.5m fire exit walkway, if required.
Loading Space	1 per building	1 space for the entire site	1 space for the entire site	Acceptable
Permitted Uses	As per Part 3, Table 3.2.1	As per Part 3, Table 3.2.1	*As per Part 3, Table 3.2.1 with the following prohibited uses: Medical Office, All Retail, Schools, Hotel, Convention/ Conference Centre, Banquet Centre, All Service Commercial, Accessory Dwelling Unit for security or maintenance, Motor Vehicle Service Station, Uses accessory to a motor vehicle repair garage, recreational establishment	*Limited permitted uses to ensure high parking generating uses are not permitted given the limited area for parking on site.
Max. No. Units	Not specified	53	*50	*Limited to ensure adequate parking
Max. Floor Area	Not specified	6700m ²	*6000m ²	*Limited floor area to control parking requirement for site
Max. Office Floor Area	Not specified	2000m ²	*1800m ²	*30% Office Floor Area based on Max Floor Area of 6000m ²
Parking Requirement	Varies by use	1.12 spaces/100m ² GFA	*Min. 75 spaces	*Ensures 1.5 spaces/100m ² GFA for 6000m ² , & 1.5 spaces/unit at 50 units

Based on the analysis of the setback modifications requested and the consideration of the parking requirements for the site, the proposed Zoning By-law Amendment with the modifications recommended by Staff, can be supported. The applicant has proposed enhanced landscape areas at the north and east sides of the site to compensate for reduced building setbacks adjacent to the creek. The development provides for a multi-unit industrial condominium use that will be compatible with the surrounding land uses, functional for future building occupants, and reflects the policies of the City's Official

Plan. Appendix D to this report provides the modified draft zoning by-law proposed for these lands.

Technical Review

The rezoning application and supporting documents were circulated to internal departments and external agencies for review. The first submission was circulated in March of 2017, and the second circulation for the development was sent in early July of 2017. Due to outstanding technical issues needing to be addressed, the applicant was required to resubmit certain documents in September 2017 for review. Internal departments who commented on this application include Transportation, Fire Services, Site Engineering, Zoning, as well as Landscaping and Forestry, Burlington Economic Development, and Burlington Sustainability Advisory Committee. External agencies who have commented on this file include Halton Region, Conservation Halton, Burlington Hydro, CN Rail, and the Ministry of Transportation.

Internal Department Comments

Transportation Planning

City of Burlington Transportation Department Staff have no objections to the application and advise that the site has been designed to accommodate turning of large vehicles around the building blocks. Transportation Staff also advised that the parking stall dimensions should also be 2.75m x 6m, whereas the stalls shown are 2.7m x 6m, and that a bicycle parking area will need to be provided on-site. These concerns can be addressed through Site Plan approval.

Fire Services

Fire Services provided comment on the initial application circulation that they have no objection. At the time of the second circulation, Fire Services noted that the fire access route proposed and CN Rail easement route appears to meet the minimum requirements under the Ontario Building Code. Additional technical matters raised in the comments from Fire Services are to be addressed through Site Plan approval.

Site Engineering

Site Engineering staff have provided extensive comments on the development proposal for the subject lands. Of concern to Site Engineering staff are site design issues related to storm water management implementation for the site, noise and vibration analysis, City and CN Rail access through the site to access lands to the south, and pedestrian connectivity throughout the site and to King Road. Site Engineering Staff have indicated that the remaining technical issues are site design details which can be addressed through the Site Plan approval process. Site Engineering staff do not object to the rezoning of the subject lands, but have cautioned the applicant in their comments that

deferral of technical site design issues to the Site Plan stage may result in changes to the site layout and design, if required.

Landscaping and Forestry

Landscaping and Forestry staff have provided comment that any landscaping trees to be planted on site should be chosen carefully in consideration of the environmental context of the site being adjacent to a candidate Regionally Significant Woodland. Any new trees planted on site should be native, non-invasive species. The applicant will be required to submit a detailed landscape plan for the site at the Site Plan approval stage.

Zoning

Zoning staff have reviewed the site plan and have assisted in producing the draft site-specific zoning by-law regulations for this site, provided as Appendix D to this report. Zoning Staff will be tracking all applications for Zoning Clearance for the development in the future to ensure that the site specific exceptions needed for the site are enforced.

Burlington Economic Development Corporation

BEDC has provided no objections to the application for rezoning and is supportive of this development proposal as it provides smaller, flexible units which are currently not available in the Aldershot area.

Burlington Sustainable Development Committee

Email correspondence from the City's Sustainable Development Committee highlighted two areas of concern: possible run-off into Indian Creek from industrial or automotive uses, and ensure that the 10m buffer to the woodlot is maintained and that the health of the woodlot is monitored during the construction process. While motor vehicle repair garages are not prohibited in the draft zoning for this property, the applicant is required to provide on-site stormwater run-off treatment prior to release into the outlet at Indian Creek. Any treated water that outlets into Indian Creek must be approved by Conservation Halton and the Ministry of Environment and Climate Change (MOECC). All building footprints are proposed outside of the 10m woodland buffer, although a grassed swale is located inside the buffer at the north-west side of the property. The applicant was required to submit an EIA that clearly demonstrated no negative impact on the woodland feature and was required to justify the location of the grassed swale within the 10m buffer to the satisfaction of the Region of Halton.

External Agency Comments

Region of Halton

Region of Halton staff have provided extensive comments on the development proposal at the rezoning stage. With regard to servicing of the property, a trunk wastewater main and trunk watermain are located within King Road. The Region has noted that connections to trunk water mains and wastewater mains are not automatically approved,

and that the applicant will have to seek special permission to connect. At the time of Site Plan approval, all water and wastewater servicing for the development will need to conform to Region of Halton standards and policies. The Region has an interest in maintaining an appropriate development setback on the subject lands from a candidate Regionally Significant Woodlot situated on adjacent lands to the north. The applicant has submitted a scoped EIA and addendums to this document, and has delineated a 10m development setback buffer from the woodland feature on the conceptual site plan. No buildings, parking areas, or driving areas are located within the 10m buffer. While a portion of a grassed drainage swale at the north-west corner of the site is located within the 10m buffer, the Region has indicated that they are satisfied with the development proposal at this stage, and further refinement of the development layout can be dealt with at the Site Plan stage.

Conservation Halton

As noted in the site description, the subject lands are situated adjacent to Indian Creek on the west and south property lines. Indian Creek is a Conservation Halton regulated watercourse and through the engineered channel works for this creek, the City of Burlington now owns a 7.5m strip of land immediately adjacent to the creek abutting this property on the west and south sides. This City owned land comprises the extent of the regulated area for the creek. Conservation Halton has provided technical comments related to the servicing of this site, notably regarding stormwater management. The development, as proposed, is designed to outlet treated stormwater to Indian Creek, immediately west of the aqueduct. This outlet will require approval from Conservation Halton and the MOECC, and a work permit for construction in the regulated area will need to be issued. As a result of the stormwater management analysis for the site, the applicant was required to submit a Water Balance report to Conservation Halton to ensure that the pre-development water levels of Indian Creek will not be impacted by the development. The applicant's engineering consultants have proposed a Low Impact Development (LID) tank for treatment of clean roof water for infiltration into Indian Creek. This is meant to ensure that clean water from the site returns to Indian Creek naturally, and is not combined with the stormwater collected for the rest of the site. The applicant's environmental consultant has reviewed the proposed LID feature and has provided verification to Conservation Halton that there will be no negative impact on the regulated watercourse resulting from the development. Conservation Halton has provided no objection to the rezoning application, and will be reviewing the technical aspects of the proposal as they relate to the adjacent regulated watercourse in further detail at the Site Plan stage.

CN Rail

CN Rail will be required to access their lands to the south of the subject lands through an easement route on the site. CN Rail has reviewed the comments provided by the

City's Fire Services Department and are satisfied that the proposed easement route on the property is sufficient for their needs. The new easement route benefitting CN Rail will need to be formalized through approval of a consent application to the Committee of Adjustment.

Burlington Hydro

Burlington Hydro has provided no objection to the application, and has provided standard technical comments to be addressed by the applicant at a later stage in the development approvals/construction process.

Ministry of Transportation

The MTO has provided no objection to the application as the development is outside of their permit control area. No further circulation of the development proposal to the MTO is required.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements for Zoning By-law Amendment applications. A public notice with request for comments was circulated to surrounding property owners/tenants in early March of 2017. The applicant posted a public notice sign on the property in December 2016. A further notice was distributed in August 2017 advising individuals of the date committee will consider this recommendation report.

All of the technical studies, supporting materials, and any revisions to these documents for this development application were posted on the City's website at www.burlington.ca/1160KingRoad.

Public Comments

As a result of the initial public notice circulation, one email has been received regarding the proposed development. The one public comment received to date has been included in Appendix C of this report. The comment received, while not stating any immediate concerns about the development, did request information about stormwater

management, site grading, contributions to the realignment of Indian Creek, sewer and watermain capacity, and CN Railway access through the subject lands. Planning Staff responded to these concerns in a follow up email on March 9, 2017.

Statutory Public Meeting

At the Statutory Public Meeting on May 30th, the planner for the development proposal, Ed Fothergill, made the only delegation to the Committee. Council members noted concern with the parking provided on the site given that other similar types of development in the city have experienced issues with parking. As noted earlier in this report, Planning Staff have recommended a modified zoning by-law attached as Appendix D to this report. This modified approval represents the attempt of staff to find a middle ground between the proposal of the applicant, the parking requirements for the site, and appropriate setbacks for the proposed buildings.

Conclusion:

Staff's analysis of the application for a zoning by-law amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application conforms to the City's Official Plan as it represents an industrial use in the Business Corridor designation. This report recommends modified approval of the rezoning application and that Zoning By-law 2020-386 attached as Appendix D to Report PB-55-17 be approved.

Respectfully submitted,

Lauren Vraets, Planner II
905-335-7600 ext. 7536

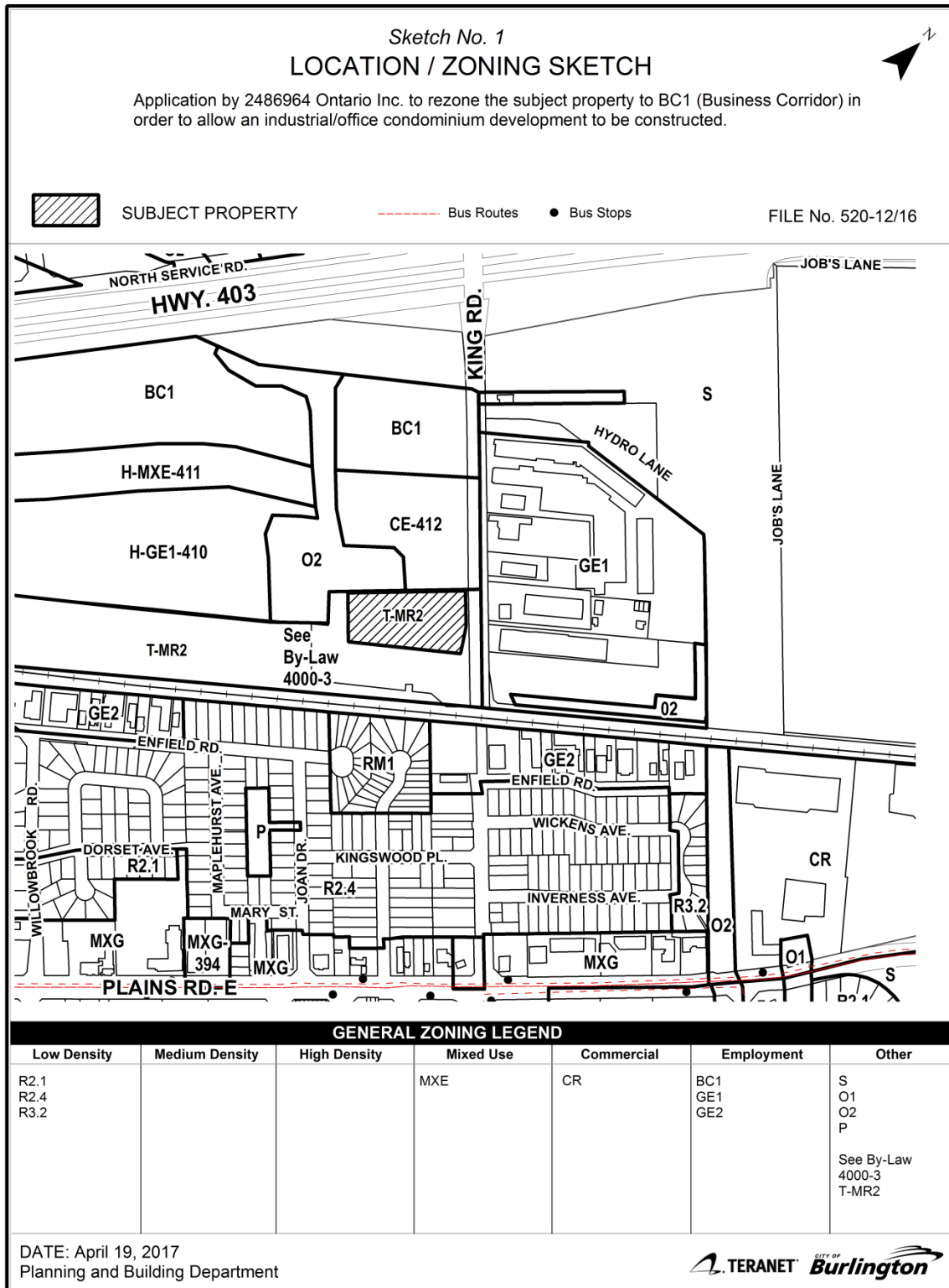
Appendices:

- A. Location/Zoning Sketch
- B. Detail Sketch
- C. Public Comments
- D. Draft Zoning By-law

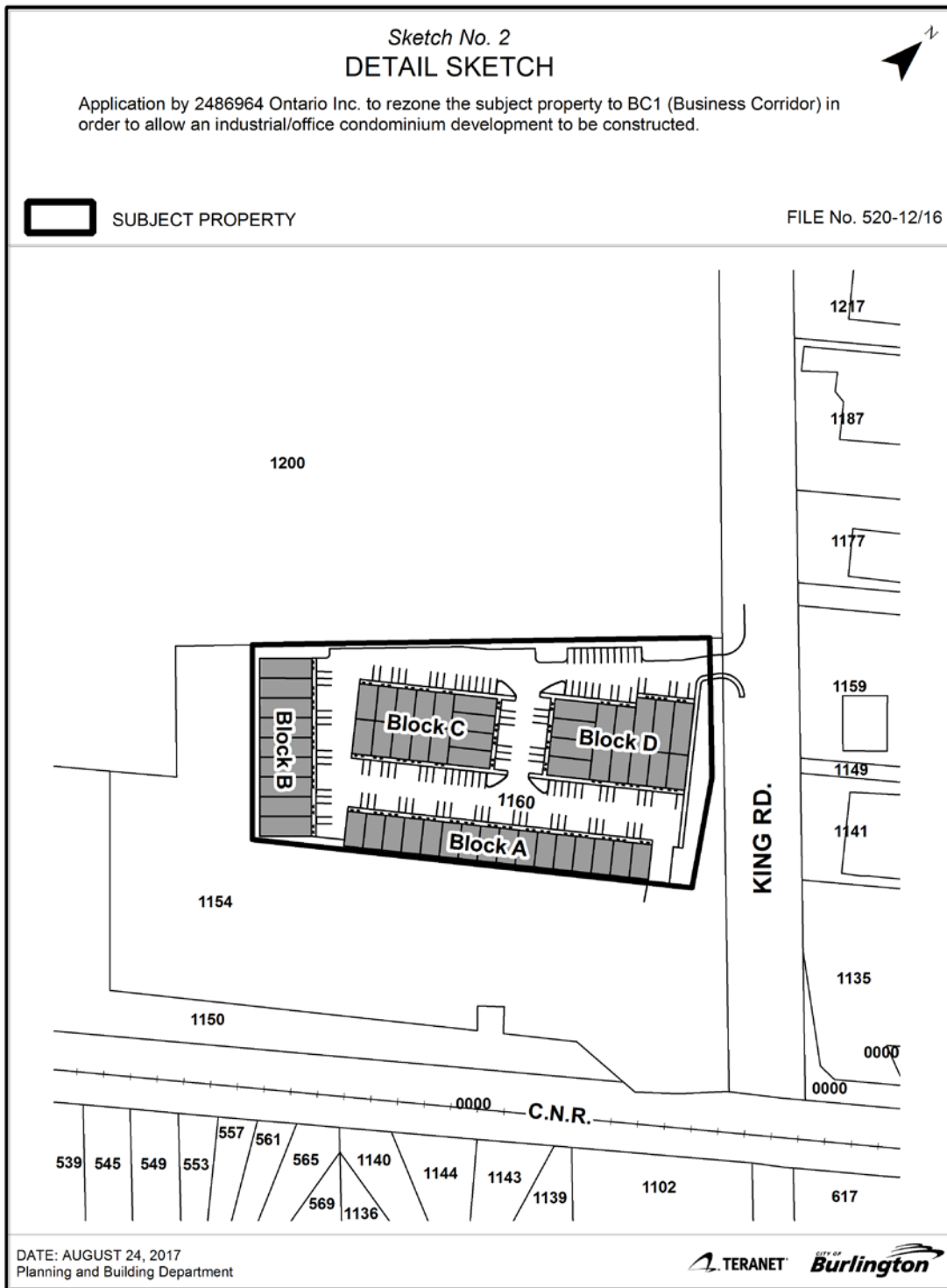
Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Appendix A – Location/Zoning Sketch



Appendix B – Detail Sketch





Penta Properties Inc., 4480 Paletta Court, Burlington, Ontario L7L 5R2
tel: 905.632.6036 fax: 905.632.0064 www.PentaProperties.ca

March 7, 2017

Lauren Vraets
City of Burlington
Planning & Building Department
426 Brant Street
Burlington, Ontario
L7R 3Z6

Dear Ms. Vraets:

Re: Rezoning Application for 1160 King Road; City File# 520-12/16

We are in receipt of the City of Burlington's notice letter regarding the Rezoning Application for 1160 King Road. We own the land immediately to the north of this property at 1200 King Road, and have several concerns.

The information provided within the notice letter was minimal, therefore we request answers to the following questions:

- 1) How is the stormwater proposed to be handled? Where is the outlet, and what about quality control?
- 2) How is the site going to be graded, particularly along our common property boundaries?
- 3) Is the City requiring the owner to contribute towards the recent creek re-alignment?
- 4) Taking into consideration our development, is there sufficient sanitary sewer capacity to accommodate this development as well, and is the watermain adequately sized?
- 5) Is the existing CN Rail access road along this property being re-routed? If so, where?

We look forward to hearing from you with responses to these questions.

Yours truly,
PENTA PROPERTIES INC.



Dave Pitblado
Director, Real Estate Development

Appendix D – Draft Zoning By-law

City of Burlington By-Law 2020.386

A By-law to amend By-law 2020, as amended;
for the lands known as 1160 King Road for the purpose of facilitating the development
of an industrial condominium development

File No.: 520-12/16

Whereas Section 34(1) of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

Whereas the Council of the Corporation of the City of Burlington approved Recommendation PB-55-17 on November 13, 2017, to amend the City's existing Zoning By-law 2020, as amended, to permit a maximum of 50 industrial condominium units;

The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Zoning Map Number 6E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from T-MR2 to BC1-471.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 471 as follows:

Exception	Zone	Map	Amendment	Enacted
471	BC1	6E	2020.386	November 13, 2017

Prohibited Uses:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Medical Offices • All Retail Uses • Schools • Training Centres • Hotel • Convention/Conference Centre • All Service Commercial Uses • Accessory Dwelling Unit for security or maintenance | <ul style="list-style-type: none"> • Banquet Centre • Motor Vehicle Service Station • Recreation Establishment • Towing service, motor vehicle sales, leasing, rentals, and motor vehicle service station which would normally be permitted accessory to a motor vehicle repair garage |
|--|--|

Regulations:

Maximum Floor Area	6000 m ²
Maximum Office Floor Area	1800 m ²
Maximum Number of Units	50
Front Yard	6.6m
Rear Yard	3.0m
Side Yard	South: 1.5m North: 5.4m
Building Setback abutting a Creek Block, O2 or O3 zone	South: 1.5m West: 3.0m North: 5.4m
Landscape Area abutting King Road	6.0m One 1.8m maximum wide, substantially parallel walkway is permitted within the required landscape area abutting King Road
Landscape Area abutting a Creek Block	South: 0m

O2, or O3 zone:	West: 3.0m including all encroachments and/or projections, and a walkway to a maximum width of 1.5m North: 1.5m
Parking Requirement	75 parking spaces In addition to the required parking, unit occupants are permitted to park in front of overhead doors.
Loading Space	1

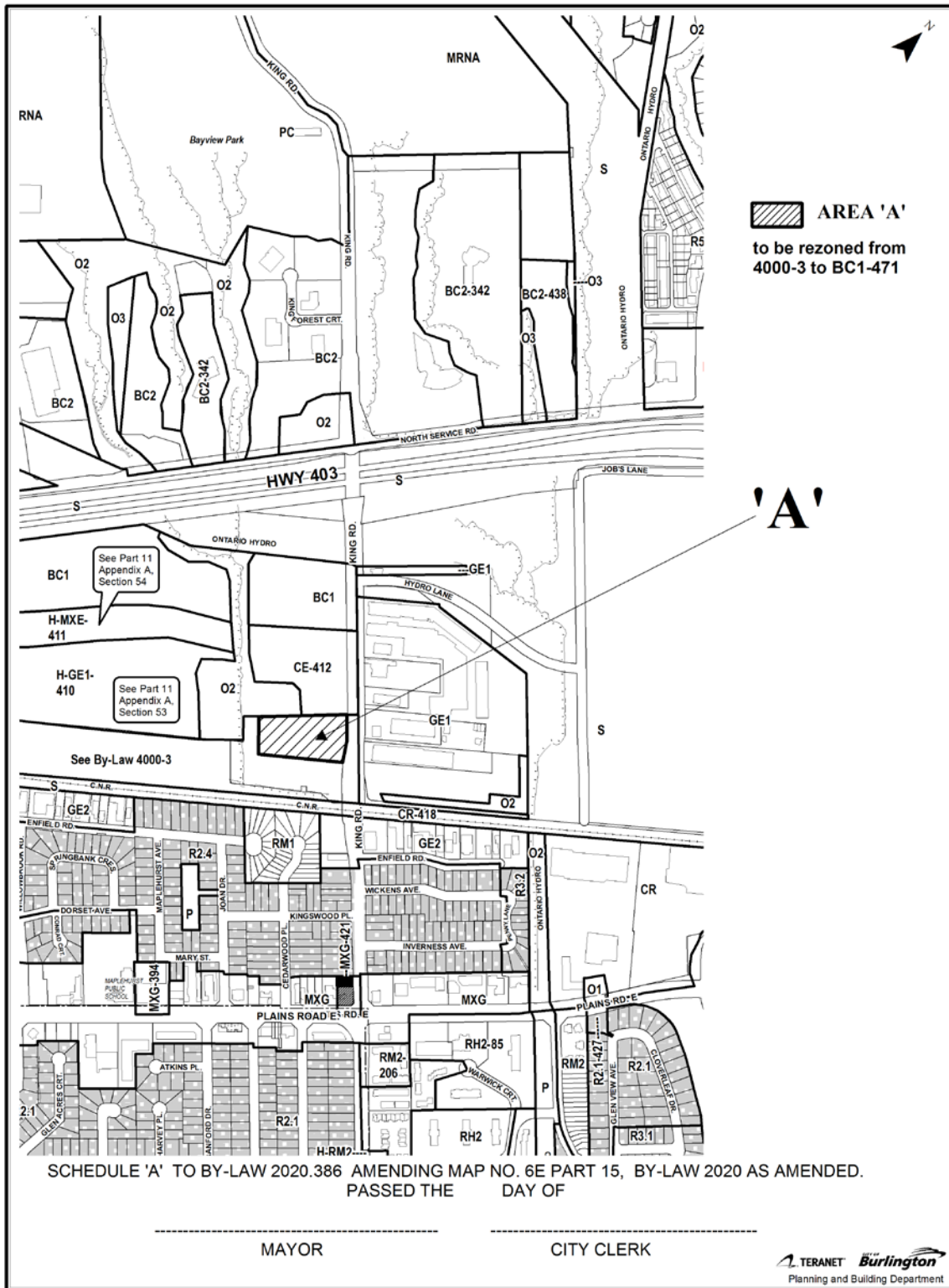
Except as amended herein, all other provisions of this By-law, as amended, shall apply

4. When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.
5. If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

Enacted and passed this ___ day of _____, 2017.

Mayor Rick Goldring _____

City Clerk Angela Morgan _____



EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.386

By-law 2020.386 will permit the development of 50 industrial condominium units with site specific zoning regulations for the lands located at 1160 King Road.

For further information regarding By-law 2020.386, please contact Lauren Vraets of the City's Planning and Building Department at 905-335-7600, ext. 7536.