

**BY-LAW NUMBER 2020.XXX, SCHEDULE 'A' AND EXPLANATORY NOTE****THE CORPORATION OF THE CITY OF BURLINGTON****BY-LAW NUMBER 2020.XXX**

Being a By-law to amend By-law 2020, as amended; for 421 – 431 Brant Street, for the purpose of facilitating the development of a 23 storey mixed use building.

File Nos.: 505-01/17 & 520-02/17 (PB-62/17)

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 PB-62/17 on November 13, 2017, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential development consisting of a residential apartment building;

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

1. Zoning Map Number 9A 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 DC and DC-434 to DC-473.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by replacing Exception 434 with the following:

Exception 473	Zone DC-473	Map 9A	Amendment 2020.XXX	Enacted
1. <u>Regulations for Apartment Building</u>				
	a) Apartment buildings shall be subject to footnote (g) of Table 6.2.1 and shall contain a minimum of 365 square metres of office space on the second storey			
	b) Ground floor retail and/or service commercial area		935m <sup>2</sup>	
	c) Lot Area		0.2 ha	
	d) Density		169 units maximum	
	e) Floor Area Ratio		9.45:1 maximum	
	f) Yard Abutting Brant Street			
	Floors 1 to 4		2.9m	
	Floors 5 to 18		9.2m	
	Floors 19 to 22		10.2m	

Floor 23	15.2m
g) Yard Abutting James Street	
Floors 1 to 4	2.6m
Floors 5 to 18	5.5m
Floors 19 to 22	6.5m
Floor 23	14m
h) Yard Abutting John Street	
Floors 1 to 4	1.8m
Floors 5 to 20	5.2m
Floors 21 and 22	6.2m
Floor 23	13.5m
i) Side Yard (North)	
Floors 1 to 2	0m
Floors 2 to 5	0m
Floors 6 to 22	12.4m
Floor 23	13m
j) Balconies	
Floors 2 to 4	Balconies cannot encroach into a required yard
Floors 5 to 22	Balconies can encroach a maximum of 2m into a required yard
k) Parking Structure	
Abutting a street	0.5m
Abutting all other lot lines	0.7m
Entrance and exit ramps to below grade parking structure setback	6m
l) Building Height	23 storey maximum taken from fixed grade up to 81m
Floor 1	5m
Floor 2	3.9m
i) Maximum Floor Area	
Storeys at or above the 6 <sup>th</sup> storey	760m <sup>2</sup>
j) Glazing Percentage on the First Storey Elevation Facing a Street	
John Street	25%
m) Parking	
Occupant parking	1.2 parking spaces per residential unit
Visitor parking spaces	8
n) Visibility Triangle	
Brant Street x James Street	16m x 16m
James Street x John Street	6m x 6m

2. Community Benefits pursuant to Section 37 of *The Planning Act*:

- a) To assist in the pursuit of long-term affordable housing, the Developer agree to a discount of \$300,000 to be used against the purchase price of up to 10 dwelling units within the subject development, or in the event that a purchase(s) is/are not to occur within the subject development, the Developer agrees to provide the City with a cash contribution of \$300,000 prior to condominium registration, to the satisfaction of the Director of City Building; and
- b) The Developer agrees to provide one (1) publicly accessible car share parking space (indirect community benefit assessed at \$50,000) and contribute to the City's emerging car-share network by accommodating a car-share vehicle for a minimum of two years starting from the first occupancy (indirect community benefit assessed at \$50,000), or equivalent, to the satisfaction of the Director of Transportation; and
- c) The Developer agrees to provide a direct community benefit of a \$50,000 contribution towards the future expansion of Civic Square, to the satisfaction of the Executive Director of Capital Works; and
- d) The Developer agrees to provide public access by way of an easement to be registered on title for lands located at the northeast corner of Brant Street and James Streets, the minimum dimensions of which are in the form of a triangle measured at 16m by 16m (128m<sup>2</sup>)(an indirect community benefit assessed at \$75,000), to the satisfaction of the Executive Director of Capital Works; and
- e) The Developer agrees to provide eight (8) visitor parking spaces (indirect community benefit assessed at \$400,000), to the satisfaction of the Director of Transportation; and
- f) The Developer agrees, and it is enshrined within the amending zoning by-law, that increased building setbacks, including widened sidewalks on Brant Street, James Street, and John Street, and view corridors on Brant Street and James Street to City Hall and the Cenotaph (indirect community benefit assessed at \$250,000), to the satisfaction of the Director of City Building; and
- g) The Developer agrees to provide a direct community benefit of \$150,000 towards the public art reserve fund to be used within the publicly accessibly privately owned easement area referred to above and/or in the future Civic Square expansion area, to the satisfaction of the Director of City Building; and
- h) The Developer agrees to implement green technology and sustainable architecture elements into the subject property in accordance with either LEED certification standards and/or compliance with the City's Sustainable Building and Development guidelines (indirect community benefit assessed at \$300,000), to the satisfaction of the Director of City Building; and

- i) The Developer agrees to implement City of Burlington Streetscape Guidelines Standards within the Brant Street, James Street, and John Street public realm areas, including the expanded building setback areas at-grade and the publicly accessible open space easement area outlined above (an indirect community benefit accessed at \$150,000), to the satisfaction of the Director of City Building.

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

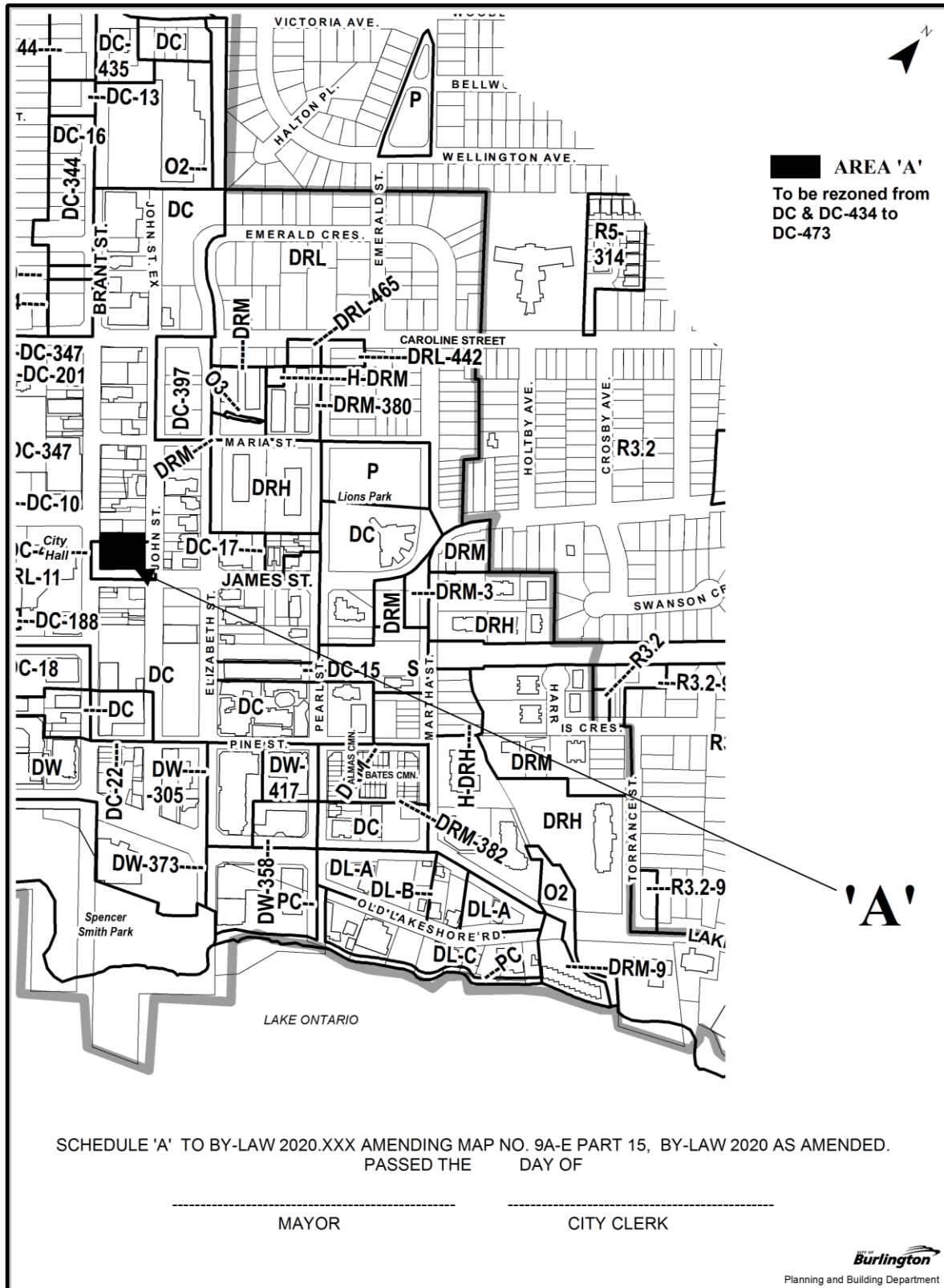
- 5 a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed;
- 5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario 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 .....2018.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CITY CLERK

Schedule 'A' to By-law 2020.XXX



**EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX**

By-law 2020.XXX rezones lands 421 – 431 Brant Street, to permit a mixed use development consisting of a 23 storey building, with ground floor retail / commercial uses, 2<sup>nd</sup> floor office uses and residential apartment units above.

For further information regarding By-law 2020.XXX, please contact Kyle Plas of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7453.

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