

DRAFT BY-LAW NUMBER 2020.XXX, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A by-law to amend By-law 2020, as amended, for 490-492 Brock Avenue
And 1298 Ontario Street for the purpose of facilitating the development of
a 22 storey mixed use building.

File Nos.: 505-02/17 & 520-08/17 (PB-16-18 and PB-74-18)

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-16/18 on May 22, 2018, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential development consisting of a commercial/residential condominium 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 H-DRH to DRH-476.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 476 with the following:

Exception 476	Zone DRH	Map 9A	Amendment 2020.XXX	Enacted
1. Additional permitted uses:				
a) Retail and service commercial uses on the ground floor of a residential building.				
2. <u>Regulations for Apartment Building</u>				
a) Maximum ground floor retail and/or service commercial area and/or office			186m ²	
b) Front Yard Abutting Ontario Street				
	Floors 1 to 2 (Podium and Floor 3 Terrace)		3.5 m	
	Floors 3 to 21 (Tower)		6.7 m	
	Floor 22 (Indoor Amenity Area)		6.7 m	

	Underground Parking Structure	0 m
c)	Street Side Yard Abutting Brock Avenue	
	Floors 1 to 2 (Podium and Floor 3 Terrace)	2.7 m
	Floors 3 to 21(Tower)	6 m
	Floor 22 (Indoor Amenity Area)	6 m
	Floor 22 (Outdoor Amenity Area)	7.9 m
	Underground Parking Structure	0 m
d)	Side Yard (West)	
	Floors 1 to 2 (Podium and Floor 3 Terrace)	15 m
	Floors 3 to 21 (Tower)	15 m
	Floor 22 (Indoor Amenity Area & Mechanical Penthouse)	17.8 m
	Floor 22 (Outdoor Amenity Area)	15 m
	Underground Parking Structure	0 m
e)	Rear Yard (South)	
	Floors 1 to 2 (Podium)	1.3 m
	Floors 3 to 21 (Tower)	3 m
	Floor 22 (Indoor Amenity Area & Mechanical Penthouse)	7 m
	Floor 22 (Outdoor Amenity Area)	3 m
	Underground Parking Structure	0 m
f)	Maximum Density	751 units per hectare
g)	Maximum Building Height	22 storeys up to 79 m
h)	Maximum Floor Height	
	Floor 1	6 m maximum
	Floor 2	3.6 m maximum
	Floor 22 (Indoor Amenity Area)	8 m maximum
	Floor 22 (Mechanical Penthouse)	6 m maximum
i)	Total Amenity Area	2600 m ²
j)	Maximum Floor Area	
	Floors 3-21(Tower)	750 m ²
k)	Landscape Area abutting Brock Street	2.7 m
3.	Encroachment	
a)	Landscape Area may include a transformer, exhaust, shaft and hard and soft landscaping and other decorative features	
b)	Balconies are not permitted to encroach into a required yard	
c)	A canopy may project into a required front yard or street side yard up to the street line	
4.	Non-residential and car share parking shall be provided at grade and may be counted toward the required visitor parking for residential uses including a designated accessible visitor parking space.	

5. Community Benefits

The Developer of these Lands agrees to:

- a) provide a discount of \$600,000 to be used against the purchase price of up to 6 dwelling units within the subject development by the Region of Halton, OR, in the event that a purchase(s) is/are not to occur within the subject development, OR in the event that the tenure of the project does not lead to individual unit ownership but rather a corporate ownership, the Developer agrees to gift the Region of Halton with \$600,000 to be used for the provision of long term affordable dwelling unit(s) in Burlington's Urban Growth Centre; and
- b) provide a \$10,000 donation to the Friends of the Freeman Station; and
- c) provide a \$25,000 contribution towards the future improvement of the downtown transit terminal; and
- d) provide a \$20,000 contribution towards improvements to walking, cycling, and/or active transportation connections in the vicinity of the Elgin Street Promenade and/or the future bicycle walking path along the hydro corridor; and
- e) provide a \$50,000 contribution towards improvements to park facility improvements, including but not limited to fitness stations, pedestrian furniture, etc. for the future bicycle walking path along the hydro corridor; and
- f) provide a \$45,000 contribution towards improvements to park facilities at Brock Park and/or Spencer Smith Park; and
- g) 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, for an indirect community benefit to the amount of \$300,000.

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

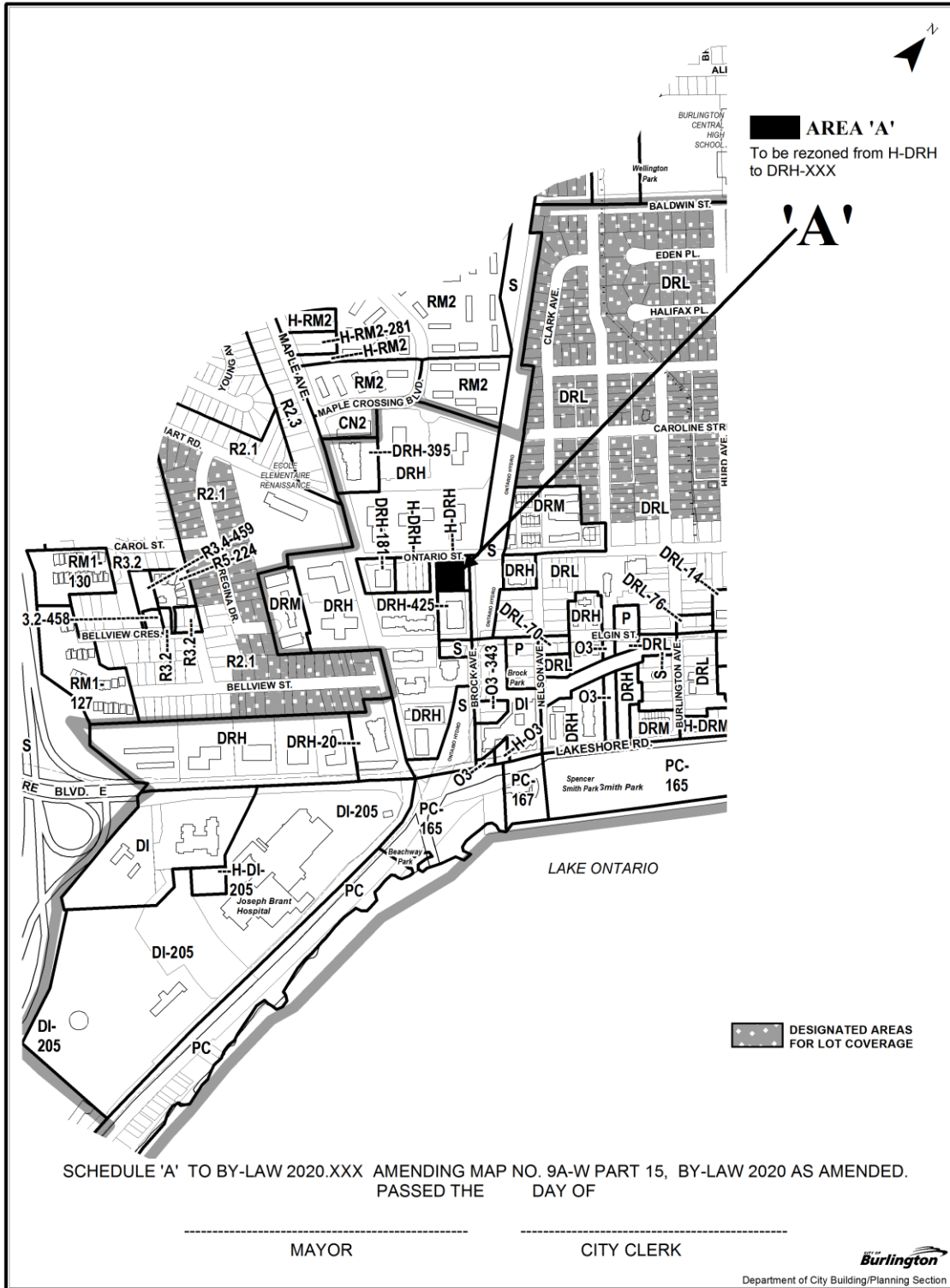
- 4 a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed;
- 4 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this 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 of2018.

_____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 490-492 Brock Avenue, 1298 Ontario Street to permit a mixed use development consisting of a 22 storey building with ground floor retail / commercial uses and residential apartment units above.

For further information regarding By-law 2020.XXX, please contact Lola Emberson of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7427.