

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

City of Burlington By-law 2020.XXX

Description

A by-law to amend By-law 2020, as amended, to permit a mixed use commercial/residential development at 4880 Valera Road, Burlington. File No.: 520-18/17 (PB-78-18)

Preamble

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-78-18 on XXXX, 2018, to amend the City's existing Zoning By-law 2020, to re-zone the lands at 4880 Valera Road from "CN1-332" to "RAL4-493" to permit a mixed use commercial/residential development consisting of apartment, block townhouse, street townhouse, back to back townhouse units, and a ground floor commercial component.

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

Content

1. Zoning Map Number 25E of Part 15 of By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to the By-law.
2. The land designated as "A" on Schedule "A" attached hereto are hereby rezoned from CN1-332 to RAL4-493.
3. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 493 as follows:

"Exception 493"

Exception 493	Zone RAL4	Map 25E	Amendment 2020.XXX	Enacted
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1. Permitted Uses

(a)

(b) Only the following uses shall be permitted:

- i. Apartment Building
- ii. Street Townhouses
- iii. Back-to-Back Townhouses
- iv. Townhouses
- v. Only the following non-residential uses on the ground floor of an apartment building are permitted:
 - a. Convenience/Specialty Food Store
 - b. Other retail stores
 - c. Convenience Restaurant
 - d. Other Service Commercial Uses
 - e. Fast Food Restaurant
 - f. Community Institution
 - g. Standard Restaurant
 - h. Veterinary Service, the keeping of animals outside is not permitted
 - i. Banks, Trust Company, Credit Unions

2. Regulations for the Entire Site

a) Landscape Area and Buffer:

- i. Abutting the hypotenuse of a daylight triangle 0 m
- ii. Abutting Appleby Line 5.5 m
- iii. Abutting Thomas Alton Boulevard 5.5 m
- iv. Abutting Valera Road 4 m
- v. Landscape Buffers are not required
- vi. Hydro transformers, 1.5 m walkways, and underground parking exhaust grill shall be permitted within a required Landscaped Area.

b) Setbacks for an underground parking structure less than 1.6 m above grade:

- i. From Appleby Line 3 m
- ii. All other lot lines 0.5 m

3. Regulations for Apartment Buildings

- a) Retail, Service Commercial and Community Institution Floor area: 197 m²
- b) Maximum number of apartment units 344
- c) Amenity area 25 m²/unit
- d) Required Yards
 - i. to the hypotenuse of a daylight triangle 2.8 m
 - ii. to Appleby Line 8 m
 - iii. to Thomas Alton Blvd 7 m
 - iv. to a Hydro Corridor 8 m
 - v. to Valera Road for storeys 1 to 3: 6.5 m
 - a. 4th storey: 12 m
 - b. 5th storey: 18 m
 - c. storeys 6 to 8: 24 m
 - d. 9th storey and above: 27 m
- e) Required separation from a townhouse or back-to-back townhouse building: 24 m
- f) Maximum Balcony projection from the wall of a building: 2 m
- g) Parking Spaces and Driveways

- i. Driveways shall be setback 3 m from a window of a habitable room in dwelling units located on the ground floor or basement

h) Required Parking:

- i. 1 bedroom unit 1 space/unit
- ii. 2 bedroom unit 1.25 space/unit
- iii. 3 bedroom unit 1.5 space/unit
- iv. Visitor 0.21 space/unit
- v. Loading 2 spaces
- vi. Commercial uses 3.5 spaces/ 100m² gross floor area
- vii. Where a development is comprised of a mix of residential and non-residential uses, non-residential parking located on the same property as the residential use may be counted toward required visitor parking for the residential use.

4. Regulations for Street Townhouses

- a) Maximum number of street townhouse units 14
- b) Lot Width 4.8 m
- c) Lot Area 120 m²
- d) Required Yards
 - i. Front Yard: 6.6 m
 - ii. Side Yard abutting a RAL4 zone: 3 m
 - iii. Side Yard abutting a private road: 2.3 m
 - iv. Rear Yard for Block 2 Unit 14: 4.2 m
 - v. Rear Yard for Block 2 Unit 13: 5.3 m
 - vi. Rear Yard for all other units: 6 m
- e) Privacy Area 20 m² per unit
- f) Required Parking:
 - i. Visitor 0.25 spaces/unit
 - ii. Notwithstanding Part 1, Section 2.25.1, to provide the required off street visitor parking on the adjacent site to the north municipally know as 4880 Valera Road
- g) Balconies
 - i. Balconies may project a maximum of 1.5 m into a required yard

5. Regulations for Townhouses

- a) Maximum number of townhouse units 30
- b) Required Yards
 - i. Side Yard
 - a. West 1.7 m
 - b. East 3 m
 - ii. From a lot line to the rear of a townhouse building 6 m
- c) Required Visitor Parking: 0.25 spaces/unit
- d) Parking Spaces and Driveways

Driveways and parking lots shall be set back 2.5 m from a wall of a building containing windows of habitable rooms, except where a parking space and driveway is for the exclusive use of the unit occupant, the set back shall not apply.
- e) Balconies:
 - i. Balconies may project 1.5 m from the rear wall of a townhouse building.

6. Regulations for Back to Back Townhouses

- a) Maximum Number of back to back townhouse units 26

b) Amenity Area	20 m ² per unit
i. Each unit in a back to back townhouse development shall contain an individual balcony with an area of 4.8 m ² , separated from adjoining units by a wall or privacy screen and with a maximum projection of 2.4 m from the front wall of the back to back townhouse building.	
c) Maximum Building Height	3 storeys to 11.5 m
d) Required Yards	
i. To a street townhouse lot:	10 m
ii. All other lot lines:	30 m
e) Parking Spaces and Driveways	
i. Driveways and parking lots shall be set back 1.8 m from a wall of a building containing windows of habitable rooms, except where a parking space and driveway is for the exclusive use of the unit occupant, the set back shall not apply.	
f) Required Visitor Parking:	0.25 spaces/unit

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 thisday of 201 .

_____MAYOR

_____CITY CLERK

