

APPENDIX B

DRAFT

BY-LAW NUMBER 2020.416, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.416

A By-law to amend By-law 2020, as amended; for the lands located at 2421-2431 New Street.

File No.: 520-02/18 & 505-02/18

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 Recommendation PB-32-19 on November 18, 2019, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of an 11-storey retirement home building and an 11-storey residential apartment building;

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

1. Zoning Map Number 14-E 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 CN1 to H-RH4-503.
3. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is amended by adding the following to Appendix 'A' Site Specific Requirements for Removal of an "H" Holding Symbol:

67	H-RH4-503	Map 14E	Resolution:
<p>The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed:</p> <ul style="list-style-type: none"> • The Owner satisfies the Region of Halton's Protocol for Reviewing Contaminated or Potentially Contaminated sites, by submitting a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition; alternatively, that the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which is to the satisfaction of the Region of Halton and the City of Burlington's Executive Director of Environment, Infrastructure and Community Services • The Owner submits an updated noise study to the satisfaction the City of Burlington's Executive Director of Environment, Infrastructure and Community Services • The Owner submits an updated geotechnical report to the satisfaction the City of Burlington's Executive Director of Environment, Infrastructure and Community Services 			

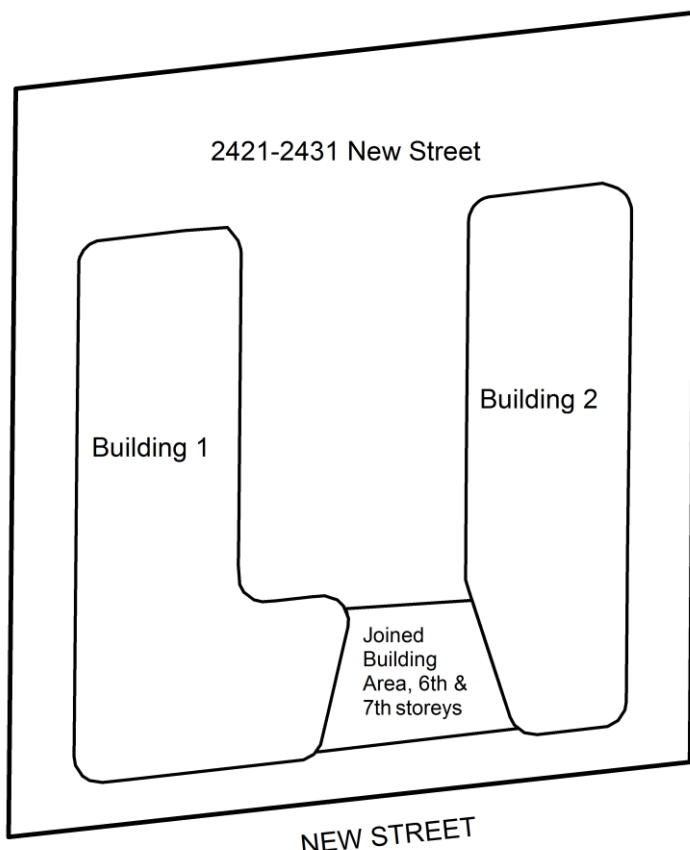
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 503 as follows:

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted
<p>1. <u>Only the following uses are permitted:</u></p> <p>Retirement Home</p> <p>Memory Care Units which are defined as: dwelling units serving the needs of residents with dementia, which do not include full culinary and sanitary facilities</p> <p>Apartment Building</p> <p>Community Institution on the first storey to a maximum of 540m²</p> <p>2. <u>Regulations for permitted uses:</u></p> <p>For the purposes of calculating density, memory care units shall be exempt</p> <p>Floor Area Ratio for the retirement home is not applicable</p> <p>Maximum density for retirement home: 234 units per hectare</p> <p>Maximum density for apartment building: 207 units per hectare</p> <p>Maximum building height: 11 storeys for Buildings 1 and 2 as shown on Diagram 503</p> <p>Building connection between Buildings 1 and 2 shall be located on the 6th and 7th storeys and include a rooftop amenity area accessible from the 8th storey.</p> <p>Loading spaces: 2</p> <p>Front Yard:</p> <p>Storeys 1-5: 5m to building wall</p> <p>Storeys 6-11: 8m to building wall</p> <p>Storeys 2-6: 3.5m to balcony and overhang</p> <p>Storeys 8-11: 6.5m to balcony and overhang</p> <p>Side Yard:</p> <p>Storeys 1-5: 7.5m to building wall</p> <p>Storeys 6-11: 10m to building wall</p> <p>Storeys 2-6: 6.0m to balcony and overhang</p> <p>Storeys 8-11: 7.5m to balcony and overhang</p>				

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted
Rear Yard abutting north property line / low density residential zone:				
Storeys 1-6:		19.1m to building wall		
Storeys 7-10:		31.2m to building wall		
Storey 11:		36.5m to building wall		
Storeys 2-6:		17.8m to balcony		
Storey 7:		20.2m to rooftop amenity area railing		
Storeys 8-10:		29.7m to balcony		
Storey 11: 32.		32.7m to balcony		
		35m to overhang		
Landscape Buffer abutting north property line:			5.5m	
Landscape Area abutting New Street:			0m	
Setback of parking area and driveways from north property line:			16m	
Setback of underground parking structure:			East: 3m West: 3m North: 5.5m South: 3m	
Accessory structure setbacks:			6m from rear and side lot lines	
<u>Parking Rates:</u>				
<u>Apartment Building</u>				
Occupant:		1 space/ 1-bedroom unit 1.25 spaces/ 2-bedroom unit		
Visitor:		0.2 spaces/ unit		
Maintenance:		1 space/ 75 units		
Accessible:		3% of required occupant parking 3% of required visitor parking		
<u>Retirement Home</u>				
Occupant/Employee:		0.6 spaces/ unit		
Visitor:		0.25 spaces/ unit		

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted
Maintenance:		1 space/ 50 units		
Accessible:		10% of required occupant parking 10% of required visitor parking		
<u>Memory Care Units</u>				
Visitor/Employee:		0.35 spaces/bed		
Accessible:		1 space		
<u>Community Institution</u>				
Users:		1 space/ 4 persons capacity		
Accessible:		10% of required parking		

Diagram 503:



2421-2431 New Street

Building 1

Building 2

Joined Building Area, 6th & 7th storeys

NEW STREET

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted
<p>3. Community Benefits pursuant to Section 37 of the Planning Act:</p> <ul style="list-style-type: none"> a) provide an indirect community benefit of \$300,000 though the contribution of 540 square metres of Community Institutional space, to the satisfaction of the Director of Community Planning. b) provide the City of Burlington with a \$400,000 contribution prior to application for above-grade building permit. The amount represents a direct community benefit under this Agreement with the following provisions: <ul style="list-style-type: none"> i. The Developer agrees to negotiate potential sale of up to 6 dwelling units to Halton Region at Fair Market Value, with the understanding that Halton Region will make these units available for geared-to-income rental housing purposes. ii. If the negotiation results in an intended Agreement of Purchase and Sale, the community benefit will be used to reduce the cost of the transaction by \$400,000. <p>If the negotiations are unsuccessful OR the Region elects to not pursue unit acquisition within this Development, the City will transfer the funds to Halton Region to contribute to an alternative Assisted Housing initiative within the City's Urban Growth Centre OR if no such initiative is readily available, the City will deposit the funds into a reserve account for use toward affordable or assisted housing initiatives within the City's Urban Growth Centre at a later time, consistent with the City's Official Plan.</p> <ul style="list-style-type: none"> c) provide an indirect community benefit of \$200,000 towards enhanced streetscaping, generally in accordance with the 2019 Downtown Streetscaping Guidelines, in front of the subject property, and within 200 metres of the subject property along the north side of New Street. <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p>				

6 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

6 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

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.416

By-law 2020.416 rezones lands at 2421-2431 New Street to allow for the development of two (2) 11-storey buildings including a retirement home building and a residential apartment building. A community institutional use is also permitted on the ground floor of one building on the site. A Holding Zone is required to ensure that site contamination issues can be resolved to the satisfaction of the Region of Halton and the City of Burlington, and to ensure that all noise and geotechnical studies have been completed to the satisfaction of the City of Burlington.

For further information regarding By-law 2020.416, please contact Lauren Vraets of the Burlington City Building Department at (905) 335-7600, extension 7536.

SCHEDULE 'A' TO ZONING BY-LAW 2020.416

