

## CHAPTER 8 – LAND USE POLICIES – URBAN AREA

**8.1.1(3) DOWNTOWN URBAN CENTRE**

The Downtown Urban Centre is a lively, vibrant "people place", with a wide variety of *employment*, shopping, leisure, residential, recreational and tourism opportunities. It is the *city's* centre for *cultural* facilities, public gatherings, festive and civic occasions, and social interaction. A large portion of the Downtown Urban Centre is within the Urban Growth Centre boundary; an area referred to in the ~~"Places to Grow"~~ Provincial Growth Plan for the Greater Golden Horseshoe, as an area that *shall* accommodate ~~a significant share of~~ population and *employment* growth ~~within the city~~. The Downtown Urban Growth Centre will be a focal area for investment in regional *public service facilities*, such as the hospital, as well as commercial, recreational, cultural and *entertainment uses* and will serve as a high-density major *employment centre*.

The Downtown will continue to be an area where specialty retail, community retail, *entertainment, cultural, public service facilities* and *institutional* facilities, and *offices*, as well as residential uses, *shall* be developed. The Downtown will continue to develop as the *city's* primary centre, taking advantage of the unique qualities that set it apart from all other areas of the *city* and that contribute to its distinct identity. These qualities include distinct precinct areas, the waterfront location and related activities, historic buildings, *streetscapes* and *development* pattern, views and vistas, *cultural* activities, pedestrian orientation, and recognition of the Downtown as a centre of business and civic activity.

Within the Downtown, there is a historic fine-grained grid street network which was established over a century ago. This street network supports the existing *transit-supportive* built form that contributes to a vibrant, walkable and cycling-friendly *complete community*.

New *development* will ~~be of high quality design to~~ maintain and enhance the Downtown's image as an enjoyable, safe, ~~bikeable,~~ walkable and cycling-friendly-transit-supportive place, and ~~built to be compatible with buildings and neighbourhoods and~~ complement the pedestrian activity and ~~historical attributes~~ of the area. New *development* will also be compatible with the *physical character* within each precinct and designation and provide a *compatible* transition to adjacent *low-rise* neighbourhoods.

The Downtown, ~~in general,~~ is identified generally in the Region of Halton's Official Plan as a *major transit station area*, through the Growth Plan for the Greater Golden Horseshoe and identified as an *Anchor Hub* through Metrolinx's Big Move.

The Downtown Burlington bus terminal functions as an intercity bus transfer point. Because it is a bus depot in an urban core or downtown, it was classified as a major transit station. However, it currently does not function as a major bus depot and this is likely to continue into the future, unless improvements and/or

enhancements are undertaken to strengthen its function as a major bus depot. The Downtown Burlington bus terminal is not located on a Priority Transit Corridor as defined by the Growth Plan for the Greater Golden Horseshoe nor is it supported by *higher order transit*, nor by *frequent transit* within a dedicated right of way.

The residents and jobs associated with *development* in the Downtown Burlington *major transit station area* will contribute towards meeting the Urban Growth Centre (UGC) density target of a minimum 200 residents and jobs combined per hectare, as identified in the Growth Plan. Given the limited function of the Downtown Bus Terminal, the *major transit station area* is not expected to be a *significant driver for intensification* beyond that which is required by the Downtown UGC.

Although the Downtown Urban Growth Centre is an *intensification area*, not all sites within the Urban Growth Centre will develop or redevelop to the same extent. The amount of height and density on any site depends on the site's location and context within the Downtown as set out in each precinct.

The City is committed to ensuring the ongoing success of Downtown by implementing the Core Commitment: Downtown Vision and Action Plan, as amended. This document is a strategic action plan for the Downtown which sets out a collective vision, principles and planned actions for the Downtown that go beyond the policies contained in this Plan.

~~*Development in the Downtown will make the best use of the existing infrastructure and create a sustainable and compact community with a wide range of land uses and built forms.*~~

### 8.1.1(3.1) GENERAL OBJECTIVES

- a) To establish the Downtown as a major centre for office, retail, *service commercial*, residential, *culture*, and *public service facilities, including* educational and *institutional uses* that contribute towards the Downtown's role as a unique destination and important source of identity for the city, consistent with Chapter 5: Economic Activity, of this Plan.
- b) To establish minimum density targets for the Urban Growth Centre contained within the Downtown in terms of residents and jobs, in accordance with the ~~“Places to Grow”~~ Provincial Growth Plan ~~for the Greater Golden Horseshoe.~~
- c) To establish a precinct system that recognizes areas with a distinct common character and sets policies for differences in /or objective for land uses, height and built form, ~~which may be~~ informed by historical *development* patterns and precedent and the planned function of each precinct.

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- d) To ensure *development* incorporates effective transitions with adjacent *development* and surrounding areas.
- e) To ~~protect significant public~~ maintain and where feasible enhance view corridors along public streets to Lake Ontario, the Brant Street Pier, City Hall/Civic Square and other landmarks.
- f) To provide space for retail and *service commercial* activities that serve the general needs of Downtown residents and employees as well as specialized functions for the entire *city*.
- g) To ensure that residents, employees and visitors of the Downtown have access to a range of public parks and open spaces including parkettes, urban plazas, playgrounds, promenades, trails and Privately-Owned Publicly Accessible Spaces (POPS) that allow for both passive and active recreational and social activities.
- h) To recognize the Lake Ontario waterfront as a major asset and local and regional destination within the Downtown for recreational, *cultural* and leisure activities.
- i) To expand public access to parks, open spaces and the Lake Ontario waterfront within the Downtown, where possible.
- j) To conserve *cultural heritage resources* and maintain character-defining areas *significant* to the Downtown and the *city*.
- k) To provide a continuous, harmonious, safe, active and attractive pedestrian-oriented environment along Retail Main Streets, ~~through high-quality streetscapes including enhanced greenery/landscaping,~~
- l) To enhance Downtown streetscapes with street trees and other greenery/landscaping where appropriate.
- m) ~~new developments which~~ To achieve urban design and architectural excellence in new developments.
- n) ~~and the retention and expansion of~~ To retain and expand cultural resources ~~assets~~ including public art.
- o) To permit building heights and *intensities* ~~within the~~ that support the designation of the Downtown as an Urban Growth Centre while protecting the predominant low-rise character of Brant Street and providing a transition to adjacent low-rise neighbourhoods that will support and enhance the City, Regional and Provincial significance of the Downtown and its role as a mobility hub.
- p) To require a mix of uses ~~within developments and~~ throughout the Downtown that reinforces the Downtown's role as a *complete community*.
- q) To ensure Downtown continues to have a strong *employment* base that will attract new businesses, services and amenities to support the long-term

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success of the Downtown.

- r) To concentrate the tallest *development* in those parts of the Urban Growth Centre that have the greatest ~~pedestrian access~~ proximity to *higher-order transit* ~~and which are located away from the Lake Ontario waterfront.~~
- s) To encourage office development through permission for tall buildings in specific areas of the Downtown.
- t) ~~€~~To increase affordability and attract a wide range of demographics and income levels to the Downtown.
- u) To encourage the integration of a wide range of housing types and tenures within the Downtown, including assisted and special needs housing, and rental housing.
- v) To mitigate future traffic congestion associated with growth through *transportation demand management (TDM)* measures and the provision of ~~frequent transit corridors~~ transit and active transportation.
- w) To support the creation of new and expanded pedestrian ~~priority~~ and cycling corridors.
- x) To encourage with adjacent active and supporting uses at grade along Retail Main Streets within the Downtown.
- y) To ensure ~~the Downtown has adequate lands to accommodate future community and government~~ public service facilities and institutional uses to support and serve current and future residents and employees.
- z) To ensure the Downtown has adequate infrastructure to support new development.
- aa) To maintain, restore and where possible enhance the long term ecological health, integrity and biodiversity of the Natural Heritage System and its ecological and hydrologic functions within the Downtown.
- bb) To protect life and property from natural hazards.

### 8.1.1(3.2) GENERAL POLICIES

- a) In addition to the objectives and policies of Subsection 8.1.1(3), Downtown Urban Centre, the objectives and policies of Subsection 8.1.2, *Mobility Hubs and Major Transit Station Areas*, of this Plan, shall apply within the Downtown Urban Centre.
- b) Within the Urban Growth Centre Boundary as delineated on Schedule B: Urban Structure, and Schedule D: Land Use - Downtown Urban Centre, of this Plan, a minimum density target of 200 residents and jobs combined per hectare by 2031 or earlier is established, in accordance with the ~~“Places to Grow” Provincial Growth Plan for the Greater Golden Horseshoe.~~
- c) The residents and jobs associated with development in the Downtown Burlington MTSA shall contribute towards meeting the minimum density target of the Urban Growth Centre.

- d) The Urban Growth Centre target of a minimum 200 people and jobs per hectare shall not be applied on a site-specific basis, and shall only be applied to the entire geography to which the target applies.
- e) The full extent of maximum *development* permissions stated within all Downtown Urban Centre precincts *may* not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, compatibility with adjacent development, negative environmental impacts, lands, transportation, stormwater management, cultural heritage resources and/or infrastructure capacity, currently under review through the Downtown Area Specific Plan.
- f) Major *entertainment, major office, cultural, institutional uses and public service facilities* including educational uses, should be directed to and encouraged to locate within the Downtown Urban Centre.
- g) Development will support and enhance the Downtown as a lively, vibrant and people-oriented place.
- h) Development will respect and be compatible with the existing built form character of adjacent development and provide appropriate built form transition.
- i) Development will support the achievement of the vision and function of the precinct within which it is located.

### 8.1.1(3.3) BRANT MAIN STREET PRECINCT

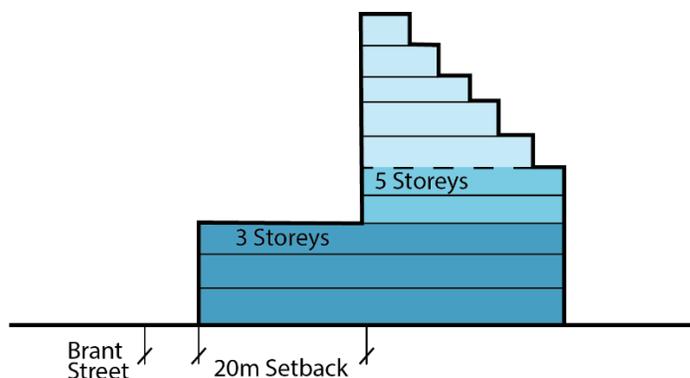
The Brant Main Street Precinct will continue to serve as a unique retail destination within the Downtown and *city-wide*. *Development* will maintain and enhance the existing traditional low-rise, main street physical character along Brant Street, generally between Caroline and Pine Streets. Along Brant Street, low-rise is considered 3 storeys or less. Development adjacent to Brant Street will maintain the existing achieve a low-rise built form, on Brant Street which could be in the form of individual low-rise buildings or in the also form of a the podium to a mid-rise development, where such the mid-rise height is set back 20 metres from Brant Street above the third storey and terraced away from Brant Street towards along John and Locust Streets.

#### 8.1.1(3.3.1) POLICIES

- a) The following uses *may* be permitted within the Brant Main Street Precinct:
  - (i) residential uses excluding with the exception of single detached dwellings, semi-detached dwellings, and other forms of stand-alone ground- oriented dwellings and dwelling units on the ground floor;
  - (ii) *office* uses;
  - (iii) retail and *service commercial* uses;

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- (iv) hotel uses;
  - (v) *entertainment uses*; and
  - (vi) *recreation uses*.
- b) *Development shall* contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.1.1) a) of this Plan and *should* contain three permitted uses, where feasible.
- c) Notwithstanding the permitted uses in Subsection 8.1.1(3.3.1 a), office uses shall not be permitted on the ground floor facing Retail Main Streets as shown on Schedule D-1: Downtown Retail Streets, of this Plan. Residential lobbies/access should be located on side streets or at the rear of the building where feasible.
- d) The portion of Brant Street and Lakeshore Road located within the Brant Main Street Precinct shall be considered Retail Main Streets and development shall be required to address the Retail Main Street requirements in Subsection 8.1.1(3.21).
- e) *Development shall:*
- (i) be in the form of *low-rise or mid-rise buildings* with a height not to exceed three (3) storeys ~~immediately adjacent to~~ within 20 m of Brant Street and Lakeshore Road as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan; and
  - (ii) be in the form of low-rise buildings or mid-rise buildings with a height not to exceed eleven (11) storeys immediately adjacent to John or Locust Streets and beyond 20 m of Brant Street and Lakeshore Road as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan; and
  - (iii) ~~achieve a terraced built form with building height between Brant Street and~~ achieve a terraced built form along John or Locust Streets above a 5 storey streetwall to minimize the impact of the building height along John Street and Locust Streets determined by, and not to exceed, a 45-degree angular plane measured from the centre of the Brant Street public right of way. The Downtown Burlington Placemaking and Urban Design Guidelines shall provide direction on achieving an appropriate terrace and step back along John and Locust Streets above the fifth storey.



Graphic 8-1. Cross section showing ~~45-degree angular plane from the centre of Brant Street~~ built form and transition to John Street and Locust Street.

- ~~b) Development within the Brant Main Street Precinct shall provide a three (3) storey podium for all portions of a building fronting a public right-of-way.~~

**8.1.1(3.4) JAMES STREET NODE BRANT MAIN STREET PRECINCT SPECIAL PLANNING AREA**

New *development* within the James Street Node Brant Main Street Precinct Special Planning Area will contribute towards the enhancement of a civic node at the intersection of Brant Street and James Street. *Development* will provide new public squares immediately adjacent to the intersection to complement and expand the existing Civic Square and achieve a built form, which will establish view corridors to Civic Square, the *City Hall* tower and the Burlington War Memorial from James Street. ~~Development providing such public amenities will be permitted additional height and/or density in exchange for these amenities~~ Tall buildings are permitted to facilitate an expanded civic square and to create an enhanced civic node with exemplary built form.

**8.1.1(3.4.1) POLICIES**

- a) ~~The intent and policies permitted uses of the Brant Main Street Precinct contained in Subsections 8.1.1(3.7) and 8.1.1(3.37.1) a) to d) of this Plan shall continue to apply, except where identified below.~~
- b) ~~Views from James Street to the Civic Square, the City Hall tower and the Burlington War Memorial shall be~~ are maintained and enhanced to the satisfaction of the City; ~~and~~
- c) ~~An at-grade public plaza shall be~~ is provided immediately adjacent to the intersection of Brant and James Streets to the satisfaction of the City. Development may cantilever over a portion of the public plaza above the second storey a minimum height of twenty (20) m, provided that the provisions of Subsection 8.1.1(3.4.1)(b)(3.7.2) b) (i) of this Plan continue to be achieved.

**8.1.1(3.4.2) SITE-SPECIFIC POLICIES**

- a) For the properties identified as 421 Brant Street, the following policies shall apply:
  - i) a maximum building height of 23 storeys (81 metres) shall be permitted;  
and
  - ii) the maximum floor area ratio shall be 9.45:1.
- b) For the properties identified as ~~additional clarity to Schedule D: Land Use – Downtown Urban Centre of this Plan, properties located within the Brant Main Street Special Planning Area include: 401, 403, 405, 409, 411, 413, 421, 425, 427, 429 and 431 Brant Street; 2012 James Street; and 444 and 448 John Street~~ the following policies shall apply:
  - i) Notwithstanding Subsection 8.1.1(3.7.1) c) of this Plan, development shall contribute to the creation of an enhanced civic node; and
  - ii) development may be permitted to a maximum building height of seventeen (17) storeys, provided that:

**8.1.1(3.5) LAKESHORE PRECINCT**

The Lakeshore Precinct will serve as the gateway to the Waterfront with linkages between the waterfront trail and north-south Green Connector streets and Off-Street Trails as shown in Schedule D: Land Use – Downtown Urban Centre, of this Plan. Development will provide new public spaces befitting the significance of the area, ensure that public view corridors to the Brant Street Pier and Lake Ontario are maintained and enhanced, and achieve a high degree of architectural and urban design excellence.

Lakeshore Road will also act as a vibrant Retail Main Street as shown on Schedule D-1: Downtown Urban Centre Retail Streets, of this plan, extending the retail from Brant Street east and west along Lakeshore Road.

Development adjacent to Lakeshore Road, from Lower Hager Creek to Elizabeth Street, will maintain a low-rise built form, which could be in the form of individual low-rise buildings or in the form of a podium to a mid-rise or tall building. East of John Street, the Precinct will predominantly contain tall buildings but the permitted maximum building heights shall be context-specific for each block.

**8.1.1(3.5.1) POLICIES**

- a) The following uses may be permitted within the Lakeshore Precinct:
  - (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings;
  - (ii) office uses;
  - (iii) retail and service commercial uses at grade;

- (iv) hotel uses;
- (v) entertainment uses; and
- (vi) recreation uses.
- b) Development shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.5.1) a) of this Plan and should contain three permitted uses, where feasible.
- c) Development shall:
  - (i) be in the form of low-rise buildings with a height not to exceed three (3) storeys within 20 metres of Lakeshore Road from Lower Hager Creek to Elizabeth Street as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan;
  - (ii) be in the form of low-rise buildings or mid-rise buildings west of Locust Street, beyond 20 metres of Lakeshore Road as shown on Schedule D-2; and
  - (iii) be in the form of tall buildings east of John Street, other than for the area subject to Subsection 8.1.1(3.5.1) c) (i), with a height not to exceed heights shown on Schedule D-2.
- d) New development shall protect and enhance public views to the Brant Street Pier and/or Lake Ontario from the north-south streets and shall enhance public access to the waterfront through open space corridors and appropriate design considerations.

### 8.1.1(3.5.2) SITE-SPECIFIC POLICIES

- a) **374 and 380 Martha Street:** ~~The properties located at 374 and 380 Martha Street, shall be permitted: and identified in Appendix I of this Plan, may be the subject of a future site-specific amendment. The amendment may be incorporated at the time of approval of this Plan by the Region of Halton or as part of an Official Plan amendment associated with the implementation of an approved Downtown Area Specific Plan.~~
  - i) a maximum building height of 27 storeys (88.75 metres); and
  - ii) a maximum floor area ratio shall be 13.3:1.
- b) **2069 Lakeshore Road:** The property located at 2069 Lakeshore Road shall be permitted:
  - i) a maximum building height of 22 storeys;
  - ii) a minimum building setback of 12.5 metres from the northern property line except for the existing heritage buildings on the site which shall be maintained for live-work purposes; and
  - iii) balconies facing north shall be situated and designed to reduce overlook on the townhouses to the north.

**8.1.1(3.12) THE CANNERY PRECINCT**

~~The Cannery Precinct establishes a major landmark location within the Downtown. Development within the precinct will establish a height maximum for the Downtown, outside of the Upper Brant Precinct. Development will provide new public spaces befitting the significance of the area, ensure that public view corridors to the Brant Street Pier and Lake Ontario are maintained and enhanced, and achieve a high degree of architectural and urban design excellence.~~

**8.1.1(3.12.1) POLICIES**

- a) ~~The following uses may be permitted within the Cannery Precinct:
 
  - (i) ~~residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings;~~
  - (ii) ~~office uses;~~
  - (iii) ~~retail and service-commercial uses;~~
  - (iv) ~~hotel uses;~~
  - (v) ~~entertainment uses; and~~
  - (vi) ~~recreation uses.~~~~
  
- b) ~~Development shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.12.1) a) of this Plan and should contain three permitted uses, where feasible.~~
  
- c) ~~Development shall not exceed a height of twenty-two (22) storeys, subject to the provision of the following to the satisfaction of the City:
 
  - (i) ~~the protection and enhancement of public views to the Brant Street Pier and/or Lake Ontario; and~~
  - (ii) ~~the upper storeys of a building shall incorporate a variety of architectural elements to the building, including, but not limited to, step backs, material variations, lighting and other architectural elements.~~~~

**8.1.1(3.6) OLD LAKESHORE ROAD PRECINCT**

The Old Lakeshore Road Precinct will provide for mixed-use *mid-rise buildings* consisting primarily of residential uses which are pedestrian-oriented and transit-supportive while also achieving a high standard of design. Modest *tall buildings* which transition downward from the adjacent Lakeshore ~~Downtown Core~~ Precinct towards the waterfront may be accommodated where such *development* achieves strategic public and *city* building objectives, including the provision of public waterfront access and the creation of new uninterrupted view corridors to Lake Ontario, among others.

**8.1.1(3.6.1) POLICIES**

- a) The following uses *may* be permitted within the Old Lakeshore Road Precinct:
  - (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone *ground-oriented dwellings*;
  - (ii) *office uses*;
  - (iii) retail and *service commercial uses*;
  - (iv) hotel uses;
  - (v) *entertainment uses*; and
  - (vi) *recreation uses*.
- b) *Development shall* contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.6.1) a) of this Plan.
- c) Within the West Sector (Area ‘WS’) as identified on Schedule D: Land Use-Downtown Urban Centre, of this Plan:
  - (i) *development shall*:
    - a. achieve a minimum building height of two (2) storeys; and
    - b. not exceed a height of ten (10) storeys and thirty-one and a half (31.5) m, except where permitted in accordance with Subsection 8.1.1(3.6.1) c) (ii) of this Plan.
  - (ii) *development* not exceeding fifteen (15) storeys and forty-seven (47) m in height *may* be permitted within the West Sector, subject to the provision of the following to the satisfaction of the *City*:
    - a. assembly of lands within the Old Lakeshore Road Precinct between Pearl Street and the future Martha Street alignment and view corridor to the Waterfront (including all lands within the West Sector (Area ‘WS’), portions of the westerly portion of the existing Old Lakeshore Road public right-of-way and the westerly portion of the South Sector (Area ‘SS’) lands contained within the described area);
    - b. continuation of the Martha Street alignment to meet Old Lakeshore Road;
    - c. construction, and dedication to a *public authority*, of a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Subsection 8.1.1(3.6.1) c) (ii) of this Plan;
    - d. closure of the portion of Old Lakeshore Road identified in

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- Subsection 8.1.1(3.6.1) c) (ii) a. of this Plan;
- e. provision of a view corridor from Martha Street to Lake Ontario;
  - f. provision of enhanced public spaces;
  - g. *conservation* or re-location of *significant cultural heritage resources* within the precinct;
  - h. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and
  - i. community benefits.
- d) Within the East Sector (Area 'ES') as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan:
- (i) *development shall*:
    - a. achieve a minimum building height of two (2) storeys; and
    - b. not exceed a height of six (6) storeys and nineteen and a half (19.5) m, except where permitted in accordance with Subsection 8.1.1(3.6.1) d) (ii) of this Plan.
  - (ii) *development* not exceeding eight (8) storeys and twenty-nine (29) m in height *may* be permitted within the East Sector, subject to the provision of the following to the satisfaction of the *City*:
    - a. Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;
    - b. *conservation* or re-location of *significant cultural heritage resources* within the precinct;
    - c. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and
    - d. community benefits.
  - (iii) notwithstanding Subsections 8.1.1(3.6.1) d) (i) and (ii) of this Plan, for the lands described as 2107-2119 Old Lakeshore Road and 2114 Lakeshore Road, the maximum height of buildings *shall* be ten (10) storeys and thirty-one and a half (31.5) m, except that buildings *may* be permitted up to a maximum height of twelve (12) storeys and thirty-seven (37) m, subject to the provision of the following to the satisfaction of the *City*:
    - a. Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;
    - b. *conservation* or re-location of *significant cultural heritage resources* within the precinct;

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- c. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and
  - d. community benefits.
- e) Within the South Sector (Area ‘SS’) as identified on Schedule D: Land Use-Downtown Urban Centre, of this Plan:
  - (i) *development* will be constrained due to shoreline protection and applicable setbacks in accordance with Conservation Halton requirements;
  - (ii) existing buildings *may* be maintained, renovated or repaired if damaged, but *may* not be expanded;
  - (iii) notwithstanding Subsections 8.1.1(3.6.1) e) (i) and (ii) of this Plan, *should* shoreline studies be completed to the satisfaction of the *City* and Conservation Halton demonstrating that lands within the South Sector are developable, the lands located east of the Martha Street alignment *shall* continue to be subject to the policies of the East Sector contained in Subsection 8.1.1(3.6.1) d) of this Plan and lands west of the Martha Street alignment *shall* continue to be subject to the policies of the West Sector contained in Subsection 8.1.1(3.6.1) c) of this Plan.
- f) Within the Old Lakeshore Road Precinct, the preferred means of conserving significant cultural heritage resources ~~should be conserved and will be~~ integrated into new development. The re- location of *cultural heritage resources* within the precinct will be considered, including within a Conservation Halton setback from Lake Ontario, as an alternative to the removal of such buildings.
- g) The transfer of *development* rights to other lands within the Old Lakeshore Road Precinct is permitted for the following properties, subject to approval of such plans by the *City*, as a means of *conserving* in perpetuity the buildings identified below:
  - (i) 2101 Old Lakeshore Road (The Chrysler Carriage House): A floor area of 320 sq. m. *may* be transferred to other lands in the East Sector once the building has been designated pursuant to Part IV of The Ontario Heritage Act and a *conservation* easement has been granted for the entire building, in favour of the *City* by the owner of the property;
  - (ii) 2084 Old Lakeshore Road (former Estaminet): A floor area of 1,500 sq. m. *may* be transferred to other lands in the West Sector once the building has been designated pursuant to Part IV of The Ontario Heritage Act and a *conservation* easement has been granted for the entire building in favour of the *City* by the owner of the property.

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- h) A holding zone *may* be used to specify the conditions of *development* that must be completed to achieve the higher density *development* outlined in Subsections 8.1.1(3.6.1) c) (ii) and d) (ii) of this Plan.
- i) Notwithstanding Subsection 4.5.3(2) e) of this Plan, the following policies *shall* apply with respect to the provision of a waterfront trail:
  - (i) along the waterfront where the distance between the water and the public right-of-way will accommodate both the *development* and the Waterfront Trail, the proponent *shall* undertake the following as a condition of approval of a *development application* to the satisfaction of the *City*:
    - a. dedicate, free of charge to the *City*, lands below the *stable top of bank*, as identified by Conservation Halton and the *City*;
    - b. dedicate to the *City* as part of parkland dedication, a minimum fifteen (15) m wide strip of land above the *stable top of bank*. *Should* the value of this dedication exceed normal parkland dedication, the proponent would receive compensation for the difference (i.e. either payment or provision of community benefits) as a condition of approval;
    - c. carry out a survey, shoreline protection, and complete construction of the Waterfront Trail above the *stable top of bank*;
    - d. dedicate free of charge to the *City*, the completed Waterfront Trail and associated land; and
    - e. dedicate free of charge to the *City*, any required links to adjacent public open space, roadways and other properties.
  - j) The *City* will consider undertaking an *area-specific plan* for lands within the Old Lakeshore Road Precinct with respect to the review of existing height and density permissions and conditions for *development* as stated within this Plan, as well as other matters as determined by the *City*. The *area-specific plan shall* undertake such a review in terms of achieving key *city* building objectives including, but not limited to, the following:
    - (i) the creation of new public pedestrian connections and park spaces along the waterfront, including any potential *linkages* with adjacent *development* as well as areas designated Downtown Parks and Promenades within this Plan;
    - (ii) the creation of a new view corridor from Martha Street at Lakeshore Road to Lake Ontario including the establishment of any potential associated pedestrian connections; and
    - (iii) the undertaking of a detailed shoreline study to assess potential impacts on *development* potential within the precinct, to be

undertaken in consultation with Conservation Halton.

- k) In the case of a *development application* preceding an *Area Specific Plan* for the lands within the Old Lakeshore Road Precinct, a special study for the entire Old Lakeshore Road Precinct *shall* be submitted and implemented based on a terms of reference completed to the satisfaction of the *City*. The special study *shall* demonstrate how the proposed *development* contributes towards, or does not impede the achievement of, the policy objectives for the Old Lakeshore Road Precinct identified in Policy 8.1.1 (3.6.1) a) through j). The special study will also demonstrate how the *development* is consistent with all applicable Official Plan policies and *design guidelines*.

### **8.1.1(3.7) MID BRANT PRECINCT**

The Mid Brant Precinct will serve as a northerly extension of the low-rise, retail main street character along Brant Street. The Mid Brant Precinct will also serve as a mixed-use Precinct containing a significant amount of retail space including the retention of a food store function. The precinct will function as a major retail centre that serves the day-to-day and weekly shopping needs of Downtown residents. The Precinct offers the opportunity to accommodate larger retail stores internal to the block and which do not front onto Brant Street.

Development adjacent to Brant Street will achieve a low-rise built form, which could be in the form of individual low-rise buildings or in the form of a podium to a mid-rise or tall development, where the mid-rise or tall building height is set back from Brant Street 20 metres and terraced along the Rambo Creek.

It is intended that future development will result in the redevelopment of surface parking lots and the commercial plaza and result in the creation of a walkable Precinct.

### **8.1.1(3.7.1) POLICIES**

- a) The following uses may be permitted within the Mid Brant Precinct:
- (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings;
  - (ii) office uses;
  - (iii) retail and service commercial uses at grade;
  - (iv) hotel uses;
  - (v) entertainment uses; and
  - (vi) recreation uses.
- b) Development shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.7.1) a) of this Plan and should contain three permitted

- uses, where feasible.
- c) Brant Street within the Mid Brant Precinct shall be considered a Retail Main Street and development shall be required to address the Retail Main Street priority requirements in Section 8.1.1(3.21).
  - d) Notwithstanding the permitted uses in Subsection 8.1.1(3.7.1 a), residential and office uses shall not be permitted on the ground floor facing Retail Main Streets as shown on Schedule D-1: Downtown Retail Streets, of this Plan. Residential lobbies should be located on side streets or at the rear of the building where feasible.
  - e) Development shall:
    - (i) be in the form of low-rise buildings with a height not to exceed three (3) storeys within 20 metres of Brant Street;
    - (ii) be in the form of low-rise buildings or mid-rise buildings with a height not to exceed eleven (11) storeys adjacent to existing John Street and beyond 20 m of Brant Street;
    - (iii) be in the form of tall buildings with a height not to exceed seventeen (17) storeys in other parts of the Precinct as shown on Schedule D-2 Downtown Urban Centre Heights, of this Plan;
    - (iv) create an appropriate height transition to the neighbourhoods to the east and the open space block along Rambo Creek through the use of a 45 degree angular plane measured from the western property line of the creek block and through intervening low-rise buildings or other built form transition to create a pedestrian scale adjacent to the open space block as determined through a comprehensive block plan.
  - f) A comprehensive block plan, to the satisfaction of the City, shall be required prior to any development being approved between Caroline Street and Victoria Avenue. The parameters of the comprehensive block plan are set out in Policy 8.1.1(3.20) and shall provide for:
    - (i) A transportation connection extending north from John Street to Victoria Avenue along with an assessment of the function, ownership, cross-section, alignment and design of the transportation connection;
    - (ii) An increased creek block along Rambo Creek with a walking trail along the west side of the creek as set out in Subsection 8.1.1(3.14.1)(o);
    - (iii) An assessment of the need for, and recommended location of, east-west pedestrian connections;
    - (iv) A transition to the adjacent Residential – Low Density or Low-Rise Neighbourhood Precinct, as identified on Schedule C: Land Use – Urban Area or Schedule D: Land Use – Downtown Urban Centre respectively, using the Rambo Creek and all associated setbacks and

- buffers, transportation connection and built form to provide the transition;
- (v) A new public urban park within the Precinct including the size, location and configuration of the public park as set out in Section 8.1.1(3.14.1)(n); and
  - (vi) The location and configuration of the retail and *service commercial* floor area as required by Subsection 8.1.1(3.7.1)(h).
- g) Where a *key natural feature* or a *watercourse* feature separates a proposed *mid-rise building* or *tall building* from the adjacent *Low-Rise Neighbourhood Precinct*, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, the 45-degree angular plane, required in Subsection 8.1.1(3.19.4) a), shall be measured from the original western boundary of the *key natural feature* or *watercourse*.
- ~~a) The City will encourage the development and retention of food stores in the Downtown Urban Centre, which are essential to serve the day to day shopping needs of current and future residents and employees and support the long term success of the Downtown as a complete community.~~
- h) The City shall require as part of any future redevelopment of 535, 559 and 601 Brant Street: The properties located at 535, 559 and 601 Brant Street shall, as part of any future development, retain the retention of the planned function of the property as a *major retail* centre that serves the day-to-day and weekly shopping needs of Downtown residents and employees which shall include including:
- (i) Providing retaining, at minimum, 50,000 m<sup>2</sup> of all existing retail and *service commercial* and *office* floor area; and
  - (ii) retaining a food store function as part of the minimum floor area in (i).

### 8.1.1(3.8) UPPER BRANT PRECINCT

The Upper Brant Precinct will accommodate *development* with a variety of building heights proportional to parcel size depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest *developments* in the Downtown located along and north of Ghent Avenue. *Development* will generally achieve a height and density that reflects the precinct’s walking distance to *higher-order transit* at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while also achieving *compatibility* with adjacent ~~established~~ Residential-low density residential areas shown on Schedule C: Land Use – Urban Area, of this Plan.

A low-rise feel will be maintained for pedestrians along Brant Street through setbacks above the third storey for buildings *abutting* Brant Street. However, to balance the objectives of providing increased density within walking distance to

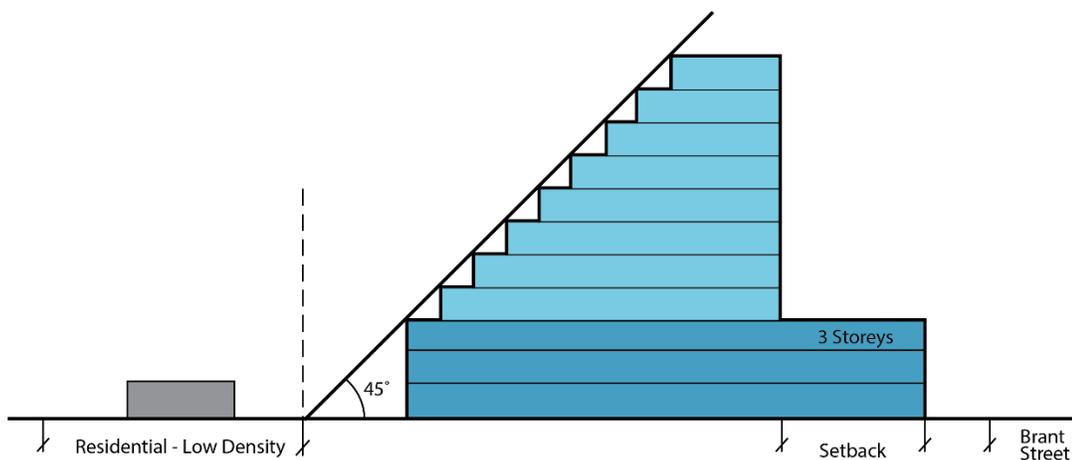
the Burlington GO Station, providing for a transition to adjacent established low-rise residential areas and to provide for a setback along Brant Street above the third storey, flexibility *may* be considered in the depth of the setback from Brant Street above the third storey.

**8.1.1(3.8.1) POLICIES**

- a) The following uses *may* be permitted within the Upper Brant Precinct:
  - (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone *ground-oriented dwellings*;
  - (ii) *office uses*;
  - (iii) retail and *service commercial uses*;
  - (iv) hotel uses;
  - (v) *entertainment uses*; and
  - (vi) *recreation uses*.
- b) Development *abutting* Brant Street shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.8.1) a) of this Plan and *should* contain three permitted uses, where feasible.
- c) Notwithstanding the permitted uses in Subsection 8.1.1(3.8.1) a), residential uses shall not be permitted on the ground floor facing Mixed Use Streets as shown on Schedule D-1: Downtown Urban Centre Retail Streets, of this Plan. Residential lobbies/access *should* be located on side streets or at the rear of the building where feasible.
- d) New development shall generally be comprised of tall buildings at the northern end of the Precinct and *mid-rise buildings* at the south according to the maximum heights set out in Schedule D-2: Downtown Urban Centre Heights, of this Plan.
- ~~e) Development shall not exceed a height of twenty five (25) storeys except in the following sectors where maximum height shall be limited to one (1) storey for every four and a half (4.5) m of parcel depth or the following, whichever is less:~~
  - ~~(i) eleven (11) storeys within Sector One (Area ‘S1’) as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan;~~
  - ~~(ii) seven (7) storeys within Sector Two (Area ‘S2’) as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan; and~~
  - ~~(iii) seventeen (17) storeys within Sector Three (Area ‘S3’) as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan.~~
- e) Buildings *abutting* Brant Street shall incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street.

The setback *should* be similar to the 20 m setback in the Brant Main Street and Mid Brant Precincts, but flexibility in the setback may be considered through the review of *development applications* due to the wider Brant Street right-of-way in this precinct and in order to provide a transition to the adjacent Residential-Low Density designations, shown on Schedule C: Land Use – Urban Area, of this Plan, as required in 8.1.1(3.8.1) g). Direction on the form of the step-back will be provided in the Downtown Placemaking and Urban *Design Guidelines*.

- f) Adjacent to *Mid-rise and tall buildings shall achieve a terraced built form with building height oriented toward Brant Street and away from areas designated Residential-Low Density on Schedule C: Land Use-Urban Area, of this Plan, mid-rise and tall buildings shall achieve a terraced built form with building height oriented away from the Residential-Low Density designations.* Terracing *shall* be in accordance with a forty-five (45)-degree angular plane measured from a property line shared with a property designated Residential-Low Density on Schedule C: Land Use-Urban Area of this Plan.



Graphic 8-2. Cross section showing built form and transition along Brant Street.

- g) ~~Within Sector Three (Area 'S3'), as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan, *Ground-oriented dwellings* with a maximum height in accordance with Subsection 8.1.1(3.8.1) d) f) of this Plan ~~*shall*~~ *should* be provided adjacent to a property line shared with a property designated Residential Low-Density on 'Schedule C: Land Use – Urban Area' of this Plan. Alternatively *ground-oriented dwelling units* could be incorporated into a *podium* of a mid-rise or tall building provided the *podium* meets the angular plane requirements of Policy 8.1.1(3.8.1) f).~~
- h) ~~The City's implementing Zoning By Law will consider *physical character* including site orientation, building design, building height and establish a~~

~~minimum rear yard setback requirement for *development* within Sector 2 (Area 'S2'), as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan, which ensures a consistent and *compatible* separation distance is maintained between a *development* and the principal residential building located on an adjacent property designated Residential – Low Density on Schedule C: Land Use – Urban Area, of this Plan.~~

- h) Additional park space shall be provided in the precinct through one or more urban squares or Privately Owned Publicly Accessible Open Spaces (POPS), that will create leisure opportunities for the residents of the precinct and surrounding areas. Development applications on site larger than 0.4 ha shall provide a park concept plan to illustrate how an urban square or POPS could be provided and function on the site.

### 8.1.1(3.9) DOWNTOWN EAST CORE PRECINCT

The Downtown East Core Precinct will serve as the pre-eminent destination for *office and major office* uses, post-secondary educational and other learning facilities and provide *significant* opportunities for residential uses within mixed-use *developments*. Retail and *service commercial* uses, ~~including food stores,~~ will be the predominant use at grade along Mixed Use Streets, as shown on Schedule D-1: Downtown Retail Streets, of this Plan to serve the day-to-day needs of Downtown residents and employees. In addition, the precinct will be a focus for the provision of public use parking to support retail and *office* uses throughout the Downtown.

*Development* will primarily be in the form of *tall buildings* which are informed by historical *development* patterns and precedent within the precinct. However, development will be expected to transition to, as well as achieve compatibility with, the adjacent Low-Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan. ~~Development will support and enhance the Downtown as a lively, vibrant and people-oriented place and support the Downtown's role as a major transit station area and mobility hub within the city and region.~~

#### 8.1.1(3.9.1) POLICIES

- a) The following uses *may* be permitted within the Downtown East Core Precinct:
- (i) *office* uses;
  - (ii) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone *ground-oriented dwellings*;
  - (iii) retail and *service commercial* uses;
  - (iv) commercial parking lots and structures;
  - (v) hotel uses;

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- (vi) *entertainment uses*; and
- (vii) *recreation uses*.
- ~~b) Development shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.11.1) a) of this Plan and should contain three permitted uses, where feasible.~~
- b) *Development shall:*
  - ~~(i) have a maximum height of twelve (12) storeys; or not exceed a maximum building height of seventeen (17) storeys as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan subject to policy 8.1.1(3.9.1) d), subject to a site specific Zoning By Law Amendment, where additional floors provided above the twelfth (12<sup>th</sup>) storey are provided in accordance with the following:~~
    - ~~a. one additional storey for every 150 sq. m. of dedicated office floor space; or~~
    - ~~b. one additional storey for every eight (8) underground parking spaces dedicated for public use and which shall not be for the sole use of occupants or visitors of the development.~~
  - c) Any building containing residential units above the height of a mid-rise building, shall provide one floor of office space in a podium for every three additional floors to a maximum of 17 storeys.
  - d) The City shall explore opportunities to partner in the provision of underground parking spaces dedicated for public use.
  - e) Development shall transition to adjacent Low-Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, and to the future public park between Pearl and Martha Streets north of James Street, as set out in Section 8.1.1(3.19.4) and the Downtown Placemaking and Urban Design Guidelines.

### **8.1.1(3.9.2) SITE-SPECIFIC POLICIES**

- a) 2030 Caroline Street, 510 Elizabeth Street and 2025 Maria Street:** The property located at 230 Caroline Street, 510 Elizabeth Street and 2025 Maria Street, in keeping with the intent of the precinct, shall contain, in the northern mid-rise building, a substantial floor area of office development commensurate with the development of a 17 storey residential building and a mid-rise building on the site.
- ~~a) **421 John Street:** The property located at 421 John Street, also referred to as ‘Municipal Parking Lot 4’, should be the preferred location of a future Downtown transit terminal, subject to detailed functional and technical analysis by the City, as required.~~
- ~~a) **374 and 380 Martha Street:** The properties located at 374 and 380 Martha~~

~~Street, and identified in Appendix I of this Plan, may be the subject of a future site-specific amendment. The amendment may be incorporated at the time of approval of this Plan by the Region of Halton or as part of an Official Plan amendment associated with the implementation of an approved Downtown Area-Specific Plan.~~

### **8.1.1(3.10) VILLAGE SQUARE PRECINCT**

The Village Square Precinct will serve as a pre-eminent retail destination with predominantly mid-rise residential uses within stand alone or mixed-use buildings. The Village Square development, located at 415 Elizabeth Street, will serve as the focal point of this precinct and will be maintained and enhanced as a unique retail destination. Retail and service commercial uses will be the predominant use at grade along the Retail Main Street along Pine Street and along other Mixed Use Streets in the precinct to serve the day-to-day needs of Downtown residents and employees and as a city-wide retail destination.

#### **8.1.1(3.10.1) POLICIES**

- a) The following uses may be permitted within the Village Square Precinct:
  - (i) residential uses with the exception of single detached dwellings, semi-detached dwellings;
  - (ii) retail and service commercial uses;
  - (iii) commercial parking lots; and
  - (iv) entertainment uses.
- b) Development within the Village Square Precinct shall be comprised of a mix of mid-rise and low-rise buildings on adjacent properties as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan.
- c) Development shall generally transition to a lower scale residential built form along Martha Street.
- c) ~~415 Elizabeth Street: The property~~ The Village Square development located at 415 Elizabeth Street, also referred to as 'Village Square,' should, shall be maintained as a low-rise retail development and shall as part of any future development:
  - (i) retain the existing façades located immediately adjacent to a public right-of-way;
  - (ii) ~~conserve~~ retain the cultural heritage resources at 415/417 Elizabeth Street, 423 Elizabeth Street and 416 Pearl Street; and
  - (iii) retain an open space element internal to the site which may be in the form of a Privately-Owned Publicly Accessible Space (POPS) and/or parkland dedication required under The Planning Act as part of a comprehensive development.

- e) Development abutting the townhouses on Martha Street shall incorporate an appropriate built form transition in height and massing to minimize the impact of shadowing and overlook. Although a 45 degree angular plane is not required, the transition shall include a compatible interface to the townhouses which may require the use of building setbacks, step backs, property consolidations, lower building heights than the maximum permitted for mid-rise buildings, building orientation to reduce afternoon shadow, balcony orientation to reduce overlook and other possible transition tools as further described in Section 8.1.1(3.19.4) and in the Downtown Placemaking and Urban Design Guidelines.

**8.1.1(3.10.2) SITE-SPECIFIC POLICIES**

- a) 401 to 417 Martha Street: The property located at 401 to 417 Martha Street shall be permitted a maximum building height of 22 metres and shall provide a built form transition to Martha Street and the Centennial Pathway.

**8.1.1(3.11) NEIGHBOURHOOD MIXED USE BATES PRECINCT**

The ~~Bates~~ Neighbourhood Mixed Use Precinct recognizes and *conserves* the historic character of the Downtown along sections of Brant and Locust Streets, including the area’s buildings, *streetscapes* and parcel fabric. Priority within the precinct will be for the adaptive re-use of existing buildings. It is intended that development be limited opportunities for and where development existing occurs within the precinct, it will be expected to respect and maintain the existing historic character of the area’s parcel fabric and buildings through the use of lotting patterns and building forms and materials currently existing within the precinct.

**8.1.1(3.11.1) POLICIES**

- a) The following uses *may* be permitted within the ~~Bates~~ Neighbourhood Mixed Use Precinct:
- (i) residential uses;
  - (ii) ~~secondary dwelling~~ additional residential units, subject to Subsection 8.7.2 of this Plan;
  - (iii) *office* uses;
  - (iv) retail and *service commercial* uses; and
  - ~~(v) — hotel uses; and~~
  - (vi) *recreation* uses.
- b) Notwithstanding the definition of low-rise buildings and the height categories shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan, development shall not exceed a building height of three (3) storeys.
- c) Notwithstanding Section 8.1.1(3.21.1)a)i, office uses are permitted at grade in buildings fronting on Retail Main Streets within this precinct.

- ~~d) A maximum lot area for sites within the Bates Precinct shall be established through the Downtown Area Specific Plan to ensure the historic lotting pattern of the area is maintained.~~
- d) *Development shall be designed in a manner that respects and maintains the predominant physical character within the precinct, including, but not limited to, building setbacks, roof articulation and building materials.*

**8.1.1(3.11.2) BATES PRECINCT SPECIAL PLANNING AREA SITE-SPECIFIC POLICIES**

~~The Bates Special Planning Area will recognize and continue to permit an undeveloped, approved development with a building height greater than that permitted by the Bates Precinct.~~

- ~~a) For additional clarity to Schedule D: Land Use – Downtown Urban Centre of this Plan, properties located within the Bates Precinct Special Planning Area include: 1437 and 1445 Elgin Street and 452 Locust Street. The intent and policies of the Bates Precinct contained in Subsection 8.1.1(3.6) and 8.1.1(3.6.1) of this Plan shall continue to apply, except where identified below.~~
- ~~b) Notwithstanding Subsection 8.1.1(3.6.1) b) of this Plan, development within the Bates Special Planning Area shall be permitted up to a maximum height as approved by the City through a site-specific Official Plan Amendment application.~~
- a) 1437 and 1445 Elgin Street and 452 Locust Street: For the properties identified as 1437, 1445 Elgin Street and 452 Locust Street the following policies shall apply:
  - i) notwithstanding the policies contained in 8.1.1(3.2) d) ii), only retail or service commercial uses are permitted along Locust Street.
  - ii) notwithstanding the height policies contained in 8.1.1(3.13.1) b), a maximum building height of 7 storeys shall be permitted with the use of terracing above the fourth storey abutting the north property line; and
  - iii) the maximum floor area ratio shall be 4.6:1.

**8.1.1(3.12) APARTMENT NEIGHBOURHOOD DOWNTOWN MID-RISE RESIDENTIAL PRECINCTS**

~~The Apartment Neighbourhood Downtown Mid-Rise Residential Precincts are intended to accommodate limited infill development that fits into and respects the existing physical character of adjacent properties will primarily accommodate existing residential development consisting of eleven (11) storeys or less, in predominantly residential areas of the Downtown. Infill Limited development opportunities existing within the precinct will be required expected to transition to, as well as achieve compatibility with, adjacent the St. Luke’s and Emerald Low-~~

Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, as well as with other established residential neighbourhoods outside of the Downtown. Infill development will also be expected to enhance the street-level experience for pedestrians.

### 8.1.1(3.12.1) POLICIES

- a) The following uses *may* be permitted above the first storey of a *development* within the Apartment Neighbourhoods Downtown Mid-Rise Residential Precinct:
  - (i) residential uses.
- b) The following uses *may* be permitted within the first storey of a *development* within the Apartment Neighbourhood Downtown Mid-Rise Residential Precinct:
  - (i) entrances and lobbies of residential buildings uses;
  - (ii) grade-related dwelling units;
  - (iii) retail and *service commercial* and *office* uses ~~in accordance with Subsection 8.1.1(3.21) and Schedule D-1: Downtown Urban Centre Commercial and Office Streets, of this Plan;~~ and
  - (iv) *recreation uses.*
- ~~c) *Development shall be in the form of mid-rise buildings with a minimum height of five (5) storeys and a maximum height not to exceed eleven (11) storeys.*~~
- ~~e) *Notwithstanding 8.1.1(3.8.1) c), low-rise buildings in the form of townhouses and multi-residential apartments may be permitted where located on the same site as a mid-rise building.*~~
- c) Infill development within Apartment Neighbourhoods shall be located, massed and designed to:
  - (i) be compatible with, fit into and respect the physical character, including height and massing, of existing building(s) on and adjacent to the infill site;
  - (ii) provide appropriate separation distances between buildings on and adjacent to the site (including podiums and towers), so as to achieve access to natural light for interior spaces and outdoor amenity spaces, maximize opportunities for landscaped open space between buildings, and ensure privacy;
  - (iii) limit overlook to adjacent Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and Residential - Low Density designation as shown on Schedule C: Land Use – Urban Area, of this Plan;

- (iv) provide a transition between areas of different *development intensity and scale*, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards the Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and the Residential Low-Density designation as shown on Schedule C: Land Use – Urban Area, of this Plan;
  - (v) adequately limit shadow impacts on properties in adjacent Established Neighbourhood Areas as shown on Schedule B1: Growth Framework, of this Plan, and the *public realm*;
  - (vi) fit entirely within a 45 degree angular plane measured from the rear property line(s) of adjacent Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and the Residential Low-Density designations as shown on Schedule C: Land Use – Urban Area, of this Plan as set out in Subsection 8.1.1(3.19.4);
  - (vii) frame the edge of streets and parks with buildings at an appropriate height and mass to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
  - (viii) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
  - (ix) consolidate and, where achievable, relocate surface parking where it is not visible from streets, and parks;
  - (x) provide indoor and outdoor recreation space for building residents in mid-rise and tall residential *developments*;
  - (xi) provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces, such as commercial uses and grade-related *dwelling units* with front stoops and porches that take direct access from public sidewalks; and
  - (xii) maintain or replace and improve any existing indoor and outdoor residential amenities on the site.
- d) The criteria in 8.1.1 (3.12.1 d) shall be used to assess *development* applications in the Apartment Neighbourhoods.

#### **~~8.1.1(3.8.2) DOWNTOWN MID-RISE RESIDENTIAL PRECINCT SPECIAL PLANNING AREA~~**

~~*Development* within the Downtown Mid-Rise Residential Precinct Special Planning Area will recognize the area's function as a gateway to the established, low-density St. Luke's neighbourhood from Lakeshore Road along Burlington Avenue. *Development* will incorporate *sensitive* transitions that respect the built form, historic and *physical character* of adjacent properties and the broader Burlington Avenue *streetscape* through building terracing, a reduced maximum height relative to that otherwise permitted by the Downtown Mid-Rise Residential~~

~~Precinct and the incorporation of *ground-oriented dwelling units*.~~

~~For additional clarity to Schedule D: Land Use – Downtown Urban Centre of this Plan, properties located within the Downtown Mid-Rise Residential Precinct Special Planning Area include: 1383-1397, 1407, 1415 and 1421 Lakeshore Road.~~

- ~~a) — The intent and policies of the Downtown Mid-Rise Residential Precinct contained in Subsections 8.1.1(3.8) and 8.1.1(3.8.1) of this Plan shall continue to apply, except where identified below.~~
- ~~b) — Notwithstanding Subsection 8.1.1(3.8.1) c) of this Plan, *development shall*:
  - ~~(i) — terrace height away from Burlington Avenue and any adjacent property located within the St. Luke’s and Emerald Neighbourhood Precinct. Building terracing shall be in accordance with a forty-five (45) degree angular plane as measured from any property line shared with the Burlington Avenue public right-of-way and adjacent properties located within the St. Luke’s and Emerald Neighbourhood Precinct, as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan, to a maximum height which shall not exceed six (6) storeys; and~~
  - ~~(ii) — provide a building *podium* containing *units* oriented towards Lakeshore Road to be consistent with the *physical character* of the area. The height of the building *podium* shall not exceed two and half (2.5) storeys; and~~
  - ~~(iii) — provide a minimum building step back from the *podium* to the remaining portions of the building above the *podium* element of three (3) m.~~~~

### ~~8.1.1(3.9) — DOWNTOWN TALL RESIDENTIAL PRECINCT~~

~~The Downtown Tall Residential Precinct will primarily accommodate existing residential *developments* consisting of twelve (12) storeys or more in predominantly residential areas of the Downtown. Limited *development* opportunities existing within the precinct will be expected to enhance the street-level experience for pedestrians through the incorporation of building *podiums* and street-oriented uses.~~

#### ~~8.1.1(3.9.1) POLICIES~~

- ~~a) — The following uses may be permitted above the first storey of a *development* within the Downtown Tall Residential Precinct:
  - ~~(i) — residential uses.~~~~
- ~~b) — The following uses may be permitted within the first storey of a *development* within the Downtown Tall Residential Precinct:
  - ~~(i) — residential uses;~~~~

- (ii) ~~retail and service commercial and office uses in accordance with Subsection 8.1.1(3.2) and Schedule D-1: Downtown Urban Centre Commercial and Office Streets, of this Plan; and~~
- (iii) ~~recreation uses.~~
- e) ~~Development shall be in the form of a tall building with a minimum height of twelve (12) storeys and a maximum height not to exceed twenty one (21) storeys.~~
- d) ~~Notwithstanding 8.1.1(3.9.1) c) of this Plan, mid-rise buildings and low-rise buildings in the form of townhouses and multi-residential apartments may be permitted where located on the same site as a tall building.~~

**8.1.1(3.13) THE ST. LUKE’S AND EMERALD LOW-RISE NEIGHBOURHOOD PRECINCTS**

The Low-Rise Neighbourhood Precincts include the St. Luke’s Neighbourhood and Emerald Neighbourhood Precincts and other low-rise residential areas as shown on Schedule D: Land Use-Downtown Urban Centre, of this Plan. This Plan will maintain the existing established residential and historic character of these low-rise neighbourhoods. These neighbourhoods which contain predominantly single-detached housing forms, but also contain existing semi-detached, duplex, townhouse and low-rise apartment buildings.

Limited *development* opportunities ~~existing~~ within the precinct will be *compatible* with the surrounding neighbourhood area and ~~respectful of fit into~~ the existing *physical character*. ~~Enhanced cycling and pedestrian connections will allow for non-vehicle oriented travel to key destinations within the Downtown.~~

**8.1.1(3.13.1) POLICIES**

- a) The following uses *may* be permitted in the ~~St. Luke’s and Emerald Low-Rise Neighbourhood Precincts~~:
  - (i) single-detached and semi-detached dwellings;
  - (ii) townhouses, low-rise apartments and other ground-oriented, multiple unit housing outside of the St. Luke’s and Emerald Neighbourhoods;
  - (iii) existing townhouses, apartments and other existing uses within the St. Luke’s and Emerald Neighbourhoods;
  - (iv) duplexes;
  - (v) *group homes*;
  - (vi) ~~secondary dwelling~~ additional residential units, subject to the policies of Subsection 8.7.2 of this Plan;
  - (vii) day care centres, subject to the policies of Subsection 8.3.10 of this Plan: and
  - (viii) *offices* in *existing* buildings, subject to the policies of Subsection 8.3.8

of this Plan.

- b) Notwithstanding the definition of *low-rise buildings* and the height categories shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan, *development in the St. Luke’s and Emerald Neighbourhoods shall not exceed a maximum height of two and a half (2.5) storeys; however, the Plan recognizes higher heights for legally existing buildings within these neighbourhoods.*
- c) On lands ~~designated~~ within the St. Luke’s and Emerald Neighbourhoods, *development shall be permitted to a maximum density of twenty-five (25) units per net hectare or the density legally existing on a site, or a portion of a site, on the date of the approval of this Plan, whichever is greater. In other parts of the Low-Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, the maximum density is set out in the zoning by-law.*
- d) The *development* of semi-detached dwellings, within the St. Luke’s and Emerald Neighbourhoods, shall ensure that:
  - (i) the built form and design elements, architectural features, building separations, *lot coverage, scale, floor area ratio*, and landscape qualities and characteristics that are prevalent in the neighbourhood are considered;
  - (ii) attached garages are not permitted; and
  - (iii) detached garages are located in the rear yard.

**8.1.1(3.14) DOWNTOWN PARKS AND PROMENADES DESIGNATION PRECINCT**

The Downtown Parks and Promenades ~~Precinct~~ designation identifies current and future parks, promenades and green spaces within the Downtown, including key *linkages* between parks as well as new or expanded opportunities for public access to the waterfront and nature. Lands within the Parks and Promenades ~~Precinct~~ designation will primarily serve the residents and employees of the Downtown as well as provide parks of a *scale* that will serve as *significant* destinations for city-wide and regional events and activities.

**8.1.1(3.14.1) POLICIES**

- a) The objectives and policies of Section 3.3, Parks, Recreation and Open Space, of this Plan, *shall* apply on lands designated as Downtown Parks and Promenades.
- b) The following uses *may* be permitted within the Downtown Parks and Promenades ~~Precinct~~ designation:
  - (i) *existing uses*;
  - (ii) municipal parks and related facilities;
  - (iii) outdoor recreation uses;

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- (iv) non-intensive recreation uses;
  - (v) temporary retail and service commercial kiosks;
  - (vi) outdoor entertainment facilities; and
  - (vii) ~~Lands within the Downtown Parks and Promenades Precinct shall~~ provide for recreational opportunities that may include special events including festive, cultural and ceremonial activities.
- c) ~~Lands within the Downtown Parks and Promenades Precinct include~~ The Burlington Beach Regional Waterfront Park is included in the Downtown Parks and Promenades designation but are it is not intended to form part of the Urban Area.
- d) ~~The Downtown Area Specific Plan shall identify opportunities for new parks and promenades within the Downtown Urban Centre in the approximate locations identified on Schedule D: Land Use – Downtown Urban Centre, of this Plan.~~
- e) The identification of lands within the Downtown Parks and Promenades designation Precinct which are currently privately owned and/or do not serve a public function *shall* not imply that such properties are available or open to public use.
- f) New public park spaces for public use as identified on Schedule D: Land Use- Downtown Urban Centre, of this Plan, *shall* be provided as part of the future *development* of a property with preference given for the acquisition of such lands by the *City* through the parkland dedication process.
- g) Privately-Owned Publicly Accessible Open Spaces (POPS) may be used to augment public space but shall not be used as a replacement to public parkland dedication.
- h) A new public park, ~~including the creation of new pedestrian linkages connecting Birch Avenue to Emerald Crescent,~~ *shall* be planned within the area generally located north of Caroline Street between Brant Street and the Rambo Creek as represented on Schedule D: Land Use – Downtown Urban Centre, of this Plan. The exact location, size and function of the park and associated implementation policies *shall* be established through a comprehensive block plan as set out in Sections 8.1.1(3.7.1) f) and 8.1.1(3.20) the Downtown Area Specific Plan.
- i) Additional park space shall be planned within the area generally located near the intersection of Brant Street and Ghent Avenue as represented on Schedule D: Land Use – Downtown Urban Centre, of this Plan. The exact location, size and function of the park space shall be determined through the review of development applications as required by Section 8.1.1(3.8.1)h).
- j) The Lions Club Park is a privately owned facility. If the property is ever

sold or proposed for redevelopment, the City shall consider acquiring the northern part of the site for public parkland.

- k) Public amenities will be *encouraged* on *utility* corridors located within the Downtown Parks and Promenades ~~designation Precinct~~ which serve the recreation and *active transportation* needs of residents and employees and which are *compatible* with the lands' primary purpose as a *utility* corridor. Public amenities *may* include, but are not limited to, *community gardens*, multi-use pathways and/or off-leash dog parks.
- l) Notwithstanding the policies of Section 6.3, Utilities, of this Plan, surface parking areas *shall* be prohibited within a *utility* corridor except where existing or approved as of the date of approval of this Plan.
- m) ~~Connections between parks and open spaces shall provide linkages with and the surrounding precincts and neighbourhoods shall be provided through Off-Street Trails/Promenades and Green Connector Streets as delineated on Schedule D: Land Use – Downtown Urban Centre, of this Plan. in a manner that promotes efficient pedestrian and/or cycling access to, from and within the Downtown Urban Centre. Such linkages shall be identified as part of the Downtown Area Specific Plan.~~
- n) Green Connector Streets are public streets that incorporate enhanced pedestrian and /or cycling facilities within the street right of way and contribute to achieving an inter-connected network of parks, promenades and open spaces in the Downtown. Green Connector Streets differ from promenades which comprise off-street public open space lands. Enhanced landscaping within the public right-of-way, limitations on driveways and differing setbacks may be considered along Green Connector Streets. The Downtown Placemaking and Urban Design Guidelines provide additional direction on the enhanced facilities.
- o) Connections shall be provided to Spencer Smith Park and Burlington Beach Regional Waterfront Park as delineated on Schedule D: Land Use – Downtown Urban Centre, of this Plan shall establish linkages with the Downtown. Opportunities for creating additional open space and new linkages connections along the waterfront will be established assessed as part of any development proposal. the Downtown Area Specific Plan and will include assessment of opportunities which may arise as a result of the Waterfront Hotel Planning Study and the development of the lands described as 2060 Lakeshore Road, also referred to as 'Bridgewater'.
- p) In addition to those lands designated Downtown Parks and Promenades ~~Precinct~~ on Schedule D: Downtown Urban Centre, of this Plan, new ~~greenery/landscaping~~, parks and open spaces *shall* be provided ~~as part of new development~~ within the Downtown, which *may* include, but are not

limited to, dedication of parkland, and/or Privately-Owned Publicly Accessible Spaces (POPS) and/or greenery/landscaping located between a public right-of-way and a building, to be provided to the satisfaction of the City.

- q) Along Rambo Creek north of Caroline Street, the City may require dedication of additional open space along Rambo Creek beyond that required for natural heritage system dedication and hazardous lands dedication as set out in Sections 4.2.5 and 4.4.2(3) of this Plan respectively in order to create a linear open space block and off-street trail. The extent and configuration of the open space shall be delineated through the Comprehensive Block Plan.
- r) Through development applications, the City shall identify opportunities to accommodate small urban squares, generally of 0.1 to 0.5 hectares, which are publicly accessible open spaces. Urban squares are part of the parkette category of parks, as described in Section 3.3.2, but designed as urban spaces. Urban squares shall be multifunctional, flexible spaces that contribute to placemaking and may contain sitting areas, landscaping, public art and other features that allow for passive use, special events and social interaction. Urban Squares should be framed by buildings with ground floor uses that provide activity throughout the day.
- s) Urban squares may consist of public parkland or as Privately-Owned Publicly Accessible Open Spaces (POPS). Where an urban square is to remain in private ownership it shall be built and maintained by the landowner to the satisfaction of the City. An easement or other agreement with the City may be required to ensure that the urban square is open and accessible to the public at all times or as identified in the agreement.

**~~8.1.1(3.17) DOWNTOWN WATERFRONT~~**

- t) A continuous waterfront promenade shall be developed along the entire Lake Ontario frontage within the Downtown Urban Centre. The promenade may be achieved in conjunction with the necessary shoreline protection.
- u) Public access shall be provided to the Lake Ontario waterfront within the Downtown Urban Centre, where feasible.
- ~~v) Within the Downtown Urban Centre, public view corridors to the waterfront shall be provided, where feasible.~~
- v) All lands adjacent to the Lake Ontario Waterfront shall be subject to the policies of Section 4.5, Waterfront, of this Plan.

**8.1.1(3.15) DOWNTOWN PUBLIC SERVICE DESIGNATION PRECINCT**

The Downtown Public Service designation Precinct will accommodate current and future public service functions within the Downtown including public healthcare,

education, emergency and protective services, *cultural* activities, ~~and~~ civic administration and *institutional uses* such as places of worship, among others. This designation does not comprise all lands owned by public authorities but rather buildings and properties currently providing a public service that *should* be maintained in the Downtown. Places of worship, although privately owned, provide a public service that *should* be maintained in the Downtown. ~~Lands identified as public service will accommodate such functions, as required, either wholly or in conjunction with private development through a public/private partnership.~~

**8.1.1(3.15.1) POLICIES**

- a) The following uses *may* be permitted in the Downtown Public Service designation Precinct either in conjunction with a *public service facility* and/or *infrastructure* use or where such uses have been determined not to be required in accordance with 8.1.1(3.4.1) c) of this Plan:
  - (i) *Accessory* residential uses with the exception of single detached, semi-detached and other stand alone *ground oriented dwellings*;
  - (ii) *public service facilities*;
  - (iii) *office* uses;
  - (iv) *accessory* retail and *service commercial* uses;
  - ~~(v) *hotel* uses;~~
  - (vi) *entertainment* uses;
  - (vii) *institutional* uses; and
  - (viii) *recreation* uses.
- b) Public/private partnerships for the purpose of providing *public service facilities* ~~and/or *infrastructure*~~ as part of a ~~mixed-use development~~ will be encouraged.
- c) Where an Official Plan Amendment ~~a development proposal~~ is submitted to redesignate a Downtown Public Service designation for uses other than ~~does not include~~ a *public service facility* and/or *institutional infrastructure* use, the City shall provide notification to all public authorities as to the potential use of the lands for public use prior to City approval of the development.
- ~~d) Development permissions with respect to height and density for individual sites within the Downtown Public Service Precinct *shall* be established through the ~~Downtown Area Specific Plan.~~~~
- d) *Development applications* for building additions and limited infill *development* in the Downtown Public Service designation *may* be considered provided the *development application* fits into and respects the existing *physical character* and planned context of adjacent

properties.

**8.1.1(3.4.2) SITE SPECIFIC POLICIES**

**8.1.1(3.16) DOWNTOWN WATERCOURSE AND NATURAL HERITAGE SYSTEM DESIGNATION**

Lands within the Downtown Watercourse and Natural Heritage System Designation include lands delineated on Schedule D: Land Use - Downtown Urban Centre as Natural Heritage System and Watercourse.

Lands delineated on Schedule D as Natural Heritage System include *natural heritage features and areas*, and the *linkages* and inter-relationships between them. The Downtown Natural Heritage System forms a part of the broader *City and Regional Natural Heritage System*. A *significant woodland* associated with Lower Rambo Creek has been designated Natural Heritage System.

There are two *watercourses* within the Downtown, which are considered part of the Natural Heritage System but are delineated as *Watercourse* on Schedule D, and include Lower Rambo Creek and Lower Hager Creek. These areas have been identified as *Watercourse* to reflect that *hazardous lands* and / or other elements of the Natural Heritage System are associated with these *watercourses* but the boundaries are not mapped.

**8.1.1(3.16.1) POLICIES**

- a) The policies of Section 8.4.1 of the Burlington Official Plan shall apply.
- b) Notwithstanding Subsection 8.4.1(2) c), The the following uses may be permitted in areas identified as Downtown Watercourse and Natural Heritage System designation on Schedule D: Land Use-Downtown Urban Centre, of this Plan:
  - (i) existing uses;
  - (ii) non-intensive recreation uses including pedestrian and/or cycling trails or promenades;
  - (iii) forest, wildlife and fisheries management;
  - (iv) archaeological activities;
  - (v) essential linear infrastructure; and
  - (vi) essential watershed management and flood control projects carried out or supervised by a public authority.
- ~~c) The Downtown Watercourse designation shall be designated as part of the City's Natural Heritage System in accordance with the outcomes of the Downtown Area Specific Plan.~~
- d) The precise limits of the Downtown Watercourse and Natural Heritage System designation including required buffers/setbacks/allowances shall be determined by the City, in consultation with Conservation Halton, at

~~the time of a development application and/or through the Downtown Area Specific Plan.~~

- e) All lands within the Downtown Watercourse and Natural Heritage System designation are subject to the policies of Subsection 4.4.2(3), Natural Hazards and Watercourses, and where applicable, Section 4.2, Natural Heritage System, of this Plan. Lands subject to a flooding hazard are identified on Appendix E, of this Plan.
- f) The City will undertake a Phase 2 Flood Hazard Study using more detailed topographical survey data to facilitate future development applications. Amendments to this Plan may be required to implement the findings of the study, as determined by the City, in consultation with Conservation Halton.

### **8.1.1(3.17) DOWNTOWN URBAN DESIGN**

Good urban design contributes to the economic vitality and health of a downtown. It also requires a partnership between the private and public sector to deliver innovation and high-quality design and spaces for Burlington's Downtown.

Burlington's Downtown is defined by the pattern of development established by streets, blocks, built form, public realm and private open spaces. As development occurs within the Downtown, the role of urban design will be critical in guiding development in line with the intent and policies of the Precincts.

The Design Excellence objectives and policies in Chapter 7 will be used to inform the development of the public and private realms in the Downtown. In addition to that section, the policies of Sections 8.1.1 (3.17) to 8.1.1 (3.21) shall also apply with particular focus on:

- pedestrian-friendly retail and mixed-use streets;
- vibrant people places along the street and in parks and open spaces;
- public art;
- public view corridors;
- comfortable pedestrian environments;
- appropriate height and density;
- compatible built form within each precinct;
- appropriate mix of uses;
- compatibility with the surrounding Precincts; and
- comprehensive block planning.

#### **8.1.1(3.17.1) GENERAL POLICIES**

- a) Development will be designed and built in accordance with the policies in

Chapter 7 and Section 8.1.1 (3) as well as Burlington’s Downtown Placemaking and Urban Design Guidelines, Downtown Streetscape Guidelines, Sustainable Building and Development Guidelines and any other applicable polices and guidelines. The City’s Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings and the Tall Building Guidelines shall not apply in the Downtown.

- b) The City shall achieve design excellence through the actions set out in Section 7.1.2 in order to achieve in the Downtown:
  - (i) vibrant people places that support the sense of identity of the Downtown through placemaking;
  - (ii) pedestrian-friendly streets; and
  - (iii) high-quality building design and compatible built form.

### **8.1.1(3.18) THE PUBLIC REALM**

Safe, accessible and comfortable public spaces add to the vibrancy, health and sustainability of the Downtown with particular emphasis on walkable streets and people places. The public realm within the Downtown consists of the publicly accessible spaces including the streets, sidewalks and boulevards and the parks and open spaces, both publicly and privately owned, that provide places of shared use and a place for community interaction and gathering.

Public art can enhance the public realm. Public art can reflect community values, enhance our environment, transform a downtown or landscape, heighten our awareness, or make us question our assumptions. Public art is for all, and when placed in public sites it forms a collective community expression. Public art can also help tell the story of Burlington’s Downtown and the history of the city.

Protecting public views from public spaces to features such as Lake Ontario enhances the public realm. However, the Official Plan does not protect private views to the lake or other natural features.

### **8.1.1(3.18.1) GENERAL POLICIES**

- a) The design of new development shall contribute to an attractive, sustainable and vibrant public realm and shall incorporate the following elements into the design of the Downtown that may fall both on publicly and privately owned land:
  - (i) linkages to the street network that are accessible to people of all ages and abilities;
  - (ii) streetscapes that are safe and attractive;
  - (iii) well-designed public and private open spaces; and
  - (iv) enhanced landscaping and tree planting.

### **8.1.1(3.18.2) STREETSCAPES**

- a) In accordance with the *City's* Downtown Streetscape Guidelines and the Downtown Burlington Placemaking and Urban Design Guidelines, *development shall enhance streetscapes along existing streets and blocks and create well-designed streetscapes along any new streets and blocks by addressing:*
  - (i) pedestrian comfort and safety through wider boulevards, where feasible;
  - (ii) activity on the street;
  - (iii) pedestrian and cycling amenities;
  - (iv) street *tree* preservation, planting and landscaping as set out in Section 4.3.2; and
  - (v) traffic calming and on-street parking.
- b) Mixed-use buildings *should* be set back at grade sufficient to create wide boulevards that accommodate pedestrians, street *trees* and active at-grade uses. The Downtown Placemaking and Urban Design Guidelines shall provide direction on the extent of building setback from the curb along Retail Main Streets and Mixed Use Streets.
- c) Development and re-development *should* provide for street *tree* preservation and planting in accordance with Section 4.3.2 and the Downtown Streetscape Guidelines to ensure:
  - (i) the preservation and placement of *trees* and *significant* vegetation are accommodated on public and private lands; and
  - (ii) the requirements for placement and optimal growing conditions for street *trees* are addressed.
- d) Brant Street between Caroline and Pine Streets *shall* be designed as a *flex street*, which prioritizes pedestrian movement through a pedestrian plaza and supports special events.
- e) Additional streets in the Downtown *may* be designed as a *flex street* in accordance with the Downtown Streetscape Guidelines.

**8.1.1(3.18.3) PARKS AND OPEN SPACES**

- a) The design and *development* of parks, urban squares, promenades and other open spaces will be guided by the policies of this Section as well as Sections 3.3 and 8.1.1(3.14) of this Plan.
- b) The parks and open space system will include public and private open spaces that are well designed, connected and publicly accessible.
- c) Parks and open spaces within the Downtown will be planned and designed to:
  - (i) integrate the Natural Heritage System and *key hydrologic features*;
  - (ii) integrate *cultural heritage resources*;
  - (iii) promote high visibility with prominent frontage on a public street, where

- appropriate;
- (iv) improve pedestrian and cycling access within the community;
  - (v) accommodate active and passive recreation opportunities;
  - (vi) protect and enhance the *urban forest* as per Section 4.3; and
  - (vii) create safe and comfortable settings for community events and individual use.
- d) Privately Owned Publicly Accessible Open Spaces (POPS) provided as part of a *development shall* be designed to contribute to the parks and open space network of the Downtown by:
- (i) including connections and through routes and features such as widened sidewalks, courtyards, plazas and places for informal community uses;
  - (ii) reinforcing a strong public open space character;
  - (iii) providing for year round use;
  - (iv) using durable materials and elements of interest such as special landscape features or public art; and
  - (v) providing for a maintenance and management regime that is covered by the owner of the POPS.
- e) Hard and soft landscape elements within urban squares and POPS *should* be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas, as well as the relationship between adjacent buildings and the *streetscape*.

#### **8.1.1(3.18.4) PUBLIC ART**

- a) As per Section 3.4.3, public art is *encouraged* as part of all large scale private *developments* and capital projects.
- b) In addition to locations within the Downtown identified within the Public Art Master Plan, the *City* will support the inclusion of public art along the waterfront, in parks, urban squares and POPS and in highly visible and publicly accessible locations to promote a sense of place.

#### **8.1.1(3.18.4) PUBLIC VIEW CORRIDORS**

- a) Public view corridors are the views along the north-south streets to Lake Ontario. Any *development* on the south side of Lakeshore Road *shall* maintain a public view corridor to Lake Ontario.
- e) ~~Development along Lakeshore Road and Old Lakeshore Road *shall* be terraced in a manner to *preserve* and frame public view corridors to Lake Ontario and Burlington Bay, to the satisfaction of the *City*.~~

#### **8.1.1(3.19) BUILT FORM**

A vibrant downtown is often the result of interesting and diverse buildings. The shape, size, quality and detailing of buildings have a *significant* impact on the character of an area. The built form of buildings can also have an impact on the compatibility with adjacent areas with differing built form. The policies contained in this section provide guidance for new *development* to ensure that it fits into the existing *physical character* and planned context of a precinct, is *compatible* with adjacent built form makes a positive contribution to the downtown.

*Mid-rise buildings* are the ‘in between’ scale of building with a good relationship to the street. Mid-rise defines or creates walls to the street that are tall enough to provide an urban feel to the street, but low enough to let the sun in and open the view to the sky from the street. They support a comfortable pedestrian environment, and can animate the street by lining the sidewalk with doors and windows with active uses including stores, restaurants, services, grade related apartments, and community uses.

The *development* of *tall buildings*, particularly within the Downtown, comes with more responsibility and obligations than a *mid-rise buildings* or *low-rise buildings*. *Tall buildings* have a greater potential to change the skyline, impact adjacent lower scale buildings and their outdoor *amenity areas* and impact the pedestrian experience along the street. Existing and planned context informs the appropriate fit for a tall building to limit any impacts to the adjacent and surrounding lands.

Built form transitions are important to ensure compatibility between buildings of different heights and densities particularly adjacent to the Residential Low-Density designations and the Low-Rise Neighbourhood Precincts.

### **8.1.1(3.19.1) GENERAL POLICIES**

- a) All buildings within the Downtown Urban Centre, with the exception of *low rise buildings*, and properties located within the Brant Main Street Precinct or Downtown Mid-Rise Residential Special Planning Area, shall incorporate a *podium* element as part of a building’s overall built form that:
  - a) Buildings shall be designed and placed on a site to be *compatible* with adjacent *development*, cultural heritage resource, parks and open spaces and *abutting streetscapes* and provide for:
    - (i) transitions in height and *massing*;
    - (ii) adequate setbacks between buildings, the *public realm* and adjacent or *abutting development*;
    - (iii) comfortable microclimatic conditions including sunlight access and pedestrian-level wind conditions;
    - (iv) public safety, and adequate privacy conditions for residential buildings and their outdoor *amenity areas*;
    - (v) reduced light pollution through the implementation of dark-sky principles; and

- (vi) safe connections to pedestrian and cycling routes and convenient access to public transit.
- b) Development should be designed to:
  - (i) incorporate architectural detailing and features to increase comfort, add interest and achieve a strong relationship with the street and adjacent development;
  - (ii) orient primary facades and locate pedestrian entrances to face the public street and on corner lots to face the corner of the lot or the public street with a higher priority for pedestrian access as determined by the City except along Retail Main Streets where the size and appearance of residential lobbies are to be minimized as per Policy 8.1.1(3.21)i)(vii);
  - (iii) encourage human interaction and activity at the street level and avoid blank facades along public streets and public spaces;
  - (iv) allow space for activities such as vending and outdoor seating along commercial frontages;
  - (v) provide security and privacy for residential units at street level through increased setbacks and separation from the public realm by landscaping, low walls, porches and other design elements;
  - (vi) minimize the appearance of parking garage entrances and provide screening of parking along public streets;
  - (vii) provide screening of service areas, service building elements and utilities;
  - (viii) provide design elements and treatments to minimize bird strikes; and
  - (ix) minimize the appearance of rooftop mechanical equipment by screening mechanical penthouses ~~shall be screened~~ and incorporated ~~them~~ into the overall design of a building.
- c) Development shall incorporate measures to mitigate impacts with respect to building overlook and privacy where the site is adjacent to a property located within an area designated Residential – Low Density or within the ~~St. Luke’s and Emerald Low-Rise~~ Neighbourhood Precinct, as identified on Schedule C: Land Use – Urban Area or Schedule D: Land Use – Downtown Urban Centre, of this Plan, respectively.

#### **8.1.1(3.19.2) MID-RISE BUILDINGS**

- a) Where retail at grade is not required, residential uses on the ground floor shall provide adequate public/private transition, through a minimum setback from the property line as set out in the zoning by-law.
- b) The streetwall height of a mid-rise building shall not exceed 80% of the width of the adjacent street right-of-way. Where the property abuts two streets, the streetwall height shall be based on the width of the narrower street. The

streetwall height of *mid-rise buildings* in the Downtown shall not exceed 6 storeys; and

- c) Additional stepbacks above the streetwall height shall be provided to minimize the perception of building mass from the sidewalk. *The Downtown Placemaking and Urban Design Guidelines* shall provide direction on the nature and extent of stepbacks.
- d) In order to achieve an appropriate transition as described in Section 8.1.1(3.19.4), a *mid-rise building* may need to have lower heights than the maximum permitted.

### **8.1.1(3.19.3) TALL BUILDINGS**

- a) Within the downtown, tall buildings are defined as 12 storeys in height or taller.
- b) Tall buildings shall consist of a base building (*podium*), a middle (tower), and a tower top, which should be designed as an integrated whole.
- c) Tall buildings, within the downtown, shall be designed to:
  - (i) ~~Tall buildings should~~ Provide a minimum separation distance of thirty (30) m from another *tall building*, measured above the *podium* and excluding balconies;
  - (ii) ~~Tall buildings should~~ Not exceed a maximum floor plate of 750 sq. m. for the tower portion above the *podium*, excluding balconies;
  - (iii) Provide outdoor amenity space on site, which should include play space and equipment for families;
  - (iv) Articulate tall building towers with high-quality, *sustainable* building materials and finishes to promote design excellence, innovation and building life;
  - (v) Provide a minimum ~~building tower setback~~ ~~setback from the remaining portions of a building above the podium element~~ of three (3) m ~~from the podium~~ facing all street, park and open space frontages, except where more specific guidance on stepbacks are provided in this plan. Tower stepbacks of greater than three (3) m are *encouraged* and *may* be required for *tall building* to fit harmoniously within the surrounding *physical character*, including sites that contain or are adjacent to *cultural heritage resources*; and
  - (vi) Provide a *podium* is equal in height to no higher than 3 storeys. ~~the width of the public right-of-way immediately adjacent to the façade. Where more than one public right-of-way is immediately adjacent to a building façade, the podium may be a consistent height equal to any of the public rights-of-way present.~~

- d) The design of balconies *should* maximize usability, comfort, and building performance, while minimizing *negative impacts* on the buildings mass, *public realm*, and *natural environment* by:
- (i) Avoiding placement that *significantly* increases the physical and apparent *massing* of the building; and
  - (ii) Providing for appropriate minimum depths that offer privacy and comfort.
- d) Sites that cannot provide the minimum tower separation distance of thirty (30) m or greater *may* not be appropriate for tall buildings.
  - e) Where an *office* building is proposed, the built form requirements of Subsection 8.1.1(3.19.3) c) ii) for a maximum floor plate of 750 m<sup>2</sup> *shall* not apply to the *office* building component.
  - f) In order to achieve an appropriate transition as described in Section 8.1.1(3.19.4), a *tall building* *may* need to have lower heights than the maximum permitted.

#### **8.1.1(3.19.4) TRANSITION**

- a) Where a *tall building* or *mid-rise building* is proposed adjacent to a *lot* in a Residential Low-Density designation shown on Schedule D: Land Use – Downtown Urban Centre, of this Plan or a Low-Rise Neighbourhood Precinct shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, a transition is required to reduce the potential for shadowing, pedestrian-level wind impacts and overlook on neighboring properties. The transition *shall* entail a 45-degree angular plane applied from the rear property line directly *abutting* any Residential Low-Density designation or Low-Rise Neighbourhood Precinct.
- b) Where a 45-degree angular plane is applied, no portion of the *mid-rise building* or *tall building* *shall* extend into the 45-degree angular plane, and the new building form *shall* utilize setbacks and step-backs to ensure any impacts related to the change in height, overlook, shadowing, and pedestrian level wind impacts are mitigated.
- c) Notwithstanding Subsection 8.1.1(3.19.4) b), *ground-oriented dwellings* up to 3 storeys in height, located on site with *mid-rise buildings* and/or *tall buildings*, *may* extend into the 45-degree angular plane provided the *ground-oriented dwellings* are setback at least 7.5 metres from the rear *lot* line.
- d) Where an angular plane is not required, transitions between different built forms *should* be achieved through various built form and urban design elements set out in 8.1.1(3.19.4) g) and the *Downtown Placemaking and Urban Design Guidelines*.
- e) Where a *tall building* or *mid-rise building* is separated by a public road from a Residential – Low Density designation as shown on Schedule C: Land Use –

Urban Area or a Low-Rise Neighbourhood Precinct as shown on Schedule D: Land Use - Downtown Urban Centre, a transition *shall* also be required although the separation of the public road *shall* be considered in the extent of transition required. The *Downtown Placemaking and Urban Design Guidelines shall provide greater direction on the means of transition.*

- f) A transition *should* also be considered between a proposed *tall building* or *mid-rise building* and a *ground-oriented dwelling* in the same precinct although use of a 45% angular plane will not be required. The *Downtown Burlington Placemaking and Urban Design Guidelines shall provide greater direction on the means of transition.*
- g) Transitions required in Subsections 8.1.1(3.19.4) d) e) and f) *may* take the form of setbacks, step backs, reduced overall building heights from the maximum permitted on Schedule D-2: Downtown Urban Centre Heights, of this Plan, intervening built form, smaller building and tower floorplates, separation distance, placement and orientation on a *lot*, or through varying building heights and terracing. In some circumstances, assembly of additional properties *may* be needed in order to provide an appropriate transition.
- h) Where there is a transition from a tall building to a mid-rise building, adequate separation *should* be provided between the tower component of a *tall building* and the nearest part of the *mid-rise building* to minimize overlook, shadowing and pedestrian-level wind impacts as set out in the *Downtown Placemaking and Urban Design Guidelines.*
- i) The *City's* implementing Zoning By-law *shall* establish appropriate regulations to guide *development* which:
  - i) considers *physical character* including site orientation, building design and building height; and
  - ii) ensures a consistent and *compatible* separation distance is maintained between a *development* and lands within a Low-Rise Neighbourhood Precinct shown on Schedule D: Land Use – Downtown Urban Centre, of this Plan or Residential – Low Density designation shown on Schedule C: Land Use – Urban Area.

**8.1.1(3.19.5) PARKING, LOADING AND SERVICE**

- a) The *City* will explore opportunities for public-private partnerships to expand the supply of public parking in the Downtown within existing or proposed *developments*.
- b) Parking will be *encouraged* to be located underground, or in well-designed parking structures, or where required at grade to support street related retail and *service commercial* uses, it *may* be permitted in a side yard or rear yard
- c) Service, loading and garbage storage areas will be internal to the building or, if that is not feasible, located at the rear or side of the building and screened from public view.

- d) Where parking is located in structures above ground, active uses shall be provided at the ground level facing the street or the Pedestrian Promenade and adequate screening shall be provided of vehicles on floors above grade.
- e) Vehicular access to underground parking shall not be located on a Retail Main Street and should be avoided where possible on a Mixed Use Street and a Green Connector Street.
- f) The City may consider reduced parking requirements for uses located within a conserved built heritage resource where it is demonstrated through a site-specific Zoning By-law amendment or minor variance application that the parking reduction would support the cultural heritage resource conservation objectives of Sections 3.5 and 8.1.1(3.23) of this Plan and where the City is satisfied that the parking reduction can be accommodated without causing unacceptable impacts on adjacent properties.

#### **8.1.1(3.19.6) MICROCLIMATE (WIND AND SHADOW)**

- a) Within the Downtown, tall buildings and mid-rise buildings can have an effect on the micro-climate (wind and shadows) and pedestrian experience of the public realm. To mitigate adverse impacts on the downtown public realm, applicants for development shall be required to submit a shadow study and a pedestrian-level wind study, demonstrating how any adverse impacts can be mitigated to acceptable levels.
- b) Shadow and pedestrian-level wind studies should comply with the requirements in the Shadow and Pedestrian Level Wind Study Guidelines and terms of references.

#### **8.1.1(3.20) COMPREHENSIVE BLOCK PLANS**

Comprehensive block plans will provide further guidance on planning and development within a Precinct and provide more detailed resolution for a Precinct. A comprehensive block plan is a non-statutory document considered by Council in the context of a development approval. It further articulates the policies of this Plan and the identity of a precinct by outlining specific development principles and guidelines at a level of detail that may not be appropriate at the broader Official Plan level.

#### **8.1.1(3.20.1) POLICIES**

- a) Comprehensive block plans shall provide a framework for the distribution of development and provide design direction on streets and blocks, land use, parks and open space, building massing, building setbacks, public realm and streetscapes, parking and access, landscape, pedestrian connections and heritage integration.
- b) A comprehensive block plan will be prepared for lands within the Mid Brant Precinct as required by Subsection 8.1.1(3.7.1) f).
- c) The comprehensive block plan shall be completed and approved prior to the

approval of any *development application* within the block plan area.

- d) Landowners within a block plan area are *encouraged* to work together to complete the comprehensive block plan, but an individual landowner *may* complete the comprehensive block plan for the entire block plan area if other landowners decide not to participate.
- e) A comprehensive block plan and accompanying document prepared in accordance with an approved terms of reference *may* include, among other things, the following:
- (i) Precinct identity and character;
  - (ii) the proposed layout of streets, lanes and *development* blocks;
  - (iii) the transportation and *active transportation* network, including pedestrian, cycling and transit stops;
  - (iv) the location of required parks and open spaces and any public service and/or institutional uses;
  - (v) the appropriate mix of land uses;
  - (vi) the protection of the natural heritage system in accordance with Section 8.1.1(3.5);
  - (vii) Stormwater management;
  - (viii) conservation of cultural heritage resources in accordance with Sections 3.5 and 8.1.1(3.19);
  - (ix) the distribution of height and density having regard for transition to existing low-rise neighbourhoods and appropriate relationships between built form, streets and open spaces;
  - (x) the location of publicly accessible walkways and vehicular access driveways, including mid-block connectors and potential surface parking areas;
  - (xi) the size and location of privately owned publicly accessible open spaces (POPs);
  - (xii) the identification of existing landmarks or locations for new landmarks and any special requirements for building orientation architectural features and public art;
  - (xiii) sustainable best practices;
  - (xiv) other specific urban design issues that will be addressed in implementing plan(s) of subdivision, zoning standards and site plan approvals, based on the Downtown Burlington Placemaking and Urban Design Guidelines; and
  - (xv) phasing of *development* including all relevant information required to evaluate the phasing plan.

**8.1.1(3.21) RETAIL STREETS**

Retail Streets places shall be designed to cater to pedestrians and create a vibrant street life where pedestrians spend time for both leisure and shopping. The design of the public realm and the built form must respond to the primacy of pedestrians and create a safe, welcoming and comfortable environment for high volumes of pedestrians in all seasons.

Redevelopment and changing tenants along Retail Streets, need to maintain and support the character and continuity of the retail street. Built form on these streets should respect the existing physical characteristics of the street, respond to changing markets, and promote community identity and character.

**8.1.1(3.21.1) POLICIES**

- a) Retail, *service commercial* and *office* uses at-grade may be developed in the Downtown Urban Centre in accordance with Schedule D-1: Downtown Retail Urban Centre Commercial and Office Streets, of this Plan, and in accordance with the following:
  - (i) along Retail Main Street Retail Streets, retail or *service commercial* uses shall be required continuously at grade in buildings having frontage on to public streets and the Elgin Promenade pedestrian pathways;
  - (ii) along Mixed Use Major Streets, retail, *service commercial* or *office* uses shall be permitted and may be required in the zoning By-law continuously at grade in buildings having frontage on to public streets and pedestrian pathways; and
  - (iii) ~~along General Mixed Use Streets, retail, *service commercial* and *office* uses may be permitted at grade in buildings having frontage on to public streets and/or pedestrian pathways.~~
- b) ~~The Zoning By-law shall establish Development along Main Street Retail Streets and Mixed Use Major Streets shall be required to provide a minimum floor-to-floor height at the ground floor, as established in the Downtown Area Specific Plan and/or Zoning By law, to support retail and *service commercial* uses at grade and to facilitate land use flexibility and adaptability overtime.~~
- c) ~~Development along General Mixed Use Streets may be required to provide a minimum floor to floor height, as established in the Downtown Area Specific Plan and/or Zoning By law, to facilitate land use flexibility and adaptability over time.~~
- d) ~~Development along Main Street Retail Streets, Mixed Use Major Streets and General Mixed Use Streets may be required to provide a minimum floor to floor height at grade, as established in the Downtown Area Specific Plan and/or Zoning By law, to support retail and *service commercial* uses at grade, where permitted, and facilitate land use flexibility and adaptability overtime.~~

- c) ~~The Downtown Area Specific Plan and/or Zoning By-law may shall~~ establish a maximum frontage at grade of approximately 7 to 10 metres for ~~floor area and a maximum floor area at grade per individual retail and service commercial units, along Retail Main Streets based on such considerations as planned commercial function, built form, and contribution to~~ in order to maintain the existing character of small shops along the Retail Main Streets and to achieving a vibrant, active and walkable animated built environments in the Downtown Urban Centre. Despite this maximum frontage, a retail or service commercial operation could occupy more than one individual retail and service commercial unit.
- d) The Zoning By-law shall also establish a minimum floor area at grade for new individual retail and service commercial units to ensure the unit size is viable for a range of retail and service commercial uses.
- e) ~~In development containing both retail and/or service commercial uses at grade and residential uses above the first storey, office uses and/or uses or amenities accessory to the residential use should be required as an intermediary function between floors containing retail and/or service commercial uses and residential uses to minimize the potential adverse effects of noise and vibration that may be generated by some types of retail or service commercial uses.~~
- e) Along Retail Main Streets, the existing retail GFA shall at a minimum be replaced in any new development.
- f) Retail buildings and the ground floor of mixed-use buildings should be designed to:
- (i) Emulate the eclectic, small-shop look and feel, especially along Retail Main Streets through distinct design of each individual retail and service commercial unit;
  - (ii) Maintain a fine grain of entrances along the street edge that reflects the character and rhythm of the street
  - (iii) Contain clear glazing on windows and doors along front facades to ensure active store frontages;
  - (iv) Increase setbacks adjacent to the street in order to expand the pedestrian realm and provide opportunities for patios and pedestrian amenities;
  - (v) Restrict, where possible, residential lobbies along Retail Main Street frontages and direct them to side streets or rear entrances;
  - (vi) Provide servicing, loading and parking access from a rear public lane, shared private lane and/or shared driveways where possible and not from the Retail Main Street frontage;
  - (vii) Support walkability, social interaction strong retail visibility and space for retail display in the interface between the building and sidewalk;

- (viii) Articulate storefront window treatments;
- (ix) Provide articulation with awnings, arches, canopies and colonnades where appropriate; and
- (x) Accommodate different space needs of changing retail and service commercial tenants including restaurants with minimal re-construction.

**8.1.1(3.22) DOWNTOWN MOBILITY TRANSPORTATION TRANSIT AND PARKING**

- a) ~~Policies to support the achievement of a twenty-eight (28) percent modal split target within the Downtown Urban Centre shall be established through the Downtown Area Specific Plan. Development will support the achievement of the multimodal transportation objectives and policies of Section 6.2.1 of this Plan.~~
- e) ~~The City will identify the Brant Street public right of way between Caroline and Pine Streets as the preferred location for a flex street, including through future plans and programs of City departments.~~
- d) ~~A publicly accessible pedestrian connection between Brant Street and John Street shall be established and located in general alignment with the terminus of Ontario Street at Brant Street. The pedestrian connection may be provided in the form of a Privately Owned Publicly Accessible Space (POPS) and/or as part of a parkland dedication required under The Planning Act in conjunction with a comprehensive development.~~

**8.1.1(3.23) DOWNTOWN CULTURAL HERITAGE RESOURCES**

- a) The protection and conservation of cultural heritage resources shall be in accordance with the policies of Section 3.5 of this Plan and the following policies.
- b) The integration of cultural heritage resources into any new development shall be the preferred means of conserving cultural heritage resources. The Downtown's cultural heritage resources should be conserved by being integrated into new development where possible.
- c) Any development located in close proximity to cultural heritage resources shall be sensitive to the cultural heritage context of the street and not just of the immediately adjacent buildings, to maintain the character of those areas.
- a) ~~The transfer of additional intensity to a development equal in gross floor area to that of a cultural heritage resource may be permitted in the Downtown, with the exception of the Bates and St. Luke's and Emerald Neighbourhood precincts, provided that:~~
  - (i) ~~the cultural heritage resource is listed on the City's Municipal Heritage Register and/or designated under The Ontario Heritage Act;~~

- ~~(ii) the *cultural heritage resource* is retained as part of the *development*;~~
  - ~~(iii) the *cultural heritage resource* is located on the same site as the *development* receiving the transfer; and~~
  - ~~(iv) a *heritage conservation* easement is granted for the *cultural heritage resource* in favour of the *City* by the property owner and ultimately designated pursuant to Part IV of The Ontario Heritage Act.~~
- d) The *City* will undertake a cultural heritage evaluation of potential *cultural heritage resources* and potential *cultural heritage landscapes* in the *Downtown* to determine if any *should* be listed on the Municipal Register and/or designated pursuant to The *Ontario Heritage Act* and/or protected through amendments to the *City's* Official Plan or *design guidelines*.
- (i) The *City* may prioritize the cultural heritage evaluation of potential *cultural heritage landscape study areas* and potential *cultural heritage resources* identified in Appendix H-2: Potential Cultural Heritage Study Areas: Downtown.
  - (ii) In the case of a *development application* within lands identified as potential cultural heritage resource, as identified in Appendix H-2: Potential Cultural Heritage Study Areas: Downtown, prior to the completion of a Cultural Heritage Evaluation of the same lands by the *City*, the proponent of the *development application* shall be required to submit a Heritage Impact Study as part of a complete application, in accordance with Policy 3.5.2(5) of this Plan.
  - (iii) In the case of a *development* application within lands identified as potential *cultural heritage landscape study areas*, as identified in Appendix H-2: Potential Cultural Heritage Study Areas: Downtown, prior to the completion of a Cultural Heritage Evaluation of the same lands by the *City*, the proponent of the *development* application shall be required to submit, as part of a complete application, a *Cultural Heritage Landscape Impact Assessment* in accordance with the policies of 3.5.2(5.1) of this Plan.
  - (iv) Approval of *development* on lands identified as potential *cultural heritage resources* or potential *cultural heritage landscape study areas* as identified in Appendix H-2: Potential Cultural Heritage Study Areas: Downtown may be subject to the implementation of the recommendations of a Heritage Impact Study or *Cultural Heritage Landscape Impact Assessment* completed in accordance with 8.1.1(3.23)(d)(ii) or (iii).

**8.1.1(3.24) COMMUNITY BENEFITS**

- a) Height, density and/or *intensity* permissions stated within all Downtown Urban Centre precincts, ~~with the exception of the Bates and St. Luke's and~~

## CHAPTER 8 – LAND USE POLICIES – URBAN AREA

~~Emerald Neighbourhood precincts~~, shall be inclusive of the provision of any and all community benefits which *may* be required as part of the approval of a *development* to the satisfaction of the *City*.

- b) Community benefits shall not be required for infill development within any Low-Rise Neighbourhood Precinct.
- c) The identification of specific community benefits to be provided as part of a *development* shall be based on the needs and objectives of ~~individual precincts and/or~~ the Downtown Urban Centre as a whole, ~~which and~~ shall be determined established by the City staff on a case-by-case basis or through a city wide and/or Downtown specific study through the Downtown and ~~which~~ may be implemented through agreements and/or *development* conditions required as part of the approval of a *development application*.
- d) Where the Province establishes a specific standard and process for determining community benefits, the standard shall be applied to the approval of a development application instead of the process set out in Policy 8.1.1(3.24) c).