

BY-LAW NUMBER 2020.470, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.470

A By-law to amend By-law 2020, as amended for 1026 Cooke Boulevard to facilitate the development of a 22-storey mixed use building.

File No.: 505-03/23 & 520-09/23

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-20-24 on March 19, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a 22-storey residential apartment building with ground floor commercial area;

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

1. Zoning Map Number 3-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from Mixed Use Corridor – Employment (MXE) to Mixed Use Corridor – General (MXG-534).
3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:
#83 H-MXG-534 Map 3-E Resolution:

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

- a) The owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region;
- b) The owner submits a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of Halton Region;
- c) That the owner enters into a Development Agreement, Regional Servicing Agreement and/or Special Finance Agreement, if required, to

finance the construction of the required off-site infrastructure upgrades prior to development, to the satisfaction of Halton Region;

- d) The owner submits a revised Land Use Compatibility Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;
 - e) The owner submits a revised Noise Impact Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;
 - f) The owner submits a revised Sun Shadow Study and Sun Access Factor calculations in accordance with the City’s Shadow Study Guidelines and Terms of Reference, dated June 2020 and all mitigation measures shall be incorporated into the site plan, to the satisfaction of the Director of Community Planning.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 534 as follows:

Exception 534	Zone H-MXG	Map 3-E	Amendment 2020.470	Enacted
<p>1. <u>Permitted Uses:</u></p> <ul style="list-style-type: none"> a) Only the following uses shall be permitted: <ul style="list-style-type: none"> (i) Apartment Building (ii) The following non-residential uses on the ground floor and second floor of an apartment building: <ul style="list-style-type: none"> a. Convenience/Specialty Foods Store b. Other Retail Stores c. Standard Restaurant d. Fast Food Restaurant e. Convenience Restaurant f. Veterinary Services, the keeping of animals outside is not permitted g. Other Service Commercial Uses h. All Office Uses i. Community Institution 				

2. Regulations:

a) Maximum Building Height:	22 storeys including mechanical penthouse and rooftop amenity area
b) Maximum Podium Height:	16 m up to 5 storeys
c) Maximum Floor Area Ratio:	10.5:1
d) The minimum gross floor area requirement for ground floor and second floor non-residential uses is 770m ² . Of that, a minimum gross floor area of 370 m ² shall be retail commercial uses.	
e) Maximum Tower Floorplate:	750 m ²
f) Amenity Area:	17.5 m ² per dwelling unit
g) Landscape Buffer:	
(i) South Side Yard:	2.0 m
h) Yards:	
(ii) North Side Yard:	
Floors 1 to 5:	5.5 m
Floors 6 to 21:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(iii) South Side Yard:	
Floors 1 to 5:	3 m
Floors 6 to 21:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(iv) Front Yard:	
Floors 1 to 5:	3 m
Floors 6 to 21:	6 m
Mechanical Penthouse:	9 m
Below-grade parking structure:	0.6 m
(v) Rear Yard:	
Floors 1 to 5:	6 m
Floors 6 to 21:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.5 m

i) Required Parking:	
(i) Apartment Building:	0.71 parking spaces per dwelling unit
(ii) Visitor Parking:	0.24 parking spaces per dwelling unit
Non-Residential Parking:	3.5 spaces/100 m ² of GFA (can be shared with visitor parking including designated accessible spaces)
j) Bicycle Parking:	
(i) Apartment Building:	0.05 short term bicycle parking spaces per unit 0.5 long term bicycle parking spaces per unit
(ii) Non-Residential uses:	2 long term bicycle parking spaces plus 1 space per 1,000 m ² GFA 3 short term bicycle parking spaces plus 1 space per 1,000 m ² GFA
k) For the purposes of Bicycle parking regulations:	
a)	Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
b)	Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
c)	Each bicycle parking space shall be 60cm x 1.8m in size.
Except as amended herein, all other provisions of this By-law, as amended, shall apply.	

5 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

5 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2024.

_____MAYOR

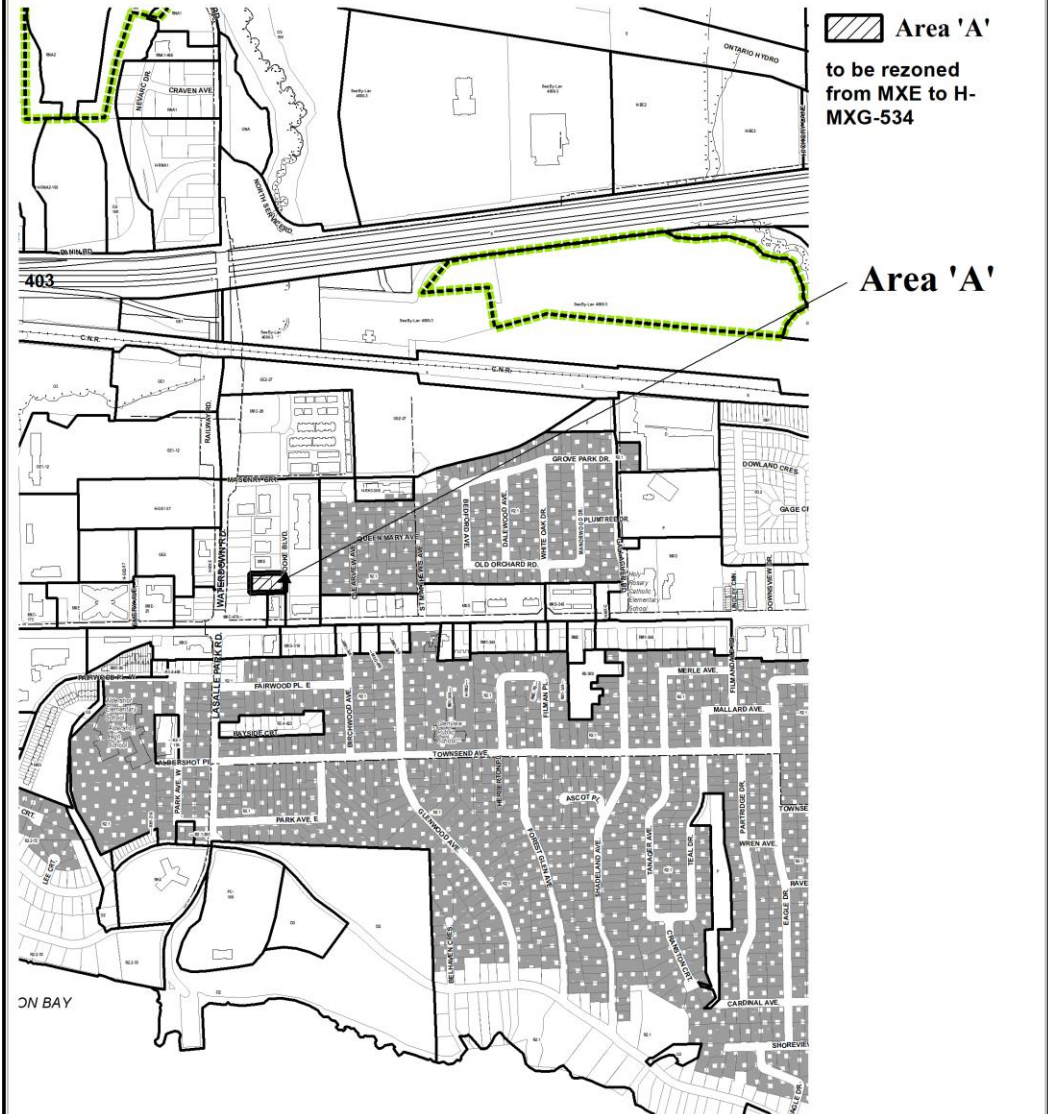
_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.470

By-law 2020.470 rezones lands on 1026 Cooke Boulevard, to permit a 22-storey residential apartment building with ground floor commercial area.

For further information regarding By-law 2020.470, please contact Elyse Meneray, Planner, of the Burlington Community Planning Department at (905) 335-7600, extension 7462.

SCHEDULE "A"



SCHEDULE 'A' TO BY-LAW 2020.470 AMENDING MAP NO. 3E PART 15, BY-LAW 2020 AS AMENDED. PASSED THE 19th DAY OF MARCH, 2024

MAYOR

CITY CLERK

