



Special Council Public Planning Meeting Agenda

**Wednesday, October 26, 2016
7 p.m.**

**Council Chambers
Aurora Town Hall**



**Town of Aurora
Special Council – Public Planning
Meeting Agenda**

Wednesday, October 26, 2016
7 p.m.
Council Chambers

1. Declaration of Pecuniary Interest and General Nature Thereof

2. Approval of the Agenda

Recommended:

That the agenda as circulated by Legislative Services be approved.

3. Planning Applications

4. Reading of By-law

Recommended:

That the following confirming by-law be given first, second, and third readings and enacted:

5916-16 Being a By-law to Confirm Actions by Council Resulting from a Special Council – Public Planning Meeting on October 26, 2016.

5. Adjournment

Agenda Items

- 1. PBS16-079 – Application for Draft Plan of Subdivision and Zoning By-law Amendment
Ballymore Building (South Aurora) Corporation
14452 Yonge Street
Part Lot 75, Concession 1
File Numbers: SUB-2016-02 and ZBA-2016-09**

Recommended:

1. That Report No. PBS16-079 be received; and
2. That comments presented at the Public Planning meeting be addressed by Planning and Building Services in a comprehensive report outlining recommendations and options at a future General Committee meeting.

- 2. PBS16-083 – Guidelines for the Implementation of Height and Density Bonusing (Section 37 of the *Planning Act*)**

Recommended:

1. That Report No. PBS16-083 be received; and
2. That the attached Guidelines for the Implementation of Height and Density Bonusing (Section 37 of the *Planning Act*) be endorsed.



**Town of Aurora
Public Planning Report**

No. PBS16-079

Subject: Application for Draft Plan of Subdivision and
Zoning By-law Amendment
Ballymore Building (South Aurora) Corporation
14452 Yonge Street
Part Lot 75, Concession 1
File Numbers: SUB-2016-02 and ZBA-2016-09

Prepared by: Drew MacMartin, Planner

Department: Planning and Building Services

Date: October 26, 2016

Recommendation

- 1. That Report No. PBS16-079 be received; and**
- 2. That comments presented at the Public Planning meeting be addressed by Planning and Building Services in a comprehensive report outlining recommendations and options at a future General Committee meeting.**

Executive Summary

This report provides Council with background information and details related to the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications submitted for 14452 Yonge Street.

- Proposed Draft Plan of Subdivision to allow 40 single detached dwelling units developed as a plan of condominium.
- Proposed Zoning By-law Amendment to implement the Plan of Subdivision from "Rural (RU-ORM) Oak Ridges Moraine" to "Detached Dwelling Second Density Residential (R2-XX) Exception Zone, Major Open Space (O-22) Exception Zone and Oak Ridges Moraine Environmental Protection (EP-ORM) Zone".
- The Heritage Advisory Committee will review the proposed Draft Plan of Subdivision and any impacts of the proposed development on the built heritage resource.
- Staff has identified matters to be addressed in greater detail prior to staff preparing a final report for Council's consideration.

Background

The subject Draft Plan of Subdivision and Zoning By-law Amendment application were submitted to the Town on August 11, 2016.

Location and Land Use

The subject lands are located west of Yonge Street and south of the railway/ GO transit line and are municipally known as 14452 Yonge Street (see Figure 1). The subject lands consist of an irregular shaped parcel that is 8.1 ha (20 acres) in size and has a frontage of 6.0 metres on Yonge Street. The subject lands are listed on the Aurora Registrar of Properties of Cultural Heritage Value or Interest. The existing building located on the east portion of the lot can be described as an arts and crafts bungalow constructed circa 1930.

The subject lands are located within the East Holland River subwatershed of Lake Simcoe and features a rolling terrain, with open meadows and heavily treed area.

The proposed development site is located directly north of the BG Properties development (formerly Coutts) which was draft approved for 195 residential units in June of 2013.

Surrounding Land Uses

North: Railway/ GO transit and existing residential;
South: BG Properties, 195 residential unit Draft Approved Subdivision;
East: Yonge Street, Aurora chamber of commerce office and existing residential;
West: Railway/ GO transit and existing residential.

Policy Context

Provincial Policies

All Planning Act development applications are subject to provincial policies. The Provincial Policy Statement (PPS) provides policy direction on matters of principal interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns. The Growth Plan for the Greater Golden Horseshoe is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area to 2041.

The Growth Plan provides a framework which guide decisions on how land will be planned, designated document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation.

York Region Official Plan (YROP)

The subject lands are designated as “Urban Area” within the York Region Official Plan. York Region’s vision for the Urban Area is to strategically focus growth while conserving resources and to create sustainable lively communities. The site has frontage along Yonge Street which is an arterial road under the jurisdiction of the Region of York with a right of way of 36 metres. The proposed development is located within Wellhead Protection Area – D.

Town of Aurora Official Plan – Yonge Street South Secondary Plan (OPA 34)

No Amendment to the Official Plan is proposed by the applicant. As illustrated on Figure 2, the subject lands are designated as “Cluster Residential”, “Private Open Space”, “Building Setback”, “Ecological Buffer”, “Environmental Protection Area” and “Environmental Restoration Area”. A brief description of the Land Use Designations that apply to the subject lands is as follows:

Cluster Residential

The permitted uses in the “Cluster Residential” Designation are single detached dwellings, semi-detached dwellings, linked housing, townhouses and private open space. The Block Plan approval encourages an appropriate mix of units related to consideration of landform conservation efforts and overall compatibility with existing development. The site is within Block ‘F’ of the Town of Aurora Yonge Street South Secondary Plan. A Block Plan (File: SUB-2010-01, Block F) has been previously applied for and approved on the subject lands.

To the greatest extent possible, land within a Cluster Residential designation shall be retained in an open or natural condition, either as Private or dedicated Public Open Space and shall not form part of individual lots. Areas retained as open space are intended to preserve the natural landscape quality of the area.

Private Open Space

Lands described as “Private Open Space” are held in private ownership and shall be limited to uses which retain the site in a primarily open condition.

Environmental Protection Areas (EPA's)

Lands described as Environmental Protected Areas (EPA's) contain the most significant areas of ecological importance within the Secondary Plan. It is the Town's intent to acquire such areas or ensure their preservation through conservation easements. No new development or land alterations shall be permitted with EPA's except for matter such as erosion and flood control works or ecologically based restoration or management.

Environmental Restoration Areas (ERA)

Environmental Restoration Areas are intended to link and enhance EPA and Environmental Function Areas (EFA) to provide wildlife movement corridors and habitat. Such features may or may not contain natural features in their current state, however, it is intended that they will eventually resemble those areas in terms of species diversification and ecological functions. Within ERAs, appropriate trails, stormwater management facilities, roads and public works are permitted provided that the ecological functions of these areas are not compromised.

Ecological Buffer

The intent of ecological buffers is to provide adequate separation between environmental areas and adjacent areas used or intended for development. Ecological buffers shall be a minimum of 10.0 metres in width measured from the dripline of trees on the boundary of the EPA to the rear lot line or equivalent of the development.

Town of Aurora Zoning By-law 2213-78, as amended

The subject lands are currently zoned "Rural Oak Ridges Moraine (RU-ORM) Zone" by the Town of Aurora Zoning By-law 2213-78, as amended (Figure 3). The existing zoning reflects the previous rural residential use on the subject lands. To implement the proposed development, the Owner is proposing to rezone the subject lands from "Rural Oak Ridges Moraine (RU-ORM) Zone" to the applicable zone designations described under the Proposed Application section of this report.

Reports and Studies

The Owner submitted the following documents as part of a complete application to the Draft Plan of Subdivision and Zoning By-law Amendment applications:

Report Name	Report Author
Architectural and Urban Design Guidelines	John G. Williams Architect
Natural Heritage Evaluation	Beacon Environmental
Landform Conservation Study	Schollen & Company Inc.
Phase 1 Environmental Site Assessment (ESA)	Canada Projects Inc. (CPG)
Phase 2 Environmental Site Assessment (ESA)	Soils Engineers Ltd.
Tree Inventory and Assessment Report and Landscape Drawings	Schollen & Company Inc.
Geotechnical Study/ Soils Report	Soils Engineers Ltd.
Hydrogeological Study/ Water Balance	WSP Canada Inc.
Lake Simcoe Protection Conformity Report	Malone Given Parsons Ltd.
Functional Servicing Report	Sabourin Kimble & Associates
Transportation Reliance Letter	Cole Engineering
Environmental Noise Assessment	Valcoustics Canada Ltd.
Stage 1 & 2 Archaeological Assessment	Archaeological Services Inc. (ASI)
Cultural Heritage Impact Assessment	Archaeological Services Inc. (ASI)

Proposed Applications

Proposed Zoning By-law Amendment

As shown in Figure 4, the Applicant proposes to rezone the subject lands from “Rural (RU-ORM) Zone” to “Detached Dwelling Second Density Residential (R2-XX) Exception Zone”, “Major Open Space (O-22) Exception Zone” and “Oak Ridges Moraine Environmental Protection (EP-ORM) Zone”.

The Owner has submitted a draft Zoning By-law which is currently under review by staff. The following is a table to compare the difference between the parent R2 zoning requirements with the proposed R2-XX Exception Zone.

	Parent R2 Zone Requirement	Proposed R2 Exception Zone
Permitted Uses	-One detached dwelling per lot - a home occupation	- One detached dwelling per lot - a home occupation
Lot Area (minimum)	460 square metres	300.0 square metres*
Lot Frontage (minimum)	15.0 metres	9.0 metres*
Front Yard (minimum)	6.0 metres	- Main Building 4.5 metres* - Garage 6.0 metres
Rear Yard (minimum)	7.5 metres	7.5 metres
Side Yard (minimum)	-one (1) storey – 1.2 metres -two (2) storeys – 1.5 metres	- one side 1.2 metres - other side 0.6 metres*
Exterior Side Yard (minimum)	6.0 metres	- Main Building 3.0 metres - Garage 6.0 metres*
Floor Area (minimum)	-One (1) storey – 120 sqm -Two (2) storey – 130 sqm	-One (1) storey – 120 sqm -Two (2) storey – 130 sqm
Lot Coverage (maximum)	35%	40 %*
Height (main building) (maximum)	10.0 metres	11.0 metres*
Parking	One (1) space for each detached dwelling unit	A minimum of two (2) parking spaces shall be provided, of which a minimum of one (1) parking space shall be provided within a private garage.*

Note: The proposed site specific exceptions are indicated in the table above with an asterisk “*”. Final zoning performance standards will be evaluated by Staff in detail prior to the implementing Zoning By-law Amendment being brought forward to Council for enactment.

Proposed Draft Plan of Subdivision

The proposed Draft Plan of Subdivision consists of lots and blocks for 40 single detached dwelling units, open space, storm water management pond, environmental protection, lands to be retained by applicant and private road.

The conceptual Draft Plan of Subdivision proposes 40 single detached condominium dwelling units (Figure 5). The future Plan of Condominium application will provide for a common element portion of the development proposal consisting of a private road network and a private storm water management pond. Blocks within the Draft Plan of Subdivision are proposed for Open Space and Environmental Protection Area. The eastern portion of the property where the existing house is located will be retained by the Owner. Due to environmental constraints within the eastern half of the subject lands, access to the proposed development will be provided from the south, through the BG Property lands (formerly Coutts, File: SUB-2012-03) which connect to Yonge Street.

The 40 single detached dwelling units propose frontages ranging from 11.6 metres to 17.5 metres and depths ranging between 32 metres and 41 metres. For servicing purposes, the proposed development will have an estimate total population of approximately 124 persons.

Trail Network

Wherever possible, identified trails will be brought into public ownership and designated as Public Open Space as reflected in the Trails Master Plan (Figure 6). In some cases trails may utilize public road allowances or easements over private land including areas designated Private Open Space. Wherever environmentally feasible, trails will be encouraged in locations which link and provide access within or adjacent to environmental lands and where it can be demonstrated that public access will not have a negative impact on the natural areas. Figure 7 illustrates a concept of the Owner's landscape plan and trail design.

Analysis

A preliminary review of the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications have been undertaken by internal departments and external agencies. Staff has identified the following matters to be addressed in greater detail prior to staff preparing a final report for Council's consideration:

- The consideration of the subject applications relative to existing and future surrounding land uses to assess the compatibility and appropriateness of the proposed Draft Plan of Subdivision and Zoning By-law amendments;
- Consideration/ accommodations for servicing and private road access from the subject lands to the abutting lands to the north (14476 Yonge Street);
- Consideration of proposed trails through the Open Space blocks;
- Consideration of noise impacts of the proposed development in relation to the Metrolinx train line and proposed 22.5m railway setback whereas 30.0m is the railway standard to residential areas;
- Consideration of the Heritage Impact of the proposed development on the subject lands; and
- Conformity with the Oak Ridges Moraine Conservation Plan and the Yonge Street South Secondary Plan.

Advisory Committee Review

The Heritage Advisory Committee will review the proposed Draft Plan of Subdivision to comment on the impacts of the proposed development on the built cultural heritage on the subject lands.

Financial Implications

There are no financial implications

Communications Considerations

On September 8, 2016, a Notice of Complete Application respecting the Draft Plan of Subdivision and Zoning By-law Amendment applications was published in the Aurora and Aurora Banner newspapers.

On October 6, 2016 a Notice of Public Planning Meeting was published in the Auroran and Aurora Banner newspapers and by mail to all addressed property Owners within a minimum of 120 metres (393 feet) of the subject lands. A Notice of the Public Planning meeting sign was also posted on the subject lands. Public Meeting notification has been provided in accordance with the *Planning Act*.

Link to Strategic Plan

The proposed Draft Plan of Subdivision and Zoning By-law Amendment applications support the Strategic Plan goal of Supporting an exceptional quality of life for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Strengthening the fabric of our community: Through the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications on the subject lands, the application will assist in working with the development community to ensure future growth includes housing opportunities for everyone and work with the development community to meet intensification targets to 2013 as identified in the Town's Official Plan.

Alternative(s) to the Recommendation

1. Direct staff to report back to another Public Planning Meeting addressing any issues that may be raised at the Public Planning Meeting.
2. Refusal of the application with an explanation for the refusal.

Conclusions

Staff will undertake a technical review of the subject application including, but not limited to, the above outlined matters, as well as the comments received from the public and Council at the Public Planning Meeting. A comprehensive report with recommendations and options will be presented to Council for consideration and direction at a future General Committee meeting.

Attachments

- Figure 1: Location Map
- Figure 2: Existing Official Plan Designation
- Figure 3: Existing Zoning By-law
- Figure 4: Proposed Zoning By-law
- Figure 5: Draft Plan of Subdivision
- Figure 6: Trails Master Plan for OPA 34 Area
- Figure 7: Landscape Concept Plan and Trail Design

Previous Reports

None.

Pre-submission Review

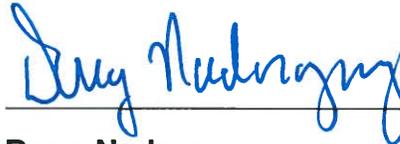
Agenda Management Team Meeting review on October 13, 2016.

Departmental Approval

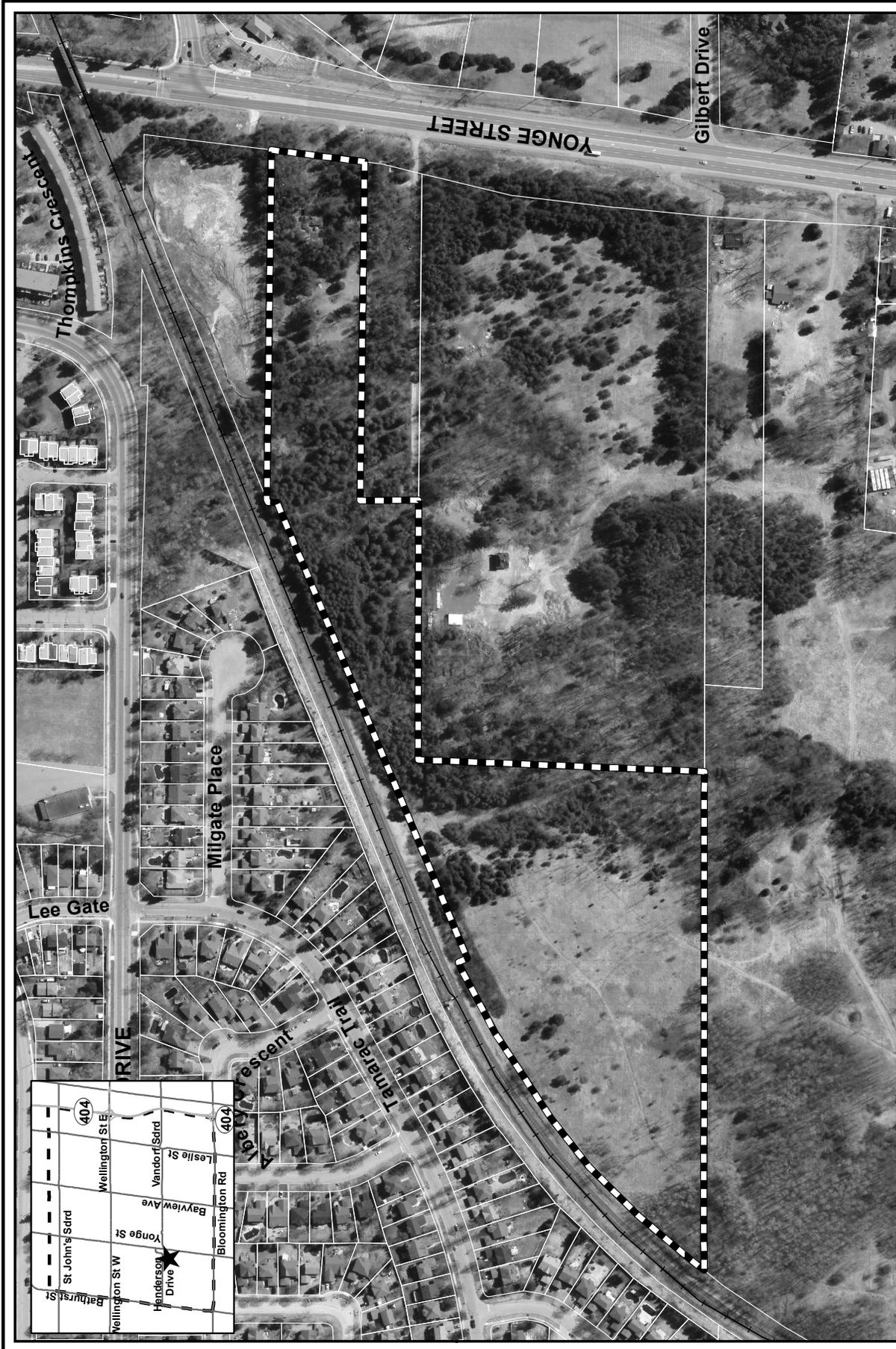


**Marco Ramunno, MCIP, RPP
Director,
Planning and Building Services**

Approved for Agenda



**Doug Nadorozny
Chief Administrative Officer**

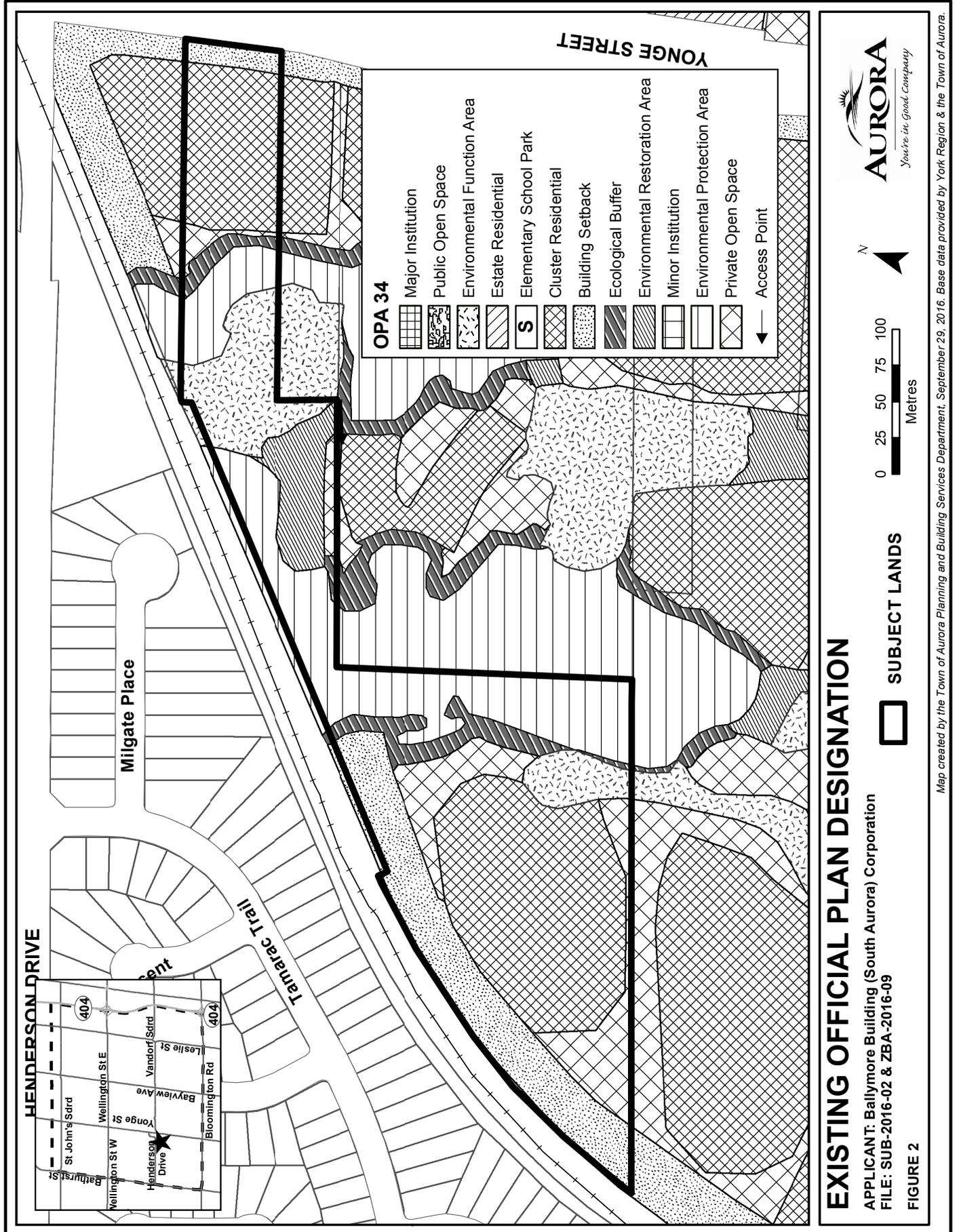


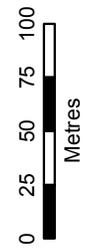
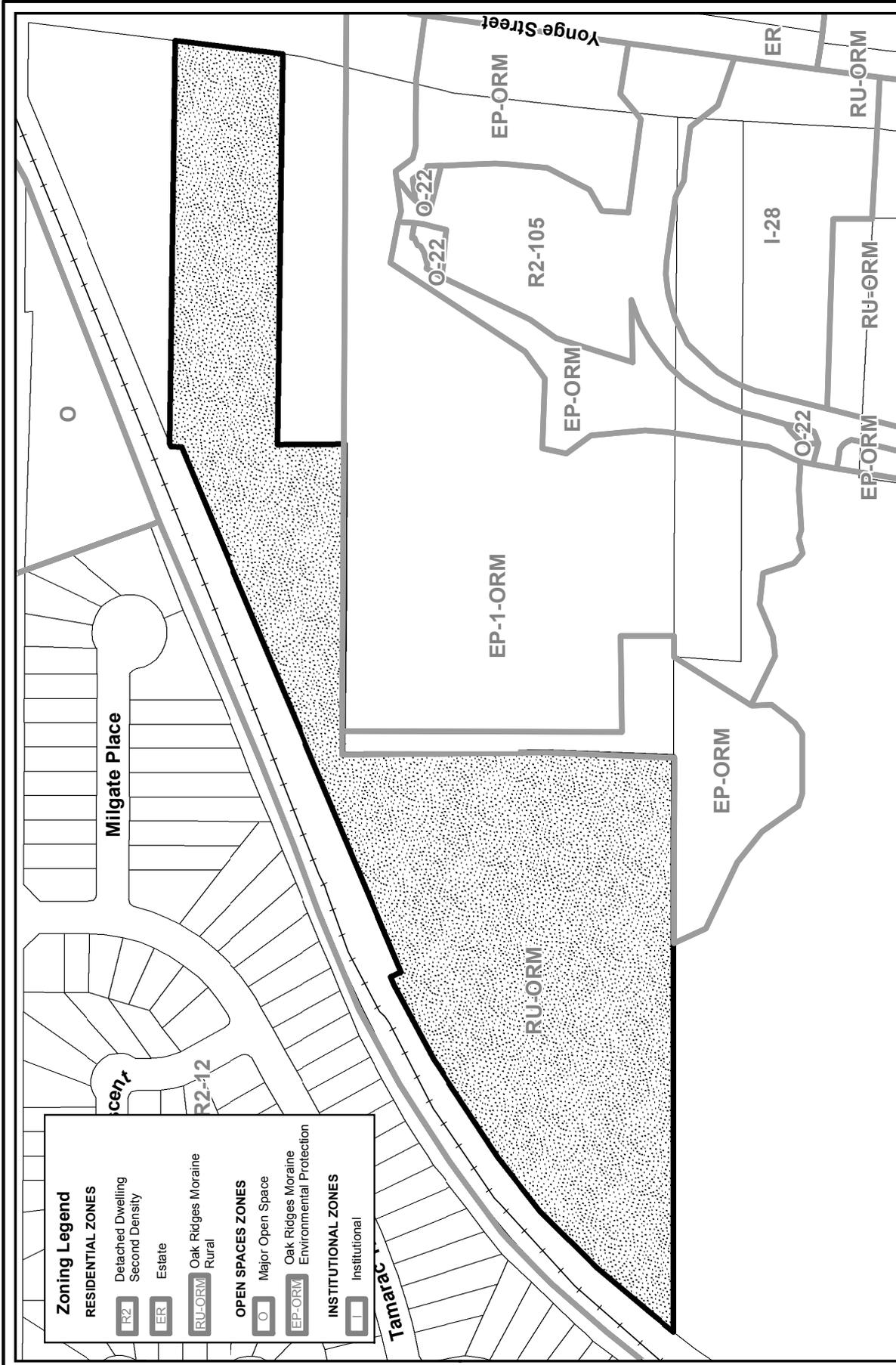
Subject Lands

LOCATION MAP

APPLICANT: Ballymore Building (South Aurora) Corporation
FILE: SUB-2016-02 & ZBA-2016-09
FIGURE 1

Map created by the Town of Aurora Planning and Building Services Department, September 29, 2016. Base data provided by York Region & the Town of Aurora. Air Photos taken Spring 2015. © First Base Solutions Inc., 2015 Orthophotography.

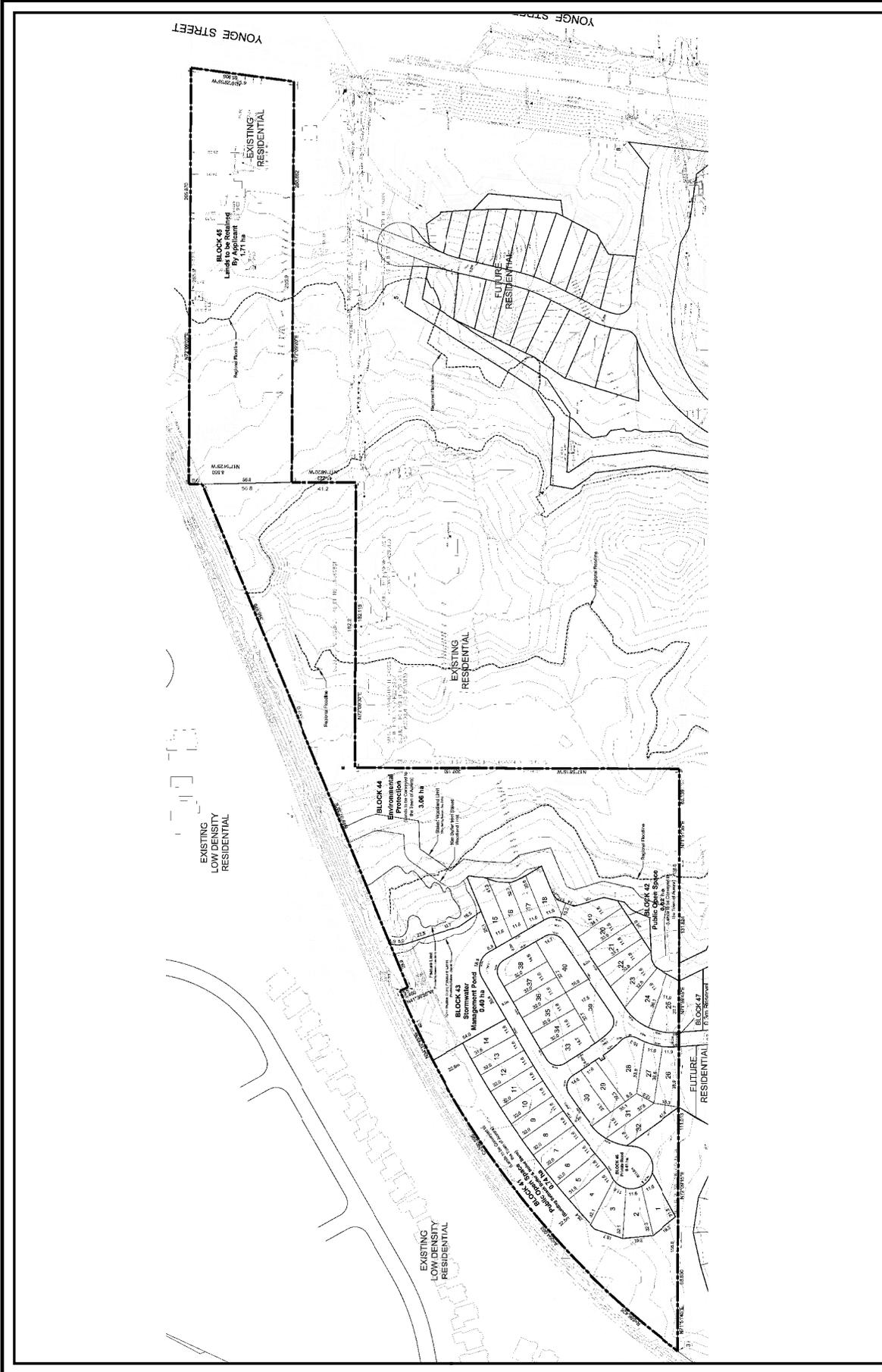




SUBJECT LANDS

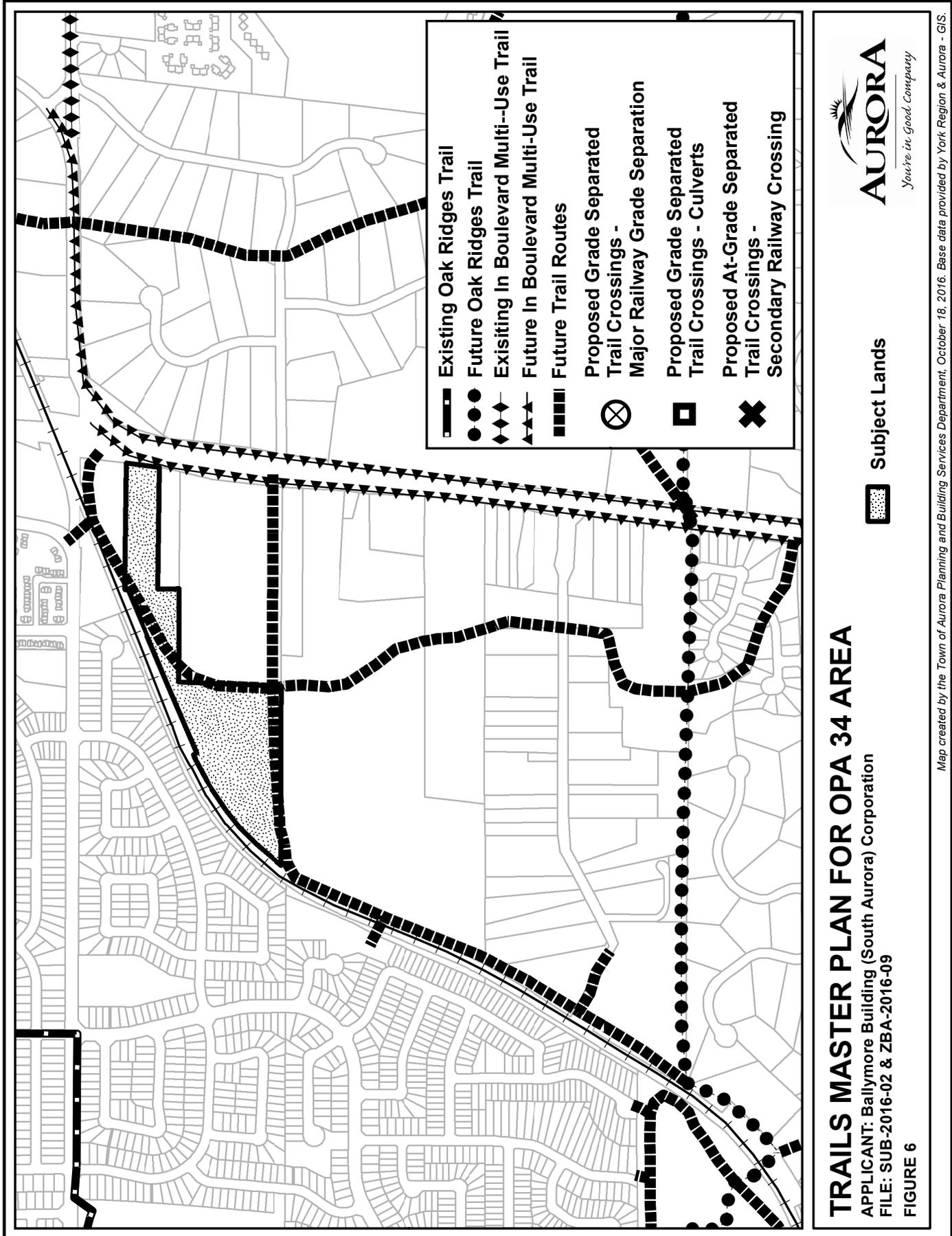
ZONING BY-LAW
 APPLICANT: Ballymore Building (South Aurora) Corporation
 FILE: SUB-2016-02 & ZBA-2016-09
FIGURE 3

Map created by the Town of Aurora Planning and Building Services Department, September 29, 2016. Base data provided by York Region & the Town of Aurora.



DRAFT PLAN OF SUBDIVISION
APPLICANT: Ballymore Building (South Aurora) Corporation
FILE: SUB-2016-02 & ZBA-2016-09
FIGURE 5





TRAILS MASTER PLAN FOR OPA 34 AREA

APPLICANT: Ballymore Building (South Aurora) Corporation
 FILE: SUB-2016-02 & ZBA-2016-09

FIGURE 6



Subject Lands



LANDSCAPE CONCEPT PLAN AND TRAIL DESIGN

APPLICANT: Ballymore Building (South Aurora) Corporation

FILE: SUB-2016-02 & ZBA-2016-09

FIGURE 7





**Town of Aurora
Public Planning Report**

No. PBS16-083

**Subject: Guidelines for the Implementation of Height & Density Bonusing
(Section 37 of the *Planning Act*)**

Prepared by: Fausto Filipetto, Senior Policy Planner

Department: Planning & Building Services

Date: October 26, 2016

Recommendation

- 1. That Report No. PBS16-083 be received; and**
- 2. That the attached Guidelines for the Implementation of Height and Density Bonusing (Section 37 of the *Planning Act*) be endorsed.**

Executive Summary

The purpose of this report is to seek Council endorsement of proposed Guidelines for the Implementation of Height and Density Bonusing (Section 37 of the Planning Act). The Guidelines describe how and where Height and Density Bonusing can be applied and describes the administrative process; including:

- A description of the planning principles to be used in evaluating applications for Height and Density Bonuses;
- a description of how Planning & Building Services will manage the process;
- guidelines governing that the community where the bonus was given benefits most from the community benefit;
- guidelines on securing the community benefits; and
- guidelines on the community benefit and land valuation processes.

Background

Height and Density Bonusing is a permission given under Section 37 of the Planning Act which allows municipalities to secure community benefits as a condition of the

approval of a zoning by-law amendment for an increase in building height and/or density over and above the existing planning permissions. Policies regarding Height and Density Bonusing are found in the Aurora Promenade section of the Town's Official Plan and include such benefits as:

- Socially assisted and supportive housing;
- housing with innovative technological, environmental or design components;
- non-profit community, cultural, social, recreational and institutional facilities;
- preservation of heritage, community identity or natural environments;
- contribution of public open spaces beyond Planning Act requirements;
- providing public access to ravines, valleys and the Aurora trail network;
- significant pedestrian or bicycling connections;
- off-site public landscape, streetscape and urban design objectives;
- provision of special facilities to enhance the environment;
- special provisions to facilitate and improve transit;
- land for other municipal purposes;
- providing local improvements; and
- Regional community and health facilities, emergency medical services and police stations

The locations in which Height and Density Bonusing may be applied are found on Schedule "B2" of the Official Plan; which is attached. These areas correspond to the "Upper Downtown," "Promenade General," and "Promenade Focus Area" designations. The intent is to apply the Bonusing Guidelines Town-wide where a rezoning application has been submitted with a request for increase in permitted height and/or density.

Analysis

Guidelines for the Implementation of Height and Density Bonusing have been drafted by staff and are attached for Council's review and endorsement. The Guidelines describe how and where Height and Density Bonusing can be applied and describes the administrative process. The following represents a summary of the proposed Guidelines.

Staff must determine whether a planning application represents good planning prior to assessing if the provisions of Section 37 can be appropriately applied

Good planning includes an analysis of how the proposed development meets the policies of the Official Plan, including any supporting documents or studies such as applicable design guidelines. It also includes an evaluation of the proposed development in the context of the surrounding neighbourhood, including adjacent and surrounding buildings and streetscapes; and ensuring adequate infrastructure (both

hard and soft services) is available to support the application. Increased Height and Density bonusing must not compromise the design of the building.

Implementation of Height and Density Bonusing will be managed by Planning & Building Services

Planning & Building Services will be responsible for the management of Height and Density Bonusing implementation. Any negotiations or recommendations in this regard will be made by Planning & Building Services; with the support and input of other Town departments as required. In addition, the appropriate Conservation Authority will be consulted where enhanced public access to natural heritage features is being considered.

The community benefit should be realized in the neighbourhood where a bonus was given

The site or neighbourhood where a bonus was given shall benefit the most from the facility or matter conveyed to the Town in return for the bonus. In some cases, Council may consider funding as part of Section 37 agreement to address particular city wide needs which cannot be adequately addressed in the vicinity of the development. Examples include funding for parks which serve a larger community or for broadly accessed amenities.

Community benefits will be secured by the Town though an agreement with the applicant

A Section 37 agreement which is registered on title securing any and all community benefits shall be entered into between the applicant and the Town prior to the enactment of the implementing zoning by-law. The agreement will also identify how any cash benefits will be used. Any cash benefit to be paid to the Town shall be secured prior to the issuance of a building permit.

On average, the Town will seek to achieve a value for community benefits which represent a range between 25% to 35% of the increase in land value resulting from the increased in height and/or density

The community benefit will be over and above what could otherwise be achieved under other Sections of the Planning Act. Section 37 agreements do not entitle reductions in Development Charges. Planning & Building Services will oversee the land valuation process in accordance with the methodology provided in the Guideline. Staff are recommending that the value for community benefits range between 25% to 35% of the increase in land value resulting from the bonus. Formulas to be used for the calculation of land valuation and community benefits are detailed in the proposed Guidelines.

October 26, 2016

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Report No. PBS16-083

Advisory Committee Review

Not applicable.

Financial Implications

Section 37 of the Planning Act allows municipalities to collect community benefits in exchange for an increase in height and density. This includes the collection of funds which could be used towards a community benefit.

Communications Considerations

Not applicable.

Link to Strategic Plan

The community benefits secured in exchange for a height and density bonus can range significantly and therefore many goals, objectives and action items of the Town's Strategic Plan can be realised through the provision of Bonusing. The policies of the Official Plan permit for Bonusing along the Yonge and Wellington Street Corridor and therefore the most applicable goal, objective and action item is:

- The Goal of: "Enabling a diverse, creative and resilient economy";
- The Objective of: "Promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business"; and
- The Action Item to: "Actively promote and support a plan to revitalize the downtown."

Alternative(s) to the Recommendation

1. Council may choose to not endorse the Implementation Guidelines for Height and Density Bonusing.
2. Council may choose to direct staff to make changes to the proposed Guidelines.

The Aurora Promenade section of the Town's Official Plan contains policies with respect to Height and Density Bonusing. The recommended Guidelines would implement the policies of the Town's Official Plan and staff are therefore asking Council for their endorsement at this time.

October 26, 2016

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Report No. PBS16-083

Conclusions

Height and Density Bonusing is a permission given under Section 37 of the Planning Act which allows municipalities to secure community benefits as a condition of the approval of a zoning by-law amendment for an increase in building height and/or density over and above the existing planning permissions. Policies regarding Height and Density Bonusing are found in the Aurora Promenade section of the Town's Official Plan. Staff have drafted Guidelines which would allow them to effectively implement the Height and Density Bonusing policies of the Official Plan and are seeking Council endorsement of the Guidelines at this time.

Attachments

Appendix 1: Guidelines for the Implementation Height and Density Bonusing
(Section 37 of the Planning Act)

Previous Reports

None.

Pre-submission Review

Agenda Management Team Meeting review on September 29, 2016.

Departmental Approval

Approved for Agenda



Marcó Ramunno
Director, Planning & Building Services



Doug Nadorozny
Chief Administrative Officer

APPENDIX 1

**Guidelines for the Implementation of Height and Density Bonusing
(Section 37 of the *Planning Act*)**

1. Introduction

Height and Density Bonusing is a permission given under Section 37 of the *Planning Act* which allows municipalities to secure community benefits as a condition of the approval of a zoning by-law amendment for an increase in building height and/or density over and above the existing planning permissions. Section 37 states that these community benefits must be secured through Agreements which are Registered on Title. Policies regarding Height and Density Bonusing are found in the Aurora Promenade section of the Town's Official Plan under Section 11.9.

2. Application

Council may consider requests for increases to height and/or density through zoning by-law amendment applications. Schedule "B2" of the Aurora Official Plan identifies the locations where a height and/or density Bonus may be permitted. The base height and/or density above which the Section 37 provisions may apply and the maximum number of bonus storeys shall also be in accordance with Schedule "B2" of the Official Plan. Should Council deem the proposed increase to building height and/or density to be appropriate, a condition of approval may be imposed requiring the provisions of certain community benefits, as identified in Section 11.9 of the Town's Official Plan.

Certain non-profit or public facilities which provide a community benefit may be exempt by Council from the provision of additional community benefits under this Guideline. Examples include social housing or affordable rental housing which is rented at or below the average Canadian Mortgage and Housing Corporation rents in the York Region CMA. In these cases, a restrictive covenant shall be registered on title in order to ensure that the property will be developed and operated for private market rental apartments for a minimum of 20 Years.

Council may request a Section 37 contribution for developments proposing increased building heights and/or density that are appealed to the Ontario Municipal Board.

The administration of this Policy and Guideline shall be the responsibility of the Director of Planning & Building Services, in consultation with Legal Services.

The application of Section 37 is intended to be applied Town-wide.

3. Planning Principles

Staff must determine whether a planning application represents good planning prior to assessing if the provisions of Section 37 can be appropriately applied. Good planning includes an analysis of how the proposed development meets the policies of the Official

Plan, including any supporting documents or studies such as applicable design guidelines. It also includes an evaluation of the proposed development in the context of the surrounding neighbourhood, including adjacent and surrounding buildings and streetscapes; and ensuring adequate infrastructure (both hard and soft services) is available to support the application. Increased Height and/or Density Bonusing must not compromise the design of the building.

4. Procedure

This process will be managed by Planning & Building Services and any negotiations or recommendations in this regard will be made by Planning & Building Services; with the support and input of other Town departments as required. In addition, the appropriate Conservation Authority will be consulted where enhanced public access to natural heritage features is being considered.

Mayor and Council shall be notified by memorandum of the list of potential community benefits and the increase in height and/or density being asked for. This notification may take place anytime prior to the item being scheduled for action at the General Committee of Council (GC). Typically this notification shall occur between the time of the public meeting and the preparation of the GC report containing the staff recommendations.

The GC report shall include the rationale for the increased building height and/or density; as well as an explanation of the nature of the community benefits to be secured by the Town. The implementing zoning by-law shall also include provisions requiring the developer to enter into a Section 37 agreement and identifying the community benefits to be secured.

5. Community benefit should be realized in the neighbourhood where a bonus was given

The site or neighbourhood where a bonus was given shall benefit the most from the facility or matter conveyed to the Town in return for the bonus. In some cases however, Council may consider funding as part of Section 37 agreement to address particular city wide needs which cannot be adequately addressed in the vicinity of the development. Examples include funding for parks which serve a larger community or for broadly accessed amenities.

6. Securing the Community Benefits

A Section 37 agreement securing any and all community benefits shall be entered into between the applicant and the Town prior to the enactment of the implementing zoning by-law. The agreement shall be registered on title and identify any and all community benefits; as well as how any cash benefits will be used. Any cash benefit to be paid to the Town shall be secured prior to the issuance of a building permit.

Proceeds will be placed in a dedicated Section 37 Reserve Fund. Proceeds for specific benefits shall be applied to a new or specified capitol project. A record of proceeds and disbursements shall be maintained in conjunction with the Reserve Fund and capitol project balances. Excess funds remaining upon completion and closing of a capitol project shall be used by the Town in accordance with Section 5 of these Guidelines.

7. Valuation of Community Benefits

On average, the Town will seek to achieve a value for community benefits which represent a range between 25% to 35% of the increase in land value resulting from the increase in height and/or density. The community benefit will be over and above what could otherwise be achieved under other Sections of the *Planning Act*, such as Sections 41, 42 and/or Section 50. Section 37 agreements do not entitle reductions in Development Charges. The Town's Planning & Building Services will oversee the land valuation process in accordance with the methodology provided in this Guideline.

7.1 Increase in Land Value Formula

The Increase in Land Value Formula shall be implemented using the following steps:

1. Determine the Base Height and/or Density and the Buildable Gross Floor Area (GFA);
2. Determine the corresponding Land Value to the Base Height and/or Density;
3. Determine the corresponding Land Value to the Proposed Height and/or Density;
4. Calculate the Increase in Land Value; and
5. Calculate the Maximum Section 37 Contribution (25% to 35% of the increase in land value resulting from the bonusing).

7.1.1 Determining Base Height and/or Density and the Buildable GFA

The Base Height and/or Density and Buildable GFA shall be determined in accordance with the policies of Section 11 of the Town's Official Plan.

7.1.2 Determining the corresponding Land Value to the Base Height and/or Density

A land value per square foot of buildable GFA shall be calculated according to the location and size (buildable floor area) of the development parcel. The values provided will be comprised of estimates from a qualified real estate appraiser. The total value of the development site according to Base Density will be calculated as follows:

Buildable GFA x Estimated Value per square foot of GFA = Total Land Value under Base Density

7.1.3 Determining the corresponding Land Value to the Proposed Height and/or Density

The corresponding Land Value to the Proposed Height and/or Density shall be calculated as follows:

Buildable GFA from Proposed Density x Estimated Value per square foot of GFA = Total Land Value under Proposed Density

7.1.4 Calculating the Increase in Land Value and Maximum Section 37 Contribution

The Increase in Land Value and maximum Section 37 contribution shall be calculated as follows:

Total Land Value under Proposed Density - Total Land Value under Base Density = Increase in Land Value; and

Increase in Land Value x Maximum % of Increase in Land Value (25% to 35%) = Maximum Upset Limit of Section 37 Contribution

7.2 Phased Developments

The appraisal for phased developments shall proceed in stages. The initial land valuation shall be based on the Phase 1 Site Plan Agreement. The Town will appraise each additional phase at the time of building permit issuance. The appropriate Section 37 benefits may be collected in stages according to the timing of each phase.

The Corporation of The Town of Aurora

By-law Number 5916-16

**Being a By-law to Confirm Actions by Council
Resulting from a Special Council – Public Planning
Meeting on October 26, 2016.**

The Council of the Corporation of The Town of Aurora hereby enacts as follows:

1. That the actions by Council at its Special Council – Public Planning meeting held on October 26, 2016, in respect of each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor and the proper officers of the Town are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the corporate seal to all such documents.

Read a first and second time this 26th day of October, 2016.

Read a third time and finally passed this 26th day of October, 2016.

Geoffrey Dawe, Mayor

Patty Thoma, Deputy Clerk