

**APPENDIX – E****BY-LAW NUMBER 2020.466, SCHEDULE ‘A’ AND EXPLANATORY NOTE****THE CORPORATION OF THE CITY OF BURLINGTON****BY-LAW NUMBER 2020.466**

A By-law to amend By-law 2020, as amended for 454-462 Cumberland Ave. & 3255, 3259, and 3265 New St. to facilitate the development of a 7-storey retirement home for memory care.

File No.: 505-02/23 & 520-06/23 (PL-02-24)

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-02-24 on January 16, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a 7-storey retirement home for memory care;

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

1. Zoning Map Number 18E 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 Residential Medium Density (H-RM2) to Residential High Density (RH1-530).
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:

<b>#75.</b>	<b>H-RH1-530</b>	<b>Map 18E</b>	<b>Resolution:</b>
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The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

- a) A Residential Development Agreement is registered on title to the satisfaction of the Director of Community Planning;
  - b) The owner submits an Arborist Report and Tree Preservation Plan to consider the preservation of trees and provide justification, when necessary, for the removal of trees to the satisfaction of the Director of Engineering Services; and
  - c) The owner completes the consolidation of land ownership to the satisfaction of the City.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 530 as follows:

<b>Exception 530</b>	<b>Zone RH1</b>	<b>Map 18E</b>	<b>Amendment 2020.466</b>	<b>Enacted Jan. 17/24</b>
1) Additional Permitted Use:				
Retirement Home for Memory Care				
Memory Care Units which are defined as: dwelling units servicing needs of residents with dementia and/or higher levels of care, which do not include full culinary and sanitary facilities.				
2) Regulations for a Retirement Home for Memory Care				
a) Maximum Building Height (excluding mechanical penthouse):				7 storeys or 22.5 m
b) Floor Area Ratio:				2.5:1
c) Yards:				
i) Front (New Street):				
Mechanical Penthouse:				10.5 m
Underground Parking Structure:				3 m
Accessory Structures:				16 m
ii) Street Side (Cumberland Avenue):				
Floors 1-6:				6 m
Floor 7:				6 m
Mechanical Penthouse:				8.5 m
Below-grade Parking Structure:				3 m
iii) Side Abutting a Residential Zone:				
Floors 1-6:				13 m
Floor 7:				18.5 m
Mechanical Penthouse:				21.5 m

Below-grade Parking Structure: Accessory Structures:  iv) Rear Yard: Mechanical Penthouse: Below-grade Parking Structure:	3 m 4.5 m  12 m 3 m
d) Maximum Number of Memory Care Units:	124 units
e) Parking: i) Memory Care Units: Occupant/Employee:  Visitor and Maintenance:  Designated Accessible Spaces:	0.35 parking spaces per unit  Not required  4 designated accessible parking spaces
f) Bicycle Parking:	16 bicycle spaces
g) Landscape Area: Abutting a street having a deemed width up to 26 m (Cumberland Ave):	6 m, however a circular driveway entrance may encroach
h) Landscape Buffer Abutting a Residential Zone	3 m

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** this .....day of ..... 2024.

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK

## **EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.466**

By-law 2020.466 rezones lands on 454-462 Cumberland Ave. & 3255, 3259, and 3265 New St., to permit a 7-storey retirement home for memory care.

For further information regarding By-law 2020.466, please contact Jaclyn Schneider, Planner, of the Burlington Community Planning Department at (905) 335-7600, extension 7326.

