

Administration

Part 1: Administration

1.1 Title

This By-law may be cited as the Burlington Residential Zoning By-law.

1.2 Compliance with this By-law

- a) No **building** or **structure** shall be erected or altered, no change of **use** or occupancy of any **building, structure**, land, premises, or any part thereof shall be made, and no **lot** shall be created except in compliance with the regulations of this By-law.
- b) Where there is a conflict between regulations of this By-law, the most restrictive regulation shall prevail.
- c) The regulations of this by-law shall be held to be the minimum requirements except where the word maximum is used, such regulation shall apply as a maximum.
- d) The regulations of this By-law shall not apply to a **public authority** in any **zone**, except the following regulations shall apply:
 - i) Section 5.13 Uses Permitted in all Zones and any related regulations;
 - ii) Section 5.43 Setback abutting Creek Blocks and Other Zones;
 - iii) Section 5.44 Setback from a Watercourse;
 - iv) Section 5.45 Setback from a Pipeline Right-of-Way;
 - v) Section 5.46 Setback from a Highway Corridor;
 - vi) Section 5.47 Setback from a Railway Right-of-Way; and
 - vii) Part 6: Parking and Loading.

1.3 Compliance with other Regulations

- a) Compliance with this By-law does not exempt any person from the requirements of any Federal, Provincial, Conservation Authority, Regional or Municipal legislation, approval process, licensing or permitting regime, agreements, or other **City** by-laws.
- b) Compliance with the requirements of any Federal, Provincial, Conservation Authority, Regional or Municipal legislation, approval process, licensing or permitting regime, agreements, or other **City** by-laws does not exempt any person from the requirements of this By-law.

Administration

Note: A permit from Conservation Halton may be required prior to development occurring on lands within Conservation Halton's regulated area, such as lands next to a **watercourse** or along the shoreline of Lake Ontario or Burlington Bay. Where there is a conflict between the regulations of this By-law and Conservation Halton requirements, the requirements of Conservation Halton shall prevail.

The delineation of Conservation Halton's regulated area, including **hazardous lands** and wetlands, is defined by and subject to the *Conservation Authorities Act* and Ontario Regulation 41/24, which are administered by Conservation Halton. A map showing the Approximate Regulation Limit of Conservation Halton is attached as Appendix A.

1.4 Area to which the Burlington Residential Zoning By-law Applies

This By-law applies only to the residential zoned areas within the City of Burlington shown on the zoning maps forming Schedule A in Part 10 of this By-law.

1.5 Repeal of Existing By-laws

City of Burlington Zoning By-law 2020 and all amendments thereto are hereby only repealed as it applies to the areas shown in Schedule A.

1.6 Effective Date

The effective date of this By-law is March 2, 2026.

1.7 Existing Buildings and Structures

- a) Nothing in this By-law shall prevent the reconstruction, restoration, or repair of an **existing building** or **structure** that has been deemed unsafe by the **City's** Chief Building Official or that has been severely damaged or destroyed by natural causes or fire, in whole or in part, provided the reconstruction will not increase the **height**, size, or volume or change the location or **use** of the **building** or **structure**.
- b) Nothing in this By-law shall prevent the reconstruction, restoration or repair of a legally established **building** or **structure** in whole or in part, provided the reconstruction will not increase the **height**, size, or volume or change the location of the **building** or **structure**.
- c) Nothing in this By-law will prevent a legally established **building** or **structure** which does not conform to the **yard**, **lot coverage**, or **building height** regulations of the applicable **zone**, from changing to any **use** which is permitted within the **zone** designation of the **lot**.

1.8 Legal Non-conforming Uses

Nothing in this By-law shall apply to prevent the continuation of the **use** of land, **buildings** or **structures** for a purpose which is not listed as a **permitted use** in the **zone** applying to the land, but which was legally established on the effective date of this By-law.

Administration

1.9 Non-complying Lots

Where a **lot** in existence prior to the effective date of this By-law does not meet the minimum **lot area** or **lot frontage** requirements of the applicable **zone**, the **lot** is permitted to be used and **buildings** and **structures** thereon erected, enlarged, rebuilt, repaired or renovated, provided the **use** conforms with this By-law and the **buildings** and **structures** comply with all other regulations of this By-law.

1.10 Non-complying Buildings and Structures

A **building** or **structure**, which was legally established prior to the effective date of this By-law, but which does not comply with one or more of the applicable **zone** standards is permitted to be enlarged or altered provided that the **use** is permitted in the **zone** applying to the land or is a legal non-conforming **use** described in Section 1.8 and the enlargement or alteration itself complies with all applicable provisions of this By-law.

1.11 Lots Reduced by Acquisition for Road Widening or Park Dedications

Nothing in this By-law prevents the continued **use** of a **lot** that no longer conforms to the **zone** regulations in which the **lot** is located, provided that the non-conformity is a result of land acquisition for road widening or park dedication purposes by a **public authority**, and provided that:

- a) no further reduction is made in the dimensions, area or any other characteristics of the **lot** as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- b) no **building** or **structure** or addition thereto is erected on the **lot** as reduced, subsequent to the date of such acquisition, except in accordance with all the regulations for the **zone** in which such **lot** is located.

1.12 Enforcement and Penalties

- a) Any person or corporation who uses land contrary to any provision of this By-law and any person who owns land which is used contrary to any provision of this By-law is guilty of an offence.
- b) Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in section 67(1) of the *Planning Act*, or its successor, as amended.
- c) Any corporation convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in section 67(2) of the *Planning Act*, or its successor, as amended.

1.13 Technical Revisions not Requiring a By-law Amendment

Provided that the purpose, effect, meaning, and substance of this By-law are in no way affected, the following technical revisions to this By-law are permitted without public notice or a Zoning By-law Amendment:

- a) correction of grammar, punctuation, spelling errors or typographical errors;

Administration

- b) changes to section numbering;
- c) additions or revisions to technical information on maps or schedules including, but not limited to matters such as updating and correcting infrastructure information, keys, legends or title blocks; and
- d) changes to appendices, footnotes, headings, indices, notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience or reference only.

1.14 Illustrations and other Reference Aids not Part of the By-law

Illustrations, appendices, purpose statements, indices, marginal notes, and tables of contents do not form part of the By-law and are inserted for clarification and reference only.

1.15 Severability / Validity

A decision of a court of competent jurisdiction that one or more of the regulations of this By-law or any portion of the zoning maps to this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other regulations or parts of the regulations of this By-law.

1.16 Transition for Complete Applications

- a) Nothing in this By-law prevents the **development** or **use** of a **lot** or **building** for which a complete application for a building permit was received by the **City** on or before the effective date of this By-law if the **development** or **use** complies, or the building permit application is amended to comply, with the provisions of the City of Burlington Zoning By-law 2020 as it read immediately prior to the effective date of this By-law.
- b) Where a complete application was received but not approved by the **City** on or before the effective date of this By-law for the **development** or **use** of a **lot** or one or more **buildings**, approval shall be granted under City of Burlington Zoning By-law 2020 as it read immediately prior to the effective date of this By-law, or this By-law, whichever regulations are the most consistent with the intent of the complete application:
 - i) Any application under Section 45 of the *Planning Act*;
 - ii) Site Plan Control application under Section 41 of the *Planning Act*;
 - iii) Zoning By-law Amendment application under Section 34 of the *Planning Act*;
 - iv) Consent pursuant to Section 53 of the *Planning Act*;
 - v) Draft Plan of Subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*;
 - vi) A Part Lot Control exemption pursuant to Section 50 of the *Planning Act*; and
 - vii) A zoning clearance certificate application.

Administration

- c) For the purpose of Section 1.16 b), “complete application”:
 - i) Means an application which the **City** has deemed complete before the effective date of this By-law;
 - ii) does not include documents submitted for the purpose of consultation with city staff under section 41(3.1) of the *Planning Act*, or its successor, as amended.
- d) Where the **development** or **use** of a **lot** of one or more **buildings** was the subject of a complete application and approved under City of Burlington Zoning By-law 2020 in accordance with Section 1.16 b) of this By-law, a building permit may be issued after final approval is received for all required applications if the **development** or **use** complies, or the building permit application for the **development** or **use** is amended to comply, with the provisions of By-law 2020 as it read immediately prior to the effective date of this By-law.
- e) Sections 1.16 a) and b) shall not apply beyond the issuance of the final building permit.
- f) Section 1.16 is repealed in its entirety five years after the effective date of this By-law.

1.17 Continuation of Approved Applications

- a) Nothing in this By-law prevents the issuance of a building permit for a **use** of a **lot** or a **building** for which one or more approvals under Section 34, 41, 45, 51 or 53 of the *Planning Act* or approval of a zoning clearance certificate were issued on or before the effective date of this By-law if the **development** or **use** complies, or is amended to comply, with the provisions of City of Burlington Zoning By-law 2020 as it read immediately prior to the effective date of this By-law.
- b) Section 1.17 a) is repealed in its entirety three years after the effective date of this By-law.