Part 5: General Provisions

5.1 Accessory Uses

Where this By-law provides that land may be used or a **building** or **structure** may be erected and used for a **permitted use**, that **use** shall include any **accessory use** provided:

a) the **accessory use** is located on the same **lot**;

b) the **gross floor area** of the **accessory use** is less than 50% of the **gross floor area** of the principal **use**;

c) except for **home occupations**, where the **accessory use** is located within the **principal building**, customer/client access to the **accessory use** shall be provided from the **principal building** interior only.

5.2 Accessory Buildings and Accessory Structures

The erection, alteration, enlargement, maintenance and **use** of **accessory buildings or structures** shall comply with the regulations of the applicable **zone**, except as otherwise provided for in this section.

a) An **accessory building or structure** shall not be used for habitation except as an **additional residential unit - detached** in accordance with Section 5.14.

b) An **accessory building or structure** shall not be located within a **front yard** or required **exterior side yard**.

c) The **floor area** of each **accessory building or structure** in a residential **zone** shall count towards the maximum **lot coverage** requirements of the **zone** and shall not exceed 10% of the **lot area**, except when approved as an **additional residential unit - detached**.

d) **Accessory buildings and structures** in a residential **zone** shall be subject to the regulations of Table 1:

Table 1: Setback, Overhang and Height Requirements for Accessory Buildings and Structures

Setbacks, Overhang and Heights	Requirement
Minimum **setback** to the **rear lot line**	0.6 m
Minimum **setback** to the **interior side lot line**	0.6 m
Minimum **setback** to the **exterior side lot line**	Same as minimum required **exterior side yard** for the **principal building**
Maximum roof overhang from a wall or post	0.5 m
Maximum **building height** (**peaked roof**)	4.6 m
Maximum **building height** (**flat roof**)	3.5 m

5.3 Garbage, Refuse and Storage

a) No garbage or refuse shall be stored on any **lot** in a residential **zone** except within the **building** or **structure** on such **lot** or in a container in the **interior side yard** or **rear yard** of such **lot**.

b) A dumpster or garbage container shall be regulated in the same manner as an **accessory building or structure** in accordance with Section 5.2.

c) Garbage containers for a **detached dwelling**, **semi-detached dwelling, additional residential unit**, **street townhouse**, and **rear lane townhouse** are exempt from the regulations of Section 5.3 when an individual container is less than 1 cubic metre in size.

d) Notwithstanding Section 5.2 d), a **building** or **structure** for the storage of garbage shall comply with the following regulations:

i) Shall not be located in a required landscaped open space.

ii) Shall not be located in a front or **exterior side yard**.

iii) Minimum **setback** from a **rear lot line**: 1 metre

iv) Minimum **setback** from an **interior side lot line**: 1 metre

v) Minimum **setback** from an LN1 to LN7 **zone**: 15 metres

vi) Maximum height: 3.7 metres

vii) Shall not be located in any required **parking space** or obstruct any required **parking aisle**.

5.4 Balconies, Decks, Residential Patios, and Porches

a) A **balcony**, **deck**, **residential patio** or **porch** is permitted in all residential zones.

b) A **porch** is not permitted above the **first storey**.

c) **Balconies** and **decks** located above the **first storey** and adjoining a wall facing the **interior side yard** or **rear yard** are not permitted in the LN1 to LN7 **zones** outside the following areas:

i) Alton Community (lands bounded by Highway 407 to the north, Appleby Line to the east, and Dundas Street to the south); and

ii) Orchard Community (lands bounded by Upper Middle Road to the south, Bronte Creek Valley to the east, Dundas Street and the CN rail line to the north, and Appleby Line to the west).

d) Additional regulations for a **balcony**, **deck**, or **porch** with a platform less than or equal to 1.2 metres above **grade**:

i) Maximum 2 metres encroachment into a required **front yard** or **exterior side yard**.

ii) Maximum 1 metre encroachment into a required **interior side yard**.

iii) Minimum **setback** from **front lot line**: 1.5 metres

iv) Minimum **setback** from **exterior side lot line**: 1.5 metres

v) Minimum **setback** from **interior side lot line**: 0.6 metres

vi) Minimum **setback** of a **deck** from **rear lot line**: 1.8 metres

vii) Maximum 2 metre encroachment into a required **rear yard** for a **porch** or a **balcony**.

viii) Where a **side lot line** extends from a **common wall** dividing attached **dwelling units** the **interior side yard setback** shall not apply.

e) Additional regulations for a **balcony**, **deck**, or **porch** with a platform more than 1.2 metres above **grade**, but not above the **first storey**:

i) Maximum 2 metres encroachment into a required **front yard** or **exterior side yard**.

ii) Minimum **setback** from **front lot line**: 1.5 metres

iii) Minimum **setback** from **exterior side lot line**: 1.5 metres

iv) Minimum **setback** from **interior side lot line**: **Principal building setback**

v) Minimum **setback** from **rear lot line**: 4.5 metres

vi) Maximum 2 metre encroachment into a required **rear yard** for a **porch** or a **balcony**.

f) Additional regulations for **balconies,** and **decks** above the **first storey**:

i) Subject to **principal building setbacks**, except that a **balcony** or **deck** with a width of 3 metres or less may encroach 1.5 metres maximum into a required **front yard**, **rear yard**, or **exterior side yard**. The width of a **balcony** or **deck** is measured along the exterior wall to which it is adjoined.

ii) Maximum projection from exterior wall: 3 metres.

Note: The regulations in this section do not apply to **basements** under a **deck**, **residential patio**, or **porch**. **Basements** are subject to regulations applying to **buildings**, including minimum **yards** and **setbacks**.

5.5 Fencing and Privacy Screens

a) For a **fence** located on the common **lot line** between a non-residential **use** and a residential **use**, the maximum **fence** height shall be 3 metres.

b) For all residential **uses** the following regulations apply:

i) Maximum **fence** height: 2.5 metres.

ii) Within a **front yard**, maximum **fence** height shall be 1.2 metres within 3 metres of a **front lot line**.

iii) Notwithstanding ii) above, where a **front yard** abuts the **rear yard** of a **corner lot** the maximum **fence** height shall be 2.5 metres along the common **lot line** within 3 metres of a **front lot line**.

iv) For a **townhouse building,** the maximum **fence** height shall be 1.2 m within 3 metres of a **lot line abutting** a **public street**.

v) Fencing for the purpose of enclosing a sport court is permitted to a maximum height of 3 metres.

c) **Fence** height shall be measured vertically from **grade**, exclusive of any artificial embankment, to the highest point of each 3 metres section of **fence**, excluding decorative post caps.

d) Where the **grade** elevations along the **fence** vary, maximum **fence** height may be increased by 0.3 metres provided that the lowest height of the same 3 metre **fence** section does not exceed the maximum permitted height.

e) **Privacy screens** are permitted on all **porches**, **decks** and **balconies** to a maximum height of 1.8 metres from the floor surface of the **porch**, **deck** or **balcony**.

5.6 Swimming Pools

a) A **swimming pool** shall be permitted as an **accessory use** to any residential **use**, in accordance with the following regulations:

i) Not permitted in a **front yard** or required **exterior side yard**.

ii) On **lots** less than 12 meters **wide**, permitted in a **rear yard** only.

iii) Minimum **setback** from a **lot line**: 1.5 metres measured from the inside wall of the **swimming pool** and 0.9 metres measured from the outside of any **hard landscaped open space**.

iv) Notwithstanding iii) above, where the height of the **swimming pool** is greater than 1.5 metres, the minimum **setback** from any **lot line** shall be 3 metres.

v) Maximum height of a **swimming pool**: 2 metres, measured from the lowest point of **grade** at the perimeter of the **swimming pool**.

vi) Notwithstanding v) above, the maximum height shall not apply to a **swimming pool** that is located on a **rooftop terrace** of an **apartment building**.

b) A hydro-massage pool or hot tub having a water surface area which is less than 8 square metres shall not be subject to the above regulations.

c) A **swimming pool** shall maintain a minimum **setback** of 3.3 metres from a pipeline right-of-way.

d) Notwithstanding c) above, an in-ground **swimming pool** shall maintain a minimum **setback** of 7.7 metres from a TransCanada Pipelines Limited (TCPL) pipeline right-of-way.

e) Any **structure** used to contain **mechanical equipment** that is **accessory** to the operation of a **swimming pool** shall be considered an **accessory building or structure** and subject to the general regulations for **accessory buildings and structures** in Section 5.2.

5.7 Trailers, Recreational Vehicles and Commercial Vehicles

a) The following regulations apply to parking of trailers and **recreational vehicles** in all residential **zones**:

i) Any **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which does not exceed a height of 2 metres, may be parked or stored in any **yard**.

ii) Any **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceeds a height of 2 metres, may be parked or stored in a **rear yard** or **interior side yard**.

iii) Notwithstanding ii) above, the parking or storage of a **recreational vehicle**, trailer, or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceeds a height of 3.6 metres, is prohibited.

iv) Parking and storage of **recreational vehicles** and trailers is not permitted within a **visibility triangle** or a required **landscaped open space** area.

b) The parking of a maximum of one **commercial vehicle** shall be permitted in a residential **zone** subject to the following regulations:

i) The parking of a **commercial vehicle** shall only be permitted in **a private garage** or **driveway**.

ii) Where parked in a **driveway**, the **commercial vehicle**, including any attached equipment or accessories, shall not exceed 6 metres in length and 2.3 metres in height.

iii) A **commercial vehicle** in excess of the dimensions in ii) above shall only be permitted within a fully enclosed **private garage**.

iv) The minimum number of required **parking spaces** shall not be occupied or otherwise obstructed by the parking of a **commercial vehicle**.

5.8 Visibility Triangles

a) At every **street** intersection, a 6 metre x 6 metre **visibility triangle** shall be provided.

b) At every **driveway**, **lane**, **parking aisle** or other vehicular access intersecting a **street**, 3 metres x 3 metres **visibility triangles** shall be provided.

c) Within a **visibility triangle**, **buildings**, **structures**, solid fencing, **mechanical equipment** and landscaping shall not exceed a height of 1 metre above the elevation of the **street** pavement measured at the centre point of intersecting **streets**.

d) Notwithstanding c) above, the maximum height shall not apply to one private or municipal deciduous tree located within a **visibility triangle**.

5.9 Encroachments and Projections

a) Every part of a required **yard** shall be unobstructed except for the encroachments or projections permitted in this By-law.

b) Exterior recladding of a **building** may project a maximum of 0.05 metres from the wall of the **existing building**.

c) A chimney; pilaster; belt course; sill; lintel; cornice; window box; ornamental projection:

i) May encroach a maximum of 0.5 metres into a required **interior side yard** and 1 metre into any other **yard**.

ii) Shall maintain a minimum 0.6 metre **setback** from any **lot line**.

d) Roof overhangs:

i) May encroach a maximum of 1 metre into any required **yard**.

ii) Shall maintain a minimum 0.3 metre **setback** from any **lot line**.

iii) Eavestroughs shall be included as part of the roof overhang.

e) Exterior stairs, fire escape, **basement** walkout stair:

i) May encroach a maximum of 1.6 metres into a required **rear yard**.

ii) Shall maintain a minimum **setback** of 0.6 metres from any **lot line**.

f) **Window wells**:

i) May encroach a maximum of 1 metre into any required **yard**.

ii) Shall maintain a minimum 0.6 metre **setback** from any **lot line**.

g) **Bay windows**:

i) May encroach a maximum of 0.5 metres into a required **interior side yard** and 1.6 metres into any other **yard**.

ii) Shall maintain a minimum 0.6 metre **setback** from any **lot line**.

iii) Maximum width for an encroaching **bay window** shall not exceed 3 metres.

iv) An encroaching **bay window** must have at least 30% of the surface area of the projection as a window.

h) Roofed or unroofed loading dock:

i) Not permitted in a **yard abutting** an LN1 to LN7 **zone**.

ii) May encroach a maximum of 3 metres into a required **rear yard**.

iii) Shall maintain a minimum 3 metre **setback** from a **rear lot line**.

i) An awning or **canopy**:

i) May encroach a maximum of 1 metre into any required **yard**.

ii) Shall maintain a minimum 0.3 metre **setback** from any **lot line**.

iii) In the HN **zone,** a **canopy** may project into a required **front yard** or **exterior side yard** up to half the distance of the required **yard**.

5.10 Frontage on a Public Street

a) Excepting **lots of record** and **parcels of tied land**, no **building** or **structure** shall be constructed on a parcel of land which does not have frontage on a **public street**.

b) Section 5.10 a) above does not apply to a **lot** used for:

i) a **utility installation**;

ii) a **cemetery**;

iii) a conservation/natural area.

c) Section 5.10 a) above shall not restrict the erection of any **building** on a **lot** in a registered plan of subdivision where a subdivision agreement has been entered into but the **streets** will not be assumed until the end of the maintenance period.

5.11 Home Occupation

A **home occupation** is permitted in all **dwelling units**, subject to the following regulations:

a) The **gross floor area** of the **home occupation** must be less than 50% of the **gross floor area** dedicated to the **dwelling unit**.

b) An integral **private garage** may be used for a **home occupation**, provided the minimum number of required **parking spaces** is maintained.

c) Persons employed by the **home occupation** business shall be limited to residents of the household from which the **home occupation** is conducted.

d) Where the business involves classes for teaching or instructional purposes, the maximum number of clients permitted at any one time shall be three.

e) For pet grooming and pet training, a maximum of four pets are permitted within a **dwelling unit**.

f) The following uses and activities are not permitted:

i) outside storage,

ii) outside manufacturing or processing activities,

iii) outside display and sales areas,

iv) automotive related uses,

v) small engine repair,

vi) **kennel**,

vii) **standard restaurant** and **take-out restaurant**,

viii) direct retail sales or customer merchandise pick up,

ix) **body-rub parlour**, and

x) nightclub.

5.12 Office Uses in Residential Zones

Office uses are permitted in a **building** constructed as a **detached dwelling** in all residential **zones** as a principal **use** or in combination with one or more **dwelling units**, provided the **detached dwelling** has existed on the **lot** for a minimum of 2 years, subject to the following regulations:

a) Minimum **lot** width: 18 metres.

b) The **lot** shall have a **front** or **side lot line** in common with a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street or Neighbourhood Connector identified on Schedule B in Part 10 of this By-law.

c) Maximum number of **office uses**: 2.

d) 50% of the **front yard** shall be maintained as **soft landscaped open space**.

e) 25% of the **rear yard** and **exterior side yard** shall be maintained as **landscaped open space**.

f) Solid screen fencing with a minimum height of 2.5 metres shall be installed along a **rear lot line** and along all **side lot lines** extending from the **rear lot line** to the **front wall** of the dwelling.

g) Parking shall be located in a **side** or **rear yard** only.

h) Where the **lot** abuts a residential **use**, any **parking area** or **driveway** shall maintain a minimum **setback** of 6 metres from the **rear lot line** and 3 metres along that portion of the **side lot line** which is located in the **rear yard**.

i) Storage or display of merchandise, material or equipment is prohibited.

5.13 Uses Permitted in All Zones

a) The following **uses** are permitted in all residential **zones**:

i) **Additional residential units** subject to Section 5.14;

ii) **Schools** subject to Section 5.15;

iii) Long-term care facility and **retirement home** subject to Section 5.16;

iv) Public and private hospitals subject to Section 5.17;

v) Parks and open space subject to the requirements of the Parks and Open Space **Zones** in the City of Burlington Zoning By-law 2020;

vi) Places of worship subject to Section 5.18;

vii) **Day care centre** subject to Section 5.19;

viii) **Group home** subject to Section 5.20;

ix) **Correctional facility** subject to Section 5.21;

x) **Emergency shelter** subject to Section 5.22;

xi) **Boarding house** subject to Section 5.23;

xii) **Additional needs housing** subject to Section 5.24;

xiii) **Utility** subject to Section 5.25;

xiv) **Community garden**;

xv) **Agriculture use** subject to Section 5.26;

xvi) **Bed and breakfast** subject to Section 5.27;

xvii) **Model homes** subject to Section 5.28;

xviii) **Temporary sales offices** subject to Section 5.29;

xix) Temporary **buildings** and **structures** for construction subject to Section 5.30;

xx) Temporary storage and **shipping containers** subject to Section 5.32; and

xxi) Infrastructure.

Subject to compliance with any other regulations or standards which are generally applicable and required elsewhere in this By-law or any other regulations or standards specified for the **use** in this By-law.

b) The **development** of essential emergency services or institutional uses including hospitals, **long term care facilities**, **retirement homes**, pre-schools, school nurseries, **day care centres**, and **schools**, are only permitted outside of **hazardous lands** and hazardous sites.

5.14 Additional Residential Units

a) Up to three **additional residential units** are permitted on a **parcel of urban residential land** in all residential **zones** where one **detached dwelling**, **semi-detached dwelling**, **street townhouse**, or **rear lane townhouse** is permitted.

b) Of the three **additional residential units** permitted in a) above, up to two are permitted to be an **additional residential unit – detached**.

c) A maximum of one **accessory building** containing **additional residential units – detached** is permitted on a **parcel of urban residential land**.

d) **Additional residential units** shall not be included in the calculation of minimum number of visitor **parking spaces**.

e) A 1.2 metre wide unobstructed pedestrian access shall be provided from the **street** to the entrance of an **additional residential unit – attached** or **additional residential unit – detached** located in the **rear yard** or **interior side yard**. A gate may be constructed within the pedestrian access, but no projections shall be permitted within the 1.2 metre width.

f) Notwithstanding Sections 5.2 c) and d) of this By-law, an **accessory building** containing an **additional residential unit – detached** shall be subject to the regulations of Table 2 and as follows:

   i) Exterior stairs above the **first storey** are not permitted to project into the **front yard**, **exterior side yard** or the required **interior side yard**.

   ii) **Decks** and **balconies** above the **first storey** of the **accessory building** and rooftop **common amenity areas** or **private amenity areas** are not permitted on or attached to an **accessory building** containing an **additional residential unit – detached**.

Table 2: Provisions for Accessory Buildings Containing an Additional Residential Unit - Detached

	Accessory Building containing an **Additional Residential Unit - Detached**
Maximum **gross floor area**	80 m^2 except in the LN5 and LN6 **zones**, the maximum **gross floor area** is 15% of the **lot area**.
Minimum **setback** from an **interior side lot line** or **rear lot line**	1.2 m, except 3 m for the portion of the **accessory building** that is greater than 4.6 m in **height** for a **peaked roof** or 3.5 m in **height** for a **flat roof**.
Minimum **setback** to the **exterior side lot line**	Same as minimum required **exterior side yard** for the **principal building.**
Maximum **height**	7 m for a **peaked roof** 6 m for a **flat roof**
Maximum roof overhang from a wall or post	0.5 m

g) A minimum separation distance of 4 metres shall be provided from an **additional residential unit – detached** and a **principal building** located on the same **parcel of urban residential land**.

5.15 Schools

The following regulations apply to **schools** and **post-secondary schools**:

a) Minimum **lot frontage**: 45 metres.

b) For **post-secondary schools,** the **lot** shall abut a Major Arterial, Multi-Purpose Arterial, Urban Avenue or Main Street identified on Schedule B in Part 10 of this By-law.

c) Minimum **setback** from any **street line**: 3 metres.

d) Maximum **setback** from a **street line** in an LN1 **zone**: 6 metres.

e) Minimum **interior side yard**: 3 metres plus an additional 3 metres where the **yard** is adjacent to an LN1 to LN7 zone, except the minimum **interior side yard** for a portable shall be 3 metres.

f) Minimum **rear yard:** 7.5 metres plus an additional 1.5 metres for a **building** greater than 11.25 metres in height.

g) Notwithstanding the **yard** requirements in Section 5.2, the **yard** requirements for portables shall comply with the regulations of this section.

h) Notwithstanding Section 5.2, seasonal sports domes are permitted on a secondary **school** or **post-secondary school** site, subject to the minimum **setback** and maximum **building height** regulations of Section 5.15 of this By-law.

i) The maximum **building height**: 15 metres; 25 metres for a seasonal sports dome.

j) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

k) **School board administrative uses** are permitted in a **building** constructed as a **school** in all residential zones as a principal **use**, provided the **building** has existed on the **lot** for a minimum of 2 years, and the **lot** has a **front** or **side lot line** in common with a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, Neighbourhood Connector or Industrial Connector as identified on Schedule B in Part 10 of this By-law.

l) Where a **school** site consists of multiple **lots**, the **school** site shall be considered one **lot** for the purposes of this By-law.

5.16 Long-Term Care Facility and Retirement Home

The following regulations apply to a **long-term care facility** and **retirement home**:

a) The **lot** shall **abut** a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, or Neighbourhood Connector identified on Schedule B in Part 10 of this By-law.

b) Minimum **lot frontage**: 30 metres.

c) Minimum **lot area**: 900 square metres.

d) Minimum **front yard**: 7.5 metres.

e) Minimum **rear yard**: 9 metres.

f) Minimum **interior side yard**: 3 metres plus an additional 3 metres where the **yard** is adjacent to an LN1 to LN7 **zone**.

g) Minimum **exterior side yard**: 6 metres.

h) Maximum **building height**: 15 metres.

i) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

5.17 Public and Private Hospitals

The following regulations apply to public and private hospitals:

a) Maximum **lot frontage**: 30 metres.

b) The **lot** shall **abut** a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, or Neighbourhood Connector identified on Schedule B in Part 10 of this By-law.

c) Minimum **setback** from any **street line**: 3 metres.

d) Minimum **setback** from all other **lot lines**: 15 metres.

e) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

5.18 Places of Worship

The following regulations apply to a place of worship:

a) Includes an attached or detached manse, an **accessory dwelling unit** for a watchman and any other associated **buildings** located on the same property.

b) Minimum **lot frontage**: 30 metres.

c) The **lot** shall **abut** a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, or Neighbourhood Connector identified on Schedule B in Part 10 of this By-law.

d) Minimum **setback** from any **lot lines** or **street line**: 15 metres.

e) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

5.19 Day Care Centre

a) The following regulations apply to a **day care centre**:

i) Minimum **lot frontage**: 15 metres.

ii) Shall provide services to more than 5 children or adults.

iii) Shall not provide for overnight accommodation to those being cared for.

iv) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

v) The **lot** shall **abut** a Major Arterial, Multi-Purpose Arterial, Urban Avenue, Main Street, or Neighbourhood Connector, as identified on Schedule B in Part 10 of this By-law.

vi) Within the LN1 to LN7 **zones**, the maximum **gross floor area** shall be 300 square metres.

vii) Sections 5.19 a) v) and vi) shall not apply to a **day care centre** on a **school** site or within a **school building**.

b) For all other **lot** and **building** requirements, the following shall apply:

i) within the LN1 to LN7 **zones**, the regulations for **detached dwellings** in the respective **zone**.

ii) within the LN8 or HN **zones**, the regulations for **detached dwellings** in the LN1 **zone**.

iii) Notwithstanding ii), a **day care centre** contained within an **apartment building** in the LN8 or HN **zones** shall be subject to the regulations for **apartment buildings** in the respective **zone**.

iv) A **day care centre** is also permitted in conjunction with a **school** or place of worship where it will be subject to the **setback** requirements for a **school** or place of worship.

5.20 Group Home

The following regulations apply to a **group home**:

a) Minimum **lot frontage**: 15 metres.

b) In **apartment buildings** over 3 **storeys**, one **group home** is permitted for every 30 **dwelling units** and subject to one **group home** per floor.

c) The minimum **private amenity area** for any **group home** is 12 square metres for each resident, including live-in staff or receiving family.

d) Any **private amenity area** shall be located in the **rear yard**.

e) For all other **lot** and **building** requirements, the respective **zone** regulations for **detached dwellings** and **apartment buildings** shall apply.

5.21 Correctional Facility

The following regulations apply to a **correctional facility**:

a) Minimum **lot frontage**: 15 metres.

b) Minimum **lot area**: 500 square metres.

c) Maximum **lot coverage**: 35%.

d) The **lot** shall **abut** a Major Arterial, Multi-Purpose Arterial, or Urban Avenue as identified on Schedule B in Part 10 of this By-law.

e) Minimum **setback** from any **street line**: 3 metres.

f) Minimum **setback** from all other **lot lines**: 15 metres.

g) Maximum **building height**: 10 metres for a **peaked roof** or 7.5 metres for a **flat roof**.

h) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

5.22 Emergency Shelter

The following regulations apply to an **emergency shelter**:

a) Minimum **lot frontage**: 30 metres.

b) Minimum **setback** from any **street line**: 3 metres.

c) Minimum **setback** from all other l**ot lines**: 15 metres.

d) Parking is not permitted within 3 metres of a residential **use** in a residential **zone**.

e) The maximum number of beds permitted in an **emergency shelter** is 20.

f) For all other **lot** and **building** requirements, the respective **zone** regulations for a **detached dwelling** shall apply.

5.23 Boarding House

The following regulations apply to a **boarding house**:

a) Minimum **lot frontage**: 18 metres.

b) The maximum number of beds permitted in a **boarding house** is 10.

c) For all other **lot** and **building** requirements, the respective **zone** regulations for a **detached dwelling** shall apply.

5.24 Additional Needs Housing

a) A **long-term care facility** shall be subject to the regulations of Section 5.16.

b) Other **additional needs housing** shall be permitted in any permitted housing form and subject to the regulations for the housing form in the respective **zone**.

5.25 Utility

Any **building** containing a **utility installation** must comply with **zone** regulations for a **detached dwelling** in the LN1 to LN7 **zones**, and in the LN8 and HN **zones**, the respective **zone** requirements for **detached dwellings** in the LN1 **zone** shall apply.

5.26 Agricultural Uses

a) Livestock operations, greenhouses, and outdoor cannabis production facilities are not permitted in a residential **zone**.

b) A minimum **setback** of 15 metres from a **street line** or l**ot line** is required for all **buildings** excluding a dwelling which shall be subject to the regulations of the respective **zone**.

5.27 Bed and Breakfast

A **bed and breakfast** is permitted in a **detached dwelling** subject to the following regulations:

a) Minimum **lot frontage**: 18 metres.

b) A maximum of three guest rooms or suites.

c) No one other than a resident of the dwelling may be employed or have their services retained in the operation of the **bed and breakfast**.

d) Meals shall be provided to the guests of the **bed and breakfast** only.

5.28 Model Homes

Model homes are permitted on lands that have received draft plan of subdivision or condominium approval for residential purposes, subject to the following regulations:

a) The number of **model homes** does not exceed 10 units or 10% of the **dwelling units** draft approved in the plan of subdivision or condominium whichever is the lesser.

b) The **model home** is built within a **lot** defined by the draft approved plan of subdivision or condominium.

c) The **model home** complies with all other requirements of this By-law for the applicable type of **dwelling unit** with the exception of the parking requirements.

5.29 Temporary Sales Offices

a) The **temporary sales office** is located in the plan of subdivision, condominium, or site plan where the **lots** or units are being sold or leased.

b) The **temporary sales office** shall not be permitted until an applicable plan of subdivision, condominium, or site plan control has received draft plan approval.

c) The **temporary sales office** shall only be permitted for such period that work within a relevant plan of subdivision, condominium, or site plan remains in progress, having not been finished or discontinued for 60 days.

d) The **temporary sales office** shall comply with the minimum **yards** for the applicable **zone**.

5.30 Temporary Building and Structures for Construction

a) Temporary **buildings** and **structures**, including a **shipping container**, normal and incidental to construction shall be permitted in all **zones**, provided that a valid **building** permit has been issued by the City of Burlington where a **building** permit is required, and that these uses shall only be permitted so long as the same are necessary for any work in progress which has been neither finished nor abandoned.

b) Temporary **buildings** and **structures** shall be removed from the site within 60 days of final building permit inspection.

5.31 Tents and Temporary Structures

a) The **use** of temporary **structures**, tents, trailers or **recreational vehicles** for human habitation, business, storage of merchandise or other purposes, is prohibited except:

i) Tents may be used for children's play, excluding camps.

ii) Tents maybe be used by the operators of a circus, carnival or carousel for a maximum period of 14 days.

iii) Tents or trailers may be used for a special occasion or special sale of goods or merchandise in conjunction with a **permitted use**, for a maximum of 30 days in a calendar year.

iv) One tent may be used for the seasonal sale of flowers, plants, shrubs, trees and other garden materials and landscape products, provided the zoning of the property permits the sale of these items, for a maximum period of 90 days and limited to one occasion in a 12 month period.

v) Temporary stages and other **structures** for entertainment purposes shall be permitted for a maximum period of 10 days.

vi) The temporary **structure**, tent, trailer or **recreational vehicle** shall be set back a minimum of 3 metres from a **street line** and shall not be located within a required **landscaped open space**.

5.32 Temporary Storage and Shipping Containers

a) A movable storage **structure** or a **shipping container** may be permitted in a **driveway** of a residential property for a period not exceeding 30 days in any given calendar year, provided that:

i) the movable storage or **shipping container** is not located within or blocking access to a required **parking space.**

ii) the movable storage or **shipping container** is set back a minimum of 0.6 metres from a **street line.**

iii) it does not exceed a maximum height of 3 metres and a maximum length of 6.1 metres.

b) In no case shall a movable storage **structure** or **shipping container** encroach onto a public sidewalk, or a public right-of-way, or create a site line obstruction.

5.33 Number of Buildings Per Lot

No more than one **building** shall be located on a **lot** in a LN1 to LN7 **zone**, with the exception of an **accessory building or structure** or an **additional residential unit – detached** as specifically permitted in this By-law, or on **school** sites.

5.34 Availability of Municipal Services and Utilities

No land shall be built upon and no **building** or **structure** shall be erected or expanded for any purpose unless municipal services and utilities including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate.

5.35 Outdoor Patios

An **outdoor patio** is not permitted in a residential **zone.**

5.36 Kennels

A **kennel** is not permitted in a residential **zone**.

5.37 Exceptions to Height Provisions

The height restrictions of this By-law shall not apply to:

a) an antenna, **antenna system**, or mast (when attached to or on a **building**)

b) a chimney or smokestack

c) a spire or steeple on a place of worship

d) clock tower, bell tower, belfry, or church tower

e) ornamental architectural features such as, but not limited to, cupolas and finials

f) an electrical power transmission tower or line and related apparatus

g) rooftop **mechanical equipment** and **mechanical penthouse** (subject to Section 5.38)

h) a light standard, including outdoor sports field lighting facilities

i) a flag pole

j) a Federally regulated and authorized telecommunications tower

k) a water tower

l) a weathervane, lightning rod or other weather device

m) storage tank

n) roof top solar panel (subject to Section 5.39)

o) a required fire wall extending above the top of the roof of a **building**

p) **buildings** and **structures** that are **accessory** to a permitted **agricultural use**, provided that the **building** or **accessory structure** is not used for human habitation.

q) roof top access to a **rooftop terrace** provided that:

i) the feature must be set back a distance equal to its height from the **exterior front wall** and exterior **rear wall**;

ii) the maximum total area for the feature is 10.5 square metres;

iii) the maximum projection for eaves beyond the exterior walls of the feature is 0.6 metres; and

iv) the maximum height to the eaves of the roof top access is 3 metres.

5.38 Mechanical Equipment including Roof Top Mechanicals

a) Roof top **mechanical equipment**:

i) Shall have a minimum **setback** of 5 metres from the **building** edge.

ii) Notwithstanding i) above, shall have a minimum **setback** of 1.5 metres from the **building** edge provided it is enclosed on four sides and screened with solid screening equal to the height of rooftop mechanical unit.

iii) A **mechanical penthouse**, including any appurtenances thereto shall not exceed 6 metres above the maximum **building height**.

iv) Rooftop **mechanical equipment**, including any appurtenances thereto shall not exceed 2 metres above the maximum **building height**.

b) **Unitary equipment** not located on a rooftop shall be subject to the following regulations:

i) Permitted in all **yards**.

ii) Minimum **interior side yard**, **exterior side yard** and **rear yard**: 0.6 metres.

iii) When located in the **front yard**, shall be no further than 1.5 metres from the **front wall** of the **principal building.**

5.39 Roof Top Solar Panels

a) Rooftop solar panels that exceed a height of 0.9 metres above the roof upon which it is located shall be set back a minimum of 5 metres from all edges of a roof.

b) Notwithstanding a) above, rooftop solar panels shall not exceed a height of 2 metres above the roof upon which it is located.

5.40 Structures Related to Below-grade Parking

Notwithstanding any other requirement of this By-law, air ventilation shafts or an access staircase, shall be permitted anywhere on the same **lot** as the **parking structure** is located, subject to the following regulations:

a) Shall not be located in a required **front yard** or **exterior side yard**.

b) Shall have a minimum **setback** of 3 metres from any **lot line**.

5.41 General Landscaping Provisions

a) To qualify for any minimum **landscaped open space** or **soft landscaped open space** requirement of this By-law, an individual area of landscaping provided on a **lot** shall contain an area with minimum dimensions of 3 metres by 3 metres and may include additional area of lesser dimensions provided the additional area is contiguous to the 3 metres by 3 metres area.

b) Required **soft landscaped open space** shall **abut** the **front lot line**.

c) Landscaping provided on the roof of a **building** shall be included in the calculation of required **landscaped open space** on the **lot**, provided it meets the requirements of a) above and has a minimum soil depth of 1 metre.

5.42 Exterior Barrier-Free Accessibility Ramp

An exterior unenclosed ramp to provide a barrier-free path of travel to a **building** or **structure** as may be required under the *Ontario Building Code Act* or *Accessibility for Ontarians with Disabilities Act* shall be exempt from the provisions of this By-law except for the following requirements:

a) **Setback** from a **front lot line**: 0.5 metres.

b) **Setback** from a **side lot line abutting** a **street**: 0.5 metres.

c) **Setback** from all other **lot lines**: 1 metre.

5.43 Setback Abutting Creek Blocks and Other Zones

a) Notwithstanding the other regulations of this By-law, all **buildings** and **structures** shall maintain the following **setbacks** from lands zoned O2 or O3 in the following maps of the City of Burlington Zoning By-law 2020:

i) 15 metres from an O2 or O3 **zone** on Zoning Maps 1-W and 1-E north of Plains Road West;

ii) 3 metres if **creek block** includes a 3 metres buffer from limit of the **floodplain** and erosion hazards; and,

iii) 7.5 metres from an O2 or O3 **zone** on all other Zoning Maps except Zoning Maps 25, 30 and 29.

b) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of the **City** and, in the case of lands located within Conservation Halton's regulated area, the approval of Conservation Halton is obtained.

5.44 Setback from a Watercourse

Every **building**, including **accessory buildings** 15 square metres in size or greater, and **parking lots** shall maintain a minimum **setback** of 6 metres from the greater of the limit of the **floodplain**, meander belt, or stable top-of-bank of any **watercourse** which is not within a **creek block**, unless a reduced **setback** is specifically permitted by Conservation Halton or, in the case of a **watercourse** not regulated by Conservation Halton.

5.45 Setback from a Pipeline Right-of-Way

a) Every **building** and **accessory building** shall maintain a minimum **setback** of 7.7 metres from a pipeline right-of-way.

b) **Accessory structures** shall maintain a minimum **setback** of 3.3 metres from the pipeline right-of-way.

c) Notwithstanding a) above, every **building** and **accessory building** shall maintain a minimum **setback** of 11 metres from the Trans-Northern Pipeline Inc. pipeline right-of-way, unless a reduced **setback** is specifically permitted by the pipeline company.

d) Notwithstanding b) above, every **structure**, **parking area**, **parking lot**, or loading area, including any **parking spaces**, **loading spaces**, stacking spaces, and any associated **parking aisle** or **driveway** shall maintain a minimum **setback** of 7.7 metres from the TransCanada PipeLines Limited (TCPL) pipeline right-of-way.

5.46 Setback from a Highway Corridor

Notwithstanding any other provision of this By-law, all **buildings** and **structures** and the following features shall have a minimum **setback** of 14 metres from the **lot line abutting** the boundary of Highway 403, Highway 407 and the Queen Elizabeth Way:

a) Any required **parking area**, **parking lot** or loading area, including any required **parking space**, **loading space**, stacking space, or **bicycle parking space**, and any associated **parking aisle** or **driveway**;

b) A required **amenity area**; and

c) A stormwater management facility.

5.47 Setback from a Railway Right-of-Way

Notwithstanding any other regulations in this By-law, all outdoor amenity areas and **buildings** and **structures** containing a **dwelling unit**, community centre, place of worship, **day care centre**, **school**, **post-secondary school**, hospital, long-term care facility, **retirement home**, **group home**, **correctional facility**, **emergency shelter** and **boarding house** shall be located no closer than 30 metres from any railway corridor.