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.

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.

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;

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.

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.