



**SUBJECT: Housekeeping Amendments to Zoning By-law 2020**  
**TO: Community Planning, Regulation & Mobility Cttee.**  
**FROM: Community Planning Department**

Report Number: PL-29-21

Wards Affected: All

File Numbers: 520-03-01/21

Date to Committee: June 8, 2021

Date to Council: June 22, 2021

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### **Recommendation:**

Approve the proposed housekeeping amendments to Zoning By-law 2020 as outlined in community planning department report PB-29-21; and

Enact By-law 2020.429 as outlined in Appendix A to community planning department report PB-29-21.

### **PURPOSE:**

This report recommends City-initiated general housekeeping amendments to Zoning By-law 2020 addressing general matters of accuracy and clarity.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth

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### **Background and Discussion:**

Since the adoption of Comprehensive Zoning By-law 2020 in June 1999, Planning staff have periodically prepared housekeeping amendments to the by-law. The most recent housekeeping by-law, enacted by Council in July 2018, was By-law 2020.394.

The purpose of the amendments recommended in this report is to update regulations and maps contained in Zoning By-law 2020, so the By-law remains accurate and clear

while providing consistency for implementation and enforcement. The identified modifications are minor and considered to be of a housekeeping nature.

Table 1 presents the proposed housekeeping amendments to Zoning By-law 2020 and the staff explanation to provide context.

**TABLE 1 – PROPOSED HOUSEKEEPING AMENDMENTS**

<b>PROPOSED ZONING BY-LAW AMENDMENT</b>		<b>STAFF EXPLANATION</b>
<b>PART 1 - GENERAL CONDITIONS AND PROVISIONS</b>		
1 City-wide	<p>Amend 1.6 COMPLIANCE WITH THIS BY-LAW, Subsection 1.6.1 (b) as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “existing”.</li> <li>ii. Replace with: “lawfully established”.</li> <li>iii. The regulation now reads as: “Nothing in this By-law will prevent a building or structure, lawfully established on the date of passing of this By-law 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 property.”</li> </ul>	<p>To clarify the intent of this regulation by using “lawfully established” as opposed to “existing” as a method of assessing a zoning non-conformity for a lot or structure when evaluating a change of use on a property.</p>
2 City-wide	<p>Amend 1.6 COMPLIANCE WITH THIS BY-LAW, Subsection 1.6.1 c) as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “existing”.</li> <li>ii. Replace with: “lawfully established”.</li> <li>iii. The regulation now reads as: “Nothing in this By-law will prevent any use of land, building, or structure, lawfully established on the date of passing of this By-law and which does not conform to the permitted uses of this By-law, from continuing until such time as the use ceases active continuous operation for a period of two years. Any use of the land, building, or structure thereafter shall be a permitted use within the zone designation of the property.”</li> </ul>	<p>To clarify that a land use, which does not conform to the permitted use regulations of the Zoning By-Law, is permitted to continue if it was lawfully established (as opposed to existing) on the date of passing of this By-law.</p>

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3 City-wide	<p>Amend Section 2.2 ACCESSORY BUILDINGS AND STRUCTURES AND UNITARY EQUIPMENT, Subsection 2.2.3 as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “Where a building or structure for the storage of garbage for non-residential uses would be permitted only in a rear or side yard, not in the front or street side lot line and shall comply with the following regulations:”.</li> <li>ii. Replace with: “Where a building or structure for the storage of garbage for all other uses not mentioned in 2.2.1, would be permitted only in a rear or side yard, not in the front or street side lot line and shall comply with the following regulations:”</li> </ul>	<p>To amend the regulations applying to a building or structure for the storage of garbage by providing clarity for multi-residential, mixed use buildings, etc.</p>
4 City-wide	<p>Amend Section 2.13 ENCROACHMENT INTO YARDS, Subsection 2.13.1 (a) as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “eave or gutter overhang”.</li> <li>ii. Replace with: “roof overhang excluding eaves and gutter”.</li> </ul>	<p>To clarify that roof overhang projection measurements exclude eaves and gutters.</p>
5 City-wide	<p>Amend Section 2.13 ENCROACHMENT INTO YARDS, Subsection 2.13.1 (d) as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “A roofed-over or screened but otherwise unenclosed 1-storey porch”</li> <li>ii. Replace with: “A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter”.</li> </ul>	<p>To clarify that an encroachment for a front porch includes the roof overhang and steps but excludes the eaves and gutters.</p>
6 City-wide	<p>Delete Section 2.16 SITE PLAN AND BUILDING PERMIT APPLICATIONS, Subsection (b) as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “A Zoning Clearance Certificate application or Committee of Adjustment development application for lands within</li> </ul>	<p>This section was established during the transition period to implement the Character Studies for Roseland, Indian Point, and</p>

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	low density residential zones submitted prior to the enactment of By-law 2020.374 on December 19, 2016 shall be reviewed in accordance with the zoning regulations in effect at the time the application was submitted.”	Shoreacres and is no longer required.
7 City-wide	Amend Section 2.21 USES PERMITTED IN ALL ZONES, Subsection (n), as follows: i. Delete: “Allotment Garden”. ii. Replace with: “Community Garden”.	To change the name from Allotment Garden to Community Garden.
8 City-wide	Amend Section 2.25 OFF-STREET PARKING AND LOADING REQUIREMENTS, Table 1.2.6: Off Street Parking Standards as follows: i. Add: “Accessory Dwelling Unit” to the column listing “Use” and “1 space” to the column listing “Parking Standard”. ii. Delete: “Allotment Garden” from the column listing “Use” and “1 space per garden plot” to the column listing “Parking Standard”.	To include the parking requirement for an accessory dwelling unit in the Off Street Parking Standards chart for ease of reference. This requirement is currently located as a footnote in the Low Density Residential regulations (Part 2, Section 3, Table 2.3.1, Footnote (a)).  To eliminate the parking requirement for an Allotment Garden (Community Garden) as such uses are typically located at parks, schools, churches, community centres, etc., where parking is already provided on site.
9 City-wide	Amend Section 2.31 RESIDENTIAL BUILDING HEIGHT, Table 2.31.1 A) Building Additions, as follows: i. Delete: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the ceiling of the existing dwelling, a maximum of 6 m at the peak of the roof or a maximum of 3m to a flat roof for a two storey and 4.5 m at the peak of the roof or a maximum of	To reformat the regulation and provide clarity on how height is measured for building additions.

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	<p>2.25 m to a flat roof for a one and half storey.”.</p> <p>ii. Replace with: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the 1<sup>st</sup> floor ceiling of the existing dwelling.</p> <p>The following height regulations apply:</p> <p>i. A maximum of 6 m at the peak of the roof or a maximum of 3 m to a flat roof for a two storey and / or second storey addition.</p> <p>ii. A maximum of 4.5 m at the peak of the roof or a maximum of 2.25 m to a flat roof for a one storey and one and a half storey addition.”.</p>	
10 City-wide	<p>Amend Section 2.31 RESIDENTIAL BUILDING HEIGHT, Table 2.31.1 B) Building Additions, as follows:</p> <p>i. Delete: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the ceiling of the existing dwelling a maximum of 6.25 m at the peak of the roof or a maximum of 3 m to a flat roof.”</p> <p>ii. Replace with: “Alternatively, additions and enlargements to existing dwellings are permitted to a maximum height of two storeys measured from the 1<sup>st</sup> floor ceiling of the existing dwelling.</p> <p>The following height regulations apply:</p> <p>i. A maximum of 6.25 m at the peak of the roof or a maximum of 3 m to a flat roof, for a two storey and / or second storey addition.</p> <p>ii. A maximum of 4.5 m at the peak of the roof or a maximum of 2.25 m to a</p>	<p>To reformat the regulation and provide clarity on how height is measured for building additions.</p> <p>To include height regulations for a one storey or one and a half storey addition for a flat or peaked roof, similar to Table 2.31.1 A) above.</p>

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	flat roof, for a one-storey and one and a half-storey addition.”	
<b>PART 2 – RESIDENTIAL ZONES</b>		
11 City-wide	Amend ZONE DESIGNATIONS, as follows: i. Replace: “R4” with “R5” in the listing of Zone Designations for Low Density Residential.	To correct an error where the R5 Zone is an existing low density residential zone but is not listed in the Zone Designations chart.
12 City-wide	Amend Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, as follows: i. Delete: “Floor Area of accessory dwelling unit: 42 m <sup>2</sup> minimum, 100 m <sup>2</sup> maximum”.	To simplify the implementation of accessory dwelling units by eliminating the minimum and maximum floor area requirement. The zoning regulations already require the floor area of an accessory dwelling unit to not be in excess of 40% of the total floor area of the residential building.
13 City-wide	Amend Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, as follows: i. Delete: “On lots containing an accessory dwelling unit, a maximum of 50% of the lot area between a street line and the building elevation facing the street may be used for driveways, walkways, and patios; the remaining 50% shall be landscaped open space.”	To simplify the implementation of accessory dwelling units by relying on the maximum driveway width requirements found in Part 1, Section 2.24 of the Zoning By-law.
Rec. 14 City-wide	Amend Section 3. R ZONE PERMITTED USES (LOW DENSITY), Footnote (a) to Table 2.3.1, as follows: i. Delete the section of the footnote entitled “Parking” including Table 2.3.1.1. ii. Replace with: “Parking for the principle dwelling and the accessory dwelling unit shall not be permitted in that portion of the rear yard defined as the area between the extension of the two lines	To simplify the implementation of accessory dwelling units by eliminating the prohibition of tandem parking and the requirement for two parking spaces per accessory dwelling unit when located on a higher order street. These amendments are in accordance with Ontario Regulation 299/19.

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	projected backward from the two side walls of the dwelling.”	
<b>PART 6 – DOWNTOWN MIXED-USE CENTRE ZONES</b>		
15 Ward 2	Amend Section 7. DRM ZONE REGULATIONS (DOWNTOWN MEDIUM DENSITY RESIDENTIAL), Subsection 7.1, Table 6.7.1, as follows:  i. Delete: “Apartment”.  ii. Replace with “Apartment/Retirement Home”.	To provide clarity on the regulations for a retirement home use in a DRM Zone as Table 6.2.2 lists a Retirement Home as a permitted use in the DRM zone but there are no regulations for it (i.e. lot width, lot area, and yards) in Table 6.7.1.
<b>PART 14 - EXCEPTIONS TO ZONE DESIGNATIONS</b>		
16 Ward 6	Amend Exception 493, Subsection 4. f) ii Required Parking, as follows:  i. Delete: “4880 Valera Road”.  ii. Replace with: “4916 Thomas Alton Boulevard”.	To correct an address change. The address of the property changed from 4880 Valera Road to 4916 Thomas Alton Boulevard.
<b>PART 15 - ZONING MAPS</b>		
17 Ward 3	Amend Map 15 W as follows:  i. Amend the zoning designation for 1245, 1243, 1241, 1239, 1238, 1240, 1242, 1244, 1246, 1248 and 1250 Tyrrell Road from “R3.5” to “R3.4”.	To correct a mapping error from the comprehensive zoning by-law review in 1999 whereby the properties were labelled as an R3.5 zone (a zone that does not exist) instead of the R3.4 zone.
18 Ward 4	Amend Map 18 W as follows:  i. Remove the Designated Area for Lot Coverage shading from 600 Maplehill Drive.	To correct a mapping error where the property was rezoned from R3.1 to RM2-478 under Zoning By-law 2020.388 but the Designated Area for Lot Coverage shading, which is not required in the RM2 zone, was not removed from the Zoning Map. The Designated Area for Lot Coverage only applies to low density residential areas.

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<b>PART 16 - DEFINITIONS</b>		
19 City-wide	<p>Amend the definition of Accessory Dwelling Unit, as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “One self contained dwelling unit created through converting part of, or adding on to, one existing detached dwelling unit.”</li> <li>ii. Replace with: “One self contained dwelling unit created through converting part of or adding on to one existing detached dwelling unit, also referred to as an additional residential unit in the Ontario Planning Act.”</li> </ul>	To align the definition with the terminology used in the Ontario Planning Act.
20 City-wide	<p>Amend the definition of Allotment Garden, as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “Allotment Garden - An interim use of public lands for raising crops, horticulture, and gardening.”</li> <li>ii. Replace with: “Community Garden - An interim use of lands for raising crops, horticulture, and gardening.”</li> </ul>	To remove the reference to ‘public’ lands from the definition thus allowing this use more broadly in the City. To change the name from “Allotment Garden” to “Community Garden”.
21 City-wide	<p>Amend the definition of Landscape Buffer, as follows:</p> <ul style="list-style-type: none"> <li>i. Delete: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs, or berms.”</li> <li>ii. Replace with: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or</li> </ul>	To provide clarity with the definition of landscape buffer by specifying appropriate elements within this space and to specifically exclude snow storage in a required landscape buffer.



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	deciduous trees. Snow storage is not permitted in a required landscape buffer.	

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### Financial Matters:

Not applicable

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### Climate Implications

The following recommended housekeeping amendments to Zoning By-law 2020 have climate implications:

1. Accessible Dwelling Units: Simplifying the zoning regulations removes some barriers for implementation and facilitates gentle intensification in established residential areas thus assisting in optimizing urban infrastructure and compact growth.
  2. Community Gardens: Permitting community gardens on private property enables more opportunities for people to grow fresh food in their community and improve food security during the growing season.
  3. Landscape Buffer: Refining the definition of a landscape buffer provides clarity and ensures that trees are planted in this space thus increasing the City's tree canopy objectives.
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### Engagement Matters:

In accordance with the policies of the City's Official Plan for general or city-wide Zoning By-law amendments, notice of the subject public meeting was provided by way of a newspaper notice in the Burlington Post thirty days prior to the public meeting. A letter outlining all of the proposed amendments was also sent to all external public agencies thirty days in advance of the public meeting.

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### Conclusion:

The recommended City-initiated housekeeping amendments to Zoning By-law 2020 will ensure that the By-law remains accurate and clear. The proposed amendments meet the intent of the Burlington Official Plan and conform to applicable Provincial Plans.

Respectfully submitted,

Jamie Tellier, MCIP RPP  
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**Appendices:**

- A. Draft Zoning By-law 2020.429

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.