

The Corporation of The City of Burlington

City of Burlington By-law 2020.460

A By-law to amend By-law 2020, as amended for Additional Residential Units;
File No.: 520-03/23 (PL-53-23)

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 the Recommendations in report PL-53-23 on September 26, 2023, for city-initiated general amendments to Zoning By-law 2020, as amended;

The Council of the Corporation of the City of Burlington hereby enacts as follows;

1. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 1.6 Compliance with this By-law, Subsection 1.6.1 (j), is amended by:
 - i. Deleting “Except in accordance with Footnote (a) of Part 2, Table 2.3.1 of this By-law, where the applicable zone designation establishes minimum lot width and lot area requirements for an individual dwelling unit, only one dwelling unit shall be permitted on one lot.”; and
 - ii. Replacing it with “Except in accordance with Part 1, Subsection 2.21 (u) “Additional Residential Units”, where the applicable zone designation establishes minimum lot width and lot area requirements for an individual dwelling unit, only one dwelling unit shall be permitted on one lot.”
2. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.21 Uses Permitted in All Zones, is amended by:
 - i. Adding:

“(u) Additional Residential Units

 - Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.
 - Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.

- In addition to the principal dwelling unit, up to two Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a Townhouse are only permitted on a POTL where one Townhouse is permitted.
 - Only one Additional Residential Unit may be located within an Accessory Building.
 - Only one exterior entrance is permitted on each elevation of the principal building facing a street.
 - Parking shall not be permitted in that portion of the rear yard defined as the area between the extension of the two lines projected backward from the two side walls of the principal building.
 - Tandem parking spaces are permitted.
 - Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.
 - Requirements for minimum floor area per dwelling unit and Minimum Floor Area Ratio shall not apply to lots with Additional Residential Units.”
3. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.25, Table 1.2.6: Off-Street Parking Standards is amended by:
- i. Deleting: “Accessory Dwelling Unit”; and
 - ii. Replacing it with: “Additional Residential Unit” and adding: “per unit” after “1 space” in the corresponding “Parking Standard” column listing.
4. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.33, Parcel of Tied Land (POTL), is amended by:
- i. Deleting: “Part 1, Section 2.2 Accessory Buildings and Structures and Unitary Equipment, Section 2.3 Patios and Decks – Residential, Section 2.4 Fencing and Privacy Screens, and Section 2.5 Swimming Pools, shall also apply per POTL”; and
 - ii. Replacing it with: “Part 1, Section 2.21, Subsection (u) Additional Residential Units, Section 2.2 Accessory Buildings and Structures and Unitary Equipment, Section 2.3 Patios and Decks – Residential, Section 2.4 Fencing and Privacy Screens, and Section 2.5 Swimming Pools, shall also apply per POTL”.

5. PART 2 of By-law 2020, as amended, Residential Zones, Section 3, Table 2.3.1 is amended by:
 - i. Deleting: “One Accessory Dwelling Unit”; and
 - ii. Replacing it with: “Additional Residential Units” and adding: “√(a)” to the corresponding “R4” and “R5” column listings.
6. PART 2 of By-law 2020, as amended, Residential Zones, Section 3, Footnote to Table 2.3.1, is amended by:
 - i. Deleting: all of Footnote (a); and
 - ii. Replacing it with: “(a) Subject to Part 1, Section 2.21, Subsection (u)”
7. PART 2 of By-law 2020, as amended, Residential Zones, Section 7, Table 2.7.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Use” and “√(g)” to the corresponding “RM1”, “RM2”, “RM3”, “RM4”, and “RM5” column listings.
8. PART 2 of By-law 2020, as amended, Residential Zones, Section 7, Footnotes to Table 2.7.1 is amended by:
 - i. Adding: “(g) Subject to Part 1, Section 2.21, Subsection (u)”
9. PART 2 of By-law 2020, as amended, Residential Zones, Section 13, Table 2.13.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Use” and “√(b)” to the corresponding “RH1”, “RH2”, “RH4”, and “RH5” column listings.
10. PART 2 of By-law 2020, as amended, Residential Zones, Section 13, Footnotes to Table 2.13.1 is amended by:
 - i. Adding: “(b) Subject to Part 1, Section 2.21, Subsection (u)”
11. PART 2 of By-law 2020, as amended, Residential Zones, Section 16, Table 2.16.1 is amended by:

- i. Adding: “Additional Residential Units” to the column listing “Use” and “√(c)” to the corresponding “RO1”, “RO2”, “RO3” and “RO4” column listings.
12. PART 2 of By-law 2020, as amended, Residential Zones, Section 16, Footnotes to Table 2.16.1 is amended by:
 - i. Adding: “(c) Subject to Part 1, Section 2.21, Subsection (u)”
13. PART 2 of By-law 2020, as amended, Residential Zones, Section 21, Table 2.21.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Use” and “√(i)” to the corresponding “RAL1”, “RAL2”, “RAL3”, and “RAL4” column listings.
14. PART 2 of By-law 2020, as amended, Residential Zones, Section 21, Footnotes to Table 2.21.1 is amended by:
 - i. Adding: “(i) Subject to Part 1, Section 2.21, Subsection (u)”
15. PART 5 of By-law 2020, as amended, Mixed-Use Corridor Zones, Section 2, Table 5.2.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Uses” under “Residential” and “√(r)” to the corresponding “MXG”, “MXC”, and “MXT(m)” column listings.
16. PART 5 of By-law 2020, as amended, Mixed-Use Corridor Zones, Section 2, Footnotes to Table 5.2.1 is amended by:
 - i. Adding: “(r) Subject to Part 1, Section 2.21, Subsection (u)”
17. PART 6 of By-law 2020, as amended, Downtown Mixed-Use Centre Zones, Section 2B, Table 6.2.2 is amended by:
 - i. Deleting: “One Accessory Dwelling Unit” from the column listing “Uses” and “√(b)” from the corresponding “DRM” column listing and “√(c)” from the corresponding “DRL” column listing; and
 - ii. Adding: “Additional Residential Units” to the column listing “Uses” and “√(f)” to the corresponding “DRM” and “DRL” column listings.

18. PART 6 of By-law 2020, as amended, Downtown Mixed-Use Centre Zones, Section 2B, Footnotes to Table 6.2.2 is amended by:
 - i. Adding: “(f) Subject to Part 1, Section 2.21, Subsection (u)”
19. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 2, Table 7.2.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Uses” under “Residential” and “√(l)” to the “UCR1”, “UCR2”, “UCR3”, “URH”, and “URM” column listings.
20. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 2, Footnotes to Table 7.2.1 is amended by:
 - i. Adding: “(l) Subject to Part 1, Section 2.21, Subsection (u)”
21. PART 9 of By-law 2020, as amended, North Aldershot Zones, Section 3, Table 9.3.1 is amended by:
 - i. Adding: “Additional Residential Units” to the column listing “Use” and “√(h)” to the “RNA1”, “RNA2”, “RNA3”, “SNA”, “ONA”, and “DNA”.
22. PART 9 of By-law 2020, as amended, North Aldershot Zones, Section 3, Footnotes to Table 9.3.1 is amended by:
 - i. Adding: “(h) Subject to Part 1, Section 2.21, Subsection (u)”
23. PART 11 of By-law 2020, as amended, Holding Zone Provisions, Section 1.1, Permitted Uses is amended as follows:
 - i. Adding: “(g) An Additional Residential Unit in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted, subject to Part 1, Section 2.21, Subsection (u).”
24. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, Exception 408, Subsection 2 is amended by:
 - i. Deleting: “Accessory Dwelling Unit”; and
 - ii. Replacing it with: “Additional Residential Unit”

25. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, Exception 409, Subsection 2 is amended by:

- i. Deleting: “Accessory Dwelling Unit”; and
- ii. Replacing it with: “Additional Residential Unit”

26. PART 16 of By-law 2020, as amended, Definitions, is amended by:

- i. Deleting:

“Accessory Building or Structure

A detached building or structure not used for human habitation, the use of which is naturally or customarily incidental and subordinate to, or exclusively devoted to a principal use, building or structure and located on the same lot therewith. Accessory Buildings may include a detached garage, workshop, shed, or pool house. Accessory Structures may include arbours, gazebos, pergolas, play structures, or detached car port exclusive of patios or decks.”

- ii. Adding:

“Accessory Building or Structure

A detached building or structure that is not used for human habitation, unless it has been approved as an additional residential unit, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot. Accessory Buildings are 50% or more enclosed by walls or privacy screens and may include a detached garage, workshop, shed, additional residential unit, and/or pool house. Accessory Structures may include arbours, unenclosed gazebos, pergolas, play structures, and/or detached car ports exclusive of patios or decks.”

- iii. Deleting:

“Accessory Dwelling Unit

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.”

- iv. Adding:

“Additional Residential Unit

A self-contained dwelling unit which is located within, and/or on the same parcel of urban residential land as a principal dwelling unit in a detached dwelling, semi-detached dwelling, townhouse or street townhouse.”

v. Deleting:

“Floor Area Ratio – Low Density Residential

The mathematical relationship between the floor area of a dwelling and its lot area determined by dividing the floor area of a building (including attached garage and stair case) by the net area of that lot.”

vi. Adding:

“Floor Area Ratio – Low Density Residential

The mathematical relationship between the floor area of a principal building, excluding any accessory buildings, and its lot area determined by dividing the floor area of a building (including attached garage and stair case) by the net area of that lot.”

vii. Adding:

“Parcel of Urban Residential Land

a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

1. sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
 - i. a municipality,
 - ii. a municipal service board established under the *Municipal Act, 2001*,
 - iii. a city board established under the *City of Toronto Act, 2006*,
 - iv. a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
 - v. a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
2. a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”).”

viii. Adding:

“Tandem Parking Space

A parking space that can only be accessed by passing through another parking space from a street, lane or driveway.”

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.

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 26th day of September, 2023

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.460

By-law 2020.460 amends Parts 1, 2, 5, 6, 7, 9, 11, 14 and 16 of the City's Zoning By-law 2020, as amended, for the purpose of complying with changes made to the *Planning Act* regarding Additional Residential Units through Bill 23, *More Homes Built Faster Act, 2022*, and Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023*.

For further information regarding By-law 2020.460, please contact Victoria Coates of the Burlington Community Planning Department at (905) 335-7777, extension 7409.