

SUBJECT: Supplemental Staff Memo for DGM-05-26 (New Residential Zoning By-law – Final Draft – Statutory Public Meeting and Recommendation Report)

TO: Council

FROM: Development and Growth Management
Community Planning

Report Number: DGM-05-26

Wards Affected: All

Date to Council: February 17, 2026

The purpose of this memo is to provide supplemental information to Council regarding staff report DGM-05-26 and present a revised recommended Residential Zoning By-law and a revised recommended Residential Zoning By-law Near Rail to Council for approval, in response to comments and questions received at the statutory public meeting to consider the recommended by-laws at Committee of the Whole (COW) on Feb. 10, 2026.

Staff's recommended revisions are outlined and explained below, and relate to:

1. Hazardous lands and setbacks from Open Space Zones
2. Setback to pipelines
3. Holding provisions near rail
4. Other minor edits of clarification

These revisions apply to both by-laws, except those that relate to holding provisions near rail apply only to the Burlington Residential Zoning By-law Near Rail. As noted in staff report DGM-05-26, staff will monitor the efficacy of the Residential Zoning By-laws following enactment, and will bring forward zoning by-law amendments to Council or initiate minor zoning by-law amendments under delegated authority in a timely manner as necessary.

1. Hazardous Lands & Setbacks from Open Space Zones

Revisions are proposed to provide greater clarity in the role of Conservation Halton in regulating development in hazardous lands, including shoreline hazards. Revisions are also proposed to ensure that appropriate setbacks are provided to Open Space Zones in the Zoning By-law 2020, which may contain natural heritage features that are not regulated by

Conservation Halton but which may be located within Conservation Halton's regulated area for natural hazard purposes. Specifically, the following edits are proposed:

- Explanatory Note in Section 1.3 (Compliance with other regulations), to unbold "development", and mention watercourses and shorelines;
- Section 2.3 e) (Zone Boundaries), to clarify that zone boundaries follow the greater of: stable top of bank, meander belt, or floodplain, plus 6 metres, which reflects how Conservation Halton's regulated area is defined;
- Definition of "Flood Hazard", to include shoreline-related hazards, reflecting the definition in the Provincial Planning Statement, 2024;
- Section 5.13 b) (Uses Permitted in All Zones), to replace "public" with "essential emergency services", reflecting the Policy 5.2.6 in the Provincial Planning Statement, 2024;
- Section 5.43 (Setbacks Abutting Creek Blocks and Other Zones), to clarify the applicable setbacks abutting a creek block and open space zones to ensure that appropriate setbacks are provided to lands containing hazardous lands and natural features and areas, regardless of whether it is regulated by Conservation Halton, since lands regulated by Conservation Halton for natural hazard reasons may also contain natural heritage features that fall outside Conservation Halton's scope of review and regulation; and,
- Section 5.44 (Setback from a Watercourse), to clarify that a 6 metre setback for buildings is required from the greater of: the floodplain, meander belt, or stable top of bank, which reflects how Conservation Halton's regulated area is defined.

2. Setbacks to Pipelines

City staff received new comments from Trans-Northern Pipelines Inc. on Feb. 10, 2026. The pipeline operator recommends a 10 metre setback from a pipeline right-of-way, and notes that the required setback from a pipeline depends on the type of pipeline and stress level of the pipeline. The recommended by-laws have been revised to require a 11 metre setback from a Trans-Northern Pipeline Inc. right-of-way, which can be reduced by up to 1 metre through as-of-right variance permissions under the *Planning Act*. Additional flexibility is also provided for a further reduced setback in consultation with the pipeline operator. Staff note that separate written consent from pipeline operators are required for ground disturbance activities 30 metres of a pipeline, in accordance with the *Canada Energy Regulator Act*.

3. Holding Provisions Near Rail

Staff recommend revisions to the holding provisions in the proposed Burlington Residential Zoning By-law Near Rail, which:

- Clarify that alterations and minor additions to existing buildings are only permitted if they do not result in an increase in the number of dwelling units, except for additional residential units; and,
- Exclude home day cares as an interim use that is allowed prior to the removal of the holding provision.

The proposed holding provisions allow a minor addition to an existing building without the need to remove the H provision, provided the addition does not exceed 25% of the existing gross floor area. On Feb. 9, 2026, additional comments were received from CN Rail, stating concerns that 25% could be significant for larger buildings such as apartment buildings, and could result in significant intensification. In response, staff propose a minor revision to the holding provisions to clarify that alterations and minor additions are allowed provided they do not result in an increase in the number of dwelling units, except for additional residential units, in accordance with the additional residential unit regulations of the by-law.

The proposed holding provisions in the proposed Burlington Residential Zoning By-law Near Rail allow for home occupations as an interim use before the removal of the H provision. An edit is proposed to exclude home day cares from the type of home occupations that may be allowed without removing the H, to prevent the introduction of new sensitive land uses before land use compatibility can be assessed and mitigated.

4. Other Minor Edits of Clarification

To facilitate consistent interpretation, the following minor edits of clarification are proposed:

- Section 1.10 (Non-Complying Buildings and Structures), to replace the words “lawfully constructed” with “legally established” to be consistent with similar regulations in Section 1.7;
- Section 1.17a) (Continuation of Approved Applications), to include zoning clearance certificate applications that have been approved on or before the effective date of the by-laws, to ensure that building permits for those developments may continue to be issued under Zoning By-law 2020;
- Section 3.3 (Interpretation of Tables), to reflect how footnotes are shown in tables;
- Part 4 (Definitions):
 - “Body-rub Parlour”, to clarify that non-licensed practitioners that are not designed to appeal to erotic or sexual appetites or inclinations, such as osteopaths, are not considered a body-rub parlour.
 - “Dwelling, Semi-Detached”, to clarify that lot standards apply to each unit.
- Section 5.4e) (Balconies, Decks, Residential Patios, and Porches), to include a maximum encroachment restriction of 2 metres for porches located more than 1.2 metres above grade into the required rear yard, similar to regulation 5.4 d) vii) for

porches with a platform 1.2 metres or less above grade, to ensure compatibility between porches in the rear yard and surroundings;

- Section 5.14, Table 2 (Provisions for Accessory Buildings Containing an Additional Residential Unit - Detached), to delete Footnote (1) regarding lot coverage to reduce redundancy, since lot coverage is already regulated in Section 7 of the by-laws; and,
- Sections 7.3 and 7.4 (Provisions for Detached or Semi-Detached Dwellings in the LN1 to LN6 zones), to clarify that maximum dwelling depth is measured from the minimum required front yard or established front yard to the rear wall greater than 0.5 metres above grade.

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Attachments:

- A. Revised Residential Zoning By-law
- B. Revised Residential Zoning By-law Near Rail

Memo Approval:

Supplemental staff memos are reviewed and approved by the Commissioner.