



APPENDIX A

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2021-068

A by-law to amend Town of Oakville Zoning By-law 2014-014 to make a number of housekeeping, technical and other modifications affecting various Zones.
(Town-initiated Omnibus Zoning By-law Amendment,
File No. 42.25.20)

COUNCIL ENACTS AS FOLLOWS:

1. Within **Part 1, Administration**, of Zoning By-law 2014-014:

- a. A new Section 1.11, Interpretation of Words, is added as follows:

“1.11 Interpretation of Words

Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular and the word "used" includes "intended to be used"; the word "shall" is mandatory, not permissive; and words used in one gender shall include all genders.”

- b. A new Section 1.12, Construction Tolerance, is added as follows:

“1.12 Construction Tolerance

Where a building permit has been lawfully issued and has not been revoked for the construction of a *building* or *structure* and where the *height* or *yard* requirement for said as-built *building* or *structure* is found to be in contravention with the maximum *height* or *minimum yard* by no more than 0.03 metres, the non-compliant *height* or *yard* shall be deemed to comply with the *height* or *yard* requirement of this By-law.”

- c. Section 1.4 d), Compliance with this By-law and Certificates of Occupancy, is amended by inserting “*lodging house, home occupation*” after “*short-term accommodation*”.

2. Within **Part 2, Establishment of Zones**, of Zoning By-law 2014-014:
- a. Section 2.3.2 a), Split Zoning, is amended by:
 - i. Deleting “and regulations” after “the applicable *use* permissions”; and
 - ii. Adding a new subsection d) as follows: “*Building and structures* shall be subject to the applicable regulations for the *zone* in which it is located. In cases where a *building or structure* is located on two or more *zones*, the more restrictive regulations shall apply.”;
3. Within **Part 3, Definitions**, of Zoning By-law 2014-014:
- a. The definition of *Residential Floor Area* (Floor Area, Residential) is amended by deleting subsections a), b) and c).
 - b. The definition of *Residential Floor Area Ratio* is amended by replacing “means the ratio” with “means the percentage”.
 - c. The definition of *Attic* is amended by deleting and replacing it with the following:

“means the uninhabitable space of a *building* which is immediately below the roof and wholly or partially within the roof framing”.
 - d. The definition of *Pet Care Establishment* is amended by deleting and replacing it with the following:

“means a *premises* where dogs and cats and other domesticated animals, excluding livestock, are groomed, trained and/or kept for fee on a daily basis, but shall exclude overnight boarding and outdoor facilities”.
 - e. The definition of *Structure* is amended by inserting “but does not include fences, retaining walls, light standards or signs” after “joined together”.
 - f. The definition of *Manufacturing* is amended by:
 - i. Inserting “making,” after “fabricating,”; and
 - ii. Inserting “items,” after “articles,”.
 - g. The definition of *Lot Area* is amended by deleting “or below the top of bank”.
 - h. The definition of *Lot Coverage* is amended by deleting “calculation of the total horizontal area of that part of the *lot*” and replacing it with “percentage of the *lot area*”.

- i. The definition of *Storey* is amended by inserting “an *attic* or a” after “a *building* not including”, and deleting the “s” from “mezzanines”.
- j. The definition of *Grade, Established* is amended by deleting “and” after “*through lots*” and inserting “and *interior lots* having more than one separate *front lot line.*” after “*through corner lots*”.
- k. The definition of *Yard, Flankage* is amended by deleting “any” and replacing it with “the nearest”.
- l. The definition of *Yard, Front* is amended by deleting “any” and replacing it with “the nearest”.
- m. The definition of *Yard, Interior Side* is amended by deleting “any” and replacing it with “the nearest”.
- n. The definition of *Yard, Rear* is amended by deleting “any” and replacing it with “the nearest”.
- o. The definition of *Parking Area, Heavy Vehicle* is amended by:
 - i. Inserting “accessory” after “an area on a *lot* for the”;
 - ii. Inserting “,” after “4,500.0 kilograms”; and
 - iii. Inserting “, in association with the primary *use* of the *lot.*” after “licensed by the Ministry of Transportation”.
- p. The definition of *Motor Vehicle Service Station* is amended by:
 - i. Inserting “or electric power” after “means a *premises* where fuel”; and
 - ii. Inserting “sold and” after “*motor vehicles* is”.
- q. The definition of *Park, Public* is amended by inserting “, and may include a *commercial parking area* as an *accessory use.*” after “through an agreement with the *Town*”.
- r. The definition of *Stacking Lane* is amended by:
 - i. Inserting “single” after “means a continuous on-site”; and
 - ii. Deleting “*lane*” and replacing it with “line”.

4. Within **Part 4, General Provisions**, of Zoning By-law 2014-014:

- a. Section 4.11.1, Calculations for Determining Landscaping, is amended by deleting the heading “Calculations for Determining Landscaping” and replacing it with “General Landscaping Provisions”.
- b. Section 4.25.2, Model Homes, is amended by inserting “Notwithstanding Section 4.14,” before “*model homes* are permitted on lands”.
- c. Section 4.25.3, Temporary Sales Offices, is amended by inserting “Notwithstanding Section 4.14,” before “temporary sales offices for the sale of”.
- d. Section 4.1.1 b), Residential Zones, is amended by deleting “and” and inserting “or *linked dwelling*.” after “*semi-detached dwelling*”.
- e. Section 4.3, Allowable Projections, is amended by:

- i. Inserting “Encroachments and” after “Allowable” in the heading;
- ii. Deleting “The following projections are permitted in accordance with Table 4.3, below” and replacing it as follows:

“Unless otherwise permitted by this By-law, all *minimum yards* shall be unobstructed except for the allowable encroachments and projections in Table 4.3, below:”

- f. Table 4.3, Allowable Building and Structure Encroachments and Projections, is amended by inserting the following after the “Chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres” row:

Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
“Window wells with a maximum width of 1.8 metres	All	0.6 m	n/a”

- g. Section 4.22 b) ii), Shipping Containers, is amended by replacing “and,” with “or”.
- h. Section 4.25.1, Construction Uses, is amended by inserting “within the *lot*” after “*uses* incidental to construction”.

- i. Table 4.3, Allowable Building and Structure Encroachments and Projections, is amended by deleting “*Uncovered platforms* with or without a foundation and including access stairs in the Residential Low RL6 Zone” and replacing it with “*Uncovered platforms* having a floor height equal to or greater than 3.0 metres measured from grade, with or without a foundation, and including access stairs in the Residential Low RL6 Zone”.
- j. Section 4.16.1, Residential Uses, is amended by:
- i. Renumbering subsection e) to subsection f);
 - ii. Adding a new subsection d) as follows:

“e) Notwithstanding subsection d) above, the maximum height shall not apply to a swimming pool or hot tub that is located on a rooftop terrace of an apartment dwelling.”
- k. Table 4.11.2, Required Widths of Landscaping by Zone, is amended by deleting “*Manufacturing*” from row 7.
- l. Table 4.3, Allowable Building and Structure Encroachments and Projections, is amended by deleting the “Industrial or mechanical equipment in the E2 and E3 Zones” row and replacing it with the following:

Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
“Industrial or mechanical equipment in the E2 and E3 Zones	Rear and interior side	Equal to the minimum yard requirements	n/a”

- m. Table 4.3, Allowable Building and Structure Encroachments and Projections, is amended by deleting the “*Uncovered platform* attached to a pool structure” row and replacing it with the following:

Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
“ <i>Uncovered platform</i> attached to a pool structure	Rear and interior side	Up to 0.91 m from the interior side, or rear lot line	n/a

	<i>Flankage</i>	Up to 2.0 m from <i>flankage lot line</i>	n/a”
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- n. Table 4.3, Allowable Building and Structure Encroachments and Projections, is amended by deleting the “Uncovered access stairs below grade” row and replacing it with the following:

Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
“Uncovered access stairs below grade	<i>Rear</i>	1.5 m	n/a
	<i>Flankage and interior side</i>	0.0 m	1.5 m”

- o. Section 4.6.2, Building and Structures, is amended by deleting subsections m), n) and o) in its entirety.
- p. Section 4.6.3, Parapets, is amended by deleting the section in its entirety and replacing it with the following:

“4.6.3 Parapets

The *height* provisions of this By-law shall not apply to a *parapet* provided that the *parapet* does not project:

- 0.3 metres above the maximum *height* for any RL, RM1, RM2 or RM3 zone; or
- 2.0 metres above the maximum *height* for all other zones.”

- q. Section 4.6.4, Rooftop Mechanical Equipment and Mechanical Penthouses, is amended by deleting the section in its entirety and replacing it with the following:

“4.6.4 Rooftop Mechanical Equipment and Mechanical Penthouses

The *height* and *storey* provisions of this By-law shall not apply to rooftop mechanical equipment and *mechanical penthouses* provided that:

- A *mechanical penthouse*, including any appurtenances thereto, not exceed 6.0 metres above the maximum *height*.

- b) Rooftop mechanical equipment, including any appurtenances thereto, not exceed 2.0 metres above the maximum *height*.”
- r. Section 4.6.5, Skylights and Cupolas, is amended by:
 - i. Deleting “The following provisions shall apply to skylights and cupolas:” and replacing it with “The *height* provisions of this By-law shall not apply to skylights and cupolas provided that:”;
 - ii. Deleting “in” for subsection a) and replacing it with “above the maximum”;
 - iii. Replacing the periods for subsections a) and b) with a semicolon;
 - iv. Replacing the period for subsection c) with “; and,”.
- s. Section 4.6.6, Rooftop Terraces, is amended by:
 - i. Renumbering the section from 4.6.6 to 4.27; and
 - ii. Deleting “having a minimum height of 1.2 metres” from subsection h).
- t. A new Section 4.28, Rooftop Mechanical Equipment, is added as follows:

“4.28 Rooftop Mechanical Equipment

The following provisions shall apply where rooftop mechanical equipment is provided on any *lot* not located in any Residential Low (RL) *Zone* and the Residential Medium (RM1) and (RM2) *Zones*:

 - a) Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a *mechanical penthouse*.”

5. Within **Part 5, Parking, Loading & Stacking Lane Provisions**, of Zoning By-law 2014-014:

- a. Section 5.8.4, Driveway Setbacks, is amended by:
 - i. Replacing “along all points of the *driveway*” with “at the point of where the *driveway* crosses the *front lot line*.” for subsection 5.8.4 a);

- ii. Replacing “along all points of the *driveway*” with “at the point of where the *driveway* crosses the *front* or *flankage lot line*.” for subsection 5.8.4 b).
- iii. Replacing “along all points of the *driveway*” with “at the point of where the *driveway* crosses the *flankage lot line*.” for subsection 5.8.4 c).

- b. Table 5.2.1, Ratios of Minimum Number of Parking Spaces, is amended by adding “a” to Footnote (2) for *Apartment dwelling* as follows:

Use	Minimum Number of Parking Spaces
“ <i>Apartment dwelling</i> ”	b) 1.5 per <i>dwelling</i> for all other units (1)(2a)(3)”

- c. Table 5.2.2, Ratios of Minimum Number of Parking Space for Mixed Use Zones, is amended by inserting Footnote (2a) for *Apartment dwelling* as follows:

Use	Minimum Number of Parking Spaces
“ <i>Apartment dwelling</i> ”	b) 1.25 per <i>dwelling</i> for all other units (1)(2a)(3)”

- d. Section 5.8.2 c), Driveway Width, is amended by deleting “The maximum width of a driveway shall be:” and replacing it with “The maximum width for a single *driveway* and the combined maximum width where more than one *driveway* is permitted shall be:”

6. Within **Part 6, Residential Zones**, of Zoning By-law 2014-014:

- a. Section 6.10, Separation of Dwelling Units, is amended by deleting the section and replacing it as follows:

“6.10 Separation of Dwelling Units

- a) The proposed *rear lot lines* within a *lot* or block designated for *back-to-back townhouse dwelling units* will be deemed to be the *rear lot lines* for zoning purposes until the *lot lines* are formally established.
- b) The entirety of the *lot* or block designated for *semi-detached, townhouse, back-to-back townhouse* and *stacked townhouse dwellings* shall be used for the purposes of determining compliance with the applicable zoning regulations.
- c) For a *common element condominium*, the applicable zoning regulations shall apply to the proposed *lots* or blocks to be parcels of tied land until the *lots* or *blocks* are formally established.”

- b. Section 6.5.2, Regulations, is amended by deleting subsections a), b), c) and d) in its entirety and replacing it as follows:

- “a) Subject to subsection b) below, the *minimum yards* for an *accessory building* or *structure* shall be the same as for the *dwelling* on the *lot*.
- b) The minimum yard from any *lot line* for an *accessory building* or *structure* located in a *flankage* or *rear yard* shall be 0.6 metres, provided that the *accessory building* or *structure* has a minimum *separation distance* of 2.0 metres from the *dwelling*.
- c) Subject to subsection d) below, the maximum *height* for an *accessory building* or *structure* shall be 4.0 metres measured from *grade*.
- d) The maximum *height* of *accessory building* or *structure* shall be reduced to 2.5 metres measured from *grade* where the *accessory building* or *structure* is located less than 3.5 metres from a *flankage lot line*.”

- c. Section 6.4.1, Residential Floor Area Ratio, is amended by deleting the section except for Table 6.4.1 and replacing it with the following before Table 6.4.1:

“6.4.1 Residential Floor Area

- a) Where *residential floor area* is located on the same level as an *attic*, *residential floor area* shall be calculated from the exterior face of the knee wall.
- b) Where *attic* space is located on the same level as a permitted *storey* including an *attic* above an attached *private garage* and the *attic* shares a common wall(s) in whole or in part with the permitted *storey* and exceeds a headroom clearance below the roof framing of 1.8 metres at any given point, the entire *attic* space shall be included in the *residential floor area* calculation.
- c) Where any *dwelling* having more than one *storey* has an attached *private garage*, the *floor area* of the *private garage* shall be included in the *residential floor area* calculation if:
 - i) the attached *private garage* has a *height* equal to or greater than 6.0 metres, measured from the finished floor level of the *private garage* to the highest point of the *structure* containing the *private garage*; and
 - ii) the *residential floor area* located directly above the *private garage* is less than 25% of the *private garage floor area* below.
- d) The maximum *residential floor area ratio* for a *detached dwelling* shall be as shown in Table 6.4.1, below:”

7. Within **Part 8, Mixed Use Zones**, of Zoning By-law 2014-014:

- a. Section 8.2, Additional Regulations for Permitted Uses Table 8.2, is amended by deleting Footnote 1 in its entirety and adding a new Footnote 1 as follows:

“a) Stand-alone residential *buildings* are not permitted on *lots* having a *front lot line* or *flankage lot line* abutting Lakeshore Road.

b) Residential *dwelling units* located on the *first storey* shall have the *main front entrance* oriented towards a *public road*.”

- b. Section 8.2, Additional Regulations for Permitted Uses Table 8.2, Footnote 3 is amended by:

- i. Replacing “*public road*” with “*front lot line*”; and
- ii. Deleting “and entirely below the *first storey*”.

8. Within **Part 10, Employment Zones**, of Zoning By-law 2014-014:

- a. Table 10.2, Permitted Uses in the Employment Zones, is amended by adding Footnote 18 for “*Outside storage*” and “*Parking area, heavy vehicle*” as follows:

	E1	E2	E3	E4
“ <i>Outside Storage</i> ”		✓ (18)	✓ (18)	
<i>Parking Area, heavy vehicle</i>		✓ (18)	✓ (18)”	

- b. Table 10.2, Additional Regulations for Permitted Uses Table 10.2, is amended by adding a new Footnote 18 as follows:

“18. Permitted only *accessory* to another permitted *use*.”

9. Within **Part 15, Special Provisions**, of Zoning By-law 2014-014:

- a. Section 15.22.1 i), Zone Provisions, is amended by inserting “the minimum” after “projection into”.
- b. Section 15.117, Maidstone Crescent and Parkridge Crescent, is amended by:

- i. Renumbering Section 15.117.1, Prohibited Uses, to Section 15.117.2, Prohibited Uses;
- ii. Renumbering Section 15.117.2, Zone Provisions, to Section 15.117.3, Zone Provisions; and,
- iii. Adding a new Section 15.117.1, Additional Permitted Uses, as follows:

"15.117.1 Additional Permitted Uses	
The following additional <i>uses</i> are permitted:	
a)	<i>Linked dwelling</i>

- c. Section 15.44.1, Zone Provisions, is amended by:
 - i. Deleting "within front *yard*" in subsection f) and replacing it with "along the *rear lot line*"; and
 - ii. Deleting subsections g) and h) in its entirety.
- d. Section 15.335, 785 Pacific Road, is amended by:
 - i. Deleting Sections 15.335.1 and 15.335.2 in its entirety; and
 - ii. Renumbering the Section 15.335.3, Special Site Provisions, to Section 15.335.1.

PASSED this 10th day of May, 2021

MAYOR

CLERK