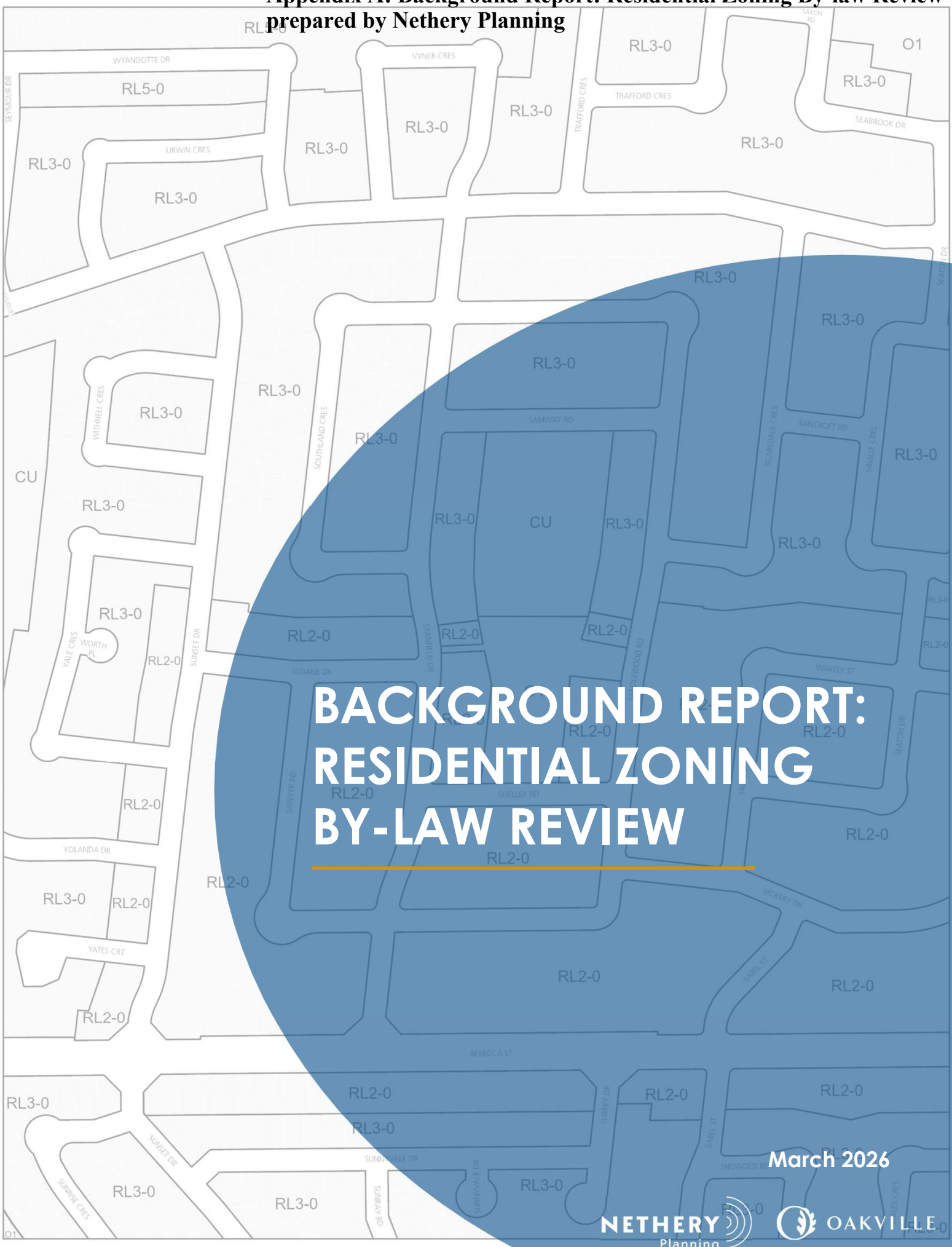
**Appendix A: Background Report: Residential Zoning By-law Review prepared by Nethery Planning**




# BACKGROUND REPORT: RESIDENTIAL ZONING BY-LAW REVIEW

March 2026

NETHERY Planning

OAKVILLE

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# 1. INTRODUCTION

The Town of Oakville is conducting a comprehensive review of its low-density residential zoning framework, specifically focusing on the Residential Low (RL1 through RL11) zones (see **Figure 1** for a map of the study area). These zones govern the development of low-density residential housing and associated uses. Zoning By-law 2014-014, as amended has served as a foundational document for managing land use and development in the Town. With recent changes in community needs, feedback from the public, and evolving provincial policies, there is a need to ensure that the zoning remains relevant and responsive.

The primary purpose of this project is to refine the zoning regulations to better reflect modern residential development trends while safeguarding established low-density neighbourhoods. To achieve this, the approach includes consolidating zones where appropriate, standardizing setback and coverage requirements, introducing flexible height and massing guidelines, and streamlining regulations. Many of the Residential Low (RL) zones share similar characteristics, creating an opportunity to simplify and consolidate these zones into a more user-friendly by-law that promotes clearer communication and easier interpretation. This study makes 40 zoning recommendations (in Chapter 6) to streamline provisions, improve alignment with modern housing needs, and improve site conditions to support stormwater management.

The overall intent of this project, as with all zoning and land use policy in Oakville, is to continue to enable residential development that is compatible with existing neighbourhoods while addressing contemporary design challenges. As the first major review of the low density residential permissions since the initial passage of Zoning By-law 2014-014, it also provides an opportunity to improve the usability and interpretation of the By-law. The study's recommendations include regulations that are clear, consistent, and easy to understand for residents, developers, stakeholders and Town staff, all responsive to feedback received over a decade of administering the By-law.

**Figure 1:** Map of study area (Original source: Residential Character Study, 2017)

# 2. Policy Context for Low-Density Residential Zones

The review of residential zoning in Oakville is informed by various key reports and policies, each contributing valuable insights into the Town's approach to maintaining its residential character. These documents provide the foundation for the zoning review, helping to guide decisions around zoning changes, community design, and land use.

The Livable Oakville Plan (2009) outlines the core policies for residential lands, particularly through Section 11.1.9, which focuses on maintaining the unique character of stable residential neighbourhoods. Complementing this plan, the Design Guidelines for Stable Residential Communities (2013) provide detailed directions on how new developments should respect and reflect the existing streetscape, ensuring harmony between old and new structures. Additionally, the Balconies Staff Report (2017) addresses specific concerns around privacy and aesthetics related to balcony design, further shaping residential zoning considerations. Finally, the Residential Character Study (2017) serves as a key resource in understanding public feedback on maintaining neighbourhood character, focusing on elements like building heights, setbacks, and landscaping. Each of these reports informs the ongoing zoning review, providing a well-rounded perspective on how Oakville can balance growth with character preservation.

## 2.1 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* is the key enabling legislation for land use planning in Ontario. It is structured to require municipalities to develop a vision for land use in the community that has a regard for Provincial expectations in several areas (referred to by the *Act* as "Matters of Provincial Interest"), is consistent with the 2024 Provincial Planning Statement (PPS), and does not conflict with provincial plans or the public interest as defined through a local planning process.

The many expectations surrounding a municipality's vision are documented in policy documents like Official Plans. Official Plans have fairly broad authority in terms of what vision, guidelines and policies it can contain, and can be implemented through a variety of mechanisms.

The *Planning Act* binds municipalities to ensure that their work and regulatory processes are "in conformity" with that vision and policies. This requirement is enshrined in two key Sections in the *Act*:

24.(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), *no by-law shall be passed for any purpose that does not conform therewith*" (emphasis added).

26.(9) No later than three years after a revision [to an Official Plan or adoption of a new Official Plan, both through a comprehensive review] comes into effect, the council of the municipality *shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan*" (emphasis added).

The main operative word when preparing a comprehensive zoning by-law is "conform." As noted in the key *Planning Act* clauses above, a new zoning by-law must conform to the official plan in effect in the municipality. This doctrine is intended to prevent a municipality from allowing development that does not meet the policies of its official plan, for example, permitting new development on hazard lands. In effect,

the Province expects municipalities to develop a regulatory framework in conformity with its defined vision. Section 34 of the *Planning Act* sets out what a zoning by-law can do (and, by extension, cannot do). This includes:

1. For prohibiting the use of land, except for such purposes as may be set out in the by-law.

2. For prohibiting the erecting, locating or using of buildings or structures, except for such purposes as may be set out in the by-law.

3.1 For prohibiting the erection of buildings or structures on hazard lands (e.g., floodplains, steep slopes, erosion hazards, unstable, contaminated) or lands with a sensitive surface water feature or within a vulnerable in a drinking water source protection plan.

3.2 For prohibiting the use of land and erecting, locating or using of buildings or structures in significant wildlife habitat or features.

3.3 For prohibiting the use of land and erecting, locating or using of buildings or structures on lands with a significant archaeological resource.

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures, as well as minimum lot frontages and depths (including lot area).

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures.

6. For requiring parking or loading facilities.

The recommendations of the South Oakville Residential Zoning Review need to fit into one of these areas permitted for zoning regulation by the *Planning Act*.

## 2.2 Provincial Planning Statement (2024)

A new Provincial Planning Statement came into effect on October 20, 2024. It replaced the 2020 Provincial Policy Statement and the 2019 Growth Plan for the Greater Golden Horseshoe. Section 3(1) of the *Planning Act* requires decisions of a planning authority, such as a municipal Council, to be consistent with the Provincial Planning Statement.

Local zoning is one of many ways that municipalities plan for and deliver complete communities. Per Policy 2.1.6(a) of the Provincial Planning Statement:

> *Planning authorities should support the achievement of complete communities by…accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.*

Municipalities also have a responsibility to make land use planning decisions that help prepare for the impacts of a changing climate. Per Policy 2.9.1 of the Provincial Planning Statement:

*2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

*…*

*b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*

*…*

*d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality.*

This is supplemented by detailed direction on stormwater management, found in Policy 3.6.8 of the Provincial Planning Statement:

*3.6.8 Planning for stormwater management shall:*

*…*

*b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*

*c) minimize erosion and changes in water balance including through the use of green infrastructure;*

*d) mitigate risks to human health, safety, property and the environment;*

*e) maximize the extent and function of vegetative and pervious surfaces;*

*f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*

*g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

The reduction in stormwater volume in subsection (b), the addition of green infrastructure in subsection (c), and the addition of the alignment with comprehensive stormwater management in subsection (g) are new from the 2014 Provincial Policy Statement in effect in 2014, when Zoning By-law 2014-014 was initially passed.

Two concepts above are relevant to the South Oakville Residential Zoning Review:

1. Green infrastructure is defined as, “means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.”

2. Low-impact development has a long definition. Divided into its components:

    - An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution.

    - It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater.

    - Low-impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

## 2.3 Halton Region Official Plan (2022)

In November 2022, Bill 23, *More Homes Built Faster Act*, 2022, was introduced by the Province. The legislation identified Halton Region as an “upper-tier municipality without planning responsibilities.” In accordance with Bill 185, *Cutting Red Tape to Build More Homes Act*, 2024, this change to the Region’s role came into effect on July 1, 2024. This means the Halton Region Official Plan is no longer a regional plan and is now a local plan of the four local municipalities (Burlington, Halton Hills, Milton, and Oakville). This additional Official Plan applies to Oakville.

The Halton Region Official Plan is largely deferential to local urban policies. Policy 76 states: “The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this Plan.”

The Halton Region Official Plan provides for the provision of new housing units within the “Built-Up Area” (lands within the 2006-delinerated Built Boundary, which includes most low-density residential lands south of Dundas Street). More focused design policies are intended for areas planned for growth (namely, Strategic Growth Areas such as Major Transit Station Areas). Stormwater management is identified as an area for partnership with local municipalities and conservation authorities in preparing watershed plans [Policy 145(6)].

## 2.4 LIVABLE OAKVILLE PLAN (2009)

The Livable Oakville Plan (2009) serves as the primary policy document for managing growth, land use, and development in Oakville. It outlines the Town's vision for maintaining a high quality of life, focusing on protecting the character of existing residential neighbourhoods while accommodating future growth. The plan applies to all areas south of Dundas Street and north of Highway 407 and serves as a key tool in shaping the Town's residential zoning framework.

One of the critical components of the Livable Oakville Plan (2009) as it relates to residential lands is Section 11.1.9, which provides detailed criteria for evaluating new developments within stable residential communities:

*11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:*

*a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*

*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.*

*d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*

*e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

*f) Surface parking shall be minimized on the site.*

*g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*

*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*

*i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.*

*j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.*

*k) The transportation system should adequately accommodate anticipated traffic volumes.*

*l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.*

In addition to Section 11.1.9, the Livable Oakville Plan (2009) also outlines protections for areas designated as Special Policy Areas in Section 26. Specifically, Section 28.2 addresses the need to protect the unique character of certain low-density residential areas by limiting the density to a maximum of 10 units per hectare within an identified Special Policy Area. The "-0" Suffix Zone is one such zoning tool used to implement stricter controls to preserve their distinct character.

Section 10.10 of the Livable Oakville Plan provides the policy basis for planning for stormwater management and environmental design. Section 10.10.1 states:

> *Stormwater management systems shall be designed to promote on-site infiltration, minimize downstream erosion and flooding, protect groundwater resources and minimize stormwater flows and contaminant loads to receiving watercourses and Lake Ontario. Stormwater management systems shall also incorporate appropriate best management practices and lot-level controls.*

This policy clearly emphasizes the importance of on-site infiltration and lot-level stormwater solutions, objectives that are compromised by current side yard setbacks of 0.6 metres, which have proven insufficient to accommodate the Town's minimum swale width requirements as outlined in the 2023 Grading and Servicing Plan Guide for Residential Infill Developments. Section 10.10.5 adds that:

> *The provision of stormwater drainage facilities shall be in accordance with master plans established through subwatershed studies, where applicable, or the Town's engineering standards.*

Increasing the minimum setback on the smallest lots to 1.2 metres allows for the proper integration of swales and other drainage infrastructure in accordance with these engineering standards. Further support for this direction is found in Section 10.10.8, which states:

> *The use of permeable surfaces and soft landscaping shall be encouraged where possible.*

The additional side yard space enables enhanced opportunities for soft landscaping and infiltration zones, aligning directly with this guidance. Lastly, Section 10.10.12 provides a proactive lens:

> *The Town may pursue opportunities to implement quantity and quality controls for stormwater management within the Town's developed areas where current controls do not exist or are not adequate.*

By requiring more generous side yard setbacks, the Town is directly addressing identified gaps in local drainage capacity and enabling lot-level improvements that respond to both present and future stormwater challenges. Increased setbacks on larger lots are related to this goal, with the recommendation to support the sense of spaciousness on these lots.

## 2.5 Design Guidelines for Stable Residential Communities (2013)

The Design Guidelines for Stable Residential Communities (2013) were created to illustrate how to achieve a better fit by providing tools to mitigate the size, configuration, and positioning of massing in Oakville's stable residential neighbourhoods (south of Dundas Street and North of Highway 407). These guidelines were established as part of the Town's commitment to maintaining a sense of cohesion, and an urban form that aligns with the policies outlined in the Livable Oakville Plan. These guidelines only apply when a *Planning Act* application is filed (e.g., minor variance, site plan).

Within, guiding principles are outlined, aligning with policy direction within the Livable Oakville Plan (2009) and Livable by Design – Urban Design Manual (Part A) in an effort to produce stable community development via a design-centered approach. The six guiding principles are: Sense of Identity, Compatibility, Connectivity, Sustainability, Legacy, and Creativity.

As many established residential neighbourhoods in Oakville experience change, these guidelines provide a structured framework to preserve the character of these areas while allowing for new developments. The guidelines apply specifically to new detached dwellings, replacements of existing dwellings, and significant additions. They aim to balance creativity in design with the need for compatibility, encouraging new structures complement the surrounding neighbourhood. The Design Guidelines are organized into four main contexts:

### 1. Neighbourhood Context

This section focuses on promoting new developments that respect the overall neighbourhood character, including lotting patterns, building scale, and the visual rhythm of streetscapes. It emphasizes compatibility in terms of scale, massing, height, setbacks, architectural character, and the retention of soft landscaping.

### 2. Architectural Context

This section of the Design Guidelines highlights the importance of architectural features, including building massing, roof forms, setbacks, and primary façades. New developments should incorporate architectural elements that contribute to a visually cohesive neighbourhood, avoiding stark contrasts in style, height, or material. New development is also encouraged to minimize environmental impacts, incorporating design interventions and elements that support sustainability. The Design Guidelines discourage the replication of historic architectural styles but encourage the thoughtful integration of design elements that echo a neighbourhood's character. Additionally, elements like garages and accessory structures should be designed to minimize their visual prominence and harmonize with the overall building.

### 3. Site Context

This section emphasizes the preservation of landscaping and tree coverage as critical elements of neighbourhood character. Mature trees, green spaces, and landscaping should be preserved where possible, integrating soft and hard landscaping elements that are consistent with the surrounding area.

The Design Guidelines also address driveways and walkways, encouraging minimal hard surfaces to maintain permeable surfaces and reduce stormwater runoff.

#### 4. Heritage Context

This section emphasizes the conservation of “heritage resources”, being a building, building remnant, structure, landscaping or other feature which has heritage status by virtue of designation under the *Ontario Heritage Act* or listed on the Oakville Register of Properties of Cultural Heritage Value or Interest. The guidelines provide guidance for development involving a heritage resource itself, or development adjacent to such a resource.

## 2.6 Balconies Staff Report (2017)

The Balconies Staff Report (2017) provides a comprehensive analysis of the Town’s approach to balcony design and regulations, particularly regarding privacy concerns, aesthetics, and alignment with Zoning By-law 2014-014. The study arose in response to concerns from residents and developers regarding the prohibition of second-storey balconies in the “-0” Suffix Zone and the emerging use of rooftop terraces in urban areas.

It was recommended in the Balconies Staff Report (2017) that balconies be permitted in “-0” Suffix Zones where privacy concerns could be mitigated. This includes properties abutting parks, woodlots, or large open spaces. To safeguard privacy, balconies should comply with minimum yard setback requirements and be subject to screening measures, such as landscape buffers or privacy walls. This recommendation was not implemented at the time, and second-storey balconies in the “-0” Suffix Zone remain prohibited under Zoning By-law 2014-014.

The Balconies Staff Report (2017) also assessed rooftop terraces, which provide desirable outdoor living spaces, particularly in dense urban areas. Staff recommended allowing rooftop terraces with specific design regulations. These include setbacks from property lines, limits on the size of structures on the terrace, and provisions to ensure that terraces do not create undue privacy concerns for neighbouring properties.

The report was received by Council, with recommendations to be implemented at a later date.

## 2.7 Residential Character Study (2017)

The Residential Character Study was initiated in 2017 to further explore and define the concept of "residential character" in Oakville, especially in relation to its stable, low-density neighbourhoods. The study included extensive community engagement, which involved walking tours with residents, open houses, and an online survey. Through these activities, the Town gathered feedback on what aspects of neighbourhood character were most important to residents (see **Figures 2 and 3** on the following page, for graphics depicting what residents valued most). Public feedback consistently highlighted key elements such as building heights, setbacks, lot sizes, and the importance of landscaping and mature trees. Residents expressed concerns over replacement housing, particularly the shift from one to two-storey homes, and its potential negative impact on existing neighbourhood character.


**Figure 2:** Diagram depicting topics that were discussed during the walking tours. (Source: Residential Character Study, 2017)

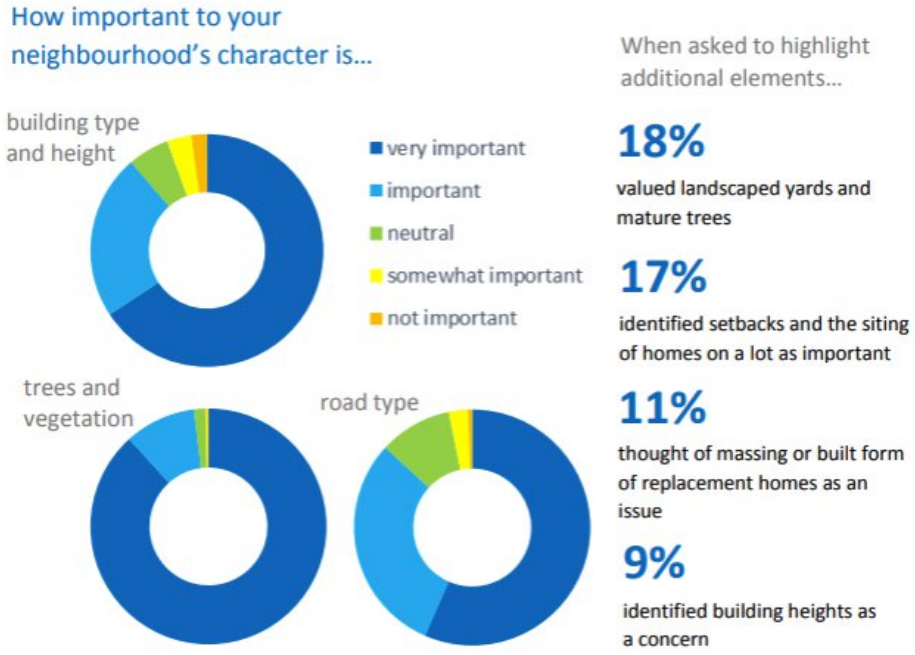



**Figure 3:** Illustrated results of the online survey. (Source: Residential Character Study, 2017)

Section 7 of the Residential Character Study (2017) outlined the findings from the neighbourhood analysis and public consultation. The study introduced two primary residential character types and geographics, Type A, and Type B. **Table 1**, below, provides the characteristics of each character type and Figure 4 for a map showing their locations.

**Table 1: Residential Character Type Characteristics**

| | Type A | Type B |
|---|---|---|
| **Development Area** | Pre-1980 neighbourhoods | Post-1980 neighbourhoods |
| **Housing Style** | Characterized by a mix of bungalows, side-splits, and back-splits | Predominantly two-storey homes with a more uniform architectural style |
| **Vegetation and Trees** | These neighbourhoods generally have mature trees and well-established landscaping. | Fewer mature trees and less landscaping compared to Type A areas. |
| **Architectural Variety** | A range of architectural styles is present, contributing to a more eclectic streetscape. | These areas feature more standardized designs, including “snout-nose garages” that dominate the front façade. |
| **Public Feedback Focus** | Residents in these areas emphasized the need to preserve the architectural variety and vegetation while controlling redevelopment to avoid a disruption of neighbourhood character. | Residents in Type B areas raised concerns about access to green spaces and community services rather than the physical appearance of the homes, as noted in page 16 of the study. |

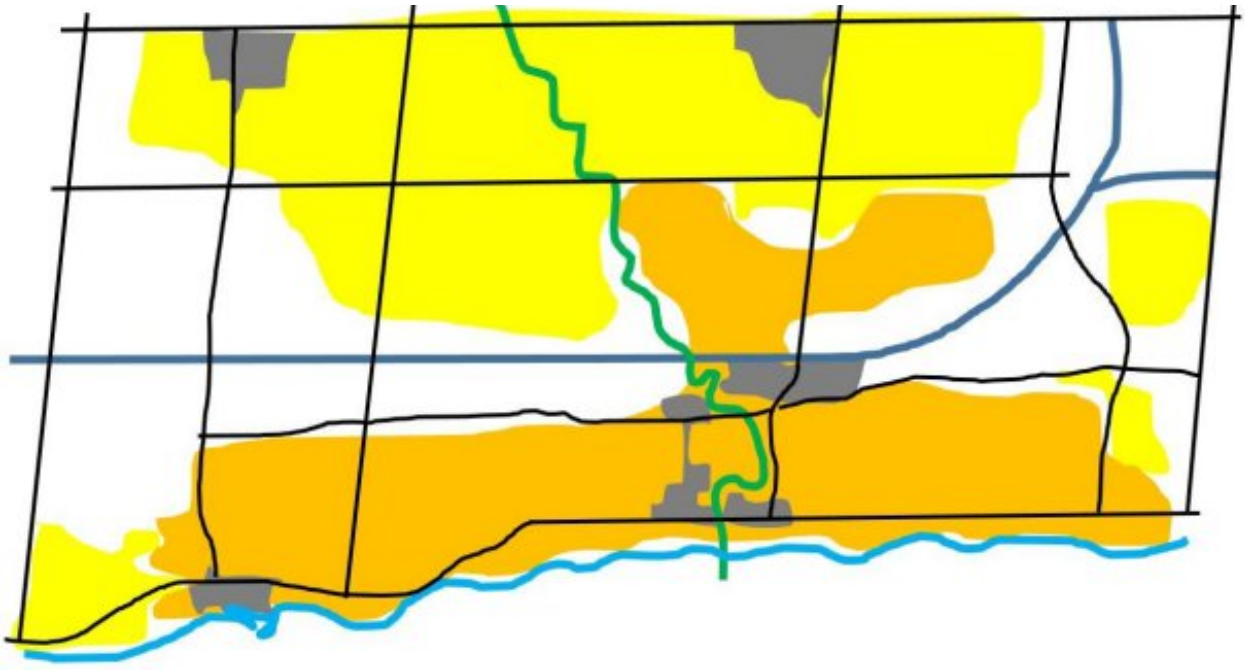


**Figure 4:** Map depicting the two residential character types in the Town of Oakville. Type A is shown in orange and Type B is shown in yellow. (Source: Residential Character Study, 2017)

In Section 8 of the Residential Character Study (2017), recommendations were listed for addressing residential character in future policy updates. These recommendations include:

1. Review the Livable Oakville Plan (2009) to ensure that building siting, massing, height, and landscaping are recognized as key elements of neighbourhood character and are consistently addressed in the plan's policies.

2. Amend the Zoning By-laws to better align with the existing character of different residential areas, particularly in terms of:

    - Setbacks: Ensure that front, rear, and side yard setbacks reflect the traditional patterns in each neighbourhood.

    - Building Heights: Limit the height of new constructions or additions to ensure compatibility with surrounding homes.

    - Lot Coverage: Review and potentially reduce the maximum lot coverage to prevent oversized homes from overwhelming smaller lots.

    - Landscaping: Strengthen regulations regarding the preservation of mature trees and green spaces.

3. Introduce a design review process for new developments or significant additions in areas under greater redevelopment pressure (e.g., Type A areas), to ensure that new buildings respect the established character of the neighbourhood.

4. Continue engaging with the community to monitor how changes to residential zoning and new developments impact neighbourhood character, ensuring ongoing feedback informs future updates.

# 3. FEEDBACK

In response to the recommendations coming out of the Residential Character Study (2017), staff are exploring an update to Zoning By-law 2014-014. The scope has broadened beyond the focus on character and looks to take the opportunity to clarify and simplify regulations to make them easier to understand and apply, as well as to explore reducing the number of residential low zones in addition to updating regulations for continued alignment with the Livable Oakville Plan.

The South Oakville Residential Zoning Review Project, included ongoing consultation with both staff and the public to gather feedback on the existing zoning regulations. The consultation process aimed at assessing the views of both internal staff, who work with these regulations on a daily basis, and residents and industry professionals, who are directly impacted by them.

Staff were asked to complete an internal questionnaire, providing their professional perspectives on zoning-related challenges and areas for improvement. This input helped highlight technical and regulatory gaps that staff encounter in their day-to-day work.

Simultaneously, an online survey was posted, allowing homeowners, renters, landlords, and industry professionals to share their views. This survey was designed to assess the public's understanding of the current Zoning By-law and gather feedback on provisions regulating detached and semi-detached homes south of Dundas Street. The intent was to use this feedback to update the zoning by-law to better align with the Livable Oakville Plan, ensure regulations achieve what they are intended to regulate, and provide clearer, more understandable language for all users.

## 3.1 PUBLIC CONSULTATION

A public survey conducted as part of the zoning review process received 423 responses. The survey aimed to capture residents' perspectives on various zoning provisions, with a focus on understanding concerns related to building heights, setbacks, lot coverage, residential floor area, and privacy. The majority of respondents were homeowners (87.7%), while a smaller portion identified as renters (4.3%), and landlords (0.9%), or combinations, such as homeowner-landlords (3.1%). A small number identified as developers or designers, together making up less than 5% of respondents. The survey results provided valuable insights into how different groups within the community view Oakville's zoning by-laws and the built form in their neighbourhoods.

1. Zoning By-law Understanding:

    - 40% of respondents had never referred to the zoning by-law before, while 60% had some familiarity with it. Of those who had referred to the by-law, many did so for projects like basement apartments or home renovations.

    - When asked about their level of understanding, 31% of respondents indicated they were unfamiliar or not very familiar with the By-law, while 48% felt somewhat or very familiar. The complexity of the zoning by-law was a common issue, with 25% rating it as difficult or very difficult to understand.

- Per **Figure 5** below, the majority of respondents (39%) are generally neutral on the ease of use of the By-law. Slightly more respondents (29%) find the By-law easier to read and understand than those who found it difficult (25%).

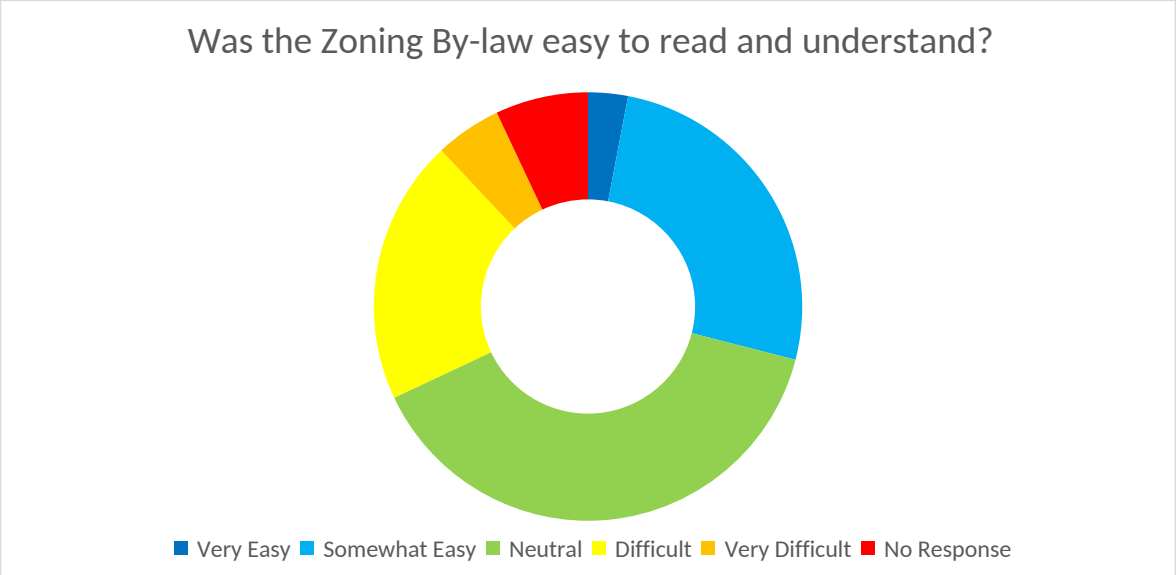



**Figure 5:** Survey results on the understandability of the Zoning By-law.

2. Building Heights

    - Opinions were divided on the issue of building heights. 46% of respondents expressed concerns about the current height provisions, particularly regarding the potential for taller homes to overshadow neighbouring properties, especially in areas with smaller lots or older homes.

    - Residents emphasized the need for height limits that align with neighbourhood character, with some suggesting a standardized height to avoid drastic differences between properties. Others expressed concerns about the height of new condominiums and their impact on nearby residential areas.

3. Setbacks and Lot Coverage

    - 50% of respondents expressed concerns about setbacks, particularly the distance between houses and lot lines. Many felt that current setbacks are inadequate in maintaining privacy and green space between properties.

    - 55% expressed concerns about lot coverage, indicating that large homes with minimal setbacks can overwhelm smaller lots and reduce space for landscaping and trees. There was a strong desire to maintain ample green space, and some respondents suggested reducing the maximum allowable lot coverage to preserve the town's green character.

4. Privacy and Overlook

- Privacy emerged as a significant concern, especially in relation to second-storey balconies and rooftop terraces. Many residents felt that balconies overlooking neighbouring properties could lead to a loss of privacy, particularly in neighbourhoods with smaller lots.
- Several respondents suggested that zoning regulations should include provisions for privacy screening or increased setbacks for balconies and terraces to mitigate these concerns. **Figure 6** illustrates how reduced setbacks can increase overlook impacts between adjacent dwellings.

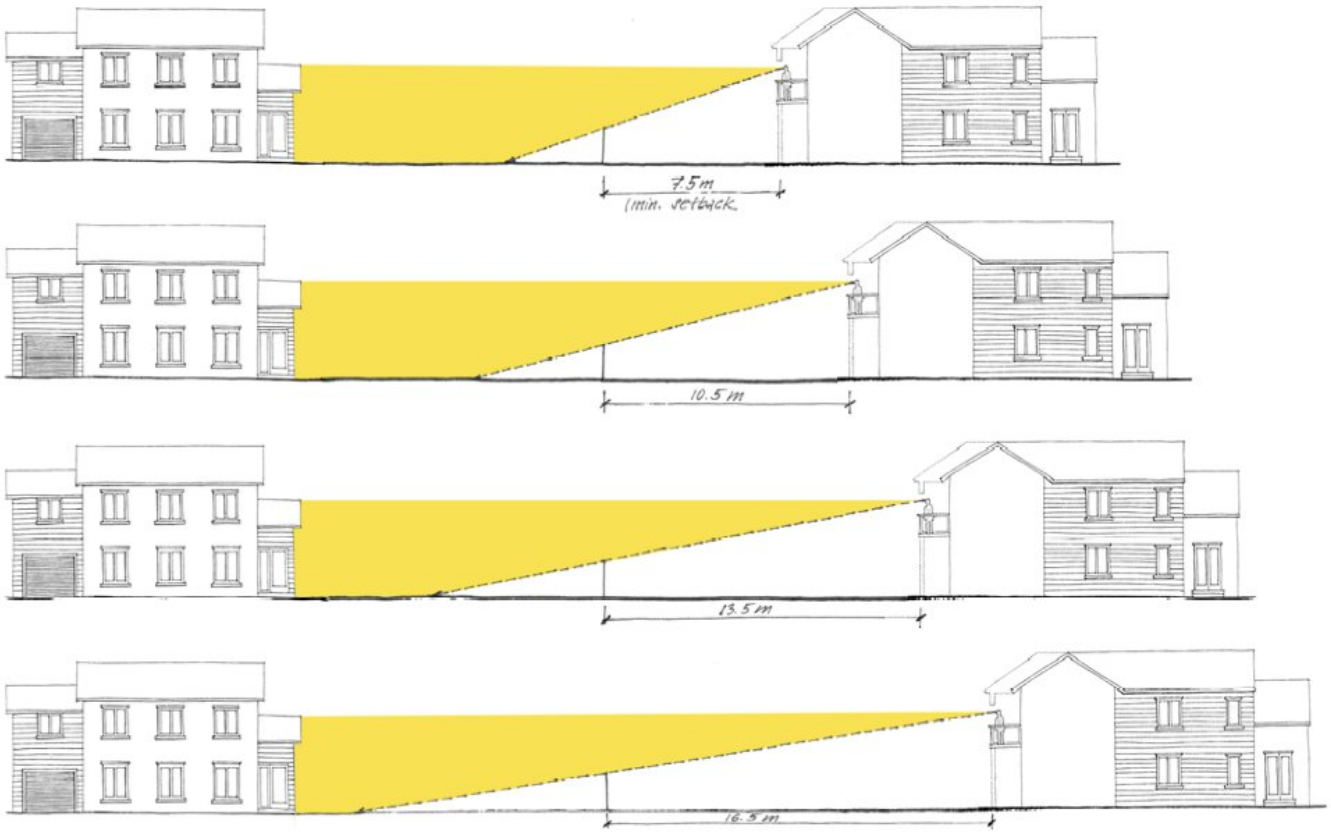



**Figure 6:** Hand-drawn elevation views of overlook relative to setback. (Source: Balconies Staff Report, 2017)

## 3.2 STAFF QUESTIONNAIRE

As part of the South Oakville Residential Zoning Review, Town Staff were invited to provide input through a detailed internal questionnaire, which sought to identify areas of the Zoning By-law 2014-014 that required further review, clarification, or amendment. This feedback is essential in shaping the review's focus areas, including zoning challenges, potential inconsistencies, and suggestions for improvement. Some key themes from staff's feedback include:

1. Inconsistencies and Clarification Needed:

    - Staff highlighted inconsistencies between different zones, particularly between north and south zones. For example, the encroachment rules for stairways differ, creating confusion for residents and applicants.

    - The measurement of roof height was another area where staff suggested greater consistency. Currently, roof heights in special provision areas are measured differently depending on the roof type, making administration challenging. A more uniform measurement method was recommended, such as measuring from the established grade to the top of the roof, in more contexts.

    - The "-0" Suffix Zone was repeatedly cited as confusing, with staff indicating many applicants overlook the additional regulations associated with this suffix.

2. Garage and Driveway Regulations:

    - Multiple staff members suggested revising garage and driveway regulations. Currently, garages are often regulated by footprint, but staff recommended that width, particularly from the street view, should be the focus.

    - Staff also noted that driveway widenings were often confusing for applicants, and a clearer approach to calculating driveway widths and setbacks was needed. Regulations that align with garage locations or front yard design were recommended to minimize issues like poor grading and water drainage.

3. Massing and Building Size:

    - One recurring issue raised was the overbuilding of homes on smaller lots, leading to concerns about massing, setbacks, and neighbourhood character. Staff suggested a closer review of lot coverage regulations, emphasizing the need to regulate both house coverage and hardscaping (e.g., driveways and patios) to prevent overbuilds.

    - Side yard setbacks were identified as insufficient, with drainage and tree preservation cited as significant concerns. Increasing setbacks could alleviate flooding issues and improve tree retention.

4. Environmental Considerations and Sustainability:

    - Several staff members recommended integrating stormwater management into the Zoning By-law, particularly for single-lot residential developments. Oakville's Stormwater Master Plan (2019) was suggested as a reference for zoning amendments, particularly for enhancing on-side quantity control.

    - The preservation of trees was another concern. Staff expressed difficulties with tree preservation due to minimal side yard setbacks, which often led to tree removal during construction. Increasing side yard setbacks was seen as a way to better protect mature trees.

# 4. Residential Zoning Issues Analysis

As part of the comprehensive review of Zoning By-law 2014-014 and the Residential Low zoning framework, gaps have been identified based on insights from the background reports and community feedback. They identify opportunities for improvement in terms of design guidelines, regulations, and development standards, particularly regarding residential massing, parking, additional dwelling units, and stormwater management. Addressing these gaps will be crucial to ensuring that the zoning by-law is both practical and responsive to modern development pressures, while continuing to protect Oakville's established neighbourhoods.

## 4.1 Streamlining Zones

The combination of zones and special provisions in Oakville's zoning framework is another area that presents challenges for applicants, staff, and residents. As new developments and redevelopments occur, the layering of zoning regulations, special provisions, and site-specific exemptions has led to inconsistencies and confusion. Many of the special provisions that were created to address the unique needs of certain developments or to manage site-specific constraints have now become redundant, as these areas are already built out. Staff have noted that the continued use of special provisions complicates zoning interpretation and enforcement. For instance, in certain zones such as RL1 to RL8, lot areas, setbacks, and other massing controls are highly specific. However, over time, site-specific provisions that were applied to various developments have not been absorbed into the main zone provisions, leading to a fragmented regulatory landscape. There are also questions about whether some of the special provisions that were originally applied to guide development could now be consolidated into the broader zoning framework. This would simplify the application process for developers. The goal is to reduce the reliance on special provisions that are now outdated or redundant, while ensuring that key protections for established neighbourhood and the built environment remain in place.

To create a more efficient and user-friendly zoning framework, it is recommended to move toward a text-based consolidation of similar zones. The proposed zone consolidations are based on an analysis of existing standards, particularly lot size and width, which are already aligned in several zones. For instance, the RL3, RL4, and RL5 zones share many overlapping requirements, and in practice, many properties currently zoned RL3 are more appropriately regulated under RL5 standards. As a result, merging these into a single zone would simplify the By-law while maintaining consistent development controls. Similarly, RL8 and RL9 would be consolidated into a single zone, as both zones regulate similar lot and building characteristics.

No lots in the RL10 zone meet the specifications to permit duplex dwellings. These lots would be absorbed into other zones. Additionally, RL11 could be merged into RL6 with a special provision applied to lots with linked dwellings. This consolidation reduces the number of distinct residential zones without removing development rights or increasing complexity. By streamlining these zones, the overall length of the zoning by-law can be reduced while ensuring consistency across similar residential areas. A chart summarizing this approach is provided in **Table 2**.

**Table 2: Proposed Zone Consolidations**

| Current Zone | Proposed Zone |
|---|---|

| | |
|---|---|
| RL1 | R1 |
| RL2 | R2 |
| RL3, RL4, RL5 | R3 |
| RL6 | R4 |
| RL7 | R5 |
| RL8, RL9 | R6 |
| RL10 | Absorbed into other zones since none of the properties zoned RL10 met the specifications to permit duplex dwellings |
| RL11 | R6 with a new special provision that allows for linked dwellings |

This consolidation would make it easier for applicants and staff by reducing the need to cross-reference multiple zone standards, streamlining interpretation and enforcement. In practice, this means that homeowners and developers would have clearer, more predictable regulations, while staff would spend less time navigating outdated special provisions.

There is potential to delete or streamline special provisions or portions thereof where adjusted parent zone standards are made redundant by parent zone standards; for example, if the minimum front yard standards across the low density residential zones are changed to follow existing yards as described in Section 4.2.2 below.

## 4.2 YARDS

Yards are essential components in regulating the spatial relationships between structures, landscaping, and neighbouring properties. These elements are vital not only for the aesthetic of a neighbourhood, but also for practical concerns like drainage, tree protection, and access. Driveway regulations are also an important consideration for managing these relationships, and these are discussed in greater detail in Section 4.3.

### 4.2.1 SIDE YARD REQUIREMENTS

The project team explored and is recommending introducing a new interior side yard framework that would tie minimum interior side yard setbacks directly to lot frontage. Zoning By-law Amendment 2005-058 eliminated a separation distance between dwellings as it had the effect of automatically changing zoning requirements on one lot by the development actions on another lot. This approach was carried forward into Zoning By-law 2014-014.

The core overall intents of these policies, then and today, are to ensure there is an appropriate sense of spaciousness and openness around buildings in the low-density residential zones based around historic development patterns, but also to ensure adequate spatial separation between dwellings to protect drainage functions, mitigate privacy and overlook concerns, and shape the building envelope in a way that manages massing impacts. These objectives reinforce the broader policy goal of maintaining livable and functional residential neighbourhoods.

Many rebuilt houses have taken full advantage of the setback, with post-construction issues arising in some areas with respect to stormwater drainage changes in side yards (the main conduit for overland flow in most contexts in Oakville). There is increased competition for available space in side yards for important design and functional items such as sanitary equipment (e.g., heat pumps, air conditioning units, window wells). There is also increased importance, as catalogued in the Stormwater Master Plan (discussed in Section 5.1), to improve and ensure the amount of adequate space remains available to permit the infiltration of rainwater and appropriate channeling of overland flow in and around buildings. Accordingly, an adjustment to interior side yard requirements is recommended at this time for development in residential zones.

There are a number of recommendations arising out of this investigation to address these issues. First is to increase the minimum required interior side yard to the figures as shown in the right column of **Table 3**, below. (Note the proposed standard is sorted by lot frontage, not by current zone category.)

**Table 3: Existing Side Yard Provisions**

| | Current Zoning | |
|---|---|---|
| | Min. Frontage | Min. Interior Side Yard |
| RL1 | 30.5m | 4.2m |
| RL2 | 22.5m | 2.4m |
| RL7 | 18.5m or 21.0m | 1.8m and 1.2m or 3.0m |
| RL11 | 18.0m | 1.5m and 0.6m |
| RL3 | 18.0m | 2.4m and 1.2m |
| RL4 | 16.5m | 2.4m and 1.2m |
| RL10 | 15.0 or 21.0m | 2.4m and 1.2m or 3.5m |
| RL5 | 15.0m | 2.4m and 1.2m |
| RL8 | 12.0m or 18.0m | 0.6m and 2.0m |
| RL6 | 11.0m | 1.2m and 0.6m |
| RL9 | 9.0m or 15.0m | 0.6m or 1.8m |

The 2023 Grading and Servicing Plan Guide for Residential Infill Development provides for a minimum 0.9 metre-wide swale as needed for proper drainage, especially where encroachments from porches or walkways reduce the available space. Development Engineering staff have identified how this limits opportunities for amenities such as walkways, potentially compromising maintenance, and limits a desirable location for unitary equipment such as gas meters. With many competing needs for that space, changes are proposed to preserve space to ensure some space remains available for landscaping to meet the intent of the 2023 Grading and Servicing Plan.

Note that these standards will only apply to new construction, and that zoning is limited in terms of how construction and infrastructure matters can be deployed.

To further support consistent and functional side yard space, it is recommended that the side yard setback reduction currently granted to lots with attached garages be removed. All lots, regardless of garage configuration, should be subject to the standard side yard setback. However, for lots with detached garages, it is recommended that the minimum side yard setback be increased to 3.0 metres to ensure appropriate separation and allow emergency access.

The minimum interior side yards are summarized in **Table 4**, below.

**Table 4**: Proposed Side Yard Provisions

| | Proposed Zoning | | |
|---|---|---|---|
| | Min. Frontage | Min. Interior Side Yard | Min. Interior Side Yard – detached garage or no garage |
| A | ≥30.0m | 3.0m | 3.0m |
| B | ≥25.0m & <30.0m | 2.4m | 2.4m and 3.0m |
| C | ≥20.0m & <25.0m | 2.4m and 1.8m | 2.4m and 3.0m |
| D | ≥15.0m & <20.0m | 1.8m | 1.8m and 3.0m |
| E | <15.0m | 1.2m | 1.2m or 3.0m |

Within those side yards, the intent is for 0.9 metres of that width required to be provided as "residential soft landscaping" to ensure provision of space to accommodate a swale that would meet the design standards set out in Appendix B and Standard Drawing 1E of the August 2023 Grading and Servicing Plan Guide for Residential Infill Developments.

On narrower lots, the minimum width of landscaping would be smaller, reflecting the tighter nature of these lots. This applies to only a limited number of lots in the Livable Oakville Plan area, which are generally not subject to redevelopment pressure. Similar circumstances exist in North Oakville, which has a different context around community design and growth management that necessitates a different approach to site design and stormwater management.

The effect of the increased side yards will ensure appropriate space is available to accommodate both a swale and a walkway within the space, as well as protecting the appropriate sense of spacing between buildings. Tying the side yards to lot frontage recognizes all lot conditions regardless of zone, especially where lot widths are far larger or narrower than a standard rectangular lot (e.g., around bends in streets).

Severances or developments requiring relief from zoning (amendment or variance) will need to demonstrate how the Town's multiple documents around stormwater management were appropriately considered in the project.

A note that Bill 17's amendments to the *Planning Act* introduced regulation-making authority by the Province as a new Section 34(1.4) to reduce planning applications for minor variances by permitting variations from certain zoning standards without the need for a planning application. So far, one such exemption has been granted: proposals meeting 90% of the minimum setback distance for yards.

### 4.2.2 Accessory Residential Units in Accessory Buildings

As Additional Residential Units (ARUs) become increasingly common in low-density residential areas, it is important to ensure that the zoning framework evolves to support their integration in a way that maintains livability and environmental performance. Proper setbacks are essential to protect privacy, allow space for landscaping and tree growth, and support on-site drainage and maintenance needs.

To improve consistency and separation, it is recommended to increase the interior side yard and rear yard setbacks for accessory buildings containing an Additional Residential Unit from the current 0.6 metres to 1.2 metres. This change will help ensure adequate space for drainage, access, maintenance, and fire safety, while also reducing the likelihood of land use conflicts between neighbouring properties. Increasing these setbacks will also allow the Town to better accommodate servicing needs and preserve privacy in low-density residential areas.

The recommended increase in side and rear yard setbacks for accessory buildings containing Additional Residential Units (ARUs) is consistent with the objectives of the Livable Oakville Plan. Specifically, it supports Objective 11.0(a), which seeks to maintain, protect, and enhance the character of existing residential areas, and Objective 11.0(c), which promotes compact urban form while ensuring a range of housing alternatives. By providing increased setbacks, the Town can better integrate ARUs without compromising the livability or privacy of adjacent lots, reinforcing the character and environmental performance of stable residential communities.

This recommendation also conforms with Sections 10.10.1 and 10.10.8 by enhancing opportunities for on-site stormwater infiltration and ensuring space for permeable surfaces and soft landscaping, prioritizing stormwater management as a key objective.

Furthermore, the proposed changes support the criteria established in Section 11.1.9 for evaluating development within stable residential communities. Specifically, they enhance compatibility with the surrounding neighbourhood character and built form, minimize impacts on adjacent properties, and ensure the maintenance of an appropriate lotting pattern. In this way, increased setbacks provide a proactive response to both environmental and design considerations, contributing to the long-term stability and resilience of Oakville's residential neighbourhoods.

## 4.3 Driveways

Currently, driveway setbacks are regulated in Section 5.8.4 of the Zoning By-law, which states the following:

*5.8.4 Driveway Setbacks*

*a) A driveway crossing a front lot line on a corner lot or through corner lot shall be located no further from the interior side lot line than a distance equal to the minimum interior side yard required for the dwelling, plus the maximum width of the driveway permitted on the lot, plus 1.0 metre, measured at the point of where the driveway crosses the front lot line. (2021-068)*

*b) Subsection (a) above shall not apply where a driveway is located a minimum of 15.0 metres from the point of intersection of the front and flankage lot lines or where the lot lines do not intersect the point of intersection of the projection of the front and flankage lot lines, measured at the point of where the driveway crosses the front or flankage lot line. (2021-068)*

*c) A driveway crossing a flankage lot line on a corner lot or through corner lot shall be located a minimum of 15.0 metres from the point of intersection of the front and flankage lot lines or where the lot lines do not intersect the point of intersection of the projection of the front and flankage lot lines, measured at the point of where the driveway crosses the flankage lot line. (2015-079) (2021-068)*

*d) Notwithstanding subsection (a) above, a driveway crossing a front lot line on a lot with a semi-detached, back-to-back townhouse, or townhouse dwelling may be located on the same interior side lot line having the common wall shared between the two dwellings. (2015-018)*

*e) Where a private garage is detached from the main building and is accessed by a driveway crossing the flankage lot line, the driveway shall be located no closer to the rear lot line than the applicable minimum setback required for the private garage, measured at the point where the driveway crosses the flankage lot line.*

*f) Where a private garage is detached from the main building and is accessed by a driveway crossing the front lot line, the driveway shall be located no closer to the side lot line than the minimum interior side yard required for the private garage, measured at the point where the driveway crosses the front lot line.*

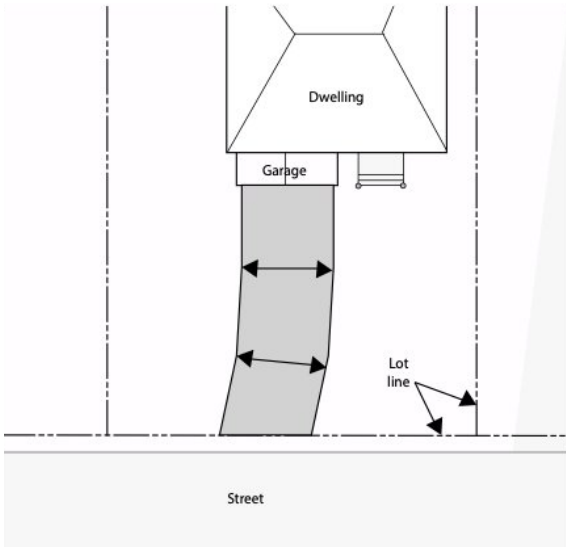



**Figure 7:** Plan view illustrating driveway width. (Source: Zoning By-law 2014-014)

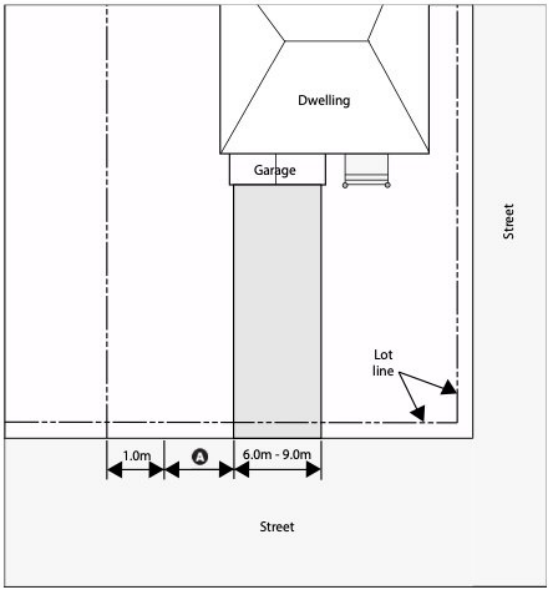



**Figure 8:** Plan view of driveway setbacks and placement details. (Source: Zoning By-law 2014-014)

Without sufficient separation, surface runoff from driveways may directly impact adjacent properties or contribute to localized flooding, particularly on lots with limited permeable surfaces. **Figures 7 and 8** illustrate how driveway width and proximity to lot lines reduce available landscaped area and limit opportunities for infiltration. To address this, a minimum setback of 1.2 meters from all lot lines should be introduced, ensuring this area is maintained as a landscaped open space. This requirement will provide some drainage buffer, improving stormwater absorption, and mitigating runoff issues. This provision would not apply to attached housing forms such as semi-detached dwellings, where the building is located at zero lot line, to recognize and accommodate shared or mutual driveways.

Finally, it is recommended that the method of measuring driveway width be clarified. Specifically, the driveway width should be measured perpendicular to the path of vehicular travel, from one edge of the continuous hard surface to the other. This refinement provides clearer direction for applicants and staff when determining compliance with maximum driveway width regulations. While this does not change the intent of the regulation, it helps improve enforcement clarity.

The proposed changes to introduce a minimum 1.2-metre setback for driveways from all lot lines and to clarify driveway width measurement align with the Livable Oakville Plan's objectives related to stormwater management and residential area character. **Figure 9** illustrates the relationship between driveway placement, lot lines, and the proposed landscaped setback. Specifically, this regulation supports Section 10.10.1, which promotes stormwater management techniques that minimize runoff through on-site infiltration. By requiring setbacks be maintained as landscaped open space, the proposed change enhances the permeability of front yards, thereby supporting these policies.

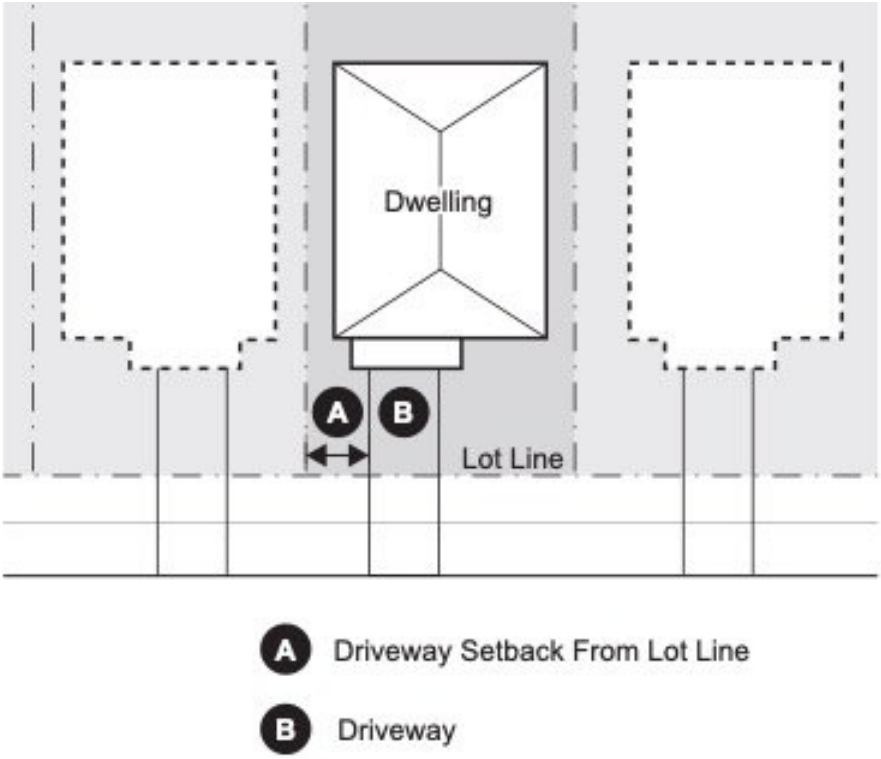


**Figure 9:** Plan view of side lot line setback for driveways.

Note that this setback is not proposed to apply to the shared portion of driveways or where driveways abut on neighbourhood lots, as continuous paved surfaces are expected in these circumstances.

## 4.4 Encroachments and Projections

Encroachments and projections are an important aspect of zoning regulations as they define the allowable extensions of structures into required yards, such as balconies, decks, stairs, and other building features. These elements can have significant impacts on privacy, and the usability of open space. In the Town of Oakville, there are several concerns related to inconsistencies in encroachment regulations between the northern and southern areas of the Town. This section will review existing policies and identify gaps and recommendations for improving clarity and consistency in the Town's approach to encroachments and projections (see **Figure 10** for examples of permitted architectural projections into minimum yards).

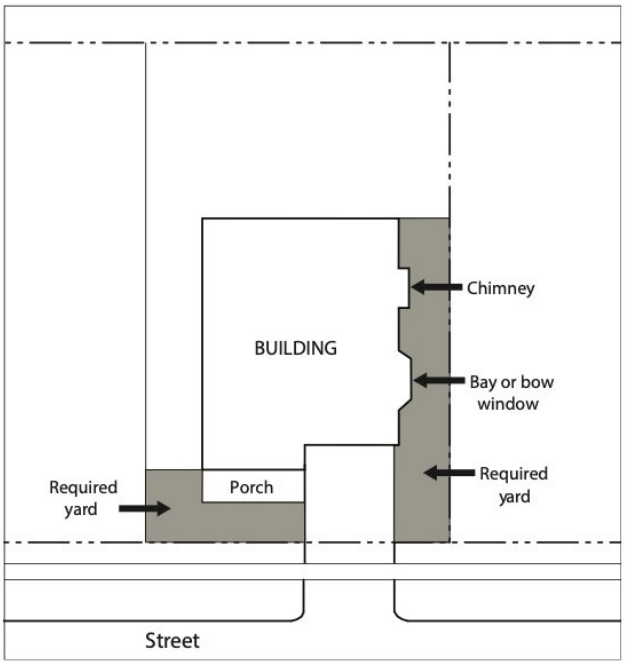



**Figure 10:** Plan view of Allowable Projections (architectural). (Source: Zoning By-law 2014-014)

### 4.4.1 Window Wells

The existing By-law provisions for window wells establish restrictions that impact their placement and projection in various yards. Under the current By-law, window wells are permitted to encroach up to 0.6 metres into required yards, with a maximum allowable width of 1.8 metres, see **Figure 11**.

**Table 4.3: Allowable Building and Structure Encroachments and Projections**

| Structure or Feature | Applicable Yards | Maximum Encroachment into a Minimum Yard | Maximum Total Projection beyond the main wall |
|---|---|---|---|
| Access stairs associated or not associated with a *porch* or *uncovered platform* *(2016-023)* | All | Up to 0.6 m from the applicable *lot line* | n/a |
| Air conditioners, heat pumps, swimming pool pumps, filters, heaters, and generators including any appurtenances thereto *(2017-025) (2023-024)* | *Flankage*, *interior side*, and *rear* | Up to 0.6 m from the applicable *lot line* (2) | n/a |
| Awnings, canopies, cornices, coves, belt courses, eaves, gutters, pilasters, sills, or weather-shielding *structure* | All | 0.6 m | n/a |
| *Balconies* | *Front* and *rear* (-0) | n/a | 1.5 m |
| Non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum *height* of one *storey* | All | 0.6 m | n/a |
| Chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres | All | 0.6 m | n/a |
| Window wells with a maximum width of 1.8 metres *(2021-068)* | All | 0.6 m | n/a |

**Figure 11:** Table 4.3 from Zoning By-law 2014-014 (Source: Zoning By-law 2014-014)

To address these issues, it is recommended to remove the current restrictions on the width of window wells. Additionally, encroachment limits should be adjusted specifically for interior side yards, requiring a minimum setback of 1.2 metres from the lot line for all applicable structures and features. This ensures adequate space for drainage, access, and fire safety, while maintaining functional separation between properties. On lots where the minimum side yard is 1.2 metres, this would mean window wells and all other encroachments would not be permitted to project into the side yard, unless new buildings do not build up to the minimum yard (see **Figure 12** for plan and model views illustrating window well location, width, and projection in front and rear yards).

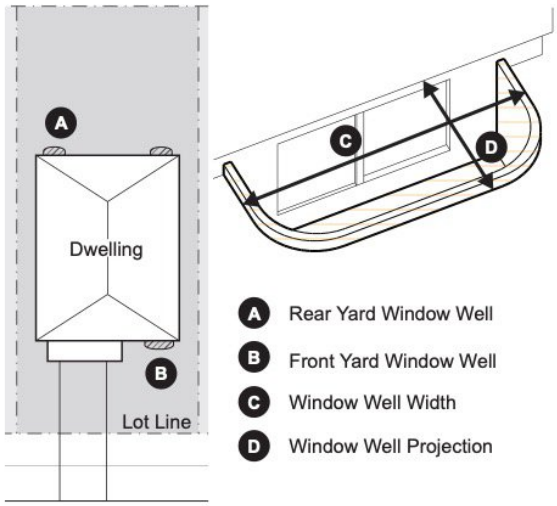



**Figure 12:** Plan and model view of window well setting in front and rear yards, as well as respective width and projection.

Secondly, it is proposed to remove the limitation on the overall length of window wells, so there is no longer that constraint. This will enable longer windows to be provided where desired, allowing more light into basements.

### 4.4.2 Balconies and Decks

Since the introduction of Zoning By-law 2014-014, which prohibited second-storey balconies in "-0" Suffix Zones, the Town received thirty-three minor variance applications seeking permission to include balconies in these areas.

Currently, Section 6.4.5 of Zoning By-law 2014-014 prohibits balconies and uncovered platforms above the floor level of the first storey in the "-0" Suffix Zone. This restriction aims to address privacy and overlook concerns for neighbouring properties. However, some homeowners, particularly those with properties backing onto greenspaces, Lake Ontario, or stormwater management facilities, may wish to add balconies to capitalize on views, which may lead to conflicts between enhancing private amenity space and preserving the privacy of adjacent properties (see **Figure 13** for examples of potential balcony placement and overlook relationships).

It is recommended to adjust the By-law language to clarify that balconies are "not permitted" rather than strictly "prohibited." This subtle change remedies a perceived barrier to considering the provision of a balcony as it provides a pathway for homeowners who believe a balcony is suitable for their property to seek a variance. Through the variance process, homeowners can demonstrate how privacy impacts can be effectively mitigated in their specific context, particularly if their property is adjacent to parks, woodlots, or large open spaces.

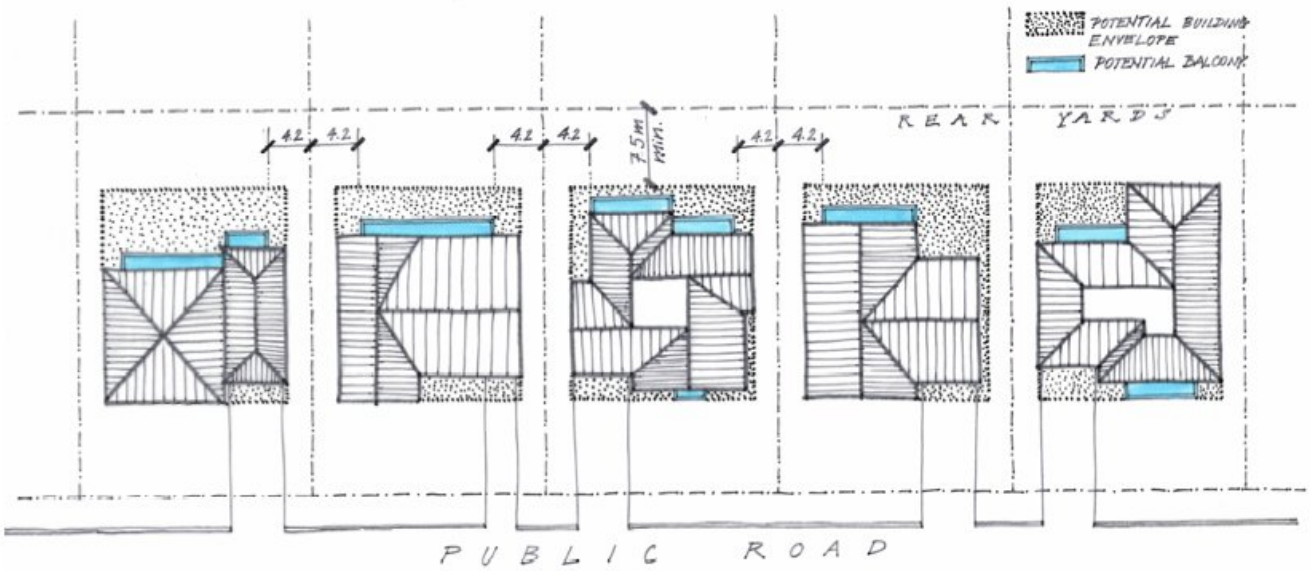



**Figure 13:** Plan view of potential balcony placement. (Source: Balconies Staff Report, 2017)

## 4.5 IDENTIFIERS IN TABLES

The current Zoning By-law contains several tables that could benefit from editorial improvements to enhance their usability for applicants, staff, and Committee of Adjustment members. While the existing structure is functional, there are opportunities to make it easier to interpret and reference key provisions.

For instance, Table 4.3 does not currently include row identifiers, which can make referencing specific provisions during Committee of Adjustment Variance applications more challenging, see **Table 5**. To improve navigation and clarity, it is recommended to reformat Tables by adding row identifiers (here and in other select locations), see **Table 6**. This enhancement will allow users to locate and reference relevant sections more efficiently. In addition to adding row identifiers, it is also recommended that encroachments and projections be separated into two distinct tables, one for encroachments and one for projections. This would reduce confusion by recognizing that encroachments and projections are regulated differently. It would also improve the clarity of provisions related to elements such as window wells, stairs, and balconies.

These proposed editorial adjustments do not alter the zoning regulations themselves but aim to make the Zoning By-law more user-friendly and intuitive. By implementing these changes, the Town can streamline zoning processes and improve overall usability for all stakeholders.

**Table 5: Current Table Layout**

| Table 4.3: Allowable Building and Structure Encroachments and Projections | | | |
|---|---|---|---|
| Structure or Feature | Applicable Yards | Maximum Encroachment into a Minimum Yard | Maximum Total Projection beyond the main wall |
| Access stairs associated or not associated with a porch or uncovered platform (2016-023) | All | Up to 0.6 m from the applicable lot line | n/a |
| Air conditioners, heat pumps, swimming pool pumps, filters, heaters, and generators | Flankage, interior side, and rear | Up to 0.6 m from the applicable lot line (2) | n/a |
| … | … | … | … |

**Table 6: Proposed Table Layout**

| Table 4.3: Allowable Building and Structure Encroachments and Projections | | | | |
|---|---|---|---|---|
| 1<br>A | 2<br>Structure or Feature | 3<br>Applicable Yard | 4<br>Maximum Encroachment into a Minimum Yard | 5<br>Maximum Total Projection beyond the main wall |
| 1 | Access stairs associated or not associated with a porch or uncovered platform (2016-023) | All | Up to 0.6 m from the applicable lot line (3) | n/a |
| 2 | Air conditioners, heat pumps, swimming pool pumps, filters, heaters, and generators | Flankage, interior side, and rear | Up to 0.6 m from the applicable lot line (2) | n/a |
| … | … | … | … | … |

*Note: A new footnote 3 is proposed to be added in locations to ensure a minimum setback is maintained in interior side yards.

## 4.6 MASSING

Massing ("bulk" as referenced in Planning Act s.34) is a critical element in Oakville's residential zoning framework, as the height, length (when viewed from the public realm such as the street), and depth of the box that is the building envelope comes to define the form of established neighbourhoods, see **Figure 14**. Several aspects of massing need to be reassessed to ensure consistency, clarity, and responsiveness to modern homeowner expectations.

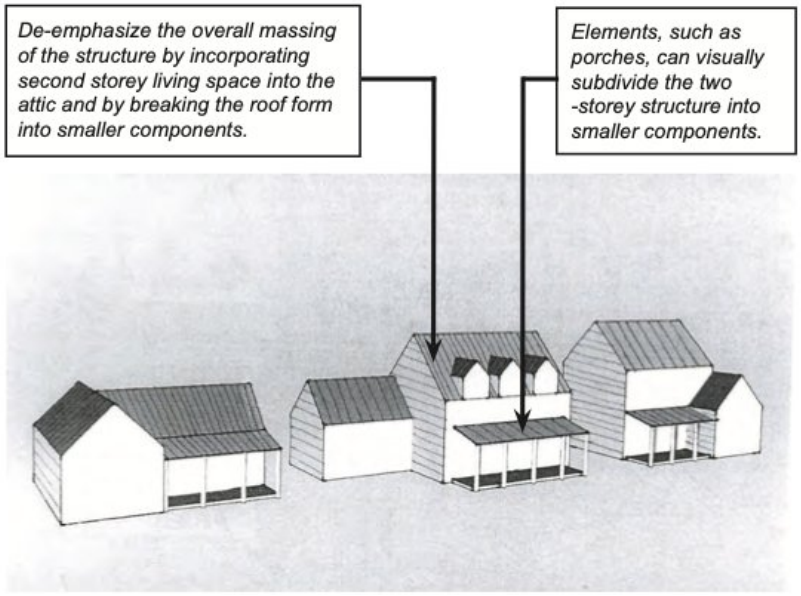



**Figure 14:** Model view of massing details. (Source: Design Guidelines for Stable Residential Communities, 2013)

Feedback has been received over height regulations in the ""-0" Suffix Zone areas, and in the application of residential floor area ratio.

### 4.6.1 HEIGHTS

The measurement of building height has been a point of confusion, particularly on lots with varying natural grades. Oakville's current zoning by-law defines "height" simply as the vertical distance from established grade to the highest point of a structure. This approach does not distinguish between flat or sloped roofs or for complex topographical variations, such as those on "reverse grade" lots where the property slopes away from the street. This can lead to perceived inconsistencies in building height and its impact on neighbouring properties.

The desire for higher ceilings on both ground and second floors has become more common among homeowners, particularly within the "-0" Suffix Zones, where the 9.0-metre overall building height restriction is often viewed as limiting. There are also many height maximums across the Town, resulting in different forms and massing across low-density residential areas of the Town (which is appropriate given the different built character across multiple neighbourhoods in Oakville): 10.5 metres in the base RL1 (few properties) and RL6 Zone, and 12.0 metres in the RL2 through RL5 Zones (outside of the "-0" Suffix Zone).

Focusing on the 9.0-metre maximum, the zoning results in a standardized roof configuration (either flat or mansard-style) to maximize interior ceiling heights. The Town's various design guidelines speak to diversifying roof lines and public realm perspectives.

There are a variety of ways to structure zoning to recognize different architectural styles. Two examples considered in this project are Newmarket and Mississauga (Port Credit)

Newmarket's Zoning By-law 2010-040 explored this issue and resulted in a structured definition of building height, accounting for a different measurement distance based on roof types. It defines height as follows:

*Means the vertical distance measured between the established or finished grade and any of the following:*

- *On a flat roof or mansard roof, the highest point of the roof surface or the parapet, whichever is greater;*
- *On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or,*
- *The highest point of a structure without a roof.*

Individual definitions are provided for various roof types:

- *Flat roof: Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.*
- *Pitched roof: Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.*

Through a 2020 amendment, the maximum height across the range of low-density residential zones is 8.5 metres, and that is measured to the point on the roofs identified above (see **Figure 15** for an illustrative example of how "established grade" is defined in the Town of Newmarket).

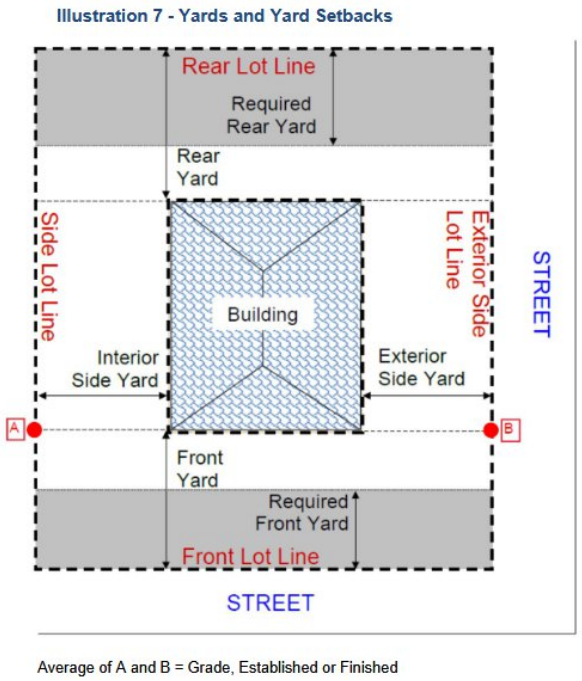



**Figure 15:** Illustration of "established grade" from the town of Newmarket's Zoning By-law 2010-40.

In Newmarket, "established or finished grade" is defined to be:

> *For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the front yard meets adjacent side lot lines* [see Figure 15 on the previous page].
>
> *For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure.*

The City of Mississauga's zoning in Port Credit provides more detailed regulations on height measurement, including different height measurements based on roof types and limits for various architectural features such as eaves.

It defines height for various dwelling types by measuring the vertical distance from the "average grade" to specific points of the structure, such as the highest point of a flat roof, the mean height level between the eaves and ridge of a sloped roof, or the highest point of a structure without a roof. In measuring from "average grade," per Mississauga's Zoning By-law 0225-2007, the starting point of vertical measurement is determined by the average of eight grade elevation measurements taken at specified points along each side lot line. The eight points of measurement consist of:

1. Two points at the intersection of the street centreline and the projections of the side lot lines.
2. Two points at the intersection of the front lot line and each side lot line.

3. Two points at the intersection of each side lot line and the minimum front yard setback requirement of the zone in which the property is located.

4. Two points along each side property line, 15.0 m back from where the previous two (2) points of measurement were taken.

This method ensures a more tailored approach for properties with different architectural designs and sloping lots, helping to maintain a consistent appearance across neighbourhoods. It does require additional work on the part of applicants and staff to determine height calculations, but it addresses feedback received over many years about how to fairly approach slopes on properties. The Site Alteration By-law would work in conjunction with the Zoning By-law to restrict changes in grade on-site.

The City of Mississauga provides a complementary tool to regulate roof massing by including a maximum permitted height for the eaves. In Mississauga's Zoning By-law 0225-2007, the eaves' height is the vertical distance measured from average grade to the lower edge of the eaves. This approach helps regulate the perceived scale of buildings and the impact of two-storey façades, particularly when higher ceilings are used. This eaves-based regulation has proven useful in shaping the streetscape and protecting the character of low-rise neighbourhoods.

The Mississauga method does require a surveyor's support in measuring elevations to calculate that single point of measurement. The Newmarket method and Oakville's current approach do not necessarily require a surveyor's support (though it remains helpful).

On review and consideration, the following amendments are recommended to enhance flexibility and functionality in roof height regulations in Oakville:

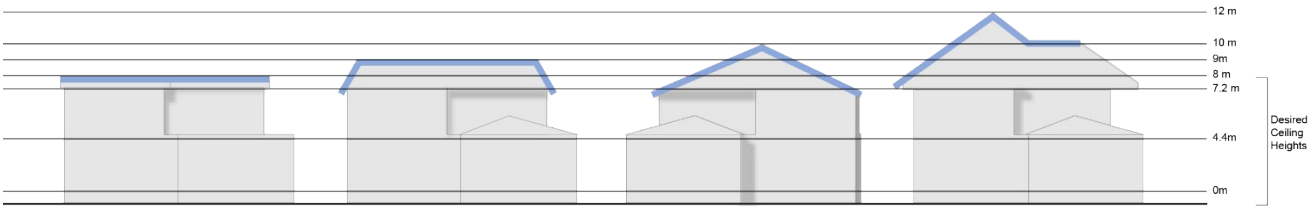
1. **Establish Consistent Height Limits for Flat Roofs and Low-Slope Roofs across all Residential Low Zones**. For roofs with a slope of less than 20 degrees for 65% or more of the roof area, the maximum height limit would be set at 8.0 metres across all Residential Low Zones in Zoning By-law 2014-014. If that slope is limited to between 35% and 65% of the roof area, the maximum height limit would be set at 9.0 metres across all Residential Low Zones. Modelled on the Newmarket approach, this ensures consistency for low-slope and flat roofs in all low-rise contexts, preserving neighbourhood scale and preventing forms that could disrupt sightlines or visual harmony.

2. **Apply height differentials based on roof slope**. In the Residential Low "(-0)" Overlay, sloped roofs are proposed to be permitted up to a maximum height of 10.0 metres to recognize the varied formats and designs of roofs. Outside of the "-0" Overlay, no new height increase is proposed and the existing maximum height in the parent zone would continue to apply (such as 12.0 metres where such standard is already permitted), as shown in **Figure 16**. This is consistent with current practices.

3. **Maintain Established Grade as the basis for measurement**. The current approach, which measures height from established grade to the highest point of the structure, should be maintained. This method continues to provide a controllable, and effective way to regulate height, offering greater balance and control than alternative methods without overcomplicating the measurement.

To support the implementation of differentiated height regulations based on roof slope, it is recommended that the Zoning By-law be updated to include definitions of “Flat Roof” and “Sloped Roof.” This will ensure consistency in the interpretation and application of the proposed height limits, reinforcing the rationale for establishing variable height caps based on architectural form. A flat roof would be defined as a roof where 35% or more of the total roof area has a slope of less than 20 degrees measured from the horizontal and shall not include a parapet. A sloped roof would be defined as a roof with a slope greater than or equal to 20 degrees measured from the horizontal.

The proposed refinements to height directly support the Livable Oakville Plan’s built form objectives by encouraging clarity, compatibility, and flexibility in design. Section 6.9.1 emphasizes the importance of massing and form in shaping community identity, which these changes reinforce by better aligning roof height allowances with architectural form. Further, the proposed approach improves compatibility with adjacent development in accordance with Section 6.9.9 by tailoring height limits to roof type and context, helping maintain appropriate transitions and minimizing visual impact. This provides more flexibility for rooflines and maintains appropriate regulatory control around working with altered topography.




| 8.0 metre | 9.0 metre | 10.0 metre | 12.0 metre |
|---|---|---|---|
| Flat roof | Semi-Flat roof | Peaked roof | Peaked roof |

**Figure 16:** Elevation view illustrating potential proposed maximum heights.

### 4.6.2 Area of a Private Garage

Currently, the Zoning By-law regulates garage size through its maximum floor area provisions. However, regulating the garage area alone does not necessarily achieve the intended goal of maintaining a balanced streetscape. The primary purpose of these controls is to prevent garages from dominating the public realm by ensuring that the width of a two-car garage remains proportionate to the overall dwelling and does not visually overpower the house. Section 5.8.6 in the Zoning By-law addresses garage sizes, stating the following:

*5.8.6 Private Garage Maximum Sizes*

*a) For detached dwellings on lots having less than 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 28.0 square metres.*

*b) For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.*

*c) Notwithstanding subsection (b) above, for lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres and the maximum width of the entrance to the private garage shall be 9.0 metres.*

*d) For semi-detached dwellings, the maximum total floor area for a private garage shall be 28.0 square metres.*

The core design goal has been to avoid the presence and dominance of garages in new homes. To achieve this more clearly, the current emphasis on maximum garage floor area (section 5.8.6) is proposed to be replaced with a standard that limits the width of a garage within the first 3.0 metres of the depth of the garage measured inward from the main front wall, see **Figure 17**. This ensures the garage presents appropriately to the street, limiting visual dominance, while still allowing flexibility for additional garage width toward the interior of the dwelling to accommodate tandem parking, storage or workshop areas. This approach supports the intent of the garage provisions by balancing functional needs with streetscape considerations.

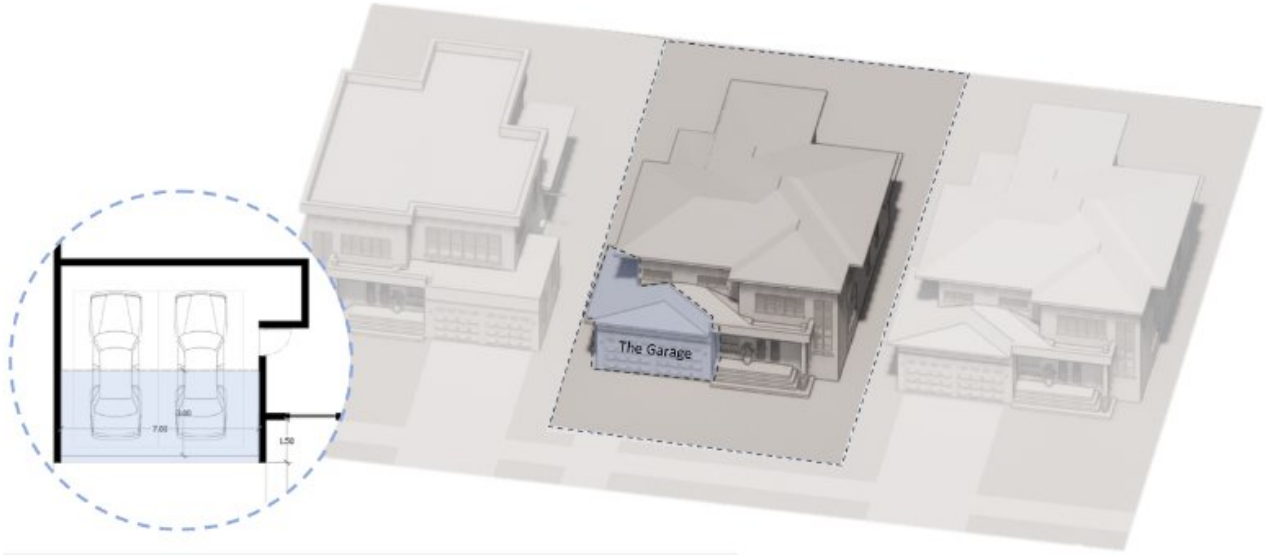



**Figure 17:** Model view illustrating the application of the proposed garage width regulation. The blue area represents the first 3.0 metres of garage depth from the front façade, within which a maximum garage width would apply.

### 4.6.3 Residential Floor Area Ratio (RFAR)

The Residential Floor Area Ratio (RFAR) is a long-established tool for managing the bulk and massing of new dwellings and additions in older parts of Oakville. RFAR regulates the total floor area of a building relative to the lot area (i.e., overall building volume), whereas lot coverage regulates the portion of the lot occupied by roofed structures and buildings above grade. It aims to control the relationship between a building's size and the lot on which it sits, ensuring that new developments are consistent with the scale of the surrounding areas. Currently, RFAR regulations only apply to the Residential Low zones, with the highest RFAR in the RL6 zone at 75%, and the lowest in the RL8 and RL9 zones at 65%. In addition, RFAR also applies to RL1 through RL5 within the "-0" Suffix Zones, where the permitted RFAR ranges

from 43% on smaller lots to 29% on larger lots, as outlined in Table 6.4.1 of the Zoning By-law. These limits are intended to work within other massing controls to keep the scale of homes proportional to their lot sizes.

Challenges with floor area calculations and the multiple massing controls have been documented over the many decades it has existed, with adjustments made over time, including in Zoning By-law 2014-014 to try and remedy those issues. Issues that have remained post-2014 include the exclusion of attached garages from the RFAR calculation and the inclusion of cathedral ceilings and other tall spaces. The overall intent of the massing regulations in the Town's zoning is to minimize the bulk and massing of a building on a lot. Together, these exclusions raise concerns that overall massing of a building may appear larger than intended under the Zoning By-law, impacting site design, lot coverage, and streetscape consistency. Further, downstream applications to the Committee of Adjustment to fill these spaces are often successful as there are no resulting changes to the appearance of the building from the public realm, a core part of planning arguments to support the increase. The recommendation is to count open-to-below areas within the overall RFAR calculation.

Additional RFAR is also required to incorporate private garages into the overall massing, as summarized in **Table 7**, below. The updated figures are generated based on the review of multiple building permits reviewed by staff:

**Table 7: Expanded RFAR Necessary to Accommodate a Private Garage**

| Lot Area | Current RFA Ratio | Current Maximum RFA Calculation | Garage Area | Garage RFA Ratio | Current max RFA with garage | Potential RFA Ratio with garage | RFA Calculations with garage | Equivalent RFA Ratio | Proposed RFA Ratio (revised) | Draft Maximum RFA |
|---|---|---|---|---|---|---|---|---|---|---|
| **250** | 45.00% | 112.5 | 50 | 20.00% | 162.7 | 65.08% | 162.5 | 65.00% | **65%** | 162.5 |
| **300** | 45.00% | 135 | 50 | 16.67% | 185.17 | 61.72% | 185 | 61.67% | **65%** | 195 |
| **350** | 44.00% | 154 | 50 | 14.29% | 204.14 | 58.33% | 207.5 | 59.29% | **60%** | 210 |
| **450** | 43.00% | 193.5 | 50 | 11.11% | 243.61 | 54.11% | 243.5 | 54.11% | **55%** | 247.5 |
| **550** | 42.00% | 231 | 50 | 9.09% | 316.58 | 46.58% | 281 | 51.09% | **51%** | 480.5 |
| **650** | 41.00% | 266 | 50 | 7.69% | 381.56 | 43.27% | 316.5 | 48.69% | **49%** | 318.5 |
| **750** | 40.00% | 300 | 50 | 6.67% | 438.55 | 40.68% | 350 | 46.67% | **47%** | 352.5 |
| **850** | 39.00% | 331.5 | 50 | 5.88% | 487.54 | 38.27% | 381.5 | 44.88% | **45%** | 382.5 |
| **950** | 38.00% | 361 | 50 | 5.26% | 528.54 | 35.60% | 411 | 43.26% | **43%** | 408.5 |
| **1050** | 37.00% | 388.5 | 50 | 4.76% | 561.54 | 32.94% | 438.5 | 41.76% | **41%** | 430.5 |
| **1150** | 35.00% | 402.5 | 50 | 4.35% | 586.54 | 30.45% | 452.5 | 39.35% | **39%** | 448.5 |
| **1250** | 32.00% | 400 | 50 | 4.00% | 609.54 | 29.33% | 460 | 36.80% | **37%** | 462.5 |
| **1350** | 29.00% | 391.5 | 60 | 4.44% | 632.54 | 28.38% | 468.5 | 34.70% | **35%** | 472.5 |
| **1450** | 29.00% | 420.5 | 60 | 4.14% | 655.54 | 27.33% | 485 | 33.45% | **33%** | 478.5 |
| **1550** | 29.00% | 449.5 | 60 | 3.87% | 678.54 | 26.09% | 515 | 33.23% | **33%** | 511.5 |
| **1650** | 29.00% | 478.5 | 60 | 3.64% | 701.54 | 24.70% | 545 | 33.03% | **33%** | 544.5 |

Proposed changes also include updating the By-law language to clarify that floor area above the second storey is not permitted, rather than using “prohibited” wording. This refinement is intended to soften the tone of the regulation while maintaining the same planning intent and effect. Staff have noted that “prohibited” language has contributed to interpretation and variance issues; replacing it with “not permitted” provides clearer direction for applicants and supports more consistent administration of the RFAR framework.

### 4.6.4 Main Wall Proportionality and Minimum and Maximum Front Yards

Currently, the “-0” Suffix Zone (in Section 6.4.4) specifies that for new buildings, a minimum of 50% of the length of all main walls oriented toward the front lot line must be located within the area on the lot defined by the minimum and maximum front yards, see **Figure 18**. This regulation was originally intended to maintain a sense of scale and compatibility between neighbouring homes by discouraging abrupt changes in yard depths along a streetscape. The lots in the “-0” Suffix Zone are more likely to be redeveloped since they are older housing stock and many of the dwellings were not built to the full potential of the Zoning By-law, which is the origin for the adjusted standard (and zone framework, generally).

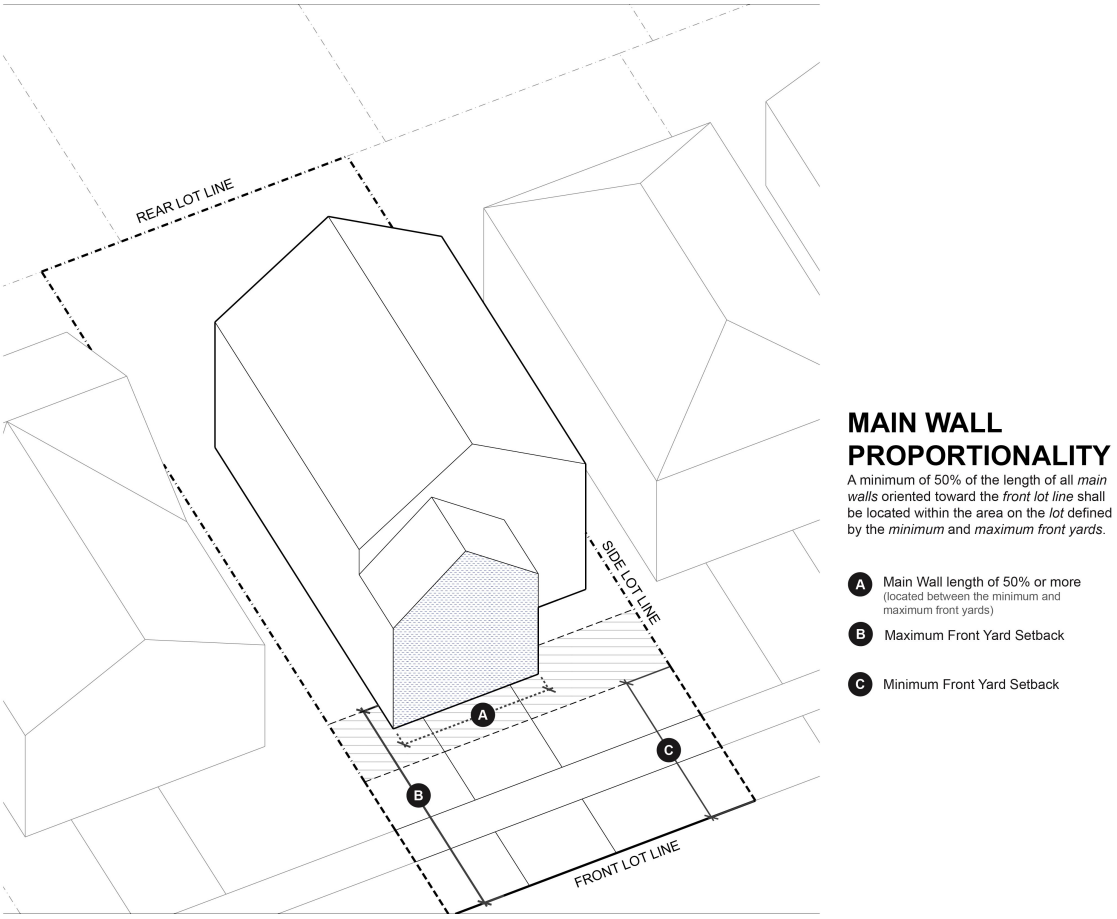



**Figure 18:** Main wall proportionality diagram.

The project team is proposing to remove the main wall proportionality requirement from the By-law. This will reduce redundancy in the By-law and provide greater design flexibility without compromising the overall scale or character of development in low-density residential areas. The maximum yard requirement would stay for the same reason.

The recommended removal of the main wall proportionality requirement will remain consistent with the built form objectives of the Livable Oakville Plan, particularly those outlined in Section 6.9. Sections 6.9.1 and 6.9.2 emphasize the importance of building massing, form, and scale in creating identity and ensuring compatibility with the surrounding neighbourhood. These objectives are already effectively supported through more substantive tools such as maximum height, lot coverage, and setback requirements. Removing the proportionality rule eliminates an overly prescriptive layer of regulation that offers limited additional benefit while restricting architectural flexibility.

### 4.6.5 Suffix Zone Structure

The "-0" Suffix Zone introduces additional regulations to specific lots in Oakville, aiming to protect established neighbourhoods and manage growth, the geographic extent of the Residential Low Zones and application of the “0” Suffix Zone are illustrated in **Figure** 19). These zones apply enhanced controls on factors such as residential floor-area ratio, building height, and lot coverage to limit the massing of new developments or additions. The building envelopes are more stringent compared to the parent zoning provisions. The framework was created in 1989. Through the inZone project, those separate R0 Zones were consolidated down to become the “-0” Suffix Zone framework to reduce the overall number of zones in the By-law.

Since 2014, one of the primary challenges has been that some applicants overlook the additional provisions of the "-0" Suffix Zone when reviewing the By-law, leading to confusion during the development process. There is a customer service objective in this project to make it easier for developers and residents to understand the applicable rules without needing to cross-reference multiple sections.

To improve usability and transparency, it is recommended to rename the standards set as the Residential Low Overlay “(-0)” Zone. The overlay standards would apply to specific geographic areas currently under the "-0" Suffix Zone and be integrated directly into the existing zoning tables and zone provisions to minimize the length of and reliance upon Section 6.4 to deliver these standards.

The goal to simplify and further streamline the “-0” Suffix Zone is to modify the parent RL zone tables to incorporate the Residential Low Overlay standards by referencing them directly within the existing zone regulations. This would be done by moving base “(-0)” regulations up into the applicable zone provisions, with any additional standards or clarifications either becoming footnotes to that table or an expanded provision within Section 6.4 or another general provision.

This structure maintains the general structure of reduced massing intended for lands in the "-0" Suffix Zone, while significantly improving the clarity and applicability of the regulations.

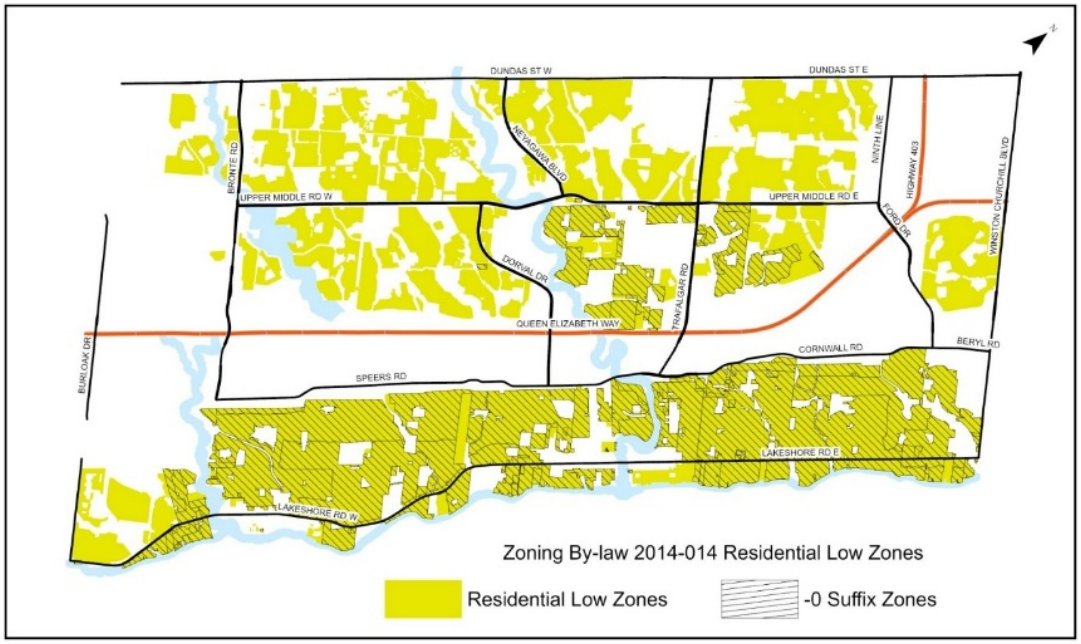



**Figure 19:** Map of Residential Low (RL) Zones and "-0" Suffix Zone coverage within that framework.

## 4.7 Semi-detached Dwellings and "-0" Zoning

The R0 and "-0" Suffix Zone standards have not historically applied to semi-detached dwellings. There are lots with semi-detached dwellings that are otherwise on a lot subject to the "-0" Suffix Zone that are not built to the setbacks established by the parent zone standards (e.g., have a front yard larger than the minimum front yard in the zone). With concerns over the potential rebuilding of semi-detached dwellings, in whole or in part, it is currently recommended that the "-0" standards also apply to this housing form where the "-0" Suffix already applies.

While Section 11.1.19 prohibits specific built forms such as semi-detached dwellings to preserve established character, the inZone project found that there was limited evidence that semi-detached dwellings have a negative impact on established neighbourhood character. Given these findings, there is little substantive reason to differentiate single-detached and semi-detached dwellings in zoning permissions. They offer similar built form, scale, and impact on neighbourhood character, particularly when semi-detached dwellings are designed with front entrances oriented toward the street. This amendment catches Zoning By-law 2014-014 up to that previous recommendation. The overall intent is that lots where a semi-detached dwelling is currently permitted shall be subject to the modified standards of the "-0" Suffix Zone.

## 4.8 Lot Coverage

Lot coverage is a zoning metric used to regulate the amount of development on a lot. Generally, lot coverage regulations are expressed as the maximum percentage of the lot area that may be occupied by buildings or structures. The significance of this is that where land is occupied by buildings and structures, there is little opportunity for stormwater to infiltrate into the ground. Conversely, buildings and

structures generate additional surface water flows from drainage pipes, directing rainwater and snow away from the roof and eaves.

There are a number of ways in which the maximum lot coverage standard may be applied. This includes:

1) As a simple ratio of the total lot area, with the permitted percentage varying by zone, which corresponds to differences in lot size (e.g., lower coverage permissions in zones with smaller lots and higher permissions in zones with larger lots);

2) Applying a coverage requirement for a prescribed portion of the lot or within a prescribed distance of the lot line (an approach commonly used for shoreline management in northern municipalities);

3) Varying lot coverage permissions based on geography (also an approach commonly used in northern municipalities where lot coverage permissions are applied based on a water quality or a lake classification metric); or,

4) Establishing a maximum permitted lot coverage contingent upon lot area.

Detached dwellings, semi-detached dwellings, and any associated additional residential dwelling units are the primary built form permitted in the low-density residential zones. Zoning By-law 2014-014 currently applies a "maximum lot coverage for the dwelling unit" of between 25% and 35% depending on the zone. The definition of lot coverage, as included in the Town's Zoning By-law, is as follows:

> *"…means the percentage of the lot area covered by all roofed structures and buildings above grade excluding eave projections to a maximum of 0.6 metres and balconies."*

Some confusion exists in interpreting the lot coverage standards. There is a row in the zone standards for "maximum lot coverage," which ties back to this definition and its inclusion of all buildings. Section 6.5.2 of the By-law permits an additional 5% of lot coverage (up to a maximum of 42.0 square metres) for accessory buildings and structures in addition to the permitted lot coverage for the dwelling unit. A clarification on which standard applies to what will help with overall by-law interpretation.

The need to retain permeable surface area on a lot as a means of mitigating stormwater and surface water runoff does not appear to be a driver of the lot coverage standards. From a stormwater management perspective, there are merits to varying maximum lot coverage requirements by geography. For example, in areas where there is a predominance of clay soils or a high-water table where permeability and infiltration are not efficient, a lower lot coverage standard may be advisable to maximize at source drainage. However, while such an approach would yield results, additional studies would be needed to inform and apply such a strategy.

In absence of a more comprehensive study and approach, it is recommended that:

- Lot coverage in the parent zone standards will be clarified to state that the standard will be applied to all buildings on the lot, with additional coverage provided in an updated Section 6.5.2 for accessory buildings. This will provide for a more accurate reflection of the amount of development permitted on the lot.

- The maximum lot coverage and accessory building provisions of the Zoning By-law will be rationalized and subsequently amended to ensure that the amount of development permitted, including the main building and any accessory structures, is appropriate for the size of the lot and maintains a balance between built form and open space.

The proposed changes to clarify and rationalize lot coverage regulations reflect a commitment to maintaining compatible built form while supporting stormwater management goals. As outlined in Section 6.9 of the Livable Oakville Plan, new development should be compatible with its surroundings (Section 6.9.2), reflect an appropriate massing and scale (Section 6.9.1), and contribute to a cohesive built environment through variations in design and architectural detail (Sections 6.9.5 and 6.9.7). At the same time, lot coverage is inherently tied to environmental performance. Section 10.10.1 of the Livable Oakville Plan highlights the importance of reducing impervious surfaces to support on-site stormwater management, infiltration, and groundwater recharge. Where excessive lot coverage reduces soft landscaping or impedes infiltration, the Town may face increased runoff volumes and pressure on downstream stormwater infrastructure. The recommended clarifications and rationalization of lot coverage standards outlined above support this objective by ensuring the total amount of roofed development permitted on a lot is clearly accounted for and remains balanced with available soft landscaped area.

## 4.9 Housekeeping Changes

In addition to the substantive recommendations outlined throughout this report, several minor refinements have been identified through the staff's internal review. These updates are considered housekeeping in nature, intended to clarify existing provisions, correct inconsistencies, or align the By-law with established interpretation and enforcement practices. The following refinements are recommended:

1. Clarify semi-detached dwelling use permissions in Section 4.5: It is recommended that Section 4.5 be updated to explicitly state that only one semi-detached dwelling is permitted per lot. This clarification will reinforce the intent of the zoning provisions and prevent misinterpretation that could lead to the overdevelopment of individual lots. Additional Residential Units are not subject to such a limitation.

2. Clarify circular driveway coverage in Section 5.5.8: Section 5.5.8, which governs circular driveways, should be clarified to confirm that the 50% maximum coverage applies to all hard surface areas associated with the driveway. This includes any portions between driveway legs or additional hardscaped areas, ensuring consistent interpretation and enforcement of the maximum permitted surface coverage.

3. A series of updates are recommended to the Special Provisions of Part 15 of the By-law to apply changes related to the above, as well as a limited number of technical items identified in years of monitoring. These are viewed as administrative amendments only.

4. Related to the streamlining of zones above, correcting the zoning on a number of properties to more accurately reflect the existing use or building and lot size and frontage (e.g., alignment of lots along a limited number of streets to maintain contiguous zoning along streets).

5. Special Provisions 10, 11 and 12 applying to the Town's three heritage conservation districts are also proposed to be updated with new standards relating to front yards, interior side yards, residential floor area ratio (RFAR), lot coverage, and height. This work comes out of the Town's other heritage reviews.

# 5. ZONING CONSIDERATIONS FOR STORMWATER MANAGEMENT

As part of a comprehensive review of the Town's low-density residential zoning framework, Town of Oakville staff have requested a review of potential mechanisms through which zoning may assist to regulate stormwater and surface water runoff within the Town's residential areas. It should be noted that the scope of this work is narrow, focusing only on the Town's low-density residential areas within the Livable Oakville Plan Area and on lands subject to Comprehensive Zoning By-law 2014-014.

Stormwater management by its very nature is a systems matter that needs to be addressed across watersheds and varying categories of land uses. From a systems perspective, stormwater management measures are equally as important in watershed headwaters as in creating capacity to receive the cumulative runoff in downstream locations. Further, the needs and effectiveness of stormwater management are influenced not only by land uses on the surface but are equally impacted by what is below the surface of the ground. Lands with clay soils and/or areas with high water tables will have a lesser capacity to absorb surface water.

In the bigger picture, the Town's overall objective related to stormwater management is to allow for infiltration, storage of water, and to redirect and manage the flow and quality of any runoff, to protect the functionality of the hydrologic system. There is no single solution to implement this objective. Any comprehensive approach to stormwater must consider the conditions and needs at various locations across a watershed and account for the base conditions both above and below the ground. Single lot mitigation of hardened surfaces contributes to this matter of Provincial policy. The placement of buildings, structures, and soft surfaces all contribute in various ways to achieving this Town goal. This is part of a broader approach to managing stormwater and is beyond the scope of this research.

The project team has reviewed a number of Ontario case studies to determine how other municipalities have leveraged zoning to address this issue. In particular, the Town has reviewed the applicable zoning mechanisms and Official Plan policies in Brampton, Burlington, Caledon, Hamilton, London, Markham, Mississauga, Richmond Hill, and Toronto. This report will not seek to duplicate that work but rather provides insight from some additional case studies from jurisdictions outside of Ontario, including case studies from the City of Salmon Arm (BC), Vancouver (BC), Melbourne (Australia), Raleigh (North Carolina), San Antonio (Texas), and Fairway (Kansas). These case studies have been summarized in Appendix A to this report.

## 5.1 THE STORMWATER MASTER PLAN

The Town of Oakville is advancing a multiphase plan to strengthen flood resilience and guide long-term investment in drainage infrastructure. Phase 1 (2015) compiled data, filled information gaps, and produced a high-level needs assessment. The work was undertaken as a Master Plan under the Municipal Class EA and set the stage for later, more detailed analysis. The study focus is the fully built area south of the QEW (Winston Churchill to Burloak, north to south ending at Lake Ontario), selected because of aging infrastructure and historically limited stormwater controls.

Phase 2 (2019) completed detailed modelling, established level-of-service criteria to prioritize projects, and formalized a Town-wide program to address flood risk and water quality. The SWMP's key outcomes include: a priority-based stormwater program for flood-risk mitigation, stormwater policy

recommendations, and a stormwater quality management plan intended to be integrated into the Town's capital program. It also outlines short-term works (e.g., installing inlet control devices and improving inlets/catch basins) and longer-term capital projects, with clear phasing to implementation. Phase 2 recommends updating design guidance to use climate-influenced rainfall and to apply a "stress-testing" approach for critical, long-lived assets.

Overall, the SWMMP provides the technical and policy foundation for lot-level infiltration, overland flow conveyance, and drainage capacity improvements that our zoning recommendations (e.g., side-yard space for swales and soft landscaping) seek to implement at the parcel scale.

Further details and analysis related to stormwater management on individual lots are provided in Section 5 of this report.

## 5.2 The Core Role of Zoning is Regulating the Use of Land

The purpose of zoning is to implement a municipality's Official Plan through clear, enforceable standards. Zoning is not a substitute for broader policy direction or good design, nor is it intended to function as a catch-call tool to regulate all relevant development issues. Historically, zoning did cover many such items, but the evolution of municipal legislation in Ontario, and the introduction of the 2001 *Municipal Act* in particular, has increased the size of the municipal tool box.

One intent for this project is to identify practical zoning mechanisms that can support stormwater management at the lot level by protecting permeable area and guiding built form, while recognizing the limits of zoning as a tool for regulating building size and placement. Many municipal Zoning By-laws contain standards that do contribute to the management and reduction of stormwater flow, although not necessarily created or linked to a larger coordinated stormwater management or flood reduction strategy. This includes zoning regulations requiring buffers and landscaped areas, maximum lot coverage requirements, and restrictions on the size and location of encroachments such as decks, balconies, porches and patios. Although not explicitly stated, these regulations have the effect of collectively providing infiltration opportunities and restricting the amount of development on a lot. The evolution of this concept requires that each lot at the parcel level must retain a minimum permeable area, as a legitimate use of land, to allow for this infiltration of surface water.

Incorporating permeability requirements into the zoning framework enables municipalities to achieve four key objectives, as noted below.

1) Proactive Development Requirements – Permeability standards are applied proactively as opposed to in response to a Plan of Subdivision or other development application. This incorporates infiltration mechanisms in a more consistent way across the municipality as part of a larger strategy.

2) Cumulative Impacts – Minimum permeability standards applied at the individual parcel fabric help to mitigate excessive hardscaping, through both paving and additional building coverage, in subdivisions where the stormwater management system was not designed to accommodate such high levels of runoff. The changed context of both construction and planning policy warrant a change in regulatory approach.

3) Responding to Local Conditions – Integration within the zoning framework affords the municipality some flexibility in how the permeability standards could be applied across the municipality. There are several ways in which this may be structured within the Zoning By-law to respond to local, neighbourhood, or specific geographic considerations. For example, a minimum permeability standard may be applied as a percentage of lot area across all low-density residential zones. The standard may be tiered according to zone or lot size, or a Permeability Overlay Zone may be used to vary standards across geographic locations according to location in the watershed, subsurface ecological characteristics (e.g., soils with reduced permeability), or local-built environment conditions.

4) Coordinating Zoning Mechanisms – Performance standards for permeability may be coordinated with other zone standards such as landscape buffers, minimum required yards, and surface coverage standards to provide for an integrated approach to managing surface water runoff at the individual lot level.

The case studies in Appendix A have all incorporated permeability standards within the applicable zoning framework. As noted earlier, they have been drawn from jurisdictions outside of Ontario, including two from British Columbia, three from the United States, and one from Australia. The Australian case study is unique in that permeability standards for land use are prescribed at the State level (Victoria) and further incorporated within the municipal (Melbourne) zoning framework.

The case studies provide examples of a number of the core elements that must be addressed should the Town seek to incorporate permeability standards within its zoning framework, particularly as it relates to low-density residential uses. The core elements of permeability zoning requirements include:

- A definition of permeability/permeable surface;
- Minimum permeability standards at the lot level;
- Standards that account for specific land uses or built forms (e.g., specific permeability requirements for lots with swimming pools or underground parking garages);
- Permeability calculations (how to calculate); and,
- Applicability/approach to integrating permeability standards within the Zoning By-law (apply based on zone category, lot size, or as an overlay zone).

The Stormwater Master Plan provides a target for on-site quantity control of 25 mm of precipitation on-site. As an ongoing concern, zoning cannot provide regulation in this regard. Zoning based on-site or building performance is built into the *Planning Act* in Section 34(16.1). This was added to the *Planning Act* in 2006, with a promise that rules or guidance as to what “zoning with conditions” would be permitted were to be set through regulation. However, that regulation was never released. The tool is unavailable for use by municipalities and limits the use of zoning as a continuous performance implementation tool.

## 5.3 LANDSCAPING REQUIREMENTS

In terms of a *Planning Act* remedy, what is available to municipalities is regulation as to placing buildings on a lot. Logic dictates that space on a lot is reserved for landscaping or a surface treatment that permits infiltration; that limits the space on a lot where buildings can be placed. Lot coverage and yards deliver the same effect.

Currently, Zoning By-law 2014-014 does not apply minimum soft landscaping coverage requirements to the Town's low-density residential zones. The retention of permeable soft landscaped areas can be an important measure for flood mitigation and stormwater management by providing for at-source infiltration of surface water runoff. There is a strong precedence in other Ontario municipalities (Mississauga, Brampton, Ottawa, and Toronto, amongst others) for the application of minimum soft landscaping requirements within low-density residential zones for a variety of purposes.

Leveraging the Town's minimum landscaping coverage requirements to apply to the low-density residential zones is a fast and efficient means of providing better stormwater management in the low-density residential areas. While this section focuses on low-density residential zones within the Livable Oakville Plan Area, the Town may wish to consider applying similar minimum soft landscaping requirements more broadly through a comprehensive update to Zoning By-law 2014-014. However, to best address the issue within the low-density residential context, it is recommended that the existing minimum landscaping requirements be adapted, as provided below.

1) Definition for "Residential Soft Landscaping" – Although the By-law currently includes a definition for landscaping, it is recommended that additional clarity be provided by adding a new definition for "Residential Soft Landscaping" that clearly distinguishes between the permeable (soft) and non-permeable (hard) landscaping elements and that would be applied to minimum landscaping requirements within the Residential Low Zones. The definition of Residential Soft Landscaping is as follows:

   *"Residential Soft Landscaping – means that portion of the surface area of a residential lot consisting of organic materials and vegetative in-ground plantings such as grass, flowers, shrubs, trees and other vegetation including any accessory ground cover such as mulch or similar pervious materials located in and around plantings, and other edging materials but shall not include hard surfaced areas such as driveways, aisles, parking areas, interlocking stone, pavers or hard-surfaced walkways."*

2) Incorporate Minimum Landscaping Coverage Requirements for the Low-Density Residential Zones – This may be achieved in either of two ways: 1) A minimum landscaping coverage requirement may be applied through an overlay zone that is layered on top of the standard zone requirements. This provides an element of flexibility that allows these standards to be applied to low-density zones in different areas of the Town; or, 2) Amend Section 4.11 [Landscaping] of the By-law to include a minimum landscaping coverage requirement for low-density residential areas. In this regard, the minimum landscaping zoning provisions detailed below present a variety of options that collectively may provide for a more comprehensive approach to retaining permeable surfaces by way of minimum landscaping requirements in the low-density residential areas, see **Figure 20**.

- Requirement for landscaping parallel to all lot lines to a prescribed minimum width as follows:
    - Front Yard, Rear Yard, and Exterior Side Yard – 1.2 metres; and,
    - Interior Side Yard – 0.6 metres which corresponds to the smallest of the required interior side yards in the low-density residential zones. These landscaping requirements would be wide enough to accommodate swales in the front, exterior side, and rear yards.

- Requirement for a minimum landscaped area as a percentage of the front and exterior side yards. This may be varied on a sliding scale according to lot area or zone. This is an approach taken in the cities of Mississauga, Brampton, Toronto, and Ottawa. Ottawa, in particular, has zoning provisions for "minimum required aggregated soft landscaping" in the front and exterior side yards that is varied in accordance with the length of the corresponding lot line. Based on modelling, coverages of 45% in the front and exterior side yards, coupled with an overall requirement of 35% for the lot, will respecting existing permissions for impervious coverage from buildings and paved surfaces (based on general provisions and driveway standards) with this new requirement. Comparable standards are as low as 20% in select contexts (limited mixed use areas in Markham) or between 30% and 40% where such standards apply (Markham new residential, Whitby). This would be slightly reduced for semi-detached dwellings in a smaller lot context.

- Similarly, a minimum landscaped coverage requirement may be applied to the rear yard. This has been done in other municipalities (Toronto), although By-law Enforcement staff have indicated that there would be challenges in enforcing this standard. It is not included in the draft Zoning By-law Amendment.

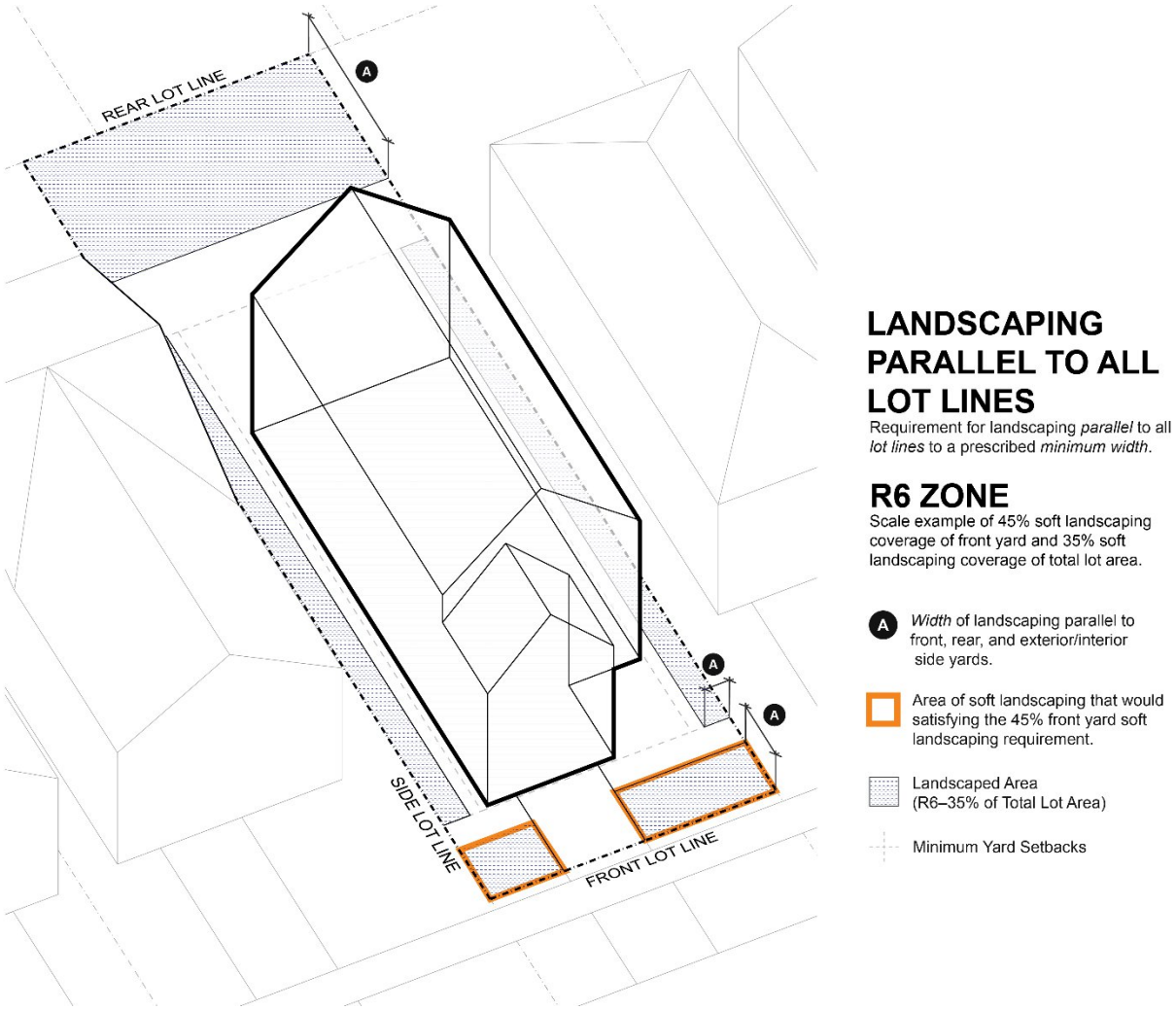



**Figure 20:** Potential residential soft landscaping scenario on a conceptual residential lot.

Together, this updated framework will provide the spaces for landscaping to permit the deployment of swales and infiltration.

## 5.4 Municipal Act Tools

Other tools beyond zoning may exist to regulate the issue. Section 96 of the *Municipal Act*, for example, enables a municipality to pass a By-law, "for the purpose of preventing damage to property in the municipality as a result of flooding…in relation to flood control in the municipality, in another municipality or in unorganized territory." Such By-laws have been passed elsewhere in Ontario:

- Niagara-on-the-Lake's By-law to eliminate inflow and infiltration of storm water uses Section 96 to require that all illegal connections to the sanitary sewer of the Town must be removed at the owner's own expense. Financial assistance may be provided when determined by the Town for removal of sump pump connections and repair of leaking private sewers where available;

- The Town of Fort Erie's Lot Grading and Drainage Policy Adoption By-law uses Section 96 to require driveways to be approved as part of lot grading. This allows the municipality to set grading requirements for driveways, including downspout direction and drainage requirements;
- The City of Welland's By-law to Regulate Management of a System of Sewer Works and Drainage Works outlines fines and requirements for service connections as well as maintaining, repairing, and disconnecting connections to drainage and sewage; and
- The City of Port Colborne's Sewer and Drainage Works By-law defines principles, responsibilities, designs, and regulations for sewage and drainage works. It also sets standards for drainage ditches and their maintenance.

While the above examples focus on grading and downspout disconnections, other municipalities have made use of *Municipal Act* powers. Section 142 of the *Municipal Act* provides for site alteration (prohibiting or regulating the placing or dumping of fill, removal of topsoil, the alteration of the grade of land, requiring permits for such, and placing conditions on such a permit).

The City of Burlington has passed a Grading and Drainage Clearance Certificate By-law 52-2018 under Section 142 of the *Municipal Act*. It requires landowners to obtain a Grading and Drainage Clearance Certificate, which confirms that proposed grading and drainage works are designed to function appropriately within the existing drainage system and will not negatively impact adjacent properties or municipal infrastructure. It is a stand-alone by-law.

The requirement for a certificate applies, quoting Section 2.03 of the By-law, "to Site Engineering on all Low Density Residential Lands" (defined as all lots intended for any single detached dwelling, duplex dwelling or semi-detached dwelling used solely for residential use).

Section 5.01 of the By-law makes application clear: "no lands shall have any Site Engineering undertaken unless a Grading and Drainage Clearance Certificate has been issued by the Director." Section 5.02 allows for the application to happen prior to or concurrently with a building permit application. This is not required where there is an approved site alteration permit, site plan draft plan of subdivision or subdivision grading plan, or consent (or agreements within).

The scope of review of the permit includes:

- Lot grading and drainage plans
- Stormwater flow direction and discharge
- Erosion and sediment control measures
- Conformity with approved subdivision grading plans or previously approved site grading (where applicable)

This review is undertaken by Engineering staff and focuses on site-level impacts related to drainage, runoff, and grade changes. Permit applications require, among other items, the location and discharge direction of downspouts and sump pumps, the location of physical services and utility corridors, and appropriate securities to be provided to support the works.

As part of the required drainage plan, it is to show how the overall system accommodates a 5-year storm event and is certified by a Professional Engineer.

The City of Markham provides for a similar process in its Residential Infill Grading and Servicing (RGS) process. The Site Alteration By-law 2011-232, passed under the same Section 142 authority under the *Municipal Act*, provides for a similar requirement for new detached residential infill construction, residential additions of 50.0 square metres (538 square feet) and service connections work. There are a number of criteria for exemption that result in less applicability than in the Burlington case, but it does remain broadly applicable to such residential construction. Markham also does not allow applications for these permits while a minor variance application is underway.

The Town of Whitby's Infill Development By-law 8067-24, passed under the same Section 142 authority under the *Municipal Act*, follows closely to the Burlington process, also providing for six months for all information to be received in order to process the application.

Requirements include a stormwater management brief if swales of 0.15 metres in depth along side and rear lot lines outside of a 0.60 metre undisturbed strip of land along property lines. There are also requirements placed on retaining walls, curbs, and decorative perimeters to terminate within the subject property, with additional locational and tapering criteria.

As a *Municipal Act* By-law, the revocation of a permit for non-compliance can be immediate. While not "applicable law" in the traditional Building Code sense, these types of permitting powers can provide the required oversight and approval of grading works and without the risks, delays or costs associated with *Planning Act* appeals to the Ontario Land Tribunal. Such a system could be structured to address a range of on-site quantity control matters, or in conjunction with the Town's ongoing stormwater management levy work to develop an engineering-oriented system for limiting impervious surface coverage that directs water off a property. It can also be subject to an application fee per Section 391 of the *Municipal Act*, if cost recovery is desired.

Note that Section 1.5(a) of Zoning By-law 2014 states that any person shall comply with all other By-laws of the Town, providing for integration with any *Municipal Act* by-law.

## 5.5 Moving Forward

Integrating permeability standards within the Zoning By-law is a forward-thinking approach to more directly addressing stormwater and surface runoff across the Town, but in this case, focusing specifically on the low-density residential zones. This is not something that has been widely done in Ontario to date. To move forward with this approach, there are a number of supporting pieces that must first occur:

- Establishing Data to Support Planning Policy – It is recommended that the Town undertake a more detailed study on how to integrate stormwater and flood mitigation measures within the Town's planning instruments. There would be both a technical and a planning aspect to this study. There are further goals within the Stormwater Management Plan related to groundwater conditions that, if better mapped and identified, may be appropriate for either a zoning (*Planning Act*) or *Municipal Act* solution that would be leading-edge treatment in an Ontario municipality.

The technical component of the study would focus on the ecological characteristics that underpin the Town. Much of this work is already documented through other studies undertaken by the Town or Conservation Halton. This includes documenting soil type and permeability, depth and location of the water table, as well as current stormwater flow volumes. This work could generally make use of existing data sources and is not unlike the approach taken in many watershed/subwatershed studies.

The planning component of the study would focus on mechanisms that may be used to manage surface runoff and integrate permeability standards within instruments available to the Town under the *Planning Act* and *Municipal Act.* The key driver would be to establish a mutually reinforcing framework for flood mitigation. This body of work may be supported through the Town's Rainwater Management Plan.

- In the absence of a study providing the technical support for any proposed policy changes and more comprehensive Official Plan policies for permeability standards, the best immediate path forward to address stormwater management within the current zoning regime is to strengthen the Town's existing zoning provisions. The Town's zoning framework does provide opportunities to strengthen existing stormwater management approaches. Zoning mechanisms may be leveraged to increase infiltration areas at a parcel-fabric level. Zoning mechanisms which may be used to achieve this include applying minimum landscaping/buffer requirements to the low-density residential zones, a sliding scale of maximum lot coverage standards based on lot area, and zoning provisions that regulate development on the lot, such as the location and size of accessory structures, encroachments such as decks, patios, balconies, and porches, amongst others. Recommendations as to how these may be addressed have been incorporated into this Background Report.

- The Town may wish to consider two potential paths forward. One is the use of a Community Planning Permit System and By-law which affords greater flexibility to address both zoning and site plan matters such as drainage, site alteration, and vegetative plantings in a much more detailed and comprehensive manner.

- The *Municipal Act* provides municipalities with a number of tools that can address matters of site design through processes that provide for more direct action and enforcement. A second option is the development of some form of private stormwater management or grading by-law passed under Sections 96 and 124 of the *Municipal Act*. This can occur in conjunction with ongoing stormwater management levy work, and is designed in a manner to require compliance with such a by-law before or as part of a building permit application and alongside a zoning compliance check.

# 6. NEXT STEPS/RECOMMENDATIONS

Based on the analysis of the issues and feedback from both staff and the public, the following recommendations are proposed to guide the next steps in updating Oakville's Zoning By-laws for low-density residential areas.

## 6.1 STREAMLINING ZONES

To address confusion caused by the layering of site-specific provisions and a proliferation of overlapping residential zones, it is recommended to:

1. Consolidate RL1 into R1 to simplify low-density residential zoning where large lot standards are appropriate.
2. Consolidate RL2 into R2 to align similar development standards under a single zone.
3. Merge RL3, RL4, and RL5 into R3, given the strong similarities in lot sizes, setbacks, and massing controls across these zones.
4. Maintain RL6 as a distinct zone, but rename it R4, to reflect its continued applicability with consistent standards.
5. Rename RL7 as R5, maintaining the zone's existing provisions under a new label.
6. Merge RL8 and RL9 into R6, as both zones apply to similar lot and built form characteristics.
7. Eliminate RL10 by absorbing it into other zones, since none of the properties currently zoned RL10 meet the criteria for duplex dwellings.
8. Merge RL11 into R6 but include a special provision that explicitly allows for linked dwellings, maintaining that unique development permission.

## 6.2 YARDS

To address issues related to inadequate side yard space and drainage performance, it is recommended to:

9. Increase the minimum interior side yard setback for accessory buildings containing ARUs from 0.6 metres to 1.2 metres.
10. Increase the minimum rear yard setback for accessory buildings containing ARUs from 0.6 metres to 1.2 metres.
11. Remove the current reduction in side yard setback for lots with attached garages and apply the standard setback requirements regardless of garage configuration.
12. Introduce a new minimum interior side yard setback of 3.0 metres for lots with detached garages to ensure adequate space for access, separation, and drainage.

13. Apply a revised side yard setback framework that ties the minimum setback to lot frontage, ensuring more proportional spacing across a range of lot sizes.

14. Require that at least 50% of the minimum side yard width is composed of soft landscaping.

## 6.3 Driveways

To address issues related to inadequate driveway setbacks and their negative impacts on stormwater drainage and runoff management, it is recommended to:

15. Introduce a minimum setback of 1.2 metres from all lot lines for driveways, to be maintained as landscaped open space, improving infiltration and buffering adjacent properties.

16. Exempt attached housing forms (e.g., semi-detached dwellings) from the above where mutual driveways are present and buildings are located at the lot line.

17. Clarify the method for measuring driveway width by defining it as the perpendicular distance across the continuous hard surface, measured perpendicular to the centreline of the path of vehicular travel.

## 6.4 Encroachments and Projections

To address challenges related to the limited flexibility for window wells, balconies, and decks while still maintaining drainage, safety, and privacy standards, it is recommended to:

18. Remove the maximum width restriction for window wells and introduce a new encroachment rule requiring a minimum setback of 1.2 metres or less from the lot line in side yards to ensure space for drainage and emergency access. On lots where the minimum side yard is 1.2 metres, this would mean window wells and other encroachments are not permitted to project into the side yard, unless additional space is provided beyond the minimum yard. In all circumstances, a minimum interior side yard of 1.2 metres shall be protected and recognized with an appropriate footnote.

19. Clarify that balconies above the first storey in the “-0” Suffix Zone are "not permitted" rather than "prohibited," allowing for the consideration of variances in appropriate contexts.

## 6.5 Identifiers in Tables

To improve usability and address difficulties interpreting tables within the Zoning By-law, it is recommended to:

20. Add row identifiers to tables such as Table 4.3 to support clearer referencing during Committee of Adjustment and zoning reviews.

21. Separate encroachments and projections into two distinct tables to better reflect their differing regulatory treatment and reduce confusion.

## 6.6 MASSING

To address issues related to height measurement clarity, inflexible storey limits, and the massing of new dwellings, it is recommended to:

22. Introduce differential height limits based on roof slope, permitting sloped roofs with pitches over 20 degrees to reach a maximum of 10.0 metres in the “-0” Overlay. Outside of the “-0” Overlay, height may continue to be permitted up to 12.0 metres, depending on location. Semi-flat roofs (pitches below 20 degrees for between 35% and 65% of the roof area) are to be capped at 9.0 metres in all zones, and true flat roofs (pitches below 20 degrees for 65% or more of the roof area) are to be capped at 8.0 metres in all zones. Corresponding definitions are required to implement this framework.

23. Maintain Oakville’s existing method of measuring height from the established grade.

24. Amend the Zoning By-law to include attached garages and open-to-below spaces in Residential Floor Area Ratio (RFAR) calculations.

25. Increase permitted RFAR values to account for the average floor area contribution of garages, maintaining consistency with existing buildable space.

26. Update the definition of “Floor Area, Residential” to include private garages for consistency across zones.

27. Replace “prohibited” with “not permitted” in provisions addressing floor area above the second storey to soften language and improve interpretability without changing the standard.

28. Revise garage regulations to limit the width of garages to within the first 3.0 metres of depth from the main front wall, reducing the visual dominance of garages while still supporting functionality.

29. Remove the main wall proportionality requirement from Section 6.4.4 to reduce redundancy, as existing built form regulations already manage façade placement, height, and massing.

## 6.7 SEMI-DETACHED DWELLINGS AND “-0” ZONING

To address the lack of flexibility in the Residential Low-Density Overlay ("-0") and support the integration of semi-detached dwellings where appropriate, it is recommended to:

30. Remove the prohibition on semi-detached dwellings within the Residential Low-Density Overlay (“-0”) to reflect current policy direction, provide greater housing choice, and align zoning regulations with the built form and character of existing neighbourhoods.

## 6.8 Lot Coverage

There is a slight disconnect between the definition of "lot coverage" and how it is applied in the low-density residential zones. Presently, lot coverage as written within the zone standards and in the definitions, suggests a misalignment around the true reflection of the amount of development on the lot. To remedy this, it is recommended:

31. Lot coverage in the parent zone standards will be clarified to state that the standard will be applied to all buildings on the lot, with additional coverage provided for accessory buildings and structures.

32. The maximum lot coverage and accessory building provisions of the Zoning By-law should be rationalized and amended to ensure that the total amount of development permitted, including the main dwelling and any accessory buildings or structures, is appropriate for the size of the lot and maintains a balance between built form and open space.

## 6.9 Housekeeping Changes

In addition to the primary recommendations outlined in this report, a series of minor housekeeping updates are proposed to improve clarity and alignment within the Zoning By-law. The following refinements are recommended:

33. Clarify Semi-Detached Permissions in Section 4.5

34. Clarify Circular Driveway Coverage in Section 5.5.8

35. Some site-specific special provisions and property-specific rezonings are required to recognize legal existing situations, clarify applicability or non-applicability of the new standards for lots with recent zoning approvals, and to otherwise align current lot sizes to zone standards.

## 6.10 Permeability and Landscaping

To address the lack of minimum landscaping coverage standards in low-density residential zones and improve stormwater management through increased permeable surfaces, it is recommended to:

36. Introduce a definition for "Residential Soft Landscaping" to distinguish between permeable and non-permeable landscaping materials.

37. Apply minimum soft landscaping coverage requirements to low-density residential zones.

38. Require landscaped strips of at least 1.2 metres along front, rear, and exterior side yards, and 0.9 metres along interior side yards to support swale function.

39. Establish minimum soft landscaping percentages for front and exterior side yards, potentially scaled by lot size or zone.

## 6.11 Applicability, Exemptions, and Transition

It is important to note that the recommended zoning changes will not apply universally across all lands in Oakville. Specifically, lands that have received prior approvals from the Ontario Land Tribunal (OLT) but remain unbuilt are exempt from the application of new regulations. These lands will continue to be governed by the permissions established through those approvals.

## 6.12 Future Work Arising out of the South Oakville Residential Zoning Review

Many of the items raised through research and engagement cannot be addressed by the Town through final decisions on this study. These topics require further analysis, policy development, or community dialogue beyond the scope of the current project. The following matters have been identified for future consideration:

### 1. Preservation of Bungalow Housing

Concerns were raised throughout the study regarding the diminishing stock of single-storey dwellings in South Oakville, particularly as older homes are being replaced with larger, multi-storey dwellings. Bungalows play an important role in supporting housing accessibility, particularly for seniors and others with mobility challenges who benefit from single-level living. Their continued loss undermines “age-in-place” planning objectives and contributes to the erosion of built form diversity within established neighbourhoods. While this study reviewed built form and massing generally, it did not recommend targeted height restrictions to preserve single-storey housing. It is recommended that the Town explore this issue through a future planning study.

### 2. Residential Floor Area Ratio versus Lot Coverage

The current Residential Floor Area Ratio framework is proposed to be updated in this study. The question of the continued use of both Residential Floor Area Ratio and lot coverage for main buildings has not been fully investigated but may be an area where streamlining regulation would simplify regulation. This idea would need to be supported by modelling and engagement work that is beyond the scope of this study. It may be prudent to include this as an area of focus in the Town’s next Zoning By-law review. Such work could result in the elimination of remaining -0 zoning regulations entirely (absorbing all such regulations into the main zones across the entire Town).

### 3. Additional Zone Standards or Municipal Act By-laws to Manage Development and Groundwater Levels

As redevelopment activity continues in South Oakville, concerns have emerged around the impact of intensified low-density development on groundwater levels and drainage. Large homes with expansive foundations and hardscaping can alter natural water movement, potentially resulting in water accumulation, sump pump dependency, or localized flooding on adjacent lots.

While the current study addresses permeability and landscaping requirements, further work is needed to examine whether additional zoning standards or other By-law tools are warranted to mitigate groundwater impacts in infill contexts. Further enriched zoning standards would be supported by additional data identifying locations where infiltration rates or groundwater levels result in greater development or management challenges for the Town.

The Town should also consider a broader range of tools and processes outside of the *Planning Act* where greater controls and direct enforcement mechanisms are provided. *Municipal Act* by-laws for drainage (Section 96), site alteration and filling (Section 142) can establish a permitting or certificate process to

run parallel to the issuance of a building permit and apply to grade altering works such as excavations, surface treatment, and placement of buildings and structures.

### 4. Further Zoning Framework Simplification

Consideration may be given to further streamlining the Residential Low zoning framework, including further reduction of zone categories and, related to the second point above, evaluating the continued need for the “-0” Suffix Zone. While the current study updates and refines its standards, a broader review could examine whether consolidation of zones and elimination of suffix zoning would improve clarity, usability, and administration of the By-law.

# Appendix A
# Zoning Considerations for Stormwater Management: Case Studies

## Zoning and Stormwater Management Case Study Summaries

### Salmon Arm, British Columbia

Salmon Arm, British Columbia, has implemented zoning regulations that require minimum permeable surface coverage within specific residential zones. These regulations aim to mitigate the impacts of stormwater runoff by ensuring that a portion of each lot remains porous, allowing water to infiltrate the subsurface and reducing the likelihood of pooling and overburdening municipal drainage systems.

The definition of a permeable surface within Salmon Arm's zoning framework includes any material that enables stormwater to be absorbed into the soil rather than generating runoff. This definition is fundamental to determining compliance with lot coverage regulations. The city provides clear distinctions between permeable and non-permeable surfaces. Non-permeable surfaces include traditional hard surfaces such as asphalt, concrete, and grouted pavers, as well as artificial turf and vinyl, fiberglass, or tongue-and-groove decking. Exceptions to this classification include swimming pools and ornamental ponds, which, despite their surface coverage, are considered permeable as they retain water rather than contribute to runoff.

Salmon Arm's Zoning By-law stipulates minimum permeability requirements for residential properties, with required percentages varying between 40% and 60% depending on the zone. This approach ensures that larger residential lots, which typically have more surface area available, contribute proportionally to on-site stormwater management. For instance, estate residential lots in the R-19 zone must maintain a minimum of 60% permeable surface coverage, while standard residential lots in zones such as R-10 and R-17 require between 40% and 50% permeable coverage.

Beyond zoning provisions, Salmon Arm's Official Community Plan (OCP) reinforces the importance of permeability through Development Permit Area guidelines. These policies emphasize the role of permeability in site design, encouraging the use of bioswales, permeable paving, and landscaping to facilitate water infiltration. Specific standards apply to multifamily residential developments, where enhanced permeability is required alongside tree cover and other green infrastructure measures. Parking areas, circulation routes, and landscaped open spaces must integrate permeable surfaces wherever possible, minimizing the extent of impervious materials.

To ensure compliance with permeability standards, development applications in Salmon Arm must include scaled site plans that clearly delineate surface types and calculate permeability percentages. Additionally, grading and drainage plans must illustrate existing and proposed grades, stormwater infiltration strategies, and surface materials, ensuring that developments align with the city's stormwater management objectives.

Overall, Salmon Arm's zoning and planning policies offer a structured approach to integrating permeability into residential land use. By incorporating minimum permeability requirements, clear definitions of impervious and pervious surfaces, and complementary OCP policies, Salmon Arm effectively promotes stormwater retention and sustainable land development practices.

### VANCOUVER, BRITISH COLUMBIA

Vancouver has implemented impervious surface coverage limits through its Zoning & Development By-law to regulate stormwater runoff and maintain ecological resilience in residential neighborhoods. The By-law primarily applies to residential zones, restricting the maximum impermeable material coverage to 70% or 75% of the total site area, depending on the zone. This calculation includes all built structures on the lot. The Director of Planning has the discretion to vary these requirements in specific circumstances, particularly where underground parking contributes to the total impermeable area or where a demonstrated need for additional paved surfaces can be justified to the satisfaction of the Director of Planning.

To apply for an exemption, property owners must submit detailed site plans showing the calculations for impervious surface coverage, overlay graphics comparing existing and proposed impermeable areas, landscaping plans specifying plant species and placement, and engineering documentation for any stormwater retention systems. These requirements ensure that any relief from the zoning regulations does not compromise Vancouver's overall stormwater management objectives.

The zoning approach to permeability in Vancouver establishes a baseline limit (e.g., 70–75% site coverage) while granting flexibility for developments where there is a demonstrated need for additional paved surfaces (i.e., underground parking garage). Additionally, introducing a requirement for stormwater storage agreements for developments exceeding a certain impermeability threshold would help mitigate runoff impacts.

### MELBOURNE/VICTORIA, AUSTRALIA

The State of Victoria in Australia has established permeability and stormwater management regulations at the State level through the Victoria Planning Provisions (VPP). These provisions serve as a framework for land use and development across all municipalities in Victoria. The VPP not only sets standards for permeability, but also regulates other key provisions, such as setbacks and lot coverage. The VPP sets a minimum requirement of 20% permeability for all properties, unless a municipal zone schedule specifies a higher standard. In cases where small lot sizes present practical challenges in achieving the minimum permeability, property owners may enter agreements to contribute to off-site stormwater management solutions as an alternative compliance mechanism.

The City of Melbourne, located within the state of Victoria, applies these State-level provisions while incorporating additional requirements into its local planning policies. In assessing development applications, the municipality must consider factors such as existing site coverage, physical constraints imposed by current development, and the feasibility of increasing stormwater absorption within a given site. This approach acknowledges that dense urban environments may require more flexible implementation strategies while maintaining overall sustainability goals.

Furthermore, Melbourne's development standards for dwellings and buildings reinforce the VPP's requirements through Clause 52.20-6.3, which mandates that at least 20% of the site must remain pervious. Additionally, Clause 52.20-7.5 outlines integrated water and stormwater management requirements, emphasizing connections to non-potable dual-pipe reticulated water supply systems where available. Melbourne's regulations also provide that stormwater infiltration be maximized through tree

pits, permeable pavements, and treatment areas, reinforcing the importance of on-site water retention in high-density environments.

### Raleigh, North Carolina

Raleigh, North Carolina, has implemented a regulatory framework that focuses on limiting impervious surface coverage as a primary strategy for stormwater management. Unlike other jurisdictions that explicitly require the use of permeable paving, Raleigh's Unified Development Ordinance (UDO) establishes clear impervious surface limits based on zoning classifications and lot sizes.

The maximum impervious surface allowances are set at 20% for R-1 zones, 25% for R-2 zones, 38% for R-4 zones, 51% for R-6 zones, and 65% for R-10 and other higher-density residential zones. These limits help to prevent excessive runoff and reduce the burden on stormwater infrastructure. For properties developed before November 27, 2016, owners may qualify for an additional 400 square feet (37.2 m2) of impervious coverage without requiring additional stormwater mitigation measures.

For larger properties exceeding one-acre, additional restrictions apply depending on whether the lot was developed before May 1, 2023. In cases where the property was already developed, a maximum of 5% of the existing permeable area, such as lawns or landscaped space, can be converted into impervious coverage. For undeveloped lots, impervious coverage is capped at 5% of the total lot area unless additional stormwater mitigation techniques are implemented. If a property owner seeks to exceed these impervious limits, they must conduct a residential flood study or install a stormwater control measure designed by a professional engineer. These measures ensure that any increase in impervious surface does not negatively impact drainage systems or contribute to localized flooding.

Raleigh's UDO provides a detailed classification of impervious and permeable surfaces, which helps establish clear development expectations. Fully impervious surfaces include asphalt, concrete, wood decks that prevent infiltration, and artificial turf, all of which are considered 100% impervious. Some materials are classified as partially impervious, such as slatted wood decks, which are 50% impervious, or slatted wood decks installed over gravel, which are considered 30% impervious. Fully permeable surfaces, which allow for complete infiltration of stormwater, include natural footpaths, swimming pools (as their water surface prevents runoff), and drainfields that are designed to promote infiltration. This classification system ensures that property owners and developers understand how different surface materials contribute to stormwater management and can adjust their site plans accordingly.

To further incentivize stormwater management, Raleigh has implemented a stormwater fee structure that ties property charges to the amount of impervious surface on a given lot. The more impervious coverage a property has, the higher the associated stormwater fees, encouraging property owners to reduce hardscaping and integrate permeable materials into their developments. This approach promotes cost-effective stormwater management while also discouraging unnecessary expansion of impervious areas.

In cases where a property exceeds the permitted impervious surface coverage, mitigation strategies must be employed to manage stormwater runoff. These mitigation options include stormwater volume control measures such as bioretention areas, infiltration trenches, and rain gardens, all of which help capture and filter runoff before it enters the municipal drainage system. Properties in designated watershed protection areas with impervious coverage exceeding 24% must incorporate additional

stormwater retention, detention, or capture mechanisms. These measures may involve harvesting runoff for reuse, detaining stormwater for at least twelve hours before discharge, or using an engineered treatment device to manage stormwater flow. Additionally, maintenance agreements are required for large-scale developments utilizing stormwater retention systems to ensure long-term functionality and compliance.

### San Antonio, Texas

San Antonio has implemented a voluntary program that incentivizes landowners to integrate sustainable stormwater management strategies through its Low Impact Development and Natural Channel Design Protocol (NCDP). These regulations aim to preserve natural resources, mitigate flood risks, and support environmentally friendly site planning. The city's Unified Development Code outlines various incentives, impervious surface regulations, and stormwater management requirements, providing a comprehensive framework for balancing urban growth with environmental sustainability.

One of the most significant incentives San Antonio offers is the ability for landowners to offset stormwater impacts through impervious surface credits. These credits allow projects to incorporate permeable pavement, preserve tree canopy, and implement stormwater buffers as alternatives to traditional stormwater infrastructure. Landowners who manage at least 60% of their site's stormwater runoff can receive stormwater fee reductions ranging from 5% to 30%, depending on the percentage of water quality volume managed. Additionally, parkland dedication requirements can be partially met through LID practices.

San Antonio's Storm Water Utility Fee is a charge applied to properties based on the amount of impervious surface they contain. The fee helps fund the city's stormwater infrastructure, including maintenance, flood prevention, and water quality improvements. Since impervious surfaces prevent natural water infiltration and contribute to increased stormwater runoff, properties with higher impervious coverage are subject to higher stormwater fees.

Density bonuses provide further incentives for LID integration. Projects that incorporate at least 60% of required stormwater management features through LID practices are eligible for a 10% density bonus, enabling greater development flexibility. Landowners can also reduce required setbacks and yards to accommodate stormwater management features without compromising zoning compliance. Furthermore, parking standard reductions are available for projects that integrate LID strategies, such as bioretention areas, rain gardens, and vegetated swales, which help minimize impervious surface coverage. Landowners who manage between 70% and 100% of their required stormwater volume qualify for Fee in Lieu payment reductions ranging from 5% to 30%. Additionally, projects integrating stormwater retention techniques can receive a 30% reduction in Storm Water Utility Fees.

San Antonio's impervious surface regulations emphasize minimizing runoff and encouraging permeable materials. The city defines impervious surfaces as any hard surface that prevents rainwater infiltration into the soil, including concrete, asphalt, wood decks, and artificial turf. However, permeable pavement does not count as impervious cover if it's designed to store the 2-year, 24-hour storm event.

Stormwater management standards ensure that developments using LID strategies effectively control runoff and improve water quality. New developments must retain 1.5 inches of rainfall within a 24-hour

period, targeting the removal of 80% of total suspended solids and 60% of bacteria loads. Redevelopment projects are subject to a slightly reduced water quality volume standard of 1.18 inches per 24 hours, balancing stormwater mitigation with the constraints of existing urban infrastructure.

San Antonio's stormwater management regulations and voluntary LID/NCDP program provide landowners with a comprehensive suite of incentives for integrating sustainable site design. By incorporating permeable pavement and stormwater BMPs, landowners can access density bonuses, stormwater fee reductions, and parkland dedication credits while simultaneously improving ecological resilience.

### FAIRWAY, KANSAS

Fairway, Kansas, has implemented comprehensive zoning regulations that mandate permeable surface minimums across different land use districts. Fairway's zoning ordinance imposes strict permeability standards for residential, commercial, office, and mixed-use zones, ensuring that stormwater can infiltrate into the ground. For lots smaller than 10,000 square feet (929 m2), at least 60% of the lot must remain permeable and uncovered, with the same standard applying to the front yard area. For medium-sized lots between 10,000 (929 m2) and 30,000 square feet (2787 m2), the first 10,000 square feet (929 m2) must meet the 60% permeability requirement, while the remaining portion of the lot must be 75% permeable. For larger lots exceeding 30,000 square feet (2787 m2), the first 10,000 square feet (929 m2) must still maintain 60% permeability; the next 20,000 square feet (1858 m2) must be 75% permeable, and any additional lot area beyond that must be 100% permeable. This framework ensures that larger lots contribute more significantly to stormwater absorption, helping to mitigate the effects of urban runoff and groundwater depletion.

To further reinforce these regulations, Fairway establishes a minimum permeable surface size, stipulating that any permeable area less than four feet (1.2 metres) in width does not count toward the required permeability percentage. This provision prevents landowners from meeting the requirements through narrow, disconnected strips of permeable material that do not function effectively for stormwater management. Additionally, the city has implemented strict landscaping requirements to enhance the ecological and aesthetic benefits of permeable surfaces. All remaining permeable areas must be planted with vegetation, ensuring that undeveloped portions of a lot contribute to urban greenery and environmental resilience.

Beyond permeability standards, Fairway has adopted tree planting requirements to enhance site sustainability. Large shade trees are required at a rate of one tree per 40 feet (12.2 metres) of street frontage, and existing mature trees may count toward this requirement. If a tree is removed, property owners must replace it with two new shade trees, maintaining urban tree cover and promoting cooling effects in residential areas. Additionally, all buildings must incorporate a planting bed at least 4 feet deep (1.2 metres) along at least 50% of the building frontage, ensuring that vegetative elements are integrated into site design.

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