



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2017-025

A by-law to amend Town of Oakville Zoning By-law 2014-014 to make a number of housekeeping, technical and other modifications affecting all Zones. (Town-initiated Omnibus Zoning By-law Amendment, File No. 42.25.16)

#### COUNCIL ENACTS AS FOLLOWS:

1. Within **Part 1, Administration**, of Zoning By-law 2014-014:
  - a. Section 1.4, Compliance with the By-law and Certificates of Occupancy, is amended by:
    - i. Relocating the text of Part 4, General Provisions, section 4.22, Reduction of Requirements, without the section heading/title, as new section 1.4(b); and,
    - ii. Renumbering the remaining clauses in section 1.4, including the reference to “subsection (b)” in section 1.4(c), which will become a reference to “subsection (c)” in the renumbered section 1.4(d).
  - b. A new section 1.10, Technical Interpretation, is added as follows:

**“1.10 Technical Interpretation**

Provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected, this By-law shall be interpreted as required for corrections to typographical or punctuation errors.”
  - c. Section 1.8.2, Transition Matters, Recently Approved Planning Applications, is amended by adding a new subsection (e) as follows:

“e) For approved site plans and minor variances where this By-law has subsequently been amended, the regulations in effect on the date of approval of the site plan or minor variance shall apply to any building permit applications.”

2. Within **Part 2, Establishment of Zones**, of Zoning By-law 2014-014:

- a. Section 2.3.2(b), Determining Zone Boundaries, Split Zoning, is amended by inserting the words “*driveways, aisles*” after “*parking spaces*” and before “and *stacking spaces*”.

3. Within **Part 3, Definitions**, of Zoning By-law 2014-014:

- a. The definition of *Day Care* is amended by deleting the words “more than five” and replacing “Day Nurseries Act” with “Child Care and Early Years Act”.
- b. The definition of *Dwelling Depth* is amended by inserting “of the *dwelling*” after “the horizontal distance”.
- c. The definition of *Residential Floor Area* (Floor Area, Residential) is amended by deleting subsection (c) and replacing it with the following:
  - “c) Where any *dwelling* having more than one *storey* has an attached *private garage*, an area equal to the *floor area* of the *private garage* shall be *residential floor area* if:
    - i) the attached *private garage* has a *height* equal to or greater than 6.0 metres, measured from the finished floor level of the *private garage* to the highest point of the *structure* containing the *private garage*; and,
    - ii) the *residential floor area* located directly above the *private garage* is less than 25% of the *private garage floor area* below.”
- d. The definition of *Flankage Lot Line* (Lot Line, Flankage) is amended by inserting “and includes the lot line abutting a daylight triangle” after “or *rear lot line*”.
- e. A new definition for *Mezzanine* is added as follows:

“Mezzanine	<p>means a floor area located between the floor and the ceiling of any room or <i>storey</i>. A <i>mezzanine</i> becomes a <i>storey</i> for the purposes of this by-law if:</p> <ul style="list-style-type: none"> <li>a) it is enclosed with walls and the area of the <i>mezzanine</i> is greater than 10% of the <i>floor area</i> in which it is located; or,</li> <li>b) it is open and unenclosed and the area of the <i>mezzanine</i> is greater than 40% of the <i>floor area</i> in which it is located.”</li> </ul>
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- f. A new definition for *Stacked Parking Space* is added as follows:

“Parking Space, Stacked	Means a <i>parking space</i> that is positioned above or below another <i>parking space</i> and is accessed only by means of an elevating device.”
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- g. The definition of *Storey* is amended by inserting “not including mezzanines” after “portion of a *building*”.

- h. A new definition for *Major Transit Station* is added as follows:

“Transit Station, Major	means a location within a <i>railway corridor</i> where trains stop to load or unload passengers as well as the associated buildings and structures within or on lands adjacent to the <i>railway corridor</i> that provide amenities for transit passengers and personnel.”
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4. Within **Part 4, General Provisions**, of Zoning By-law 2014-014:

- a. Section 4.3, Allowable Projections, is amended by:

- i. Adding new rows to Table 4.3, Allowable Building and Structure Encroachments and Projections, in their proper alphabetical location as follows:

Structure or Feature	Applicable Yards	Maximum Encroachment into a Minimum Yard	Maximum Total Projection beyond the main wall
“Industrial or mechanical equipment in the E2 and E3 Zones	<i>Rear and Side</i>	Equal to the minimum <i>yard</i> requirements	n/a
Landscaping features (i.e., ornamental and garden walls, planters, etc.)	All	Up to 0.6 m from the applicable <i>lot line</i>	n/a
<i>Uncovered platform</i> attached to a pool structure	<i>Rear and Side</i>	Up to 0.91 m from the <i>interior, side, or rear lot line</i>	n/a
	<i>Flankage</i>	Up to 2.0 m from the <i>flankage lot line</i>	n/a”

- ii. Adding a new footnote reference number, “(2)”, to Table 4.3, Allowable Building and Structure Encroachments and Projections, after “*lot line*” in the third column of the row pertaining to “*Air conditioners, heat pumps, swimming pool pumps, filters and heaters, including any appurtenances thereto*”.
- iii. Adding a new Footnote 2 under the heading Additional Regulations to Allowable Projections Table 4.3 as follows:
  - “2. Where such equipment is installed at or above *grade*, the maximum height shall be 2.0 m measured from *grade* to the top of the air conditioner, heat pump, swimming pool pump, filter or heater.”
- b. Section 4.6.4, Exceptions to Height Provisions, Rooftop Mechanical Equipment and Mechanical Penthouses, is amended by:
  - i. Renumbering the existing section 4.6.4 as section 4.6.4(a), and the associated subsections as 4.6.4(a)(i), 4.6.4(a)(ii), 4.6.4(a)(iv) and 4.6.4(a)(v), intentionally skipping 4.6.4(a)(iii);
  - ii. Inserting a new section 4.6.4(a)(iii) as follows:
    - “iii) Architectural screening shall be required to screen rooftop mechanical equipment.”
  - iii. Adding a new section 4.6.4(b) as follows:
    - “b) Where rooftop mechanical equipment is provided on any *lot* located in any Residential Low (RL) *Zone* or the Residential Medium (RM1 and RM2) *Zones*, architectural screening shall be required to screen rooftop mechanical equipment.”
- c. Section 4.6.5, Skylights, is amended by:
  - i. Inserting the words “and Cupolas” after “Skylights” in the section heading and introductory statement.
  - ii. Adding a new section 4.6.5(d) as follows:
    - “d) The maximum dimensions of a cupola shall be 1.5 m in length, 1.5 m in width, and 1.5 m in height measured from the ridge of the roof where it is affixed.”

- d. Section 4.13, Lot Frontage Requirements, is amended by adding a new subsection (f) as follows:

“f) Notwithstanding subsection (a) above, a *lot* used for a stormwater management facility or *major transit station* is not required to have *frontage* on a *public road*.”

- e. Section 4.19.2, Pipeline Setbacks, Sarnia Products/Imperial Oil Pipelines, is amended by:

- i. Adding “with dwellings intended for human occupancy” after “no *building* or *structure*”;
- ii. Deleting “right-of-way or pipeline”; and,
- iii. Replacing “limit” with “centerline”;

- f. Section 4.25.3, Temporary Uses, Temporary Sales Offices, is amended by adding “or *rental thereof*” after “*lots* or units”.

- g. Section 4.22, Reduction of Requirements, is amended by:

- i. Deleting the section in its entirety as the text was relocated to section 1.4 under Item 1 of this By-law; and,
- ii. Renumbering the remaining clauses in Part 4, including any numerical references to the remaining clauses in Part 4 elsewhere in Zoning By-law 2014-014.

- h. A new section is added to the end of Part 4 as follows:

**“4.26 Compliance Achieved within a Lot**

- a) Unless otherwise specified, compliance with the standards of this By-law shall be achieved within the *lot* on which the building is constructed or the *use* is undertaken;
- b) The division of a *lot* into one or more parcels of tied land or condominium units and common elements through the creation of one or more condominiums shall be deemed not to result in *non-compliance* with this By-law, provided:
  - i) the standards in this By-law are met if applied to the *lot* as a whole;

- ii) in the absence of a shared party wall, compliance with the setback requirements is met within each parcel of tied land, if applicable; and,
- iii) the parking standards, servicing requirements and access requirements for each parcel of tied land or condominium units are met within the parcel of tied land or through a common element tied to that parcel.”

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

**a. Table 5.2.1, Ratios of Minimum Number of Parking Spaces, is amended by:**

- i. Renumbering the existing text of Footnote 2 under “Additional Regulations for Minimum Parking Ratios Table 5.2.1” as Footnote 2(b);
- ii. Adding a new Footnote 2(a) under “Additional Regulations for Minimum Parking Ratios Table 5.2.1” as follows:

“a) The location of visitors *parking spaces* shall be in accordance with Section 5.1.9.”

**b. Table 5.2.2, Ratios of Minimum Number of Parking Spaces for Mixed Use Zones, is amended by:**

- i. Renumbering the existing text of Footnote 2 under “Additional Regulations for Growth Area Parking Spaces Table 5.2.2” as Footnote 2(b);
- ii. Adding a new Footnote 2(a) under “Additional Regulations for Growth Area Parking Spaces Table 5.2.2” as follows:

“a) The location of visitors *parking spaces* shall be in accordance with Section 5.1.9.”

**c. Section 5.2.3, Motor Vehicle Parking Space Dimensions, is amended by:**

- i. Deleting sections 5.2.3(b)(i)-(ii) in their entirety and adding new sections 5.2.3(b)(i)-(iv) as follows:

“i) Where one *parking space* is provided, 3.0 m in width;

- ii) Where two *parking spaces* are provided side-by-side, 2.8 m in width per *parking space*, or 5.6 m in total combined width;
- iii) Where *tandem parking spaces* are provided, 3.0 m in width per *parking space*; and,
- iv) Where *stacked parking spaces* are provided, 3.0 m in width for either the *parking space* on or below the vehicle elevating device.”

d. Section 5.8.1, Driveways and Private Garages Associated with Residential Uses, General Provisions, is amended by:

- i. Deleting sections 5.8.1(b), 5.8.1(c) and 5.8.1(d) in their entirety;
- ii. Adding new sections 5.8.1(b), 5.8.1(c) and 5.8.1(d) as follows:
  - “b) Required *parking spaces*, other than *stacked parking spaces* and *tandem parking spaces*, shall have direct and unobstructed access from a *driveway*, *aisle* or *lane*.
  - c) The maximum setback from the rear lot line for a *parking space* accessed by a rear lane shall be 6.5 m.
  - d) A maximum of one attached *private garage* per *dwelling* shall be permitted.”
- iii. Inserting “and *stacked*” after “*Tandem*” in section 5.8.1(e) and relocating the entire clause to a new section 5.1.10, Tandem and Stacked Parking Spaces, as follows:

**“5.1.10 Tandem and Stacked Parking Spaces**

*Tandem and stacked parking spaces are permitted for any dwelling.”*

- e. Section 5.8.7, Private Garage Setbacks and Projections, of By-law 2014-014 is amended by replacing both occurrences of the dimension “5.5 metres” in section 5.8.7(a) with “5.7 metres”.

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

- a. Table 6.3.1, Regulations in the Residential Low RL1, RL2, RL3, RL4, RL5, and RL6 Zones, is amended by:

- i. Adding a new row, immediately above the “Maximum *lot coverage* for the *dwelling*” row, as follows:

	RL1	RL2	RL3	RL4	RL5	RL6
“Maximum <i>residential floor area ratio</i> ”	n/a (-0)	n/a (-0)	n/a (-0)	n/a (-0)	n/a (-0)	75% (7)”

- ii. Replacing the footnote annotation “(7)” in the table cell corresponding to the “RL6” column and the “Maximum *lot coverage* for the *dwelling*” row with “n/a”.
- b. Section 6.3, Regulations, is amended by replacing the phrase “315.0 square metres” with “355.0 square metres” in Footnote 7 under “Additional Regulations for Zone Regulations Table 6.3.1”.
- c. Table 6.3.7, Regulations in the Residential Uptown Core (RUC) Zone, is amended by:
- replacing the word “unit” in the “Minimum *lot area*” row with “*dwelling*”; and,
  - replacing the footnote annotation “(3)” in the “Minimum rear yard” row with “(3, 6)”.
- d. Section 6.3, Regulations, is amended by adding a new Footnote 6 under “Additional Regulations for Zone Regulations Table 6.3.7” as follows:
- “6. Notwithstanding any other provision of this By-law, where a *private garage* is accessed by a *driveway* crossing a *rear lot line* from a *lane* in the RUC Zone, the *private garage* shall be permitted to be a minimum of 0.30 metres from the *rear lot line*.”
- e. Table 6.3.8, Regulations in the Residential Medium (RM) Zones, is amended by replacing both instances of the word “unit” with “*dwelling*” in the “Minimum *lot area*” row.
- f. Section 6.4.3, Minimum and Maximum Front Yard, is amended by replacing the words “the *dwelling*” with “new *dwellings*” in section 6.4.3(c).
7. Within **Part 8, Mixed Use Zones**, of Zoning By-law 2014-014:
- a. Table 8.2, Permitted Uses in the Mixed Use Zones, is amended by adding a check mark “✓” to the table cell corresponding to both the “CBD” column and the “*Live-work dwelling*” row.



8. Within **Part 9, Commercial Zones**, of Zoning By-law 2014-014:

- a. Section 9.3, Regulations, is amended by replacing the word “and” with “or” in the phrase “the *maximum front and flankage yards*” in Footnote 1 under “Additional Standards for Zone Regulations Table 9.3.”

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

- a. Table 10.2, Permitted Uses in the Employment Zones, is amended by:
- i. deleting the entire row containing the first occurrence of “*Repair shop*” as a permitted use (below the subheading “Employment Uses”); and,
  - ii. adding the footnote annotation “(2)” next to the checkmark “✓” in the table cell corresponding to both the “E1” column and the row containing the second occurrence of “*Repair shop*” as a permitted use (below the subheading “Service Commercial Uses”).
- b. Section 10.3, Regulations, is amended by replacing the word “and” with “or” in the phrase “the *maximum front and flankage yards*” in Footnote 1 under “Additional Standards for Zone Regulations Table 10.3.”

10. Within **Part 14, Other Zones**, of Zoning By-law 2014-014:

- a. Table 14.2, Permitted Uses in the Other Zones, is amended adding a new row as follows:

	<b>U</b>	<b>ED</b>	<b>SMF</b>
“ <i>Major transit station</i> ”	✓(2)”		

- b. Section 14.2, Permitted Uses, is amended by adding a new Footnote 2 under “Additional Regulations for Permitted Uses Table 14.2” as follows:

- “2. a) Only permitted within and adjacent to a *railway corridor* at locations designated by an operator of a passenger rail service.
- b) *Accessory uses to a major transit station*:
- i) shall be limited to *restaurants, retail stores, dry cleaning/laundry and service commercial establishments*;
  - ii) may be stand-alone or within shared *premises*;
  - iii) shall have a maximum total *net floor area* of 500.0 square metres; and,

- iv) shall be exempt from the parking and yard regulations of this By-law.”

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

- a. Section 15.3 (Additional Motor Vehicle Use Permissions) is amended by replacing the phrase “*outdoor display and sales area*” with “*outside display and sales area*” in Footnote 3 under “Additional Regulations for Table 15.3”.
- b. Section 15.4 (Area Surrounding Bronte GO Station) is amended by:
- i. Adding new rows to section 15.4.1, Additional Permitted Uses, as follows, and renumbering the existing sections 15.4.1(a) and (b) as sections 15.4.1(c) and (d), respectively:

“a)	<i>Major transit station</i>
b)	<i>Accessory uses to a major transit station limited to restaurants, retail stores, dry cleaning/laundry and service commercial establishments.”</i>

- ii. Adding new subsections 15.4.2 and 15.4.3 as follows:

<b>“15.4.2 Zone Provisions</b>		
The following additional provisions apply to <i>accessory uses</i> to a <i>major transit station</i> :		
a)	<i>Accessory uses</i> may be stand-alone or within shared <i>premises</i> .	
b)	Maximum <i>total net floor area</i>	500.0 sq. m.
<b>15.4.3 Parking Provisions</b>		
The following parking provisions apply:		
a)	<i>Accessory uses</i> to a <i>major transit station</i> shall be exempt from the parking regulations of this By-law.”	

- c. Section 15.29 (1275-1535 North Service Road West) is amended by replacing the phrase “*outdoor display and sales area*” with “*outside display and sales area*” in section 15.29.2(b).
- d. Section 15.64 (Oakville Place, 240 Leighland Drive) is amended by replacing the phrase “*outdoor display and sales area*” with “*outside display and sales area*” in section 15.64.1(i).
- e. Section 15.180 (2379-2437 Sixth Line, The Greenery, Chester Street, Bridgewater Road, The Promenade and 2340-2442 Munn’s Avenue) is amended by adding a new section 15.180.3(l) as follows:

"1)	Minimum rear yard setback to a <i>private garage</i> .	As legally existing on the effective date of this By-law"
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- f. Section 15.197 (320-412 Dundas Street East) is amended by replacing each occurrence of the phrase "*outdoor display and sales area*" with "*seasonal garden centre*" in section 15.197.6.
- g. Section 15.341 (Wallace Road, York Street, Speers Road) is amended by adding a new section 15.341.2, Parking Provisions, as follows:

<b>"15.341.2      Parking Provisions</b>	
The following parking provisions apply:	
a)	Where a <i>business office</i> is provided <i>accessory</i> to a differed main permitted <i>use</i> , the parking rate for the main permitted <i>use</i> shall apply to any <i>floor area</i> occupied by a <i>business office</i> provided the <i>business office</i> occupies an area equal to or less than 25% of the total <i>net floor area</i> on the <i>lot</i> ."

- 12. The **Permitted Uses Tables** in Zoning By-law 2014-14, as listed in subsection (a) below, are amended by deleting all permitted use category subheadings as listed in subsection (b) below, where applicable, and by reorganizing the permitted uses alphabetically.

- a. Permitted Uses tables to be amended:
  - i. Table 6.2.1, Permitted Uses in the Residential Low Zones and the Residential Uptown Core Zone
  - ii. Table 6.2.2, Permitted Uses in the Residential Medium and Residential High Zones
  - iii. Table 8.2, Permitted Uses in the Mixed Use Zones
  - iv. Table 9.2, Permitted Uses in the Commercial Zones
  - v. Table 10.2, Permitted Uses in the Employment Zones
  - vi. Table 11.2, Permitted Uses in the Institutional and Community Use Zones
  - vii. Table 12.2, Permitted Uses in the Open Space Zones
  - viii. Table 13.2, Permitted Uses in the Environmental Zones
  - ix. Table 14.2, Permitted Uses in the Other Zones

- b.** Permitted use category subheadings to be deleted from Permitted Uses tables, where applicable :
- i.** Accessory Residential Uses
  - ii.** Community Uses
  - iii.** Employment Uses
  - iv.** Hospitality Uses
  - v.** Institutional Uses
  - vi.** Motor Vehicle Uses
  - vii.** Office Uses
  - viii.** Open Space Uses
  - ix.** Other Uses
  - x.** Residential Uses
  - xi.** Retail Uses
  - xii.** Service Commercial Uses

PASSED this 20<sup>th</sup> day of March, 2017

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MAYOR

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CLERK