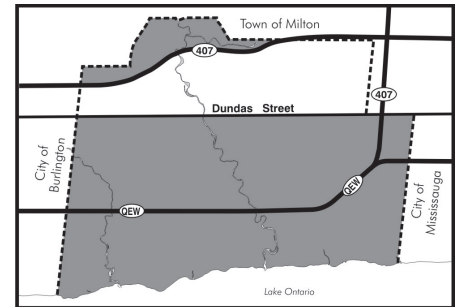


# Administration

Portions of this by-law not yet in effect are covered with a blue tone. This version consolidates all amendments and orders of the OMB up to the consolidation date shown below. Contact the Building Services or Planning Services departments for more information.



*This By-law applies to all lands south of Dundas Street and north of Highway 407.*

*Properties not subject to this By-law are either omitted from or not indicated on the Maps in Part 19.*

*The requirements of this By-law must be met before a building permit is issued for the erection, addition to, or alteration of any building or structure.*

*Without limiting its generality, Section 1.5 includes the Building Code (Ontario Regulation 350/06), and the permitting procedures of Conservation Halton (Ontario Regulation 162/06) and the Credit Valley Conservation Authority (Ontario Regulation 160/06).*

## 1.1 Application

This By-law applies to all lands in the *Town* of Oakville as shown on the Maps in Part 19 of this By-law.

## 1.2 Repeal of Former By-laws

- a) The provisions of the *Town* of Oakville Zoning By-law 1984-63, and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.
- b) The provisions of the Oakville Zoning By-law 1965-136, and all amendments thereto, are hereby repealed.

## 1.3 Administration

This By-law shall be administered by the person designated as the Zoning Administrator.

## 1.4 Compliance with this By-law and Certificates of Occupancy (2017-025)

- a) No person shall use any land or erect or use any *building* or *structure* on lands subject to this By-law except for a *use* permitted, and in accordance with the regulations provided, by this By-law for the *Zone* in which the *lot* is located.
- b) No person shall change the *use* of any *lot*, *building*, or *structure*, erect or enlarge any *building* or *structure*, or sever any lands from any existing *lot* if the effect of such action is to cause the original, remaining, or new *building*, *structure*, or *lot* to be in contravention of the By-law. (2017-025)
- c) No person shall make any change in the *use* of land, or of any *building* or *structure*, without first obtaining a certificate of occupancy.
- d) Notwithstanding subsection (c) above, certificates of occupancy shall not be required for changes in residential *uses* other than the establishment of a *bed and breakfast establishment*, *short-term accommodation*, or *accessory dwelling*.

## 1.5 Compliance with Other Legislation

- a) Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the *Town* of Oakville or any other regulation of the Regional Municipality of Halton, Province of Ontario, or Government of Canada that may otherwise affect the use of land, *buildings*, or *structures*.
- b) References to “the Zoning By-law” or “By-law 1984-63” in other *Town* By-laws or documents shall be deemed to refer to this By-law where this By-law applies.

## 1.6 Penalties

Every person who contravenes a provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the Planning Act.

# Administration

## 1.7 Severability

A decision of a court of competent jurisdiction that one or more of the provisions of this By-law or any portion of the Zoning Maps to this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

## 1.8 Transition Matters

Notwithstanding Sections 1.2 and 1.4 of this By-law, a *building* permit may be issued in accordance with Section 1.8 of this By-law for the following scenarios.

For the purposes of determining zoning compliance for matters covered by Section 1.8 of this By-law, the provisions of Zoning By-law 1984-63, as amended, as it read on the effective date of this By-law shall apply.

### 1.8.1 Building Permit Applications

Nothing in this By-law shall prevent the erection of a *building* or *structure* for which an application for a *building* permit was filed on or prior to the effective date of this By-law provided the *building* permit application satisfies the following requirements:

- a) The *building* permit application complies with the provisions of Zoning By-law 1984-63, as amended, as it read on the effective date of this By-law.
- b) All information is provided to allow for a zoning review to be undertaken; and,
- c) All planning approvals have been obtained.

### 1.8.2 Recently Approved Planning Applications

- a) The requirements of this By-law do not apply on a *lot* where a minor variance to Zoning By-law 1984-63, as amended, was authorized by the Committee of Adjustment of the *Town* or the Ontario Municipal Board on or after May 10, 2011 and on or before the effective date of this By-law and a *building* permit for the applicable project has not yet been issued.
- b) The requirements of this By-law do not apply to a lot where a conditional or final Site Plan Approval has been granted by the *Town* on or after May 10, 2011 and on or before the effective date of this By-law and a *building* permit for the applicable project has not yet been issued.
- c) The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the *Town* or the Ontario Municipal Board on or after May 10, 2011 and on or before the effective date of this By-law and a *building* permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.
- d) For clarity, where a minor variance to Zoning By-law 1984-63, as amended, was authorized by the Committee of Adjustment of the *Town* or the Ontario Municipal Board on or after May 10, 2011 and on or before the effective date of this By-law as a requisite condition for a Site Plan Approval, Section 1.8.2(b) shall apply to give affect to the applicable Site Plan Approval.

*In the scenarios described at left, the rules and regulations of Zoning By-law 1984-63 shall apply for when evaluating building permit applications. These clauses provide direction to Building Services that a building permit may be issued for an application received by the town fitting any of these scenarios.*

*Planning applications in process shall be reviewed under the zoning rules in force. This means for some time an application will need to conform to both Zoning By-law 1984-63, as amended, and the 2014 Zoning By-law. Applicants will need to comply with both sets of zoning regulations or seek relief or amendments to one – or possibly both – By-laws.*

*If you have questions about the applicability of these clauses to your development or building project, contact your file's planner in the Planning Services department.*

# Administration

- 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. (2017-025)

## 1.8.3 Cessation of Section 1.8 Relief

- a) The relief provided by Section 1.8 of this By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this By-law. Once the permit, agreement, or approval has been granted in accordance with Section 1.8, the provisions of Zoning By-law 1984-63, as amended shall cease to be in effect.
- b) Notwithstanding subsection (a) above, the relief provided by Section 1.8 of this By-law ceases to be in effect on the date of the lapsing of the applicable approval:
  - i) For a minor variance, a maximum of two years from the date of authorization;
  - ii) For a Site Plan, a maximum of two years from the date of final approval; and,
  - iii) For a provisional consent, a maximum of three years from the date of giving.

*For Site Plans with a conditional approval only, the usual two years to obtain final approval will additionally apply to this deadline. If conditional approval is not obtained, the Site Plan loses status and the process must begin again and comply with the zoning rules in force.*

## 1.9 Clarifications and Convenience

- a) Examples, margin notes, and illustrations are for the purpose of explanation, clarification, and convenience and do not form part of this By-law.
- b) Any numbers in parentheses following any item in any Table indicates that one or more additional regulations apply to the *use, Zone, or standard* indicated. These additional regulations are listed below the applicable Table.
- c) Any geographic, biographic, referential, or identifying information and any list of Amending By-laws contained in Parts 15, 16, 17, and 18 of this By-law is provided for the purpose of clarification and convenience and does not form part of this By-law.
- d) The following character styles are provided for the purpose of convenience. Their usage or omission shall not be considered an interpretive statement by the *Town*:
  - i) Terms that are defined in Part 3 of this By-law have been *italicized*.
  - ii) Titles of Federal or Provincial legislation have been underlined.
- e) Where a defined term listed in Part 3 of this By-law is reversed anywhere in this By-law, it is done for the ease and convenience of locating and identifying the term with other like terms. Such an inversion or lack thereof shall not be considered an interpretive statement by the *Town*.
- f) Any reference to legislation or regulations or sections thereof approved by another *public authority* shall include any amendments to or successions thereof.

*Examples of where these are found include after a “✓” in a permitted use table, after a zone symbol in a table heading, after a use or building standard term, and after a standard itself.*

*As an example, “private school” and “school, private”.*

# Administration

## **1.10 Technical Interpretation** *(2017-025)*

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.