# General Regulations

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## 4.2 Application

The regulations of this section shall apply to all *Zones* with the exception of the Natural Heritage System (NHS) *Zone* and the Future Development (FD) *Zone*, unless otherwise specified. *(2022-007)*

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## 4.3 Uses Permitted in All Zones *(2012-001)*

### 4.3.1 All Zones

The following *uses*, *buildings* and *structures* shall be permitted in all *zones*:

i. Fish, wildlife and conservation management *uses*;

ii. A trail or fence undertaken or maintained by a *public authority*; and,

iii. Existing *uses*, *buildings* and *structures* including the use of any land, *building* and *structure*, for any purpose that would otherwise be prohibited by this By-law, provided that such *uses*, *buildings* and *structures* shall only be permitted if such land, *building* or *structure* was lawfully used for such purpose on the day of the passing of this By-law, and so long as it continues to be used for that purpose.

iv. *Uses* not subject to Zoning By-laws under Provincial or Federal legislation.

### 4.3.2 All Zones Except NHS and FD *(2012-001) (2022-007)*

The *uses*, *buildings* and *structures* shall be permitted in all *zones*, except for the Future Development (FD) and Natural Heritage System (NHS) *Zones* unless otherwise permitted in Section 7.13 or Section 7.14 of this By-law: *(2022-007)*

i. *Accessory uses* (other than *retail sales uses*), *accessory buildings* and *accessory structures*, but only occurring in conjunction with the main permitted *use*;

ii. A *private street* or *lane*;

iii. A *community centre*, subject to the following regulations:

   a. *Outside storage* and *outside processing* shall only be permitted if specifically permitted within the underlying *zone*; and,

   b. Any *building* or *structure* having an area of greater than 5.0 $m^2$ shall be subject to all regulations for an *institutional building* in the underlying *zone*. Where no regulations for an *institutional building* exist, the provisions of the Institutional (I) *Zone* shall apply;

iv. A *day care*, subject to the regulations of the *zone* in which it is located;

v. An *emergency service facility*, subject to the following regulations:

   a. *Outside storage* and *outside processing* shall only be permitted if specifically permitted within the underlying *zone*; and,

   b. Any *building* or *structure* having an area of greater than 5.0 $m^2$ shall be subject to all regulations for an *institutional building* in the underlying zone. Where no regulations for an *institutional*

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*building* exist, the provisions of the Institutional (I) *Zone* shall apply;

c. Notwithstanding subsection (b) above, *emergency service facilities* shall be exempt from minimum *height* and *Floor Space Index (FSI)* requirements in all *zones* except the Trafalgar Urban Core (TUC), Dundas Urban Core (DUC), Neyagawa Urban Core (NUC), Neighbourhood Centre (NC), and High Density Residential (HDR) *Zones*;

vi. *Uses* incidental to construction, such as a construction camp or other such temporary work camp, a tool shed, a scaffold or other *building* or *structure* incidental to the construction, and the parking or storage of any construction equipment or construction *vehicle*, subject to the following provisions:

*A temporary building occupied by any use permitted by this By-law while a permanent or main building is undergoing renovation is not subject to this general provision. All other requirements of this By-law, including zone standards and parking requirements, would continue to apply.*

a. Such *uses* shall be permitted only for so long as the same are necessary for work in progress on the *lot* or a registered plan of subdivision including the *lot* which has neither been finished nor discontinued for a period of 60 days;

b. A valid *building* permit or site alteration permit for the construction remains in place; and,

c. Notwithstanding Section 4.3.2(i) of this By-law, such *uses* may be erected on the *lot* prior to the erection of the *main building*, provided it is used for no purpose other than storage;

vii. Temporary sales offices for the sale of residential, employment or *commercial lots* or units in a plan of subdivision or condominium within the Town of Oakville, subject to the following provisions:

*Depending on the concept, a sales office could be permitted as a general office use in various zones. Contact Planning Services for more information.*

a. The temporary sales office shall not be permitted until an applicable plan of subdivision or condominium has received draft plan approval or the property has been zoned to permit the proposed development;

b. The temporary sales office shall only be permitted for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days; and,

c. The temporary sales office shall comply only with the minimum setbacks for the applicable *Zone* and the parking provisions of Sections 5.2 and 5.4 of this By-law if any parking is provided;

viii. Notwithstanding Section 1.7 of this By-law, model homes in the form of *single detached, semi-detached, townhouse, townhouse back-to-back, triplex*, or *duplex dwellings*, subject to the following provisions:

a. No model homes shall be permitted on a *lot* prior to draft approval of the plan of subdivision or condominium and the registration of a subdivision, condominium, or similar development agreement on title to the portion of the lot on which the model homes

are to be located, securing the provision of services that would be required if the model homes were to be occupied as *dwellings*;

b. The number of *dwelling units* used for model homes shall not exceed 10% of the *dwelling units* proposed to be created through a plan of subdivision or condominium, and in no circumstances may more than 20 *dwelling units* be used as model homes;

c. The *dwelling units* shall be used for the purpose of model homes only and shall not be occupied prior to the date of registration of the subdivision, condominium, or similar development agreement;

d. The *model home* is built within a *lot* as defined by the draft approved plan of subdivision or condominium; and,

e. The model home complies with all other requirements of this By-law for the applicable type of *dwelling unit* as if the *lot* as defined by the draft plan of subdivision or condominium was registered;

ix. *Infrastructure*, subject to the following provisions:

a. Notwithstanding any other provision of this By-law, any *building* or *structure* for the purpose of providing or sheltering *infrastructure* shall be exempt from the regulations of the *Zone* within which it is located;

b. Any *building* or *structure* used for a *general office use*, *public works yard*, or warehouse shall be subject to the regulations of the underlying *Zone*;

x. *Public park*, subject to the regulations of the Park (P) *Zone*; *(2016-108)*

xi. *Stormwater management facility*.

## 4.4 Prohibited Uses

The following *uses* are prohibited in any *Zone*:

i. pits and quarries;

ii. the refining, storage or use in manufacturing of coal oil, rock oil, water oil, naptha, benzene, dynamite, dualine, nitro-glycerine, gunpowder, petroleum and petroleum products or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials, except where specifically permitted for *commercial* purposes including the storage of petroleum products at a *gas bar*. This provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural *use*, or the use of natural gas, propane or fuel oil for purposes such as heating and cooking, in conjunction with any *use*;

iii. the tanning or storage of uncured hides or skins;

iv. the boiling of blood, tripe, bones or soaps for *commercial* purposes;

v. the manufacturing of glue or fertilizers from dead animals or from human or animal *waste*;

vi. an abattoir, livestock yard, livestock exchange, or dead stock yard;

vii. the extracting of oil from fish;

viii. a track for the driving, racing or testing of any motorized *vehicle*;

ix. a salvage or scrap yard, or the collection, storage or sale of:

a. motorized *vehicles* which are not capable of operation; or,

b. partially or completely dismantled motorized *vehicles*;

except for the storage of a motorized *vehicle* on land or *buildings* zoned for the repair or servicing of a motorized *vehicle*;

x. a disposal site for solid waste, a waste processing station or a waste transfer station;

xi. a *vehicle* occupied for human habitation, other than a mobile home where specifically permitted in accordance with the provisions of Section 4.5;

xii. a *campground*, except as a temporary *use* pursuant to an emergency response plan administered by a *public authority*; *(2012-001)*

xiii. an airport or landing strip;

xiv. the keeping or raising of any livestock or poultry, including a kennel, other than household pets, except in conjunction with an existing agricultural *use* which includes the keeping or raising of any livestock or poultry;

xv. any *use* which causes the emission of corrosive gases, toxic gases or radioactive gases provided that buildings heated with natural gas are not prohibited;

xvi. the location or storage on any land for any purpose of any disused railroad car, streetcar, storage container, truck body, bus body or part thereof, whether or not same is located on a foundation;

xvii. large scale outside storage of road salt, road sand or other de-icing materials; and,

xviii *propane storage or transfer facility*, except where permitted as an *accessory use* in conjunction with a *gas bar* or *retail* store.

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## 4.5 Mobile Homes

No person shall locate or *use* a mobile home which is not a *recreational vehicle* in any *zone*, temporarily or permanently, unless:

i. the *use* of a mobile home for a permitted *use* is specifically indicated as a permitted *structure* in a particular *Zone*; or,

ii. a mobile home is used in accordance with the provisions of Section 4.3.2 (vii) and 4.3.2 (viii) of this By-law for a temporary construction or sales *use*; or, *(2012-001)*

iii. the *use* of a mobile home has been temporarily authorized by the Town for *use* as an emergency shelter where a *dwelling* or other *building* has been damaged by fire or natural disaster.

## 4.6 Uses Permitted in Accessory Buildings and Structures

No *accessory building* or *accessory structure* shall be used for human habitation or an occupation for gain or profit, unless specifically permitted by this By-law including *home occupations*. *(2023-025)*

## 4.7 Home Occupation

*Some uses permitted as a home occupation may require a Town of Oakville Business Licence, or a safety inspection by Halton Region. Contact the Clerks Department for more information.*

### 4.7.1 Regulations

Where a *home occupation* is permitted in a *Zone*, the *home occupation*:

i. shall clearly be a secondary *use* of the *lot*;

ii. shall be conducted entirely within the *main building* on the *lot*, and/or an *accessory building* including a detached *private garage*.

iii. shall be conducted by at least one of the residents of a *dwelling unit* located on the same *lot*;

iv. shall not occupy more than 25 percent of the *floor area* of the *dwelling unit*;

v. shall not occupy more than 50 percent of the *floor area* of an *accessory building*, including a detached *private garage*;

vi. shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the *dwelling unit* or detached *accessory building*;

vii. shall not employ more than one employee, in addition to members of the household;

viii. shall not involve the *outside storage*, *outside processing* or outdoor display of materials or finished products;

ix. shall not involve the sale of a commodity, except that telephone, internet, or mail order or other similar approach to the sale of goods is permitted, provided that customers do not enter the property to inspect, purchase or take possession of goods;

x. if involving instructional activity, shall not be occupied by more than 4 students at any one time for such an activity;

xi. shall not require receipt or delivery of merchandise, goods or equipment by heavy *vehicle* or other than by a mail or courier service using *vehicles* typically employed in residential deliveries; and,

xii. does not involve the display of a sign.

### 4.7.2 Prohibited Home Occupations

Notwithstanding the provisions of Section 4.7.1, the following *uses* are not permitted as home occupations:

i. any *use* involving the storage, repair, salvage, maintenance, sales and/or towing of motor *vehicles*; appliances, or motors and,

ii. any *use* involving the treatment, care and/or grooming of any animal.

## 4.8 Bed and Breakfast Establishments

*Bed and breakfast establishments require a Town of Oakville Business License. Contact the Clerks Department for more information.*

Where a *bed and breakfast establishment* is permitted in a *Zone*, the *bed and breakfast establishment* shall:

i. be located on a *lot* with a minimum frontage of 12 metres and within a *single detached dwelling*;

ii. have a maximum of three rooms or *suites* used for the exclusive use of the travelling public lodging at the *bed and breakfast establishment*; *(2018-038)*

iii. a maximum *floor area* of 30% of the *single detached dwelling* occupied by the rooms or *suites* used by the travelling public lodging at the *bed and breakfast establishment*; *(2018-038)*

iv. not have kitchen facilities for the exclusive use of the travelling public lodging at the *bed and breakfast establishment*;

v. be operated by a person or persons whose principal residence is the *single detached dwelling*; and,

vi. not be permitted in a *single detached dwelling* which is also used for a *home occupation* or where there are lodgers.

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## 4.9 Group Homes and Shared Accomodations

A *group home*, or shared accommodations licensed or approved under Provincial statute for five or fewer residents are permitted only in a *single detached dwelling* wherever such buildings are permitted in any *Zone*, provided that the *building* and the *lot* on which it is located comply with all of the applicable *Zone* provisions of this By-law.

In addition, a *group home* is only permitted where the *building* is located on a lot which is separated by a minimum of 800 metres from any other *lot* containing such a facility, with such minimum distance to be measured between the nearest *lot lines* of the two *lots*.

## 4.10 Compliance Achieved within a Lot

i. 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.

ii. Where portions of a lot are within more than one *Zone*, compliance with the provisions of the By-law related to each *Zone* shall be achieved within the portion of the *lot* within the *Zone*, with the zoning boundary being the limit from which the zoning regulations apply, provided,

   a. *buildings* on the *lot* may cross the zoning boundary provided the *use* of the *building* within each *Zone* complies with the By-law;

   b. if the portion of the *lot* within a *Zone* does not front onto a *street*, the *frontage* requirements for that portion of the *lot* may be satisfied by the *frontage* of a portion of the *lot* outside the *Zone*;

iii. 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:

   a. the standards in this By-law are met if applied to the *lot* as a whole;

   b. in the absence of a shared party wall, compliance with setback requirements is met within each parcel of tied land, if applicable; and,

   c. 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.

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## 4.11 Legally Existing, Non-Complying Buildings, Structures and Lots

### 4.11.1 Enlargement, Repair or Renovation

A legally existing *non-complying* building or *structure* may be enlarged, repaired or renovated provided that the enlargement, repair or renovation does not create or further increase a situation of non-compliance.

### 4.11.2 Buildings and Structures Associated with Uses that are Non-Complying

*Buildings* or *structures* associated with existing *non-complying uses* permitted under Section 4.3.2 of this By-law may be enlarged, repaired, or renovated provided that the enlargement, repair, or renovation does not create or further increase a situation of non-compliance.

### 4.11.3 Legally Existing, Non-complying Lots

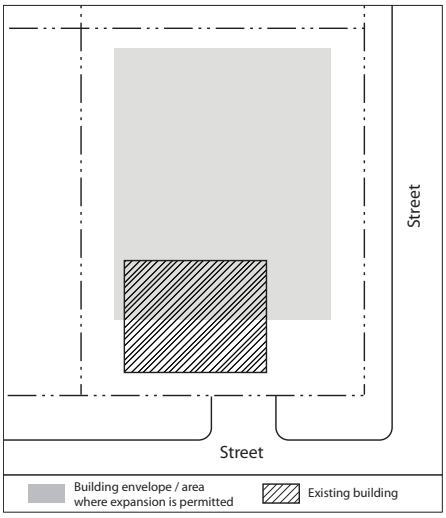
A legally existing vacant *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* and/or *lot depth* requirements of the applicable *Zone*, may be used and *buildings* and *structures* thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law and the *lot* can be adequately serviced with approved water and wastewater services.

### 4.11.4 Blocks not Qualifying as Lots

Nothing in By-law 2009-189 precludes the creation of blocks in new plans of subdivision which do not qualify as *lots* having regard to the zoning to which they are subject, but such blocks, until they are combined with additional land so as to qualify as *lots*, shall be used for the purpose of horticulture only and no *building* or *structure* may be erected thereon.

## 4.12 Non-Compliance as a Result of Expropriation *(2012-001)*

Where the acquisition of part of a *lot* by a *public authority* by expropriation or purchase results in non-compliance with this By-law, the balance of the *lot* may be used for *uses* permitted within the relevant *Zone* notwithstanding such non-compliance, and *buildings* or *structures* on the *lot* may be renovated, repaired or enlarged, provided such renovation, repair or enlargement does not further increase a situation of non-compliance. Nothing in this Section shall permit the replacement of a non-complying *building* or *structure* if a *building* or *structure* could be constructed in compliance with this By-law.




*Potential area where a legal non-conforming building could be expanded without first requiring relief from the Zoning By-law.*

*If a lot or feature is undersized, a landowner can bring a lot closer to compliance (i.e. add more land to the lot, add more parking spaces) and still take advantage of these non-conformity clauses. Contact a zoning officer in Building Services for more information.*

*Should the Town, Region, or Province require land as part of a road widening or approval, this clause would be relied upon to ensure the affected lot remains compliant with the Zoning By-law. All regulations of this By-law are covered by this Section including yards, parking, and landscaping.*

*Staff would review planning applications to ensure known future land acquisitions are accounted for in the review stage. Contact a planner in the Planning Services department for more information.*

*(2012-001)*

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## 4.13 Frontage on a Street *(2012-001)*

### 4.13.1 Frontage Requirements

Unless otherwise specified by this By-law, no person shall erect any *building* or *structure* and no person shall use any *building* or *structure*, or *lot* unless the *lot* to be so used, or upon which the *building* or *structure* is situated or erected or proposed to be erected, fronts on a *street* which:

i. is assumed by a *public authority*; or,

ii. is being constructed pursuant to a Subdivision or other Agreement with a *public authority* as a *public street* which will be assumed by a *public authority*; or,

iii. is being constructed pursuant to a Condominium Agreement or other approval by a *public authority* as a *private street*.

### 4.13.2 Open Space

Notwithstanding Section 4.13.1 above, *buildings* or *structures* shall also be permitted to front onto public or private open space provided access to the *building* or *structure* is provided from a *lane* or a *street* which:

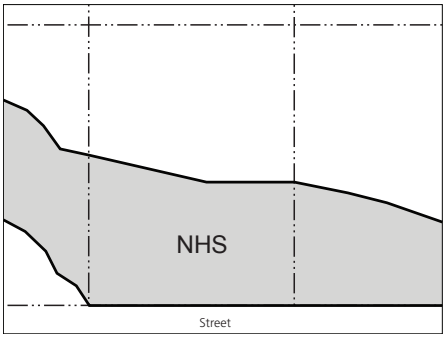
i. is assumed by a *public authority*; or,

ii. is being constructed pursuant to a Subdivision or other Agreement with a *public authority* as a *public street* which will be assumed by a *public authority*; or,

iii. is being constructed pursuant to a Condominium Agreement or other approval by a *public authority* as a *private street*.

### 4.13.3 Natural Heritage System Zone

Notwithstanding Section 4.13.1 or anything else in this By-law, a *lot* that is separated from a *street* by lands in the Natural Heritage System (NHS) Zone is deemed to have *frontage* on the *street*.




*A lot separated from a street by North Oakville's Natural Heritage System has frontage onto a street.*

## 4.14 Standards for Accessory Buildings and Structures

*Accessory buildings* and *structures* which are not *private garages* or *parking pads* (See Sections 4.15-4.19 inclusive) or *enclosed and roofed walkways* (See Section 4.20), are subject to the following requirements:

### 4.14.1 Permitted Locations and Setbacks from Lot Lines

*Accessory buildings* and *structures* shall be located:

i. No closer to the *front lot line* or *flankage* than the *main building*;

ii. A minimum of 1.2 metres from the *interior side lot line*, but notwithstanding this provision:

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a. the *setback* from the *interior side lot line* for the first *storey* of *building* or *structure* may be reduced to 0.6 metres if there are no doors or windows on the wall facing the *interior side lot line*;

b. an *accessory building or structure* may share a common wall with another *accessory building* or *structure* on an abutting *lot* and no *setback* from the *interior side lot line* is required on that side of the *lot*; and,

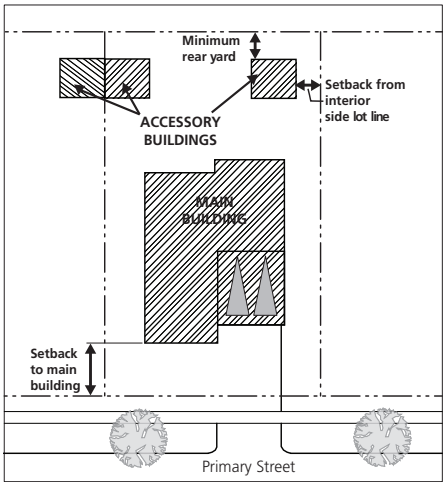
iii. A minimum of 0.6 metres from the *rear lot line*.

iv. Notwithstanding subsections i. through ii., in no case shall an *accessory building* or *structure* other than an *enclosed or roofed walkway*, be located closer than 2.0 metres to the *main building* on the *lot*.

v. Notwithstanding subsection i. through iv., in no case shall an accessory *building* or *structure* in the Institutional (I), Park (P) or Stormwater Management Facility (SMF) *Zones*, other than a detached *private garage* or *enclosed or roofed walkway*, be located: *(2016-108)*

a. closer than 5.0 metres from a *lot line* abutting a *public street*; and,

b. closer than 5.0 metres from a *lot line* abutting a *zone* other than the Institutional (I), Park (P) or Stormwater Management Facility (SMF) *Zones*.




*Property owners should check for easements on their lot prior to placing an accessory building or structure. Most easements prohibit buildings and structures and the easement holder may demand that the building or structure be moved.*

### 4.14.2 Maximum Height *(2016-108)*

i. The maximum permitted *overall height* of an accessory *building* is 4.0 metres measured from *grade*, and there is no minimum *height* requirement

ii. Notwithstanding subsection i., in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) *Zones*, the maximum permitted *overall height* is 6.0 metres measured from *grade*, and there is no minimum *height* requirement.

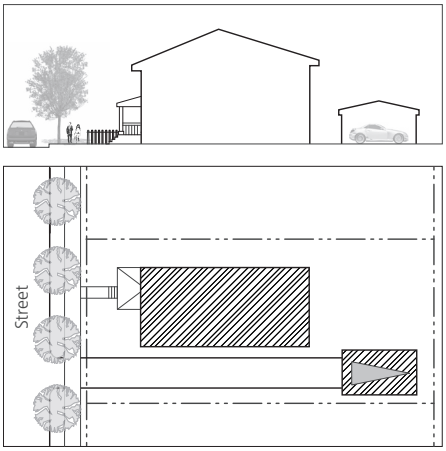
## 4.15 Standards for Detached Private Garages Accessed by a Driveway from a Street

Detached *private garages* associated with a *residential use* that are accessed only by a *driveway* from a *street* are subject to the following requirements.

### 4.15.1 Permitted Locations and Setbacks from Lot Lines

Detached *private garages* accessed only by a *driveway* from a *street* shall be located:

i. A minimum distance from a *flankage* equal to the flankage yard requirement for the *main building* from the *flankage*.




*Detached private garage accessed by a street.*

ii. A minimum of 1.2 metres from the *interior side lot line*, but notwithstanding this provision:

a. the *setback* from the *interior side lot line* may be reduced to 0.6 metres if there are no doors or windows on the wall facing the *interior side lot line*; and,

b. a detached *private garage* may share a common wall with another detached *private garage* on an abutting lot and no *setback* from the *interior side lot line* is required on that side of the *lot*.

iii. A minimum of 0.6 metres from the *rear lot line*.

iv. In no case shall the wall of a *private garage* containing the opening for vehicular access be located closer than 5.5 metres to the *lot line* abutting the *street* that the *driveway* crosses to access the *private garage*.

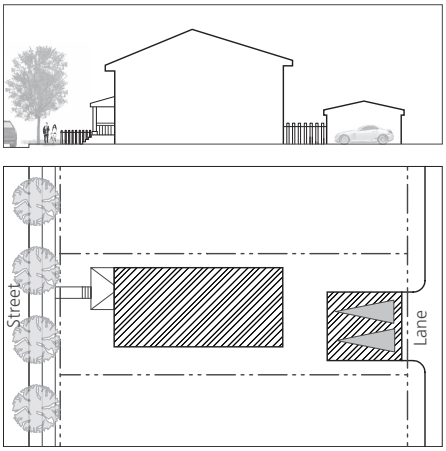
v. In no case shall a *private garage*, other than a *private garage* connected to the *main building* by an enclosed or *covered walkway*, be located closer than 2.0 metres to the *main building* on the *lot*.

### 4.15.2 Maximum Height

The maximum permitted *overall height* of any detached *private garage* on a lot having a *lot frontage* of less than 9.0 metres is 5.0 metres. If the *lot frontage* is 9.0 metres or more, the maximum permitted *overall height* of any detached *private garage* with a flat roof is 5.5 metres and for any other roof is 8.0 metres.

## 4.16 Standards for Detached Private Garages Accessed by a Lane

Detached *private garages* associated with a *residential use* that are accessed only by a *lane* are subject to the following requirements.




*Detached private garage accessed by a lane.*

### 4.16.1 Permitted Locations and Setbacks from Lot Lines

Detached *private garages* are permitted in a *rear yard* and *interior side yard* only, and shall be located:

i. a minimum distance of 0.75 metres from the *rear lot line*; and,

ii. a minimum of 1.2 metres from the *interior side lot line*, but notwithstanding this provision:

a. the *setback* from the *interior side lot line* may be reduced to 0.6 metres if there are no doors or windows on the wall facing the *interior side lot line*; and,

b. a detached *private garage* may share a common wall with another detached *private garage* on an abutting *lot* and no *setback* from the *interior side lot line* is required on that side of the *lot*.

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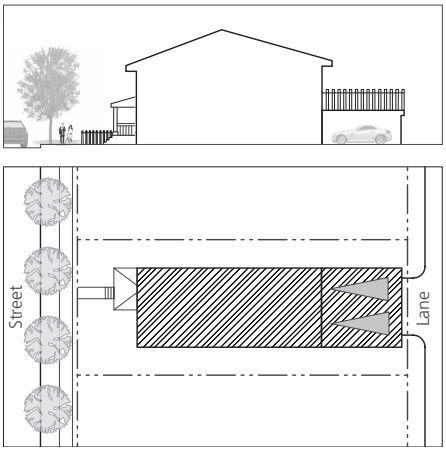
### 4.16.2 Setbacks from Main Building

All detached *private garages* shall be *setback* a minimum of 6.0 metres from the *main building* on the *lot*. The parking of motor *vehicles* is not permitted in the *setback* area.

### 4.16.3 Maximum Height

The maximum permitted *overall height* of any detached *private garage* on a *lot* having a lot frontage of less than 9.0 metres is 5.0 metres. If the *lot frontage* is 9.0 metres or more, the maximum permitted *overall height* of any detached *private garage* with a flat roof is 5.5 metres and for any other roof is 8.0 metres.




*Attached private garage accessed by a lane.*

## 4.17 Standards for Attached Private Garages on lots Accessed by Lanes

Attached *private garages* associated with a *residential use* that are only accessed by a *lane* are subject to the following requirements.

### 4.17.1 Permitted Locations

Attached *private garages*, which are deemed to be part of the *main building* on the *lot*, are permitted provided that the *wall facing the lane*:

i. is located no further than 7.5 metres from the *rear lot line*; and,

ii. is located no closer than 0.75 metres to the *rear lot line*.

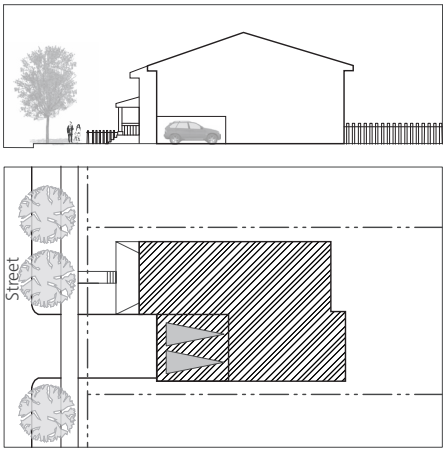
### 4.17.2 Amenity Area

The *amenity area* on the *lot* for *dwellings* other than *back-to-back townhouses*, *stacked townhouses* and *apartments* shall:

i. be a minimum of 11 square metres;

ii. not include any required *landscape area* or *landscape strip*; and,

iii. have direct access from the interior of the *dwelling unit*.




*Attached private garage accessed by a street.*

## 4.18 Standards for Attached Private Garages Accessed by a Driveway from a Street

Attached *private garages* associated with a *residential use* that are accessed only by a *driveway* from a *street* are subject to the following requirements.

### 4.18.1 Permitted Locations and Setbacks from Lot Lines

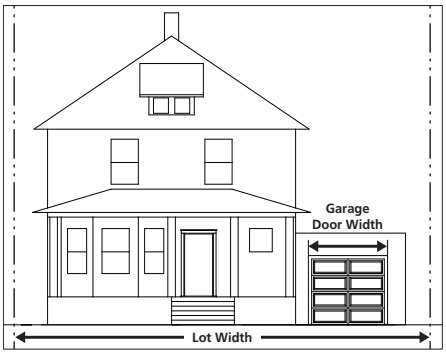
Attached *private garages* accessed only by a *driveway* from a *street* shall be located:

# General Regulations

i. A minimum distance from a *side lot line* equal to the *side yard* requirement for the *main building* from the *side lot line*.

ii. No part of a *private garage* shall project beyond the *front wall* of the *first storey* of the *dwelling* except where a *porch* is provided, in which case the *private garage* shall not project beyond the front of the *porch*.

iii. Notwithstanding subsections i. and ii., in no case shall the wall of a *private garage* containing the opening for vehicular access be located closer than 5.5 metres to the *lot line* abutting the *street* that the *driveway* crosses to access the *private garage*.



*The maximum width for a garage door is tied to the length of the lot frontage. The maximum width for a drvieway is tied to the exterior width of the private garage.*

### 4.18.2 Maximum Private Garage Door Width

The *private garage* door width shall not exceed 50% of the *lot frontage*.

### 4.18.3 Maximum Driveway Width

The maximum width of the *driveway* shall not exceed the exterior width of the garage, except where the *driveway* abuts a *porch*, in which case the width of the *driveway* may extend to the edge of the *porch*, or building to a maximum 1.0 metres beyond the width of the garage.

## 4.19 Standards for Parking Pads

One *parking pad* shall be permitted on a *lot* instead of, or in addition to, a *detached garage* where:

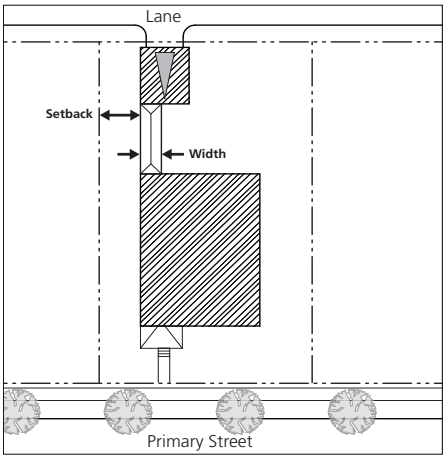
i. an *attached garage* does not form part of the *dwelling* on the *lot*; and,

ii. the *parking pad* is located in accordance with the regulations for *detached garages*.

In addition, a *parking pad* shall be permitted instead of, or in addition to, an *attached garage* on a *lot* accessed by a *lane*.

## 4.20 Enclosed and Roofed Walkways

*Enclosed and roofed walkways* associated with a *residential use* are permitted subject to the following provisions.




*Enclosed and roofed walkways.*

### 4.20.1 Size

No part of an *enclosed or roofed walkway* shall be wider than 2.75 metres. In addition, the *overall height* of an *enclosed or roofed walkway* shall not exceed 4.5 metres.

### 4.20.2 Permitted Locations

i. *Enclosed or roofed walkway* shall be permitted in:

# General Regulations

a. the area between the detached *private garage* and the *main building* on the *lot*; and,

b. in the area between the *flankage* and the exterior side wall of the *main building* on the *lot* and no *setback* shall be required from the *flankage*.

ii. If the *enclosed or roofed walkway* is located on an *interior lot*, it shall be set back a minimum of 0.6 metres from the *interior side lot line*. Notwithstanding this provision, an *enclosed or roofed walkway* may share a common wall with another *enclosed or roofed walkway* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*.

### 4.20.3 Exemption from Other Requirements

Notwithstanding any other provision of this By-law, no part of an *enclosed or roofed walkway* is deemed to be part of the *main building* on the *lot*, however, an *enclosed or roofed walkway* shall be considered as an *accessory structure* on the *lot*. In addition, a *private garage* that is attached to a *dwelling* by an *enclosed or roofed walkway* only, shall still be considered a detached *private garage*.

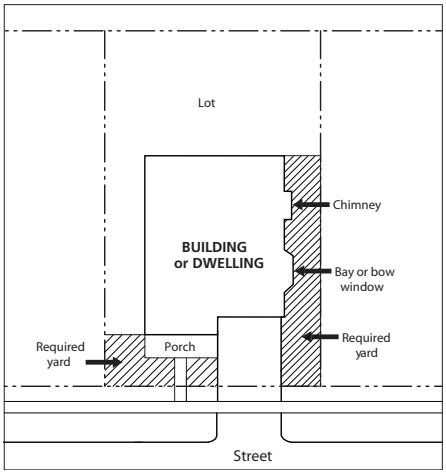
## 4.21 Encroachments Permitted in Required Yards

Every *yard* shall be open and unobstructed from the ground to the sky by any *structures*, except for:

i. lawful fences, signs, and retaining, noise and ornamental walls;

ii. *driveways* and walks; and,

iii. the encroachments listed in Table 4.21 which are permitted in association with either the main *building*, or an *accessory buildings* or *structures*, subject to compliance with the regulations listed in the columns of the Table 4.21.




*Some architectural and building design features are permitted to project into minimum yards.*

**Table 4.21 - Permitted Encroachments into Required Yards**

| | Structure | Yard in which Structure is Permitted | Maximum projection into required yard | Minimum Distance from Lot Line[1] |
|---|---|---|---|---|
| (a) | Sills, belt courses, cornices, coves, pilasters, eaves, gutters, awnings, canopies or other non-structural architectural features | All | 0.6m | n/a |
| (b) | Fire Escapes | *Rear & Side* | 1.5m | 0.6m from the *lot line* |
| (c) | Exterior stairways | *Rear & Side* | 1.5m | 0.6m from the *lot line* |
| (d) | *Balconies* | *All* | 1.5m | 1.5m unless overtop a *porch* in which case the *setbacks* shall be the same *setbacks* as the *setback* for a *porch* under sub-section (e) |

# General Regulations

| Table 4.21 - Permitted Encroachments into Required Yards | | | | |
|---|---|---|---|---|
| | **Structure** | **Yard in which Structure is Permitted** | **Maximum projection into required yard** | **Minimum Distance from Lot Line[1]** |
| (e) | *Uncovered platforms* 0.6 m or greater in *height* measured from surrounding *grade* and *porches*, including a *balcony* on top of a *porch* including vertical supports and a roof above and *landings*. However, any exterior stair required to provide access to an *uncovered platform* or *porch* shall be permitted to encroach into any *required yard*. | *Front* | 1.5m | 1m from the *front lot line* with exception of any exterior stair which may encroach to within 0.5m of the *front lot line*. |
| | | *Rear* | 2.5m | 0.6m from the *rear lot line* |
| | | *Interior Side* | n/a | 0.6m from the *interior side lot line* except: i. where the platform is designed to allow drainage to occur underneath in which case the min. *setback* shall be 0m; and, ii. for *townhouse* and *semi detached* units in which case it may be 0m from an interior common wall |
| | | *Flankage* | n/a | 1m from the *flankage* with the exception of any exterior stair which may encroach to within 0.5m of the *flankage* |
| (f) | Chimneys and gas fireplace projections and chases (with a maximum width of 1.8m) | *Front & Flankage* | 0.6m | 1m from the *front lot line* and *flankage* |
| | | All other *yards* | 0.6m | 0.6m from the *lot line* |
| (g) | Bay, Box out and Bow Windows with or without foundations with a maximum width of 3m which may be a maximum of three *storeys* in *height* and which may include a door. | *Front & Flankage* | 0.6m | 1m from the *front lot line* and *flankage* |
| | | All other *yards* | 0.6m | 0.6m from the *lot line* |
| (h) | Uncovered stairs below *grade* accessing a *main building* | *Rear* | 1.5m | 0.6m from the *lot line* |
| | | *Side* | 0m | 1.5m |
| (i) | *Uncovered platforms* less than 0.6m in *height* measured from surrounding *grade* | *Front* | 1.5m | 1m from the *front lot line* and *flankage* |
| | | *Interior Side* | n/a | 0.6m from the *interior side lot line* except: i. where the platform is designed to allow drainage to occur underneath in which case the minimum *setback* shall be 0m; and, ii. for *townhouse* and *semi detached* units in which case it may be over 0m from an interior common wall |
| | | All other *yards* | n/a | 0.6m from the *lot line* |
| (j) | Unenclosed barrier free ramps | All | n/a | 0.6m from the *lot line* unless the ramp is designed to allow drainage to occur underneath in which case the minimum *setback* shall be 0m |

Minimum distance from lot line does not apply where minimum building setback is 0 metres.

# General Regulations

## 4.22 Calculation of Yards

For the purpose of calculating the *required yards*, *lot area*, *lot depth* and *frontage* on a *street*, a publicly-owned 0.3 metre (one foot) reserve and the daylight triangles adjoining the *lot* shall be deemed to be part of the *lot*. *(2023-025)*

## 4.23 Storage of Garbage

All garbage, with the exception of garbage generated by uses in the Light Employment (LE) and General Employment (GE) *Zones* and for *residential buildings* with six or less *suites* or *dwelling units*, excluding any *townhouse dwelling*, *back-to-back townhouses* or *group homes*, shall be stored inside a fully enclosed *building* or *structure*. Garbage generated by uses in the Light Employment (LE) or General Employment (GE) Zones shall be stored inside a fully enclosed *building* or *structure* or a screened enclosure.

## 4.24 Swimming Pools and Hot Tubs

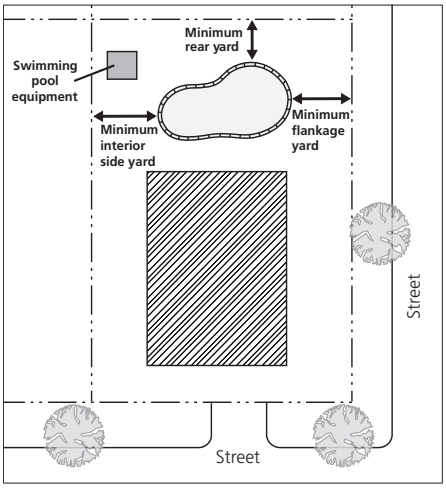
Uncovered swimming pools and hot tubs accessory to *residential uses* shall not be included the maximum *lot* coverage requirement for *accessory buildings* and *structures*, but:

i. if in the *rear yard* or *side yard*, shall not be less than 1.5 metre from any lot line;

ii. in the case of a *corner lot* shall be not less than 3.5 metre from any *flankage*;

iii. shall not be located in the *front yard*, unless the *front yard* is at least 0.2 hectares in *lot area*, and shall not be nearer the *front lot line* than 15 metres or the required *building set back*, whichever is the greater, nor nearer the *side lot line* than 15 metres; and,

iv. the maximum *height* of a swimming pool or hot tub shall be 1.5 metres above *established grade* as measured from the outside of the swimming pool or hot tub.




*Setbacks for pools and hot tubs are equal those of the parent zone and are measured to the water's edge.*

# General Regulations

## 4.25 Landscape Area Regulations

### 4.25.1 Landscape Strip Width

The minimum width of a *landscape strip*, unless specified by other site or area provisions of this By-law, shall be 3.0 metres.

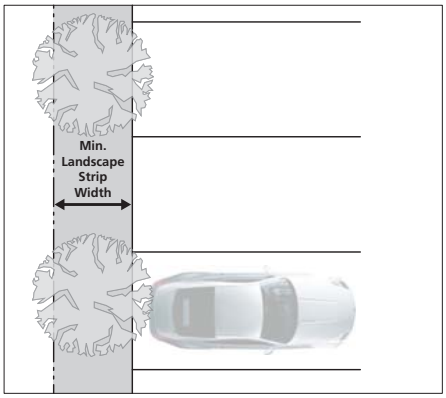
### 4.25.2 Landscaped Area

**4.25.2.1** Minimum *landscape area* requirements under this By-law may be satisfied by one or more *landscape areas*, each of which shall have a dimension of at least 2.4 metres by 2.4 metres unless specified by other site or area provisions of this By-law.

**4.25.2.2** A *landscape strip* required by the provisions of this By-law may form part of the minimum *landscape area* requirements of this By-law.

### 4.25.3 Maintenance

Where a *landscape strip* is required by the provisions of this By-law, said *landscape strip* shall be constructed and maintained by the owner(s) of the *lot* upon which the *landscape strip* is located.



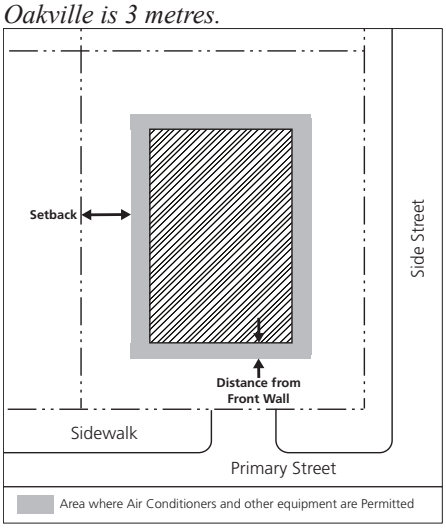

*The minimum width for a width of landscaping in many locations in North Oakville is 3 metres.*

## 4.26 External Air Conditioning and other Equipment

In any *residential zone* or *zone* which abuts a *residential use*, external heating or air conditioning equipment, swimming pool pumps, and filters shall not be located:

i. in any *side yard*, or *rear yard* closer than 0.6 m to the *side lot line* and *flankage*, or *rear lot line* unless designed to allow drainage to occur underneath in which case the *minimum setback* shall be 0 metres; or

ii. in any *front yard* further than 1.5 m from the *front wall* of the *building*.

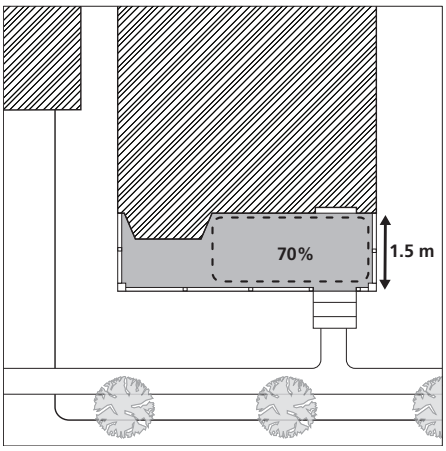



*External heating and cooling equipment is permitted to project a small distance into rear, side and front yards.*

# General Regulations

## 4.27 Porch

A *porch* shall have a minimum depth from the exterior of the *building* to the outside edge of the *porch* of 1.5 metres. Required depths shall be provided for a minimum of 70% of the porch. However, steps may encroach into the required depth. *Porches* shall have walls that are open and unenclosed for at least 70% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the *building* or insect screening.




*The minimum depth and minimum open and enclosed requirements of this By-law apply to 70% of the porch: area for depth, and perimeter for openness.*

## 4.28 Exceptions to Height Requirements *(2012-001)*

### 4.28.1 General Exceptions

The minimum and maximum *height* requirements of this By-law shall not apply to:

i. Any architectural features such as, but not limited to, chimneys, cupolas, clock towers, weather vanes, steeples, and stair well access;

ii. Rooftop mechanical equipment or rooms and associated screening;

iii. Flagpoles and light standards;

iv. *Buildings* and *structures* associated with a *public works yard*;

v. *Buildings* and *structures* associated with an *emergency services facility*;

vi. Monuments; and,

vii. Water storage tanks.

viii. Rooftop Solar Panels. *(2023-025)*

*(Section 4.28.2 deleted by 2022-007)*

## 4.29 Additional Residential Units *(2022-007) (2023-025) (2024-112)*

### 4.29.1 Permitted Building Types *(2023-025) (2024-112)*

*Attached additional residential units* are permitted in the following *main building* types:

i. *Detached dwelling;*

ii. *Semi-detached dwelling*;

iii. *Townhouse dwelling*.

### 4.29.2 Permitted Accessory Building Types *(2024-112)*

D*etached additional residential units* are *permitted* in the *following accessory buildings:*

i. *Accessory building* associated to a *detached dwelling, semi-detached dwelling* or *townhouse dwelling*.

### 4.29.3 Maximum Number of Additional Residential Units *(2024-112)*

The permitted combinations of *detached* or *attached additional residential units* shall be as follows:

i. A maximum of two (2) *attached additional residential units;* or,

ii. A maximum of one (1) *attached additional residential unit* and one (1) *detached additional residential unit.*

### 4.29.4 Entrance and Exit Regulations *(2024-112)*

i. Any separate entrance and exit to an *attached* or *detached additional residential unit* shall not be oriented towards any *yard* having a dimension less than 1.0 metre.

## 4.30 Landings

A *landing* shall have a maximum width of 2.5 metres.

## 4.31 Streetscape

No person shall, in any block within a housing project, erect *single detached* and *semi-detached dwellings* more than 20% of which are alike in external design with respect to size and location of doors, windows, projecting *balconies*, *landings*, *porches* and type of surface materials. *Buildings* alike in external design shall not be erected on adjoining *lots* fronting on the same *street* unless the floor plan is reversed and, in any case, shall not be erected on more than two successive adjoining *lots* fronting on the same *street*.

## 4.32 Short-Term Accommodation *(2018-038) (2023-025) (2024-112)*

Where a *short-term accommodation* is permitted in a *zone,* the *short-term accommodation* shall:

i. be permitted within *dwellings* permitted by the applicable *zone*, including an *attached* or *detached additional residential unit*; *(2023-025) (2024-112)*

ii. be operated by the person or persons whose principal residence is the *dwelling* in which the *short-term accommodation* is located. For the purpose of this provision, the principal residence of an *attached* or *detached additional residential unit* shall be deemed to be the principle residence of the main *dwelling unit* on the *lot*; and, *(2023-025) (2024-112)*

iii. not be permitted in a *dwelling* which also contains a *bed and breakfast establishment*, lodging units, *private-home day care*, or *day care*.

# General Regulations

## 4.33 Rooftop Mechanical Equipment and Rooftop Solar Panels *(2022-007) (2023-025)*

i. Outside rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse.

ii. Rooftop solar panels shall be set back a minimum of 5.0 metres from all edges of a roof.

iii. Notwithstanding subsection ii. above, rooftop solar panels that do not exceed a height of 0.9 metres above the roof upon which it is located may have a minimum set back of 0.0 metres from all edges of a roof.

iv. Rooftop solar panels shall not exceed a height of 2.0m above the roof upon which it is located.

## 4.34 Restoration or Repair of Unsafe Buildings *(2022-007)*

Nothing in this By-law shall prevent the restoration or repair to a safe condition of any *building* or *structure* or part of any *building* or *structure* that has been deemed to be unsafe by the *Town's* Chief Building Official, provided the reconstruction will not increase in *height*, size or volume, or change the *use* of the *building* or *structure* and provided that the *use* has not been abandoned.

## 4.35 Reconstruction of an Existing Building or Structure *(2022-007)*

Nothing in this By-law shall prevent the reconstruction of a *building* or *structure* severely damaged or destroyed by natural causes or by fire, provided the reconstruction will not increase in *height*, size or volume, or change the *use* of the *building* or *structure* and provided that the *use* has not been abandoned.