



Town of Oakville

Community Planning Permit By-law

Draft for Public Consultation

October 14, 2025



DRAFT



Contents

Part A – Interpretation

1. Statutory and Non-Statutory Matters within the By-law
2. Interpretation of Words
3. Construction Tolerance
4. Interpretation of Schedules

Part B – Administration

1. Community Planning Permit Areas
2. Compliance with This By-law
3. Transition
4. Community Planning Permit
5. Minimum Development Requirements
6. Classes of Development and Notice
7. Delegation of Authority
8. Review and Approval Process
9. Conditions of Approval

Part C – Definitions

Part D – Community Building General Provisions

1. Sustainable Development
2. General Land Use Provisions
3. *Temporary Uses*, Buildings and Structures
4. General Built Form
5. Parking and Loading
6. Infrastructure Corridors
7. *Inclusionary Zoning* within Residential Development within Protected Major Transit Station Area

Part E – Community Building Area Specific Provisions

1. Midtown Oakville
2. Bronte Village
[prepared separately]



Part A

Interpretation

Draft for Public Consultation

DRAFT



Contents

1	Statutory and Non-Statutory Matters within the By-law	1
2	Interpretation of Words.....	1
3	Construction Tolerance	2
4	Interpretation of Schedules	2
4.1	Determining Boundaries	2
4.2	Application of Boundaries.....	3
4.3	0.3 m Reserves	3
4.4	No Representation on Land Ownership.....	3

DRAFT

1 Statutory and Non-Statutory Matters within the By-law

This bylaw includes: text, tables, schedules, figures, sidebars, and appendices.

- a) The text, tables, and schedules are statutory elements of the by-law. Any changes to them require an amendment to the By-law per the requirements of the Planning Act under section 34.
- b) The figures, sidebars, footnotes, and appendices are provided for information purposes only, they may be amended, removed or added without a formal amendment to the by-law.
- c) 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.

2 Interpretation of Words

- a) Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular and the word “used” includes “intended to be used”; the word “shall” is mandatory, not permissive; and words used in one gender shall include all genders.
- b) Terms that are defined in Part C of this by-law have been italicized.
- c) Where a defined term listed in Part C 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.
- d) Titles of Federal or Provincial Legislation have been underlined.
- e) Any reference to legislation or regulations or sections thereof shall include any amendments to or successions thereof.
- f) Any reference to Commissioner of Community Development or Director means the Commissioner of Community Development or any Director within the Community Development Commission or any successor to those positions, and includes the acting Commissioner or Director, or their designate.

3 Construction Tolerance

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

4 Interpretation of Schedules

4.1 Determining Boundaries

Where a boundary is shown on a schedule of this by-law:

- a) As following a *road*, *lane*, railway, right-of-way, transmission line, or watercourse, the boundary shall be the centre-line of the applicable feature;
- b) As following the *lot frontage* on a future *lot* shown on a draft approved Plan of Subdivision or *Condominium* or in a Schedule of this bylaw, the boundary shall be the centre-line of the future *public road* being constructed;
- c) As following any other *lot line* on an existing *lot* or a future *lot* shown on a draft approved Plan of Subdivision or *Condominium* the boundary shall be the existing or future *lot line*;
- d) As running substantially parallel to a *lot line* abutting any *road* and the distance from that *road* is not indicated, the boundary shall be parallel to the applicable *lot line* and the distance shall be determined according to the scale shown on the Schedule;
- e) As following a *lot line* abutting an unopened *road* allowance, the boundary shall be the centre-line of such *road* allowance;
- f) As following a shoreline, the boundary shall follow such shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- g) As following the limits of the *Town*, the boundary shall be the limits of the *Town*; and,
- h) Where *zone* boundaries are intended to be parallel to natural features and systems and their buffers, the boundary shall be delineated and/or confirmed per the approved natural heritage system plan, study, evaluation, and/or Environmental Impact Statement.

- i) Where none of the above provisions apply, the boundary shall be scaled from the Schedule.

4.2 Application of Boundaries

- a) Where a *lot* falls into two or more *zones* or areas identified on a Schedule, each portion of the *lot* shall be subject to the applicable *use* permissions and provisions as depicted within the Schedule applying to that portion of the *lot*.
- b) Notwithstanding subsection (a) above, *parking spaces*, *driveways*, *aisles* and *stacking spaces* required by this By-law may be provided anywhere on a *lot* that falls into two or more *zones*, except that portion of a *lot* in any Natural Area *Zone*¹.
- c) *Buildings* and *structures* shall be subject to the applicable regulations for the *zone* in which it is located.

4.3 0.3 m Reserves

For the purposes of this By-law, a 0.3 m reserve shall be considered to be part of the abutting *road*.

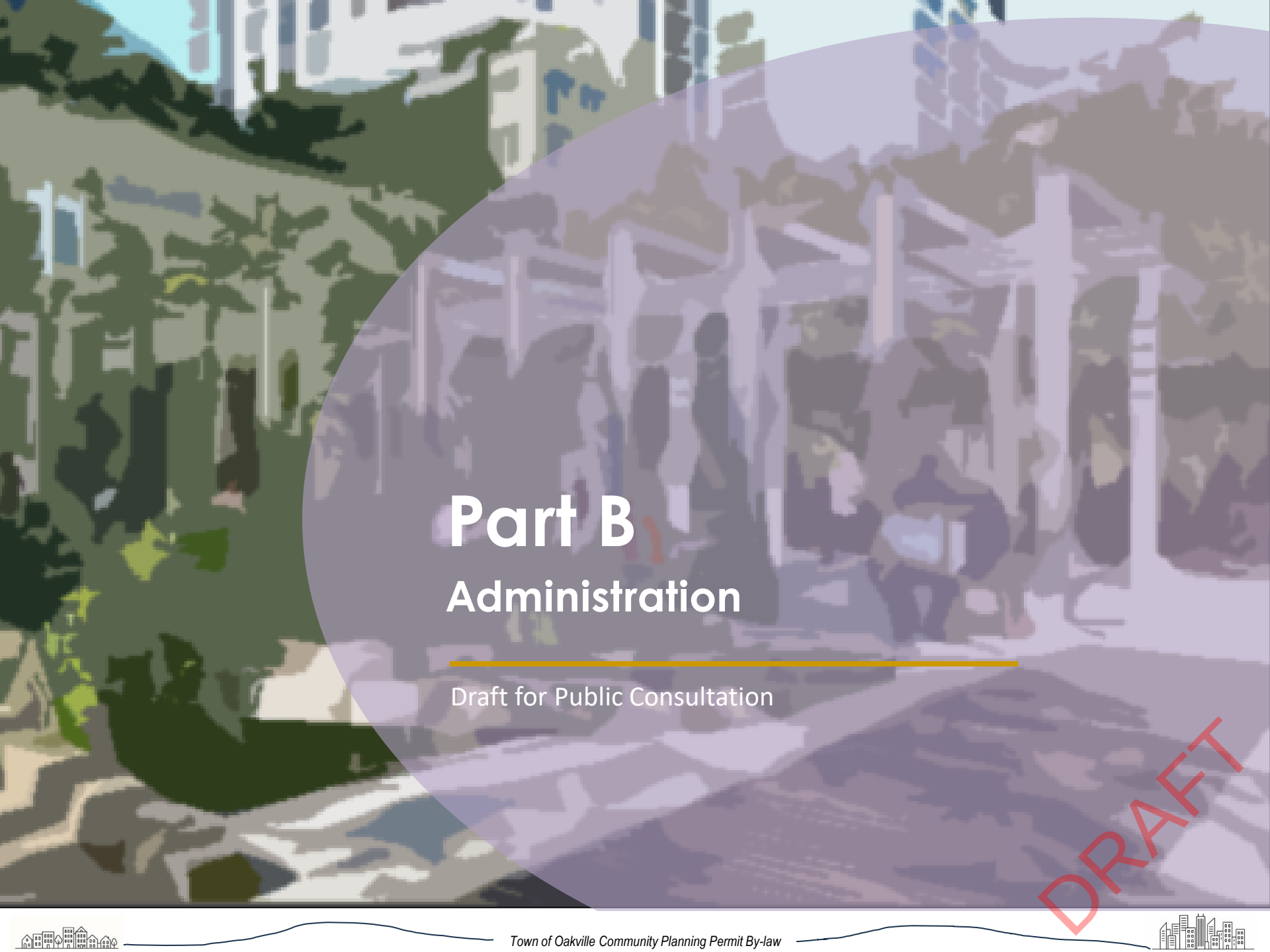
¹ Due to the complexity of natural areas, not all natural areas/features have been mapped. An Environmental Impact Assessment is required

4.4 No Representation on Land Ownership

No representation or implication is made by the *Town* nor should any inference be drawn from the Maps attached to this By-law as to the ownership of any land and/or rights of access to such land.

to identify and delineate the boundaries of both mapped and unmapped features.

DRAFT



Part B

Administration

Draft for Public Consultation

DRAFT



Contents

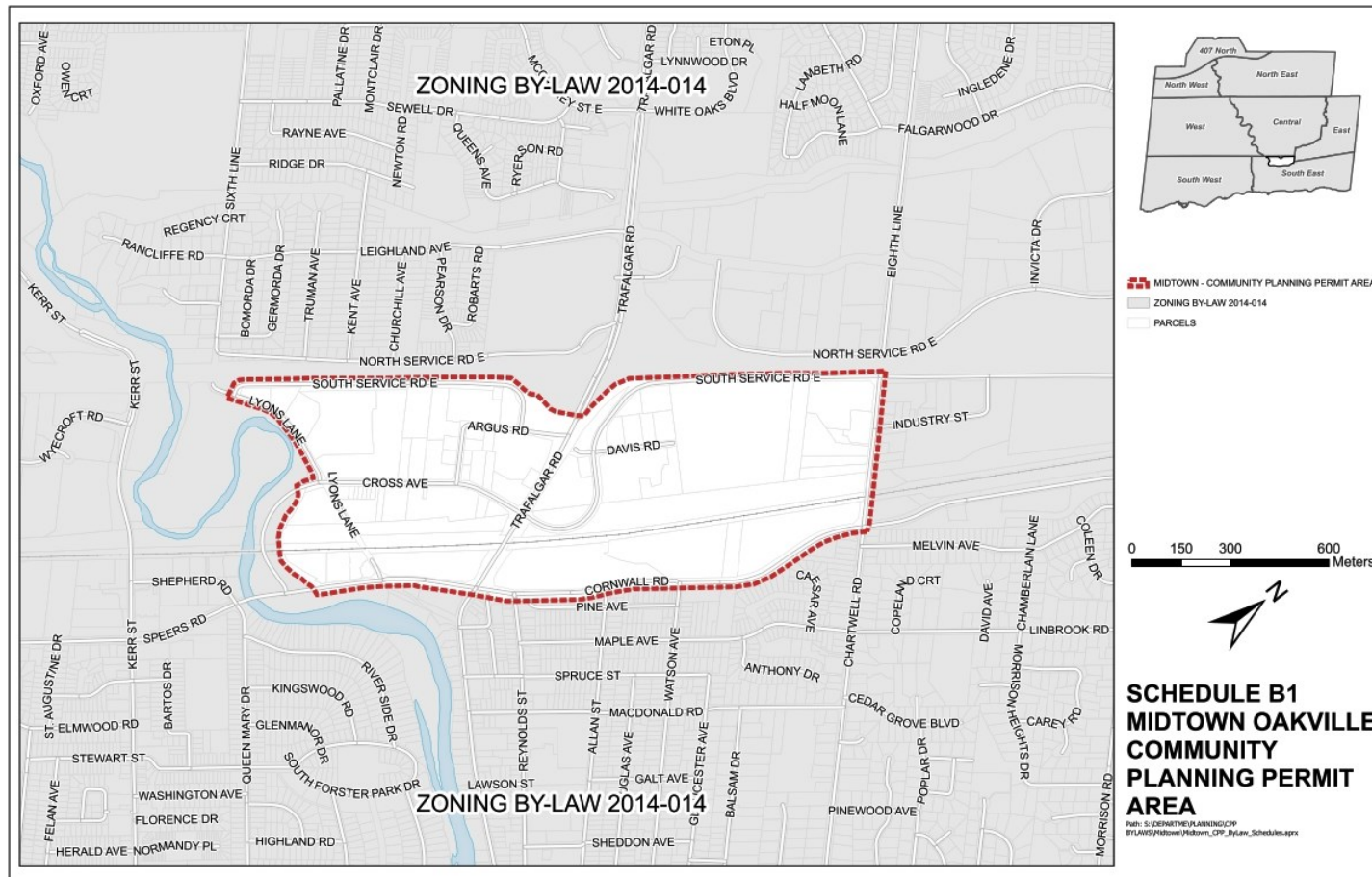
1	Community Planning Permit Areas	1	5	Minimum Development Requirements	6
2	Compliance with this By-law	2	5.1	Lot Frontage	6
2.1	Certificates of Occupancy	2	5.2	Municipal Services	7
2.2	Other Legislation	2	6	Classes of Development and Notice	8
2.3	Tree Protection By-laws	3	7	Delegation of Authority	9
2.4	Site Alteration By-law	3	7.1	Community Planning Permits	9
2.5	Penalties and Offences	3	7.2	Minor By-law Amendments	10
2.6	Severability	3	8	Review and Approval Process	11
3	Transition	4	8.1	Process Steps	11
3.1	Planning Act Transition	4	8.2	Complete Application	13
3.2	Acknowledgement of Site Plan Approval	4	9	Conditions of Approval	14
3.3	Acknowledgement of Building Permit Applications	4	9.1	Types of Conditions	14
4	Community Planning Permit	5	9.2	Temporary Use Criteria	21
4.1	Permit Required	5	9.3	Holding Condition Criteria	22
4.2	Exemption from Permit Requirement	5			

DRAFT

1 Community Planning Permit Areas

The following are Community Planning Permit Areas

- a) Midtown Oakville as delineated in Schedule B1 – Midtown Oakville CPP Area is a *Community Planning Permit Area* and Protected *Major Transit Station Area*.



- b) Bronte Village as delineated in Schedule B2 – Bronte Village CPP Area is a *Community Planning Permit Area*.

[prepared separately]

2 Compliance with this By-law

2.1 Certificates of Occupancy

- 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 and, where a *community planning permit* is issued, in compliance with the issued *community planning permit*.
- 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.
- 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, lodging house, home occupation or, attached or detached additional residential unit*.

2.2 Other Legislation¹

- 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*.

¹ Without limiting its generality, such legislation 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).

DRAFT

2.3 Tree Protection By-laws

- a) The protection of and/or permission for the removal of trees associated with a *community planning permit* shall be undertaken through the *community planning permit* approval and issuance process.
- b) The protection of and/or permission for the removal of trees not associated with a *community planning permit* remains subject to the Town Tree Protection By-law 2009-025, Private Tree Protection By-law 2017-038, and the Halton Region Tree By-law 121-05, including any permit requirements, offences and penalties under those by-laws.

2.4 Site Alteration By-law

- a) The alteration of a site's grading associated with a *community planning permit* shall be permitted through the *community planning permit* approval and issuance process.
- b) Site alteration not associated with a development permit shall remain subject to the provisions of the Town's Site Alteration By-law, including any permit requirements, offences and penalties under that by-law.

2.5 Penalties and Offences

- a) Every person who contravenes a provision of this By-law is guilty of an offence under Section 67 of the Planning Act, and upon conviction is liable to the penalties set out in Section 67, Penalty, of the Planning Act.

2.6 Severability

- a) A decision of a court of competent jurisdiction that one or more of the provisions of this By-law or any portion of the Schedules 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.

DRAFT

3 Transition

3.1 Planning Act Transition

All matters that are subject to transition in accordance with the Planning Act and its associated regulations are transitioned in accordance with the applicable legislation and regulations.

3.2 Acknowledgement of Site Plan Approval

- a) Any agreement that has been entered into under section 41 of the Planning Act that is applicable to lands within a Community Planning Permit Area, continues to apply on the subject lands as follows:
 - i. the agreement continues to be valid and binding; and
 - ii. the agreement may be amended as if it were an agreement subject to a *community planning permit* approved under the provisions of this by-law.

3.3 Acknowledgement of Building Permit Applications

- a) 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:
 - i. The building permit application complies with the provisions of Zoning By-law 2014-014, as amended, as it read on the effective date of this By-law.
 - ii. All information is provided to allow for a zoning review to be undertaken; and,
 - iii. All planning approvals have been obtained.

4 Community Planning Permit

4.1 Permit Required

- a) No person shall establish new development on lands subject to this By-law without obtaining a *community planning permit*.
- b) For the purpose of (a), development means:
 - i. the construction, erection or placing of one or more *buildings* or *structures* on land,
 - ii. the making of an addition or alteration to a *building* or *structure* that has the effect of substantially increasing its size or usability,
 - iii. the laying out and establishment of,
 - a commercial *parking area*,
 - sites for the location of three or more *mobile homes* as defined in subsection 46 (1) of the Planning Act,
 - sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*, or
 - sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,
 - iv. site alteration, including but not limited to,
 - alteration of the grade of land, and
 - placing or dumping fill, or
 - v. the removal of vegetation.

4.2 Exemption from Permit Requirement

- a) Notwithstanding section 4.1, the following matters are exempt from the requirement for a *community planning permit*:
 - i. tree removal (where the removal is unrelated to Class 1 -4 matters, as defined in Section 6);
 - ii. site alteration (where it is unrelated to Class 1 -4 matters, as defined in Section 6);
 - iii. a *building* or *structure* that is 50 square metres or less in size that is either accessory to or in addition to, an existing *building* or *structure*;
 - iv. a new non-residential *building* or *structure* on town-owned land, provided that the *building* or *structure* is less than 100 square metres;
 - v. a temporary *building* or *structure* on public lands allowed through a municipal permit;
 - vi. the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;
 - vii. the creation of wayside pits and quarries, portable asphalt plants and portable concrete plants used on *public authority* contracts, except those areas of existing development or particular environmental sensitivity which have been

- determined to be incompatible with extraction and associated activities
- viii. 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; and
- ix. the in situ reconstruction of an existing *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.

5 Minimum Development Requirements

The following are required prior to submitting an application for *community planning permit*:

5.1 Lot Frontage

- a) No person shall erect any *building* or *structure* or *use* any *building*, structure, or *lot* unless the *lot* meets one or more of the following requirements:
 - i. The *lot* has *frontage* on a *public road* which is assumed by By-law by a *public authority*;
 - ii. The *lot* will have frontage on a future *public road* that is currently being constructed pursuant to a Subdivision Agreement or other Development Agreement with a *public authority*;
 - iii. The *lot* is legally tied to a *common element condominium* having *frontage* on a *condominium common element roadway* which provides direct access to a *public road* or which connects with another *condominium common element roadway* having access a *public road*;
 - iv. The *lot* will be legally tied to a *common element condominium* having *frontage* on a future *condominium common element roadway* that is currently being constructed pursuant to a *Condominium Agreement* or other Development Agreement with a *public authority* which provides direct access to a *public road* or which connects with another *condominium common element roadway* having access a *public road*; or,

- v. For a *lot* that legally existed on the effective date of this By-law, the lot has access to a *private road* that legally existed on the effective date of this By-law.
- vi. Notwithstanding subsection (i) above, a *lot* used for a stormwater management facility or *major transit station* is not required to have *frontage* on a *public road*.

5.2 Municipal Services

- a) On lands subject to this By-law, no *building* may be erected or enlarged unless the land is serviced by municipal water and sewage systems.

6 Classes of Development and Notice

- a) Classes of development are listed in Table 6-1.
- b) Public notice of complete application and notice of decision shall be provided for these Classes of Development in accordance with Table 6-1.

Table 6-1 Classes of Development and Notification Procedure

Class	Description	Notice of Complete Application	Notice of Decision
1	<i>Parking Area</i> (new or change to)	• Email to: applicant, <i>public agencies</i> • Sign on Site	To applicant and as prescribed.
2	Temporary Sales Office or Other Temporary Use (less than 6 months)	• Email to: applicant and <i>public agencies</i> • Sign on Site • Town website	To applicant and as prescribed.
3	Expansion/Replacement ² to an existing <i>building</i> or Temporary Use (more than 6 months)	• Email to applicant and <i>public agencies</i> • Sign on Site • Town website • Mail to adjacent property owners within 60m	To applicant and as prescribed.
4	New Development (not defined as Class 1, 2, or 3)	• Email to applicant, <i>public agencies</i>, Indigenous community • Sign on Site • Town website • Mail to adjacent property owners within 60m (new development comprised of ten residential units or less) • Mail to adjacent property owners within 120m (all other applications)	To applicant and as prescribed.

² Replacement is not associated with a matter that is otherwise exempt (see Section 4). A replacement occurs on the same site with the same building mass. A Class 3 application may consist of both a replacement and an expansion provided the overall building mass does not exceed 20% of its existing mass.

DRAFT

7 Delegation of Authority

7.1 Community Planning Permits

- a) Authority to make decisions in accordance with the provisions of this by-law is delegated as provided in Table 7-1.
- b) Staff in item Table 7-1 is the Commissioner of Community Development or their delegated Director.
- c) The referral of a matter to Council for a decision related to Class 4 matters is at the discretion of staff. Matters that warrant a referral to Council include, but is not limited to:
 - i. The decision requires a complementary Council decision, such as one related to the provision of *infrastructure* and/or a change to the Town's Capital Plan and/or Budget.
 - ii. The decision requires consideration of a community benefit that is not explicitly identified in the Town's Official Plan or is not a benefit that has been prioritized, where applicable.
 - iii. The decision requires entering into an Agreement on a matter that is not addressed in this By-law and/or requires Council's permission to enter into such an agreement.
 - iv. The application proposes a stratified conveyance of land to the Town.
- d) Notwithstanding the delegation of authority to approve *community planning permit* applications in item (a), staff may present *community planning permit* applications to Council at any time prior to the approval of a *community planning permit* application and/or issuance of a *community planning permit*, and shall do so if requested by Town Council.

Table 7-1 Delegation of Authority

Approval	Decision to approve New Community Planning Permit Application and to Issue the Community Planning Permit	Decision to Revise a Community Planning Permit	Decision to Enter into and revise agreements
All Classes of Development	Staff	Staff	Staff
Negotiating community benefit, if applicable	Staff	Staff	Staff
Class 4 Matter	Where staff deem application requires it, Council makes decision.	Where staff deem application requires it, Council makes decision.	Where staff deem application requires it, Council makes decision.

7.2 Minor By-law Amendments

- a) The Commissioner of Community Development is authorized to make minor amendments to the *Community Planning Permit By-law*.
- b) Minor by-law amendments are limited to Town initiated *housekeeping* matters for the purpose of making clerical or other changes to assist in the interpretation of the *community planning permit by-law*.

DRAFT

8 Review and Approval Process

8.1 Process Steps

- a) The review and approval of *community planning permits* and the issuance of *community planning permits* shall follow the procedures denoted in Table 8-1.
- b) Revisions to an issued *community planning permit* may be permitted subject to the procedure denoted in Table 8-1.
- c) Revisions to Agreements associated with the approval of a *community planning permit* application and/or the issuance of a *community planning permit* may be permitted subject to the procedure denoted in Table 8-1.
- d) The following apply to the interpretation of Table 8-1:
 - i. Steps denoted with “M” indicate that they are mandatory in the process.
 - ii. Steps denoted with “D” indicate that they are discretionary in the process. The step will be undertaken if deemed necessary in relation to the specific application. For example, clearing of conditions are only undertaken if the *community*

planning permit application is subject to conditions. An agency review of an application is only necessary where the application involves an agency interest/mandate.

- iii. Steps denoted with “n/a” indicate that the step is not applicable.
- iv. Timing listed refers to prescribed timelines within the Planning Act and O. Reg. 232/18.
 - 1. Decisions regarding *community planning permit* applications may take longer than the prescribed time to ensure that proper review, consultation and consideration of all relevant matters have been undertaken.
 - 2. Notice of decision must be made within the prescribed time frame.
- v. Table 8-1 does not include or preclude steps that may be taken in accordance with the Planning Act and O. Reg. 173/16 with respect to matters that may adjudicated by the Ontario Land Tribunal.

Table 8-1 Community Planning Permit Processes

Prescribed Timing	Step	New Application ³ Mandatory (M) Discretionary (D)				Revision to a Community Planning Permit	Revision to an Agreement ⁴
		1	2	3	4		
	1 Applicant to consult Town to determine if permit is required	M				n/a	n/a
	2 Town to determine Class of Development and identify complete application requirements	M				n/a	n/a
	3 Applicant to prepare Complete Application	M				D	D
	4 Applicant to submit Complete Application, including fee	M				M	D
45 days	5 Staff to determine if application requires a Council approval, and advise applicant	n/a	n/a	n/a	D	D (Class 4 only)	D (Class 4 only)
	6 Issue public notice of application ⁵	M	M	M	M	D.	n/a
	7 Municipal review	M				M	M
	8 Agency/Other review	D	D	M	M	D	D
	9 Staff Report to Approval Authority	D	D	M	M	D	D
	10 Approval Authority Decision ⁶	M				M	M
Within 10 days of Decision	11 Issue written notice of decision with reasons	M				M	M
	12 Make Permit approval a publicly available document.	D	D	M	M	D	n/a

³ The requirement for each step may depend on the class of development. As such, some steps are noted as mandatory or discretionary in the table.

⁴ Agreements apply to those related to a *community planning permit* approval as well as those related to pre-existing site plan application approvals located within the Community Planning Permit System area.

⁵ See Table 8-1 regarding type and range of notice required.

⁶ In accordance with O. Reg. 173/16 one of the following decisions may be made in relation to a Community Planning Permi application:

- refuse the application;
- approve the application and issue a *community planning permit* with no conditions attached;
- approve the application and require that conditions be met before issuing a *community planning permit*;
- approve the application and issue a *community planning permit* with conditions attached; or
- approve the application, require that conditions be met before issuing a *community planning permit* and, when the conditions have been met, issue a *community planning permit* with conditions attached.

DRAFT

Prescribed Timing	Step	New Application ³ Mandatory (M) Discretionary (D)				Revision to a <i>Community Planning Permit</i>	Revision to an Agreement ⁴
		1	2	3	4		
	13 Clear/Secure conditions, including registering an agreement on title (if applicable)	D	D	D	D	D	n/a
	14 Issue <i>Community Planning Permit</i>	M				M	n/a
	15 Clear/Secure conditions, including registering an agreement on title (if applicable) and/or undertaking a site inspection.	D	D	D	D	D	D

8.2 Complete Application

- a) The Town shall list the requirements for a “complete application” following a pre-consultation meeting, in accordance with the Official Plan and O. Reg. 232/18 Schedule 1.
- b) A complete application includes payment of the applicable application fee(s).
- c) As applicable, the application shall:
 - identify the specific location and boundaries of land uses and designations;
 - identify the limits of and buffers to natural features and their functions, and *hazard* lands in accordance with an Environmental Impact Statement or Environmental Impact Assessment;
 - identify the density and distribution of built form, *building heights*, mixture of *uses*, and housing types including affordable housing;
 - identify the detailed street pattern including active transportation, transit facilities, streetscape/public realm enhancements, and *on-road parking*;
 - identify the size and location of parks and open spaces;
 - identify existing trees (on site and within 6 metres of the site) and those that are to be retained;
 - identify the size and location of *public service facilities* and *educational facilities*;
 - identify the size, location, and general configuration of stormwater management facilities;
 - provide a comprehensive development scheme for the entirety of the block in which the subject lands are located;
 - demonstrate that the proposed development would not preclude development on adjacent properties in accordance with the policies of the Official Plan; and

- outline how development may be phased and co-ordinated between the subject lands and adjacent properties, including properties across any public roads from the subject lands.
- d) Studies supporting the application shall be in accordance with terms of reference approved by the *Town*.
- e) Studies and application content shall be informed by relevant material such as: the Official Plan,

Urban Design Guidelines, Transportation and Stormwater Plans/Master Plans, Area Servicing Plans, Environmental Assessments, Housing Needs Assessment, Urban Forest Strategic Plan, and Flood Mitigation Studies.

- f) Notice to the public of the application, where applicable, shall be provided within 3 days of the application being deemed complete.

9 Conditions of Approval

9.1 Types of Conditions

- a) Table 9-1 provides a list of potential conditions that may be imposed with the approval of a *community planning permit* application. These conditions are authorized by the Planning Act, Ontario Regulation 173/16 and the policies of the Official Plan.
- b) Conditions may be required to be met prior to the issuance of a *community planning permit* and/or after the permit is issued, as denoted in Table 9-1.

- c) As noted in Table 9-1, the condition may require the applicant to enter into one or more Agreements with the Town, Halton Region or another public authority.
- d) Any such agreement may include a requirement to provide the Town, Halton Region or another *public authority* with securities to ensure that the agreement is fulfilled.
- e) As noted in Table 9-1, such agreements may be required to be registered on Title.

Table 9-1 Types of Conditions

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
a) Cash-in-lieu of Parking	In accordance with Section 40 of the <u>Planning Act</u> The Town may require cash-in-lieu of the required parking where such parking is not able to be provided on site.	To be determined through the Agreement.	Required.	Discretionary (dependent on the terms of the Agreement)	All lands within PMTSA ⁷
b) Provide:	In accordance with Section 41 of the <u>Planning Act</u>	To be identified in the plan of the <i>Community Planning Permit</i> , as applicable.	Discretionary	Discretionary (dependent on the terms of the Agreement)	
1) Widening of (Town or Region) right-of-way that abut on the land (as described in the Official Plan)					
2) Transit right-of-way (Town or Region) (as described in the Official Plan)					
3) Facilities to provide access to and from land (i.e., ramps, curbs, signs) (Town or Region)					
4) Off Street vehicular loading and parking, including bicycle parking facilities, and access <i>driveways</i> , including <i>driveways</i> for emergency vehicles (Town or Region)					
5) Walkways and walkway ramps					
6) Facilities designed to have regard for accessibility for persons with disabilities (Town or Region)					
7) Facilities for the lighting of the land or of any <i>buildings</i> or <i>structures</i> thereon					
8) Walls, fences, hedges, trees, shrubs, hedges, plantings or other groundcover, permeable paving materials, street furniture or facilities for the <i>landscaping</i> of the lands or the protection of adjoining lands.					
9) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.					
10) Easements conveyed to the Town or Region for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.					
11) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land and from any <i>buildings</i> or <i>structures</i> thereon (Town or Region)					
c) Maintenance of facilities listed in paragraphs- 3 to 11 of clause (b) above.	The owner of the property may be required to maintain to the satisfaction of the <i>Town</i> or <i>Region</i> , and at the sole risk and expense of the owner any or all of the facilities or works listed in items 3 to 11 of clause (b), including the removal of snow	Post construction	Required, as applicable.	Discretionary (dependent on the terms of the Agreement)	

⁷ Per the Planning Act, the Town is not able to require minimum parking rates, except for bicycle parking.

DRAFT

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	from access ramps and driveways, parking and loading areas and walkways;				
d) Parkland Dedication or Cash-in-lieu	In accordance with Section 42 of the <u>Planning Act and Town of Oakville Parkland-Dedication-By-law</u> By-law 2024-034, as amended	Parkland that is provided on site is to be identified in the plan of the <i>Community Planning Permit</i> , as applicable. Cash-in-lieu payment is due in accordance with the Parkland Dedication By-law. Conveyed land shall not be: i. Lands zoned Natural Area ii. Hazard lands iii. Lands required for drainage purposes, stormwater management or shoreline protection works iv. Connecting walkways or v. Lands unsuitable for development or redevelopment	Discretionary	Discretionary (dependent on the terms of the Agreement)	Per Section 42 of <u>Planning Act</u> and <i>Town by-law 2024-034</i> , as amended.
e) Tree Protection and on-site vegetation	Conditions as described in Town by-laws <u>Private-Tree-Protection-By-law</u> and <u>Town-Tree-Protection-By-law</u> , and the <u>Region of Halton Tree By-law</u> for the protection of trees and/or permission to remove trees. Furthermore, conditions may apply to managing and maintaining vegetation that is provided to address sustainability of development such as green roofs and walls, bioswales, stormwater	To be identified in the plan of the <i>Community Planning Permit</i> , as applicable. Prior to permit issuance, may require arborist report and/or securities. Tree compensation may be required post-permit issuance in the form of replacement trees and/or fees.	Discretionary	Discretionary (dependent on the terms of the Agreement)	

DRAFT

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	management, and measures to address heat-island effect. Conditions may also pertain to establishing, maintaining, and monitoring natural areas and their associated buffers as per recommendations provided in Environmental Impact Statements or Assessments.				
f) Site Alteration	Conditions that are related to the alteration of a site, including but not limited to: <i>alteration or restoration of the grade of land, and placing or dumping fill</i>. Conditions include those listed within the Town's Site-Alteration-By-law Conditions may include matters that address water balance and storm water management to ensure no negative impact from development.	To be identified in the plan of the <i>Community Planning Permit</i>, as applicable. Prior to permit issuance, may require an engineer's stamped report, securities, and/or proof of liability insurance. Post permit issuance, site rehabilitation may be required.	Discretionary	Discretionary (dependent on the terms of the Agreement)	
g) Monitoring	Conditions that are related to ongoing monitoring requirements that are considered necessary for the protection of: <i>public health and safety, or the natural heritage system</i>. The condition would include the means, frequency, and duration of monitoring. This may include the monitoring of low impact development measures to ensure that they continue to provide the function for which they were designed, or monitoring of natural areas and restoration practices as identified through an	Post <i>Community Planning Permit</i> Issuance	Discretionary	Discretionary (dependent on the terms of the Agreement)	

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	approved environmental study to ensure desired outcomes are achieved.				
h) Protection of safety and security of persons, property, and natural heritage system.	Other Public Agency Permits: Development within the Regulated Area of a Conservation Authority or permit areas of other public authorities, such as the Ministry of Transportation or Metrolinx, may require permits issued by those authorities. Land Use Compatibility Mitigation: Where proposed development requires mitigation from <i>hazards</i>, noise and/or vibration, or ongoing protection of persons and/or property, conditions may be required to ensure that those mitigation efforts are maintained over the long term. Natural Area, Hazard protection: Where proposed development requires protection of the natural heritage system, through provision of naturalized buffers on-going maintenance may be a condition of the <i>community planning permit</i>.	Public Authority permits may be required prior to or post <i>community planning permit</i> issuance, to be determined in consultation with the authority. Depending on the nature of mitigation, it may be required to be noted on the plans or drawings of the approved <i>Community Planning Permit</i>. Mitigation measures are maintained post issuance of a <i>Community Planning Permit</i>. On-going maintenance occurs post issuance of a <i>Community Planning Permit</i>. Natural areas and their associated buffer areas are required to be identified in the <i>Community Planning Permit</i> plan.	Discretionary, agreement must be entered into prior to issuance of permit.	Discretionary (dependent on the terms of the Agreement)	
i) Protection of Cultural Heritage Resource	Where a development site includes <i>cultural heritage resources</i> , including <i>archeological resources</i> , appropriate measures to ensure the conservation	Prior to and/or post issuance of a <i>Community Planning Permit</i> .	Discretionary, agreement must be entered into prior to	Discretionary (dependent on the terms of the Agreement)	

DRAFT

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	and/or preservation of the resource are required. All options for on-site retention of buildings and structures of cultural heritage significance shall be exhausted before resorting to relocation. Archeological resources are preserved in situ or through full documentation and removal through archaeological assessment.	Depending on the nature of conservation/preservation measure, it may be required to be noted on the plans or drawings of the approved <i>Community Planning Permit</i> .	issuance of permit.		
j) Inclusionary Zoning Affordable Housing Units	Per provisions of this by-law, a proportion of certain residential development is required to be affordable. These units are required to be registered on title and to remain affordable for a period of time specified in the provisions of the By-law.	IZ units must be identified in the plans and drawings of the <i>Community Planning Permit</i> .	Required. Agreement must be completed prior to issuance of <i>Community Planning Permit</i> .	Required.	All development that is not subject to <i>Inclusionary Zoning</i>
k) Community Benefit in exchange for permitted <i>height</i> or density	The provision of facilities, services or matters (community benefits) or cash-in-lieu of them where a <i>community planning permit</i> application proposes to exceed a threshold height or density established in the provisions of this by-law. The proportional relationship between the community benefit that is provided and the <i>height</i> or density that is permitted is specific to each <i>Community Planning Permit</i> Area as specified in Part E of this By-law.	In-kind benefits may be shown on plans and drawings of the <i>Community Planning Permit</i>. Cash-in-lieu of the community benefit may be paid at the time of <i>Community Planning Permit</i>, building permit or occupancy permit issuance.	Discretionary, agreement must be entered into prior to issuance of <i>Community Planning Permit</i> .	Discretionary (dependent on the terms of the Agreement)	All development that is at or below specified thresholds provided in Part E of this by-law.

DRAFT

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
l) Community Benefit Charge By-law equivalent	Development is subject to the fee equivalent to that which is provided in Community Benefits Charge By-law 2022-069 , as amended. Discounts to the fee are provided to development that meets the criteria set out in Section 37 (32.1) of the <i>Planning Act</i> . In-kind benefits may be matters listed in policy 30.15.12 or CPP area specific community benefit policies of the Official Plan.	Post issuance of <i>Community Planning Permit</i> , at the time of Building Permit.	Discretionary and only where an in-kind matter is proposed in lieu of payment of fee.	Discretionary (dependent on the terms of the Agreement)	Non-residential development; residential development that is less than 5 storeys or provides less than 10 dwelling units
m) Payment in Lieu	For any of the conditions listed above, where the applicant is unable to provide the required condition in kind, the Town may accept cash-in lieu of the in-kind matter.	Discretionary, depending on the matter for which payment may be required, may be prior to <i>Community Planning Permit</i> , building permit or occupancy permit issuance.	Discretionary	Discretionary (dependent on the terms of the Agreement)	n/a
n) Holding Conditions	The issuance of the <i>Community Planning Permit</i> may be withheld until specified matters are addressed and/or complementary permits are issued. This condition may be appropriate where: certain studies must be completed; infrastructure is required to be in place to service the proposed development; land division is required to convey lands for park, roads, or other <i>public service facility</i> ; off-site <i>inclusionary zoning housing units</i> are required to be registered; confirmation of participation within a land-owner group and its relevant agreement(s); or where permits from other entities such as Conservation Halton or in accordance with the Ontario Heritage Act are required.	The “hold” is lifted after the matter is satisfied.	n/a	n/a	n/a

DRAFT

Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
o) Lapsing of approval	The Town may impose a lapsing date in relation to the <i>community planning permit</i> application and/or the issued <i>community planning permit</i> .	The Lapsing Provision is applied at the time of <i>Community Planning Permit</i> application approval. The lapsing provision may apply to either <i>Community Planning Permit</i> and/or building permit issuance.	n/a	n/a	n/a
p) Temporary Use	A use may be permitted on a temporary basis, such that after a set period of time, the issued permit is no longer in effect.	The Permit is issued with an expiry date. Following the expiry date, if the use continues and no extension to the permission is provided, the use is deemed illegal.	Discretionary	Discretionary (dependent on the terms of the Agreement)	Permanently permitted matters.

9.2 Temporary Use Criteria

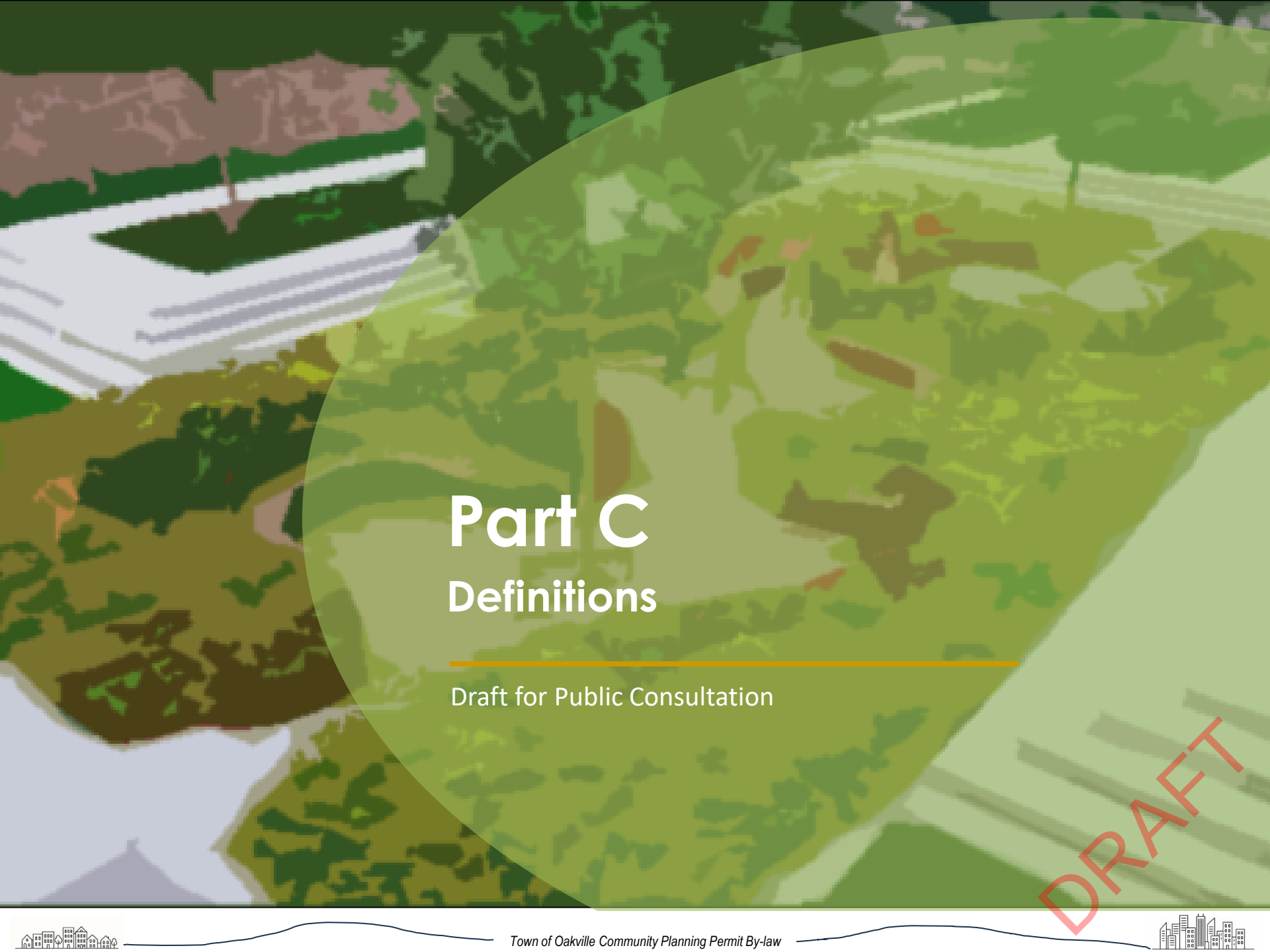
- a) A temporary use of land, *buildings* or *structures* may be for any purpose or form set out in an approved *community planning permit* that is otherwise prohibited by this By-law, provided that the use: is in general conformity with the intent and policies of the Official Plan;
- i. is compatible with adjacent land uses;
 - ii. is temporary in nature, appropriate for a limited time span and can be terminated when the authorizing *community planning permit* expires;
 - iii. has sufficient services such as water, sewage disposal and roads;
 - iv. does not adversely impact existing and planned traffic or transportation facilities in the area;
 - v. does not adversely impact the natural heritage system and maintains all natural heritage feature and function protection;
 - vi. provides for adequate on-site parking facilities, if parking is required to facilitate the use; and
 - vii. constructed as a temporary *building* or *structure* and/or is moveable.

DRAFT

9.3 Holding Condition Criteria

- a) One or more holding conditions may be placed with the approval of a *community planning permit* application. The holding condition may be for one or more of the following reasons:
 - i. To ensure that any or all of the other pre-permit issuance conditions have been met
 - ii. To ensure that any required studies as per policies of the Official Plan are completed to the satisfaction of the *Town*
 - iii. To achieve orderly phasing of development or redevelopment
 - iv. To ensure that adequate *infrastructure* and community services and facilities are, or shall be, available in accordance with municipal standards;
 - v. To implement measures to mitigate negative impacts resulting from the proximity of lands to transportation and utility corridors, incompatible land uses or any other source of nuisance or hazard to public health and welfare;
 - vi. To satisfy policies of the Official Plan related to *cultural heritage* conservation, potentially contaminated sites, protection of the natural areas and *natural hazards*, *Inclusionary Zoning*, community improvement and any other planning matters determined to be relevant to the development of the lands;
 - vii. To achieve the exchange of facilities, services or other matters set out in the community benefit provisions of this by-law; and,
 - viii. To ensure the execution of legal agreements, approval of subdivision plans and/or approval of necessary studies by the appropriate authorities to satisfy any of the criteria set out above.
- b) Once holding conditions are satisfied, the *community planning permit* or building permit may be issued as specified in the conditions.

DRAFT



Part C

Definitions

Draft for Public Consultation

DRAFT



A

Accessory Building or Structure	means a <i>building</i> or <i>structure</i> used for an accessory purpose, including a detached <i>private garage</i> , that is: a) located on the same <i>lot</i> as the primary <i>use, building, or structure</i> ; and, b) is not used for human habitation or an occupation for gain or profit unless otherwise permitted by this By-law.
Accessory Use	means a <i>use</i> naturally or normally incidental to, subordinate to, and exclusively devoted to a principal <i>use</i> .
Active transportation	means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed

Additional needs Housing	means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to <i>long-term care facility</i> , adaptable and accessible housing, housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for older persons, group homes, <i>emergency shelter</i> , housing for homeless, and independent permanent living arrangements where support services such as meal preparation grocery shopping laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community based support services in their own home.
Additional Residential Unit, Attached	means one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit which is contained within a <i>detached dwelling, semi-detached dwelling, linked dwelling</i> or

DRAFT

	<i>townhouse dwelling</i> already containing a <i>dwelling unit</i> .
Additional Residential Unit, Detached	means one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit which is contained within an <i>accessory building</i> associated to a <i>detached dwelling</i> , <i>semi-detached dwelling</i> , <i>linked dwelling</i> or <i>townhouse dwelling</i> already containing a <i>dwelling unit</i> .
Agriculture	means the growing of crops such as nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm <i>buildings</i> and <i>structures</i> .
Aisle	means an internal vehicle route immediately adjacent to a parking or <i>loading space</i> which provides vehicular access to and from the parking or <i>loading space</i> , and does not include a <i>driveway</i> .
Ancillary Residential Use	means the common indoor areas located within a <i>building</i> which are accessible, designed for, and intended primarily for access, dining, or recreational purposes

	for the occupants of a <i>building</i> and includes stairs, lobbies, elevators, mechanical facilities, storage, and facilities for a concierge.
Archaeological resource	means artifacts, archaeological sites and marine archaeological sites, as defined under the <i>Ontario Heritage Act</i> . The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the <i>Ontario Heritage Act</i> .
Art Gallery	means a <i>premises</i> used for any combination of the preservation, production, exhibition, or sale of sculptures, paintings, photographs, or other works of art.
Assisted Living Unit	means a place of residence with one or more habitable rooms containing separate bathroom facilities for private use as a single housekeeping unit and where personal support services may be provided.
Attic	means the uninhabitable space of a <i>building</i> which is immediately below the roof and wholly or partially within the roof framing.

DRAFT

B

Balcony	means an unenclosed or partially enclosed attached platform projecting from the face of a wall that is only directly accessible from within a <i>building</i> , surrounded by a balustrade, partial wall, or railing where required and without direct exterior access to <i>grade</i> .
Basement	means that portion of a <i>building</i> below the <i>first storey</i> .
Bed and Breakfast Establishment	means the provision of <i>lodging units</i> within a <i>dwelling</i> with or without meals for the temporary lodging of the travelling public.
Building	means a <i>structure</i> consisting of any combination of walls, roofs and floors, or a structural system serving the function thereof.

Built heritage resource	means a <i>building, structure</i> , monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. <i>Built heritage</i> resources are generally located on property that has been designated under Parts IV or V of the <u>Ontario Heritage Act</u> , or included on local, provincial and/or federal registers.
Business Office	means a <i>premises</i> where the practice of a profession, the affairs of a business or enterprise, the provision of a service including its administration, research and development, or like activity is conducted.

C

Commercial Vehicle	means a <i>motor vehicle</i> having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses and tractors used for hauling purposes on the highways.
--------------------	--

Cogeneration	means the generation of electricity or mechanical power and thermal energy (heating or cooling) produced from one fuel source in the same facility. Also known as combined heat and power.
Cogeneration Facility	means a <i>building</i> or <i>structure</i> or parts thereof <i>used</i> for cogeneration.

DRAFT

Community Centre	means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature and, where the facility is owned and operated by the <i>Town</i> , other <i>uses</i> authorized through an agreement with the <i>Town</i> .
Community Planning Permit	means a permit approved and issued in accordance with the provisions of this by-law and that includes plans and/or drawings as described in <u>Ontario Regulation 173/16</u> Schedule 1 and may include conditions associated with the approval of the development permit application.
Compatible	means the development or redevelopment of <i>uses</i> which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.
Condominium	means a <i>building</i> or grouping of <i>buildings</i> in which units are held in private ownership and floor space, facilities and outdoor areas used in common are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

Condominium, Common Element	means spaces and features owned in common by all shareholders in a <i>condominium</i> and may include <i>common element</i> roadways, walkways, sidewalks, parking and amenity areas.
Condominium, Common Element Roadway	means a right-of-way for vehicular and pedestrian access that is privately maintained by a corporation created pursuant to the provisions of the appropriate statute.
Conservation Authority	means Conservation Halton or the Credit Valley Conservation Authority
Conservation Use	means a <i>use</i> dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.
Contractors Establishment	means a <i>premises</i> where <i>motor vehicles</i> and equipment for the maintenance and operation of <i>uses</i> undertaken by a contractor are stored, and materials used for or resulting from the maintenance and operation of such <i>uses</i> are stored.
Cultural heritage landscape	means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an <i>Indigenous</i> community. The area may involve features such as <i>structures</i> , spaces, archaeological sites or natural elements that are valued together

	for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the <u>Ontario Heritage Act</u> ; villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic <i>roads</i> and trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District
--	--

	designation, or a UNESCO World Heritage Site).
Cultural heritage resources	means <i>built heritage</i> resources, <i>cultural heritage landscapes</i> , and <i>archaeological resources</i> that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some <i>cultural heritage resources</i> may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

D

Day Care	means: a) a <i>premises</i> , including outdoor areas, where children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and are licensed in accordance with the <u>Child Care and Early Years Act</u> ; or, b) indoor and outdoor premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide over-night accommodation.
----------	---

District Energy Facility	means a centrally located facility or linked facilities including pipeline distribution system for the production and distribution of thermal energy (heating or cooling) with or without <i>cogeneration</i> to users at a community scale.
Dormitory	means a <i>building</i> or part thereof used for the housing of students and staff with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of <i>dwelling units</i> and/or <i>lodging units</i> .

DRAFT

Driveway	means a motor vehicle access including a hammer- head provided between a road, lane or common element condominium roadway and a parking space, aisle, or loading area, or between two parking areas.
Dry Cleaning Depot	means a <i>premises</i> where articles or accessories are received for the purposes of laundering or dry cleaning.
Dry Cleaning/Laundry Establishment	means a <i>premises</i> where the actual process of dry cleaning or laundering of articles or accessories is conducted, and may include a <i>dry cleaning depot</i> as an <i>accessory use</i> .
Dwelling or Dwelling Unit	means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.
Dwelling, Apartment	means: i) a <i>dwelling unit</i> within a <i>building</i> containing three or more <i>dwelling units</i> where the units are connected by a common corridor or vestibule; and, ii) in a Mixed Use Zone, additionally permits a <i>dwelling unit</i> within a <i>building</i> containing a non-residential use on the <i>first storey</i> and accessed by an entrance separate from that for the non-residential use.

Dwelling, Back-to-Back Townhouse	means a <i>dwelling unit</i> within a <i>building</i> containing four or more <i>dwelling units</i> divided by vertical common walls above grade, including a common rear wall.
Dwelling, Detached	means a separate residential <i>building</i> designed to be one <i>dwelling unit</i> .
Dwelling, Live-work	means a <i>dwelling unit</i> used and operated by one or more persons of a single household containing a subsidiary business and personal services occupancy that does not include food preparation requiring exhaust hood ventilation or producing grease-laden vapour.
Dwelling, Semi-detached	means a residential <i>building</i> divided horizontally by a common vertical wall above grade of at least 3.0 metres in length and at least 2.0 metres in height adjoining dwelling units or <i>private garages</i> into two attached <i>dwelling units</i> , and each having a private access
Dwelling, Stacked Townhouse	means a <i>dwelling unit</i> within a <i>building</i> divided into a minimum of three non-communicating <i>dwelling units</i> , each <i>dwelling unit</i> being separated from the other vertically and horizontally.

DRAFT

Dwelling, Townhouse	means a <i>dwelling unit</i> within a <i>building</i> divided horizontally by a common vertical wall above grade of at least 3.0 metres in length and at least 2.0 metres
------------------------	---

	in height adjoining <i>dwelling units</i> or <i>private garages</i> , into three or more <i>dwelling units</i> , each having a private access.
--	--

E

Educational facilities	(See definition for <i>School, Public.</i>)
Emergency Service Facility	means a <i>premises</i> housing emergency personnel, their supplies, equipment, and vehicles authorized by a <i>public authority</i> to provide emergency services within Oakville.
Emergency Shelter	means a <i>premises</i> accommodating and providing temporary lodging, board, and personal support services to homeless individuals in a 24-hour supervised setting.

Erosion	means volumetric reduction of land by human-induced or natural processes.
Erosion hazard	means the loss of land, due to human or natural processes, that poses a threat to life and property. The <i>erosion hazard</i> limit is determined using considerations that include the 100 year <i>erosion</i> rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an <i>erosion/erosion</i> access allowance.

F

Financial Institution	means a <i>premises</i> where retail financial services are offered to the public.
-----------------------	--

Flood(ing)	means a temporary rise in the water level resulting in the inundation of areas adjacent to a watercourse or Lake Ontario not ordinarily covered by water.
------------	---

DRAFT

Flooding hazards	means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water: a) Along the shoreline of Lake Ontario, the <i>flooding hazard</i> limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards. b) Along river and stream systems, the <i>flooding hazard</i> is the greater of: i) the flood resulting from the rainfall actually experienced during a major storm, such as the Hurricane Hazel storm (1954), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; ii) the one hundred year flood; and, iii) a flood which is greater than i) or ii) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that
------------------	---

	specific area by the Ministry of Natural Resources; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).
Floor Area	means the aggregate area of a <i>building</i> contained within the exterior walls, but does not include <i>attic</i> or <i>basement</i> space unless otherwise specified by this By-law.
Floor Area, Gross	means the total area of all of the floors in a <i>building</i> measured from the exterior faces of the exterior walls, but shall not include an <i>attic</i>, <i>basement</i> or <i>mechanical penthouse</i>.
Floor Area, Net	means the total area of all floors of a <i>building</i> measured from the interior faces of the exterior walls or demising walls, but does not include the area of stair wells, elevators, escalators, ventilating shafts, attics, concourses, washrooms, attached enclosed and covered loading docks and related enclosed corridors used for loading purposes, above and below grade parking <i>structures</i>, storage rooms, rooms for garbage containment, and mechanical rooms.

DRAFT

Floor Space Index (FSI)	means the <i>gross floor area</i> of all <i>buildings</i> on a <i>lot</i> divided by the <i>lot area</i>
Food Bank	means a <i>premises</i> where a not-for-profit organization collects and distributes food or other goods to individuals.
Food Production	means a <i>premises</i> for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the <i>premises</i> such as

	catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers.
Funeral Home	means a <i>premises used</i> for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming.

G

Garbage Enclosure	means a solid opaque wall or fence with a gate that screens garbage containment.
Grade	means the average level of proposed or finished ground adjoining a <i>building</i> or <i>structure</i> at all exterior walls.
Grade, Established	means the grade elevation measured at: a) The centre point of the <i>front lot line</i> for <i>interior lots</i> ; and, b) The average of the centre points of each <i>lot line</i> abutting a <i>road</i> for <i>corner lots, through lots, through corner lots</i>

	and <i>interior lots</i> having more than one separate <i>front lot line</i> .
Gross Density	means the maximum <i>gross floor area</i> (as calculated per applicable provisions in Part E) divided by the <i>lot area</i> excluding areas zoned as a NATURAL AREA.
Gross Leasable Floor Area	means the total <i>floor area</i> occupied by a commercial, retail or office facility for its <i>exclusive use</i> (excluding areas devoted to storage or refuse collection).

DRAFT

H

Hazard lands, hazardous lands, or natural hazards,	mean lands that could be unsafe for development because of naturally occurring processes associated with flooding, <i>erosion</i> , dynamic beaches or unstable soil or bedrock.
Height	means the vertical distance between <i>established grade</i> to the highest point of a <i>structure</i> , unless otherwise specified by this By-law. Where <i>height</i> is referred to in <i>storeys</i> , it means the number of <i>storeys</i> .
Height, First Storey	means the vertical distance between the top of the finished floor level of the <i>first storey</i> and the top of the finished floor level of the <i>storey</i> above.
Highway Corridor	means lands within the designated limits of an existing or future controlled-access Provincial freeway including an interchange and lands within adjacent <i>road</i> such as a service <i>road</i> , plus any <i>road</i> widening adjacent to any of the above.

Home Occupation	means the <i>accessory use</i> of a <i>dwelling</i> for an occupation or business.
Hotel	means a <i>premises</i> containing <i>lodging units</i> for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a <i>restaurant</i> , <i>public hall</i> , and <i>retail stores</i> which are incidental and subordinate to the primary <i>hotel</i> function and located in the same <i>building</i> .
Housekeeping	means, for the purpose of minor <i>Community Planning Permit</i> By-law amendments, changes to the by-law for reasons such as: updating of schedules to reflect newly delineated public parks and streets, re-numbering provisions for improved readability of the By-law, and changes that are intended to provide greater clarity and/or consistency to and within the By-law.

DRAFT

I

Infrastructure	means the <i>buildings, structures</i> , and corridors forming the foundation for development including water lines, wastewater lines, oil and gas distribution mains, telecommunications lines and other cabled services, transit and transportation corridors, district energy lines without <i>cogeneration</i> , and local electrical power lines, but shall not include a <i>power generation facility</i> or <i>renewable energy system</i> .
----------------	---

Inclusionary Zoning	means a by-law passed in accordance with section 35.2 of the <u>Planning Act</u> .
Inclusionary zoning housing unit	means a residential unit that is required per implementation of <i>Inclusionary Zoning</i> provisions of this By-law.

L

Landscaping	means an outdoor area on a <i>lot</i> comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by <i>motor vehicles</i> (except emergency access by vehicles such as fire trucks or ambulances).
Landscaping Coverage	means the calculation of the total horizontal area of a lot covered by landscaping.
Lane	means a right-of-way not intended for general traffic circulation that provides <i>motor vehicle</i> access to an abutting <i>lot</i> and does not include a <i>private road</i> or a <i>public road</i> .

Library	means a <i>premises</i> for the collection of printed, electronic, and pictorial material for public <i>use</i> for the purposes of study, reference, and recreation, and which may include meeting rooms for community <i>use</i> , activity areas, cafeteria, and space for recreation- al <i>uses</i> .
Loading Space	means an area directly adjacent to a <i>building</i> or unit, for the purpose of loading and unloading vehicles through a loading door in conjunction with a permitted <i>use</i> on the same <i>lot</i> .
Lodging House	means a <i>building</i> or <i>structure</i> or any portion thereof in which persons are

DRAFT

	harbored, received or lodged for rent or hire with or without meals.
Lodging Unit	means a room provided for rent or hire, which is <i>used</i> or designed to be <i>used</i> as a sleeping accommodation and may contain bathroom facilities.
Long Term Care Facility	means a <i>premises</i> licensed pursuant to Provincial legislation consisting of <i>assisted living units</i> where a broad range of person care, support and health services are provided for the elderly, disabled or chronically ill occupants in a supervised setting, and may include one or more amenity areas such as a common dining, lounge, kitchen, and recreational area.
Lot	means one parcel of land that is registered as a legally conveyable parcel of land in the Land Registry Office.
Lot, Corner	means a <i>lot</i> situated at the intersection of two or more roads or upon two parts of the same road having an angle of intersection not exceeding 135 degrees. a) In the case of a curved corner, the corner of the <i>lot</i> shall be that point on the flankage <i>lot</i> line and front lot line nearest to the point of intersection of the continued projections of the flankage <i>lot</i> line and the front <i>lot</i> line. b) Where a <i>lot</i> is adjacent to a corner

	lot and has two <i>lot</i> lines abutting the same roads as that <i>corner lot</i> , the <i>lot</i> shall be a <i>corner lot</i> .
Lot, Interior	means a <i>lot</i> other than a <i>corner lot</i> or <i>through lot</i> .
Lot, Through	means a <i>lot</i> other than a <i>corner lot</i> having separate limits on two separate <i>roads</i> .
Lot, Through Corner	means a <i>lot</i> having separate limits on three or more separate <i>roads</i> .
Lot Area	means the calculation of the total horizontal area of a <i>lot</i> , but does not include any portion of a <i>lot</i> that is covered by water as determined by an Ontario Land Surveyor.
Lot Coverage	means the percentage of the <i>lot area</i> covered by all roofed <i>structures</i> and <i>buildings</i> above <i>grade</i> excluding eave projections to a maximum of 0.6 metres and <i>balconies</i> .
Lot Depth	means the horizontal distance between the <i>front lot line</i> and the <i>rear lot line</i> . a) If the <i>front</i> and <i>rear lot lines</i> are not parallel, <i>lot depth</i> means the measurement of a straight line joining the mid-point of the <i>front lot line</i> with the mid-point of the <i>rear lot line</i> . b) Where there is no <i>rear lot line</i> , <i>lot depth</i> means the measurement of a

DRAFT

	straight line joining the mid-point of the <i>front lot line</i> to the apex of the triangle formed by the intersection of the <i>side lot lines</i> .
Lot Frontage	means the horizontal distance between the <i>side lot lines</i> of a <i>lot</i> measured parallel to and 7.5 metres back from the <i>front lot line</i> , except in the case of a <i>corner lot</i> where the <i>front lot line</i> and the <i>flankage lot line</i> do not intersect at a 90 degree angle the <i>front lot line</i> and <i>flankage lot line</i> shall be deemed to extend to their hypothetical point of intersection where the horizontal distance between the <i>interior side lot line</i> and hypothetical <i>flankage lot line</i> is measured parallel to and 7.5 metres back from the <i>front lot line</i> .
Lot Line	means a line delineating any boundary of a <i>lot</i> .
Lot Line, Flankage	means the <i>lot line</i> of a <i>corner lot</i> or <i>through corner lot</i> adjoining a <i>road</i> that is not the <i>front lot line</i> or <i>rear lot line</i> and includes the <i>lot line</i> abutting a daylight triangle.

Lot Line, Front	means the <i>lot line</i> which separates a <i>lot</i> from the <i>road</i> in front of it, but in the case of: a) A <i>corner lot</i>, <i>through lot</i>, or <i>through corner lot</i>, the shortest of the <i>lot lines</i> that divide the <i>lot</i> from the <i>road</i> shall be deemed to be the <i>front lot line</i>; b) A <i>corner lot</i>, <i>through lot</i>, or <i>through corner lot</i> where such <i>lot lines</i> are equal in length or one <i>lot line</i> is no more than 5% shorter than the other <i>lot line</i>, the <i>Town</i> may deem any of the <i>lot lines</i> that divide the <i>lot</i> from the <i>road</i> as the <i>front lot line</i>; c) A <i>through lot</i> or <i>through corner lot</i> where a 0.3 metre reserve abuts one of the <i>lot lines</i>, the <i>front lot line</i> shall be the <i>lot line</i> not abutting the 0.3 metre reserve; d) A <i>lot</i> separated from a <i>road</i> by a public park, the <i>front lot line</i> shall be the shortest <i>lot line</i> abutting the public park; or, e) A <i>lot</i> accessed by a <i>private road</i> that is not in a Registered Plan of <i>Condominium</i>, the <i>Town</i> may deem either of the <i>lot line</i> crossed by the <i>driveway</i> accessing the <i>lot</i> or the shortest <i>lot line</i> to be the <i>front lot line</i>.
-----------------	--

Lot Line, Interior Side	means the <i>lot line</i> other than the <i>front</i> , <i>rear</i> or <i>flankage lot line</i> .
Lot Line, Rear	means the <i>lot line</i> opposite to, and most distant from, the <i>front lot line</i> , but where the <i>side lot lines</i> intersect, as in the case of a triangular <i>lot</i> , the <i>rear lot line</i> shall be

	represented by the apex of the triangle formed by the intersection of the <i>side lot lines</i> .
Lot Line, Side	means a <i>flankage lot line</i> and an <i>interior side lot line</i> .

M

Main Wall	means a primary exterior front, rear or side wall of a <i>building</i> , not including permitted projections.
Major Transit Station	means a location within a <i>railway corridor</i> or a dedicated right-of-way corridor where trains or buses stop to load or unload passengers. <i>Major transit stations</i> include associated <i>buildings</i> and <i>structures</i> within or on lands adjacent to the corridor that provide amenities for transit passengers and personnel.
Mechanical Penthouse	means a room or enclosure on the roof of a <i>building</i> exclusively <i>used</i> for mechanical equipment, a stair tower, elevator equipment, or any combination thereof.

Medical Office	means a <i>premises</i> designed and <i>used</i> for the diagnosis, examination, and treatment of human patients by a Provincially recognized medical or health care professional, including pharmacies and dispensaries having a maximum of 50.0 square metres in <i>net floor area</i> , waiting rooms, treatment rooms, blood testing clinics, but shall not include overnight accommodation for in-patient care.
Mixed Use Building	means a <i>building</i> containing residential <i>uses</i> and at least one other non-residential <i>use</i> permitted by this By-law.
Mobile Home	means a <i>dwelling</i> designed to be mobile and constructed or manufactured to provide a permanent residence for one or

DRAFT

	more persons in accordance with the applicable Canadian Standards Association standard.
Model Home	means a <i>building</i> which is used on a temporary basis as a sales office or as an example of the type of <i>dwelling</i> that is for sale in a related development and which is not occupied or used as a residential <i>dwelling</i> .
Motor Vehicle	means an automobile, motorcycle, <i>recreational vehicle</i> , <i>trailer</i> , and any other vehicle propelled, towed or driven

	otherwise than by muscular power.
Motor Vehicle Rental Facility	means a <i>premises</i> where <i>motor vehicles</i> are kept for rent or hire.
Motor Vehicle Service Station	means a <i>premises</i> where fuel or electric power for <i>motor vehicles</i> is sold and dispensed.
Museum	means a <i>premises</i> for the preservation of a collection of any combination of paintings, other works of art, objects of natural history, mechanical, scientific or philosophical inventions, instruments, models, or designs.

N

Net Proceeds	means the difference between the price at which the owner paid for the purchase of the <i>Inclusionary Zoning housing unit</i> and the price at which the owner sold the same unit, less any remaining mortgage payments owed by the owner at the time of the sale, and less all reasonable costs related to the sale.
--------------	--

Non-Residential Needs Analysis	means a study prepared in support of a development application that proposes to not meet the minimum requirements for non-residential <i>gross leasable floor area</i> . This study shall demonstrate how the minimum equivalent job creation and complete community objectives and policies of the Official Plan will be achieved within the proposed <i>community planning permit plan</i> .
--------------------------------	--

DRAFT

O

Outside Display and Sales Area	means an outdoor area that may contain a <i>building</i> or <i>structure</i> used for the accessory display, rental, or sale of products or the supply of services in association with the primary use of the <i>lot</i> .
--------------------------------	--

Outside Storage	means an outdoor area that may contain a <i>building</i> or <i>structure</i> used for the accessory keeping of goods, inventory, materials, machinery, or equipment outside including <i>shipping containers</i> in association with the primary use of the <i>lot</i> .
-----------------	--

P

Parapet	means an extension of the main wall of a <i>building</i> above the roof line that forms a barrier at the edge of the roof
Park, Private	means an area of land not under the jurisdiction of a <i>public authority</i> that is designed or maintained for active or passive recreational purposes.

Park, Public	means an area of land under the jurisdiction of a <i>public authority</i> that is designed or maintained for active or passive recreational purposes and other <i>uses</i> authorized through an agreement with the <i>Town</i> , and may include a <i>commercial parking area</i> as an <i>accessory use</i> .
Parking Area	means an area on a <i>lot</i> for the temporary parking of <i>motor vehicles</i> either in the open or in a <i>structure</i> and consists of <i>parking spaces, aisles, and driveways</i> .

Parking Area, Commercial	means a <i>parking area</i> other than a <i>road</i> or <i>driveway</i> with or without a <i>building</i> or <i>structure</i> that is available for public use on a <i>lot</i> for the parking of <i>motor vehicles</i> and either: a) is the principal <i>use</i> of the <i>lot</i> ; or, b) where a charge is levied to occupy any <i>parking space</i> .
Parking Area, Surface	means an uncovered <i>parking area</i> at <i>grade</i> , and includes parking on the roof of an underground <i>parking structure</i> where the roof is at <i>grade</i> .
Parking Space	means an unobstructed rectangular space that is designed to be <i>used</i> for the temporary parking of a <i>motor vehicle</i> .
Parking Space, Barrier-free	means a <i>parking space</i> designated and signed for the exclusive <i>use</i> of <i>motor vehicles</i> on which the applicable <i>motor vehicle</i> permit is properly displayed.
Parking Space, Bicycle	means an unobstructed rectangular space that is designed to be <i>used</i> for the temporary parking of a bicycle.
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.
Parking Space, Tandem	means one <i>parking space</i> located immediately behind another <i>parking space</i> , leaving one <i>parking space</i> without direct access to an <i>aisle</i> or <i>driveway</i> .

Parking Structure	means a <i>parking area</i> provided in a <i>building</i> or <i>structure</i> , but does not include a <i>private garage</i> .
Patio	means an outdoor amenity area where seating accommodation can be provided or where meals or refreshments are served to the public for consumption.
Pet Care Establishment	means a <i>premises</i> where dogs and cats and other domesticated animals, excluding livestock, are groomed, trained and/or kept for fee on a daily basis, but shall exclude overnight boarding and outdoor facilities.
Place of Entertainment	means a <i>premises</i> devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar <i>use</i> , as well as facilities for the playing of games for the amusement of the public including an arcade, billiard room, bowling alley, electronic or laser game, indoor miniature golf, indoor paintball facility, and bingo hall.
Place of Worship	means a <i>premises used</i> for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

Place of Worship Area of Worship	means the area(s) within a <i>place of worship</i> in which a service, ceremony or other practice is performed in which reverence is offered.
Porch	means an unenclosed, covered platform with direct access to the ground that is attached to a <i>dwelling</i> .
Power Generation Facility	means a facility for generating electricity and includes a <i>cogeneration facility</i> , an ancillary service to power generation, and includes any <i>structures</i> , equipment or other things <i>used</i> for those purposes.
Premises	means the area of a <i>building</i> occupied or <i>used</i> by an individual business or organization.
Private Garage	means a portion of a <i>dwelling</i> or a detached <i>accessory building</i> or <i>structure</i> accessory to a <i>dwelling</i> designed or primarily <i>used</i> for the parking of private <i>motor vehicles</i> , <i>commercial vehicles</i> , and/or <i>recreational vehicles</i> , and includes carports and portes-cochere.
Private Home Day Care	means the temporary care for reward or compensation of six children or fewer where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours.

Public Authority	means the Government of Canada, Province of Ontario, Regional Municipality of Halton, <i>Town of Oakville</i> , Conservation Halton, and Credit Valley Conservation Authority.
Public Hall	means a <i>premises used</i> as a banquet hall, meeting hall, or convention centre for which banquets, weddings, receptions, auctions or other similar functions may be held for which food and beverages may be pre- pared and served, and may include table service on an <i>accessory patio</i> .
Public Agency	means, but not limited to, <i>public authority</i> , <i>school boards</i> , operators of <i>utilities</i> , Metrolinx, and a company operating a railway line any part of which is located within 300 metres of any part of the area to which the application may apply,
Public Service Facility	means lands, <i>buildings</i> and <i>structures</i> for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services, and including <i>educational facilities</i> . <i>Public service facilities</i> do not include <i>infrastructure</i> .

R

Railway Corridor	means lands within the designated limits of a railway mainline.
Recreational Vehicle	means a vehicle requiring a licence and designed to be <i>used</i> primarily for travel, recreation or vacationing and includes such vehicles commonly known as travel <i>trailers</i> , camper <i>trailers</i> , truck camper, motor homes, boats, snowmobiles or other similar vehicles but does not include a <i>mobile home</i> .
Renewable Energy System	means the production of electrical power from an energy source that is renewed by natural processes such as wind, water, a biomass resource or product, or solar and geothermal energy.
Rental Establishment	means a <i>premises</i> in which equipment is offered or kept for rent or hire under agreement for compensation.
Repair Shop	means a <i>premises</i> for the servicing or repair of articles, excluding any repairs or services to <i>motor vehicles</i> .
Restaurant	means a <i>premises</i> where meals or refreshments are provided to order, and may include table service on an accessory <i>patio</i> .
Retail Store	means a <i>premises</i> in which goods, wares, merchandise, substances, articles or

	things are displayed, rented, or sold directly to the public.
Retail, Major	means large-scale or large-format stand-alone retail stores or retail centres that have the primary purpose of commercial activity.
Retirement Home	means a <i>building</i> or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either <i>dwelling units</i> or <i>assisted living units</i> or both.
Road	means a <i>public road</i> or <i>private road</i> .
Road, Arterial	means a major arterial, arterial, multi-purpose arterial, minor arterial, or industrial arterial road as determined in the Livable Oakville Plan.
Road, Collector	means a major collector, collector or minor collector road as determined in the Livable Oakville Plan.
Road, Local	means a local road as determined in the Livable Oakville Plan.
Road, Private	means an easement, right-of-way or roadway that is <i>used</i> by <i>motor vehicles</i> and is maintained by a <i>condominium</i> corporation or other private owner

DRAFT

	providing access to individual freehold <i>lots</i> .
Road, Public	means a right-of-way or roadway that is <i>used by motor vehicles</i> and is maintained by a <i>public authority</i> .

Rooftop Terrace	means an outdoor amenity area located on the roof of a <i>building</i>
-----------------	--

S

School, Commercial	means a <i>premises</i> where non-sports related specialized instruction or life skills training is provided.
School, Post-Secondary	means a public university or college of applied arts and technology, and may include <i>commercial uses</i> as <i>accessory uses</i> .
School, Private	means a <i>premises</i> , including outdoor areas, where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided.
School, Public	means a <i>premises</i> , including outdoor areas, where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided under the jurisdiction of a school board established by the Province of Ontario, and may include accessory facilities for programs of a cultural, community service, informational, recreational or instructional nature

Seasonal Garden Centre	means an outdoor area for the seasonal sale of garden supplies.
Sensitive land	means <i>buildings</i> , amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.
Separation Distance	means the shortest distance between <i>buildings</i> , excluding allowable projections.
Service Commercial Establishment	means a <i>premises</i> providing services related to the grooming of persons (such as a barber or salon or the maintenance, or repair of personal articles and accessories), a <i>premises</i> providing small appliance or electronics repair services, or a <i>premises</i> providing services related

DRAFT

	to the maintenance of a residence or business (such as private mailbox, photocopying, or custodial services).
Short-Term Accommodation	means the provision of a <i>dwelling unit</i> which is used for the temporary lodging of the travelling public for a rental period not greater than 28 consecutive days.
Sight Triangle	means a triangular area on a <i>lot</i> formed by an intersecting <i>flankage lot line</i> and <i>front lot line</i> and a line drawn from a point on one <i>lot line</i> across such <i>lot</i> to a point on the other <i>lot line</i> , each such point being the required distance from the point of intersection of the two <i>lot lines</i> .
Spill	means where <i>flood</i> waters leave the valley and floodplain of a <i>watercourse</i> and “spill” into surrounding lands, either rejoining the <i>watercourse</i> at a distance downstream, flowing into an adjacent watershed, or remaining within the <i>spill</i> area (if there is no outlet). <i>Spills</i> typically flow in multiple directions, often in complete patterns, and generally do not follow the <i>watercourse</i> .
Spill Flood Hazard	means a <i>spill</i> or portion of a <i>spill</i> that could be unsafe for development activity.
Sports Facility	means a <i>premises</i> or outdoor area in which facilities are provided for the purpose of instruction, conduct,

	practice, or training for sports or physical exercise, and may include an indoor play facility.
Stacking Lane	means a continuous on-site single queuing line that includes <i>stacking spaces</i> for <i>motor vehicles</i> which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.
Stacking Space	means a rectangular space that may be provided in succession and is designed to be <i>used</i> for the temporary queuing of a <i>motor vehicle</i> in a <i>stacking lane</i> .
Step-back	means the horizontal distance between the exterior walls of a <i>storey</i> and the exterior walls of the <i>storey</i> directly below it.
Storey	means the portion of a building not including an attic that is: a) situated between the top of any floor and the top of the floor next above it; or, b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.
Storey, First	means the <i>storey</i> with its floor closest to <i>grade</i> and having its ceiling 1.8 metres or more above <i>grade</i> adjacent to the exterior walls of the <i>building</i> .
Structure	means anything that is erected, built, or constructed of parts joined together but

DRAFT

	does not include fences, retaining walls, light standards or signs.
--	---

T

Taxi Dispatch	means a <i>premises</i> where taxis or limousine taxis are dispatched from and where such vehicles may be parked or stored for short periods of time while waiting for calls.
Town or Town of Oakville	means the Corporation of the Town of Oakville.
Trailer	means a vehicle designed to be towed by a <i>motor vehicle</i> for the purpose of transporting or storage of goods, materials and equipment, including boat and snowmobile trailers.
Training Facility	means a <i>building, structure</i> , or part thereof where instruction of a skill for a trade is provided.

Transit Supportive Facility	Means facilities that support the provision of transit service, such as bus terminal, passenger pick-up and drop off, passenger amenity areas, surface and structured parking, and related office uses, that are managed by transit providers.
Transportation demand management, or TDM	means a set of strategies that results in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

U

Uncovered Platform	means an attached or freestanding platform or series of platforms not covered by a roof or <i>building</i> which is located on the same level as or lower than the <i>first storey</i> of the <i>building</i> associated with the platform. An uncovered platform covered by a
--------------------	--

	permitted balcony or other platform shall continue to be an uncovered platform for the purposes of this By-law.
Urban Agriculture	Means the growing of crops (such as nursery and horticultural crops;

DRAFT

	aquaculture; apiaries) that occur within a greenhouse or vertical farming facility.
Urban Square	means a publicly accessible, mainly hardscaped open space area located at <i>grade</i> .
Use	means: a) as a noun, the purpose for which land or a <i>building</i> or <i>structure</i> is arranged, designed, or intended or for which either <i>building</i> or land or <i>structure</i> is or may be occupied or maintained; or,

	b) as a verb, the doing or permitting of anything by the owner or occupant of any land, <i>building</i> or <i>structure</i> directly or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the land, <i>building</i> or <i>structure</i> .
Utilities (and utility)	means services including electric power, communications/telecommunications and other cable services.

V

Veterinary Clinic	means a <i>premises used</i> by a veterinarian or group of veterinarians for the diagnosis, examination, and treatment of animals and includes the overnight care of animals supervised by a licensed veterinarian.
-------------------	---

W

Warehousing	means a <i>premises</i> for the indoor storage and freight distribution of goods, wares, merchandise, substances, articles, or products.
-------------	--

Y

Yard	means any open, uncovered, unoccupied space appurtenant to a <i>building</i> . In determining <i>yard</i> measurement the minimum horizontal measurement between the applicable <i>lot line</i> and the nearest point of the <i>building</i> above and below <i>grade</i> shall be used unless otherwise specified by this By-law.
Yard, Flankage	means a <i>side yard</i> adjoining the <i>road</i> on a <i>corner lot</i> extending from the <i>front yard</i> to the <i>rear yard</i> between the <i>flankage lot line</i> and the nearest part of the nearest <i>building</i> on the <i>lot</i> .
Yard, Front	means a <i>yard</i> extending across the full width of the <i>lot</i> between the <i>front lot line</i> and the nearest part of the nearest <i>building</i> on the <i>lot</i> .
Yard, Interior Side	means a <i>yard</i> extending from the <i>front yard</i> to the <i>rear yard</i> between the <i>interior side lot line</i> and the nearest part of the nearest <i>building</i> on the <i>lot</i> .

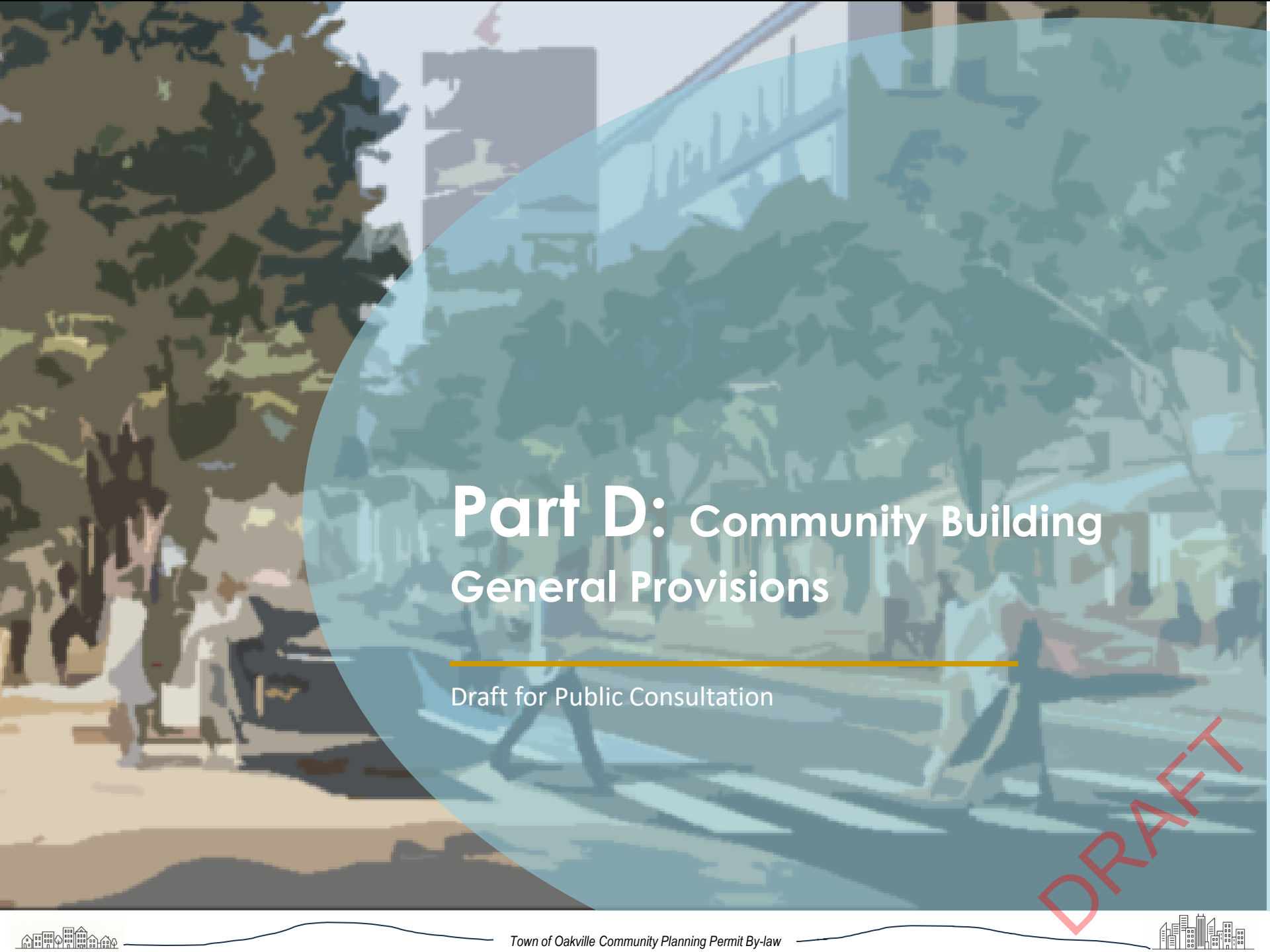
Yard, Maximum	means the maximum permitted distance for the furthest portion of the <i>main wall</i> oriented toward the applicable <i>lot line</i> (except as modified by a <i>main wall</i> proportionality requirement, where applicable), measured horizontally from the applicable <i>lot line</i>
Yard, Minimum	means the minimum required distance of the applicable <i>yard</i> measured horizontally from the nearest point of a <i>building</i> to the applicable <i>lot line</i> .
Yard, Rear	means a <i>yard</i> extending across the full width of the <i>lot</i> between the <i>rear lot line</i> and the nearest part of the nearest <i>building</i> on the <i>lot</i> .
Yard, Side	means a <i>flankage yard</i> and an <i>interior side yard</i> .

DRAFT

Z

Zone	means a designated area of land use shown on the <i>Zone</i> Schedules of this By-law.
------	--

DRAFT



Part D: Community Building General Provisions

Draft for Public Consultation

DRAFT



Contents

1	Sustainable Development.....	1	3.3	Construction Uses	9
1.1	Sustainable Development Elements	1	3.4	Temporary Sales Offices	9
1.2	Site Alteration.....	1	4	General Built Form	10
1.3	Tree Planting and Protection	2	4.1	Allowable Encroachments and Projections	10
1.4	Natural Areas	2	4.2	Exceptions to Height Provisions.....	12
1.5	Landscape Areas and Coverage	2	4.3	Rooftop Mechanical Equipment, Rainwater Capture, and Rooftop Solar Panel	14
1.6	Bird Friendly Site and Building Design.....	3	4.4	Rooftop Terrace	14
1.7	Lighting	3	4.5	Garbage Containers	14
2	General Land Use Provisions.....	4	4.6	Outdoor Swimming Pools and Hot Tubs	15
2.1	Permitted and Accessory Uses	4	5	Parking and Loading.....	15
2.2	Prohibited Uses	4	5.1	Applicability.....	15
2.3	Hazard Lands and Hazardous Site	5	5.2	More than One Use on a Lot	16
2.4	Sight Triangles	6	5.3	Location of Required Parking.....	16
2.5	Home Occupations	6	5.4	Parking Rate and Rounding Provision	16
2.6	Outside Display and Sales Areas	7	5.5	Shared Driveways and Access Lanes Recognition .	16
2.7	Legal Non-conforming Uses	7	5.6	Hardscape Surface Treatment	17
3	Temporary Uses, Buildings and Structures	8	5.7	Approved Locations for Visitors Parking	17
3.1	Seasonal Garden Centres	8	5.8	Tandem and Stacked Parking Spaces	17
3.2	Short Term Accommodation	8			

5.9	Parking Space and Aisle Dimensions.....	18
5.10	Prohibited Vehicles	21
6	Infrastructure Corridors	22
7	Inclusionary Zoning within Residential Development in Protected Major Transit Station Area	23

1 Sustainable Development

1.1 Sustainable Development Elements

- a) Site and built form elements that advance long term sustainable development are supported in this By-law.
- b) Variations to set-backs and other matters may be provided to facilitate the provision of sustainable elements such as geothermal and/or *district energy facilities*.
- c) Conditions of *community planning permit* may require on-going maintenance of sustainable elements such as low impact development features of a site.

1.2 Site Alteration

- a) All alterations to watercourses, wetlands, floodplains, meander belts, and valleylands will require the approval of the *Conservation Authority*.
- b) Alteration to fish habitat requires approval from the Department of Fisheries and Oceans.
- c) Stormwater management techniques shall be used to control both the quantity and quality of stormwater runoff and satisfy water balance criteria.
- d) The approval of site alteration shall ensure that the site alteration will not result in:
 - i. soil erosion;
 - ii. blockage of a watercourse;

- iii. siltation in a watercourse;
- iv. pollution of a watercourse;
- v. flooding or ponding caused by a watercourse overflowing its banks;
- vi. a detrimental effect on the municipal stormwater system;
- vii. a detrimental effect on the natural environment of the area, or of a feature and its function;
- viii. unauthorized injury or destruction of municipal trees or other trees protected under by-laws of the *Town of Oakville* or the Regional Municipality of Halton;
- ix. injury or destruction of other trees, which in the opinion of the Approval Authority, could reasonably be avoided;
- x. flooding or ponding on neighbouring properties;
- xi. public safety concerns, including impacts on existing pool enclosures on abutting properties.

1.3 Tree Planting and Protection

- a) Space for tree planting and tree protection within *road* rights-of-way and other public realm areas shall be provided in the design of new *roads* and *road* improvements in accordance with *Town* standards.
- b) Space for tree planting and tree protection shall be provided within landscaped areas and within ground-related and rooftop outdoor amenity areas.
- c) Where tree planting areas on sites are constrained, alternative planting methods may be required to ensure appropriate soil volume is provided and maintained over the long term.

1.4 Natural Areas

- a) Woodlands, wetlands, valley lands and other natural features and their buffers shall be zoned Natural Area. Permitted *uses* therein shall ensure features are protected, maintained and enhanced.

1.5 Landscape Areas and Coverage

- a) Minimum *landscaping* requirements are provided in Part E of this by-law to achieve *landscaping* objectives outlined in the Official Plan.
- b) To qualify for any minimum *landscaping coverage* or minimum width of *landscaping* requirement of this By-

law, an individual area of *landscaping* provided on a *lot* shall contain an area with minimum dimensions of 3.0 metres by 3.0 metres and may include additional area of lesser dimensions provided the additional area is contiguous to the 3.0 metres by 3.0 metres area.

- c) Notwithstanding subsection (a) above, where two widths of *landscaping* are required abutting each other, the minimum width of *landscaping* required may be reduced by up to 1.0 metre.
- d) *Landscaping* required for surface parking facilities of this By-law shall count toward any minimum *landscaping coverage* requirement of this By-law.
- e) A *driveway*, *aisle*, or walkway may cross required *landscaping*, but the area that is crossed by the *driveway*, *aisle*, or walkway shall not count towards the calculation of required *landscaping coverage*.
- f) *Landscaping* provided on the roof of a *building* shall be included in the calculation of required *landscaping coverage* on the *lot*, provided it meets the requirements of subsection (a) above.
- g) Where a conflict exists between two different landscaping requirements in this By-law (except for any requirement specified in Part E of this By-law), the provision requiring the greater amount of *landscaping* shall apply.

1.6 Bird Friendly Site and Building Design

- a) Exterior lighting shall be downward focused to maximize dark sky.
- b) A minimum of 85% of glazing on *buildings* that faces an area of vegetation shall be treated with visual markers within the first 16 metres of the *building height* to minimize bird collisions.
- c) Institute other bird-friendly design strategies in accordance with Urban Design guidelines and industry standards.

1.7 Lighting

- a) Lighting shall be appropriate for the size, character and function of *buildings* and sites.
- b) Lighting levels and locations shall address the safety and security of persons and property, while also being directed away from the night-sky.
- c) Lighting design and standards shall be in accordance with the Official Plan and *Town* guidelines

2 General Land Use Provisions

2.1 Permitted and Accessory Uses

- a) *Infrastructure*, utilities and necessary public works, not including *power generation facilities*, shall be permitted in all *zones*.
- b) *Uses* existing on the date of the passing of this By-law.
- c) *Uses* that are similar to and/or provide a combination of the permitted *uses* provided in Part D General and/or Part E Area Specific of this By-law.
- d) Where this By-law provides that land may be used or a *building* or *structure* may be erected and used for a permitted *use*, that use shall include any *accessory use* as long as the *accessory use* is located within the same *premises*.

2.2 Prohibited Uses

For clarity, the following *uses* are not considered to be part of any *use* permitted by this By-law:

- a) The refining, storage or use in *manufacturing* of coal oil, rock oil, water oil, naphtha, benzene, dynamite, dualine, nitroglycerin, or gunpowder, except where specifically permitted for commercial purposes. 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 *agriculture*, or the use of natural gas, propane or fuel oil for purposes such as heating and cooking, in conjunction with any *use*;
- b) The tanning or storage of uncured hides or skins;
- c) The boiling of blood, tripe, or bones for commercial purposes;
- d) The manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- e) A livestock yard, livestock exchange, dead stock yard or abattoir;
- f) The extracting of oil from fish;
- g) A track for the driving, racing or testing of any motorized vehicle;
- h) A disposal site for solid waste;
- i) *Mobile homes*, *motor vehicles*, or *recreational vehicles* and *trailers* occupied as a permanent residence; and,
- j) Large scale *outside storage* of road salt, road sand or other de-icing materials.

2.3 Hazard Lands and Hazardous Site

- a) *Community planning permits* shall not be issued for:
 - i. *Buildings, structure* or site alteration within *conservation authority* regulated *hazard lands* without the approval of the *Conservation Authority*
 - ii. *Buildings, structures* or site alteration within areas that would be rendered inaccessible to people and vehicles during times of flooding *hazards* and/or *erosion hazards* unless it has been demonstrated that the site has safe access, appropriate for the nature of the development and the natural *hazard*, to the satisfaction of the *Town of Oakville* and the *Conservation Authority*.
- b) Notwithstanding land use permissions provided in Part D or E, only the following are permitted within areas identified as floodplain by the *Conservation Authority* and/or through a study undertaken by a qualified professional:
 - i. *flood* or *erosion* control *structures*;
 - ii. *utilities* and other related facilities which by their nature must be located near water or traverse watercourses;
 - iii. passive recreational facilities; and,
 - iv. replacement of legally existing *uses, buildings* and *structures*
- c) New *buildings, structures* or site alteration may be permitted in those portions of *hazardous lands* and *spill*

flood hazard areas where the effects and risk to public safety are minor, can be mitigated in accordance with provincial standards, and where it has been demonstrated that:

- i. development and site alteration are carried out in accordance with floodproofing standards, protection works standards, and access standards;
 - ii. the site has safe access (ingress and egress) appropriate for the nature of the development and the natural hazard;
 - iii. new hazards are not created, and existing hazards are not aggravated; and
 - iv. no adverse environmental impacts will result.
- d) The following *uses* shall not be permitted to locate in *hazardous lands* and *spill flood hazard areas*, including *spill flood hazard areas*:
 - i. institutional *uses*, including hospitals, *long-term care facility, retirement homes*, pre-schools, school nurseries, *day cares* and school;
 - ii. essential emergency services, such as that provided by fire, police and ambulance stations and electrical substations; or
 - iii. uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

2.4 Sight Triangles

- a) Notwithstanding any other provision of this By-law, no *building* or *structure*, fence, wall, *driveway*, vegetative planting or *landscaping* that has a *height* of greater than 1.0 metre shall be permitted in a *sight triangle*.
- b) A *sight triangle* shall be required only where no triangular or curved area of land abutting a *corner lot* has been incorporated into the right of way of a *public road*.
- c) *Sight triangle* dimensions shall be provided in accordance with Table 2-1:

Table 2-1 Sight Triangle Dimensions

Intersection of:	Local Road	Collector Road	Arterial Road
Local Road	7.5 m	7.5 m	15.0 m
Collector Road		15.0 m.	15.0 m.
Arterial Road			15.0 m

2.5 Home Occupations¹

Where a *home occupation* is permitted, the following regulations apply:

- a) A *home occupation* shall be conducted entirely within the *dwelling*.
- b) A *home occupation* shall be operated by the person or persons whose principal residence is the *dwelling* in which the *home occupation* is located.
- c) A *home occupation* shall have no one other than a resident of the *dwelling* engaged in the *home occupation*.
- d) A *home occupation* shall occupy a maximum of 25% of the *floor area* of the *dwelling*, up to a maximum of 50.0 square metres. For the purposes of this subsection, *floor area* shall include all area within a *basement*.
- e) *Outside storage* and *outside display and sales areas* are not permitted.
- f) Advertising or signs are not permitted to be displayed on the *lot*.
- g) Only the following *uses* are permitted to be undertaken:
 - i. *Art gallery*;
 - ii. *Business office*;

¹ Some uses permitted as a home occupation may require a Town of Oakville Business Licence, or a safety inspection by Halton Region. Contact Municipal Enforcement Services for more information.

- iii. *Commercial school*, however music instruction shall only be permitted in a *detached dwelling*;
- iv. *Medical office*; and,
- v. *Service commercial establishment*.

2.6 Outside Display and Sales Areas

2.6.1 Permanent Display and Sales Areas

Where an *outside display and sales area* is permitted, the following regulations apply:

- a) An *outside display and sales area* shall be accessory to another permitted use.
- b) The maximum *height* of any merchandise display in an *outside display and sales area* not located within a *building* or *structure* is 2.0 metres.
- c) An *outside display and sales area* shall not be located within any *minimum yard*, *minimum parking space*,

loading space, required *landscaping*, pedestrian walkway, and sight triangle.

- d) An *outside display and sales area* shall be located with its longest dimension abutting the *main wall* of its associated *building*. This subsection shall not apply for *motor vehicle dealerships* or the accessory sale of *motor vehicles*.

2.7 Legal Non-conforming Uses

- a) Nothing in this By-law applies to prevent the use of any land, *building*, or *structure* for any purpose prohibited by this By-law if such land, *building*, or *structure* was lawfully used for such purpose on the day of the passing of the By-law, provided it continues to be used for that purpose.

3 Temporary Uses, Buildings and Structures

3.1 Seasonal Garden Centres

The following provisions apply to seasonal garden centres:

- a) A seasonal garden centre is only permitted accessory to a *retail store* on the same *lot*;
- b) A seasonal garden centre shall only be permitted within a *parking area* and cannot occupy more than 10% of the total number of *parking spaces* in the applicable *parking area* for a maximum of 17 weeks in any calendar year;
- c) A seasonal garden centre can occupy any aisle shared by two rows of *parking spaces* otherwise occupied by the seasonal garden centre;
- d) Part E minimum parking rates of this By-law shall not apply to prohibit the occupation of *parking spaces* or *aisles* by a seasonal garden centre established in compliance with this section of the By-law;
- e) No *parking spaces* shall be required for a seasonal garden centre; and,
- f) The maximum *height* of any merchandise display or fixture not located in a *building* or *structure* in a seasonal garden centre located within a *parking area* is 2.0 metres.

3.2 Short Term Accommodation

Where a *short-term accommodation* is permitted, the following regulations apply:

- a) A *short-term accommodation* is permitted in *dwellings* permitted by the applicable *zone*, including an *attached* or *detached additional residential unit*.
- b) A *short-term accommodation* shall 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 principal residence of the main *dwelling unit* on the *lot*.

3.3 Construction Uses

- a) Notwithstanding any other provision of this By-law, uses incidental to construction within the *lot* 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 are permitted, subject to the following provisions:
- i. Such *uses* shall be permitted only for so long as the same are necessary for work in progress that has neither been finished nor discontinued for a period of 60 days;
 - ii. A valid *building* permit for the construction remains in place, if such a permit was required;
 - iii. Tree and vegetation protection is installed in accordance with the issued *community planning permit* prior to site work and maintained throughout the entire duration of the work; and
 - iv. *Uses* incidental to construction may be undertaken on the *lot* prior to the erection of the main *building*, provided it is used for no purpose other than storage.

3.4 Temporary Sales Offices

- a) Notwithstanding Part B Section 5.2, temporary sales offices for the sale of residential, employment or commercial *lots* or units or rental thereof in a plan of subdivision or *condominium* are permitted, subject to the following provisions:
- i. The temporary sales office shall not be permitted until an applicable plan of subdivision or *condominium* has received draft plan approval or the property is in a *zone* that permits the proposed development.
 - ii. 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.
 - iii. The temporary sales office shall comply with the *minimum yards* for the applicable *zone*.
 - iv. If *parking spaces* are provided, the temporary sales office shall comply with the parking provisions of this By-law.
 - v. The temporary sales office is located in the plan of subdivision or *condominium* where the *lots* or units are being sold.

4 General Built Form

The following provisions apply to any Community Planning Permit Area. Variations from standards listed in this section may be included within Section E – Community Building Area Specific Provisions.

4.1 Allowable Encroachments and Projections

Unless otherwise permitted by this By-law, all **minimum yards** shall be unobstructed except for the allowable encroachments and projections listed below, and as confirmed through the approved *community planning permit* application:

Structure or Feature	Applicable Yards	Maximum Encroachment into a <i>Minimum Yard</i>	Maximum Total Projection beyond the <i>main wall</i>
Access stairs associated or not associated with a <i>porch</i> or <i>uncovered platform</i>	All	Up to 0.6 m from the applicable <i>lot line</i>	n/a
Air conditioners, heat pumps, swimming pool pumps, filters, heaters, and generators including any appurtenances thereto	<i>Flankage, interior side, and rear</i>	Up to 0.6 m from the applicable <i>lot line</i> (1)	n/a
Awnings, canopies, or weather-shielding <i>structure</i> with a minimum clearance of 3.0 m above grade when abutting a Right of Way.	All	0.6 m	n/a
Cornices, coves, belt courses, eaves, gutters, pilasters, sills	All	0.3 m	0.3m
<i>Balconies</i> (except <i>apartment dwellings</i>)	<i>Front, flankage and rear</i>	0.6 m measured from the <i>lot line</i> .	1.5 m

Structure or Feature	Applicable Yards	Maximum Encroachment into a <i>Minimum Yard</i>	Maximum Total Projection beyond the <i>main wall</i>
<i>Balconies (apartment dwelling)</i>	All	0.6 m measured from the <i>lot line</i> .	0.3 m for units located within streetwall storeys 1.5 m for units located above streetwall
Non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum <i>height</i> of one storey	All	0.6 m	<i>n/a</i>
Chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres	All	0.6 m	0.6 m
Window wells with a maximum width of 1.8 metres	All	0.6 m	<i>n/a</i>
Fire escapes	<i>Rear and interior side</i>	1.5 m	<i>n/a</i>
Porches with or without a foundation and including access stairs	<i>Front and flankage</i>	2.0 m	<i>n/a</i>
• <i>Porches</i> with a foundation • <i>Porches</i> without a foundation	<i>n/a</i>	Shall be subject to the regulations of Part E of this By-law	
<i>Uncovered platform</i> attached to a pool structure	<i>Rear and interior side</i>	Up to 0.91 m from the <i>interior side</i> , or <i>rear lot line</i>	<i>n/a</i>
	<i>Flankage</i>	Up to 2.0 m from <i>flankage lot line</i>	<i>n/a</i>

Structure or Feature	Applicable Yards	Maximum Encroachment into a <i>Minimum Yard</i>	Maximum Total Projection beyond the <i>main wall</i>
Uncovered platforms having a floor height of less than 0.6 metres measured from grade	All	Up to 0.6 m from any <i>lot line</i> (2)	<i>n/a</i>
Uncovered platforms having a floor height equal to or greater than 0.6 metres measured from <i>grade</i>	<i>Front and Rear</i>	1.5 m (2)	<i>n/a</i>
External Access stairs to below grade	<i>Rear</i>	1.5 m	<i>n/a</i>
	<i>Flankage and interior side</i>	0.0 m	1.5 m
Unenclosed barrier-free ramps	All	Up to 0.0 m from the <i>lot line</i>	<i>n/a</i>

4.1.1 Conditions

(1) 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.

(2) Provided that the uncovered platform is set back:
a) A minimum of 0.6 metres from the *interior side lot line*, and
b) A minimum of 2.0 metres from the *front and flankage lot lines*.

4.2 Exceptions to Height Provisions

Unless otherwise required by this By-law, the following exceptions to the *height* and *storey* provisions of this By-law apply.

4.2.1 Measurement of Height

a) The applicable *buildings, structures*, and features regulated by Section 4.2 of the By-law shall be measured from the top of the roof on which the applicable feature is directly situated.

b) The applicable *buildings, structures*, and features regulated by Section 4.2 of the By-law shall not be subject to the minimum and maximum *height* and minimum and maximum number of *storeys* requirements of the applicable zone.

4.2.2 Buildings and Structures

- a) The minimum and maximum *height* provisions of this By-law shall not apply to:
- i. Decorative architectural features integral to the design and expression of a building;
 - ii. *Buildings* primarily used for garbage containment;
 - iii. *Buildings* and *structures* associated with an *emergency services facility*;
 - iv. Chimneys;
 - v. Flag poles;
 - vi. Lightning rods;
 - vii. Monuments;
 - viii. Towers occupiable for access only such as clock towers and steeples;
 - ix. Telecommunication installations; and,
 - x. Water towers or tanks.

4.2.3 Parapets

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

- i. 2.0 metres above the maximum *height permitted*.

4.2.4 Rooftop Mechanical Equipment, Mechanical Penthouse and Solar Panels

- a) The *height* and *storey* provisions of this By-law shall not apply to rooftop mechanical equipment, *mechanical penthouse* and solar panels provided:
- i. A *mechanical penthouse*, including any appurtenances thereto, shall not exceed 6.0 metres above the permitted *height*.
 - ii. Rooftop mechanical equipment, including any appurtenances thereto, shall not exceed 2.0 metres above the permitted *height*.
 - iii. Notwithstanding (ii) rooftop mechanical equipment that is located a minimum of 5.0 metres from all edges of the roof, may exceed 2.0 metres.
 - iv. Rooftop solar panels, including any appurtenances thereto, shall not exceed 2.0 metres above the permitted *height*.

4.3 Rooftop Mechanical Equipment, Rainwater Capture, and Rooftop Solar Panel

The following provisions shall apply where rooftop mechanical equipment and rooftop solar panels are provided on any *lot*.

- a) Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a *mechanical penthouse*.
- b) Rooftop solar panels shall be set back a minimum of 5.0 metres from all edges of a roof.
- c) Notwithstanding subsection b) 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 setback of 2.0 metres from all edges of a roof.
- d) Rooftop solar panels shall not exceed a height of 2.0 metres above the roof upon which it is located.

4.4 Rooftop Terrace

The following provisions shall apply to rooftop terraces:

- a) A *rooftop terrace* is permitted on a lot in any zone;
- b) A *rooftop terrace* that is located on the roof of the top *storey* of a *building* shall be setback a minimum of 2.0 metres from the edge of the roof of that part of the *building* that faces the *interior side* and/or *rear lot*

lines abutting any Residential Low Zone per the Town's Zoning By-law;

- c) No structure on a *rooftop terrace* shall have walls;
- d) No structures on a *rooftop terrace* shall exceed 20% of the total area of the *rooftop terrace* and such *structures* shall not be deemed a *storey*;
- e) No access from grade shall be permitted to a *rooftop terrace*; and
- f) The outer boundary of a *rooftop terrace* shall be defined using a barrier.
- g) Unless otherwise stated in this by-law, no *structure* shall be greater than 2.5 m.

4.5 Garbage Containers

- a) Garbage containment shall be located within a *building* or fully enclosed *structure*.
- b) A fully enclosed *structure* primarily used for garbage containment or a *garbage enclosure* shall not be located:
 - i. In a *front yard*;
 - ii. Between the *main wall* closest to the *flankage lot line* and the *flankage lot line* in a *flankage yard*;
 - iii. In any *minimum yard* abutting a Residential Zone per the Town's zoning by-law; and,
 - iv. Within any *landscaping coverage* or width of *landscaping* required by this By-law.

- c) Notwithstanding subsections (a), (b), and (c) above, a garbage container temporarily provided for any construction, demolition, or site alteration works is permitted anywhere on a *lot*.
- d) Requirements for garbage containment within a *building* shall not apply to prevent temporary storage for the purposes of scheduled pickup and removal.

4.6 Outdoor Swimming Pools and Hot Tubs²

Where an outdoor swimming pool or hot tub is provided *accessory* to a residential *use*, the following regulations apply:

- a) If located in the *rear yard* or *interior side yard*, the swimming pool or hot tub shall be set back 1.5 metres from the applicable *lot line*.
- b) In the case of a *corner lot*, the swimming pool or hot tub shall be set back 3.5 metres from the *flankage lot line*.
- c) The swimming pool or hot tub shall not be located in a *front yard*.
- d) The maximum *height* of a swimming pool or hot tub shall be 1.5 metres above *grade*.
- e) Notwithstanding subsection d) above, the maximum *height* shall not apply to a swimming pool or hot tub that is located on a *rooftop terrace* of an *apartment dwelling*.
- f) All setbacks shall be measured to the water's edge of the pool or hot tub.

5 Parking and Loading

5.1 Applicability

- a) The *parking space*, *barrier-free parking space*, *bicycle parking space*, and *stacking space* requirements of this By-law shall not apply to any legal or legal non-conforming *use* existing on the effective date of this By-law.
- b) Additional *parking spaces*, *barrier-free parking spaces*, *bicycle parking spaces*, or *stacking spaces* shall be provided in accordance with the provisions of this By-law for all *uses* and all additional *net floor area* on a *lot* in the following circumstances:

² *Setbacks for pools and hot tubs are equal those of the parent zone and are measured to the water's edge.*

- i. Where a new *building* is erected or additional *net floor area* is added to a legal or legal non-conforming *building* existing on the effective date of this By-law.
- ii. Where a change in *use* occurs that has the effect of requiring the additional spaces identified in subsection (b) above. Exclusive Use

Any minimum *parking space*, *barrier-free parking space*, *bicycle parking space*, *stacking space*, and *loading space* required by this By-law and any driveway or *aisle* leading to those spaces shall be unobstructed, available, and exclusively used for that purpose at all times, unless otherwise specified by this By-law.

5.2 More than One Use on a Lot

The *parking space*, *barrier-free parking space*, *bicycle parking space*, and *stacking space* requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use* shall be the sum total of the requirements for each of the component *uses* or *buildings*, unless otherwise permitted by this By-law.

5.3 Location of Required Parking

- a) Any *parking space*, *barrier-free parking space*, *bicycle parking space*, and *loading space* required by this By-law shall be located on the same *lot* on which the *use* is located.

- b) *Barrier-free parking spaces* should be located in close proximity to barrier-free *building* entrances and along barrier-free exterior paths of travel.
- c) Notwithstanding any other provision of this By-law, a *surface parking area* shall be set back a minimum of 1.8 metres from any *building* or *structure* to accommodate a 1.8 m barrier-free walkway.

5.4 Parking Rate and Rounding Provision

- a) Parking rates are provided in Part E Area Specific Provisions of this by-law.
- b) Where the application of any ratio in this Part or within Part E of the By-law results in a fraction of a *parking space* or *bicycle parking space* being required, the minimum number of spaces required shall be increased to the next highest whole number if the fraction is greater than 0.25.
- c) Where the application of any ratio in this Part or Part E of the By-law results in a fraction of a *barrier-free parking space* being required, the minimum number of *barrier-free parking spaces* required shall be increased to the next highest whole number.

5.5 Shared Driveways and Access Lanes Recognition

- a) Notwithstanding any other provision of this By-law, a *driveway* or *aisle* shared across two *lots* shall be permitted.

- b) Compliance with any regulations of this By-law for a *driveway* or *aisle* permitted by subsection (a) above shall be based upon the entire width of the applicable *driveway* or *aisle*.

5.6 Hardscape Surface Treatment

- a) All *parking areas*, *loading spaces*, and *stacking spaces* in any *zone* where parking is permitted shall be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, or other material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water.

- b) Slopes within *parking areas* should not exceed 5% to assist pedestrian movement and prevent car door swing.

5.7 Approved Locations for Visitors Parking

Visitors *parking spaces* may be provided in any combination of an above or below *grade parking structure* or *surface parking area*.

5.8 Tandem and Stacked Parking Spaces

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

5.9 Parking Space and Aisle Dimensions

5.9.1 Motor Vehicle Parking Space

- a) The minimum dimensions of a *parking space* shall be 2.7 m in width and 5.7 m in length.
- b) The minimum dimensions of a *parking space* provided with the length parallel to the *aisle* or *driveway* shall be 2.7 metres in width and 7.0 metres in length.
- c) Where a wall, column, or other obstruction is located abutting or within any *parking space*, the minimum width of the *parking space* shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall end do not require an increase in *parking space* width, provided the obstruction projects no more than 0.15 metres into the *parking space*.
- d) Where two *parking spaces* are provided in tandem, the minimum cumulative dimensions of the *parking spaces* shall be 2.7 metres in width and 11.7 metres in length.

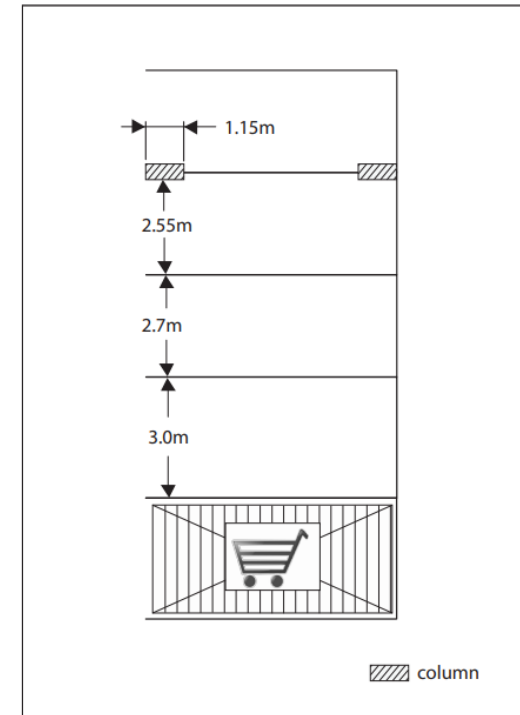


Figure 5-1 Parking Space Dimensions,
Perpendicular to Aisle

5.9.2 Barrier-Free Parking Space

- a) The minimum dimensions for a *barrier-free parking space* shall be in accordance with the dimensions of Table 5-1, below.
- b) Where the minimum number of *barrier-free parking spaces* required is even, an equal number of Type A and Type B *barrier-free parking spaces* shall be required.
- c) Where the minimum number of *barrier-free parking spaces* required is odd, the additional *barrier-free parking space* remaining shall be a Type B *barrier-free parking space*.
- d) A barrier-free path of travel 1.5 metres in width is required abutting the entire length of the longest side of a *barrier-free parking space*. A path of travel can be shared by two *barrier-free parking spaces*. The barrier-free path of travel should connect to a barrier-free walkway with a barrier-free curb cut or ramp.

Table 5-1 Dimensions of Barrier-free Parking Spaces³

Type	Width	Length
Type A	3.65 m	5.7 m
Type B	2.7 m	5.7 m

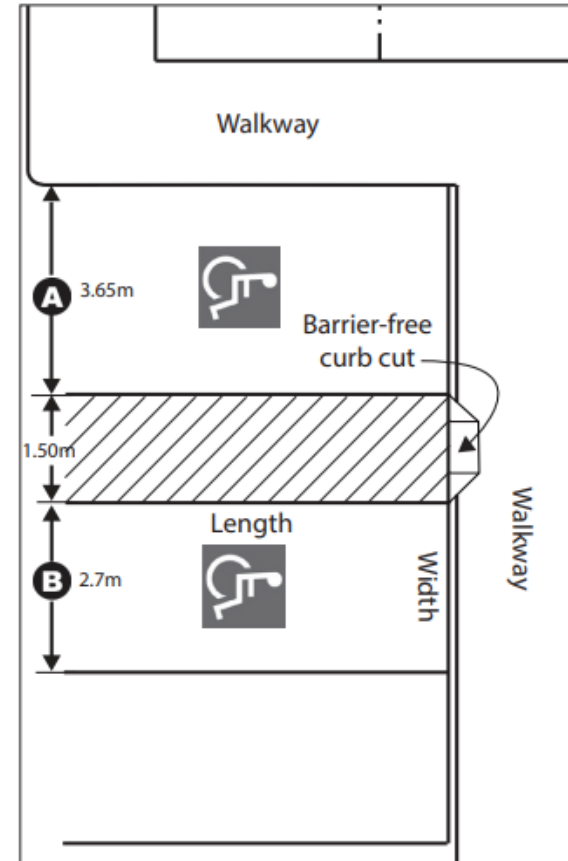


Figure 5-2 Barrier Free Parking Space Dimensions

5.9.3 Aisle and Access Driveway Widths

- a) The minimum width of an *aisle* providing access to a *parking space* within a *parking area* is 6.0 metres.
- b) Notwithstanding Subsection (a) above, the minimum width of an *aisle* providing one way travel access to a *parking space* within a *parking area* is 5.5 metres where the angle of access to the *parking space* is greater than or equal to 60 degrees.
- c) Notwithstanding Subsection (a) above, the minimum width of an *aisle* providing one way travel access to a *parking space* within a *parking area* is 4.0 metres where the angle of access to the *parking space* is less than 60 degrees.
- d) *Parking area* access shall be provided by at least one entrance *driveway* and one exit *driveway*. If separate, each *driveway* providing access to the *parking area* shall have a minimum width of 3.0 metres. If combined, the cumulative width of the *driveway* providing access to the *parking area* shall be a minimum of 5.5 metres

5.9.4 Bicycle Parking Dimensions

- a) The dimensions of bicycle parking vary depending on the type of bicycle parking facility. *Community Planning Permit* plans must identify the bike parking facilities to be used and based on industry standards and guideline demonstrate that the minimum parking area are achieved.

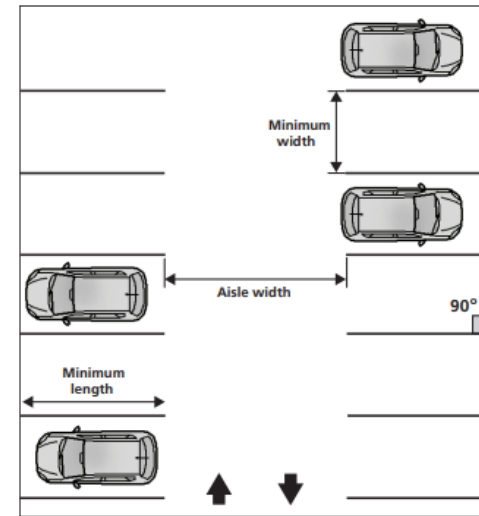


Figure 5-3 Parking Space Aisle Width, Perpendicular

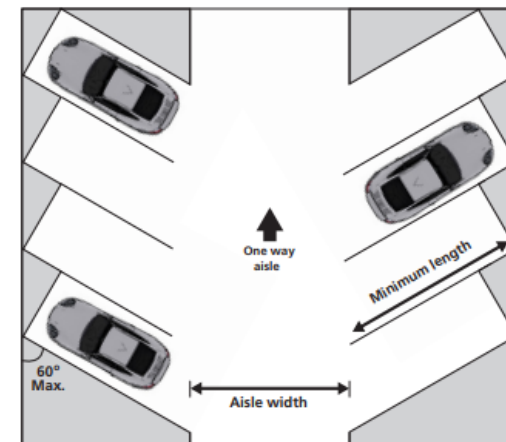


Figure 5-4 60 degree Angle Parking Space Aisle Width

5.9.5 Loading Spaces

Where a *loading space* is provided, the following applies:

- a) The minimum dimensions of a *loading space* are 3.5 metres in width and 12.0 metres in length, with a minimum vertical clearance of 4.2 metres.
- b) A *loading space* shall abut the *building* for which the *loading space* is provided.
- c) A *loading space* oriented parallel to the *building* wall which contains the loading door shall be a maximum distance of 1.8m from the wall.
- d) A *loading space* shall be set back 7.5 metres and buffered from any Residential Zone in the Town's Zoning By-law, except if it is located entirely within a *structure*.
- e) A *loading space* is not permitted:
 - i. In any *minimum yard*;
 - ii. Between the *main wall* closest to the *flankage lot line* and the *flankage lot line* in a *flankage yard*;and,

- iii. In any *front yard*.

5.10 Prohibited Vehicles

The parking and storage of the following vehicles are prohibited outside of a *building*:

- a) Unlicensed *motor vehicles*;
- b) *Motor vehicles* equipped with more than three axles, excluding space wheels designed to support the vehicle when parked or stored;
- c) Buses;
- d) Vehicles designed to run only on rails;
- e) Farm tractors;
- f) Construction vehicles, except for those needed for construction *uses* permitted under this By-law;
- g) Tracked vehicles, except for snowmobiles; and,
- h) Vehicles in a wrecked, dismantled, or inoperative condition.

6 Infrastructure Corridors

- a) Notwithstanding any other provisions in this By-law, Table 6-1 provides minimum setbacks applicable to *buildings*, and *structures* to specific types of infrastructure:

Table 6-1 Setbacks From Infrastructure

	Application of set back	Minimum Setback	Variation from Standard	Exemption	Condition
Highway Corridor	• <i>Buildings</i> • <i>Structures</i> • <i>Parking spaces</i> (including bicycle) • <i>Loading space</i> • And any <i>aisle</i> leading to the above features.	14 m from the <i>lot line</i> abutting the boundary of the <i>highway corridor</i>	Reduced minimum may be permitted subject to MTO permit.		Reduced standard requires consultation with MTO and their permit being issued prior to <i>community planning permit</i> issuance.
Trans-Northern Pipelines		No additional setback is required			
Enbridge Gas Pipeline	<i>Building or Structure</i>	0 m from any Union Gas Pipeline easement			
Railway Corridor	<i>Building or Structure</i>	30 m from <i>railway corridor</i>			
Railway Yard	<i>Building and Structures</i>	300 m from the lot line of a rail yard			

	Application of set back	Minimum Setback	Variation from Standard	Exemption	Condition
	containing: <i>dwelling;</i> <i>Place of worship;</i> <i>day care;</i> <i>private school;</i> <i>Public school</i>				
Electric Power Lines	<i>Building or Structure</i>	X m from the power line			

7 Inclusionary Zoning within Residential Development in Protected Major Transit Station Area

Within Community Planning Permit Areas that are identified as Protected Major Transit Station Areas, *Inclusionary Zoning housing units* shall be provided as follows:

- a) **Location** - *Inclusionary Zoning* provisions apply to lands identified in Part E of this By-law.
- b) **Minimum Building Mass** - *Inclusionary Zoning* provisions apply to development that is providing a minimum of 100 units, unless otherwise stated in **Part E** of this by-law.
- c) **Unit Set-Aside Rate** - 5% of the total Residential Gross Floor Area (not including *ancillary residential areas*) shall be set aside as *inclusionary zoning housing units*.

These units shall be identified within the approved and issued *community planning permit* plans and drawings.

- d) **Affordability Period** - The *Inclusionary Zoning housing units* shall remain affordable for a period of 25 years from the time of first occupancy.
- e) **Maximum Affordable Price/Rent** - The *Inclusionary Zoning housing units*, as provided by the Province, shall be:
 - i. Priced to be affordable for the household of the 60th percentile household income based on the

- most recent year for which this information is available, or
 - ii. Leased based on the Average Market Rent of the most recent year this information is available on a per unit type basis.
 - iii. Area specific Provincial in Part E of this By-law may require rates that are based on a proportion above or below these rates.
- f) **Continued Affordability** - When the *Inclusionary Zoning housing units* are sold or leased, they must be sold at the price or leased at the rent determined in accordance with clause (e);
- g) **Additional Standards** - Area Specific provisions in **Part E** of this by-law may provide additional requirements regarding unit type, tenure and proportion of unit types that are required to be *Inclusionary Zoning housing units*.
- h) **Net Proceeds from the sale of units** – 50% of the *net proceeds* from the sale of an *Inclusionary Zoning housing unit* shall be distributed to the Town during the affordability period and up until the first sale of the unit that occurs within 10 years following the affordability period.
- i) **Units are maintained in Good Repair** - Pursuant to Section 446 of the Municipal Act, the Town has the right to enter and ensure *that Inclusionary Zoning housing units* are maintained in good repair.
- j) **Affordability of units is Maintained** – All *Inclusionary Zoning housing units* shall be identified as such on approved and issued community planning permit plans and drawings. Section 118 provisions of the Land Titles Act will be applied to these units identifying the requirement for the Land Registrar to notify the *Town* when such units are sold and price for which they are sold. This requirement shall remain with subsequent owners until the affordability period identified in clause (d) expires and up to the lessertime of the first resale of the unit after the affordability period or 10 years after the affordability period for each unit.
- k) **Agreements** - Agreement(s) shall be registered on title that address items (b) – (i) of this By-law.
- l) **Transition** - *Community planning permit* applications that were made prior to the Area Specific *Inclusionary Zoning* provisions passed in this by-law are exempt from the provisions set out in this Section, and the Area Specific provisions in Part E of this By-law.
- m) **Exempt Matters** - The *Inclusionary Zoning* requirements of this by-law do not apply to development or redevelopment where the development or redevelopment is:
 - i. proposed by a non-profit housing provider or is proposed by a partnership in which,

1. a non-profit housing provider has an interest that is greater than 51 per cent, and
 2. a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment; or
- ii. proposed to be a purpose-built rental housing development.



Part E: Community Building Area Specific Provisions

Draft for Public Consultation

DRAFT



Contents

1	Midtown Oakville	1	1.3.1	Building <i>Gross Floor Area</i> and Height.....	13
1.1	Land Use	2	1.3.2	Built Form by Building Typology	15
1.1.1	Midtown Zones and Schedule E 1.1	2	1.3.3	Parking	18
1.1.2	Existing Uses.....	2	1.4	Community Benefits in Exchange for Permitted Building Height.....	22
1.1.3	Prohibited Uses.....	3	1.4.1	Maximum Gross Density.....	22
1.1.4	Permitted Uses	3	1.4.2	Eligible Benefits	22
1.1.5	Criteria for Use Permissions associated with Table 1-1	6	1.4.3	Prioritization of benefit	23
1.2	Site Layout.....	8	1.4.4	Proportional relationship between building height and community benefit.	24
1.2.1	Active Frontage on Rights of Way (ROW).....	8	1.4.5	Acknowledgement of Benefit Exchanges that pre-date this by-law	31
1.2.2	Future Public Realm	8	1.4.6	Midtown Reserve Fund	31
1.2.3	Mid-block Connections	9	1.4.7	Agreements	31
1.2.4	Setbacks from public realm	9	1.5	Inclusionary Zoning within Residential Development	32
1.2.5	Site Layout Standards.....	9	1.6	Schedules	33
1.2.6	Criteria and Variation from Standards associated with Table 1-2:.....	11	2	Bronte Village	38
1.2.7	Minimum Landscaping	12			
1.2.8	Common Outdoor Amenity	12			
1.3	Built Form Standards.....	13			

1 Midtown Oakville

Midtown Oakville will accommodate significant residential and employment growth in a dynamic urban setting where people live, work, and play in a vibrant, walkable, mixed-use neighbourhood, connected to the rest of Oakville by pedestrian, cycling, transit and street networks.

Longterm development within Midtown Oakville includes new *buildings* and *structures* as well as public streets, parks,

and open spaces, which collectively provide a distinct urban character for this area.

The review and approval of *community planning permit* applications within Midtown Oakville is informed and guided by the policies of the [Town of Oakville Official Plan](#) and the [Livable by Design Manual](#) (which includes “Designing Midtown”) and other Midtown related plans and strategies.



1.1 Land Use

1.1.1 Midtown Zones and Schedule E 1.1

- a) Schedule E 1.1 allocates *zones* to lands within Midtown Oakville as follows:
 - MRH – Midtown High Density Residential
 - MUC – Midtown Urban Core
 - MCC – Midtown Community Commercial
 - MOE – Midtown Office Employment
 - MP – Midtown Parks
 - MNA – Midtown Natural Area
 - U – Utility
- b) Schedule E 1.1 includes an overlay for future parkland called MFP – Midtown Future Park.
 - i. Use permissions for these lands are subject to the provisions for the Midtown Park *Zone*.
 - ii. The overlay is conceptual, the exact size and configuration of the parkland is determined through the approval of *community planning permits*.

1.1.2 Existing Uses

- a) Where the terms “existing *use*” or “existing *building*” is used in Part E Section 1.0, it shall refer to: *uses* and *buildings* that legally existed, or that were approved per a site specific re-zoning by-law or minor variance that was passed on or before February 18, 2025.
- b) Existing *uses* and *buildings* are permitted to continue, however, they are ultimately intended to be redeveloped in conformity with the Official Plan.
- c) Existing *motor vehicle* dealerships and related *uses*, including *motor vehicle* service stations, may be permitted to redevelop provided they are in a compact, urban form, and do not preclude the long-term development of lands as set out in the Official Plan.
- d) Redevelopment on sites with existing non-residential *uses* shall provide for the replacement of all existing non-residential *gross leasable floor area*.
 - i. The replacement of all existing non-residential *gross leasable floor area* may be reduced, subject to the policies of the Official Plan.
- e) Where stated, existing *uses* and *buildings* are exempt from certain provisions of this by-law.

1.1.3 Prohibited Uses

- a) In addition to prohibited uses listed in Part D, the following are prohibited:
- New stand alone *motor vehicle* related uses, including *motor vehicle* dealerships and service stations.
 - New drive-through facilities.
 - Outside storage or processing

1.1.4 Permitted Uses

- a) In addition to Permitted *Uses* listed in Part D, below in Table 1-1 Permitted and Discretionary *Uses* are listed for each of the Midtown Oakville *Zones*.
- b) The “●” provided in the table under each *zone* indicates that the use is permitted.
- c) Some use permissions are discretionary, as noted by the number provided in parentheses. The specific criteria are provided in Section 1.1.5.

Table 1-1 Permitted and Discretionary Uses

USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Park and Open Space Uses							
<i>Conservation Use</i>	●	●	●	●	●	●(1)	●(2)
<i>Park, Private</i>	●	●	●	●		●(1)	
<i>Park, public</i>	●	●	●	●	●	●(1)	●(3)
Watershed management and flood and erosion hazard control facilities	●	●	●	●	●	●	●
Commercial and Employment Uses							
<i>Business office</i>	●	●	●	●			
<i>Commercial school</i>		●	●	●			
<i>Commercial Parking Area</i>		●	●				
<i>Dry cleaning depot</i>		●	●	●(4)			
<i>Dry cleaning/laundry establishment</i>		●	●				
<i>Financial institution</i>		●	●	●(4)			
<i>Food production</i>		●	●	●			

USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
<i>Funeral home</i>			•				
<i>Hotel</i>		•		•			
<i>Light Industrial</i>				•			
<i>Manufacturing</i>				•			
<i>Medical office</i>	•	•	•	•			
<i>Motor Vehicle Rental Facility</i>		•					
<i>Outside display and sales area</i>		•	•				
<i>Pet care establishment</i>		•	•	• (4)			
<i>Place of entertainment</i>		•	•				
<i>Public hall</i>		•		•			
<i>Rental establishment</i>		•	•				
<i>Repair Shop</i>				•			
<i>Restaurant</i>	•	•	•	• (4)			
<i>Retail store</i>	•	•	•	• (4)			
<i>Retail store, accessory and showroom</i>		•	•	• (5)			
<i>Retail, Major</i>		• (6)	•	• (4)			
<i>Service commercial establishment</i>	•	•	•	• (4)			
<i>Sports facility</i>		•	•	•			
<i>Taxi dispatch</i>				•			
<i>Training facility</i>		•		•			
<i>Urban agriculture</i>		•	•	•			
<i>Veterinary clinic</i>		•	•	•			
<i>Warehousing</i>				•			
Community and Public Service Facility Uses							

USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
<i>Art gallery</i>		•	•	• (4)			
<i>Community centre</i>		• (7), (8)	• (7), (8)				
<i>Contractor establishment</i>				•			
<i>Day care</i>	•	•	•	• (4)			
<i>Emergency services facility</i>	• (7)	• (7)	• (7)	• (7)	• (7)		
<i>Food bank</i>		•	•	•			
<i>Library</i>	• (7), (8)	• (7), (8)	• (7), (8)	• (7), (8)			
<i>Major transit station</i>							•
<i>Museum</i>		•	•				
<i>Place of worship</i>		•	•	• (4)			
<i>Post secondary school</i>		•	•	•			
<i>School, private</i>		•	•	•			
<i>School, public</i>		• (7), (8)					
<i>Transit Supportive facilities</i>	•	•	•	•			•
Residential Uses							
<i>Apartment dwelling</i>	• (9)	• (9) (10), (11)					
<i>Dormitory</i>		• (12)					
<i>Emergency shelter</i>		•					
<i>Home occupation</i>	•	•					
<i>Long term care facility</i>	•	•					
<i>Private home day care</i>	• (13)	•					
<i>Retirement home</i>	•	•					
<i>Short-term accommodation</i>	• (13)	•					

USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Townhouse Dwelling,	• (14)	• (14), (15)					
Stacked townhouse	• (14)	• (14), (15)					
Infrastructure Uses							
Cogeneration facility - less than 25 MW	• (16)	• (16)	• (16)	• (16)	• (16)		• (16)
Other power generation facility less than 5 MW	• (16)	• (16)	• (14)	• (16)	• (16)		• (16)
Electrical transformer and distribution station							•
Reservoir					• (17)		•
Water and sewage treatment plant							•

1.1.5 Criteria for Use Permissions associated with Table 1-1

- 1) No habitable *buildings* and habitable *structures* shall be permitted.
- 2) *Use* is not permitted within the natural heritage system as delineated in the Official Plan.
- 3) Passive recreational *uses*, such as off-leash dog areas, community gardens, multi-use trail systems, and naturalized areas, are permitted, subject to the protection of the function of utilities and approval from relevant agencies.
- 4) *Uses* with this criterion noted in the Office Employment Area are:
 - i. Permitted only within the same *building* or part thereof used by any other *use* that is not subject to this criterion.
 - ii. Limited to a maximum of 20% of the total *net floor area* of the *building*, and shall be cumulatively occupied by all *uses* subject to this criterion.
- 5) Accessory retail and showroom are permitted subject to:
 - i. The maximum *net floor area* for an accessory *retail store* and showroom shall be the lesser of a maximum *net floor area* of 15% of the *net floor area* of the main use or 250.0 square metres; and,
 - ii. The *accessory retail store* and showroom shall be contained within the same permitted *use* as the associated permitted *use*.
 - iii. The area within the *building* used for the *accessory retail store* and showroom shall be separated from the remainder of the facility by a permanent, solid, floor-to-ceiling and wall-to-wall partition, including closed doors.

- 6) New *major retail*, such as grocery stores, are permitted where they are integrated with development. Such *uses* should be located in the base of *mixed-use buildings* with pedestrian access from the public realm.
- 7) *Public facilities* shall be provided in accordance with applicable *public service facility* master plan.
- 8) *Public service facilities*, which include *education facilities*, shall be planned and designed to meet the requirements of the *Town* and public agencies, and should, as applicable and appropriate for the use:
 - i. be provided in visible locations with strong pedestrian, cycling and transit connections;
 - ii. be co-located in *mixed-use buildings*, where possible, and provide for integrated pick-up and drop-off areas;
 - iii. be located adjacent to parks and open spaces to enable synergies between facilities; and
 - iv. provide for multi-functionality through flexible, accessible, multi-purpose spaces that can be programmed in different ways and can adapt over time to meet the varied needs of the community.
- 9) A minimum of 35% of units must provide two or more units within the multi-residential *building*; unless the *building* is intended for “*additional needs housing*.”
- 10) Residential *uses* are permitted provided a minimum of 12% of the total *Net Floor Area* shall be used for non-residential *uses*.

- i. The minimum proportion of non-residential *net floor area* may be reduced, subject to the policies of the Official Plan.
- 11) Residential *uses* are:
 - i. Prohibited in the first 9.0 metres of depth of the *building*, measured in from the *main wall* oriented toward the *front lot* line, on the *first storey*.
 - ii. Notwithstanding (i), an *ancillary residential use* on the *first storey* is permitted to occupy a maximum of 15% of the length of the main wall oriented toward a *front lot* line.
- 12) *Dormitory* is only permitted if *accessory* to and on the same *lot* as a *post-secondary school* or *private school*.
- 13) A maximum of one of the *accessory uses* subject to this footnote shall be permitted in a *dwelling*.
- 14) *Townhouse dwellings* or *stacked townhouse dwellings* are permitted in the base of multi-residential or *mixed-use building*.
- 15) *Townhouse dwellings* or *stacked townhouse dwellings* are not permitted along building that fronts an Active Frontage as shown on Schedule E 1.5.
- 16) *District energy* and *power generation* facilities shall be designed in a way to be compatible with the surrounding existing and proposed land *uses* subject to site specific assessment in accordance with the provision of the Official Plan.
- 17) Where necessary, below grade storm water storage tanks may be permitted.

1.2 Site Layout

Community planning permit applications shall include plans that identify the site layout, including matters such as access to and from the site for pedestrians, cyclists, and vehicles, the placement of buildings on a site, and the provision of *uses* at the base of *buildings*. Standards regarding site layout are listed in Table 1-2. These standards are augmented by guidance provided in the Town’s Livable by Design Manual, including Designing Midtown, and policies of the Official Plan.

1.2.1 Active Frontage on Rights of Way (ROW)

- a) Active frontage areas, as defined and described in the Official Plan, occur along rights of way shown on Schedule E 1.5.
- b) Existing and planned Rights of Way are shown on Schedule E 1.5. Provisions in Table 1-2 apply to both existing and planned ROW, unless an existing ROW is “proposed to be removed,” as noted in Schedule E 1.5.
- c) New *buildings* and *structures* are not permitted to locate within future ROWs.

1.2.2 Future Public Realm

- a) The location and configuration of future ROW and public parks identified in approved *community planning permits* as a condition of *community planning permit* approval shall be in accordance with the Official Plan, Master Plans, and Urban Design Guidelines, as applicable.

1.2.3 Mid-block Connections

- a) Mid-block connections are conceptually shown in the Official Plan.
- b) Mid-block connections are established through the approval of *community planning permit* applications and are formed through the separation of *building* bases located within large blocks.
- c) Mid-block connections should align with existing or planned transportation circulation routes.
- d) Mid-block connections shall be publicly accessible.

1.2.4 Setbacks from public realm

- a) Setbacks from a *building* to the property line adjacent to the public right-of-way should be landscaped spaces, outdoor amenity areas, and/or extensions of the public boulevard in a manner that contributes to the character of an area.
- b) *Landscaping* includes the provision and protection of healthy trees; complements the existing natural landscape, and incorporates native and non-invasive species.

1.2.5 Site Layout Standards

- a) Table 1-2 provides minimum standards that are to be achieved through the layout of a site in relation to adjacent uses and properties.
- b) Criteria and permitted variations from standards are noted using numbers in parenthesis and listed in Section 1.2.6.
- c) Schedule E 1.5 identifies Active Frontage Rights of Way (ROW) that are referred to in Table 1-2. Maximizing *landscaping* and minimizing disruption along the public sidewalk are priorities for these Active Frontage Areas.
- d) Along with these provisions, Official Plan policies and urban design guidelines inform applicants and decision makers regarding the siting of *buildings*, *structures* and laying out of the site, including matters such as *building* footprint, site access and servicing, *landscaping*, and overall site activation.

Table 1-2 Site Layout Standards

	From Active Frontage ROW	From Other ROW	From Public Park	From Mid-Block Connection	From Interior Side Lot Line	From Rear Lot Line
Minimum Yard or setback Requirement at or above grade	3.0 m from <i>lot line</i>	2.0 m from <i>lot line</i>	3.0 m from <i>lot line</i>	7.5 m (from centre-line)	7.5 m from <i>lot line</i> (1), (2)	7.5 m from <i>lot line</i> (1), (2)
Vehicular Access to site	Permitted (3)	Permitted	Prohibited	Permitted	Permitted	Permitted
On site Surface parking	Prohibited	Prohibited	Limited (4), (5)	Permitted (4), (6)	Permitted (4)	Permitted (4)
Service and Loading Area	Prohibited	Prohibited	Prohibited	Permitted (6)	Permitted	Permitted
Site and building services and utilities	Only when there is no alternative location.	Only when there is no alternative location.	Only when there is no alternative location.	Permitted (6)	Permitted	Permitted
Location of new ventilation shafts, utility vaults, meters, and similar infrastructure	Below ground or internal to a <i>building</i> only.	Below ground or internal to a <i>building</i> only.	Below ground or internal to a <i>building</i> only.	Permitted above ground, preferably grouped together (6)	Permitted above ground, preferably grouped together (6).	Permitted above ground, preferably grouped together (6).

	From Active Frontage ROW	From Other ROW	From Public Park	From Mid-Block Connection	From Interior Side Lot Line	From Rear Lot Line
Entrance Type to Building	Main, Secondary	Main, Secondary	Secondary only	Secondary only	Secondary only	Secondary only
Minimum Active At-Grade Uses	70% of ground floor frontage (7)	70% of ground floor frontage (7)	70% of ground floor frontage (7)	n/a	n/a	n/a

1.2.6 Criteria and Variation from Standards associated with Table 1-2:

- (1) Setback may be increased to accommodate a minimum setback of 15 m from stable top-of-bank of major valley or tributary or a minimum of 7.5 m of minor valley or tributary.
- (2) The minimum yard may be reduced for building base that does not include windows on the façade facing the applicable *lot line*.
- (3) Vehicle access is permitted from the subject Right of Way only when there is no other alternative access option.
- (4) Surface parking shall only be permitted where:
 - i. It is intended for visitor parking and/or short-term, temporary parking, including parking for vehicles that are associated with a ride-share program; and
 - ii. It provides a minimum of one barrier free spot.
- (5) Private surface parking adjacent to a public park is required to be screened to minimize negative visual impact onto the public park.
- (6) Facilities to which this criteria applies are to be screened to minimize negative visual impact from the publicly accessible mid-block connection.
- (7) Active at-grade uses at the base of the *building* include the permitted uses per Section 1.1, with the exception of residential and *ancillary residential uses*.
 - i. The minimum at-grade activation requirement may be modified on a case by-case basis, in accordance with the policies of the Official Plan.

1.2.7 Minimum Landscaping

- a) To address climate change mitigation and adaptation, on site landscaping is required.
- b) *Landscaping* may be provided at grade and on rooftops, per provisions and criteria in Part D of this By-law and in accordance with Official Plan and Urban Design Guidelines
- c) In support of Tree Canopy targets, to minimize heat-island effects, and support stormwater control, Table 1-3 provides minimum *landscaping* requirements per site. These requirements may be achieved on site within required *yards* and setback areas and through the provision of common outdoor amenity areas, as well as open spaces that are publicly accessible (POPS).
- d) Where lands are conveyed to public authorities, the minimum *landscaping* requirements must be achieved on the retained lands of the site.

Table 1-3 Minimum Landscaping Coverage per Site by Zone

Zone	Minimum Landscaping Coverage
Midtown High-Density Residential	15%
Midtown Urban Core	12%
Midtown Office Employment	10%
Midtown Community Commercial	10%

1.2.8 Common Outdoor Amenity

- a) Common outdoor amenity space may be provided at grade and on rooftops.
- b) Any common outdoor amenity space located between the *building* face and a street and/or public park shall be publicly accessible.
- c) Common outdoor amenity space within the site may include green infrastructure to enhance the ecological function of the area, provide climate change mitigation techniques, and assist with the management of stormwater and water-balance.

1.3 Built Form Standards

The following provide standards and variation from standards for sites and individual building types within the site.

1.3.1 Building *Gross Floor Area* and Height

- a) Where *buildings* are permitted to be located on a site, Table 1-4 provides the permitted *gross floor area* and *building height* for sites as follows:
 - i. Minimum and maximum standards for total building *gross floor area* permitted on a site, and per *building height*,
 - ii. criteria for where a variation from the standard may be permitted,
 - iii. whether certain matters may be exempt from the standard, and
 - iv. conditions that may apply to either the permitted variation from standard or the exemption from the standard.
- b) The calculation of *gross floor area (GFA)* permitted on a site shall be based on the allotted *floor space index (FSI)* provided on Schedule E 1.2 Minimum Density or Schedule E .1.3 Maximum Density multiplied by the *lot area* (excluding lands zoned as Natural Area).
- c) Where a development site is located within two or more density blocks shown on Schedule E.1.2 or E.1.3, the total *Gross Floor Area* will be based on the sum of the products calculated for each density block or portion thereof.

Table 1-4 Building Gross Floor Area and Height

Built Form	Standard for the Site	Variation from Standard	Exemption from Standard	Condition
Minimum Gross Floor Area (all buildings on a site)	Per Section E 1.3.1 calculation and Schedule E 1.2 Minimum Density assigned FSI	Minimum density may not be required to be met for <i>building</i> additions, alterations and/or replacements to existing buildings (per	- lands required for public parks and open spaces; <i>educational facilities</i>; and <i>public service facilities</i> operated	Variation from standard for an existing use or building (per Section E. 1.1.1) may be permitted provided the long-term redevelopment of the

Built Form	Standard for the Site	Variation from Standard	Exemption from Standard	Condition
		Section E 1.1.1) may be permitted.	by a <i>public authority</i> , including transit facilities; • <i>Buildings</i> related to <i>infrastructure</i>	property is not precluded.
Maximum Gross Floor Area (all buildings on a site)	Per Section E 1.3.1 calculation and Schedule E 1.3 Maximum Density assigned FSI	n/a	n/a	n/a
Minimum Building Height – per building	5 storeys – for <i>buildings</i> within: • Midtown High Density Residential Zone, and • Midtown Urban Core Zone 2 storeys – for <i>buildings</i> within: • Midtown Office Employment Zone, and • Community Commercial Zone	Segments of a <i>storey</i> of the <i>building</i> may be less than the minimum <i>height</i> , provided the average of the <i>storeys</i> within the <i>building</i> achieves the minimum <i>building height</i> .	• lands required for public parks and open spaces; • educational facilities; • public service facilities operated by a <i>public authority</i>, including transit facilities, • <i>Buildings</i> related to <i>infrastructure</i> and • expansions to existing <i>use</i> or <i>building</i> per Section E 1.1.1	
Building Height Threshold	Per Schedule E 1.4	<i>Building height</i> may exceed the threshold subject to satisfying community benefit		See Part E Section 1.4.

Built Form	Standard for the Site	Variation from Standard	Exemption from Standard	Condition
		requirements provided in Section E 1.4		
First Storey Minimum Height	Minimum <i>height</i> of 4.5 m. measured from finished floor to underside of ceiling	A lesser <i>height</i> may be permitted provided a) At-grade non-residential <i>uses</i> are not required to be provided, or b) The proposed permitted <i>uses</i> within the first <i>storey</i> can be accommodated and are intended to be located there over the long term.	Existing Uses per Section E 1.1.1.	
Storey Height (above First Storey)	Average Maximum 3.5 m per <i>storey</i>	Maximum may be exceeded for non-residential <i>uses</i>		

1.3.2 Built Form by Building Typology

- a) Where new Low Rise, Mid-Rise and Tall Buildings are permitted, Table 1-5 provides:
 - i. the standards associated with each building type,
 - ii. permitted variations from standards, and
 - iii. conditions related to the permitted variation from standard.
- b) Existing uses, per Section 1.1.1, are exempt from these standards.

1-5 Building Typology Standards

Building Type	Standard			Permitted Variation from Standard	Condition
	Low Rise Building	Mid-Rise Building	Tall Building		
Minimum Height	2 Storeys	6 Storeys	n/a		
Maximum Height	5 storeys	12 Storeys	Per Schedule E 1.4 and Section E 1.4 Community Benefits in Exchange for Permitted Building Height	Height maximum for Mid-rise and Tall Buildings may not be achieved for all buildings in order to provide height variation within a block.	See Section E 1.4 re: Community Benefits in Exchange for Permitted Building Height
Maximum Streetwall / Height	n/a	25 m	25 m	Where a building is fronting a street with existing or planned right of way (ROW) less than 25 m, the maximum height shall be the same as the ROW as shown on Schedule E 1.5.	Streetwall height is determined based on the lesser of 25 m or the most narrow ROW width abutting the site as provided on Schedule E 1.5.
Maximum Base Height	n/a	n/a	6 storeys		
Minimum Building façade step-back from public realm.	n/a	Located above “street wall,” Minimum depth of 5 m	Located above “streetwall,” Minimum depth of 5 m.	Variation permitted in accordance with urban design guidelines.	
Minimum Building to	15 m between buildings	15 m between building	15 m between building	Building separation may be less where the facing walls of	

Building Type	Standard			Permitted Variation from Standard	Condition
	Low Rise Building	Mid-Rise Building	Tall Building		
Building Separation Distance at Base				both buildings do not provide windows and/or <i>building/base height</i> is less than 3 storeys, in accordance with Urban Design Guidelines.	
Minimum Tower Separation Distance, above base to the 25th storey	n/a	n/a	30 m	Reduction in Tower separation requirement may be permitted when towers are offset from each other, and in accordance with Urban Design guidelines.	
Minimum Tower Separation Distance, for towers above 25 Storeys	n/a	n/a	35 m	Reduction in Tower separation requirement may be permitted when towers are offset from each other, and in accordance with Urban Design guidelines.	
Maximum Tower Floor Plate	n/a	n/a	42m diameters	Variation permitted in accordance with urban design guidelines.	

1.3.3 Parking

- a) Parking shall be provided in accordance with provisions provided in Part D Section 5.

1.3.3.1 Vehicle Parking Rates and Proportions

- a) Vehicle parking rates and proportions are as provided in Table 1-6.

Table 1-6 Vehicular Parking Rates and Proportions by Land Use Type

Standard	Residential Land Use	Office Land Use	Other Non-Residential Land Use	Permitted Variation from Standard	Exemption	Condition
Residential Vehicle Parking Rate (Maximum)	1 per <i>dwelling unit</i>	n/a	n/a	May exceed maximum if spots are provided on a temporary basis, can be converted to another <i>use</i> , and any such parking interior to a building is included in the calculation for maximum gross floor area per Table 1-4.		<i>Community Planning Permit (CPP)</i> Plans and Drawings, where applicable, denote the parking is temporary, and an agreement is registered on title regarding the temporary nature of the spots.
Visitor Vehicle Parking (Minimum and Maximum Proportion)	Minimum - 15% of all Residential Parking	n/a	n/a	Reduction permitted subject to the provision of a Transportation		Visitor <i>parking spaces</i> are identified on <i>CPP</i> plans.

Standard		Residential Land Use	Office Land Use	Other Non-Residential Land Use	Permitted Variation from Standard	Exemption	Condition
		Maximum - 20% of all Residential Parking			Demand Management Plan to the satisfaction of the Town.		
Other Vehicle Parking Spaces (Maximum)		n/a	3.6 per 100 sq. m.	4 per 100 sq. m.	May exceed maximum if spots are provided for public use (municipal parking)		Public Parking spots are conveyed to the Town by agreement.
Electric Vehicle Parking Spaces		25% of all residential <i>parking spaces</i> provided with Level 2 EV power outlet	2% of all with level 2 EV power outlet	1% of all with level 2 EV power outlet	Reduction permitted for residential EV parking subject to an alternative strategy that demonstrates residents of the building with EVs have access to charger.	Visitor <i>parking spaces</i> .	EV charger locations are identified on <i>CPP</i> plans.
Barrier Free Vehicle Parking	3 - 25	1 (visitor)	1	1	Reduced minimum proportion may be permitted	Within the MUC zone, the total residential	Barrier Free <i>parking spaces</i> and pick-up and drop off
	26 - 100	4% of total visitor	4% of total	4% of total			

Standard		Residential Land Use	Office Land Use	Other Non-Residential Land Use	Permitted Variation from Standard	Exemption	Condition
Spaces (Minimum Proportion of all spaces)	101 – 200	1, + 3 % of total visitor	1, + 3 % of total	1, + 3 % of total	subject to justification and/or provision of suitable pick-up and drop-off areas.	spots counted in the calculation are only related to the visitor parking calculation excludes parking.	area, where applicable, are identified on <i>CPP</i> plans.
	201 – 1,000	2, + 2% of total visitor	2, + 2% of total	2, + 2% of total			
	1,001 and over	11, + 1% of total visitor	11, + 1% of total	11, + 1% of total			

1.3.3.2 Bicycle Parking Rates

- a) Bicycle parking rates are as provided in Table 1-7 Bicycle Parking Rates.
- b) All bicycle parking facilities shall be identified on plans and located conveniently near building entrances and integrated with the broader cycling infrastructure network.
- c) Long Term bicycle (and similar mobility devices) parking shall be provided in secure covered facilities, generally interior to the building and highly accessible to building entrance and exists.
- d) Short Term bicycle parking (and similar mobility devices) shall be provided in locations that are highly visible and accessible to the public and shall provide opportunities to self-secure the bicycle.
- e) Higher minimum parking rates shall be imposed where there is low or no vehicular parking provided on the site. In those situations, the minimum standard imposed shall be in accordance with recommendations from applicable *transportation demand management plans*.

Table 1-7 Bicycle Parking Rates by Parking and Land Use Type

Bicycle Parking Facility Type	Land Use Type	Rate
long term	Residential	0.8 spaces/unit
	Office	0.25 spaces/100 sq. m.
	Other Non-Residential	0.1 spaces/100 sq. m.
Short Term	Residential	0.2 spaces/unit
	Office	0.1 spaces/100 sq. m.
	Other Non-Residential	0.25 spaces/100 sq. m.

1.3.3.3 Parking Structures

- a) Development shall provide structured parking, preferably below-grade.
- b) Notwithstanding (a), above-grade structured parking is permitted subject to the following:
 - i. should be designed with the flexibility to be repurposed for other *uses*, such as commercial, office and/or residential, as parking demand decreases over time due to shifts toward transit and active transportation.
 - ii. The parking of *motor vehicles* is prohibited in all *storeys* of an above grade parking structure for the first 9.0 metres of the depth of the *building*, measured in from the *main wall* oriented toward

the *lot line* adjacent to existing and planned rights of way identified on Schedule E 1.5 and public parks (including future parks) identified on Schedule E 1.1.

- iii. On a *corner lot*, a driveway providing access to a *parking structure* that crosses a flankage lot line shall be set back a minimum of 9.0 metres from the *main wall* of the *parking structure* oriented toward the *front lot line*.

1.4 Community Benefits in Exchange for Permitted Building Height

Where *community planning permit* applications propose to construct buildings that exceed threshold *building heights* provided in Schedule E 1.4, the applicant shall provide community benefit(s) to the satisfaction of the Town in exchange for the *height* permitted in the issued *community planning permit* as follows:

1.4.1 Maximum Gross Density

- a) The permitted *height* shall not result in a gross *density* of development that exceeds the maximum *gross density* that is permitted for the site.
- b) The calculation of *gross density*, requires:
 - i. Calculating the total *gross floor area* of the proposed *building*, including the *gross floor area* attributed to proposed *storeys* above the *building height* threshold;
 - ii. Subtracting *gross floor area* attributed to:
 - Elevator shaft(s)
 - Above grade *parking structure*
 - *Mechanical penthouse*
 - Below grade/subsurface facilities, and
 - Loading areas
 - iii. Calculating the total area of the site excluding lands zoned as Natural Area and including any lands that may be conveyed to a *public authority*,
 - iv. Dividing the resulting *gross floor area* by the resulting site area.

- c) The maximum permitted *gross density* is the FSI attributed to the site in Schedule E 1.3.

1.4.2 Eligible Benefits

- a) Eligible benefits are listed in Sections 20 Midtown Oakville and 30 Implementation of the Official Plan.
- b) A decision to accept a benefit that is not explicitly listed in the Official Plan requires the approval of Council.
- c) A single type of benefit or more than one type of benefit may be provided, subject to the total benefits being in proportion to the permitted *building height* per section 1.5.4 of this By-law.
- d) Eligible sustainable *building* initiatives include, but are not limited to:
 - i. Improvements to *building* and site conditions beyond Ontario Building Code requirements in order to:
 - Achieve Leadership in Energy and Environment Design (LEED) or similar certification;
 - Provide cooling roof material

- Provide glazing ratio that results in higher energy efficiency rates
 - Integrate on-site renewable electricity/energy production (i.e. solar panels, geothermal energy)
 - Reduce embodied carbon energy in *building* materials (e.g. reuse material, use lower-carbon material including encapsulated mass timber construction, sourcing materials locally); or
 - Target net-zero energy use and emissions.
- ii. Provision of:
- Green or blue roof;
 - Solar capture equipment;
 - Urban tolerant trees and other vegetation to provide shade and additional tree canopy, beyond *Town* standards; or
 - On-site low impact development techniques beyond *Town* standards.
- e) Eligible public art is required to be provided in strategic locations that are accessible to the public,

create view termini as well as animate the public realm. The installation may be informed by *Town* protocols, guidelines and strategies.

1.4.3 Prioritization of benefit

- a) Benefits provided in exchange for the permitted *building height* are prioritized as follows:

First Priority: Location – the benefit is provided on development site

Second Priority: Policy – the benefit is a matter listed in Section 20 Midtown Oakville of the Official Plan

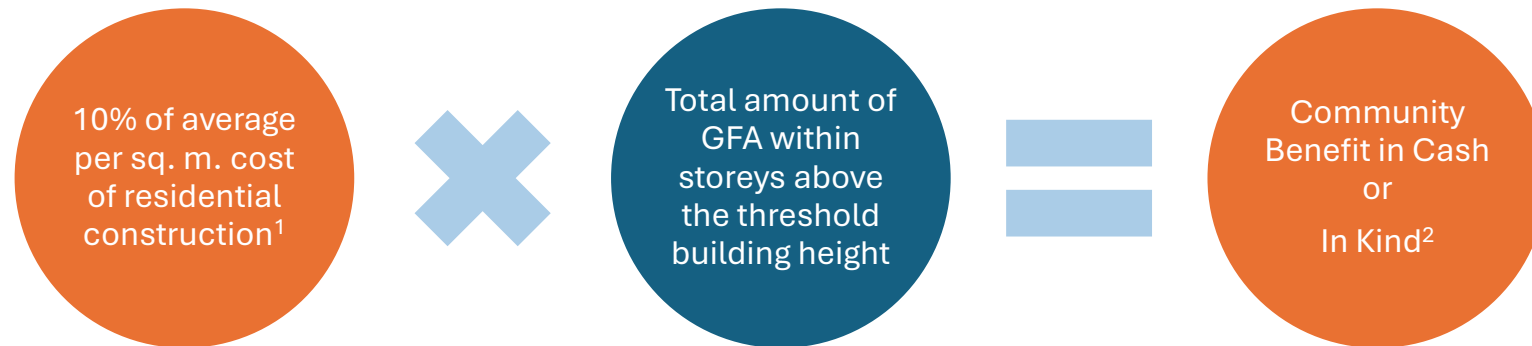
Third Priority: Timing – the benefit may be provided concurrent with the proposed development

Fourth Priority: Funding – the benefit provided is not funded or underfunded by the *Town*.

1.4.4 Proportional relationship between building height and community benefit.

NOTE TO READER - This is a PROPORTION OPTION (1): FLAT RATE – *FOR DISCUSSION*

- a) For development that is eligible to increase the *building height* above thresholds provided in Schedule E 1.4, the community benefit provided in exchange for the permitted *height* shall be in accordance with the following calculation:



¹ Cost per sq. m. is in accordance with the average provided in the Altus Guide for Residential Development based on Proposed *Building Type*.

² In kind benefits will be costed to demonstrate equivalence to cash value as per this formula.

- b) The provision of ‘in-kind’ community benefit is preferred. Where it is demonstrated that an in-kind benefit is not feasible for the project, a cash-in-lieu benefit may be provided at the time of *building* permit issuance.
- c) In kind benefits shall be costed by a qualified professional.
- d) Where in-kind benefits are less than the total Flat Rate calculated, the balance of funds shall be paid to the *Town*.
- e) Where in-kind benefits are greater than the total Flat Rate, the Town may supplement the balance of the cost to ensure that the in-kind benefit is provided in a manner satisfactory to the *Town*.

- f) Affordable housing units provided as a community benefit shall be maintained in good repair, as such pursuant to Section 446 of the Municipal Act, the Town has the right to enter and ensure that those community benefit housing units are maintained in good repair.
- g) All community benefit housing units shall be identified as such on approved and issued community planning permit plans and drawings. Section 118 provisions of the Land Titles Act will be applied to those units identifying the requirement for the Land Registrar to notify the Town when such units are sold and price for which they are sold. This requirement shall remain for the lifetime of the *building* wherein the units are located.
- h) Agreement(s) shall be registered on title that address the implementation of the community benefits approved in accordance with the provisions of this By-law.

NOTE TO READER – This is a PROPORTION OPTION (2): IN KIND – *FOR DISCUSSION*

- a) For development that is eligible to increase the *building height* above thresholds provided in Schedule E 1.4, the community benefit provided in exchange for the permitted *height* shall be in accordance one or a combination of the following benefit types:
 - i. Spatially Measured Community Benefits (see 1.4.4.1)
 - ii. Affordable Housing Community Benefits (see 1.4.4.2)
 - iii. Non-Spatially Measured Community Benefit (see 1.4.4.3)
- b) In kind benefits noted in Table 1-10 shall be costed by a qualified professional.
- c) Where in-kind benefits are insufficient to meet the resulting total *gross floor area* proposed to be achieved in the *storeys* above the threshold *height*, the applicant will be required to provide cash-in-lieu for the balance of the GFA.
- d) Where in-kind benefits are greater than what is required to achieve the total *gross floor area* in the *storeys* above the threshold *height*, the Town may supplement the balance of the cost to ensure that the in-kind benefit is provided in a manner satisfactory to the Town.
- e) The applicant shall provide a summary of actual costs associated with the construction/provision of the in kind benefit, any cost efficiency greater than 10% of the qualified professional's cost estimate shall be provided as cash-in-lieu of the community benefit.

- f) Affordable housing units provided as a community benefit shall be maintained in good repair, as such pursuant to Section 446 of the Municipal Act, the Town has the right to enter and ensure that those community benefit housing units are maintained in good repair.
- g) All community benefit housing units shall be identified as such on approved and issued community planning permit plans and drawings. Section 118 provisions of the Land Titles Act will be applied to those units identifying the requirement for the Land Registrar to notify the Town when such units are sold and price for which they are sold. This requirement shall remain for the lifetime of the *building* wherein the units are located.
- h) Agreement(s) shall be registered on title that address the implementation of the community benefits approved in accordance with the provisions of this By-law.
- i) Unless otherwise stated and where cash-in-lieu is the only appropriate community benefit that can be provided due to the nature and location of the development site, the cash-in-lieu benefit shall be 10% of per sq. m. construction cost (per the most current Altus Cost Guide for Residential Development based on Proposed *Building Type*) of the *gross floor area* attributed to the *storeys* above the *height* threshold.

1.4.4.1 Spatially Measured Community Benefits

In exchange for additional *building height*, spatial benefits that may be provided are listed in Table 1-8. The total square metres of the community benefit to be provided is determined based on the rate for each benefit type (provided in Table 1- 8) and the following calculation:



Table 1-8 Community Benefit Proportion for Eligible **Spatial** Benefits

ELIGIBLE BENEFIT	RATE of In Kind Benefit
community facilities such as: a creative centre, including associated studio, office, exhibition, performance and retail space; and public library	3% - 5%
day care centres	5% - 8%.
integration of office uses in mixed-use developments	9% - 13%
public parking – Free Standing Structure	19% - 29%
public parking – Underground Structure	14% - 21%
public service facilities and improvements to such facilities	4% - 6%
parkland and improvements to parks	Per FSI for site. (i.e. @ 6 FSI = 1/6 or 17%)
improved local transit facilities and transit user amenities – in the form of a Transit Stop	5%- 8%

1.4.4.2 Affordable Housing Community Benefits

Housing affordability is measured in many ways and is different for each household. To address the Town of Oakville housing needs as expressed in the Housing Needs Assessment, community planning permit applicants can identify housing units as affordable based on the options provided in Table 1-9. The GFA attributed to the *storeys* above the *building height* threshold multiplied by the proportions noted in Table 1-9 shall be provided as affordable housing units anywhere in their proposed *building*, at affordable price/rent in accordance with the conditions noted in Table 1-9.

Table 1-9 Affordable Housing Proportion Options

	Proportion of GFA calculated within building storeys above the height threshold reserved for 'affordable housing'	Condition 1: Threshold Price/Rent for Reserved Unit	Condition 2: Affordability Requirement	Condition 3: Affordability Period
OPTION A	100%	None (ownership units)	Maximum resale price of unit is restricted to 10% above the seller's original purchase price. If the unit is offered as secondary market rental, the maximum rent is limited to no more than 100% of Average Market Rent and any increase in rent is per the Provincial rate as established by the <u>Residential Tenant Act</u>.	The Affordability Requirement applies for the lifetime of the <i>building</i> .
OPTION B	100%	None (rental units)	Maximum increase in rent is per the Provincial rate as established by the <u>Residential Tenant Act</u> .	The Affordability Requirement applies for the lifetime of the <i>building</i> .
OPTION C	50%	90% of Market Value Price per unit type.	Maximum resale price of the unit is restricted to 10% above the seller's original purchase price. If the unit is offered as secondary market rental,	The Affordability Requirement applies for the lifetime of the <i>building</i> .

	Proportion of GFA calculated within building storeys above the height threshold reserved for 'affordable housing'	Condition 1: Threshold Price/Rent for Reserved Unit	Condition 2: Affordability Requirement	Condition 3: Affordability Period
			the maximum rent is limited to 100% of Average Market Rent and any increase in rent is per the Provincial rate as established by the <u>Residential Tenant Act</u> .	
OPTION D	25%	The maximum unit price is affordable to the 60 th percentile household income as listed in the Ministry of Municipal Affairs Bulletin.	Maximum resale price of the unit is restricted to greater of 10% above purchase price or value associated with 60th percentile household income as listed in the Ministry of Municipal Affairs Bulletin at the time of sale. If the unit is offered as secondary market rental, the maximum rent is limited to 100% of Average Market Rent and any increase in rent is per the Provincial rate as established by the <u>Residential Tenant Act</u>.	The Affordability Requirement applies for the lifetime of the <i>building</i> .

1.4.4.3 Non-Spatial Community Benefits

In exchange for additional *building height*, the non-spatial benefits that may be provided are listed in Table 1-10. The total *gross floor area* that is attributed to the *storeys* of a *building* above the *building height* threshold is based on the following calculation which is dependent on the estimated construction of the community benefit:



¹ The **average cost of residential construction per sq. m.** as provided in the Altus Guide for Residential Development based on Proposed *Building Type*

Table1-10 Eligible Non-Spatial Benefits

Eligible Benefit
• grade separated pedestrian and cycling facilities across the QEW, railway tracks or Trafalgar Road; • improved local transit facilities and transit user amenities; • contributions towards a district/renewable heating/cooling/energy system. • public transit <i>infrastructure</i>, facilities, services and improved pedestrian access to public transit; • conservation and preservation of cultural heritage resources • protection and/or enhancement of natural features and functions • public art • sustainable <i>building</i> initiatives • Other – requires Council approval

1.4.5 Acknowledgement of Benefit Exchanges that pre-date this by-law

- a) In recognition of a Section 37 agreement with respect to site specific zoning provisions for 599 Lyons Lane, where *building height* is greater than 20 storeys but not more than 26 storeys, and the total units exceed 400; a per unit fee shall be paid for any units not to exceed a total of an additional 80 units, per the agreement registered on title.
- b) A change in the proposed *building height* annuls this agreement through the processing of a new *community planning permit* agreement.

1.4.6 Midtown Reserve Fund

- a) Any cash received in exchange for Community Benefits shall be placed in a reserve fund to provide the community benefit at a later date.
- b) The provisions of these community benefits may also be funded through cash-in-lieu of any other condition listed in Part B, Section 9, Conditions.

1.4.7 Agreements

The applicant shall enter into Agreements with the *Town* regarding the provision of community benefits for reasons such as:

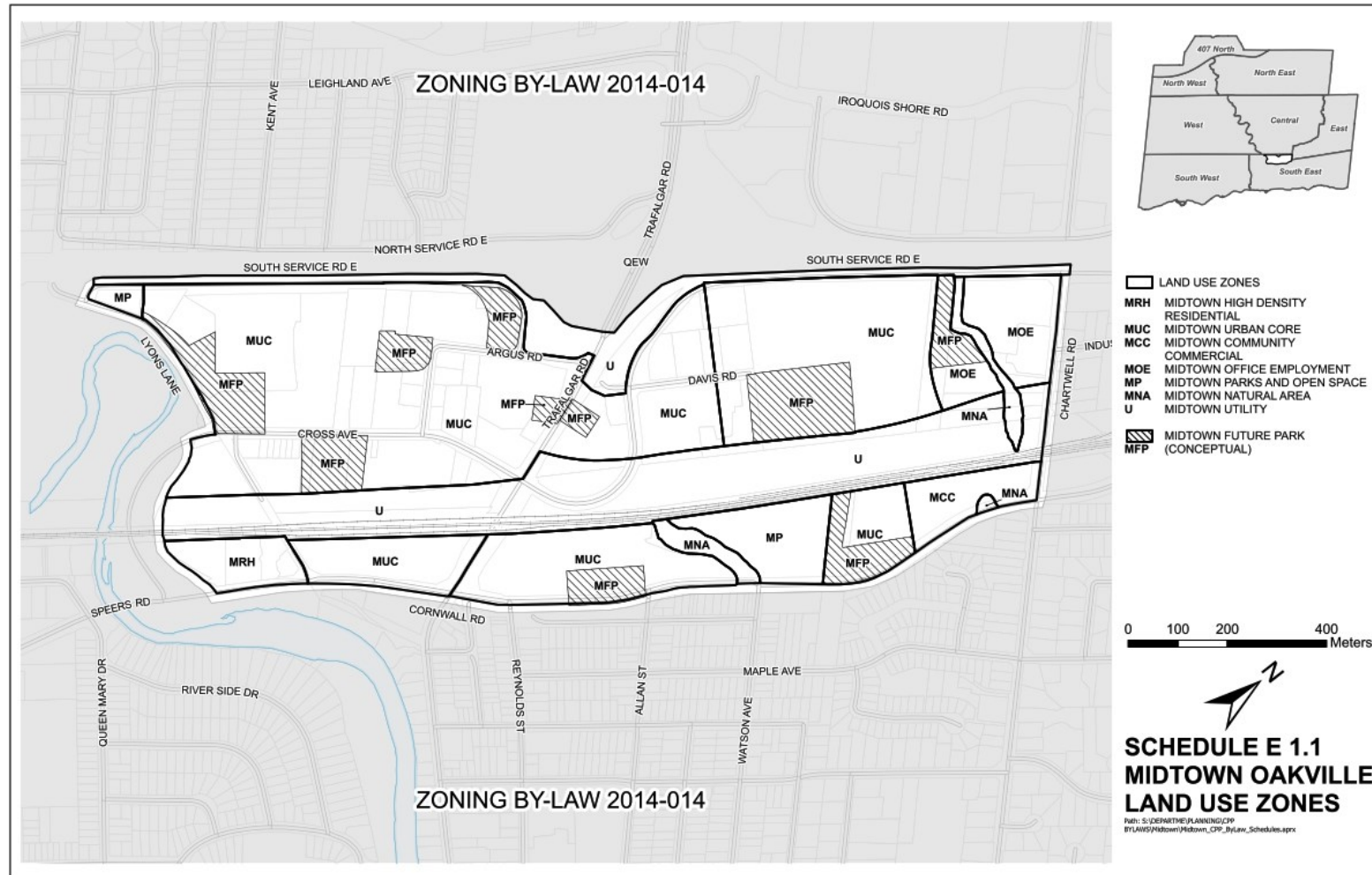
- a) The proposed benefit will be provided off-site
- b) The proposed benefit will be provided on-site, within the proposed development.
- c) The proposed benefit requires reciprocal agreements between the landowner and the *Town*, and/or
- d) The proposed benefit is providing affordable housing which must be maintained affordable.

1.5 Inclusionary Zoning within Residential Development

In addition to *Inclusionary Zoning* provisions provided in Part D, Section 7, the following apply to the Midtown Community Planning Permit Area, the required *Inclusionary Zoning units* shall be provided as:

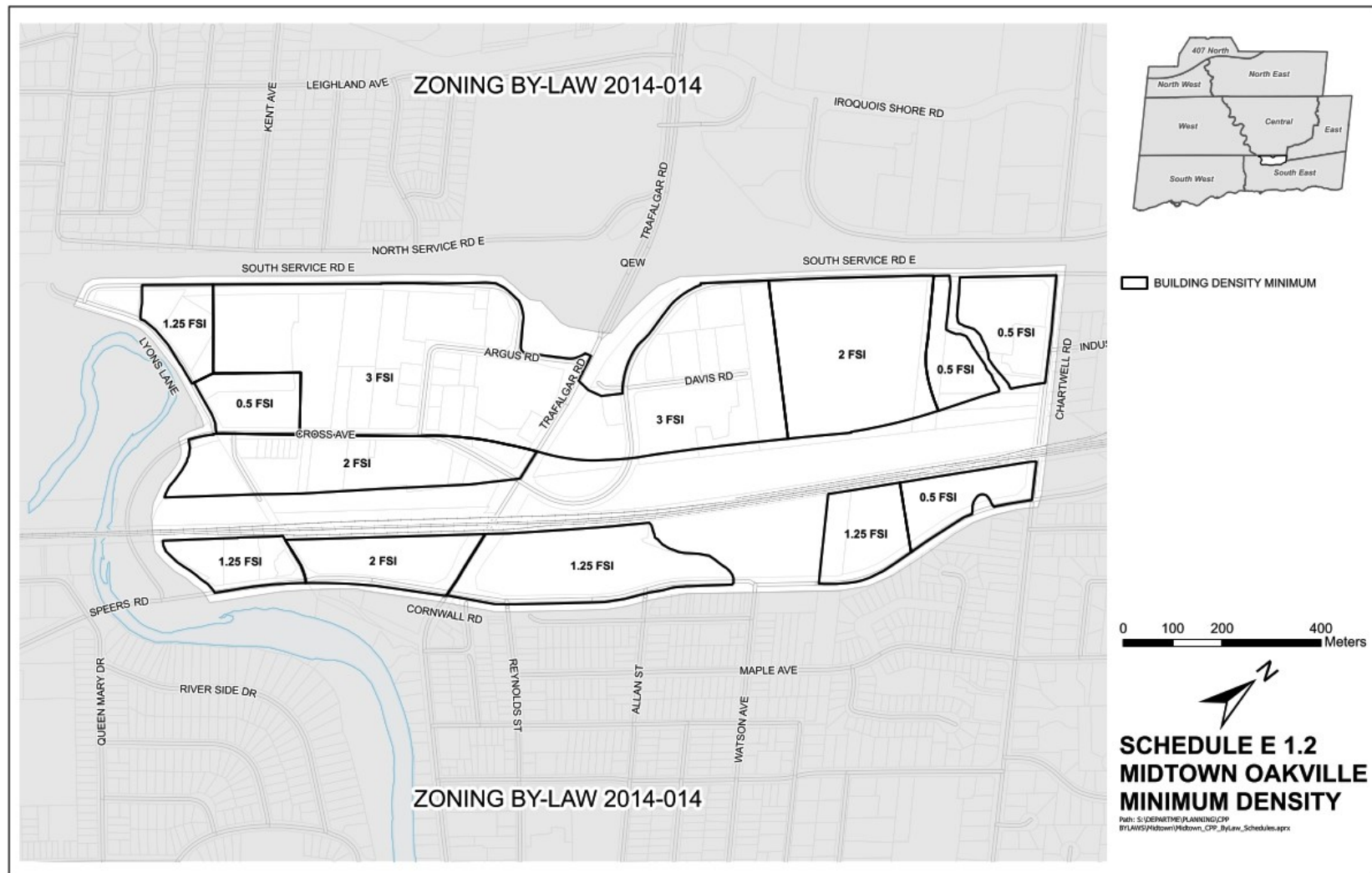
- a) Rental housing *dwelling units* leased at no more than 80% of Average Market Rent as determined in Part D, Section 7 (e), and shall be provided with the same *dwelling unit* mix proportion required in Section 1.1.3 (9) above; **or**
- b) Ownership *dwelling units* containing two or more bedrooms priced for the 60th percentile of household income in accordance with Part D, Section 7 (e).

1.6 Schedules

Schedule 1.1 Midtown Oakville Land Use Zones¹

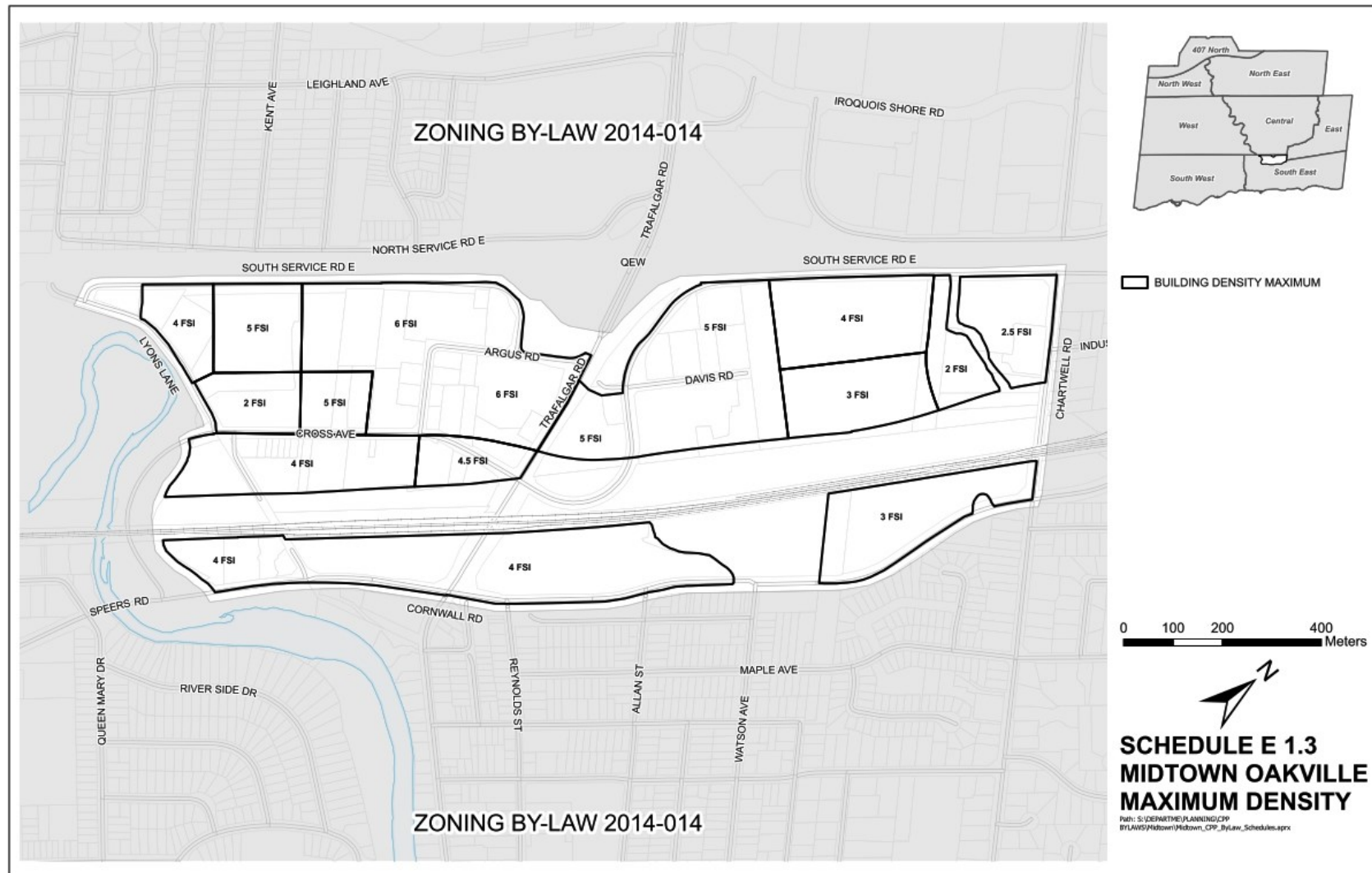
¹ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

Schedule 1.2 Midtown Oakville Minimum Density²



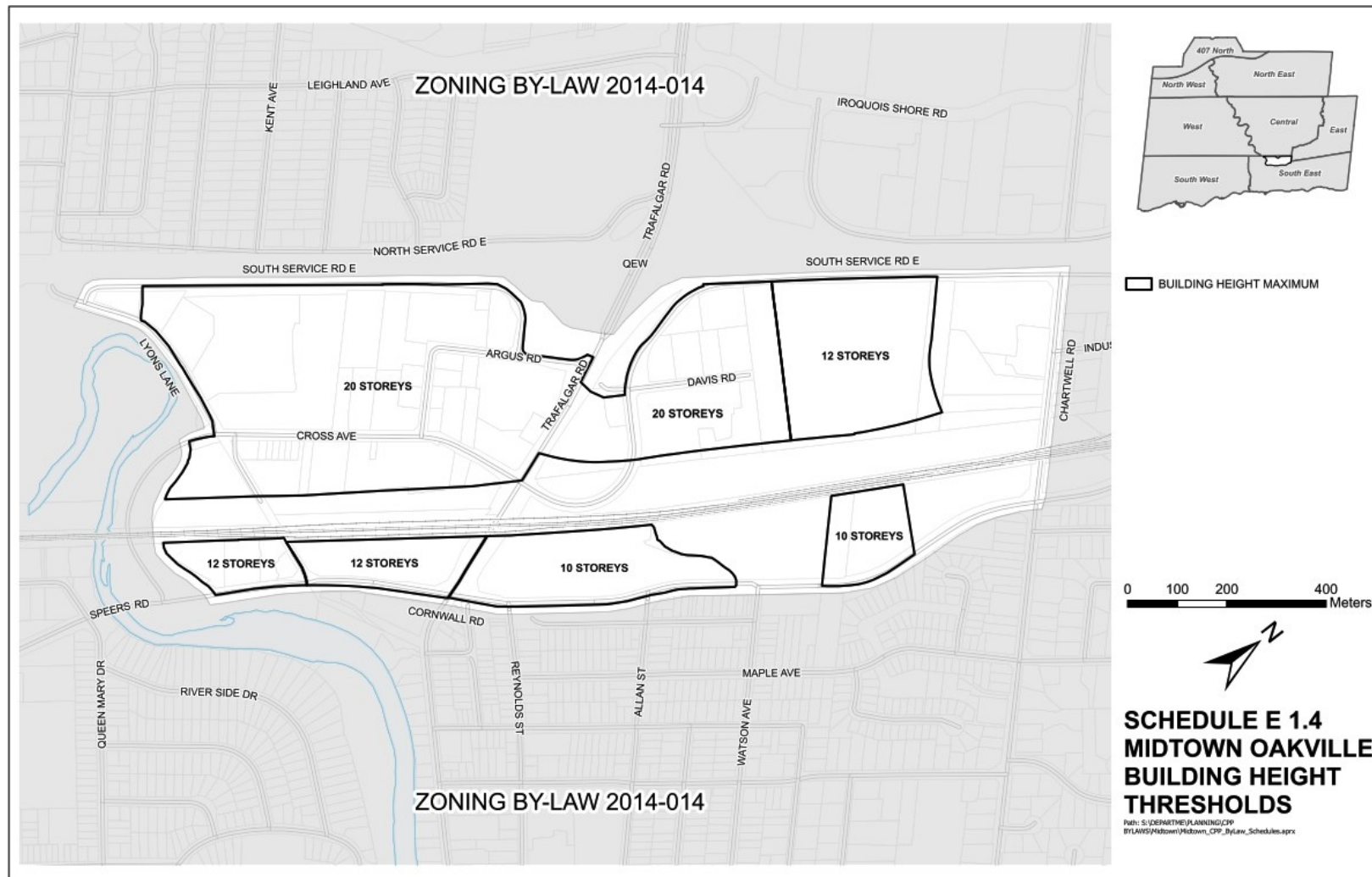
² See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

Schedule 1.3 Midtown Oakville Maximum Density³



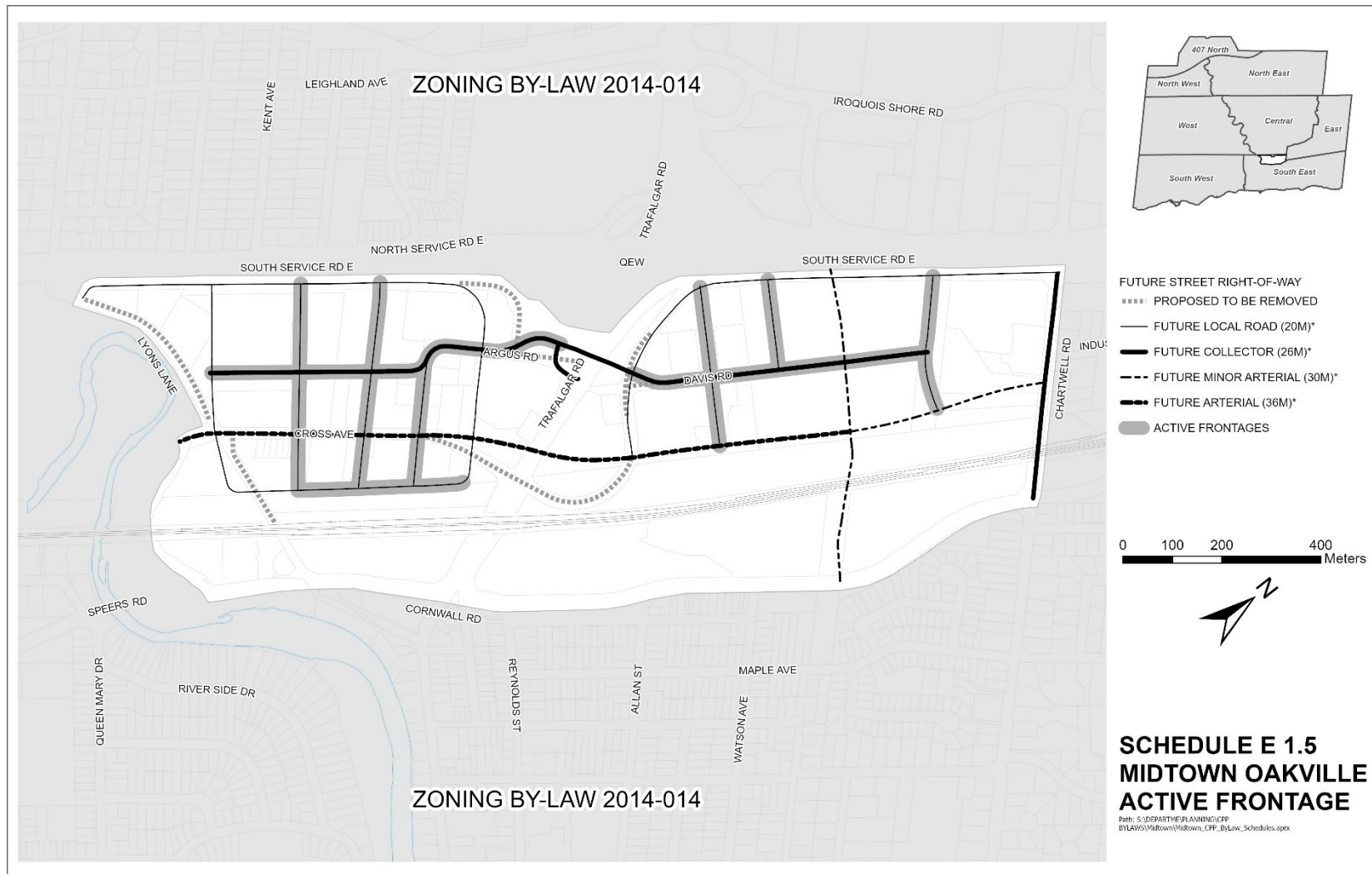
³ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

Schedule 1.4 Midtown Oakville Building Height Thresholds⁴



⁴ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

Schedule 1.5 Midtown Oakville Active Frontage⁵



⁵ ROWs shown on this schedule are conceptual.

2 Bronte Village

[prepared separately]