



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2026-041

Town of Oakville Community Planning Permit By-law

WHEREAS Section 70.2 of the Planning Act authorizes the Lieutenant Governor in Council to establish, by regulation, a development permit system (also termed as Community Planning Permit System) that local municipalities may by by-law adopt to control land use development in the municipality;

WHEREAS Ontario Regulation 173/16 Community Planning Permits prescribes the method of passage of a Community Planning Permit By-law;

WHEREAS Section 4 of Ontario Regulation 173/16 prescribes the contents of a Community Planning Permit By-law;

WHEREAS the Livable Oakville Official Plan enables the Town to pass Community Planning Permit By-laws;

WHEREAS Section 9(3) of Ontario Regulation 173/16 states that: “On the day the community planning permit by-law comes into force, all by-laws passed under section 34 of the Act are deemed to be repealed with respect to the area covered by the community planning permit by-law;”

WHEREAS Midtown Oakville is identified as Community Planning Permit Area to which the Community Planning Permit By-law provided in Schedule "A" applies; and

WHEREAS Ontario Regulation 173/16 defines “development” to include matters otherwise related to tree protection and site alteration by-laws;

COUNCIL ENACTS AS FOLLOWS:

- 1) The Community Planning Permit By-law attached as Schedule “A” to this by-law is hereby passed.
- 2) Zoning By-law 2014-014 is amended as follows:
 - a. Table 2.1.1 is amended by deleting the following rows:
 - Midtown Oakville Zones,
 - Midtown Transitional Commercial, and
 - Midtown Transitional Employment

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- b. The definition of Mixed Use Building is amended by deleting the words “or Midtown Oakville;”
- c. Part 7 – Midtown Oakville Zones is repealed in whole;
- d. Special Provisions 18, 191, 360, 369 and 413 are repealed in whole.
- e. Holding Provisions H13, H29 and H49 are repealed in whole.
- f. Temporary Use provision T6 is repealed in whole; and
- g. Map 19 (8) is modified by delineating all lands that are subject to the Midtown Community Planning Permit Area as shown in Schedule B to this by-law as “Community Planning Permit By-law 2026-041.”

3) The Private Tree Protection By-law 2017-038 is amended by:

- a. In section 4(2), inserting the words “or community planning permit” after the words “site plan” so that the updated clause now reads as follows:

“No person shall cause or permit the injury, destruction or removal of any tree with a diameter equal to or greater than fifteen (15) centimetres on a property, or any tree required to be retained or planted as a condition of an approved site plan, or community planning permit, or any tree planted in accordance the partnership program for planting larger caliper replacement street trees on private property, without first obtaining a permit pursuant to this By-Law.”
- b. In section 5 (a), inserting the words “or community planning permit,” after the words “site plan” so that the updated clause now reads as follows:

“with a diameter less than fifteen (15) centimetres, other than a tree required to be retained or planted as a condition of an approved site plan, or community planning permit, or a tree planted in accordance the partnership program for planting larger caliper replacement street trees on private property;”
- c. In section 5 (f),
 - i. Inserting the words and punctuation “community planning permit under O. Reg. 173/16,” before the words “or as a requirement of a site plan” in the first instance,
 - ii. Inserting the words and punctuation “community planning permit,” after the words “site plan” in the second instance, and
 - iii. Inserting the words “or Regulation” after the word “Act” at the end of the clause,so that the updated clause now reads as follows:

“for the purpose of satisfying a condition to the approval of a site plan, a plan of subdivision, a plan of condominium, or a

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consent under sections 41, 51, and 53 of the Planning Act, or a community planning permit under O. Reg. 173/16, or as a requirement of a site plan, community planning permit, or subdivision agreement under those sections of the Act or Regulation;”

- d. In section 7(6)(c), inserting the words and punctuation “community planning permit,” before the words “or a site plan” so that the updated clause now reads as follows:

“an application for rezoning, a consent, a minor variance, a plan of subdivision, a plan of condominium, community planning permit, or a site plan to the land on which the tree is located has been submitted to the Town or Region, but has not received final approval;”

- e. In section 7(6)(f), inserting the words and punctuation “or community planning permit,” after the words “site plan” so that the updated clause now reads as follows:

“the tree is required to be retained or planted as a condition of an approved site plan or community planning permit.”

- 4) Site Alteration By-law 2023-047 is amended by, in clause 6.1 (g), inserting the words and punctuation “community planning permit,” after the words “site plan approval” so that the updated clause now reads as follows:
- “the Director is satisfied that the site alteration is consistent with any applicable site plan approval, community planning permit, or approval of a plan of subdivision;”
- 5) The Community Planning Permit By-law provided in Schedule “A” is subject to appeal rights, in part, as set out in the Planning Act, R.S.O. 1990, and shall come into effect;
- the day after the day for filing a notice of appeal, if there are no appeals; or
 - the day after the day on which all the appeals are disposed of by the Ontario Land Tribunal, or
 - on a date as the Ontario Land Tribunal may otherwise order;
- 6) In accordance with Ontario Regulation 173/16, section 2 comes into effect, in whole or in part, when Section 1 of By-law 2026-041 is in effect for the subject lands; and
- 7) Sections 3 and 4 come into effect upon the passing of this By-law, 2026-041.

PASSED this <Insert day (XXth)> day of <Insert Month(XXX)>, 2000

Rob Burton

MAYOR

William Short

CLERK

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Schedule “A” – Town of Oakville Community Planning Permit By-law

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Town of Oakville

Community Planning Permit By-law

Draft for **Public** Consultation

June 2026



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Part E – Community Building Area Specific Provisions

1. Midtown Oakville

Explanatory Note

The Town of Oakville enabled the use of a Community Planning Permit System through the adoption of the Midtown Oakville and Community Planning Permit System Official Plan Amendment 70 (OPA 70) in February 2025. OPA 70 amends the Livable Oakville Official Plan (Official Plan). OPA 70 was approved by the Minister of Municipal Affairs and Housing on XXXX.

This Community Planning Permit By-law (CPP By-law) is prepared in conformity with the Official Plan as amended by OPA 70. This by-law is to be read in conjunction with the Official Plan and any supporting guidance material.

The By-law includes provisions that may be applied anywhere in Oakville (Parts A – D); however, the by-law only applies to designated Community Planning Permit Areas as identified in Part B and for which area specific provisions are provided in Part E.

As new CPP Areas are identified in the Official Plan, new area specific sub-sections may be added to Part E of this by-law.

Where this by-law applies, the Town’s Zoning and Site Plan Control By-laws do not apply.

Approval of development within a Community Planning Permit area is subject to a Community Planning Permit, rather than traditional site-specific re-zoning, minor variance and/or site plan applications.

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Part A

Interpretation

Draft for **Public** Consultation

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1 Statutory and Non-Statutory

Matters within the By-law

This by-law includes: text, tables, schedules, figures, sidebars, and appendices.

- a) The text, tables, and schedules in Parts A to E 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.

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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 by-law, 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 **and/or natural hazards study which is prepared in consultation with the applicable Conservation Authority.**
- 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*.

¹ Due to the complexity of natural areas, not all natural areas/features have been mapped **nor are they zoned “Natural Area”**. An Environmental Impact Assessment **and/or natural hazard technical study** is required to identify and delineate the boundaries of both

- 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*.

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.

mapped and unmapped features **and/or hazards in consultation with the relevant Conservation Authority, as applicable.**

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Part B Administration

Draft for **Public** Consultation

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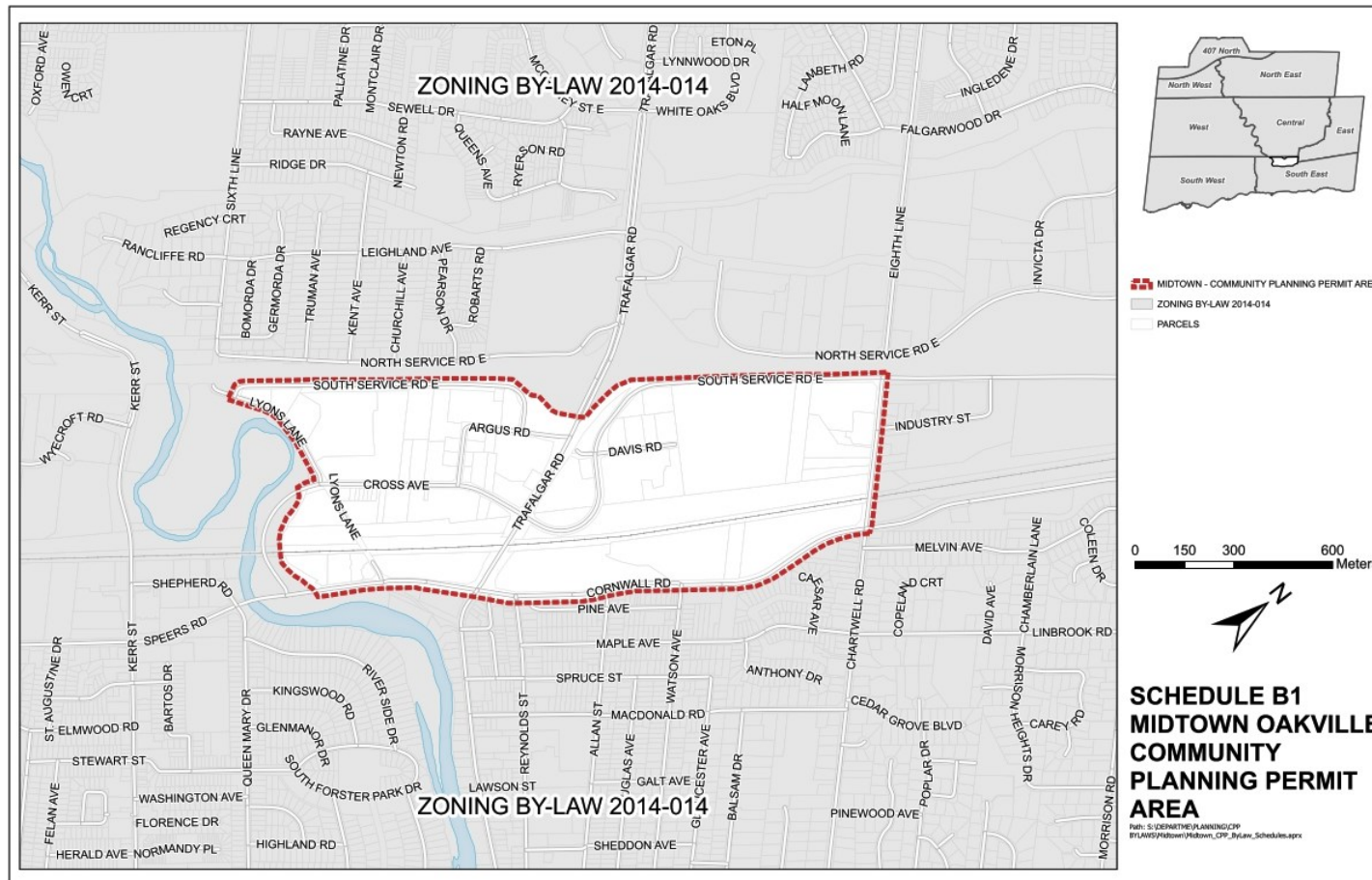
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1 Community Planning Permit Areas

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.



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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~~ Compliance with this By-law

- 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 this 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 Compliance with 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 **legislation or** regulation of the Regional Municipality of Halton, Province of Ontario,

¹ Without limiting its generality, such legislation includes the Building Code (Ontario Regulation 350/06), **Minister's Zoning Orders 01-2026, 02-2026, 03-2026 and 04-2026**, the **Canadian Energy Regulator Act**, and the permitting procedures of ~~Conservation Halton (Ontario~~

~~Regulation 162/06) and the Credit Valley Conservation Authority (Ontario Regulation 160/06).~~ **the Conservation Authorities Act and Ontario Regulation 41/24.**

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or Government of Canada that may otherwise affect the use of land, *buildings*, or *structures*.

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 *community planning 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.

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3 Transition

3.1 Planning Act Transition

All matters that are subject to transition **provisions** in accordance with the Planning Act and its associated regulations are transitioned in accordance with those 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 **as delineated in Part B Section 1**, 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.
- b) **Where a change to an approved site plan is required, such changes shall be addressed through a *community planning permit* application.**

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 **for the applicable community planning permit area** 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.

3.4 Site and Area Specific Transition

- a) **Part E of this by-law may include additional area specific transition provisions related to Special, Temporary, and Holding provisions in otherwise repealed zoning by-laws.**

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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 B 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 B 6);
 - ii. site alteration (where it is unrelated to Class 1 - 4 matters, as defined in Section B 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 *public 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

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- viii. 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 **occurs in its original location**, 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 **prior to the natural cause**.

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~~

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~~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.~~

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5 Classes of Development and Notice

- a) Classes of development are listed in Table B5-1 Classes of Development and Notification Procedure.
- b) Complete applications shall include confirmation that a sign is installed on the site notifying the public that an application for community planning permit is in process.
- c) Public notice of complete application and notice of decision shall be provided for these Classes of Development in accordance with Table B5-1.

Table B5-1 Classes of Development and Notification Procedure

Class	Description	Notice of Complete Application	Notice of Decision
1	Parking Area (new or change to)	<ul style="list-style-type: none"> • Email to: applicant, public agencies • Sign on Site 	To applicant and as prescribed.
2	Temporary Sales Office or Other Temporary Use (less than 6 months)	<ul style="list-style-type: none"> • Email to: applicant and public agencies • Sign on Site • Town website 	To applicant and as prescribed.
3	Expansion/Replacement ² to an existing building or Temporary Use (more than 6 months)	<ul style="list-style-type: none"> • Email to applicant and public agencies • 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)	<ul style="list-style-type: none"> • Email to applicant, public agencies, Indigenous community • Sign on Site • Town website • Mail to adjacent property owners within 60m (new development comprised of ten residential dwelling units or less) 	To applicant and as prescribed.

² Replacement is not associated with a matter that is otherwise exempt (see Section B 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 due to the expansion does not exceed 20% of its existing mass. Expansions greater than 20% of the existing building gross floor area are considered Class 4.



Class	Description	Notice of Complete Application	Notice of Decision
		<ul style="list-style-type: none">• Mail to adjacent property owners within 120m (all other applications)	

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6 Delegation of Authority

6.1 Community Planning Permits

- a) Authority to make decisions in accordance with **the Official Plan and** the provisions of this by-law is delegated as provided in Table B6-1 Delegation of Authority.
- b) Staff in ~~item~~ Table B6-1 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.

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Table B6-1 Delegation of Authority

Approval Authority	Decision to approve regarding 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 referral to Council	Where staff deem application requires it, Council makes decision. Per section B 6.1 (c)	Where staff deem application requires it, Council makes decision. Per section B 6.1 (c).	Where staff deem application requires it, Council makes decision. Per section B 6.1 (c)

6.2 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.

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7 Review and Approval Process

7.1 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 B7-1 Community Planning Permit Processes. **This procedure generally occurs in three parts. Part 1 – Pre-Application (Steps 1-4), Part 2 – Application (Steps 5-10), and Part 3 – Post Application (Steps 11 and on, as applicable).**
- b) Revisions to an issued *community planning permit* may be permitted subject to the procedure denoted in Table B7-1.
- 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 B7-1.
- d) The following apply to the interpretation of Table B7-1:
 - 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 **public** agency review of an application is only necessary where the application involves **their** 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. 173/16.~~
 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 B7-1 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 be adjudicated by the Ontario Land Tribunal.

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Table B7-1 Community Planning Permit Processes

Prescribed Timing	Step	New Application ³				Revision to a Community Planning Permit	Revision to an Agreement ⁴
		Mandatory (M)	Discretionary (D)				
	Class of Development	1	2	3	4		
45 days	1 Applicant to consult <i>Town</i> to determine if permit is required, and if so, <i>Town</i> to identify which Class of Development is applicable.		M			n/a	n/a
	2 <i>Town</i> to determine Class of Development shall hold a pre consultation meeting with the applicant, and identify complete application requirements, and assign an application number.		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
	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 complete 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

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 area.

⁵ See Table B6-1 Delegation of Authority 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 permit* application:

- a. refuse the application;
- b. approve the application and issue a *community planning permit* with no conditions attached;
- c. approve the application and require that conditions be met before issuing a *community planning permit*;
- d. approve the application and issue a *community planning permit* with conditions attached; or
- e. 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.



Prescribed Timing	Step	Class of Development	New Application ³ Mandatory (M) Discretionary (D)				Revision to a Community Planning Permit	Revision to an Agreement ⁴
			1	2	3	4		
Within 15 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
	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

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7.2 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. 173/16 Schedule 1.⁷
- b) Requirements for complete application may include a requirement that the submitted study is prepared in accordance with the applicable terms of reference, and/or in consultation with the applicable authority listed in item (e) below.
- c) A complete application includes payment of the applicable application fee(s) and confirmation that a sign (prepared in accordance with *Town’s* requirements) has been placed on the development site notifying the public of the application.
- d) 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, Environmental Impact Assessment, and/or other *natural hazards technical study*;
 - identify the density and distribution of built form, *building heights*, mixture of *uses*, and housing types including affordable housing;

⁷ Schedule 1 of Ontario Regulation 173/16 requires the following:

1. **Plans** that show the location of all *buildings* and *structures* to be erected, the location of all facilities and works to be provided in conjunction with the *buildings* and *structures*, and the location of all facilities and works required under clause 41 (7) (a) of the Act or clause 114 (11) (a) of the *City of Toronto Act, 2006*, including facilities designed to have regard for accessibility for persons with disabilities.
2. **Drawings** that show plan, elevation and cross-section views for each *building* to be erected and are sufficient to display,
 - i. the massing and conceptual design of the proposed *building*,
 - ii. the relationship of the proposed *building* to adjacent *buildings*, streets, and exterior areas to which members of the public have access,
 - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent *buildings*,
 - iv. matters relating to exterior design, including without limitation the character, scale, appearance and design features of the proposed *building*, and its sustainable design, but only to the extent that it is a matter of exterior design, if the official plan contains provisions relating to such matters,
 - v. the sustainable design elements on any adjoining highway under a municipality’s jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, and
 - vi. facilities designed to have regard for accessibility for persons with disabilities.

- applications that propose to exceed *building height* or density thresholds through a condition of development approval (as described in item (k) in Table B8-1 Type of Conditions) shall explicitly identify that intention and the proportional community benefit in accordance with the provisions of this by-law;
 - 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.
- e) Studies supporting the application shall be in accordance with terms of reference approved by the *Town, Region, Conservation Authority, Provincial Ministries, and other agencies* as applicable.
 - f) Where required in an applicable Terms of Reference, modelling information shall be provided in a format that is acceptable to the issuer of the Terms of Reference.
 - g) 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, *as well as applicable Studies, Plans, guidelines prepared by Halton Region, Conservation Authority, and Federal and Provincial Ministries and Agencies.*
 - h) ~~Notice to the public of the application, where applicable, shall be provided within 3 days of the application being deemed complete.~~ *Where required by statute or in the Official Plan, applications shall include clearances or acknowledgement letters, as appropriate, from ~~public~~ agencies to confirm the proposed application is not in conflict with statutes/regulations, and/or that issues or the mitigation of issues may be addressed via conditions of the *community planning permit* application, should the application be approved.*

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8 Conditions of Approval

8.1 Types of Conditions

- a) Table B8-1 Types of Conditions 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 B8-1.
- c) As noted in Table B8-1, 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 B8-1, such agreements may be required to be registered on Title.

Table B8-1 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 <i>Town</i> 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. Discretionary, may be prior to or post the issuance of a <i>community planning permit</i> .	Required.	Discretionary (dependent on the terms of the Agreement)	All lands within PMTSA ⁸

⁸ Per the Planning Act, the *Town* is not able to require minimum parking rates, except for bicycle parking.



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
b) Provide and at no expense to the Town or Halton Region:	In accordance with Section 41 of the <u>Planning Act</u>	To be identified on the plan of the <i>community planning permit</i> , as applicable.	Discretionary	Discretionary (dependent on the terms of the Agreement)	
1) Widening of (<i>Town or Region</i>) right-of-way that abut on the land (as described in the Official Plan)					
2) Transit right-of-way (<i>Town or Region</i>) (as described in the Official Plan)					
3) Facilities to provide access to and from land (i.e., ramps, curbs, signs) (<i>Town or Region</i>)					
4) Off Street vehicular loading and parking, including bicycle parking facilities, and access <i>driveways</i> , including <i>driveways</i> for emergency vehicles (<i>Town or Region</i>)					
5) Walkways and walkway ramps					
6) Facilities designed to have regard for accessibility for persons with disabilities (<i>Town or Region</i>)					
7) Facilities for the lighting of the land or of any <i>buildings or structures</i> thereon					
8) Walls, fences, hedges, trees, shrubs, 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 <i>Town or Region</i> for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public <i>utilities</i> 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 or structures</i> thereon (<i>Town or Region</i>)					

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Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
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 from access ramps and <i>driveways</i> , parking and loading areas and walkways;	Post construction	Required, as applicable.	Discretionary (dependent on the terms of the Agreement)	
d) Parkland Dedication or Cash-in-lieu	<p>In accordance with Section 42 of the <u>Planning Act and Town of Oakville Parkland-Dedication-By-law By-law 2024-034, as amended.</u></p> <p><u>Conveyed land shall be in accordance with the Town’s Parkland Dedication Policy and Parkland Dedication Procedure.</u></p>	<p>Parkland that is provided on site is to be identified on 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.</p> <p>Conveyed land shall not be:</p> <ul style="list-style-type: none"> i.—Lands zoned Natural Area ii.—Hazard lands iii.—Lands required for drainage purposes, stormwater management or shoreline protection works 	Discretionary	Discretionary (dependent on the terms of the Agreement)	Per Section 42 of <u>Planning Act</u> and <i>Town</i> by-law 2024-034, as amended.



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
		<p>iv. Connecting walkways or</p> <p>v. Lands unsuitable for development or redevelopment</p>			
<p>e) Tree Protection and on-site vegetation</p>	<p>Conditions as described in <i>Town by-laws Private-Tree-Protection-By-law and Town-Tree-Protection-By-law, and the Region of Halton Tree By-law for the protection of trees and/or permission to remove trees.</i></p> <p>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 management, and measures to address heat-island effect.</p> <p>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.</p>	<p>To be identified on the plan of the <i>community planning permit</i>, as applicable.</p> <p>Prior to permit issuance, may require arborist report and/or securities.</p> <p>Tree compensation may be required post-permit issuance in the form of replacement trees and/or fees.</p>	<p>Discretionary</p>	<p>Discretionary (dependent on the terms of the Agreement)</p>	



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
f) Site Alteration	<p>Conditions that are related to the alteration of a site, including but not limited to: alteration or restoration of the grade of land, and placing or dumping fill. Conditions include those listed within the <i>Town's Site-Alteration-By-law</i>.</p> <p>Conditions may include matters that address water balance and storm water management to ensure no negative impact from development.</p>	<p>To be identified on the plan of the <i>community planning permit</i>, as applicable.</p> <p>Prior to permit issuance, may require an engineer's stamped report, securities, and/or proof of liability insurance.</p> <p>Post permit issuance, site rehabilitation may be required.</p>	Discretionary	Discretionary (dependent on the terms of the Agreement)	
g) Monitoring	<p>Conditions that are related to ongoing monitoring requirements that are considered necessary for the protection of: public health and safety, or the natural heritage system.</p> <p>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</p>	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
	<p>areas and restoration practices as identified through an approved environmental study to ensure desired outcomes are achieved.</p>				
<p>h) Protection of safety and security of persons, property, and natural heritage system.</p>	<p>Other Public Agency Permits: Development within the Regulated Area of a <i>Conservation Authority</i> or permit areas of other public authorities, such as the Ministry of Transportation, or Metrolinx, <i>Nav Canada, utility or pipeline companies</i> require permits issued by those authorities.</p> <p>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.</p>	<p>Public Authority <i>Public agency</i> permits may be required prior to or post <i>community planning permit</i> issuance, to be determined in consultation with the authority <i>public agency</i>.</p> <p>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>.</p> <p>Mitigation measures are maintained post issuance of a <i>community planning permit</i>.</p> <p>On-going maintenance occurs post issuance of</p>	<p>Discretionary, agreement must be entered into prior to issuance of permit.</p>	<p>Discretionary (dependent on the terms of the Agreement)</p>	



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	<p>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> or the subject land may be conveyed to a public authority.</p>	<p>a <i>community planning permit</i>.</p> <p>Natural areas and their associated buffer areas are required to be identified on the <i>community planning permit</i> plan.</p>			
<p>i) Protection of Cultural Heritage Resource</p>	<p>Where a development site includes <i>cultural heritage resources</i>, including <i>archeological resources</i>, appropriate measures to ensure the conservation and/or preservation of the resource are required.</p> <p>All options for on-site retention of <i>buildings</i> and <i>structures</i> of cultural heritage significance shall be exhausted before resorting to relocation.</p> <p><i>Archeological resources</i> are preserved in situ or through full documentation and removal</p>	<p>Prior to and/or post issuance of a <i>community planning permit</i>.</p> <p>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>.</p>	<p>Discretionary, agreement must be entered into prior to issuance of permit.</p>	<p>Discretionary (dependent on the terms of the Agreement)</p>	



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
<p>j) <i>Inclusionary Zoning Affordable Housing Units</i></p>	<p>through archaeological assessment.</p> <p>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.</p>	<p><i>Inclusionary zoning housing units</i> must be identified on the plans and drawings of the <i>community planning permit</i>.</p>	<p>Required. Agreement must be completed prior to issuance of <i>community planning permit</i>.</p>	<p>Required.</p>	<p>All development that is not subject to <i>Inclusionary Zoning</i></p>
<p>k) Community Benefit in exchange for permitted <i>height</i> or density</p>	<p>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 <i>height</i> or density established in the provisions of this by-law.</p> <p>The proportional relationship between the community benefit that is provided and the <i>height</i> or density that is permitted is specific to each Community Planning Permit Area as specified in Part E of this By-law.</p>	<p>In-kind benefits may be shown on plans and drawings of the <i>community planning permit</i>.</p> <p>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.</p>	<p>Discretionary, agreement must be entered into prior to issuance of <i>community planning permit</i>.</p>	<p>Discretionary (dependent on the terms of the Agreement)</p>	<p>All development that is at or below specified thresholds provided in Part E of this by-law.</p>



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
l) Community Benefit Charge By-law equivalent	<p>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 Planning Act.</p> <p>In-kind benefits may be matters listed in policy 30.15.12 or CPP area specific community benefit policies of the Official Plan.</p>	<p>Fees are payable post issuance of <i>community planning permit</i>, at the time of building permit.</p> <p>In-kind benefits, where applicable, are identified on the community planning permit plans or drawings and are provided concurrent with development, unless otherwise stated in an agreement.</p>	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 <i>Town</i> 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.	The “hold” is lifted after the matter is satisfied.	n/a	n/a	n/a



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
	<p>This condition may be appropriate where: certain studies must be completed; <i>infrastructure</i> is required to be in place to service the proposed development; land division is required to convey lands for <i>park, roads, or other 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.</p>				
<p>o) Lapsing of approval</p>	<p>The <i>Town</i> may impose a lapsing date in relation to the <i>community planning permit</i> application approval and/or the issued <i>community planning permit</i>.</p>	<p>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.</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>



Type of Condition	Description	Timing of Fulfillment	Agreement	Registration of Agreement	Exemptions
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.

8.2 Temporary Use Criteria

- a) A temporary use of land, buildings or structures may be permitted 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:
 - i. is in general conformity with the intent and policies of the Official Plan 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. is consistent with the Provincial Planning Statement natural hazards policies and that proposed development activities can be permitted under the Conservation Authorities Act and associated regulations to the satisfaction of the applicable Conservation Authority;
 - vii. provides for adequate on-site parking facilities, if parking is required to facilitate the use; and
 - viii. constructed as a temporary building or structure and/or is moveable.

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8.3 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 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~~, *public service 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.

8.4 Minimum Development Requirements Prior to Building Permit Issuance

A community planning permit approval shall include the following Lot Frontage and Municipal Services conditions, as appropriate:

- a) **Lot Frontage** - 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:

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- 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*.
- b) **Municipal Services** ~~—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.

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Part C

Definitions

Draft for **Public** Consultation

June 2026

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A

Accessory Building or Structure

means a *building* or *structure* used for an accessory purpose, including a detached *private garage*, that is:

- a) located on the same *lot* as the primary *use, building, or structure*; 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 *use* naturally or normally incidental to, subordinate to, and exclusively devoted to a principal *use*.

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 *long-term care facility*, adaptable and accessible housing, housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for older persons, group

homes, *emergency shelter*, 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 *detached dwelling, semi-detached dwelling, ~~linked dwelling~~ or townhouse dwelling* already containing a *dwelling unit*.

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 *accessory building* associated to a *detached dwelling, semi-detached dwelling, ~~linked dwelling~~ or townhouse dwelling* already containing a *dwelling unit*.

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 *buildings* and *structures*.

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Aisle

means an internal vehicle route immediately adjacent to a parking or *loading space* which provides vehicular access to and from the parking or *loading space*, and does not include a *driveway*.

Ancillary Residential Use

means the common indoor areas located within a *building* which are accessible, designed for, and intended primarily for access, dining, or recreational purposes for the occupants of a *building* 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 *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*.

Art Gallery

means a *premises 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 *building* which is immediately below the roof and wholly or partially within the roof framing.

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 *building*, surrounded by a balustrade, partial wall, or railing where required and without direct exterior access to *grade*.

Basement

means that portion of a *building* below the *first storey*.

Bed and Breakfast Establishment

means the provision of *lodging units* within a *dwelling* with or without meals for the temporary lodging of the travelling public.

Bicycle Maintenance Facilities

means an area for bicycle repairs and maintenance which may include work space, a repair stand and an air pump for inflating bicycle tires.

Building

means a *structure* consisting of any combination of walls, roofs and floors, or a structural system serving the function thereof.

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Built Heritage Resource

means a *building, structure*, 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. *Built heritage* resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Business Office

means a *premises* 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 *motor vehicle* 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 *building or structure* or parts thereof used for *cogeneration*.

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 *Town*, other *uses* authorized through an agreement with the *Town*.

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 Ontario Regulation 173/16 Schedule 1 and may include conditions associated with the approval of the ~~development~~ *community planning* permit application.

Compatible

means the development or redevelopment of *uses* 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 *building* or grouping of *buildings* 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.

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Condominium, Common Element

means spaces and features owned in common by all shareholders in a *condominium* and may include *common element 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 *use* dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.

Contractor Establishment

means a *premises* where *motor vehicles* and equipment for the maintenance and operation of *uses* undertaken by a contractor are stored, and materials used for or resulting from the maintenance and operation of such *uses* 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 *Indigenous* community. The area may involve features such as *structures*, 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 Ontario Heritage Act; villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic *roads* 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 *built heritage* resources, *cultural heritage landscapes*, and *archaeological resources* 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 *cultural heritage resources* 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 *premises*, 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 Child Care and Early Years Act; 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 *cogeneration* to users at a community scale.

Dormitory

means a *building* 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 *dwelling units* and/or *lodging units*.

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 *premises* where articles or accessories are received for the purposes of laundering or dry cleaning.

Dry Cleaning/Laundry Establishment

means a *premises* where the actual process of dry cleaning or laundering of articles or accessories is conducted, and may include a *dry cleaning depot* as an *accessory use*.

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:

- a) a *dwelling unit* within a *building* containing three or more *dwelling units* where the units are connected by a common corridor or vestibule; and,
- b) in a *Mixed Use zone*, additionally permits a *dwelling unit* within a *building* containing a non-residential use on the *first storey* and accessed by an entrance separate from that for the non-residential use.

Dwelling, Back-to-Back Townhouse

means a *dwelling unit* within a *building* containing four or more *dwelling units* divided by vertical common walls above grade, including a common rear wall.

Dwelling, Detached

means a separate residential *building* designed to be one *dwelling unit*.

Dwelling, Duplex

means a residential *building* divided vertically by a horizontal floor into two attached *dwelling units*, each having a separate entrance either directly or through a common vestibule.

Dwelling, Live-work

means a *dwelling unit* 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, Multiple

means a *dwelling unit* within a building containing three or more *dwelling units*, each of which has an independent entrance and does not include another *dwelling type* defined herein.

Dwelling, Semi-detached

means a residential *building* 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 *private garages* into two attached *dwelling units*, and each having a private access

Dwelling, Stacked Townhouse

means a *dwelling unit* within a *building* divided into a minimum of three non-communicating *dwelling units*, each *dwelling unit* being separated from the other vertically and horizontally.

Dwelling, Townhouse

means a *dwelling unit* within a *building* 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 *private garages*, into three or more *dwelling units*, each having a private access.

Dwelling, Walk-Up Apartment

means *apartment unit* with a private primary entrance that is accessed from the exterior of the building.

E**Educational Facilities**

(See definition for *School, Public*.)

Emergency Service Facility

means a *premises* housing emergency personnel, their supplies, equipment, and vehicles authorized by a *public authority* to provide emergency services within Oakville.

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Emergency Shelter

means a *premises* 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 *erosion hazard* limit is determined using considerations that include the 100 year *erosion* rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an *erosion/erosion* access allowance.

F**Financial Institution**

means a *premises* 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.

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 *flooding hazard* 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 *flooding hazard* 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).

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Floor Area

means the aggregate area of a *building* contained within the exterior walls, but does not include *attic* or *basement* space unless otherwise specified by this By-law.

Floor Area, Gross

means the total area of all of the floors in a *building* measured from the exterior faces of the exterior walls, but shall not include an *attic*, *basement* or *mechanical penthouse*.

Floor Area, Net

means the total area of all floors of a *building* 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 *structures*, storage rooms, rooms for garbage containment, and mechanical rooms.

Floor Space Index (FSI)

means the *gross floor area* of all *buildings* on a *lot* divided by the *lot area*.

Food Bank

means a *premises* where a not-for-profit organization collects and distributes food or other goods to individuals.

Food Production

means a *premises* 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 *premises* such as catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers.

Funeral Home

means a *premises used* 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 *building* or *structure* at all exterior walls.

Grade, Established

means the grade elevation measured at:

- a) The centre point of the *front lot line* for *interior lots*; and,
- b) The average of the centre points of each *lot line* abutting a *road* for *corner lots*, *through lots*, *through*

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corner lots and interior lots having more than one separate front lot line.

Gross Density

means the maximum *gross floor area* (as calculated per applicable provisions in Part E) divided by the *lot area* excluding areas zoned as a NATURAL AREA, **as confirmed through relevant assessments per the provisions of this By-law and policies of the Official Plan.**

Gross Leasable Floor Area

means the total *floor area* occupied by a commercial, retail or office facility for its exclusive use (excluding areas devoted to storage or refuse collection).

H

Hazard Lands, Hazardous Lands, or Natural Hazards,

mean lands that could be unsafe for development because of naturally occurring processes associated with flooding, *erosion*, dynamic beaches or unstable soil or bedrock.

Height

means the vertical distance between *established grade* to the highest point of a *structure*, unless otherwise specified by this By-law.

Where *height* is referred to in *storeys*, it means the number of *storeys*.

Height, First Storey

means the vertical distance between the top of the finished floor level of the *first storey* and the top of the finished floor level of the *storey* 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 *road* such as a service *road*, plus any *road* widening adjacent to any of the above.

Home Occupation

means the *accessory use* of a *dwelling* for an occupation or business.

Hotel

means a *premises* containing *lodging units* for the temporary lodging of the travelling public and may include meeting facilities, recreation facilities, a *restaurant*, *public hall*, and *retail stores* which are incidental and subordinate to the primary *hotel* function and located in the same *building*.

Housekeeping

means, for the purpose of minor *Community Planning Permit* By-law amendments, changes to the by-law for reasons such as: updating of schedules to reflect newly delineated public parks and streets, **refinements to natural areas as confirmed through the issuance of community planning permits**, re-numbering provisions for improved

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readability of the By-law, and changes that are intended to provide greater clarity and/or consistency to and within the By-law.

I

Infrastructure

means the *buildings, structures*, 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 *cogeneration*, and local electrical power lines, but shall not include a *power generation facility or renewable energy system*.

Inclusionary Zoning

means a by-law passed **under section 34 and in** accordance with section 35.2 of the Planning Act **that requires the inclusion of affordable dwelling units within buildings containing dwelling units, which are maintained as affordable for a set period of time.**

Inclusionary Zoning Housing Unit

means a residential unit that is required per implementation of *Inclusionary Zoning* provisions of this By-law.

Interest

means the prime rate of the Town's financial institution on the day the foregone development charge, community

benefit charge, and parkland dedication would have been payable.

L

Landscaping

means an outdoor area on a *lot* comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by *motor vehicles* (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 *motor vehicle* access to an abutting *lot* and does not include a *private road* or a *public road*.

Library

means a *premises* for the collection of printed, electronic, and pictorial material for public *use* for the purposes of study, reference, and recreation, and which may include meeting rooms for community *use*, activity areas, cafeteria, and space for recreational *uses*.

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Loading Space

means an area directly adjacent to a *building* or unit, for the purpose of loading and unloading vehicles through a loading door in conjunction with a permitted *use* on the same *lot*.

Lodging House

means a *building* or *structure* or any portion thereof in which persons are harbored, received or lodged for rent or hire with or without meals.

Lodging Unit

means a room provided for rent or hire, which is *used* or designed to be *used* as a sleeping accommodation and may contain bathroom facilities.

Long Term Care Facility

means a *premises* licensed pursuant to Provincial legislation consisting of *assisted living units* 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 *lot* 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 *lot* shall be that point on the *flankage lot* line and front lot line nearest to the point of intersection of the continued projections of the *flankage lot* line and the front *lot* line.
- b) Where a *lot* is adjacent to a corner lot and has two *lot* lines abutting the same roads as that *corner lot*, the *lot* shall be a *corner lot*.

Lot, Interior

means a *lot* other than a *corner lot* or *through lot*.

Lot, Through

means a *lot* other than a *corner lot* having separate limits on two separate *roads*.

Lot, Through Corner

means a *lot* having separate limits on three or more separate *roads*.

Lot Area

means the calculation of the total horizontal area of a *lot*, but does not include any portion of a *lot* that is covered by water as determined by an Ontario Land Surveyor.

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Lot Coverage

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

Lot Depth

means the horizontal distance between the *front lot line* and the *rear lot line*.

- a) If the *front* and *rear lot lines* are not parallel, *lot depth* means the measurement of a straight line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line*.
- b) Where there is no *rear lot line*, *lot depth* means the measurement of a straight line joining the mid-point of the *front lot line* to the apex of the triangle formed by the intersection of the *side lot lines*.

Lot Frontage

means the horizontal distance between the *side lot lines* of a *lot* measured parallel to and 7.5 metres back from the *front lot line*, except in the case of a *corner lot* where the *front lot line* and the *flankage lot line* do not intersect at a 90 degree angle the *front lot line* and *flankage lot line* shall be deemed to extend to their hypothetical point of intersection where the horizontal distance between the *interior side lot line* and hypothetical *flankage lot line* is measured parallel to and 7.5 metres back from the *front lot line*.

Lot Line

means a line delineating any boundary of a *lot*.

Lot Line, Flankage

means the *lot line* of a *corner lot* or *through corner lot* adjoining a *road* that is not the *front lot line* or *rear lot line* and includes the *lot line* abutting a daylight triangle.

Lot Line, Front

means the *lot line* which separates a *lot* from the *road* in front of it, but in the case of:

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

Lot Line, Interior Side

means the *lot line* other than the *front*, *rear* or *flankage lot line*.

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Lot Line, Rear

means the *lot line* opposite to, and most distant from, the *front lot line*, but where the *side lot lines* intersect, as in the case of a triangular *lot*, the *rear lot line* shall be represented by the apex of the triangle formed by the intersection of the *side lot lines*.

Lot Line, Side

means a *flankage lot line* and an *interior side lot line*.

M

Main Wall

means a primary exterior front, rear or side wall of a *building*, not including permitted projections.

Major Transit Station

means a location within a *railway corridor* or a dedicated right-of-way corridor where trains or buses stop to load or unload passengers. *Major transit stations* include associated *buildings* and *structures* within or on lands adjacent to the corridor that provide amenities for transit passengers and personnel.

Manufacturing

means the altering, assembling, fabricating, making, processing, treating, or repairing goods, wares, merchandise, substances, articles, items, or products.

Mechanical Penthouse

means a room or enclosure on the roof of a *building* exclusively *used* for mechanical equipment, a stair tower, elevator equipment, or any combination thereof.

Medical Office

means a *premises* designed and *used* 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 *net floor area*, waiting rooms, treatment rooms, blood testing clinics, but shall not include overnight accommodation for in-patient care.

Mixed Use Building

means a *building* containing residential *uses* and at least one other non-residential *use* permitted by this By-law.

Mobile Home

means a *dwelling* designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the applicable Canadian Standards Association standard.

Model Home

means a *building* which is used on a temporary basis as a sales office or as an example of the type of *dwelling* that is for sale in a related development and which is not occupied or used as a residential *dwelling*.

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Motor Vehicle

means an automobile, motorcycle, *recreational vehicle*, *trailer*, and any other vehicle propelled, towed or driven otherwise than by muscular power.

Motor Vehicle Rental Facility

means a *premises* where *motor vehicles* are kept for rent or hire.

Motor Vehicle Service Station

means a *premises* where fuel or electric power for *motor vehicles* is sold and dispensed.

Museum

means a *premises* 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 *inclusionary zoning housing unit* 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 *gross leasable floor area*. 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 *community planning permit*.

O

Outside Display and Sales Area

means an outdoor area that may contain a *building* or *structure used* for the accessory display, rental, or sale of products or the supply of services in association with the primary *use* of the *lot*.

Outside Processing

means the conducting of *manufacturing* or *repair outdoors*.

Outside Storage

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



P

Parapet

means an extension of the main wall of a *building* 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 *public authority* that is designed or maintained for active or passive recreational purposes.

Park, Public

means an area of land under the jurisdiction of a *public authority* that is designed or maintained for active or passive recreational purposes and other *uses* authorized through an agreement with the *Town*, and may include a *commercial parking area* as an *accessory use*.

Parking Area

means an area on a *lot* for the *temporary* parking of *motor vehicles* either in the open or in a *structure* and consists of *parking spaces*, *aisles*, and *driveways*.

Parking Area, Commercial

means a *parking area* other than a *road* or *driveway* with or without a *building* or *structure* that is available for public use on a *lot* for the parking of *motor vehicles* and either:

- a) is the principal *use* of the *lot*; or,
- b) where a charge is levied to occupy any *parking space*.

Parking Area, Surface

means an uncovered *parking area* at *grade*, and includes parking on the roof of an underground *parking structure* where the roof is at *grade*.

Parking Space

means an unobstructed rectangular space that is designed to be *used* for the *temporary* parking of a *motor vehicle*.

Parking Space, Barrier-free

means a *parking space* designated and signed for the exclusive *use* of *motor vehicles* on which the applicable *motor vehicle* permit is properly displayed.

Parking Space, Bicycle

means an unobstructed rectangular space that is designed to be *used* for the *temporary* parking of a bicycle.

Parking Space, Stacked

means a *parking space* that is positioned above or below another *parking space* and is accessed only by means of an elevating device.

Parking Space, Tandem

means one *parking space* located immediately behind another *parking space*, leaving one *parking space* without direct access to an *aisle* or *driveway*.

Parking Structure

means a *parking area* provided in a *building* or *structure*, but does not include a *private garage*.

Patio

means an outdoor amenity area where seating accommodation can be provided **and/or** where meals or refreshments are served to the public for consumption.

Pet Care Establishment

means a *premises* 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 *premises* devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar *use*, 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 *premises used* 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 or Area of Worship

means the area(s) within a *place of worship* 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 *dwelling*.

Power Generation Facility

means a facility for generating electricity and includes a *cogeneration facility*, an ancillary service to power generation, and includes any *structures*, equipment or other things *used* for those purposes.

Premises

means the area of a *building* occupied or *used* by an individual business or organization.

Private Garage

means a portion of a *dwelling* or a detached *accessory building* or *structure* accessory to a *dwelling* designed or primarily *used* for the parking of private *motor vehicles*, *commercial vehicles*, and/or *recreational vehicles*, 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

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guardian of any such child, for a continuous period not exceeding 24 hours.

Public Agency

means, but not limited to, *public authority, school boards, operators of utilities, 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 Authority

means the Government of Canada, Province of Ontario, Regional Municipality of Halton, *Town of Oakville*, Conservation Halton, and Credit Valley Conservation Authority.

Public Hall

means a *premises used 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 prepared and served, and may include table service on an accessory patio.*

Public Service Facility

means lands, *buildings and structures* 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 *educational facilities. Public service facilities do not include infrastructure.*

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 *used* primarily for travel, recreation or vacationing and includes such vehicles commonly known as travel *trailers*, camper *trailers*, truck camper, motor homes, boats, snowmobiles or other similar vehicles but does not include a *mobile home*.

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 *premises* in which equipment is offered or kept for rent or hire under agreement for compensation.

Repair Shop

means a *premises* for the servicing or repair of articles, excluding any repairs or services to *motor vehicles*.



Restaurant

means a *premises* where meals or refreshments are provided to order, and may include table service on an accessory *patio*.

Retail Store

means a *premises* 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 *building* 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 *dwelling units* or *assisted living units* or both.

Road

means a *public road* or *private road*.

Road, Arterial

means a major arterial, arterial, multi-purpose arterial, minor arterial, or industrial arterial road as determined in the ~~Livable Oakville~~ **Official Plan**.

Road, Collector

means a major collector, collector or minor collector road as determined in the ~~Livable Oakville~~ **Official Plan**.

Road, Local

means a local road as determined in the ~~Livable Oakville~~ **Official Plan**.

Road, Private

means an easement, right-of-way or roadway that is *used* by *motor vehicles* and is maintained by a *condominium* corporation or other private owner providing access to individual freehold *lots*.

Road, Public

means a right-of-way or roadway that is *used* by *motor vehicles* and is maintained by a *public authority*.

Rooftop Terrace

means an outdoor amenity area located on the roof of a *building*.

S**School, Commercial**

means a *premises* 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 *commercial uses* as *accessory uses*.

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School, Private

means a *premises*, 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 *premises*, 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. **Schools may include alternative education programs, administrative offices and support of school board business and responsibilities that meet the requirements of the Education Act, as amended.**

Seasonal Garden Centre

means an outdoor area for the seasonal sale of garden supplies.

Sensitive Land

means *buildings*, 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 *buildings*, excluding allowable projections.

Service Commercial Establishment

means a *premises* 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 *premises* providing small appliance or electronics repair services, or a *premises* providing services related to the maintenance of a residence or business (such as private mailbox, photocopying, or custodial services).

Short-Term Accommodation

means the provision of a *dwelling unit* 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 *lot* formed by an intersecting *flankage lot line* and *front lot line* and a line drawn from a point on one *lot line* across such *lot* to a point on the other *lot line*, each such point being the required distance from the point of intersection of the two *lot lines*.

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Spill

means where *flood* waters leave the valley and floodplain of a watercourse and “spill” into surrounding lands, either rejoining the watercourse at a distance downstream, flowing into an adjacent watershed, or remaining within the *spill* area (if there is no outlet). *Spills* typically flow in multiple directions, often in complete patterns, and generally do not follow the watercourse.

Spill Flood Hazard

means a *spill* or portion of a *spill* that could be unsafe for development activity.

Sports Facility

means a *premises* 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 *stacking spaces* for *motor vehicles* 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 *used* for the temporary queuing of a *motor vehicle* in a *stacking lane*.

Step-back

means the horizontal distance between the exterior walls of a *storey* and the exterior walls of the *storey* 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 *storey* with its floor closest to *grade* and having its ceiling 1.8 metres or more above *grade* adjacent to the exterior walls of the *building*.

Structure

means anything that is erected, built, or constructed of parts joined together but does not include fences, retaining walls, light standards or signs.

T**Taxi Dispatch**

means a *premises* 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.

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Town or Town of Oakville

means the Corporation of the Town of Oakville.

Trailer

means a vehicle designed to be towed by a *motor vehicle* for the purpose of transporting or storage of goods, materials and equipment, including boat and snowmobile trailers.

Training Facility

means a *building, structure*, or part thereof where instruction of a skill for a trade is provided.

Transit Station/Stop

Means a *premises* or area of land used for loading and unloading passengers and that is operated by or on behalf of a *public agency*, and may include related amenities.

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 *building* which is located on the same level as or lower than the *first storey* of the *building* 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; aquaculture; apiaries) that occur within a greenhouse or vertical farming facility.

Urban Square

means a publicly accessible, mainly hardscaped open space area located at *grade*.

Use

means:

- a) as a noun, the purpose for which land or a *building* or *structure* is arranged, designed, or intended or for which either *building* or land or *structure* 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, *building* or *structure* 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,

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for the purpose of making use of the land, *building* or *structure*.

Utilities (and utility)

means services including electric power, communications/telecommunications and other cable services.

V

Veterinary Clinic

means a *premises used* 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 *premises* 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 *building*. In determining *yard* measurement the minimum horizontal measurement between the applicable *lot line* and the nearest point of the

building above and below *grade* shall be used unless otherwise specified by this By-law.

Yard, Flankage

means a *side yard* adjoining the *road* on a *corner lot* extending from the *front yard* to the *rear yard* between the *flankage lot line* and the nearest part of the nearest *building* on the *lot*.

Yard, Front

means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest part of the nearest *building* on the *lot*.

Yard, Interior Side

means a *yard* extending from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest part of the nearest *building* on the *lot*.

Yard, Maximum

means the maximum permitted distance for the furthest portion of the *main wall* oriented toward the applicable *lot line* (except as modified by a *main wall* proportionality requirement, where applicable), measured horizontally from the applicable *lot line*.

Yard, Minimum

means the minimum required distance of the applicable *yard* measured horizontally from the nearest point of a *building* to the applicable *lot line*.



Yard, Rear

means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest part of the nearest *building* on the *lot*.

Yard, Side

means a *flankage yard* and an *interior side yard*.

Z

Zone

means a designated area of land *use* shown on the *Zone Schedules* of this By-law.

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The background features a stylized illustration of a park. On the left, there are large, leafy trees in shades of green and brown. In the center and right, a blue circular overlay contains a faded image of a park with people walking and a building in the background. The overall color palette is muted and artistic.

Part D: Community Building General Provisions

Draft for **Public** Consultation

June 2026

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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 **standards in this by-law** ~~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 **the following, will require the approval of the applicable Conservation Authority:**
 - i. watercourses,
 - ii. wetlands,
 - iii. floodplains,
 - iv. **spill flood hazard,**
 - v. meander belts, and
 - vi. valleylands,
 - vii. **shorelines,**
 - viii. **as well as areas adjacent to these features and/or hazards that are within the regulated area of a**

Conservation Authority 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;

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- 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;
and
- 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, **shorelines**, and other natural features/**hazards** and their buffers shall be zoned Natural Area. Permitted *uses* therein shall ensure features are protected, maintained and enhanced.

- b) Adjustment to the boundary or establishment of Natural Areas and/or natural features are subject to the findings of an Environmental Impact Statement and/or other *natural hazards* technical study.
- c) For the long term protection, maintenance, restoration and improvement of natural areas, and to ensure that development is adequately setback from natural *hazards*, the following are minimum buffers to the boundary of the feature/*hazards*:
 - i. 30.0 m from the boundary of provincially, regionally and locally significant wetlands;
 - ii. 10.0 m from drip line of significant woodlands;
 - iii. 15.0 m from stable top of bank for major valleys and tributaries;
 - iv. 7.5 m from stable top of bank for minor valleys and tributaries;
 - v. 30.0 m of the edge of the bankfull channel or meander belt allowance of coldwater creeks; and
 - vi. 15.0 m of the edge of the bankfull channel or meander belt allowance of warmwater creeks.
- d) Natural heritage features which do not have an identified minimum buffer width will require establishment and justification of buffer requirements through the Environmental Impact Statement.
- e) The requirement for larger buffer(s) and/or the justification for the minimum buffer(s) will be identified through the Environmental Impact Statement.

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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 areas* 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 the 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.

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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) Development shall generally be directed outside of *hazard lands and hazardous sites*.
- b) 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.
- c) Notwithstanding land use permissions provided in Part D or E, *within areas identified as floodplain by the Conservation Authority and/or through a study undertaken by a qualified professional*, only the following *are may be 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 *or minor additions* of legally existing *uses, buildings and structures*.
- d) 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;~~ *vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
 - iii. new *hazards* are not created, and existing *hazards* are not aggravated; and
 - iv. no adverse environmental impacts will result.
- e) 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;

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- 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; and
- iv. **Additional residential units, unless permitted by the Conservation Authority.**

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 D2-1 Sight Triangle Dimensions:

Table D2-1 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

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.

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*;

- 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 applies:

- 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.

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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

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- 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 8.4 (b), 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.

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4 General Built Form

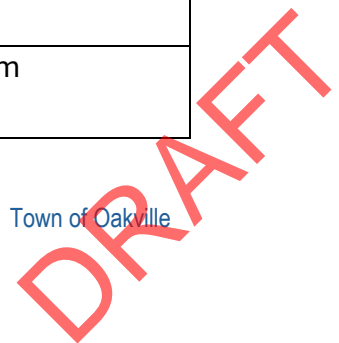
The following provisions apply to any Community Planning Permit Area. Variations from standards listed in this section may be included within Part E – Community Building Area Specific Provisions.

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 in **Table D4-1 Allowable Encroachment and Projections within Minimum Yard**, and as confirmed through the approved *community planning permit* application:

Table D4-1 Allowable Encroachments and Projections within Minimum Yard ~~Setback~~

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 <i>grade</i> 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



Structure or Feature	Applicable Yards	Maximum Encroachment into a <i>Minimum Yard</i>	Maximum Total Projection beyond the <i>main wall</i>
<i>Balconies (except apartment dwellings)</i>	<i>Front, flankage and rear</i>	0.6 m measured from the <i>lot line</i> .	1.5 m
<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>
<i>Porches</i> with or without a foundation and including access stairs	<i>Front and flankage</i>	2.0 m	<i>n/a</i>
<ul style="list-style-type: none"> • <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	



Structure or Feature	Applicable Yards	Maximum Encroachment into a <i>Minimum Yard</i>	Maximum Total Projection beyond the <i>main wall</i>
<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>
<i>Uncovered platforms</i> having a floor height of less than 0.6 metres measured from <i>grade</i>	All	Up to 0.6 m from any <i>lot line</i> (2)	<i>n/a</i>
<i>Uncovered platforms</i> 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 <i>n/a</i>
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 ground level**, the maximum *height* shall be 2.0 m measured from ~~grade~~ **the adjacent ground level** to the top of the air conditioner, heat pump, swimming pool pump, filter, **generator** 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 **Part D** 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 **Part D** 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*.

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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; and
- g) Unless otherwise stated in this by-law, no *structure* shall be greater than 2.5 m *in height*.
- h) Variation to the standards provided in Part D Section 4.4 may be permitted provided the intent of the Official Plan policies and By-law provisions regarding sustainable development and design excellence are met.

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~~ applies:

- 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.

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

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:
 - 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.

5.2 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

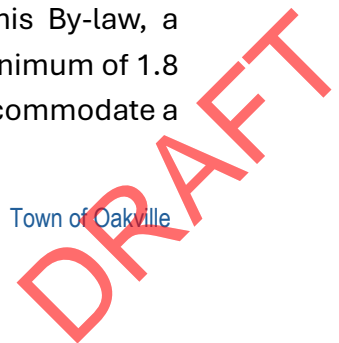
exclusively used for that purpose at all times, unless otherwise specified by this By-law.

5.3 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.

5.4 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.



5.5 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.

5.6 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*.

5.7 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.

5.8 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*.

5.9 Tandem and Stacked *Parking Spaces*

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

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5.10 Parking Space and Aisle Dimensions

5.10.1 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.

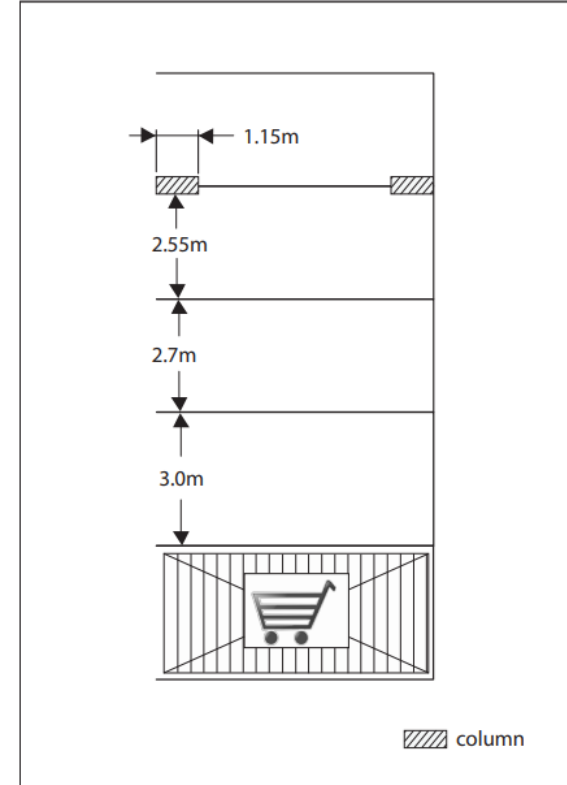


Figure 5-1 Parking Space Dimensions, Perpendicular to Aisle

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5.10.2 Barrier-Free Parking Space

- a) The minimum dimensions for a *barrier-free parking space* shall be in accordance with the dimensions of Table D5-1 Dimensions of Barrier-free Parking Spaces.
- 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 D5-1 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

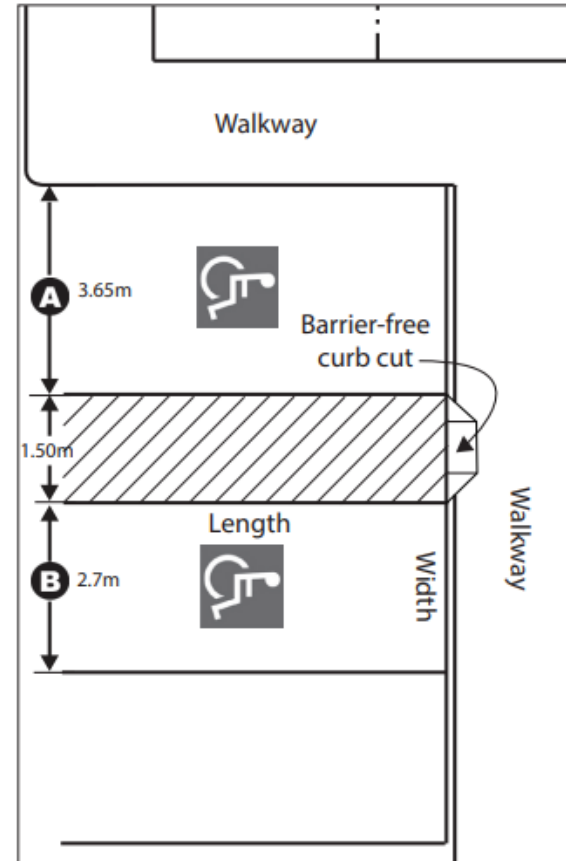


Figure 5-2 Barrier Free Parking Space Dimensions

³

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5.10.3 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

5.10.4 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 guidelines demonstrate that the minimum **bicycle parking areaspaces** are achieved.

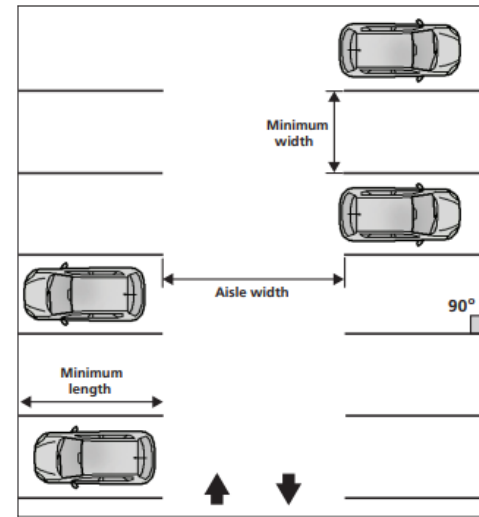


Figure 5-3 Parking Space Aisle Width, Perpendicular

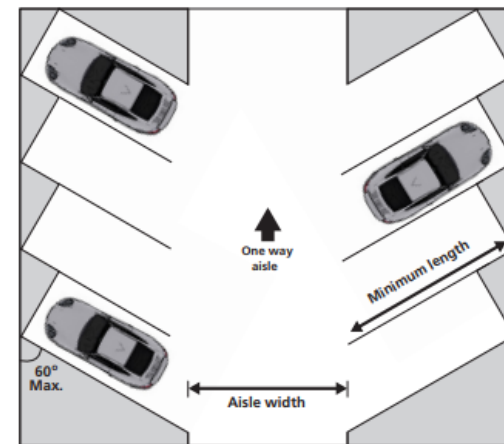


Figure 5-4 60 degree Angle Parking Space Aisle Width

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5.10.5 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*.

5.10.6 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.

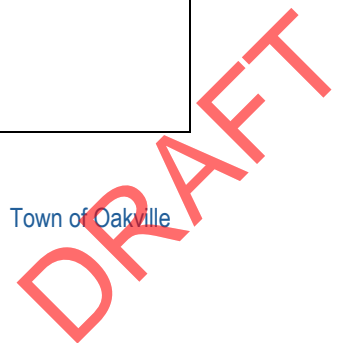
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6 Infrastructure Corridors

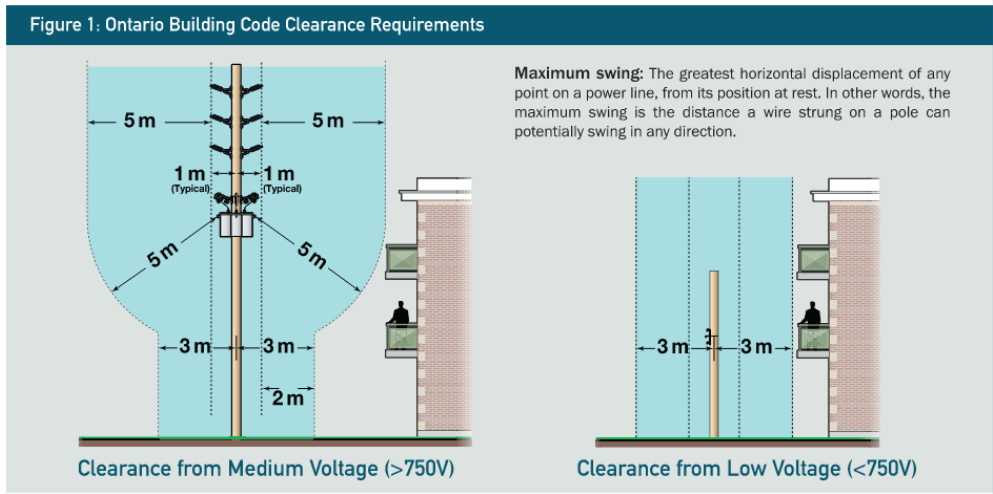
a) Notwithstanding any other provisions in this By-law, Table D6-1 Setbacks From Infrastructure provides minimum setbacks applicable to *buildings*, and *structures* to specific types of *infrastructure*:

Table D6-1 Setbacks From Infrastructure

	Application of set back to:	Minimum Setback	Variation from Standard	Condition
Highway Corridor	<ul style="list-style-type: none"> • <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. 	14.0 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	<ul style="list-style-type: none"> • <i>Building or Structure</i> • <i>Storage</i> 	No additional setback is required 10.0 m from the TNPI right of way	Subject to TNPI permit approval	TNPI permit approval prior to <i>community planning permit</i> issuance.
Enbridge Gas Pipeline	<i>Building or Structure</i>	0.0 m from any Union Gas Pipeline easement		
Railway Corridor	<i>Building or Structure</i>	30.0 m from <i>railway corridor</i>		
Railway Yard	<i>Building and Structures</i> containing: <i>dwelling; place of worship; day care;</i>	300.0 m from the <i>lot line</i> of a rail yard		



	Application of set back to:	Minimum Setback	Variation from Standard	Condition
	<i>private school;</i> <i>public school</i>			
Electric Power Lines	<i>Building or Structure</i>	Per Ontario Building Code (see diagram ⁴) Radial to Conductor: <ul style="list-style-type: none"> • 3.0 m from the overhead power line (<750V) • 5.0 m from the overhead power line (>750V) Along the OH pole line: <ul style="list-style-type: none"> • 2.0 m 		
	<i>Building or Structure Underground</i>	1.5 m from centre of Oakville Hydro trench	Subject to approval by Oakville Hydro	



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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 Dwelling Units** - *Inclusionary Zoning* provisions apply to development that is providing a minimum of 100 *dwelling 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 **affordable price or rent of inclusionary zoning housing units shall be informed by the Provincial Bulletin**~~as provided by the Province~~⁵, **and** 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 provisions in Part E of this By-law may require rates that are based on a proportion, **at**, 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*.

⁵ This refers to the Provincial Bulletin “**Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin**” and its successor.

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- 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. **Area specific provisions in Part E of this by-law may assign *net proceeds* requirements during the affordability period and after the affordability period that are less than 50%.**
- ~~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 lesser time 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 **complete** prior **to the date of the passing of** the *Area Specific Inclusionary Zoning* provisions passed in this by-law are exempt from the provisions set out in this Section, and the **related** *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.

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Part E: Community Building Area Specific Provisions

Draft for **Public** Consultation

June 2026

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Town of Oakville
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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.



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1.1 Land Use

1.1.1 Midtown Zones and Schedule E1.1

a) Schedule E 1.1 Midtown Oakville Land Use Zones **allocates assigns** 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 E1.1 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 Parks zone.
- ii. The overlay is conceptual, the exact size and configuration of the parkland is determined through the approval of *community planning permits and/or plans of subdivision, or consent applications*.

1.1.2 Existing Uses

a) Where the terms “existing use” or “existing building” is used in Section E 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, **including the completion of a Non-Residential Needs Analysis to the satisfaction of the Town**.
- e) Where stated, existing *uses* and *buildings* are exempt from certain provisions of this by-law.

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1.1.3 Prohibited Uses

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

1.1.4 Permitted Uses

- a) In addition to Permitted Uses listed in Part D, below in Table E1-1 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 for this discretion are provided in Section E 1.1.5.

Table E1-1 Permitted and Discretionary Uses

USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Park and Open Space Uses							
<i>Conservation use</i>	●	●	●	●	●	●(†)	●(‡)
<i>Park, private</i>	●	●	●	●		●(†)	
<i>Park, public</i>	●	●	●	●	●	●(†)	●(‡1)
Watershed management and <i>flood and erosion hazard control facilities</i>	●	●	●	●	●	●	●
Commercial and Employment Uses							
<i>Business office</i>	●	●	●	●			
<i>Commercial school</i>		●	●	●			
<i>Commercial parking area</i>		●	●				
<i>Dry cleaning depot</i>		●	●	●(‡2)			
<i>Dry cleaning/laundry establishment</i>		●	●				
<i>Financial institution</i>		●	●	●(‡2)			



USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Food production		•	•	•			
Funeral home			•				
Hotel		•		•			
Light industrial				•			
Manufacturing				•			
Medical office	•	•	•	•			
Motor vehicle rental facility		•					
Outside display and sales area		•	•				
Pet care establishment		•	•	• (42)			
Place of entertainment		•	•				
Public hall		•		•			
Rental establishment		•	•				
Repair shop				•			
Restaurant	•	•	•	• (42)			
Retail store	•	•	•	• (42)			
Retail store, accessory and showroom		•	•	• (53)			
Retail, major		• (64)	•	• (42)			
Service commercial establishment	•	•	•	• (42)			
Sports facility		•	•	•			
Taxi dispatch				•			
Training facility		•		•			
Urban agriculture		•	•	•			
Veterinary clinic		•	•	•			
Warehousing				•			



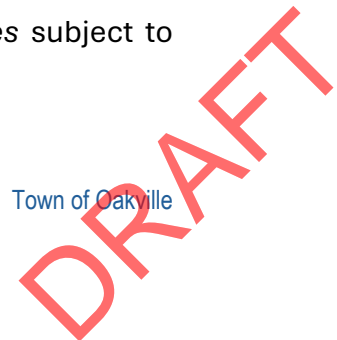
USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Community and Public Service Facility Uses							
Art gallery		•	•	• (42)			
Community centre		• (75), (86)	• (75), (86)				
Contractor establishment				•			
Day care	•	•	•	• (42)			
Emergency services facility	• (75)	• (75)	• (75)	• (75)	• (75)		
Food bank		•	•	•			
Library	• (75), (86)	• (75), (86)	• (75), (86)	• (75), (86)			
Major transit station							•
Museum		•	•				
Place of worship		•	•	• (42)			
Post secondary school		•	•	•			
School, private		•	•	•			
School, public		• (75), (86)					
Transit supportive facilities	•	•	•	•			•
Residential Uses							
Apartment dwelling	• (97)	• (97) (108), (119)					
Assisted living unit	•	•					
Dormitory		• (1210)					
Emergency shelter		•					
Home occupation	•	•					
Long term care facility	•	•					

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USE	ZONE						
	MRH	MUC	MCC	MOE	MP	MNA	U
Private home day care	• (1311)	•					
Retirement home	•	•					
Short-term accommodation	• (1311)	•					
Walk-up apartment	• (12)	• (12), (13)					
Townhouse Dwelling	• (14)	• (14), (15)					
Stacked townhouse	• (14)	• (14), (15)					
Infrastructure Uses							
Cogeneration facility - less than 25 MW	• (1614)	• (1614)	• (1614)	• (1614)	• (1614)		• (1614)
Other power generation facility less than 5 MW	• (1614)	• (1614)	• (1412)	• (1614)	• (1614)		• (1614)
Electrical transformer and distribution station							•
Reservoir					• (1715)		•
Water and sewage treatment plant							•

1.1.5 Criteria for Use Permissions associated with Table E1-1

- ~~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.~~
- 1) 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.
- 2) Uses with this criterion noted in the Office Employment Area zone 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.



- 3) 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.
- 4) ~~New~~ *Major retail*, such as grocery stores, are permitted:
 - i. ~~where they are~~ **the new facility is** integrated with development, **preferably located in the base of mixed-use buildings**. ~~Such uses should be located in the base of mixed-use buildings with pedestrian access from the public realm; or~~
 - ii. **as an expansion to or replacement of an existing facility; and**
 - iii. **Such uses should be located with pedestrian access from the public realm.**
- 5) *Public facilities* shall be provided in accordance with applicable *public service facility* master plan.
- 6) *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.
- 7) A minimum of 35% of *dwelling units* must provide two or more **units bedrooms** within the multi-residential *building*; unless the *building* is intended for *additional needs housing*.
- 8) Residential *uses* are permitted provided **the greater of:** a minimum of 12% of the total *Net Floor Area* or **replacement of existing gross leasable floor area in**

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accordance with Section E 1.1.2 (d), 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, including the completion of a *Non-Residential Needs Analysis* to the satisfaction of the Town.
- 9) 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* in the *yard* adjacent to an Active Frontage ROW as depicted in Schedule E1.5 Midtown Oakville Active Frontage or Public Park (existing or conceptual) as shown in Schedule E1.1 Midtown Oakville Land Use Zones, on the *first storey*.
 - ii. Notwithstanding (i), an *ancillary residential use* on the *first storey* is permitted to occupy a maximum of 4530% of the length of the *main*

wall oriented toward a ~~*front lot line*~~ the Active Frontage ROW.

- 10) *Dormitory* is only permitted if accessory to and on the same *lot* as a *post-secondary school* or *private school*.
- 11) A maximum of one of the *accessory uses* subject to this footnote shall be permitted in a *dwelling*.
- 12) ~~*Townhouse dwellings* or *stacked townhouse dwellings*~~ *Walk-up apartments* are permitted in the base of multi-residential or *mixed-use building*.
- 13) ~~*Townhouse dwellings* or *stacked townhouse dwellings*~~ *Walk-up apartments* are not permitted along the *portion of the* building that fronts an Active Frontage ROW as shown on Schedule E 1.5.
- 14) *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 policies of the Official Plan.
- 15) Where necessary, ~~*below grade*~~ *underground* storm water storage tanks may be permitted.

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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 E1-2 Site Layout Standards and Permissions within *Yards*. 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 Midtown Oakville Active Frontage.
- b) Existing and ~~planned~~ **future** rights of way (ROW) are shown on Schedule E 1.5. Provisions in Table E1-2 apply to both existing and ~~planned~~ **future** 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 **at-grade** 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) **Yards established by** setbacks from a *building* to the ~~property~~ **lot 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

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landscape, and incorporates native and non-invasive species.

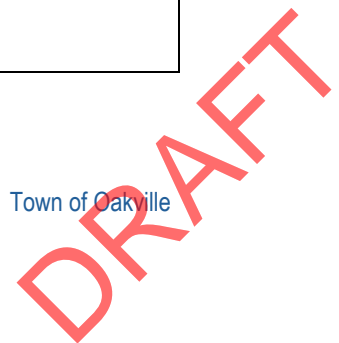
1.2.5 Site Layout Standards

- a) In addition to site layout standards listed in Part D, Table E1-2 provides minimum standards and permissions within yards 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 E 1.2.6.

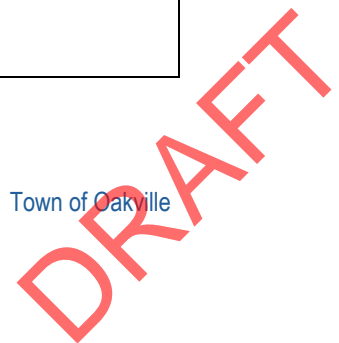
- c) Schedule E 1.5 identifies Active Frontage Rights of Way (ROW) that are referred to in Table E1-2. Maximizing landscaping and minimizing disruption along the public sidewalk are priorities for these Active Frontage Areas.
- d) Along with these provisions, Official Plan policies and urban design guidelines 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 E1-2 Site Layout Standards and Permissions within Yards

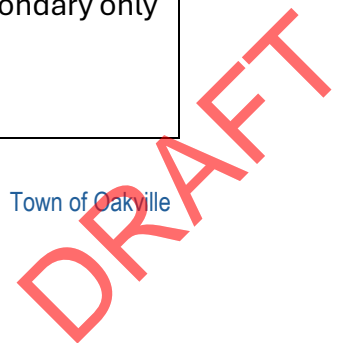
	From active frontage ROW	From other ROW	From public park	From mid-block connection	From interior side lot line	From rear lot line
Yard <i>Figure E 1-1</i>	A	B	C	D	E	F
Minimum yard or Setback Requirement at or above grade	3.0 m from lot line	2.0 m from lot line	3.0 m from lot line	7.5 m (from centre-line)	7.5 m from lot line (1), (2)	7.5 m from lot line (1), (2)



	From active frontage ROW	From other ROW	From public park	From mid-block connection	From interior side lot line	From rear lot line
Minimum building setback requirement below grade	1.0 m from lot line (3)	1.0 m from lot line (3)	0.5 m from lot line	n/a	0.5 m from lot line	0.5 m from lot line
Vehicular access to site	Permitted (4)	Permitted	Prohibited	Permitted	Permitted	Permitted
On site surface parking area	Prohibited in yard	Prohibited in yard	Limited in yard (5), (6)	Permitted in yard (5), (7)	Permitted in yard (5)	Permitted in yard (5)
Service and loading area	Prohibited in yard	Prohibited in yard	Prohibited in yard	Permitted in yard (7)	Permitted in yard	Permitted in yard
Site and building services and utilities	Only when there is no alternative location, permitted in yard	Only when there is no alternative location, permitted in yard	Only when there is no alternative location, permitted in yard	Permitted in yard (7)	Permitted in yard	Permitted in yard



	From active frontage ROW	From other ROW	From public park	From mid-block connection	From interior side lot line	From rear lot line
Location of new electrical distribution cables and similar infrastructure.	Below ground only (7)	Below ground only (7)	Below ground only (7)	Permitted above or below ground in yard. (7)	Permitted above or below ground in yard. (7)	Permitted above or below ground in yard. (7)
Location of new ventilation shafts, utility vaults, meters, and similar infrastructure	Below ground or Internal to a building only	Below ground or Internal to a building only	Below ground or Internal to a building only	Permitted above ground in yard, preferably grouped together (7), (8)	Permitted above ground in yard, preferably grouped together (7), (8)	Permitted above ground in yard, preferably grouped together (7)
Location of new ventilation shafts	Not permitted (9)	Not permitted (9)	Not permitted (9)	Permitted	Permitted	Permitted
Entrance type to building	Main, Secondary	Main, Secondary	Secondary only	Secondary only	Secondary only	Secondary only



	From active frontage ROW	From other ROW	From public park	From mid-block connection	From interior side lot line	From rear lot line
Minimum active at-grade uses at base of building	70% of ground floor frontage (10)	70% of ground floor frontage (10)	70% of ground floor frontage (10)	n/a	n/a	n/a

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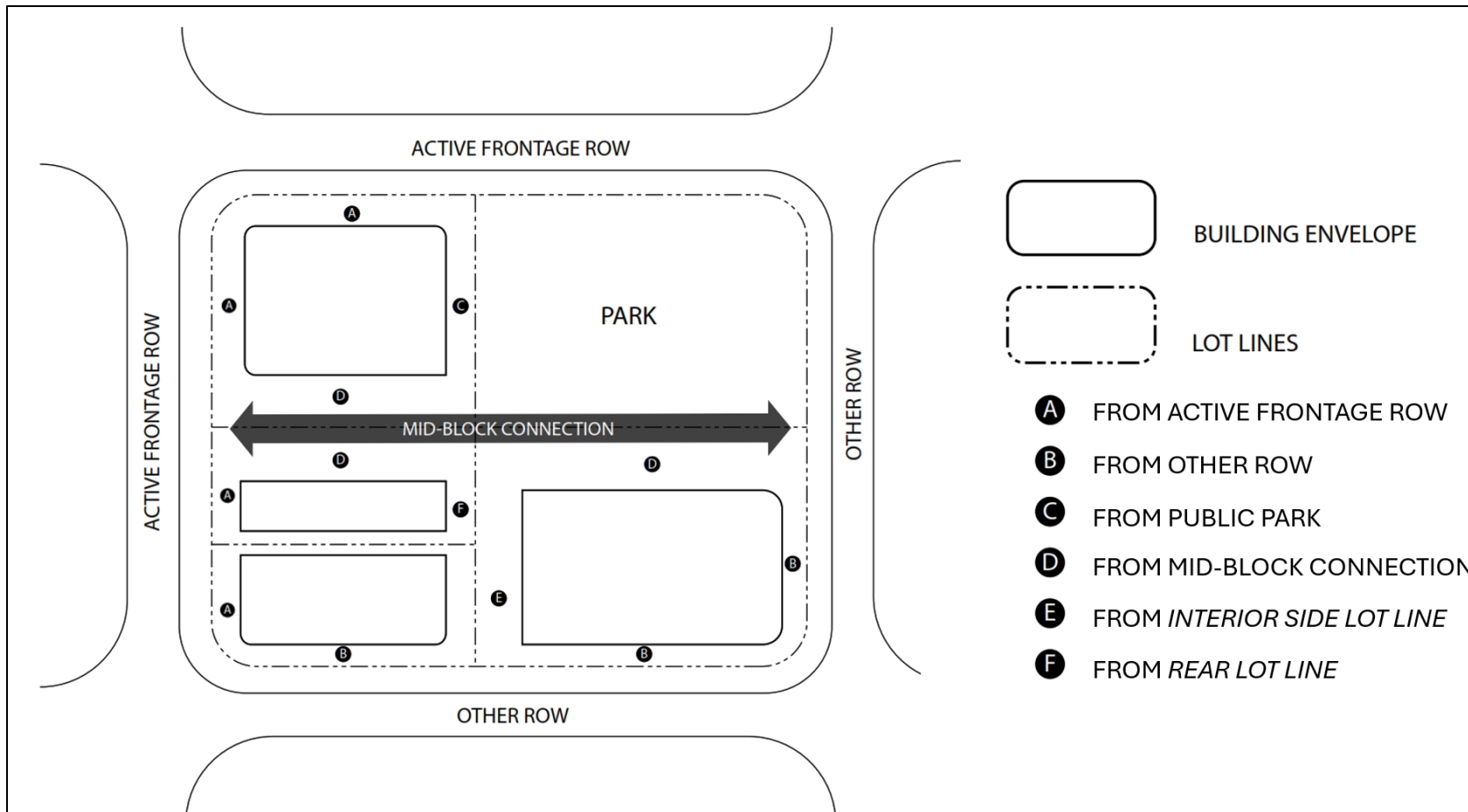


Figure E 1-1 Illustration of Table E1-2 Site Layout adjacent uses and properties

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1.2.6 Criteria and Variation from Standards associated with Table E1-2:

- (1) Setback ~~may be~~ **is** increased to accommodate a minimum setback of 15.0 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) **The minimum setback from the *lot line* may be reduced subject to an evaluation of below ground *infrastructure* and provision of sufficient setback for the purpose of maintenance, repair, and operation, and/or entering into an encroachment agreement.**
- (4) Vehicle access is permitted from the subject right of way only when there is no other alternative access option.
- (5) *Surface parking areas* 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.
- (6) Private *surface parking* adjacent to a *public park* is required to be screened to minimize negative visual impact onto the *public park*.
- (7) **Where feasible and permitted by the ~~operator~~ operating authority, existing *infrastructure*, such as ~~electricity—power—transmission—lines~~ electrical distribution cables, are required to be relocated below ground.**
- (8) Facilities to which this criteria applies are to be screened, **to the extent possible without negatively impacting the facility’s operation or maintenance per the operating authority’s clearance requirements, to minimize negative visual impact from the publicly accessible mid-block connection, or adjacent *lot*.**
- (9) **Ventilation shafts may be permitted within the specified *yard* for health and safety purposes and where there is no alternative location for them to be provided.**
- (10) Active at-grade *uses* at the base of the *building* include the permitted *uses* per Section E 1.1 Land Use, 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.

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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 roof-tops, 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 E1-3 Minimum Landscaping Coverage per Site by *Zone* 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 E1-3 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 road* 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 provides 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 E1-4 Building Gross Floor Area and Height 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,
 - ii. **Minimum height** and **per-building height**,
 - iii. criteria for where a variation from the standard may be permitted,
 - iv. whether certain matters may be exempt from the standard, and
 - v. 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~~ **within** the allotted **minimum floor space index (FSI)** provided on Schedule E1.2 Midtown Oakville Minimum Density ~~or~~ **and the maximum provided** on Schedule E1.3 Midtown Oakville Maximum Density **each** 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 E1.2 or E1.3, the total *Gross Floor Area* will be based on the sum of the products calculated for each density block or portion thereof.
- d) **Where land is conveyed or dedicated to public authorities or agencies through a community planning permit application and/or Plan of Subdivision or Consent process, the approved community planning permit may assign maximum GFA based on the total land area (prior to conveyance) multiplied by the permitted FSI; which may then be reflected in the community planning permit as an FSI that is greater in value than what is noted in the this by-law.¹**

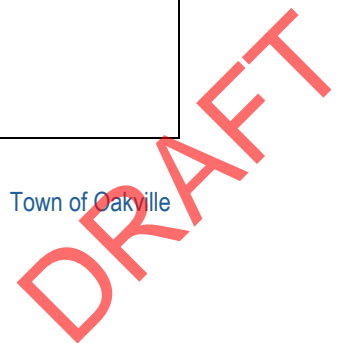
¹ The following is an example of how this provision is applied. A site that is 10,000 sq. m. in size with a maximum density permission of 5 FSI permits a total *gross floor area* of: 10,000 sq. m. * 5 FSI = 50,000 sq. m. If this site is conveying 2,500 sq. m. of land to the Town for

parkland and/or public right of way, the remaining land area is 7,500 sq. m. As such, 50,000 sq. m. of GFA divided by 7,500 sq. m. of land results in a total FSI of 6.66. In both instances, the FSI is in conformity with the Official Plan that allocated 5 FSI to the site.

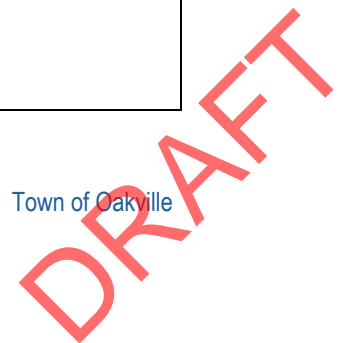
- e) **Building height** thresholds are provided in Schedule E1.4 Midtown Oakville Building Height Threshold, *height* thresholds may be exceeded subject to conditions provided in Section E 1.4 Community Benefits in Exchange for Permitted Building Height of this By-law.

Table E1-4 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 Section E 1.1.2) may be permitted .	<ul style="list-style-type: none"> lands required for <i>public parks</i> and open spaces; <i>educational facilities</i>; and <i>public service facilities</i> operated by a <i>public authority</i>, including transit facilities; <i>Buildings</i> related to <i>infrastructure</i> 	Variation from standard for an existing <i>use</i> or <i>building</i> (per Section E 1.1.2) may be permitted provided the long-term redevelopment of the 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: <ul style="list-style-type: none"> Midtown High Density Residential zone, and 	Segments of a storey 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>	<ul style="list-style-type: none"> lands required for <i>public parks</i> and open spaces; educational facilities; <i>public service facilities</i> operated 	



Built Form	Standard for the site	Variation from standard	Exemption from standard	Condition
	<ul style="list-style-type: none"> • Midtown Urban Core zone <p>2 storeys – for <i>buildings</i> within:</p> <ul style="list-style-type: none"> • Midtown Office Employment zone, and • Community Commercial zone 	<p>achieves the minimum <i>building height</i>.</p>	<p>by a <i>public authority</i>, including transit facilities,</p> <ul style="list-style-type: none"> • <i>Buildings</i> related to <i>infrastructure</i> and • Expansions to or replacement of 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 requirements provided in Section E 1.4		See Part E Section 1.4.
First storey minimum height	Minimum <i>height</i> of 4.5 m. measured from finished floor to underside of ceiling	<p>A lesser <i>height</i> may be permitted provided</p> <ol style="list-style-type: none"> a) At-grade non-residential <i>uses</i> are not required to be provided, or b) The proposed permitted <i>uses</i> within the <i>first storey</i> can be accommodated and are intended to be 	Existing <i>uses</i> per Section E 1.1.1.	



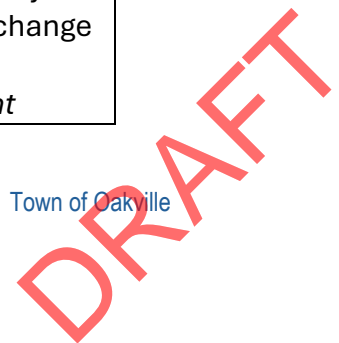
Built Form	Standard for the site	Variation from standard	Exemption from standard	Condition
		located there over the long term.		
Storey Height (above First Storey)	Average Maximum 3.5 m per storey	Maximum may be exceeded for non-residential uses		

1.3.2 Built Form by *Building Typology*

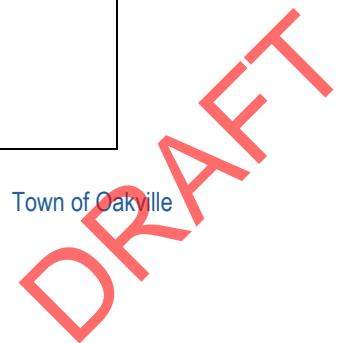
- a) Where new Low Rise, Mid-Rise and Tall *Buildings* are permitted, Table E1-5 Building Typology Standards provides:
 - i. the standards associated with each *building* type,
 - ii. permitted variations from standards, and
 - iii. conditions related to the permitted variation from standard.
- b) Existing *uses*, per Section E 1.1.1, are exempt from these standards.

Table E1-5 Building Typology Standards

Building Type	Standard			Permitted variation from standard	Condition
	Low rise <i>building</i>	Mid-rise <i>building</i>	Tall <i>building</i>		
Minimum height	2 Storeys	6 Storeys	n/a	Expansions to or replacement of existing use or <i>building</i> per Section E 1.1.1	
Maximum height	5 storeys	12 Storeys	Per Schedule E 1.4 and Section E 1.4.	Height maximum for Mid-rise and Tall <i>buildings</i> may not be achieved for all <i>buildings</i> in order to provide <i>height</i> variation within a block.	See Tall <i>building</i> maximum height is regulated by Section E 1.4 Community Benefits in Exchange for Permitted Building Height



Building Type	Standard			Permitted variation from standard	Condition
	Low rise building	Mid-rise building	Tall building		
Maximum streetwall height	n/a	25.0 m	25.0 m	Where a <i>building</i> is fronting a street <i>road</i> with existing or planned <i>future</i> right of way (ROW) less than 25 m, the maximum <i>height</i> shall be the same as the ROW as shown on Schedule E 1.5.	Streetwall <i>height</i> 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 25.0 m		
Minimum building façade step-back from public realm.	n/a	Located above “street wall,” Minimum depth of 5 3.0 m	Located above “streetwall,” Minimum depth of 5 3.0 m	Minimum <i>step-back</i> variation permitted in accordance with urban design guidelines.	
Minimum Building to Building separation distance at building base	15.0 m between buildings	15.0 m between buildings	15.0 m between buildings 7.5 m from interior lot line	<i>Building</i> separation may be less where the facing walls of the <i>base of</i> both <i>buildings</i> do not provide windows and/or <i>building</i> base <i>height</i> is less than 3 <i>storeys</i> , in accordance with Urban Design Guidelines.	
Minimum tower separation distance, above base to the 25 th storey	n/a	n/a	30.0 m between towers	Reduction in tower separation requirement may be permitted when towers are offset from each other, and in accordance with Urban Design guidelines.	



Building Type	Standard			Permitted variation from standard	Condition
	Low rise building	Mid-rise building	Tall building		
			15.0 m from interior lot line		
Minimum tower separation distance, for towers for buildings greater than above-25 storeys tall	n/a	n/a	35 m between towers 17.5 m from interior lot line	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	42.0 m in diameter	Variation permitted in accordance with urban design guidelines. Tower floor plates intended for office uses may be permitted to be larger.	

1.3.3 Parking

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

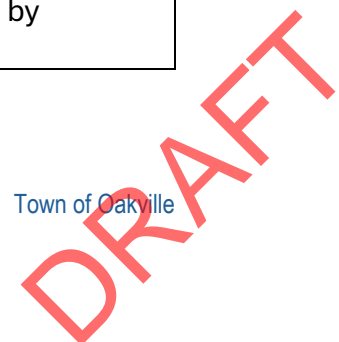
1.3.3.1 Vehicle Parking Rates and Proportions

a) Vehicle parking rates and proportions are as provided in Table E1-6 Vehicular Parking Rates and Proportions by Land Use Type. **These rates shall apply to new buildings or portions thereof.**



Table E1-6 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	Condition
Residential vehicle parking rate (Maximum)	1.0 per dwelling unit	n/a	n/a	May exceed maximum if spots are provided on a temporary basis, can be converted to another use, and any such parking interior to a building is included in the calculation for maximum gross floor area per Table E1-4 Building Gross Floor Area and Height.	Community planning permit plans and drawings, where applicable, denote the parking is temporary, and an agreement is registered on title regarding the temporary nature of the parking spaces spots.
Visitor vehicle parking (minimum and maximum proportion)	Minimum - 15% of all Residential Parking Maximum - 20% of all Residential Parking	n/a	n/a	Reduction of minimum permitted subject to the provision of a Transportation Demand Management Plan to the satisfaction of the Town.	Visitor parking spaces are identified on community planning permit plans.
Other vehicle parking spaces (maximum)	n/a	3.6 per 100 sq. m.	4.0 per 100 sq. m.	May exceed maximum if parking spaces spots are provided for public use (municipal parking)	Public parking spaces spots are conveyed to the Town by agreement.



Standard		Residential land use	Office land use	Other non-residential land use	Permitted variation from standard	Condition
Electric vehicle parking spaces		Greater of 1 or 25% of all residential parking spaces (excluding visitor parking spaces) provided with Level 2 EV power outlet	Greater of 1 or 210% of all with Level 2 EV power outlet (excluding short term, pick-up drop-off parking spaces)	Greater of 1 or 110% of all with Level 2 EV power outlet (excluding short term, pick-up drop-off parking spaces)	Reduction permitted for residential EV parking spaces subject to an alternative strategy that demonstrates residents of the building with EVs will have access to a charge power outlet/source suitable for EV charging.	EV charger locations are identified on CPP plans.
Barrier free vehicle parking spaces (minimum proportion of all spaces)	3 - 25	1.0 (visitor)	1.0	1.0	Reduced minimum proportion may be permitted subject to justification and/or provision of suitable pick-up and drop-off areas.	Barrier Free parking spaces and pick-pick up and drop off area, where applicable, are identified on CPP plans.
	26 - 100	4% of total visitor	4% of total	4% of total		
	101 – 200	1.0, + 3% of total visitor	1, + 3% of total	1, + 3% of total		
	201 – 1,000	2.0, + 2% of total visitor	2.0, + 2% of total	2.0, + 2% of total		
	1,001 and over	11.0, + 1% of total visitor	11.0, + 1% of total	11.0, + 1% of total		



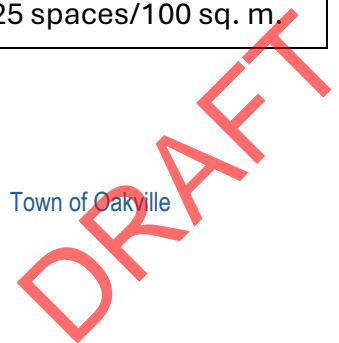
1.3.3.2 Bicycle Parking Rates

- a) Bicycle parking rates are as provided in Table E1-7 Bicycle Parking Rates by Parking and Lande Use Type.
- 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 spaces* (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 **bicycle** 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.
- f) **Buildings in which 5 or more long term bicycle parking spaces are required, shall provide bicycle maintenance facilities with the following minimum dimensions:**
 - minimum length of 1.8 metres;
 - minimum width of 2.6 metres; and

- minimum vertical clearance from the ground of 1.9 metres.
- g) **If a building has Long Term Office and Other Non-Residential bicycle parking spaces, shower and change facilities shall be provided for at the following rate:**
 - i. none if less than 5 spaces; and
 - ii. 1 for every 30 spaces or less.
- h) **Variations to minimum ratios provided in items (f) and (g) may be permitted, subject to demonstration that the development site is otherwise able to facilitate the needs of cyclists who are using Long Term bicycle parking facilities.**

Table E1-7 Bicycle Parking Rates by Parking and Lande Use Type

Bicycle Parking Facility Type	Land Use Type	Rate
long term	Residential	0.8 spaces/ <i>dwelling unit</i>
	Office	0.25 spaces/100 sq. m.
	Other Non-Residential	0.1 spaces/100 sq. m.
Short Term	Residential	0.2 spaces/ <i>dwelling unit</i>
	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 future** 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 E1.4 Midtown Oakville Building Height Threshold, 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*,

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- iv. Dividing the resulting *gross floor area* by the resulting site area **to arrive at the gross density**.
- c) The maximum permitted *gross density* is the FSI attributed to the site in Schedule E1.3 Midtown Oakville Maximum Density.

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 E 1.4.4 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)~~ **renewable energy systems**
- 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 the development site
 - Second Priority: Policy** – the benefit is a matter listed in Section 20 Midtown Oakville of the Official Plan

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

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

1.4.4 Proportional relationship between *building height* and community benefit.

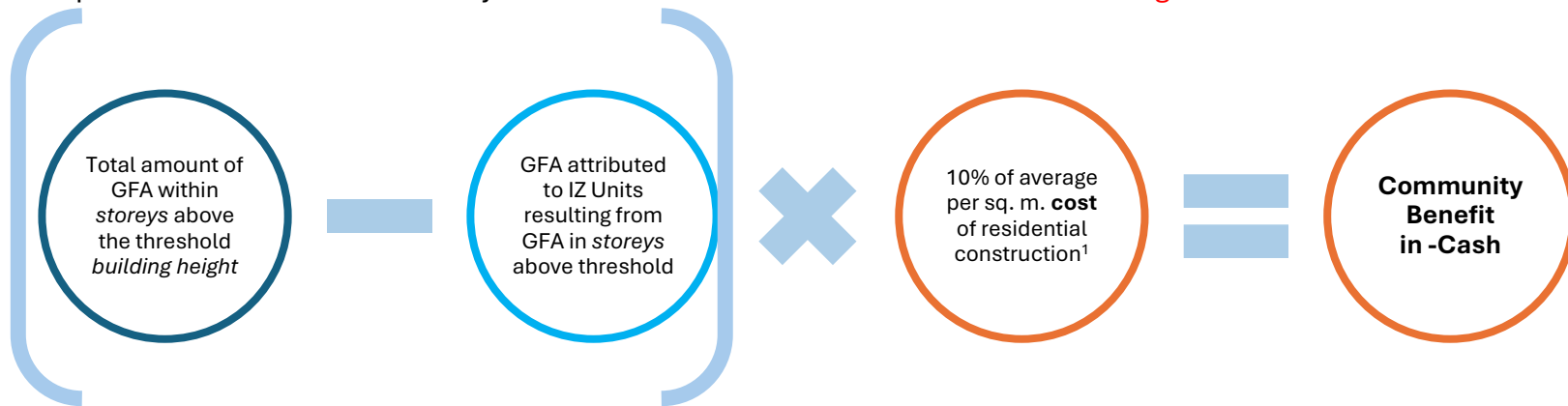
- a) For development that is eligible to increase the *height of the building above the height* above thresholds provided in Schedule E1.4, the community benefit provided in exchange for the permitted *height* shall be in accordance one or a combination of the following benefit types:
 - i. Spatially 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 E1-10 Eligible Non-Spatial Benefits 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 *dwelling units* are located.~~
- h) The applicant shall enter into Agreements with the *Town* regarding the provision of community benefits for reasons such as:

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- i. The proposed benefit will be provided off-site
 - ii. The proposed benefit will be provided on-site, within the proposed development.
 - iii. The proposed benefit requires reciprocal agreements between the landowner and the *Town*, and/or
 - iv. The proposed benefit is providing affordable **dwelling units** housing which must be maintained affordable.
- i) 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.

j) 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, **as shown in the following calculation:**



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

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1.4.4.1 Spatially Measured Community Benefits

In exchange for additional *building height*, spatial benefits that may be provided are listed in Table E1-8 Community Benefit Proportion for Eligible Spatial Benefits. The total square metres of the community benefit to be provided is determined based on the rate for each benefit type (provided in Table E1- 8) and the following calculation:

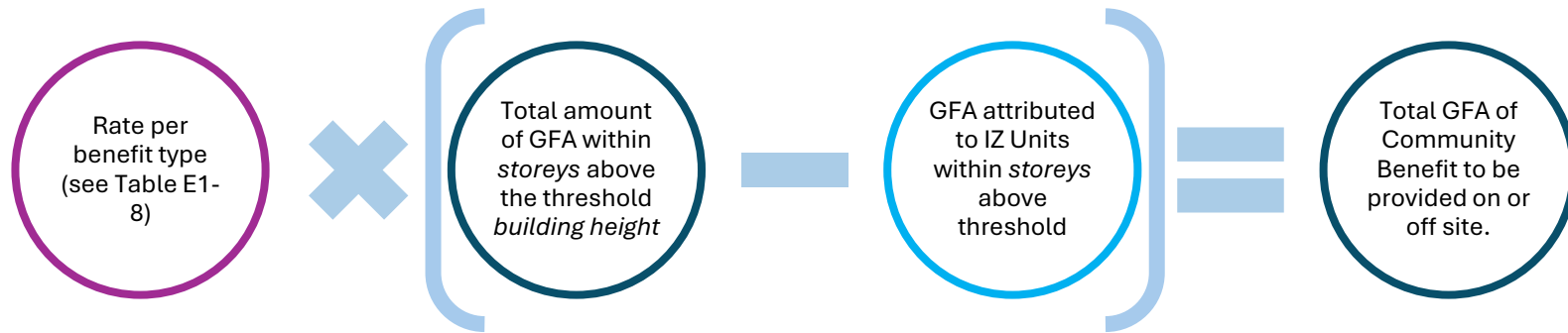


Table E1-8 Community Benefit Proportion for Eligible **Spatial** Benefits

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%
• <i>Library</i>	3.8%
• <i>Performing arts centre</i>	2.3%
• <i>Community Hub</i>	5.5%
day care centres	5% – 8% 5.3%
integration of office uses in mixed-use developments (for GFA in addition to any required non-residential gross leasable floor area)	9% – 13% 10.2%
public parking spaces – Free Standing Structure	19% – 29% 14.0%
public parking spaces – Underground Structure	14% – 21% 9.7%

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ELIGIBLE BENEFIT	RATE of In Kind Benefit
public service facilities and improvements to such facilities	4% – 6% 3.7%
parkland and improvements to <i>parks</i>	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%
- Bus Shelter	3.0%
- BRT Stop	3.8%

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 E1-9 Affordable Housing Proportion Options.

- a) The GFA attributed to the *storeys* above the *building height* threshold, ~~less GFA attributed to *inclusionary zoning housing units* if applicable~~, multiplied by the proportions noted in Table 1-9 shall be provided as affordable housing *dwelling units* anywhere in the proposed *building*, at affordable price/rent in accordance with the conditions noted in Table E1-9.
- b) ~~Applicable conditions noted in Table E1-9 shall be implemented through agreements that are registered on title with each affordable *dwelling unit*.~~
- c) ~~All affordable *dwelling units* pursuant to the applicable option 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 the price for which they are sold. This requirement shall remain with subsequent owners until the affordability period identified in Condition 3 expires.~~



Table E1-9 Affordable Housing Proportion Options

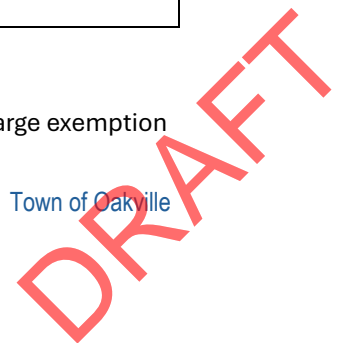
	Proportion of GFA calculated within <i>building storeys</i> above the <i>height</i> threshold ² reserved for affordable housing	Condition 1: Threshold Price/Rent for Reserved Affordable Unit	Condition 2: Affordability Requirement	Condition 3: Affordability Period
OPTION A	100%	None (ownership <i>dwelling units</i>)	<p>Maximum resale price of unit is restricted to the greater of 10% above the seller’s original purchase price or value associated with the 60th percentile household income listed in the Ministry of Municipal Affairs Bulletin at the time of sale.</p> <p>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 Tenancies Act</u>.</p>	The affordability requirement applies for the lifetime of the <i>building</i> .

² Where *inclusionary zoning housing units* are required, this calculation excludes the proportion of GFA that is associated with those *inclusionary zoning housing units* that are attributed to the GFA above the *building height* threshold.



	Proportion of GFA calculated within <i>building storeys</i> above the <i>height</i> threshold ² reserved for affordable housing	Condition 1: Threshold Price/Rent for Reserved Affordable Unit	Condition 2: Affordability Requirement	Condition 3: Affordability Period
OPTION B	100%	None (rental <i>dwelling units</i>)	Maximum increase in rent is per the Provincial rate as established by the <u>Residential Tenancies Act</u> . ³	The affordability requirement applies for the lifetime of the <i>building</i> .
OPTION C	50%	90% of Market Value Price per <i>dwelling unit</i> type.	<p>Maximum resale price of <i>dwelling unit</i> is restricted to the greater of 10% above the seller’s original purchase price or value associated with the 60th percentile household income listed in the Ministry of Municipal Affairs Bulletin at the time of sale.</p> <p>If the <i>dwelling unit</i> 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 Tenancies Act</u>.</p>	The affordability requirement applies for the lifetime of the <i>building</i> .

³ Any *dwelling units* required to be affordable based on legislation or program requirements, such as a CMHC loan or a Development Charge exemption agreement, may be exempt from this requirement.

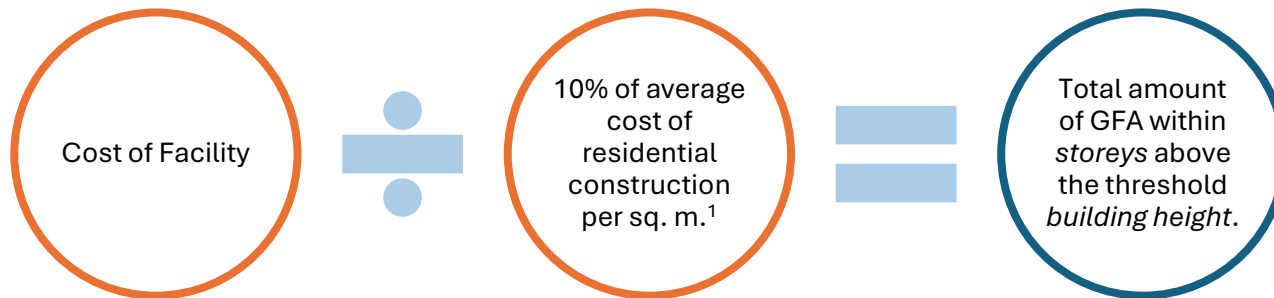


	Proportion of GFA calculated within <i>building storeys</i> above the <i>height</i> threshold ² reserved for affordable housing	Condition 1: Threshold Price/Rent for Reserved Affordable Unit	Condition 2: Affordability Requirement	Condition 3: Affordability Period
OPTION D	25%	The maximum <i>dwelling unit</i> price or rent is affordable to the 60 th percentile household income as listed in the Ministry of Municipal Affairs Bulletin.	<p>Maximum resale price of the <i>dwelling unit</i> 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.</p> <p>If the <i>dwelling unit</i> is offered as rental or 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 Residential Tenancies Act.</p>	The affordability requirement applies for the lifetime of the <i>building</i> .



1.4.4.3 Non-Spatial Community Benefits

- a) In exchange for additional *building height*, the non-spatial benefits that may be provided are listed in Table E1-10 Eligible Non-Spatial Benefits.
- b) The total *gross floor area* that is attributed to the *storeys* of a *building* above the *building height* threshold, **not including GFA required for inclusionary zoning housing units**, 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*

Table E1-10 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 <i>cultural heritage resources</i>
• protection and/or enhancement of natural features and functions
• sustainable <i>building</i> initiatives (per Section E 1.4.2 (d))
• public art (per Section E 1.4.2 (e))
• Other – requires Council approval

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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 Community Benefit Reserve Fund

- a) Any cash-in-lieu 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.~~

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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 housing units* shall be provided as follows:

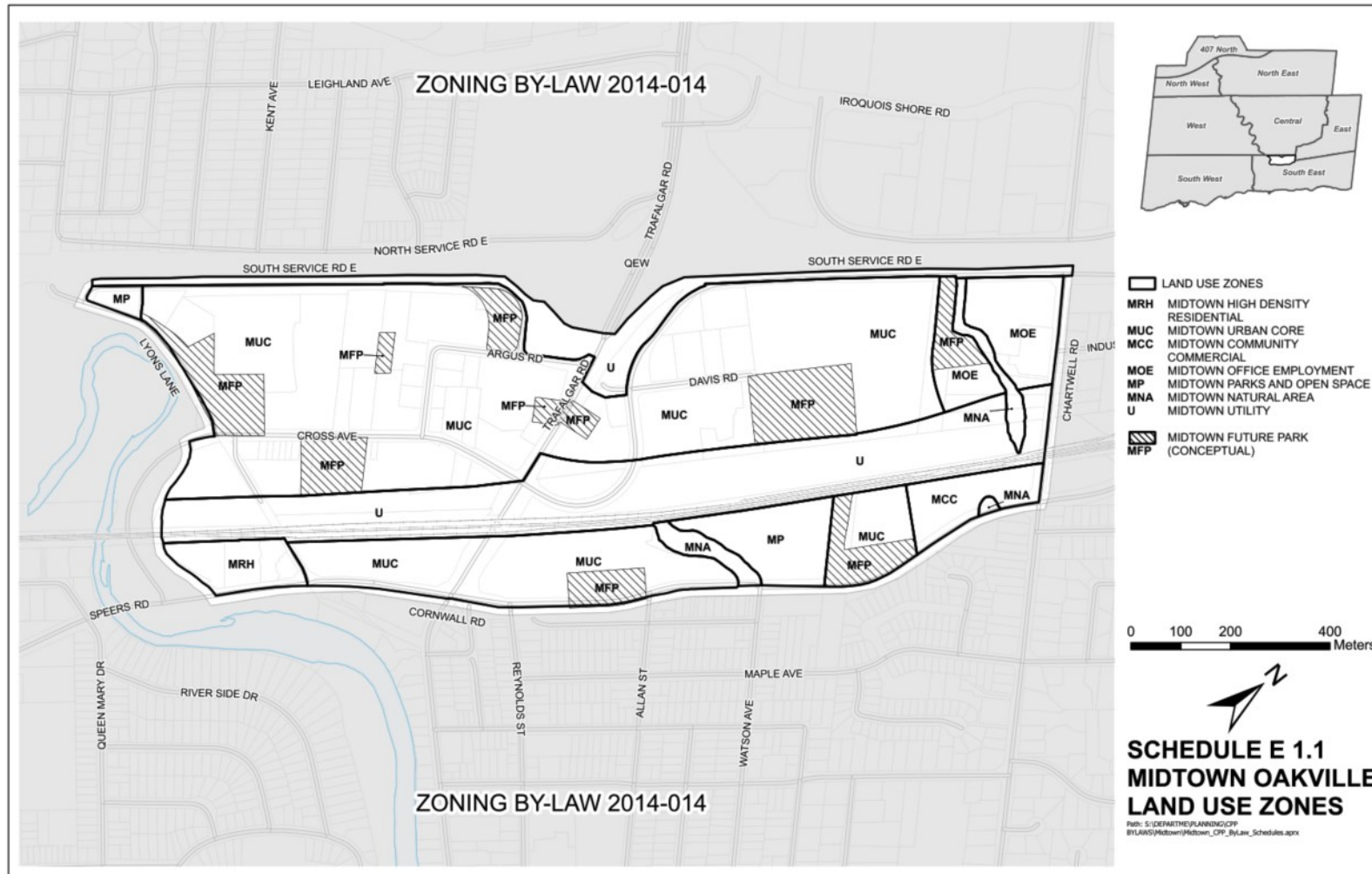
- a) **Minimum Total Building dwelling units – Inclusionary zoning housing units** shall be provided within *buildings* that provide 100 *dwelling units* or more.
- b) **Maximum affordable price or rent –**
 - i. Ownership ~~dwelling~~ *inclusionary zoning housing units* ~~containing two or more bedrooms~~ shall be priced for the 60th percentile of household income in accordance with Part D, Section 7 (e)(i); **or**
 - ii. Rental ~~housing~~ ~~dwelling~~ *inclusionary zoning housing units* shall be leased at no more than 80% of Average Market Rent as determined in Part D, Section 7 (e)(ii) and shall be provided with the same ~~dwelling unit~~ mix proportion required in Section 1.1.3 (9) above.
- c) *Net proceeds* that are to be provided to the *Town* from the sale of the *inclusionary zoning housing unit* during the affordability period shall be 2% of the overall *Net Proceeds*.
- d) *Net proceeds* that are to be provided to the *Town* from the first sale of *inclusionary zoning housing unit* that occurs within 10 years after the affordability period shall be the lesser of:
 - i. the equivalent amount of forgone development charge, community benefit equivalent charge, and parkland dedication fee, plus *interest* charges from the date those fees would have otherwise been payable, or
 - ii. 50% of the overall *net proceeds*.

1.6 Transition of Special, Temporary and Holding Provisions

- a) Notwithstanding the repeal of Zoning By-law 2014-014 as it relates to land within the Midtown Oakville Community Planning Permit Area, the following shall be read and implemented as it was prior to the effective date of Section E1 of this by-law. Where there is a conflict between this By-law and the provisions of the below noted by-laws, the provisions of those by-laws shall apply and may be implemented through the approval of associated *community planning permits*:
- i. Special Provision #18, (By-laws 2009-043 (PL080691) and 2016-013 (PL080692)).
 - ii. Special Provision #191, (By-laws 1994-144; 2002-018; 2003-138; 2007-096; 2008-051; 2013-106; 2015-018; 2015-079; and 2022-047)
 - iii. Special Provision #360, (By-law 2015-032)
 - iv. Special Provision #369, (By-law 216-038)
 - v. Special Provision #413, (By-law 2022-052)
 - vi. Holding Provision #13, (By-law 2009-043)
 - vii. Holding Provision #29, (By-law 2016-038)
 - viii. Holding Provision #49, (By-law 2022-052)
 - ix. Temporary Use Provision #6, (By-law 2024-088)
Expires: May 27, 2027.
- b. The removal of a Holding Provision shall be in accordance with the procedures prescribed in this by-law, in accordance with procedures related to a revision to a *community planning permit*, as described in Part B, Section 8 Review and Approval Process of this by-law.

1.7 Schedules

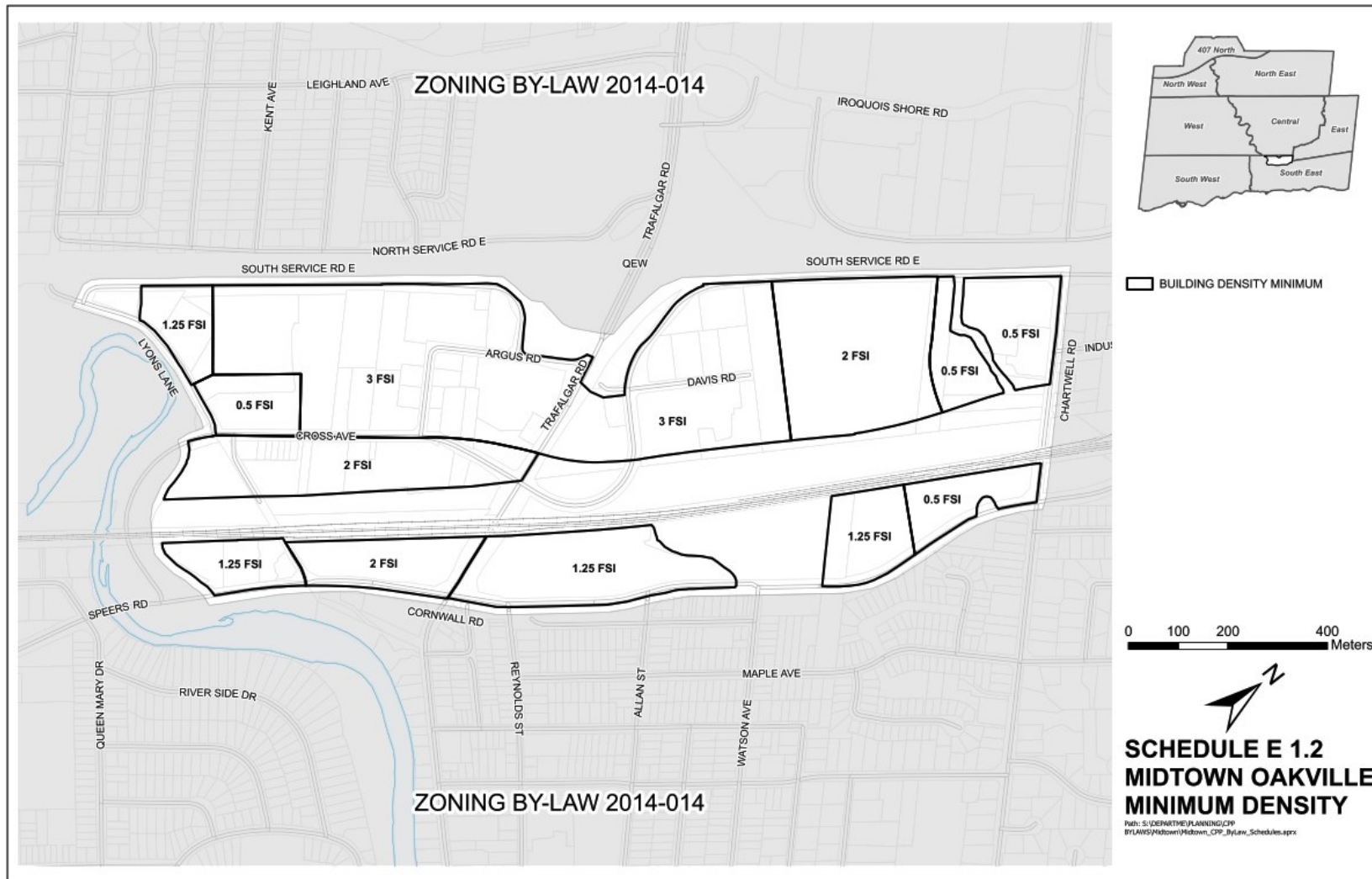
Schedule E1.1 Midtown Oakville Land Use Zones⁴



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

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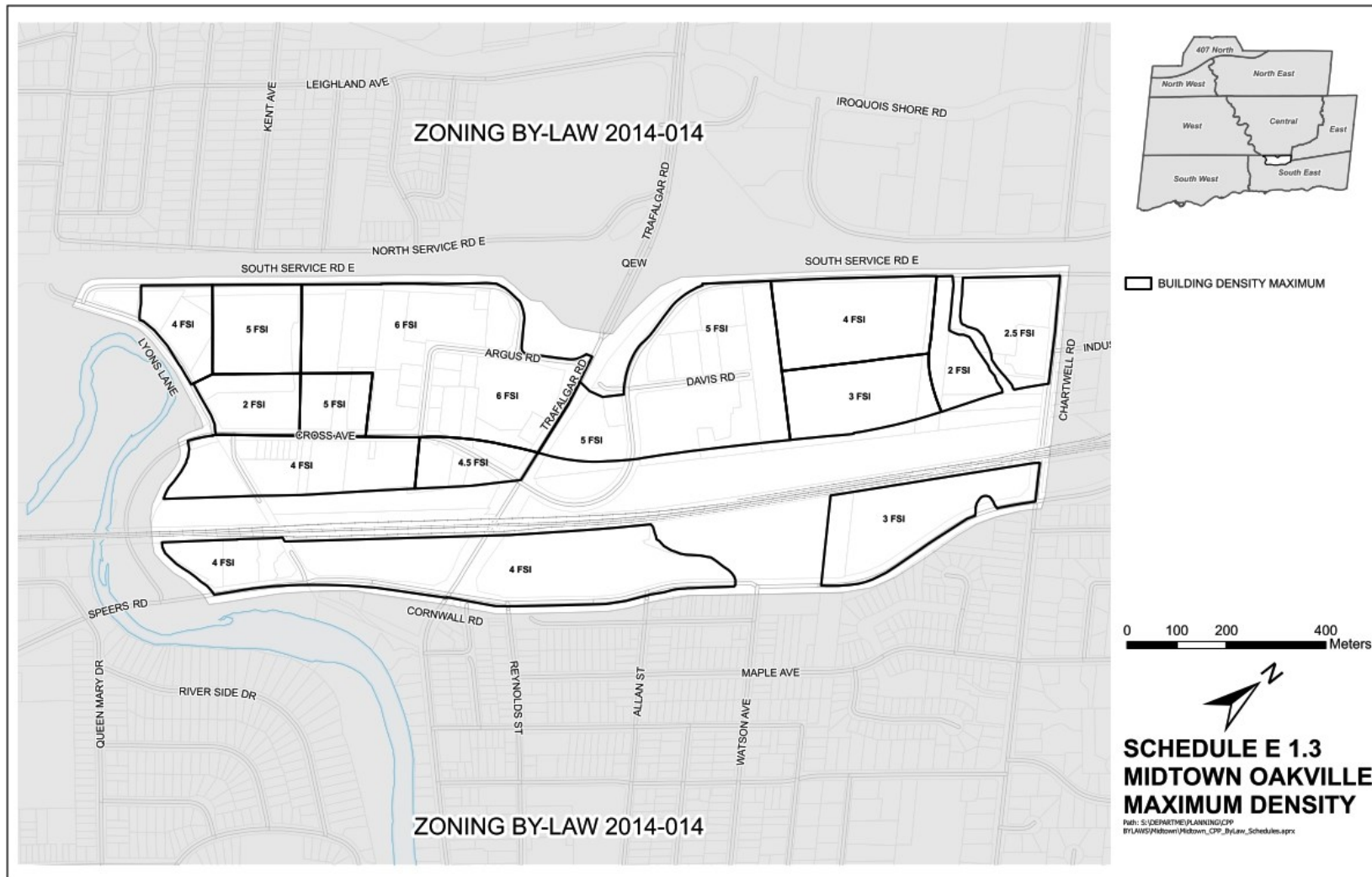
Schedule E1.2 Midtown Oakville Minimum Density⁵



⁵ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

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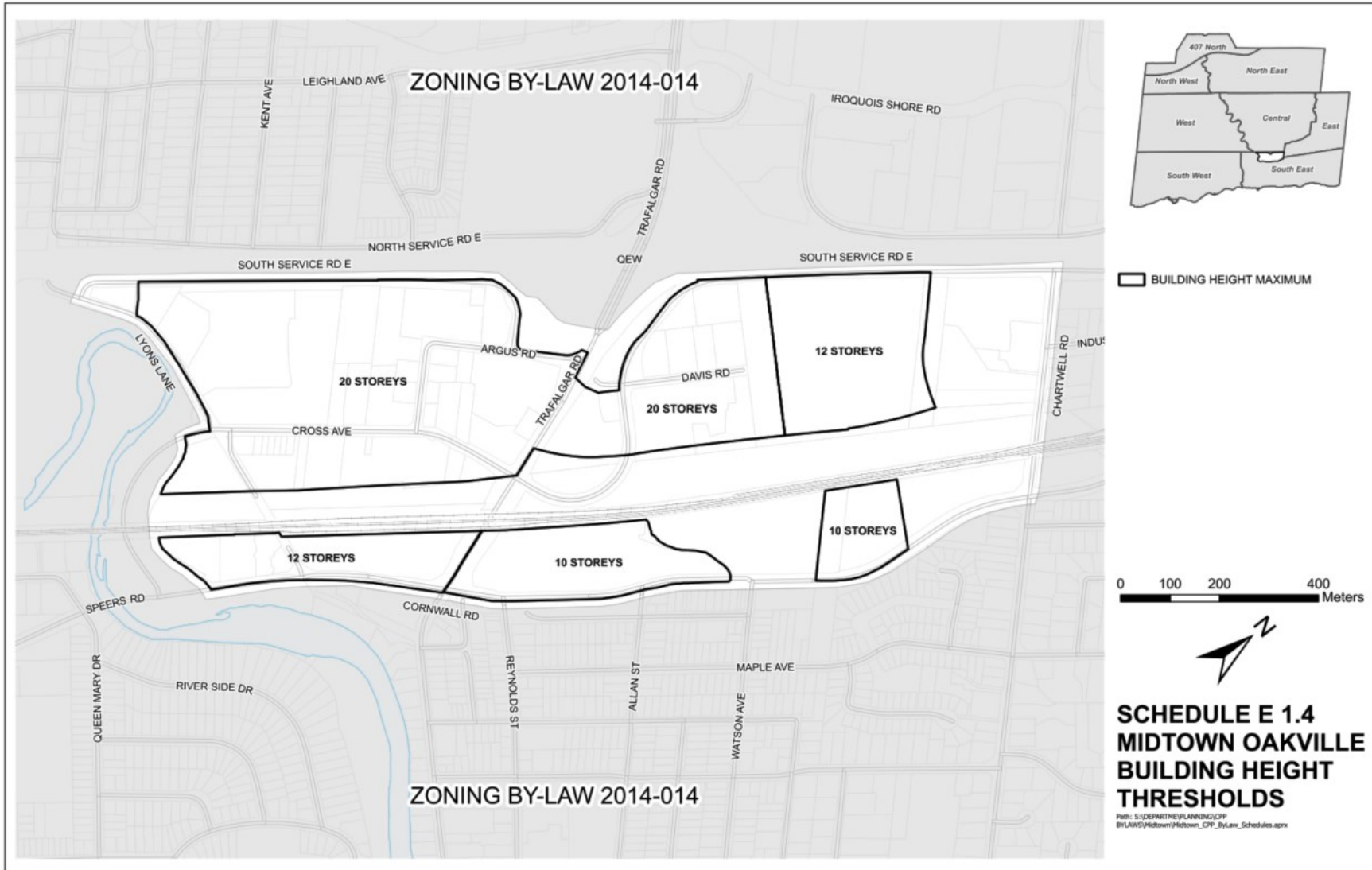
Schedule E1.3 Midtown Oakville Maximum Density⁶



⁶ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

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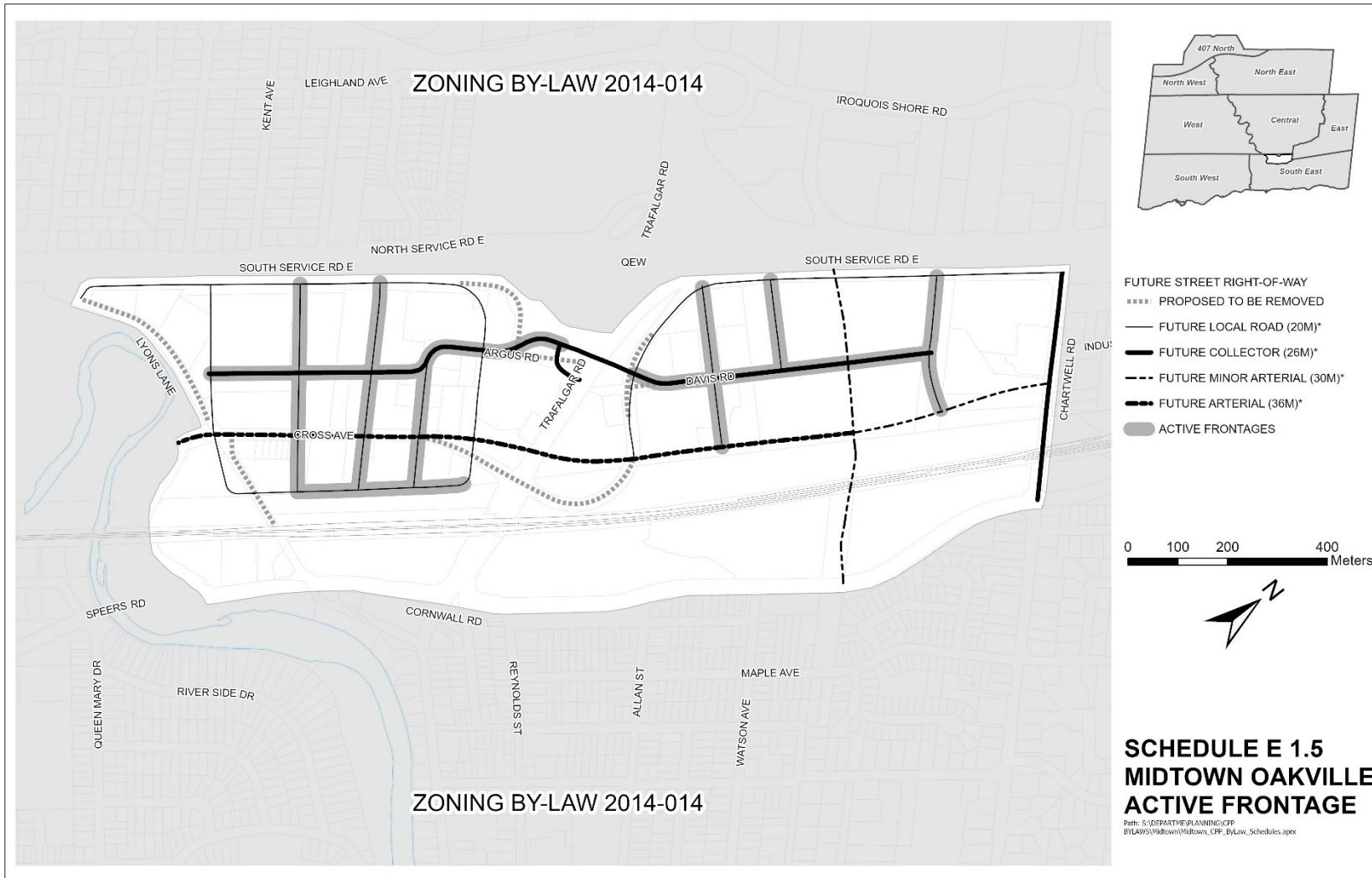
Schedule E1.4 Midtown Oakville Building Height Thresholds⁷



⁷ See Part A, Section 4 regarding the interpretation of boundaries provided on this schedule.

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Schedule E1.5 Midtown Oakville Active Frontage⁸



⁸ ROWs shown on this schedule are conceptual.

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APPENDIX

Excerpts from Zoning By-Law 2014-014 Special Provisions, Temporary Provisions, and Holding By-law Provisions listed in Part E of this By-law.

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Special Provisions

18 (Old 830)	599 Lyons Lane	Parent Zone: RH
Map 19(8a)	(Part of Lot 15, Concession 3 S.D.S.)	(2009-043) PL080691, PL080692 (2016-013)
15.18.1 Zone Provisions		
The following regulations apply:		
a)	<i>Minimum front yard</i>	1.0 m
b)	<i>Minimum side yard</i>	1.5 m
c)	<i>Maximum side yard, east side</i>	13.0 m
d)	Minimum below grade setback	0.0 m
e)	<i>Minimum rear yard</i>	2.0 m
f)	Maximum <i>height</i>	63.0 m
g)	Maximum <i>height</i> (upon execution of a bonussing agreement)	86.0 m
h)	Maximum number of <i>storeys</i>	20
i)	Maximum number of <i>storeys</i> (upon execution of a bonussing agreement)	26
j)	Maximum number of <i>dwelling units</i>	400
k)	Maximum number of <i>dwelling units</i> (upon execution of a bonussing agreement)	480
l)	Minimum <i>separation distance</i> between portions of a <i>building</i> above the fourth <i>storey</i> , inclusive of <i>balconies</i> (2016-13)	16.0 m
m)	Maximum width in any direction at the widest point of the portion of the <i>building</i> above the fourth <i>storey</i>	40.0 m
n)	Maximum allowable projection for a <i>balcony</i>	2.0 m
o)	Any <i>balcony</i> or part thereof located within 17.0 metres of the eastern <i>side lot line</i> to a distance of 40.0 metres from the <i>front lot line</i> as it existed on April 8, 2009 shall be enclosed.	
15.18.2 Parking Provisions		
The following parking provisions apply:		
a)	Minimum number of <i>parking spaces</i>	1.25 per <i>dwelling</i>
b)	Minimum number of <i>parking spaces</i> for visitors	0.25 per <i>dwelling</i>
c)	Maximum number of above grade <i>parking spaces</i>	266, all of which shall be located in a <i>parking structure</i>
15.18.3 Bonussing Provisions		
In order to permit the increased permissions contained in this Special Provision, zoning compliance shall be dependent upon the registration on title of an agreement or agreements pursuant to Section 37 of the <u>Planning Act</u> . The owner of the subject lands shall provide to the satisfaction of the <i>Town</i> the facilities, services, and matters as follows:		
a)	Eligible community benefits, consistent with the policies of the Livable Oakville Plan for the Midtown Oakville area that will be required to support the additional <i>height</i> and density permitted by this Special Provision.	
b)	The amounts payable pursuant to subsection (a) above shall be valued as of, and shall be paid on, the day before the issuance of the first <i>building</i> permit for a <i>dwelling unit</i> in excess of 400 units. In the case of multiple <i>building</i> permits being issued, the amounts payable will be calculated and payable for each <i>building</i> permit.	

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Special Provisions

191	70 Old Mill Road	Parent Zone: RH
Map 19(8b)	(Part of Lots 14 and 15, Concession 3 S.D.S.)	(1994-144) (2002-018) (2003-138) (2007-096) (2008-051) (2013-106) (2015-018) LOP 20.5.11(a) (2015-079) (2022-047)
15.191.1 Additional Permitted Uses for Block 2		
The following additional <i>uses</i> are permitted on lands identified as Block 2 on Figure 15.191.1:		
a)	<i>Retail store</i>	
b)	<i>Service commercial establishment</i>	
c)	<i>Business Office</i>	
d)	<i>Medical Office</i>	
e)	<i>Restaurant</i>	
15.191.2 Zone Provisions for Block 1		
The following regulations apply for lands identified as Block 1 on Figure 15.191.1:		
a)	Maximum <i>number of dwelling units</i> at 40 Old Mill Road	113, plus one superintendent suite
b)	Maximum <i>number of dwelling units</i> at 50 Old Mill Road	102, plus one superintendent suite
c)	Maximum <i>number of dwelling units</i> at 60 Old Mill Road	92, plus one superintendent suite
d)	Maximum <i>height</i>	As legally existing on the <i>lot</i> on the effective date of this By-law
e)	Maximum <i>lot coverage</i>	As legally existing on the effective date of this By-law
f)	Minimum <i>yard</i> abutting a <i>railway corridor</i>	20.0 m
g)	Minimum <i>landscaping coverage</i>	30%
15.191.3 Zone Provisions for Block 2		
The following regulations apply to the lands identified as Block 2 on Figure 15.191.1:		
a)	The <i>lot line</i> abutting Cornwall Road shall be deemed the <i>front lot line</i> .	
b)	Minimum <i>front yard</i> (Cornwall Road)	1.8 m
c)	Minimum <i>flankage yard</i> (Old Mill Road)	1.8 m
d)	Minimum <i>interior side yard</i>	1.5 m
e)	Minimum <i>rear yard</i>	1.5 m
f)	Minimum <i>setback</i> or <i>yards</i> for any portion of a <i>parking structure</i>	0.0 m
g)	Minimum <i>building setback</i> from a <i>railway corridor</i>	25.0 m
h)	Maximum <i>number of dwelling units</i>	154
i)	Maximum <i>net floor area</i> for non-residential <i>uses</i>	155.0 sq.m
j)	Maximum <i>height</i>	46.0 m
k)	Minimum <i>number of storeys</i>	8

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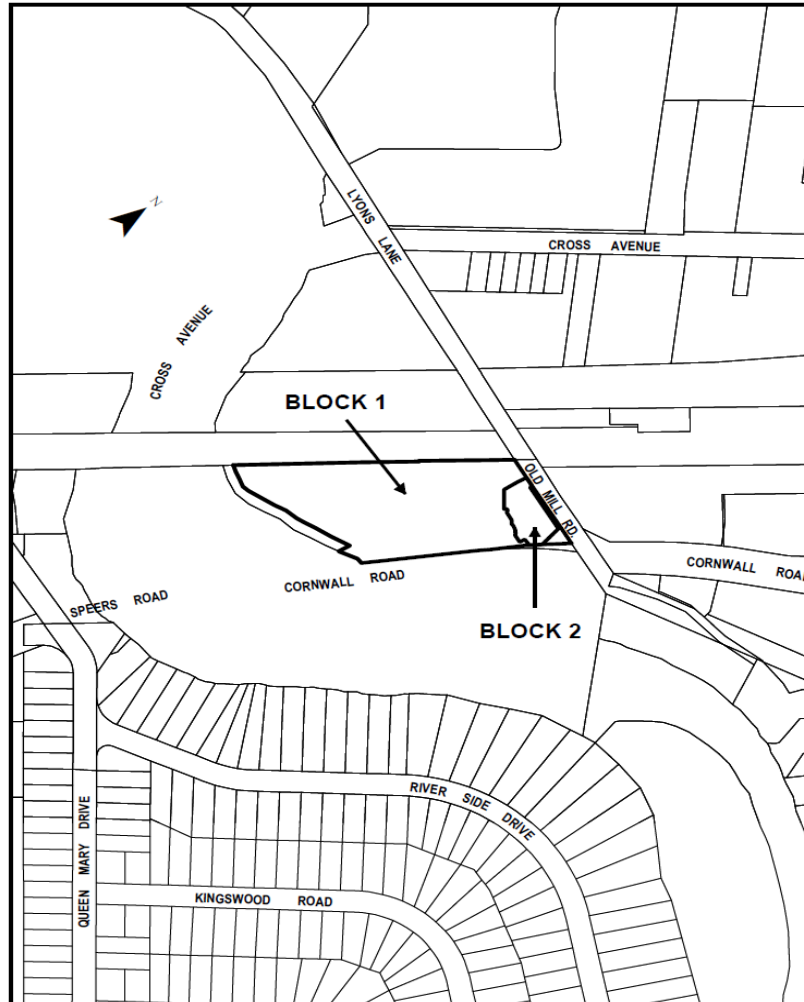
Special Provisions

l)	Maximum number of <i>storeys</i>	12
m)	Notwithstanding section 15.191.3 l), additional <i>storey</i> permitted for a <i>mezzanine</i> that is open and unenclosed except for the partitions associated with an elevator	1
n)	<i>Floor area</i> for the <i>mezzanine</i> permitted as an additional <i>storey</i> shall be a maximum of 40% of the <i>floor area</i> in which it is located.	
o)	Maximum total projection of a <i>balcony</i> beyond the <i>main wall</i> of the second <i>storey</i> in any <i>yard</i>	3.5 m
p)	Maximum total projection of a <i>balcony</i> beyond the <i>main wall</i> above the second <i>storey</i> in any <i>yard</i>	2.0 m
q)	<i>Balconies</i> may encroach into <i>flankage</i> and <i>interior side yards</i>	
r)	Minimum <i>lot area</i>	Shall not apply
s)	Minimum <i>lot frontage</i>	Shall not apply
t)	Maximum <i>lot coverage</i>	Shall not apply
u)	Minimum width of <i>landscaping</i> required along any lot line and any <i>surface parking area</i>	0.0 m
v)	Minimum setback for a <i>surface parking area</i> from a <i>building</i> or structure	0.0 m
w)	Minimum setback for <i>landscape</i> features from any lot line	0.0 m
15.191.4.1 Parking Provisions for Block 1		
The following parking regulations apply to lands identified as Block 1 on Figure 15.191.1:		
a)	Minimum number of <i>parking spaces</i> permitted to be provided as <i>tandem parking spaces</i>	20%, and visitor <i>parking spaces</i> shall not be permitted to be provided in tandem
b)	Minimum number of <i>parking spaces</i> for a superintendent suite	1 per suite
c)	Minimum number of <i>parking spaces</i> for all non-residential uses	0
d)	Visitor <i>parking spaces</i> can be located on any <i>lot</i> subject to this Special Provision	
15.191.4.2 Parking Provisions for Block 2		
The following parking regulations apply to lands identified as Block 2 on Figure 15.191.1:		
a)	Minimum number of <i>parking spaces</i> for an <i>apartment dwelling</i>	0.75 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
b)	Maximum number of <i>parking spaces</i> for an <i>apartment dwelling</i>	1.1 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
c)	Ventilation shafts, stairs and stairways associated with a <i>parking structure</i> are not permitted in the <i>front yard</i> or <i>flankage yard</i> .	
d)	A minimum of 20% of the <i>parking spaces</i> in a <i>building</i> shall include the provision for the installation of electric motor vehicle supply equipment.	
e)	Visitor <i>parking spaces</i> can be located on any <i>lot</i> subject to this Special Provision.	

Special Provisions

15.191.5 Special Site Figures

Figure 15.191.1



15.191.6 Special Site Provisions

The following additional provisions apply:

- a) A superintendent suite is not a *dwelling unit* for the purposes of this By-law.
- b) *Established grade* shall be the 101.24 metre geodetic elevation.

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Special Provisions

360	First Gulf Corporation	Parent Zone: MTE and N
Map 19(8b)	610 Chartwell Road	2015-032
15.360.1 Additional Permitted Uses		
a)	Natural Areas	
15.360.2 Zone Provisions		
The following regulations apply:		
a)	<i>Maximum lot coverage</i>	Shall not apply
b)	<i>Minimum front yard</i>	2.1 m
c)	<i>Maximum front yard</i>	10.5 m
d)	<i>Minimum flankage yard</i>	14.0 m
e)	<i>Minimum interior side yard</i>	25.0 m
f)	<i>Minimum rear yard</i>	25.0 m
g)	Minimum width of <i>landscape strip</i> adjacent to any <i>public road</i> , including the <i>highway corridor</i>	3.0 m
h)	Required widths of <i>landscaping</i> from any <i>surface parking area</i>	1.0 m
i)	Required width of <i>landscaping</i> adjacent to a Natural Areas (N) <i>Zone</i>	0.0 m
j)	Minimum number of <i>stories</i>	2 (Minimum <i>Height</i> 9 m)
k)	Maximum number of <i>stories</i>	4 (Maximum <i>Height</i> 26 m)
l)	Minimum <i>first storey height</i>	4.5 m
m)	Maximum permitted projection above the top of a roof for a <i>parapet</i> on the east elevation of a <i>building</i>	3.3 metres for a maximum of 95% of the length of the east elevation and 5.8 metres for the remaining wall length
n)	Maximum permitted projection above the top of a roof for a <i>parapet</i> on the west elevation of a <i>building</i>	5.3 metres for 22% of the wall length
o)	Maximum permitted projection above the top of a roof for a <i>parapet</i> on the north elevation of a <i>building</i>	3.3 metres for 15.5% of the wall length and a 5.8 metres for 9% of the wall length
p)	Maximum permitted projection above the top of a roof for a <i>parapet</i> on the south elevation of a <i>building</i>	3.3 metres for a maximum of 35% of the length of the elevation
q)	<i>Rooftop mechanical equipment</i> to be enclosed in a <i>mechanical penthouse</i>	Exceeding 3 metres
15.360.3 Parking Regulations		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i>	1/40 square metres <i>net floor area</i>
b)	Maximum number of <i>parking spaces</i>	1/22 square metres <i>net floor area</i>
c)	Minimum number of <i>parking spaces</i>	231
d)	Minimum width of a surplus <i>parking space</i>	2.6 metres
f)	Minimum area of a surplus <i>parking spaces</i>	14.82 metres
g)	Minimum <i>surface parking area</i> setback from a <i>building</i>	1.45 metres

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Special Provisions

369	177-185 Cross Avenue and 580 Argus Road (Part of Lot 14, Concession 3 S.D.S.)	Parent Zone: MTC
Map 19(8b)		(2016-038)
15.369.1 Additional Permitted Uses		
The following additional buildings are permitted:		
a)	<i>Apartment dwelling</i>	
b)	<i>Long term care facility</i>	
c)	<i>Medical Office</i>	
d)	<i>Retirement home</i>	
15.369.2 Zone Regulations		
The following regulations apply:		
a)	<i>Apartment dwellings, long term care facilities and retirement homes</i> are prohibited in the first 9.0 metres of depth of the <i>building</i> , measured in from the <i>main wall</i> oriented toward the <i>flankage lot line</i> (Cross Avenue), on the <i>first storey</i> and entirely below the <i>first storey</i> .	
b)	Notwithstanding Section 15.369.1 (a), <i>ancillary residential uses</i> on the <i>first storey</i> are permitted to occupy a maximum of 15% of the length of the <i>main wall</i> oriented toward a public road.	
c)	The <i>front lot line</i> shall be all <i>lot lines</i> abutting Argus Road	
d)	Minimum <i>yard</i> , all <i>yards</i> , below grade	0.0 metres
e)	Minimum <i>yard</i> , all <i>yards</i> , for all parts of a <i>building</i> less than or equal to 15.0 metres in <i>height</i>	0.5 m
f)	Maximum <i>front</i> and <i>flankage yards</i>	5.0 m, and shall only apply to the first 14.0 m of <i>building height</i>
i)	Maximum setback of the centrepoint of any tower from any future <i>lot lines</i> abutting any <i>road</i> as shown on Special Figure 15.369.4	22.0 m
j)	Minimum setback of the centerpoint of any tower located from the <i>interior lot line</i> abutting 570 Argus Road	27.0 m
k)	Maximum dimension across any two points of a <i>building</i> that is located greater than 20.0 metres above <i>grade</i>	40.0 m
l)	Minimum number of <i>storeys</i> in that portion of a <i>building</i> less than or equal to 14.0 metres in <i>height</i>	3
m)	Minimum number of <i>storeys</i>	12
n)	Maximum number of <i>storeys</i>	12
o)	Notwithstanding Section 15.369.1(n), the maximum number of <i>storeys</i> for one tower within 20 metres of the future <i>flankage lot line</i> (northern <i>lot line</i>) as shown on Special Site Figure 15.369.1	20
p)	Minimum <i>height</i>	38.0 m
q)	Maximum <i>height</i>	48.0 m
r)	Notwithstanding Section 15.369.1(q), maximum <i>height</i> for one tower within 20.0 metres of the future <i>flankage lot line</i> (northern <i>lot line</i>) as shown on Special Site Figure 15.369.1	72.0 m
s)	Minimum <i>first storey height</i>	4.5 m
t)	Minimum <i>height</i> of any <i>main wall</i> at or within 5.0 metres of the <i>front</i> or <i>flankage lot line</i>	14.0 m
u)	A minimum of 75% of the length of all <i>main walls</i> oriented toward the <i>front lot line</i> (Argus Road) shall be located within the <i>area</i> on the <i>lot</i> defined by the minimum and maximum <i>front yards</i> .	

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Special Provisions

v)	100% of the length of all <i>main walls</i> oriented toward the <i>flankage lot line</i> (Cross Avenue) shall be located within the area on the lot defined by the minimum and maximum <i>flankage yards</i> .	
w)	Maximum length of all sections of the <i>main wall</i> located within the area defined by the minimum and maximum <i>front</i> or <i>flankage lot line</i> before a break in the <i>main wall</i> of no less than 5 metres in width by 2 metres in depth shall be provided	55.0 m, exclusive of architectural features or details
x)	Minimum percentage of the <i>main wall</i> on the <i>first storey</i> oriented toward a <i>front</i> or <i>flankage lot line</i> that shall be occupied by windows and doors	75%
y)	Minimum number of units per site hectare	300
z)	An <i>accessory building</i> or <i>structure</i> is permitted in any yard other than a <i>front yard</i> and there shall be no minimum <i>height</i> or number of storeys	
aa)	Transformer and telecommunications vaults and pads shall not be located between the <i>main wall</i> closest to the <i>flankage lot line</i> and the <i>flankage lot line</i> in a <i>flankage yard</i> or between the <i>main wall</i> closest to the <i>front lot line</i> and the <i>front lot line</i> in a <i>front yard</i> .	
ab)	Stairs and air vents associated with a <i>parking structure</i> are not permitted in a <i>front yard</i> or <i>flankage yard</i> .	

15.369.3 Special Parking Provisions

The following parking provisions apply:

a)	Number of <i>parking spaces</i> required for a <i>dwelling unit</i>	1.15 per <i>dwelling</i> , and no visitor parking spaces shall be required
b)	Number of <i>parking spaces</i> for all non-residential uses	1.0 per 40.0 sq.m leasable <i>floor area</i>
c)	A minimum of 80% of the <i>parking spaces</i> required for non-residential uses shall be provided within an underground parking garage or above <i>grade parking structure</i>	
d)	A <i>surface parking area</i> is not permitted within 5.0 metres of a <i>public road</i> or the future <i>rear lot line</i> .	
e)	Where a <i>parking space</i> dedicated to a car share service is provided, the minimum required number of <i>parking spaces</i> for residential uses shall be decreased by 10 required spaces to a maximum reduction of 30 <i>parking spaces</i>	
f)	The parking of <i>motor vehicles</i> is prohibited in the <i>first storey</i> of an above <i>grade parking structure</i> for the first 9.0 metres of the depth of the <i>parking structure</i> measured in from the <i>lot line</i> abutting the <i>public road</i> .	
g)	A <i>driveway</i> is not permitted to cross a <i>lot line</i> abutting Cross Avenue.	
h)	Where two <i>lot lines</i> abutting a future public street intersect, a <i>driveway</i> crossing those <i>lot lines</i> shall be set back a minimum of 9.0 metres from the <i>main wall</i> of the building oriented toward the <i>lot line</i> not crossed by the <i>driveway</i>	

15.369.4 Special Site Provisions

The following additional provisions apply:

a)	Buildings and required <i>parking spaces</i> will not be permitted within lands identified on Figure 15.369.1	
b)	“Future Lot Lines” shall be the lines shown on or scaled from the future <i>flankage lot lines</i> shown on Special Site Figure 15.369.1	
c)	“Tower” means that portion of a <i>building</i> greater than 14.0 metres in <i>height</i> .	
d)	<i>Height</i> shall be measured from the finished floor <i>elevation</i> at <i>grade</i> .	

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Special Provisions

413	281 and 291 Cornwall Road Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127	Parent Zone: MTC
Map 19(8b)		(2022-052)
15.413.5 Additional Zone Provisions for Block B		
The following additional regulations apply to Block B as identified in Figure 15.413.1:		
a)	Minimum <i>floor area</i> for non-residential <i>uses</i> on the <i>first storey</i>	200 sq.m
b)	Maximum number of <i>storeys</i>	19
c)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above the third <i>storey</i> . Recessed <i>balconies</i> up to the <i>main wall</i> are included in the floorplate area calculation.	750 sq.m
15.413.6 Parking Provisions		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i> for <i>apartment dwelling</i>	0.75 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
b)	Maximum number of <i>parking spaces</i> for <i>apartment dwelling</i>	1.0 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
c)	Ventilation shafts, stairs and stairways associated with an underground <i>parking structure</i> , hydro vaults and above-ground gas meters including any appurtenances thereto are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> .	
d)	Ventilation shafts associated with an underground <i>parking structure</i> are not permitted below the first 3.0 metres of vertical distance of a <i>building wall</i> measured from the finished floor level of the <i>first storey</i> .	
e)	A minimum of 20% of the <i>parking spaces</i> in a <i>building</i> shall include the provision for the installation of electric motor vehicle supply equipment.	

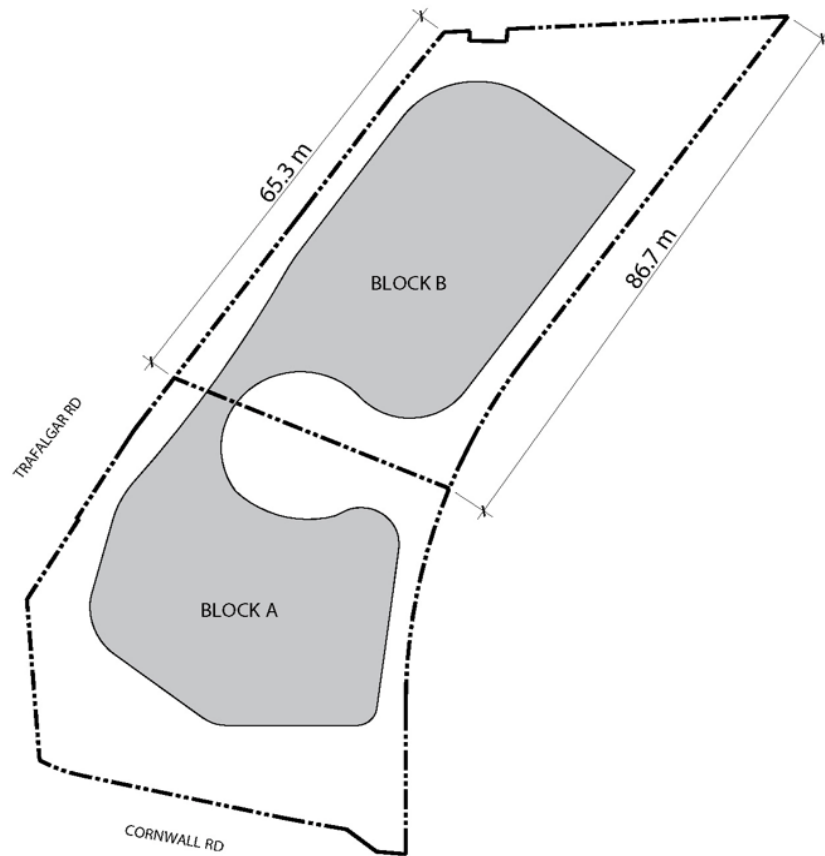
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Special Provisions

413	281 and 291 Cornwall Road Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127	Parent Zone: MTC
Map 19(8b)		(2022-052)

15.413.7 Special Site Figures

Figure 15.413.1



15.413.8 Special Site Provisions

The following additional provisions apply:

- a) All lands identified as subject to this Special Provision shall be considered as one *lot* for the purposes of this By-law.

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Holding Provisions

H13	599 Lyons Lane (Part of Lot 15, Concession 3 S.D.S.)	Parent Zone: RH
Map 19(8a)		(2009-043)
16.3.13.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i>	
16.3.13.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following conditions shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	Completion of detailed design drawings required for the construction of <i>road and infrastructure</i> improvements.	
b)	Registration on title of an agreement between the owner of the property subject to this Hold and the <i>Town of Oakville</i> with respect to the road and <i>infrastructure</i> improvements. This agreement shall also address security and advancing of funds, or a letter of credit for the full cost of the <i>road and infrastructure</i> improvements.	
c)	Registration on title of a Section 37 Agreement per the <u>Planning Act</u> .	
d)	All required land conveyances have been undertaken.	

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Holding Provisions

H29	177-185 Cross Avenue and 580 Argus Road (Part of Lot 14, Concession 3 S.D.S.)	Parent Zone: MTC
Map 19(8b)		(2016-038)
16.3.29.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	All uses permitted in the Midtown Transitional Commercial (MTC) <i>Zone</i> except for <i>apartment dwellings</i> .	
16.3.29.2 Zone Regulations Prior to Removal of the “H”		
For such time as the “H” symbol is in place, the following regulations shall additionally apply for such time as the “H” symbol is in place:		
a)	Only <i>buildings</i> and <i>structures</i> legally existing on the <i>lot</i> on September 8, 2014 are permitted	
16.3.29.3 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the <i>Town of Oakville</i> .	
b)	A Ministry of the Environment acknowledged Record of Site Condition, certified by a Qualified Person as defined in Ontario Regulation 153/04, is provided to the satisfaction of the Regional Municipality of Halton.	
c)	That a Transportation Impact Study be approved to the satisfaction of the <i>Town of Oakville</i> , Regional Municipality of Halton and the Ministry of Transportation, demonstrating that sufficient <i>road</i> infrastructure capacity is available to accommodate the development.	

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Holding Provisions

H49	281 and 291 Cornwall Road (Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127)	Parent Zone: MTC
Map 19(8b)		(2022-052)
16.3.49.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
16.3.49.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town</i> Council passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	<p>Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and Record of Site Condition submitted to the Region must extend third party reliance to Halton Region. The Owner complies with Ontario Regulation 153/04 and Halton Region’s Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region.</p> <p>Notwithstanding subsection (1) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize:</p> <p>i. The removal of soil, rock or fill for the purpose of making an excavation; or the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a Record of Site Condition.</p>	

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Holding Provisions

H49	281 and 291 Cornwall Road (Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127)	Parent Zone: MTC
Map 19(8b)		(2022-052)
16.3.49.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
16.3.49.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town</i> Council passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	<p>Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and Record of Site Condition submitted to the Region must extend third party reliance to Halton Region. The Owner complies with Ontario Regulation 153/04 and Halton Region’s Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region.</p> <p>Notwithstanding subsection (1) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize:</p> <p>i. The removal of soil, rock or fill for the purpose of making an excavation; or the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a Record of Site Condition.</p>	

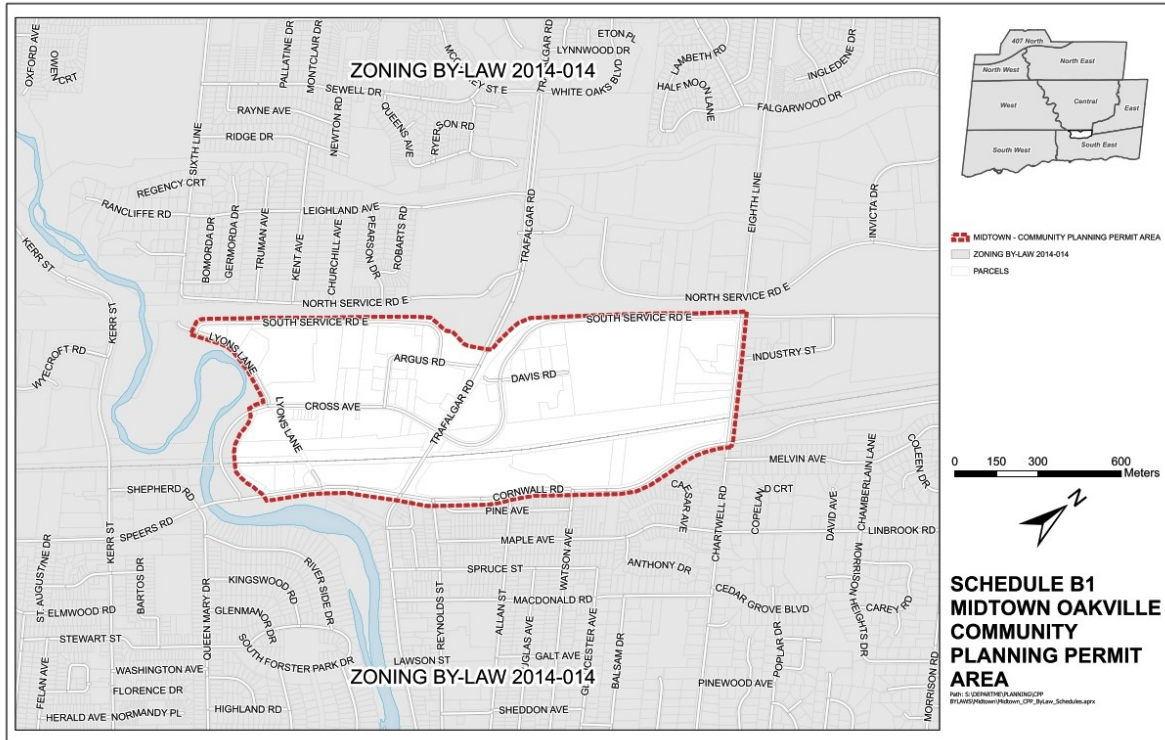
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Temporary Use Permissions

T6	420 South Service Road East (Part of Lot 12, Concession 3)	Parent Zone: MTE
Map 19(8b)		(2024-088)
		Expires: May 27, 2027
The lands subject to Temporary Zone 6 may be used for all the uses permitted in Part 7.2 of By-law 2014-014, subject to the regulations provided for such <i>uses</i> and, in addition, the following <i>uses</i> subject to the regulations set out herein:		
18.6.1 Additional Permitted Uses		
The following additional <i>uses</i> are temporarily permitted until the expiry date identified above:		
a)	Outdoor storage of <i>shipping containers</i> and <i>motor vehicles</i>	
18.6.2 Zone Provisions		
The following regulations apply to the additional <i>uses</i> permitted in Section 18.6.1 above:		
a)	Maximum <i>height</i> of <i>shipping containers</i> shall be 3 metres	
b)	Section 4.11 shall not apply.	
c)	Section 4.22 shall not apply.	


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Schedule "B"
 Lands (outlined in red dashes) to be identified as
 lands subject to the "Community Planning Permit By-law 2026-041"
 on Map 19(8) of Oakville Zoning By-law 2014-014



 MIDTOWN - COMMUNITY PLANNING PERMIT AREA
 ZONING BY-LAW 2014-014
 PARCELS

0 150 300 600 Meters



**SCHEDULE B1
 MIDTOWN OAKVILLE
 COMMUNITY
 PLANNING PERMIT
 AREA**

DATE: 5 SEP 2025 TIME: 14:48:02
 BY: LAWYER/PLANNING/CP/19/LAWYER/PLANNING/CP/19/ScheduleB1.aprx

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