

# General Provisions

## 4.1 Accessory Dwelling Units

### 4.1.1 Residential Zones

Where an *accessory dwelling* is permitted in a Residential Zone, the following regulations apply:

- a) A maximum of one *accessory dwelling* is permitted on a *lot*.
- b) An *accessory dwelling* is only permitted within a *detached dwelling*, *semi-detached dwelling* or *linked dwelling*. (2021-068)
- c) Notwithstanding subsection (b) above, an *accessory dwelling* is permitted within an *accessory building* on a *corner lot* in the Residential Uptown Core (RUC) Zone.
- d) An *accessory dwelling* shall have a maximum *floor area* of the lesser of 40% of the *residential floor area* of the *detached dwelling* or *semi-detached dwelling* or 75.0 square metres. For the purposes of this subsection, *residential floor area* shall include all area within a *basement*. (2016-023)
- e) Any separate entrance and exit to the *accessory dwelling* shall be oriented toward the *flankage lot line*, *interior side lot line*, or *rear lot line*.

Subsections (b) and (d) above do not apply to an *accessory dwelling* that legally existed on or before November 16, 1995.

*Accessory dwellings established before November 16, 1995 are instead regulated and licenced under the Town's Accessory Apartment Registry. Contact Building Services for more information.*

### 4.1.2 Commercial Zones

Where an *accessory dwelling* is permitted in a Commercial Zone, the following regulations apply:

- a) An *accessory dwelling* is only permitted within the same *building* as a permitted retail, service commercial, or office *use*.
- b) An *accessory dwelling* is not permitted on a *first storey* unless it legally existed on the effective date of this By-law. Notwithstanding this, *ancillary residential uses* are permitted on the *first storey*.

## 4.2 Accessory Uses

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*.

# General Provisions

## 4.3 Allowable Encroachments and Projections (2016-023)

(2017-025) (2021-068)

Unless otherwise permitted by this By-law, all *minimum yards* shall be unobstructed except for the allowable encroachments and projections in Table 4.3, below:

<b>Table 4.3: Allowable Building and Structure Encroachments and Projections</b>			
<b>Structure or Feature</b>	<b>Applicable Yards</b>	<b>Maximum Encroachment into a Minimum Yard</b>	<b>Maximum Total Projection beyond the main wall</b>
Access stairs associated or not associated with a porch or uncovered platform (2016-023)	All	Up to 0.6 m from the applicable lot line	n/a
Air conditioners, heat pumps, swimming pool pumps, filters, and heaters, including any appurtenances thereto (2017-025)	Flankage, interior side, and rear	Up to 0.6 m from the applicable lot line (2)	n/a
Awnings, canopies, cornices, coves, belt courses, eaves, gutters, pilasters, sills, or weather-shielding structure	All	0.6 m	n/a
Balconies	Front and rear (-0)	n/a	1.5 m
Non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum height of one storey	All	0.6 m	n/a
Chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres	All	0.6 m	n/a
Window wells with a maximum width of 1.8 metres (2021-068)	All	0.6 m	n/a
Fire escapes	Rear and interior side	1.5 m	n/a
Industrial or mechanical equipment in the E2 and E3 Zones (2017-025) (2021-068)	Rear and interior side	Equal to the minimum yard requirements	n/a
Landscaping features (i.e., ornamental and garden walls, planters, etc.) (2017-025)	All	Up to 0.6 m from the applicable lot line	n/a
Porches with or without a foundation and including access stairs in the Residential Low RL6 Zone	Front and flankage	Up to 1.5 m from the front or flankage lot line	n/a
Porches with or without a foundation and including access stairs in the Residential Uptown Core RUC Zone	Front and flankage	2.0 m	n/a
<ul style="list-style-type: none"> <li>• Porches with a foundation</li> <li>• Porches without a foundation in all other zones</li> </ul>	n/a	Shall be subject to the regulations of the parent zone	

In Table 4.3, “n/a” means that the identified measurement is not applicable to the structure or feature identified.

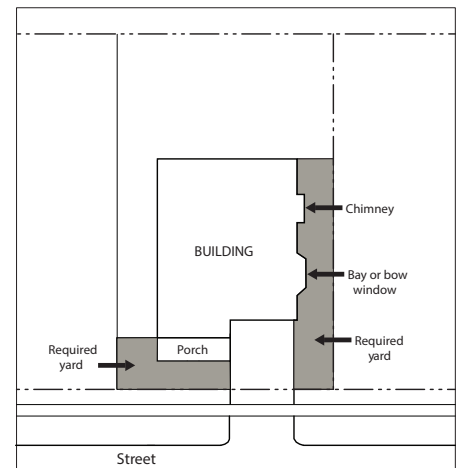
# General Provisions

<b>Table 4.3: Allowable Building and Structure Encroachments and Projections</b>			
<b>Structure or Feature</b>	<b>Applicable Yards</b>	<b>Maximum Encroachment into a Minimum Yard</b>	<b>Maximum Total Projection beyond the main wall</b>
<i>Uncovered platform</i> attached to a pool structure (2017-025) (2021-068)	<i>Rear and interior side</i>	Up to 0.91 m from the <i>interior side</i> , or <i>rear lot line</i>	n/a
	<i>Flankage</i>	Up to 2.0 m from <i>flankage lot line</i>	n/a
<i>Uncovered platforms</i> having a floor height of less than 0.6 metres measured from <i>grade</i> (2016-023)	All	Up to 0.6 m from any <i>lot line</i> (1)	n/a
<i>Uncovered platforms</i> having a floor height equal to or greater than 0.6 metres measured from <i>grade</i> (2016-023)	<i>Front and Rear</i>	1.5 m (1)	n/a
<i>Uncovered platforms</i> having a floor height equal to or greater than 3.0 metres measured from <i>grade</i> , with or without a foundation, and including access stairs in the Residential Low RL6 Zone (2015-018) (2021-068)	<i>Rear</i>	Up to 3.0 m from the <i>rear lot line</i>	n/a
Uncovered access stairs below grade (2021-068)	<i>Rear</i>	1.5 m	n/a
	<i>Flankage and interior side</i>	0.0 m	1.5 m
Unenclosed barrier-free ramps (2015-018)	All	Up to 0.0 m from the <i>lot line</i>	n/a

In Table 4.3, “n/a” means that the identified measurement is not applicable to the structure or feature identified.

### Additional Regulations to Allowable Projections Table 4.3

- 0. Where lands are shown on the Zoning Maps of this By-law to be in the -0 Suffix Zone, the additional regulations of Section 6.4 shall apply to the applicable allowable projections.
- 1. Provided that the *uncovered platform* is set back:
  - a) A minimum of 0.6 metres from the *interior side lot line*, except for *semi-detached, back-to-back townhouse, and townhouse dwellings* in which case it may be 0.0 metres from an *interior side lot line* that is also the location of the common wall; and,
  - b) A minimum of 2.0 metres from the *front and flankage lot lines*.
- 2. Where such equipment is installed at or above *grade*, the maximum height shall be 2.0 m measured from *grade* to the top of the air conditioner, heat pump, swimming pool pump, filter or heater. (2017-025)



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

## General Provisions

### 4.4 Bed and Breakfast Establishment

Where a *bed and breakfast establishment* is permitted, the following regulations apply:

- a) A *bed and breakfast establishment* is only permitted within a *detached dwelling*.
- b) A *bed and breakfast establishment* shall have a maximum of three *lodging units* which shall in total not exceed a maximum of 30% of the *residential floor area* of the *detached dwelling*. For the purposes of this subsection, *residential floor area* shall include all area within a *basement*.
- c) A *bed and breakfast* shall be operated by the person or persons whose principal residence is the *detached dwelling* in which the *bed and breakfast establishment* is located.

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

### 4.5 Detached Dwellings on a Lot

Unless otherwise specified by this By-law, no more than one *detached dwelling* is permitted on a *lot*.

### 4.6 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.

#### 4.6.1 Measurement of Height

- a) The applicable *buildings, structures*, and features regulated by Section 4.6 of the By-law shall be measured from the top of the roof on which the applicable feature is directly situated. (2015-079)
- b) The applicable *buildings, structures*, and features regulated by Section 4.6 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*. (2015-079)

# General Provisions

## 4.6.2 Buildings and Structures

The *height* provisions of this By-law shall not apply to:  
(2021-068)

- a) Ornamental architectural features such as, but not limited to, cupolas, finials, and weather vanes;
- b) *Buildings* primarily used for garbage containment;
- c) *Buildings* and *structures* used for agriculture;
- d) *Buildings* and *structures* associated with an *emergency services facility*;
- e) *Buildings* and *structures* associated with a *public works yard*;
- f) Chimneys;
- g) Flag poles;
- h) Light standards;
- i) Lightning rods;
- j) Monuments;
- k) Towers occupiable for access only in all *zones* except any Residential Zone such as clock towers and steeples; and, (2016-013)
- l) Water towers or tanks.

*The features provided in subsections 4.6.2 to 4.6.5 are not subject to maximum height standards provided the feature complies with the regulations provided. Contact staff in the zoning section of the Building Services department for more information.*

## 4.6.3 Parapets (PL140317) (2021-068)

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

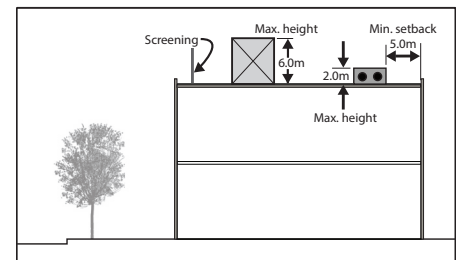
- a) 0.3 metres above the maximum *height* for any RL, RM1, RM2 or RM3 *zone*; or
- b) 2.0 metres above the maximum *height* for all other *zones*.

## 4.6.4 Rooftop Mechanical Equipment and Mechanical Penthouses

(2017-025) (2021-068)

The *height* and *storey* provisions of this By-law shall not apply to rooftop mechanical equipment and *mechanical penthouses* provided that:

- a) A *mechanical penthouse*, including any appurtenances thereto, not exceed 6.0 metres above the maximum *height*.
- b) Rooftop mechanical equipment, including any appurtenances thereto, not exceed 2.0 metres above the maximum *height*.



*The size, location, and design of rooftop mechanical equipment is one of several issues that shall be reviewed at the Site Plan Approval stage.*

## 4.6.5 Skylights and Cupolas (2017-025) (2021-068)

The *height* provisions of this By-law shall not apply to skylights and cupolas provided that:

- a) A skylight shall not exceed 0.6 metres above the maximum *height*;
- b) The maximum dimensions of the roof opening for the skylight shall be 2.4 metres in length and 2.4 metres in width;
- c) The maximum surface area of the roof permitted to be occupied by skylights is 5%; and,
- d) The maximum dimensions of a cupola shall be 1.5 m in length, 1.5 m in width, and 1.5 m in height measured from the ridge of the roof where it is affixed. (2017-025)

# General Provisions

## 4.7 Garbage Containers

- a) Garbage containment shall be located within a *building* or fully enclosed *structure* in the following *zones* or where the following *uses* are being undertaken:
- i) Any Mixed Use *Zone*;
  - ii) Office Employment (E1) *Zone*;
  - iii) *Apartment dwellings*;
  - iv) *Back-to-back townhouse dwellings* in a Plan of Condominium only; and,
  - v) *Stacked townhouse dwellings*.
- b) Garbage containment shall be located within a *building*, fully enclosed *structure*, or *garbage enclosure* in the following *zones* or where the following *uses* are being undertaken:
- i) Any Commercial *Zone*;
  - ii) Any Employment *Zone* not listed in subsection (a) above;
  - iii) Any Institutional (I) and Community Use (CU) *Zone*;
  - iv) Any Private Open Space (O2) *Zone*; and,
  - v) Where garbage containment is associated with any other *dwelling* not listed in subsection (a) above located in a Plan of Condominium.
- c) A *building* 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*; and,
  - iv) Within any *landscaping coverage* or width of *landscaping* required by this By-law.
- d) 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*. (2015-018)
- e) Requirements for garbage containment within a *building* shall not apply to prevent temporary storage for the purposes of scheduled pickup and removal. (2015-079)

A “*building*” can be the main building or an accessory building. A fully enclosed structure requires complete sides and a cap to meet the requirements of this By-law. The only openings should be lids or flaps allowing garbage to pass through.

## 4.8 Highway Corridor Setback

Notwithstanding any other provision of this By-law, all *buildings* and *structures* and the following features shall be setback a minimum of 14.0 metres from the *lot line* abutting the boundary of the *highway corridor*:

- a) Any minimum *parking space*, including a *barrier-free parking space*, *bicycle parking space*, or *stacking space*;
- b) Any *loading space*;
- c) Any *aisle* leading to any of the features listed in subsections (a) and (b) above; and,
- d) *Stormwater management facility*.

A map showing the approximate limits of the highway corridor is attached as Appendix B to this By-law. Contact Building Services or the Corridor Management Section of Ontario’s Ministry of Transportation to confirm if your property is adjacent to the highway corridor.

# General Provisions

## 4.9 Home Occupations

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 *residential floor area* of the *dwelling*, up to a maximum of 50.0 square metres. For the purposes of this subsection, *residential 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*.

*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.*

## 4.10 Infrastructure

- a) *Infrastructure* shall be permitted in all *zones*, except for the Natural Area N, Greenbelt GB, and Parkway Belt Public Use PB1 *Zones* where *infrastructure* is permitted only if it is a lateral connection providing service to a *lot* or if it is located within one of:
  - i) An existing corridor containing *infrastructure*;
  - ii) A *public road*; or,
  - iii) A future *public road* or corridor for which an Environmental Assessment has been completed or a Planning Act approval has been received.
- b) Any *building* or *structure* used for the purpose of providing or sheltering *infrastructure* shall be exempt from the regulations of the *zone* within which it is located, except for the provisions of Section 8.4 of this By-law.



# General Provisions

## 4.11 Landscaping

### 4.11.1 General Landscaping Provisions (2021-068)

- a) 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. (PL140317)
- b) 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.
- c) *Landscaping* required by Section 4.11.2 of this By-law shall count toward any minimum *landscaping coverage* requirement of this By-law.
- d) 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*.
- e) *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.
- f) Where a conflict exists between two different *landscaping* requirements in this By-law (except for any requirement specified in Part 15 of this By-law), the provision requiring the greater amount of *landscaping* shall apply.

*Subsection (d) provides some flexibility to permit walkways within a width of landscaping. Orientation, layout, and width shall be reviewed at the Site Plan Approval stage.*



# General Provisions

## 4.11.2 Required Widths of Landscaping (PL140317)

A continuous area of *landscaping* parallel to and following the entire specified *lot line* or the edge of the identified feature shall be required as provided in Table 4.11.2, below:

<b>Table 4.11.2: Required Widths of Landscaping by Zone (PL140317)</b>			
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>A</b>	<b>Zone, Use, Lot or Feature</b>	<b>Along any Lot Line Abutting or Along the Edge of the Feature Abutting</b>	<b>Minimum Width</b>
<b>Landscaping by Zone and Use</b>			
1	<ul style="list-style-type: none"> <li>Residential Medium (RM4) Zone</li> <li>Residential High (RH) Zone</li> </ul>	<ul style="list-style-type: none"> <li>Any Residential Low Zone</li> <li>Residential Medium (RM1), (RM2), and (RM3) Zones</li> </ul>	3.0 m
2	<ul style="list-style-type: none"> <li>Central Business District CBD Zone</li> <li>Main Street 1 (MU1) Zone</li> <li>Main Street 2 (MU2) Zone</li> </ul>	<ul style="list-style-type: none"> <li>Any Residential Zone</li> <li>Institutional (I) Zone</li> <li>Community Use (CU) Zone</li> </ul>	3.0 m
3	<ul style="list-style-type: none"> <li>Urban Centre (MU3) Zone</li> <li>Urban Core (MU4) Zone</li> </ul>	<ul style="list-style-type: none"> <li>Any Residential Zone</li> <li>Institutional (I) Zone</li> <li>Community Use (CU) Zone</li> </ul>	7.5 m
4	<ul style="list-style-type: none"> <li>Any Commercial Zone</li> <li>Any Employment Zone</li> </ul>	Any road	3.0 m (1)
5	<ul style="list-style-type: none"> <li>Any Commercial Zone</li> <li>Any Employment Zone</li> </ul>	<ul style="list-style-type: none"> <li>Any Residential Zone</li> <li>Community Use (CU) Zone</li> <li>Any residential use in an Institutional (I) Zone</li> <li>Any residential use in any Mixed Use (MU) Zone</li> </ul>	7.5 m
6	<ul style="list-style-type: none"> <li>Any Commercial Zone</li> <li>Any Employment Zone</li> </ul>	Institutional (I) Zone, excluding any residential use	3.0 m
7	<p>Notwithstanding rows 5 and 6 of Table 4.11.2, any Employment Zone with the following use(s): (2021-068)</p> <ul style="list-style-type: none"> <li>Bulk storage facility</li> <li>Outside Processing</li> <li>Outside Storage</li> <li>Waste processing station</li> <li>Waste transfer station</li> <li>Motor vehicle storage compound</li> <li>Heavy vehicle parking area</li> <li>Transportation terminal</li> </ul>	Any interior side lot line and rear lot line of any use in any Zone, with the exception of those Employment Zone uses listed in column 2 of row 7 and railway corridors	7.5 m
8	<ul style="list-style-type: none"> <li>Institutional (I) Zone</li> <li>Community Use (CU) Zone</li> </ul>	Any lot line	3.0 m

# General Provisions

1	2	3	4
A	Zone, Use, Lot or Feature	Along any Lot Line Abutting or Along the Edge of the Feature Abutting	Minimum Width
<b>Surface Parking Areas</b>			
9	Any <i>surface parking area</i>	Any <i>road</i>	3.0 m
10	Any <i>surface parking area</i> , except within an <i>Employment Zone</i>	Any <i>interior side lot line</i> or <i>rear lot line</i>	3.0 m
11	Any <i>surface parking area</i> within an <i>Employment Zone</i>	Any <i>interior side lot line</i>	3.0 m
12	Any <i>surface parking area</i>	Any <i>lot</i> with a <i>residential use</i>	4.5 m
<b>Yards Abutting Identified Corridors</b>			
13	Any <i>yard</i> on a <i>lot</i>	Any <i>railway corridor</i> , excluding <i>railway spur lines</i>	4.5 m

## Additional Regulations for Required Widths of Landscaping

### Table 4.11.2

- In the Neighbourhood Commercial (C1) *Zone*, the width of *landscaping* shall only be required where the *building* is set back a minimum of 3.0 metres from the street.

### 4.11.3 Motor Vehicle Dealership Displays

(PL140317)

Notwithstanding Table 4.11.2, on a lot used as a motor vehicle dealership or motor vehicle rental facility, a maximum of two hardscaped surfaces are permitted in place of a required width of landscaping, provided that:

- The maximum area of an individual hardscaped display surface shall be 21.0 square metres;
- The maximum height of an individual hardscaped surface and all inventory located on the hardscaped surface shall be 6.75 metres, measured from grade; and,
- The maximum height of an individual hardscaped surface and all inventory located on the hardscaped surface where the hardscaped display surface is located within 2.0 metres of a driveway shall be 1.0 metre, measured from grade.

## 4.12 Legal Non-Conformity

### 4.12.1 Legal Existing Buildings and Structures

(deleted by OMB, PL140317)

### 4.12.2 Legal Existing Lots

A *lot* in existence prior to the effective date of this By-law that does not meet the minimum *lot area* or *lot frontage* requirements of the applicable *zone* is permitted to be *used* and *buildings* and *structures* thereon be erected, enlarged, repaired, or renovated provided the *use* conforms with the By-law and the *buildings* and *structures* comply with all other provisions of the By-law.

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

# General Provisions

## 4.12.3 Legal Existing Uses

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.

## 4.12.4 Acquisition by a Public Authority

- a) No existing *lot*, *building* or *structure* shall be deemed to have come into contravention with any regulations or provisions of this By-law by reason that any part or parts of the *lot* has or have been conveyed to or acquired by any *public authority*.

This provision shall not apply where the conveyance of any part or parts of the *lot* to any *public authority* is required as a condition of an approval required for the creation of a *lot*, or where the construction of a new *building* or *structure* or addition to a *building* would further increase the extent or degree of non-conformity.

- b) Where subsection (a) above applies and a new *building* or *structure* is proposed:
- i) *Lot area*, *lot depth*, *lot frontage*, and *lot coverage* shall be calculated using the original lands conveyed to or acquired by the *public authority*; and,
  - ii) All other regulations shall be calculated using the remaining lands not conveyed to or acquired by the *public authority*.

## 4.13 Lot Frontage Requirements

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:

- a) The *lot* has *frontage* on a *public road* which is assumed by By-law by a *public authority*;
- b) 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*;
- c) 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*;
- d) 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,
- e) 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.
- f) Notwithstanding subsection (a) above, a *lot* used for a *stormwater management facility* or *major transit station* is not required to have *frontage* on a *public road*. (2017-025)

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

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

# General Provisions

## 4.14 Municipal Services Required

- On lands subject to this By-law south of Dundas Street, no *building* may be erected or enlarged unless the land is serviced by municipal water and sewage systems.
- On lands subject to this By-law north of Highway 407, no *building* may be erected or enlarged unless the requirements for service connections defined by the Ontario *Building Code* have been granted.

## 4.15 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*.
- Notwithstanding subsection (a) above, a 0.3 m reserve shall be considered to be part of the *lot* for all lands on Map 19(22a).

## 4.16 Outdoor Swimming Pools and Hot Tubs

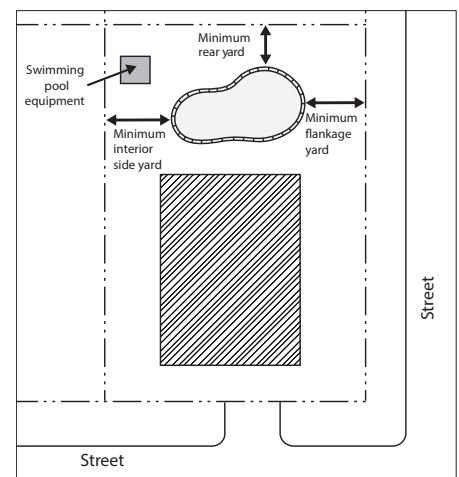
### 4.16.1 Residential Uses

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

- 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*.
- 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*.
- The swimming pool or hot tub shall not be located in a *front yard*.
- The maximum *height* of a swimming pool or hot tub shall be 1.5 metres above *grade*.
- 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*. (2021-068)
- All setbacks shall be measured to the water's edge.

### 4.16.2 All Other Uses

Where an outdoor swimming pool or hot tub is provided *accessory* to any other *use*, the minimum *yards* for the applicable *zone* shall apply and shall be measured to the water's edge.



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

*See Table 4.3 for allowable projections for swimming pool pumps, filters, heaters and appurtenances to those.*

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# General Provisions

## 4.17 Outside Display and Sales Areas

### 4.17.1 Permanent Display and Sales Areas (2016-023)

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

- a) An *outside display and sales area* shall be accessory to another permitted *use*.
- b) The maximum *height* of any merchandise display in an outside display and sales area not located within a *building* or *structure* is 3.0 metres. (2015-018)
- c) An *outside display and sales area* shall not be located within any *minimum yard*, *minimum parking space*, *loading space*, *required landscaping*, 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*.

### 4.17.2 Seasonal Garden Centres (2016-023)

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) Section 5.1.2 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 Section 4.17.2 of this 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 2.4 metres.

## 4.18 Patios

### 4.18.1 Patios Accessory to Public Halls or Restaurants (2020-039)

The following regulations apply to a *patio* accessory to a *public hall* or *restaurant*:

- a) A *patio* is not permitted in:
  - i) Any *yard* abutting a *Residential Zone*;
  - ii) On a *balcony* or *rooftop terrace* on a *lot* abutting a *Residential Zone*; or
  - iii) A *lot* in an *Employment Zone* abutting a *Residential Zone*.

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# General Provisions

- b) The area designated for a *patio* shall be:
  - i) Subject to the *minimum yards* for the *zone* in which it is located; and
  - ii) Considered as *floor area* and *net floor area* when calculating parking requirements in accordance with Section 5.1.1 (b) of this By-law.

## 4.18.2 Patios on Town Owned Land (2020-039)

Notwithstanding any other provision of this By-law, a *patio* is permitted on any land owned by the *Town* provided that the *patio* is operated by the *Town* or authorized through an agreement with the *Town*.

## 4.19 Pipeline Setbacks

### 4.19.1 Enbridge Pipelines

- a) Notwithstanding any other provision of this By-law, no *building* or *structure* associated with a *dwelling* shall be located any closer than 3.0 metres from the limit of the Enbridge Pipeline right-of-way.
- b) Section 4.19.1(a) shall only apply where the right-of-way is located outside of an electricity transmission corridor.

*A map showing the approximate limits of the pipeline corridors is attached as Appendix C to this By-law. Contact Building Services to confirm if your property is adjacent to the railway corridor.*

*No additional setback is required from the Trans-Northern Pipeline right-of-way.*

### 4.19.2 Sarnia Products/Imperial Oil Pipelines

Notwithstanding any other provision of this By-law, no *building* or *structure* with *dwellings* intended for human occupancy shall be located any closer than 20.0 metres from the centerline of the Sarnia Products/Imperial Oil Pipeline. (2017-025)

*Contact the applicable pipeline owner before digging for information about construction or applicable permitting requirements.*

### 4.19.3 TransCanada Pipelines

- a) Notwithstanding any other provision of this By-law, no *building* shall be located any closer than 7.0 metres from the limit of the TransCanada Pipeline right-of-way.
- b) Notwithstanding any other provision of this By-law, no *accessory structure*, outdoor swimming pool, or hot tub shall be located any closer than 3.0 metres from the limit of the TransCanada Pipeline right-of-way.

### 4.19.4 Trans-Northern Pipelines

No additional setback is required from the Trans-Northern Pipeline right-of-way.

### 4.19.5 Union Gas Pipelines

Notwithstanding any other provision of this By-law, no *building* or *structure* shall be located within any Union Gas Pipeline easement.

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## General Provisions

### 4.20 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, or dead stock *yard*;
- 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.

### 4.21 Railway Setbacks for Sensitive Land Uses

Notwithstanding any other provisions in this By-law, all *buildings* and *structures* containing a *dwelling, place of worship, day care, private school, or public school* shall be located no closer than 30.0 metres from any *railway corridor*.

*A map showing the approximate limits of the railway corridor is attached as Appendix B to this By-law. Contact Building Services to confirm if your property is adjacent to the railway corridor.*

### 4.22 Shipping Containers

- a) *Shipping containers* shall only be permitted on a *lot* where *outside storage* is a permitted *use*.
- b) A *shipping container* shall only be *used* as a *building* in conjunction with the following *uses*:
  - i) *Manufacturing*;
  - ii) *Transportation terminal*; or (2021-068)
  - iii) *Warehousing*.



# General Provisions

## 4.23 Short-Term Accommodation

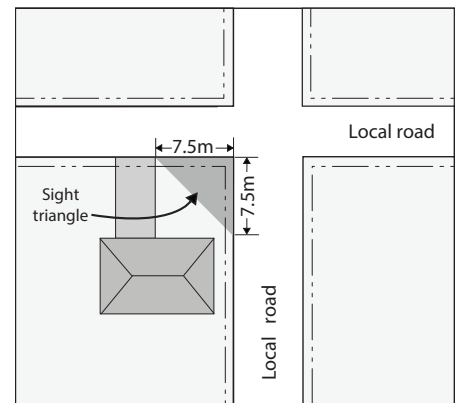
Where a *short-term accommodation* is permitted, the following regulations apply:

- a) A *short-term accommodation* is permitted in *dwelling*s permitted by the applicable zone, including an *accessory dwelling*.
- 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 *accessory dwelling* shall be deemed to be the principal residence of the main *dwelling unit* on the lot.

## 4.24 Sight Triangles

### 4.24.1 Applicability

- a) 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*, and only in the following *zones* or combination of *zones*:
  - i) Any Residential Zone
  - ii) Any Commercial Zone;
  - iii) Any Employment Zone;
  - iv) Any Institutional (I) and Community Use (CU) Zone;
  - v) Any Open Space Zone; and,
  - vi) Only at the intersection of any two *Arterial Roads* in any Mixed Use Zone.
- b) Notwithstanding subsection (a) above, no *sight triangle* shall be required on a *lot* occupied by a *townhouse dwelling* or *back-to-back townhouse dwelling*.



No buildings or structures are permitted in a sight triangle.

### 4.24.2 Size

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* according to the provisions of Table 4.24, below:

<b>Intersection of:</b>	<i>Local Road</i>	<i>Collector Road</i>	<i>Arterial Road</i>
<i>Local Road</i>	7.5 m	7.5 m	15.0 m
<i>Collector Road</i>		15.0 m	15.0 m
<i>Arterial Road</i>			15.0 m

# General Provisions

## 4.25 Temporary Uses

The following temporary *uses* are permitted in all *zones*:

### 4.25.1 Construction Uses (2021-068)

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:

- a) Such *uses* shall be permitted only for so long as the same are necessary for work in progress that has neither been finished nor discontinued for a period of 60 days;
- b) A valid *building* permit or site alteration permit for the construction remains in place, if such a permit was required; and,
- c) *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.

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

### 4.25.2 Model Homes (2021-068)

Notwithstanding Section 4.14, *model homes* are permitted on lands that have received draft plan of subdivision or *condominium* approval for residential purposes provided that:

- a) The number of *model homes* does not exceed 20 units or 10% of the *dwelling units* draft approved in the plan of subdivision or *condominium* whichever is the lesser;
- b) The *model home* is built within a *lot* defined by the draft approved plan of subdivision or *condominium*;
- c) The *model home* complies with all other requirements of this By-law for the applicable type of *dwelling unit* with the exception of the parking requirements; and,
- d) The *buildings* are used for the purpose of *model homes* only and shall not be occupied prior to the date of registration of the subdivision, *condominium*, or similar development agreement.

### 4.25.3 Temporary Sales Offices

(2017-025) (2021-068)

Notwithstanding Section 4.14, 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:

- a) The temporary sales office shall not be permitted until an applicable plan of subdivision or *condominium* has received draft plan approval or the property is in a *zone* that permits the proposed development.
- b) The temporary sales office shall only be permitted for such period that work within a relevant plan of subdivision or *condominium* remains in progress, having not been finished or discontinued for 60 days.
- c) The temporary sales office shall comply with the minimum *yards* for the applicable *zone*.
- d) If *parking spaces* are provided, the temporary sales office shall comply with the parking provisions of this By-law.

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

## General Provisions

- e) The temporary sales office is located in the plan of subdivision or *condominium* where the *lots* or units are being sold.

### 4.26 Emergency Shelters

(PL140317)

Where an *emergency shelter* is permitted, the following regulations apply:

- a) *Emergency shelters* are prohibited on a *local road* unless it is *accessory* to a *place of worship*;
- b) *Emergency shelters* are prohibited within 120.0 metres of an Industrial (E3) *Zone*; and,
- c) The maximum number of beds permitted in an *emergency shelter* is 20.

### 4.27 Rooftop Terraces (PL140317) (2021-068)

The following provisions shall apply to rooftop terraces:

- a) A *rooftop terrace* is permitted on a lot in any *Zone*, except for Residential Low -0 Suffix *Zones*; (2018-017)
- b) A *rooftop terrace* is not permitted on the roof of a one *storey building* in any Residential Low and Residential Medium *Zones*; (2018-017)
- c) 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*; (2018-017)
- d) No structures, excluding a *mechanical penthouse*, associated with a *rooftop terrace* are permitted on a lot in a RM1, RM2 or RM3 *Zone*;
- e) No structure on a *rooftop terrace* shall have walls;
- f) 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*;
- g) No access from grade shall be permitted to a *rooftop terrace*; and
- h) The outer boundary of a *rooftop terrace* shall be defined using a barrier. (2021-068)
- i) In Residential Low *Zones* a *rooftop terrace* is only permitted on the roof of the *first storey* of the *dwelling* having two or more *storeys*, subject to a maximum 1.5 m depth, measured from the *main wall*. (2018-017)

### 4.28 Rooftop Mechanical Equipment (2021-068)

The following provisions shall apply where rooftop mechanical equipment is provided on any *lot* not located in any Residential Low (RL) *Zone* and the Residential Medium (RM1) and (RM2) *Zones*

- 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*.