



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2021-032

A by-law to amend the North Oakville Zoning By-law 2009-189 to permit the use of the lands described as 3064 Trafalgar Road, Part of Lot 13, Concession 1, N.D.S (3064 Trafalgar Road Holdings Inc. (Distrikt), File No.: Z.1313.09)

COUNCIL ENACTS AS FOLLOWS:

- 1. Map 12(5) of By-law 2009-189 is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 8, Special Provisions, of By-law 2009-189 is further amended by adding a new Section 8.95 as follows:

Table with 3 columns: Zone Number (95), Address (3064 Trafalgar Road), and Parent Zone (TUC). It includes a section for '8.95.1 Zone Provisions' with a list of regulations (a-h) such as 'Maximum Floor Space Index', 'Minimum front yard', and 'Maximum height'.

i)	Maximum podium <i>height</i> for an <i>apartment building</i> or <i>mixed use building</i>	24.0 metres
j)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above 45 metres <i>height</i>	800 m ²
k)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above 68 metres <i>height</i>	750 m ²
l)	Minimum separation distances between <i>building</i> towers above 45 metres <i>height</i>	25.0 m
m)	Maximum <i>balcony</i> projection in a required <i>yard</i>	2.0 m

8.95.2 Special Site Provisions

The following additional regulations apply:

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| a) | <i>Dwelling units</i> adjacent and oriented towards Trafalgar Road are not permitted to be below <i>grade</i> . |
| b) | A minimum of 70% of the <i>front lot line</i> length must be occupied by a <i>building(s)</i> within the area defined by the minimum and maximum <i>front yard</i> , inclusive of projections and indentations. |

8.95.3 Parking Regulations

The following parking regulations apply:

a)	Minimum number of <i>parking spaces</i> for an <i>apartment building</i> or <i>mixed use building</i>	1.0 <i>parking spaces</i> per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors
b)	Minimum number of designated accessible <i>parking spaces</i> for <i>residential uses</i>	1% of the total number of <i>parking spaces</i> provided
c)	Maximum number of <i>parking spaces</i> on a <i>surface parking area</i>	10
d)	A <i>surface parking area</i> is not permitted within 25 metres of Trafalgar Road	
e)	Visitor <i>parking spaces</i> are the only permitted <i>parking spaces</i> in a <i>surface parking area</i> .	

f)	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.
g)	Ventilation shafts/housing and stairways associated with an underground <i>parking garage</i> are not permitted between a <i>building</i> wall and Trafalgar Road.
8.95.4 Bonusing Provisions	
In order to permit the increased height permissions contained in this Special Provision, zoning compliance for <i>height</i> above 68 metres for an <i>apartment dwelling</i> or <i>mixed use building</i> 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 Town the facilities, services, and matters in the form of one or more of the following:	
a)	Contributions by the Owner of the subject property to the Corporation of the Town of Oakville to be used for eligible community benefits identified in Part F, Section 1.3b) of the Town's 2006 Official Plan.
b)	Contributions to indoor and/or outdoor recreation facilities identified by the Town.

3. Section 9, Holding Provisions, of By-law 2009-189 is amended by adding a new Section 9.3.49 as follows:

"H49	3064 Trafalgar Road	Parent Zone: TUC
Map 12(5)	(Part of Lot 13, Conc. 1, N.D.S)	(2021-032)
9.3.49.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be <i>used</i> for the following:		
a)	Legal uses, <i>buildings</i> and <i>structures</i> existing on the <i>lot</i> .	
9.3.49.2 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 condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	That water and wastewater Servicing Allocation, including the issuance of the Public Works Commissioner Notice, has been secured for the subject lands to the satisfaction of the Region of Halton and the Town of Oakville.	

b)	That the Owner has submitted, to the satisfaction of the Region of Halton, an updated Addendum to the Functional Servicing Study prior to engineering drawing submission to include water modelling of the development that addresses watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment.
c)	That the external watermain and sanitary sewer extensions on Trafalgar Road that are required to service the property have been constructed and are operational or that alternative provisions have been made by the Owner for the design and construction of the watermain and sanitary sewer extensions to the satisfaction of the Region of Halton.
d)	That the Owner shall update the Environmental Implementation Report / Functional Servicing Study (EIR/FSS) dated October 2020, to reflect all comments from the Town of Oakville, Region of Halton and Conservation Halton, dated January 14, 2021, November 20, 2020 and December 17, 2020 respectively.
e)	That the Owner dedicate to the Town the Natural Heritage System lands, depicted on Schedule 'A' to this by-law as "NHS", free of charge and with clear title (free and clear of encumbrances) and any necessary easements in a condition satisfactory to the Town. A Certificate of Title shall be provided, in a form satisfactory to the Town.
f)	That the Owner shall dedicate all lands required for the Trafalgar Road widening to be conveyed to the Region of Halton, free of charge and with clear title (free and clear of encumbrances) and any necessary easements. A Certificate of Title shall be provided, in a form satisfactory to the Region or other authority.
h)	That the Owner provide the design of a passive low impact development feature in the Linkage Preserve Area to the satisfaction and final approval of Conservation Halton and the Town of Oakville.
g)	That the Owner secure an easement from the Town of Oakville over the Linkage Preserve Area of the Natural Heritage System Lands, depicted on Schedule 'A' to this by-law as "NHS", to allow for grading, access, construction and operation of low impact development features and the required maintenance.

i)	<p>It is confirmed that flood free access has been provided to the subject lands through one of the following approaches:</p> <p>A) The installation of the culvert south of the Dundas Street and Trafalgar Road intersection be completed. Confirmation regarding the removal of the floodplain from the frontage of the subject lands such that suitable flood free access is available shall be provided to the satisfaction of the Region of Halton, Town of Oakville and Conservation Halton.</p> <p>OR,</p> <p>B) That, in the event the culvert has not been installed south of the Dundas Street and Trafalgar Road intersection, suitable flood free access to the subject lands shall be provided to the satisfaction of the Region of Halton, Town of Oakville, and Conservation Halton. This access will be confirmed by the applicant entering into a Regional Servicing Agreement, to be registered on title, in conjunction with submitting a Site Plan Application to the Town of Oakville. Further, payment of all necessary securities is required to the satisfaction of the Region of Halton.</p>
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4. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 12th day of April, 2021

MAYOR

CLERK

