

## REPORT

### Planning and Development Council

Meeting Date: May 10, 2021

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**FROM:** Planning Services Department

**DATE:** April 27, 2021

**SUBJECT:** Public Meeting and Recommendation Report - Town-initiated Omnibus Zoning By-law Amendment to Zoning By-law 2014-014 (File 42.25.20) - All lands south of Dundas Street and north of Highway 407 - By-law 2021-068

**LOCATION:** All lands south of Dundas Street and north of Highway 407

**WARD:** Town-wide Page 1

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#### RECOMMENDATION:

1. That By-law 2021-068, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2014-014, as amended (Omnibus Zoning By-law Amendment, File 42.25.20), be passed.
2. That notice of Council's decision reflect that no comments were received from the public or, if comments are received, that they have been appropriately addressed.
3. That in accordance with Section 34(17) of the *Planning Act*, no further notice be required.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Town-initiated amendments to Zoning By-law 2014-014 are part of an ongoing initiative to improve the document. The proposed amendment was prepared to address a number of issues identified through the ongoing use of Zoning By-law 2014-014.
- The matters addressed are wide-ranging – from correcting and clarifying existing wording, to adding new definitions and provisions (e.g. to define EV charging facilities). Not all zones would be impacted by the proposed amendment.

- The typical timeline for the processing and consideration of a Zoning By-law amendment has been compressed to promptly address implementation and interpretation issues that are primarily technical in nature.

## **BACKGROUND:**

Zoning By-law 2014-014 applies to the lands south of Dundas Street and north of Highway 407. It was passed by Council on February 25, 2014, and partially deemed in force by the Ontario Municipal Board on February 23, 2015. Since then, the majority of the By-law have been deemed in force by the Board. Certain sections of the by-law are not yet in force and outstanding appeals continue to be adjudicated (OMB File No. PL140317).

## **Proposal**

Through the ongoing use and interpretation of Zoning By-law 2014-014, as amended, staff from the Building Services and Planning Services departments have identified a number of issues. In response, a draft amendment to Zoning By-law was prepared and circulated to various town departments and public agencies for review (“technical review”).

The matters addressed by the proposed amendment are wide-ranging – from correcting and clarifying existing wording, to adding new definitions and provisions, as detailed below. Not all zones would be impacted by the proposed amendment. If the amendment is approved, various side notes throughout the document will be updated administratively since, as provided in Section 1.9 of By-law 2014-014, these notes do not form part of the by-law. Staff intend to bring forward a similar amendment to the North Oakville Zoning By-law 2009-189 once a fulsome housekeeping list has been prepared.

## **Livable Oakville Plan**

In accordance with Section 28.1.1 of the Livable Oakville Plan, Zoning By-laws shall be used to implement the objectives and policies of the Plan by regulating the use of land, buildings or structures in accordance with the provisions of the *Planning Act*. This will ensure that the Town can achieve its mission statement and guiding principles. Regular updates and modifications to the Zoning By-law such as this housekeeping amendment, maintain the integrity of the document and enable it to be implemented with improvements being made on a continual basis.

## **PURPOSE:**

The purpose of the proposed omnibus amendment to Town of Oakville Zoning By-law 2014-014, as amended, is to make a number of housekeeping, technical and other modifications affecting all zones, which would assist in the use and interpretation of the Zoning By-law and the implementation of the Livable Oakville Plan.

**EFFECT:**

The effect of the omnibus amendment to Zoning By-law 2014-014 would be as follows:

Proposed Change	Rationale
<b>Part 1, Administration</b> , would be amended by:	
1. adding a Section 1.11 Interpretation of Words.	- to assist with the interpretation and implementation of Zoning By-law 2014-014
2. adding a Section 1.12 Construction Tolerance	- to assist with minor construction errors or slight measurement discrepancies
3. modifying Section 1.4 d) by adding "lodging house, home occupation" after "short-term accommodation"	- to assist with the issuance of Certificates of Occupancy
<b>Part 2, Establishment of Zones</b> , would be amended by:	
4. modifying Section 2.3.2 Split Zoning to provide additional clarity	- to assist with interpretation and implementation of the by-law
<b>Part 3, Definitions</b> , would be amended by:	
5. modifying the wording of "Floor Area, Residential" by deleting subsections a), b) and c)	- to clarify the and distinguish the definition from the regulations to be relocated to Section 6.41.
6. modifying the wording of "Residential Floor Area Ratio" as a percentage rather than ratio	- to clarify the percentage based on Table 6.4.1
7. modifying the wording of "Attic" as it related to uninhabitable space	- to assist with the interpretation and implementation of Zoning By-law 2014-014
8. modifying the wording of "Pet Care Establishment" as it relates to a premise	- to provide more clarity and resolve issues associated with the interpretation and implementation of Zoning By-law 2014-014
9. modifying the wording of "Structure" to add "but does not include fences, retaining walls, light standards or signs	- to assist with the interpretation and implementation of Zoning By-law 2014-014
10. modifying the wording of "Manufacturing" to add wording for a film studio use (i.e. making films)	- to clarify the use is permitted as manufacturing use
11. modifying the wording of "Lot Area" as it relates to the top of bank	- to assist with the interpretation and implementation of the by-law through various lot types subject to natural features
12. modifying the wording of "Lot Coverage" as a percentage of the entire lot area	- to clarify the coverage is represented as a percentage

<b>Proposed Change</b>	<b>Rationale</b>
13. modifying the wording of “Storey” as it relates to the Ontario Building Code wording	- to clarify what establishes a storey in relation to the ceiling and floor above
14. modifying the wording of “Grade, Established” as it relates to irregular lots	- to clarify how established grade is determined for a property with two front lot lines
15. modifying the wording of “Yard, Flakange”	- to clarify and align the by-law with the North Oakville Zoning By-law 2009-189.
16. modifying the wording of “Yard, Front”	- to clarify and align the by-law with the North Oakville Zoning By-law 2009-189.
17. modifying the wording of “Yard, Interior Side”	- to clarify and align the by-law with the North Oakville Zoning By-law 2009-189.
18. modifying the wording of “Yard, Rear”	- to clarify and align the by-law with the North Oakville Zoning By-law 2009-189.
19. modifying the wording of “Parking Area, Heavy Vehicle” as it relates to the primary use on the lot	- to provide additional clarity for the regulation and permitted uses
20. modifying the wording of “Motor Vehicle Service Station” as it relates to EV vehicles	- to add the sale of electric power or fuel to deal with the trend of new vehicles
21. modifying the wording of “Public Park” as it relates to parking and Town parks	- to include commercial parking area for paid parking within Town parks
22. modifying the wording of “Stacking Lane” as it relates to Section 5.5 for a single line	- to provide consistency between the definition and the regulations [*]
<b>Part 4, General Provisions</b> , would be amended by:	
<del>23. modifying Section 4.12.4 a) to add the words “or conveyed” between “acquired” and “by”</del>	<del>- to rectify any land dedication to a property owner [**]</del>
24. modifying Section 4.11.1 by changing the title as it relates to landscaping provisions	- to provide consistency throughout the by-law [*)
25. modifying Section 4.25.2 by adding “notwithstanding Section 4.14”	- to provide clarity that model homes do not require municipal services
26. modifying Section 4.25.3 by adding “notwithstanding Section 4.14”	- to provide clarity that temporary sales offices do not require municipal services
27. modifying Section 4.1.1 b) by adding a <i>Linked dwelling</i> as a permitted dwelling for an <i>Accessory dwelling</i>	- to clarify that an <i>accessory dwelling</i> is permitted in a Link Home as per Table 6.2.1
28. modifying Section 4.3 by adding “Encroachments” after “Allowable”	- to clarify the allowable projections and encroachments

<b>Proposed Change</b>	<b>Rationale</b>
29. modifying Table 4.3 by adding a row for "Window wells with a maximum width of 1.8 metres" after "Chimneys and gas fireplace projections..."	- to clarify the allowable projections and encroachments
30. modifying Section 4.22 (b) by adding "any of" before "the following" and Section 4.22 (b) ii) by replacing "and" with "or" for shipping containers	- to assist with the interpretation and implementation of Zoning By-law 2014-014
31. modifying Section 4.25.1 by adding "within the lot" after "uses incidental to construction"	- to assist with the interpretation and implementation of Zoning By-law 2014-014
32. modifying Table 4.3 as it relates to uncovered platforms in the RL6 Zone	- to eliminate conflict with interpretation for other Zones related to overlook and privacy impacts on abutting properties
33. modifying Section 4.16.1 as it relates to rooftop terraces	- to add regulations pertaining to swimming pools or hot tubs located on the roof top terrace of apartment dwellings
34. modifying Table 4.11.2 by deleting "Manufacturing" from row 7	- to reduce conflicts with change in property uses, as regulation should apply to new development
35. modifying Table 4.3 by adding to the Applicable Yards	- to clarify the permitted encroachments for industrial or mechanical equipment [*]
36. modifying Table 4.3 by adding to the Applicable Yards	- to clarify the permitted encroachments attached to a pool structure [*]
37. modifying Table 4.3 by adding to Applicable Yards	- to permit below grade access stairs in the flankage yard
38. restructuring Section 4.6.2 as it relates to the height of parapets, rooftops and skylights	- to eliminate the conflict within Section 4.6 [*]
39. restructuring Section 4.6.3 as it relates to parapets	- to eliminate the conflict within Section 4.6 [*]
40. restructuring Section 4.6.4 as it relates to rooftop mechanical equipment penthouses	- to eliminate the conflict within Section 4.6 [*]
41. restructuring Section 4.6.5 as it relates to skylights and cupolas	- to eliminate the conflict within Section 4.6 [*]
42. restructuring Section 4.6.6 as it relates to rooftop terraces and renumbering accordingly.	- to remove conflict with Ontario Building Code requirement
43. adding a new Section 4.28 Screening for Rooftop Mechanical Equipment as it relates to restructuring Section 4.6.4	- to eliminate conflicts within Section 4.6 [*]

Proposed Change	Rationale
<b>Part 5, <i>Parking, Loading &amp; Stacking Lane Provisions</i></b> , would be amended by:	
44. <del>modifying Section 5.8.6 to clarify <i>Garage Area</i> does not apply to garages located in a basement</del>	<del>to clarify “floor area” excludes basement area [**]</del>
45. modifying Section 5.8.4 by replacing “along all points of the driveway” with “at the point of crossing the applicable lot line”	- to clarify how the measurement is taken
46. modifying Table 5.2.1 <i>Apartment dwelling</i> b) by replacing (2) with (2 a)	- to clarify that footnote 2 b) does not apply to apartment dwellings
47. <del>modifying Table 5.2.1 by adding “on the lot” for footnote b) of <i>Medical Office</i></del>	<del>to clarify the discrepancy between the two footnotes pertaining to equal to or greater than 60% [**]</del>
48. modifying Table 5.2.2 <i>Apartment dwelling</i> b) by adding (2 a)	- to clarify that footnote 2 b) does not apply to apartment dwellings
49. <del>modifying the Additional Regulations for Table 5.5 – <i>Restaurant</i> by adding a Footnote stating that the “measurement is taken from the pick-up window”</del>	<del>to clarify where the measurement is taken from when multiple windows are provided [**]</del>
50. replacing Section 5.8.2 c) with “The maximum width for a singular <i>driveway</i> and the combined maximum width where more than one <i>driveway</i> is permitted shall be.”	- to assist with the interpretation and implementation of Zoning By-law 2014-014
<b>Part 6, <i>Residential Zones</i></b> , would be amended by:	
51. modifying Section 6.10 in order to clarify how zoning regulations are applied based on the tenure	- to provide clear reference to establishing lot lines through Part Lot Control or Consent [*]
52. <del>modifying Section 6.4.6 b) by adding “with the exception of mechanical space”</del>	<del>to clarify that floor area does not apply to area within a mechanical space above the second storey [**]</del>
53. <del>modifying Table 6.2.1 by removing <i>Accessory dwelling</i> as a permitted use in the <i>RL11 Zone</i></del>	<del>to clarify that an <i>Accessory Dwelling</i> is not permitted in a <i>Link Home</i> as per Section 4.1.1 b) [**]</del>
54. restructuring Section 6.5.2 for “all yards” in regards to accessory buildings except in certain circumstances and relettering accordingly.	- to clarify that yard requirements are the same for accessory buildings as the dwelling, unless otherwise noted

Proposed Change	Rationale
55. modifying Section 6.4.1 and adding the modified regulations removed from the definition of Residential Floor Area	- to locate the regulations in the applicable Section of the by-law, rather than part of a defined term [*]
56. modifying Table 6.3.3 by adding a footnote which outlines the maximum residential floor area for detached and semi-detached dwellings in the RL8 Zone	- to align the current by-law with the former 1984-063 by-law regulations [**]
<b>Part 7, <i>Midtown Oakville Zones</i>, would be amended by:</b>	
57. modifying Table 7.2, Footnote 3, to add a) and b)	- to setup footnote for consistency [**]
<b>Part 8, <i>Mixed Use Zones</i>, would be amended by:</b>	
58. modifying Table 8.2 Footnote 1, by removing references to a premise	- to assist with the interpretation and implementation of Zoning By-law 2014-014
59. modifying Table 8.2, Footnote 3, by changing "public road" to "front lot line"	- to apply regulations to condo developments that contain mixed use buildings
60. modifying Table 8.2 Footnote 3, by deleting "and entirely below the first storey"	- to apply regulation to allow for accessory dwelling uses below the first storey (i.e. storage lockers)
<b>Part 10, <i>Employment Zones</i>, would be amended by:</b>	
61. removing Table 10.2 Footnote 5 a)	- not necessary in combination with Footnote b) [**]
62. modifying Table 10.2 Footnote 9 to be measured to a building, instead of a lot	- to apply the proper intent of the Footnote [**]
63. modifying Table 10.2 and Section 10.2 where it relates to <i>Parking area, heavy vehicle</i> , by adding Footnote 18	- to provide additional clarity in relation to the amendment to the definition in conjunction with section 10.6 [*]
64. modifying Table 10.2 and Section 10.2 where it relates to <i>Outside storage</i> , by adding Footnote 18	- to provide additional clarity in relation to the permitted uses in conjunction with section 10.6 [*]
<b>Part 13, <i>Environmental Zones</i>, would be amended by:</b>	
65. modifying Footnotes 1 and 2 of Table 13.2	- to eliminate redundancy and clarify the permissions for lots of record [**]
<b>Part 15, <i>Special Provisions</i>, would be amended by:</b>	

Proposed Change	Rationale
66. modifying Table 15.22.1, <i>Zone Provisions</i> i), to add “minimum” to allow 1.0 m projection into minimum yards	- permission permits projections into “yard” so porches and bay windows are required to meet minimum yards
67. modifying Table 15.117 to add <i>Additional Permitted Uses</i> a) <i>Linked dwelling</i> and renumbering the existing sections accordingly	- to correct that linked dwellings are an existing use on Maidstone Crescent, but are not a permitted use
<del>68. adding a new Special Provision for <i>height, lot coverage and accessory structure lot coverage</i></del>	<del>- to reflect the regulations set out in the Court Order DC-16-0065-00 [**]</del>
69. modifying Section 15.44.1 f) by replacing “front yard” with “along the rear lot line”	- to be corrected as per old Special Provision 434
70. modifying Section 15.44.1 by deleting g) and h)	- to eliminate redundancy in relation to General Landscaping Provisions in Part 4
71. modifying Table 335, 785 Pacific Road, by deleting Section 15.335.1, Additional Permitted Uses and Section 15.335.2, Zone Provisions and renumbering the existing sections accordingly	- to clarify that a Day Care is a permitted use in the E2 Zone, introduced through by OMB Decision PL140317

[\*] **NOTE:** items added or modified through the drafting and preparation of by-law 2021-068 after Notice was published in the newspaper April 15, 2021. In some instances, these items reflect specific amendments that were described in a general way as part of the Notice, such as the reference to modifying Section 4.3 to clarify the “Allowable Projection and Encroachments” which is addressed through items 38 to 43. In others, the amendment described in the Notice was dealt with in a different manner, such as new changes to the definition of “Stacking Lane” in association with the proposed changes to the regulations for such spaces in Section 5.5 or new changes to Footnote 18 in Section 10.2 related implemented in association with the change to the definition of “Heavy Vehicle Parking Area”.

[\*\*] **NOTE:** items removed from the proposed by-law after Notice was published in the newspaper April 15, 2021 that require additional review or mapping changes..

## **CONSIDERATIONS:**

### **(A) PUBLIC**

No public information meeting was held as the proposed Zoning By-law amendment is intended to improve implementation and interpretation issues and is primarily technical in nature. Notice was published in the Oakville Beaver on April 15, 2021. Since that date, the proposed Zoning By-law amendment has been available for review digitally through Planning Services Department Staff. Copies of the proposed by-law have also been shared by email to parties that made a request through Staff.



**(B) FINANCIAL**

There are no financial impacts arising from this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The proposed Zoning By-law amendment was written in collaboration with the Building Services (Zoning) and Legal Services departments. It was circulated to internal departments and external agencies for review and comment, and no concerns were raised prior to the writing of this report.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- Continuously improve our programs and services
- Be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The amendment of By-law 2014-014 does not impact the Town's climate initiatives.

**CONCLUSION:**

By-law 2021-068, an amendment to the Zoning By-law 2014-014, has been prepared to address housekeeping, technical and other matters described in this report.

If there are any comments received through the technical review, or from members of the public that cannot be addresses appropriately at the public hearing on May 10, 2021, the passage of By-law 2021-068 should be deferred to a future Planning and Development Council meeting.

**APPENDICES:**

Appendix A – By-law 2021-068

Prepared by:

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Recommended by:

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