

REPORT

Planning and Development Council

Meeting Date: November 1, 2021

FROM: Planning Services Department

DATE: October 19, 2021

SUBJECT: Public Meeting and Recommendation Report - Town-initiated Omnibus Zoning By-law Amendment to North Oakville Zoning By-law 2009-189 (File No. 42.26.01) - All lands north of Dundas Street and south of Highway 407 - By-law 2021-125

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

WARD: Town-wide

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RECOMMENDATION

1. That By-law 2021-125, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2009-189, as amended (Omnibus Zoning By-law Amendment, File No. 42.26.01), 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; and,
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 2009-189 are part of an ongoing initiative to improve the document. The proposed amendment was prepared to address several issues identified through the ongoing use of Zoning By-law 2009-189.
- The matters addressed are wide-ranging from correcting and clarifying existing wording, updating definitions, introducing accessible parking standards consistent with the *Accessibility Ontario Disabilities Act* to adding provisions and renaming the "Existing Development" (ED) zone to the "Future

Development” (FD) zone to reflect the intention for future development. 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 2009-189, as amended, (the “**Zoning By-law**”) applies to all the lands in the Town of Oakville bounded by Highway 407, Ninth Line, Dundas Street and Tremaine Road. It was passed by Council on November 23, 2009, and partially deemed in force by the Ontario Land Tribunal (OLT), formally known as the Ontario Municipal Board (OMB), on April 15, 2010, and was later approved in parts by the OLT on July 14, 2010, and October 25, 2010.

Proposal

Through the ongoing use and interpretation of the Zoning By-law, staff from the Building Services and Planning Services departments have identified several issues. In response, a draft amendment to the Zoning By-law was prepared and circulated to various town departments and public agencies for review.

The matters addressed by the proposed amendment are wide-ranging from correcting and clarifying existing wording, updating definitions, introducing accessible parking standards consistent with the *Accessibility Ontario Disabilities Act* to adding provisions and renaming the “Existing Development” (ED) zone to the “Future Development” (FD) zone to reflect the intention for future development, as detailed below. Not all zones would be impacted by the proposed amendment. If the amendment is approved, the table of contents and various side notes throughout the document will be updated administratively since, these notes do not form part of the by-law.

Location

By-law 2021-125 applies to all lands subject to Zoning By-law 2009-189, as amended, which is indicated in Figure 1 below. A further site-specific mapping amendment is proposed for lands municipally known as 3064 Trafalgar Road which is identified in Figure 2 below. As outlined below, By-law 2021-125 proposes to amend Map 12(5) by rezoning lands municipally known as 3064 Trafalgar Road from Trafalgar Urban Core (TUC sp:49) to Trafalgar Urban Core (H49 TUC sp:95) to reflect the intention of By-law 2021-032 which was passed by Council on April 12, 2021.

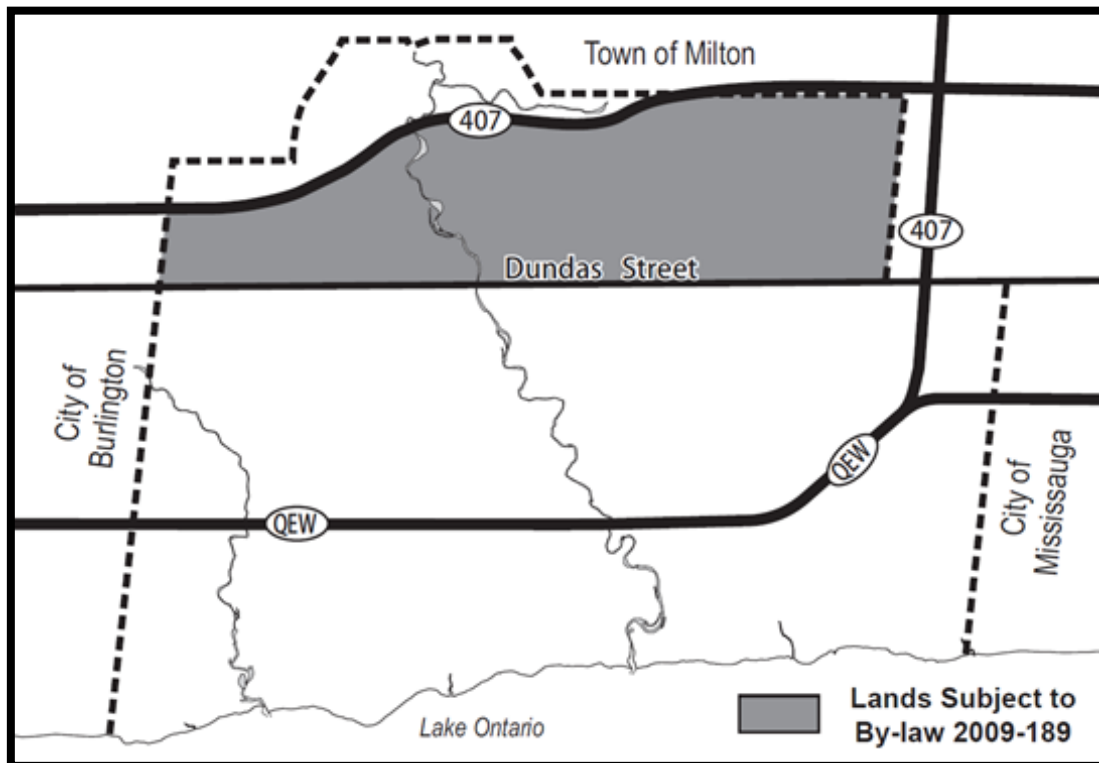


Figure 1: Lands Subject to Zoning By-law 2009-189

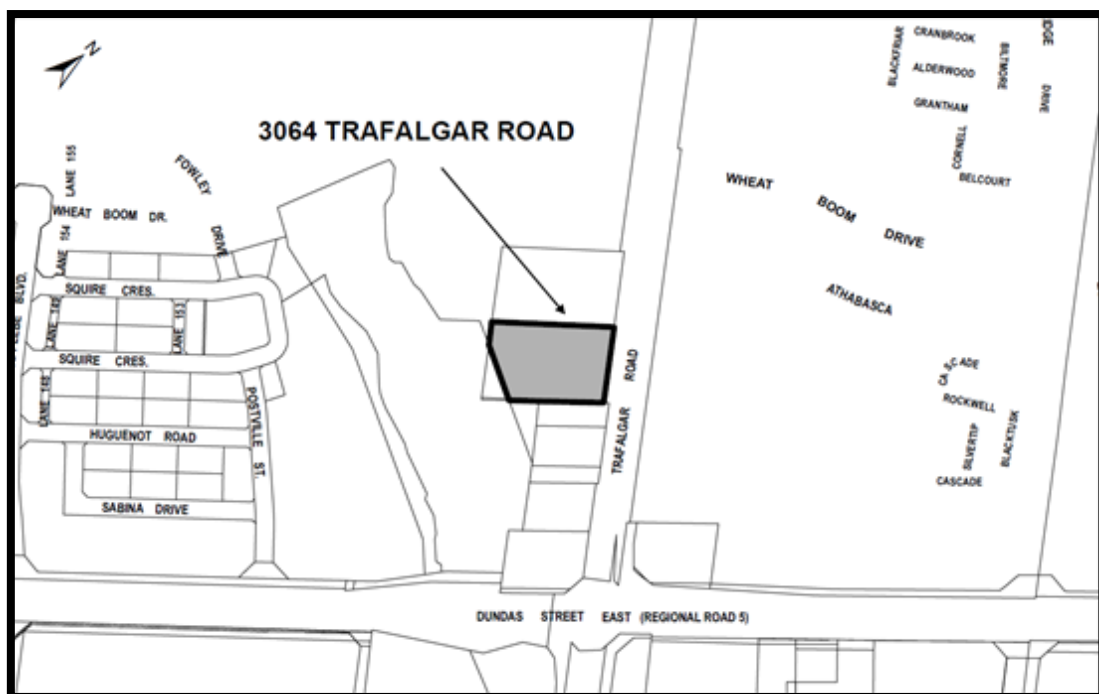


Figure 2: Lands to be Rezoned at 3064 Trafalgar Road

PLANNING POLICY & ANALYSIS:

The lands subject to By-law 2021-125 are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- Oakville Official Plan
- North Oakville East and West Secondary Plans
- Zoning By-law 2009-089

Provincial Policy Statement

The Provincial Policy Statement (2020) (PPS), which came into effect on May 1, 2020, is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

Municipal official plans are considered the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. Official plans identify provincial interests and set out appropriate land use designations and policies. Zoning by-laws are also important for implementation of the PPS. Planning authorities are directed to keep their zoning by-laws up-to-date with their official plans and the PPS. This housekeeping amendment implements this mandate to keep the zoning by-law up to date and consistent with the PPS and in conformity with the Official Plan.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

The policies of the Growth Plan are implemented through the Official Plan and Zoning By-law. This housekeeping amendment conforms with the Growth Plan as it provides clarity to the Zoning By-law which is a tool to implement the Growth Plan.

Halton Region Official Plan

The lands subject to the Zoning By-law are within the 2009 Regional Official Plan (ROP) and must conform with the policies of the ROP. The housekeeping amendments continue to comply with the policies of the ROP.

North Oakville Secondary Plans

The lands subject to Zoning By-law 2009-189 are subject to the North Oakville Secondary Plans which are part of the Town of Oakville 1984 Official Plan, consolidated to 2006. In accordance with Section 7.10.2 of the North Oakville East Secondary Plan (NOESP) and Section 8.10.1 of the North Oakville West Secondary Plan (NOWSP), the Secondary Plans will be implemented by appropriate amendments to the Town's zoning by-law. Zoning By-law 2009-189 is a key tool in implementing the North Oakville Secondary Plans. Regular updates and modifications to the Zoning By-law such as this housekeeping amendment, maintain the integrity of the documents and enable them to be implemented with improvements being made continually.

PURPOSE:

The purpose of the proposed omnibus amendment to Town of Oakville Zoning By-law 2009-189, 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 Official Plan. The proposed amendments generally add clarity to the Zoning By-law and many increase consistency with the South Oakville Zoning By-law 2014-014. A key update which results in many of the amendments outlined below is the renaming of the "Existing Development" (ED) zone to "Future Development" (FD). This change is proposed to emphasize that the intention for lands in this zone are for future development in accordance with the Town's Official Plan, Secondary Plans, Regional Official Plan and Provincial policies beyond what is currently existing on a property, in the fullness of time. None of the zone provisions will change, but the intention of the zone would be clearer to the users of the Zoning By-law.

EFFECT

The effect of the omnibus amendment to Zoning By-law 2009-189, as amended, would be as follows:

Proposed Change	Rationale
Section 1, <u>Administration</u> , would be amended by:	
1. modifying Section 1.6 ii) by inserting " <i>single detached dwelling with 3 or less lodgers</i> " after " <i>short-term accommodation</i> ".	- to assist with the issuance of Certificates of Occupancy

2. adding a Section 1.11 Interpretation of Words	- to assist with the interpretation and implementation of Zoning By-law 2009-189
3. adding a Section 1.12 Construction Tolerance	- to assist with minor construction errors or slight measurement discrepancies
Section 2, <u>Establishment of Zones</u>, would be amended by:	
4. modifying Table 2.1.1 to rename “Existing Development” zone and replace it with “Future Development” zone	- to reflect the intention of the zone for future development
5. modifying Section 2.3.2 Split Zoning to provide additional clarity	- to assist with interpretation and implementation of the by-law
Section 3, <u>Definitions</u>, would be amended by:	
6. modifying the wording of “Day Care” to reference the Child and Early Years Act, as may be amended or replaced from time to time	- to be consistent with current legislation
7. modifying the wording of “Established Grade” as it relates to irregular lots	- to clarify how established grade is determined for a property with two front lot lines
8. modifying the wording of “Floor Area, Leasable” by clarifying additional exclusions from the calculation	- to clarify what is meant by “common areas” within the current definition
9. modifying the wording of “Lot Coverage” as a percentage of the entire lot area	- to clarify the coverage is represented as a percentage
10. modifying the wording of “Service Commercial” by adding subsection iv) to allow for grooming, training or daily care of dogs and cats and other domesticated animals, excluding livestock, but shall exclude overnight boarding and outside facilities	- to permit a use consistent with the South Oakville Zoning By-law 2014-014
11. modifying the wording of “Service Station” by deleting an “automotive service use” and replacing it with a “gas bar”	- to delete a term that is not defined within the North Zoning By-law 2009-189 and replacing it with a term that is defined and characterizes the intent of the definition
12. modifying the wording of “Private-home Day Care”	- to clarify and align the by-law with the South Oakville Zoning By-law 2014-014
13. modifying the wording of “Stacking Lane” by clarifying that the intent is for a continuous line of cars, not split between multiple lines	- to clarify and align the by-law with the South Oakville Zoning By-law 2014-014
14. 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 2009-189
Section 4, <u>General Provisions</u>, would be amended by:	

15. modifying Section 4.2, by renaming “Existing Development (ED)” zone and replacing it with “Future Development (FD)” zone	- to reflect the intention of the zone for future development
16. modifying Section 4.3.2, by replacing deleting “ED” from the heading and replacing it with “FD” and “Existing Development (ED)” and replacing it with “Future Development (FD)”	- to reflect the intention of the zone for future development
17. modifying Section 4.28.2 by deleting it in its entirety	<ul style="list-style-type: none"> - to clarify and align the by-law with the South Oakville Zoning By-law 2014-014 - Section 4.33 is proposed to be added to address provisions related to rooftop mechanical equipment screening
18. modifying Section 4.29 by inserting “For the purpose of this section, floor area shall include all area within the basement.”	- to assist with the interpretation and implementation of Zoning By-law 2009-189
19. adding a Section 4.33, Rooftop Mechanical Equipment	- adding a Section 4.33, Rooftop Mechanical Equipment to clarify the location of all outside rooftop mechanical equipment and to align the by-law with the South Oakville Zoning By-law 2014-014
20. adding a Section 4.34, Restoration or Repair of Unsafe Buildings	- to allow for the restoration or repair of unsafe buildings or structures and to clarify and align the by-law with the South Oakville Zoning By-law 2014-014
21. adding a Section 4.35, Reconstruction of an Existing Building or Structure	- to allow for the reconstruction of an existing building or structure and to clarify and align the by-law with the South Oakville Zoning By-law 2014-014
Section 5, <u>Parking and Loading Regulations</u>, would be amended by:	
22. adding a new subsection 5.1.7 Hardscape Surface Treatment	- to add performance standards for adequate materials to be used and to align the by-law with the South Oakville Zoning By-law 2014-014
23. modifying Section 5.2, Accessible Parking by inserting “5.2.1 Number of Accessible Parking Spaces Required” before “Accessible parking spaces are required for non-residential uses in accordance with the following table:”	- to assist with the organization of the Section to allow for updated accessible parking standards and to assist with the interpretation and implementation of Zoning By-law 2009-189
24. adding a new subsection 5.2.2 Dimensions and Paths of Travel	- to bring accessible parking dimensions and standards in line with <i>Accessibility Ontario Disabilities Act</i> (AODA) standards and to

	align the by-law with the South Oakville Zoning By-law 2014-014
25. modifying subsection 5.4.1.3, size of required parking spaces in a parking garage or parking lot and minimum aisle widths by deleting the previous accessible parking space standards	- to bring accessible parking dimensions and standards in line with <i>Accessibility Ontario Disabilities Act</i> (AODA) standards and to align the by-law with the South Oakville Zoning By-law 2014-014
Section 6, <u>Permitted Uses</u> , would be amended by:	
26. modifying Table 6.1, Permitted Use Table by deleting the use "Single detached dwelling with 3 or less lodgers" and replacing it with "3 or less lodgers in a single detached dwelling where that building type is permitted"	- to assist with the interpretation and implementation of Zoning By-law 2009-189
Section 7, <u>Zoning Regulations</u> , would be amended by:	
27. modifying Section 7.6.2, Building Types Permitted and Related Standards, by clarifying the footnote regarding the height of one-storey additions that can reduce the rear yard setback	- to assist with the interpretation and implementation of Zoning By-law 2009-189 and to ensure that the addition takes on a single storey built form
28. modifying Section 7.7.2, Building Types Permitted and Related Standards, by clarifying the footnote regarding the height of one-storey additions that can reduce the rear yard setback	- to assist with the interpretation and implementation of Zoning By-law 2009-189 and to ensure that the addition takes on a single storey built form
29. modifying Section 7.12.2, Building Standards, by deleting the minimum and maximum floor space index (FSI) rows in its entirety	- to allow flexibility for institutional buildings such as schools, community centres and public parks
30. Modifying Section 7.13, Existing Development (ED) Zone Regulations by deleting "Existing Development (ED)" from the heading and replacing it with "Future Development (FD)"	- to reflect the intention of the zone for future development
Section 8, <u>Special Provisions</u> , would be amended by:	
31. Replacing all references to "ED" with "FD"	- to reflect the intention of the zone for future development
32. Replacing all references to "Existing Development" with "Future Development"	- to reflect the intention of the zone for future development
33. modifying Subsection 8.30.7 a), Parking Regulations by deleting "net" and replacing it with "leasable"	- to clarify the correct parking calculation
34. modifying Subsection 8.31.4 a), Parking Regulations by deleting "net" and replacing it with "leasable"	- to clarify the correct parking calculation

35. modifying Subsection 8.51.3 d), Zone Regulations for Mixed Use Buildings on Block 1 Lands, by deleting “public road” and replacing it with “public street”	- to assist with the interpretation and implementation of Zoning By-law 2009-189
36. modifying Subsection 8.53.5 e) and f), Zone Regulations for Mixed Use Buildings on Block 1 Lands, by deleting “setback” and replacing it with “set back”	- to assist with the interpretation and implementation of Zoning By-law 2009-189
37. modifying Subsection 8.84.2 h) Martillac Estates Inc., is amended by deleting “be”	- to assist with the interpretation and implementation of Zoning By-law 2009-189
Section 9, <u>Holding Provisions</u> , would be amended by:	
38. modifying Section 9.3.2 by re-introducing the holding provision which was incorrectly removed from the by-law	- to assist with the interpretation and implementation of Zoning By-law 2009-189
39. replacing all references to “ED” with “FD”	- to reflect the intention of the zone for future development
40. replacing all references to “Existing Development” with “Future Development”	- to reflect the intention of the zone for future development
Section 11, <u>Temporary Use Permissions</u> , would be amended by:	
41. replacing all references to “ED” with “FD”	- reflect the intention of the zone for future development
42. replacing all references to “Existing Development” with “Future Development”	- reflect the intention of the zone for future development
Section 12, <u>Zoning Maps</u> , would be amended by:	
43. replacing all references to “ED” parent zones within maps 12(1) to 12(6) with references to “FD” parent zones as depicted on Schedule ‘A’ to this By-law	- reflect the intention of the zone for future development
44. further amending Map 12(5) by rezoning the lands municipally known as 3064 Trafalgar Road from Trafalgar Urban Core (TUC sp:49) to Trafalgar Urban Core (H49 TUC sp:95)	- to reflect the intention of By-law 2021-032

CONSIDERATIONS:

(A) PUBLIC

A public information meeting was not 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 October 7, 2021. Since that date, the proposed Zoning By-law amendment has been available for review digitally through the Planning Services

Department. Copies of the proposed by-law have also been shared by email to parties that made a formal request.

(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's commitment in reducing carbon footprints. The amendment of By-law 2009-189 does not impact the Town's climate initiatives.

CONCLUSION:

By-law 2021-125, an amendment to the Zoning By-law 2009-189, 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 addressed appropriately at the public hearing on November 1, 2021, the passage of By-law 2021-125 should be deferred to a future Planning and Development Council meeting.

APPENDICES:

Appendix A – By-law 2021-125

Prepared by:

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Planner

Recommended by:

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