

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2021-125

A by-law to amend North Oakville Zoning By-law 2009-189 to make a number of housekeeping, technical and other modifications affecting all Zones.
(Town-initiated Omnibus Zoning By-law Amendment,
File No. 42.26.01)

COUNCIL ENACTS AS FOLLOWS:

1. Within **Section 1, Administration**, of Zoning By-law 2009-189:
 - a. Section 1.6 ii), Certificates of Occupancy, is amended by inserting “*single detached dwelling with 3 or less lodgers*” after “*short-term accommodation*,”.
 - b. A new Section 1.11, Interpretation of Words, is added as follows:

“1.11 Interpretation of Words

Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular and the word "used" includes "intended to be used"; the word "shall" is mandatory, not permissive; and words used in the male gender shall include all genders.”

- c. A new Section 1.12 Construction Tolerance, is added as follows:

“1.12 Construction Tolerance

Where a building permit has been lawfully issued and has not been revoked for the construction of a *building* or *structure* and where the *height* or *yard* requirement for said as-built *building* or *structure* is found to be in contravention with the maximum *height* or *minimum yard* by no more than 0.03 metres, the non-compliant *height* or *yard* shall be deemed to comply with the *height* or *yard* requirement of this By-law.”

2. Within **Section 2, Establishment of Zones**, of Zoning By-law 2009-189:

- a. Table 2.1.1, Zones in the North Oakville Zoning By-law, is amended by:
 - i. Deleting “Existing Development” in the “Zone” column and replacing it with “Future Development”; and
 - ii. Deleting the “ED” symbol and replacing it with “FD”.
- b. Subsection 2.3.2, Split Zoning, is amended by:
 - i. Deleting subsection a) and replacing it as follows:

“Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be subject to the applicable *use* permissions for the applicable *zone* applying to that portion of the *lot*. ”; and
 - ii. Adding a new subsection c) as follows:

“*Building* and *structures* shall be subject to the applicable regulations for the *zone* in which it is located. In cases where a *building* or *structure* is located on two or more *zones*, the more restrictive regulations shall apply.”

3. Within **Section 3, Definitions**, of Zoning By-law 2009-189:

- a. The definition of “day care” is amended by deleting and replacing it with the following:

“means:

 - a) a premises, including outdoor areas, where children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and are licensed in accordance with the Child Care and Early Years Act as may be amended or replaced from time to time; or,
 - b) an indoor and outdoor premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation.”
- b. The definition of “established grade” is amended by deleting “and *through lots*.” after “*corner lots*” and replacing it with “, *through lots* and *interior lots* having more than one separate *front lot line*.”
- c. The definition of “floor area” is amended by inserting “unless otherwise specified by this By-law” after “*enclosed or roofed walkways or loading dock*”.

- d. The definition of “floor area, leasable” is amended by deleting “and common areas such as mechanical rooms” and replacing it with “*parking garage*, rooms for garbage containment, rooms for bicycle parking and mechanical rooms.”
- e. The definition of “lot coverage” is amended by deleting “total horizontal area of that part of the *lot area* covered by all ” and replacing it with “percentage of the *lot area* covered by all roofed *structures and*”.
- f. The definition of “service commercial” is amended by adding a new subsection as follows:

“iv) a non *retail* establishment for the grooming, training or daily care of dogs and cats and other domesticated animals, excluding livestock, but shall exclude overnight boarding and outdoor facilities.”
- g. The definition of “service station” is amended by deleting “*an automotive service use, vehicle dealership, or a vehicle repair facility.*” and replacing it with “*a gas bar, vehicle dealership or vehicle repair facility.*”
- h. The definition of “private-home day care” is amended by deleting and replacing it with the following:

“means the temporary care for reward or compensate of six children or fewer where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours.”
- i. The definition of “stacking lane” is amended by:
 - i. Inserting “single” after “means a continuous on-site”; and
 - ii. Deleting “*lane*” and replacing it with “line”.
- j. The definition of “structure” is amended by inserting “but does not include fences, retaining walls, light standards or signs.” after “joined together”.

4. Within **Section 4, General Provisions**, of Zoning By-law 2009-189:

- a. Section 4.2, Application, is amended by deleting “Existing Development (ED)” and replacing it with “Future Development (FD)”.
- b. Subsection 4.3.2, All Zones Except NHS and ED, is amended by:
 - i. Deleting “ED” from the heading and replacing it with “FD”; and
 - ii. Deleting “Existing Development (ED)” and replacing it with “Future Development (FD)”.

- c. Subsection 4.28.2, Rooftop Mechanical Equipment Screening, is amended by deleting the subsection in its entirety.
- d. Section 4.29, Second Suites, is amended by inserting “For the purpose of this section, *floor area* shall include all area within the *basement*.” after “a maximum of 30% of the *floor area* of the *dwelling*.”
- e. A new Section 4.33, Rooftop Mechanical Equipment, is added as follows:

“4.33 Rooftop Mechanical Equipment

Outside 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.”

- f. A new Section 4.34, Restoration or Repair of Unsafe Buildings, is added as follows:

“4.34 Restoration or Repair of Unsafe Buildings

Nothing in this By-law shall prevent the restoration or repair to a safe condition of any *building* or *structure* or part of any *building* or *structure* that has been deemed to be unsafe by the *Town’s* Chief Building Official, provided the reconstruction will not increase in *height*, size or volume, or change the *use* of the *building* or *structure* and provided that the *use* has not been abandoned.”

- g. A new Section 4.35, Reconstruction of an Existing Building or Structure, is added as follows:

“4.35 Reconstruction of an Existing Building or Structure

Nothing in this By-law shall prevent the reconstruction of a *building* or *structure* severely damaged or destroyed by natural causes or by fire, provided the reconstruction will not increase in *height*, size or volume, or change the *use* of the *building* or *structure* and provided that the *use* has not been abandoned.”

- 5. Within **Section 5, Parking and Loading Regulations**, of Zoning By-law 2009-189:

- a. Section 5.1, Parking Standards, is amended by adding a new subsection 5.1.7 as follows:

“5.1.7 Hardscape Surface Treatment

All *parking spaces, tandem parking spaces, parking pad, loading dock, aisles and driveways* in any Zone other than a Natural Heritage Zone shall be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, or other material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water.”

- b. Section 5.2, Accessible Parking, is amended 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:”
- c. Section 5.2, Accessible Parking, is amended by adding a new subsection 5.2.2 as follows:

“5.2.2 Dimensions and Paths of Travel

- a. The minimum dimensions for an accessible *parking space* shall be in accordance with the dimensions of Table 5.2.2, below:

Table 5.2.2: Dimensions of Accessible Parking Spaces		
Type	Width	Length
Type A	3.65 m	5.2 m
Type B	2.7 m	5.2 m

- b. Where the minimum number of accessible *parking spaces* required is even, an equal number of Type A and Type B accessible *parking spaces* shall be required.
- c. Where the minimum number of accessible *parking spaces* required is odd, the additional accessible parking space remaining shall be a Type B accessible *parking space*.
- d. An accessible path of travel 1.5 metres in width is required abutting the entire length of the longest side of an accessible *parking space*. A path of travel can be shared by two accessible *parking spaces*.”
- d. Subsection 5.4.1.3, Size of required parking spaces in a parking garage or parking lot and minimum aisle widths, is amended by:
 - i. Deleting “, with the exception of an accessible *parking space*, which shall have a width of not less than 3.65 metres and a length of not less than 5.2 metres”; and,
 - ii. Deleting “the minimum aisle width shall be 5.5m” and replacing it with “and providing one-way travel access, the minimum aisle width may be reduced to 5.5m”.

6. Within **Section 6, Permitted Uses**, of Zoning By-law 2009-189:

- a. Table 6.1, Permitted Use Table, is amended 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”.

7. Within **Section 7, Zoning Regulations**, of Zoning By-law 2009-189:

- a. Section 7.12.2, Building Standards, is amended by deleting the minimum and maximum floor space index (FSI) rows in their entirety as follows:

For all buildings	I	P	SMF
Minimum Floor Space Index (FSI)	0.30	0.30	n/a
Maximum Floor Space Index (FSI)	2.0	1.0	n/a

- b. Section 7.13, Existing Development (ED) Zone Regulations, is amended by deleting “Existing Development (ED)” from the heading and replacing it with “Future Development (FD)”.

8. Within **Section 8, Special Provisions**, of Zoning By-law 2009-189:

- a. Section 8.11, 3175 & 3185 Dundas Street West, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- b. Section 8.12, Service Station, N/W Dundas & Trafalgar, 305 Dundas Street East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- c. Section 8.13, Service Station N/E Dundas & Trafalgar, 325 Dundas Street East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- d. Section 8.15, GE Water & Process Technologies, 3239 Dundas Street West, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- e. Subsection 8.15.1 b), Regulations, is amended by deleting “Existing Development” and replacing it with “Future Development”.

- f. Section 8.16, Joshua Creek Heritage Art Center, 1086 Burnhamthorpe Road East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
 - g. Subsection 8.30.7 a), Parking Regulations, is amended by deleting “net” and replacing it with “*leasable*”.
 - h. Subsection 8.31.4 a), Parking Regulations, is amended by deleting “net” and replacing it with “*leasable*”.
 - i. Subsection 8.51.3 d), Zone Regulations for Mixed Use Buildings on Block 1 Lands, is amended by deleting “public road” and replacing it with “*public street*”.
 - j. Subsections 8.53.5 e) and f), Special Site Provisions for All Buildings, is amended by deleting “setback” and replacing it with “set back”.
 - k. Section 8.64, 1187 Burnhamthorpe Road East, is amended by:
 - i. Deleting the “ED” referenced parent zone within the header and replacing it with “FD”; and
 - ii. Deleting the “ED” within the title of subsection 8.64.2 and replacing it with “FD”.
 - l. Subsection 8.84.2 h), Martillac Estates Inc., is amended by deleting “be”.
9. Within **Section 9, Holding Provisions**, of Zoning By-law 2009-189:
- a. Section 9.3.2, London Hills Ltd., Dundas Street West and Neyagawa Boulevard, is amended by deleting the header in its entirety and replacing it with the following:
- 9.3.2 Davis Minardi Home Corporation and Denbridge Developments Inc. – Dundas Street West and Neyagawa Boulevard (2018-102) (2021-125)**

Holding Provision	Condition for Removal	Date Enacted	Zoning Map	Uses and Regulations Pending Removal of Holding Provision
H2	The holding symbol “H2” shall only apply to	March 12, 2010	12(4)	<u>Permitted Uses:</u> For such time as the “H2” symbol is in

	<p>residential <i>uses</i> and will only be removed when the following conditions have been satisfied:</p> <p>i) Halton Region water and wastewater servicing allocation has been granted to these blocks; and,</p> <p>ii) Halton Region advises that item i) above has been satisfied.</p>			<p>place, these lands shall only be used for permitted non-residential <i>uses</i> as well as existing permitted <i>uses</i>, <i>buildings</i> and <i>structures</i>.</p> <p><u>Regulations:</u> For such time as the “H2” symbol is in place, these lands shall be subject to the relevant zone (DUC-7 or DUC-8) that apply.</p>
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- b. Subsection 9.3.4, Fern Hill School – 3300 Ninth Line, is amended by deleting all referenced “ED *zone*” within the “Use and Regulations Pending Removal of Hold Provision” column and replacing it with “FD *zone*”.
- c. Subsection 9.3.37.2, Zoning Regulations Prior to Removal of the “H”, is amended by deleting “ED, Existing Development” and replacing it with “FD, Future Development”.

10. Within Section 11, Temporary Use Permissions, of Zoning By-law 2009-189:

- a. Section 11.1, Medeiros Boat Works, 210 Burnhamthorpe Road East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- b. Section 11.2, Vic Hadfield Golf and Learning Centre, 340 Burnhamthorpe Road East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- c. Section 11.3, 87 Dundas Street East, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.
- d. Section 11.5, 1359 Dundas Street West, is amended by deleting the “ED” referenced parent zone within the header and replacing it with “FD”.

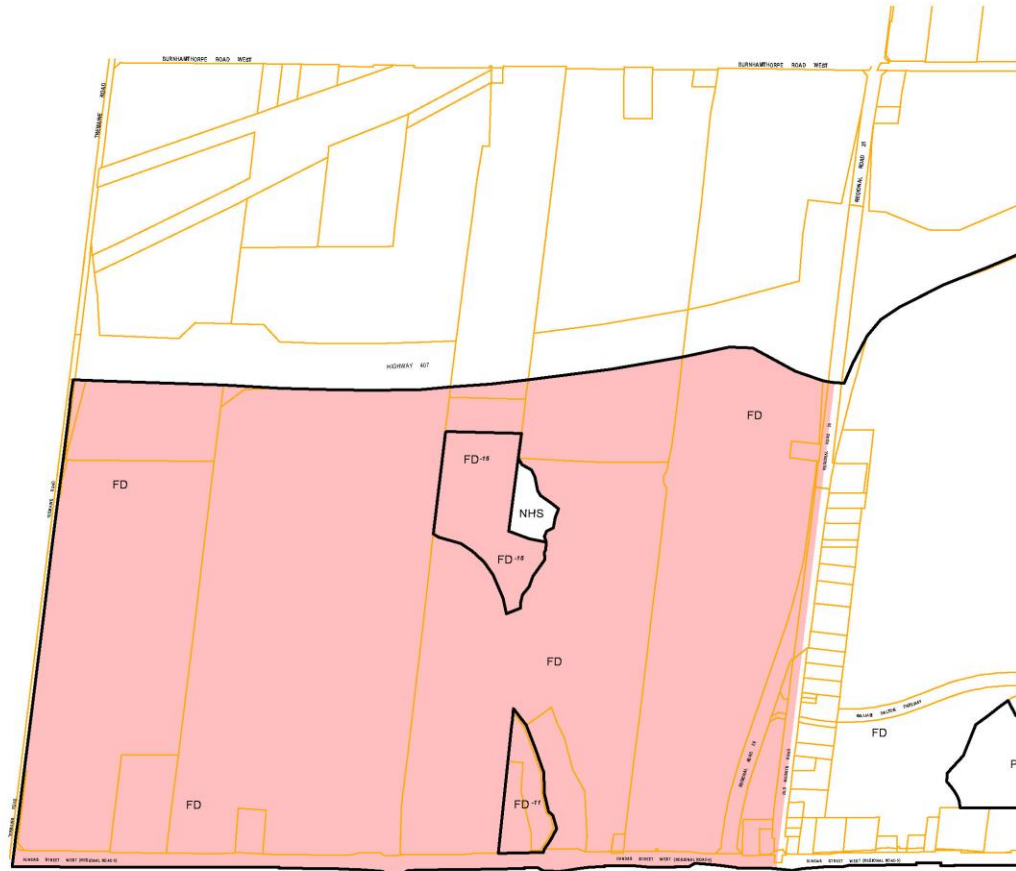
11. Within **Section 12, Zoning Maps**, of Zoning By-law 2009-189:
- a. Section 12, Zoning Maps, is amended by replacing all references to “ED” parent zones within maps 12(1) to 12(6) with references to “FD” parent zones as depicted on Schedule ‘A’ to this By-law.
 - b. Map 12(5) is further amended by rezoning the lands depicted on Schedule ‘B’ to this By-law.
12. 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 1st day of November, 2021

MAYOR

CLERK

SCHEDULE "A"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189

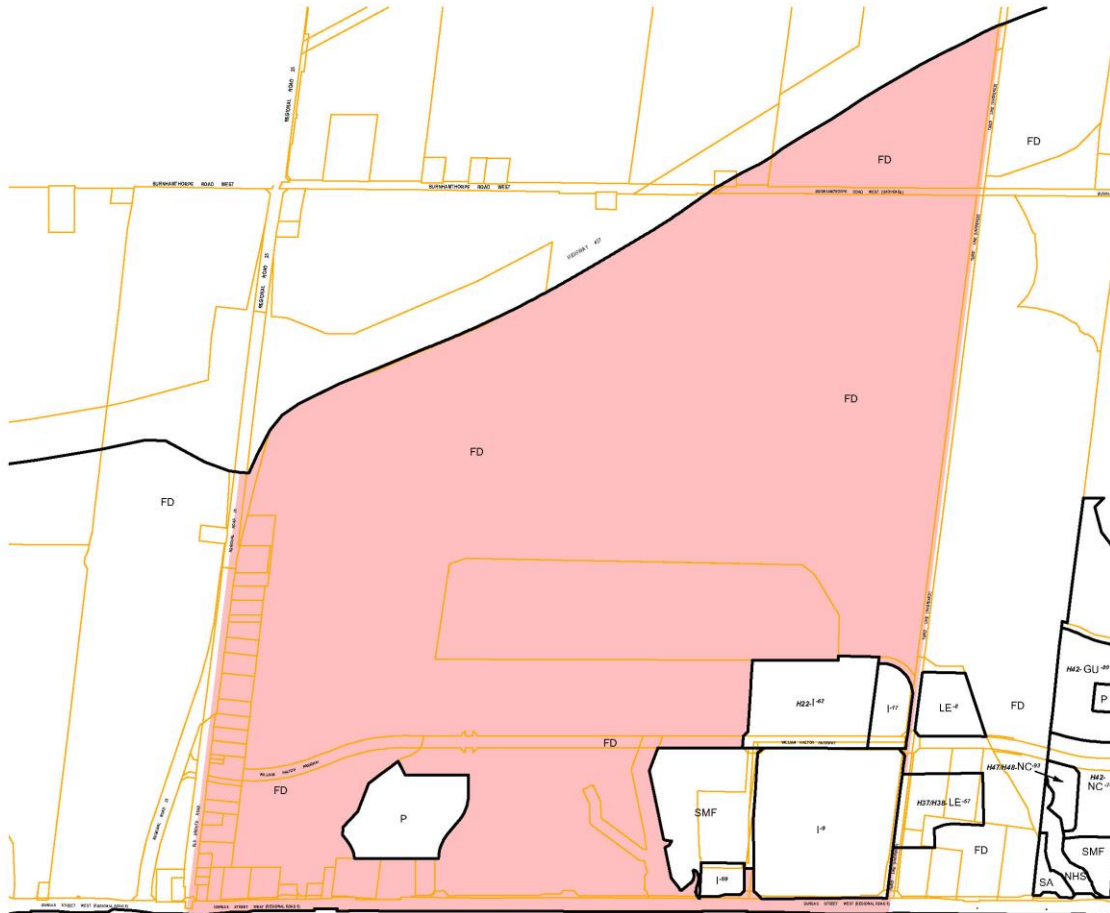
 Renamed from Existing Development (ED)
to Future Development (FD)

EXCERPT FROM MAP
12 (1)



SCALE 1 : 15000

SCHEDULE "A"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189



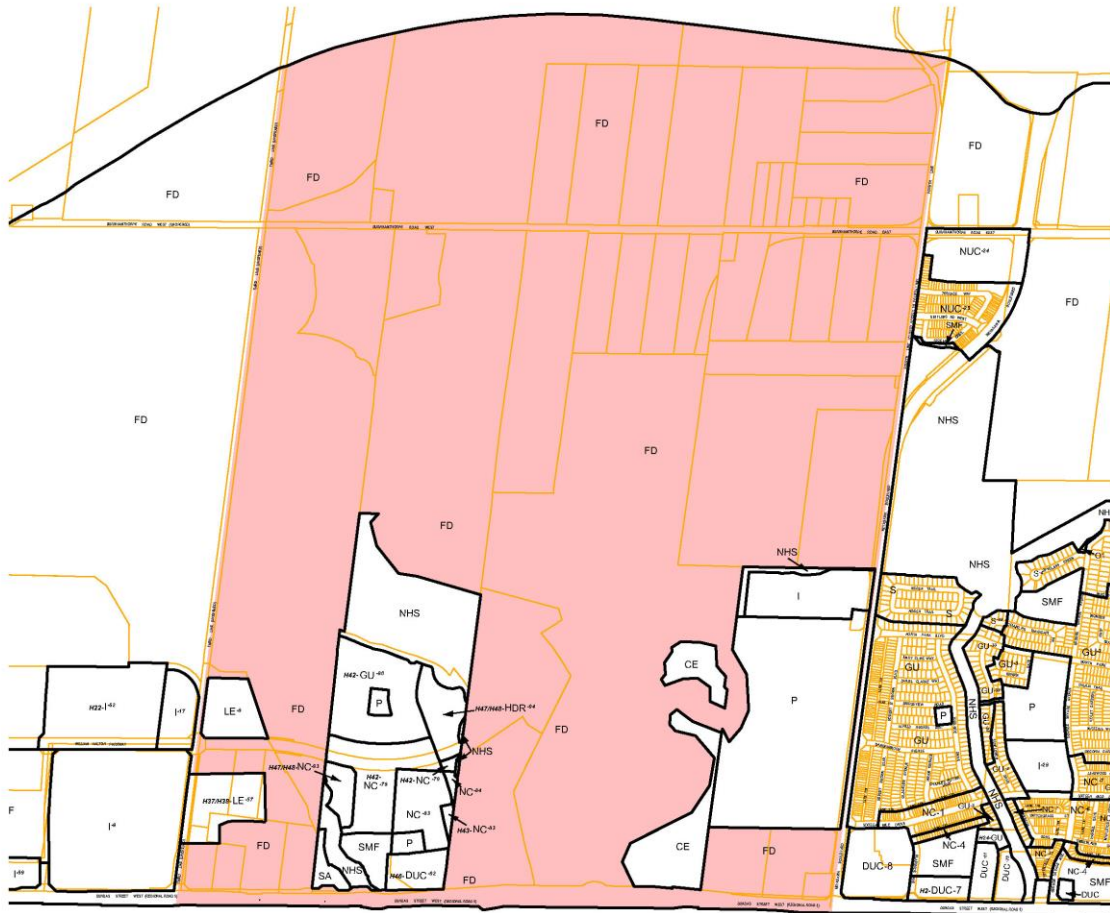
Renamed from Existing Development (ED)
to Future Development (FD)

EXCERPT FROM MAP
12 (2)



SCALE 1 : 16500

SCHEDULE "A"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189



Renamed from Existing Development (ED)
to Future Development (FD)

EXCERPT FROM MAP
12 (3)



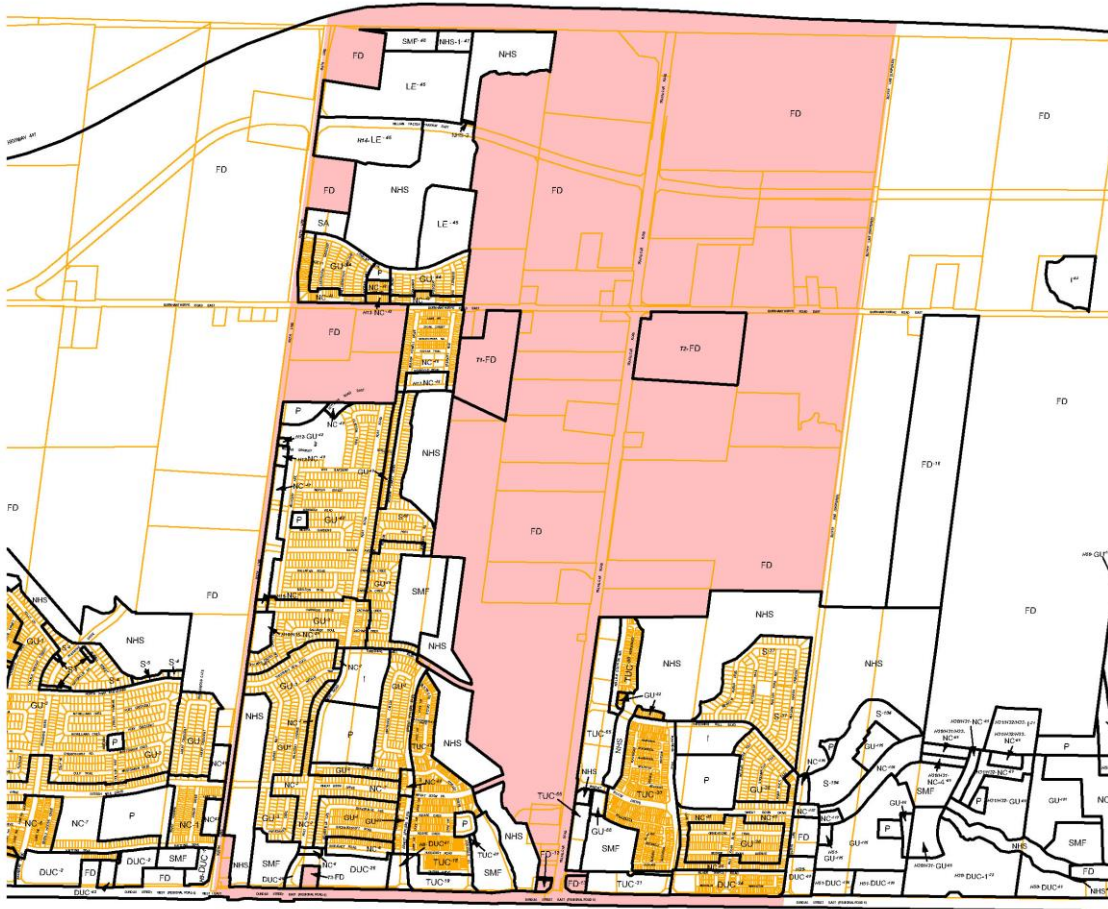
SCALE 1 : 17500

EXCERPT FROM MAP
12 (4)



SCALE 1 : 19500

SCHEDULE "A"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189



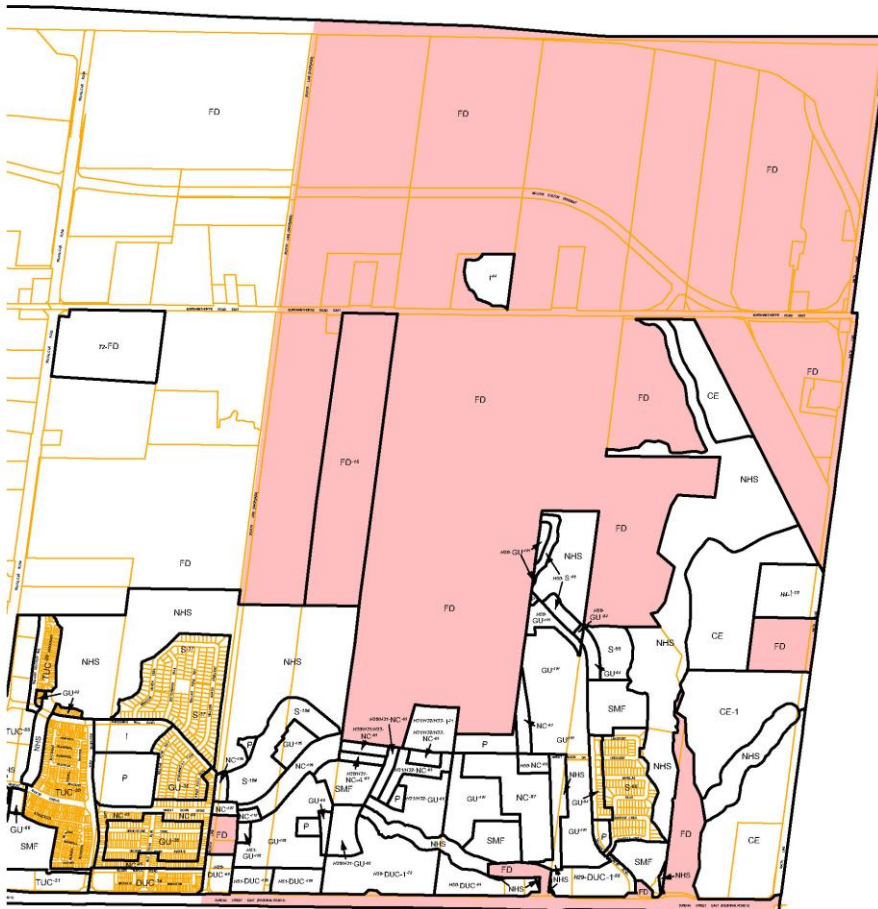
Renamed from Existing Development (ED)
to Future Development (FD)

EXCERPT FROM MAP
12 (5)



SCALE 1 : 20000

SCHEDULE "A"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189

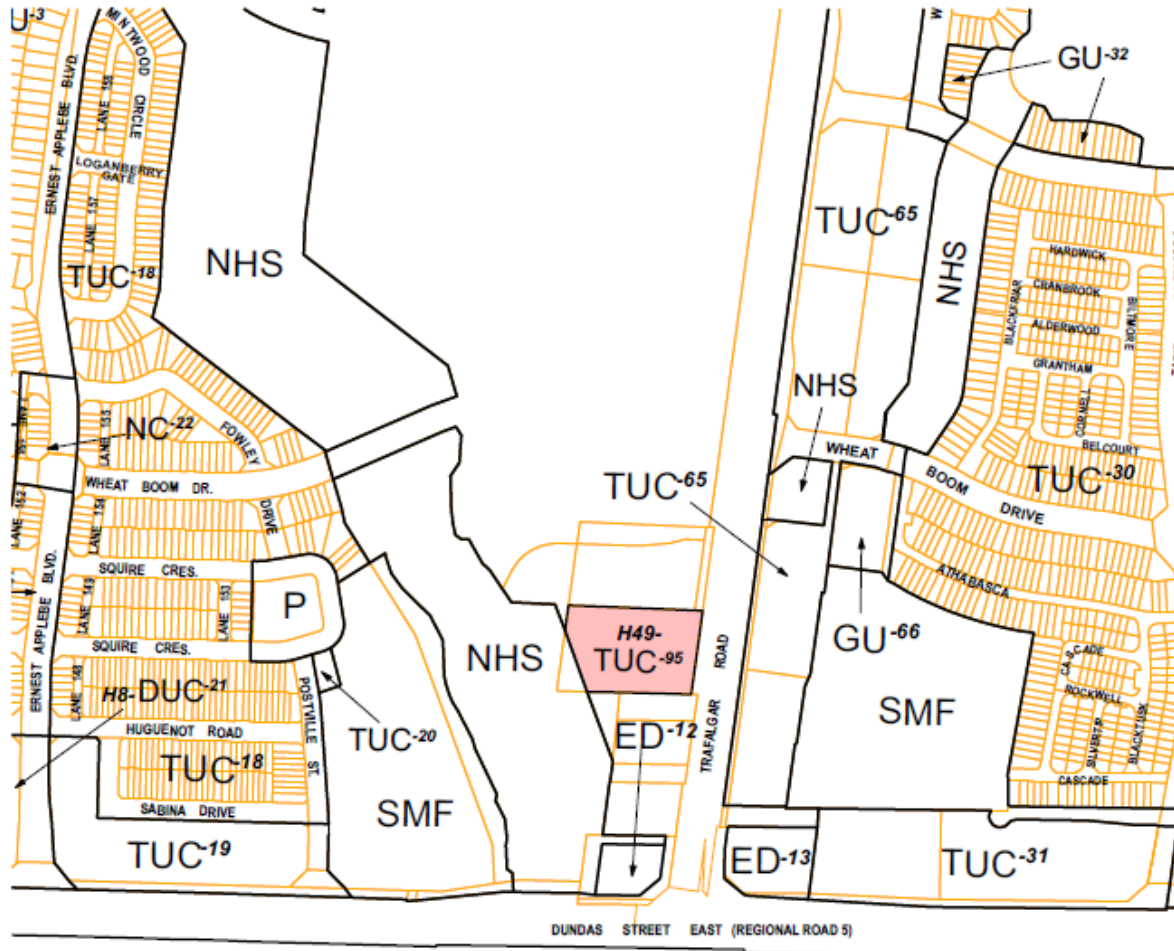
 Renamed from Existing Development (ED) to Future Development (FD)

EXCERPT FROM MAP
12 (6)



SCALE 1 : 20000

SCHEDULE "B"
To By-law 2021 - 125



AMENDMENT TO BY-LAW 2009-189



Rezoned from Trafalgar Urban Core (TUC sp:49)
to Trafalgar Urban Core (H49 TUC sp:95)

EXCERPT FROM MAP
12 (5)

Note: References to ED reflect zoning on the date
of passing of this by-law and do not effect the
proposed changes to rename ED to FD



SCALE 1 : 5000