



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-064

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (SmartCentres on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc., File No.: 1413.34)

COUNCIL ENACTS AS FOLLOWS:

1. Map 19(22a) of By-law 2014-014, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 15.414.1 as follows:

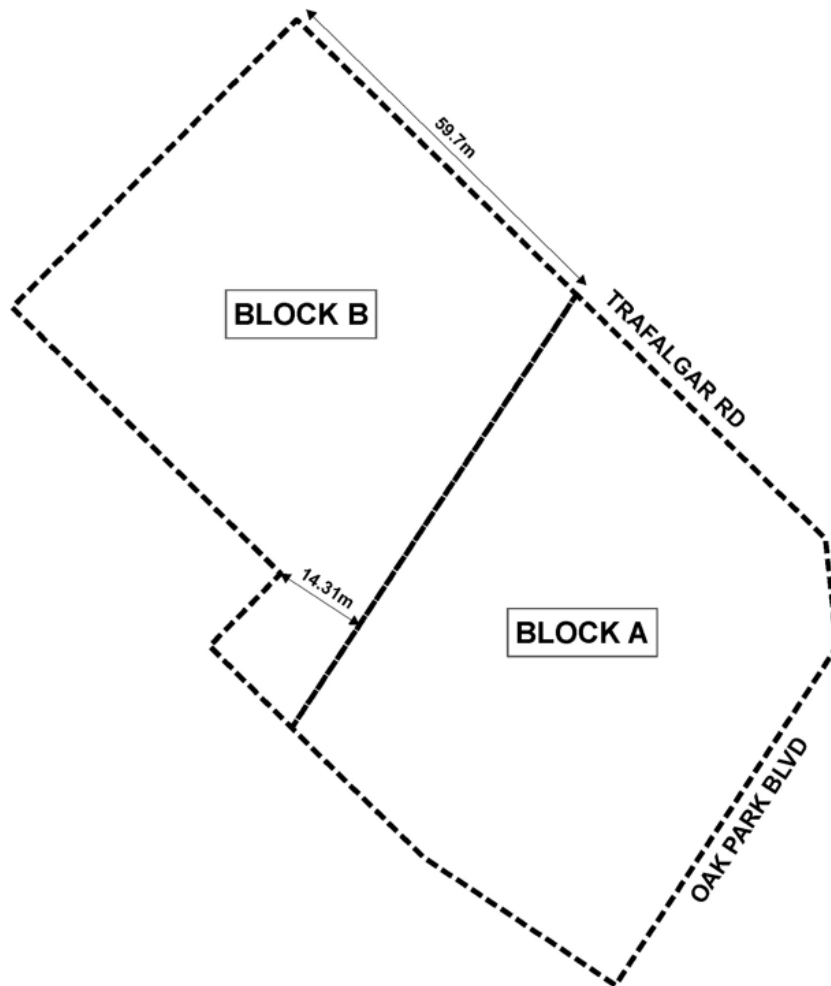
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|--|--|-------|----------------------------------|
| 414 | 2380 and 2400 Trafalgar Road | | Parent Zone: MU4 |
| Map 19(22a) | Part of Lot 13, Concession 1 of Registered Plan 18817 | | (2009-062) (2015-018) (2022-064) |
| 15.414.1 Regulations for Permitted Uses | | | |
| The following regulations apply: | | | |
| a) | <i>Business offices and medical offices are prohibited in the first 9.0 metres of depth of the building, measured in from the main wall oriented toward the flankage lot line or the front lot line, on the first storey</i> | | |
| 15.414.2 Zone Provisions | | | |
| The following regulations apply: | | | |
| a) | The lot line abutting Oak Park Boulevard shall be deemed the front lot line. | | |
| b) | <i>Minimum front yard (Oak Park Boulevard)</i> | 2.2 m | |
| c) | <i>Maximum front yard (Oak Park Boulevard)</i> | 4.0 m | |
| d) | <i>Minimum flankage yard (Trafalgar Road)</i> | 3.0 m | |
| e) | <i>Maximum flankage yard (Trafalgar Road)</i> | 5.5 m | |

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| f) | Notwithstanding Section 8.8 b), a minimum of 50% of the length of all <i>main walls</i> oriented toward the <i>flankage lot line</i> shall be located within the area on the <i>lot</i> defined by the <i>minimum</i> and <i>maximum flankage yards</i> (Trafalgar Road) | |
| g) | <i>Minimum rear yard</i> | 3.0 m |
| h) | <i>Minimum rear yard setback</i> above the fifth storey | 10.0 m |
| i) | <i>Minimum front yard setback</i> above the fifth storey | 7.0 m |
| j) | Minimum <i>height</i> of the <i>first storey</i> for non-residential uses | 4.5 m |
| k) | Maximum <i>height</i> of rooftop <i>mechanical equipment and mechanical penthouse</i> and stair tower | 7.0 m |
| l) | <i>Minimum yard</i> for any portion of a <i>building</i> or <i>structure</i> that is completely underground | 0.75 m |
| m) | Minimum <i>floor area</i> for retail or service commercial uses on the <i>first storey</i> | 520 m ² |
| n) | Maximum floorplate area of a <i>building tower</i> measured from the exterior of the outside walls, above the fifth storey. Recessed <i>balconies</i> up to the <i>main wall</i> are included in the floorplate area calculation. | 770 m ² |
| o) | <i>Balconies</i> are permitted in any <i>yard</i> and the maximum total projection beyond the <i>main wall</i> is 2.0 m. | |
| 15.414.3 Additional Zone Provisions for Block A | | |
| The following additional regulations apply to Block A as identified in Figure 15.414.1: | | |
| a) | Maximum number of <i>storeys</i> | 6 |
| b) | Maximum <i>height</i> | 25.0 m |
| c) | Maximum number of <i>storeys</i> (upon execution of a Section 37 Agreement) | 26 |
| d) | Maximum <i>height</i> (upon execution of a Section 37 Agreement) | 76.0 m |
| 15.414.4 Additional Zone Provisions for Block B | | |
| The following additional regulations apply to Block B as identified in Figure 15.414.1: | | |
| a) | Maximum number of <i>storeys</i> | 12 |

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| b) | Maximum number of <i>storeys</i> (upon execution of a Section 37 Agreement) | 31 |
| c) | Maximum <i>height</i> (upon execution of a Section 37 Agreement) | 92.0 m |
| 15.414.5 Parking Provisions | | |
| The following parking regulations apply: | | |
| a) | Minimum number of <i>parking spaces</i> | 1.0 per <i>dwelling unit</i> , of which 0.15 of the parking space required per <i>dwelling</i> shall be designated as visitor <i>parking spaces</i> |
| b) | Visitor <i>parking spaces</i> for residential <i>uses</i> may be counted toward the minimum number of <i>parking spaces</i> for non-residential <i>uses</i> to a maximum of 0.15 per <i>dwelling unit</i> . | |
| c) | A <i>surface parking area</i> shall not be permitted | |
| d) | Ventilation shafts, stairs and stairways associated with an underground <i>parking structure</i> , hydro vaults and above-ground gas meters including any appurtenances thereto are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> . | |
| e) | Ventilation shafts associated with an underground <i>parking structure</i> are not permitted below the first 2.5 metres of vertical distance of a <i>building wall</i> measured from the finished floor level of the <i>first storey</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. | |

15.414.6 Special Site Figures

Figure 15.414.1



15.414.7 Special Site Provisions

The following additional provisions apply:

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| a) | All lands identified as subject to this Special Provision shall be considered as one <i>lot</i> for the purposes of this By-law. | |
| b) | <i>Height</i> shall be measured from the <i>finished floor elevation</i> of the <i>first storey</i> . | |
| c) | Minimum number of <i>dwelling units</i> containing two or more bedrooms | 30% of the total number of <i>dwelling units</i> |

| 15.414.8 Bonusing Provisions | |
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| In order to permit the increased height permissions contained in this Special Provision, zoning compliance 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 28.8 and Part E, Section 21.7.2 of the Livable Oakville Plan. |
| b) | Affordable housing units |
| c) | Uptown Core transit contributions |
| d) | Public art |

3. Part 16, Holding Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 16.3.50 as follows:

| H50 | 2380 and 2400 Trafalgar Road | Parent Zone:MU4 |
|--|---|----------------------------------|
| Map 19(22a) | Part of Lot 13, Concession 1 of Registered Plan 18817 | (2009-062) (2015-018) (2022-064) |
| 16.3.50.1 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> . | |
| 16.3.50.2 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> : | | |

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| a) | <p>Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and Record of Site Condition submitted to the Region must extend third party reliance to Halton Region. The Owner complies with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region.</p> <p>Notwithstanding subsection (1) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize:</p> <ul style="list-style-type: none">i. The removal of soil, rock or fill for the purpose of making an excavation; or the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a Record of Site Condition. |
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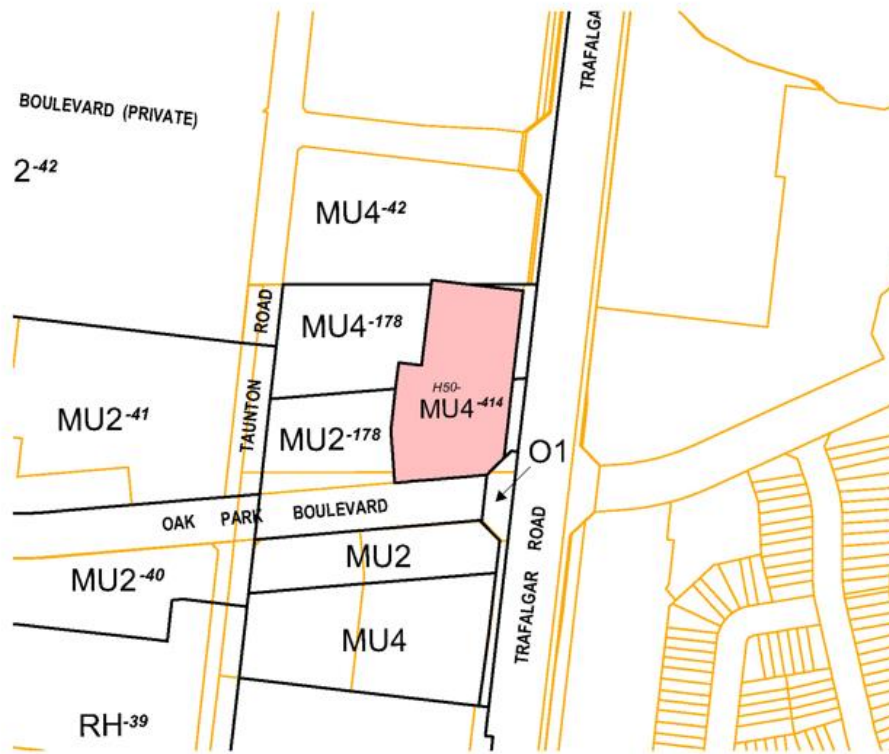
4. This By-law comes into force in accordance with Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 27th day of June, 2022

MAYOR

CLERK

SCHEDULE "A"
To By-law 2022-064



AMENDMENT TO BY-LAW 2014-014

Re-zoned From: Main Street 2 (MU2 sp: 178);
Urban Core (MU4 sp: 178); and
Urban Core (MU4 sp: 42) to
Urban Core (H50-MU4 sp: 414)

EXCERPT FROM MAP
19 (22a)



SCALE 1 : 3000

