



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-089**

Official Plan Amendment 51

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 51 (530, 550, 588 Kerr Street and 131, 171 Speers Road, April Investments Limited, 527079 Ontario Limited, Trans County Development Corporation Limited, and Oakville Developments (2010) Inc.,  
File No.: OPA.1616.56)

**WHEREAS** subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that the provisions of the *Act* with respect to an official plan apply, with necessary modifications, to amendments thereto and section 17 applies to any such amendment; and,

**WHEREAS** subsection 22(1) of the *Planning Act* provides that a person or public body may request a council to amend its official plan; and,

**WHEREAS** the owners of 530, 550, 588 Kerr Street and 131 Speers Road have requested that Council amend the Livable Oakville Official Plan relating to the comprehensive development plan for the lands designated Urban Core at the northwest corner of Speers Road and Kerr Street, and Council is willing to grant the request.

**COUNCIL ENACTS AS FOLLOWS:**

1. The attached Official Plan Amendment Number 51 to the Livable Oakville Official Plan is hereby adopted.
2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.

3. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 5<sup>th</sup> day of December, 2022

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MAYOR

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CLERK

**Official Plan Amendment Number 51  
to the Town of Oakville's  
Livable Oakville Plan**

**Constitutional Statement**

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 51 to the Livable Oakville Plan.

**Part 1 – Preamble**

**A. Subject Land**

The Subject Lands are located at the northwest corner of Speers Road and Kerr Street, and municipally known as 588, 550, 530 Kerr Street and 131, 171 Speers Road (Subject Lands).

**B. Purpose and Effect**

The purpose of this Official Plan Amendment (OPA) is to implement a comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis.

The effect of the proposed OPA is to:

1. Replace Part E Section 23.5, to update the requirements for the urban square regarding a minimum area of 500 square metres and to specify that it will be privately-owned publicly accessible open space.
2. Replace Part E Section 23.7, to provide new and updated exception policies for the Subject Lands to support the goals and objectives for Kerr Village. The policies:
  - a. Specify that development shall be in accordance with a comprehensive development plan approved by Council.
  - b. Specify permitted maximum building heights and densities and encourage affordable housing by exempting the net floor area of affordable housing units.
  - c. Refine urban design policies regarding the design of tall buildings, building podium, façade treatment, green roofs / amenity space,

- mid-block pedestrian connections, structured parking, and the private road.
- d. Address land use compatibility to the rail corridor and employment area to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants to ensure risk to public health and safety is minimized.
  - e. Address phasing and transition through coordination with the Kerr Street grade separation, road network capacity, compatibility with existing land uses, functional servicing and implementation of a Transportation Demand Management Strategy, inclusive of transit and alternative transportation solutions associated with the Subject Lands.
  - f. Add landowner cost sharing requirements.
3. Replace Part E Section 23.8, to update requirements for the urban park to specify the minimum size of 0.4 ha, accessibility and mid-block pedestrian connections, implementation and phasing policies, and to add criteria under which the urban park may be dedicated to the Town in a stratified arrangement.
  4. Amend Schedule O1, to remove lands eligible for bonussing from the Subject Lands.
  5. Amend Schedule O2, to identify primary and secondary streets within the subject lands, identify the conceptual location of the urban park and urban square, identify the location of enhanced streetscapes, and add the location of a proposed private road.

### **C. Background and Basis**

- The Subject Lands are comprised of 4.8 ha (11.8 acres)<sup>1</sup>, consisting of five property parcels which are occupied by commercial buildings and located at the northwest corner of Kerr Street and Speers Road.
- As part of the ongoing Regional Official Plan Review/Municipal Comprehensive Review, Halton Region is determining how to accommodate forecasted population and employment growth in the Region to 2051. This work is being conducted through the Region's Integrated Growth Management Strategy and includes ROPA 48, and ROPA 49. The identification of strategic growth areas is an important component of the Region's overall growth management strategy.

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<sup>1</sup> After land expropriation by Metrolinx for the Kerr Street grade separation project.

- The Subject Lands are identified as a ‘secondary regional node’ on Map 1h, Regional Urban Structure of the Halton Plan. Secondary Regional Nodes are intended to be a focus for growth through mixed use intensification at a scale appropriate for its context.
- The town-wide Urban Structure is shown in Livable Oakville, Schedule A1, Urban Structure, and identifies the Subject Lands as being part of a Node and Corridor (Kerr Village), Main Street Area, and located on a Regional Transit Priority Corridor (Speers Road). Higher intensity forms of mixed use growth are directed towards Nodes and Corridors. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development.
- Within Kerr Village, the Subject Lands are located within the Upper Kerr Village District. This District is planned to be a transit-supportive, mixed use area. The Subject Lands are designated ‘Urban Core’ which permits building heights ranging from eight to twelve storeys. Four storeys of additional height may be permitted pursuant to bonussing (total of 16 storeys).
- Policy 23.7.1 a) of Livable Oakville requires, as part of any development approval, that development and redevelopment be based on a comprehensive plan which demonstrates the potential full build out of the lands. This includes, amongst other matters:
  - i. a complete local road network, including extensions of Shepherd Road and St. Augustine Drive;
  - ii. spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tall building separation;
  - iii. location and treatment of planned gateways at Kerr and Speers and the northern limit of Upper Kerr Village at Kerr and the railway;
  - iv. location of planned urban square & urban park;
  - v. safe setbacks to rail line, utilities and pipelines;
  - vi. location of commercial space, including a food store; and,
  - vii. transit-supportive considerations such as multi-modal Travel Demand Management, enhanced transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.

- The comprehensive development plan submitted as part of the OPA demonstrates the potential full build out of the lands. The comprehensive development plan provides for redevelopment of the Subject Lands with approximately 1,841 residential units in buildings ranging in height from approximately 8 to 28 storeys, an extension of the main street with ground floor commercial uses, a 0.4 ha urban park with permissions for stratified ownership, urban square, mid-block publicly accessible pedestrian connections, private amenity space, and the westerly extension of Shepherd Rd. and northerly extension of St. Augustine Dr. together with one new mid-block private road fronting the urban park.
- The OPA would implement the comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis.
- Planning and Development Council hosted the statutory public meeting regarding this official plan amendment on February 15, 2022.
- Based on staff’s review and analysis of the materials submitted in support of this planning application, the OPA fully considers and appropriately addresses written comments and oral submissions.
- This OPA is consistent with the Provincial Policy Statement, conforms or does not conflict with applicable Provincial Plans, the Region of Halton Official Plan and the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons set out in the staff report titled “Recommendation Report, Official Plan Amendment, April Investments Limited, 527079 Ontario Limited, Trans County Development Corporation Limited, and Oakville Developments (2010) Inc., 560-584, 550, 530 Kerr Street and 131, 171 Speers Road, File No. OPA. 1616.56”

## **Part 2 – The Amendment**

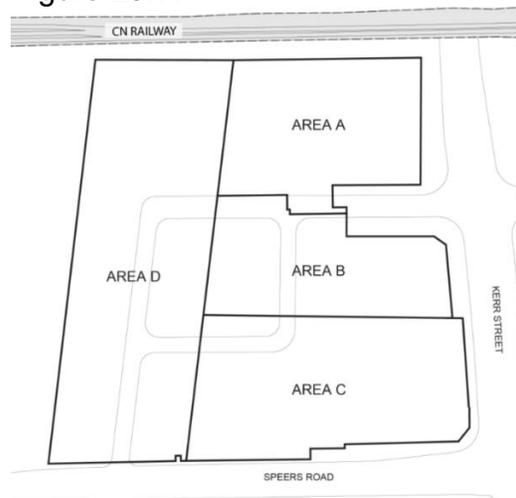
The Livable Oakville Plan is amended as follows:

### **A. Text Changes**

- I. Part E Section 23.5, Urban Design, is amended by deleting the existing exception policy 23.5.5 a) in its entirety, and replacing it with the following new policy:

- “Through the *development* process, an urban square shall be provided in the Upper Kerr Village District, at the northwest corner of Kerr Street and Speers Road that:
- i. Has a minimum area of 500 square metres; and,
  - ii. shall be permitted to be privately-owned publicly accessible open space.”
- II. Part E Section 23.7, Kerr Village Exceptions – Schedule O1, is amended by deleting existing policy 23.7.1 in its entirety and replacing it with the following new policy:
- “23.7.1 The lands designated Urban Core at the northwest corner of Speers Road and Kerr Street are subject to the following additional policies:
- a) *Development* shall be in accordance with the comprehensive development plan approved by Council. Minor variations to the dimensions of blocks, buildings, open spaces and streets may be permitted without amendment to this Plan, provided the general intent is maintained to the satisfaction of the Town.

Figure 23.7.1



b) Area Policies

Within Areas A, B, C and D as identified on Figure 23.7.1, the following maximum building heights and densities shall be permitted, subject to the required public local road and urban park being dedicated to the Town and funded through the *development* process:

i) Area A

- A maximum *floor space index* (FSI) of 4.5 with a maximum of two tall buildings up to a maximum height of 22 and 28 storeys and ground floor commercial with a minimum gross floor area of 600 square metres.

ii) Area B

- A maximum *floor space index* (FSI) of 4.4 with a maximum of two tall buildings up to a maximum height of 22 and 24 storeys and ground floor commercial with a minimum gross floor area of 1,000 square metres.

iii) Area C

- A maximum *floor space index* (FSI) of 3.6 with a maximum of two tall buildings up to a maximum height of 18 and 22 storeys respectively, one mid-rise building with a height of up to 12 storeys, and ground floor commercial with minimum gross floor area of 3,000 square metres.

iv) Area D

- A maximum of one tall building up to a maximum height of 23 storeys, provided the building is located adjacent to the rail corridor. Additional mid-rise buildings may be permitted through a *development* process, as long as a transition to the established residential neighbourhood is achieved. The minimum gross floor area of commercial to be provided on the ground floor shall be determined through a *development* process.

- c) The net floor area of *affordable units* shall be exempt from the calculation of *floor space index* when determining compliance with the density maximums in subsection (b) above.

d) Urban Design

- i. For buildings greater than 12 storeys in height, the floor plate for each residential tall building shall ensure a slender tower profile to minimize shadow impacts, maximize sun exposure and enhance the skyline.

- ii. The height of the building base for tall buildings may only exceed six storeys where designed with façade setbacks, modulation and/or height reductions on portions of the building to achieve a pedestrian-scaled street wall and a pedestrian-friendly environment at grade.
- iii. Green roofs, and/or residential amenity space should be provided on the roof of any building base or above-grade parking structure where the rooftop shall be visible from nearby tall buildings.
- iv. Façades shall be articulated along street frontages with enhanced building corners;
- v. Built forms shall incorporate substantial breaks to provide two mid-block connections from the urban park to Kerr Street and Speers Road.
- vi. Below grade, and shared parking shall be encouraged. At or above grade parking structures may be permitted if:
  - a. parking structures located on the ground floor of a building fronting the urban park or a road are wrapped with commercial and/or residential uses to create a pedestrian-scaled street wall and animate the public realm; and,
  - b. parking structures in other areas are wrapped and/or screened with appropriate building materials and architectural treatments to animate pedestrian realm.
- vii. The private road located adjacent to the urban park may include a woonerf style roadway which prioritizes pedestrians, has reduced speed limits and traffic calming to create a strong pedestrian connection into the site.

e) Railway

The following policies shall be applied through the implementing zoning and site plan process:

- i. Compatibility assessments may be required for *development* adjacent to the railway right-of-way to identify mitigation

measures for any identified safety, security, noise and vibration issues.

- ii. Unless otherwise directed by the landowner of the railway right-of-way:
  - a. buildings shall be setback a minimum of 30 metres from the property line of the railway right-of-way. Notwithstanding the required setback, infrastructure, parking areas or structures, parks and open space, and private amenity space, may be permitted within the setback; and,
  - b. no tall vegetation should be planted within 3.5 metres of the railway right-of-way.
- iii. Warning clauses in offers of purchase and sale, lease or rental agreements and condominium declarations, or other development agreements as applicable, shall be determined and secured through the planning application process, and may include, but not limited to, advising purchasers and future occupants of the proximity of the railway and associated rail traffic and operations.
- iv. An environmental easement for operational emissions from the railway should be registered on title, in favour of the railway owner, at the time of property redevelopment.

f) Land Use Compatibility

- i. Through an implementing zoning by-law amendment, *sensitive land uses* shall be planned, phased and developed to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants, and ensure risk to public health and safety is minimized.
- ii. As part of a complete application, all planning applications proposing *sensitive land uses* shall include a land use compatibility assessment, including but not limited to:
  - a. noise and vibration study; and,
  - b. air quality report.

- iii. For the purpose of noise and vibration studies, a Class 4 area under the Provincial NPC-300 guidelines may be considered, where it is determined necessary through a land use compatibility assessment, subject to an independent peer review.
- iv. Where a land use compatibility assessment demonstrates that source and/or site receptor mitigation actions are required, the mitigation measures shall be at the expense of the applicant and agreed upon by all affected parties.
- v. Prior to any servicing or grading, an acknowledged Record of Site Condition shall be required, to the satisfaction of Halton Region.

g) Phasing/Transition

In addition to Section 23.8.1, the following policies shall apply to the Upper Kerr Village district west of Kerr Street north of Speers Road:

- i. Notwithstanding the minimum building heights required by this Plan, building additions, alterations and/or replacements may be permitted where they can be demonstrated not to preclude the long-term redevelopment of the properties as set out in the approved comprehensive development plan, and this Plan;
- ii. A maximum floor space index of 2.1 shall be permitted prior to construction of the Kerr Street grade separation. A minor increase may be considered without amendment to this Plan where it can be demonstrated that long-term *development* shall still be coordinated with provision of the Kerr Street grade separation, and transportation infrastructure including road network capacity, provision of frequent transit, improved pedestrian and cycling facilities, and transportation demand management strategy.
- iii. As part of filing a complete planning application a phasing plan shall be required to the satisfaction of the Town and Region.
- iv. The phasing plan:
  - a. shall demonstrate no undue adverse impact on the continued operation of adjacent existing uses, or negative

- impact on the full implementation of the comprehensive development plan; and,
- b. should include plans with access through a planned full moves signalized intersection. Prior to construction of the Kerr Street grade separation, interim accesses may be considered where it is demonstrated that the access is safe, provides an appropriate level of service, and would not delay, add to the cost of or otherwise impact the construction of the grade separation.
- v. The phasing plan shall be supported by the following studies:
- a. A functional servicing report which comprehensively addresses the adequate provision of stormwater, water and wastewater infrastructure for the lands designated Urban Core at the northwest corner of Speers Road and Kerr Street, including downstream analysis;
  - b. A transportation demand management and implementation strategy; and,
  - c. A transportation impact study which coordinates *development* with the provision of transportation infrastructure.
- vi. As part of a complete application for subsequent phases of *development*, a transportation data validation study shall be required to monitor and measure the effectiveness of implementation of the transportation demand management strategy of the prior *development* phase. Observed travel patterns will be used to inform any transportation impact analysis required as part of a complete planning application.
- vii. In addition to the matters set out in section 28.4, through an implementing zoning by-law amendment, a holding provision:
- a) shall be used to secure for all upgrades and/or replacement of required stormwater, road network and water and wastewater infrastructure, if not already secured through other processes;

b) may be used to secure the execution of agreements related to the urban park and/or public access to the urban square; and,

c) may be used to secure the execution of cost sharing agreements.

h) Cost Sharing

- i. As part of a complete planning application, a cost sharing agreement shall be required which is administered by and entered into amongst all landowners within the comprehensive development plan. The cost sharing agreement shall demonstrate that costs associated with development including, but not limited to, the provision of parkland, infrastructure and servicing are distributed equitably amongst all landowners.
- ii. The Town may permit submission of a planning application without a cost sharing agreement, if the landowner undertakes to enter into such an agreement and consents to the Town imposing appropriate conditions to secure such an undertaking, as part of any approval of a planning application.”

III. Part E Section 23.8, Implementation Policies, is amended by deleting the existing exception policy 23.8.2 a) in its entirety and replacing it with:

“a) The Town may permit up to two storeys of increased height beyond the maximum permitted height in the areas of Kerr Village delineated on Schedule O1, without amendment to this Plan”

IV. Part E Section 23.8, Implementation Policies, is amended by deleting the existing exception policy 23.8.3 c) in its entirety, and replacing it with:

“c) In the Upper Kerr Village district west of Kerr Street north of Speers Road, an urban park is proposed, that:

- i. is a minimum of 0.4 hectares in size and located as conceptually shown on Schedule O2;
- ii. is accessed at street level and is connected to both Kerr Street and Speers Road by mid-block publicly accessible pedestrian connections;

- iii. may be subject to a financing and implementation agreement, to advance the design of the urban park followed by construction once all parts of the urban park are dedicated to the Town;
- iv. will be dedicated to the Town as public parkland; and,
- v. may be dedicated to the Town in a stratified arrangement, subject to the following, to the satisfaction of the Town:
  - a. The urban park shall be designed to function as public parkland, featuring a high quality public open space;
  - b. The value of the parkland contribution may be discounted, on those portions where the parkland is encumbered by below-grade private infrastructure or structures such as a private parking garage; and,
  - c. The landowner enters into an agreement with the Town to secure park design standards and specifications, design standards of below-grade private infrastructure and parkland maintenance arrangements and legal responsibilities.”

