



OAKVILLE

REPORT

Delegated Authority (Minor Zoning By-laws)

Meeting Date: June 27, 2023

FROM: Planning Services Department
Building Services Department

DATE: June 20, 2023

SUBJECT: Town-initiated Omnibus Zoning By-law Amendments Zoning By-law 2014-014 (File No. 42.25.22) - All lands south of Dundas Street and north of Highway 407 - By-law 2023-065

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

WARD: Town-wide Page 1

RECOMMENDATION:

1. That the comments from the public with respect to the Omnibus Zoning By-law Amendment, File No. 42.25.22, be received; and,
2. That By-law 2023-065, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2014-014, as amended (Omnibus Zoning By-law Amendment, File No. 42.25.22), be passed; and
3. That notice of the Commissioner's decision reflects that the Commissioner of Community Development has fully considered all written and oral submissions related to this matter and that these comments have been appropriately addressed.

KEY FACTS:

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

- Town-initiated amendments to Zoning By-law 2014-014, as amended (the "**Zoning By-law**") are part of an ongoing initiative to primarily make technical and administrative improvements to the Zoning By-law. The proposed amendments were prepared to address issues identified by Staff through the ongoing use of the Zoning By-laws, to improve interpretation and implementation and bring about conformity with the Official Plan.

- The matters addressed in this report are wide-ranging from correcting and clarifying existing wording, updating definitions, and adding definitions and provisions. Not all zones will be impacted by the proposed amendment.

BACKGROUND:

Zoning By-law 2014-014, as amended, 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 the Zoning By-laws, staff from the Building Services and Planning Services departments have identified issues and areas for clarification.

The matters addressed by the proposed amendments are wide-ranging – from correcting and clarifying existing wording, to adding new definitions and provisions, as detailed below. Not all zones will be impacted by the proposed amendments. If the amendments are approved, various side notes throughout the document may be updated administratively since, as provided in Section 1.9 of Zoning By-law 2014-014, these notes do not form part of the by-law.

Location & Site Description

Zoning By-law 2014-014, as amended, applies to all lands south of Dundas Street and north of Highway 407, which is indicated in Figure 1 below. All lands subject to Zoning By-law 2014-014, as amended, are affected by the proposed amendments to the text of the By-law. A number of individual sites are also affected by the proposed amendment through amended or additional site-specific regulations.

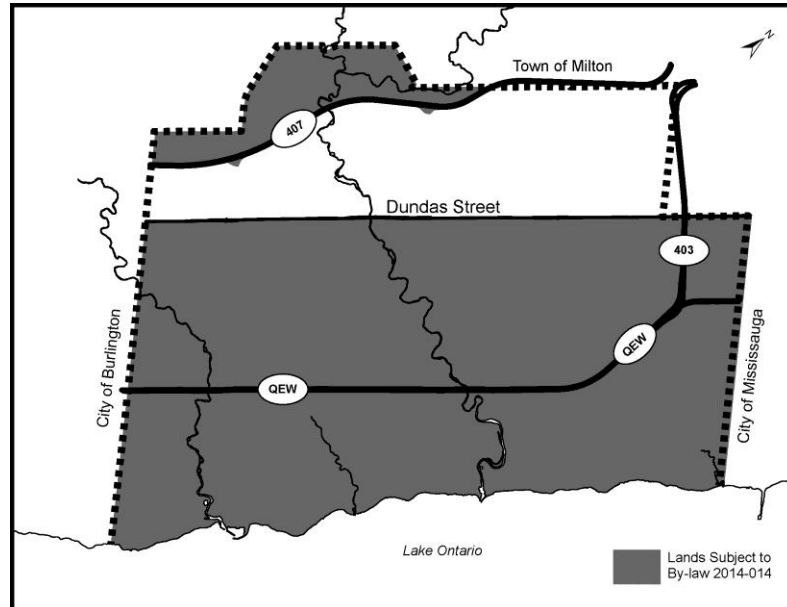


Figure 1: Key Map

TECHNICAL & PUBLIC COMMENTS:

Notice for the meeting regarding these amendments was published in the Oakville Beaver on June 1, 2023. Since that date, the Draft By-law has been available for review digitally through the Planning Services and Building Services Department Staff. No public comments have been received as of the date of this report. No objections or concerns were received as of the date of this report.

POLICY FRAMEWORK:

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

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.

Region of Halton Official Plan

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

Livable Oakville

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 this proposed omnibus amendment to Town of Oakville Zoning By-law 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, increase consistency with Zoning By-law 2009-189, bring about conformity with the Official Plan.

ANALYSIS:

The following chart details the specific changes that are proposed through the omnibus amendment to Zoning By-law 2014-014, as amended, and the reasons for those changes.

Proposed Change	Rationale
Part 3, Definitions , would be amended by:	
1. modifying the definition of “ <i>floor space index</i> ” by deleting “ <i>net floor area</i> ” from the definition and replacing it with “ <i>gross floor area</i> ”	- to clarify that floor space index is calculated using gross floor area and be consistent with the definitions used in the Livable Oakville Official Plan.
2. adding a new definition for “ <i>gross floor area</i> ” to clarify that floor space index will be calculated based on all the floors in a building measured from the exterior faces of the exterior walls excluding an attic, basement or mechanical penthouse.	- to be consistent with the Livable Oakville Official Plan
Part 4, General Provisions , would be amended by:	
3. adding a section to allow for the restoration or repair of unsafe buildings or reconstruction of existing buildings or structures damaged or destroyed by natural causes or by fire	- to be consistent with regulations under the North Oakville Zoning By-law 2009-189, as amended
Part 15, Special Provisions , would be amended by:	
4. deleting s. 15.49.1 b) in its entirety since it references section 4.1.2(b) which has been deleted.	- To avoid any confusion and assist with the interpretation of the Zoning By-law as the reference to section 4.1.2(b) is no longer applicable.

CONCLUSION:

By-law 2023-065, an amendment to Zoning By-law 2014-014, as amended, has been prepared to address housekeeping, technical and other matters described in this report. Staff recommends that By-law 2023-065 be approved (attached as Appendix “A”).

CONSIDERATIONS:

(A) PUBLIC

Notice for the meeting regarding these amendments was published in the Oakville Beaver on June 1, 2023. Since that date, the proposed Zoning By-law amendment has been available for review digitally through Planning Services and Building Services Department 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 liveable 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.

APPENDICES:

Appendix A – By-law 2023-065

Prepared by:

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Recommended by:

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Submitted by:

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Director, Planning Services Director and Chief Building Official,
Building Services

Choose an name. Choose a district.