

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2021-103

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as 1019 and 1059 Dundas Street East (Capoak Inc., and Redoak G & A Inc.) – Z.1310.16

COUNCIL ENACTS AS FOLLOWS:

1. Map 12(6) of By-law 2009-189, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by deleting the header on Section 8.68 and replacing it as follows:

68	Mattamy (Joshua Creek) Limited	Parent Zone: GU
Map 12(6)	Part of Lot 9, Concession 1, NDS Capoak Inc. and Redoak G & A Inc. Part of Lot 10, Concession 1, NDS	(2019-062) (2021-103)

3. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.104 as follows:

104	Capoak Inc. and Redoak G & A Inc.	Parent Zone: S
Map 12(6)	Part of Lot 10, Concession 1, NDS	(2021-103)
8.104.1 Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	A <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.	
b)	<i>Porches</i> shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.	

8.104.2 Special Site Provisions	
a)	Notwithstanding the definition of “ <i>Lot Frontage</i> ” the minimum <i>lot frontage</i> shall be measured at a setback of 6 metres from the <i>front lot line</i> .

4. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.105 as follows:

105	Capoak Inc. and Redoak G & A Inc. Part of Lot 10, Concession 1, NDS	Parent Zone: GU (2021-103)
Map 12(6)		
8.105.1 Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	A <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.	
b)	<i>Porches</i> shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.	

5. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.106 as follows:

106	Capoak Inc. and Redoak G & A Inc. Part of Lot 10, Concession 1, NDS	Parent Zone: NC (2021-103)
Map 12(6)		
8.106.1 Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	A <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.	
b)	<i>Porches</i> shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.	

6. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.107 as follows:

107	Capoak Inc. and Redoak G & A Inc. Part of Lot 10, Concession 1, NDS	Parent Zone: NC
Map 12(6)		(2021-103)
8.107.1 Only Permitted Building Type		
The following <i>Building Types</i> are the only <i>Building Types</i> permitted:		
a)	<i>Mixed use building</i>	
b)	<i>Commercial/residential building</i>	
8.107.2 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Minimum and maximum <i>Floor Space Index</i> shall not apply to a <i>commercial/residential building</i>	
b)	Minimum <i>height</i>	2 <i>storeys</i> and 8 m
c)	Maximum <i>height</i>	6 <i>storeys</i> and 21 m
d)	Minimum <i>height</i> of the <i>first storey</i> for a <i>mixed use building</i>	4.5 m

7. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.108 as follows:

108	Capoak Inc. and Redoak G & A Inc.	Parent Zone: DUC
Map 12(6)	Part of Lot 10, Concession 1, NDS	(2021-103)
8.108.1 Additional Permitted Building Type		
The following additional <i>building</i> types are permitted:		
a)	Townhouse dwelling unit street access private garage	
b)	Townhouse dwelling back-to back	
8.108.2 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Apartments, mixed use buildings, and commercial/residential buildings shall be the only permitted <i>building</i> types within 50 metres of Dundas Street East.	
b)	Minimum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East.	6 storeys and 20 m

c)	Maximum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East.	8 storeys and 29.5 m
d)	Maximum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East (upon execution of a Section 37 Agreement).	12 storeys and 45 m
e)	Minimum number of <i>dwelling units</i>	225
f)	Minimum <i>height</i> of the <i>first storey</i> of a <i>mixed use building</i> or <i>commercial/residential building</i> for non-residential and ancillary <i>residential uses</i> .	4.5 m
g)	Minimum <i>floor area</i> for non-residential <i>uses</i>	800 m ²
h)	The <i>lot line</i> abutting Dundas Street East shall be deemed the <i>front lot line</i> .	
i)	Non-residential <i>uses</i> on the <i>first storey</i> must be oriented toward the <i>flankage lot line</i> and ancillary <i>residential uses</i> are permitted to occupy a maximum of 15% of the length of the main wall oriented toward the <i>flankage lot line</i> .	
j)	Notwithstanding Section 8.108.2 i), non-residential <i>uses</i> on the <i>first storey</i> may be oriented toward the <i>front lot line</i> .	
k)	Non-residential units located on the <i>first storey</i> shall have a minimum of one main entrance oriented towards a <i>street</i> or an outdoor <i>amenity area</i> .	
l)	Designated residential visitor <i>parking spaces</i> may be counted toward non-residential <i>parking spaces</i> and may be provided in any combination.	
m)	Ventilation shafts/housing and stairways associated with an underground <i>parking structure</i> are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> .	

8.108.3 Special Site Provision

The following regulations apply to *townhouse dwelling* or *townhouse dwelling back-to-back* on individual freehold *lots* or parcels of tied land:

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| a) | Section 8.108.2 shall not apply |
| b) | Standards of the Neighbourhood Centre (NC) <i>Zone</i> shall apply |
| c) | <i>Townhouse dwelling</i> or <i>townhouse dwelling back-to-back</i> shall not be located within 50 m of Dundas Street East |

8.108.4 Bonusing Provisions

In order to permit the increased *height* permissions contained in this Special Provision, zoning compliance for *height* above 8 storeys for an *apartment building* or *mixed use building* shall be dependent upon the registration on title of an agreement or agreements pursuant to Section 37 of the Planning Act. The owner of the subject lands shall provide to the satisfaction of the Town, 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 28.6 of the Town's Livable Oakville Plan.
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8. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.109 as follows:

109	Capoak Inc. and Redoak G & A Inc.	Parent Zone: DUC
Map 12(6)	Part of Lot 10, Concession 1, NDS	(2021-103)
8.109.1 Additional Permitted Building Type		
The following additional <i>building</i> types are permitted:		
a)	Townhouse dwelling unit street access private garage	
b)	Townhouse dwelling back-to back	
8.109.2 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Apartments, mixed use buildings, and commercial/residential buildings shall be the only permitted <i>building</i> types within 50 metres of Dundas Street East.	
b)	Minimum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East.	6 storeys and 20 m
c)	Maximum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East.	8 storeys and 29.5 m
d)	Maximum <i>height</i> for <i>buildings</i> within 50 metres of Dundas Street East (upon execution of a Section 37 Agreement).	12 storeys and 45 m
e)	Minimum number of <i>dwelling units</i>	275
f)	Minimum <i>height</i> of the <i>first storey</i> of a <i>mixed use building</i> or <i>commercial/residential building</i> for non-residential and ancillary <i>residential uses</i> .	4.5 m
g)	Minimum <i>floor area</i> for non-residential <i>uses</i>	800 m ²
h)	The <i>lot line</i> abutting Dundas Street East shall be deemed the <i>front lot line</i> .	
i)	Non-residential <i>uses</i> on the <i>first storey</i> must be oriented toward the <i>flankage lot line</i> and ancillary <i>residential uses</i> are permitted to occupy a maximum of 15% of the length of the main wall oriented toward the <i>flankage lot line</i> .	
j)	Notwithstanding Section 8.109.2 i), non-residential <i>uses</i> on the <i>first storey</i> may be oriented toward the <i>front lot line</i> .	

k)	Non-residential units located on the <i>first storey</i> shall have a minimum of one main entrance oriented towards a <i>street</i> or an outdoor <i>amenity area</i> .
l)	Designated residential visitor <i>parking spaces</i> may be counted toward non-residential <i>parking spaces</i> and may be provided in any combination.
m)	Ventilation shafts/housing and stairways associated with an underground <i>parking structure</i> are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> .
8.109.3 Special Site Provision	
The following regulations apply to <i>townhouse dwelling</i> or <i>townhouse dwelling back-to-back</i> on individual freehold <i>lots</i> or parcels of tied land:	
a)	Section 8.109.2 shall not apply
b)	Standards of the Neighbourhood Centre (NC) <i>Zone</i> shall apply
c)	<i>Townhouse dwelling</i> or <i>townhouse dwelling back-to-back</i> shall not be located within 50 m of Dundas Street East
8.109.4 Bonusing Provisions	
In order to permit the increased <i>height</i> permissions contained in this Special Provision, zoning compliance for <i>height</i> above 8 <i>storeys</i> for an <i>apartment building</i> or <i>mixed use building</i> 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, 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 28.6 of the Town's Livable Oakville Plan.

9. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.110 as follows:

110	Capoak Inc. and Redoak G & A Inc.	Parent Zone: NC
Map 12(6)	Part of Lot 10, Concession 1, NDS	(2021-103)
8.110.1 Zone Provisions		
The following regulations apply to all lands identified as subject to this special provision:		
a)	Minimum lot depth <i>Townhouse dwelling Unit street access private garage</i>	20 m
b)	Minimum lot depth <i>Townhouse dwelling unit lane access</i>	16.5 m

c)	A <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.
d)	<i>Porches</i> shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.

10. Part 9, Holding Provisions, of By-law 2009-189, as amended, is further amended by adding a new Sections 9.3.51 as follows:

H51	Capoak Inc. and Redoak G & A Inc. Part of Lot 10, Concession 1, NDS	Parent Zone: DUC, GU
Map 12(6)		(2021-103)
9.3.51.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	Legal <i>uses</i> , <i>buildings</i> and <i>structures</i> existing on the <i>lot</i>	
9.3.51.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed from all or part of the lands subject to the “H” symbol by <i>Town Council</i> passing a By-law under Section 36 of <i>the Planning Act</i> . The following condition(s) shall first be completed to the satisfaction of the Town of Oakville and the Region of Halton:		
a)	The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;	
b)	The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements.	
c)	The Owner shall have made all required payments associated with the Allocation Program;	
d)	The Owner shall be in receipt of the Region of Halton Public Works Commissioner’s Notice (PWCN) letter; and	
e)	The registration on title of a Section 37 Agreement per <i>the Planning Act</i> , for Dundas Urban Core blocks 198 and 199, where applicable.	

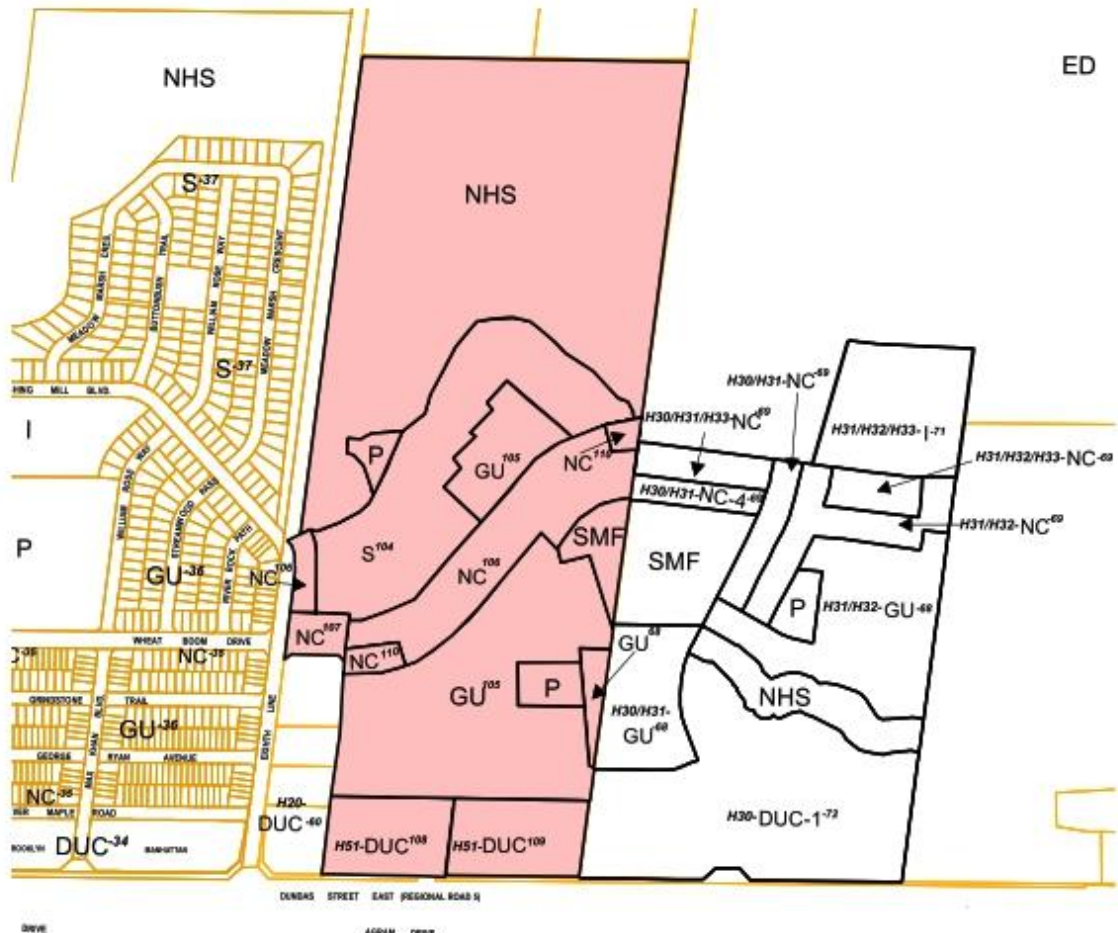
11. This By-law comes into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED this 9th day of August, 2021

MAYOR

CLERK

SCHEDULE "A"
To By-law 2021-103



AMENDMENT TO BY-LAW 2009-189



Rezoned from Existing Development (ED) to
Natural Heritage System (NHS)
Park (P)
Sub-Urban (S sp:104)
General Urban (GU sp:105)
General Urban (GU sp:68)
Neighbourhood Centre (NC sp:106)
Neighbourhood Centre (NC sp:107)
Neighbourhood Centre (NC sp:110)
Stormwater Management Facility (SMF)
Dundas Urban Core (H51 DUC sp:108)
Dundas Urban Core (H51 DUC sp:109)

EXCERPT FROM MAP
12 (6)



SCALE 1 : 7100