

REPORT

Planning and Development Council

Meeting Date: April 22, 2025

FROM: Planning and Development Department

DATE: April 8, 2025

SUBJECT: Public Meeting and Recommendation Report for Zoning By-law Amendment at 348 MacDonald Road (former OTMH site) by Fernbrook Homes (OTMH) Ltd., File No. Z.1613.67 – By-law 2025-078

LOCATION: 348 MacDonald Road

WARD: Ward 3 .

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RECOMMENDATION

1. That the proposed Zoning By-law Amendment application submitted by Fernbrook Homes (OTMH) Ltd. (File No. Z.1613.67), be approved on the basis that the application is consistent with the Provincial Planning Statement, conforms with 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 outlined in the report from the Planning and Development Department dated April 8, 2025.
2. That By-law 2025-078, an amendment to Zoning By-law 2014-014, be passed.
3. That the notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS

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

- **Nature of the Application:** The landowner has applied for a Zoning By-law Amendment to modify the existing special provision 383 as it applies to lands zoned RL3-0 within the former Oakville Trafalgar Memorial Hospital (OTMH) site.
- **Proposal:** Zoning By-law Amendment that would have the effect of modifying the existing RL3-0 SP 383 regulations to allow for greater architectural variety in the design of the future detached dwelling units and to facilitate additional housing options within the development. This amendment applies to 15 of the 19 lots for detached dwellings. This application does not propose any additional residential lots and the future townhouse units will not be affected by the proposed rezoning.
- **Location:** The subject lands are located on the south side of MacDonald Road between Reynolds Street and Allan Street.
- **Policy Context:** The subject lands are designated “*Urban Area*” in the Region of Halton Official Plan, and “*Low Density Residential*” within the Livable Oakville Plan (Schedule G – South East Land Use Schedule).
- **Zoning:** The subject lands are zoned *RL3-0 (Residential Low) Special Provision 383* within the Zoning By-law 2014-014, as amended.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting (“PIM”) was held on December 17, 2024 and was attended by 13 people including the Ward Councillors, staff and members of the public. Minutes of the PIM are included in Appendix ‘D’. A consolidated Statutory Public Meeting and Recommendation Report is being presented to Council on April 22, 2025. At the time of writing this report, three letters of objection have been received from members of the public.
- **Timing:** This application was submitted and deemed complete on February 10, 2025. In accordance with the *Planning Act*, Council has 90 days to make a decision on the application, with the deadline being May 11, 2025. If no decision is made by this date, the applicant is eligible to file an appeal for non-decision.
- **Recommendation:** Staff recommend approval of the Zoning By-law Amendment application as the proposed modifications provides for greater variety in the architectural styles of the dwelling units while maintaining the

neighbourhood character, facilitates additional housing options within the development, and is consistent with the Provincial Planning Statement, conforms to the Region of Halton Official Plan and the general intent and purpose of the Livable Oakville Plan.

BACKGROUND

Development of the former OTMH site was evaluated through an extensive and comprehensive review several years ago resulting in new Official Plan policies and approval of a draft plan of subdivision for the subject site.

The 2017 OTMH Master Plan was informed by public consultation on various options to redevelop the site. The Master Plan incorporated a new community centre and park, residential development, parking garage, and preservation of the Oakville-Trafalgar High School in association with an area for future seniors-oriented housing.

In 2017 and 2018, Town-initiated Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision applications were approved to establish the land use permissions necessary to implement the Council endorsed Master Plan.

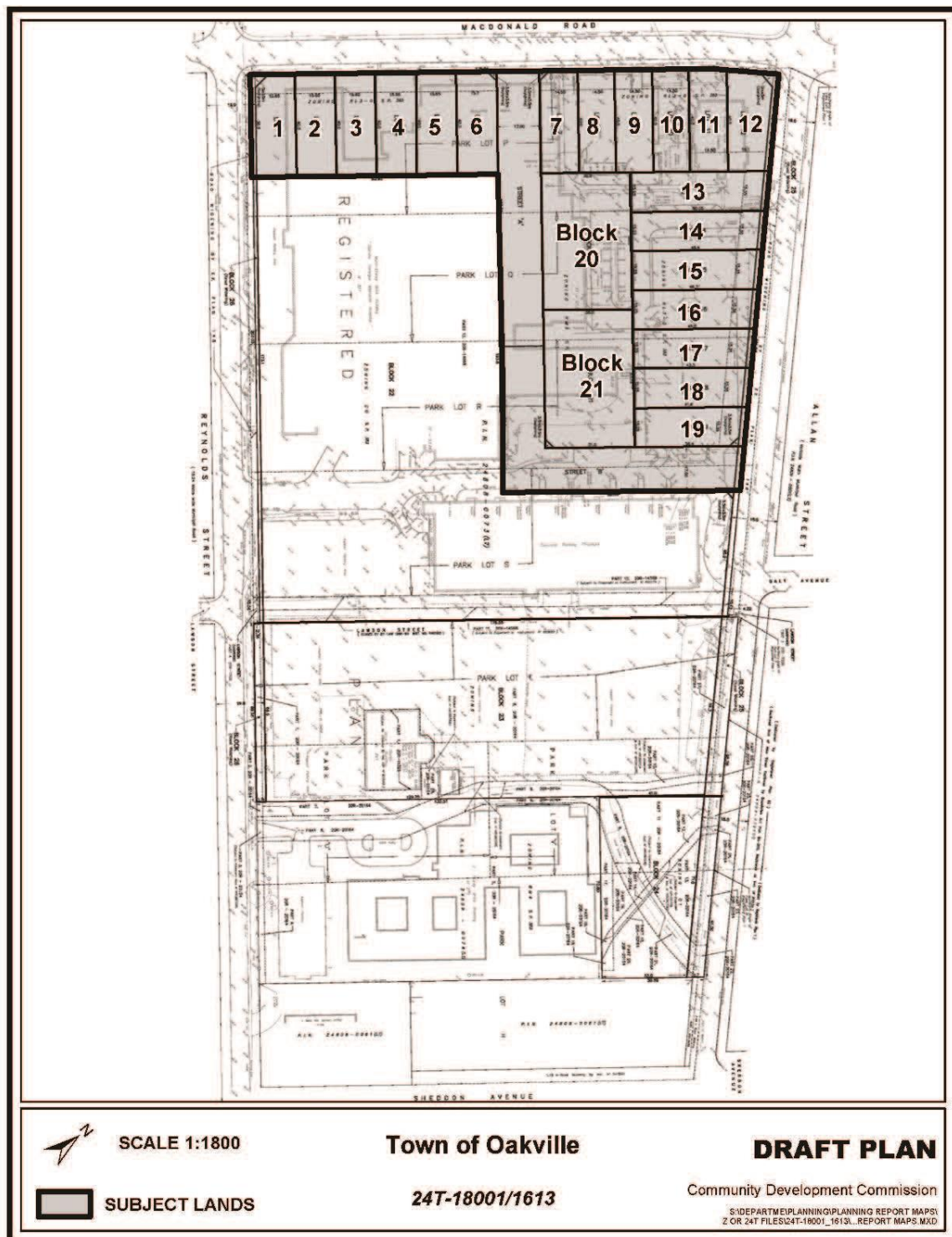


Figure 1 – Draft Plan of Subdivision

In 2022, the lands were sold to Fernbrook Homes (OTMH) Ltd. (the applicant) to develop the residential portion of the site, in accordance with the approved OPA, ZBA, and Draft Plan of Subdivision (Figure 1). The applicant has been working through the conditions of Draft Plan Approval to obtain subdivision registration and begin construction of the future dwelling units. These efforts have included evaluating the proposed architectural style and details of the dwellings and how they maintain and protect the character of the neighbourhood.

To date, the applicant has constructed the new public road, completed grading, and installed underground services for the site.

Proposal

The applicant proposes a Zoning By-law Amendment to modify the existing special provisions as it affects 15 of the 19 detached dwellings. The modifications include one or multiple deviations as follows:

- Height of the dwelling
- Height of the detached garage with an Additional Residential Unit (ARU)
- Total lot coverage including a detached garage
- Increase in garage door width for an attached garage

The applicant's proposed modifications would have the effect of creating greater variety in architectural features consistent with the neighbourhood character and facilitate additional dwelling types in the form of accessory dwelling units above a detached garage, which is discussed later in this report.

Location & Site Description

The subject property is located on the south side of MacDonald Road, east of Reynolds Street and on the west side of Allan Street south of MacDonald Road. The lands are municipally known as 348 MacDonald Road and 327 Reynolds Street.

The entire OTMH lands are approximately 6.7 hectares in area. The portion of the lands which are subject to the Draft Plan of Subdivision are approximately 2 hectares in area. Lots 1-7 and 12-19 (shown in Figure 1 above) are affected by the subject application.

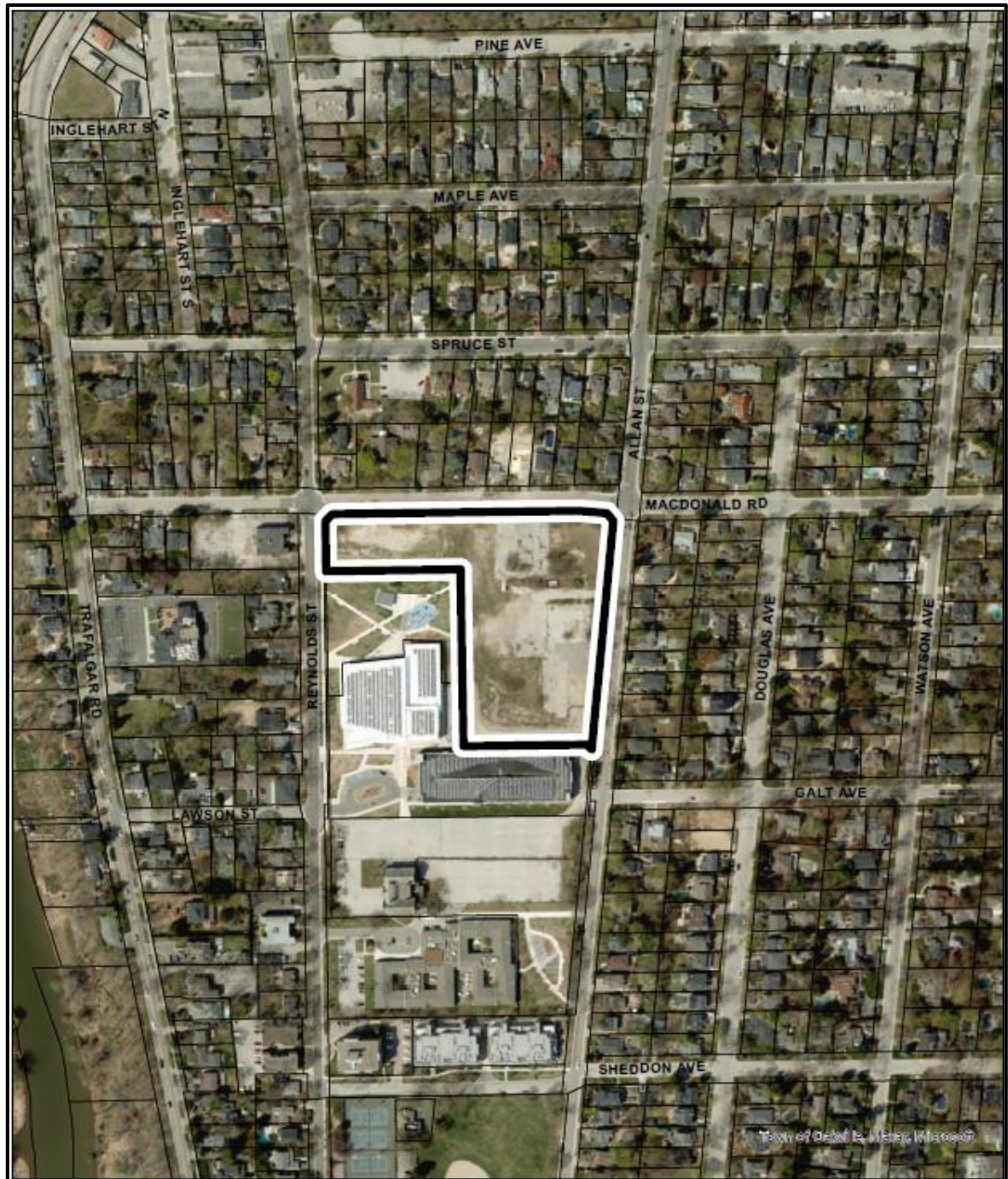


Figure 2 – Aerial Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North and East: One, one-and-a-half, and two-storey detached dwellings
South and West: Oakville Trafalgar Community Centre
South: Former Oakville Trafalgar High School, long-term care facility (Wyndham Manor), six-storey apartment building, townhouse dwellings on Sheddon Avenue and Wallace Park
West: One, one-and-a-half, and two-storey detached dwellings, four-storey apartment buildings and vacant three-storey building (future townhouse development)

PLANNING POLICY & ANALYSIS

The properties are subject to the following policy and regulatory framework:

- *Planning Act*
- Provincial Planning Statement (2024)
- Halton Region Official Plan (implemented by the Town)
- Livable Oakville Plan
- Zoning By-law 2014-014

Planning Act, R.S.O., 1990

In 2023, the Province of Ontario passed Bill 97 (*Helping Homebuyers, Protecting Tenants Act*, 2023, S.O. 2023, c.10) introducing Section 35.1 into the *Planning Act*. Bill 97 establishes the as-of-right permission to provide a maximum of three residential units on a parcel of urban residential land containing a detached house, semi-detached house or rowhouse. Subsequently in 2024, the Province passed Bill 185 (*Cutting Red Tape to Build More Homes Act*, 2024, S.O. 2024, c.16) to provide further direction and clarity on the provisions for Additional Residential Units (ARUs).

Recently, Ontario Regulation 462/24 (amending O.Reg. 299/19) was brought into force to provide guidance on the implementation of Section 35.1 of the *Planning Act*.

The proposed application requests an amendment to the maximum height of an accessory building where an ARU is provided, whereas O.Reg. 462/24 does not stipulate a height regulation. On this basis, the height of the accessory building that would contain an ARU requires an amendment to the Zoning By-law.

The proposed rezoning application also has the effect of further modifying the by-law to address architectural changes that promote a greater variety of architectural styles that maintain the neighbourhood character. With respect to matters of Provincial interest, Section 2 of the *Planning Act* directs the municipality to have regard for:

*“(r) the promotion of built form that,
(i) is well-designed, [and]
(ii) encourages a sense of place”*

On this basis, it is staff’s opinion that the proposal conforms to the *Planning Act* and has regard for matters of Provincial interest.

Provincial Planning Statement

On October 20, 2024, the new Provincial Planning Statement, 2024 (PPS) came into effect and replaced the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019).

The new PPS 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. All planning decisions must be consistent with the PPS.

Policy 2.2.1 directs municipalities to provide a range of housing options to meet projected and future needs. The purpose of the application, in part, is to facilitate Additional Residential Units (ARUs) within detached structures to support additional housing opportunities. Proposed modifications to the existing zoning on the site continues to facilitate the redevelopment of the former hospital lands and provide new housing options within the neighbourhood.

On this basis, the application is consistent with the PPS.

Halton Region Official Plan

As of July 1, 2024 (Bill 185), the responsibility of the Halton Region Official Plan rests with the Town of Oakville.

The subject lands are designated as ‘Urban Area’. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities.” One of the objectives of the Urban Area (Policy 72(1)) is to:

“accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently”.

As described above, no new lots are proposed through the subject application; however, the effect of the application accommodates development of the former hospital site.

On this basis, the application conforms to the Region of Halton Official Plan.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011 and is currently under-going a 5 year Official Plan Review to ensure the policies are consistent with the latest Provincial and Regional policies, support the Town's strategic goals, and reflect the vision and needs of the community.

On September 27, 2017, Council adopted Official Plan Amendment 15 (OPA 15) to the Livable Oakville Plan, which established the Town's Urban Structure.

The subject lands are identified as Residential Areas noted on Schedule A1. As stated in Section 3 of the Livable Oakville Plan:

“The urban structure sets out the framework for where and how the Town will grow and how to determine Oakville’s character and form.

Urban structure elements are not intended to be land use designations, and are not intended to grant development rights or to predetermine the specific land uses that will be permitted on any particular parcel of land.”

The proposed amendment is consistent with the Town's Urban Structure.

In January 2018, Official Plan Amendment 23 (OPA 23) to the Livable Oakville Plan came into effect. This amendment implemented the preferred Master Plan for the former OTMH site endorsed by Council in June 2017. OPA 23 enabled the redevelopment of the property for a community centre, park, parking garage, and residential land uses, as well as seniors' oriented housing. The site-specific Zoning and Draft Plan of Subdivision were subsequently approved in 2017 and 2018, respectively.

The portion of the subject property which is subject to this application is designated *Low Density Residential* as identified on Schedule G – South East Land Use within the Livable Oakville Plan (Figure 3).

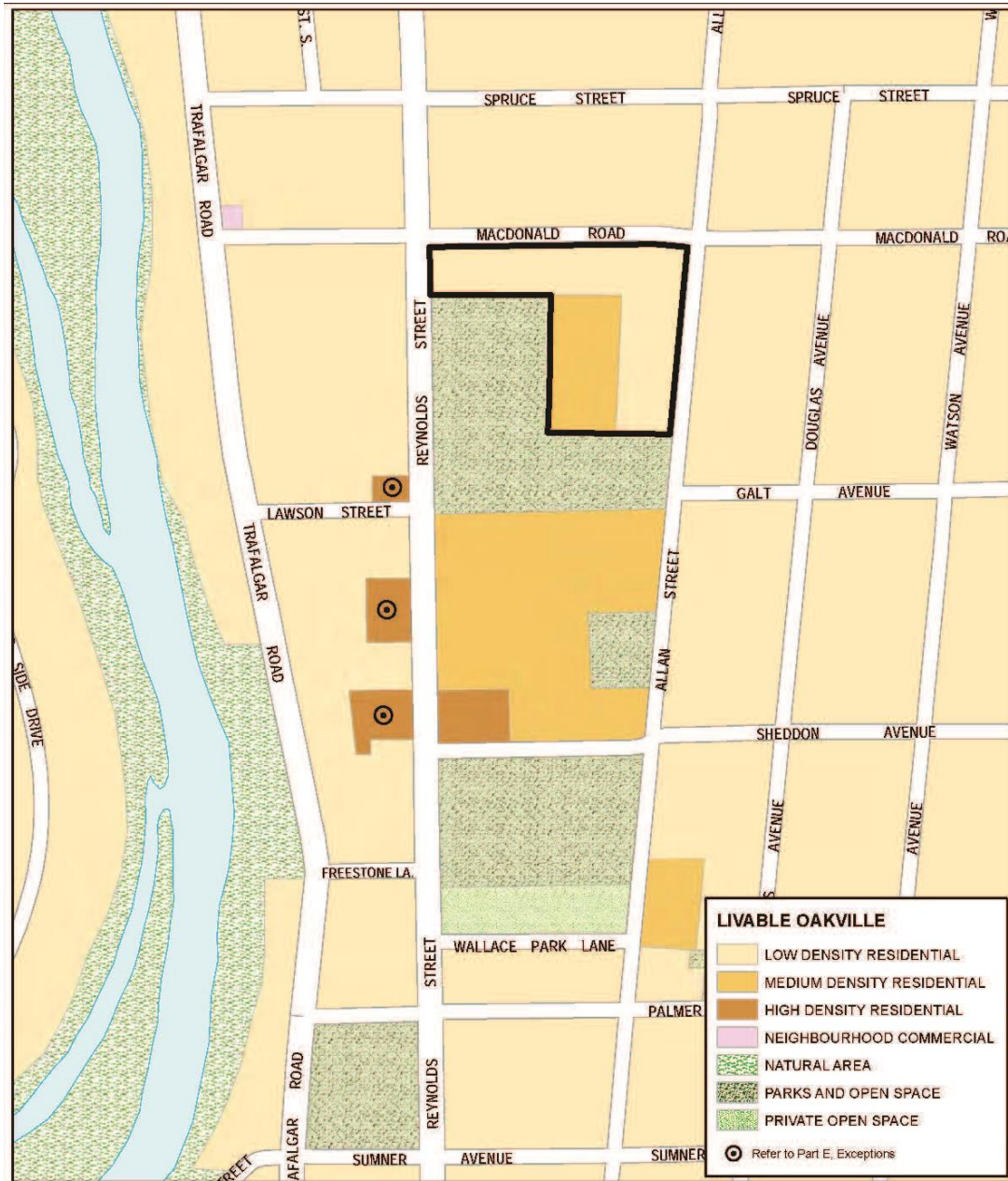


Figure 3: Livable Oakville Plan

The policy criteria within Section 11.1.9 for evaluating development applications within stable residential communities is as follows:

“11.1.9 *Development* within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood *character*.”

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- a) The built form of *development*, including scale, height, massing, architectural *character* and materials, is to be *compatible* with the surrounding neighbourhood.
 - b) *Development* should be *compatible* with the setbacks, orientation and separation distances within the surrounding neighbourhood.
 - c) Where a *development* represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent *development*.
 - d) Where applicable, the proposed lotting pattern of *development* shall be *compatible* with the predominant lotting pattern of the surrounding neighbourhood.
 - e) Roads and/or municipal *infrastructure* shall be adequate to provide water and wastewater service, waste management services and fire protection.
 - f) Surface parking shall be minimized on the site.
 - g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.
 - h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.
 - i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.
 - j) *Development* should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.
 - k) The transportation system should adequately accommodate anticipated traffic volumes.
 - l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.”

The surrounding neighbourhood consists primarily of one, one-and-a-half, and two-storey detached dwellings reflecting both original and new housing stock. Staff note there that lands to the west of Reynolds Street are approved for three-storey

townhouse dwellings, and there are apartment dwellings in the greater surrounding neighbourhood. The variety of detached dwellings contribute to an established character of having varying heights, front porches, attached and detached garages for both one and two vehicles, along with traditional and contemporary architectural styles. Policy 11.1.9 a) specifically directs that built form, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

The application proposes modifications to the by-law to facilitate dwellings that have similar heights, porches, a variety of garage styles and an architectural character that is found within the neighbourhood and maintains the character of the surrounding area. It is staff's opinion that the application continues to protect the neighbourhood character and provides opportunities for additional housing options within the neighbourhood.

On this basis, the proposal conforms to the Official Plan.

Zoning By-law

The subject lands are zoned RL3-0 subject to SP 383, which was applied through a Town-initiated ZBA process to implement the Council endorsed Master Plan for the former OTMH site. The surrounding neighbourhood is predominantly subject to the "-0" suffix zone, subject to Special Provision 10, specifically east of Reynolds Street as shown in Figure 4 below. Special Provision 10, limits height, lot coverage, and floor area ratio, among other regulations. Special Provision 383 was introduced to reflect elements of Special Provision 10 for the subject lands.

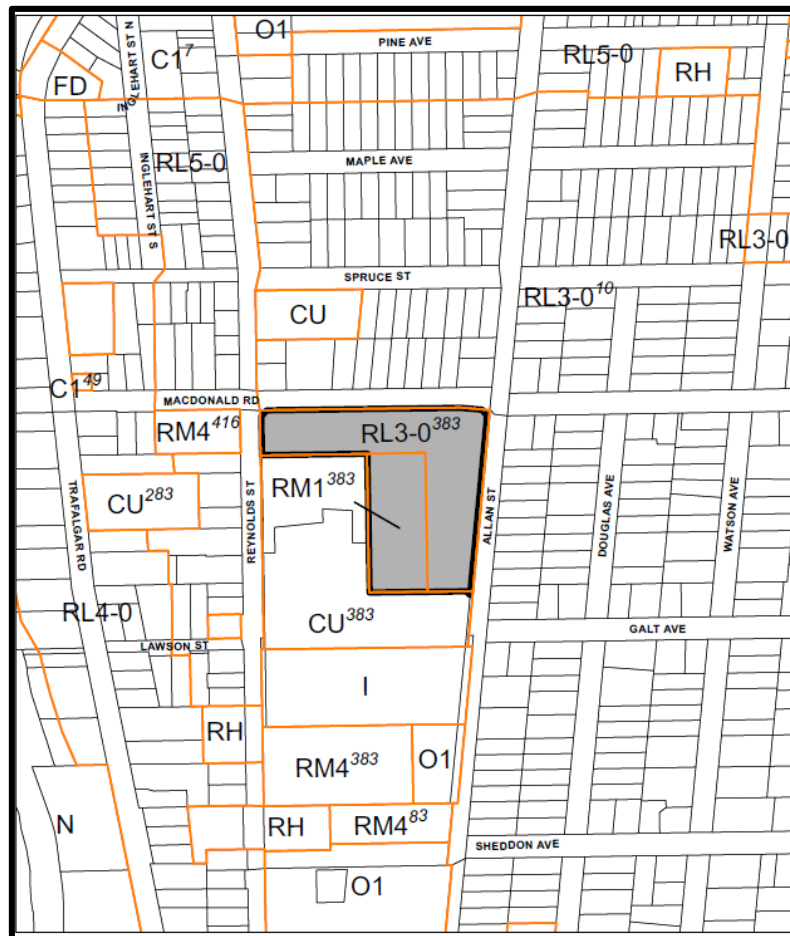


Figure 4 – Zoning By-law Extract

Special Provision 383 for the detached dwellings within this site is as follows:

383	291, 327 Reynolds Str., 348 Macdonald Rd former Oakville Trafalgar Memorial Hospital site	Parent Zone: RL3-0, CU, RM1, RM4 (2017-131)
Map 19(8)		
15.383.1 Zone Provisions for RL3-0-383		
The following additional regulations apply to all lands identified as RL3-0-383:		
a)	Minimum lot frontage	14.5 m
b)	Maximum lot coverage for all buildings and structures	25%
c)	Minimum landscaping coverage within 7.5m of the property line in the front yard	60%
d)	Maximum garage door width facing a road for an attached private garage	3.5 m
e)	Maximum number of garage doors facing the road for an attached private garage	1
f)	Maximum total floor area for a private garage	38 sq.m
g)	Minimum interior side yard for a detached dwelling having one and one half storeys and an attached private garage	1.5 m on both sides
h)	Minimum interior side yard for a detached dwelling having two storeys and an attached private garage	1.8 m on both sides
i)	Minimum flankage yard	1.8 m

SP 383 was intended to reflect both the SP10 and the specific characteristics of the neighbourhood.

The applicant proposes further modifications that were not considered as part of the original Town-initiated amendment, but also provides for greater variety in the architectural styles to better maintain the character of the neighbourhood as described later in this report.

The applicant's requested modifications include:

- lot specific increases in lot coverage where a detached garage is provided;
- lot specific increase in height to the dwelling accommodate changes in grade throughout the site;
- lot specific increases in garage door width for an attached garage to accommodate double car garages; and
- lot specific increases in height for an accessory building to accommodate ARUs.

Staff note that not all affected lots are subject to all four modifications. The applicant has provided a chart that highlights the lot specific changes over the impacted 15 detached dwelling lots (Appendix "B"). The zoning for the townhouse blocks is not included in this proposal, and no new lots are proposed with the subject application. Figure 5 together with Table 1 below identifies the lots subject to the by-law modifications:

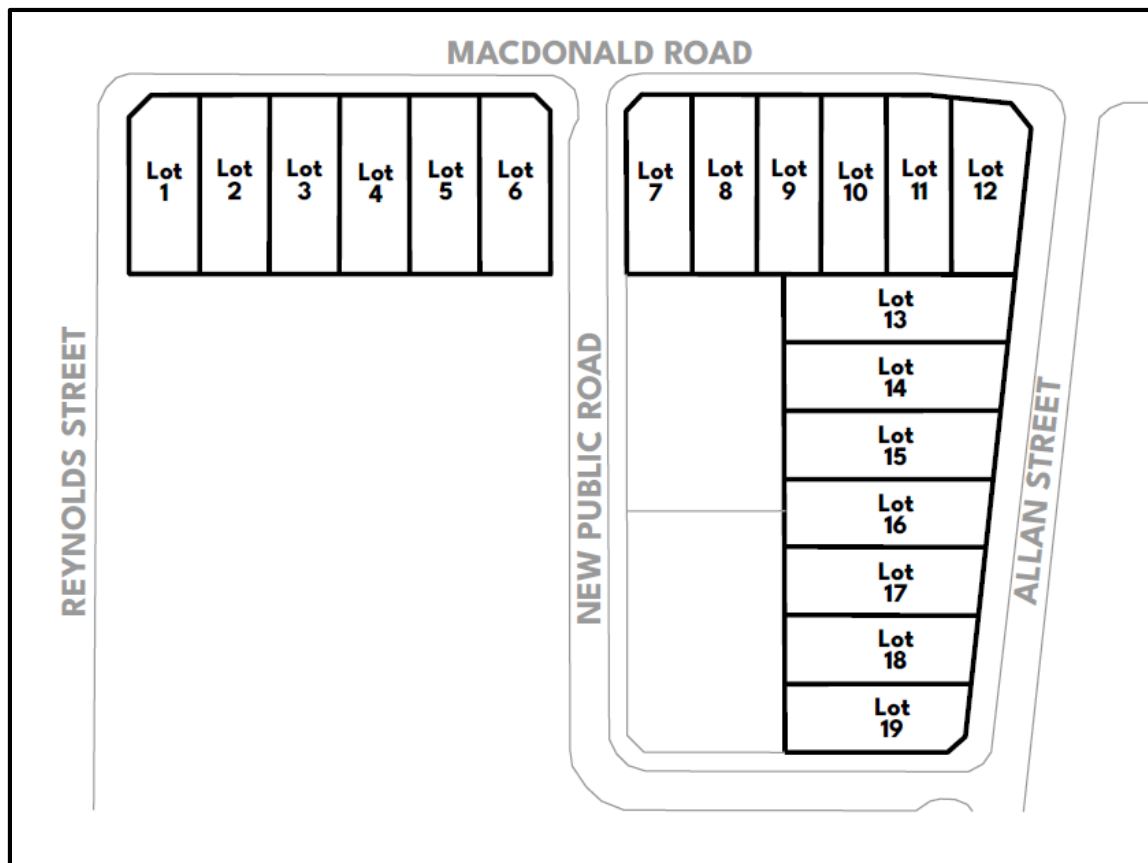


Figure 5 – Affected Lots

Table 1 – By-law Modifications

Lot Number	Maximum height instead of 9.0m	Maximum lot coverage instead of 25%	Maximum height for a detached garage with an Additional Dwelling Unit instead of 6.0m	Maximum garage door width facing a road for an attached private garage instead of 3.5m
1	9.80m	29.00%	6.93m	
2	9.26m			4.98m
3				4.98m
4				4.98m
5	9.74m			4.98m
6	9.41m	28.80%	6.52m	
7	9.86m	28.97%	6.99m	
12	9.47m	28.88%	8.09m	

13	9.73m			4.98m
14	9.86m			4.98m
15	9.53m	27.51%	7.44m	
16	9.91m			4.98m
17	9.80m			4.98m
18	9.15m			4.98m
19	9.67m	28.99%	7.64m	

Housing Pledge and Strategy

Over the past few years, provincial initiatives such as the More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023, and resulting legislation (e.g. Bill 109, Bill 23, Bill 97) have been enacted with the intent to address Ontario's housing crisis by increasing housing supply and accelerating housing delivery.

In response to provincial legislation, on March 20, 2023, Council approved Oakville's Housing Pledge to facilitate the delivery of 33,000 new housing units by 2031/2032, which aims to accelerate the delivery of housing over the next 10 years.

In December 2024, Council approved the Housing Strategy and Action Plan, which is structured around six goals and objectives intended to achieve positive housing outcomes. In part, the proposed zoning modifications facilitate the opportunity for additional housing options, thereby reinforcing the Town's commitment to meeting the need for housing and addressing the demands of Ontario's growing population. The Town is also committed to ensuring that growth is contextually appropriate and financially sustainable.

TECHNICAL & PUBLIC COMMENTS

Planning staff circulated the development application to internal departments and external agencies for a full assessment of the proposal. There were no objections to the development proposal as it intends to facilitate the previously approved development for the site.

Since the original approval, changes to the *Planning Act* have occurred to establish the as-of-right permission to allow for a maximum of three dwelling units per lot, which is in effect for this area and all of Oakville. Further guidance provided by O.Reg. 462/24 allows for increases in lot coverage up to 45% and no restriction of floor area ratio to accommodate ARUs.

It is staff's opinion that the proposed modifications further enhance the variety of architectural styles and housing options in the neighbourhood in a manner that maintains and protects the character of the neighbourhood as demonstrated in Figure 6 below:



Figure 6 – Proposed Streetscape

As a condition of subdivision registration, the house designs are subject to architectural control and have been approved by the control architect. The proposed dwellings have been designed in consideration of the surrounding character and current housing needs. The streetscape will include dwellings with porches, varied front yard setbacks, detached garages, single and double-car attached garages, second floor areas integrated into the roofline, and a balanced mixture of both traditional and contemporary architectural styles all of which are found in the immediate and surrounding neighbourhood.

Additional conditions of the subdivision registration include tree protection measures and tree planting. The proposed modifications maintain the approved tree protection plan and provide opportunities for new tree planting in accordance with the tree planting plan reviewed with the subdivision.

The applicant continues to work through the draft plan of subdivision conditions and anticipates registration and construction in the coming months.

Public Comments

At the time of writing this report, the Town has received three letters of objection. The primary concerns raised are with respect to the increases in height, and the request for further modifications in general. It is also noted that the letters raise concerns related to the on-going construction activity, servicing installations, and road conditions.

As discussed above, it is staff's opinion that the proposed modifications on a lot specific basis represent opportunities to create additional variety in the architectural styles and better maintain the neighbourhood character.

CONCLUSION

Staff recommends approval of the Zoning By-law Amendment application, which will further modify Special Provision 383 for 15 dwellings lots related to dwelling height, accessory building height, lot coverage and garage door width.

The proposal maintains and protects the character of the neighbourhood by providing additional architectural variety throughout the development.

Staff is satisfied that the proposed development is consistent with the Provincial Planning Statement, has regard for matters of Provincial interest, conforms to the Halton Region Official Plan, and represents good planning. Further, the application is consistent with the objectives of the Livable Oakville Plan, specifically Policy 11.1.9. Staff recommend approval of the proposed Zoning By-law Amendment application on the following basis:

- The proposed application is consistent with the land use policies of the Livable Oakville Plan and Zoning By-law.
- The proposed development continues to provide an appropriate form of intensification within a stable residential neighbourhood.
- The proposed development is consistent with the Provincial Planning Statement, and conforms to the Halton Region Official Plan and Livable Oakville Official Plan.
- Comments from the public have been appropriately addressed.

CONSIDERATIONS

(A) PUBLIC

An applicant-initiated virtual Public Information Meeting (“PIM”) was held on December 17, 2024 and was attended by 13 people including the Ward Councillors, staff and members of the public. PIM Minutes are included in Appendix ‘D’. A consolidated statutory public meeting and recommendation report is being presented to Council on April 22, 2025.

Notice of complete application and public meeting were distributed to property owners within 240 metres of the subject property in accordance with the Town’s current notice requirements and *Planning Act*. Staff have received three letters of correspondence for the subject application, included in Appendix ‘C’. The concerns raised by the public included construction conditions as well as general objections to the proposed increases.

(B) FINANCIAL

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. No objections were raised as a result of the circulation. Matters outstanding related to the draft plan of subdivision will continue to be evaluated through that process.

Legal Services has noted that as a condition of the purchase and sale agreement for the subject lands, a change in zoning must be supported by the Town or the re-purchase clauses would trigger the Town’s right to repurchase the lands. Based on the discussion included in this report, staff support the proposed rezoning application and if approved by Council, no further action is required.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council’s strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government..

(E) CLIMATE CHANGE/ACTION

Climate change matters have been addressed through the draft approved plan of subdivision.

APPENDICES

Appendix 'A' – By-law 2025-078
Appendix 'B' – Site Statistics
Appendix 'C' – Written Correspondence
Appendix 'D' – PIM Minutes

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