



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 23, 2020

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**FROM:** Planning Services Department

**DATE:** November 11, 2020

**SUBJECT:** Recommendation Report - Zoning By-law Amendment - EMGO (North Oakville I) Ltd. - Phase 2, 3369 Sixth Line, File No.: Z.1315.10, By-law 2020-089

**LOCATION:** 3369 Sixth Line

**WARD:** 7

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### RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by EMGO (North Oakville I) Ltd. (File No. Z.1315.10), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated November 11, 2020;
2. That By-law 2020-089 an amendment to Zoning By-law 2009-189, be passed;
3. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and,
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

### KEY FACTS:

- This report recommends approval of a proposed zoning by-law amendment which would have the effect of accommodating revisions to the built form of the future commercial/residential buildings intended to be located at the

intersection of Marvin Avenue and Sixth Line which is designated as an Activity Node in the North Oakville East Secondary Plan (NOESP). The proposed zoning by-law also would modify the lot dimensions for the lane-based townhouse units along Sixth Line, and rezone Block 53 in a manner which coordinates with the built form of the future subdivision to the north.

- A coordinated draft plan revision would also be required, which was approved by the former Ontario Municipal Board (OMB) on May 4, 2017. Draft plan revisions are approved by the Director of Planning.
- Staff are supportive of the proposed zoning by-law as the development continues to provide mix use development as contemplated by the *Neighbourhood Area on Figure NOE 2- Land Use Plan* in the North Oakville East Secondary Plan and in a manner consistent with the land use and policies of the NOESP.
- The revisions to the draft plan and zoning by-law would also have the effect of accommodating additional on-street parking opportunities along Millicent Drive.
- Staff recommend approval of the zoning by-law amendment application as the proposed development is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the general intent and purpose of the North Oakville East Secondary Plan. The application conforms to the Town's Urban Structure as the proposed development aids in the achievement of complete communities.
- The applications were submitted on June 22, 2020. Bill 108 provides for a 90 day appeal timeframe, which ended on September 20, 2020. Due to the COVID pandemic, the Province issued a regulation that effectively suspended this timeframe between March 17, 2020 and June 22, 2020. In consideration of this, the 90 day appeal timeframe was not been impacted.

#### **BACKGROUND:**

The Statutory public meeting was hosted by Oakville Town Council on September 8, 2020. No members of the public attended and no public comments have been received at the time of writing this report. This report outlines the proposed development and addresses matters raised by staff and Council.

In 2017, the Town and the land owner reached a settlement before the Ontario Municipal Board (OMB), where the OMB approved the draft plan of subdivision 24T-

12012/1315 and Zoning By-law 2017-017. The subdivision includes detached dwellings, townhouse dwellings, live-work units, and a neighbourhood park.

The draft plan of subdivision was broken in two phases, with the first phase registered in 2019. The subject lands are located within the second phase of the subdivision. The original approved development consisted of 98 detached dwellings, 52 townhouses, 20 live-work units and a Neighbourhood Park. No portions of Phase 2 of the draft plan of subdivision have been registered and no purchase and sale agreements have been entered into.

The Zoning By-law (which was approved in 2017) zoned a portion of the subject lands in the area surrounding the east side of Sixth Line at Marvin Avenue Neighbourhood Centre Special Provision 40, which must include mixed use or live-work units, but it does not specify the number of units required.

In 2017, the applicant initially contemplated approximately 20 live-work units within the activity node at the intersection of Marvin Avenue and Sixth Line, rather than a mixed use building.

The effect of the proposed revision to the draft plan of subdivision would be to reconfigure the lot sizes to create three new lots for detached dwellings, as well as an additional 23 townhouse dwellings. The updated proposal would have the effect of increasing the density from 33 to 38 units per hectare and now consisting of 101 detached dwellings, 87 townhouse units, four live-work blocks (each consisting of one ground floor commercial unit with two residential apartment units located above) configured within a townhouse block, and a neighbourhood park.

The application was submitted and deemed complete on June 22, 2020.

### Proposal

The applicant proposes a zoning by-law amendment to modify the live-work units in the activity node located at the intersection of Marvin Avenue and Sixth Line. The Zoning By-law currently requires that mixed use or commercial-residential buildings be accommodated at Marvin Avenue and Sixth Line, although does not stipulate the number of units. Further, the application will modify lot dimensions for the rear-lane townhouse units, and rezone lands to coordinate with lands to the north.

In 2017, the applicant intended to accommodate up to 20 live-work units, within the area delineated by the Zoning By-law, and proposed to reduce the size of the area to accommodate an alternative commercial-residential building type.

2017 Approved Mixed Use/Live-Work Block

2020 Proposed Mixed Use/Live-Work Block

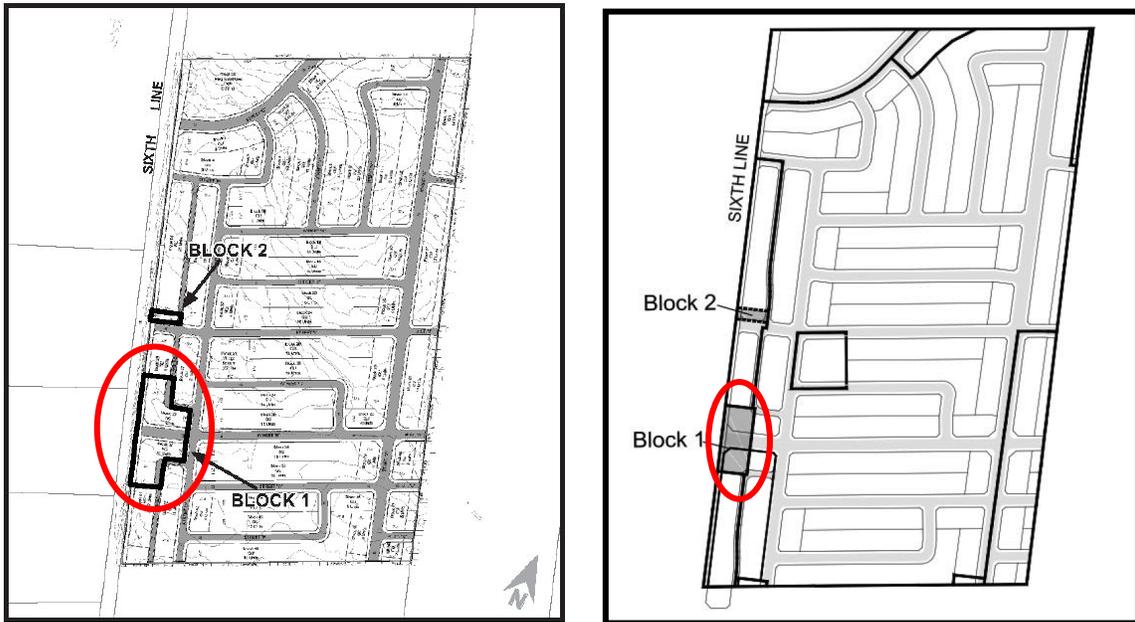


Figure 1 – Block 1 Modification

The proposal has been amended to address the built form of the proposed commercial-residential building, and corresponding provisions have been assessed later in this report. Therefore, the area delineated for Block 1 noted in Figure 1 above will remain unchanged.

In addition, the applicant proposes to reconfigure the three lanes (“AA”, “BB”, and “CC”) to accommodate additional variety in the townhouse units along Sixth Line as shown in Figure 2 below. This modification would have the effect of reducing the width of the rear-lane townhouse units, and reducing the amenity area of the rear-lane townhouse units.

Further, Residential Reserve Block 53 is to be rezoned to coordinate with the applicant’s proposed development to the north.

2017 OMB Approved Subdivision

2020 Proposed Revised Subdivision

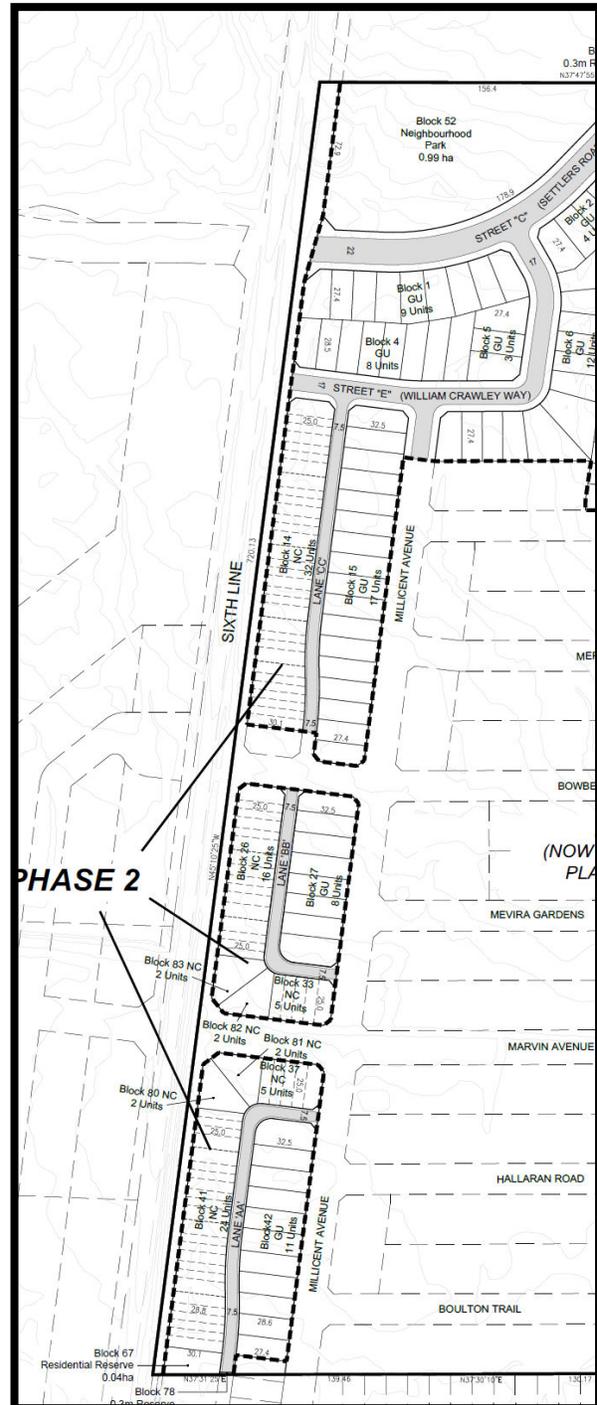
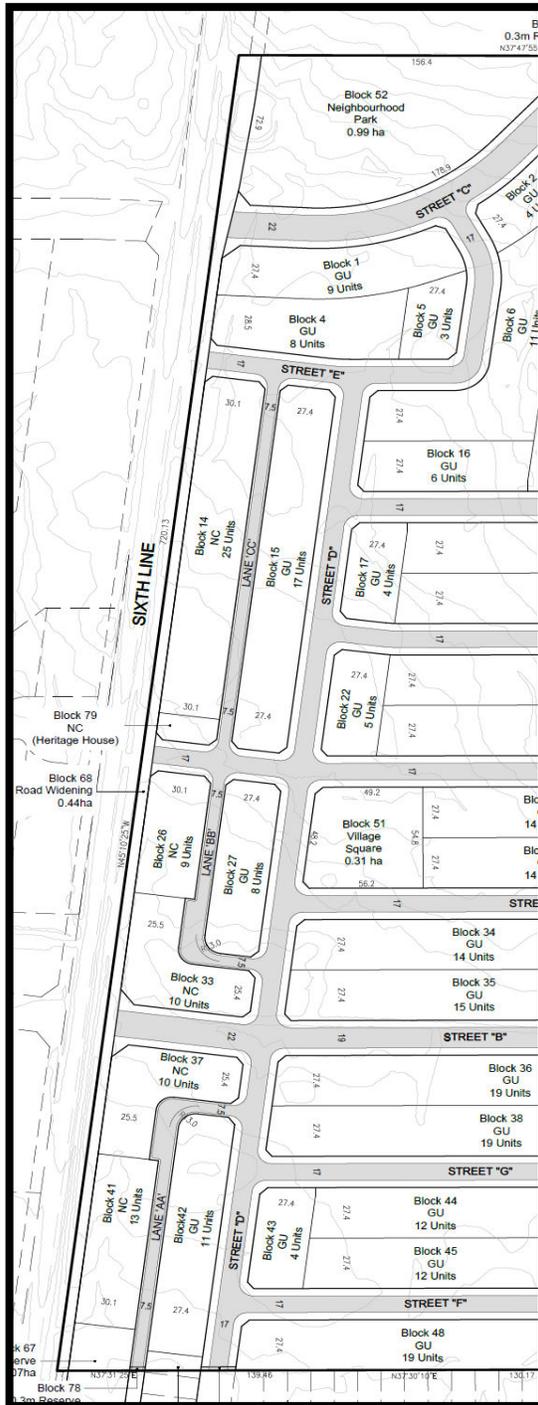


Figure 2 – OMB Approved and proposed Draft Plan of Subdivision

The applicant has submitted a corresponding revision to the draft plan of subdivision that can be approved by the Director of Planning following the expiration of the 20 day appeal period relating the current rezoning application.

Submission materials are available at the following link on the Town's website:  
<https://www.oakville.ca/business/da-35858.html>

### **Location and Site Description:**

The subject property is located on the east side of Sixth Line south of Burnhamthorpe Road East and north of Threshing Mill Road. The lands are municipally known as 3369 Sixth Line and the legal description is Part of Lot 15, Concession 1, NDS.

The lands affected by the revision are described as Blocks 6, 7, 8, 14, 17, 26, 27, 33, 37, 41, and 42 and 53 on draft plan of subdivision 24T-12012/1315.

### **Surrounding Land Uses**

The surrounding land uses are as follows:

North: Vacant – designated for park, school and future residential uses including townhouse dwellings.

East: Vacant – registered plan of subdivision approved for residential uses including two-storey detached dwellings

South: Vacant – registered plan of subdivision approved for residential uses including two-storey detached dwellings

West: Sixth Line, designated for future residential uses, including mixed use, townhouse and detached dwellings.

### **PLANNING POLICY & ANALYSIS**

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

### **Provincial Policy Statement**

The Provincial Policy Statement (2020)('PPS'), which came into effect on May 1, 2020, continues to recognize 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 encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs. On this basis, the proposed rezoning is consistent with the PPS (2020).

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') 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 subject lands are located within a "Designated Greenfield Area."

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, provide a diverse range and mix of housing options, expand convenient access to transportation options. On this basis, the proposed rezoning is consistent with the Growth Plan.

### **Halton Region Official Plan**

The subject lands are designated as 'Urban Area', located within the Greenfield Area, as identified within the ROP. The policies of Urban Area designation support the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. The Urban Area policies also requires *development* in the *Greenfield Area* to contribute to achieving development density targets established by the Plan, contribute to healthy communities, and provide a range and mix of uses to support vibrant neighbourhoods. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The applicant has secured sufficient allocation to support the additional units proposed for the development. The Region has no objection to the proposed rezoning, but will continue to comment on the redline revision of the subdivision. On this basis, the proposal conforms to the Regional Official Plan.

### **North Oakville East Secondary Plan (NOESP)**

#### Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town for both north and south of Dundas Street. The subject lands are identified on Schedule A1 – Urban Structure as being within the Town’s “Residential Areas”. Residential areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

#### Land Use Policies

Figure NOE 2 – Land Use Plan designates the subject lands as Neighbourhood Area as shown in Figure 3 below.

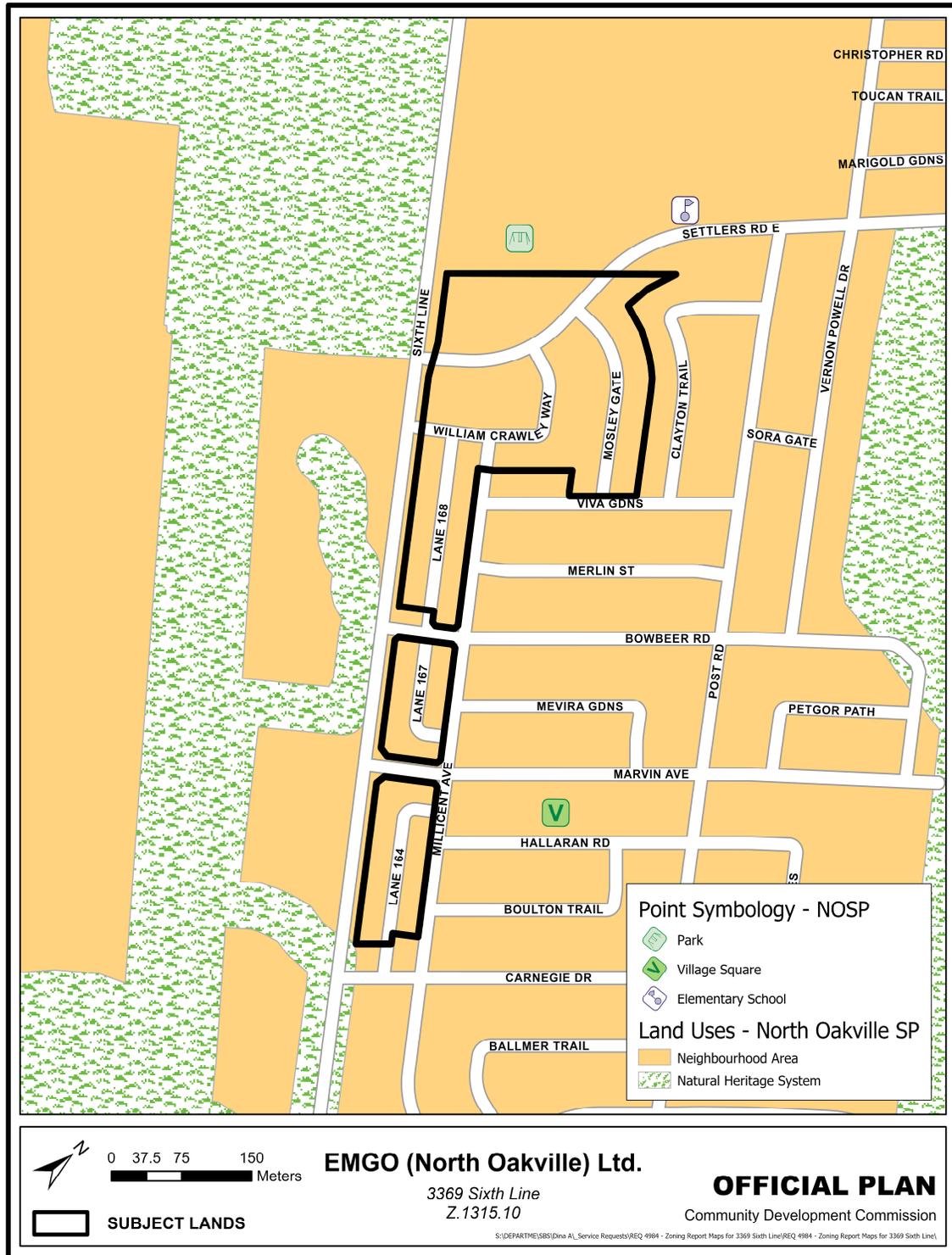


Figure 3 – Oakville Official Plan (2006)

The North Oakville Master Plan, identified in Appendix 7.3 of the NOESP illustrates the conceptual design and land use categories for the North Oakville East planning area. Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan may be considered, assuming the general intent and direction of the Master Plan is maintained.

Through the approval of the draft plan and associated zoning by-law amendment, the activity node identified in the Master Plan at the intersection of Sixth Line and Carnegie Road, was moved north to its current location at Marvin Avenue and Sixth Line, shown in Figure 4 below.

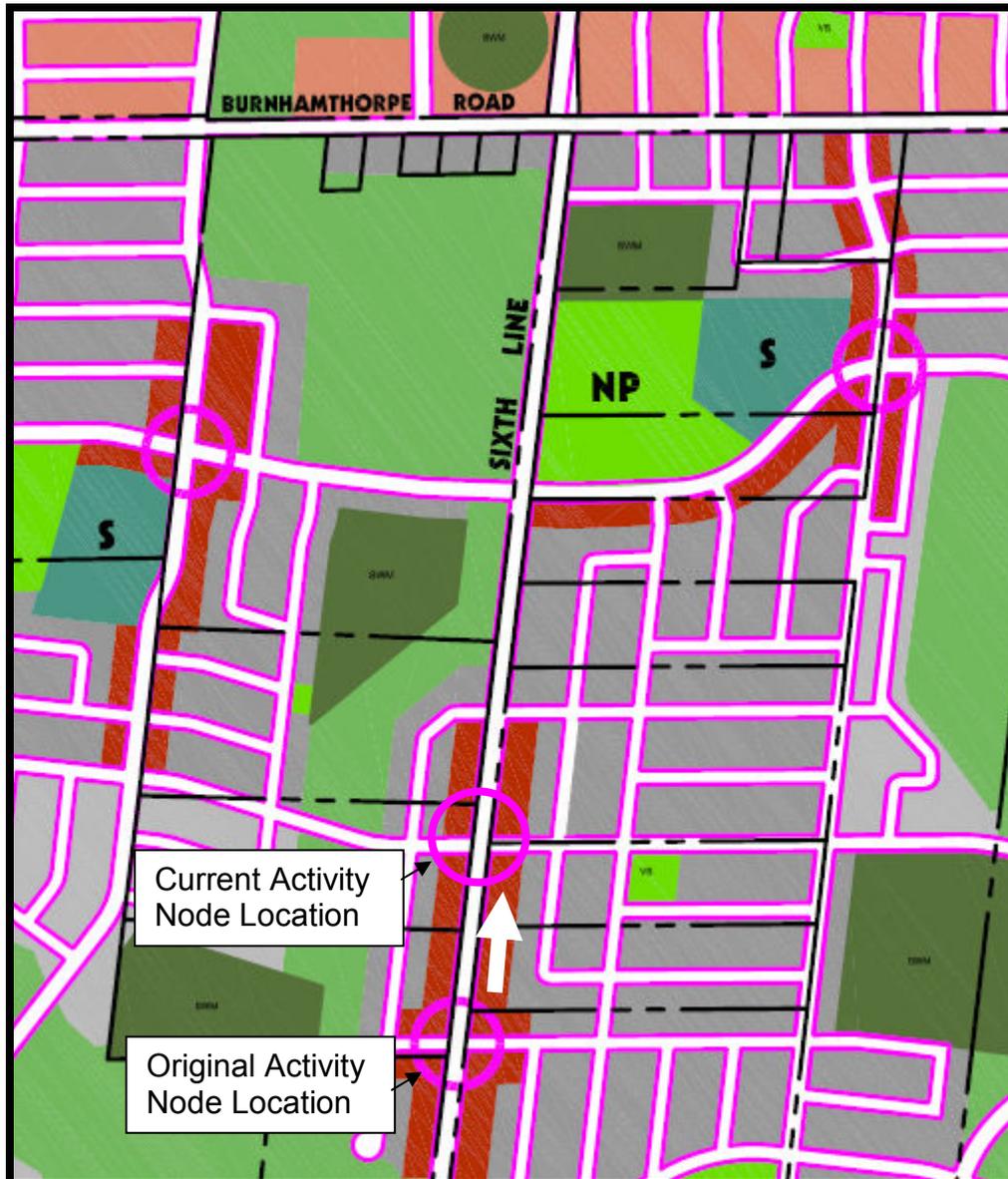


Figure 4 – Master Plan

### OPA 321

In September 2018, Halton Region approved OPA 321 and was subsequently approved at the LPAT in July 2019, with modifications. The effect of OPA 321 is to implement the policy directions focused on areas of concern to be addressed in the short-term through the North Oakville Secondary Plans Review. As it relates to this proposal, the Neighbourhood Centre Area policies were updated to enhance clarity, provide opportunities to increase the maximum height and require one mixed use or non-residential building at neighbourhood activity nodes. Further, the definition for

Medium Density Residential Development was updated to remove detached, semi-detached and duplex dwellings as permitted uses.

Policy 7.3.3 a) states:

*“Neighbourhood Centres are located in the centre of each neighbourhood, within walking distance of most residents. While predominately residential in character, Neighbourhood Centres will permit a range of uses. These uses will be permitted throughout the area but will be focused at a central activity node for the neighbourhood. Neighbourhood Centres have denser development than other parts of the neighbourhood but are predominantly ground related, and, in addition to residential development, will include a range of convenience and service commercial, civic, institutional and live-work functions in buildings at a scale and with a design appropriate to the area.”*

Further, Policy 7.6.7.1 b) states:

*“a minimum of one mixed use or non-residential building, in accordance with the provisions in Section 7.6.7.1.c) is required at the intersection of each neighbourhood activity node identified on Figure NOE 1.”*

Lastly, Policy 7.6.7.1 c) states:

*“Mixed-use development will be focused at neighbourhood activity nodes, identified on Figure NOE 1 which will include a transit stop and other public facilities which serve the neighbourhood such as central mail boxes, or mail pickup facilities. In addition, convenience commercial facilities or similar uses will be encouraged to locate in these areas.”*

The proposal would continue to provide commercial/residential building types at two of the corners in the activity node, combined with a mixed use building at a third corner on their development on the west side of Sixth Line (see Figure 5 below). Despite the intended 20 live-work units initially contemplated, the proposed four live-work units will satisfy the requirements prescribed in the NOESP, and is discussed later in this report.

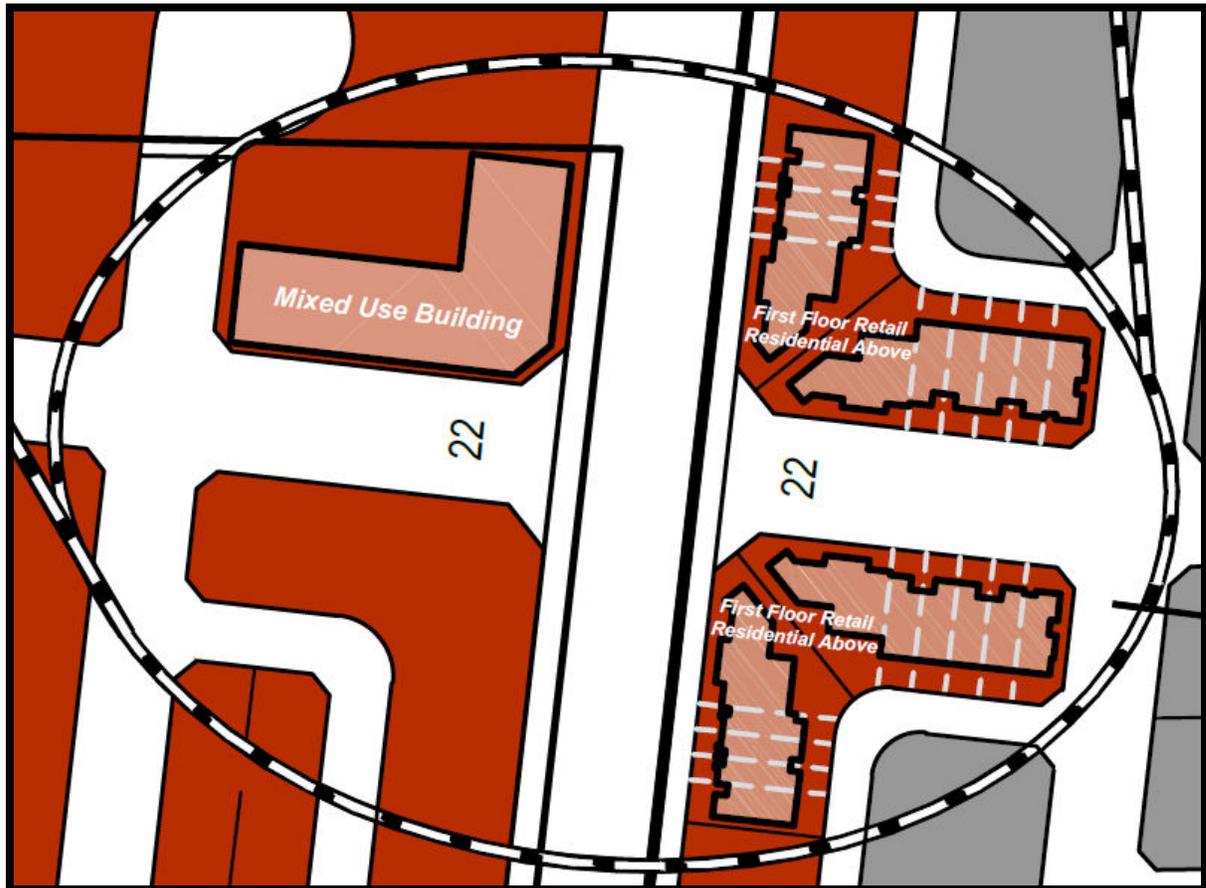


Figure 5 – Activity Node

Additionally, the modifications to the lot dimensions and the proposed change in zoning to the reserve residential block remains consistent with the Master Plan. On this basis, the subject application is considered to be a minor revision to the OMB approved draft plan of subdivision and zoning by-law and is an appropriate and compatible development with the adjacent lands and conforms to the policies of the North Oakville East Secondary Plan.

### North Oakville Zoning By-law (2009-189)

The subject lands are zoned P- Park, GU - General Urban (SP:42), Neighbourhood Centre (SP:40 and SP:41) as shown on Figure 6 below.

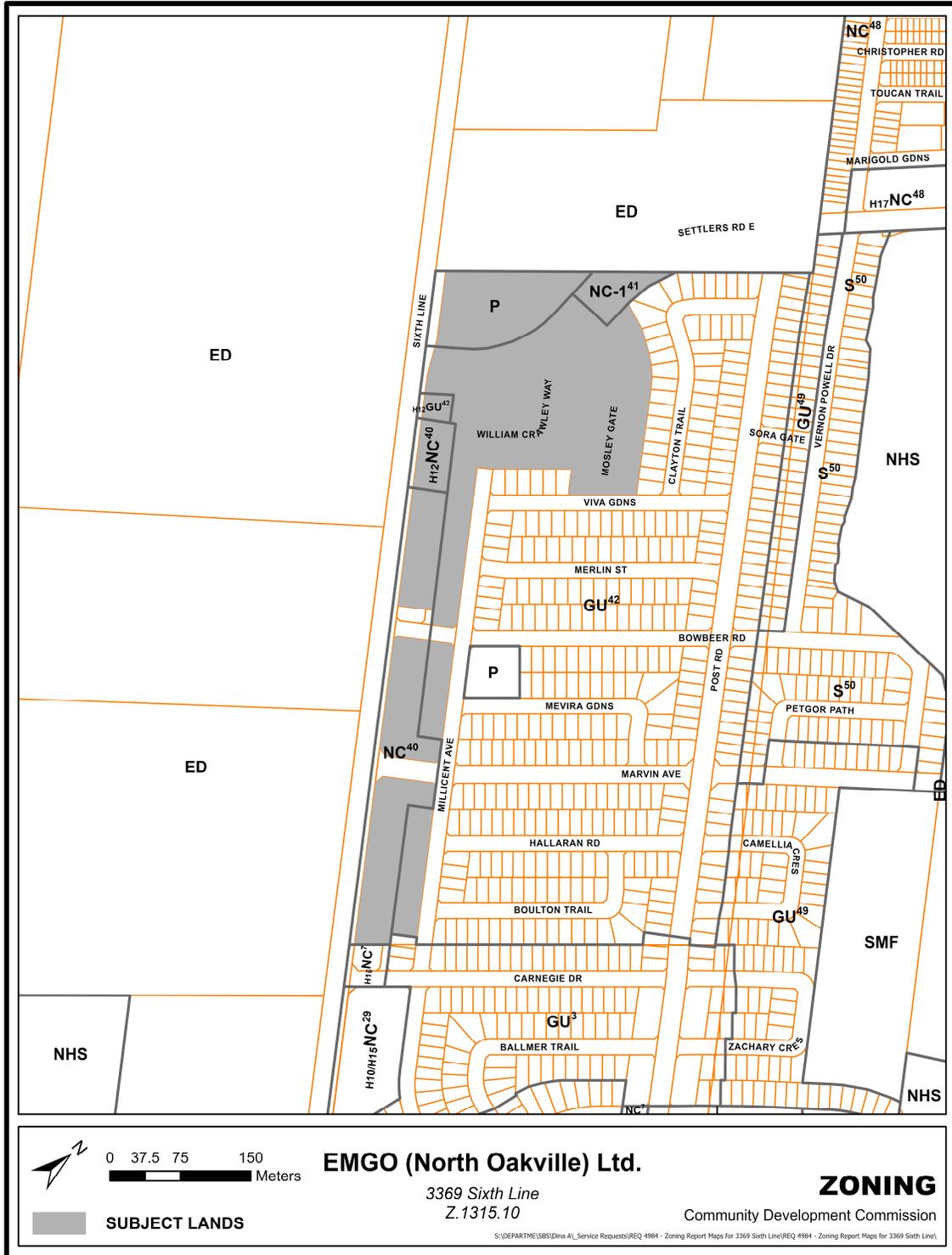


Figure 6 – Zoning Map

Modifications to the zoning by-law are required to address the change in the built form.

Live-Work units

A traditional live-work unit generally consists of one residential unit connected to a small commercial unit at grade, where they share a common entrance, and is typically in a townhouse building type. The applicant is proposing an alternative arrangement in order to provide additional variety in housing types within the subdivision as well as ensure a broader range of convenience and service commercial uses can be accommodated. The applicant has presented staff with the potential arrangement for the residential and commercial units (see Figure 7 below).

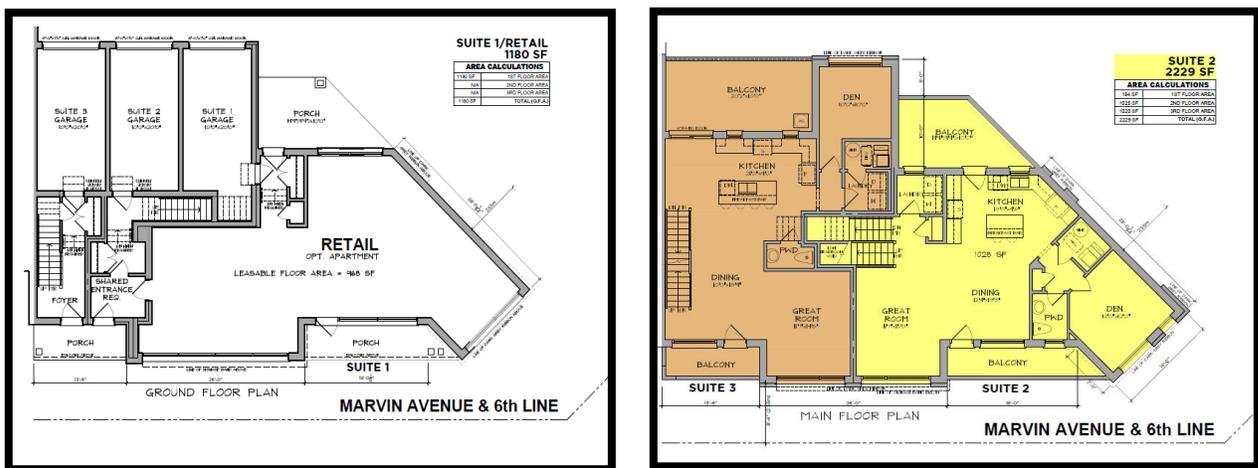


Figure 7 – Proposed Live-Work Unit

The commercial-residential units will be connected to a single residential unit (green area on Figure 8 below), but the commercial area will be below two, two-storey residential units rather than a single unit (red area on Figure 8 below). In taking this approach, the entirety of the block (which includes 4-5 traditional lane-based townhouse dwellings) are now defined as a connected residential-commercial building within the Zoning By-law. Further, once defined in this way, special modifications to the stacked portion of the building and the parking conditions (red area on Figure 8) were required.

Further, the applicant proposes to maintain a ‘flex-space’ in the ground level of the remaining townhouse units contained within the Block 1 boundary of the Zoning By-law, so that they may be used for residential or office space by the future owner. This would provide additional flexibility in the range of uses at grade along Sixth Line and Marvin Avenue.



Figure 8 – Front and Rear Elevation of Commercial-Residential Block

Proposed Zoning

The applicant proposes to modify the existing zoning as follows:

- Modify the lot dimensions to accommodate additional lane-based townhouse units.
- Modify the stacked townhouse and parking definitions to better define the proposed built form.
- Change the NC-1 SP41 Zone to NC SP40 for a residential reserve block located at the northern portion of the subject site.

A breakdown of the proposed modifications is provided in Table 1 below:

Table 1 – Existing and Proposed Zoning

<u>Existing Zoning</u>	<u>Proposed</u>
Minimum lot width for townhouse dwelling units is 5.5m	Minimum lot width for lane-based townhouse dwelling units is 4.6m
Minimum amenity area for townhouse dwelling units is 11m <sup>2</sup>	Minimum amenity area for lane-based townhouse dwelling units is 9m <sup>2</sup>
A connected commercial/residential is a townhouse dwelling, including a stacked	A connected commercial/residential building is a building divided into a

<i>townhouse dwelling</i> , where the ground floor, or part thereof, is used for <i>commercial</i> purposes and where the <i>commercial</i> and residential components are accessed by a common internal entrance.	minimum of three <i>dwelling units</i> , each <i>dwelling unit</i> being separated from the other vertically and/or horizontally, and where the ground floor, or part thereof, is used for commercial purposes and where the commercial and residential components are accessed by a common internal entrance.
The minimum parking aisle width of 7 metres for 90 degree angle parking shall be provided for <i>commercial uses</i> .	The minimum parking aisle width of 7 metres for 90 degree angle parking shall not apply to <i>commercial uses</i> .
<i>Tandem parking</i> is not permitted for <i>commercial uses</i> .	<i>Tandem parking spaces</i> are permitted for <i>commercial uses</i> for a <i>connected commercial/residential building</i> , to a maximum of 2 <i>parking spaces</i> .
NC-1 SP 41	Change to NC SP 40

With respect to the modifications to the lot dimensions, staff encourage the opportunity for a variety of housing types and styles to provide for complete communities. The various lot widths along Sixth Line will enhance and provide variety along the streetscape. Additionally, the proposed reduction in amenity area is similar to amenity areas provided for stacked townhouse products, which do not have a minimum requirement. Staff are satisfied that sufficient outdoor amenity space is being provided for the rear lane townhouse units, and will be able to adequately accommodate outdoor amenities such as barbeques and patio furniture.

### TECHNICAL COMMENTS

The proponent has provided studies in support of the application which have been circulated to various public agencies and internal Town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The statutory public meeting was held on September 8, 2020, and no members of the public attended. The following is an overview of the matters that were identified:

- Confirmation that the applicant is a member in good standing with the North Oakville Developers landowners association and is a party to the Cost Sharing Agreement.
- Consistency with the Provincial Policy Statement, 2020, and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.
- Design and Functionality of the live-work units, located at the Neighbourhood Activity Node.

- The coordination of residential reserve blocks with the adjacent plans of subdivision and zoning.
- The layout and laneway alterations within the subdivision.

In addition to the matters for consideration raised by staff, Council had raised the following additional concerns:

- A detailed parking analysis/plan is to be provided in the recommendation report.
- Staff are to provide a market justification for the changes proposed.
- Information on how the notices are sent out to potential purchasers is to be provided in the recommendation report.

### **Resolution of Issues:**

Staff confirm that the applicant is a member in good standing with the North Oakville Developers Landowners Association and is a party to the cost Sharing Agreement. Further, as noted above, it is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan and the North Oakville East Secondary Plan.

### **Design and Functionality**

Staff had concerns related to the parking configuration for the commercial-residential units, located at the north and south east corners of Marvin Avenue and Sixth Line. The applicant has provided staff with a parking plan which is discussed in more detail below.

Staff also had concerns regarding the change in built-form of the proposed commercial/residential units and the internal connectivity of the commercial and residential units. The vision for north Oakville is to provide for functional community services and amenities within the neighbourhood centre area. Council strengthened its approach with the adoption of OPA 321 by requiring at least one mixed use, or non-residential building at one of the four corners in an activity node. This policy was not in place when the original subdivision and zoning approval was granted by the former OMB in 2017, but staff negotiated through the settlement of the subdivision and zoning, that two of the four corners be occupied with mixed use, or commercial/residential (live-work) units. As noted earlier in this report, the activity node was relocated from the location shown in the NOESP Master Plan (see Figure 4 above). Through the 2017 approvals for the subdivision and zoning, it was agreed by both the developer and staff that the east-west road (Marvin Avenue) services a greater portion of Neighbourhoods 8 and 9.

Both the Zoning By-law and the NOESP support a variety of uses to be accommodated within the activity node. The applicant provided staff with the floor plans shown in Figure 7 above, which demonstrates that the larger commercial footprint of the proposed commercial/residential building could support a wider range of uses that are not typically accommodated in a smaller live-work unit, such as convenience retail, and cafes.

It is staff's opinion that the design and functionality of the proposed commercial-residential units are appropriate and continue to support the vision of north Oakville by providing sufficient opportunities for an active and functional activity node.

#### Coordination

The rezoning of the residential reserve block at the north end of the subdivision is required to coordinate with the future development of lands to the north. The applicant has agreed to change the zoning from NC-1 SP 41 to NC SP 40. As a result of OPA 321, NC-1 SP 41 no longer conforms with the NOESP. As such, when coordinating the development to the north, the residential reserve block would remain undeveloped unless appropriate zoning is provided. On this basis, the NC SP 40 is consistent with the existing zoning in the subdivision, and will also be supported in the future development to the north. These lands will accommodate street-access townhouse dwelling units on the south side of Settlers Road East. Therefore, staff support the change in zoning from NC-1 SP 41 to NC SP 40.

#### Laneway Alterations

The applicant has proposed modifications to the laneway alignment to accommodate changes to the townhouse and detached dwelling lots. These modifications have resulted in the requested zoning by-law amendment to modify the lot dimension of the rear-lane townhouse dwellings. Transportation and Development Engineering staff have reviewed the proposed modifications and are in support of the revisions. A detailed review of the laneway modifications will continue through the review of the draft plan revision application which will include a review of the overall length of the laneways. The draft plan revision is approved by the Director of Planning. Staff have no objection to the requested zoning changes resulting from the proposed laneway modifications, as it will provide opportunities for additional on-street parking.

#### Parking

As noted earlier in this report, the subdivision was approved in 2017 by the former OMB and contemplated a mixture of lane-based townhouse dwelling units on Sixth Line, and street access single detached dwellings on various lot sizes. All the dwellings proposed are freehold tenure and all required parking is provided on the individual lots within garages or on driveway areas.

The applicant has provided an on-street parking plan as required for their draft plan approval, shown in Figure 9 below. The parking plan illustrates that additional on street parking opportunities are available on Millicent Avenue as a result of reconfiguring driveway access from Millicent Avenue to laneway CC.

2017 Parking Plan

2020 Parking Plan

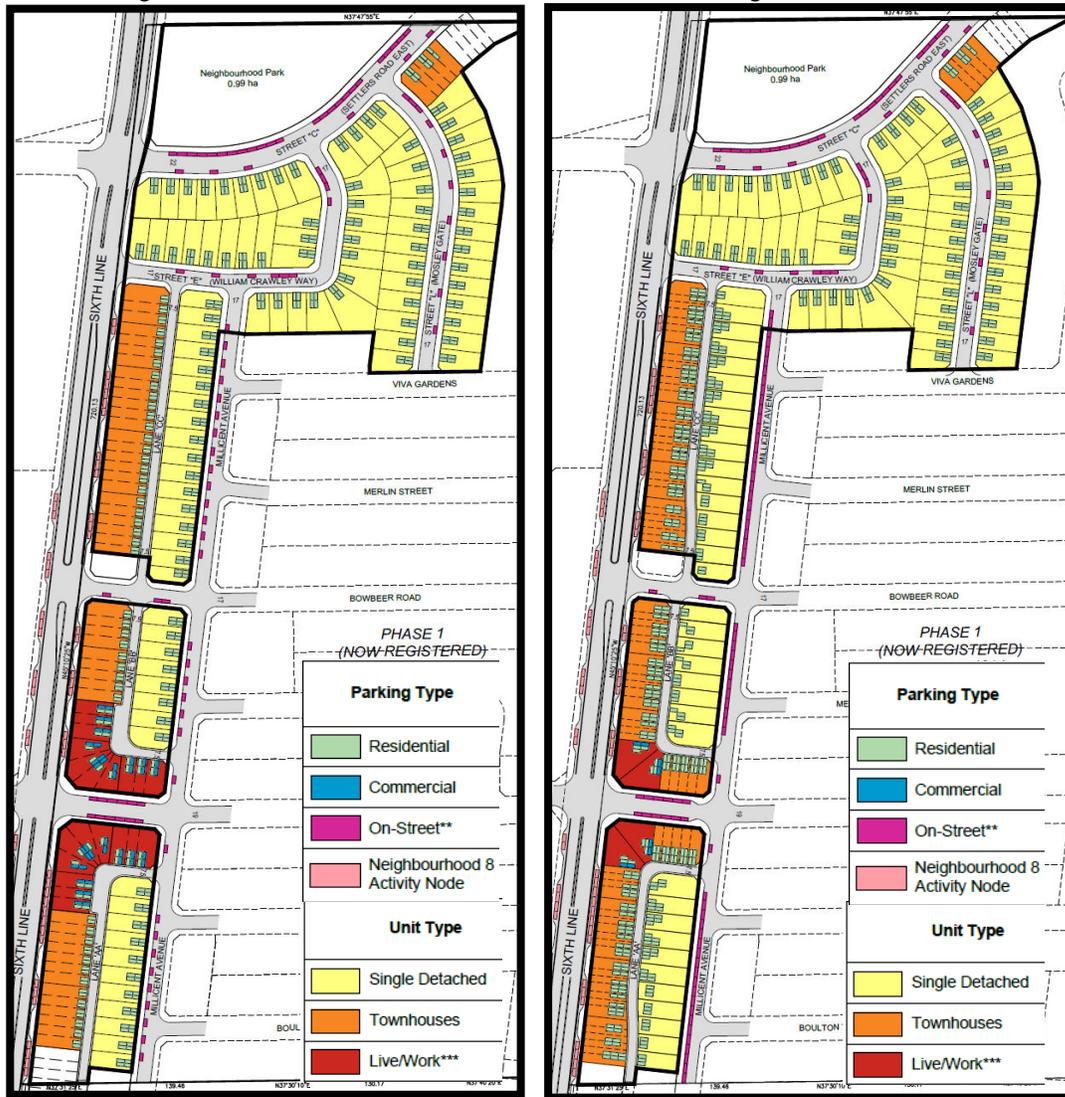


Figure 9 – Parking Plan

2017 Parking Plan

2020 Parking Plan

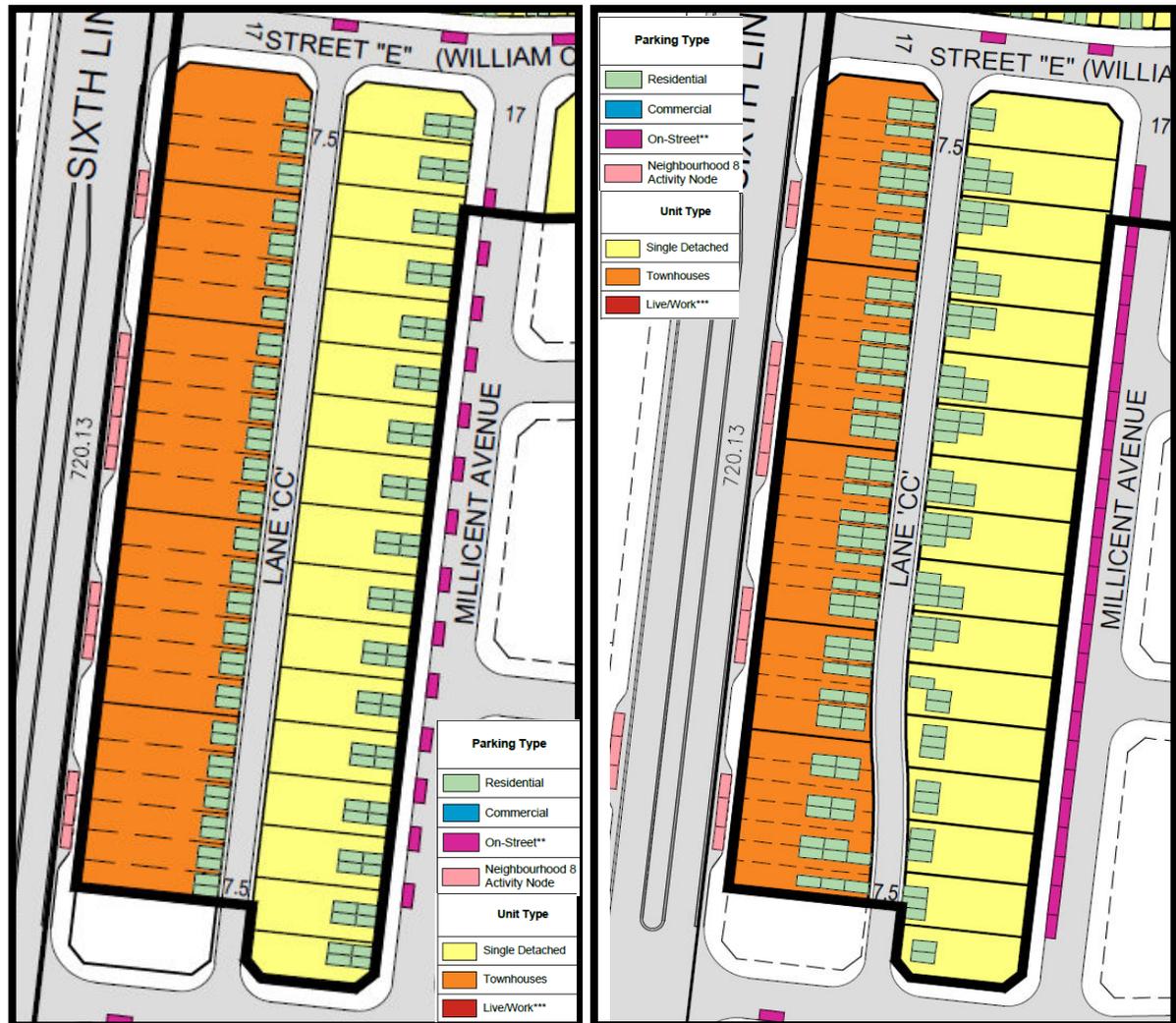


Figure 10 – On-Site Parking Plan

As shown on Figure 10 above, the modifications to the laneway resulted in a modification to the lot dimensions for both the townhouse units (orange) and the detached units (yellow). This facilitated changing the street-access detached dwellings to lane-access, and providing greater on-site parking opportunities in most cases, and greatly improving the on-street parking opportunities on Millicent Avenue. Additionally, with the urbanization of Sixth Line moving ahead, new on-street parking opportunities will be available on Sixth Line.

The minimum parking requirements in the Zoning By-law is one parking space per dwelling unit. As the dwellings are all freehold in tenure, there is no requirement for

visitor parking as there would be in a condominium development or apartment building. Freehold tenure typically rely on the availability of on-street parking for visitors. However, the applicant is accommodating a minimum of two parking spaces per dwelling, and in some instances may provide up to five parking spaces per dwelling unit.

Staff are of the opinion that sufficient parking is available off-street, with additional parking provided on-street. Additional on-street parking opportunities would also be available at a future date on Sixth Line.

### Live-work Units

Council requested that a market justification be provided with respect to the modification on the live-work units proposed for the development. The applicant retained a consultant and has provided their rationale to staff which is included as Appendix "C" of this report. In summary, the applicant has proposed alternatives to the initially contemplated 20 live-work units to provide a more desirable larger commercial space to encourage opportunities for a broader range of commercial uses. In combination with their proposed development on the west side of Sixth Line, the applicant states that residents on both sides of Sixth Line will be able to safely access commercial amenities. The applicant is proposing a combined commercial area (between the east and west sides of Sixth Line) of 464.5m<sup>2</sup> (5,000 ft<sup>2</sup>), with the opportunity for additional commercial uses if the optional 'flex-space' in the remaining townhouse units are used for offices.

Staff have reviewed the applicant's submissions which includes a market analysis and note that the purpose of the Neighbourhood Centre area is intended to:

*"accommodate a range of medium density residential development, including live-work units and limited commercial and civic uses focused at a central neighbourhood activity node to serve neighbourhood residents."*

The NOESP Neighbourhood Centre Area polices continue to state that the permitted uses, buildings and structures are:

*"medium density residential uses and small scale convenience retail, personal service, restaurants and business activity...may include a range of small scale uses including office, medical clinics, workshops for artisans and artist studios."*

Staff note that the approved zoning for the development permits commercial uses to be provided in either a live-work or mixed use type of building. Further, the zoning does not specify a minimum required floor area for commercial uses. While the applicant is proposing a change in the built-form of the proposed

commercial/residential building, it remains a live-work unit with a shared internal access.

On this basis, it is staff's opinion the modifications proposed by the applicant are still in keeping with the objectives of the North Oakville East Secondary Plan and may encourage a broader range of commercial uses to support the community.

#### Notice

The *Planning Act* prescribes that notice of a Zoning By-law Amendment application be provided to all property owners within 120m of the subject lands. The individual lots and blocks within the draft plan are not formally created or conveyed until subdivision registration. In cases where development has proceeded, but lands have not yet been sold, the owner/developer would receive the notice. If lots have been sold, notice will be given to the mailing address the town has on the file associated with the tax record. It is common for the mailing address to be different from the physical address when new owners have not yet occupied their property. The applicant has informed staff that notice was provided in accordance with the *Planning Act* requirements (ie 120 m), and no additional notice was issued. Notice is also provided by posting a sign on the property, and information on the proposal available on the town's website.

In summary, staff note the following requirements have been satisfied:

- The proposed rezoning application continues to maintain the objectives of the North Oakville East Secondary Plan and is consistent with the Master Plan.
- The proposed rezoning continues to assist in achieving healthy, liveable and safe communities' objectives of the PPS and is consistent with the policies of the PPS.
- The proposed rezoning continues to provide an important contribution to achieving broader complete community objectives and conforms to the policies of the Growth Plan.
- Overall subdivision matters will continue to be advanced through the redline application, to be approved by the Director of Planning.
- Upgrades to Sixth Line road allowance will provide for additional on-street parking, not anticipated at the time of the original draft approval.

In Staff's opinion the Zoning By-law Amendment is appropriate and conforms to the North Oakville East Secondary Plan does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan. It is recommended that By-law 2020-089, be approved.

## CONCLUSION

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

In Staff's opinion the Zoning By-law Amendment is appropriate based on the following:

- The modification to the live-work units continues to conform to the land use and policies of the North East Secondary Plan including the Activity Node designation.
- The proposed zoning by-law does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan.
- The proposed development would assist in achieving healthy, liveable and safe community objectives of the PPS and is consistent with the policies of the PPS.
- The revisions to the zoning by-law and draft plan of subdivision are desirable and would create additional on street parking opportunities for the neighbourhood.

By-law 2020-089 is included in the agenda for the November 23, 2020 Planning and Development Council meeting.

By-law 2020-089 is attached as Appendix "A".

## CONSIDERATIONS:

### (A) PUBLIC

A Public meeting was held on September 8, 2020. Notice for the meeting regarding this development application was provided through a mailing of all properties within 120 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* Regulations and Town practices. No written correspondence from the public has been received at the time of the writing of this report.

### (B) FINANCIAL

Cash in Lieu of Parkland and Development Charges would be applicable to this development, net of any eligible credits. The amendments to the Development Charges Act, 1997 and the Planning Act proposed through

Bill 108, the More Homes, More Choice Act, and Bill 197, the COVID-19 Economic Recovery Act have been proclaimed and are in force as of September 18, 2020. This provides more certainty in municipal financing and assists the town in providing complete communities while ensuring that "growth pays for growth" to the maximum extent possible.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies or review and remains in technical review.

The applications will be considered under Bill 108, which provides for a 90 day timeline before an appeal can be filed for lack of decision. This timeline ended on September 20, 2020. Due to the COVID pandemic, the Provincial Government had issued a regulation that effectively suspended this timeline from March 17 until June 22, 2020. The date before an appeal can be file remains unchanged.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed development generally complies with the Town's sustainability goals and objectives of the North Oakville East Secondary Plan. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the development footprint of the proposal.

**APPENDICES**

Appendix "A" – By-law 2020-089

Appendix "B" – Policy Excerpts

Appendix "C" – Applicant response to Council's matters to be considered

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