



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 20, 2017

FROM: Planning Services Department

DATE: February 27, 2017

SUBJECT: **Public Meeting and Recommendation Report - Town-initiated Omnibus Zoning By-law Amendment to Zoning By-law 2014-014 (File 42.25.16) - All lands south of Dundas Street and north of Highway 407 - By-law 2017-025**

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

WARD: Town wide

Page 1

RECOMMENDATION:

1. That By-law 2017-025, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2014-014, as amended (Omnibus Zoning By-law Amendment, File 42.25.16), be passed; and
2. That notice of Council's decision reflect that no comments were received from the public or, if comments are received, that they 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 are part of an ongoing initiative to improve the document. The proposed omnibus amendment was prepared to address a number of issues identified through the ongoing use of Zoning By-law 2014-014.
- The matters addressed are wide-ranging – from correcting and clarifying existing wording, to adding new definitions and provisions (e.g., to define and permit major transit stations, including accessory uses). All zones would be impacted by the proposed amendment.
- The typical timeline for the processing and consideration of a zoning by-law amendment has been compressed to promptly address implementation and interpretation issues that are primarily technical in nature.

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BACKGROUND:

Zoning By-law 2014-014 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).

COMMENT/OPTIONS:

Through the ongoing use and interpretation of Zoning By-law 2014-014, as amended, staff from the Building Services and Planning Services departments have identified a number of issues. In response, a draft omnibus amendment to Zoning By-law was prepared and circulated to various town departments and public agencies for review ("technical review").

The matters addressed by the proposed omnibus amendment are wide-ranging – from correcting and clarifying existing wording, to adding new definitions and provisions, as detailed below. All zones would be impacted by the proposed amendment.

Purpose

The purpose of the proposed omnibus amendment to Town of Oakville Zoning By-law 2014-014, as amended, 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 Livable Oakville Plan.

Effect

The effect of the omnibus amendment to Zoning By-law 2014-014 would be as follows:

Proposed Change	Rationale
Part 1, Administration , would be amended by:	
a) relocating s. 4.22, <i>Reduction of Requirements</i> , to s. 1.4, <i>Compliance with this By-law and Certificates of Occupancy</i>	- to put related clauses in a more suitable location

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Page 3

Proposed Change	Rationale
b) adding a new s. 1.10, <i>Technical Interpretation</i> , to allow interpretation of the Zoning By-law required for corrections to typographical errors and punctuations, etc., provided the intent is not affected	- to assist with the interpretation and implementation of Zoning By-law 2014-014
c) addressing approved site plans and minor variances where the Zoning By-law has subsequently been amended in s. 1.8.2, <i>Transition Matters, Recently Approved Planning Applications</i>	- to establish a provision for a situation not addressed by the existing transition clauses
Part 2, Establishment of Zones , would be amended by:	
d) modifying wording in s. 2.3.2(b), <i>Determining Zone Boundaries, Split Zoning</i>	- to clarify the intent of the provision
Part 3, Definitions , would be amended by:	
e) modifying the wording of the definitions of "Day Care", "Dwelling Depth", "Floor Area, Residential", "Lot Line, Flankage" and "Storey"	- to clarify the meaning of each term and assist with the interpretation and implementation of Zoning By-law 2014-014
f) adding definitions for "Mezzanine", "Parking Space, Stacked" and "Transit Station, Major"	- to assist with the interpretation and implementation of Zoning By-law 2014-014
Part 4, General Provisions , would be amended by:	
g) adding rows to address industrial or mechanical equipment in the E2 and E3 zones, landscaping features, and uncovered platforms attached to pools, in s. 4.3, <i>Allowable Projections, Table 4.3, Allowable Building and Structure Encroachments and Projections</i>	- to address encroachments and projections encountered in plans submitted for review, but not addressed by the existing table
h) adding a footnote to Table 4.3, <i>Allowable Building and Structure Encroachments and Projections</i> , establishing a maximum height for encroaching or projecting air conditioners, heat pumps, swimming pool pumps, filters and heaters, including any appurtenances thereto	- to set a height limit (in line with the maximum height of a fence) as there isn't one currently - to address situations where equipment may be affixed to the wall of a dwelling above grade (e.g., when the lot is sloped)
i) requiring architectural screening for rooftop mechanical equipment in all zones in s. 4.6.4, <i>Exceptions to Height Provisions, Rooftop Mechanical Equipment and Mechanical Penthouses</i>	- to maintain the urban design direction established in Livable Oakville and the Livable by Design Manual

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j) adding regulations for cupolas to s. 4.6.5, <i>Skylights (and Cupolas)</i>	- to establish provisions for an architectural feature not previously addressed
k) exempting lots used for stormwater management facilities or major transit stations from the requirement to have frontage on a public road in s. 4.13, <i>Lot Frontage Requirements</i>	- to clarify the intent of the provision; these uses are not dependent on direct road frontage
l) clarifying the wording of s. 4.19.2, <i>Pipeline Setbacks, Sarnia Products/Imperial Oil Pipelines</i>	- to clarify the intent of the provision
m) addressing lot or unit rentals in s. 4.25.3, <i>Temporary Uses, Temporary Sales Offices</i>	- to clarify the intent of the provision and be inclusive of lot or unit rentals
n) deleting s. 4.22, <i>Reduction of Requirements</i> (relocated to s. 1.4) and renumbering the remaining clauses in Part 4	- to put related clauses in a more suitable location
o) adding a new s. 4.26, <i>Compliance Achieved with a Lot</i> , to address how lot compliance shall be determined (e.g., for one or more parcels of tied land)	- to establish provisions for determining lot compliance in situations not previously addressed
Part 5, Parking, Loading & Stacking Lane Provisions , would be amended by:	
p) addressing the permitted locations for visitors parking spaces in the <i>Additional Regulations for Minimum Parking Ratios Table 5.2.1</i> and <i>Growth Area Parking Spaces Table 5.2.2</i>	- to clarify the locations where visitor parking is permitted (i.e., surface parking area, parking structure)
q) modifying the wording of s. 5.2.3, <i>Motor Vehicle Parking Space Dimensions</i> , and also providing dimensions for tandem and stacked parking spaces (i.e., 3.0 m x 5.7 m)	- to clarify the intent of the provision - to establish dimensions for tandem and stacked parking spaces, which were not previously addressed
r) removing clauses from s. 5.8.1, <i>Driveways and Private Garages Associated with Residential Uses, General Provisions</i> , that are addressed elsewhere or replaced by this by-law	- to eliminate duplication; the clauses to be deleted are addressed elsewhere in Zoning By-law 2014-014 or are revised and replaced by the proposed amendment
s) adding clauses to s. 5.8.1 to: require direct access to required parking spaces; set a maximum setback for a parking space accessed by a rear lane; and, permit a maximum of one attached private garage per dwelling	- to clarify the intent of the Zoning By-law (i.e., unencumbered access to required parking spaced) - to eliminate the potential for more than one attached private garage (i.e., a loophole to get around the maximum garage floor area provision)

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t) permitting tandem and stacked parking spaces for any dwelling in s. 5.8.1(e) and relocating it to a new s. 5.1.10	- to establish provisions to allow for parking configurations not previously addressed
u) correcting the minimum setback to a private garage in s. 5.8.7, <i>Private Garage Setbacks and Projections</i> , to be 5.7 m	- to correct this dimension (from 5.5 m), so that it aligns with the required minimum length of a parking space (5.7 m) as set out in s. 5.2.3, <i>Motor Vehicle Parking Space Dimensions</i>
Part 6, Residential Zones , would be amended by:	
v) adding a "Maximum residential floor area" row to Table 6.3.1, <i>Regulations in the Residential Low RL1, RL2, RL3, RL4, RL5, and RL6 Zones</i> , that references the "-0 Suffix" footnote and regulations for the RL1-RL5 Zones, and a ratio of 75% for the RL6 Zone, subject to footnote 7, which would be changed to have a floor area dimension of 355 m ² (from 315 m ²)	- to clarify the intent of the Zoning By-law - to make Table 6.3.1 consistent with other residential regulations tables - to reflect the method of measuring floor area under Zoning By-law 2014-014 (measurements taken to exterior of walls)
w) modifying the wording of the "Minimum lot area" rows of Regulations Tables 6.3.7 (RUC Zone) and 6.3.8 (RM Zones) and s. 6.4.3, <i>Minimum and Maximum Front Yard</i>	- to clarify that the provision relates to a townhouse "dwelling" instead of a "unit"
x) replacing the footnote annotation "(3)" with "(3, 6)" in the "Minimum rear yard" row of Table 6.3.7 (RUC Zone), and adding a footnote 6 to permit a minimum setback of 0.3 m from the rear lot line to a private garage accessed by a rear lane in the RUC Zone	- to establish a provision that reflects the as-built condition for most garages in the RUC Zone (i.e., the minimum setback that applied under Zoning By-law 1984-63)
Note: The notice of the proposed zoning by-law amendment also stated that s. 6.5.2(b), <i>Accessory Buildings and Structures, Regulations</i> , of Zoning By-law 2014-014 would be deleted because it is redundant. It has since been determined that s. 6.5.2(b) should remain intact. While required yards for accessory buildings are provided for elsewhere in Zoning By-law 2014-014, required yards for accessory structures are not.	

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Part 8, <i>Mixed Use Zones</i> , would be amended by:	
y) modifying Table 8.2, <i>Permitted Uses in the Mixed Use Zones</i> , to add "Live-work dwelling" as a permitted use in the Central Business District (CBD) Zone	- to permit live-work dwellings in the CBD zone that legally existed on the date of the passing of Zoning By-law 2014-014, per Footnote 2 to Table 8.2, which already applies to live-work dwellings permitted in the MU1 and MU2 Zones
Part 9, <i>Commercial Zones</i> , would be amended by:	
z) modifying the wording of footnote 1 to Table 9.3, <i>Regulations</i> , with respect to front or flankage yards on corner lots.	- to clarify the intent of the provision to apply to front <i>or</i> flankage yards, not front <i>and</i> flankage yards in combination
Part 10, <i>Employment Zones</i> , would be amended by:	
aa) modifying Table 10.2, <i>Permitted Uses</i> , to delete the duplicate "Repair shop" row	- to eliminate redundancy and consolidate the existing permissions
bb) modifying the wording of footnote 1 to Table 10.3, <i>Regulations</i> , with respect to front or flankage yards on corner lots	- to clarify the intent of the provision to apply to front <i>or</i> flankage yards, not front <i>and</i> flankage yards in combination
Part 14, <i>Other Zones</i> , would be amended by:	
cc) modifying Table 14.2, <i>Permitted Uses</i> , to add " <i>Major transit station</i> " as a permitted use in the Utility (U) Zone, subject to a new footnote 2, to limit the location and allow for limited accessory uses, which shall be exempt from the parking and yard regulations of the By-law (i.e., up to 500 m ² total net floor area of accessory restaurants, retail stores, dry cleaning/laundry and service commercial establishments in stand-alone or shared premises within the U Zone at Oakville GO Station).	<ul style="list-style-type: none"> - to recognize the existing major station use - to implement Livable Oakville (i.e., major transit station identified on official plan mapping; requirements to be transit supportive; Midtown Oakville policies; s. 8.9.2: "The Town will encourage <i>transit-supportive development</i> within <i>major transit station areas</i> and around transit terminal facilities.") - to allow for limited accessory uses to the existing major transit station to serve transit passengers and personnel

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Proposed Change	Rationale
Part 15, <i>Special Provisions</i> , would be amended by:	
dd) replacing references to “outdoor display and sales area” in s. 15.3 (Additional Motor Vehicle Use Permissions), s. 15.29 (1275-1535 North Service Rd. W.) and s. 15.64 (Oakville Place) with “outside display and sales area”	- to correctly reference a defined term
ee) adding “Major transit station” and limited accessory uses to a major transit station as additional permitted uses to s. 15.4 (Area Surrounding Bronte GO Station), along with new zone and parking provisions (i.e., up to 500 m ² total net floor area of accessory restaurants, retail stores, dry cleaning/laundry and service commercial establishments in stand-alone or shared premises, which shall be exempt from the parking regulations of the By-law, within the E3 Zone at Bronte GO Station)	<ul style="list-style-type: none"> - to recognize the existing major station use - to implement Livable Oakville (i.e., major transit station identified on official plan mapping; requirements to be transit supportive; s. 8.9.2: “The Town will encourage <i>transit-supportive development</i> within <i>major transit station areas</i> and around transit terminal facilities.”) - to allow for limited accessory uses to the existing major transit station to serve transit passengers and personnel
ff) setting a minimum rear yard setback to a private garage in s. 15.180 (2379-2437 Sixth Line, The Greenery, Chester St., Bridgewater Rd., The Promenade and 2340-2442 Munn’s Ave.) as legally existing on the effective date of this By-law	- to eliminate conflict within the Zoning By-law
gg) replacing the term “outdoor display and sales area” in s. 15.197 (340-412 Dundas St. E.) with “seasonal garden centre”	- to correct a reference to another defined term
hh) clarifying the parking rate for uses combined with a business office in s.15.341.1 (Wallace Rd., York St., Speers Rd.).	- to establish a provision for combined uses not previously addressed and consistent with Footnote 4 to Table 5.2.1
Further , Zoning By-law 2014-014 would be amended by:	
ii) modifying all Permitted Uses Tables, except Table 7.2 (Midtown Oakville), to delete all of the use category subheadings and reorganizing the permitted uses alphabetically	- to improve clarity by deleting non-operational categorizations

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Page 8

CONCLUSION:

By-law 2017-025, an amendment to Zoning By-law 2014-014, has been prepared to address housekeeping, technical and other matters as described in this report.

If there are any comments received through the technical review, or from members of the public, that cannot be addressed appropriately at the public hearing on March 20, 2017, the passage of By-law 2017-025 should be deferred to a future Planning and Development Council meeting.

CONSIDERATIONS:

(A) PUBLIC

No public information meeting was held as the proposed zoning by-law amendment is intended to improve implementation and interpretation issues and is primarily technical in nature. Notice was published in the Oakville Beaver on February 23, 2017. Since that date, the proposed zoning by-law amendment has been available for review in-person in the Planning Services department. Copies of the proposed by-law have also been shared by email to parties with active appeals to the original passage of Zoning By-law 2014-014 and others.

(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 finalization of this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- be the most livable town in Canada

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Page 9

(E) COMMUNITY SUSTAINABILITY

The proposed zoning by-law amendment complies with the sustainability objectives of the Livable Oakville Plan.

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