

Town of Oakville Memorandum

To: Mayor and Members of Council

From: Tricia Collingwood
Planning Services

Date: December 5, 2017

Subject: **Cortel Group/Trafalgar Heights Inc.
Planning and Development Council Meeting December 5, 2017 -
Item 16
Z.1413.30**

Please find attached revised Zoning By-Law 2017-124 that can be found as part of item 16, recommendation report for Cortel Group/Trafalgar Heights Inc.

The revisions are minor in nature and are intended to ensure consistencies with the Town's Comprehensive By-law 2014-014, such as removing redundancies that were carried over from the original site specific by-law approved by the Ontario Municipal Board in 2011. All parties have agreed to the edits to By-law 2017-124.

A tracked changes version of the by-law has been attached to this memo along with a final version of By-law 2017-124.



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2017-124

A by-law to amend the Town of Oakville Zoning By-law 2014-014 to permit the use of the lands described as 278 Dundas Street East and 2466 Trafalgar Road (Cortel Group/Trafalgar Heights Inc., File No.: 1413.30)

COUNCIL ENACTS AS FOLLOWS:

1. Map 19(22a) of By-law 2014-014 is amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 15, Special Provisions, of By-law 2014-014 is amended by revising the existing Section 15.13 as follows:

"13	278 Dundas Street East	Parent Zone: MU4
Map 19(22a)	(Part of Lot 13, Concession 1 S.D.S)	(2017-124)
15.13.1 Additional Permitted Uses		
The following additional <i>uses</i> are permitted:		
a)	<i>Townhouse dwelling units that share a common wall with an apartment dwelling and/or mixed use building and only if not oriented toward Taunton Road, Oak Walk Drive, an urban square or the transit facility.</i>	
b)	<i>Rooftop terraces</i>	
c)	<i>Outdoor patios</i>	
d)	<i>A public parking structure located either below or above grade.</i>	
15.13.2 Zone Provisions		
The following regulations apply:		
a)	<i>Footnote 3 of Table 8.2 shall not apply to a townhouse dwelling</i>	

<u>ab</u>)	Permitted locations for retail and service commercial <i>uses</i>	Only in combination with a residential or office <i>use</i> , and only within the first two storeys of a building, with a minimum of 60% of retail and service commercial <i>uses</i> oriented towards Taunton Road, Oak Walk Drive, the transit facility, and public <i>amenity space</i> such as an <i>urban square</i>
<u>be</u>)	Minimum <i>yard</i> along any <i>lot line</i> abutting Taunton Road, Oak Walk Drive and the transit facility	1.0 m
<u>ce</u>)	Maximum <u>setback-yard</u> to Taunton Road and Oak Walk Drive	3.0 m
<u>de</u>)	Maximum setback to the transit facility	30.0 m
<u>ef</u>)	Minimum setback to easterly side lot line	0.0 m
<u>fg</u>)	Minimum net <i>floor area</i> for office uses	2,640.0 sq.m
<u>gh</u>)	Maximum <u>net floor area</u> for a <i>retail store</i> or <i>restaurant</i>	500.0 sq.m, where the <i>premises</i> occupies one <i>storey</i> , and 1,000 sq. m where the <i>premises</i> occupies two <i>storeys</i>
<u>hi</u>)	Minimum <i>main wall</i> stepback above the fourth <i>storey</i>	2.0 m
<u>ij</u>)	Maximum allowable projection into any <i>yard</i> for <i>balconies</i> , bay windows, cornices, stairs, <i>porches</i> , and terraces	Up to 0.3 m from a <i>lot line</i> abutting any public road
<u>jk</u>)	Minimum <i>height</i>	23.0 m, and shall not apply to any <i>townhouse dwelling unit</i>
<u>kl</u>)	Maximum <i>height</i>	41.0 m
<u>lm</u>)	Maximum number of <i>storeys</i>	12

<u>ma</u>)	Maximum <i>height</i> for a one <i>building</i> tower (upon execution of a Section 37 agreement)	85.0 m
<u>ne</u>)	Maximum <i>height</i> for all other <i>buildings</i> (upon execution of a Section 37 agreement)	57.0 m
<u>op</u>)	Maximum number of <i>storeys</i> for one <i>building</i> tower (upon execution of a Section 37 agreement with understanding that total number of <i>storeys</i> through bonusing must not exceed 20 <i>storeys</i> across the site)	25
<u>pe</u>)	Maximum number of <i>storeys</i> for all other <i>buildings</i> (upon execution of a Section 37 agreement with understanding that total number of <i>storeys</i> through bonusing must not exceed 20 <i>storeys</i> across the site)	17
<u>qf</u>)	Maximum number of <i>storeys</i> permitted through a Section 37 Agreement	20
<u>rs</u>)	Minimum <i>height</i> for a podium connecting <i>building</i> towers	12.0 m
<u>wt</u>)	Maximum number of <i>storeys</i> for a podium connecting <i>building</i> towers	4
<u>tu</u>)	Maximum number of <i>building</i> towers	4
<u>uv</u>)	Maximum <i>height</i> of parapets	3.0 m
<u>vw</u>)	Maximum <i>height</i> of unenclosed rooftop mechanical equipment, elevator penthouse and stair tower.	6.0 m
<u>wx</u>)	Maximum <i>height</i> of a wholly enclosed rooftop mechanical equipment, elevator penthouse and stair towers	10.0 m
<u>xy</u>)	Maximum <i>height</i> of rooftop architectural features	12.0 m
<u>yz</u>)	Maximum number of <i>dwelling units</i> (inclusive of a Section 37 Agreement)	750
<u>zaa</u>)	Residential <i>dwelling units</i> are not permitted at-grade where they will face Taunton Road, Oak Walk Drive, or abutting a public <i>amenity space</i> such as an <i>urban square</i> or a transit facility.	
<u>aab</u>)	Retail and service commercial <i>uses</i> shall be the only permitted <i>use</i> at grade along façades oriented towards Taunton Road, Oak Walk Drive, the transit facility, and public <i>amenity space</i> such as an <i>urban square</i> .	

<u>a</u> b e)	Where commercial and/or office units are located at grade and are oriented towards a public street, the transit facility, or a public <i>amenity space</i> such as an <i>urban square</i> , a minimum of one principal <i>building</i> entrance to each unit shall be directly accessible from, and oriented towards, the public street, transit facility, or public <i>amenity space</i> . A maximum of 2 entrances are permitted for end units in such locations.
<u>a</u> c d)	Transformer and telecommunications vaults shall be located internal to the serviced building.
15.13.3 Parking Regulations	
The following parking regulations apply:	
a)	Minimum number of <i>parking spaces</i> for dwelling units 1.0 per <i>dwelling</i>, inclusive of visitor parking
b)	A <i>surface parking area</i> shall not be permitted in any <i>yard</i> between a <i>building</i> and a public road and shall not occupy more than 20% of the <i>lot area</i>
c)	Visitor parking for residential <i>uses</i> may be counted towards required parking for retail and/or office <i>uses</i> .
15.13.4 Special Site Provisions	
The following additional provisions apply:	
a)	All lands identified as subject to this Special Provision shall be considered as one lot for the purposes of this By-law.
“15.13.5 Bonusing Provisions	
In order to permit the increased permissions contained in this Special Provision, zoning compliance for building height above 12 storeys 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 the 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 in the Uptown Core identified in the Livable Oakville Plan.

3. Section 16, Holding Provisions, of By-law 2014-014 is amended by revising the existing Section 16.3.16 as follows:

“H16	278 Dundas Street East	Parent Zone: MU4
Map 19(22a)	(Part of Lot 13, Concession 1 S.D.S)	(2017-124)

16.3.16.1 Only Permitted Uses Prior to Removal of the “H”	
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following:	
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i> .
16.3.16.2 Conditions for Removal of the “H”	
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following conditions shall first be completed to the satisfaction of the <i>Town of Oakville</i> :	
a)	The Owner has submitted, to the satisfaction of the Regional Municipality of Halton, an update to the Functional Servicing Report establishing there is sufficient capacity for water and/or sanitary sewer to service the subject lands and to discuss any required servicing extensions/requirements to support the proposed development.
b)	The Owner has submitted, to the satisfaction of the Region of Halton, an updated Phase 1 Environmental Site Assessment and any recommended environmental reports, along with a Letter of Reliance extending Third party Reliance to the Region of Halton, which demonstrates that the lands are free and clear for their intended use.
c)	The Owner prepares and submits, to the satisfaction of the Region of Halton and Conservation Halton, a Woodland Restoration and Enhancement Report and Plan to address and implement the required woodlands replacements. The Owner further agrees to implement and secure the required plantings, which will include any monitoring requirements.
d)	Registration on title of a Section 37 Agreement per the <u>Planning Act</u>
e)	Land and funds required for the construction of the extensions of Taunton Road (23.0 metres) and Oak Walk Drive (20.0 metres) have been secured to the satisfaction of the Town of Oakville.

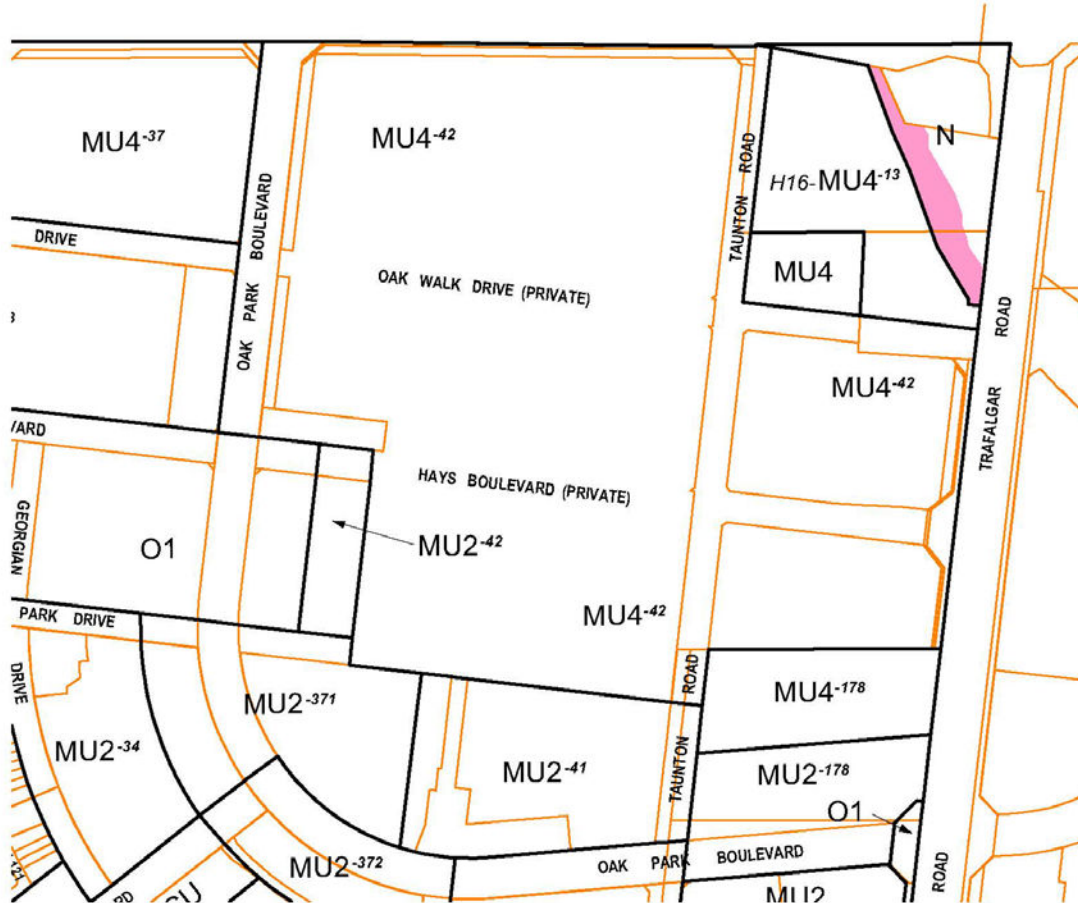
4. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 5th day of December, 2017.


MAYOR

CLERK

SCHEDULE "A"
To By-law 2017-124



AMENDMENT TO BY-LAW 2014-014

 Rezoned from Urban Core (H16 -- MU4 -- SP 13) to Natural Area (N)

EXCERPT FROM MAP
 19 (22a)



SCALE 1 : 4000



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j)	<i>Minimum height</i>	23.0 m, and shall not apply to any <i>townhouse dwelling unit</i>
k)	<i>Maximum height</i>	41.0 m
l)	<i>Maximum number of storeys</i>	12

m)	Maximum <i>height</i> for a one <i>building</i> tower (upon execution of a Section 37 agreement)	85.0 m
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PASSED this 5th day of December, 2017.


MAYOR

CLERK

SCHEDULE "A"
To By-law 2017-124



AMENDMENT TO BY-LAW 2014-014

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EXCERPT FROM MAP
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SCALE 1 : 4000