

Appendix E:

Outstanding Council Items



Staff has the following final comment and analysis on three items on Council's Outstanding Issues List.

4.6.1 Old Oakville Residential Zoning (and the First and Second Street Heritage Conservation District)

A workshop was held with nine residents of the First and Second Street Heritage Conservation District on December 11, 2013. One written submission was received after the meeting, supporting the interim recommendation of a coverage-only maximum for the building envelope.

There are currently three zones applying in the area: Detached Dwellings R3 SP 327 (the majority of lots west of Second Street); Detached Dwellings R4 SP 327 (the remainder of lots west of Second Street); and Detached Dwellings R03 (lots east of Second Street). There are six regulations within the current zoning that differ between these three areas: minimum lot area; minimum lot frontage; maximum height; maximum number of storeys; maximum lot coverage; and maximum floor area and floor area/lot ratio.

The lot size differences can be rationalized by placing all lots in the more appropriate Residential Low RL3 Zone. Based on an analysis of existing conditions and the overall approach of the inZone project, a new Special Provision 12 is recommended to be applied across the entire District with the following regulations:

1. Maximum height is proposed to be harmonized at 10.0 metres, measured to the tallest point of the building. Of the 66 lots in the First and Second Street HCD, only six have dwellings which exceed a height of 10.0 metres. Those six lots are proposed to receive a taller height maximum of the height that legally existed on the effective date of this By-law.
2. The proposed maximum lot coverage of 25% for the entire District maintains the maximum set out in the current Special Provision 327, which applies to all lots west of Second Street, therefore resulting in no change for those lots. For lots in the Detached Dwellings R03 Zone (all lots east of Second Street), a maximum lot coverage of 35% is currently permitted. While the new maximum of 25% results in a 10% reduction for these lots, all but one lot east of Second Street currently have a lot coverage under 25%. As with height above, lots with a higher lot coverage are recognized. The first tier of lots increases the lot coverage to 30%, while the second tier (for larger lots) have a maximum of that which legally existed on the effective date of this By-law.
3. No maximum floor area/lot ratio or maximum residential floor area ratio are proposed for these lots. Within the building envelope, the District Plan and Heritage Permit process is recommended to evaluate the proposed massing, orientation, and layout of buildings on a lot.

Only technical and editorial revisions are proposed to the zoning within the Old Oakville Heritage Conservation District. A review of zoning provisions will occur as part of all future heritage studies, including the First and Second Street Study planned for 2014 and 2015.

4.6.3 Garbage Enclosures and Waste Handling Control

With minor editorial revisions, Section 4.7 of the final draft (v3.0) has been maintained as previously proposed. The regulation is proposed to be restructured into two, location-based frameworks based upon updated guidelines in the draft Urban Design Manual (Livable by Design):

1. In mixed use zones, certain medium and high density residential zones, and the Office Employment E1 Zone, garbage containers would need to be contained entirely within a building.
2. In remaining zones (generally speaking, all remaining Residential Medium RM, Commercial, Employment, Institutional I, Community Use CU, and Private Open Space O2 Zones not otherwise covered in the above point), a building for garbage containment and garbage enclosure (being an opaque structure such as a fence) would not be permitted in four particular locations on a site:
 - a. In any front yard;
 - b. Between the portion of a building closest to a flankage (exterior side) lot line and the flankage lot line in a flankage yard;
 - c. In any minimum yard abutting a lot in any Residential Zone; and,
 - d. In any landscaping coverage required by the By-law.

Materials of construction cannot be regulated through a Zoning By-law. Instead, construction and maintenance should be addressed in a Site Plan Agreement with guidance provided in the pending Urban Design Manual (Livable by Design).

4.6.6 Commercial Vehicle Definition

The opinion from previous reports continues to be recommended. The intent of commercial vehicle regulations in zoning by-laws is to prevent larger vehicles or those of a commercial nature from being parked in a residential neighbourhood, where only household vehicles are expected. The line between “commercial in nature” and “household vehicle” is increasingly blurred as people are increasingly self-employed or bringing fleet vehicles home at night. Many of these vehicle models, without commercial advertising, are available for sale to non-business owners for personal use.

At present, only a maximum driveway width regulation applies to limit the spread of paved surfaces on a residential lot. Only allowing the parking of vehicles in a parking space and, in the final draft (v3.0), limiting the cumulative width of all parking spaces on a lot with a detached dwelling, semi-detached dwelling, duplex dwelling, linked dwelling, townhouse dwelling, or back-to-back townhouse dwelling in any Residential or Mixed Use Zone to the maximum width of the driveway permitted on the lot, has the effect of limiting parking potential on a lot. Zoning by-laws cannot regulate off-street parking activity.

Given that virtually all taxis are the same make and model as other non-business vehicles, additional prohibitions on commercial vehicle parking is not recommended on residential lots beyond those proposed in Section 5.9.1 of the final draft (v3.0): a weight limit of 3,000 kilograms, a maximum vehicle length of 6.0 metres, and a maximum vehicle height of 2.3 metres.