



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2016-120

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 14 and 15, Concession 1, NDS (404072 Ontario Limited, File No.: Z.1314.06B)

#### COUNCIL ENACTS AS FOLLOWS:

1. Map 12(5) of By-law 2009-189, as amended, is amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 8, Special Provisions, of By-law 2009-189, as amended, is amended by adding the Sections 8.48, 8.49 and 8.50, as follows:

<b>8.48</b>	<b>404072 Ontario Ltd.</b>	Parent Zone: NC
Map 12(5)	<b>(Mattamy Development Corp.)</b> (Part of Lots 14 and 15, Concession 1, NDS)	(2016-120)
<b>8.48.1 Zone Provisions</b>		
The following regulations apply to <i>mixed use buildings</i> , but do not apply to <i>connected commercial/residential buildings</i> :		
a)	<i>Dwelling units</i> are not permitted on a <i>first storey</i> unless they are separated from the wall facing a <i>public street</i> by a <i>commercial unit</i> .	
b)	Non-residential uses are only permitted on a <i>first storey</i> . The <i>front wall</i> of the premises shall be oriented toward a <i>public street</i> .	
c)	Notwithstanding subsection (b) above, office and ancillary residential <i>uses</i> are permitted on any <i>storey</i> .	
d)	Minimum <i>rear yard</i> below grade	0.0 m
e)	Minimum <i>storey height</i> of the <i>first storey</i> , as measured from the top of floor to the top of floor or roof above (shall not apply to that portion of a building occupied by a <i>dwelling unit</i> )	4.5 m

f)	Maximum permitted encroachment for bay, box out, and bow windows with or without foundation	Up to 0.3 m from a <i>front lot line</i> or <i>flankage lot line</i>
g)	Maximum <i>height</i>	17.0 m, and excludes features identified in subsections (h), (i), and (j) below
h)	Maximum height of parapets from top of roof	3.0 m
i)	Maximum height of mechanical and/or elevator penthouse, rooftop equipment, and stair tower from top of roof	6.0 m
j)	Maximum height of rooftop architectural features from top of roof	6.0 m
k)	Maximum length of a <i>building</i> wall parallel to a <i>public street</i>	50.0 m
l)	Maximum projection of a balcony into any <i>yard</i>	2.0 m
m)	Where any rooftop equipment, mechanical and/or elevator penthouse and stair tower exceed 2.0 metres in height from top of roof and are not integrated with the extension of a <i>building's</i> façade, these must be set back a minimum of 4.0 metres from all edges of the roof and screened by an architectural feature.	
n)	Stairs and air vents associated with an underground <i>parking garage</i> are permitted in any <i>yard</i> .	
8.48.2 Only Building Types Permitted for Block 1 Lands		
Notwithstanding section 7.5.2, only the following building types are permitted on lands identified as Block 1 on Figure 8.48.1:		
a)	<i>Commercial/residential building</i>	
b)	<i>Stacked townhouse dwelling</i> , subject to the standards for <i>townhouse dwelling unit lane access</i>	
8.48.3 Additional Building Type Permitted for Block 2 Lands		
Notwithstanding section 7.5.2, the following additional building type is permitted on lands identified as Block 2 on Figure 8.48.1:		
a)	<i>Stacked townhouse dwelling</i> , subject to the standards for <i>apartment</i>	

#### 8.48.4 Additional Zone Regulations for Block 2 Lands

The following additional regulations apply to lands identified as Block 2 on Figure 8.48.1:

- a) Notwithstanding the minimum *rear yard setback* in section 7.5.2, where a *lot* has *public streets* on three or four sides, the *front* and *flankage yard* requirements shall apply to all *yards* abutting a *public street*.
- b) Where a *lot* has *public streets* on four sides, the *front lot line* shall be the *lot line* abutting Settlers Road East.

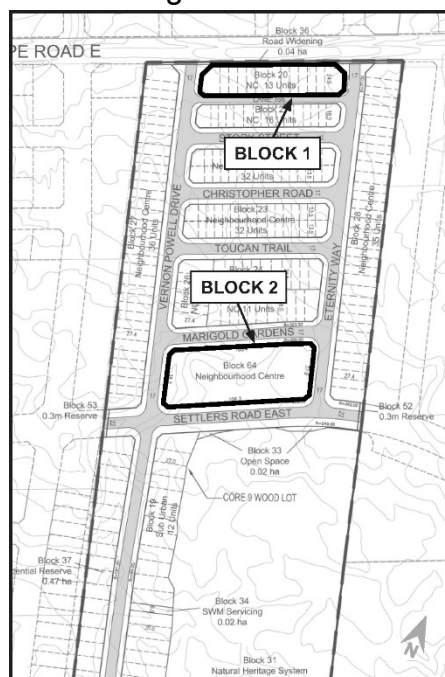
#### 8.48.5 Zone Regulations for All Buildings

The following regulations apply to all *buildings*:

- a) Notwithstanding section 7.5.5, any podium, stepped-back, or terraced portions of a *building* are permitted below the minimum *height*.
- b) Notwithstanding section 4.27, the requirement to have walls that are open and unenclosed for at least 70% of the total area of the vertical *planes* forming its perimeter shall not apply to *inset porches*.
- c) Notwithstanding Section 5.4.1.2, a *parking space* in a *private garage* shall have an unobstructed area with a width of not less than 2.9 metres for a single car *private garage* and one step may encroach into the width of a *parking space* within a *garage* at the side of the *parking space*.

#### 8.48.6 Special Site Figures

Figure 8.48.1



8.49	404072 Ontario Ltd. (Mattamy Development Corp.) (Part of Lots 14 and 15, Concession 1, NDS)	Parent Zone: GU
Map 12(5)		(2016-120)
8.49.1 Zone Provisions		
The following regulations apply:		
a)	Notwithstanding the maximum width in Table 4.21(g), the maximum width of Bay, Box Out and Bow <i>Windows</i> with or without foundations which may be a maximum of three <i>storeys</i> in height and which may include a door	4.0 m
b)	Notwithstanding Section 4.27, the requirement to have walls that are open and unenclosed for at least 70% of the total area of the vertical <i>planes</i> forming its perimeter shall not apply to <i>inset porches</i> .	
c)	Notwithstanding section 4.27, a porch shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the building or insect screening.	
d)	Notwithstanding Section 5.4.1.2, a <i>parking space</i> in a <i>private garage</i> shall have an unobstructed area with a width of not less than 2.9 metres for a single car <i>private garage</i> and one step may encroach into the width of a <i>parking space</i> within a <i>garage</i> at the side of the <i>parking space</i> .	
e)	Notwithstanding Section 4.31 of this By-law, no more than 30% of single detached and semi-detached dwellings in any block shall be alike in external design with respect to size and location of doors, windows, projecting balconies, landings, porches and type of surface materials. Buildings alike in external design shall not be erected on adjoining lots fronting onto the same street unless the floor plan is reversed and, in any case, shall not be erected on more than two successive adjoining lots fronting onto the same street.	

8.50	404072 Ontario Ltd. (Mattamy Development Corp.) (Part of Lots 14 and 15, Concession 1, NDS)	Parent Zone: S
Map 12(5)		(2016-120)
8.50.1 Zone Provisions		
The following regulations apply:		
a)	Notwithstanding the maximum width in Table 4.21(g), the maximum width of Bay, Box Out and Bow <i>Windows</i> with or without foundations which may be a maximum of three <i>storeys</i> in height and which may include a door	4.0 m
b)	Notwithstanding Section 4.27, the requirement to have walls that are open and unenclosed for at least 70% of the total area of the vertical <i>planes</i> forming its perimeter shall not apply to <i>inset porches</i> .	
c)	Notwithstanding section 4.27, a porch shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the building or insect screening.	
d)	Notwithstanding Section 5.4.1.2, a <i>parking space</i> in a <i>private garage</i> shall have an unobstructed area with a width of not less than 2.9 metres for a single car <i>private garage</i> and one step may encroach into the width of a <i>parking space</i> within a <i>garage</i> at the side of the <i>parking space</i> .	
8.50.2 Additional Zone Regulations for Block 1 Lands		
The following additional regulations apply to lands identified as Block 1 on Figure 8.50.1:		
a)	Notwithstanding the minimum <i>rear yard setback</i> in Section 7.7.2, the minimum <i>rear yard setback</i> for a <i>single detached dwelling street access attached private garage</i>	6.0 m
b)	A one <i>storey</i> addition for a <i>single detached dwelling street access attached private garage</i> may project into the <i>rear yard</i> with a minimum setback of 3 m for a maximum of 45% of the <i>dwelling</i> width measured at the rear of the main <i>building</i> .	

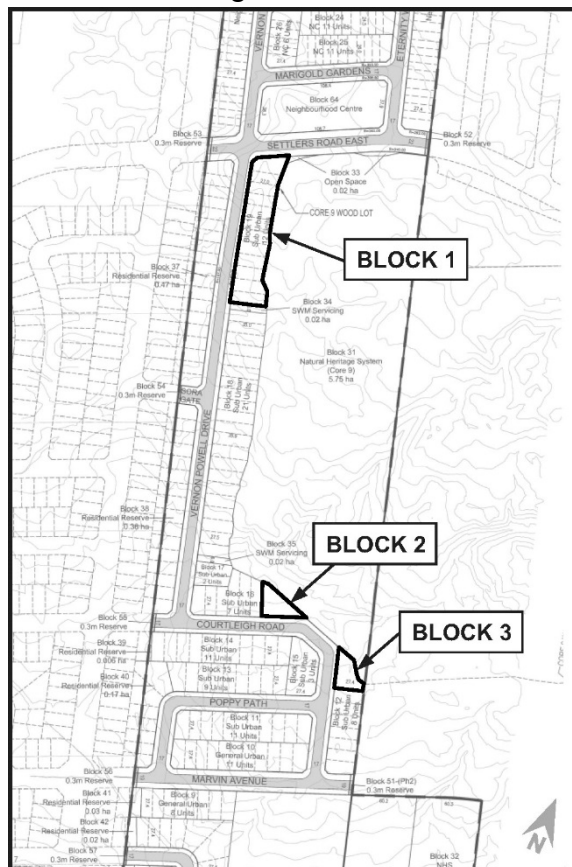
### 8.50.3 Additional Zone Regulations for Block 2 and Block 3 Lands

The following additional regulations apply to lands identified as Block 2 and Block 3 on Figure 8.50.1:

a)	Notwithstanding the minimum <i>lot depth</i> in Section 7.7.2, the minimum <i>lot depth</i> for a <i>single detached dwelling street access</i> attached <i>private garage</i>	12.0 m
b)	Notwithstanding the minimum <i>rear yard setback</i> in Section 7.7.2, the minimum <i>rear yard setback</i> for a <i>single detached dwelling street access</i> attached <i>private garage</i>	0.6 m

### 8.50.4 Special Site Figures

Figure 8.50.1



3. Section 9, Holding Provisions, of By-law 2009-189, as amended, is amended by adding new Section 9.3.15 and 9.3.16 as follows:

H17	404072 Ontario Ltd. (Mattamy Development Corp.) (Part of Lots 14 and 15, Concession 1, NDS)	Parent Zone: NC
Map 12(5)		(2016-120)
9.3.15.1 Only Permitted Building Types 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 building types:		
a)	<i>Mixed use building</i>	
b)	<i>Apartment</i>	
c)	<i>Parking garage, built as part of an apartment or mixed use building on the same lot</i>	
d)	<i>Stacked townhouse dwelling</i>	
9.3.15.3 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 condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	A minimum of three years has passed since the date of registration of the underlying draft plan of subdivision which includes the entirety of the lands subject to this Holding Provision.	

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.

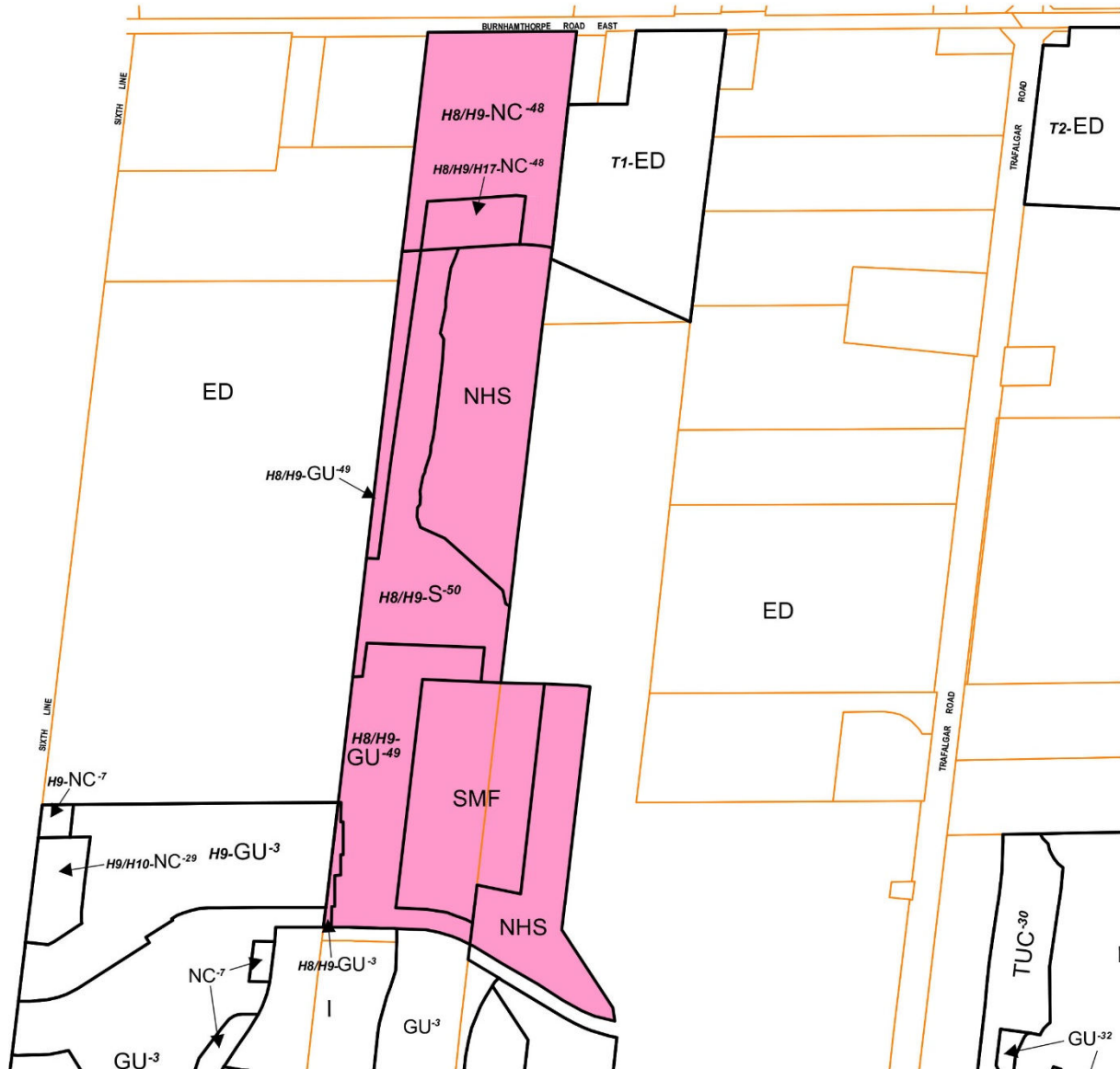
PASSED this 28th day of November, 2016

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MAYOR


\_\_\_\_\_  
CLERK



# **SCHEDULE "A"** **To By-law 2016-120**



## **AMENDMENT TO BY-LAW 2009-189**

 Rezoned from Existing Development (ED) to  
General Urban (H8/H9-GU sp:3);  
General Urban (H8/H9-GU sp:49);  
Neighbourhood Centre (H8/H9-NC sp:48);  
Sub-urban (H8/H9-S sp:50);  
Natural Heritage System (NHS); and  
Stormwater Management Facility (SMF)

**EXCERPT FROM MAP**  
**12 (5)**



**SCALE 1 : 8000**