



# PLANNING OPINION REPORT

Update from 2016, 2022 and 2023

Zoning By-law Amendment & Draft Plan of Subdivision  
Green Ginger Phase 2  
Oakville, ON

Prepared For:

Green Ginger Developments Inc. and Clear Day Investments Limited

May 2024

**MGP**

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*Zoning By-law Amendment & Draft Plan of Subdivision*

## **Planning Opinion Report**

Update from 2016, 2022 and 2023

**Green Ginger Phase 2  
Oakville, ON**

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# 1.0 Introduction

*Green Ginger Developments Inc. and Clear Day Investments Limited are proposing to develop 39.44 ha of land located in the North Oakville East Secondary Plan area known as the Green Ginger Phase 2 Lands near the intersection of Trafalgar Road and Dundas Street East with a new residential community consisting of a mix of street townhouses, rear access townhouses, mid-rise residential and mixed-use high-rise buildings, and associated stormwater management blocks, urban squares, a secondary school, and a large natural heritage block. The proposed development requires an application for a Zoning By-law Amendment and approval of a Draft Plan of Subdivision.*

*This update report has been prepared in the context of an updated Draft Plan of Subdivision and associated Zoning By-law Amendment, both revised to address comments on the original application in 2016 and resubmissions in 2022 and 2023.*

## 1.1 Background

On October 13, 2016, Green Ginger Developments Inc. and Clear Day Investments Limited (collectively, “Green Ginger”) submitted applications for a Zoning By-law Amendment to amend the Town of Oakville Zoning By-law (North Oakville Zoning By-law No. 2009-189) and approval of a Draft Plan of Subdivision to facilitate the development of a new mixed use and residential community consisting of a mix of residential building types and retail uses as well as natural heritage, school facilities and public open space features in the North Oakville East Secondary Plan area (the “Original Applications”). The Original Applications, File Nos. 24T-16006 / 1313.08, were both appealed to the Ontario Land Tribunal (the “Tribunal”) for the failure of Council to make a decision.

Since the submission of the Original Applications and its appeals, Green Ginger has had ongoing without prejudice discussions with the Town of Oakville (the “Town”) to address its comments and concerns regarding the Original Applications. Green Ginger has also filed two resubmissions with revised materials: one in April 2022 (the “2022 Resubmission”) and one in June 2023 (the “2023 Resubmission”).

The Tribunal has held three Case Management Conferences regarding the Original Applications, on January 19, 2018, May 8, 2018, and July 27, 2018, addressing scheduling and administrative matters relating to the appeals. To date, no hearing of the merits has been scheduled for the appeals. The current proposal contains minor revisions to the Zoning By-law Amendment and some of the supporting studies from the 2023 Resubmission, while maintaining the Draft Plan of Subdivision and Concept Plans from

that 2023 Resubmission (the “Revised Applications”, as further described in Section 3.0 of this report).

## **1.2 Purpose**

Malone Given Parsons Ltd. (“MGP”) has been retained to prepare an updated planning overview and opinion report regarding the Revised Applications and to describe how the Revised Applications conform to and are consistent with all provincial, Region of Halton, and Town of Oakville policies. This report is intended to be an update to the original Planning Justification Report dated August 2016 filed with the Original Applications, the Planning Opinion Report dated April 11, 2022 filed with the 2022 Resubmission, and the Planning Opinion Report dated June 12, 2023.

This Planning Opinion Report also summarizes the findings of the updated technical reports prepared in accordance with the Town and Region’s requirements to support the Revised Applications.



# 2.0 Property Context

## 2.1 Site Location and Characteristics

As described in the Original Applications, Green Ginger was the owner of approximately 66.7 ha of land within the Town of Oakville north of Dundas Street East and west of Trafalgar Road within the North Oakville East Secondary Plan area. The 27.3 ha Phase 1 is draft plan approved and registered as M-Plans 20M-1175 and 20M-1163 and is currently fully occupied and owned by the individual homeowners with the exception of Block 32 (the “Phase 1 Lands”). Phase 2 is located northeast of the Phase 1 Lands and is comprised of 39.44 ha of land (the “Phase 2 Lands”). This report applies only to the Phase 2 Lands. The Phase 1 and 2 Lands (collectively, the “Green Ginger Lands”) are shown in Figure 2.1 below.

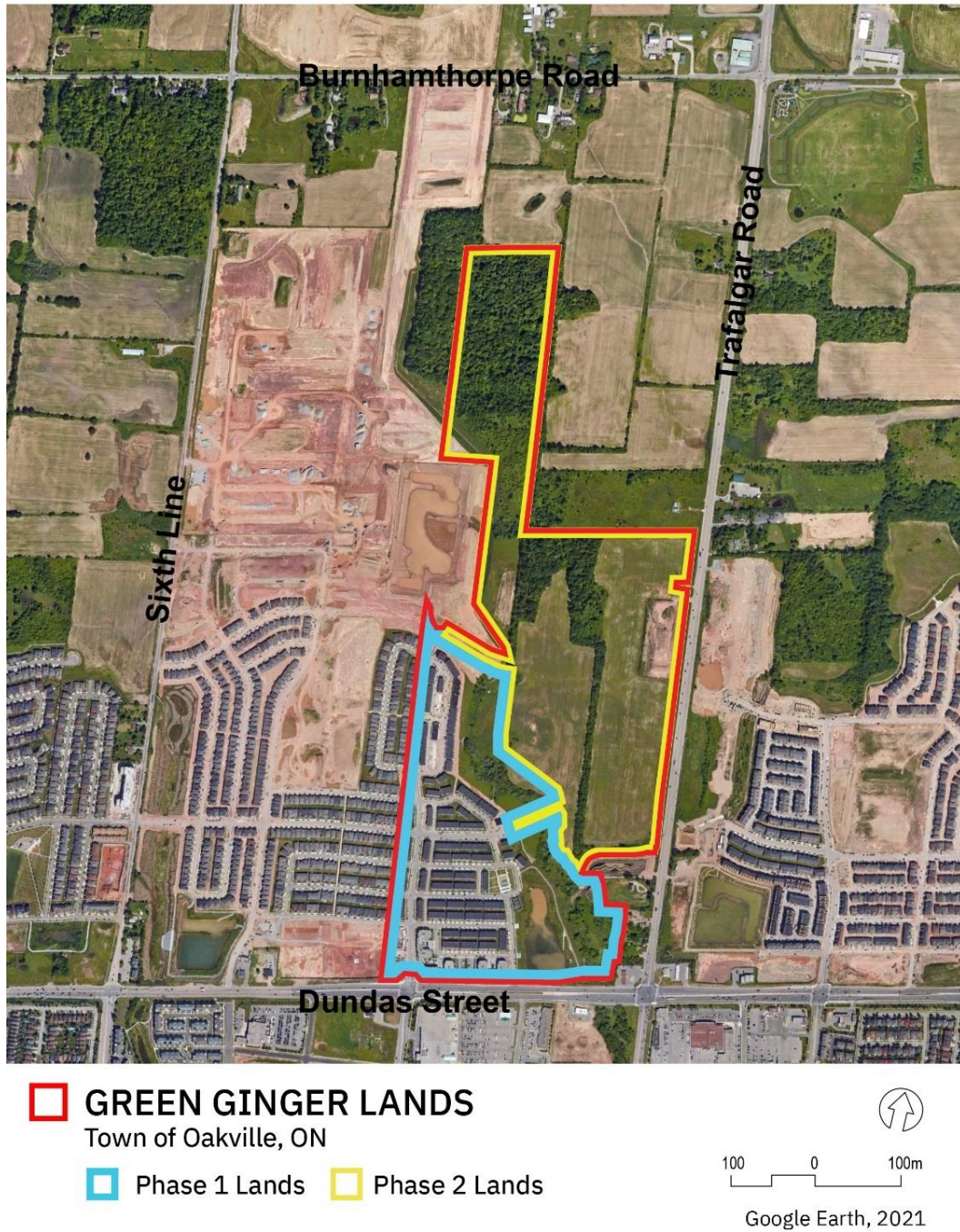
The Phase 2 Lands are currently vacant and are comprised of agricultural fields and woodlands. The topography of the site is slightly undulated but is relatively level with Trafalgar Road. The grade of the site generally descends towards the southeast and towards East Morrison Creek. East Morrison Creek divides the Phase 1 and Phase 2 Lands.

The Phase 2 Lands are comprised of two parcels, neither of which have a municipal address and are legally described as:

PIN 249295427: PART LOTS 13 & 14 CONCESSION 1 TRAFALGAR NORTH OF DUNDAS STREET, PT 1 20R14237; SAVE & EXCEPT PARTS 6 & 14 HR892157, PLAN 20M1163 & PLAN 20M1175 & PARTS 3, 4, 5 & 8 20R21250 & PARTS 1, 2, 5 & 10 20R21101 SUBJECT TO AN EASEMENT IN GROSS OVER PART LOT 14 CONCESSION 1 TRAFALGAR NORTH OF DUNDAS STREET, PART 3 20R21101 AS IN HR1588084 SUBJECT TO AN EASEMENT IN GROSS OVER PART LOT 14 CONCESSION 1 TRAFALGAR NORTH OF DUNDAS STREET, PARTS 3 & 4 20R21101 AS IN HR1588318 TOWN OF OAKVILLE; and

PIN 249295430: PART LOT 13, CONCESSION 1 TRAFALGAR, NORTH OF DUNDAS STREET, PART 1, PLAN 20R21250 SUBJECT TO AN EASEMENT IN GROSS OVER PART 1, PLAN 20R21250 AS IN HR1422654 TOWN OF OAKVILLE

Figure 2.1 Aerial Map, Green Ginger Lands



Source: Google Earth (2021), MGP (2022)

## 2.2 Surrounding Land Uses

The Phase 2 Lands are irregular in shape and are generally bound by Trafalgar Road to the east, the adjacent Phase 1 Lands to the south and west that front onto Dundas Street East, and existing rural and agricultural uses to the west and north. The Phase 2 Lands have approximately 730 metres of frontage on Trafalgar Road. Trafalgar Road is a major arterial road and transit corridor under the jurisdiction of Halton Region. The Phase 2 Lands are located in an area which is in transition from rural/agricultural uses to urban uses. The following uses are adjacent to the Phase 2 Lands:

- **North:** Existing natural, rural, and agricultural uses.
- **South:** Immediately to the south of the Phase 2 Lands, an approved Zoning By-law Amendment for two 30-storey apartment buildings at 3064 Trafalgar Road.
- **South/West:** Phase 1 Lands which contain a residential community consisting of 672 units comprised of both freehold townhouses and mid-rise apartments as well as a Natural Heritage System (“NHS”) which includes East Morrison Creek. Dundas Street East, a major arterial road and higher order transit corridor, is located further to the south abutting the Phase 1 Lands. Retail and service uses (Walmart, LCBO, CIBC, restaurants, etc.) are located on the south side of Dundas Street East.
- **West:** Existing natural, rural and agricultural uses currently under development into residential uses.
- **East:** A fully registered draft plan of subdivision for residential uses currently under development on the east side of Trafalgar Road. The lower density portions of this development are fully constructed while the high density blocks abutting Trafalgar Road are in various phases of detailed development approval and construction.

## 2.3 Transit Service

The area is well-serviced by Oakville Transit. The Uptown Core bus terminal, located at the southwest intersection of Dundas Street East and Trafalgar Road, is an approximately 10 minute walk from the south end of the Phase 2 Lands and provides bus service through various routes, including along both Dundas Street East and Trafalgar Road. Both Trafalgar Road and Dundas Street East are designated Higher Order Transit Corridors and are expected to carry frequent transit service through future HOV or dedicated bus lanes once the area has been sufficiently developed to support this higher order transit.

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# 3.0 Revised Applications

## 3.1 Revised Draft Plan of Subdivision

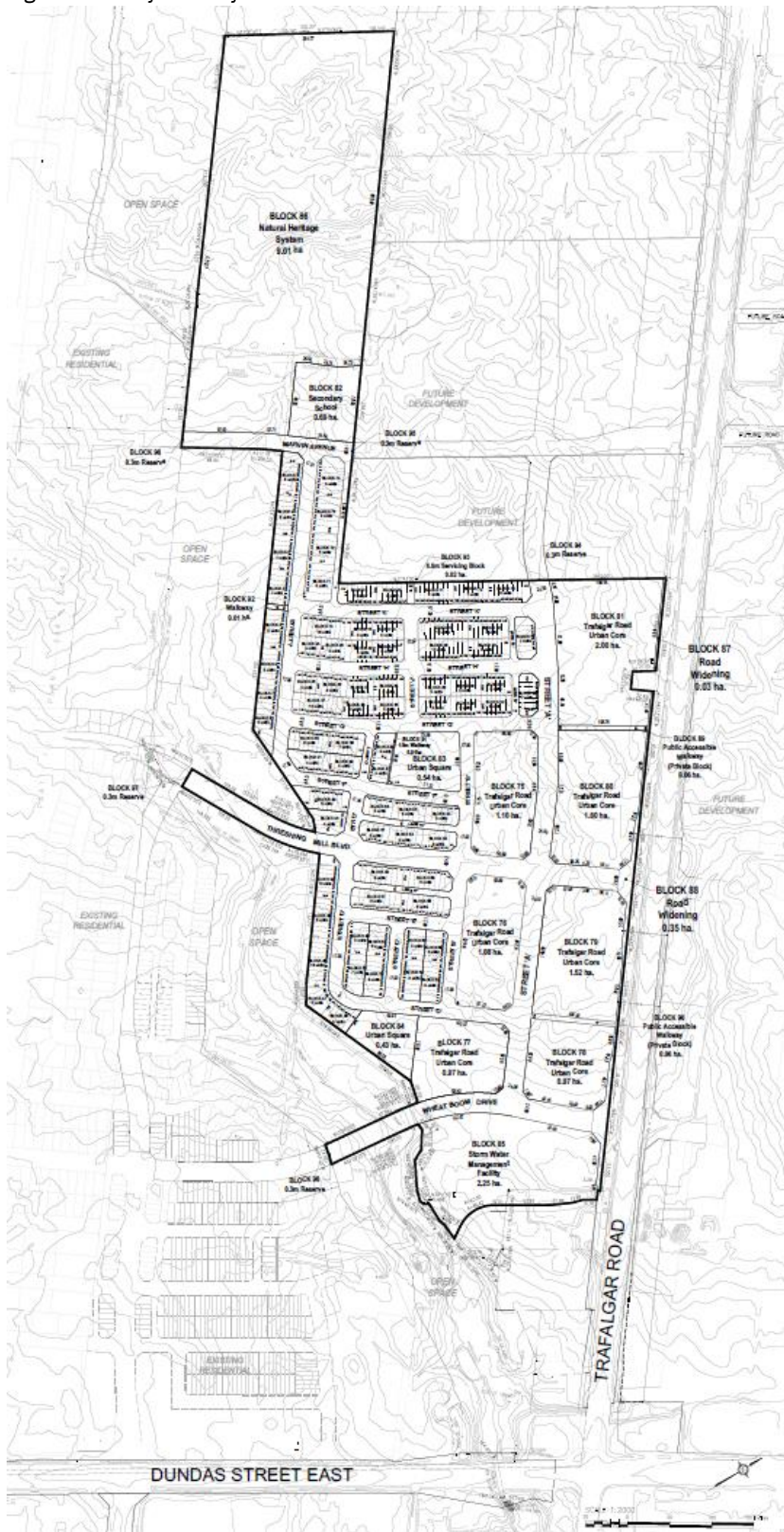
The revised development proposal for the Phase 2 Lands submitted in the Revised Applications continues to propose a mix of uses and densities and natural heritage and public open space features to complete the community in this portion of the North Oakville East Secondary Plan (“NOESP”) area. The NOESP area is a comprehensively studied and planned area which establishes the detailed planning framework for development north of Dundas Street East and south of Highway 407, including the Green Ginger Lands.

The Original Applications proposed 723 freehold townhouse units and two medium-high density future development blocks along Trafalgar Road that allow for multi-unit development adjacent to Trafalgar Road, a major arterial road and higher order transit corridor. The 2022 Resubmission proposed 539 freehold townhouse units, 15 condo townhouse units, and 7 Trafalgar Road Urban Core designated blocks, which at a conceptual level could be developed with approximately 3,500 to 4,500 condominium units within mid-rise and high-rise buildings with at-grade retail/service commercial space within 300 metres of Trafalgar Road, thereby increasing the total density achieved to 283 units per net hectare for the entire subdivision.

The original draft plan of subdivision, the 2022 and 2023 draft plans of subdivision, as well as the current Revised Applications include two village urban squares, a stormwater management pond, and open space blocks. Furthermore, all plans of subdivision preserve a large woodlot of 9.01 hectares as part of the natural heritage system at the northern extent of the Phase 2 Lands and the land for a secondary school site as identified in the NOESP.

The Draft Plan of Subdivision has not changed from the 2023 Resubmission, maintaining the overall goal and objective of developing dense and compact transit-oriented communities adjacent to higher order transit corridors. The Revised Applications propose 491 freehold townhouse units and 7 Trafalgar Road Urban Core designated blocks, which will be developed with up to approximately 4,415 condominium units and approximately 2,554 square metres of at-grade retail/service commercial space. The draft plan contains 3 townhouse unit types, being 5.5 m street townhouses, 6.1 m rear access townhouses, and 6.7 m rear access townhouses. The Revised Applications achieve a density of 283 units per net hectare for the entire subdivision. The draft plan of subdivision is illustrated in Figure 3.1. The land use statistics for the Revised Applications are found in Table 3.1.

Figure 3.1 Draft Plan of Subdivision



Source: MGP (2023)

*Table 3.1 Site Statistics, Revised Applications*

	Revised Applications (June 2023 and unchanged for April 2024)		
	Units	Lot/Block	Area (ha)
Street Townhouses – Min. 5.5 m	376	1-56	6.19
B-to-B Townhouses – Min. 6.4 m	-	-	-
Rear Townhouses – Min. 6.1 m	92	57-70	1.32
Rear Townhouses – Min. 6.7 m	23	71-74	0.56
Trafalgar Road Urban Core		75-81	9.24
Secondary School		82	0.69
Village/Urban Square		83-84	0.97
Stormwater Management Facility		85	2.25
Natural Heritage System		86	9.01
Road Widening		87-88	0.38
Future Development			
Public Accessible Walkway (Private Block)		89-90	0.12
Walkway		91-92	0.02
8.0 m Servicing Block		93	0.02
0.3 m Reserves		94-98	0.01
24 metre Right of Ways (Street A, Threshing Mill Blvd, Wheat Boom Dr)			3.50
19 metre Right of Ways (Marvin Ave)			0.38
17 metre Right of Ways		Streets B-K	4.40
7.5 m Laneway		Lanes L-P	0.32
11.0 m Laneway		Lane Q	0.06
<b>TOTAL</b>	<b>491</b>		<b>39.44</b>

The development details of the Urban Core blocks will be determined at the appropriate detailed design stage as part of future Site Plan Applications. A preliminary concept plan and massing study prepared by BDP Quadrangle Architects illustrates conceptual building layouts for each of the Trafalgar Urban Core blocks, as shown in Figures 3.2 and 3.3 below. The concept plan has been prepared to ensure sufficient block dimensions and integration with the rest of the subdivision lands. No changes to the concept plans or massing studies have been made from the 2023 Resubmission.

Generally, the concept includes buildings that range from 15 to 30 storey towers with 8-storey podiums along Trafalgar Road down to 8 and 6 storey buildings on the western

blocks to provide transition to the 3-storey townhouse units further to the west. The towers are intended to correspond and be compatible with the heights of the proposed developments on the east side of Trafalgar Road which range from 14 to 24 storeys.

Figure 3.2 Overall Concept Plan for Trafalgar Road Urban Core Blocks



Source: BDP Quadrangle (2023)

Retail/service commercial uses at grade are proposed in the buildings facing Trafalgar Road at key intersections (namely Threshing Mill Blvd and Wheat Boom) to activate these areas, providing a combined retail gross floor area of approximately 2,544 square metres (27,496 square feet). The extent and market feasibility of retail uses along Trafalgar Road will be subject to coordination with Halton Region on the ultimate design of Trafalgar Road, in particular with respect to lay-by parking permissions.

The urban squares, secondary school lands, stormwater management facility, and natural heritage system blocks have been maintained with minor reconfigurations and size adjustments. The northern extent of the draft plan of subdivision continues to be maintained for natural heritage uses and a secondary school site, with the areas being adjusted accordingly to be consistent with all supporting studies. The stormwater management facility block at the southern extent of the draft plan of subdivision remains in the same general location, as set out in the North Oakville Master Plan and is



appropriately sized to service the proposed development at 2.25 ha.

The Revised Applications continue to provide connector and local roads that connect to existing or proposed roads outside of the Phase 2 Lands, including on the east side of Trafalgar Road. The street hierarchy within the draft plan of subdivision maintains the originally proposed grid-like street system, including the main Avenue/Transit Corridors (Street 'A', Wheat Boom Drive, and Threshing Mill Blvd, which are 24.0 m in width) and the reconfigured local streets varying from 17.0 m to 19.0 m servicing the interior townhouse blocks. The draft plan also includes a number of 7.5 m and 11.0 m laneways and a 6.0 metre private walkway block in order to service the rear access townhouse unit typology and to provide pedestrian access to the re-located urban square (Block 83) and the open space block to the west.

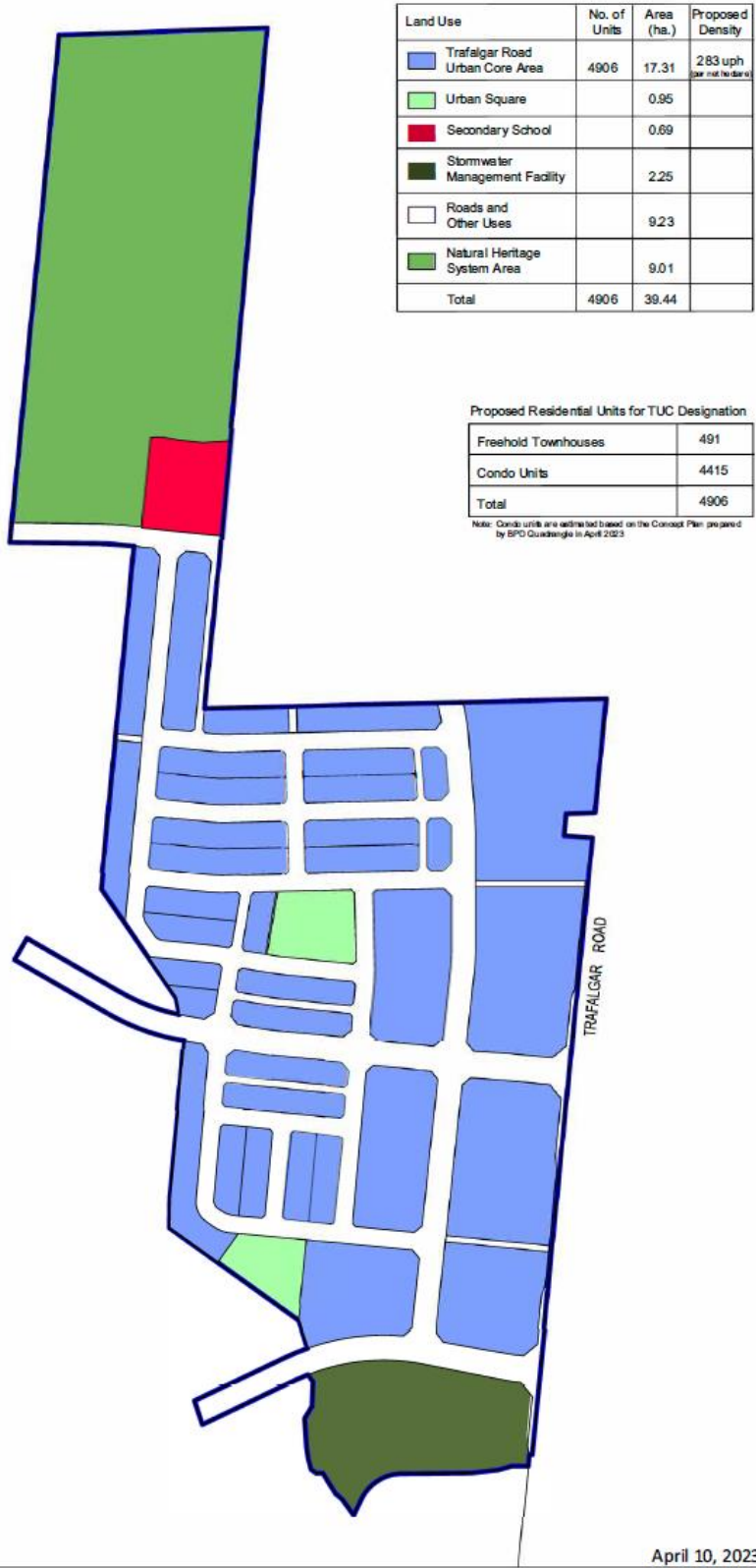
Figure 3.3 Concept Massing Study



Source: BDP Quadrangle (2023)

Figure 3.4 illustrates the land use designations of each block as well as the distribution of density on the Phase 2 Lands. The land uses, densities, and overall development plan presented in the Revised Applications are in accordance with and implement the objectives of the NOESP.

Figure 3.4 Land Use Designation and Preliminary Density Map



Source: Green Ginger (2023)

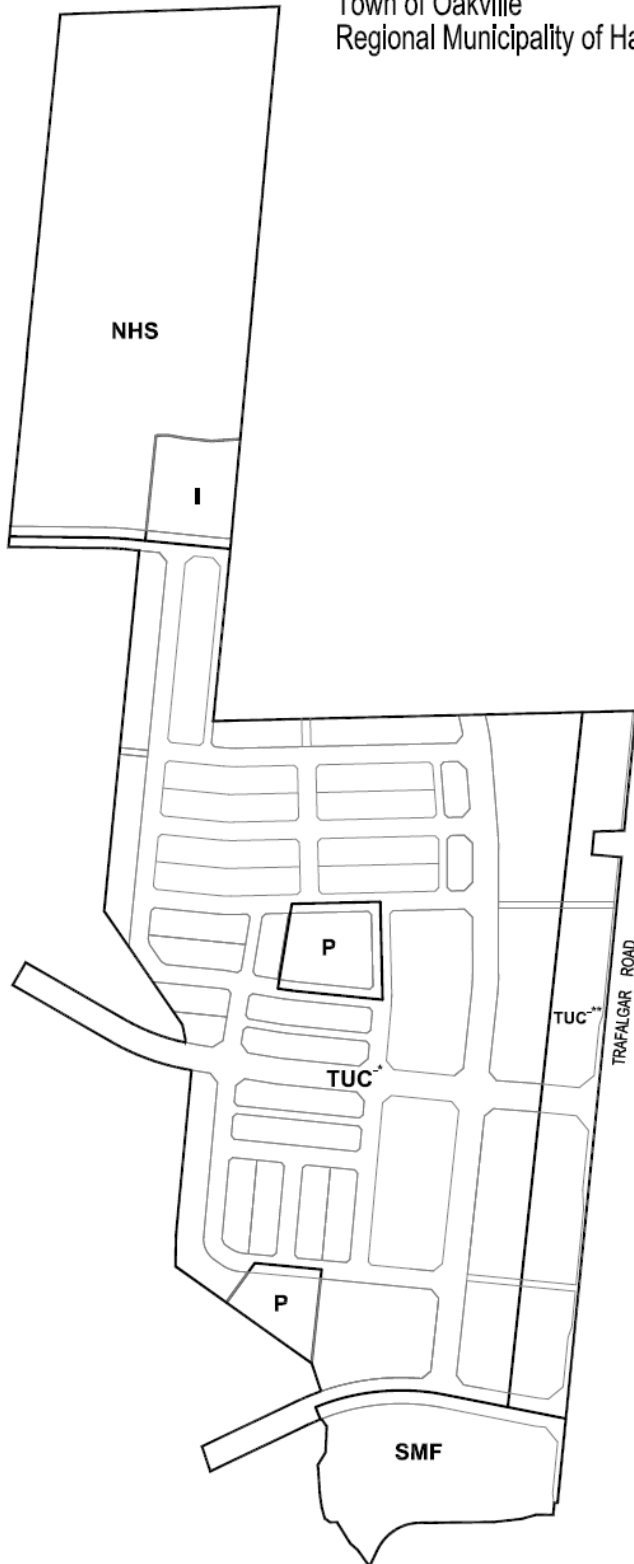
### **3.2 Revised Zoning By-law Amendment**

To implement the proposed draft plan of subdivision, an amendment to Town of Oakville Zoning By-law 2009-189 is required. The Revised Applications propose to re-zone the Phase 2 Lands to two site-specific ‘Trafalgar Urban Core (TUC)’ zones to permit the proposed development. The blocks intended for urban squares, stormwater management facilities, natural heritage system, and secondary school are proposed to be re-zoned to their appropriate zones: ‘Park (P)’, ‘Stormwater Management Facility (SMF)’, ‘Natural Heritage System (NHS)’, and ‘Institutional (I)’, respectively.

The site-specific TUC zone in the interior of the Phase 2 Lands will permit street and rear access townhouses and provide additional regulations with respect to porches, setbacks, and bay or box windows. Apartment and mixed-use buildings will also be permitted with site-specific height, podium height, and balcony projection provisions. The site-specific TUC zone abutting Trafalgar Road will include permissions for a maximum building height of 30 storeys, minimum non-residential floor areas adjacent to Threshing Mill Boulevard and Wheat Boom Drive, a maximum podium height of 26.0 metres, minimum tower separation distance of 25.0 m above 45 m in height, maximum balcony projections of 2.0 m, and maximum floorplate sizes of 750 and 800 square metres above certain tower heights. The proposed zoning by-law amendment map is shown in Figure 3.5 below.

Figure 3.5 Draft Zoning By-law Amendment Map

Part of Lots 13 and 14, Concession 1  
Town of Oakville  
Regional Municipality of Halton



### **3.3 Servicing Allocation**

Green Ginger submitted an Expression of Interest to the Region of Halton in May 2023 seeking allocation under the new program to reserve 47 Single Detached Equivalent (“SDE”) units and 464 High Density unit SDE's. On March 18, 2024, Town of Oakville Council passed their allocation by-law thus granting Green Ginger the ability to receive their requested SDE's from the Region of Halton. Through this process, Green Ginger has executed a letter of commitment (signed April 22, 2024).

Based on the previous Allocation Agreement with the Region of Halton and the allocation secured under the 2023 program, Green Ginger has sufficient servicing allocation to obtain approval for the revised draft plan of subdivision, as well as proceed with the full buildout of all low-rise units, and site plan approval for majority of the high density blocks. Green Ginger intends to secure the remaining High Density units at a later date. An Allocation Assignment Plan detailing all of this has been provided as part of the resubmission.

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## 4.0 Supporting Studies

Green Ginger has undertaken to prepare, and or update, the following technical studies required in support of the Revised Applications. The conclusions of those studies are summarized in the subsections below.

### 4.1 Environmental Implementation Report and Functional Servicing Study Addendum

An Environmental Implementation Report and Functional Servicing Study Addendum for the East Morrison Creek – Main Branch, North Oakville East revised April 2024 was prepared by David Schaeffer Engineering Limited (“DSEL”) to support the Revised Applications. This report is an addendum to previous reports prepared by Serna’s Associates et. al. and Stonybrook Consulting et al. regarding the development of the Phase 2 Lands and provides minor updates to the overall servicing scheme to reflect the Revised Applications. The EIR/FSS Addendum concludes that Green Ginger Phase 2 lands can be serviced in general conformance with the EM1 EIR/FSS, as amended.

### 4.2 Phase One Environmental Site Assessment

Soil Engineers Ltd. prepared a Phase 1 Environmental Site Assessment dated February 25, 2022 and has prepared an update dated March 20, 2024 to be read in conjunction with the earlier 2022 assessment. Soil Engineers Ltd. conducted an environmental site reconnaissance supplemented by research of documents relating to the Phase 2 Lands and interviews with knowledgeable persons. The updated assessment includes the review of additional and more recent records, interviews, and sources, including a more recent site reconnaissance inspection on February 28, 2024. The report concludes that there is low potential for environmental concern within the Phase 2 Lands based on its historical agricultural uses and adjacent residential or vacant lands. Soil Engineers Ltd. recommends that no further environmental investigation is required and the Phase 2 Lands are suitable for the proposed development. A corresponding update to the Letter of Reliance for Halton Region is also included, dated March 22, 2024.

### 4.3 Traffic Impact Study

A Traffic Impact Study was prepared by GHD Ltd. dated April 16, 2024 in support of the Revised Applications and in response to comments from the Region and the Town on the previous report dated May 2023. GHD analyzed site-related traffic generation and

impacts on the adjacent road network and recommended signal timings and turn lanes to reduce delays at certain intersections. In particular, the Threshing Mill Blvd and Wheat Boom Drive intersections with Trafalgar Road are expected to operate with acceptable delays under future traffic scenarios up to 2027 and 2032, with the implementation of a northbound left-turn auxiliary phase at both intersections. The proposed deviation from the NOESP which contemplated a right-in/out driveway from the Phase 2 Lands between Wheat Boom Drive and Threshing Mill Boulevard and one north of Threshing Mill Boulevard has been assessed by assigning all site trips southbound right turns and eastbound right turns to the signalized intersections of Trafalgar Road with Wheat Boom Drive and Threshing Mil Boulevard. The capacity analysis of the future total traffic scenario at both intersections confirms that the projected volume of right turns added to both of these intersections will not negatively impact the operations of either intersection. Under future traffic conditions, the signal timings for all signalized intersections along Trafalgar Road and Dundas Street East were optimized to reduce v/c ratios and delays.

Parking for apartment buildings or mixed-use building will provide a minimum of 0.15 parking spaces per dwelling unit for visitors and 1.0 parking spaces per 30 sq.m. of leasable non-residential floor area.

GHD also recommends the implementation of traffic calming measures and active transportation routes within the draft plan of subdivision. The report concludes that the road network, as improved with the recommended strategies described above, can adequately service the proposed development.

#### **4.4 Transit Facilities Plan**

A Transit Facilities Plan dated April 16, 2024 was prepared by GHD Ltd. that determines the transit stop amenities and locations based on the criteria within the Town's North Oakville Secondary Plan Transit Plan Developer's Toolkit. The report evaluates mobility needs, nearby activities such as schools, exposure to the elements, wait times, and any public requests to identify the location and design of transit stops. GHD identified five possible locations for transit stops: eastbound near-side transit stop at Wheat Boom Drive and Trafalgar Road; eastbound near-side transit stop at Threshing Mill Boulevard and Trafalgar Road; westbound near-side transit stop at Threshing Mill Boulevard and Ernest Appelbe Boulevard; and eastbound near-side and westbound far-side transit stop at Threshing Mill Boulevard and Street B. Under the Town of Oakville's Transit Plan, the implementation of a Stop 'A' (sheltered) is warranted at the proposed transit stops within the Phase 2 Lands. The amenity at these transit stops include a sign and post, benches, route designation, route schedules, route maps, shelter pads, lighting, power pedestal, and shelters.

#### **4.5 Urban Design Brief**

An updated Urban Design Brief was prepared by The Planning Partnership dated February 2024 in support of the Revised Applications, which updates the Urban Design Brief dated July 2016 and submitted with the Original Applications. The brief reviews the design



principles and objectives within the Town Liveable by Design Manual, the NOESP (including the North Oakville Master Plan), and the North Oakville Urban Design and Open Space Guidelines. The brief demonstrates how the Revised Applications have regard for the design directions and strategies in each of these documents and have been designed to create an attractive, pedestrian-scaled, and cohesive neighbourhood with a distinct visual identity.

The urban design features highlighted in the brief include:

- A walkable community that is well connected to surrounding amenities;
- A sustainable community which uses compact development as a means of growth opportunity and supports alternate transportation methods throughout;
- An urban edge formed by higher density forms of development located along and framing the west side of Trafalgar Road;
- Consideration of public realm elements including streets and trails, parks and open space, street furniture, public landscaping, and tree canopy coverage
- An open space hierarchy including the Natural Heritage System, trails adjacent to the East Morrison Creek, Urban Squares, and stormwater management facilities;
- Streetscapes that prioritize the needs of pedestrians, cyclists, and transit users while creating comfortable and attractive spaces for social interaction;
- High quality built form character and designs and consideration of recurrent elements within the townhouse units such as garages, driveways, entrances, roofs, exterior materials and colours, and utility/service units; and
- Site organization and placement of buildings within the Trafalgar Urban Core blocks and building treatment along community edges.

Implementation of the Urban Design Brief will be required as a condition of draft plan approval, which will require the owner to retain a control architect to provide architectural control for all units. Architectural design and siting proposals will be evaluated through an architectural control design review and approval process that includes submission of drawings and discussions with Town staff prior to the submission of building permits.

#### **4.6 Tree Canopy Plan**

A Tree Canopy Plan was prepared by The Planning Partnership dated February 2024 to assess the projected tree canopy coverage for the Phase 2 Lands in accordance with the North Oakville Urban Forest Strategic Management Plan (“NOUFSMP”). The NOUFSMP is an extension of the Town’s long term vision to achieve a 40% urban forest canopy cover. The Tree Canopy Plan provides approximate calculations for tree canopy coverage from street trees, within the two proposed urban squares, and the proposed stormwater

management facility. The Plan concludes that the Revised Applications demonstrate that the design of the draft plan of subdivision can meet or exceed the Town’s tree canopy coverage targets for residential areas, designated urban squares, and stormwater management facilities.

# 5.0 Policy Framework and Provincial Plans

The sections below provide an analysis of the Phase 2 Lands in the context of the following provincial, regional, and municipal documents:

- Provincial Policy Statement, 2020;
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- Halton Region Official Plan, 1995, as amended;
- Town of Oakville Official Plan, 2006;
- North Oakville East Secondary Plan, 2006, as amended; and
- Town of Oakville Zoning By-law 2009-189, 2009.

## 5.1 Provincial Policy Statement, 2020

Since the submission of the Original Applications, the Provincial Policy Statement, 2014 (“PPS 2014”) which was in force at the time of submission, has since been replaced by the Provincial Policy Statement, 2020 (“PPS 2020”). The PPS 2020 provides policy direction on matters of provincial interest related to land use planning and development and is generally similar to the goals and objectives of the PPS 2014. Both the PPS, 2014 and PPS 2020 provide long-term guidance for the development of healthy, liveable and safe communities, a clean and healthy environment, and a strong economy. All goals identified within the PPS 2020 are to be complemented by regional and municipal official plans to achieve comprehensive, integrated planning. The PPS 2020 promotes efficient land, resource, and infrastructure use by focusing growth within urban and rural settlement areas. Like the PPS 2014, all planning decisions shall be consistent with the policies of the PPS 2020.

The PPS 2020 establishes that settlement areas are the focus of growth and development in Section 1.1.3.1. Development within the settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, support active transportation, and are transit-supportive (Policy 1.1.3.2). The PPS 2020 directs planning authorities to establish minimum density targets and phasing policies to meet current and projected needs (Policy 1.1.3.7). The PPS 2020 also encourages planning authorities to plan for and provide an appropriate range and mix of housing options and densities to meet current and future needs (Policy 1.4.1). The overall goals and policies for settlement areas are similar to the PPS 2014, with greater focus and promotion on residential intensification that may include a wider range of housing options and types, encouraging municipalities to protect for a longer-term horizon of up to 25 years land supply, and

emphasizing the importance of climate change in planning and development.

The Phase 2 Lands are located within a settlement area that is intended to be the focus of new community population and employment growth within the Town adjacent to the existing built-up area. The Revised Applications provide for a range of medium to high density housing and open spaces that contribute to building a complete community. The Revised Applications propose a compact built form and mix of densities in an appropriate area for transit-supportive growth, adjacent to Trafalgar Road and higher order transit routes. The draft plan of subdivision has been revised to include a greater amount of mid-rise urban blocks along Trafalgar Road and interior to the lands to support active transportation and transit usage.

The PPS 2020 also continues to promote healthy, active communities through the planning of a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, and trails and linkages (Policy 1.5.1.b), many of which are included within the proposed draft plan of subdivision. The proposed development continues to protect the East Morrison Creek through natural heritage system and open space blocks and provides a large stormwater management block to serve the future community and area. This aligns with the policies of Section 2.0 which speak to the protection of natural features and areas and the wise management of natural resources, as well as Section 3.0 which speak to protecting the public from natural hazards such as flooding and hazardous lands.

It is our opinion that the Revised Applications are consistent with the PPS 2020.

## **5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment 1 (“Growth Plan”), came into effect on August 28, 2020 and replaces the former 2017 and 2006 Growth Plans, the latter of which was in effect at the time of the Original Applications. The Growth Plan mirrors many of the policies in the PPS 2020, including supporting the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses. All planning decisions “shall conform with” the policies of the Growth Plan.

The Growth Plan provides long-term direction, from a planning horizon of 2041 in the 2006 Growth Plan (as amended) to 2051 in the 2019 Growth Plan, to municipalities to plan for and manage growth, including where and how to grow, and population and employment forecasts for each municipality. Section 1.2.1 contains the Guiding Principles of the Growth Plan, which includes: supporting a range a mix of housing options, protecting and enhancing natural heritage systems, features, and functions, emphasizing the need to build compact, vibrant and complete communities, and optimising the use of existing and new infrastructure to support growth in a compact, efficient form.

The Growth Plan directs the vast majority of growth and development to settlement areas and limits growth in rural settlements or areas not serviced by existing municipal water and wastewater systems (Policy 2.2.1.2). The Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses, convenient access to local stores, services, and public service facilities, a compact built form, and a vibrant public realm (Policy 2.2.1.4).

The policies of Section 2.2.6 address the importance of supporting housing choice through the establishment of minimum intensification and density targets and planning to diversify the overall housing stock across the municipality. Policy 2.2.7.2 establishes a minimum density target for designated greenfield areas in Halton Region that is not less than 50 residents and jobs combined per hectare.

The proposed development, which is located within a designated greenfield area, will achieve a density of 283 units per net hectare and will help Halton Region and the Town of Oakville meet the overall density targets as set in the Growth Plan. The proposed development will add to the residential population in North Oakville and provide a walkable street pattern and attractive urban form that includes high quality urban spaces, public parks, and natural areas. The revised draft plan of subdivision, in particular the urban core higher density blocks, is designed to be compact and support active transportation and connections to local transit.

It is our opinion that the Revised Applications conform to the Growth Plan.

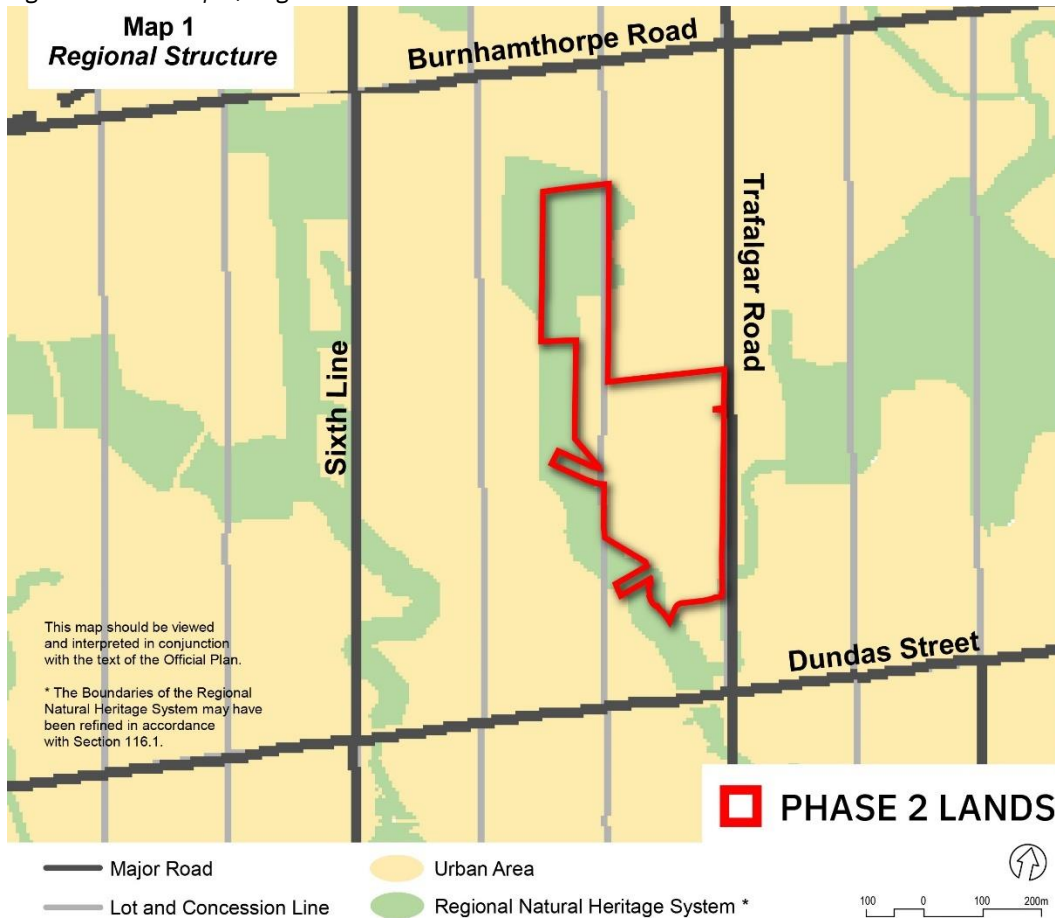
### **5.3 Halton Region Official Plan, 1995, as amended**

The Halton Region Official Plan (“ROP”) was adopted in 1995, with major reviews and updates in 2004 and 2009 in accordance with the Planning Act, including to bring the ROP into conformity with new provincial planning documents mentioned above. The intent of the ROP is to set out how growth and development will occur and how natural resources and the natural environment are to be managed within Halton Region.

The Phase 2 Lands are designated as ‘Urban Area’ and ‘Regional Natural Heritage System’ on Map 1, Regional Structure as shown in Figure 5.1 below.

As indicated in our August 2016 report, one of the objectives of the Urban Area designation in the ROP is to support a form of growth that is compact, supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and offers a strong and competitive economy (Policy 72(2)). The Revised Applications will assist the Region in achieving this objective through the development of a compact and walkable residential community.

Figure 5.1 ROP Map 1, Regional Structure



Source: Halton Region (2018), MGP (2022)

The Urban Area consists of areas where urban services are or will be available to accommodate existing and future urban development and amenities and will accommodate the distribution of population and employment for the Region (Policies 74 and 75). The range of permitted uses in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development is subject to the policies of the ROP.

Policy 77(2.4) requires that development occurring in designated greenfield areas to:

- a) Contribute towards achieving the Region’s development density targets;
- b) Contribute towards creating healthy communities;
- c) Create street configurations, densities and an urban form that support walking, cycling and the early integration and sustained viability of transit services;
- d) Provide a diverse mix of land uses, including residential and employment uses to support vibrant neighbourhoods; and
- e) Create high quality parks and open spaces with site design standards and urban design guidelines that support opportunities for transit and active transportation.

A portion of the Phase 2 Lands are designated Regional Natural Heritage System on Map 1, Regional Structure. The goal of the natural heritage system is preserved and enhance the biological diversity and ecological functions within Halton Region for future generations. Policy 118 requires that Local Official Plans and Zoning By-laws recognize the Regional Natural Heritage System and include policies and maps to implement the policies of the ROP. The Regional Natural Heritage System within the Green Ginger Lands is more specifically delineated and implemented in the NOESP.

A portion of the Phase 2 Lands are identified as ‘Key Features’ within the Regional Natural Heritage System on Map 1G. The purpose of the Key Features designation is to assist in the implementation of permitted use policies in the Regional Natural Heritage System and the requirement for EIAs. It is also intended to assist local municipalities in delivering detailed implementation policies for the Key Features in accordance with the policies of the ROP (Policy 139.11).

The Revised Applications conform to the ROP insomuch as:

- Residential uses are permitted within Urban Areas.
- The development of the Phase 2 Lands will assist Halton Region in achieving its development density targets.
- The proposed development has a compact form with an appropriate range of housing densities that support active transportation and the early provision of transit, which has been further intensified in the Revised Applications with a greater percentage of urban core blocks intended for medium and high-density residential uses.
- The proposed development includes a modified street grid pattern that encourages walking and active transportation which contribute to healthy communities.
- The proposed development includes high quality parks in the form of urban squares and open spaces integrated with the natural heritage system, including a large block at the northern extent of the Phase 2 Lands for the protection of the existing wooded areas.

#### **ROPA 48**

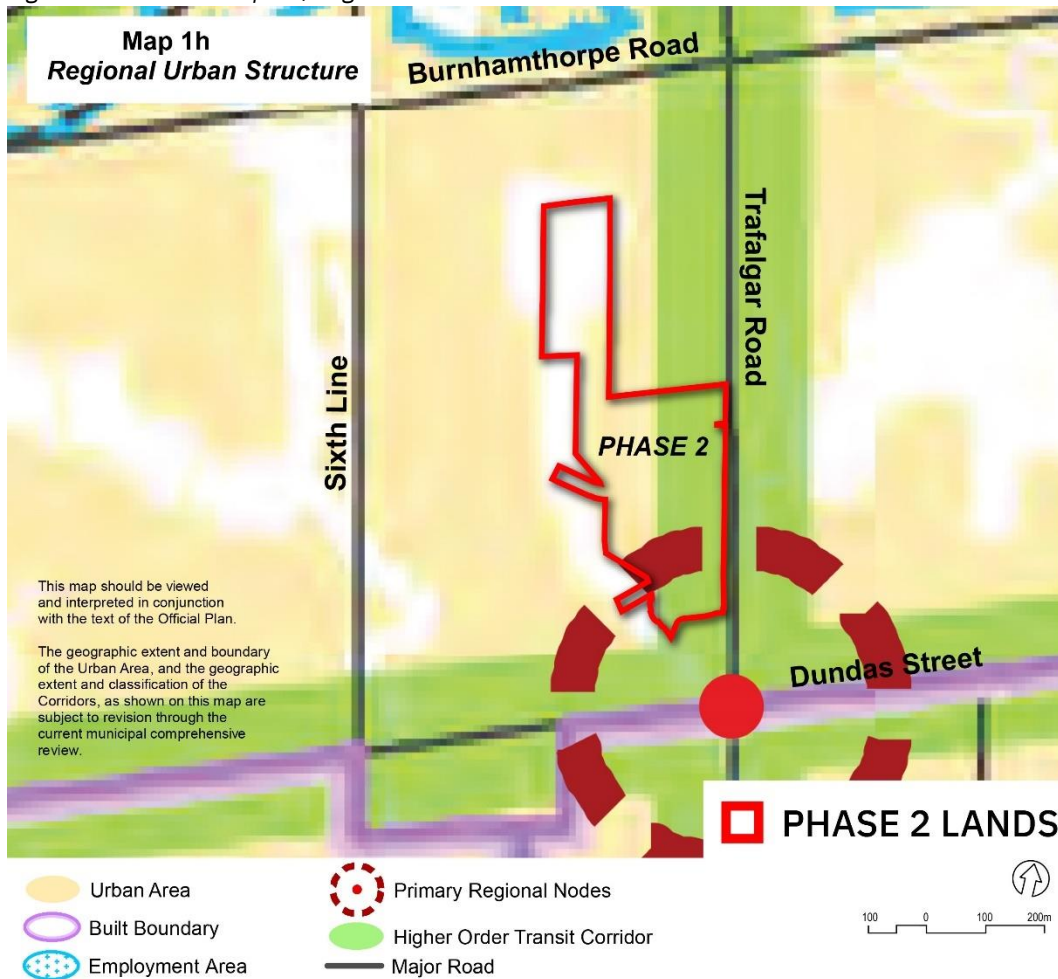
Since the Original Applications, the Region has adopted Regional Official Plan Amendment No. 48 (“ROPA 48”), which is the first major amendment to the ROP to be approved as part of the Region’s ongoing municipal comprehensive review. ROPA 48 updates the Regional Structure and hierarchy of strategic growth areas to accommodate population and job growth to 2051, in accordance with the Growth Plan. ROPA 48 was adopted by Council on July 6, 2021, approved with amendments by the Minister of Municipal Affairs and Housing on November 10, 2021, and is now in force.

As ROPA 48 was adopted after the submission of the Original Applications, it is our opinion that the Original and Revised Applications should be assessed on its merits

against the ROP that was in force at the time of the original submission (August 2016), however we have considered ROPA 48 and provided commentary on it below.

ROPA 48 identifies and delineates Urban Growth Centres (“UGC”), Major Transit Station Areas (“MTSA”), and Regional Nodes, which are regionally significant strategic growth areas recognized in local official plans, all of which are now identified on the new Map 1H, Regional Urban Structure. The Phase 2 Lands continue to be identified as Urban Area on Map 1H, however the intersection of Dundas Street East and Trafalgar Road and surrounding area, including a portion of the Phase 2 Lands, is now identified as a Primary Regional Node (the ‘Uptown Core, Oakville’ Regional Node). Dundas Street East and Trafalgar Road carry their designations of ‘Higher Order Transit Corridors’ and ‘Major Arterials’ from Map 3, Functional Plan of Major Transportation Facilities, onto Map 1H.

Figure 5.2 ROPA 48 Map 1H, Regional Urban Structure



Source: Halton Region (2021), MGP (2022)

The identification of a portion of the Phase 2 Lands as a Primary Regional Node, and the modifications within ROPA 48 that direct growth and encourage intensification in these areas, is supported by the Revised Applications, which propose the highest density



residential and grade-related retail uses that are supportive of transit along Trafalgar Road and close to the Regional Node.

The Uptown Core, Oakville Primary Regional Node and transit corridors adjacent to the Phase 2 Lands reinforces the local urban structure planned for this area of the NOESP. The Revised Applications accommodate the planned growth anticipated for this area to support transit and other infrastructure.

The Regional Node is not delineated in ROPA 48 and only indicated through a general circle symbology. ROPA 48 introduced Policy 82.2 which encourages local municipalities to delineate the boundaries of the Regional Nodes and prepare detailed official plan policies for these areas. The Town official plan and NOESP have not been updated to reflect these new policies of ROPA 48. ROPA 48 assigned minimum density targets to be achieved by 2051 for certain strategic growth areas. Table 2b identifies a general target proportion of ~85% residents and ~15% jobs for the Uptown Core, Oakville Regional Node. The Revised Applications, while arguably outside the Regional Node, propose a substantial amount of residential uses and at-grade retail uses, which will contribute to population-related jobs within the NOESP area.

The Phase 2 Lands are appropriate for the type of residential development and density proposed and the Revised Applications will contribute to the achievement of the minimum residential densities within the Uptown Core, Oakville Regional Node and within the designated greenfield area of Oakville and Halton Region generally. It is our opinion that the Revised Applications conform to the ROP, as amended by ROPA 48, and the strategic growth area policies identified within for this area.

## **ROPA 49**

On November 4, 2022, the Minister of Municipal Affairs and Housing approved Regional Official Plan Amendment No. 49 (“ROPA 49”), with modifications, which represents the second phase of amendments to the ROP as part of the Region’s municipal comprehensive review. ROPA 49 implements the results of the Region’s Integrated Growth Management Strategy, which considered how to accommodate growth in Halton Region to the 2051 planning horizon. ROPA 49 provides a land use policy framework including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure up to 2051.

We note that on December 6, 2023, Bill 150, the Planning Statute Law Amendment Act, 2023, received Royal Assent. As a result, ROPA 49 as adopted by Regional Council on June 15, 2022 is in effect as of November 4, 2022 with only three of the Minister’s modifications related to corridor protection policies and mapping (Modifications #18, #19 and #39 in the Minister decision on ROPA 49) being maintained. The changes to ROPA 49 resulting from Bill 150 do not impact the Phase 2 Lands or the Revised Applications. In accordance with Section 3(2) of Bill 150, any decisions after the date of the approval established in Bill 150 must conform with the official plans that have been approved through Bill 150, which include ROPA 49. Therefore, we have considered ROPA

49 as it relates to the Revised Applications and provided commentary on it below.

Building on the amendments in ROPA 48, which include the identification of a Primary Regional Node at the intersection of Dundas Street East and Trafalgar Road, ROPA 49 establishes an overall Designated Greenfield Area minimum density target of 70 people and jobs per hectare and a minimum density target for the Trafalgar Urban Core Primary Regional Node (which includes almost the entirety of the Phase 2 Lands) of 160 people and jobs per hectare. The Trafalgar Urban Core Primary Regional Node also requires a general target proportion of 85% residents and 15% jobs.

ROPA 49 also updated Map 1h, Regional Urban Structure, to include updated boundaries of the Primary Regional Nodes and the identification of Regional Intensification Corridors, as shown in Figure 5.3 below. Regional Intensification Corridors are areas along Higher Order Transit Corridors and selected Arterial Roads which connect other elements of the Regional Urban Structure, accommodate higher density mixed-used development, and support achieving residential and employment densities to ensure the viability of existing and planned transit infrastructure and service (Policy 79.2 and new Policy 82.3).

Figure 5.3 ROPA 49 Map 1h, Regional Urban Structure



November 4, 2022

Source: Halton Region (2022), MGP (2023)

The Revised Applications propose the highest density residential and grade-related retail uses that are supportive of transit along Trafalgar Road and within the Regional Intensification Corridor. As described earlier, the Revised Applications achieve a density of 283 units per net hectare, which is approximately 235 people and jobs per gross hectare, or 535 people and jobs per net hectare, as shown in Table 5.1 below.

Table 5.1 Proposed Density

Land Use	Jobs	PPU <sup>1</sup>	Units	Area (ha)	Jobs/Population
<b>Residential</b>					
Medium Density		2.727	506	8.07	1379.86
High Density		1.703	4415	9.24	7518.75
<b>Employment</b>	4% of population				355.94
<b>Other Uses</b>					
Stormwater Management, Roads, Schools, Urban Squares, Servicing Block, Natural Heritage System, Walkways, Road Widenings and 0.3 m Reserves				22.13	0.00
<b>Total</b>			<b>4921</b>	<b>39.44</b>	<b>9254.55</b>
<b>Density (Persons + Jobs/gross ha)</b>					<b>234.65</b>
<b>Density (Persons + Jobs/net ha)</b>					<b>534.64</b>

<sup>1</sup>Source: Oakville 2022 Development Charges Background Study

The Revised Applications exceeds the minimum required density of 160 people and jobs within the Trafalgar Urban Core Primary Regional Node, will contribute significantly to support transit and other infrastructure along Trafalgar Road, and will contribute to providing population-related jobs within the NOESP area through the proposed ground floor retail uses.

The Phase 2 Lands are appropriate for the type of residential development and density proposed and the Revised Applications will contribute to the achievement of the minimum residential densities within the Trafalgar Urban Core Primary Regional Node and within the designated greenfield area of Oakville and Halton Region generally. It is our opinion that the Revised Applications conform to the ROP, as amended by ROPA 48 and ROPA 49, and the strategic growth area policies for this area.

### Regional Municipal Comprehensive Review

The Region’s municipal comprehensive review (“MCR”) is ongoing and anticipated to conclude in 2023 with the approval of one or more new ROPAs that bring the ROP into conformity with the 2019 Growth Plan. With the approval of ROPAs 48 and 49, the remainder of the MCR will bring forward amendments regarding climate change, natural

heritage, and the agricultural system, Indigenous communities and First Nations, and general plan implementation. These draft policy topics are anticipated to have little bearing on the Revised Applications as the preferred growth management and density targets already established for this area confirms the intent of North Oakville to accommodate a significant amount of population and job growth to 2051 for the Region.

#### **5.4 Town of Oakville Official Plan, 2006**

The Town of Oakville Official Plan 2006 is the parent plan for the North Oakville East Secondary Plan and the North Oakville West Secondary Plan (“NOWSP”, collectively, the “North Oakville Secondary Plans”). Due to the complexities of existing land use or uncertainty of some key land use or transportation elements, no specific designations for the lands north of Dundas Street East were put in place. The 2006 Official Plan provided higher-order objectives and key factors to guide more detailed studies, which the North Oakville Secondary Plans was eventually derived from.

A new Official Plan (“Livable Oakville Plan”) was prepared as part of the Growth Plan conformity exercise and was approved in 2009. The Livable Oakville Plan applies to all lands within the Town except the North Oakville Secondary Plan areas.

As previously identified in our August 2016 report, the proposed development and the Revised Applications do not require an amendment to the 2006 Official Plan or the Livable Oakville Plan as they are not applicable documents.

#### **5.5 North Oakville East Secondary Plan, 2006, as amended**

The North Oakville East Secondary Plan (“NOESP”) was approved by the Ontario Municipal Board in January 2008. The NOESP provides the planning policy framework for development north of Dundas Street East and south of Highway 407 within the Town.

##### **Growth Targets and Density**

The NOESP area has a growth target of 45,000 to 55,000 residents and a minimum density target of 30 units per net hectare (Policy 7.3.6.1). The anticipated housing mix target is to provide over half as low density, 20-25% for medium density, and 20-35% high density housing (Policy 7.3.6.2). The Revised Applications contribute residential units and mixed-use urban core blocks to North Oakville, resulting in over 4,800 units and a proposed residential density of 283 units per net hectare which is significantly greater than the 30 units per net hectare minimum.

##### **Community Structure**

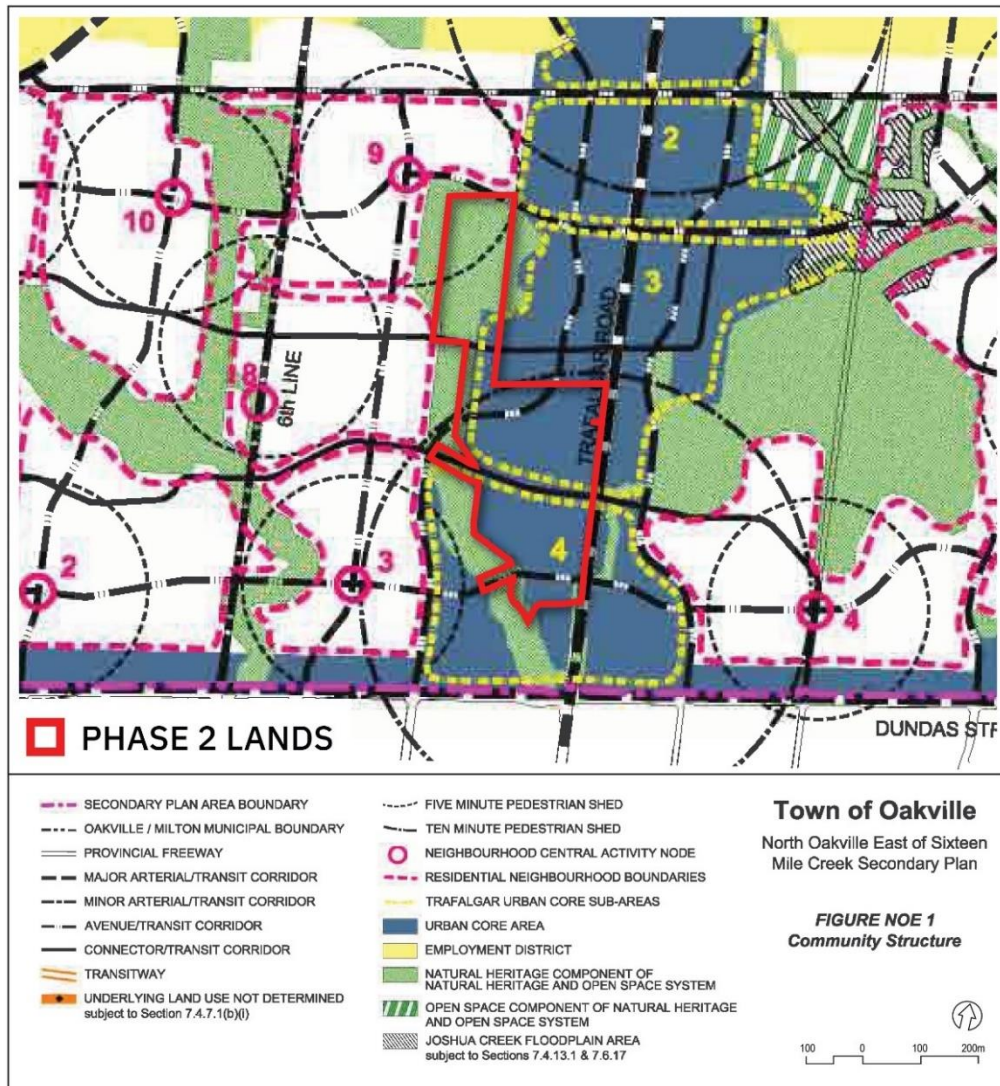
The Phase 2 Lands are designated ‘Urban Core Area’ and within the Trafalgar Urban Core Sub-Areas 3 and 4 on Figure NOE 1, Community Structure (See Figure 5.4 below). The Urban Core designations provide the densest development and the highest order activities. The primary focus of this development is along Trafalgar Road (Policy 7.3.2). The Trafalgar Urban Core land use designation and policies are intended to provide for

the creation of a major node with a dense, mixed use development concentration that is pedestrian and transit oriented (Policy 7.6.4.1).

Policy 7.6.4.6 provides specific policies for Urban Core Area 3 which applies generally to the northern half of the Phase 2 Lands. This policy states that Urban Core Area 3 will include primarily residential buildings as well as office and institutional uses (secondary schools) and places of worship. High density residential uses are encouraged to locate along Trafalgar Road. Medium density residential uses are permitted throughout this area with some consideration of low-density residential uses in select areas. Furthermore, Mixed Use development is permitted and encouraged on Trafalgar Road and Connector/Transit Corridors.

Policy 7.6.4.7 provides policies for Urban Core Area 4 and generally apply to the south half of the Phase 2 Lands. High density residential uses are permitted and encouraged to locate along Trafalgar Road and on Avenue / Transit Corridors. Mixed use and retail and service commercial uses are encouraged in a “main street” format with priority given to clustering such uses. Medium density residential uses are permitted are encouraged to locate in areas which complement adjacent high density residential development as well as at the ends of the area as a form of transition to adjacent residential neighbourhoods.

Figure 5.4 NOESP Figure NOE 1, Community Structure



Source: Town of Oakville (2008), MGP (2022)

### Height and Density

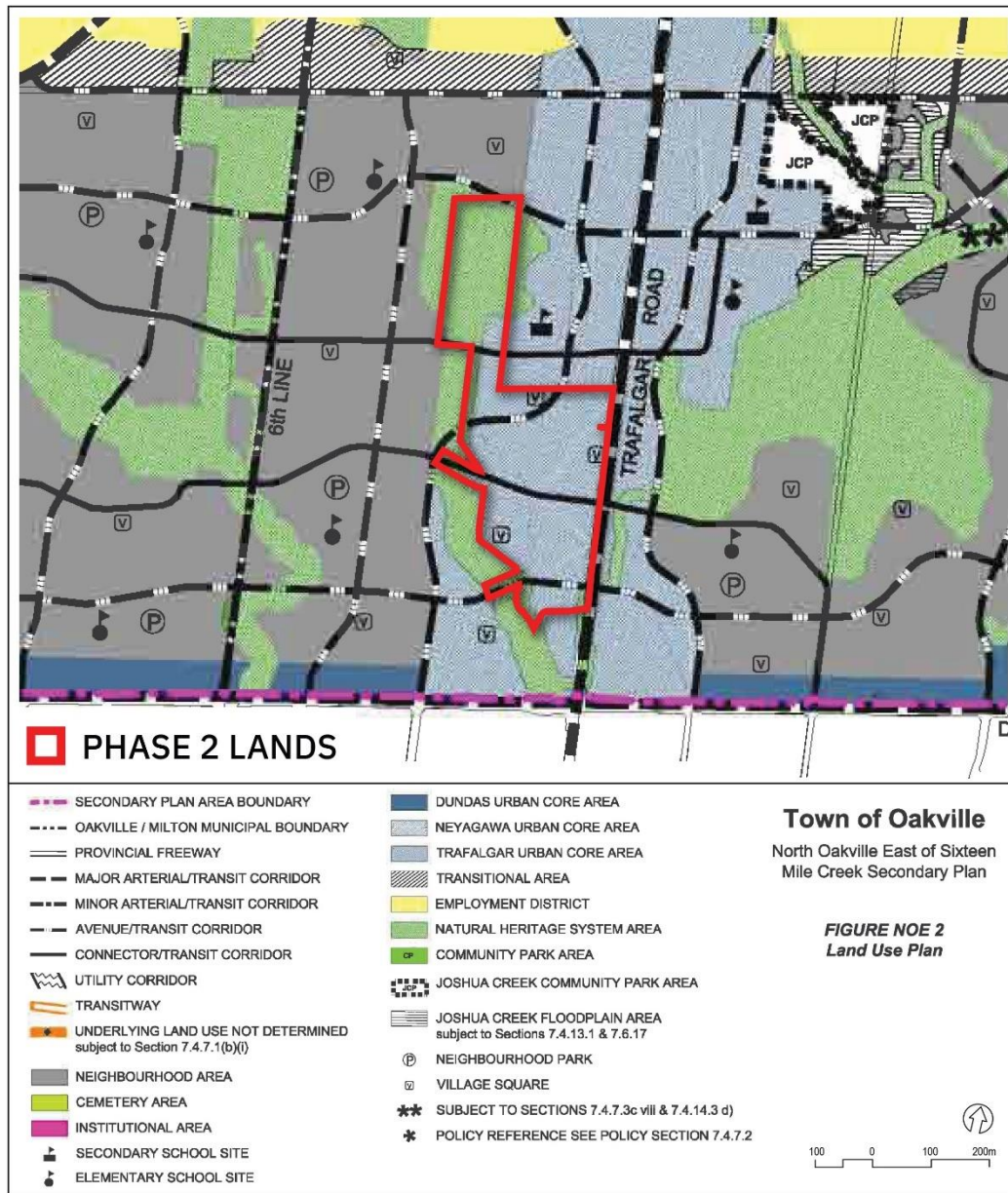
Policy 7.6.4.8 (b) applies to all the Urban Core Areas. It directs that the highest development densities should be located along Trafalgar Road with building heights and densities generally scaling down to the east and west of Trafalgar Road and encouraged to exceed the minimum density to better support transit use where possible. A maximum density of 5.0 FSI is permitted. For Medium Density Residential a density between 25 units per hectare and 75 units per hectare is permitted. The maximum height is 15 storeys, except for lands at the intersections of Major Arterial/Transit Corridors and Avenue/Transit Corridors with Trafalgar Road where the maximum height shall be 20 storeys. In accordance with Policy 7.10.2 of the NOESP, bonusing may be considered within the Trafalgar Urban Core to permit an increase in building height up to 30 storeys with bonusing.

## **Land Use Designations**

Furthermore, the Phase 2 Lands are designated ‘Trafalgar Urban Core Area’ and ‘Natural Heritage System Area’ on Figure NOE 2, Land Use (see Figure 5.5 below). The Trafalgar Urban Core Area is intended to be the focus of development and be designed to create a major node that is pedestrian and transit oriented. A range of uses is permitted in the Trafalgar Urban Core Area, including medium and high-density residential uses and a full range of employment, commercial, including retail commercial, accommodation, institutional, cultural, health and medical, entertainment uses. Both mixed use and single use buildings are permitted. Medium Density Residential development is defined in the NOESP as small lot singles, semi-detached, duplex and triplexes, multiple attached dwellings such as townhouses, back-to-back townhouses, block townhouses, stacked townhouses or similar. High Density Residential development is defined as stacked townhouses, back-to-back townhouses and apartments or similar.

The Revised Applications implement the policies of the Trafalgar Urban Core Areas, in particular by providing for high-density development blocks on lands close to Trafalgar Road and lower density development in the form of mid-rise buildings and townhouses located further west towards the interior of the Phase 2 Lands. The proposed back-to-back, street, and rear access townhouses provide a transition between the medium and high density development blocks located to the east along Trafalgar Road and the street townhouses to the west. The Revised Applications include seven blocks intended for higher density uses, which maximizes design flexibility, development density, and housing options which reflect the market demand consistent with the use, density and height permission of NOESP.

Figure 5.5 NOESP Figure NOE 2, Land Use Plan



Source: Town of Oakville (2008), MGP (2022)

### Urban Squares

The two village / urban squares, which were key design elements of the Original Applications and are located and designed to continue to provide park and amenity space within the community. The northern urban square has been increased in size and located more centrally to the higher density residential blocks. The southern village square continues to be located adjacent to the NHS allowing for sightlines and access to the NHS trail system.



Conceptual facility fit plans (Figure 5.6 below) have been prepared for both urban squares and are provided in the Revised Applications. The facility fit plans show a mix of active and passive open space, including playgrounds, open play space, shade and seating structures, and plantings. The proposed uses and programming are consistent with the North Oakville Parks Facilities Distribution Plan and Section 7.6.13 of the NOESP.

Figure 5.6 Block 83 and 84: Urban Square Facility Fit Plans



Green Ginger Phase 2, Oakville  
Block 83: Urban Square Facility Fit Plan



Green Ginger Phase 2, Oakville  
**Block 84: Urban Square Facility Fit Plan**  
Source: NAK Design Strategies (2022)

### Natural Heritage

A small portion of the Phase 2 Lands being the extensions of Wheat Boom Drive and Threshing Mill Blvd extent over the area encompassing the East Morrison Creek and part of the Natural Heritage System (“NHS”). As part of the registration and development of the Phase 1 Lands, 8.61 hectares of land have already been dedicated to public ownership to protect the NHS on the Green Ginger Lands. The purpose of the NHS designation is to protect, preserve, and where appropriate, enhance the natural environment as well as contribute to the enhancement of air and water resources and provide for limited passive recreational needs (Policy 7.4.6.2). Figure NOE 3, Natural Heritage Component of Natural Heritage and Open Space System including Other Hydrological Features, identifies the following designations for the Phase 2 Lands, as illustrated on Figure 5.4 below:

- Core Preserve Area over the wooded area at the northern extent of the Phase

2 Lands;

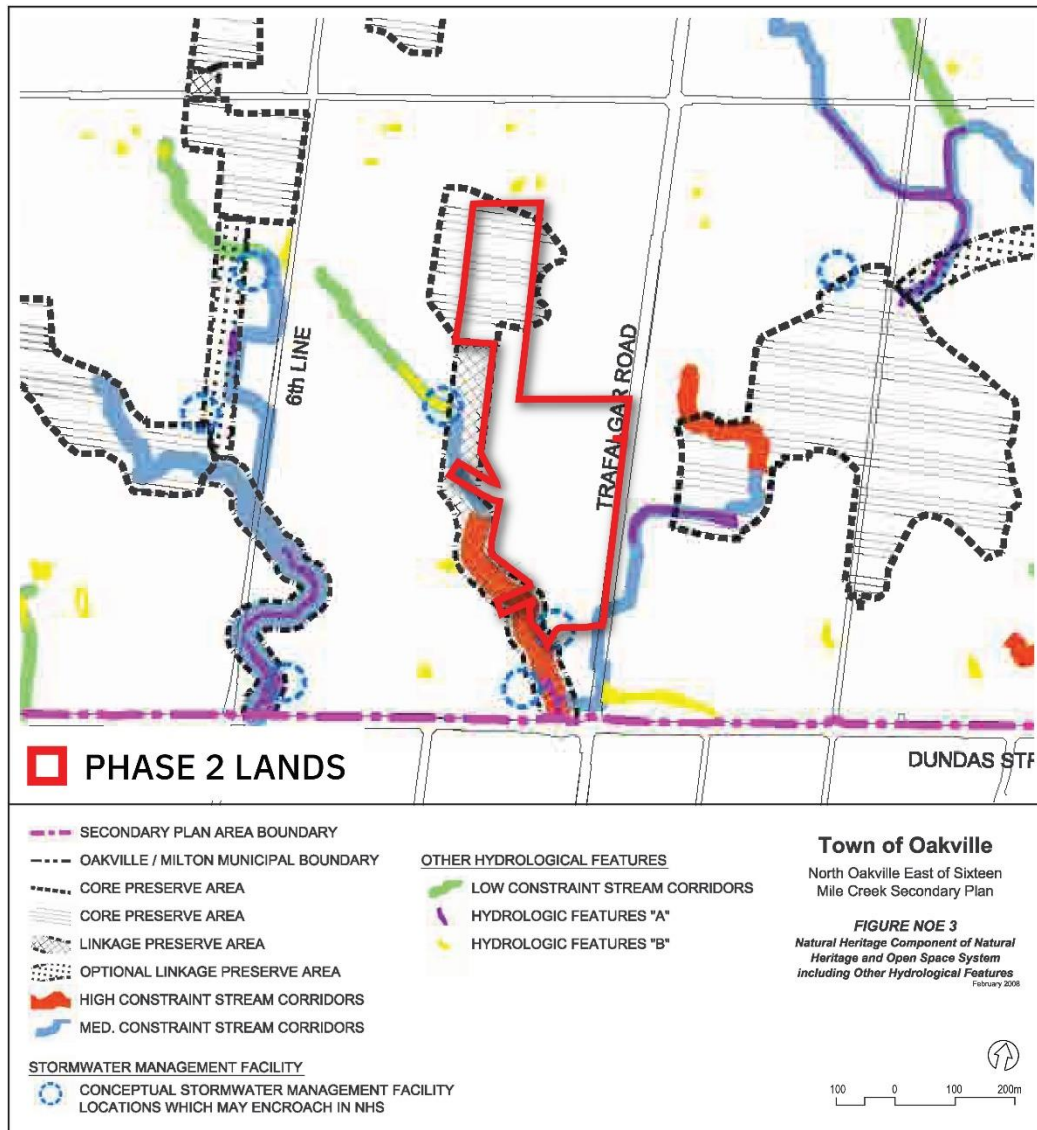
- Linkage Preserve Area and Medium Constraint Stream Corridor for the extension of Threshing Mill Blvd on the western portion of the Phase 2 Lands;
- Linkage Preserve Area and High Constraint Stream Corridor for the extension of Wheat Boom Drive on the western portion of the Phase 2 Lands; and
- Conceptual stormwater management facility location which may encroach into the NHS on the south portion of the Phase 2 Lands.

The Core Preserve Area includes key natural features including required buffers and adjacent lands intended to protect the function of those features. Linkage Preserve Areas include areas designed to link the Core Preserve Areas together to maintain and enhance their environmental sustainability. Medium and High Constraint Stream Corridor Areas include certain watercourses and associated riparian lands, including buffers which must be protected for hydrological and ecological reasons (Policy 7.3.5). Development or land disturbances shall generally be prohibited in the NHS area although limited uses are permitted for required flood and stream bank erosion control; for fish, wildlife and conservation management; to accommodate stormwater outfall; or to relocate or deepen channels in Medium Constraint Stream Corridor Areas. Roads and related utilities are permitted in the NHS as long as they are designed to minimize any impacts on the natural environment and the crossings are in keeping with the road designations shown on Figures NOE 2 and NOE 4 of the NOESP. A total of four crossings over the East Morrison Creek area are shown in Figures NOE 2 and NOE 4 adjacent to the Phase 2 Lands.

The Revised Applications maintain the three proposed road crossings (Threshing Mill Blvd, Wheat Boom Drive, and Marvin Avenue) in the Original Applications. As described in our August 2016 report, the transportation network has been reconfigured to eliminate the need for a fourth crossing and minimize the impact on the NHS.

Stormwater management facilities are also permitted within the NHS as long as they are established in accordance with the North Oakville Creeks Subwatershed Study and are generally in keeping with the designation on Figure NOE 3. One stormwater management pond is proposed in the southern portion of the Phase 2 Lands in the approximate location with the conceptual location identified on Figure NOE 3. The size and configuration of stormwater management facilities has been assessed through the associated Environmental Implementation Report (EIR)/Functional Servicing Study (FSS) which were submitted as part of the Original Applications and have been updated as part of the Revised Applications.

Figure 5.7 NOESP Figure NOE 3, Natural Heritage and Open Space System



Source: Town of Oakville (2008), MGP (2022)

## **OPA 321, Amendments to the NOESP**

In 2017, after the submission of the Original Applications, the Town began its review of the North Oakville Secondary Plans as part of its MCR process, which resulted in the adoption of Official Plan Amendment (“OPA”) Nos. 321 and 322 relating to the NOESP and the NOWSP, respectively, in June 2018. OPA 321 was ultimately approved with amendments by the Ontario Land Tribunal (the “Tribunal”) in July 2019 and is now in force. As OPA 321 was adopted after the submission of the Original Applications, it is our opinion that the Original and Revised Applications should be assessed on their merits against the NOESP that was in force at the time of the original submission (August 2016). Therefore, OPA 321 is not applicable to the Revised Applications. Nonetheless, we have provided some commentary below on how the Revised Applications relate to OPA 321 for consideration.

OPA 321 did not amend the Figures or Schedules of the NOESP. Therefore, the Phase 2 Lands continue to be designated ‘Urban Core Area’ within the Trafalgar Urban Core Sub-Areas 3 and 4 and have land use designations of ‘Trafalgar Urban Core Area’ and ‘Natural Heritage System Area’. The NHS designations also continue to apply to the Phase 2 Lands and the East Morrison Creek area and northerly wooded area.

### **Height and Density**

OPA 321 amends the minimum density and height requirements of the Trafalgar Urban Core Area designation. Minimum planned densities are to be determined during the Region’s Municipal Comprehensive Review (Policy 7.6.4.8.c), which is anticipated to be completed in 2023 (see Section 5.3 of this report above). As discussed above, the Revised Applications achieve a transit-supportive density of 283 units per net hectare that is in line with other intensification areas within the Town and continues to achieve the minimum density set out in the original NOESP.

The minimum required building heights in the Trafalgar Urban Core Area have been amended by OPA 321 into three categories:

- Minimum 8 storeys for development within 100 m from Trafalgar Road;
- Minimum 6 storeys for development between 100 and 300 m from Trafalgar Road; and
- Minimum 3 storeys for development beyond 300 m from Trafalgar Road.

The maximum height requirements remain unchanged within OPA 321 at 20 storeys at the intersection of Major Arterial/Transit Corridors and Avenue/Transit Corridors with Trafalgar Road, and 15 storeys elsewhere. Permissions for additional height have been added to Policy 7.6.4.8 to supplement Policy 7.10.2, which permits building heights up to 30 storeys through the consideration and provision of community benefits under Section 37 of the Planning Act (also referred to as bonusing provisions).

The Revised Applications conform to these new building height requirements. The blocks

adjacent to Trafalgar Road on the Phase 2 Lands are anticipated to be developed with mixed-use high-rise buildings ranging from 15 to 30 storeys with 8 storey podiums, transitioning down to 8 and 6 storey mid-rise buildings moving west to the 300 m limit of Trafalgar Road. Beyond 300 m, the Revised Applications propose 3-storey townhouse units for the remainder of the Phase 2 Lands. The proposed building heights on the concept plan are comparable to the height of the buildings approved south of the Phase 2 Lands and on the east side of Trafalgar Road.

Due to recent changes to Section 37 of the Planning Act relating to height and density bonusing passed after the submission of the Original Applications, such bonusing provisions are no longer be available to the Town and development proponents having been replaced with the enactment of the Town’s new Community Benefit Charges (“CBC”) by-law in September 2022, which was subsequently appealed to the Tribunal.

An Official Plan Amendment (private or Town-initiated) may be necessary to remove any reference to bonusing provisions through Section 37 and re-establish maximum building heights for the portion of the Phase 2 Lands abutting Trafalgar Road to implement the proposed zoning by-law. Given that the NOESP permits a maximum height of up to 30 storeys with bonusing, the proposed zoning by-law and any future proposed Official Plan Amendment, if required, would be in keeping with the heights contemplated by the NOESP.

### **Townhouses within 300 m of Trafalgar Road**

OPA 321 also includes a new policy regarding Medium and High-Density Residential Development as follows:

*e) Notwithstanding Section 7.6.4.8.d)ii), stand-alone townhouses with a minimum height of 3 storeys may be permitted in the area between 100m to 300m of the Trafalgar Road right-of-way, provided that:*

- i) they are part of a comprehensive development, including implementing zoning;*
- ii) they do not exceed 15 percent of the total number of units within the total area of the comprehensive development plan between 100m and 300m of the Trafalgar Road right-of-way;*
- iii) the achievement of a complete community is supported;*
- iv) a diverse mix of land uses is provided; and,*
- v) a diverse range and mix of housing options is provided.*

The Revised Applications propose a comprehensive and complete community with a diverse mix of uses and housing options including both medium density townhouses and higher density mixed-use buildings. The Overall Concept Plan illustrates one potential plan that addresses how the Trafalgar Urban Core blocks between 100 and 300 m from Trafalgar Road (Buildings F to J, inclusive and Blocks 75 to 77 on the revised draft plan) could be developed. In this Concept Plan, there are approximately 1,260 units within the Trafalgar Urban Core blocks and 207 townhouse units between 100 and 300 m from Trafalgar Road. Based on these statistics, the percentage of stand-alone townhouses (i.e.

freehold, ground-oriented townhouses) between 100 and 300 m of Trafalgar Road generally achieves the criteria of 15% townhouses within Policy 7.6.4.8.e.ii. The specific number of units within the Trafalgar Urban Core blocks will be determined at a future detailed design stage.

All other development criteria regarding the planned function of the Trafalgar Urban Core Area have been met or exceeded by the Revised Applications, and the resulting overall density of this development achieves an appropriate density for a transit-supportive community. The implementing zoning is achieved through the submission of the concurrent Zoning By-law Amendment application.

### **Stormwater Management**

New and amended policies have also been provided in OPA 321 regarding stormwater management facilities. New Policies 7.6.2.2 a) iii) and iv) discourage stormwater management ponds within 100m of Trafalgar Road and Dundas Street unless it has been demonstrated that the frontage has been minimized. The location of the stormwater management facility on the Phase 2 Lands has not changed between the Original and Revised Applications. This location is identified on Figure NOE 3 and the North Oakville Master Plan (Appendix 7.3) of the NOESP as the conceptual location for such a facility, despite it being located adjacent to Trafalgar Road.

The revised draft plan of subdivision provides the minimum frontage along Trafalgar Road for the stormwater management facility, by locating it at the southern-most extent of the Phase 2 Lands between the south boundary line and the continuation of Wheat Boom Drive from the east side of Trafalgar Road.

### **Servicing**

Amended Policy 7.9.2.c) states that as a development condition for lands within the Trafalgar Urban Core designation, the Region and Town must be satisfied that municipal sewer and water services are extended, or secured through an agreement to permit development of such lands and which the Town can be satisfied that services will be made available. The addendum to the EIR/FSS submitted with the Revised Applications indicates that the provision of water and wastewater services has been examined for the Phase 2 Lands, and servicing options exist that are generally consistent with the Area Servicing Plan for the NOESP area and which can support increased density of the Trafalgar Urban Core blocks.

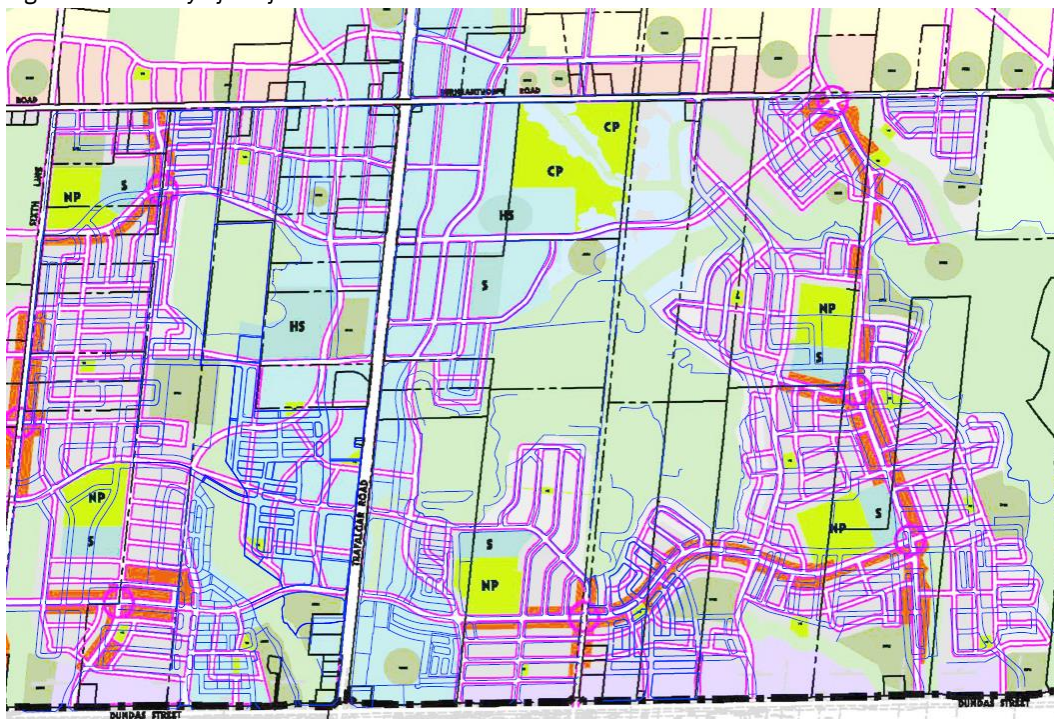
### **Conclusion**

It is our opinion that the Revised Applications conform to the NOESP and that no Official Plan Amendment is required to facilitate the proposed development. Although the Revised Applications are not required to conform to OPA 321, we have considered its policies and it is our opinion that the Revised Applications are generally consistent with OPA 321 despite not being part of the applicable policy framework and no amendments to OPA 321 are required to facilitate the proposed development.

## 5.6 North Oakville Master Plan

Policy 7.5.2 of the NOESP (not amended by OPA 321) identifies policies regarding the North Oakville Master Plan (“Master Plan”) shown in Appendix 7.3 of the NOESP. The Master Plan contains detailed design and location of road intersections with major arterials (in this case, Trafalgar Road). Policy 7.5.2.b requires development to be generally consistent with the Master Plan and where such development is not generally consistent, an area design plan must be submitted to the satisfaction of the Town. An overlay of the draft plans in the NOESP area with the Master Plan is shown in Figure 8 below.

Figure 5.8 Overlay of Draft Plans with NOESP Master Plan



**Proposed/Approved Draft Plans Vs Master Plan  
North Oakville Secondary Plan Area**

Source: Green Ginger (2023)

It is our opinion that the Revised Applications are generally consistent with the Master Plan and do not require an area design plan as the Revised Applications largely implement the community structure proposed for the Trafalgar Urban Core Area and provides the planned NHS, urban squares, road connections, and stormwater management facilities, similar to how other draft plans in the NOESP area have deviated from the road pattern within the Master Plan. Further details about the consistency of the Revised Applications with the North Oakville Urban Design and Open Space Guidelines as well the Master Plan are addressed in the Urban Design Brief prepared by The Planning Partnership dated May 2023 and submitted with the Revised Applications.



In accordance with Policies 7.5.2. and 7.5.4, the revised draft plan of subdivision is designed to be compact, pedestrian and transit friendly, and include mixed use development along Trafalgar Road. The NHS component forms a defining boundary along the western portion of the Phase 2 Lands and a trail system within the NHS provides community connections for pedestrians between the Phase 1 Lands and the Phase 2 Lands. The portion of the Phase 2 Lands identified for a secondary school is in line with the NOESP identified area for a secondary school and is adjacent to the NHS and Marvin Avenue, which provides opportunity for school frontage to be facing open space and have public street access. The urban squares are located in the general locations identified in the NOESP and are in central areas to serve residents of both the townhouse units as well as the higher density units.

Overall, the transportation network is generally consistent with the Master Plan street network, with the exception of the removal of one road crossing of the NHS and fewer local road intersections with Trafalgar Road. The proposed development is based on a modified grid system of streets similar to the Master Plan, however the block pattern and street alignment for the townhouse blocks within the northwestern portion of the Phase 2 Lands has been revised slightly from the Master Plan and Original Applications to provide a more efficient use of planned infrastructure and optimizing the transportation network. A series of 17.0 m wide local streets will service these townhouse blocks and connect them to the Avenue/Transit Corridors (Threshing Mill Blvd, Wheat Boom Dr, and Street 'A'). The proposed transportation network has been assessed by GHD in its updated Traffic Impact Study dated May 23, 2023, which is being submitted with the Revised Applications.

Figure 5.9 NOESP Appendix 7.3, North Oakville Master Plan



### Town of Oakville

Appendix 7.3  
 North Oakville Master Plan  
 February 2008

NOTE: The Master Plan assumes the protection of designated heritage resources in accordance with the provisions of Section 7.4.12 of the SecondaryPlan

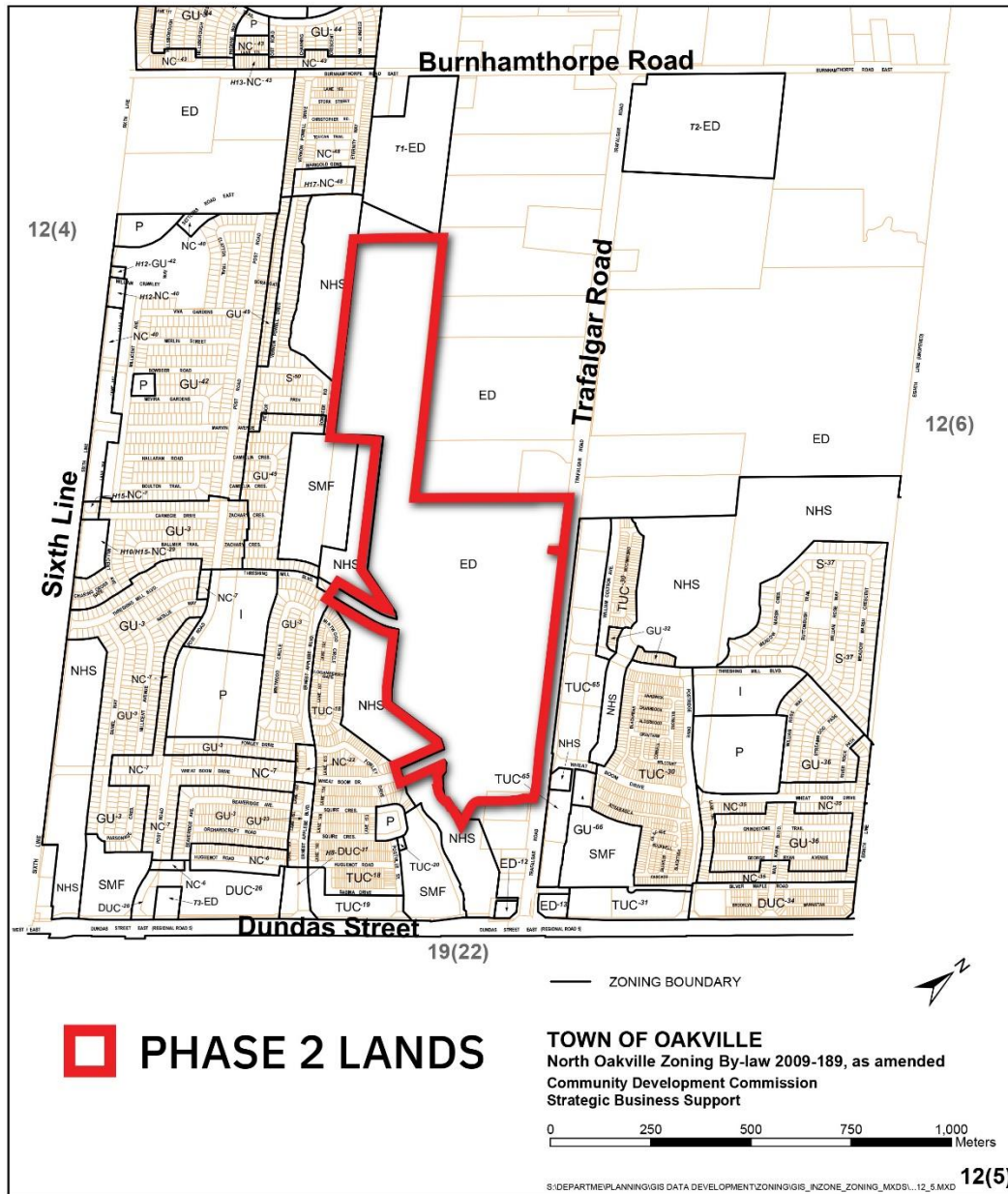
	SECONDARY PLAN AREA BOUNDARY		STORMWATER MANAGEMENT FACILITY (final location tbd)
	OAKVILLE / MILTON MUNICIPAL BOUNDARY		COMMUNITY PARK AREA
	DUNDAS STREET URBAN CORE AREA		NEIGHBOURHOOD PARK AREA
	TRAFALGAR ROAD URBAN CORE AREA		JOSHUA CREEK FLOODPLAIN AREA
	NATURAL HERITAGE SYSTEM AREA		GENERAL URBAN AREA
	NEIGHBOURHOOD ACTIVITY NODE		SUB URBAN AREA
	ELEMENTARY SCHOOL SITE		HIGH DENSITY RESIDENTIAL AREA
	SECONDARY SCHOOL SITE		
	NEIGHBOURHOOD CENTRE AREA		

Source: Town of Oakville (2008), MGP (2022)

## 5.7 Town of Oakville Zoning By-law 2009-189, 2009

The Phase 2 Lands are zoned Existing Development (ED) under Town of Oakville Zoning By-law 2009-189, which applies to lands within the North Oakville Secondary Plans area. The ED zone permits only existing uses and buildings as of the date of passing of the zoning by-law.

Figure 5.10 North Oakville Zoning By-law 2009-189 Map



Source: Town of Oakville (2009), MGP (2022)

As discussed in Section 3.2 above, a zoning by-law amendment to Town of Oakville Zoning By-law 2009-189 is required to permit the proposed uses and buildings. The Revised Applications propose to re-zone the Phase 2 Lands from the ED zone to:

- Site-specific ‘Trafalgar Urban Core (TUC)’ zones;
- ‘Park (P)’ zone for the urban squares;
- ‘Stormwater Management Facility (SMF)’ zone;

- ‘Natural Heritage System (NHS)’ zone; and
- ‘Institutional (I)’ zone.

The site-specific TUC zone in the interior of the Phase 2 Lands will permit street and rear access townhouses and provide additional regulations with respect to porches, setbacks, and bay or box windows. Apartment and mixed-use buildings will also be permitted with site-specific height, podium height, and balcony projection provisions. The site-specific TUC zone abutting Trafalgar Road is proposed to be amended to permit a maximum building height of 30 storeys, minimum non-residential floor areas adjacent to Threshing Mill Boulevard and Wheat Boom Drive, a maximum podium height of 26.0 metres, minimum tower separation distance of 25.0 m above 45 m in height, maximum balcony projections of 2.0 m, and maximum floorplate sizes of 750 and 800 square metres above certain tower heights. All other provisions of the TUC zone in Zoning By-law 2009-189 will continue to apply.

The proposed zoning by-law amendment conforms to the NOESP by implementing the proposed development, updating the current zoning by-law to reflect the planned urban structure and uses within the Phase 2 Lands, and provides appropriate performance standards for the proposed buildings.

## 6.0 Planning Opinion

It is our opinion that the Revised Applications are consistent with the Provincial Policy Statement and conform to the policies of the Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, and the North Oakville East Secondary Plan including OPA 321. The revised draft plan of subdivision has had regard to and meets the criteria of section 51(24) of the Planning Act.

The Revised Applications have considered Town staff comments and been re-designed to create a higher density development form that is transit-supportive community with a mix of uses and residential densities, particularly along the Trafalgar Road. The proposed development includes 491 townhouse units in a variety of forms, 7 Trafalgar Urban Core blocks, and associated open space blocks for the protection of natural heritage features, stormwater management, and parks.

The proposed density of 283 units per net hectare and the mix of housing types and land uses will assist the Region and Town in meeting their respective density targets as set out in the Growth Plan and official plans. This density is supportive of the anticipated higher order transit in the area and the identified Primary Regional Node at the intersection of Dundas Street East and Trafalgar Road.

The proposed development is compatible with the surrounding residential and community uses and implements the planned function and vision of the North Oakville East Secondary Plan. The draft plan of subdivision has been designed to connect the roads, natural heritage system, parks, and school site to adjacent lots or the east side of Trafalgar Road to create a cohesive and complete community. The wooded area at the northern extent of the Phase 2 Lands is identified as a natural heritage system block and will be protected from development.

The Revised Applications are consistent with the North Oakville Master Plan and propose a compact, pedestrian, and transit friendly mixed-use development with close proximity to Trafalgar Road. The proposed transportation network in the revised draft plan of subdivision has been carefully considered and designed to be consistent with the intent of the Master Plan for a modified grid system of streets while providing a more efficient use of planned infrastructure and reducing a road crossing over the NHS.

The Revised Applications comply with the designations and policies of the various official plans and secondary plans, can be supplied with adequate services, transit and infrastructure, and public facilities, and implements appropriate zoning standards for the

proposed development. For the reasons above, it is our opinion that the proposed draft plan of subdivision and zoning by-law amendment are in the public interest and represent good planning.

Respectfully,



**Allyssa Hrynyk, BES, MUDS, MCIP, RPP, AICP**  
Associate and Urban Design Lead



**Angela Fang, MCIP, RPP**  
Senior Planner

# **APPENDIX A: Zoning By-law Amendment**



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2024-X**

A by-law to amend the North Oakville Zoning By-law 2009-189 to permit the use of the lands described as Part of Lots 13 and 14, Concession 1 N.D.S (Green Ginger Developments Inc. & Clear Day Investments Inc.),  
File No.: 24T-16006/1313.08)

**COUNCIL ENACTS AS FOLLOWS:**

1. Map 12(5) of By-law 2009-189 is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 8, Special Provisions, of By-law 2009-189 is further amended by adding a new Section 8.XX as follows:

<b>XX</b>	Part of Lots 13 and 14 Concession 1, N.D.S	Parent Zone: TUC (2024-X)
Map 12(5)		
<b>8.XX.1 Zone Provisions</b>		
The following regulations apply:		
a)	Maximum <i>Floor Space Index</i>	Shall not apply
b)	Minimum non-residential <i>floor area</i> for a <i>building</i> located immediately adjacent to Threshing Mill Boulevard, excluding accessory residential <i>uses</i> .	450 sq.m.
c)	Minimum non-residential <i>floor area</i> for a <i>building</i> located immediately adjacent to Wheat Boom Drive, excluding accessory residential <i>uses</i> .	150 sq.m.
d)	Maximum <i>height</i>	100.0 m and 30 storeys
e)	Minimum <i>height</i> of the <i>first storey</i> for non-residential <i>uses</i> and ancillary residential <i>uses</i>	4.5 m



f)	Maximum podium <i>height</i> for an <i>apartment building</i> or <i>mixed use building</i>	26.0 metres
g)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above 45 metres <i>height</i>	800 m <sup>2</sup>
h)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above 68 metres <i>height</i>	750 m <sup>2</sup>
i)	Minimum separation distances between <i>building</i> towers above 45 metres <i>height</i>	25.0 m
j)	Maximum <i>balcony</i> projection in a required <i>yard</i>	2.0 m
<b>8.XX.2 Special Site Provisions</b>		
The following additional regulations apply:		
a)	<i>Dwelling units</i> adjacent and oriented towards Trafalgar Road are not permitted to be below <i>grade</i> .	
b)	A minimum of 70% of Trafalgar Road frontage must be occupied by a <i>building(s)</i> within the area defined by the minimum and maximum <i>front yard</i> , inclusive of projections and indentations.	
<b>8.XX.3 Parking Regulations</b>		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i> for an <i>apartment building</i> or <i>mixed use building</i>	0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors; 1.0 <i>parking spaces</i> per 30 <i>sq.m.</i> of <i>leasable non-residential floor area</i>
b)	Minimum number of designated accessible <i>parking spaces</i> for <i>residential uses</i>	1% of the total number of <i>parking spaces</i> provided
c)	A <i>surface parking area</i> is not permitted within 25 metres of Trafalgar Road	
d)	<i>Parking spaces</i> for <i>Visitors</i> and <i>Non-Residential Uses</i> are the only permitted <i>parking spaces</i> in a <i>surface parking area</i> .	

e)	Ventilation shafts/housing and stairways associated with an underground <i>parking garage</i> are not permitted between a <i>building wall</i> and Trafalgar Road.
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3. Part 8, Special Provisions, of By-law 2009-189 is further amended by adding a new Section 8.X as follows:

<b>X</b>	Part of Lots 13 and 14 Concession 1, N.D.S	Parent Zone: TUC (2024-X)
Map 12(5)		
<b>8.X.1 Additional Permitted Uses</b>		
The following additional Building Types are permitted:		
a)	Permitted <i>uses</i> and <i>buildings</i> shall also include <i>townhouse dwellings street access and townhouse dwellings lane access</i> where such <i>uses</i> will be subject to the regulations of the General Urban GU Zone unless otherwise modified by this Special Provision.	
<b>8.X.2 Zone Provisions for Apartment Buildings or Mixed Use Buildings</b>		
The following regulations apply:		
a)	Maximum <i>Floor Space Index</i>	Shall not apply
b)	Maximum height	15 storeys
c)	Minimum <i>height</i> of the <i>first storey</i> for non-residential <i>uses</i> and ancillary residential <i>uses</i> .	4.5.m.
d)	Maximum podium <i>height</i> for an <i>apartment building</i> or <i>mixed use building</i>	26.0 m
e)	Maximum <i>balcony</i> projection in a required <i>yard</i>	2.0 m

8.X.3 Zone Provisions for Townhouse Dwellings		
The following additional regulations apply:		
a)	<i>Porches</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.	
b)	<i>Porches</i> 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 <i>building</i> or insect screening.	
c)	Minimum Rear Yard for Townhouse Dwellings Street Access 6.0 m	
d)	Minimum Rear Yard for Townhouse Dwellings Lane Access 0.75 m	
e)	Notwithstanding Table 4.21.g, Bay, Box out and Bow Windows may have a minimum setback of 0 metres from the lot line where the minimum building setback is 0 metres. Further these Bay, Box out and Bow Windows may be connected with a Bay, Box out and Bow Window on the adjacent unit to form a maximum overall width of 6m across both units.	
f)	Notwithstanding Table 4.21.g, Bay, Box out and Bow Windows in the rear yard must be setback a minimum of 0.1m from the side wall of the building where the minimum building setback is greater than 0 metres. Further, Bay, Box out and Bow Windows in the side yard where the minimum building setback is greater than 0 metres must be setback a minimum of 0.1m from the rear wall of the building.	
8.X.4 Parking Regulations for Apartment buildings or Mixed Use Buildings		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i> for an <i>apartment building</i> or <i>mixed use building</i>	0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors; 1.0 <i>parking spaces</i> per 30 <i>sq.m. of leasable non-residential floor area</i>
b)	Minimum number of designated accessible <i>parking spaces</i> for <i>residential uses</i>	1% of the total number of <i>parking spaces</i> provided

4. Where the provisions of this By-law conflict with the provisions of the North Oakville By-law 2009-189, the provisions of this By-law shall take precedence.
5. 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    day of            , 2024

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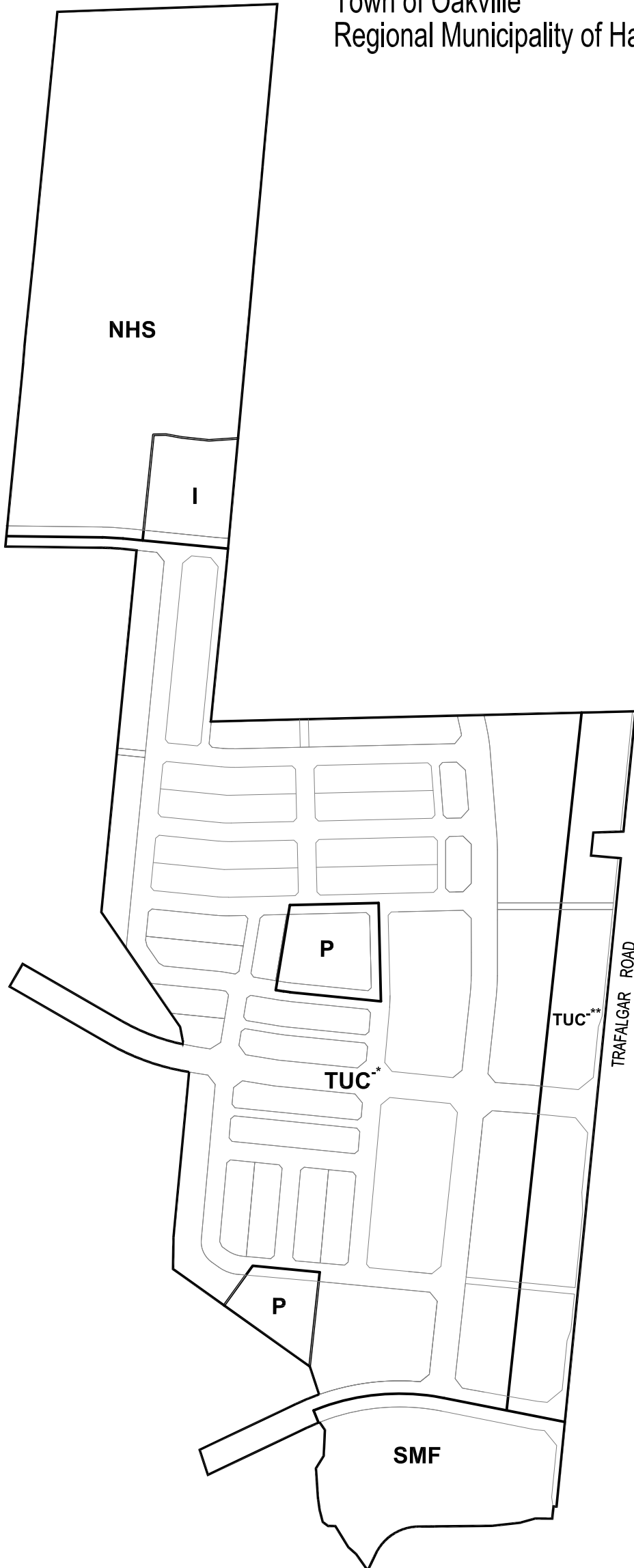
MAYOR

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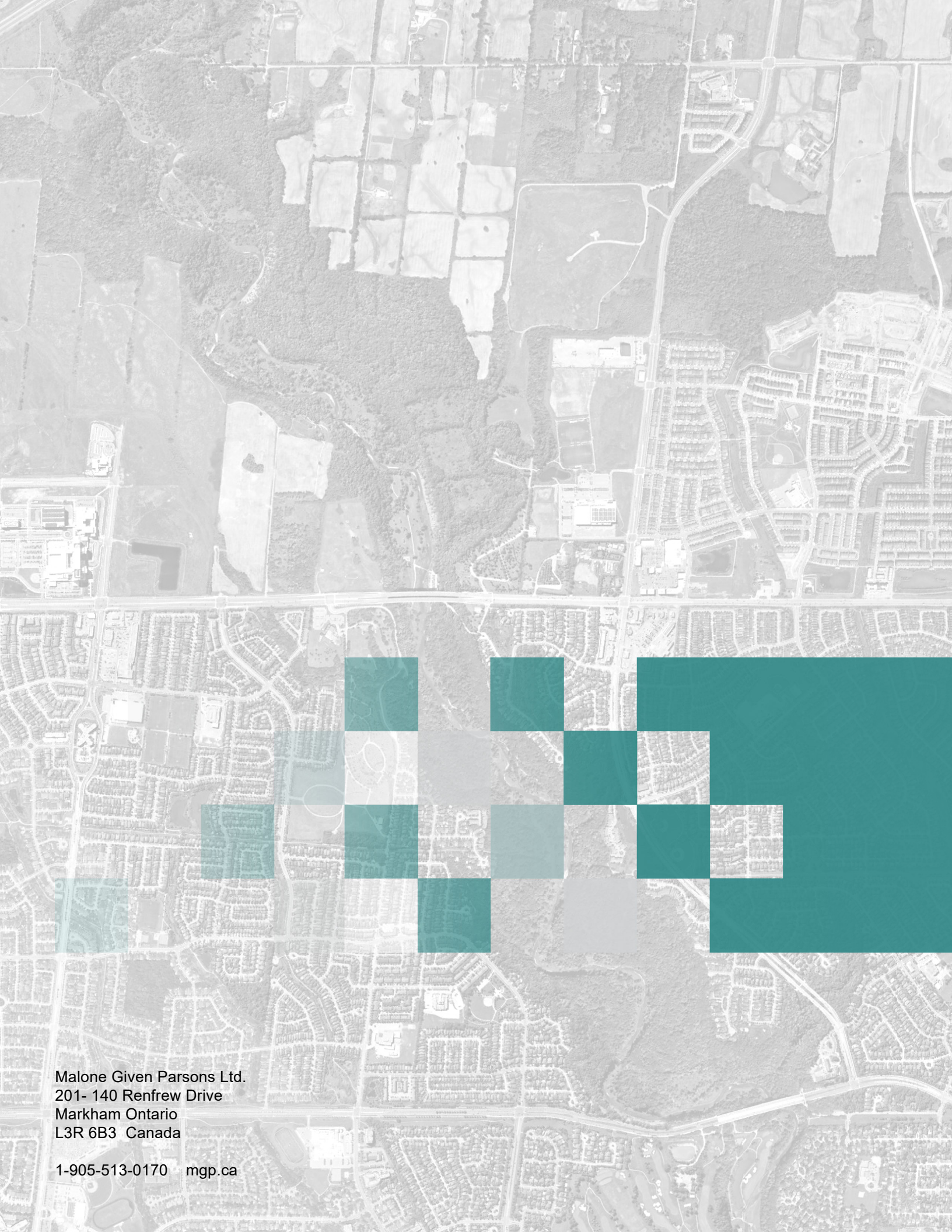
CLERK

Schedule A

Part of Lots 13 and 14, Concession 1  
Town of Oakville  
Regional Municipality of Halton



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