

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2014-XXX (DRAFT FOR DISCUSSION WITH TOWN)

A by-law to amend the Town of Oakville's North Oakville Zoning By-law 2009-189, as amended, to rezone the lands located at 3269 and 3271 Dundas Street West to permit an employment area (bmIMC Realty Corporation c/o Bentall Kennedy LP (Canada), Z.1333.01).

COUNCIL ENACTS AS FOLLOWS:

1. Map 8(1) of By-law 2009-189, as amended, is further amended by rezoning a portion of the lands to which this by-law applies from the Existing Development (ED) Zone to Light Employment (LE - #) Zone #, General Employment (GE - #) Zone #, Service Area - Employment (SA - #) Zone #, and Natural Heritage System (NHS) Zone, as shown on Schedule 'A' to this By-law.
2. Section 6.9.7, By-law 2009-189, as amended, is further amended by adding a new subsection 6.9.7.# as follows:

Note: The following provides a comprehensive list of permitted uses and associated regulations. Annotations for additional clarification are included in square brackets and bold [].

6.9.7.# Light Employment Zone (LE - #) Zone #

Uses Permitted:

- Fish, wildlife and conservation management;
- Park or other public open space other than Community Park
- *General Office Use or Medical Office or Financial Institution*
- *Hotel*
- *Place of Amusement*
- *Club*
- *Nightclub*
- *Public Hall*
- *Parking Garage*
- *Service Establishment*
- Arena, Theater, Stadium, Trade or Convention Centre
- *Place of Worship*
- *Commercial School*
- *Private Career College*
- *Daycare*
- *Light industrial*
- Information processing

- Call centres
- *Research and Development*
- *Caretaker dwelling unit*

- *Limited Retail uses* are permitted subject to the following regulations:
 - i. the sales area is separated from the warehousing, storage, manufacturing or assembly area by a wall at least 2 metres in height;
 - ii. there is no display of goods or retail sales within the warehousing, storage, manufacturing or assembly area;
 - iii. the sales area does not occupy more than 40% of the area for warehousing, storage, manufacturing or assembly and the sales area is not greater than a 1000 square metres;
 - iv. the calculation of the area for warehousing, storage, manufacturing or assembly area shall exclude offices and common areas such as stairs, mechanical rooms and washrooms; and,
 - v. the limited retail uses shall be located in the first storey of the building.

Additional Permitted Uses:

- *Ancillary retail/service commercial* [**Ancillary retail/service commercial use is proposed to be included as a permitted use. The NOWSP permits “ancillary retail sales of products produced, assembled and/or repaired on the premises” S. 8.6.5.2 g) within the Employment District designation.**]
 - *Café, associated with a permitted use* [**A café is proposed to be added to accommodate a coffee/sandwich shop within an office/employment use to serve the on-site employees. A café is defined to have a maximum leasable floor area of 100 square metres.**]
3. Section 6.10.7, By-law 2009-189, as amended, is further amended by adding a new subsection 6.10.7.# as follows:

6.10.7.# General Employment Zone (GE - #) Zone #

Uses Permitted:

- Fish, wildlife and conservation management;
- Park or other public open space other than Community Park
- *General Office Use or Medical Office or Financial Institution*
- *Place of Amusement*
- *Club*
- *Nightclub*
- *Public Hall*
- *Parking Garage*
- Arena, Theater, Stadium, Trade or Convention Centre
- *Daycare*

- *Light industrial*
 - Information processing
 - Call centres
 - *Research and Development*
 - *General Industrial*
 - ***Outside Storage and Outside Processing [, provided the Outside Storage and Outside Processing is located in the rear yard]***
 - *Transportation terminal, works yard*
 - *Caretaker dwelling unit*
- *Limited Retail uses* are permitted subject to the following regulations:
 - i. the sales area is separated from the warehousing, storage, manufacturing or assembly area by a wall at least 2 metres in height;
 - ii. there is no display of goods or retail sales within the warehousing, storage, manufacturing or assembly area;
 - iii. the sales area does not occupy more than 40% of the area for warehousing, storage, manufacturing or assembly and the sales area is not greater than a 1000 square metres;
 - iv. the calculation of the area for warehousing, storage, manufacturing or assembly area shall exclude offices and common areas such as stairs, mechanical rooms and washrooms; and,
 - v. the limited retail uses shall be located in the first storey of the building.

Additional Permitted Uses:

- *Ancillary retail/service commercial* [**Ancillary retail/service commercial use is proposed to be included as a permitted use. The NOWSP permits “ancillary retail sales of products produced, assembled and/or repaired on the premises” S. 8.6.5.2 g) within the Employment District designation.**]
 - *Café, associated with a permitted use* [**A café is proposed to be added to accommodate a coffee/sandwich shop within an office/employment use to serve the on-site employees. A café is defined to have a maximum leasable floor area of 100 square metres.**]
4. Section 6.11.7, By-law 2009-189, as amended, is further amended by adding a new subsection 6.11.7.# as follows:

6.11.7.# Service Area - Employment (SA - #) Zone #

Uses Permitted:

- Fish, wildlife and conservation management;
 - Park or other public open space other than Community Park
 - Retail Store, but not a *Convenience Store* [**Subject to use regulations below**]
 - *Service Commercial*
-

- *Vehicle Dealership; Vehicle Repair Facility*
- *General Office Use or Medical Office or Financial Institution*
- *Commercial Fitness Centre*
- *Convenience Store*
- *Hotel*
- *Place of Amusement*
- *Club*
- *Nightclub*
- *Public Hall*
- *Parking Garage*
- *Restaurant*
- *Cafe*
- *Service Establishment*
- *Arena, Theater, Stadium, Trade or Convention Centre*
- *Place of Worship*
- *Commercial School*
- *Private Career College*
- *Daycare*
- *Light industrial*
- *Information processing*
- *Call centres*

Additional Permitted Uses:

- Retail Store uses are permitted subject to the following regulations:
 - i. the use is located on a lot with lot frontage on Dundas Street West;
 - ii. the use is located on the same lot in association with a permitted use identified in Section 6.11.7.#; and
 - iii. the retail use(s) permitted in the SA - # zone do not exceed a gross leasable floor area of 5,000 square metres.
- Business Supply Establishment (Proposed Definition: Business Supply Establishment means a retail store devoted to wholesale and retail sale of office and school supplies, such as paper products, information processing supplies, files and furniture, office machines, office cleaning supplies and accessories). **[Anticipated that this would accommodate such uses as an Office Depot/Staples, providing office type supplies to businesses etc].**
- Industrial Supply Establishment (Proposed Definition: Industrial Supply Establishment means a retail store devoted to wholesale and retail sale of industrial supplies).
- *Research and Development*
- *General Industrial*, provided the lot does not abut Dundas Street West **[Added to permit GE Uses internal to the property, but Outside Storage/Processing is not permitted at the major intersections.]**
- *Gas Bar*, in accordance with the regulations of the AS Zone (Section 6.17), and provided the lot abuts the intersection of an Arterial/Avenue with Dundas

Street West [Gas Bar has been added as it is a permitted use in the NOWSP Employment District, subject to AS Zone regulations and provided it is adjacent to an Arterial/Avenue intersection with Dundas Street West.

- *ancillary retail/service commercial uses* [Ancillary retail/service commercial use is proposed to be included as a permitted use. The NOWSP permits “ancillary retail sales of products produced, assembled and/or repaired on the premises” S. 8.6.5.2 g) within the Employment District designation].
 - *Limited Retail uses* are permitted subject to the following regulations:
 - i. the sales area is separated from the warehousing, storage, manufacturing or assembly area by a wall at least 2 metres in height;
 - ii. there is no display of goods or retail sales within the warehousing, storage, manufacturing or assembly area;
 - iii. the sales area does not occupy more than 40% of the area for warehousing, storage, manufacturing or assembly and the sales area is not greater than a 1000 square metres;
 - iv. the calculation of the area for warehousing, storage, manufacturing or assembly area shall exclude offices and common areas such as stairs, mechanical rooms and washrooms; and,
 - v. the limited retail uses shall be located in the first storey of the building.
5. *This by-law comes into force upon the day it is passed, if no appeal is filed pursuant to subsection 34(19) of the Planning Act, R.S.O. 1990, c.P. 13, as amended. Where one or more appeals have been filed under subsection 34(19) of the Planning Act, R.S.O. 1990, c.P.13, as amended, this by-law comes into effect when all such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts which are repealed or amended by the Ontario Municipal Board pursuant to Subsection 34(26) and 34(30) of the Planning Act, R.S.O. 1990, c.P.13, as amended, shall be deemed to have come into force on the day it was passed.*

PASSED on this XX day of MONTH, 2014

MAYOR

CLERK

NOZBL Definitions for Reference:

“ancillary retail/service commercial” means a retail or service commercial use which is associated with, but clearly subordinate to, a principal use, but which is not accessory to it:

- i. with a maximum leasable floor area of 15% of the building;
- ii. with a maximum leasable floor area of 250 square metres per ancillary retail use, or service commercial use; and,
- iii. without a separate direct exterior access.

“convenience store” means a retail store with a maximum leasable floor area of 1,000 square metres where articles for sale are restricted to a limited range of goods, primarily food, toiletries, housewares, stationary and other similar daily household necessities, but does not include a supermarket.

“café” means a restaurant with a maximum leasable floor area of 100 square metres and which serves non-alcoholic beverages, snacks and light meals and does not include a drive-through.

“commercial fitness centre” means premises in which facilities are provided for the purpose of profit for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, swimming pool, solarium, cafeteria and accessory uses as well as ancillary retail, but does not include a stadium or arena.

“drive-through facility” means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive through facility may be in combination with other uses. A drive-through facility does not include vehicle repair facility or a gas bar.

“financial institution” means a business where money is deposited, withdrawn, kept, lent or exchanged.

“gas bar” means a commercial use for the sale of fuel, oils, and accessories for motor vehicles and which may also include a convenience store and/or a car wash as an accessory use.

“general industrial operation” means:

- i. heavy manufacturing, refining, repair, fabricating, processing operations, servicing, packaging and industrial warehousing; and
- ii. bulk storage of fuels and aggregates.

“general office use” means the practice of a profession, the conduct of the office operation of a business public or government administration but does not include a medical office.

“hotel” means a building, or group of buildings, each containing sleeping accommodation, catering primarily to the traveling public, for rent or hire for temporary lodging. Hotel may also include restaurant, public hall and ancillary retail uses which are incidental and subordinate to the primary hotel function and oriented to serve the hotel patrons.

“light industrial operation” means light manufacturing, fabricating, processing, assembly, repair, servicing, packaging, industrial warehousing of products or materials and wholesaling excluding wholesale accessible to the general public.

“limited retail” means a retail sales, rental or display area for goods manufactured, assembled or warehoused on the premises, located on the same lot, and contained within the same unit as the permitted use.

“medical office” means premises designed and used for the diagnosis, examination, and treatment of human patients, including pharmacies and dispensaries which are limited to a maximum of 50 square metres in leasable floor area, waiting rooms, treatment rooms, blood testing clinics, but shall not include overnight accommodation for in-patient care.

“office building” means a building, designed or used for general office use or medical office use.

“outside processing” means processing, manufacture, or repair conducted outside.

“outside storage” means the occasional or continuous keeping of goods, inventory, materials or machinery or equipment outside, but does not include damaged, impounded or inoperable vehicles.

“personal service shop” means: a non retail business associated with the grooming of persons, such as a barber or beauty salon or the maintenance or repair of personal wardrobe articles and accessories.

“restaurant” means an establishment or part thereof that is engaged in providing meals or refreshments to order for take-out or for consumption on the premises within a building and which may include table service on an ancillary exterior patio, walk, deck or verandah.

“research and development” means scientific research investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

“retail” means the sale or rental of commodities to the consumer or end user.

“service commercial” means:

- i. personal service shop;
- ii. professional studio such as that of a photographer, artist or interior designer or,
- iii. a non retail business associated with the operation and maintenance of a home or office such as a photo processing shop, a private mail box service, a small appliance repair shop, a catering service, or a maid or janitorial service, with a maximum floorspace of 250 square metres.

“service establishment” means:

- i. a non retail establishment for servicing, repairing or installing items and equipment, such as a radio, television or computer service or repair shop, a locksmith shop, an appliance service or repair shop, but excluding any service, maintenance and repair of automotive vehicles and marine craft; or,
- ii. a non retail establishment for renting of equipment, a taxi dispatch service or a printing establishment.

“supermarket” means a building, or part thereof, containing a departmentalized food store, but does not include a convenience store.

“transportation terminal” means the use of land for the purpose of storing, parking or dispatching of buses, trucks, tractors or trailers, including servicing or repair within an enclosed building.

“vehicle dealership” means the selling or leasing of vehicles, including the outside storage of inventory vehicles, and may include a vehicle repair facility within an enclosed building, but does not include a gas bar and is not a retail store.

“vehicle repair facility” means any building, or part of a building, equipped with facilities for the service, maintenance and repair of vehicles, which may include auto body repair facilities within an enclosed building, or a car wash facility.

“wholesaling” means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

HIGHWAY 407

NHS

LE-#

GE-#

NHS

SA-#

SA-#

GE-#

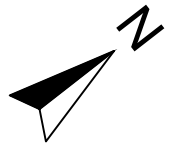
GE-#

SA-#

SA-#

DUNDAS STREET WEST

Colonel
Williams
Parkway



0m 50 100 150 200 250m

DRAFT
January 28, 2014

**Town of Oakville
Planning Services Department
Corporate Drafting and Design Office**

Schedule A

Jan 28, 2014 - 10:02am
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