

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 18, 2017

FROM: Planning Services Department

DATE: March 27, 2017

SUBJECT: **Public Meeting and Recommendation Report - Town-initiated Site Specific Zoning By-law Amendment to By-law 2014-014 (File: 42.25.17) - North East Corner of Burloak Drive and Rebecca Street, 105 Garden Drive and 1498 Wallace Road - By-law 2017-036**

LOCATION: North East corner of Burloak Drive and Rebecca Street, 105 Garden Drive and 1498 Wallace Road

WARDS: 1 and 2

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RECOMMENDATION:

1. That By-law 2017-036, a by-law to make housekeeping, technical and other modifications to Zoning By-law 2014-014, as amended (Housekeeping Zoning By-law Amendment, File 42.25.17), be passed; and
2. That notice of Council's decision reflect that no comments were received from the public or, if comments are received, that they have been appropriately addressed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Town-initiated amendments to Zoning By-law 2014-014 are part of an ongoing initiative to improve the document. The proposed housekeeping amendment was prepared to address a number of issues identified through the ongoing use of Zoning By-law 2014-014.
- By-law 2017-036 would make site specific amendments to By-law 2014-014 for three properties to make technical corrections to align zone boundaries with property lines and with the Official Plan, and also to clarify a site specific zoning regulation.

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- Although the notice of the proposed amendment included possible amendment to town-wide provisions related to the application of zoning by-law regulations to lots divided through condominium, no change is proposed to those provisions at this time.
- The typical timeline for the processing and consideration of a housekeeping zoning by-law amendment has been compressed to promptly address implementation and interpretation issues that are primarily technical in nature.

BACKGROUND:

Zoning By-law 2014-014 applies to the lands south of Dundas Street and north of Highway 407. It was passed by Council on February 25, 2014, and partially deemed in force by the Ontario Municipal Board on February 23, 2015. Since then, the majority of the By-law has been deemed in force by the Board. Certain sections of the by-law are not yet in force and outstanding appeals continue to be adjudicated (OMB File No. PL140317).

COMMENT / OPTIONS:

Through the ongoing use and interpretation of Zoning By-law 2014-014, as amended, staff from the Building Services and Planning Services departments have identified a number of issues. In response, a draft housekeeping amendment to Zoning By-law was prepared to address these issues.

The matters addressed relate to three site specific properties whereby this amendment will make technical corrections to align zone boundaries with property lines and the Official Plan and to clarify a site specific zoning regulation.

It is noted that at the March 20, 2017 Planning and Development Council meeting, a Town-initiated Omnibus Zoning By-law Amendment to Zoning By-law 2014-014 (File 42.25.16) was considered. At that meeting Council passed a revised By-law 2017-025 which implemented the changes to By-law 2014-014.

The original By-law 2017-025, included a new section 4.26, "Compliance Achieved within a Lot", which was to address the application of zoning provisions for lots divided through condominiums. This section was deleted so that potential conflicts related within Zoning By-law 2014-014 could be further reviewed and potentially addressed by a future amendment. Through discussions with the Town's Legal and Zoning Departments it was determined that no changes to By-law 2014-014 are required as it relates to the Town-wide amendment.

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Purpose

The purpose of the proposed housekeeping amendment to Town of Oakville Zoning By-law 2014-014, as amended, is to make a number of housekeeping, technical and other modifications, which would assist in the use and interpretation of the Zoning By-law and the implementation of the Livable Oakville Plan.

Effect

The effect of the housekeeping amendment to Zoning By-law 2014-014 would be as follows:

| Proposed Change | Rationale |
|---|---|
| Part 15, <i>Special Provisions</i> , would be amended by: | |
| a) modifying the introductory statement in s. 15.343.2 (105 Garden Drive) so that it reads: "The following zone regulations apply to a Long Term Care Facility and/or Retirement Home" | - to ensure that the site specific regulations for Long Term Care Facility and/or Retirement Home are consistent with the special care/special needs dwelling units permitted under By-law 1984-63 SP880 for 105 Garden Drive |
| b) modifying the introductory statement in s. 15.343.3 (105 Garden Drive) so that it reads: "The following parking regulations apply to a Long Term Care Facility and/or Retirement Home" | - to ensure that the site specific parking regulations for Long Term Care Facility and/or Retirement Home are consistent with the special care/special needs dwelling units permitted under By-law 1984-63 SP880 for 105 Garden Drive |
| Part 19, <i>Maps</i> , would be amended by: | |
| c) correct the zoning boundary for the lands on the north-east corner of Burloak Drive and Rebecca Street. Map 19(4) – See Schedule "A" | - to ensure the zoning boundary correctly reflects the development approved by the Ontario Municipal Board decision issued in January 2011 |
| d) replace the zoning category for 1498 Wallace Road from E1 to E4. Map 19(6) – See Schedule "B" | - the E4 zone reflects the existing Business Commercial designation within the Livable Oakville Plan |

CONCLUSION:

By-law 2017-036, an amendment to Zoning By-law 2014-014, has been prepared to address housekeeping, technical and other matters as described in this report.

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If there are any comments received through the technical review, or from members of the public, that cannot be addressed appropriately at the public hearing on April 18, 2017, the passage of By-law 2017-036 should be deferred to a future Planning and Development Council meeting.

CONSIDERATIONS:

(A) PUBLIC

No public information meeting was held as the proposed zoning by-law amendment is intended to improve implementation and interpretation issues and is primarily technical in nature. Notice was published in the Oakville Beaver on March 23, 2017. Since that date, the proposed zoning by-law amendment has been available for review in-person in the Planning Services department.

(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposed zoning by-law amendment was written in collaboration with the Building Services (Zoning) and Legal Services departments. It was circulated to internal departments for review and comment, and no concerns were raised prior to the finalization of this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most liveable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed zoning by-law amendment complies with the sustainability objectives of the Livable Oakville Plan.

Prepared and Recommended by:

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