



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 09, 2015

FROM: Planning Services Department

PD-015-15

DATE: February 20, 2015

SUBJECT: Public Meeting and Recommendation Report – Housekeeping and Technical Corrections Zoning By-law Amendment (File No. 42.25.11) - By-law 2015-018

LOCATION: Town wide (Livable Oakville Plan Area)

WARD: Town wide

Page 1

RECOMMENDATION:

That By-law 2015-018, a by-law to make a number of housekeeping and technical corrections to Zoning By-law 2014-014, be passed.

KEY FACTS:

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

- The identified amendment proposes a number of text changes that remedy a number of interpretive issues and omissions in the new Town of Oakville Zoning By-law 2014-014.
- Passing the amendment will recognize a number of previous permissions accidentally omitted from the original passage of Zoning By-law 2014-014. Other proposed amendments improve the overall clarity and accuracy of the new Zoning By-law 2014-014.
- The proposed amendment is in conformity with the Livable Oakville Plan and Regional and Provincial policies.

BACKGROUND:

Over the past year, development and building permit applications on lands south of Dundas Street and north of Highway 407 have been reviewed under the permissions and regulations of Zoning By-laws 1984-63 and 2014-014, both as amended. All approvals and permits have complied with both Zoning By-laws.

After one year of applying the new Zoning By-law, a number of technical issues have arisen or been identified. Finding issues soon after the passage of a new comprehensive zoning by-law is not unusual or uncommon. Often, they are only identified once the new by-law is being used on a daily basis. The issues can be grouped into four generalized areas:

From: Planning Services Department

Date: February 20, 2015

Subject: **Public Meeting and Recommendation Report – Housekeeping and Technical Corrections Zoning By-law Amendment (File No. 42.25.11) - By-law 2015-018**

Page 2

- Minor text edits, where a regulation or permission from Zoning By-law 1984-63 was omitted from the new Zoning By-law 2014-014;
- Awkward or incorrect phrasing creating an interpretive issue;
- Duplication of a regulation in Zoning By-law 2014-014 creating an interpretive issue; and,
- A small number of minor mapping corrections additional to those corrected by By-law 2014-108 (Mapping Corrections) on September 8, 2014.

A by-law amendment has been prepared that provides improved clarity and consistency within Zoning By-law 2014-014. Housekeeping by-laws are an important part of good planning practice. Passing the amendment improves the usability and function of the By-law by ensuring the text is accurate and that recent interpretive decisions are codified in the document. Continued monitoring and tracking of by-law implementation will identify whether future housekeeping revisions are necessary and will ensure Zoning By-law 2014-014 remains current and responsive to planning issues.

On February 11, 2015, portions of Zoning By-law 2014-014 were deemed in force by the Ontario Municipal Board (OMB). Those sections are now in force and effect, with a number of sections still remaining under appeal. The proposed amendment deals only with the omissions, duplications, and unclear or awkward phrasing in the in effect portions of Zoning By-law 2014-014. Per previous reports, matters under appeal are to be addressed through the OMB process. The proposed amendment also does not address any development applications in process, which shall be reviewed through those processes.

COMMENT/OPTIONS:

As detailed above, the amendment is technical in nature. It implements previous Council decisions and staff recommendations, clarifies a number of existing regulations, or adds additional language clarifying zoning interpretations made since Zoning By-law 2014-014 was originally passed. A detailed analysis of the proposed amendment is contained in Appendix A to this report.

1. *Text edits related to omissions*

The majority of the proposed amendment deals with text edits related to the omission of language from Zoning By-law 2014-014. Approximately 20 of these omission are minor – for example, a number of footnotes missing from the zone standards for three Residential Low (RL7, RL8, and RL9) Zones in Section 6.3 – and clarify the intended application of regulations in Zoning By-law 2014-014. Another three were existing Special Provisions that continue to conform the Livable Oakville Plan. Two final changes relate to the removal of the broad “governmental authority” framework from zoning generally in favour of a use-based framework.

From: Planning Services Department

Date: February 20, 2015

Subject: **Public Meeting and Recommendation Report – Housekeeping and Technical Corrections Zoning By-law Amendment (File No. 42.25.11) - By-law 2015-018**

Page 3

Passing these amendments ensures the existing permissions and regulations, which were not intended to be deleted, are restored and captured within Zoning By-law 2014-014.

2. *Awkward or incorrect phrasing*

There are 10 instances included in the proposed amendment where language in the text of Zoning By-law 2014-014 was poorly written or incorrect. As an example, day cares and private schools in the new Community Use (CU) Zone were intended to be permitted to be located on all arterial and collector roads defined by the Livable Oakville Plan. However, the regulation was written as “major arterial road” whereas there are four different types of arterial roads in the Livable Oakville Plan. The resulting regulation resulted in one existing school no longer being permitted and triggered the need for relief from the Committee of Adjustment to allow a planned addition to proceed.

Passing these amendments resolves the applicable interpretation issues by clarifying a number of use permissions and building and parking standards.

3. *Duplications of regulations*

There are fewer than 10 instances included in the proposed amendment where a regulation was duplicated in the text of Zoning By-law 2014-014. As an example, there is a duplicated maximum projection in Section 4.3 (Allowable Projections) for “uncovered platforms” (decks) over 3.0 metres in height. Structures at this height were actually intended to be classified as balconies – which have the same maximum permitted projection of 1.5 metres. The internal conflict between the regulations has resulted in the need for variances to the new By-law not otherwise intended.

Passing these amendments removes the conflicts and ensures the correct regulation applies.

4. *Minor mapping edits*

Since the September 2014 mapping corrections by-law amendment, six additional issues related to zones applied on the by-law maps have been identified. The majority of the proposed changes relate to lots containing two or more zones where only one should apply. One incorrect zone symbol has been identified. Two zone boundaries also do not follow the proper limits of town-owned environmental lands.

Passing this portion of the proposed amendment ensures the affected lands are placed in the correct zone with the proper regulations applying.

From: Planning Services Department

Date: February 20, 2015

Subject: **Public Meeting and Recommendation Report – Housekeeping and Technical Corrections Zoning By-law Amendment (File No. 42.25.11) - By-law 2015-018**

Page 4

COMMENTS:

The proposed changes are minor and corrective in nature. By passing the proposed amendment, the usability, and strength of the By-law is correspondingly improved. Delays in making the corrections will result in delays in achieving zoning compliance for any uses, buildings, or structures on affected lands, and prolongs the existence of a number of known issues with the parent Zoning By-law 2014-014.

The proposed amendment is consistent with the 2014 Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and Region of Halton Official Plan as amended by ROPA 38, and the Livable Oakville Plan.

Per previous housekeeping amendments, the recommendation is for Council to pass the proposed by-law at the statutory public meeting. An alternate recommendation can be provided should comment be received from the public.

CONSIDERATIONS:

(A) PUBLIC

This report is being presented as a Public Hearing item. Notice was given in accordance with subsection 34(14.1) of the *Planning Act* by way of a newspaper posting in the Oakville Beaver on February 12, 2015. Notice has also been provided to those individuals whom had expressed interest in the proposed amendments and provided the Planning Services Department with a current mailing address.

(B) FINANCIAL

The by-law is technical in nature and no significant financial implications result from its passage.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The by-law has been developed in conjunction with Legal Services, design staff within Planning Services, and zoning officers in Building Services.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

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(E) COMMUNITY SUSTAINABILITY

All zoning work undertaken under the purview of inZone is reflective of the Town's sustainability goals and objectives.

APPENDICES

Appendix A – Table 1: Proposed Amendments to By-law 2014-014

Prepared by:

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Recommended and submitted by:

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