

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 25, 2014

FROM: Planning Services Department

PD-010-14

DATE: February 11, 2014

SUBJECT: Recommendation Report, Official Plan Amendment (Livable Oakville), inZone Conformity and Housekeeping Matters, By-law 2014-013 (File: 42.24.005)

LOCATION: Livable Oakville Plan Area

WARD: Town wide

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RECOMMENDATION:

That By-law 2014-013, a by-law to adopt Official Plan Amendment Number 4 to the Livable Oakville Plan, be passed.

KEY FACTS:

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

- Since the statutory public meeting on November 4, 2013 ([Report PD-109-13](#)), several revisions have been made to the proposed official plan amendment (OPA) to address inZone conformity and housekeeping matters.
- The revisions, which resulted from further analysis of the Livable Oakville Plan's policies and public comments, are detailed in Appendix A. Changes to the permitted uses policies for the Mixed Use and Employment designations, in particular, are necessary to facilitate their translation into zoning regulations.
- The proposed OPA, as revised, has been available for review since February 7, 2014.
- Adoption of the OPA is required prior to the passage of the 2014 Zoning By-law (Report PD-022-14).

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BACKGROUND:

The purpose of this report is to provide an overview of the proposed OPA to address inZone conformity and housekeeping matters.

The report and proposed OPA also address Item 5, Section 4.6 – Planning Services, from the Outstanding Issues List:

Recognizing that the Old Bronte Road/Khalsa Gate Streetscape Plan sets out guidance for the creation of an active main street through the Historic Core South area between Dundas Street and Pine Glen Road on Old Bronte Road, staff be directed to evaluate the current Livable Oakville policies applicable to the Historic Core South area and recommend changes to Livable Oakville to ensure mixed use development is implemented in Palermo Village in the Historic Core South similar to other main street growth area policies found in the Plan.

Proposal

The primary purpose of the proposed OPA is to incorporate into the Livable Oakville Plan certain modifications to the text and schedules necessary to support the translation of the policies into the Town's new comprehensive zoning by-law ("the inZone project"). The proposed amendment also includes housekeeping modifications to the text and schedules that are technical in nature.

The effect of the changes to the text will be to:

- clarify the intent of the Plan;
- recognize several legally existing uses of land through new use permissions;
- make wording more consistent within the Plan and correct wording identified through the inZone project;
- eliminate potential policy conflicts within the text;
- implement applicable legislation and regulations;
- create new exception policies to permit additional uses on certain lots;
- eliminate policies that are no longer relevant;
- relocate some policies and reorganize selected sections; and,
- correct grammatical and clerical errors.

The effect of the changes to the schedules to the Plan will be to:

- redesignate a number of properties to reflect legal existing uses of land or changes in the text;
- recognize new and realigned roads;

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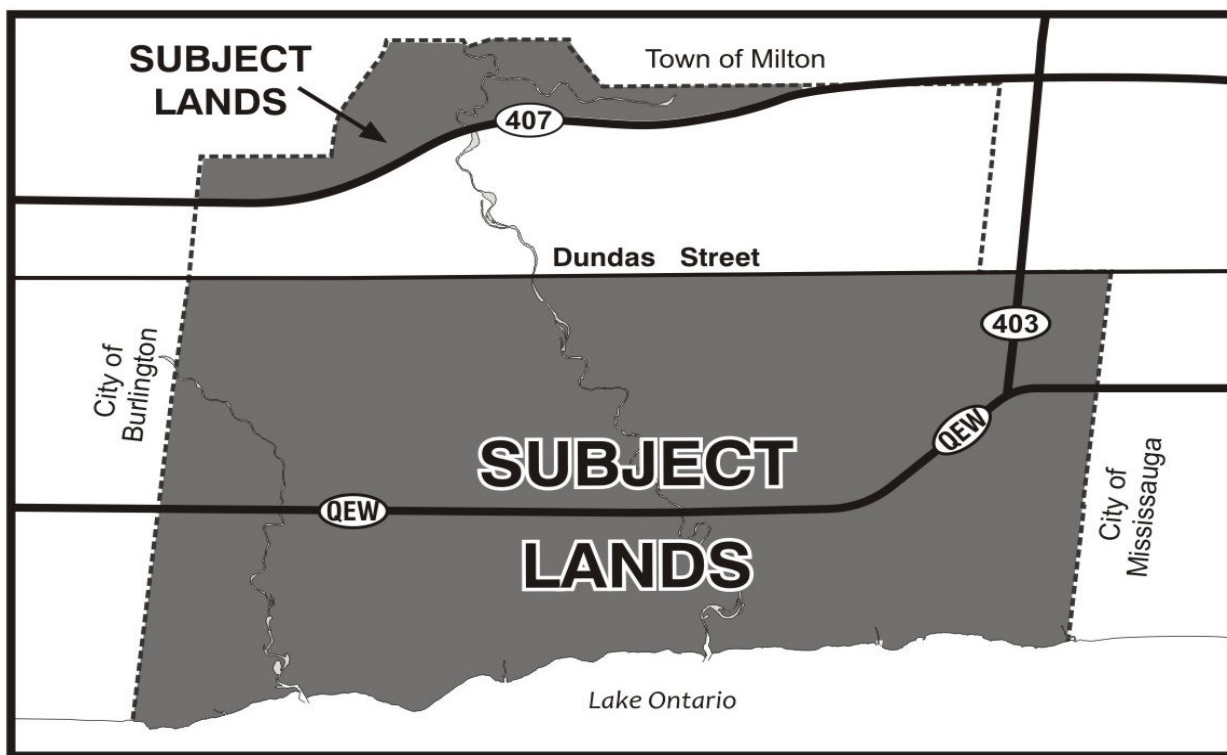
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- remove Special Policy Area designations or symbols that are no longer relevant;
- correct minor mapping errors affecting land use designations; and,
- add notes and symbols to alert readers to relevant policies in the Plan.

Location

The proposed OPA affects the entire Livable Oakville Plan area.



POLICY FRAMEWORK:

The Livable Oakville Plan is the Town's official plan for the lands south of Dundas Street and north of Highway 407. It was unanimously adopted by Council on June 22, 2009, approved with modifications by Halton Region on November 30, 2009, and ultimately approved by the Ontario Municipal Board on May 10, 2011. The Plan conforms to the Growth Plan for the Greater Golden Horseshoe, 2006 ("the Growth Plan") and the Region's Official Plan, and is consistent with the Provincial Policy Statement, 2005.

The *Planning Act* requires a municipality's zoning by-law to conform to its official plan. The inZone Project to prepare a new zoning by-law to implement the Livable Oakville Plan began in October 2011.

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PLANNING ANALYSIS:

The issues identified, and concerns raised by others, primarily relate to the translation of policies from the Livable Oakville Plan into regulations in the draft 2014 Zoning By-law, as well as minor mapping errors affecting land use designations in the Livable Oakville Plan.

The proposed OPA resolves inconsistencies and further clarifies the intent of the Plan. These changes facilitate the translation of the Plan policies into regulations in the new 2014 Zoning By-law.

The rationale for each change is provided within the tables in Part 2 of the OPA. Changes since the first draft of the OPA are detailed in Appendix A, and shown as blue text in the version available to the public since February 7, 2014.

The key changes to be made by the OPA, as it is currently proposed, are discussed below in more detail.

Mixed Use and Growth Area Changes

Refinements to certain Mixed Use policies in section 12, 21 and 23 of the Plan are included to clarify priority locations for, and the extent of, non-residential uses within the Main Street 1, Main Street 2, Urban Centre and Urban Core designations. In most cases, the changes clarify that non-residential uses are to be in the portion of buildings that directly front a public street. The changes also provide design flexibility that will facilitate the redevelopment of larger sites in growth areas like Bronte Village and Uptown Core.

Palermo Village

In order to address Item 5, Section 4.6 – Planning Services, of Council's Outstanding Issues List (below), revisions to sections 22.3 and 22.5.1 of the Plan are included in the proposed OPA.

Recognizing that the Old Bronte Road/Khalsa Gate Streetscape Plan sets out guidance for the creation of an active main street through the Historic Core South area between Dundas Street and Pine Glen Road on Old Bronte Road, staff be directed to evaluate the current Livable Oakville policies applicable to the Historic Core South area and recommend changes to Livable Oakville to ensure mixed use development is implemented in Palermo Village in the Historic Core

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South similar to other main street growth area policies found in the Plan.

The description of the development concept for Palermo Village (s. 22.3) is revised to provide greater clarity, and the Urban Centre land use policy (s. 22.5.1) is rearranged so that mixed use buildings are required between Dundas Street West and Pine Glen Road. The land use designations on Schedule N are also revised to reflect approved development and align with property boundaries. These changes will facilitate the redevelopment of the “main street” portion of Palermo Village in accordance with the vision established by the Livable Oakville Plan and reinforced by the design directions in the Old Bronte Road/Khalsa Gate Streetscape Plan.

Employment Changes

The proposed OPA includes a number of changes that affect lands within the Employment designations.

Motor Vehicle Related Uses

Recommendations from the Automobile Related Uses Review, received by the inZone Council Subcommittee on October 22, 2012, are implemented through the proposed OPA.

- In areas where clusters of motor vehicle related uses are known to exist along the Speers Road corridor, land use designations are changed to Business Commercial (Schedules F and G).
- In areas where automobile uses are known to exist, but are more dispersed, additions to the use permissions for the Office Employment, Business Employment, and Industrial designations (s. 14.3.1, 14.4.1 and 14.51.1) provide for motor vehicle related uses at certain locations.
- References to motor vehicle related uses (formerly automobile related uses) are corrected throughout the Plan, and the wording is made more consistent.

Major Office & Office Uses

Major office (approx. 10,000 m² or 500+ jobs) and office uses are added as uses that may be permitted on lands designated Industrial within 500 m of the Bronte GO Station (s. 14.5.1). This is consistent with the direction in s. 14.1.7 that major offices be directed to major transit station areas. The Plan already

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provides for major office uses near the Oakville GO Station in Midtown Oakville.

Office uses are also added as a use that may be permitted on lands designated Industrial within Bristol Circle to reflect the current mix of office and industrial uses in Winston Park.

Service Commercial Uses in the Business Employment Designation

Several comments were received related to the permitted use policy for the Business Employment designation (s. 14.4.1). Concerns were raised by many individuals regarding the provision for service commercial uses within this designation, and the implementing E2 zone provisions in the proposed 2014 Zoning By-law.

The Livable Oakville Plan provides four employment designations: Office Employment, Business Employment, Industrial and Business Commercial. Each is structured with a specific range of uses and policies.

The Business Employment designation is intended to provide for traditional employment uses as the predominant uses. The policies direct service commercial uses to Business Commercial nodes and in Office Employment areas when integrated with other uses.

The changes to the Business Employment permitted uses (s. 14.4.1) in the proposed OPA will allow:

- existing service commercial uses, limited to restaurants, financial institutions and drive-through facilities; and,
- new service commercial uses, limited to restaurants, financial institutions and drive-through facilities, on the same lot as certain traditional employment uses.

The restrictions on service commercial uses, limited to restaurants, financial institutions and drive-through facilities, are to protect the employment land supply for the intended purposes, while allowing some share uses on a lot, where appropriate. These changes are implemented through the proposed E2 zone, which provides regulations with respect of the size of such uses.

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Commercial and Employment Lands Review

The concerns about use permissions within the Business Employment designation and other employment designations raised through the inZone conformity exercise (as detailed in Appendix A), highlight the importance of the upcoming Commercial and Employment Lands Review.

That comprehensive review will determine whether new uses should be considered or land use designations revised by assessing factors such as:

- the planned function of existing employment areas town-wide;
- land supply (existing uses, location, access, size of parcels available, impacts);
- job supply; and,
- market trends and emerging opportunities.

Other Changes

A number of exception policies are introduced, modified or relocated by the proposed OPA (s. 20 – 25 and 27). The new exception policies recognize existing development and have corresponding special provisions within the proposed 2014 Zoning By-law.

The proposed OPA also includes changes to the Schedules of the Plan to recognize existing development, align designation boundaries with property boundaries, and introduce symbols (i.e., “⊙”) to identify lands subject to exception policies in s. 27 or within the growth area policies (s. 20 – 25) .

CONCLUSION:

Passage of By-law 2014-013 to adopt Official Plan Number 4 to the Livable Oakville Plan is recommended.

CONSIDERATIONS:

(A) PUBLIC

The requirements of the *Planning Act* for public notice and consultation related to a proposed OPA have been met and exceeded:

- The public was first advised about the proposed OPA in the report and presentation to Planning and Development Council on the second draft of the 2014 Zoning By-law on September 30, 2013 ([Report PD-063-13](#)).

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- A combined notice of the statutory public meeting and the open houses about the draft OPA and the draft 2014 Zoning By-law was published in the Oakville Beaver on October 9, 2013 and reprinted on October 16, 2013.
- Open houses about the draft OPA and the draft 2014 Zoning By-law were held on October 16 and 17, 2013.
- The first draft of the proposed OPA was presented at a statutory public meeting on November 4, 2013 ([Report PD-109-13](#)). It was also available on the Town's website and from the Planning Services department from October 9, 2013 to February 6, 2014.
- The current draft of the proposed OPA has been available on the Town's website and from the Planning Services department since February 7, 2014.
- A courtesy notice of the February 25, 2014 Planning and Development Council meeting was published in the Oakville Beaver on February 12 and 19, 2014.

(B) FINANCIAL

No financial implications arise from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Other departments, external agencies and public bodies were notified of the proposed amendment. Comments received were considered, and changes made to the proposed amendment, where appropriate.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed OPA complies with the sustainability objectives of Livable Oakville.

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APPENDICES:

Appendix A Comments and Responses RE: Proposed Official Plan
Amendment to address inZone Conformity and Housekeeping
Matters

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