

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

FROM: Planning Services Department

DATE: October 11, 2019

SUBJECT: Site Plan Process update, By-law 2019-114

LOCATION: Town wide

WARD: Town wide

Page 1

RECOMMENDATION

1. That the report from the Planning Services department entitled “Site Plan Process update”, dated October 11, 2019, be received.
2. That By-law 2019-114, a by-law to establish site plan control and delegate authority with respect to the approval of site plans within the Town of Oakville, be passed, and that By-law 2005-062 as amended, be repealed.

KEY FACTS

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

- The site plan approval process, under Section 41 of the *Planning Act*, provides municipalities with a tool for managing the implementation of technical details for proposed developments related to matters such as grading, landscaping and urban design prior to construction,
- Advancements in the town’s policy framework, regulatory structure and design guidance, have allowed staff to identify improvements in the site plan review process while continuing to implement Council direction,
- The town continues to evaluate the way in which it delivers its services. This report proposes refinements to the Town’s current site plan approval process which will allow for efficiencies and streamlining opportunities by permitting additional delegation of the approval of site plan applications,

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

- The proposed revisions to the site plan control by-law are consistent with Council's strategic focus on good governance and its desire to improve our programmes and services.

BACKGROUND

Section 41 of the *Planning Act*, R.S.O. c.P.41, provides municipalities with the authority to designate lands within the municipality as a "site plan control area". Development within site plan control areas requires the approval of plans and drawings that provide details with respect to building location and design, site functionality, landscaping, grading, drainage, parking field layout, and pedestrian connections, among other elements.

The Town of Oakville has had a site plan by-law in effect since 1979 wherein the whole of the municipality was identified as a site plan control area. This was an important progression since it allowed the Town to ensure that details of new development could be reviewed from a holistic perspective, and not solely at the building permit stage. The Town could now evaluate, review and co-ordinate the technical merits of a project, and the overall development of a site, beyond just the building.

Over time, there have been several iterations of a site plan control by-law and it has evolved in response to changing legislation, and reflects the way in which the town has sought to improve its overall site plan review process.

COMMENTS

Site Plan Approval Process

The Site Plan review process evaluates the technical nature of how development is implemented on a site. This requires a comprehensive and co-ordinated review of a multitude of factors including building location and design, and site functionality, by town departments, public agencies and utilities. The process requires staff to review several revisions to a project, and if approved, apply conditions to that approval and register an agreement against the property to ensure compliance with the approved plans.

The *Planning Act* intends for site plan review to be a relatively routine process, focussing on technical matters. It is therefore not intended as a public process, unlike Official Plan or Zoning By-law Amendments, for example. Public notice is not required for site plan applications, and appeals by members of the public are not permitted. Appeals may only be triggered by applicants due to non-decision by the municipality (after 30 days), or if there is a disagreement on any conditions of approval, or terms of an agreement. Appeals are adjudicated by the Local Planning Appeal Tribunal. The authority of the Tribunal is to "determine the details of the plans or drawings" and any related conditions rather than "refuse" the application

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

since the process is designed to manage the implementation of the development as opposed to determining whether or not it can proceed.

Most Ontario municipalities have delegated the full responsibility of site plan review, often with conditions, to the Director of Planning since the site plan process is often the last step in a development project, based on the direction already approved by the local Council.

Policy & Regulatory Framework

Since the approval of the in-effect Site Plan By-law in 2005, the town has undertaken a number of Council approved initiatives which inform the development process, including site plan review. This has had the effect of improving the tools Staff can use to ensure quality development.

The *Livable Oakville* Plan was adopted in 2009, and approved in 2011 and made significant strides in areas relating to design direction, compatibility and neighbourhood character as being critical elements to be considered in the review of new development.

The two main documents which implement the Official Plan are Zoning By-law 2014-014 and the *Livable by Design* Manual. Comprehensive Zoning By-law 2014-014 furthered provides a succinct regulatory framework for the town. This framework recognises how the municipality has evolved, and closely supports the Official Plan. The Zoning By-law works in tandem with the *Livable by Design* Manual which was approved by Council in 2014.

The *Livable by Design* Manual is supported by compendium documents such as the “Design Guidelines for Stable Residential Communities”, various streetscape guidelines, and area-specific guidance such as “Designing Midtown” and the “North Oakville Urban Design and Open Space Guidelines”. The Manual provides a comprehensive approach to how new projects should be conceived and designed, including the manner in which these projects interact with adjacent, existing development – both in established neighbourhoods and in emerging growth areas.

In 2017, Council endorsed the latest component of the *Livable by Design* Manual – being the “Site Design and Development Standards”. This document provides specific detail and technical direction for how to develop sites within the town to ensure overall functionality. It also outlines landscaping, hardscaping and servicing expectations. For example, the Standards include the method of where and how to plant trees, how to construct fences to ensure longevity, and the locations in which snow storage would be acceptable. Town staff has had success in implementing these standards resulting in greater predictability in the built environment throughout the town.

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

In addition, Staff continue to undertake detailed design review on a project-specific, and application-specific, basis to ensure the Town's Official Plan principles and objectives are implemented. This has recently been reflected in guidelines or development principles tied to the approval of a development project by Council. Staff has used this mechanism to ensure Council's direction is followed through in the implementation of the site plan approval.

Current Practice

The structure of the current, in-effect site plan by-law (2005-062) is such that residential projects and projects adjacent to residential lands must go through the Town's Site Plan Committee. Meetings of the Committee occur monthly and are open to the public with notice of the meeting provided to adjacent property owners.

Non-residential development which is not adjacent to residential land uses is delegated to the Director of Planning. A condensed process for minor residential development is delegated to the Director of Development Engineering for matters relating to grading, stormwater management and landscaping.

Although section 41 of the *Planning Act* does not prescribe public notice, the town's practice has been to notify adjacent property owners of Site Plan Committee meetings. The drawback to including the public in the Site Plan process is in addition to giving the impression the public has appeal rights, it creates false expectations due to the limited scope of site plan approval.

The current practice is to circulate Ward Councillors with new site plan applications when submitted. These applications are also posted on-line and available to the public.

Process Update

Staff continues to investigate ways in which to improve the way it does business to ensure value, streamline processes and find efficiencies for Council and the public, while still meeting the public's expectations. Council has set the direction for how development is expected to proceed through the approval of the *Livable Oakville* Plan, the Comprehensive Zoning By-law 2014-014, and the *Livable by Design* Manual. These tools provide certainty as they ensure development will be of a high quality and functionality and has had the effect of lessening the need for direct oversight of site plan applications by Council and allow for the consideration of additional delegation of the site plan approval function.

Based on the above, Staff is recommending that the Town's site plan review process be amended to no longer refer applications to the Site Plan Committee prior to approval. Eliminating this step does not reduce the effectiveness of the direction Council provides to staff. Planning staff will continue to provide recommendations on

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

Planning Act applications (Official Plan and Zoning By-law Amendments, Draft Plans of Subdivision and Condominium) brought to Council, along with specific design direction, where warranted, that will carry over to the subsequent site plan application for implementation. This is also the time at which public comments are most helpful – at the time planning decisions are made by Council. This allows Council the ability to focus on the broader community planning issues while still providing direction to the site plan application to ensure technical matters are executed appropriately.

This update to the process does not change how Councillors will be kept up-to-date with new site plan applications, or the posting of the applications to the web-site. This practice has proven useful in keeping the public informed of what is being proposed on a given site, as it provides contact information for the planner handling the file in the event the public wants to provide input on a proposal.

As noted above, the Town's current site plan process grants an opportunity for the public to provide comments on site plan applications through the Site Plan Committee meetings. Public comments are received at a time when all technical issues have been resolved, providing limited opportunity to further influence any decision, particularly in light of the applicant's right of appeal. Comments from the public typically speak to matters that have already been approved by Council (i.e. land use or heights of development), or operational or potential nuisance matters that could be more appropriately addressed through other means.

Taking applications to the Site Plan Committee serves as an extra step wherein the Committee grants a conditional approval. This effectively delegates the final approval to the Planning Director to ensure appropriate conditions are employed to allow an applicant to proceed to building permit. This can have the effect of adding to the amount of time it takes a development to achieve site plan approval, and increases the Town's administrative costs. There is added benefit in finding ways to reduce the overall site plan review time – applicants have greater predictability to the overall process. From an economic development perspective, there are advantages to compressing the site plan review.

The proposed By-law maintains the requirement that where the Director deems it necessary to refer matters to Town Council due to a dispute from a land owner regarding imposed requirements or conditions, or if Council has made a direct request, matters can be referred to Council for a final approval.

Benefits

Staff has identified several benefits with updating the site plan review process without compromising public consultation or the quality of the built environment. These include:

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

- 1) More predictable timing for applicants in bringing a site plan application to a conclusion,
- 2) Reduced staff overtime,
- 3) Reduced administrative costs,
- 4) Reduced meeting commitments for Councillors,
- 5) Improved exposure for economic development ventures,
- 6) Reduced confusion and frustration experienced by the members of the public when the site plan process cannot provide the remedies they may be seeking.

The updated Site Plan Control By-law is found later in this agenda. Previous amendments to the Site Plan Control By-law have been consolidated into this version, with the exception of the introduction of Administrative Monetary Penalties (“AMPs”) introduced through By-law 2019-030. As part of the Municipal Enforcement Strategy, a future report will be brought forward to Council to address this matter. The Town continues to employ other tools as necessary to ensure compliance with approved plans, as provided through the *Planning Act*.

The proposed site plan by-law maintains both the classes of development subject to site plan control and the development engineering site plan process as well as reflecting the zone classifications already approved by Council through the town's comprehensive by-law 2014-014. Additional clarity has been added which reflects the powers granted to the Director in terms of minor changes to site plans.

A comprehensive review of the town's development processes, including the site plan process and the related types of development, is underway by Staff. These reviews will take some time to complete and Staff will report back to Council at a later date on these initiatives. This report is being brought forward in advance of other recommendations; however, it is timely as it will allow for co-ordination with Council appointments to committees and meeting schedules which are currently under consideration.

CONCLUSION

Updating the Site Plan Control By-law by delegating all matters to the Director of Planning, or Director of Development Engineering, is warranted at this time as Council has provided sufficient policy, regulation and design direction. There is added benefit in cost reductions and more predictability in the process which both applicants and the public can experienced. This does not reduce or eliminate the ability of Council to provide direction to Staff on site design and functionality.

From: Planning Services Department
Date: October 11, 2019
Subject: **Site Plan Process update, By-law 2019-114**

CONSIDERATIONS

(A) PUBLIC

The public will be kept informed of future site plan applications as the Town will continue to post new applications to the Town's web-site. Further, Ward Councillors will be circulated with new applications once received. The Oakville Developer Liaison Committee will be informed of this process change, as will new applicants during future pre-consultation meetings.

(B) FINANCIAL

Some savings as a result of reduced overtime and administrative costs are expected through this initiative.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Updates to the site plan review process has been done in consideration of the Development Engineering and Municipal Enforcement Services Departments.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be innovative in everything we do
- be the most liveable town in Canada

(E) COMMUNITY SUSTAINABILITY

This initiative has been undertaken in consideration of the Official Plan's sustainability objectives.

Prepared & Recommended by:

Gabriel A. R. Charles, MCIP, RPP
Senior Manager, Current Planning & Urban Design

Submitted by:

Mark H. Simeoni, MCIP, RPP
Director of Planning Services