

<b>To:</b>	Development Services Committee	<b>Item:</b>	DS-07-266	<b>Date of Report:</b>	September 26, 2007
<b>From:</b>	Commissioner, Development Services Department	<b>File:</b>	D1100 0007	<b>Date of Meeting:</b>	October 1, 2007
<b>Subject:</b>	<b><i>Proposed Amendment to the Oshawa Official Plan Regarding Site Plan Control</i></b>			<b>Ward(s):</b>	<b>All</b>
<b><i>PLANNING ACT PUBLIC MEETING</i></b>					

## 1.0 PURPOSE

The purpose of this report is to provide background information for the Planning Act public meeting on a proposed amendment to the Oshawa Official Plan related to site plan control.

On July 3, 2007, City Council considered Report DS-07-166, dated June 13, 2007, regarding proposed amendments to the Oshawa Official Plan and Site Plan Control By-law 137-89 and passed the following resolution:

- “1. That, based on Report DS-07-166, dated June 13, 2007, staff be authorized to process an amendment to the Oshawa Official Plan to implement changes to the site plan control policies (architectural control, sustainable design and lodging houses), including holding a public meeting.
2. That, based on Report DS-07-166 dated June 13, 2007, an amendment to Site Plan Control By-law 137-89 be prepared for consideration in conjunction with the processing of the proposed Oshawa Official Plan amendment to apply site plan control provisions related to architectural control, sustainable design and lodging houses.
3. That, based on Report DS-07-166 dated June 13, 2007, an amendment to Site Plan Control By-law 137-89 be passed to implement Oshawa Official Plan policy concerning the application of site plan control in the Oak Ridges Moraine.
4. That, based on Report DS-07-166 dated June 13, 2007, a by-law be passed to delegate certain administrative functions related to the processing of development applications under the Planning Act to staff.”

This report deals with item 1 of the above noted Council resolution. Items 2, 3 and 4 will be dealt with subsequently.

Attachment No. 1 is a proposed amendment to the Oshawa Official Plan containing proposed changes to the site plan control provisions.

A notice advertising the public meeting was published in the Oshawa This Week newspaper.

## **2.0 RECOMMENDATION**

That the proposed amendment to the Oshawa Official Plan regarding site plan control policies be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.

## **3.0 EXECUTIVE SUMMARY**

Bill 51 expands the list of matters which a municipality can address through site plan control to include exterior design and sustainable design elements provided such matters are referenced in the municipality's Official Plan and site plan control by-law. It is appropriate to amend the Oshawa Official Plan to provide the City with this additional level of control.

It is also appropriate to amend both the Oshawa Official Plan and the Site Plan Control By-law to make lodging houses subject to site plan control.

This report presents a proposed amendment to the Oshawa Official Plan for consideration by the public and the Development Services Committee. A subsequent report will provide a final recommended Official Plan amendment as well as the necessary amendments to Site Plan Control By-law 137-89.

## **4.0 INPUT FROM OTHER SOURCES**

### **4.1 Other Departments and Agencies**

- The proposed Official Plan Amendment was circulated for comment and the identification of issues to a number of departments and agencies. These comments and issues will be considered and reported on, as appropriate, in a subsequent staff report which will provide a recommendation on the amendment.

## **5.0 ANALYSIS**

### **5.1 Bill 51, The Planning and Conservation Land Statute Law Amendment Act**

- Bill 51, The Planning and Conservation Land Statute Law Amendment Act, 2006 received Royal Assent on October 19, 2006. The majority of the Bill was proclaimed in effect as of January 1, 2007.
- Bill 51 made numerous amendments to the Planning Act, affecting a number of planning procedures. Certain administrative changes have already been undertaken by the City, including revised wording in public meeting advertisements and the Chair's notes for public meetings and certain procedural changes related to the development application review process.

- Changes brought about by Bill 51 to the site plan control powers require implementation through the Official Plan and site plan control by-law.

## 5.2 Site Plan Control – Bill 51 Changes

- Bill 51 expanded the list of matters which a municipality can address through site plan control to include matters related to exterior design, including character, scale, appearance and design, as well as sustainable design or landscaping elements within the City's road rights-of-way.
- In order to implement this new provision, the Oshawa Official Plan and site plan control by-law must be amended to authorize the consideration of these additional matters.
- The regulation of exterior design is commonly referred to as "architectural control". In the past, the achievement of City objectives in respect to exterior building design has largely occurred through the cooperation of developers. This new provision in Bill 51 provides a greater degree of control by the City in exterior building design.
- Requiring the provision of sustainable design elements in the road right-of-way will enable the City to achieve streetscape objectives, as well as transit-supportive and environmentally sensitive designs.
- Attachment No. 1 is a proposed Oshawa Official Plan amendment which revises and expands Section 9.4.5 of the City Official Plan to include architectural control and sustainable design matters, as well as the ability to require agreements related to the implementation of approved plans and/or drawings.
- The matters which could be required in a site plan submission to address exterior building design and sustainable design elements include the following:
  - Types of exterior building materials, e.g. brick or stone versus siding, depending on the building;
  - Type of roof style (e.g. pitched roof versus a flat roof);
  - Building designs and materials that improve energy efficiency;
  - Requiring windows or front doors facing streetlines;
  - Limiting garage projections on street or block townhouses;
  - Requiring porches on the side elevation of a townhouse unit which has a side wall facing a flanking street;
  - Limiting the amount of foundation that may be exposed;
  - Location of fascia signage on a building;
  - Street trees or upgraded landscaping in the boulevard, including the use of indigenous species that are drought and pest resistant;
  - Hard surface landscaping, lighting, bicycle racks and street furniture in the boulevard in special areas.
- As appropriate, urban design guidelines prepared for specific areas of the City will contain more detailed provisions related to exterior building design and sustainable design elements.

- In the event Council approves an Official Plan Amendment to include architectural control and sustainable design requirements, Site Plan Control By-Law 137-89 would be amended to implement the direction.

### **5.3 Site Plan Control – Addition of Lodging House**

- The City's Official Plan and Site Plan Control By-law 137-89 currently exempt lodging houses from site plan control.
- Lodging houses, which contains three to ten lodging units, should be subject to site plan control to ensure that a safe and appropriate design is implemented consistent with City site planning standards.
- Accordingly, it is proposed that the Official Plan, and subsequently Site Plan Control By-law 137-89, be amended to make lodging houses subject to site plan control. The proposed Official Plan Amendment is included in Attachment No. 1.

## **6.0 FINANCIAL IMPLICATIONS**

- There are no financial implications for the City associated with this report.

## **7.0 RESPONSE TO THE COMMUNITY STRATEGIC PLAN**

- The holding of a public meeting on proposed site plan control policies advances Goal C (A Caring and Responsive Community) of the City's Community Strategic Plan by increasing public input and engagement and ensuring accountability to citizens.
- In the event Council approved an amendment to the Official Plan to provide for architectural control, sustainable design and site plan control for lodging houses, it would advance Goal A (A Vibrant, Strong and Progressive Community) and Goal B (A Green and Sustainable Community) of the City's Community Strategic Plan by providing the tools that can assist in improving the City's image and promoting sustainable development through the site plan approval process.

*Original Signed By*

---

Thomas B. Hodgins, B.E.S., M.A., RPP, Commissioner  
Development Services Department

SM/c  
Attachments

**PROPOSED AMENDMENT NO. \_\_\_\_  
TO THE  
CITY OF OSHAWA OFFICIAL PLAN**

**PART I INTRODUCTION**

*Purpose*

*Location*

*Basis*

**PART II ACTUAL AMENDMENT**

**PART III IMPLEMENTATION**

**PART IV INTERPRETATION**

Note: Parts I, III and IV do not constitute the legal parts of this Amendment but serve only to provide background information.

## **PART I: INTRODUCTION**

### ***Purpose***

The purpose of this Amendment to the Oshawa Official Plan is to amend Section 9.4 Site Plan Control to add policies concerning matters related to exterior building design and sustainable design elements within an adjoining City right-of-way as well as the ability to require agreements related to the implementation of approved plans and/or drawings. The amendment also makes lodging houses subject to site plan control.

### ***Location***

The lands to which this Amendment applies are located throughout the City of Oshawa.

### ***Basis***

Bill 51, The Planning and Conservation Land Statute Law Amendment Act, 2006, received Royal Assent on October 19, 2006. Bill 51 expanded the list of matters which a municipality can address through site plan control to include matters related to exterior design and sustainable design elements within an adjoining municipal right-of-way. Policies must be contained within the Oshawa Official Plan in order to implement these new provisions.

A policy is also required to be contained in the Oshawa Official Plan in order to make lodging houses subject to site plan control.

The Council of the Corporation of the City of Oshawa is satisfied that this Amendment to the Oshawa Official Plan is appropriate.

## **PART II: ACTUAL AMENDMENT**

This Amendment to the Oshawa Official Plan consists of the following text.

1. The Oshawa Official Plan is hereby amended by:

1.1 Amending Section 9.4.4(a) to add the words “or lodging” after the word “dwelling” such that Section 9.4.4(a) reads as follows:

“(a) Low density residential development containing less than three dwelling or lodging units, including any accessory buildings or structures;”

1.2 Deleting Section 9.4.5 and replacing it with the following new Section 9.4.5:

“9.4.5 No development shall be undertaken within a site plan control area designated in accordance with Section 9.4.3, unless exempt from site plan control under Section 9.4.4, until the City has approved plans and/or drawings sufficient to display the matters set out in Subsections 41(4) and 41(5) of the Planning Act, including, but not limited to:

- (a) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design; and
- (b) Sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving

materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

As a condition of the approval of the plans and/or drawings required in this Section, the City may require the owner of the land to:

- (a) Provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works or matters set out in Section 41(7) of the Planning Act;
- (b) Enter into one or more agreements with respect to the provision and maintenance of such facilities, works or matters; and
- (c) Enter into one or more agreements to ensure that development proceeds in accordance with the approved plans and drawings as required by this Section.”

### **PART III: IMPLEMENTATION**

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the implementation of the Plan, shall apply in regard to this Amendment.

### **PART IV: INTERPRETATION**

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the interpretation of the Plan, shall apply in regard to this Amendment.