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| To: | Development Services Committee | Item: | DS-07-297 | Date of Report: | October 17, 2007 |
| From: | Commissioner, Development Services Department | File: | D1100 0007 | Date of Meeting: | October 22, 2007 |
| Subject: | <i>Proposed Amendment to the Oshawa Official Plan Regarding Site Plan Control</i> | | | Ward(s): | All |
| <i>PUBLIC REPORT</i> | | | | | |

1.0 PURPOSE

The purpose of this report is to provide recommendations on a proposed amendment to the Oshawa Official Plan related to site plan control policies and a proposed amendment to Site Plan Control By-law 137-89.

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.”

A public meeting was held on October 1, 2007 concerning the proposed Official Plan amendment. At its conclusion, the Development Services Committee adopted a recommendation to refer the proposed amendment back to staff for further review and the preparation of a subsequent report and recommendation. No members of the public attended the public meeting or submitted written comments or questions.

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

Attachment No. 2 is a proposed amendment to Site Plan Control By-law 137-89 to implement Items 2 and 3 of the above noted Council resolution.

2.0 RECOMMENDATION

That the Development Services Committee recommend to City Council:

1. That the amendment to the Oshawa Official Plan regarding site plan control policies, forming Attachment No. 1 to Report DS-07-297, dated October 17, 2007, be approved and the necessary by-law passed.
2. That the amendment to Site Plan Control By-law 137-89, forming Attachment No. 2 to Report DS-07-297, dated October 17, 2007, be passed.

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 and Site Plan Control By-law 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.

Further, the Site Plan Control By-law should be amended to implement site plan control in the Oak Ridges Moraine pursuant to the policies of the Oshawa Official Plan.

This Department recommends that the proposed Official Plan amendment be adopted and that the amendment to Site Plan Control By-law 137-89 be passed.

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. No department or agency that provided comments has any objection to the proposed amendment. The Region of Durham Planning Department has advised that the proposed amendment will be exempt from Regional approval.

4.2 Public Comments

- No public comments have been received.

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.

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 right-of-ways.
- 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;
 - Location and number of balconies;
 - 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 will need to be amended to implement the direction. In this regard, a proposed amendment to Site Plan Control By-law 137-89 is attached as Attachment No. 2.

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 contain 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 Oshawa Official Plan and 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 and the related amendment to Site Plan Control By-law 137-89 is contained in Attachment No. 2.

5.4 Site Plan Control – Oak Ridges Moraine

- The amendment to Site Plan Control By-law 137-89, as contained in Attachment No. 2, addresses Council's July 3, 2007 decision to implement Oshawa Official Plan policy concerning the application of site plan control in the Oak Ridges Moraine.

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 Recommended Action 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 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:

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;”

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.



By-Law _____
of The Corporation of the City of Oshawa

being a by-law to amend By-law 137-89 of the Corporation of the City of Oshawa.

IT IS ENACTED as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. By-law 137-89 is hereby amended by deleting the words "Section 40" in the by-law description and Paragraphs 1 and 2 and replacing them with the words "Section 41".
2. By-law 137-89 is hereby amended by deleting the words "Planning Act, 1983" in the by-law description and Paragraph 1 and replacing them with the words "Planning Act, 1990".
3. By-law 137-89 is hereby amended by deleting the words "Planning Act 1983 S.O. 1983 Chapter 1" in Paragraph 2 and replacing them with the words "Planning Act R.S.O. 1990 Chapter P.13".
4. By-law 137-89 is hereby amended by adding the words "or lodging" after the word "dwelling" in subparagraph 2. (a).
5. By-law 137-89 is hereby amended by renumbering the existing paragraph 3 as paragraph 5 and adding the following new paragraph 3:

"3. Notwithstanding the provisions of Paragraph 2 of this by-law, the following classes of development shall require the approval of plans and drawings required by Subsection (4) or (5) of Section 41 of the Planning Act, R.S.O. 1990, Chapter P. 13 if they are located within the Oak Ridges Moraine Area as established by Ontario Regulation 01/02 as shown on Schedule "A" attached to and forming part of this by-law:

 - (a) Residential development containing fewer than three dwelling units, including any accessory buildings or structures; and
 - (b) Farm buildings and structures."
6. By-law 137-89 is hereby amended by adding the following new paragraph 4:

"4. The drawings to be submitted pursuant to Subsections (4) and (5) of Section 41 of the Planning Act, R.S.O. 1990, Chapter P. 13 may be required to address, amongst other matters, the following:

- (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 any 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 Paragraph, 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 Paragraph.”

- 7. Schedule “A” attached hereto forms part of this by-law.
- 8. This by-law shall come into force and take effect upon the final passing thereof with the exception of Paragraphs 4 and 6 which shall not come into force and effect until Amendment No. ____ to the Oshawa Official Plan has been finally approved.

By-law approved this _____ day of _____, 2007.

Mayor

City Clerk

THIS IS SCHEDULE 'A' TO BY-LAW NUMBER _____
PASSED THIS _____ DAY OF _____, 2007



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PART OF THE NORTH HALF

