



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 11, 2011

FROM: Planning Services

PD-073-11

DATE: September 26, 2011

SUBJECT: Zoning By-law Review: Terms of Reference

LOCATION: Town wide

WARD: Town wide

Page 1

RECOMMENDATION:

That report PD-073-11, which sets out the Terms of Reference for preparing the new Comprehensive Zoning By-law, be received.

KEY FACTS:

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

- The Town is initiating the development of its new Zoning By-law, which is referred to as the “inZone” project;
- The new Zoning By-law will implement the Livable Oakville Plan, as approved by the Ontario Municipal Board on May 10, 2011;
- The development of the new Zoning By-law is guided by a set of general principles regarding its preparation;
- The project team members and responsibilities have been defined;
- The proposed work plan anticipates the adoption of a new Zoning By-law in September 2013;
- An extensive public consultation program is planned, with a particular emphasis on education and providing many opportunities and various ways for the public to become involved in the process.

BACKGROUND:

The Town’s new Official Plan, Livable Oakville, was unanimously adopted by Council by By-law 2009-112 on June 22, 2009, and approved with modifications on November 30, 2009 by Halton Region. Upon approval, a number of appeals were received. The Plan was ultimately approved with modifications by the Ontario Municipal Board on May 10, 2011. The Plan is now in full force and effect, with the exception of a number of site-specific appeals.

From: Planning Services
Date: September 26, 2011
Subject: Zoning By-law Review: Terms of Reference

Prior to the Plan's approval, Planning and Development Council received report PD-016-10 "Livable Oakville Plan – Implementation Work Program." It set out all of the projects to be undertaken to implement the Livable Oakville Plan. One of the main projects was the new Comprehensive Zoning By-law.

Currently, there are two Zoning By-laws in effect in the Town of Oakville:

- By-law 1984-63 was adopted by Town Council on November 22, 1984 and approved by the Ontario Municipal Board on August 1, 1985. It applies to all lands south of Dundas Street and north of Highway 407. There have been hundreds of amendments to this By-law that are site-specific, issue-oriented and housekeeping in nature. Periodic reviews have been undertaken on a number of occasions. However, none of those reviews were as comprehensive and structural as is proposed for this project. Over time, this by-law has become dated, unorganized, and repetitive in its listing of regulations and exceptions. Consequently, it is difficult for staff and the public to interpret and apply the By-law consistently and fairly across the Town.
- By-law 2009-189 was adopted by Town Council on November 23, 2009 and approved by the Ontario Municipal Board on April 15, 2010 (one site-specific appeal remains outstanding). It applies to all lands within the North Oakville East and West Secondary Plans, except for those properties still subject to site-specific appeals. The purpose of this by-law was to establish a new set of land use zones, zone-specific regulations and general regulations, in conformity with the policies of the North Oakville Secondary Plans. The majority of lands are zoned in a manner that only permits legally existing uses, buildings and structures. In order to obtain the desired zoning, all new uses must be addressed through development applications which must be reviewed to ensure their conformity to the Secondary Plans.

The structure of zoning in the Town will be reviewed in its entirety. This includes specific details such as use permissions, zone standards, definitions, special provisions and mapping. It also includes the applicability and number of zoning by-laws required to manage development. The intent is to create streamlined, concise, user-friendly documents that will guide the growth and maturing of the Town over the life of the Livable Oakville Plan.

From: Planning Services
Date: September 26, 2011
Subject: Zoning By-law Review: Terms of Reference

COMMENT/OPTIONS:

General Study Principles

To complete the new Zoning By-law, it is recommended that a number of principles be established to guide preliminary decision-making on by-law issues and ensure that all issues and parties are given equitable treatment. These principles are grounded in planning law, good planning practices, and established Town policy.

First and foremost, the Livable Oakville Plan is the primary source of policy direction on zoning. The Plan establishes a mission and principles, land use structure and designations, development policies, sustainability and design guidelines, and standard terminology that together define what form the most livable community in Canada should take. The *Planning Act* requires a municipality's zoning by-law to conform to its Official Plan. Accordingly, all decisions made on this project must meet or exceed the Livable Oakville Plan's requirements and expectations. This is the first principle to be followed, and the first question to be answered for any question asked. Alternate sources of policy direction are resolutions of Council such as the approval of guidelines or special studies.

The policies of the Livable Oakville Plan dictate the vision for growth in the Town. It does allow some flexibility in how to implement its policies; specific numbers and standards, in particular. It is necessary to maintain a second tier of principles that help focus the consideration of a zoning issue:

- The Livable Oakville Plan places an increased emphasis on making thoughtful urban design an integral component of the development planning process. Strong links between the Plan's policies and zoning regulations are required. The new Zoning By-law will establish a design-first philosophy. The formation of new Urban Design Guidelines parallel to this project will ensure the necessary synergy is achieved and support better development outcomes. Both projects shall inform the other in their recommendations.
- All standards need to ensure that new development – not solely buildings and structures – is context-sensitive. As an urbanized community, these challenges exist in all areas of the Town: residential, commercial and employment. Decisions made need to consider what the best solution is for the applicable community, with standards designed to achieve that outcome.
- Further to the above, the Zoning By-law needs regulations that minimize the effects of physical change on the social, economic and natural environment – similar to how the policies and structure of the Livable Oakville Plan are used in this regard. Zoning can be crafted in a manner that requires environmental

From: Planning Services
Date: September 26, 2011
Subject: Zoning By-law Review: Terms of Reference

design to be considered in development applications. This project needs to consider mechanisms that will mitigate against impacts.

- As described above, Zoning By-law 1984-63 has become dated, unorganized, and repetitive in its listing of regulations and exceptions. This is not uncommon for by-laws of this age. Continuing the trend established through the Livable Oakville process, any new by-law should consolidate and streamline in order to simplify its administration. This does not suggest that fewer issues should be regulated, but that the most efficient use of regulations should be pursued.
- The *Planning Act* and a wide body of legal decisions both recognize and protect uses, lots, buildings and structures that exist and were established legally. Zoning by-law reviews generally result in the consolidation of zones and other special provisions through detailed technical reviews. In these processes, it should be paramount to recognize and maintain existing standards and permissions wherever possible. The one exception to this philosophy is that a permission can be removed if a policy directive has been given to supersede it. The adoption of the Livable Oakville Plan has created some scenarios in this regard.
- Many individuals will express an interest in seeing changes and improvements made in the zoning framework. However, it should be made clear at the outset that this project will not consider site-specific requests as a part of its process. The only situation where this may be appropriate is where the edit represents a housekeeping or editorial change, and only after a thorough review of the request. The Zoning By-law Amendment process is the more appropriate avenue for such requests.
- The Town has completed dozens of studies in recent years that may have implications on the development of the new Zoning By-law. Many of these were prepared as part of the Livable Oakville process (i.e. the Place of Worship Study). Staff will use existing report recommendations to inform new standards wherever possible. This process should not necessarily be used to undertake broader research projects, given its breadth and scope. It may be determined that a special study is a more appropriate option to resolve such challenges.
- Lastly, a best practices review should be undertaken to determine or confirm what standard the Town should use. Such a review will provide assurance that new standards used have some support from other jurisdictions or contexts. Any such recommendations can be tailored to suit the Town's context or needs.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

The creation of entirely new standards will only be required where research identifies unsatisfactory or incomplete comparable examples in areas where a regulatory gap currently exists. Situations may arise where a circumstance has not been contemplated by the Town or comparable municipalities. In this case, staff shall create a justifiable recommendation internally for inclusion in the by-law.

Project Team and Organization

The composition of the Project Team incorporates a Project Manager and core contributors, an Advisory Team, and a series of technical advisory contacts.

Core Project Team

The Core Project Team are chiefly responsible for the administration and implementation of the new Zoning By-law project. This team will undertake all technical review, analysis, and writing of the by-law text and mapping. They will facilitate all meetings, presentations and public consultation, and be the principal authors of communications material.

Employee	Position	Department
Joe Nethery	Project Manager	Planning Services
Ramona Boddington	Long Range Planner	Planning Services
Brad Sunderland	Planner I	Planning Services
Matt Rubic	Zoning Officer	Building Services (Zoning)
Jim Birch	Cartographic Technologist	Strategic Business Support

The Core Project Team will receive production support as required from members of the Planning Services and Strategy, Policy and Communications Departments.

Advisory Team

The Advisory Team consists of management within Planning and Building Services. This team shall review all materials and reports prepared, and provide direction to the Core Project Team. They will also assist with presentations and the facilitation of public consultation.

Employee	Position	Department
Dana Anderson	Director	Planning Services
Diane Childs	Manager, Long Range Planning	Planning Services

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

Employee	Position	Department
Denis Daoust	Supervisor, Zoning	Building Services
John Tutert	Director of Building Services/ Chief Building Official	Building Services

Technical advisory contacts

There are two groups of advisory contacts assembled: one composed of Planning and Development Commission members and another of members of other departments. These groups will provide technical review and analysis on planning or other issues as required.

Employee	Position	Department
<i>Planning and Development Commission</i>		
Gabe Charles	Manager (Acting), Central District	Planning Services
Scott Hannah	Senior Manager, Current Planning & Heritage	Planning Services
Rita Juliao	Subwatershed Engineering Coordinator	Development Engineering
Phillip Kelly	Manager, Development Engineering	Development Engineering
Peter Kozelj	Senior Zoning Officer	Building Services
Tony Molnar	Urban Forestry Coordinator	Development Engineering
Lin Rogers	Traffic Engineering Coordinator	Development Engineering
Brenda Stan	Planner	Planning Services
Christina Tizzard	Manager, Urban Design	Planning Services
Frank Zabukovec	Supervisor, Plan and Code Review	Building Services
<i>Other Departments</i>		
Phil Bouillon	Assistant Clerk, Licensing and By-law Services	Clerks
Michael Brennan	Senior Manager, Recreation Services	Recreation and Culture

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

Employee	Position	Department
Nadia Chandra and Denise Baker	Assistant Town Solicitors	Legal
Bob DeHoog	Road Corridor/Permit Coordinator	Engineering and Construction
Luis Ferreira	Supervisor of Licensing and By-law Enforcement	Clerks
Andy Glynn	Deputy Fire Chief	Fire
Jennifer Lawrence	Manager, Environmental Planning	Conservation Halton
Charlotte Meissner	Acting CEO	Oakville Libraries
Janis Olbina	Manager, Parks Planning and Development	Parks and Open Space
Shelly Switzer	Director	Facilities and Construction Management
Cindy Toth	Manager	Environmental Policy

Stakeholder groups

Zoning projects tend to be of interest to particular stakeholders in the public. Obtaining their input early in the Zoning By-law project can advance the resolution of certain issues, and assist in identifying concerns requiring further research by staff. These groups would be consulted through group meetings and other project events. Some of the stakeholders planned to be contacted include:

- Development industry representatives, through established groups in Building Services and Development Engineering;
- Selected boards, commissions and other public authorities such as the school boards and Halton Region;
- The Community Leaders Round Table as well as individual resident associations and groups;
- Major land owners; and,
- The Town’s Executive and Senior Management Teams.

Council (inZone Subcommittee)

It is the intent of the project team to keep Council up to date on the project progress and status at various stages of the project. During the later stages of the process when much of the research is completed and technical papers are prepared as well as some drafts of the by-law, staff hope to

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

have a special “inZone Subcommittee” established. This committee would be comprised of members of Council, and function similarly in nature to the Livable Oakville Subcommittee. The Subcommittee meetings will provide further opportunities for information to be made available to the public.

Work Program

A four-phase work program has been developed to complete the new Zoning By-law project. Appendix A to this report summarizes this information in a Gantt chart. Appendix B contains the same information, but in a visual layout for display on the project website. The visual work program will be updated regularly.

1. Start Up

This phase shall be utilized to organize the project team and establish a work program for the project. This initial work shall help focus all parties involved and keep the project continuously moving forward.

1. Confirm work program	August 2011
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The Core Project Team has consulted with key staff as to the steps required and necessary timing for completing the new Zoning By-law project. The results of this work form the basis of this report.

2. Prepare Livable Oakville conformity checklists (and other plans)	August 2011
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A series of checklists are being prepared that identify which policies of the Livable Oakville Plan have direct implications on the new Zoning By-law. The checklists will track how the applicable policies have been incorporated into the new by-law. Checklists for any other relevant plans will be prepared as required during later stages.

3. Introductory meetings with technical advisory contacts	August 2011 – September 2011
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The Core Project Team has met with a number of the technical advisory contacts. These meetings, in groups or individually as required, are used to introduce the program to each contact and to identify their issues with the current zoning framework in the Town. These meetings also were used to refine and clarify the work program.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

4. Introductory meetings with stakeholder groups	Fall 2011
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A similar set of meetings will continue to be held with identified stakeholders during the fall of 2011. Establishing a communications framework for stakeholders will be the primary goal of these meetings.

5. Project launch events	September 20, 2011; October 2011
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It is intended for there to be two launch events for the new Zoning By-law project. The first internal launch was at a zoning workshop for Planning and Development Commission members discussing the project. It was held on September 20, 2011. The second event, having a Town-wide audience, is the Town's information night on all of its master plans. Core Project and Advisory Team members would appear alongside staff involved with other Livable Oakville implementation projects at the October 2011 event.

6. Finalize the project Communications Plan	September 2011 – October 2011
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A full public consultation campaign is planned for this project. Communication methods planned for this campaign include flyers, brochures, project website, and branded report and correspondence templates. Other tools may be added to the Communications Plan as the project progresses.

7. Report to Council	October 11, 2011
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Staff, through this report, is bringing the project work program to Planning and Development Council for receipt. This presentation shall briefly describe zoning philosophy, the current zoning framework in the Town, and the intents and deliverables for this program.

2. Research and Analysis

The bulk of the work for the new Zoning By-law project comes during the second phase of the project. A strong by-law is supported by thorough analysis of current standards, changes in planning policy and best practices elsewhere in Ontario. This internal research is the primary component of this phase, and will inform what standards are ultimately included in the first draft of the by-law.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

8. Prepare Technical Papers	August 2011 – June 2012
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The first major deliverable of this project shall be a number of Technical Papers. Each paper will investigate a particular component of zoning and provide a recommended approach for inclusion in the new Zoning By-law. The 12 papers are intended to be short, but will contain detailed appendices investigating the following components:

- Layout, structure, scope, and applicability;
- Definitions;
- General provisions for Town-wide or use-specific issues;
- Parking and loading standards, including bicycle standards;
- Residential use permissions and zone standards;
- Commercial and employment use permissions and zone standards;
- Growth areas and mixed use permissions and zone standards;
- Other use permissions and zone standards (institutional, greenbelt and rural, parkland, environmental, recreational zones; Holding provisions; temporary uses);
- Existing special provisions and Minor Variance review;
- Schedules and other special mapping;
- Technical, housekeeping, transitional, and legal issues; and,
- Conformity to the Livable Oakville Plan.

This list is subject to change, depending upon the progress of the Review.

9. Issues meetings with technical advisory contacts	Meetings as required
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As Technical Papers are developed, the technical advisory contacts will be asked to review the various recommendations and provide feedback on each. These could include formal, whole-group meetings, but will most likely involve individual meetings having an issue-specific focus.

During this task, the Core Project Team will meet with members of stakeholder groups as required. Meetings with the Advisory Team will be scheduled as needed.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

10. Issues meetings with inZone Subcommittee	Five meetings proposed
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After meeting with the technical advisory contacts, the Core Project Team will meet with members of the inZone Subcommittee to review the various recommendations contained in the Technical Papers and provide feedback on each.

11. Advisory Team meetings	Six meetings proposed
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The finalized recommendations will be taken to a meeting of the Advisory Team for confirmation or further direction.

12. Public consultation and education	November 2011 – June 2012
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Generally, preliminary and technical components of such projects do not attract considerable public interest until a draft By-law is prepared. In order to be strategic with available resources, it is proposed to provide public consultation and education through presentations to local groups as well as various other methods (i.e. educational presentations through webinars and podcasts, brochures, and other materials similar to those used for Livable Oakville). A number of methods are proposed for this task:

- A project website will be established, acting as a document warehouse and providing for interested parties to join an email distribution list or to provide written comments;
- Core Project Team members, with support from District Planners, would attend evening meetings with resident groups on request. Such presentations could be tailored to each group in terms of content; and,
- Core Project Team members will also meet with interested groups, as required.

13. Prepare Consultation Report (Edit Technical Papers as required)	July 2012
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A summary report on consultation undertaken during Phase 2 will be prepared. Any edits required to the technical reports as a result will also be undertaken at this time, and report version numbers updated.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

14. Prepare first draft of ZBL	July 2012 – September 2012
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The recommendations of the technical reports shall be consolidated into a first draft of the new Zoning By-law. This draft will be reviewed internally by staff during this time.

15. Update to Council	September 2012
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The draft Zoning By-law will be brought to Planning and Development Council at their late September meeting. It is anticipated that Council will direct staff to begin the formal consultation phase of the project.

3. Consultation and Adoption

The *Planning Act* establishes minimum requirements for public consultation. This project will exceed that minimum requirement with a broader series of open houses during this phase project, in addition to outreach activities during the research phase.

16. Open houses (non-statutory)	October 2012
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The formal consultation program is planned to mirror that for Livable Oakville. For the first round of open houses, a number of sessions will be held across the Town in October 2012. Draft text and mapping will be available for public review. A presentation will be made and Planning Services staff will be on hand to answer questions and note all comments for review by the Core Project Team. Stakeholder group members will be contacted directly.

17. Citizen and stakeholder issues meetings	September 2012 – November 2012
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At the same time, Core Project Team members will facilitate sessions with the technical advisory contacts, stakeholder groups, and inZone Subcommittee on the first draft By-law. Core Project and Advisory Team members (as required) shall additionally reserve three days for meeting with any citizen or stakeholder who has a specific issue respecting the draft Zoning By-law.

18. Prepare Consultation Report (Edit Technical Papers as required)	December 2012
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A summary report on consultation undertaken with respect to the first draft By-law will be prepared. Any resulting edits required to the technical reports will be undertaken at this time, and report version numbers updated.

19. Prepare second draft of ZBL	January 2013
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An updated second draft of the new Zoning By-law will be prepared, incorporating any changes required identified in the consultation process.

The draft will be reviewed both internally by staff, and externally by selected development consultants, during this time. The intent of this review is to test and evaluate the standards proposed for their ability to avoid creating major implementation issues in the new standards.

20. Prepare Technical OPA	January 2013
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Section 26(9) of the *Planning Act* requires a municipality to adopt a new zoning by-law or amend its current by-law so that conforms to a new or updated Official Plan. At this stage in the project, it is anticipated that some technical issues in the Livable Oakville Plan will be discovered that have an implication on the new Zoning By-law Review. A technically-minded housekeeping Official Plan Amendment will be prepared to follow alongside the draft Zoning By-law. Such an amendment will ensure that the by-law conforms to the Livable Oakville Plan.

21. Third update to Council	February 2013
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The draft Zoning By-law will be brought to Planning and Development Council at their early February meeting. It is anticipated that Council will direct staff to undertake the second round of open houses.

22. Open Houses (Statutory)	March 2013
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The second round of open houses will be held in spring 2013. These sessions shall constitute those required under 34(12)(b) of the *Planning Act*. Draft text and mapping will be available for public review. A presentation will be made and staff will be on hand to answer questions and note all comments for review by the Core Project Team.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

23. Prepare Consultation Report (Edit Technical Papers as required)	April 2013
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A summary report on the statutory open houses will be prepared. Any resulting edits required to the technical reports will be undertaken at this time, and report version numbers updated.

24. Prepare third draft of ZBL	April 2013 – May 2013
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An updated third draft of the new Zoning By-law (and second draft of the Technical OPA, if required) will be prepared, incorporating any changes required identified in the open houses. The draft will be reviewed both internally and externally for a second testing of the standards proposed.

25. Update to Council	May 2013
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The draft Zoning By-law will be brought to Planning and Development Council at their late May meeting. It is anticipated that Council will direct staff to hold a statutory public meeting with respect to the draft By-law.

26. Public Meeting (Statutory)	June 2013
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The Statutory Public Meeting required under 34(12)(a) of the *Planning Act* is planned to be held in a special meeting of Planning and Development Council in late June 2013. A presentation will be made and Core Project and Advisory Team members will be on hand to answer questions and note all comments for review.

27. Prepare Consultation Report	July 2013 – August 2013
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A summary report on the Statutory Public Meeting will be prepared. Any edits required to the draft By-law shall be specified in this report.

28. Prepare final draft of ZBL	July 2013 – August 2013
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A complete final draft of the new Zoning By-law (and Technical OPA, if required) will be prepared over the summer, incorporating any changes required identified in the public meeting. The draft will be reviewed internally by Planning and Development Commission staff during this time.

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

By following this work program, the target adoption date for the new Zoning By-law would be September 2013.

4. Appeals and Completion

The full completion of this project requires four implementation tasks.

29. Finalize support documents	Fall 2013
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The Core Project Team shall finalize all documents supporting the new Zoning By-law. This includes application forms, user guides, interpretation notes, and distribution.

30. Website and intranet display	Fall 2013
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The Core Project Team shall also finalize and launch the display of zoning information for both internal and external clients. Consideration will be given to electronic formats over paper copies.

31. Support and training for multiple By-law management	<ul style="list-style-type: none"> • Fall 2013 • Potentially into 2014
32. Appeals to the OMB	

The overwhelming majority of Comprehensive Zoning By-laws are appealed upon their adoption. If the Town's new Zoning By-law is appealed, the current Zoning By-law will remain in force and effect for some time until the Ontario Municipal Board approves the By-law. Essentially, the Town will be managing two Zoning By-laws covering the same lands during this period.

The Core Project and Advisory Team members will prepare interpretation notes and provide technical assistance to staff during this transition period to ensure that all applications are treated both fairly and correctly.

Public Consultation

While the *Planning Act* establishes minimum requirements for public consultation, the project will exceed that minimum requirement with a broader range of strategic consultation at key points during the project:

From: Planning Services
 Date: September 26, 2011
 Subject: Zoning By-law Review: Terms of Reference

Meeting	Intent	Phase / Timing
Introductory meetings with stakeholder groups	Project launch, issue collection	1; September 2012
Public consultation and education	Education, outreach, issue collection	2; November 2011 – June 2012
Open houses (non-statutory)	Comment on first draft ZBL	3; October 2012 (multiple events)
Discussion sessions with stakeholder groups	Issue review, comment on first draft ZBL	3; September 2012 – November 2012
One-on-one meetings	Issue review, comment on first draft ZBL	3; November 2012
Open houses (statutory)	Comment on second draft ZBL	3; March 2013 (multiple events)
Public meeting (statutory)	Comment on third draft ZBL	3; June 2013

Further, staff will meet with members of selected established stakeholder groups to obtain their opinions and insights into the By-law. Additional *ad hoc* meetings will be scheduled as required.

Conclusions

This project is one of the major projects the Town is undertaking as part of its overall community planning process. A new Zoning By-law sets the rules for development over its anticipated 20-year lifespan. This Terms of Reference has been crafted to ensure that the final product is a Zoning By-law that other municipalities look to as a model, similar to how the Livable Oakville Plan has been emulated in the past three years.

This Terms of Reference have been carefully developed and reviewed by staff. This project’s Advisory Team has approved the contents of this report. Further refinements could be made as required to reflect any changes determined to be necessary during the course of the project. It is noted that the adoption of a new Zoning By-law is identified as a key action for the 2012-2014 period in the Town’s Strategic Plan.

CONSIDERATIONS:

(A) PUBLIC

The *Planning Act* establishes a minimum requirement for public consultation. This project will exceed that minimum requirement with a broader range of strategic consultation at key points during the project as outlined in this report.

(B) FINANCIAL

This project is being completed predominantly by Town staff. Some specialized consulting services may be utilized to complete technical background research. The project has been approved and accounted for in the Town's Capital Budget and the new Zoning By-law represents a project covered by Development Charges.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The new Zoning By-law will change many aspects of how the Planning and Development Commission review all types of development applications. The exact impacts cannot be known until the final draft is written.

The Zoning By-law can affect development permissions applying to Town lands and facilities, and other departments should be aware of this project as it affects their goals and priorities. To this effect, members of other affected departments are included as part of the technical advisory group.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

A new Zoning By-law has also been identified as a key action for 2012-2014 in the Strategic Plan.

(E) COMMUNITY SUSTAINABILITY

The new Zoning By-law will be reflective of the Town's sustainability goals and objectives as it will implement and conform to the Livable Oakville Plan.

APPENDICES:

Appendix A – Zoning By-law Review Work Program

Appendix B – Zoning By-law Review Work Program – Visual Format

Prepared by:
Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project

Recommended and Submitted by:
Dana Anderson, MCIP, RPP
Director, Planning Services