



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-019

Official Plan Amendment No.42

A by-law to adopt an amendment to the Livable Oakville Plan in response to Bill 13, Supporting People and Businesses Act, 2021, Official Plan Amendment Number 42 (File No. 42.24.24)

WHEREAS the Livable Oakville Official Plan was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011; and,

WHEREAS subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that a Council of a municipality that is within a planning area may initiate an amendment to any Official Plan that applies to the municipality, and section 17 applies to any such amendment; and,

WHEREAS it is deemed necessary to pass an amendment to the Livable Oakville Official Plan to implement changes made to the *Planning Act*;

COUNCIL ENACTS AS FOLLOWS:

1. For the purposes of this by-law:
 - a. “Livable Oakville Official Plan” and “Livable Oakville Plan” mean the Official Plan for the Oakville Planning Area that currently applies to the lands south of Dundas Street and the lands north of Highway 407, and was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011, and as subsequently amended.
2. Official Plan Amendment Number 42 to the Livable Oakville Plan, attached as **Appendix “A”**, is hereby adopted.
3. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.

4. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 7th day of March, 2022

MAYOR

CLERK

APPENDIX “A” to By-law 2022-019

Official Plan Amendment Number 42 to the Town of Oakville’s Livable Oakville Plan

Constitutional Statement

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 42 to the Livable Oakville Plan.

Part 1 – Preamble

A. Subject Lands

The Official Plan Amendment applies to all lands subject to the Livable Oakville Plan.

B. Purpose and Effect

The purpose of the Official Plan Amendment is to modify the text of the Livable Oakville Plan to implement changes that have been made to the *Planning Act* resulting from Bill 13, *Supporting People and Business Act*, 2021. Bill 13 enables Town Council to delegate authority to pass by-laws that are minor in nature under section 34, *Zoning By-laws*, of the *Planning Act* to a committee of Council, or an individual who is an officer, employee or agent of the municipality, provided enabling Official Plan policy is in place.

The effect of the proposed Official Plan Amendment would enable Council to delegate the authority to pass by-laws under section 34 of the *Planning Act* to remove holding “H” symbols (holding by-laws), authorize the temporary use of land, buildings or structures (temporary use by-laws), and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law, to a committee of Council, or an individual who is an officer or employee of the municipality.

C. Background and Basis

- Bill 13, *Supporting People and Business Act*, 2021, received Royal Assent on December 2, 2021.
- Schedule 19 of the Bill made changes to the *Planning Act*, *Municipal Act*, 2001 and *City of Toronto Act*, 2006, that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the *Planning Act*

that are of a minor nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality.

- For the purpose of passing by-laws under section 34 that are minor in nature, this includes by-laws to remove a holding “H” symbol, and by-laws to authorize the temporary use of land, buildings or structures.
- In order to delegate the authority to pass by-laws on these matters, the *Planning Act* requires that the Official Plan provide policies to specify the types of by-laws that may be delegated.
- Planning and Development Council received a staff report on March 7, 2022, recommending that Town Council approve an Official Plan amendment to the Livable Oakville Plan to enable the delegation of authority for passing by-laws that are minor in nature under section 34 of the *Planning Act* in regard to: removing holding “H” symbols, authorizing the temporary use of land, buildings or structures, and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law; to a committee of Council, or an individual who is an officer or employee of the municipality.

Part 2 – The Amendment

A. Text Changes

The amendment includes the changes to the text of the Livable Oakville Plan as described in the following table.

In the “Description of Change” column, text that is **bolded and underlined** is new text to be inserted into the Livable Oakville Plan. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Note: The policy numbering in this Official Plan Amendment reflects in-effect policies. Policy numbering will change following the final approval of OPA 35 (Hospital District) and OPA 41 (Bronte GO Major Transit Station Area), by Halton Region.

Item No.	Section	Description of Change
1.	<p>28.21 *NEW* IMPLEMENTATION Delegated Authority</p> <p><i>Note: Section 28 will become section 30 following the approval of OPA 35 (Hospital District) and OPA 41 (Bronte GO Major Transit Station Area), by Halton Region.</i></p>	<p>Add a new policy 28.21, as follows, and renumber the following sections in the Livable Oakville Plan accordingly:</p> <p><u>28.21 Delegated Authority</u></p> <p><u>28.21.1 The Town may, by by-law, delegate the authority to pass by-laws under section 34 of the <i>Planning Act</i>, that are of a minor nature, to a committee of Council or an individual who is an officer or employee of the municipality.</u></p> <p><u>28.21.2 Delegation of authority to pass by-laws under section 34 of the <i>Planning Act</i> shall be limited to:</u></p> <ul style="list-style-type: none"> a) <u>a by-law to remove a holding “H” symbol;</u> b) <u>a by-law to authorize the temporary use of land, buildings, or structures; and,</u> c) <u>a housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law.</u> <p><u>28.21.3 The delegation of authority authorized under section 28.21.2 may be subject to conditions of Council.</u></p> <p><u>28.21.4 Delegation of authority may be withdrawn, by by-law, in respect of any by-law for which a final disposition was not made before the withdrawal.</u></p>