



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-020

Official Plan Amendment No.324

A by-law to adopt an amendment to the 1984 Oakville Official Plan in response to Bill 13, Supporting People and Businesses Act, 2021, Official Plan Amendment Number 324 (File No. 42.24.24)

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 1984 Oakville Official Plan to implement changes made to the *Planning Act*,

COUNCIL ENACTS AS FOLLOWS:

1. For the purposes of this by-law:
 - a. “1984 Oakville Official Plan” means the Official Plan for the Oakville Planning Area adopted by the Council of The Corporation of the Town of Oakville on July 5, 1983 by By-law 1983-114, approved as modified by the Minister of Municipal Affairs and Housing on December 21, 1984 subject to certain referrals and deferrals, and as subsequently amended.
2. Official Plan Amendment Number 324 to the 1984 Oakville Official 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1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.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 2022-020

Official Plan Amendment Number 324 to the Town of Oakville’s 1984 Oakville Official Plan

Constitutional Statement

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 324 to the 1984 Oakville Official Plan.

Part 1 – Preamble

A. Subject Lands

The Official Plan Amendment applies to all lands subject to the 1984 Oakville Official Plan.

B. Purpose and Effect

The purpose of the Official Plan Amendment is to modify the text of the 1984 Oakville Official 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 Town 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. The amendment would also add general policies for guidance on temporary use by-laws.

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 1984 Oakville Official 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.
- General policies providing guidance on temporary use by-laws have also been introduced, reflecting in-effect policies in the Livable Oakville Plan.

Part 2 – The Amendment

A. Text Changes

The amendment includes the changes to the text of the 1984 Oakville Official 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 1984 Oakville Official Plan. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	<p>Part F IMPLEMENTATION AND INTERPRETATION</p> <p>Section 1.3 d) *new* Restricted Area (Zoning By-laws) Temporary Use By-law</p>	<p>Add a new policy section 1.3 d) as follows:</p> <p><u>d) Temporary Use By-laws</u></p> <p>i) <u>The Town may, in a zoning by-law, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the Zoning By-law.</u></p> <p>ii) <u>In considering the enactment of a temporary use by-law, the Town shall be satisfied that the proposed temporary use:</u></p> <ul style="list-style-type: none"> ▪ <u>is in general conformity with the intent and policies of this Plan;</u> ▪ <u>is compatible with adjacent land uses;</u> ▪ <u>is temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires;</u> ▪ <u>has sufficient services such as water, sewage disposal and roads; and,</u> ▪ <u>does not adversely impact traffic or transportation facilities in the area and provides for adequate on-site parking facilities.</u> <p>iii) <u>No new buildings or expansions to buildings, except for temporary or moveable structures, shall be permitted on lands subject to a temporary use by-law.</u></p>

Item No.	Section	Description of Change
2.	<p>Part F IMPLEMENTATION AND INTERPRETATION</p> <p>Section 1.8 <i>*new*</i> Delegated Authority</p>	<p>Add a new policy section 1.8 as follows:</p> <p><u>1.8 Delegated Authority</u></p> <p>a) <u>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>b) <u>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"> i. <u>a by-law to remove a holding “H” symbol;</u> ii. <u>a by-law to authorize the temporary use of land, buildings, or structures; and,</u> iii. <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>c) <u>The delegation of authority authorized under section 1.8 b) may be subject to conditions of Council.</u></p> <p>d) <u>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>