



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: May 21, 2024

FROM: Planning Services Department

DATE: May 9, 2024

SUBJECT: **Public Meeting and Recommendation Report – Town-initiated Official Plan Amendments – Delegation of Authority for Minor Zoning Amendments (File No. 42.15.64)**

LOCATION: Town-wide

WARD: Town-wide [Click here to add multiple wards.](#)

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RECOMMENDATION:

1. That comments from the public with respect to the town-initiated Official Plan Amendments (File No. 42.15.64), be received.
2. That the proposed town-initiated Official Plan Amendments regarding delegation of authority of minor zoning by-law amendments, be approved.
3. That By-law 2024-057, a by-law to adopt OPA 67 to the Livable Oakville Plan, be passed.
4. That By-law 2024-058, a by-law to adopt OPA 331 to the 1984 Oakville Official Plan, be passed.
5. That notice of Council's decision reflect that Council has fully considered all written and oral submissions relating to this matter and that those comments have been appropriately addressed.
6. That By-law 2024-084, a by-law to amend By-law 2023-021, the Municipal Powers and Duties By-law, be passed.
7. That fees for applications for minor zoning by-law amendments be established based on the fees applicable to minor variance applications under the town's Rates and Fees tariff.

KEY FACTS:

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

- The proposed OPAs are permitted given recent changes to the *Planning Act*, resulting from Bill 13, *Supporting People and Business Act, 2021*, which received Royal Assent on December 2, 2021. Bill 13 made changes to the *Planning Act* that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the *Planning Act* (Zoning By-laws) that are minor in nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality.
- Without limiting what is deemed “minor”, the delegation of authority to pass by-laws under section 34 of the *Planning Act* includes amendments to zoning by-laws meeting criteria in section 45(1) and 45(2) of the *Planning Act* applicable to minor variances.
- 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.
- The proposed OPAs provide for these policies, updating the town’s implementation policies in both the Livable Oakville Plan and 1984 Oakville Official Plan.
- The proposed OPAs would enable the delegation of authority to pass by-laws that are minor in nature under section 34 of the *Planning Act* that meet the criteria of minor variances with the purpose of accelerating housing delivery, including affordable and modular housing, to a committee of Council, or an individual who is an officer or employee of the municipality.
- The proposed OPAs also establish an expedited process for considering such by-law, including alternative notice provisions for this type of minor zoning by-law amendment which reflect the notification process for minor variance applications, including notifying council.
- Public notice has been given and this public meeting satisfies the statutory public meeting requirements under the *Planning Act*. Due to the limited scope and technical nature of the proposed OPAs, staff is recommending that they be approved at the same meeting.
- The town’s delegation of powers by-law, being by-law 2023-021, is proposed to be updated to delegate the authority to pass by-laws that are minor in nature under section 34 of the *Planning Act* that meet the criteria of minor

variances with the purpose of accelerating housing delivery, including affordable and modular housing to the Commissioner of Community Development or delegate.

- The proposed Official Plan Amendments (OPAs) address an Action Plan initiative from the town’s Housing Accelerator Fund application that requires the town to “introduce and implement measures to enabling delegation of approvals for variances, affordable housing, and modular housing to Town staff” with a completion date by May 23, 2024.

BACKGROUND:

Bill 13, *Supporting People and Businesses Act, 2021*

Bill 13, the *Supporting People and Businesses Act, 2021*, received royal assent December 2, 2021.

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* (Zoning By-laws) that are of a minor nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality. This authority was, until this time, held exclusively by Council.

The delegation of authority to pass by-laws under section 34 of the *Planning Act* includes:

- removing a holding “H” symbol (i.e. Holding By-laws)
- authorizing the temporary use of land, buildings, or structures (i.e. Temporary Use By-laws)
- other minor zoning by-law amendments (e.g. Housekeeping By-laws).

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. The *Planning Act* also provides that the delegation may be subject to conditions set out by Council, and that Council may withdraw this authority at any time through a by-law, including in anticipation of a by-law for which a final decision has not yet been made.

Delegation of Powers By-law

The *Municipal Act, 2001* provides municipalities with flexibility in governing their affairs, including authority to delegate powers and duties to individuals or bodies.

Matters which are eligible for delegation include administrative and other matters which are routine or operational in nature, but do not include more significant powers.

Efficiencies in both service delivery and the cost of providing services are possible through the delegation of additional powers and duties, in whole or in part. In considering the appropriateness of any delegation of powers, it is necessary to maintain comparable levels of accountability, consultation, transparency, and adherence to municipal policy direction.

The Delegation of Municipal Powers and Duties Policy and By-law 2023-021 the Municipal Powers and Duties By-law, sets out the authority delegated to various staff members and the conditions imposed on the delegation. Amendments are required to put into effect the proposed enabling Official Plan policies.

Town Official Plans

The town is subject to two official Plans:

- Livable Oakville Plan, pertaining to lands south of Dundas Street and north of Highway 407
- 1984 Oakville Official Plan, pertaining to lands north of Dundas Street and south of Highway 407 (North Oakville Secondary Planning Areas)

To enable the ability to delegate the authority for passing by-laws under section 34 of the *Planning Act*, the implementation policies of both Official Plans are required to be updated.

Notwithstanding updates to the Town's Official Plans, updates to By-law 2023-021, the Municipal Powers and Duties By-law, are also required to put into effect the enabling policies in the Town's Official Plans.

Recent OPAs Regarding Delegation of Authority

The Livable Oakville Plan and 1984 Oakville Official Plan were recently amended in March 2022, through OPA 34 and OPA 324 respectively, to enable the delegation of authority 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 proposed amendments considered as part of this report would add an additional delegation of authority to pass by-laws for minor zoning by-law amendments,

consistent with minor variances, for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing.

Housing Accelerator Fund Program

Canada Mortgage and Housing Corporation (CMHC) launched the Housing Accelerator Fund (HAF) program in spring 2023. The program was introduced in the 2022 Federal Budget with a funding allocation of \$4 billion until 2026-27.

The purpose of the HAF program is to remove barriers to encourage local initiatives to build more homes, faster. The program intends to help increase housing supply and support the development of communities that are more affordable, diverse and climate-resilient.

The objective of the HAF program is to accelerate the supply of housing across Canada, resulting in at least 100,000 more housing units permitted nation-wide than would have occurred without the program.

More background information on the HAF program can be found in previous staff reports to Town Council:

- January 22, 2024: [Housing Accelerator Fund Application – Update Report](#)
- July 10, 2023: [Housing Accelerator Fund Application – Action Plan](#)

Housing Accelerator Fund Application and Action Plan

The HAF is an application-based program. On June 14, 2023, the town applied to the HAF program by the application deadline provided to identified “growth leaders”.

On July 10, 2023, Council approved a Housing Action Plan, which is a requirement to participate in the HAF program. The Action Plan included seven initiatives to be undertaken as part of the HAF program and were included in the HAF application.

Subsequently, town staff worked with CMHC extensively to address refinements and revisions to the town’s HAF application while maintaining the intent of the Council approved Action Plan. Additional measures were identified and added by the federal government to improve the town’s HAF application.

Below is a list of the Action Plan initiatives that form part of the town’s HAF application:

1. Adopting new policies in the town’s Official Plan to encourage and enable innovative housing solutions.

2. Permitting additional dwelling units, including as-of-right permissions for four dwelling units per residential property town-wide and promotional programs to bring attention to these opportunities.
3. Identifying and developing surplus town lands for housing.
4. Completing infrastructure studies and plans to enable development sooner around the Bronte GO Station.
5. Completing the Midtown Oakville Growth Area review and Official Plan Amendment.
6. Updating the zoning by-law to permit as-of-right intensification permissions, including permitting intensification opportunities around Sheridan College with four storey buildings.
7. Improving the development application process with digital enhancements.
8. Establishment of a Housing Secretariat Office to facilitate the implementation of these housing initiatives.
- 9. *Implementing measures to enable delegation of approvals for variances, affordable housing and modular housing to staff with timelines.***
10. Developing a gentle density strategy to identify criteria to assess properties for conversion to mixed use and commercial properties that meet these criteria.
11. Completing a Housing Needs Assessment report.

Initiative 9, highlighted above, was included in the town's HAF application by the federal government and requires the town to introduce implementation measures to enable the delegation of approvals for variances, affordable housing, and modular housing to town staff.

The authority to approve minor variances under section 45 of the *Planning Act*, is given exclusively to the committee of adjustment. However, the minor zoning by-law amendment process can be used, with adjustments to accommodate this initiative.

The federal government provided a completion date of May 23, 2024, for this initiative. As such, the proposed amendments attached to this staff report are being brought forward for consideration to the May 21, 2024, Planning and Development Council meeting to meet this timeframe.

Purpose of Report

The purpose of this report is to present two proposed Official Plan Amendments that would enable the delegation of authority to pass by-laws for minor zoning by-law amendments, as permitted by the *Planning Act*, and address the town's HAF Action Plan initiative. Further, the report also provides an overview of updates required to the delegation of powers by-law, being by-law 2023-021 to put into effect the enabling Official Plan policies.

OFFICIAL PLAN AMENDMENTS:

The purpose of the Official Plan Amendments is to modify the text of the town's Official Plans to implement the Housing Accelerator Fund (HAF) application initiative to enable the delegation of approvals for minor zoning by-law amendments meeting the criteria applicable to minor variances, for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing, to town staff. The purpose of the HAF initiative is to accelerate the delivery of housing.

If passed, the proposed Official Plan Amendments will update the town's implementation policies in both the Livable Oakville Plan and 1984 Oakville Official Plan (North Oakville Secondary Planning Area) to enable the delegation of authority of these matters and streamline development application review requirements including notice provisions in a manner consistent with the process applicable to minor variances.

The Official Plan Amendments would apply to all lands within the Town of Oakville:

- OPA 67 to the Livable Oakville Plan is attached as **APPENDIX A**
- OPA 331 to the 1984 Oakville Official Plan is attached as **APPENDIX B**

DELEGATION OF POWERS BY-LAW AMENDMENT:

Updates to the town's delegation of power by-law, being By-law 2023-021, are required to put into effect the enabling Official Plan policies.

In response to the proposed Official Plan Amendments, the delegation of power by-law is proposed to be updated to delegate the approval of by-laws of a minor nature under section 34 of the *Planning Act* with respect to:

- (a) a by-law to permit amendments to the zoning by-law which are minor in nature and for the purpose of accommodating new dwelling units greater than the current number of dwelling units that exist on a site, including affordable housing and modular housing.

The authority to pass by-laws would be delegated to the Commissioner of Community Development or their designate to provide for more expedient approvals for matters that are technical in nature, thereby reducing the amount of administration required by town staff and Council. Amendments to the delegation of powers by-law would come into force when OPA 67 and/or OPA 331 come into force.

Proposed amendments to By-law 2023-021, A by-law to delegate certain powers and duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, and to repeal By-law 2021-077, as amended, and to repeal By-law 2012-013, are attached as **APPENDIX C**.

PLANNING POLICY & ANALYSIS:

The delegation of authority to pass by-laws for these planning matters does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans, and conform to the Regional Official Plan, and the town's Official Plan. These documents provide policy direction on matters of provincial interest related to land use planning to promote strong, healthy communities, a strong economy and protect the environment.

The authority to have implementation policies in local Official Plans is provided by existing legislation in the *Planning Act*. Implementation policies put in place the processes and tools under which the appropriate assessment of development applications can take place, in order to realize the vision expressed in the town's Official Plans. It is proposed that submission and notice requirements for these types of zoning by-laws be adjusted to match the processes, timeframes, and notice requirements typically applicable to minor variance applications.

The proposed Official Plan Amendments, and amendments to the town's delegation of power by-law 2021-021, are legislative in nature, and provide for a more efficient process when dealing with planning matters that are minor in nature.

TECHNICAL & PUBLIC COMMENTS:

The changes to the *Planning Act* were made to assist municipalities streamline their planning processes for more routine and technical applications, and shift some of the administrative burden of making routine decisions under the *Planning Act* to municipal staff or committees. Changes were also made to assist applicants avoid delays in approvals due to Council meeting and reporting cycles.

The process changes may also see the following benefits:

- accelerated development approvals
- a more responsive and flexible approvals process
- less administration required by town staff, including report writing and council agenda management
- less administration by Town Council with fewer technical and clerical matters, allowing Council to focus on broader priorities and policy-making
- potential cost and time savings for applicants

- accelerate the delivery of housing

The inclusion of this initiative within the town's HAF Action Plan seeks to take advantage of these opportunities to accelerate the delivery of housing.

Planning and Legal staff have developed the necessary OPAs and amendments to the delegation by-law to enable the delegation of authority of minor zoning by-law amendments, and realize the benefits noted above. This includes providing alternative notice provisions for this type of minor zoning by-law amendment which reflect the notification process for minor variance applications. Submission requirements have also been adjusted to both streamline the process and serve a gate-keeping function to ensure that applications submitted would be eligible for consideration under this process. These adjustments should allow this process to meet or exceed the timelines for seeking similar relief through the minor variance process.

The delegation of authority of minor zoning by-law amendments does not limit appeals rights or change the requirements for planning decisions to be consistent with or conform to applicable provincial and regional policies and plans. Minor variance applications are not subject to third party appeals. Bill 185 proposes changes to appeal rights applicable to zoning by-law amendments which are approved by municipalities. If approved, these changes would eliminate one of the barriers which may prevent applicants from choosing this new process.

Fees

The fees for Zoning By-law amendments under the town's Rates and Fees tariff are substantially higher than the fees applicable to minor variance applications. By-law 2023-003, a by-law to provide for the establishment of fees to be charged in the processing of applications made in respect of planning matters, subject to Supplemental Notes, and to repeal By-law 2020-13, allows Council to reduce fees where Council "is satisfied that it would be unreasonable to require payment in accordance with the approved tariff of fees".

It is proposed that the fee for the new process be based on the fee for minor variance applications on an interim basis and reviewed through future budget processes.

Public Comments

No public comments were received at the time of writing this report. Should comments be received, they will be considered at the statutory public meeting.

CONSIDERATIONS:

(A) PUBLIC

Public Meeting notice was provided in the Globe and Mail on April 30, 2024 and sent to the town's agency list and posted on the town's webpage. The proposed Official Plan Amendments do not hinder the ability for the public to participate in the decision-making process, or limit appeal rights.

(B) FINANCIAL

While there are no direct financial impacts directly resulting from this report, the process changes considered in the proposed Official Plan Amendments and amendments to the delegation of powers by-law have the potential to see cost savings due to reduced administration requirements and time savings, by both the public and private sector. Fees for the minor zoning by-law amendment process are proposed to be based on the fees for minor variance applications on an interim basis and reviewed through future budget processes.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Should the OPAs be approved, and the associated delegation of powers by-law be amended, process improvements will require less administration and more time savings associated with preparing staff reports, presentations, and attendance at Planning and Development Council meetings.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priorities of Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

(E) CLIMATE CHANGE/ACTION

The recommended OPAs will put in place new implementation policies that are more responsive and flexible to implement the town's Official Plans, which are founded on the principle of achieving sustainability, including being responsive and adapting to a changing climate.

CONCLUSION:

It is staffs' opinion that the recommended OPAs and amendments to the delegation of powers by-law, be approved as they appropriately enable tools provided by the *Planning Act*, implement the town's HAF Action Plan initiatives, and reflect the delegation of authority for amendments that are minor in nature.

APPENDICES:

APPENDIX A **By-law 2024-067** - A by-law to adopt an amendment to the Livable Oakville Plan in response to Housing Accelerator Fund Initiatives, Delegation of Minor Zoning By-law Amendments, Official Plan Amendment Number 67 (File No. 42.15.64)

APPENDIX B **By-law 2024-058** - A by-law to adopt an amendment to the 1984 Oakville Official Plan in response to Housing Accelerator Fund Initiatives, Delegation of Minor Zoning By-law Amendments, Official Plan Amendment Number 331 (File No. 42.15.64)

APPENDIX C Amendments to the Delegation of Power By-law

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