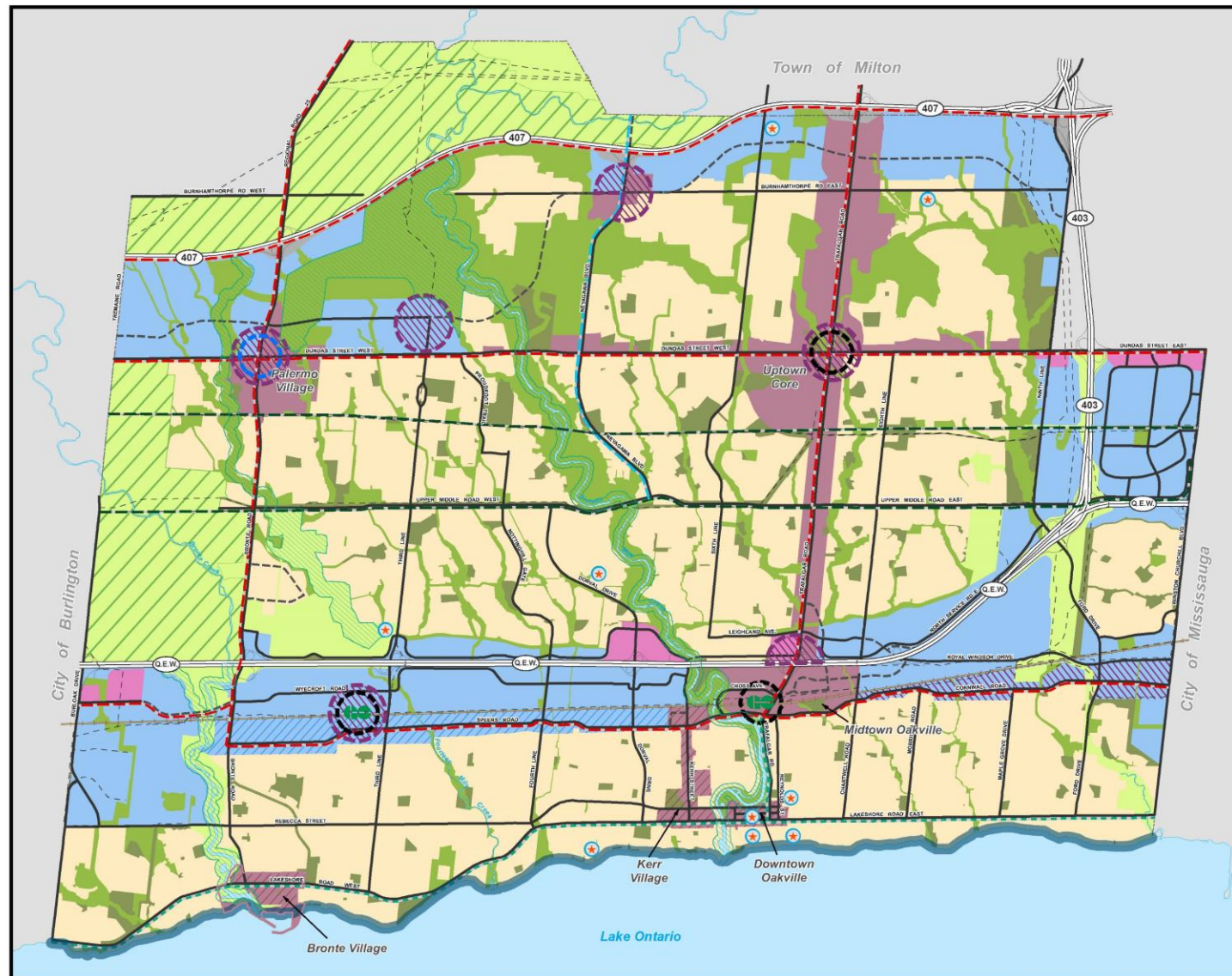


Employment Areas Transition

Town-initiated Official Plan Amendments to preserve the Town's protected employment areas per subsections 1 (1.1) and (1.2) of the *Planning Act* (File No. 52.57.03)

Planning and Development Council
Public Hearing Item 6.2
October 15, 2024

Town of Oakville Urban Structure and strategic employment areas



SCHEDULE A1 URBAN STRUCTURE

LEGEND¹

- PARKWAY BELT
- GREENBELT
- GREENBELT - URBAN RIVER VALLEY
- NATURAL HERITAGE SYSTEM
- PARKS, OPEN SPACE & CEMETERIES
- WATERFRONT OPEN SPACE
- NODES AND CORRIDORS
- EMPLOYMENT AREAS
- MAJOR COMMERCIAL AREAS
- RESIDENTIAL AREAS
- MAIN STREET AREA
- EMPLOYMENT MIXED USE CORRIDOR
- REGIONAL TRANSIT NODE
- PROPOSED REGIONAL TRANSIT NODE
- NODES AND CORRIDORS² FOR FURTHER STUDY
- MAJOR TRANSPORTATION CORRIDOR³
- PROPOSED MAJOR TRANSPORTATION CORRIDOR
- REGIONAL TRANSIT PRIORITY CORRIDOR
- MOBILITY LINK
- MAJOR ACTIVE TRANSPORTATION CONNECTIONS
- SCENIC CORRIDOR
- UTILITY CORRIDOR
- PROVINCIAL PRIORITY TRANSIT CORRIDOR
- MAJOR TRANSIT STATION
- HERITAGE CONSERVATION DISTRICTS/⁴ CULTURAL HERITAGE LANDSCAPES

NOTE 1: This Schedule does not represent land use designations

NOTE 2: In addition, the south side of Dundas is recognized as having potential for intensification subject further study to more precisely delineate the extent of such areas

NOTE 3: Transportation corridors, with the exception of Provincial highways, permit all transportation modes including transit, pedestrian and bicycle facilities

NOTE 4: Heritage Conservation Districts and cultural heritage landscapes are elements of the urban structure. As additional Heritage Conservation Districts and cultural heritage landscapes are designated under the Ontario Heritage Act, they shall be added to Schedule A1, Urban Structure

1:50,000
August 31, 2021

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Protected employment areas

- Meet the definition of “area of employment” in the *Planning Act* and *employment area* in the Provincial Policy or Planning Statement (PPS) as applicable.
- Appeals on council decisions and non-decisions related to employment conversions are restricted per the *Planning Act*.
- Requests to convert to a designation that permits non-employment uses must meet specific criteria under the PPS.
- Prior to October 20, 2024, employment conversions are restricted to the time of a Municipal Comprehensive Review.

Provincial changes to employment areas

1. New, more restrictive definition for “area of employment” in the Planning Act, s. 1 (1):

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:

- i. Manufacturing uses.
- ii. Uses related to research and development in connection with manufacturing anything.
- iii. Warehousing uses, including uses related to the movement of goods.
- iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
- vi. Any other prescribed business and economic uses.

2. The uses are not any of the following uses:

- i. Institutional uses.
- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv;

Provincial changes to employment areas

2. New transition provision for the new “area of employment” definition under subsections 1 (1.1) and (1.2) of the *Planning Act*:

(1.1) An area of land designated in an official plan for clusters of business and economic uses is an area of employment for the purposes of this Act even if the area of land includes one or more parcels of land that are subject to official plan policies authorizing the continuation of a use that is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1), provided that the use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force.

(1.2) For greater certainty, the official plan policies referred to in subsection (1.1) shall not authorize a use that is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1) on any parcels of land in the area on which the use was not lawfully established before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force.

Provincial changes to employment areas

- 3. New policies and definition for *employment areas* in the Provincial Planning Statement (PPS) 2024 reinforce the new definition for “area of employment”:**
- Encouragement to locate less intensive employment uses outside of employment areas, within strategic growth areas and other mixed-use areas.
 - Additional land-use compatibility policy direction for a 300 metre area of avoidance/mitigation adjacent to employment areas.
 - Retail and office uses not associated with the primary employment use prohibited within employment areas.

Risks associated with provincial changes and a “do-nothing” approach:

- Reduction of the town’s employment areas outside of a comprehensive process.
- Loss of protected status for potentially significant portions of the town’s employment areas.
- Challenge ability to be consistent with the PPS 2024 and have regard to provincial interests.
- Lack of clarity on the status of businesses currently operating within the town’s employment areas.
- Potential increase in matters to go before the tribunal.

Official Plan Amendments

- Implementing the transition provision provided by the province for the change in direction regarding employment areas.
- Interim measure that will preserve the town's employment areas as protected until an employment area review is completed and provincial direction implemented through subsequent official plan and zoning by-law amendments.
- Apply to Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial in the Livable Oakville Plan and the Employment District designation in the North Oakville East and West Secondary Plans.

Official Plan Amendments

- Policy ‘a’ restricts institutional and commercial uses not referred to as permitted under paragraph 1 of the *Planning Act* definition for “area of employment” after October 20, 2024.
- Policy ‘b’ provides that those excluded uses that were “lawfully established” prior to October 20, 2024 are authorized to continue.

Official Plan Amendments

Effects:

- Preserve the town's employment areas as protected.
- Allow comprehensive consideration of conversion requests.
- Provide time for the town to carry out a broad employment area review to implement the provincial direction.
- Allow the town to have regard in its long- and short-term planning decisions to provincial interests.
- Ensure consistency with the PPS 2024.
- Allow for coordinated management of shared employment areas.

ERO 019-9065 transition of land use planning matters to facilitate the introduction of a new policy statement

Issues:

1. The OPAs to implement the transition provision can be appealed.
2. Zoning will continue to permit excluded uses as-of-right.
3. Lack of clarity on meaning of lawfully established and the intent for the continuation of excluded uses within employment areas.

ERO 019-9065 transition of land use planning matters to facilitate the introduction of a new policy statement

Main proposed solution:

Request the province to make a regulation under the Planning Act for prescribed business and economic uses under subparagraph vi of subsection 1 (1) of the Planning Act that permits institutional and commercial uses that are permitted by official plan policies and zoning by-law provisions and that have been in-effect as of October 19, 2024, for two years, until October 20, 2026.

Staff recommendation:

1. That comments from the public with respect to the town-initiated official plan amendments (File No. 52.57.03) be received.
2. That Council approve the proposed town-initiated official plan amendments to preserve the town's protected employment areas per subsections 1 (1.1) and (1.2) of the Planning Act (File No. 52.57.03).
3. That By-law 2024-143, a by-law to adopt OPA 68 to the Livable Oakville Plan, be passed.
4. That By-law 2024-144, a by-law to adopt OPA 332 to the North Oakville East Secondary Plan (1984 Oakville Official Plan), be passed.
5. That By-law 2024-145, a by-law to adopt OPA 333 to the North Oakville West Secondary Plan (1984 Oakville Official Plan), be passed.