



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: January 20, 2025

FROM: Planning and Development Department

DATE: January 9, 2025

SUBJECT: **Proposed Midtown Oakville and Community Planning Permit System Official Plan Amendment**

LOCATION: Midtown Oakville and Town-wide

WARD: Town-wide [Click here to add multiple wards.](#) Page 1

RECOMMENDATION:

1. That comments from the public with respect to the proposed Town-initiated Official Plan Amendment for Midtown Oakville and enabling policies for the Community Planning Permit System (Appendix A) be received.
2. That staff consider such comments as may be provided by Council.
3. That the Town Clerk provide a copy of this staff report to the Ministry of Municipal Affairs and Housing, Central Municipal Services Office, Planning Branch for information.

KEY FACTS:

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

- This staff report is prepared for the statutory public meeting regarding updated draft Midtown Oakville policies and Community Planning Permit System enabling policies and builds on the report shared with Council at the [October 29, 2024 Special Council meeting](#).
- This report provides an overview of changes to the September 2024 draft Official Plan Amendment (OPA) based on comments received from Council, public agencies, landowners, and the public, as shown in Appendix A of this staff report.
- Changes to the draft OPA are made to certain sections. Key changes include:
 - Improvements to Community Planning Permit System policies for clarity.
 - Additional land use permissions such as urban agriculture/vertical farming, and new automotive related uses that are integrated within mixed use buildings.

- Additional policy direction regarding sustainability measures.
- Clarification regarding exemption from policies, such as meeting minimum height and density allocations, for existing and expanding uses.
- Clarification regarding landowner groups and required agreements.
- The addition of a third priority school site within Schedule L1.
- Removal of MTO lands associated with the Queen Elizabeth Way Highway from the Urban Core land use designation and the density and height allocation schedules (Schedules L1 – L4).
- Subject to comments received, including comments anticipated from the Ministry of Municipal Affairs and Housing, a recommended Official Plan Amendment will be provided to Council for consideration of adoption at the February 18, 2025 Planning and Development Council meeting.
- This staff report also provides additional information regarding the OPA and its implementation in response to questions and comments raised at meetings since the release of the draft OPA in September 2024.

BACKGROUND:

The proposed Official Plan Amendment (OPA) applies to Midtown Oakville and on a townwide basis.

Midtown is the area around the passenger rail station for Oakville GO/VIA rail station, and the bus terminal for GO/Oakville Transit. It includes the lands between the Queen Elizabeth Way (QEW) Highway and Cornwall Road, from Sixteen Mile Creek to Chartwell Road.

As the proposed OPA includes Community Planning Permit System enabling policies as well as other technical policies and definitions relevant to both Midtown and the Town overall, elements of this OPA are applicable on a townwide basis and are identified as such within the proposed OPA.

The proposed Midtown Oakville and Community Planning Permit System Official Plan Amendment (OPA) is a product of several years worth of study, Council and Committee discussions, and public consultation. Consideration of updating the town's current policies regarding Midtown Oakville is a result of the town's growth area review through which directions were identified for Midtown Oakville and supported by Council, as noted in [the January 2018 staff report](#). Consideration of implementing a community planning permit system (CPPS) in Oakville was first contemplated in December 2022 through a request for reports (See [item 17.3 of the Council meeting minutes](#).) This request was satisfied through the preparation of a comprehensive study associated with the Town's preparation of a Housing Strategy and Action Plan, the White Paper entitled: [Planning Act Tools to Facilitate Development of Affordable Housing](#) (updated in September 2024). The White Paper

was first presented to Planning and Development Council on March 18, 2024, following that Council meeting, a presentation was made to Council specifically with respect to the CPPS on April 8, 2024. During a Special Council Meeting on June 3, 2024, Council requested that staff expedite the preparation of policies to enable the use of the CPPS within the town, and particularly in Midtown Oakville.

On September 26, 2024, the draft OPA was submitted to the Ministry of Municipal Affairs and Housing to commence their One Window review of the amendment, per the *Planning Act* requirement to consult with the Province. On September 27, 2024, staff released the same draft OPA for public review and comment. The September 2024 draft OPA took into consideration new information and all comments received regarding planning for Midtown and also introduced a full set of CPPS enabling policies. This release was followed by a Council workshop on October 10, 2024 wherein staff provided a detailed overview of the draft OPA and supporting information. Further to that, on October 29th, staff provided a brief presentation regarding the OPA, after which comments were received from the public and Council. These meetings were then followed by a public open house on November 27, 2024 wherein 39 information panels were on display along with three information videos. These panels and videos were then uploaded to the [Midtown Oakville Growth Area Review](#) webpage along with a link to an online questionnaire.

During the open house, the panels were displayed on a thematic basis. Town staff were present at each theme area to respond to questions and hear comments from the public. Two members of Conservation Halton were stationed along with their panels regarding their ongoing work in relation to the spill flood hazard analysis and policy development. A copy of the panels is provided in Appendix B. A copy of the online questionnaire is provided in Appendix C.

Staff also circulated the draft OPA to the Ministry of Municipal Affairs and Housing, other public agencies and prescribed bodies, and three Indigenous communities for comment. To date, comments have been received from the following: Conservation Halton, Halton Catholic District School Board, Halton District School Board, Halton Region, Metrolinx, and Trans Northern Pipeline. Copies of their comments are provided in Appendix D. Additionally, the Six Nations of the Grand River have indicated that they have no comments at this time.

Following the Open House, staff were able to meet with representatives of We Love Oakville, “a non-partisan grassroots organization comprising residents associations throughout Oakville” ([About | We Love Oakville](#)). Staff also were able to meet with a few Midtown area landowners. These meetings provided an opportunity to discuss concerns and share information in relation to the draft OPA and its implementation.

The purpose of this staff report is to highlight and explain changes to the draft OPA and to provide requested information from the aforementioned October 10 and 29, 2024 Committee and Council meetings.

PLANNING POLICY & ANALYSIS:

A comprehensive planning analysis regarding the draft OPA was provided in the staff report shared with Council at the October 29, 2024 Special Council meeting. As such, the following analysis is limited to those matters of the OPA that have changed since the public release of the draft OPA on September 27, 2024. These changes are proposed based on comments received from Council, public agencies, landowners, and the general public.

The proposed OPA refines the September 2024 draft based on comments and insights received over the last three months. The intent of the official plan amendment remains the same as was noted in the October 29, 2024 staff report, which is to guide development and manage growth in Midtown Oakville.

OPA Content

Key amendments to the Livable Oakville Official Plan are proposed in relation to:

- Chapter 20 Midtown Oakville, including two figures, E1-Precinct Areas (new to the proposed OPA) and E2-Active Frontages
- Section 8.11 Rail
- Section 8.12 Integrating Land Use and Transportation
- Section 10.13 Hazard Lands (new to the proposed OPA)
- Section 28.15 Development Permit System
- Section 28.16 Community Improvement
- Section 28.19 Pre-consultation and Complete Application Submission Requests
- Section 29.5 Glossary
- Policy Schedules: A1- Urban Structure, B-Natural Features and Hazard Lands, C-Transportation Plan, D-Active Transportation Plan, G-South East Land Use, and
- Growth Area Schedules: L1-Land Use, L2-Building Heights, and L3-Transportation Network, which are specific to Midtown

The proposed amendments to the Livable Oakville Plan continue to:

- implement the town's urban structure and realize the longstanding expectation for this area to be the primary strategic growth area of the town,
- address direction from Council to "unlock" development potential in Midtown Oakville,
- optimize current and future infrastructure investment in this area and beyond, which includes a multi-modal transportation system, and

- address conformity and consistency with Provincial and Regional planning policy and legislation.

Proposed Official Plan Amendment

The following sections highlight and explain the revisions to the draft OPA since the September 2024 draft.

Community Planning Permit System (CPPS)

Policy 28.15.1 is revised to clarify that the Town may identify community planning permit areas anywhere within the town, and where the area is identified in the Official Plan, the town will establish implementing by-laws. Presently, the OPA identifies Midtown Oakville as a community planning permit area (CPP area).

Policy 28.15.6 is updated to indicate that development permits may be issued for temporary uses (interim uses) in accordance with criteria established in the official plan related to temporary use by-laws.

Policy 28.15.10 regarding conditions that permit the town to negotiate community benefits where height and/or density exceeds established thresholds is expanded to include a policy that was previously proposed in section 20 (Midtown, previously numbered policy 20.5.1 (e)(vii) in the September 2024 draft OPA), keeping all CPPS enabling policies in one section of the Plan.

A new policy 28.15.13 is added which states that any facility, service or matter that is provided as a result of implementing policies 28.15.10 or 28.15.11 shall be provided within the subject CPP area. This new policy is provided to ensure that the benefit that is negotiated is to the community wherein the increase in height/density is approved.

In response to questions regarding the implementation of the CPPS, through the preparation of the community planning permit by-law, the town will consult on various matters of implementation. These matters include:

- **Delegation of approval authority.** Council is the approval authority for development permits; however, this authority can be delegated to a committee or staff. When developing the by-law, consideration can be given to whether all or part of that authority should be delegated and if so, consideration can be given to the scope of delegated authority. For example, some permits may be delegated to staff, while others would require the approval of Council or a committee of Council. Council would set the limits of delegated authority in the by-law.
- **Class of development.** Connected with the delegation of approval, when developing the CPP by-law, consideration can be given to distinguishing classes of development. By establishing different classes, the Town may exempt certain types of development from having to apply for such a permit,

assign different fees for development permit approval based on the class of development, and also delegate approval to staff or committee based on the class of development.

Land Use

Land use policies are updated to provide clarity on permitted and prohibited uses within the various land use designations applicable to Midtown. These include a clarification that “new” large format retail uses are not permitted to be “stand alone” facilities (policy 20.4.1 (d)(ii)). This clarification ensures that existing stand alone facilities are able to continue and expand in accordance with minimum height and density policies of the OPA.

Similarly, policy 20.4.1 (b) is updated to be specific to new stand-alone automobile uses. The restriction on these uses is now specific to “stand alone” facilities, not the use in general. In a compact urban form where the use is integrated with development, as has occurred in other highly urban environments, this use is compatible with surrounding development and meets density/ walkability objectives.

With respect to the Urban Core designation policy which requires the provision of non-residential uses within buildings, the policy is enhanced by including context for why a portion of new buildings is required to accommodate non-residential uses. This context will be helpful to any applicant that is proposing to justify a lower proportion of non-residential uses than what is required in the OPA. Furthermore, based on a more detailed analysis of job related gross floor area needs, the requirement for a minimum of 18% of gross floor area (which was based on a generalized assumption of 30 sq. m. per job) can be reduced to 12% within the Urban Core land use designation. This reduced proportion is based on the following approximation of square metres per job type and assumed mix of non-residential uses within the Urban Core designated lands:

- Mixed-use podium related jobs at 23 sq. m per job,
- Retail jobs at 37 sq. m. per job,
- Institutional jobs at 42 sq. m. per job, and
- Office employment jobs at 19 sq. m. per job.

As such, within the Office Employment and Community Commercial areas, a higher proportion of jobs may be supported, than what was previously calculated for that area, leaving a smaller proportion of jobs that would need to be provided to meet the target of 65 residents to 35 jobs as per the Region of Halton Official Plan. This reallocation of jobs does not have an impact on the overall growth of Midtown, and as such, no further adjustments have been made to the schedules of the OPA in relation to land use or density.

With respect to parkland, the draft OPA includes policy that encourages the co-location of schools and public parks. While the school boards are not averse to co-

location and recognize the opportunity to make more efficient use of land, they did note that in such cases, the use of the park for school purposes must be prioritized during school operating hours and that certain measures may need to be taken to ensure the safety and security of students and the public. Accordingly, policy 20.4.2 (d) is enhanced with a new sub-policy (v) to acknowledge these practical matters. When schools are located in Midtown, additional and more detailed operational matters will be determined and addressed at that time.

Based on feedback received regarding permitted and prohibited uses, a suggestion was made to add urban agriculture/vertical farming, as a permitted use. While this use may not have been specifically precluded, given its importance as a means to address food security, it is now explicitly listed as a permitted use within the Community Commercial and Office Employment areas.

In October 2024, Council adopted OPAs¹ in light of changes to the definition of “area of employment” within the *Planning Act* via [Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023](#) and the definition of “employment area” in the Provincial Planning Statement, 2024. Presently, these OPAs are under appeal. The intent of the OPAs was to implement the provincial transition provision under subsections 1 (1.1) and (1.2) of the *Planning Act* to keep the current employment area designated lands aligned with the revised provincial definition of “area of employment” pending a comprehensive townwide employment areas review. The review will inform how the town will implement the overall new provincial direction regarding employment areas.

Notwithstanding the appeal of these OPAs, the proposed Midtown OPA includes a new policy (20.4.2 (e)(i)) that exempts the Midtown Office Employment designation from these newly adopted employment area policies to ensure that new office, institutional, and limited commercial uses will continue to be permitted in this Midtown designation, given the following unique circumstances:

- A comprehensive employment area review exercise was undertaken recently for Midtown through the Region’s Official Plan Review (ROPA 48 and 49) resulting in the removal of Regional Employment Area from Midtown lands within Map 1h Regional Urban Structure.
- The proposed OPA retains the Office Employment designation on lands that are within 300 metres of the rail yard, which is located east of Chartwell Road, wherein sensitive uses (like residential uses) would not be compatible with the rail yard operation given noise, dust, vibration and safety issues of the railyard. This retention of the Office Employment designation along with new railyard land use compatibility policies implement land use compatibility

¹ OPA 68 applies to employment areas in the Livable Oakville Plan including Midtown Oakville and is currently under appeal.

and employment area policies of the PPS 2024 and ensures the long-term protection of this area for employment uses.

- Permitting all types of Office Employment uses within the retained Office Employment area implements job creation objectives and targets in Midtown Oakville.

The proposed policy 20.4.2 (e)(i)) is an interim measure. Following the completion of the Townwide employment areas review, further modifications to the Office Employment and/or Midtown Oakville policies may be warranted.

Further to the matter of land use compatibility, rail yard and rail corridor townwide policies Chapter 8 of the Official are further modified by the proposed OPA with additional policies that are specific to Metrolinx rail yards and corridors per the request of Metrolinx. These policies are added to recognize legislative requirements and Metrolinx protocols regarding land use that is adjacent to, within 75 metres of, and within 300 metres of their yards and corridors.

Housing

Midtown is proposed to be an area of the town wherein the majority of housing is in apartment form. The proposed development here would provide a form of housing that is presently under-supplied relative to current and projected household sizes. Preliminary findings of the town’s housing needs assessment indicate that in Oakville there is a mismatch of housing size relative to household size. These findings indicate that based on 2021 Census data, 78.8% of units in Oakville are comprised of three or more bedrooms, whereas 53.9% of households consist of 3 or more persons. While the data also shows growth in the smaller unit sizes, in terms of building permits that are issued, there remains a need to provide more units that accommodate smaller households to address current and forecasted need for one and two person households.

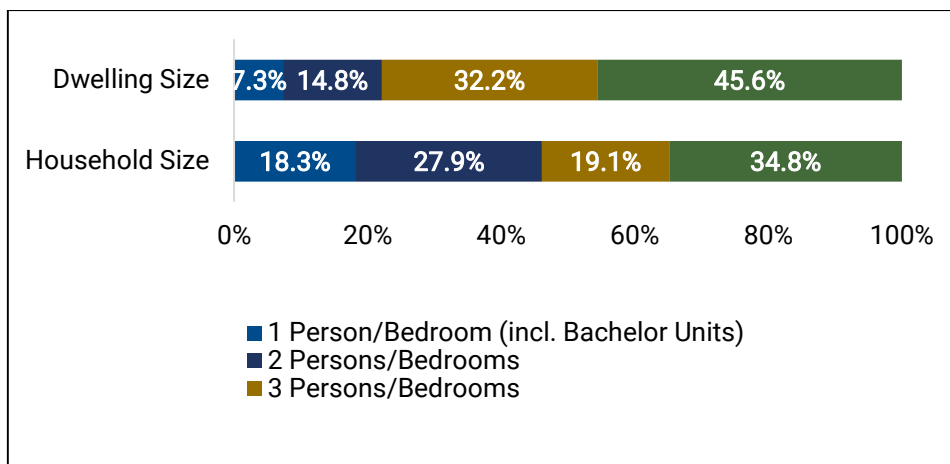


Figure 1 Household and Dwelling Sizes, Oakville, 2021; prepared by SHS Consulting for Housing Needs Assessment focus group workshop, December 2024.

It is acknowledged that in Midtown there is a desire to accommodate both large and small households to create a diverse, all ages, all incomes, community. Accordingly, and as noted in the October 29th Special Council meeting staff report, the OPA includes a policy that requires a minimum of 35% of residential units in a building to provide two or more bedrooms. This policy was tested against current market trends and found to be a reasonable minimum proportion of larger units.

Staff also note that similar policies are being adopted within official plans of other GTA municipalities, and to date there have been limited concerns from the development community regarding the appropriateness of this policy. Without completing the Town's housing needs assessment (HNA), staff do not recommend adjusting this proportion. It is noted that policy 20.4.1 (f)(iii) regarding the provision of two or more bedrooms in a minimum of 35% of residential units is modified by removing the 20-unit threshold for when this policy would apply.

In terms of explicitly requiring the provision of affordable housing and/or affordable housing targets, staff are not yet able to recommend such policies without first completing the HNA. This is anticipated for March 2025 to meet federal deadlines related to the Canada Community Building Fund. In the meantime, the OPA does include a policy which indicates the intent to apply Inclusionary Zoning within Midtown, to ensure that the development community is aware of this eventuality and to consider this in their decision making early in the development process. The completion of an HNA is a legal requirement which is required prior to the adoption of Inclusionary Zoning enabling policies requiring the provision of affordable housing under the *Planning Act*.

Mobility

The OPA conceptually shows a new street network for Midtown within Schedule L5: Transportation Network and Schedule L6: Active Transportation. Schedule L5 identifies road classifications and future right-of-way width requirements. Together, these schedules provide guidance regarding the objective of the street and active transportation networks and possible connections to and from Midtown. This network is generally informed by the Midtown Oakville Transportation and Stormwater Class Environmental Assessment, 2014, and preliminary modelling based on forecasted growth per the Joint Best Planning Estimates for 2051. Through the Midtown Implementation Program, a Midtown Transportation Plan will be completed to inform the ultimate configuration of future rights-of-way (ROW) for all mobility uses (transit, active transportation, vehicles, and pedestrians).

Policy 20.5.2 (a)(v) recognizes that the ultimate provision and configuration of the total network is subject to studies, which among other matters will consider and ensure that the network contributes positively to the environment and the mobility network. Should studies determine otherwise, the Town will need to consider

alternatives and make amendments to the Plan if needed. This is important to acknowledge given that analysis regarding the spill flood hazard among other matters is on-going.

Furthermore, to facilitate active transportation, and cycling in particular, the proposed OPA includes a new policy that requires the provision of secure, covered, and easily accessible bicycle parking facilities.

Parking

The OPA contemplates parking to occur predominantly within underground or above ground structures, with some parking provided at-grade to the side or rear of buildings, and temporary on-street parking facilities on some of the Midtown streets. Various preliminary right-of-way cross-sections were shared during the open house to illustrate how and on what street classifications on-street parking could be provided (see panels 17 and 18 provided in Appendix B). The finalization of these cross-sections will occur through the Midtown Implementation Program Phase 5 functional design work.

In accordance with the *Planning Act*, as an MTSA, the Town is not authorized to require minimum parking provisions in the official plan or implementing zoning by-law. However, town may set maximum parking rates which is reflected in the proposed OPA. Maximum parking rates can also be required in the implementing by-law, as a further means to support transit investment, and increase use of active transportation facilities.

In recognition of the anticipated gradual change in modal split and the expectation that overtime some parking facilities may be rendered unnecessary, a new policy (20.5.2 (d)(iv)) is added to the proposed OPA that encourages development that includes above grade parking structures to be designed in a manner that would enable these structures to be repurposed for other uses, such as commercial, office or residential.

Public Service Facilities, including Parkland and Schools

In response to comments received from both the Halton District and the Halton Catholic District School Boards, the proposed OPA updates the definition of public service facilities to clearly recognizes that these publicly-funded schools are included in the “public service facility” (PSF) defined term. This ensures that the Official Plan policies regarding PSFs are applicable to them as well as more specific policies associated with the defined term “educational facilities.”

Furthermore, per the request of the Halton District School Board, a third priority school site is identified on Schedule L1: Land Use of the OPA. This site is co-located with a future park site.

In response to comments from the school boards, the OPA provides flexibility in terms of how school sites may be developed. Given the density and height exemptions provided in the OPA, these school sites may be stand alone (with the potential for density to be transferred to the balance of the site, prior to lot creation) or integrated with other development in a more compact urban form.

As noted in previous staff reports, the land area designated for existing and future parks is approximately 12 hectares. One-third of the parkland is already established. The remaining two-thirds will be acquired through the implementation of the Town's parkland dedication by-law, and/or through negotiations for height above the thresholds in accordance with the Community Planning Permit System. Parkland acquired through these tools will be in the form of fee simple land, cash-in-lieu of parkland to be used for land acquisitions, and through the provision of parkland that may be stratified² or privately-owned public spaces in accordance with the *Parks Plan 2031*, to be determined through parks planning and development review processes.

Urban Design

Policies regarding urban design and built form are very important to the livability of Midtown. The OPA provides both qualitative and quantitative policies to guide development. These policies will be further explained through the preparation of urban design guidelines and the community planning permit by-law.

Approval of development permit applications will rely on the policies of the OPA, the community planning permit by-law provisions and urban design guidelines. The Official Plan provides policy direction regarding variances from numeric norms which may be implemented when issuing development permits. As such, no changes are proposed related to numeric standards provided in the OPA.

Within Section 20.5.1 of the OPA, there is recognition of all lands that comprise and provide for open space within Midtown. This section is updated to also recognize that street boulevards and landscaped areas related to the QEW are also part of Midtown's open space system and create opportunities for vegetative planting and facilities to support passive recreation.

Section 20.5.1 (f) regarding minimum building height is updated to exempt expansion of existing uses from having to provide the minimum height requirement, in accordance with the similar exemption provided in relation to density. These policies are provided in recognition that some existing establishments may not be ready to undertake major redevelopment that would comply with the minimum

² Stratified parks are generally those where there is private development, such as a parking garage, below the parkland. In these situations, the town may use various agreements/mechanisms such as public or private easements to provide a publicly accessible park, while also accommodating a private use and/or ownership of the land.

requirements of the OPA. This policy allows these uses to continue and expand, provided their expansion does not preclude the provision of infrastructure that is required to serve other sites within Midtown that are ready to redevelop in conformity with the official plan.

Policy 20.5.1 (g)(i) is updated to encourage the design of tall buildings to meet high engineering as well as architectural standards.

Policy 20.5.1 (h) is updated to clarify that “mid-rise” buildings are taller than what is considered to be the streetwall and are up to 12 storeys. Buildings greater than 12 storeys are considered to be “tall buildings,” and those buildings are required to provide a podium over which a slender tower(s) must be provided.

Sustainability and Green Development Standards

Policies in sections 20.5.3 Stormwater and 20.5.5 Sustainability are updated to acknowledge that certain discretionary matters may be elevated to a requirement by by-law, once it is passed and in effect. Given that the Town proposes to implement a community planning permit by-law in Midtown, the Town can require applicants to provide landscape and/or site alteration plans and issue development permit approvals where those plans propose appropriate low impact development measures to address on-site stormwater management as a climate change mitigation and adaptation method. Similarly, a community planning permit by-law can require building façade treatments that improve building energy efficiency and/or provide bird friendly design.

Comments from Council and the public indicated that the OPA should also include policy regarding Green Development Standards. In 2025, the Town intends to initiate a process to develop such standards. Upon completion of that process, the Town may need to amend the Official Plan to recognize these standards.

Hazard Policies

As noted in the staff report from the October 29th Special Council meeting, the policy regarding the two zone concept regarding flood hazard is not warranted within Midtown and as such that policy is removed from the OPA. Given this deletion, so too are the defined terms: flood fringe, floodway, and two-zone concept.

Further to this, to assist with future development proposals that may be subject to hazard lands, policy changes are proposed within Chapter 10, section 10.13 Hazard Lands and a new appendix is proposed to be added to the Livable Oakville Plan. These additions identify studies and Conservation Authority approvals that may be required for applications that are within or near lands within a Conservation Authority regulated area. The map provided in the appendix would be provided for information purposes only and would be updated periodically if and when regulated area boundary changes are made.

Implementation Policies

Implementation policies regarding monitoring, measures and phasing are updated to recognize Conservation Halton and School Boards also have a role with respect to these matters.

Section 20.6.4 regarding landowner agreements is also updated to clarify the following matters in response to comments and concerns raised by landowners:

- Not all types of applications will require entering into a landowner group and agreement,
- One or more landowner groups may be formed,
- One or more agreements may be required among landowners, and
- Landowner agreements may address the coordination of providing services and/or facilities that are determined to be deficient.

Based on the findings of the Midtown Implementation Program Phase 5 studies regarding servicing, the need for and scope of landowner agreements will be clarified and at that time the Town can work with landowners to determine the most efficient and appropriate configuration of landowner group(s) and agreement(s).

Given that this work is still at a preliminary stage, the policy is updated to allow the Town to consider applications on a case-by-case basis whether or not policy 20.6.4 of the OPA is applicable to that proposal.

Timeliness

During Council sessions, comments were made regarding the use of the term “in a timely manner” and to replace such terminology with more clear language. Accordingly, several policies in the proposed OPA have been updated to provide more clarity about what may constitute “a timely manner.” In these instances, the policies rely on Town master plans, including official plan reviews where that is applicable, or in some cases clarify that the matter is something that is addressed “continuously” or “on an ongoing basis.”

Mandatory Policies

A full review of the OPA was undertaken to consider whether certain policy directions ought to be mandatory, conditional, or discretionary in their implementation. As such, some policy language is changed from using the word “should” to “shall,” or from “is encouraged” to “must” where the Town has authority to mandate such matters in accordance with Regional or Provincial policies, or by by-laws that the Town has authority to pass. In accordance with section 29.1.9 of the Livable Oakville Plan:

- “may” means the policy is permissive;
- “should” means that the policy is directive and requires compliance unless proven otherwise on good planning grounds; and,
- “shall” means that the policy is mandatory.

Schedule and Figure Changes

Schedule L1, L2, L3 and L4 are changed to exclude Ministry of Transportation (MTO) lands adjacent to the QEW right-of-way from land use designation, and density and height allocations given that these lands are not considered to be developable area, similar to utility and natural areas.

Precinct boundaries are removed from Schedule L1. Instead, a new Figure E1 is provided that simply shows the precinct areas associated with the Section 20.3 Development Concept of the OPA. This change was made given some confusion in terms of identifying the boundaries of the five precinct areas. Furthermore, based on comments received from the School Boards, a third priority school site is shown within the Cornwall precinct where the school could be co-located with future parkland or the existing Cornwall Park, on Schedule L1.

On Figure E2: Active Frontages, an additional segment of a future local road is identified as Active Frontage. This additional segment connects with the three segments running north-south from the VIA/GO station to Cross Avenue, creating a continuous loop. In accordance with the OPA policies, development along this segment is required to provide non-residential amenities along at least 70% of the at grade street frontage. This segment is close to the VIA/GO station and portions of it will also face future parkland, creating opportunity for a vibrant walkable, highly-frequented commercial area.

TECHNICAL & PUBLIC COMMENTS:

During and following the October 10 and 29, 2024 meetings with Council, many questions were posed by Council, the public and landowners regarding the OPA and its implementation. The following provides responses to those questions on a thematic basis.

Transit Oriented Community

The Ministry of Infrastructure is currently considering a Provincial Transit Oriented Community (TOC) initiative on approximately 5 hectares of land located west of Trafalgar Road and north of the Oakville GO station, which are also subject to four development applications that have been appealed to the Ontario Land Tribunal. A [letter](#) to Infrastructure Ontario and the Ministry of Infrastructure providing staff comments regarding the proposed TOC dated December 19, 2024 is available on the Town's website. This letter provides a thorough review and analysis of the proposed TOC and its supporting documentation.

As noted in the [Minister of Infrastructure's letter dated May 31, 2024](#), the objectives of the TOC program are to:

- Increase transit ridership and reduce traffic congestion;
- Increase housing supply (including affordable housing);

- Create jobs and stimulate the economy through major projects;
- Build complete communities, including bringing retail and amenities within a short walking distance of transit stations, and,
- Offset the cost of new station infrastructure.

To that end, following comments are provided as to how the proposed OPA meets those objectives:

Transit Ridership

The OPA proposes to establish minimum and maximum density of development on a block by block basis across all developable land in Midtown. These densities are transit supportive in accordance with Ministry of Transportation, Metrolinx and Provincial Planning Statement, 2024 guidelines and policies.

Reduce Congestion

The OPA incorporates new roads, bridges, underpasses, and active transportation trails, Bus Rapid Transit Stations and a transit hub. Collectively, the implementation of this new infrastructure helps to provide greater porosity and reduce current congestion. Furthermore, by creating a dense and compact community, the OPA delivers a walkable community which reduces private car trips.

Housing Supply

The OPA provides clear policy direction and understanding of the capacity for growth in Midtown. Estimates based on achieving maximum density on all development blocks anticipate that Midtown could accommodate approximately 19,600 units over the fullness of time. These units would predominantly be in apartment form. Using measures such as inclusionary zoning and incentives, the OPA contemplates that the units will accommodate a broad range of population in terms of household size, income, and age, across most of Midtown's developable area. (Residential development is not permitted in the Office Employment and Community Commercial designated areas given their proximity to the rail yard.)

Create jobs and stimulate the economy

The OPA provides policies that permit a broad range of land uses within Midtown. These policies provide guidance regarding the range of permitted and prohibited uses within each land use designation. The policies also provide guidance regarding the mix of uses, in some cases requiring a minimum amount of gross floor area that must be provided for non-residential uses, to ensure that Midtown is an area to work, as well as live. As a transit hub served by VIA, GO, and Oakville transit, it is important that this area be a vibrant community that effectively and efficiently uses these transit systems, and that businesses of Oakville, as well as residents, have access to these systems.

Build complete communities

As noted above, the OPA provides policies and schedules that provide clarity and direction to guide the evolution of Midtown from a predominantly commercial and employment area, to one that supports a broader mix of uses, in a compact form, and one that achieves complete community goals articulated in the Livable Oakville Plan, the Region of Halton Official Plan, and the Provincial Planning Statement, 2024. How the official plan addresses these goals is provided in detail within the [October 29, 2024 staff report](#).

Offset the cost of new station infrastructure

Applying the Community Planning Permit System to the Midtown Oakville growth area allows the town to work in partnership with the development community to achieve common goals regarding the provision of places to live, work, play and rest. Using this system, the town is also able to work with the development community to provide infrastructure and services to support the growth and development of this area in a manner that is environmentally, socially, economically and fiscally sustainable. Per the phasing policies of the OPA as well as the schedules provided, necessary infrastructure is identified and mechanisms are put in place to ensure that these facilities, services and matters are provided in lockstep with development.

Growth Targets, Forecast and Projection

As of 2021, this area is home to approximately 639 residents and 5,459 jobs (2021 Census and the Region of Halton Employment Survey). The proposed OPA provides direction and guidance for this area to intensify and accommodate a much higher number of residents and jobs.

Many questions have been raised regarding the growth targets, growth forecast and growth projection for Midtown. To assist with understanding this terminology, staff prepared a brief video called "[Planning Midtown: Considering Growth Targets, Forecasts, Projections and Density](#)" that was first available to the public during the open house and is now on the Midtown webpage.

Target

As noted in the video, the growth target for Midtown was established by the Province and reconfirmed by the Region. This target is aspirational and is set at 200 residents and jobs per hectare by 2031. The intent of the 2031 target horizon is to prioritize intensification in Midtown over other strategic growth areas of the Town. It should be noted that this target does not presuppose that all of Midtown would be fully redeveloped by 2031; but rather, that within certain parcels of development, this overall target would be achieved. This target was first established in 2006 in accordance with the Growth Plan for the Greater Golden Horseshoe, 2006. However, the pace of redevelopment in Midtown has not matched the aspirations of the Province, Region and Town. As such, while the aspiration remains, the real

expectation is that the target may be met some time in the late 2040s per the Watson Growth Analysis Study, 2024 (see Appendix G).

Forecast

The forecast for Midtown (at 29,900 residents and jobs) is set to 2051, in line with the regional population forecast per the [Ministry of Finance \(MofF\) projections](#). While the MofF projection is for all of Halton Region, Watson Consulting has undertaken analysis to forecast Oakville's population and jobs.³ The forecast informs infrastructure planning and associated development charges (DC) over the near term of the redevelopment of Midtown. It is based on various assumptions and trends, and will be revisited periodically to inform updates to master plans and DC background studies.

This forecast is a point in time for the evolution of Midtown. It does not represent a cap on development given that the redevelopment period for Midtown is anticipated to occur over a much longer period of time as has been the experience in other strategic growth areas across the Greater Golden Horseshoe, including places like [downtown Toronto](#) which has been and continues to be under redevelopment for multiple decades.

Projection

The long term Midtown projection (estimated at nearly 54,550⁴ residents and jobs) is based on the policies of official plan regarding mix of use, population and job ratios, development blocks and density allocations to those blocks. Based on current trends and a forecast of approximately 200 – 400 units per year, achieving the projected growth for Midtown would take 60 or more years. These projections also assume that every developable block of Midtown would be redeveloped to its maximum density allocation.

³ The October 29, 2024 staff report provided an overview of the Watson work. Appendix G: Growth Analysis Study, by Watson Consulting November 2024 (Corrected) to this report provides a November 2024 updated version of the Watson analysis wherein section 6.1.2 Housing Growth by Structure Type in Midtown Oakville and figure 6-3 Town of Oakville Midtown Oakville Units in Development Approval and figure 6-4 Town of Oakville Housing Units with Development Applications are corrected and show that there are 435 registered or draft approved units, 702 (not 2,461) proposed units, and 7,021 (not 5,140) units that are under appeal at the Ontario Land Tribunal, for a total of 8,158 (not 8,036) units in the development pipeline within Midtown Oakville and a total of 16,690 (not 16,340) units are in the development pipeline across the Town, along with an additional 3,487 units that are not assigned a density type, for a grand total of 20,347 units on a town-wide basis. These corrections, however, have not changed the conclusions of the Watson report.

⁴ This estimate is higher than what was provided to Council in October 2024 owing to the more detailed estimation of jobs that can be accommodated in Midtown, as noted above in this report. Using smaller square meter per job type rates than the average 30 sq. m. per job initially used in staff calculations. Should the allocated maximum GFA be realized across Midtown, it is estimated that Midtown could accommodate 38,150 residents and 16,400 jobs.

All three calculations inform and are informed by the proposed policies of the OPA. The minimum growth target informs the minimums to which the Town must plan for, while the projection is informed by maximum density development block allocations established in the OPA. Meanwhile, the growth forecast provides direction regarding the phasing and implementation policies of the OPA, especially as it relates to the alignment of development approval with the provision of necessary public infrastructure.

Major Transit Station Area (MTSA) boundary

A question was raised regarding the determination of the MTSA boundary relative to the provincial definition for MTSA's (per the Growth Plan). As noted in earlier staff reports, the MTSA boundary was established by the Region and approved by the Minister in 2022, via ROPA 48. This boundary was originally established in accordance with the Growth Plan for the Greater Golden Horseshoe policies and mapping related to urban growth centres, and re-confirmed via ROPA 48 wherein consideration was given to not only the existing GO station but also future bus rapid transit (BRT) stations that are planned for this area. In accordance with the Growth Plan and now the Provincial Planning Statement (PPS), 2024, MTSA's may be established for existing and planned high-order transit stations, such as bus rapid transit (BRT) and GO stations. As such the delineation of the MTSA boundary is consistent with the PPS, 2024 and conforms with the Region of Halton Official Plan (now the Town's Official Plan).

The impact to the Town, development community and the public to establish PMTSA's is that it provides development certainty (given that certain matters such as permitted uses and minimum density are subject to Ministerial approval without a right of appeal, and that non-decisions or refusals related to private applications for changes to the boundary, height, and density are not subject to appeal) and creates an opportunity to require and secure affordable housing on an area-wide basis through the implementation of Inclusionary Zoning policies.⁵

Height and Density

A broad range of comments, questions and concerns have been raised regarding the appropriate height and density of development within Midtown. Generally, there is acceptance for the current Official Plan policy framework wherein threshold building heights in the range of 10 to 20 storeys has been established and for which increases could be granted in exchange for community benefits. What is different in the proposed OPA from the current policy framework is:

- (a) the provisions of the *Planning Act* regarding the authorization of such a trade-off (the Town will now be relying upon the community permit system authorized by Ontario Regulation 173/16 rather than the former section 37 of the *Planning Act*), and

⁵ Inclusionary zoning policies remain subject to other requirements including the completion of the Housing Needs Assessment (HNA) described earlier in this report.

- (b) the proposed OPA establishes a cap on by how much this additional height could be by applying a maximum gross floor area based on an FSI allocation to the development block applicable to the proposed development

The benefit of density maximums (rather than height maximums) in the context of tall buildings (which comprise a podium and tower configuration) is that using these FSIs the town can estimate population and jobs which is necessary to understand for the purpose of infrastructure and capital planning. These maximums also assist development proponents who create pro formas based on saleable floor area.

When applying a height maximum only, it is challenging to estimate potential population and jobs. Furthermore, height maximums are seen as arbitrary and unnecessarily limiting for development proponents who desire flexibility in the architectural design of their buildings.

When applying a height maximum and density maximum, it further reduces the opportunity for innovative architectural design and a range of built form types, resulting in a monotonous build out of the area, as was demonstrated in the [June 3, 2024 concept](#) prepared for Council.

Using the qualitative policies of the OPA, along with the density allocations, and the requirement for community benefits for development beyond height thresholds provides flexibility for the development proponent, along with artistic license to the architects and engineers to achieve the various sustainability, economic, social, and fiscal goals of the Official Plan and the development proponent.

In other words, a development proponent could remain at or below height thresholds and stay within the maximum allocated FSI, but result in a building that has a high lot area coverage, relies on underground parking, and is likely in a midrise form. Or, the proponent may choose to provide a building that is taller than the threshold in order to accommodate more at-grade open space amenities, and/or to provide above ground structured parking, in exchange for the provision of affordable housing and/or parkland, beyond what may be required in the implementing by-laws. This range of flexibility allows for greater variation of built form that is more responsive to market trends.

Brownfield Development

Within Midtown, there are brownfield areas. (Areas where land may be contaminated due to industrial uses that previously occurred on the site.) The timing of remediation for these sites is controlled by the landowner. To assist the landowners and perhaps hasten remediation, the Town has a Brownfield Community Improvement Plan in place to incentivize the clean-up and redevelopment of these sites and facilitate the development of a mixed-use

community. This site is presently the subject of a development application. For more information on this application, see: [South Service Holding Corp. - 420 South Service Road East - OPA 1612.19](#).

Exception Policies

The proposed OPA does not carry forward exception policies currently provided in the Official Plan related to Midtown. These exception policies are not being carried forward because the exception that is cited in the Official Plan is now absorbed by the updated policies and schedules. For example, exception policies that acknowledge the phasing of development and/or that an existing use may continue and expand for a specific site are now policy permissions for any site within Midtown. See proposed policies 20.6.3 (a) and 20.6.3 (e), respectively. Similarly, attention was given to ensure that an exception policy that permitted a certain height and/or density of development for a site continues to be permitted for that site. Furthermore, it is acknowledged that a site specific zoning approval that conforms with the Official Plan would continue to apply.

Funding and Cost of Redevelopment

As noted in previous staff reports, proposed infrastructure within Midtown is required to service both the local area and the broader community. The responsibility for delivering this infrastructure will be shared between the Town, Region, Province, and landowners.

Local roads and servicing infrastructure required within Midtown is to be funded and delivered by landowners. Infrastructure required to service developments throughout Midtown, such as collector roads, is to be delivered by the town and funded by DCs. As the GO Station serves the entire town, there is some infrastructure that is required due to growth throughout the town to alleviate local congestion, which is to be funded by the town through development charges, along with the region and province.

The provision of new streets, bridges and underpasses, along with transit infrastructure improvements are proposed to relieve broader transportation congestion in Oakville and to better service the town's transit system overall. For infrastructure that is required due to growth and is the town's responsibility because of the broader benefit to the Town, the Town collects development charges to minimize the impact on existing residents and businesses. There is a small share of tax funding anticipated, as certain projects involve the rehabilitation of existing assets (i.e. the resurfacing of existing lanes as part of a road widening project), which benefit existing residents and businesses.

In addition to Development Charges (at 46%), infrastructure improvements will be funded through Town taxes (at 4%), Halton Region (at 6%), the Province (at 28%), and private development (at 16%). These improvements apply to lands within and

beyond Midtown. Improvements outside of Midtown include: the QEW Royal Windsor Drive interchange, the extension of the north-south QEW and railway crossing that parallels Trafalgar Road on the east side of Midtown, improvements to North Service Road and Iroquois Shore, and the Kerr Street grade separation and road improvements, as shown on Open House panel 21 (see Appendix B).

Future Proofing

Concerns have been raised regarding the viability of development in compliance with the policies of the OPA. The planning and development process is multi-faceted and subject to many pieces of legislation, regulation, policies, guidelines, approvals, etc. The proposed OPA is only one facet of this process, but an important one, in that it provides a foundation from which other more detailed facets of the process are formulated.

From an Official Plan perspective, there are policies provided regarding the monitoring OPA implementation. Where changes to the Official Plan are warranted as shown by monitoring and/or in accordance with required Official Plan reviews, those amendments can be made.

As per the *Planning Act*, there is a 5 year moratorium on private applications to make changes to CPPS policies and by-laws, however, at any time, Council can choose to consider amendments, where they see that they are appropriate and needed.

In terms of individual development proposals, checks and balances are in place with financial and insurance institutions, as well as government agencies such as [Tarion](#), to ensure that development is successful and consumers are protected. While there have been instances reported in the news where projects have gone into receivership, at higher rates than before, the circumstances for those unfortunate situations are unique to each project and are not attributable to a municipality's official plan.

Supporting Studies

Appendix H to this report provides a list of studies and policy updates that have informed the preparation of this OPA and its implementation.

MATTERS YET TO BE CONSIDERED

To date, the Town has not received formal comments from the Ministry of Municipal Affairs and Housing.

Under the One Window Review process, the Ministry provides a singular set of comments on behalf of various "one window" Ministries. These Ministries include:

- Ministry of Natural Resources and Forestry

- Ministry of the Environment, Conservation and Parks
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Energy, Northern Development and Mines
- Ministry of Heritage, Sport, Tourism and Culture Industries
- Ministry of Transportation
- Ministry of Infrastructure
- Ministry of Health, and
- Ministry of Economic Development, Job Creation and Trade.

Following receipt of comments from the Ministry, further changes may be warranted prior to recommending the OPA for adoption by Council.

CONSIDERATIONS:

(A) PUBLIC

Further to the list of public engagement opportunities provided in the [October 29, 2024 staff report](#), the following engagement has occurred:

- On October 29, 2024, there was a Special Council meeting wherein the public made oral and written submissions.
- On November 12, 2024 formal notice of a public open house (as provided in Appendix F) was issued on the Town's News and Notices page and via the local online newspaper (InsideHalton.com), and sent via email to all prescribed bodies, including Mississaugas of the Credit First Nations, Six Nations of the Grand River, and the Haudenosaunee Confederacy, and persons on the contact list for Midtown.
- On November 27, 2024, the public had the opportunity to attend a public open house wherein they had access to information and the ability to ask questions and discuss the draft official plan amendment.
- From November 27, 2024 – December 11, 2024, the public had access to an online questionnaire, as noted above. A copy of the questionnaire and the responses to it is provided in Appendix C of this report. Responses to comments and questions posed through the questionnaire and *Post-It Notes* attached to open house panels are provided via this staff report.
- On November 28, 2024 open house material was published on the [Midtown Oakville Growth Area Review](#) webpage.
- On December 6, 2024, informal notice of this public meeting was issued via the [Midtown Oakville Growth Area Review](#) webpage and via email to all subscribers of the Midtown newsletter.
- Formal notice of this public meeting (as provided in Appendix F) and the availability of the proposed OPA as provided in Appendix A of this staff report was issued on December 23, 2024 on the Town's News and Notices webpage and via the local online newspaper (InsideHalton.com), and sent via email to all prescribed bodies, including Mississaugas of the Credit First

Nations, Six Nations of the Grand River, and the Haudenosaunee Confederacy, and persons on the constant contact list for Midtown.

- A reminder email to Midtown Oakville subscribers regarding the availability of the proposed OPA and the January 20, 2025 public meeting was issued on January 7, 2025.
- Through this statutory meeting, the public may make oral or provide written submissions to Council (via the Clerk's Office) for Council's consideration.
- The public may make submissions to the Town Clerk on the draft OPA up until Council makes a decision on these matters, which is anticipated for the February 18, 2025 Planning and Development Council meeting.

(B) FINANCIAL

There are no financial implications in receiving this report for information.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The draft OPA was prepared in consultation with staff from various internal departments, external public agencies, and town consultants. Changes to the draft OPA as proposed in Appendix A were made based on comments received and were vetted by staff from various internal departments.

(D) COUNCIL STRATEGIC PRIORITIES

A key strategy within Council's strategic priorities is to develop plans that support the town's urban structure to manage forecasted growth while protecting natural areas, preserving cultural heritage, and maintaining the character of existing neighbourhoods. The Midtown Oakville Growth Area review is specifically identified as a key action to fulfill the Town's Growth Management priority of "managing growth for a vibrant local economy, meeting infrastructure needs, and ensuring the development of complete communities along with efficient mobility across the town". The proposed OPA provides a clear foundation for achieving this growth management priority.

(E) CLIMATE CHANGE/ACTION

Planning for Midtown Oakville as a high-density mixed use urban node provides numerous intrinsic Green House Gas reduction opportunities. The proposed OPA continues to support compact urban development that provides viable choices for transportation and opportunities for a transition to alternative energy sources per the town's Community Energy Strategy. Proposed policies also support the use of by-laws to require the provision of green infrastructure within development, including green roofs, and supporting the provision of EV charging stations, among other matters.

NEXT STEPS:

Subject to comments received at this meeting, staff will prepare a recommended version of this amendment for Council's consideration of adoption at the February 18, 2025 Planning and Development Council meeting.

Within 15 days of Council adopting the OPA, notice of adoption will be sent to all persons and bodies that requested to be notified and to all prescribed bodies.

Also within 15 days of Council adopting the OPA, the adopted OPA along with prescribed material will be provided to the Ministry of Municipal Affairs and Housing.

In accordance with the *Planning Act*, the Minister will have 120 days within which to issue their decision regarding this OPA, unless they choose to suspend the time period for issuing a decision (per section 17(40.1) of the *Planning Act*).

Within 15 days of making the decision, the Ministry is required to issue notice of their decision to all persons/bodies who have requested to be notified and to all prescribed bodies.

CONCLUSION:

Planning for Midtown Oakville is a Council Strategic Priority. Staff and Council have engaged with the public over the last six years to update policies in the official plan to unlock Midtown's potential as the primary strategic growth area of the Town. As noted in the foregoing, the proposed OPA provided in Appendix A of this report is responsive to comments and concerns received to date.

As per the conclusion of the October 29, 2024 staff report, the September 2024 draft OPA presented therein is consistent with in-effect Provincial policy, and conforms with the Regional Plan (which is now an Official Plan of the Town of Oakville). Given the modest changes provided in the proposed OPA, staff confirm that the proposed OPA continues to be consistent with the Provincial Planning Statement, 2024 and conforms with the Region of Halton Official Plan for the reasons stated therein.

Subject to comments received at the January 20, 2024 Planning and Development Council meeting, a recommended OPA will be provided to Council for consideration of adoption at the February 18, 2025 Planning and Development Council meeting and following that, provided to the Minister of Municipal Affairs and Housing for approval.

In accordance with section 2.1 of the *Planning Act*, planning approval authorities are required to have regard to decisions of Council and the information and material that

was submitted to Council. On that basis, staff recommend that this report be shared with the Ministry of Municipal Affairs and Housing for their information.

APPENDICES:

- Appendix A Proposed Midtown Oakville and Community Planning Permit System Official Plan Amendment
- Appendix B November 27, 2024 Open House Panels
- Appendix C Responses to Questionnaire Regarding Draft Midtown Oakville & Community Planning Permit System OPA
- Appendix D Comments from Prescribed Bodies
- Appendix E Notice of Open House provided on Town's website
- Appendix F Notice of Statutory Public Meeting provided on Town's website
- Appendix G Growth Analysis Study, by Watson Consulting, November 2024 (Updated)
- Appendix H Studies Supporting the Proposed OPA Development and Its Implementation

Prepared by:
Sybelle von Kursell, MCIP, RPP
Manager, Midtown Oakville and Special Programs
Planning and Development

Recommended and Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning and Development