



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: February 18, 2025

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**FROM:** Planning and Development Department

**DATE:** February 4, 2025

**SUBJECT:** Recommendation Report – Midtown Oakville and Community Planning Permit System Official Plan Amendment

**LOCATION:** Midtown Oakville and Town-wide

**WARD:** Town-wide . Page 1

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#### RECOMMENDATION:

1. That Council adopt the recommended town-initiated Official Plan Amendment (OPA 70) for Midtown Oakville which provides area-specific and town-wide policies regarding related matters including the use of a Community Planning Permit System.
2. That By-law 2025-37, a by-law to adopt OPA 70 to the *Livable Oakville* Plan, be passed.
3. That notice of Council's decision to adopt OPA 70 reflect that Council has fully considered all written and oral submissions relating to this matter and that those comments have been appropriately addressed.
4. That staff prepare the prescribed record and submit OPA 70 to the Minister of Municipal Affairs and Housing for approval.

#### KEY FACTS:

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

- Staff recommend that Council adopt the Midtown Oakville and Community Planning Permit System Official Plan Amendment (OPA) as provided in Appendix A.
- Following the passing of the by-law to adopt the recommended OPA, the Clerk will submit the OPA along with required materials to the Minister of Municipal Affairs and Housing for approval.
- This report builds on the staff report prepared for the [January 20, 2025](#) Planning and Development Council meeting.
- The recommended OPA is compliant with the *Planning Act*, consistent with the Provincial Planning Statement, 2024, conforms with the Halton Region

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Official Plan (now an official plan of the Town of Oakville), aligns with the *Livable Oakville* Plan, and implements the Minister of Infrastructure’s Transit Oriented Community objectives.

- The development of the recommended OPA has occurred over several years and has been the subject of many Council, Committee of the Whole, and Special Council meetings, along with several public open house sessions. All of these engagement opportunities and materials that were made available at those sessions are listed on the Town’s [Midtown Oakville Growth Area Review](#) webpage.
- Adoption of this recommended OPA:
  - implements Council strategic priorities including efforts to address climate change and reduce greenhouse gas emissions;
  - advances the Town’s efforts to fulfill its [housing pledge](#);
  - implements the Town’s Urban Structure, which identifies Midtown as a primary strategic growth area and a protected major transit station area; and
  - constitutes Council’s position on how Midtown is expected to develop through the provision of various forms of new and improved infrastructure and development, in partnership with area landowners.

## **BACKGROUND:**

The recommended 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, including engagement with prescribed bodies, Mississaugas of the Credit First Nation, and Six Nations of the Grand River.

Key milestones in this process include:

- Council adopted Official Plan Amendment Number 15 (OPA 15) for a town-wide Urban Structure on September 27, 2017. The town-wide Urban Structure provides for the long-term protection of natural heritage, public open space and cultural heritage resources, maintains the character of residential areas and is the foundation to direct growth to identified nodes – including the Midtown Oakville – and corridors. OPA 15 has been fully in effect since July 9, 2021.
- Council provided direction through the [growth area review](#) in January 2018, which included recommendations to update Section 20 Midtown Oakville within the *Livable Oakville* Plan.
- Regional Official Plan Amendment Number 48 (ROPA 48) identifies Midtown Oakville as a Protected Major Transit Station Area (PMTSA) in accordance with the *Planning Act*. ROPA 48 was [approved](#) with eight modifications by the Minister of Municipal Affairs and Housing on November 10, 2021. This approval confirmed:

- the PMTSA boundary (encompassing 103 hectares of land that includes the Oakville GO and VIA Rail stations and a transit hub along with future Bus Rapid Transit Stations),
  - the minimum density target of 200 residents and jobs per hectare by 2031, and
  - accommodating a general target proportion of 65% residents and 35% jobs within this area.
- In December 2022, Council contemplated implementing a community planning permit system (CPPS) in Oakville through a request for report (see [item 17.3 of the Council meeting minutes](#)). This report request was satisfied by the White Paper entitled: [Planning Act Tools to Facilitate Development of Affordable Housing](#), presented to Planning and Development Council on March 18, 2024, followed by a presentation 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 27, 2024, an updated draft Official Plan Amendment informed by additional analysis and study, was released to the public for consultation and circulated to the Minister of Municipal Affairs and Housing.
  - Following several engagement events, including a Committee of the Whole workshop (October 10, 2024), Special Council Meeting (October 29, 2024) and a Public Open House (November 27, 2024), a “proposed” Official Plan Amendment was released on December 23, 2024.
  - A Planning and Development Council meeting, which constitutes the statutory public meeting for this OPA, was held on January 20, 2025. Public submissions were received by the Town Clerk and Council. These submissions and comments from Council were considered and informed the recommended OPA (Appendix A).

### **Proposal**

The purpose of the recommended Official Plan Amendment (OPA) is to update the land use policies applying to the Midtown Oakville as a Protected Major Transit Station Area (PMTSA) and to update related policies that apply on a town-wide basis, including policies that enable the use of a community planning permit system, in the *Livable Oakville* Plan (Official Plan).

The effect of the recommended amendment is described in Part 1 – Preamble, Section B of the adopting by-law (Appendix A).

### **Location & Site Description**

The recommended amendment applies predominantly to the Midtown Oakville area which is located south of the QEW/Highway 403 and north of Cornwall Road, between Sixteen Mile Creek and Chartwell Road as shown in Figure 1 below.

Parts of the recommended amendment also apply on a town-wide basis as noted in Part 2 – The Amendment (see Appendix A).

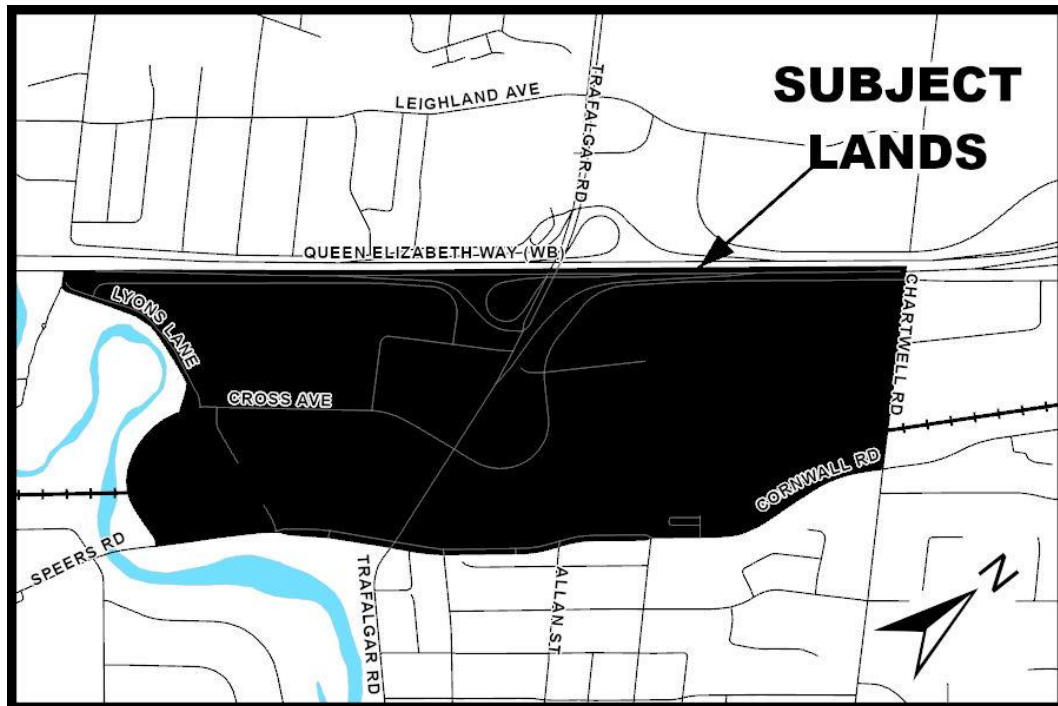


Figure 1 Midtown Oakville Area

## **PLANNING POLICY & ANALYSIS:**

The staff reports prepared for the [October 29, 2024](#) Special Council Meeting and the [January 20, 2025](#) Planning and Development Council Meeting provide a thorough analysis regarding the September 2024 [draft](#) and December 2024 [proposed](#) versions of this OPA. Given that the recommended OPA has not substantially changed, the rationale for the recommended OPA and its compliance and alignment with the Provincial Planning Statement, 2024, the Halton Region Official Plan, and the *Livable Oakville Plan* are not repeated in this report.

For the reasons provided in the [staff report](#) prepared for the October 29, 2024 Special Council Meeting this OPA:

- Has regard for matters of Provincial interest under section 2 of the *Planning Act*.
- Provides required policies regarding permitted land use and density in accordance with section 16 of the *Planning Act* as it relates to protected major transit station areas.
- Provides required enabling community planning permit system policies in accordance with Ontario Regulation 173/16 Community Planning Permits.

- Is consistent with the Provincial Planning Statement, 2024 as it relates to major transit station areas, strategic growth areas, provision of compact complete communities and transit supportive development, mitigation and adaptation to climate change, protection of natural and cultural heritage, land use compatibility, protection of public health and safety, and efficient use of existing and planned infrastructure, among others.
- Implements policies and schedules of the Halton Region Official Plan regarding the Midtown Oakville Protected Major Transit Station Area and planning for strategic growth areas in a manner that implements the Regional urban structure and efficiently uses land, resources, and infrastructure.

For the reasons provided in the January 20, 2025 Planning and Development Council [staff report](#), the recommended OPA supports the Minister of Infrastructure's five objectives for Transit Oriented Communities, which are:

- 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.

The OPA provides guiding policies for development in Midtown Oakville and a foundation upon which more detailed planning, assessments, and development proposals can be undertaken. Through the implementation of the updated policies and schedules provided in this OPA, the long term development of Midtown will evolve from a car-centric predominantly commercial, industrial and vacant land area to one that is compact, transit-supportive, vibrant and liveable for new residents, workers and visitors to this area.

The implementation of the OPA includes new transportation connections for all modes of travel (active transportation, transit and car travel) as well as storm, water and sanitary infrastructure that serves Midtown as well as areas beyond.

Over the long term, this area will benefit from more housing units for small and large households, and more opportunities for new jobs, community amenities, public service facilities (such as parkland, schools, library, community hub, and fire station), and an increased tree canopy.

Given the size of Midtown and the rate of growth anticipated in Oakville in general, the evolution of this area will take several decades; as such, all of these benefits will not be realized immediately. On-going monitoring and planning for this area is required to ensure that transit supportive development and the provision of infrastructure to support it occur in lockstep, and to ensure that this area is prioritised as an area to accommodate growth.

### **Recommended Official Plan Amendment (OPA)**

The recommended OPA is substantively the same as what was shared with Council and the Public at the January 20, 2025 Planning and Development Council meeting. Appendix B: Policy Comparison to this report highlights where changes to policies have been made since the December 2024 proposed OPA was released. As noted in the table, edits have been made in response to questions and comments from Council, landowners and the public; to provide more clarity and brevity to ensure the OPA follows the structure of the *Livable Oakville* Plan; and to address requests from the Ministry of Municipal Affairs and Housing on behalf of One Window Ministries.<sup>1</sup> (See Appendix C for a copy of the Ministry's comments.) There is an understanding that while some of the One Window comments could be addressed through this OPA, other comments would be addressed through a future more comprehensive town-wide Official Plan update.

As an amendment to the Official Plan, the Midtown OPA needs to be read and implemented in conjunction with the balance of the Official Plan. When developing the implementing tools such as guidelines and the community planning permit by-law, all relevant policies and schedules will be addressed.

### **OPA Statistics**

Based on the policies and schedules of the recommended OPA, a summary of some of the likely outcomes of implementing the OPA over the fullness of time is provided in Appendix D: Summary of Midtown Oakville Statistics. The estimates in this list are based on multiple assumptions, including that the policies of the OPA are implemented in full. This list of estimates is also based on studies undertaken to date regarding the provision of infrastructure to support Midtown and beyond.

### **TECHNICAL & PUBLIC COMMENTS:**

At the [January 20, 2025 Planning and Development Council meeting](#), Council requested that staff receive comments and report back on the following matters:

- Clarify sustainable development matters that can be mandated and those that can be encouraged or incentivized, including consideration of whole building life-cycle assessments as they relate to embodied carbon.
- Describe what will constitute the planned 12 hectares of parkland in Midtown.
- Explain why finalization of the transportation plan is proposed to follow the adoption of the Official Plan Amendment.

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<sup>1</sup> One Window Ministries include: Municipal Affairs and Housing; 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.

- Explain why the development of Midtown is anticipated to occur over 60 years based on the proposed permitted maximum densities.
- Explain how the Official Plan policies and schedules inform the development of bonussing provisions within the forthcoming community planning permit by-law.
- Confirm that holding provisions may be applied to development where there is a need to do so.
- Explain how affordable, special needs and rental housing are to be provided within Midtown.
- Explain how landowner agreement policies of the OPA are intended to be implemented.

The following provides a response to those matters:

### **Sustainability Measures**

Sustainable development is promoted based on a continuum and in accordance with legislation and policy in the OPA and in the *Livable Oakville* Plan. Table 2 below identifies measure where the Town is authorized to mandate certain sustainable measures per Provincial legislation or policy, and/or Regional Policy, as well as measures that are encouraged and may be incentivized through the implementation of the community planning permit system or other means such as a Community Improvement Plan.

The Official Plan and recommended policies of the OPA include policies to ensure that mandatory matters are addressed through the development review and approval process, and ultimately implemented. Recommended discretionary measures and suggested incentivized measures provided in Table 1 below are matters presently encouraged by official plan policies, and include new matters proposed in the recommended OPA.

*Table 1 1 Sustainable Development Measures*

<b>Authorized Mandatory Measures</b>	<b>Recommended Discretionary Measures</b>	<b>Suggested Incentivized Measures</b>
<ul style="list-style-type: none"> <li>• Compact urban form</li> <li>• Pedestrian facilities</li> <li>• Bicycle facilities</li> <li>• Transit facilities</li> <li>• Landscaping, including native species</li> <li>• Street trees</li> <li>• Street furniture</li> <li>• Stormwater management facilities and techniques</li> <li>• Green infrastructure (i.e., tree canopy, low</li> </ul>	<ul style="list-style-type: none"> <li>• Green roof</li> <li>• Blue roof</li> <li>• Cooling roof materials</li> <li>• Bird friendly design</li> <li>• Glazing ratio for energy efficiency</li> <li>• EV charging facilities</li> <li>• On-site renewable energy production (i.e., solar panels)</li> <li>• Renewable energy generation facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Green Buildings                             <ul style="list-style-type: none"> <li>– Renewable energy generation facilities</li> <li>– Measures towards achieving net-zero energy use and emissions</li> </ul> </li> <li>• Improved local transit facilities and transit user amenities</li> <li>• Contributions towards district/renewable</li> </ul>

Authorized Mandatory Measures	Recommended Discretionary Measures	Suggested Incentivized Measures
impact development, green walls) <ul style="list-style-type: none"> <li>• Flood hazard risk mitigation</li> <li>• Design buildings to:                             <ul style="list-style-type: none"> <li>- maximize solar energy,</li> <li>- minimize wind conditions on pedestrian spaces,</li> <li>- avoid excessive shadows on public realm</li> </ul> </li> <li>• Direct utilities underground, where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce embodied carbon energy in building materials (i.e., re-using materials; using lower carbon material, including tall timber; sourcing materials locally)</li> <li>• Target net-zero energy use and emissions</li> </ul>	heating/cooling/energy systems

*Consideration of Life Cycle Assessment*

The definition of a “life cycle assessment” (LCA) according to the International Organization for Standardization (ISO) [online browsing platform](#) is the “compilation and evaluation of the inputs, outputs and the potential environmental impacts of a product system throughout its life cycle”. A key component of an LCA when it comes to buildings is the carbon footprint of materials, also known as embodied carbon, which is the total of all greenhouse gases emitted or removed in the processes associated with the extraction, production, transportation to site, installation, use, refurbishment, replacement and disposal at end of life of materials, products and construction works.

The preparation a life cycle assessment as part of a development application is presently considered through policy 20.5.5 (c) where it states that development applicants may be required to provide a sustainable development report that identifies measures proposed to be undertaken to address policies of the Official Plan. Such a report could include a life-cycle assessment (LCA). LCA inclusion feasibility and compliance mechanisms will be explored as part of the green development standards project planned for 2025.

Following the Town’s finalization of Green Development Standards, new policies may be added to the Official Plan, as needed.

**Public Parkland**

Schedule L1 Land Use, designates existing parkland as “Parks and Open Space” and designates additional lands as “Parks (conceptual).” Collectively these designated areas are approximately 12 hectares. Through the redevelopment



process the precise size, configuration and location of the park will be determined. Presently, Cornwall Park and Lyons Lane Garden Plots provide 3.6 ha of parkland. Through additional land acquisitions, the Town has purchased 1.1 ha of land. This additional land will comprise portions of parkland identified along Lyons Lane in the Lyons Precinct and in the Chartwell Precinct of Midtown.

Through implementation of the Town's parkland dedication by-law, staff estimate an additional 5.5 to 6.3 hectares of land may be secured either as parkland or cash-in-lieu of parkland (which the Town may use to purchase parkland in desired locations, when they become available or are needed).

The balance of land (approximately 1 – 1.8 ha) may be secured using additional parkland reserve funds, negotiation with development proponents through the implementation of the CPPS, or through partnership with public agencies (i.e., school boards and Metrolinx).

### **Midtown Transportation Plan and Town-wide Transportation Master Plan**

The OPA is the foundational document providing the vision and an overall future development concept for Midtown. The OPA was informed by various studies, plans and analysis since 2018, which led to the development of Schedules L5 Transportation Network and L6 Active Transportation. As well, updated and new transportation-related policies are provided in sections 20.5 Functional Policies, 20.6 Implementation, and 28.19 Transportation Demand Management. The transportation and land use policies complement and support each other.

The [Midtown Transportation Plan](#) is being undertaken in accordance with the Municipal Class Environmental Assessment (MCEA) master plan process. This MCEA master plan work commenced in October 2023; it builds upon the analysis and policies developed through the Town's Official Plan and its development informs the recommended Midtown OPA. As per the requirements of the MCEA, following adoption of the Midtown OPA, the finalized Midtown Transportation Plan will develop a phasing strategy for the development of the Midtown transportation network, among other matters.

The purpose of the town-wide Oakville [Transportation Master Plan \(TMP\)](#) is to develop an equitable, sustainable, accessible, and connected transportation system that supports planned growth and enables the development of vibrant, people-oriented, and transit-supportive complete communities through 2051. The TMP work to date reveals that:

- some levels of automobile traffic congestion need to be tolerated and expected in key locations during peak hours,
- different modes of travel may work better in different areas of the town and for different types of trips, and

- that a greater focus on active transportation and transit improvements is required to accommodate overall mobility within Oakville.

Accordingly, the TMP will provide recommendations for guidelines, policies, programs and infrastructure improvements.

Figure 2 identifies the Midtown and broader area transportation network that will be addressed in the Midtown Transportation Plan and the town-wide Oakville Transportation Master Plan, respectively.

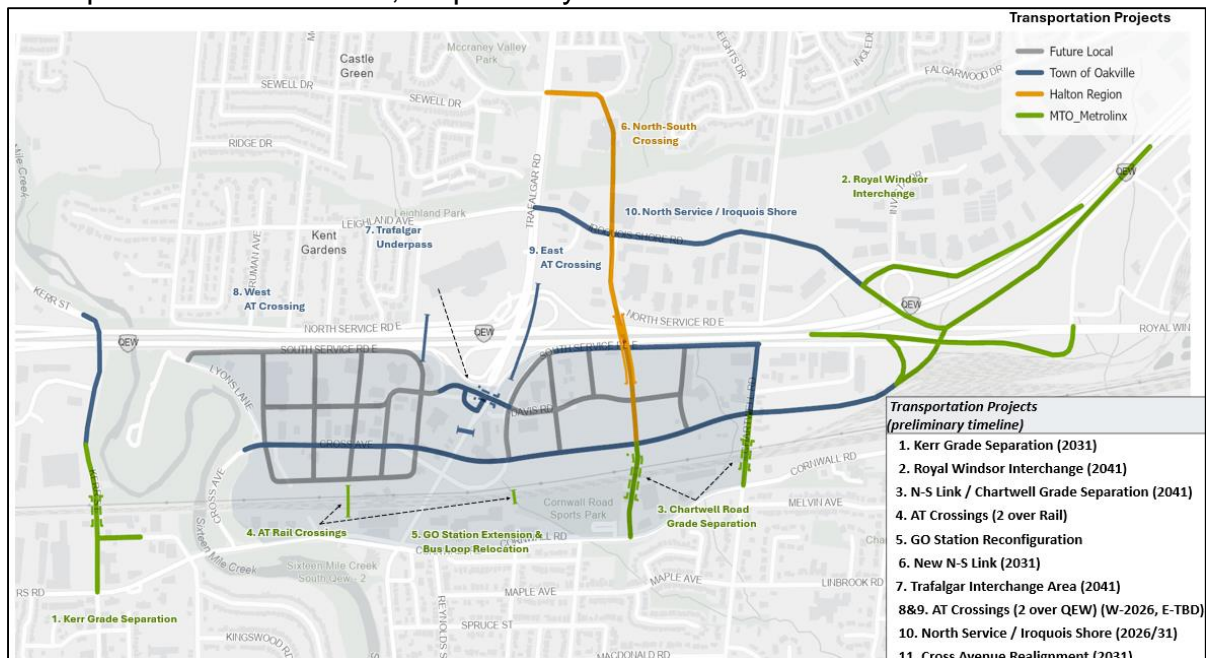


Figure 2 Transportation Network within and beyond Midtown

Given that the major pieces of infrastructure connecting Midtown to adjacent areas are serving Oakville and the existing community around Midtown more broadly and are not just supporting Midtown itself, it is important that the TMP and Midtown Transportation Plan complement each other and implement Official Plan direction.

The OPA Schedules L5: Transportation Network and L6: Active Transportation Network set the general alignment, and road rights-of-way within Midtown, while the transportation plans (TMP and Midtown Transportation Plan) inform the broader infrastructure components, phasing and implementation requirements.

Both the TMP and Midtown Transportation Plan are planned to be completed in Q3, 2025 with public consultation opportunities planned in May for the TMP, and in March and June for the Midtown Transportation Plan.

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### **Midtown Planning Horizon (Beyond 2051)**

Intensification or redevelopment of a built-up area typically takes more time than the development of greenfield areas, like North Oakville. Many properties have existing, successful businesses on them, and while it is important for this area to intensify, the OPA is structured in a manner that allows these businesses sufficient time and opportunity to reconfigure into an urban, high-density format.<sup>2</sup> On that basis, the evolution of Midtown is expected to be gradual and well beyond the 2051 horizon year. At the same time, the OPA endeavours to attract development that individually is transit-supportive by accommodating new residents and jobs that can use available and planned transit in the early years of the Plan's implementation.

The minimum density target of 200 residents and jobs per hectare (r&j/ha) by 2031 was first established by the Growth Plan for the Greater Golden Horseshoe, 2006. The target, with the 2031 date associated with it, is intended to be a means to prioritize intensification in Midtown versus other growth nodes for which there is no set time associated with achieving their minimum density target. This minimum density target continues to be recognized in the Regional Official Plan and in the Town's urban structure. This is an interim target for Midtown growth. This target is greater than the minimum 160 r&j/ha target provided in the Provincial Policy Statement 2024 for strategic growth areas served by existing or planned bus rapid transit (as is the case in Midtown). Neither of these targets are intended to be caps.

The total population and jobs within the Town is forecasted to be about 388,000 residents and 190,700 jobs by 2051 (Watson, November 2024). This town-wide forecast aligns with the Ministry of Finance forecast for Halton Region. Of the town-wide forecast, 5% of the total residents and jobs (i.e., 29,900 residents and jobs) is assumed to be located within Midtown by 2051. These forecasts are based on a series of assumptions. They are not a cap on total growth within the Town or Midtown specifically.

The OPA's density allocations provide minimum and maximum requirements on a development site basis to ensure that as Midtown redevelops, the objectives of the plan to evolve into a transit-supportive and complete community are achieved. The allocated densities take into consideration various matters, including the residents and jobs per hectare target, market trends, land use and land use compatibility, among others. Furthermore, the density allocations are provided to ensure that the Plan can achieve the minimum population and jobs, while giving policy direction and guidance that motivates development to occur in this area in a manner that responds to the needs of Oakville residents and businesses. These allocations are based on total gross floor area, which is then translated into residents and jobs. While the schedule identifies a maximum gross floor area, it does not establish a

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<sup>2</sup> Correspondence received from several landowners in Midtown have indicated their interest to redevelop at a pace that aligns with their business obligations and market demand, which may not align with the 2031 target nor the 2051 forecast.

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cap on residents and jobs within Midtown, as the Town does not control how many people live or work in an individual unit or a specific place of work.

### **Community Planning Permit System Implementation**

In accordance with Ontario Regulation 173/16, the OPA provides required policies to enable the use of a community planning permit system (CPPS). The CPPS will be used to guide, regulate and implement development in Midtown, in lieu of the town's Zoning By-law which regulates land uses and performance standards (i.e. setbacks). The CPPS will be enacted through a future by-law.

These policies include enabling conditions of development that can be applied prior to, at the time of, or following the issuance of a development permit, once the CPP by-law is in effect. Possible conditions include the ability to negotiate community benefit(s) in exchange for permitting an increase in density or height above established thresholds.

In the case of Midtown, the recommended OPA includes Schedule L4: Building Height Thresholds. This Schedule provides the threshold height that would be identified as permitted height in the CPP by-law. The CPP by-law would also include provisions which would allow an increase in height (provided the maximum density is not exceeded) that is commensurate with community benefit(s) in cash or, ideally, in kind that would be provided along with the proposed development. Policies 28.15.12 and 20.6.6 identify the types of community benefits that could be considered, these include matters such as the provision of affordable housing, public art, as well as specific infrastructure identified in the OPA such as pedestrian bridges. Through the CPP By-law, the Town will establish a transparent system and protocol for exercising this authority.

The “threshold” height, unlike maximum density, is not a matter to manage and plan for growth, and, therefore, no residents and jobs projections are provided in Appendix D in association with Schedule L4. Rather, the schedule is used to carry forward the Town's previous practice<sup>3</sup> of permitting buildings to be taller than threshold heights identified in the Official Plan in exchange for community benefits, where a development proponent chooses to maximize allocated site density.

### **Holding Provisions**

Recommended policy 28.15.8 (f) directs that the issuance of a development permit may be put “on hold”. At the time of development permit approval, this “hold” would be identified as a condition of development permit issuance. The holding condition would need to explain the reason for the hold and provide direction in terms of what must occur for the hold to be released, and the development permit issued.<sup>4</sup> This

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<sup>3</sup> In accordance with the bonussing provisions under the former Section 37 of the *Planning Act*.

<sup>4</sup> For more information regarding the CPPS, see Chapter 4, Appendix 4 and Appendix 5 of the [White Paper: Planning Act Tools to Facilitate the Development of Affordable Housing](#).

condition operates in a similar fashion to “holding provision by-laws” that the Town is authorized to pass under section 36 of the *Planning Act*.

## **Housing**

As noted in previous staff reports, the housing policies are permissive and enabling. Following the completion of the Town’s Housing Needs Assessment<sup>5</sup>, Inclusionary Zoning (IZ) enabling policies and updates to town-wide housing policies will be added to the Official Plan. Concurrent with the IZ enabling policies, the Town will adopt IZ provisions in the CPP by-law wherein a proportion of residential development will be required to provide affordable housing.<sup>6</sup>

In terms of the provision of special needs and rental housing, the OPA is permissive and enabling. In addition, the Town can work in partnership with providers of such housing, including non-profit organizations and Halton Region (the Housing Service Manager for Oakville) to provide such housing, in Midtown and other parts of the Town.<sup>7</sup>

## **Landowner Groups and Agreements**

As illustrated in Figure 2, some of the infrastructure that is required to support redevelopment within Midtown is required to be provided through the development approval process and funded by the individual development proponents. To assist with the co-ordination, funding and delivery of this infrastructure, section 20.6.4 of OPA includes policies regarding the creation of landowner group(s) and landowner agreement(s).

Landowners in Midtown acknowledge that there is a need for co-ordination and cost sharing, however they have indicated that in the context of Midtown, the formulation and administration of such a group is more challenging because not all landowners in Midtown plan to redevelop their lands in the same timeframe.

Based on feedback received, policy changes have been made to section 20.6.4 of the OPA. The OPA now recognizes that more than one landowner group may be established, and that rather than confirming participation in that group as a complete application requirement, that confirmation can be made as condition of draft plan of subdivision approval and issuance of a development permit. Until such time as the CPP By-law is in effect, this policy direction would similarly apply as a condition of site plan application approval.

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<sup>5</sup> The *Planning Act* and regulations require the completion of a housing needs assessment as prescribed in [Ontario Regulation 232/18](#) before the town is permitted to adopt inclusionary zoning policies requiring the provision of affordable housing.

<sup>6</sup> For more information regarding Inclusionary Zoning, see Chapter 3, Appendix 2 and Appendix 3 in the [White Paper: Planning Act Tools to Facilitate the Development of Affordable Housing](#).

<sup>7</sup> Chapter 2 of the [White Paper: Planning Act Tools to Facilitate the Development of Affordable Housing](#) provides more information regarding the roles and responsibilities related to the provision of housing.

As such the implementation of this policy would occur as shown in Figure 4 below.

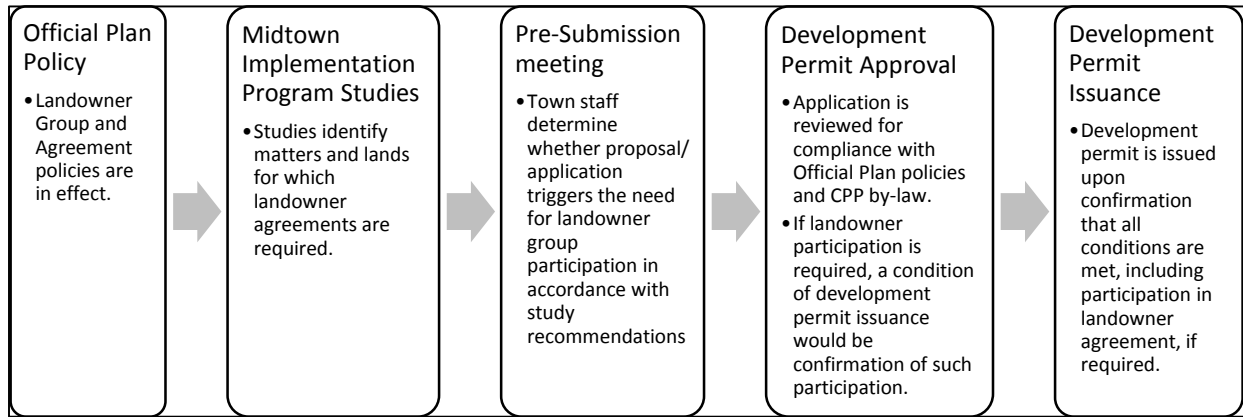


Figure 3 Landowner Agreement Process

### **Response to Additional Comments Received**

Appendix E provides a summary of comments received from the public since the draft OPA was first issued in September 2024. The appendix also provides additional staff responses to those comments, including links to past staff reports wherein the comment is addressed in a fulsome manner, and references to policies that have been revised in response to the comment provided.

### **NEXT STEPS:**

#### **Official Plan Amendment Approval**

On July 1, 2024, provisions of [Bill 185, Cutting Red Tape to Build More Homes Act, 2024](#), came into effect which now make the Minister of Municipal Affairs and Housing the approval authority for the Town’s Official Plan. While most amendments to the Official Plan are exempt from the Minister’s approval by way of [Ontario Regulation 525/97](#), Section 16 (18) of the *Planning Act* requires that the Minister retain approval of Official Plan Amendments that pertain to Protected Major Transit Station Area permitted uses and minimum density requirements.

Within 15 days of adopting the recommended OPA, the Town will issue notice of adoption and indicate that the OPA is subject to the Minister’s approval. In accordance with section 2.1 of the *Planning Act*, the Minister is required to have regard to decisions of Council and the information and material that was submitted to Council. Accordingly, the Town will provide a fulsome record including application form and fee to the Ministry of Municipal Affairs and Housing for its consideration.

#### **Ministerial Decision**

Per requirements under the Environmental Bill of Rights and its regulation, a notice of the Minister’s consideration of the adopted OPA will be placed on the

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[Environmental Registry of Ontario](#) (ERO). Public submissions regarding the OPA for the Minister’s consideration can be made through the ERO.

The Minister has authority to approve, modify and approve, or refuse the OPA as outlined in s. 17 of the *Planning Act*. However, should the Minister fail to make a decision within 120 days of receiving the Town’s complete application, the Town is permitted to appeal this failure to the Ontario Land Tribunal, unless a decision is made to suspend the approval time in accordance with section 17 (40.1) of the *Planning Act*.

The following protected major transit station area matters are not subject to appeal and will come into effect the day after the OPA is approved:

- Policies and schedules that identify the PMTSA boundary;
- Policies that provide a minimum density target in terms of residents and jobs per hectare;<sup>8</sup>
- Policies and schedules that authorize use of land, buildings and structures;
- Policies and schedules that identify minimum and maximum density of buildings or structures;
- Policies and schedules that identify minimum and maximum height of buildings or structures.

For the remaining matters, within 20 days of the Ministry’s notice of decision, the following may appeal the Minister’s decision to the Ontario Land Tribunal:

- A *specified person* who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council,
- A *public body* that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council,
- The registered owner of any land to which the plan would apply, if, before the plan was adopted, the owner made oral submissions at a public meeting or written submissions to the council, and
- The Town.

The terms *specified person* and *public body* are defined in [section 1 of the \*Planning Act\*](#).

If there are no appeals, the balance of the OPA will come into effect on the day after the last day for filing a notice of appeal.

Section 26 of the *Planning Act* requires regular updating of Official Plan policies to ensure conformity with provincial plans and consistency with provincial policy

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<sup>8</sup> The PMTSA boundary and minimum residents and jobs per hectare target are approved by the Minister through their approval of the Region of Halton Official Plan Amendment 48. The Schedules of the Recommended OPA simply reapply this boundary and policy 20.5.1 (e) restates the minimum residents and jobs per hectare density target.

statements. In Oakville’s case, this would involve a comprehensive review of the *Livable Oakville* Plan. When the Town completes its Official Plan Review Programme, a comprehensive amendment will be made that will be required to follow the various legislative steps under s.26, which have additional requirements from those under s.17.<sup>9</sup>

As has been the Town’s practice with other Strategic Growth Area Review OPAs, the Midtown OPA is being adopted under s.17 since it does not constitute a comprehensive Official Plan review under s.26.

### **Five-year Period for Community Planning Permit System matters**

In accordance with the section 17 of [Ontario Regulation 173/16](#), private applications to amend community planning permit system enabling official plan policies (in accordance with section 3 of the regulation) and/or provisions of the implementing CPP by-law are not permitted before the fifth anniversary of the day the implementing CPP By-law is passed, unless Council resolves to consider such applications. Table 1 of the [October 29, 2024 staff report](#) identifies the list of enabling official plan policies that are referred to in section 3 of the regulation and how those provisions are addressed throughout the OPA.

### **Current Development Applications**

Development applications are assessed against in-effect planning policies. Presently, there are several development applications in process. Some are at the early pre-submission stages, while others are matters before the Ontario Land Tribunal.

Pursuant to Section 2.1 of the *Planning Act*, approval authorities are required to have regard to Council’s decision when making their decisions. Council’s adoption of the OPA formalizes its position with respect to future development in Midtown.

While any new Midtown policies will be considered by the Tribunal, conformity with the adopted policies would not be required.

Four properties within Midtown are currently the subject of a proposal under the province’s Transit Oriented Community (“TOC”) program as well as subject to appeals regarding private development applications before the Ontario Land Tribunal. A decision by the province on the TOC may consider but is not required to conform with the town’s adopted policies.

### **Midtown Implementation Program**

Following adoption of the OPA, staff will continue progressing with the Midtown Implementation Program work, which includes the matters listed in Figure 5.

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<sup>9</sup> s.17(36.5); s.21(3)(b) of the *Planning Act*





Figure 4 Midtown Implementation Program, Phases 5 - 7

The majority of the Midtown Implementation Program is required to support the review of development applications and implementation of infrastructure. Consultation on work, such as: the Transportation and Stormwater Plans, Designing Midtown, Public Realm Plan, and Midtown Oakville Community Planning Permit By-law, will commence in the spring of 2025.

### **Community Planning Permit By-law**

The *Planning Act* requires the passing of the community planning permit by-law (CPP by-law) within one year of the Minister’s approval of this OPA, to ensure that provisions regarding the appeal of certain protected major transit station area by-law matters are upheld. As such, staff will develop the Midtown Oakville community planning permit by-law.

Consultation on provisions of the by-law will include the development of a Key Directions Report (summer 2025), followed by circulation of a draft by-law for review and comment (fall 2025). The development of the by-law will be informed by various studies, including the Housing Needs Assessment work (on-going), as well as urban design guidelines, the public realm plan, and other matters to be completed in the coming months.

### **Inclusionary Zoning**

Concurrent with the CPP by-law development, the Town will also prepare Inclusionary Zoning enabling policies and by-law provisions. These policies and provisions will be informed by the Town’s Housing Needs Assessment (Part 1 to be completed by March 2025, and the final HNA to be completed in summer 2025).

Drafts of the IZ enabling OPA and IZ by-law provisions will be shared with Council and the public concurrent with the CPP by-law development and consultation, in the fall of 2025.

Approval of the IZ enabling OPA will occur concurrently with the Midtown CPP by-law which will include the required inclusionary zoning by-law provisions (by winter 2026).

## **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 recommended OPA is responsive to comments and concerns received throughout the consultation process.

The recommended OPA is consistent with in-effect Provincial policy, conforms with the Regional Plan, and implements the Minister of Infrastructure's Transit Oriented Community objectives.

Adoption and approval of the recommended OPA will allow the Town and development community to work together to achieve the goals and objectives of the *Livable Oakville* Plan.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Further to the list of public engagement opportunities provided in the [January 20, 2025 staff report](#), staff have had meetings with representatives from the following:

- Ministry of Municipal Affairs and Housing,
- Mississaugas of the Credit First Nation,
- First Capital REIT, and
- The landowner and representatives of 142 Cross Avenue.

Copies of all submissions received are provided with the following meeting minutes:

- [October 29, 2024 – Special Council Meeting](#)
- [January 20, 2025 – Planning and Development Council Meeting](#)
- February 18, 2025 – Planning and Development Council Meeting

Staff have taken into consideration all comments received along with direction from provincial and regional plans and legislation to recommend a plan for Midtown that meets the needs of Oakville residents and businesses, provides direction for viable development, and implements higher-order objectives associated with planning socially, economically, environmentally and fiscally sustainable development.

**(B) FINANCIAL**

Following adoption of this Official Plan Amendment, the OPA must be submitted to the Minister of Municipal Affairs and Housing for approval. The Town is required to prepare an application and record as prescribed in [Ontario Regulation 546/06](#). The Town is required to pay an application fee of \$14,065.00.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Numerous town departments have been involved in the preparation of the Midtown OPA. Following adoption and approval of this Official Plan Amendment, staff will undertake more detailed planning as noted above, including development of the CPP by-law and undertaking Midtown Oakville Implementation Program phase 5 – 7 work.

Following the passing of the CPP by-law which implements the policies of this OPA, development permits may be approved and issued. Through consultation on the CPP by-law, the administration of these development permits will be clarified, and any operational changes will be considered and applied as needed.

On-going monitoring of the implementation of this OPA is required to ensure that the goals and objectives of the *Livable Oakville* Plan are being met.

**(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 recommended 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 Greenhouse Gas reduction opportunities. The recommended 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. Recommended 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.

**APPENDICES:**

Appendix A – By-law 2025-037; OPA No.70

Appendix B – Policy Comparison

Appendix C - Comments from the Ministry of Municipal Affairs and Housing

Appendix D - Summary of Midtown Oakville Statistics

Appendix E - Summary of Comments Received since the release of draft OPA in  
September 2024.

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