

REPORT

Planning and Development Council

Meeting Date: April 22, 2025

FROM: Planning and Development Department

DATE: April 8, 2025

SUBJECT: Implementation of Bills 23, 97 and 185 - Amendments to Site Plan Control - By-law 2025-033

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION

That By-law 2025-033, a by-law to establish site plan control, delegate authority with respect to the approval of site plans within the Town of Oakville, and to repeal By-law 2022-093 and amend By-law 2023-021, attached as Appendix B, be passed.

KEY FACTS

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

- Site plan control is a planning tool that municipalities use to evaluate and guide site-specific development. To simplify existing land use planning review processes and increase housing supply, the Province has introduced legislative changes that restrict the scope of site plan control in Ontario.
- Bill 23 introduced changes to the site plan control application process, including exemptions for residential developments with 10 or fewer units and the removal of the ability to regulate exterior design elements.
- Bill 97 reintroduced site plan control for residential developments of 10 units or fewer within proximity of a 'prescribed area'.
- Bill 185 exempted certain classes of post-secondary institutions from the *Planning Act*, including from Site Plan Approval.
- To implement the legislative changes to the *Planning Act* regarding site plan control, staff are proposing to establish an updated Site Plan Control By-law.

BACKGROUND

Site plan control is a planning tool used by municipalities to evaluate and guide site-specific development, focusing on elements such as parking configuration, landscaping and massing of buildings. In conjunction with other planning tools such as zoning by-laws, site plan control ensures land development is appropriate, well designed, and compatible with the surrounding area.

Bill 23 – More Homes Built Faster Act

Through Bill 23, the *More Homes Built Faster Act*, 2022, introduced several changes to the *Planning Act*, limiting the scope of site plan control for municipalities. These changes include:

- Exempting residential development of 10 units or fewer; and
- Removing the ability to secure exterior design matters.

These changes were intended to accelerate the approval of new homes and reduce costs for applicants.

Bill 97 – Helping Homebuyers, Protecting Tenants Act

Bill 97, the *Helping Homebuyers, Protecting Tenants Act*, 2023, introduced further amendments to the *Planning Act*. Notably, it reintroduced site plan control for residential developments of 10 units or fewer within proximity of a 'prescribed area' as described in Ontario Regulation 254/23 (O. Reg. 254/23).

A 'prescribed area' being:

- Any area that is within 300 m of a railway line¹.
- Any area that is within 120 m of:
 - a wetland,
 - the shoreline of the Great Lakes-St. Lawrence River System,
 - an inland lake, or
 - a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

These changes were intended to recognize instances where site plan control could be a valuable tool to address land use sensitivity and compatibility matters and to avoid unintended environmental impacts.

¹ The following railway lines are excluded:

1. a railway line to which the Canada Transportation Act (Canada) applies and whose operations have been discontinued under section 146 of that Act;
2. an abandoned railway line to which the Canada Transportation Act (Canada) does not apply; and
3. a railway line on which the only railway that operates is an urban rail transit system.

Bill 185 – Cutting Red Tape to Build More Homes Act

Bill 185, the *Cutting Red Tape to Build More Homes Act*, 2024, exempted certain classes of post-secondary institutions from the requirements *Planning Act*, including Site Plan Approval for housing projects. These classes of post-secondary institutions include publicly assisted universities, as well as colleges and universities federated or affiliated with a publicly assisted university.

COMMENTS

The changes to the *Planning Act* are intended to simplify existing approval processes and recognize the role of the site plan control process as a technical review of implementation details of a development.

The proposed by-law removes the site plan approval requirement for residential developments with 10 or fewer units, except when located near a 'prescribed area,' as defined in O. Reg. 254/23.

Additionally, By-law 2025-033 eliminates references to partial site plan approval and requires that developments described in Bills 23 and 97 must go through the site plan process. A *Site Plan Guide* (Appendix "A") has been prepared to clarify which types of development can proceed through a scoped site plan review process (formerly referred to as "DESP") and which will require full site plan approval. The guide will be made available on the website.

It is important to note that site plan approval is still required for all non-residential developments, including: commercial, institutional, employment and mixed-use proposals.

Lastly, incidental changes to By-law 2023-021, the *Municipal Powers and Duties By-law*, are included in By-law 2025-033 to maintain consistency between the two by-laws.

To align with the requirements of Bills 23, 97 and 185 and in accordance with provincial direction, staff recommend repealing the existing Site Plan Control By-law 2022-093, as amended, and replacing it with By-law 2025-033.

By-law 2025-033 is attached as Appendix "B".

CONSIDERATIONS

(A) PUBLIC

Members of the public have not been consulted since the By-law implements changes required by provincial legislation or makes changes which are considered minor.

(B) FINANCIAL

There are no financial consequences of this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priority/priorities:

This report addresses Council's strategic priority of "Accountable Government" by amending the site plan by-law to reflect changes in provincial legislation.

(E) CLIMATE CHANGE/ACTION

Minimizing climate change is a consideration that is reflected in the standards applied during the evaluation of site plan applications.

APPENDICES

Appendix "A" – Site Plan Guide

Appendix "B" – By-law 2025-033, A by-law to establish site plan control, delegate authority with respect to the approval of site plans within the Town of Oakville, and to repeal By-law 2022-093 and By-law 2023-021

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