

# Midtown Oakville

## Preparing the Community Planning Permit By-law

### Key Directions Report

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For Public Consultation

June 2025

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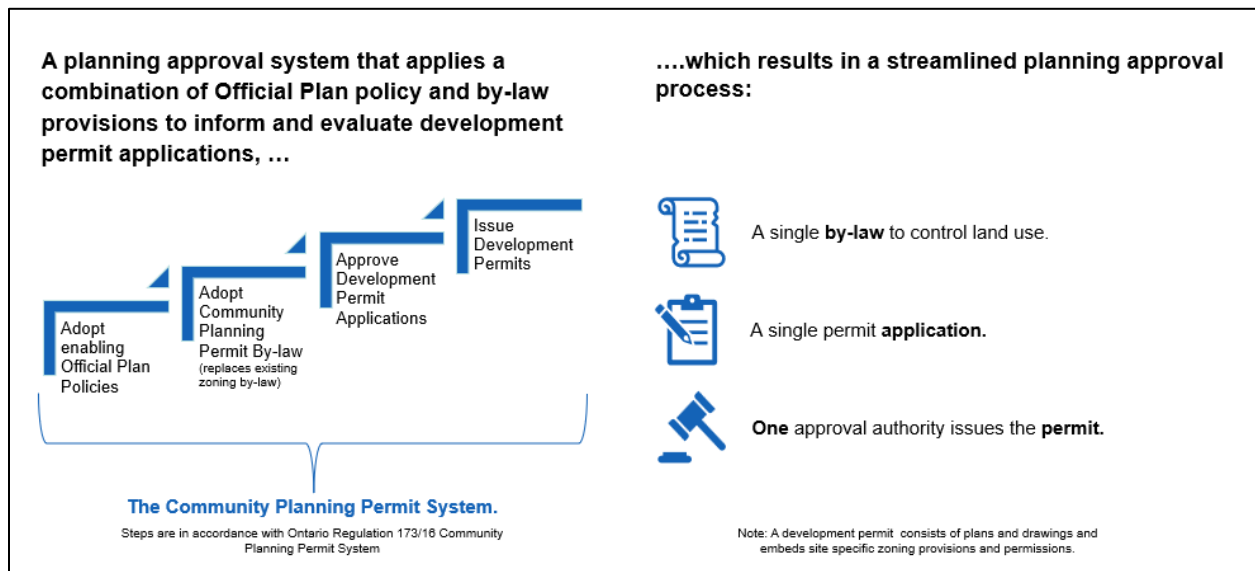
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# 1. Introduction

## 1.1. Purpose of Report

In February 2025, Council adopted “Midtown Oakville and Community Planning Permit System Official Plan Amendment” (OPA 70). This amendment to the Livable Oakville Official Plan (Official Plan or OP) provides development direction for both public and private city building initiatives. This amendment also enables the Town to implement the Official Plan through a community planning permit system (CPPS). As illustrated in figure 1, the CPPS is a planning system that starts with enabling and community building **policies in the Official Plan**, which are implemented in **Community Planning Permit By-law** and then relies on the approval of **development permit applications** and **issuance of development permits** to provide site specific planning and development permission.



**FIGURE 1 STEPS AND RESULTS OF THE COMMUNITY PLANNING PERMIT SYSTEM**

OPA 70 identifies Midtown Oakville as a Community Planning Permit Area, and as such, the Town is authorized to prepare a Community Planning Permit By-law (CPP by-law) for this area. Since this is the first CPP by-law the Town is preparing, Council, staff and the public need to work together to develop the by-law framework and contents.

The purpose of this report is fourfold:

- To be used as a **consultation tool** to inform Council and the public about key elements to be addressed in the forthcoming Community Planning Permit By-law;
- To provides **options** regarding key elements of the by-law;
- To identify **recommended options** for Council endorsement; and
- To provide the rationale and **strategic framework** for staff to draft the CPP by-law.



### 1.2. Midtown Oakville Context

Midtown Oakville is the Town's primary strategic growth area. It is approximately 103 hectares in size and bounded by the QEW to the north, Chartwell Road to the east, Cornwall Road to the south and the Sixteen Mile Creek valley to the west. OPA 70 enables the use of CPPS and provides a vision and planning objectives for Midtown Oakville, along with policies and schedules to achieve those objectives and the vision. It also identifies Midtown Oakville as a Protected Major Transit Station Area (PMTSA), given that this area is serviced by GO Transit, VIA Rail, and Oakville Transit. In accordance with the *Planning Act*, areas identified as PMTSA are eligible to implement inclusionary zoning policies and provisions. The forthcoming CPP by-law is required to conform with all applicable Official Plan policies.

As has been documented in staff reports listed in the [Past Meetings and Information](#) section of the Midtown Growth Area review website, and the White Paper: [Planning Act Tools to Facilitate the Development of Affordable Housing](#), using the community planning permit system in Midtown provides several potential benefits to the Town, the broader community and to the development industry. These benefits include:

- A streamlined development approval process, via the one application and one approval authority,
- More opportunities for the Town to work in partnership with developers to provide community benefits within their development site and/or area, including matters such as public parkland, affordable housing, and sustainable development elements, and
- More flexibility for development to achieve Official Plan objectives, without having to go through cumbersome approval processes.

While (at the time of writing this report) the OPA is presently with the Ministry of Municipal Affairs and Housing for approval<sup>1</sup>, the Town is proceeding with developing the CPP by-law to ensure that this by-law is passed expeditiously.

### 1.3. Foundations for Preparing a CPP By-law

#### 1.3.1. *Planning Act* and Ontario Regulation 173/06

Where the Community Planning Permit System (CPPS) is in effect, approval of development is based on meeting provisions of the CPP by-law, including any criteria and permission for variation from standards within the by-law. Development permits may be issued with conditions that are to be met prior to or after a permit is issued. These conditions may include requirements to provide affordable housing, as well as other community benefits. The issued development permit results in a product that is a combination of what we see in a site plan approval as well as site-specific zoning provisions and minor variance permissions. What is different is the process to achieve those results, which is based on one application one approval authority process. Furthermore, when evaluating a development permit application and issuing the development permit, the Town has more authority to work with the applicant to ensure that the proposed development addresses Official Plan policies regarding: character,

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<sup>1</sup> The comment period for OPA 70 on the [Environmental Registry of Ontario](#) is from May 15, 2025 to June 29, 2025.

scale, appearance and sustainable design features of the proposed building and site than it does through the traditional site plan process.<sup>2</sup>

### 1.3.2. OPA 70 – Midtown Oakville and Community Planning Permit System

OPA 70 provides the enabling policies for the Town to establish a Community Planning Permit By-law for Midtown Oakville. These adopted policies are predominantly provided in Sections 20 Midtown Oakville and 28.15 Community Planning Permit System. As noted in Figure 2, these policies provide the vision, goals and objectives for Midtown and for implementing a CPPS in Midtown Oakville. These policies also provide land use permissions and prohibitions, development standards, including minimum and maximum density of development on a block by block basis, direction regarding urban design and community character and mix of use; direction regarding the provision of public realm including streets, multi-use trails, parks, schools, stormwater management, and sub-surface infrastructure, as well as direction regarding implementation and monitoring of policies. Furthermore, the policies provide direction regarding the imposition of various conditions that may be associated with development approval, criteria for decision making, and permission to allow a variation to established standards.

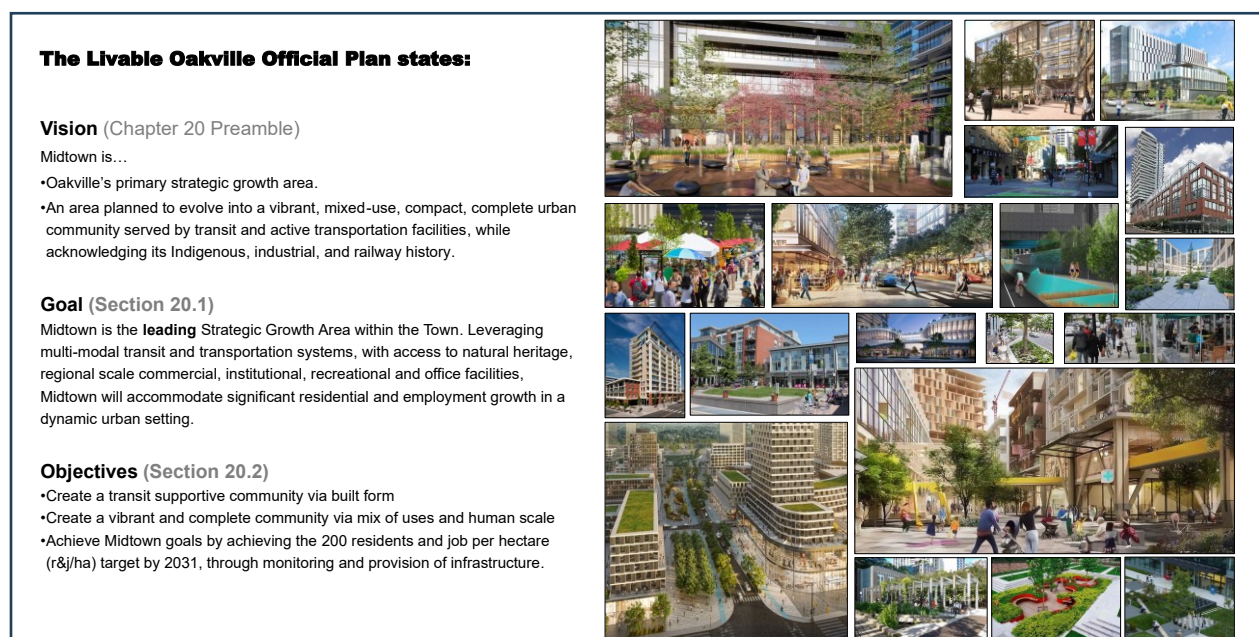


FIGURE 2 MIDTOWN VISION, GOAL AND OBJECTIVES

<sup>2</sup> O. Reg. 173/16, Schedule 1, section 2 (iv) states that development permit applications are to display “matters relating to **exterior design**, including without limitation the character, scale, appearance and design features of the proposed building, and its sustainable design, but only to the extent that it is a matter of exterior design, if the Official Plan contains provisions relating to such matters” (Ontario Government, 2021), whereas this same provision does not apply in the case of site plan applications.

### 1.3.3. Midtown Oakville Preparing the CPP By-law Key Directions Report

This Key Directions report:

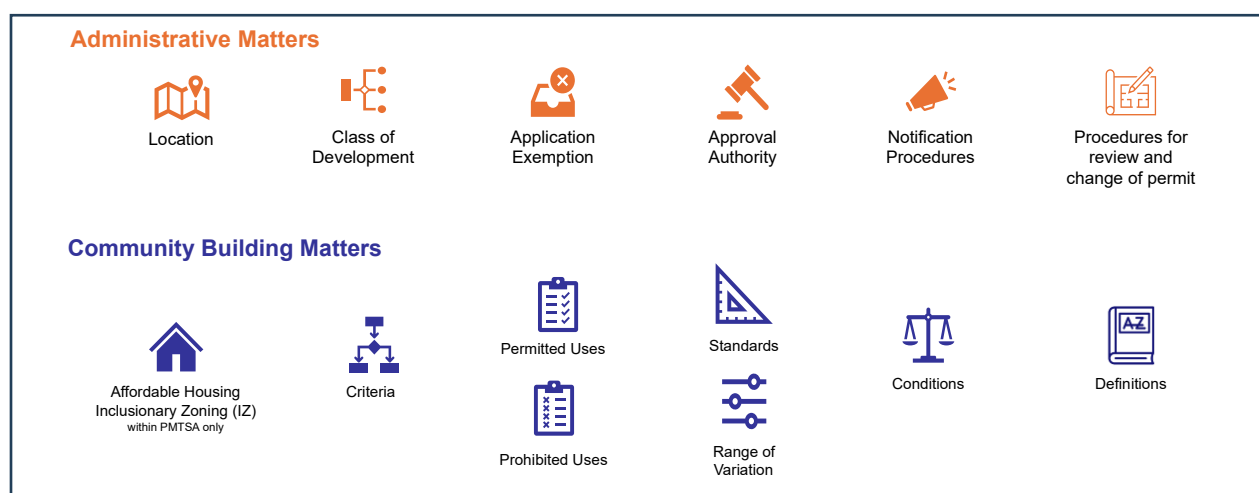
- Identifies the purpose of key elements of the forthcoming CPP by-law,
- Provides context and considerations for preparing those elements,
- Includes options as to how those elements could be addressed in the by-law, and
- Recommends key directions for their formulation.

With this information, staff, Council and the public, will have a clear understanding of what to expect in terms of a draft by-law for further consultation.

## 1.4. Scope of By-law

The Official Plan polices are those that provide the vision and means to achieve the vision for Midtown Oakville and directs planning for Oakville as a whole. The By-law must conform with the Official Plan.

O. Reg. 173/16 provides direction regarding the contents of a CPP By-law which include administrative and community building matters, as shown in Figure 3.



**FIGURE 3 ELEMENTS TO BE PROVIDED IN A COMMUNITY PLANNING PERMIT BY-LAW**

### 1.4.1. Administrative Elements

The following administrative matters are discussed in Section 2 of this Report:

- Location
- Classes of development, including matters that may be exempt from having to apply for a development permit,
- Approval authority and the scope of their approval for development permit applications,
- Giving notice of development permit applications and decisions; and
- Procedure for reviewing permit applications and changing permit approvals.

### 1.4.2. Community Building Elements

The following community building matters are discussed in Section 3 of this Report:

- Affordable housing;
- Criteria for decision making;
- Permitted, prohibited, and existing land use;
- Development standards and variation from those standards;
- Conditions of development permit application approval; and
- Mapping (boundary, zones, height, density, etc.).

### 1.4.3. Commensurate Community Benefit

Section 4 of this report discusses OPA 70 policies regarding the Town's ability to permit building heights that exceed thresholds provided in the Official Plan, subject to conditions that result in the provision of additional community benefit. This section considers options regarding how to determine the proportional relationship between permitted height and community benefit.

## 1.5. Recommended Key Directions

Section 5 of this report provides a comprehensive list of Key Directions based on the discussion provided in the previous sections of this report and consultation to date. These Key Directions will inform the development of the Draft Community Planning Permit By-law for Midtown Oakville, which will be released for public consultation prior to finalization.

## 2. Administrative Elements

As noted in the White Paper: [Planning Act Tools to Facilitate Development of Affordable Housing](#), the general intention of using the Community Planning Permit System is to streamline development approval. For Midtown, this streamlining takes place by first establishing enabling, visionary, and land use policies in the Town's Official Plan through the adoption of OPA 70. This streamlining then continues with the passing of the CPP by-law, which effectively pre-zones all of the land in Midtown Oakville to conform with the Official Plan policies and schedules. Once established, landowners apply for development permits that are in conformity with the CPP by-law. The review and approval of development permit application is subject to processes identified in the CPP by-law.

The approval authority is guided by the Official Plan policies, the CPP by-law provisions and other related guidance material to evaluate the application, and issue a development permit. This review and evaluation is expected to occur within 45 days of receiving a complete application for the development permit. As such, the process must facilitate decision making in a timely manner.

In developing a Community Planning Permit By-law, Ontario Regulation 173/16 identifies several administrative provisions to be included in the by-law, as noted in Table 1 below. It is intended that these provisions would be applicable anywhere in the Town where a CPP by-law is established, starting with Midtown Oakville.

**TABLE 1 ADMINISTRATIVE PROVISIONS OF A COMMUNITY PLANNING PERMIT BY-LAW**

Theme	By-law Provisions Per O. Reg.	Options to Discuss/Consider
LOCATION	Describe area to which the by-law applies (O. Reg. 173/16 s. 4 (2) (a))	See Section 2.1
DEV'T PERMIT REQUIREMENT	Prohibit any development or change of use of land without a development permit (O. Reg. 173/16 s. 4 (3) (a))	See Section 2.2
CLASS OF DEV'T	Set out and define classes of development (O. Reg. 173/16 s. 4 (3)(b))	See Section 2.2
EXEMPTION	Exempt classes or uses of land from requiring a development permit (O. Reg. 173/16 s. 4 (3)(c))	See Section 2.2
PORTABLE CLASSROOM	State that placement of portable classrooms on school sites of a district school board is exempt from seeking a permit if the school was in existence on January 1, 2007. (O. Reg. 173/16 s. 4 (2) (k))	See Section 2.2 (exemption)
DELEGATED AUTHORITY	Set out the scope of the authority that is delegated and any limitations on the delegation. (O. Reg. 173/16 s. 4 (2) (j))	See Section 2.3
NOTICE	Manner for which Notice will be given regarding permit application <b>decisions</b> to applicants and those who have requested notice of decision (O. Reg. 173/16 s. 4 (2) (e))	See Section 2.4
PROCEDURES	Internal review procedures regarding decisions for issuing permits (O. Reg. 173/16 s. 4 (2) (d))	See Section 2.5
PERMIT CHANGES	Acknowledge that permits may be amended, and describe how the amendment could occur (O. Reg. 173/16 s. 4 (2) (f))	See Section 2.5
AGREEMENTS	Acknowledge that agreements associated with a <b>condition</b> or <b>a pre-existing site plan agreement</b> may be amended, and describe how the amendment could occur (O. Reg. 173/16 s. 4 (2) (g & h))	See Section 2.5



### 2.1. Location

In accordance with OPA 70, wherein Midtown Oakville is identified as a CPP area, the by-law will include a map indicating that the by-law is specific to the Midtown Oakville Area (see figure 4).

For efficiency, the by-law will be structured in a manner that would allow other areas of the Town to be added to the by-law, should Council adopt Official Plan amendments that identify new areas of the town as CPP Areas.



**FIGURE 4 MIDTOWN OAKVILLE AREA**

### 2.2. Classes of Development and Exemptions

O. Reg. 173/16 defines “development” for the purpose of issuing development permits as follows:

- (a) the construction, erection or placing of one or more buildings or structures on land,
- (b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,
- (c) the laying out and establishment of,
  - (i) a commercial parking lot,
  - (ii) sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Act,
  - (iii) sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Act, or
  - (iv) sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,
- (d) site alteration, including but not limited to,
  - (i) alteration of the grade of land, and
  - (ii) placing or dumping fill, or
- (e) the removal of vegetation. (Ontario Government, 2021)

As such, a development permit may address matters that are addressed through site plan control, and may also address matters that are typically addressed via site alteration and tree protection by-laws.

Addressing all three matters through one application results in an efficient and streamlined process. However, where an application is only in relation to tree protection and/or site alteration, it may be preferable to address that matter without having to apply for a development permit.

At the outset, the Regulation stipulates that all development is prohibited unless approved by a development permit. To that end, the O. Reg. 173/16 provides municipalities with the option to exempt matters and/or to identify “classes of development” within the CPP by-law. Exemptions could apply to matters that are equally or better addressed through other by-laws, and/or for minor matters that do not typically warrant a planning application to be made, to ensure that the CPP by-law’s intent to streamline development is implemented.

By establishing classes of development, the imposition of the by-law may differ from one class of development to another. By establishing classes of development, the Town may impose different fees, processes, types of notice, and other matters.

### 2.2.1. Considerations

Based on a jurisdictional scan of in-effect CPP by-laws, the approach to listing classes of development varies. Most municipalities apply an approach based on simple versus complex applications, and as such assign different fees and approval processes based on the class of development. For some such by-laws, the class of development may also be based on type of land use and/or built form. Given that development within Midtown is largely for mixed-use medium to high-density development, built-form considerations are less of a differentiating factor to consider when establishing classes of development.

When considering options for classes of development and exemptions, current Town practices with similar applications are informative. Table 2 below provides an overview of similar planning applications in terms of how they include/do not include classes of development and exemptions, the range of fees that are charged in accordance with those applications, penalties and/or appeals of decisions that may apply, and the type of supporting information an applicant would be required to provide. This information provides an overview of some practical matters when determining whether classes of development should be identified, and if so matters that may influence how to differentiate between such classes.

**TABLE 2 TOWN'S CURRENT PRACTICE REGARDING CLASSES OF DEVELOPMENT**

Application Type	Class of Development/ Exemptions	Fees	• Appeal • Penalty	Technical Studies
<i>Site Plan Control</i>	See Sections 4- Class of Development and Section 5 Exemptions of <a href="#">by-law</a>	<ul style="list-style-type: none"> <li>Base fee</li> <li>Per unit</li> <li>Per 100m<sup>2</sup> non-res. GFA</li> <li>Agreement fee</li> <li>Extension of approval</li> <li>Final Approval</li> <li>Site supervision (% of construction value)</li> </ul>	<ul style="list-style-type: none"> <li>Appeal lack of decision, decision, seek direction re: complete application via Ontario Land Tribunal</li> <li>Penalty per <i>Planning Act</i> s. 67</li> </ul>	<ul style="list-style-type: none"> <li>Plans &amp; Drawings, and Reports</li> <li>Survey, landscape plan, servicing and grading plan, traffic impact study, noise and vibration study, etc. See adopted OP policies 28.19</li> </ul>

Application Type	Class of Development/ Exemptions	Fees	<ul style="list-style-type: none"> <li>• Appeal</li> <li>• Penalty</li> </ul>	Technical Studies
<b>Minor Variance</b>		<ul style="list-style-type: none"> <li>• Base fee</li> <li>• Agreement fee</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal decision via Ontario Land Tribunal</li> <li>• Penalty per <i>Planning Act</i> s. 67</li> </ul>	<ul style="list-style-type: none"> <li>• Application</li> </ul>
<b>Minor Zoning By-law Amendment</b> (includes temporary use and removal of holds)	Per OP Policies – see <u>OPA 67</u> for “class of development”	<ul style="list-style-type: none"> <li>• Base and per unit fee</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal lack of decision, decision, seek direction re: complete application via Ontario Land Tribunal</li> <li>• Penalty per <i>Planning Act</i> s. 67</li> </ul>	<ul style="list-style-type: none"> <li>• Application</li> </ul>
<b>Tree Protection</b>	Exemption - Matters subject to site plan or site alteration application	<ul style="list-style-type: none"> <li>• Protection fee</li> <li>• Removal fee (per tree, size dependent)</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant may appeal decision to the “Appeals Committee within 21 days of decision. (See section 8)</li> <li>• Penalty: See section 9 - 10</li> </ul>	<ul style="list-style-type: none"> <li>• Arborist report</li> <li>• Tree protection plan</li> </ul>
<b>Site Alteration</b>	Exemption - See Schedule B of <u>by-law</u> , includes matters subject to site plan application.	<ul style="list-style-type: none"> <li>• Base fee (application type dependent)</li> <li>• Inspection fee</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal: n/a</li> <li>• Penalty: See Section 13 – 15 of by-law</li> </ul>	<ul style="list-style-type: none"> <li>• Site Alteration Plan, Arborist report, Tree protection plan</li> <li>• See also Schedule D</li> <li>• Site Alteration Agreement</li> </ul>

## 2.2.2. Options

### 2.2.2.1. Exempt Matters

Given the scale of development that is anticipated to occur in Midtown, most matters would be subject to the development permit application process. However, certain matters that are presently exempt from similar processes (i.e. site plan control) should continue to be exempt and follow alternative processes (if applicable). These matters include proposals for:

- tree removal (where the removal is unrelated to new development or expansion to existing, the exemption would allow the current tree protection by-law process to apply)<sup>3</sup>

<sup>3</sup> For tree removal that will be addressed through the development permit application process, the Town’s Tree Protection by-law will need to be amended to exempt those matters.



- site alteration (where the site alteration is unrelated to new development or expansion, the exemption would allow current site alteration by-law process to apply)<sup>4</sup>
- a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
- a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres;
- a temporary building or structure on public lands allowed through a municipal permit; and
- the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007<sup>5</sup>.

### 2.2.2.2. Classes of Development

As noted in the definition of development under the CPPS process, a wide range of matters may be subject to a development permit application. Assuming the above matters are indeed exempt from the development permit application process, the balance of matters would continue to be subject to this process. Consideration must be given to whether the remaining matters should be sub-classified and if so for what purpose.

The Town's current site plan control by-law provides the following classes of development that are based on land use:

- Medium and high-density residential development
- All non-residential development
- All other types of development
- A temporary building or structure erected and used for a maximum of six consecutive months, provided the structure is located on a property with existing development<sup>6</sup>
- A temporary sales office
- A commercial parking lot (Town of Oakville, 2025)

When determining classes of development, consideration should be given to matters such as: fees, notice of application, notice of decision, imposing mandatory or discretionary procedural steps, and imposing variation to complete application requirements. For example, a temporary sales office is likely not to require notice of application, would be subject to minimal complete application requirements and as such, be subject to minimal review time by staff and to a nominal fee. On the other hand, an application for new mixed-use/high-density development is likely to require plans and elevations that are supported by various technical reports which will require the review of many more staff, and warrant notice of application to a broad set of technical reviewers, and thereby require payment of a larger fee. Given these considerations, it is important for development proponents to understand upfront what class of development is applicable to them, and to understand which of the aforementioned parameters would be applicable.

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<sup>4</sup> For site alteration that will be addressed through the development permit application process, the Town's Site Alteration by-law will need to be amended to exempt those matters.

<sup>5</sup> This is required per O. Reg. 173/16.

<sup>6</sup> This is an exempt matter under site plan control, however, since the development permit is also used to permit temporary uses, it is noted in this list of potential classes of development.

Table 3 provides a list of potential classes of development that may be identified in the by-law, along with related administrative factors that may differ from each other as it relates to each class of development.

**TABLE 3 EXAMPLE CLASSES OF DEVELOPMENT AND ASSOCIATED ADMINISTRATIVE FACTORS**

Class	Description	Resulting Administrative Factors			
		Notice to the Public	Approval Process <sup>7</sup>	Complete Application Requirement	Fee <sup>8</sup>
1	Parking Lot (new or change to)	Notice of Application and Notice of Decision	Mandatory steps only	Plan	Base
2	Temporary Sales Office <b>or</b> Other Temporary Use (less than 6 months)	Notice of Application and Notice of Decision	Mandatory steps only	Plans & Drawings	Base
3	Expansion to existing building <b>or</b> Other Temporary Use (more than 6 months)	Notice of Application and Notice of Decision	Mandatory + Selective Discretionary Steps	Plans & Drawings Selective Supporting Studies	Base + \$ associated with scale of development
4	New Development (not defined as Class 1, 2 or 3)	Notice of Application and Notice of Decision	Mandatory + All Discretionary Steps	Plans & Drawings Comprehensive Supporting Studies	Base + \$ associated with scale of development

### 2.3. Delegated Authority

The Community Planning Permit System (CPPS) is established as an extension of the Provincial policy led planning system. What this means is that when it comes to the approval of individual development permit applications there is sufficient direction provided in the Official Plan and implementing Community Planning Permit (CPP) by-law for the applicant and approval authority to implement those policies and provisions without having to re-consult with Council and the public each time.

While O. Reg. 173/16 assigns approval authority for individual development permit applications to Council, it also states that Council may delegate decision making to a Committee or staff. Council decisions are required to be made in accordance with Town policies and procedures. These procedural requirements make achieving the 45-day timeline for development permit application approval by Council very challenging and as such, limit the intent of the CPPS, which is to streamline planning approvals. Consequently, consideration should be given to delegating approval of development permit applications to a Committee or officer of the corporation (staff).

When considering the delegation of approval from Council to other entities, it is important to note that the current planning approvals process already delegates authority for similar matters to a Committee

<sup>7</sup> Approval Process is discussed in Section 2.5 below.

<sup>8</sup> Application fees would be provided in the Town's fee by-law, not the CPP By-law.

or staff. For example, minor variances to the Zoning By-law are delegated to the Committee of Adjustment, whereas applications related to site plan control, minor Zoning By-law amendments, site alteration and tree protection are all matters that are delegated to staff for a decision based on established policies, standards or legislation.

When preparing the CPP by-law, provisions in the by-law would allow for the delegation of approval and the scope of that approval to staff or a Committee. The scope of authority includes:

- a) Approve or refuse the development permit application, including imposing conditions with the approval,
- b) Enter into agreements, and
- c) Council may impose limitations on the scope for items (a) and (b).

### 2.3.1. Considerations

Table 4 provides an overview of similar application types and their approval authority. It is notable that for the cited application types, Council is not the current approval authority. The current delegation of authority recognizes that the approval of such matters is generally routine, subject to technical scrutiny, and grounded in Town policy and/or procedure. By delegating approval, these processes are streamlined, approvals are made in a timely manner, and costs associated with more formal Council processes are eliminated.

For some application types, i.e. minor variance and minor Zoning By-law amendment, there is a public facing process through a public hearing, whereas for other types of approval, the public is given notice of the application. As such, these practices demonstrate that the delegation of approval does not diminish the opportunity for the public to be aware of and/or contribute to the approval process.

**TABLE 4 DELEGATED APPROVAL AUTHORITY FOR SIMILAR MATTERS**

Application Type	Approval Authority	Scope of Authority
<i>Site Plan Control</i>	Director of Planning & Development	Approve or refuse application with or without conditions. Enter into agreements (CAO, Town Clerk)
<i>Minor Variance</i>	Committee of Adjustment	Approve or refuse application with or without conditions. Enter into agreements
<i>Minor Zoning By-law Amendment</i> <sup>9</sup>	Commissioner of Community Development	Approve, modify and approve, or refuse application
<i>Tree Protection</i>	Director of Parks and Open Space, or designate	Approve or refuse application with/without conditions
<i>Site Alteration</i>	Director of Transportation and Engineering, or designate	Approve or refuse application with/without conditions. Enter into agreements

<sup>9</sup> Minor Zoning By-law Amendments include matters such as: the removal of a Hold, permission for a temporary use, a housekeeping amendment to the zoning by-law, and amendments that are minor in nature and for the purpose of accommodating new dwelling units greater than the current number of existing units on a site, including affordable housing and modular housing, (Town of Oakville, 2024)

Approval of development permit applications may rest with Council or be delegated to a committee or staff. Table 5 lists the three approval authorities and identifies the opportunities and challenges related to each entity having that authority.

**TABLE 5 APPROVAL AUTHORITY OPTIONS**

Approval Authority	Opportunity	Challenge
<b>Council</b>	<ul style="list-style-type: none"> <li>Council is accountable for all planning decisions within area.</li> </ul>	<ul style="list-style-type: none"> <li>Intent of faster approvals may not be achieved due to requirements for open meeting prior to decisions being made, poses a risk of appeals to the OLT for lack of decision.</li> <li>Takes time away from Council's other priorities.</li> </ul>
<b>Committee</b>	<ul style="list-style-type: none"> <li>Allows Council agendas to focus on townwide priorities.</li> <li>Committee members may be from Council and/or general public and/or technical experts.</li> </ul>	<ul style="list-style-type: none"> <li>Council must rely on OP policies and CPP By-law to guide decision making of the Committee.</li> <li>Intent of faster approvals may not be achieved due to requirements for open meeting prior to decisions being made, poses a risk of appeals to the OLT for lack of decision.</li> <li>Committee members may not have technical expertise, and/or may not be sufficiently aware of related matters when making decision.</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>Allows Council agendas to focus on townwide priorities.</li> <li>Staff have the technical expertise and knowledge of relevant related matters to make decisions.</li> <li>Decisions are made expeditiously.</li> </ul>	<ul style="list-style-type: none"> <li>Council must rely on OP policies and CPP By-law to guide decision making of staff.</li> </ul>

An additional consideration is the degree to which the by-law provides direction on discretionary matters. The more clear the by-law and supporting information are, the greater certainty there is with respect to the decision outcomes.

### 2.3.2. Options

The CPP by-law may be structured to retain Council as the approval authority for all matters **related to development permit applications** (notwithstanding the risk of appeal should the decision making take longer than 45 days), or delegate decision making for all or some matters **related to development permit applications** to a Committee or staff. Delegation may be on the basis of classes of development, or on other factors, such as an application that proposes to exceed height thresholds and/or requests variations from certain standards, where such variation is permitted.

For each of the above noted potential approval authorities, the CPP by-law can also establish the scope of approval, which includes:

- Approve or refuse the development permit application, including imposing conditions with the approval, and
- Enter into agreements.

As such, an option may be that one entity is given the authority to make decisions related to the development permit application, whereas another entity is given authority to enter into agreements. It is notable, however, that based on current practice, the scope of authority, where applicable, is fully granted to the delegated/assigned approval authority. In other words, the decision maker is also the one that enters into agreements.

Given the opportunities and challenges listed above, delegating approvals (i.e. approving the development permit application, issuing the development permit and entering into an agreement) to staff would be the preferred option in order to meet the timeframe for decision making. In certain circumstances, staff may recommend that the decision be made by Council. These circumstances would include matters where Council would need to make a decision regarding a related matter. In these circumstances, it would be appropriate for Council to make a decision on the permit to ensure that a staff decision has not preempted the required Council decision.

### 2.4. Notice of Application and Decision

The *Planning Act* and O. Reg. 173/16 require notice of complete application to the applicant and notice of decision. There are no further requirements to provide notice of individual applications. Consequently, according to the *Planning Act*, the public's opportunity for input is at the time of passing of the by-law.

Nonetheless, it is worthy of discussion to determine if other types of notice ought to be given, and if so to whom and how, and to determine whether those types of notice should be recognized in the by-law. For some classes of development, there may be merit in providing notice beyond what is required by the Act to ensure that stakeholders are aware of the application and are able to provide information or comments for consideration by the approval authority in relation to the application. Similarly, it may be beneficial for stakeholders to be aware of the resulting decision to prepare themselves for any implication that may arise from that decision. For example, a school board or nearby landowner may have information that is pertinent to an application, and similarly, should the application be approved, the school board or nearby landowner may need to take action to prepare for the approved future development.

Likely stakeholders include: Halton Region, Conservation Halton, Oakville Hydro, CN Rail, Metrolinx, Ministry of Transportation Ontario (MTO), other utility providers, schoolboards, nearby landowners, Indigenous communities, etc. These entities will have an interest in some of the classes of development as it relates to ensuring land use compatibility and providing services, among other matters.

#### 2.4.1. Considerations

When considering any requirements as it relates to notice of application and/or decision, it is helpful to consider the Town's recently updated public notice and engagement [policy](#) and [procedure](#); which is developed to fulfil the Town's intention to be transparent and inclusive in the planning process.

Another consideration is the costs (including time and staff resources) associated with giving notice, and the need to ensure that the effort to provide notice to and involvement from stakeholders is balanced.

Another consideration is the Town's current mandatory (Table 6) and discretionary (Table 7) practices for similar application types, such as minor variance and site plan applications, while also being mindful of the Town's commitment to streamlining approval of development permit applications.

**TABLE 6 TOWN'S CURRENT PRACTICES FOR GIVING NOTICE RELATED TO SIMILAR APPLICATIONS AS REQUIRED BY LEGISLATION**

Application Type	Public Notice of Application/Hearing	Notice of Decision
<i>Site Plan Control</i>	<ul style="list-style-type: none"> <li>Not required</li> </ul>	<ul style="list-style-type: none"> <li>Approval of plans or drawings to the "owner" s. 41 (12).</li> </ul>
<i>Minor Variance</i>	<ul style="list-style-type: none"> <li>Notice of <u>hearing</u> to person and public bodies 10 days prior to hearing; via mail to land owners within 60 m of site, and to person and public body who have provided written request of such notice, <b>and</b> posting notice on site, may also be via local newspaper or website, per <i>Planning Act</i> s. 45 (5) and O. Reg. 200/96 s. 3.</li> </ul>	<ul style="list-style-type: none"> <li>Sent to: the Minister, applicant, and persons who appeared at the hearing and who filed a written request for notice of decision; s. 45 (10)</li> </ul>
<i>Minor Zoning By-law Amendment</i>	<ul style="list-style-type: none"> <li>Notice of <u>application</u> per s. 34 (10.7), and notice of public <u>hearing</u> per s. 34 (13); by mail to land owners within 120 m of subject lands and by posting notice on site; and to prescribed persons and bodies, per O. Reg. 545/06 s. 5</li> </ul>	<ul style="list-style-type: none"> <li>Sent to: applicant, prescribed persons and bodies, to person/public that filed written request to be notified. S. 34 (10.9) and (18)</li> </ul>

**TABLE 7 TOWN'S CURRENT PRACTICES FOR GIVING NOTICE RELATED TO SIMILAR APPLICATIONS (NOT REQUIRED BY LEGISLATION)**

Application Type	Sign on site	By-mail	Town Public Notice page	Town website (other)	Newspaper	E-mail
<i>Site Plan Control</i>	n/a	n/a	n/a	Re: Proposal, on <a href="#">Active Development Applications</a> .	n/a	Complete application and decision to applicant and agencies
<i>Minor Variance</i>	Re: Hearing	Re: Hearing, within 60 m	See: <a href="#">Agendas &amp; Meetings</a>		n/a	Hearing and decision to applicant and agencies
<i>Minor Zoning By-law Amendment</i>	Re: Complete application and Hearing	Re: Complete application and Hearing, within 120 m	See: <a href="#">Agendas &amp; Meetings</a>	Re: Proposal, on <a href="#">Active Development Applications</a> .	n/a	Complete application and decision to applicant

### 2.4.2. Options

O. Reg. 173/16 requires that the Community Planning Permit (CPP) By-law indicate the manner in which notice of decision as it relates to a development permit application will be issued to the applicant and to persons and public bodies that filed a written request to be informed of the decision.

In addition to this required provision, the Town may choose to include other types of notices and receiving parties of that notice to establish a clear and transparent approval process.

Options therefore include the following:

- a) include only the required provision of identifying the means of notice of decision; or
- b) include the required provision, as well as the classes of development for which notice of application may be issued more broadly, the means of providing notice, and the persons or public bodies to which the notice should be directed.

As such for option (b) the following sub-options are provided:

- Means of notice: Sign on site; by-mail; Town Public Notice page; Town website (other); Newspaper; and/or E-mail.
- Recipients of notice: public agencies, utilities, school boards, Mississaugas of the Credit First Nation, landowners within 60 – 120m.

A table such as Table 8 could be provided in the by-law:

**TABLE 8 EXAMPLE OF A NOTICE REQUIREMENTS TABLE WITHIN THE BY-LAW**

Class	Description	Notice of Complete Application
1	Parking Lot (new or change to existing)	<ul style="list-style-type: none"> <li>• Email to Applicant, Public Agency</li> <li>• Post Sign on Site</li> </ul>
2	Temporary Sales Office <b>OR</b> Other Temporary Use (less than 6 months)	<ul style="list-style-type: none"> <li>• Email to Applicant, Public Agency</li> <li>• Post Sign on Site</li> <li>• Post on town website</li> </ul>
3	Expansion to existing building <b>OR</b> Other Temporary Use (more than 6 months)	<ul style="list-style-type: none"> <li>• Email to Applicant, Public Agency</li> <li>• Post Sign on Site</li> <li>• Post on town website</li> <li>• Mail to Adjacent Property with 60m</li> </ul>
4	New Development (not defined as Class 1, 2 or 3)	<ul style="list-style-type: none"> <li>• E-mail to Applicant, Public Agency, Indigenous community</li> <li>• Mail to Adjacent Property with 120m,</li> <li>• Post sign on site</li> <li>• Post on town website</li> </ul>

In all cases, the notice of decision would be issued in accordance with the requirements of O. Reg. 173/16, which includes providing notice to the applicant and anyone who has requested to be notified of the decision.

### 2.5. Procedures

The O. Reg. 173/16 requires that the CPP By-law provide internal review procedures regarding decisions for issuing permits. These procedures should address new applications, changes to issued permits, and changes to agreements associated with a development permit.

Presently, the Town provides procedures for similar matters, i.e. site plan applications and minor variance on the Town's website.<sup>10</sup> Sharing these procedures with applicants and the public provides for a more transparent process, and highlights roles and responsibilities of the applicant, Town and the public within these processes.

#### 2.5.1. Considerations

When developing a process for new applications, changes to development permits, and changes to agreements, the Town can take into consideration current practices and processes for similar applications, as well as consider processes identified in other in-effect CPP By-laws in Ontario.

Other in-effect CPP By-laws provide a high-level process which identifies key milestones in the receipt, review, and approval of development permit applications.

Two important considerations in developing these processes are mandatory steps, such as confirming complete application submissions, making a decision regarding the application, and issuing notice of decision to the applicant and those who have requested the notice. Another important factor is the timing within which the Town is required to make its decision on the application, which is 45-days, after which the applicant is permitted to appeal the failure to make a decision to the Ontario Land Tribunal. As such, it is crucial that the application process be efficient. Figure 5 below provides an overview of milestone steps. It identifies lead participants in each step and highlights the steps that are mandatory in accordance with O. Reg. 173/16.

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<sup>10</sup> Current process for site plan and minor variance application is listed on the following Town webpages: [Site Plan/Site Alteration](#) and [town-hall-committee-of-adjustment-terms-reference.pdf](#), respectively.



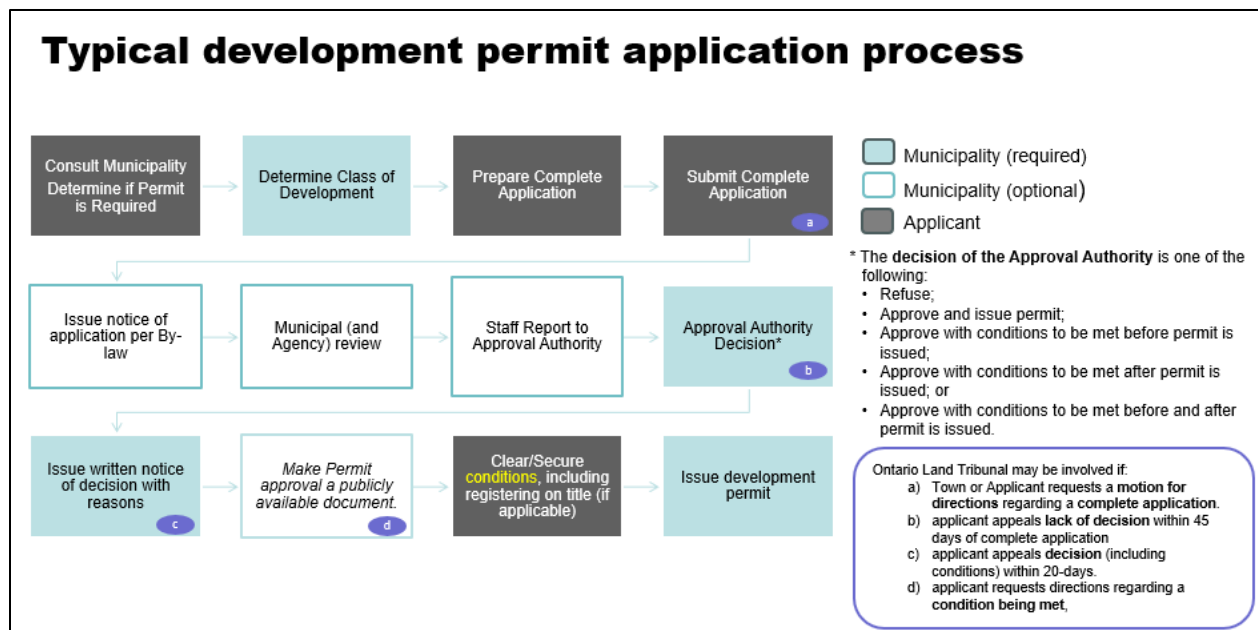


FIGURE 5 TYPICAL DEVELOPMENT PERMIT APPLICATION PROCESS

### 2.5.2. Options

While Figure 5 provides a typical development permit application process, Table 9 below identifies various steps that could be included in the by-law, along with a rationale for the step. Prior to finalizing the by-law, the Town could consider whether those steps should be listed in the by-law, and if listed whether they apply to all classes of development, and/or whether they are mandatory or discretionary.

TABLE 9 PROPOSED STEPS FOR NEW DEVELOPMENT PERMIT APPLICATIONS, REVISIONS TO PERMITS, AND AGREEMENTS

Step	Rationale	New Application <sup>11</sup> Mandatory (M) Discretionary (D)	Revision to a Development Permit	Revision to an Agreement <sup>12</sup>
Consult Municipality to Determine if Permit is Required	The applicant will need to confirm whether or not the proposal requires a development permit.	M	n/a	n/a
Determine Class of Development	If a permit is required, the municipality will need to confirm the class of development that it is, which will establish the applicable fees, etc. that is associated with that class of development.	M	n/a	n/a

<sup>11</sup> The requirement for each step may depend on the class of development. As such, some steps are noted as mandatory or discretionary in the table.

<sup>12</sup> Agreements apply to those related to a development permit approval as well as those related to pre-existing site plan application approvals located within the Community Planning Permit System area.

Step	Rationale	New Application <sup>11</sup> Mandatory (M) Discretionary (D)	Revision to a Development Permit	Revision to an Agreement <sup>12</sup>
<b>Prepare Complete Application</b>	Per O. Reg. 173/16, the applicant is required to prepare a complete application. The contents of that application is outlined in the regulation. The Official Plan also identifies additional material that may be required to be provided in support of the application.	M	Discretionary. Applicant may be required to provide supplementary material to support requested change.	Discretionary. Applicant may be required to provide supplementary material to support requested change.
<b>Submit Complete Application</b>	(See above, prepare complete application.)	M	Mandatory. If nothing else, an application and fee would be required to consider the proposed change.	Discretionary
<b>Issue notice of application per By-law</b>	Depending on the class of development, a notice of complete application may or may not be required.	M/D	Discretionary. Town may determine that matter is substantive and warrants notification.	n/a
<b>Municipal review</b>	All applications must be reviewed by municipal staff. The range of staff involved in the review will depend on the nature of the application and class of development.	M	Mandatory	Mandatory
<b>Agency/Other review</b>	Some applications may need to be reviewed by agencies and others outside of the municipality, the range of reviewers will depend on the nature of the application and class of development.	M/D	Discretionary. If proposed change impacts an agency/ other, then may require consultation.	Discretionary. If proposed change impacts an agency/ other, then may require consultation.
<b>Staff Report to Approval Authority</b>	Depending on the nature of the application and class of development, a staff report describing the application and how it meets requirements of the Official Plan and CPP by-law may be required for the approval authority to issue an informed decision.	M/D	Discretionary	Discretionary
<b>Approval Authority Decision*</b>	The approval authority is required to render their decision on all applications.	M	Mandatory	Mandatory
<b>Issue written notice of decision with reasons</b>	Notice of decision with reasons is required for all applications.	M	Mandatory	Mandatory

Step	Rationale	New Application <sup>11</sup> Mandatory (M) Discretionary (D)	Revision to a Development Permit	Revision to an Agreement <sup>12</sup>
<b><i>Make Permit approval a publicly available document.</i></b>	Depending on the nature of the application and class of development, the approved development permit may be made publicly available, similar to how site specific exemptions to the Zoning By-law or minor variance approvals are publicly available.	M/D	Discretionary. If change is substantive, may require updating publicly available document	n/a
<b>Clear/Secure conditions, including registering an agreement on title (if applicable)</b>	Where development application approvals are subject to conditions prior to the issuance of the permit, the clearing of those conditions may be required.	M (if applicable)	Mandatory (if applicable)	n/a
<b>Issue development permit</b>	Where the application is approved, and any conditions required prior to issuing the approval are met, the Town is required to issue the development permit.	M	Mandatory (to recognize change in permit)	n/a
<b>Clear/Secure conditions, including registering an agreement on title (if applicable)</b>	Where development application approvals are subject to conditions after the issuance of the permit, the clearing of those conditions may be required.	M (if applicable)	Mandatory (if applicable)	Discretionary, the revised agreement in most cases would need to be registered on title.
<b>Site Inspection</b>	Some clearances may require a site inspection.	D	D	D

## 2.6. Administrative Matters Key Directions

Section 5 of this report provides key directions related to administrative matters which are informed by the preceding analysis and consultation with the public and stakeholders.

### 3. Community Building Elements

In developing the Community Planning Permit (CPP) By-law, Ontario Regulation 173/16 identifies several community building provisions to be included in the by-law, as noted in Table 10 below. It is intended that these provisions would initially be applicable to Midtown Oakville in accordance with policy direction provided in the Official Plan. Some of the provisions may be applicable to other parts of the Town that may be deemed a Community Planning Area in the future. As such, when designing the by-law consideration will be given to structuring it in a manner that would allow future area additions to the by-law, without having to repeat generally applicable provisions for each area.

Prior to drafting the CPP by-law, some of these community building provisions require discussion and consultation to ensure that their formulation addresses the Midtown Oakville context.

**TABLE 10 COMMUNITY BUILDING PROVISIONS OF A COMMUNITY PLANNING PERMIT BY-LAW**

Theme	By-law Provisions Per O. Reg.	Options to Discuss/ Consider
INCLUSIONARY ZONING <sup>13</sup>	Set out provisions for inclusionary zoning (which requires the provision affordable housing) where enabling Official Plan policies are provided (O. Reg. 173/16 s. 4 (2) (d.1))	Section 3.1.
LAND USE PERMISSION	Set out and define permitted uses of land (O. Reg. 173/16 s. 4 (2) (b))	See Section 3.2, 3.3. and 3.6.
LAND USE Prohibitions, Restrictions, Regulations, and Parking	Apply all matters set out in Section 34(1) of <i>Planning Act</i> re: Zoning (O. Reg. 173/16 s. 4 (3))	See Section 3.2., 3.3 and 3.6.
STANDARDS	Set out a list of minimum and maximum standards for development (O. Reg. 173/16 s. 4 (2) (c))	See Section 3.2.
VARIATION (without conditions)	Set out a range of possible variations from prescribed minimum and maximum standards that may be authorized when issuing a development permit (O. Reg. 173/16 s. 4 (3)(f))	See Section 3.2.
CRITERIA	Set out a list of classes of development or uses of land that may be permitted if the criteria set out in the Official Plan and in the by-law have been met (O. Reg. 173/16 s. 4 (3)(d))	See Section 3.4.
Decision Making CRITERIA	Criteria to be used to make decisions regarding development permit applications (O. Reg. 173/16 s. 4 (3)(e))	See Section 3.4.
CONDITIONS	If the council wishes to impose conditions in making decisions under subsection 10 (9) ( <i>approving development permit application</i> ), outline the conditions (O. Reg. 173/16 s. 4 (2)(i))	See Section 3.5.

As generally noted by the themes provided in Table 10, the Community Building elements of the by-law are those that frame and direct development on the ground. While the by-law is required to implement the policies of the Official Plan, decision makers regarding development permit applications are guided by the policies of the Official Plan as well as any relevant guidelines, in addition to the by-law provisions.

<sup>13</sup> Prior to passing inclusionary zoning provisions in the by-law, the Town must have completed its housing needs assessment and have enabling inclusionary zoning Official Plan policies in effect.

Table 11 below summarizes the differences and similarities of Official Plan policy, CPP By-law provisions and guidelines in terms of their legislative authority, status and public consultation requirements.

**TABLE 11 COMPARISON OF OFFICIAL PLAN POLICY, BY-LAW PROVISIONS AND GUIDELINES**

	OFFICIAL PLAN POLICY	CPP BY-LAW (replaces Zoning)	GUIDELINE
<b>Legislative Authority</b>	<i>Planning Act</i> , Section 17	<i>Planning Act</i> , Section 70.2 and O. Reg. 173/16, Section 4(1)	None.
<b>Status</b>	Statutory document. Council adopts/ approves policies. Not <i>applicable law</i> .	Statutory document. Council passes By-law. By-law is <i>applicable law</i> . Development permits issued per by-law are applicable law. <sup>14</sup>	Non-statutory document, provided for information and guidance. Council may approve or endorse. Not <i>applicable law</i> .
<b>Public Consultation</b>	Required prior to adoption.	Required prior to passing by-law.	Not required.

When preparing the CPP By-law careful consideration should be given to determining the level of detail that is provided in the By-law relative to what is already provided in the Official Plan and what may be provided in a guideline, such as Designing Midtown. In keeping with the objectives of using the Community Planning Permit System as a means to streamline planning approvals and to support flexible community building, the by-law should not be a repetition of the Official Plan policies, but rather be structured as a tool which is nested under the Official Plan and provides required provisions to implement the Official Plan policies. The By-law should also not be overly detailed such that it would require frequent amendments to be responsive to market and context conditions to be able to approve development permit applications. Consequently, key directions are needed to determine the level of detail and specificity of by-law provisions, relative to that which is otherwise provided in the Official Plan and guidelines, as noted in Table 12 below. With the understanding that applicants and evaluators of development permit applications are expected to consider all three document types, it is understood that the by-law may refer to both Official Plan policies and guidelines, as appropriate and where needed.

**TABLE 12 SPECTRUM DIRECTION THAT MAY BE PROVIDED IN THE OFFICIAL PLAN, BY-LAW AND GUIDELINES**

OFFICIAL PLAN POLICY	CPP By-law element	GUIDELINE
Provides land uses at a high-level	Permissions/ Prohibitions	Provides qualitative descriptions, examples and illustrations.
Provides required or discretionary standards, with qualitative and/or quantitative direction.	Site Standards	Provides broader range of standards for consideration and provides greater detail using examples and illustrations.

<sup>14</sup> Per [O. Reg. 332/12 BUILDING CODE | ontario.ca](#) Section 1.4.1.3 (1) (h), development permits are considered applicable law, as such the review and approval of building permits must be in compliance with plans, drawings and conditions related to an issued development permit.

OFFICIAL PLAN POLICY	CPP By-law element	GUIDELINE
Provides criteria to consider in decision making in relation to use and standards.	Criteria	Provides greater detail using examples and illustrations.
Provides types of conditions that may be imposed.	Conditions	May elaborate on conditions and the rationale for them.
Provides permission for variations from policy standards.	Variations	Provides qualitative considerations for variations, using examples and illustrations.

Table 13 provides an overview on a thematic basis of all Midtown Oakville relevant policies that will need to be considered when preparing the CPP By-law. It is understood that some of these policies need not be reflected in the by-law, for example policies related to the Midtown vision and objectives may be referred to, and not repeated. It is also understood that policies related to administrative matters such as monitoring and advocacy would not be required in the by-law. Finally, some policies regarding qualitative and contextual matters related to urban design and public realm may benefit from a guideline document, where examples and illustrations may be provided.

This Key Directions report is structured to consider options around the reliance on the by-law versus the Official Plan and guidance material when making development permit application decisions. Once this is better understood, staff may prepare a draft CPP by-law and consult on the actual provisions. To assist with reviewing the draft by-law complementary guideline documents such as the draft Designing Midtown will also be available.

**TABLE 13 OVERVIEW OF MIDTOWN OAKVILLE APPLICABLE POLICIES<sup>15</sup>**

Vision & Objectives	Land Use	Built Form	Environment	Infrastructure	Implementation <sup>16</sup>
2.2 Guiding Principles 20. Preamble 20.1 Goal 20.2 Objectives 20.3 Development Concept Figure E1: Precinct Areas	20.4.1 Land Use, General Designation 7.0 Community Uses 11.4.1 High Density Residential 12.5.1 Urban Core 20.4.2 (a) Urban Core 13.4.1 Community Commercial 20.4.2 (b) Community Commercial 14.3 Office Employment 20.4.2 (d) Office Employment 16 Natural Area 17.2 Parks and Open Space 20.4.2 (c) Parks & Open Space 18 Utility 20.4.2 (e) Utility Schedule L1: Land Use Figure E1: Precinct Areas Figure 2: Active Frontages	6.0 Urban Design (unless superseded by section 20 policies) 20.5. 1 Urban Design and Built Form Schedule L2: Minimum Density Schedule L3: Maximum Density Schedule L4: Building Height Thresholds Figure E2: Active Frontages	5.3.7 Cultural Heritage (condition) 5.4 – 5.5 Archeological Resource 6. Sustainability (Checklist, Energy Conservation and Generation, Green Buildings, Grey/Brownfields, Waste Management, Subwatershed, Stormwater Management, Air Quality, Urban Forest, Hazard Lands) 20.5. 3 Stormwater Management 20.5. 4 Spill Flood Hazard and Hazardous Lands 20.5. 5 Sustainability	20.5.2 Mobility 8.4 – 8.9 Rights of Way, Road Alignment and EAs 8.9 – 8.10 Transit and Active Transportation 8.11 Rail 8.12. Provincial Highway 8.15 – 8.16 Parking and Noise & Vibration 9 Physical Services Schedule L5: Transportation Network Schedule L6: Active Transportation	28.7.2 Temporary Use (Criteria) 28.10 Legal Non-Conforming 28.12 Land Acquisition and Parkland Dedication 28.1 Community Planning Permit System 20.6.1 Community Planning Permit By-law 20.6.6 Community Benefits 28.16.2 Community Improvement 28.19 Pre-Consultation and Complete Application 20.6.2 Monitoring 20.6.3 Implementation Measures 20.6.4 Phasing/Transition 20.6.5 Landowner Agreements/ Cost Sharing 29 Interpretation 29.5 Glossary Schedule L3: Maximum Density Schedule L4: Building Height Thresholds
<b>NOTES:</b>					
May be referred to within CPP By-law, need not be replicated.	Land use permissions and prohibitions are mandatory provisions of by-law.	Design standards and criteria may be implemented in CPP By-law and/or guidelines.	Standards and criteria may be implemented in CPP By-law and/or guidelines.	Standards and criteria may be implemented in CPP By-law and/or guidelines.	Criteria and conditions are implemented through CPP by-law and development permit application approvals. Including agreements registered on title.

<sup>15</sup> Text in blue are Midtown specific adopted policies (Town of Oakville, 2025). Text in black are policies that apply townwide. Some Midtown Oakville policies may take precedence over general policies (Town of Oakville, 2025).

<sup>16</sup> Since adoption of the OPA 70, the Livable Oakville Plan Consolidation has included new sections into the OP, which has resulted in policy numbering changes such that policies in Section 28 are now provided in Section 30, and policies in section 29 are now provided in Section 31 of the Office Consolidation.

## 3.1. Affordable Housing

A major driver for preparing a Community Planning Permit By-law for Midtown Oakville is to facilitate the development of affordable housing in this high-growth area. The need for sustained long-term affordable housing is enumerated in the Town's recently released [\(Preliminary\) Housing Needs Assessment](#). The rationale for using a Community Planning Permit System, along with other *Planning Act* tools such as Community Improvement Plan and Inclusionary Zoning is explained in the White Paper: [Planning Act Tools to Facilitate the Development of Affordable Housing](#).

### 3.1.1. Considerations

To achieve the Midtown Oakville goal of creating a vibrant, complete, transit oriented community, wherein affordable housing is provided, the Town must ensure that provisions in the by-law enable viable development. As such, the Town needs to apply a balanced approach whereby some of the affordable housing needs may be addressed through market housing.

A recently published document by the Environmental Defence<sup>17</sup> notes that to facilitate the provision of new affordable housing, several cost reduction measures need to be undertaken:

- *Lower land costs* – this may be done through Inclusionary Zoning which establishes a precondition for affordable housing, and by pre-zoning large areas of land for medium and high-density development, thereby increasing the supply of pre-zoned lands;
- *Lower construction costs* – this may be done by supporting construction methods and materials that inherently reduce short and long-term (construction/operating/maintenance) costs;
- *Lowering carrying and procedural costs* – this can be done through pre-zoning and streamlining development approval (which is what the adoption of the CPP by-law would be doing);
- *Reduce Development Fees and Charges* – this may be done through existing Development Charge exemptions and deferrals, and may be further reduced through the implementation of a Community Improvement Plan, and/or through changes to the Town's Fee by-law; and
- *Reduce Barriers to Small Builders and Renovators* – this may be done through various means including providing clear and transparent processes, as will be the case for the approval of development permit approvals; and may also be addressed with the implementation of a Community Improvement Plan. (Environmental Defence)

None of these measures, however, guarantee that units created will be or will remain affordable. To ensure long term affordability, the Town needs to require developers that are benefiting from any of the above measures to enter into agreements with the Town and/or not-for profit partners, which are then registered on title, and commit to establishing and maintaining units at affordable prices or rents. Using the tools noted below provides the Town the authority to register affordable housing units on title and to require that the units remain affordable over a period of time and at an affordable price/rent.

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<sup>17</sup> While the report is specific to midrise development, the recommendations regarding cost reductions may apply to all types of development. For more information, see: [The Mid-Rise Manual: Unlocking Mid-Rise to End Ontario's Housing Shortage, November 2024](#).



#### 3.1.1.1. Inclusionary Zoning

As discussed in the White Paper, where Inclusionary Zoning is implemented, it requires development to provide affordable housing units. These units are provided by all development within a specified area, provided the area is identified as Protected Major Transit Station Area, which is the case for Midtown Oakville. Adopted policy 20.4.1 (c) (ii) of the Official Plan states: “When and where in effect, development shall provide affordable housing in accordance with the Town’s inclusionary zoning policies and provisions.” This policy is intended to highlight the Town’s intent to use Inclusionary Zoning within Midtown, with the understanding that the prerequisite step of preparing a housing needs assessment must be completed prior to adopting enabling policies and by-law provisions.

The Housing Needs Assessment analysis regarding Inclusionary Zoning (IZ) policies is still ongoing.<sup>18</sup> Decisions regarding the use of this tool are premature until that study is complete. If Inclusionary Zoning is deemed appropriate for Midtown, the Town will need to amend the Official Plan to enable the tool in advance of adopting the implementing CPP by-law provisions.<sup>19</sup> Once the enabling policies are in effect (i.e. 20-days after adopting the Official Plan amendment), the Town may pass the Community Planning Permit By-law that would include implementing provisions identified in Ontario Regulation 232/18, such as:

- minimum required size of development/redevelopment to which the inclusionary zoning provisions would apply (not less than 10 units);
- the range of household income for which the affordable units would be provided;
- the range of housing types and sizes of units that would be authorized as affordable units;
- the required number of units or portion of gross floor area to be occupied by affordable units (up to a maximum of 5% of units or 5% of total floor area of all residential units not including common areas);<sup>20</sup>
- the period of time for which the affordable units are required to be maintained as affordable (up to a maximum of 25 years);<sup>21</sup>
- how the price/rent of affordable units would be determined;
- requirements to register each unit as an IZ unit on title along with related restrictions; and
- exemptions from the by-law for certain types of development.

The Town may also include provisions that:

- require owners of IZ units to provide a portion of net proceeds from the sale of affordable units to the Town; and
- impose restrictions regarding the provision of off-site units, if the Official Plan allows it.

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<sup>18</sup> The Town’s [Housing](#) webpage provides information regarding its ongoing housing related initiatives, including the Housing Needs Assessment.

<sup>19</sup> O. Reg. 173/16, Section 4 (3.1) states that before parts of the CPP by-law regarding inclusionary zoning are passed, the Official Plan enabling policies must be in effect. Inclusionary Zoning policies are exempt from Ministry of Municipal Affairs and Housing approval, however, they are subject to appeal only by the Minister of Municipal Affairs and Housing. As such, there is a 20-day appeal period that would need to be observed before the amendment is in effect.

<sup>20</sup> These maximums are per the regulation as of May 12, 2025.

<sup>21</sup> This maximum is per the regulation as of May 12, 2025.

#### 3.1.1.2. Community Improvement Plan

Complementary to or instead of Inclusionary Zoning, the Town may implement a Community Improvement Plan (CIP). The use of a CIP to incentivize affordable housing is noted in adopted policies 20.6.3 (a)(vii) and 28.16(k). Adoption of a CIP enables the Town to incentivize the provision of affordable housing by making public land available for affordable housing development, and/or through the provision of grants and/or loans. Unlike with Inclusionary Zoning, when establishing programs under this tool, the Town may impose conditions that require the provision of affordable units in perpetuity (i.e. longer than 25 years) and may require more than 5% of units or total residential GFA to be affordable. As noted above, investigation of this tool is ongoing.

#### 3.1.1.3. Deeming Affordable Housing as a Community Benefit

As noted in section 4.0 Commensurate Community Benefits of this report, the Town has listed the provision of affordable housing as a community benefit for which the Town would permit the height of buildings to exceed the threshold height assigned to the site in Schedule L4: Building Height Threshold. As such, affordable housing may be deemed as a priority benefit that is provided by new development. Further to this, as noted in section 3.6, the Town may impose a condition similar to the Town's Community Benefits Charge for development permit applications proposing buildings with a minimum of 5 storeys and 10 or more units, in lieu of cash, this condition may be met through in-kind benefits, which could include the provision of affordable housing. Depending on market conditions, these affordable units may include the required IZ units and/or units beyond the required IZ units. F

#### 3.1.2. Options

Based on preliminary viability analysis, over the short term the Town may need to implement all three tools to facilitate the development of affordable housing in Midtown. This approach is consistent with the 2021 recommendations prepared by the Building Industry and Land Development (BILD) in relation to the adoption of Inclusionary Zoning policies in Toronto, wherein it advocated for a developer-municipality partnership to provide affordable market housing within IZ areas (Building Industry and Land Development, 2021).<sup>22</sup> The forthcoming Housing Needs Assessment work will inform the design of policies, provisions and programs that will need to be implemented together to ensure that a proportion of development is meeting some the affordability needs of the community, while ensuring that development is not precluded or forestalled.

### 3.2. Criteria for Decision Making

In accordance with O. Reg. 173/16, policy 28.15.6 of OPA 70 states:

Approval of development permit applications shall be in conformity with this Plan and the CPP by-law. Criteria for decision making shall be provided in the by-law in accordance with relevant general and specific policies in this Plan, including policies respecting the permission of uses that are intended to be temporary in accordance with policy 28.7.2, and any other criteria that more

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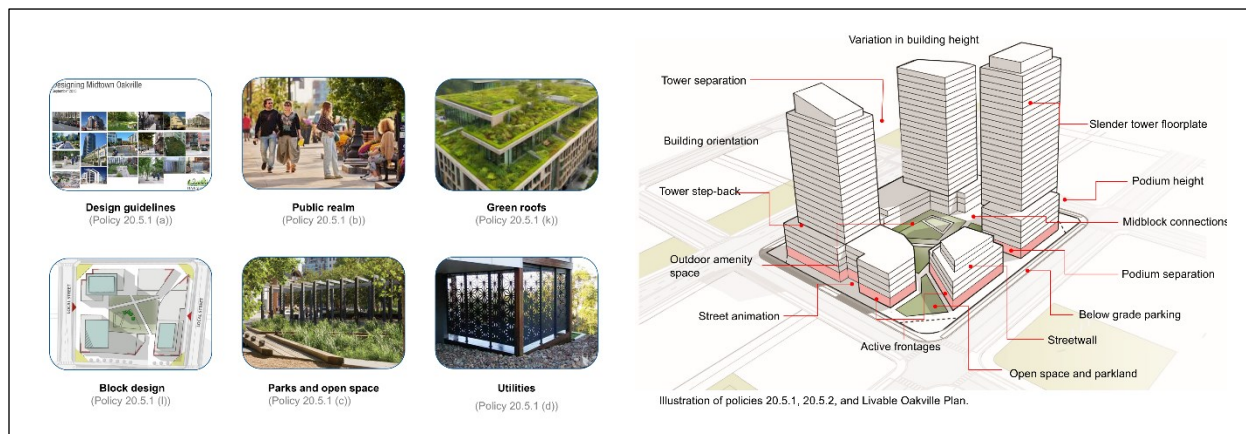
<sup>22</sup> This study reviews Inclusionary Zoning related reports and studies and notes that in principle BILD supports the use of Inclusionary Zoning where its implementation fosters partnerships, see: [Affordable-housing-in-the-city-of-Toronto.pdf](#).

specifically provides necessary guidance to achieve the Official Plan goal(s) and objectives that are applicable to the CPP by-law area.

Furthermore, adopted policy 20.6.1 states:

In accordance with Section 28.15, a Community Planning Permit (CPP) by-law shall be used to implement this Plan's goals, objectives, and policies within the Midtown Oakville community planning permit area, as identified on Schedules L1 – L6, which establish the criteria to be included in the Community Planning Permit By-law for decision making.

These policies acknowledge that the Official Plan policies collectively provide criteria for evaluating a development permit application and for making decisions regarding those applications. The approval authority must consider the community building vision, goals and objectives for Midtown, as well as the thematic direction and criteria provided in the relevant policies of the Official Plan, as highlighted in Figure 6 below.



**FIGURE 6 EXAMPLES OF POLICIES IN THE OFFICIAL PLAN THAT PROVIDE CRITERIA FOR DECISION MAKING**

#### 3.2.1. Considerations

Based on a jurisdictional scan of in-effect CPP by-laws, the approach to preparing the by-law differs in terms of the level of detail, style and structure of the by-law. The by-laws are prepared while keeping in mind that approval authorities are guided by Official Plan policy, by-law provisions and guideline material in their decision making. Each of these documents have a distinct status as noted in Table 11. The forthcoming by-law may include necessary criteria within its provisions, or may refer to relevant policies or guidelines where the criteria is stated and/or further elaborated.

To address the desire for the by-law to facilitate a streamlined and flexible development permit approval process, unnecessary duplication of the Official Plan policies should be avoided. At the same time, too many cross references to OP policies and/or supporting guidelines may result in a cumbersome review of plans and drawings given that three or more documents may have to be consulted to determine that policies and provisions are being properly addressed in the development permit application.

#### 3.2.2. Options

Concurrent with the development of the CPP by-law, the Town is also preparing guidance material, including urban design guidelines. Based on common practice, provisions of the by-law may include cross references to criteria policies of the Official Plan, embed criteria within the by-law, and refer to guidance material.

##### 3.2.2.1. Refer to relevant Official Plan Policy

By referring to Official Plan policies, there is less duplication of language and less need to make amendments to both documents, if a change in criteria is needed.

##### 3.2.2.2. Embed Criteria within the CPP By-law

Criteria provisions directly in the by-law may be more detailed than what is provided in the Official Plan, and provide ease of implementation since all necessary information is provided in one document.

##### 3.2.2.3. Provide Cross Reference to Guidance Document(s)

Cross references to guidance documents allows for more flexibility regarding the implementation of criteria, since guidance documents are not statutory and do not require a formal amendment process. Guidance documents can provide variations to criteria, examples and illustrations using various formats to convey information.

### 3.3. Permitted/Prohibited Land Use

In accordance with the Official Plan, there are seven land use designations that apply to Midtown Oakville: High Density Residential, Urban Core, Community Commercial, Office Employment, Natural Area, Parks and Open Space, and Utility. As noted in Table 13, the applicable policies for these land uses are provided in adopted Section 20.0 Midtown Oakville, as well as in other sections of the Official Plan. The land use permissions, criteria and conditions provided in these policies will need to be reflected in the by-law.

#### 3.3.1. Considerations

When developing the Community Planning Permit (CPP) By-law provisions, consideration needs to be given to how detailed permissions/prohibitions should be. The Town's current Zoning By-law provides land use permissions and prohibitions for some of the land use designations applicable to Midtown. Where appropriate, the CPP By-law could apply the same or similar provisions. In so doing, the by-laws are consistent with each other and the provisions are familiar to users of the by-laws.

As noted above, it is important to acknowledge that the issued development permit is also considered applicable law. As such, within the issued development permit specific land use permissions may be provided and will be referred to when issuing building and occupancy permits.

## 3.3.2. Options

Table 14 provides a listing of permitted/prohibited uses. The table notes that the permission may be subject to criteria or conditions. Consultation on the forthcoming draft by-law will inform whether the by-law provides greater details on permitted or prohibited uses than Official Plan policies to inform development permit application decisions regarding land use.

**TABLE 14 MIDTOWN OAKVILLE LAND USE PERMISSIONS AND PROHIBITIONS**

Examples of Permitted/Prohibited Uses Per Official Plan policies <sup>23</sup>							
✓ = permitted, may be subject to criteria/conditions X = prohibited, may be subject to criteria/conditions Blank = use may be permitted as accessory/secondary to primary, and subject to criteria/conditions							
	High Density Residential	Urban Core	Community Commercial	Office Employment	Parks and Open Space	Natural Areas	Utility
<b>Cemeteries;</b>					✓		
<b>Commercial schools and training facilities</b>		✓	✓	✓	X	X	X
<b>Commercial uses,</b> including large and small scale retail; service uses		✓	✓		X	X	X
<b>Community Uses/Public Service Facilities,</b> such as: educational facilities, places of worship, day care centres, libraries, community/recreation and seniors' centers, emergency services	✓	✓	✓	✓	X	X	X
<b>Cultural heritage uses</b>	✓	✓	✓	✓	✓		
<b>Existing Uses:</b> including automotive related uses, stand alone commercial uses	✓	✓	✓	✓			
<b>Fish, wildlife and conservation management,</b> including forestry, essential public works, passive recreation features					✓	✓	
<b>Hotels</b>		✓	✓	✓	X	X	X
<b>Housing,</b> including non-market housing, emergency, transitional, supportive, special needs and affordable housing	✓	✓	X	X	X	X	X
<b>Light industrial uses</b>				✓	X	X	X
<b>New Drive-through facility</b>	X	X	X	X	X	X	X
<b>Offices,</b> including major office		✓	✓	✓	X	X	X
<b>Parks, parkettes;</b> indoor and outdoor recreational uses	✓	✓	✓	✓	✓		
<b>Passive recreational uses,</b> such as off-leash dog areas, community gardens, multi-use trail systems, and naturalized areas	✓	✓	✓	✓	✓	✓	✓
<b>Places of entertainment</b>		✓	✓		X	X	X
<b>Public halls</b>		✓	✓	✓	X	X	X
<b>Retail and service commercial uses</b> including restaurants		✓	✓	✓	X	X	X
<b>Temporary Uses</b>							
<b>Transit-related uses and facilities,</b> including station building and related office uses, transit terminal, passenger amenity areas and public open space, passenger pick-up & drop off, surface and structured parking	✓	✓	✓	✓	X	X	✓
<b>Urban Agriculture</b> (i.e. Vertical Farming Facility)		✓	✓	✓	X	X	
<b>Watershed management and flood and erosion hazard control facilities</b>	✓	✓	✓	✓	✓	✓	✓

<sup>23</sup> Examples listed are based Section 20.4 of the OPA, and Livable Oakville Plan Sections: 11.4 High Density Residential, 12.5 Urban Core, 13.4 Community Commercial, 14.3 Office Employment, 16 Natural Area, 17.1 Parks and Open Space, and 18 Utility.

## 3.4. Existing Uses

As noted in Table 14 above, the Official Plan includes policies that generally permit existing uses to continue. These policies recognize that the redevelopment of Midtown will occur in a gradual manner and that certain uses may remain in operation for many more years. Where these uses are successful and are serving the needs of the community, the policies recognize that landowners may wish to expand the use or building within which the use exists in a manner that may not be in full conformity with the built-form policies of the Official Plan. This development is anticipated to be an interim measure before the site is fully redeveloped in accordance with the ultimate build-out vision for the area. To ensure that such an expansion is not precluded by the CPP by-law, provisions in the by-law are required to acknowledge these interim development scenarios; while still protecting for the evolution of the long term use of the site and surrounding area.

### 3.4.1. Considerations

Presently, there is a mix of uses that exist within Midtown. These uses include: automobile related uses (such as car dealerships, auto repair and gas station), hotel, office, apartment buildings, large format retail, grocery stores, commercial plazas, structured parking lot, surface parking lot, vacant land, and transit stations, among others. Some of these uses are in line with the overall vision for Midtown in terms of the use and their built-form, whereas others may provide a desired use but not in the ideal built form, and finally others are uses that are not desired over the long term.

Midtown Oakville is identified as a primary strategic growth area, and as such an area that is prioritized for redevelopment and intensification. To facilitate that redevelopment to occur expeditiously, the Town needs to ensure that development approvals are undertaken efficiently, and that infrastructure is provided to support the anticipated growth. As such, the continuation of uses or their expansion should not occur where they would preclude or delay the provision of necessary infrastructure. Accordingly, permission for expansions to existing development is subject to criteria and conditions that need to be recognized in the CPP by-law.

Furthermore, it is noted that the current Zoning By-law includes site specific zoning permissions and standards. While these sites have not yet been developed in accordance with those zoning provisions, and to the extent that those provisions are in conformity with the Official Plan policies, the CPP by-law should ensure that those provisions continue.

### 3.4.2. Options

To address existing uses, the CPP By-law could provide site specific provisions or general provisions.

#### 3.4.2.1. Site Specific Provisions

The use of site specific provisions is akin to Part 15 – Special Provision of the current Zoning By-law. In this part of the By-law there are site or area specific provisions that are usually developed based on a private Zoning By-law amendment request. The site specific “existing use” provisions could be similarly identified on a schedule of CPP By-law that identifies sites that are subject to provisions that are different from the general applicable provisions of the By-law, to recognize an existing use or private Zoning By-law permission that has not yet been realized on the specific site.



#### PRO

- Carries forward existing provisions applicable to a site.
- Clearly defines each site's unique conditions.
- Clearly defines legal permissions and standards for each site.
- Provides recent development proponents assurance that the zoning provisions they have secured continue to exist.

#### CON

- Creates a precedent to provide site specific details in the CPP By-law that would otherwise be listed in a development permit, once the CPP By-law is in effect, and thereby defeats the streamline approval process of the CPPS.
- May result in a cumbersome By-law document.
- May require an amendment to the By-law when an existing use is proposed to expand or add new development to the site and therefore undermine the streamline approval process of the CPPS.

#### 3.4.2.2. General Provisions

An alternative option is to comprehensively review all of the existing uses and determine which of those are compatible with the Official Plan and ensure that they are noted as permitted uses and built form within the by-law. For example, a five or greater storey hotel is, and continues to be, a permitted use and no site specific provisions would be required for that use.

For uses and forms that are viewed as not in keeping with the Official Plan but permitted to continue or expand, provide appropriate conditions and criteria for them. For example, an existing large format retail facility, such as a grocery store, is a permitted use; however, its built form as a stand alone facility is not desirable over the long term. If the landowner desires to expand the use, the Official Plan would permit the expansion, as long as the expansion would not preclude the provision of necessary infrastructure such as parks or roads on the site. As such, provisions within the by-law could refer to conditions related to existing uses as provided in the Official Plan in relation to specific land use designations, and/or provide general existing use provision applicable to all such existing uses as of the date the by-law is passed for the Midtown Oakville area.

For an existing use that would not otherwise be permitted, such as a drive-through facility, the CPP by-law provisions may preclude their expansion and not permit them to be re-established through future redevelopment.

#### PRO

- Using general provisions to address permitted, conditionally permitted and prohibited uses for existing or pre-existing zoning permissions is in accordance with the intent of the CPP system where the by-law is a high-level framework document implementing the Official Plan, and the issued development permits and pre-existing site plan approvals provide site specific details.
- This option does not set a precedent for future CPP by-law site specific amendments to recognize specific permissions and standards for sites.

- More straightforward for development and allows for more flexibility for existing development to expand or add to a site.

#### CON

- Specific permissions and standards established for existing uses may not be easily found on a site-by-site basis. Some landowners may believe that certain use permissions that are permitted by the Official Plan policies have been removed through the passing of the CPP By-law.
- Without site specific permissions and standards listed, may be difficult to assess whether an expansion to or additional building/structure may be permitted in relation to existing use policies of the Official Plan.

## 3.5. Variation from Standards

O. Reg. 173/16 encourages CPP By-laws to include provisions that would permit variations from standards that are provided in the By-law. As in typical Zoning By-laws, the CPP By-law could provide minimum and/or maximum standards for matters such as setbacks, step-backs, floor area, lot coverage, parking and loading, etc. A development permit application however may propose a variation from that standard. In the traditional land use planning system, to obtain that variation a new application for minor variance to the Committee of Adjustment would need to be made. In the CPP system, a separate application is not required. Instead, the approval authority may consider the proposed change in the context of the Official Plan policies, provisions of the by-law and information provided in a guideline to determine whether the proposed variation is supportable, to the extent that the by-law would permit it. In that regard, provisions need to identify for what matters a variation may be permitted and to what degree. In terms of the degree of variation, it may be expressed as a percentage, or numeric value, or may be expressed in a qualitative or objective based approach.

There are many policies in the Official Plan and within OPA 70 that provide general and specific standards. Permission for a variation from a standard is often indicated where policies use words like: “may,” “should”, “encourage” or “subject to.” Some standards and/or permissions may also be subject to conditions (i.e. provision of community benefit for height over building height threshold) which are discussed in Section 3.6 below.

### 3.5.1. Consideration

A significant aspect of the Community Planning Permit System is a recognition that Official Plans are visionary documents intended to be implemented over the long term. While the best available information is used to prepare these documents, they cannot anticipate all circumstances, opportunities and challenges, and as such some flexibility is needed in their long term implementation to ensure that the document remains relevant. As such, the implementing CPP By-law also needs to build in some flexibility to maintain its relevance and its goal of streamlining development permit approval.

Through alignment with Official Plan policy, the CPP By-law can be structured to achieve that goal, while also maintaining the integrity of the CPP System of being transparent and providing development certainty.



Concurrent with the preparation of the CPP By-law, the Town is also preparing urban design guidelines for Midtown Oakville. As these two documents are drafted, consideration can be given to whether provisions need to be in one or the other document, or in both.

#### 3.5.2. Options

When developing the CPP By-law, the Town may apply numeric or qualitative/objective based provisions to set parameters for variations from standards.

##### 3.5.2.1. Numeric/Percentage Based Variation

While the CPP By-law may include minimum and maximum standards for certain matters, in some cases variations to those standards may be warranted. The CPP By-law provision may include preset ‘tolerances’ for variation from those standards. For example, the Official Plan policy states that the minimum podium separation **should** be 15 metres. The CPP By-law could then establish a minimum separation distance of 15 metres, and allow for up to a percentage variation to this separation where circumstances warrant it.

Another example could be the Official Plan policy that requires the replacement of existing non-residential gross leasable floor area with new development. The policy indicates that the minimum gross leasable floor area is required to be provided within new development, unless a study demonstrates that less gross leasable non-residential floor area would satisfy the employment objectives provided in the Official Plan within the same precinct area. In this case, the CPP By-law could include a numeric percentage to which the requirement could be lessened, irrespective of the study findings.

#### PRO

- Variation permission is predictable, reduces need to resubmit plans and drawings.
- Variation is unambiguous and leads to objective decision making.
- Permission for variation is relatively easy to administer.

#### CON

- Preset numeric variation may not address all circumstances/situations, and in some instances may not be appropriate for a particular site/situation.
- May allow for unexpected/negative outcomes.
- Permitted numeric or percentage values may not be reasonable for all sites/blocks.
- Where the preset numeric variation does not address a particular circumstance, an amendment to the CPP By-law (which would require a separate application to Council) would be required before a development permit application may be approved, thus undermining the objective of a streamlined approval process.

##### 3.5.2.2. Qualitative/Objective based variation

Using a qualitative or objective based variation means that the applicant may seek a variation from a set standard of the By-law where:

- the need for the variation is explained,
- there is confirmation that the variation does not create a negative impact, and
- the overall proposal continues to meet the vision and objectives of the Official Plan.

Using the above example, if the by-law establishes a minimum separation distance of 15 metres between podiums, however the design of the buildings and how they are situated on the site still provides sufficient distance between podiums to allow for safe passage between buildings and adequate sunlight to habitable spaces within the lower levels of the podium, then a lesser separation distance may be acceptable. This may be a matter that is discussed in a design guideline that provides context and considerations for a development permit application that proposes more narrow building separation distances.

Using the second example, this objective based approach is in-line with the policy that indicates that should a supporting study demonstrate that the employment objectives for the precinct area are met, a lesser amount of gross leasable non-residential floor area (GLFA) may be permitted. In this example, there is no preset reduction in the GLFA, and the approval authority would make its decision based on the findings of the report provided.

#### PRO

- Variation permission is based on whether the request continues to address relevant objectives or qualities of development.
- Allows for variation relative to site specific circumstances and unanticipated conditions.
- Maintains the objective of a streamlined approval process.

#### CON

- Variation permission is not predictable.
- The permission for variation is less objective, may result in an inconsistent response to similar applications.
- More time may be required to prepare and respond to the request for variation given the need to provide and accept the rationale for each request.

#### 3.5.2.3. Hybrid

The hybrid option would result in a CPP by-law that, for some matters, permits an objective/quality based permission for a variation from standards, and in other cases uses a numerically based variation, depending on the standard. This approach would rely on the policies of the Official Plan and guidance material to inform the type of variation and the decision making process associated with it.

## 3.6. Conditions

In accordance with the regulation, the OP policies set out the **types** of conditions that may be imposed in the following policies:

28.15.3 Any requirements, standards, **conditions**, criteria **set out in the policies** of this Plan that are related to **site plan control** or **zoning** are deemed to also apply in the context of a Community Planning Permit By-law.

28.15.7 Approval of development permit applications may be subject to **conditions** that are **to be met prior to, at the time of, or following issuance** of a development permit.

28.15.8 The CPP by-law may include any of the types of **conditions listed in O. Reg. 173/16**<sup>24</sup>, as well as:

- a) conditions that require **payment in lieu** of a matter that is otherwise required;
- b) conditions that provide the Town with an **equivalent benefit** that is otherwise gained through the implementation of the Town's **community benefits charge by-law**;
- c) any other type of **condition that is required to ensure the safety and security** of persons, property, and the natural environment;
- d) conditions that establish **lapsing periods** for development permit approval after which the approval is rescinded;
- e) conditions which establish a **set time** within which the development permit is in effect;
- f) conditions which put a development permit issuance on **hold** until a specified time or specified matter(s) has/have been addressed.

28.15.9 Any such condition may require an **agreement** which may be required to be registered on title.

#### 3.6.1. Considerations

As noted in policy 28.15.7, the approval of a development permit application may be subject to conditions that are met prior to, at the time of, or after the issuance of a development permit, and some conditions may be met long after the development permit is issued. The ability to impose the full range of conditions noted above is unique to the community planning permit system. While some of the listed conditions are imposed via similar approvals, (i.e. site plan or minor variance) such as conveyance of land or entering into agreements; others, such as monitoring requirements, are new to the Town.

O. Reg. 173/16 requires that the CPP by-law to **outline** conditions that the approval authority may impose when approving development permit applications. The outline would provide a general description and/or provide essential features of the types of conditions noted above.

Provisions in the by-law could include all or some of the following:

- description of condition,
- whether the condition is met prior to, at the time of, or after development permit issuance,
- whether the condition needs to be registered on title,
- whether certain types of development may be exempt from having to satisfy the condition, and
- cross references to Official Plan policy and/or guidance document to provide guidance in terms of structuring the condition.

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<sup>24</sup> See Table 15 for the list of conditions provided in O. Reg. 173/16.

## 3.6.1.1. Description of condition

A description of the condition would elaborate on the condition listed in section 28.15 of the Official Plan. The description may include how this condition is generally intended to be met. For example, if a condition of approval is that land is dedicated to the Town, the condition may be that the lands to be conveyed are clearly denoted on the issued development permit. Table 15 provides the list of conditions along with their description.

TABLE 15 PROPOSED DESCRIPTION OF CONDITIONS

Condition	O. Reg. 173/16 and OP Policy	Description
Cash-in-lieu of Parking	1. A condition that is permitted by section 34, 40, 41 or 42 of the Act or by section 113 or 114 of the City of Toronto Act, 2006.	Subject to Town parking strategy, Town may permit cash-in-lieu of providing parking, where proposal is in need to parking but is not able to provide it on site. <sup>25</sup>
Site Plan related conditions		See <i>Planning Act</i> section 41 (7) and (8). Includes conveyance of land for right-of-way (ROW) or expansion to ROW, provision of transit facility, etc., to be identified on the development permit plan.
Parkland Dedication or Cash-in-lieu		See Town by-law <a href="#">Parkland-Dedication-By-law</a>
Tree Protection and on site vegetation	2. A condition that is related to the removal or restoration of vegetation.	See Town by-laws <a href="#">Private-Tree-Protection-By-law</a> and <a href="#">Town-Tree-Protection-By-law</a> Furthermore, conditions may apply to managing and maintaining vegetation that is provided to address sustainability of development such as green roofs and walls, bioswales, stormwater management, and measures to address heat-island effect.
Site Alteration		See Town by-law <a href="#">Site-Alteration-By-law</a> Conditions may include matters that address water balance and storm water management to ensure no negative impact from development.
Monitoring	4. A condition that is related to ongoing monitoring requirements that are considered necessary for the protection of, i. public health and safety, or ii. the natural environment.	Monitoring of matters related to public health and safety and the natural environment may be a condition of development permit approval. The condition would include the means, frequency, and duration of monitoring. This may include the monitoring of low impact development measures to ensure that they continue to provide

<sup>25</sup> Per the *Planning Act*, the Town is not able to require minimum parking rates, except for bicycle parking. As such, a cash-in-lieu provision would apply where the applicant has identified a need for parking but is unable to provide it on site.

Condition	O. Reg. 173/16 and OP Policy	Description
		the function for which they were designed.
Community Benefit	5. A condition that requires the provision of specified facilities, services and matters in exchange for a specified height or density of development, which may be within the ranges set out under clause (2) (c) or outside those ranges as set out under clause (3) (f).	In exchange to permitting building heights to exceed established height thresholds, proportional community benefit(s) as listed in the Official Plan are required to be provided. (See section 4 of this report regarding the threshold height and standards, and options for defining <i>proportional</i> .)
Exception to prohibited matters related to wetlands, hazard and contaminated lands, and natural heritage	6. With respect to land described in paragraph 3 [marshy lands], 3.1 [contaminated lands; sensitive or vulnerable] or 3.2 [natural features and areas] of subsection 34 (1) of the Act, a condition that is related to the matters that would otherwise be prohibited under those paragraphs.	N/A
Agreements	7. A condition requiring the owner of the land to enter into one or more agreements with the municipality respecting one or more other conditions imposed under clause 10 (9) (c), (d) or (e).  28.15.9 Any such condition may require an agreement which may be required to be registered on title.	An agreement between the land-owner and the Town may be required per <i>Planning Act</i> and/or policies of the Official Plan. Agreements may address matters related to site remediation, securities for provision of site improvements and facilities such as wayfinding signs, trees, public art, provision of housing over the long term, etc.  Certain agreements may be required to be registered on title to ensure that the provisions of the agreement apply to future landowners.
OP policy criteria or conditions related to site plan control or Zoning By-law	28.15.3 Any requirements, standards, <b>conditions</b> , criteria <b>set out in the policies</b> of this Plan that are related to <b>site plan control</b> or <b>zoning</b> are deemed to also apply in the context of a Community Planning Permit By-law.	This provision is provided to ensure continuity of criteria, conditions that are associated with site plan control and zoning. Policies in the Official Plan related to matters such as legal non-conforming uses, and holding provisions apply to development permit applications.
Payment in Lieu	28.15.4 a) conditions that require payment in lieu of a matter that is otherwise required;	For any of the conditions listed, where the applicant is unable to provide the required condition in kind, the Town may accept cash-in lieu of the in-kind matter.
Community Benefit Charge By-law equivalent	28.15.4 b) conditions that provide the Town with an equivalent benefit that is otherwise gained through the	The Town's Community Benefit Charge By-law does not apply within a CPP area. To ensure fairness across the Town, development that is 5 storeys or greater and provides more than 10

Condition	O. Reg. 173/16 and OP Policy	Description
	implementation of the Town's community benefits charge by-law;	units will be subject to the same charge that is provided in the <a href="#">Community Benefits Charge By-law 2022-069</a> , unless exempt from the charge. In lieu of the cash charge, in kind benefit may be provided. In-kind benefits may be matters listed in adopted policies 20.6.6 and 28.15.12 of the Official Plan.
<b>Protection of safety and security of persons, property and natural environment.</b>	28.15.4 c) any other type of condition that is required to ensure the safety and security of persons, property, and the natural environment;	Where proposed development requires mitigation from hazards, or is required to provide ongoing mitigation to protect the natural environment, conditions may be required to ensure that those mitigation efforts are maintained over the long term. For example, the provision of a landscaped buffer to the "natural area" or on-going maintenance of a swale may be a condition of the development permit.
<b>Lapsing of approval</b>	28.15.4 d) conditions that establish lapsing periods for development permit approval after which the approval is rescinded;	To ensure timely development and that any development permit application approval continues to be contextually appropriate, the Town may impose a lapsing date in relation to the development permit application and/or the issued development permit. For example, the development permit application that is subject to fulfilling conditions prior to development permit issuance may lapse within a set period of time, if conditions are not yet fulfilled/satisfied. Or, the issued development permit may lapse if building permits are not applied for within a set period of time.
<b>Temporary Use</b>	28.15.4 e) conditions which establish a set time within which the development permit is in effect; <sup>26</sup>	A development permit may be temporary to allow a use within a set period of time. This may be appropriate for seasonal uses and interim uses.
<b>Holding Provision</b>	28.15.4 f) conditions which put a development permit issuance on hold until a specified time or specified matter(s) has/have been addressed.	A development permit application may be approved, however, the issuance of the permit may be withheld until specified matters are addressed and/or complimentary permits are issued. This condition may be appropriate where certain studies must be completed; infrastructure is required

<sup>26</sup> Adopted policy 28.15.6 of the Official Plan provides a cross reference to policy 28.7.2 (now 30.7.2 of the 2025 Office Consolidation) which provides criteria for temporary uses.

Condition	O. Reg. 173/16 and OP Policy	Description
		to be in place to service the proposed development; or where permits from other entities such as Conservation Halton are required.

#### 3.6.1.2. Timing to meet condition

The By-law could identify whether certain conditions are required to be met prior to or following development permit issuance, or both. For example, the dedication of land must be noted on the issued development permit plan, and prior to issuing a building permit the applicant is required to prove that the deed to that land has been transferred to the Town.

#### 3.6.1.3. Agreement(s) Registered on Title

The By-law could identify which type of conditions would require an agreement between the applicant/land-owner and the Town or another entity, and which of those agreements are required to be registered on title. For example, an application that proposes to provide affordable residential units may be required to register those units on title, to ensure that they remain affordable within the established timeframe, and at a rate that is deemed affordable based on the terms of the agreement. As another example, where there is a responsibility for the end user to maintain a matter on site, an agreement for that perpetual maintenance to occur would also be registered on title.

#### 3.6.1.4. Exemptions from Conditions

In some instances, certain types of development may be exempt from having to fulfil a condition that would otherwise be required for any other development. These exemptions could be noted in the By-law. For example, a condition to provide 4% of land value in-cash or in-kind to obtain a development permit approval (as per policy 28.15.4 (b)) may not be applicable to all classes of development and/or all types of development (as is the case with the current CBC By-law). These exemptions could be noted in the By-law as it relates to each type of condition, where applicable.

#### 3.6.1.5. Cross References to Official Plan Policy

In some instances, the drafting of a condition may need to consider direction provided in the Official Plan. Providing appropriate cross references ensures that the policy direction is followed/considered. For example, for a development permit application that proposes to provide a mid-block connection, the adopted Official Plan policy 20.5.2 (c)(iii) states that the connection may be publicly or privately owned and shall be publicly accessible. As such, the development permit application approval may include a condition that certain lands are conveyed to the Town for public access, or a condition that a public easement over the land is secured prior to building permit issuance. As such, the policy cross reference would provide context for conditions related to land dedication and agreements registered on title.

Furthermore, adopted policy 20.5.2 (c)(v) identifies a number of matters that may be provided within a mid-block connection, such as lighting and bicycle parking facilities, as a condition of approval. The issued development permit would need to include where those facilities are to be located within the site. As such, the policy reference in the provisions of the by-law provides context for why the condition



is stated in the development permit application approval. Consideration needs to be given to how detailed the policy references should be; i.e., a general reference to section 20, or references to specific policies of the Official Plan.

### 3.7. Schedules and Maps

To support the implementation of the OPA, consideration needs to be given to the maps and figures provided in the Official Plan and whether any or all of them need to be reflected in the by-law. Within OPA 70 there are six schedules and two figures. These maps assist with the interpretation of policies related to land use, built-form, and infrastructure. In addition, policies refer to spill flood hazard and hazardous lands which are mapped by Conservation Halton.

#### 3.7.1. Considerations

Typically, zoning maps depict land use designations provided in the Official Plan. These zoning maps are referred to in order to determine land use permissions and specific built form standards that may be different based on the zone within which the site is located. Sometimes the zoning maps may be more granular than what is provided in an Official Plan. For example, the Official Plan may have a land use designation of Urban Core (UC), whereas the Zoning By-law may have sub-zones UC1, UC2, etc. where a distinction among these areas is warranted based on use permissions or other matters.

Some zoning maps use “overlays” to address certain matters. The overlay is useful when desired by-law provisions do not align with a zone and are intended to be applied to general areas. For example, the newly adopted Zoning By-law for the City of Richmond Hill includes schedules that assign maximum density of development to areas zoned as Centres and Corridors, and separate schedules that assign minimum and in some cases maximum building height, along with maximum podium height, that are separate from the zones assigned to those areas (City of Richmond Hill, 2025).

To further assist with interpretation, a by-law may also include appendices. The appendices provide information that assists with the interpretation of the by-law. The appendices are usually not statutory, which means they can be updated without a formal amendment to the by-law. As an example, the current Town of Oakville Zoning By-law appendix includes a map of conservation authority regulated areas. This information originates from the conservation authorities and may be updated when these authorities update their mapping.

When preparing the CPP By-law, consideration needs to be given to if and how the OP schedules and figures need to be recognized in the By-law. Table 16 below provides an overview of the relevant Official Plan schedules and their relationship to the CPP By-law.

**TABLE 16 OFFICIAL PLAN SCHEDULES AND FIGURES AND THEIR RELATIONSHIP TO THE BY-LAW**

Schedule/Figure	Purpose	Relationship to the CPP by-law
Schedule L1: Land Use	Assigns permitted/prohibited uses that align with overall Midtown vision.	Permitted and prohibited uses are required provisions of the by-law.
	Conceptually designates future public parks, actual parks are designated as Park and Open Space.	Land for future parks may be acquired as a condition of development permit application approval.



Schedule/Figure	Purpose	Relationship to the CPP by-law
	Through future OP consolidations, new parks are redesignated accordingly.	Future public parks may require an administrative change to be recognized in the By-law as public park.
<b>Schedule L2: Minimum Density</b>	Assigns minimum density of development on a block/sub-block basis. Density assignments do not directly align with land use designations.	CPP By-law is required to provide minimum and maximum standards.
<b>Schedule L3: Maximum Density</b>	Assigns maximum density of development on a block/sub-block basis. Density assignments do not directly align with land use designations.	CPP By-law is required to provide minimum and maximum standards. Approval of development permit applications are required to ensure that maximum density requirements are not exceeded.
<b>Schedule L4: Building Height Thresholds</b>	Assigns threshold building height, development that proposes to exceed height is required to provide a proportional community benefit in relation to the additional height permitted. Height thresholds do not directly align with land use designations or density assignments. Assigns minimum height requirements for certain types of development.	<p>CPP By-law is required to provide threshold that triggers provisions that allow the Town to negotiate community benefits in exchange for permitting height above the threshold established in the By-law.</p> <p>Approval of development permit applications are required to ensure that minimum height requirements for certain development are met.</p>
<b>Schedule L5: Transportation Network</b>	This schedule provides a new network of streets to facilitate movement of people and goods and delineate development blocks. This schedule also identifies the provision of new bridges and underpasses, transit hubs and BRT stations, and required right-of-way widths for streets.	<p>The provision of transit facilities and transit user amenities may be considered as a community benefit to be provided in exchange for an increase in height above the thresholds provided in Schedule L4.</p> <p>The provision of new roads/road widenings may be a condition of development permit application approval.</p>
<b>Schedule L6: Active Transportation</b>	To support objectives of Midtown Oakville where residents, workers and visitors utilize multiple modes of transportation, this schedule identifies future active transportation routes, and facilities to provide for an interconnected network. The schedule also identifies mid-block connections to increase opportunities for active transportation travel.	<p>Certain facilities identified on this schedule may be considered as a community benefit to be provided in exchange for an increase in height above the thresholds provided in Schedule L4.</p> <p>Provision of mid-block connections would be identified in development permit applications, their conveyance to the town or public access easement may be a condition of development permit application approval.</p> <p>Location of buildings within a development permit application should provide allowances to create mid-block connections as conceptually shown on Schedule L6.</p>
<b>Figure E1: Precincts</b>	Precinct areas have unique qualities that collectively achieve the vision for Midtown. This map identifies the lands that are subject	Variations to standards related to minimum non-residential gross leasable floor area are linked to precinct areas identified in Figure 1.

Schedule/Figure	Purpose	Relationship to the CPP by-law
	to each of the five precinct areas of Midtown.	
<b>Figure E2: Active Frontages</b>	This figure highlights certain street fronts in Midtown that are targeted to provide street-facing non-residential uses and wider building setbacks to ensure active, vibrant walkable streets.	Certain built form standards and use permissions are required for areas of Midtown that are identified as Active Frontage on Figure 2.

#### 3.7.2. Options

The following options may be considered in relation to each schedule or figure of the Official Plan:

##### 3.7.2.1. Provide as a schedule/map of the by-law

A map/schedule of the By-law is a statutory element of the By-law and any amendment to the map/schedule would need to be undertaken through a formal process in accordance with section 34 of the *Planning Act*. As a map/schedule, it connects multiple provisions of the By-law to specific areas within the CPP area.

##### 3.7.2.2. Provide as an overlay schedule

An overlay schedule of the By-law is a statutory element of the By-law and any amendment to the overlay schedule would need to be undertaken through a formal process in accordance with section 34 of the *Planning Act*. As an overlay schedule, it connects certain provisions of the By-law to specific areas within the CPP Area.

##### 3.7.2.3. Provide as an appendix

An appendix of the By-law is a non-statutory, information element of the By-law and any amendment to it may be done administratively. The information is provided along with the By-law for ease of reference.

##### 3.7.2.4. Do not provide in the by-law

For some matters, only a reference to the Official Plan schedule or figure may suffice. In this manner, information is not repeated in the By-law and any amendment to the schedule/figure is undertaken only within the Official Plan and not also to the CPP By-law.

### 3.8. Community Building Key Directions

Section 5 of this report provides key directions related to community building matters which are informed by the preceding analysis and consultation with the public and stakeholders.

## 4. Commensurate Community Benefits

In accordance with the O. Reg. 173/16 sections 3(5) the Official Plan includes policies that allow the Town to impose conditions along with development permit approval that require the applicant to provide facilities, services or matters in exchange for the Town permitting development to exceed specified building heights. These adopted policies are as follows:

28.15.10 Where the CPP By-law authorizes conditions that require the provision of specified facilities, services and matters in exchange for a specified height or density of development, the CPP By-law shall:

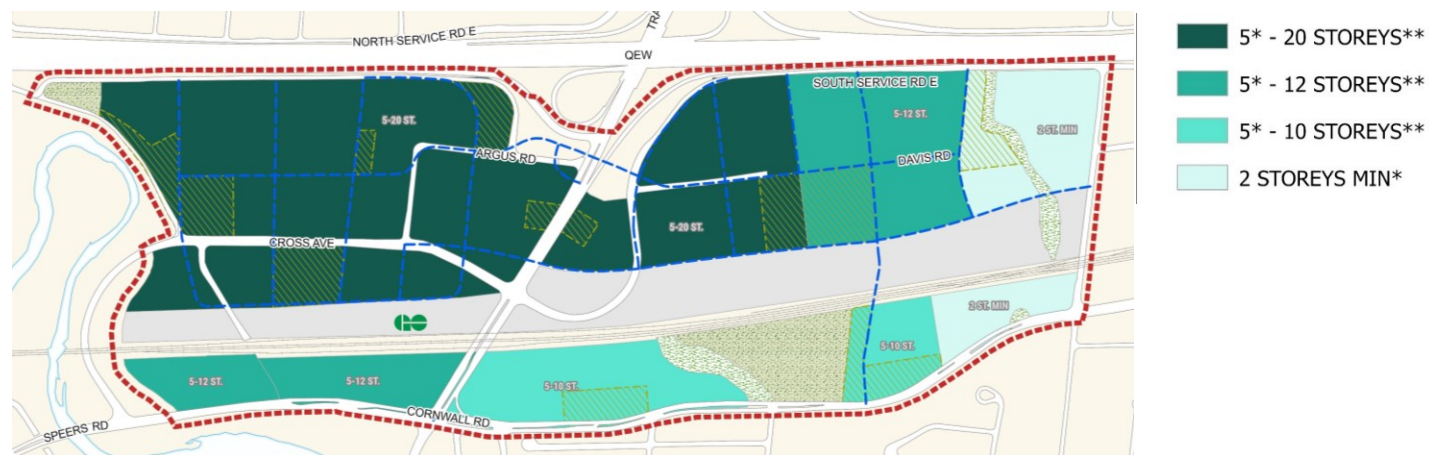
- a) include provisions establishing a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height and/or density of development that may be allowed, and
- b) establish density and/or height thresholds in accordance with CPP Area policies of this Plan. For the subject sites to which these provisions would apply, the threshold height and/or density must be greater than the required minimum and lower than the maximum height and/or density permitted in this Plan.
  - i. In the case of Midtown Oakville, the building heights set out on Schedule L4: Threshold Heights are the applicable building height thresholds, and the minimum and maximum densities set out on Schedules L2: Minimum Density and L3: Maximum Density are the applicable minimum and maximum densities, respectively, referred to in policy 28.15.10 (b).

28.15.11 All facilities, services, and matters as well as cash-in-lieu of them shall be allocated to lands within the subject community planning permit area.

Specific to Midtown and the implementation of this type of condition are the following policies and schedules:

### 20.5.1 (f) Building Height

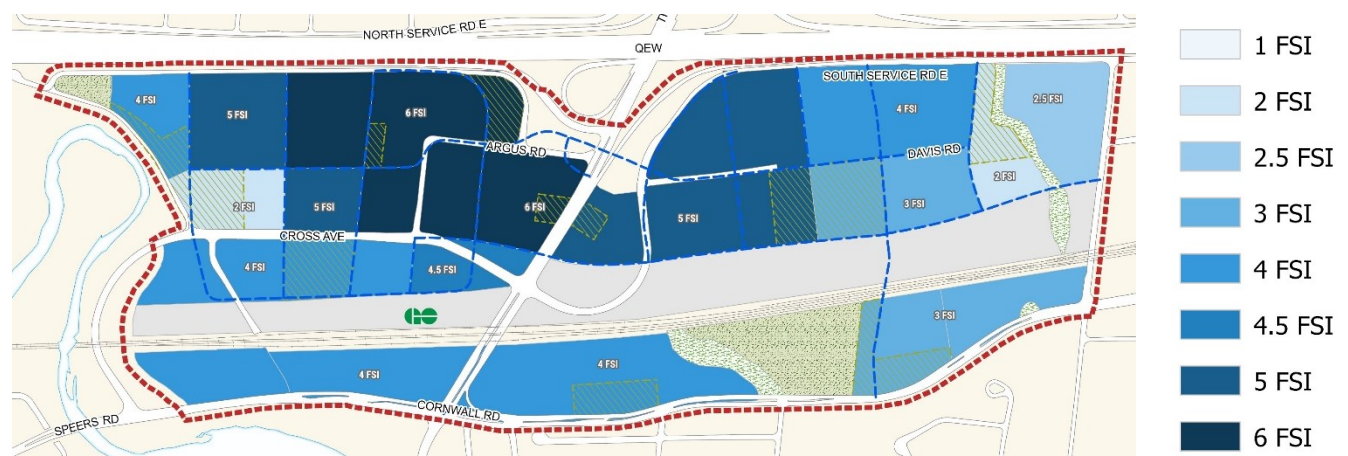
- i. Building height thresholds are shown on Schedule L4. Additional height beyond the threshold may be permitted through a development permit application or through a rezoning application, subject to:
  - 1. the maximum density allocation for the site is not exceeded, and
  - 2. community benefits or cash-in lieu of benefits, which are listed in Section 28.15.12 and Section 20.6.6, are provided in accordance with town by-laws.



**FIGURE 7 EXCERPT OF SCHEDULE L4: THRESHOLD BUILDING HEIGHT**

#### 20.5.1 (e) Site Density

- ii. The maximum gross floor area that may be permitted on a development site shall be in accordance with floor spaces indices provided on Schedule L3: Maximum Density and the policies of this Plan.



**FIGURE 8 EXCERPT OF SCHEDULE L3: MAXIMUM DENSITY**

To give effect to these policies, the CPP By-law is required to:

- provide minimum and maximum standards, and may provide variations to those standards, as discussed in Section 3.0 of this report,
- authorize imposing a condition to provide facilities, services and matters in exchange for permitting a specified height or density that is within the minimum and maximum standards of the By-law and may be outside of permitted variations to those standards.
- specifically identify where within the CPP Area the condition may be imposed, and
- establish a proportional relationship between the quantity or monetary value of facilities, services and matters that may be required and the height or density of development that may be allowed.

When reviewing development permit applications, the approval authority must take into consideration the policies and provisions related to the permission of exceeding building height thresholds in exchange for providing facilities, services, or matters (i.e. community benefit) along with the balance of policies and provisions of the OP and CPP By-law. As such, the provision of community benefit does not override **other** policy/by-law requirements (i.e. urban design elements).

This section of the Key Direction report focuses on determining the appropriate proportional relationship provisions the CPP By-law should provide. When establishing this proportional relationship, several factors should be considered:

- expectations for both applicant and Town are clear,
- proportional relationship is fair for both the Town and the applicant,
- the benefit provided is valued by the community receiving it, and
- the proportional relationship approach is repeatable.

To inform proposed options, the Town may consider current procedures in terms of previous *Planning Act* s. 37 Bonus provisions and the current Community Benefits Charge as depicted in Table 17, as well as by considering provisions used by other municipalities where the CPP By-law is in effect or drafted, as listed in Table 18. This information along with consultation on this matter will assist in determining:

- a) whether certain community benefits should be prioritized and if so how;
- b) whether the ability to negotiate community benefits should be delegated, and if so to whom;
- c) whether notice should be given to third parties about the applicant's interest to provide community benefits in exchange for height, and if so when, to whom and by what means; and
- d) what are the appropriate provisions to include in the By-law to address the proportional relationship between building height permission and the provision of community benefits (i.e. facilities, services or matters).

**TABLE 17 OVERVIEW OF TOWN PROCEDURES FOR SIMILAR COMMUNITY BENEFIT ATTAINMENT *PLANNING ACT* TOOLS**

Procedure Element	Section 37 Bonusing (Town of Oakville, n.d.)	Community Benefit Charge (Town of Oakville, 2022)
<b>Trigger to negotiate</b>	Complete application, applicant indicates desire to exceed height/density threshold provided in OP.	All applications 5 storeys or greater and with 10+ units are required to pay fee.
<b>Authority to negotiate</b> <ul style="list-style-type: none"> <li>• new application,</li> <li>• change to agreement terms</li> </ul>	<b>Executive Leadership Team</b> is advised. <b>Director of Planning and Development, Legal and Finance</b> are involved in the negotiation. <b>Council</b> passes by-law which includes Section 37 provisions. <b>Council</b> approves recommendations to permit the bonus in exchange for community benefit. <b>Council</b> authorizes staff to execute Section 37 agreement, agreement includes provisions to allow for changes.	Administration of this by-law is delegated to the <b>Manager of Realty Services</b> – re land value appraisal; <b>Director, Planning and Development</b> – re: planning application and provision of in-kind matter and <b>Treasurer</b> – determination of fees and manages reserve fund.
<b>Notice of negotiation</b>	Per <i>Planning Act</i> , notice of public hearing	n/a

Procedure Element	Section 37 Bonusing (Town of Oakville, n.d.)	Community Benefit Charge (Town of Oakville, 2022)
Measure of “commensurate” benefit	Based on a percentage of land value uplift (typically 50% of uplift)	CBC charge is 4% of pre-building permit land value, in cash or in-kind per matters listed in the Town’s <a href="#">Community Benefits Charge Strategy</a> Note: strategy identifies specific matters and estimated costs.
Notice of decision (result of negotiation)	Per <i>Planning Act</i> , notice of decision to pass by-law	n/a
Agreement	Required, and is registered on title	May be required, and registered on title

TABLE 18 SUMMARY OF PROPORTIONAL RELATIONSHIP PROVISIONS IN IN-EFFECT AND DRAFT CPP BY-LAWS

Jurisdiction and [Status as of April 28, 2025]	Relevant Section of By-law [Notice]	Incentive [Negotiator]	Benefit Calculation Provision
<a href="#">City of Brampton</a> (City of Brampton, 2015) [In effect]	Chapter 1 General Provisions, Section 5.7 Chapter 2, Part 5 Application Processing, Section 5.6 [Notice of Decision, per O. Reg.]	Height and/or Density [Staff, Director of Planning]	The exchange relationship is noted in the site specific development permit (not specified in by-law).
<a href="#">Town of Innisfil</a> (Town of Innisfil, 2017) [In effect]	Sections 1.17 and 4.13.2 [Notice of Application and Notice of Decision]	For either height or density [Council]	Negotiated between Town and applicant via application approval. Value of benefit equitable in relation to value of increase in height and density. (Not specified in by-law.)
<a href="#">City of Guelph</a> (City of Guelph, 2025) [In effect, passed April 8, 2025]	Section 1.14 [Notice of Application and Notice of Decision]	Height <b>or</b> density above “Class 1” maximums [Class 2: Staff, General Manager, Planning and Building; Class 3: Council]	Prioritizes affordable housing, 33% of units above threshold height/density are affordable or Cash Equivalent (\$97,000 per affordable unit) which may be used towards affordable housing or other matters, or a combination of both. Affordable price and rents, and cash equivalents are provided in by-law.
<a href="#">Burlington</a> [ <a href="#">Proposed May 2024 By-law</a> ] (City of Burlington, 2024)	Section 5.30 [Notice of Application and Notice of Decision]	Height above thresholds for Class 2 and Class 3 [Class 2: Staff, Director of Community Planning; Class 3: Council/Committee of Council]	Prioritizes affordable housing and parkland contribution, includes a cash equivalent for each on a per unit or non-res GFA basis.
<a href="#">City of Waterloo</a> (City of Waterloo, 2024) [DRAFT By-law]	Section 1B.15 [Notice of Application for Class 3 Applications and Notice of Decision for both]	Density (measured in bedroom per ha) without exceeding max. height. [Class 2: Staff, Director of Planning; Class 3: Council/Committee of Council]	Prioritizes affordable housing, XX% of units above threshold height/density are affordable or Cash Equivalent (TBD) which may be used towards affordable housing or other matters



### 4.1. Prioritization of Benefits

In accordance with the adopted Official Plan policies listed above, the condition to provide community benefit applies when the development permit applicant **chooses** to exceed the building height threshold assigned to the development site on Schedule L4. This increased building height may be permitted as long as the maximum FSI assigned on Schedule L3 is not exceeded and the applicant provides community benefit(s) that are proportional to the increase in building height requested.

The adopted Official Plan policies provide a list of potential community benefits that may be provided for this transaction to be accepted, as follows:

#### **Midtown Specific**

##### 20.6.6 Community Benefits

In accordance with policy 28.15.10 a condition of development permit approval may be the provision of specified facilities, services and matters. In addition to the benefits listed in policy 28.15.12, the following are benefits that may be provided:

- a) grade separated pedestrian and cycling facilities across the QEW, railway tracks or Trafalgar Road;
- b) community facilities such as:
  - a creative centre, including associated studio, office, exhibition, performance and retail space; and,
  - a public library;
- c) improved local transit facilities and transit user amenities; and
- d) contributions towards a district/renewable heating/cooling/energy system.

#### **Townwide**

##### 28.15.12 Benefits, All Areas

The facilities, services, and matters that may be provided by operation of these provisions include, but are not limited to, the following and may be further specified in the by-law.

- a) public transit infrastructure, facilities, services and improved pedestrian access to public transit;
- b) public parking;
- c) affordable housing for a wide array of socio-economic groups;
- d) conservation and preservation of cultural heritage resources;
- e) protection and/or enhancement of natural features and functions;
- f) public service facilities and improvements to such facilities;
- g) parkland and improvements to parks;
- h) day care centres;
- i) public art;
- j) integration of office uses in mixed-use developments;
- k) sustainable building initiatives; and,



- l) other local improvements that contribute to the achievement of the Town's building, landscape and urban form objectives as set out in this Plan and supporting documents

Policy 28.15.12 item (l) identifies "other local improvements that contribute to the achievement of the Town's building, landscape and urban form objectives as set out in this Plan and supporting documents" as another type of community benefit that may be offered in exchange for permitting additional building height. This item provides additional discretion for the approval authority to consider matters that have not yet been contemplated in terms of meeting the community building objectives of the Town. This allows the approval authority to consider such matters without having to amend the Official Plan, should it be determined that the proposed matter is appropriate and desirable as a community benefit. To assist with making a decision as to whether or not such a new matter is acceptable, the CPP By-law could provide some parameters or criteria beyond what is provided in the Official Plan policies, such as stating that the proposed benefit is required to be identified in a Town Master Plan, for example.

The lists in the Official Plan are not prioritized and are not exhaustive. The Town does have the option to specify additional matters in the CPP By-law, and may choose to prioritize certain facilities, services or matters within the provisions of the By-law.

##### 4.1.1. Considerations

To guide the preparation of the CPP By-law, consideration may be given to whether or not the list of community benefits noted above should be prioritized to assist applicants and the approval authority with their future negotiations regarding the exchange of height permission for community benefits. To assist with this discussion, it is helpful to know what are current Town practices in relation to similar situations; i.e., the Town's procedure as it relates to Section 37 Bonus per the pre Bill 197 *Planning Act*, and the Town's current procedure with respect to implementing the Community Benefits Charge By-law.

The Town's previous [Section 37 Procedure](#) applies a case-by-case analysis of community need relative to the development proposal and allows for cash-in-lieu of providing a specific benefit. All Section 37 related cash is placed in a specific reserve fund, which is then used in support of matters that are listed in the Official Plan as potential community benefits.

The Town's current [Community Benefits Charge Strategy](#) (CBC Strategy) identifies specific matters and their costs. The Act allows the Town to request up to 4% of the development proposal's land value in cash (which is put into a reserve fund) or "in kind." Where cash is provided, the capital budget process determines how CBC reserve fund is expended in relation to those matters. The *Planning Act* requires allocation of at least 60% of reserve fund annually. In the case of "in-kind" facilities, services or matters, these would be determined on a case-by-case basis and in relation to the development proposal and how it could provide any of the community benefits listed in the CBC Strategy.

When considering possible community benefits, the Official Plan provides some inherent prioritization. This is established in the policies and schedules specific to Midtown. The identification of future parks for example would clearly indicate that for sites where these parks are designated and the Town's current Parkland Dedication By-law alone would not yield the amount of parkland proposed for that site, the provision of the additional required parkland would be a clear priority community benefit in exchange for additional building height. Similarly, Schedule L6 regarding active transportation identifies future pedestrian bridges. For sites where these bridges are proposed to be provided, the construction

of the bridge would be a priority community benefit that could be exchanged for additional building height. The policies of the Official Plan that encourage the provision of affordable housing and the provision of non-residential development within the Urban Core land use designation above the minimum requirements established in the Official Plan, also provide inherent prioritization of matters that could be accepted in exchange for the additional building height permission.

Another input for determining what community benefits may be prioritized over others is Council's Strategic Action Plan priorities: Growth Management, Community Belonging, Environmental Sustainability, and Accountable Government. When determining the most appropriate community benefit from the list provided in the Official Plan, the approval authority is guided by the Strategic Action Plan priorities and objectives along with the opportunities the development site and proposal may have to achieve those objectives.

The above scenarios are focused on situations where the development applicant is able to provide an 'in-kind' community benefit. The advantage of 'in-kind' benefits is that they are provided concurrent with the development and are in most cases provided directly on site. Community benefits such as "green" (sustainable) building elements and affordable housing are excellent candidates because they can be provided in proportion to the building and relative to the additional height that is permitted. Small scale community benefits intended for public use such as public parking facilities, day-care centres, and public art are also scalable and are best integrated with development at the outset of the proposal. However, for large-scale community benefits, ones that are off-site, or ones that are intended for broad public use, coordinating among public and private development and timing the provision of the benefit may be challenging. For example, a new library facility that is proposed prematurely relative to demand may not yet be viable or operational without major Town investment in staffing and stocking the facility for which funding is not yet budgeted. In the case of "off-site" community benefits, the land needed to provide that benefit may not yet be available to complete the provision of the project.

To that end, the policies of the Official Plan permit the Town to collect cash-in-lieu of providing a specific community benefit. Any cash collected through this process is put into a reserve fund which can then be accessed for the Town to provide any of the listed community benefits. The benefit of providing cash is that it allows the Town to undertake major projects that are unlikely to be undertaken by any single development proposal. This means that the provision of the community benefit will likely occur some time after the development is constructed and occupied, given that more funds are required for the project to be initiated. As noted above, any development that is five stories or greater and provides more than 10 residential units would be required to provide a CBC charge equivalent fee; as such, funds collected through the fulfillment of either of these conditions require cash contributions may be applied to these 'off-site' matters.

Another consideration regarding the prioritization of benefits is recognizing that some of the community benefits listed in the Official Plan are matters that have Town funding sources, whereas others presently do not, are not specific to Midtown only, or are under-funded. As such, priority may be given to those unfunded matters. For example, presently there is no funding specific to the provision of affordable housing or implementing green building elements (including district energy systems) in buildings or on private lands. In the case of public parkland, the lands received through the implementation of the Town's parkland by-law will not satisfy the target of 12 hectares of parkland across Midtown, which means that additional lands may need to be acquired through other means. In contrast, for matters such

as pedestrian bridges, transit infrastructure, and natural heritage restoration and enhancement, those may be funded through the townwide development charge.

### 4.1.2. Options

When preparing the CPP by-law it is important to determine whether the Town should continue to use its current procedure of assessing community benefit provision on a case-by-case basis or to include priority setting provisions within the By-law or through a new Town procedure. Prioritization of benefits is more relevant in the case of 'in-kind' benefits. Where the benefit is cash-in lieu of the benefit, Council determines the allocation of funding through its capital planning and budget work.

#### 4.1.2.1. No Prioritization Provisions (Case-by-Case)

An option can be that there are no priority setting provisions in the By-law and the approval authority takes into consideration the inherent priority setting established in the Official Plan along with considering Council's Strategic Action Plan and the opportunities that the specific development site has to offer.

#### 4.1.2.2. Prioritization Provisions (Structured)

Alternatively, the CPP By-law or a Town procedure could include specific direction which prioritize certain community benefits over others. The priority setting could consider the following (in no specific order):

- In-kind vs. Cash-in-lieu (which impacts the timing of when the benefit is delivered)
- On-site vs. Off-site (which addresses the location of the benefit)
- Midtown specific items list and schedule vs. General items list (which addresses the type of benefit provided)
- Unfunded vs. Funded matters (which speaks to whether the benefit could be provided/funded through other means)

## 4.2. Procedure for Negotiation

### 4.2.1. Considerations

For this matter specifically, the policies highlighted above are the ones that collectively authorize the Town to work with development proponents in partnership to build community in manner that provides community benefits beyond what the normal planning process achieves. These policies establish the policy trigger and criteria for community benefit negotiation.

The negotiation that will occur when building height is proposed to exceed assigned height thresholds in exchange for community benefit starts early in the development application approval process. Since the development permit application includes plans and drawings (including building elevation), any application that proposes building heights above the height threshold specified in Schedule L4 triggers this process. Given that the OP policies list possible community benefits, the applicant may propose possible proportional benefits.

The approval of the development permit application will include the agreed upon building height permission, and be conditional upon the provision of the agreed upon community benefit. Where the community benefit is a matter that is to be provided following the issuance of a development permit and/or building permit, the agreement will be required to be registered on title and therefore implemented by the applicant and/or a subsequent landowner.

The O. Reg. recognizes that in some cases an agreement may need to be revised, and as such, provisions in the By-law will also need to address how those revisions can be made, this matter is discussed in section 2.5 of this report.

As noted in section 2.3 above, the CPP By-law provides provisions regarding the delegation of approval authority and scope of authority. Meanwhile, section 2.4 above speaks to optional notice provisions in the By-law. Specific to negotiating community benefits and giving notice of such negotiations, consideration of current town practices is informative. Table 17 (above) summarizes current Town practice as it relates to (old) Section 37 Bonus and (new) Section 37 Community Benefit Charge.

Providing notice of the negotiation is generally secondary to the development application proposal in both processes. Providing notice of the negotiation in the case of the development permit application provides greater transparency to the CPP By-law implementation process. Recipients of the notice not only are provided with information regarding the proposed development but are also made aware of any additional benefit the approval of the development may provide. Recipients of the notice can then provide comment regarding the proposed development as well as the proposed community benefit, which may be informative to the negotiators of the community benefit and the ultimate decision maker. With that in mind, consideration should be given to when, how, and to whom the notice should be provided. To assist with those considerations, it is helpful to note how other municipalities who have in effect or in-draft CPP By-laws have addressed this matter, as noted in Table 18 above.

### 4.2.2. Options

#### 4.2.2.1. Authority to Negotiate

Further to section 2.3, the by-law may specify the approval authority and scope of approval regarding the negotiation for benefit. Should decision making may be delegated to a committee or staff, the scope of the authority could include the authority to negotiate community benefit. Consideration for delegating this authority includes the same matters noted in section 2.3, including the 45-day period to approve a development permit application, after which the application may be appealed to the Ontario Land Tribunal. As such, the By-law should identify which entity (staff, Committee or Council) has the authority to negotiate community benefits in the following situations, if intended to be different from the authority to approve the application:

- new development permit application,
- change to an issued development permit, and
- change to terms of an agreement.

### 4.2.2.2. Notice of Negotiation

As noted in Section 2.4 above, the O. Reg. authorizes Council to decide how, when, to whom notice of application should be given, and prescribes minimum requirements in terms of a notice of decision. The CPP By-law can provide additional and more broad direction. In the case of community benefit negotiation, the range of options in terms of notice include:

- a) No specific notice
- b) Highlight in notice of application
- c) Highlight in notice of decision

Furthermore, the By-law could specify to whom and through what means the notice is provided, if the provision of notice is anticipated to be different from what is proposed for applications that do not include community benefits. Entities that could be made aware of these negotiations include:

- a) Agencies (as appropriate)
- b) Indigenous Community (as appropriate)
- c) Land owners (within 60m – 120m)
- d) General Public

## 4.3. Benefit Proportion Approach

A significant and fairly unprecedented element of the CPP By-law will be provisions that describe the proportional relationship between the additional building height that is permitted in the issued development permit and the community benefit that is provided in exchange for it. The O. Reg. 173/16 directs that the CPP By-law establish a proportional relationship between the quantity or monetary value of facilities, services and matters that may be required and the height or density of development that may be allowed. In the case of the CPP By-law for Midtown Oakville, the adopted Official Plan policy 28.15.10 states that the CPP By-law shall:

- a) include provisions establishing a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height and/or density of development that may be allowed, and
- b) establish density and/or height thresholds in accordance with CPP Area policies of this Plan. For the subject sites to which these provisions would apply, the threshold height and/or density must be greater than the required minimum and lower than the maximum height and/or density permitted in this Plan.
  - i. In the case of Midtown Oakville, the building heights set out on Schedule L4: Threshold Heights are the applicable building height thresholds, and the minimum and maximum densities set out on Schedules L2: Minimum Density and L3: Maximum Density are the applicable minimum and maximum densities, respectively, referred to in policy 28.15.10 (b).

As such, both the regulation and the policy permit the by-law provisions to direct for a proportional relationship that is based on the “quantity” or the “monetary value” of the community benefit.

“Quantity” means: the amount or number of something, especially that can be measured, for example units, square metres, number of installations, etc.

Per the Official Plan policy, this benefit is required to be proportional to the building height that is above the threshold building height assigned to the development site on Schedule L4, provided the gross floor area of the resulting building does not exceed the maximum gross floor area assigned to the site on Schedule L3. As such, when determining the proportion of community benefit in relation to the building height, the Town could consider the additional floors or more specifically the gross floor area that is achieved within those additional floors.

### 4.3.1. Considerations

The provisions in O. Reg. 173/16 and the policies in the Official Plan require that there be a proportional relationship between benefits and height. The word “proportional” means: corresponding in size or amount to something else. The terminology does not suggest “equal.” In other words, if X GFA is provided above the threshold height, it does not necessarily mean that X GFA should be provided in the form of a community benefit.

Considerations around developing the proportional relationship need to take into account many factors, including the viability of development and the impact additional height of buildings may have on the immediate and surrounding community, as well as the impact providing the benefit may have on the future occupants of the development and the surrounding community.

In most cases, a development permit applicant is likely to be able to achieve the maximum GFA assigned to a development site without necessarily having to increase the building height above the threshold height. Accordingly, an applicant may simply choose to reconfigure the building mass to avoid having to negotiate for additional height. This may also occur when that there may be very little market value difference for a proponent to build taller rather than wider. As such the provisions in the by-law need to be established in a manner that would motivate the applicant to provide the Town’s desired community benefit(s) in exchange for an increase to the height of a building.

The proportional relationship established in the By-law may also be informed by any prioritization that is given to certain community benefits, such that for matters that are highly desirable, the proportional relationship should be one that would motivate the applicant to propose higher priority matters more so than perhaps a matter that is lower on the list of Town priorities. And similarly, the Town may be motivated to accept taller buildings where the community benefit that is negotiated for that additional height is provided in the right place at the right time.

### 4.3.2. Options

As noted in Table 18 which provides a jurisdictional scan of in-effect and draft CPP by-law provisions, there is not a lot of precedent in terms of the use of these by-law provisions. Based on current Town practice and examples from other jurisdictions, four options are proposed, in no particular order as shown in Figure 9:

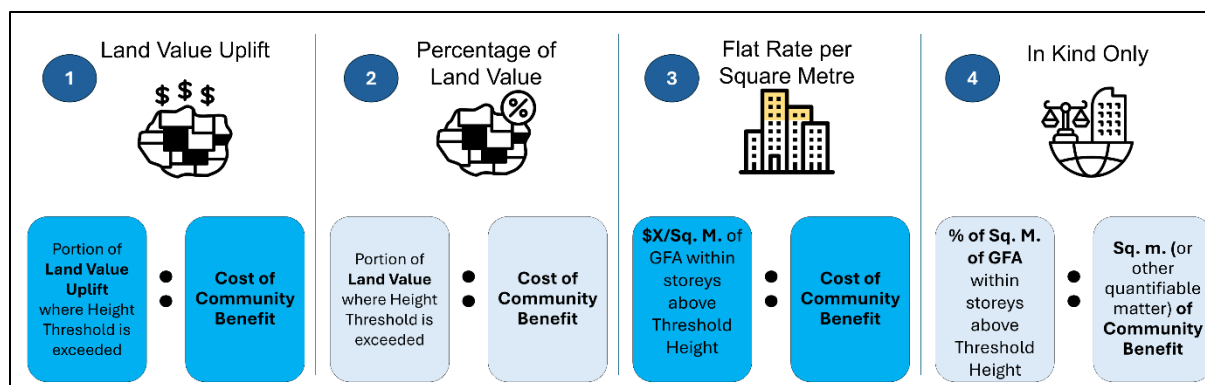


FIGURE 9 OPTIONS FOR PROPORTIONAL RELATIONSHIP

The following provides a brief description of the proposed options, and provides a preliminary list of pros and cons for each option. The recommended option could be one of the proposed options or a combination, which will be determined through further consultation.

#### 4.3.2.1. Land Value Uplift

This option proposes to attribute a proportion of land value gain to the value of community benefit.

This approach has been used by the Town under the (old) Section 37 Bonus provisions of the *Planning Act*. Where the community benefit is in proportion to a percentage of the land value gain as a result of the total GFA achieved on site in contrast with the land value that would otherwise be achieved without the increase in building height (and associated GFA gain). This option assumes that there is a land value change when height is greater than the threshold building height. This option then proposes that a proportion of that land value uplift is dedicated to community benefit in cash or in kind.

Traditionally, this approach requires the following steps:

1. Applicant would undertake a land appraisal based on development that does not exceed building height and a second appraisal based on pre-building permit land value (with building heights above threshold).
2. The land value “uplift” equals the difference in value determined by the two appraisals.
3. Town establishes a **set percentage of land value uplift** that would be applied to “community benefit” which the applicant would provide in cash or in kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

PRO:

- This approach is the Town’s current practice, where there is a change in zoning for a specific site, and therefore the Town has experience applying it.
- This approach has been applied in other municipalities, also where there is a change in zoning, and therefore the development community is also familiar with it.



- As land value increases, the Town would be able to negotiate for more community benefits.

CON:

- This approach requires undertaking two land appraisals.
- Land value assessments can be subjective, open for dispute, and may be subject to lengthy challenge.
- The approach is reliant on real estate value rather than the benefit or cost to the community.
- It may result in few benefits if there is little to no change in land value. The correlation of the percent of uplift and benefit of increased height may be weak. In most cases, the driver for land value uplift is a gain in permitted land use and/or gross floor area (through a change in zoning). Given that the Midtown Oakville policies establish land use and a maximum FSI, the density of development may not change with height and the land value assessments may result in no or very little difference or “uplift” at the time of the development permit application.
- Land value can vary from site to site resulting in some applicants paying much higher fees/contributing more in-kind benefit than others for the same increase in building height.
- If land value assessments are based on pre-building issuance, it is difficult to incorporate this into the early pro-forma stages of development and/or assess whether an in-kind matter is equal to the cash that would otherwise be provided.

##### 4.3.2.2. Percent of Land Value

This option proposes to establish that when height is exceeded, a set charge based on a proportion of land value is applied to the site, which is irrespective of how much taller or more GFA is gained within the building.

This approach is similar to the current Community Benefit Charge by-law (CBC) fee that applies to development of sites where the building height is five or more storeys and consists of ten or more units. In the case of the CBC, the applicant is required to provide 4% of the land value in cash or in kind, irrespective of the total number of units and/or floors the development proposes.

This approach results in an inverse relationship between building height and community benefit. Such that the shorter the building height, the greater the community benefit relative to it, and vice-versa.

Approach:

1. Town establishes a **set percentage of land value** that is offered by the applicant when a development is permitted to exceed the building height threshold (irrespective of number of storeys).
2. Applicant would undertake a land appraisal to determine pre-building permit land value.
3. The pre-set percentage of that value would be applied to “community benefit” in cash or in kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

PRO:

- The applicant can build the pre-set value into their pro forma, early in the development process.
- The applicant can decide to what height they would need to build based on market conditions, in order to ensure the development is viable, while providing the community benefit in cash or in kind.
- This approach requires only one land appraisal based on the zoning established through the passing of the CPP by-law, which is already required for the purpose of satisfying adopted policy 28.15.8 (b) of the Official Plan for any development greater than five storeys and proposing more than 10 residential units.<sup>27</sup>
- This approach is administratively straightforward.

CON:

- This approach requires a land appraisal.
- Land value assessments can be subjective, open for dispute, and may be subject to lengthy challenge.
- The approach is too reliant on real estate value rather than the benefit or cost to the community associated with the taller building.
- This approach may not be viewed as “proportional with height.”
- This approach may be seen as a disincentive to applicants who wish to only marginally exceed threshold building height; conversely the Town may not receive full benefit value where applicants seek to maximize permitted gross floor area at the set rate.
- Land value can vary from site-to-site resulting in some applicants paying much higher fees than others for the same increase in building height.

##### 4.3.2.3. Flat Rate per GFA or Unit

This option proposes to establish a dollar value rate that is assigned per square metre of gross floor area that occurs in storeys of the building that are above the height threshold. The resulting dollar value calculation is then paid in cash or in kind. This approach establishes a monetary value to the provided community benefit that is directly proportional to the gross floor area resulting in the additional height permitted.

A few variations to this approach include:

- The flat rate could be based on a percentage of standard construction cost, or portion of the per square metre market price/rent, at the time of application.
- The flat rate could be applied on a per unit basis for residential development (i.e. irrespective of unit size).

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<sup>27</sup> Adopted policy 28.15.8 (b) provides the following condition of development permit approval:

b) conditions that provide the Town with an equivalent benefit that is otherwise gained through the implementation of the Town's community benefits charge by-law;

This approach is applied in other jurisdictions. For example, the [City of Halifax](#), Nova Scotia applies a rate of \$4.40 per 0.1 m<sup>2</sup> of GFA above established thresholds (Halifax Regional Municipality, 2015).<sup>28</sup>

Approach:

1. Town **establishes a set “flat rate” per sq. m.** of GFA gained within storeys above the threshold height.
2. Applicant chooses to exceed the building height threshold. The per square metre value is applied to all of the GFA proposed within the storeys above the building height threshold.
3. The total per square metre value would be applied to “community benefit” in cash or in kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

PRO:

- No land value appraisal is required.
- The flat per square metre or per unit rate is the same for all development sites, creating more fairness for applicants seeking increases in building height.
  - If a per unit value is applied, this may incentivize the provision of larger units.
- The calculation of community benefit is objective and administratively straightforward.
- Cost of additional building height is easily calculated and applicant can build the cost into their pro forma early in the development process and make an informed choice whether to exceed the building height threshold.

CON:

- Determining the preset value to apply may be challenging.
  - Town may use third party resources such as the Altus construction cost data or TREB average unit values/rents if those are to be used as the basis for the preset value.
- The preset value, if not set in a manner that is responsive to market conditions, may stifle/delay development or result in a loss of opportunity for the Town when market conditions are favourable.
- A one rate approach may not relate to or motivate the provision of priority community benefits.

#### 4.3.2.4. “In kind” only based on Community Value/Priority

This option considers a quantity relationship rather than the monetary value relationship the preceding options propose. With this option, the proportion of community benefit relative to the increase in building height is based on the value of that community benefit to the success of Midtown as a complete community. As such, ratios are established relative to the type of community benefit provided and the gross floor area “gained” by the height increase.

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<sup>28</sup> The Halifax Regional Municipality uses three different approaches to density bonusing depending on the area of the municipality. In other growth areas, they use a land value uplift method (Halifax Regional Municipality, 2021).

This option emphasizes the provision of in-kind community benefits. An applicant chooses to incorporate community benefits within building and/or site, which increase marketability of building. The Town supports increase in height to achieve those community benefits based on Town priorities and values.

The premise here is that the benefit is an *offering*, not a *taking*.

This approach was recently adopted in [New York City](#) through its “[Universal Affordable Preference](#).” It applies a 1:1 ratio for up to a 20% increase in building height from threshold heights. In other words, up to a 20% increase in building height is permitted if the same amount of GFA is dedicated to affordable housing.

With this option, the Town would establish set ratios relative to the various community benefits that may be offered. The ratio would be based on rates that would incentivize development to provide the desired benefits. For example:

- Affordable housing may be set at a 1:5 ratio, such that 1 affordable unit is dedicated for every 5 additional units obtained by an increase to the building height.
- Parkland may be set at a ratio of 1:(GFA\*assigned FSI), such that for every additional square metre multiplied by the assigned FSI, 1 square metre of parkland (more than what is required by the Parkland Dedication by-law) is provided.
- Non-residential or community facility GFA may be set at a ratio of 1:10, such that 1 square metre of GFA is dedicated to that use for every 10 square metres of GFA that is obtained by an increase to the building height.
- Sustainable development measures may be set at a ratio of the equivalent GFA associated with 0.1 FSI for achieving level 1 of established green development standards, 0.3GFA for achieving level 2, and 0.75 for achieving level 3.

Approach:

1. Town assigns ratio of in-kind community benefit that is exchanged for increase in GFA storeys above the building height based on the type and priority of the benefit offered.
2. Proponent selects from menu of options and proposes building height accordingly.
3. More than one type of community benefit can be provided, based on the ratios provided for each benefit.
4. The in-kind provisions are for the base land or gross floor area of a building, the operator of the space is responsible for fit-ups.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

PRO:

- The relationship is based on priorities and values that lead to developing a complete community.

- Applicant is given the choice to proceed with taller building based on whether one or more of the community benefits are achievable on their site and the overall development project is viable through their upfront proforma analysis.
- Ratios are determined based on desirability and ability for proponent to provide them, not dollar values.
- Results in applicant providing benefits on their site rather than relying on it to occur somewhere else.
- Benefits are defined, visible and achieved concurrent with development.

CON:

- Would be difficult to apply to an 'off site' benefit or equate a cash in lieu value; as such, not all of the community benefit options listed in the Official Plan may be provided using this process.
- Applicant may not be willing or may be unable to provide the quantified benefits.

#### 4.4. Commensurate Community Benefit Key Directions

Section 5 of this report provides key directions related to commensurate community benefit matters, which are informed by the preceding analysis and consultation with the public and stakeholders.

## 5. Recommended Key Directions

The following recommendations are provided based on the preceding analysis and consultation with technical teams, landowners and the public, as described in Appendix 1 of this report.

### 5.1. Administrative Matters Key Directions

#### 5.1.1. Structure and Scope of CPP By-law

- 1 Prepare the by-law in a user-friendly and familiar manner.** Use plain language, and provide definitions for uncommon terms or terms that are intended to have a specific meaning.
- 2 Structure the by-law in a manner that makes it compatible with the Town's online systems.** Presently, the Town provides the Zoning By-law online, so too should the CPP by-law. As well, development permit applications should be submitted via online forms, and tracked through Town systems, with final approvals accessible to the general public, as appropriate.
- 3 Structure the by-law in a manner that makes it possible to add in other parts of the Town.**
- 4 Streamline development permit, site alteration and tree-protection approvals within a single development permit application process.** In accordance with the definition of *development* per O. Reg. 173/16 all three matters can be addressed within a single development permit application; however, where a matter is only related to tree-protection and/or site alteration, the Town's usual application process that applies under those by-laws would apply (see exempt matters below).
- 5 Structure as a tool nested under the Official Plan** and implements the Official Plan policies.
- 6 Provide sufficient flexibility to be responsive to market and context that may change over time.**

#### 5.1.2. Exempt Matters

- 7 Exempt the following matters** from having to apply for a development permit within a CPP Area.
  - tree removal (where the removal is unrelated to new development or expansion to existing, the exemption would allow the current tree protection by-law process to apply)<sup>29</sup>
  - site alteration (where the site alteration is unrelated to new development or expansion, the exemption would allow current site alteration by-law process to apply)<sup>30</sup>
  - a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
  - a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres;
  - a temporary building or structure on public lands allowed through a municipal permit; and

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<sup>29</sup> For tree removal that will be addressed through the development permit application process, the Town's Tree Protection by-law will need to be amended to exempt those matters.

<sup>30</sup> For site alteration that will be addressed through the development permit application process, the Town's Site Alteration by-law will need to be amended to exempt those matters.

- the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.<sup>31</sup>

### 5.1.3. Classes of Development and Notice

**8 Provide a table such as the following** to address classes of development and notices:

**TABLE 19 RECOMMENDED CLASSES OF DEVELOPMENT AND NOTICES**

Class	Description	Notice of Complete Application	Notice of Decision
1	Parking Lot (new or change to)	<ul style="list-style-type: none"> <li>• Email to: applicant, public agency</li> <li>• Sign on Site</li> </ul>	To applicant and as prescribed.
2	Temporary Sales Office or Other Temporary Use (less than 6 months)	<ul style="list-style-type: none"> <li>• Email to: applicant and public agencies</li> <li>• Sign on Site</li> <li>• Town website</li> </ul>	To applicant and as prescribed.
3	Expansion to an existing building or Temporary Use (more than 6 months)	<ul style="list-style-type: none"> <li>• Email to applicant and public agencies</li> <li>• Sign on Site</li> <li>• Town website Mail to adjacent property with 60m</li> <li>•</li> </ul>	To applicant and as prescribed.
4	New Development (not defined as Class 1, 2, or 3)	<ul style="list-style-type: none"> <li>• Email to applicant, public agencies, Indigenous community<sup>32</sup></li> <li>• Sign on Site</li> <li>• Town website</li> <li>• Mail to adjacent property with 120m</li> </ul>	To applicant and as prescribed.

**9 Include proposal and decision regarding community benefit in notices.**

<sup>31</sup> This is required per O. Reg. 173/16.

<sup>32</sup> To date, the Mississaugas of the Credit First Nation has expressed an interest in being consulted on development permit applications.



### 5.1.4. Delegation of Authority

**10** In accordance with similar development approvals, **delegate authority as follows:**

**TABLE 20 RECOMMENDED DEVELOPMENT PERMIT APPROVAL AUTHORITY**

Approval	Decisions on New Development Permit Application	Revise a Development Permit	Enter into and revise agreements
All Classes of Development	Staff	Staff	Staff
Negotiating community benefit, if applicable	Staff	Staff	Staff
Class 4 Matter	Where staff deem application requires it, Council makes decision.	Where staff deem application requires it, Council makes decision.	Where staff deem application requires it, Council makes decision.

The return of decision making authority to Council would occur in cases where a decision related to the development permit would impact a related Council decision. For example, where the applicant is proposing development that would require the provision of infrastructure that requires Council to adjust the phasing of that infrastructure with an approved master plan and/or capital budget. Another circumstance may be where a 'non-standard' or 'low priority' community benefit is offered in exchange for an increase in building height above the established threshold (see Section 5.3.1 for more information regarding community benefit prioritization).

### 5.1.5. Processes

**11** Provide the following process within the by-law that identified mandatory and discretionary steps by class of development.

**TABLE 21 RECOMMENDED DEVELOPMENT PERMIT PROCEDURES**

Step	Rationale	New Application <sup>33</sup> Mandatory (M) Discretionary (D)				Revision to a Development Permit	Revision to an Agreement <sup>34</sup>
Class of Development		1	2	3	4		
<b>PART 1: Pre-Application</b>							
Consult Municipality Determine if Permit is Required	The applicant will need to confirm whether or not the proposal requires a development permit.	M				n/a	n/a
Determine Class of Development	If a permit is required, the municipality will need to confirm the class of development	M				n/a	n/a

<sup>33</sup> The requirement for each step may depend on the class of development. As such, some steps are noted as mandatory or discretionary in the table.

<sup>34</sup> Agreements apply to those related to a development permit approval as well as those related to pre-existing site plan application approvals located within the Community Planning Permit System area.

Step	Rationale	New Application <sup>33</sup> Mandatory (M) Discretionary (D)				Revision to a Development Permit	Revision to an Agreement <sup>34</sup>
Class of Development		1	2	3	4		
	that it is, which will establish the applicable fees, etc. that is associated with that class of development.						
Prepare Complete Application	Per O. Reg. 173/16, the applicant is required to prepare a complete application. The contents of that application is outlined in the regulation. The Official Plan also identifies additional material that may be required to be provided in support of the application.	M				Discretionary, applicant may be required to provide supplementary material to support requested change.	Discretionary, applicant may be required to provide supplementary material to support requested change.
PART 2: Application (45 days)							
Submit Complete Application	(See above, prepare complete application per direction provided at pre-application stage.)	M				Mandatory, if nothing else, a fee would be required to consider the proposed change.	Discretionary
Determine if application requires a Council approval	Staff may recommend the application be considered by Council. <sup>35</sup>	n/a	n/a	n/a	D	D (Class 4 only)	D (Class 4 only)
Issue public notice of application <sup>36</sup>	Depending on the class of development, a notice of complete application may or may not be required.	M	M	M	M	Discretionary, Town may determine that matter is substantive and warrants notification.	n/a
Municipal review	All applications must be reviewed by municipal staff. The range of staff involved in the review will depend on the nature of the application and class of development.	M				Mandatory	Mandatory

<sup>35</sup> A return of approval authority to Council may be appropriate where the approval of the proposed development permit application would impact Council decision making on related matters such as capital planning.

<sup>36</sup> See Table 19 regarding type and range of notice required.

## 5. Recommended Key Directions

Step	Rationale	New Application <sup>33</sup> Mandatory (M) Discretionary (D)				Revision to a Development Permit	Revision to an Agreement <sup>34</sup>
Class of Development		1	2	3	4		
Agency/Other review	Some applications may need to be reviewed by agencies and others outside of the municipality, the range of reviewers will depend on the nature of the application and class of development.	X	D	M	M	Discretionary, if proposed change impacts an agency/other, then may require consultation.	Discretionary, if proposed change impacts an agency/other, then may require consultation.
Staff Report to Approval Authority	Depending on the nature of the application and class of development, a staff report describing the application and how it meets requirements of the Official Plan and CPP by-law may be required for the approval authority to issue an informed decision.	X	D	M	M	Discretionary	Discretionary
Approval Authority Decision*	The approval authority is required to render their decision on all applications.	M				Mandatory	Mandatory
PART 3: Issue Development Permit							
Issue written notice of decision with reasons	Notice of decision with reasons is required for all applications.	M				Mandatory	Mandatory
Make Permit approval a publicly available document.	Depending on the nature of the application and class of development, the approved development permit may be made publicly available, similar to how site specific exemptions to the Zoning By-law or minor variance approvals are publicly available.	X	D	M	M	Discretionary, if change is substantive, may require updating prior approval.	n/a
Clear/Secure conditions, including registering an	Where development application approvals are subject to conditions prior to the	D	D	D	D	Discretionary	n/a

Step	Rationale	New Application <sup>33</sup> Mandatory (M) Discretionary (D)				Revision to a Development Permit	Revision to an Agreement <sup>34</sup>
Class of Development		1	2	3	4		
<b>agreement on title (if applicable)</b>	issuance of the permit, the clearing of those conditions may be required.						
<b>Issue development permit</b>	Where the application is approved, and any conditions required prior to issuing the approval are met, the Town is required to issue the development permit.	M				Mandatory (to recognize change in permit)	n/a
<b>Clear/Secure conditions, including registering an agreement on title (if applicable) and/or undertaking a site inspection.</b>	Where development application approvals are subject to conditions after the issuance of the permit, the clearing of those conditions may be required.	D	D	D	D	Discretionary	Discretionary, the revised agreement in most cases would need to be registered on title.

## 5.2. Community Building Key Directions

### 5.2.1. Affordable Housing

- 12** In the fall of 2025, consult on possible policies, provisions and programs that may work in combination with each other to facilitate the development of affordable housing in Midtown.
- Draft inclusionary zoning enabling Official Plan policies, if deemed appropriate.**
  - Draft inclusionary zoning provisions, if deemed appropriate.**
  - Consult on community improvement programs and draft Community Improvement Plan.**
  - Prioritize provision of affordable housing as an in-kind community benefit where height of buildings are proposed to exceed threshold and where the CBC equivalent charge may apply.**

### 5.2.2. Criteria for Decision Making

- 13** **Include criteria in the by-law as appropriate**, for relevant provisions of the by-law:
- cross reference criteria policies of the Official Plan,
  - embed criteria within the by-law, and/or
  - refer to guidance material.

### 5.2.3. Permitted/Prohibited Uses

- 14 List permitted and prohibited uses** in accordance with Official Plan policies and where appropriate, build on provisions from the Town's Zoning By-law. Provide appropriate level of specificity regarding permitted uses in line with each use.
- 15 Identify where uses are subject to conditions and/or criteria.**
- 16 Ensure that definitions** for permitted/prohibited uses are flexible to address unforeseen complimentary uses that are akin to those listed in the by-law to minimize the need to amend the CPP by-law to introduce a new permitted/prohibited use. Where appropriate, use definitions provided in the Town's Zoning By-law for consistency.

### 5.2.4. Existing Uses

- 17 Ensure existing uses are legal**, undertake a comprehensive analysis of existing uses and site specific zoning provisions, where necessary provide site specific provisions, otherwise apply general provisions for all other matters.

### 5.2.5. Variations from Standards

- 18 Apply variations from standards in accordance with Official Plan policy.** For some matters apply objective/quality based permission for a variation from standards, and in other cases uses a numerically based variation, depending on the standard. This approach would rely on the policies of the Official Plan and guidance material to inform the type of variation and the decision making process associated with it.
  - a) Where standards are provided in the by-law and Official Plan policies include criteria for decision making, refer to criteria provided (as a cross reference, or embed in by-law if necessary).
  - b) Where standards are provided in the by-law and Official Plan policies allow for variation subject to study, refer to Official Plan study requirement.
  - c) Where standards are provided in the by-law and Official Plan policies allow for variation based on language that uses terms such as: "should," "may," "is an encouraged," and no criteria for variation is provided, embed criteria within by-law and/or refer to relevant guideline for direction regarding the appropriateness of the variation.

### 5.2.6. Conditions

- 19 Provide a table of types of conditions** in the by-law that includes the following headers:
  - Type of condition
  - Description
  - Timing of fulfillment of condition (this could be prior to or post issuance of the development permit)
  - Agreements (denote whether an agreement is required/discretionary)
  - Registration of Agreement (denote whether an agreement is required to be registered on title)
  - Exemptions (identify whether certain matters are exempt from a type of condition)

## 5.2.7. Schedules and Maps

**20 Provide Schedules and Appendices in relation to Official Plan schedules and figures as follows:****TABLE 22 RECOMMENDED COMMUNITY PLANNING PERMIT BY-LAW MAPPING**

Schedule/Figure	Purpose	CPP by-law
<b>Community Planning Permit Area</b>	Per O. Reg. requirements and Official Plan policies, the CPP area needs to be “described” in the by-law.	Provide a key map that identifies the Midtown Oakville CPP Area within the Town of Oakville. Provide a Schedule that identifies Midtown Oakville as a CPP Area.
<b>Schedule L1: Land Use</b>	Assigns permitted/prohibited uses that align with overall Midtown vision.  Conceptually designates future public parks, actual parks are designated as Park and Open Space.  Through future OP consolidations, new parks are redesignated accordingly.	Provide a schedule that includes Zones for each of the land use designations.     Provide a provision that allows for an administrative change to the schedule when a new park is created.
<b>Schedule L2: Minimum Density</b>	Assigns minimum density of development on a block/sub-block basis. Density assignments do not directly align with land use designations.	Provide an Overlay Schedule with assigned minimum density target per block, in accordance with the OP schedule. Provide direction in by-law regarding the calculation of density, including where a site is located on more than one block, and identify any exemptions from achieving minimum targets.
<b>Schedule L3: Maximum Density</b>	Assigns maximum density of development on a block/sub-block basis. Density assignments do not directly align with land use designations.	Provide an Overlay Schedule with assigned maximum density target per block, in accordance with the OP schedule. Provide direction in by-law regarding the calculation of density, including where a site is located on more than one block.
<b>Schedule L4: Building Height Thresholds</b>	Assigns threshold building height, development that proposes to exceed height is required to provide a proportional community benefit in relation to the additional height permitted. Height thresholds do not directly align with land use designations or density assignments.	Provide an Overlay Schedule with building height threshold, and minimum building height (where applicable), include any exemption from minimum height requirement. To implement OP policy regarding maximum podium (base) height, include proposed ROW location and width information on this Overlay Schedule.
<b>Schedule L5: Transportation Network</b>	This schedule provides a new network of streets to facilitate movement of people and goods and delineate development blocks. This schedule also identifies the provision of new bridges and underpasses, transit hubs and BRT stations, and required right-of-way widths for streets.	Refer to OP Schedule. (see also Building Height Threshold)

Schedule/Figure	Purpose	CPP by-law
<b>Schedule L6: Active Transportation</b>	To support objectives of Midtown Oakville where residents, workers and visitors utilize multiple modes of transportation, this schedule identifies future active transportation routes, and facilities to provide for an interconnected network. The schedule also identifies mid-block connections to increase opportunities for active transportation travel.	Refer to OP Schedule.
<b>Figure E1: Precincts</b>	Precinct areas have unique qualities that collectively achieve the vision for Midtown. This map identifies the lands that are subject to each of the five precinct areas of Midtown.	Refer to Figure E1.
<b>Figure E2: Active Frontages</b>	This figure highlights certain street fronts in Midtown that are targeted to provide street-facing non-residential uses and wider building setbacks to ensure active, vibrant walkable streets.	Provide an Overlay Schedule along with building set back standards from “Active Frontage” streets. Also, incorporate into Zone Schedule to address non-residential use requirements.
<b>Conservation Halton Regulated Area</b>	Policies in the Official Plan require consultation with Conservation Halton regarding spill flood hazard and hazard land areas. Permits may be required from CH prior to development approval.	Provide a map of the regulated area in the Appendix of the By-law, this map could also include the estimated floodplain and spill flood hazard areas. As an appendix, the map may be updated when CH updates its regulated area and hazard mapping.
<b>Railyard Influence Area and Highway and Pipeline Corridor setbacks.</b>	Policies in the Official Plan require setbacks and land use compatibility mitigation. Permits may be required from public agencies such as MTO and TransNorthern Pipeline.	Provide a map of the influence area and corridors as an Appendix of the By-law.

### 5.3. Commensurate Community Benefit Key Directions

#### 5.3.1. Prioritization of Benefits

##### **21 Prioritize provision of community benefits in the following order of priority:**

- **Location (providing benefits on development site)**
- **Policy (provide types of benefits identified in Section 20 Midtown Oakville)**
- **Timing (provide in-kind benefit, concurrent with development)**
- **Funding (provide benefits that are unfunded or underfunded)**

By including this prioritization of benefits, development permit applicants will have an understanding of the type(s) of benefits the Town is most interested in when proposing community benefits in exchange for the permission to exceed building height thresholds.

This prioritization of benefits may also inform proportional relationship provisions within the by-law.



### 5.3.2. Benefit Proportion Approach

**22 Undertake additional analysis and further define proportional relationships based on: “Rate (dollar) per Square Meter” and the “In-kind Only” options.**

The land value related options are too unpredictable, making it difficult for development permit applicants to incorporate provisions whether in cash or in kind- in the early stages of their development proposal. Whereas the Rate per Square Meter or In-kind Only options have the potential to be more predictable and fair among all land owners who are interested in seeking additional building height in their proposals.

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## Appendix 1. Public Consultation and Feedback

### Approach

Public consultation regarding key directions for preparing the Community Planning Permit By-law commenced with notification of the June 5<sup>th</sup> open house. Notice of the open house was issued through the Town's public engagement calendar and community advisory, paid advertising through Metroland Media Group, social media (LinkedIn, X, Instagram and Facebook), and hand delivered post cards to properties within 240m of the Midtown boundary.

The Open House took place on June 5<sup>th</sup> at Town Hall. Approximately 35 members of the public attended the event, asked questions and provided feedback. The information panels shared at the open house were also provided on the Town's website.

Following the Open House and until June 12, members of the public were invited to complete an online questionnaire wherein they could provide their feedback.

Stakeholder meetings were held with public agencies and Midtown landowners during the week of June 9<sup>th</sup>.

### Open House

The open house was held on June 5, 2025 from 6:30 – 8:30 p.m. at Town Hall. A copy of the panels presented at the meeting is provided in Appendix 3. Approximately 35 people attended the Open House. Those who attended were able to discuss the proposed key directions with staff and ask questions regarding the Midtown Oakville and the Community Planning Permit System. Some attendees provided comments using Post It Notes which they placed on panels, as shown below.

**Help shape this direction...**


## Structure and Scope of CPP By-law

The following are basic principles of preparing the CPP by-law:

- 1. Prepare the by-law in a user-friendly and familiar manner.**  
Use plain language and provide definitions for uncommon terms or terms that are intended to have a specific meaning.
- 2. Structure the by-law in a manner that makes it compatible with the Town's online systems.**  
Provide by-law online. Enable development permit applications to be submitted via online forms, and have them tracked through Town systems, with final approvals accessible to the general public..
- 3. Structure the by-law in a manner that makes it possible to extend to other parts of the Town.**
- 4. Streamline development permit, site alteration and tree-protection approvals within a single development permit application process.**  
Enable all three matters to be addressed within a single development permit application; however, where a matter is only related to tree-protection and/or site alteration, the Town's usual application process that applies under those by-laws would apply.


Are there other matters to consider in terms of the structure or scope of the by-law?  
(Please share your response here or through the online questionnaire, Section 1.)

*Integration w/ Data Hub*


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**Help shape this direction...**

 **Classes of Development and Notices**





The following are proposed "classes of development" and associated complete application notice requirements:

Class	Description	Notice of Complete Application
1	Commercial Parking Lot (new or change to existing)	• Email to Applicant
2	Temporary Sales Office or Temporary Use (less than 6 months) accessory to existing development	• Email to Applicant, Public Agency • Post Sign on Site • Post on town website
3	Change/Minor Expansion to existing use  OR Small Scale New Development (greater than 50 sq. m. but less than X sq. m.)	• Email to Applicant, Public Agency • Post Sign on Site • Post on town website • Mail to Adjacent Property with 60m
4	Large Scale New Development (greater than X sq. m.)	• E-mail to Applicant, Public Agency, Indigenous community • Mail to Adjacent Property with 120m, • Post sign on site • Post on town website

**Classes of Development**

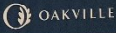
- What other "Classes of Development" should there be in the by-law?

**Notice Approach**





   

- What other approach to giving notice regarding the proposed "Classes of Development" should there be?

(Please share your response here or through the online questionnaire, Section 3.)

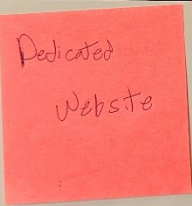
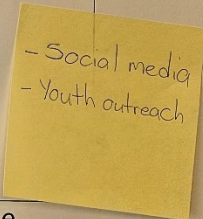
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**Notice Approach**

- What other approach to giving notice regarding the proposed "Classes of Development" should there be?


(Please share your response here or through the online questionnaire, Section 3.)





Help shape this direction...

 **Exempt Matters**

The following are proposed matters that would be exempt from having to apply for a development permit application:

- Site alteration and/or tree removal only (separate permit process)
- a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
- a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres;
- a temporary building or structure on public lands allowed through a municipal permit; and
- the placement of a portable classroom on a school site of a district school board (note: this is required per O. Reg. 173/16).

What other types of development or matters should be exempt?  
(Please share your response here or through the online questionnaire, Section 2.)

Small changes of uses (floor unit to small shop)		

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OAKVILLE

apply

What other types of development or matters should be exempt?  
(Please share your response here or through the online questionnaire, Section 2.)

either	Small changes of uses (floor unit to small shop)		
ded			



**Help shape this direction...**

**Development Permit Application Process**

The following is a proposed processes for approval of a new development permit application;

**Note:** The proposed process for all classes of development delegates all decision making to staff, as is the case for most similar planning application types within the Town. The proposed process includes Step 3, where approval authority could be returned to Council, upon staff's recommendation.

1a. Consult Municipality Determine if Permit is Required → 1b. Determine Class of Development → 2a. Prepare Complete Application → 2b. Submit Complete Application → 3. Determine if application requires a Council approval. → 4. Issue public notice of application. → 5a. Municipal review → 5b. Agency/Other Review → 6. Staff Report to Approval Authority → 7. Approval Authority Decision → 8a. Issue written notice of decision with reasons → 8b. Make Permit approval a publicly available document. → 9. Clear/Secure conditions, including registering on title (if applicable) → 10. Issue development permit → 11. Clear/Secure conditions, including registering an agreement on title and/or undertaking a site inspection (if applicable)

Legend:     Municipality (required)     Municipality (optional)     Applicant (required)

**Are there steps that should be removed or added?**

**Are there discretionary steps that should be made mandatory?**

**For Step #3, what situation should warrant a Council decision?**

(Please share your response here or through the online questionnaire, Section 4)

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tep removed or added?

**Are there discretionary steps that should be made mandatory?**

**For Step #3, what situation should warrant a Council decision?**

Not many.  
Only bigger  
scale changes.

**Help shape this direction...**

 **Land use - Existing**

The following are proposed options to address existing uses and uses subject to approved site-specific zoning but not yet built:

**NOTE:** Official Plan policies permit existing uses to continue, to expand, and to redevelop. The expansion or redevelopment of certain existing uses are exempt from certain policies such as minimum height and density requirements, provided the expansion or redevelopment does not preclude the provision of infrastructure required to support Midtown growth.

**OPTION 1: Site Specific Provisions**


PRO	CON
<ul style="list-style-type: none"> <li>Carries forward existing zoning provisions applicable to a site.</li> <li>Clearly defines legal permissions and standards for each site. Provides recent development proponents assurance that the zoning provisions they have secured continue to exist.</li> </ul>	<ul style="list-style-type: none"> <li>Creates a precedent to provide site specific details in the CPP by-law that would otherwise be listed in a development permit, and thereby defeats the streamline approval process that the CPPS is intended to be.</li> <li>May result in a cumbersome by-law document.</li> </ul>

**OPTION 2: General Provisions**

PRO	CON
<ul style="list-style-type: none"> <li>Using general provisions to address permitted, conditionally permitted and prohibited uses for existing or pre-existing zoning permissions is in accordance with the intent of the CPP system where the issued development permits and pre-existing site plan approvals provide site specific details.</li> <li>This option does not set a precedent for future CPP by-law site specific amendments to recognize specific permissions and standards for sites.</li> </ul>	<ul style="list-style-type: none"> <li>Specific permissions and standards established for existing uses may not be easily found on a site by site basis. Some landowners may believe that certain use permissions that are permitted by the Official Plan policies have been removed through the passing of the CPP by-law.</li> </ul>

Are there other Pros and Cons to be considered for these options?  
(Please share your response here or through the online questionnaire, Section 5.)

			<p>CON: Backwards. will complicate by-law</p>				
--	--	--	---	--	--	--	--

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and standards for sit


Pros and Cons to be considered for these options?  
(Please share your response here or through the online questionnaire, Section 5.)

		<p>CON: Backwards. will complicate by-law</p>		
--	--	---	--	--

**midtown**



**Help shape this direction...**

 **Variation from Standards**

The following are proposed options to address variation from standards in the by-law:

Official Plan policies set standards or requirements, however, for policies that use words such as: "may," "should," "is encouraged," or "subject to" – allow for a variation from the standard or requirement.

**OPTION 1: Numerically**

**PRO**

- Variation permission is predictable, reduces need to resubmit plans and drawings.

**CON**

- Preset numeric variation may not address all situations or circumstances, applicant may be required to seek an amendment to the CPP by-law before a development permit application can be approved, thus undermining the objective of a streamlined approval process.

**OPTION 2: Qualitatively**


**PRO**

- Variation permission is based on whether the request continues to address relevant objectives or qualities of development.
- Maintains the objective of a streamlined approval process.

**CON**

- Variation permission is not predictable

Are there other Pros and Cons to be considered for these options?  
(Please share your response [here](#) or through the online questionnaire, Section 6.)


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ection 6.)

**Pro:**

Allows for a dynamic and naturally changing community



Booth 2: Community Planning Permit By-law


Let's  
Talk...

## Community Building Matter

### Permission to exceed building height threshold

**Policy 20.5.1 (e) Site Density** assigns maximum gross density for a site using floor space index (FSI).


Theoretical development on a site where density maximum is achieved, and height threshold is not exceeded.



Results in eight 12-storey midrise buildings, while achieving maximum permitted 6 FSI.

**Policy 20.5.1 (f) Building Height** assigns building height thresholds for sites in storeys.

Theoretical development on a site where density maximum is not achieved, height thresholds are met, and land is conveyed for public park.




Results in seven 20-storey buildings achieving 4.5 of the permitted 6 FSI and provides public parkland.

**Policy 20.5.1 (f) Building Height** permits additional height beyond the threshold, subject to:

- the maximum density allocation for the site is not exceeded, and
- community benefits or cash-in lieu of benefits, are provided.

Results in seven 20+ buildings while achieving maximum density and providing community benefits.




Theoretical development on a site where density maximum is achieved, height threshold are exceeded, and land is conveyed for public park along with other community benefits.

*Handwritten notes:*  
 - Monolithic and repetitive - Not good!  
 - I don't support exceeding building heights and provide community benefits

Legend: ● Possible community benefits ● Floor area above the building height threshold

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achieved, and height threshold is not exceeded.



*Handwritten note:*  
 Monolithic and repetitive - Not good!


**Policy 20.5.1 (f) Building Height** permits additional height beyond the threshold, subject to:

**Additional height**

is not

s, are

Results in seven 20+ buildings while achieving maximum density and providing community benefits.



Theoretical development on a site where density maximum is achieved, height threshold are exceeded, and land is conveyed for public park along with other community benefits.

*Handwritten note:*  
 I don't support exceeding building heights and provide community benefits

Legend: ● Possible community benefits ● Floor area above the building height threshold



Let's

Talk...

## Community Building Matter Possible Community Benefit



The Official Plan lists the following potential community benefits:

■ On-site matter

■ On or Off-site matter

### TOWN WIDE (Policy 28.15.12)

Matters without a Town funding source.

- public parking
- affordable housing
- conservation and preservation of cultural heritage resources
- day care centres
- public art
- integration of office uses in mixed use developments;
- green buildings
- other local improvements

Matters with a funding source

- public transit infrastructure, facilities, services and improved pedestrian access to public transit
- protection and/or enhancement of natural features and functions
- public service facilities
- parkland and improvements to parks

To include protection of wildlife/birds

### MIDTOWN OAKVILLE (Policy 20.6.6)

Matters without a Town funding source

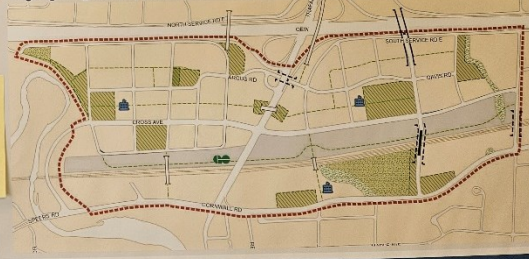
- contributions toward district/renewable heating/cooling/energy system

Matters with a funding source.

- grade separated pedestrian and cycling facilities across the QEW, railway tracks or Trafalgar Road
- community facilities
- improved local transit facilities and transit user amenities

#### Excerpt of Schedule 1: Land Use

Highlighting conceptual "Park" designated areas and priority areas for schools.



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facilities, services and  
to public transit  
ent of natural features

to parks

To include protection of wildlife/birds


#### Excerpt of Schedule 1: Land Use

Highlighting conceptual "Park" designated areas and pr









**Help shape this direction...**







## Prioritization of (In-Kind) Community Benefits

The following are proposed considerations to inform the prioritization of community benefits in the case of "in kind" benefits.

Select your preference for each:  
Select one option for each of the four categories.


 <b>In-Kind</b> vs. <b>Cash-in-Lieu</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	 <b>On-site</b> vs. <b>Off-Site</b> <input checked="" type="checkbox"/> <input type="checkbox"/>
 <b>Midtown specific matters</b> vs. <b>General items list</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	 <b>Unfunded Matters</b> vs. <b>Funded Matters</b> <input checked="" type="checkbox"/> <input type="checkbox"/>

Prioritize the following :  
Insert your prioritization into a column using numbers 1 to 4, 1 being the highest priority.





Consideration	1	2	3	4
 Timing (In-kind vs. Cash-in-lieu)				
 Location (On-site vs. Off-site)				
 Type (Midtown specific matters (per list and schedules) vs. General items list)				
 Funding availability (Unfunded matters vs. Funded matters)				

NOTE: Where the community benefit is provided in cash – Council determines how and when those funds are applied within Midtown through its capital planning and budget work.





(Please share your response here or through the online questionnaire, Section 7.)

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Select your preference for each:  
Select one option for each of the four categories.

 <b>In-Kind</b> vs. <b>Cash-in-Lieu</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	 <b>On-site</b> vs. <b>Off-Site</b> <input checked="" type="checkbox"/> <input type="checkbox"/>
 <b>Midtown specific matters</b> vs. <b>General items list</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	 <b>Unfunded Matters</b> vs. <b>Funded Matters</b> <input checked="" type="checkbox"/> <input type="checkbox"/>

Prioritize the following :  
Insert your prioritization into a column using numbers 1 to 4, 1 being the highest priority.

Consideration	1	2	3	4
 Timing (In-kind vs. Cash-in-lieu)				
 Location (On-site vs. Off-site)				
 Type (Midtown specific matters (per list and schedules) vs. General items list)				
 Funding availability (Unfunded matters vs. Funded matters)				

NOTE: Where the community benefit is provided in cash – Council determines how and when those funds are applied within Midtown through its capital planning and budget work.

(Please share your response here or through the online questionnaire, Section 7.)




Help shape this direction...

## Commensurate Community Benefits

The following explains the approach and provides potential Pros and Cons for the **Land Value Uplift** option:

1

### Land Value Uplift




- Applicant undertakes a land appraisal based on development that does not exceed building height and a second appraisal based on pre-building permit land value (with building heights above threshold).
- The land value "uplift" equals the difference in value determined by the two appraisals.
- Town establishes a **set percentage of land value uplift** that would be applied to "community benefit," which the applicant would provide in cash or in-kind.
- Where in-kind matters are provided, a cost estimate by qualified professional may be required.
- Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

Pro	Con
<ul style="list-style-type: none"> <li>Both the Town and development community are familiar with this approach.</li> </ul>	<ul style="list-style-type: none"> <li>Requires undertaking two land appraisals.</li> <li>The correlation of the percent of uplift and benefit of increased height may be weak.</li> <li>Land value can vary from site to site.</li> <li>It is difficult to incorporate this into the early pro-forma stages of development.</li> </ul>


What are other Pros and Cons to be considered for this option?  
(Please share your response [here](#) or through the online questionnaire, Section 8.)

Ap  
Another study that  
Staff need to spend  
time to review.  
Applicants can  
show the information  
that is in the report.

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and Cons to be considered for this option?  
(Please share your response [here](#) or through the online questionnaire, Section 8.)

Ap  
Another study that  
Staff need to spend  
time to review.  
Applicants can  
show the information  
that is in the report.






Help shape this direction...


**Share your additional comments**

Please add any additional comments that may assist with preparing the forthcoming Community Planning Permit By-law.



	Make the Sun Shade Study available online please						

P.D. Sinner  
Leadership needs  
Coke of Wm  
Smashes - more  
Smart like dogs

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## **Online Questionnaire**

An online questionnaire to gather feedback was available from June 5<sup>th</sup> – June 12<sup>th</sup>. A copy of the questionnaire and responses to it is provided in Appendix 2.

## **Public Agency and Mississaugas of the Credit River First Nation Meeting**

A meeting with public agencies was held on June 10, 2025. This meeting included twenty-three representatives from Halton Region, Conservation Halton, Halton District School Board, Halton Catholic District School Board, Oakville Hyrdo, Enbridge, Cogeco, as well as Town staff. During the meeting the following matters were presented and discussed:

- Classes of development and exemptions
- Processing a development permit application
- Conditions of application approval

Through this engagement, information regarding classes of development and agency interest in the various type of development was discussed, and it was noted that Conservation Halton would have an interest in even Class 1 development (commercial parking) owing to the spill flood hazard area within Midtown. Furthermore, it was noted that given the complexity of some studies, consideration should be given in the processing of applications to intake those studies in advance of the complete application start time, or to conditionally approve development permit applications subject to the satisfactory completion of certain types of studies, i.e. ensuring infrastructure and health and safety matters are properly addressed.

## **Landowner Meeting**

A meeting with Midtown Oakville area landowners was held on June 11, 2025. Twenty-one landowners and/or their representatives attended. During the meeting the following matters were presented and discussed:

- Elements of the by-law that inform the completion, review, and approval of a development permit application and issuance of a development permit.
- Options the Town is considering in relation to determining the proportional relationship between community benefits and permission to increase the height of buildings beyond the height threshold provided in the Official Plan for the site.

In terms of classes of development, participants indicated that more clear parameters regarding how potential types of development, such as staging areas that are temporary but longer than 6 months, would be classified, or to what extent is an expansion to an existing use is considered minor, should be provided.

In terms of process, participants asked how much time would be required to confirm an application is complete given that the total decision making time is 45 days.

In terms of the proportional relationship between additional building height and community benefit, participants asked how rental housing would be quantified through this By-law. Participants also noted that using land value as the basis for determining a proportional relationship is too open.

Participants also sought clarification regarding how existing approvals would be considered in this process, and whether an existing approval would be used as the threshold height rather than the thresholds provided in the OPA.

### Feedback received

Based on the above noted engagement, feedback received has informed and been incorporated in the preceding sections of this report.

## Appendix 2. Online Questionnaire and Responses

### Online Questions

The online questionnaire consisted of the following information and questions:



#### **Midtown Community Planning Permit (CPP) By-Law Key Directions QUESTIONNAIRE (June 2025)**

Please provide your responses to the following questions to help inform Key Directions for preparing the forthcoming Midtown Oakville Community Planning Permit By-law. Refer to Open House panels available at [Oakville.ca/Midtown](https://oakville.ca/Midtown) when responding. There are 9 sections to this questionnaire, feel free to only respond to questions that are of interest to you.

Responses will be shared with town staff and Council and your feedback will be used to inform the recommended Key Directions for Council's consideration.

Note: Personal information captured in this questionnaire is collected under the Municipal Act for the purpose of gathering feedback to help support the development of a forthcoming Community Planning Permit By-law. Your responses will not be distributed to any external sources and will only be used by the study team. Questions about the collection of information or for alternate formats of the questionnaire can be sent to [sybelle.vonkursell@oakville.ca](mailto:sybelle.vonkursell@oakville.ca) or call 905-845-6601, ext. 6020.

#### **Section 1 Structure and Scope of the Community Planning Permit (CPP) By-law**

A CPP By-law implements the Midtown Oakville official plan policies (OPA 70). The by-law would replace the Town's zoning by-law for the Midtown Oakville area and in so doing streamlines the planning approval process for new *development*. All *development* (including permanent and temporary buildings, removal of trees, and altering the grading of a site) may be subject to this process.

The following are basic principles of preparing the CPP by-law:

1. Prepare the by-law in a user-friendly and familiar manner;
2. Structure the by-law in a manner that makes it compatible with the Town's online systems;

3. Structure the by-law in a manner that makes it possible to extend to other parts of the Town; and
4. Streamline development permit, site alteration and tree-protection approvals within a single development permit application process.

**1. Are there other general matters to consider in terms of the structure and scope of the by-law?**

Enter your answer

**Section 2 Administrative Matters of the CPP By-Law: Exempt Matters**

The following are proposed matters that would be exempt from having to apply for a development permit application (but may be subject to other application processes):

- applications for site alteration and/or tree removal **only**;
- a building or structure that is 50 square meters or less in size that is either accessory to or in addition to, an existing building or structure;
- a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square meters;
- a temporary building or structure on public lands allowed through a municipal permit; and
- the placement of a portable classroom on a school site of a district school board (note: this is required per O. Reg. 173/16).

**2. What other types of development or matters should be exempt from having to apply for a development permit?**

Enter your answer

**Section 3 Administrative Matters of the CPP By-Law: Classes of Development and Notices**

Within the CPP By-law, the Town may identify "classes of development." Different classes may be subject to different procedures, including notification procedures and fees. The following four "Classes of Development" are proposed based on similar applications the Town currently processes.

- **Class 1:** Commercial Parking Lot (new or change to existing)
- **Class 2:** Temporary Sales Office or Temporary Use (less than 6 months) accessory to existing development
- **Class 3:** Change/Minor Expansion to existing use or Small Scale New development (greater than 50 sq. m. but less than X sq. m.)
- **Class 4:** Large Scale New Development (greater than X sq. m.)

### 3.What other “Classes of Development” should there be in the by-law?.

Enter your answer

4.Below are the proposed four classes of development along with options in terms of to whom notice of complete application could be made. Select the option that represents the broadest range of notice necessary for each Class of Development. (Applicant represents the smallest range and Public represents the largest).

	Applicant (Email)	Public Agency (Email)	Public via sign on site	Adjacent La ndowners (mail within 60 m)	Adjacent La ndowners (mail within 120 m)	Public via Town Website
Class 1: Commercial Parking Lot (new or change to existing)						
Class 2: Temporary Sales Office or Temporary Use (less than 6 months) accessory to existing development						
Class 3: Change/Minor Expansion to existing use or New development (greater than 50 sq. m but less than X.						
Class 4: New Development (greater than X sq. m.)						

#### Section 4 Administrative Matters of the CPP By-Law: Development Permit Application Process

The following are proposed process steps for approval of development permit applications. Identify the steps that should be mandatory, discretionary or not applicable.

**5. For Class 4: Large Scale New Development applications, identify the steps that should be mandatory, discretionary or not applicable.**

	Mandatory	Discretionary	Not Applicable
<b>1) Consult Municipality and Determine if Permit is Required</b>			
<b>2) Prepare and Submit Complete Application</b>			
<b>3) Determine if application requires a Council approval.</b>			
<b>4) Issue public notice of complete application</b>			
<b>5 a) Municipal staff review</b>			
<b>5 b) Public Agency Review review</b>			
<b>6) Staff report to approval authority</b>			
<b>7) Approval Authority Decision</b>			
<b>8 a) Issue Written Notice of Decision</b>			
<b>8 b) Make permit approval publicly available</b>			
<b>9) Clear Conditions (if applicable)</b>			
<b>10) Issue Development Permit</b>			
<b>11) Clear Conditions and site inspection (if applicable)</b>			

**6. For step #3 regarding Class 4 Development, revisions to permits and/or agreements, what situation(s) should warrant a Council Decision? *(Note: This step assumes that decision making authority is delegated from Council to staff or a Committee, as is the case for similar development application types.)***

Enter your answer

**7. What steps identified in Question #5 should be discretionary in the case of Class 1, 2 or 3 matters and in the case of revising an issued development permit or an agreement?**

Enter your answer



### Section 5 Community Building Matters for the CPP By-law: Existing Land Use

Official plan policies permit existing uses to continue, to expand, and to redevelop. The expansion or redevelopment of certain existing uses are exempt from certain policies such as minimum height and density requirements, provided the expansion or redevelopment does not preclude the provision of infrastructure required to support Midtown growth. Two options are proposed to address existing land uses. **Option 1: Site Specific Provisions** for each existing use or site specific zoning provisions that would not in conformity with the official plan if newly proposed, and **Option 2: General Provisions** to address uses in general (for example "all legally established uses as of the passing of this by-law are permitted.")

#### 8.What are benefits (pros) that might be achieved by Option 1: Site Specific Provisions for existing land uses?

Enter your answer

#### 9.What are benefits (pros) that might be achieved by Option 2: General Provisions for existing land uses?

Enter your answer

#### 10.What are challenges (cons) that might be achieved by Option 1: Site Specific Provisions for existing land uses?

Enter your answer

#### 11.What are challenges (cons) that might be achieved by Option 2: General Provisions for existing land uses?

Enter your answer

### Section 6 Community Building Matters for the CPP By-law: Variances from Standards

Official plan policies set standards or requirements, however, policies that use words such as: "may," "should," "is encouraged," or "subject to" – allow for a variation from the standard or requirement. Two options are proposed to address variances from standards. **Option 1: Numerically** would establish a numeric value or percentage within which an applicant can seek an increase or reductions from a set standards in the by-law, and **Option 2: Qualitatively** would permit a variance from the set standard based on criteria and/or demonstration that the objectives associated with the established standard are achieved.

#### 12.What are benefits (pros) that might be achieved for permitting variation to standards by Option 1: Numerically?

Enter your answer

#### 13.What are benefits (pros) that might be achieved for permitting variation to standards by Option 2: Qualitatively?

Enter your answer

**14.What are challenges (cons) that might be achieved for permitting variation to standards by Option 1: Numerically?**

Enter your answer

**15.What are challenges (cons) that might be achieved for permitting variation to standards by Option 2: Qualitatively?**

Enter your answer

#### **Section 7: Community Building Matters: Prioritization of (In-Kind) Community Benefits**

Policies 20.6.5 and 28.15.12 of the OPA 70 list several facilities, services and matters as possible community benefits that may be received in exchange for permission to exceed building height thresholds provided in Schedule L4: Building Height Thresholds of the OPA. The Official Plan policies also permit that in-lieu of providing the specified community benefits, the Town may accept cash, which is placed in a reserve fund and then used to provide the listed matters at a later date. Where the community benefit is provided in cash – Council determines how and when those funds are applied within Midtown through its capital planning and budget work.

**16.Select what is more important to you in terms of the timing of the community benefit being delivered.**

- Concurrent with the development (In-kind)
- At a later time from when the development is built (Cash-in-lieu)

**17.Select what is more important to you in terms of the location of the community benefit provided:.**

- On-site (benefit provided on the development site)
- Off-site (benefit provided anywhere within Midtown but not on the development site)

**18.Select what is more important to you in terms of the type of the community benefit provided:**

- Midtown specific matter per policy 20.6.6
- Town wide matter per policy 28.15.12

**19.Select what is more important to you in terms of the availability of other funding sources for the community benefit provided:**

- Town has other funding sources (funded) for the proposed benefit.
- Town does not have/has limited funding source (unfunded) for the proposed benefit.

**20. Please rank the following in terms of most important (move to the top of list) to least important (move to bottom of list) consideration when prioritizing the provision of community benefits:**

- Timing (In-kind vs. Cash-in-lieu)
- Location (On-site vs. Off-site)
- Type (Midtown specific listed matter vs. Townwide listed matter)
- Other Funding Source availability (Unfunded matter vs. Funded matter)

#### **Section 8 Community Building Matter: Commensurate Community Benefits**

Official plan policy 28.15.10 requires the CPP by-law to include provisions establishing a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height and/or density of development that may be allowed. Four options are proposed to establish the required proportional relationship.

1. **Land Value Uplift** (An approach the Town has used in relation to Height/Density Bonusing. With this approach, community benefits are provided that are equivalent in cost to a portion of the uplift in land value that is achieved by the increase in building height.)
2. **Percentage of Land Value** (This is the approach the Town uses with its Community Benefits Charge By-law. A percentage of the overall land value is directed to the provision of community benefit.)
3. **A Flat Rate** ( in dollars) per square meter of additional storeys above the height threshold (This approach applies a flat rate (in dollars) per square metre of additional storeys above the height threshold is charged, and those funds are directed to the provision of community benefits that are equal to the sum charged..)
4. **In Kind Only** (This approach would establish a ratio for each type of community benefit that may be provided on the development site. Ratios are determined based on the priority of the community benefit to the Town and what would motivate the developer to provide it. For example 1 sq. m. of GFA is required to be for affordable housing for every 10 sq. m. of market housing that is achieved above the building height threshold.)

**21. What are possible positive outcomes of applying a "Land Value Uplift" approach to establishing a proportional relationship?**

Enter your answer

**22. What are possible negative outcomes of applying a "Land Value Uplift" approach to establishing a proportional relationship?**

Enter your answer

**23.What are possible positive outcomes of applying a "Percentage Land Value " approach to establishing a proportional relationship?**

Enter your answer

**24.What are possible negative outcomes of applying a "Percentage Land Value " approach to establishing a proportional relationship?**

Enter your answer

**25.What are possible positive outcomes of applying a "Flat Rate " approach to establishing a proportional relationship?**

Enter your answer

**26.What are possible negative outcomes of applying a "Flat Rate" approach to establishing a proportional relationship?**

Enter your answer

**27.What are possible positive outcomes of applying a "In Kind Only" approach to establishing a proportional relationship?**

Enter your answer

**28.What are possible negative outcomes of applying a "In Kind Only" approach to establishing a proportional relationship?**

Enter your answer

#### Section 9 Tell us about yourself...

To ensure that the Town is reaching a broad audience, please complete the following questions, all are optional.

**29.What is your age?.**

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 64-75
- 75 and over

**30.Have you participated in the Midtown Oakville process prior to this engagement?**

- Yes, since 2018
- Yes, since 2022
- Yes, since 2023

- Yes, since 2024
- Yes, since early 2025
- No, this is my first time

**31. Which of the following describes your interest in this process? (choose all that apply)**

- I live in Oakville
- I work in Oakville
- I work for clients with properties in Oakville
- I work for clients with properties in Midtown
- I am interested in learning about the Community Planning Permit System
- I am interested in learning more about Midtown Oakville.
- I represent a public agency/utility that provides services in Oakville.
- I am Indigenous or represent an Indigenous community.
- I support the provision of affordable housing in Midtown.
- I support the provision of sustainable development in Midtown.
- I support making Midtown a great place to live, work and play.

**32. In which postal code do you live/work?**

- L6H
  - L6J
  - L6K
  - L6L
  - L6M
  - Other
-

## Questionnaire Responses

A total of 17 responses were submitted to the questionnaire. The average time taken to submit a response was 32 minutes given the technical nature of the questions. The responses are provided verbatim as follows:

<b>Question 1: Are there other general matters to consider in terms of the structure and scope of the by-law?</b>
Add an approval of stylistic match to the neighbourhood, especially for high-rises in a low-rise residential area
Whatever you do make it 'realistic' & NOT ridiculously 'NIBISM'
My main concern about Midtown's development is to end up with a liveable and efficient place to live and work. The design needs to fit in with Oakville's existing community, infrastructure and liveability. I thought the development was going to be phased over the next 30 years? You need to start slowly and build a framework that is amendable over time. For the first 10 years, the policies and bylaws need to be fairly rigid or we are going to have a mess on our hands in terms of traffic, infrastructure and liveability that negatively impacts existing property values. IMO, the town does not have a strong track record on development governance. Many examples of fumbled planning and development.
Consideration of privately-owned residential property adjacent to and in the vicinity of the development property
The bylaw should consider planning and design REQUIREMENTS that need to be met by developers so that the community focus of Midtown is at the forefront of planning principles and so that any development fits in with the broader town realm. This development should not be an island within the town which we moved to because it wasn't a big city.... We need to be clear on what is a REQUIREMENT - i.e. it must be met, compared with a GUIDELINE that the Town may not be able to enforce.
Percentage of lot coverage? Can we be certain that there are greenspaces on the lots being developed. Supports not only available land for tree coverage, but allows for Green infrastructure stormwater solutions
Make sure it includes affordable rental housing for low income persons
If there is going to be a CPP, which is questionable, it should only apply to Midtown and no where else in the town.
We have serious concerns related to this survey and the unrealistic timeline. The open house info and this survey require extensive legal and planning study for a considered response. For the general public (present and future taxpayers) the by-law would need to be much more "user-friendly" than the language herein. Streamlining permits including site alteration and tree removal/protection will aid developers, but will not safeguard livability for taxpayers. There does not seem to be anything suggesting how the bylaw will help develop a Midtown that will fit into the entire Town so that the so called "midtown complete community" does not cause a fragmented larger community, that is the Town of Oakville, which is at great risk given serious transportation, flooding, and community service concerns and the crisis in affordability. Online compatibility seems a "nice-to have" but secondary at this critical point in getting the right kind of bylaw.
By-law needs to consider the needs of existing residents, along with proper consultation for development. Midtown will have a significant impact on current residents and their voice is critical for all development

**Question 2: What other types of development or matters should be exempt from having to apply for a development permit?**

new residential buildings 4plexes

Anything above 20 stories high

Public Transit shelters

This is a difficult question to answer. What is the rationale for having Midtown permit processes any different from other parts of the town? None of the above mentioned issues seem problematic to me. Can someone build a factory or commercial establishment that is clearly not in the communities best interest without a permit?

Items that are health and safety related even if external to the current building envelope.  
Replacement of a building staged to replace a similar structure of equivalent area. Modifications to an existing building that do not add additional GFA.

None

none ... should all be reviewed before any action is taken

the minimum size of the building should be increased. Why only 50 s.m that's too small?

We do not favor ANY extensions in exemptions.

None

**Question 3: What other “Classes of Development” should there be in the by-law?**

density of development - based on plans for number of units of studio, 1 bed etc. Higher density developments have greater sales value and have a greater need for community benefits.

small scale new development (less than X sq.m)

Class 4 New Development, more than 20 stories

Don't know. What are other towns/cities doing? Seems like we are trying to reinvent the wheel?

Renovations for health and safety related matters that may require some change in building foot print in order to comply with current or future access or health and safety requirements.

Class 4 should be further subdivided into vertical development and horizontal development. Vertical development (i.e. commercial or condo towers) need additional considerations - windage, sun shadows

Building Heights

just have two classes - small and large development



**Question 4: Below are the proposed four classes of development along with options in terms of to whom notice of complete application could be made. Select the option that represents the broadest range of notice necessary for each Class of Development. (Applicant represents the smallest range and Public represents the largest).**

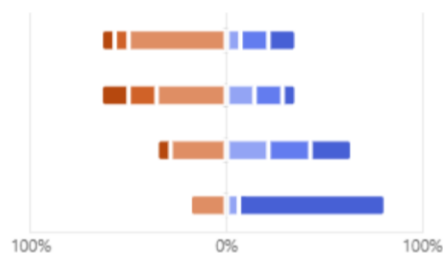
- Applicant (Email)    ● Public Agency (Email)    ● Public via sign on site    ● Adjacent Landowners (mail within 60 m)  
 ● Adjacent Landowners (mail within 120 m)    ● Public via Town Website

**Class 1:** Commercial Parking Lot (new or change to existing)

**Class 2:** Temporary Sales Office or Temporary Use (less than 6 months) accessory to existing development

**Class 3:** Change/Minor Expansion to existing use or New development (greater than 50 sq. m but less than X.

**Class 4:** New Development (greater than X sq. m.)



**Question 5: For Class 4: Large Scale New Development applications, identify the steps that should be mandatory, discretionary or not applicable.**

- Mandatory    ● Discretionary    ● Not Applicable

1) Consult Municipality and Determine if Permit is Required

2) Prepare and Submit Complete Application

3) Determine if application requires a Council approval.

4) Issue public notice of complete application

5 a) Municipal staff review

5 b) Public Agency Review review

6) Staff report to approval authority

7) Approval Authority Decision

8 a) Issue Written Notice of Decision

8 b) Make permit approval publicly available

9) Clear Conditions (if applicable)

10) Issue Development Permit

11) Clear Conditions and site inspection (if applicable)



<b>Question 6: For step #3 regarding Class 4 Development, revisions to permits and/or agreements, what situation(s) should warrant a Council Decision? (Note: This step assumes that decision making authority is delegated from Council to staff or a Committee, as is the case for similar development application types.)</b>
Any development with a density higher than FSI of 3.
None. Build the homes
Any development over 20 stories high
I will not be living in Midtown but will be affected by how it looks and traffic. There needs to be a hard cap on building height and better explanation of how traffic will flow in all directions including the QEW, going downtown.
Developments that require modification from current zoning to another zone. Developments that also fundamentally change the neighborhood ability to access via road, or will become a strain on the capacity of current infrastructure including sewers, water and amenities such as park land or community facilities or encroach on sensitive use areas
<ul style="list-style-type: none"> <li>-If development requires a change to Town or Region infrastructure (e.g. water, sewer, roads), or other related infrastructure (e.g. hydro or cell towers)</li> <li>-If development has the potential for a significant effect on traffic flow in the area (e.g. more truck traffic, significantly more vehicles, adding or reducing bus routes, adding or reducing bike lanes)</li> <li>-If development encroaches on or affects a surface water body or environmentally sensitive area or public park during or after construction</li> <li>-If development has the potential to impair the use of adjacent or neighbouring properties (e.g. noise, dust, shadows, runoff, truck traffic)</li> <li>-If there is significant public opposition to the proposed development</li> </ul>
Should only require Council decision if a change from the official plan is involved.
Council decisions should be made for development applications that do not meet the Town's Midtown Bylaw or the CPP conditions. If a developer meets all the Town guidelines then Council shouldn't need to make a decision.
would depend on the scope and magnitude of the revision, especially if 'more' is requested and if a community benefit is being altered/reduced
When there is a change of land-use different from that approved by the Official Plan
This is very confusing. Why are there so many steps? A CPP is supposed to be easy and this is far from it!! If you use a CPP, get Council out of it. They slow everything down. They're a bottleneck.
All Class 4 Developments should go to Council. Decision making on such major proposals should not be delegated to Staff. Their expertise is necessary but decisions of this scale need to be decided by elected Councillors who represent taxpayers.

<b>Question 7: What steps identified in Question #5 should be discretionary in the case of Class 1, 2 or 3 matters and in the case of revising an issued development permit or an agreement?</b>
None if over 20 stories high; should be automatically prohibited
No discretion or ability to buy more building height. The cash in lieu of height option is a terrible idea. These tall buildings will be an eyesore. Go look at other cities who went ahead with this.
Any steps that change the metrics used for the decision by more than 10%. If the development grows by more than that % it needs to be revisited.
None. These are important issues that affect the whole Town.

No comment - I am not a planner.

There are no steps in question 6. This survey is too confusing.

None.

**Question 8: What are benefits (pros) that might be achieved by Option 1: Site Specific Provisions for existing land uses?**

Enable better scrutiny of individual proposals / uses. Midtown is not a large area so easy to do.

better land use according to its site

Only concerned about buildings over 20 stories high

Opportunity to consider specific situations such as traffic, grade, etc.

Can't think of any

Will provide current owners clarity on what they can do on their property including renovations etc.

Town would be able to encourage expansion but still monitor and mitigate potential negative effects on the community. Developer would be able to negotiate improvements.

Allowing existing provisions would be more transparent for everyone

More control over planning decisions.

Planning does need to consider each site's unique conditions.

**Question 9: What are benefits (pros) that might be achieved by Option 2: General Provisions for existing land uses?**

Enable current retail (like Home Depot) to continue without bureaucracy. Scalable for other larger areas beyond Midtown.

less effort to build

Only concerned about buildings over 20 stories high

Faster processing.

There needs to be hard guidelines that can be adjusted over a number of years. Not set in stone in 2025/2026

Don't know.

Less paperwork and less time-consuming

More straightforward for development

Livability for present and future residents and neighbors must be the priority, not developers.

**Question 10: What are challenges (cons) that might be achieved by Option 1: Site Specific Provisions for existing land uses?**

more paperwork, oversight, review

Only concerned about buildings over 20 stories high

All specific sites will have their own features warranting consideration.

Potential for market changes need to be considered. what happens if demand falls off during construction? Go slow to start.

If the Site Specific Provisions are so specific they in essence aren't workable by the current owner. Ie they actually become too restrictive.

Development could be bogged down. There are many sites that would fit into this category and dealing with each site separately would require a lot of effort from the Town. Developer might abandon project or escalate to provincial decision.

Could be onerous to manage

**Question 11: What are challenges (cons) that might be achieved by Option 2: General Provisions for existing land uses?**

less oversight into land use

Only concerned about buildings over 20 stories high

Opportunities will be missed to consider specific situations.

None that I can see.

May not anticipate all future uses and may be too broad as to not be enforceable.

Development might produce unexpected negative issues over which the Town would have no control.

Loss of control

**Question 12: What are benefits (pros) that might be achieved for permitting variation to standards by Option 1: Numerically?**

Clear criteria not requiring qualitative judgement or bias / influence.

more objective

Relative ease of administration

Variances need to be approved

Very specific metric to determine if review is required.

Clear boundaries and limits

Creates certainty and predictability

more clarity

Permissive language is very dangerous.

**Question 13: What are benefits (pros) that might be achieved for permitting variation to standards by Option 2: Qualitatively?**

Ability to negotiate qualitative improvements rather than rigid application of the standard.

better encapsulates the essence of the standards

Only concerned about buildings over 20 stories high

Opportunity to take advantage of specific local features

Variances need to be approved

Allows for some variance for unanticipated conditions.

None that I can see. I don't trust that developers keep their promises.

More control to accommodate specific issues that might have passed a 'numeric' test

Permissive language is very dangerous. Livability must be the overriding criterion.

**Question 14: What are challenges (cons) that might be achieved for permitting variation to standards by Option 1: Numerically?**

Determining the point at which a numerical variation is unacceptable

hard to define everything numerically

Only concerned about buildings over 20 stories high

All applicants requesting the maximum

By allowing variances you are creating the need for more resources and slowing things. Takes more analysis

If the change is slightly above the number the increase in effort can be material.

Developer could find a "loophole" and exploit it

May provide not expected outcomes but still meet the rules.

Developers, builders will negotiate in their own favour with less consideration of the common good.

Permissive language is very dangerous. Percentages are dangerous especially given the differences between sites.

**Question 15: What are challenges (cons) that might be achieved for permitting variation to standards by Option 2: Qualitatively?**

Depends on qualitative judgement - therefore entailing more of a committee approach to approval rather than individual decision.

less objective

Only concerned about buildings over 20 stories high

Applicants requesting variations that are in fact very far from the original

By allowing variances you are creating the need for more resources and slowing things. These may be easy and obvious though so could be quick approval

Becomes easier to mitigate because it's highly interpretable by all parties and will lead to more disputes.

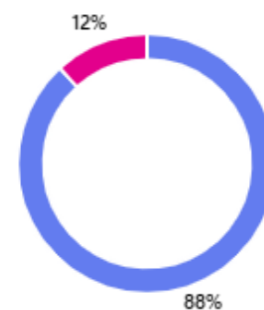
Developer could promise something and, after the development is finished, not deliver on the promise.

Too broad and subjective that could make it harder to make a decision.

That the developer or builder would make changes based on their own self-interested compared to what is best for future residents and not assuming responsibility for a sustainable, healthy community.

**Question 16: Select what is more important to you in terms of the timing of the community benefit being delivered:**

- Concurrent with the development (In-kind) 15
- At a later time from when the development is built (Cash-in-lieu) 2



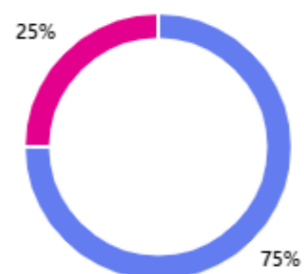
**Question 17: Select what is more important to you in terms of the location of the community benefit provided:**

- On-site (benefit provided on the development site) 9
- Off-site (benefit provided anywhere within Midtown but not on the development site) 7



**Question 18: Select what is more important to you in terms of the type of the community benefit provided:**

- Midtown specific matter per policy 20.6.6 12
- Town wide matter per policy 28.15.12 4

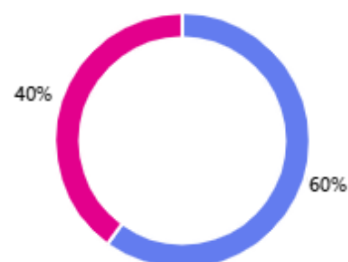


**Question 19: Select what is more important to you in terms of the availability of other funding sources for the community benefit provided:**

- Town has other funding sources (funded) for the proposed benefit.
- Town does not have/has limited funding source (unfunded) for the proposed benefit.

9

6



**Question 20: Please rank the following in terms of most important (move to the top of list) to least important (move to bottom of list) consideration when prioritizing the provision of community benefits:**

- 1 Location (On-site vs. Off-site)
- 2 Type (Midtown specific listed matter vs. Townwide listed matter)
- 3 Timing (In-kind vs. Cash-in-lieu)
- 4 Other Funding Source availability (Unfunded matter vs. Funded matter)



**Question 21: What are possible positive outcomes of applying a "Land Value Uplift" approach to establishing a proportional relationship?**

Encourages lower heights and less density of overall development

None, if above as only concerned about buildings over 20 stories high

Benefits for a wider audience

I have zero faith that the Town will accurately assess the value correctly. I thought we were building in phases? None of this BS in the first phase.

May raise more community benefit money than straight \$per square m but is subjective.

More benefits if land value increases

None, this encourages poor planning to get more money from the developers

don't know

**Question 22: What are possible negative outcomes of applying a "Land Value Uplift" approach to establishing a proportional relationship?**

Land value assessment can. be subjective and subject to lengthy legal challenge

Too much emphasis on real estate value rather than the benefit or cost to an established neighbourhood

None: if concerned only about buildings over 20 stories high

Land value uplift can be claimed without really existing



This approach is ripe for government corruption and developer manipulation.
Subjective and speculative open for dispute.
Fewer benefits if land value decreases or does not increase as expected
Encourages 'bonus' heights to get more cash
Isn't all land of the same value?
don't know
affordable housing will lessen the value for community benefits; additional height is a negative outcome

<b>Question 23: What are possible positive outcomes of applying a "Percentage Land Value " approach to establishing a proportional relationship?</b>
Encourages lower heights and less density of overall development
None: if concerned only about buildings over 20 stories high
Administratively straightforward
You need to show some examples of where this has worked out for the City in other areas.
Objective measure
Known quantity. Also benefits could apply to off-site locations.
simple to apply once land value is ascertained
A very calculable outcome- not subjective as "land value"
don't know

<b>Question 24: What are possible negative outcomes of applying a "Percentage Land Value " approach to establishing a proportional relationship?</b>
Land value assessment can. be subjective and subject to lengthy legal challenge
None: if concerned only about buildings over 20 stories high
Difficult to translate into real benefit for residents
See my answer to #22 [This approach is ripe for government corruption and developer manipulation.]
Does not take into account future land appreciation as development proceeds.
Approach would not take advantage of increased land value
Difficult to determine land value
Land could be a deteriorated property that requires extensive remediation or
don't know
additional height is a negative outcome

<b>Question 25: What are possible positive outcomes of applying a "Flat Rate " approach to establishing a proportional relationship?</b>
Amount not subject to debate and thus no assessments, valuations etc are required.
None: if concerned only about buildings over 20 stories high
Administratively straightforward
Easier to estimate quantitatively
Simple to administer
Known quantity. Also, benefits could apply to off-site locations.

Most certainty provided and most predictable
Simple
Objective Calculation
don't know

<b>Question 26: What are possible negative outcomes of applying a "Flat Rate" approach to establishing a proportional relationship?</b>
Endless challenge to the rate; if the rate is not meaningful then there is little community benefit
It needs to keep up with real estate pricing to be an effective discouragement of high-rises that are too tall
None
Difficult to translate into real benefit for residents
See my answer to #22 [This approach is ripe for government corruption and developer manipulation.]
Likely doesn't address differences in scale or scope of developments
Revenue might not cover the desired benefits
May not be fair
That the requested additional square footage will grossly increase above the Town's planned height approved in the OP. height
don't know
preset value has to be set an amount that is most favorable to the Town, regardless of developers desires for maximum profit; additional height is a negative outcome

<b>Question 27: What are possible positive outcomes of applying a "In Kind Only" approach to establishing a proportional relationship?</b>
Encourages the developer to include benefits within the development, rather than just exporting the benefit to be put on land somewhere else.
It ensures direct benefit in the project area, and might encourage more green spaces as well as affordable housing
None
May generate more overall benefits for residents
Show us where this has worked elsewhere?
None. See problems with developer provided infrastructure in other jurisdictions. Low quality and high maintenance afterwards.
Benefits are defined, visible and immediately achievable.
May drive the right behaviors for the Town if rules are correctly established
Developers will not be "generous" enough in their initial design, to build with social responsibility in mind.
Affordable rental units
don't know

**Question 28: What are possible negative outcomes of applying a "In Kind Only" approach to establishing a proportional relationship?**

Requires close scrutiny to ensure the benefit is actually planned and included

None

Difficulties in definition

See my answer to #22 [This approach is ripe for government corruption and developer manipulation.]

See above answer to 27

Benefits are not what the developer is willing to provide.

Gaming of rules by developers

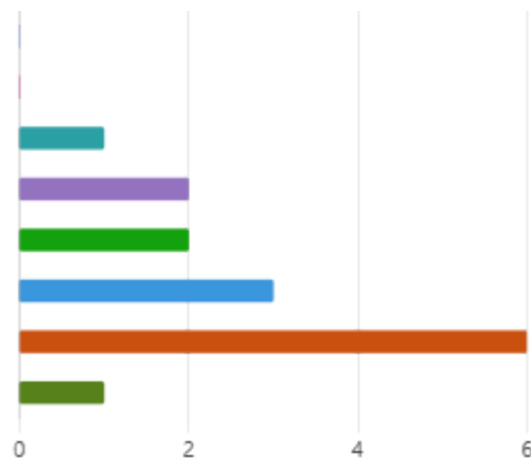
Affordable housing should be a firm requirement and Town should decide on this ratio - NOT the Developer. ratio ,

don't know. This survey is SO confusing? How is this going to help anyone? it makes NO sense!!

all community benefits are important; additional height is a negative outcome

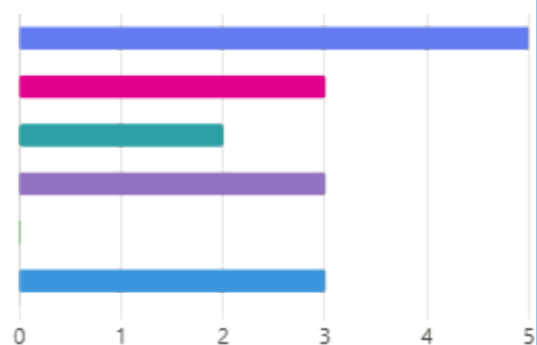
**Question 29: What is your age?**

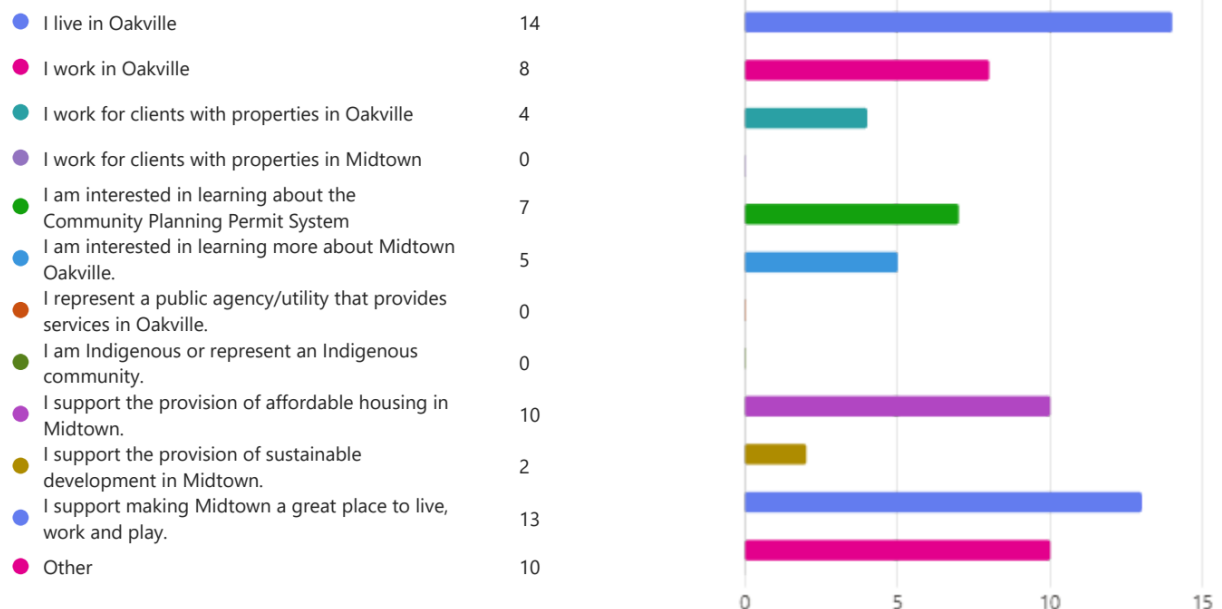
Under 18	0
18-24	0
25-34	1
35-44	2
45-54	2
55-64	3
64-75	6
75 and over	1



**Question 30: Have you participated in the Midtown Oakville process prior to this engagement?**

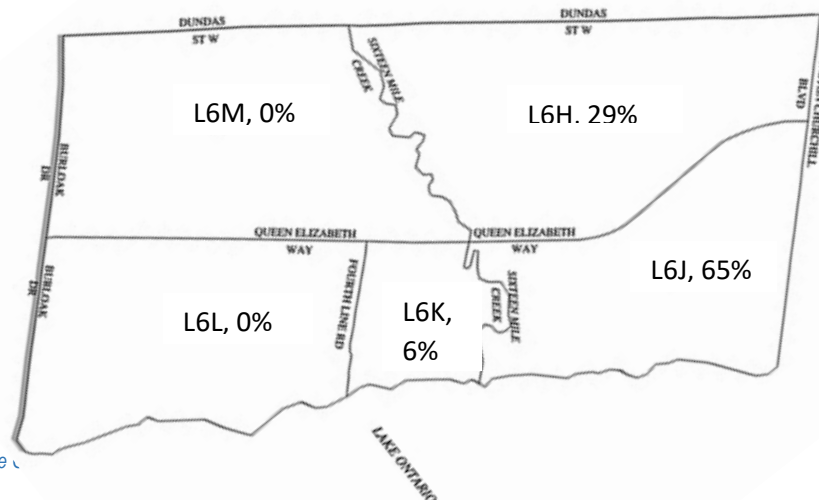
Yes, since 2018	5
Yes, since 2022	3
Yes, since 2023	2
Yes, since 2024	3
Yes, since early 2025	0
No, this is my first time	3



**Question 31: Which of the following describes your interest in this process? (choose all that apply)**


Other, comments provided were:

- Green infrastructure and nature based communities are critical to long term sustainability and health of wildlife and humans.
- I support making Midtown part of the entire Town as it cannot be complete on its own, and I support protecting the environment of the 16 Mile Creek and the spill zones of Oakville;

**Question 32: In which postal code to you live/work?**


## Appendix 3. Open House Panels

# meetmidtown

Welcome and thank you for attending!

## Preparing Community Planning Permit By-law Key Directions and Urban Design Guidelines

### Tonight's Agenda and Open House Format:

6:30 p.m. - 8:30 p.m.



Check – in at the  
registration desk.



Visit the booth(s) of  
interest and ask your  
questions.



Complete the online  
questionnaire by  
**June 12, 2025.**



# meetmidtown

## Purpose of Open House

1

### Preparing Community Planning Permit By-law Key Directions

To receive public input to inform Key Directions for preparing the Midtown Oakville Community Planning Permit By-law, which implements Midtown Oakville policy (as adopted by Council via OPA 70).

#### Midtown Oakville

#### Preparing the Community Planning Permit By-law

#### Key Directions Report

For Public Consultation  
June 2025

The forthcoming Key Directions report will:

- Inform Council and Public regarding key elements of the Community Planning Permit By-law
- Outline **options** regarding key elements of the By-law (for consultation)
- Recommend **options** for Council endorsement (following consultation)
- Provides **strategic framework** for staff to draft the CPP By-law, by having council direction up-front on those matters.

2

### Urban Design Guidelines

To consult on **preliminary directions** of the proposed urban design guidelines.

The forthcoming design guidelines will:

- Update the existing Designing Midtown Oakville to implement the Midtown Oakville Official Plan policies.
- Elaborate on Official Plan policies to assist applicants, Town staff, and decision makers when preparing and evaluating development permit applications;
- Inform implementation of the Community Planning Permit By-law; and
- Provide a collection of best practices in urban design.





## Booth 1: Background

# What is a Community Planning Permit System?

A planning approval system that applies a combination of Official Plan policy and by-law provisions to inform and evaluate development permit applications, ...



## The Community Planning Permit System.

Steps are in accordance with Ontario Regulation 173/16 Community Planning Permit System

....which results in a streamlined planning approval process:



A single **by-law** to control land use.



A single permit **application**.



**One** approval authority issues the **permit**.

Note: A development permit consists of plans and drawings and embeds site specific zoning provisions and permissions.

Midtown Oakville is the **first** Community Planning Permit Area in Oakville.

## Booth 1: Background

# Why use the Community Planning Permit System (CPPS) in Midtown?

Midtown ...

- Is the **primary growth** area of Oakville.
- Has a lot of **redevelopment potential** and is experiencing redevelopment **interest**.
- Is an area within which the Town proposes to provide **new public facilities, services and matters** to serve the Midtown community and surrounding area.
- Would benefit by applying **streamlined development** approvals to capitalize on existing and planned transit and other infrastructure.



Midtown will benefit from the use of CPPS to **support and enable**:

-  Coordinating Development with Infrastructure Service Delivery
-  Establishing Public Service Facilities
-  Establishing Park Facilities
-  Achieving Mixed-use Targets within Development
-  Achieving Housing/Affordable Housing Targets
-  Realizing Sustainability Measures
-  Protecting Natural Heritage
-  Realizing Desired Urban Design Elements

## Booth 1: Background

# What is the vision for Midtown Oakville?

## The Livable Oakville Official Plan states:

### Vision (Chapter 20 Preamble)

Midtown is...

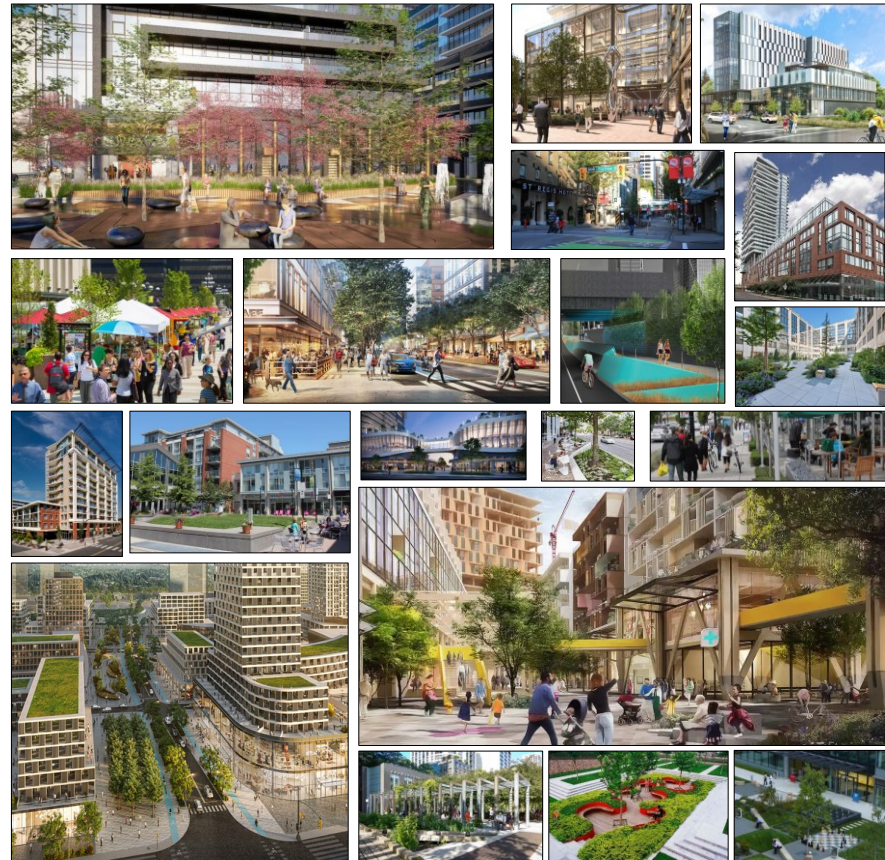
- Oakville's primary strategic growth area.
- An area planned to evolve into a vibrant, mixed-use, compact, complete urban community served by transit and active transportation facilities, while acknowledging its Indigenous, industrial, and railway history.

### Goal (Section 20.1)

Midtown is the **leading** Strategic Growth Area within the Town. Leveraging multi-modal transit and transportation systems, with access to natural heritage, regional scale commercial, institutional, recreational and office facilities, Midtown will accommodate significant residential and employment growth in a dynamic urban setting.

### Objectives (Section 20.2)

- Create a transit supportive community via built form
- Create a vibrant and complete community via mix of uses and human scale
- Achieve Midtown goals by achieving the 200 residents and job per hectare (r&j/ha) target by 2031, through monitoring and provision of infrastructure.



## Booth 1: Background

# What are the Midtown Oakville Community Planning Permit System enabling Official Plan<sup>1</sup> policies?

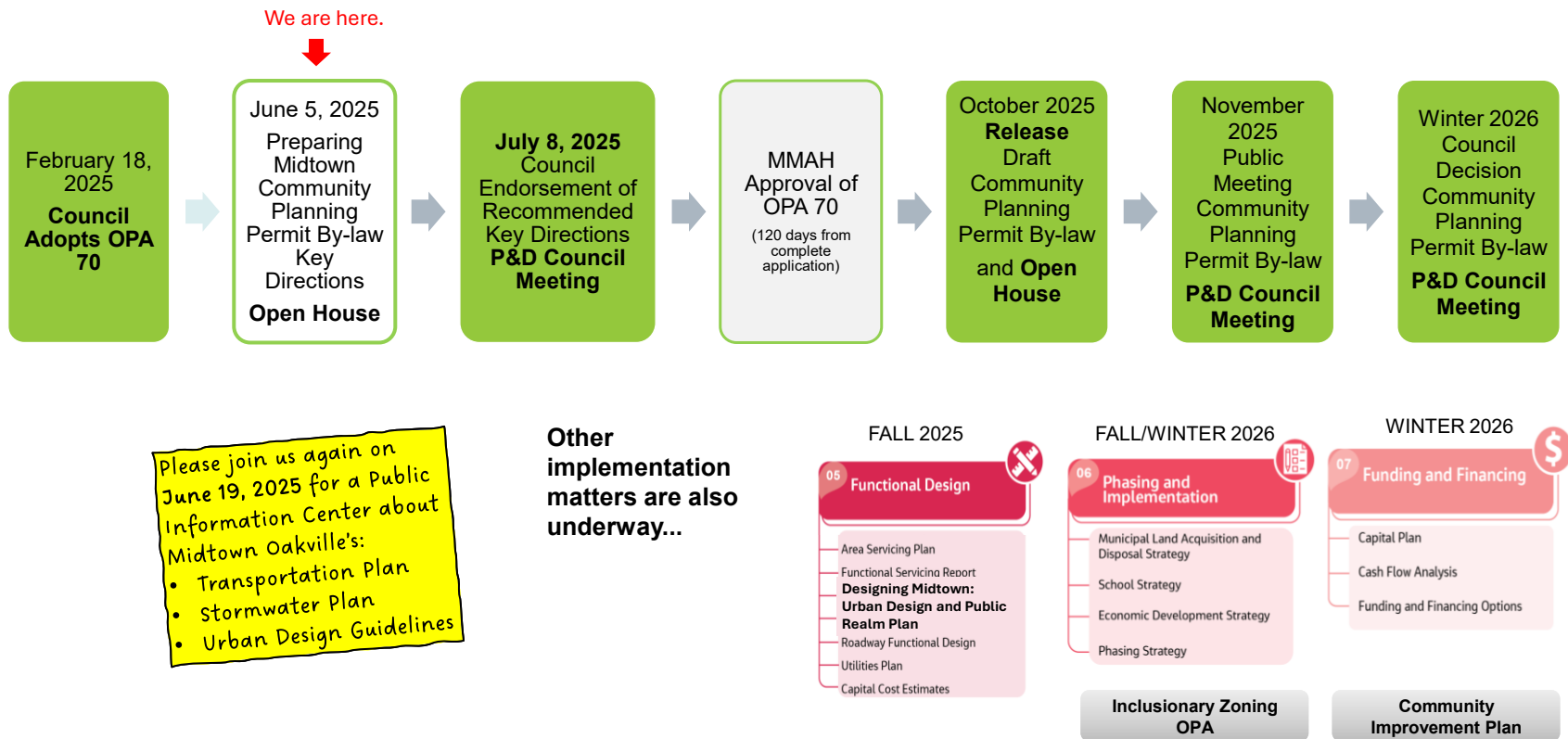
Theme	Section 28.15, Community Planning Permit System
<b>LOCATION</b>	Midtown Oakville is a CPPA area, <b>policy 28.15.1 (a)</b> .
<b>AUTHORITY</b>	Approval of development permits may be delegated from Council to staff or a committee, as set out in CPP by-law, <b>policy 28.15.5</b> .
<b>PURPOSE</b>	Community planning permit system is an alternative to the use of a zoning by-law to implement Official Plan goals, objectives and policies, <b>policy 28.15.2 and 28.15.4</b> . See also <b>Section 20 Midtown</b> , for Midtown specific goals, objectives, that provide purpose for use of CPPS.
<b>DECISION MAKING CRITERIA</b>	Criteria for decision making is provided in Official Plan Amendment (OPA) general and area specific policies. By-law may also include additional criteria that is more specific to guide decision making that is in accordance with OP goals and objectives, <b>policy 28.15.6</b> . See also <b>Section 20 Midtown</b> policies.
<b>CONDITIONS</b>	Types of conditions that may be imposed when approving and issuing development permits include everything identified in O. Reg. 173/16 plus conditions identified in general and area specific Official Plan policies, <b>policies 28.15.7 – 28.15.12</b> . See also <b>Section 20 Midtown</b> policies.
<b>COMPLETE APPLICATION</b>	The town may require additional material as part of a complete application, <b>policies 28.19.3 and 28.19.19</b> .
<b>AFFORDABLE HOUSING</b>	[Will be added to the OP after the Town's Housing Needs Assessment is completed, as a separate OPA.]

Theme	Section 20. Midtown Oakville
<b>Vision &amp; Goal</b>	Midtown is a primary strategic growth and protected major transit station area accommodating a mix of uses and significant residential and employment growth, ( <b>20. Midtown</b> ).
<b>Objectives</b>	Create a transit supportive, vibrant and complete community, achieved through use of Community Planning Permit System, promoting redevelopment greater than minimum density requirements, provision of supportive infrastructure and monitoring ( <b>20.2 Objectives</b> ).
<b>Development Concept/ Precincts</b>	Implement vision and objectives within five "Precinct" areas with unique functions ( <b>20.3 Development Concept</b> ).
<b>Land Use</b>	Designate land to permit a broad range of high-density residential, mixed-use, commercial, office employment, institutional, public service facilities, park and open space, transit, and utility uses ( <b>20.4 Land Use</b> ).
<b>Functional Policies</b>	Achieve vision and objectives through functional policies addressing: urban design and built form, mobility, storm water management, spill flood hazard, and sustainability. ( <b>20.5 Functional Policies</b> ).
<b>Implementation</b>	Implement plan through: CPP by-law, monitoring, partnerships, phasing, and landowner agreements ( <b>20.6 Implementation</b> ).

<sup>1</sup> These policies are adopted by Council in Official Plan Amendment 70 which is with the Minister of Municipal Affairs and Housing for approval.

## Booth 1: Background

# CPP By-law Timeline and Next Steps



## Booth 2: Community Planning Permit By-law



# Elements of the Community Planning Permit By-law to be addressed in the Key Directions report...

## Administrative Matters



Location

Class of  
DevelopmentApplication  
ExemptionApproval  
AuthorityNotification  
ProceduresProcedures for  
review and  
change of permit

## Community Building Matters

Affordable Housing  
Inclusionary Zoning (IZ)  
within PMTSA only

Criteria



Permitted Uses



Standards



Conditions



Definitions



Prohibited Uses

Range of  
Variation



## Booth 2: Community Planning Permit By-law



## Administrative Matter: Location

**The first Community Planning Permit By-law for Oakville will apply to lands within **Midtown Oakville**.**



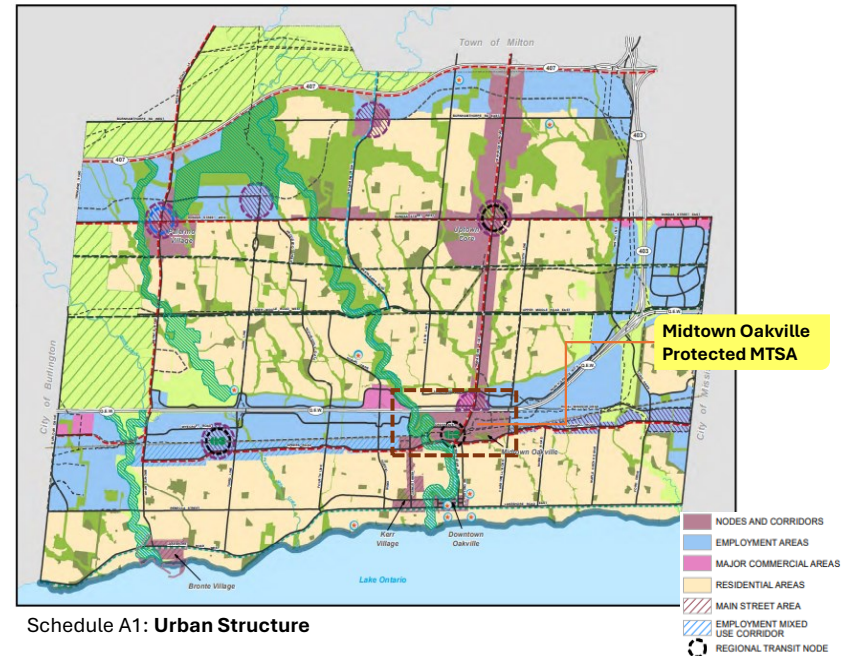
Location

Midtown Oakville is the primary Strategic Growth Area of Oakville and a Protected Major Transit Station Area (PMTSA).



Midtown current context and built form.

Through future amendments to the Official Plan, other areas of the Town may be identified as a Community Planning Permit Area and the CPP by-law can be amended to include them.



Schedule A1: Urban Structure

Help shape this direction...



# Structure and Scope of CPP By-law



The following are basic principles of preparing the CPP by-law:

- 1. Prepare the by-law in a user-friendly and familiar manner.**  
Use plain language and provide definitions for uncommon terms or terms that are intended to have a specific meaning.
- 2. Structure the by-law in a manner that makes it compatible with the Town's online systems.**  
Provide by-law online. Enable development permit applications to be submitted via online forms, and have them tracked through Town systems, with final approvals accessible to the general public,.
- 3. Structure the by-law in a manner that makes it possible to extend to other parts of the Town.**
- 4. Streamline development permit, site alteration and tree-protection approvals within a single development permit application process.**  
Enable all three matters to be addressed within a single development permit application; however, where a matter is only related to tree-protection and/or site alteration, the Town's usual application process that applies under those by-laws would apply.

Are there other matters to consider in terms of the structure or scope of the by-law?  
*(Please share your response here or through the online questionnaire, Section 1.)*


## Booth 2: Community Planning Permit By-law



## Administrative Matter: Exemptions and Classes of Development



### Exemption from Development Permit Application

- While all matters that meet the definition of development are required to apply for a development permit, certain matters may be exempt (excluded) from making such an application.

**Current town practice** for site plan control provides the following “exemptions”:

- a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
- a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres; and
- a temporary building or structure on public lands allowed through a municipal permit;
- the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

**Current town practice** for site alteration and tree protection by-law exempt development that is subject to a site plan control application.



### Classes of Development

- To assist with streamlining development, the by-law can establish classes of development.
- This allows the Town to establish different procedures, notice requirements, complete application requirements, fees, and approval authority to different classes of development.

**Current town practice** for site plan control provides the following “classes of development”:

- Medium and high-density residential development;
- All non-residential development;
- All other types of development;
- A temporary building or structure erected and used for a maximum of six consecutive months, provided the structure is located on a property with existing development; and
- A temporary sales office.

Help shape this direction...



# Exempt Matters

The following are proposed matters that would be exempt from having to apply for a development permit application:

- Site alteration and/or tree removal only (separate permit process)
- a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
- a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres;
- a temporary building or structure on public lands allowed through a municipal permit; and
- the placement of a portable classroom on a school site of a district school board (note: this is required per O. Reg. 173/16).



What other types of development or matters should be exempt?

*(Please share your response here or through the online questionnaire, Section 2.)*


Help shape this direction...



# Classes of Development and Notices



The following are proposed “classes of development” and associated complete application notice requirements:

Class	Description	Notice of Complete Application
1	Commercial Parking Lot (new or change to existing)	<ul style="list-style-type: none"><li>Email to Applicant</li></ul>
2	Temporary Sales Office or Temporary Use (less than 6 months) accessory to existing development	<ul style="list-style-type: none"><li>Email to Applicant, Public Agency</li><li>Post Sign on Site</li><li>Post on town website</li></ul>
3	Change/Minor Expansion to existing use  OR Small Scale New Development (greater than 50 sq. m. but less than X sq. m.)	<ul style="list-style-type: none"><li>Email to Applicant, Public Agency</li><li>Post Sign on Site</li><li>Post on town website</li><li>Mail to Adjacent Property with 60m</li></ul>
4	Large Scale New Development (greater than X sq. m.)	<ul style="list-style-type: none"><li>E-mail to Applicant, Public Agency, Indigenous community</li><li>Mail to Adjacent Property with 120m,</li><li>Post sign on site</li><li>Post on town website</li></ul>

## Classes of Development

- What other “Classes of Development” should there be in the by-law?

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## Notice Approach



- What other approach to giving notice regarding the proposed “Classes of Development” should there be?

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(Please share your response here or through the online questionnaire, Section 3.)

## Booth 2: Community Planning Permit By-law



## Administrative Matter: Development Permit Approval Authority and Notifications



### Approval Authority Considerations

- The Planning Act assigns approval of development permits to Council.
- The CPP By-law can delegate this decision making to a Committee or Staff to assist with streamlining the approval process.
- This decision-making authority can be different depending on the Class of Development or other factor specified in the by-law.



### Notification Considerations

- The Act requires notice of complete application and notice of decision to be issued to the applicant.
- The CPP by-law can direct that such notices be issued more broadly.
- This notice direction can be different depending on the Class of Development.

Current town practice for similar application types are follows:

Application Type	Approval Authority	Scope of Authority	Public Notice of Application/Hearing	Notice of Decision
Site Plan Control	Director of Planning & Development	Approve or refuse application with or without conditions.	• None	• To the "owner" s. 41 (12).
Minor Variance	Committee of Adjustment	Enter into agreements (CAO, Town Clerk) Approve or refuse application with or without conditions.	• Notice <u>of hearing</u> to persons and public bodies • By: sign on site, mail to landowners within 60 m, email, town website	• To Minister, applicant, and persons who appeared at the hearing and who filed a written request for notice of decision; s. 45 (10)
Minor Zoning by-law Amendment	Commissioner of Community Development	Enter into agreements Approve, modify and approve, or refuse application	• Notice of <u>application</u> and notice of public <u>hearing</u> to persons and public bodies, • By: sign on site, mail to landowners within 120 m, email, town website	• Sent to: applicant, prescribed persons and bodies, to person/public that filed written request to be notified.
Tree Protection	Director of Parks and Open Space, or designate	Approve or refuse application with/without conditions	• Notice of application • By: Sign on site	• To applicant.
Site Alteration	Director of Transportation and Engineering, or designate	Approve or refuse application with/without conditions. Enter into agreements	• None	• To applicant.



# Let's Talk... Administrative Matter: Development Permit Review Procedures

**The CPP By-law is required to provide internal review procedures to issue permits.**



The procedures:



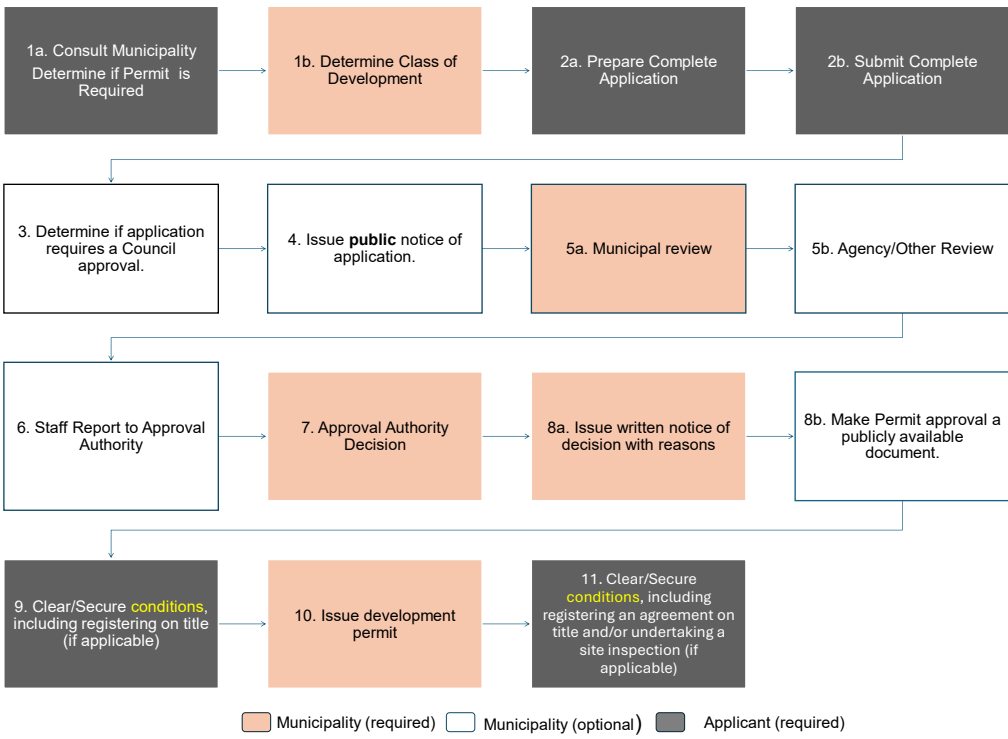
Help shape this direction...



# Development Permit Application Process

The following is a proposed processes for approval of a new development permit application;

**Note:** The proposed process for all classes of development delegates all decision making to staff, as is the case for most similar planning application types within the Town. The proposed process includes Step 3, where approval authority could be returned to Council, upon staff's recommendation.



- Are there steps that should be removed or added?

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- Are there discretionary steps that should be made mandatory?

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- For Step #3, what situation should warrant a Council decision?

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(Please share your response here or through the online questionnaire. Section 4)

## Booth 2: Community Planning Permit By-law



## Community Building Matter By-law Provision Types



Criteria

CPP by-law may include criteria for decision making.

The by-law may also refer to OP policies and/or guidance document.

Permitted/Prohibited  
Uses

CPP by-law must include permitted and prohibited land use for lands within the CPP area.

Land use may be subject to criteria and/or conditions.

Standards Range of  
Variation

CPP by-law must include certain standards, such as minimum density and height, maximum density, and height thresholds as well as standards such as setbacks to protect natural heritage and to address hazard lands and hazardous areas.

The by-law may include standards such as building setbacks, step-backs, maximum parking rates, bicycle parking requirements, etc.

The by-law may include variation from standards in accordance with OP policies.



Conditions

CPP by-law must outline conditions that may be imposed with the approval of development permit applications.

Conditions may be met prior to or after the issuance of the development permit.

## Booth 2: Community Planning Permit By-law



## Community Building Matter Conditions

**Per the Official Plan, the following types of conditions will be outlined within the by-law:**



Cash in lieu of required parking



A condition that is related to site alteration



Parkland dedication



Enter in to and Register Agreement on title



A condition that is related to the removal or restoration of vegetation.



Conditions in relation site plan control (i.e. road widening, walkway, fences, easements, lighting, agreements)



A condition that is related to **ongoing monitoring** related to  
i. public health and safety, or  
ii. the natural environment.



A condition that is related to provision of community benefit in exchange for height and/or density which may be within minimum and maximum standard or outside of variation from standards. By-law must establish proportional relationship.



Inclusionary Zoning Conditions



Payment in lieu of a matter otherwise required



Holding/Lapsing/Temporary

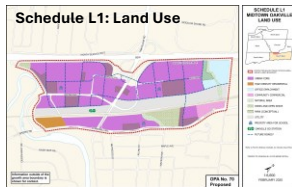


Condition equivalent to that which is provided in CBC by-law



# Community Building Matter Land Use

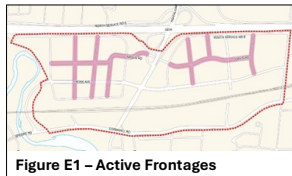
**Midtown is planned to provide places to live, work, and play by:.**



## Permitting a broad range of land use (Section 20.4.1)

that includes residential, employment, commercial, institutional and civic uses, in accordance with land use designations:

- **High Density Residential** (predominantly residential use)
- **Urban Core** (broad mix of residential and non-residential uses)
- **Office Employment** (mix of office and light industrial uses) and
- **Community Commercial** (mix of commercial, office, and service uses).
- **Park and Open Space** (predominantly public open space and recreational uses)
- **Utility** (primary utility uses, along with transit, active transportation and open space uses)



## Promoting walkable, human scale (Section 20.4.1 (h))

- Along streets identified in Figure E1 – Active Frontages, a minimum of 70% of the building fronting the street is required to accommodate non-residential uses (i.e. commercial, retail, office, institutional, and community uses).



## Generating employment (Section 20.4)

- Require replacement of equal or greater non-residential gross leasable floor area
- Require non-residential uses at grade where fronting streets and parks.
- Within Urban Core, require a minimum of 12% of total GFA to be non-residential
- Permit expansion of existing non-residential uses.

## Booth 2: Community Planning Permit By-law

## Community Planning Permit By-law response...

- Zone land in accordance with Schedule L1.
- Identify permitted and prohibited uses within each land use designation.
- Where needed, provide definitions for uses.



Permitted  
Uses



Prohibited  
Uses



Definitions

- Identify any criteria, standards, or conditions applicable to a land use within applicable zone.



Standards



Criteria



Conditions

Help shape this direction...



# Land use - Existing

The following are proposed options to address existing uses and uses subject to approved site-specific zoning but not yet built:

NOTE: Official Plan policies permit existing uses to continue, to expand, and to redevelop. The expansion or redevelopment of certain existing uses are exempt from certain policies such as minimum height and density requirements, provided the expansion or redevelopment does not preclude the provision of infrastructure required to support Midtown growth.



OPTION 1: Site Specific Provisions	
<b>PRO</b> <ul style="list-style-type: none"><li>• Carries forward existing zoning provisions applicable to a site.</li><li>• Clearly defines legal permissions and standards for each site. Provides recent development proponents assurance that the zoning provisions they have secured continue to exist.</li></ul>	<b>CON</b> <ul style="list-style-type: none"><li>• Creates a precedent to provide site specific details in the CPP by-law that would otherwise be listed in a development permit, and thereby defeats the streamline approval process that the CPPS is intended to be.</li><li>• May result in a cumbersome by-law document.</li></ul>

OPTION 2: General Provisions	
<b>PRO</b> <ul style="list-style-type: none"><li>• Using general provisions to address permitted, conditionally permitted and prohibited uses for existing or pre-existing zoning permissions is in accordance with the intent of the CPP system where the issued development permits and pre-existing site plan approvals provide site specific details.</li><li>• This option does not set a precedent for future CPP by-law site specific amendments to recognize specific permissions and standards for sites.</li></ul>	<b>CON</b> <ul style="list-style-type: none"><li>• Specific permissions and standards established for existing uses may not be easily found on a site by site basis. Some landowners may believe that certain use permissions that are permitted by the Official Plan policies have been removed through the passing of the CPP by-law.</li></ul>

Are there other Pros and Cons to be considered for these options?  
(Please share your response here or through the online questionnaire, Section 5.)

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## Booth 2: Community Planning Permit By-law



## Community Building Matter Housing

Midtown is planned to accommodate a wide range of households, including singles, couples, and families, of various ages, stages of life, and incomes.

### Official Plan Policies

- **Permit a variety of housing types**
- **Encourage variety of Housing Tenure**
- **Require unit size variation**
  - a minimum of 35% units provide two or more bedrooms (except within buildings geared to *special needs* housing)
- **Encourage incentivizing affordable housing**
- **Propose requiring affordable housing**
  - Requirement to provide affordable units may be mandated following completion of the Town's Housing Needs Assessment, and adoption of Inclusionary Zoning enabling policies.

### Community Planning Permit By-law response...

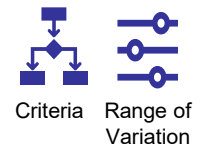
- Identify where and to what standards residential development is permitted.



- A condition of development permit issuance may be related to unit tenure, affordability, and intended use.



- Include criteria (i.e. percentage of units required to provide 2 or more bedrooms).
- Include exemption/variation from requirement, per OP policy.



- *Through the **completion** of the Town's Housing Needs Assessment and consultation on Inclusionary Zoning **enabling** policies and Community Improvement Plan, adopt policies and provisions accordingly.*





## Community Building Matter Urban Design Direction

Midtown Official Plan policies guide the overall design – the look, the feel and the function – of the public realm, development blocks, and buildings.

Many of these policies can be translated into criteria, design direction, performance standards, and/or conditions to be implemented through the approval of development permits.



**Design guidelines**  
(Policy 20.5.1 (a))



**Public realm**  
(Policy 20.5.1 (b))



**Green roofs**  
(Policy 20.5.1 (k))



**Block design**  
(Policy 20.5.1 (l))



**Parks and open space**  
(Policy 20.5.1 (c))



**Utilities**  
(Policy 20.5.1 (d))

### Community Planning Permit By-law response...

Refer to Official Plan policies and design guidelines or embed criteria within by-law to inform development permit application decision making.



Require conditions as part of the development permit application approval that are in accordance with OP policy and the range of possible conditions the Town may impose.



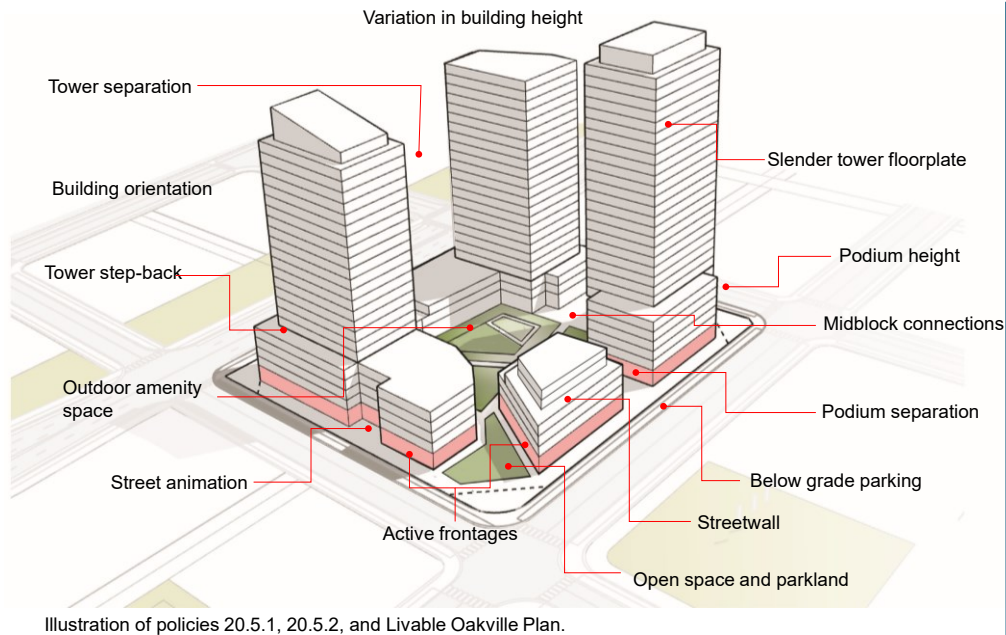
Let's

Talk...

## Community Building Matter Built Form

Official Plan policies provide standards, criteria and conditions to ensure development achieves the vision for Midtown. These policies are implemented through the approval of development permit applications.

### Booth 2: Community Planning Permit By-law



### Community Planning Permit By-law response...

Include standards for development in accordance with Official Plan policies. Where policy uses language such as: “may,” “should,” “is encouraged,” permit for variation to those standards.



Standards

Range of  
Variation

Refer to Official Plan policies and design guidelines or embed criteria within by-law to inform development permit application decision making.



Criteria

Require conditions as part of the development permit application that are in accordance with OP policy and the range of possible conditions the Town may impose.



Conditions

Booth 2: Community Planning Permit By-law



# Community Building Matter Sustainable Development

Sustainable development is promoted through mandatory, discretionary and incentivized measures, in accordance with legislation and policy in the Livable Oakville Plan.

Mandatory Measures	<ul style="list-style-type: none"> <li>• Compact urban form</li> <li>• Pedestrian, bicycle and transit facilities</li> <li>• Landscaping, street trees and furniture</li> <li>• Stormwater management facilities and techniques</li> <li>• Green infrastructure (i.e. tree canopy, low impact development, green walls)</li> <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>
Discretionary Measures	<ul style="list-style-type: none"> <li>• Green, Blue or 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> <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>
Incentivized Measures	<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 heating/cooling/energy systems</li> </ul>

## Community Planning Permit By-law response...

Where quantifiable, Official Plan requirements will be listed as standards.



Standards

OP policies and guidance material may be referenced in by-law, as criteria for development permit approval.



Criteria

Discretionary measures proposed by applicant would be identified in an approved development permit (which is applicable law), and as such will be required as part of the building permit process.



Per Approved Development Permit

As a condition of development permit approval, an applicant can agree to provide one or more of the listed measures to receive permission for a proportional building height that exceeds the assigned threshold.



Conditions

Help shape this direction...



# Variation from Standards

Official Plan policies set standards or requirements, however, for policies that use words such as: “may,” “should,” “is encouraged,” or “subject to” – allow for a variation from the standard or requirement.



The following are proposed options to address variation from standards in the by-law:

**OPTION 1: Numerically**

**PRO**

- Variation permission is predictable, reduces need to resubmit plans and drawings.

**CON**

- Preset numeric variation may not address all situations or circumstances, applicant may be required to seek an amendment to the CPP by-law before a development permit application can be approved, thus undermining the objective of a streamlined approval process.

**OPTION 2: Qualitatively**

**PRO**

- Variation permission is based on whether the request continues to address relevant objectives or qualities of development.
- Maintains the objective of a streamlined approval process.

**CON**

- Variation permission is not predictable

Are there other Pros and Cons to be considered for these options?  
(Please share your response here or through the online questionnaire, Section 6.)

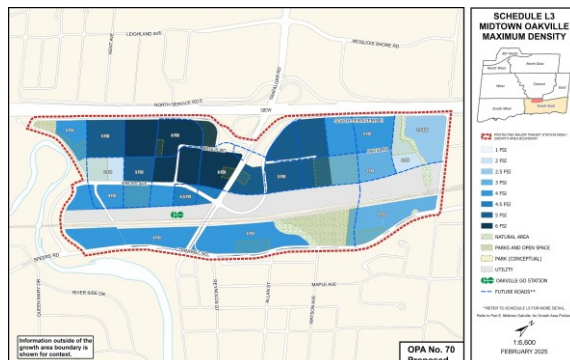
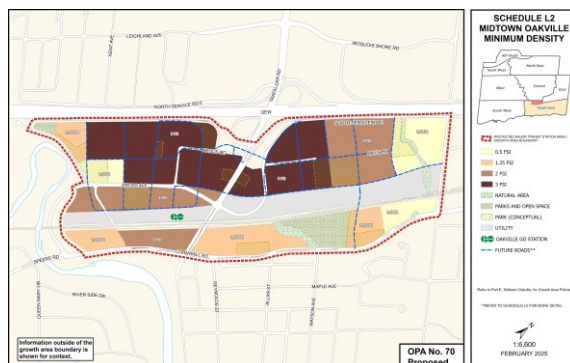


## Booth 2: Community Planning Permit By-law

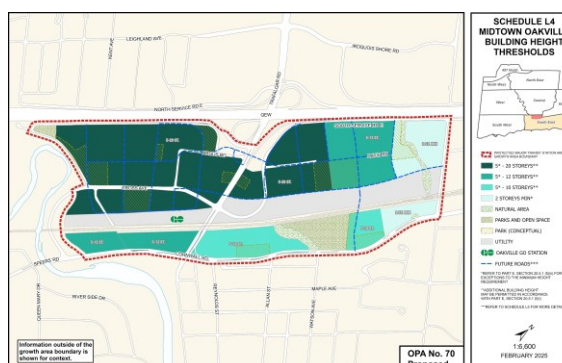
Official Plan policies and schedules provide standards, criteria and conditions specific to building density and height, which are required to be provided in the CPP By-law.

## Community Planning Permit By-law response...

## Site Density Schedules L2 and L3



## Building Height Thresholds Schedules L4



### Threshold Height

10 – 20 storeys depending on location.

- No threshold for lands designated Office Employment and Community Commercial

### Minimum Height

2 storeys within Office Employment and Community Commercial areas  
5 storeys everywhere else

### Minimum Density and Height Exemptions:

Provision of minimum density or height is not required on lands dedicated for public parks and open space, and for educational facilities, public service facilities, and expansion or replacement of an existing use.

Minimum height and density, and maximum density are required to be provided in the CPP by-law.



Exemptions from standards (per OP direction) will be included in the by-law.



Building height thresholds are required to be included in the by-law in order to authorize the Town to negotiate for community benefits.



### Conditions



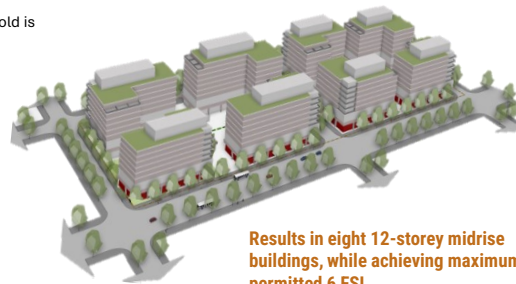
## Booth 2: Community Planning Permit By-law

Let's  
Talk...

## Community Building Matter Permission to exceed building height threshold

**Policy 20.5.1 (e) Site Density** assigns **maximum gross density** for a site using floor space index (FSI).

Theoretical development on a site where density maximum is achieved, and height threshold is not exceeded.



Results in eight 12-storey midrise buildings, while achieving maximum permitted 6 FSI.

**Policy 20.5.1 (f) Building Height** assigns **building height thresholds** for sites in storeys.

Theoretical development on a site where density maximum is not achieved, height thresholds are met, and land is conveyed for public park.



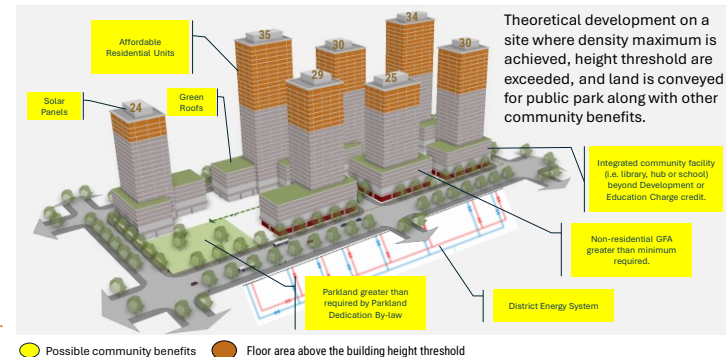
Results in seven 20-storey buildings achieving 4.5 of the permitted 6 FSI and provides public parkland.



**Policy 20.5.1 (f) Building Height** permits **additional height** beyond the threshold, subject to:

1. the maximum density allocation for the site is not exceeded, and
2. **community benefits** or cash-in lieu of benefits, are provided.

Results in seven 20+ storey buildings while achieving 6 FSI and providing community benefits.



Yellow circle: Possible community benefits; Brown circle: Floor area above the building height threshold

## Booth 2: Community Planning Permit By-law



## Community Building Matter

### Possible Community Benefit



The Official Plan lists the following potential community benefits:

- On-site matter
- On or Off-site matter

#### TOWN WIDE (Policy 28.15.12)

Matters **without** a Town funding source.

- public parking
- affordable housing
- conservation and preservation of cultural heritage resources
- day care centres
- public art
- integration of office uses in mixed use developments
- green buildings
- other local improvements

Matters **with** a funding source

- public transit infrastructure, facilities, services and improved pedestrian access to public transit
- protection and/or enhancement of natural features and functions
- *public service facilities*
- parkland and improvements to parks

#### MIDTOWN OAKVILLE (Policy 20.6.6)

Matters **without** a Town funding source

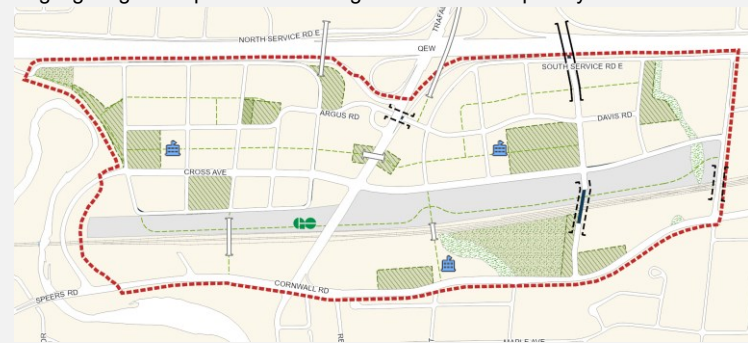
- contributions toward district/renewable heating/cooling/energy system

Matters **with** a funding source.

- grade separated pedestrian and cycling facilities across the QEW, railway tracks or Trafalgar Road
- community facilities
- improved local transit facilities and transit user amenities

#### Excerpt of Schedule 1: Land Use

Highlighting conceptual "Park" designated areas and priority areas for schools.



## Help shape this direction...







## Prioritization of (In-Kind) Community Benefits



The following are proposed considerations to inform the prioritization of community benefits in the case of “in kind” benefits.

Select your preference for each:

Select one option for each of the four categories.

 <p><b>In-Kind</b>      <b>vs.</b>      <b>Cash-in-Lieu</b></p> <div> <div></div> <div></div> </div>	 <p><b>On-site</b>      <b>vs.</b>      <b>Off-Site</b></p> <div> <div></div> <div></div> </div>
 <p><b>Midtown specific matters</b>      <b>vs.</b>      <b>General items list</b></p> <div> <div></div> <div></div> </div>	 <p><b>Unfunded Matters</b>      <b>vs.</b>      <b>Funded Matters</b></p> <div> <div></div> <div></div> </div>

Prioritize the following :

Insert your prioritization into a column using numbers 1 to 4, 1 being the highest priority.

[illegible]

NOTE: Where the community benefit is provided in cash – Council determines how and when those funds are applied within Midtown through its capital planning and budget work.

*(Please share your response here or through the online questionnaire, Section 7.)*



## Community Building Matter Proportional Community Benefit Options



Per O. Reg. 173/16, Official Plan policy 28.15.10 requires the CPP by-law to include provisions establishing a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height and/or density of development that may be allowed.

### Options for determining a proportional relationship are:

1

#### Land Value Uplift



Community benefits are provided that are equivalent in cost to a portion of the uplift in land value that is achieved by the increase in building height.

2

#### Percentage of Land Value



A percentage of the overall land value is directed to the provision of community benefit.

3

#### Flat Rate per Square metre



A flat rate (in dollars) per square metre of additional storeys above the height threshold is charged, and those funds are directed to the provision of community benefits that are equal to the sum charged.

4

#### In Kind Only



A ratio is established for each type of community benefit that may be provided on the development site. Ratios are determined based on priority of the community benefit to the Town and what might motivate the developer to provide it.

Help shape this direction...



# Commensurate Community Benefits

The following explains the approach and provides potential Pros and Cons for **the Land Value Uplift** option:



1

## Land Value Uplift



1. Applicant undertakes a land appraisal based on development that does not exceed building height and a second appraisal based on pre-building permit land value (with building heights above threshold).
2. The land value “uplift” equals the difference in value determined by the two appraisals.
3. Town establishes a **set percentage of land value uplift** that would be applied to “community benefit,” which the applicant would provide in cash or in-kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

Pro	Con
<ul style="list-style-type: none"><li>• Both the Town and development community are familiar with this approach.</li></ul>	<ul style="list-style-type: none"><li>• Requires undertaking two land appraisals.</li><li>• The correlation of the percent of uplift and benefit of increased height may be weak.</li><li>• Land value can vary from site to site.</li><li>• It is difficult to incorporate this into the early pro-forma stages of development.</li></ul>

What are other Pros and Cons to be considered for this option?

(Please share your response here or through the online questionnaire, Section 8.)


Help shape this direction...



# Commensurate Community Benefits

The following explains the approach and provides potential Pros and Cons for the **Percentage Land Value** option:



2

## Percentage of Land Value



1. Town establishes a set percentage of land value that is triggered when a development is permitted to exceed the building height threshold (irrespective of number of storeys).
2. Applicant undertakes a land appraisal to determine pre-building permit land value.
3. The pre-set percentage of that value would be applied to “community benefit” in cash or in-kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

Pro	Con
<ul style="list-style-type: none"><li>• The applicant can build the pre-set value into their pro forma, early in the development process.</li><li>• This approach requires only one land appraisal.</li></ul>	<ul style="list-style-type: none"><li>• Requires a land appraisal.</li><li>• May not be viewed as “proportional with height.”</li><li>• Land value can vary from site to site.</li></ul>

What are other Pros and Cons to be considered for this option?

*(Please share your response here or through the online questionnaire, Section 8.)*




Help shape this direction...



# Commensurate Community Benefits

The following explains the approach and provides potential Pros and Cons for the **Flat \$ Rate per Square Metre** option:



## 3 Flat \$ Rate per Square Metre



1. Town establishes a set dollar rate per sq. m. of GFA gained within storeys above the threshold height.
2. Applicant chooses to exceed the building height threshold. The per square metre value is applied to all of the GFA proposed within the storeys above the building height threshold.
3. The total per square metre value would be applied to “community benefit” in cash or in-kind.
4. Where in-kind matters are provided, a cost estimate by qualified professional may be required.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

Pro	Con
<ul style="list-style-type: none"><li>• No land value appraisal is required.</li><li>• The flat rate is the same for all development sites, creating more fairness for applicants seeking increases in building height.</li><li>• Applicant can build the value into their pro forma, early in the development process.</li></ul>	<ul style="list-style-type: none"><li>• Determining the preset value to apply may be challenging.</li><li>• The preset value, if not set in a manner that is responsive to market conditions, may stifle/delay development.</li></ul>

What are other Pros and Cons to be considered for this option?

(Please share your response here or through the online questionnaire, Section 8.)


Help shape this direction...



# Commensurate Community Benefits

The following explains the approach and provides potential Pros and Cons for the **In-Kind Only** option:



4

## In-Kind Only



1. Town assigns ratio of in-kind community benefit that is exchanged for increase in GFA storeys above the building height based on the type and priority of the benefit offered.
2. Proponent selects from menu of benefit options and proposes building height accordingly.
3. More than one type of community benefit can be provided, based on the ratios provided for each benefit.
4. The in-kind provisions are for the base land area offered or gross floor area of a building, the operator of the space is responsible for fit-ups.
5. Where community benefits require public ownership or operation, or include stipulations such as long term affordability, agreements will need to be registered on title.

Pro	Con
<ul style="list-style-type: none"><li>• The relationship is based on priorities and community values.</li><li>• Applicant is given the choice to proceed with taller building based on whether one or more of the community benefits are achievable on their site.</li></ul>	<ul style="list-style-type: none"><li>• Would be difficult to apply to an 'off site' benefit or equate a cash in lieu value; as such, not all of the community benefit options listed in the Official Plan may be provided using this process.</li></ul>

What are other Pros and Cons to be considered for this option?

*(Please share your response here or through the online questionnaire, Section 8.)*


Help shape this direction...

Share your additional comments



Please add any additional comments that may assist with preparing the forthcoming Community Planning Permit By-law.



# meetmidtown

## Thank you for attending!

### Midtown Oakville Preparing Community Planning Permit By-law Key Directions and Urban Design Guidelines

Please join us again on  
June 19, 2025 for a Public  
Information Center about  
Midtown Oakville's:

- Transportation Plan
- Stormwater Plan
- Urban Design Guidelines

If you would like to provide more  
comments, please complete the online  
questionnaire by **June 12, 2025**.

