



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2024-143

Official Plan Amendment 68

A by-law to adopt an amendment to the Livable Oakville Plan, Official Plan Amendment Number 68 (Employment Areas Transition - Preserving the Town's Protected Employment Areas per Subsections 1 (1.1) and (1.2) of the *Planning Act*, File No. 52.57.03)

**WHEREAS** subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that a council of a municipality that is within a planning area may initiate an amendment to any official plan that applies to the municipality, and section 17 applies to any such amendment;

**WHEREAS** on August 20, 2024, the Province of Ontario announced that a new definition for “area of employment” under subsection 1 (1) of the *Planning Act*, and related transition provision under subsections 1 (1.1) and (1.2) will come into effect on October 20, 2024;

**WHEREAS** on August 20, 2024, the Province of Ontario provided a final Provincial Planning Statement, 2024, to replace A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, and the Provincial Policy Statement, 2020, and announced that it will come into effect on October 20, 2024; and

**WHEREAS** it is deemed necessary in order to preserve the town’s protected employment areas to pass an amendment to the Livable Oakville Plan as provided for in the transition provision related to the new definition for “area of employment” under subsections 1 (1.2) and (1.2) of the *Planning Act*.

### COUNCIL ENACTS AS FOLLOWS:

1. Official Plan Amendment Number 68 to the Livable Oakville Plan, attached as **Appendix “A”**, is hereby adopted.
2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.

3. This Official Plan Amendment is exempt from approval pursuant to Ontario Regulation 525/97 Exemption from Approval (Official Plan Amendments).

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024

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MAYOR

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CLERK

## APPENDIX “A” to By-law 2024-143

### Official Plan Amendment Number 68 to the Town of Oakville’s Livable Oakville Plan

#### **Constitutional Statement**

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 68 (OPA 68) to the Livable Oakville Plan.

#### **Part 1 – Preamble**

##### **A. Subject Lands**

The OPA applies to all the lands subject to the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial in the Livable Oakville Plan. The Employment Area designated lands are situated north and south of the Q.E.W., east and west of Highway 403 and north and south of Royal Windsor Drive.

##### **B. Purpose and Effect**

The purpose of the OPA is to preserve the town’s protected employment areas pending completion of an employment area review that informs how the town will implement the provincial direction regarding employment.

Without the OPA as proposed, the town’s employment areas could be reduced through individual, piecemeal processes outside of a town-initiated, comprehensive process that may impact the town’s long-term employment land needs.

The effect of the proposed amendment will:

- Restrict uses after October 20, 2024, that are excluded from the new definition for “area of employment” in the *Planning Act*, i.e., institutional and commercial uses, within the Employment Area designations of the Livable Oakville Plan;
- Allow lands occupied by uses within the town’s employment areas that are excluded from the new definition for “area of employment” in the *Planning Act* to continue as an “area of employment”, so long as they were “lawfully established” prior to October 20, 2024;

- As it relates to lands within the Employment Area designation of Office Employment, Business Employment, Industrial and Business Commercial in the Livable Oakville Plan, allow the application of policies related to conversion of employment lands under Section 2.8.2.5 of the PPS 2024;
- As it relates to lands within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial in the Livable Oakville Plan, ensure continued restriction of appeals to the Ontario Land Tribunal on council decisions related to applicant-initiated amendments on employment area conversions under subsections 22 (7.3) and 34 (11.0.5) of the *Planning Act*;
- Preserve the town's employment areas as protected until the town completes a review to determine long term employment land needs and only allow the reduction of employment areas through a comprehensive process;
- Allow the town to have regard in its long- and short-term planning decisions to provincial interests related to the provision of adequate employment opportunities, protection of the financial and economic well-being of the province and its municipalities, and the appropriate location of growth and development; and
- Ensure that the town's employment areas that connect to employment areas within adjacent municipalities remain protected and any changes in land use are based on a coordinated and comprehensive review.

### **C. Background and Basis**

- The province introduced the *Helping Homebuyers, Protecting Tenants Act* (Bill 97) on April 6, 2023. Bill 97 proposed various amendments to statutes with respect to housing and development including a new definition to be added to the *Planning Act* for "area of employment" that focuses on traditional employment uses such as manufacturing and warehousing, while excluding certain uses long considered a part of protected employment areas: institutional and commercial uses, including office and retail. A transition provision under subsections 1 (1.1) and (1.2) was also provided for the new definition. The Bill received Royal Assent on June 8, 2023. The effective date for the new definition, being October 20, 2024, was recently proclaimed on August 20, 2024.

- The transition provision under subsections 1 (1.1) and (1.2) of the *Planning Act* is for the new definition for “area of employment”. It allows municipalities to have policies in an official plan that authorize after October 20, 2024, the continuation of lands within employment areas as protected, meaning that requests to convert lands to another land use designation must meet specific tests, and that appeals on related decisions of council are restricted. This applies even if parcels of lands within those employment areas are occupied by a use that is excluded from the new definition if:
  - official plan policies do not authorize within an employment area a new use that is excluded from the definition on or after the effective date, and
  - the use was lawfully established on the parcel of land before the effective date.
- On the same day Bill 97 was introduced, the province provided for review and comment an updated, proposed Provincial Planning Statement (PPS) on April 6, 2023. The proposed PPS 2023 contained employment area policies and a definition for “employment areas” that corresponded to the proposed, new *Planning Act* definition for “area of employment”.
- On August 20, 2024, the province provided a final Provincial Planning Statement (PPS 2024) and announced that it will come into effect on October 20, 2024. The timing of the PPS 2024 effective date is coordinated with the effective date for the new definition for “area of employment”. Now that final provincial policies have been provided, the town may commence work towards implementing the provincial direction regarding employment.
- Prior to completing an employment area review and subsequent comprehensive official plan and zoning by-law amendments, given the proposed changes, it is necessary to take steps to preserve the town’s employment areas in order to ensure that significant changes to the town’s employment areas are only through a comprehensive process that ensures the adequate supply of employment lands for the long term. Prior to the effective date or as soon as possible, it is necessary to put in place policies for the town’s employment areas that:
  - ensure that after October 20, 2024, the town’s official plans restrict uses that are excluded from the new definition for “area of employment”; and
  - authorize the continuation of lands occupied by a use that is excluded from the new definition for “area of employment” to continue as a protected employment area provided that the use was lawfully established before October 20, 2024.

- The proposed OPA intends to preserve lands within the Employment Area designations in the Livable Oakville Plan as protected employment areas until such a time that the town completes an employment area review that incorporates significant public and stakeholder consultation, to determine a long-term approach for the town’s employment areas and how the town will implement the provincial direction.
- Many parcels of land within the Employment Area designations in the Livable Oakville Plan contain uses that are excluded from the new definition of “area of employment”, including stand-alone offices, institutional uses, public service facilities and service commercial and retail. These uses had been permitted, encouraged and protected within employment areas under previous provincial policy planning frameworks, which guided complete communities and diversity of employment uses. The presence of these excluded uses puts the town’s employment areas at risk of being reduced through individual, piecemeal processes unless action as proposed in the OPA is taken.

## **Part 2 – The Amendment**

### **A. Text Changes**

The amendment includes the changes to the text of the Livable Oakville Plan as described in the following table.

In the “Description of Change” column, text that is **bolded and underlined** is new text to be inserted into the Livable Oakville Plan.

Item No.	Section	Description of Change
1.	<b>New 14.1.1 a) EMPLOYMENT General</b>	<p>Add new subsection a) to policy 14.1.1, as follows:</p> <p>It is anticipated that all of the lands designated for employment purposes will be needed to make the town a balanced and <i>complete community</i>.</p> <p>a) <b><u>Notwithstanding sections 3.7 and 29.5, and policies under sections 7.1.2, 14.1, 14.2, 14.3, 14.4, 14.5, and 14.6, after October 19, 2024, new institutional and commercial uses, including retail and office uses, not referred to in paragraph 1 of subsection 1 (1) of the definition for “area of employment” in the <i>Planning Act</i> shall not be permitted within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial.</u></b></p>
	<b>New 14.1.1 b) EMPLOYMENT General</b>	<p>Add new subsection b) to policy 14.1.1, as follows:</p> <p>b) <b><u>Notwithstanding 14.1.1. a), parcels of land within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial that were used for uses excluded from the definition “area of employment” in paragraph 2 of subsection 1 (1) of the <i>Planning Act</i>, that were lawfully established on or before October 19, 2024, may continue to be used for such purposes pursuant to subsections 1 (1.1) and (1.2) of the <i>Planning Act</i>.</u></b></p>