



DECISION
With respect to an Official Plan Amendment
Subsection 17(34) of the Planning Act

Amendment No. 27 to the Official Plan for the Municipality of Thames Centre adopted by By-law No. 74 of 2022 is hereby approved, subject to the following modifications, with additions in **bold** and deletions in ~~strikethrough~~.

1. Part B, Schedule 1 to By-law No. 74 of 2022 policy 1.10 BASIS OF THE PLAN is modified by adding the following paragraphs after the first paragraph

“Council recognizes that the Municipality is located on the Treaty and Traditional Territory and Ancestral Lands of many Indigenous peoples and is covered by several Upper Canada Treaties. The Municipality recognizes and celebrates the contributions of Indigenous Communities in our shared cultural heritage. The Municipality is now home to many First Nations, Métis, and Inuit peoples and communities that have a unique relationship with the land and its resources, and continue to shape the history and economy of the Municipality. The Municipality acknowledges the Treaties of Huron, London Township, McKee and Treaty 3.

The Municipality recognizes the unique role Indigenous Communities have in land use planning and development, and the contribution of Indigenous Communities’ perspectives and traditional knowledge to land use planning decisions. The Municipality recognizes the importance of consulting with Indigenous Communities on planning matters that may affect their Treaty rights and interests and seeks to build constructive, cooperative relationships through meaningful engagement to facilitate knowledge sharing in land use planning processes, inform decision-making, and build partnerships. The Municipality will engage, consult and partner, as appropriate, with Indigenous communities when considering planning matters and decisions that may affect their interests.”

2. Part B, Schedule 1 to By-law No. 74 of 2022 policy 1.11.2 (2) Non-Residential Development is modified as follows:

- a. By adding the words **“and Highway 401”** before the words “has a significant impact” in the first sentence of the first paragraph; and
 - b. By adding the words **“agricultural areas and”** before the words “residential areas” in the second sentence of the second paragraph.
3. Part B, Schedule 1 to By-law No. 74 of 2022 policy 1.11.6 SUMMATION OF ISSUES AND STRATEGIES is modified by adding the following to the list:

“13. Protect existing pipeline infrastructure including hydrocarbon transmission pipelines. Proponents of development proximate to a transmission pipeline right of way shall consult early with the pipeline operator.”

4. Part B, Schedule 1 to By-law No. 74 of 2022 policy 2.13 HERITAGE CONSERVATION is modified as follows:

a. By deleting the words ~~“The interests of indigenous communities shall be encouraged in identifying, protecting and managing archaeological resources.”~~ and replacing them with **“The rights and interests of Indigenous Communities shall be considered in conserving cultural heritage and archaeological resources.”**; and

b. By adding the following after the fourth paragraph **“The appropriate Indigenous Community shall be provided notification by the consultant archaeologist in regard to the identification of burial sites and significant archaeological resources. This shall include the opportunity for the Indigenous Community to assist in the review of archaeological assessments.”**

5. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 2.28.1 GENERAL CONSENT POLICIES is modified by adding the following to the list:

“(7) When considering a request for the cancellation of a Certificate of Consent, Council shall have regard to the policies of this Plan and the regulations of the Comprehensive Zoning By-law.”

6. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 2.28.3 is modified by deleting the words ~~2.27.4~~ and replacing them with **“2.28.1”**

7. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 2.7.2 LAND CONVEYANCES is modified as follows:

Whenever development or redevelopment of lands is proposed for residential purposes, the Municipality shall, as a condition of approval, require that up to five percent (5%) of such lands for development at ~~14 units per gross hectare or less~~, or **in the case of medium density development**, one hectare (1 ha) for every ~~300~~ **600** dwelling units for ~~development at densities greater than 14 units per gross hectare~~, be conveyed to the Municipality for park purposes. **Where cash-in-lieu is accepted, it shall be provided at a calculated rate of one hectare (1 ha) per**

1000 dwelling units. Commercial and industrial development shall, as a condition of approval, require that up to two percent (2%) of such land be conveyed to the Municipality for parkland. All lands to be so conveyed shall require approval by the Municipality and under no circumstances will Municipal Council be obligated to accept parkland which is being offered by an applicant for a proposed plan of subdivision. Lands having environmental constraints may not be acceptable to the Municipality.

8. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 3.1.3(11) POLICIES is modified by deleting the numbers “4.1.3(12)” and replacing them with “**3.1.5**”
9. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 3.1 “AGRICULTURAL” DESIGNATION is modified as follows:

- a. By adding a new subsection 3.1.4 “**MANURE, BIOSOLIDS AND SEPTAGE**

Stewardship by landowners is encouraged to support the wise management of agricultural and water resources and contribute to the protection, restoration and management of natural areas and the health and integrity of the environment. The safe and effective management of land-applied materials containing nutrients supports agriculture and safeguards the environment and protects surface and ground water sources.

Land application of manure, biosolids and septage is regulated by the Province in accordance with the Nutrient Management Act, the Clean Water Act, the Source Water Protection Act, and the Environmental Protection Act. Land application of manure, biosolids and septage shall follow the requirements of the above noted legislation, and the regulations made under those Acts.

The storage of biosolids, similar to traditional fertilizer, shall be stored in a manner that ensures the protection of surrounding properties, watercourses and the environment while mitigating conflicts with adjacent land uses. The processing and/or storage of predominantly non-agricultural source materials such as biosolids for the purpose of distribution are considered industrial uses and therefore subject to site plan control to mitigate land use conflicts and address matters such as stormwater management, setbacks, screening, buffering, etc.”

- b. By adding a new subsection “**3.1.5 ADDITIONAL RESIDENTIAL UNITS**

“One (1) Additional Residential Unit may be permitted within a detached accessory building or structure and up to two (2) Additional Residential Units may be permitted within the principle dwelling provided that the total number of Additional Residential Units on the parcel does not exceed two. Additional Residential Units must meet the Building Code, Fire Code and all other Provincial, County, and Municipal standards. Additional

Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling. The following shall apply to Additional Residential units:

- (1) A garden suite shall not be permitted where an existing Additional Dwelling Unit is located within a detached building or structure;**
- (2) Demonstration of adequate sewer and water servicing capacity;**
- (3) Demonstration that the Additional Residential Unit is not located within the natural heritage system, floodplain areas, or other hazardous lands;**
- (4) Demonstration that the proposed location of the Additional Residential Unit complies with the Minimum Distance Separation formulae, where applicable;**
- (5) Demonstration that the Additional Residential Unit has a floor area of 49% or less of the primary residential unit;**
- (6) Demonstration that the Additional Residential Unit is in full compliance with the Ontario Building Code and fire code;**
- (7) The Zoning By-law shall establish provisions for the accommodation of Additional Residential Units, including requirements for detached Additional Residential Units; and**
- (8) For Additional Residential Units in a detached accessory building or structure in the 'Agricultural' designation, buildings shall be clustered to minimize the impact on agricultural land and sharing services, where possible.**

Tiny homes, garden suites, granny flats, and mobile homes are considered temporary uses and shall be evaluated as such."

- c. By renumbering current subsection 3.1.4 AGRICULTURAL SPECIAL POLICY AREAS to Subsection 3.1.6**

10. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 4.1.3 (12) ADDITIONAL RESIDENTIAL UNITS is deleted in its entirety and replaced with the following:

"(1) In accordance with the Planning Act, R.S.O. 1990, a maximum of two (2) Additional Residential Units are permitted on parcels of urban residential land in all designations where single detached, semi-detached, and townhome / townhouse dwellings are permitted and where full Municipal sewage works and drinking water systems are provided. One (1) ARU may be permitted within a detached accessory building or structure and up to two (2) ARUs may be permitted within the principal dwelling provided that the total number of ARUs on the parcel does not exceed two. Additional Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling.

The Municipality's Comprehensive Zoning By-law shall include provisions to address the following matters:

- (a) The provision of adequate access, including emergency access;
- (b) That the additional residential unit(s) be clearly subordinate in scale and function to the primary unit; and,
- (c) That they shall not be permitted within hazard lands as defined and regulated by Conservation Authorities. Tiny homes, garden suites, granny flats, and mobile homes are considered temporary uses and shall be evaluated as such.

(2) Where full municipal services are not available, Additional Residential Units are permitted in all designations where single detached, semidetached, and rowhouse dwelling units are permitted. One (1) ARU may be permitted within a detached accessory building or structure and up to two (2) ARUs may be permitted within the principle dwelling provided that the total number of ARUs on the parcel does not exceed two. Additional Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling lot. The following shall apply to Additional Residential units:

- (a) A garden suite shall not be permitted where an existing Additional Dwelling Unit is located within a detached building or structure;
- (b) Demonstration of adequate sewer and water servicing capacity;
- (c) Demonstration that the Additional Residential Unit is not located within the natural heritage system, floodplain areas, or other hazardous lands;
- (d) Demonstration that the Additional Residential Unit has a floor area of 49% or less of the primary residential unit;
- (e) Demonstration that the Additional Residential Unit is in full compliance with the Ontario Building Code and fire code; and
- (f) The Zoning By-law shall establish provisions for the accommodation of Additional Residential Units, including requirements for detached Additional Residential Units.

11. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by adding new subsection 4.3.3.1 as follows:

"4.3.3.1 RESIDENTIAL SPECIAL POLICY AREAS

(1) Residential – Special Policy Area 1

Notwithstanding the policies of Section 4.3.3 of this Plan to the contrary, lands designated "Residential - Special Policy Area 1" may be used for medium density- residential uses in the form of townhouse dwellings.

(2) Residential – Special Policy Area 2

Notwithstanding the policies of Section 4.3.3 of the Municipality of Thames Centre Official Plan, the Residential Special Policy Area 2 shall permit an increased range of medium density residential uses, including stacked back-to-back townhouses with a general maximum height of 3.5 storeys and an overall gross density of 80 units per hectare, calculated using the total land area within said Residential Special Policy Area 2. Despite the foregoing, the policies of Sections 4.3.3(1)(c)(iii) to 4.3.3(2) and Sections 4.3.3(4) to 4.3.3(9), inclusive, shall apply to said medium density residential development."

12. Part B, Schedule 1 to By-law No. 74 of 2022 policy 4.4.6 GENERAL COMMERCIAL SPECIAL POLICY AREAS is modified by adding a new subsection 4.4.6(2A) as follows:

"(2A) General Commercial Special Policy Area 2A

Notwithstanding Section 4.4.3 of the Municipality of Thames Centre Official Plan, medium density residential uses, including townhouses and apartment buildings, as well as retirement homes and long-term care homes, shall be permitted on the lands designated General Commercial Special Policy Area 2A. Notwithstanding Sections 4.3.3(1)(c) and 4.3.3(3), the density and height of residential development within this Special Policy Area shall generally be limited to a maximum of four storeys and an overall gross density of 75 units per hectare, calculated using the total land area within the Special Policy Area. Sections 4.3.3(1)(c)(iii) to 4.3.3(2) and Sections 4.3.3(4) to 4.3.3(9), inclusive, shall apply to said medium density residential development. General Commercial uses will also be permitted within the Special Policy Area 2A, with an aggregate total floor area for these uses defined through the Zoning By-law. The gross floor area permitted for commercial uses does not include institutions, long-term care homes, or day care centres."

13. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by adding a new subsection 4.7.4 as follows:

"4.7.4 RECREATIONAL SPECIAL POLICY AREAS

(1) Recreational - Special Policy Area 1

Notwithstanding Section 4.7.3 of this Plan, the existing single detached dwelling shall be permitted. Furthermore, the severance of the existing dwelling on a parcel of land having an area of approximately 0.6 hectares shall be permitted subject to Section 2.27.1 of this Plan."

14. Part B, Schedule 1 to By-law No. 74 of 2022 policy 7.1 GENERAL is modified by adding the following after the last sentence **"Where reference is made to Provincial policy statements or guideline documents, it shall be read 'as amended or updated' in each case."**

15. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 7.2 ZONING BY-LAW is amended by adding a new subsection 7.2.1 as follows:

"7.2.1 Delegation of Authority

Council may, by by-law, delegate its authority to pass by-laws under Section 34 of the Planning Act that are of a minor nature to a committee of Council or to an individual who is an officer, employee or agent of the Municipality. For clarity, the following are by-laws under Section 34 of the Planning Act that are of a minor nature:

(1) A by-law to remove a holding symbol.

(2) A by-law to authorize the temporary use of land, buildings or structures.

(3) A by-law to permit the extension or enlargement of any land, building or structure that lawfully existed on the day that the Zoning By-law was passed, provided that such land, building or structure continues to be used in the same manner and for the same purpose."

16. Part B, Schedule 1 to By-law No. 74 of 2022 Policy 7.21 DELEGATED AUTHORITY is modified by deleting the title and replacing it with "DELEGATED AGENT"

17. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by deleting Section 7.22 in its entirety and replacing it with the following:

"7.23 COMPLETE APPLICATION REQUIREMENTS

The Planning Act permits a Municipal Council or a delegated approval authority to require that an applicant who makes a request for a planning approval including an Amendment to the Official Plan, an Amendment to the Zoning By-law, Site Plan Approval, Draft Plan of Subdivision Approval (including Condominiums), or Consent, provide any other information or material that Municipal Council or the approval authority considers it may need to provide a basis for a sound land use planning decision in addition to the requirements of the policies of the Official Plan and the Provincial Policy Statement.

To ensure that all relevant and required information pertaining to a planning application is available at the time of application submission to enable Municipal Council and/or its delegated approval authorities, to make informed decisions within the prescribed time and to ensure that the public and other stakeholders have access to all the relevant information at the commencement of the planning process; any of the studies outlined below may be requested from an applicant who makes a request for such planning approval. In all, instances the number and the scope of the studies required for the submission of a complete application should be in keeping with the scope and complexity of the proposal.

7.23.1 Reports and Studies

Support studies may be required as part of the development approvals process, or as a part of a more detailed planning study. The required

supporting studies will be identified through pre-consultation with the Municipality, and those that have been identified will be required as part of a complete application. The reports and studies are intended to provide additional information pertaining to a subject site and the areas adjacent to it to assist Municipal Council, and its delegated approval authorities, to evaluate an application. The need and the timing of the support studies will be determined by the Municipality on a site or area-specific basis having regard to the other policies of this Plan, provincial legislation, regulations, and appropriate guidelines.

Support studies shall be prepared in a manner that has regard for applicable federal and provincial legislation, regulations, policies and appropriate guidelines.

Support studies shall be prepared by qualified professionals to the satisfaction of the Municipality and, where applicable, in consultation with relevant public agencies and affected parties.

A public participation program may be established as part of the preparation of a support study to allow interested or affected parties to participate in the process.

All relevant mitigation recommendations included in a support study shall be considered as a condition of approval to be implemented by the proponent of development.

Municipal Council may adopt a support study by resolution.

7.23.2 Types of Reports and Studies

The following list of reports and studies is provided to assist in identifying typical requirements that may be necessary to support a planning application. These broad categories of reports and studies are not intended to preclude Municipal Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision-making process. An applicant shall be required to consult with the municipality prior to undertaking any reports/studies to identify and confirm the terms of reference for each required report/study.

(1) Planning Matters

The submission of reports and studies related to local and provincial planning matters is to ensure that a proposed development and/or change in land use is consistent with the Provincial Policy Statement, the County Official Plan, and the Municipal Official Plan and provides an integrated approach to land-use planning. The reports/studies must also demonstrate that the proposed development and/or a change in land use are consistent with the Provincial Policy Statement, the County Official Plan, and the Municipal Official Plan.

Where applicable, the reports/studies will also address consistency with an Area Plan and/or Guideline Document that has been adopted by Municipal Council.

(2) Environmental and Natural Matters

The required reports/studies are to identify the environmental and/or natural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the environmental and/or natural features and the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and/or natural features from any adverse impacts associated with the proposed development and/or change in land use. These studies may include, but not be limited to an Environmental Impact Study. Study components may be determined in consultation with the Municipality or other applicable agency having expertise in the matter.

(3) Transportation Matters

The required reports/studies are to ensure that a proposed development and/or change in land use will not have a negative impact on the transportation network or on its surrounding land uses. Where new transportation infrastructure is required or an expansion of the existing transportation infrastructure is necessary to accommodate a proposed development and/or change in land use, the transportation reports/studies will demonstrate that the improved transportation infrastructure will be adequate to accommodate all intended modes of transportation in an efficient manner with minimal adverse impact on surrounding uses. Study components may include but not be limited to:

- a) the collection and projection of traffic related data;
- b) trip generation, assignment and distribution;
- c) street and intersection capacity; and
- d) recommended measures required to achieve the transportation goals, objectives and policies of this Plan.

Within 800 metres of the limit of a provincial highway, the Ministry of Transportation (MTO) may require the preparation of a Traffic Impact Study for major development proposals for large traffic generators in accordance with its "General Guidelines for the Preparation of Traffic Impact Studies." The main purpose of the Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of the MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of access approval, including funding,

for the development or redevelopment.

(4) Servicing and Infrastructure Matters

The required reports/studies are to ensure that a proposed development and/or change in land use can be supported by adequate municipal water, sanitary sewer, and stormwater management services. Where new infrastructure is required or an expansion of the existing infrastructure is necessary, the servicing and infrastructure reports/studies will demonstrate that the improved infrastructure will be adequate to accommodate the proposed development and/or change in land use as well as any anticipated users of the infrastructure. Study components may include but not be limited to:

- a) identifying the routing and sizing of services;
- b) providing estimates for the cost of sharing of services, where applicable;
- c) identifying the anticipated timing of services;
- d) describing any interim servicing measure; and
- e) detailing any implementation requirements, including how the disturbed area will be rehabilitated.

Stormwater management reports/studies shall be circulated to the Ministry of Transportation (MTO) and the County of Middlesex for review and approval for development situated adjacent to or in the vicinity of a provincial highway and/or county road whose drainage may impact the highway or road.

(5) Financial Assessment Matters

The required reports/studies are to ensure that a proposed development and/or change in land use will not have an undesirable or unanticipated financial impact on the Municipality . The required reports/studies are to identify the short-term and long-term costs to the Municipality for the provision of municipal infrastructure and services required to support a proposed development and/or change in land use and an estimate of anticipated revenues arising from a proposed development and/or change in land use. Study components may include but not be limited to:

- a) describing the proposal in detail, including any expected benefits to the municipality ;
- b) identifying anticipated municipal costs associated with the proposal;
- c) recommending a proposed financing and timing scheme;
- d) indicating how and why the proposal may contribute to the economic viability of the Municipality .

(6) Urban Design and Cultural Matters

The required reports/studies are to demonstrate how a proposed development and/or change in land use will have a positive impact on neighbouring built heritage, is sensitive to archaeological issues, and is designed in a manner that enhances the local built form and/or natural environment. Study components may include but not be limited to:

- a) documenting the area's character on a street and block pattern basis showing the size, orientation and lotting of each block;
- b) providing a three dimensional profile for each street and block within the area;
- c) identifying the existing urban design elements, such as nodes, landmarks, districts, paths and edges, which contribute to the character of the area and to its physical form and development pattern;
- d) identifying potential urban design elements that would enhance the future physical form, development pattern and character of the area such as streetscape treatments, significant views and vistas and locations for the provision of gateways and art; and
- e) establishing guidelines for an area that will assist in evaluating any proposed development or infrastructure undertaking.

(7) Nuisance and Hazard Matters

The submission of reports and studies related to nuisance and/or hazard matters is to demonstrate that inhabitants or users of a proposed development and/or change in land use are buffered from nuisances related to noise, dust, odour, and vibration, and to reduce the potential for public cost or risk to future inhabitants resulting from natural and/or human-made hazards. The required reports/studies are to identify all of the potential nuisance issues and/or natural/human-made hazards which may impact the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the nuisance issues and/or natural/human-made hazards and the proposed development and/or change in land use; and identify any other measures to be undertaken to mitigate the impacts associated with the nuisance issues and/or natural/human-made hazards from the proposed development and/or change in land use.

Where such Study is required, study components may include but not be limited to:

- a) Having regard to relevant provincial legislation, regulations, policies and appropriate guidelines; and
- b) Assessing the existing and predicted noise and vibration levels on the site, identifying and recommending various abatement measures, warning clauses, and/or other appropriate measures, which can be implemented and secured by

way of zoning, site plan agreement, subdivision agreement and/or development agreement.

7.23.3 Peer Review

The Municipality may, at the applicant's expense, retain the services of its own professionally qualified and independent person or consultant to establish a terms of reference for a study or report and/or conduct a peer review of such study or report to provide an independent opinion on such matters.

7.23.4 Site Plan Approval

In addition to the foregoing, the following shall apply to applications for site plan approval:

- a) The municipality may require that a peer review be completed as part of a complete application; and
- b) Where other planning approvals are required to facilitate a development, site plan applications shall not be deemed complete until such time that any other necessary planning approvals are in force and effect."

18. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by deleting Schedule A and replacing it with Schedule A dated _____, 2023 attached to this Notice of Decision.

19. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by deleting Schedule B-1 and replacing it with Schedule B-1 dated _____, 2023 attached to this Notice of Decision.

20. Part B, Schedule 1 to By-law No. 74 of 2022 is modified by deleting Schedule B-2 and replacing it with Schedule B-2 dated _____, 2023 attached to this Notice of Decision.

As thus modified, this Official Plan Amendment is hereby approved pursuant to Section 17(34) of the Planning Act save and except the following which is deferred for further consideration, under Section 17(34)(b) of the Planning Act:

1. Lands lying within Part of Lots 23 and 24, Concession 1 S.R.T. east of Westchester Bourne as shown on "Figure One" attached.

Dated at London, Ontario, this ___ day of _____, 2023.

Durk Vanderwerff
Director of Planning and Development
County of Middlesex

PRELIMINARY