



Municipality of Thames Centre

Document Certification Record

I, Sara Henshaw, Deputy Clerk, of The Corporation of the Municipality of Thames Centre hereby certify that the document hereunder is a true copy of the Municipality of Thames Centre Official Plan Amendment No. 29 as adopted by the Municipal Council on March 6, 2023, pursuant to By-law No. 24-2023.

Dated at the Municipality of Thames  
Centre, in the County of Middlesex,  
this 7<sup>th</sup> day of March, 2023.

A handwritten signature in black ink, appearing to read "Sara Henshaw", is written over a horizontal line.

Sara Henshaw  
Deputy Clerk

A faint, circular official seal is visible in the background to the right of the signature. It contains the text "MUNICIPALITY OF THAMES CENTRE" around the perimeter.

S. HENSHAW  
Deputy Clerk  
Municipality of  
Thames Centre



**AMENDMENT NO. 29  
TO THE**

**OFFICIAL PLAN  
OF THE  
MUNICIPALITY OF THAMES CENTRE**

**SUBJECT: MUNICIPALLY-INITIATED GENERAL AMENDMENT**

**MARCH 6, 2023**

**APPLIES TO ALL LANDS WITHIN THE MUNICIPALITY OF THAMES CENTRE**

## **THE CONSTITUTIONAL STATEMENT**

PART A - THE PREAMBLE does not constitute part of this amendment. The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT, consisting of the following text constitutes Amendment No. 29 to the Official Plan for the Municipality of Thames Centre.

## PART A - THE PREAMBLE

### 1. PURPOSE AND EFFECT

The purpose of this municipally-initiated Amendment is to provide changes to the Municipality's Official Plan policies as a result of recent legislative changes enacted by the Province of Ontario. The effect of this Amendment is to revise the complete application requirements for all land use planning application types. Further, this Amendment also provides policy direction to allow Thames Centre Council to delegate the passing of minor zoning by-law amendments to a municipal committee, officer, employee or agent, and provides policy direction for requests regarding the cancellation of a certificate of consent. Recent legislative changes include updates to the Planning Act through Bill 13 – Supporting People and Businesses Act, 2021, Bill 276 – Supporting Recovery and Competitiveness Act, 2021 and Bill 109 – More Homes for Everyone Act, 2022. This Amendment also affects all lands located within the Municipality of Thames Centre.

### 2. BACKGROUND

Bill 109 - More Homes for Everyone Act, 2022, implements several legislative changes to the Planning Act, with a focus on streamlining the municipal decision-making process, including imposing a requirement, starting January 1, 2023, to refund certain planning application fees where decisions are not rendered in a prescribed timely manner.

A significant change within Bill 109 is how site plan control is implemented. Municipal Councils were required to delegate site plan control decisions to staff for all applications received on or after July 1, 2022, which has been delegated to the Director of Planning and Development Services through the passing of By-law No. 54-2021. The site plan application decision-making timeline, as of January 1, 2023, has been extended from 30 days to 60 days. An applicant can appeal a municipality's failure to approve their site plan application to the Ontario Land Tribunal beginning 60 days after the application was deemed complete.

Bill 109 provides for the inclusion of complete application requirements within official plans for site plan applications, similar to current complete application requirements for other planning application types. An applicant has recourse if the municipality fails to deem an application for site plan approval complete within thirty (30) days of it being submitted, unless the official plan contains prescribed information and material that could be required as part of a complete application for site plan approval, providing the municipality opportunity to "pause the clock" in the absence of required materials.

Bill 13 – Supporting People and Businesses Act, 2021 results in minor amendments to the Planning Act, and enables Council to delegate the authority to pass zoning by-law amendments that are minor in nature through the passing of a delegation by-law, to a committee of Council, or an individual who is an officer, employee or agent of the municipality. These minor zoning by-law amendments include the removal of a holding "H" provision and the passing of temporary use by-laws. In order for Council to delegate the authority to pass minor zoning by-law amendments, the Planning Act requires that the official plan provide policy direction to specify the types of by-laws that may be delegated. Although the delegation of authority is optional, it would require Council to subsequently pass a by-law to delegate the approval authority.

Bill 276 – Supporting Recovery and Competitiveness Act, 2021 amends the Planning Act to, among other matters, allow for the cancellation of a certificate of consent. While it is not a requirement of the Act, the addition of a policy that outlines requirements to cancel a consent would assist staff in the evaluation of such requests. The cancellation of a certificate of consent would simply result in unwinding a previous approval.



Overall, this Amendment conforms to the recent changes to the Planning Act and provide clarity as it relates to complete application requirements for planning applications, the option for the delegation of authority to another body to pass minor zoning by-law amendments, and the evaluation of requests to cancel a certificate of consent, which would promote public service delivery efficiencies.

## **PART B - THE AMENDMENT**

All of this part of the Amendment entitled 'Part B - The Amendment' constitutes Amendment No. 29 to the Official Plan of the Municipality of Thames Centre.

## **DETAILS OF THE AMENDMENT**

The Official Plan of the Municipality of Thames Centre is hereby amended in accordance with the following:

1. That Section 2.27.1- General Consent Policies - be amended through the addition of the following:

“(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.”

2. That Section 7.9 – Temporary Use By-laws - be amended with the addition of the following new subsection:

### ***“7.9.1 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.”
3. That the Official Plan be amended by deleting the title “Delegated Authority” in relation to Section 7.22 and replacing it with “Delegated Agent”.
  4. That the Official Plan be amended by deleting Section 7.23 – Pre-Consultation and Complete Applications – 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.”