



Municipality of Middlesex Centre
By-Law 2023-XX

Being a By-Law to adopt Amendment No. 61 to the Official Plan of Middlesex Centre

WHEREAS the Council of the Municipality of Middlesex Centre deems it advisable to amend the Middlesex Centre Official Plan;

AND WHEREAS this amendment is consistent with the Provincial Policy Statement, 2020 and is in conformity with the County of Middlesex Official Plan;

THEREFORE the Council of the Municipality of Middlesex Centre, in accordance with the provisions of Section 21 of the *Planning Act*, R.S.O. 1990, c. P. 13, hereby enacts as follows:

1. Amendment No. 61 to the Official Plan of the Municipality of Middlesex Centre consisting of the attached text is hereby adopted.
2. The Clerk is hereby authorized to make application to the County of Middlesex for approval of the aforementioned Amendment No. 61 to the Official Plan of the Municipality of Middlesex Centre.
3. The By-Law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 25th day of January, 2023.

Passed this 25th day of January, 2023.

Aina DeViet, Mayor

James Hutson, Clerk

AMENDMENT NO.61

TO

THE OFFICIAL PLAN

OF THE

Municipality of Middlesex Centre

Date: January 25, 2023

Approval Authority: County of Middlesex

AMENDMENT NO. 61

To the Official Plan of the Municipality of Middlesex Centre

The attached, constituting Amendment No. 61 to the Official Plan of the Municipality of Middlesex Centre, as authorized by the provisions of Section 22 of the Planning Act, R.S.O. 1990, c.P.13, was adopted by Council of the Municipality of Middlesex Centre by By-law 2023-~~XX~~ on the 25th day of January, 2023, in accordance with the Planning Act, R.S.O. 1990, c.P.13.

Aina DeViet, Mayor

James Hutson, Clerk

AMENDMENT NO. 61

To the Official Plan of the Municipality of Middlesex Centre

PART A - THE PREAMBLE - does not constitute part of this Amendment.

PART B - THE AMENDMENT - consisting of the text which constitutes Amendment No. 61

AMENDMENT NO. 61

To the Official Plan of the Municipality of Middlesex Centre

PART A - THE PREAMBLE

1.0 PURPOSE AND EFFECT

The purpose of this housekeeping amendment is to update the Municipality's Official Plan to implement up-to-date policies as a result of recent legislative changes. The effect of this housekeeping amendment is to implement and update complete application requirements for Official Plan amendments, Zoning By-law amendments, site plan approval, approval of plans of subdivision (including condominiums), and consents. Further, this housekeeping amendment would provide policy direction to allow council to delegate the passing of minor zoning by-law amendments to a municipal committee, officer, employee or agent, and provide policy direction as it relates to requests for the cancellation of a certificate of consent. These amendments are a result of recent updates to the Planning Act through Bill 13 – Supporting People and Supporting Businesses Act, 2021, Bill 276 – Supporting Recovery and Competitiveness Act, 2021 and Bill 109 – More Homes for Everyone Act, 2022.

2.0 LOCATION

The Official Plan Amendment would apply generally to the entirety of the Municipality.

3.0 BASIS OF THE AMENDMENT

Bill 109 - More Homes for Everyone Act, 2022, made several legislative changes to the Planning Act, which focus on streamlining the municipal decision-making process, including imposing the requirement, starting January 1, 2023, to refund certain planning application fees where decision timelines are not achieved. Additionally, several changes were made that would allow the Province in the future to prescribe details on other matters.

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. The site plan application decision-making timeline, as of January 1, 2023, will be 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.

The Act now provides for the inclusion of complete application requirements within official plans for site plan applications, similar to current complete application requirements for other types of applications under the Planning Act. An owner 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 to opportunity to “pause the clock” in the absence of required materials.

In addition to the legislative changes that were implemented through Bill 109, Bill 13 – Supporting People and Supporting Businesses Act, 2021 and Bill 276 – Supporting Recovery and Competitiveness Act, 2021 made minor amendments to the Planning Act. Schedule 19 of Bill 13 amended the Planning Act to include provisions that enables Council to, by by-law, delegate the authority to pass by-laws under section 34 of the Planning Act (Zoning By-laws) that are minor in nature, to a committee of Council, or an individual who is an officer, employee or agent of the municipality. These by-laws include removing holding “H” symbols, and passing temporary use by-laws. In order for Council to delegate the authority to pass by-laws on these matters, the Act requires that the official plan provide policies to specify the types of by-laws that may be delegated. The delegation authority is discretionary and requires Council to subsequently pass a by-law to delegate the approval authority to staff.

Further, Schedule 24 of Bill 276 amended 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 requests to do so.

As such, the purpose of this Amendment is to implement the provisions of the Planning Act associated with Bill 109, Bill 13 and Bill 276 within the Municipality of Middlesex Centre Official Plan. The proposed amendment includes policy direction as it relates to complete application requirements for site plan approval applications. Additionally, the proposed amendment adds the necessary implementation policies for Council to delegate the authority to pass by-laws under Section 34 that are minor in nature as well as a policy to assist staff in the evaluation of requests to cancel a certificate of consent.

Overall, this amendment will conform to recent changes to the Planning Act and provide clarity as it relates to complete application requirements for certain applications made under the Planning Act, the delegation of authority to pass by-laws under Section 34 of the Act that are minor in nature, and the evaluation of requests to cancel a certificate of consent, which will ultimately improve the development application processes by the Municipality.

PART B - THE AMENDMENT

4.0 DETAILS OF THE AMENDMENT

The document known as the Official Plan of the Municipality of Middlesex Centre is hereby amended:

- i. By amending Section 10.2 of the Official Plan to insert the new subsection 10.2.1 as follows:

“10.2.1 Delegation of Authority

a) 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.

b) For the purposes of Clause (a) above, the following are considered by-laws under Section 34 of the Planning Act that are of a minor nature:

- i) A by-law to remove a holding symbol;*
- ii) A by-law to authorize the temporary use of land, buildings or structures;*
- iii) An amending by-law under Subsection 34(10) of the Planning Act 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; and*
- iv) A by-law to which Section 43 of the Planning Act applies.”*

- ii. By amending Section 10.20.1 of the Official Plan by inserting the following after the last paragraph:

“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.”*

- iii. By amending Section 10.3.1 of the Official Plan to insert clause g) as follows:

“g) When considering a request for the cancellation of a certificate of consent, Council shall have regard for the policies of this plan and the regulations of the Zoning By-law.

