


**The Corporation of the Town of Amherstburg
By-law 2022-103**

**Being a by-law to adopt Official Plan Amendment No. 19
to the Official Plan for the Town of Amherstburg**

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 19 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 19 to the Official Plan for the Corporation of the Town of Amherstburg;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 25th day of October, 2022.


Aldo DiCarlo, Mayor


Valerie Critchley, Clerk

File No.: 37-OP-2022-012
Municipality: Town of Amherstburg
Subject Lands: Town-wide

Date of Decision: November 23, 2022
Date of Notice: November 23, 2022
Last Date of Appeal: December 13, 2022

NOTICE OF DECISION

With respect to an Official Plan Amendment Subsection 17(35) and 21 of the Planning Act

A decision was made on the date noted above to approve Amendment No. 19 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2022-103.

Purpose and Effect of the Official Plan Amendment

The purpose of Official Plan Amendment No. 19 is to address three aspects of the Phase 2 and Phase 3 implementation of Bill 109. These include:

1. Clarifying when an application is deemed to be complete by the Town of Amherstburg;
2. Creation of new Official Plan policies that will allow for the Town of Amherstburg to establish a pre-consultation By-law; and
3. Creation of new Official Plan policies that will allow the Town of Amherstburg to request an applicant to provide additional opportunities to increase public awareness of developments in Amherstburg and participation in open houses.

A copy of the decision is attached.

Effect of Written Submissions on Decision

All written submissions received by the Town and County Planning regarding OPA No.19 were considered as a part of the County's review process. No modifications are proposed through the County's decision.

When and How to File An Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

(1) include the reasons for the appeal, and a completed **Appeal Form (A1) Planning Act** available from the OLT website: <https://olt.gov.on.ca/appeals-process/forms/>

(2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Essex is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Getting Additional Information

Additional information about the amendment, including a complete version of the amendment, is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Rebecca Belanger, Manager – Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Email: rbelanger@countyofessex.ca
Tel: (519) 776-6441, Ext. 1325

**AMENDMENT NO. 19
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG**

TABLE OF CONTENTS

OFFICIAL DOCUMENTATION PAGES

Clerk's Certificate Page

Adopting By-law

CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE

1. Purpose of the Amendment
2. Background of the Amendment
3. Basis of the Amendment

PART B - THE AMENDMENT

1. Details of the Amendment
2. Implementation of the Amendment

DECISION

**With respect to Official Plan Amendment No. 19
Official Plan of the Town of Amherstburg
Subsection 17(34) of the Planning Act**

I hereby approve Amendment No. 19 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2022-103.

Dated at Essex, Ontario this 23rd day of November, 2022



Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

AMENDMENT NO. 19 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Valerie Critchley, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 19 to the Official Plan of the Town of Amherstburg.


CLERK – Valerie Critchley

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text constitutes Amendment No. 19 to the Official Plan for the Corporation of the Town of Amherstburg.

AMENDMENT NO. 19
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to add policies in the Town of Amherstburg Official Plan to assist in the implementation of the *More Homes for Everyone Act, 2022*.

2. BACKGROUND

On April 14, 2022, the Province of Ontario's Bill 109 received royal assent providing legislative direction to implement the *More Homes for Everyone Act, 2022*. Phase 1 of the implementation of the Act began on July 1, 2022 when the province mandated the delegation of Site Plan Control approvals to staff, removed Council's authority to approve Site Plan Control and removed the ability of municipalities to refuse Site Plan Control. The Town of Amherstburg made business process changes at the June 27, 2022 Council meeting by implementing a By-law that delegated authority for Site Plan Control to staff.

Effective January 1, 2023, Phase 2 of the implementation begins with the Province of Ontario mandating the refund of fees for Site Plan Control and Zoning By-law Amendment applications that do not meet the new mandated timelines of 60 days to issue an approval for Site Plan Control and 90 days to issue approval of a Zoning By-law Amendment (120 days for a combined Official Plan Amendment and Zoning By-law Amendment) after an application is deemed complete.

There is an additional Phase 3 where the Province of Ontario has not specified timelines for the implementation of its mandates for topics including though not limited to pre-application consultation requirements, ministerial zoning orders, and surety bonds.

3. BASIS

Official Plan Amendment No. 19 addresses three aspects of the Phase 2 and Phase 3 implementation of Bill 109. These include:

1. Clarifying when an application is deemed to be complete by the Town of Amherstburg;
2. Creation of new Official Plan policies that will allow for the Town of Amherstburg to establish a pre-consultation By-law; and

3. Creation of new Official Plan policies that will allow the Town of Amherstburg to request an applicant to provide additional opportunities to increase public awareness of developments in Amherstburg and participation in open houses.

PART “B” - THE AMENDMENT

All of this part of the document, entitled, “Part ‘B’ – The Amendment” consisting of the following text constitutes Amendment No. 19 to the Official Plan for the Town of Amherstburg.

1. DETAILS OF THE AMENDMENT

The Official Plan of the Town of Amherstburg is amended as follows:

That Section 7.5 (2) is deleted and replaced with the following text:

- (2) For the approval of developments proposed in the Site Plan Control Area, the Town of Amherstburg may require plans showing the location of buildings, structures and facilities to be developed in order to ensure that such plans meet the objectives stated below. The Town of Amherstburg may require drawings showing plan, elevation and cross-section views for each building to be erected.

That a new Section 7.16.1 – Open House Policies - be added as follows:

- 7.16.1 The applicant may be required to host an open house as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The open house and the report will be provided at the applicant’s expense.

That a new section 7.16.2 – Purpose – be added as follows:

- 7.16.2 The purpose of the open house is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed to be complete.

That a new section 7.16.3 – Components of Open House – be added as follows:

- 7.16.3 The open house should be held at a location that is accessible to the public and may be accessed by walking, bicycling and public transit and should be located within 1km of the site of the proposed development when practical. The location should be in a structure that meets or exceeds the requirements of the Accessibility for Ontarians with Disabilities Act. The pre-consultation open house should be comprised of the following components:

- (a) Notice to the area residents/property owners, as required by the Director of Development Services or designate;

- (b) Attendance of assigned municipal planner(s);

- (c) Display boards which provide the primary details of the application;
- (d) Copies of any reports or studies that have been prepared as part of the application; and
- (e) The availability of the applicant or the applicant's agent to answer any questions that the public may have about the application.

That a new section 7.16.4 – Report Contents – be added as follows:

- 7.16.4 The open house report shall be comprised of the following contents:
- (a) A summary of the results of the open house including issues raised and responses provided;
 - (b) A copy of the Notice provided;
 - (c) A copy of any presentation(s) and graphics ;
 - (d) A copy of written questions from the public and written responses to these questions by the applicant; and
 - (e) A copy of the attendee sign-in sheet.

That a new section 7.19 – Pre-Consultation By-law – be added as follows:

- 7.19 Council may adopt a Pre-Consultation By-law for the purposes of requiring potential applicants to consult with the Town of Amherstburg prior to submitting an application under in the *Planning Act* R.S.O. 1990, c.P.13.

That a new section 7.20 – Complete Application – be added as follows:

- 7.20 An application submitted to the Town of Amherstburg under the *Planning Act* R.S.O. 1990, c.P.13 shall only be deemed complete when a letter is issued to the applicant indicating that the application is complete. This shall be referred to as the “Complete Application Letter”. The Complete Application Letter shall contain the signature of the Director of Development Services or designate

2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting a By-law to amend the Official Plan.