

The Corporation of the Township of Minden Hills

By-Law No. 26-xx

**Being a By-law to adopt Official Plan Amendment No. 19 (OPA 19) of
the Township of Minden Hills Official Plan**

WHEREAS, the Council of The Corporation of the Township of Minden Hills has initiated an amendment to the Township of Minden Hills Official Plan, pursuant to Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;

AND WHEREAS, Sections 39.2 (1) and 39.2 (2) of the *Planning Act* empowers councils to pass a by-law to delegate to an employee of the municipality the authority to pass by-laws under Section 34 of the *Planning Act*, providing the local official plan specifies the types of by-laws of which there may be a delegation of authority;

AND WHEREAS, Section 34 (14.3) of the Planning Act further empowers councils to set out alternate measures for informing and obtaining the views of the public in respect of zoning by-law amendments providing the official plan specifies those measures;

AND WHEREAS, the Council of The Corporation of the Township of Minden Hills has ensured that adequate information has been made available to the public and held one public meeting in accordance with the provisions of the *Planning Act*;

AND WHEREAS, the Council of The Corporation of the Township of Minden Hills considers it advisable to further amend the Township of Minden Hills Official Plan;

NOW THEREFORE, the Council of The Corporation of the Township of Minden Hills, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, enacts as follows:

1. THAT Official Plan Amendment No. 19 of the Township of Minden Hills, being the attached text, is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the County of Haliburton for approval of the aforementioned Official Plan Amendment for the Township of Minden Hills and to provide such information as required by Section 17 (23) and 17 (31) of the Planning Act, R.S.O., 1990, c. P. 13, as amended.
3. THAT this amendment shall come into force and take effect upon approval by the County of Haliburton subject to the appeal provisions under the Planning Act.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this xx day of 2026.

Bob Carter, Mayor

Vicki Bull, Clerk

Amendment No. 19 to the
Official Plan for the
Township of Minden Hills
(OPA 19)

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Amendment No. 19 to the
Official Plan for the
Township of Minden Hills

The attached explanatory text constituting Amendment No. 19 to the Official Plan for the Township of Minden Hills, was adopted by the Council of the Corporation of the Township of Minden Hills by By-law 26-xx in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

Bob Carter, Mayor

Vicki Bull, Clerk

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Amendment No. 19 to the Official Plan for the Township of Minden Hills

Affecting all lands within the Township of Minden Hills

Statement of Components

PART "A" is the preamble to Amendment No. 19 to the Official Plan for the Township of Minden Hills and does not constitute part of this amendment. It provides general introductory information on the purpose, location and basis of the amendment.

PART "B" consisting of the following text constitutes Amendment No. 19 to the Official Plan for the Township of Minden Hills.

PART "C" is the appendix and does not constitute part of this statement. The appendices contain the background data, planning considerations and public participation associated with this amendment.

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Part A – The Preamble

Purpose

The purpose of this Official Plan Amendment (OPA) is to establish policies to allow Council to pass a by-law, to delegate the approval of minor Zoning By-law Amendments, deemed to be typically technical in nature, to Township employees, specifically the Manager of Planning Services and Chief Administrative Officer. To achieve the intended effect of streamlining process, the OPA will also introduce alternate measures for public notice associated with delegated matters.

Location

This Official Plan Amendment applies to all lands in the Township of Minden Hills.

Basis

Bill 13, Supporting People and Businesses Act, 2021 added a new section to the *Planning Act* (Section 39.2) that the council of a local municipality may delegate decision making authority under Section 34 for minor zoning by-laws. More specifically, Section 39.2 states:

“39.2 (1) Subject to subsection (2), the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to, (a) a committee of council; or (b) an individual who is an officer, employee or agent of the municipality. 2021, c. 34, Sched. 19, s. 1.

(2) Subsection (1) does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection. 2021, c. 34, Sched. 19, s. 1.”

The delegated authority may include, but is not limited to, lifting a holding symbol and temporary use by-laws. The proposed Official Plan Amendment 19 (OPA 19) would create the necessary enabling policies to allow for delegation to staff for the review and processing of routine and technical approvals. OPA 19 would allow for enabling policies only; in addition to this policy amendment, a By-law would need to be passed by Council to enact the delegation. This initiative is also part of the Township's Development Approval Process review project. Delegating authority would streamline decision-making and reduce timelines for minor technical zoning by-laws, supporting new developments.

In addition to lifting a holding symbol and temporary use by-laws, the following are considered appropriate for delegated authority:

1. Correcting errors or omissions, grammatical, syntax, mathematical, numbering, cross-references.

Rationale: The Township's Zoning By-law 06-10 already permits for these types of revisions. Including the policy in the Official Plan ensures consistency between the documents. These are also revisions that do not impact the intent of the Zoning By-law but allow for errors, which may create confusion, to be quickly remedied.

2. An amendment required as a condition of consent where the intent is only to create uniform zoning over the new lot fabric and no site-specific provisions are required.

Rationale: Where a consent application is supportable, generally a zoning by-law amendment required to create uniform zoning has already been assessed as appropriate. The minor amendments do not impact use of the resulting lot fabric nor require any technical studies to support the rezoning. As a result, these become technical conditions to be cleared for final approval of the consent.

3. An amendment which permits a legal non-conforming dwelling within the Minden Settlement Area to be a permitted principle use in a site-specific zone.

Rationale: Minden currently has a number of dwellings within a commercial zone, primarily along Bobcaygeon Road. Despite the commercial zoning, initially intended to promote business, many have continued to be used for residential purposes. Several amendments have been requested for residential zoning, most often to permit additional dwelling units. Preservation of commercial opportunities along Bobcaygeon Road needs to be balanced with the continued use of historically established dwellings. The Zoning By-law, however, does not contemplate mixed-use zones, which would be more appropriately assessed through a comprehensive review of both the Official Plan and Zoning By-law. The delegated authority will in the

interim allow for residential uses, which are already established, to continue and to expand or redevelop as a principal use, while still preserving future commercial opportunities.

4. A site-specific amendment, which is technical in nature, serving to amend no more than one provision of the Zoning By-law provided that the purpose, effect, intent and meaning of Zoning By-law 06-10 is in no way affected.

Rationale: Occasionally circumstances arise in which an amendment to the Zoning By-law is technically required but where the regulation in question is not applicable to the development. Often this is because of the Zoning By-law not contemplating unique circumstances which would negate the need for specific regulations relative to a proposed development. A relevant example involves regulation 4.1.3 which currently prohibits an accessory structure from being closer to the street than the dwelling. The intent of the regulation is to maintain surrounding character and property standards, as well as limit activities which may create traffic issues. The regulation, however, is irrelevant to development which significantly exceeds the required setbacks. In these cases, a minor variance may remain appropriate, however inclusion of the enabling policy will provide flexibility to staff for appropriate circumstances where relief from the provision will not impact the intent of the Zoning By-law.

Subsection 34 (14.3) of the *Planning Act* also enables municipal councils to include official plan policies outlining alternate measures for informing and obtaining the views of the public in respect of proposed zoning bylaws. The legislation further identifies that “*if the [alternate] measures are complied with, clause (10.7) (a) and subsections (12) to (14.2) do not apply to the proposed by-laws, but subsection (14.6) does apply.*”

To ensure a streamlined process for the proposed technical amendments to be delegated as outlined above, alternate measures are proposed. Requirements which would no longer apply to delegated zoning by-laws would include:

- Giving of notice that an application has been received and making the information available to the public, within 15 days of deeming an application complete.
- Before passing a by-law, holding at least one public meeting and ensuring sufficient information and material is made available to the public.
- Providing notice of a public meeting.
- Timing requirements related to open houses and public meetings (i.e. not earlier than 20 days after the requirements of giving notice).
- Granting an opportunity to all who attend a public meeting to make representations.

In accordance with 34 (14.6) of the *Planning Act*, information required under subsection (14.5), which indicates information about appeal rights must be made publicly available, must still be made available either at a public meeting or “*in the manner set out in the official plan for informing and obtaining the views of the public in respect of proposed zoning by-laws.*”

The proposed policies are proposed to mimic notice requirements and process for receiving comments that are already in place in accordance with Section 34 of the *Planning Act*, except for holding a public meeting. However, policies would identify exceptions where a public meeting may be deemed appropriate to ensure a transparent public process remains in place.

Part B – The Amendment

Introductory Statement

The intention of this part of the document entitled *Part B – The Amendment*, which consists of the following text and Schedule 'A', constitutes Amendment No. 19 to the Official Plan of the Township of Minden Hills.

Details of the Amendment

The Official Plan of the Township of Minden Hills is amended as follows:

1. Add a new Section, namely 6.1.6 Delegated Authority for Minor Zoning By-laws, Section 6.1.6 will state as follows:

Council may pass a by-law to delegate the authority to pass by-laws under Section 34 of the Planning Act that are of a minor nature to a committee of Council or an individual who is an officer, employee or agent of the municipality. Council may delegate one or more of the following types of minor zoning by-laws:

- a. A by-law to remove a holding provision, where the conditions for the removal of the holding provision have been satisfied;
 - b. A by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39(1) of the Planning Act, including any grant of extension in accordance with subsection 39(3) of the Planning Act;
 - c. Without limitation, amendments to the Zoning By-law or a site-specific zoning by-law, for the purpose of correcting errors or omissions, grammatical, syntax, mathematical, numbering, cross-references or stylistic revisions provided that the purpose, effect, intent and meaning of Zoning By-law 06-10 or site-specific zoning by-law are in no way affected;
 - d. An amendment required as a condition of consent where the intent is only to create uniform zoning over the new lot fabric and no site-specific provisions are required;
 - e. An amendment which permits a legal non-conforming dwelling within the Minden Settlement Area to be a permitted principle use in a site-specific zone, provided that the residential use is existing and contemplated in the Official Plan designation that applies to the property; or
 - f. A site-specific amendment which is technical in nature, serving to amend no more than one provision of the Zoning By-law provided that the purpose, effect, intent and meaning of Zoning By-law 06-10 is in no way affected."
2. Section 6.10 (Alternative Notice Requirements) is hereby amended by adding a new subsection, namely 6.10.2.4, to state as follows:

Where an application is received in accordance with Section 6.1.6 (Delegated Authority of Minor Zoning By-laws) of this Plan the following alternative procedures shall apply:

- a) Notice of a complete application and intent to consider a zoning by-law amendment, to include all information as prescribed under the *Planning Act*, shall be given in the following manner:
 - i. by personal service, ordinary mail, fax or email to prescribed persons, public bodies, and to every owner of land within 120 metres of the subject land;
 - ii. posted, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land; and
 - iii. on the Township website.
- b) No public meeting shall be required, unless comments in opposition to the application are received by the Township. Should a public meeting be required, the giving of notice and procedure will follow the *Planning Act*.
- c) The Township will review and make a decision on the proposed minor zoning by-law no sooner than 20 clear days following the issuance of the notice of complete application.
- d) Where approved, the amending by-law will be passed and executed at the next available Council meeting.

- e) Following ratification of the zoning by-law, the giving of notice and requirements or permissions as it relates to appeals rights shall comply with procedures of the *Planning Act*.

Implementation and Interpretation

Amendment No. 19 to the Official Plan of the Township of Minden Hills shall be implemented and interpreted in accordance with the respective policies of the Official Plan of the Township of Minden Hills.

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Part C – The Appendices

The following appendices do not constitute part of Official Plan Amendment No. 19 but are included as information supporting the Amendment.

- **Appendix 1 – Introductory Staff Report considered by Council:** [Report 26-27 \(Planning\) - Delegating Authority - Development Approvals Process \(DAP\) Review Recommendation 2A\)](#)
- **Appendix 2 – Supplementary Staff Report considered by Council:** [Report 26-30 Planning - Proposed Official Plan Amendment to Permit Delegated Authority of Minor By-laws Under the Planning Act \(DAP Recommendation 2A\)](#)