

**SCHEDULE 10**  
**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**  
**PLANNING ACT**

**1 The *Planning Act* is amended by adding the following section:**

**Open-for-business planning by-law**

**34.1** (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

- (a) involves the exercise of the municipality's powers under section 34; and
- (b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

**Conditions**

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
2. The prescribed criteria, if any, have been met.

**Request by municipality**

(3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

**Approval subject to conditions**

(4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

**Purposes of open-for-business planning by-law**

(5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

**Non-application of listed provisions**

(6) The following provisions do not apply to an open-for-business planning by-law:

1. Subsection 3 (5).
2. Section 24.
3. Subsections 34 (10.0.0.1) to (34).
4. Section 36.
5. Section 37.
6. Section 39 of the *Clean Water Act, 2006*.
7. Section 20 of the *Great Lakes Protection Act, 2015*.
8. Section 7 of the *Greenbelt Act, 2005*.
9. Section 6 of the *Lake Simcoe Protection Act, 2008*.
10. Subsection 31.1 (4) of the *Metrolinx Act, 2006*.
11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*.
12. Section 13 of the *Ontario Planning and Development Act, 1994*.
13. Subsection 14 (1) of the *Places to Grow Act, 2005*.
14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016*.
15. Any prescribed provision.

**Application of site plan control**

(7) Section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

### **Conditions that may be imposed**

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
  - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
  - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
    - A. the massing and conceptual design of the proposed building,
    - B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
    - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
    - D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

### **Same**

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-paragraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

### **Same**

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

### **Notice**

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

### **Coming into force of by-law**

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or
- (b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

### **Minister may modify, revoke**

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

**Non-application of *Legislation Act, 2006*, Part III to order**

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

**Order provided to municipality**

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

**Deeming rule for modified by-law**

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

**Deeming rule for revoked by-law**

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

**Amendment and revocation**

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

**Conflict**

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

**2 Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.**

**Commencement**

**3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**