

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor & Members of Council
From: Tammie Ryall, RPP, Corporate Leader – Growth and Sustainability
Date: January 19, 2024
Subject: Delegation of Minor Zoning By-law Amendments

Recommendation

Direct Administration prepare a report to Council to consider amending the Official Plan to allow for minor zoning by-law amendments to be delegated to either a Committee of Council or an individual under Section 39 of the *Planning Act*; and

Direct Administration prepare a by-law to authorize the delegation of minor zoning by-law amendments related to consent to sever surplus farm dwelling applications to the Committee of Adjustment, all as presented at the February 6, 2024 Council meeting.

Background

The *Planning Act* is the legislation governing the administration of land use planning in Ontario. Under this legislation, municipal councils have the authority to pass zoning by-laws. A recent amendment to the *Planning Act* will allow the delegation of minor zoning changes to either a member of administration, or a committee of Council. (Attachment 1, Excerpt from the *Planning Act*). These changes under Section 39 of the *Planning Act* were made by the Province to help support the streamlining of the land use planning processes.

The changes to the *Planning Act* state that:

- (1) Delegation of authority can be to a committee of council or to an individual who is an officer, employee or agent of the municipality;
- (2) There must be an Official Plan in effect which specifies that minor zoning by-laws can be delegated;
- (3) A minor zoning amendment can include a by-law to remove a holding symbol (H symbol) or a by-law to authorize the temporary use of land, buildings or structures;
- (4) A delegation by-law may include conditions; and
- (5) A council may, by-law, withdraw the delegation.

Comments

Administration is of the opinion that using the ability to delegate the approval of minor zoning changes could be beneficial to Lakeshore by streamlining the approvals process for applicants, and be more efficient for Administration, saving time and costs.

As a first step towards using this delegation authority, Administration recommends Council consider delegating zoning by-law amendments related to a surplus farm dwelling consent application to the Committee of Adjustment. Delegating the authority to the Committee of Adjustment will allow the consent to sever application and the zoning change to be considered by the Committee of Adjustment at the same time. This will streamline the process and provide certainty for the applicant due to not having a time lag between the Committee of Adjustment review of the consent, and later the Council review of the zoning change. It will also streamline staff processing of the applications as the review and public notice of both applications can occur at the same time.

Over the past 3 years, approximately 12 zoning by-law amendments related to surplus farm dwellings have come before Council.

As mentioned above, in order to delegate the authority to approve minor zoning by-law amendments, the Official Plan would need to be amended, as Section 39 requires that there be policy direction in the Official Plan. An example of Official Plan policy dealing with delegation of minor zoning changes, workflows and a list of 8 other municipalities who passed Official Plan amendments is appended (Attachment 2).

It is recommended that Administration prepare a report to Council to amend the Official Plan to allow for minor zoning by-law amendments to be delegated. As well, it is recommended that Administration research implementation procedures and prepare a by-law to authorize the Committee of Adjustment to decide on minor zoning by-law amendments related to consent to sever surplus farm dwelling applications.

After this has been implemented, as a second step, Administration could prepare a report for Council to consider delegating to either the Committee of Adjustment or a member of Administration the following:

- (1) temporary use by-laws;
- (2) extending temporary use by-laws;
- (3) removing holding (“H”) provisions;
- (4) site-specific rezonings such as adding a permitted use to a property;
- (5) zoning amendments that are required as a condition of approval for a provisional consent application, which has received no objections from the public or agencies during the circulation period.

Others Consulted

WSP Planning Consultants

Financial Impacts

The financial impacts of amending the Official Plan and preparing a delegation by-law - can be described in more detail in a future report to Council. It is noted that generally, the costs can be covered through the Planning Consulting budget line.

Combining the review of a surplus farm dwelling severance and zoning change will save both Administration and residents time and public notice costs.

Attachments

Attachment 1, Excerpt from the *Planning Act*

Attachment 2, Example from the City of Toronto

Report Approval Details

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| Document Title: | Delegation of Minor Zoning By-law Amendments.docx |
| Attachments: | - Attachment 1 Planning Act Minor by-laws (Section 39).docx - Attachment 2 City of Toronto example OP policies.pdf |
| Final Approval Date: | Feb 1, 2024 |

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by Justin Rousseau and Truper McBride