

## Attachment 1: Plain Text of Recommended Official Plan Amendment 660

Plain text of the recommended OPA 660 is included, below.

### 5.1.9 Delegated Authority for Minor Zoning By-laws

The *Planning Act* allows Council to delegate authority to pass zoning by-laws that are of a minor nature to a committee of Council or to an authorized individual, if enabling Official Plan policies are in place.

A minor zoning by-law must additionally have delegation authority through a municipal by-law, which provides implementation details and is to be read together with these policies.

#### Policies

1. Council may, by by-law, 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 and referred to as the "delegate" for the purposes of Sections 5.1.9 and 5.1.10 of this Plan.
2. Council may delegate one or more of the following types of minor zoning by-laws:
  - a) a by-law to remove a holding provision, including any associated zoning provisions where applicable, 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) a by-law to amend Zoning By-law 569-2013 to bring in lands that are not currently subject to Zoning By-law 569-2013, where the owner of the lands consents and no substantive additional permissions are granted beyond what is permitted in the currently applicable zoning by-law; and
  - d) without limitation, a housekeeping by-law to amend Zoning By-law 569-2013 or a site-specific zoning by-law, for the purpose of:
    - i. correcting errors or omissions; and/or
    - ii. making technical and/or stylistic revisions;

provided that the purpose, effect, intent, meaning and substance of Zoning By-law 569-2013 or site-specific zoning by-law are in no way affected.

#### **5.1.10 Alternative Measures for Informing and Obtaining the Views of the Public**

The Official Plan can set out alternative measures to the requirements of the *Planning Act* that may be used for informing and obtaining the views of the public regarding proposed Official Plan amendments, a proposed Zoning By-law, community improvement plans, and proposed draft plans of subdivision.

#### **Policies**

1. The City may use the following alternative measures for the purpose informing and obtaining the views of the public related to minor zoning by-laws, where applicable:
  - a) after a notice of complete application is given and where the City Clerk is required to provide notice to the general public of the complete application, the City Clerk will provide such notice:
    - i. by email, or alternative method of service; and
    - ii. to such persons or public bodies in accordance with Policy 5.1.10.1 c) below.
  - b) where notice is required prior to making a decision respecting one or more of the by-laws contemplated in Policy 5.1.9.2, the notice will be provided by email, or alternative method of service, and address the following:
    - i. the date on which the decision will be made;
    - ii. how sufficient information and material will be made available to the public; and
    - iii. that only written submissions will be considered by the delegate and how the written submissions will be received by the City.
  - c) Notice required by b) above will:
    - i. be given to the applicant, and if there is no applicant, notice will be given to the owner or authorized agent of the owner.

- ii. not be given to prescribed persons or public bodies under the *Planning Act*, if in the opinion of the delegate the proposed by-law does not have any impact on an interest of the prescribed person or public body.
- d) a statutory public meeting will not be required.
- e) Policy 5.5.1 c) of the Official Plan does not apply to minor zoning by-laws contemplated in Policy 5.1.9.2.

## Attachment 2: By-law to Adopt Official Plan Amendment 660

Authority: Planning and Housing Committee Item [\*], as adopted by City of Toronto Council on [\*].

### CITY OF TORONTO

Bill ~

### BY-LAW [##]-2023

#### **To adopt Amendment 660 to the Official Plan for the City of Toronto respecting delegation of Minor Zoning By-laws.**

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas authority is given to Council under section 39.2(1) of the *Planning Act* and sections 20, 21 and 22 of the *City of Toronto Act, 2006* to delegate 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;

Whereas subsection 39.2(2) of the *Planning Act* permits Council to delegate 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 where there is an official plan in effect that specifies the types of by-laws in which delegation of authority may be made, as established through this Official Plan Amendment;

Whereas subsection 34(14.3) of the *Planning Act* permits Council to use alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws if the Official Plan sets out such alternative measures; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with section 17 of the *Planning Act*;

The Council of the City of Toronto enacts:

1. The attached Amendment 660 to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on [\*], 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**AMENDMENT 660 TO THE OFFICIAL PLAN  
OF THE CITY OF TORONTO**

The Official Plan of the City of Toronto is amended as follows:

1. New Subsection 5.1.9 Delegated Authority for Minor Zoning By-laws is added, together with the following new non-policy text and policies:

**"5.1.9 Delegated Authority for Minor Zoning By-laws**

The *Planning Act* allows Council to delegate authority to pass zoning by-laws that are of a minor nature to a committee of Council or to an authorized individual, if enabling Official Plan policies are in place.

A minor zoning by-law must additionally have delegation authority through a municipal by-law, which provides implementation details and is to be read together with these policies.

**Policies**

1. Council may, by by-law, 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 and referred to as the "delegate" for the purposes of Sections 5.1.9 and 5.1.10 of this Plan.
2. Council may delegate one or more of the following types of minor zoning by-laws:
  - a) a by-law to remove a holding provision, including any associated zoning provisions where applicable, 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) a by-law to amend Zoning By-law 569-2013 to bring in lands that are not currently subject to Zoning By-law 569-2013, where the owner of the lands consents and no substantive additional permissions are granted beyond what is permitted in the currently applicable zoning by-law; and
  - d) without limitation, a housekeeping by-law to amend Zoning By-law 569-2013 or a site-specific zoning by-law, for the purpose of:
    - i. correcting errors or omissions; and/or

- ii. making technical and/or stylistic revisions;

provided that the purpose, effect, intent, meaning and substance of Zoning By-law 569-2013 or site-specific zoning by-law are in no way affected.”

- 2. New Subsection 5.1.10 Alternative Measures for Informing and Obtaining the Views of the Public is added, together with the following new non-policy text and policies:

**"5.1.10 Alternative Measures for Informing and Obtaining the Views of the Public**

The Official Plan can set out alternative measures to the requirements of the *Planning Act* that may be used for informing and obtaining the views of the public regarding proposed Official Plan amendments, a proposed Zoning By-law, community improvement plans, and proposed draft plans of subdivision.

**Policies**

- 1. The City may use the following alternative measures for the purpose informing and obtaining the views of the public related to minor zoning by-laws, where applicable:
  - a) after a notice of complete application is given and where the City Clerk is required to provide notice to the general public of the complete application, the City Clerk will provide such notice:
    - i. by email, or alternative method of service; and
    - ii. to such persons or public bodies in accordance with Policy 5.1.10.1 c) below.
  - b) where notice is required prior to making a decision respecting one or more of the by-laws contemplated in Policy 5.1.9.2, the notice will be provided by email, or alternative method of service, and address the following:
    - i. the date on which the decision will be made;
    - ii. how sufficient information and material will be made available to the public; and
    - iii. that only written submissions will be considered by the delegate and how the written submissions will be received by the City.
  - c) Notice required by b) above will:
    - i. be given to the applicant, and if there is no applicant, notice will be given to the owner or authorized agent of the owner.

- ii. not be given to prescribed persons or public bodies under the *Planning Act*, if in the opinion of the delegate the proposed by-law does not have any impact on an interest of the prescribed person or public body.
- d) a statutory public meeting will not be required.
- e) Policy 5.5.1 c) of the Official Plan does not apply to minor zoning by-laws contemplated in Policy 5.1.9.2.”

# **Attachment 3: by-law to Amend City of Toronto Municipal Code Chapter 415, Development of Land and Chapter 169, City Officials**

Authority: Planning and Housing Committee Item [\*], as adopted by City of Toronto Council on [\*].

## **CITY OF TORONTO**

**Bill ~**

### **BY-LAW [##]-2023**

#### **To amend City of Toronto Municipal Code Chapter 415, Development of Land, and Chapter 169, Officials, City, respecting the delegation of certain Minor Zoning By-laws.**

Whereas authority is given to Council under section 39.2(1) of the *Planning Act* and sections 20, 21 and 22 of the *City of Toronto Act, 2006* to delegate 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;

Whereas subsection 39.2(2) of the *Planning Act* permits Council to delegate 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 where there is an official plan in effect that specifies the types of by-laws in which delegation of authority may be made;

Whereas concurrently with the enactment of this By-law, Council has adopted Amendment 660 to the City of Toronto's Official Plan to establish policies specifying the types of by-laws in respect of which delegation of authority may be made;

Whereas subsection 39.2(4) of the *Planning Act* and sections 20, 21 and 22 of the *City of Toronto Act, 2006*, authorize Council to impose any conditions and procedures, as deemed appropriate, on the delegation of certain powers and duties;

Whereas Council through this By-law, delegates authority to pass minor zoning by-laws to remove a holding provision in a zoning by-law to the Chief Planner and Executive Director, and their designate, subject to conditions;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 415, Development of Land is amended by adding a new Section 415-18.2 as follows:

#### **§ 415-18.2. Delegation of Minor Zoning By-Laws.**

- A. The Chief Planner and their designate is delegated the authority to pass a Minor Zoning By-law under Section 39.2 of the *Planning Act*.
- B. A "Minor Zoning By-law" means:



- (1) a by-law to remove a holding provision from a zoning by-law, including any associated zoning provisions where applicable, where the conditions for the removal of the holding provision have been satisfied.
  - C. Despite Section 415-18.2.A above, the Chief Planner and their designate are not delegated the power to remove a holding provision from a zoning by-law where a condition to be satisfied relates to, or has an impact on any expenditures of City funds not previously authorized by Council.
  - D. Any existing by-law containing a holding provision that references the satisfaction of Council shall be deemed to be interpreted as to the satisfaction of the Chief Planner and their designate, subject to Section 415-18.2.C above.
  - E. The City Clerk shall determine in each circumstance whether notice will be provided by email or such alternative method as deemed appropriate;
  - F. Despite Section 415-18.2.A., nothing shall prevent the Chief Planner and their designate from making recommendations to Council regarding any by-law delegated in Section 415-18.2.B above through the appropriate Committee of Council.
2. City of Toronto Municipal Code Chapter 169, Officials, City, Section 169-2.4 is amended by adding a new subsection C as follows:
    - "C. The City Clerk may process by-laws if the Chief Planner and Executive Director, City Planning and their designate exercises delegated authority under Section 415-18.2 of the Toronto Municipal Code."
  3. City of Toronto Municipal Code Chapter 169, Officials, City, Section 169-5.2 is amended by adding a new subsection E as follows:
    - "E. If the Chief Planner and Executive Director, City Planning and their designate exercises delegated authority under Section 415-18.2 of the Toronto Municipal Code, the City Solicitor will submit the by-law to the City Clerk for processing under Section 169-2.4.C. of the Toronto Municipal Code."
  4. Section 1, Section 2 and Section 3 come into force and effect on the day Amendment 660 to the Official Plan of the City of Toronto is in force and effect.

Enacted and passed on [date], 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

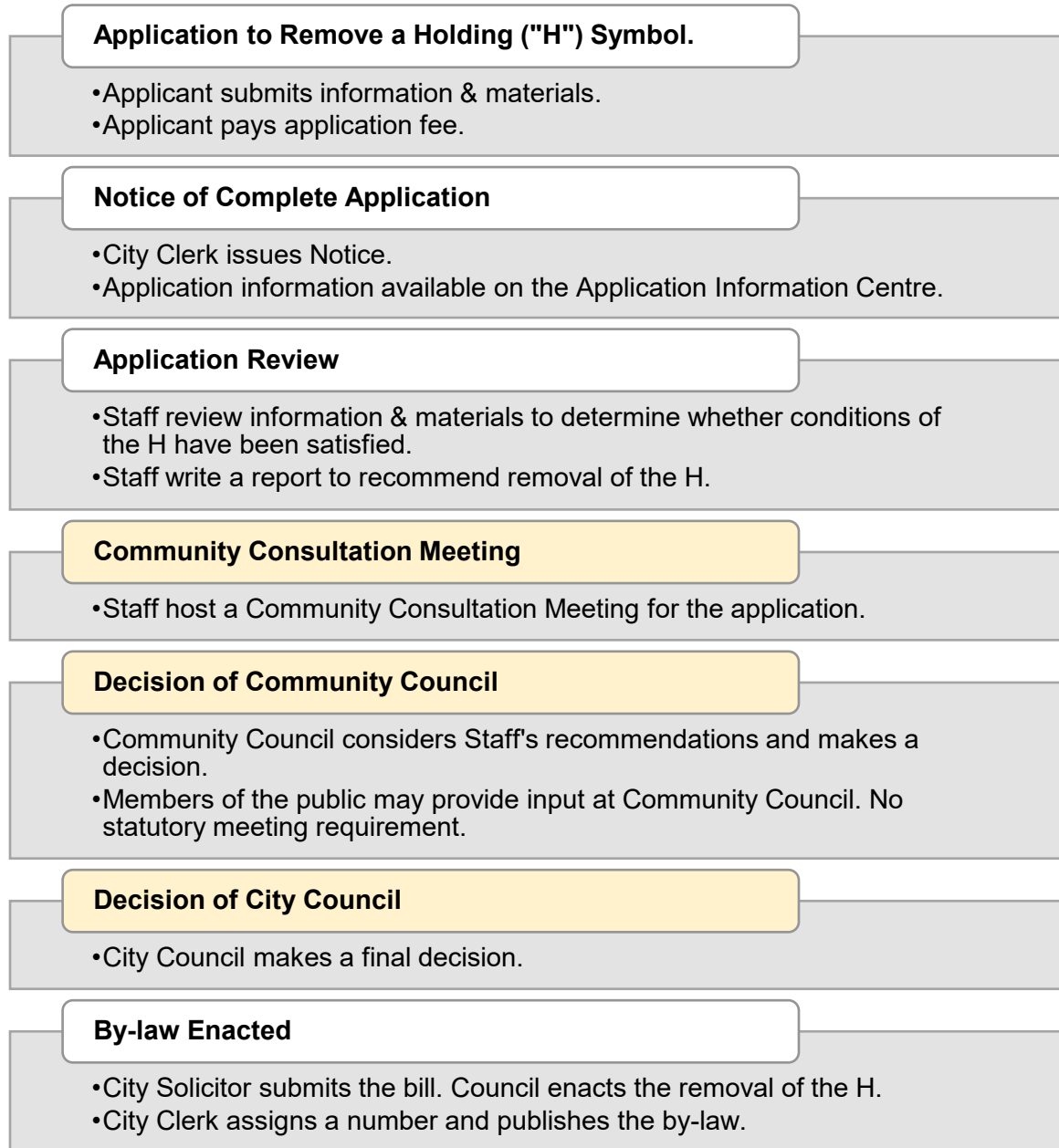
#### Attachment 4: Summary Chart of Jurisdictional Review


Bill 13, the *Supporting People and Businesses Act, 2021*, introduced a new section 39.2 to the *Planning Act*, enabling municipal councils to delegate, by by-law, the authority to pass zoning by-laws that are of a minor nature to a committee of Council or an individual who is an officer, employee or agent of the municipality. The chart below shows how a number of other Ontario municipalities have recently introduced Official Plan policy to this effect.

Municipality	OPA Adopted	Types of Minor Zoning By-laws			
		Removal of "H"	Temporary Use	Housekeeping	Other
Brampton	July 2022	X		X	
Brantford	December 2022	X	X	X	X
Halton Hills	June 2022	X	X		X
Hamilton	August 2022	X	X	X	X
Kingston	April 2022	X			X
London	June 2022	X		X	
Mississauga	July 2022	X			
Oakville	March 2022	X	X	X	

# Attachment 5: High-level Process Diagram for Removal of a Holding ("H") Symbol

## Existing Process – Council Approval



 Existing process steps to be delegated

## Recommended Process – Delegated Authority to the Chief Planner

### Application to Remove a Holding ("H") Symbol.

- Applicant submits information & materials.
- Applicant pays application fee.

### Notice of Complete Application

- City Clerk issues Notice.
- Notice includes information on how members of the public can provide written input.
- Application information available on the Application Information Centre.

### Application Review

- Staff review information & materials to determine whether conditions of the H have been satisfied.
- Staff submit recommendation to the Chief Planner to remove the H.

### Decision of the Chief Planner

- Chief Planner considers Staff's recommendation and written public input.
- Chief Planner makes a decision.

### By-law Enacted

- City Solicitor submits the by-law to the City Clerk.
- City Clerk assigns a number and publishes the by-law.



Recommended process change