

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor & Members of Council

From: Ryan Donally, Division Leader – Economic Development / Planning (acting)

Date: April 10, 2024

Subject: Delegation of Authority for Minor Zoning By-law Amendments

Recommendation

Direct Administration to provide public notice of the draft Official Plan Amendment, collect comments and schedule a public meeting, as required under the Planning Act, all as presented at the May 7, 2024 Council meeting.

Background

On February 6, 2024 Council approved a recommendation to direct Administration to prepare an amendment to the Lakeshore Official Plan (Official Plan) that would allow minor zoning by-law amendments to be delegated to a Committee of Council or designated individual:

Resolution #9-02-2024

Direct Administration to 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*.

At the same Council Meeting, an additional recommendation was carried that directs zoning by-law amendments related to provisional consent be considered for delegation of authority:

Resolution #40-02-2024

Direct Administration to 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; and

Direct that the by-law include direction to Administration to bring the delegation of authority for review within 6 months of the next term of Council.

Delegating the approval of minor zoning amendments to a Committee of Council or member of staff can be beneficial as it can reduce approval timelines, increase efficiency for administrative processes and reduce the number of applications that need to be heard by Council. These changes can ultimately provide a more streamlined and predictable process for applicants.

The Planning Act, R.S.O. 1990, c. P. 13.

The *Planning Act* (the Act) provides the legislative basis for all land use planning matters in Ontario. The Act outlines processes such as the creation of Official Plans, Zoning By-laws, Plans of Subdivision and development approvals.

Section 34 of the Act enables Councils to pass Zoning By-laws for a local municipality, and provides guidance on the types of regulations and provisions that can be included in a Zoning By-law. This section also outlines the process for amending and approving a Zoning By-law.

The Province passed Bill 13, the “*Supporting People and Businesses Act*” in 2021, which, among other things, amended Section 39.2 of the Act to allow for minor zoning amendments to be delegated to a Committee of Council or a member of staff. This change was intended to help streamline the planning approval process and reduce some of the administrative burden placed on municipal Councils.

Section 39.2 of the Act states:

1. Council may delegate the authority to pass by-laws under section 34 that are of a minor nature to a committee of Council or an individual who is an officer, employee or agent of the municipality;
2. That an Official Plan must be in effect and must specify the types of minor by-laws that may be delegated;
3. That such minor by-laws may include by-laws to remove a holding symbol and temporary use of land, buildings or structures;
4. A delegation of authority may be subject to conditions that the Council, by by-law, may provide; and,
5. A delegation of authority may be withdrawn by Council.

Lakeshore Official Plan

The Official Plan currently delegates minor variance applications to the Committee of Adjustment under Section 8.3.5, but does not contain any policies which delegate the authority to pass minor zoning by-law amendments to any Committee of Council or staff members.

As per the requirements of Section 39.2 (2) of the Act, an Official Plan amendment will be required to implement the delegation of authority to approve minor zoning by-law amendments.

Proposed Amendment to the Lakeshore Official Plan

As noted above, an amendment to the Official is required to include enabling policies for the delegation of approval for minor zoning amendments.

It was noted in the January 19th, 2024, staff report entitled “Delegation of Minor Zoning By-law Amendments” that the Municipality is interested in delegating zoning by-law amendments related to surplus farm dwelling consent applications to the Committee of Adjustment. This is intended to streamline the approval process for these applications as the consent application and zone change can be considered by the Committee of Adjustment at the same time. This would reduce the approval timeline as the zoning amendment would not have to be heard by Council at a later date, and the review and public notice for the consent and zoning applications can occur concurrently.

The proposed implementing policy to be incorporated in the Official Plan is included below:

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.
2. Council may delegate one or more of the following types of minor zoning by-laws:
 - a. Zoning by-law amendments that are required to fulfill a condition of approval related a surplus farm dwelling consent application.
 - b. Temporary use by-laws;
 - c. Extension of temporary use by-laws;
 - d. Removal of Holding (H) provisions;
 - e. Site-specific rezonings such as adding a permitted use to a property;
 - f. Zoning by-law 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; and,
 - g. House keeping by-laws to correct errors or make technical/stylistic revisions.

It should be noted that Council would require any conditions associated with the delegated authority (as per Section 39.2(4) of the Act), they will need to be identified in the Official Plan as well.

Conclusion

It is recommended that Council direct Administration to provide notice to agencies, the County of Essex and the public of the draft Official Plan Amendment set out in Appendix A. Notice will be given to meet the requirement of the Planning Act, and a public meeting will be scheduled before Council.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation. Delegating certain types of zoning by-law amendments to Committee or delegated individuals would generally reduce steps in the overall process and streamline approvals.

Attachments

Appendix A – Draft Official Plan Amendment

Report Approval Details

Document Title:	Delegation of Authority for Minor Zoning By-Law Amendments .docx
Attachments:	
Final Approval Date:	Apr 25, 2024

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

Prepared by Ryan Donally

Submitted by Tammie Ryall

Approved by the Corporate Leadership Team