

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Matt Alexander, Consulting Planner (WSP)

**Date:** January 9, 2025

**Subject:** Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation Amendments to the Official Plan

---

### Recommendation

Direct Administration to undertake public consultation in accordance with the *Planning Act* prior to submitting the recommended Official Plan Amendment to Council for a decision, as presented at the February 4, 2025 Council Meeting.

### Strategic Objectives

5b) Modernize Citizen-Centered Services - Bylaw Modernization (including a calendar of bylaw review and effective enforcement strategies/capabilities)

### Background

Council has directed municipal staff to prepare amendments to the Lakeshore Official Plan to delegate authority for minor zoning by-law amendments related to surplus farm dwellings to the Committee of Adjustment. Staff have also identified a need to update the pre-consultation policies of the Official Plan to reflect recent changes to the Planning Act. This staff report provides recommendations related to both items to be considered as part of a single housekeeping amendment to the Official Plan.

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 related to surplus farm dwellings 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.

Subsequently, the direction was reversed by Council in August, however, at the November 19<sup>th</sup> Council meeting Deputy Mayor Walstedt brought forward 2 motions regarding surplus dwellings.

378-11-2024 – Reconsider Resolution #161-05-2024 regarding the Delegation of Authority for Minor Zoning By-law Amendments, presented at the May 7, 2024 Council meeting. Carried

379-11-2024 – Direct Administration to provide public notice of a draft Official Plan Amendment, collect comments and schedule a public meeting, as required under the *Planning Act*, for the delegation of authority to the Committee of Adjustment for minor Zoning By-law amendments that are required to fulfill a condition of approval related to a surplus farm dwelling consent application. Carried

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, received royal assent on June 6, 2024 and amended several sections of the *Planning Act* to remove the ability of planning authorities to require applicants to consult with the planning authority prior to submitting a planning application. This change necessitates an amendment to several sections of the Lakeshore Official Plan which require pre-consultation for certain planning applications.

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

Regarding delegation of authority, Bill 13, the “*Supporting People and Businesses Act*” was passed in 2021, amending 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 decision-making process.

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.

Regarding Pre-consultation applications, Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, received royal assent on June 6, 2024, and made changes to the Planning Act with the result that municipalities would no longer be able to require consultation with the Council or planning authority prior to submitting applications for official plan amendments, zoning by-law amendments, site plan control, or plans of subdivision (Sections 22(3.1), 34(10.0.1), 41(3.1), and 51(16.1)).

Instead, the Act states that municipalities shall permit applicants to consult with the municipality or planning board for these types of applications.

### ***Lakeshore Official Plan***

The current Lakeshore Official Plan, dated November 22, 2010 (Official Plan 2010), and The Final Draft of the new (not yet in effect) Lakeshore Official Plan, dated March 2021 (Official Plan 2021), delegate minor variance applications to the Committee of Adjustment under Section 8.3.5 (Official Plan 2010) and 8.3.6 (Official Plan 2021), but do 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.

Regarding pre-application consultation, the Official Plan 2010 includes several references to the “pre-consultation” and “pre-application consultation” processes, but does not explicitly state that pre-consultation shall be required prior to the submission of an application. The Official Plan describes the information and supporting studies and materials that may be identified as part of a pre-application consultation process, which additionally will inform the conditions for a complete application (Section 8.3.11), but this would apply to any required pre-consultation or voluntary pre-consultation. The draft new Official Plan, 2021 describes similar policies (Section 8.3.12).

As per the changes following Bill 185, pre-application consultation may only occur at the request of the applicant, but Official Plan policies may still identify the requirements for an application to be deemed complete.

### ***Proposed Amendment to the Lakeshore Official Plan***

As noted above, an amendment to the Official Plan is required to include enabling policies for the delegation of approval for minor zoning amendments. An amendment to the Official Plan is not required to ensure that pre-application applications are optional, in conformity with the Act, however an amendment may be beneficial to clarify that pre-application consultation is optional.

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 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.

It should be noted that under Section 39.2(4) of the Planning Act, any conditions associated with the delegated authority are required to be identified in the Official Plan. The inclusion of point 2(a), above, serves this purpose.

Regarding amendments to make pre-application consultation optional, the current policies assume that pre-application consultation will occur for development applications. The policy language should be amended to reflect that it is optional. The proposed changes to Official Plan policy Section 8.3.11 is included below. Bold text is recommended to be included, and text with strikethrough is recommended to be deleted.

- a. **Should applicants submit an application for a pre-application consultation,** applicants seeking development approval will be advised of the required supporting studies, information and materials as part of the pre-application consultation process or, if subsequently deemed necessary, prior to scheduling a prescribed public meeting.
- b. At the time of application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Minor Variance, or Consent, the **Municipality** may require an applicant to submit any of the following information, as applicable: ...
- c. ~~During the pre-application consultation process for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, or Consent application,~~ The **Municipality** may require the applicant to submit any of the following supporting studies at the time of the application **for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, or Consent**, in accordance with the policies outlined in this Plan and/or accepted professional standards and/or guidelines as applicable: ...

- d. Support Studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications will be advised by the **Municipality** of the required supporting study contents during the pre-application consultation process.
- e. ~~When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies,~~ the application will not be considered complete for processing purposes until the required supporting studies, information and materials is prepared and submitted to the satisfaction of the **Municipality** and/or appropriate Conservation Authority. Notification of a complete application will be given to the applicant and all other parties by the Municipality in accordance with the Planning Act.
- f. The **Municipality** will ensure that supporting studies, information and materials provided by an applicant of a development approval application that has submitted a complete application for development approval will be made available to the public for review.

## **Conclusion**

The proposed amendments reflect Council's direction to delegate authority for minor zoning by-law amendment related to conditions of approval for surplus farm dwelling severances, and help clarify that pre-consultation is an optional process, reflecting recent changes to the Planning Act.

## **Financial Impacts**

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

## Report Approval Details

Document Title:	Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation Amendments to the Official Plan.docx
Attachments:	
Final Approval Date:	Jan 28, 2025

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

Prepared by Matt Alexander

Submitted by Daniel Mercer and Tammie Ryall

Approved by Susan Hirota and Justin Rousseau