

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Tammie Ryall, Corporate Leader – Growth and Sustainability

Date: April 25, 2025

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

Recommendation

Adopt Official Plan Amendment OPA No. 21 to the Municipality of Lakeshore Official Plan to update policies to enable the delegation of authority for Minor Zoning By-law Amendments and policies related to pre-consultation; and to adopt the implementing by-law (By-law 38-2025); and

Direct Administration to submit the Amendment to the County of Essex for approval; all as presented at the May 6, 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. The following resolution was passed:

39-02-2024

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.

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 19th 2024 Council meeting Deputy Mayor Walstedt brought forward 2 motions regarding consent applications for 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

On February 4, 2025 Council further gave direction for staff to undertake public consultation in accordance with the Planning Act prior to submitting the recommended Official Plan Amendment to Council for a decision. The following Motion was passed:

48-02-2025

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 well as a draft by-law for delegation of authority to the Committee of Adjustment for surplus farm dwellings, as presented at the February 4, 2025 Council Meeting.

Since 2020, Council has approved a total of 99 Zoning By-law Amendment applications as seen in the table below. These include both minor and major amendments. By delegating the authority to the Committee of Adjustment for the minor amendments, the time Council spends on approving Planning applications will be reduced, further allowing to allocate more time on other matters.

Planning Reports To Council 2020-2024					
	ZBA	Subdivision	OPA	Other Planning Report	Total
2024	12	4		4	20
2023	17	1	4	14	36
2022	26	3	3	21	53
2021	28			30	58
2020	16	2		29	47
Totals:	99	10	7	98	214

For every report that goes to Council, it is estimated that it takes a minimum of five hours of Administration staff time to complete. This includes time from the Corporate Leader, Division Leader, and planning staff, depending on the particular application. Considering 2025 staff salaries, this would equate to approximately \$515 per report. Doing fewer reports to Council could result in some financial savings, depending on the number of surplus farm dwelling minor zoning by-law amendments per year directed to the Committee of Adjustment.

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 *Planning Act* (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 *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 updated (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 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. Once adopted by Council the Official Plan Amendment will be submitted to the County of Essex for review. Once approved, a delegation by-law will be brought to Council for consideration. The delegation by-law will implement the direction of the Official Plan amendment and will give the Committee of Adjustment authority to pass minor zoning by-law amendment as specified by the Official Plan Amendment.

Pre-Application Consultation 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. Note that Official Plan Amendment No. 16 includes changes to the numbering of certain sections of the Official Plan. OPA No. 16 is not yet

in effect, therefore the section numbers provided below refer to the current, in effect Official Plan.

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-law amendments:
 - a. Zoning by-law amendments that are required to fulfill a condition of approval related to a surplus farm dwelling consent application.

It should be noted that under Section 39.2(4) of the *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, Local Comprehensive Review application, Site Plan 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~~ **any** 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~~ **who** has submitted a complete application for development approval will be made available to the public for review.

Public Consultation

Following the meeting of Council on February 4, 2025 when the proposed amendments were discussed, several initiatives were made to seek public comment:

- 1) Public notice of the proposed Official Plan amendment was posted on the Municipal website, as well as circulated to the public through the Municipality of Lakeshore News email distribution list, on April 17, 2025.
- 2) Direct outreach was made by email to a list of individuals who are familiar with Lakeshore's planning approvals process and the Committee of Adjustment as it relates to farm severances (e.g.: planning consultants, legal representatives, or other agents).

As of the writing of this staff report, several supportive comments have been received from agents and representatives on how this delegation of authority proposal would help streamline the planning process and, ultimately, improve service delivery. No comments have been received from the general public as of writing of this report.

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.

Next steps – The Official Plan amendment will be submitted to the County of Essex for review and approval. After the Official Plan amendment has been approved by the County of Essex, an implementing Delegation By-law will be presented to Council, as per the motion 48-02-2025 (emphasis added):

48-02-2025

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 well as a draft by-law for delegation of authority to the Committee of Adjustment for surplus farm dwellings**, as presented at the February 4, 2025 Council Meeting.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendations.

Combining the consent application and the related zoning by-law amendment to be considered by the Committee of Adjustment would generally reduce steps in the overall process and streamline approvals.

Report prepared by: Matt Alexander, Consulting Planner (WSP)

Report Approval Details

Document Title:	Delegation of Authority for Minor Zoning By-law Amendments and Pre-Consultation and Amendments to the Official Plan.docx
Attachments:	
Final Approval Date:	Apr 29, 2025

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

Prepared by Matt Alexander and Tammie Ryall

Approved by the Corporate Leadership Team