

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Delegated Authority for Minor Zoning By-law Amendments
(Bill 13) and Alternative Notice Measures for Minor Zoning By-law and Official Plan Amendments

Date: June 20, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to Bill 13, *Supporting People and Businesses Act, 2021*:

- (a) the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on July 5, 2022 to **AMEND** the London Plan by adding new policies with respect to delegated approval authority for minor zoning by-law amendments and alternative consultation measures for minor London Plan amendments and zoning by-law amendments, and amending existing policies for consistency with the new policies.
- (b) the proposed by-law attached here to as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting on July 5, 2022 to pass a new by-law “Minor Zoning By-law Amendments Delegation and Approval By-law” to authorize Council to delegate approval authority with respect to minor zoning by-law amendments.

Executive Summary

Summary of Request

The recommended amendment to the London Plan is to delegate approval authority for minor zoning by-law amendments and establish alternative consultation measures for minor London Plan amendments and zoning by-law amendments.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to implement some of changes to the *Planning Act* made through Bill 13, *Supporting People and Businesses Act, 2021*, which allows Council to delegate approval authority under Section 34 (Zoning By-laws) that are of a minor nature to staff. The authority will include delegating decisions for removal of holding symbols and other minor zoning by-law amendments. The recommended action will also permit alternative consultation measures for minor London Plan amendments and zoning by-law amendments.

Rationale of Recommended Action

1. The recommended amendments to the London Plan are consistent with the *Planning Act* which provides a new discretionary authority that allows municipal councils to delegate decision-making authority under Section 34 that are of a minor nature and permits alternative measures for public notice and consultation.
2. The recommended amendments support one of Council’s goals in the 2019-2023 Strategic Plan, which improve the delivery of service through streamlined Council’s decision-making process.
3. The recommended amendments to the London Plan establish a policy framework for delegated authority approval with respect to minor zoning by-law

amendments and alternative consultation measures for minor London Plan amendments and zoning by-law amendments.

4. The recommended amendments establish a new Council Policy that authorizes the new authority in accordance with The London Plan as amended pursuant to the *Planning Act*.

Linkage to the Corporate Strategic Plan

The recommended amendments implement the following strategic area of focus of the 2019-2023 Strategic Plan:

- Leading in Public Service – Increase efficiency and effectiveness of service delivery.

Analysis

1.0 Background Information

1.1 Bill 13 – The *Supporting People and Businesses Act, 2021*

On October 7, 2021, Bill 13, *Supporting People and Businesses Act, 2021*, was introduced to make changes to a variety of statutes, including the *Planning Act*. Schedule 19 of the Bill proposed changes to the *Planning Act* which provide a new discretionary authority (new Section 39.2) that the council of a local municipality may delegate decision-making authority under Section 34 (Zoning By-law) of the *Planning Act* for the approval of zoning by-law amendments that are of a minor nature to a municipal committee, officer, employee or agent. The Schedule also proposed consequential amendments to the *Municipal Act, 2011* and *City of Toronto Act, 2006* to implement these changes. On December 2, 2021, the changes came into force.

With these changes, the *Planning Act* allows the council to delegate authority to pass by-laws under section 34 that are of a minor nature including but are not limited to: holding provision by-laws to remove a holding symbol; and temporary use by-laws to authorize the temporary use of land, buildings or structures.

In order to delegate the new authority, the official plan must contain provisions that specify the types of by-laws which may be subject to delegation. This delegation may also be subject to conditions established by the council and would have the notice, public meeting and appeal requirements that apply to Section 34 applications.

Bill 13 does not change notice or public meeting requirements, however, the *Planning Act* currently permits alternative measures for informing and obtaining the views of the public for official plan amendments and zoning by-law amendments through official plan policies. A public meeting is required for an official plan amendment or zoning by-law amendment under the *Planning Act*. An alternative consultation procedure is necessary to delegate approval authority for minor zoning by-law amendment.

Staff are supportive of the changes made by Bill 13 that will streamline the planning process for certain types of Section 34 applications and have drafted changes to the London Plan with respect to the delegation and alternative consultation measures for minor zoning by-law amendments and London Plan amendments.

1.2 Information report and draft changes

On April 19, 2022, an information report with draft changes to the London Plan was presented to the Planning and Environment Committee (PEC) which recommended the report be received for information and be circulated for public input. On May 3, 2022, Council resolved that:

[the] report and draft London Plan amendments to implement changes made by Bill 13, Supporting People and Business Act, 2021, to the Planning Act BE

The draft changes include new policies with respect to new delegated approval authority for minor zoning by-law amendments and alternative measures for public notice with respect to minor London Plan amendments and zoning by-law amendments, and minor changes to existing policies for consistency with the new policies. The draft policies are attached in Appendix F of this report.

Following the Council's resolution, the information report was circulated to interested parties. Since the circulation of the report, one comment from the London Development Institute (LDI) was received. The LDI has expressed their support for the proposed changes with a minor suggestion indicating minor corrections relating to property mergers may be included in new policies. Staff are of the opinion that these corrections resulting from merged properties are not minor and are outside of the scope of the delegation of authority under Bill 13. One reply was also received from the public requesting clarification with respect to the right to participation. Further information of the public engagement is found in Appendix C.

1.3 Delegation of Council's authority

Staff have identified several advantages to delegating authority with respect to certain types of zoning by-law amendments that are considered minor from Council to staff. The delegation includes the lifting of holding provisions and housekeeping changes. Delegating the authority for these will streamline the decision-making process, reduce unnecessary delays on planning applications, and improve delivery of service.

1.3.1 Delegation of holding provision removal

Section 36 of the *Planning Act* authorizes municipalities to apply a holding provision to a zoning by-law that would restrict the development of the site until specific conditions are met. These conditions may include adequate provision of infrastructure and community services, approval of subdivision plans, site plans, or any supporting studies, and the execution of agreements. When the conditions of the holding provision have been met, the "h" holding symbol can be removed through the approval of an amending by-law by the municipal council.

Between 2017 and 2021, City Council considered an average of 35 applications per year to remove holding symbol(s). The most common conditions of these holding symbols were to ensure adequate provision of municipal services, including water, to ensure the execution of legal agreements, and to implement all noise attenuation measures. In 2021, Council considered 35 applications for removal of holding symbols, 32 (91%) of which had no comments received in response to the Notice of Application.

The *Planning Act* requires notice of Council's intent to remove a holding symbol, while no public meeting is required to be held. The City circulates the notice of intent in the same manner as a regular zoning by-law amendment, most of which did not require a public meeting. Five (5) applications included the removal of the "h-5" holding provision which requires a public site plan review, including a public meeting held at the PEC. A public site plan review process was conducted for each to address planning matters prior to Council approval. There are other holding provisions that require a public meeting. These provisions can be found in Section 2.3 of this report. It is not recommended that these matters be delegated to Staff.

The lifting of a holding symbol does not require a public participation meeting, although these applications sometimes result in questions at PEC, however, the process to lift a holding provision is administrative in nature, and if the condition has been satisfied, the removal is procedural and not subject to debate. It is recommended that staff be delegated the approval authority to remove a holding provision. Delegating this authority to staff will decrease timelines and workload associated with the approval process and will reduce the number of items on Council's agenda for consideration. This will provide for more expeditious and efficient delivery of service.

1.3.2 Delegation of minor errors and housekeeping updates

There have been some Council-adopted amendments to the Zoning By-law and the London Plan that are of a housekeeping nature. These housekeeping amendments include changes to fix typographical, grammatical and formatting errors, and reflect name changes of provincial ministries.

A housekeeping amendment to the London Plan was presented to a Planning and Environment Committee on July 15, 2020 to correct errors and omissions and make updates to reflect council-approved amendments to the 1989 Official Plan since the London Plan's approval in 2016. Comments were primarily received from applicants or agents in association with these 1989 Official Plan amendments who were seeking to ensure that the intent of their amendments would be captured in the London Plan. All concerns identified through the public circulation of the amendment were resolved through discussions with the applicants.

Two housekeeping amendments have also been considered to reflect the transition from the 1989 Official Plan to the London Plan. An amendment to Council-adopted secondary plans was submitted to the January 31, 2022 PEC meeting, which updated the secondary plans by removing references to the 1989 Official Plan, correcting errors and omissions, and changing the names of provincial ministries.

Future housekeeping changes to the London Plan and Zoning By-law will be brought forward to the PEC to refine wording or reflect changes to references to external agencies, policy documents or legislation. These changes are intended to keep the London Plan and the Zoning By-law up to date, while improving clarity and consistency in policies and mapping. Given the nature of changes, it is not expected that any concerns would be identified.

Staff are of the opinion that most housekeeping zoning by-law amendments are minor and straightforward, and do not affect the outcomes of the by-law. It is recommended that these amendments be delegated to staff. This delegation would also free up Council time to consider other planning applications.

1.4 Review of Temporary Zoning applications

The draft changes proposed that temporary zoning by-laws, with the exception of temporary surface commercial parking lots in the Downtown, be included in the new delegated authority. However, comments received at the April 19, 2022 PEC meeting suggested that the extension of temporary zones often result in questions or concerns from Council or the public, and that these matters should continue to be directed to Council for a decision, rather than being decided administratively.

Staff reviewed past temporary zoning applications considered from 2015 to 2021, and these are summarized in the table below. There were a total of 17 temporary zoning applications, nine of which were for extension of temporary surface commercial parking lots in the Downtown. Several applications resulted in concerns being raised by the public and agencies, including matters such as that the extension of the temporary parking lot would jeopardize existing heritage buildings, have negative impacts on the pedestrian environment, or create unsafe conditions. Given these findings, it is now recommended that any application to extend a temporary zone should continue to require a public meeting and Council's decision, and not be included in matters to be delegated.

Year	Temporary Zoning applications outside Downtown	Temporary Zoning applications for surface parking lots in Downtown	Total
2015	2	0	2
2016	1	1	2
2017	1	3	4
2018	1	1	2
2019	2	1	3
2020	1	1	2

2021	0	2	2
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A number of applications outside the Downtown included unique or sensitive circumstances. For example, an application was considered to facilitate the construction of a single detached dwelling prior to the demolition of the existing single detached dwelling. Another application was to permit a permanent building instead of repeated extensions of the existing temporary trailer for automobile dealership, which would trigger the site plan control process.

Staff are of the opinion that temporary zoning applications include matters that should be addressed on a case-by-case basis, and therefore, it is difficult to establish objective criteria to determine what would constitute a “minor” a temporary zoning application. Also, given the low volumes of these types of applications, moving them from consideration by Council to consideration administratively would not result in significant efficiency or timing savings.

It is recommended that temporary zoning by-laws continue to be forwarded to the PEC for consideration and remain subject to Council’s decision. The recommended amendment does not include temporary zoning applications as part of minor zoning by-law amendments.

2.0 Policy Framework

Policies that have been reviewed provide overall policy direction with respect to delegation of approval authority with respect to zoning by-law amendments that are of a minor nature and alternative measures for notice and public meeting requirements.

2.1 *Planning Act*

Through the changes made by Bill 13, the *Planning Act* allows municipal councils to delegate authority at its discretion to pass by-laws under Section 34 that is of a minor nature (Section 39.2(1)). Section 39.2(3) does not provide a complete list of such by-laws subject to delegation and give the council the flexibility to specify types of these by-laws. These by-laws may include:

- Holding provision by-laws to remove a holding symbol; and
- Temporary use by-laws to authorize the temporary use of land, buildings or structures.

Section 39.2(2) requires that the official plan contains provisions that specify the types of by-laws which may be subject to delegation. This delegation may also be subject to conditions established by the council (S. 39.2(4)).

The *Planning Act* requires notice and public meetings for zoning by-law amendments. All public meeting, notice and appeal requirements that apply to Section 34 applications would apply to the delegation.

The *Planning Act* provides that if an official plan sets out alternative measures for informing and obtaining the views of the public in respect of official plan amendments and zoning by-law amendments, the notice and public meeting requirements do not apply to such amendments (S. 17(19.3), 34(14.3)). Section 22(1) further provides that for an official plan amendment, Council must hold a public meeting pursuant to the public consultation requirements or comply with alternative measures set out in the official plan.

2.2 **The London Plan**

The London Plan includes a number of policies regarding Council’s delegated approval authorities for various planning applications under the *Planning Act*.

The Our Tools part of the Plan provides that the Council and its delegated approval authorities consider planning applications including amendments to the London Plan, the Zoning By-law, site plan approval, consents to sever, and approvals of plans of

subdivision, including condominium, based on all relevant and required information (Policy 1580). The Plan also establishes a policy framework for the considerations of holding provision by-laws (Policy 1656 to 1661) and temporary use by-laws (Policy 1671 to 1673A) in order to ensure that the general intent and purpose of the Plan is maintained.

The holding provision by-law policies provides that City Council determines that the requirements for removal of a holding symbol have been met (1658), which reflects that City Council is solely the approval authority. A change to this policy is needed to clarify that removal of holding symbols may be delegated by Municipal Council.

The London Plan includes the Public Engagement and Notice section (policy 1615-1633) in the Our Tools part that provides public notice and meeting requirements pursuant to the *Planning Act*. Policy 1632 states that City Council may forego public notification and public meetings and may adopt changes in instances to correct a minor technical error or omission contained in an amendment which has undergone full public review, to change punctuation or format, alter language, or correct clerical, grammatical, or typographical errors, and to insert footnotes or similar annotations to indicate the origin and approval of each provision.

The Public Meetings and Notices policies do not apply to the removal of the holding symbol under Policy 1660. This policy also provides that a notice of Council's intent to remove the holding symbol shall be given in accordance with the requirements of the *Planning Act* and associated regulations.

2.3 Zoning By-law Z.-1

Zoning By-law Z.-1 includes provisions for holding symbols pursuant to the Section 36 of the *Planning Act* (Holding Provision By-laws). Council may add a holding symbol as a prefix to a zone to specify the future uses of lands, buildings or structures. the zone must not be developed or used until conditions for removing the holding symbol are met and the holding symbol is removed. Meanwhile, the Zoning by-law may permit an interim use. The interim use may include an existing use or another use which would be compatible with the ultimate use of the land.

A public meeting is not held for an application to remove a holding provision unless the holding provision refers specifically to the holding of a public meeting. The Zoning By-law Z-1 includes some of holding provisions that require a public meeting prior to their removals. Each of these holding provisions applies for a specific reason:

*h-5 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.
Permitted Interim Uses: Existing uses.*

h-106 Purpose: To mitigate potential conflicts between industrial uses and adjacent residential land uses the h-106 symbol shall not be deleted and existing and or future buildings shall not be expanded until public site plan approval is received which will address, among other items, issues of access, on-site parking, outdoor storage, buffering and screening.

h-133 Purpose: To ensure the orderly redevelopment of the site, the "h" symbol shall not be deleted and no development can occur beyond 47,120 square metres gross floor area until a comprehensive (re)development concept site plan and urban design brief are completed at the time of site plan review and a public site plan meeting is held.

Permitted Interim Uses: Permitted uses in stand-alone buildings, enclosed shopping centre format and/or non-enclosed shopping centre format totalling 47,120 square metres.

h-217 Purpose: To ensure that residential development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-217" symbol.

These holding provisions are intended to ensure that there is a public site plan review/approval process prior to development and will still be subject to a public meeting and Council's input. The recommended amendment will not change this requirement for a public meeting where there is such a requirement in the holding provision.

3.0 Recommended amendments to the London Plan

The recommended policies remain very similar to the draft policies presented at the April 19, 2022 PEC meeting, with some minor changes required in response to feedback received. The recommended policies consist of the addition of new policies and changes to existing policies in the Our Tools part of the London Plan, as attached in their entirety to Appendix E.

3.1 New policies to include new delegation

The amendments include the addition of three new policies to the Public Engagement and Notice section in the Our Tools part of the Plan. These policies provide new directions on what zoning by-law amendments will be considered minor and alternative measures for public engagement. The first policy includes:

DELEGATED AUTHORITY AND ALTERNATIVE ENGAGEMENT TECHNIQUES FOR MINOR AMENDMENTS

1633A_ City Council may delegate approval authority for minor amendments to the *Zoning By-law*. Such minor zoning by-law amendments are:

1. Removing a holding symbol where the requirements of the holding provision have been met.
2. Correcting of minor errors and omissions to the zoning by-law.
3. Housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

Policy 1633A introduces new delegated authority for minor zoning by-law amendments to remove a holding symbol, correct errors and omissions, and make housekeeping changes to the zoning by-law.

A zoning by-law amendment to address minor errors and omissions that may include typographical, grammatical and formatting errors or to reflect housekeeping changes would also be considered as minor amendments, and would be delegated to staff as a result of this policy.

As noted in Section 1.4 of this report, the consideration of the extension of a temporary use is not considered as a minor amendment to the zoning by-law, and is not therefore recommended to be delegated.

3.2 New policies to permit alternative measures for public consultation

The second and third policies establish alternative measures for public consultation for minor zoning by-law amendments and London Plan amendments.

1633B_ A public meeting is not required for a minor zoning by-law amendment application described above unless concerns have been identified by written submission received during the commenting period identified in the Notice of Application.

1633C_ A public meeting is not required for minor amendments to this Plan unless concerns have been identified by written submission received during the

commenting period identified in the Notice of Application. Such minor London Plan amendments are:

1. Correcting minor errors and omissions.
2. Housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

Policy 1633B sets out an alternative measure for public consultation on a zoning by-law amendment. The policy provides that a public meeting could be waived for a minor zoning by-law amendment if no comments are received by the deadline established in the Notice. There are some exceptions to holding provisions. As noted in Section 2.3, certain holding provisions (e.g. “h-5” and “h-106”) require that a public meeting be held. These holding provisions will still be subject to a public meeting and a decision of Council prior to their removal.

Policy 1633C identifies minor London Plan amendments and establishes an alternative consultation measure for these amendments. Similar to minor zoning by-law amendments, a minor London Plan amendment would include correction of errors and omissions and housekeeping changes to improve clarities and consistencies of London Plan policies. The policy will also allow Council to forego a public meeting for a minor London Plan amendment that has no concerns identified. The London Plan amendment would still be subject to Council approval, however, could be submitted as a consent report to the PEC.

These policies above are consistent with the *Planning Act* that allows for alternative measures for notice and public consultation with respect to official plan amendments and zoning by-law amendments. The alternative measures will be more efficient than the prescribed requirements under the *Planning Act* in notifying and engaging while reducing the time and costs associated with public meetings.

3.3 Changes to Existing Policy

A minor change to existing Policy 1658 in the Holding Provision By-law section in the Our Tools part improves consistency with the new policies by adding new words as underlined in the following:

1658_ *The Zoning By-law* will be amended by application to remove the holding symbol when City Council or its delegated approval authority determines that the requirements relating to the appropriate purpose as set out in the by-law have been met.

The change clarifies that the new delegation of approval authority would include decisions for the lifting of holding provisions.

4.0 New by-law for delegation

Section of 39.2(1) of the *Planning Act* provides that Council may, by by-law, delegate the authority to pass by-laws under Section 34 that are minor in nature. Currently, the City has a by-law with respect to delegation of Council’s powers and duties. The Delegation of Powers and Duties Policy (By-law No. A.-6151(w)-421) delegates Council’s decision-making powers to City staff under Section 23.1 of the *Municipal Act, 2001*. Further, Section 23.3(1) of the *Municipal Act* authorizes municipalities to delegate powers and duties to pass zoning by-laws provided under Section 39.2 of the *Planning Act*.

Section 4.3 of the Delegation of Powers and Duties Policy states that any delegation of a power or duty be by by-law. As such, in order to make the delegation for minor zoning by-law amendments, staff recommend that a new by-law be passed, as attached to Appendix B. The enactment of the by-law will authorize Council to delegate approval authority to staff for minor zoning by-law amendments pursuant to Section 39.2 of the *Planning Act* and the London Plan.

Conclusion

The recommended amendment will delegate the approval authority with respect to minor zoning by-law amendments and establish alternative measures for minor zoning by-law amendments and London Plan amendments pursuant to the *Planning Act*. The new by-law will authorize Council to delegate the new authority in accordance with the London Plan.

Delegation with respect to applications to remove a holding symbol or correct errors and omissions will streamline the procedures and administration, alleviate some of the volume of applications on Council's agenda and thereby provide for more efficient delivery of service.

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June 13, 2022
JL/jl

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Appendix A – London Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to new delegation and alternative measures for public consultation pursuant Bill 13.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a new section in the Our Tools part of The London Plan for the City of London to delegate approval authority with respect to minor zoning by-law amendments and permit alternative measures for public consultation with respect to minor London Plan amendments and zoning by-law amendments.
2. To change existing policies in the Our Tools part of The London Plan for the City of London to improve consistency with the new policies.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. This amendment is consistent with the *Planning Act*, with respect to delegation of decisions under Section 34 that are of a minor nature (Bill 13) and alternative measures for notice and public meeting requirements for minor official plan amendments and zoning by-law amendments.

D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. The Our Tools part of The London Plan for the City of London Planning Area is amended by adding new policies after Policy 1633 as follows:

**DELEGATED AUTHORITY AND ALTERNATIVE ENGAGEMENT TECHNIQUES
FOR MINOR AMENDEMENTS**

1633A_ City Council may delegate approval authority for minor amendments to the *Zoning By-law*. Such minor zoning by-law amendments are:

1. Removing a holding symbol where the requirements of the holding provision have been met.
2. Correcting of minor errors and omissions to the zoning by-law.
3. Housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

1633B_ A public meeting is not required for a minor zoning by-law amendment application described above unless concerns have been identified by written submission received during the commenting period identified in the Notice of Application.

1633C_ A public meeting is not required for minor amendments to this Plan unless concerns have been identified by written submission received during the commenting period identified in the Notice of Application. Such minor London Plan amendments are:

1. Correcting minor errors and omissions.
2. Housekeeping updates to reflect changes including but not limited to job

titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

2. Policy 1658 of The London Plan for the City of London is amended by adding “or its delegated approval authority” after “City Council”.

Appendix B – By-law

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No.

A by-law to delegate Council's authority with respect to approvals for zoning by-law amendments that are of a minor nature under Section 39.2 of the *Planning Act*, R.S.O. 1990, c.P.13.

WHEREAS subsection 39.2(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits Municipal Council by by-law to delegate to an appointed officer identified in the by-law either by name or position occupied, the authority to approve zoning by-law amendments under Section 34 of the said Act that are of a minor nature provided that an official plan specifies the types of by-laws which may be subject to delegation;

AND WHEREAS the City of London Official Plan contains provisions that specify the types of minor zoning by-law amendments subject to delegation pursuant to section 39.2(2) of the *Planning Act*.

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that Municipal Council is authorized to delegate its powers and duties under this or any other Act to a person or body subject to any restrictions set out;

AND WHEREAS section 23.3(1)(5) of the *Municipal Act, 2001* authorizes Municipal Council to delegate its powers and duties to pass by-laws provided under section 39.2 of the *Planning Act*.

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

SHORT TITLE

Minor Zoning By-law Amendments Delegation and Approval By-law

Part 1

DEFINITIONS

1.1 In this by-law,

"Act" shall mean the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

"Approval Authority" shall mean the appointed officer of officer delegated by by-law passed by Municipal Council from time to time.

"Council" shall mean the Municipal Council of the Corporation of the City of London.

"Director, Planning and Development" shall mean the person who holds the position of Director, Planning and Development for the Corporation of the City of London.

"Holding" or "Holding Provision" means a by-law subject to the provisions of section 36 of the Act.

"Official Plan" shall mean the Official Plan for the City of London Planning Areas as

amended from time to time.

“Manager, Current Planning” shall mean the person who holds the position of Manager, Current Planning for the Corporation of the City of London.

“Manager, Subdivisions and Development Inspections” shall mean the person who holds the position of Manager, Subdivisions and Development Inspections.

“Minor Amendment” shall mean the types of zoning by-law amendments described in Part 2.

Part 2

MINOR ZONING BY-LAW AMENDMENTS SUBJECT TO DELEGATION

2.1 Types of Minor Zoning By-law Amendments

Applications to amend the City of London Zoning By-law, Z.-1 that are of a minor nature, as specified in the Official Plan pursuant to section 39.2(2) of the Act, to which the herein delegation applies are:

- (a) removing a Holding Provision where the requirements of the Holding Provision have been met pursuant to section 36 of the Act;
- (b) correcting minor errors and omissions; and
- (c) housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

Part 3

DELEGATION OF APPROVAL AUTHORITY

3.1 Delegation of Approval Authority – Director, Planning and Development – General Powers

The Director, Planning and Development, in lieu of the Council, has all powers and rights in respect of the authority delegated by this by-law, and the Director, Planning and Development shall be responsible for all matters pertaining thereto, subject to the terms and limitations of this by-law and in exercising such authority may affix their signature as required to all documents arising from or connected with the operation of this by-law.

3.2 Approval Authority – Director, Planning and Development

The Council hereby delegates to the Director, Planning and Development, the authority to pass a by-law with respect to a Minor Amendment application, including the authority:

- (a) to determine whether or not an application made in respect of a Minor Amendment is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required;
- (b) to determine whether or not the requirements of a Holding Provision have been met at the time of considering a zoning by-law amendment to remove the Holding Provision.
- (c) to determine whether or not an application for a Minor Amendment is required to be referred to Council for the purpose of holding a public meeting, in accordance with the following considerations, and notwithstanding that London Plan policy

1633B does not require that a public meeting be held for Minor Amendments:

- a. Certain holding symbols require a site plan public meeting as part of conditions for their removal. In these cases, the Approval Authority will request that the Planning and Environment Committee convene a public meeting on behalf of the Approval Authority to obtain input from the public and receive advice from Council and subsequently report to the Approval Authority the results of the public meeting and any comments of Council without further notice or by adding a direction for staff to hold a public meeting at Planning and Environment Committee.
- b. If written comments are received from the public within the prescribed time period following the mailing of notice of application, a public meeting will be required.

3.3 Approval Authority – Director, Planning and Development – Limitation of Powers

If the Approval Authority has determined that the Minor Amendment application is not consistent with the Provincial Policy Statement, 2020, and does not conform with Official Plan policy, a public meeting shall be held in accordance with the requirements of section 34 of the Act, and it shall be referred to Council for decision and the delegated authority with respect to that particular application is hereby revoked.

Part 4

DELEGATION OF APPROVAL AUTHORITY IN DIRECTOR, PLANNING AND DEVELOPMENT'S ABSENCE

4.1 Approval Authority – Director, Planning and Development – Absence

When the Director, Planning and Development is absent or their office is vacant, the Manager, Subdivisions and Development Inspections or the Manager, Current Development shall act in the place and stead of the Director, Planning and Development, under this by-law and while so acting, the Manager, Subdivisions and Development Inspections or the Manager, Current Development has and may exercise all the rights, powers, and authority of the Director, Planning and Development as delegated by this by-law subject to the same responsibilities and limitations as set out in this by-law.

Part 5

ENACTMENT

5.1 Effective Date

This by-law comes into force on the day it is passed.

PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

Appendix C – Public Engagement

Public liaison: On June 1, 2022, combined Notice of Application and Public Participation Meeting (PPM) was circulated to City Planning’s official circulation list, including prescribed agencies, as well as advisory committees. Combined Notice of Application and PPM was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 2, 2022.

An information report, including draft changes to the London Plan, was presented as a consent report to the Planning and Environment Committee on April 19, 2022 which recommended the report be circulated for public input on the draft changes. Following Council’s resolution on May 3, 2022, the report was circulated to interested parties for review and input and was included in combined Notice of Application and PPM for reference.

Nature of Liaison: The purpose and effect of this amendment is to implement changes to the *Planning Act* made through Bill 13, *Supporting People and Businesses Act, 2021*. This amendment will introduce delegation for minor zoning by-law amendments and establish alternative measures for public consultation with respect to London Plan amendments and zoning by-law amendments that are of a minor nature.

Responses: 1 reply was received

From: Unknown name
Sent: Wednesday, June 1, 2022 9:47 PM
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] Bill 13

Hello Ms. Lee,

Can you please tell me whether these changes take away a resident's right to participation in minor variances and zoning changes?

Thanks
[Unknown name]

Agency/Departmental Comments:

London Development Institute (LDI) – May 24, 2022



LONDON DEVELOPMENT INSTITUTE

May 20, 2022

Joanne Lee
Planner 1, Long Range Planning & Research
Planning & Development
City of London

Dear Ms. Lee

Thank you for the opportunity to comment on the proposed London Plan amendments to implement changes made by Bill 13, *Supporting People and Business Act, 2021*.

First, we would like to thank you for the very well written Information report regarding delegated decision-making authority opportunities for an improved development application process as per Bill 13, *Supporting People and Business Act, 2021* presented to Planning and Environment Committee on April 19, 2022.

I would like to confirm LDI's support of the Draft London Plan Amendment as stated in Appendix A of the aforementioned staff report.

We believe the use of delegated authority for minor amendments as outlined in the proposed 1658 and 1633A, B, and C clauses will have a significant impact on improving the development application process. This small change will improve the approval process by eliminating the months of delays the current system adds by requiring Council approval. A process, as outlined in the staff report, does not add value to any stakeholder including Council.

The only suggestion is the consideration of adding "minor zoning corrections relating to property mergers" as an addition, as part of the new 1633A, to the list of delegated approval authority changes. Minor incongruities that sometime occur through property mergers could be fixed through delegated authority. This may be covered under the "correcting errors and omissions" point in clause 1633A, but we wanted to bring it to your attention.

We would be happy to discuss our position further if needed. I will be attending the public meeting regarding the OPA to add the above clauses.

Thank you for your time.

Sincerely,

Mike Wallace
Executive Director

562 Wellington St., Suite 203, London, Ontario, N6A 3R5

tel. (519) 642-4331

www.londondev.ca

londondev@rogers.com

From: Carrie O'Brien
Sent: Wednesday, May 25, 2022
To: Lee, Joanne <jolee@londn.ca>
Cc: Mike Wallace <londondev@rogers.com>
Subject: FW: [EXTERNAL] LDI letter regarding delegated Authority OPA- Bill 13

Hi Joanne,

Wanted to follow up on Mike's inquiry with some specific examples Drewlo has recently encountered. We have discussed both of these with Planning & Economic development and they did not feel that either option would be eligible for delegated authority (theoretically). Obviously I disagree. Mergers can be cumbersome; any opportunity to simplify the process through delegated authority would be appreciated.

I think I could understand having to address on a case-by-case basis; although, maybe staff could establish criteria that those requests could be measured by?? Happy to discuss in further detail.

[examples not included for confidentiality]

Thanks,
Carrie O'Brien
Drewlo Holdings Inc.

Appendix D – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested amendment. The most relevant policies, by-laws, and legislation are identified as follows:

Planning Act

- 17(15) to (19.2) – Notice and public meeting requirements for official plan amendments
- 17(19.3) – Alternative measures for notice and public meeting requirements regarding official plan amendments
- 34 – Zoning by-laws
- 34(12) to (14.2) – Notice and public meeting requirements for zoning by-law amendments
- 34(14.3) Alternative measures for notice and public meeting requirements regarding zoning by-law amendments
- 36 – Holding provision by-law
- 39 – Temporary use provisions
- 39.2 – Minor by-laws – delegation

The London Plan

- 1615 to 1633 – Public engagement and notice
- 1656 to 1661 – Holding provision by-law
- 1671 to 1673A – Temporary use provisions

Zoning By-law Z.-1

- 3.8 – Holding “h” zones
- 50 – Temporary (T) Zone

Municipal Act

- 23.1 – General power to delegate
- 23.3 – Powers that cannot be delegated

City of London Delegation of Powers and Duties Policy (By-law No. A.-6151(w)-421)

- 4.1 – Applicable legislation
- 4.2 – Powers that may be delegated
- 4.3 – Process for delegation

Appendix E – Revised London Plan Amendment

Add New Section:

DELEGATED AUTHORITY AND ALTERNATIVE ENGAGEMENT TECHNIQUES FOR MINOR AMENDMENTS

1633A_ City Council may delegate approval authority for minor amendments to the *Zoning By-law*. Such minor zoning by-law amendments are:

1. Removing a holding symbol where the requirements of the holding provision has been met.
2. Correcting of minor errors and omissions to the zoning by-law.
3. Housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

1633B_ A public meeting is not required for a minor zoning by-law amendment application described above unless concerns have been identified by written submission during the commenting period identified in the Notice of Application.

1633C_ A public meeting is not required for minor amendments to this Plan unless concerns have been identified by written submission during the commenting period identified in the Notice of Application. Such minor London Plan amendments are:

1. Correcting minor errors and omissions.
2. Housekeeping updates to reflect changes including but not limited to job titles, City departments, external agencies and organizations, or other policy documents, by-laws, and legislation.

Amend the Following Policies:

Underlined text indicates text additions.

1658_ The *Zoning By-law* will be amended by application to remove the holding symbol when City Council or its delegated approval authority determines that the requirements relating to the appropriate purpose as set out in the by-law have been met.

Appendix F – Draft London Plan Amendment

Add New Section:

DELEGATED AUTHORITY AND ALTERNATIVE ENGAGEMENT TECHNIQUES FOR MINOR AMENDMENTS

1633A_ City Council may delegate approval authority for minor amendments to the Zoning By-law. Such minor Zoning By-law amendments may include:

1. Removing a holding symbol where the provision has been met
2. Renewal of an existing temporary use provision, except where the temporary use includes a surface commercial parking lot in the Downtown Place Type.
3. Correcting of minor errors and omissions
4. Housekeeping updates to reflect changes to job titles, City departments, external agencies and organizations, or other policy documents and legislation.

1633B_ A public meeting is not required for a minor Zoning By-law Amendment application described above unless concerns have been identified by written submission during the commenting period identified in the Notice of Application, if required.

1633C_ A public meeting may not be required for minor amendments to this Plan unless concerns have been identified by written submission during the commenting period identified in the Notice of Application. Such minor London Plan amendments may include:

1. Correcting of minor errors and omissions
2. Housekeeping updates to reflect changes to job titles, City departments, external agencies and organizations, or other policy documents and legislation.

Amend the Following Policies:

1658_ The Zoning By-law will be amended by application to remove the holding symbol when City Council or its delegated approval authority determines that the requirements relating to the appropriate purpose as set out in the by-law have been met.