

Bill No. 281
2022

By-law No. A.- _____ - ____

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