



REPORT

TO: Mayor Bonnette and Members of Council

FROM: John McMulkin, Planner – Development Review

DATE: May 11, 2022

REPORT NO.: PD-2022-0026

SUBJECT: Public Meeting for Town-Initiated Amendments to the Town's Official Plan (OPA 46) – Delegated Authority for Holding Removal By-laws, Temporary Use By-laws, and minor Zoning By-law Amendments

RECOMMENDATION:

THAT Report No. PD-2022-0026, dated May 11, 2022, regarding the “Public Meeting for Town-Initiated Amendments to the Town’s Official Plan (OPA 46) – Delegated Authority for Holding Removal By-laws, Temporary Use By-laws, and minor Zoning By-law Amendments”, be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The Town is proposing an Official Plan Amendment (OPA 46) to enable Council to delegate its approval authority to staff for the passing of Holding Removal By-laws, Temporary Use By-laws, and minor Zoning By-law Amendments, in order to implement changes to the Planning Act resulting from Bill 13, Supporting People and Businesses Act, 2021.
- The delegation of these planning matters does not alter any notice or public meeting requirements, limit appeal rights, or change the requirement for decisions to be consistent with applicable planning policy documents.
- Criteria have been established for staff to consider Temporary Use By-laws and minor Zoning By-law Amendments to ensure only the authority for the passing of by-laws that are of a minor nature is delegated.

- An accompanying delegation of municipal powers and duties by-law will be required to implement the enabling Official Plan policies that is proposed to include a provision allowing Council to withdraw the delegated authority.
- The purpose of the Public Meeting is to obtain comments and feedback from the community. Any comments received will be thoroughly reviewed, evaluated, and included in the final Recommendation Report to Council at a later date.

BACKGROUND AND DISCUSSION:

Bill 13, Supporting People and Businesses Act, 2021, received Royal Assent on December 2, 2021.

Schedule 19 of the Bill made changes to the Planning Act and Municipal Act, 2001, that enable a municipal council to delegate the authority to pass by-laws under Section 34 of the Planning Act (i.e., Zoning By-laws) that are of a minor nature to a committee of Council, or an individual who is an officer, employee, or agent of the municipality. The authority to pass any type of Zoning By-law in Halton Hills is currently held exclusively by Town Council.

For a municipality to delegate the authority to pass certain Zoning By-laws, the Planning Act requires that the municipality's Official Plan provides policies to specify the types of by-laws that may be delegated. As per Bill 13, such by-laws may include:

- a by-law to remove a holding "H" symbol (Holding Removal By-laws);
- a by-law to authorize the temporary use of land, buildings, or structures (Temporary Use By-laws); and
- minor Zoning By-law Amendments (it is left to a municipality to identify how "minor" will be determined).

The Planning Act also provides that the delegation may be subject to conditions (criteria) set out by Council, and that Council may withdraw this authority at any time. In addition, a "delegation of municipal powers and duties" by-law must be passed by Council to put into effect the enabling Official Plan policies regarding the types of by-laws under Section 34 of the Planning Act that may be delegated to staff.

The delegation of these planning matters does not:

- alter any notice or public meeting requirements, where applicable;
- limit current appeal rights for an applicant, resident, or any other party; or
- change the requirement for planning decisions to be consistent with the Provincial Policy Statement, conform or not conflict with provincial plans, and conform to the Town and Region of Halton Official Plans.

The changes to the Planning Act through Bill 13 were made to help municipalities streamline their planning processes for more routine and technical applications, and shift some of the administrative responsibilities of making decisions under the Planning Act from elected officials to municipal staff or committees. The changes were also made

to help applicants avoid delays in approvals due to Council meeting and reporting cycles.

Official Plan Amendment (OPA) 46

OPA 46 establishes policies that enable Council to delegate the authority to pass by-laws under Section 34 of the Planning Act to an individual who is an officer or employee of the Town (i.e., Commissioner of Planning & Development or designate); see SCHEDULE 1 – DRAFT OFFICIAL PLAN AMENDMENT 46.

The types of by-laws proposed to be delegated to staff for a decision through OPA 46 include:

- a by-law to remove holding “H” symbols (Holding Removal By-laws);
- a by-law to authorize the temporary use of land, buildings, or structures (Temporary Use By-laws); and
- minor Zoning By-law Amendments.

To ensure any Temporary Use By-law or minor Zoning By-law Amendment is considered to be of a minor nature, the following criteria have been established:

- a) an Official Plan Amendment is not required, and the proposal maintains the general intent and purpose of the Town’s Official Plan, including its vision, goals, objectives, and policies;
- b) a Draft Plan of Subdivision is not required in accordance with Section F1.1 of the Town’s Official Plan; and
- c) any concerns raised by the public and/or Town staff during the application review and consultation process are resolved prior to the passing of the by-law.

Temporary Use By-laws or minor Zoning By-law Amendments that meet the above criteria would be delegated to staff for a decision following the statutory Public Meeting, which would continue to be held in front of Council, as per current practice. In addition, Temporary Use By-laws will still be subject to the Temporary Use By-law criteria contained in Section G4.1.2 of the Town’s Official Plan; see SCHEDULE 2 – TEMPORARY USE BY-LAW CRITERIA.

Holding Removal By-laws have been excluded from the above criteria given there are already specific conditions applied to each holding “H” provision that must be satisfied before it can be lifted.

Delegation of Municipal Powers and Duties By-law

As noted, a delegation of municipal powers and duties by-law must be passed by Council to put into effect the above enabling Official Plan policies.

It is intended that the delegation by-law will contain provisions regarding the types of by-laws under Section 34 of the Planning Act that may be delegated to staff and their associated criteria for delegation. In addition, the delegation by-law will contain a provision stating that Council may withdraw this authority at any time through a by-law,

including in anticipation of a Zoning By-law for which a final decision has not yet been made.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement has been conducted as follows:

April 28, 2022: Notice of Public Meeting published in Independent & Free Press

May 19, 2022: Courtesy Notice published in the Independent & Free Press

No comments have been received from the public as of the date this report was prepared.

The purpose of the Public Meeting is to obtain comments and feedback from the community. Any comments received from the public will be reviewed, evaluated, and included in the final Recommendation Report to Council.

INTERNAL CONSULTATION:

Staff consulted with the Region of Halton in the preparation of this report. Notice of the Statutory Public Meeting was also provided to the required agencies in accordance with the Planning Act.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Jeff Markowiak, Director of Development Review

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Officer