

The following table provides the opportunity to comment on [ERO 025-1097](#) and the associated proposed changes to the Planning Act (schedule 10 of Bill 60).

Description	Comments
Topic: Minor Variances (As-of-right Variations from Performances Standards)	
<p>Changes are proposed to the <i>Planning Act</i> to provide regulation-making authority to permit variances “as-of-right” for performance standards identified in the regulation (e.g., building height, lot coverage) on specific lands.</p> <p>The proposed changes would build on the changes put in place by Bill 17 which permitted “as of right” variation to a zoning by-law within a certain percentage (e.g., 10%) of the required regulation. While Bill 17 spoke specifically to setbacks from the property line, Bill 60 provides the opportunity for “as of right” variation from other zoning performance standards (e.g., building height, lot coverage).</p>	<p>Staff provided detailed comments on the proposed “as-of-right” variances included in the Bill 17 legislative and regulatory changes. Performance standards in a zoning by-law are the product of extensive evaluation and consultation, and they are not designed with the expectation that all new development could proceed at 90% of required setbacks or 110% of the maximum height. Zoning regulations are context-specific, as is the evaluation undertaken through a minor variance application. In more constrained urban environments, and in denser built forms where building coverage, site drainage, height, massing, and overlook all play critical roles in ensuring compatible development, “as-of-right” variations from setback, height, and lot coverage requirements can have consequences.</p> <p>There may be certain performance standard requirements that have been established such that even a 10% deviation from this minimum requirement may have negative impacts, particularly if impacts are compounded by successive reductions in requirements. For example, a 10% increase in lot coverage when applied City-wide may significantly increase the amount of impervious area within the City’s urban area, which could have impacts related to stormwater management. This impact could be compounded through the increasing frequency and severity of rainfall events associated with climate change.</p> <p>Staff reiterate previous comments on Bill 17 and recommend an alternative approach in which decision-making authority for minor</p>

	<p>variations to zoning provisions, within defined thresholds, be delegated to staff rather than granted “as-of-right.” This approach would allow staff to complete an expedited review of the potential impacts associated with the requested relief while avoiding the time and costs associated with bringing such matters to the Committee of Adjustment. In addition, City staff recommend developing a regulation for Conditional Zoning, which would provide flexibility in zoning regulations where certain municipality-specific conditions are met. This approach would also reduce the need to bring applications before the Committee of Adjustment.</p>
<p>Topic: Policy Statements and Minister’s Decisions</p>	
<p>The province is proposing amendments to the <i>Planning Act</i> that would remove the requirement for minister’s decisions, concerning properties outside the Greenbelt Area, to be consistent with provincial policy statements (e.g., the PPS 2024). This proposed amendment would apply to both future and past minister decisions.</p>	<p>Provincial plans and policies set the direction and rules for how Ontario grows. They exist to guide local Official Plans, ensure consistency in land use decisions, and uphold the Province’s own stated interests. These policies are also what the Ontario Land Tribunal relies on to determine whether local decisions meet provincial objectives.</p> <p>Through Bill 97 (<i>Helping Homebuyers, Protecting Tenants Act</i>), the Province has already given the Minister sweeping powers to issue Zoning Orders not consistent with Provincial plans and policies. Expanding these powers even further in a manner not consistent with Provincial policy (except for the Greenbelt) further undermines certainty in the planning system. From a rural perspective removing this requirement from the Planning Act could weaken the policy framework that protects Ontario’s agricultural land base, natural resources, and long-term food security.</p> <p>From a climate change perspective, the Provincial Planning Statement (2024) includes foundational wording in Section 2.9 - Energy Conservation, Air Quality, and Climate Change, requiring municipalities to ensure that planning is undertaken in a manner</p>

	<p>that reduces greenhouse gas emissions and prepares for the impacts of a changing climate. To move in a direction that enables the Minister to make decisions that are not consistent with Provincial Planning Statement runs the risk of putting Ontarians at risk of exacerbated impacts from climate change.</p> <p>Overall, this approach undermines the intent of the Provincial Planning Statement, erodes public trust, and reduces transparency of decision making. If the Province is concerned the policies are not working as intended, City of Hamilton staff encourage that the policies be updated through collaboration with municipalities and industry.</p>
<p>Topic: Minister’s Zoning Orders</p>	
<p>Currently Minister’s Zoning Orders (MZOs) are made by the minister through regulation. The Province is proposing changes to the <i>Planning Act</i> to allow MZO’s to be made by non-regulatory orders.</p> <p>Through ERO Posting 025-1097 the Province has indicated that this proposed change would allow the Minister to make faster decisions aimed at supporting provincial priorities such as supporting long-term care, transit-oriented communities and housing.</p>	<p>City staff support the use of Minister’s Zoning Orders (MZOs) where they advance provincial priorities such housing affordability. However, the proposed changes could result in a loss of public transparency. City staff also caution that this approach could encourage broader reliance on MZOs in place of development proceeding under existing provincial policies, Official Plans, and Zoning By-laws.</p> <p>Staff recommend that the Province explore options to publish additional information on MZOs beyond what is currently required under the Planning Act regulation. This could include publicly available drawings, technical studies, or other materials associated with a proposal. Providing this information would improve transparency and help the public better understand what is being approved.</p> <p>Building on previous City of Hamilton comments regarding MZOs, staff further recommend expanding opportunities for collaboration between the Province, municipalities, and private and non-profit housing providers to ensure that proposals effectively deliver on</p>

	provincial priorities. When provincial decisions occur without local consultation, outcomes may overlook infrastructure constraints and community needs.
Topic: Protected Major Transit Station Areas	
The Province is proposing changes to the <i>Planning Act</i> that would remove the requirement for Ministerial approval of Official Plan Amendments that authorize residential uses on subject land within a Protected Major Transit Station Area (PMSTA). Amendments proposed to alter the other required PMTSA Official Plan policies (e.g., minimum densities) would not be exempted from Ministerial approval.	Staff are supportive of this change which will decrease the amount of time it takes municipalities to make modifications to established Protected Major Transit Station Areas.
Topic: Community Improvement Plans	
The Province is proposing changes to the <i>Planning Act</i> to support the flexible implementation of Community Improvement Plans (CIPs). When the Province removed planning responsibilities from a number of upper-tier municipalities, the corresponding upper-tier CIPs were made void, and those upper-tier municipalities lost their ability to establish CIPS or fund lower-tier municipal CIPS.	These changes impact only upper and lower two-tier municipalities. Staff have no comment.