

The Corporation of The Town
of New Tecumseth

By-law

Number 2022-107

“Pre-Consultation for Submission of Planning Applications and Complete Applications”

A by-law to require consultation prior to submission of planning applications and determination for completeness of planning applications, applicable to all lands within the Town of New Tecumseth.

Whereas Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act R.S.O. 1990, as amended, allow municipalities to pass by-laws to require applicants to consult with the municipality prior to the submission of planning applications;

And Whereas the Town of New Tecumseth Official Plan contains provisions requiring pre-consultation for Official Plan Amendments, Zoning By-law Amendment, Draft Plans of Subdivisions, Draft Plans of Condominiums and Site Plans;

And Whereas the Council of the Corporation of the Town of New Tecumseth deems it necessary to require pre-application consultation with Owners and/or Applicants submitting planning applications;

And Whereas the Council of the Corporation of the Town of New Tecumseth has deemed it expedient to delegate certain duties of the Planning Act R.S.O. 1990, as amendment, relating to completeness of planning applications; and

And Whereas Sections 22(6.1), 34(10.4), and 51(19.1) of the Planning Act R.S.O. 1990, as amendment, authorizes Council to review completeness of the planning applications;

Now Therefore the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows:

1. Definitions

In this By-law:

- a) “Act” means the Planning Act, R.S.O. 1990, as amended from time to time;
- b) “Applicant” means the Owner of the property that is the subject of Planning Act Application or the person who is authorized in writing by the Owner to make a Planning Act application. Authorization is provided through declaration on the application form, which has been provided by the Town;
- c) “Council” means the Council of the Town of New Tecumseth;
- d) “County” means the Corporation of the County of Simcoe;
- e) “Owner” means a person(s), corporation(s), joint venture or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;
- f) “Official Plan” means the Town of New Tecumseth Official Plan, as amended from time to time;
- g) “Planning Application” means Official Plan Amendment, Zoning By-law Amendment, Site Plan Control Approval, Draft Plan of Subdivision, Draft

Plan of Condominium, pursuant to the Act, and any other Planning/Development matters;

- h) "Pre-Application Consultation" means the initial process for outlining the requirements set out in the Act and this By-law;
- i) "Pre-Consultation" means the process for fulfilling the requirements of Pre-Application Consultation and as set out in the Act and this By-law;
- j) "Province" means the Government of the Province of Ontario.
- k) "Record of Consultation" means the document prepared by Town staff and will include the date, or dates, that the Pre-Application Consultation Stage 1 meeting was held, a copy of a written summary of the proposed application and a copy of a written statement identifying the information, material, approvals and comments, in accordance with the Official Plan that is required;
- l) "Record of Comment" means the documentation prepared by Town staff providing comments based upon the submission of the Pre-Application Consultation 2 Requirements in order for the Owner or Applicant to potentially proceed with the submission of a future Planning Application; and
- m) "Town" means the Corporation of the Town of New Tecumseth.

2. Pre-Application Consultation Stage 1 Requirements

- 2.1. That the Owner or Applicant intending to make application to the Town for a Planning Application will be required to submit a Pre-Application Consultation Stage 1 request with the Town's Development Application Review Team (DART) with the required fees. This is required prior to proceeding to Pre-Application Consultation Stage 2.
- 2.2. That the Owner or Applicant attend a Pre-Consultation Meeting with the Town's DART in order to present the proposed development.
- 2.3. That the Town staff be authorized to identify the information, material and approvals necessary to process a Planning Application including staff comments, prior to the Pre-Application Consultation Stage 2 submission documentation after the Pre-Consultation Meeting in accordance with the Official Plan.
- 2.4. That Town staff shall prepare a Record of Consultation from the Pre-Consultation Meeting and deliver it to the Owner or Applicant within thirty (30) days of the date of the last Pre-Consultation meeting.

3. Pre-Application Consultation Stage 2 Requirements

- 3.1. That the Owner or Applicant intending to make application to the Town for a Planning Application be required to submit a Pre-Application Consultation Stage 2 documentation submission with the required fees only after the Pre-Application Consultation Stage 1 Requirements have been completed.
- 3.2. That the Pre-Application Consultation Stage 2 Requirements apply to the following types of Planning Applications:
 - 3.2.1. Official Plan Amendment
 - 3.2.2. Zoning By-law Amendment
 - 3.2.3. Plan of Subdivision
 - 3.2.4. Plan of Condominium
 - 3.2.5. Site Plan Control
- 3.3. That the Owner or Applicant, shall submit the following for Town Staff to proceed with the Pre-Application Consultation Stage 2:
 - 3.3.1. Required fees pursuant to the Town's Planning and Engineering Fees By-law, as amended from time to time;
 - 3.3.2. Record of Consultation; and

- 3.3.3. Reports, Studies, Plans, Drawings, and any information required in the Record of Consultation and that they be in compliance and/or conformity to the applicable Town standards and by-laws.
- 3.4. That upon review, if Town staff determines that the submission documentation for Pre-Application Consultation Stage 2 is incomplete, the Town shall notify the Owner or Applicant to resubmit.
- 3.5. Where there are more than two additional submissions, additional Pre-Application Consultation Stage 2 Requirements fees are required.
- 3.6. That upon receipt of and a satisfactory review of the submission documentation for Pre-Application Consultation Stage 2, Town staff will prepare a Record of Comment within forty-five (45) days, thereby also notifying that the Owner or Applicant can proceed with the submission of a Planning Application.

4. Complete Planning Application Requirements

- 4.1. That the Owner or Applicant, shall submit the following for a Planning Application in accordance with the Town's Official Plan and this By-law:
 - 4.1.1. Minimum submission requirements for the Planning Application in accordance with the Act;
 - 4.1.2. Required fees pursuant to the Town's Planning and Engineering Fees By-law, as amended from time to time;
 - 4.1.3. Record of Consultation;
 - 4.1.4. Reports, Studies, Plans, Drawings, supporting document, and any information required in the Record of Consultation or further identified as part of the Record of Comment;
 - 4.1.5. Record of Comment;
 - 4.1.6. Required peer reviews have been found to be satisfactory by the Town; and
 - 4.1.7. All confirmations, comments addressed, clearances, permits, and/or approvals outlined in the Record of Consultation, and received as part of the Pre-Application Consultation Stage 2 requirements for Town departments, as well as County, Provincial, and Federal boards, agencies, or commissions.
- 4.2. That Town staff are authorized to deem an application complete or incomplete within the prescriber period of time set out in the Act.
- 4.3. That in the absence of consultation at the Pre-Application Consultation Stage 1 and Stage 2 Requirements, Town staff are authorized to deem a Planning Application incomplete and refuse to accept the Planning Application until such time as the pre-application consultation is completed in accordance with Sections 2 and 3 of this By-law.
- 4.4. That Town staff may determine a Planning Application to be incomplete pursuant to the Planning Act where:
 - 4.4.1. A County Official Plan Amendment is required;
 - 4.4.2. A Secondary Plan is required;
 - 4.4.3. A Block Plan is required;
 - 4.4.4. The Owner or Applicant is proposing public infrastructure through a Zoning By-law Amendment application or Site Plan application;
 - 4.4.5. In the case of a Draft Plan of Subdivision application and/or Draft Plan of Condominium application, if it does not conform to the Official Plan and/or comply with the Town's Zoning By-law;
 - 4.4.6. In the case of a Zoning By-law Amendment application, if it does not conform to the Official Plan and the subject lands are not within an existing lot of record or a lot within a registered Draft Plan of Subdivision or within a registered phase of a Draft Plan of Subdivision;
 - 4.4.7. In the case of a Site Plan Control application, if it does not conform

to the Official Plan and does not comply with the Town's Zoning By-law; and

4.4.8. Indigenous communities have not been consulted, where required.

5. Exemptions

5.1. That despite Sections 2.1 and 3.1, Town staff can waive the requirements for pre-consultation on a Planning Application, if the Town staff determines that there is no need for pre-consultation prior to the Planning Application being submitted.

6. Administration

6.1. Abandoned Files

6.1.1. That after any pre-consultation on a Planning Application, the Owner or Applicant shall submit the Planning Application within one year of the date the Record of Comment has occurred, otherwise, the Application will be considered to be abandoned and subsequently closed by the Town.

6.1.2. That the Record of Consultation and Record of Comment shall be considered to be abandoned and subsequently closed by the Town, if:

6.1.2.1. The Province has enacted legislative changes to the Act, that establishes new provisions;

6.1.2.2. The Province has issued a new Provincial Policy Statement, that establishes new Provincial policy direction;

6.1.2.3. The County has adopted a County Official Plan, that establishes new land use policy direction;

6.1.2.4. The Town has adopted an Official Plan or Official Plan Amendment, that establishes new land use policy directions; and

6.1.2.5. The Town has enacted a Zoning By-law or Zoning By-law Amendment, that establishes changes to land use regulation.

6.1.3 That upon Sections 6.1.1. and 6.1.2. of this By-law occurring, a new Pre-Application Consultation pursuant to Sections 2 and 3 of this By-law, will be required for future consideration of a Planning Application.

6.2. Fees

6.2.1. That Pre-consultation is subject to fees as set out in the Town's Planning and Engineering Fees By-law, as amended time to time.

7. Enactment

7.1. That this By-law shall come into force and take effect upon the final passing thereof.

Read a first, second and third time and finally passed this 3rd day of October, 2022.

Mayor

Clerk