



Official Plan Amendment No. #3

**To the Official Plan of the Town of New
Tecumseth**

November 2022

Approved by the County of Simcoe on 11/08/2022.

Amendment No. #3 to the Official Plan for the Town of New Tecumseth

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The Constitutional Statement

The following Amendment to the Official Plan for the Town of New Tecumseth consists of three parts:

Part A – The Preamble – consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment; and,

Part B – The Amendment – which sets out the actual Amendment and consists of the text and Schedules constitutes Amendment No. #3 to the Official Plan for the Town of New Tecumseth; and,

Part C – The Appendix – consists of information pertinent to this Amendment in the form of a record of New Tecumseth Council's actions and does not constitute a part of the actual Amendment.

Part A – The Preamble

Official Plan Amendment No. #3 to the Official Plan of the Town of New Tecumseth

1.0 Purpose

Official Plan Amendment No. 3 is to update the Town's Official Plan to implement and update minimum submission requirements for Site Plan Control applications, and to implement and update minimum submission requirements for official plan amendments, zoning by-law amendments, plans of subdivision, plans of condominium and applications for consent. This is a result of recent updates to the Planning Act through Bill 109 – More Homes for Everyone Act, 2022 that received Royal Assent, in part, on April 14, 2022.

2.0 Location

The policies contained within this Amendment apply generally across the Town.

3.0 Basis

In December 2021, the Province established the Ontario Housing Affordability Task Force to provide recommendations to the Minister of Municipal Affairs and Housing on potential actions to make housing more affordable for Ontario families. The Task Force released a report in February 2022 with 55 recommendations focused on addressing housing supply. Bill 109 was tabled at the end of March 2022 and soon followed the Bill receiving Royal Assent, in part, on April 14, 2022, entitled the More Homes for Everyone Act, 2022.

There is a wide range and type of regulatory changes within Bill 109 and one of the most significant impacts is to the Planning Act that focuses on streamlining municipal decision-making processes. Expedited approvals require municipalities to partially refund on a graduated schedule, an application fee to applicants who do not receive a decision on a planning application within a prescribed timeframe.

Another significant change within Bill 109 is how site plan control is implemented. Municipal Councils are required to delegate site plan control decisions to staff for all applications received on or after July 1, 2022. The site plan application decision-making timeline, as of January 1, 2023, will be 60 days. An applicant can appeal a municipality's failure to approve their site plan application to the Ontario Land Tribunal beginning 60 days after the application was deemed complete. Complete application requirements for site plan applications are to be established in the municipal official plan, similar to current complete application requirements for other types of applications under the Planning Act. An owner has recourse if the municipality fails to approve the required plans and drawings within thirty (30) days of them being submitted.

As such, the key purpose of this Amendment is to implement the policies of the Planning Act associated with Bill 109 within the Town of New Tecumseth Official Plan to ensure there are site plan control complete application submission requirements. Further, the Amendment will update the submission requirements for other types of planning applications including official plan amendments, zoning by-law amendments, plans of subdivision/condominium and applications for consent. Administrative changes are also

proposed to increase alignment between the Town's Site Plan Submission Guideline and the Official Plan. The Town also requires mandatory pre-consultation for the above noted planning applications and this requirement will be included in the Amendment as well as reference to a future Pre-Consultation By-law to strengthen the process.

Overall, the policies of this Amendment will conform to the recent Planning Act changes and provide clarity in the updated complete application submission process to continually improve the development application process.

Part B – The Amendment – Details of the Amendment

4.0 Introductory Statement

“Part B – The Amendment” consisting of the following text constitute Amendment No. #3 to the Official Plan of the Town of New Tecumseth.

5.0 Details of the Amendment

The Official Plan of the Town of New Tecumseth is amended as follows:

Item 1 10.5 Complete Applications

1.1 Revise Section 10.5 a) to divide the section into further subsections for ease of implementation and is now:

Section 10.5 a) This Official Plan is not a static document. Amendments to this Plan are sometimes required, provided that the Amendment conforms to the general intent, goals and objectives of this Official Plan. In some cases, this Official Plan requires that an Amendment be obtained to provide for the *development* of a specific use.

Section 10.5 b) Amendments to the Implementing Zoning By-law are more common and are often intended to implement the policies of the Official Plan on a specific property or in a specific area.

1.2 Add a policy that is now Section 10.5 c) to include the reference to an application to Site Plan Control:

Section 10.5 c) To make improvements and/or changes to the exterior of a building or a site/property, an application for Site Plan Control may be required to be submitted and then approved by the delegated staff member.

1.3 Revise new Section 10.5 d) (formally a portion of Section 10.5 a) to include Plans of Condominium to ensure a complete list of applicable applications:

Section 10.5d) To create new conveyable parcels of land in the Town, an application for Plan of Subdivision, Plan of Condominium or Consent has to be submitted and then approved.

1.4 Revise former Section 10.5 b) to reflect inclusion of site plans as well as requiring approvals upfront from agencies, boards and ministries as new Section 10.5 e):

Section 10.5 e) To ensure that Council can make an informed decision on any of the above applications and in order to ensure that the public understands the implications of the application, technical studies, plans, and the agency, board and/or Ministry approvals that are required.

1.5 Revise former Section 10.5 c) to reflect the inclusion of site plan control, alignment with citing studies, plans and approvals and fees that are required as new Section 10.5 f):

Section 10.5 f) The *Planning Act*, permits municipalities to set out what their requirements are in the form of technical studies, plans, and approvals to support an application to amend the Official Plan or the Zoning By-law, application for Site Plan Control, and approve a Plan of Subdivision or Consent. Once this required information has been submitted, the application including fees is then deemed to be 'complete' in accordance with the *Planning Act*, with this date being the date on which the processing time frame in the *Planning Act* begins. In addition, applicants cannot appeal a non-decision on their application once the application is complete until the processing time frames set out in the *Planning Act* have elapsed.

1.6 Revise Section 10.5 to provide an option to an owner or applicant of a planning application to waive the Planning Act statutory decision deadlines in order to work towards a decision within a timely manner as new Section 10.5 g):

Section 10.5 g) To ensure that Council can make an informed decision on any of the above planning applications and in order to ensure that the public understands the implications of the application, the owner or applicant of the planning application may waive the Planning Act statutory timeframes for a Council decision to work with the Town expeditiously towards a decision within a timely manner.

Item 2 Section 10.5 Complete Application Requirements

2.1 Amend Section 10.5 to include a new subtitle "Complete Application Requirements" that follow new Section 10.5 h).

2.2 Add in a new subsection to prescribe what Complete Application Requirements include:

Section 10.5 h) An application will be considered to be complete if:

2.3 Add in subsections to 10.5 h) to identify the supporting documentation, comments, approvals required, and fees to be paid:

Section 10.5.h) i) It is accompanied by the required information and supporting documents outlined in Sections 10.5 h), i), and j) as identified in the mandatory pre-consultation.

Section 10.5.h) ii) Town department, County, Provincial, Federal, boards, agencies, and commissions comments addressed and/or approvals are submitted as identified in the mandatory pre-consultation.

Section 10.5.h) iii) Plans, drawings and documents are in compliance, and/or conformity to the applicable Town standards including but not limited to the Town of New Tecumseth Site Plan Submission Guideline, Town of New Tecumseth Engineering Design Criteria and Standards, and Urban Design Guidelines.

Section 10.5.h) iv) Payment of all applicable fees are submitted.

2.4 Add in a new section 10.5 i) and subsections i), ii) and iii) to indicate when an application is not considered complete:

- i) An application will not be considered to be complete:
 - i) 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.
 - ii) 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.
 - iii) 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.

Item 3 Section 10.5 Minimum Submissions Requirements

3.1 Amend former 10.5 d) as renumbered to 10.5 j) to include site plan control in the list:

Section 10.5 j) The following are the minimum submissions requirements for Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Consent and Plan of Subdivision/ Condominium applications:

3.2 Add in a new subsection to Section 10.5 j) to include the Planning Act reference to site plan control and that site plan control applications are to adhere to the Town's Site Plan Control By-law:

Section 10.5 j) iii) The minimum submission requirements for a Site Plan Control application as set out in Schedule 41(4) of the Planning Act.

Applications for Site Plan Control shall be in accordance with the Town's Site Plan Control By-law.

3.3 Sections 10.5 h) ii and iv) are now renumbered to Sections 10.5 j) v and vi).

Item 4 Section 10.5 Supplemental Submissions Requirements

4.1 Amend Section 10.5 k) and l) (formerly Sections 10.5 e) and f)) to include site plan control into the list of minimum requirements:

Section 10.5 k) This section lists the studies, plans or items required to support an application for Official Plan Amendment, Zoning By-law Amendment, application for Site Plan Control, Plan of Subdivision/Condominium or Consent, in addition to the minimum submission requirements identified in this Section. The determination of which studies, plans or items are required shall be made at the pre-consultation phase.

Section 10.5 l) The following may be required to support an application for Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Plan of Subdivision/ Condominium, or Consent:

4.2 Amend specific study, report, assessment, evaluation, and plan titles to reflect alignment to the Town of New Tecumseth Site Plan Submission Guideline and other Town documents in Section 10.5 l):

Section 10.5 l) i) Land Use Planning Report be renamed Planning Justification Report;

Section 10.5 l) ix) Master Servicing Plan to be renamed Master and Site Servicing Plan;

Section 10.5 l) x) Stormwater Management Report to be renamed Stormwater Management Report and Plan;

Section 10.5 l) xi) Servicing Study to be renamed Functional Servicing Study;

Section 10.5 l) xiii) Archaeological Assessment to be renamed Archaeological Assessment Study;

Section 10.5 l) xix) Tree Preservation Study to be renamed Tree Inventory and Preservation Study and Plan;

Section 10.5 l) xxvi) Written notice from the Risk Management Official under Section 59 of the Clean Water Act to be renamed Source Water Protection Approval with Section 59 Notice of the Clean Water Act;

Section 10.5 l) xxvii) Record of Site Condition to be added for sensitive land uses where clearance is required from the Ministry of the Environment, Climate Change and Parks;

Section 10.5 l) xxviii) Soil Management Plan to be added to reflect provincial regulations on soil management;

Section 10.5 l) xxix) Salt Management Plan, in accordance with the Site Plan Submission Guideline to be added for potentially sensitive areas and usually in conjunction with source protection sensitive areas;

Sections 10.5 l) xxvii) and xxviii) are now renumbered to Sections 10.5 l) xxx) and Section 10.5 l) xxxi).

Item 5 Section 10.5 Pre-Consultation

5.1 Amending Section 10.5 m) (formerly Section 10.5 g)) to include site plan control to the list of mandatory pre-consultation application types in addition to a proposed Town Pre-Consultation By-law to be developed:

Section 10.5 m) Prior to the submission of an application for Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Plan of Subdivision/Condominium, Minor Variance or Consent, applicants are required to meet with appropriate Town Staff, the County and relevant agencies, including the applicable conservation authorities, to determine what studies, plans and

items are required to support an application in accordance with this Section of this Official Plan and the Town's Pre-Consultation By-law.

5.2 Amending Section 10.5 n) (formerly Section 10.5 h)) to add that any pre-consultation will occur in accordance with a Town Pre-Consultation By-law to be developed:

Section 10.5 n) The intent of the pre-consultation process is to determine the scale and scope of any required study, plan or item with this scale and scope being dependent on the size of the proposal, its relationship to adjacent land uses and the type(s) of planning approval(s) required. The details of the pre-consultation process shall be included in the Town's Pre-Consultation By-law.

5.3 Sections 10.5 i), j) and k) are now renumbered to Sections 10.5 o), p) and q).

Item 6 Section 10.10 Site Plan Control

6.1 Amending Section 10.10 b) to exempt freehold townhouse blocks developed as part of the Plan of Subdivision application process from Site Plan Control as site plan matters are already addressed in a subdivision agreement as part of a larger development proposal:

Section 10.10 b) The entire Town of New Tecumseth, with the exception of land used for agricultural or horticultural purposes and single or semi-detached dwellings or freehold townhouse blocks, developed as part of a Plan of Subdivision is designated as a Site Plan Control Area.

6.2 Amending Section 10.10 d) to remove approval authority of Council or a Committee of Council to be in accordance with Planning Act changes for site plan control where approval authority has been delegated to staff:

Section 10.10 d) In areas designated as site plan control areas under a by-law passed in accordance with Section 41 of the Planning Act an official delegated by Council, may require, as a condition of development or redevelopment, the entering into of an agreement between the Town and the landowner. Such an agreement may stipulate, through the text of the agreement and/or through the use of plans and drawings, the location of all buildings and structures to be erected and show or describe the location of all works and facilities to be provided, or any other items provided for under Section 41 of the Planning Act, as amended.

Item 7 Various Sections of Additional Site Plan Control Requirements

7.1 Amending several sections in the Official Plan some of which are not in alignment with the Town's Site Plan Submission Guideline, Engineering Design Criteria and Standards. The proposal is to remove several of these sections and rely upon other site plan control requirements as outlined in the Amendment and Town documents to reduce potential conflict:

7.2 Section 5.2.2 n) is revised by removing the reference to being subject to Site Plan Control:

Section 5.2.2 n) *Bed and breakfast establishments* are permitted subject to the following criteria:

7.3 Section 5.3.2 y) is revised by removing the reference to being subject to Site Plan Control as there is already a general policy for Section 5.3 h) Urban Commercial that all new proposals in this land use designation are subject to Site Plan Control:

Section 5.3.2 y) The Town shall consider the preparation of a Community Improvement Plan, and the designation of a Community Improvement Project Area for the purposes of:

7.4 Section 5.3 h) is revised to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline:

Section 5.3 h) The development of new buildings or additions for commercial, office and multi-unit residential uses on a lot shall be subject to an amendment to the Implementing Zoning By-law.

7.5 Section 5.3 j) is revised by removing the reference to being subject to Site Plan Control as there is already a general policy for Section 5.3 h) Urban Commercial that all new proposals in this land use designation are subject to Site Plan Control:

Section 5.3 j) The Town shall consider the preparation of a Community Improvement Plan, and the designation of a Community Improvement Project Area for the purposes of:

7.6 Section 5.3.4 g) is removed in its entirety to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline.

7.7 Section 5.3.4 h) is revised to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline:

Section 5.3.4 h) Where mid-rise and/or high-rise residential uses are proposed, either in stand-alone or mixed-use buildings, the Implementing Zoning By-law shall ensure that:

- i) The site is in proximity to community facilities such as parks, schools and open spaces; and,
- ii) The site has adequate land area to incorporate the building, on-site parking and appropriate buffering such as setbacks, landscaping and fencing.

7.8 Section 5.3.5 h) is removed in its entirety to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline.

7.9 Section 5.3.5 j) is revised to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline:

Section 5.3.5 j) Where mid-rise and/or high-rise residential uses are proposed, either in stand-alone or mixed-use buildings, the Implementing Zoning By-law shall ensure that:

- i) The site is in proximity to community facilities such as parks, schools and open spaces; and,
- ii) The site has adequate land area to incorporate the building, on-site parking and appropriate buffering such as setbacks, landscaping and fencing.

7.10 Add a policy that is now Section 5.4.1 e) to include an overall statement to require an Implementing Zoning By-law and Site Plan Control for all new development within the Urban Employment land use designations:

Section 5.4.1 e) All new development within any employment designation shall be subject to Site Plan Control. In addition, the Implementing Zoning By-law shall contain provisions relating to building siting, location, and massing to implement the urban design policies of this Official Plan.

7.11 Sections 5.4.1 e), f), g) and h) and are now renumbered to Sections 5.4.1 f), g), h) and i).

7.12 Section 6.2.1 k) is removed in its entirety to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline.

7.13 Sections 6.2.1 l), m), n), o), p), q) r), s) t) and u) are now renumbered to 6.2.1 k), l), m), n), o), p), q) r), s) and t).

7.14 Section 6.2.3 e) is removed in its entirety to remove the reference to Site Plan Control as well as the criteria to reduce conflict with the Town Site Plan Submission Guideline.

7.15 Sections 6.2.3 f) is now renumbered to 6.2.3 e).

7.16 Section 9.4.7 a) is revised to remove the criteria to reduce conflict with the Town Site Plan Submission Guideline:

Section 9.4.7 a) Council will require that all developments incorporate sufficient off-street parking spaces to meet the anticipated needs of the proposed land use, in order to maintain safe and convenient transportation corridors Town-wide. In the case of development in the Downtown Core Commercial designation, the Town may accept cash-in-lieu of parking in accordance with the Town's cash-in-lieu by-law. The Town's Comprehensive Zoning By-law will establish the minimum number of spaces required for each type of land use.

Design standards for the location, layout, construction, lighting and landscaping of off-street parking areas will be applied through the site plan control review and approval process. The intent of such standards will be to achieve safe access,

efficient usage, improved aesthetics and reduced impacts on adjacent land uses and transportation corridors.

7.17 Section 10.14 e) iv) is revised to remove the reference to Site Plan Control:

Section 10.14 e) iv) Site planning and design will minimize the impact of the proposed extension on neighbouring conforming uses and includes, where appropriate, measures such as fencing, landscaping, and setbacks;

6.0 Implementation

This Amendment to the Official Plan for the Town of New Tecumseth shall be implemented by the relevant provisions in Section 10 Implementation and Interpretation, in the Official Plan.

7.0 Interpretation

The provisions set forth in the Official Plan of the Town of New Tecumseth, as amended from time to time regarding the interpretation of that Plan, shall apply in regard to this Amendment, and as may more specifically be set out or implied within the policies contained herein.

Part C – The Appendix

Record of New Tecumseth Council Action

On August 24, 2022, a statutory public meeting was conducted to provide an opportunity for Committee members, Staff and the general public to gain insight and ask questions regarding the Amendment. No members of the public submitted written comments or spoke at the public meeting.

On September 26, 2022, a recommendation report was brought forward to the Committee of the Whole meeting outlining the following recommendations:

- That Report #PD-2022-40 be received;
- That an Official Plan Amendment, substantially in the form of as Attachment No. 3#, seeking the inclusion of Site Plan Control submission requirement policies and updates to the submission requirement policies for other types of planning applications, be adopted and brought forward for Council's consideration at the Council Meeting on October 3, 2022;
- And further that a by-law be enacted to adopt an official plan amendment substantially in the form to Report #PD-2022-40;

On October 3, 2022, Town of New Tecumseth Council adopted OPA No. 3.