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## **The Corporation of the City of Peterborough**

### **By-Law Number 24-[Clerk's Office will assign the number]**

Being a By-law to establish a pre-consultation protocol that applicants may follow prior to the submission of certain planning applications and to repeal By-law Number 23-032

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**Whereas** Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits applicants to consult with the municipality prior to submitting applications for any Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval and Plan of Subdivision or Condominium;

**And Whereas** the City of Peterborough Official Plan encourages consultation with the City prior to the submission of an application for an Official Plan Amendment, Zoning By-Law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan Approval and Consent;

**And Whereas** the City of Peterborough Official Plan contains policies identifying the types of information and materials that may be requested and/or required to assist in the review of an application before the application is deemed complete;

**And Whereas** Subsections 22(6), 34(10.3), 41(3.5) and 51(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, authorizes the approval authority to deem an application for an Official Plan Amendment, Zoning By-Law Amendment, Site Plan and Plan of Subdivision or Condominium complete or refuse to accept or further consider the application;

**And Whereas** Subsections 22(6.1), 34(10.4), 41(3.6) and 51(19.1) of the Planning Act R.S.O. 1990, c. P.13, as amended, requires the approval authority to notify the applicant whether the information and materials provided in support of an Official Plan Amendment, Zoning By-Law Amendment, Site Plan and Plan of Subdivision or Condominium application is complete within 30 days of the payment of the required fee for an application;

**And Whereas** the Council of the City of Peterborough passed By-law Number 23-032 to identify the requirements of a complete application;

**And Whereas** the Council of the Corporation of the City of Peterborough deems it advisable to establish a pre-consultation framework enabling applicants to consult with the City prior to the submission of planning applications;

**Now Therefore**, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### **1. Definitions**

**“Applicant”** means a person or public body, including the property owner or their authorized agent who makes or intends to submit a development application, but shall exclude the City;

**“Director”** means the Director of Planning, Development and Urban Design of the City of Peterborough, or any successor thereto, or their designate;

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**“Complete Application”** means an application which (1) includes the prescribed information and material under the Planning Act; (2) meets the requirements of Section 4(a) and, if applicable, Section 4(b) herein; and (3) provides any other information and material deemed necessary by the Director for the evaluation of an application in accordance with the provisions of the Planning Act, the City of Peterborough Official Plan, and the City’s by-laws;

**“Pre-Consultation”** means a documented process and/or meeting(s) between the Applicant and the City prior to the submission of a Planning Application to the City to discuss the proposed Planning Application and submission requirements;

**“Planning Application”** means an application pursuant to the Planning Act for an Official Plan Amendment, a Zoning By-law Amendment, Site Plan Approval, Draft Plan of Subdivision or Draft Plan of Condominium.

**“Pre-Screen Meeting”** means a meeting between the Applicant and a City of Peterborough Planner to discuss the requirements for a Pre-Consultation application;

**“Planning Act”** means the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor thereto; and,

**“Record of Pre-Consultation”** means a written record issued by the City to the Applicant acknowledging:

- a) That Pre-Consultation has taken place;
- b) The sequence of required Planning Applications, where two or more Planning Applications are anticipated to support a development proposal on the same land; and,
- c) The information and materials required by the City and other affected agencies to proceed with the Planning Act process(es).

**2. Voluntary Pre-Consultation**

- a) An Applicant may opt-in to complete Pre-Consultation prior to the submission of the following Planning Applications to the City:
  - i) Official Plan Amendment;
  - ii) Zoning By-law Amendment;
  - iii) Site Plan;
  - iv) Draft Plan of Subdivision; and,
  - v) Draft Plan of Condominium.
- b) A Pre-Screen Meeting is recommended and strongly encouraged prior to submitting a Pre-Consultation application.
- c) If an Applicant requests a Pre-Screen Meeting and/or applies for Pre-consultation, the applicant is deemed to have opted in to the Pre-consultation process offered by the City, and the applicant is required to submit a Pre-Consultation application form and the required supporting material as described in the application form prior to the item being scheduled at a Pre-Consultation meeting.
- d) The City shall provide the Applicant with a Record of Pre-Consultation following the Pre-Consultation meeting. The Record of Pre-Consultation shall remain valid for a period of one (1) year from date of issuance.

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- e) Further Pre-Consultation is advisable, where an Applicant has not submitted within one (1) year, the required information and materials as identified in the Record of Pre-Consultation. Further Pre-Consultation may be required/advisable when applicable City or Provincial policies are amended or substantive changes are made to the proposed application.
- f) The Pre-Consultation process shall be subject to a fee as set out in City's User Fees By-law or equivalent, as amended from time to time.

**3. Opting out of Pre-Screen and Pre-consultation**

Despite Section 2 of this By-law, the applicant may opt-out of Pre-Screen and Pre-consultation and proceed directly to the submission of Planning Act application(s) and fee(s), together with any prescribed information and material required in support of the application(s).

The City's User Fees By-law or equivalent, as amended from time to time, shall reflect the nature of application(s) that opt-in and opt-out of Pre-Screen and Pre-consultation.

The determination of complete application(s) as provided for under Section 4 of this by-law shall continue to apply.

**4. Complete Application Requirements – Planning Applications**

- a) All Planning Applications, to be a Complete Application, shall include the following:
  - i) All completed requisite application forms, including any required authorizations;
  - ii) All required fees pursuant to the City's User Fees By-law or equivalent and Section 69 of the Planning Act;
  - iii) All information and materials required pursuant to the Planning Act and prescribed by the regulations;
  - iv) Plans, studies, materials and any other information prescribed in the Official Plan and/or deemed necessary by the City in a Record of Pre-Consultation or otherwise; and,
  - v) Payment of all outstanding realty taxes, penalties and municipal fines levied in regard to the property that is the subject matter of the Planning Application, or satisfactory security in lieu thereof where the Applicant is not the registered property owner.
- b) In addition to Section 4(a) of this By-law, the Director may deem a Planning Application incomplete if:
  - i) Materials or information submitted to the City under this by-law do not meet City or Agency requirements and/or applicable Guidelines, Standards and Terms of Reference;
  - ii) In the case of an application for: (1) an Official Plan Amendment; (2) a Zoning By-law Amendment; (3) a Plan of Subdivision; or (4) a Condominium, the Applicant has not agreed to a consultation strategy involving the public, subject matter expert and/or, if required, a First Nation, including consultation exceeding the minimum Planning Act requirements, in accordance with the City's requirements and/or a Record of Pre-Consultation;
  - iii) The Applicant is proposing public infrastructure through a Zoning By-law Amendment application or Site Plan application;

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- iv) Prerequisite planning approvals are not in full force and effect; or,
  - v) Required Peer Reviews of materials are not completed or are not considered satisfactory at the discretion of the Director and/or the cost of the peer review has not been reimbursed in full to the City.
- c) The Director may refuse to accept or further consider any application that is not determined to be a Complete Application.
- d) Where two or more Planning Applications are submitted concurrently to support a development proposal on the same land, the Director may deem only one Planning Application as a Complete Application and may require each application type to be processed in a sequential order determined by the Director.

**5. Delegation of Authority**

Council hereby delegates to the Director, the authority to:

- a) Administer this By-law, including but not limited to establishing the documented process, application forms, procedures and meeting schedule for Pre-Consultation;
- b) Conduct Pre-Consultation Review;
- c) Identify and advise the Applicant during Pre-Consultation the need for, and the scope of other information and materials required for a Complete Application, including the need for consultation with the public, subject matter expert and/or First Nation community, in addition to the minimum requirements provided in the Planning Act.
- d) Deem a Planning Application complete and notify the Applicant in accordance with the Planning Act with respect to the completeness of any Planning Application; and,
- e) Deem a Planning Application incomplete and refuse to accept or further consider any Planning Application pursuant to Section 4 of this By-law; .

**6. Consent, Permission and Minor Variance Application Requirements**

- a) A preliminary discussion or meeting with a City of Peterborough Planner is recommended prior to submitting an application for consent pursuant to Section 53 of the Planning Act and an application for permission or minor variance pursuant to Section 45 of the Planning Act.
- b) An Applicant shall submit the following to the City as part of a Complete Application:
  - i) All requisite application forms, including any required authorization;
  - ii) All required fees pursuant to the City's User Fees By-law or equivalent and Section 69 of the Planning Act;
  - iii) All information and materials required pursuant to the Planning Act and prescribed by the regulations;
  - iv) Plans, studies, materials and any other information prescribed in the Official Plan and deemed necessary by the City; and
  - v) All outstanding realty taxes, penalties and municipal fines levied in regard to the property that is the subject matter of the Planning Application, or satisfactory security in lieu thereof where the Applicant is not the registered property owner.

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- c) An application for consent, permission or minor variance that is incomplete shall not be submitted to the Committee of Adjustment or further considered by the approval authority.

**7. Application of By-law**

This By-law shall apply to all lands within the City of Peterborough.

**8. Repeal of By-laws**

Subject to Section 9, By-law Number 23-032 is repealed upon this By-law coming into effect.

**9. Transition**

As of the day this By-law is passed the following transition rules shall apply:

- 1. For new pre-consultation requests received after the day of passing of this By-law, applications shall proceed in accordance with the provisions of this By-law
- 2. For applications where the Record of Pre-consultation has been issued but where Technical Adequacy review has not commenced, applicants may proceed to submitting the requisite Planning Application(s);
- 3. For applications where the Technical Adequacy Review has commenced, the Technical Adequacy Review application shall be disposed of as if By-law 23-032 was in effect. The Application Fee for the Planning Act application shall be reduced in the amount of the Technical Adequacy Review fee paid by the applicant.

**10. Enactment**

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

**11. General**

- a) No proceeding for damages or otherwise may be commenced against the City, a member of Council or an officer or employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance of or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.
- b) Complaints and comments about the administration of the City's Pre-Application Consultation process may be given to the Director, who will consider such complaints in relation to improving the City's Pre-Application Consultation process.

**12. Short Title**

This By-law may be referred to as the "Pre-Application Consultation By-law".

By-law passed this [DAY] day of [Month], 2024.

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Jeff Leal, Mayor

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John Kennedy, City Clerk