

The Corporation of the Township of South Frontenac

By-Law Number 2023-69

Pre-Consultation By-Law

A By-Law to Require Applicants to Consult with the Township Prior to the Submission of Planning Act Applications and to Repeal By-Law Number 2019-54

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, authorize municipalities to pass by-laws to require 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 Township of South Frontenac Official Plan, as amended, contains policies requiring consultation with the Township prior to the submission of any Planning Act application where the Township is the approval authority; and,

Whereas the Township of South Frontenac Official Plan, as amended, contains policies identifying the types of information and materials that may be required to assist in the review of a Planning Act application before the application is deemed complete;

Now therefore, the Council of The Corporation of the Township of South Frontenac enacts as follows:

1. Title

This By-Law may be cited as the “Pre-Consultation By-Law”.

2. Geographic Location

This By-Law shall apply to all lands lying within the geographic boundary of the Township of South Frontenac, being within the County of Frontenac.

3. Pre-Consultation Requirements

- (1) Applicants shall consult with the Township prior to the submission of the following types of Planning Act applications:
 - (a) Official Plan Amendment
 - (b) Zoning By-Law Amendment
 - (c) Draft Plan of Subdivision or Condominium
 - (d) Final Plan of Subdivision or Condominium
 - (e) Part Lot Control
 - (f) Deeming By-Law
 - (g) Site Plan Control

- (h) Consent
 - (i) Minor Variance
 - (j) Permission to Expand a Legal Non-Conforming Use/Non-Complying Structure
 - (k) Validation of Title
- (2) The Township shall not accept any Planning Act application where the applicant has not consulted with the Township as required under Section 3(1) above. In the absence of the required pre-application consultation, Township staff are authorized to deem the Planning Act application incomplete and refuse to accept the application until such time as the pre-application consultation is completed in accordance with this By-Law.
 - (3) Pre-application consultation with Township staff may include in-person meetings, virtual meetings, phone calls, or e-mail correspondence. The type of consultation will be determined based on the complexity of the development proposal, at the discretion of the Director of Development Services or their designate.
 - (4) Prior to scheduling the pre-application consultation, an applicant may be required to fill out and submit a pre-consultation form in its entirety, along with a concept drawing and description of the proposal, to the satisfaction of Township staff, and pay any required fee.
 - (5) Large or complex development proposals may require a site visit as part of the pre-application consultation process. The determination of whether a site visit is required will be at the discretion of the Director of Development Services or their designate.

4. Record of Consultation

- (1) Within 30 days of the pre-application consultation meeting, including any required site visit, Township staff shall provide the applicant with a Record of Consultation.
- (2) The Record of Consultation shall outline the requirements for the submission of a complete application, which shall include:
 - (a) The appropriate planning application form, filled out in its entirety.
 - (b) Any required fees, pursuant to By-law 2023-33, a By-Law to Prescribe a Tariff of Fees for the Processing of Applications Made in Respect of Planning Matters, as amended from time to time.
 - (c) Any technical reports, studies, drawings, or other information deemed necessary by the Township to make an informed decision on an application, as outlined by the Township's Official Plan.

- (3) Where technical reports, studies, drawings, or other information is required as part of a complete application, the Record of Consultation may also address the following:
- (a) The circumstances requiring the report, study, or drawing, depending on the nature and complexity of the development proposal.
 - (b) The required details to be included in the report, study, or drawing, including, but not limited to, the content, methodology, or scope.
 - (c) The type of qualified professional required to complete the report, study, or drawing.
 - (d) The potential requirement for the report, study or drawing to be peer reviewed. The peer review results would need to be included as part of a complete application.
- (4) The Township may prepare terms of reference for common types of reports and studies to guide applicants on the expectations associated with the preparation of those documents.
- (5) The Record of Consultation may be amended by the Township if there are minor changes proposed to the development proposal. What constitutes a minor change shall be at the discretion of the Director of Development Services or their designate.
- (6) Lapsing of Record of Consultation
- (a) A Record of Consultation shall be valid for one year from the date that it is provided to the applicant. If the Planning Act application for the proposal that was the subject of the pre-application consultation is not submitted within one year from the date of the Record of Consultation, the Township shall consider the proposal to be abandoned and the Record of Consultation shall be closed.
 - (b) A Record of Consultation shall be valid for the subject property and the proposal as submitted. If the applicant significantly modifies the proposal or chooses an alternate location, the Township shall consider the proposal to be abandoned and the Record of Consultation shall be closed.
 - (c) The Record of Consultation may be closed by the Township, if any of the following occur that have an impact on the evaluation of the development proposal:
 - 1. The Province of Ontario enacts legislative changes to the Planning Act that establish new provisions.

2. The Province of Ontario has issued a new Provincial Policy Statement that establishes new provincial policy directions.
 3. The County of Frontenac has adopted a County Official Plan, or an Official Plan Amendment, that establishes new land use policy directions.
 4. The Township has adopted an Official Plan, or Official Plan Amendment, that establishes new land use policy directions.
 5. The Township has enacted a Zoning By-Law, or Zoning By-Law Amendment, that establishes changes to land use regulations.
 6. The Township has enacted a licensing by-law or similar statute or regulation that addresses the matter proposed by the application.
- (d) Upon Section 6 (a), (b), or (c) occurring, a new pre-consultation, pursuant to Section 3 of this By-Law, will be required for future consideration of a Planning Act application.

5. Exemptions

Despite Section 3(2), the Director of Development Services or their designate may waive the requirements for pre-application consultation on a Planning Act application, if they determine that there is no need for a pre-application consultation prior to the planning application being submitted.

6. Definitions

In this By-Law, unless the context requires otherwise, the following definitions and interpretations shall apply:

Applicant means the Owner of the property that is the subject of the Planning Act application or the person who is authorized by the Owner on the application form to make the Planning Act application.

Approval Authority means Council or the person or body to which Council has delegated their authority by By-law or as set out in legislation.

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.

Pre-Application Consultation means the process of outlining the requirements for a complete Planning Act application and the requirements set out in the Planning Act and this By-Law.

Record of Consultation means a written record issued by the Township to the Applicant acknowledging the date of any meeting and/or site visit held, a summary of the development proposal and staff comments, and the identification of the requirements for submitting a complete application.

Township means The Corporation of the Township of South Frontenac.

7. Administration

(1) Fees

Pre-application consultation may be subject to a fee, as set out in By-law 2023-33, a By-Law to Prescribe a Tariff of Fees for the Processing of Applications Made in Respect of Planning Matters, as amended from time to time.

(2) Validity

If any section, clause, or provision of this By-Law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is the intention that the remaining sections, clauses and provisions of this By-Law shall remain in full force and effect until repealed, despite those one or more provisions that have been declared to be invalid.

(3) Interpretation

For the purposes of this By-Law, words used in the present tense also include the future; words in the singular also include the plural and words in the plural include the singular; words in the neuter gender include the masculine and the feminine; and the word “shall” is mandatory.

(4) By-Law Administrator

This By-Law shall be administered by the Director of Development Services or their designate.

(5) Previous By-Laws

All predecessor By-Laws enacted under the Planning Act governing pre-application consultation as they apply to all, or part, of the Township of South Frontenac are hereby repealed.

8. Enactment

This By-Law shall come into force and take effect on the final passing thereof.

Read a first and second time this 5th day of September, 2023

Read a third time and finally passed this 5th day of September, 2023



Mayor

Clerk