

CITY OF ST. THOMAS

BY-LAW NO. 30 - 2015

A By-law to require consultation with the Municipality prior to making a planning application under the Planning Act and to delegate Council's powers and duties to conduct consultation meetings and to determine the completeness of planning applications.

WHEREAS Subsections 22(3.1)(b), 34(10.0.1)(b), 41(3.1)(b) and 51(16.1)(b) of the Planning Act, R.S.O. 1990, c. P.13, as amended authorize a municipality to pass a by-law to require applicants to consult with the municipality before submitting a request to amend the Official Plan or before making an application to amend the Zoning By-law or before making an application for approval of plans and drawings in a Site Plan Control area or before making an application for approval of a Plan of Subdivision or a Plan of Condominium;

AND WHEREAS the City of St. Thomas Official Plan contains provisions pursuant to Subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, R.S.O. 1990, c. P. 13 to require a person or public body who makes application for an Official Plan Amendment or a Zoning By-law Amendment or a Plan of Subdivision or a Plan of Condominium or a Consent to sever land to provide other information or material that Council considers it may need other than the information prescribed by the Planning Act;

AND WHEREAS Subsections 22(6), 34(10.3), 51(19) and 53(4) of the Planning Act, R.S.O. 1990, c. P. 13 state that until Council receives the prescribed information and any other information or material and the required fee, Council may refuse to accept or further consider a planning application;

AND WHEREAS Subsections 22(6.1), 34(10.4) and 51(19.1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended specify that Council shall, within 30 days, after an applicant pays the required fee for an application, notify an applicant whether or not the information and material has been provided or not provided in support of an application for an Official Plan Amendment or a Zoning By-law Amendment or a Plan of Subdivision or a Plan of Condominium is complete;

AND WHEREAS Subsections 10 (1) and 10(2) of the Municipal Act S.O. 2001 c.M.25 as amended provide that a single-tier municipality may provide any service that the municipality considers necessary or desirable for the public and may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations;

AND WHEREAS Section 23.1 of the Municipal Act, S.O. 2001, c. M.25, as amended, permits a Municipal Council to delegate the powers and duties to an individual who is an officer, employee or agent of the Municipality;

AND WHEREAS Council for the Corporation of the City of St. Thomas recognizes that it is appropriate to delegate certain administrative planning functions to the Director of Planning, in order to obtain greater efficiencies in the administration of the planning approval process;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas enacts the following:

SECTION 1.0 -INTERPRETATION

1.1 In this By-law:

- (a) **“Applicant”** shall mean a person or public body or an owner of land intending to make one or more Planning Act application(s) pursuant to Subsections 22(5) or 34(10.2) or 45(1) or 51(18) or 53(1) of the Planning Act or for the approval of plans and drawings under Subsection 41(4) of the Planning Act or for a consent under Subsection 55(1) or for authorization of a minor variance under Subsection 45(1) of the Planning Act.
- (b) **“City”** shall mean the Corporation of the City of St. Thomas;
- (c) **“Consultation”** shall mean a formal scheduled consultation meeting arranged by the Planning Department of the City with an Applicant and City staff, and where required with other governmental agencies having an interest, pursuant to Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, R.S.O., c. P. 13, as amended or this By-Law;
- (d) **“Committee of Adjustment”** shall mean the Committee of Adjustment appointed by the City of St. Thomas to which Council has delegated powers described in Section 45 (minor variances) and Section 54(consents for land severance) of the Planning Act;
- (e) **“Complete Application”** shall mean a Planning Application where Council has received the information and material required under this by-law and Subsections 22(4) and 22(5) or 34(10.1) and 34(10.2) or 51(17) and 51 (18) or 53(2) and 53(3) and the required fee under section 69 of the Planning Act, R.S.O., c. P. 13, as amended;
- (f) **“Council”** shall mean the Council of the Corporation of the City of St. Thomas;
- (g) **“Director of Planning”** shall mean the Director of Planning for the City of St. Thomas;
- (h) **“Official Plan”** shall mean the Official Plan of the City of St. Thomas and all amendments thereto;
- (i) **“Other Information or Material”** shall mean the particular studies, reports, maps, plans or other documentation that Council determines may be required of the Applicant pursuant to the requirements of this by-law and of Subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, R.S.O., c. P. 13, as amended, to comply with the City's requirements for a complete Application or to comply with subsection 3.2 or 4.1(b)(ii) of this By-Law;
- (j) **“Planning Act”** shall mean the Planning Act, R.S.O., c. P. 13, as amended;
- (k) **“Planning Application”** shall mean an application made under Subsections 22(5) or 34(10.2) or 51(18) or 53(1) or for the approval of plans and drawings under Subsection 41(4) of the Planning Act or for a consent pursuant to subsection 53(1) or a minor variance pursuant to subsection 45(1) of the Planning Act;
- (l) **“Zoning By-law”** shall at all times mean the municipal zoning By-law currently in force in the City of St. Thomas and all amendments thereto;

SECTION 2.0 –CONSULTATION REQUIRED WITH THE MUNICIPALITY

2.1 Consultation with City staff on a proposed Application shall be required for all Applicants prior to submitting a Planning Application.

2.2 The purpose of the Consultation is to allow the Applicant and/or their representatives to

present and discuss their Planning Application with City staff and to provide City staff the opportunity to clarify the application process and approvals required, provide preliminary comments on the Application, identify applicable City standards and By-laws and identify the scope of additional supporting information or material required by the City and/or other governmental agencies, in accordance with the Official Plan, in order to ensure the completeness of the Planning Application.

SECTION 3.0 – COMPLETE APPLICATION

- 3.1 In the absence of a Consultation meeting, or where a Consultation meeting has occurred and an Applicant has failed to submit all required Other Information or Materials, the Council may refuse to accept or further consider the Planning Application.
- 3.2 Notwithstanding the requirements of Subsection 3.1, Council may, where it is determined during the review process for an application, which has been deemed to be a Complete Application, require that additional reports, information, materials, studies and drawings not identified in a Consultation meeting be submitted to address specific issues and/or enable Council and outside agencies to make informed decisions.

SECTION 4.0 – DELEGATION OF COUNCIL’S AUTHORITY

- 4.1 That Council hereby delegates to the Director of Planning or his or her designate the authority to:
- (a) Conduct a Consultation meeting or meetings where required prior to the submission of a Planning Application or Applications under the Planning Act;
 - (b) Identify the Other Information or Materials relevant and necessary to the processing of each Planning Application;
 - i) at the time of the Consultation, the Information or Materials needed for the Planning Application to be considered a Complete Application; and,
 - ii) during the processing and review of applications, in cases where such Other Information and Materials cannot reasonably be provided at the time of the initial submission or may be required to address specific issues and/or enable Council, Committee of Adjustment and outside agencies to make informed decisions;
 - (c) Confirm, in writing, with persons intending to make a Planning Application, the Other Information and Materials to be provided in accordance with Subsection 4.1 (b) i) of this By-law and any terms or conditions relating to such submissions;
 - (d) Determine whether or not the Planning Application submission is a Complete Application pursuant to the Planning Act or this By-Law;
 - (e) Notify an Applicant, within 30 days, whether or not the Planning Application submission is a Complete Application pursuant to the Planning Act or this By-Law. An incomplete application notification shall identify the missing or deficient information and material necessary to complete the Planning Application;
 - (f) Waive the requirement for a Consultation prior to the submission of a Planning

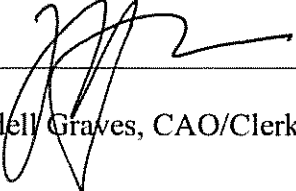
Application under Section 2.0 of this By-law, where the Director of Planning determines that no reasonable purpose would be served by such a meeting due to the nature of the application.

4.2 Where a Planning Application is deemed not to be a Complete Application the provisions of Subsection 4.1 shall apply, with necessary modifications, to each subsequent remedial submission of said Planning Application.

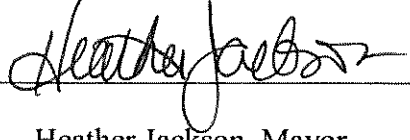
5.0 This By-law shall come into force and take effect upon the final passing thereof.

READ a First and Second time this 16th day of March, 2015.

READ a Third time and Finally passed this 16th day of March, 2015.



Wendell Graves, CAO/Clerk



Heather Jackson, Mayor