

## The Corporation of the Township of North Frontenac

### By-Law #32-23

#### Being a By-Law to Require Applicants to Consult with the Township Prior to the Submission of Planning Applications

**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 North Frontenac's Official Plan, as amended, contains policies requiring consultation with the Township prior to the submission of an application for any planning application where the Township is the approval authority; and,

**Whereas** the Township of North Frontenac's Official Plan, as amended, contains policies requiring pre-application consultation and identifies the types of information and materials that may be required to assist in the review of an application before the application is deemed complete;

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

#### 1. Title

This By-Law #32-23 may be cited as the "Pre-Application Consultation By-Law".

#### 2. Geographic Location

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

#### 3. 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 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) or corporation(s), 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 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 North Frontenac.

#### **4. Pre-Application Consultation Requirements**

- (1) Applicants shall consult with the Township prior to the submission of the following types of planning 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 application where the applicant has not consulted with the Township as required under Section 4(1) above. In the absence of the required pre-application consultation, Township staff are authorized to deem the planning application incomplete and refuse to accept the planning application until such time as the pre-application consultation is completed in accordance with this By-Law.
- (3) Pre-application consultation with Township staff and/or the Township's contract planner may include face-to-face 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 Township Clerk or their designate.
- (4) Prior to scheduling the pre-application consultation, an applicant may be required to fill out and submit a pre-application form in its entirety, along with a site plan 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 Township Clerk or their designate.

## **5. 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 the Township's Fees and Charges By-Law.
  - (c) Any technical reports, studies, drawings, or other information deemed necessary by the Township for the Approval Authority 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.
- (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 Township Clerk 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 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 established 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) 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 Township Clerk or their designate.

- (7) Upon Section 5(5) (a), (b), or (c) occurring, a new pre-application consultation, pursuant to Section 3 of this By-Law, will be required for future consideration of a Planning Application.

## **6. Exemptions**

Despite Section 4(2), the Township Clerk or their designate may waive the requirements for pre-application consultation on a planning application, if they determine it is not necessary for a pre-application consultation prior to the planning application being submitted.

## **7. Administration**

### **(1) Fees**

Pre-application consultation may be subject to a fee, as set out in the Township's Fees and Charges By-Law.

### **(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 Township Clerk or their designate.

### **(5) Previous By-Laws**

All Resolutions, By-laws or parts of By-laws which are contrary to or inconsistent with this By-law 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 19<sup>th</sup> day of May, 2023

Read a third time and finally passed this 19<sup>th</sup> day of May, 2023

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Mayor

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Clerk