

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015) - 19937

A by-law requiring applicants to consult with the City of Guelph prior to the submission of certain types of planning applications and to delegate Council's authority to deem applications complete to the General Manager of Planning Services.

WHEREAS subsections 22(3.1)(b), 34(10.0.1)(b), 41(3.1)(b), and 51(16.1)(b) of the *Planning Act* authorize the Council of a municipality to pass a by-law requiring applicants to consult with the municipality prior to submitting applications for any Official Plan Amendment, Zoning By-law Amendment, Site Plan and Plan of Subdivision or Condominium; and

WHEREAS subsections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act* require the Council of a municipality to notify an applicant within 30 days of the applicant paying the fee for an application for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision or Condominium, that they have provided, or have not provided, as the case may be, the information and material required, and subsection 53(4)(a) of the *Planning Act* allows the Council of a municipality or a Committee of Adjustment to whom authority to grant Consents is delegated to refuse to accept an application for a Consent where the information and material required pursuant to subsections 53(2) and 53(3) is not provided; and

AND WHEREAS subject to certain restrictions, sections 23.1 and 23.2 of the *Municipal Act, 2001* authorizes the Council of a municipality to delegate its powers and duties under the *Planning Act* to a person or body;

NOW THEREFORE the Council of The Corporation of the City of Guelph enacts as follows:

DEFINITIONS

1. In this by-law:

"Applicant" means the person or public body, including the land owner or authorized agent, making an Application;

"Application" means an application pursuant to the *Planning Act* for an amendment to the City's Official Plan under subsection 22(1), an amendment to the City's Zoning By-law under subsection 34(10), the approval of a draft plan of subdivision or condominium under subsection 51(16), or the approval of a site plans or drawings under subsection 41(4);

"City" means the Corporation of the City of Guelph;

"Consult", "Consultation", and "Pre-consultation" mean one or more meeting(s) between the Applicant and the General Manager of Planning, Urban Design and Building Services or their designate to discuss and exchange information respecting the proposed Application and the requirements for a Complete Application;

"Complete Application" means an Application which includes the prescribed information and material under the *Planning Act* and any information and material deemed necessary by Council or the General Manager of Planning, Urban Design and Building Services or their designate for the evaluation of an Application in accordance with the provisions of the *Planning Act*, and the City of Guelph's Official Plan;

"Council" means the municipal council of the City;

"General Manager" means the General Manager of Planning, Urban Design and Building Services, or any successor thereto, or their designate;

"Municipal Act, 2001" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor thereto;

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

"Record of Pre-Consultation" means a Written record issued by the General Manager in the form established by the City and as amended from time to time that:

- (a) acknowledges that the City's Pre-consultation requirements have been satisfied; and
- (b) sets out the information and material required to constitute a Complete Application.

"Request for Pre-Consultation" means a written request in the form established by the City and as amended from time to time for Pre-Consultation;

"Written" means a letter sent via mail, facsimile transmission and/or electronic mail messages.

INTERPRETATION

2. Any reference herein to any by-law or Act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force, and includes any in force regulations thereto.
3. This by-law is to be construed with all changes in number and gender as may be required by the context. Words and phrases used herein should be construed so that the singular shall include the plural and the plural includes the singular.
4. If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this by-law that the remainder of the by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

REQUIREMENT TO CONSULT WITH CITY

5. Persons or Public Bodies intending to make an Application shall be required to Consult with City staff prior to the submission of the application for the purpose of reviewing a draft development proposal and to identify the scope of additional supporting information or material required by the City and/or other affected agencies to allow full consideration of the Application.

6. In the absence of Consultation prior to the submission of an Application the General Manager may refuse to accept the Application under the provisions of the *Planning Act*.
7. Where the Applicant fails to submit all required supporting information or material, the General Manager may deem an application as incomplete under the provisions of the *Planning Act*.
8. Where appropriate, the City may waive or vary the information and material requirements specified in the Official Plan where completion of such studies has occurred for an earlier, relevant planning approval or where the study requirement would result in unnecessary duplication of effort.
9. Where a Consultation is held , a consultation checklist or agreement shall be completed and signed by all parties present.

CONSULTATION PROCEDURE

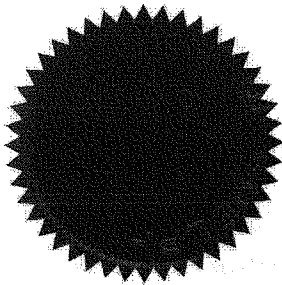
10. An Applicant shall Consult with the General Manager for the purpose of reviewing a preliminary planning application and identifying the need for, and the scope of, information and material required by the General Manager to constitute a Complete Application as required by the *Planning Act* and the City's Official Plan prior to the submission of the following planning applications:
 - (a) Official Plan Amendment;
 - (b) Zoning By-law Amendment;
 - (c) Site Plan Approval;
 - (d) Plan of Subdivision; or
 - (e) Plan of Condominium.
11. Prior to scheduling a Pre-consultation meeting, an applicant shall submit to the General Manager, a completed Request for Pre-consultation, which shall include:
 - (a) the general location and physical address of the lands;
 - (b) the current use of the lands;
 - (c) a short summary of the proposed Application;
 - (d) the following, if applicable:
 - i. the proposed land use including dwelling unit types;
 - ii. concept plan;
 - iii. population and employment densities;
 - iv. environmental, servicing, and transportation issues as known to the applicant; and,such other information as may be required by the General Manager.
12. Upon receiving a completed Request for Pre-consultation that includes the required information, the General Manager, shall:
 - (a) determine whether more than one Pre-consultation meeting is needed; and
 - (b) set a date for the Pre-consultation.
13. If two or more of the Applications relate to the same lands, the General Manager may permit, or require, more than one Application to be addressed in the same Pre-consultation.
14. The form and extent of Pre-consultation may vary based on Application type and context and shall, in any case, be acceptable to the General Manager.
15. Upon completion of the Pre-consultation process, the General Manager shall prepare and deliver a Record of Pre-consultation to the Applicant.

16. Where a Record of Pre-consultation has been delivered to the Applicant but the Application which was the subject of the Pre-consultation is not been submitted, or where the Application that was the subject of the Pre-consultation has been submitted but has not been determined to be a Complete Application, within the time-frame satisfactory to the General Manager, the Applicant may be required to submit a new Request for Pre-consultation to the General Manager and attend a further Pre-consultation meeting before submitting an Application.

DELEGATION OF AUTHORITY TO DEEM APPLICATIONS COMPLETE

17. Council hereby delegates to the General Manager, the authority to:
- (a) conduct Consultations prior to the submission of any Application;
 - (b) issue Records of Pre-consultation on behalf of the City in accordance with Section 15;
 - (c) determine, in accordance with the *Planning Act* and the City's Official Plan, what information and/or material will be required for a Complete Application and to require such additional information and/or material from the applicant;
 - (d) determine if an Application is a Complete Application in accordance with the *Planning Act* and the City's Official Plan; and
 - (e) issue any notice with respect to the completeness of
 - i. a request to amend an Official Plan that is required under section 22(6.1) of the *Planning Act*;
 - ii. a request to amend a Zoning By-law that is required under section 34(10.4) of the *Planning Act*;
 - iii. an application for approval of a Plan of Subdivision or a Plan of Condominium that is required under section 51(19.1) of the *Planning Act*.
18. The General Manager may refuse to further consider an Application that is not determined to be a Complete Application.

PASSED this TWENTY-FIRST day of JULY, 2015.



CAM GUTHRIE - MAYOR

STEPHEN O'BRIEN - CITY CLERK