

Planning Pre-Consultation By-law

C.P.-1469-217 – Enacted – May 12, 2008

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Bill No. 254
2008

By-law No. C.P.-1469-217

A by-law to require an applicant to consult with the municipality prior to making an application under the *Planning Act*

WHEREAS Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act, 1990*, R.S.O. 1990, c. P.13, as amended (the "Act"), permit Municipal Council, by by-law, to require an applicant to consult with the municipality before submitting a request to amend the Official Plan or before applying for an amendment to the Zoning By-law Z.-1, or before submitting plans and drawings for site plan approval, or before applying for approval of a plan of subdivision or a plan of condominium;

AND WHEREAS the purpose of a meeting prior to making an application is to permit the General Manager of Planning and Development or his designate, or the Approval Authority, to have an opportunity, in consultation with the applicant, to clarify the information and materials that the applicant may be required by the municipality to submit concurrently with the application;

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

1. Definitions:

the "Act" shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended

"applicant" shall mean:

- (i) a person or public body requesting Council to amend the Official Plan of The Corporation of the City of London under section 22 of the Act;
- (ii) a person or public body applying to Council to amend the Zoning By-law, Z.-1, under section 34 of the Act;
- (iii) a person applying for approval of plans and drawings under section 41 of the Act;
- (iv) an owner of land applying for approval of a plan of subdivision under section 51 of the Act; or
- (v) a person who owns the freehold or leasehold estate of the land described in the description, applying for approval of a plan of condominium under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

"application" shall mean:

- (i) a request or requests to amend the Official Plan of The Corporation of the City of London under section 22 of the Act;
- (ii) an application or applications to amend the Zoning By-law, Z.-1 under section 34 of the Act;
- (iii) a submission or submissions of plans and drawings for site plan approval under section 41 of the Act;
- (iv) an application or applications for approval of a plan of subdivision under section 51 of the Act; or

an application or applications for approval of a plan of condominium under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

"Approval Authority" shall mean the appointed officer or officers delegated by by-law passed by Municipal Council from time to time, to be responsible to approve plans of subdivision including plans of condominium pursuant to section 51 of the Act and section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

"Council" shall mean the Municipal Council of The Corporation of the City of London;

"Consultation Meeting" shall mean a meeting with the General Manager of Planning and Development or his designate, or the Approval Authority, as the case may be, as permitted in subsections 22(3.1), 34(10.0.1), 41(3.1) of the Act, or a meeting with the Approval Authority as permitted in subsection 51(16.1) of the Act

“General Manager” shall mean the person who holds the position of General Manager of Planning and Development for The Corporation of the City of London

“Record of Consultation” shall mean a written document that includes the following information:

- (i) the date, or dates, that the Consultation Meeting or any further Consultation Meeting is held;
- (ii) a copy of a written summary of the proposed application provided by the applicant to the General Manager of Planning and Development or his designate, or the Approval Authority, as the case may be;
- (iii) a copy of a written statement identifying the information and materials from Section 19.16 that may be needed;
- (iv) a copy of any written minutes of the Consultation Meeting; and
- (vi) a statement that the Consultation Meeting has occurred

“Section 19.16” shall mean Section 19.16 of the Official Plan of The Corporation of the City of London, as adopted by Municipal Council as Official Plan Amendment No. 430, and including any amendments thereto

2. An applicant shall consult with the General Manager or his designate, or the Approval Authority, as the case may be, as follows:

- (a) for requests to amend the Official Plan, before submitting the request under subsection 22(1) of the Act;
- (b) for applications to amend the Zoning By-law, Z.-1, before applying to amend Z.-1 under subsection 34(10) of the Act;
- (c) for submissions of plans and drawings for site plan approval, before submitting the plans and drawings for approval under subsection 41(4) of the Act;
- (d) for applications for approval of a plan of subdivision, before submitting a plan of subdivision for approval under subsection 51(16) of the Act; and
- (e) for applications for approval of a vacant land condominium and a common element condominium, before submitting a plan of condominium for approval under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

3. An applicant shall:

- (a) deliver to the General Manager or his designate, or the Approval Authority, as the case may be, a written summary of the applicant’s proposed application; and
- (b) include in the written summary, the location of the subject property, the current use of the property, and a short summary of the proposed application including servicing requirements and financing requirements.

4. The General Manager or his designate, or the Approval Authority, as the case may be, shall:

- (a) determine the written form or format of the Record of Consultation;
- (b) determine whether the applicant’s written summary shall be submitted at the date of the Consultation Meeting or prior to the Consultation Meeting;
- (c) determine whether more information or material is required from the applicant other than the information contained in the written summary, for the purpose of conducting the Consultation Meeting;
- (d) determine whether more than one Consultation Meeting is required and, if more than one Meeting is determined to be required, shall make all necessary arrangements with the applicant;
- (e) prepare the Record of Consultation; and
- (f) deliver a copy of the Record of Consultation to the applicant within thirty (30) days of the date of the last Consultation Meeting. Delivery may be personal or by facsimile

transmission or by regular letter mail, at the discretion of the General Manager or his designate, or the Approval Authority, as the case may be.

5. The General Manager, or the Approval Authority, as the case may be, may require a further Consultation Meeting after delivery of the Record of Consultation if the applicant did not make an application under sections 22, 34, 41, or 51 of the Act and paid any fee under section 69 of the Act.

6. In this By-law the words "he", "him" or "his" shall have the same meaning as the words "she", "her", or "hers".

7. This by-law comes into force and effect on the date that it is passed.

PASSED in Open Council on May 12, 2008

Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading – May 12, 2008
Second Reading – May 12, 2008
Third Reading – May 12, 2008