

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-009**

By-law to enact a Planning Pre-consultation Process

WHEREAS Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act* R.S.O. 1990, as amended, allow municipalities to pass by-laws to require applicants to consult with the municipality prior to the submission of planning applications;

AND WHEREAS Sections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act* R.S.O. 1990, as amended, authorizes Council to review completeness of the planning applications;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it necessary to require pre-application consultation with Owners and/or Applicants submitting planning applications;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg has deemed it expedient to delegate certain duties of the *Planning Act* R.S.O. 1990,

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

Planning Pre-Application Consultation and Delegation of Authority for Completeness of Planning Applications By-law

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1. Definitions

In this By-law:

“Act” means the *Planning Act, R.S.O. 1990* as amended from time to time;

“Applicant” means the Owner of the property that is the subject of Planning Act Application or the person who is authorized in writing by the Owner to make a Planning Act. Authorization is provided through declaration on the application form, which has been provided by the Town;

“Council” means the Council of the Town of Amherstburg;

“County” means the Corporation of the County of Essex;

“Township” means the Corporation of the Town of Amherstburg;

“Owner” means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;

“Planner” means the Director, Development Services of the Town of Amherstburg or designate;

“Planning Application” means Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Draft Plan of Subdivision, Draft Plan of Condominium, Consent, Deeming By-law and Part-Lot Control By-law, pursuant to the Act; and any other Planning/Development matters;

“Pre-application Consultation” means Pre-consultation within this By-law;

“Pre-consultation” means the process for fulfilling the requirements set out in the Act and this By-law; and

“Province” means the Government of the Province of Ontario.

2. Pre-consultation Requirements

2.1. That the Owner or Applicant intending to make application to the Town of Amherstburg for a Planning Application be required to submit a pre-application consultation request to the Planner, prior to submitting a Planning Application.

2.2. That the Planner be authorized to identify the information and material necessary to process the Planning Application, prior to formal submission and deeming the Planning Application complete.

2.3. The Planner shall prepare a Record of Consultation and deliver it to the Applicant within the prescribed period set out in the Act of the date of the last consultation meeting.

3. Complete Planning Application Requirements

3.1. That the Owner or Applicant, with the Planning Application, shall submit the following:

3.1.1. Planning Application;

3.1.2. Required fees pursuant to the Town’s User Fees By-law pursuant to Section 69 of the Act;

3.1.3. Record of Consultation; and

3.1.4. Reports, Studies, Drawings and any information required in the Record of Consultation.

3.2. That the Planner is authorized to deem an application complete and incomplete within the prescribed period of time set out in the Act.

3.3. That in the absence of consultation, the Planner is authorized to deem a Planning Application incomplete and refuse to accept the Planning Application until such time as the pre-application consultation is completed in accordance with Section 2 of this By-law.

4. Exemptions

4.1. Despite, Section 2.1 the Planner can waive the requirements for pre-consultation on the Planning Application, if the Planner determines that there is no need for a pre-consultation prior to the Planning Application being submitted.

5. Administration

5.1. Abandoned Files

5.1.1. Any pre-consultation on a Planning Application shall submit the Planning Application, within one year of the date the Record of Consultation has occurred, otherwise will be considered to be abandoned and subsequently closed by the Town.

5.1.2. The Record of Consultation shall be considered to be abandoned and subsequently closed by the Town, if:

5.1.2.1. The Province has enacted legislative changes to the Act, that established new provisions;

5.1.2.2. The Province has issued a new Provincial Policy Statement, that established new provincial policy direction;

5.1.2.3. The County has adopted a County Official Plan, that establishes new land use policy direction;

5.1.2.4. The Town has adopted an Official Plan or Official Plan Amendment, that established new land use policy directions; and

5.1.2.5. The Town has enacted a Zoning By-law or Zoning By-law Amendment, that established changes to land use regulation.

5.1.3. Upon Section 4.1.1. or Section 4.2.2. of this By-law occurring, a new pre-consultation pursuant to Section 2 of this By-law, will be required for future consideration of the Planning Application.

5.2. Fees

5.2.1. Pre-consultation may be subject to a fee as set out in the Town's User Fees By-law, as amended time to time.

6. Enactment

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

Read a first, second and third time and finally passed this 9th day of January, 2023.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX