



Regular Council Meeting

To:	Mayor and Council
Date:	May 15, 2023
From:	John F. Connolly, Executive Director, Planning & Development
Report Number:	Planning 2023-23
Subject:	Bill 109 and Bill 23 – Official Plan and Zoning By-law Amendments Public Meeting Report – File Nos. OPA-02-23 and ZBA-023

Recommendations:

1. That Council review and consider all verbal and written comments received at the public meeting; and
2. That the draft Official Plan Amendment, Zoning By-law and other by-law amendments be presented to Council at a future date for consideration.

Overview

At the Regular Meeting of December 5, 2022, Council adopted the following resolutions:

R-2022-400

Moved by: Huntley

Seconded by: Nachoff

That Council receive Report Planning 2022-50 Bill 109 — Update (the More Homes for Everyone Act, 2022) for information; and That Council direct Staff to develop a comprehensive set of administrative policies, processes and procedures to implement the changes as provided under Bill 109 and those pending under Bill 23 (Report Planning 2022-51) and report back to Council in 2023.

Carried

R-2022-401

Moved by: Graham

Seconded by: Huntley

That Council receive Report Planning 2022-51 Bill 23 — Update (the More Homes Built Faster, 2022) for information; That Council direct Staff to provide an update and detailed analysis of the implementation matters (financial, human, operational) related to Bill 23 (including Bill 109); and That Staff send a letter outlining Council's comments to the Environmental Registry of Ontario (ERO) as

the Township's written submission regarding Bill 23 and its associated changes prior to the (amended) commenting deadline of December 9, 2022.

Carried

Additionally, at the Regular Meeting of February 21, 2023, Council received an update on some of the Bill 23 changes as they apply to Development Charges through Report Finance 2023-02. Watson & Associates and Finance Staff provided a detailed analysis of some of the implementation and financial impacts of these changes – specifically with respect to revenues that will be impacted due to reduced Development Charges.

The Township retained the consultant firm Biglieri Group Ltd. to assist the Planning, Economic Development & Building Department with support on a number of planning projects while the Planner position remains vacant. Consultants from the Biglieri Group have been working with Staff in the development of the proposed suite of changes to implement changes through Bill 109 and Bill 23. This Report outlines the most recent set of proposed operational changes which are the subject of this public meeting.

Background

The development of a comprehensive set of administrative policies, processes and procedures required a review of the existing Official Plan, Zoning By-law and any other related by-laws and the impact of these legislative changes. In this case, amendments need to be made to the Official Plan, the Zoning By-law as well as select by-laws respecting Site Plan Control, Pre-consultation, Delegation and User Fees and Charges. These amendments are being initiated by the Township and as they will apply to all lands in the Township if approved will bring its Official Plan, Zoning By-law and select by-laws into conformity with recent legislative changes.

Under Bill 109, More Homes for Everyone Act (2022), the most significant legislative and policy impacts focused on the delegation of Site Plan Control from Council to Staff, that Site Plan Approval was not required for ten (10) or fewer residential units and the pro-rated refund for a set of development application fees. Under Bill 23, More Homes Built Faster Act (2022), the most significant changes include a provision recognizing additional residential units (accessory apartments) in serviced urban areas; changes to the amount of parkland dedication; designated heritage policies and “as of right” accessory dwelling units in serviced urban areas.

Official Plan Amendment

The Official Plan Amendment (OPA) will address changes between the existing Official Plan and legislative changes brought about through the passing of Bill 109 and Bill 23 which are now Provincial law. The changes outlined in Attachment No. 1 will, if approved, bring the Official Plan and its policies into compliance. These changes apply to the following sections of the Official Plan: General Development Criteria; Site Plan Control; Parkland Dedication; Holding Provisions; Accessory Units; and Pre-Consultation.

The proposed changes will:

- Delegate the power of Site Plan Control from Council to designated Township Staff (i.e., CAO and designate (ED, Planning & Development));
- Permit the CAO and designate (ED, Planning & Development) to remove Holding provisions;
- Increase the number of accessory apartments (additional dwelling units) permitted in conjunction with dwelling units in serviced urban areas;
- Create a pre-application and process as part of the mandatory pre-consultation process;
- Create a pro-rated refund for development applications; and
- Reduce the land dedication for parkland from 1 ha per 300 units to 1 ha per 600 units.

Zoning By-law Amendment

The proposed amendments to Zoning By-law 2018-58, as amended focus on the legislative changes through Bill 23 (see Attachment No. 2). More specifically, the definition of Accessory Apartment will be changed to expand the meaning to include an apartment within the primary dwelling or an accessory building or structure to a detached, semi-detached or townhouse dwelling. This change will also reinforce that this accessory apartment is subordinate to that primary dwelling. There will also be other details with respect to the gross floor area of the apartment and where it may be located on the lot.

The most significant change in the ZBA will be a recognition that in the serviced urban area of the Township (i.e., Millbrook), that up to but no more than three (3) units will be permitted but up to that many will be permitted on a serviced urban lot.

Site Plan Control By-law Amendment

The proposed amendments to the Site Plan Control By-law (see Attachment No. 3) will recognize the changes to the Planning Act now delegate power for Site Plan Control from Council Township Staff. In Cavan Monaghan, this delegation is to the Chief Administrative Officer (CAO) and/or the designate which is the Executive Director, Planning & Development as implemented through the Township's Delegation By-law.

Pre-Consultation By-law Amendment

The Official Plan contains policies require the submission of any development application in the Township (where it has authority) to be subject to mandatory pre-consultation. The amended provisions of that pre-consultation are detailed in the Pre-Consultation By-law (2013-53) (see Attachment No. 4).

These amendments reinforce the other proposed changes outlined in OPA-02-23 (as noted above). More specifically, there will be a provision to separating development applications as either minor or major in nature as well as introducing a Pre-Application process prior to the Pre-Consultation process.

Minor applications include in those of a minor nature such as minor variances, rezoning (as part of an approved subdivision) and consent applications. Major applications would be all other planning permissions and include Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. Generally speaking, major applications require a great deal of Staff time, often peer review of technical studies, commenting from agencies, consultation with the public and often numerous re-submissions to get to a final development proposal for decision. As a result, the corresponding fee and timing of decisions would take this into consideration and vary depending on the nature of the application.

By introducing these provisions, it will allow applications that are straight forward to proceed quickly to a decision. For more complex applications and are more involved, the new process will require the “front ending” of many of the steps that now occur once an application is deemed complete.

The proposed Pre-application process would precede the Pre-consultation process that is currently in place by requiring the applicant to identify and compile the materials requested at the beginning of the process. This will require the applicant to host a public information meeting, collect feedback on the application and attempt to address any concerns. The formal Pre-Application along with materials would then be circulated to appropriate departments and agencies for comment. These comments will be compiled by the Township and provided to the applicant (and consultant(s)) to be revised accordingly based on these comments. Once this process has been cleared, then the formal application can be submitted.

The Formal Application submission will then follow defined (and tighter) timelines to determine if the application is complete or not. Once deemed complete, then it will follow what is anticipated to be faster and more efficient development approval process.

By moving the circulation, commenting and re-submission stages of the current application process forward, this will allow for quicker decisions once an application has been further refined. Agencies and Township Departments will have the benefit of reviewing a more refined and complete application which will have been revised by public input, technical studies and agency/Township comments. This will have the advantage of allowing for quicker decisions as well as possibly reducing the possibility of having to refund application fees as prescribed in Bill 109. This will also allow for greater predictability with respect to successful applications and timing of decisions.

Delegation By-law Amendment

As noted above under the Site Plan Control By-law amendments section, these changes will ensure consistency amongst Township by-laws to reflect that under changes to the Planning Act delegate powers for Site Plan Control from Council to Staff (see Attachment No. 5). The proposed amendment is going further to extend this authority to include the lifting of the Holding provision by Township Staff consistent with the proposed changes outlined in the associated OPA.

User Fees and Charges By-law Amendment

To implement the proposed changes under the Consultation By-law and other changes outlined in OPA-02-23, the User Fee and Charges By-law (see Attachment No. 6) will be amended to introduce new fees for the Pre-Application, Pre-consultation as well as a schedule (as prescribed under Bill 109) for a refund of development application fees with associated timing.

Response to Notice

Notice of the Official Plan and Zoning By-law Amendments along with the selected by-laws were circulated to all required ministries, agencies and Township Department Directors. The Notice of Public Meeting was also posted on the Township website and published in the Peterborough Examiner and Millbrook Times. The notice complies with the requirements of the Planning Act.

As of the date of writing this Report, Township Staff have not received any telephone or email inquiries about the Applications.

The Kawartha Pine Ridge District School Board reviewed the Applications and did not identify any concerns or issues related to their mandate. Enbridge Gas indicated that it has no objections but reserves the right to amend their development conditions.

Township Staff have no objections to the Applications.

Conclusion

Consultants from the Biglieri Group will be providing a presentation that expands on the proposed amendments and will be available to answer any questions as part of the public meeting. As outlined in the Recommendations section of the Report, the Official Plan Amendment, Zoning By-law and other by-law amendments will be presented to Council at a future date for consideration.

Once approved by Township Council, the Official Plan and Zoning By-law Amendments will be submitted to the County of Peterborough for final approval. If approved and not appealed within 20 days of the County's decision, the OPA, ZBA and associated by-laws will be in force.

Financial Impact:

Over and above the reduced Development Charges outlined in the February Report to Council, there will be other resource and financial impacts resulting from implementing the necessary changes outlined in Bill 109 and Bill 23.

If Council adopts this comprehensive set of policy and procedural changes, there will be increased fees through the introduction of a Pre-Application process and a fee associated with the Pre-Consultation process which has been free (to date). However,

any increases may be off-set by the legislated pro-rated application refunds if decisions aren't made within prescribed decision timelines.

This set of amendments has been developed to not only reflect the recent Provincial legislated changes but also develop a streamlined and more efficient development approval process by providing greater transparency and accountability.

A more detailed financial impact analysis will be provided when this package of amendments comes forward for approval by Council.

Attachments:

- Attachment No. 1 – Official Plan Amendment – OPA-02-23
- Attachment No. 2 – Zoning By-law Amendment – ZBA-02-23
- Attachment No. 3 – Site Plan Control By-law Amendment
- Attachment No. 4 – Pre-Consultation By-law Amendment
- Attachment No. 5 – Delegation By-law Amendment
- Attachment No. 6 – User Fee and Charges By-law Amendment

Respectfully Submitted by,

Reviewed by,

John F. Connolly
Executive Director, Planning & Development

Yvette Hurley
Chief Administrative Officer

Attachment No. 1 – Official Plan Amendment OPA-02-23

Attachment No. 2 – Zoning By-law Amendment ZBA-02-23

Attachment No. 3 – Site Plan Control By-law Amendment

Attachment No. 4 – Pre-Consultation By-law Amendment

Attachment No. 5 – Delegation By-law Amendment

Attachment No. 6 – User Fee and Charges By-law Amendment