

Document 1

BY-LAW NO. –2023-xxx

A by-law of the City of Ottawa regarding pre-consultation on development applications and to repeal By-law 2009-320 as amended by By-law 2022-415.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“applicant” means,

(a) a person or public body requesting Council to amend the Official Plan of the City of Ottawa under section 22 of the Planning Act;

(b) a person or public body applying to Council to amend Zoning By-law pursuant to section 34 of the Planning Act;

(c) a person applying for site plan approval pursuant to section 41 of the Planning Act;

(d) the owner of land applying for approval of a plan of subdivision pursuant to section 51 of the Planning Act; or

(e) a person owning the freehold or leasehold interest in the described land applying for approval of a condominium under Section 9 of the Condominium Act.

“Condominium Act” means the Condominium Act, 1998, S.O. 1998, c. 19, as amended;

“Council” means the Council of the City of Ottawa;

“Deemed Complete” also means deemed adequate for the purposes of City By-laws and references the submission of a development application to which has satisfied the requirements of the *Planning Act*.

“General Manager” means the General Manager of Planning, Real Estate and Economic Development;

“Notice” means a formal letter issued by Planning, Real Estate and Economic Development confirming pre-consultation phases have been completed and the type of development application to be submitted for formal review at a Client Service Centre.

“Official Review” means the time period after which a Planning Act application has been deemed complete through and until a decision has been rendered on such application.

“Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended.

PRE-CONSULTATION

2. (1) An applicant shall consult with the General Manager or designate prior to submitting,

- (a) a request to amend the Official Plan pursuant to section 22 of the Planning Act;
- (b) an application to amend the Zoning By-law pursuant to section 34 of the Planning Act;
- (c) an application for site plan approval pursuant to section 41 of the Planning Act;
- (d) an application for approval of a plan of subdivision pursuant to section 51 of the Planning Act; and 2
- (e) an application for approval of a condominium pursuant to section 9 of the Condominium Act.

2. (2) No request or application described in subsection (1) will be accepted by the City until the applicant has fulfilled the pre-consultation process set forth in this by-law.

2.(3) Multiple Planning Act applications for the same address that are required to undergo a pre-consultation process, as listed in subsection (1) above, may proceed concurrently through the pre-consultation stages, however the City has the sole discretion to advance an individual Planning Act application through to official review and hold the subsequent Planning Act application back, within the pre-consultation process as deemed appropriate.

PHASE 1 – Preliminary Application Proposal

3. Prior to application submission for applications which come within 2.1(a)-(e) above, the applicant shall commence pre-consultation Phase 1 by submitting a pre-consultation Phase 1 form to the General Manager or designate, with applicable fee, and shall contain,

- (a) information on the site and its surroundings;
- (b) current and proposed land use designations;
- (c) current and proposed zoning;
- (d) environmental considerations; and
- (e) availability of services such as transit, water, wastewater, sewer and stormwater; and
- (f) Any correspondence obtained from a previous Phase 1 pre-consultation detailed in Section 5, as applicable, and a detailed explanation of how the proposal has addressed the comments provided by the City.

Pre-consultation Meeting

4. Once a Phase 1 pre-consultation form has been completed by the applicant and submitted to the City with associated required fee, the General Manager or designate shall hold a pre-consultation meeting with the applicant within ten (10) business days of receipt of both the fee and the pre-consultation form.

5. The applicant will provide a presentation at the meeting covering the information provided as part of Section 3 above and any other information deemed appropriate.

6. The meeting will be coordinated by Planning Services, with representatives from across the Planning, Real Estate and Economic Development Department, as deemed necessary, in order to provide expertise and feedback. The meeting, at the City's sole discretion may be held virtually or in person.

Pre-consultation Phase 1 Outcome Form

7. The General Manager or designate shall prepare a Phase 1 pre-consultation outcome form and provide a copy to the applicant within three (3) business days of the pre-consultation meeting.

8. The pre-consultation outcome form referred to in Section 7 shall contain the following information:

(a) a preliminary list of the prescribed information and materials that will be required at the time of application;

(b) information on the study requirements, available through the City's Guide to Preparing Studies and Plans;

(c) a preliminary opinion on the conformity of the application to the City's policy framework and zoning; and

(d) any known issues associated with the proposed development for the applicant to consider.

PHASE 2 – Finalized Application Proposal

9. (1) Only applications listed in 2.1(b) and 2.1(c) require a phase 2 pre-consultation process as detailed in the provisions below.

10. (2) Provided an application from Phase 1 has not changed in significant scope, design or density, the Director of Planning Services or designate may exempt Phase 2 and allow an application to proceed to Phase 3 of the pre-consultation process.

Pre-consultation Phase 2 Documentation

11. Prior to application submission, the applicant shall commence pre-consultation Phase 2 by submitting the below required pre-consultation Phase 2 documentation to the General Manager or designate, with applicable fee, and shall contain:

- (a) The pre-consultation Phase 1 outcome form; and
- (b) A package of the finalized information and materials, deemed required from Phase 1.

12. Once a Phase 2 pre-consultation form has been completed by the applicant and submitted to the City with associated required fee, the General Manager or designate shall hold a Phase 2 pre-consultation meeting with the applicant within ten (10) business days of receipt of the Phase 2 pre-consultation documentation.

13. The applicant will provide a presentation at the meeting covering the information provided as part of Section 11(b) above and any other information deemed appropriate.

14. The meeting may be held virtually or in person and will be coordinated by Planning Services and will include representatives from across the Planning, Real Estate and Economic Development Department to provide expertise and feedback.

Phase 2 Pre-consultation Outcome Form

15. The General Manager or designate shall prepare a Phase 2 pre-consultation outcome form and provide a copy to the applicant within three (3) business days of the pre-consultation meeting.

16. The phase 2 pre-consultation outcome form referred to in Section 15 shall contain the following information:

- (a) a description of the proposed development
- (b) as applicable, a list of the accepted information and material that may be used to progress to Phase 3, provided the proposed development does not significantly change from that as stated in Section 16(a) above;
- (c) as applicable, a list of any prescribed information and material that has deficiencies from that of the high-level requirements listed on the Guide to Preparing Plans and Studies;
- (d) a list of any information or material that were not identified in Phase 1, however after review of the revised proposal additional information or material is deemed required to form part of Phase 3 submission and a complete application; and
- (e) an opinion on the conformity of the application to the City's land use principles and policy framework.

17. Despite Section 16 above, should an application not have any items to report as it pertains to Section 16(c) and (d), the application may proceed to application submission and will be provided a notice, in accordance with Section 22 below.

PHASE 3 – Study Review

18. (1) Phase 3 is only applicable to applications listed in Section 2.1(b) and Section 2.1(c), above, and only applications that require information and materials be submitted.

18. (2) If an application has changed in significant scope, design or density the application will be required to repeat Phase 2 of the pre-consultation process, with applicable fee, in order to provide an opinion on the conformity of the revised development proposal to the City's land use principles and policy framework.

Pre-consultation Phase 3 Documentation

19. Prior to application submission the applicant shall commence pre-consultation Phase 3 by submitting the below required pre-consultation Phase 3 documentation to the General Manager, with applicable fee, and shall contain:

- (a) The pre-consultation Phase 2 outcome form;
- (b) A package of the finalized information and materials as deemed required from Phase 2; and
- (c) A detailed summary of how the deficiencies from Section 16 (c) have been resolved.

20. Within ten (10) business days of receipt of the Phase 3 pre-consultation documentation, with associated required fee, the General Manager or designate shall:

(a) undertake an internal review of the Phase 3 documentation with the goal of reviewing information and material to ensure they are complete, consistent with one another, and have enough information to allow a proper application processing, during the official review period; and

(b) provide a Phase 3 *notice* to the applicant.

21. Despite Section 19(b), as part of the Phase 3 review undertaken by the City, if the detailed summary required as part of Section 19(c) is not deemed sufficient by the City, the applicant will be issued a Phase 3 deficiency list and the applicant will be required to resubmit for an additional Phase 3 pre-consultation with associated fee, as detailed in Section 22, before notice will be provided.

MISCELLANEOUS PROVISIONS

Format for Forms

22. The General Manager or designate shall determine the format for the pre-consultation form and the pre-consultation outcome form.

Short Title

23. This by-law may be referred to as the “Pre-Consultation By-law”.

Exemption

24. The General Manager or designate, at their discretion, may exempt an application from proceeding through all stages of pre-consultation, with an emphasis on the following file types:

(a) Any application deemed a High Economic Impact project or a High Social Impact Project;

(b) Any application that is deemed to be of low complexity; or

(c) Any application that has recently proceeded through a pre-consultation process and a decision has been rendered on the corresponding planning file and where the new planning application has not significantly changed in scope, design or density.

By-laws 2009-320 and 2022-415 are hereby repealed

ENACTED AND PASSED this 23rd day of September, 2009.

DEPUTY CITY CLERK MAYOR

BY-LAW NO. 2009 - 320

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A by-law of the City of Ottawa regarding pre-consultation on development applications.

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Enacted by City Council at its meeting of September 23, 2009.

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LEGAL SERVICES

amp: G04-01-PLA

COUNCIL AUTHORITY:

City Council January 28, 2009

ARAC/PEC Report 44A, Item 4