

Pre-consultation By-law

Being a by-law to require an applicant to consult with the City of Oshawa prior to submitting applications to amend an Official Plan or the Zoning By-law, for site plan approval, or for approval of a draft plan of subdivision or a draft plan of condominium.

Recitals:

- (a) Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, R.S.O. 1990 c. P13 authorize municipalities to pass by-laws to require applicants to consult with the municipality before submitting applications to amend an official plan or the zoning by-law, for site plan approval, or for approval of a draft plan of subdivision or a draft plan of condominium.
- (b) The Oshawa Official Plan stipulates that an applicant is required to consult with City staff prior to submitting an application to amend the Oshawa Official Plan, the Samac Secondary Plan or the Zoning By-law, for Site Plan Approval, or for approval of a Draft Plan of Subdivision or a Draft Plan of Condominium.

Now therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. Applicants shall consult with the City of Oshawa prior to submitting an application to the City to amend the Oshawa Official Plan, the Samac Secondary Plan or a Zoning By-law passed under Section 34 of the Planning Act, for Site Plan Approval, or for approval of a Draft Plan of Subdivision or a Draft Plan of Condominium.

Stage 1:

2. The City will circulate the preliminary plan(s) to various branches, departments and external agencies for review and comments and the identification of a list of studies, plans, material and other information as set out in the Oshawa Official Plan that is required for the application(s) to be determined complete.
3. The City shall provide a package of comments to the applicant.
4. A meeting may be held between City staff and the applicant to discuss the preliminary plan(s) and Stage 1 comments. The City may invite external agencies to said meeting.
(82-2023)

Stage 2:

5. Subsequent to the provision of Stage 1 comments, the applicant shall submit a revised preliminary plan and a request for a meeting with City and agency staff.
6. The applicant is required to demonstrate to City staff and external agencies how the preliminary plan has or has not changed as a result of Stage 1 comments and discussion.
- 6.1 The applicant may submit the studies, plans, material and other information identified under Stage 1 for technical review by the City and external agencies as part of Stage 2. An enhanced fee may be established pursuant to the Planning Act in the City's General Fees and Charges By-law, as amended, if studies, plans, materials and other information are submitted for technical review as part of Stage 2. (82-2023)
7. Stage 2 is an opportunity to further discuss and clarify Stage 1 comments and requirements and the proposed plan(s).

Stage 3:

8. The applicant shall submit a checklist outlining the studies, plans, material and other information the City identified as required to support the application(s), and the

studies, plans, material and other information the applicant intends to submit with the application(s).

9. Stage 3 is an opportunity for the applicant to confirm the documents they are intending to submit will be sufficient to constitute a “complete application” to the extent determined through the pre-consultation process and in the Oshawa Official Plan, and provides City staff an opportunity to verify submission requirements identified during the pre-consultation process and to verify application fees.

General:

10. A pre-consultation will only be valid for one year following the completion of Stage 1. If a planning application is not submitted within one year, the applicant will be required to submit another pre-consultation request and start from Stage 1 again.
11. If an applicant changes their plans substantially at any time, a new pre-consultation will be required starting at Stage 1, unless, in the opinion of the Commissioner of Economic and Development Services a new pre-consultation is not required.
 - 11.1 The Commissioner of Economic and Development Services may waive the requirement for Stage 1 and Stage 2. (82-2023)
12. A planning application(s) submitted to the City prior to completion of all three stages of the pre-consultation process will not be considered a complete application under the Planning Act and Section 9.19 of the Oshawa Official Plan, unless the Commissioner of Economic and Development Services has waived the requirement under Sections 11 or 11.1 of this by-law, or the application is for site plan approval and has been submitted within the two year window described in Section 13.1 of this by-law. (82-2023)
13. If more than one application is required for planning approval in support of a single development proposal, a single consolidated pre-consultation submission can satisfy the requirement to consult.
 - 13.1 A proposal which requires an application for Site Plan Approval and which is related to a previous approval of an amendment to Zoning By-law 60-94, as amended, shall not be subject to a Stage 1 pre-consultation if a Stage 2 pre-consultation request is submitted within 2 years of the date of the approval of the Zoning By-law Amendment. (82-2023)
 - 13.2 A proposal which requires an application for Draft Plan of Condominium that is not related to the conversion of a property from rental tenure to condominium tenure but which is related to an application for Site Plan Approval shall not be required to submit a Stage 1 pre-consultation if a Stage 2 pre-consultation request is submitted within one year of the date of site plan approval or of the date of the site plan agreement, whichever is most recent. (82-2023)

Transition:

14. Any pre-consultation request completed prior to the effective date of this By-law shall be subject to the Stage 2 and 3 requirements of this By-law and any related planning applications to amend the Oshawa Official Plan, Samac Secondary Plan or the Zoning By-law, for Site Plan Approval, or for approval of a Draft Plan of Subdivision or a Draft Plan of Condominium must be submitted no later than December 31, 2023.

By-law 22-2023 passed the twenty-seventh day of February, 2023.

By-law 82-2023 passed the twenty-sixth day of June, 2023.