

THE CORPORATION OF THE TOWN OF GEORGINA

APPLICATION FOR AMENDMENT TO THE OFFICIAL PLAN

APPLICATION GUIDE

Revised: Jan/18

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**AS PER COUNCIL POLICY, ALL TAXES MUST BE PAID TO DATE BEFORE THE
PROCESSING OF AN APPLICATION FOR AMENDMENT TO THE OFFICIAL PLAN.**

PURPOSE OF APPLICATION

1. This OFFICIAL PLAN AMENDMENT APPLICATION GUIDE sets forth the procedure for processing all Official Plan Amendment applications. The information required allows the Municipality to properly evaluate your proposal. The information you provide will assist the Municipality and associated public bodies in expediting this process.
2. The attached application form is to be used only when applying to the Corporation of the Town of Georgina. This application must be filed in duplicate with the Planning and Building Department.

PRE-CONSULTATION

3. The Planning and Building Department highly recommends that the owner/agent arrange in advance to meet with staff prior to making the formal submission in order to avoid delays relating to incomplete applications or lacking information requirements. Staff may recommend pre-consultation with applicable commenting public bodies or agencies which may have jurisdictional concerns with the proposal.

Such public bodies or agencies may include the York Regional Departments of Planning & Development Services, Transportation & Works, the Lake Simcoe Region Conservation Authority (lands within their jurisdiction), the Ministry of Transportation (provincial highway jurisdiction), the Ministry of Citizenship, Culture & Recreation (archaeological heritage concerns), or other bodies who may have an interest in the application.

The “pre-consultation” process is key to ensure that all issues are identified, and potentially resolved, as early on in the planning process as possible, and preferably before a formal application is submitted to the municipality.

On February 25, 1999, York Region Council passed By-law No. A-0265-1999-017 to authorize the exemption of certain local official plan amendments from Regional approval. The exemption procedures as set out in Regional Official Plan Amendment No. 9 are now in effect. The amendment permits the exemption from Regional approval of local official plan amendments considered to be locally significant and not of Regional or Provincial significance.

Amendments which require approval by Regional Council include:

- applications directly and substantially affecting Regional servicing infrastructure, i.e. roads, sewer, water
- applications that substantially change Regional capital forecasts
- urban boundary expansions
- major applications that will adversely affect Regional traffic flows
- non-farm development in the agricultural and/or rural area
- major secondary plans
- large retail applications having a Regional impact
- applications having an adverse impact on the Provincial Policy Statement
- applications within the Regional Greenlands System
- density decreases impacting the entire municipality
- applications with cross boundary impacts
- applications in the Parkway Belt and Oak Ridges Moraine (*these are not present within Georgina’s boundaries*)

All other local official plan amendment applications may be eligible for exemption from Regional approval. Pre-consultation between the applicant, area municipal staff and Regional staff is encouraged to assist in determining if an application will be exempt from Regional approval.

USING THE APPLICATION

4. The application should be completed by the property owner or authorized agent and returned to The Corporation of the Town of Georgina at the above address. When it is being made by an agent, the written authorization of the owner must accompany the application. For your convenience, an authorization form has been included in the attached application. It is important to note that the signature of the owner, solicitor or authorized agent on the application form must be witnessed by a Commissioner.

COMPLETENESS OF THE APPLICATION

5. The information in this guide and in the attached application form that must be provided by the applicant is indicated in *italics*. This information is prescribed in accordance with Subsection 22(4) of the Planning Act, and is identified in the Schedule to Ontario Regulation 198/96. The prescribed information must be provided along with the appropriate fee. The fee has been established by The Corporation of the Town of Georgina Fee By-law No. 2011-0015 (PL-7), as amended. A copy of the fee schedule is attached for reference.

In accordance with Subsection 22(6) of the Planning Act, if the prescribed information and fee are not provided, the Town will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

6. In accordance with Subsection 22(5) of the Planning Act, the application form and guide also set out additional information that will assist the Town and other public bodies in their planning evaluation of the proposed official plan amendment. To ensure the quickest and most complete review, this information should be submitted along with the prescribed information. In the absence of this additional information, it may not be possible to do a complete review and proper analysis within the legislated time frame for making a decision. As a result, the proposed official plan amendment may be deferred or refused.
7. The applicant must submit the appropriate fee for the processing of the application, in accordance with The Corporation of the Town of Georgina Fee By-law No. 2011-0015 (PL-7), as amended. A copy of the fee schedule is attached for reference.

Furthermore, in accordance with By-law No. 98-165 (BU-1), applications requiring review by the Town of Georgina On-Site Sewage Inspector must be accompanied with a completed INSPECTION FEE form. The subject form is attached and must be submitted with the application. A fee, payable to The Corporation of the Town of Georgina, must accompany the completed form. The fee is not required ONLY if municipal sanitary sewers are in use on the lot, and the property is municipally serviced.

In accordance with Section 1 (m.1) of the Conservation Authorities Act, the Lake Simcoe Region Conservation Authority (LSRCA) has also established fees for the review of official plan amendment applications. The LSRCA will be providing plan review and technical clearance services in accordance with the Provincial Policy Statement by reviewing applications in relation to various environmental features such as wetlands, wildlife habitat, fish habitat, habitats of threatened and endangered species, areas of natural and scientific interest, woodlands, valley lands, and flood and erosion control.

Attached please find a copy of the *Conservation Authority Fee Schedule for Planning Services. A Preliminary Analysis Fee*, payable to the *Lake Simcoe Region Conservation Authority*, must be submitted by the applicant as part of the submission of the application to the Town. Upon circulation of the application to the Conservation Authority for comment, the Authority will return the fee to the applicant if it is determined that their review is not necessary. Alternatively, the Authority will advise of their comments and whether any additional fees are required for processing and/or final clearances.

8. A Site Screening Questionnaire must be completed and submitted with every application. The application will not be considered complete and no processing shall occur until the questionnaire is completed and submitted.
9. A deposited reference plan of the subject land may be required showing the dimensions of the property and buildings.
10. If the application is for the approval of housing development, supportive documentation indicating how the proposed amendment conforms to the Housing Policies of the Provincial Policy Statement (PPS), will be required.

ADDITIONAL PROCESSING FEES

11. Upon approval of the application by the Town, and prior to the passing of the by-law to adopt the Official Plan amendment, the applicant must also submit the additional fee required by the Town, in accordance with Fee By-law No. 2011-0015 (PL-7), as amended. Upon receipt of the required fee, and any additional information as necessary, staff will bring forth the amendment before Council for adoption by by-law. Refer to the attached copy of the fee schedule for the appropriate fee.
12. The Region of York has also established fees for the processing of official plan amendment applications. The applicant must submit the Region of York fee to the Town, in accordance with By-law No. A-0393-2007-091. Refer to the fee schedule attached for reference on the Region of York fees.

SUBMISSION OF THE APPLICATION

13. The Town needs:

- submission of the appropriate processing fees
- 2 copies of the completed application form
- 10 copies of a “draft” proposed official plan amendment
- 15 copies of the information/reports if indicated as needed when completing the sections of the application form.

In accordance with the Schedule to Ontario Regulation 198/96, the applicant must prepare and submit a “draft” proposed official plan amendment which provides the following:

- a) the text of the proposed amendment if a policy in the official plan is being changed, replaced or deleted or, if a policy is being added to the official plan; and,
- b) the proposed schedule to the official plan if the proposed amendment changes or replaces a schedule in the official plan and the text that accompanies the schedule.

The copies of the information/reports will be used to consult with other agencies that may have an interest in the matter. Where the scale or nature of the land use changes appear to require a large number of agencies to be consulted, more copies of the proposed official plan amendment should be submitted. Please contact the Town planner for your area to determine whether additional copies will be required.

In addition to the above, the applicant may be required to submit supporting technical studies, which may include:

- functional servicing reports and/or master plans;
- stormwater management reports and/or master plans;
- transportation studies and/or master plans;
- environmental and biological/ecological preservation plans;
- urban design reports/plans;
- market analysis and financial impact studies;
- tree preservation plans and landscape analysis plans; and
- flood plain mapping and analysis.

In most cases, these studies will need to look beyond the boundary of the subject site and in the case of servicing and stormwater management master plans, may need to be completed on a watershed or subwatershed basis.

PEER REVIEW OF TECHNICAL STUDIES

14. The Town may deem it desirable to have independent, qualified professionals conduct a Peer Review of technical studies in support of development applications that have been completed by the proponents. Peer reviews may be required for any identified technical studies or reports.
15. In accordance with the Town’s Policy for Peer Reviews, the peer review consultants are to review the technical studies having regard to relevant Town, Regional and Provincial policies and guidelines, and provide recommendations to the Town regarding the acceptability of the methodology or approach used in the study, the completeness, and accuracy of the conclusions and findings of the study.
16. The cost of the peer review will be the responsibility of the proponent for the subject development application.

DEALING WITH THE APPLICATION

17. Upon receipt of the application, the submission is reviewed by Planning and Building Department staff for completeness. It is highly recommended that the owner or agent arrange in advance to meet with staff prior to making the formal submission in order to avoid delays relating to incomplete applications or lacking information requirements. The Planning and Building Department may recommend pre-consultation with certain commenting public bodies or agencies, which may have jurisdictional concerns with the proposal. If the application form is incomplete or seems inaccurate, the application will be returned for completion, correction or clarification prior to commencing the processing of same.
18. After accepting the completed application, the Town may confer with officials of the Region of York and other Ministries, commissions and authorities, and with others who may have an interest in your proposal, to obtain information and recommendations from them.
19. If, following pre-consultation between the applicant, Town staff and Regional staff, it is determined that the application should be exempt from Regional approval, Town staff will forward a written request to the Regional Planning Commissioner requesting the proposed local official plan amendment application be exempt from Regional Planning Committee and Council approval. The request should be based on the criteria set out in Regional OPA No. 9, and as discussed in Section 3 noted on page 1 to this Guide, and be accompanied by the Regional fee and any supporting background information or local staff comments.

Upon receipt of the application and accompanying fee, Regional staff will review the application and will advise Town staff, in writing, of whether the amendment is exempt from Regional approval, is exempt provided the amendment is modified satisfactory to Regional staff, or, the amendment requires a decision by Regional Planning Committee and Council.

20. In accordance with Section 22(1) and Section 17(15) of the Planning Act and Ontario Regulation 198/96, applications to amend the Official Plan must undergo a public consultation process. The Municipality must ensure that the written Notice be sent out no less than 20 days prior to the date of the Public Meeting of Council.

Note: In accordance with Section 22(3) of the Planning Act, the requirement to hold a public meeting under Section 17(15) is waived if the Council refuses to adopt an amendment to its official plan requested by a person or public body.

Notice of a public meeting to inform the public of the proposal will be given by publication in a local newspaper; or,

by mail to every property owner of land within 120 metres of the area to which the proposal applies; and,

the posting of a sign or signs on the property providing notice of the proposal and public meeting. The erection of the sign(s) shall be carried out in accordance with the procedures and requirements set out in the form attached hereto.

21. After an evaluation of the application and of the comments from other bodies noted above, the Planning and Building Department will prepare report(s) for Council's consideration. If Council approves the application, and when conditions of approval are fulfilled, a by-law to adopt the official plan amendment will be prepared and placed before Council for their approval.
22. If an official plan amendment is adopted by Council, the Regional Municipality of York, the applicant, and any person or public body who submitted a written request to be notified of the proposed decision, will be advised of Council's decision by the Clerk in writing within 15 days after the adoption of the amendment.

PROCESSING TIME

23. In accordance with the Planning Act, the Town must hold a public meeting to consider the proposed amendment within 65 days of receipt of the complete application. Furthermore, the Town must give notice of the public meeting within 45 days of receipt of the complete application. If notice of the meeting is not given within the required time frame, the applicant may appeal all or part of the application to the Ontario Municipal Board.

The Act also allows the applicant to appeal all or part of the amendment to the Ontario Municipal Board if Town Council fails to adopt the amendment within 90 days of receipt of the complete application [Sec. 22(7)(c)], or if Council refuses the application [Sec. 22(7)(e)]. Any notice of appeal to the Ontario Municipal Board must be filed with the Town Clerk for processing.

24. If the Official Plan Amendment, that requires a decision by Regional Planning Committee or Council, is approved by Town Council and Council passes a by-law to adopt the amendment, the Town Clerk is to forward the necessary information to the Region of York within 15 days of the adoption of the amendment, wherein the Region will undertake a review of the proposed amendment. The Act requires that official plan amendments must be approved by the Region before they are deemed to be in force and effect.

If the Region of York fails to give Notice of a Decision on all or part of the amendment within 90 days of receipt of the matter, any person or public body may appeal same to the Ontario Municipal Board by filing a notice of appeal with the Region.

Once the Region makes a decision on the amendment, written notice of the decision must be provided to various persons/bodies [Sec. 17(35)]. Any person or public body may, not later than 20 days after written notice is given, appeal all or part of the decision to the Ontario Municipal Board by filing a notice of appeal with the Region of York.

25. If the Official Plan Amendment is exempt from approval by Regional Planning Committee and Council, the Town Clerk will issue the Notice of Adoption, in accordance with Section 17(23) of the Planning Act, R.S.O. 1990, which will be forwarded to various persons/bodies for comment. Any person or public body may, not later than 20 days after written notice is given, appeal all or part of the decision to the Ontario Municipal Board by filing a notice of appeal with the Town Clerk.

WATER AND SEWAGE ALLOCATION

26. Pursuant to Section 14.5.1 j) and Section 13.8.3 k) of the Sutton and Keswick Secondary Plans, respectively, the Corporation of the Town of Georgina shall only approve residential and industrial development proposals which can be allocated municipal water and sewer servicing capacity. In this regard, please contact the Planning Division to enquire whether there is servicing allocation available prior to submitting an application for development approval.