



## DEVELOPMENT SERVICES MEMORANDUM

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**TO:** MAYOR A. NUTTALL AND MEMBERS OF COUNCIL

**FROM:** C. KITSEMETRY, RPP, SUPERVIR OF GROWTH MANAGEMENT, EXT. 4430

**WARD:** ALL

**NOTED:** M. BANFIELD, RPP, EXECUTIVE DIRECTOR OF DEVELOPMENT SERVICES  
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

**RE:** FINAL APPROVAL OF THE CITY'S OFFICIAL PLAN 2051 (MAY 2024)

**DATE:** AUGUST 7, 2024

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The purpose of this Memorandum is to provide members of Council with an update concerning the final approval of the City's Official Plan 2051 (May 2024) by Bill 162, changes to the *Planning Act* that impact our planning process, standards and fees by Bill 185, as well as changes to the *Heritage Act* by Bill 200 that impact the City's timelines for designating heritage properties.

### **Bill 162, the Get it Done Act, 2023**

Bill 162 received Royal Assent on May 16, 2024, bringing into effect the City of Barrie Official Plan 2051 adopted pursuant to By-law 2022-016 on March 7, 2022, approved with the previous Minister modifications numbered 1, 3, 4, 6 to 8, 11 to 17, 19 to 24, 26 to 37, 39 to 63, 65 to 69, 71 and 72, which had been reversed by Bill 150, *Planning Statute Law Amendment Act, 2023* on December 6, 2023 as well as three (3) additional modifications as outlined in the chart below.

A detailed description of the modifications as amended, and the final version of Official Plan 2051 (May 2024) is available on the City's website <https://www.barrie.ca/government-news/adopted-strategies-plans/official-plan>.

### **Chronology of Approval for the City of Barrie Official Plan 2051**

Date	Action
March 7, 2022	Official Plan 2051 was Adopted by By-law 2022-016 and sent to the Minister of Municipal Affairs and Housing for approval.
April 11, 2023	Official Plan 2051 was Approved by the Minister of Municipal Affairs and Housing with 73 Modifications.
October 23, 2023	Minister of Municipal Affairs and Housing, Paul Calandra announced his " <i>priority to review past decisions related to land use planning, including official plans and minister's zoning orders, to ensure that these earlier decisions support our goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust</i> " and asked heads of Council to submit comments on the Official Plan modifications by December 7, 2023.



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Date	Action
December 6, 2023	<p>Mayor Nuttall submitted the City of Barrie's recommendations on the Official Plan to the Minister. The submission included feedback received by the public through email and comments at the Town Hall held on November 22, 2023.</p> <p><i>Note: The additional modifications and final approval of the majority of the previous Minister modifications provided to the City, are representative of the comments provided by the Mayor in response to the request for comments on October 23, 2023.</i></p>
December 6, 2023	<p>Bill 150, <i>Planning Statue Law Amendment Act, 2023</i> received Royal Assent, reversing the Minister Approval of the Official Plan 2051 as modified, with exception of Modification 66 to add:</p> <p>Policy 6.5.1.3 j) Where their activity would cause a significant drinking water threat, uses outlined in Policy LUP-1 of the South Georgian Bay Lake Simcoe Source Protection Plan shall not be permitted in vulnerable areas.</p>
May 16, 2024	<p>Bill 162, the <i>Get it Done Act, 2023</i> received Royal Assent on May 16, 2024, bringing into effect the City of Barrie adopted Official Plan with Minister modifications numbered 1, 3, 4, 6 to 8, 11 to 17, 19 to 24, 26 to 37, 39 to 63, 65 to 69, 71 and 72, and further amended with modifications as follows:</p> <ul style="list-style-type: none"><li>i. Appendix 2: Phasing Plan is deleted in its entirety</li><li>ii. Policy 2.4.2.3.e) is modified by adding the following new sentence at the end "The portion of Designated Greenfield Area lands identified as Phase 1 West, Phase 2 West, and Phase 3 West on Appendix 2: Phasing Plan as adopted by By-law 2022-016, excluding the Employment Areas, may be planned to achieve a minimum density of 52 persons and jobs per hectare to 2051"</li><li>iii. Policies 9.5.2.c), d) and j) are deleted and section 9.5.2. is renumbered accordingly.</li></ul>

### **Bill 185, the Cutting Red Tape to Building More Homes Act, 2024**

Bill 185 received Royal Assent on June 6, 2024. The update in this memorandum is specific to Schedule 12 of the Bill, that makes various amendments to the *Planning Act*. A summary of changes to the *Planning Act* that directly impact the City's development application process and municipal review responsibilities is provided in the chart below. The full details of Bill 185 can be found on the provincial website <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>



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	<b>Change to the <i>Planning Act</i></b>	<b>Action by Staff</b>
1.	<p>New subsections 16 (22) to (24) limit the ability of official plans to contain policies requiring an owner to provide or maintain parking facilities within protected major transit station areas, certain other areas surrounding and including an existing or planned higher order station or stop and other prescribed areas.</p> <p>Related amendments are made to section 34, to restrict currently in effect zoning by-laws from doing the same.</p>	<p>A minimum parking standard will no longer be applied in the City's two (2) identified Major Transit Station Areas (MTSA), being the Barrie Allandale Transit Terminal and GO Station, and Barrie South GO Station.</p> <p>Any related references to parking in the City's Official Plan will be amended at the next housekeeping review. Draft 3 of the new zoning by-law, pending release in fall 2024, has been revised to reflect this change.</p>
2.	<p>Subsection 17 (24) of the Act permitted a person to appeal the adoption of an official plan if the person has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality.</p> <p>Amendments are made to provide that a person must be a specified person. The subsection is also amended to permit the registered owner of land to which the plan would apply to appeal the adoption of an official plan, if that owner has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality. New subsections 17 (24.0.1) to (24.0.4) provide for transitional rules.</p> <p>Similar amendments are made to appeal rights under subsections 17 (36) and 34 (19).</p>	<p>Staff are revising all formal Notice details to ensure the corresponding direction is provided to the public regarding their appeal rights pertaining to an application for Official Plan or Zoning By-law Amendment, and generally for all applications under the <i>Planning Act</i>.</p>
3.	<p>Subsection 22 (3.1) of the Act required a council or planning board to allow applicants who wished to do so to consult with the municipality or planning board before submitting a request to amend an official plan and authorizes a council or planning board to pass a by-law requiring applicants to consult with the municipality or planning board before submitting such a request.</p> <p>The re-enacted subsection does not include the authority for a council or planning board to pass a by-law requiring consultation.</p> <p>Similar amendments are made to sections 34 (Zoning), 41 (Site Plan Control) and 51 (Plan of Subdivision).</p>	<p>The Development Review process has been updated to remove the requirement for Pre-consultation prior to submission of an application for Official Plan Amendment (OPA), amendment to the Zoning By-law (ZBA), Draft Plan of Subdivision (DPS), and/or Site Plan Control. Staff have advised the development community of this change, but are encouraging voluntary Pre-consultation to allow staff to:</p> <ul style="list-style-type: none"><li>- identify key issues and provide preliminary written comments on the proposal;</li><li>- clarify the application process and fees for the applicant; and,</li><li>- identify and confirm the plans, supporting studies, and other information that will need to be provided for the full development application to be considered complete.</li></ul>



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	<b>Change to the <i>Planning Act</i></b>	<b>Action by Staff</b>
4.	<p>Subsection 22 (6.2) of the Act permitted the making of a motion, within a specified timeframe, for directions to have the Ontario Land Tribunal determine whether information and material required to be provided with a request for an official plan amendment have in fact been provided or whether a requirement to provide information or material required by the official plan is reasonable. The subsection is re-enacted to provide that a motion can be made at any time after pre-request consultation has begun or the requestor has paid the application fee. Subsection 22 (6.3), which currently provides for the extension of the timeframe under subsection 22 (6.2) in certain circumstances, is repealed.</p> <p>Similar amendments are made to sections 34 (Zoning), 41 (Site Plan Control) and 51 (Plan of Subdivision).</p>	<p>The requirements for a complete application are being reviewed by staff to ensure the materials being requested by the City meet the parameters of the <i>Planning Act</i> for each of the application processes for Official Plan Amendment (OPA), amendment to the Zoning By-law (ZBA), Draft Plan of Subdivision (DPS), and/or Site Plan Control.</p>
5.	<p>Subsections 34 (10.12) to (10.14) of the Act, provided rules respecting when municipalities were required to refund fees in respect of zoning by-law amendment applications are repealed. Transitional rules are provided for in new subsections 34 (35) and (36).</p> <p>Similar amendments are made to section 41 (Site Plan Control).</p>	<p>The Development Review process was updated to remove the requirement for a Pre-submission review prior to formal application for Official Plan Amendment (OPA) Zoning By-law (ZBA) and/or Site Plan Control.</p> <p>Staff have informed the development community of this change. In addition, changes are required to the fees by-law, which are outlined below this chart, entitled <u>Pre-submission – Fee By-law Update</u>.</p>
6.	<p>Section 34.1 provides for Minister's orders that are made at the request of a municipality. The section, which included the Community Infrastructure and Housing Accelerator (CIHA) mechanism introduced by Bill 109, <i>More Homes for Everyone Act, 2022</i>, is repealed and re-enacted to provide a transition rule respecting orders that were previously made under the section.</p>	<p>The City has two (2) applications, previously submitted under the Community Infrastructure and Housing Accelerator program (CIHA), that will now be considered by the Minister as a Minister Zoning Order (MZO) if they are determined to meet the criteria.</p> <ol style="list-style-type: none"> <li>1. <a href="#">800 Yonge Street – Schlegel Village</a></li> <li>2. <a href="#">175 &amp; 199 Essa Road and 50 Wood Street - Barrie Fairgrounds</a></li> </ol> <p>To date, no Order has been issued for either project.</p>



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	<b>Change to the <i>Planning Act</i></b>	<b>Action by Staff</b>
7.	<p>Subsection 35.1 (2) authorized the Minister to make regulations establishing zoning requirements and standards with respect to a second or third residential unit in a detached house, semi-detached house or rowhouse and with respect to a residential unit in a building or structure ancillary to such a house.</p> <p>The subsection is re-enacted to authorize zoning regulations establishing requirements and standards with respect to any additional residential units in a detached house, semi-detached house or rowhouse, a residential unit in a building or structure ancillary to such a house, a parcel of land where such residential units are located or a building or structure within which such residential units are located.</p>	<p>The City has enacted new zoning standards for additional residential unit(s), including permissions to allow for up to four (4) residential units on a lot.</p> <p>Refer to By-law 2024-043 for full details.</p>
8.	<p>A new subsection 41 (7.1) permits authorized persons referred to in subsection 41 (4.0.1) to provide for the lapsing of approvals of plans and drawings referred to in subsection 41 (4) in a site plan control area. A new subsection 41 (7.3) permits an authorized person to provide for the lapsing of previous approvals and, if the person does so, requires the municipality to notify the owner of the land.</p> <p>Amendments are made to subsection 70.1 (1) to authorize the Minister to make certain regulations in relation to subsections 41 (7.1), (7.2) and (7.3), including providing for exemptions to those provisions.</p>	<p>No action required as the City does include a standard Site Plan Condition that provides for the lapsing of approved if a building permit is not issued within three (3) years of the approval. Extensions to approval dates are possible if requested by the property owner / applicant.</p>
9.	<p>Subsection 51 (32) permitted an approval authority to provide for the lapsing of an approval to a draft plan of subdivision. The subsection is re-enacted to, among other things, require approval authorities to provide for the lapsing of such approvals. New subsection 51 (33.4) deals with the lapsing of approvals that were given on or before March 27, 1995.</p>	<p>No action required as the City does include a standard Draft Plan of Subdivision condition that provides for the lapsing of an approval if the Owner/Applicant does not register the Final Plan of Subdivision within three (3) years of Draft Approval. Extensions to approval dates are possible if requested by the property owner / applicant.</p>

### **Pre-submission, Fee By-Law Update**

In July 2023, the City introduced a new Pre-submission application process prior to formal submission of an application for Zoning By-law (ZBA), Official Plan Amendment (OPA) and Site Plan Control applications in response to Bill 109, *More Homes for Everyone Act, 2022*. In the 2024 Fees By-law there is a charge of \$5,240 for a Pre-submission application. Along with the introduction of a required Pre-submission application, there was a reduction of fees by \$5,240 for the respective OPA and ZBA applications to acknowledge the Pre-submission fee paid earlier in the development review process.

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In response to removing the requirement for Pre-submission applications through Bill 185, the 2024 application fees for Official Plan and Zoning By-law Amendment applications will be increased by \$5,240 moving forward to recover the pre-submission discount/credit previously applied to full applications. The Site Plan Control fees were not reduced previously and therefore will remain unchanged in 2024.

**Bill 200, the *Homeowner Protection Act*, 2024**

Bill 200 was passed by the Ontario Legislature, and received Royal Assent June 6, 2024, changing the requirements of listed heritage properties. All listed properties that existed on the Municipal Heritage Register prior to December 31, 2022, now have until January 1, 2027, to be reviewed and designated, or they must be removed from the Register. This is a change from Bill 23, the *More Homes Built Faster Act*, 2022, which had issued a deadline of January 1, 2025. In accordance with the legislation, once removed from the Municipal Heritage Register, a property may not be re-listed for at least five years.

In anticipation of the future removal of the listed heritage properties, staff in coordination with the Heritage Committee have engaged a consultant to evaluate 13 listed properties for designation. This work is currently underway with an estimated completion date of December 2024.

For more information, please contact Celeste Kitsemetry, Supervisor of Growth Management at: [celeste.kitsemetry@barrie.ca](mailto:celeste.kitsemetry@barrie.ca) or by phone at: 705-739-4220 x4430.