

Proposed Amendment 52 to the Pickering Official Plan

- Purpose:** The purpose of this Amendment is fourfold. The first revises policies in the Official Plan to recognize the delegation of land division responsibilities, and the approval authority to grant consents, from the Region of Durham to the City of Pickering. This is provisioned under section 53 of the *Planning Act*.
- The second replaces the policies in the Official Plan mandating pre-consultation meetings, between an applicant and City staff, prior to submission of a development application, with policies encouraging such pre-consultation meetings, making them voluntary and at the discretion of the applicant.
- The third revises Parkland Dedication policies. This is provisioned under Section 42 and Section 51.1 of the *Planning Act* which reduced the parkland dedication rate for high density and mixed-use areas and the cash-in-lieu of parkland rate for all development.
- The fourth removes the Density Bonusing policies.
- Location:** The Amendment applies to all lands within the City of Pickering.
- Basis:** The basis for the City-initiated Official Plan Amendment is as follows:
- The revised policies, recognizing the delegation of land division responsibilities and the approval authority to grant consents from the Region to the City of Pickering, stems from revisions to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022*. Among other matters, this Act reclassified the Region of Durham, including six other regional municipalities in Ontario, as “Upper Tier Municipalities without Planning Responsibilities”.
- The replacement of the policies ‘requiring’ pre-consultation meetings between the City and the applicant, with policies ‘encouraging’ pre-consultation meetings, is based on revisions to the *Planning Act* through Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.
- The revised policies regarding Parkland Dedication result from revisions to the *Planning Act* through Bill 109, *More homes for Everyone Act, 2022*.
- The removal of policies pertaining to Density Bonusing is based on revisions to the *Planning Act* through Bill 197, *COVID 19 Economic Recovery Act, 2020*.

Actual

Amendment: The City of Pickering Official Plan is hereby amended by:

New text is shown as underlined text, deleted text is shown as strikethrough text, and retained is shown as unchanged text

1. Revising City Policy 5.8, in Chapter 5 – Economic Development, so that it reads as follows:

City Policy

Financial Incentives

- 5.8 City Council shall consider an incentive program to encourage green building design in any new development in the City Centre, which may include ~~density bonuses~~, loans, development charge reduction, Community Improvement Plan grants or an expedited development application review process.**

2. Revising City Policy 11.49, in Chapter 11 – Seaton Urban Area by deleting subsection (b) so that it reads as follows, and renumbering the subsequent subsections:

City Policy

Affordable Strategies for Lower Income

Tenants and Owners

- 11.49 City Council recognizes that most new affordable rental housing and some new affordable ownership housing directed at larger owner households in the bottom 30th percentile of owner households, will require some type of subsidy or incentive to reach required ownership or rent levels affordable to low income households. Such assistance could include:**

(a) ...;

~~(b) using density bonusing at selected sites where a builder provides a certain proportion of rental or subsidized ownership units as affordable;~~

~~(cb)~~ providing...;

~~(dc)~~ using...; etc.

3. Revising City Policy 12.15(c)(ii), in Chapter 12 – Urban Neighbourhoods so that it reads as follows:

City Policy

Brock Ridge Neighbourhood Policies

12.15 City Council shall:

(c) ...:

(i) ...; and

(ii) **acknowledge the landowners' interest in developing higher density development and to this end, shall consider the use of ~~density bonuses to achieve community design and other municipal objectives (in accordance with Section 16.17 of this Plan), in addition to density transfers as set out in Section (12.15)(a) above.~~**

4. Revising City Policy 12.16(a)(iv), in Chapter 12 – Urban Neighbourhoods so that it reads as follows:

City Policy

Rouge Park Neighbourhood Policies

12.16 City Council shall:

- (a) ...:
 - (i) ...;
 - (ii) ...;
 - (iii) ...;
 - (iv) in accordance with Sections ~~16.17~~ and 16.18, permit the use of density transfers and bonuses, as further detailed in the Rouge Park Neighbourhood Development Guidelines;
 - (v) ...; etc.

5. Revising City Policy 16.2, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Pre-submission Consultation

16.2 City Council shall ~~require~~ encourage applicants to consult with the municipality prior to submitting an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consent or site plan approval. The pre-submission consultation meeting will be held with the applicant, City staff and any other government agency or public authority that the City determines appropriate. At the pre-submission consultation meeting:

6. Revising City Policy 16.3, in Chapter 16 – Development Review, by adding the word “consent” in the policy pretext as well as in subsection (f), deleting subsection (c), and renumbering the subsequent subsections, so that it reads as follows:

City Policy

Complete Application

16.3 City Council shall not accept an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consent, or site plan approval until the following has been submitted to the City:

- (a) a complete application form, including an acknowledgement by the applicant of the obligation to pay required peer review costs, as referred to in Section 16.4;

- (b) any information or materials prescribed by statute and regulation;
- ~~(c) a record of pre-submission consultation;~~
- ~~(d)~~ the prescribed application fee(s);
- (ed) payment, or proof of payment of application review fees charged by commenting agencies;
- (fe) all required studies set out in Section 16.5A for an official plan amendment, zoning by-law amendment, consent, draft plan of subdivision and draft plan of condominium application; and
- (gf) all required studies set out in Section 16.5B for a site plan application.

7. Revising the subtext to City Policy 16.4, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Required Studies for an Official Plan Amendment,
Zoning By-law Amendment, Consent, Draft Plan of Subdivision,
and Draft Plan of Condominium Approval

8. Revising City Policy 16.5A, in Chapter 16 – Development Review, so that it reads as follows:

16.5A City Council shall require the following materials and studies prepared by qualified experts, which may be as-scoped or expanded as a result of the non-mandatory pre-submission consultation required by as provided for in Section 16.2, to be submitted at the time of application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, consent and draft plan of condominium approval:

9. Revising City Policy 16.5B, in Chapter 16 – Development Review, so that it reads as follows:

16.5B City Council shall require the following materials and studies prepared by qualified experts, which may be as scoped or expanded as a result of the non-mandatory pre-submission consultation as provided for by in Section 16.2, to be submitted at the time of application for site plan approval:"...

10. Revising City Policy 16.8 in Chapter 16 – Development Review so that it reads as follows:

16.8 City Council:

- (a) ~~as determined may determine through a non-mandatory pre-submission consultation as provided for as determined through a presubmission consultation in Section 16.2, to require the~~ submission and approval of an Environmental Report as part of the consideration of a development application or a public infrastructure

project for major development within 120 metres of the Natural Heritage System or within the minimum area of influence prescribed in Table 18 of this Plan; and

- (b) despite Section 16.8(a), may, through the non-mandatory pre-submission consultation as provided for in Section 16.2, require the submission and approval of an Environmental Report as part of its consideration of any other development application or public infrastructure project.

11. Revising City Policy 16.13, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Retail Impact Study

16.13 Outside the City Centre, City Council, in the review of development proposals for new or expanded gross leasable floor space for the retailing of goods and services:

- (a) shall for the development of 2,500 square metres or greater of floor space; and
- (b) may for the development of less than 2,500 square metres of floor space;

as determined through a non-mandatory pre-submission consultation as provided for in Section 16.2, require a retail impact study:

- (i) to justify the proposed floor space for the retailing of goods and services; and,
- (ii) to demonstrate that such additional floor space will not unduly affect the viability of any lands designated or developed for the retailing of goods and services.

12. Deleting City Policy 16.17 (Bonus Zoning) in Chapter 16 – Development Review in its entirety and replacing it with the following:

City Policy

Bonus Zoning

16.17 ~~Section Revoked by Amendment 52~~As provided for in the Planning Act, City Council may pass by-laws that grant an increase in density of development not exceeding 25 percent of the density that would otherwise be permitted by this Plan, or an increase in the height of a building providing:

- ~~(a) the density or height bonus is given only in return for the provision of specific services, facilities or matters as specified in the by-law, such as but not limited to, additional open space or community~~

~~facilities, assisted or special needs housing, the preservation of heritage buildings or structures, or the preservation of natural heritage features and functions;~~

- ~~(b) when considering an increase in density or height, and allowing the provision of benefits off-site, the positive impacts of the exchange should benefit the social/cultural, environmental and economic health of surrounding areas experiencing the increased height and/or density;~~
- ~~(c) the effects of the density or height bonus have been reviewed and determined by Council to be in conformity with the general intent of this Plan, by considering matters such as:

 - ~~(i) the suitability of the site for the proposed increase in density and/or height in terms of parking, landscaping, and other site-specific requirements;~~
 - ~~(ii) and the compatibility of any increase in density and/or height with the character of the surrounding neighbourhood; and~~~~
- ~~(d) as a condition of granting a density or height bonus, the City requires the benefiting landowner(s) to enter into one or more agreements, registered against the title of the lands, dealing with the provision and timing of specific facilities, services or matters to be provided in return for the bonus.~~

13. Revising City Policy 16.25, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Committee of Adjustment

16.25 City Council shall encourage its Committee of Adjustment to apply the goals, objectives and policies of this Plan, and maintain the purpose and intent of the City's zoning by-laws in making decisions regarding the granting of minor variances and consent applications pursuant to the *Planning Act*.

14. Revising City Policy 16.26, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Land Severance

16.26 City Council, ~~in commenting to the Regional Land Division Committee regarding the consideration of land severances pursuant to the *Planning Act* or the Committee of Adjustment to whom the authority is delegated, to grant consents pursuant to the *Planning Act*.~~

15. Revising City Policy 16.29, in Chapter 16 – Development Review, so that it reads as follows:

City Policy

Parkland: Conveyance of Land for Park or
Other Public Recreational Purposes

16.29 City Council:

- (a) shall as a condition of residential development, and may as a condition of other development, except for the uses described in Subsection (b):
 - (i) require the conveyance of land to the municipality for park or other public recreational purposes in an amount not exceeding 5 percent of the proposed land to be developed;
 - (ii) ~~may or~~, as an alternative to requiring conveyance of land as provided for in (i) above, in the High Density Residential Areas and Mixed Use Areas, require land to be conveyed for park or other public recreational purposes at a rate of up to one hectare for each ~~300-600~~ dwelling units proposed, whichever is greater;
 - (iii) ~~may or~~, in lieu of a portion or all of the land conveyance stipulated by (i) or (ii) above, require the payment of money to the value of the land that would otherwise be required to be conveyed for park purposes at a rate of up to one hectare for each 1,000 net dwelling units proposed;
 - (iv) provided that, for the alternative rate, the City shall not require a conveyance or payment in lieu that is greater than:
 - (1) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
 - (2) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be; and
- (b) may, as a condition of commercial or industrial development:
 - (i) require the conveyance of land to the municipality for park or other public recreational purposes in an amount not exceeding 2 percent of the proposed land to be developed; and
 - (ii) may, in lieu of a portion or all of the land conveyance stipulated by (i) above, require the payment of money to the value of the

land that would otherwise be required to be conveyed for park purposes; and

- (c) shall not accept as parkland conveyance lands required for drainage; valley and stream corridor or shoreline protection purposes; lands susceptible to flooding; steep valley slopes; hazard lands; lands required to be conveyed to a public agency other than the City of Pickering; and other lands unsuitable for park development.**

Implementation: The provisions set forth in the City of Pickering Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the City of Pickering Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this Amendment.