

BELLEVILLE PLANNING ADVISORY COMMITTEE

AGENDA

FEBRUARY 4, 2019

5:30 P.M.

COUNCIL CHAMBER

Starting
Page No.

CITY COUNCIL PLANNING COMMITTEE MEETING

1. **ATTENDANCE**

Councillor Paul Carr
Councillor Pat Culhane
Councillor Sean Kelly

Councillor Bill Sandison
Councillor Ryan Williams

2. (a) **APPOINTMENT OF CHAIR AND VICE-CHAIR**

(b) **DISCLOSURE OF PECUNIARY INTEREST AND THE
GENERAL NATURE THEREOF**

3. **PUBLIC MEETING - THE PLANNING ACT**

3.1 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER
3014, AS AMENDED – 5 SCENIC DRIVE, CITY OF
BELLEVILLE, COUNTY OF HASTINGS
FILE NUMBER: B-77-1070
OWNER/APPLICANT: MARTIN J. GEERTSMA**

Notice of Meeting and Map

- 3.2 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER
3014, AS AMENDED – 473 WILLET ROAD, CITY OF
BELLEVILLE, COUNTY OF HASTINGS
FILE NUMBER: B-77-1071
OWNER: BLAINE M. CASEY
APPLICANT: JAIME CASEY
AGENT: RFA PLANNING CONSULTANT INC.**

Notice of Meeting and Map

3

4. **ADJOURNMENT**

BELLEVILLE PLANNING ADVISORY COMMITTEE

A G E N D A

FEBRUARY 4, 2019

5:30 P.M.

COUNCIL CHAMBER

Starting
Page No.

PLANNING ADVISORY COMMITTEE MEETING

1. ATTENDANCE

Councillor Paul Carr
Councillor Pat Culhane
Councillor Sean Kelly
Councillor Bill Sandison
Councillor Ryan Williams

John Baltutis
Kathryn Brown
Paul Jennings
David Joyce

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. CONFIRMATION OF MINUTES

3.1 Minutes of the City Council Planning Committee Meeting and Planning Advisory Committee Meeting held on November 5, 2018

4. DEPUTATIONS

5. CORRESPONDENCE

6. REFERRALS FROM PUBLIC MEETING

- 6.1 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 3014, AS AMENDED – 5 SCENIC DRIVE, CITY OF BELLEVILLE, COUNTY OF HASTINGS**
FILE NUMBER: B-77-1070
OWNER/APPLICANT: MARTIN J. GEERTSMA

Policy Planner's Report No. PP-2019-04

5

RESOLUTION

That the Planning Advisory Committee recommends the following to City Council:

“THAT Report No. PP-2019-04 dated February 4, 2019 regarding Proposed Amendment to Zoning By-law Number 3014, as amended – 5 Scenic Drive, former Township of Thurlow, now City of Belleville, County of Hastings be received as information; and,

THAT Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

- 6.2 **PROPOSED AMENDMENT TO ZONING BY-LAW NUMBER 3014, AS AMENDED – 473 WILLET ROAD, FORMER TOWNSHIP OF THURLOW, NOW CITY OF BELLEVILLE, COUNTY OF HASTINGS**
FILE NUMBER: B-77-1071
APPLICANT: JAIME CASEY
OWNER: BLAINE M. CASEY
AGENT: RFA PLANNING CONSULTANT INC.

Policy Planner's Report No. PP-2019-05

14

RESOLUTION

That the Planning Advisory Committee recommends the following to City Council:

“THAT Report No. PP-2019-05 dated February 4, 2019 regarding Proposed Amendment to Zoning By-law Number 3014, as amended – 473 Willet Road, former Township of Thurlow, now City of Belleville, County of Hastings be received as information; and,

THAT Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

7. REPORTS**7.1 THE ONTARIO-BELLEVILLE PLANNING FRAMEWORK**

Manager of Policy Planning's Report No. PP-2019-06

31RESOLUTION

“THAT Report Number PP-2019-06 The Ontario-Belleville Planning Framework be received.”

7.2 UPDATING BELLEVILLE'S PLANNING APPLICATION PROCESS TO COMPLY WITH BILL 139 AND CHANGES TO THE PLANNING ACT

Manager of Policy Planning's Report No. PP-2019-02

38RESOLUTION

“THAT Report Number PP-2019-02 Updating Belleville's Planning Application Process to Comply with Bill 139 and Changes to the Planning Act be received.”

- 7.3 **GUIDELINES FOR THE ROLE OF COUNCIL MEMBERS IN THE PUBLIC PLANNING PROCESS**
- Manager of Policy Planning's Report No. PP-2019-03 **47**
- RESOLUTION**
- "THAT Report Number PP-2019-03 Guidelines for the Role of Council Members in the Public Planning Process be received."
8. **INFORMATION MATTERS**
- 8.1 **OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT MONITORING REPORT**
- Report to February 4, 2019 **75**
- 8.2 **RESIDENTIAL LAND SUPPLY**
- Report as of December 31, 2018 **77**
9. **GENERAL BUSINESS AND INQUIRIES**
- 9.1 **APPOINTMENT OF BROWNFIELDS SUBCOMMITTEE**
10. **ADJOURNMENT**



City of Belleville

Engineering & Development Services Department

Policy Planning Section

Telephone: 613-968-6481

Fax: 613-967-3262

File No.: B-77-1070

NOTICE OF PUBLIC MEETING ZONING BY-LAW AMENDMENT APPLICATION 5 Scenic Drive

CITY COUNCIL PLANNING COMMITTEE
CITY HALL - COUNCIL CHAMBER
169 FRONT STREET
Monday, February 4, 2019 AT 5:30 P.M.

A Public Meeting, as noted above, will be held at City Hall in the Council Chambers (169 Front Street) on Monday, February 4, 2019 at 5:30 P.M. to consider an amendment to Zoning By-Law Number 3014, as amended, for a property located north of Maitland Drive and south of Cavendish Drive, which is municipally known as **5 Scenic Drive**.

The property has approximately 24 metres of frontage on Scenic Drive. The Applicant requests a rezoning of the subject lands from Low Density Residential Type 1 (R1) Zone to Low Density Residential Type 1 (R1-22) Zone with special provisions to match the existing zoning of the neighbouring properties along Scenic Drive. A Location Plan is shown on APPENDIX 1 which is attached.

In the Official Plan, the subject land is designated as "Residential".

If you wish to be notified of the decision of the City of Belleville or Belleville Planning Advisory Committee in respect of this application, you must submit a **written** request to Matt MacDonald, Secretary, Planning Advisory Committee in person or by mail at: Belleville City Hall, 169 Front Street, Belleville, K8N 2Y8, or by email at: mtmacdonald@city.belleville.on.ca.

If a person or public body would otherwise have an ability to appeal the decision of the City of Belleville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the by-law is passed, the person or public body is **not** entitled to appeal the decision and that person or public body may **not** be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. Please be further advised that written submissions received prior to the public meeting may be made available to the Applicant.

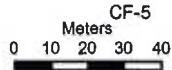
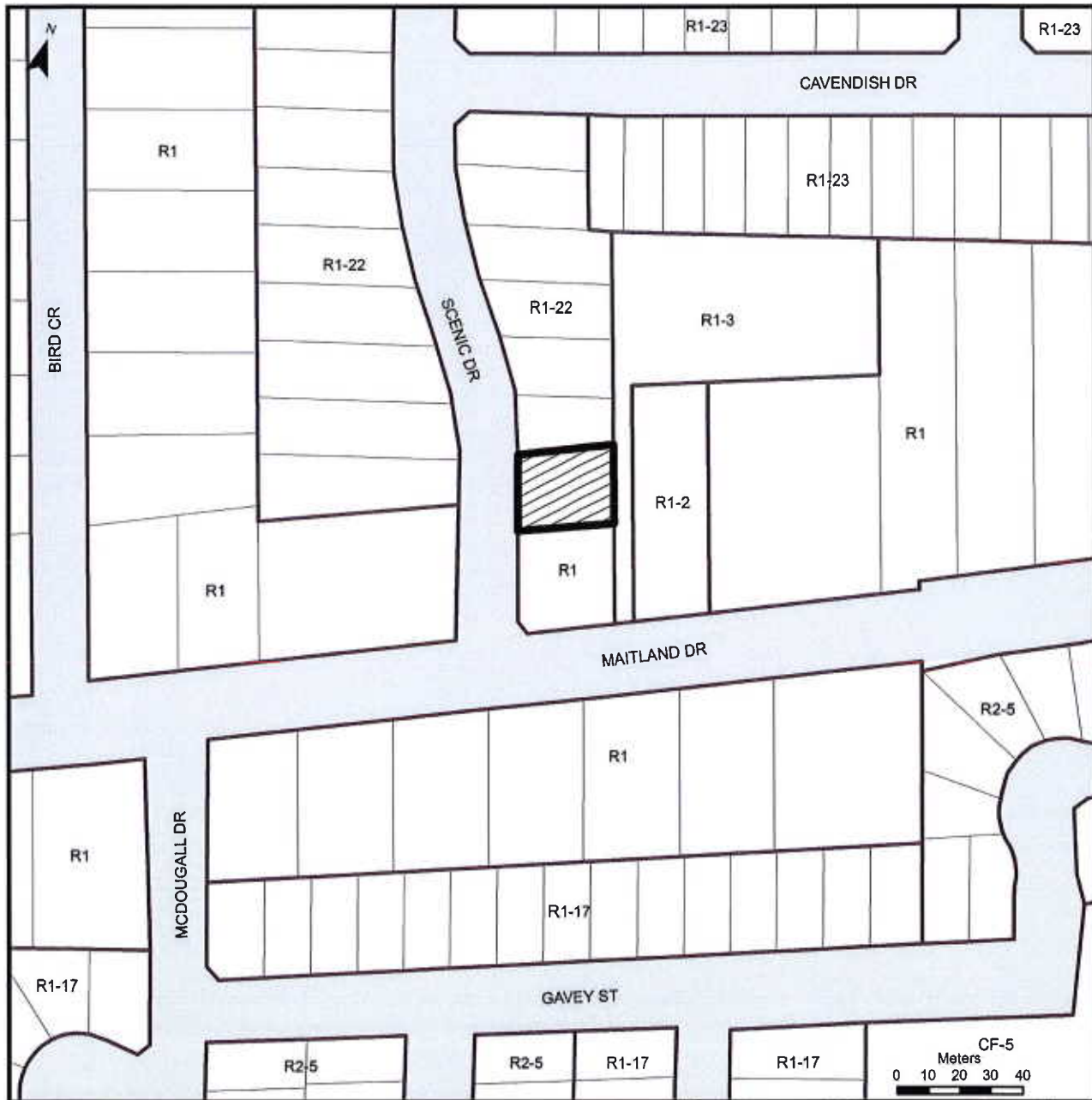
For more information contact the Planning Section, Engineering & Development Services Department, 2nd floor, Belleville City Hall, 169 Front Street, Belleville, K8N 2Y8 (Telephone: 613-967-3288).

As per the requirements of the Planning Act, this application is confirmed to be complete.

Matt MacDonald, Secretary
Planning Advisory Committee

DATED at the City of Belleville this 9th day of January, 2019.

APPENDIX 1



PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 5 SCENIC DR



PROPOSED ZONING CHANGE FROM R1 (LOW DENSITY RESIDENTIAL TYPE 1) TO R1-22 (LOW DENSITY RESIDENTIAL TYPE 1 WITH SPECIAL PROVISIONS)



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT

B-77-1070



City of Belleville

Engineering & Development Services Department

Policy Planning Section

Telephone: 613-968-6481

Fax: 613-967-3262

File No.: B-77-1071

NOTICE OF PUBLIC MEETING ZONING BY-LAW AMENDMENT APPLICATION 473 Willet Road

CITY COUNCIL PLANNING COMMITTEE
CITY HALL - COUNCIL CHAMBER
169 FRONT STREET
Monday, February 4, 2019 AT 5:30 P.M.

A Public Meeting, as noted above, will be held at City Hall in the Council Chambers (169 Front Street) on Monday, February 4, 2019 at 5:30 P.M. to consider an amendment to Zoning By-Law Number 3014, as amended, for a property located at northeast corner of Cranston Road and Willet Road, which is municipally known as **473 Willet Road**.

The property has approximately 515 metres of frontage on Willet Road. The Applicant requests a rezoning of a portion of the subject lands from Prime Agriculture (PA) Zone to Rural Residential (RR) Zone as a condition of consent for applications B32/18 and B33/18. A Location Plan is shown on APPENDIX 1 which is attached.

In the Official Plan, the subject land is designated as "Rural".

If you wish to be notified of the decision of the City of Belleville or Belleville Planning Advisory Committee in respect of this application, you must submit a **written** request to Matt MacDonald, Secretary, Planning Advisory Committee in person or by mail at: Belleville City Hall, 169 Front Street, Belleville, K8N 2Y8, or by email at: mtmacdonald@city.belleville.on.ca.

If a person or public body would otherwise have an ability to appeal the decision of the City of Belleville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Belleville before the by-law is passed, the person or public body is **not** entitled to appeal the decision and that person or public body may **not** be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. Please be further advised that written submissions received prior to the public meeting may be made available to the Applicant.

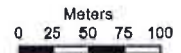
For more information contact the Planning Section, Engineering & Development Services Department, 2nd floor, Belleville City Hall, 169 Front Street, Belleville, K8N 2Y8 (Telephone: 613-967-3288).

As per the requirements of the Planning Act, this application is confirmed to be complete.

Matt MacDonald, Secretary
Planning Advisory Committee

DATED at the City of Belleville this 9th day of January, 2019.

APPENDIX 1

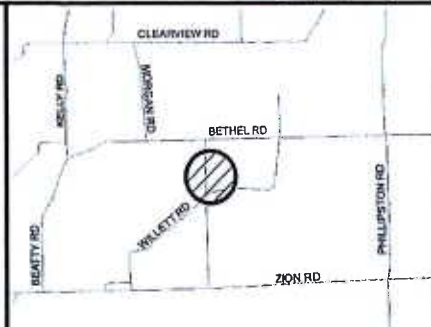


PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 473 WILLETT RD

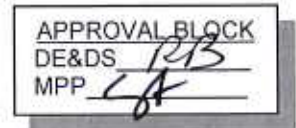
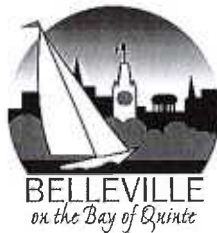


PROPOSED ZONING CHANGE FROM PA (PRIME AGRICULTURE) TO RR (RURAL RESIDENTIAL)



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT
SERVICES DEPARTMENT

B-77-1071



CITY OF BELLEVILLE
Thomas Deming, Policy Planner
Engineering and Development Services Department
Report No. PP-2019-04
February 4, 2019

To: Belleville Planning Advisory Committee

Subject: Proposed Zoning By-law Amendment (By-Law 3014)
5 Scenic Drive
City of Belleville
APPLICANT/OWNER: Martin J. Geertsma

File: B-77-1070

Recommendation:

That the Planning Advisory Committee recommends the following to City Council:

“That Report No. PP-2019-04 dated February 4, 2019 regarding Proposed Amendment to Zoning By-Law Number 3014, as Amended – 5 Scenic Drive, Former Township of Thurlow, Now City of Belleville, County of Hastings be received as information, and;

That Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

Background:

The initial public meeting is held in accordance with the requirements of the Planning Act. The purpose of this meeting is for Council Members to formally hear and receive public comments. The intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from staff.

The Subject Land is identified on the attached Location Map (Attachment #1). Site Details for the Subject Land:

Site Review	Description
Site Location	The subject lands are municipally known as 5 Scenic Drive and located north of Maitland Drive, south of Cavendish Drive, on the east side of Scenic Drive.
Site Size	690 square metres
Present Use	vacant
Proposed Use	none
Belleville Official Plan Designation	Residential Land Use
Present Zone Category	R1 – Low Density Residential Type 1 Zone
Proposed Zone Category	R1-22 – Low Density Residential Type 1 Zone with Special Provisions
Land uses to the north	single family dwellings
Land uses to the east	single family dwellings
Land uses to the south	single family dwellings
Land uses to the west	single family dwellings

In support of the application, the following was submitted:

- Plan of Survey prepared by Keith Watson O.L.S. dated July 24, 2018 (Attachment #2)

This document has been available for public review at the Planning Department.

Proposal

The Applicant proposes to rezone the lands from the "R1 – Low Density Residential Type 1" Zone to "R1-22 – Low Density Residential Type 1" Zone with special provisions to be consistent with the zoning along Scenic Drive by permitting an increase in lot coverage and a reduction in front yard and interior side yard depths.

Provincial Policy Statement

Municipalities are required to ensure all decisions related to land use planning matters shall be consistent with the Provincial Policy Statement.

Planning Staff will consider the following policies in the PPS:

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and
 - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Official Plan

The current Official Plan was adopted by City Council on June 18, 2001 and approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. Since 2002, a significant number of new and updated policies and legislation has occurred at the provincial level. The City is currently undertaking a Municipal Comprehensive Review and update to the policies of the Official Plan to ensure they comply with current provincial policies and legislation. The City will have to comply with the province's new legislation, regulations, and policies when updating the Official Plan.

Planning Staff will use the policies within the Official Plan to make a recommendation. The land is designated "Residential" in the City's Official

Plan (Attachment #3 – Official Plan Designation Map). Lands within the Residential Land Use designation shall be used predominantly for housing purposes. Residential development will be permitted at low, medium and high densities with forms ranging from single family detached dwellings to various types of attached and multiple dwellings, under various forms of tenure (freehold, rental, cooperative, condominium).

The Official Plan states the type and arrangement of dwellings and densities are important to the character of the City and specific residential neighbourhoods.

Zoning By-law

The subject lands are currently zoned R1 – Low Density Residential Type 1 Zone in Zoning By-Law Number 3014, as amended.

All of the lots fronting on to Scenic Drive between Cavendish Drive and Maitland Drive are zoned R1-22 – Low Density Residential Type 1 Zone with special provisions to permit an increase in lot coverage and a reduction in front yard and interior side yard depths. Refer to Attachment #1 – Location Map for zoning information.

Public Comments

On January 9, 2019 a written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for February 4, 2019.

Similarly, a sign was placed on the subject lands notifying the general public that a Public Meeting was scheduled for February 4, 2019.

Both notices state that additional information is available. This additional information includes the lot plan submitted by the applicant and is in the City's Planning Files and is available for review by any member of the public during business hours.

At the time of writing this report, no correspondence from the public has been received by the City regarding this application.

Staff and Agency Comments

External Agency Circulation

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District

School Board, Hastings and Prince Edward Health Unit, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Veridian Connections, Hydro One, TransCanada Pipeline, Enbridge Pipelines, Trans-Northern Pipelines, MPAC, Ministry of Transportation, and the Health Unit.

The Ministry of Transportation have provided correspondence that they have no concerns with this application.

At the time of writing this report, no other comments or concerns have been received regarding this application.

Internal Department Circulation

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the Development Engineer, the General Manager of Transportation & Operations Department, General Manager of Environmental Services, the Director of Recreation, Culture and Community Services, the Manager of Parks & Open Spaces, the Chief Administrative Officer, the Manager of Economic & Strategic Initiatives, the City Clerk, and the Chief Building Official.

The Development Engineer, and Transportation & Operations Department have provided correspondence and they have no concerns.

At the time of writing this report, no other comments have been received regarding this application.

Considerations:

Public

Circulation to the Public complies with the requirements of the Planning Act, R.S.O. 1990.

Financial

The fees of the application have been received by the City.

Impact on and input from other Departments/Sources

Circulation of this application to other departments/agencies has occurred.

Strategic Plan Alignment

The City of Belleville's Strategic Plan identifies nine strategic themes including Residential Development. The strategic objectives of this theme

are:

- Plan for residential growth to meet our needs for 20 years and designate sufficient land in our planning documents to accommodate residential growth for 10 years; and
- Provide for a variety of housing forms to reflect our changing demographics and need for affordability.

Conclusion:

Comments received at this public meeting, as well as subsequent written comments will be considered by the Engineering and Development Services Department in analysis of the application received to amend the City of Belleville Zoning By-law 3014. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted

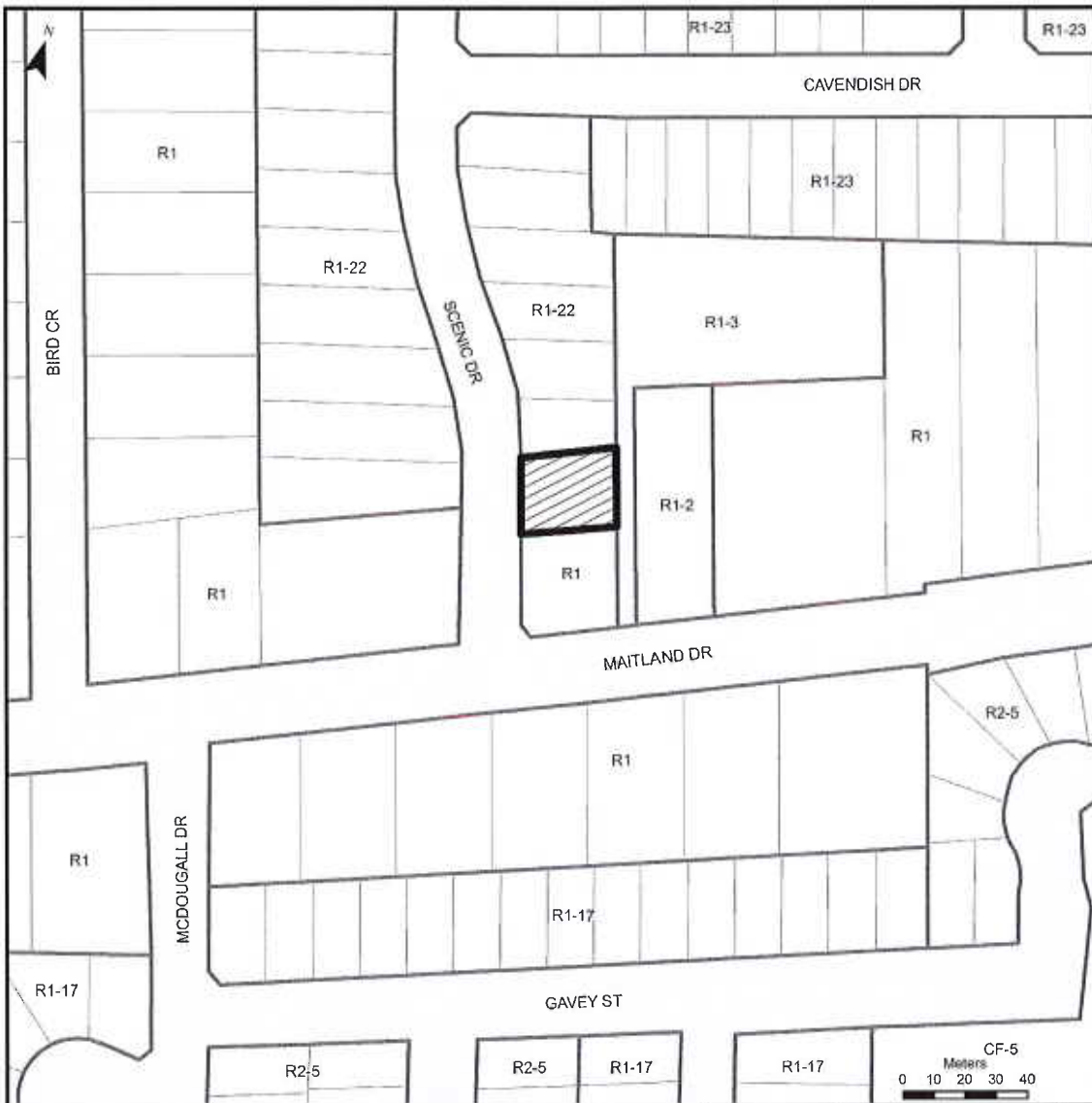


Thomas Deming, CPT
Planner, Policy Planning
Engineering and Development Services Department

Attachments

- Attachment #1 – Location Map
- Attachment #2 – Plan of Survey prepared by Keith Watson O.L.S. dated July 24, 2018
- Attachment #3 – Official Plan Designation Map

Attachment #1 – Location Map



PROPOSED ZONING BY-LAW AMENDMENT

LOCATION: 5 SCENIC DR



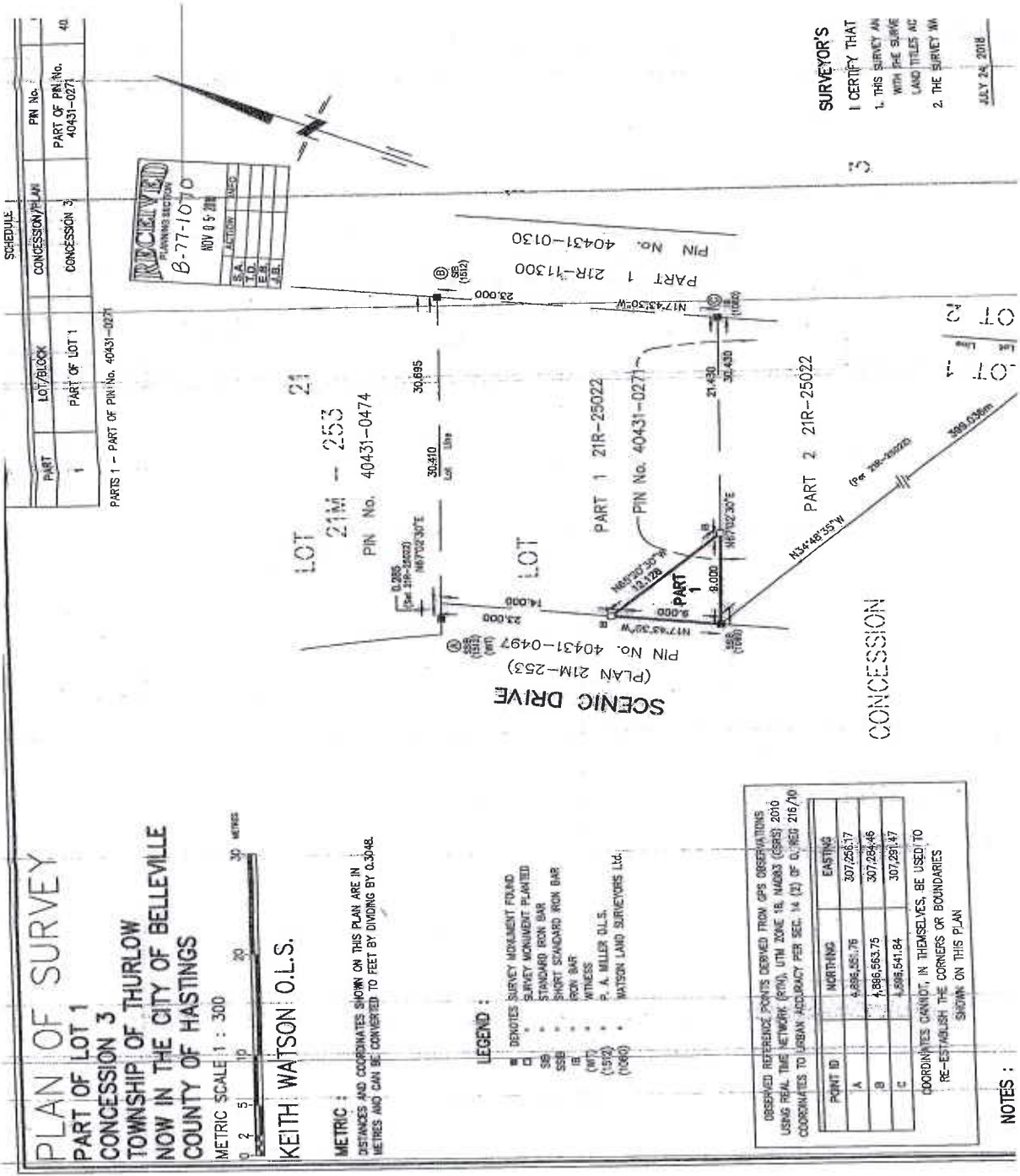
PROPOSED ZONING CHANGE FROM R1 (LOW DENSITY RESIDENTIAL TYPE 1) TO R1-22 (LOW DENSITY RESIDENTIAL TYPE 1 WITH SPECIAL PROVISIONS)



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT

B-77-1070

Attachment #2 – Plan of Survey prepared by Keith Watson O.L.S. dated July 24, 2018



Attachment #3 – Official Plan Designation Map



OFFICIAL PLAN DESIGNATION

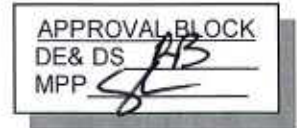
LOCATION: 5 SCENIC DR

 - SUBJECT PROPERTY

B-77-1070



CITY OF BELLEVILLE
 ENGINEERING & DEVELOPMENT
 SERVICES DEPARTMENT



CITY OF BELLEVILLE

Thomas Deming, Policy Planner
Engineering and Development Services Department
Report No. PP-2019-05
February 4, 2019

To: Belleville Planning Advisory Committee

Subject: Proposed Zoning By-law Amendment (By-Law 3014)
473 Willet Road
City of Belleville
APPLICANT: Jaime Casey
OWNER: Blaine M. Casey
AGENT: RFA Planning Consultant Inc.

File: B-77-1071

Recommendation:

That the Planning Advisory Committee recommends the following to City Council:

“That Report No. PP-2019-05 dated February 4, 2019 regarding Proposed Amendment to Zoning By-Law Number 3014, as Amended – 473 Willet Road, Former Township of Thurlow, Now City of Belleville, County of Hastings be received as information, and;

That Staff report back at such time as input from the public, commenting agencies, and municipal departments has been received, assessed, and addressed to the satisfaction of the Engineering and Development Services Department.”

Background:

The initial public meeting is held in accordance with the requirements of the Planning Act. The purpose of this meeting is for Council Members to formally hear and receive public comments. The intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from staff.

The Subject Land is identified on the attached Location Map (Attachment #1). Site Details for the Subject Land:

Site Review	Description
Site Location	The subject lands are municipally known as 473 Willet Road and located at northeast corner of Cranston Road and Willet Road.
Site Size	34.4 Hectares
Present Use	farm
Proposed Use	none – future single detached dwellings
Belleville Official Plan Designation	Rural Land Use
Present Zone Category	RU – Rural Zone H – Hazard Zone PA – Prime Agriculture Zone
Proposed Zone Category	RR – Rural Residential
Land uses to the north	rural residential single detached dwellings
Land uses to the east	agricultural land and wooded area
Land uses to the south	agricultural land, wooded area, and a rural residential dwelling
Land uses to the west	agricultural land, wooded area, and a rural residential dwelling

In support of the application, the following was submitted:

- Supplementary information prepared by the Agent including Basis of Consents, relevant Official Plan policy, and aerial imagery (Attachment #2)

This document has been available for public review at the Planning Department.

Proposal

The Applicant proposes to rezone a portion of the lands from the "PA – Prime Agricultural" Zone to "RR – Rural Residential" Zone as a condition of consent for applications B32/18 and B33/18. The two lots are identified on Attachment #1.

Provincial Policy Statement

Municipalities are required to ensure all decisions related to land use planning matters shall be consistent with the Provincial Policy Statement.

Planning Staff will consider the following policies in the PPS:

- 1.1.1 Healthy, liveable and safe communities are sustained by:
 - a) promoting efficient development and land use patterns which

sustain the financial well-being of the Province and municipalities over the long term;

- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and
- f) other rural land uses.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.

1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

Official Plan

The current Official Plan was adopted by City Council on June 18, 2001 and approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. Since 2002, a significant number of new and updated policies and legislation has occurred at the provincial level. The City is currently undertaking a Municipal Comprehensive Review and update to the policies of the Official Plan to ensure they comply with current provincial policies and legislation. The City will have to comply with the province's new legislation, regulations, and policies when updating the Official Plan.

Planning Staff will use the policies within the Official Plan to make a

recommendation. The land is designated "Rural" in the City's Official Plan (Attachment #3 – Official Plan Designation Map). Lands within the Residential Land Use designation shall be used predominantly for agricultural activity including the raising and/or growing of crops, animals and fish, poultry, nurseries, market gardens, livestock operations, uses that produce value added agricultural products from the farm operation on the property (i.e. maple syrup production, pick your own operations, and seasonal roadside produce stands); kennels and woodlots, as well as limited residential, commercial/industrial and conservation and small-scale outdoor recreation uses.

The Official Plan states that while the majority of residential development will be directed to the urban serviced area and Hamlets, lands designated Rural land use may be used for limited low density residential development.

Furthermore, the Official Plan states only residential development that has minimal impact on natural environmental features and the rural character should be permitted. To that end, residential uses in areas designated Rural land use should reflect the character of existing development in the area, and should be encouraged on lots a minimum of 0.4 hectares in size with at least 50 metres of frontage on a public street.

Such development may be approved provided that:

- there is sufficient capacity in the natural systems to adequately service the residential use;
- the development does not interfere unreasonably with the normal functioning and the quality of natural features such as drainage courses and wetlands;
- the development fully complies with the minimum distance separation formulae discussed in Section 3.2.2 a) of this Plan; and
- there is safe access to an open publicly maintained road that is designed to accommodate traffic generated by the residential development.

Zoning By-law

The subject lands are currently zoned part RU – Rural Zone, part PA – Prime Agriculture, and part H – Hazard. The application proposes to amend a portion of the lands currently zoned PA- Prime Agriculture. Refer to Attachment #1 – Location Map for zoning information.

The proposed zoning is RR – Rural residential which permits single detached dwellings. The minimum lot area for residential uses requires 4,047 square metres with a minimum frontage of 45 metres. Additional zoning requirements for single detached dwellings in the RR Zone:

Regulation	Required
Minimum Lot Area	4,047 m ²
Minimum Lot Frontage	45 m
Minimum Dwelling Gross Floor Area	100 m ²
Maximum Lot Coverage (All Buildings)	20%
Maximum Height of Buildings	11 m
Minimum Landscaped Open Space	25%
Front or Rear Yard Depth	15.24 m
Exterior Side Yard Width	9 m
Interior Side Yard Width	10% of lot width to a max. 7.6 m
Minimum Setback from Centre Line of Street	Provincial Highway: 33.6 m County or Collector Road: 28.6 m Township Road: 25.0 m

Public Comments

On January 9, 2019 a written notice and location map was mailed by first class mail to all registered owners of land within 120 metres of the subject property. The notice provided information that a public meeting was scheduled for February 4, 2019.

Similarly, a sign was placed on the subject lands notifying the general public that a Public Meeting was scheduled for February 4, 2019.

Both notices state that additional information is available. This additional information includes a Basis of Consents, relevant Official Plan policy, and aerial imagery and is in the City's Planning Files and is available for review by any member of the public during business hours. This information is included with this report as Attachment #2.

At the time of writing this report, no correspondence from the public has been received by the City regarding this application.

Staff and Agency Comments

External Agency Circulation

The subject application was circulated for comment to the Algonquin & Lakeshore Catholic School Board, the Hastings & Prince Edward District School Board, Hastings and Prince Edward Health Unit, Bell Canada, Canada Post, Ontario Power Generation, Union Gas, Veridian Connections, Hydro One, TransCanada Pipeline, Enbridge Pipelines, Trans-Northern Pipelines, MPAC, and the Health Unit.

At the time of writing this report, no comments or concerns have been received regarding this application.

Internal Department Circulation

The subject application was circulated for comment to the Belleville Fire Department, Belleville Police Service, the Development Engineer, the General Manager of Transportation & Operations Department, General Manager of Environmental Services, the Director of Recreation, Culture and Community Services, the Manager of Parks & Open Spaces, the Chief Administrative Officer, the Manager of Economic & Strategic Initiatives, the City Clerk, and the Chief Building Official.

The Development Engineer, Parks and Open Spaces, and Transportation & Operations Department, have provided correspondence and they have no concerns.

At the time of writing this report, no other comments have been received regarding this application.

Considerations:

Public

Circulation to the Public complies with the requirements of the Planning Act, R.S.O. 1990.

Financial

The fees of the application have been received by the City.

Impact on and input from other Departments/Sources

Circulation of this application to other departments/agencies has occurred.

Strategic Plan Alignment

The City of Belleville's Strategic Plan identifies nine strategic themes including Residential Development. The strategic objectives of the Residential Development theme are:

- Plan for residential growth to meet our needs for 20 years and designate sufficient land in our planning documents to accommodate residential growth for 10 years; and
- Provide for a variety of housing forms to reflect our changing demographics and need for affordability.

Conclusion:

Comments received at this public meeting, as well as subsequent written comments will be considered by the Engineering and Development Services Department in analysis of the application received to amend the City of Belleville Zoning By-law 3014. A recommendation report will be brought forward upon receipt of all agency and public comments.

Respectfully submitted

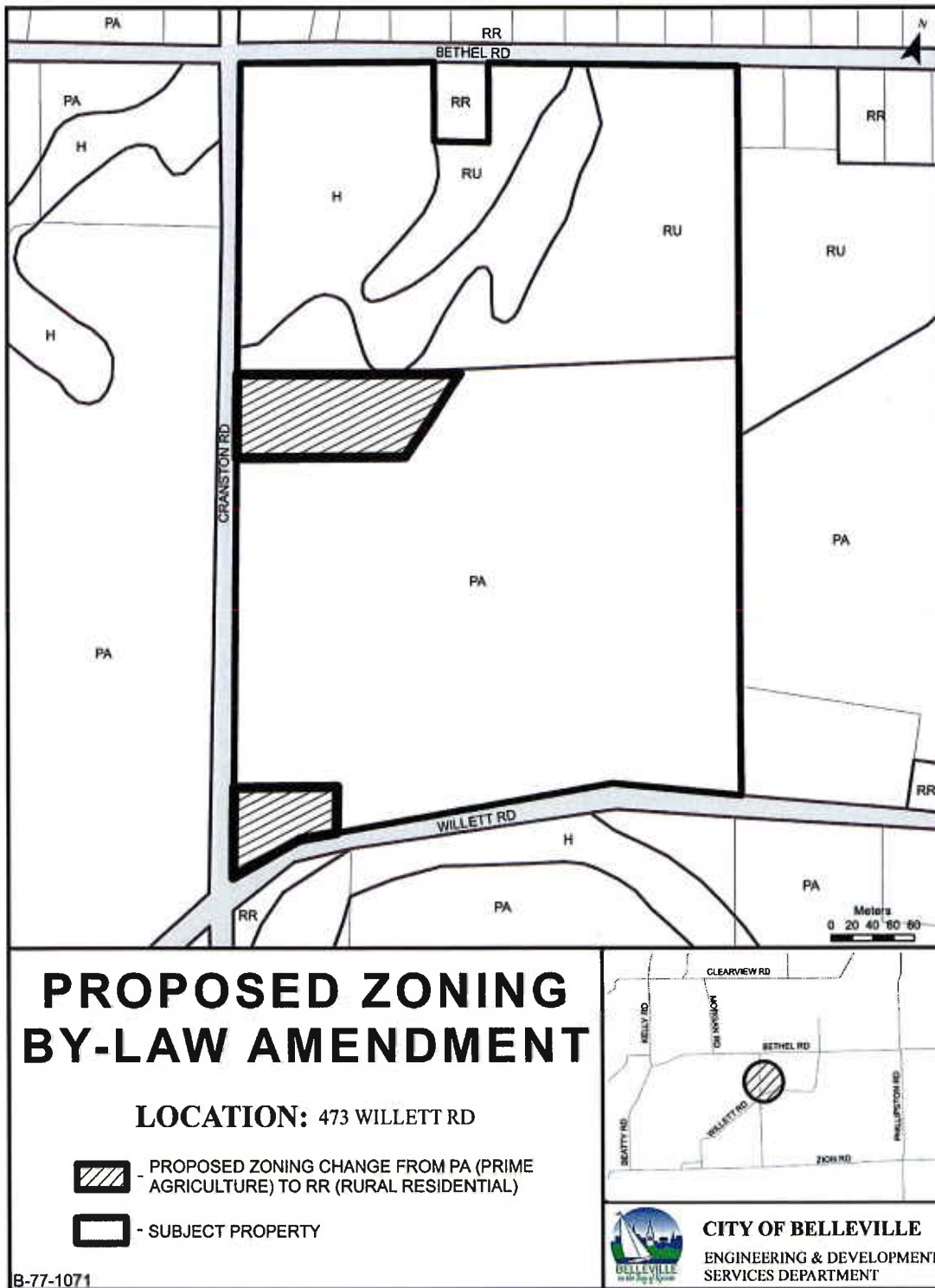


Thomas Deming, CPT
Planner, Policy Planning
Engineering and Development Services Department

Attachments

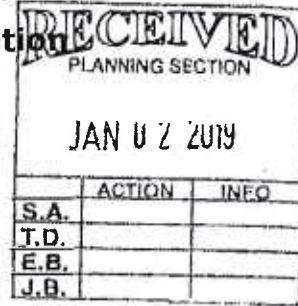
- Attachment #1 – Location Map
- Attachment #2 – Supplementary Information including Basis of Consents, relevant Official Plan policy, and aerial imagery
- Attachment #3 – Official Plan Designation Map

Attachment #1 – Location Map



Attachment #2 – Supplementary Information

Consent Applications – 2 Rural Residential Lots
 473 Willett Road (Part of Lots 13 & 14, Concession 8)
 City of Belleville



Supplementary Information

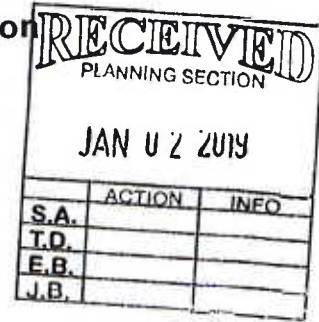
ATTACHMENT #1

Basis of Consents

- To allow the current property owner to sever off a residential building lot for his son and daughter
- Proposed severed lots are located in the southwest and northwest corner of the subject lands to minimize impact on the existing farming operation
- Spatial separation of two proposed lots eliminates chance of cumulative negative impact on environment and each of the lots (wells and septic systems)
- Both severed lots recognize the topography of these proposed lots and the existing ridge (drumlin) that runs diagonally across both lots
- The south lot will access Cranston Road from the top of a knoll with clear sightlines to south and north
- The north lot will access Cranston Road from an existing farm access laneway
- A copy of the old, scanned Assessment Map for the subject lands indicate no lots have been severed off this property since prior to 1998
- Current Official Plan designation is Rural Land Use that permits severances for rural residential lot creation (please refer to Attachment 1a)
- Current Zoning is PA - Prime Agricultural Zone which permits a single detached dwelling on a lot with a minimum lot frontage of 45 metres and a minimum lot area of 0.4 hectares
- Size of two proposed severed parcels is based on topography of land
- Retained parcel has a lot area of 32.8 hectares which exceeds the minimum size for a farm in the PA zone (25 hectares)

Attachment #2 – Supplementary Information

Consent Applications – 2 Rural Residential Lots
473 Willett Road (Part of Lots 13 & 14, Concession 8)
City of Belleville



Supplementary Information

ATTACHMENT #1a

Conforms with the Official Plan

7.2.1 Policies Respecting Subdivision of Land Applicable to All Land Use Designations

- a) When any application to subdivide land is considered, the approval authority should employ the following policies and principles:
 - i) No subdivision of land should be approved which would contravene the policies of this Plan. **Applications conform**
 - ii) The approval authority should be satisfied all development parcels would be appropriate (i.e. sufficient frontage and area, configuration, alignment) for their intended uses.
 - iii) No subdivision of land should be granted which would result in any landlocked parcel being created. **N/A**
 - iv) Development parcels should have direct access to an open municipal road (excluding individual units within condominium developments). **Both severed parcels would**
 - v) New development parcels should not be created without access to services adequate to meet the needs of the use anticipated for the lot, including access to fire and police services, hydro, telephone and other utilities. **Private on-site severances to be provided with plenty of spatial separation**
 - vi) There should be no significant negative impact upon the environment, either directly or through the cumulative impact of development in the area; where private services are proposed (i.e. septic system and well), the adequacy of natural systems to provide required services should be confirmed. The means by which cumulative impacts are to be assessed should be addressed. **Proposed parcels are well spread out**
 - vii) No development parcel should be created such that buildings, structures or private services would have to be located in very close proximity to or within areas of natural heritage or hazard; where any lot includes lands designated Environmental Protection, there should be sufficient area outside such areas to accommodate buildings, sewage disposal systems and accessory uses with appropriate setbacks. **N/A**
 - viii) Development parcels for residential uses should be located an appropriate distance from designated aggregate resource areas. **Complies**

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February 4, 2019

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Attachment #2 – Supplementary Information

Consent Applications – 2 Rural Residential Lots
473 Willett Road (Part of Lots 13 & 14, Concession 8)
City of Belleville

Supplementary Information

- ix) No development parcel should be created which would create a hazard to any person using the lot, adjoining lands, or an abutting road. **N/A**
- x) Where approvals or certificates are required from other agencies or government departments (i.e. access permit from the Ministry of Transportation), no subdivision of land should be granted unless such approvals or certificates are first obtained or otherwise assured. **N/A**
- xi) The approval authority may impose any conditions to the subdivision of land that it believes are necessary and prudent to ensure the policies of this Plan are addressed adequately, which may include but not necessarily be restricted to:
- laying out and naming of roads and the provision of road widenings;
 - installation or upgrading of municipal services (i.e. sewers, water lines, streets, curbs and sidewalks, street lights) and private utilities;
 - establishment of stormwater management facilities;
 - provision of open space, including trails and pedestrian links;
 - allocation of sufficient lands for community facilities (i.e. schools);
 - completing studies to address issues such as noise attenuation, traffic and traffic control, servicing capacity, soil conditions and archaeological remains; and
 - establishment of appropriate land use controls. **Standard conditions to be applied**

Conditions of the approval authority to the granting of any subdivision of land may be secured through execution of agreements and posting of securities.

- xii) Lands proposed to be dedicated to the Municipality for open space purposes must be acceptable for use as open space; Council retains the option to require cash-in-lieu of the provision of land for open space. **Standard cash-in-lieu to be provided**

- b) The Municipality may establish guidelines and standards as set out in Section 8.13 to provide direction and clarity on the Municipality's requirements for the subdivision of land. Of critical importance in such guidelines would be:
- standards for the design and installation of services;
 - the requirements for service over-sizing;
 - methods of calculating service capacities and stormwater management requirements;
 - landscaping and fencing requirements;
 - the manner by which costing of required services would be determined; and
 - the manner by which legal issues relating to the development would be addressed by the Municipality. **N/A**

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Attachment #2 – Supplementary Information

Consent Applications – 2 Rural Residential Lots
 473 Willett Road (Part of Lots 13 & 14, Concession 8)
 City of Belleville

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Supplementary Information**7.2.4 Special Policies for Consents in Areas Designated Rural Land Use**

- a) It is the policy of this Plan that the subdivision of land within areas designated Rural land use be through the consent process only. **Current Applications**
- b) New lots for agricultural purposes would be permitted provided they are of a size appropriate for the type of agricultural use intended. **N/A**
- c) Consents to create lots for residential purposes may be granted provided that:
 - no more than two consents (creating no more than three development parcels including the retained lot) are granted from any parcel larger than 2 hectares in size existing on January 1, 1998; or **No previous severances in this time frame**
 - no more than one consent (creating no more than two development parcels including the retained lot) is granted from any parcel 2 hectares or less in size existing on January 1, 1998.

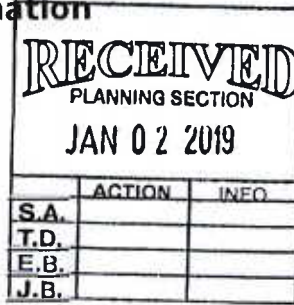
No consent that creates a number of development parcels in excess of the foregoing should be granted during the life of this Plan. **N/A**

- a) A consent to enable disposal of a surplus dwelling created through the consolidation of lands may be permitted, as would a technical severance to correct a lot boundary or separate two lots to which titles have merged. **N/A**
- b) Lots for residential purposes should only be created where there is sufficient separation from adjacent farm-related structures according to Provincial policy. **No issue; MDS not applicable**
- c) Lots to be used for rural commercial, industrial and outdoor recreational uses may be created provided that:
 - the severance is to provide for a use permitted in the Rural land use designation;
 - inappropriate fragmentation of land is not promoted;
 - no land use conflicts with adjoining land uses would be created; and
 - there is sufficient separation of the lot from adjacent farm-related structures according to Provincial policy. **N/A**

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Attachment #2 – Supplementary Information

Consent Applications – 2 Rural Residential Lots
 473 Willett Road (Part of Lots 13 & 14, Concession 8)
 City of Belleville



Supplementary Information

ATTACHMENT #1b

Consistency with Provincial Policy Statement (PPS)

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) limited residential development;**
- d) home occupations and home industries;
- e) cemeteries; and
- f) other rural land uses.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

1.4.3 Planning authorities shall **provide for an appropriate range and mix of housing types** and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:**
 - 1. **all forms of housing required to meet the social, health and well-being requirements of current and future residents**, including *special needs* requirements; and

Attachment #2 – Supplementary Information



Attachment #2 – Supplementary Information



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PP-2019-05

February 4, 2019

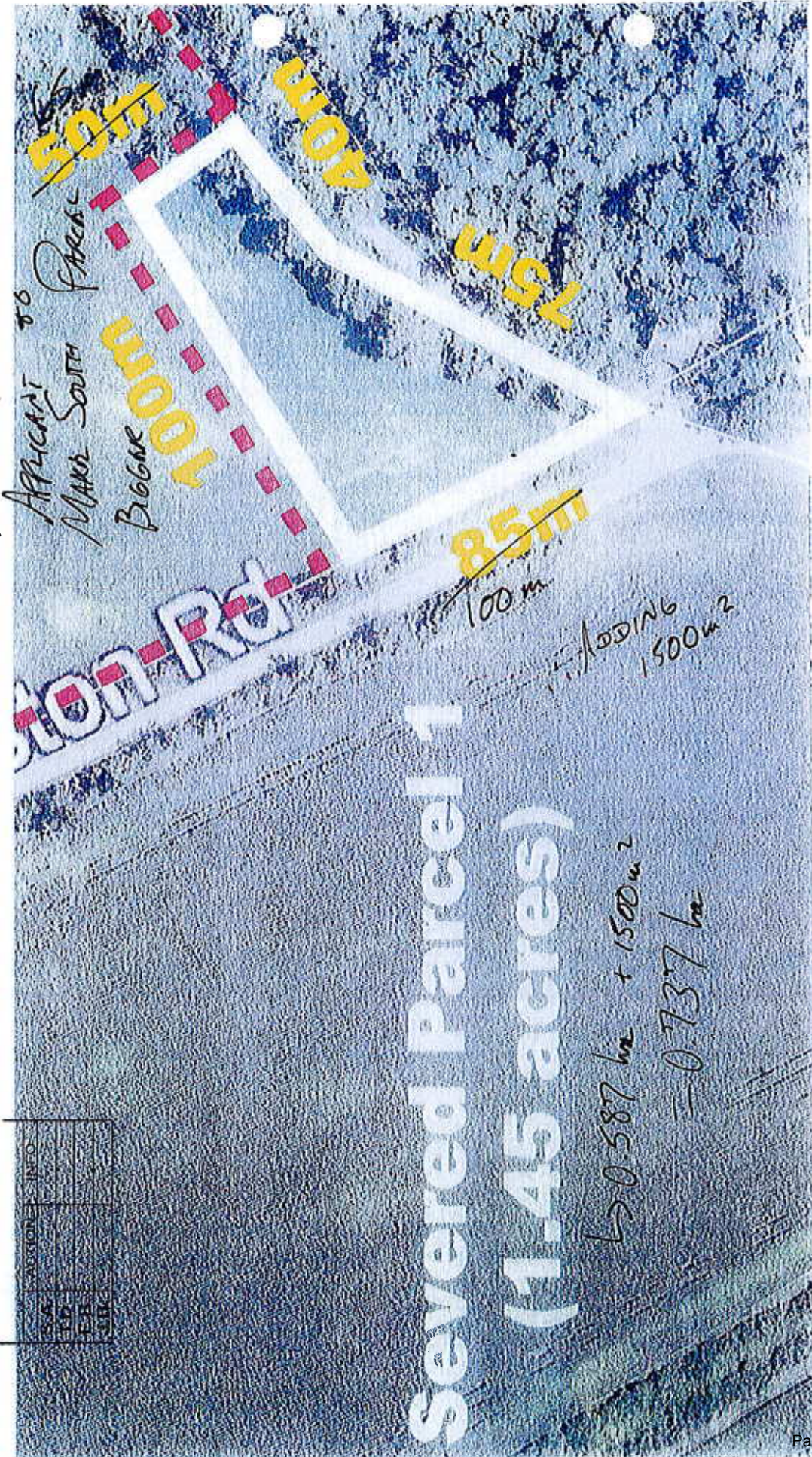
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Attachment #2 - Supplementary Information

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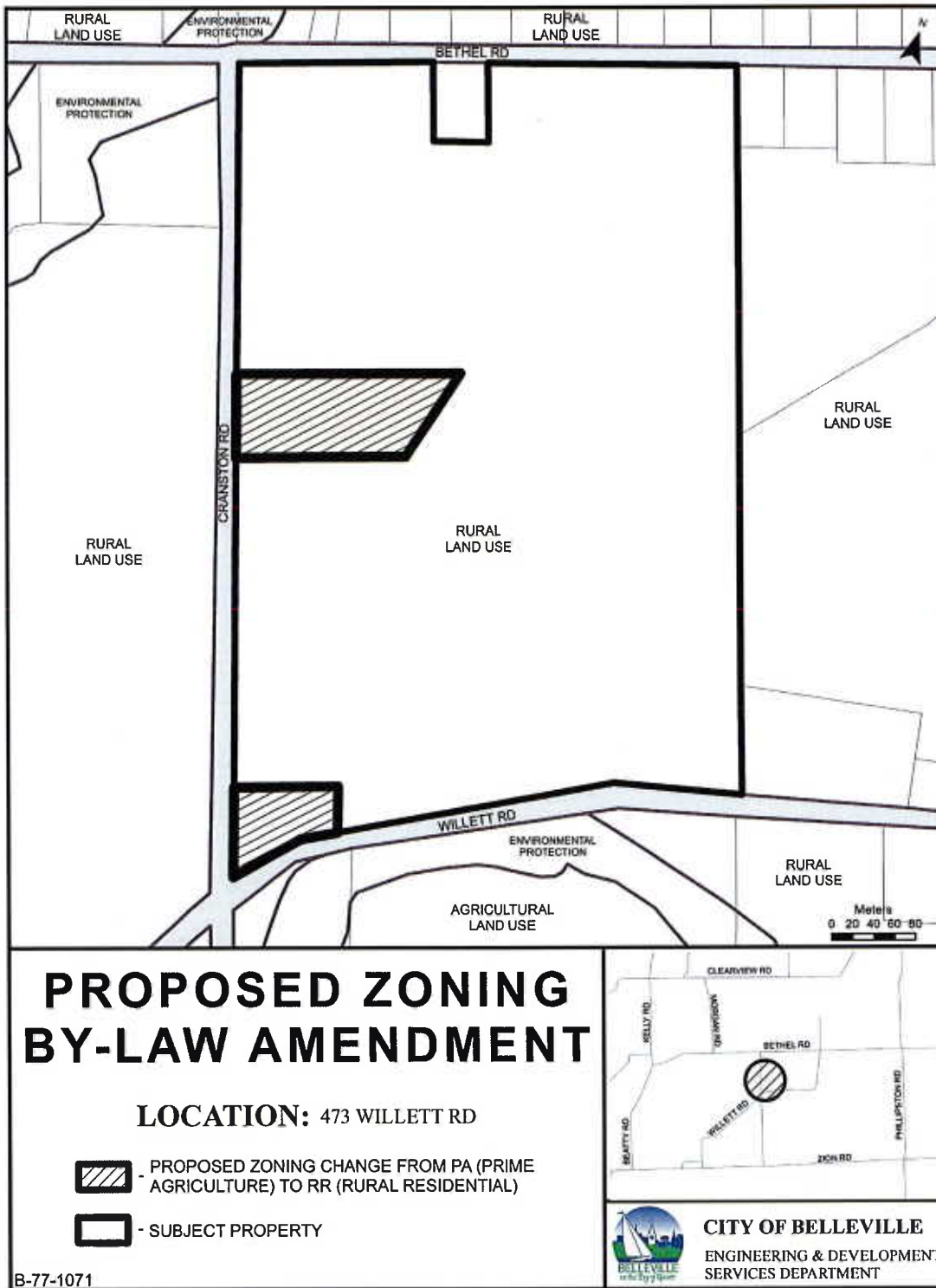


Severed Parcel 1
(1.45 acres)

↳ 0.587 ha + 1500m²
= 0.737 ha

Adding 1500m²

Attachment #3 – Official Plan Designation Map





APPROVAL BLOCK

DE&DS

AB

CITY OF BELLEVILLE
Stephen Ashton, Manager of Policy Planning
Engineering and Development Services Department
Report No. PP-2019-06
February 4, 2019

To: Belleville Planning Advisory Committee

Subject: The Ontario-Belleville Planning Framework

Recommendation:

“That Report Number PP-2019-06 The Ontario-Belleville Planning Framework be received.”

Strategic Plan Alignment:

The City of Belleville’s Strategic Plan identifies nine strategic themes. This report aligns with each of the City’s nine strategic themes and the City’s mission statement by providing innovative and efficient services in support of our community’s vision.

Background:

This report is provided for information to the Belleville Planning Advisory Committee because the new appeals system (Local Planning Appeal Tribunal or LPAT) provides a process to ensure all decisions of Council are consistent with the Provincial Policy Statement, Provincial Plans, and Official Plan(s). To assist with this process, Staff has provided an overview of the Ontario-Belleville Planning Framework to identify what planning considerations are and to describe the key documents of the Province and City.

General Information About Planning

Planning considerations in a broader sense relate to the basic values of planning: health, safety, welfare, efficiency, and the provision of amenities.

The basic principles of planning can be defined into three broad categories as follows:

Environmental Integrity – Impacts on land, water, and air through land uses and development activities which should be mitigated or minimized and other resources including cultural and natural resources such as farmland should be preserved.

Appropriate Land-use Assignment – Land uses should be spatially located where they will function most effectively and not conflict with other land uses (examples would be separating heavy industry from residential areas and locating community facilities on transit lines). There should also be an integration of activities with systems for moving people and goods that are convenient, economical and safe (examples include linkages between residences and local shops and parks and between industry and transportation nodes).

Neighbourhood Integrity – Clearly defining residential areas and maintaining their own character and values, protecting neighbourhoods from major traffic routes, and provide amenities including parks, schools, and stores within easy walking distance.

In terms of these values and principles, they are reflected through the Provincial Policy Statement, Official Plan, and other policies of the City and form the basis of providing recommendations from Planning Staff and decisions by Council on land-use and development applications.

These recommendations and decisions should be consistent with the policies established through the Planning Framework of Ontario/Belleville. Examples of considerations of what decisions should be based upon include the following:

- Provincial policies as set out in the Provincial Policy Statement and associated Provincial Plans and Regulations.
- The approved policies of the Official Plan, Secondary Plan, Master Plan, and any relevant supplementary local guidance.
- Substantial damage to the amenities of residents caused by noise, disturbance, smell, or loss of light.
- The existing use of the site, or any other planning permissions already granted for the site.
- The design and the materials proposed and how it fits into the context of the area.
- Conservation (historic buildings).
- Integration of the site into the transportation network (roads, parking, public transportation, active transportation).

Equally important is understanding what are NOT planning considerations which can include:

- An alleged loss of value to your property or loss of your view.
- Disturbance caused by construction work.
- An opinion that there is no need for the development.
- Restrictive covenants.
- Ownership of land.
- The perceived morals/future intentions of developers.
- Competition (i.e. new competitor business starting up).
- Matters covered by other legislation such as Building Code Regulations

Ontario/Belleville Planning Framework

Planning in Ontario is based upon policy. The Provincial Policy Statement “provides policy direction on matters of provincial interest related to land use planning and development” and “sets the policy foundation for regulating the development and use of land.” Further, the Provincial Policy Statement states that it “provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

The Provincial Policy Statement is the guiding document for how land use planning and development will occur although it allows for its policies to “be complemented by Provincial Plans or by locally-generated policies regarding matters of municipal interest. Provincial Plans and Municipal Official Plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.”

This establishment of this process by the province means that the Provincial Policy Statement is the guiding document and that local policies including the City of Belleville Official Plan must implement the policies of the Provincial Policy Statement. This Ontario/Belleville Planning Hierarchy is defined in Figure 1 which illustrates that the planning process is established through the Planning Act with the Provincial Policy Statement providing the policy foundation of which all other plans and policies must be consistent with.

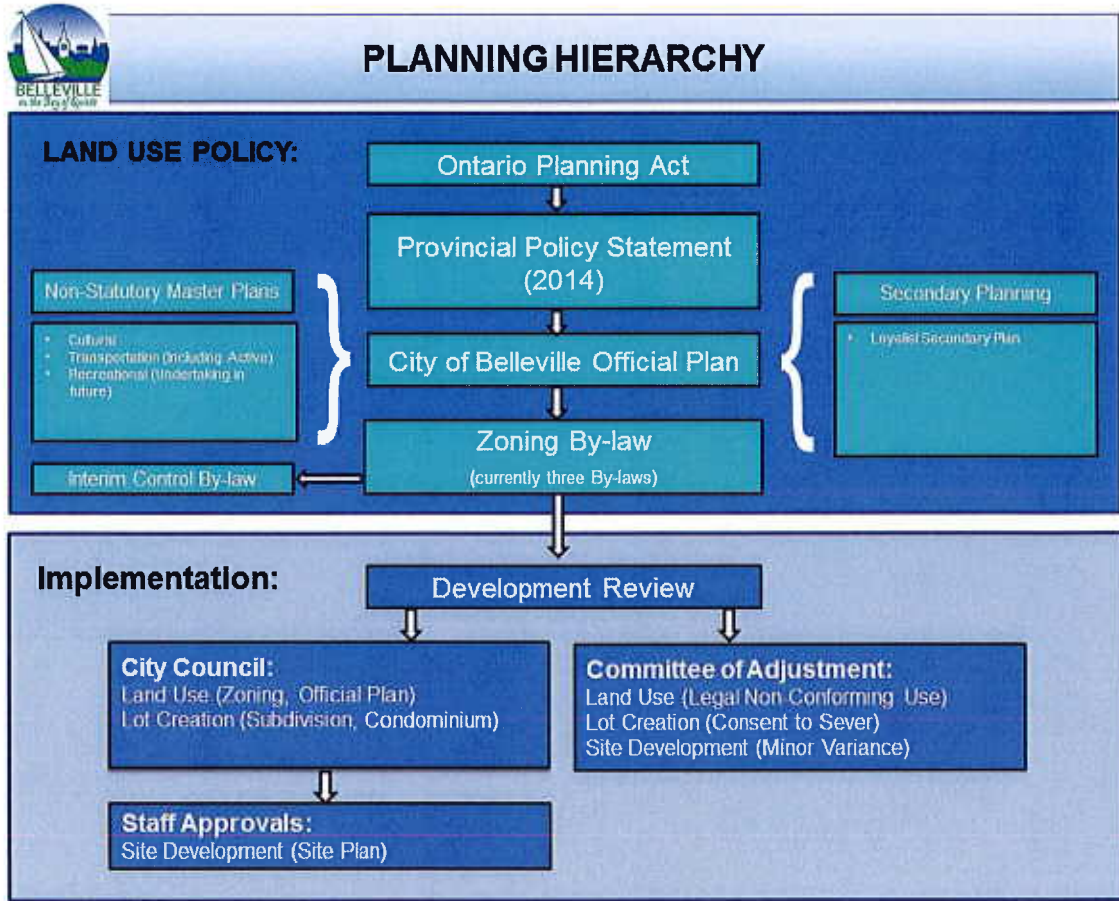


Figure 1: Ontario/Belleville Planning Framework

What is the Planning Act?

The Planning Act (the Act) is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them. The purpose of the Act is to: promote sustainable economic development in a healthy natural environment within a Provincial Policy Framework, provide for a land use planning system led by Provincial Policy, integrate matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Policy Statement and conform/not conflict with Provincial Plans, provide for planning processes that are fair by making them open, accessible, timely and efficient, encourage co-operation and coordination among various interests, and recognize the decision-making authority and accountability of municipal councils in planning.

The municipality's role as defined through the Act include making local planning decisions and ensuring planning decisions and planning documents are

consistent with the Provincial Policy Statement and conform or do not conflict with Provincial Plans.

What is the Provincial Policy Statement (PPS)?

The Provincial Policy Statement applies province-wide and contains overall policy directions on matters of provincial interest related to land use planning and development including: the efficient use of land and infrastructure; the provision of an appropriate range and mix of housing types, including affordable housing, and densities to meet the needs of current and future residents; the protection of employment areas to promote economic development and competitiveness; and the promotion of healthy, integrated and viable rural areas.

The requirement for a municipal council to make decisions that are consistent with the Provincial Policy Statement is established through Subsection 3(5) of the *Planning Act* (Ont.) and provides as follows, in regard to Policy Statements and Provincial Plans:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform to the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

What are Provincial Plans?

There are a number of Provincial Plans that Ontario has established including: the Growth Plan for the Greater Golden Horseshoe, the Growth Plan for Northern Ontario, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Niagara Escarpment Plan, and the Lake Simcoe Protection Plan. These have been enacted through the *Places to Grow Act*, the *Greenbelt Act*, the *Oak Ridges Moraine Act*, the *Niagara Escarpment Planning and Development Act*, and the *Lake Simcoe Protection Act*.

While none of these plans apply to the City of Belleville, it is possible that there may be a Provincial Plan that would apply to the City in the future. In the meantime, this information is provided for Council's understanding since the Planning Act and the Local Planning Appeal Tribunal refers to ensuring consistency with both the Provincial Policy Statement and Provincial Plans. In reference to Belleville, the requirement would be that the decision of Council is to be consistent with the Provincial Policy Statement only.

What is an Official Plan?

An official plan contains the municipality's policies on how land in your community should be used. It is prepared with input from the community and helps to ensure that future planning and development will meet the specific needs of the community. An official plan deals mainly with issues such as: where new housing, industry, offices and shops will be located; what services like roads, watermains, sewers, parks and schools will be needed; when, and in what order, parts of your community will grow; and community improvement initiatives.

Typically, planning jurisdictions have two official plans: the county or regional official plan and the local official plan. In terms of the City of Belleville, there is no planning function of the County of Hastings that applies to the City of Belleville. As a result, the City need only consider its own local Official Plan when making decisions on development applications.

Updated requirements of the Planning Act require review of the Official Plan every five years. The intention of this requirement is for a municipality's official plan to be consistent with provincial policies and legislation. In this manner, Council can be confident that their decisions will be considered favourably through the Local Planning Appeal Tribunal process.

The current Belleville Official Plan was approved in 2002 and is undergoing a review by Watson & Associates in association with Dillon Consulting. The first phase is the municipal comprehensive review of the urban serviced area to determine the 20 year development requirements of the City and whether there are sufficient urban serviced lands available to accommodate this growth. This work is currently being reviewed by the Ministry of Municipal Affairs and it is expected that a public meeting will occur in early spring of 2019. After this public meeting, the consultants will finalize the review and begin updating the existing Official Plan policies which have to be consistent with the Provincial Policy Statement and the Planning Act before a second public meeting occurs.

What is a Zoning By-law?

A zoning bylaw controls the use of land in your community. It states exactly: how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they may be used; the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

A by-law should also be considered as a tool to implement the City's Official Plan. Therefore, the zoning by-law needs to be consistent with the Official Plan and the Provincial Policy Statement.

Conclusion:

This report provides an overview of the Ontario-Belleville Planning Framework to identify what planning considerations are and to describe the key documents of the Province and City. These planning considerations and their consistency with the Provincial Policy Statement, Provincial Plans, and the City's Official Plan will be considered by the Local Planning Appeal Tribunal in the event of an appeal to a decision of Council.

Respectfully submitted,



Stephen Ashton, MCIP, RPP, CAHP
Manager, Policy Planning



APPROVAL BLOCK

DE&DS *RB*

CITY OF BELLEVILLE
Stephen Ashton, Manager of Policy Planning
Engineering and Development Services Department
Report No. PP-2019-02
February 4, 2019

To: Belleville Planning Advisory Committee

Subject: Updating Belleville's Planning Application Process to Comply with Bill 139 and Changes to the Planning Act

Recommendation:

"That Report Number PP-2019-02 Updating Belleville's Planning Application Process to Comply with Bill 139 and Changes to the Planning Act be received."

Strategic Plan Alignment:

The City of Belleville's Strategic Plan identifies nine strategic themes. This report aligns with each of the City's nine strategic themes and the City's mission statement by providing innovative and efficient services in support of our community's vision.

Background:

Key Facts

- 1) The written record before a Municipal Council will form the bulk of the evidence at a Local Planning Appeal Tribunal hearing.
- 2) The purpose of the initial public meeting for a development application is to receive information including public input and ask questions of clarification.
- 3) Public input and new information concerning an application should be referred to staff so it can be reviewed and become part of the written record.
- 4) Local Planning Appeal Tribunal considers public input as input that is provided in written format before or during the statutory public meeting, or oral comments provided at the public meeting.
- 5) If Council decides to refuse an application, it must provide planning reasons within its resolution.
- 6) Council decisions are to be consistent with Provincial Policy Statement and Official Plan.
- 7) An Official Plan is required to be up-to-date and consistent with the Provincial Policy Statement.

- 8) Council decisions NOT based upon Provincial Policy and Official Plan conformity will be referred back to Council by the Local Planning Appeal Tribunal.

In 2018, the Province of Ontario brought into law Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 which has been described as transforming the approach to Ontario's land use planning appeals system. This new Act has implications for how municipalities review and make decisions regarding planning applications. One of the key elements of this new legislation is to require fulsome consideration of public input into a final decision of council. This means that the public needs to have the opportunity to provide input and this input must be taken into consideration before a decision is made by council. There are other key elements of the new planning appeals system including the requirement for decisions to be consistent with the Provincial Policy Statement, any applicable Provincial Plan, and to the applicable Official Plan(s). When the Local Planning Appeal Tribunal considers appeals of a Council's decision, there is significant importance on the supporting studies, staff reports and a video of the public meeting.

With the implementation of Bill 139 in April 2018, there were a lot of questions concerning how best to update Belleville's Planning Processes to ensure conformity with this new legislation. Now that the City of Belleville has had the opportunity to fully understand the new legislation and review current practices along with best practices in other municipalities, it can now update its processes.

As part of this review, and in consideration of a new Council and Planning Advisory Committee, staff has provided a background review of the new Local Planning Appeal Tribunal process and the Ontario/Belleville Planning Process.

Local Planning Appeal Tribunal

Through Bill 139, the "Building Better Communities and Conserving Watersheds Act, 2017", the Ontario Municipal Board (OMB) was replaced by the Local Planning Appeal Tribunal (LPAT), effective April 3, 2018. The Local Planning Appeal Tribunal transforms the approach to Ontario's land use planning appeals system. The new system pays deference to the local planning decisions and the information used to inform those decisions. Going forward, appeal grounds related to official plan amendments and zoning by-law amendments are restricted to a new consistency / conformity test. Greater emphasis is also placed on mediation at the onset of an appeal in addition to increased appeal support through the Local Planning Appeal Support Centre.

Among the most significant changes associated with Bill 139 are those related to the planning approvals and appeals process, including the establishment of the Local Planning Appeal Tribunal (LPAT) to replace the Ontario Municipal Board (OMB). The Province has also established the Local Planning Appeal Support Centre, an independent agency to provide information and support for citizens who want to participate in an appeal before the Local Planning Appeal Tribunal.

The Act contains substantive limits on the grounds for appeal related to municipal decisions on official plan amendments (OPA) and zoning by-laws Amendments (ZBA). Previously, the grounds for appeal on OPA's and ZBA's were fairly broad. The mandate of the OMB was to determine if a proposal represented good planning and met other policy tests. OMB appeal hearings were held 'de novo' (i.e. starting anew), with no requirement for the OMB to consider the decision of the local municipal council.

Local Planning Appeal Tribunal Appeal Process - Consistency / Conformity Test

Appeals for official plans/amendments, zoning by-laws/amendments and community planning permit by-laws will be restricted to only matters of consistency and/or conformity with provincial and/or municipal policies/plans. The consistency / conformity standard applies to:

- Appeals of municipal decisions / refusals on official plans, official plan amendments, zoning by-laws, zoning by-law amendments and community planning permit by-laws
- Appeals of municipal non-decisions for applicant-initiated official plan or zoning by-law amendment applications

There is a two-part test for all municipal refusal and non-decision appeals of applicant-initiated official plan or zoning by-law amendments. An appeal of this nature would need to be made on the grounds that:

1. The part (or parts) of an official plan or zoning by-law that would be affected by the requested amendment is inconsistent / does not conform with provincial and local policies / plans; and
2. The requested amendment is consistent / conforms with provincial and local policies / plans

This change limits ability of Local Planning Appeal Tribunal to overturn decisions made by locally-elected councils. Local Planning Appeal Tribunal must dismiss an appeal of a local decision unless it is inconsistent with the Provincial Policy Statement, does not conform / conflicts with Provincial Plans, or does not conform to an applicable official plan. Municipalities will be better positioned to

defend their decisions when their official plans are consistent and conform to provincial policies and plans. For appeals of a non-decision or a refusal, the onus is on the applicant to demonstrate: (1) how their proposal would be consistent with provincial and local policies and (2) how existing official plan policies or zoning provisions fall short.

Local Planning Appeal Tribunal Appeal Process - Two Phase Appeal Process

Appeals of OPA's and ZBA's will be subject to a new two phase appeal process as outlined below in Figure 2. Appeals are also subject to mandatory case management conferences to identify opportunities for settlement, including the possibility of mediation. In the first stage of the appeal process, the Local Planning Appeal Tribunal must determine if the municipal decision satisfied the new consistency / conformity test. If the Local Planning Appeal Tribunal determines that this test has not satisfied, the decision is sent back to the municipality for reconsideration. Conversely, if the Local Planning Appeal Tribunal determines the consistency / conformity test has been satisfied in the decision, then the appeal is deemed invalid and council's decision stands.

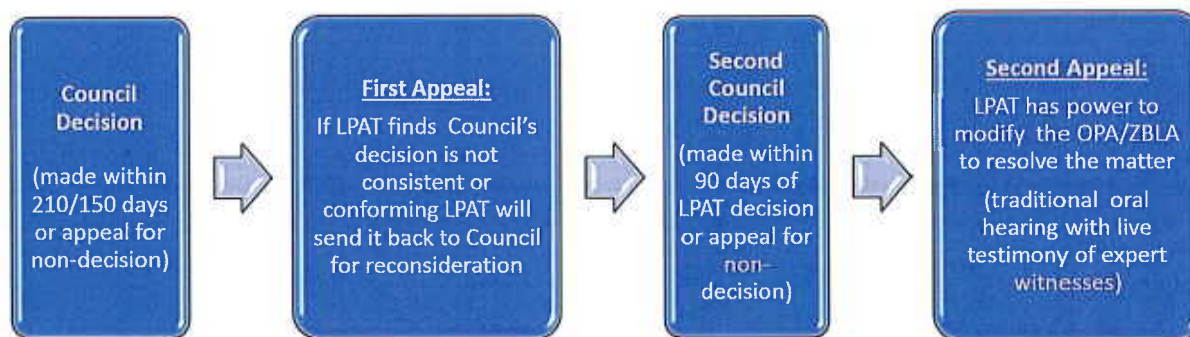


Figure 2: Two Phase Local Planning Appeal Tribunal Appeal Process (Source: City of Mississauga)

Council is provided 90 days to reconsider the application if it is returned to the municipality should the Local Planning Appeal Tribunal determine that the consistency / conformity test has not been satisfied. Council can confirm their original decision or modify their decision, taking into account the findings of the Local Planning Appeal Tribunal. A party or individual can again appeal the new decision or the failure to make a decision. On applications that have been appealed due to a lack of municipal decision, the appellant has the opportunity to provide the Local Planning Appeal Tribunal with any documents or reports that update the application, beyond what was originally included in the original appeal. The Local Planning Appeal Tribunal has the authority to approve (or modify) the OPA or ZBA to resolve the matter should the second decision be appealed to the Local Planning Appeal Tribunal.

The appeal grounds for site plan applications, plans of subdivision, consents and minor variances remains largely unchanged, however, such appeals will be subject to Local Planning Appeal Tribunal rules and procedures.

New Rules and Procedures for Local Planning and Appeal Tribunal Hearings

The Province also has regulations as well as rules and procedures for the Local Planning Appeal Tribunal, which includes prescribed timelines for proceedings before the Local Planning Appeal Tribunal. The timeframe for the completion of a Local Planning Appeal Tribunal hearing is 6 months to 12 months depending on the application being appealed and the nature of the appeal.

Evidence considered by the Local Planning Appeal Tribunal will generally be based solely on the municipal record before a council, including reports, studies and other documents submitted in support of an application. There are restrictions on the introduction of new evidence to augment an appeal once it is before the Local Planning Appeal Tribunal. In this regard, it will be crucial for council / committee reports to be robust and defensible in a Local Planning Appeal Tribunal hearing since the opportunity to provide the Local Planning Appeal Tribunal with comprehensive planning evidence is not permitted once an application has been appealed. The Local Planning Appeal Tribunal also requires video and audio recordings of public sessions at which oral submissions were made.

Public Input – Requirement for Public Participation and Addressing Comments

The planning process requires public input to be considered. The Planning Act requires a public meeting when either the municipality is updating their official plan or is considering development applications including official plan amendments, zoning by-law amendments, or plans of subdivision. This public meeting must permit community members to provide comments and/or ask questions at the meeting or through written correspondence.

Through Bill 139, if a party or individual does not provide written or verbal comments, then it is likely they will not be able to appeal a decision of council or be a participant in a hearing. In practice, this means that there will be an emphasis on individuals or parties making presentations at public meetings. This information could relate to legitimate planning concerns but there could also be opinions presented which are not planning concerns such as a perception that there was to be no more development surrounding them.

Information provided through the public meeting must be considered. When a decision is made, there must be a notice of passing or refusal prepared by the

municipality containing a brief explanation of the effect, if any, that the written and oral submissions had on the decision.

Updated Two Step Process For Planning Applications

To address the requirements for council to consider public input along with the requirement to have a written record of the application and how its merits were considered by council, there will be a two-step process required. This two-step process is consistent with other municipalities.

Step One – Introductory Public Meeting with Staff Report

The purpose of this meeting is for council members to formally hear and receive public comments. This meeting fulfills the legislative requirements of the Planning Act to ensure that “at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law.”

Although there is no official timeline to which a person can provide written or oral comments on an application, it is generally accepted that written comments need to be presented at or before the public meeting while oral comments must be made at the public meeting to be part of the official record. This is consistent with how the Local Planning Appeal Tribunal decides on who can be part of a hearing or appeal a decision of council. Through these Local Planning Appeal Tribunal considerations, if a person were to speak after the public meeting (at a subsequent Council Meeting) then this would not be considered part of the official public record. This can cause confusion and conflict within the community if, for example, parties supporting an application attended a public meeting made statements but other parties opposing the application continued attending meetings of council in the future to speak against the application. To avoid this issue, some municipalities have updated their procedural by-laws to NOT allow persons to attend Council and/or Planning Advisory Committee meetings as delegations to speak towards a planning application where the public meeting has already occurred. These municipalities have undertaken this action to ensure fairness in consideration of an application, to ensure all members of public have equal ability to speak at the statutory public meeting as opposed to individual members of the public who could be considered the ‘vocal minority’, and a desire to lessen liability of the municipality if they are accused of allowing a biased review of an application.

No decision on the planning application is made at the introductory meeting. An introductory report will be provided for the public that outlines the purpose of the application, basic information including site statistics such as the current Official Plan land-use designation, and basic policies of the Provincial Policy Statement

and Official Plan that staff will review in developing their final recommendations after public input from the public meeting and public agency comments are reviewed and assessed. The initial staff report will have a recommendation that planning staff report back to council at such time as input from the public, commenting agencies and departments has been received and assessed.

Council members should refrain from debating the merits of the planning application at this initial meeting, as the intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from staff.

By directing staff to report back, there will be the opportunity for a robust examination of public comments to confirm their validity, determine if there are solutions to comments, and provide recommendations based upon the consideration of these comments in context of provincial and city policies.

Step Two - Final Recommendation Report

A final recommendation report will be prepared for the Planning Advisory Committee and Council's consideration once all input from the public, commenting agencies and departments has been received and assessed. This report will review all submitted material by the applicant and address public comments and this report will form the basis of the evidence of the merits of an application if there is an appeal to the Local Planning Appeal Tribunal.

Many municipalities do not allow additional public input at this stage of the planning process. However, if there is additional information that is presented by the public at this stage that will impact council's decision, and has not been addressed through the written record (staff report), then council should refer the new information back to staff since the Local Planning Appeal Tribunal will want to review the written record to determine how council arrived at its decision.

The recommendations by staff are for council's consideration. Council is not required to accept staff's recommendation and may choose to approve a different recommendation.

Requirement for Council to Provide Reasons for Approval or Refusal

If Council decides to refuse an application, they need to include the reason(s) for refusal within the resolution in order that the reasons are part of the official record. This is important for two reasons:

- a. The Notice of Refusal must include the reasons(s) council turned down the application. If there is no official record/resolution with the reasons that has been agreed upon by council, then staff cannot provide this.
- b. If a decision of council is appealed to the Local Planning Appeal Tribunal, then Planning Department must submit to the Tribunal the planning reasons that council cited for declining the application.

Analysis:

There are several implications for how a municipality must undertake review of an application. The following are some of these requirements council will need to consider:

1. The written record before a municipal council will form the bulk of the evidence at a hearing.
2. The purpose of the initial public meeting for a development application is to receive information including public input and ask questions of clarification.
3. Public input and new information concerning an application should be referred to staff so it can be reviewed and become part of the written record.
4. Local Planning Appeal Tribunal considers public input as input that is provided in written format before or during the statutory public meeting, or oral comments provided at the public meeting.
5. If council decides to refuse an application, it must provide planning reasons within its resolution.
6. Council decisions are to be consistent with Provincial Policy Statement and Official Plan.
7. The Official Plan is required to be up-to-date and consistent with the Provincial Policy Statement.
8. Council decisions NOT based upon Provincial Policy and Official Plan conformity will be referred back to council by the Local Planning Appeal Tribunal.

Considerations:**Public**

This report outlines processes that are being implemented with the overall impact of improving public input at statutory public meetings that will be considered before recommendations are provided to Planning Advisory Committee and Council for final decisions.

Impact on and input from other Departments/Sources

The Clerk's Department has provided input into the formation of this report.


Financial

By aligning the City's Planning Application Process to the requirements of the Planning Act and Local Planning Appeal Tribunal, the City will be able to undertake decision making that is more defensible if it is appealed to the Local Planning Appeal Tribunal. This will provide for more efficient hearings which will minimize overall legal costs.

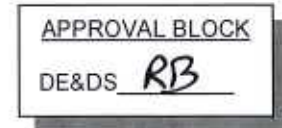
Conclusion:

This report provides an update to the planning application process in order to comply with Bill 139 and changes to the Planning Act.

Respectfully submitted,



Stephen Ashton, MCIP, RPP, CAHP
Manager, Policy Planning



CITY OF BELLEVILLE
Stephen Ashton, Manager of Policy Planning
Engineering and Development Services Department
Report No. PP-2019-03
February 4, 2019

To: Belleville Planning Advisory Committee

Subject: Guidelines for the Role of Council Members in the Public Planning Process

Recommendation:

“THAT Report No. PP-2019-03 Guidelines for the Role of Council Members in the Public Planning Process be received.”

Strategic Plan Alignment

The City of Belleville’s Strategic Plan identifies nine strategic themes. This report aligns with each of the City’s nine strategic themes and the City’s mission statement by providing innovative and efficient services in support of our community’s vision.

Background:

In addition to the Procedural By-law and the general policies of the City, city staff have worked together to address the role of Council Members in the public planning process. The planning process includes statutory public meetings or subsequent meetings where Council reviews reports and information and provides decisions on a development application.

The planning process could also include meetings held by the developer directly with community members to present their concepts before the formal statutory public meeting occurs. They may also hold these community meetings after the statutory public meeting to provide additional information. These meetings would not be held at City Hall in order to ensure there is clear distinction that these meeting(s) are not part of the formal council process. However, developers will typically invite Council Members to these meetings.

Staff has considered a number of best practices and guidelines regarding the role of Council Members in the public planning process. As part of that review, staff has consulted “The Municipal Councillors Guide 2018” that was published by the Ministry of Municipal Affairs. Section 10 of the guide addresses the role of

Municipal Councillors in the planning process, and is attached to this report as for information (See Attachment #1).

Analysis:

Based on the review of staff, the following best practices and guidelines are provided for Councils consideration to ensure the appearance of impartiality and fairness throughout Councils involvement in the public planning process.

Statutory Public Planning Meetings

The formal initial introductory public planning meeting is held in accordance with the requirements of the Planning Act. These introductory public meetings are generally heard by the Planning Advisory Committee, and no decision on the planning application is made at the introductory meeting. The purpose of this meeting is for Council Members to formally hear and receive public comments.

Council Members should refrain from debating the merits of the planning application at this meeting, as the intent of this statutory public planning meeting is to receive public feedback and incorporate it into a recommendation report from staff.

Developers Meetings or Community Meetings

A developers meeting may be held at the discretion of the proponent to invite members of the community to see what the developer is proposing, to answer questions from individuals, and to receive feedback from the public. Frequently, a developers meeting is an opportunity for genuine and constructive discussion between the developer and neighbourhood residents, to solve issues that may arise as a result of the new development.

A community meeting may be organized by local community members where the neighbourhood has concerns about a particular planning application, and wishes to gather comments and questions from people living in the community.

These meetings are optional when held, and do not constitute a formal statutory public planning meeting under the Planning Act. As such, they are wholly outside of the formal public process, and are not a substitute for the official public planning meeting that is held before the Planning Advisory Committee.

Council Members may attend developers meetings or community meetings to better understand the planning application and how it may impact their constituents.

However, Council Members should be aware at all times that they will be perceived to represent Council when they attend such meetings. Therefore, their conduct may impact Councils ability to fairly, transparently, and impartially make a decision on a planning application. Several best practices and guidelines for these meetings are as follows:

- Council Members should not conduct themselves in a manner which would undermine Councils role as the administrative decision-making body for planning applications pursuant to the Planning Act.
- Council Members should not make promises or take firm, absolute stances regarding the planning application at these meetings without first having consideration of the planning recommendation report from city staff.
- Council Members should avoid becoming an advocate for either the developer or the public at the meeting – no matter how strongly they may feel for or against a planning application – as it will undermine their decision-making ability when they formally consider the planning application.
- Council Members should wait until all input and feedback is received before providing a public position on a planning application, and only provide their position when the recommendation report from city staff is presented to Council.
- Council Members are encouraged to listen and take notes, and must keep an open mind about the planning application.
- Council Members may engage the developer and the public by asking questions about the development proposal or resident concerns, but it should be made clear that in doing so the Council member has not formulated a position or made a decision on the matter.

Given the evolving position of the Information and Privacy Commissioner of Ontario regarding the disclosure of Council Member communications while conducting municipal business, Council Members should be aware that their communications with the developer and residents through a city-controlled email server may be the subject of public disclosure if there is a freedom of information request.

Social Media

Social media is a powerful tool for civic engagement, especially in the public planning process. However, care should be exercised by Council Members when engaging with various parties through social media regarding a development proposal.

A quick response or comment that a Council Member thought was private can easily be shared with a wide audience. It is very easy for comments to be taken out of context, to be used later against the Council Member or the City.

When communicating with the public on social media, Council Members should think carefully before typing and posting comments, and keep in mind their role as adjudicators of planning applications. A public statement showing bias or closed mind may be used against the City if a person appeals Councils planning decision to the Local Planning Appeal Tribunal. Similar consideration should be given when commenting to members of the press.

Considerations:

Public

None.

Financial

None.

Impact on and input from other Departments/Sources

The Clerk's Department have provided input into the formation of this report.

Conclusion:

This report provides best practices and guidelines for Council Members to consider when engaging the public and developers in the planning process.

Respectfully submitted,



Stephen Ashton, MCIP, RPP, CAHP Manager,
Policy Planning

Attachments

Attachment #1 – Section 10 - Land Use Planning

ATTACHMENT #1
Section 10 - Land Use Planning

If a property does not sell at the initial tax sale, a municipality may wish to consider re-advertising the property a second time, or taking ownership of the land following the failed tax sale.

Councils may wish to consider using development charges to help cover a portion of the municipality's growth-related capital costs.

Consider opportunities for sharing services or resources with your neighbouring municipalities or local bodies to achieve economies of scale, tap into a new revenue stream, or reduce expenditures.

Review your municipality's asset management plan to help you understand the infrastructure priorities and needs within your community. Ensure the asset management plan is supported by a finance strategy and that the plan is integrated into the long-term financial plan.

Integrate climate change adaptation best practices, such as storm water management, into your municipality's asset management planning.

Consider undertaking private works as local improvements. Municipalities have also put in place local improvement programs to help property owners with energy efficiency improvements and septic system rehabilitation.

10. Land use planning

Community or land use planning can be defined as managing our land and resources. Through careful land use planning, municipalities can manage their growth and development while addressing important social, economic and environmental concerns. More specifically, the land use planning process balances the interests of individual property owners with the wider needs and objectives of your community, and can have a significant effect on a community's quality of life.

You have a key role to play in land use planning. As a representative of the community, you are responsible for making decisions on existing and future land use matters and on issues related to local planning documents.

It is important to note that land use planning affects most other municipal activities and almost every aspect of life in Ontario. Council will need to consider these effects when making planning decisions, while recognizing that most planning decisions are long-term in nature. Public consultation is a mandatory part of the planning process. You and your colleagues will devote a large part of your time to community planning issues. You may also find that much of your interaction with the public involves planning matters.

Good planning contributes significantly to long-term, orderly growth and efficient use of services. On a day-to-day basis, it is sometimes difficult to see how individual planning decisions can have such impact. Making decisions on planning issues is challenging and, for these reasons, it is important to understand the planning system and process.

The land use planning framework

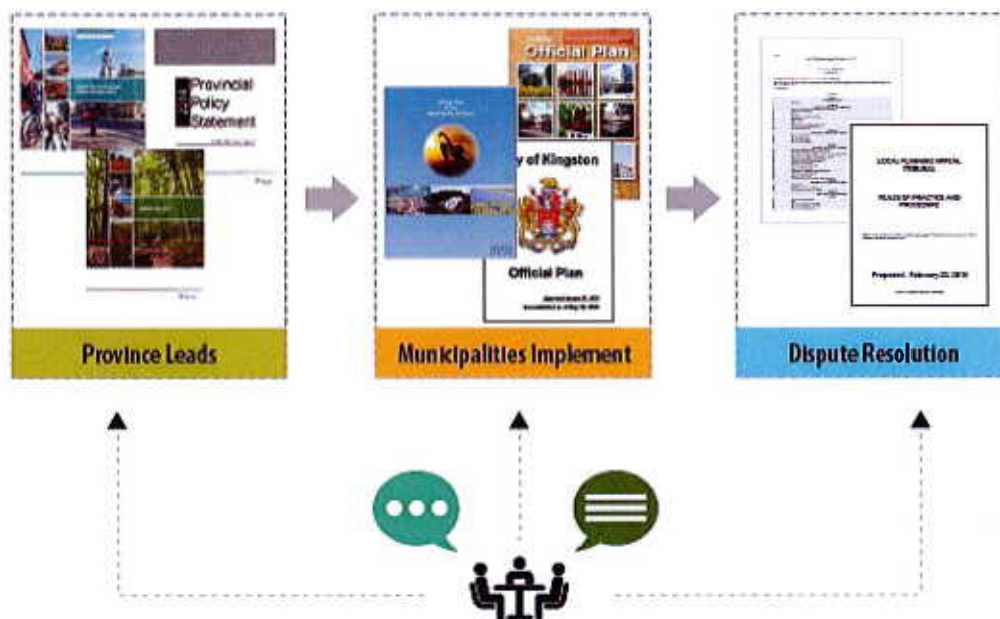
The responsibility for long-term planning in Ontario is shared between the province and municipalities. The province sets the ground rules and directions for land use planning through the *Planning Act* and the *Provincial Policy Statement (PPS)*. In certain parts of the province, provincial plans provide more detailed and geographically-specific policies to meet certain objectives, such as managing growth, or protecting agricultural lands and the natural environment. The [Greenbelt Plan](#), [Niagara Escarpment Plan \(NEP\)](#), the [Oak Ridges Moraine Conservation Plan \(ORMCP\)](#), the [Growth Plan for the Greater Golden Horseshoe](#) and the [Growth Plan for Northern Ontario](#) are examples of geography-specific regional plans. These plans work together with the PPS, and generally take precedence over the PPS in the geographic areas where they apply. While decisions are

required to be “consistent with” the PPS, the standard for complying with these provincial plans is more stringent, and municipal decisions are required to “conform” or “not conflict” with the policies in these plans.

Municipalities and planning boards implement the province’s land use planning policy framework. Municipalities and planning boards prepare official plans and make land use planning decisions to achieve their communities’ economic, social and environmental objectives, while implementing provincial policy direction. Municipal decisions must be “consistent with” the PPS, which means that municipalities are given some flexibility in deciding how best to achieve provincial policy direction.

The diagram below shows the policy-led nature of the land use planning system and its main components from left to right:

- the province sets out the framework and policies
- municipalities and planning boards are the primary decision makers and implement the policy direction through their official plans and zoning by-laws, and also through decisions on planning applications
- approval authorities and the Local Planning Appeal Tribunal (LPAT) provide dispute resolution mechanisms for protection of provincial interests and interests in individual land owners and proponents



Opportunities for Public Involvement

Planning is fundamentally a public process. It includes the input of developers, communities, Indigenous communities and individuals to help municipalities achieve their goals and implement the provincial and municipal policy frameworks.

The following provides you with an overview of the responsibilities and roles of the main parties involved in the planning system:

1. The public:

- Early involvement in consultations/meetings
- Keep informed
- Provide input (e.g., attend public meetings, express views on development proposals and participate in making policy)

2. Proponents/Applicants:

- Early consultation with municipality/approval authority
- Submit complete application
- Meeting provincial policy, official plan(s) and zoning requirements
- Community involvement

3. Municipal Council:

- Adopt up-to-date official plan
- Early consultation
- Decisions “shall be consistent with” PPS
- Public notice and meetings
- Apply provincial and local interests
- Decision making on planning applications
- Defend decisions at LPAT
- Measure Performance

4. The Province:

- Policy and statute development
- Approval authority for certain planning matters
- Broad provincial/inter-regional planning
- Education and training
- Technical input
- Research and information
- Performance measures

5. Local Planning Appeal Tribunal

- Appeal body for hearing and deciding appeals of planning matters

The Planning Act

The *Planning Act* is the basis of Ontario’s land use planning system. It defines the approach to planning, and assigns or provides the roles of key participants. All decisions under the *Planning Act* must follow provincial policy direction as set out in the PPS and provincial plans.

The *Planning Act* is the legal foundation for key planning processes such as:

- local planning administration
- the preparation of planning policies
- development control
- land division
- the management of provincial interests
- the public’s right to participate in the planning process

The *Planning Act* also sets out processes and tools for planning and controlling development or redevelopment. These tools include:

- official plans
- zoning by-laws (including minor variances)
- community planning permit systems

- land division (for example, plans of subdivision or consents)
- site plan control
- community improvement plan.

The approval of land use planning documents and applications is the responsibility of the applicable authority. This can be different depending on your local circumstances and the type of planning document or application. Your municipal staff or planning board officials will advise you on which body is responsible for approving different types of planning documents in your municipality or planning area. Note: In some situations municipalities may not have a dedicated planner on staff and may retain the services of a planning consultant/firm.

The Provincial Policy Statement

You should be aware that the PPS is issued under [section 3](#) of the *Planning Act* and provides policy direction on matters related to land use planning that are of provincial interest (including those as set out in [section 2](#) of the *Planning Act*).

The PPS provides the policy foundation for regulating the development and use of land in Ontario. The PPS includes direction on matters such as managing growth and new development, housing, economic development, natural heritage, agriculture, mineral aggregates, water and natural and human-made hazards.

Municipalities implement the PPS through their official plans, zoning by-laws and decisions on development applications. The *Planning Act* provides that decisions made by councils exercising any authority that affects a planning matter “shall be consistent with” the PPS. This means that the PPS must be applied when making land use planning decisions and in developing planning documents, such as official plans and zoning by-laws. Every planning situation must be examined in light of pertinent PPS policies.

Local conditions should also be taken into account when applying PPS policies and when developing planning documents. The PPS makes it clear that planning authorities, including councils, are able to go beyond the minimum provincial standards in specific policies when developing official plan policies and when making planning decisions – unless doing so would conflict with another policy.

Provincial plans

The PPS provides the policy foundation for a number of provincial plans. As with the PPS, municipal official plans and zoning by-laws are the primary vehicle for implementing provincial plans. Decisions under the *Planning Act* (for example approval of official plans or plans of subdivision) must conform or not conflict with the applicable provincial plan in place.

Unlike the PPS, which applies province-wide, a number of provincial plans apply to particular areas in the province. They provide policy direction to address specific needs or objectives in the geographies where they apply – such as environmental, growth management and/or economic issues.

Provincial plans include:

1. Growth Plans under [Places to Grow Act, 2005](#)

[The Growth Plan for the Greater Golden Horseshoe](#) was established to provide a framework for growth management in the Greater Golden Horseshoe region centered around the City of Toronto. It includes population and employment forecasts and policies for intensification, compact built form, transit and transportation. The policies of the plans provide guidance to municipalities on the appropriate locations and characteristics of growth within their settlement areas.

[The Growth Plan for Northern Ontario](#) is a framework to guide decision-making to support priority economic sectors and structured around six themes: economy, people, communities, infrastructure, environment and Indigenous peoples. The Growth Plan for Northern Ontario does not set population targets for municipalities. It lets municipalities determine intensification targets for growth and exactly where growth should occur.

2. [The Greenbelt Plan](#) is issued under the [Greenbelt Act, 2005](#) and provides policy coverage primarily for the protected countryside area by identifying and providing permanent protection to areas where urbanization should not occur. The plan provides policies for permanent agricultural and environment protection in the protected countryside area, supporting an agricultural and rural economy while also providing for a range of recreation, tourism and cultural opportunities. The Greenbelt Plan also includes an urban river valley designation to allow for Greenbelt protections to be provided within urban areas. The [Greenbelt Act, 2005](#) provides for the Oak Ridges Moraine Conversation Plan and Niagara Escarpment Plan to continue to apply within their areas and stipulates that the total land area of the Greenbelt area is not to be reduced in size.
3. [The Oak Ridges Moraine Conservation Plan \(ORMCP\)](#): The Oak Ridges Moraine extends 160 km from the Trent River in the east to the Niagara Escarpment in the west and has a concentration of environmental, geological and hydrological features. It is the regional north-south watershed divide, and the source and location of the headwaters for most major watercourses in south-central Ontario. The ORMCP, approved as Minister's regulation [Ontario Regulation 140/02](#) under the [Oak Ridges Moraine Conservation Act, 2001](#), is an ecologically-based plan that provides direction for land use and resource management in the 190,000 hectares of land and water in the Moraine.
4. [Niagara Escarpment Plan \(NEP\)](#): Although the NEP is an example of a geography-specific provincial plan, it is implemented slightly differently than the other provincial plans. The NEP is implemented through a *development control system* outside of urban areas and is administered by the Niagara Escarpment Commission, an agency of the Government of Ontario. This system requires that the Commission regularly make decisions on site specific applications for development permits in the NEP area based on whether a proposed development is in accordance with Plan policies. While this is done in consultation with municipalities, the Niagara Escarpment development permit takes precedence and must be issued prior to any other municipal approval being granted. The subsequent municipal decisions are required to "not conflict with" the NEP.
5. Other provincial plans

Other provincial plans include the:

- o [Central Pickering Development Plan](#), (2012 update)
- o [Parkway Belt West Plan](#) under the Ontario Planning and Development Act, 1994
- o [Lake Simcoe Protection Plan \(2009\)](#), under [Lake Simcoe Protection Act, 2008](#)
 - The Lake Simcoe Protection Plan combines elements of land-use control with regulating certain activities (e.g. sewage treatment plant effluent standards) to reduce phosphorus within the Lake Simcoe watershed.
- o [Source Protection Plans](#)
 - Source protection plans are local, watershed-based plans that regulate activities that could impact municipal drinking water sources.
 - Source Protection Plans are developed by Source Protection Committees, with support from Conservation Authority and municipal staff.

How provincial plans work together

The Growth Plan is designed to be read in conjunction with the other provincial plans (Greenbelt Plan, ORMCP, and NEP) and the PPS. The Growth Plan generally takes precedence over the PPS for the specific policy areas in the Plan and defers to the Greenbelt plans in their plan areas. Where there is a conflict between the direction in the Growth Plan and the direction of another plan or policy with respect to a matter relating to human or environmental health, the most protective policy takes precedence.

Municipal official plans

Municipal official plans are the primary vehicle for implementing the PPS and provincial plans. Having up-to-date official plans that reflect provincial interests and integrate planning for matters that affect land-use decisions such as sewer and water, transportation, affordable housing, economic development and cultural heritage, provides a foundation for economic readiness and the timely processing of development applications.

Other regulatory systems connected to land use planning

There are certain uses and kinds of development that have additional and/or separate processes for their approval such as:

- infrastructure development - [Environmental Assessment Act](#)
- mineral aggregates extraction - [Aggregate Resources Act](#)
- renewable energy facilities and landfills - [Environmental Protection Act](#)

There are also provincial frameworks regulating operations and activities that may have the potential for negative impacts on the landscape, such as:

- water-taking - [Ontario Water Resources Act](#) (permit to take water)
- tree-cutting, and grading of land - [Municipal Act, 2001](#) (tree cutting and site alteration by-laws)
- removing or damaging certain plants or habitat of certain animals - [Endangered Species Act](#)
- dumping of toxic waste - [Environmental Protection Act](#)
- development and activities in regulated areas including hazardous lands (floodplains, shorelines, valleylands, wetlands etc.) - [Conservation Authorities Act](#) (development and interference regulation)
- building of certain structures - [Building Code Act](#) (building permit)

Planning decisions and appeals

On April 3, 2018, Ontario's land use planning and appeal system has changed. The changes will have an impact on your role as a land use planning decision-maker. For example, the recent changes include:

- establishing the Local Planning Appeal Tribunal as the province-wide appeal body for land use planning appeals, replacing the Ontario Municipal Board
- reducing the ability of the tribunal to overturn certain major municipal decisions on official plans and zoning by-laws that adhere to relevant municipal official plans, provincial plans, and the Provincial Policy Statement
- limiting appeals of certain types of planning matters, such as removing the ability to appeal provincial decisions on new municipal official plans and major official plan updates
- establishing a [Local Planning Appeal Support Centre](#) to provide information and supporting citizens who want to participate in the land use planning appeal process before the Local Planning Appeal Tribunal

You can find more information about the land use planning system, including the Local Planning Appeal Tribunal, in the sections below and in the [Citizens' Guides to Land Use Planning](#).

The Local Planning Appeal Tribunal (LPAT)

People do not always agree on planning decisions made by local planning authorities. Because of this, the Local Planning Appeal Tribunal exists as an independent tribunal to hear appeals and make decisions on a variety of municipal land use planning matters. When people are unable to resolve their differences and/or disputes on decisions made by local planning authorities, they can appeal those decisions to the Local Planning Appeal

Tribunal. The failure of a planning authority to make a decision on most planning applications within specified time periods can generally also be appealed to the Local Planning Appeal Tribunal.

With respect to certain matters, when the matter is appealed to the LPAT, the tribunal may take the place of the local planning authority and can make a decision within the authority provided for in the *Planning Act*.

Appeals based solely on consistency/conformity

For certain major planning matters, the Local Planning Appeal Tribunal must dismiss an appeal of a municipal decision unless the municipality's decision is inconsistent with the Provincial Policy Statement, does not conform/conflicts with provincial plans or does not conform with an applicable official plan.

This type of appeal generally applies to:

- appeals of municipal decisions on official plans, official plan amendments, zoning by-laws, zoning by-law amendments and community planning permit by-laws
- appeals of municipal non-decisions for applicant-initiated official plan or zoning by-law amendment applications

Example: Someone files an appeal of council's decision to adopt an official plan amendment. If the Local Planning Appeal Tribunal finds that council's decision aligns with provincial and local policies, the appeal will be dismissed and the municipal decision will be final. However, if the Local Planning Appeal Tribunal determines that council's decision does not align with provincial and local policies, the matter will be returned to the municipality to make a new decision.

If the Local Planning Appeal Tribunal returns the matter back to a municipality because the decision was not aligned with local or provincial policies and plans, the municipality will be able to address any shortcomings, while continuing to have the opportunity to address local matters when making a new decision. When reconsidering a matter returned by the Local Planning Appeal Tribunal, a municipality will need to reassess the matter, hold a public meeting and issue a second decision. If council fails to make a second decision on an application within 90 days, the matter can be appealed.

If council makes a new decision after a matter has been returned to them by the Local Planning Appeal Tribunal, that second municipal decision will be final unless it is appealed. However, if the second decision is appealed, the Local Planning Appeal Tribunal will hear the matter and make a determination on whether council's new decision aligns with provincial or local policies. If it does align, council's decision will be final. If council's decision is again inconsistent or does not conform with local or provincial policies, the Local Planning Appeal Tribunal will make a final decision on the matter.

Other types of appeals

Appeals of other planning matters, such as subdivisions, consents and minor variances, will not be subject solely to the consistency/conformity standard. These types of appeals are typically based on an assessment of specific criteria and cannot be properly addressed by only applying a consistency/conformity standard.

Appeals of an approval authority's failure to make a decision within the required timeframe are also not subject solely to the consistency/conformity standard.

For the types of appeals listed above, the Local Planning Appeal Tribunal has the authority to make a final determination on the matter. In making its determination, the Local Planning Appeal Tribunal is required to have regard to the municipality or approval authority's decision on the matter and any information and material that the municipality or approval authority considered when making its decision.

The Local Planning Appeal Tribunal's decisions on all matters appealed to it under the *Planning Act* are final, with the following exceptions:

- when the Minister of Municipal Affairs and Housing (referred to in this section as the Minister) has declared a matter to adversely affect a provincial interest
- when a request is made to the Local Planning Appeal Tribunal for a review of its decision
- when the court gives permission to appeal the tribunal's decision to Divisional Court

Any person or public body, subject to meeting certain requirements, can appeal a planning decision with reasons to the Local Planning Appeal Tribunal or, in the case of minor variance, consent or site plan application decisions, to a Local Appeal Body (LAB), if your municipality has established one to hear these appeals.

Participation in the municipal planning process is an important criterion if the public wishes to make an appeal. You may therefore wish to encourage your constituents to participate in planning matters of interest to them. Some planning decisions regarding policies and applications relating to settlement area boundaries or new areas of settlement, employment areas and second residential dwelling units cannot be appealed. Other matters that cannot be appealed include official plans in their entirety, and certain other provincial approvals. You should always ask municipal planning or legal staff to advise you on whether a matter can be appealed. This is another reason why council must consider all relevant local and provincial interests when making decisions.

Local Appeal Bodies

The *Planning Act* provides municipalities with the authority to establish their own Local Appeal Body (LAB) for appeals regarding applications for minor variances, consents to sever land, and appeals related to site plan matters. Once established, a Local Appeal Body replaces the function of the Local Planning Appeal Tribunal for those matters it has been empowered to hear.

The Local Appeal Body would not have jurisdiction in the case where a consent, minor variance and/or site plan appeal is related to a type of planning matter that is adjudicated by the Local Planning Appeal Tribunal (for example subdivision or official plan).

At the time of writing, only the City of Toronto has established a LAB. On May 3, 2017, the Toronto Local Appeal Body replaced the function of the Local Planning Appeal Tribunal to hear Toronto-based appeals of Committee of Adjustment decisions on minor variance and consent applications.

One window planning service and municipal plan review

While municipalities are primarily responsible for implementing the PPS through official plans, zoning by-laws and local planning decisions, the authority to make land use planning decisions may rest at the provincial or the local level. As a councillor, it is important to understand the authority that your municipality has been delegated or assigned for different land use planning functions.

Where the Minister is responsible for land use planning decisions under the *Planning Act*, there is a process in place referred to as the "one window planning service." This streamlined service communicates provincial planning interests and decisions to municipalities using one voice. For example, the Minister approves all upper-tier and single-tier official plans and official plan updates.

Where municipalities or planning boards are responsible for land use planning decisions, there is a process in place referred to as "municipal plan review." For example, some upper-tier and some single-tier official plan amendments are exempt from the Minister's approval.

These approval processes were created by the province to:

- act as one-stop portals between decision-makers and applicants for land use matters

- co-ordinate provincial or municipal positions back to an applicant
- maximize the effectiveness of early consultation
- ensure consistent decision-making
- improve planning service delivery and use resources efficiently

The two processes differ in several key ways.

Differences between one window planning service and municipal plan review

One window planning service	Municipal plan review
<p>The Minister provides an integrated provincial decision on applications</p> <p>Partner ministries collaborate to provide advice and technical support to the Minister (guided by an internal memorandum of understanding known as the “One Window Protocol”)</p> <p>Province prepares guidance and support materials and may provide education and training</p>	<p>Municipalities review and make decisions on local planning applications</p> <p>Municipalities are responsible for obtaining technical expertise through external experts, peer review, background studies</p> <p>Municipalities access provincial ministries for technical (rather than policy) support and data sharing</p>

Regardless of the decision-maker, early consultation is encouraged to ensure an efficient process with the early identification of key planning issues. Decisions shall be consistent with the PPS and conform with or not conflict with provincial plans where applicable. All decision-makers must make responsible, accountable and timely planning decisions.

Aside from the Ministry of Municipal Affairs and Housing (referred to as the ministry in the rest of this section) the following provincial ministries are part of the one window planning service that may be consulted to get their input prior to making a decision on any development application:

- Ministry of Natural Resources and Forestry
- Ministry of the Environment, Conservation and Parks
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Energy, Northern Development and Mines
- Ministry of Tourism, Culture and Sport
- Ministry of Transportation
- Ministry of Infrastructure
- Ministry of Health and Long-Term Care
- Ministry of Economic Development, Job Creation and Trade

Roles of provincial ministries and conservation authorities

Municipal planning also involves obtaining various site-specific permits and/or approvals of a technical nature before a development project can proceed. These permits and approvals typically involve other provincial ministries, and where applicable, a local conservation authority (if one has been established). In most cases, these other ministries and parties should be part of the planning approval review process to identify their interests so they can be built in and/or designed for from the outset. This allows for technical permits further in the development process.

Conservation authorities should work closely with municipalities in using their authority and carrying out their responsibilities related to natural hazard management including flooding. Conservation authorities may also provide services for their municipalities reviewing proposed plans for matters like natural heritage. Municipally appointed representatives collectively govern a conservation authority in accordance with the [Conservation Authorities Act](#). It is important to understand the roles of the conservation authority or authorities in your municipality and how they work with municipal land use planning process.

The following are the types of work that may require approvals in a regulated area:

- the construction, reconstruction, erection or placing of a building or structure of any kind
- changes that would alter the use, or potential use, of a building or structure
- increasing the size of a building or structure, or increasing the number of dwelling units in the building or structure
- site grading
- the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere; the straightening, changing, diverting or interfering with the existing channel of a river, creek, stream or watercourse; or changing or interfering with a wetland
- the straightening, changing, diverting or interfering with the existing channel of a river, creek, stream or watercourse,
- for changing or interfering in any way with a wetland

Municipal empowerment

Over the last few years, upper-tier, single-tier and regional municipalities across the province with up-to-date official plans in force have been given additional authority to approve certain planning files (e.g. official plans/amendments, subdivisions) in order to give more decision making powers to municipalities and streamline the local land use planning process. This allows the province to focus its resources on broader policy issues involving matters of provincial interest.

Municipal planning tools

This section describes the key planning tools provided by the *Planning Act*. These tools help municipalities plan and control development and achieve priorities like affordable housing, economic development and growth management. Reviewing your municipality's planning documents and discussing them with planning staff will give you a better understanding of their application.

The official plan

An official plan describes your municipality's goals and objectives on how land should be used over the long term and includes specific policies to meet the needs of your municipality. It is prepared with broad input from you and your municipality's citizens, businesses, community groups, stakeholders and Indigenous communities.

As a councillor, it is your role to make decisions on new official plans, plan updates and privately and municipally proposed amendments to the plan. You must also ensure that those decisions are consistent with the *P.P.S.*, and conform with or do not conflict with any applicable provincial plan.

It is important for your official plan to be up-to-date. Your official plan addresses issues such as:

- where new housing, industry, offices and shops will go and how the built environment will look and function
- what environmental features are to be protected
- specific actions to be taken to achieve the provision of affordable housing

- what services, like roads, water mains, sewers, parks and schools, will be needed (and the financial implications of maintaining them through, for example, alignment with your asset management plan)
- when, and in what order, parts of your municipality will grow
- community improvement initiatives
- measures and procedures for informing and obtaining the views of the public on planning matters

When preparing an official plan or amending an existing one, municipalities must inform the public and give people an opportunity to voice their concerns and opinions. For example, council must hold at least one public meeting before the plan is adopted.

In the case of a statutory official plan update, a public open house must be held prior to the public meeting. At the beginning of the review process a special meeting of council must be held to discuss the changes that may be required.

Where the ministry is the approval authority, a copy of the proposed official plan or official plan amendment must be submitted to the ministry at least 90 days prior to the municipality providing notice of a public meeting.

When an official plan has been adopted, the *Planning Act* requires that notice of adoption be given to any person who asked for it. Once adopted by the municipality, a copy of the official plan is sent for final approval to the appropriate approval authority.

The approval authority is the Minister or the upper-tier municipality that has been assigned the authority to approve lower-tier municipal official plans. It is the responsibility of the approval authority to approve, refuse or modify the plan in whole or in part. Once notice of approval is given, there is a 20-day appeal period provided for in the *Planning Act*. If no appeal is made, the plan comes into effect once the 20-day period has expired. There is no appeal of a Minister's decision on a new official plan or official plan update.

However, if part of the plan is appealed or if there is an appeal of the approval authority's failure to make a decision within the legislated timeframe, the Local Planning Appeal Tribunal would deal with the matters under appeal. After an appeal is made, Council has the authority to suspend the appeal process for 60 days prior to sending the appeal record to the *Local Planning Appeal Tribunal* to allow time for possible mediation. This allows for a pause in the process to work out disputes and potentially avoid a Local Planning Appeal Tribunal hearing. If the matter proceeds to a hearing, the Tribunal will only be able to overturn the municipality's or approval authority's decision if the matter under appeal does not implement provincial plans/policies or the upper-tier official plan. In such situations the matter would be returned to the municipality to make a new decision. If returned the municipality would have up to 90 days to issue a new decision.

If the new municipal decision is appealed again and returned to the Tribunal and the matter still inconsistent or non-conforming. The Tribunal would have the authority to make the final decision.

Summary of the official plan amendment process (plans not exempt from approval)

1. Council initiates the process for an official plan amendment
2. The proposed official plan amendment is prepared. Following this, notice and information is provided to the public and the approval authority is consulted. Other agencies may also be consulted
3. If the amendment is an official plan update under section 26 of the *Planning Act*, such as a statutory official plan review, an open house must be held prior to council holding a public meeting. This step is not required for all other official plan amendments
4. A public meeting is held
5. Council adopts the official plan amendment
6. Council gives notice of adoption and sends the official plan amendment to the approval authority
7. The approval authority may consult (as needed), makes a decision on the official plan amendment, and gives notice of its decision. The official plan amendment comes into effect if there are no

appeals within the 20-day appeal period

8. Possible appeal to the Local Planning Appeal Tribunal (LPAT): With some restrictions, any qualifying person or public body may appeal the approval authority's decision to the LPAT. However, where the Minister is the approval authority (for matters under section 26 of the *Planning Act*), there is no ability to appeal the Minister's decision on an official plan update
9. If an appeal is made, the record of the approval authority's decision is sent to the LPAT. The LPAT will then give notice of appeal and mandatory case management conference
10. A mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlement, including mediation and to identify, define and/or narrow issues
11. Mediation can take place on all or some of the issues
12. If a hearing is required, it will be focused on whether the approval authority's decision is consistent or conforms with provincial and local plans and policies
13. If the LPAT determines the decision is not consistent or does not conform with provincial and local plans and policies, the LPAT will send the matter back to the adopting municipality and ask them to reconsider their decision. Otherwise, the Tribunal will uphold the approval authority's decision
14. If the LPAT sends a matter back to the municipality for reconsideration:
 - o the municipality will re-assess the proposed official plan amendment, hold a public meeting, and make a new decision
 - o Council will give notice of its decision to adopt the official plan amendment and send it to the approval authority
 - o The approval authority has 90 days to review the proposed amendment and make a decision
 - o If no appeal is made within the 20-day appeal period, the approval authority's decision is in effect
 - o However, if the decision is appealed, it would proceed to the Local Planning Appeal Tribunal for final resolution

As a councillor, you should be aware that council may amend an official plan at any time. For example, the needs of a community evolve and changes to your official plan may be necessary to address new and emerging social, economic and environmental matters that your current plan does not address. These changes may be made through an official plan amendment, which is prepared and approved in the same manner as the plan itself. An amendment can be initiated by the municipality or by the public. It is important to note, however, that applications to amend a new, comprehensive official plan are not permitted for two years after the new official plan comes into effect, unless your council passes a resolution to allow these applications to proceed.

In addition, the official plan amendments of some municipalities are exempt from approval. In these cases, the approval authority has exempted a municipality from requiring its formal approval of the amendment. After a municipality gives notice of its adoption of an official plan amendment, any person, or public body that has made an oral or a written submission prior to adoption, or the approval authority/Minister, can appeal the adoption to the Local Planning Appeal Tribunal. This appeal must be made within the 20-day appeal period allowed by the *Planning Act*, and the amendment must be of the type permitted to be appealed by the *Planning Act*.

If there is no appeal, the amendment comes into effect automatically on the day after the 20-day appeal period expires. You may wish to ask your municipal staff if your municipality's official plan amendments are exempt from approval by the approval authority.

Your municipality's official plan provides the overall direction and guidance for planning in your community. Once approved, it means that:

- you and the rest of council and municipal staff must follow the plan
- all public works (for example, new sewers) must conform with the plan
- all by-laws must conform with the plan

If your municipality has an official plan, you are required to review and update the official plan to ensure that it conforms or does not conflict with provincial plans, has regard to matters of provincial interest and is consistent with the PPS. If your municipality creates a new official plan or replaces an existing official plan in its entirety, it will need to be reviewed and updated no later than 10 years after it comes into effect. A five-year review and update cycle continues to apply in situations where an official plan is being updated and not replaced in its entirety.

These measures help to ensure that the plan is kept current and is sensitive to both provincial and municipal circumstances. An up to date official plan supports investment-ready communities with a local vision for how the community will develop.

The zoning by-law

The zoning by-law controls the use of land. It implements the objectives and policies of the official plan by regulating and controlling specific land uses (and as such, must conform with the plan). A zoning by-law achieves this by stating exactly:

- what land uses may be permitted
- where buildings and other structures can be located
- which types of buildings are permitted
- lot sizes and dimensions, parking requirements, building heights and setbacks from a street or lot boundary

As an elected representative, it is your job to make decisions on new zoning by-laws, updates to the zoning by-law, and municipally and privately initiated zoning amendments. You must ensure that those decisions are consistent with the PPS, and conform or do not conflict with any applicable provincial plan. As well, zoning decisions must conform with all applicable official plans.

As with an official plan, your municipality must consult the public when preparing a zoning by-law or replacing an existing zoning by-law. A public meeting must be held before the by-law is passed. Citizens may make their views known either verbally at the public meeting or through written submissions before the by-law is passed. Only a person or public body that does this may appeal all or part of a council's decision, provided the matter may be appealed. Your municipal staff can advise you on which matters can and cannot be appealed.

Your municipality must also provide 20 days advance notice of the public meeting and provide information about the proposed by-law. After all concerns have been fully considered, council has the authority to pass or refuse to pass the zoning by-law.

Zoning by-law amendments (or rezonings) may be necessary when the existing by-law does not permit a proposed use or development of a property. A rezoning follows the same basic process as passing the zoning by-law itself, including opportunities to appeal to the LPAT. An amendment can be initiated by the municipality or by the public.

As with a new, comprehensive official plan, privately-initiated applications to amend a new, comprehensive zoning by-law are not permitted for two years after the new by-law comes into effect, unless your council passes a resolution to allow these applications to proceed.

Any person or public body, provided certain requirements are met, may appeal your council's decision to the Local Planning Appeal Tribunal within 20 days of the date the notice of the passage of the by-law is given. This can be done by filing the appeal with your municipal clerk. When an appeal is filed, the LPAT holds a public hearing and may approve, repeal or amend the by-law. If no appeal is filed within the appeal period, the by-law is considered to have taken effect on the day it was passed by council.

A municipality must update its zoning by-law to conform with its official plan within three years following the adoption of a new official plan, or following an official plan's five or 10 year update. A municipality is required

to hold an open house to give the public an opportunity to review and ask questions about the proposed by-law at least seven days before the public meeting.

Having an up-to-date zoning by-law ensures that the locally developed policies in the official plan are capable of being fully carried out in a timely way. It is an important element of being an investment-ready community.

Summary of the zoning bylaw process

1. Council initiates the process for the zoning bylaw
2. The bylaw is prepared. Following this, notice and information is provided to the public. Other agencies may also be consulted
3. A public meeting is held
4. Council makes a decision to pass the bylaw
5. Council gives notice of its decision
6. Possible appeal to the L.P.A.T.: With some restrictions, any qualifying person or public body may appeal the decision to the L.P.A.T.
7. If there are no appeals, the zoning bylaw is effective on the date council passes the bylaw
8. If an appeal is made, the record of the municipal decision is sent to the L.P.A.T. The L.P.A.T. will then give notice of appeal and mandatory case management conference
9. A mandatory case management conference is held. At the case management conference, there is an opportunity to discuss possible settlements, including mediation and to identify, define and/or narrow issues
10. Mediation can take place on all or some of the issues
11. If a hearing is required, it will be focused on whether the municipal decision is consistent or conforms with provincial and local plans and policies
12. If the L.P.A.T. determines the decision is not consistent or does not conform with provincial and local plans and policies, the L.P.A.T. will send the matter back to the municipality and ask them to reconsider their decision. Otherwise the L.P.A.T. would need to uphold the municipal decision
13. If a matter is sent back to the municipality for reconsideration, the municipality will:
 - o re-assess the proposed zoning bylaw, hold a public meeting, and make a new decision
 - o Council gives notice of its decision to pass the zoning bylaw
 - o If no appeal is made within the 20-day appeal period, council's decision is in effect
 - o However, if the decision is appealed, it would proceed to the L.P.A.T. for final resolution

Minor variances

Generally, if a development proposal does not conform exactly to a zoning by-law, but is desirable and maintains the general intent and purpose of the official plan and the zoning by-law, an application may be made for a minor variance. For example, a property owner with an odd-shaped lot may propose a development that does not meet the zoning by-law's minimum side yard setbacks. In this case, granting a minor variance eliminates the need for a formal re-zoning application. However, unlike a zoning amendment, it does not change the existing by-law. A minor variance allows for an exception from a specific requirement of the zoning by-law for a specific property, and allows the owner to obtain a building permit.

Minor variances are obtained by applying to the local committee of adjustment, which is appointed by council to hear applications for permission to vary from zoning by-law standards applications. The application process includes a public hearing and a decision by the committee of adjustment. Applications for minor variances are generally assessed against four tests set out in the *Planning Act*, however municipalities can augment these tests through locally-developed ones as set out in an applicable by-law.

Any person or a public body may appeal a decision of the local committee of adjustment to the Local Planning Appeal Tribunal or a Local Appeal Body if the municipality has chosen to establish one. The Local Planning Appeal Tribunal or Local Appeal Body may dismiss an appeal or make any decision that the committee could have made on the original application.

Plans of subdivision

The *Planning Act* applies when a property is proposed to be subdivided into separate parcels of land that can be sold separately. One way of subdividing property is through a subdivision plan that is prepared and submitted to the appropriate approval authority. Your municipal staff or planning board officials will advise you on which body approves subdivision plans in your municipality or planning area. Subdivision approval ensures that:

- the land is suitable for its proposed use
- the proposal conforms with the official plan in your municipality, as well as with provincial legislation and policies
- your municipality is protected from developments that are inappropriate or may put an undue strain on municipal facilities, services or finances

Decisions must be consistent with the PPS and conform any applicable provincial plan.

Subdivision approval is a two-step process. The process begins when a property owner (or an authorized agent) submits a proposed draft plan of subdivision application to the approval authority for review. The approval authority consults with municipal officials and other agencies that are considered to have an interest in the proposed subdivision (such as utility companies). In addition, a public meeting must be held with advance notice. Each application is reviewed in light of existing policies, legislation and regulations.

Comments received from the consulted agencies (including the municipality in which the proposed subdivision lands are located) are also reviewed. The approval authority may either “draft approve” or refuse an application. A draft approval will generally be subject to one or more conditions that must be fulfilled before the subdivision plan is eligible for final approval and registration.

These conditions might include:

- a road widening
- parkland dedication
- signing of a subdivision agreement between the municipality and the developer to secure various obligations that continue beyond final approval
- rezoning requirements

For example, the property owner may be required, as a condition to granting final approval, to enter into a subdivision agreement with your municipality and/or the approval authority to guarantee that services within the subdivision (such as roads and sidewalks) will be constructed to your municipality's standards. When all draft approval conditions have been met, the subdivision plan receives final approval and can then be registered. The registered plan is a legal document that sets out the precise boundaries of the property, the dimensions of the blocks and building lots and the widths of all streets, walkways, etc., within the property.

Any person or public body who makes their views known by making an oral submission or written submission to the approval authority before draft approval is granted may appeal a decision or conditions within 20 days. However, only the applicant or a public body may appeal conditions of approval after the 20 days have expired. A person or public body who has made a written or oral submission to the approval authority before it made its decision, or made a written request to be notified of any changed conditions, may appeal any changed condition for which notice is required to be given.

If the subdivision approval authority does not make a decision within the legislated timeframe, the applicant may appeal the lack of decision to the Local Planning Appeal Tribunal.

Subdivision approval authorities also have authority to grant approval of condominium proposals pursuant to the [Condominium Act, 1998](#). Although the condominium approval process has not been included in this section, it is similar to the subdivision process with certain modifications.

Summary of the subdivision process

1. Before an application is submitted, the applicant should consult with municipal staff or the approval authority
2. Following the pre-consultation, a complete application is submitted to the approval authority
3. The approval authority ensures notices of the application are given and a public meeting may be held
4. The approval authority will make its decision to approve the draft plan of subdivision with conditions or refuse it
5. Notice of decision is sent to the applicant and those requesting notification.
6. With some restrictions, any qualifying person or public body may appeal to the Local Planning Appeal Tribunal (LPAT)
7. If no appeal is made and the applicant fulfills all conditions, the plan of subdivision receives final approval and registration
8. If an appeal is made, the LPAT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision
9. Once a plan of subdivision receives final approval and registration, lots can be sold and transferred

The consent process

Your municipality can also use the consent process for subdividing property. For example, a property owner who wants to create only one or two new lots may apply for a consent (sometimes referred to as a “land severance”). Consent-granting authority may reside with a municipal council, a committee of adjustment, a land division committee, a planning board or the Minister of Municipal Affairs and Housing. Municipal staff will advise you on which body is responsible for land severances in your municipality. Consent decisions must be consistent with the ZPS and conform or not conflict with any applicable provincial plan.

When evaluating a consent application, the approval body consults with the municipality in which the subject lands are located, and with agencies that are considered to have an interest in the proposed consent. Many approval bodies will also hold a public meeting with advance notice. Once the approval body has made a decision, it must notify the applicant and any person or public body that has requested notification within 15 days. A 20-day appeal period follows the giving of the notice. If the consent-granting authority does not make a decision within the legislated timeframe, the applicant may appeal the lack of decision to the Local Planning Appeal Tribunal.

Similar to a subdivision draft approval, a consent approval (known as a provisional consent or consent-in-principle) may have certain conditions attached to it. There may be requirements for a road widening, parkland dedication or a rezoning. If the consent conditions are satisfied within one year, the consent-granting authority issues a certificate of consent. If any of the conditions remain unsatisfied, the provisional approval expires automatically.

Appeals to the Local Planning Appeal Tribunal – or to the Local Appeal Body, if the municipality has chosen to establish one – must be filed with the consent-granting authority. When a decision is appealed, the Local Planning Appeal Tribunal or Local Appeal Body holds a hearing and can make any decision that the consent-granting authority could have made on the application.

It is important to note that a consent (or plan of subdivision) is required in order to sell, mortgage, charge or enter into any agreement for a portion of land for 21 years or more. If the two parts are split already (by a road, for example) consent may not be needed. Other instances requiring consents include rights-of-way, easements and changes to existing property boundaries.

If a landowner is proposing to create a number of lots, a plan of subdivision rather than a consent is generally the best approach for the proper and orderly development of the property.

Summary of the land severance (or consent) process

1. Before an application is submitted, the applicant should consult with municipal staff or the consent-granting authority
2. Following the pre-consultation, a complete application is submitted to the consent-granting authority
3. The consent-granting authority gives notice of the application and a public meeting may be held
4. The consent-granting authority will make its decision to give either provisional consent or to refuse the application
5. Notice of decision is sent to the applicant and those requesting notification
6. Any person or public body may appeal to the L.P.A.T. or local appeal body if one is established
7. If no appeal is made, when the conditions of provisional consent are satisfied, a certificate is issued and lots can be transferred
8. If an appeal is made, the L.P.A.T. may dismiss the appeal without holding a hearing or will hold a hearing and make a decision

Site plan control

Site plan control gives municipalities detailed control of how a particular property is developed and allows municipalities to regulate the various features on the site. Council can designate areas of site plan control, in which case developers must submit plans and drawings for approval before undertaking development. Site plan control can regulate certain external building, site and boulevard design matters (for example, character, scale, appearance, streetscape design). Further, you may require a site plan agreement with a developer. The agreement could set out details such as parking areas, elevations and grades, landscaping, building plans and services. The agreement can be registered on title and must be complied with by the owner and all subsequent owners.

Community improvement

A community improvement plan is another important municipal planning tool in the *Planning Act* that allows municipalities to prepare community improvement policies. The policies describe plans and programs that encourage redevelopment and/or rehabilitation improvements in a community. Municipalities are required to consult with the Ministry of Municipal Affairs and Housing as part of this process.

Improvements may include:

- industrial area remediation and redevelopment
- streetscape and facade improvements
- refurbishing of core business areas, affordable housing
- heritage conservation of homes or commercial buildings

They may also include land assembly policies to make projects feasible or to create financial incentives that encourage increased housing choices, mixed densities and compact spatial forms in redevelopment and/or rehabilitation areas. Municipalities can make grants or loans within the community improvement plan project

areas to help pay for certain costs. Some municipalities have established Tax Increment Equivalent Financing programs as part of community improvement plans.

Community Planning Permit System (CPPS)

The Community Planning Permit System (CPPS), formerly the Development Permit System, is an optional tool that municipalities can use to streamline and facilitate development and promote economic growth. This is a tool that municipalities can use to help achieve their community's land use vision, provide greater flexibility to meet today's land use planning challenges and at the same time, ensure certainty in the development process.

The Community Planning Permit System provides a land use approval system that combines the zoning, site plan and minor variance processes into one application and approval. It gives additional local flexibility in the land use planning system by allowing variations in development standards and discretionary uses. These are subject to criteria and minimum and/or maximum standards that are set out in a community planning permit by-law. A Community Planning Permit System also allows a municipality to establish conditions that can be imposed in making decisions on community planning permit applications, including conditions that require community facilities or services to be made available.

Enabling official plan policies and a community planning permit by-law are required to implement the Community Planning Permit System. Public participation is focused at the front end of the system, which results in increased certainty. After a community planning permit by-law is passed, privately-initiated applications to amend the community planning permit by-law are not permitted for five years, unless the municipality passes a resolution to allow these applications to proceed.

Affordable housing

There are a number of tools under the *Planning Act*, the *Municipal Act, 2001* and the [Development Charges Act, 1997](#) that can be used to help create affordable housing.

A range of land use planning and municipal finance tools are available to municipalities to help meet local needs and circumstances.

The *Planning Act* requires all municipalities to establish official plan policies and amend their zoning by-laws to allow second units in detached, semi-detached, row houses and ancillary structures. The *Planning Act* restricts appeals of both second unit official plan policies and zoning by-laws to the Local Planning Appeal Tribunal except by the Minister.

The establishment of a second unit is at the discretion of individual homeowners and may take place in existing or new residences. Second units must comply with health, safety and municipal property standards, including, but not limited to, [Ontario's Building Code](#), the [Fire Code](#) and municipal property standards by-laws.

Another land use planning tool that is designed to encourage affordable housing is the garden suite. Garden suites are temporary one-unit, detached residences containing housekeeping facilities that are ancillary to existing houses and that are designed to be portable. To give potential homeowners more certainty given the potential expense of installing a garden suite, the *Planning Act* provides that garden suites may be temporarily authorized for up to 20 years.

Inclusionary zoning

Inclusionary zoning is an optional land use planning tool a municipality may use to require affordable housing units to be included in residential development of 10 units or more. These units would then need to be maintained as affordable over a specified period of time.

The tool is typically used to create affordable housing for low- and moderate-income households. In Ontario, this means families and individuals in the lowest 60% of the income distribution for the regional market area, as defined in the Provincial Policy Statement, 2014. However, it is critical for municipalities of all sizes to assess whether this is an appropriate tool for achieving their affordable housing goals. Generally, inclusionary zoning tends to work best in locations experiencing rapid population growth and high demand for housing, accompanied by strong economies and housing markets.

The *Planning Act* and the associated regulations set out the framework for developing an inclusionary zoning program. Each program will differ as it is informed by local affordable housing needs, conditions and priorities. The key components of inclusionary zoning programs include:

- an assessment report on housing in the community
- official plan policies in support of inclusionary zoning
- a by-law or by-laws passed under section 34 of the *Planning Act* implementing inclusionary zoning official plan policies
- procedures for administration and monitoring, and
- public reporting every two years

Inclusionary zoning is implemented through zoning by-laws passed by lower-tier and single-tier municipal councils. Following the completion of an assessment report to examine potential impacts of inclusionary zoning on the housing market and the financial viability of development, or redevelopment, a lower-tier municipality may adopt official plan policies for inclusionary zoning without any specific or general policies for inclusionary zoning in the upper-tier official plan.

Lower-tier municipalities may wish to discuss and coordinate with the upper-tier municipality on matters relating to administration and monitoring so that affordable housing units created through an inclusionary zoning program are kept affordable over the long-term.

A municipal council may implement inclusionary zoning within a Community Planning Permit System, as set out in [Ontario Regulation 173/16](#) (Community Planning Permits).

Economic development through land use planning

Municipal councils can promote economic development through their land use planning decisions and by implementing planning tools. Having an up to date official plan and zoning by-law can help your municipality be investment-ready in order to seek and take advantage of economic opportunities.

The following table summarises some of the *Planning Act* tools and their benefits:

<i>Planning Act</i> tool	Description	Benefit
Community improvement plans (CIPs) (section 28)	CIPs are used by municipalities as one way of planning and financing development activities that effectively use, reuse and restore lands, buildings and infrastructure.	Municipalities can make grants or loans within CIP project areas to help pay for certain costs.
Brownfields community improvement planning	Provincial participation through the Brownfields Tax Incentive Program (BFTIP) matches municipal brownfield CIP property tax incentives with the provincial education tax portion.	Can provide financial incentive by making clean up and development less expensive.

Planning Act tool	Description	Benefit
Community planning permit (section 70.2)	Optional land use planning tool that replaces a standard multi-layered development approval process (zoning, site plan and minor variance), with a single process.	Results in a more streamlined, timely development process that: <ul style="list-style-type: none"> • Reduces review timelines to 45 days • Removes third party appeals to the L.P.A.T. • Helps municipalities achieve their land use vision, and provides more certainty in the form of development
Protection of employment lands (sections 22 and 34)	No appeal of a council refusal to re-designate/ rezone lands from employment to other uses.	Allows municipalities to maintain a sufficient supply of serviced and ideally located (near transit, highways, ports, rail, airports) employment lands.
Bonusing (section 37)	Allows municipalities to approve increased height and density as part of a zoning by-law in exchange for the provision of “specified facilities, services and matters”.	Increased height and density maximize use of existing infrastructure.
Reduction or waiving of application fees (section 69)	A tool that lets council reduce or waive planning application processing fees.	Could reduce the cost of planning approvals.
Conveyance of parkland or cash in lieu (sections 42 and 51.1)	Allows a municipality to pass a by-law applicable to all or part of a municipality, which can require the conveyance of land (up to 5 per cent) for park purposes or cash in lieu as a condition of development or redevelopment (s. 42) or as a condition of approval of a plan of subdivision (s. 51.1).	Could act as a financial incentive if the by-law excludes geographic areas where development/ redevelopment is desired or the condition is not imposed on plans of subdivision within that area.
Alternative parkland dedication rate for cash-in-lieu dedications (section 42)	Allows a municipality to pass a by-law applicable to all or part of a municipality, which, as a condition of development or redevelopment, can require the conveyance of land for park purposes at an alternative rate of one hectare for every 300 dwelling units. For cash-in-lieu dedications, the alternative rate is one hectare for every 500 dwelling units.	Can help provide parkland more quickly and address current needs in communities. May be useful in cases of higher density development.

Planning Act tool	Description	Benefit
Parks plans (section 42)	Prior to passing a by-law and adopting new or updated official plan policies that allow for an alternative rate of land conveyance for park purposes, municipalities must develop a parks plan in consultation with school boards, and, as appropriate, the general public	Better positions municipalities to strategically plan for parks and be prepared for potential opportunities to acquire parkland to meet community needs. Provides opportunities to identify and discuss future surplus sites (including school sites) in the community and plan accordingly.
Reduction of cash in lieu of parkland when sustainability criteria met (section 42)	Where sustainability criteria set out in an official plan are met and no land is available for conveyance a municipality may reduce cash in lieu of parkland.	Can reduce cost of development and redevelopment while improving sustainability (could result in energy savings).
Reduction or exemption from parking requirements (section 40)	Provides that council may enter into an agreement to reduce or exempt an applicant from parking requirements in exchange for cash payments.	Could reduce cost of development by not having to supply as much parking, which can require additional land or parking facilities.

A balanced view

Before approving any planning application, you and the rest of council should look closely at all the related environmental, social and financial costs and benefits that may affect your municipality.

Environmental considerations include the effects of development on land, air and water. Social considerations include the local need for housing and job opportunities, as well as the possible demand for additional services such as schools, parks, day cares, nursing homes, group homes and other social support facilities.

From a financial point of view, when developing new official plans or assessing planning applications, council should weigh the benefits of additional tax revenues in light of:

- the capital costs of the hard and soft services that will be required
- the ongoing costs of maintaining those services
- the effects of both the initial and long-term costs on the tax rate and the existing ratepayers

Your municipality may also be undertaking other long-term strategic initiatives such as asset management planning, long term financial planning and planning for affordable housing through a housing and homelessness plan. The objectives and outcomes of these exercises and your land use planning documents should align.

Responsible community planning involves examining both the potential positive and negative impact of a proposed development on your community. The policies your municipality adopts should reflect a balance between supporting the economy, meeting social needs and respecting the environment.

Participants in land use planning

In addition to technical experts, commenting agencies, and the provincial government, there are two other potential important players in the land use planning process: the public and Indigenous communities.

The role of the public

The public plays an essential role in the planning process. Planning decisions made by council directly affect the people living in your community. The planning process is designed to give citizens the opportunity to share views on your community's planning policies, examine planning proposals, register their concerns and ideas before decisions are made, and appeal decisions.

To ensure that the public and stakeholders are involved and understand the details of the planning process, the *Planning Act* provides for certain regulations to be made. For example, regulations exist that set out procedures for public involvement in the process, procedures for giving notice of planning applications and other procedures. As these regulations are minimum requirements, your municipality can provide for increased public involvement. Your municipal or planning board staff can explain the regulations related to public involvement in your municipality.

Engaging with Indigenous communities

As neighbours or as community members, Indigenous peoples may have interests in the land use planning decisions of municipalities. There are linkages between land use planning, and Indigenous economies and cultures, their use of traditional lands, and commitment to a healthy environment. Engagement with Indigenous communities on land use planning issues helps with relationship building, information sharing, and achieving common goals related to social and economic development. For more information on municipal engagement with Indigenous communities, see Section 5: municipal organization.

Land use planning for northern Ontario

If you are a councillor in northern Ontario, you probably know that some aspects of land use planning are different in your region. Some of the factors that make land use planning in northern Ontario different:

- all municipalities are single-tier, in comparison to the upper-tier and lower-tier structure of much of southern Ontario
- in contrast to its vast land base – that covers 90% of the province – about six per cent of the province's population lives in northern Ontario. While over half of northerners live in the five biggest cities, many live in smaller, rural communities
- large portions of northern Ontario have no municipal organization and are referred to as a territory without municipal organization or “unincorporated areas.” While there are a number of local service delivery organizations in territory without municipal organization, including local roads boards, local services boards and planning boards, there are large areas where these services may not be available
- crown land makes up about 87% of the province's land mass and more than 95% of the land base in northern Ontario. The Ministry of Natural Resources and Forestry is responsible for land use planning on Crown land, which is generally directed under the *Public Lands Act* or the *Far North Act, 2010*. In these cases, it is generally not subject to the *Planning Act* or the *Provincial Policy Statement*. Before Crown land is developed, however, the Ministry of Natural Resources and Forestry consults affected councils and takes any official plans and policies that are in effect into account

Responsibility for land use planning in some northern municipalities and in areas without municipal organization is shared by planning boards and the Minister of Municipal Affairs and Housing.

Planning boards are unique to northern Ontario and present an opportunity for municipalities to share planning services and coordinate development across municipal boundaries. In territorial districts, the Minister of Municipal Affairs and Housing can define a planning area that may include two or more municipalities, one or

more municipalities and unorganized territory, or only unorganized territory. The Minister can establish a planning board to handle land use planning activities in these areas.

- Members of planning boards representing municipalities are appointed by the municipal councils, and members from areas without municipal organization are appointed by the Minister of Municipal Affairs and Housing.
- A planning board is authorized to prepare an official plan for a planning area. A planning board also has the power to pass zoning by-laws for areas without municipal organization within a planning area.
- Most planning boards have been delegated a range of other land use planning responsibilities from the Minister of Municipal Affairs and Housing, such as the power to grant consents, approve subdivision applications and administer Minister's zoning orders.

In areas that are without municipal organization (and that are not Crown land), where planning boards do not exist, the Minister of Municipal Affairs and Housing continues to make decisions on land use matters such as land division. The Minister has made zoning orders in some areas, which are similar to municipal zoning by-laws, to control land use and development.

Land use planning decisions in our provincial policy-led system are made by informed councillors who consider both technical advice from professional planning staff and the views of the community. Your involvement in community planning will require you to make decisions on issues of public concern that are often controversial. Despite this, your participation in a process that will determine the future of your community may well be one of the most enduring and gratifying contributions you can make as a councillor.

Read more about [land use planning](#).

Helpful considerations: section 10

- Land use planning decisions are a large part of your job as an elected official. You are responsible for making decisions on land use matters according to the level of authority in your municipality. The decisions you make need to balance technical advice, public consultation and environmental, social and financial considerations.
- The Provincial Policy Statement and any applicable provincial plans must be followed when making land use planning decisions and in developing planning documents, such as official plans and zoning by-laws.
- The public and Indigenous communities play a key role in the planning process. Engaging with the public and Indigenous Peoples and considering their input is part of your responsibility as a councillor when making land use planning decisions.
- Most land use planning decisions can be appealed to the Local Planning Appeal Tribunal. You should be aware of the matters that can be appealed.
- As an elected representative, it is your responsibility to consider new and evolving tools in the land use planning system that may be of benefit to your community, such as the community planning permit system or a Local Appeal Body.

11. Building regulation

The [Building Code Act, 1992](#) (BCA) lays out the legislative framework governing the construction, renovation, demolition and change of use of buildings in Ontario. The Building Code is a regulation made under the *Building Code Act*. It sets out technical and administrative requirements.

**ENGINEERING AND DEVELOPMENT SERVICES DEPARTMENT
POLICY PLANNING SECTION
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT MONITORING REPORT**

FILE NO.	DATE REC'D	APPLICANT/OWNER/AGENT	PROPOSAL	REPORT NO.	BY-LAW NO.	STATUS
2017						
B-77-1021	March 21/17	Reginald & Janette Barkema/ G.D. Jewell Engineering Inc. c/o Steve Harvey	<i>Trinity Court - Part Lot 2, Concession 3, Formerly Township of Thurlow</i> Zoning By-Law amendment to permit a range of single detached residential lots and townhomes	PP 17-26 APS 18-07		Public Meeting: Mar 5/18 The Rezoning is attached as a condition of Subdivision approval.
2018						
B-77-1040	Jan 10/18	Rosebush Properties Inc./ Bel-Con Design-Builders Ltd.	<i>330 College Street East</i> Zoning By-Law amendment to permit a convenience store and associated gas bar in addition to the permitted uses of the zone	PP 18-02		Public Meeting: Mar 5/18 PAC Decision: deferred, awaiting revised Site Plan based on CN comments
B-77-1058	Aug 21/18	Paramathas Joseph Agent: Chris Nava	<i>55 South Church Street</i> Zoning By-law amendment to rezone from (R2-1) to (R3) to permit a semi-detached dwelling	PP-2018-36		Public Meeting: Oct 1, 2018 PAC Decision: Denied Council Denied: Oct 9/18 Appeal Date: Nov 9/18 Clerk's Cert: APPEALED
B-77-1059	Aug 21/18	Panagiotis Karaglaus Agent: Chris Nava	<i>59 South Church Street</i> Zoning By-law amendment to rezone from (R2-1) to (R3) to permit a semi-detached dwelling	PP-2018-37		Public Meeting: Oct 1/18 PAC Decision: Denied Council Denied: Oct 9/18 Appeal Date: Nov 9/18 Clerk's Cert: APPEALED
B-77-1069	N/A	"CANNABIS"	<i>Belleville, Thurlow, Sidney</i> Zoning By-law amendment to 10245, 3014 & 2076-80 to update definitions relating to cannabis			Public Meeting: Mar 4, 2019 PAC Decision: Council Approved: Appeal Date: Clerk's Cert:
Page 1						
February 4, 2019						

FILE NO.	DATE REC'D	APPLICANT/OWNER/AGENT	PROPOSAL	REPORT NO. BY-LAW NO.	STATUS
2018					
B-77-1070	Nov 5/18	Owner: Martin J Geertsma Applicant: Martin J. Geertsma	5 Scenic Drive Zoning By-law amendment to rezone subject lands from (R1) to (R1-22) with special provisions to match existing zoning with Scenic Drive	PP-2019-04	Public Meeting: Feb 4/19 PAC Decision: Council Approved: Appeal Date: Clerk's Cert:
B-77-1071	N/A	Owner: Blaine M. Casey Applicant: Jaime Casey Agent: RFA Planning	473 Willet Road Zoning By-law amendment to rezone a portion of Prime Agriculture (PA) to Rural Residential as a condition of Consent for Applications B32/18 & B33/18	PP-2019-05	Public Meeting: Feb 4/19 PAC Decision: Council Approved: Appeal Date: Clerk's Cert:
B-77-1072	Nov 5/18	Owner/Applicant: Jenland Properties Agent: Fortenn Consultants Inc.	Lots 35 & 36, Concession 2 (Bell Blvd) Zoning By-law amendment to rezone lands to allow additional uses including retail		Public Meeting: Mar 4/19 PAC Decision: Council Approved: Appeal Date: Clerk's Cert:



RESIDENTIAL LAND SUPPLY

Table No. 1 - Registered Plans of Subdivision/Condominium

NO.	PLAN NO.	LOCATION Belleville Ward (See Map No. 1)	POTENTIAL NO. OF UNITS
1	21M-197	Stinson Avenue	5 Townhouse Units
2	21M-244	Summit Crescent	55
3	12T-065001	Potters Creek Phase 6	23 Single Units 20 <u>Townhouse Units</u> 43 Total
4	B 03/06	Craig Street Extension	4
5	21M-287	Mercedes Meadows Phase 4	25
		SUBTOTAL	132

NO.	PLAN NO.	LOCATION Thurlow Ward (See Map No. 2)	POTENTIAL NO. OF UNITS
1	21M- 175	Hearthstone Ridge Phase 1	4
2	21M- 218	Hearthstone Ridge Phase 2	2
3	21M-277	Hearthstone Ridge Phase 3	6
4	21M-281	Heritage Park Phase 3	1
5	21M-283	Caniff Mills Phase 8	6
6	21M-285	Heritage Park Phase 4	5
7	21M-289	Heritage Park Phase 5	25
8	21M-292	Caniff Mills Phase 9	46
9	21M-293	Settlers Ridge Phase 4	18 Single Units 8 <u>Townhouse Units</u> 26 Total
10	12T-17002	70 Mudcat Road	6
		SUBTOTAL	127
		GRAND TOTAL	259

DRAFT APPROVED PLANS OF SUBDIVISION/CONDOMINIUM:

Draft Approved Plans of Subdivision are plans that have received a preliminary approval which is subject to certain conditions. The applicant must demonstrate the ability to fulfill the required conditions of approval. It is at this point that the applicant enters into a Subdivision Agreement with the municipality, following which final approval is given and the plan is registered.

Table No. 2 - Draft Approved Plans of Subdivision/Condominium

NO.	FILE NO.	LOCATION Belleville Ward (See Map No. 1)	POTENTIAL NO. OF UNITS
1	12T-90501	Bell Creek Phase 3+	60
2	B75-780	Coleman Street	75 Apartment Units
3	12CD-14001	Dockside Quinte	302 Apartment Units
4	12T-02506	Hanley Park	147 Single Units <u>111 Townhouse Units</u> 258 Total
5	12T-04502	Mancuso	36
6	12T-06501	Potters Creek 7+	239 Single Units <u>171 Multi Units</u> 410 Total
7	12T-15001	Sand Cherry	39 Townhouse Units
8	12T-18002	Hawley Landing	51 Townhouse Units
9	B75900	211 Pinnacle Street	110 Apartment Units
SUBTOTAL			1,341

NO.	FILE NO.	LOCATION Thurlow Ward (See Map No. 2)	POTENTIAL NO. OF UNITS
1	12CD-10501	Black Bear Ridge East	16
2	12T-09501	Caniff Mills 10+	82 Single Units 85 Townhouse Units <u>209 Apartment Units</u> 376 Total
3	12T-06503	Heritage Park 6	18 Single Units <u>19 Townhouse Units</u> 37 Total
4	12T-12503	Settlers Ridge 5	76 Single Units
5	ER100	Deerfield Phase 7	26
		SUBTOTAL	531
		GRAND TOTAL	1,872

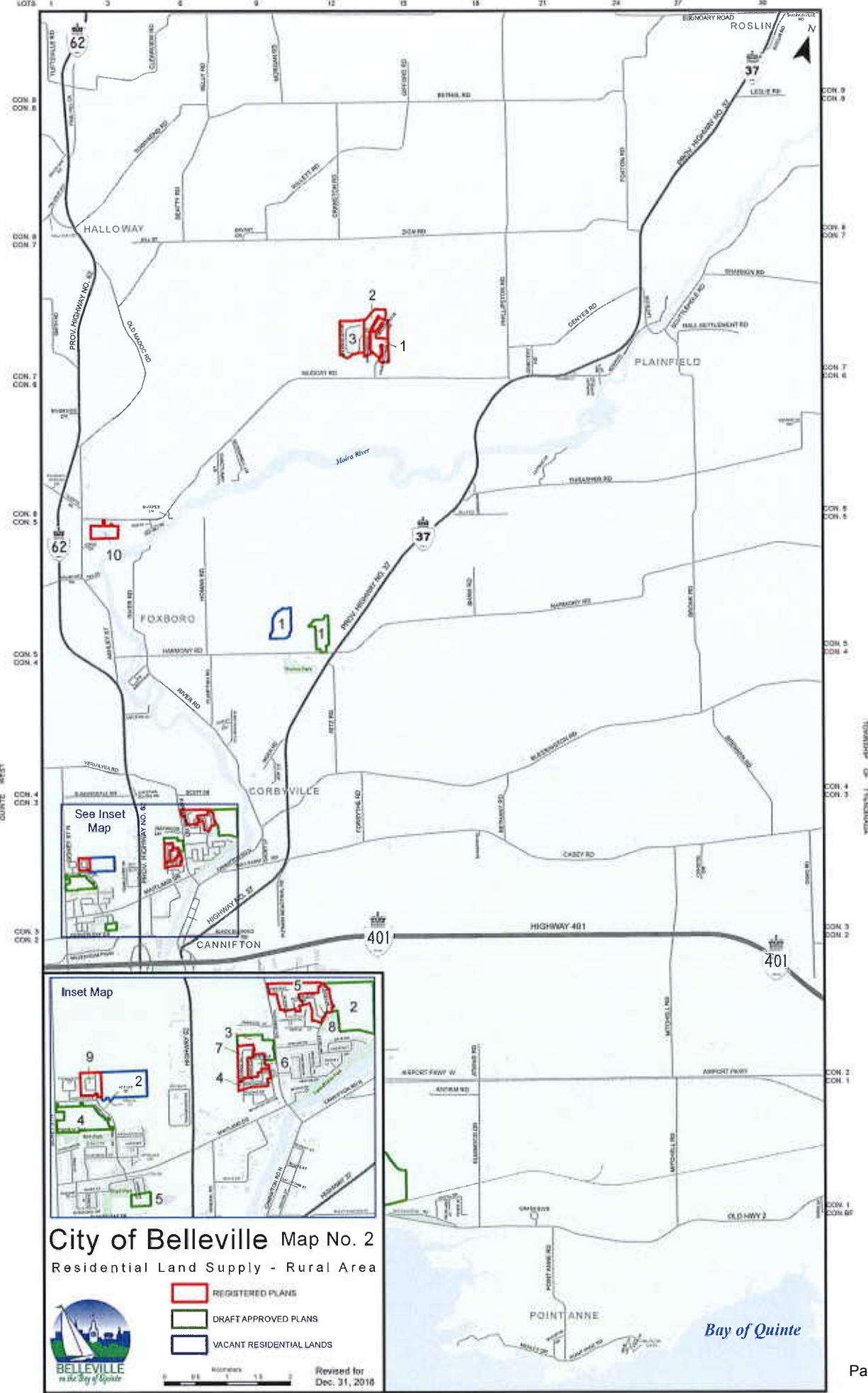
VACANT RESIDENTIAL LAND:

Vacant residential lands with potential for development includes land with condominiums proposed, vacant land zoned for multiple unit development, and other vacant land that is zoned for residential use. Residential land that is zoned for development usually has full services available, and building permits may be issued. The exceptions to this are lands that require a plan of subdivision or condominium. Table No. 3 lists vacant residential land with potential for development. (Note: The eventual built development may contain fewer units than indicated depending on site design and servicing requirements, etc.) Please see

Table No. 3 - Vacant Lands Zoned Residential

NO.	ZONE	LOCATION Belleville Ward (See Map No. 1)	POTENTIAL NO. OF UNITS
1	R4-5-h	Aldersgate Drive	24 Apartment Units
2	A2-8	Avonlough Road West	To Be Determined
3	C2-6	Front Street	70
4	R5-29-h R4	Herchimer Avenue (North of Pine Street)	84 Townhouse Units 8 Single Units 92 Total
5	R5-8	Janlyn Crescent	16
6	R4-4	Kalnay Lane	480
7	M2	Palmer Road	124
8	UH	Potters Creek North of Creek	88
9	R6	Yeomans Street at Union Street	60
SUBTOTAL			954

NO.	ZONE	LOCATION Thurlow Ward (See Map No. 2)	POTENTIAL NO. OF UNITS
1	CF-7, PA	Black Bear Ridge West	16
2	PA	Barkema	95
		SUBTOTAL	111
		GRAND TOTAL	1,065



City of Belleville Map No. 2
Residential Land Supply - Rural Area



- REGISTERED PLANS
- DRAFT APPROVED PLANS
- VACANT RESIDENTIAL LANDS

Revised for Dec. 31, 2018

