

**Procedures
For
Official Plan and Zoning By-law
Amendments
And
Minor Variance Application**

A Guide for Applicants



**The Township of Otonabee-South Monaghan
20 Third Street
Keene, Ontario
K0L 2G0**

(705) 295-6852

www.osmtownship.ca

PROCEDURES GUIDE

**for Official Plan and Zoning By-law Amendments
and Minor Variances**

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Introduction

The Township of Otonabee-South Monaghan is responsible for the processing, review and approval of planning applications under the Ontario Planning Act, R.S.O. 1990, c.P. 13, as amended.

Municipal approval includes applications for Official Plan Amendments, Zoning By-law Amendments and Minor Variance applications.

Also as part of the planning approval process the municipality deals with Site Plan Control, Pre-Development Agreements and the execution of Subdivision Agreements.

The County of Peterborough processes and approves applications for Consents (severances) and Plans of Subdivision and Plans of Condominium.

Application fees are charged for each planning application filed with the municipality. A schedule of fees is contained in this document. Planning fees are subject to revision upon the approval of Council. The application fee is considered a “deposit toward costs” and is used to cover legal, planning, administrative and other costs incurred by the Municipality.

If an application is denied or appealed, the property owner or applicant is responsible for all costs related to the Ontario Municipal Board hearing. The municipality accepts no expense for submission to, or attendance at an Ontario Municipal Board hearing.

1.0 DEVELOPMENT TYPES

a) Official Plans and Official Plan Amendments

The Official Plan was adopted by Council on December 6, 2004. The Plan was subsequently approved by the County of Peterborough.

The general purpose of the Official Plan is to provide a comprehensive document to guide and direct the use of land in the municipality throughout the planning period. The Official Plan was prepared to assist decision-making by both the public and private sectors. The various land uses within the municipality are identified by designations. Each designation has a specific policy which provides direction dealing with such matters as permitted uses, land division policies, density, community improvement etc.

The Official Plan also provides specific policies dealing with General Development; Land Division; Land Use; Community Improvement; and Transportation.

New development(s) which do not conform to the Official Plan must apply for approval through filing an Official Plan Amendment application.

The Official Plan is posted on the website, and a hard copy is available for sale through the municipal office for \$50.00.

b) Zoning By-laws and Zoning By-law Amendments

The Zoning By-law is a regulatory document which must comply and implement the policies outlined in the Official Plan.

Properties are shown on the Zoning By-law schedules reflecting a series of land use zones. The Zoning By-law contains text which corresponds to the individual land use zone.

The Zoning By-law provides detailed information related to permitted land use within a specific zone; setback provisions from property lines for buildings and structures; minimum lot frontage and lot area; lot coverage, parking spaces, density, etc.

The Zoning By-law is a regulatory by-law. Any contravention to this by-law is handled by the municipality's By-law Enforcement Officers; and if required through court action.

Any new development or a change to an existing land use requires a zoning amendment if the use/development does not meet the provisions of the existing zone.

Copies of the Zoning By-law are available on the website, and a hard copy may be purchased at the municipal office for \$50.00.

c) Minor Variances

The Committee of Adjustment sits as a Committee of Council. The Committee has the authority to consider minor, technical adjustments to the Zoning By-law known as Minor Variances. Examples of such adjustments include reductions in setbacks for buildings or other structures, decks, lot dimensions, and other similar By-law regulations. Significant adjustments to the By-law require a Zoning By-law Amendment.

Additional information regarding the Minor Variance process is found in *Committee of Adjustment Application Procedures - A Guide for Applicants* located on the municipal website and in the office located at 20 Third Street, Keene.

2.0 OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

The information contained in this section provides the applicant with information regarding the process involved in applying for an amendment to the Official Plan or the Zoning By-law.

The information provided outlines the steps taken to submit an application, and receive a decision from municipal Council.

If the applicant wishes, an application for an Official Plan Amendment and zoning amendment may be processed concurrently. However, the Official Plan Amendment must be executed by by-law prior to Council adopting the zoning amendment by-law.

Note: This is not a legal document and should be considered resource material which has been prepared by municipal staff. This document has been prepared to assist property owners, general public, developers, etc. in understanding the specific applications and processes implemented by the Township of Otonabee-South Monaghan.

It is recommended that reference to relevant legislation and County policies, including but not limited to the Planning Act, Provincial Policy Statement, Smart Growth Plan, and County of Peterborough Official Plan be made to obtain more specific information.

3.0 PRE-APPLICATION

a) Discussions with Planning Staff and Agencies

Application forms are attached as Appendix A2 and A3. Additional copies are available on the municipal website, and may be obtained from the municipal office (20 Third Street, Keene). While pre-consultation is not mandatory, it is strongly recommended that the applicant discuss the proposal with appropriate municipal staff, and relevant agencies.

The pre-consultation allows the applicant to outline the development proposal with municipal staff and to obtain general information related to application forms, agency contact information, review of Official Plan policies, and zone provisions contained in the Zoning By-law.

Through pre-consultation the applicant becomes more familiar with the process and is able to file a complete application with the municipality. A complete application is required prior to the municipality processing the filed application.

The applicant may also wish to inform property owners within 120m of the site of the development proposal to gauge public opinion, and identify possible concerns.

b) Planning Act

The application is processed by the municipality according to the applicable regulation under the Planning Act. The regulation sets out the prescribed method of circulation, review, public notification and appeals process.

A minimum of one public meeting will be held, with notification provided to adjacent residents, public agencies, and affected parties. The public meeting notification will be placed on the municipality's website; sent by first class mail to property owners within 120m of the site; posted on the property; and/or advertised in the local newspaper.

After Council decision has been made to approve or deny the application; a statutory appeal period is required. All appeals are filed with the Clerk of the municipality and forwarded with the required fee to the Ontario Municipal Board (OMB).

c) Provincial Policy Statement (PPS)

The application must be consistent with the 2005 PPS issued by the Ministry of Municipal Affairs and Housing.

d) Official Plan and Zoning By-law Conformity

The application will be evaluated by municipal staff and the planner to ensure it meets the general intent of the Official Plan and Zoning By-law. The review will also consider whether the application and proposed land use/development are within the context of good planning principles.

4.0 THE APPLICATION

- 4.1 The application form, proposed site plan and any required background studies are to be submitted (in triplicate) to the CAO at the municipal office located at 20 Third Street, Keene, Ontario K0L 2G0. **Please do not submit the application without the required fee and without the signature of a Commissioner.**

Section 8.16 of the Official Plan.....**Amendments to the Official Plan**states that each Official Plan Amendment shall include background studies and a justification for the proposed change, prepared by the applicant. Usually the background studies and justification report require sufficient detail that the applicant is often best served by having these documents prepared by a professional planner, or engineer. If further studies are required to properly review the application, the applicant will be notified prior to the application being deemed complete.

The Official Plan Amendment form sets out the information required in order to file a complete application with the municipality. Once an application is deemed complete a letter will be forwarded to the applicant, and a tentative public meeting will be scheduled.

- 4.2 When the application is first received by the municipality it is date stamped, and the required application fee is processed. A receipt for the application fee is mailed to the applicant. When the application is first received by the municipality it is date stamped, and the required application fee is processed. A receipt for the application fee is mailed to the applicant.

If, in the opinion of the CAO/Dir. of Planning and/or the planner, the application is incomplete, the applicant will be contacted by mail or email outlining what additional information is required. The applicant will have 60 days to provide the additional information/studies as required. If after the 60 day period has lapsed, and a complete application has not been filed, the municipality will return the application to the applicant. A total of \$300.00 will be deducted from the application fee to cover administrative and planning expenses.

- 4.3 It is the responsibility of the applicant to review their proposal in relation to the Official Plan, Zoning By-law and other local provisions to ensure that the development will conform to all applicable regulations. **The municipal planner cannot provide planning services for individual property owners/applicants or developers.**
- 4.4 The application must be completed by the property owner or an authorized agent. A letter providing authorization to the agent must accompany the application.

5.0 APPLICATION FEE

- 5.1 The application must be accompanied by the application fee prescribed by Council and set out in Appendix A1. The fee is used to recover administrative costs associated with processing the application. An additional \$1,500 deposit is required at the time of filing the application to cover any expenses incurred by the municipality including, but not limited to (legal, peer review, planning report, engineering, advertising, etc).
- 5.2 The fee may be paid in cash, or by cheque or money order payable to the Township of Otonabee-South Monaghan.
- 5.3 An application will not be deemed complete unless the application fees and all relevant documentation have been submitted.

6.0 PROCEDURES

6.1 Application

It is the sole responsibility of the applicant to fill in all particulars required and to supply all plans and supporting documentation necessary to submit a complete application. Where additional information and/or studies are subsequently requested by the municipality, the applicant will be responsible for supplying same.

6.2 Circulation

Following receipt of the completed application, the municipality will circulate the application and supporting background information to the planner for review and preparation of a planning report. The circulation will include (as required) municipal departments, agencies, and authorities including the Otonabee Region Conservation Authority as may be prescribed and/or affected in order to obtain information, comments and/or recommendations. In most circumstances, the municipality will request that review agencies provide written comments within 3 weeks of receiving the application information and/or studies.

6.3 Planning Report

The planner will review the development application in accordance with the applicable policies and provisions of the Provincial Policy Statement, the Growth Plan, Official Plan and Zoning By-law, and evaluate the proposal based on good planning principles. The planning report will be presented to Council during the scheduled public meeting.

6.4 Special Policies and Conditions

Any concerns or conditions requested by commenting agencies will be identified in the planning report. The planning report will provide recommendation(s) to Council related to implementing the policy provisions and/or conditions to be included in the approval of the Official Plan Amendment and/or Zoning Amendment.

The Planning Act provides authority for a Municipality to impose site specific policy provisions to the Official Plan and a Holding (H) Symbol to the Zoning By-law to address the comments and/or concerns identified during the circulation and review period. Specific items identified include, but are not limited to, entering into a Development Agreement to accommodate site plan requirements, road allowance dedications, execution of a Responsibility Agreement, completion of an Environmental Impact Study, and the provision of municipal or other services. The Holding (H) symbol will only be lifted when all conditions are met; and upon a written request from the applicant to remove the Holding (H) symbol.

6.5 Public Notice

Notice of the public meeting will be given by the Municipal Clerk in accordance with the provisions of the Planning Act at least 20 days prior to the meeting. Specifically, notice will be given in following manner(s):

- a) Giving notice by personal service or pre-paid first class mail to every assessed owner of land within 120 metres of the area covered by the proposed amendment and/or;

- b) Posting a notice which is clearly visible and legible from a public highway or other place to which the public has access to the specifications of the Building and Planning Department and/or;
- c) Placing an advertisement in the local newspaper and/or;
- d) Posting notice on municipal website. (This method of providing notice is not required under the Planning Act, but is utilized by the municipality as an additional avenue of communication to the public).

6.6 Public Meeting

The public meeting will be held to provide members of Council and the public with information regarding the proposed amendment(s). Council will hear the application and may authorize preparation and/or adoption of the appropriate By-laws. Often the planner will provide a draft by-law in the planning report for Council's consideration.

If there are no objections received at the public meeting, and Council supports the application, the adopting by-law may be heard on the same date as the public meeting.

The applicant (or agent) will have the opportunity to appear before Council to offer additional or explanatory material regarding the application. It is strongly recommended that the applicant or agent attend the public meeting in the event there are questions that require clarification.

6.7 Notice of Adoption, Passing and Appeals

The Planning Act requires that a notice of adoption of an Official Plan Amendment and/or passing of a Zoning By-law Amendment must be given within 15 days of the date of adoption. Notice of adoption is circulated as prescribed in the Planning Act. Any person or public body may appeal the decision to the Ontario Municipal Board (OMB) within 20 days after written notice is given.

The OMB will upon receipt of an appeal, review the grounds for appeal. The OMB may dismiss all or part of the appeal without a hearing. The OMB may take this step if in their opinion the appeal is not based on land use planning grounds; the appeal is not made in good faith; or is frivolous or vexatious. The appeal could also be dismissed if the appellant did not make oral or written submissions to Council prior to the decision made; or if the appeal fee does not accompany the appeal. before the decision was given, or the appellant has not paid the prescribed fee for an appeal.

7.0 FINAL APPROVAL

If no appeal is filed within the appeal period, the application and subsequent amendments are final. Development may only proceed, however, if all of the policies and regulations of the Official Plan and Zoning By-law have been satisfactorily complied with and a Development Agreement, where applicable, has been entered into.

8.0 ASSISTANCE

If assistance is required in completing an application or if you wish to speak to the CAO/Director of Planning, please note the contact information shown below:

Correspondence should be addressed to:

Township of Otonabee-South Monaghan
Planning & Economic Development

Planning Contact:

Christine Wright,
CAO/ Director of Planning and
Economic Development
cawright@osmtownship.ca
(705) 295-6852 ext. 214

Building Contact:

Barb Waldron
Chief Building Official
bwaldron@osmtownship.ca
(705) 295-6852 ext. 222

The municipality utilizes the expertise of an accredited planner. The planner, Peter Josephs does not work from the municipal office, but is available for scheduled meetings.

Meetings with the planner and the CAO are scheduled by the CAO and are set according to Mr. Josephs' schedule. The meetings take place in the municipal office during regular business hours.

An initial meeting with the planner (usual length is approximately 30 minutes), and is at no cost to the property owner/applicant. However, if additional meetings are required, or if the planner prepares a planning report, a deposit of \$500.00 is required. Payment of the planning deposit is required prior to meeting with the planner.

Key Agency Contacts Are:

Otonabee Conservation
250 Milroy Drive
Peterborough, Ontario, K9H 7M9

(705) 745-5791
Fax: (705) 745-7488
Website: www.otonabee.com

County of Peterborough
County Court House
470 Water Street
Peterborough, Ontario
K9H 3M3

(705) 743-0380 or 1-800-710-9586
Fax: (705) 876-1730
Website: www.county.peterborough.on.ca

**APPENDIX A 1
SCHEDULE OF APPROVED PLANNING APPLICATION FEES
PER BY-LAW 2005-38**

Planning Function	Application Fee
Official Plan Amendment	\$1,000.00
Zoning By-law Amendment	\$ 750.00
Minor Variance	\$ 750.00
Plan of Subdivision	\$1,000.00
Site Plan Agreement	\$ 500.00 Application fee \$1,500.00 Min. Legal Deposit
Pre-Development Agreement	\$5,000.00
Cash-in-Lieu of Parkland (Consents)	\$ 800.00
Preliminary Planning Report	\$ 500.00