



A Guide to the Planning Approval Process for Development Applications

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What is a Planning Application?

An application for a use of land that is currently not permitted by the Town of Lakeshore's Official Plan or Zoning By-law and is enabled by the *Planning Act* that requires approval by Council or a Committee of Council, such as the Committee of Adjustment. Planning applications include Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan Approval, Part Lot Control, Consent and Minor Variance Applications.

What is an Official Plan Amendment?

The Town of Lakeshore Official Plan describes your municipal council's policies on how land in your community should be used. It is prepared with input from you and others in your community and helps to ensure that future planning and development will meet the specific needs of your 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;
- community improvement initiatives.

What is a Zoning By-law Amendment?

A zoning by-law 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.

Zoning by-laws put the Official Plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. A Zoning By-law divides the municipality into different land use zones, with detailed maps. The by-law specifies the permitted uses (e.g. commercial or residential) and the required standards (e.g. building size and location) in each zone. Construction or new development that doesn't comply with a zoning by-law is not allowed, and the municipality will refuse to issue a building permit unless the Applicant submits and gets an approval from the Town for a Zoning By-law Amendment Application or a Minor Variance Application to permit the construction or new development.

What is a Plan of Subdivision?

When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions of the *Planning Act* come into play. If your proposal involves creating only a lot or two, you may seek approval for a "Consent or Land Severance". The other means of subdividing land is to obtain approval of a plan of subdivision from the approval authority (Essex

County). Subdivision applications are made to the approval authority.

Subdivision approval ensures that:

- the land is suitable for its proposed new use;
- the proposal conforms to the official plan and zoning in your community, as well as to provincial legislation and policies;
- you, your neighbours and your community are protected from developments which are inappropriate or may put an undue strain on community facilities, services or finances.

What is a Plan of Condominium?

A Plan of Condominium is a method of dividing property so that an individual holds title to a portion of a building, or a "unit", as well as a share of the rest of the property that is common to all the individual unit owners. A Condominium can apply to residential, commercial or industrial properties.

What is Site Plan Approval?

Site Plan Approval is a form of development control, authorized under Section 41 of the *Planning Act* and implemented through the Town of Lakeshore Official Plan and a By-law. This means the Town of Lakeshore has the authority to influence the design of certain types of development in addition to meeting requirements of the Town's Zoning By-law and

the Ontario Building Code. Site Plan Control applies to all development within the Town of Lakeshore with the exception of single detached, duplexes or semi-detached dwellings, farm operations, farm buildings and the residence of the farm operator, but does apply where an on-farm secondary business is proposed.

The purpose of Site Plan Approval is to allow the Town of Lakeshore and, where applicable, the County of Essex and other jurisdictional agencies to review the following:

- overall site design;
- the impact of the proposal on surrounding uses;
- siting of structures and buildings (massing and location);
- exterior design of the buildings (character, scale, appearance and design features);
- the widening of public roads which abut the site;
- easements, access, parking and loading facilities;
- grading, site drainage and servicing;
- provision for disposal of storm, surface and waste water;
- landscaping and buffering;
- accessibility features;
- amenity areas; and,
- curbs, signs, walkways, lighting, fencing and storage of waste.

The Town of Lakeshore will review the application in consideration of internal

functioning (e.g. parking, emergency vehicle access, and traffic flow), aesthetic contribution, serviceability, as well as spatial, aesthetic and functional relationships with adjacent properties and the street network.

What is Part Lot Control?

The *Planning Act* permits municipalities to pass by-laws to exempt any or all lots or blocks within registered plans of subdivision from part-lot control, so further subdivision of individual lots or blocks can take place. The Town of Lakeshore may pass a by-law exempting land situated in a registered plan of subdivision from part-lot control to allow the registration of a reference plan to divide the land into a number of parcels or to change existing lot lines. Exemption from part-lot control is commonly used to facilitate semi-detached and town-house developments. This approach is used because of the difficulty the builder would have in ensuring that the common centre wall between two dwelling units was constructed exactly on the property line.

What is a Land Severance (Consent)?

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent. If the two parts are split already, by a road or railway for example, consent is not needed. The Town of Lakeshore official plan has specific policies and requirements for land severance. In addition to the division of land, rights-of-way, easements and any change to your existing property boundaries also require

land severance approval. If several severances are intended in the same area, a plan of subdivision may be more appropriate.

What is a Minor Variance?

If a proposed use does not conform to a zoning by-law, but follows its general intent, the owner may apply for a Minor Variance. A Minor Variance does not amend the by-law. It allows the owner to vary from a specific requirement of the by-law and to obtain a building permit.

Who is responsible for making decisions on applications?

Council is responsible for making decisions on applications for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivisions, Plans of Condominium, Part Lot Control and Site Plan Approvals.

The Committee of Adjustment is responsible for making decisions on applications for Minor variances, consents, enlargements, extensions or changes to legal non-conforming uses; consent to mortgages, partial discharge of mortgages, validation of title, access right-of-ways, easement and leases over 21 years and property standard appeals.

The County of Essex is the upper tier planning approval authority for local official plans, local official plan amendments, plans of subdivision and condominium and part lot control.

Why is a Planning Application Required?

The application process is designed to gather and present information about the proposal. The application is presented to the public, other departments and external agencies for feedback on the proposal. This feedback is used to determine the requirements that the application must meet as well as gauge support towards the proposal. The final application is presented to Council or the Committee of Adjustment for their review and decision in accordance with the requirements of the *Planning Act*.

What is the Planner's role in the application process?

Planners work with Applicants to help provide all the information and detail needed to process the application. The Planner acts as the liaison and facilitator between the Applicant, the public, review agencies, internal departments and Council. They will identify the requirements for the application and any specific studies needed to complete the application. They will also identify and contact the agencies who need to be involved in the review and preparation of the application. Based on an analysis of the Official Plan, Zoning By-law, Provincial Policies, technical studies and comments from review agencies and the public on the application, the Planner prepares a staff report on the application. The report provides recommendations for Council or the Committee of Adjustment to consider when making their decision on the application (approve, refuse, defer or modify the application).

Stages of the Planning Process

1. Inquiry

Check with the Planning Services Division to determine if the site is properly zoned to accommodate the proposed development and complies with the Town's Zoning By-laws.

2. Pre-consultation

The pre-consultation involves a meeting between the Applicant and the Manager of Planning in order to identify key issues, required supporting materials (i.e. report/studies), as well as other applications / approvals that may be required to accommodate the proposal. A Pre-consultation Application Form is required to be filled out by the Applicant for Official Plan Amendment Applications, Zoning By-law Amendment Applications, Draft Plans of Subdivision or Condominium and Site Plan Applications.

3. Application Submission

Application forms, fees, plans and studies (if required) are to be submitted to the Town of Lakeshore's, Planning Services Division located at 419 Notre Dame Street, Belle River, ON NOR 1A0.

4. Application Reviewed for Adequacy

The application is reviewed by the Planning Services Division for completeness and adequacy for internal and external circulation.

5. Circulation to Internal Departments, External Agencies

The application is circulated to all pertinent internal departments and external agencies (i.e. County of Essex, Conservation Authority etc.) for review and comment.

6. Status Report

Comments are received from all pertinent internal departments, including selected external agencies and consolidated by the Planning Services Division into a Status Report for the Applicant's review.

7. Follow-up, Issue Resolution, Re-Submission

The Applicant is required to submit any required revisions, along with a comprehensive response to each of the items identified within the Status Report to the Planning Services Division. The circulated departments / agencies will confirm to the Town if all requirements are satisfied. If there are issues that cannot be resolved at this stage in the approval process or the applicant does or cannot fully address in the re-submission, the Applicant shall contact the Planning Services Division and a meeting will be arranged with the Applicant and the Town in an effort to resolve the issues and expedite the application process.

8. Community Information Session (Open House)

Certain Development Applications may require an Open House or Community Information

Session as per the *Planning Act*, Council Policy or the nature of the application. The Open House or Community Information Session is done in order to present the application to the public, to hear comments and concerns, to provide technical clarification and to explain the development review process prior to the Public Meeting in front of Council or the Committee of Adjustment.

9. Public Meeting and Decision

Staff will present their Report and Recommendations to Council or the Committee of Adjustment. For most applications members of the public have an opportunity to voice their comments or concerns about the proposed development, then Council or the Committee of Adjustment depending on the application may ask for clarification or additional information. Council or the Committee of Adjustment will give their decision to support, refuse, defer or modify the application. For some minor site plans, approvals may be done at the staff level.

10. Appeal

Aggrieved persons (Applicant, neighbours, community groups etc) may appeal Council's or the Committee of Adjustment's decision to the Ontario Municipal Board (OMB).

For more information, visit or call your local Planning Office.

11. Application Processing Times

The major stages of the Planning Approval Process are shown above. It is important to note that the type and complexity of the application has a direct effect upon the processing times. Processing begins only when an application is complete.