



Land use Planning
A Roadmap for Decision-Making

Thursday September 22, 2016

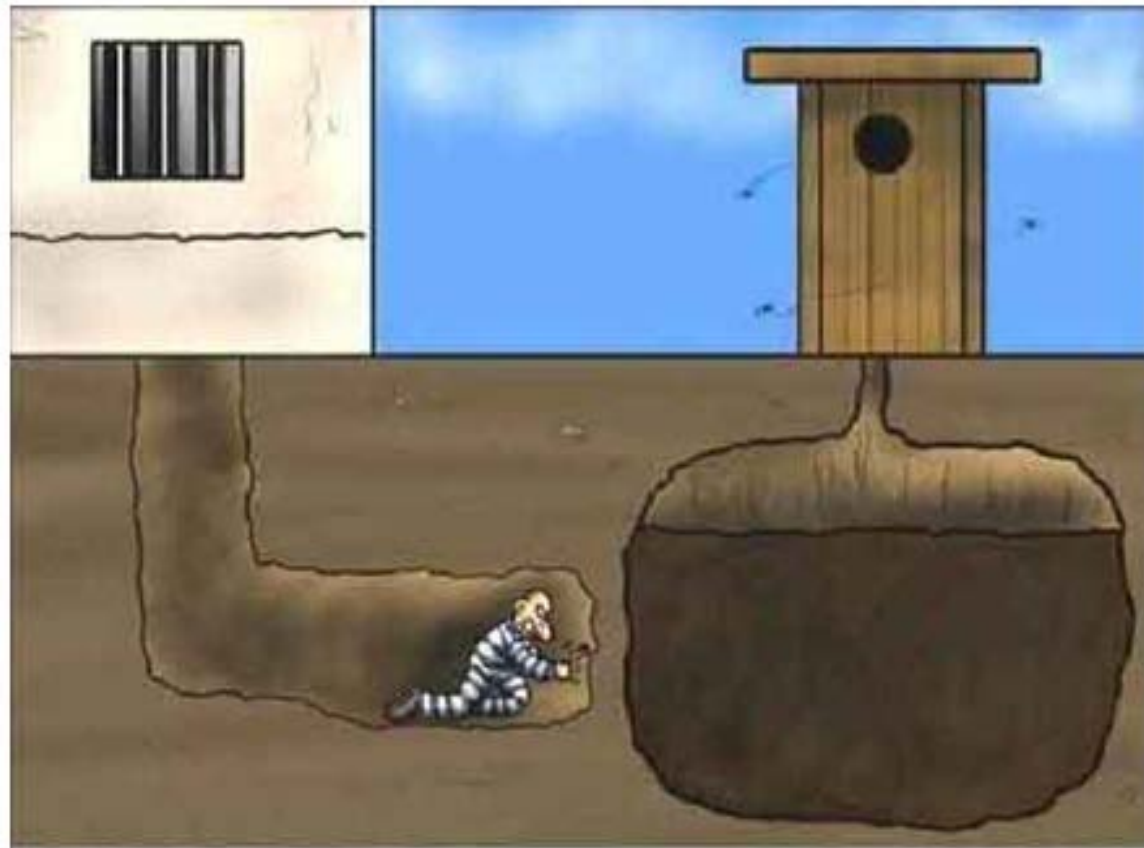
NWORC

Thunder Bay

Presentation Overview

- Introduction
- Why Plan?
- What you need to know
- Planning Tools
- Questions?

Why Plan?



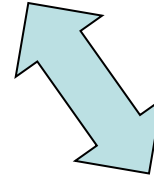
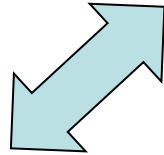
Because it's better than the alternative!

Why Plan?

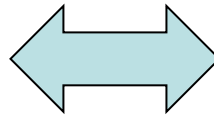


Why Plan?

Built Environment



Economic Readiness



Community Health



Why Plan?



Why Plan?



Why Plan?



Why Plan?



Role of Elected Officials

Land-use planning decisions form a large part of an elected official's responsibilities

- Example: Of the 34 municipalities in the Northwest:
 - 32 (94%) have local consent-granting authority
 - 22 (65%) have local subdivision and condominium approval authority

Decisions need to balance technical advice, public consultation and environmental, social and financial considerations

Councillors should seek assistance and advice from staff in the review of planning matters

What you need to know: The land use planning system in Ontario

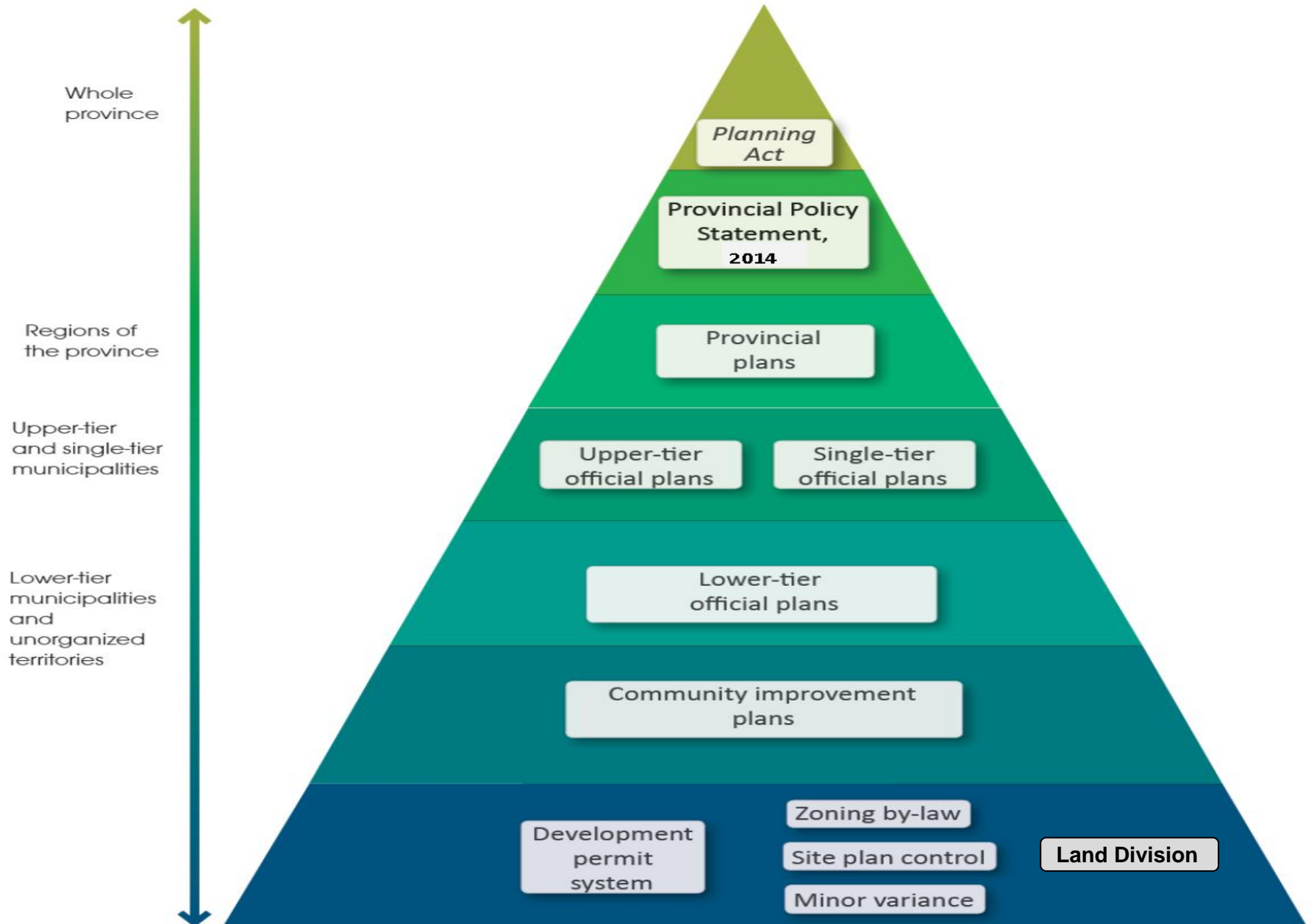
Province leads with legislation, policy and plans

Municipalities implement policies and reflect local needs through their official plans, zoning by-laws and other planning decisions

Opportunities for public input / involvement are important parts of the system



Ontario's policy-led planning system



What is a Provincial Interest?

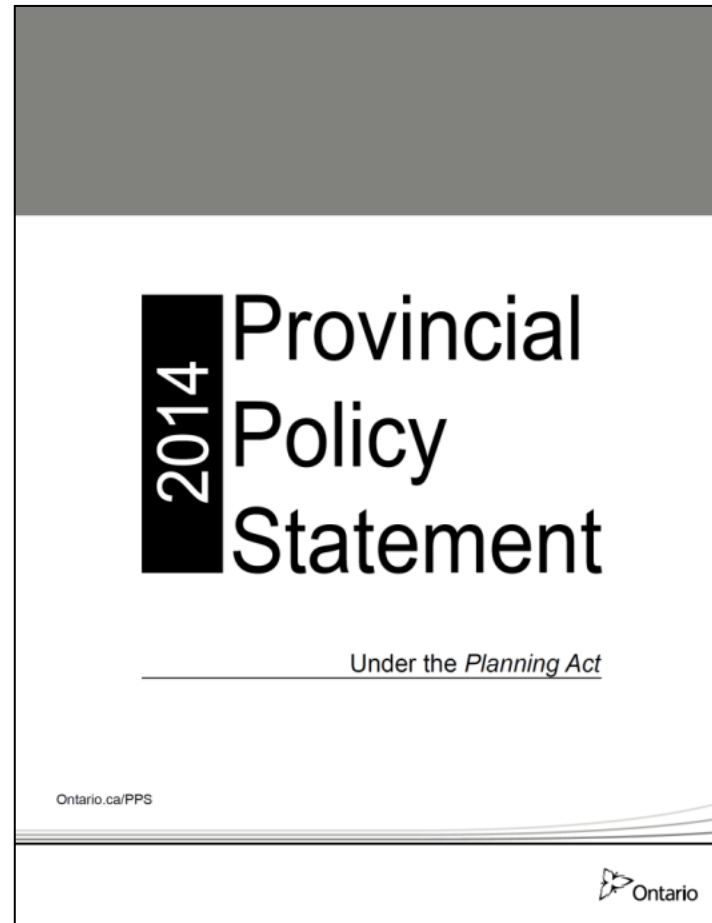
Provincial interests are things that protect and promote the health, safety and welfare of the residents of Ontario

Section 2 of the Planning Act identifies matters of provincial interest in land use planning, including:

- adequate provision of housing and employment opportunities
- protection of the natural environment and conservation/management of natural resources
- protection of public health and safety



Provincial Policy Statement



Engaging with Indigenous Communities

As you do with your neighbouring municipalities, it makes good sense to improve upon or build strong positive relationships with Indigenous communities

- Mutual interest in land use planning
- Use of traditional lands
- Commitment to a healthy environment
- Economic development

Land use planning decisions

- Where there are Indigenous interests municipalities should engage with Indigenous communities as part of the land use planning process

Municipal Planning Tools

Several key planning tools available for municipalities, including:

- Official plans
- Zoning bylaws
- Minor variances
- Subdivision plans/consents
- Site plan control
- Community Improvement Plans
- Community planning permit system

Up-to-date planning documents allow municipalities to be investment-ready to seek and respond to economic opportunities

“Municipal Planning and Financial Tools for Economic Development”
(<http://www.mah.gov.on.ca/Page9392.aspx>)

Official Plans

Articulate the community's vision for land use over a 20 year planning horizon and reflect the public interest

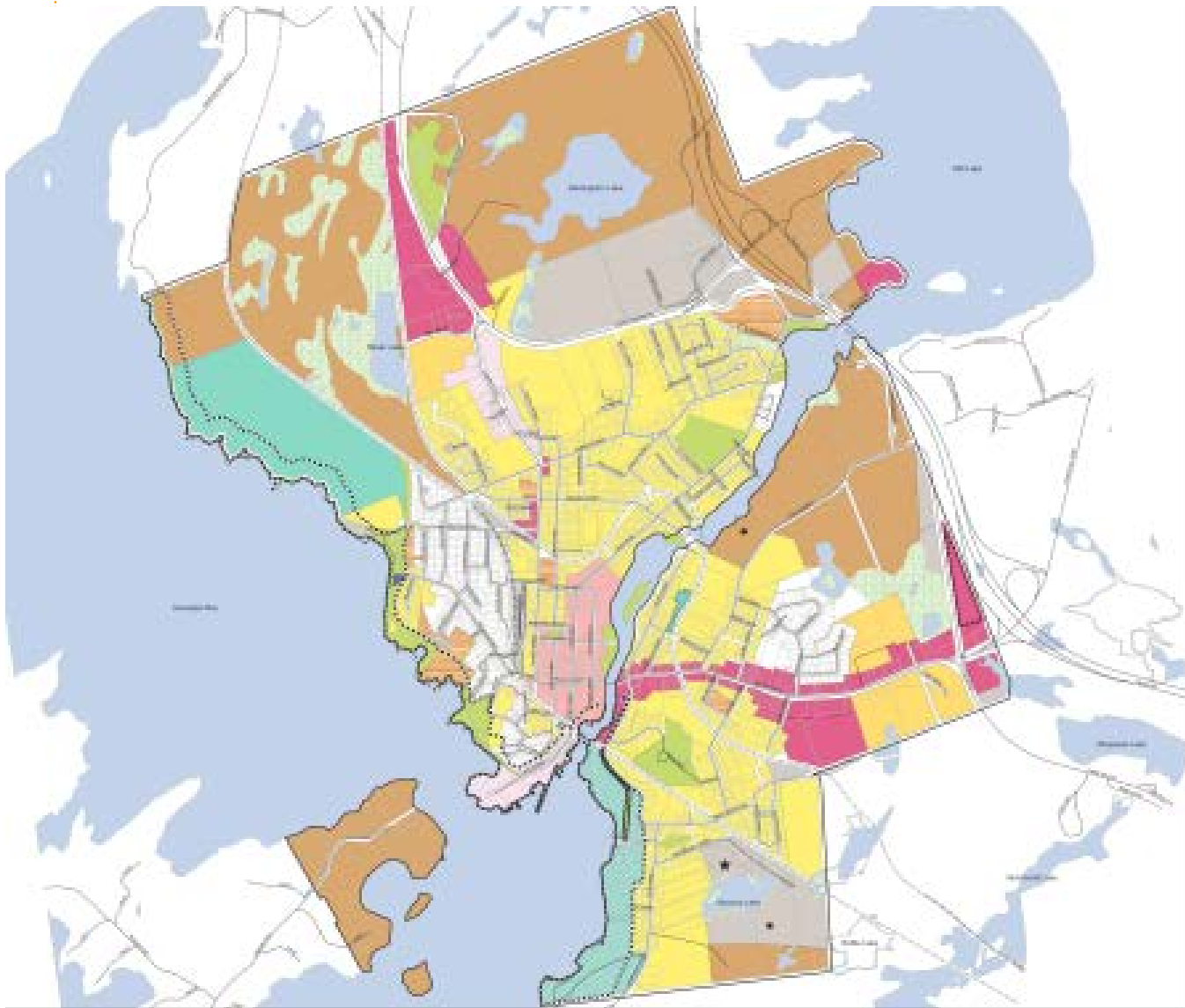
Need to be up-to-date as they address issues such as:

- Location of new housing, industry, offices and retail
- Protection of environmental features
- Actions to achieve climate change objectives
- Necessary service requirements - roads, water mains, sewers, parks and schools
- Growth - when and in what order, which area of your municipality
- Community improvement initiatives

Decisions involve a public process with an appeal mechanism

Official Plans: Who has one?

- **100%** (34 out of 34) of municipalities in Northwestern Ontario have OPs in effect or underway or are covered by an OP that is in effect or underway
- **94%** (32 out of 34) of municipalities or planning boards in Northwestern Ontario are covered by up-to-date OPs or updates are underway (either individual municipal official plans or planning area-wide official plans)



Legend

Official Plan Designation

- Special Development
- Centretown Core
- Centre Community
- High-Density Community
- Medium-Density Community
- Urban and Town Residential
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Rural Residential
- General
- Greenbelt
- Environmental Sensitive
- Major Road Right-of-Way

Land Use Designation

- Land Use Designation in L.U.D.
- Land Use Designation in L.U.D.
- Land Use Designation in L.U.D.
- Sewage Treatment Plant
- Former Landfill Site

Density Designation

- Intermediate

October 1, 2013

Note: This map is for informational purposes only. For detailed information, please contact the Office of Planning Services, Planning and Development Services Branch, 100 Queen Street West, Toronto, Ontario M5H 2N2.

City of Toronto
100 Queen Street West, Toronto, Ontario M5H 2N2

Zoning Bylaws

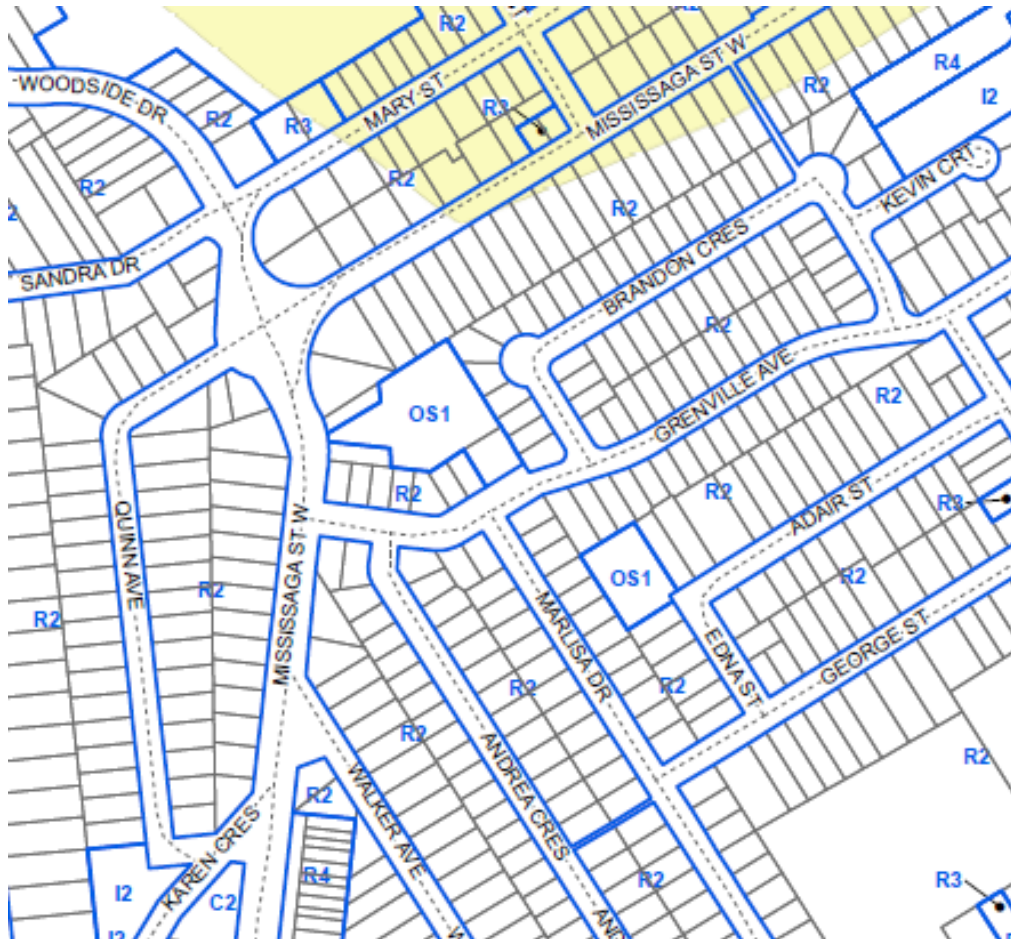
Regulates the use of land and implements objectives/policies of the official plan

Provisions in a Zoning By-law usually address:

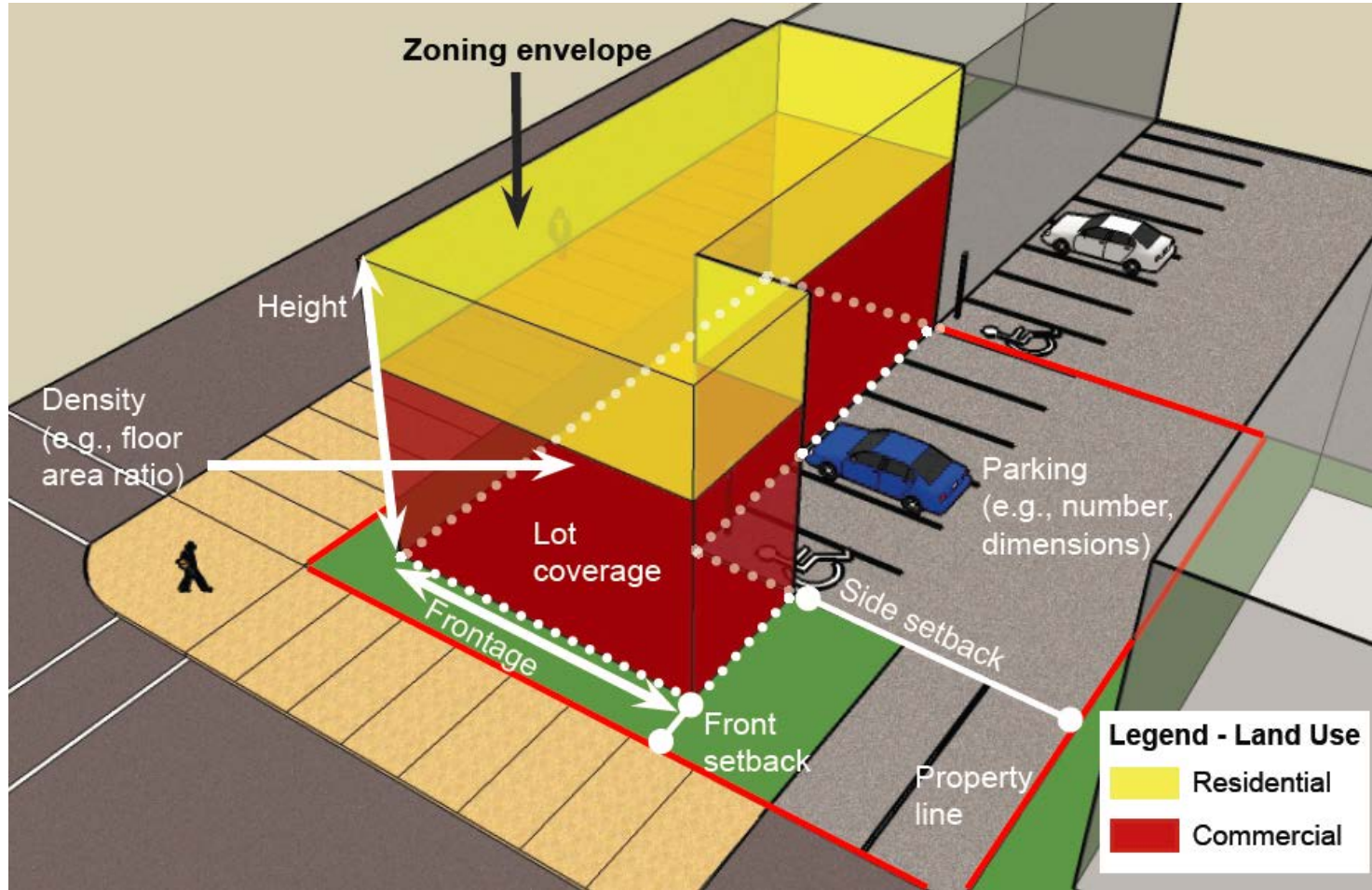
- Permitted land uses
- Location of buildings and other structures
- Types of buildings permitted
- Lot sizes and dimensions
- Parking requirements
- Building heights
- Setbacks from a street or lot boundary

Decisions involve a public process with an appeal mechanism

Zoning Bylaws



Zoning Bylaws



Minor Variances

Used when a development proposal does not quite comply with the Zoning By-law

An application is made to the Committee of Adjustment which is a body appointed by Council

Committee of Adjustment must determine whether the application is appropriate using the “4 tests” in Section 45 of the *Planning Act*. A requested variance must:

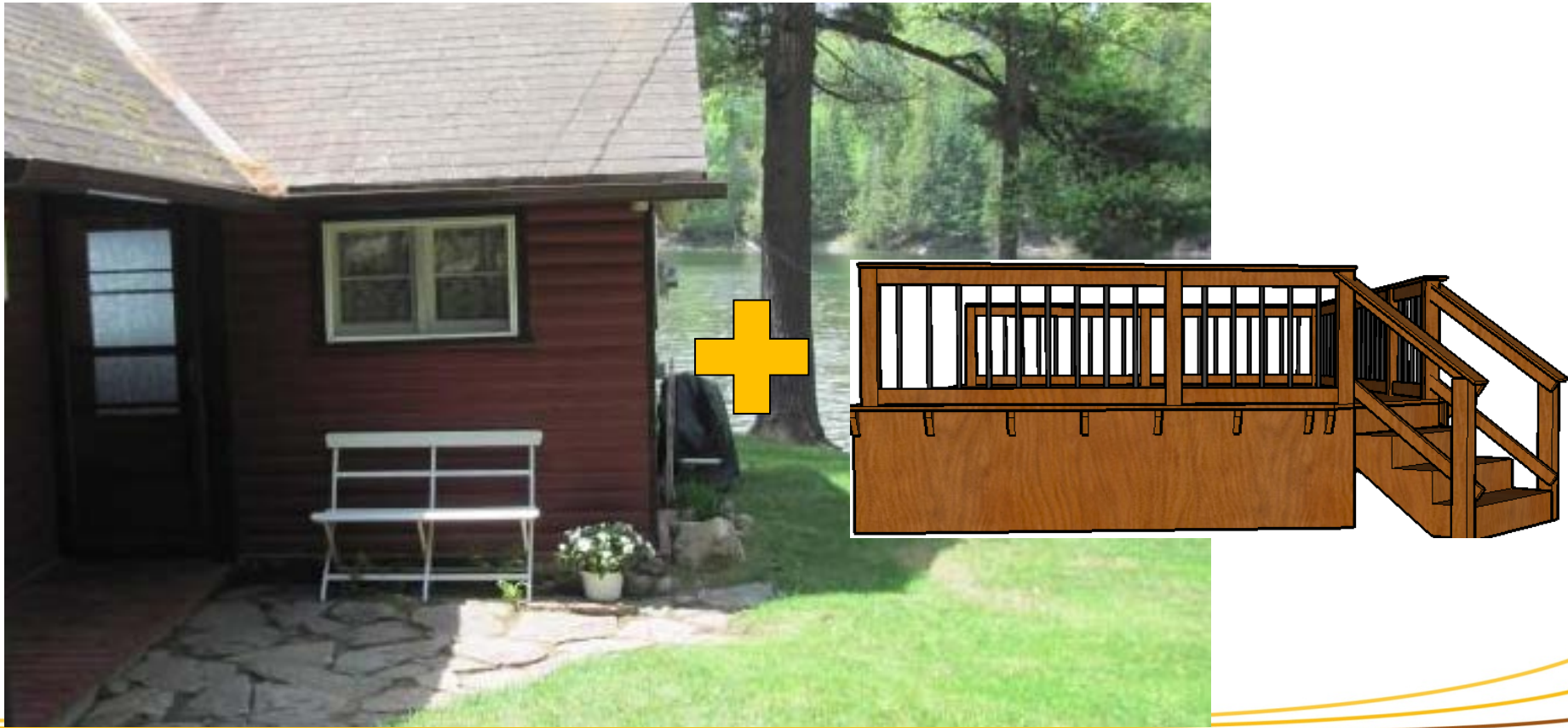
1. Maintain the general intent and purpose of the Official Plan
2. Maintain the general intent and purpose of the Zoning By-law
3. Be “minor”
4. Be appropriate for the area

A hearing of the Committee of Adjustment is a public process and decisions can be appealed to the OMB

A minor variance does not “change” the Zoning By-law

Minor Variance

What does it look like? Use the four tests



Minor Variances

Is this a minor variance?



Plans of Subdivision, Condominium and Consents

Allow the division of land into separate parcels that can be sold separately

Review includes an evaluation of whether:

- The land is suitable for proposed use
- The application conforms to official plan and provincial legislation and plans and is consistent with PPS
- Municipal facilities, services or finances can accommodate the development

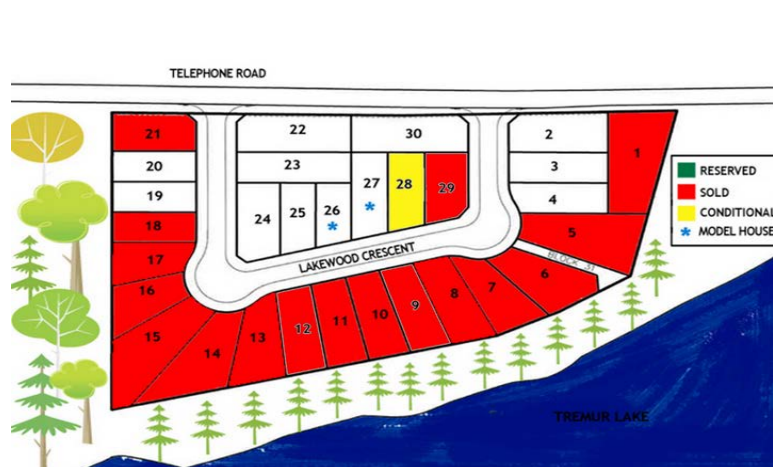
Decisions involve a public process with an appeal mechanism

Plans of Subdivision

Subdivision plan prepared and submitted to approval authority

Scale of anticipated impact of development may be greater with a plan of subdivision and a plan of subdivision requires a more comprehensive review

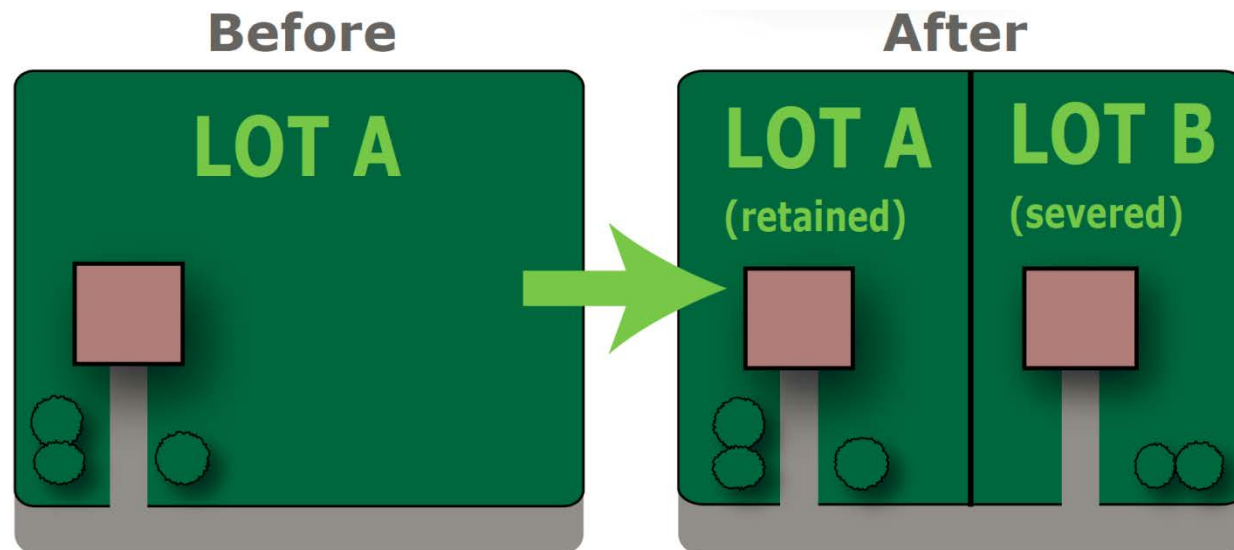
Approval process (e.g., conditions)



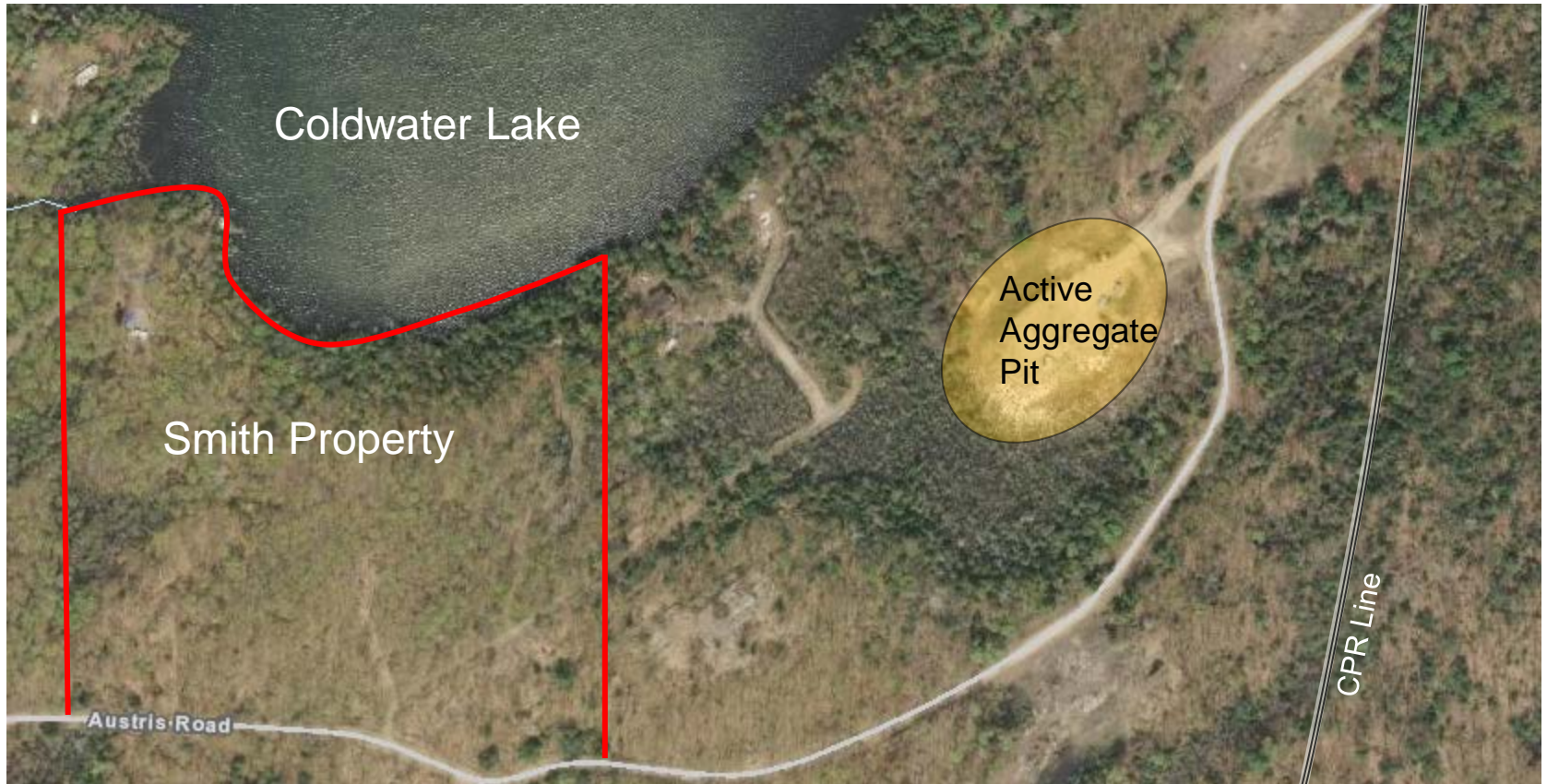
Consents

Land severance process where a plan of subdivision has been deemed not necessary and is generally limited to the creation of one or two lots

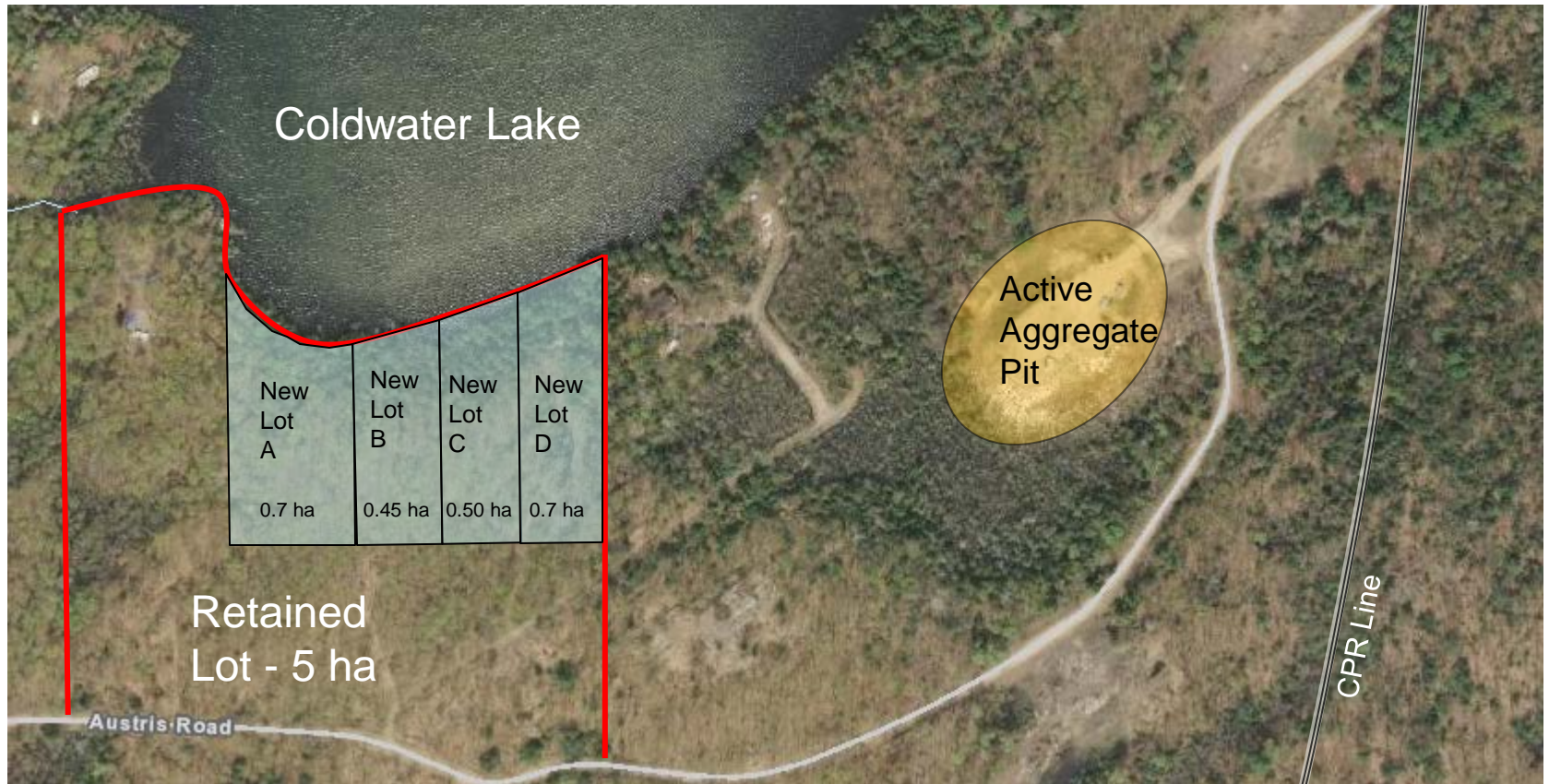
Conditional approval subject to conditions requiring fulfillment within one year



Subdivision or Consent?



Subdivision or Consent



Site Plan Control

Detailed control on the development of a specific property

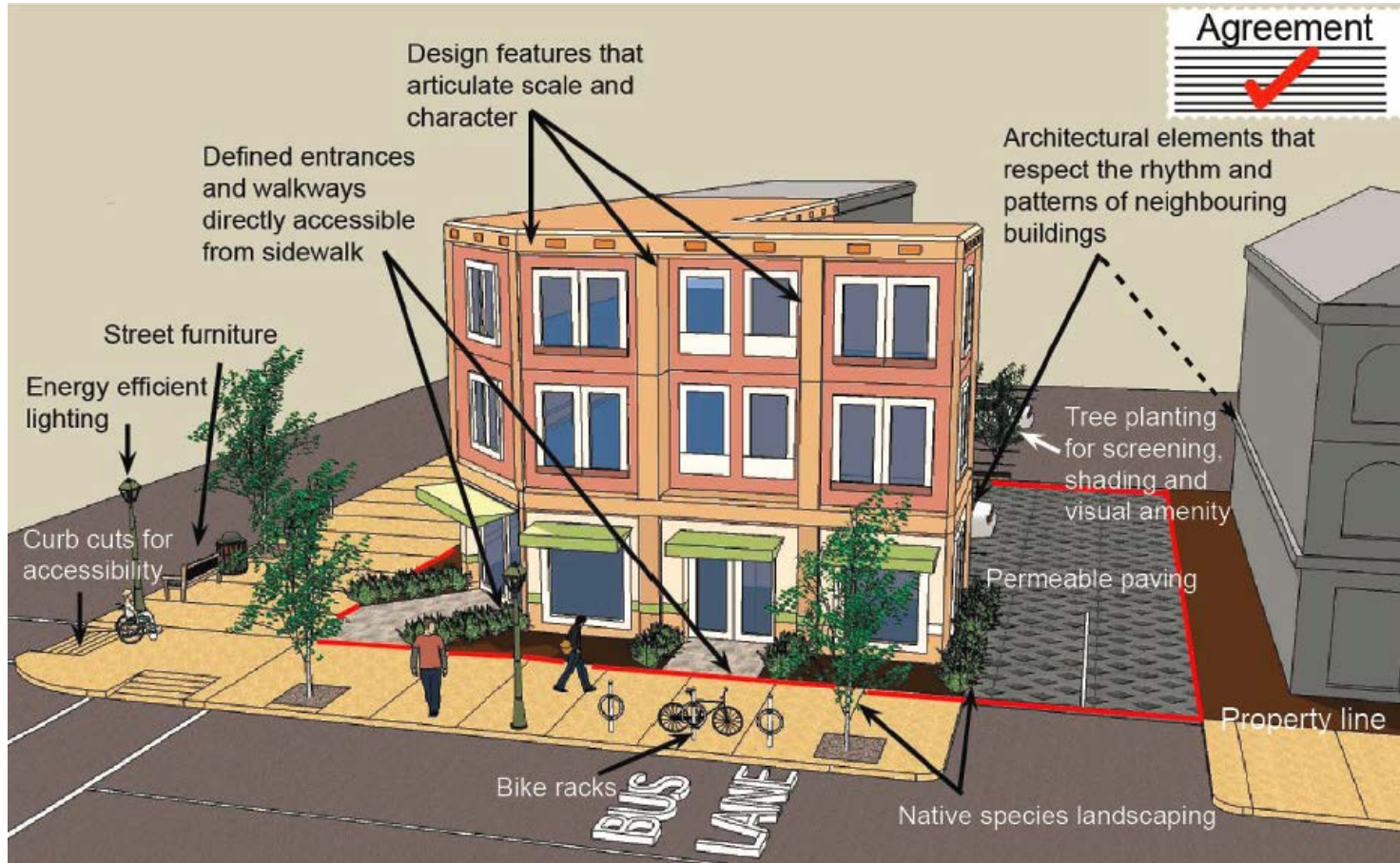
Council can designate areas of site plan control

- Official plan policies and site control bylaws play a role
- Developers submit site plans for approval

Regulates various features on the site

- Building, site and boulevard design
- Character
- Scale
- Appearance
- Climate change mitigation and adaptation
- Streetscape design

Site Plan Control



Ontario Municipal Board (OMB)

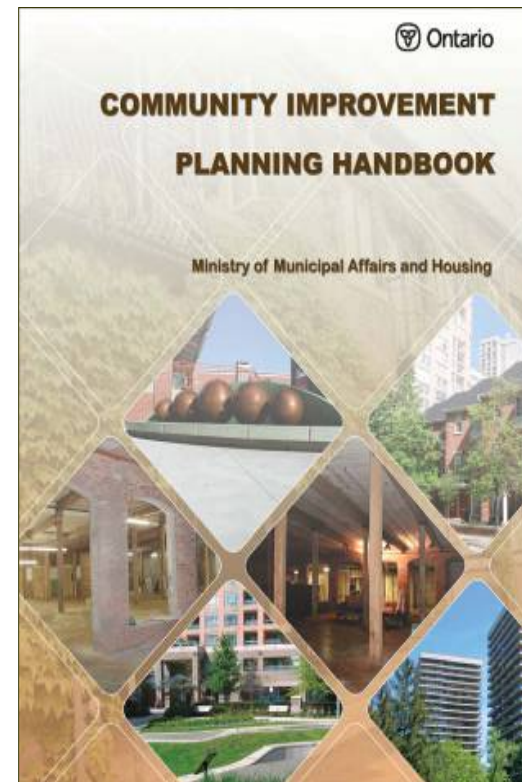
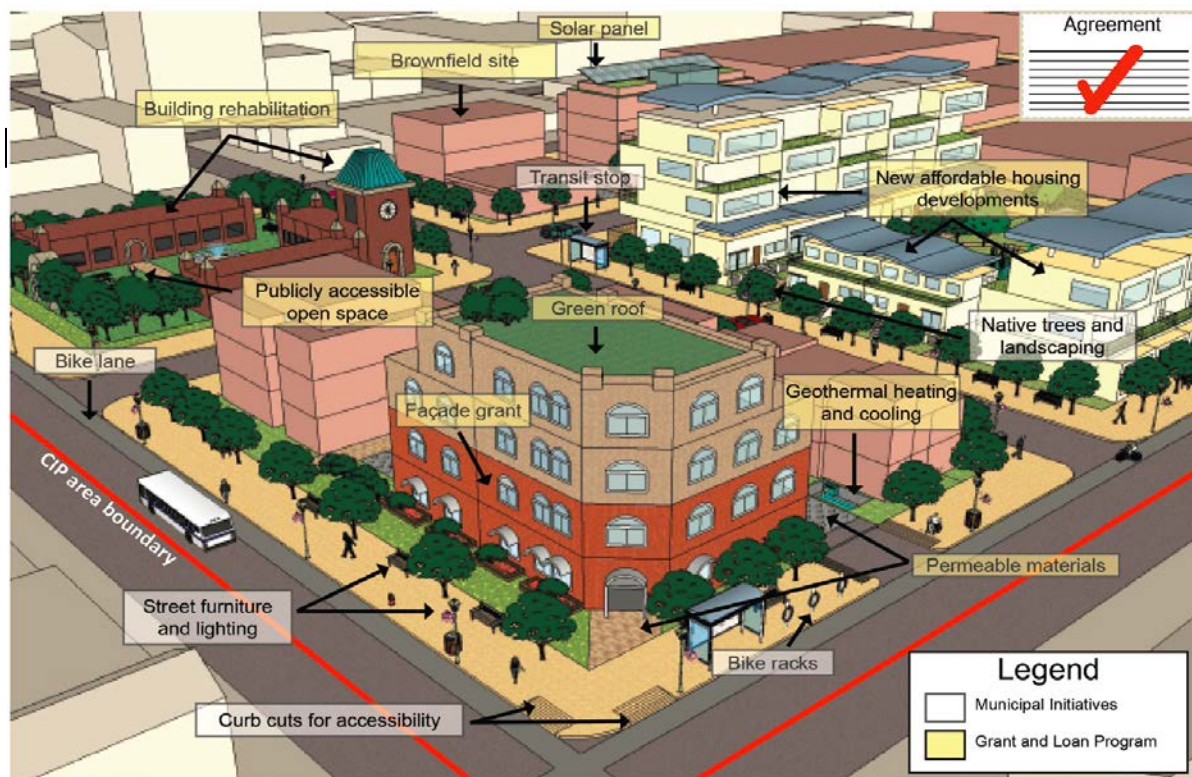
Independent tribunal to hear appeals and make decisions on municipal land use planning matters

- Any person or public body, subject to meeting certain requirements, can appeal a planning decision with reasons to the OMB or, in the case of minor variance and consent application decisions, to a Local Appeal Body (LAB), if your municipality has established one
- Participation in the municipal planning process is an important criterion if the public wishes to make an appeal
- Failure of a planning authority to make a decision on most planning applications within specified time periods can also trigger an appeal to the OMB
- Some planning decisions cannot be appealed

Ontario Municipal Board (OMB)

- Example 1: Applicant wishes to construct a larger shed with 2 metre front yard setback (Zoning By-law requires 20) on a small (0.2 hectare) island lot
 - Committee of Adjustment denies the application, the applicant appeals
 - Applicant argues:
 - that the property has a 10 x 10 storage shed and 14 ft deck Wants to convert the shed to a photography studio and storage structure, remove existing structure
 - He has planted 15 trees and plans to plant more
 - Township planner argues:
 - Requested variance is 90% variance and is not minor
 - Official Plan prioritizes preserving the natural landscape on the uninterrupted coastline of Georgian Bay, and on maintaining the character and integrity of the surrounding area;
 - Zoning by-law states that undersized lots can be built on only if all other zoning provisions can be met....they cannot
 - Proposed structure cannot be built without removing much of the vegetation on the island – would be an undersized island with an oversized building
- OMB agreed with the Township and dismissed the appeal. The application does not meet any of the four tests.

Community Improvement Plans



Community Improvement Plans



Community Improvement Plans



Community Improvement Plans



Community Improvement Plans

Hearst CIP

Public infrastructure investments through CIP

- New street lighting
- New civic marketplace on a brownfield site
- Greening two other brownfield sites
- New parkette
- New passenger shelter at train station
- New gateway features and street furniture;
- Pedestrian path and wayfinding signage

Highlights

- \$313,952 public dollars invested
- \$1,425,666.61 private dollars invested
- (1 to 4.54 return on public investment)

Private sector components

- Planning, Design and Architectural Grant = 50% of cost up to max \$500
- Building Façade Improvement Grant = 50% of actual cost up to max \$15,000
- Signage Grant = 50% of cost up to max \$2,000
- Parking Area Improvement Grant = 50% up to max \$5,000
- Building Rehabilitation Loan = 50% of cost up to max \$15,000 repayable over 5 years at 0% interest
- Building/Property Improvement Rebate Grant (tax increment over 10 years)
- Brownfield redevelopment incentive program = 50% of cost of feasibility study up to max \$2,500

Ontario's Long Term Affordable Housing Strategy: Second Units and Garden Suites

All municipalities must have policies for second units

Garden suites are temporary one-unit, detached residences containing housekeeping facilities that are ancillary to existing houses and that are designed to be portable

Garden suites can be permitted on a temporary basis for up to 20 years (renewable)

Second Units



Garden Suites



A Balanced and Integrated View

Land use planning decisions have broad implications for municipal services and finances

Review various costs and benefits prior to approving an application:

- **Environmental:** Impact on land, air and water
- **Social:** Local need for housing, job opportunities, schools, parks, day cares, nursing homes and hospitals
- **Financial:** Capital and operating costs of hard and soft services to support development; and initial and long-term cost impacts on tax rate and existing taxpayers

Key Tips: The Planning Framework

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 bylaws

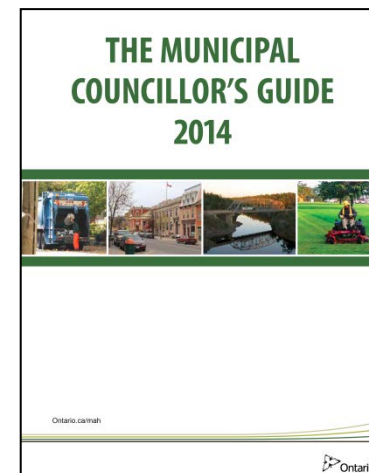
The public plays a key role in the planning process
Most land-use planning decisions can be appealed to the Ontario Municipal Board

Consider new and evolving planning tools that may benefit the community

Municipal Councillor's Guide

- Municipal Councillor's Guide explores:
 - The roles of a council and councillor
 - Governance and law-making in the municipal setting
 - The fiscal context
 - Land-use planning

New guide is posted to MMAH website @ :
(<http://www.mah.gov.on.ca/AssetFactory.aspx?did=4965>)



Questions?

Municipal Services Office – North (Thunder Bay)
Ministry of Municipal Affairs and Ministry of Housing
435 James Street, Suite 223
Thunder Bay, ON. P7E 6S7
Toll Free: 1-800-465-5027

Murray Armstrong, Planner
Murray.Armstrong@ontario.ca
807-475-1655

Victoria Kosny, (A) Manager of Community Planning and Development
Victoria.Kosny@ontario.ca
807-473-3025