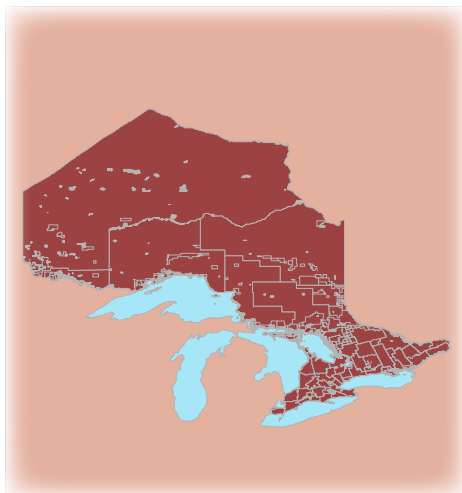


CITIZENS' GUIDE



NORTHERN ONTARIO



IN A SERIES
Updated 2008

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps decide where in our communities homes and factories should be built; where parks and schools should be located; and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

But often we don't see how it affects our lives and property each day. And it often seems confusing. A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures.

The titles of the guides are:

- 1. The Planning Act**
- 2. Official Plans**
- 3. Zoning By-laws**
- 4. Subdivisions**
- 5. Land Severances**
- 6. Ontario Municipal Board**
- 7. Northern Ontario**
- 8. Building Permits**
- 9. The Plan Review and Approval Process**

How is planning different in Northern Ontario?

In northern Ontario, some of the steps involved in land use planning differ from those in the rest of the province. Some of the reasons include:

- The municipal structure in the north is not the same as in southern Ontario.
- Far distances between communities sometimes make public participation in planning issues difficult.
- Much of northern Ontario is Crown land.

As a result, land use planning in some northern municipalities and in areas that have no municipal organization may be shared by three authorities:

- Planning boards, which coordinate over-all future growth and land use planning activities. They can adopt official plans and pass zoning by-laws in areas without municipal organization within their jurisdiction.
- The Minister of Municipal Affairs and Housing, who defines planning areas and initiates zoning controls in some areas without municipal organization.
- The Ministry of Natural Resources, which manages Crown land on behalf of the public.

What does a planning board do?

A planning board is authorized to prepare an official plan for the planning area. In northern Ontario, planning areas are generally made up of various combinations of municipalities and areas without municipal organization but may also include an area consisting of all municipalities or all areas without municipal organization. Members of planning boards representing municipalities are appointed by the local municipal councils, and members from the areas without municipal organization by the Minister of Municipal Affairs and Housing. The Minister decides the number of members to be appointed. In addition to preparing official plans and zoning by-laws, planning boards also provide advice and assistance to municipal councils and the Minister in matters of local land use planning.

If there is no established municipal structure, planning boards assume the planning role of local council. They develop

policies on land use planning that reflect the interests of the entire planning area, and coordinate over-all future growth. They also have the power to pass zoning by-laws for areas without municipal organization within the planning area.

Where the authority is delegated, planning boards also carry out planning functions on behalf of the Minister, with the exception of the approval of official plans and amendments. The delegated functions may include the power to grant subdivisions and consents, and administer zoning orders. A delegated planning board may charge a fee for processing applications.

What is the role of the Minister of Municipal Affairs and Housing?

In northern Ontario, the Minister has authority to:

- define and establish planning areas and planning boards
- coordinate provincial interests through the input, review and approval of planning applications and decisions
- act in place of municipal councils in areas without municipal organization, unless planning boards have been established
- approve official plans and amendments, or exempt official plans and amendments from approval
- enact Minister's zoning orders, mainly in the areas without municipal organization
- where planning boards exist, deem Minister's zoning orders in the areas without municipal organization to be the zoning by-laws of the planning boards
- approve development applications (plans of subdivision and consent applications) except in those areas where approval is given to other approval authorities, such as planning boards.

What is the role of the Ministry of Natural Resources?

The Ministry of Natural Resources is responsible for the planning and management of Crown land in Ontario. Its activities are related to the use of Crown land, water, forest, fish, wildlife and mineral aggregates as well as outdoor recreation.

Before Crown land is developed, the Ministry of Natural Resources consults with affected municipal councils and planning boards and takes into consideration existing official plans and policies. Ministry of Natural Resources staff also refer to their Ministry's land use and resource management plans to help guide development activities on Crown land. These documents are not "official plans" but contain important information for the protection and use of Ontario's natural resources.

How are official plans and official plan amendments prepared?

Although the process is very similar throughout Ontario, there are a few special provisions that apply only to official plans and amendments in the north. These establish the local approval requirements involving the recommendation of a plan by the area planning board and its adoption by the municipal councils. In a planning area made up entirely of areas without municipal organization, the official plan will be prepared and adopted by the planning board. As in southern Ontario, once a decision is made, the proposal must be approved by the Minister of Municipal Affairs and Housing, unless the plan is exempt from approval.

In a planning area made up of one or more municipalities and which includes areas without municipal organization, the official plan will be prepared and adopted by the planning board for the part of the planning area without municipal organization. The planning board then recommends the official plan to the member municipalities for adoption. Once the plan is adopted by the majority of member municipalities, it is forwarded to the Minister of Municipal Affairs and Housing for approval.

For more detailed information about how the process works in your area, contact your municipality or planning board. (See Official Plans, No. 2 in the series.)

How does zoning differ in northern Ontario?

Where local municipalities exist, zoning is handled in the same way as in the rest of Ontario. (See Zoning By-laws, No. 3 in the series.)

In areas without municipal organization, zoning may be carried out by a planning board or the Minister of Municipal Affairs and Housing. In these areas, a planning board has the same powers as a municipality to pass and administer zoning by-laws. Where the Minister of Municipal Affairs and Housing is involved, the Minister may enact Minister's zoning orders.

If the area covered by a Minister's zoning order is within a planning area, the Minister may decide to either delegate administration of the order to the local planning board or deem it to be the zoning by-law of the planning board. In this case the planning board will assume all the powers of a municipal council over zoning matters.

When a zoning order is imposed, the usual requirements for notice, public information and a public meeting do not apply. But within 30 days of issuing an order, the Minister gives public notice and makes a copy of the order available at the appropriate land registry office.

Zoning orders take precedence over any existing local zoning by-law, and may define:

- areas where development can take place
- specific controls to protect against indiscriminate development
- standards for land development, such as lot size, building setback, and parking requirements within each zone.

Any utility or hydro hook-up will not be approved without a letter of conformity which certifies that a proposal conforms to the Minister's zoning order. The letter is issued by the agency responsible for administering the order. Fines can also be imposed for contravention of a zoning order.

How can Minister's zoning orders be changed?

Amending all or part of a zoning order involves submitting an application to the Minister or to the local planning board. Where the Minister has delegated the administrative authority, the planning board is responsible for:

- evaluating the application against the area's official plan and the Provincial Policy Statement

- providing information to the public, including a public notice in a local newspaper, with details about the proposal and provide an opportunity for concerned citizens to request a referral of the proposal to the Ontario Municipal Board
- consulting with any interested individuals and agencies
- recommending a decision to the Minister.

The Minister decides to either approve or refuse the proposal. If anyone's concerns cannot be resolved through discussions with the planning board or Ministry staff, the person may ask the Minister to refer the matter to the Ontario Municipal Board for a hearing. The request must be in writing. The decision of the Ontario Municipal Board is final unless the Minister of Municipal Affairs and Housing notifies the Board that he/she is of the opinion that all or any part of the requested changes adversely affect matters of provincial interest. In such cases, after a hearing is held and the Board renders a decision, the Lieutenant Governor in Council (the Cabinet) may confirm, vary or rescind the Board's decision on the matter.

The Ontario Municipal Board is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See Guide to the Ontario Municipal Board, No. 6 in the series.)

What if all that's needed is a minor change?

If a proposed change is of "minor" significance and does not affect the general intent or purpose of the zoning order, a minor variance can be considered by the Minister.

The process of applying for a minor variance is almost the same as for a zoning order amendment, except that the need for holding a hearing, giving notice and appeal is eliminated.

What about subdivisions, condominiums, consents and building permits?

- Applications for plans of subdivisions and condominium descriptions are submitted to the approval authority who is often the Minister of Municipal Affairs and Housing. The municipalities of Dryden, Elliot Lake,

Greater Sudbury, Kenora, North Bay, Sault Ste. Marie, Thunder Bay and Timmins, however, are prescribed by regulation as approval authorities. Such applications are processed in the same manner as elsewhere in Ontario.

Some planning boards have also been delegated the authority to approve plans of subdivision, some for all of their planning area and some for just part. The Minister of Municipal Affairs and Housing has the responsibility for areas where the authority has not been delegated.

To find out who is responsible for plans of subdivision and condominium descriptions in your area -- the Minister, municipal council or planning board -- and how to apply, contact your municipality, planning board or Ministry of Municipal Affairs and Housing regional office. (See Subdivisions, No. 4 in the series.)

- The land severance process is generally the same throughout the province, but in northern Ontario, the processing of applications may be done by various authorities -- the Minister, municipal council or the planning board. To find out who is responsible for severances in your area, and how to apply, contact your municipality, planning board or Ministry of Municipal Affairs and Housing office for your area. (See Land Severances, No. 5 in the series.)
- Building permits are issued in northern Ontario municipalities the same way as in southern Ontario. (See Building Permits, No. 8 in the series.)

What other approvals may be required?

Unincorporated parts of northern Ontario are required to build to Building Code standards. There are other permits and approvals required in particular circumstances. For example, a septic system permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources before you do any construction in the water (for example, a dock or boathouse with solid foundation).

How can you find out more?

For more information about land use planning in your community contact your municipal clerk or planning department. For more information about land use planning in Ontario, or how to obtain copies of Citizens' Guides visit the Ministry of Municipal Affairs and Housing website at: www.mah.gov.on.ca or contact your nearest Municipal Services Office (MSO):

Central Municipal Services Office

777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
General Inquiry: 416-585-6226
Toll Free: 800-668-0230

Western Municipal Services Office

659 Exeter Road, 2nd Floor
London ON N6E 1L3
General Inquiry: 519-873-4020
Toll Free: 800-265-4736

Northwestern Municipal Services Office

435 James Street South, Suite 223
Thunder Bay ON P7E 6S7
General Inquiry: 807-475-1651
Toll Free: 800-465-5027
(Thunder Bay, Kenora, Rainy River)

Eastern Municipal Services Office

8 Estate Lane, Rockwood House
Kingston ON K7M 9A8
General Inquiry: 613-545-2100
(Frontenac, Leeds & Greenville, Lennox & Addington)
Toll Free: 800-267-9438
(Ottawa, Prescott-Russell, Prince Edward, Stormont, Dundas/Glengarry, Kawartha Lakes, Renfrew, Peterborough, Haliburton, Hastings, Lanark, Northumberland)

Northeastern Municipal Services Office

159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
General Inquiry: 705-564-0120
Toll Free: 800-461-1193
(Cochrane, Algoma, Manitoulin, Sudbury, Parry Sound, Nipissing, Timiskaming)

For More Information

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
Provincial Planning Policy Branch (416) 585-6014
Website: www.mah.gov.on.ca

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