



A guide to the Official Plan amendment process

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Figure 1 – Official Plan amendment process

1. What is an Official Plan?

An Official Plan is a high-level, legal document that addresses matters of provincial interest defined by the Provincial Policy Statement under the Ontario **Planning Act**. It provides a vision, and represents the City's comprehensive planning policy with respect to the future development of the City. An Official Plan deals mainly with issues such as:

- Where new housing, industry, offices and shops will go
- What land needs protection from development
- What services like roads, sewers, parks and schools will be needed
- When and in what order parts of your community will grow

2. What is an Official Plan amendment?

An Official Plan amendment is a formal document that changes the City's Official Plan at a citywide, area-wide or site-specific scale. If you want to use your property or develop it in a way that conflicts with the City's Official Plan, you will need an amendment.

An approved Official Plan can be reviewed at any time, but the City must hold a public meeting at least once every ten years to determine whether the plan needs to be changed.

3. What is the process for an Official Plan amendment? (Please see attached Figure 1)

You are strongly encouraged to consult with the Development Services Department – Planning Division Staff for guidance in advance of making any formal submission.

3.1 Preconsultation

Before submitting an Official Plan amendment application, the application must appear before the Preconsultation Committee. Preconsultation allows City staff to identify, on a preliminary basis, the required process, fees, studies for a complete submission, and ensures that the application is processed efficiently. Additionally, applicants are given the opportunity to present their proposal and receive staff feedback. To set up this meeting please submit the filled Preconsultation Application Form and applicable fee to the Planning Division.

3.2 Submitting the Official Plan amendment application

The application form is available at each service centre, on the City's website, and at the Planning Division office. It is recommended that all applications be submitted to the Planning Division at 180 Kent Street West, 2nd floor, Lindsay ON K9V 2Y6.

You should be aware that if you do not provide all the information prescribed by the provincial regulation, the City may refuse to accept or to further consider your application. The 210-day time frame for making a decision does not begin until all the prescribed information is received by the City. Thus, the more accurate the information provided, the less likely delays will occur in the review. You are encouraged to contact staff if you need help in assessing what information is required.

3.3 Public meeting

The Planning Division prepares a report to the **Planning Advisory Committee (PAC)**, which is appointed by Council to review the report, hold public meetings, and make recommendations to Council. The recommendations together with the planning staff report are forwarded to Council for final decision.

Notice of the public meeting is given at least 20 days in advance, usually by posting a sign on the property and by mail. Notices will be circulated to all land owners within 120 metres of the subject property. Any person or public body may submit comments to the Council via the development and public works services committee.

3.4 Review process

The City is required to consult with agencies, boards, authorities or commissions before making a decision.

On occasion, studies submitted by the applicant, such as hydrogeological studies, will require peer review. The applicant is responsible for the cost of peer review, and deposits are required in accordance with the City's Tarff of Fees By-law.

4. How are applications for Official Plan amendment evaluated?

When considering an Official Plan amendment, staff evaluates the merits of the proposal against criteria such as:

- Conformity with the Provincial Policy Statements and Growth Plan
- Achievement of the strategic directions of the Official Plan
- Impact on the neighboring communities

- Adequacy of vehicular access, water supply, sewage disposal
- Changing economic/development circumstances

5. Rights of appeal

Within 15 days of the decision being made by the Council, a Notice of Decision will be sent to the applicant, all land owners within 120 metres of the subject property, and any person or public body requesting, in writing, to be notified. When a Notice of Decision is given, a 20-day appeal period follows.

The Notice of Decision will notify you on how you should file your appeal. Appeals are filed with the City, and the Clerk is required to forward the appeal to the Local Planning Appeal Tribunal (LPAT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal. In describing your grounds for appeal, you must include which part of the decision of the City being appealed:

- is inconsistent with the Provincial Policy Statement;
- fails to conform with or conflicts with a provincial plan; or,
- fails to conform to the Official Plan

Within 10 days of the Registrar's acknowledgement of receipt of a notice of appeal, the Tribunal is to carry out a preliminary screening of the appeal for validity.

As part of Environment and Land Tribunals Ontario (ELTO), LPAT is an adjudicative tribunal that conducts hearings, mediations, and makes decisions on land-use planning disputes. One day hearings may be held, and the LPAT will review and consider a written record based primarily on what was before the Council, and oral submissions of the parties (the City and Applicant).

For a better understanding on the land use planning and appeal process in Ontario, you may consult The Local Planning Appeal Support Centre. It is an independent agency of the Province of Ontario, and provides citizens with legal, planning advice, and, in certain cases, legal representation at the LPAT. You may also visit the ELTO website for appeal guides, fee chart, as well as e-status case information.

6. Associated fees, required documents, and estimated timeframe

There are a number of fees and documents to submit throughout the process. Fees and studies may include (but are not limited to):

- Planning Division Preconsultation application fee
- Planning Division Official Plan Amendment application fee
- Building Division review and permit fees

- Review and permit fees from other agencies, such as the Conservation Authority, Ministry of Natural Resources and Forestry, and the Trent-Severn Waterway
- Cost of plans and/or special studies etc. in support of the application:
 - Surveyed plan
 - Geotechnical report
 - Environmental review
 - Servicing report
 - Hydro-geological report
- Development charges
- Entrance approval – drainage work, culvert, road improvements, signs
- Cost of consultant(s) or specialist(s) to prepare applications and reports
- Fee for the review, clearance of conditions, and stamping the deed(s).

The time frame for a rezoning is dependent on the length it takes to submit all of the required studies and documents to the Planning Division, in addition to the number of required revisions. The complete process typically takes **eight to twelve months**. Appeals or concerns raised at the public hearing may delay the process.

The development process is a legal and public proceeding. As such you may wish to hire a professional to help you through the application and submission process. Feel free to ask Planning staff for a list of development consultants.

7. Required information and application fee refunds

The information required for a complete application is outlined on the Official Plan amendment application form. All necessary application fees must be included with the application. Should the applicant decide not to proceed with the application, a portion of the City's fees may be refunded in accordance with the City's Tariff of Fees By-Law.

8. Further information

This brochure is intended to provide general guidance only to the Official Plan amendment process. For more information related to individual applications, please contact the Development Services Department – Planning Division:

Address:

180 Kent Street West, 2nd floor, Lindsay ON K9V 2Y6

Telephone:

705-324-9411 ext. 1231

Hours of operation:

8:30 a.m. To 4:30 p.m., Monday to Friday, statutory holidays excepted.

Please note:

This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, other by-laws for definitive requirements and procedures.

Figure 1: Official Plan Amendment Approval Process

