

A Guide to Applicants for Approval of Draft Plans of Subdivision, Condominium, or Condominium Conversions



CITY OF SARNIA

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A. INTRODUCTION

This document is an information manual to the Plan of Subdivision / Condominium / Condominium Conversion approval processes in the City of Sarnia. It is intended to provide an overview of the process to allow applicants to gain some familiarity with the various steps required. Attached appendices include a listing of the items of correspondence likely to be used throughout the course of the review process, and a flow chart to graphically describe the process.

Note: This is not a legal document. Reference to relevant legislation including the Planning Act, the Condominium Act, the Provincial Policy Statement and provincial regulations should be made if more specific information is desired.

B. BEFORE APPLYING

Application forms may be obtained from the City of Sarnia Planning and Building Department. To facilitate the review process, it is recommended that the applicant consult with City planning staff for a preliminary review of the proposal before the application is formally submitted.

"Pre-consultation" is likely to be of significant benefit, since the applicant will become more familiar with the requirements of the various approval agencies, and will be better able to provide necessary information with the application.

NOTES:

a) Conformity to Official Plan and Zoning By-law:

Circulation of new applications will not normally take place unless the application conforms to the Official Plan or is the subject of a concurrent application to amend the Official Plan. If an amendment to the zoning by-law is required, the necessary application must be filed concurrent with the subdivision/condominium application.

(b) Conformity with the Provincial Policy Statement (1996):

The proposed plan of subdivision must also conform to provincial policies as they are set out in the Provincial Policy Statement. City Planning staff will be able to provide this information if necessary. If the proposal is not in keeping with any part of the Provincial Policy Statement, justification for the variance must be provided.

(c) Certification of Titles:

Certification of property titles under the Certification of Titles Act will be necessary before the final approved plan of subdivision can be registered. Since certification of titles can be a lengthy process, it is suggested that the applicant discuss this with a lawyer and surveyor as soon as possible. Draft plan approval is not necessary in order to begin this process.

C. THE APPLICATION

1. The application form, with the accompanying proposed draft plan and background studies, if applicable, is to be submitted to the Planning and Building Department, City Hall, Sarnia. The Planning Act, R.S.O. 1990, c.p. 13, as amended, under Section 51(17), which describes the information that must be incorporated on the proposed draft plan. (See *Section E* of this manual)
2. The application must be completed by the property owner or authorized agent. Where it is being submitted by an agent, written authorization from the property owner must accompany the application and be shown on the face of the draft plan.
3. It is the responsibility of the applicant to research and evaluate the site and the proposal to ensure that the development will conform with the interest of the health, safety and welfare of the future residents, either owners or tenants. Sufficient studies for the proper consideration of the application should be carried out prior to making formal application, and should be included with the application. If further studies are needed to properly review the application, the applicant will be notified of the need to have this work completed and submitted.
4. ***EXEMPTIONS UNDER SECTION 50(3) OF THE CONDOMINIUM ACT***

Pursuant to Section 50 of the Condominium Act, an application for approval of a Condominium / Condominium Conversion is to follow the same planning approval process as subdivisions. The approval authority (City Council) may exempt applications from the full approval process or any part of the approval process deemed unnecessary. A request for exemption from the full process is likely to be granted as long as existing Official Plan policies and Zoning By-law provisions permit the development, and servicing issues can be properly dealt with through a Site Plan Control Agreement.

No application will be officially received and processed unless the Director of Planning and Building is satisfied that it is complete and accurate, in order to ensure that processing will not be delayed because of a lack of relevant information.

D. APPLICATION FEES

The application must be accompanied by the application fee prescribed by City Council, by by-law. The purpose of the fee is to recover part of the administrative costs involved in processing applications.

Please contact the Planning Department to confirm the permit fee at 519-332-0330 x 344

Cheques are to be made payable to: **“The Treasurer of the City of Sarnia”**

2. Additional Fees

- a) The St. Clair Region Conservation Authority requires a processing fee for each subdivision application that they are required to review. This amount of this fee will be determined and collected at the time the application is made, if applicable; and
- b) The County of Lambton in its capacity as the administrator of the Province's septic system regulations (Part 8 of the Environmental Protection Act) requires a processing fee for each application that it is required to review, if septic system approval is required for the proposed development. The amount of this fee will be determined and collected at the time the application is made, if applicable.

E. DRAFT PLAN REQUIREMENTS

- 1. For circulation purposes (to City departments, other agencies as necessary), the application shall include 12 copies of the plan or sets of plans. One photo-reduced copy of the plan or set of plans to an 11" x 17" format of a quality suitable for further reproduction is also to be included. If further copies are needed, the applicant will be notified. A 3.5" floppy diskette is required containing the plan in a format compatible with AutoCAD up to and including AutoCAD 2000 in a dxf or dwg extension (dwg is preferred). If a digital file is not available, the City of Sarnia will arrange for scanning and digitizing of the plan to be done at the applicant's cost.
- 2. In accordance with Section 51(17) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, the plan must be drawn to scale and show the following:

a) Title

The following items shall be included in the title block:

- the original municipality name e.g. Geographic Township of Sarnia, lot and concession number;
- if applicable, the Crown grant where the proposed plan of subdivision is located;
- if the current proposal is a re-submission, the previously assigned file number shall be given;
- the scale of the plan indicated in metric. The chosen scale shall be appropriate to show all information clearly;
- the date the plan was prepared. If the plan has been revised and re-submitted, the original date and the dates of any revisions must also be shown;

- certification of the boundaries of the land proposed to be subdivided by an Ontario Land Surveyor;
 - the signature of the owner and where the application is made by an agent, a signed statement of authorization made by the owner.
- b) ***Streets***
- the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision / condominium abuts must be shown;
- c) ***Key Map***
- on a small key plan, on a scale of not less than 1:1000 metric, show all of the land adjacent to the proposed subdivision / condominium that is owned by the applicant or in which the applicant has an interest, every subdivision / condominium adjacent to the proposed subdivision / condominium and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- d) ***Proposed Land Use and Density***
- indicate the purpose for which the proposed lots are to be used and the number of lots for each use;
- e) ***Abutting Land Uses***
- indicate the existing uses of all adjoining lands;
- f) ***Lot Sizes***
- show the dimensions and layout of the proposed lots;
- g) ***Site Features***
- natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas which are within or adjacent to the land proposed to be subdivided must be shown;

h) ***Water Supply***

- indicate the availability and nature of domestic water supplies i.e. private or communal wells or municipal water supply;

i) ***Natural Features***

Information regarding the following shall be provided:

- water courses, drainage patterns, swamps, flood limits, wooded areas, water's edge, the defined top of bank and;
- the nature and porosity of the soil;

j) ***Contours***

- existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided;

k) ***Sewage Disposal***

Municipal Sewage Collection System and Treatment Plant:

- the location of any proposed sanitary sewers must be shown. If the sewers are to be installed but not connected until a trunk sewer is available, information regarding timing should be provided in the application;

Private On-site Sewage Systems:

- if private sewage systems (septic tank systems) are proposed, the location of each leaching bed and 100% contingency area must be shown for each lot. It is probable that hydrological and geo-technical studies, conducted by a qualified engineering firm with expertise in sewage system design, will be required to be submitted with the subdivision application;

l) ***Storm Water Management***

- the way in which surface water is to be directed and disposed must be indicated and shown on the draft plan. If the storm sewers are to be installed but not connected until a trunk sewer is available, information regarding timing should be provided in the application;

m) ***Easements, Rights-of Ways and Restrictive Covenants***

- the nature, location and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements must be disclosed.

3. An application for approval of a Condominium / Condominium Conversion is to be accompanied by a plan that provides the information required by the Planning Act, as applicable, and also shows details such as the location of the building, surface parking, access points and number of storeys.

F. PROCEDURES

1. Application

It is the sole responsibility of the applicant to fill in all the particulars required and to supply all plans necessary to submit a complete application. Where additional copies of the plan are subsequently requested by the Director of Planning and Building, the applicant will be responsible for supplying them.

No application shall be deemed to be received by the Director of Planning and Building until all of the prescribed information is received. An official acknowledgement of its receipt will be issued by the Director.

2. Circulation

Following official receipt of the completed application, planning staff will circulate the application and plans to various provincial ministries, agencies, commissions and authorities as may be affected in order to obtain information and recommendations. Once this circulation has been completed and the proposal evaluated by City planning staff, a report will be forwarded to City Council for its consideration. In most circumstances, City Planning staff will request review agencies to respond within twenty-one (21) days of receiving the draft plan. In some instances an extension may be granted if special concerns are noted. The following is a list of agencies that would generally be given an opportunity to comment on the proposed plan:

City of Sarnia:

- Community Services
- Engineering
- Police
- Fire

Bluewater Power Distribution Corporation

County of Lambton (Planning, Roads/Works/Engineering)

Sarnia Heritage Committee (LACAC)

Aamjiwnaang First Nations (if within one kilometre of the subject lands)

Lambton Community Health Services Department

Lambton Kent District School Board

St. Clair Catholic District School Board

Ministry of Transportation

St. Clair Region Conservation Authority

Bell Canada

Union Gas

Cable TV provider
Hydro One Networks Inc.
Canadian National Railways
Interprovincial Pipeline
Neighbouring municipalities (if within one kilometre of the subject lands)
and other agencies as required or as appropriate.

Notice of the application and of a public meeting of City Council to consider the draft plan of subdivision is also provided to all owners of property within 120 metres of the subdivision site. In addition, any person or public body that has submitted a written request for notice of an application must be given notice. NOTE: Applications for Condominium / Condominium Conversion must be approved by Council, however, there is no requirement for a public meeting.

3. **Planning Staff Report**

The commenting agencies may identify concerns or may request that the City impose various conditions on the approval of the draft plan. Planning staff will review the comments and requests for conditions that are received and prepare a report to City Council recommending approval/refusal with appropriate conditions.

4. **Conditions**

The applicant will be advised of the comments received during this process and will have opportunities to discuss them with City staff and staff from the commenting agencies. The applicant could request Council to eliminate conditions from its draft approval, however, all agencies that comment are notified of the decision of Council, and if requested conditions are not included, the requesting agency may appeal the approval decision to the Ontario Municipal Board for review.

Conditions will normally include such things as the completion of hydrogeological, stormwater management and engineering reports by the applicant's consultants, the signing of a Subdivision / Condominium / Condominium Conversion Agreement with the City, provision of Letters of Credit to guarantee completion of work associated with the development, and other items intended to ensure that the development will be carried out in a manner consistent with the public interest.

Note: Following draft approval, any conditions to the draft approval may be modified. Section 51 (47) of the Planning Act, R.S.O. 1990, c.p. 13, as amended, provides that minor changes, as determined by the Director of Planning and Building, may be made without further notice. Changes which are considered to be major are subject to the same procedures respecting review and possible appeal as the original conditions.

5. **Public Meeting for a Plan of Subdivision (Condominiums and Condominium Conversions do not require public meetings)**

Notification of the application and a public meeting to consider the application for a Plan of Subdivision is required by the Planning Act, as amended by Bill 20, the Land Use Planning and Protection Act, 1996. Owners of property within 120 metres of the proposed subdivision must be notified of the date and time of the public meeting at least 14 days in advance of the meeting. Planning Act regulations also stipulate that no final decision on the application for draft plan approval may be made by City Council until 14 days after the public meeting is held. The planner responsible for handling the application will advise the applicant of the scheduled time of the Council meeting and will provide the applicant with a copy of the planning staff report.

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 this public meeting in the event there are questions that require clarification.

6. Notification of Decision

The applicant, and all agencies that provided comments or requested notification, must be formally advised of Council's decision within 15 days. Extra copies of any supporting documents will be returned to the applicant. At least one copy of each document will be retained by the Department of Planning and Building for its records.

If changes to the conditions are proposed after draft approval but before final approval of the plan, re-notification of all the commenting agencies and persons who requested notification or made submissions previously must be carried out, if in the opinion of the Director of Planning and Building, the changes are major in nature. If the Director deems the changes to be minor, re-notification is not necessary.

All of the conditions of draft plan approval must be met before the Plan can be given final approval. Agencies that originally requested conditions must indicate in writing that their conditions have been met prior to final approval.

7. Clearing of Conditions

Depending on the work that must be carried out, or on the priorities of the applicant, considerable time may lapse between Draft Approval and Final Approval. During this time, there may be requests (from agencies or the applicant) to modify the conditions of draft approval. If this occurs, notification of all agencies that have previously made written submissions or requested notification of changes must be carried out, if in the opinion of the Director of Planning and Building, the requested changes are major in nature. The same appeal procedures, including the right of the owner to appeal to the OMB, apply as for the original submission.

Draft plan approval can also lapse if the conditions are not fulfilled within a set time. If the applicant is unable to clear the conditions in time, a request may be made to City Council to extend the period of draft approval.

8. **Final Approval**

When all of the conditions of draft approval have been cleared, final approval of the plan of subdivision / condominium / condominium conversion will be given, and the Owner may proceed to have the plan registered, subject to any legal requirements associated with registration. Please note that certain of these procedures (such as Certification of Titles previously mentioned) can be time consuming. Legal and survey advice, along with consultation with Land Registry staff is strongly recommended.

9. **Appeals to Ontario Municipal Board**

Applicants are advised they have the right to appeal approval decisions to the Ontario Municipal Board. Such appeals are filed directly with the City, to the attention of the City Clerk with a copy to the Director of Planning and Building. The applicable fee must also be paid at the time of appeal. More information about this process can be obtained if necessary.

G. EXPEDITING THE REVIEW PROCESS

1. **Matters of Provincial Interest**

To better anticipate the types of issues that provincial ministries may be concerned with, the following is provided for the information of applicants.

Section 2 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, sets out matters of provincial interest as follows:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;

- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.

2. **Matters to be considered**

Subsection 3(5) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, requires that a decision of a council of a municipality *shall have regard to* policy statements issued by the Minister of Municipal Affairs and Housing and approved by the Lieutenant-Governor in Council.

Subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, requires that when a draft plan of subdivision is considered, regard must be had to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 (of the Planning Act);
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;

- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

APPENDIX 1

This list sets out the various administrative steps that comprise the basic framework of the approval process.

1. Pre-consultation meeting
2. Receipt of application
3. Request for additional information from the applicant (if required)
4. Acknowledgement letter to applicant
5. Notification to City Clerk of receipt of application
6. Notification of public meeting to property owners within 120 metres (for Subdivisions only)
7. Circulation letters, copies of draft plan to local government and other agencies with deadline for responses of 21 days
8. Status letter of the subdivision / condominium application sent to applicant following receipt of agency comments
9. Preparation of planning report with recommendations for conditions of draft approval
10. Circulation of planning report with recommendations
11. Public meeting (subdivisions only) and consideration by City Council
12. Approval of the draft plan of subdivision / condominium / condominium conversion application including conditions **or** Refusal of draft plan of subdivision / condominium / condominium conversion application
13. Preparation and signing of subdivision / condominium / condominium conversion agreement
14. Notice of final approval of the plan of subdivision / condominium / condominium conversion sent to applicant
15. Transmittal of final plan of subdivision / condominium / condominium conversion to the Land Registry Office (Ministry of Consumer and Commercial Relations) for registration
16. After registration, the Registry Office will distribute copies of the subdivision / condominium / condominium conversion plans to the City of Sarnia, the Regional Assessment Office, the Survey Standards and Title Examination Office and the surveyor

CITY OF SARNIA SUBDIVISION / CONDOMINIUM PROCESS

