

# **Guidelines For Reviewing Development Proposals**

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# A GUIDELINE FOR REVIEWING DEVELOPMENT PROPOSALS

## 1.0 INTRODUCTION

### **1.1 Purpose**

This Guideline is meant to set out standard procedures for the review of planning and development proposals. The document is particularly designed to assist applicants in dealing efficiently with development applications.

### **1.2 Scope**

The Guideline focuses on the early stages in the planning processes that govern development. Generally, this means before any public involvement as required under the Planning Act R.S.O., 1990.

### **1.3 Contents**

This document is divided into two parts: The Guideline and the Appendices. The Guideline first sets out general procedures that apply to all planning matters. This includes amendments to official plans and zoning by-laws, plans of subdivision and condominiums, consents, site plan control and minor variance applications.

The Appendices contain supporting information. This includes the Municipality's Planning Fees and descriptions of the detailed procedures for notification, circulation and/or processing of applications, as defined by the legislation.

### **1.4 Effect**

This Guideline is an approved policy of Council. It authorizes the City Planner to receive and begin processing applications. This Guideline is subject to change as Council deems necessary, to reflect revised administrative procedures or new legislative requirements.

### **1.5 Principle**

A basic principle for assessing any development proposal is that the submissions of the developer and his advisors should be subjected to an independent review by municipal staff.

## 2.0 INITIAL REVIEW OF ALL PROPOSALS

### **2.1 Consultation with City Planner**

In order to determine what planning process a development proposal would be required to follow, it is deemed appropriate that the proponent have an initial consultation with the City Planner.

The proponent should explain to the City Planner the general nature of the proposed development. As well, the proponent should give some details about the proposal including the location, future structures and servicing needs, and phasing or timing.

The City Planner must be satisfied that he or she has been given sufficient information to advise on the types of applications that the proponent must make.

In addition, where the development proposal involves the dividing of a parcel of land, the City Planner will be requested to provide an opinion as to the appropriate method (i.e., plan of subdivision or consent).

### **2.2 Further Action Authorized**

When the necessary planning approvals have been determined, the City Planner will accept the application(s) from the proponent, and to begin the review procedure. This will involve circulation to the Chief Administrative Officer and Chief Building Official, etc.

Council shall not give "approval in principle" or pass a "resolution of acceptance" in response to a proposal at this preliminary stage. Council will require that an application be subject to the review procedures further described herein, in order to make a proper assessment of the proposal.

### **2.3 Consultation with Hydro and Gas Companies**

Consultation shall take place with Pembroke Hydro and the Gas Company at the beginning of the planning process for any new or existing development.

These companies may require certain servicing needs the developer should be aware of in the early planning stages.

The City of Pembroke shall determine the location of gas and for hydro services that cross any City lands.

### 3.0 CHANGES TO OFFICIAL PLAN AND/OR ZONING BY-LAW

#### **3.1 Application Received and Examined**

An application for amendment to the Official Plan and/or Zoning By-law is filed with the City Planner.

Prior to acceptance of the application, the City Planner will ensure that it is complete. The City Planner will deem an application to be complete when it includes at least the following:

- (a) Information to identify the property such as lot and concession, street name and municipal address(es), or lot and registered plan number;
- (b) Description of the proposed land use, preferably stated in the precise terms that are defined in the Zoning By-law;
- (c) Description of the development in terms of number of residential units or number and size of commercial and industrial buildings, and the proposed number of parking spaces;
- (d) Building Location Survey;
- (e) A detailed sketch showing:
  - (i) proposed building or addition;
  - (ii) parking;
  - (iii) landscaping.

It is important to note that if a Site Plan Agreement is required, the agreement shall be signed with the City of Pembroke before Council makes a decision on the property.

#### **3.2 Application Accepted**

When the City Planner is satisfied that the application is complete, it is accepted and the appropriate fees are collected, see Appendix A.

#### **3.3 Zoning By-law and Official Plan Process**

Appendix B and/or Appendix C and Appendix G should be followed at this time.

It is important to note that the Zoning By-law amendment will not be approved until such a time as a signed Site Plan Agreement is in place and registered on title, if a Site Plan Agreement is required.

## 4.0 PLANS OF SUBDIVISION AND CONDOMINIUMS

### **4.1 Municipality Receives Subdivisions or Condominium Approval**

It is to be encouraged that anyone contemplating a subdivision or condominium development contact the Municipality prior to submitting an application. The City of Pembroke now administers the process. A procedural manual and application forms are available at the Planning Department in City Hall. The developer will require:

- (a) Concept Plan - this is drawn to scale but not necessarily surveyed and shows the location of the property, basic features and lot and street layout.
- (b) Preliminary Draft Plan - this is a plan which has the property boundaries surveyed and which contains all of the information required under the Planning Act R.S.O., 1990.
- (c) Draft Plan - this is the draft plan of subdivision or condominium circulated by the City of Pembroke with the "T" number applied.

By encouraging developers to contact the Municipality at the concept plan or preliminary draft stage, Council can gain early input. This provides flexibility for the developer to make changes in the initial design to accommodate the requirements of the Municipality.

### **4.2 Examination of the Plan**

Upon receipt of a subdivision proposal, the City Planner will ensure that all information necessary for planning analysis has been included.

### **4.3 Request Planning and Engineering Comments**

No matter which form of subdivision plan is received, the Chief Administrative Officer is authorized to request comments from the City Planner and Engineering Superintendent.

These comments will deal with the appropriateness of the development, conformity with planning documents and suitability of the design.

The City Planner and the Engineering Superintendent will co-ordinate their reviews and responses wherever possible.

### **4.4 City Planner and Engineering Superintendent Respond**

The City Planner will submit a planning report. The Engineering Superintendent will also submit comments.

### **4.5 Council Reviews Submissions**

Council and the Chief Administrative Officer review the reports from the City Planner and Engineering Superintendent.

#### **4.6 Proponent Requested to Attend Council**

Council should require the developer or developer's agent to attend a meeting of Council. The planning and engineering comments can be discussed with the proponent. Council may involve the City Planner and/or Engineering Superintendent in the meeting.

The proponent may be asked to justify the timing or scale of the development and to provide some market analysis.

#### **4.7 Council Decides on Modifications or Conditions and Draft Plan Approval**

Once Council is satisfied that enough advice and information has been provided, Council will decide what modifications to the plan it will require and/or what conditions of draft approval it will require.

#### **4.8 Subdivision Agreement**

There are a number of conditions of draft approval that a developer must satisfy in order to get draft plan approval and ultimately approval of the final plan of subdivision.

A major condition is that the developer enter into a subdivision agreement with the Municipality.

The Solicitor should be involved in drafting and negotiating the agreement.

The City Planner should be asked for input on planning matters to be addressed in the agreement.

The Engineering Superintendent should be asked for input on matters such as drainage, servicing, construction specifications, etc.

#### **4.9 Conditions Met**

Council and the Chief Administrative Officer should ensure that all conditions of draft approval are satisfactory, in effect, and/or registered before the City of Pembroke grants final approval to the plan.

Lot grading plans, as per the conditions of the Subdivision Agreement, should be indicated on property deeds.

## 5.0 CONSENTS (SEVERANCE)

### **5.1 Municipality Approached About a Severance Proposal**

It is encouraged that anyone contemplating a severance contact the Municipality prior to submitting an application to the Committee of Adjustment. The land use planning documents of the Municipality are available in the City Planner's office. The applicant is encouraged to review the proposed severance in terms of the conformity with the existing Official Plan and/or Zoning By-law of the Municipality. If an Official Plan or Zoning By-law amendment is required, Council must approve the amendment prior to the submission of the severance application.

Section 2.0 of this Guideline should be followed.

However, since the Committee of Adjustment is the consent giving authority, the City might not see a consent proposal until the Secretary-Treasurer of the Committee circulates an application.

### **5.2 Receipt of Application Circulated**

The Secretary-Treasurer of the Committee of Adjustment sends out copies of applications for comment within approximately two weeks from the cut-off date.

### **5.3 City Planner Examines the Application**

Upon receipt of the circulated consent applications, the City Planner reviews the information provided for accuracy. Things to check include lot and concession, adjacent uses, proposed use and zone provisions of proposed use, location of buildings and structures on the retained lands.

### **5.4 Consent Process**

Appendix E and Appendix G should be followed at this time.

## 6.0 SITE PLAN CONTROL

### **6.1 Prerequisites**

Before any site plan control authority given by the Planning Act can be used, the following must be in place and is in place for the City of Pembroke:

- (a) Official Plan with a description of the proposed site plan control area.
- (b) Site plan control by-law.

### **6.2 Purpose**

Generally, the main purpose for using site plan control is to achieve some control on the design, layout and/or features of a specific proposed development. This control goes beyond the matters regulated under a zoning by-law. This control cannot be used to prevent a use that is permitted by the zoning by-law. However a building permit cannot be issued until plans and the City approves drawings.

### **6.3 Determine Whether Proposed Use Subject to Site Plan Control**

The Chief Administrative Officer and/or City Planner should review a development proposal to determine if Site Plan Control applies. Reviewing the policies in the Official Plan and the provisions of the Site Plan Control By-law would do this.

Site Plan Control often parallels the zoning amendment process. However, situations do arise where a proposed change in land use does not require a zone change but would still require a new or revised site plan and/or agreement.

### **6.4 Advise Proponents**

The City Planner advises the person proposing the development that it is subject to site plan control. The proponent can be given a copy of the Municipality's Site Plan Control By-law in order to describe the details to be addressed. The appropriate fees are collected at this time.

### **6.5 Site Plan Submitted and Examined**

The City Planner examines the Site plan that is submitted to determine whether it is complete. A site plan that meets the minimum needs for the processing of a zoning amendment would require more details for use under Site Plan Control.

### **6.6 Requests and Review by Professional Staff**

All department heads, members of Council and members of the Planning Advisory Committee will review the plan. The Site Plan Review Checklist (Appendix F) and the Sidewalk Policy (Appendix G) will be followed at this time.

## **6.7 Response from Professional Staff**

Within approximately 14 working days, the City Planner will submit all written comments to the Chief Administrative Officer. A summary report will be drafted.

## **6.8 Comments Reviewed**

A review of the site plan and the comments is undertaken. It is determined whether to approve the plan, approve the plan with conditions or require modifications to the site plan.

## **6.9 Council Determines Conditions**

Based on the comments received, it will be determined what conditions it will apply to the approval of the plans and drawings. Section 41(7) of the Planning Act R.S.O., 1990 sets out the items that can be covered by the conditions.

## **6.10 Site Plan Agreement**

A draft Site Plan Agreement is prepared by the City Planner.

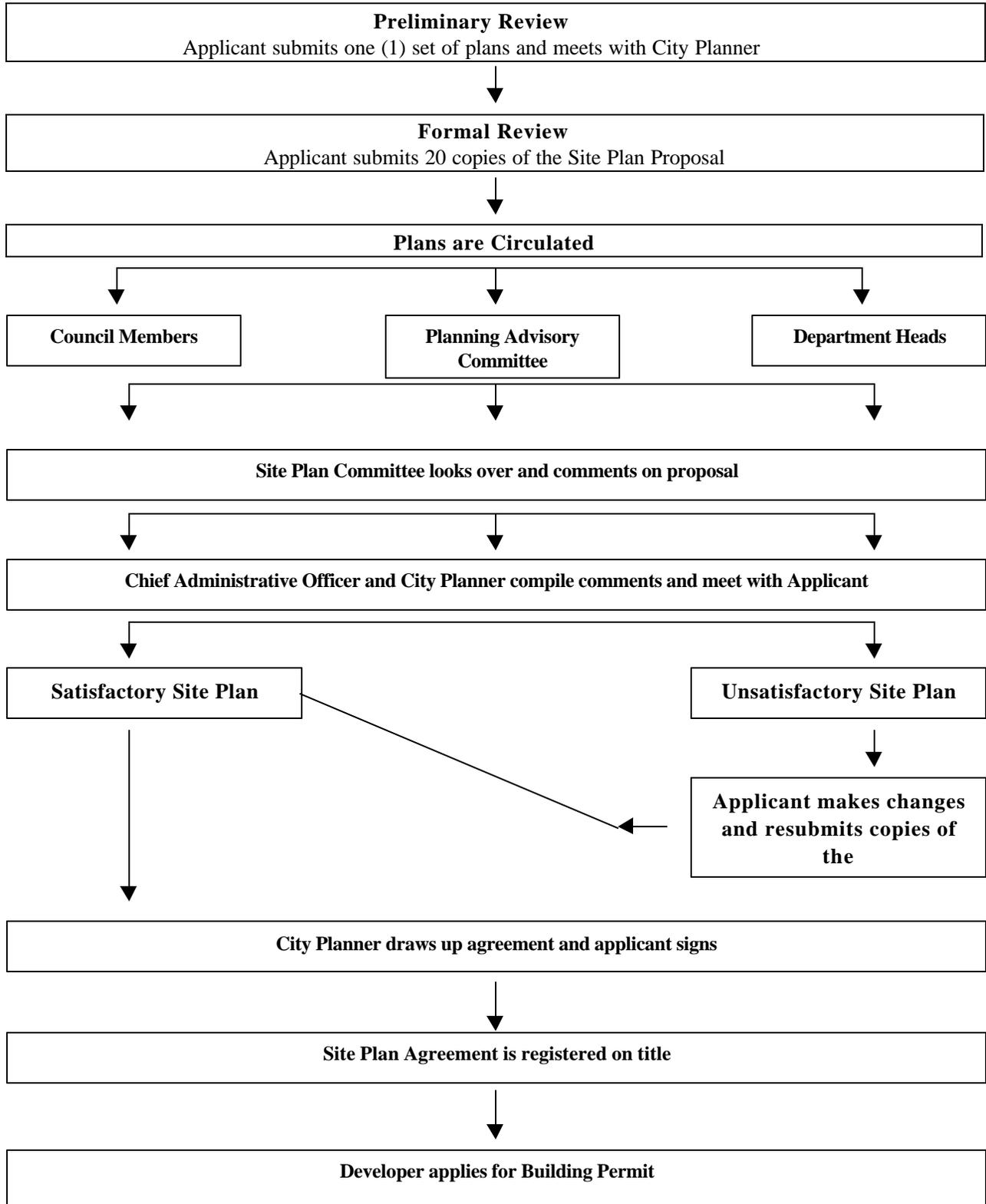
## **6.11 Security Deposit**

The City will require an estimate from a qualified contractor for the paving, curbing, landscaping, exterior lighting, etc. A 50% deposit is required and a cheque is to be post-dated to the date when all conditions are to be fulfilled.

## **6.12 Registration of Agreement**

The final Site Plan Agreement will be registered at the Land Registry Office.

SITE PLAN CONTROL FLOW CHART



## **7.1 Prerequisites**

The Municipality has in place a constituting and appointing by-law under Section 44 and a Zoning By-law under Section 34 of the Planning Act R.S.O., 1990, in order to establish a committee of adjustment.

## **7.2 Powers**

The Committee of Adjustment has responsibility for processing applications for minor variances to certain types of by-laws, for extensions or changes to non-conforming uses or for permitting specific uses where only defined generally in the by-law.

## **7.3 Application Submitted**

The Secretary-Treasurer of the Committee examines the application that is submitted to determine whether it is complete. This would include answers to all questions under Regulation 200/96, an acceptable sketch map, required number of copies of the application, and owner's authorization.

## **7.4 Application Accepted**

When the application is complete it is accepted and the appropriate fees are collected, the Secretary-Treasurer assigns the appropriate file number.

## **7.5 Notice of Application to Persons and Agencies**

The Secretary-Treasurer shall give notice on behalf of the Committee of Adjustment in accordance with Regulation 200/96. The notice must include a brief explanation of the nature of the application.

## **7.6 Committee Refuses or Grants Application**

The Committee may grant an application for variance when it is satisfied that the proposal meets the following tests:

- (a) The variance is minor.
- (b) It is desirable for the appropriate development in use.
- (c) The general intent and purpose of the Zoning By-law and of the Official Plan are maintained.

Applications relating to non-conforming uses are less common and subject to other tests as specified in Section 45(2) of the Planning Act R.S.O., 1990.

In its decision to grant an application, the Committee may set out such terms and conditions to the authority or permission granted, as it considers advisable.

Alternatively, the Committee may determine, through its analysis of the application and comments

received, that the application does not meet the tests mentioned above. In this case, the application would be refused.

APPENDIX "A"

PLANNING DEPARTMENT FEES  
REVISED JULY 1995

<b>Classification</b>	<b>Rate</b>	<b>Rate &amp; G.S.T.</b>
Zoning By-law Amendment	\$500.00	\$535.00
Official Plan Amendment	550.00	588.50
Official Plan and Zoning By-law Amendment	650.00	695.50
Zoning Opinion	35.00	37.45
Minor Variance	157.00	168.53
Consent Application	288.75	308.96
Site Plan Agreement	200.00	214.00
Zoning By-law Text	25.00	26.75
Official Plan Text	30.00	32.10
Zoning By-law Map	15.00	16.05

\* Fee payable when application is submitted.

**Refund Policy**

If application is withdrawn prior to Planning Advisory Committee meeting, 50% of fee will be refunded.

If application is withdrawn prior to Public Meeting of Council, 25% of fee will be refunded.

If application is withdrawn after Public Meeting of Council, the applicant is not eligible for a refund.

## APPENDIX B

### DETAILED PROCEDURES FOR OFFICIAL PLAN AMENDMENT THE PLANNING ACT R.S.O., 1990

This checklist should be read in conjunction with the Planning Act R.S.O., 1990 and Ontario Regulation 198/96.

- STEP 1: The City Planner receives an application for an Official Plan Amendment and then proceeds according to this adopted "Guideline".
- STEP 2: Before deciding whether to pass the by-law to adopt the amendment, a public meeting is required. The notice procedures for the public meeting are spelled out in Item 2 of Ontario Regulation 198/96 which provides for three options:
- (a) Notice by publication in a newspaper, or
  - (b) (i) notice by personal service or prepaid first class mail to every owner assessed within 120m of the proposed O.P.A. Notice may be given to the condominium corporation instead of all owners assessed; and
  - (ii) Posting a notice on site; or
  - (c) Notice by personal service or prepaid first class mail to every person assessed within 120m of the proposed O.P.A.
- STEP 3: Determine the date for the public meeting bearing in mind the method chosen in Step 2 and that as a minimum 20 days notice must be given for the meeting. For example, if you choose newspaper circulation, the 20 days would not start until the day of publication of the notice in the paper.
- STEP 4: Prepare the notice and send out according to option chosen in Step 2 and based on the Ontario Regulation 198/96.
- STEP 5: The Planning Advisory Committee is an advisory committee to Council. A Planning Advisory Committee meeting is held to discuss and comment on the application. The Committee meets every third Wednesday of the month at 7:00 p.m. in the Council Chambers. The Committee comments on the application and then makes a recommendation to Council.
- STEP 6: Hold the public meeting - a majority of Council and the Chief Administrative Officer should be in attendance. Public meetings are held on the first or third Tuesday of the month. Council would likely make a brief presentation on the purpose of the meeting and the Official Plan Amendment.
- (a) Any person who attends the meeting must then be given the opportunity to make comment.

- (b) The Chief Administrative Officer will take minutes of the meeting and receive any correspondence.
- (c) It may be appropriate to note to the public any correspondence received and the comments made.
- (d) The meeting allows Council to determine the appropriateness of the amendment in light of the public comments and permits the public to learn why the amendment is being considered.

STEP 7: Following the public meeting Council should decide if changes are required to the amendment and whether or not a further public meeting is required. If there are more substantive policy changes or changes in the land use designations a further meeting is likely.

STEP 8: Once the by-law adopting the amendment is passed, written notice of the decision must be sent out within 15 days (see Section 17(23) of the Planning Act). Notice must be sent to the approval authority, to any person or public body that requested in writing to be notified and any other person or public body prescribed.

STEP 9: Any person or public body may, not later than 20 days after the day of giving notice, appeal all or part of the decision to the Ontario Municipal Board by filing the appeal with the approval authority; the Corporation City of Pembroke (Ontario Regulation 525/97).

PROCEDURAL CHECKLIST FOR OFFICIAL PLAN AMENDMENTS

Owner: \_\_\_\_\_  
 \_\_\_\_\_

Official Plan Designation Change from: \_\_\_\_\_  
 \_\_\_\_\_

To: \_\_\_\_\_  
 \_\_\_\_\_

Legal Description: \_\_\_\_\_  
 \_\_\_\_\_

Municipal Address: \_\_\_\_\_  
 \_\_\_\_\_

<u>Item</u>	<u>Date</u>
1. City Planner receives application	_____
2. Application Fee collected	_____
Amount collected: _____	
3. Check for need for corresponding zoning amendments Yes [ ] No [ ]	
4. Method of Notice (20) days notice is required before a Public Meeting can be held)	
(a) By mail/personal service to owners of land within 120m of subject property and posted notice on site	[ ]
(b) By newspaper	[ ]
(c) By mail/personal service to every person assessed within 120m of subject property	[ ]
5. Referral to Planning Advisory Committee for comment (Committee meets every second Wednesday of the month)	_____
6. Draft Official Plan Amendment prepared	_____
7. Request for comments by agencies:	
Ministry of Municipal Affairs & Housing	[ ]
Cogeco Cable TV	[ ]
Consumers Gas	[ ]
Canadian National Railway/	[ ]
Canadian Pacific Railway	[ ]
School Board (s)	[ ]
Hydro	[ ]
Health Unit	[ ]
Other	[ ]

- 8. Solicitor's review (optional) \_\_\_\_\_
- 9. Public meeting (held every first or third Tuesday of the month) \_\_\_\_\_
- 10. Council adoption of by-law to adopt Official Plan Amendment \_\_\_\_\_
- 11. Circulation of Notice of Adoption (within 15 days of adoption) \_\_\_\_\_
  - (a) To applicant [ ]
  - (b) To Ministry of Municipal Affairs & Housing [ ]
  - (c) To persons/public bodies requesting notice [ ]
- 12. Approval by City of Pembroke \_\_\_\_\_
- 13. Approval by Ontario Municipal Board \_\_\_\_\_
- 14. Approval by Lieutenant Governor in Council \_\_\_\_\_

\* It has been the City's experience that an amendment to the Official Plan may take approximately 3 months if there are no objections.

## APPENDIX C

### DETAILED PROCEDURES FOR ZONING BY-LAW AMENDMENTS THE PLANNING ACT R.S.O., 1990

This checklist should be read in conjunction with the Planning Act R.S.O., 1990, in particular Section 34 and Ontario Regulation 199/96.

- STEP 1: The City Planner receives an application for a zoning change. The City Planner proceeds according to the adopted "Guideline". Council can refuse the application, in which case the applicant has the right of appeal to the Ontario Municipal Board. If Council does not refuse the application, proceed to Step 2.
- STEP 2: Under Section 34(12) of the Act, Council is required to hold a public meeting prior to passing the by-law. The manner of notice for the public meeting shall be as follows according to Ontario Regulation 199/96.

Notice may be given by:

- (a) (i) personal service or prepaid first-class mail to every owner assessed within 120m of the subject site. Notice may be given to the condominium corporation instead of all owners assessed; and,
- (ii) posting notice in on site or where impractical, on a nearby site; or
- (b) Personal service or prepaid first-class mail to every person assessed within 120m of the subject site to which the proposed by-law would apply; or
- (c) Publication in newspaper.

This notice invites interested persons to attend the Planning Advisory Committee meeting and/or Public meeting.

- STEP 3: Determine the date for the public meeting chosen in Step 2. A minimum of 20 days notice must be given for the meeting.
- STEP 4: Prepare the notice and send out according to option chosen in Step 2 and be based on Ontario Regulation 199/96.
- STEP 5: Various public bodies are also to be notified of a proposed Zoning By-law. This is required in Sections 34 (15). Under Section 34(15) Council must give agencies at least 20 days notice before it passes a by-law to implement a zoning proposal. Further, under Section 34(16), before the 20-day notice period has lapsed, a public body may request, in writing, additional time to comment.

There is no alternative notice procedure to public bodies. They must be given a minimum of 20 days notice before a zoning by-law is passed.

- STEP 6: Application is brought to the Planning Advisory Committee for their comments. Planning Advisory Committee meets on the third Wednesday of every month at 7:00 p.m. in Council Chambers. The Planning Advisory Committee sends a recommendation to Council for the public meeting.
- STEP 7: Hold the public meeting - majority of Council and the Chief Administrative Officer should be in attendance. Public meetings are held on the first or third Tuesday of the month. Council would likely make a brief presentation on the purpose of the meeting and the by-law.
- (a) Any person who attends the meeting, must then be given the opportunity to make comment.
  - (b) The Chief Administrative Officer will take minutes of the meeting and receive any correspondence.
  - (c) It may be appropriate to note to the public any correspondence received and the comments made.
  - (d) The meeting allows Council to determine the appropriateness of the amendment in light of the public comments and permits the public to learn why the amendment is being considered.
- STEP 8: Following the public meeting Council should decide if changes are required to the by-law and whether or not a further public meeting is necessary. If there are substantial changes to be made, the public must be renotified and a further public meeting held. (Refer to Sections 34(17) of the Planning Act and return to Step 2.)
- STEP 9: Once Council is satisfied with the by-law, it may pass the by-law. This may be done the same night.
- STEP 10: Prepare Notice of the Passing of the By-law pursuant to Ontario Regulation 199/96. A copy of the by-law will be attached to the Notice. Inclusion of the by-law should prevent any misunderstanding as to the location and effect of the change.
- STEP 11: Send out a Notice of Passing. As set out in Section 34 (18), once the Chief Administrative Officer has given written notice of passing of a by-law, there begins a 20 day appeal period within which time any person, the Minister of Municipal Affairs & Housing, or any public body can appeal the decision of the Ontario Municipal Board. Since the appeal period does not start until the notice of passing is given, the sooner the notice requirements are completed, the sooner the appeal period can begin and the sooner the by-law can come into legal force (assuming there are no appeals).
- STEP 12: Wait the 20 days. If there is no appeal then an affidavit or declaration pursuant to Section 34(22) of the Planning Act is prepared. The by-law shall then be deemed to have come into force on the day it was passed. There is no need to submit the by-law to the Ontario Municipal Board.

STEP 13: If there has been an appeal then the approval of the Ontario Municipal Board will be required. The City Planner should follow the requirements of Section 34(23) of the Planning Act. If applicant wishes to appeal Council's decision, the applicant must do so at his or her own expense.

PROCEDURAL CHECKLIST FOR ZONING BY-LAW AMENDMENTS

Owner: \_\_\_\_\_  
\_\_\_\_\_

Zoning By-law Change from: \_\_\_\_\_  
\_\_\_\_\_

to: \_\_\_\_\_  
\_\_\_\_\_

Legal Description: \_\_\_\_\_  
\_\_\_\_\_

Municipal Address: \_\_\_\_\_  
\_\_\_\_\_

Official Plan Designation: \_\_\_\_\_  
\_\_\_\_\_

<u>Item</u>	<u>Date</u>
1. City Planner receives application	_____
2. Application Fee collected	_____
Amount collected: _____	
3. Check for need for corresponding official plan amendment Yes [ ] No [ ]	
4. Method of Notice (20 days notice is required before a Public Meeting can be held)	
(a) By mail/personal service to owners of land within 120m of subject property and posted notice on site	[ ]
(b) By newspaper	[ ]
(c) By mail/personal service to every person assessed within 120m of subject property	[ ]
5. Referral to Planning Advisory Committee for comment (Committee meets every third Wednesday of the month)	_____
6. Draft Official Plan Amendment prepared	_____
7. Request for comments by agencies:	
Ministry of Municipal Affairs & Housing [ ]	school board (s) [ ]

Rogers Cable TV	<input type="checkbox"/>	Hydro	<input type="checkbox"/>
Consumers Gas	<input type="checkbox"/>	Health Unit	<input type="checkbox"/>
Canadian National Railway/ Canadian Pacific Railway	<input type="checkbox"/>	Other	<input type="checkbox"/>

- 8. Solicitor's review (optional) \_\_\_\_\_
- 9. Public meeting \_\_\_\_\_
- 10. Council adoption of by-law \_\_\_\_\_
- 11. Preparation of Form 1 with key map and explanatory note \_\_\_\_\_
- 12. Circulation of Notice of Decision \_\_\_\_\_
- 13. Circulation of Notice of Passing of By-law \_\_\_\_\_
  - (a) By mail
  - (b) By newspaper
  - (c) Combination
- 14. Last date for filing objections (20 days from adoption) \_\_\_\_\_
 

If no objections:
- 15. Preparation of affidavit/declaration of Notice of Service \_\_\_\_\_
- 16. Submit package to Ontario Municipal Board if by-law is appealed \_\_\_\_\_
  - (a) Certified copy of by-law
  - (b) Affidavit of Notice of Service
  - (c) Original or true copy of by-law
  - (d) Written submissions fee for appeal
- 17. By-law approved by Ontario Municipal Board \_\_\_\_\_
- 18. By-law approved by Lieutenant Governor in Council \_\_\_\_\_

\* It has been the City's experience that an amendment to the Zoning By-law may take approximately 3 months if there are no objections.

APPENDIX D  
SUGGESTING PROCEDURES  
FOR  
CONDUCTING A PUBLIC MEETING FOR PLANNING MATTERS  
PUBLIC MEETING OF COUNCIL

**Suggested Procedures**

- STEP 1: The chairman should first announce that the next item on Council's agenda is the holding of a "public meeting" with respect to the introduction of a by-law to .....
- STEP 2: The chairman should then ask the Chief Administrative Officer to advise:
- (a) The method by which notice of the meeting was given.
  - (b) Confirmation as to the dates that the notices were given.
- STEP 3: The chairman should then state that any persons who want further notice of the passing of a by-law should give their full name, address and postal code to the Chief Administrative Officer prior to leaving the meeting.
- STEP 4: The chairman should then announce that the procedure for the public meeting would be as follows:
- 1. The Chief Administrative Officer will be asked to explain:
    - (a) The purpose of the by-law.
    - (b) The reasons for the by-law.
    - (c) How the by-law proposes to accomplish the stated purpose.
  - 2. After the initial presentation the chairman will then inquire as follows:
    - (a) "Are there any persons present who wish to make oral or written submissions on the proposed by-law. If so, would they please give their names, addresses and postal code to the Chief Administrative Officer".
    - (b) The chairman should then state that he/she will first hear from those opposed to the by-law and then he/she will hear presentations from those in support of the by-law.
    - (c) The chairman then asks to hear from the Planning Advisory Council representative to inform them of the Committee's recommendation to Council.
- COMMENT: We suggest that the applicant for the by-law go last. This gives him time to respond to the objections previously raised.

STEP 5: The chairman should then announce that all person wishing to address the by-law ask their questions through the chair.

### **Position of Chairman and Council**

It is suggested that Council should not take a position on the proposed by-law during the course of the public meeting.

It is better that they listen to all representations, and direct their questions to the City Planner or the Chief Administrative Officer or the objectors in an attempt to gather as much information as possible.

## APPENDIX E

### THE COMMITTEE OF ADJUSTMENT

#### A GUIDE TO THE CONSENT PROCESS

- NOTE: This guide has been prepared for information purposes only. For a complete reference to the consent process, please consult the Planning Act, which is the governing provincial legislation.
- STEP 1 Under the Planning Act, R.S.O., 1990 notification for consent shall be in accordance with Ontario Regulation 197/96. Notice may be given by:
- (a) (i) personal service or prepaid first-class mail to every owner assessed within 60m of the subject land. Notice may be given to the condominium corporation instead of all assessed owners of the condominium; and,
  - (ii) posting a notice on site or where impractical, on a nearby site; or
  - (b) personal service or prepaid first-class mail to every person assessed within 60m of the subject land; or
  - (c) publication in the newspaper.
- STEP 2 The Committee of Adjustment makes the decision as to whether consent is granted or refused. To make an informed decision, the applicant will be asked at the time of submission of the application to provide a site plan illustrating the proposed building location and use for the severed land. A site plan will also be required for the retained lands. These plans will determine if all zone provisions are met. If a plan indicates a zoning provision cannot be met, a minor variance would then be required. The severance and the minor variance applications shall be debated and decided on at the same meeting. This allows the Committee to determine if the severance is warranted for the proposed use and whether the minor variance is appropriate.
- STEP 3 The Committee of Adjustment consults with public bodies that have responsibilities for matters that may be affected by consent (severance).
- STEP 4 Consents must meet the policies and requirements of the City's Official Plan, 1990 and Zoning By-law 97-38.
- STEP 5 An application for consent is reviewed by the Committee of Adjustment at a public hearing . Applicants or authorized agents are encouraged to attend. As well, any interested person may attend.
- STEP 6 The Committee of Adjustment may decide to hold an application in abeyance to allow for certain matters to be resolved. These matters may include official plan policies, zoning, outstanding agency comments, insufficient information supplied by the applicant, legal interpretation and agency concerns. It is the responsibility of the applicant to follow-up these matters.
- STEP 7 Applications that are held in abeyance receive further attention by the Committee of Adjustment.

For example, if a zoning by-law amendment is required before the consent can be finalized, the Secretary-Treasurer of the Committee of Adjustment must receive notification in writing that the Zoning By-law amendment passed without appeal.

STEP 8 If a consent is granted, the Committee of Adjustment may apply conditions to the consent. All conditions must be met within one (1) year from the date notice was given by the Committee of Adjustment. When all the conditions are met within the one-year period, a Certificate finalizing the consent will be issued. If the one-year deadline is not met, the consent will be deemed to be refused and no certificate will be issued. The same conveyance would then require a new application and the consent process would start again.

Then if after two years of issuing the Certificate the transfer of ownership has not been completed, the consent lapses and the parcel can no longer be conveyed without reapplying and obtaining consent.

STEP 9 A decision of the Committee of Adjustment can be appealed within twenty (20) days of the making of the decision.

STEP 10 A reference plan (survey) is always required to be supplied by the applicant.

STEP 11 It is important to note that all residential lands severed will be subject to a 5% parkland dedication fee and all commercial and industrial lands severed will be subject to a 2% parkland dedication fee. If the lands were to be immediately sold, then a copy of the offer to purchase confirmed on the date before the granting of the consent would be the accepted land value. This value must be presented to the Committee of Adjustment. If the lands are being severed for mortgage purposes or for future sale, an appraisal of the lands by a certified real estate appraiser based on the value of the land the day before the hearing must be brought before the Committee.

APPENDIX F

SITE PLAN REVIEW CHECKLIST

1. Zoning Conformity

Conformity with zoning and other by-law requirements including:

- (a) Setbacks - zone & special..... [ ]
- (b) Building Coverage..... [ ]
- (c) Parking - numbers, dimensions, screening, setbacks..... [ ]
- (d) Accessory Buildings - permitted or not..... [ ]
- (e) Fences..... [ ]
- (f) Permitted Use - check definitions..... [ ]
- (g) Proposed Servicing i.e. water, hydro, sewer (sanitary & storm)..... [ ]
- (h) Cost recovery for previously installed City servicing (sewer, water, etc.)..... [ ]
- (i) Ensure all buildings accessible to disabled..... [ ]

2. Parking & Circulation

- (a) Access/Egress
  - Access to subject property..... [ ]
  - Width (min. 10 ft. max. 30 ft.)..... [ ]
  - Turning radius and grade of access..... [ ]
  - Depressed curb at access..... [ ]
  - Minimize turning movements on arterial roads..... [ ]
- (b) Layout
  - Location of parking spaces..... [ ]
  - Number of parking spaces..... [ ]
  - Parking for disabled persons - delineate & sign..... [ ]
  - Vehicle stacking lane (car wash, parcel pick-up, etc)..... [ ]
  - Fire lane - delineate & sign..... [ ]
  - Loading space(s) (location & dimensions)..... [ ]
  - Circulation lane & parking space dimensions..... [ ]
  - Provide signage for dead-end aisles..... [ ]
  - Signage for control of on-site traffic..... [ ]
  - Location & dimensions of driveways & culverts..... [ ]
  - Paved parking spaces..... [ ]
  - Lighted parking areas..... [ ]
- (c) Curbing
  - Curbs beside building sidewalk must have ramps at frequent intervals (wheelchairs, bicycles, etc)..... [ ]
  - Parking areas and driveways to be bounded by curbs..... [ ]

	(d)	<u>Sidewalks</u>	
		- Width ( min. 5 ft.).....	[ ]
		- Materials (paver stone, concrete, asphalt).....	[ ]
		- Sidewalks required beside building & in some cases, leading onto site in conjunction with main entrance and/or bus stops.....	[ ]
		- Ramps built leading onto sidewalks.....	[ ]
		- Parking area for bicycles.....	[ ]
3.		<u>Landscaping</u>	
	(a)	General Site Landscaping	
		- Analyse site and protect existing vegetation to be retained.....	[ ]
		Review landscaping plan for:	
		- Species.....	[ ]
		- Height/Calliper.....	[ ]
		- Environmental Hazards (salt spray).....	[ ]
		- Location (not in R.O.W.; overhead wires).....	[ ]
		- Continuity with adjoining sites.....	[ ]
	(b)	Screening Techniques	
		- Walls, beams, hedges, fences (standard fence detail).....	[ ]
		- Screening of garbage containers.....	[ ]
		- Screening of roof top mechanical equipment.....	[ ]
		- Screening & location of outside storage, if permitted.....	[ ]
		- Landscaped planting strips - utilize perimeter of site for planting strips to screen lot from view.....	[ ]
		- Landscaping designed in a way to discourage intruders.....	[ ]
4.		<u>Miscellaneous</u>	
	(a)	Bar scale on site plan before reduction.....	[ ]
	(b)	Garbage storage - location & screening.....	[ ]
	(c)	Street furniture (benches, light standards, planter boxes).....	[ ]
	(d)	Signage (location & size of ground sign).....	[ ]
	(e)	Lighting.....	[ ]
		- Sufficient security lighting.....	[ ]
		- Sufficient lighting in landscaped areas and walkways.....	[ ]
	(f)	Mechanical food deodorizer (restaurants).....	[ ]
	(g)	Fire hydrants.....	[ ]
	(h)	Snow storage & removal.....	[ ]
	(i)	Grade control & drainage plan.....	[ ]
	(j)	Road widening & easements.....	[ ]
	(k)	Noise reduction techniques (barriers).....	[ ]
	(l)	Street name & numbering of private road(s) (multiple residential block developments)	[ ]
	(m)	External building materials/elevation drawing.....	[ ]
	(n)	Children's play area - if required (apartments).....	[ ]
		- Area to be easily surveyed by parents or other tenants.....	[ ]
		- Fenced.....	[ ]

## APPENDIX G

### SIDEWALK POLICY

All new developments shall be obligated to construct a sidewalk if one does not exist along the total length of the property. Proposed buildings containing up to two dwelling units shall be exempt from this provision.

If a sidewalk exists, all new developments shall be required to determine if the sidewalk is in acceptable condition according to guidelines established by the Pembroke Public Works and Engineering Departments. If the existing sidewalk does not meet the City's guidelines then it is not deemed acceptable. The developer will then be responsible for the sidewalk being reconstructed to meet the standards of the Pembroke Public Works and Engineering Departments. Proposed buildings containing up to two dwelling units shall be exempt from this provision.

Existing developments may be required to construct a sidewalk or if a sidewalk exists have it meet acceptable standards, if the building is being converted from a residential building to a commercial, institutional or industrial use. If an existing residential building is being converted to contain more than two dwelling units, the sidewalk policy shall also be applicable in this case.

Cash-in-lieu of sidewalks may be permitted at the option of City Council.

All Zoning By-law amendment, Official Plan amendment, Minor Variance and Site Plan Agreement applications shall be reviewed in accordance with this policy.

## APPENDIX H

### GREEN POLICY STATEMENT

One of the primary goals of the City of Pembroke is to maintain and provide a lush, natural setting in which residents can work and play. The City of Pembroke is striving to ensure that a higher consideration is placed on the "natural" environment.

A significant portion of landscaping requirements will now be placed on the preservation of existing site features such as landforms, watercourses and vegetation. New developments shall not change the balance of the ecological system. The City of Pembroke will strive to ensure that as much of the natural environment as possible is preserved.

The preservation of existing trees is particularly valuable as this reduces the harshness of appearance that is typical of newly developed sites. Generally, where trees have not been saved it takes 5 to 10 years before new trees provide any significant visual effect. Existing vegetation provides increased value to a site and to its environs in addition to providing benefits such as visual screening, shading and wind break functions.

Therefore, preservation of existing vegetation is valued by the City because of the role it plays in providing the high level of environmental quality. The City of Pembroke will require any Site Plan or Subdivision Agreement submissions to pay particular attention to the preservation of existing vegetation within the City.