

# The Municipality of Huron Shores

## APPLICATION FOR CONSENT TO CREATE NEW LOTS



### APPLICATION GUIDE Q & A

**These tips are intended as a guide to help you decide if your proposed lot might qualify for a severance through the consent application process. There are other factors which may be considered in assessing your application for consent.**

#### **What is an official plan?**

Official plans are local land use planning documents adopted by a local municipality and planning board and approved by the province. They reflect provincial and local planning issues and among other things, establish policies for lot creation.

Your proposed lot(s) must conform to the requirements of the official plan and be consistent with the Provincial Policy Statement (under Section 3 of the **Planning Act**).

#### **What is a Zoning By-law?**

Local zoning by-laws exist in your area. They set out specific requirements for new development (e.g. minimum lot size, frontage, acceptable access, etc.).

Your proposed new lot must conform to any zoning controls. *Your Municipal Staff and its Representatives* can help you interpret your local official plan and zoning by-law.

#### **Is consent the way to go?**

Generally, the creation of new lots by consent may be considered where:

- only one or two are proposed;
- no more than two lots have been severed from the parcel since *December 16, 2011* when the current Official Plan was approved.
- the new and remaining lot will have direct access to an existing publicly-owned and maintained road
- the new lot represents infilling between existing lots on a private road;

#### **Where can new lots be created?**

Lot creation can be considered in all parts of the Planning Area as long as the proposed new lots would comply with the Official Plan and Zoning bylaw.

All new lots must be suitable for their intended use. For example, new lots must be large enough to accommodate the proposed building and all servicing requirements.

#### **Where can't new lots be created?**

Generally, lots cannot be created on provincially

significant wetlands, prime agricultural lands, lands containing mineral aggregate resources, hazardous lands such as steep slopes and areas susceptible to flooding or where fish or wildlife habitats will be disturbed or in Plans of Subdivision.

New lots cannot be created where they are not compatible with surrounding land uses. For example, a new lot for a house probably would not be permitted next door to a factory or a waste disposal site.

#### **What kind of access do new lots need?**

Any new lot must provide safe, long term access for all vehicles, including service and emergency vehicles.

Generally, this means:

- lots should be located on publicly-owned roads which are maintained year round;
- a limited number of seasonal residential lots on private roads may be considered, provided they won't be converted to permanent residential use and they have registered right-of-way with direct access to a public road;
- water access may be acceptable for cottage lots, where future demand for road access is not anticipated; lots should be located within a reasonable distance to publicly-owned and maintained parking, docking and boat launching facilities.

#### **What kind of services do new lots need?**

In general:

- a new lot must be acceptable for the installation of a septic tank/tile bed system and wells;
- lake water for cottage lots may be permitted.

### **Who is authorized to submit an application on property with multiple owners?**

Any property owner may act as an applicant provided they have the authority to act on behalf of all owners of the property.

### **Pre-Application Consultation**

Applicants are encouraged to make an appointment with the Municipality's Planner for a pre-application consultation prior to filing an application for Consent to sever. The applicant may be required to obtain and provide certain reports that must be filed together with the application in order for the application to be deemed complete, i.e. the Ministry of Transportation, Algoma Public Health, Technical Reports, etc. Pre-consultation fees are a minimum cost of \$240.

### **What happens to my application after I submit it to the Municipality of Huron Shores?**

Once the Application has been deemed to be complete, payment and final signatures will be required. Costs are listed on our website or can be obtained by calling the Municipal Office 705-843-2033.

The required Circulation and Public Notice will then be given as required by Ontario Regulation 197/96.

Generally, the notice, circulation, site visit, if necessary, and a decision on a consent request will be done in 90 days from the receipt of a complete application.

In most cases, if the municipality decides to approve the application, there will be conditions stipulated and these conditions must be fulfilled prior to granting final consent. The applicant has one year to fulfill conditions imposed, otherwise the application is deemed to be refused. The applicant, or any person or public body can appeal the decision and any or all of the conditions to the Land Planning Appeal Tribunal within 20 days after the giving of notice of decision.

If the municipality decides to not approve the application, the municipality will send a notice, giving the reasons for the refusal. The applicant, or any person or public body has up to 20 days after the giving of notice, to appeal the decision to the Land Planning Appeal Tribunal. If at the end of 20 days there is no appeal, the refusal decision becomes final. The applicant can appeal the

application to the Land Planning Appeal Tribunal if a decision has not been reached on the consent request within 90 days of the municipality's receipt of a "complete" application that contains all of the prescribed or required information. Before filing a notice of appeal, the applicant should determine the status of the file since it might be possible for the municipality to make a decision on the application within a reasonable time. If all the required information is submitted at the time of application, delays in processing the file can be avoided.

# The Municipality of Huron Shores



## CONSENT APPLICATION UNDER SECTION 53 OF THE PLANNING ACT

**Note to Applicants:** This application form is to be used if the Municipality of Huron Shores is the consent granting authority. In this form the term "subject" land means the land to be severed and the land to be retained.

**Completeness of the Application**

All application questions must be answered. Incomplete applications will be returned.

**Submission of the Application**

- A fee of \$700.00 for the first parcel/consent or lot addition proposed + \$350.00 for each additional parcel/consent or lot addition proposed must accompany the application. The fee is non-refundable whether application is approved or denied.
- The original and 1 copy of the completed application form and 1 copy of the sketch are required by the Municipality of Huron Shores.

**For Help**

To help you understand the consent process and information needed to make a planning decision on the application, refer to the "Application Guide Q & A". For more information on the **Planning Act**, the consent process or provincial policies, please see the Ministry of Municipal Affairs and Housing "Guide to Planning Applications" and the applicable "Provincial Policy Statement".

You may also call the Municipal Office – 705-843-2033

**Please Print and Complete or check the Appropriate Box(es)**

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**1. Registered Owner(s):**

<b>1.1 Applicant:</b>	Telephone numbers:
	Home:
Address:	Business:
	Fax:
	Email:
<b>2. Agent (if applicable):</b>	Telephone Numbers:
	Home:
Address:	Business:
	Fax:
	Email:

**3. Legal Description of the Subject Lands**

Lot and Concession No. or Section No. or Subdivision Registered Plan No. and Lot(s)/Block(s) or Reference Plan No. and Part No. or Island No.

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911 No. and Name of Street/Road

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Tax Roll No. (on your tax bill)

Are there any easements or restrictive covenants affecting the subject land?  Yes  No  
 If Yes, describe the easement or covenant and its effect.

**4. Purpose of this Application**

Type and purpose of proposed consent for severance transaction (check appropriate box):

Transfer  Creation of new lot(s)  Addition to a lot  An easement  Other Purpose  
 Other:  A charge  A lease  A correction of title

Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

If a lot addition, identify the lands to which the parcel will be added.

**5. Description of Subject Land and Servicing Information**

<i>Description</i>	<i>Severed 1</i>	<i>Severed 2</i>	<i>Retained</i>
Lot Description (Ensure to include units, i.e. m or ft )			
Frontage			
Depth			
Area			
Use of Property			
Existing Use(s)			
Proposed Use(s)			
Buildings or Structures			
Existing Buildings (year of construction)			
Proposed Buildings			
Access			
How are the lots accessed (i.e. Provincial Highway, Municipal Road – maintained year round, Municipal Road – maintained seasonally, Right-of-Way, Private road, Water access, other)			
If other, explain.			
If water access, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject lands and the nearest public road.			

<i>Description</i>	<i>Severed 1</i>	<i>Severed 2</i>	<i>Retained</i>
If access to the subject land is by private road, or "other public road" or "right-of-way", indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained year round or seasonally.			

Water Supply and Sewage Disposal (Correspondence from Algoma Public Health or the Ministry of the Environment must be included.)

Type of water supply (e.g. privately owned and operated individual well, privately owned and operated communal well, lake, river, etc.)			
Type of Sewage Disposal (e.g. Privy, Individual Septic System, Communal Septic system, other			

Other Services (Check if the service is available)

School Bussing			
Electricity			

**6. Provincial Policy Checklist**

Are any of the following uses or features on the subject land or within 500 m (1640 ft) unless otherwise specified? Please check the appropriate boxes.

Use or Feature	On the Subject Land			Within 500 metres of the subject land (indicate approximate distance)			
	Yes	No	Unknown	Yes	No	Unknown	Distance
An agricultural operation including livestock facility or stockyard							
An industrial or commercial use {specify the use(s)}							
A landfill site (closed or active)							
A sewage treatment plant or waste stabilization pond							
A provincially significant wetland within 120 metres							
An unevaluated wetland within 120 metres							
Significant coastal wetlands							
Significant wildlife habitat and significant habitat of endangered species and threatened species							
Fish habitat							
Flood plain							
A rehabilitated mine site, abandoned mine site or mine hazards							
A non-operating mine site or aggregates operation within 1 kilometre of the subject land							
An active mine site or aggregates operation within 1 kilometre of the subject land							

<b>Provincial Policy Checklist (continued)</b>							
A contaminated site							
Provincial Highway (specify)							
An active railway line							
An airport							
Utility corridors							
Electricity generating station, hydro transformer, railway yard, etc.							
Crown land (identified by the Ministry of Natural Resources as being of special interests, such as lake access points, park, conservation area, etc.)							

**7. History of the Subject Land**

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?  Yes  No  Unknown

If Yes, provide the file number and the decision made on the application. Also provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

Has any land been severed from the parcel originally acquired by the current owner?  Yes  No  Unknown

If Yes, provide for each parcel severed, the date of transfer, the name of the transferee and the current land use.

Has there been industrial use(s) on the site?  Yes  No  Unknown

If Yes, what was the nature and type of industrial use(s)?

Has there been commercial use(s) on the site?  Yes  No  Unknown

If Yes, what was the nature and type of commercial use(s)?

Has fill been brought to and used on the site (other than fill to accommodate septic system installation or residential landscaping)?  Yes  No  Unknown

Has there been commercial petroleum or fuel storage on the site, underground fuel storage, or has the site ever been used for a gas station?  Yes  No  Unknown

If Yes, what was the use and type of fuel(s) and type of storage?

**8. Current and Other Applications Under the Planning Act**

Is this application a re-submission of a previous consent application?

Yes  No  Unknown

If yes, describe how it has been changed from the original application.

Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Ministry of Municipal Affairs and Housing or Municipality of Huron Shores?

- Yes
- No
- Unknown

If Yes, specify the Ministry or Municipal file number and status of the application.

Is the subject land the subject of an application for a zoning by-law amendment, minor variance, consent or approval of a subdivision, condominium development?

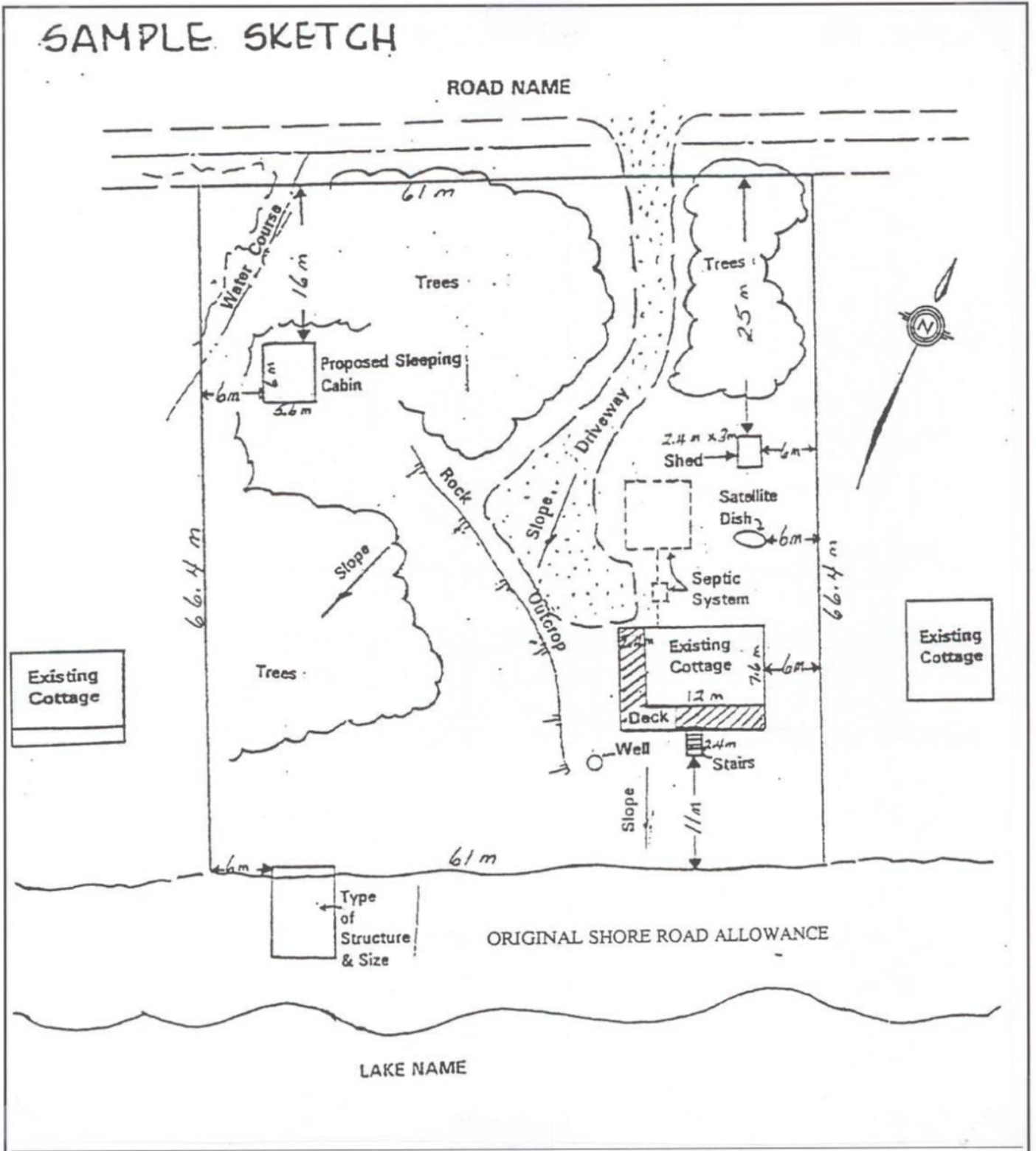
- Yes
- No
- Unknown

**9. Other information**

Is there any other information that you think may be useful to the Municipality or other agencies in reviewing this application? If so explain below or attach a separate page.

**10. Sketch Requirements:**

- Sketch plan will be no larger than 8.5" x 14"
- Show the following:
  - The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land,
  - The boundaries and dimension of the subject land, the part(s) that is(are) to be severed and the part to be retained,
  - The location of all land previously severed from the parcel originally acquired by the current owner of the subject land,
  - The location size and type of any buildings on the subject land and identify their respective setback to all property lines including the proposed new property line(s)
  - The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wells and septic tanks,
  - The existing uses on adjacent land, such as residential, agricultural and commercial,
  - The location and name of any roads and water bodies abutting the subject land,
  - The location and nature of any easement affecting the subject land
- Where it is determined that a sketch will not adequately provide the information required, it may be necessary to provide a sketch drawn by an Ontario Land Surveyor.





**11. Affidavit or Sworn Declaration**

I, \_\_\_\_\_ of the \_\_\_\_\_  
\_\_\_\_\_ in the Province of \_\_\_\_\_ make oath and say (or solemnly declare) that  
the information required under Schedule 1 to Ontario Regulation 197/96, and provided by the applicant in this  
application is accurate and that the information contained in the documents that accompany this application is  
accurate.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

- I am the sole owner of the property
- I am an owner of the property and have the authority to act on behalf of all the owners of the property
- I have been authorized as an agent to make this application

Sworn (or declared) before me at the \_\_\_\_\_  
in the District of Algoma, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Commissioner of Oaths

(official stamp of Commissioner of Oaths)

**12. Authorization of Owner to Appoint an Agent**

If the applicant is not an owner of the land that is the subject of this application, the written authorization of the  
owner(s) that the applicant is authorized as an agent to make the application, must be included with this form or  
the authorization set out below must be completed.

**I** \_\_\_\_\_ am a/the registered owner of the land that is the  
subject of this application for consent and I authorize \_\_\_\_\_  
to make this application on my/our behalf.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature of Owner**

**13. Authorization of Owner for Agent to Provide Personal Information**

If the applicant is not an owner of the land that is the subject of this application, complete the authorization of the  
owner concerning personal information set out below.

**I** \_\_\_\_\_, am an/the owner of the land that is the subject of this  
application for consent and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.  
I authorize \_\_\_\_\_, as my agent for this application, to provide  
any of my personal information that will be included in this application or collected during the processing of this  
application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature of Owner**

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**14. Consent of the Owner to the Use and Disclosure of Personal Information**

Complete below, the consent of the owner concerning personal information.

I \_\_\_\_\_, am an/the owner of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.

I authorize and consent to the use by, or the disclosure to, any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature of Owner**

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**15. Permission To Enter**

I hereby authorize staff of the Municipality of Huron Shores and representatives thereof to enter upon the subject lands and premises for the limited purpose of evaluating the merit of this application. This is their authority for doing so.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature of Owner**

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**16. Applicants Checklist:**

Have you remembered to:

- 1) attach:
  - i) A copy of the completed application form?
  - ii) A sketch including a map to indicate location in the Municipality?
  - iii) The required fee, payable to the Municipality of Huron Shores?
  - iv) A letter from the local Health Unit indicating that the site is developable and could accommodate the proposed development?
- 2) check that the application form is signed and dated by the owner/agent?

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**17. Applicants Posting Instructions:**

In order to facilitate consideration of your Application for Consent/ Severance, we ask that you complete the following upon submission of the application to the Town:

- 1) Post a clearly visible sign approximately 14" x 18" bearing your name, your application number (to be provided by the Municipality), the lot and concession number, and Plan number (if available).
- 2) This sign to be located on the main access side of your property, preferably where your driveway accesses onto a main road, and the middle of your shoreline frontage, if possible.

You may be required to submit a copy of the Deed for the subject land. If access is provided by private road/right-of-way from a municipal road, attach a copy of the deed indicating if the access is registered on the title.

Your application will not be processed until it is deemed to be complete. To expedite the processing of your application please ensure it is complete upon submission. Incomplete applications will be returned for your re-submission. We will not hold incomplete applications in our office.

**18. Submitting Applications**

Submit applications with required fee to: The Municipality of Huron Shores

**By Canada Post to:** P.O. Box 460  
Iron Bridge, ON  
P0R 1H0

**By hand at the Municipal Office:** 7 Bridge St.  
Iron Bridge, ON

**By email:** email@huronshores.ca

Contact the Municipal Office at 705-843-2033 if you require further information.

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**(Office Completion Only)**

**19. Date Received at the Corporation of the Municipality of Huron Shores:**

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**(Office Completion Only)**

**20. Date Deemed to be a Complete Application for Consent for Severance:**

\_\_\_\_\_

Date

\_\_\_\_\_

Signature (Huron Shores Staff/ Huron Shores Representative)