

When is a Subdivision Required? Subdivision and Condominium applications are necessary if you wish to divide a tract of land into building lots or blocks. These lots or blocks can be used for residential, industrial, commercial, institutional (e.g. school) or open space/parks depending on the designation of the land within the Official Plan and Zoning By-law. An approved plan of subdivision is required in order for the lots and blocks to be sold or conveyed separately. A registered plan of subdivision is a legal document which outlines all the details and conditions which are required to develop a parcel of land. Subdivision development is legislatively regulated through Section 51 of the Planning Act.

Is Pre-Consultation Required? The applicant should submit a pre-consultation form and concept sketch for review by the Town's Planning Department and other key agencies (Region, NPCA etc.). This pre-consultation submission will determine and confirm official plan policies, zoning requirements, policy information, required studies, key concerns and other additional information requirements before making a formal application to the Town. The preliminary fee of \$1303 paid will be discounted from the full application fees.

How Do I Apply for a Subdivision/Condominium Application? Application forms are available in the Planning Department at the Town Hall at 1 Municipal Centre Drive in Fort Erie. To make an application for a subdivision or condominium, you must submit the following to the Planning Department:

- One (1) digital or paper copy of the application form. The application should be completed by the property owner or authorized agent.
- Completed Pre-consultation agreement
- Five (5) paper and one (1) digital copy/copies of the draft plans drawn to scale with boundaries and certified by an Ontario land surveyor. The plan must also be signed by the registered owner and detail the requirements of section 51(17) of the planning act. If further copies are needed, the applicant will be notified.
- One (1) digital or paper copy of the draft plan 8 ½" x 11"
- Draft plan must be submitted in autocad dwg format
- Digital or paper copies of the required studies, reports and plans/concepts listed in the pre-consultation agreement summary
- A sign must be erected on the subject site and a photograph of the sign on the site must be submitted to the Town in accordance with Appendix 2
- Property owner site access permission form, environmental certificate and owner authorization (if applicable)
- Completed Draft Plan of Subdivision Design Check list (Appendix "1")
- The Planning review fee for the Town of Fort Erie and if applicable the Region of Niagara and the Niagara Peninsula Conservation Authority.

What Is The Application Process?

Notification of a Complete Application: Planning staff will advise in writing within 30 days of formal submission if your application is considered complete or incomplete. If your application is deemed complete, a notice of a complete application will be advertised in the local newspaper. If application deemed incomplete a letter will be sent to the applicant advising what is required for a complete submission.

Circulation: Fifteen days after accepting the completed application, staff will confer with officials of the region, municipalities, ministries, commissions, authorities and others who may be concerned, to obtain information and recommendations.

Informal Open House Meeting: Once the complete formal application is submitted to the Planning Department and prior to the formal public meeting, the applicant will be required to hold one informal public meeting with the area residents. A list of the area residents will be provided to the applicant by planning staff and the venue of the meeting should be held within close proximity to the site or alternatively in the atrium of Town Hall. The applicant will be required to submit a letter in writing to planning staff detailing the concerns raised at the informal public meeting and how the applicant plans to address the concerns.

Formal Notice of Public Meeting: Once a date has been established to hear the application, a notice of public hearing is created and circulated to the applicant, applicable agencies, and neighbours within a 120 metre radius of the subject property. A notice of public hearing is also advertised in the local newspaper for a minimum of 20 days prior to the Public Meeting.

Draft Plan of Subdivision/Condominium Approval: After the Public Meeting is held and all comments have been received from the various circulated agencies, planning staff prepares a Recommendation Report to Council, including conditions of draft approval. If approved by Council, the applicant must fulfill these conditions prior to the approval of the final plan. These conditions must be met within 3 years from the date of approval.

The function of the Council is to review the application including staff recommendations and agency comments based on applicable planning policies and regulations, information provided by the applicant, as well as the input of any neighbours or other Fort Erie residents and make an informed decision.

Notice of Decision must be provided in accordance with Section 51 (37) of the Planning Act to the applicant and each person or public body that made written request to be notified of the decision.

Appeal Period: Once Council has either granted or refused draft plan approval, it is subject to a 20 DAY APPEAL PERIOD, during which time anyone, including the applicant, who is not satisfied with the decision may lodge an appeal within 20 days of the date of the notice under Section 51(37) of the Planning Act, with the Clerk of the Municipality who will then forward the appeal to the Ontario Municipal Board. An appeal to the Ontario Municipal Board must be accompanied by a fee of \$125.00 payable to the Minister of Finance. If an appeal is received, the entire matter is taken out of the Council's jurisdiction, and the Ontario Municipal Board then arranges for a hearing, which currently may take up to six months to schedule. In the majority of cases, the decision of the OMB is considered final.

If no appeals are received within the 20 day period, draft plan approval is considered final and binding.

Ontario Municipal Board Hearings Fees

If the Town's attendance is required in support of a matter that has been appealed by a third party, the applicant will be subject to an appeal fee of \$2577 plus all planning, engineering and legal fees incurred as a result of preparation and attendance at the Hearing.

COUNCIL-IN-COMMITTEE MEETINGS ARE GENERALLY HELD ON THE 1ST and 3RD MONDAY OF EACH MONTH. REGULAR COUNCIL MEETINGS ARE GENERALLY HELD ON THE 2ND AND 4TH MONDAY OF EACH MONTH. PLEASE CONTACT THE MUNICIPALITY FOR SUMMER SCHEDULES AND TO CONFIRM MEETING DATES.

**BACKGROUND INFORMATION REQUIRED
TO BE SUBMITTED BY THE APPLICANT
WITH SUBDIVISION APPLICATION**

1. Proposed integration of roadways within subdivision and vehicular circulation pattern in surrounding area.
2. Inventory of physical features (wetlands, watercourses, tree stands, etc.) on the site and adjacent lands.
3. Inventory of existing and proposed utilities and water, sanitary and storm facilities serving uses proposed in the subdivision.
4. Location of parklands and other public lands (other than traveled roadways) in the vicinity of the site.
5. Uses of all lots and blocks within the subdivision and the number of people to be accommodated.
6. Existing public transportation serving the site.
7. Whether the Official Plan and/or Zoning By-law need to be amended.
8. If a residential development is proposed, location of schools serving the subdivision and access routes to those schools.
9. Opportunities for affordable housing provided in the proposed subdivision.
10. Archeological and cultural heritage features (check with Town Staff).
11. All information required to satisfy the needs of the Provincial Policy Statement and Growth Plan

NOTE: WHERE POSSIBLE, THE ABOVE SHOULD BE SHOWN ON THE PLAN AS WELL AS BEING INCLUDED IN A REPORT.



**SUBDIVISION APPLICATION
PROCEDURES**

**The Town of Fort Erie
Planning and Development Services**

**Municipal Centre
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6**

**Telephone: (905) 871-1600
Fax: (905) 871-6411**

2020

