

TOWNSHIP OF HAMILTON

GUIDE FOR APPLICANTS

PLANNING

COMMITTEE OF ADJUSTMENT
CONSENT and MINOR VARIANCE
APPLICATION PROCEDURES

COUNCIL
ZONING BY-LAW AMENDMENT
APPLICATION PROCEDURES

THE CORPORATION OF THE TOWNSHIP OF HAMILTON
PLANNING DEPARTMENT
8285 MAJESTIC HILLS DRIVE
P.O. BOX 1060
COBOURG, ON. K9A 4W5

(905)-342-2810 X 106

TABLE OF CONTENTS

SECTION	CONTENTS	PAGE
1.0	INTRODUCTION	3
2.0	COMPLETE APPLICATION	4
	2.1 SUBMISSION OF APPLICATION	4
	2.2 DETAILS FOR A COMPLETE APPLICATION	4
	2.3 GENERAL CIRCULATION INFORMATION	5
	2.4 SOURCE WATER PROTECTION	6
3.0	SEVERANCE APPLICATION PROCEDURES	7
	3.1 REQUIRED INFORMATION	7
	3.2 APPLICATION FEES	7
	3.3 SEVERANCE APPLICATION PROCESS	8
4.0	MINOR VARIANCE APPLICATION PROCEDURES	10
	4.1 REQUIRED INFORMATION	10
	4.2 APPLICATION FEE	10
	4.3 MINOR VARIANCE APPLICATION PROCESS	10
5.0	ZONING BY-LAW AMENDMENT PROCEDURES	12
	5.1 REQUIRED INFORMATION	12
	5.2 APPLICATION FEE	12
	5.3 BY-LAW AMENDMENT PROCESS	12
6.0	APPEALS TO THE ONTARIO MUNICIPAL BOARD	14
7.0	AGENCY CONTACT LIST	14
Appendices: General Consent Policies from Official Plan		15
Examples of Possible Conditions of Consent		18

Pre-consultation to discuss the development concept with municipal staff, GRCA and other relevant agencies and neighbouring property owners is strongly recommended.

1.0 INTRODUCTION

The Corporation of the Township of Hamilton Council has delegated authority, under Section 54(2) of the Planning Act, R.S.O. 1990, c.P.13, to establish the Township of Hamilton Committee of Adjustment for the purposes of hearing consent applications under Subsection 53(1) and further, for the Committee of Adjustment to hear minor variance applications under Subsection 45(1). Consent applications for the purpose of creating a new lot, lot line adjustments, lot additions, creation of perpetual right-of-ways, creation of mutual driveways, and consents for mortgage purposes are considered by the Township of Hamilton Committee of Adjustment. Minor variance applications requesting relief from the Comprehensive Zoning By-law for both new and existing development are also considered by the Township of Hamilton Committee of Adjustment.

This document is intended to provide the applicant with information on the process of making application to the Committee of Adjustment and obtaining a decision on their application. There are minor, yet significant differences between the consent process and a minor variance process and a zoning by-law amendment process.

Pre-consultation to discuss the development concept with municipal staff, GRCA and other relevant agencies and neighbouring property owners is strongly recommended. Discussion and preliminary review has significant benefit in identifying issues at an early stage and highlighting information/studies/calculations required as background information for a complete application. Pre-consultation will also familiarize the applicant with the scope of review and will assist in ensuring an accuracy of submissions. All these elements are critical for a successful, streamlined review process.

NOTE: This is not a legal document. It is a resource document prepared to assist municipal staff and Committee of Adjustment applicants. If specific information is required, direct reference to the noted documents should be made. Any advice given by Township Staff will be based on the accuracy and completeness of the information submitted. Township advice is not warranted or certified as to its accuracy. You must satisfy yourself that the proposal meets the provisions and intentions of the governing documents.

2.0 COMPLETE APPLICATION

2.1 SUBMISSION OF APPLICATION

The application form, all drawings, supporting documents, and required fees are to be submitted to:

Planning Co-Ordinator – Planning Department
Township of Hamilton
8285 Majestic Hills Drive
P. O. Box 1060
Cobourg, ON. K9A 4W5

Information collected on this form is collected in accordance with the Provisions of the Planning Act, R.S.O. 1990.c.P.13 and the Corporation's "Procedures for Processing Applications". The information will be used to evaluate the submitted applications.

The information collected on this application form is considered to be public information and is available for public viewing. Questions regarding this collection of information should be directed to the Township's Planning Co-Ordinator.

2.2 DETAILS FOR A COMPLETE APPLICATION

It shall be the sole responsibility of the property owner or owner's agent to fill in all particulars on the application required and to supply all plans necessary. No application shall be deemed received by the Secretary-Treasurer until such time as all the prescribed information is received, and an official receipt acknowledging payment of the fee is issued by the Township.

- i) One original copy of the completed application form, including tax roll number (available on your tax bill).
- ii) In the event that the application is submitted by an agent, one original copy of the owner's written authorization is required. The authorization form appoints the agent to act on the owner's behalf and must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal must be affixed.
- iii) Two copies of the survey plan. Where a survey plan is not presently available for the subject property, a hand drawn survey (to scale) indicating as much information as possible may be accepted. A legal binding decision will be made based on the information supplied on the survey plan; therefore it is important to have an accurate plan to present to the Committee of Adjustment.

The following information is required to be depicted on the Survey Plan:

- a) the plans must be readable and in no case shall the scale of the drawing be less than 1:20 metres. The scale is to be included in the title block; (electronic/e-mail copy may be required)
- b) entire subject property must be clearly outlined;
- c) property and title description on the subject lands must be included in the title block;
- d) the precise location and dimensions of any existing and/or proposed buildings/structures located on the property;
- e) distance between the grantor's land and the nearest township lot line or approximate landmark (e.g. bridge, railway crossing, pipeline easement, hydro easement, etc.);
- f) the location, dimensions and nature of any easement, right-of-way, or restrictive covenant pertaining to the property and such other matters as are required to fully inform the Committee of the intent of the application;
- g) the use of adjoining lands (e.g. residential, commercial, agriculture, etc.);
- h) the approximate location of all natural and artificial features on the subject land (e.g. buildings, railways, highways, watercourses, drainage ditches, banks, slopes, swamps, wooded areas, wells and septic systems) and the location of any of these features on adjacent lands which may affect the application;
- i) the location, width and names of all road allowances, rights-of-way, streets or highways within or abutting the property, indicating whether they are public travelled roads, private roads, rights-of-way or unopened road allowances.
- j) the location of any structures on abutting properties that may be impacted by the application

Informational requirements outlined above may be reduced depending on the nature of the application and at the sole discretion of the Township of Hamilton.

2.3 GENERAL CIRCULATION INFORMATION

A formal notice of your application **WILL** be forwarded to the following Departments and/or Agencies and property owners:

- 1) Township Planning Department;
- 2) Township Building Department;
- 3) Township Emergency Services Department;
- 4) Township Roads Department (Township road);
- 5) Ministry Transportation Ontario (401);
- 6) Ganaraska Region Conservation Authority;
- 7) Northumberland County Planning Department (one-window for roads & septic reviews);
- 8) Property owners within 400 feet for a severance/zoning application;
- 9) Property owners within 200 feet for a minor variance application;
- 10) Any other department/agency deemed to have an interest.

The Ganaraska Region Conservation Authority (GRCA) requires a **review fee**. Pre-consultation with the Township and/or GRCA is recommended to determine if the subject lands are within an area of environmental interest. This must be paid in full by the applicant. You will be advised when to contact the GRCA.

The Northumberland County Planning Department requires a **review fee**. This must be paid in full by the applicant. You will be advised when to contact the County Planning Department. The Planning Department review is a “One Window” submission. As required, the application will be forwarded to the County Plumbing Department and the Transportation Department for review and comments. Additional fees may be required.

Please consult with GRCA & County Planning Department agencies regarding their fee structure and payment methods.

*BE ADVISED, IF THE REQUIRED FEES ARE NOT PAID TO THE AGENCIES THEIR REPORTS AND RECOMMENDATIONS WILL NOT BE FORWARDED TO THE TOWNSHIP AND THUS THE COMMITTEE OF ADJUSTMENT WILL NOT MAKE A DECISION REGARDING YOUR APPLICATION DUE TO OUTSTANDING INFORMATION. YOUR APPLICATION MAY BE DEFERRED **1 TIME ONLY** FOR NON-PAYMENT OF FEES RESULTING IN DELAY OF COMMENTS.*

It is anticipated that written submissions regarding the application will be received on or before the day of the hearing. If you wish to receive copies of these submissions, please contact the Committee of Adjustment Secretary-Treasurer at any time prior to the meeting (905-342-2810 x 106). Your questions regarding the agency comments should be directed to the Agency or person forwarding the submission.

2.4 SOURCE WATER PROTECTION

The Trent Conservation Coalition has developed a Source Water Protection Plan that has been incorporated into the Township of Hamilton Official Plan. If the subject property is within the identified areas (Creighton Heights in Baltimore or Camborne) then pre-consultation with the Risk Management Officer at the Ganaraska Region Conservation Authority in Port Hope is **mandatory**. A “Notice to Proceed” under Section 59 of the Ontario Clean Water Act, or a letter from the GRCA stating that the notice is not required, **MUST** accompany the development application or the application will not be considered complete and will not be processed.

3.0 SEVERANCE APPLICATION PROCEDURES

When a person proposes to separate and convey a portion of his land holdings by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an Agreement of Sale and Purchase of land, or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more, the necessary application for consent to the Township of Hamilton Committee of Adjustment shall be submitted in the manner outlined below.

3.1 REQUIRED INFORMATION

In addition to the information noted in Subsection 2.2 above, the following information is to be depicted on the Survey Plan for a consent application:

- 1) the parcel of land that is the subject of the application, its boundaries and **dimensions**, the part of the parcel that is to be severed, the part that is to be retained and the location of all land previously severed;
- 2) the parcel of land to be conveyed must be clearly outlined in **green** on all plans;
- 3) the parcel of land to be retained must be clearly outlined in **red** on all plans;
- 4) Clearly labeled lot dimensions for the severed parcel, the retained parcel and all abutting land previously severed;
- 5) Precise location (setbacks) and dimensions of any building or other structures on the parcel of land to be conveyed as well as the owner's abutting property to be retained;
- 6) All abutting land presently owned by the grantor, with boundaries and dimensions clearly labeled.
- 7) As per Bill 139, a statement as to how this application conforms with the Provincial Policy Statement [www.mah.gov.on.ca (municipal affairs)] and the Township Official Plan [www.hamiltontownship.ca (residential services>planning)].

3.2 APPLICATION FEES (Severance) By-law 2014-11

The application shall be accompanied by the appropriate application fee in cash, by debit or by cheque payable to the Township of Hamilton.

**NEW LOT CREATION, BOUNDARY ADJUSTMENT, LOT ADDITION,
EASEMENT, LEASE, MORTGAGE, RIGHT-OF-WAY, CORRECTION OF
TITLE, ETC. - \$ 800.00**

3.3 SEVERANCE APPLICATION PROCESS

The Committee of Adjustment generally meets on the second Tuesday of the month at 2:00 p.m.. Applications for consent and minor variance must be submitted at least 6 1/2 weeks prior to the meeting to be included on the next meeting's agenda. (Please see Planning Co-Ordinator of application deadlines.)

Once an application for consent is received and the application is considered complete, a file is opened and the application is given a reference number. According to Planning Act regulations, the application is circulated to neighbours and interested agencies for comments. The "Notice of a Public Meeting" regarding the application is circulated at least fourteen days prior to the meeting of the Committee of Adjustment.

Two (or more) cards will be included in the applicants notice package. These cards must be posted on the property to be visible at the road edge **as soon as they are received**. A declaration stating that the cards have been posted will also be included. **This declaration must be signed at the municipal offices upon posting of the cards.** If the cards are not posted and/or the affidavit is not executed then appropriate notice has not been given under the legislation of the Planning Act and the application cannot proceed to the Committee. **THE APPLICATION WILL BE DEFERRED.**

A planning report on the proposed consent is prepared by the Planning Department for presentation to the Committee of Adjustment. Section 51(24) of the Planning Act, The Provincial Policy Statement, Official Plan policies and Zoning By-law regulations are regarded in the application review. **A copy of the Planning Report and Recommendation will be e-mailed to the applicant/agent prior to the required Public Meeting.** The Planning Report will give *recommendation* to the Committee. **It is the Committee of Adjustment that makes the decision.**

At the Committee of Adjustment hearing, the Committee will listen to pertinent information about the application, correspondence received, planning report and comments from the attending public. The hearing for the application is a public and open process with all decisions made in open session at the meeting with the applicant informed of all decisions and conditions imposed on the application.

The Planning Act requires circulation of the Notice of Decision on a consent application within 15 days from the date of the hearing. The public must be given a further 20 days from the **mailing of the decision** for a review period, also known as the “appeal period”. It is during this time that an interested person may appeal a decision of the Committee of Adjustment to the Ontario Municipal Board for an independent ruling on either the decision or conditions imposed with the decision.

If the Committee reaches a decision on an application and the time for appeal has lapsed without the Township of Hamilton receiving an appeal of the application, the decision of the Committee of Adjustment becomes final and binding. The applicant will be notified in writing of the status of the decision.

All conditions imposed by the Committee of Adjustment on a consent application must be completed within one (1) year from the date notice of the decision was given to the satisfaction of the Planning Department, Township of Hamilton, but at no cost to the Township. If all conditions imposed by the Committee are not satisfied within the one (1) year, the provisional consent of the application shall be deemed to have been refused.

Any conditions requiring the payment of monies to the Township must be fulfilled a minimum of 1 week prior to the stamping of the deed to ensure that any cheques have cleared.

The Township will require **3 hard copies for each application** of a deposited Reference Plan (survey) identifying the property being severed. The Township will also require a **digital copy** of the deposited Reference Plan.

Three copies of the Deed must be submitted for review and stamping by the Secretary-Treasurer of the Committee of Adjustment. After review and stamping of the deeds, two copies will be returned with the Consent Certificate. The applicant has two years from the date of the issuance of the Certificate, to finalize the consent (**REGISTER DEEDS**). The Township will require a copy of the registered deed within that 2 year time frame as proof of completion of procedure. In the absence of proof of registration, the consent may be deemed to have lapsed.

PLEASE DO NOT ADVERTISE ANY PROPERTY FOR SALE UNTIL THE DEEDS HAVE BEEN STAMPED. ENTERING INTO AN AGREEMENT OF PURCHASE AND SALE PRIOR TO THE DEED BEING STAMPED AND REGISTERED MAY RESULT IN THE SALE OF THE ENTIRE (PARENT) PROPERTY.

4.0 MINOR VARIANCE APPLICATION PROCEDURES

The Committee of Adjustment is empowered to consider small, technical adjustments to the Zoning By-law in respect of land, building or structure of the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained and the variance is minor in nature.

4.1 REQUIRED INFORMATION

The survey plan should include the information from Section 2.2 and the following:

- 1) the location of the variance or proposed variance and extent thereof.
- 2) the reason(s) why the applicant cannot maintain the provisions of the by-law.

4.2 APPLICATION FEE (Minor Variance) By-law 2014-11

The application shall be accompanied by the appropriate application fee in cash, by debit or by cheque payable to the Township of Hamilton.

NEW DEVELOPMENT	- \$600.00
EXISTING DEVELOPMENT	-\$300.00

4.3 MINOR VARIANCE APPLICATION PROCESS

The Committee of Adjustment generally meets on the second Tuesday of the month at 2:00 p.m.. Applications for consent and minor variance must be submitted at least 6 1/2 weeks prior to the meeting to be included on the next meeting’s agenda. (Please see Planning Co-Ordinator of application deadlines.)

Once an application for minor variance is received and the application is considered complete, a file is opened and the application is given a reference number. According to Planning Act regulations, the application is circulated to neighbours and interested agencies for comments. The “Notice of a Public Meeting” regarding the application is circulated at least ten days prior to the meeting of the Committee of Adjustment.

Two (or more) cards will be included in the applicants notice package. These cards must be posted on the property to be visible from at road edge **as soon as they are received**. A declaration stating that the cards have been posted will also be included. **This declaration must be signed at the municipal offices upon posting of the cards.** If the cards are not posted and/or the affidavit is not executed then appropriate notice

has not been given under the legislation of the Planning Act and the application cannot proceed to the Committee. **THE APPLICATION WILL BE DEFERRED.**

A planning report on the proposed minor variance(s) is prepared by the Planning Department for presentation to the Committee of Adjustment. Section 45 of the Planning Act, The Provincial Policy Statement, Official Plan policies and Zoning By-law regulations are regarded in the application review. A copy of the Planning Report and Recommendation will be e-mailed to the applicant/agent prior to the required Public Meeting. The Planning Report may give *recommendation* to the Committee. It is the Committee of Adjustment that makes the decision.

At the Committee of Adjustment hearing, the Committee will listen to pertinent information about the application, correspondence received, planning report and comments from the attending public. The hearing for the application is a public and open process with all decisions made in open session at the meeting with the applicant informed of all decisions and conditions imposed on the application. All conditions imposed by the Committee on a minor variance application must be completed within the time frame outlined within the condition to the satisfaction of the Planning Department, Township of Hamilton, but at no cost to the Township.

The Planning Act requires circulation of the Notice of Decision on a consent application within 10 days from the date of the hearing. The public has a total of 20 days from the **date of decision** for a review period, also known as the “appeal period”. It is during this time that an interested person may appeal a decision of the Committee of Adjustment to the Ontario Municipal Board for an independent ruling on either the decision or conditions imposed with the decision.

If the Committee reaches a decision on an application and the time for appeal has lapsed without the Township of Hamilton receiving an appeal of the application, the decision of the Committee of Adjustment becomes final and binding, subject to the completion of conditions, if any. The applicant will be notified in writing of the status of the decision. The Township Building Department will receive a copy of the Notice of No Appeals. They cannot issue any relevant building permits until the appeal period has lapsed.

5.0 ZONING BY-LAW AMENDMENTS

Sometimes a consent to sever will be granted conditionally upon the successful completion of a Zoning By-law Amendment. Further, from time to time a property owner may wish to re-zone their land for a use not permitted under the current zone. Zoning By-law Amendments are heard before Council during a public meeting conducted under the Ontario Planning Act.

5.1 REQUIRED INFORMATION

The survey plan should include the information from Section 2.2 and any specific information relevant to the success of the proposal

5.2 APPLICATION FEE (Zoning By-law Amendment) By-law 2014-11

The application shall be accompanied by the appropriate application fee in cash, by debit or by cheque payable to the Township of Hamilton.

Condition of Consent	- \$900.00
Individual Site Specific Requests	-\$1,000.00
Expense Agreement & Deposit	-\$3,000.00

The process for a ZBA is similar to those explained above. The same types of information (and sometimes the exact same information) will be required in the application form. ZBA's with respect to a consent application will require the submission of a deposited Reference Plan legally describing the property that is the subject of the zoning application. A deposit toward possible extraordinary fees and an agreement with respect to the payment of extraordinary fees may be required prior to the processing of the application.

5.3 ZONING BY-LAW AMENDMENT APPLICATION PROCESS

The Council generally meets on the third Tuesday of the month at 1:00 p.m.. Applications for zoning by-law amendment must be submitted at least 11 1/2 weeks prior to the meeting to be included on the next available meeting's agenda. (Please see Planning Co-Ordinator of application deadlines.)

Once an application for zoning amendment is received and the application is considered complete, a file is opened and the application is given a reference number. According to Planning Act regulations, the application is circulated to neighbours and interested agencies for comments. The "Notice of a Public Meeting" regarding the application is circulated at least twenty (20) days prior to the meeting of the Council.

Two (or more) cards will be included in the applicants notice package. These cards must be posted on the property to be visible from at road edge **as soon as they are received**. A declaration stating that the cards have been posted will also be included. **This declaration must be signed at the municipal offices upon posting of the cards**. If the cards are not posted and/or the affidavit is not executed then appropriate notice has not been given under the legislation of the Planning Act and the application cannot proceed to Council. **THE APPLICATION WILL BE DEFERRED.**

A planning report on the proposed zoning amendment is prepared by the Planning Department for presentation to the Council. Section 34 of the Planning Act, The Provincial Policy Statement, Official Plan policies and Zoning By-law regulations are regarded in the application review. A copy of the Planning Report and Recommendation will be e-mailed to the applicant/agent prior to the required Public Meeting. The Planning Report may give *recommendation* to the Council. It is the Council that makes the decision.

At the Council meeting, the Council will listen to pertinent information about the application, correspondence received, planning report and comments from the attending public. The hearing for the application is a public and open process with all decisions made in open session at the meeting with the applicant informed of all decisions and conditions imposed on the application. All conditions imposed by the Council on a zoning by-law amendment application must be completed within the time frame outlined within the condition to the satisfaction of the Planning Department, Township of Hamilton, but at no cost to the Township.

The Planning Act requires circulation of the Notice of Decision on a zoning application within 15 days from the date of the hearing. The public has a total of 20 days from the **date of mailing of the decision** for a review period, also known as the “appeal period”. It is during this time that an interested person may appeal a decision of the Council to the Ontario Municipal Board for an independent ruling on either the decision or conditions imposed with the decision.

If the Council reaches a decision on an application and the time for appeal has lapsed without the Township of Hamilton receiving an appeal of the application, the decision of the Council becomes final and binding; the By-law is in force and effect, subject to the completion of conditions, if any. The applicant will be notified in writing of the status of the decision. The Township Building Department will receive a copy of the Notice of No Appeals. They cannot issue any relevant building permits until the appeal period has lapsed.

6.0 APPEALS TO THE LOCAL PLANNING APPEAL TRIBUNAL (formerly known as the Ontario Municipal Board)

All decisions of the Committee of Adjustment and Council regarding Planning Act applications are subject to a 20 day appeal period.

Any interested party may appeal the decision of the Committee or Council to the Local Planning Appeal Tribunal (LPAT or Tribunal) by filing an appeal setting out the objection to the decision and the reasons in support of the objection. (As of April 03, 2018 the Tribunal is replacing the Ontario Municipal Board (OMB).)

A copy of the Appeal form is available from the Tribunal website at <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>. There is an appeal fee set by the Tribunal, payable to the Minister of Finance.

The Appeal, together with the supporting materials and appeal fee must be submitted to the Township Planning Department by 4:30 p.m. on the date noted on the Notice of Decision. Extensions to this date will not be granted.

If a person or public body that files an appeal of the decision of the Committee of Adjustment or Council does not make written (or vocal) submission to the Township of Hamilton Committee of Adjustment or Council, as the case may be, before it grants or denies the application, the Ontario Municipal Board may dismiss the appeal without hearing.

7.0 AGENCY CONTACT LIST

Township of Hamilton Planning Department
8285 Majestic Hills Drive
P.O. Box 1060
Cobourg, ON. K9A 4W5

Sandra Stothart
Planning Co-Ordinator
905-342-2810 ext 106
[sstothart@hamiltontownship.ca](mailto:ssothart@hamiltontownship.ca)

Ganaraska Region Conservation Authority
County Road 28/Hwy 401
P.O. Box 328
Port Hope, ON. L1A 3W3

Greg Wells/Joanne May
905-885-8173
gwells@grac.on.ca
jmay@grca.on.ca

Northumberland County Planning
555 Courthouse Road
Cobourg, ON. K9A 5J6

Dwayne Campbell
905-372-3329 ext 2408
campbelldw@northumberlandcounty.ca

Northumberland County Plumbing
555 Courthouse Road
Cobourg, ON. K9A 5J6

905-372-1929

Northumberland County Transportation
555 Courthouse Road
Cobourg, ON. K9A 5J6

Brooke Gillespie
905-372-3329 ext 2278
gillespieb@northumberlandcounty.ca

SECTION 11.4.1 GENERAL CONSENT POLICIES APPLICABLE TO ALL LAND USE DESIGNATIONS

- i) The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law.
- ii) An application shall not result in the landlocking of any parcel of land.
- iii) The severance of land for legal or technical reasons is permitted.
- iv) Where the creation of a lot requires the extension of an existing municipal road, such extension will only be permitted provided:
 - a) Council is satisfied that there is a positive cost/benefit analysis over the long term;
 - b) the extension creates a through road connecting one existing year-round maintained road to another year-round maintained road; and where Council is satisfied that the property adjacent to the extended through road has sufficient development potential.

Road extensions will not be considered:

- a) if a dead-end road is being created; or
 - b) if a dead-end road is being extended; or
 - c) if the property adjacent to a road has limited development potential; or
 - d) if the road extension/improvement has grades in excess of 8%; or
 - e) if the road extension/improvement has drainage issues/problems; or
 - f) if the road extension/improvement is in or adjacent to a natural hazard designation; or
 - g) if the road extension/improvement is within the Oak Ridges Moraine area (excluding Rural Settlement areas).
- v) The extension or the creation of strip residential development on roads in the Rural areas shall not be permitted. Strip development is defined as a series of 4 or more developed or undeveloped residential lots located on one side of a public road within a 300 metre length along the public road. The 300 metre distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300 metre distance of a strip residential development located on the same side of the road. However, the afore-referenced shall not preclude infilling where such is permitted by this Plan.
 - vi) The creation of a lot for residential purposes having access only to a county road will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the County has approved the proposed entrance. The policies and guidelines of the County of Northumberland will apply in such circumstances.
 - vii) Any division of land must respect the separation distances for land uses as set out in this Plan and in the Zoning By-law.
 - viii) All division of land for new farm and non-farm uses shall comply with the Minimum Distance Separation Formulae I or II as amended.
 - ix) Road widenings may be required as a condition of any division of land.
 - x) The Township is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the Planning Act (5% for residential development and 2% for commercial/industrial development). Cash-in-lieu of land may be requested by the

Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.

- xi) Parks Canada Trent Severn Waterway shall be consulted as a review agency for all severances and subdivisions adjacent to Rice Lake.
- xii) For any division of land, the Municipality will impose certain conditions to the approval of the severance or subdivision. An agreement relating to the conditions may be required.
- xiii) In considering applications for division of land, the Municipality may consult with the School Boards and any other Boards or Committees which must plan for future growth.
- xiv) The cumulative effect of development and the resulting financial implications for the Municipality will be monitored on an on-going basis.
- xv) The municipality, on an annual basis, shall monitor the number, type and location of rural residential lots created by consent.
- xvi) A division of land will not be allowed for a parcel of land subject to flooding or other physical condition which would make it unsuitable for the intended use unless the proposed lots contain sufficient suitable land outside the flood risk or hazardous area to safely accommodate all buildings, structures and sewage disposal facilities.
- xvii) The Township will consider applications for the severances in light of the number of accesses being created on Township roads. Generally, each lot shall have a direct individual access; however, in order to ensure the proper functioning of the road system, the Municipality may require the use of shared entrances along common lot lines by abutting property owners or other such measures satisfactory to the Township.
- xviii) New lots should not be created in areas where an extension of any major services is required.
- xix) Where applicable, the applicant will provide sufficient information to substantiate that all lots created are suitable for wells and septic systems in accordance with current regulations to the satisfaction of the Township and the appropriate approval authority.
- xx) Where applicable, no new lots shall be created where there is not sufficient municipal water and/or electrical capacity available to accommodate the proposed use.
- xxi) The creation of new lots located on lands within the Oak Ridges Moraine shall conform with the policies of Section 9 of this plan only.

SECTION 11.4.2 CONSENT POLICIES APPLICABLE TO SPECIFIC LAND USE DESIGNATIONS

ii) Consent Policies for Land within the Rural Designation

The division of land in the Rural designation shall take place through the consent process. Subdivisions will not be permitted in the Rural designation. Consents may be granted in accordance with the policies of the Rural designation and the following:

a) Farm Consents

The creation of farm lots in the Rural designation shall be permitted in accordance with the policies of Section 11.4.2 i) a).

b) Residential Consents

(i) A maximum of three (3) consents from the existing land holding will be considered for residential uses. For purposes of this section, an existing land holding is defined as a property existing as of October 21, 2003.

Consents to land severance for lot adjustments or technical amendments which do not create new lots shall not make a lot ineligible for a consent so long as the intent of the Plan is maintained.

New residential lots shall have a lot area of not less than 0.4 hectares (1 acre).

c) Other Uses

Severances for the creation of new lots for the development of other uses in the Rural designation shall only be permitted in accordance with the policies of Section 11.4.1 and the relevant policies of the Rural designation.

iii) Consent Policies for Land within the Settlement Area Designations

Division of land in the Settlement Area designation shall take place primarily by registered plan of subdivision. However, a maximum of four consents to land severance may be permitted from a lot existing on the day of adoption of this Plan by Council on an infilling basis or as a logical extension of existing development. Infilling shall be considered in accordance with the policies of Section 11.4.1, the general consent and subdivision policies and the policies of the Settlement Area designation.

Severances for the creation of new lots for the development of industrial and commercial uses in the Settlement Area designation shall only be permitted in accordance with the policies of Section 11.4.1 and the relevant policies of the Settlement Area designation.

A number of conditions may be placed on any provisional consent granted by the Committee of Adjustment, including but not limited to;

1. Subject to the applicants deeding, at no cost to the municipality, a strip of land along the frontage of the severed parcel, a minimum of _____meters (____feet) in width, for the future widening of the road known as _____ Road, and that the solicitor for the applicants certify, or undertake to certify upon closing that title to these lands is free and clear of all encumbrances and that the municipality has good and marketable title thereto.
2. Subject to the applicants entering into an Encroachment Agreement with the Township, at no cost to the municipality, with respect to the location of the existing barn on the newly widened road allowance.
3. Subject to the applicant laying out and dedicating by deed to the Township of Hamilton a 0.09 m² (1 sq ft) parcel at the frontage of _____ Street of the receiving lands, to accommodate the merging in title with the severed parcel. (may be required for a lot addition/lot line adjustment)
4. Subject to an affidavit from a solicitor in good standing stating that the 0.09 m² (1 sq ft) land dedication referred to in Condition No. ____ is free and clear of all encumbrances and that the municipality has good and marketable title thereto.
5. Subject to an affidavit from a solicitor in good standing stating that the severed/transferred lands shall be registered in the same name and title as the receiving lands, legally described as PART LOT ____, CON _____, under Assessment Roll Number 14-19-000-_____-0000, to effect merging of title.
6. Subject to the application of Section 50 (3) or 50 (5), as the case may be, of the *Planning Act* to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
7. Subject to the submission of 3 hard copies and 1 electronic copy of a registered reference plan identifying the newly created lot (and the lands to be dedicated to the Township of Hamilton as noted in condition # ____ - if required). The electronic copy shall be in metric measure, UTM Zone 17. An AutoCAD version of the actual 'drawing portion' of the plan in UTM NAD83 co-ordinates is required.
8. Subject to the submission of an as-built plot plan survey illustrating the setbacks and dimensions of all buildings and structures on the newly created lot/retained lot (as the case may be).
9. Subject to the successful completion of a Zoning By-law Amendment application rezoning the severed lands/retained lands, as identified on the above noted Reference Plan,
10. Subject to the successful completion of minor variance application in respect of the severed/retained parcel as identified on the above noted Reference Plan/plot plan survey
11. Subject to payment of Park Levy of \$1000.00 per new lot created.
12. Subject to payment of Development fee of \$ 6101.00 per new residential lot created.
13. Subject to the Certificate of Consent being issued within one year of the giving of written notice of decision of the Committee of Adjustment, per new lot created.