



CANADA MORTGAGE AND HOUSING CORPORATION

# LOCAL PLANNING PROCESS AND APPROVALS

**An organization has to consider many design, zoning, and construction factors when building new or renovating existing buildings to create affordable housing. Your municipality will have in place a series of regulatory tools to ensure that site development and building construction are conducted in accordance with provincial and municipal legislation.**

**Working with a local municipal planner from the start helps to ensure that design and zoning options are taken into account for the site. The municipal planner may help guide the organization in applying for amendments to zoning bylaws, heritage approval or building design.**

This fact sheet outlines the process of getting an affordable housing development approved by the local municipality. It describes the steps that will be taken, from arranging an initial meeting with a municipal planner to receiving an approval from Council to start building.

Provincial legislation gives local governments authority over planning for land use and development. These powers are used to ensure consistent design in the layout and functioning of a city or town, through zoning, development and building permits.

Zoning establishes the way that land may be used, whether it is commercial, industrial, park, institutional, or residential. Development and building permits are approved once the design meets all of the requirements of the relevant zoning bylaws and building codes.

## Background

Being aware of the existing land-use and policy framework of your community is an important first step to planning a new development or renovating an existing building. From the initial stage

of identifying a property, through to the design and construction, your local government's approval process will have a significant impact on the timing and cost of your development. Meeting with a local planner can help to provide direction to you in analyzing zoning and building requirements, and developing a strategy either to meet these requirements, or to amend them to better suit the needs of your intended residents.

Local planning processes and approvals can take a significant amount of time, depending on the complexity of the proposed project and existing site requirements. Learning more about the goals and objectives of the Official Plan, zoning bylaws, technical reviews and public consultation processes will provide a realistic assessment of the time and effort involved in achieving your affordable housing vision.

## Legislative Framework

Each province and territory establishes its own building codes, which are modelled on the National Building Code, Fire Code, and Plumbing Code, adopted as they are or modified to suit

local needs. Building codes are an essential part of the construction industry; they define how to construct safe, durable and reliable structures. Once adopted, these codes become the legal regulations for construction for that province or territory and are enforced by that jurisdiction. The purpose of these codes is to establish consistent minimum standards to be followed by the construction industry within the jurisdiction. The focus of the codes is to protect the health and safety of building occupants. Provincial codes must be followed for new building construction, as well as for any renovation or alteration to an existing building. This applies to both commercial and residential projects.

Provincial and territorial governments delegate jurisdictional authority over various land use and development decisions to municipal governments through local government acts.

### Official Plans

All provinces require local governments to develop an Official Plan (also known as Official Community Plan or OCP) that incorporates the vision and framework for future land use and development in the area. The Plan integrates land use, economy, environment, transportation, community facilities and services into a broad strategy to direct growth and development. Some Official Plans may stipulate specific plans for affordable housing provision. A proposed development will be strengthened by incorporating as many of the Official Plan's goals and objectives as possible.

### Zoning Bylaws

The term “zoning” is derived from the practice of designating permitted uses of land based on mapped zones that separate one set of land uses from another. For example, a site may be zoned industrial, commercial or residential, or may be a mix of commercial and residential. Zoning bylaws stipulate minimum or maximum density, building form, size and height allowed on the site. Zoning bylaws are approved by City Council and can only be changed by City Council. Depending on the application and the municipality, the zoning amendment process can take up to one year.

### Suggested Activities

- Call your local planner or explore the municipality's website to review steps required for approval process.
- Allocate sufficient time, staff and financial resources for the approval process.
- Organize a meeting with your local planner to discuss some of the housing needs you are considering addressing and identify how your ideas fit within the context of the local plan.
- Determine if your proposed building site is appropriate for the project or if a rezoning application would be required.
- Determine how many units the zoning will allow you to build on your site.

### Planning Approval Process

There is a wide variety of regulations and requirements for local planning approval, depending on the province, territory or municipality. To achieve your affordable housing project, you will need to adhere to these rules by obtaining the permission of your municipal government to start and complete your development.

As the proponent, you play an important role in meeting these requirements; however, the other key player is your architect. He or she is expected to have the expertise and knowledge to navigate the process and comply with the rules and regulations of your city or town. Together your challenge is to design a project that fits within the community with as few amendments as possible. That means seeking a site that is properly zoned, or slated to be in the Official Plan for the community. Amendments to the zoning or plan in place will add time to your development schedule, which costs money and exposes you to the potential of community opposition to your project.

At various stages of the approval process you will also require the involvement of other professionals and consultants related to structural, mechanical and electrical systems, and in some cases environmental impact, traffic and other site-specific reports. You will need funds to pay for the municipal fees and charges, service connection fees, architect, engineer and other consultant fees.

Each municipality creates its own zoning and approval processes in accordance with its province's requirements, which means that two cities may have a common boundary but very distinct local regulations.

The following is a general guide to the steps that are typically required.

### Pre-approval

The more information you are able to gather before submitting an application, the more smoothly the process is likely to run. Be sure to discuss your proposal with municipal staff to identify any plans, policies, and regulations that may apply.

### Development Application

When you are ready to proceed, your architect will complete a development application form supplied by the local planning department. The application will identify the property owner, civic address and legal description, and current and proposed zoning on the property. Along with the completed application form, the architect will submit a set of drawings that show how the proposed building will be situated on the property and a conceptual design for the building that complies with the existing or proposed zoning bylaw. You will have to pay fees to the municipality at time of application and sometimes at various stages of the approval process for security deposits, servicing costs or other application fees.

### Application Review

The review of your development application will involve a number of municipal departments and relevant outside agencies (for example, provincial or federal transportation and environmental ministries). During this process you and your architect may be asked for clarification, additional information or plan revisions. Council-appointed planning advisory committees or commissions

may be part of this review, in their role of providing advice to Council on planning issues. You or your architect may be expected to attend a meeting of this body to make a presentation and answer questions.

### Public Consultations

Public consultations may be required in the development application process, to allow neighbourhood concerns to be brought forward. Development plans and any amendments to the current zoning bylaw for that site will be posted on-site for community reference. In addition, public meetings may be required before Council votes on the matter. If there are any concerns that the proposed development will create conflict in the community, it's best to engage the community in the proposed development as early as possible (see "[Generating Community Support](#)" fact sheet).

### Suggested Activities

- Consult with neighbourhood residents and other stakeholders through focus groups, design charrettes, and/or workshops to elicit neighbourhood responses and address concerns.
- Prepare a model of the proposed development to present a visual representation to the community.
- Allocate time and money for necessary modifications responding to any issues raised through the municipal review process.
- Identify any unusual elements of the application that require discussion at the Council level.

### Report to Council

Municipal staff will prepare a report for Council on the application, including a recommendation and an outline of the requirements that need to be satisfied. At this meeting, Council will decide whether to deny the application, approve it or require additional conditions to be met in order to obtain approval.

### Development Approval

The length of the development approval process is dependent upon the complexity of the project and the preparedness of the applicant. Once approval has been granted, you will receive a copy of the permit and it may also be registered on the title of the property. The permit will stipulate a time period in which development must commence and outline the process to apply for a building permit.

### Building Permit

Many municipalities require both a development permit and a building permit; others compress the two processes into one. A building permit application will require architectural, structural, electrical and mechanical drawings and specifications that comply with local regulations and the provincial or territorial building code. These are known as construction drawings and they can take several months to create. They must correspond to the plans that were approved for the development permit. Fees to the municipality at this phase will include the application fee, as well as applicable development charges (also known as development cost charges or DCCs), service connection

fees and a range of other charges related to developing or upgrading the municipal infrastructure.

### Building Permit Approval

Construction drawings and specifications are reviewed by municipal building officials to assess compliance with zoning and development bylaws, building and fire codes, site servicing and infrastructure. Certain drawings and specifications may also be circulated to external parties such as gas, hydro and telephone companies. Any changes to the drawings and specifications will require an additional circulation and review by all affected parties.

The length of the building permit approval process is affected by the complexity of the project, the regulations of the local municipality and the preparedness of the applicant.

As the sponsor, you can help by ensuring that decisions required of you in the approval process are made in a timely way. Stay informed of any delays and be proactive by creating and maintaining a project development schedule, to anticipate “bottlenecks” in the approval process.

### Conclusion

The approval process for a development permit application can be long, and one that requires a lot of advice along the way. Develop a positive working relationship with municipal planning staff at the beginning and continue it throughout the application process. Investigating Official Plans and existing zoning and building code requirements will help you to estimate how well the building use and design concept will fit within the housing goals and objectives established by the community. This information will also help to streamline the approval process for the development application. If you do not have the necessary expertise in-house, plan to hire an experienced development consultant who can direct the process.

### Further Resources

- 1) Your Municipal Planning Department
- 2) Canadian Institute of Planners: [www.cip-icu.ca/](http://www.cip-icu.ca/)
- 3) CMHC's *Sustainable Community Planning — Best Practices in Design and Development, Tools for Planners and Designers, and Other Research on Sustainability*: [www.cmhc-schl.gc.ca/en/inpr/su/sucopl/index.cfm](http://www.cmhc-schl.gc.ca/en/inpr/su/sucopl/index.cfm) -
- 4) CMHC's *An Introduction to Environmental Site Assessments* — (free publication) Describes in clear and non-technical language the process of conducting environmental site assessments (ESA), to determine if a site is contaminated.
- 5) Ministry of Municipal Affairs and Housing (Ontario) planning guide link: [www.mah.gov.on.ca/Page338.aspx](http://www.mah.gov.on.ca/Page338.aspx)
- 6) Interactive Site Development Guide, Ontario: [www.2ontario.com/facts/fact10\\_FAQ.html](http://www.2ontario.com/facts/fact10_FAQ.html)
- 7) *Ground-oriented Medium Density Housing Design (GOMDHD) Best Practices*, Metro Vancouver: [www.gvrd.bc.ca/growth/GOMDH2003.htm](http://www.gvrd.bc.ca/growth/GOMDH2003.htm)