
Municipal Land Use Planning

214 Research
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1. Background

Land use planning in Ontario originated prior to the First World War as part of the provincial government's response to two issues: the growing interest in urban beautification, and an increasing awareness of the impact of industrialization on housing and living conditions. Both of these issues were negatively affected by the development of industrial and residential projects in close physical proximity to each other.

Official concern culminated in 1912 with the passage of the *City and Suburban Plan Act*, and, in the decade following the First World War, with the expansion of the *Railway and Municipal Board Act*. The *City and Suburban Plan Act* declared that municipalities must submit plans of residential or industrial subdivisions to the Ontario Railway and Municipal Board for review and approval; however, its provisions were limited to road access and the regulation of the proximity of industrial to residential areas. The revisions to the *Railway and Municipal Board Act* differentiated between requirements for recreational and year-round homes and aimed to balance development between commercial and light industrial growth. The 1930s saw little change in the government's planning role as most forms of urban development slowed during the depression.

The next major step came during the final stages of the Second World War. The increasing trend toward urbanization necessitated the development of an orderly and systematic approach to land development. In 1944, the Government of Ontario created the Department of Planning and Development as a mechanism for planning long-term development of the province's economic and human resources. Within the Department, the Community Planning Branch was established to administer planning and urban development. The mandate was legislated under the 1944 *Planning Act* and under revisions to the *Ontario Municipal Board Act* the same year.

Between 1944 and the early 1980s, the provincial government was active in the formulation and implementation of urban development policies as well as land use planning regulations. The basic tools developed to address orderly development within municipalities were the Official Plan and zoning by-laws. The Official Plan outlined broad, land use guidelines while the zoning by-laws addressed specific areas of concern. Municipalities were encouraged to establish local planning boards and committees to review proposed developments.

During the same time period, planning expanded beyond urban issues. The need to preserve first-rate farmland in the face of expanding suburban development led to new regulations on the subdivision of agricultural property. Increased interest in the environment and the preservation of ecologically significant property led to additional guidelines for land use in sensitive areas. For example, the Niagara Escarpment Commission was created to deal with developmental issues along a particularly sensitive part of the province's natural heritage.

Responsibilities for administering the province-wide system were shared among the Ontario Municipal Board, the Department of Planning and Development and its successors, the Department of Municipal Affairs, the Ministry of Housing, and the Ministry of Municipal Affairs and Housing. During the latter half of the 20th century, the concept of land use planning and the rights of property owners led to frequent questioning of the process and its implications. The Municipal Board was particularly subject to criticism over its powers to overturn local planning decisions. A Select Committee of the Legislature was established in 1972, which resulted in major changes to the procedures of the Board. In 1982, the *Planning Act* and the *Ontario Municipal Board Act* were both significantly amended to reduce provincial involvement in the planning process.

Since 1983, the role of the province has declined as responsibilities were divested to local levels. The province sets standards and provides forums, such as the Ontario Municipal Board, to settle disputes in the implementation of planning decisions.

2. Government Records

Issues related to municipal land use planning have primarily rested with the Ministry of Municipal Affairs and Housing, and its predecessors, along with the Ontario Municipal Board. The records series in this guide are arranged according to the major functions they document within the planning process. A general description is provided of the records for each series. Reference codes of the series are linked to their corresponding descriptions in the Archives Descriptive Database.

Government records at the Archives of Ontario are subject to the *Freedom of Information and Protection of Privacy Act*. See series descriptions in the Archives Descriptive Database for information about access restrictions related to specific records.

2.1 Legislation and Regulations

The roles, procedures and objectives that underpin land use planning in Ontario are identified in several provincial laws. The *Municipal Act*, the *Planning Act* and the *Ontario Municipal Board Act* provide the framework. These acts evolved over years of significant amendments to meet changing objectives and to recognize the shifting roles played by the two levels of government. The records in the following series document the ongoing amendments and interpretations of the acts.

Reference Code	Series Title	Dates
RG 19-39	<p>Legislation relating to municipal affairs and housing</p> <p>This series documents all legislation related to Municipal Affairs and Housing, including local land use planning. A detailed finding aid exists for records that pre-date 1971. The series includes correspondence, reports and draft legislation.</p>	<p>1948-1995</p> <p>Additions to holdings expected</p>
RG 19-90	<p>Community planning legislation and legal opinions files</p> <p>The series includes letters of inquiry regarding the legal basis, interpretation, and implications of legislation to community planning, and the review of <i>The Planning Act</i>. It also includes legal opinions on questions submitted by planning officials to the Legal Affairs Branch.</p>	<p>1968-1996</p> <p>Additions to holdings expected</p>
RG 19-105	<p>Correspondence files on the municipal Planning Act</p> <p>The series includes correspondence about the <i>Planning Act</i> from private citizens, municipalities, and other interested parties. The correspondence is addressed to the Minister responsible for the Act, the Premier of Ontario, or personnel of the branch responsible for administering the <i>Planning Act</i>. The series also contains responses from the branch about functions set forth in the <i>Planning Act</i>.</p>	<p>1972-1990</p> <p>Additions to holdings expected</p>
RG 19-152	<p>Records pertaining to the review of the Planning Act</p> <p>The series comprises records created by both the Planning Act Review Committee and the Local Planning Policy Branch during review of the <i>Planning Act</i>. Files include correspondence, proposals, minutes of meetings, published reports, studies, legislation and official guidelines, submissions and responses.</p>	<p>1972-1982</p> <p>No additions to holdings expected</p>

2.2 Policy and Program Development

While the Legislative Assembly provided the framework for planning through the various acts described in the preceding section, the implementation of planning in Ontario is dependent on the development of policies and programs.

Reference Code	Series Title	Dates
RG 19-165	<p>Municipal land use policy development records</p> <p>The records in this series document research and development of policy and legislation to improve Ontario's planning system. Records also document the monitoring of the planning system. They include correspondence and reports.</p>	<p>1981-1993</p> <p>Additions to holdings expected</p>
RG 19-169	Municipal planning policy committee files	1990-1992

	The records in this series document special purpose committees established to discuss particular policy issues within the Municipal Planning Policy Branch. Records include correspondence, reports and draft policy documents.	Additions to holdings expected
RG 19-170	Municipal planning policy closed committee files The series includes files of special purpose committees established within the Municipal Planning Policy Branch. The committees were responsible for reviewing specific policy options related to local planning. Records include correspondence, minutes and related reports.	1987-1990 Additions to holdings expected

2.3 Approvals

Since planning became a provincial responsibility in 1912, the nature and complexity of regulations have increased. The two primary approval authorities have been the Ontario Municipal Board and the Ministry of Municipal Affairs and Housing. From the early 1970s, approvals of large-scale environmental assessment studies have also played a major part in the planning process.

The provincial government's involvement was justified on several grounds. The traditional perception viewed local governments as lacking the expertise required to develop effective systems. Proponents also argued that the broader public interest is better served through provincial review of local decisions that might otherwise reflect a more parochial view of the world.

Reference Code	Series Title	Dates
RG 19-82	Minister's zoning orders and amendments files When municipalities lack official plans, the Minister responsible for the <i>Planning Act</i> can issue orders to establish zoning control over sensitive areas. The files include original applications, related correspondence and copies of approvals or denials issued.	1970-1981 Additions to holdings expected
RG 19-83	Municipal subdivision files The records document the review of subdivision plans submitted to the Minister. The files include applications, correspondence, and reports on problems associated with specific projects.	1944-1966 Additions to holdings expected
RG 19-86	Adopted municipal plans working files The records document the discussions between local planning officials and government planners in developing final versions of official plans that meet both local requirements and provincial planning guidelines and	1944-1987 No additions to holdings expected

	<p>regulations.</p> <p>The files include copies of official plan by-laws approved by the municipality, correspondence between the two levels of government, outside planners and other provincial ministries regarding the compliance of the proposed plan with overall planning objectives. The final version of the plans are found in RG 19-87.</p>	
RG 19-87	<p>Municipal official plans and amendments approved by the Minister</p> <p>These files document the approval of official plans submitted by municipalities to institute municipal-wide planning controls. Records include drafts submitted by municipalities, correspondence and copies of approval letters signed by the Minister.</p>	<p>1945-1994</p> <p>Additions to holdings expected</p>
RG 19-163	<p>Minister of Municipal Affairs consent to convey lands files</p> <p>When municipalities lack Land Division Committees or Committees of Adjustment, the Minister has the power to issue orders to authorize land severances or other subdivision proposals. The files include original applications to the Ministry to request consent orders, related correspondence, and copies of orders or refusals issued under the name of the Minister.</p>	<p>1974-1980</p> <p>Additions to holdings expected</p>
RG 37-6	<p>Ontario Municipal Board applications and appeals files</p> <p>The Municipal Board has the power to hear appeals on a wide variety of planning issues. For details, see Research Guide 208 <i>Records of Ontario Municipal Board Hearings</i>.</p>	<p>1927-1987</p> <p>Additions to holdings expected</p>

2.4 Research

The Ministry of Municipal Affairs and Housing sponsors research for a broad range of planning areas, including recreational land use, subdivision controls and official plans.

Reference Code	Series Title	Dates
RG 19-61	<p>Community planning, research and special studies file</p> <p>The records in this series include correspondence, studies, reports, and photographs related to planning and implementation of major local studies conducted by the provincial government. The series includes material related to regional studies of population and employment distribution and trends in land use. There is also significant material related to the Metropolitan Toronto and Region Transportation Study (MTARTS), which reviewed urban development and transportation needs in the Greater Toronto area. Records include correspondence, copies of reports and related documentation.</p>	<p>1946-1976</p> <p>No additions to holdings expected</p>
RG 19-104	Records of studies, committees and task forces relating to	1965-1993

	<p>local planning</p> <p>The series consists of subject files of studies and projects related to local planning undertaken by the Office of Local Planning Policy and its predecessors. Amongst the studies are titles such as Urban Recreational Open Space, Non-conforming Use, and Subdivision and Development Agreements.</p>	<p>Additions to holdings expected</p>
RG 19-167	<p>Flood Plan Criteria and Management Evaluation Study records</p> <p>The series consists of correspondence, reports and steering committee minutes related to the work of the Flood Plan Criteria and Management Evaluation Study, undertaken by the Local Planning Policy Branch. A study conducted jointly by the Ministry of Housing and the Ministry of Natural Resources developed strategies to reduce economic losses and improve public safety in flood-prone areas. The final report provided guidelines to municipalities and government agencies related to the determination of flood lines.</p>	<p>1974-1979</p> <p>No additions to holdings expected</p>

2.5 Community Planning

In addition to the development of planning ideas and related tools, the Ministry of Municipal Affairs has also been involved in the development of new communities. The role generally arose from mining and other resource extraction projects in northern Ontario but also from the emergence of new communities in the southern part of the province. The best-known instances are the Seaton community in Pickering and Townsend on Lake Erie.

Reference Code	Series Title	Dates
RG 19-63	<p>New townsite planning and development files</p> <p>Accumulated or created by the Community Planning Branch, the records relate to the development of new towns in Ontario. Although the branch normally provided advice to municipalities on matters such as planning organization, official plans, zoning, and subdivision design, in some cases the branch developed the plans directly. The records document the planning process for services delivery such as road access, sewage, water, and electricity.</p>	<p>1954-1978</p> <p>No additions to holdings expected</p>
RG 19-64	<p>Haldimand Norfolk community planning files</p> <p>The files document the establishment of the Regional Municipality of Haldimand-Norfolk and long-term residential and industrial development policy arising from the Nanticoke industrial expansion in the late 1960s and early 1970s. Records include correspondence and reports documenting the development of community planning in the Nanticoke planned community.</p>	<p>1968-1975</p> <p>No additions to holdings expected</p>

RG 19-166	<p>North Pickering planning and development files</p> <p>The records document the management of lands acquired by the Province of Ontario to develop the community of Seaton in North Pickering. It documents the land assembly process, the design of the community, and the public consultation process surrounding amenities and services. Records include correspondence and reports relating to the development of the Seaton community in North Pickering.</p>	<p>1971-1995</p> <p>Additions to holdings expected</p>
RG 43-27	<p>Townsend community planning records</p> <p>The series includes correspondence of the Townsend Community Development Program (and its successor within the Ontario Land Corporation), the Townsend Community and Western Region Branch, and other Ministry of Housing offices, the Regional Municipality of Haldimand- Norfolk, the City of Nanticoke, consultants, and Ministry of Energy, Environment and Transportation/Communications. Correspondence pertains to the development of roads, sewers, bridges, etc., in the Townsend community project.</p>	<p>1976-1984</p> <p>No additions to holdings expected</p>

2.6 Advice to Municipalities and Local Planning Authorities

Much of the provincial government's planning role was based on the perception of limited local expertise. Over the years the Government of Ontario, in conjunction with private organizations such as the Ontario Professional Planners Institute, worked with municipalities to develop planning instruments and train staff in planning principles. The records series in this section document a number of initiatives of the provincial government designed to improve planning at the local level.

Reference Code	Series Title	Dates
RG 19-77	<p>Community planning correspondence files</p> <p>The records relate to local community planning and provincial approvals under the Planning Act. The records consist of correspondence, memos, decisions on zoning matters, redevelopment agreements, local by-laws of towns and villages, and minutes of a few small municipalities' planning committee meetings.</p>	<p>1944-1990</p> <p>Additions to holdings expected</p>
RG 19-91	<p>Community planning study grant program files</p> <p>The records document the administration and operation of a provincial program to fund local planning studies and to improve the level of planning expertise within municipalities. The funding was aimed at municipalities with populations of less than 60,000. Records include correspondence and reports documenting financial aid to local communities, and copies of final reports issued by the planning study.</p>	<p>1972-1993</p> <p>Additions to holdings expected</p>
RG 19-94	<p>Community planning provincial projects files</p>	<p>1974-1981</p>

	The records consist of correspondence, progress reports and meeting summaries related to the establishment of provincial policies, procedures, and guidelines for community planning programs under <i>The Planning Act</i> .	No additions to holdings expected
RG 19-95	Municipal community planning files This series documents the provision of financial and technical assistance to improve local planning by the various branches responsible for this function within the Ontario government. Records include draft minutes, agendas, and correspondence within the Ontario government and with municipalities and other interested parties.	1946-1995 Additions to holdings expected
RG 19-100	Northeastern Ontario planning project files The records in this series consist of correspondence, clippings, and copies of recommended plans that relate to assistance given to local planners in northeastern Ontario. The files deal with procedural problems and technical assistance in the preparation of official plans, amendments to official plans, and zoning by-laws. The files originate with the Sudbury office and ministries responsible for the oversight of local planning. Some files also contain photographs.	1950-1975 No additions to holdings expected
RG 19-102	Northwestern Ontario planning project files The files relate to municipal planning in Northwestern Ontario. The records include: copies of draft plans for subdivisions; applications for consents, subdivisions and condominiums; notices of applications to Ontario Municipal Board; correspondence with the Plans Administration Division, Municipal staff, other ministries, developers, and other concerned parties. The records were generated by the Northwest Regional Field Office (Thunder Bay) of the branch.	1950-1983 No additions to holdings expected

2.7 Urban Renewal

Urban renewal programs may occasionally arise from detrimental consequences of past planning decisions and practices. For instance, the zoning of suburban shopping malls resulted in the decline of many city centres as business moved away from traditional commercial areas. Today, industrial and warehouse districts face pressures to convert to uses more compatible with surrounding residential areas.

Reference Code	Series Title	Dates
RG 19-65	Records of the maintenance of property study The records were created during a study undertaken by the Department of Municipal Affairs that investigated the adequacy of legislation under which municipalities establish minimum standards for the maintenance and	1969-1970 No additions to holdings expected

	occupancy of property in Ontario. The study was to propose policies and programs to overcome deficiencies, including amendments to The Planning Act. Records include correspondence and draft policy documents with related minutes.	
RG 19-69	<p>Urban renewal program files</p> <p>The files document urban renewal programs operated by the Ministry of Municipal Affairs and Housing. Planning and implementation of schemes were focused on select urban problems across the province such as decayed downtown areas or industrial zones.</p> <p>Records consist of applications, by-laws, agreements, accounting and financial records, property appraisal reports, construction and redevelopment progress reports, minutes, and correspondence.</p>	<p>1959-1989</p> <p>Additions to holdings expected</p>
RG 19-172	<p>Main Street Revitalization Loan program files</p> <p>The series consists of copies of correspondence prepared for signature by the Minister of Municipal Affairs, financial and statistical reports, copies of agreements, applications for funds, and accompanying correspondence related to the revitalization of municipally owned lands and buildings</p>	<p>1992-1993</p> <p>Additions to holdings expected</p>

3 Other Resources

A good overview of the planning process in Ontario today can be found on the website of Municipal Affairs at http://www.mah.gov.on.ca/userfiles/HTML/nts_1_8516_1.html

The resources described below are available in the Library of the Archives of Ontario. Links are provided to the catalogue entries in the Library's online catalogue.

- For commentary and opinion on the planning process as a practical issue for municipalities, researchers should consult Municipal World, http://server1.minisisinc.com/minisa.dll/144/ARCH_BIBLIO/WEB_DETAIL_REPORT/RECORD_ID+24196?SESSIONSEARCH published in St. Thomas, Ontario. This magazine has been produced continuously since 1891 and is a standard source of information for municipal officials in interpreting planning regulations. For information about the magazine, including a comprehensive index of articles from 1966 to 2003, see the website below: <http://www.municipalworld.com/magazine.htm>
- Chipman, John George. A Law Unto Itself : How The Ontario Municipal Board Has Developed And Applied Land Use Planning Policy. http://server1.minisisinc.com/minisa.dll/144/ARCH_BIBLIO/WEB_DETAIL_REPORT/RECORD_ID+17685?SESSIONSEARCH Ottawa: Institute of Public Administration of Canada, c2002.
- Commission on Planning and Development Reform in Ontario; Sewell, John, 1940- [et al]. New Planning For Ontario : Final Report Summary & Recommendations. Toronto: The Commission, 1993.

http://server1.minisisinc.com/minisa.dll/144/ARCH_BIBLIO/WEB_DETAIL_REPORT/RECORD_ID+10304?SESSIONSEARCH

- Other material relating to the planning process can be found in the Archives of Ontario Library by searching the library's BIBLiON database and card catalogue in the Main Reading Room:
http://db.archives.gov.on.ca/minisa.dll/144/ARCH_BIBLIO?DIRECTSEARCH

The Urban Affairs Library, part of the Toronto Public Library system, has an extensive collection of books and periodicals relating to the planning process:
http://www.tpl.toronto.on.ca/uni_urb_index.jsp

4.0 Related Records

The Government of Ontario supports research on planning practices through a number of other ministries. The links below direct users to lists of records series created by those ministries and departments that played a part in planning. The lists, however, are comprehensive and not limited to the series related to land use planning.

The Department of Lands and Forests and its successor, the Ministry of Natural Resources, examines land use in relation to parks and conservation areas.
<http://server1.minisisinc.com/minisa.dll/3824/1/1/3776?RECORD>

The Ministry of Environment plays a role in assessing land use and its impact on the environment, particularly water and air quality.
<http://server1.minisisinc.com/minisa.dll/3824/2/3/3784?RECORD>

Due to increasing traffic demands, the Ministry of Transportation has interests in the development of road systems within and between municipalities.
<http://server1.minisisinc.com/minisa.dll/3824/3/1/3788?RECORD>

5.0 Definitions

The land use planning process makes use of a specialized vocabulary. The most commonly used terms are defined below.

Committee of Adjustment

A Committee of Adjustment is a planning committee established at the level of a township, town, village, city or county/region to review applications for "minor variances" (defined below). Decisions by Committees of Adjustment may be appealed to the Ontario Municipal Board.

Consents to Convey Land

Consents to Convey Land are orders issued by the Minister of Municipal Affairs and his predecessors regarding the subdivision of lands in areas that have not yet established Land Division Committees. The authority for the Minister to issue such orders is in the *Planning Act*. Such orders may be appealed to the Ontario Municipal Board.

Development Charges

Development Charges are levied by municipalities on new subdivisions or other projects to help pay for services such as schools and water/sewage facilities.

Foodlands

Foodlands is a term used by the Government of Ontario to describe prime agricultural regions subject to special development controls.

Hazard Lands

Hazard lands refer to ravines or shorelines subject to special development controls due to threat of flooding or serious erosion.

Land Division Committee

A Land Division Committee is a planning committee established at the level of a separated city, county, or region to review applications for land severances restricted under local zoning and other land use controls. Decisions by Land Division Committees may be appealed to the Ontario Municipal Board.

Legal Non-Conforming use

Legal Non-Conforming use refers to a business of a prohibited type that existed within the area of land use control before the prohibition was established. Although zoning by-laws can prohibit a particular land use in specific areas, prohibitions do not apply to existing businesses operating in the restricted areas.

Local improvement

Local improvements refer to capital expenditures for new or renovated facilities such as roads, sidewalks, water and sewage works. OMB approval is generally required for expenditures on these types of projects.

Local Planning Board

Local Planning Boards are established at the municipal level to examine proposals for zoning by-laws, official plans, amendments and other planning instruments. The Boards make recommendations to municipal councils regarding the feasibility or desirability of proposals. In many municipalities, the Local Planning Board may approve specific planning matters, which have received general approval through zoning by-laws or official plans. Local Planning Board decisions may be appealed to the OMB.

Minister's Zoning Orders

Minister's Zoning Orders control land uses. Under the *Planning Act*, the Minister of Municipal Affairs and Housing can issue temporary zoning orders to control land uses in municipalities that have not yet established comprehensive land use plans. These orders may be appealed to the Ontario Municipal Board.

Minor variance

A minor variance is an application from a property owner to the municipal government for permission to make a change to the property that would contravene an existing zoning by-law. All municipalities are required to have zoning by-laws controlling matters such as densities, lot frontage, and free space between buildings. Property owners can apply to the municipal government for a permit, which recognizes that a proposed change to their property is a minor variance of the zoning by-law and not a violation of its intent. If the application is rejected, the applicant may appeal to the Ontario Municipal Board; if the application is accepted, neighbours who object to the plan may appeal to the OMB.

See also Committee of Adjustment

Official Plan

Under the *Planning Act*, all municipalities must prepare an Official Plan to establish overall land use planning regulations for the area. The Minister of Municipal Affairs and Housing approves

these plans. Individuals, corporations, and lower tier municipalities may object to the plan through the Ontario Municipal Board. If a proposed plan is particularly complicated or contentious, the Ministry of Municipal Affairs and Housing often submits it to the OMB. Amendments to existing Official Plans are generally referred to the OMB for review.

Planning Area

The *Planning Act* permits the creation of planning areas that extend beyond municipal boundaries. The objective is to ensure consistent planning decisions among municipalities that share common interests. Planning areas can range in size from two adjoining townships to the level of a region or county.

Redevelopment Plans

Redevelopment plans are municipal tools used to promote improvements in downtown core areas, industrial lands or other under-utilized areas. Ontario Municipal Board approval is required for any capital expenditures or zoning changes that arise from the redevelopment plan.

Restricted Area By-law

A restricted area by-law is an instrument used by municipalities to expand on the general provisions contained in the Official Plan for the area. The municipality applies the intent of the official plan to a particular "restricted area" of the municipality. Generally, a restricted area by-law is used to augment controls over expansion of commercial and industrial operations into agricultural or residential areas. Until 1983, OMB approval was required for all restricted area by-laws. After 1983, the Board only heard appeals initiated by residents or businesses affected by the by-law

Severances

Severances relate to the sub-division of lots. Land Division Committees decide on most severances; however, disputes related to farm lots or large rural estates that the owners wish to subdivide for family use often come before the Ontario Municipal Board.

Subdivision

A subdivision is a proposal for the division of a lot or portion of a lot into a group of smaller residential, commercial or industrial lots.

Zoning by-law

See Restricted Area By-law.

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