



Applying to amend or revoke a Minister's Zoning Order?

Helpful Tips

This guide is to help applicants in making an application to amend or revoke a Minister's zoning order (MZO). There are several factors that are taken into consideration in assessing an application.

What is a Minister's zoning order?

A Minister's zoning order controls the use of land and sets specific requirements for new development, such as minimum lot sizes, frontage, access and servicing requirements. A zoning order may also restrict certain types of development. Zoning orders are common in areas without municipal organization and within areas covered by the Parkway Belt West Plan. A MZO could potentially be used to control land use in any area of the province.

Is there an official plan or provincial plan for your area?

Official plans are municipal land use planning policy documents adopted by a municipality or planning board and approved by the province or upper-tier municipality. Official plans should reflect both provincial and municipal planning policy requirements.

Some areas of the province are covered by provincial plans. If you are applying to amend or revoke a Minister's zoning order in an area covered by the Parkway Belt West Plan or the Niagara Escarpment Plan, or any plan made under the *Ontario Planning and Development Act*, and your proposed change to the zoning order does not conform to the requirements of the provincial plan, an amendment to the plan will be required. Note that there is no ability to apply to amend other provincial plans.

Is there a municipal zoning by-law for your area?

Local zoning by-laws may exist in your area. Similar to a Minister's zoning order, zoning by-laws set out specific standards and requirements for existing and new development.

If your area has both a zoning by-law and a Minister's zoning order, new development must conform to the provisions of the zoning order.

Your municipal clerk, planning board secretary-treasurer or staff at the regional Municipal Services Offices (MSO) of the Ministry of Municipal Affairs and Housing (MMAH) can help you interpret official plan policies and the zoning by-law or zoning order requirements.

Early Consultation

Prior to formally submitting an application, the applicant and/or agent(s) are strongly encouraged to contact staff of the regional Municipal Services Office (MSO) of the Ministry of Municipal Affairs and Housing (MMAH) to discuss the proposal. Early consultation is highly beneficial, as the applicant can review the proposal with ministry staff and discuss if other information may be required.

Would your proposed change to the Minister's zoning order allow for new development?

Generally, new residential, commercial or industrial development is restricted in rural areas. This helps to protect the natural environment, the natural resources and the character of the rural areas and also discourages the inefficient and costly expansion of municipal piped services.

Application Guide

New permanent, year-round development should be located in existing built-up areas. If your area is not municipally organized, industrial or commercial uses can only be created on or near a natural resource if they are dependent on that natural resource.

For example, a small resort or campground next to a lake may be permitted. However, related uses, such as a second dwelling to house employees, must be located in nearby municipalities.

A site must be suitable for its intended use. For example, the site to be re-zoned must be large enough to accommodate the proposed building and all servicing requirements.

Where is new development not permitted?

Generally, new development is not permitted on provincially significant wetlands, prime agricultural lands, land containing mineral aggregate resources, hazardous lands such as steep slopes and areas susceptible to flooding or where fish or wildlife habitats will be disturbed.

In areas without municipal organization, a re-zoning to allow new permanent residential development would generally not be allowed in fringe areas of municipalities, unless the fringe area is part of a planning area where policies allow for permanent residential development.

Seasonal residential development is usually not permitted in areas where there is potential for conversion to year-round use.

New development must be compatible with surrounding land uses. For example, a re-zoning to allow a new house probably would not be permitted next door to a gravel pit or a waste disposal site.

What kind of access does the site need?

If a site is to be re-zoned to permit new development, the site must have safe, long-term access for all vehicles, including service and emergency vehicles.

Generally, this means:

- the site should be located on a publicly owned road which is maintained year round;
- limited seasonal residential development on a private road may be considered on an infill basis. Seasonal development should not be converted to permanent residential use, and must have a legal right of way that provides direct access to a public road; and

- water access may be acceptable for a cottage on an island or in a remote location where future demand for road access is not anticipated.

The site should be located within a reasonable distance to publicly or commercially owned and maintained parking, docking and boat launching facilities.

What kind of services would new development need?

In general:

- where public piped sewer and water services exist, development should hook into the sewage and water systems;
- where public services cannot be provided, publicly-owned communal services are preferred;
- in other areas, the site must be acceptable for the installation of an individual septic system and individual well;
- lake water for cottages may be permitted subject to the approval of the local health unit.

What happens to my application after I submit it to the Minister?

Applications will only be accepted by the Minister if the application contains all of the prescribed or mandatory information as required by Ontario Regulation 546/06.

The Minister is required to give notice of the application prior to amending or revoking the zoning order. This notice may be given to persons or agencies that may have an interest in the application.

At any time prior to the amendment or revocation of the zoning order, any person or public body can request the Minister to refer the application for a hearing to the Ontario Municipal Board.

Requests for a hearing must set out the reasons for the request and be accompanied by the fee prescribed under the *Ontario Municipal Board Act*.