

What is a Zoning By-law?

A Zoning By-law is a *regulatory document* which implements the policy direction outlined in the Official Plan. Using a series of land use zones and corresponding text, a Zoning By-law spells out how land and buildings may be used, where buildings and other structures may be located, and what constraints may be applicable to the development of a particular property (ie. parking requirements, lot coverage, density, etc.). A Zoning By-law is a legally enforceable document which is designed to regulate land use and future development. Significant changes to land uses or zone regulations require a Zoning By-law Amendment, and possibly an Official Plan Amendment. Small, technical adjustments to By-law provisions may be accommodated by way of a Minor Variance. Copies of the Zoning By-law are available on the Township's website.



What is a Zoning By-law Amendment?

If you want to use or develop your property in a way that is not allowed by the Zoning By-law, you may have to apply for a zoning change, also known as a re-zoning or a Zoning By-law Amendment. Township Council is the approval authority on Zoning By-law Amendments. However, Council can consider a change only if the new use is allowed by the Official Plan. If the new use is not allowed in the Official Plan, you may also require an Amendment to the Official Plan.

The information contained within this guideline will provide the applicant with specific information regarding the Zoning By-law Amendment process. It is intended to provide an overview of the steps taken to submit an application and obtain a decision on a specific proposal. A flow chart describing the processes established under the Planning Act is attached as Appendix 'A'.

**Note: The processing of applications for other approvals (ie. Plan of Subdivision, Site Plan Control, etc.) may run concurrently with the Zoning By-law Amendment process. The timetable and process is somewhat more complicated, so it is highly recommended that the applicant review the applicable procedural information and discuss their proposal further with staff.*



How is the re-zoning application evaluated?

When it considers a re-zoning, Council evaluates it against criteria such as:

- conformity with the Official Plan and compatibility with adjacent uses of land;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and
- the need to ensure protection from potential flooding.



When Council considers a re-zoning, it must be consistent with the Provincial Policy Statement (PPS) 2014 issued under the Planning Act. The PPS is the statement of the government's policies on land use planning. It applies province-wide and provides clear policy direction on land use planning to promote strong communities, a strong economy, and a clean and healthy environment.

It includes policies on key issues that affect our communities, such as:

- the efficient use and management of land and infrastructure

- protection of the environment and resources
- ensuring appropriate opportunities for employment and residential development, including support for a mix of uses

Municipalities use the PPS to develop their Official Plans and to guide and inform decisions on other planning matters. The PPS is issued under section 3 of the Planning Act and all decisions affecting land use planning matters "shall be consistent with" the PPS.

Reminders

- Supporting documents may be required, depending upon the proposed project.
- Speaking with your neighbours about your proposed plans and the project you are applying for can make a great difference.
- The process can take a significant amount of time, be aware that any changes to the application after it has been submitted can increase the length of time to process the application.

Overview of the Zoning By-law Amendment Process

1. Prior to submitting an application for a Zoning By-law Amendment, a pre-consultation meeting with Planning Staff is required. The purpose of a pre-consultation meeting is to provide the applicant with the opportunity to present and review the proposed application with staff, to discuss



potential issues, and determine the required elements and materials to be submitted with the application for it to be considered “complete” by Township staff.

**Note: An applicant must submit a completed “Request for Pre-Consultation Form” to obtain a meeting with Planning Staff.*

- 2. The applicant is required to submit a completed application, along with a detailed sketch of the proposal and any required supporting studies/documents (determined during the pre-consultation meeting) and the application fees (Conservation Authority (ORCA) fees may also be applicable) to the Building and Planning Department. Planning Staff are available to witness signatures. Details of the submission requirements are outlined in this pamphlet and on the application form.

- 3. Effective, January 1st, 2016, applicants may be required to provide Notice of Request to Consult to both the Curve Lake First Nation’s Land Resource Consultation Workers and the Curve Lake First Nation’s Chief. For information on applications that may require First Nations consultation, visit the Township website.

- 4. Planning Staff will review your application to determine if it is a ‘complete’ application. If your application is incomplete or you do not provide all of the information required, your application will not be processed until it is complete.

**Note: The 90 day time frame for making a decision begins when the application is deemed “complete” by Planning Staff.*

- 5. Once the application is deemed “complete”, Planning Staff will co-ordinate the processing of the application. The submission and plans are circulated, a minimum of 20 days prior to the public hearing, to various municipal departments and agencies for comment.

- 6. A Notice of Public Meeting is typically mailed to neighbouring property owners within 120 metres (394 feet) of the subject lands, and by way of posting at the site. The Notice of Public Meeting includes the date, time, and location of the Public Meeting, a description of the proposed amendment(s) and a plan/sketch of the proposal. As the meeting is an open forum during



which Council listens to any and all concerns raised; the applicant may find it beneficial to consult and communicate with surrounding neighbours to identify and resolve any concerns they may have before the scheduled hearing date.

7. The Public Meeting is held, and Council members are provided copies of any written comments received from various departments and agencies and from the public. Planning Staff introduces the application and gives a summation of the comments received. The owner/agent requesting the amendment is given an opportunity to address Council. The Mayor will then ask anyone in attendance if they have any comments or concerns. The applicant is permitted to respond to any concerns raised by interested parties. Council then has an opportunity to ask any questions of the owner/agent and of Planning Staff. Once all the information is heard, Council deliberates and renders a decision. Council also has the option of tabling (deferring) the application if, for instance, additional information or a site visit is required.
8. After Council makes a decision, a Notice of Passage identifying the subject lands, the purpose and effect of the amendment is mailed to the owner/agent, property owners within 120 metres (394 feet) of the property, relevant ministries and agencies and to each person who requested a copy of the notice in writing. This notice

includes information regarding the right to appeal Council's decision.

9. During the specified appeal period, (20 days from the date the Notice of Passage was provided) an appeal can be made by the applicant/agent or any other person or public body who has an interest in the matter who has met the conditions prescribed in the Planning Act, to the Ontario Municipal Board (OMB). Forms required to file an appeal to the OMB are available on the OMB website. Any appeal must outline reasons for the appeal and must include the applicable fees. If there is no appeal, the decision of Council is final after the 20 day appeal period.

What are the submission requirements?

A complete submission package consists of the following:

1. Completed application form (available on our website or at the Township Office).
2. Authorization from owner, if applicant is not the owner.
3. Required fees payable to the Township of Selwyn:

Residential – Minor	\$1059.10
Residential – Major	\$2118.20
Commercial – Minor	\$1588.65
Commercial – Major	\$2647.80
Removal of Holding Provision -	\$ 529.55
Amended Application -	\$ 529.55
Deposit for Major Applications:	\$3706.90

ORCA Fee - \$400 (minimum)
(Additional fees may apply depending on the complexity of the application. Please contact ORCA for additional information)



4. Notice of Request to Consult Curve Lake First Nation, if required.
5. Three (3) hard copies and one (1) digital copy of all supporting documentation.
6. Completed site plan illustrating the following items:
 - a. The boundaries and dimensions of the subject land;
 - b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line, the side yard lot lines, and from the high-water mark (if applicable);



- c. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, septic tanks, hydro lines, telephone lines or any other services) on the subject land and on land that is adjacent to the subject land that, in the opinion of

- d. the applicant, may affect the application;
 - d. The current uses on land adjacent to the subject land;
 - e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - f. If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - g. The location and nature of any easement affecting the subject land;
 - h. The site plan must be drawn to scale utilizing good drafting techniques;
 - i. A scale and north arrow should be shown on the sketch;
 - j. The size has to be a minimum of 8.5x 11 and a maximum of 11x17;
 - k. The site plan may need to be supported by a location survey. Applications for relief from the high-water mark will require a location survey that illustrates the setback from the high-water mark and the flood plain elevation; and
 - l. Applications for variances to the height requirement will require elevation drawings.

How long does it take?

The entire process usually takes 3-6 months, depending on the complexity, including:

- The Public Meeting



- The 20 day appeal period
- The Decision is final and binding on the 21st day, provided no appeals are received.

If Council's decision is appealed to the Ontario Municipal Board (OMB), an excess of 6 to 9 months may be added to the process.

When will my application be heard?

"Complete" applications will be heard at the next available meeting following the completion of the peer review process.

Public Meetings are typically scheduled on the 2nd Tuesday of each month. Refer to the Township website for the scheduled Planning meeting dates.

Additional information for the applicant

- All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The Township of Selwyn is permitted to make the application and any associated supporting information available to the general public. The Township of Selwyn is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.

- The Planner schedules the applications and will advise the applicant of the actual hearing date by way of notice.
- The applicant/agent is encouraged to attend the hearing on the date and time stated in the public notice to represent his/her application.
- The applicant/agent should be prepared to present their application before Council, if required, explaining the necessity for the re-zoning. The applicant/agent should be prepared to answer any questions by the Committee or members of the public.
- Once the application has been heard and Council have made a decision, the Planner will send the applicant/agent a Notice of Decision.

Pamphlets are updated periodically.

For further information on Zoning By-law Amendment Applications, or to book an appointment please contact the Building & Planning Department at (705) 292-9507.

This information package has no legal status and cannot be used as an official interpretation of the various bylaws, codes and regulations currently in effect. The Township of Selwyn accepts no responsibility to persons relying solely on this information.



Zoning By-law Amendment Process

