

## **ZONING AND RELATED BY-LAW AMENDMENT APPLICATION FORM**

*Pursuant to Sections 34, 36, 37, 38 or 39 of the Planning Act, R.S. O. 1990, c.p. 13, as amended*

### **1. Applicant Checklist**

Please ✓ to ensure the following is provided:

- Two (2) copies of completed application and
- \$1142.40 ZBL major amendment fee; or
- \$ 855.20 ZBL minor amendment fee; or
- \$ 114.00 By-law for removal of Holding fee; or
- \$ 855.20 Temporary Use By-law fee; or
- \$ 285.10 Encroachment By-law fee; and
- Completed Authorization Form
- Legal Deposit

### **2. Owner/Applicant Information**

2.1. Owner's Name(s): \_\_\_\_\_

2.2. Applicant's Name(s): \_\_\_\_\_

2.3. Applicant's Address: \_\_\_\_\_

If not the owner, please complete authorization section 9.

2.4. Send correspondence to: \_\_\_\_\_

### **3. Property Description and Information**

3.1. Legal Description of Property

Reference/Registered Plan Number: \_\_\_\_\_

Part/Block/Lot Number: \_\_\_\_\_

Municipality: \_\_\_\_\_

Concession Number: \_\_\_\_\_

Lot Number: \_\_\_\_\_

Roll Number: \_\_\_\_\_

Easement or Restrictive Covenants: \_\_\_\_\_

3.2. Municipal Address of Property

Street Name and Number: \_\_\_\_\_

Postal Code: \_\_\_\_\_

3.3. Dimensions of Property (metric)

Street Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

#### 4. Official Plan and Zoning Information

4.1. Current Official Plan Designation of Property \_\_\_\_\_

4.2. Explain how the application conforms to the Official Plan if the property is in an area where zoning with conditions may apply  
\_\_\_\_\_

4.3. Current Zoning of the Property \_\_\_\_\_

4.4. Nature and Extent of the Rezoning Request:  
\_\_\_\_\_

4.5. Reason why the Rezoning is Requested:  
\_\_\_\_\_

4.6. Existing Use(s) of the Property

- Residential
- Commercial
- Industrial
- Institutional
- Agricultural
- Vacant
- Mixed Use: (Please state) \_\_\_\_\_
- Other: (Please state) \_\_\_\_\_

4.7. Describe the Existing Uses and the length of time they have continued on the property  
\_\_\_\_\_  
\_\_\_\_\_

4.8. Describe the Proposed Use(s) of the Property:  
\_\_\_\_\_  
\_\_\_\_\_

4.9. If requesting a change in density or height:

Permitted maximum density (By-law 3358) is \_\_\_\_\_

Permitted maximum height (By-law 3358) is \_\_\_\_\_

#### 5. Notable Site Use Changes

5.1. Settlement Area Boundary

Will the proposed use extend beyond the boundary area of a settlement area?  
\_\_\_\_\_

(if the response is yes please attach a description and drawing of the use intended beyond the settlement area)

5.2. Employment Area:

Indicate if land will be removed from a designated employment area.

- Converts all or part of a commercial, industrial or institutional building to a residential use
- Converts a brownfield site to a residential use (note application will require a Record of Site Condition)
- Application is for residential use on land in the Industrial, Business Park or Institutional designations
- Does not remove any employment land

**6. Building and Structure Information**

6.1. Are there existing Buildings or Structures on the Subject Land?

Yes  No

If yes, the following information is required for each building or structure (metric units preferred):

Type: \_\_\_\_\_

Front Lot Setbacks: \_\_\_\_\_

Rear Lot Setbacks: \_\_\_\_\_

Side Lot Line Setbacks (Both Sides): \_\_\_\_\_

Height: \_\_\_\_\_

Dimensions/Floor Area: \_\_\_\_\_

6.2. The Date the Existing Buildings or Structures were constructed on the Subject Land

\_\_\_\_\_

6.3. Number of existing parking spaces: \_\_\_\_\_

6.4. Are there Proposed Buildings or Structures to be erected on the Subject Land?

Yes  No

If yes, please provide the following information for each building or structure (use metric measurement):

Type/ Use: \_\_\_\_\_

Front Lot Line Setbacks: \_\_\_\_\_

Rear Lot Line Setbacks: \_\_\_\_\_

Side Lot Line Setbacks (Both Sides): \_\_\_\_\_

Height: \_\_\_\_\_

Dimensions/Floor Area: \_\_\_\_\_

Proposed Date of Construction/ Year Building Constructed: \_\_\_\_\_

Additional Parking Spaces: \_\_\_\_\_

6.5. Describe the existing use of the land on abutting properties:

To the North: \_\_\_\_\_

To the East: \_\_\_\_\_

To the South: \_\_\_\_\_

To the West: \_\_\_\_\_

6.6. Are there any of the following uses or features on the subject lands or within 500 metres of the subject property?

Use or Feature	On Subject Land?	Within 500 m of Subject Land? (Give Approximate Distance)
Bulk Fuel storage facility		
A landfill site (active or closed)		
A sewage treatment plant/lagoon		
An industrial use designated for aggregate extraction		
An active railway line		
A flood plain or other natural hazard		
A natural gas or oil pipeline		
A hydro easement		
A contaminated site		
A Source Water protection zone		
A provincially significant wetland		
An area of natural and scientific interest (ANSI)		
Fish/Wildlife Habitat		
A designated heritage building/sit		

**7. Servicing Information**

7.1. Access to the Property (please ✓ applicable boxes):

- Provincial Highway
- Municipal Road (Please indicate whether it is maintained seasonally or year round)
- Private Road/Lane
- Other Form of access (describe)

7.2. Type of Water Supply to the Subject Lands:

- Publicly owned and operated piped water system;
- Privately owned and operated piped water system;
- Privately owned and operated individual well;
- Communal well;
- Lake or other water body: \_\_\_\_\_

7.3. Type of Sewage Disposal System Servicing Subject Lands:

- Publicly owned and operated sewage disposal system;
- Privately owned and operated septic system;
- Communal septic system;
- Other means: \_\_\_\_\_

7.4. Provision of Storm Drainage:

- Piped Municipal Storm Sewers;
- Ditches;
- Swales;
- Other means: \_\_\_\_\_

7.5. Other Services and Utilities Available:

- Electricity;
- Natural Gas;
- School Busing;
- Garbage Collection;
- Other: \_\_\_\_\_

7.6. Where development will require high volume water supply (sprinklers), high volume sanitary sewer or storm-water facilities indicate:

Author, Title, date of water servicing report: \_\_\_\_\_

Author, Title, date of sanitary sewer report: \_\_\_\_\_

Author, Title, date of storm-water report: \_\_\_\_\_

**8. Other Planning Applications**

8.1. Is the property subject to an application under the Planning Act for approval of a plan of subdivision or a consent:

- Unknown
- No
- Yes

If yes and if known, please provide the following

The application file number: \_\_\_\_\_

The status of the application: \_\_\_\_\_

8.2. Has the land ever been the subject of a previous application under Section 34 of the Planning Act (i.e., a rezoning application)  Unknown

- No
- Yes

Please complete the chart below if the subject land, or any land within 120 meters of the subject land, is subject to a planning applications at this time (i.e. consent, subdivision, minor variance, site plan control):

Item	Application # 1 (type):	Application # 2 (type):	Any land within 120 m of the subject land:
<b>File Number</b>			
<b>Name of approval authority considering application</b>			
<b>Land affected by application</b>			
<b>Purpose</b>			
<b>Status</b>			
<b>Effect on requested amendment</b>			

8.3. If this application is a re-submission, describe how the application has been changed from the original.

\_\_\_\_\_

8.4. Identify if the land has ever been subject of a Minister's Zoning Order, and, if known, give the Ontario Regulation number of that order: \_\_\_\_\_

8.5. Is the property within the Source Water Protection Zone?

No  Yes  IPZ Level \_\_\_\_\_  Checklist Attached

**9. Required Sketch Information**

The following information must be included in the required sketch to be submitted with your complete application (please ✓ boxes to confirm this information has been included):

- The boundaries and dimensions of the subject land;
- 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 and the side yard lot lines;
- The approximate location of all natural and artificial features on the subject land and on adjacent land including: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, [5 of 10] Perth Planning Dept. wetlands, flood plains, wooded areas, wells and septic systems and any such features which in the applicant's opinion may affect the application,
- The current uses on the land adjacent to the subject land;

- The location, width and name of any roads within or abutting the subject land, indicating whether it is a public traveled road, unopened road allowance, a private road or a right-of-way; and parking and docking facilities
- The location and nature of any easement affecting the subject land.

**10. Notice to the Applicant**

Subject to an initial application review, the Town of Perth may accept and declare this application complete on the basis that required application fee and any required deposit has been paid. However, the applicant hereby acknowledges that the application will cease to be complete in the event that the Town’s costs for processing the application exceed the initial application fee or exceed 75% of the value of any required processing deposit and in such circumstances the processing of the application will be suspended until the funds necessary to pay outstanding costs and the initial application fee or the initial deposit, as applicable have been reinstated

**11. Agreement to Indemnify**

The applicant hereby agrees to indemnify and save harmless The Corporation of the Town of Perth (the “Town”) from all costs and expenses the Town may incur in connection with the processing of the Applicant’s planning application for approval under The Planning Act.

Without limiting the foregoing, such costs and expenses shall include all administrative, legal, engineering, planning, advertising, and consulting fees and charges incurred or payable by the Town to process the application, together with all costs arising from the Town, if required or requested by the Applicant appearing at any hearing of any appeal to the Ontario Municipal Board (“OMB”) from any decisions by Town Council, the Committee of Adjustment or the County’s Land Division Committee as the case may be, approving the Applicant’s application.

The Applicant agrees that if any amount owing to the Town in respect to the application is not paid within 30 days of being issued; the Municipality will not be required to process or to continue processing the application or appear before the OMB in support of a decision approving the application until the amount has been paid in full.

The Applicant further agrees, that any amount owing by the Applicant is a debt of the Applicant and the Town, in addition to other remedies available to it by law, is entitled to recover the amount owing with interest from the Applicant by actions in the Courts.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**12. Affidavit/Sworn Declaration by Applicant**

An affidavit/sworn declaration by the applicant certifying that the information contained in this application form is true.

I, \_\_\_\_\_, of the \_\_\_\_\_  
 in the \_\_\_\_\_, do solemnly declare that:

I am the applicant named in this application;

I shall be responsible for and I agree to pay all necessary fees and expenses incurred by the Corporation of the Town of Perth resulting from this application; and

All of the information and statements made in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

\_\_\_\_\_ in the \_\_\_\_\_

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**A Commissioner, etc.**

(Above to be signed in the presence of a Commissioner)

**13. Authorization from Owner(s)**

The owner(s) formal authorization permitting the applicant to make this application on the owner(s) behalf to the Town of Perth.

I/We \_\_\_\_\_, the owners of the property subject of

this application, hereby authorize \_\_\_\_\_

to make this application on my/our behalf to the Corporation of the Town of Perth.

\_\_\_\_\_  
**Witness Signature** (other than applicant)

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
Witness' Name and Title  
(Please PRINT)

\_\_\_\_\_  
Owner's Name and Title  
(Please PRINT)



**14. Freedom of Information / Access to Property Consent**

14.1. The applicant/owner hereby acknowledges that this application is a public document and all information provided in the application and information submitted with the application will be available for public review and scrutiny save for that portion of the application identified as confidential.

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
**Applicant's Signature**

14.2. The owner hereby authorizes Planning Staff or employees of the Corporation of the Town of Perth working on behalf of the Planning Director to enter onto the lands that are subject to this application during the regular business hours of the Town of Perth for the purpose of inspecting, evaluating and recording information about the site's terrain and drainage, the exterior of any buildings and any other exterior features relevant to the application.

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
Applicant's Name and Title  
(Please PRINT)

\_\_\_\_\_  
Owner's Name and Title  
(Please PRINT)

**Confidential Information**

**Applicant's Information**

Name: \_\_\_\_\_

**Applicant's Contact Information**

Home # \_\_\_\_\_ Work # \_\_\_\_\_ Cell # \_\_\_\_\_

Fax # \_\_\_\_\_ Email address \_\_\_\_\_

**Owner's Information**

Name: \_\_\_\_\_

Address \_\_\_\_\_ Postal Code \_\_\_\_\_

**Owner's Contact Information**

Home # \_\_\_\_\_ Work # \_\_\_\_\_ Cell # \_\_\_\_\_

Fax # \_\_\_\_\_ Email address \_\_\_\_\_

**15. Mortgages, Charges or Other Encumbrances Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

## WHAT IS ZONING BY-LAW AND WHEN IS AN AMENDMENT REQUIRED?

Before defining what constitutes a Zoning By-law amendment, it is first important to understand what constitutes a Zoning By-law. A comprehensive Zoning By-law is a legal planning document which controls the use of land within a defined community and implements the policies of the community's official plan. Among other matters, a Zoning By-law defines by various zoning categories how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, lot sizes and dimensions, parking requirements, building heights, setbacks from streets, etc.

If an individual wishes to use or develop a property in a way that is not permitted by the municipal Zoning By-law, an application for a Zoning By-law amendment or a rezoning is required. Such applications are evaluated based on a number of criteria such as, but not limited to, the proposal's conformity with the official plan, its compatibility with adjacent land uses, suitability of the land for the proposed use (i.e., including size and shape of the subject land), adequacy of vehicular access, water supply and sewage disposal, the need to ensure protection from potential flooding, etc.

Other types of by-laws also exist which serve to control land use in the Town of Perth. These include Holding By-laws, Temporary Use By-laws and Interim Control By-laws. Holding By-laws allow future uses for land or buildings but delay development until necessary services are in place (i.e., water, sewer, electrical, roads, etc.). Temporary Use By-laws zone land or buildings for specific uses for a maximum period of 3 years at a time, with further extensions possible. Exceptions to this time frame apply to some specific uses. Interim Control By-laws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies (i.e., secondary plans, market studies, etc.). Such by-laws can be imposed for 1 year with a maximum extension of an additional year. These types of municipal by-laws proceed through a similar process as a Zoning By-law amendment which is outlined below.

## OVERVIEW OF ZONING BY-LAW AMENDMENT PROCESS:

1. **Pre-consultation** - Prior to submitting an application, the applicant is encouraged to meet with the Director of Development Services to discuss the requirements of the zoning by-law amendment process and to provide a preliminary review of a proposed amendment;
2. **Receipt of Complete Application** - The Director of Development Services will review the application upon receipt to ensure that it conforms to the Official Plan and that it is sufficiently complete to be considered by the Local Planning Advisory Committee. The omission of required information in the application form may delay the processing of the application. If the Committee deems the application to be complete, they will hold a public meeting. A file number is also given to the application.
3. **Notice of Public Meeting** - A minimum of 20 days notice is given in advance of the meeting date to the applicant, municipal department heads and other prescribed outside agencies. If a written request is received from a public body, consideration may be given to extending the advanced notice of a public meeting to 30 days. The applicant is strongly encouraged to attend the meeting so that they may answer any questions that may arise.

4. **Public Meeting** - is hosted by the Planning Advisory Committee of Council to consider the merits of the application and both written and verbal submissions by interested parties. Anybody may attend and make representation in support or in opposition to the proposed amendment. For standard zoning applications a draft By-law is normally available a week before the meeting.
5. **Decision** - Following the public meeting, the application will be presented to the Planning Advisory and Site Plan Control Committee for a more detailed review and to deal with issues raised during the public meeting, comments received from circulation and the Planning Department's final report on relating to the application provided the Committee will then forward their recommendation to Council in support or in opposition to the proposal or may defer a decision to the application until additional and sufficient information is made available. A further public meeting may be required in the latter case.
6. **Notice of Decision** - If Council decides in favour of or in opposition to the proposed amendment, the Planning Act requires further public notification and an appeal period. Notice of the decision is distributed within 15 days of the date of the Council meeting to all parties who provided oral or written submissions and who requested to be notified of the decision in writing. The 20 day period within which appeals may be filed begins once circulation of the notice of decision takes place.
7. **Appeals** - If no appeals are registered during the appeal period the by-law will be deemed to have come into force on the date it was initially passed by Council. If Council decides against the application or does not provide their decision within 90 days from the date the complete application was received, the applicant has the option of appealing to the Local Planning Appeal Tribunal (LPAT). Appeals must be received within the 20 day appeal period and must be accompanied by the prescribed fee of \$1100 per appeal payable to the Minister of Finance. The Director of Development Services must forward the appeal package and prescribed information to the Ontario Municipal Board within a 15 day period, commencing the date the appeal was received.

#### **SUBMISSION REQUIREMENTS & DEPOSIT FEES:**

Two (2) complete copies of the application, including relevant plans, maps and other attachments, are to be submitted to the Director of Development Services together with the application fee. The Zoning By-law Amendment Application processing deposit fee is set at \$1000 per application. These fees must be paid by cash, cheque or money order and are payable to the Town of Perth. These deposit fees normally cover the cost of processing the application, however, where costs actually exceed the deposit fee, the balance will be billed to the applicant.

#### **ADDITIONAL INFORMATION:**

The Town Planner is responsible for dealing with Re-zoning Applications. If you have any questions regarding the Zoning By-law amendment process, you are directed to contact:

Planner  
80 Gore Street East  
Perth, Ontario K7H 1H9  
(613) 267-3311 ext. 2235 (Tel.) (613) 267-5635 (Fax.)