

# APPLICATION FOR ZONING BY-LAW AMENDMENT

*Planning Act, R.S.O. 1990, c. P.13, as amended*

## INFORMATION FOR APPLICANTS

*Please read carefully*

- I. **The original and five copies** of the application must be submitted by the Applicant or authorized agent. Metric measurements and dimensions must be used. If an agent is submitting the application, the Applicant must complete the **authorization** at the bottom of the last page of the application form.
- II. **All questions** must be answered. If a question does not pertain to your application, please enter "N/A" so we can be sure it wasn't simply overlooked.
- III. A **metric scale drawing(s)**, a copy of a current **parcel register** for the property from the Land Registry Office, and the **application fee** must accompany the Application before it will be accepted. Submission of the draft Application to the Township for preconsultation and review is required prior to formal submission.

### III. PROCEDURE FOLLOWING PRECONSULTATION:

1. An application for amendment to the Zoning By-law is submitted together with the applicable fee payable to the Township of Alberton (see box below).
2. The Clerk shall arrange for publication of required notice of the Public Meeting to be held for Council to receive input, to consider and, if deemed appropriate, to render a decision in respect of the Application..
3. The application is scheduled for consideration by Council. Before a proposed by-law may be passed by Council, at least one public meeting must be held, public notice of which must be given not less than 20 days in advance. The public meeting and Council consideration of the application normally take place at the same meeting. A draft by-law is prepared for Council consideration at the public meeting. It is the responsibility of the Applicant to be satisfied that the content of the by-law is acceptable. Where the Clerk makes use of a legal description submitted by the Applicant for the purposes of preparing a by-law, the Township accepts no responsibility for the accuracy of such description. It is the Applicant's responsibility to be satisfied that the legal description properly describes the property for which the zoning amendment has been requested.
4. Where an application for a Zoning By-Law amendment is refused or Council refuses or neglects to make a decision within 90 days of receiving the application, the Applicant may appeal to the Ontario Municipal Board under Section 34(11) of the *Planning Act, R.S.O. 1990*.
5. If Council decides to amend the Zoning By-law, the Applicant will be notified. Any conditions imposed by Council on the approval must be satisfied prior to the passage of the by-law.  
**NOTE:** In the case of a zoning amendment that will permit a property to be subdivided, a conditional consent must be obtained from the Committee of Adjustment prior to the passage of the by-law.
6. Once all conditions are satisfied, the passage of the by-law will be considered by Council.
7. After the by-law is passed, public notice that Council has passed the by-law is given and same is sent to all persons or entities which have requested notification of the passage of the by-law.
8. If no appeal to the by-law is lodged with the Clerk within 20 days from the date that notice of passing was given, the process is finalized with the issuance of an affidavit or declaration by the Clerk. A copy of this document is sent to the Applicant.
9. If the by-law is appealed, the appeals are forwarded to the Ontario Land Tribunal (OLT). The Committee of the Whole of Council will review the objections and decide if the by-law should be repealed or amended. When the by-law is forwarded to the OLT, a hearing may be held prior to the approval, rejection or modification of the by-law by the OLT. The Applicant is required to provide a written commitment to reimburse the Township for all legal fees and disbursements incurred by the Township in the preparation and presentation of evidence in support of the by-law at any such hearing. The applicant is also required to provide a deposit of \$2,500.00 for the legal fees and disbursements to be incurred.

### CHECKLIST - APPLICATION FOR ZONING BY-LAW AMENDMENT

Did you remember to:

- Provide 6 copies of the application?
- Answer all questions and submit the required information on the application?
- Have the application form signed and dated? Agents MUST have the Applicant's authorization attached or the application will not be accepted.
- Submit the required parcel register, a previous use inventory (if required) and metric scale drawing(s) with all required information shown?
- Submit the required fee application fee payable to the Township of Alberton per By-Law #08/19: \$1,500.00 for minor residential or commercial; \$5,000.00 for major commercial, industrial or multiple family residential plus all costs of the Township