

Application Form for Either:
Deeming By-law,
Removal of Holding (H) Symbol, or
Exemption from Part Lot Control

General Information

A Deeming By-Law Application is required to:

- Deem lots not to be in a plan of subdivision for purpose of consolidation (provided subdivision has been registered for at least 8 years); or

A Removal of a Holding (H) Symbol is required to:

- Permit development on the subject lands according to the current zone once conditions of the 'hold' have been completed.

An Exemption from Part Lot Control:

- The Municipality may consider the use of part lot control exemption, through the passing of a part lot control exemption by-law, to further subdivide a lot or a block for the purpose of selling, conveying, leasing or mortgaging. The Municipality will give consideration to this method only for residential development fronting an existing or dedicated road, including:
 - Semi-detached dwellings
 - Rowhouse dwellings
 - Single detached dwellings within a lotless block
- Only under special circumstances, if agreed to by the Municipality, will the Municipality consider part lot control exemption for non-residential development. A part lot control exemption bylaw can only be recommended for approval if no conditions are required to be applied to the division of the subject lands.

Application Fee(s)

The application fees are as listed in the Fees By-law attached. All fees are reviewed from time to time and may be changed by the Municipality. If the proposed development requires multiple planning applications then fees are consolidated. Please refer to the Planning Services website at www.chatham-kent.ca/PlanningServices for a complete list of fees.

Applicant(s) are responsible for **all** costs associated with the processing of Planning Act applications. Additional costs associated with the review of the application that are incurred by the Municipality will be billed to the Owner of the property. Applicants will be notified in writing of such costs and may cease the review process at that point if they wish. If an application is ceased after the Municipality has accepted it as a complete application then the review process has begun and the application fees are non-refundable. A declaration from the applicant recognizing the potential fees and costs associated with application and the review is required and is part of the Application Form, see Section 9.

Application Process(s)	
Step 1	Pre-Consultation – While not mandatory, Pre-Consultation is encouraged for these types of applications. The applicant meets with Planning Services staff to discuss the proposed application and to review zoning, servicing and characteristics of the site that are relevant to the development. For more information refer to the “Preparing for a Land Use Planning Application: A Guide to Pre-Consultation”.
Step 2	Technical Advisory Committee – Planning Services staff may review the proposed application with the Municipality’s Technical Advisory Committee (TAC) depending on the nature and scale of the proposed development. Review by the TAC will result in a list of complete application requirements that are specific to the site. A record of this list will be provided to the applicant.
Step 3	Consult other agencies – The application process can involve consultation with a number of outside agencies. In some cases you may be required to consult with one or more of those agencies prior to the submission of the application to determine what, if any additional items will be required. Fees associated with those consultations are not covered by the application fee paid to the Municipality.
Step 4	Prepare the Application – The applicant has sole responsibility for submitting a complete application and may need to commission drawings or studies depending on previous conditions for the land, new feedback from the pre-consultation, and consultation with other agencies. The complete application including supporting material, declarations and the appropriate fees is to be submitted to Planning Services by mail or in person.
Step 5	Application Completeness Review – Every application is reviewed for completeness before it is accepted by the Municipality. A notice will be provided to the applicant regarding the status of completeness. The application is circulated to various municipal departments and external agencies for their review and comment. During the review of an application, the need for further information or studies may be identified. It is the applicant’s responsibility to submit these items once they have been identified.
Step 6	Planning Services Report – Planning Services staff reviews the application for conformity to the Official Plan, Zoning By-law, Provincial Policy Statement and the Planning Act. Comments from local agencies, provincial ministries and neighbours are taken into consideration and a report is prepared for Council’s review. During application review and report preparations Planning Services staff may talk with applicants, neighbours, and staff from other departments and agencies to complete an assessment of the proposed project.
Step 7	Notice of Intention to Pass a Holding (H) By-law – A notice of intention to pass a holding by-law is circulated to those prescribed by the Planning Act. Formal notice is not required for a deeming by-law or exemption from part lot control.
Step 8	Council Meeting and Public meeting (if applicable) – Council is the decision making authority with each of these three application types. Council will review the application at a regular meeting of Council. They will also review the report and any comments received prior to issuing a decision. In the case of the ‘Removal of a Holding (H) symbol’ a ‘Notice of Intention’ is circulated prior to the Council meeting and an opportunity for public comments is provided before Council makes a decision. It is also an opportunity for the applicant to provide comments. In the case of an ‘Exemption from Part Lot Control’ an opportunity for public comment is also made at the Council meeting whereby the applicant can also provide comments.
Step 9	Decision – Council may approve, deny or defer the application to a future meeting.

Application Process(s)

Step 10

Enactment:

Deeming By-Law – is enacted on the date of passing and brought into force as per the decision of Council. Only the owner of the subject lands can be heard by Council following the decision if they wish to object. They must submit their objection within 20 days of the date of passing.

Removal of a Holding (H) symbol – The zoning by-law removing the H symbol is brought into force on the date of the public meeting and decision – there is no appeal process for this type of application.

Exemption from Part Lot Control – The decision is in the form of a by-law and when passed is not effective until the requirements of subsection 50 (28) have been complied with. Section 28 requires that a certified copy of the by-law be registered on title of the lands by the Clerk of the Municipality. Upon registration the exemption is in place and the land may be conveyed as approved and described in the by-law.

The Application Package Must Be Submitted To:

Planning Services, Municipality of Chatham-Kent
Civic Center, 315 King Street W., PO Box 640, Chatham, ON, N7M 5K8
519-360-1998

Concurrent Applications Filed Note to Applicant: For each application that is filed concurrently, complete and attach the appropriate application form and fees		Office Use Only Date Stamp – Date Received
<input type="checkbox"/>	Draft Plan of Subdivision or Condominium File No. _____ Status _____	<p>FOR REFERENCE PURPOSES</p> <p>Municipal address:</p> <p>CityView Number:</p> <p>Meeting Date:</p>
<input type="checkbox"/>	Consent Application File No. _____ Status _____	
<input type="checkbox"/>	Official Plan Amendment File No. _____ Status _____	
<input type="checkbox"/>	Minor Variance File No. _____ Status _____	
<input type="checkbox"/>	Zoning By-Law Amendment File No. _____ Status _____	
<input type="checkbox"/>	Site Plan File No. _____ Status _____	

Requirements For A Complete Application Include:

Note: Until the Municipality of Chatham-Kent, Planning Services has received the information and material requested herein and any fee under Section 69(1) of the Planning Act), the application will be deemed incomplete.

<input type="checkbox"/>	The completed application form, including declarations as required by the Planning Act.
<input type="checkbox"/>	If the owner of the subject land is not the person applying for the planning permissions, then a Letter of Authorization from the Owner or completion of the Owner’s Authorization in Section 8.
<input type="checkbox"/>	The applicable application fee(s) made payable to the Municipality of Chatham-Kent.
<input type="checkbox"/>	A copy of the most recent land survey, and if possible the PIN abstract (Property Identification Number). Both can be acquired at the Land Registry Office.
<input type="checkbox"/>	A drawing/sketch of what is proposed. The drawing/sketch must be no larger than 11x17 standard size paper and show all of the items identified in Section 7 in metric units.
<input type="checkbox"/>	Any other information identified during the pre-consultation and any additional supporting documentation the applicant wishes to submit. Refer to the Record of Pre-Consultation.

Please list the reports or studies that accompany this application

Note: Please submit two (2) hard copies and one (1) electronic copy of each report or study that accompanies your application.

Section 1 Applicant Information:

Registered Owner(s)

Note: If the owner of the property is a corporation then the articles of incorporation identifying those with signing authority to bind the company must be included with an application.

Name:

Principal of Company (if Owner is a Company):

Address:

City:

Postal Code:

Phone:

Cell:

Email:

Authorized Applicant (complete this if the Applicant is not the Owner and the Owner has Authorized the Applicant):

Name:

Address:

City:

Postal Code:

Phone:

Cell:

Email:

Which of the above is the Primary Contact? Owner Applicant Both

All correspondence will be made with the Primary Contact.

Name, Address, and Phone number of all persons having any mortgage, charge or encumbrance on the property:

Section 2 Property Description:

Community of:		
Lot(s):	Part Lot(s):	
Concession(s):	Registered Plan No.:	
Municipal Street/911 Address of property subject of this application (if applicable):		
Assessment Roll Number(s):		
Frontage (m):	Depth (m):	Area (m ² or ha):
The date the subject land was acquired by the current owner:		
The current use(s) of the land (main and accessory uses):		
The length of time that the current use(s) have existed on the land:		
Has the land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		
and if known, the file number and status of the application _____		

Are there any mortgages, easements or restrictive covenants affecting the subject lands? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes, describe each its effect indicating whether a discharge or partial discharge is required as part of this application		
Reference Plan No.	Instrument No:	Purpose of easement and/or covenant (e.g. hydro, sewer, telecommunications, turbine, solar, pipeline, etc.)

Section 3 Application Details

1. What is the purpose of the application?								
<input type="checkbox"/>	Deeming By-law	What is the reason for deeming by-law request?						
<input type="checkbox"/>	Holding Symbol	<p>What are the conditions for removal of the Holding Zone?</p> <p>Is documentation attached that will satisfy these conditions? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If no, please explain:</p>						
<input type="checkbox"/>	Part Lot Control	<table border="0"> <tr> <td><input type="checkbox"/> Lot Addition</td> <td><input type="checkbox"/> Lot Creation – Number of Lots _____</td> </tr> <tr> <td><input type="checkbox"/> Mortgage</td> <td><input type="checkbox"/> Lease <input type="checkbox"/> Easement</td> </tr> <tr> <td><input type="checkbox"/> Right of Way</td> <td><input type="checkbox"/> Power of Sale <input type="checkbox"/> Validation of Title</td> </tr> </table> <p>The name of person(s) to whom the land, or interest in the land is intended to be conveyed, leased or mortgaged:</p>	<input type="checkbox"/> Lot Addition	<input type="checkbox"/> Lot Creation – Number of Lots _____	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Lease <input type="checkbox"/> Easement	<input type="checkbox"/> Right of Way	<input type="checkbox"/> Power of Sale <input type="checkbox"/> Validation of Title
<input type="checkbox"/> Lot Addition	<input type="checkbox"/> Lot Creation – Number of Lots _____							
<input type="checkbox"/> Mortgage	<input type="checkbox"/> Lease <input type="checkbox"/> Easement							
<input type="checkbox"/> Right of Way	<input type="checkbox"/> Power of Sale <input type="checkbox"/> Validation of Title							

2. What is the proposed use(s) of the land?
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Other
Please describe:

3. What is the current zone(s) of the land in the Chatham-Kent Zoning By-law?

4. What is the current designation(s) of the land in the Chatham-Kent <u>Official Plan</u> ?

5. Is the proposed amendment consistent with Provincial Policy Statement issued under subsection 3 (1) of the Planning Act? Yes No Unknown

Section 4 Existing and Proposed Buildings and Structures on the Land

4a) Existing Buildings

Type of Building/Structure And date of construction	Setback from Lot Line (m)			Height (m)	Ground Floor Area (building dimensions)
	Front	Rear	Side		

4b) Proposed Buildings

Type of Building/Structure	Setback from Lot Line (m)			Height (m)	Ground Floor Area (building dimensions)
	Front	Rear	Side		

Section 5 Servicing

a) Access					
Access is Provided by:					
<input type="checkbox"/>	Provincial Highway	<input type="checkbox"/>	Municipal year-round	<input type="checkbox"/>	New Access Required
<input type="checkbox"/>	Municipal – seasonal	<input type="checkbox"/>	Right-of-way	<input type="checkbox"/>	Water Access (distance to nearest dock/ramp facility)
<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>	Existing Private Road		

b) Water Supply			
Water Supply is Provided by:			
<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Privately owned and operated individual well
<input type="checkbox"/>	Privately owned and operated communal well	<input type="checkbox"/>	Lake or other body of water (water test required)
<input type="checkbox"/>	Easement to well	<input type="checkbox"/>	Other (specify i.e. dug, sand point etc. _____)
<input type="checkbox"/>	Drilled well	<input type="checkbox"/>	New water supply needed
What is the distance from the well (if applicable) to septic system? _____ metres.			

c) Sewage Disposal			
Sewage Disposal is Provided by:			
<input type="checkbox"/>	Municipal sanitary sewers	<input type="checkbox"/>	Privately owned individual septic system for each lot
<input type="checkbox"/>	Privately owned communal collection	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	Sewage disposal is not required for the current use of the lands.	<input type="checkbox"/>	New sewage disposal/septic system is needed for the lands.
If there is a septic system on the property, is it in good working order? <input type="checkbox"/> Yes <input type="checkbox"/> No			

d) Storm Drainage			
Is any portion of the subject property assessed for drainage works?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Are there any outstanding local drainage improvements?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Storm Drainage is Provided by:			
<input type="checkbox"/>	Municipal storm sewers	<input type="checkbox"/>	Municipal Drain
<input type="checkbox"/>	Private Drain	<input type="checkbox"/>	Other (specify)
Is the drainage outlet located on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No			

e) Local Improvements:

Are there any local improvements/charges currently assessed to the subject property such as tile loans, bridges, water or sewer connections etc.? If so, please describe:

Section 6 Special/Specific Policy Areas

Source Water Protection Planning

Is any of the land in a 'Source Water Protection Area? Yes No

Section 7 Drawings/Sketches

Please note: A 'Surveyor's Real Property Report', completed by a licensed Ontario Land Surveyor is the accepted method of providing a drawing for the application.

The sketch accompanying the application must include the following items or a note that they are not applicable to the site. The sketch should be completed using metric units:

1. The boundaries and dimensions of the subject land.
2. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines.
3. The height, dimensions and floor area of all existing and proposed buildings and structures.
4. 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 and septic tanks) that;
 - a) are located on the subject and adjacent lands, and;
 - b) in the applicant's opinion, may affect the application.
5. The current land uses on and adjacent to the subject lands.
6. 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.
7. If access to the subject land will be by water only, the location of the parking and docking facilities to be used.
8. The location and nature of any easement or restrictive covenant affecting the subject land.

Section 8 Owner's Authorization of an Agent:

<p>This must be completed by the Owner if the <u>Owner Is Not Filing The Application</u></p> <p>Note: If there are multiple Owners, an authorization letter from each Owner (with dated, original signature) is required or each Owner must sign the following authorization.</p>			
<p>I/We, _____, being the <div style="text-align: center;">Print name(s) of Owner, individual or company</div> registered Owner(s) of the subject lands, hereby authorize _____ <div style="text-align: right;">Print name of agent and/or company (if applicable)</div> to prepare and submit an Application.</p>			
<p>_____</p> <p style="text-align: center;">Signature</p>	<p>_____</p> <p style="text-align: center;">Day</p>	<p>_____</p> <p style="text-align: center;">Month</p>	<p>_____</p> <p style="text-align: center;">Year</p>

Section 9 Applicant's Declaration:

By making this application, permission is hereby granted to the Municipality of Chatham-Kent staff and Council Members to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning same. This information is being collected pursuant to the Planning Act, Municipal Act and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

Declaration of Applicant(s)

I/We, of the of
..... in the of
solemnly declare that:

1. All the statements contained in this application and provided by me 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. I have been advised that incomplete and/or inaccurate information will delay the processing of my application and result in additional costs to me.
2. I hereby acknowledge receiving and reviewing the user fee tariff and have reviewed the tariffs relating to planning matters. I further understand and agree to be bound by the tariff and specifically agree that I shall pay full cost recovery for any items with a tariff listed as such. I agree that such costs, if not paid for forthwith after being invoiced, shall be paid by the Municipality and added to my municipal tax bill and collected in the same manner as taxes.

<p>.....</p> <p>Signature of Applicant</p>	<p>.....</p> <p>Date</p>
<p>.....</p> <p>Witness</p>	<p>.....</p> <p>Date</p>

Schedule "A"

Environmental Site Screening Questions

Introduction:

This schedule is used to determine whether or not further Environment Site Assessment is warranted. In the Province of Ontario it is required that prior to redevelopment of a site, the previous uses are examined for potential contaminants. This could be as simple as listing previous uses or depending on what those uses were it could mean soil investigation and/or remediation. There are various phases of assessing a site. Under certain circumstances a Record of Site Condition must be filed in a Provincial Registry. The following questions will help to identify if the property that is proposed to be developed will require further assessment.

Previous Use of Property:

Some commercial and industrial properties such as gasoline stations, automotive repair garages, have an increased potential for contamination. Contamination potential can be significantly affected by both the number of different uses that have occurred on the property and the length of time that they were present for.

Have any of the following uses occurred on the property in the past, check all that apply:

- | | | |
|----------------------------------------|---------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Agricultural | If Industrial or Commercial, specify use: |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Parkland | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Vacant | |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Other | |
| | | |

Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

- Yes No Unknown

Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- Yes No Unknown

Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes No Unknown

Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes No Unknown

Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

- Yes No Unknown

Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes No Unknown

Is the boundary of the subject property within 500 metres (1,640 feet) of the property boundary line of an operational/non-operational, public or private landfill or dump?

- Yes No Unknown

Schedule "A" Continued

If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which contain designated substances (e.g. asbestos, PCB's)?

Yes No Unknown

Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

Yes No Unknown

Former practices/uses that can possibly have caused contamination include but are not limited to:

operation of electrical transformer stations	disposal of waste materials	raw material storage
residues left in containers	maintenance activities and spills	

If previous use of property is industrial or commercial, or if YES to any of questions above, please attach an inventory of all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and guidelines and the Municipality's Official Plan policies pertaining to contaminated sites. I acknowledge that as a condition of approval of this application that the Municipality may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the Municipality of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the Municipality may require the qualified person signing the Record of Site Condition to submit to the Municipality a Declaration acknowledging that the Municipality may rely on the statements in the RSC. I further acknowledge that the Municipality of Chatham-Kent is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the Municipality of Chatham-Kent, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Date

Signature of Applicant(s)(Owner)