

## Zoning By-law Amendment Application Form

### General Information

**A Zoning By-law Amendment is required for the following:**

- to change the zoning classification of the subject land(s);
- to add a permitted use(s) within the existing zoning classification;
- to alter the applicable zoning regulations for a specific property (e.g. setbacks, density, height, number or location of required parking spaces etc.);
- to recognize existing setbacks, density, height, parking requirements resulting from other Planning Act applications.

### Application Fees

The application fee for a Zoning By-Law Amendment is 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](http://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.

### Zoning By-Law Amendment Process

<b>Step 1</b>	<b>Pre-Consultation</b> – Pre-Consultation meetings are a <b>mandatory</b> part of the development review process for applications for Zoning Bylaw Amendments. 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”.
<b>Step 2</b>	<b>Technical Advisory Committee</b> – Planning Services staff review the proposed application with the Municipality’s TAC resulting in a list of the complete application requirements that are specific to the site. A record of this list will be provided to the applicant.
<b>Step 3</b>	<b>Consult other agencies</b> – 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 these 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.

<b>Zoning By-Law Amendment Process</b>	
<b>Step 4</b>	<p><b>Prepare the Application</b> – The Applicant has sole responsibility for submitting a complete application and may need to commission drawings or studies depending on feedback from the pre-consultation, TAC and consultation with other agencies. The need for drawings and studies will depend on the nature of the proposed application and the characteristics and circumstances of the subject property.</p> <p>The complete application including supporting material, declarations and the appropriate fees is to be submitted to Planning Services by mail or in person.</p>
<b>Step 5</b>	<p><b>Application Completeness Review</b> – Every application is reviewed for completeness before it is accepted by the Municipality. 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. When your application has been reviewed and it is confirmed that your submission includes all the required information, a Letter of Complete Application will be provided to you.</p> <p>If the application is not complete, a Letter of Incomplete Application will be provided to you outlining the additional supporting information, reports or studies that are required. If you disagree with the Municipality’s assessment of the completeness of the application you should contact Planning Services to discuss this. If agreement is not reached, the Planning Act provides 30 days for the applicant to make a motion to the Ontario Municipal Board for a determination on the matter and the Board’s decision is final. When all required information has been submitted, a Letter of Complete Application will be issued.</p> <p>The Municipality is required to provide a Notice of Complete Application within 15 days after the Letter of Complete Application has been issued for Official Plan Amendments, Zoning Amendments and Plans of Subdivision. Whenever possible, the Municipality will combine the Public Notice of Complete Application and the Public Meeting Notice, provided that the notice requirements for both can be met. If that is not possible, then the Notice of Complete Application will be given separately in order to meet the legislative requirements, and the Notice of the Public Meeting will be given later. <b>Any timelines mandated by the Planning Act for a decision on your application(s) start once an application has been deemed complete.</b></p>
<b>Step 6</b>	<p><b>Planning Services Report</b> – Planning Services 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.</p> <p>During application review and report preparations Planning Services may speak with applicants, neighbours, and staff from other departments and agencies to complete an assessment of the development proposal.</p>
<b>Step 7</b>	<p><b>Notice of Public Meeting</b> - the Planning Act requires that at least one public meeting be held for Zoning Bylaw Amendment applications. The Act sets out the notice procedures and the people that must be notified.</p> <p>The Municipality provides formal notice of the public meeting to those prescribed by the Planning Act, by both first class mail and the posting of a sign with application details on the subject lands. The applicant is responsible for posting the required sign along the frontage of their property, so that is easily viewable. A notice of the public meeting is circulated to neighbouring municipalities, agencies, provincial ministries, applicable municipal departments and landowners within 120 metres of the subject property. Where applications are being processed concurrently, one consolidated public meeting will be held for all the applications. Notice of the public meeting must be given at least 20 days in advance of the meeting for applications for Zoning Bylaw Amendment.</p>

## Zoning By-Law Amendment Process

<b>Step 8</b>	<b>Public Meeting</b> – Council is the decision making authority with regard to Zoning By-Law amendment applications. The Municipal Council will hold a public meeting to receive comments about the application. Council will hold a public meeting to receive comments about the application. If required, Planning Staff will provide a presentation to Council on the application. This is also an opportunity for the applicant to provide any additional comments on their application. Council will review the application, the report and any comments received prior to issuing a decision on the application. Generally, Council will issue a decision at this same meeting, but could defer a decision on an application to a future meeting should issues arise at the Public Meeting. There is one Council Planning Meeting scheduled per month, which always occur on Monday evenings.
<b>Step 9</b>	<b>Decision</b> – Council may approve, refuse or defer an application and a written notice of an approval or a refusal decision will be sent to the Applicant and those who requested notice within 15 days of the decision.
<b>Step 10</b>	<b>Appeal Period</b> – A 20 day appeal period begins the day the notice of approval is given. Following the decision of Council and subject to the conditions specified in the Planning Act, an appeal may be made to the Ontario Municipal Board by filing a notice of appeal with the Clerk of the Municipality.
<b>Step 11</b>	<b>Enactment</b> – If no appeals are submitted within the 20 day appeal period then the decision is final and the Zoning By-law amendment is enacted and brought into force, as of the date given in the notice.

**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**

<b>CONCURRENT APPLICATIONS FILED</b> <b>Note to Applicant: For each application that is filed concurrently, complete and attach the appropriate application form and fees</b>	<b>OFFICE USE ONLY</b> <b>Date Stamp – Date Received</b>
<input type="checkbox"/> Draft Plan of Subdivision or Condominium File No. _____ Status _____	<p style="text-align: center;"><b>FOR REFERENCE PURPOSES</b></p> <p><b>Municipal address:</b></p> <p><b>CityView Number:</b></p> <p><b>Meeting Date:</b></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"/> Site Plan File No. _____ Status _____	

<b>REQUIREMENTS FOR A COMPLETE APPLICATION INCLUDE:</b>	
<p>Note: Until the Municipality of Chatham-Kent, Planning Services has received the information and material requested herein as required under Sections 34(10.1) and 34(10.2) and any fee under Section 69(1) of the Planning Act), the application will be deemed incomplete, the time periods referred to in Sections 34(10.7) and 34(11) will not begin and the application will be returned to the applicant.</p>	
<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 zoning by-law amendment, 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 the zoning by-law amendment is proposing. 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 2 hard copies and 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 <sup>2</sup> 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 under section 34 of the Planning Act?		
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		

Are there any mortgages, easements or restrictive covenants affecting the subject lands? Yes  No

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 current designation(s) of the land in the Chatham-Kent Official Plan? \_\_\_\_\_

Does the proposal conform to the Official Plan?  Yes  No

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

Does the proposal conform to the Zoning By-law?  Yes  No

3. What is the proposed use(s) of the land?

Residential  Commercial  Industrial  Institutional  Agricultural  Other

Please describe:

4. What is the nature and extent of the zoning amendment that is proposed? (e.g. change the zone to..., add/delete/change a zone regulation, etc)

5. Are proposed text changes and/or mapping for the Zoning By-law attached to this application? Yes  No

6. What is the reason (purpose) for this zone amendment that is proposed?

7. Briefly describe how the proposed zone amendment conforms to the Chatham-Kent Official Plan.

8. 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**

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

<b>b) Water Supply</b>			
<b>Water Supply is Provided by:</b>			
<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.			

<b>c) Sewage Disposal</b>			
<b>Sewage Disposal is Provided by:</b>			
<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			

<b>d) Storm Drainage:</b>			
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
<b>Storm Drainage is Provided by:</b>			
<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

**Employment Areas:**

Does the zoning amendment remove land from an area of employment? Yes  No

If the answer to section 18 is yes, provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment. *(please use a separate sheet)*

## 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; and;
8. The location and nature of any easement or restrictive covenant affecting the subject land.

**Section 8 Owner's Authorization of an Agent:**

<p><b>This must be completed by the Owner if the <u>OWNER IS NOT FILING THE APPLICATION</u></b></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                  _____                  Print name(s) of Owner, individual or company</p> <p>registered Owner(s) of the subject lands, hereby authorize _____                  _____                  Print name of agent and/or company (if applicable)</p> <p>to prepare and submit an Application for a zoning by-law amendment.</p>		
_____ Signature	_____ Day	_____ Month
	_____ Year	

**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.

..... Signature of Applicant	..... Date
..... Witness	..... Date

## 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)