



## OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATION GUIDE

### A. **What is an Official Plan**

The Official Plan is a policy document which sets out the goals, objectives and policies of the municipality primarily to manage and direct physical change and the effects on the social, economic and natural environment.

### B. **What is a Zoning By-law**

The Zoning By-law is the legal document which implements policies and objectives described in the Township's Official Plan and regulates the use and development of buildings and land by stating exactly what types of land use are permitted on a piece of land and establishing precise standards for how the land can be developed (e.g. lot size, building setbacks).

### C. **Changes to the Official Plan and Zoning By-law**

If you propose to use, alter or develop your property in a way that does not conform with the policies of the Official Plan, you must apply for an amendment. In most cases, where an amendment to the Official Plan is required, an amendment is also required to the regulations set out in the Zoning By-law. A change to the Official Plan requires an amendment to the Plan. A change to the By-law may occur through either a Zoning By-law Amendment application (rezoning) or a Minor Variance application. Rezoning's are required for major changes to the Zoning By-law such as land use changes or significant increases in height or density. Minor variances are used for small changes in regulations such as building setbacks or parking requirements. Generally, where the change to the Zoning By-law is as a result of an Official Plan amendment, a rezoning will be required. If you are not sure whether your proposal involves a rezoning or a Minor Variance, please contact the staff of the Township's Development Services Department.

### D. **Application Process**

#### 1. **Pre-consultation**

Prior to submitting an application, the applicant or his agent (applicant) is required to consult with the Township as follows:

##### i. **Arrangements for Pre-consultation Meeting**

The applicant should contact the Administrative Assistant of the Development Services Department (905-852-9181 ext. 202), to arrange for a meeting to review the proposal. The Administrative Assistant will determine through this initial contact which Township staff and consultants should attend the session, and whether outside agency representation is required (e.g. Region of Durham,

Conservation Authority).

**ii. Pre-consultation Meeting Format**

Initially, the applicant will be expected to outline for those in attendance the nature of the proposal and the background information which is proposed to be submitted with the application. Preliminary concept plans should be available where appropriate. Questions and discussion following the applicant's presentation would have the objective of providing preliminary comments on the proposal, and identifying any issues, as well as a potential approach to their resolution. Information would also be provided to the applicant on Township standards, fees, and other related information. In addition, the Pre-consultation form will be used by the Township as a basis to determine appropriate application submission requirements, in addition to the requirements prescribed by the Planning Act. Not all requirements listed in the Pre-consultation form will apply to each application. Further the scope of the requirements may vary depending on the nature of the application.

**iii. Meeting with Planning Committee**

In addition to the matters outlined in subsection ii), as part of the Pre-consultation meeting, it may be recommended by Township staff, that prior to formally applying for Official Plan and Zoning By-law amendments, proponents make an appointment with the Township Clerk to appear before the Planning Committee to informally discuss the proposal.

**2. Completion of the Application**

Completion and submission of the application form involves:

**i. Part A, C and D of the Application Form – Prescribed information**

Under Sections 22(4) and 34 (10.1) of the Planning Act, certain information and material is required to be provided as part of an application for an official plan or zoning by-law amendment respectively, in order for the applications to be considered a complete applications. This prescribed information is set out in Parts A, C and D of the application form.

**ii. Parts B to E of the Application Form – Township Required Information**

Under Sections 22(5) and 34 (10.2) of the Planning Act, Township Council may require an applicant to provide additional information or material that Council considers it may need in accordance with requirements set out in the Township Official Plan. This required information is set out in Parts B and E of the application form and is required to be submitted in order for an application to be considered a complete application.

A determination will be made at the Pre-Consultation meeting as to which of the materials, plans and studies outlined in Part E of the application

form will be required. An application will not be considered a complete application without the submission of the required materials, plans and studies.

iii. Evaluation of Application with respect to Planning Policy Documents

Please note that any development proposal which necessitates an amendment to the Township's Official Plan and comprehensive Zoning By-law must be consistent with the Provincial Policy Statement; conform with either the Oak Ridges Moraine Conservation Plan or the Greenbelt Plan depending on the location of the site; and conform with the Greater Golden Horseshoe Growth Plan, the Durham Region Official Plan and in the case of a zoning by-law amendment, the Township's Official Plan. The application form requires submission of information which addresses these requirements, therefore, prior to making application for an Official Plan or Zoning By-law amendment, proponents should determine how these documents relate to the proposal.

iv. Number of Copies

The application must be completed in duplicate by the registered owner(s) of the property or his/her agent and returned to the Township Clerk. In addition, a minimum of 15 (fifteen) copies of all required materials, plans and studies will be submitted with the application. The applicant will be advised in the Pre-consultation meeting of the specific number required.

v. Owner's Authorization

Where an application is being made by an agent, the written authorization of the owner(s) must accompany the application. An authorization form has been included as part of the attached application form.

vi. Fees

Until the required fees are submitted, including any fees required by the Region of Durham and the relevant Conservation Authority, the Township will refuse to accept or further consider the application in accordance with the provisions of Section 22(6 and 6.1) and 34 (10.3 and 10.4) of the Planning Act. If the fees are paid by cheque (other than a certified cheque) the date of receipt of the application will be the date that the cheque(s) are cleared for payment by the Township's financial institution. The required fees include:

- a) The Township's fees for an Official Plan Amendment application and a Zoning By-law Amendment application are set out in the Fee Schedule which can be found within the application form. A separate cheque or money order payable to the Township of Uxbridge should be submitted for the Township's fees.

- b) The Region of Durham also charges a fee for the evaluation of official plan and zoning by-law amendment applications. In addition, the Durham Region Health Department charges an additional fee for a review of applications on private services. The current fees should be determined from the Region's website [www.durham.ca](http://www.durham.ca) or by contacting the Regional Planning Department at 905-436-6612 and the Region's Health Department 1-888-777-0613 ext. 2188. Separate cheques or money orders payable to the Regional Municipality of Durham should be submitted for each of the Region's fees.
- c) If the subject lands are within an area of interest or adjacent to lands owned by one of the Conservation Authorities which have jurisdiction in the Township, a fee will be required by the relevant Conservation Authority to review the application. The need for review by a Conservation Authority will be determined as part of the Pre-consultation process. Where a review is required, the current fees should be determined from the website of the applicable Authority or by contacting them directly. A separate cheque or money order payable to the applicable Conservation Authority, should be submitted for the Authority's fees.

### **3. Initial Evaluation of Application**

#### **i. Evaluation Purpose and Schedule**

In accordance with the provisions of Sections 22(6 and 6.1) and 34 (10.3 and 10.4) of the Planning Act, once the application has been submitted with the required fees, the Township is required to undertake an initial evaluation of the application to determine whether the information required by Sections 22(6 and 6.1) and 34 (10.1 and 10.2) of the Planning Act have been submitted. This evaluation is required to be completed within 30 days after the payment of the required fees. As soon as the evaluation is complete, the Township is required to notify the applicant of the status of the application (i.e. whether it is deemed to be complete or not).

#### **ii. Signage**

If the application is deemed complete, the applicant will be directed, as part of the affirmative notice provided by the Township, to place a sign(s) on the property, in accordance with the Sign Policy of the Township. When the specific wording of the sign has been approved by the Township Clerk, it shall be erected on the site in the location(s) directed by the Clerk prior to the issuance of the notice of complete application.

iii. A Complete Application

If the Township deems the application to be complete they are required to issue a public notice of the application to persons and public bodies prescribed by Planning Act regulation, in accordance with Sections 22(6.2) and 34(10.7) of the Act. The notice is required to be issued within 15 days after the applicant is notified that the application is complete. The Township is also required at that time to make the information and material provided as part of the application public.

iv. Incomplete Application

If the Township deems the application to be incomplete, the applicant may provide the additional information requested by the Township, or appeal to the Land Planning Appeal Tribunal (LPAT) within 30 days of a negative notice in accordance with the Sections 22(6.2) and 34 (10.5) of the Planning Act.

**4. Detailed Evaluation and Decision with respect to Application**

The Township's objective is to complete the processing, and make a decision with respect to applications for Official Plan amendments and related Zoning By-law amendments within 180 days after receipt of the application and required fees by Township Clerk. To assist in achieving the objective, the Township will as soon as possible, once the application is deemed complete:

- i) Circulate the application and related material for comments internally to Township departments and consultants, and externally to relevant public agencies.
- ii) Consider whether the applicant should formally present the application to Planning Committee. and if so arrange for such a presentation at regular Committee meeting.
- iii) Schedule the formal public meeting as soon as possible in accordance with the provisions of the Planning Act which require a minimum of 20 days notice. At the public meeting, the proponent will be required to present the details of the proposal.
- iv) Following the public meeting, Township staff or consultants will prepare a planning report. The Planning Committee will consider the report, the public input, as well as the comments of staff, consultants and agencies prior to making a formal recommendation to Township Council who will make the decision with respect to the application.

**5. Approval of Application**

If the application is approved by Council, an Official Plan Amendment and a Zoning By-law Amendment will be prepared and submitted to Council for adoption. Following adoption of the amendments by Township Council, notice of its passage must be given within 15 days in accordance with Sections 17(23) and 34 (18) of the Planning Act. If the amendments are not appealed to the Land Planning Appeal Tribunal (LPAT) within 20 days of notice having been given, the Official Plan amendment, or that part which is not subject to appeal, shall come into effect after the last day for filing a notice of appeal. The Zoning By-law will come into force on the day it was passed, unless the amendment to the official plan is not in effect, in which case the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the Official Plan comes into effect. If an objection to either or both amendments is filed with the Township, a Land Planning Appeal Tribunal (LPAT) hearing is required. The timing of such a hearing is determined by the Land Planning Appeal Tribunal (LPAT).

**6. Denial of Application**

If the application is not approved by Council, notice of refusal must be given within 15 days in accordance with Sections 22(6.6) and 34 (10.9) of the Planning Act. The applicant, or any person who requested notice, or any prescribed person or public body may appeal the refusal to the Land Planning Appeal Tribunal (LPAT).

**FIGURE 1  
SUMMARY: APPLICATION PROCESS**

