



## A Guide to the Rezoning Process

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## **1. What is a Zoning By-law? What is a Rezoning Application and Who Approves It?**

A zoning by-law controls the use of land in a municipality. It states exactly:

- 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; and
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and other lot lines.

The official plan sets out the general policies for future land use. The City's zoning by-laws put the applicable plan into effect and provide for its day-to-day administration. The zoning by-laws contain specific requirements that are legally enforceable. Construction or new development that doesn't comply with a zoning by-law is not allowed, and the municipality will refuse to issue a building permit.

The City of Kawartha Lakes has 18 zoning by-laws that divide the City into different land use zones, with detailed maps. The City's existing zoning by-laws are the zoning by-laws of the municipalities that were amalgamated to form the City of Kawartha Lakes. Each by-law is somewhat different from the other – e.g. uses permitted and definitions can be quite different from one zoning by-law to another.

If you want to use or develop your property in a way that is not allowed by a zoning by-law, you may have to apply for a zoning change, also known as a rezoning or a zoning by-law amendment. The approval of any rezoning rests with Council. But Council can consider a change only if the new use is allowed by the official plan. If the new use is not allowed in the official plan, you may also require an amendment to the official plan.

You are required to complete an application form which contains information prescribed by the Minister of Municipal Affairs and Housing and any other additional information that the municipality may require. You are required to pay an application fee, when you submit the complete application.

If Council refuses your application, or if it does not make a decision within 90 days of the receipt of your application containing the prescribed information you may appeal to the Ontario Municipal Board (OMB) directly by writing to the secretary of the Ontario Municipal Board, 655 Bay Street, 15<sup>th</sup> Floor, Toronto, Ontario, M5G 1E5.

The OMB is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters.

## **2. Where do I Obtain a Rezoning Application Form?**

The application form is available at each Service Centre or on the City's website. Although staff process rezoning applications and provide a recommendation to Planning Committee and Council for consideration, approval of a rezoning application requires the approval of City Council.

Before you apply for a rezoning you should consult with staff of the Development Services Department – Planning Division. They will explain the process, how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any requirements for special studies set out in the official plan and what other approvals may be required.

## **3. What is the Process for a Rezoning Application?**

(Please see attached Figure 1)

When applying for a rezoning, there is a fee for processing the application. Staff will advise you of the amount of the processing fee. As an applicant, you will be required to fill out an application form, with which staff can assist you. The more accurate the information provided, the less likely that delays will occur in the review.

If your application is incomplete or you do not provide all the information required, your application will not be accepted until it is complete. Also, the 90 day time frame for making a decision does not begin until all the prescribed information is received. The City, usually through a sign posted on the property and by mail, must give notice of an application at least 20 days in advance of a public meeting to all property owners within 120 metres of the subject property. Any person or public body may submit his or her opinions/concerns to the Council.

When Council has reached a decision on your application, it is required to send a Notice of Decision, within 15 days of the decision being made, to every property owner within 120 metres of the subject property, or via a Notice in the newspaper, as well as to the applicant and any person or public body that requested, in writing, to be notified. When a Notice of Decision is given, a 20 day appeal period follows. Any appeal is forwarded to the Ontario Municipal Board within 15 days of receipt.

## **4. How is the Rezoning Application Evaluated?**

When it considers a rezoning, Council evaluates it against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and

- the need to ensure protection from potential flooding.

When Council considers a rezoning, it has regard to the Provincial Policy Statement issued under the Planning Act. The Provincial Policy Statement contains clear, overall policy directions on matters of provincial interest related to land use planning and development. The “shall have regard to” rule means that the Council is obligated to consider the application of a specific policy statement when carrying out its planning responsibility. It is expected that the Council will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances.

## **5. Rights of Appeal**

Appeals to the Ontario Municipal Board (OMB) can be made in two different ways:

1. The applicant may appeal if Council makes no decision within 120 days from the date of receipt of a properly completed application.
2. Any person or public body may appeal the Council's decision and any condition within 20 days of the Notice of Decision.

Appeals must be filed with the Clerk of the Municipality, accompanied by reasons for the appeal and the fee required by the OMB. The OMB is an independent administrative tribunal responsible for hearing land use planning appeals.

Applicants are responsible for all costs associated with third party OMB appeals. Deposits are required upon receipt of an appeal in accordance with the City's Tariff of Fees By-law.

## **6. What Other Approvals and Review Fees May be Required?**

In addition to the planning approvals and building permit, which are needed for a building project, there are other permits and approvals required in particular circumstances. For example, an approval permit is required for a new septic system. In water/riverfront areas, a permit may be required from the Ministry of Natural Resources, or the Trent-Severn Waterway before you begin any construction in the water (for example, a retaining wall, a dock or boathouse). Further, the approval of the local conservation authority may be required.

The Building Division will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval.

Please note that the Conservation Authority & Building Division may also charge additional review fees beyond the application fees.

On occasion, background studies, such as traffic and hydrogeological studies, submitted by an applicant will require peer review. Applicants are responsible for all

costs associated with municipal peer reviews of background reports. Deposits are required for peer review in accordance with the City's Tariff of Fees By-law.

After completion of a rezoning, an applicant may have to obtain site plan approval or, if lots are to be created, a draft plan of subdivision must be submitted. Often these approvals can be done concurrently. Further approval requirements should be discussed with staff.

## **7. Required Information and Application Fee Refunds**

The information required for a complete application is outlined on the attached Rezoning Application form. All necessary application fees must be included with the application.

Should the applicant decide not to proceed with the application, a portion of the City's fees may be refunded in accordance with the City's Tariff of Fees By-law.

## **8. Further Information**

This brochure is intended to provide general guidance only to the rezoning process. For more specific information related to individual applications please contact the Development Services Department – Planning Division at (705) 324-9411 Ext. 1231.

### **Hours of Operation:**

8:30am to 4:30pm, Monday to Friday, statutory holidays excepted.

### **Appointment with Staff:**

Appointments with staff may be made by contacting the Development Services Department – Planning Division between 8:30am and 4:30 p.m. at (705) 324-9411 Ext. 1231. The offices are located at 2<sup>nd</sup> Floor, 180 Kent Street West, Lindsay, Ontario, K9V 2Y6.

### **Please Note:**

This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, and other by-laws for definitive requirements and procedures.

**FIGURE 1**  
**ZONING BY-LAW AMENDMENT APPROVAL PROCESS**

