

What is a Zoning By-law Amendment?



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In Ontario, the *Planning Act* permits the Township to enact a zoning by-law to control the use of land in the Township. The zoning by-law sets out where buildings and structures can be located, the types of buildings and structures permitted, how buildings and lands can be used, lot sizes and dimensions, parking requirements, building heights and setbacks. The zoning by-law also has schedules that set out the zone for each property, for example residential, commercial or agricultural. If a property owner wishes to develop property in a way that is not permitted in the zoning by-law, they may apply for a change in zoning, also known as a zoning by-law amendment or rezoning. An amendment can be used to change the use of land for example from residential to commercial to permit a new store, or to decrease the minimum lot area or frontage of a new lot. A zoning by-law amendment may be for just one property, may cover a number of properties or an entire neighbourhood.

Zoning by-law amendments are approved by Township Council. When considering an application, Council evaluates the application using criteria of the *Planning Act*, such as:

- Conformity with the County Official Plan and Township Official Plan;
- Compatibility with adjacent uses of land;
- Suitability of the land for the proposed purpose, including the size and shape; and
- Adequacy of vehicular access, water supply, sewage disposal.

All decisions of Township Council must be consistent with the Provincial Policy Statement and conform to the Township Official Plan and the County of Frontenac Official Plan.

How Does Township Council Make a Decision?

Township Council makes a decision by considering:

- The application and supporting studies;
- Public input from written comments and/or presentation at the public meeting;
- Reports from planners, and other applicable agencies, including conservation authority and other departments;
- Applicable tests and criteria under the *Planning Act* and other legislation.

How to Get Involved

Applications for zoning by-law amendments are required to have public notice, which includes posted signage at the property, notification to neighbouring properties within 120 metres of the subject property, and may include newspaper notices. Comments may be submitted through email, provided by mail, or by speaking at the public hearing in support or in opposition to the application. **Please Note:** only people who have submitted comments or presented at the meeting can appeal Council's decision to the Local Planning Appeal Tribunal.

What is the process for a Zoning By-law Amendment?

Pre-Application

Before submitting an application, applicants are required to meet with planning staff to discuss the application and understand requirements. Pre-application meetings must be booked in advance. Applicants should review the official plan designation and zoning for the property; [Frontenac Maps](#) is a helpful tool for this. Applicants may also be advised to speak with the conservation authority or other agencies and Township departments in advance of the meeting.

Application Submission

Once all the requirements for the application have been submitted, including any required studies and fees, the application will be deemed complete. Typically, the Township will require the application a minimum of two months in advance of the upcoming Council meeting. Applications are not processed until they are deemed complete.

Public Notification and Technical Circulation

Once deemed complete, the application will be scheduled for a Council meeting. Township Staff will notify the applicant and property owners within 120 metres by mail at least 20 days before the meeting. The applicant will be provided with a notice to be posted on the subject property. Members of the public are invited to send in comments or attend the meeting. The application is also circulated to applicable agencies, including the conservation authority as well as to applicable Township departments. If a member of the public wishes to receive a copy of Council's decision, they must make a written request. All comments submitted will be reviewed by Council and become public documents.

Processing time may be longer for applications that propose major development, involve complex supporting information and review, or extensive public input. There may be the requirement through the process for the applicants to provide additional materials or studies.

Public Meeting

The application will be reviewed at the public meeting. The application is included as part of the Council agenda and will be posted on the Township's website in advance of the meeting. The agenda will include the planner's report, comments from commenting agencies and any public comments received prior to the agenda being circulated. The applicant, members of the public, and agencies may attend the public meeting. The applicant may be asked to speak to the application and answer questions from Council. All other members of the public in attendance will have the opportunity to speak in support of or opposition to the application.

Council may defer passing an amending by-law at the public meeting until the applicants have addressed comments received by the public and to receive all comments from outside agencies and Township departments. If Council defers their decision, the application will return at a later date. If a member of the public has provided written comments on the application, they will be notified by the Township when the application will return.

Council Decision

Council may pass an amending by-law to support the rezoning application, deny the application, or defer for more information. When a decision is made, a notice will be mailed out within fifteen (15) days of the decision. There is a 20 day appeal period that follows every decision of Council. For

more information about appeals, including appeal rights and fees, please visit the [Local Planning Appeal Tribunal](#) website.

For More Information

For more detailed information on the zoning by-law amendment process, to see when meetings are, and to learn more about planning, please visit the [Township's planning website](#).

Zoning By-law Amendment Process

