

Process Summary - Zoning By-law Amendment:

A Zoning By-law is a planning document that identifies what land uses will be allowed for properties and sets regulations controlling the construction of buildings. They also deal with matters such as parking for uses, locations and dimensions of driveways, buffers for uses and a number of matters all related to the use of land. Where a Zoning By-law does not allow a use desired by a property owner or where a regulation prevents a property owner from developing his property as he or she wishes, an application for a Zoning By-law amendment may be submitted to amend the By-law and allow the use and/or alter the regulation. Applications for an amendment to a Zoning By-law must be properly supported with sound planning rationale and in many cases, technical studies. Applicants are encouraged to obtain professional planning advice to assist with the completion of any such application and provide and coordinate necessary supporting reports.

The Council of the Town of Parry Sound has the authority to amend a Zoning By-law. The Planning Act dictates the process that must be followed for such amendments. For planning purposes, applicants should expect for this process to take 3 months based on there being no significant issues with the application and no appeal.

Upon receipt of an application for an amendment to a Zoning By-law, the municipality must review the application and supporting information to determine whether it is complete. If the application is not complete, it will not be accepted and processed. Applicants can consult with Town staff for advice regarding what will constitute a “complete” application. Within 30 days from the acceptance of the application together with the application fee, the municipality must provide notice to the applicant that the application is either complete or it is not complete. If the application is deemed

complete, notice must be given within 15 days to a number of agencies and to the public as identified by the Planning Act.

Once an application is accepted by the municipality as complete, a public meeting is scheduled and notice of the meeting together with information regarding the application and its purpose and effect, is provided to a number of agencies and to the public as identified by the Planning Act.

This public meeting will provide the public with information on the proposed Zoning By-law Amendment and allow them an opportunity to comment. In certain cases, an open house is also required. While public notice is required under the Act to those property owners within 120 metres of the subject property, often notice is given over a wider area for larger projects through the use of the local newspaper. Notice must be given at least 20 days prior to the date of the public meeting. Anyone can attend the public meeting and comment or submit written comments for Council's consideration. It is Council's standard procedure not to consider an amending By-law at the same meeting as the public meeting. A staff report and recommendation is provided to Council subsequent to the public meeting by its land use planner. Upon consideration of the application and report, Council can approve the application and pass an amendment to the Zoning By-law or deny the application. If Council denies the application, they must provide notice of this decision within 15 days to the applicant, any person who requested to be notified and all others prescribed by the Planning Act. If a By-law is passed, notice must be given within 15 days of the passing to the owners of land covered by the amendment, all those owners within 120 metres of the land, those who have requested to be notified and to a number of agencies as prescribed. For larger projects, notification is given to a wider area. The amending By-law passed may be appealed to the Ontario Municipal Board and under this circumstance; the Board will hold a hearing on the application. To appeal the amending By-law, comments must have been provided prior to the passing of the By-law. If no appeal is submitted within 20 days of the notice of passing, the

amending By-law comes into force and effect on the date of its passing. If an appeal is submitted, the matter is referred to the Ontario Municipal

Board for a hearing unless the appeal is withdrawn within a certain period of time.

In the consideration of an application for a Zoning By-law amendment, the Council must ensure that the amendment conforms with the Town's Official Plan and is "consistent with" the Provincial Policy Statement. In addition, the amendment must also represent "good planning" for the municipality.

For clarification of the process described above, please consult the Planning Act. For further information on this or any other planning application, please contact the Development and Leisure Services Department of the Town of Parry Sound.