

# **A GUIDE TO ZONING BY-LAW AND OFFICIAL PLAN AMENDMENTS**



**Infrastructure and Planning Department**

**June 2018**

## **1.0 Introduction**

This document is intended to provide guidelines for the public, property owners, builders and the municipality that will assist in the preparation, submission, review, and approval of new developments in the City of Clarence-Rockland.

### **1.1 What is a Zoning By-law?**

A Zoning By-law regulates the use of lands, buildings and structures in the municipality, and sets out specific rules and regulations that control the use and development of land and buildings within the municipality.

The Zoning By-law contains specific legal regulations - for example, what uses are permitted, how high buildings can be built, setbacks from a watercourse and the amount of parking required.

The Zoning By-law Maps divides the City of Clarence-Rockland into "zones", where different land uses are permitted. Each zone has permitted uses and its own set of requirements for lot coverage, setbacks, and building heights. There are zones, for example, which permit single detached dwellings, apartment buildings, retail uses, industrial uses, parks and agricultural activities.

The Zoning By-law must always conform to the applicable Official Plan for that area. Sometimes an Official Plan Amendment is required along with a Zoning By-law Amendment.

### **1.2 What is an Official Plan?**

An official plan describes municipal council's goals, objectives, and policies on how land in the community should be used. It is prepared with input from the community and helps to ensure that future planning and development will meet the specific needs of the community.

There are three Official Plans in effect in the City of Clarence-Rockland:

- The Official Plan of the Urban Area of the City of Clarence Rockland, which covers the urban area (Rockland)
- The Bourget Official Plan
- The Official Plan of the United Counties of Prescott and Russell

**1.3 How can these documents be changed?**

The Zoning By-law is periodically updated by municipal staff. The Official Plan is updated in a mandatory review every 5 years (10 years after a new Official Plan is adopted by Council).

Any property owner can submit an application to amend the Zoning By-law or Official Plan.

*Any inquiries regarding amendments to the Official Plan of the United Counties of Prescott and Russell should be directed to the Counties' Planning and Forestry Department.*

Applications for amendments to the Zoning By-law, Official Plan of the Urban Area, and Bourget Official Plan are submitted to the City of Clarence-Rockland Infrastructure and Planning Department. These applications are reviewed by municipal staff, are subject to public consultation, and are either approved, approved with modifications or refused by the municipality. A single application form can be submitted for both an application to amend the Zoning By-law and an application to amend one of Clarence-Rockland's Official Plans if they affect the same property; the two applications will be processed concurrently.

**1.4 Why Change the Zoning By-law or Official Plan?**

A common reason for amending the Zoning By-law or the Official Plan is that the existing zone or land use designation does not permit the full development potential of a property. An amendment may be required to add a specific use or change the policies for a specific use. Where minor changes to zoning regulations are proposed, applying to the Committee of Adjustment for a Minor Variance may be more appropriate. City planning staff can help you to decide if your proposal requires a Minor Variance or a Zoning By-law Amendment.

**1.5 Who Approves a Zoning By-law Amendment or Official Plan Amendment?**

The approval authority (final decision-maker) for the Zoning By-law is the Municipal Council of the City of Clarence-Rockland. The approval authority for the Official Plan is the United Counties of Prescott and Russell.

## **2.0 Zoning By-law and Official Plan Amendment Approval Process**

### **2.1 Major Steps**

#### **2.1.1 Pre-Consultation with the City's Planning Staff and other Agencies**

A pre-consultation meeting with a planner or with the Development Review Team is required. At this meeting, potential issues with the proposal can be identified, and staff can also help to figure out exactly what changes to the Zoning and Official Plan may be required. Staff will also be able to confirm what additional plans or studies are required to support the application.

#### **2.1.2 Preparation and Submission of Application**

The project proponent (land owner or their agent) will prepare the application form and supporting documents and submit these to the City's Infrastructure and Planning Department.

#### **2.1.3 Application deemed complete**

Municipal planning staff will verify that all the required information is included in the application package. This includes any drawings or reports that are required, as well as application fees.

#### **2.1.4 Public Notice and Technical Circulation**

A technical circulation is sent to internal departments and external agencies to ask for comments on the proposed amendment. A notice sign will be placed on the property by a company, and will be removed by the company after the public meeting. A public notice is sent by mail to all properties within 120m of the subject land, at least 20 days before the public meeting.

#### **2.1.5 Public Meeting of the Planning Committee**

The Planning Committee holds one meeting per month, on a weeknight at 7pm. Meetings are open to the public and between 1 and 5 files are usually discussed per meeting.

The Planning Committee hears a presentation from planning staff, comments from the public, and the proponent, and then makes a recommendation to Council.

### **2.1.6 Municipal Council - Adoption (or refusal)**

Municipal Council will discuss the application and issue a decision. For Official Plan Amendments, the Council decision is sent to the United Counties for approval.

### **2.1.7 Approval from the United Counties of Prescott and Russell**

County approval is required for an amendment to the Official Plan.

### **2.1.8 Notice of Decision and Appeal Period**

Municipal staff will send a notice of decision once the final decision has been made. There is a 20-day appeal period, starting the day the notice is sent.

### **2.1.9 Decision becomes final OR Appeal to the Local Planning Appeals Tribunal (LPAT)**

Building Permit/Business License can be issued if no appeal is made.

## **2.2 Processing Times**

1. Notice of Complete Application
  - a. Time Frame: 5-15 days
2. Public Notice and Technical Circulation
  - a. Time Frame: approximately 3 weeks
3. Public Meeting of the Planning Committee
  - a. Time Frame: 6-12 weeks after complete application
4. Approval by Council
  - a. Time Frame: 4 weeks after Public Meeting
5. Approval from the United Counties (OPA only)
  - a. Time Frame: 15-35 days after Council approval
6. Notice of Decision
  - a. Time Frame: within 15 days of the decision
7. Final Decision (Appeal Period has elapsed)
  - a. Time Frame: 20 days after the notice of decision is sent

The total duration of the process, from the date of submission of a complete application to final adoption is usually between 3-5 months. An Amendment to the Official Plan takes a few weeks longer than a Zoning By-law Amendment because final approval from the Counties is required after Council has made its decision. The process is longer if an application is not complete when it is first submitted, or if changes are made to the proposal during the process.

*Tip: If your goal is to start construction before the winter, make sure the application is submitted in June.*

### **2.3 What If Other Approvals Are Also Needed?**

If a development proposal involves the creation of new lots, the required applications for a consent or plan of subdivision may be able to be processed concurrently with the application to amend the Zoning By-law, but sometimes a Zoning By-law Amendment is a condition of the severance approval, to be completed after the Committee of Adjustment has made its decision. If the proposed development requires Site Plan approval, these processes may be undertaken concurrently. A Site Plan Agreement cannot be signed until the proposed development conforms to the Zoning and Official Plan. Any required approvals from the construction service or fire services for construction, renovation, or change of use can only be given after the Zoning By-law Amendment or Official Plan Amendment has been finalized. A sign permit or business license can only be issued once the Zoning By-law Amendment and/or Official Plan Amendment has been finalized. Any required approvals from the Conservation Authority can be done concurrently with the planning process.

### **2.4 Can the decision be appealed to the Local Planning Appeal Tribunal?**

The Local Planning Appeal Tribunal (LPAT) is a provincial organization that reviews planning decisions (it replaces the Ontario Municipal Board). An appeal to the LPAT can be made by the applicant/owner, by a member of the public, or by the municipality after Council has made its decision and before the 20-day appeal period has lapsed. Anyone may appeal a decision by personally delivering or sending a Notice of Appeal to the City Clerk. The appeal must set out the reasons for objecting to the decision and must include the LPAT's prescribed appeal fee. The Infrastructure and Planning Department will then prepare an appeal package and forward it to the LPAT. A person who makes an appeal to the LPAT must have spoken at the public meeting of the Planning Committee or sent a letter if they could not attend, stating their support or objection to the proposed amendment. The LPAT is a

new institution; therefore an estimate of the delay and associated costs to the applicant is currently unavailable. Development on the site is put on hold until the final decision has been issued.

### **3.0 Submission Requirements**

The following are required to be submitted as part of a complete application:

- 1 original copy of the completed application form, signed by the property owner or agent in front of a Commissioner, and accompanied by a cover letter or a planning rationale
- The required fees, either cash, Interac, cheque or money order, payable to the City of Clarence-Rockland
- 3 copies of the supporting documentation described in the application form (if applicable)
- Survey plan and/or reference plan of the subject property
- Copy of the Deed of Land or Parcel Register for the subject property, indicating the name of the current property owner and a full legal description of the subject property

### **3.1 Application fees**

OFFICIAL PLAN AMENDMENT

\$4,000.00

ZONING BY-LAW AMENDMENT

\$2,600.00

AMENDMENT FOLLOWING A CONDITION OF SEVERANCE

\$1,000.00

TEMPORARY USE

\$1,650.00

HOLDING PROVISION

\$700.00

LOCATED WITHIN THE SOUTH NATION CONSERVATION WATERSHED

\$350.00

*A 10% discount is applied for multiple types of applications for the same project.*

### **3.2 Reports and Studies**

If your proposal involves construction on a vacant lot that does not have access to Municipal water and sewer services, a hydrogeological study and terrain analysis may be required in order to demonstrate that there is sufficient quality and quantity of water available on the property and to ensure the soil can accommodate the proposed septic system. These reports will be reviewed by South Nation Conservation, and a revision fee is required.

If your proposal involves a new commercial use outside of the Commercial Core Area or one of the villages, a Retail Market Study may be required in order to demonstrate that the proposed development will not have a negative impact on the viability of the Commercial Core Area.

If your proposal involves new development on a property with a Natural Heritage Feature designated in the Official Plan of the United Counties (such as a woodland, watercourse, or habitat of an endangered species), an Environmental Impact Study may be required in order to assess the potential negative impacts on the natural features and the ecological functions of the area in question. This report will be reviewed by South Nation Conservation, and a revision fee is required.

A Traffic Impact Study may be required for proposals which will generate a high volume of traffic or are located on collector roads.

If the proposal is for a new or expanded livestock facility, an MDS II calculation and approved Nutrient Management Plan are required. If the proposal is in proximity of an existing livestock facility, an MDS I calculation may be required.

Other studies or reports may be required, depending on the location and type of development, including: Noise, Vibration, Odour, or Air Quality Study, Mineral Aggregate Impact Study, Slope Stability Study, Floodplain Analysis, Drainage and/or Stormwater Management Report, Servicing Capacity/Feasibility Report, and Geotechnical Study. The complete list of required reports and studies for any given project will be determined at the pre-consultation meeting.

If your proposal is subject to Site Plan Approval, the same plans and studies as are required for the Site Plan Application may be required for the Zoning or Official Plan Amendment, even if the Site Plan Application will not be submitted until after the Zoning or Official Plan amendment is finalized.

## **Need more information or have any questions?**

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