



**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 County of Hastings **official plan** sets out the general policies for future land use. The Township of Faraday's Comprehensive Zoning By-Law puts the applicable plan into effect and provides for its day-to-day administration. The Comprehensive Zoning By-Law contains 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 Township of Faraday has one Comprehensive Zoning By-Law with 4 detailed maps (Schedules) that show the zoning of all parcels of land within the boundaries of the Township of Faraday.

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 OMB, 655 Bay Street, 15th 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 the Township of Faraday Municipal Office. Although staff process rezoning applications and provide a recommendation to Council for consideration, approval of a rezoning application requires the approval of the Township of Faraday Council.

Before you apply for a rezoning you should consult with staff of the Township of Faraday. 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. WHY IS THE PROCESS FOR A REZONING APPLICATION?

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 Township of Faraday, usually 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 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 Councils’ 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.

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 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 also be required.

The Building Department 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 and Building Department 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 review and background reports.

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.

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 Township of Faraday Municipal Office at 613-332-3638.

Hours of Operation:

8:30 a.m. to 4:30 p.m., Monday to Friday, (except Statutory Holidays).

Appointment with Staff:

Appointments with staff may be made by contacting the Township of Faraday Municipal Office between 8:30 a.m. and 4:30 p.m. at 613-332-3638. The office is located at 29860A Hwy 28 South, Bancroft, Ontario, K0L 1C0

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 Statement, Growth Plan, the relevant Official Plan Policies, Zoning By-Laws, and other By-Laws for definitive requirements and procedures.

