

**When is a Zoning By-law Amendment Required?** A zoning by-law amendment is necessary if you wish to use or develop your property in a way that does not meet the requirements of the Town's Zoning By-law and cannot be considered "minor" in nature to be done by way of minor variance. A zoning by-law amendment is a two-step process. Firstly, a public meeting is held to consider the application at a Council-in-Committee Meeting. Secondly, if the application is approved, a by-law amendment is drafted and is given three readings for passage at a regular Council Meeting. If the by-law amendment does not conform to the Town's Official Plan, you may also be required to apply for an Official Plan Amendment.

**Costs Involved:**

Pre-consultation fee is \$819.00 which will be credited against the application fee. The application fee is currently \$8,035.00 for Major Applications and \$3,214.00 for Minor Applications. Where a combined Zoning By-law and Official Plan Amendment is required the pre-consultation fee is \$1,255.00 and the application fee is \$8482.00. A cheque, cash or debit is accepted by staff when you submit your completed application, and a receipt can be issued to you at that time if required.

**How Do I Apply for a Zoning By-law Amendment?** Application forms are available in the Planning and Development Services department at the Town Hall or on the Town of Fort Erie's website. Before making your formal application, we require that you submit a preliminary site plan for pre-consultation. The pre-consultation process helps to streamline the process by determining potential issues that may arise during the formal application process.

To make an application for a rezoning, you must submit the following to the Planning and Development Services department:

- A Preliminary concept for review (site plan) and the Pre-consultation fee of \$819.00, which will be credited against the full application fee. The site plan will be circulated to key agencies and comments provided to you.
- Following the completion of the Pre-consultation review, completed application, and an fee of \$8,035.00 for Major applications and \$3,214.00 for Minor applications, made payable by cash, debit or cheque to the Town of Fort Erie, to cover the costs of processing the file(s), may be submitted to the Town along with the following:
  - Required Studies as per Appendix A and B of the Pre-consultation package and other sources.
  - Planning Review Fee for the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority.
  - 10 copies and 1 digital copy (AutoCAD Format) of a **Site Plan**, based on an actual survey by an Ontario Land Surveyor, drawn to scale, showing the full extent of the property and how you propose to develop the lands. Our experience has been that more professionally drawn sketches, such as those drawn by a surveyor, architect, engineer or a planner, provide more accurate information and as a result, expedite the process.
  - 1 copy **each** of a survey or reference plans respecting the application, an 8 1/2" x 14" photo reduction of the Site Plan.
  - Copies of other studies to be determined through the pre-consultation process.

**Notification of a Complete Application:** Planning staff will advise you in writing within 30 days if your application is considered complete or incomplete. If your application is deemed complete, a notice of a complete application will be advertised in the local newspaper.

**Informal Open House Meeting:** Once the complete application is submitted to the Planning and Development Services department, the applicant will be required to hold one open house meeting with the area residents. This meeting is to be held prior to the statutory public meeting. A list of the area residents will be provided to the applicant by planning staff and the meeting should be held in the atrium of Town Hall.

**Formal Notice of Public Meeting:** Once a date has been established to hear the application, a notice of **public** hearing is created and circulated to the applicant, applicable agencies, and neighbours within a 120 metre radius of the subject property. A notice of public hearing is also advertised in the local newspaper for a minimum of 20 days prior to the Public Meeting.

**Town of Fort Erie Council-in-Committee:** The function of the Council-in-Committee is to review the application, staff and agency comments on applicable planning policies and regulations, information provided by the applicant, as well as the input of any neighbours. When considering a zoning by-law amendment, Committee must evaluate the application against criteria such as: conformity with the official plan, compatibility with adjacent land uses, suitability of the land for the proposed use and adequacy of services (water /sewer/access). This process is done by way of a formal public meeting. After hearing everyone's concerns, Committee may decide to approve, change or reject the proposed by-law amendment. Should Council-in-Committee approve an application, a proposed by-law amendment is forwarded to the next regular Council Meeting to be given three readings for passage.

**How Long Will I Have To Wait?** Once Council has passed the by-law amendment, it is subject to a 20 DAY APPEAL PERIOD, during which time anyone (who made oral or written submissions at the public meeting to Council), including yourself, who is not satisfied with the decision may lodge an appeal with THE ONTARIO MUNICIPAL BOARD (OMB). If no appeals are received within the 20 day period, the by-law amendment is considered final and binding.

**What Can I Do If My Application/Zoning By-law Amendment is Not Approved?** You have the right to appeal the decision of Council to the Ontario Municipal Board. An appeal must be filed with the Board, within 20 days of the date of the by-law's notice of passing, with the Clerk of the Municipality who will then forward the appeal to the OMB. An appeal to the Ontario Municipal Board must be accompanied by a fee of \$300.00 payable to the Minister of Finance. If an appeal is received, the entire matter is taken out of the Council's jurisdiction, and the Ontario Municipal Board then arranges for a new hearing, which currently may take up to six months to schedule. In the majority of cases, the decision of the OMB is considered final.

**Ontario Municipal Board Hearings:** Applications that receive the approval of Council and are appealed by an outside third party will be subject to an appeal fee of \$2,465.00 plus all planning, engineering and legal fees incurred as a result or preparation and attendance at the Hearing. The fee to Subpoena Staff to attend OMB Hearings is \$150.00 for each day of necessary attendance, plus travel and accommodation costs where applicable.

**Typically, Regular Council in Committee Meetings are held on the 1<sup>ST</sup> and 3<sup>rd</sup> Monday of each month and regular Council Meetings are held on the 2<sup>ND</sup> and 4<sup>TH</sup> Monday of each month. PLEASE CONTACT THE MUNICIPALITY TO CONFIRM MEETING DATES.**

**The Various Steps in the Process:**

- Planning staff may require that the applicant submit a preliminary site plan and the required fee for a pre-consultation review with key agencies.
- Applicant submits application to Planning and Development Services, including all required sketches, background information, supporting studies and a processing fee for Major or Minor Application.
- Applicant is advised in writing within 30 days of paying the required application fees if the application is considered complete or additional information is required.
- Applicant conducts an informal open house meeting with the area residents within 120 metres of the site.
- Planning and Development Services staff process the application and circulate the notice to prescribed agencies and neighbours at least 21 days prior to the Public Meeting. The notice of public hearing is also advertised in the local newspaper for a minimum of 20 days prior to the Public Meeting.
- Town staff reports and any other agency or public comments are sent to the applicant prior to the Public Meeting.
- Public Meeting at Council-in-Committee – the proposal and all reports are reviewed by Committee. Applicant and the public may make presentation to Committee.
- A recommendation report is then prepared by Planning staff for a future Council-in-Committee meeting. If approved, a proposed zoning by-law amendment is forwarded to next regular meeting of Council for passage.
- Council Meeting: zoning by-law amendment is given three readings and subsequent passage.
- Notice of Passing is given to applicant, agencies and neighbours within 15 days of the passing of the amendment.
- The appeal period is 20 days from the Notice of Passing of the By-law amendment. If not appealed, declaration is sent to applicants and agencies indicating that the by-law is now final and abiding. If appealed – sent to Ontario Municipal Board, who will hold a new Hearing.
- Zoning By-law Amendment is complete.

**For further information please contact the Planning and Development Services department at the address/phone number found at the front of this brochure.**



# **ZONING BY-LAW AMENDMENT PROCEDURES**

## **Planning and Development Services**

**Municipal Centre  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6**

**Telephone: (905) 871-1600  
Fax: (905) 871-6411**

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