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## THE CORPORATION OF THE TOWNSHIP OF BROCK

### ZONING BY-LAW AMENDMENT APPLICATION GUIDE

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1. All lands within the Township of Brock are governed by Zoning By-law No. 287-78-PL. This comprehensive zoning by-law establishes permitted uses in various zone categories as well as regulatory provisions to govern how a property may be developed. It is important to remember that the Chief Building Official CANNOT issue a building permit for a building, or use, which does not conform to the Zoning By-law.
2. All development proposals must not only conform to the Zoning By-law but also the Regional Municipality of Durham Official Plan and, if applicable, the Township of Brock Official Plan. Official Plans, very simply, establish the long-term vision (up to 30 years) as to how the municipality is to be developed. Zoning by-laws implement the Official Plan through permitted uses and regulations in various zone categories.
3. The applicant should consult with staff of the municipality or the Planning Department of the Regional Municipality of Durham to determine how the subject property is affected by the Official Plan. This should occur prior to the submission of a Zoning Amendment Application.
4. The attached form must be completed in full by the applicant. In particular, please note the following important items:
  - a) the application fee is NON-REFUNDABLE and, in accordance with Planning Fees By-law No. 1290-94-PL, as amended, the applicant may be required to cover additional costs expended by the Township in the processing of the application (i.e., legal, planning, engineering consultants) including the need to enter into a financial agreement with the municipality and the posting of a letter of credit to cover consulting costs. In addition, by signing the application form, you agree to pay ALL costs which may be incurred before the Ontario Municipal Board in the event the municipality supports your application and it is appealed to the OMB.
  - b) please identify whether you have submitted concurrent applications, together with file numbers, to amend the Region or Township Official Plan, a plan of subdivision/condominium, and/or a severance. In addition, please indicate whether you are intending to submit any of these applications.
  - c) the submission of a legal survey or sketch showing all dimensions of the property, property lines to buildings and uses on the property (whether existing or proposed) is VITALLY IMPORTANT. The Township must have a clear understanding of what is proposed prior to circulation.
  - d) the application must be SIGNED BY THE OWNER or, alternatively, the OWNER must appoint an AGENT and SIGN THE FORM to this effect. Applications without the OWNER'S acknowledgment will NOT be processed.

5. Municipal staff are available to assist you in the completion of the application form.
6. Environmental Site Assessment Questions

When an applicant submits an application for a local Official Plan Amendment, Rezoning, Site Plan Approval, or Minor Variance the applicant must submit either of the following:

- a) Site Screening Questionnaire; or
- b) Phase 1 Environmental Site Assessment

The Site Screening Questionnaire is attached as Appendix A. The purpose of this questionnaire is to review the indicators of potential site contamination to determine the need for further investigation. This questionnaire must be completed by the Owner and sworn before a Commissioner of Oaths.

In addition, depending on the nature of the application and its location relative to existing and/or former uses, it may be necessary that this form be signed and stamped by a Professional Engineer. The decision to require an engineer's stamp will be confirmed by Council based on a recommendation from staff. An engineer's stamp is not required for minor variance applications.

In the alternative, a Phase 1 Environmental Site Assessment may be submitted. This report, prepared by a Professional Engineer, summarizes the potential for site contamination based on the following: a records review, a site visit, interviews, and an evaluation of information and reporting.

If the assessment indicates the potential for site contamination a detailed site assessment must be submitted. This document, detailed as follows, must be prepared in accordance with M.O.E.E. Guidelines.

#### Assessing Detailed Site Assessments and Remedial Work Plans

Where the potential for site contamination has been established, the applicant will be required to submit a Phase 2 Environmental Site Assessment involving a detailed site investigation and sampling of soil and groundwater. If these samples exceed provincial guidelines, the applicant must submit a Proposed Remedial Work Plan with the Phase 2 report.

The applicant should be aware that this report will be subject to a peer review by the Township's engineering consultant at the applicant's expense. This is to ensure that the report adequately addresses the extent of the contamination and to comment on the proposed rehabilitation plan. Once the peer review has determined that the work plan is adequate, applications may then be conditionally approved (Council resolution) subject to implementing the Remedial Work Plan and submission of the "Record of Site Condition" (Appendix B).

## Finalization of Clean-up

A "Record of Site Condition", signed by a qualified engineer, in accordance with the M.O.E.E. guidelines, will be accepted as sufficient proof of the completion of a decommissioning plan, including verification and sampling. This document has been designed by the M.O.E.E. to provide information on the completion of a remedial work plan and the suitability of a site for the proposed use. The record will not be subject to further review, if it clearly states that the site is suitable for the proposed use.

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## **APPLICATION PROCESS**

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### **Formal Circulation/Notice**

- Upon receipt of your completed application and payment of fees, the Township will prepare an appropriate notice of public meeting which can be circulated to government agencies and members of the public.
- Once the notice of a public meeting is prepared (approx. 1 week) it will be circulated to government agencies and to all property owners within 120 metres (400') of the lands subject of the application at least twenty (20) days prior to the public meeting being held. In addition, depending on the nature of the application, notice of the public meeting may be published in the local newspapers.
- A complete list of government agencies to which your application may be circulated is found in Appendix 1.
- The Planning Act also requires that you erect a sign on the subject property advising as to the nature of the application and the public meeting date. The municipality will provide you with appropriate wording for the sign. It is your responsibility to ensure that the sign is erected by the date specified by the Township.
- The public meeting notice will include a brief description of what is proposed, where the property is located, and when and where the public meeting will be held.
- It is a good idea to speak to your neighbours in advance of their receiving the public meeting notice to discuss your proposal. In this regard, potential problems can be overcome at an early stage.

### **Public Meeting**

- The Public meeting will be hosted by the Township Planning Committee. You will be expected to attend and present your proposal as well as answer any questions which Planning Committee and staff may have. This will be followed by questions and comments from those members of the public in attendance. It is in your best interest to attend the public meeting. An application may be denied if you do not attend.

## **Planning Report**

- Following the public meeting the municipality will authorize its planning consultant to prepare a report discussing the application. In some cases, depending on the nature of the application, engineering comments will be provided as well. This planning report will summarize agency and public comments, discuss relevant planning documents issued by the Region, Township, and Province which may apply, as well as discuss the planning merits of the application. This report will also contain a planning recommendation for the consideration of Planning Committee.
- It should be noted that, in certain instances, a specific recommendation may not be made; rather, a general discussion of the issues may be presented.
- If a positive recommendation is made it is normal that any conditions of approval will be included in the report. These might include the need for a site plan agreement, resolution of certain agency concerns, or satisfying the municipality's consulting engineer in regard to the proposed development.
- In the event that serious concerns are expressed by government agencies and/or the public, the Township may require you to address such concerns prior to authorizing its planning consultant to prepare a report.

## **Planning Committee**

- Once the planning report is received by the municipality it will be placed on a regular agenda for discussion at an upcoming Planning Committee meeting.
- The planning consultant normally presents the report to the Committee and answers any questions the Planning Committee may have arising from the report.
- Normally, Planning Committee will make a decision with respect to the application. The application may be approved (with or without conditions), denied, or tabled for further study, etc.
- It is important to note that the Planning Committee's decision on the application must be confirmed by Council. This usually takes place at the next regular meeting of Council.

## **Approval**

- If the application is approved by Planning Committee and confirmed by Council the planning consultant will be directed to prepare an appropriate amendment to the zoning By-law for consideration by Council. Sometimes, a draft by-law will be sent to certain agencies for comment to ensure that their concerns will be addressed prior to adoption by Council.
- Depending on the nature of the application and the recommendations contained in the planning report it may be necessary for the applicant to complete certain obligations prior to the by-law being enacted (e.g. site plan agreement).
- Following Council's enactment of a zoning by-law amendment notice of its passage must be circulated to all affected agencies, all assessed persons within 120 metres

(400') of the subject land, and those persons who have requested such notice. In addition, depending on the nature of the application, the municipality may also publish notice of the passing of a by-law in the local newspaper.

- The notice of passing of a by-law will indicate the date it was passed, the final date of appeal, the by-law's purpose and effect, whether concurrent applications have been submitted, and a Key Map (if applicable). A summary of circulated agencies is found in Appendix 1.
- A person or agency may appeal the passing of the by-law within 20 days of notice being given together with the reasons in support of the appeal and required Ontario Municipal Board Fee. If an appeal is received the municipality must submit it to the Ontario Municipal Board for a hearing. Please note, however, that the municipality will attempt to resolve any concerns prior to a hearing being held if such is possible.

### **Denial (Appeal by Applicant)**

- If the application is denied by the Planning Committee and confirmed by Council the applicant may file a notice of appeal with the Ontario Municipal Board. A notice of appeal must be in writing, contain reasons in support of the appeal, and submit the appropriate fee. You must forward the notice of appeal directly to the Ontario Municipal Board. The municipality WILL NOT do this for you.

### **Other**

- The zoning by-law amendment process normally takes approximately 3 - 4 months if the application is relatively straight-forward and major concerns are not identified in the process. Should an application be appealed to the OMB the process may be extended by several months.
- Prior to submitting an application for rezoning you are strongly encouraged to discuss your proposal with municipal staff. In addition, you are always welcome to make a deputation before Planning Committee to discuss your plans. A request to appear as a deputation can be made through the Clerk's Department at (705) 432-2355.
- The information contained within this guide is intended to be a summary of the zoning process based on the relevant provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, and not a substitute for the Planning Act, R.S.O. 1990, as amended.

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**APPENDIX 1**  
**NOTICE OF A PUBLIC MEETING**  
**AND**  
**NOTICE OF THE PASSING OF A BY-LAW**  
**CIRCULATION LIST**

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- All property owners within 120 metres (400') of the land to be rezoned
- All persons and public bodies who have requested notice, in writing, to the Municipality
- Region of Durham Planning Department
- Veridian Connections Inc. (local hydro utility); and, Hydro One Inc. and Ontario Power Generation Inc.
- Consumers Gas (if applicable)
- Durham District School Board
- Durham Catholic District School Board
- Conseil scolaire de catholique Centre-Sud
- Lake Simcoe Region Conservation Authority, or Kawartha Region Conservation Authority (depending on location)
- Ministry of Municipal Affairs (if requested by this agency)
- Ministry of Transportation (if within 120 metres of subject land)
- Consulting Planner
- Adjacent Municipality (if within 1 kilometre of subject land).
- In addition, depending on the location, other agencies may be circulated including:
  - Bell Canada
  - Canadian National Railways
  - Canada Post Corporation
  - Transport Canada
  - Trent Severn Waterway

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