

FOR OFFICE USE ONLY:

| |
|----------------|
| FILE NO.: |
| CHECKED BY: |
| DATE RECEIVED: |

THE CORPORATION OF THE TOWN OF WHITBY
APPLICATION FOR AMENDMENT TO
ZONING, TEMPORARY USE AND
HOLDING BY-LAWS

| | | | |
|--|-------------------------------------|--|------------------------------|
| | ZONING AMENDMENT 1784 2585 | | WITH PLAN OF SUBDIVISION |
| | REMOVE "H" HOLDING SYMBOL | | REVISED/REDLINED SUBDIVISION |
| | TEMPORARY USE BY-LAW | | WITH OFFICIAL PLAN AMENDMENT |
| | EXTENSION OF A TEMPORARY USE BY-LAW | | WITH SITE PLAN |

I. APPLICANT INFORMATION

Name of Registered Owner/Applicant: *

Name of Agent (if any):

Address:

Address:

City/Province/Postal Code

City/Province/Postal Code

PHONE: FAX:

PHONE: FAX:

E-mail Address

* OWNER'S AUTHORIZATION IS REQUIRED IF THE APPLICANT IS NOT THE OWNER. IF PROSPECTIVE BUYER, COPY, OF OFFER TO PURCHASE MUST BE SUBMITTED.

II. PROPERTY INFORMATION

NAME OF REGISTERED OWNER: _____
(If different than Applicant) **ADDRESS, CITY, POSTAL CODE**

MORTGAGEES: _____
ADDRESS, CITY, POSTAL CODE

LOCATION OF SUBJECT LAND

(Include Municipal Address)

1. Frontage, Depth & Area of the Subject Land _____
2. Road Access to the Subject Land (ie. Regional/Local) _____
3. Current Official Plan Designation _____
4. Current Zone Category & By-law No. _____
5. Is there reason to believe the subject land may have been contaminated by former uses on the site or on adjacent sites? Yes No

III. DETAILS OF APPLICATION

1. Existing Land Use _____
2. Any Existing Structures _____
3. If **YES** to Item 2. Describe all Yard Setbacks, Building Heights and Floor Area for all Buildings/ Structures existing on the Subject Land _____

4. Any Buildings/Structure Proposed for Subject Land _____
5. If **YES** to Item 14, Describe all Yard Setbacks, Building Heights and Floor Area for all Buildings/ Structures Proposed for the Subject Land _____

6. Date any Existing Buildings/Structures on the Subject Land were Constructed _____
7. Length of Time the Existing Uses on the Subject Land have Continued _____
8. Proposed Use of Subject Land _____
9. Nature & Extent of Zoning Requested _____
10. Why is a Zoning Necessary? _____
11. Date Subject Land Acquired by Current Owner _____
12. How is the Subject Land Proposed to be Serviced (ie. Water & Sewage) _____
13. How is Storm Drainage to be Provided on the Subject Land. (ie. Storm Sewer, Culverts) _____
14. Is the Subject Land also the Subject of a Separate Application under the Planning Act _____
15. If **YES** to Item 14, Please provide the Appropriate File Numbers and Advise of the Current Status _____
16. If Known, has the Land ever been subject to a Previous Application under Section 34 of the Planning Act

17. Is there an airport nearby?
Yes No If **Yes**, at what distance from site? _____ metres
18. Has there been an industrial or commercial use on the subject land or on land adjacent to the subject land at any time?
Yes No If **Yes**, specify the use: _____

19. Has the grading of the subject land been changed by adding earth or other material?
Yes No

IV. STATUTORY DECLARATION

Dated at the _____ this _____ day of _____, 20 _____.
I, _____ of the _____ in the _____.

solemnly declare that all the statements contained in this application are true and I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of **The Canada Evidence Act**. I also agree to allow the Town of Whitby, its employees and agents to enter upon the subject property for the purposes of conducting surveys and tests that may be necessary to this application and to reimburse the Town for expenses incurred in the preparation of a site plan agreement whether or not the agreement is executed.

Declared before me at the _____

in the _____
this _____ day of _____ 20 ____

Signature of Owner or Authorized Agent

A Commissioner, etc.

As of the date of this application, I am the registered owner of the lands described in this application; I have examined the contents of this application, certified as to the correctness of the information submitted with the application insofar as I have knowledge of these facts, and concur with the submission of this application to the Municipality.

SIGNATURE OF PROPERTY OWNER
(IF NOT THE SAME AS THE APPLICANT)

DATE

V. **SUBMISSION OF APPLICATION**

PLEASE COMPLETE THE APPLICATION FORM IN FULL AND SUBMIT WITH THE FOLLOWING:

2 copies of the completed application form and declaration;
15 copies of the plan, *folded to a size suitable for mailing*;
1 copy of the plan on 8-1/2" x 11" paper;
the prescribed fee in cash, cheque or money order payable to the Treasurer of the Town of Whitby.

A sketch illustrating the boundaries and dimensions of the subject land, and the following information:

- a) The location, municipal address, size and type of all existing and proposed buildings/structures and all yard setback distances including the lot area and full dimensions of the lands;
- b) The appropriate location of all natural and artificial features on the subject land and that which is adjacent to the subject land which may affect the application;
- c) The current uses on the land adjacent to the subject land;
- d) The location, width and name of any roads within or abutting the subject land, and indicate whether it is an unopened road allowance, public traveled road, a private road or a right of way; and,
- e) The location and nature of any easement affecting the subject land.

VI. FEES

- a) The fee for a zoning by-law amendment application to change a land classification is **\$5500.00**, exclusive of costs
The fee for an application to remove an “H” Holding Symbol is **\$3250.00**, exclusive of costs.
The fee for the extension of a temporary use by-law is **\$2000.00** exclusive of costs.
The fee for the evaluation of zoning by-law applications and zoning by-laws that are not related to any other application requiring Regional review is **\$500.00** (paid by separate cheque made payable to the REGIONAL MUNICIPALITY OF DURHAM).
(Effective November 1, 2007)
The processing fee for the review and evaluation of zoning by-law applications by Central Lake Ontario Conservation (CLOC) is **\$750.00** (paid by separate cheque made payable to CENTRAL LAKE ONTARIO CONSERVATION) Applications requiring a significant amount of technical review will be charged the Technical Review Fee of **\$3,000.00**. Consolidated applications will be subject to only the higher of the application fees, not the aggregate.
- b) additional cost for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third party review of supporting studies.
- c) The applicant will be responsible for the costs to the Town of appearing in support of the application at hearings of the Ontario Municipal Board or Environmental Assessment Board.
- d) The applicant will be required to pay the reasonable fees of the Town for the preparation and registration of development agreements when such agreements are required.
- e) An annual administrative review of **\$500.00** will be charged every year that the application has been approved by Council but has not been finally secured by a development agreement.

VII. SIGNS

A sign or signs must be erected on the subject property to notify the public of the application. Planning Staff will complete the attached sign form indicating the wording and location of the sign. The form must be signed and returned to the Planning Department.

NOTE:

"This application and the attached supporting documentation, if any, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours."

Personal information on this form is collected under the authority of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and the Planning Act R.S.O. 1990, c. P.13, as amended, and will be used in the processing of a zoning application. Questions about this section should be directed to the Director of Planning, Town of Whitby, 575 Rossland Road East, Whitby, L1N 2M8 (905) 430-4306.

**APPLICATIONS WILL NOT BE PROCESSED
WHERE APPLICATION FORMS AND/OR FEES ARE INCOMPLETE.**

APPLICATIONS FOR AMENDMENT TO ZONING BY-LAWS 2585 AND 1784
(AS AMENDED)

INFORMATION AND RULES OF PROCEDURE

Whitby Planning Department: 575 Rossland Road East
WHITBY, ON, L1N 2M8
(905) 430-4306
(905) 668-7812 Fax

GENERAL INFORMATION:

There are two Zoning By-laws for the Town of Whitby:

- (a) By-law 2585, as amended, covering the lands in the former Town of Whitby.
- (b) By-law 1784, as amended, covering the lands in the former Township of Whitby.

The Zoning By-laws further stipulate in detail the restrictions and provisions applicable in the various zone categories.

An application may require in excess of six months to process to enable Council to carry out the necessary studies related to the application and to obtain the necessary approvals. It is only after the necessary approval(s) is given that a particular application may proceed.

PROCEDURE FOR PROCESSING APPLICATIONS FOR ZONING BY-LAW AMENDMENTS

- 1) An application is made to the Town Council in the appropriate form attaching the required number of copies of Plans and other material as provided for in the application.
- 2) The application together with the appropriate fee is deposited with the Planning Department and when presented to Council, it is forwarded to the Planning and Development Committee for report and recommendation.
- 3) The applicant is required to post a sign on the subject property advising the public of the application. The specifications and procedures for the posting of the sign are contained in the Appendix attached to the application form.
- 4) The applicant is advised of the time and date the application will be presented to the Planning and Development Committee for information and will be invited to attend in person to express his/her views about the application or to be represented by Counsel for this purpose, and also provide the Committee with an opportunity to question the applicant. At this meeting, all assessed persons including tenants within 120 metres (400 feet) will be invited to also express their views on the application in accordance with Sections 34(12), (13) and (14) of the Planning Act, 1990. They

will also be afforded one additional week to submit their views in writing to the Planning Department.

- 5) The applicant is advised of the time and date the application will come before the Planning and Development Committee for a recommendation to Council. At this meeting, the Committee will have before it any staff reports making a recommendation on the matter. The applicant will be invited to this meeting to express his/her views, as will any persons to whom the Committee may direct that notice be circulated.
- 6) When the Planning and Development Committee is satisfied that all matters have been considered, it may recommend to Council that the application be referred, reserved, refused, approved or approved subject to certain conditions.
- 7) Council may then act on the Planning and Development Committee's recommendation.
- 8) Where an application is refused by Council, the applicant has the right of appeal to the Ontario Municipal Board as provided by Section 34(18) of the Planning Act, 1990.
- 9) Where an application is approved by Council, Council will direct that the necessary amendments to the Zoning By-law be prepared.

Once the Amendment By-law is passed, notice of its passing is given within 15 days of the date of passing. If no notice of appeal is filed within 20 days after the day that notice was given as required by the Planning Act, it is deemed to have come into force on the date it was passed.

- 10) If any objections are received, the Amendment By-law, together with the objections will be forwarded to the Ontario Municipal Board (O.M.B.). The O.M.B. may appoint a date for the public hearing to consider the proposed amendment by-law and may at such hearing signify its approval or otherwise of the by-law. The Ontario Municipal Board issues a formal order detailing its decision. Such order is final and binding and is the effective authority for the zoning change or other amendment to become law.

TEMPORARY USE BY-LAW

Council may in a by-law passed under Section 34 of the Planning Act, 1990 authorize the temporary use of land, buildings or structures for any purpose set out in the by-law that is otherwise prohibited.

The processing of a temporary use by-law shall include steps 1 through 10 above, wherein subject to Council's approval, the area and prescribed period of time for which the authorization shall be in effect shall not exceed ten years from the day of passing the by-law for a garden suite or three years from the day of passing of a by-law in all other cases. Council may grant further periods of not more than three years each during which the temporary use is authorized. Where a zoning application is submitted to extend a temporary use by-law that is in full force and effect, steps 3 and 4 above may be deleted.

HOLDING BY-LAW

Council may in a by-law passed under Section 34 of the Planning Act, 1990, use the holding symbol "H" in conjunction with any zone designation, specifically the use of the lands, buildings or structures at such time in the future as the holding symbol is removed by amendment to the by-law.

The processing of a holding by-law shall include steps 1 through 10 as noted above. Council may consider an application for an amendment to the by-law to remove the holding symbol subject to all requirements being satisfied. To remove the "H" symbol the posting of a sign and a public meeting is not required, steps 3 and 4. Where an application for amendment to remove the "H" symbol is refused by Council, only the applicant may appeal to the Ontario Municipal Board.

FEES

- a) The fee for a zoning by-law amendment application to change a land classification is **\$5500.00**, exclusive of costs
The fee to extend the time permitted for a temporary use is **\$2000.00**, exclusive of costs.
The fee for an application to remove an "H" Holding symbol is **\$3250.00**, exclusive of costs.
The fee for the evaluation of zoning by-law applications and zoning by-laws that are not related to any other applications requiring Regional review is **\$500.00** (paid by separate cheque made payable to the REGIONAL MUNICIPALITY OF DURHAM).
(Effective November 1, 2007)
- b) Additional cost for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third party review of supporting studies.
- c) The applicant will be responsible for the costs to the Town of appearing in support of the application at hearings of the Ontario Municipal Board or Environmental Assessment Board.
- d) The applicant will be required to pay the reasonable legal fees of the Town for the preparation and registration of development agreements when such agreements are required.
- e) The applicant will be responsible for an annual administrative review fee of **\$500.00** every year that the application has been approved by Council but has not been finally secured by a by-law.
- f) The prescribed fee may be paid in cash, cheque or money order payable to the Treasurer of the Town of Whitby.

**PROCEDURES & REQUIREMENTS FOR THE
ERECTION OF SIGNS FOR THE
NOTIFICATION OF PLANNING APPLICATIONS**



The Corporation of the Town of Whitby
575 Rossland Road East, Whitby Ontario, L1N 2M8
Telephone: 905-668-5803 ~ Facsimile: 905-668-7812

This form must be completed, signed by the owner or authorized agent and submitted to the Planning Department with the required planning application(s).

REQUIREMENTS: In conjunction with applications for approval of **Plans of Subdivision** or **Zoning By-law** amendments or **Whitby Official Plan** amendments, the applicant shall erect a non-illuminated sign(s) on the subject property at his/her cost. The sign(s) shall be professionally prepared and erected within seven days of the submission of the aforesaid application(s) and shall be removed within seven days of the approval, denial or closing of the file(s) by Whitby Town Council, or withdrawal of the application(s). Where more than one application requiring a sign is made for the same site, one sign may be erected giving notice of all applications unless otherwise instructed by the Planning Department.

- SIGN SPECIFICATIONS:**
- (a) Size: 1.2 metres (4 feet) wide; 1.5 metres (5 feet) high; 0.62 metres (2 feet) ground clearance.
 - (b) Acceptable: 12.5 mm (½ inch) exterior grade plywood panel, two (2) 89 mm X 89 mm (4 inch X 4 inch) wood Materials posts or steel posts installed a minimum of 1.2 metres (4 feet) below grade.
 - (c) Paint: Sign panels and all wooden structural members shall be painted on all sides and edges with two coats of exterior type matte finish alkyd paint over a suitable primer. Lettering is to be black inscribed on a white background.
 - (d) Lettering: The sign shall be professionally lettered or silk-screened using UPPER CASE Helvetica medium typeface sizes: 38 mm, 100 mm, and 38 mm as shown on the attached sketch.
 - (e) Wording: The sign shall contain the wording that will be provided by the Planning Department and shall be in the format outlined above and as shown on the attached sketch.
 - (f) Location: For interior lots having frontage on one street, the required sign shall be located approximately midway between the side lot lines at a minimum setback of 1 metre (3 feet) from the streetline(s) and a maximum setback of 2 metres (6 feet) from the streetline(s).

For lots with streetline(s) that abut two streets (i.e. corner lots, through lots), a separate sign shall be required facing each street, located approximately midway between the opposing lot lines at a minimum setback of 1 metre (3 feet) from the streetline(s) and a maximum setback of 2 metres (6 feet) from the streetline(s).

The sign(s) must not be located within a 9 metre (30 feet) corner site triangle.

- (g) Maintenance: With the signing of this form, the applicant agrees that the sign will be maintained both in structure and paintwork to the satisfaction of the Town.

EXEMPTIONS/ DEVIATIONS: Exemptions and/or deviations from the requirements of these procedures and specifications shall be at the discretion of the Director of Planning.

The undersigned hereby agrees to construct and maintain the proposed sign(s) in accordance with the specifications contained herein to the satisfaction of the Town. The undersigned further agrees to remove the sign(s) within seven (7) days of the approval, denial or closing of the file(s) by Whitby Town Council, or the withdrawal of the planning application(s).

Owner Applicant Agent/Solicitor
Name: _____ Signature: _____ Date: _____
(Please Print)

