



**Application for a Zoning By-Law Amendment**  
Under Section 34 (10.1) of the Planning Act,  
R.S.O. 1990, Ch. P 13, as amended

**NOTE TO APPLICANTS:**

This application form is to be used by persons or public bodies wishing to change the zoning designation on a specific parcel from the designation provided for in the Town of Pelham's Zoning By-law.

Submission of this application constitutes consent for authorized municipal staff to inspect the subject land.

**COMPLETENESS OF APPLICATION:**

The information requested by this application form must be provided by the applicant and will be used to process the request under Section 34 of the Planning Act and Ontario Regulation 545/06.

To ensure a prompt and complete review, all information must be submitted at the time of the application. In the absence of all required information, the application may be refused and it may not be possible to complete the review within the legislated time frame for making a decision.

**SUBMISSION OF THE APPLICATION:**

The submission must include:

- One (1) original copy of the completed application form;
- All required application fees- separate cheques made payable to:
  - Town of Pelham
  - Niagara Region
  - Niagara Peninsula Conservation Authority (if required);
- One (1) digital (pdf) and Six (6) paper plans, drawn on a single sheet and to scale. The sketch must show all items required by Ontario Regulation 545/06, as described below:
  - a) The boundaries and dimensions of the subject land;
  - b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines;
  - c) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,

- i) are located on the subject land and on land that is adjacent to it, and,
  - ii) in the applicant's opinion, may affect the application;
- d) The current uses of land that is adjacent to the subject land;
- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way;
- f) If access to the subject land will be by water only, the location of the parking and docking facilities to be used; and,
- g) The location and nature of any easement affecting the subject land.

*\*Please note that measurements are to be in metric units.*

- All required technical reports, including the planning justification report, or other information identified at the pre-consultation meeting, in digital (pdf) and paper format—six (6) copies.

## **PROCEDURE:**

1. A pre-consultation meeting to review the proposed application with Town, Regional and Niagara Peninsula Conservation Authority Planning (if applicable) staff is held.
2. The formal application is submitted by the applicant. Planning staff ensure all prescribed information and the required fees have been provided. The applicant will be notified, in writing, whether the application is considered complete.

If Planning staff does not deem the application complete, within the prescribed time period, the applicant may appeal to the Ontario Municipal Board.

3. If the application is complete, a notice of application will be circulated to affected Town departments and external agencies to provide comments within twenty (20) days.

Comments are received and reviewed by Planning staff. As a result of comments received, the applicant may be requested to provide additional information or it may be necessary to amend the request to ensure support.

4. Planning staff will schedule a Public Meeting once comments are received and all outstanding matters are addressed.

At a minimum of twenty (20) days prior to the scheduled Public Meeting, Planning staff will send a notice of public meeting by mail to all assessed land owners within 120 metres of the subject land and to affected agencies. The notice will be posted on the Town's website and community calendar.

The applicant is required to post the public notice sign prominently on the subject land at a minimum twenty (20) days prior to the scheduled Public Meeting and provide a photograph (jpg or pdf) of its posting to Planning staff.

5. At the Public Meeting, Planning staff will make a presentation to Committee of the Whole (members of Council) and the public on the application. In addition, an information report is presented on the evening's agenda for review and comment. The applicant is expected to attend this meeting to address any questions or concerns that may arise. Committee provides direction to Planning staff, i.e. to prepare the recommendation report.
6. The recommendation report will be prepared and is presented for review and comment at a subsequent Committee of the Whole meeting. Committee provides direction to Planning staff, i.e. to prepare the amending zoning by-law.
7. The amending zoning by-law is prepared and is presented at a subsequent Council meeting. Council may approve or not approve the zoning by-law.

If Council chooses to not approve the zoning by-law, the applicant may appeal Council's decision to the Ontario Municipal Board.

8. After the amending by-law has passed and been enacted by Council, a notice of passing of the by-law is given within fifteen (15) days.

There is a twenty (20) day appeal period commencing the day after the notice of passing of the by-law is given. During this period, an appeal of Council's decision may be made to the Ontario Municipal Board. Should no appeal be lodged, the amending by-law is deemed to have come into force as of the date of passing of the enacting by-law.

## **HELP:**

If you require assistance in completing this application, or throughout the process, please contact a Planner in the Town's Community Planning and Development Services Department at 905-892-2607.

### **Notes:**

- It is the responsibility of the owner(s) / applicant(s) to advise the Town of Pelham of any changes (i.e. to ownership, agents, their addresses and telephone numbers, etc.) to ensure that you are advised of all matters pertaining to this application.
- It is the responsibility of the owner(s) / applicant(s) to ensure that all information provided is accurate.
- An amendment to the Zoning By-law does not constitute a change to the designation of the subject property in the Official Plan. An amendment to the Official Plan is required if the proposal does not conform to the existing Official Plan. In the event that an Official Plan Amendment is required, please complete an Official Plan Amendment application form.



**Application for a Zoning By-Law Amendment**  
 Under Section 34 (10.1) of the Planning Act,  
 R.S.O. 1990, Ch. P 13, as amended

Town Use Only

Date Received:	Date Accepted:	Fee Paid:	File No.
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**1.0 GENERAL INFORMATION**

Name	Address	Phone Nos.
1.1 Registered Owner of Subject Land *		Business
		Cell
	Email Address	Fax
1.2 Applicant (if different)**		Business
		Cell
	Email Address	Fax
1.3 Agent or Consultant		Business
		Cell
	Email Address	Fax
1.4 Persons or Institutions who have any mortgages, charges or other encumbrances on the property		Business
		Cell
	Email Address	Fax

\* If a numbered company, also give the name and address of the principal owner. If more than one owner, complete an additional page for each owner.

\*\* Owner's authorization (Part 14.0) required if applicant is not owner.

1.5 To whom shall all correspondence be sent? (Please check one box only)

Owner

Applicant

Agent / Consultant

## 2.0 PRE-CONSULTATION WITH PLANNING STAFF

Has the proposed zoning by-law amendment, for which this application is being submitted, been the subject of a pre-consultation meeting?

Yes (If yes, date: \_\_\_\_\_ )  No

## 3.0 LOCATION OF LAND

Assessment Roll No.	Lot	Concession	Former Twp.
Registered Plan No.	Lot (s)	Reference Plan No.	Part (s)
Municipal Address			

### 3.1 Particulars of Property (in metric units)

Frontage	Depth	Area
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3.2 Date that the subject land was acquired by the current owner: \_\_\_\_\_

## 4.0 TYPE AND PURPOSE OF AMENDMENT (please check all applicable)

- Condition of Consent. Consent File No.: \_\_\_\_\_
- Adds a site specific exemption
- Changes a zone in the Zoning By-Law.  
Schedule to be changed: \_\_\_\_\_
- Removal of an 'H' Holding Provision

If a site specific zoning by-law amendment is being requested, attach the text of the requested amendment.

Provide a map of the subject land- indicating the land requested to be rezoned (i.e. from the current (R1) to requested zoning (RM1)).

4.1 What is the purpose of the requested amendment (attach additional sheets, if necessary)?

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**5.0 CURRENT ZONING**

5.1 What is the current Official Plan designation of the subject land? \_\_\_\_\_

5.2 What are the land uses that the Official Plan designation permits? \_\_\_\_\_

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5.3 What is the current zoning of the subject land? \_\_\_\_\_

5.4 What are the existing uses on the subject land? \_\_\_\_\_

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5.5 How long have the existing uses on the subject land continued? \_\_\_\_\_

5.6 Are there existing buildings or structures on the subject land?

Yes       No

If yes, please complete the following chart and illustrate setbacks on the required sketch.

Description	Building		Accessory Building	
	m	ft	m	ft
Type (i.e. House, Garage, Commercial Building)				
Front Yard Setback	m	ft	m	ft
Rear Yard Setback	m	ft	m	ft
Interior Side Yard Setback	m	ft	m	ft
Exterior Yard Setback	m	ft	m	ft
Height	m	ft	m	ft
Ground Floor Area	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>
Gross Floor Area	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>

If yes, please provide the date of construction for all existing buildings or structures.

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Are any of the buildings or structures to be demolished?

Yes       No

5.7 Are there any existing easements or restrictive covenants affecting the subject land?

Yes       No       Unknown

If yes, please provide information regarding any existing easement or restrictive covenant that affects the subject land.

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## 6.0 REQUESTED ZONING

6.1 What is the requested zoning of the subject land?

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6.2 What are the land uses that the requested zoning by-law amendment would permit?

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6.3 Are the requested land uses permitted in the Official Plan?

Yes       No       Unknown

If no, an application to amend the Town's Official Plan is required.

6.4 Is a site specific zone being requested?

Yes       No

If yes, please provide the text of requested site specific regulations below or attach a separate sheet.

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6.5 Is the subject land within an area where the Town has pre-determined the minimum and maximum density requirements or the minimum and maximum height requirements?

Yes       No

If yes, please provide a statement of these requirements.

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6.6 Are any buildings or structures proposed to be built on the subject land?

Yes       No

If yes, please complete the following chart and illustrate requested setbacks on the required sketch.

Description	Building		Accessory Building	
	m	ft	m	ft
Type (i.e. House, Garage, Commercial Building)				
Front Yard Setback	m	ft	m	ft
Rear Yard Setback	m	ft	m	ft
Interior Side Yard Setback	m	ft	m	ft
Exterior Yard Setback	m	ft	m	ft
Height	m	ft	m	ft
Ground Floor Area	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>

## 7.0 EXISTING ADJACENT LAND USES

North \_\_\_\_\_



East \_\_\_\_\_

South \_\_\_\_\_

West \_\_\_\_\_

## 8.0 SERVICING

8.1 Services provided to subject land (please check all applicable):

- Municipal Water
- Municipal Sanitary
- Well
- Septic
- Storm sewers
- Ditches/ swales
- Other (please specify service)  \_\_\_\_\_

8.2 Would the requested amendment permit development on a privately owned and operated individual or communal septic system and result in more than 4500 litres of effluent being produced per day?

Yes  No

If yes, attach a servicing options report and a hydrogeological report.

## 9.0 ROAD ACCESS

9.1 Road access provided to subject land (please check all applicable):

- Municipal Road
- Regional Road
- Private Road
- Other (i.e. water access)  \_\_\_\_\_

**10.0 CURRENT STATUS OF SUBJECT LAND AND LAND WITHIN 120 METRES**

**(Provide information on additional applications for the subject land and for land within 120 metres if it is the subject of an application by the applicant under the Planning Act; attach additional sheets if necessary)**

Application	If applicable, File No.	Land it Affects	Status
Example:			
Consent	B2-2015	35 Port Robinson Rd	Application submitted
Approval of a Plan of Subdivision/ Condominium	26T19-01015	177 Port Robinson Rd	Application submitted
Minor Variance			
Consent			
Amendment to the Regional Official Plan			
Amendment to the Town of Pelham Official Plan			
Amendment to the Zoning By-law			
Amendment to a Minister's Zoning Order			
Approval of a Plan of Subdivision/ Condominium			
Approval of a Site Plan			

If any of the above are applicable, provide the purpose of the application and the effect it would have on the requested zoning by-law amendment.

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## 11.0 MATTERS OF PROVINCIAL INTEREST

Does the requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement?

Yes                       No                       Unknown

\* If yes, provide details of the official plan amendment that deals with the matter.

Does the requested amendment remove the subject land from an area of employment?

Yes                       No                       Unknown

\* If yes, provide details of the official plan amendment that deals with the matter.

Is the subject land included within an area where there is an approved watershed plan, if any?

Yes                       No                       Unknown

Is the requested amendment consistent with the policy statements issued under subsection 3 (1) of the Planning Act?

Yes                       No                       Unknown

Is the subject land within an area of land designated under any provincial plan or plans (i.e. Greenbelt Plan, Niagara Escarpment Plan)?

Yes                       No                       Unknown

If the subject land is within an area of land designated under any provincial plan or plans, does it conform to and does it not conflict with the provincial plan or plans?

Yes                       No                       Unknown

Is the subject land designated under the Ontario Heritage Act?

Yes                       No                       Unknown

Attach on a separate sheet, text that discuss the effect of the application in regards to the topics outlined above, if applicable.

**12.0 OTHER INFORMATION**

Is there any other information that may be useful to the Town, public bodies, or other agencies in reviewing this zoning by-law amendment (i.e. efforts to resolve outstanding concerns)? If so, please explain below or attach on a separate sheet.

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**NOTE:**

**The following sections include several declarations and authorizations that must be signed by the owner of the subject land to which this application applies.**

**If there is more than ONE owner, an additional declaration and authorization page must be completed and attached to the application for each owner.**

**13.0 AFFIDAVIT OR SWORN DECLARATION:**

I/ we, \_\_\_\_\_ of the \_\_\_\_\_  
(Name(s) of Owner) (City/Town or Township)

in the \_\_\_\_\_ make oath and say (or solemnly declare)  
(Region or County)

that the information contained in this application is true and accurate, the information contained in the documents that accompany this application is true and that the owner as of the day on which this application is made has unconditional ownership of the subject land and has disclosed any agreements or encumbrances that apply to the subject land.

I/we make this solemn 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.

\_\_\_\_\_  
Signature of Owner (s)

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

**14.0 PERMISSION TO ENTER**

I/ we, \_\_\_\_\_  
(Name(s) of Owner)

hereby authorize Council members, Town of Pelham staff and/or the Region of Niagara staff and/or the Niagara Peninsula Conservation Authority staff to enter onto the subject land for the limited purposes of evaluating the merits of this application.

\_\_\_\_\_  
Signature of Owner (s)

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

**15.0 AUTHORIZATIONS OF OWNER FOR AGENT TO MAKE THE APPLICATION:**

I/ we, \_\_\_\_\_ , am the owner of the land that is subject of  
(Name(s) of Owner)

this application for approval of an amendment to the zoning by-law, and I/ we authorize

\_\_\_\_\_ to make this application on my/our behalf.  
(Name of Agent)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s)

**16.0 COMMISSIONER DECLARATION**

Note: The signature of the applicant(s) or authorized agent must be witnessed by a Commissioner for Taking Affidavits, etc. The Clerk and Deputy Clerk are Commissioners, if needed.

DECLARED before me at the \_\_\_\_\_ of \_\_\_\_\_  
(Town, Township, City)

) TO BE SIGNED IN THE PRESENCE  
) OF A COMMISSIONER FOR TAKING  
) AFFIDAVITS

in the \_\_\_\_\_ of \_\_\_\_\_  
(Region, County)

\_\_\_\_\_  
Signature of applicant or agent

This \_\_\_\_\_ of \_\_\_\_\_ , 20 \_\_\_\_\_ .  
(Day) (Month)

\_\_\_\_\_  
Signature of applicant or agent

\_\_\_\_\_  
Commissioner

The personal information contained on this form is collected pursuant to the Planning Act and will be used for the purpose of responding to your application. If you have any questions on the gathering of personal information and the release of any personal information to any person or public body under the Freedom of Information and Protection of Privacy Act, you may contact the Clerk at 905-892-2607 ext. 315.