



**City of Kenora**  
**Application for Amendment to Zoning By-law**  
 Section 34 of the Planning Act & Ontario Regulation 545/06

A zoning by-law amendment, also referred to as a zone change is required if a proposed use is not permitted in the zone for a property, or if the standards of that zone cannot be met by a proposed development, a Zoning By-law may need to be changed or 'amended'. For example, a change of use from residential to commercial would require a Zoning By-law amendment. A Zoning By-law amendment is a By-law passed by City Council. Since the Zoning By-law implements the Official Plan, a proposed Zoning By-law amendment must still conform to the Official Plan. If it does not, the proposed Zoning By-law amendment may not be appropriate without first obtaining an [Official Plan Amendment](#).

<b>OFFICE USE ONLY</b>	
Date Stamp - Date Received:	File Number: _____ Roll Number: _____ Date Received: _____ Application Fee Paid: _____ Application Deemed Complete (Date): _____

<b>1.0 - GENERAL GUIDELINES</b>	
<b>Pre-Consultation:</b>	<p>The City of Kenora Official Plan requires that applicant(s) attend a pre-consultation meeting with the Planning Department prior to formally submitting this application. Please ensure that you call ahead to arrange an appointment with Planning Staff at least one week prior to your preferred meeting date.</p> <p>Please refer to the appropriate checklist for timelines.</p> <p>Applicants are also encouraged to consult with neighbours about their application prior to submission.</p> <p>For further information, or to make an appointment, please contact one of:</p> <p>Tara Rickaby, Planning Administrator - Tel: (807) 467-2059 or trickaby@kenora.ca            Melissa Shaw, Planning Assistant - Tel: (807) 467-2292 or mshaw@kenora.ca</p>
<b>Proof of Ownership:</b>	<p>Proof of ownership (deed) or assessment roll number (tax bill) shall accompany each application.</p>
<b>Fee:</b>	<p>The transaction fee for a zoning by-law amendment is \$1100.00. Please make cheques payable to the Corporation of the City of Kenora. Payments may be made by cash or cheque only, or by debit/credit if paid at City Hall.</p>
<b>Application:</b>	<p>The City of Kenora requires (2) original copies of the application, together with the application fee or receipt from payment in order for the application to be deemed complete and be processed. All required information must also be submitted electronically.</p>

Applications can be picked up from the Planning Department located at the Operations Centre or downloaded [here](#)

The Planning Act requires that the applicant shall provide all prescribed information contained within this application. Failure to provide this mandatory information shall render the application incomplete and unable to be processed. Please answer all questions in full detail.

Council may require that the sketch be signed by an Ontario Land Surveyor (OLS). Council may also require that a survey of the subject property be a condition of approval for the application. The most recent survey of the property should be attached with the application.

Applications must be filled out in Blue or Black ink only. Applications completed in pencil or other colours of ink will not be accepted. If submitting photocopies of your application, the original copy must also be filed.

If the application is being submitted concurrently with another application (ie. for consent) each application must be complete.

Some applications will require clearance letters from the Northwestern Health Unit. Please contact the NWHU at 807-468-3147 for information with respect to private sewage systems.

If access to the subject property is via a Provincial Highway, the Ministry of Transportation (MTO) must be consulted. Please call or visit the local office of the MTO for further information.

Some developments will be subject to site plan control. Please refer to the City of Kenora Portal for further information about site plan control.

Applications shall be signed by the owners(s) or agent in the presence of a Commissioner of Oaths. The City Clerk is a Commissioner. Where an agent or solicitor is authorized to make the application on behalf of the owners(s), their signature shall be witnessed.

Required information, which must accompany your application, and information regarding the current Official Plan and Zoning Designations of your property may be obtained from the Planning Department online at [www.kenora.ca/planning](http://www.kenora.ca/planning). The Provincial Policy Statement (2014) is available online as well.

The Planning Act, R.S.O. 1990 (as revised) and Ontario Regulation 545/06, of the Planning Act are available online at: [www.e-laws.com](http://www.e-laws.com)

All applications will be circulated for review and comment to a number of City Departments (such as Planning, Engineering, Building, Parks, Roads, Fire and Emergency Services, Hydro etc., and legislated outside agencies). All applications will also be circulated to all property owners within a 120 metre radius of the subject property. Notices of the application must be given at least 20 days prior to the public meeting and therefore applications must be received and deemed complete at least 30 days prior of the public meeting.

**Sketch:** A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. Requirements for the sketch will be outlined later in the application.

**Authorization:** Should an agent or solicitor represent the applicant(s), written authorization from the applicant(s) must accompany the application.

**Posting of Signs:** The Planning Act requires that a “notice of hearing” sign be posted on the subject property at least 20 days prior to the public hearing. Failure to comply with this may result in your application being removed from its scheduled public meeting. The Planning Department will provide the sign for the applicant.

**OMB Cost Recovery:** The applicant acknowledges that if an Ontario Municipal Board hearing is required, that they will be subject to the City of Kenora OMB cost recovery policy for OMB appeals. An undertaking is provided as part of this application and forms part of a complete application.

**Special Studies:** Applicants are advised that special studies may be required as part of the application depending on the nature of the proposal. Such studies may include: Environmental Impact Statement (EIS), Heritage Impact Assessment, Lake Capacity Study, Fishery Assessment, Transportation/Traffic Impact Study, Storm Water Management Study, Fishery Assessment etc. A full list of potential required studies may be found in section 8.10 of the Official Plan.

Applicants may also need to contact the Department of Fisheries and Oceans (DFO), Ministry of Natural Resources (MNR) or Environment (MOE), depending on the nature of the application. It is the responsibility of the applicant and/or agent to contact these organizations.

## **FREQUENTLY ASKED QUESTIONS (FAQ)**

### **If someone from the public objects to my application at the meeting is my application automatically refused?**

NO. Council must weigh all evidence presented at the public meeting and make a determination on that basis. Council will use input from the public, section 34 of the Planning Act, the Provincial Policy Statement (2014), the City of Kenora Official Plan (2015) and the Planning Advisory Committee's recommendation, when considering their decision.

### **Do I get my application fee refunded if my application is refused?**

NO. City staff time and costs are incurred regardless of the outcome of the application.

### **What can I do if my application is denied?**

You may file an appeal to the Ontario Municipal Board (OMB), in accordance with their requirements.

### **What if my application is approved but a neighbour or other third party is unhappy with the approval?**

They have the same appeal rights that you do. Although only residents within a 120m radius of the subject property are circulated notices regarding the re-zone application, any member of the public can speak at the meeting or submit written comments to Council. Any member of the public can file an appeal to the OMB. Only individuals and/or agencies that make written oral or submissions at or prior to the scheduled public meeting may file an appeal to the Ontario Municipal Board.

### **How long does the application process take? (refer to checklist)**

The Planning Act requires that a decision must be rendered by Council within 120 days of the application being deemed complete by City Staff. The length of time is due to the consultation with various departments and agencies that is required. Your approval is not in effect until the 20 day appeal period following the decision has ended. In cases where an appeal is lodged, the decision is not final until it has been dealt with by the Ontario Municipal Board. Only individuals and/or agencies that make written or oral submissions at or prior to the scheduled public meeting may file an appeal to the Ontario Municipal Board.

### **When might a zone change be required?**

A zoning by-law amendment is required when a property owner desires a change of land use not permitted by the zoning by-law.

### **How is my application evaluated?**

Zoning amendment applications are evaluated by City Council based on Provincial, City and site-specific circumstances. The Kenora Planning Advisory Committee/Committee of Adjustment (PAC) will also make a recommendation on all applications for Zoning By-law Amendments. City Council will use the following planning legislation to base their decision:

#### **Planning Act**

The Planning Act is a piece of provincial legislation which allows for municipalities to plan. In general terms, municipalities cannot undertake planning processes that are not explicitly enabled through the Planning Act. The Act sets out the parameters for establishing an Official Plan, Zoning By-law, and other municipal planning documents. The Planning Act spells out required planning processes and associated regulations that are companion to the Act provide greater detail. The Act also elicits that all

municipal planning must be undertaken such that it is consistent with provincial interest. Furthermore, the Act specifies that all municipal planning actions must be consistent with the municipality's Official Plan.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides a more complete description of provincial interests. As all planning decisions, including those relating to Official Plan amendments, are to be consistent with the Provincial Policy Statement, the document is considered in its entirety when evaluating all Official Plan amendments. Interests such as building strong communities, managing resources and protecting public health and safety are included in the PPS.

### **Official Plan Policy**

The City of Kenora Official Plan includes a broad range of policies that are intended to give direction for the evaluation of applications to change the Official Plan. There are City-wide, area-specific, and land-use-specific policies included for this purpose. These policies serve as a primary resource for evaluating Official Plan amendment applications.

### **Municipal Guidelines**

Many guideline documents have been prepared and adopted by City Council. These documents provide greater detail to articulate and guide the implementation of Official Plan policies. A full list of the guideline documents is available on the City of Kenora's web site.

### **How can I get involved if I receive notice?**

If you have received notice, or have additional questions, about a zone change application that may affect you, you should:

- Contact the City of Kenora Planning Department to find out more information about the application
- Discuss your concerns with Council, when attending the statutory public meeting
- Write to a member of Council, by the date specified on the notice you received, or as indicated on the sign located on the subject property

### **What could affect the outcome of my application?**

- Valid objections from neighbours or a third party ("Do not like it because do not like it" is not valid).
- Comments from one or more departments or external agencies.
- What departments and agencies are circulated?
  - Northwestern Health Unit (NWHU)
  - Roads Department
  - Operations
  - Planning Department
  - Engineering
  - Building Department
  - Parks and Recreation
  - Ministry of Transportation (MTO), Environment (MOE) or Natural Resources (MNR)
  - Department of Fisheries and Oceans (DFO)
  - Kenora Hydro (if applicable)
  - Propane operators (if applicable)
  - Others as determined by the City of Kenora
  - Other agencies as stipulated by the Planning Act

## **PLANNING RATIONALE**

A Planning Rationale is a document that will provide an overall description, justification and rationale for understanding the proposed development application, and intended to help the applicant organize and provide written support for the application. The document will assist staff and the approval authority, in the assessment and recommendation for the application. A planning rationale must accompany each application.

### **What is the purpose of a planning rationale?**

A planning rationale is required as part of an application in order to:

- A) Provide a clear description and understanding of the proposal

- B) Provide an opportunity, at the outset, to establish why the proposal should be considered
- C) To highlight important information specific or particular to the application (ie. special history, different circumstances, unique site conditions, etc.)
- D) To enable staff to analyze and prepare recommendations on the application

It is not intended to be a personal analysis or business case for a proposed development, rather it should examine the impact of the proposal on the surrounding area, and vice versa.

#### **Who can prepare a planning rationale?**

Depending on the complexity of the application, the information requirements can be addressed in a letter, or a longer report. The material can be prepared by the owner, an agent, the applicant or by a member of a consulting team, depending on the nature of the application.

For a complex application it is recommended that a planning professional be retained to prepare the planning rationale. The benefits to the applicant, of hiring a planning professional, can be significant in presenting the proposal in its best form, which may result in cost and time savings, as well as making the approval process as efficient as possible.

#### **Under what authority can a planning rationale be requested?**

The Planning Act, R.S.O. (1990 as revised) gives a Municipality the authority to require that a planning rationale be prepared as part of any development application. The City of Kenora's Official Plan also provides this authority.

#### **What, specifically does a planning rationale contain?**

A Planning Rationale shall contain and/or address, at a minimum, the points listed below. The failure to address the following points may result in the application being considered incomplete.

- A) Provide a physical description of the site, including descriptions of current land use(s) and surrounding land uses, context and/or built form
- B) Include a description of the site's planning history, including previous planning approvals and/or agreements (i.e. site plan agreement, site-specific zoning by-laws etc.) and provide copies of the pertinent documents
- C) Include a description and overview of the proposal, including any major features or attributes (such as use, height, density, parking, architectural design, natural heritage features, etc.)
- D) Describe the suitability of the site, and indicate reasons why the development is appropriate for the site and will function well to meet the needs of the intended future users
- E) Provide a detailed analysis of the compatibility of the proposed development or land use designation with the existing adjacent developments and land use designations
- F) Provide justification that the proposal is appropriate land use planning, including any details of measures that are to be used to mitigate negative impacts (such as site plan control)
- G) Describe the impact of the proposed development on the natural environment
- H) Indicate the availability of other property already designated for the proposed use, if any
- I) Describe the impact of the proposed development on municipal services (i.e. sewage collection and treatment systems, water distribution and treatment systems, utilities, roads, hydro services, parking, community facilities, parks and open spaces etc.)
- J) Indicate whether there are other planning approvals require, and if those necessary applications have been filed (ie. Official Plan or Zoning By-law amendment, Site plan Control agreement, site plan approval, minor variance, draft plan of subdivision or condominium etc.)
- K) Provide a draft of the proposed text and mapping (Official Plan/Zoning By-law amendment only), if applicable
- L) Indicate how the proposed development is consistent with the Provincial Policy Statement (PPS) - (2014) and provide any other Planning Act considerations that are relevant. If you are not familiar with these documents, please contact the City of Kenora Planning Department or access the City's portal, [www.kenora.ca](http://www.kenora.ca) or the Ministry of Municipal Affairs and Housing website at [www.mah.gov.on.ca](http://www.mah.gov.on.ca)
- M) Describe how the proposal conforms to the general purpose and intent and goals of the City of Kenora's Official Plan and complies with the City's Zoning By-law
- N) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies
- O) Indicate whether the proposal complies with any other relevant City documents and Planning Policies/Secondary Plans etc. (Black Sturgeon Lake Capacity and Management Report, Waterfront Development Guidelines, etc.)

**CONCURRENT APPLICATIONS FILED**

Please check if you have filed any concurrent applications:

Official Plan Amendment

Plan of Subdivision or Condominium

Site Plan Application

Other (Please Specify): \_\_\_\_\_

Consent

Minor Variance

**REQUIREMENTS/CHECKLIST FOR A COMPLETE APPLICATION:**

Note: If the information below is not received

<input type="checkbox"/>	Pre-consultation meeting
<input type="checkbox"/>	2 copies of the completed application form
<input type="checkbox"/>	2 copies of any reports/letters of support etc.
<input type="checkbox"/>	2 copies of the sketch detailing the requirements from Ontario Regulation 545/06
<input type="checkbox"/>	2 copies of information/reports as indicated on application form
<input type="checkbox"/>	The required fee or \$1100.00 as per the schedule of fees By-law
<input type="checkbox"/>	Planning Rationale
<input type="checkbox"/>	Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
<input type="checkbox"/>	Authorization of Owner(s) or completion of the Owner's Authorization, if the Owner is not filing the application.
<input type="checkbox"/>	Electronic version of all required information
<input type="checkbox"/>	Ontario Municipal Board(OMB) cost recovery undertaking
<input type="checkbox"/>	Entrance Permit or MTO clearance if fronting a Provincial Highway

**PLEASE LIST THE STUDIES AND/OR REPORTS THAT WILL ACCOMPANY THIS APPLICATION**

**THIS APPLICATION MUST BE SUBMITTED TO:**

Tara Rickaby, Planning Administrator & Secretary-Treasurer, AMCT, ACST  
Planning Department & Planning Advisory Committee  
60 Fourteenth Street North, 2nd Floor  
Kenora, ON P9N 4M9

Telephone: 807-467-2059  
Email: trickaby@kenora.ca  
Fax: 807-467-2246

**PRESCRIBED INFORMATION**

Personal Information collected within this document will be used to assist City staff to process this application and will be made public. The information prescribed in this application is contained in Ontario Regulation 545/06, of the Planning Act, R.S.O. 1990 (as revised).

The undersigned hereby applies to the Council of the City of Kenora under Section 34 of the Planning Act, R.S.O. 1990 (as revised), for an amendment to Zoning By-law No. 101-2015 as amended, as described in this application.

This application also sets out other information that will assist City Council in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.

It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied. Prior to the final approval of a plan of subdivision or condominium description, the subject lands must be appropriately zoned. A zoning amendment can also be a condition of approval for a consent or a plan of subdivision or condominium description application.

**1.0 - APPLICANT INFORMATION**

Date Application Submitted to the City of Kenora:

**SUBJECT PROPERTY INFORMATION**

Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				

**OWNER/APPLICANT INFORMATION**

Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province	
Contact Information	Phone:		Fax:	
Email				
Acquisition Date of Subject Land				

**AGENT/SOLICITOR INFORMATION**

Company or Firm Name				
Name	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	

Email			
<b>MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND</b>			
Company			
Contact Person	Surname:	First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:      Unit Num.:
Contact Information	Phone:		Fax:
Email			

<b>2.0 - CURRENT ZONING (Please see <a href="http://www.kenora.ca/planning">www.kenora.ca/planning</a> for schedules/maps)</b>
<p>What is the current zoning of the subject land under Zoning By-law No. 101-2015 as amended?</p> <p>_____</p>

<b>3.0 - PROPOSED ZONING</b>
<p>What proposed zone or zones are you seeking for the subject land?</p> <p>_____</p>

<b>4.0 - NATURE OF PROPOSAL (Brief Description – use rationale to provide detail)</b>
<p>Please describe the reasons (purpose) and nature/extent of the proposed rezoning request:  <i>*Indicate if application is for the removal of a holding provision (H Symbol)</i></p>

<b>5.0 - REASON FOR ZONING AMENDMENT</b>
<p>Please describe why it is not possible to comply with the provision of Zoning By-law No. 101-2015 as amended:</p>



### 6.0 - HEIGHT AND DENSITY

Is the subject land located in an area of the City which has pre-determined minimum and maximum requirements for height and density?     YES                       NO

If yes, please provide a statement of those requirements:

### 7.0 - AREA OF SETTLEMENT

Does the rezoning alter the boundaries of an existing area of settlement or require a new area of settlement to be implemented?     YES                       NO

If yes, please provide the current Official Plan policies, if any, dealing with the alteration or establishment of an area of settlement:

### 8.0 - EMPLOYMENT LANDS

Will the application remove land from an area of employment?                       YES                       NO

If yes, please provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

**9.0 - OFFICIAL PLAN CONTEXT (Please see [www.kenora.ca/planning](http://www.kenora.ca/planning) for schedules/maps)**

- a) What is the Official Plan Land Use Designation of the Subject Land?
  
- b) How does the proposed zoning amendment comply with the Official Plan?
  
- c) Is the subject land within an area where zoning with conditions applies?

If answer to question (c) is yes, please provide an explanation of how the proposed amendment complies with the Official Plan Policies relating to zoning with conditions.

Existing use of the subject land:

Proposed use of the subject land:

Length of time existing uses have continued:

**10.0 - SITE SUITABILITY**

Are the subject lands a suitable site and location for the requested zone(s) and what are the physical characteristics of the subject land?

## 11.0 - SURROUNDING LAND USES

Is the requested zone compatible with surrounding land uses? In what way?

## 12.0 - SKETCH

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (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 their distance from the front lot line, rear lot line and 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.

All necessary information must be contained on one single sketch or site plan. Please see section 27.0 for a sample sketch.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format.

Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

### 13.0 - ACCESS

**Type of Access:**

- Municipal Maintained Road       Seasonally Maintained Municipal Road       Provincial Highway  
 Private Road or Laneway       Water       Other Public Road

\* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

### 14.0 - WATER SUPPLY

**Subject Property Water Supply:**

- Municipal Water       Private Well       Communal Well  
 Lake       Other: \_\_\_\_\_

### 15.0 - SEWAGE DISPOSAL

**Subject Property Sewage Disposal:**

- Municipal Sewer       Private Septic System/Field       Communal Septic System/Field  
 Privy       Other: \_\_\_\_\_

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent produced per day as a result of the development being completed, you are required to provide:

- A servicing options report; and
- A hydrogeological report

**16.0 - OTHER APPLICATIONS UNDER THE PLANNING ACT**

Is the subject land, or land within 120 metres of the subject lands, the focus of any other applications under the planning act or has the subject property been subject to an application in the past?

YES  NO

If yes, please indicate which applications are being undertaken.

	Draft Plan of Subdivision	File No.:	Status:
	Condominium Description	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment	File No.:	Status:
	Minister's Zoning Amendment	File No.:	Status:
	Site Plan Application	File No.:	Status:
	Consent	File No.:	Status:
	Minor Variance	File No.:	Status:
	Part Lot Control	File No.:	Status:
	Other (Please Specify)	File No.:	Status:

If you answered yes to any of the above, please describe the land the "other" application affects, the purpose of that application, and the effect that application will have on the amendment requested through this application:

**17.0 - SITE STRUCTURES**

**Existing Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

**Proposed Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

**18.0 - IS THE PLAN CONSISTENT WITH POLICY STATEMENTS ISSUED UNDER SUBSECTION 3(1) OF THE PLANNING ACT?**

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

**19.0 - ADDITIONAL INFORMATION**

Please provide any additional information that you feel would be beneficial to Staff, outside agencies or Council in evaluating the application:

## 20.0 - DIRECTIONS

Please provide directions to the subject property:

## 21.0 - SITE HISTORY

What is the current use(s) of the subject land:

Please state all previous known uses of the subject land:

Has there been an industrial, commercial use or a gas station on the subject land or adjacent land, any grading change of the property by adding fill or other material, any petroleum or other fuel stored on the subject land or land adjacent to the subject land or is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent site?

YES

NO

If yes please be specific:

What information did you use to determine the answers to the above questions?

If yes to the above, a soils investigation study including previous use inventory is required, showing all former uses of the subject land, or if appropriate, the adjacent land. This study must be prepared by a qualified consultant.

<b>CONTAMINATION</b>	<b>YES</b>	<b>NO</b>	<b>UNKNOWN</b>
<p>Has the grading of the subject land been changed by adding earth or other material?</p> <p>Has a gas station ever been located on the subject land or adjacent land at any time?</p> <p>Has there been petroleum or other fuel stored on the subject land or adjacent land?</p> <p>Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (brownfields, industrial waste etc.)?</p> <p>What information did you use to determine the answers to the above questions? If an Environmental assessment has been performed please submit it with the application.</p> <p> </p> <p>*If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.</p>			

<b>22.0 - SUBSURFACE RIGHTS</b>		
<p>Are the subsurface rights and the surface rights to the property held by the same owner?</p> <p>If no, who owns the subsurface rights?</p> <p>_____</p> <p>If no, please have the owner complete the following declaration:</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<b>AUTHORIZATION FROM THE OWNER OF THE SUBSURFACE RIGHTS (If subsurface rights are different from the Owner of the lands)</b>		
<p>I, _____, the Owner of the subsurface rights for the subject property, am aware of this application and consent to it. (please print)</p> <p>_____ (signature) _____ (date)</p> <p>_____ (address)</p> <p>_____ Telephone Number _____ Email address _____ Facsimile Number</p>		



### 23.0 - SIGNIFICANT FEATURES CHECKLIST

Check through the following list. Indicate under YES, NO or UNKNOWN if a listed feature is on-site or within 500 metres. Indicate under YES, NO or UNKNOWN if a listed development circumstance applies. Be advised of the potential information requirements.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	DON'T KNOW	IF YES, SPECIFY DISTANCE IN M	POTENTIAL INFORMATION NEEDS
Non-farm development near designated urban areas or rural settlement areas					Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry <sup>1</sup>					Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry <sup>2</sup>					Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry <sup>3</sup>					Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site					Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant					Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond					Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line					Evaluate impacts within 300 metres.
Operating mine site					Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land					Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater					Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility					Determine possible impacts within 200 metres.
High Voltage Transmission Lines					Consult the appropriate electric power service.
Transportation and Infrastructure corridors					Will corridor be protected? Noise Study Prepared?
Agricultural Operations					Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area					Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations					Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries					Will development hinder continued operation or expansion? Noise and Dust Study completed?

Mineral and Petroleum Resources					Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands					Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species					Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest					Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers					Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes					Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources					Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels					Development not permitted
Lands Subject to Flooding and/or Erosions					Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards					Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains					Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites <sup>4</sup>					Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites					Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites					Assess and inventory of previous uses in areas of possible contamination.

<sup>1</sup>Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

<sup>2</sup>Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

<sup>3</sup>Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

<sup>4</sup>Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

**24.0 - AUTHORIZATION OF AGENT OR SOLICITOR**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We \_\_\_\_\_, am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize \_\_\_\_\_ to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application .

\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_ Signature of owner(s)

**25.0 - AFFIDAVIT OR SWORN DECLARATION**

I, \_\_\_\_\_ of the \_\_\_\_\_ in the province of \_\_\_\_\_, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06, and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the \_\_\_\_\_ in the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Commissioner of Oaths Applicants(s)

**26.0 - PRIVACY CONSENT/FREEDOM OF INFORMATION DECLARATION**

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

I/We, \_\_\_\_\_ being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

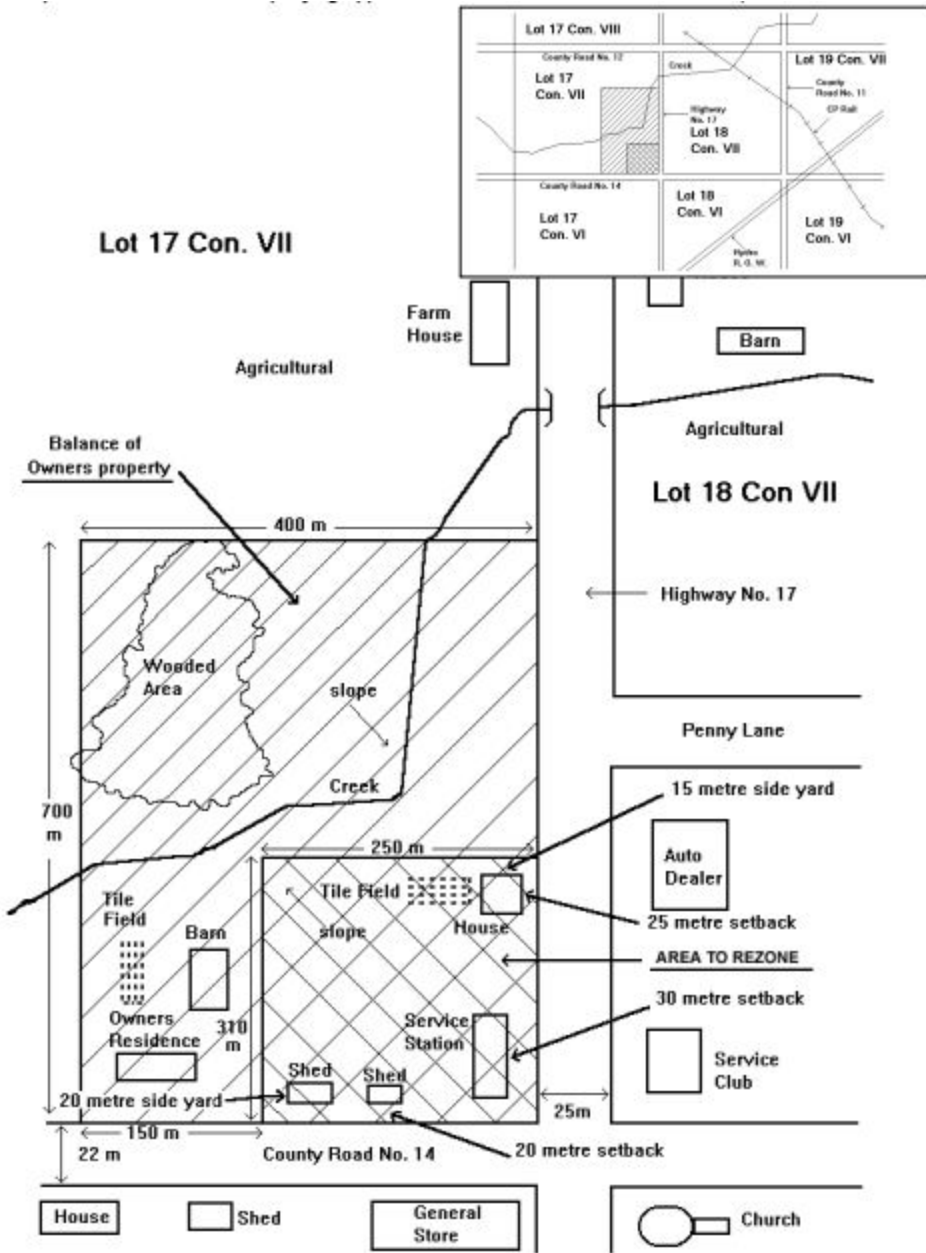
I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner(s) Signature

**PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED PURSUANT TO THE MUNICIPAL ACT, AND WILL BE USED FOR THE PURPOSE OF PROCESSING AND APPROVAL OF THIS APPLICATION AND ASSOCIATED APPLICATIONS. QUESTIONS ABOUT THIS COLLECTION SHOULD BE DIRECTED TO: FREEDOM OF INFORMATION AND PRIVACY COORDINATOR, CITY OF KENORA, ONE MAIN STREET SOUTH, KENORA, ON P9N 3X7 - (807) 467-2027.**

27.0 - SAMPLE SKETCH



**28.0 - UNDERTAKING FOR ONTARIO MUNICIPAL BOARD APPEAL**

TO: CITY OF KENORA

FROM: Name: \_\_\_\_\_

Address: \_\_\_\_\_

SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT

Address of Site: \_\_\_\_\_

*Where the City of Kenora substantially supports the application for Zoning By-law Amendment,*

Name of Applicant: \_\_\_\_\_

Hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including all disbursements of the City, all legal expenses beyond the first \$1,000 and deposit \$4,000 with the City upon notice of the hearing in the event of a site specific third party appeal.

AND

In the event of a policy or major issue third party appeal, hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including disbursements of the City. The applicant shall deposit a sum of \$10,000 to the City of Kenora upon receipt of the notice of hearing. In instances where the municipality and applicant share a solicitor, the City of Kenora will fund fifty percent of the total expenses with an upset limit of \$5,000. The applicant will be responsible for any expenses above and beyond this point.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone call or other means as directed by the Board.

Dated at City of Kenora this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

*Where the City of Kenora refuses the application for Zoning By-law Amendment,*

Name of Applicant: \_\_\_\_\_

Hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including all disbursements of the City, in respect of preparation for and attendance at an Ontario Municipal Board hearing, until the matter is finally resolved by the said Board. The estimated cost for the City of Kenora for a one day Ontario Municipal Board Hearing is approximately \$10,000.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone call or other means as directed by the Board.

Dated at City of Kenora this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Please complete 1 or 2	
1. For Applicants and Individuals	2. For Corporations and Companies
_____ Signature of Applicant	_____ Corporate name (if applicable)
_____ (Please print name)	_____ (Authorized Signature) I have the authority to bind the Corporation
_____ Signature of Witness	_____ (Please print Name and Title)
_____ (Please print Name)	