



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca

APPLICATION FOR: OFFICIAL PLAN AMENDMENT

INSTRUCTIONS

Pre-consultation with the Planning Department is required.

Complete Sections 5 to 25 in full. Include the authorization of registered property owners if required, see AUTHORIZATION on page 9.

Include 1 copy of completed plan as detailed in Section 25.

Submit the application form, all supporting information and the application fee to Planning Department, Town of Kingsville Municipal Office.

The Planner will review the application and may return the application if it is incomplete, if required information is not submitted or if fees are not paid in full.

Administration reserves the right to request additional information.

FEES

Fees are subject to change. Cheque payable to the Corporation of the Town of Kingsville.

TOTAL FEE:	\$4,000.00 + ERCA FEE
APPLICATION FEE:	\$2,000.00
DEPOSIT:	\$2,000.00
ERCA FEE:	\$ 275.00

CONTACT INFORMATION

Kristina Brcic, MSc, BURPI
Town Planner

Corporation of the Town of Kingsville – Planning Department
2021 Division Road N
Kingsville, ON N9Y 2Y9

Telephone: 519-733-2305 (ext 249)
Email: kbrbic@kingsville.ca
Website: www.kingsville.ca

GENERAL INFORMATION SHEET

Discussion & Pre-Consultation of the Proposal

At any time when an application for an Official Plan Amendment is being considered, the applicant should approach Kristina Galinac, Town Planner to engage in an informal discussion to explain the proposed application being contemplated. This informal discussion should provide the applicant with procedural directions about processing the application as well as determining planning policies under which the application can be considered for approval, including Provincial Policy Plan, County and Local Official Plan. At this time, the applicant may also wish to obtain a copy of the Application Form.

Official Plan Amendment Procedure

An Official Plan Amendment can be a relatively involved process. There are generally ten steps, outlined below, which can be identified in the processing of an Official Plan Amendment. In the event the Municipality either refuses or neglects to act, the Planning Act provides that the applicant may appeal the amendment to the Ontario Municipal Board (OMB) and the matter is decided at an OMB Hearing.

The OMB is an independent body that addresses planning disputes. It hears evidence from all parties and makes a final decision based on planning merits. Once the OMB has made its decision an Order is issued. The Order is sent to the applicant, the municipality and all other known affected parties. If approved by the OMB, the amendment is then in effect and development can proceed (provided all other required approvals have been obtained). The OMB charges a fee of \$300 for appeals/referrals.

Procedural Steps for Official Plan Amendments

The steps which are outlined below are based on Sections 17 and 22 of the Planning Act, R.S.O. 1990, as amended and O. Reg 198/96.

Submission of Application

If the informal discussion demonstrates the need for an Official Plan Amendment, a copy of the attached Application Form must be completed, a copy of detailed site plan must be prepared and both must be submitted to the Municipal Office accompanied by a certified cheque in the amount of the required application fee and deposit being \$3,275. **Applicants are to note that submission of application and deposit of fee means only that the application will be taken under consideration and that approval will not necessarily be granted.**

Evaluation & Notice of Application

Once an Official Plan Amendment application has been made to a municipality, together with the required fee, the proposal is reviewed by staff for completeness and in relation to the policies of the existing Official Plan. Completeness of the application is critical. At this point, the application is not necessarily accepted and may be returned for more information from the applicant. Considerable information, such as background or environmental studies, may be needed in order to proceed with the application. Until the municipality has received all prescribed information, materials and fees, respective time periods established in the Planning Act do not begin and the approval authority has no obligation to give any consideration to the application. As soon as the application is deemed complete it is forwarded to the attention of the Manager of Planning Services for the County of Essex.

Preparation of Draft Amendment

If the application is complete with the prescribed information and merits further consideration, a draft amendment is usually prepared by the Planner. The Official Plan Amendment sets out the details of the proposed changes to be made to appropriate sections of the text of the existing Official Plan policies and/or necessary changes to the existing land use designation on the land use schedule.

Consult Various Government Agencies

At least twenty (20) days prior to holding a Public Meeting to consider the Official Plan Amendment request, Council shall provide to such Boards, Commissions, Authorities or other Agencies as required by Provincial Regulations and as Council considers may have an interest in the amendment proposal, adequate information respecting same with a requirement that any comments are to be submitted to the Town within twenty (20) days.

Public Meeting

Official Plan Amendments must be reviewed at a Public Meeting organized by Council not sooner than twenty (20) days after having given notice thereof. Notice shall be given in accordance with the requirements of the Planning Act. The developer, concerned citizens and Council attend the Public Meeting for the purpose of determining public support or opposition to the proposal and to allow citizens the opportunity to ask any questions of the developer that they may wish. The applicant should be prepared to make a presentation about the proposal and to answer all questions concerning the development.

Council Decision and Adoption

After the public meeting, Council considers all staff reports, government agency and public comments and decides whether to adopt the Official Plan Amendment. If the proposal is to be adopted, the appropriate by-law adopting the amendment is passed and the municipality must then send notice in writing to all affected and interested parties within fifteen (15) days of the date of the decision.

Submission to Manager of Planning Services

Not later than fifteen (15) days after the proposal has been adopted by by-law the municipality shall cause to be compiled and forwarded to the Managers Planning Services, a record which shall include:

- a) a certified copy of the by-law adopting the plan or amendment;
- b) a certified copy of the plan or plan amendment;
- c) a statement as to whether it replaces an existing Official Plan;
- d) the original or true copy of all written submissions or comments and accompanying material received prior to adoption of the proposal;
- e) an affidavit or sworn declaration in accordance with subsection 14 (1);
- f) an affidavit or sworn declaration in accordance with subsection 14 (2);
- g) a statement from an employee of the Municipality or Planning Board as to whether the decision of the Council or Planning ,
 - i) is consistent with the policy statements issued under subsection 3 (1) of the Act, and
 - ii) conforms to or does not conflict with any applicable Provincial Plan or Plans;
- h) a copy of the minutes of the public meeting;
- i) a copy of any planning report considered by Council or Planning Board;
- j) if applicable, the prescribed information (provided is true) and material under clauses 17 (15) (a) and (b) of the Act;
- k) if applicable, the original or a certified copy of,
 - i) the supporting information and material under clauses 17 (15) (a) and (b) of the Act,
 - ii) the prescribed information and material under subsection 22 (4) of the Act, and
 - iii) any other information and material that is required to be provided by the Official Plan of the Municipality or the Planning Board;
- l) a statement by the municipality certifying the requirements for notice and the holding of at least one public meeting are proper;
- m) a statement by the municipality declaring all persons and public bodies that made oral submissions at the public meeting;
- n) such other information or material as the Minister may require.

Decision by the County

After conferring with government Agencies and such other bodies or persons as deemed necessary the Manager of Planning Services may now approve, approve with modification, deny the proposed amendment or refer all or part of it to the Ontario Municipal Board.

Ontario Municipal Board Decision

If the amendment is referred to the Ontario Municipal Board, the Board may approve all or part of the Plan, make modifications or refuse to approve all or part of the Plan or dismiss all or part of the Plan.

Refusal to Consider

The majority of Official Plan Amendments also present the need for a Zoning By-law Amendment, a Plan of Subdivision Application or perhaps a Development Control Agreement pursuant to the provisions of the Planning Act. These processes may be carried out concurrent to the Official Plan Amendment process following the procedures outlined. Until the municipality has received the required information, material and fees, the respective time periods established in the Planning Act do not begin and the approval authority has no obligation to give any consideration to the application.

TOWN OF KINGSVILLE

1. Name of Approval Authority: Town of Kingsville

2. Date of pre-consultation with municipality: _____
You are required (but not limited to) submit the following items as per the pre-consultation discussion with the Planning Department:

Other as required by Municipality: _____

3. Date application is received by municipality: _____

4. Date application deemed complete by municipality: _____

5 **Name of registered owner(s):**

1. _____

2. _____

Telephone Number: _____

Cell Phone Number: _____

Mailing Address (Full): _____ Postal Code: _____

Email Address: _____

Name of Registered Owner's Solicitor or Authorized Agent / Applicant (if any):

Telephone Number: _____

Mailing Address (Full): _____ Postal Code: _____

Email Address: _____

Name of Owner (Offer to Purchase): _____

Telephone Number: _____

Mailing Address (Full): _____ Postal Code: _____

Email Address: _____

Please specify to whom all communications should be sent:

Registered Owner

Solicitor

Owner Purchase

Authorized Agent

6. Location and description of subject land:

Concession and Lot No.: _____

Lot No. and Registered Plan No.: _____

Part No. and Reference Plan: _____

Street Address: _____

Assessment Roll No.: _____

7. Is the subject parcel subject to any registered, non-registered easements or restrictive covenants?
 Yes No

If Yes, please provide details regarding the easement or covenant, including purpose, effect, location, dimensions, Instrument No. etc... _____

8. Size of subject parcel (metric):

Frontage: _____ Depth: _____ Area: _____

Irregular Shaped:

9. Type of water supply:

Municipally owned and operated piped water supply

Well

Other (specify) _____

10. Type of sanitary sewage disposal:

Municipally owned and operated sanitary sewers

Septic system

Other (specify) _____

Would this application permit development on privately owned and operated individual or communal septic systems: YES NO

If yes, would more than 4500 litres of effluent be produced per day as a result of the development being completed: YES NO

If yes, Please indicate whether the following have been attached:

Servicing Options Report

Hydrogeological Report

11. Type of storm drainage:

Sewers

Ditches

Swales

Other (specify) _____

12. Current use of subject land _____

13. Does the requested amendment change, replace or delete a policy in the Official Plan:

Yes No

If yes, please indicate the policy that is to be changed, replaced or deleted: _____

14. Proposed change to Official Plan land use **designation** (map) affecting subject land:

Current Official Plan designation _____

Current land use(s) permitted _____

Proposed Official Plan designation _____

Proposed land use(s) permitted _____

Note: *If a change in land use designation is proposed, the applicant is to provide a copy of the Map Schedule from the Official Plan with the proposed change and accompanying text indicated.*

15. Proposed change to Official Plan land use **policy** affecting subject land:

Existing land use policy to be deleted or amended _____

Land use policy to be added _____

Purpose of new or amended land use policy _____

New land uses permitted by change in land use policy _____

Text of proposed land use policy change being applied for _____

(use a separate sheet of paper if necessary)

16. The land use that the requested Official Plan Amendment would authorize: _____

17. Current land use of abutting property:

North _____

South _____

East _____

West _____

18. Please indicate whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of one of the following:

- Official plan amendment
- Zoning by-law amendment
- Minor variance
- Plan of subdivision
- Consent
- Site plan

If known, please provide the following with respect to the application(s):

File number _____

Name of the approval authority _____

Lands affected _____

Purpose _____

Status _____

Effect on the amendment proposed by this application _____

19. Please specify if the requested amendment alters:

- all of the boundaries;
- any part of the boundary; or
- establishes a new area of settlement in a Municipality

Please indicate the Official Plan Policies, if any dealing with the alteration or establishment of an area of settlement: _____

20. Does the requested amendment remove the subject land from an area of employment:

YES NO

If yes, please indicate the Official Plan Policies, if any, dealing with the removal of land form an area of employment: _____

21. Is the requested amendment consistent with the Policy Statement issued under subsection 3 (1) of the Act: YES NO

22. Is the subject land within an area of land designated under any Provincial Plan or Plans:

YES NO

If yes, pleas indicate whether the requested amendment conforms to or does not conflict with the Provincial Plan or Plans:

YES NO

Dated at the TOWN of KINGSVILLE this _____ day of _____, 20 _____

AUTHORIZATION

To: Clerk/Planner, Town of Kingsville

I/WE, the undersigned, being the registered owner(s) of the above lands hereby authorize:

(Name of Solicitor or Authorized Agent)

of the _____ of _____ to:
(Municipality where Solicitor or Authorized Agent resides)

- 1. Make an application on my/our behalf to the Council for the Town of Kingsville;
- 2. Appear on my behalf at any hearing(s) of the application; and
- 3. Provide any information or material required by Town Council relevant to the application

Pertaining to lands described as: _____
(Municipal Address or Legal Description)

Date: _____ Signed: _____

Witness: _____ Name, Position (if Applicable)

Date: _____ Signed: _____

Witness: _____ Name, Position (if Applicable)

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

PERMISSION TO ENTER PROPERTY

To: Clerk/Planner, Town of Kingsville

I hereby authorize the Planner, Director of Municipal Services or delegate and/or members of the staff of the Corporation of the Town of Kingsville to enter upon the subject lands and premises for the purpose of evaluating the merits of this application and subsequently to conduct any site inspections that may be required as a condition of approval. This is their authority for doing so.

Pertaining to lands described as: _____
(Municipal Address or Legal Description)

Date: _____ Signed: _____

Witness: _____ Name, Position (if Applicable)

Date: _____ Signed: _____

Witness: _____ Name, Position (if Applicable)

NOTICE WITH RESPECT TO THE COLLECTION OF PERSONAL INFORMATION

Personal information on this form is collected under the authority of The Planning Act, R. S.O. 1990, Chapter P. 13, Section 51 and will be used for contacting the applicant(s) and for processing of the Application. Questions about this collection should be directed to the Director of Corporate Services, 2021 Division Road North, Kingsville, ON N9Y 2Y9 (519) 733- 2305

DECLARATION (INDIVIDUAL)

I _____ of the
_____ of _____ in the County / District /
Regional Municipality of _____ solemnly declare that all the statements contained
in this application and any supporting documentation are true, and I 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.

DECLARED before me at the Town
of Kingsville, in the County of Essex,
this _____ day of _____ 20_____

A Commissioner, etc.

Signature of Registered Owner, or Authorized Solicitor or
Agent

* For Each Property Owner to Sign *

DECLARATION (OFFICER OF CORPORATION)

I _____ of the
_____ of _____ in the County / District /
Regional Municipality of _____ am the _____ of the owner
of the property which is the subject of this application. I solemnly declare that all the statements contained in
this application and any supporting documentation are true, and I 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.

DECLARED before me at the Town
of Kingsville, in the County of Essex,
this ____ day of _____ 20____

A Commissioner, etc.

Signature of Registered Owner, or Authorized Solicitor or
Agent