



Development Services Department – Planning Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1231
Fax: (705) 324-4027
e-mail: planningadmin@kawarthalakes.ca
website: www.kawarthalakes.ca

A Guide to the Zoning By-law Amendment (Rezoning) Process

1. [What is a Zoning By-Law?](#)
2. [What is a Zoning By-law Amendment?](#)
3. [What is the process for a Zoning By-law Amendment?](#)
4. [Rights of appeal](#)
5. [Estimated timeframe](#)
6. [Further information](#)

[Figure 1: Zoning By-law Amendment Approval Process](#)

1. What is a Zoning By-law?

A zoning by-law controls the use of land in a municipality. It regulates matters such as:

- how land may be used;
- where buildings and other structures can be located;
- the types of buildings that are permitted and how they may be used; and
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and other lot lines.

The official plan sets out the vision, objectives and general policies for land use. The City's zoning by-laws implement the official plan's policies through legally enforceable requirements.

2. What is a Zoning By-law Amendment?

Construction or new development that does not comply with a zoning by-law is not allowed and the municipality will refuse to issue a building permit.

If you want to use or develop your property in a way that is not allowed by a zoning by-law, you may have to apply for a zoning by-law amendment, also known as a rezoning.

3. What is the process for a Zoning By-law Amendment?

Please see attached Figure 1.

Submit a Preconsultation Application

Before you apply for a rezoning you are required to go through the Preconsultation Process. A Pre-consultation Process is an opportunity to present a proposal to Staff and receive feedback. Additionally, it allows City staff to identify, on a preliminary basis, the required process, fees, studies for a complete submission, and ensures that the application is processed efficiently.

For more information about Preconsultation Process, please refer to the Preconsultation Info Sheet available on the City's website.

Submit a Zoning By-law Amendment Application (Rezoning)

The Zoning By-law Amendment Application and the associated fees are available on the City's website.

As an applicant, you will be required to fill out an application form. Staff will then review your application. Once the Planning Division is satisfied that all of the submission requirements have been received they will deem it complete.

On occasion, background studies submitted by an applicant, such as traffic and hydrogeological studies, will require peer review. Applicants are responsible for all costs associated with municipal peer reviews of background reports.

The development process is a legal and public proceeding. As such, you may wish to hire a professional to help you through the application and submission process. Feel free to ask Planning staff for a list of development consultants.

Notice of a Public Meeting

The City, usually through a sign posted on the property and by mail, must give notice to the public that an application for a rezoning has been received.

The City is required to also consult with agencies, boards, authorities or commissions before making a decision.

Staff prepare a Planning Report

Staff recommend approval or refusal of each application for rezoning against criteria such as:

- Conformity with the Provincial Policy Statements, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and (where applicable) the Oak Ridges Moraine Conservation Plan;
- Conformity with the Official Plan and compatibility with adjacent uses of land;
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- Adequacy of vehicular access, water supply, sewage disposal; and,
- Ensure protection from potential flooding.

Public Meeting

Any person or public body may submit their opinions or concerns to the Planning Advisory Committee.

Decision

The approval of rezoning applications rests with the City Council.

4. Rights of appeal

When Council has reached a decision on your application, a Notice of Decision will be sent to adjacent neighbours of the subject property, the applicant, and any person or public body that requested, in writing, to be notified. When a Notice of Decision is given, a 20 day appeal period follows.

The Notice of Decision will notify you on how you should file your appeal. Appeals are filed with the City, and the Clerk is required to forward the appeal to the Local Planning Appeal Tribunal (LPAT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal.

There is also an opportunity to appeal a failure to make a decision within the prescribed timeframe. For more information about this option, please speak with the Planner reviewing the application.

As part of the Ontario Land Tribunals (OLT), LPAT is an adjudicative tribunal that conducts hearings, mediations, and makes decisions on land-use planning disputes. For a better understanding on the land use planning and appeal process in Ontario, please visit the OLT website (<https://olt.gov.on.ca/>).

5. Estimated timeframe

The process, from start to finish, may take 6 months to a year.

6. Further information

For more information related to individual applications, please submit an inquiry to planningadmin@kawarthalakes.ca.

Please note:

This information is meant for guidance only and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan (where applicable), the relevant Official Plan policies, Zoning By-Laws, and other documents for definitive requirements and procedures.

Figure 1: Zoning By-law Amendment (Rezoning) Approval Process

