

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
 - (a) the person or public body that made the application;
 - (b) each person and public body that filed a written request to be notified of a refusal; and
 - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also contain a written explanation for the refusal with a brief explanation of the effect, if any, that the written and oral submissions had on the decision.

Note - In this particular instance, the Applicant would have the option of appealing Council's decision to the Ontario Land Tribunal (O.L.T.)

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

Note - Administration recommends that Council defer ZBA-21-2020 (By-law 34-2022) as per the Recommendation section of the report.

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

Note – at the time of writing the report there were no known modifications that would substantially improve the application for a recommendation of approval.

4. Alternative 4 - Approval - the application is approved as submitted without modifications. If Council chooses to approve the application then a by-law can be prepared for the following Council meeting.