

microFIT PRESCRIBED FORM: ZONING OPINION
FOR WIND RENEWABLE GENERATING FACILITY WITH A NAMEPLATE CAPACITY OF 3 kW OR LESS OR
NON-ROOFTOP SOLAR FACILITY - (Section 3.2(b)(2)(A) of the microFIT Rules)

OPARP/f-mFIT-001r3

To be submitted by an Applicant as part of an Application under the microFIT Program if applying for (i) a wind Renewable Generating Facility that has a Nameplate Capacity of 3 kW or less; or (ii) a Non-Rooftop Solar Facility.

To be completed and executed by a Land Use Planner, director of planning or equivalent municipal official who, in each case, is a registered professional planner in Ontario.

For a chief building official, municipal chief administrative officer, municipal clerk or equivalent municipal official that is not a registered planner in Ontario, use: *Prescribed Form: Zoning Certificate for wind Renewable Generating Facility with a Nameplate Capacity of 3 kW or less or Non-Rooftop Solar Facility (Section 3.2(b)(2)(B) of the microFIT Rules)*

Date:					
Legal Name of Applicant(s):					
Municipal address of Site:					
City/Town:		Province:		Postal Code:	
Property Identification Number (PIN):					
Legal Description of Site:					

WHEREAS the Application is for (i) a wind Renewable Generating Facility that has a Nameplate Capacity of 3 kW or less or (ii) a Non-Rooftop Solar Facility;

AND WHEREAS Section 3.2(b)(2)(A) of the microFIT Rules requires a written opinion of a Land Use Planner or a director of planning or equivalent municipal official, who is a member in good standing of the Canadian Institute of Planners and is a registered professional planner in Ontario, setting out certain opinions regarding the Lawfully Permitted Use at the Site and any property Abutting the Site;

AND WHEREAS

(the "Undersigned") acts as a Land Use Planner, director of planning or equivalent municipal official for the purposes of the delivery of this Opinion.

NOW THEREFORE THE UNDERSIGNED OPINES to the OPA, and acknowledges that the OPA is relying on the opinion that hereinafter follows:

1. Interpretation.

(a) Capitalized terms not defined herein have the meanings ascribed to them in the microFIT Rules, Version 2.0.

(b) **Abut** means in respect of two or more properties, properties that have a common border or boundary or are only separated from such common border or boundary by a right-of-way (other than a right-of-way in respect of which the owner, lessee, occupant or resident of one of such properties has a property interest) of having a width, at any point, of not greater than 15 metres. For greater certainty, properties separated by "highways" (as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8) or "railways" (as defined in the *Canada Transportation Act* S.C. 1996, c. 10) do not Abut. **Abutting** shall have a corresponding meaning.

(c) **Lawfully Permitted Use** means a use permitted by:

- (i) a zoning by-law passed pursuant to Section 34 of the *Planning Act*, RSO 1990, c P.13; or
- (ii) in territories without municipal organization, land use control imposed by:
 - (A) a planning board being established and passing zoning by-laws;
 - (B) zoning orders made by the Ontario Minister of Municipal Affairs and Housing; or
- (iii) a development permit issued pursuant to a development permit by-law.

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(d) **Local Municipality** means a "local municipality" as defined by the *Municipal Act, 2001*, SO 2001, c 25.

(e) **Site** means the real property on which the wind Renewable Generating Facility or Non-Rooftop Solar Facility is to be situated, as such real property is identified in the Application.

2. The Undersigned is a member in good standing of the Canadian Institute of Planners and is a registered professional planner in Ontario.

3. The Site and/or any property Abutting the Site is located, in whole or in part, in: *(check applicable box)*:

<input type="checkbox"/> the local Municipality of _____	(the "Municipality")
<input type="checkbox"/> the unorganized territory of _____	(the "Unorganized Territory")

(Note: Where the Site or any property Abutting the Site is or is proposed to be located in the Municipality or the Unorganized Territory and in one or more neighbouring municipalities, a separate Prescribed Form: Zoning Opinion for wind Renewable Generating Facility with a Nameplate Capacity of 3 kW or less or Non-Rooftop Solar Facility or Prescribed Form: Zoning Certificate for wind Renewable Generating Facility with a Nameplate Capacity of 3 kW or less or Non-Rooftop Solar Facility must be completed and executed in respect of each such neighbouring municipality).

4. The Undersigned has examined *(check applicable box)*:

<input type="checkbox"/> for a Site and/or any property Abutting the Site in a Local Municipality, the zoning by-laws of the Municipality (where applicable).
<input type="checkbox"/> for a Site and/or any property Abutting the Site in an Unorganized Territory, all relevant documents pertaining to the Lawfully Permitted Uses (where applicable).

5. In the Undersigned's professional opinion neither the Site nor any property Abutting the Site (to the extent located in the Municipality), in each case, is property on which a residential use is a Lawfully Permitted Use, provided that if the Lawfully Permitted Use of the Site is agricultural, any residential use of the Site, or property Abutting the Site is ancillary to the agricultural use.

6. If the Non-Rooftop Solar Facility is proposed to be located on property on which commercial use or industrial use is a Lawfully Permitted Use, the proposed Non-Rooftop Solar Facility does not constitute the main, primary or only purpose for which the property is used.

Signed this _____ day of _____, 20____

By:

Signature

Name:	
Title:	
Municipality:	