



City of Niagara Falls Application for an Amendment to the Official Plan and/or Zoning By-law

PRECONSULTATION

Preconsultation with City Planning staff is required under By-law No. 2009-170. Preconsultation identifies the information required to commence the processing of a development application. Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application.

COMPLETE APPLICATION

The information requested herein, along with the appropriate application fee and a signed preconsultation checklist, is required to constitute a "complete" application. A complete application includes all information required under Schedule 1 of Ontario Regulation 543/06 (Official Plan amendments) or Schedule 1 of Ontario Regulation 545/06 (Zoning By-law Amendments) and information required under the City of Niagara Falls Official Plan.

Until all required information has been submitted, the City may refuse to accept or further consider the requested amendment. The timing provisions of the Planning Act do not commence until the applicant has been notified by the City that the application is considered complete.

OPEN HOUSE

Proponents of applications to amend the City's Official Plan and/or Zoning By-law are required to attend open houses hosted by City staff to inform surrounding property owners about the development that could result from the proposed amendments. The open houses occur approximately 5 weeks prior to the Public Meeting required by the *Planning Act* to be held with Council.

TYPE OF APPLICATION

| | Fee: |
|---|-------------|
| <input type="checkbox"/> Amendment to the City of Niagara Falls Official Plan | \$6,100 |
| <input type="checkbox"/> Amendment to the Zoning By-law | |
| <input type="checkbox"/> high-rise hotel proposal | \$7,250 |
| <input type="checkbox"/> complex | \$6,000 |
| <input type="checkbox"/> standard | \$2,800 |
| <input type="checkbox"/> Amendment to the City of Niagara Falls Official Plan & Zoning By-law | |
| <input type="checkbox"/> high-rise hotel proposal | \$8,100 |
| <input type="checkbox"/> all other proposals | \$6,750 |
| Total fees payable to the City: _____ | |
| Note: Regional Niagara fees to be paid separately at time of application: | |
| <input type="checkbox"/> Official Plan Amendments to be submitted to the Region for approval | \$4,500 |
| <input type="checkbox"/> Official Plan Amendments exempt from Regional approval | \$2,000 |
| <input type="checkbox"/> Zoning By-law Amendment review fee | \$ 500 |
| Total fees payable to the Regional Municipality of Niagara: _____ | |

All information is to be forwarded to:

Planning & Development
City of Niagara Falls
4310 Queen Street
P.O. Box 1023
Niagara Falls, ON L2E 6X5



City of Niagara Falls Application for an Amendment to the Official Plan and/or Zoning By-law

REQUIRED INFORMATION

- It is the responsibility of the applicant or authorized agent to complete the particulars required hereunder and to supply all of the requested documents to Planning & Development:
 - 12 (twelve) copies of this application, plus 1 (one) digital, if available.
 - 12 (twelve) copies of the deed to the property, plus 1(one) digital copy, if available.
 - 12 (twelve) copies of surveys or reference plans for the land. For lands which are the whole of a lot(s) or block(s) in a registered plan of subdivision, a survey or reference plan may not be required. Please confirm with Planning staff.
 - 12 (twelve) copies of a site plan (see below) and any other material (studies) which are relevant to the proposal and 1 (one) digital copy of each plan.
 - 1 (one) full size coloured rendering. All buildings should be coloured following these guidelines:

| | | | | | | | | |
|-------------------------------|---|--------|---------------|---|-------|--------------------|---|-----|
| Single Detached Residential | - | Yellow | Industrial | - | Blue | Tourist Commercial | - | Red |
| Multiple Attached Residential | - | Orange | Institutional | - | Brown | | | |

All on-site landscaping should be coloured green. Any landscaping on the City's/Region's road allowance should not be coloured.

PRELIMINARY SITE PLAN REQUIREMENTS

- Twelve (12) copies of a preliminary Site Plan and one 8½" by 11" or 14" photo reduction are required to be submitted with any Zoning or Official Plan amendment application. The site plan must provide sufficient details of the intended development in order to assist in understanding the proposal. Generally, the following information should be included in the proposed site plan.

(a) Detail of Development

| | | |
|--|-------|-------------------------------|
| Lot Area | | Square Metres |
| Building Coverage | | Square Metres & % of Lot Area |
| Total Building Size | | Square Metres |
| Building Height | | Metres & Storeys |
| Landscaped Area | | Square Metres & % of Lot Area |
| Number Units and/or Total Gross Floor Area | | |
| Number Parking Spaces and Dimensions | | |

(b) Design Details (Basic Information)

- Future road widenings
- Property boundaries (plan to show dimensions)
- Location of proposed and existing buildings (plan to show dimensions from property boundaries)
- Maximum dimensions of buildings (size and type)
- Distance between buildings
- Cross-section of buildings over 4 floors or those that provide underground parking
- Layout and dimensions of roadways, including their name and status, driveways, ramps and parking areas that are on or adjacent to the subject lands or may affect this application
- Location of natural features such as existing trees and watercourses, etc., and artificial features such as wells or septic tanks that are on or adjacent to the subject lands or may affect this application
- North arrow (preferably the drawing shall be oriented to have a vertical north line)
- Metric Scale (preferably 1 to 100, 200, or 400)
- All printing shall be clear and legible
- Existing and proposed ground elevations
- General location map
- Existing and proposed utility features on road allowance (fire hydrants, sidewalks, poles, etc.)
- if access is by water only, the location of the parking and docking facilities to be used
- current land uses on adjacent lands
- the location and nature of any easement affecting the subject land
- natural/built drainage features

NOTE: Should the amendment application be approved, greater details will be required at the time of processing a final Site Plan. The applicant should be aware that the above development and design details [items 17(a) and (b)] may only reflect a portion of the information which may be required pursuant to the Municipality's Site Plan Control Policy and to facilitate a proper evaluation by staff and Council. The submission of sufficient information is the responsibility of the applicant and the site designer.

ADDITIONAL REQUIRED INFORMATION FOR BUILDINGS IN EXCESS OF FOUR STOREYS IN THE TOURIST COMMERCIAL DISTRICTS (BY-LAW NO. 99-183)

a) 15 copies of the following:

- site survey
- context plan
- concept plan and massing drawing
- landscaping plans and details
- site plan and preliminary design details
- floor and roof plans
- sections and elevations
- site statistics inclusive of: site area; total gross floor area; gross floor area of building footprint; maximum height; number of parking spaces

b) For large-scale developments and buildings over 10 storeys in height, the following shall be provided:

- sun/shadow drawings
- pedestrian-level wind study
- transportation and servicing impact study
- Architectural Peer Review report

Applications may require additional support material or studies which can be requested by the City. Please refer to the Tourist Area Development Application Guide for more details.



City of Niagara Falls Application for an Amendment to the Official Plan and/or Zoning By-law

| | | |
|---|----------------|---|
| <i>For office use only</i> | | Date Received: <div style="border: 1px solid black; height: 100px; width: 100%;"></div> |
| Application No.: | | |
| Date of Preconsultation Meeting: | Staff/Planner: | |
| Date Application Received Complete: | Staff/Planner: | |
| Fee Received: \$ _____ | | <i>For office use only</i> |
| Total Official Plan fees: \$ _____ Total Zoning By-law fees: \$ _____ | | |

CONTACT INFORMATION:

| Name/Title | Primary Contact <i>(check one only)</i> | Mailing Address | Phone No. Fax No. Email address: |
|---|--|-----------------|--|
| Applicant: | | | Ph.: Fax: Email: |
| <i>Note: If a Corporation, please provide names of Directors and Officers on a separate sheet An Owner's Authorization is required if the applicant is not the Owner (see page 7)</i> | | | |
| Registered Owner: | | | Ph.: Fax: Email: |
| Agent: | | | Ph.: Fax: Email: |
| Planner/Solicitor: | | | Ph.: Fax: Email: |

GENERAL INFORMATION:

1. Brief Description of Proposal (including the proposed uses):

2. Legal Description of the Subject Lands:
 - (a) Municipal Address(es): _____
 - (b) Legal Description: Lot No(s). _____ Concession No. _____
 Reference Plan _____ Part(s) _____
 Registered Plan _____ Lot(s)/Block(s) _____

3. Are there any easements or restrictive covenants affecting the subject lands? Yes No

 If yes, please specify: _____

4. Print names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s): _____

5. What is the current use of the subject lands?

If known, how long has this use continued? _____

6. On what date was the property acquired by the current owner (if known)? _____

7. Details of the subject lands:
Frontage: _____ (m) Depth: _____ (m) Lot area: _____ (m² or ha)

8. What is the current designation of the subject lands in the Official Plan?

Land uses currently permitted: _____

9. What is the current zone classification of the subject lands in the Zoning By-law?

Land uses currently permitted: _____

10. What were the previous uses of the subject lands?
 Residential Industrial Commercial
 Agricultural Parkland Vacant Other

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

11. Are the subject land(s) or any land(s) within 120 metres the subject of a Planning Application by the applicant/owner? If yes, please complete the following:

| Application | File No. | Approval Authority | Lands | Purpose | Status | Effects on Subject Application |
|---|----------|--------------------|-------|---------|--------|--------------------------------|
| Minor Variance | | | | | | |
| Consent | | | | | | |
| Official Plan Amendment | | | | | | |
| Zoning By-law Amendment | | | | | | |
| Plan of Subdivision/ Condominium | | | | | | |
| Site Plan | | | | | | |
| Minister's Zoning Order (including Ontario Regulation Number) | | | | | | |
| Regional Policy Plan Amendment | | | | | | |

12. What is the planning rationale and justification for this application? (citing how the proposal is consistent with the Provincial Policy Statement, whether the proposal conforms with or does not conflict with the Growth Plan for the Greater Golden Horseshoe or any other applicable Provincial Plan and the City's Official Plan). **Note: the planning rationale and justification, including supporting reports and studies, can be attached to this application in a separate report.*

13. Should the application be approved, when do you intend to commence construction? _____

14. Servicing:

Water to be provided to the subject land:

- piped, publicly owned and operated
- privately owned and operated individual or communal well
- other (lake, water body) _____

Sewage Disposal to be provided to the subject land:

- publicly owned and operated system
- privately owned and operated individual or communal
- other (privy) _____

* If the development will produce more than 4,500 litres of effluent when completed, you must submit a hydrogeological report and a servicing options report.

Storm drainage to be provided:

- sewers
- ditches
- swales
- storm water management facilities
- other (lake, water body)

OFFICIAL PLAN AMENDMENT APPLICATION

(Complete this section only if the application involves an amendment to the Official Plan.)

1. Type of Amendment

- Change to Policy _____ of the Official Plan
- Replacement of Policy _____ of the Official Plan
- Delete Policy _____ of the Official Plan
- New Policy - Provide the text of the requested amendment (attach to application)

- Change or Replacement of a land use designation
Designation to be changed or replaced _____
If the requested amendment changes or replaces a schedule in the Official Plan, please attach the requested schedule and accompanying text.

- Does the proposed amendment alter any part of the urban boundary? Yes No
If "Yes", provide the Official Plan policy reference, if any, dealing with the alteration or establishment of an area of settlement.

- Does the proposed amendment remove land from an area of employment? Yes No
If "Yes", provide the Official Plan policy reference, if any, dealing with the removal of land from an area of employment.

2. What is the purpose of the proposed amendment?

3. What land uses will be permitted through the amendment?

4. What is the designation of the subject lands in the Regional Niagara Policy Plan? _____

5. Is an amendment to the Regional Niagara Policy Plan required? Yes No

ZONING BY-LAW AMENDMENT APPLICATION

(Complete this section only if this application involves an amendment to the Zoning By-law.)

1. Type of Amendment

- Change in zone classification

From: _____ To: _____

- Additional use(s) to be included under existing zone classification. Provide details.

- Modifications or amendments to zone regulations. Provide details in the chart below. (Please note that it is not sufficient to only provide this on a drawing that accompanies this application.)

2. The following chart only needs to be completed where changes to the existing zoning by-law regulations or other by-law provisions are proposed to be amended.

Column (a) is to show the existing regulations of the requested zone classification.
Column (b) is to show the proposed modified regulation which is to apply to the lands.

| ZONING REGULATIONS | (a) ZONE: EXISTING REGULATIONS | (b) PROPOSED MODIFICATION TO REGULATIONS |
|---|--------------------------------------|--|
| Minimum Lot Area | | |
| Minimum Lot Frontage | | |
| Min. Front Yard Depth *(Incl. Special Setback) | | |
| Minimum Rear Yard Depth | | |
| Minimum Side Yard Width - Interior - Exterior | | |
| Maximum Lot Coverage | | |
| Minimum Landscaped Open Space | | |
| Maximum Landscaped Open Space | | |
| Maximum Height of Building or | | |
| Number of Storeys | | |
| Minimum Floor Area | | |
| Maximum Floor Area | | |
| Maximum Number of Dwellings | | |
| Maximum Number of Buildings | | |
| Minimum Distance Between Building on Same Lot | | |
| Max. Gross Leasable Floor Area | | |
| Minimum Number Parking Spaces | | |
| Loading Area Requirements | | |
| | | |
| | | |
| | | |
| | | |

NOTE: The above chart may not permit you to describe all the amendments required to the By-law. In such instances, a separate sheet listing other regulatory changes or other By-law provisions must be provided. Specify the By-law Section for each change (i.e., parking, general or special provisions). **It is your responsibility to ensure that all the amendments required of the By-law are listed.**

3. Explain how the application conforms to the policies of the Official Plan.

4. Additional Information:

Is the subject land within an area where the City has pre-determined the minimum and/or maximum density requirements or height requirements? Yes No

If yes, please complete the following chart

| | Existing Requirements | | Proposed | |
|--------------------|-----------------------|---------|----------|---------|
| | minimum | maximum | minimum | maximum |
| Density (units/ha) | | | | |
| Height (m) | | | | |
| No. of storeys | | | | |

If applicable, please explain why the requirements cannot be met. _____

5. Does the proposed amendment implement the alteration of any part of the urban boundary?

Yes No

If "Yes", provide details of the Official Plan/Official Plan amendment that deals with the alteration or establishment of a new urban boundary.

6. Does the proposed amendment remove land from an area of employment*? Yes No

*An area of employment is an area designated in the Official Plan for clusters of business and economic uses such as manufacturing, warehousing, office and tourist commercial uses.

If "Yes", provide the Official Plan policy reference or amendment dealing with the removal of land from an area of employment.

7. Why is the zoning amendment being requested?

8. Detail the buildings and/or structures that exist on the subject lands.

| Type of Building and Date of Construction | Setbacks from lot lines (m) <small>(Please provide the shortest setback from the building to lot line)</small> | | | | Building Height (m) | Total Gross Floor Area (m ²) | Total Building Area (m ²) |
|---|---|------|----------|----------------------|---------------------|--|---------------------------------------|
| | front | rear | interior | interior or exterior | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

9. Detail the buildings and/or structures that are proposed for the subject lands.

| Type of Building and Date of Construction | Setbacks from lot lines (m) <small>(Please provide the shortest setback from the building to lot line)</small> | | | | Building Height (m) | Total Gross Floor Area (m ²) | Total Building Area (m ²) |
|---|---|------|----------|----------------------|---------------------|--|---------------------------------------|
| | front | rear | interior | interior or exterior | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

10. How many parking spaces have been provided? _____

11. Access

Access to the subject land:

- provincial highway
 - municipal road Regional or City
 - maintained year round
 - maintained seasonally
 - unopened
 - right-of-way
 - water (provide details on parking and docking facilities including the approximate distance from the subject land and the nearest public road)
-

OWNER'S AUTHORIZATION:

I/We _____
(Owner's Name) (Owner's Name)

being the registered owner(s) of the subject property, hereby endorse

(Applicant) (Agent)

to proceed with this application and agree to be bound by the findings of the application as it is processed through the proper stages. I/We hereby declare that the information on this application and the supporting plans and documents are correct.

Signature of Owner (Seal) Signature of Witness

Signature of Owner (Seal) Signature of Witness

DECLARATION:

I/We _____

of the City/Town/Township of _____

in the County/District/Regional Municipality of _____

solemnly declare that all the statements contained in this application are true, and I/we 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 _____) TO BE SIGNED IN THE PRESENCE OF A
_____ of _____) COMMISSIONER FOR TAKING AFFIDAVITS
_____)
in the Regional Municipality of _____)
_____)
this _____ day of _____)
_____)
A.D. _____) (Signature of applicant(s), solicitor or authorized
agent)

A Commissioner, etc.

AGENT'S ACKNOWLEDGEMENT:

I note that as the applicant or their authorized agent, I must be in attendance at all public meetings for which notice has been given regarding any and all matters of this application.

DATED this _____ day of _____, 20_____

(Print Name) (Signature)

APPENDIX 1

Environmental Site Screening Questionnaire

In order to assist in determining if the subject lands are potentially contaminated, applicants are to complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies will be required and that a Record of Site Condition will also be required in the event of remediation.

1. Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
2. Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
3. Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
4. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
5. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
6. Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
7. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
8. If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
9. Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

10. If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1 to 9 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

ACKNOWLEDGEMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Name (please print)

Signature of Applicant

Date