

Date Received:

PRECONSULTATION

A formal pre-consultation meeting with City Planning staff is required to take place within 1 year prior to application submission.

Pre-consultation 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. Pre-consultation identifies information and application requirements for application submission.

COMPLETE APPLICATION

The information requested by this application form and fees are required to constitute a "complete application".

Until all required information and fees have been submitted to City standard, the City may refuse to accept or further consider the requested amendment(s).

PUBLIC CONSULTATION

Applicants and/or their agents are required to participate in open houses and public meetings hosted by City staff to inform surrounding property owners about proposed development that could result from the proposed amendments.

FEES

Separate cheques made out to the City, Region, and NPCA are required.

The Region accepts on-line payments through their on-line payment portal:
<https://www.niagararegion.ca/business/payments/default.aspx>

If fees are paid directly to the Region, please provide a copy of receipt with application submission.

****Fees are current as of the update of the application form. Please consult with City and Agency staff, or the respective agency websites, to confirm amounts identified on your pre-consultation meeting report.**

<u>City of Niagara Falls</u>	Fee:
<input type="checkbox"/> Official Plan Amendment	\$13,000
<input checked="" type="checkbox"/> Zoning By-law Amendment	
<input type="checkbox"/> high-rise buildings (greater than 10 storeys)	\$15,750
<input checked="" type="checkbox"/> complex	\$13,000
<input type="checkbox"/> standard	\$8,100
<input type="checkbox"/> request to lift a holding (H) regulation	\$2,000
<input type="checkbox"/> Official Plan & Zoning By-law Amendment (combined)	
<input type="checkbox"/> high-rise buildings (greater than 10 storeys)	\$17,500
<input type="checkbox"/> all other proposals	\$14,600

Please note: Fees collected for pre-consultation meetings held after January 1, 2023 are no longer applied to City application fees.

Niagara Region (2022 rate- 2023 rate to be set March 2023) Fee:

<input type="checkbox"/> Major Official Plan Amendment Review	\$10,015
<input type="checkbox"/> Minor Official Amendment Review	\$5,340
<input checked="" type="checkbox"/> Zoning By-law Amendment	\$1,345
<input type="checkbox"/> Zoning By-law Amendment (Agricultural Purposes Only)	\$435
<input type="checkbox"/> Removal of Holding Symbol	\$675

Additional fees may be required by Niagara Region—please consult your pre-consultation meeting report.

Niagara Peninsula Conservation Authority (NPCA)

NPCA fees may be applicable to your application. Fees are listed on the Conservation Authority website and provided on your pre-consultation meeting report.

Major Zoning By-law Amendment Fee: \$6,893

SUBMISSION REQUIREMENTS (see Digital Files notes below)

- One (1) digital (pdf) and (1) paper copy of the original completed application form.
- One (1) digital (pdf) and (1) paper copy of the signed pre-consultation meeting report.
- All required application fees
 - o City of Niagara Falls
 - o Niagara Region
 - o Niagara Peninsula Conservation Authority (if required)
- One (1) digital (pdf) and (1) paper copy of the Land Registry PIN sheet or "Final Deed" to the property.
- One (1) digital (pdf), CAD .dwg file (projected to City standards-outlined in Appendix 1), and (1) paper plan of a survey or reference plan of the property. For lands which are the whole of a lot or block in a registered plan of subdivision, a survey or reference plan may not be required—please confirm with Planning staff.
- One (1) digital (pdf) and (2) paper site plans, drawn on a single sheet and to scale. The sketch must show all items required by Ontario Regulation 543/06 (Official Plan Amendment) and/or 545/06 (Zoning By-law Amendment) and the items listed below.

* Please note that measurements are to be in metric units.

*All road widening or day-light triangle dedications are to be shown and dimensioned.

(a) Detail of Development

Lot Area (Square Metres)
Building Coverage (Square Metres and Percentage of Lot Area)

Total Building Size (Square Metres)
Building Height (Metres and Storeys)
Landscaped Area (Square Metres and Percentage of Lot Area)
Number of Units and/or Total Gross Floor Area
Number of 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
- All required technical reports and studies, including agreed Terms of Reference for each report, additional plans, other information identified in the pre-consultation meeting report, and/or as outlined in the City's Official Plan, in digital (pdf) and paper format— one (1) copy of each document.

ADDITIONAL INFORMATION REQUIRED FOR BUILDINGS IN EXCESS OF 4 STOREYS IN THE TOURIST COMMERCIAL DISTRICTS (BY-LAW NO.99-183)

- One (1) digital (pdf), CAD .dwg file (projected to City standards-outlined in Appendix 1), and (1) paper copy of a site survey.
- One (1) digital (pdf) and (1) paper copy of a context plan.
- One (1) digital (pdf) and (1) paper copy of a concept plan/massing drawing.
- One (1) digital (pdf) and (1) paper copy of a landscape plan.
- One (1) digital (pdf) and (2) paper copies of floor and roof plans.
- One (1) digital (pdf) and (2) paper copies of elevations.
- One (1) digital (pdf) and (2) paper copies of a chart providing site statistics: including site area, total gross floor area, gross floor area of building footprint, maximum height, number of parking spaces, and required existing and proposed modifications to the requested zone classification.

ADDITIONAL INFORMATION REQUIRED FOR BUILDINGS IN EXCESS OF 10 STOREYS IN THE TOURIST COMMERCIAL DISTRICTS (BY-LAW NO.99-183)

- One (1) digital (pdf) and (1) paper copy of sun/shadow drawings
- One (1) digital (pdf) and (1) paper copy of the pedestrian-level wind study
- One (1) digital (pdf) and (1) paper copy of the transportation impact/parking impact study
- One (1) digital (pdf) and (1) paper copy of the servicing study
- One (1) digital (pdf) and (1) paper Architectural Design Review completed form. The form link: <https://niagarafalls.ca/pdf/planning/architectural-design-review.pdf>
- If a zoning by-law amendment application, one (1) digital (pdf), CAD .dwg file (projected to City standards-outlined in Appendix B) and (1) paper Schedule B to the Zoning By-law Amendment that illustrates: the property boundaries, any required road widening/day-light triangles, building footprints with height levels differentiated, and measurements for property lines, setbacks, and building dimensions (rounded to whole number).

DIGITAL FILES

The numbering may change as required in accordance with the number of items submitted. This is intended to be a guide to ensure submissions follow the same format.

- 01 – Application Form
- 02 – Site Plan/Draft Plan of Condominium/Draft Plan of Subdivision
- 03 – Any additional drawings numbered as required (i.e. 03 – Elevations, 04 - Site Servicing Plan, 05– Grading Plan, etc.)
- 04 – Planning Justification Report
- 05 – Any additional reports submitted with the application (i.e. 06 – Municipal Servicing Study, 07 - Noise Study, 08 – Traffic Impact Study, etc.)
- 06 – Miscellaneous materials (i.e.09-Deed, 10-Pre-consultation Report, etc.)

*** Files are not to be locked to provide City staff the ability to upload to the Tribunal website.*

ACCESSIBILITY

The City of Niagara Falls is dedicated to ensuring that everyone will be able to access the information they needed. Reports and Studies submitted with Planning Applications may, upon the request of City Staff, be required to meet the accessibility standard of WCAG 2.0 Level AA.

PUBLIC DOCUMENT

The personal information contained on this form is collected pursuant to the Planning Act and will be used for the purpose of processing your application. If you have any questions on the gathering of personal information and the release of any personal information to any person or public body under the Freedom of Information and Protection of Privacy Act, you may contact Margaret Corbett, Freedom of Information, Records, and Elections Officer at mcorbett@niagarafalls.ca.

PRE-CONSULTATION:Date of Pre-consultation: October 7, 2021**CONTACT INFORMATION:**

* If a numbered company, provide the name and address of the principal owner/signing officer.

* If more than one owner, complete an additional contact for each owner.

ApplicantApplicant is: Owner or Authorized Agent of Owner
(if selected complete and attach authorization form)

Last Name: Anderson First Name: Dana
 Corporation or Partnership: MHBC Planning
 Street Address: [REDACTED] Unit No. [REDACTED]
 Municipality [REDACTED] Postal Code: [REDACTED] Province: ON
 Telephone: [REDACTED] Cell: [REDACTED] Email: [REDACTED]

Owner (if different from applicant)

Last Name: F. J. III First Name: E. Spencer
 Corporation or Partnership: E.S. Fox Limited
 Street Address: [REDACTED] Unit No. [REDACTED]
 Municipality [REDACTED] Postal Code: [REDACTED] Province: [REDACTED]
 Telephone: [REDACTED] Cell: [REDACTED] Email: [REDACTED]

Agent * Same as Applicant

Last Name: _____ First Name: _____
 Firm: _____
 Street Address: _____ Unit No. _____
 Municipality _____ Postal Code: _____ Province: _____
 Telephone: _____ Cell: _____ Email: _____

GENERAL INFORMATION**1. Brief Description of Proposal (Including the proposed uses):**

This application proposes to rezone the Subject Lands from RA and C2 (ZBL 1538) to PI and EPA (ZBL 79-200) with site-specific provisions to bring the current uses and future planned uses into conformity with the Zoning By-law, and to facilitate the development of Prestige Employment/Industrial uses on Parcels B, C and D.

2. Legal Description of the Subject Lands (Must meet City validation)

Municipal Address: 9127 Montrose Road and 9515 Montrose Road
 ROLL NO.: _____ PIN: 9127: 642620177, 642620065
9515: 642620095
 Township Crowland Concession No.: Broken Front Lot No(s): 1-2
 Registered Plan: 9127: 59R-9648 Part(s)/Lot(s)/Block(s): Part 1-3, 5
9515: 59R-3384
 Reference Plan: _____ Part(s)/Lot(s)/Block(s): _____

Are there any easements or restrictive covenants affecting the subject lands?

 Yes NoIf yes, please specify: Hydro Easement - Part 2 & 3 Plan 59R-9648, Ontario Hydro Lands, CNR Lands

3. Names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s):

Business Development Bank of Canada, 25 Corporate Park Drive, Suite 202, St. Catharines, ON, L2S 3W2

9515: multi-tenant building including a call center, light warehouse and manufacturing use

4. What is the current use of the subject lands? 9127: Offices, light fabrication, tool storage and maintenance

If unknown, how long has this use continued? _____

5. On what date was the property acquired by the current owner (if known)? 9515: 2016, 9127: 1996

6. Details of the subject lands:

Frontage: 9127: 378m Depth: 9127: 450m Lot area: 9127: 21 ha
9515: 211m 9515: 252m 9515: 5.26

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

Land uses currently permitted: Offices, medical clinics, government services/training facilities, facilities for the research, development and production of alternate energy sources, prestige industrial, ancillary retail and commercial

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

Rural Agricultural (RA) - Zoning By-law 1538 (1958). South-east portion of Parcel D zoned Commercial District (C2)

Land uses currently permitted: RA - Single family detached, animal hospital, veterinary establishment, farm machinery storage, farm vehicle storage. C2 - commercial and office uses (full list provided in PJR section 4.8)

9. What are the current or previous uses of the subject lands?

- Residential Industrial Commercial
 Agricultural Parkland Vacant Other

Please complete the checklist provided in Appendix A.

10. 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.	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					

OFFICIAL PLAN AMENDMENT APPLICATION: Complete this section only if applicable

1. Type of Amendment

- Change to Policy _____
- Replacement of Policy _____
- Delete Policy _____
- 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 requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement? 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 requested amendment remove the subject 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?

ZONING BY-LAW AMENDMENT APPLICATION: Complete this section only if applicable

1. Type of Amendment

- Change in zone classification
From: RA and C2 To: Prestige Industrial

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

ES Fox Site: outside storage (exterior side yard); Parcel B: Office, medical clinic;

Parcel C: Laundry plant; Parcel D: Office, medical clinic, recreational use, health centre

- Modifications or amendments to zone regulations.

Provide details in the chart below or attach a separate chart to the application:

Zoning Regulations	Existing Regulations	Proposed Modification
Minimum Lot Area		
Minimum Lot Frontage		
Minimum Front Yard Depth *(incl. special setback)	10 metres + 13.1 metres from centreline of road allowance	Parcel B: 3 metres + 13.1
Minimum Rear Yard Depth		
Minimum Side Yard Width - Interior - Exterior	7.5 metres	Parcel B: 3 metres
Maximum Lot Coverage		
Minimum Landscaped Open Space	67% of required front yard for an interior lot	60%
Maximum Landscaped Open Space		
Maximum Height of Building		
Number of Storeys		
Minimum Floor Area		
Maximum Floor Area		
Maximum Number of Dwellings		
Maximum Number of Buildings		
Minimum Distance Between Building on Same Lot		
Maximum Gross Leasable Floor Area		
Minimum Number of Parking Spaces	Varies by use	Parcel B: 1 per 45sqm GFA Parcel D: 1 per 25sqm GFA
Loading Area Requirements		

Note: The above chart may not list all the zoning regulations or all the amendments required to the By-law. It is your responsibility to ensure that all the existing regulations and proposed modifications to the By-law are listed. Please round to the nearest whole number or 0.5 for your proposed modifications.

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

Refer to Sections 4.7 and 4.8 of PJR. ZBA implements planned uses of GNSP.

3. 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)	20 jobs/ha		TBD	
Height (m)		12m		8.5m
Number of Storeys				

If applicable, please explain why the requirements cannot be met:

N/A

4. Does the requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement? Yes No

If yes, provide details of the Official Plan/Official Plan amendment that deals with the matter:

5. Does the requested amendment remove the subject land from an area of employment? Yes No

If yes, provide the Official Plan policy reference or amendment that deals with the matter:

6. Why is the zoning amendment being requested?

To gain conformity with the GNSP designations and to permit the existing and proposed development.

7. If the subject land is within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions.

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) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m ²)	Total Building Area (m ²)	Total Parking Spaces
	Front	Rear	Interior	Interior or Exterior				
9127: Office/Light Industrial	~208m	~97m	~102m	~143m				
9515: Mixed Use	~98m	~30m	~18m	~110m				

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

Type of Proposed Building and Date of Proposed Construction	Setbacks from lot lines (m) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m ²)	Total Building Area (m ²)	Total Parking Spaces
	Front	Rear	Interior	Interior or Exterior				
Mixed Use (Parcel B, Bldg A)	3m	30m			7.5m	2,400 sqm	1,200sqm	173
Mixed Use (Parcel B, Bldg B)				3m	7.5m	2,500 sqm	1,281sqm	(Parcel B Total)
Mixed Use (Parcel B, Bldg C)		30m		3m	7.5m	2,195 sqm	1,097 sqm	
Warehouse (Parcel C)	10.63m	7.91m	35.8m		8.5m	2,671sqm	2,323sqm	43
	(To proposed lot lines following severance)							
Parcel D	24.4m	46.08m	4.5m	14.11m	7.5 m	3,322 sqm	1,661 sqm	129
	(To proposed lot lines following severance)							

Please see Section 3.2 and Appendix B of Planning Justification Report for full breakdown of zoning provisions and proposal details

10. Housing Affordability

For applications that including housing, complete the following chart. Information should be based on the best information available at the time of application. If additional space is needed, attach a separate page.

Housing Type	Number of Units	Unit Size (Sq. metres) and/or Lot Frontage	Estimated Selling Price/ Monthly Rent
Detached			
Semi-Detached			
On-Street Towns			
Block Towns			
Stacked Towns			
Back-to-Back Towns			
Apartment Dwelling			

11. 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)

NOTE: The following sections include several declarations and authorizations that must be signed by the owner of the subject land to which this application applies.

If there is more than ONE owner/property, an additional declaration and authorization page must be completed and attached to the application for each owner/property.

OWNERS AUTHORIZATION:

I/We, E. Spencer Fox, III _____
(Owner's Name) (Owner's Name)

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

Applicant: MHBC Planning (c/o Dana Anderson) 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: _____ Signature of Witness: _____

Signature of Owner: _____ Signature of Witness: _____

DECLARATION:

I/We DANA ANDERSON
Of the City/Town/Township of BURLINGTON
In the County/District/Regional Municipality of HALTON

solemnly declare that all of 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 _____)
City of Burlington)
in the Regional Municipality of Halton)
this 22nd day of June)
A.D. 2023)

TO BE SIGNED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

[Signature]
Signature of applicant(s), solicitor or authorized agent

[Signature]
A Commissioner, etc. Doris Ann Ainsworth, a
Commissioner, etc., Province of
Ontario, for MHBC Planning
Limited. Expires August 2, 2025.

AGENT'S ACKNOWLEDGEMENT:

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

Name: DANA ANDERSON
Date: 22 JUNE 2023 Signature: [Handwritten Signature]

PERMISSION TO ENTER

I/ we, (Owner(s)) hereby authorize Council members, City of Niagara Falls staff and/or the Region of Niagara staff and/or the Niagara Peninsula Conservation Authority staff to enter onto the subject land for the limited purposes of evaluating the merits of this application.

Appendix A

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

Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

Yes No Unknown

Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

Yes No Unknown

Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

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

Have the lands or adjacent lands ever been used as a weapons firing range?

Yes No Unknown

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

If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on the site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

Yes No Unknown

Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

Yes No Unknown

*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.

If current or previous use of property is industrial or commercial, or if the answer is YES to any of the 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 site, 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, employees or agents for or in respect of any loss, damage, injury or costs.

Date: June 20, 2023 Signature: 