



# Application for an Amendment to the Official Plan and/or Zoning By-law

Updated: February 2022

## 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 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 to City standard, 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

Type of Application:	Fee:
<input type="checkbox"/> Official Plan Amendment	12,550
<input type="checkbox"/> Zoning By-law Amendment	
<input type="checkbox"/> high-rise hotel proposal	15,000
<input type="checkbox"/> complex	12,550
<input type="checkbox"/> standard	5,800
<input checked="" type="checkbox"/> Official Plan & Zoning By-law Amendment (combined)	
<input type="checkbox"/> high-rise hotel proposal	16,700
<input checked="" type="checkbox"/> all other proposals	13,900

Total fees payable to the City:

Niagara Region Development Services review fees\* to be paid separately at time of application:

<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

Total fees payable to the Regional Municipality of Niagara:

\* This information provides the base estimate only, please note additional Niagara Region charges may apply dependent on the application

## 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:

- 6 (six) copies of this application
- 2 (two) copies of the Land Registry "Final Deed" to the property
- 6 (six) 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.
- 10 (ten) copies of a site plan (see below) and any other material (studies) which are relevant to the proposal.
- 1 (one) copy of the signed preconsultation checklist
- 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)
- Copies of all required plans are to be provided in pdf format unless requested in digital format. Digital submissions must follow the Corporate Submission Standard – Appendix A
- 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:

- 10 (ten) copies of a preliminary site plan and one 8 1/2" 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 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

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 to City standard is the responsibility of the applicant and 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.

**The City of Niagara Falls is dedicated to ensuring that everyone will be able to access the information they need. 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.**

For Use by City Staff Only

Application Number: \_\_\_\_\_ Date Received: \_\_\_\_\_
Date of Preconsultation Meeting: \_\_\_\_\_ Staff/Planner: \_\_\_\_\_
Date Application Received Complete: \_\_\_\_\_ Staff/Planner: \_\_\_\_\_

CONTACT INFORMATION:

Applicant

Applicant is: [ ] Owner or [X] Authorized Agent of Owner (If selected complete and attach authorization form)
Last Name: Auspitz First Name: Jesse Corporation or Partnership: NPG Planning Solutions Inc.
Street Address: 4999 Victoria Avenue Unit No. \_\_\_\_\_ Lot/Con: \_\_\_\_\_
Municipality: Niagara Falls Postal Code: L2E 4C9 Province: ON
Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

Owner (if different from applicant)

Last Name: McQueen First Name: Sherard Corporation or Partnership: 12778611 Canada Inc.
Street Address: Kalar Road (Lot 186) Unit No. \_\_\_\_\_ Lot/Con: \_\_\_\_\_
Municipality: Niagara Falls Postal Code: L2E 6S5 Province: ON
Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

Agent

Last Name: Auspitz First Name: Jesse Corporation or Partnership: NPG Planning Solutions
Street Address: 4999 Victoria Avenue Unit No. \_\_\_\_\_ Lot/Con: \_\_\_\_\_
Municipality: Niagara Falls Postal Code: L2E 4C9 Province: ON
Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

GENERAL INFORMATION

- 1. Brief Description of Proposal (Including the proposed uses): The applicant is proposing a residential development on the western portion of the property, consisting of 99 back-to-back townhouse units in 11 townhouse blocks.
2. Legal Description of the Subject Lands (Must meet City validation) Municipal Address: Kalar Road - Lot 186 PIN: 272511000204201
Township Stamford Concession No.: Parts 2 & 3 Lot No(s): 186
Registered Plan: RP 59R11893 Part(s)/Lot(s)/Block(s):
Reference Plan: Part(s)/Lot(s)/Block(s):
Are there any easements or restrictive covenants affecting the subject lands? [ ] Yes [X] No
If yes, please specify:
3. Names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s): Meridian - 592 Young Street, Barrie, ON, L4N 4E4
4. What is the current use of the subject lands? Vacant
If unknown, how long has this use continued?
5. On what date was the property acquired by the current owner (if known)? June 30, 2021
6. Details of the subject lands: Frontage: 148 (m) Depth: 284 m (m) Lot area: 5.07 ha (m2 or ha) Residential Medium (western portion) & EPA (eastern portion)
7. What is the current designation of the subject lands in the Official Plan? Land uses currently permitted: townhouses and apartment buildings on the portion designated Residential
8. What is the current zone classification of the subject lands in the Zoning By-law? LI (Light Industrial) Land uses currently permitted: as listed in Section 11.2.1 of the City's Zoning By-law
9. What were the previous uses of the subject lands? [X] Residential [ ] Industrial [ ] Commercial [ ] Agricultural [ ] Parkland [X] Vacant [ ] Other
If Industrial Commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

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: Not applicable

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						

11. 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.*

Please see attached PJR.

12. Should the application be approved, when do you intend to commence construction? ASAP

13. 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.



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

Please see attached PJR.

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)	50	75		125
Height (m)				
Number of Storeys		4 storeys (Part 5 Section 2.2.4		4 storeys

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

Please see attached PJR.

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?

A Zoning By-law Amendment is required to rezone these lands to site-specific Residential Apartment 5C (R5C) Density Zone in order to permit the proposed development. Please see PJR for more information.

8. Detail the buildings and/or structures that exist on the subject lands: Please refer to the survey sketch for more details

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 <sup>2</sup> )	Total Building Area (m <sup>2</sup> )
	Front	Rear	Interior	Interior or Exterior			
Detached Dwelling	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

9. Detail the buildings and/or structures that are proposed for the subject lands: See attached PJR and Site Plan

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 <sup>2</sup> )	Total Building Area (m <sup>2</sup> )
	Front	Rear	Interior	Interior or Exterior			

10. How many parking spaces have been provided? 120 spaces

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)

**OWNERS AUTHORIZATION:**

I/We, Sherard McQueen/M5V Inc. \_\_\_\_\_  
(Owner's Name) (Owner's Name)

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

Applicant: Jesse Auspitz /NPG Planning Solutions Agent: Jesse Auspitz /NPG Planning Solutions

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 Jesse Auspitz \_\_\_\_\_

Of the City/Town/Township of Toronto \_\_\_\_\_

In the County/District/Regional Municipality of \_\_\_\_\_

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 Hamilton )

in the Regional Municipality of \_\_\_\_\_ )

this 8 day of September )

A.D. 2022 )

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

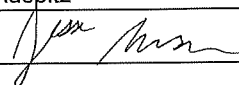
  
\_\_\_\_\_  
Signature of applicant(s), solicitor or authorized agent

  
\_\_\_\_\_  
A Commissioner, etc.

**Robert Scott Fiedler,  
a Commissioner, etc.,  
Province of Ontario,  
for NPG Planning Solutions Inc.  
Expires February 19, 2025.**

**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.

Name: Jesse Auspitz \_\_\_\_\_  
Date: September 7, 2022 \_\_\_\_\_ Signature: 

NOTE: By signing this application, the applicant acknowledges and gives permission to staff of the City of Niagara Falls to enter onto the property for the purpose of a site visit in conjunction with the review of this application and to provide opportunity for said staff to photograph the property as necessary.

**City of Niagara Falls**  
**Appendix A**  
**Corporate Submission Standard**

The following are standards required by applicants/consultants for submissions to the City.

The City reserves the right to deem a development application or project submission "Incomplete" if these standard submission requirements are not met.

Digital Delivery:

Digital submissions will be delivered to The City either by Secure Drop Box, Secure FTP or by portable drive submission directly to the applicable municipal staff

Ownership Confirmation:

"Final Deed" from the land registry office will be the only acceptable proof of ownership accepted by City staff. A detailed PIN and associated PIN Map may also be required upon request.

(Preliminary or In-Progress deeds or Transfers are not proof of ownership and unfulfilled conditions may revert ownership modifications.)

Address Validation:

Civic addressing must meet internal validation rules and match the corporate addressing database.

Addressing is implemented by Information Systems – GIS division, and adheres to the most current "Civic Addressing Policy"

Photos/Pictures:

The standard format for photos and pictures without data will be .tif or .jpeg

Graphical Images:

Graphical images will be accepted in .pdf format but are not considered true digital plans.

Preliminary or conceptual plans may be in this format where indicated in writing by City staff



Plans/Drawings:

All digital plans transferred to The City are to be supplied in true spatial format as outlined below:

- Projected and tied to Geographic Coordinate System\_North American Datum\_1983\_CSRS\_Universal Transvers Mercator\_Zone 17N
- Be provided in one of three acceptable formats including ESRI file geodatabase, shape file (.shp) version 10.3 or higher or AutoCAD drawing file (.dwg) version 2016 or higher, for compatibility purposes.
- Meet the corporate CAD standard template available from <https://niagarafalls.ca/pdf/municipal-works/cad-manual/cad-standards-manual.pdf>
- Follow proper topology rules (closed polygons, snapped lines etc)
- Ensure unique Identification links between the graphics and data attributes (hovers, labels, annotation and text layers do not qualify as identifying links)
- Include all support files or customizations necessary to defend and reprint the submission
- Be accompanied by MetaData and include at least the following six attributes:
  - Last Modification Date, File Format, Data Source, Technical Contact Info,
  - Project or File Reference Number, Unique ID Field Name

All exceptions or allowances must be agreed upon by City management staff and be stated in writing within the file.

**APPENDIX B**

**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 and plans 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 the 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.

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**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: September 7, 2022

Signature: 