



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

Updated: April 2017

## 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, 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	12,200
<input type="checkbox"/> Zoning By-law Amendment	
<input type="checkbox"/> high-rise hotel proposal	14,500
<input type="checkbox"/> complex	12,200
<input type="checkbox"/> standard	5,600
<input checked="" type="checkbox"/> Official Plan & Zoning By-law Amendment (combined)	
<input type="checkbox"/> high-rise hotel proposal	16,200
<input checked="" type="checkbox"/> all other proposals	13,500

Total fees payable to the City:

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

<input type="checkbox"/> Official Plan Amendments to be submitted to Region for approval	7,500
<input checked="" type="checkbox"/> Official Plan Amendments exempt from Regional approval	4,000
<input checked="" type="checkbox"/> Zoning By-law Amendment (Within Urban Areas)	1,000
<input type="checkbox"/> Zoning By-law Amendment (Outside Urban Areas)	1,400
<input type="checkbox"/> Zoning By-law Amendment (Agricultural Purposes Only)	325
<input type="checkbox"/> Removal of Holding Symbol	500

Total fees payable to the Regional Municipality of Niagara:

## 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
- 12 (twelve) copies of the deed to the property
- 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.
- 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 on a CD in pdf format.
- 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:

- 12 (twelve) copies of a preliminary site plan and one 8 ½" 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 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.

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  Authorized Agent of Owner (if selected complete and attach authorization form)

Last Name: Sugden First Name: Evan Corporation or Partnership: Bousfields Inc.

Street Address: 1 Main Street East Unit No. 200 Lot/Con: \_\_\_\_\_

Municipality: Hamilton Postal Code: L8N 1E7 Province: Ontario

Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

**Owner (if different from applicant)**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Corporation or Partnership: Rudanco Inc.

Street Address: 4728 Dorchester Road Unit No. Unit 11B Lot/Con: \_\_\_\_\_

Municipality: Niagara Falls, Postal Code: L2E 7H9 Province: Ontario

Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

**Agent**

Last Name: Sugden First Name: Evan Corporation or Partnership: Bousfields Inc.

Street Address: 1 Main Street East Unit No. 200 Lot/Con: \_\_\_\_\_

Municipality: Hamilton Postal Code: L8N 1E7 Province: Ontario

Telephone Number: [REDACTED] Cell Number: \_\_\_\_\_ Email: [REDACTED]

**GENERAL INFORMATION**

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

The applications will facilitate the construction of a new standalone 2-tower residential apartment building at heights of 25- and 35-storeys atop a podium that ranges in height from 0- to 4-storeys. The development will result in 623 new residential dwelling units, with parking both above and below grade.

2. **Legal Description of the Subject Lands**

Municipal Address: N/A

Lot No(s): Part Twp Lt 175 Concession No.: Stamford

Reference Plan: 59R-10776 Part(s): Parts 2, 3 & 4

Reference Plan: \_\_\_\_\_ Lot(s)/Block(s): \_\_\_\_\_

3. Are there any easements or restrictive covenants affecting the subject lands?  Yes  No  
 If yes, please specify: T/w Ro706323 & Ro656236; S/t Ro509402e, Ro771674

4. Names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s):  
COSMAN MORTGAGE HOLDING CORP.

5. What is the current use of the subject lands? Vacant / Parking  
 If unknown, how long has this use continued? Since at least 2002

6. On what date was the property acquired by the current owner (if known)? 2020

7. Details of the subject lands:  
 Frontage: 10.2 (m) Depth: +/- 254 (m) Lot area: 12,425 sq.m (m<sup>2</sup> or ha)

8. What is the current designation of the subject lands in the Official Plan? TOURIST COMMERCIAL  
 Land uses currently permitted: Residential, commercial, mixed-use.

9. What is the current zone classification of the subject lands in the Zoning By-law? TOURIST COMMERCIAL  
 Land uses currently permitted: A variety of commercial uses and dwelling units in a mixed-use building.

10. What were the previous uses of the subject lands?

<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Commercial
<input type="checkbox"/> Agricultural	<input type="checkbox"/> Parkland	<input checked="" type="checkbox"/> Vacant
<input type="checkbox"/> Other		

If Industrial 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	N/A					
Consent	N/A					
Official Plan Amendment	N/A					
Zoning By-law Amendment	N/A					
Plan of Subdivision/ Condominium	N/A					
Site Plan	N/A					
Minister's Zoning Order (Including Ontario Regulation Number)	N/A					
Regional Policy Plan Amendment	N/A					

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.*

Please refer to the Planning and Urban Design Rationale Report submitted with the Applications.

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

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) Proposed storm tank complete with a pump.

**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 N/A of the Official Plan
- Replacement of Policy N/A of the Official Plan
- Delete Policy N/A 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: N/A  
 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:  
 N/A

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:  
 N/A

2. What is the purpose of the proposed amendment?  
 To facilitate the construction of a standalone residential high-rise apartment building in a 2-tower format atop a 0 to 4-storey podium with site-specific performance standards.

3. What land uses will be permitted through the amendment?  
 Standalone residential apartment dwellings.

4. What is the designation of the subject lands in the Regional Niagara Policy Plan? Built-Up / Urban Area

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: N/A To: N/A

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

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) Existing Regulations	(b) Proposed Modification
Minimum Lot Area	N/A	N/A
Minimum Lot Frontage	6 m	Complies
Minimum Front Yard Depth *(incl. special setback)	N/A	N/A
Minimum Side Yard Width - Interior - Exterior	None Required	N/A
Maximum Lot Coverage	70%	Complies
Minimum Landscaped Open Space	N/A	N/A
Maximum Landscaped Open Space	N/A	N/A
Maximum Height of Building or	12 m	116 m
Number of Storeys	N/A	25 & 35 Storeys
Minimum Floor Area	N/A	N/A
Maximum Floor Area	N/A	N/A
Maximum Number of Dwellings	N/A	N/A
Maximum Number of Buildings	N/A	N/A
Minimum Distance Between Building on Same Lot	25 m	Complies
Maximum Gross Leasable Floor Area	3,530 sq.m	N/A
Minimum Number of Parking Spaces	1.4 spaces per unit	1.25 spaces per unit
Loading Area Requirements	An accordance with Section 4.20	Complies

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.  
Please refer to the Planning and Urban Design Rationale Report submitted with the Applications.

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)	N/A	N/A	501.4 uph	N/A
Height (m)	N/A	12 m	N/A	116 m
Number of Storeys	N/A	N/A	N/A	35 Storeys

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

Please refer to the Planning and Urban Design Rationale Report submitted with the Applications.

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:

N/A

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:

N/A

7. Why is the zoning amendment being requested?  
Please refer to the Planning and Urban Design Rationale Report submitted with the Applications.

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

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) (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			
Tower A	12.0 m	30 m	23 m	+/- 73 m	116 m	27,532sq.m	30,018sq.m
Tower B	18.5 m	19.5 m	+/- 94.5 m	15.5 m	84 m	18,080sq.m	18,080sq.m
Podium	2.5 m	9.5 m	2.5 m	5.0 m	Varies	4,718sq.m	12,869sq.m

10. How many parking spaces have been provided? 779 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, Rudanco Inc. c/o Jeremia Rudan (Owner's Name) \_\_\_\_\_ (Owner's Name) \_\_\_\_\_

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

Applicant Bousfields Inc. c/o Evan Sugden Agent Bousfields Inc. c/o Evan Sugden

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 Evan Sugden of Bousfields Inc.  
Of the City/Town/Township of Kitchener  
In the County/District/Regional Municipality of Waterloo

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 Toronto )  
in the Regional Municipality of \_\_\_\_\_ )  
this 2nd day of September )  
A.D. 2022 )

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

Evan Sugden  
Signature of applicant(s), solicitor or authorized agent  
R. LePiane

Rosanna Maria Le Piane, a  
Commissioner, etc., Province  
of Ontario, for Bousfields Inc.  
Expires February 5, 2023

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.

Name: Evan Sugden of Bousfields Inc.  
Date: September 2, 2022 Signature: Evan Sugden

**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 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.

**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.

9/2/2022

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

DocuSigned by:  
  
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