

## DRAFT OFFICIAL PLAN AMENDMENT No. 155

### PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – Body of the Amendment, consisting of the following text, constitute Amendment No. 155 to the Official Plan of the City of Niagara Falls

### DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

POLICY	EXISTING	PROPOSED
PART 4 – Administration and Implementation		
SECTION 4 – By-laws		
4.1.1.1		<p>Minor Zoning By-law Amendments may include:</p> <ul style="list-style-type: none"> <li>a) Updates to terminology or mapping to align with the Official Plan,</li> <li>b) The lifting of a holding provision,</li> <li>c) The approval of a temporary use by-law,</li> <li>d) A Zoning By-law amendment required as part of a surplus farm dwelling severance to prohibit future residential uses on agricultural lands,</li> <li>e) Any other amendments that meet the following criteria:                             <ul style="list-style-type: none"> <li>i. No studies or reports are required to review the application, other than a Planning Justification report, and</li> <li>ii. The proposal does not contradict any Provincial Policies, and</li> <li>iii. The proposal conforms to the Region and City’s Official Plan.</li> </ul> </li> </ul>
4.1.1.2		<p>Approval of minor zoning by-law amendments as outlined in Policy 4.1.1.1 shall be delegated, by by-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the Planning Act.</p>

4.1.2	In considering the merits of any proposed amendment to the Zoning By-law, Council shall be guided by the following procedure of notification and public participation.	In considering the merits of any proposed amendment to the Zoning By-law, Council, <b>or their designate</b> shall be guided by the following procedure of notification and public participation.
4.1.2.1	All proposed amendments will be circulated to those public and private agencies which, in the opinion of Council, have an interest in or may be affected by the proposal. A reasonable period of time will be given for receipt of such submission.	All proposed amendments will be circulated to those public and private agencies which, in the opinion of Council <b>or their designate</b> , have an interest in or may be affected by the proposal. A reasonable period of time will be given for receipt of such submission.
4.1.2.4		<b>Public meetings may be scheduled outside of Council Meetings for minor zoning by-law amendments as outlined in Policy 4.1.1.1</b>
4.1.3	After a required public meeting has been held, Council may make changes to a proposal prior to approving it. Council will determine if further notice and a public meeting are necessary. Any such public meeting shall be held in accordance with the requirements of the Planning Act.	After a required public meeting has been held, Council <b>or their designate</b> may make changes to a proposal prior to approving it. Council <b>or their designate</b> will determine if further notice and a public meeting are necessary. Any such public meeting shall be held in accordance with the requirements of the Planning Act.
4.2.1	Section 36 of the Planning Act, provides Council with the authority to zone lands for specific uses, the development of which is intended to occur at a later date, when certain identified conditions have been met. In this regard, Council may consider the use of the letter "H" in conjunction with the appropriate zone categories in the implementing Zoning By-law. The by-law will also specify what uses may occur while the holding zoning is in place. In this regard, it is expected that such interim uses will be limited to those which are existing, and to minor extensions or expansions of existing uses which do not require large capital investment and which will not	Section 36 of the Planning Act, provides Council with the authority to zone lands for specific uses, the development of which is intended to occur at a later date, when certain identified conditions have been met. <del>In this regard, Council may consider</del> The use of the letter "H" <b>may be considered</b> in conjunction with the appropriate zone categories in the implementing Zoning By-law. The by-law will also specify what uses may occur while the holding zoning is in place. In this regard, it is expected that such interim uses will be limited to those which are existing, and to minor extensions or expansions of existing uses which do not require large capital investment and which will not adversely affect the future development of the lands. Holding

	adversely affect the future development of the lands. Holding provisions may be applied to achieve the following.	provisions may be applied to achieve the following.  Council or Staff, as delegated by by-law in accordance with the Planning Act, may pass by-laws to lift the Holding provision.
4.4.1	In accordance with Section 39 of the Planning Act, Council may pass by-laws authorizing the temporary use of lands, buildings, or structures. It is recognized that on occasion a use may not conform to the land use designation of this Plan. Any use allowed by a temporary use by-law shall be of a limited duration and shall not entail any major construction or investment so that it can be easily removed when it is required to cease. As a condition of approval, Council may require the applicant to enter into an agreement with the City and to deposit sufficient securities with the City to ensure that the land, building or structure is returned to an acceptable condition once the temporary use by-law expires	In accordance with Section 39 of the Planning Act, Council or their designate as delegated by by-law in accordance with the Planning Act may pass by-laws authorizing the temporary use of lands, buildings, or structures. It is recognized that on occasion a use may not conform to the land use designation of this Plan. Any use allowed by a temporary use by-law shall be of a limited duration and shall not entail any major construction or investment so that it can be easily removed when it is required to cease. As a condition of approval, Council may require the applicant to enter into an agreement with the City and to deposit sufficient securities with the City to ensure that the land, building or structure is returned to an acceptable condition once the temporary use by-law expires
4.4.2	When considering the merits of any temporary use, Council shall consider matters such as the compatibility of the use with surrounding land uses; the potential impact of the temporary use on both the future use of the subject property and surrounding lands; traffic circulation and parking; servicing; and noise. Temporary uses, buildings and structures that are not farm related should be directed away from the Good General Agriculture Areas as set out in this Plan.	When considering the merits of any temporary use, Council shall consider matters such as the compatibility of the use with surrounding land uses; the potential impact of the temporary use on both the future use of the subject property and surrounding lands; traffic circulation and parking; servicing; and noise shall be considered. Temporary uses, buildings and structures that are not farm related should be directed away from the Good General Agriculture Areas as set out in this Plan.
SECTION 7 – Subdivision Control		
7.2.1		Council may, by by-law, delegate approval authority for the following:

		<ul style="list-style-type: none"> <li>• Extending the lapsing period of a draft approved plan;</li> <li>• Draft plan approval of condominium;</li> <li>• Condominium exemption; and</li> <li>• Minor status revisions to a draft approved plan as established in 7.2.2.</li> </ul>
7.2.2		<p>Minor status revisions to draft approved plans may include:</p> <ul style="list-style-type: none"> <li>• A change that does not require additional technical studies or revisions to existing technical studies;</li> <li>• A change to lot or block lines which do not significantly affect the number of units or road patterns;</li> <li>• A change to a proposed right-of-way width;</li> <li>• A minor change to draft plan conditions that does not significantly alter the intent of the condition;</li> <li>• A change that does not conflict with any Provincial or Regional policies; and</li> <li>• A change that will not result in conflict with Official Plan policies and Zoning By-law regulations.</li> </ul>
7.2	<p>The development of more than two parcels of land from an original property shall proceed by plan of subdivision. Exceptions may be considered in cases where lands front on an existing open public road constructed to municipal standards, the development is considered to be infilling and the proponent pays all fees generally related to the requirements of a subdivision. Council shall recommend to the Regional Municipality of Niagara only those draft plans of subdivision which comply with the policies and land use designations of this Plan and appropriate secondary plans and which, to the satisfaction of Council, can be supplied with</p>	<p>The development of more than two parcels of land from an original property shall proceed by plan of subdivision. Exceptions may be considered in cases where lands front on an existing open public road constructed to municipal standards, the development is considered to be infilling and the proponent pays all fees generally related to the requirements of a subdivision. Council shall recommend to the Regional Municipality of Niagara only those draft plans of subdivision which comply with the policies and land use designations of this Plan and appropriate secondary plans and which, to the satisfaction of Council, can be supplied with adequate services and maintain a sound municipal financial position.</p>

	adequate services and maintain a sound municipal financial position.	
7.3.1	No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.	No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.
Section 11 – COMMUNITY IMPROVEMENT		
11.9		Approval of Simple Grant CIP applications as outlined in Policy 11.9.1 shall be delegated, by by-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the Planning Act.
11.9.1		Simple Grant CIP applications include programs that offer one-time grant payments valued up to \$25,000.