



File No. _____

APPLICATION FOR ZONING BY-LAW AMENDMENT

This application form is to be used by persons wishing to amend the Zoning By-law (By-law 1150/97/81, as amended) for the City of Port Colborne. It is also for applications made under Sections 36-Holding Provisions, 37-Increased Density, and 39-Temporary Use.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all **prescribed** information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Planning & Development Services Division
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900
FAX: 1-905-835-2939

It is recommended that a pre-consultation meeting occur with Planning and Development Services prior to submitting the application. To help you complete the application form, please call and make an appointment with the Planning and Development Services Division.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

In making decisions on planning applications, City Council shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on March 1, 2005. Both provide policy direction on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy, Regional Plan and the Provincial Policy Statement.

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows City Council to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Zoning By-law Amendment application received by the Council of the City of Port Colborne must be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies.

APPLICATION FEES

The application fee (See the attached copy of By-law 5020/75/07) must be submitted at the time of application as cash or as a certified cheque or a money order payable to *The City of Port Colborne*.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Zoning By-law Amendment application the following supplementary information / sketches are requested:

Depending on the scope of the requested amendment, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.

1. **A sketch or sketches showing the following shall be submitted:**
 - (a) The boundaries and dimensions of the land.

- (b) The location, size and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - (c) The approximate location of all natural and artificial features on the land and on adjacent properties that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - (d) The current uses on adjacent properties.
 - (e) The location, width and name of any roads within or abutting the land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
 - (f) If access to the land is by water only, the location of the parking and docking facilities to be used.
 - (g) The location and nature of any easement affecting the land.
 - (h) Parking areas, loading spaces, driveway entrance / exits
 - (i) Existing and proposed servicing [e.g. water, storm and sanitary]
2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a useable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. A sketch must be provided with this application. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

APPLICATION FORM AND SKETCH

It is required that ONE copy of this application form be filed with the City of Port Colborne Planning and Development Services Division, together with the sketch (referred to above), accompanied by the appropriate fee per application (By-law 4806/31/06), in cash or by cheque made payable to THE CITY OF PORT COLBORNE.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

(Conservation Authorities Act, O. REG 155/06)

In the Region's review of development applications on behalf of several Provincial Ministries, assistance may be required from the Niagara Peninsula Conservation Authority. Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Regional Municipality (on behalf of the Niagara Peninsula Conservation Authority) will charge an additional Plan Review Fee. These fees are provided on the Regional Niagara web site (www.regional.niagara.on.ca).

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 20 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 20 day period, the public hearing date may be rescheduled.

PLEASE TYPE OR USE BLACK INK

1. APPLICANT INFORMATION

1.1 Registered Owner(s): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.2 Owner's SOLICITOR (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.3 Owner's Authorized AGENT (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

List the name(s) and address(es) of any mortgages, charges or other encumbrances in respect of the land.

1.5 The date the Subject Land was acquired by the Current Owner:

1.6 Owner's ONTARIO LAND SURVEYOR (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.7 All communications should be sent to the:

Owner _____ Solicitor _____ Agent _____

2. LOCATION OF PROPERTY:

Former Municipality _____

Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street _____ Street No. _____

3. EXISTING, PREVIOUS AND ADJACENT USES OF THE SUBJECT LANDS:

3.1 ALL EXISTING USE

- Residential _____
- Industrial _____
- Commercial _____
- Institutional _____
- Agricultural _____
- Parkland _____
- Vacant _____
- Other _____

3.2 What is the length of time the existing use(s) of the land have continued?

3.3 Are there any buildings or structures on the subject land?

Yes _____ No _____

If yes, for each existing building or structure, complete the following for each building or structure:

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)	Date of Construction

3.4 ALL PREVIOUS USE

- Residential _____
- Industrial _____
- Commercial _____
- Institutional _____
- Agricultural _____
- Parkland _____
- Vacant _____
- Other _____

3.5 ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____

Institutional _____
 Agricultural _____
 Parkland _____
 Vacant _____
 Other _____

3.6 If Industrial or Commercial, specify use:

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

3.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

3.13 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 landfill or dump?

Yes _____ No _____ Unknown _____

3.14 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 _____

3.15 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. Any industrial use can result in potential contamination. 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 previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

3.16 If there has been industrial or commercial uses on the property or if the answer to 3.6 to 3.15 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?

Yes _____ No _____

3.17 Are the subject lands (or buildings) designated as architecturally or historically significant under the Ontario Heritage Act?

Yes _____ No _____ Unknown _____

3.18 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

Yes _____ No _____

If "Yes" describe the easement or covenant and its effect: _____

4. ZONING PROPOSAL

4.1 DESCRIPTION: Part No. on sketch _____

Frontage _____ Depth _____ Area _____

Existing Use _____

Proposed Use _____

4.2 OFFICIAL PLAN AND ZONING

What is the current designation of the land in the Official Plan and the Regional Plan

Port Colborne Official Plan _____

Regional Policy Plan _____

4.3 What is the current Zoning of the land (By-law 1150/97/81)?

4.4. Describe the nature and extent of the rezoning requested

(For assistance, the details of the proposed rezoning may be described on the table included in Form 2)

4.5 Why is the rezoning requested?

4.6 Are any site specific zoning regulations (ie: setbacks, etc.) being requested?

Yes _____ No _____

If so, specify _____

5. PROPOSED USE OF SUBJECT LANDS

5.1 What is the proposed use(s) of the land?

5.2 Are there any buildings or structures proposed to be built on the land?

Yes _____ No _____

If yes, for each building or structure, provide the following detail.

Type of building or structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres and number of storeys)	Dimensions or floor area (in metres)

6. PROVINCIAL POLICY PLAN CONFORMITY

6.1 Is this application consistent with the Policy Statements issued under Section 3(1) of the Planning Act?

Yes _____ No _____

If no, indicate which section of the Policy Statement will not be conformed with: _____

7. SERVICING

7.1 Type of ACCESS

Provincial Highway _____

Regional Road _____

Municipal Road maintained all year _____

Other Public Road _____

Municipal Road maintained seasonally _____

Right-of-Way _____

Water Access _____

Private Road _____

7.2 What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply _____

Lake _____

Well (private or communal) _____

Other (specify) _____

7.3 What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system _____

Septic system (private or communal) _____

Other (specify) _____

7.4 What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)

Publicly owned and operated stormwater system _____

Other (specify) _____

7.5 Are the water, sewage or road works associated with the proposed development subject to the provisions of the *ENVIRONMENTAL ASSESSMENT ACT*?

Yes _____ No _____

If Yes, will the notice of public meeting for this application be modified to state that the public meeting will address the requirements of both the Planning Act and the Environmental Assessment Act?

Yes _____ No _____

8. STATUS OF OTHER APPLICATIONS:

8.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:

Official Plan Amendment _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent _____

Site Plan _____

8.2 If the answer to the above is yes, and if known, provide the following for each application noted:

File number of the application _____

Name of the approval authority considering the application _____

Lands affected by the application _____

Purpose of the application _____

Status of the application _____

Effect of the application on the proposed amendment _____

8.3 Has the land ever been the subject of an application under Section 45 of the Planning Act (Committee of Adjustment for MINOR VARIANCE OR PERMISSION)?

Yes _____ No _____

If the answer is yes, describe briefly: (include file number, if known)

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (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 Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Date _____ Signature of Owner _____

9. NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening Criteria

9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
Yes _____ No _____ Unknown _____

9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
Yes _____ No _____ Unknown _____

9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
Yes _____ No _____ Unknown _____

9.4 Is there a valley slope on the property?
Yes _____ No _____ Unknown _____

9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
Yes _____ No _____ Unknown _____

Date _____ Signature of Applicant(s) _____

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

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 _____ of _____)
_____)
This _____ day of _____)
_____)
A.D. 20 _____)

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

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: Ashley Grigg, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

Application Revised May 2010

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

of _____ the _____ of _____
to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port
Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment /
Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control
Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the _____ of _____

in the _____ of _____

this _____ day of _____ 200_____

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SAMPLE ZONING AMENDMENT CHART

The following chart will clarify where amendments to the existing zoning regulations or other by-law provisions are proposed.

Column (a) is to show the existing regulations of the zone

Column (b) is to show the proposed modified regulation which is to apply to the land.

Zoning Regulations	Existing Zone Regulations (a)	Proposed Modification To Requested Zoning Regulations (b)
Uses Permitted		
Minimum Lot Frontage		
Minimum Lot Area		
Minimum Front Yard		
Minimum Exterior Side Yard		
Minimum Interior Side Yard		
Minimum Landscaped Area		
Maximum Lot Coverage		
Maximum Height of Building or Structure		
Minimum Ground Floor Area / Dwelling Unit		
Minimum Lot Area / Unit		
Minimum Number of Parking Spaces		
Other (e. g. General Provisions)		
Other (e. g. General Provisions)		
Other (e. g. General Provisions)		

Use extra sheet where required.

(See the attached copy of By-law 4806/31/06)

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application _____

Public Hearing Date _____

Adjourned Public Hearing Date _____

Checked for Completeness by _____

PROCESSING

Date

Accepted by Manager of Planning and Development Services: _____

Circulated: _____

Comments received;	Solicitor	_____
	Engineer	_____
	C.B.O.	_____
	Fire Chief	_____
	C. N. Power	_____
	Region	_____
	NPCA	_____
	MTO	_____
	MoE	_____
	Other	_____

Notice of Public Meeting _____

Public Meeting _____

Council Approval _____

Final Day for OMB Appeal _____

OMB Appeal _____

OMB Hearing _____

OMB Decision _____

SUGGESTION TO THE APPLICANT

Council is required to serve notice of your application for an official plan amendment on a number of agencies. All written responses will be taken into account by Council in reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about: the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 1150/97/81, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

- | | |
|---|--|
| 1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 | Dan Aquilina,
Director of Planning &
Development
(905) 835-2901, Ext. 203 |
|---|--|

Information on the Port Colborne Official Plan and Zoning Bylaw

- | | |
|---|---|
| 2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 | Ron Hanson,
Director of Engineering &
Operations
(905) 835-2901,
Ext. 222 |
|---|---|

Information on Servicing, Lot Grading and Drainage

- | | |
|---|--|
| 3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 | Ernie Cronier,
C.B.O.
(905) 835-2901,
Ext 201 |
|---|--|

Information about the Building Code

- | | |
|---|--|
| 4. Region of Niagara Public Works Department
Development Services Division
2201 St. David's Road, P.O. Box 1042, Thorold, | Peter Colosimo
Director
(905) 984-3630
1-800-263-7215 |
|---|--|

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health

- AND -

For Concerns regarding Provincial Policy and Ministry responsibilities

- | | |
|--|---|
| 5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2 | Cara Lampman
Watershed Planner
(905) 788-3135 |
|--|---|

For information about lands which may be zoned as "Hazard" in the local zoning by-law, lands adjacent to watercourses, Lake Erie or flood plains

- | | |
|--|---|
| 6. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7 th Floor
Downsview, Ontario M3M 1J8 | Kevin Kelly
1-416-235-5558
Kevin.Kelly@ontario.ca |
|--|---|

For information about sight plan applications for lands fronting onto provincial highways

- | | |
|--|--|
| 7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7 th Floor
Downsview, Ontario M3M 1J8 | Adrian Firmani
1-416-235-5383
Adrian.Firmani@ontario.ca |
|--|--|

For information about official plan amendments, consents, re-zoning, and other inquiries for lands fronting onto provincial highways

- | | |
|--|--|
| 8. Ministry of Municipal Affairs and Housing. <i>Provincial Policy Statement</i> (PPS) available for download (Online) at: http://www.mah.gov.on.ca/userfiles/page_attachments/Library/1/789108_ppsenglish.pdf | |
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