

**APPLICATION FOR OFFICIAL PLAN AND/OR  
ZONING BY-LAW AMENDMENT**

APPLICATION IS HEREBY MADE TO: The Township of West Lincoln  
318 Canborough Street, P.O. Box 400  
Smithville, Ontario L0R 2A0  
[planning@westlincoln.ca](mailto:planning@westlincoln.ca)

**Please submit two (2) hard copies and an electronic copy of the 'Completed Application' and supplemental documents together with the required fees payable to the Township of West Lincoln. If fees are required for the Region of Niagara or the Niagara Peninsula Conservation Authority, please submit the required fees with the application.**

The undersigned hereby requests the Council of the Corporation of the Township of West Lincoln to consider this amendment application as it affects the lands and/or premises hereinafter described to the extent and upon the terms and conditions set forth in this application, including Appendices hereto.

Individuals who make written submissions with respect to a Planning Act Application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

**AFFIDAVIT OR SWORN DECLARATION**

I/We Jowett Lau of the City of Hamilton in  
the Province of Ontario make oath and say (or solemnly declare) that the  
information contained in this Application is true and that the information contained in the  
documents that accompany this Application is true.

Sworn (or declared) before me at the \_\_\_\_\_  
in the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



\_\_\_\_\_  
Commissioner of Oaths

A handwritten signature in blue ink, appearing to read "B. Jowett", written over a horizontal line.

\_\_\_\_\_  
Signature of Applicant

**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 Township's Official Plan policies pertaining to potentially 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 Township 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 Township of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I further acknowledge that the Township of West Lincoln is not responsible for the identification and/or remediation of contaminated sites, 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 Township of West Lincoln, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Jowett Lau  
Name of Applicant (please print)

A handwritten signature in blue ink, appearing to read "B. Jowett", written over a horizontal line.

\_\_\_\_\_  
Signature of Applicant

May 6, 2025  
Date

**NOTE: REFER TO RELEVANT APPENDIX "A-1" AND "A-2" GUIDE TO APPLICANTS**

**1. TYPE OF APPLICATION** (check one or both)

- ☒ Official Plan Amendment
- ☒ Zoning By-law Amendment

**2. FEE**

In accordance with Appendix "B" Schedule of Fees, the required Application Fee of \$ 17,840 is enclosed.

**3. OWNER, APPLICANT AND/OR AGENT**

- (a) Owner's Name: (Please Print) 2853972 Ontario Inc.

Mailing Address: 166 Main Street West, Grimsby ON

Postal Code: L3M 1S3 Tel: (    ) 905-321-0241

Fax: (    ) \_\_\_\_\_ Email: jwhyte@phelpshomes.com
- (b) Applicant's Name: (Please Print) Same as owner

Mailing Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Tel: (    ) \_\_\_\_\_

Fax: (    ) \_\_\_\_\_ Email: \_\_\_\_\_
- (c) Agent's Name: (Please Print) Max Fedchyshak, NPG Planning Solutions

Mailing Address: 4999 Victoria Ave, Niagara Falls, ON

Postal Code: L2E 4C9 Tel: ( 289 ) 990-9795

Fax: (    ) \_\_\_\_\_ Email: mfedchyshak@npgsolutions.ca
- (d) Solicitor's Name (Please Print) Bilal Mirza, Simpson Wigle LLP

Mailing Address: P.O. Box 990, Hamilton, Ontario

Postal Code: L8N 3R1 Tel: (    ) 905-528-8411 ext 370

Fax: (    ) \_\_\_\_\_ Email: MirzaB@SimpsonWigle.com

**Note: ALL CORRESPONDENCE WILL BE SENT TO THE APPLICANT EXCEPT WHERE AN AGENT IS EMPLOYED, IN WHICH CASE IT WILL BE SENT TO THE AGENT.**

**4. APPLICANT'S RELATIONSHIP TO SUBJECT LANDS**

- ☒ Registered Property Owner
- ☐ Authorized Agent of Registered Owner
- ☐ Holder of Option to Purchase Subject Lands
- ☐ Authorized Agent of Person Holding Option to Purchase
- ☐ Other (specify) \_\_\_\_\_

**5. AUTHORIZATION OF OWNER FOR AGENT TO PROVIDE PERSONAL INFORMATION**

If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

I/We \_\_\_\_\_ am/are the registered owner(s) of the land that is subject of this application for approval of an amendment to the Official Plan and/or Zoning By-law and for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize \_\_\_\_\_ as my agent for the application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Year    Month    Day

**Note:** If the development application involves two or more separate properties under separate ownership, separate authorization must be provided from each registered owner and be attached hereto.

6. MORTGAGEES, RESTRICTIONS, COVENANTS, ETC.

(a) If known, the names and addresses of all mortgagees, holders of charges or other encumbrances with respect to the subject lands:

Name: (Please Print) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_  
Name: (Please Print) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_

NOTE: If more space is required, attach a separate sheet hereto.

(b) Are there any easements, rights-of-way, restrictions, or other covenants applicable to the subject lands?    ☐ Yes        ☒ No        If “Yes”, describe what they are.

\_\_\_\_\_  
\_\_\_\_\_

(c) Is there an approved Site Plan and/or a Site Plan Agreement in effect on any portion of the subject lands?        ☐ Yes        ☒ No

If yes, has an amendment to the Site Plan and/or Agreement been applied for?  
☐ Yes        ☐ No

7. LOCATION OF THE LANDS SUBJECT TO THIS APPLICATION (SUBJECT LANDS)

Municipal Address: 132 College St  
Lot(s): 29-31; Pt Lt 44 Block(s): \_\_\_\_\_ Reg. Plan: M-90; Part(s): 1 Ref. Plan: 30R-16316; 30BA1687  
Lot(s): \_\_\_\_\_ Concession: \_\_\_\_\_ Former Municipality: \_\_\_\_\_  
If known, Assessment Roll No: 26 02 030 015 05300 0000

8. DIMENSIONS OF THE SUBJECT LANDS

Lot Frontage: 99.74 Metres                      Lot Depth: 102.99 Metres  
Lot Area: 20,321.8 Square Metres

9. LAND USES

(a) Existing uses of the subject lands Vacant

(b) Are there any buildings or structures on the subject lands?    ☐ Yes        ☒ No

If ‘Yes’, for each building or structure, describe the type of building or structure, the setbacks, the height of the building or structure and the dimensions or floor area of the building or structure.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(The above information can be shown on a separate map)

(c) The proposed uses of the subject lands Construct residential condo townhomes

(d) Are any buildings or structures proposed to be built on the subject lands?

☒ Yes        ☐ No

If ‘Yes’, for each building or structure describe the type of building or structure, the setbacks, the height of the building or structure and the dimensions or floor area of the building or structure.

Please refer to Site Concept Plan and Planning Justification Report.  
\_\_\_\_\_  
\_\_\_\_\_

(The above information can be shown on a separate map)



12. ENVIRONMENTAL SITE SCREENING QUESTIONNAIRE

The following questionnaire is required in order to properly implement the Potentially Contaminated Site policies as contained in the Township’s Official Plan. These questions are required in order to guide the review of this planning application and to help ensure that the Township is implementing its Official Plan.

Previous Use of Property (if applicable)

- ☐ Residential
- ☐ Industrial
- ☐ Commercial
- ☒ Institutional
- ☐ Agricultural
- ☐ Parkland
- ☐ Vacant
- ☐ Other

a) If previous use of the property is Industrial or Commercial, specify use (if known):

b) Has fill been placed on the subject land?

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

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

- ☐ Yes
- ☒ No
- ☐ Unknown

f) 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

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

- ☐ Yes
- ☒ No
- ☐ Unknown

h) 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

i) 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

j) 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 but are not limited to: 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.

- k) **If current or previous use of the property is industrial or commercial, or if 'YES' to any of a) to j) above, a Phase I Environmental Site Assessment may be required.**

### 13. DETAILS OF THE AMENDMENT TO THE OFFICIAL PLAN

Using the following, identify the extent to which the Official Plan is intended to be amended to accommodate the proposed development.

- (a) The current designation of the subject lands in the Official Plan and the land uses which are authorized by the designation Medium Density Residential

Briefly state the purpose of the requested Official Plan Amendment

A site specific provision permitting a density up to 50 units per hectare

- (b) Does the proposed amendment change or replace a designation in the Official Plan?

☐ Yes ☒ No

- (c) If the proposed amendment changes or replaces a designation in the Official Plan, identify the designation to be changed or replaced \_\_\_\_\_

- (d) Identify the land uses which would be authorized by the proposed Official Plan Amendment \_\_\_\_\_

- (e) Does the proposed amendment change, replace or delete a policy in the Official Plan?

☐ Yes ☒ No

- (f) If the answer to subsection (e) is yes, identify the policy(s) to be changed, replaced or deleted \_\_\_\_\_

- (g) Does the proposed amendment add a policy(s) to the Official Plan? ☐ Yes ☒ No

- (h) If the proposed amendment changes, replaces or deletes a policy or adds a policy, explain the purpose of the proposed official plan amendment \_\_\_\_\_

- (i) Is the subject land or any land within 120 metres of the subject land(s) the subject of an application made by the applicant, for approval of a Regional Policy Plan Amendment, a Zoning By-law Amendment, a Minor Variance, a Plan of Subdivision, a Consent or Site Plan Approval, an amendment to an official plan or a Minister's zoning order.

☐ Yes ☒ No

- (j) If the answer to subsection (i) is yes and if known, the file number of the application, the name of the approval authority considering the application, the lands affected by the application, the purpose of the application, the status of the application and the effect of the application on the proposed amendment.

- (k) Attach the text of the proposed amendment if a policy in the Official Plan is being changed, replaced or deleted or if a policy is being added to the Official Plan.

- (l) Attach the proposed schedule to the Official Plan if the proposed amendment changes or replaces a schedule in the Official Plan and the text that accompanies the schedule.

- (m) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the municipality?  
☐ Yes      ☒ No

If 'Yes', what are the current Official Plan Policies, if any, in dealing with the alteration or establishment of an area of settlement.

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- (n) Does the proposed amendment remove the subject lands from an area of employment?  
☐ Yes      ☒ No

If yes what are the Official Plan policies if any, dealing with the removal of land from an area of employment?

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- (o) Is the proposed amendment consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?  
☒ Yes      ☐ No

- (p) Are the subject lands within an area of land designated under a Provincial Plan or Plans?  
☐ Yes      ☒ No

If yes provide the name(s) of the Provincial Plan(s)

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If yes does the proposed amendment conform to or does it not conflict with the Provincial Plan or Plans?  
☐ Yes      ☐ No

- (q) Attach the original or a certified copy of any other information and material that is required to be provided by the Township's Official Plan.
- (r) The purpose of the proposed official plan amendment.
- (s) If the proposed amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,  
i. a servicing options report, and  
ii a hydrogeological report
- (t) Whether the proposed amendment is consistent with the policy statement issued under subsection 3 (1) of the Act.
- (u) Whether the subject land is within an area of land designated under any provincial plan or plans.
- (v) If the answer to paragraph 17 is yes, whether the proposed amendment conforms to or does not conflict with the provincial plan or plans.
- (w) The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.

**14. DETAILS OF THE AMENDMENT TO THE ZONING BY-LAW**

Using the following, identify the extent to which the Zoning By-law is intended to be amended to accommodate the proposed amendment.

- (a) Amendment to the Zoning Classification(s):

From: RM2, RM3-195, EC To: Site Specific Residential Medium Density 2 (RM2-##) Zone and Site-Specific Residential Medium Density 3 (RM3-##) Zone with site specific provisions

By-law No. 2017-70

- (b) Amendment to existing zoning regulations (complete chart #14)
- (c) Amendment to general by-law provisions (see note at end of chart #14)

Describe the proposed changes to the By-law provisions:  
refer to draft zoning by-law amendment

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- (d) Describe the reason why the rezoning is being requested:  
Re-zone portion of property to allow development and site specific provisions to meet zoning conformance

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- (e) Is the subject lands the subject of an application for approval of a plan of subdivision or consent?  
☒ Yes      ☐ No

If 'Yes', and if known, the file number of the application and the status of the application

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- (f) If known, has the subject lands ever been the subject of an application under Section 34 (Zoning By-law) of the Planning Act or Minister's Order?  
☐ Yes      ☒ No

If yes, and if known, the file number of the application and the status of the application.

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- (g) The current designation of the subject lands in the Township Official Plan and an explanation of how the application conforms to the Official Plan.

Please refer to Planning Justification Report.

(If more space is required attach a separate sheet hereto)

- (h) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the municipality?  
☐ Yes      ☒ No

If yes what are the current Official Plan Policies if any in dealing with the alteration or establishment of an area of settlement.

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- (i) Does the proposed amendment remove the subject lands from an area of employment?  
☐ Yes      ☒ No

If yes what are the Official Plan Policies if any, dealing with the removal of land from an area of employment?

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- (j) Is the application for an amendment to the Zoning By-law consistent with Policy Statements issued under subsection 3 (1) of the Planning Act?      ☒ Yes      ☐ No



(k) Are the subject lands within an area of land designated under any Provincial Plan or Plans?

☐ Yes      ☒ No

If yes, please list the name(s) of the Provincial Plan(s)

\_\_\_\_\_

If ‘Yes’, does the application conform to or does it not conflict with the applicable Provincial Plan or Plans?

☐ Yes      ☐ No

(l) If the proposed amendment would permit development on a privately owned and operated septic system and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, the following reports must be submitted with the application:

- (i) A Servicing Report; and
- (ii) A Hydrogeological Report

**15. The following chart only needs to be completed where modifications to the existing zoning 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	Existing Zone Regulations (a)	Proposed Modification to Requested Zoning Regulations (b)
Minimum Frontage		refer to planning justification report
Minimum Lot Frontage Per Unit		
Minimum Lot Area		
Minimum Lot Area Per Unit		
Maximum Density		
Minimum Front Yard (include special setback)		
Minimum Exterior Side Yard		
Minimum Interior Side Yard		
Minimum Rear Yard		
Minimum Landscaped Open Space		
Maximum Lot Coverage		
Maximum height of Building or Structure		
Minimum Floor Area		
Minimum Distance Between Buildings on Same Lot		
Minimum Number of Parking Spaces		
Other (General Provisions, e.g.)		

NOTE: The above zoning information may not, at times, permit you to describe all the amendments you require to the By-law. In such instances, on a separate sheet, list all those regulatory changes or other By-law Section changes for each change (i.e. parking, general or special provisions).

**IT IS THE APPLICANT'S RESPONSIBILITY TO LIST ALL THE REQUIRED AMENDMENTS TO THE BY-LAW.**

## 16. REQUIRED PLANS AND RELATED RELEVANT INFORMATION

- (a) If there is related Site Plan Approval application information available, it should be included with this application. If such information is not available, a sketch should be provided indicating the size and location of proposed uses. This will assist in assessing the merits of the proposal.

In the case of most developments, lands are subject to Site Plan Control. This may necessitate that the applicant/owner enter into a Site Plan Agreement with the Town, before a building permit is issued. Site Plan Approval requires that a separate Site Plan Approval Application be filed with the Town.

You may be required to post a letter of credit or provide some other financial security as a condition of subsequent site plan/development agreement to guarantee that the development of the property will be in accordance with the terms and conditions mutually agreed upon.

### (b) Preliminary Site Plan Requirements

Three (3) copies of a preliminary Site Plan 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.

#### (i) Details of Development

- The Boundaries and Dimensions in Metres of the Subject Lands
- Lot Area in Square Metres
- The Location, Size and Type of all Existing and Proposed Buildings on the Subject Lands
- Building Coverage in Square Metres & Percentage of Lot Area
- Total Building Size in Square Metres
- Number Units and/or Total Commercial, Industrial Gross Floor Area
- Building Height in Metres and in Storeys
- Front, Side Yard and Rear Yard, Setbacks in Metres
- Landscaped Area in Square Metres & Percentage of Lot Area
- Number Parking Spaces and Dimensions of Parking Spaces and Aisles
- Number of Loading Spaces and Dimensions
- Location of all Ingress & Egress Points and Dimensions
- The approximate location of all natural and artificial features on the subject lands and on land that is adjacent to the subject lands 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.
- The current uses on land that is adjacent to the subject lands.
- The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way
- If access to the subject land is by water only, the location of the parking and docking facilities to be used
- The location and nature of any easement affecting the subject land.

#### (ii) Any other material deemed necessary to support the application.

**APPENDIX "A-1"**  
**GUIDE TO APPLICANTS**  
**TOWNSHIP OF WEST LINCOLN**  
**APPLICATION FOR AN OFFICIAL PLAN AMENDMENT**  
**INFORMATION AND PROCEDURES**

**1. Purpose**

The Official Plan for the Township of West Lincoln establishes general permitted land uses and provides policies to guide development in the Township. The Plan has been prepared and approved following public and agency input. Amendments are required for development which does not conform to the plan. Amendment applications are processed by the Township, although comments are sought from the Region to ensure conformity with the Regional Policy Plan. If an amendment to the Regional Policy Plan is required, then a separate Application must be made to the Region of Niagara. The Region of Niagara Policy Plan supersedes the Township's Official Plan in the event of any conflict between them. No amendment to the Township's Official Plan can be finalized until such time as a Regional Policy Plan Amendment has been approved, if required.

**2. Preliminary Discussion**

Prior to submission of an application, the Applicant should contact the Planning Department for a preliminary review of the proposal. This can answer any questions the Applicant may have and ensure accuracy of the application which can reduce the possibility of future delays in processing. Prior to submission of an application, the applicant should also contact the applicable government agencies for a preliminary review of the proposal.

**3. Submission of Application**

It is the responsibility of the Applicant (or duly authorized agent) to complete, sign and submit an application to the Planning Department. Applications must include the required number of plans and other support material, and the applicable fee. Any submission lacking the required information or fee shall not be considered further.

The Applicant has the right to appeal the amendment proposal to the Local Planning Appeals Tribunal if no decision to approve has been forthcoming from Council within 180 days of submission of the application. The appeal must be filed with the Township Clerk and be accompanied by the required fee.

**4. Public Notice Signs**

The Applicant is required to post Public Notice signs on the subject property in accordance with the following:

- Signs are provided by the Planning & Development Department to the Applicant.
- Signs are to be posted along each front of the subject lands.
- Signs are to be located, by the Applicant, on the lands at a location, which is clearly visible and legible from a public highway or other place that the public has access.
- Signs shall be located no more than 1.5 metres (5') back from the lot line.
- Signs must not be posted more than 2.1 metres (7') in height and not less than 1.5 metres (5') in height and shall be visible from distance not less than 7.5 metres.
- Signs shall be fastened to a secure structure.
- The Applicant prior to the Application being circulated for comments by the Planning and Development Department must post signs.
- The Applicant must advise the Department, in writing, when the signs have been posted in accordance with the above requirements. Failure to do so will result in the application not being circulated for comments and a decision by Council.
- The Applicant must remove signs within one week of expiry of the appeal period of the application, or approval by the Township of West Lincoln, the Region of Niagara or the Local Planning Appeals Tribunal, whichever is applicable.

## **5. Application Circulation for Comments**

The application is then circulated to various agencies who are requested to provide comments within 20 days. Agencies may request an extension of the time to submit comments.

## **6. Public Meeting**

When all agency comments have been received, a Public Meeting date is set. A Notice of Public Meeting is then circulated according to provincial procedures. Prior to the Public Meeting, a staff report is normally available, upon request, to the Applicant and any member of the public. It is advisable that the Applicant attend the Public Meeting (which is co-coordinated by the Planning/Building/Environmental Committee) to provide the Applicant's views on the proposal and answer any questions from the public or the Planning Committee. The public is encouraged to express its views.

No decision on the application is made at this time. Depending on the complexity of the application, more than one public meeting may be held by the Planning/Building/Environmental Committee.

## **7. Planning Committee Meeting and Decision**

After the Public Meeting(s) has concluded, the Planning Committee meets to consider the proposal.

When all the agency and public comments have been received and issues have been addressed, Staff will prepare a recommendation report, which will be considered by the Planning/Building/Environmental Committee at a subsequent Committee meeting. Notice of any future meetings will be sent to all those who attend the public meeting(s) and to those who submit written responses to the application.

When the Planning/Building/Environmental Committee is satisfied that all matters have been considered, it may recommend to Council that the application be deferred, reserved, refused, approved, or approved subject to certain conditions.

## **8. Council Meeting and Decision**

Council then considers the Planning/Building/Environmental Committee's recommendation choosing to uphold, reject or modify it. Any presentation to Council by the Applicant or the public will only be permitted by previously arranged delegation request to the Township Clerk.

Should an amendment be adopted, it will be forwarded to the Region of Niagara for approval. The Region of Niagara is the approval authority for Amendments to the Township's Official Plan. Upon approval of an Official Plan Amendment by the Township of West Lincoln, it is then forwarded to the Region of Niagara for approval. The Region of Niagara charges a fee for approval. The applicant is responsible for paying that fee to the Region upon approval of the Official Plan Amendment by the Township of West Lincoln. Failure to pay the fee to the Region may result in the Region refusing to consider the Official Plan Amendment until the fee has been received.

If the application is refused, notice of Council's decision to refuse the application is circulated to the public and agencies that have an interest in the matter.

The Region may either approve or refuse or approve with modifications Council decision.

If the Region approves the amendment, notice of approval is circulated by the Region to the public and agencies. The Applicant and any member of the public may appeal Regional Council's decision to the Local Planning Appeals Tribunal.

Depending on the type of application submitted, the Region may exempt the application from final approval by the Region. If the application is exempt from final approval by the Region, a notice of adoption is circulated to the public and agencies. The Applicant and any member of the public may appeal Town Council's decision to the Local Planning Appeals Tribunal (LPAT). If no notice of appeal is received within 20 days of mailing of the notice of adoption, the amendment comes into effect on the day after the last day for filing a notice of appeal.

## **9. Appeal Procedure**

The Region may either approve or refuse the Council decision. The applicant and any member of the public or any agency can appeal the Region's decision to the Local Planning Appeals Tribunal (LPAT).

If the Region's decision is appealed, the LPAT appoints a date for a mediation meeting and/or Public Hearing to consider the proposed amendment. An LPAT Hearing is a formal quasi-judicial proceeding held to adjudicate matters of dispute. Anyone can appear at such a hearing and present evidence, however the LPAT will direct that Notice of Hearing be given, normally to persons who have shown an interest. dsfsadf

After the Hearing, the LPAT may approve, reject, or approve with modifications, the proposed amendment. This is done through a formal order which is final and binding.

NOTES:

As indicated in Appendix "B" hereto, the applicant is responsible for paying the Regional review and approval fee.

As indicated in Appendix "B" hereto, the Applicant is responsible for costs incurred by the Township as a result of an appeal against a decision by the Township to support the Applicant. The Applicant is required to provide a \$7,000 deposit to the Township in order that security is in place to pay for anticipated costs to the Township related to the pending Local Planning Appeals Tribunal proceedings.

## **APPENDIX "A-2"**

### **GUIDE TO APPLICANTS**

#### **TOWNSHIP OF WEST LINCOLN**

#### **APPLICATION FOR A ZONING BY-LAW AMENDMENT INFORMATION AND PROCEDURES**

##### **1. Purpose**

The Zoning By-law for the Township of West Lincoln implements the Township's Official Plan and specifies permitted land uses and development requirements. The By-law, and amendments, have been approved following public and agency input.

An amendment to the Zoning By-law must conform to the Township's Official Plan, the Regional Policy Plan and Provincial Policies and Regulations.

##### **2. Preliminary Discussion**

Prior to submission of an application, the Applicant should contact the Planning Department for a preliminary review of the proposal. This can answer any questions the Applicant may have and ensure accuracy of the application which can reduce the possibility of future delays in processing.

##### **3. Submission of Application**

It is the responsibility of the Applicant (or duly authorized agent) to complete, sign and submit an application to the Planning Department. Applications must include the required number of plans and other support material, and the applicable fee. Any submission lacking the required information or fee shall not be considered further.

The Applicant has the right to appeal the zoning by-law amendment proposal to the Local Planning Appeals Tribunal if no decision to approve has been forthcoming from Council within 120 days of submission of the application. The appeal must be filed with the Local Planning Appeals Tribunal and be accompanied by the required fee.

##### **4. Public Notice Signs**

The Applicant is required to post Public Notice signs on the subject property in accordance with the following:

- Signs are provided by the Planning & Development Department to the Applicant.
- Signs are to be posted along each front of the subject lands.
- Signs are to be located, by the Applicant, on the lands at a location, which is clearly visible and legible from a public highway or other place that the public has access.
- Signs shall be located no more than 1.5 metres (5') back from the lot line.
- Signs must not be posted more than 2.1 metres (7') in height and not less than 1.5 metres (5') in height and shall be visible from distance not less than 7.5 metres.
- Signs shall be fastened to a secure structure.
- The Applicant prior to the Application being circulated for comments by the Planning and Development Department must post signs.
- The Applicant must advise the Department, in writing, when the signs have been posted in accordance with the above requirements. Failure to do so will result in the application not being circulated for comments and a decision by Council.
- The Applicant must remove signs within one week of expiry of the appeal period of the application, or approval by the Local Planning Appeals Tribunal, whichever is applicable.

##### **4. Application Circulation for Comments**

The application is then circulated to various agencies who are requested to provide comments within 20 days. Agencies may request an extension of the time to submit comments.

During this circulation Staff review and process the application.

## **5. Public Meeting**

When all agency comments have been received, a Public Meeting date is set. A Notice of Public Meeting is then circulated according to provincial procedures. Prior to the Public Meeting, a staff report is normally available, upon request, to the Applicant and any member of the public. It is advisable that the Applicant attend the Public Meeting (which is coordinated by the Planning/Building/Environmental Committee) to provide the Applicant's views on the proposal and answer any questions from the public or the Planning/Building/Environmental Committee. The public is encouraged to express its views.

No decision on the application is made at this time. Depending on the complexity of the application, more than one public meeting may be held by the Planning/Building/Environmental Committee.

## **6. Planning Committee meeting and Decision**

After the Public Meeting(s) has concluded, the Planning/Building/Environmental Committee meets to consider the proposal.

When all the agency and public comments have been received and issues have been addressed, Staff will prepare a recommendation report, which will be considered by the Planning/Building/Environmental Committee at a subsequent Committee meeting. Notice of any future meetings will be sent to all those who attend the public meeting(s) and to those who submit written responses to the application.

When the Planning Committee is satisfied that all matters have been considered, it may recommend to Council that the application be deferred, reserved, refused, approved, or approved subject to certain conditions.

## **7. Council Meeting and Decision**

Council then considers the Planning/Building/Environmental Committee's recommendation choosing to uphold, reject or modify it. Any presentation to Council by the Applicant or the public will only be permitted by previously arranged delegation request to the Township's Clerk.

If an amendment is adopted, notice of passing is circulated to the public and agencies. . If the application is refused, notice of Council's decision to refuse the application is circulated to the public and agencies that have an interest in the matter. The Applicant and any member of the public or any agency can appeal the council decision to the Local Planning Appeals Tribunal (LPAT).

If no notice of appeal is received within 20 days of mailing the notice, the amendment is deemed to have come into force on the day it was passed.

## **8. Appeal Procedure**

The applicant and any member of the public or any agency can appeal Council's decision to the Local Planning Appeals Tribunal (LPAT).

If Council's decision is appealed, the LPAT appoints a date for a mediation meeting and/or Public Hearing to consider the proposed amendment. An LPAT Hearing is a formal quasi-judicial proceeding held to adjudicate matters of dispute. Anyone can appear at such a hearing and present evidence, however the LPAT will direct that Notice of Hearing be given, normally to persons who have shown an interest.

After the Hearing, the LPAT may approve, reject, or approve with modifications, the proposed amendment. This is done through a formal order which is final and binding.

### **NOTES:**

As indicated in Appendix "B" hereto, the Applicant is responsible for costs incurred by the Township as a result of an appeal against a decision by the Township to support the Applicant. The Applicant is required to provide a deposit of \$7000.00 to the Township in order that security is in place to pay for anticipated costs to the Town related to the pending Local Planning Appeals Tribunal proceedings.

**SCHEDULE OF DEPOSITS & FEES**  
**TOWNSHIP OF WEST LINCOLN**

1. a)	Site Plan Application Deposit	\$ 3000.
b)	Site Plan Grading Deposit	\$ 3000.
2. a)	Subdivision, Condominiums or Development Application Deposit	\$ 5000.
b)	Subdivision, Condominiums or Development Grading Deposit	\$10000.
3.	Amendment to Site Plan or Subdivision Agreement Deposit	\$ 2000.
4.	Road Upgrade (to allow access to build) Application Deposit Plus Administration, Engineering and Inspection Deposit as follows: 4% of the total costs of works and services	\$ 5000.
5.	LPAT Appeal Deposit	\$ 7000.
6.	Additional Grading Deposit	\$ 1000.

Deposits do not apply to applications that are initiated by the Region of Niagara within the limits of the Township of West Lincoln.

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**NOTE:** Fees are subject to change from time to time. All application fees are payable upon submission, except those for site plan and subdivision agreement administration fees.

Subdivision and condominium application fees are associated with the initial review of the subdivision proposal only and shall not be deemed to be payment towards the administration, engineering, legal and other costs incurred by the Municipality in preparing subdivision agreements.

The site plan administration fees are payable prior to approval of the site plan, normally when the signed Agreement has been submitted by the applicant to the Township. The subdivision and development agreement administration fees are payable prior to registration of the Agreement.

**NOTE: REFUND OF FEES**

(a) Site Plan Applications

If an application for site plan approval does not require Council approval and does not require an agreement, a maximum of one-half of the fee may be refunded.

(b) All Other Applications:

- i If an application is withdrawn prior to circulation to commenting agencies, 90% of the fee may be refunded;
- ii If withdrawn after circulation, but prior to notice of the Planning Committee or Council meeting at which the application will be considered being mailed or advertised, 50% of the fee may be refunded.
- iii If withdrawn after notice of the meeting being mailed or advertised, but prior to the Planning report being prepared, 25% of the fee may be refunded.

In addition, any payments outstanding to the Township shall be deducted from the Application Fee by the Treasurer prior to the refund being issued by the Treasurer.

**NOTE:** Reactivation – Any application which has been withdrawn or has been inactive for a period of one year shall be considered abandoned and a full fee shall be required to activate a new application.

**NOTE:** Where a decision on a development application in respect of a planning matter is referred or appealed to the Local Planning Appeals Tribunal and the Township and the applicant jointly support the decision, the applicant shall be responsible for all costs to the municipality associated therewith. Such costs shall include all legal, expert testimony, and administrative costs. To secure payment of such costs, the applicant will provide the Township, upon notice and/or acknowledgement of an objection from the Local Planning Appeals Tribunal, with an initial deposit of \$7,000, such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that \$7,000 may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

<p><b>CONSULTING SERVICES</b></p> <p>Where any application requires the Township to hire a Consultant to review supporting technical studies on behalf of the Township, the applicant shall be responsible for all costs, and those costs shall be payable upon submission of an invoice from the Township.</p>
<p><b>OTHER FEES</b></p> <p>The Region of Niagara, the Regional Niagara Public Health Department and the Niagara Peninsula Conservation Authority have established fees for review and inspection services, such fees are established by and payable directly to such agencies.</p>