

**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

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 _____ of the _____ in the _____ 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

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.

Name of Applicant (please print)

Signature of Applicant

Date

5. 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: _____

Phone: _____ Email: _____

Name: (Please Print) _____

Mailing Address: _____

Phone: _____ Email: _____

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

6. LOCATION OF THE LANDS SUBJECT TO THIS APPLICATION

Municipal Address: _____

Lot(s): _____ Block(s): _____ Reg. Plan: _____ Part(s): _____

Ref. Plan: _____ Lot(s): _____ Concession: _____

Former Municipality: _____

If known, Assessment Roll No: _____

7. DIMENSIONS OF THE SUBJECT LANDS

Lot Frontage: _____ Metres Lot Depth: _____ Metres

Lot Area: _____ Square Metres

8. LAND USES

- (a) Existing uses of the subject lands:

(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:

(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.

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

(e) If known, the date the subject lands were acquired by the current Owner: _____

(f) If known, the date the existing buildings or structures on the subject lands were constructed: _____

(g) If known, the length of time that the existing uses of the subject lands have continued: _____

(h) Describe those features of the subject lands and the surrounding area which justify the proposed use of the subject lands:

(i) If this Application is finally approved, within what period of time, after approval, will you:

Complete all works proposed? _____

Commence building, if building is necessary? _____

Commence use of the lands and/or structures for the purposes which you have stated? _____

9. ABUTTING LANDS

(a) Interest in abutting lands. Does the Applicant or Owner of the lands own or have a legal interest in any lands abutting the subject lands?

Yes No

If 'YES', describe to what extent?

(b) Describe the present use on all the properties abutting and opposite the subject lands.

North: _____

East: _____

South: _____

West: _____

10. SERVICES AND ACCESS

How is the proposed development to be serviced and accessed?

Services

Public Sanitary Sewer System

Public Storm Sewer

Private Septic System

Storm Drainage Pond

Private Holding Tank

Public Piped Water System

Private Ground Water Well

Private Water Storage Pond

Private Water Cistern

Access

Regional Road/Street Access

Town Road/Street Access
(open and maintained year round)

Provincial Highway Access

Other (describe): _____

11. 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 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 b) to j) above, a Phase I Environmental Site Assessment may be required.

OFFICIAL PLAN AMENDMENT

12. 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.

- (b) Briefly state the purpose of the requested Official Plan Amendment.

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

Yes No

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

- (e) Identify the land uses which would be authorized by the proposed Official Plan Amendment.

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

Yes No

- (g) If 'YES', please identify the policy(s) to be changed, replaced or deleted.

- (h) Does the proposed amendment add a policy(s) to the Official Plan?

Yes No

- (i) If the proposed amendment changes, replaces or deletes a policy or adds a policy, explain the purpose of the proposed Official Plan Amendment.

- (j) 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/Condominium, a Consent or Site Plan Approval, an amendment to an Official Plan or a Minister's zoning order.

Yes No

- (k) If 'YES', and if known, please provide the file number, name of the approval authority considering the Application, lands affected, purpose of the Application, status and the effect of the Application on the proposed amendment.

- (l) 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.
- (m) 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.

- (n) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the Township?

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.

- (o) 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?

- (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):

- (q) Does the proposed amendment conform to or does it not conflict with the Provincial Plan or Plans?

Yes No

Explain how it does or does not conform or conflict with the Provincial Plan(s):

- (r) Is the proposed amendment is consistent with the Provincial Policy Statement (PPS) issued under subsection 3 (1) of the Act?

Yes No

Explain how it is or is not consistent with the PPS:

- (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, the following reports must be submitted with the Application:
- (i) Servicing Report, and
 - (ii) Hydrogeological Report
- (t) Please provide original or a certified copy of any other information and material that is required to be provided with the Official Plan Amendment Application.

ZONING BY-LAW AMENDMENT

13. 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) of Zoning By-law No. 2017-70:

From: _____ To: _____

- (b) Amendment to existing zoning regulations (complete chart on page 11, Section 14)
- (c) Amendment to general by-law provisions (see note at end of chart)

Describe the proposed changes to the by-law provisions:

Describe the reason why the rezoning is being requested:

- (d) Is the subject lands the subject of an Application for approval of a Draft Plan of Subdivision/Condominium or Consent?

Yes No

If 'YES', and if known, the file number of the Application and the status of the Application.

- (e) 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 Unknown

If 'YES', and if known, the file number of the Application and the status of the Application.

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

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

- (g) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the Township?

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.

- (h) 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?

- (i) 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):

- (j) Does the proposed amendment conform to and/or not conflict with the Provincial Plan or Plans?

Yes No

- (k) Explain how it does or does not conform or conflict with the Provincial Plan(s):

(l) Is the proposed amendment is consistent with the Provincial Policy Statement (PPS) issued under subsection 3 (1) of the Act?

Yes No

Explain how it is or is not consistent with the PPS:

(m) 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) Servicing Report; and
- (ii) Hydrogeological Report

14. COMPLETE THE CHART ONLY 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	(A) Existing Zone Regulations	(B) Proposed Modification to Requested Zoning Regulations
Minimum Frontage		
Minimum Lot Frontage Per Unit		
Minimum Lot Area		
Minimum Lot Area Per Unit		
Maximum Density		
Minimum Front Yard		
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. planting strip, garage width)		

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.

15. 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 Township, before a building permit is issued. Site Plan Approval requires that a separate Site Plan Approval Application be filed with the Township.

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

Two (2) 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 and 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 and percentage of lot area.
- Number parking spaces and dimensions of parking spaces and aisles.
- Number of loading spaces and dimensions.
- Location of all ingress and 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 Official 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/Pre-Consultation Meeting

Prior to submission of an Application, the Applicant should contact the Planning Department for a preliminary review and pre-consultation meeting to discuss 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 Ontario Land Tribunal (OLT) if no decision to approve has been forthcoming from Council within the prescribed time period of an Application being deemed complete (120 days). The appeal must be filed with the OLT 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 Ontario Land Tribunal, whichever is applicable.

5. Application Circulation for Agency 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 Information 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 Ontario Land Tribunal (OLT).

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 Ontario Land Tribunal (OLT). 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 Ontario Land Tribunal (OLT).

If the Region's decision is appealed, the OLT appoints a date for a mediation meeting and/or Public Hearing to consider the proposed amendment. An OLT Hearing is a formal quasi-judicial proceeding held to adjudicate matters of dispute. After the Hearing, the OLT may approve, reject, or approve with modifications, the proposed amendment. This is done through a formal order which is final and binding.

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/Pre-Consultation Meeting

Prior to submission of an Application, the Applicant should contact the Planning Department for a preliminary review and pre-consultation meeting to discuss 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 Zoning By-law Amendment proposal to the Ontario Land Tribunal (OLT) if no decision to approve has been forthcoming from Council within the prescribed time period of an Application being deemed complete (90 days). The appeal must be filed with the OLT 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 Ontario Land 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 Information 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 Ontario Land Tribunal (OLT).

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 Ontario Land Tribunal (OLT).

If Council's decision is appealed, the OLT appoints a date for a mediation meeting and/or Public Hearing to consider the proposed amendment. An OLT Hearing is a formal quasi-judicial proceeding held to adjudicate matters of dispute. Anyone can

appear at such a hearing, however the OLT will direct that Notice of Hearing be given, normally to persons who have shown an interest.

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

NOTES:

Fees are subject to change from time to time. All application fees are payable upon submission.

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

Consulting Services – 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.

Other Fees – 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.