



APPLICATION FOR A SUBDIVISION AND/OR CONDOMINIUM AGREEMENT TOWN OF FORT ERIE

Planning & Property Safety “RECEIVED” Stamp Here

INFORMATION ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE ONTARIO PLANNING ACT AND WILL BE USED BY THE TOWN OF FORT ERIE IN THE PROCESSING OF THIS APPLICATION. THE INFORMATION AS WELL AS SUPPORTING STUDIES AND REPORTS MAY BE USED BY OTHER DEPARTMENTS AND AGENCIES FOR THE PURPOSE OF ASSESSING THE PROPOSAL AND PREPARING COMMENTS. THIS INFORMATION MAY ALSO BE RELEASED TO THE PUBLIC UPON WRITTEN REQUEST.

FOR OFFICE USE ONLY Reviewed for completeness _____ (Planner) Date received as complete application with fee paid _____ (Date)

PROPERTY LOCATION: _____
(Municipal Address)

NAME OF APPLICANT: _____
(Agent or Owner)

PREAMBLE:

It is the responsibility of the Applicant or Authorized Agent to complete this form and to supply all of the documents required by the Planning Act and the Planning & Property Safety Department of the Town of Fort Erie.

SUBDIVISION APPLICATION GUIDE:

(For applying for approval under Section 51 of The Planning Act)

The Application Guide and Form are intended to assist applicants and agencies involved in the approval of subdivision and condominium applications. All questions must be completed by the applicant.

A. APPLYING FOR SUBDIVISION APPROVAL

1. The attached application form is for use when applying to the Town of Fort Erie for subdivision approval.
2. The Minister of Municipal Affairs has delegated subdivision approval authority to a number of regional municipalities throughout the Province. The Regional Municipality of Niagara has in turn delegated this approval authority to the Town of Fort Erie.

B. USING THE APPLICATION FORM

1. The attached original application form should be completed and submitted with twenty copies (20) copies to the Town of Fort Erie Planning & Property Safety Department. Please keep a copy for your files. The applicant is advised to check with Planning Staff for official plan, zoning and policy information before making a formal application to the Town (prior consultation with Regional Planning Staff is also recommended).
2. The application should be completed by the property owner or his authorized agent. Where it is being made by an agent, the written authorization may be shown on the face of the draft plan.
3. It is the responsibility of the owner to research and evaluate the site and the proposal to ensure that the development will conform with the interests of the health, safety and welfare of the present and future residents, either owners or tenants. Sufficient studies for the completion of the application should be carried out prior to a submission for approval and should be reflected in the application form. This information will assist in a quick and comprehensive assessment of the application. If further studies are required, the applicant will be notified. The application must also be accompanied by twenty (20) copies of a background report, including a statement on affordable housing, the required application fee, and the planning review fee required by the Regional Municipality of Niagara. If the form or the draft plans are incomplete or inaccurate, the application will be returned for completion, correction or clarification prior to processing. The application will not be considered complete for the purpose of The Planning Act until all information prescribed under The Act has been received.

C. DRAFT PLANS

- 1. The Planning Act requires that all applications must be accompanied by copies of the draft plan. The draft plan must be drawn to scale with boundaries certified by an Ontario Land Surveyor and must also be signed by the registered owner of the property.

Subdivision applications require a minimum of thirty-five (35) copies. If further copies are needed, the applicant will be notified. An 8½” x 11” reproducible copy of the draft plan is also required.

The draft plan must also be submitted as an electronic file, in AutoCad 2000 (.dwg) format.

- 2. The draft plans should indicate all items as required by Section 51(17) of The Planning Act (listed at the end of this form).

D. DEALING WITH THE APPLICATION

- 1. After accepting the completed application, staff will confer with officials of the region, municipalities, ministries, commissions, authorities and others who may be concerned, to obtain information and recommendations. With regard to subdivision applications, both an information meeting and a public meeting will be held as part of the review process.

- 2. After an evaluation of the plan and the recommendations from other bodies noted above, conditions may be imposed in granting approval of the draft plan (draft approval).

- 3. The conditions of draft approval must be fulfilled prior to the approval of the final plan. The agencies affected by the conditions must indicate in writing that their requirements have been met.

In some cases, agencies may require that a copy of the completed and executed subdivision agreement be forwarded to them prior to acknowledging that their conditions have been fulfilled.

- 4. Section 51(34), (43) and (48) of The Planning Act provide that an application for approval by the Town will be referred to the Ontario Municipal Board for decision upon receipt of such a request with the reasons for the approval and the required fee.

All information is to be forwarded to:

**TOWN OF FORT ERIE
Planning & Property Safety Department
Municipal Centre
Fort Erie, Ontario
L2A 2S6**

**Phone No. (905) 871-1600
Fax No. (905) 871-6411**

**NOTE:
APPLICANTS SHOULD REVIEW THIS APPLICATION WITH
THE PLANNING DEPARTMENT BEFORE SUBMITTING.**

Pursuant to the provisions of The Planning Act, application is hereby submitted for:

- DRAFT PLAN OF SUBDIVISION OR PLAN OF CONDOMINIUM (FEE \$6,500.00)**
- PRELIMINARY PLAN REVIEW & CIRCULATION (DISCOUNTED FROM FULL APPLICATION) (FEE \$1,000.00)**
- RE-CIRCULATION FEE (FEE \$500.00)**

Under Section 51 of The Planning Act, R.S.O. 1990, c.P.13, as amended and other applicable legislation

- REGIONAL PLANNING DEPARTMENT REVIEW FEE (FEE \$.00)**

Please contact the Regional Planning Department concerning the Regional schedule of fees for subdivision and condominium applications.



PLEASE PRINT ALL INFORMATION

1. APPLICANT INFORMATION:

REGISTERED OWNER(S) OF THE PROPERTY:	
Mailing Address:	Postal Code:
Contact Person (If a Numbered Company):	Phone Number:

2. AGENT, SOLICITOR OR PLANNING CONSULTANT:

NAME:	
Title:	Phone Number:
Mailing Address:	Postal Code:

3. ONTARIO LAND SURVEYOR:

NAME:	Phone Number:
Mailing Address:	Postal Code:

4. AUTHORIZATION:

I/We _____ hereby authorize and direct
_____ to make this application on the property
known municipally as _____ for which I am/we are
the registered owner(s).

Witness

Signature

Address

Date

5. PROPERTY LOCATION AND DESCRIPTION:

Municipal Address: _____
(If no street address, specify method of access)

Legal description of the lands (Lot & Registered Plan or Concession):

Easements and/or restrictive covenants affecting the lands:

Description: _____

Effect: _____

Present use of land:

Previous use of land (e.g. Orchard, gas station, industrial plant, etc.)

Use of abutting land: NORTH _____

SOUTH _____

EAST _____

WEST _____

If known, date present use commenced: _____
(for buildings - date of construction)

Property Information: (a) Lot (Street) Frontage _____ feet _____ meters

(b) Depth _____ feet _____ meters

(c) Area _____ square feet _____ square meters

(d) Water Supply (check appropriate boxes)

Publicly owned & operated?

Connected? YES NO

Lake

Well (Private or Communal)

Other (specify) _____

(e) Sanitary Sewer Disposal (check appropriate boxes)

Publicly owned & operated?

Connected? YES NO

Septic System (Private or Communal)

Other (specify) _____

(f) Storm Sewer Available? YES NO

Connected? YES NO

Access to Property (a) Public Road YES NO

- (b) Private Road YES NO
- (c) Right-of-Way YES NO
- (d) Width of Abutting Road Allowances to Property _____ FT.

6. PROPOSED LAND USE:

SUBDIVISION / CONDOMINIUM BREAKDOWN

LAND USE	No. of Units	No. of Lots/Blocks	Area in Hectares	No. of Units/Hectare	No. of Parking Spaces
a) Single detached residential					
b) Semi detached/duplex residential					
c) Multiple attached residential (townhouses)					
d) Apartments					
e) Seasonal residential					
f) Mobile/Modular homes					
g) Neighbourhood Commercial					
h) Commercial, other					
i) Industrial					
j) Park & Open Space					
k) Institutional (Specify)					
l) Other (Specify)					
TOTAL					

7. SPECIFIC CONDOMINIUM INFORMATION

- (a) Has a Site Plan Agreement been registered on the property?
 YES NO Instrument No. _____ Date: _____
- (b) Has a building permit been issued?
 YES NO Permit No. _____ Date: _____
- (c) Is the condominium:
 - i) under construction? YES NO
 - ii) completed construction? YES NO
- (d) Is the condominium a conversion of a rental unit?
 YES NO Number of units to be constructed _____

8. PLANNING COMPLIANCE

- (a) Present Town of Fort Erie Official Plan Designation:

 Is an amendment required? YES NO
- (b) Present Zoning of Property:

 Is an amendment required? YES NO
- (c) Present Regional Policy Plan Designation:

Is a Regional Policy Plan Amendment required? YES NO

9. CONCURRENT APPLICATIONS

If known (check with Town staff), is the subject land or land within 120 metres of the subject land, the subject of an application by the applicant and/or owner under The Planning Act for:

- (a) A Minor Variance?
 File No. _____ Status: _____
- (b) An Official Plan Amendment?
 File No. _____ Status: _____
- (c) A Zoning By-law Amendment?
 File No. _____ Status: _____
- (d) A Consent (Land Division)?
 File No. _____ Status: _____
- (e) A Site Plan?
 File No. _____ Status: _____

10. PREVIOUS APPLICATIONS

If known, has the subject land ever been the subject of:

- (a) A Subdivision Application? YES NO
 File No. _____ Decision: _____ Date: _____
- (b) A Land Severance Application? YES NO
 File No. _____ Decision: _____ Date: _____
- (c) A Condominium Application? YES NO
 File No. _____ Decision: _____ Date: _____

NOTE: RESPONSES TO QUESTIONS 11, 12 & 13 MAY BE PROVIDED IN THE BACKGROUND REPORT; PLEASE INDICATE.

11. SITE APPRAISAL AND EVALUATION

Give a brief description of the existing land use, vegetation, topography and drainage on the site.

Name of Owner or Authorized Agent

Position/Title

Signature

Date

Corporate Seal

15. 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, _____ am the owner of the land that is subject of this application for approval of a plan of subdivision (or condominium description) and for the purposes of the **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 Day Month Year

16. CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

Complete the consent of the owner concerning personal information set out below.

I, _____ am the owner of the land that is subject of this application for approval of a plan of subdivision (or condominium description) and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize and consent to the use by or disclosure to any person or public body of any personal information that is collected under the authority of **The Planning Act** for the purposes of processing this application.

Signature Day Month Year

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**BACKGROUND INFORMATION REQUIRED
TO BE SUBMITTED
BY THE APPLICANT WITH SUBDIVISION APPLICATION**



1. Proposed integration of roadways within subdivision and vehicular circulation pattern in surrounding area.
2. Inventory of physical features (wetlands, watercourses, tree stands, etc.) on the site and adjacent lands.
3. Inventory of existing and proposed utilities and water, sanitary and storm facilities serving uses proposed in the subdivision.
4. Location of parklands and other public lands (other than traveled roadways) in the vicinity of the site.
5. Likely uses of all lots and blocks within the subdivision and the number of people to be accommodated.
6. Existing public transportation serving the site.
7. Whether the Official Plan and/or Zoning By-law need to be amended.
8. All information provided by Agencies and Departments consulted by applicant.
9. If a residential development is proposed, location of schools serving the subdivision and access routes to those schools.
10. Opportunities for affordable housing provided in the proposed subdivision.
11. Archeological and cultural heritage features (check with Town Staff).
12. All information required to satisfy the needs of the Provincial Policy Statement (please check with Regional Planning Staff).

NOTE: WHERE POSSIBLE, THE ABOVE SHOULD BE SHOWN ON THE PLAN AS WELL AS BEING INCLUDED IN A REPORT. INFORMATION WHICH IS SUPPLEMENTARY TO A QUESTION ON THE APPLICATION FORM SHOULD BE REFERENCED ON THAT FORM AND NEED NOT BE REPEATED ON THE FORM.

**LEGISLATIVE REQUIREMENTS FOR SUBDIVISION APPROVAL
ADAPTED FROM THE PLANNING ACT**



- i) **Subsection 17:** Information required to be shown on the draft plans:
 - (a) the boundaries of the land to be subdivided, certified by an Ontario Land Surveyor;
 - (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
 - (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
 - (d) the purpose for which the lots are to be used;
 - (e) the existing uses of all adjoining lands;
 - (f) the approximate dimensions and layout of the proposed lots;
 - (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
 - (h) the availability and nature of domestic water supplies;
 - (i) the nature and porosity of the soil;
 - (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
 - (k) the municipal services available or to be available to the land proposed to be subdivided, and;
 - (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.
- ii) **Subsection 19:** The approval authority may refuse to accept or further consider the application until the prescribed information and material, the required fee and the draft plan are received and the time period referred to in Subsection (34) does not begin until the day the draft plan, information, material and fee are received.
- iii) **Subsection 24:** In considering a draft plan, regard shall be had among other matters, to the health, safety, convenience and welfare of the future inhabitants.
- iv) **Subsection 25:** The Region may impose such conditions as deemed reasonable including a condition of that land be dedicated or the requirements met for park and other public recreation purposes under Section 51.1 and/or that such highways or road widenings be dedicated as deemed necessary by the approval authority.
- v) **Subsection 26:** Every municipality and the Region may enter into subdivision agreements imposed as a condition for draft approval.

Prescribed Requirements for the Submission of an Application for Draft Plan of Subdivision

Policy

Council will only accept complete Draft Plan of Subdivision applications and may refuse to accept or further consider a proposed Draft Plan of Subdivision until the prescribed information, material and fee required by By-law No. 267-90, as amended, are received. Further processing of the application will not proceed until such prescribed information, material and fee are received.

Procedure

- Prior to the submission of an application, the proponent or agent shall attend a mandatory pre-consultation meeting with Town staff in order to identify the information and material needed to process the application. The applicant must also demonstrate that a pre-consultation meeting or discussion was held with Regional Planning staff.
- If determined appropriate, the subdivision proposal will be the subject of a limited circulation by way of a preliminary plan of subdivision in order to scope issues, determine compliance (or non compliance) with local, regional and provincial planning policies and identify the prescribed information and material.
- Upon receipt of an application for Draft Plan Approval, as per Section 51(17) of the Planning Act, the application will be reviewed and determined by Planning staff as to whether the application is complete or not.
- As per Section 51(18) of the Planning Act, Planning staff may require other information and material that is considered needed.
- The information as per Section 51(18) of the Planning Act may include but not limited to: Planning & Land Use Justification Report, Environmental Assessment/Impact Statement, Archaeological Assessments, Traffic Impact Statement, Financial Impact Analysis, Urban Design Analysis etc...
- If the application is determined to be incomplete, the application will be refused to be accepted or further considered as per Section 51(19) of the Planning Act will cease.
- Members of Council will be notified if an application is deemed incomplete and they will be informed as to why.
- Upon receipt of all prescribed information, materials and fees the application may proceed.

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References

1. The Planning Act, R.S.O. 1990, c.P. 13, amended by S.O. 1996, C.4
2. By-law No. 267-90, as amended
3. The Planning Act, R.S.O. 1990, c.P. 13, amended by S.O. 1994, C-23

Schedule "A" to By-law No 169-06

Town of Fort Erie Planning Application Fees

Subdivision/Condominium Applications	\$6,500.00 Draft Plan Application, Plan of Condominium and Condominium Conversion \$1,000.00 Preliminary Plan Review & Circulation (discounted from full application) \$500.00 Re-circulation Fee
Legal Agreements Subdivision	\$3,500.00 (plus legal costs)
Amendment to Subdivision Agreement	\$1,890.00 (plus legal costs)
Modification to Draft Approval	\$1,430.00 (no circulation) \$2,000.00 (with circulation)
Draft Plan Extension	\$500.00 (3 Year)
Site Plan Application	\$3,000.00 commercial & multiple residential \$400.00 without Site Plan Agreement
Site Plan Revisions & Amendments	400.00 without Site Plan Agreement
Development Agreement Pre-servicing Agreement	\$2,050.00 (plus legal costs) To apply to Site Plan Agreements as well
Amendment to Site Plan or Development Agreement	\$1,000.00 (plus legal costs)
Assumption Agreement	\$1,000.00 (plus legal costs)
Zoning By-law Amendments	\$3,500.00
Official Plan Amendments	\$4,500.00
Combined Official Plan & Zoning Amendment	\$3,500.00
Removal of Part Lot Control Validation Order by-law Removal of Holding Provision Supplemental Administrative Report**	\$570.00
Deeming By-law	\$250.00
Conveyance of lands for reserves	\$100.00 (plus registration costs)
Easements, Road Widening Conveyances	\$100.00 (plus registration costs)
Inspection and Compliance Letters (development, subdivision & site plan agreements)	\$200.00
Appeals to OMB* (with Council support)	\$2,000.00 (plus planning & engineering fees) \$10,000 (max) for legal fees
Subpoena to attend/OMB Hearing	\$500.00 for one-day \$200.00 per day for additional days

Committee of Adjustment	
Minor Variances	\$400.00* (single, semi detached or duplex dwellings) \$550.00* (multiple dwellings, commercial and industrial)
Consent	\$850.00* per lot and \$100.00 per easement (Residential) \$950.00* per lot and \$150.00 per easement (Commercial / Industrial) \$600.00* boundary adjustment \$100.00 deed certification
Special Hearing	\$300.00

*Plus surcharge of \$10.00 for Lot Identification Poster

***Ontario Municipal Board Appeals & Hearings**

If an Ontario Municipal Board Appeal is lodged as a result of a By-law and/or Approval of the Council arising from any application listed above, a fee of \$2,000.00 shall be paid to the Town by the applicant within 14 days after the date of the notice of Appointment of Hearing. The applicant must also remit to the Town all costs incurred by the Town in association with the appeal for planning and engineering fees. Any associated legal fees incurred by the Town shall be at the expense of the applicant in excess to a maximum of \$10,000.00, if required. Failure to submit the requisite fee may result in Council not appearing before the Ontario Municipal Board in support of the matter.

****Addendum to Technical Report**

If an Addendum to a Technical Report is required to address objections raised concerning an application, the applicant, prior to further consideration of the matter shall pay a fee of \$500.00 to the Town.

*****Legal Costs**

Legal costs are defined as any legal fees incurred by the Municipality in association with any planning application or approval or appeal and shall be billed separately.

The Planning Act allows the Town to set fees for the processing of planning applications. These fees are intended to recover the Town's costs incurred in reviewing and reporting on applications. The intent is that fair application fees be established so that the general taxpayer does not subsidize developers or private individuals seeking planning approvals.

These fees will be reviewed on an annual basis as part of the Budget Approval process.