

File No:	Date of Receipt:
Town Fee (\$):	Regional Fee (\$):
NPCA Fee (\$):	Operations Fee (\$):
Other Fee (\$):	Other Fee (\$):

(Office Use Only)

## Application for an Official Plan Amendment and/or Zoning By-law Amendment

Under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

A pre-consultation meeting with Community & Development Services Staff is required prior to applying for an Official Plan Amendment and/or a Zoning By-law Amendment.

Please complete all applicable sections of this application. All measurements are to be provided in metric units. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Community & Development Services Department.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

1. Type of Application			
<input checked="" type="checkbox"/> Official Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Removal of Holding Symbol (Complete Sections 2-4 only)	<input type="checkbox"/> Temporary Use By-law
2. Details of the Subject Lands			
Municipal Address 1839 Four Mile Creek Road		Assessment Roll Number 262702001305301 & 26270200130530	
Legal Description PLAN TP 163 PT LOT 4 RP;30R16140 PART 1 & PART 2;			
Date the subject lands were acquired: 2024/04/26	Lot Area (metric): 3915 sqm	Lot Frontage (metric): 38.4 m	Lot Depth (metric): 83.7m
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable):			
3. Registered Owner (as shown on the deed and title of the property)			
Name Josh Bice		Company Name Harvest Heights	Municipality Niagara-on-the-Lake
Mailing Address PO Box 938, Virgil		Unit Number	Postal Code L0S 1T0
Province	Email joshbice@bicebuilders.com		Telephone
4. Authorized Agent (if one has been authorized)			
Name Max Fedchyshak		Company Name NPG Planning Solutions Inc	Municipality Niagara Falls
Mailing Address 4999 Victoria Ave		Unit Number	Postal Code L2E 4C9
Province ON	Email mfedchyshak@npgsolutions.ca		Telephone 289-990-9795
Contact for all future correspondence (select one): <input type="checkbox"/> Registered Owner <input checked="" type="checkbox"/> Authorized Agent			
5. Mortgages, Charges, and Other Encumbrances (if applicable)			
Name		Company Name	Municipality
Mailing Address		Unit Number	Postal Code
Province	Email		Telephone

**6. Access** (select all that apply)

Identify how the subject lands will be accessed:

Public road maintained all year     
  Niagara River Parkway     
  Provincial highway  
 Public road maintained seasonally     
  Private easement/Right-of-way     
  Waterway

If the subject lands will be accessed by a waterway only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the subject lands to the nearest public road:

**7. Servicing** (select all that apply)

Identify how the subject lands will be serviced:

<b>Water</b>	<b>Sewage Disposal</b>	<b>Storm Drainage</b>
<input checked="" type="checkbox"/> Publicly owned and operated piped water system <input type="checkbox"/> Privately owned and operated individual well <input type="checkbox"/> Privately owned and operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Privately owned and operated individual septic system <input type="checkbox"/> Privately owned and operated communal septic system <input type="checkbox"/> Privy <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Sewers <input type="checkbox"/> Ditches/swales <input type="checkbox"/> Other: _____

**8. Existing Buildings, Structures, and Uses**

Identify the existing use(s) of the subject lands and the length of time the existing use(s) have continued:

Vacant

Type of Building or Structure				
Construction Date				
Existing Use(s)				
Time the Existing Use(s) have continued				
Front Yard Setback (m)				
Rear Yard Setback (m)				
Side Yard Setback (m)				
Side Yard Setback (m)				
Height (m)				
Gross Floor Area (sq m)				
Lot coverage (%)				

**9. Proposed Buildings, Structures, and Uses** (if applicable)

Identify the proposed use(s) of the subject lands:  
 3-storey apartment building consisting of 29 dwelling units. See Site Plan for more information

Type of Building or Structure	Apartment			
Construction Date	ASAP			
Proposed Use(s)	Residential			
Front Yard Setback (m)	13.61 m			
Rear Yard Setback (m)	5.99 m to parking			
Side Yard Setback (m)	9.51 (north) to parking	11.28 (north) to apartm		
Side Yard Setback (m)	7.22 (south) to parking	7.22 (south) to apartm		
Height (m)	11.28			
Gross Floor Area (sq m)	4029.7			
Lot coverage (%)	42.26			

**10. Provincial Policy**

Is this application consistent with policy statements issues under Section 3(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended?       Yes     No

Is any portion of the subject lands within the Specialty Crop (Niagara Tender Fruit and Grape) Area?       Yes     No

Is any portion of the subject lands within the Niagara Escarpment Plan Area?       Yes     No

If yes to any, explain how this application conforms to Provincial policy statements and applicable Provincial plan(s):  
 Please see Planning Justification Report included with this submission.

<b>11. Official Plan Information</b>	
Existing Niagara Regional Official Plan designation(s) of the subject lands: <a href="#">Delineated Built-up Area</a>	
Does this application conform to the Niagara Regional Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain how this application conforms to the Niagara Regional Official Plan: <a href="#">Please see Planning Justification Report included with this submission.</a>	
Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands: <a href="#">Low Density Residential</a>	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain how this application conforms to the Town of Niagara-on-the-Lake Official Plan:	
Does this application propose to change or replace a designation in the Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the Official Plan designation that the amendment is proposing to change or replace? <a href="#">OPA to redesignate from Low Density to Medium Density to permit 29 unit apartment building with a density of 95 uph.</a>	
Does the proposed amendment change, replace, or delete a policy in the Official Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, which Official Plan policy is to be changed, replaced, or deleted?	
Does the proposed amendment add a policy to the Official Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the nature and extent of the Official Plan policy that the amendment is proposing to add?	
Do the subject lands have a pre-determined requirement for maximum height or density? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does this application propose to alter the boundaries of an existing settlement area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does this application propose to remove any lands from an existing employment area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to any of the above questions, provide details of the Official Plan policies that deal with the matter(s): <a href="#">Please see Planning Justification Report included with this submission.</a>	
Explain the purpose for the proposed Town of Niagara-on-the-Lake Official Plan amendment (if applicable): <a href="#">OPA to redesignate the Subject Lands to permit the proposed apartment building being at a density of 95 uph.</a>	
<b>12. Zoning Information</b>	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: <a href="#">Residential (R1) Zone</a>	
Explain the nature and extent of the proposed Zoning By-law Amendment: <a href="#">A ZBA is required to rezone the Subject Lands to a site-specific Residential Multiple 2 (RM2) Zone. These amendments are related to buffer between residential and agricultural uses, permitted encroachment, front, rear and interior side yard setbacks, building height, lot area and lot coverage.</a>	
Explain the reason for the proposed Zoning By-law Amendment: <a href="#">A Zoning By-law Amendment is required to rezone the subject lands to permit the proposed apartment building, and to implement site specific provisions to facilitate the proposed apartment building. Please see Planning Justification Report for more information.</a>	
<b>13. Surrounding Land Uses</b>	
North	<a href="#">Low-rise residential</a>
South	<a href="#">Low-rise residential, Agricultural</a>
East	<a href="#">Agricultural</a>
West	<a href="#">Agricultural, low-rise residential</a>

**14. Previous Applications** (if applicable)

Have the subject lands ever been the subject of an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, a zoning by-law amendment, or a Minister's zoning order?  Yes  No  Unknown

Are any lands within 120 metre of the subject lands the subject of an application made by the Registered Owner under the *Planning Act, R.S.O. 1990, c. P.13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, a zoning by-law amendment, or Minister's zoning order?  Yes  No  Unknown

If yes to either, provide the information requested below:

Application Type	File Number	Status of the Application
Consent	B-08/23	Approved

**15. Concurrent Applications** (if applicable)

Application Type	File Number	Status of the Application

**16. Checklist of Requirements for a Complete Application** (all boxes must be checked)

The following plans, reports, and information must accompany this application:

- One (1) signed copy of the Pre-Consultation Agreement;
- All applicable application fees (payable by cash, cheque, or debit);
- Property Index Map(s) of the subject lands from the Land Registry Office, dated within one (1) month of receipt of this application;
- Parcel Register(s) (including all PIN printouts and Legal Instruments) of the subject lands from the Land Registry Office, dated within one (1) month of receipt of this application;
- Two (2) folded hardcopies of the Reference Plan(s) included in the legal description of the subject lands, to scale (unfolded copies will not be accepted);
- Two (2) hardcopies of a draft by-law for each separate document being amended;
- Two (2) hardcopies of a schedule accompanying each draft by-law, if applicable;
- Two (2) hardcopies of all required plans, reports, and information identified on the Pre-Consultation Agreement;
- For all large-format plans, two (2) sets of reduced plans on 11' X 17' paper; and
- One (1) digital copy, in PDF format, of all required materials.

*This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from a large number of agencies, additional copies of this application and accompanying plans, reports, and information may be required.*

**17. Checklist of Drawing Requirements** (all applicable boxes must be checked)

Plans and drawings accompanying this application must show the following information, in metric units:

- North arrow;
- Metric scale;
- The boundaries and dimensions of the subject lands;
- The location, size, type, and setbacks of all existing and proposed buildings and structures on the subject lands;
- Natural and artificial features located within or adjacent to the subject lands, such as buildings, railways, roads/highways, pipelines, watercourses, drainage ditches, top of banks, wetlands, wooded areas, wells, septic tanks, and parking and docking facilities (if access to the subject lands is by waterway only), or any other features that may affect this application in the opinion of the Registered Owner/Authorized Agent;
- The existing use(s) of adjacent lands (for example, residential, agricultural, or commercial);
- The location, width and name any road/highway within or abutting the subject lands, and indicating whether it is an unopened road allowance, a public road, a private road, or a right-of-way; and
- The location and nature of any easement affecting the subject lands (if applicable).

*Community & Development Services Staff may request that additional information be provided in the plans and drawings that accompany this application, based on the scope and nature of the proposal.*

**18. Plans, Reports, and Information Submitted with this Application**

Identify all plans, reports, and information submitted with this application:

No.	Title	Date	Author
1	Planning Justification Report	March 2025	NPG Planning Solutions
2	Streetscape Study (within PJR)	March 2025	NPG Planning Solutions
3	Urban Design Brief (within PJR)	March 2025	NPG Planning Solutions
4	Arborist Report + Tree Inventory	January 6, 2025	Jackson Arboriculture Inc.
5	Functional Servicing Report	March 2025	Upper Canada Consultants
6	Stormwater Management Report	March 2025	Upper Canada Consultants
7	Shadow Study	July 26, 2024	ACK Architects Studio Inc.
8	Landscape Plan	January 15, 2025	Landscape Florida
9	Reference Plan / Registered Plan	July 6, 2023	J.D. Barnes Limited
10	Concept Plan / Renderings	August 2024	ACK Architects Studio Inc.
11	Floor Plans (within Concept Plan)	August 2024	ACK Architects Studio Inc.
12	Building Elevations (within Concept Plan)	August 2024	ACK Architects Studio Inc.

**19. Acknowledgement and Agreement of Registered Owner**

I, Josh Bice/Harvest Heights AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
(Name of Registered Owner/Company)

**I ACKNOWLEDGE AND AGREE** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

**I ACKNOWLEDGE AND AGREE** that the Town of Niagara-on-the-Lake, its employees and agents may enter onto my property to view, photograph and survey my property as necessary for this application.

**I ACKNOWLEDGE AND AGREE** that all costs of processing this application shall be paid for by the Registered Owner. The Registered Owner shall reimburse the Town of Niagara-on-the-Lake, upon demand, for all costs incurred by the Town of Niagara-on-the-Lake in respect of this application. Without limiting the foregoing, the Registered Owner acknowledges and agrees to pay such expenses regardless of whether or not this application is approved or proceeded with and are not refundable. If costs are not paid by the due date imposed by the Town of Niagara-on-the-Lake, the Registered Owner understands and acknowledges that the costs will be added to the tax bill of the subject lands and collected in like manner as property taxes.

**Josh Bice** Digitally signed by Josh Bice  
Date: 2025.03.17 22:14:11 -04'00'  
(Signature of Registered Owner)

\_\_\_\_\_  
(Date)

**20. Authorization of Registered Owner**

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

I, Josh Bice/Harvest Heights AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
(Name of Registered Owner/Company)

**AND HEREBY AUTHORIZE** Max Fedchyshak/NPG Planning Solutions Inc.  
(Name of Authorized Agent/Company)

**TO SUBMIT THIS APPLICATION** to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

**I UNDERSTAND** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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**Josh Bice** Digitally signed by Josh Bice  
Date: 2025.03.17 22:14:28 -04'00'  
(Signature of Registered Owner)

\_\_\_\_\_  
(Date)

**21. Sworn Declaration**

I, Max Fedchyshak OF THE City of St. Catharines  
(Name of Registered Owner/Company or Authorized Agent/Company) (Name of City, Town, Township, etc.)  
IN THE Region of Niagara  
(Name of Regional Municipality or Province)

DO SOLEMNLY DECLARE that the information contained in this application and that the information contained in the documents that accompany this application is true and complete.

Declared before me in The City of Hamilton in the Province of Ontario  
(Name of City, Town, Township, etc.) (Name of Regional Municipality or Province)

on this 18 day of March, 20 25.  
(Month) (Year)

  
(Signature of Registered Owner/Authorized Agent)

R Fiedler  
(Signature of Commissioner of Oath)

**THIS APPLICATION MUST BE SUBMITTED TO:**

Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Phone: (905) 468-3266  
Fax: (905) 468-0301  
Website: [www.notl.org](http://www.notl.org)

**Robert Scott Fiedler,  
a Commissioner, etc.,  
Province of Ontario,  
for NPG Planning Solutions Inc.  
Expires February 19, 2028.**