

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 Vacant Northwest Parcel Between 727 and 733 King Street		Assessment Roll Number	
Legal Description PART LOT 14 RCP 692 NIAGARA, PARTS 1 & 2 PLAN 30R-16061; TOWN OF NIAGARA-ON-THE-LAKE			
Date the subject lands were acquired: June 8th, 2023	Lot Area (metric): 0.325 ha	Lot Frontage (metric): 19.6m	Lot Depth (metric): 100.3m
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 BUTLER'S GARDENS DEVELOPMENT INC.		Company Name	
Mailing Address		Municipality Niagara-on-the-Lake	Unit Number
Province	Email joshbice@bicebuilders.com	Postal Code	
Telephone			
4. Authorized Agent (if one has been authorized)			
Name Jesse Auspitz		Company Name NPG Planning Solutions Inc.	
Mailing Address 4999 Victoria Avenue		Municipality Niagara Falls	Unit Number
Province Ontario	Email jauspitz@npgsolutions.ca	Postal Code L2E 4C9	
Telephone 905 226 0742			
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	
Mailing Address		Municipality	Unit Number
Province	Email	Postal Code	
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:

Water

- ☒ Publicly owned and operated piped water system
☐ Privately owned and operated individual well
☐ Privately owned and operated communal well
☐ Lake or other water body
☐ Other: _____

Sewage Disposal

- ☒ Publicly owned and operated sanitary sewage system
☐ Privately owned and operated individual septic system
☐ Privately owned and operated communal septic system
☐ Privy
☐ Other: _____

Storm Drainage

- ☒ Sewers
☐ Ditches/swales
☐ 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:

N/A

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:

Residential

Type of Building or Structure	3-storey apartment			
Construction Date	ASAP			
Proposed Use(s)	Residential			
Front Yard Setback (m)	66.65m			
Rear Yard Setback (m)	7.5m			
Side Yard Setback (m)	5m			
Side Yard Setback (m)	5m			
Height (m)	10.21m			
Gross Floor Area (sq m)	2011.77			
Lot coverage (%)	21.86%			

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 refer to the Planning Justification Report.

11. Official Plan Information	
Existing Niagara Regional Official Plan designation(s) of the subject lands: <u>Delineated Built-Up Area</u>	
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: <u>The Applications represent appropriate infill development and will contribute to the Region's and Town's intensification targets by providing for a range of housing and density in a built-up area.</u>	
Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands: <u>Low Density Residential</u>	
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? <u>Proposing to amend the designation to a Medium Density Residential.</u>	
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): <u>Policy 9.4(4) regarding density states that medium density residential developments shall only permit 30 units per hectare.</u>	
Explain the purpose for the proposed Town of Niagara-on-the-Lake Official Plan amendment (if applicable): <u>Proposed amendment to redesignate the Subject Lands to Medium Density Residential and to permit 53 units per hectare in order to facilitate the proposed development.</u>	
12. Zoning Information	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: <u>Residential (R1)</u>	
Explain the nature and extent of the proposed Zoning By-law Amendment: <u>To rezone the Subject Lands to a site-specific Residential Multiple 1 (RM1) zone</u>	
Explain the reason for the proposed Zoning By-law Amendment: <u>To facilitate the proposed development with site-specific provisions for lot frontage, required children's play area, and fencing requirements.</u>	
13. Surrounding Land Uses	
North	<u>Residential</u>
South	<u>Residential</u>
East	<u>Residential</u>
West	<u>Agricultural</u>

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-22/22	Approved
Minor Variance	A-34/22	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 & Urban Des	June 2023	NPG Planning Solutions Inc.
2	Architectural Plans (Site Plan, Floor Plans	May 12, 2023	Raimondo and Associates Architects Inc
3	Functional Servicing Report	April 2023	Upper Canada Consultants (UCC)
4	Pre-Consultation Agreement		
5	Land Transfer Document and Parcel Regi		
6			
7			
8			
9			
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11			
12			

19. Acknowledgement and Agreement of Registered Owner

I, BUTLER'S GARDENS DEVELOPMENT INC. 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
DN: cn=Josh Bice, o=OU,
email=josh.bice@bickelbiers.com, c=CA
Date: 2023.06.12 13:34:37 -0400

(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, BUTLER'S GARDENS DEVELOPMENT INC. AM THE REGISTERED OWNER OF THE SUBJECT LANDS
(Name of Registered Owner/Company)

AND HEREBY AUTHORIZE Jesse Auspitz of 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
DN: cn=Josh Bice, o=OU,
email=josh.bice@bickelbiers.com, c=CA
Date: 2023.06.12 13:35:49 -0400

(Signature of Registered Owner)


(Date)


21. Sworn Declaration

I, Jesse Auspitz OF THE City of Toronto
(Name of Registered Owner/Company or Authorized Agent/Company) (Name of City, Town, Township, etc.)
IN THE Province of Ontario
(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 City of Hamilton in the Province of Ontario
(Name of City, Town, Township, etc.) (Name of Regional Municipality or Province)
on this 12th day of June, 2023.
(Month) (Year)


(Signature of Registered Owner/Authorized Agent)


(Signature of Commissioner of Oath)

Lichheng Lim,
A Commissioner, etc.,
Province of Ontario,
For NPG Planning Solutions Inc.
Expires February 19, 2025

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