

Planning Justification Brief

3610 Hazel Street

Ridgeway, ON

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PREFACE

Upper Canada Consultants has been retained by the owners of 3610 Hazel Street in Ridgeway to prepare a Planning Justification Brief in conjunction with the application for a Zoning By-law Amendment and consents to sever.

The purpose and effect of the applications is to create four (4) lots for single detached dwellings fronting onto Prospect Point Road North and two (2) lots for semi-detached dwellings that will front onto Hazel Street. A Site Plan showing the development concept is included in **Appendix I**.

3624 and 3610 Hazel Street are comprised of 6 whole lots in a registered plan of subdivision which has not been de-registered being Lots 14 – 19 inclusive Plan 405 in the Town of Fort Erie. The existing dwelling at 3624 Hazel Street occupies Lots 14 and 15, Plan 405. The dwelling will remain on these lots as it is today. Lots 16, 17, 18 and 19 will be reconfigured into four (4) lots for single detached dwellings and two (2) lots for semi-detached dwelling units. The dwelling located at 3610 Hazel Street will be demolished to facilitate the development.

A pre-consultation meeting for this development proposal was held on June 9, 2022. The pre-consultation agreement is included as **Appendix III**. At the Preconsultation meeting and subsequent to it, Town Staff indicated that they required land division to proceed through applications for consent to sever despite the Part Lot Control process being available to accomplish the development objectives.

The intent of this Brief is to provide an overview of the subject lands and the proposal, and to provide an analysis of how the applications comply with the requirements under the *Planning Act*, are consistent with the Provincial Policy Statement and conform to the Growth Plan, the Region of Niagara Official Plan and the Town of Fort Erie Official Plan.

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject application is for the lands at the northwest corner of Prospect Point Road North and Hazel Street. The property is legally described as Lots 16, 17, 18 and 19, Plan 405 in the Town of Fort Erie, Regional Municipality of Niagara (the subject lands). The subject lands contain a dwelling with the municipal address 3610 Hazel Street. Although 3624 Hazel Street is owned by the same owners as 3610 Hazel Street and is adjacent to the subject site, the subject applications only apply to 3610 Hazel Street. An aerial map showing the location of the subject lands is provided in **Figure 1**.

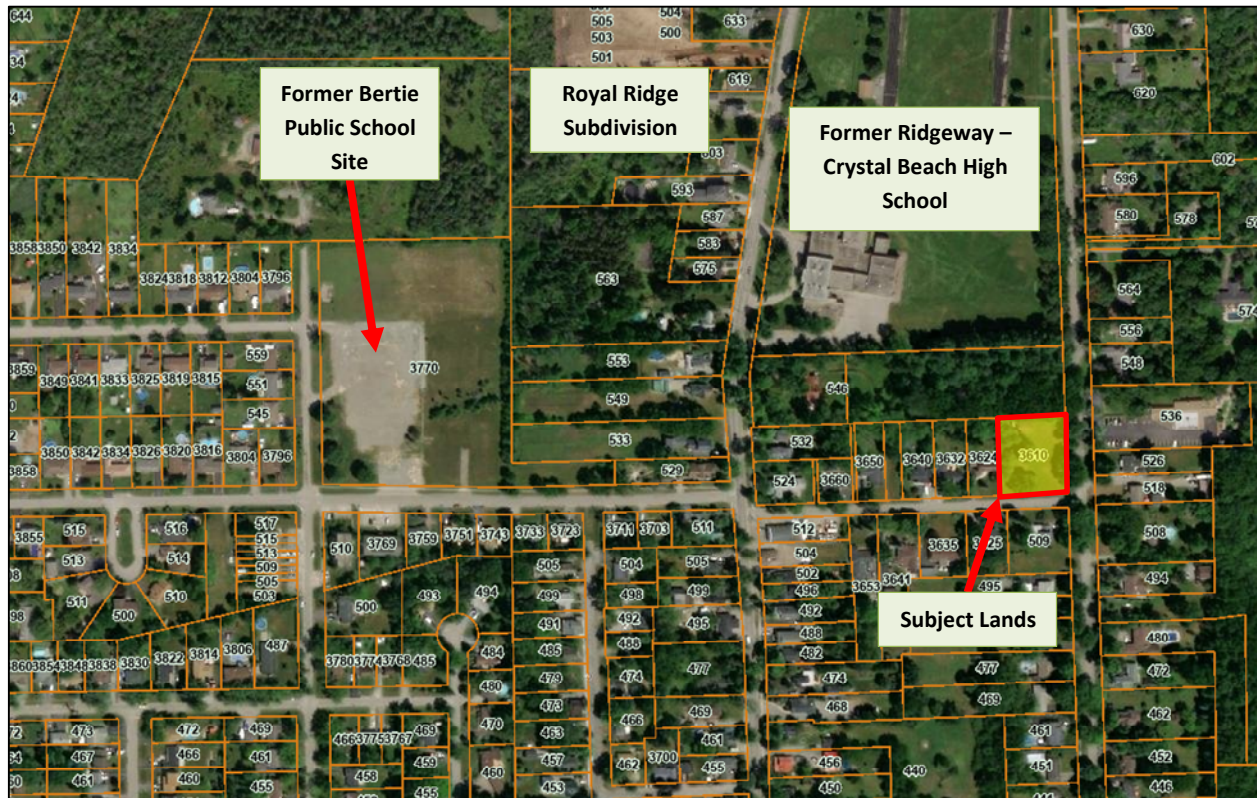


Figure 1 - Aerial View of the Subject Lands (cropped from Niagara Navigator)

The subject lands are located in a residential area and interface single-detached dwellings to the south, east and west. Vacant lands zoned for medium density residential development (i.e. townhouses and low rise apartments) are located to the north. To the west is a property containing a single detached dwelling (#3624) which is also owned by the owner of the subject lands. The Top of the Ridge Daycare is also located to the east.

The subject property is approximately 0.28 hectares in area. There is currently a single detached dwelling (#3610 Hazel Street) located in the north part of the property that will be demolished to facilitate the development.

PROPOSAL AND APPLICATION

An application for Zoning By-law Amendment has been submitted for 3610 Hazel Street. The purpose and effect of the application is to rezone the portion of the property where single detached dwelling lots are proposed to a Residential 2 A (R2A) Zone and to rezone the portion of the property where the semi-detached dwelling lots are proposed to a Residential 3 (R3) Zone. The proposed lots meet all applicable regulations of the R2A and R3 Zones. The site plan for the development is included in **Appendix II**.

The owner has made concurrent applications for a deeming by-law and for land division which will proceed by way of consents to sever. The land division application will be processed following Council's consideration of the Zoning by-law Amendment Application.

PROVINCIAL PLANS

THE PLANNING ACT (R.S.O. 1990)

The *Planning Act* (R.S.O. 1990) prescribes the regulations for land use planning in Ontario.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. The application has regard for the protection of ecological systems and natural areas (a) as the Environmental Impact Study completed by Beacon Environmental concludes that the site does not include any significant natural heritage features and that the development will not have any impact on any such feature. The applications will facilitate intensified residential development within the Built-up Area and therefore have specific regard for items (h) being the orderly development of safe and healthy communities and (p) being the appropriate location for growth and development.

Section 53 – Consents

Applications for Consent are governed under Section 53 of the *Planning Act*. Section 53(12) states that an Approval Authority when considering an application for Consent, must have regard for the matters under Section 51(24) which apply to Plans of Subdivision. An evaluation of how the proposed consents satisfy these criteria is provided below:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As previously stated, the applications have regard for the protection of ecological systems/natural areas, the orderly development of safe and healthy communities and the appropriate location for growth and development.

(b) whether the proposed subdivision is premature or in the public interest;

The subject lands have access to existing municipal roads and services and were designated for residential development through the secondary plan process. The proposed land division is therefore not premature. The applications are in the public interest as they will accommodate intensified residential development which improves housing choice and helps to optimize the efficient use of publicly-funded infrastructure and services.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The applications are being made to facilitate the development of lands in accordance with the Ridgeway-Thunder Bay Secondary Plan. The application conforms to adjacent plans of subdivision.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The subject lands are located within the Urban Area, have access to roads, infrastructure and services and are free of any hazards or environmental constraints. The lands are therefore suitable for the proposed land division.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Affordable housing is not contemplated through these applications.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The subject lands have frontage on Hazel Street and Prospect Point Road North.

(f) the dimensions and shapes of the proposed lots;

The dimensions and shapes of the proposed lots are shown on the Site Plan and Consent Sketch included as **Appendix II and III** respectively.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The lands will be subject to applicable zoning restrictions and regulations.

(h) conservation of natural resources and flood control;

The proposed land division has no impact on the conservation of natural resources. The lands are not in a regulated floodplain area and are not prone to flooding.

(i) the adequacy of utilities and municipal services;

The proposal was reviewed by the municipality who did not identify any servicing capacity concerns.

(j) the adequacy of school sites;

Local school boards are circulated on *Planning Act* applications to comment on the adequacy of schools.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There is no land proposed for public dedication other than the daylight triangle.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The applications will provide for the intensified use of underutilized urban lands and provides for increased efficiency in the use of existing services and infrastructure.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act

The subject lands are proposed to be developed with single detached and semi-detached dwellings which are not subject to site plan control in Fort Erie.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act* (R.S.O. 1990), and sets the policy framework for regulating the development and use of land.

The policies under Part V, Section 1 of the PPS are related to growth and development. Section 1.1.1 states that healthy, liveable and safe communities are sustained through compact and efficient development patterns that increase the efficient use of available land and infrastructure. Section 1.1.3 directs that intensification in the delineated Settlement Area is a desirable way to accommodate residential growth.

The application will enable the type of residential growth that is encouraged in the PPS. The subject lands are within the delineated Settlement Area and the proposed severances facilitate the provision of additional residential dwellings which would increase the efficient use of the land and existing infrastructure through intensification.

The policies under Part V Section 2 of the PPS relate to the wise use and management of resources, including Natural Heritage. The EIS completed by Beacon concluded that the site does not contain any significant natural features and that the development will not have any impact on any natural heritage features of Provincial significance.

The applications are therefore consistent with the Provincial Policy Statement.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

Growth management policies related to residential growth and development are found under Section 2.2 of the Growth Plan. Section 2.2.1.2 directs that a majority of growth is to occur in Settlement Areas, and particularly within the Built-up Area by way of intensification. Section 2.2.2.1 of the Growth Plan specifically requires that a minimum of 50% of all residential development occurring annually in the Region of Niagara is to occur by way of intensification in the Built-up Area. Growth through intensification is desirable as it promotes the efficient use of urban lands and existing infrastructure thereby reducing the rapid depletion of land to accommodate growth, and the capital cost borne by the municipality in servicing new residential lands.

Section 4.2.2 of the **Growth Plan** contains policies for the Natural Heritage System. The subject property is adjacent to a significant woodland as identified in the Growth Plan Provincial Natural Heritage System. With the approval of the Region of Niagara's Official Plan, the Natural Heritage Policies of the Growth Plan are now applicable to lands within the Urban Area. Policy 4.2.2.5 of the **Growth Plan** indicates that upper and single-tier municipalities may refine the Provincial Natural Heritage System through the initial implementation of their Official Plans.

The Transition and Implementation Policies contained in Section 3.1.30.4 of the **Region of Niagara's Official Plan** indicate that the approved natural heritage policies and mapping in Secondary Plans approved subsequent to July 1, 2012 (such as the **Ridgeway-Thunder-Bay Secondary Plan** which was approved on November 29, 2013) apply to development applications such as this proposed Zoning By-law Amendment and consents, notwithstanding the other Natural Heritage Policies in the **Region of Niagara Official Plan**. In this instance, the Natural Heritage Mapping shown on Schedule RTB-3 of the **Ridgeway-Thunder-Bay Secondary Plan** does not identify a Significant Woodlot, Environmental Protection or Environmental Conservation designation on or adjacent to the subject property. Therefore, in accordance with the Region's transitional policies, the Natural Heritage Policies of the **Growth Plan, Regional Official Plan** and the **Town of Fort Erie Official Plan**, including the **Ridgeway-Thunder-Bay Secondary Plan** are not applicable to the subject development application.

The proposed applications conform to the Growth Plan's direction in accommodating growth through intensification within the Built-up Area. The proposed development also contributes to the achievement of the Region of Niagara's intensification target and supports the Province's long-term land use and growth objectives.

REGION OF NIAGARA OFFICIAL PLAN (2022)

The Region's new Official Plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. Schedule B of the Regional Plan indicates that the subject lands are in the Built up Area. The Regional Official Plan identifies a target of 50% intensification for the Town of Fort Erie. Policies contained in Section 2.2.1 encourage a compact built form, minimization of land consumption, efficient use of existing services, orderly development and a mix of housing forms. The proposed development conforms to the policies contained in Section 2.2.1 of the Region of Niagara Official Plan.

The proposed development adds to the range and mix of housing density and form which is in conformity with the policies contained in Section 2.3.1.

The subject lands are located in the Ridgeway-Thunder-Bay Secondary Plan Area. The Ridgeway-Thunder-Bay Secondary Plan was approved in 2013. Policy 3.1.30.4.1 states the following:

“Where a secondary plan has been approved after July 1, 2012, those portions that are not subject to a draft approved plan of subdivision or plan of condominium shall be approved in accordance with the approved mapping and policies of the secondary plan.”

Since the subject property is not currently a draft approved plan of subdivision and the Ridgeway-Thunder-Bay Secondary Plan was approved after July 1, 2012, the Region's Official Plan requires that the development be approved in accordance with the approved mapping and policies of the Ridgeway-Thunder-Bay Secondary Plan. The policies for significant woodlots and the Provincial Natural Heritage System contained in the Region's Official Plan are therefore not applicable to this application. Notwithstanding, an Environmental Impact Study was completed to assess the site and it was concluded that the development would not have any negative impact on Natural Heritage features.

TOWN OF FORT ERIE OFFICIAL PLAN (2018 CONSOLIDATION)

The Town of Fort Erie Official Plan is the Town's long-range planning document which outlines Fort Erie's land use vision. The subject property is located within the Ridgeway-Thunder-Bay Secondary Plan area and is designated as Residential – Low Density. Schedule RTB-3 does not identify any Natural Heritage Features on the subject lands.

SECTION 4 – LAND USE PLANS AND POLICIES

General Residential Policies under Section 4.7.1 of the Official Plan support orderly and efficient land use patterns. The Official Plan encourages development through intensification as a way of maintaining a suitable supply of residential land and to increase the efficient use of existing infrastructure. The application proposes intensification in the urban area which would increase the efficient use of land and existing infrastructure. The proposal therefore conforms with the Town's growth management objectives as outlined in Section 4.7.1.

Ridgeway Thunder-Bay Secondary Plan

The Ridgeway Thunder-Bay Secondary Plan is found in Section 4.18 of the Town of Fort Erie Official Plan. The following is a demonstration of how the proposal conforms to the applicable policies under the Secondary Plan:

4.18.4 - Objectives

- a) Encourage new development and re-development that respects the unique history of the neighbourhood and is compatible with the existing built environment. Compatibility does not mean the same as.***

The proposed development respects the character of the neighbourhood and is compatible with the existing built environment. The creation of lots along the Hazel Street and Prospect Point Road North frontages is a logical extension of the existing development pattern that contributes to the achievement of this goal.

- b) Encourage development that supports long term sustainability and provides livable, renewable environments for its residents and businesses.***

The application will provide for an increased development yield which helps to optimize the efficient use of infrastructure and services. Intensified residential development also provides additional economic opportunities for local businesses.

- d) New housing development and re-development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans will be acknowledged within the neighbourhood planning context and developers of these plans shall be encouraged to work with the municipality in achieving the objectives of this Plan.***

The application seeks to develop and integrate additional single and semi-detached housing within an existing residential neighbourhood. The property is not affected by any regulated, protected or significant natural heritage features.

- m) Encourage development forms which are compact, to utilize urban land and services efficiently.***

As encouraged in this objective, the applications will provide for the more compact and efficient use of the subject lands and utilize existing municipal infrastructure and services.

4.18.5 – Residential General

- a) Section 4.7 of the Town’s Official Plan contains policies for residential development within the Town and must be read in conjunction with the policies of this Secondary Plan and subsequent sections herein.***

Conformity to applicable policies under Section 4.7 has been demonstrated.

- b) Schedule “RTB-2” designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.***

Schedule RTB-2 identifies the subject lands as being designated as Low Density Residential.

- d) The Secondary Plan anticipates an additional 975 dwelling units with the projected increase in new residential population of approximately 2400 persons in the neighbourhood over the long term. Current population at the end of 2012 is estimated to be 4500 persons.***

The proposed development supports the accommodation of anticipated growth in the Ridgeway-Thunder-Bay Secondary Plan area.

4.18.6 – Low Density Residential

- a) The lands designated on Schedule “RTB-2” as “Low Density Residential” shall be reserved for single detached, semi-detached and duplex dwellings and uses accessory thereto, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section***

The proposal will facilitate the development of single detached and semi-detached dwellings on more compact lots compared to the existing lot fabric.

- b) An overall target of not more than 80% Low Density residential yield shall be anticipated within the Plan Area. In effort to achieve this target, lower density dwellings should comprise not more than 60% of all new development. A Low Density range of up to 25 units per hectare will assist in this effort while also making efficient use of existing and***

proposed infrastructure and providing opportunities to diversify lower density housing stock.

The applications provide for additional residential accommodation and a diversified housing stock by providing for more compact lot sizes and a new housing form by way of the semi-detached dwellings.

- c) Schedule “RTB-2” provides for approximately 565 additional low density units, bringing the projected total for Low Density units to approximately 2430 over the long term. The yield reflects the existing lot fabric and anticipates retention of some larger existing residential lots. New or redeveloping lower density development can be expected to comprise smaller lot area and dimension. This will also make efficient use of infrastructure while broadening choice and affordability in the low density form over the course of the planning period.***

In conformity to this policy, the applications propose the creation of additional smaller lots which provides for an improvement in housing choice within the immediate area.

SECTION 13 – IMPLEMENTATION

13.6 – Consents to Sever

The policy direction pertaining to applications for consent are contained within Section 13.6 of the Official Plan.

- 1. Consents in Urban Areas will only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan of subdivision is not deemed necessary, regard shall be had to other policies of the Official Plan, to the matters set out in the Planning Act, 1990, and to the following criteria when considering an application for consent:***

The subject lands are currently comprised of four lots of record in a registered plan of subdivision. The applications propose the creation of two additional residential lots. Lot creation of this scale is not typically necessary to proceed by way of a Plan of Subdivision. Each lot will include individual water and sewer lateral connections to existing municipal infrastructure within the right of way upon which the lot fronts. No new municipal infrastructure is required to service this development. The proposal was reviewed by the Municipality through the pre-consultation process at which time it was determined that applications for Consent were the appropriate method for lot creation.

- a. The proposed development should generally be infilling in nature and/or assist with, but not hinder, the efficient development of the area;***

The applications propose the creation of additional lots in between existing dwellings which is infilling.

- b. Approval of the conveyance and the development of the proposed and remnant lots should not be unduly detrimental to the financial status of the Town. Consents should be granted only in areas where the undue extension of any major service or facility, such as a road, would not be required;***

No infrastructure or road extensions/improvements are required as a direct result of the applications.

- c. The proposed development should be serviced by municipal water and sanitary sewer services; and***

The proposed lots will be connected into the existing municipal infrastructure in Hazel Street and Prospect Point Road North at the expense of the owner.

- d. Regard should be had to the compatibility of the proposed use and lot size with uses and lot sizes in adjacent areas and the effect of such use and lot size on the surrounding area.***

The surrounding area is predominately developed with single detached dwellings on a variety of lot widths. The proposed single detached lot sizes are smaller than many of the existing lot frontages in the area but are similar and compatible. The proposed semi-detached lots are also compatible with the single detached development in the area. The applications therefore have the effect of maintaining the existing residential character of the area.

- II. Consents will be granted only when the land fronts on an existing public road that is of a reasonable standard of construction. Direct access from major roads should be restricted, and residential lots should, where possible, have access only from internal or minor roads. In no case should consent be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.***

The proposed lots will have frontage on Hazel Street and Prospect Point Road North which are of a reasonable standard of construction and are not identified as collector roads under the Town's Official Plan. The proposed consents are therefore consistent with this policy.

- III. In no case should any parcel be created which does not conform with the provisions of the Zoning By-law. If a rezoning is required to permit a proposed use, it shall be a condition of approval that the By-law to amend the Zoning By-law be passed by council, and granted approval by the Ontario Municipal Board if required, in accordance with the provisions of the Planning Act, 1990, prior to consent being given.***

A Zoning By-law Amendment has been submitted to establish zoning conformity for the proposed lot creation prior to the processing of the severance applications to address the requirements of this policy. The proposed lots all meet the area and frontage requirements of the proposed R2A and R3 Zoning proposed with one minor exception. A site specific regulation is proposed for the corner lot to permit a slightly reduced lot frontage that is a consequence of the taking of the daylight triangle.

IV. Consents to land severances may be permitted outside of the Town’s Urban Areas where, in the opinion of the municipality, a plan of subdivision is not required, and provided that the consent complies with the other relevant policies of this plan.

This policy is not applicable as the subject lands are not located outside the Urban Area.

13.7 – Amendments to the Land Use Plan, Schedule “A”

While the requirements under Section 13.7 predominately pertain to Official Plan Amendments, the criteria under Section 13.7 III are also applicable to Zoning By-law Amendment applications. The following is an evaluation of how the submitted Zoning By-law Amendment satisfies these criteria.

III. In considering an amendment to the Land Use Plan, Schedule “A” that would designate additional areas for a particular use or change the designated use of a particular area, or an amendment to the implementing Zoning By-law that would zone additional areas for a particular use or change the zoning of a particular area, the Council shall have due regard to the following criteria which are in addition to the policies and criteria specified elsewhere in this Plan:

a. The need for the proposed use;

The only new use that is proposed through the Zoning By-law Amendment application is the semi-detached dwellings. The Zoning By-law Amendment will facilitate the intensification of the existing lot fabric for single detached dwellings in addition to the new semi-detached use. The need for the proposed uses and the intensification of the existing use is established by the Secondary Plan policies for the Low Density Residential Area which contemplates an additional 975 low density residential units in the secondary plan area.

b. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The subject lands are in the Residential area and are surrounded by single detached lots as well as vacant residential lands. The applications facilitate efficient infilling which maintains the existing lot pattern of the area.

c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;

The subject lands are not affected by the Town’s Natural Heritage System and do not contain any other significant constraint to development.

d. The location of the area under consideration with respect to:

i the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,

The applications propose the provision of two additional dwelling units within the existing road frontage which is not anticipated to have a perceivable impact on the existing traffic patterns.

ii the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and

The proposed lots will have direct access to Prospect Point Road North and Hazel Street. Sidewalks are available a short distance away on Ridge Road North. The new driveways will not result in a traffic or pedestrian safety hazard.

iii the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The subject lands are already serviced with municipal infrastructure. No servicing capacity concerns were identified by the municipality through the pre-consultation process.

e. The compatibility of the proposed use with uses in adjoining areas;

The surrounding area is characterized predominately by low density development with lands zoned for medium density development to the north. The applications propose a gentle intensification of the subject lands which is contemplated by the secondary plan and is compatible with surrounding land uses.

f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;

The proposed development is not anticipated to have any depreciating or deteriorating effects on adjoining properties.

g. The potential effect of the proposed use on the financial position of the municipality; and

The proposed development has a positive effect on the financial position of the municipality as it increases the efficient use of existing municipal infrastructure and service.

h. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

The Environmental Protection Act is not applicable to these applications.

TOWN OF FORT ERIE ZONING BY-LAW

A zone boundary bisects the subject property in an east-west direction with the majority of the subject property being zoned Residential First Density (R1) and a small sliver being zoned Residential Multiple 1 (RM1-508) Zone (see **Figure 2**). The Town has indicated that they interpret the boundary of the RM1-508 Zone as the northern property boundary of the subject property and other properties fronting Hazel Street.

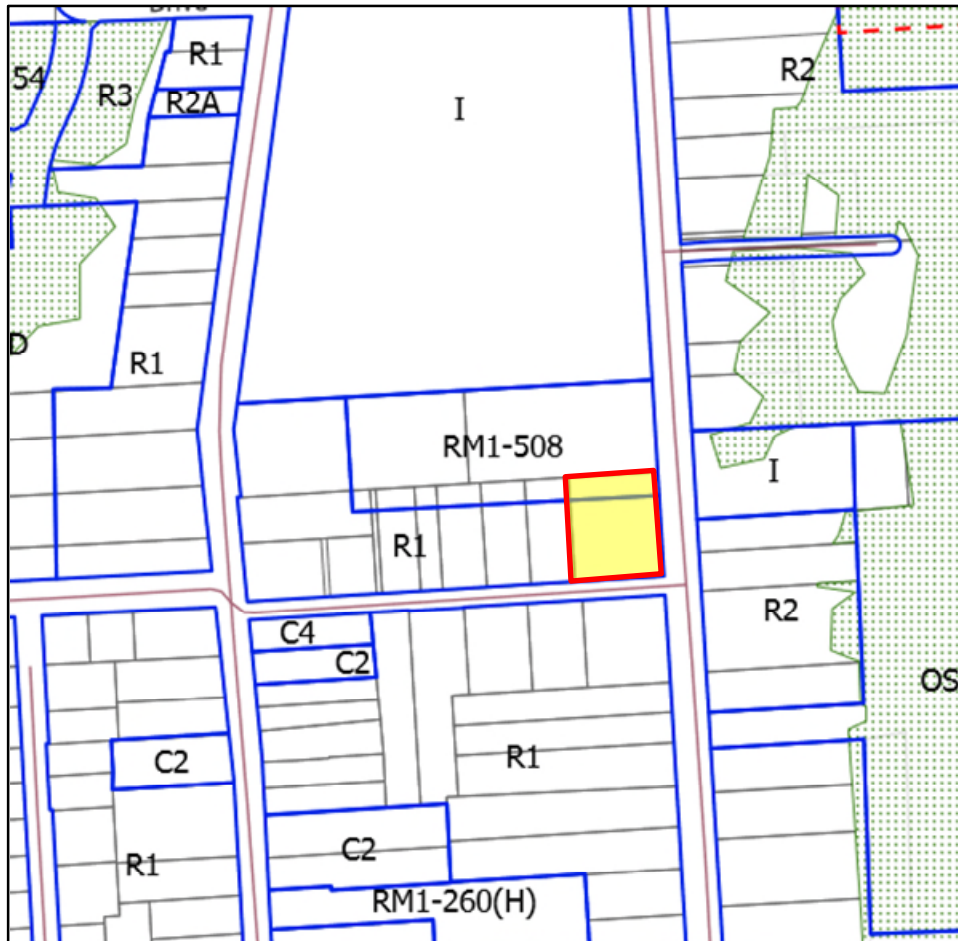


Figure 2 - Excerpt from Town of Fort Erie Zoning By-law 129-90 Schedule 'A' - Map 9

A Zoning By-law Amendment has been submitted to establish zoning conformity to permit the intended land division. A Draft Zoning By-law is included in **Appendix IV**.

The single detached lots are proposed to be zoned as Residential 2A Zone. The R2A Zone permits the proposed lot geometry and the future proposed dwellings conform to the built-form related provisions of the R2A Zone. Zoning conformity is outlined in **Table 1**, below.

The semi-detached lots are proposed to be zoned Residential 3 R3 Zone. Zoning conformity is outlined in **Table 2**, below. As shown in **Table 2**, the proposed lots and proposed dwellings all meet the applicable zoning for the Residential 3 R3 Zone.

Table 1					
Town of Fort Erie Comprehensive Zoning By-law 129-90 – R2A Zone Conformity					
Provision	Requirement	Provided			
		Part 1	Part 2	Part 3	Part 4
10.2 – Permitted Uses					
Permitted Uses	Single Detached Dwellings and buildings and structures accessory thereto Home Occupations Accessory Apartment Dwelling	No Change	No Change	No Change	No Change
10.3 – Regulations for Dwellings					
Minimum Lot Frontage	12m 15m for a corner lot	13.7m	12.9m	12.9m	18.29m (corner)
Minimum Lot Area	375 sq.m.	678 sq.m	388 sq.m.	386 sq.m.	518* sq.m.
Maximum Lot Coverage	50%	N/A	N/A	N/A	N/A
Minimum Front Yard	6m to the garage 3m o other parts of dwelling	N/A	N/A	N/A	N/A
Minimum Interior Side Yard	1.2m however, on an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres	N/A	N/A	N/A	N/A
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line	N/A	N/A	N/A	N/A
Minimum Rear Yard	6m	N/A	N/A	N/A	N/A
Maximum Height of a Building	2.5 storeys 10.5m	N/A	N/A	N/A	N/A

*Note: the lot frontage of Part 4 is measured by a line 7.5 m back on a line perpendicular to a line joining mid points of front and rear lot lines since the side lot line forming part of the daylight triangle is not parallel to the northerly side lot line.

Table 2 - Town of Fort Erie Comprehensive Zoning By-law 129-90 – R3 Zone Conformity

Provision	Requirement	Provided - Parts 5 and 6
17.2 – Permitted Uses		
Permitted Uses	single-detached dwellings semi-detached dwellings duplex dwellings Uses, buildings and structures accessory to the foregoing existing use Home Occupations Accessory Apartment Dwelling	No Change
13.4 – Regulations for semi-detached dwellings		
Minimum Unit Frontage	9.5m, 10.5m for a corner lot	9.6m
Minimum Lot Area	305 sq. m.	424 sq.m.
Maximum Lot Coverage	1 storey – 60 percent 2 storey – 40 percent	N/A
Minimum Front Yard	6m to garage 3 m to other parts of dwelling	N/A
Minimum Interior Side Yard	1.2m plus an additional 0.5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required;	N/A
Minimum Exterior Side Yard	3m except that an attached garage or carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	N/A
Minimum Rear Yard	6m	N/A
Maximum Height of a Building	2.5 storeys 9m	N/A

PLANNING POSITION

The purpose and effect of the applications is to rezone the subject property to facilitate the development of four (4) lots for single detached dwellings and two (2) lots for semi-detached dwelling units. The subject property is currently comprised of 4 lots of record within a registered plan of subdivision. The rezoning and future land division will result in a net increase of 2 lots.

The requested zoning amendment would change the zoning of the portion of the subject site where single detached dwelling lots are proposed to Residential 2 A R2A Zone and the portion of the subject lands where semi-detached dwelling lots are proposed to Residential 3 R3 Zone. The proposed lots and future dwellings conform to the applicable zoning regulations contained in the Town's Comprehensive Zoning By-law for the R2A and R3 Zones.

The proposal aligns with the Province's overall growth management strategy as it facilitates context appropriate intensification in the Built-up Area which efficiently utilizes existing land and infrastructure.

The development conforms to the Growth plan as the Growth Plan permits the refinement of the mapping of the Natural Heritage System of the Growth Plan at the time of initial implementation of the Region's Official Plan. The Region's Transition and Implementation policies defer to the Natural Heritage Mapping and Policies contained in local Secondary Plans. The Town's Secondary Plan does not identify any Natural Heritage features on the subject property or in the immediate vicinity of the subject property. The subject property is therefore not subject to the Natural Heritage Policies of the Growth Plan, Region of Niagara Official Plan or the Secondary Plan.

The proposal conforms to the Town's Official Plan and the Ridgeway Thunder-Bay Secondary Plan that it would implement residential infill development that maintains the existing character of the neighbourhood. The proposed single detached and semi-detached dwellings are permitted uses within the Low Density Residential Designation applicable to the subject site and the additional residential units are contemplated by the secondary plan.

An Environmental Impact Study was completed by Beacon Environmental in support of the development due to the policy requirements in place at the time Preconsultation was completed. The Environmental Impact Study concludes that the development will not have any impact on Natural Heritage Features.

The application satisfies the requirements of the Planning Act, is consistent with the Provincial Policy Statement, conforms to the Growth Plan, the Niagara Region Official Plan, the Town of Fort Erie Official Plan, including the Ridgeway- Thunder-Bay Secondary Plan, represents good planning and should be supported.

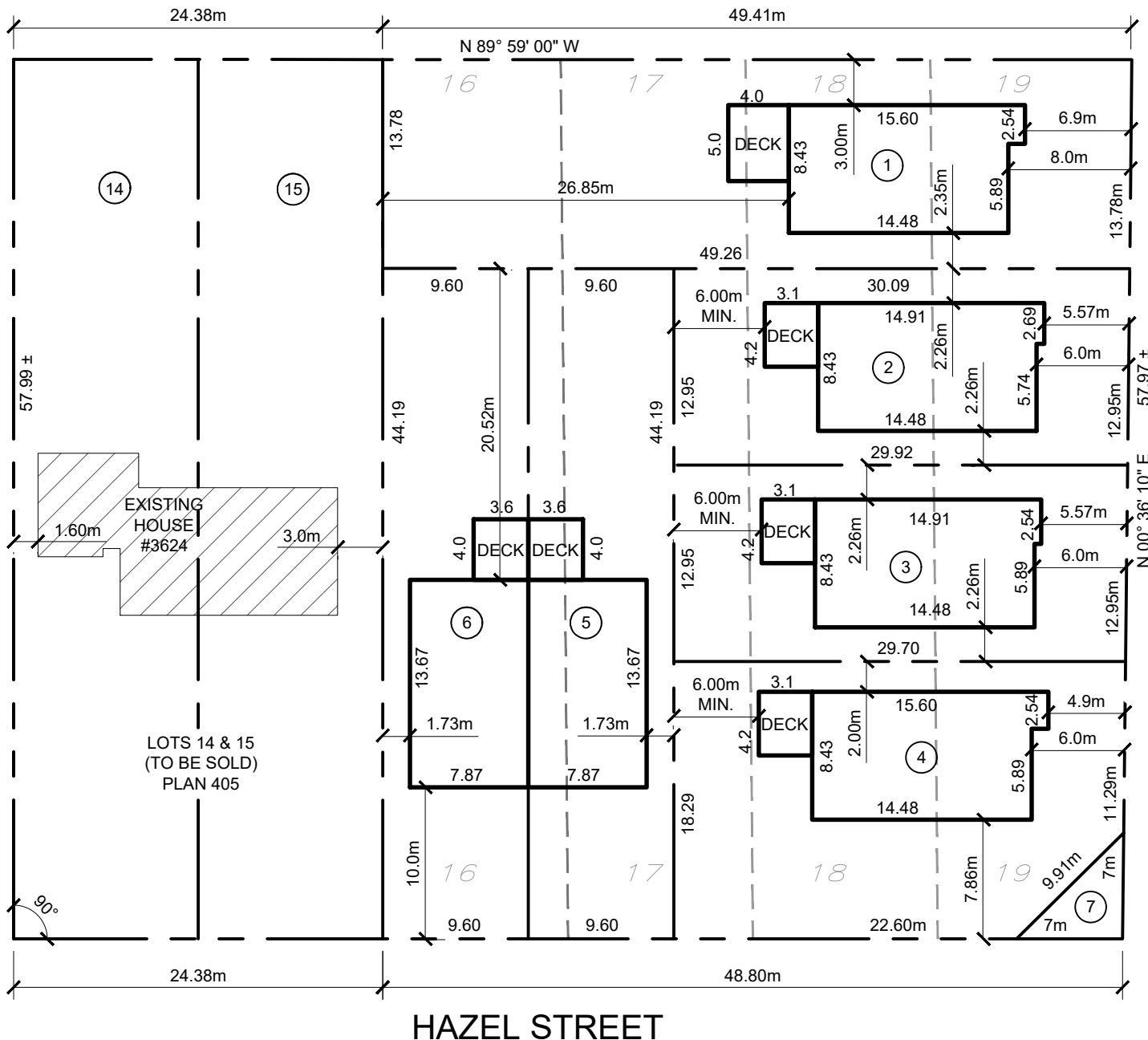
Prepared By,

A handwritten signature in black ink, appearing to read 'Matt Kernahan', written in a cursive style.

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Consultants

APPENDIX I

EX. LOTS 16 TO 19 PLAN 405 TO BE DEEMED



PROSPECT POINT ROAD NORTH

HAZEL STREET



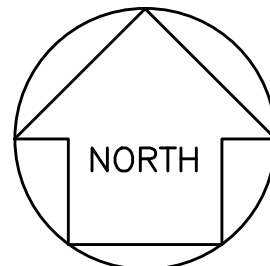
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Table of Lot Details and Proposed Zoning

Lot No.	Area	Building Area Coverage % *		Proposed Zoning	
		Actual	By-law		
1	680.0	144.9	21	50	R2A
2	387.9	136.3	35	50	R2A
3	385.9	133.3	35	50	R2A
4	518.8	137.9	27	50	R2A
5	424.2	122.0	29	40	R3
6	424.2	122.0	29	40	R3

* INCLUDES DECK

NOTE:
DIMENSIONS SHOWN
MAY VARY ONCE A PLAN
OF SURVEY IS
PREPARED BY AN O.L.S.



ROBERT MARTIN ENGINEERING INC.
493 Carlton Street,
St. Catharines, ON,
L2M 4X4
office: 905.935.2602
cell: 905.964.0126
E-mail: martin.rme@gmail.com

Plan of Proposed
Six Lot Development
3610 Hazel Street Lots
16 to 19 Plan 405 Part 1
Ridgeway
Town of Fort Erie, ON

DATE:	Dec 12, 2022
PLOT DATE:	Dec 15, 2022
SCALE	AS NOTED
DWG. No.	-
MUN. REF. No.	-

KEY PLAN: NOT TO SCALE

TOWN OF FORT ERIE

ROAD

HAZEL STREET



SUBJECT LANDS

HAZEL STREET

RIDGE ROAD

PROSPECT POINT ROAD NORTH

DOMINION ROAD REG. RD. 1

COMMITTEE OF ADJUSTMENT APPLICATION

LOTS 16, 17, 18 AND 19, PLAN 405

IN THE

TOWN OF FORT ERIE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 400



2022

PHILIP S. SUDA O.L.S. DATE 20 DECEMBER 20, 2022

THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

SUDA AND MALESZYK SURVEYING INC.

ONTARIO LAND SURVEYORS

26 EAST MAIN STREET, SUITE 2

WELLAND, ONTARIO L3B 3W3

TEL: (905) 732-7651

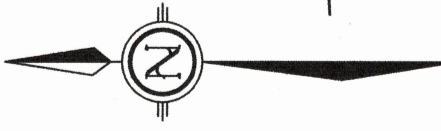
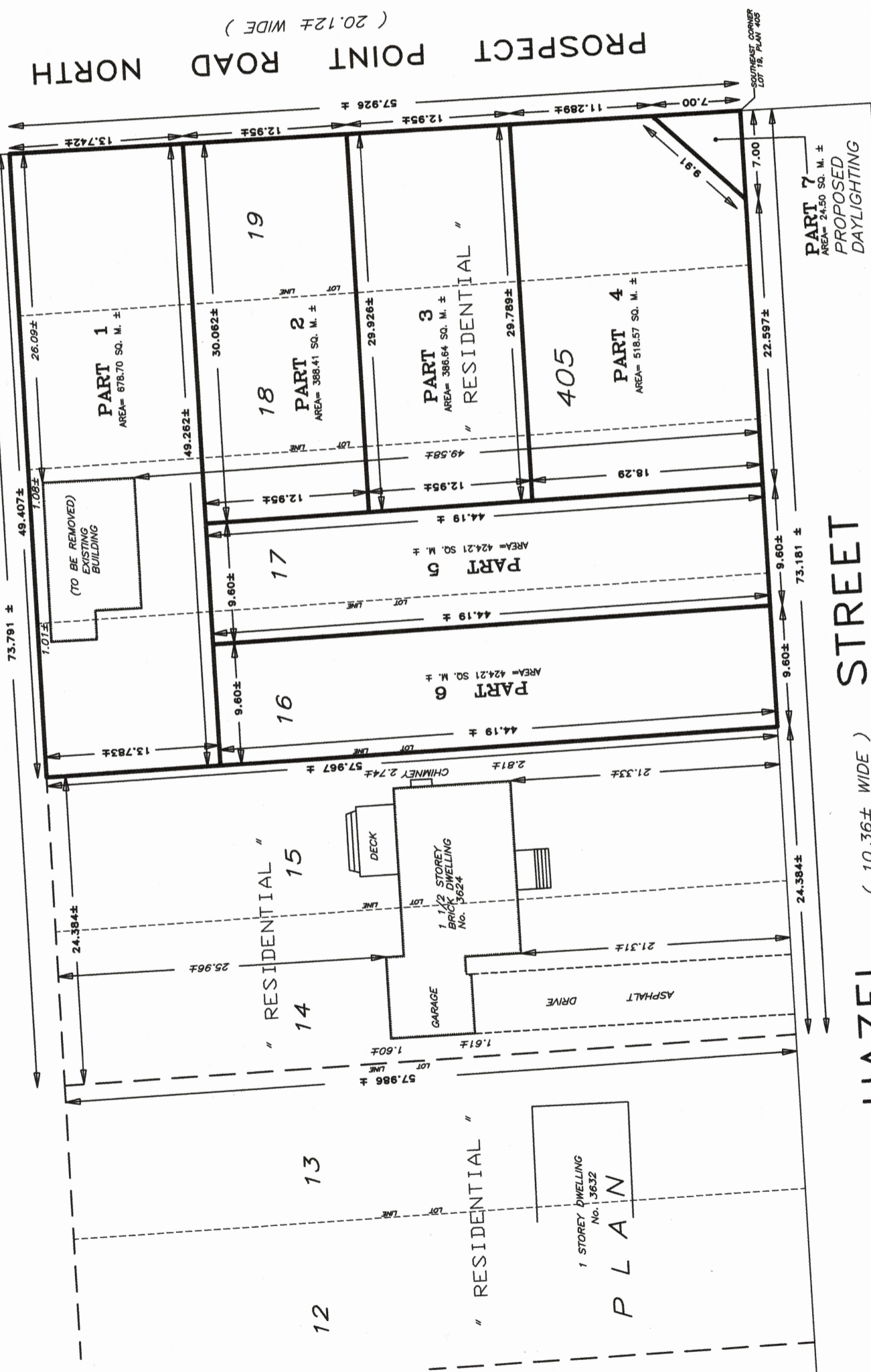
FILE: 22-205

JOB No:

6576

LOT 23, CONCESSION 2, L.E. TOWNSHIP OF BERTIE " VACANT "

(PART 2, PLAN 59R-9260) PART 1, PLAN 59R-16907

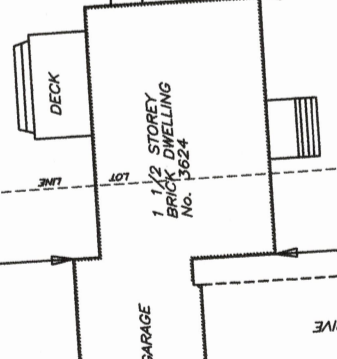


PART 7 AREA= 24.50 SQ. M. ± PROPOSED DAYLIGHTING

HAZEL STREET (10.36± WIDE)

PROSPECT POINT ROAD NORTH (20.12± WIDE)

1 STOREY DWELLING No. 13632



RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

RESIDENTIAL "

Once completed by Town Planning Staff, this form must be submitted with your formal application.

Important: This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings **must** be submitted in paper and **digital** (i.e. PDF) form.

Meeting Attendance:

- Town Planning Town Regional Planning Niagara Parks Commission
 Infrastructure Regional Public Works NPCA

Other _____

Application type:

- Official Plan Amendment Site Plan
 Zoning By-law Amendment Consent Application
 Draft Plan of Subdivision Other _____
 Draft Plan of Condominium

Pre-Consultation Submission Date: _____

Pre-Consultation Meeting Date: _____

Site Location/Address: _____

Site Legal Description: _____

Approximate Land Area (metric): _____

Owner Contact Information:

Name of Owner: _____

Phone No: _____ Email: _____

Principal Contact: _____

Phone No: _____ Email: _____

Local Municipal Contact:

Name of Contact: _____

Phone No: _____ Email: _____

Brief description of proposed development:

APPENDIX III

Submission Requirements: Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans <i>(See Notes for additional details)</i>	No. of Copies		Notes
				Digital	Paper	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning Justification Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conceptual Site Plan, Subdivision Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Regional Policy Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Local Official Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Use/Market Needs*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Urban Design/Landscape Plans			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Archaeological Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cultural Heritage Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Impact Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Planning Study/ Sub-Watershed Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree Inventory Preservation Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floodplain and Hazard Lands Boundary Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Site Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Air Quality/Noise & Vibration Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural Impact Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Farm Operation and Ownership			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum Distance Separation I & II			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Aggregate Resources			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Municipal Servicing Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sensitive Land Use Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slope Stability Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Management Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Impact Study/Parking Impact Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrogeological Study and Private Servicing Plans*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Study/Dynamic Beach			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk Management Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Well Study/Gas Migration Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wind Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other*			

PRE-CONSULTATION AGREEMENT – COMMENTS

Property: 3624 & 3610 Hazel Street

Development Planning: Mackenzie Ceci (mceci@forterrie.ca or 905-871-1600 ext. 2514)

- 3624 & 3610 Hazel Street are designated Low Density Residential in part, and Medium Density Residential in part, in the Ridgeway-Thunder Bay Secondary Plan. The properties are correspondingly zoned Residential 1 (R1) Zone in part, and site specific Residential Multiple 1 (RM1-508) Zone in part.
- The two parcels, which are under one Property Identification Number (PIN) appear to be comprised of six lots from the original plan of subdivision. The lots do not appear to have been deemed by Deeming By-law. As such, six separate lots exist.
- The Applicant is proposing to retain the existing single detached dwelling (3624 Hazel Street), and create five residential lots – Lot 5 for the construction of a semi-detached dwelling, and Lots 1 to 4 for the construction of single detached dwellings.
- The Applicant is proposing to rezone Lot 5 to Residential 3 (R3) Zone and Lots 1 to 4 to Residential 2A (R2A) Zone to permit the proposed uses and corresponding lot fabric.
- The Official Plan provides Staff with the ability to interpret the boundary of a land use designation. In the case of this development parcel, Staff will be making the interpretation that the land use designation boundary is intended to follow the lot line. As such, the entire development parcel will be interpreted to be designated as Low Density Residential. As such, Staff will not be requesting an Official Plan Amendment to facilitate this proposal. The proposed density complies with the density requirement of up to 25 units per hectare for the Low Density Residential designation.
- A Zoning By-law Amendment will be required to rezone the lands in order to facilitate the development proposal. Staff also recommend rezoning the rear of 3624 Hazel Street from RM1-508 Zone to R1 Zone to align the zoning. Based on Staff's review of the sketch, the proposed lots and dwellings appear to comply with the proposed zones.
- Staff note that the general timeline for Zoning By-law Amendment applications is 90 days. This is roughly the amount of time it takes to obtain a decision from Council after the application is deemed complete. This timeline may be longer if Council requests additional information, or if the application needs to be revised based on the comments received from Council and/or members of the public.
- The fee for a Major Zoning By-law Amendment application is \$8,771.00 Your pre-consultation fee will be deducted from this.
- Future consent applications will be required to facilitate the lot creations. This process will occur after the Zoning By-law Amendment process. Staff note that approval of a Deeming By-law will be required to facilitate the proposed severances. This would be required as a condition of the consents.
- Staff note that the existing dwelling is contained on two of the six lots from the original plan of subdivision. The Applicant could avoid one of the five consent applications if they deem the two lots (Lots 14 and 15) through a Deeming By-law. This would de-register the two lots from the original plan of subdivision and allow them to merge in title. The

PRE-CONSULTATION AGREEMENT – COMMENTS

Applicant could then treat one of Lots 1 to 5 as the retained parcel, and apply for four consent applications following the Zoning By-law Amendment. Eliminating one severance application would result in some cost savings associated with conditions of consent including cash-in-lieu of parkland dedication, street trees etc. The fee for a Deeming By-law is \$618.00.

Submission Requirements for the Zoning By-law Amendment application:

- Submission of a Planning Justification Report (PJR), prepared by a Registered Professional Planner, that speaks to the compatibility of the proposed lots, zoning and resulting built form with the surrounding area. A document containing guidelines for the PJR is attached for review;
- Renderings and elevations of the proposed development; and
- Submission of a consent sketch, prepared by an Ontario Land Surveyor, that shows building envelopes for existing and proposed dwellings, all setbacks to proposed and existing property lines, and conceptual driveway locations. Please also show the location of trees within the Town's Road Allowance and the daylighting triangle, and note if there are any existing structures to be removed.

Servicing: Jeremy Korevaar (jkorevaar@forterie.ca or 905-871-1600 ext. 2505)

Conditions of Consent:

- A grading plan is required encompassing all proposed lots. (Thorough investigation by the applicant and surveyor should be undertaken prior to making application to fully grasp the implications of providing adequate drainage for the proposed lot(s). Consideration must be made that expenses such as installation of catchbasins and underground pipes may be required.)
- A tree contributed fee is required, \$500 per tree and it is one tree per newly created interior lot and 3 trees per newly created corner lot. Depending on how the application is brought forward will determine the final tree fee
- A 7.0 m by 7.0 m daylighting triangle is required at the south west corner of lot 4.

Additional Comments:

- As the proposed semi-detached dwelling is proposed on 1 lot, Town standards would only allow one water service and one sanitary lateral to this proposed lot (town records show that this vacant lot has existing services to the property line). Therefore, a meter pit at the property line would be required for the water service, then it could split to two separate lines once inside the private property. The sanitary lateral would be one lateral in the road allowance and then split once inside private property. If in the future the lot for the semi-detached dwelling was to apply for a consent to separate the semi-detached dwelling, the servicing would be required to be separated (cannot have shared servicing) and contained within their respective lots as a condition of that consent application. In addition, the existing sanitary sewer only fronts a small portion of the proposed semi-detached lot and it may require a sanitary sewer extension depending on the exact location of the sanitary sewer in relation to the proposed lot, this would be a condition of that consent application. Further details on the sanitary sewer extension and separating the servicing would be provided at the time of that consent. All cost associated with the above works are borne to the application/owner. It is highly recommended that the

PRE-CONSULTATION AGREEMENT – COMMENTS

application/owner contact Jeremy Korevaar to discuss the possible required sanitary sewer extension if the plan is to separate the semi-detached dwelling.

- Town records for the water services and sanitary laterals have been provided, as well as a sanitary drawing, this may help with determining where the sanitary sewer location would be in relation to the proposed semi-detached dwelling and if a sanitary sewer extension would be required for a future consent of the proposed semi-detached dwelling. Please note that the user of this information must verify it for completeness and accuracy prior to use.
- Servicing is the owner's expense
- A road widening is not required
- A streetlight fee is not required

Community & Neighbourhood Planning: Pieter Wasserman
(pwasserman@forterie.ca or 905-871-1600 ext. 2503)

Condition of Consent:

- A Payment of 5% of the appraised value of the 5 new units to "The Town of Fort Erie", in lieu of dedication of land for park purposes. This is as per By-Law No. 69-08 Parkland Dedication or Payment of Cash-In-Lieu as a Condition of Development or Redevelopment, Part 4 – Parkland Dedication, 4.1, b. in the case of consent or subdivision.

Economic Development & Tourism Services: Deanna Allen (dallen@forterie.ca or 905-871-1600 ext. 2252)

- No comments

Committee of Adjustment: Breanna Antonio (bantonio@forterie.ca or 905-871-1600 ext. 2508)

- The Final Consent Certificate (required to sell or build on lots) will be issued once the provisional conditions of the consent are approved and cleared by staff/agencies and must be fulfilled within two years of the Decision of the Committee of Adjustment.
- Common conditions of final consent certificate approval are noted in this agreement (final consent certificate fee, reference plan, tree contribution fee, 5% cash-in-lieu of parkland dedication etc.) and will be noted on the report provided to the Committee of Adjustment and to the applicant one week prior to the hearing.

PLEASE NOTE:

- Applicant is required to submit a consent sketch prepared by an OLS and is to include lot size, lot coverage, front, rear and side setbacks, ALL existing and proposed building and structure dimensions in metric (dwelling, accessory buildings, a/c units, etc.) to meet required zoning requirements and as noted on Page 2 of the Consent application along with the proposed location of any driveways and the location of municipal trees.
- Please proceed with your Zoning By-law Amendment application prior to submitting your consent applications.

PRE-CONSULTATION AGREEMENT – COMMENTS

- It is recommended that the applicant review the following link for information on the consent process and to discuss any further questions with the Secretary-Treasurer directly, <https://www.forterrie.ca/pages/PreConsultationandConsents>
- It is noted that the hearing/application submission schedule and process information can be found at <https://www.forterrie.ca/pages/CommitteeofAdjustmentHome>

Building Department: Keegan Gennings (kgennings@forterie.ca or 905-871-1600 ext. 2515)

- If the garage with the dwelling unit above is to be demolished then a DC credit will be available
- Servicing of the semi may be an issue – single service per property
- Street trees along Prospect may limit the location of driveways and access to lots - street trees are to be noted on site survey

Fire Department: Robert Kirk (rkirk@forterie.ca or 905-871-1600 ext. 2606)

- No comments

Niagara Peninsula Conservation Authority (NPCA): Sarah Mastroianni (smastroianni@npca.ca)

- No comments

Canadian Niagara Power Inc. (CNPI): Shehraz Mustafa (shehraz.mustafa@cnpower.com)

- No concerns

Niagara Parks Commission (NPC): Ellen Savoia (esavoia@niagaraparks.com)

- No comments

Niagara Region: Alexander Morrison (alexander.morrison@niagararegion.ca)

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): Settlement Area
- Growth Plan: Delineated 'Built-Up' Area
- Regional Official Plan (ROP): Urban (Built-Up) Area

Planning Comments

- Regional staff do not object to the proposal, in principle, as it aligns with the intent of Provincial and Regional urban area policies, subject to the comments below.
- The proposed development will contribute to the diversification of housing supply (semi-detached) in Niagara and will support the Town in achieving its intensification target (15%) as set out in the ROP.
- The proposal will make better use of existing urban lands with available municipal servicing.

PRE-CONSULTATION AGREEMENT – COMMENTS

Archaeological Resources

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits a low potential for the discovery of archaeological resources, as it's not within 300m of any registered archaeological sites, nor natural watercourse features. Further, the lands are mapped outside of the Town's identified areas of "Archaeological Potential" as shown in the Town's Official Plan Schedule D.
- Regional staff does not offer any archaeological requirements for the proposed Applications. Town staff should be satisfied that any local archaeological provisions for the proposed applications are met.

Environmental Comments

- The property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with ROP Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of alteration and/or development within 50m of Significant Woodland.
- The proposed development is within the above-noted setback. As such, a Terms of Reference for a scoped EIS should be developed consistent with ROP Policy 7.B.2. Staff is available to visit the site to confirm our requirements – please contact Adam Boudens (adam.boudens@niagararegion.ca).
- Staff note that a Terms of Reference was approved for the property to the north containing the majority of the woodland.

Transportation / Roads

- Hazel Street (Local).
- Prospect Point Road North (Local)

Servicing

- Water: 150 D CI (Local)
- Sanitary: 200 D AC (Local)
 - If new municipal sewers are required, then approval through either the existing Transfer of Review Environmental Compliance Approval (ECA) Program or the new Consolidated Linear ECA Program is required.

Stormwater Management

- Regional staff offer no stormwater comments due to the location, scope, and nature of the proposal.

Waste Collection (Low Density Residential - per property)

- Recycling blue / grey bins or containers – no limit (weekly collection)
- Green organics bins or containers – no limit (weekly collection)
- Garbage / waste bags or cans – 2 maximum (bi-weekly collection)
- Curbside collection only

Required Studies for Regional Review

- Environmental Impact Study (with scoped Terms of Reference)

Regional Review Fees

The Region's 2022 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

- Minor Environmental Impact Study (\$1,165).
 - A Terms of Reference Review amount of \$415 will be deducted from the EIS Review amount once the EIS is complete.

PRE-CONSULTATION AGREEMENT – COMMENTS

- Zoning By-law Review (\$1,345).
- Consent Review within the Urban Area (\$645) - typically this fee is per Consent Application; however, Regional staff will confirm the total consent fee amount upon circulation and review of the applications. A single consent fee, at minimum, is required.

Application Fees:

Note: please contact the Town for submission details and current fees when ready to proceed

Application	Town of Fort Erie	Niagara Region	NPCA	Other
Major Zoning By-law Amendment (ZBA) x 1	\$8,771.00	See listed in section above	N/A	
Residential Consent x 4 or 5	\$1,436.00 per lot			
Pre-Consultation Fee Deduction	- \$894.00 for ZBA - \$238.00 for consent			
Other				
Total	\$7,877.00 for ZBA \$5,506.00 or \$6,942.00 for consent			

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Additional fees may be required at a later date based on the fee schedule by-law.
- Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.
- The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and

PRE-CONSULTATION AGREEMENT – COMMENTS

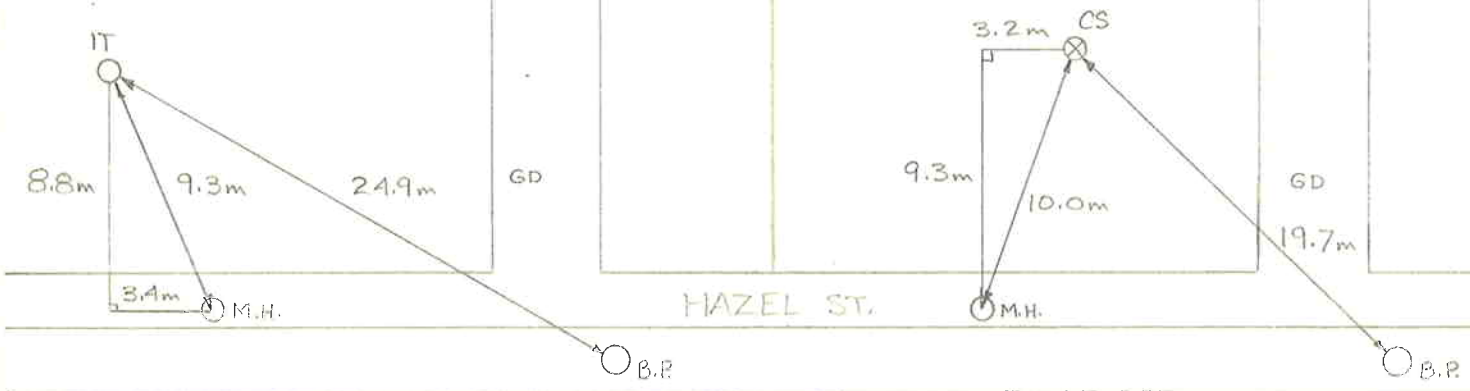
should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.

- e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.
- f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- g) All reports, documents and drawings must be submitted in paper and digital (i.e. PDF) form.
- h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
- i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
- j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.
- k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.

3610

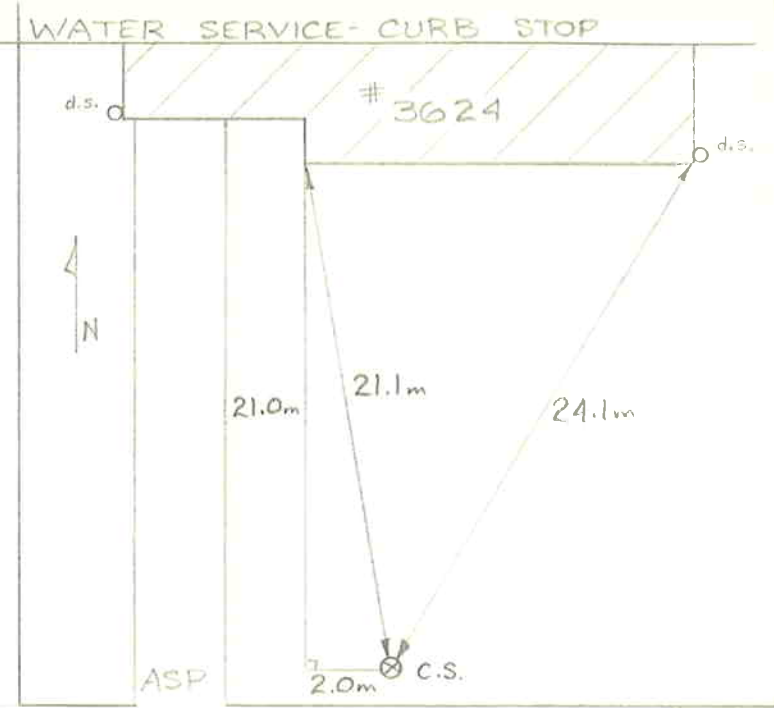
3610

APPENDIX III



SNOW FRED GEORGE
 3610 HAZEL ST
 RIDGEWAY ONT
 LOS1N0 020 014 01500 0000 0

APPENDIX III



HAZEL ST.

YOUNG ELIZABETH
3624 HAZEL ST
RIDGEWAY ONT
LOSINO 020 014 01600 0000 9

APPENDIX III



NOTE:
THE POSITION OF POLES, MANHOLES, WATERMANS, SEWERS AND OTHER
UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY



GUIDELINES FOR THE PREPARATION OF PLANNING JUSTIFICATION REPORTS AND PLANNING JUSTIFICATION BRIEFS

PURPOSE:

The purpose of this document is to provide guidance for the preparation of Planning Justification Reports and Planning Justification Briefs. Planning Justification Reports are required to accompany submissions of development related applications such as Official Plan and Zoning By-law Amendment applications and Draft Plan of Subdivision/Condominium applications and sometimes Site Plan applications. Planning Justification Briefs are typically required for less complex applications.

All reports shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a report being considered unsatisfactory and submitted applications being deemed incomplete.

The goal of the Reports is to provide background context of the proposal, an overview of the purpose and effect of the applications(s), and provide a professional planning rationale for the application by demonstrating how the proposal is consistent with provincial policy and conforms to applicable planning policy documents and good planning principles.

All reports must indicate the author of the report, and be signed by a Registered Professional Planner (RPP). A Candidate Member (defined by the Professional Standards Board) or a Certified Planning Technician (CPT) may also prepare the report; however it must be signed and reviewed by an RPP

Reports will vary in content and detail depending on the nature and complexity of the proposal and applications being sought, however all reports must include the following:

- Introduction
- Site context
- Description of the proposal
- Policy and planning analysis
- Summary and conclusions
- Appendices/maps/plans

Planning Justification Reports:

The framework for a Planning Justification Report is based on the following:

A. Introduction

Every report must contain a brief introduction which outlines:

- Who was retained to write the report, when and by whom
- What applications(s) have been submitted or are required to support the proposal
- Date of the pre-consultation meeting(s)
- A statement of the purpose of the report

B. Site Context

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and the surrounding area. This section of the report contains:

- A description of the location, existing condition and existing land uses of the subject lands
- A description of the surrounding land uses and important features such as roadways, significant buildings/features or characteristics of the area
- Identification of constraints affecting the site such as hazards, natural heritage features, access restrictions, servicing restrictions, cultural restrictions, etc.
- Identification of any lands of the site that may be regulated by the Niagara Peninsula Conservation Authority
- Identification of any other known development proposals affecting the area
- Maps or reference to appendices that help provide context for the site and surrounding land uses, such as surveys, aerial photographs, site photos, maps, etc.

C. Description of Proposal

The description of the proposal is to provide detailed information to allow the reader to understand the purpose and outcome of the application(s). This section of the report must provide details about proposed uses, proposed buildings and siting, if known, the planning history of the site (i.e. previous applications), identification of how the lands will be serviced and any previous consultations with the Town, Region and Conservation Authority.

Where modifications to the Official Plan are proposed, a detailed description of the proposed amendment and proposed modification should be included.

Where modifications to the Zoning By-law provisions are proposed, a detailed concept plan should be provided illustrating all applicable zoning regulations, (i.e.

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lot frontage, setbacks, coverage, encroachments, building height, parking (number and size of parking spaces, and driveway aisles), etc.).

The description of the proposal will also list and provide a brief description of other technical supporting studies that have been submitted as a part of a complete application, in support of the application(s) and how these relate to applicable planning policies (i.e. Traffic Impact Studies, Noise and Vibration Assessments, Archeological Studies, Functional Servicing Studies, Urban Design Brief, etc.).

D. Policy and Planning Analysis

The policy and planning analysis is the basis for establishing why a proposal should be considered and approved. The analysis must provide an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the proposal. The analysis must establish a basis for the application(s) by providing detailed analysis of the identified relevant policies and explain how the proposal conforms to the policies. Where changes to the Official Plan and/or Zoning By-law are proposed, the analysis must discuss the appropriateness of the requested amendments, including the policy basis for any requested modifications that are specific to the proposal. The following planning documents must be addresses as part of the policy and planning analysis:

1. Provincial Policy and Legislation
 - Provincial Policy Statement
 - Growth Plan for the Greater Golden Horseshoe
2. Municipal Policy
 - Region of Niagara Official Plan
 - Town of Fort Erie Official Plan
 - Council Approved Guidelines an Studies
3. Zoning By-law

If during the pre-consultation meeting specific policies were identified that need to be addressed in the Planning Justification Report, the policy and planning analysis should include an analysis of those specific policies and discuss how the proposal is supported by those specific policies.

The policy and planning analysis section is intended to provide a rationale and opinion as to why the proposal is appropriate, in terms of how the proposal addresses good planning principles. This may include a discussion of how the proposal contributes to creating complete, vibrant communities; and /or how potential negative impacts have be mitigated or avoided.

The analysis should also include a summary of the findings of other technical supporting studies that make up a complete application and discuss how the findings of these studies are supported by the policy context and strengthen the proposal greatly.

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Applications which propose residential uses must provide an analysis of proposed densities and unit counts compared to the requirements in the applicable policy documents and demonstrate how the proposed density is in conformity with Provincial and/or municipal plans.

In some cases policy documents or zoning by-laws affecting lands may have been adopted or approved by Council, but are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. The Planning Justification Report should address the policies in the documents as part of the planning analysis and identify changes are needed if the document or zoning by-law were in effect.

E. Summary and Conclusions

This section of the Report will provide a summary and concluding remarks outlining:

- The purpose and effect of the application(s), including why the requested amendments(s) are necessary
- A summary of the key relevant plans and policies and how they are being addressed
- A summary of the key merits of the application and
- Final recommendations

F. Appendices/Maps/Plans

The following visual aids and/or appendices are typically included in Planning Justification Reports and should be included where applicable:

- Maps, including aerial photographs, land parcel mapping and surveys
- Street level photographs/renderings of the land subject to the proposed application(s)
- Official plan maps of land use designations
- Zoning maps
- Concept plans or site plans
- Official Plan amendment sketch and copy of Official Plan amendment
- Zoning By-law amendment sketch and cop of Zoning By-law amendment
- Draft plan of subdivision
- Supporting technical studies

Planning Justification Briefs:

For less complex proposals a Planning Justification Brief may be requested instead of a full Planning Justification Report. A Planning Justification Brief may be included as a covering letter for a formal application or as a short report. The Planning Justification Brief should give a summary of the proposal, outline merits of the proposal based on good planning principles, explain briefly how the proposal is consistent and conforms to

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Provincial, Regional and Town policy plans and documents, and for minor zoning or official plan amendments the brief should address the policies in the Town's Official Plan Section 13.7 III. The requirement for a Planning Justification Brief will be determined on a case by case basis at the pre-consultation meeting.

Planning Justification Briefs must include at a minimum:

- A description of the proposal and site context
- A summary addressing how the proposal meets the general intent of provincial, regional and municipal policies specific to the lands
- A summary of how the proposal is consistent with good planning principles



The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2022

**Being a By-law to Amend Zoning By-law No. 129-90
3610 Hazel Street
Rita and Salvatore Visca – Owners
Robert Martin - Agent**

Whereas an application was received from Robert Martin, (Agent) on behalf of Rita and Salvatore Visca (Owners) to amend the Town’s Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 3610 Hazel Street and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on MM-DD-YYYY, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-XX-2022 considered and approved at the Regular Council meeting held on MM-DD-YYYY;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” from “Residential 1 (R1) Zone” to “Residential 3 (R3) Zone”; and “Residential 2A (R2A-XXX) Zone.”
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this X day of X, 2023.

Mayor

Clerk