

PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT & PLAN OF SUBDIVISION

FEBRUARY 23, 2022

726 GORHAM ROAD FORT ERIE, ON



— Approx. Subject Property Boundary

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1.0 Introduction:

Urban in Mind has been retained by the Owner of **726 Gorham Road** to obtain municipal approvals for a **Zoning By-Law Amendment** and **Draft Plan of Subdivision** applications to permit the construction of 7 new single-detached dwellings in character with the surrounding development of the adjacent neighbourhood. The existing single-detached building is to remain on the site, however the attached garage, side-yard porch and storage shed located behind the dwelling will all be demolished. In total there are planned to be 8 single-detached lots once developed.

1.1 Purpose of this Report:

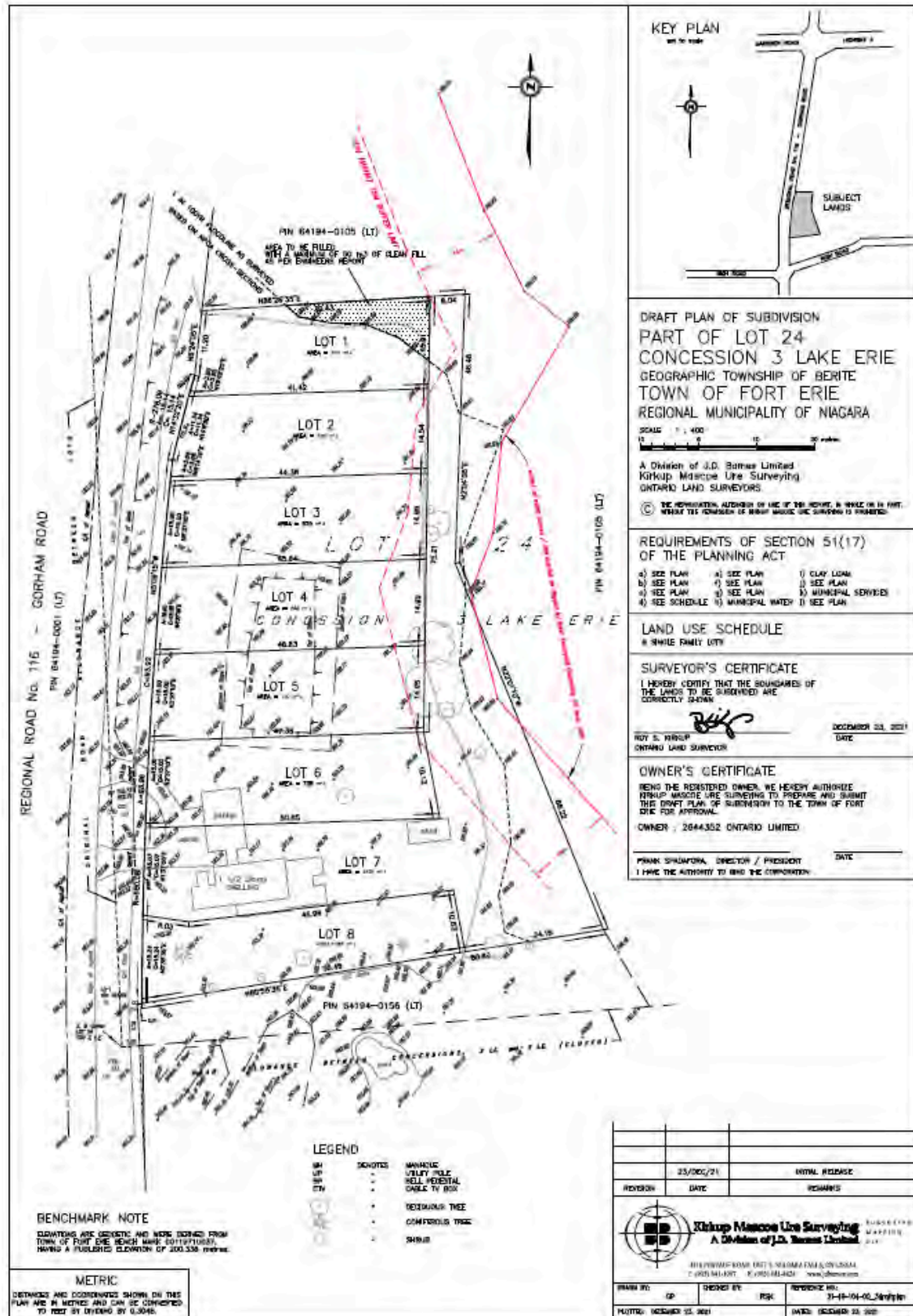
The purpose of this report is to outline the proposed planning applications and to evaluate the proposal in context with the applicable planning policies, thereby providing for a sound justification for the approval of the proposed Zoning By-Law Amendment and Draft Plan of Subdivision applications.

2.0 SUBJECT PROPERTY AND SURROUNDING AREA:

2.1 Site Overview

The subject site is legally described as CON 3 LE PT LOT 24 RP 59R436 Part 2 and municipally known as 726 Gorham Road in the Town of Fort Erie (Ridgeway), (“the subject property”). The subject property is located on the east side of Gorham Road, and just north of Nigh Road. The site has a total lot area of 6807 m² (0.68 ha/1.68 ac) and is entirely accessible from its frontage of 120.3 m (395 ft) along Gorham Road. While there are some discrepancies between the Town and Region’s mapping which seem to indicate that the northern extent of the subject property is located outside of the ‘Urban Boundary’, the planning staff at the Town of Fort Erie have confirmed the policy intent that the entirety of the parcel is interpreted to be within the ‘Urban Boundary’. The site is currently occupied by a single-detached dwelling and a storage shed. The current residence is serviced by an existing septic system. The rear of the property consists of a wall of mature trees and other vegetation which forms part of a larger woodland area that buffers the watercourse located to the rear of the subject property. The remainder of the site is vacant and largely underutilized, hence the reasoning for potential development.

Figure 1 – Current Survey of the Subject Property (Kirkup Mascoe Ure Surveying)



As shown in the Concept Site Plan Drawing (Figure 7), the filling that is being proposed at the northern extent of the property will move the 100-year floodline outside of Lot 1.

Figure 2 – Aerial View of the Subject Property (Niagara Region Navigator)



Figure 3 – Street View of of Subject Property



The immediate surrounding land uses include the following:

Figure 4: Abutting Property (**North & East**)

Figure 5: Abutting Property (**South**)

Figure 6: Across the Street, Opposing Side of Gorham Road (**West**)

Figure 4 – Abutting Property (North & East) (Niagara Region Navigator) (Google Maps, 2021)



Abutting the subject property directly to both the North and East, is **3800 Nigh Road** (Lot). 3800 Nigh Road is a residential property that encompasses a large number of trees which screens views of the existing dwelling and the watercourse from the Gorham Road streetscape.

Figure 5 – Abutting Property (South) (Google Maps, 2021)



710 Gorham abuts the subject property at its northern boundary. 710 Gorham Road contains a 1.5 storey single-detached dwelling, which sits on a corner lot at the intersection of Gorham Road and Nigh Road.

Figure 6 – Across the Street, Opposing Side of Gorham Road (West) (Google Maps, 2021)



The opposite side of the Gorham Road has a consistent streetscape of 1-storey single-detached dwellings - up until the end of the urban boundary before transitioning into rural/farm land.

2.2 Neighbourhood Character:

Due to its location at the far extent of the 'Urban Boundary', the subject property is within a transition area which includes a mix of low-density residential uses and farmland along with woodlands and other natural heritage features. The predominant built-form in the residential neighbourhood is the single-detached dwelling with building heights ranging between 1-2 storeys. There is a wide variety architectural styles and lot sizes found in the area, which reflects different periods of construction and development. Most of the houses have garages. There are no known listed or designated heritage properties within the site's immediate vicinity. The proposed development of single detached dwellings, although at a slightly higher density to reflect current provincial and regional planning polices within the Urban Area, fits well within this transition urban area.

2.3 Transportation:

The segment of Gorham Road which abuts the subject property is classified as a 'Regional Road' with an existing right-of-way width that ranges between 28 m – 32 m (approximate). There are no known planned right-of-way widenings that are anticipated to occur along the frontage of the subject property. Gorham Road is recognized as forming part of the Region's larger cycling and pedestrian network, which could be subject to future corridor improvements. The Town of Fort Erie has replaced its former public transit service with an on-demand transit operator that allows for travellers to book customized trips between Monday to Saturday from 6:00 a.m. until 9:00 p.m. There is a commercial area located to the south along Gorham Road that is within an approximate 1.2 km or 15 minute walk (5 min bike ride), and includes a grocery store, convenience store, LCBO and a few fast food restaurants. More shopping and community facilities are located along Ridge Road North. Since the private vehicle remains the primary mode of transportation in this area, parking requirements (as per the Zoning By-law) have been accounted for.

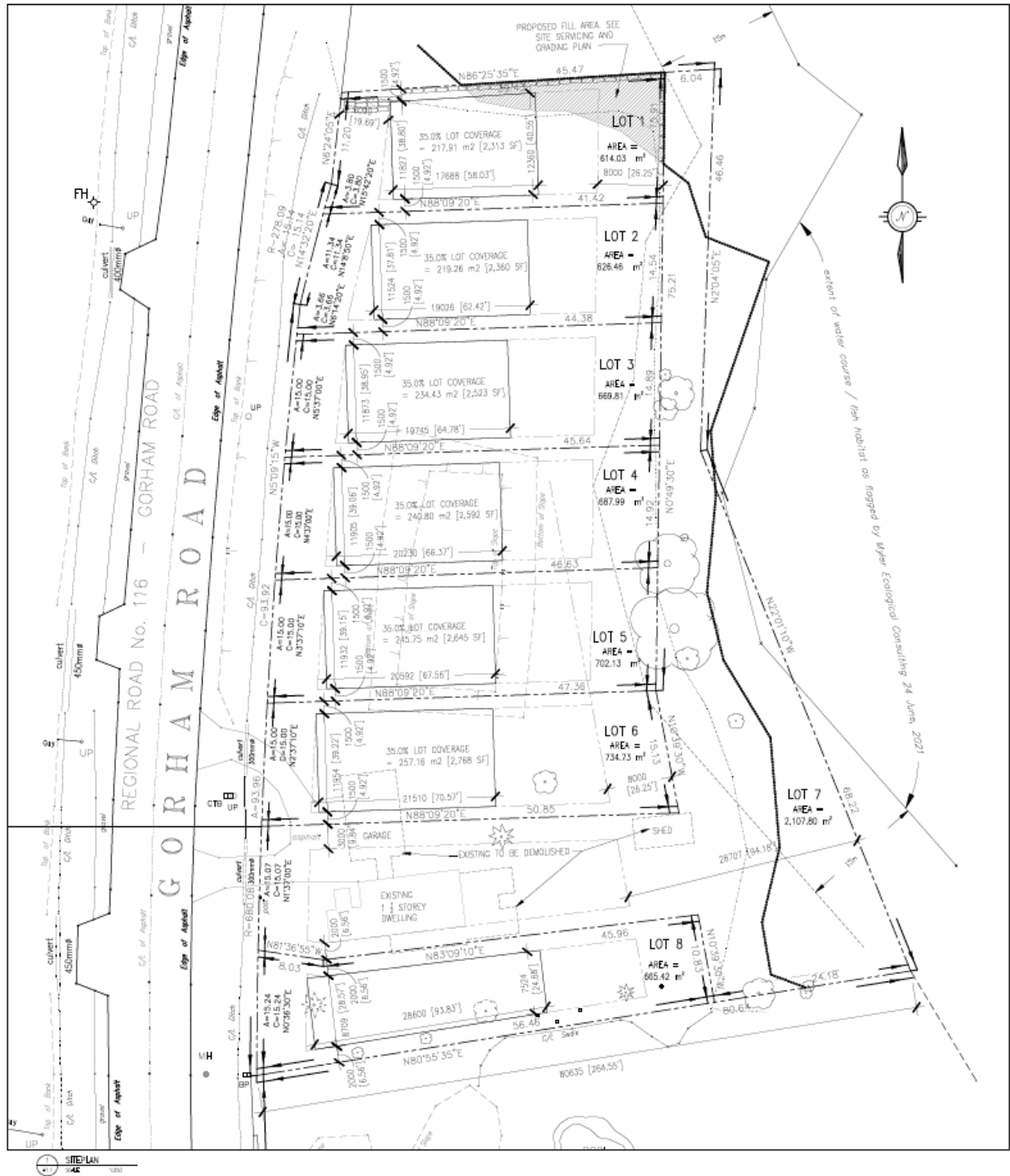
3.0 PROPOSED DEVELOPMENT AND PLANNING APPLICATIONS:

The following planning applications will be required to facilitate the proposed development which involves the creation of 8 single-detached lots (and the retention of the existing single-detached dwelling) via a Plan of Subdivision.

- Draft Plan of Subdivision
- Zoning By-Law Amendment

The specifications and drawings used to support each planning application are outlined below:

Figure 7 – Concept Site Plan (Dusan Supar)



The concept site plan shows building envelopes which reflects the maximum build-out area that is being proposed by the Zoning By-Law Amendment. The building footprints shown on the drawing are a representation of what 35% lot coverage could look like on each lot. Actual building footprints have not yet been determined.

Figure 8 – Zoning By-Law Amendment Map (Urban in Mind)



As a result of the proposed filling on the most northern lot (to be approved by the Conservation Authority), all hazard lands reflective of the floodplain are contained within one property. In addition all proposed building envelopes are outside any required buffer area.

3.1 Draft Plan of Subdivision:

The proposed subdivision layout will divide the subject lands into 8 single-detached lots, each with frontage and vehicular access on to Gorham Road. The existing single-detached building will remain on proposed **Lot 7**, however the attached garage, side-yard porch and storage shed located behind the dwelling will be demolished to provide for adequate interior side yards. **Lot 7** will also be much larger in size when compared to the others lots (2,107.80 m² vs 614.03 m²–734.73 m²) since it wraps around the entire rear extent of the subject property for the purpose of keeping all Niagara Peninsula Conservation Authority (NPCA) regulated lands within one lot (i.e. policy requirement). The NPCA regulated lands are associated with the 100-year flood line. A 15 m buffer from the watercourse is also required and as such, no proposed building envelopes are located in this area. Furthermore, a fill area of 50 sq.m and retaining wall will be added to the corner of **Lot 1** to move the 100 year floodline outside of the lot. An NPCA Fill Permit will also be required for this regrading. New water and sanitary extensions will connect all 8 lots to municipal services along Gorham Road. The existing septic tank and beds will be removed from the site. In the front of the site, stormwater will discharge into the ditch

along Gorham Road. While side/rear yard stormwater will be directed towards the proposed swales which will filter through the proposed bio-rain gardens before controlled out-letting into the creek.

Table 1: Draft Plan of Subdivision Specifications

Lot/Block	Area	Proposed Use	Frontage On
Lot 1	614.03 m ²	Single-Detached Dwelling Fill	Gorham Road
Lot 2	626.46 m ²	Single-Detached Dwelling	Gorham Road
Lot 3	669.81 m ²	Single-Detached Dwelling	Gorham Road
Lot 4	687.99 m ²	Single-Detached Dwelling	Gorham Road
Lot 5	702.13 m ²	Single-Detached Dwelling	Gorham Road
Lot 6	734.73 m ²	Single-Detached Dwelling	Gorham Road
Lot 7	2,107.80 m ²	Existing Single-Detached Dwelling to be Retained NPCA Regulated Lands	Gorham Road
Lot 8	665.42 m ²	Single-Detached Dwelling	Gorham Road

3.2 Zoning By-Law Amendment:

A Zoning By-Law Amendment (ZBA) with a Site-Specific Provision (for lot frontage) is required to fine-tune the site with new development standards that will accommodate a viable development that is both functional and appropriate for the lands. This ZBA will ensure a built form that is aligned with the intensification objectives of the provincial planning policies, while still maintaining compatibility with the surrounding built environment. The changes that are being requested to Zoning By-Law No. 129-90 include the following:

- **Lot 1 to Lot 8** shall all be rezoned from Residential 1 (R1) to Residential 2 (Special). The proposed 'R2 Special' Zoning will contain the same requirements of the 'R2' Zoning, with the exception of a Reduced Lot Frontage.
- The extent of the 'Hazard (H)' zone on **Lot 7** shall be modified to reflect the new 100-year flood line that will change as a result of the proposed filling that will occur on Lot 1.

Table 2: Proposed Zoning Conditions for Lot 1 – Lot 8

Regulations	Existing R1 Zoning	R2 Zoning	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Min. Lot Frontage	18 m	15 m	14.9 m	14.52 m	14.9 m	14.95 m	14.5 m	14.93 m	16.49 m	13.01 m
Min. Lot Area	600 m ²	510 m ²	614.03 m ²	626.46 m ²	669.81 m ²	687.99 m ²	702.13 m ²	734.73 m ²	2107.80 m ²	665.42 m ²
Max. Lot Coverage	Lot size < 600 m ² = 25 % Lot size 600 m ² – 800 m ² = 30% Lot size > 800 m ² = 35%	Lot size < 510 m ² = 30% Lot size 510 m ² – 700 m ² = 35% Lot size > 700 m ² = 40%	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform
Min. Front Yard	7.5 m	6 m	6 m	6 m	6 m	6 m	6 m	6 m	6 m	6 m
Min. Interior Side Yard	(i) 1.5 m for a one-storey dwelling (ii) 2.0 m for 2 storeys (iii) 2.5 m for 2.5 storeys (iv) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3 m	(i) 1.2 m for a one-storey dwelling (ii) 1.5 m for anything above a one storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	(iii) 3 m (North) 2 m (South)	N/A
Min. Interior Side Yard for Infill Lots	(iv) 2.0 m for a one-storey dwelling (v) 2.5 m for a 1.5 or 2 storey dwelling (vi) 3.0 m for a 2.5 storey dwelling (vii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3 m	(iii) 1.5m for a one-storey dwelling (iv) 2.0m for a 1.5 or 2 storey dwelling (v) 3.0 m for a 2.5 storey dwelling (vi) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3 m	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 m
Min. Rear Yard	10 m	8 m	8 m	8 m	8 m	8 m	8 m	8 m	94.18 m	8 m
Max. Height of Building	2.5 storeys 9 m	2.5 storeys 9 m	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	2 storeys 9 m
Min. Parking	1	1	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform	Will Conform

Infill Lot

According to the Zoning By-Law – **Lot 8** could technically be considered an “INFILL LOT” because “it abuts lots on both sides that contain dwellings that have existed for a minimum of 8 years”. As such, Lot 8 is subject to slightly different interior side yard setback requirements. Regardless, a Site Specific ZBA is the proper approach to resolve any deficiencies.

Lots with/without Garages

At this point in the process, the actual building designs have not yet been selected. However, for the purpose of evaluating interior side yard setbacks, it can be assumed that each of the buildings will have an attached garage except for the existing dwelling on **Lot 7** which is slated to have its garage demolished.

Building Height

All buildings will have a maximum height of 2.5 storeys and 9 m, except for **Lot 8** which is limited to a maximum building height of 2 storeys and 9 m due to the more stringent interior side yard setback requirements for infill lots.

The **JUSTIFICATION** for each of the proposed zoning conditions is outlined in Section 5.0 in this report

3.3 Impact of the Proposed Development:

The proposed Draft Plan of Subdivision and Zoning By-Law Amendment applications will result in the appropriate development of a largely underutilized parcel of land, by dividing the subject property into 8 single-detached lots. This will result in an increase of the number of dwellings on the lands from 1 to 8, as well as increase new housing opportunities within the ‘Urban Area’.

While the actual footprints of the new buildings have not yet been determined (i.e. will be done at Building Permit stage), there is enough space on the proposed lots to ensure general compliance with the R2 Zoning Standards (excepting minor lot frontage deviations), and the parking requirements of the Town’s Zoning By-Law. Furthermore, the new dwellings will help to promote the continuity of the Gorham Road streetscape, while also providing for new architecture that will blend in well with the evolving character of the neighbourhood. The proposed lot sizes, maximum building height (2.5 storeys) and built form (single-detached) are compatible with the surrounding built fabric and are generally consistent with the expectations for new residential development within this part of Fort Erie.

The proposed development will be connected to municipal water and sanitary services, thereby removing the existing private septic bed system from the site. Existing trees on the site shall be retained where feasible and accommodation will be made for the planting of new trees/landscaping where appropriate to replace any loss of vegetation that may occur. Future buildings/structures on the subject property will be located outside of the 100 year floodline and 15 m buffer from the watercourse/creek at the rear of the site.

Furthermore, the engineer has included bio-rain gardens into their design to increase stormwater filtration.

Overall, the subject property is a perfect candidate for infill due to its location within the designated urban area that has sufficient municipal servicing capacity. The proposed development will respectfully increase the number of housing options that are available within Ridgeway (Fort Erie) to accommodate the Town's growing population. It is expected that the new residents will also help to support local businesses and community organizations as well as the municipal tax base.

4.0 PLANNING POLICY AND REGULATORY FRAMEWORK:

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

"PART I PROVINCIAL ADMINISTRATION

Provincial Interest

- 2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,
- (a) the protection of ecological systems, including natural areas, features and functions;
 - (b) the protection of the agricultural resources of the Province;
 - (c) the conservation and management of natural resources and the mineral resource base;
 - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
 - (e) the supply, efficient use and conservation of energy and water;
 - (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - (g) the minimization of waste;
 - (h) the orderly development of safe and healthy communities;
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - (j) the adequate provision of a full range of housing, including affordable housing;
 - (k) the adequate provision of employment opportunities;
 - (l) the protection of the financial and economic well-being of the Province and its municipalities;
 - (m) the co-ordination of planning activities of public bodies;

- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

PART VI SUBDIVISION OF LAND

Plan of subdivision approvals

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (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;
- (f) the dimensions and shapes of the proposed lots;
- (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;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

- (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 or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).”

4.2 Provincial Policy Statement (PPS) (2020):

The Provincial Policy Statement (PPS) for the Province of Ontario was recently updated in May 2020. It provides the provincial policy direction on matters of provincial interest related to land development provided under Section 3 of the *Planning Act*. The goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Applicable policies from the Provincial Policy Statement have been included as follows:

“Part V: Policies

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a)** promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b)** accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- d)** avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e)** promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 - 1. municipal sewage services and municipal water services;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

2.0 Wise Use and Management of Resources

2.6 Cultural Heritage and Archaeology

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

4.3 Growth Plan for the Greater Golden Horseshoe (2019):

The Places to Grow Act, 2005, S.O. 2005, c. 13, is legislation that enables the “Growth Plan for the Greater Golden Horseshoe” policy. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a provincial policy that aims to control growth and development within the greater golden horseshoe area in a way that supports economic prosperity, protects the environment and improves the quality of life for all residents. The Growth Plan also encourages intensification by directing a significant portion of new growth to the built-up areas of communities, thus protecting agricultural areas from encroaching development and incompatible land uses.

The Growth Plan sets regional standards for growth and development that must be incorporated into municipal planning documents.

The subject property is defined as being within the 'Greenfield Area' designation (**Appendix 'A'**) of the Growth Plan.

Applicable policies from the Growth Plan have been included as follows:

"2 Where and How to Grow

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
 - a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
 - c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iv. areas with existing or planned public service facilities;
3. Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:
 - b) be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;
 - c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;
4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - e) provide for a more compact built form and a vibrant public realm, including public open spaces;

- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and
 - d) planning to diversify their overall housing stock across the municipality.
3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

2.2.7 Designated Greenfield Areas

1. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:
 - a) supports the achievement of complete communities;
 - b) supports active transportation; and
 - c) encourages the integration and sustained viability of transit services.
2. The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:
 - a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, **Niagara**, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; and

3. The minimum density target will be measured over the entire designated greenfield area of each upper- or single-tier municipality, excluding the following:
 - a) natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;

3 Infrastructure to Support Growth

3.2 Policies for Infrastructure to Support Growth

3.2.1 Integrated Planning

1. Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
 - a) leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
 - b) providing sufficient infrastructure capacity in strategic growth areas;
 - c) identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and
 - d) considering the impacts of a changing climate.
3. Infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas. Priority will be given to infrastructure investments made by the Province that support the policies and schedules of this Plan.

4 Protecting What is Valuable

4.2 Policies for Protecting What is Valuable

4.2.7 Cultural Heritage Resources

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”

4.4 Niagara Peninsula Conservation Authority (NPCA):

The subject property contains lands that fall within the 100 year flood line, and are therefore regulated by NPCA (**Appendix ‘B’**). The watercourse is associated with a ‘Critical Fish Habitat’ and ‘Hazard Lands’ which are also recognized by the Town of Fort Erie Official Plan. A Conservation Development Permit has been or will be applied for to move forward with the proposed development, and includes different mitigation techniques that seek to address conservation related issues. As shown on the Concept Site Plan Drawing (**Figure 7 & 8**), all NPCA Floodplain Regulated Lands will be under the same ownership on Lot 7, thereby maintaining NPCA policy. In addition, all proposed

building envelopes have been designed to be fully outside of the NPCA Regulated areas (including any buffer areas). The engineer has also incorporated bio-rain gardens into the stormwater management design to help further purify rainwater.

4.5 Niagara Region Official Plan (1994):

The current version of the Niagara Region Official Plan (ROP) was granted approval by the Minister of Municipal Affairs in 1994. Since this time, the document has been amended several times over the years with the most recent consolidation being in 2014. The ROP is the leading planning document for guiding growth, land use and development on a regional scale for the 12 local municipalities in the Region which includes the Town of Fort Erie. The ROP contains broader planning objectives that are intended to be implemented by Local Official Plans (LOP). In addition, the ROP addresses certain policy matters that transcend local municipal boundaries. Compliance with the ROP should be sought for all planning applications.

The following 'Niagara Region Official Plan' designations apply to the subject property:

The subject property is located within Niagara's '**Designated Greenfield Area**' (**Appendix 'C'**).

As per the Region's Core Natural Heritage Mapping, the subject property contains lands that form part of a '**Potential Natural Heritage Corridor**' and '**Fish Habitat**' (**Appendix 'D'**).

The subject property is located within the '**Welland Gas field Potential Peat and Petroleum Resource Area**' (**Appendix 'E'**). However, no natural gas wells are located on the site and no known petroleum resource operations are located in immediate surrounding area.

The segment of Gorham Road that abuts the subject property is classified as a '**Regional Road**' and forms part of the '**Strategic Cycling Network**' (**Appendix 'F' & 'G'**).

The subject property is located within a '**Gateway Economic Zone**' (**Appendix 'H'**).

Applicable excerpts from the Niagara Region Official Plan are as follows:

“4 Managing Growth
4.A Shaping Growth in Niagara
4.A.1 Growth Management Objectives

The objectives of the Growth Management Policies of this plan are to:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas.

Objective 4.A.1.4 Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment,

the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land.

Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.

Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.

Objective 4.A.1.11 Prohibit the establishment of new Settlement Areas

Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

4.B Population, Household and Employment Projections

4.B.1 Provincial Population and Employment Forecasts for Niagara

Policy 4.B.1.1 The Province of Ontario has identified the following population and employment forecasts for the Region in Schedule 3 of the Provincial Growth Plan for the Greater Golden Horseshoe:

Niagara Region, Population and Employment Forecast							
Population				Employment			
2001	2011	2021	2031	2001	2011	2021	2031
427,000	442,000	474,000	511,000	186,000	201,000	209,000	218,000
<i>Source: Schedule 3, Provincial Growth Plan for the Greater Golden Horseshoe, Ministry of Infrastructure (2006).</i>							

4.C Intensification and Greenfield Growth

Policy 4.C.5.1 Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses including residential, commercial, institutional, recreational, employment and other uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Areas as a complete community.
- c) Providing opportunities for integrated, mixed land uses.
- d) Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation within the area and to adjacent areas.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

- f) Ensuring that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans.

4.C.6

Greenfield Density Target

Policy 4.C.6.1

The Region will require a **minimum** combined gross density target of **50 people and jobs per hectare** across all Designated Greenfield Areas, excluding the following features within the Environmental Protection Areas and Environmental Conservation Areas in the Region's Core Natural Heritage System and any non-developable features designated in local official plans:

- a) Wetlands;
- b) Coastal wetlands;
- c) Significant woodlands;
- d) Significant valley lands;
- e) Areas of natural and scientific interest;
- f) Habitat of endangered species and threatened species;
- g) Publicly owned conservation lands;
- h) Significant wildlife habitat;
- i) Fish Habitat; and,
- j) Floodplain areas.

This policy establishes how density is to be measured in identifying Greenfield density targets and monitoring achievement of these targets. It is not intended to provide policy direction respecting the maintenance and enhancement of the natural environment or natural hazards.

4.G

Urban Growth Our Common Objectives

The following objectives are the basis for the policies in this Chapter of the Plan and should guide decisions related to land use planning, infrastructure development, natural and cultural resource management and fiscal planning:

- Objective 1** Build compact, vibrant, sustainable, integrated and complete communities.
- Objective 2** Plan and manage growth to support a strong, competitive and diverse economy.
- Objective 3** Protect, conserve, enhance and wisely use the valuable natural resources of land, air, energy and water for current and future generations.

Objective 4 Maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.

Objective 5 Provide flexibility to manage growth in Niagara in a manner that recognizes the diversity of communities across the Region within the framework set out in the Regional Official Plan.

Objective 6 Promote continued collaboration and cooperation among governments, institutions, businesses, residents, and not-for-profit organizations to achieve our Vision and the objectives of these policies.

4.G.1 Niagara's Urban Community Objectives

The objectives of the Urban Community policies are to:

Objective 4.G.1.1 Provide a framework for developing sustainable, complete communities.

Objective 4.G.1.2 Plan for all of Niagara's residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.

Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.

Objective 4.G.1.4 Develop a policy framework to ensure that, as urban development occurs, natural resources and ecosystem health and sustainability are maintained, enhanced or restored.

Objective 4.G.1.6 Promote and facilitate the revitalization and redevelopment of downtowns.

4.G.6 Settlement Areas

Policy 4.G.6.2 Urban Areas will be the focus for accommodating the Region's growth and development. Accordingly, neither the expansion of existing hamlet and village boundaries nor the establishment of new hamlets or villages is permitted.

4.G.7 Urban Areas

Policy 4.G.7.2 Urban Areas will be the focus of the Region's long term growth and development

4.G.8 Built-up Areas

Policy 4.G.8.1 Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of

residential and employment intensification and redevelopment within the Region over the long term.

4.G.9 Designated Greenfield Areas Policy

4.G.9.1 Designated Greenfield Areas are the lands within a settlement area that are not within the Built-up Area.

4.J Urban Design and the Public Realm

Policy 4.J.4 The Region encourages complementary private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

7. Natural Environment

**7.A A Healthy Landscape
Policies for a Healthy Landscape**

Policy 7.A.2 Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.

Policy 7.A.3 New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

**7.A.1 Natural Vegetation and Wildlife
Objectives**

Objective 7.A.1.A To conserve the natural beauty and distinctive character of Niagara's landscape.

Objective 7.A.1.B To maintain, enhance and restore natural vegetation and wildlife.

Objective 7.A.1.C To make green space and exposure to nature part of the day-to-day living environment.

**7.A.2 Water Resources
Objectives**

Objective 7.A.2.A To protect, improve or restore the quantity and quality of ground and surface water resources.

Objective 7.A.2.B To maintain or restore natural stream form and flow characteristics in the region's watercourses.

Policies

Policy 7.A.2.1 Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:

- a) The quantity and quality of surface and ground water;
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;
- c) The natural hydrologic characteristics of watercourses such as base flow;
- d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;
- e) Natural drainage systems, stream forms and shorelines; and
- f) Flooding or erosion.

Policy 7.A.2.2 Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.

Policy 7.A.2.9 Development and site alteration shall not have significant adverse impacts on ground water quality or quantity. In areas where development and site alteration could significantly affect ground water quality or quantity the Region shall require further review of potential impacts.

7.A.3 Air Quality and Climate Change

Air pollution is a significant health concern and affects agriculture, natural vegetation and wildlife. Climate change poses significant economic, environmental and health risks. Many of the activities responsible for greenhouse gas emissions also cause other forms of air pollution. Policies elsewhere in this Plan make a significant contribution to reducing emissions by:

- a) Promoting energy efficiency and alternatives to fossil fuel based energy in Regional facilities and operations;
- b) Emphasizing compact, mixed use development to reduce the need for travel;
- c) Supporting transit, walking and cycling;
- e) Promoting green space, tree planting and natural heritage conservation.

7.A.6 Natural Hazards Objectives

Objective 7.A.6.A To minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards.

Objective 7.A.6.B To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts.

Policies for Natural Hazards

Policy 7.A.6.1 Hazardous lands and sites shall be as identified and mapped by the Niagara Peninsula Conservation Authority. Where an application for development or site alteration is made and such mapping is not available the location and extent of hazardous lands or sites shall be as determined by the Conservation Authority after considering an appropriate study prepared and signed by a qualified engineer and submitted with the application.

Policy 7.A.6.4 Development and site alteration may be permitted within floodplains if it has been demonstrated to the satisfaction of the Conservation Authority that it is in accordance with the Conservation Authority's "Fill, Construction and Alteration to Waterways Regulation" (as amended) or its successor, and subject to the Conservation Authority's approval.

Policy 7.A.6.8 Where under this Plan development and site alteration may be permitted on portions of hazardous lands or sites the Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

- a) Development and site alteration will be in accordance with provincial floodproofing standards, protection works standards and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New on-site or off-site hazards will not be created or existing ones aggravated; and
- d) No adverse environmental impacts will result.

7.B The Core Natural Heritage System Objectives

Objective 7.B.1 To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape.

Policies

Policy 7.B.1.1 The Core Natural Heritage System consists of:

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
- b) Potential Natural Heritage Corridors connecting the Core Natural Areas;

- c) the Greenbelt Natural Heritage and Water Resources Systems;
and
- d) Fish Habitat

Policy 7.B.1.2 Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.

Policy 7.B.1.7 The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedule C. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan. In considering both refinements and significant modifications to the mapping or classification of features shown on Schedule C the Region shall consult with:

- a) the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
- b) the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat.

Policy 7.B.1.13 Where development or site alteration is proposed in or near a Potential Natural Heritage Corridor the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed. The Potential Natural Heritage Corridors are illustrated conceptually on Schedule C. The Region shall undertake a study to further define Corridors within the Core Natural Heritage System.

Policy 7.B.1.15 Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare

an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres

Agricultural cultivation does not require planning approval and is not subject to these requirements.

Policy 7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The Region shall encourage the local municipalities, the Conservation Authority and other appropriate public and private conservation organizations to assume ownership of these lands.

Policy 7.B.1.19 Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 7-1 the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the Regional Forest Conservation By-law and the local tree conservation by-law as appropriate and its implementation monitored by a member of the Ontario Professional Forestry Association.

8. Infrastructure

8.A Objectives for Infrastructure

Objective 8.A.2 To optimize the use of existing infrastructure.

Objective 8.A.3 To provide a framework where urban development occurs only in areas with full municipal services and where public/private utility infrastructure has or will be established to serve the anticipated growth and development.

Objective 8.A.4 To provide necessary public utilities in accordance with the servicing needs of existing and future development conforming to stated priorities and with economic, safety and environmental considerations.

Objective 8.A.6 To provide for the disposal and treatment of solid wastes in a manner which is economically, ecologically, and aesthetically acceptable.

8.B Water and Wastewater Systems

Policy 8.B.9 Municipal sewage services and water services are the required form of servicing for development in Urban Areas.

11. Housing and Community Services

11.A Residential Areas and Housing Policy

11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

11.A.2 The Region encourages the development of attractive, well designed residential development that:

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
- c) Emphasises the entrance and points of access to neighbourhoods.
- d) Is accessible to all persons.
- e) Incorporates the principles of sustainability in building design.
- f) Provides functional design solutions for such services as waste collection and recycling.
- g) Provides an attractive, interconnected and active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- i) Balances the need for private and public space.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
- k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.”

4.6 Town of Fort Erie Official Plan (2011):

The Town of Fore Erie Official Plan was approved in 2011. Since this time, the LOP has been amended several times over the years with the most recent consolidation being in 2021. The Local Official Plan provides policy direction on growth, land use and development on a more localized scale and is much more specific than the Regional Official Plan. Compliance with the LOP should be sought for all planning applications.

The following Town of Fore Erie designations apply to the subject property:

As identified in the Official Plan, the subject property is located within the ‘**Low Density Residential**’ & ‘**Environmental Protection**’ Land Use Designations (**Appendix ‘I’**).

As identified in the Official Plan, the subject property is located on lands with ‘**Archeological Potential**’ (**Appendix ‘J’**).

As identified in the Ridgeway-Thunder Bay Secondary Plan, the subject property is located within the ‘**Low Density Residential**’ & ‘**Environmental Protection**’ Land Use Designations (**Appendix ‘K’**).

As identified in the Ridgeway-Thunder Bay Secondary Plan, the subject property contains lands that from part of a ‘**NPCA Regulated Flood Plain**’ that encompasses ‘**Natural Hazards**’ and a ‘**Critical Fish Habitat**’ (**Appendix ‘L’**).

Applicable excerpts from the Town of Fort Erie Official Plan which includes the Ridgeway-Thunder Bay Secondary Plan are as follows:

“2. PURPOSE AND GOALS

2.3. GOALS AND OBJECTIVES

2.3.1. GENERAL

Goals:

- a. To maintain the unique character of the Town of Fort Erie as a municipality with many distinct communities and neighbourhoods;
- b. To encourage a reasonable balance within the Town of Fort Erie between housing and employment opportunities; and
- c. To accommodate population growth and future development in an orderly and efficient land use pattern.

Objectives:

- a. To establish an efficient, integrated land use pattern that will facilitate optimum growth for the Town of Fort Erie;
- b. To protect and enhance the irreplaceable scenic areas and physical resources (such as the Niagara River and Lake Erie shorelines, streams, agricultural lands and mineral aggregate and petroleum resources);

2.3.5. RESIDENTIAL

Goals:

- a. To accommodate population growth and future housing needs by providing for a full range of housing choices in terms of type, tenure and price available to accommodate persons with diverse social and economic characteristics, and needs;
- b. To facilitate the efficient use of community and engineering services and to ensure that development does not create an undue financial hardship on the municipality; and
- c. To foster and promote a sense of neighbourhood identity and to make neighbourhoods safe, energy efficient and well connected to everyday needs to reduce the need for the private automobile.

Objectives:

- a. To ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies;
- c. To ensure that the existing housing stock is maintained both qualitatively and quantitatively while accommodating infill, redevelopment and reuse;
- e. To ensure that future residential land uses are appropriately separated from incompatible land uses.

2.3.9. ENVIRONMENT

Goal:

- a. To provide present and future residents of the Town with a high quality living environment that protects and enhances natural heritage features, minimizes pollution of water, air and land resources and ensures good community planning and design;
- b. To protect and conserve significant natural heritage features and areas for the long term; and
- c. To maintain, and where possible restore or improve, diversity and connectivity of natural heritage features.

Objectives:

- a. To encourage the efficient use of land resources in the Town and to encourage the continuation of viable agricultural operations and conservation of the rural landscape;
- b. To identify Natural Hazard Areas for the protection of life and property;

- c. To ensure urban development is attractive and appropriately considers the protection of natural heritage features and functions from the site specific to watershed levels;

2.3.10. CULTURAL HERITAGE

Goal:

- a. To preserve and/or rehabilitate, research, interpret and promote, where feasible, those resources of built historic and architectural merit, archaeological significance, and movable and intangible heritage importance for the enhancement of community life and contribution to economic health.

2.3.12. TRANSPORTATION

Goals:

- a. To ensure communities and neighbourhoods function, and are properly connected to each other and employment centres, commercial areas and community facilities, with a safe and efficient transportation network that considers minimizing commuting time, as well as providing opportunities for public transit, walking and cycling; and
- b. The Town considers bicycling and walking essential components of a balanced, multimodal transportation network and will incorporate considerations for cyclists and pedestrians within an integrated land use and transportation planning process.

4. LAND USE PLAN AND POLICIES

4.7. RESIDENTIAL

4.7.1. GENERAL POLICIES

- l. New residential development within the urban area should proceed in an orderly phased manner to allow land and infrastructure to be used in an efficient manner. Infrastructure should not be extended through unplanned areas and residential development should be able to integrate with existing planned or developed areas.
 - a. To minimize land consumption higher residential densities are encouraged. Neighbourhood Plans may contain an overall gross density and a minimum net residential density for development; and
 - b. In urban areas the overall neighbourhood housing mix in established residential areas shall contain at least: Low Density 80%, Medium Density 10%, and High Density 10%. Alternatively, within greenfield and significant redevelopment areas the housing mix shall contain at least Low Density 70%, Medium Density 15%, and High Density 15%.

III. Residential intensification, infill development and redevelopment shall be encouraged in urban areas that have sufficient existing or planned infrastructure.

V. All new development shall be subject to the Servicing policies of this Plan. Where servicing capacity is limited Council shall give first consideration to affordable housing.

4.18. RIDGEWAY-THUNDER BAY SECONDARY PLAN

4.18.3. GOALS

The goal of this Plan is to build off the vision established, treating it as our benchmark, and to implement a policy framework that strives to achieve the complete community concept. These goals can be met by providing for a variety of residential densities, form and heights, commercial, mixed use and open spaces, while also protecting significant natural environments and introducing enhanced commercial permitted uses to expand the potential for employment type uses and opportunities. A complete community meets the diverse needs of its many residents and visitors including homeowners, businesspersons, shoppers, and tourists. The Plan shall seek to establish areas and opportunities for intensification in key locations within the neighbourhood, remaining sensitive to the needs of all neighbourhood residents, businesses and citizens of this Town. Furthermore, it will provide guidance/criteria for further residential intensification.

4.18.4. OBJECTIVES

The main objectives of the Ridgeway-Thunder Bay Secondary Plan are to:

- 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.
- b) Encourage development that supports long term sustainability and provides livable, renewable environments for its residents and businesses.
- d) Provide for a variety of housing alternatives at key locations throughout the neighbourhood with particular focus on intensification and provision for a full range of housing types in and around the downtown core area, along our primary transportation corridors and in locations that are well suited and served by our natural and open spaces areas, connected with pedestrian/trail networks and in proximity of recreational opportunities.
- e) 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.

- l) Provide a full range of housing choices that are coordinated with land use designations and densities that provide for suitable transition and gradation.
- m) Encourage development forms which are compact, to utilize urban land and services efficiently.
- n) Encourage land assembly that would result in more efficient and effective design.
- o) Promote conservation of natural areas together with sensitive development.
- q) Provide transit supportive design and density that will encourage and maximize ridership by making it convenient to access transit 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.
- 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.
- c) The Plan provides for initial areas of Low and Medium density residential that promotes age-in-place opportunities, meets provincial intensification targets, supports the Downtown village environment and walkable communities. Other locations for increased densities will only be considered by demonstration of land use compatibility and compliance with the criteria provided for under Sections 13.10.2 and 4.18.7d).
- 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.
- g) Only through development activity where an EIS has been required will actual development potential be confirmed. Recognition that impacts may affect ultimate unit yield shall be afforded to this Plan and the stated projections may change accordingly.

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.
- 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.
- 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.
- d) Areas of Low Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.18.12.3 of this Plan. Development, redevelopment or expansion to existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.

4.18.12.2. ENVIRONMENTAL PROTECTION AREA

- a) Environmental Protection Areas are comprised of Provincially Significant Wetlands (PSW’s) and lands subject to natural hazard conditions as described in Section 8.2.4.
- i) Natural Hazards are reflected on Schedules RTB-2 (contained within the Environmental Protection designation) and further broken down on Schedule RTB-3 and RTB-3a. The policies of Section 8 shall apply to Natural Hazards identified within the Ridgeway-Thunder Bay Secondary Plan Area.

4.18.16. MUNICIPAL SERVICES

- e) All new development shall require approval of storm water management plans and/or drainage plans from the relevant approval authority to ensure storm water is effectively and properly managed to mitigate or alleviate flooding of adjacent and downstream properties during storm events.

Additionally, engineering solutions for storm water management that improve infiltration and assist in improving groundwater quality and recharge will be considered relative to the feasibility and practicality of their implementation.

- g) All new development within the Secondary Plan Area shall be developed with full municipal services with exception of minor in-filling through consent on roads serviced by open ditch and rural cross section.

8. NATURAL HERITAGE

8.1. GENERAL POLICIES

- I. The Town promotes the protection and/or conservation and where appropriate the restoration and enhancement of Natural Heritage Features and Areas within and adjacent to its boundaries. In addition to implementing the policies of this Plan, the Town may use one or all of the following alternative means to protect these Features:

- d. Encouraging landowners to preserve or convey such lands to a public agency or land trust;

- V. The Town shall support landowner stewardship by:

- b. Encouraging restoration and conservation including the planting of native vegetation; and minor variance, a site plan control agreement, or an approval under a site alteration by-law may impact an Environmental Protection Area or certain Environmental Conservation Areas identified on Schedule "A" or Fish Habitat identified on Schedule "C1" and as outlined in greater detail by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS). The EIS shall be submitted with the application.

XXII. Where development or site alteration is approved in, or adjacent to, a natural feature new lots thus created shall not extend into either the area to be retained in a natural state or the buffer zone identified through an Environmental Impact Study. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The transfer of these lands to the Town, the Conservation Authority or another appropriate public or private conservation organization shall be encouraged. It should not be assumed that these lands will be accepted by the Town as parkland dedication however. Additional methods of protecting these lands such as conservation easements will be considered.

8.2. ENVIRONMENTAL PROTECTION AREAS

- I. Areas designated as Environmental Protection on Schedule “A” include Provincially Significant Wetland Areas, Areas of Natural and Scientific Interest, the Habitat of, Threatened, and Endangered Species, Species of Special Concern and Natural Hazard areas as identified on Schedules “C” and “C1”. It is the intent that lands designated as Environmental Protection will be protected from incompatible development by not permitting development or site alterations to occur within such designated areas.
- II. Uses that will be permitted within Environmental Protection Areas include: conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreational pursuits deemed to be appropriate by the Ministry of Natural Resources or other uses permitted by the Natural Hazards policies of this Plan.
- III. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.
- IV. Environmental Impact Studies (EIS) will be required for development or site alteration on lands adjacent to Environmental Protection Areas in accordance with the more detailed policies of this Section. The Regional Municipality of Niagara will be the agency responsible for approving an EIS on lands adjacent to Environmental Protection Areas in consultation with the Town, Niagara Peninsula Conservation Authority, and Ministry of Natural Resources, if necessary. Development on lands adjacent to a Natural Hazard Area may also require the approval of the Niagara Peninsula Conservation Authority.

8.2.4. NATURAL HAZARDS

The Natural Hazards section provides policies dealing with Hazardous Lands, which are property or lands that could be unsafe for the development due to naturally occurring processes. Natural Hazards may include flooding hazards, erosion hazards or dynamic beach hazards (which include Dune Protection areas). There are Natural hazards associated with Lake Erie shoreline as well as river and stream systems. Natural Hazards also include Hazardous Sites, which are property or lands that could be unsafe for development or site alteration due to naturally occurring hazards, such as unstable soils or unstable bedrock. I. The Natural Hazards for river and stream systems consist of the furthest landward limit of the flood hazard or erosion hazard limits. The one hundred year flood is used to define the flooding hazard within the Town of Fort Erie. The Natural Hazards associated with the Lake Erie shoreline represent the furthest landward limit of the flooding hazard, erosion hazard, wave uprush or dynamic beach hazard limit.

- I. The 1 in 100 year flood shall be used as the approved standard to define the flooding hazard for rivers and streams in the Town of Fort Erie. Where

no floodplain mapping is available and the NPCA has a flooding concern respecting a development application, the landowner will be required to determine the limits of the 1 in 100 year flood.

- IV. The main permitted uses in all areas shown on Schedule "C1" as Natural Hazard Areas, and designated on Schedule "A" as Environmental Protection may include passive non-structural conservation and resource management uses including flood and erosion control works, as well as minor additions, enlargements and reconstruction to existing uses, may be permitted in those portions of Natural Hazards areas (floodplains). It should be ensured that the effects and risks to public safety are minor so as to be mitigated in accordance with provincial standards as determined by the demonstration and achievement of: floodproofing standards, protection works standards, and access standards; safe access during times of flooding erosion or other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts, particularly water quality impacts will result. All development and site alteration must comply with the applicable regulations of the Niagara Peninsula Conservation Authority.

- VII. Natural Hazards areas shall be zoned in a separate classification in the Zoning By-law. The boundaries of the lands delineated on Schedules "C" and "C1" as Natural Hazard areas shall be used as guidelines for the zone boundaries in the Zoning By-law. When more detailed mapping becomes available it shall be incorporated by amendment into this Plan and/or the Zoning By-law, after consultation with the Niagara Peninsula Conservation Authority, Regional Municipality of Niagara and the Ministry of Natural Resources. Notwithstanding the Environmental Protection Designation, an appropriate zoning category will be applied to, or maintained for, existing development outside the 1in 100 year floodplain or backshore flooding areas that recognizes the existing and approved use of the lands.

8.3.5. VALLEYLANDS, STREAM CORRIDORS AND FISH HABITAT AREAS

- I. The Town will promote the protection and maintenance of all Valleylands and stream corridors as environmental corridors.

- IV. Many stream corridors, as well as larger water courses and water bodies contain important Fish Habitat. Schedule "C1" identifies the location of Critical Fish Habitat, as well as other Fish Habitat.

- V. Development and site alteration shall not be permitted in Fish Habitat or adjacent lands except in accordance with provincial and federal requirements and where there is no net loss of productive capacity. The proponent shall be required to prepare an Environmental Impact Study to the satisfaction of the Department of Fisheries and Oceans or its delegate.

VI. A naturally vegetated buffer area, of at least 30 metres in width from the stable top of bank will be required adjacent to Critical Fish Habitat. A minimum 15 metre vegetative buffer from the stable top of bank will be required adjacent to Important or Marginal Fish Habitat. A narrower buffer may be considered where the EIS has demonstrated that there will be no harmful alteration or destruction to Fish Habitat. For critical Fish Habitat a minimum 15 metre setback shall be required unless the development represents an expansion to an existing use.

Where development is proposed adjacent to a Municipal Drain, a buffer zone a minimum of 15 metres in width will be required for maintenance purposes and the functioning of the drain. A narrower buffer may be considered if determined appropriate by the Town and the Niagara Peninsula Conservation Authority.

VII. The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.

9. AIR, WATER AND ENERGY CONSERVATION

9.1. AIR QUALITY

- I. The Town shall support energy efficiency and improved air quality through land use and development patterns and transportation policies that:
 - a. Promote compact form and structure of nodes and corridors;
 - b. Promote the use of public transit and alternative and active transportation modes, such as walking and cycling within and between employment, service and living areas, through an Active Transportation Advisory Committee;
 - c. Improve the mix of employment and housing uses to shorten commute journeys; and
 - d. Promote designs that maximize the use of alternative or renewable energy sources.

9.2. WATER QUALITY AND QUANTITY

- IV. Development and site alteration should not negatively impact the quality and quantity, functions and characteristics of surface or ground water resources with respect to natural heritage areas, ground water recharge areas or essential well supplies of landowners.
- VI. A stormwater management plan and sediment and erosion plan, signed by a qualified professional engineer, shall be required with a development application depending on the scale of the development proposal and environmental conditions. The stormwater management plan shall demonstrate that vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services will be minimized. VII.

Stormwater management plans shall be prepared in accordance with current provincial planning and design standards and where an Environmental Impact Study (EIS) is being prepared for the development. The stormwater management plan shall be coordinated with and integrate any recommendations of an Environmental Impact Study, Environmental planning study or Watershed Plan.

12. SERVICING AND UTILITIES

12.1. GENERAL POLICIES

- III. All lands within the urban areas are to be serviced by municipal sanitary and water services. Existing private services within an urban area are permitted to continue until such time as municipal services are available.”

4.7 Town of Fort Erie Zoning By-Law No. 129-90:

According to the Town of Fort Erie Zoning By-Law No.129-90, the subject property is currently zoned as ‘**Residential 1 (R1)**’ & ‘**Hazard (H)**’ (**Appendix ‘M’**). To facilitate the proposed development, a Zoning By-Law Amendment will be required to rezone the residential lands to ‘**Residential 2 (R2 Special)**’.

Applicable excerpts from the Town of Fort Erie Zoning By-Law No. 129-90 have been included below:

“SECTION 5 - DEFINITIONS

5.172 “INFILL LOT” means a lot abutted on at least two sides by lots containing dwellings that have existed for a minimum of 8 years.

5.196 “LOT FRONTAGE” means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5 m back on a line perpendicular to a line joining mid points of front and rear lot lines.

SECTION 6 - GENERAL PROVISIONS

6.20 PARKING AREA REGULATIONS

(A) Every building or structure erected, enlarged or used in accordance with the provisions of this By-law, shall:

- (i) be provided with the required number of parking spaces specified hereunder;

TYPE OF USE	MINIMUM PARKING REQUIREMENT
RESIDENTIAL USES	
Residential (other than listed herein)	1 parking space per dwelling unit

(D) INGRESS AND EGRESS

- (i) Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m, where only one-way traffic is permitted and have a minimum width of 7.5 m but not more than 12m in perpendicular width where two-way traffic is permitted. In C2A, CMU2 and CMU4 Zones an access drive width of 3 metres to a rear parking lot that has 5 or less spaces, a 4.5 metre access drive width where 10 or fewer parking spaces are required and 6.0 metres where more than 10 spaces are required.

6.21 LANDSCAPING AND PLANTING STRIPS

(b) WIDTH

Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.

SECTION 10 - RESIDENTIAL 1 (R1) ZONE

10.2 PERMITTED USES

- (a) One single detached dwelling and uses, buildings and structures accessory thereto.
- (b) Home Occupations
- (c) Accessory Apartment Dwelling

10.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	18m 20m for a corner lot
Minimum Lot Area	600 sq. m.
Maximum Lot Coverage	Lot size < 600 sq m - 25 percent Lot size = 600 sq m 800 sq m - 30 percent Lot size > 800 sq m - 35 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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.
Minimum Rear Yard	10m
Maximum Height of Building	i) 2.5 storeys ii) 9m
Minimum Floor Area for Dwelling	(i) 1 storey dwelling 95 sq.m (ii) 1.5 storey or split level 135.0 sq.m. (iii) 2 or 2.5 storey 150.0 sq.m

10.4 ADDITIONAL REGULATIONS FOR DWELLINGS ON INFILL LOTS

Minimum Interior Side Yard	(iv) 2.0m for a one-storey dwelling (v) 2.5m for a 1.5 or 2 storey dwelling (vi) 3.0m for a 2.5 storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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SECTION 11 - RESIDENTIAL 2 (R2) ZONE

11.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (R2) zones.

11.2 PERMITTED USES

- (a) One single detached dwelling and uses, buildings and structures accessory thereto.
- (b) Home Occupations
- (c) Accessory Apartment Dwelling

11.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	15m 17m for a corner lot
Minimum Lot Area	510 sq. m.
Maximum Lot Coverage	Lot size < 510 sq m - 30 percent Lot size = 510 sq m 700 sq m - 35 percent Lot size > 700 sq m - 40 percent
Minimum Front Yard	6m
Minimum Interior Side Yard	(i) 1.2m for a one-storey dwelling (ii) 1.5m for anything above a one-storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces an exterior side lot line shall be located no closer than 6m to the exterior side lot line.
Minimum Rear Yard	8m
Maximum Height of Building	i) 2 storeys ii) 9m

11.4 ADDITIONAL REGULATIONS FOR DWELLINGS ON INFILL LOTS

Minimum Interior Side Yard	(iii) 1.5m for a one-storey dwelling (iv) 2.0m for a 1.5 or 2 storey dwelling (v) 3.0 for a 2.5 storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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SECTION 34 – HAZARD (H) ZONE

34.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply in all “Hazard (H) Zones” on Schedule “A”.

34.2 PERMITTED USES

- Agricultural uses except dwelling units, livestock operations or poultry operations and medical marihuana grow and production facilities
- Conservation and management of plant and wildlife.
- Control structures to prevent flooding and/or erosion by water or wind.
- Accessory buildings and structures associated with an existing use subject to approval from the Niagara Peninsula Conservation Authority.
- Uses permitted under the Niagara Parks Act, R.S.O. 1990 and amendments thereto in any successor legislation, or for Niagara Parks Commission purposes, only on lands under the jurisdiction of The Niagara Parks Commission

34.3 REGULATIONS

Minimum Lot Frontage	As existing or as created by consent
Minimum Lot Area	As existing or as created by consent
Maximum Lot Coverage	20 percent
Minimum Front Yard	10 metres
Minimum Side Yard	5 metres
Minimum Rear Yard	7.5m

34.4 REQUIREMENTS FOR CONTROL STRUCTURES

All Yards and Other Provisions	No municipal requirements except for compliance with the regulations of the appropriate federal and provincial government agencies
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34.5 REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES FOR

Maximum Building Height	i) 4.5 m ii) 1 storey
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34.6 REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURE FOR OTHER PERMITTED USES

Maximum Lot Coverage	20 percent
Minimum Front Yard	7.5 metres
Minimum Side Yard	5 metres
Minimum Rear Yard	7.5m
Maximum Building Height	i) 3 storeys ii) 12m

”

5.0 Planning Justification:

5.1 Planning Act, R.S.O. 1990, c. P.13:

The proposed Plan of Subdivision will result in the creation of eight (8) new residential lots within the Ridgeway Urban Area. This configuration meets the Provincial, Regional and Town growth and development objectives/policies given that there is municipal services available, and the overall size of the subject property can support multiple infill lots. Site layout and stormwater management have been considered and incorporated into the proposed lotting design. In addition, maintenance of a common ownership of floodplain lands has been included. As a result, the proposed subdivision plan will result in a functional and well-designed development that provides new housing opportunities for the area.

The proposed Zoning By-Law Amendment (from R1 to R2 zone) will facilitate an appropriate infill development given today's provincial, regional and local policy requirements. In addition the proposed site specific amendment will allow for a slightly reduced frontage given the current odd shape of the lot. The proposed development will support an orderly development with sufficient parking and landscaped open space within this section of the Ridgeway Urban Area.

As such, the proposed development conforms to the Planning Act.

5.2 Provincial Policy Statement (PPS) (2020):

It is the intent of the PPS to accommodate growth in a manner that promotes the efficient use of existing land and infrastructure to prevent land use patterns that would result in the unjustified expansion of settlement areas (1.1.1 d) (1.4.3 d). The proposed Plan of Subdivision and respective Zoning By-Law Amendment seeks to promote residential intensification on undeveloped lands within an existing settlement area that has enough servicing capacity to accommodate more development. The proposed development would provide new housing options to help meet the needs of current and future Fort Erie residents (1.4.3 b) 1.).

As such, the proposed development conforms to the Provincial Policy Statement.

5.3 Growth Plan for the Greater Golden Horseshoe (2019):

The primary focus of the Growth Plan deals with how and where to accommodate the forecasted population growth within the Greater Golden Horseshoe Area. The subject property is located within the Designated Greenfield Area of an Urban Area, which should be planned in a manner that promotes the achievement of complete communities, supports active transportation, and the sustained viability of transit services (2.2.7 1.). By increasing the number of people living within the area, the proposed development seeks to address each of these objectives while also supporting the Region in achieving their minimum density target (2.2.7 2. a) and providing new customers to local businesses. The proposed development is considered a form of residential intensification that will take place in an urban area that is well serviced by municipal infrastructure (2.2.1 3. b). The proposed development will also complete the visual aesthetics and overall vibrancy of the

Gorham Road 'Urban Area' streetscape, by introducing a new architecture to an underutilized lot (2.2.1 4. e). Furthermore, the proposed development will also provide for new housing options meet projected needs of current and future residents (2.2.6. 1. a i.).

As such, the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

5.4 Niagara Region Official Plan (1994)

According to the Niagara Region Official Plan, the subject property is located within the '**Designated Greenfield Area**', which is intended to make a significant contribution to the growth of the respective Urban Area as a complete community (4.C.5.1 b). The proposed development will help to contribute to the creation of a complete community by increasing the amount of housing options that are available within the area to meet the Greenfield Density Target (4.C.6.1). In addition, it will also provide for a more compact built form along Gorham Road to support a more aesthetically pleasing and pedestrian-friendly streetscape that will have a high level of visibility from the Region Road which also forms part of the larger Regional Strategic Cycling Network (11.A.2 j). The future buildings will not extend into any components of the Region's Natural Heritage System or their associated buffers. The creek located at the rear of the subject property has been identified as a 'Critical Fish Habitat', it's associated buffer will remain in a natural state, and be outside any building envelope. All lands located within the identified 100-year flood line (natural hazard) from the creek will be contained under the sole ownership of Lot 7 and rezoned accordingly under the Hazard (H) Zone (7.B.1.18).

As such, the proposed development conforms to the Niagara Region Official Plan.

5.5 Town of Fort Erie Official Plan (2011):

The subject property is located within the '**Low Density Residential**' & '**Environmental Protection**' Land Use Designations of the Town of Fort Erie Official Plan. The Official Plan promotes residential intensification, infill development and redevelopment in urban areas that have sufficient existing or planned infrastructure (4.7.1 III.) The Ridgeway-Thunder Bay Secondary Plan builds on this same principle by encouraging development forms which are compact, to utilize urban land and services efficiently (4.18.4. m). The proposed development will result in the creation of 7 new (and 1 retained) single-detached dwellings, which is considered a permitted built form under the Low Density Residential Designation (4.18.6 a). The plan also recognizes that new lower density development can be expected to comprise of smaller lot areas and dimensions which helps to justify the rezoning of the subject lands to allow for a reduced lot frontage (4.18.6 c). Future development on the proposed lots will remain outside of the 100-year natural hazard flood line and the 15 m buffer from the critical fish habitat located behind the subject property (8.2.4 I.) (8.3.5 VI.). Additional measures such as the incorporation of bio-rain gardens and the consolidation of all NPCA regulated floodplain lands onto one lot will be provided to promote the protection of the significant natural heritage features located behind the subject property (2.3.8 b.).

As such, the proposed development conforms to the Town of Fort Erie Official Plan.

5.6 Town of Fort Erie Zoning By-Law No. 129-90:

The proposed Zoning By-Law Amendment (R1 to R2) with a Site-Specific Provision (R2-XXX) will provide for a density and scale that is more in line with today's expectations for new residential infill development within urban areas. By rezoning the developable area on the property from 'Residential 1 (R1)' to 'Residential 2 (R2)', the owner will be able to divide the subject property into 8 single-detached lots that will maintain a size, frontage and built form that is generally compatible with the surrounding residential area. The proposed development will comply to all zoning requirements of the R2 Zone, except for the minimum required lot frontage due to the existing lots unique shape and location of existing dwelling. In addition, the proposed lots will still be able to meet the Lot Area and Building Height requirements of the R1 Zone. There will also be sufficient room on each lot to meet the parking requirements of the by-law. For the non-developable portion of the subject property (NPCA Regulated/Hazard Lands), the extent of the Hazard (H) Zoning will be modified to take into account the new 100 year floodline which will be slightly altered through site alteration (with prior NPCA approval) that will take place on rear corner of proposed Lot 1 (**Figure 8**). A detailed overview of the proposed Zoning By-Law Amendment is outlined in Section 3.2 in this report.

Justification for the changes that are being requested to the existing R1 zoning standards are listed below in accordance with the supporting drawings (**Figures 7 & 8**).

Reduced Minimum Lot Coverage

Existing R1 Zoning

Lot Size: 600 m² – 800 m² = 30%

Lot Size: > 800 m² = 35%

Proposed R2 Zoning

Lot size: 510 m² – 700 m² = 35%

Lot size: > 700 m² = 40%

Depending on the size of the lot, the R2 Zoning permits approximately 5% more lot coverage than the R1 Zoning. This small increase in permitted lot coverage allows for more appropriate sized homes (to meet today's market preference) to be built on the proposed new lots, thus providing the owner with more flexibility in determining building size. The building footprints that are illustrated on the concept site plan shows what achieving the maximum 35% lot coverage could look like, although Lot 5, 6, & 7 are permitted to build up to 40%. However, it is highly unlikely that any new building would use all 100% developable space, it more of a "build Within" area. Since building height will be restricted to a maximum of 2 – 2.5 storeys, it is more practical to have the opportunity for a slightly larger building footprint, to better match existing houses in the area.

Reduced Minimum Front Yard Setback

Existing R1 Zoning – 7.5 m

Proposed R2 Zoning – 6.0m

The R2 Zoning allows for dwellings to be situated 1.5 m closer to the street frontage when compared to what's permitted under the R1 Zoning. This reduction is appropriate for the lands because it will promote a more pedestrian-friendly streetscape, increase CPTED opportunities, and facilitate a visual Urban vs. Rural boundary separation. The segment of Gorham Road that abuts the subject property forms part of the wider regional cycling and pedestrian network, and closer building frontages will result in a more human scale pedestrian friendly streetscape. By allowing homes to be placed closer to the street, there are more opportunities for natural surveillance (CPTED) and social neighbour interaction. Furthermore, a 6.0 m front yard will provide for enough space to meet the Zoning By-Law's requirement of 1 parking space per dwelling (excluding any garage space). Finally, the reduced front yard setback will result in larger backyards (due to placement of buildings), and allow for adequate outdoor space for the residents.

Reduced Minimum Interior Side Yard Setback

Existing R1 Zoning

Non-Infill Lots: 2.0 m for 2 storeys & 2.5 m for 2.5 storeys

Infill Lots: 2.5 m for a 1.5 or 2 storey dwelling & 3.0 m for a 2.5 storey dwelling

Proposed R2 Zoning

Non-Infill Lots: 1.5 m for anything above a one storey dwelling

Infill Lots: 2.0 m for a 1.5 or 2 storey dwelling & 3.0 m for a 2.5 storey dwelling

Lot 1 – Lot 6 = The R2 Zone allows for a reduction of 0.5 m

Lot 7 = Complies with both the R1 & R2 Zoning.

Lot 8 (Infill Lot) = The R2 Zone allows for a reduction of 0.5 m for 2 storey dwellings

Given the odd lot shape of the existing property and location of existing dwelling (to be maintained), the proposed lot widths should be rezoned to R2 to allow for a reduction of 0.5 m from the minimum interior side yard setback requirements of the R1 Zone. This will allow adequate area to access the yards while providing for a more comfortable living accommodation that better address the demands of today's housing market. Although the building footprints have not yet been decided, the smallest interior side yard setback that can be provided is 1.5 m wide, which provides enough room for homeowners to access the rear yard with necessary lawn/garden equipment.

Lot 8 is technically considered an “**INFILL LOT**” (see zoning definition) and is subject to different interior side yard setback requirements. The building envelop that has been illustrated on the concept site plan for Lot 8, shows interior side yard setbacks of 2 m, which restricts building height to **2 storeys**. Whereas the others lot can be developed with **2.5 storey** buildings if the side yard setbacks are maximized.

Reduced Minimum Lot Frontage (R2 Special)

R1 Zoning	– 18 m
R2 Zoning	– 15 m
Proposed R2 Special Zoning	– 13 m

Due to the existing dwelling that is to be maintained, **Lot 7** will have a lot frontage of 16.485m which exceeds the minimum 15 m requirement of the R2 Zone. However, a Site-Specific Zoning By-Law Amendment is required in order to allow for a reduced lot frontage for the remaining lots. **Lot 1 – Lot 6** will have frontages that ranges between 14.524m to 14.954m which represents a 0.476m to 0.046m deviation from the required standard. **Lot 8** is considered an infill lot and is a direct result of maintaining the existing dwelling, and as a result will have a smaller lot frontage of 13.02 m. Again, this was done intentionally in order to ensure that the abutting dwellings could remain intact in an effort to preserve the existing housing stock, while creating a comparable infill lot. Given that the size of each proposed lot exceeds the lot area requirements, there is adequate room to support the slightly reduced proposed lot frontage. The proposed lot frontages are all similar to one another and will promote a more consistent streetscape that reflects the evolving character of Gorham Road at the conclusion/boundary of the designated 'Urban Area'.

As such the proposed Zoning By-Law Amendment meets the 'General Intent' of the Town of Fort Erie Zoning By-Law No. 129-90.

6.0 Conclusion:

Given the analysis presented in this Planning Justification Report, it is the Author's professional planning opinion as a Registered Professional Planner that there is merit to support the proposed planning applications because they are considered to be of '**Good Planning**,' in the '**Public Interest**', and in '**Conformity**' with the Planning Act, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan, & the Town of Fort Erie Official Plan while also meting the general intent of the Zoning By-Law No. 129-90.

As such, the proposed Draft Plan of Subdivision and respective site specific Zoning By-law Amendment should be approved.

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the *Ontario Professional Planners Institute Act, 1994*.



Terrance Glover, RPP, CPT

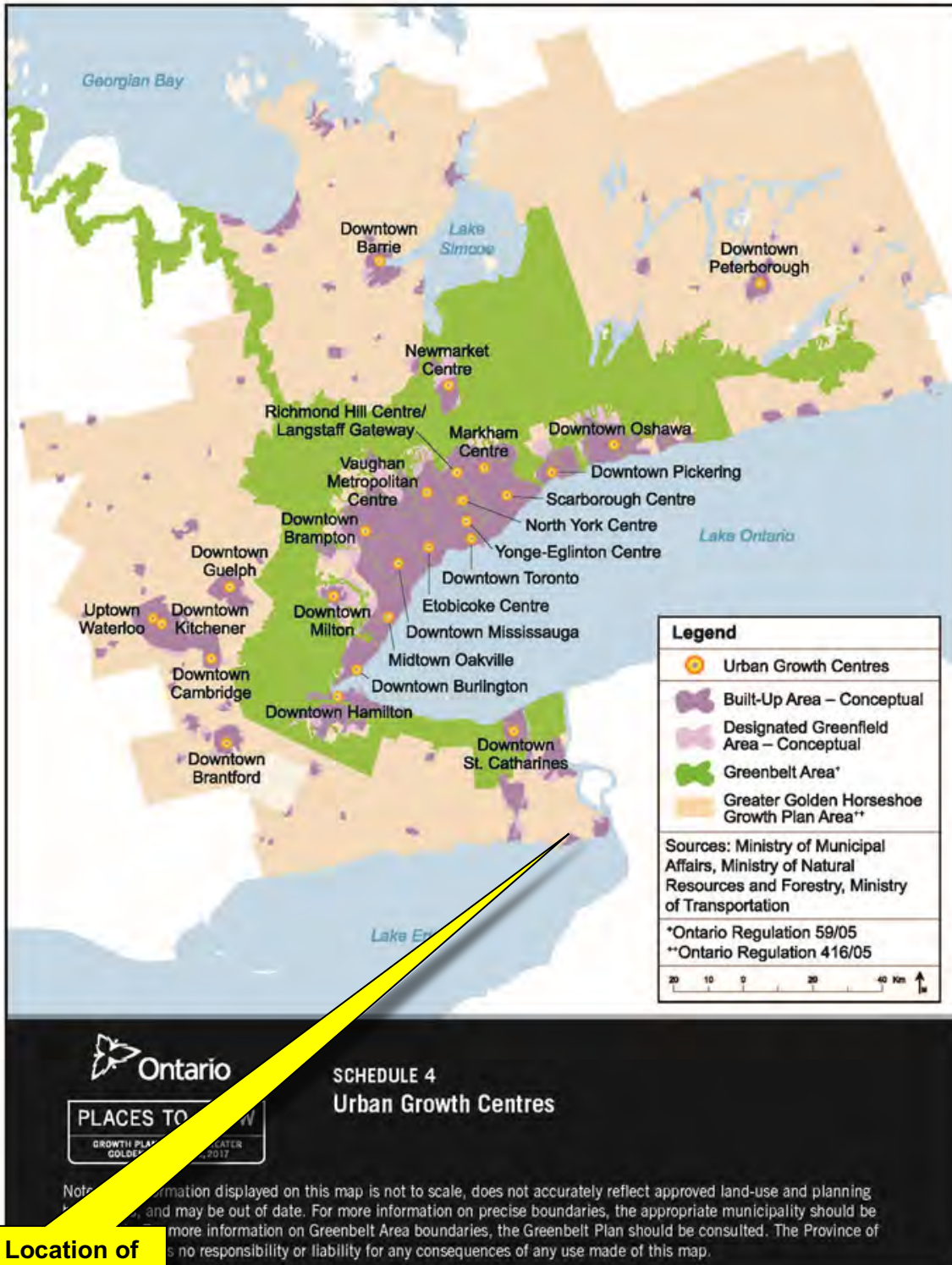
Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants



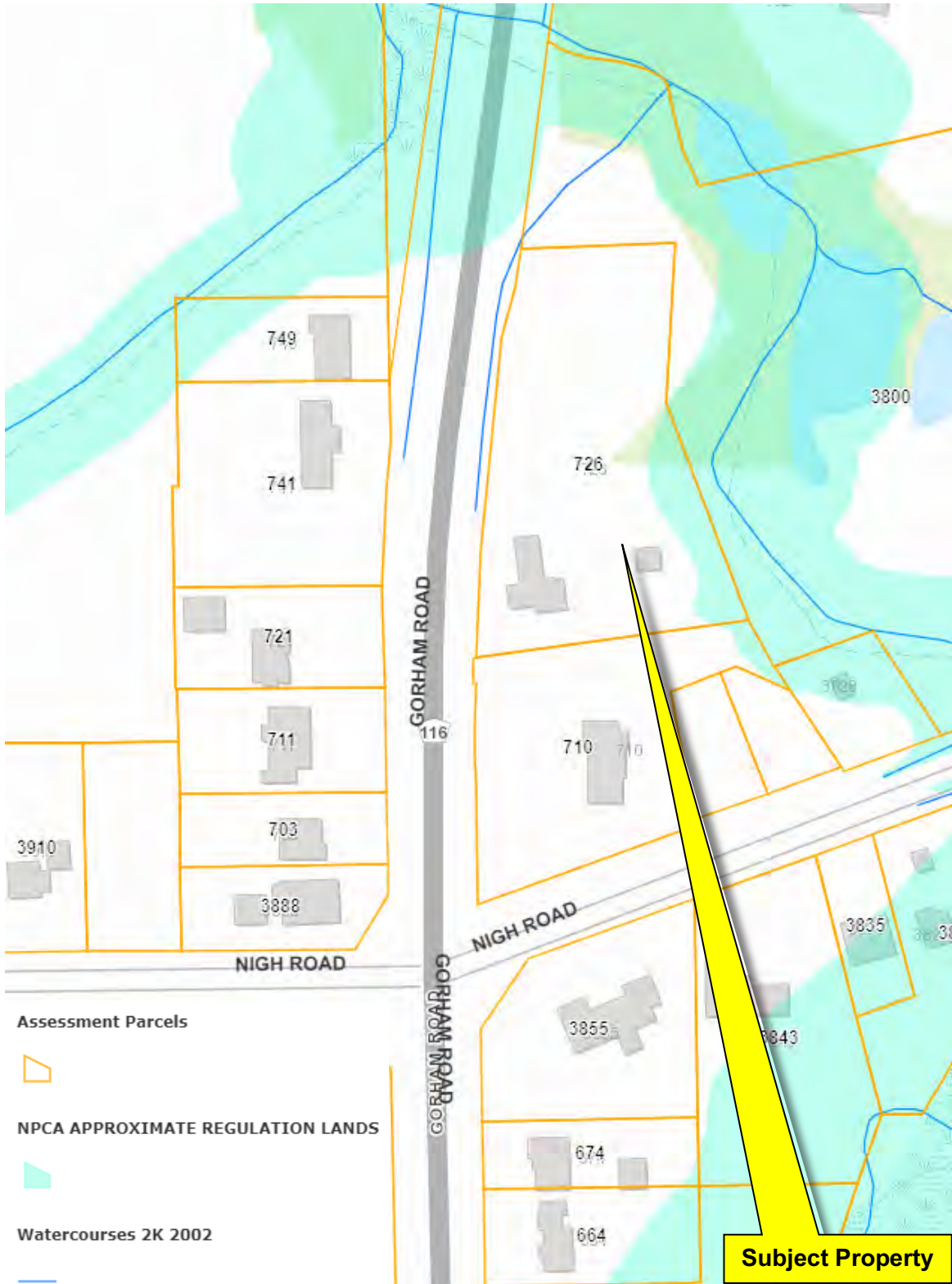
Appendix 'A'

(Growth Plan for the Greater Golden Horseshoe – Schedule 4)



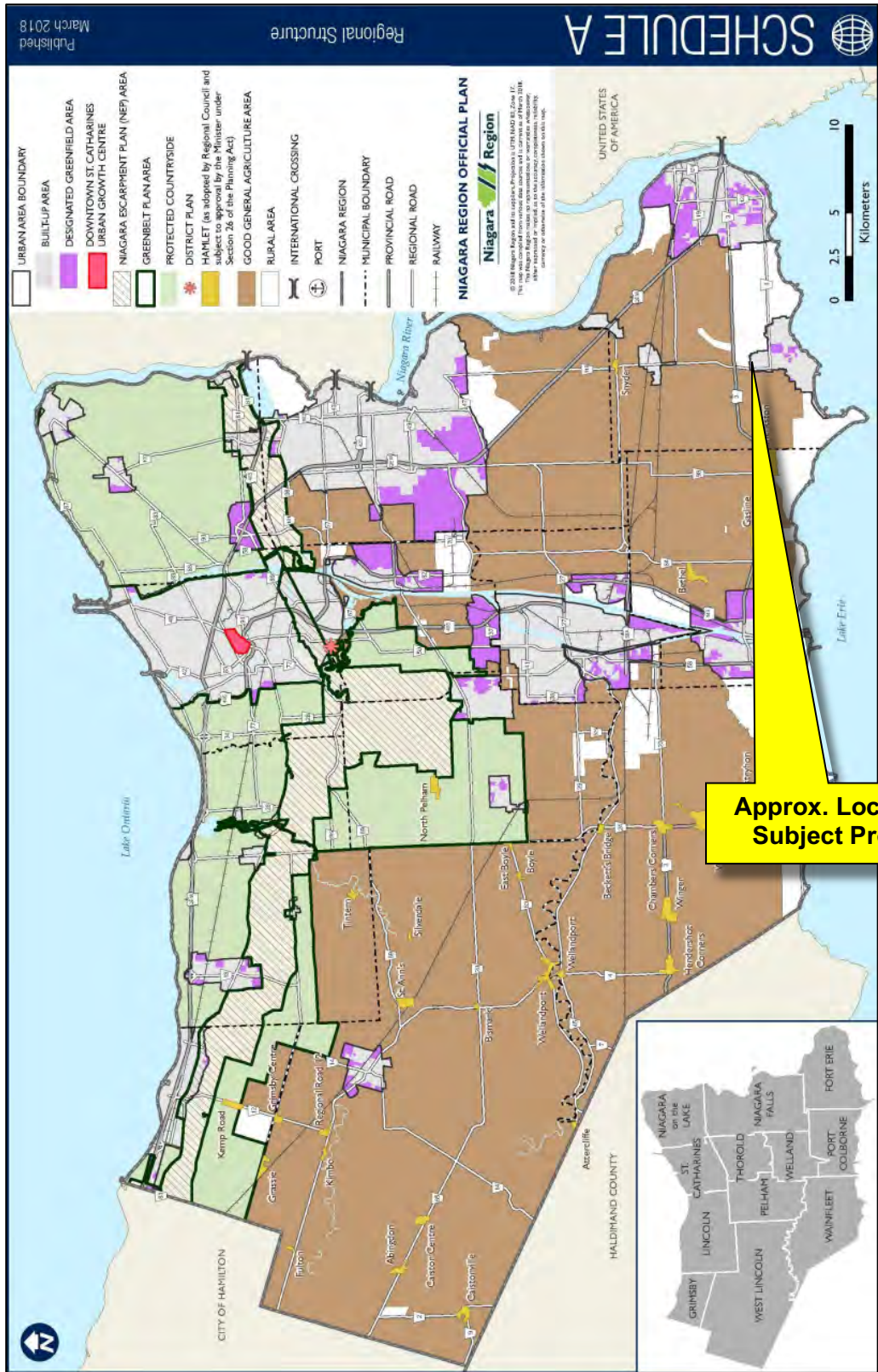
Approx. Location of Subject Property

Appendix 'B'
(Niagara Peninsula Conservation Authority – Regulated Area Mapping)



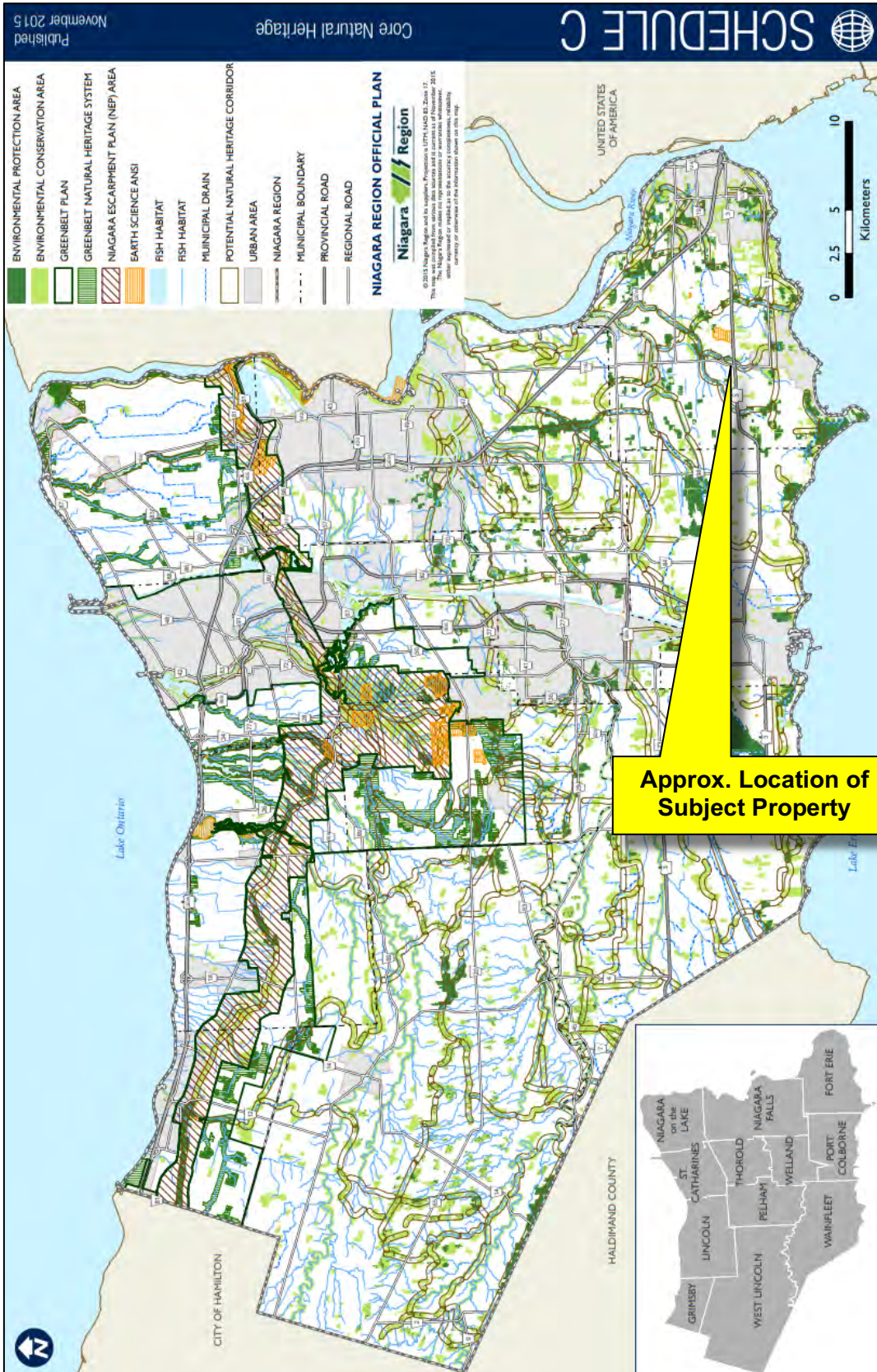
Appendix 'C'

(Niagara Regional Official Plan – Regional Structure)



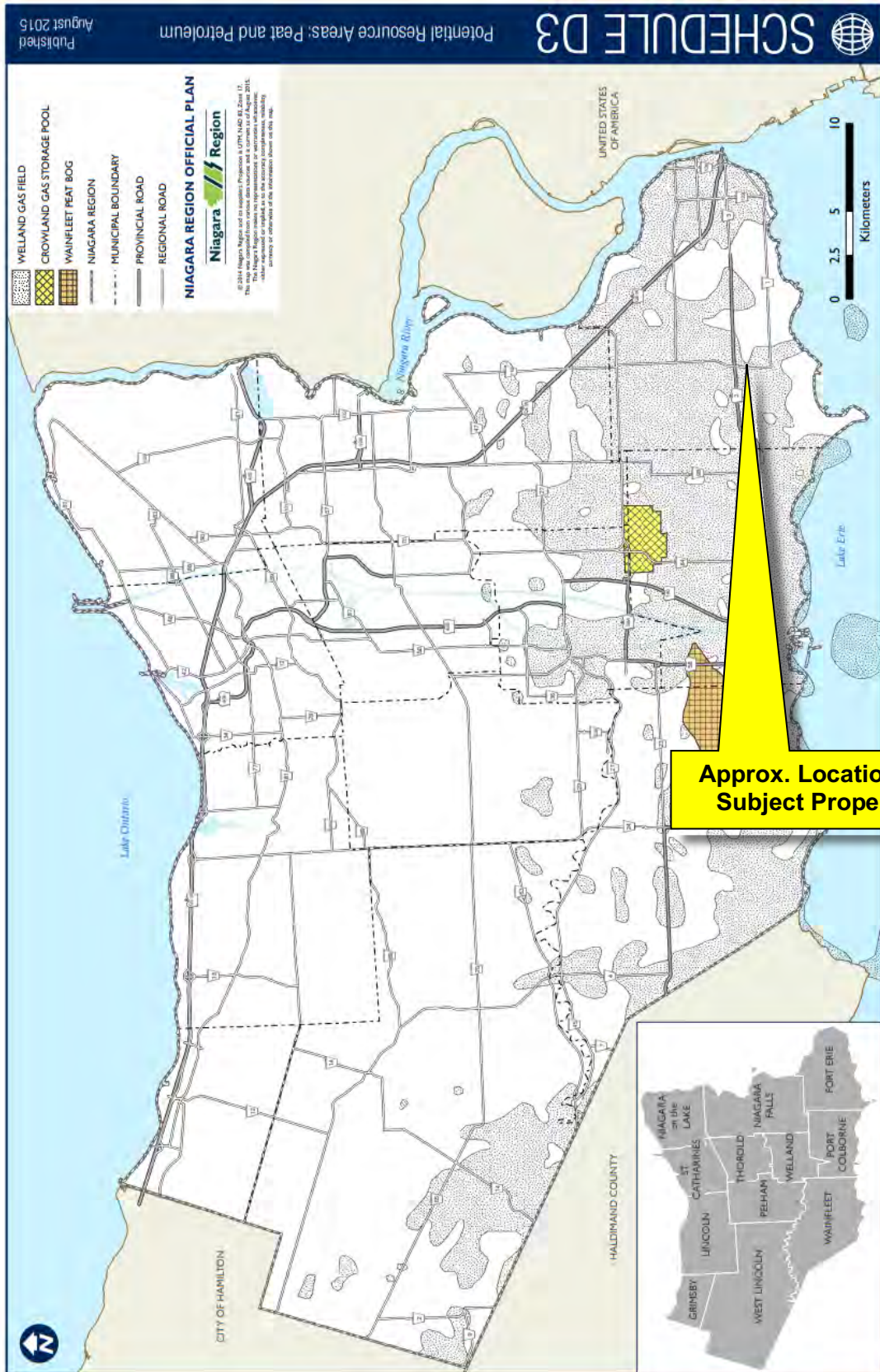
Appendix 'D'

(Niagara Regional Official Plan – Core Natural Heritage)

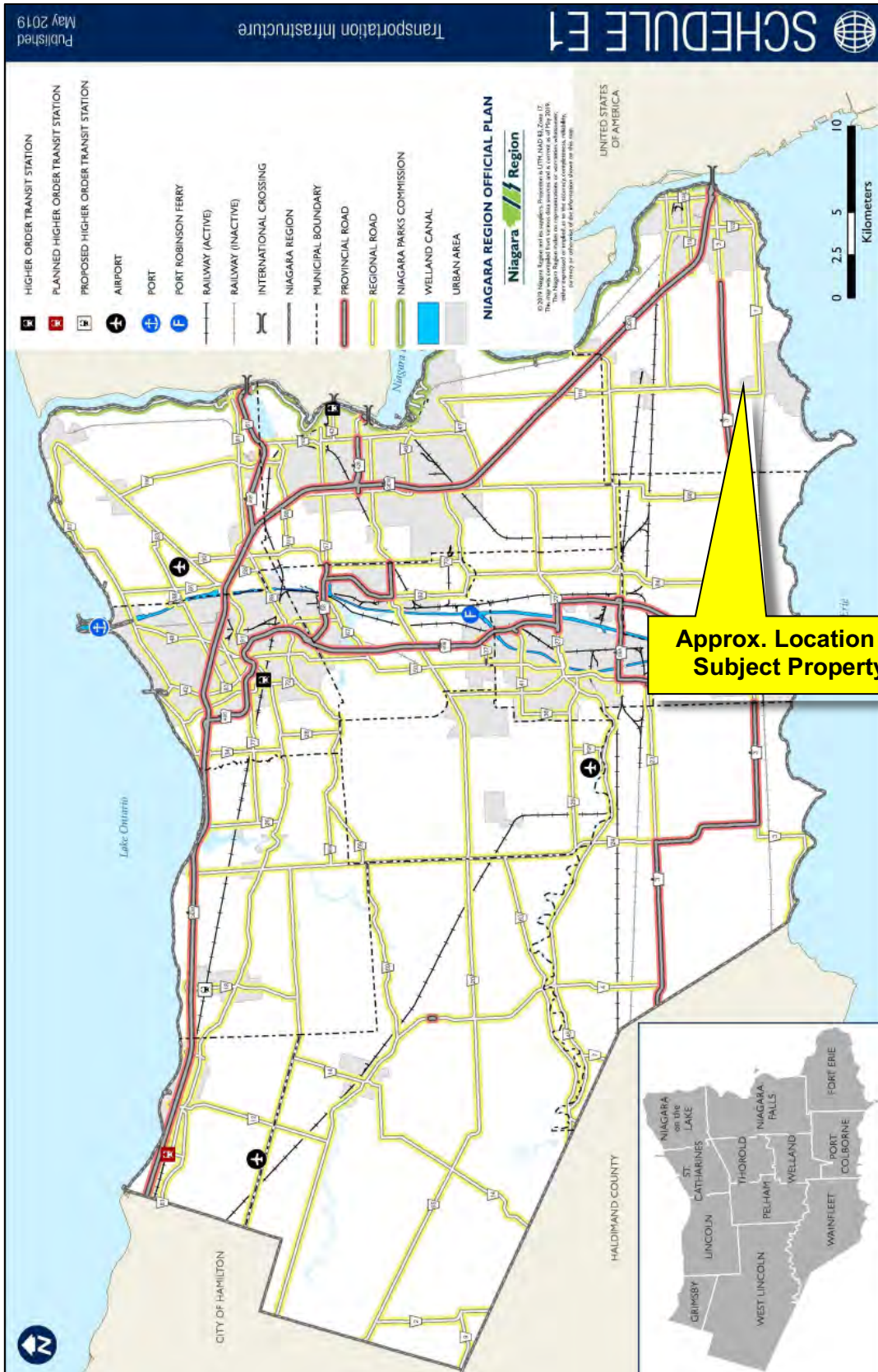


Appendix 'E'

(Niagara Regional Official Plan – Potential Resource Areas: Peat and Petroleum)



Appendix 'F'
 (Niagara Regional Official Plan –Transportation Infrastructure)

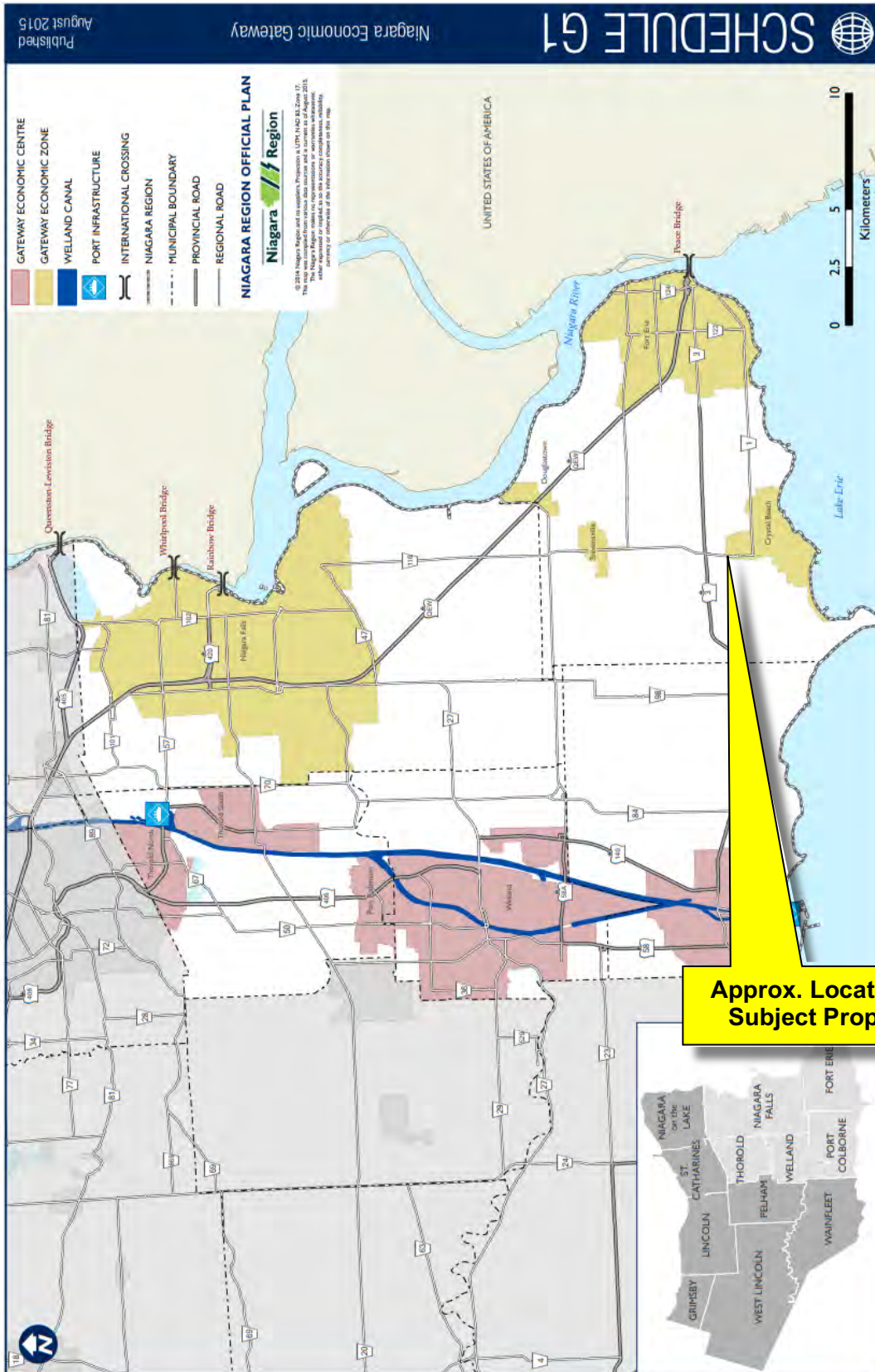


Appendix 'G'
 (Niagara Regional Official Plan – Strategic Cycling Network)

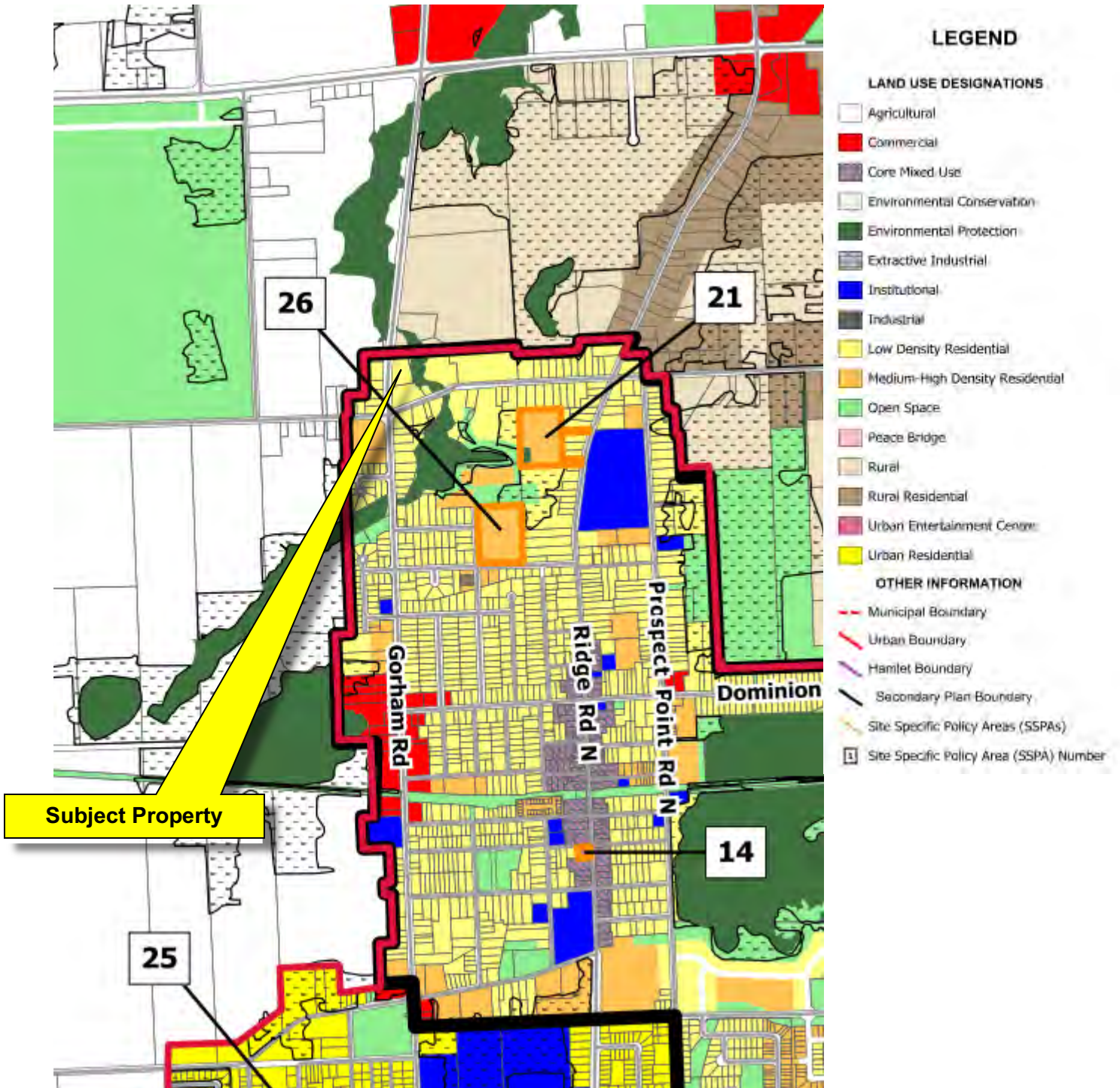


Appendix 'H'

(Niagara Regional Official Plan – Niagara Economic Gateway)

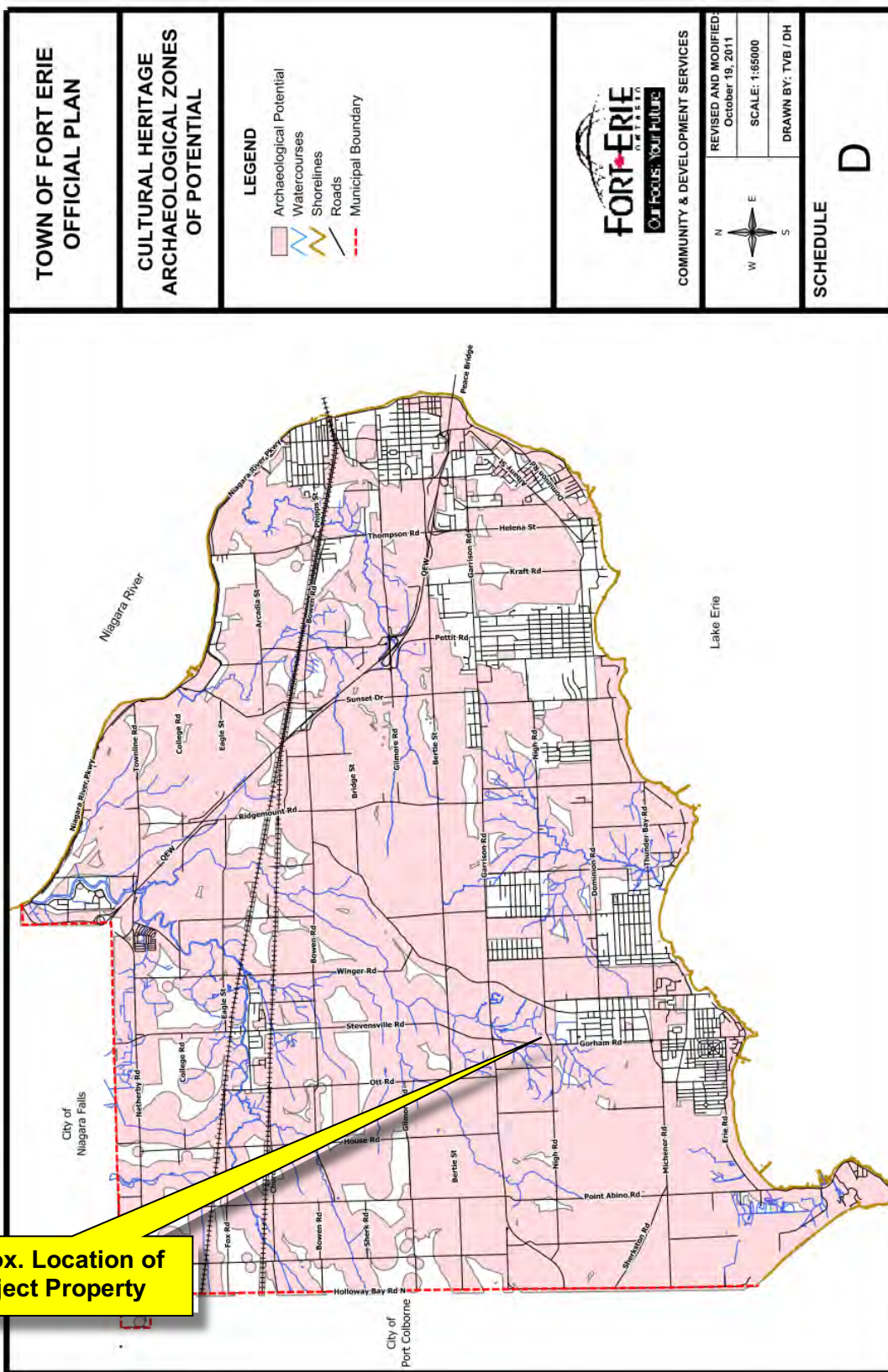


Appendix 'I'
 (Town of Fort Erie Official Plan – Land Use Plan)



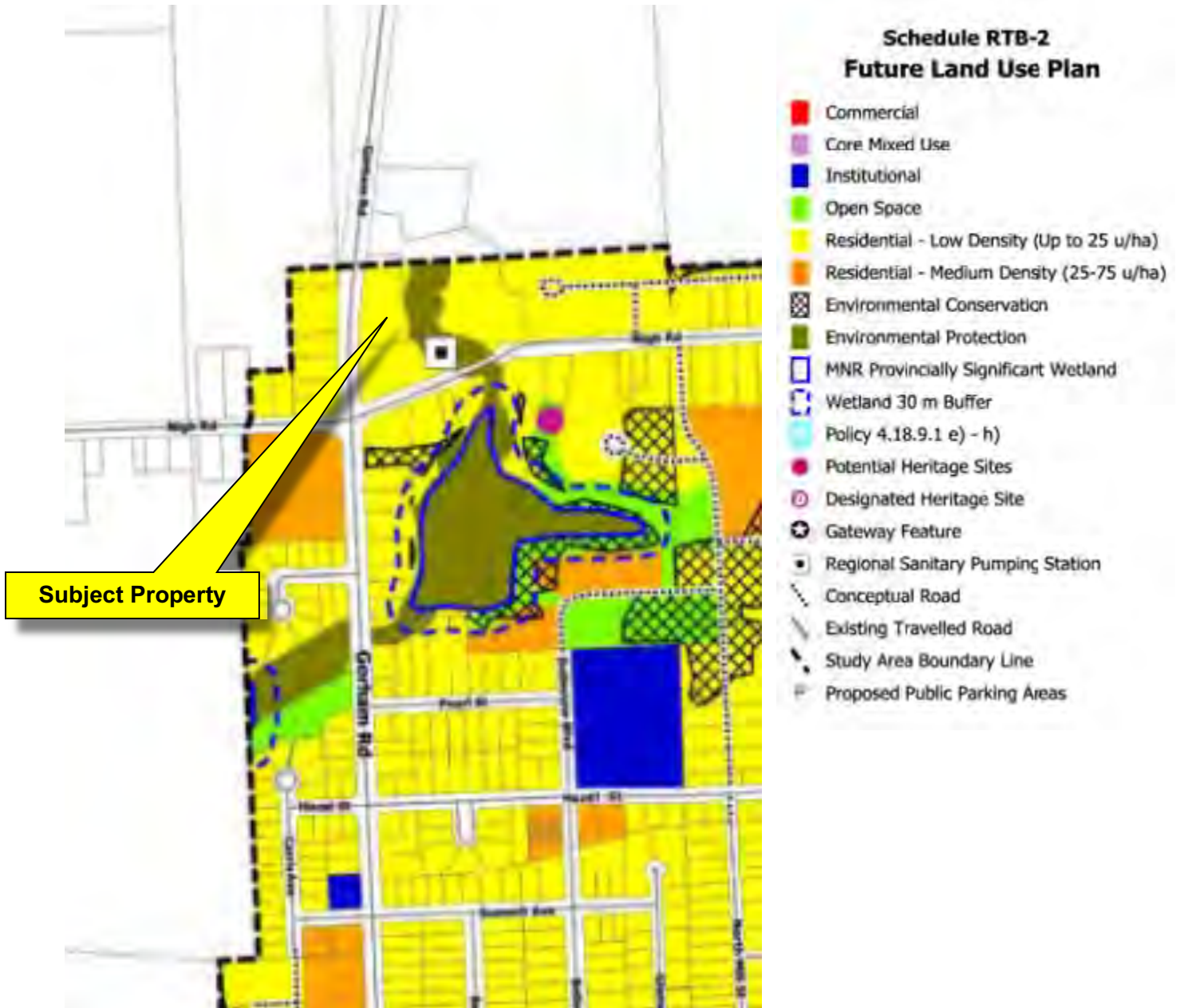
Appendix 'J'

(Town of Fort Erie Official Plan – Cultural Heritage/Archaeological Zones of Potential)



Approx. Location of Subject Property

Appendix 'K'
(Ridgeway/Thunder Bay Secondary Plan – Future Land Use Plan)



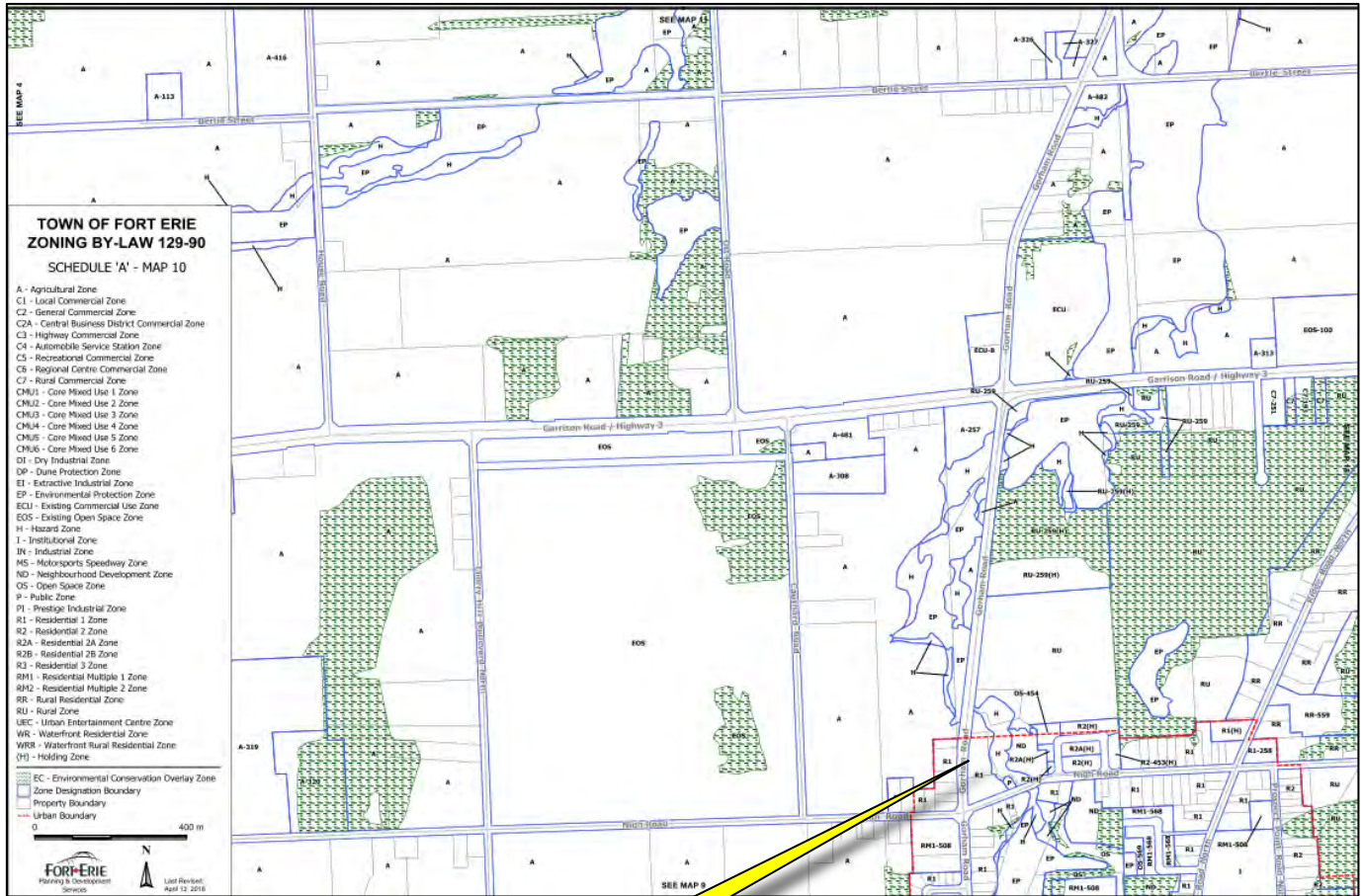
Appendix 'L'

(Ridgeway/Thunder Bay Secondary Plan – Open Space, Natural Hazards and Fish Habitat)



Appendix 'M'

(Zoning By-Law 129-90 – Schedule A)



Subject Property