



Planning Justification Report

**Zoning By-law Amendment and Official Plan
Amendment Application**

**214 Courtwright Street
Town of Fort Erie**

For: 2550663 Ontario Inc

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Contents

1.0	Introduction	4
2.0	Site Context and Surrounding Land Uses	6
2.1	Site Context	6
2.2	Surrounding Land Uses	8
3.0	Proposed Development	17
4.0	Planning Policy Review	21
4.1	<i>Planning Act</i> , R.S.O 1990, c. P. 13	21
4.2	Provincial Policy Statement (2020) (“PPS”).....	22
4.3	A Place to Grow: Growth Plan to the Greater Golden Horseshoe (“Growth Plan”)	24
4.4	Niagara Official Plan (“NOP”).....	25
4.5	Town of Fort Erie’s Official Plan (“Town OP”)	26
5.0	Official Plan Amendment.....	41
6.0	Town of Fort Erie’s Comprehensive Zoning By-law No. 129-90 and Proposed Zoning By-law Amendment.....	42
6.1	Rezoning to RM2	45
6.2	Relief Related to the Existing Building	45
6.3	Relief Related to Provision of Parking	47
7.0	Conclusion.....	52

8.0 Appendices 54

Appendix A – Surveyors Real Property Report 54

Appendix B – Conceptual Site Plan & Landscape Plan..... 55

Appendix C – Niagara Official Plan Schedules 56

Appendix D – Town of Fort Erie Official Plan Schedules..... 60

Appendix E – Town of Fort Erie Zoning By-law Map 65

Appendix F – Draft Official Plan Amendment 66

Appendix G – Draft Zoning By-law Amendment 68

1.0 Introduction

NPG Planning Solutions Inc. are planning consultants for 2550663 Ontario Inc., “Owner” of the lands municipally known as 214 Courtwright Street (“Subject Lands”). NPG has been retained by the Owner to provide professional planning advice for the proposed Official Plan Amendment application and Zoning By-law Amendment application to bring the existing uses on the Subject Lands into conformity with the Town of Fort Erie’s Official Plan and Comprehensive Zoning By-law No. 129-90.

There is an existing 2-storey rental apartment building containing five (5) dwelling units on the Subject Lands. Three (3) units are located on the main floor and two (2) are located on the second floor. There are six (6) parking spaces on the Subject Lands. Three (3) of the parking spaces partly lie within Courtwright Street’s right-of-way, two (2) parking spaces are located to the east of the building in tandem and one (1) parking space partly lies on the adjacent lands (210 Courtwright Street). There are no easements or encroachments agreements for any of the parking spaces.

The Subject Lands are designated Core Mixed Use in the Bridgeburg Secondary Plan and zoned General Commercial C2-418. The existing uses are not in conformity with the Official Plan and do not comply with the Zoning By-law as neither permit ground floor residential uses in an apartment building. The Applications propose to redesignate the lands to a Site-Specific Policy Area and rezone the lands to Residential Multiple 2 (RM2) Site-Specific Zone to permit the existing ground floor residential uses and to provide site-specific zoning regulations related to the existing building, structures and parking requirements on the Subject Lands.

According to Town Staff, the Municipal Property Assessment Corporation (MPAC) records describe the building as containing four (4), rather than five (5) dwelling units. This suggests that two (2) of the three (3) residential units on the ground floor are legal non-conforming uses. Based on Google Streetview, one of the residential units on the ground floor appears to have been established in 2009. Google Streetview images from that year show the replacement of large commercial display windows with residential scale windows. There are no records of building permits being obtained for the change of use.

The Owner purchased the Subject Lands on May 21, 2021, after the establishment of the residential use on the ground floor. The Owner was unaware the property was not in conformity at the time of purchase. It is the intent of the Owner to amend the Official Plan and Zoning By-law to bring the existing use into conformity and compliance with Town Official Plan policies and Zoning By-law.

This Planning Justification Report (PJR) provides a thorough analysis of the proposal and evaluates the appropriateness of advancing an Official Plan Amendment application and a Zoning By-law Amendment application in the context of the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe, the Regional Municipality of Niagara's Official Plan, the Town of Fort Erie's Official Plan and Comprehensive Zoning By-law No. 129-90. In detail, Section 4.0 of this report evaluates the proposal against the mentioned provincial, regional and municipal policies. The requested Official Plan Amendment and its justification is discussed in Section 5.0 of this report. The requested Zoning By-law Amendment and its justifications are discussed in Section 6.0 of this report. Based on our review, we recommend the Official Plan Amendment and Zoning By-law Amendment applications be approved by the decision-making authority.

2.0 Site Context and Surrounding Land Uses

2.1 Site Context

The Subject Lands are municipally known as 214 Courtwright Street and are legally described as Lot 115, Registered Plan No. 525, Town of Fort Erie, Regional Municipality of Niagara (**Appendix A – Surveyors Real Property Report**). The Subject Lands have a land area of 642.3 square metres with a frontage of 15.24 metres on Courtwright Street and a lot depth of 42.12 metres.

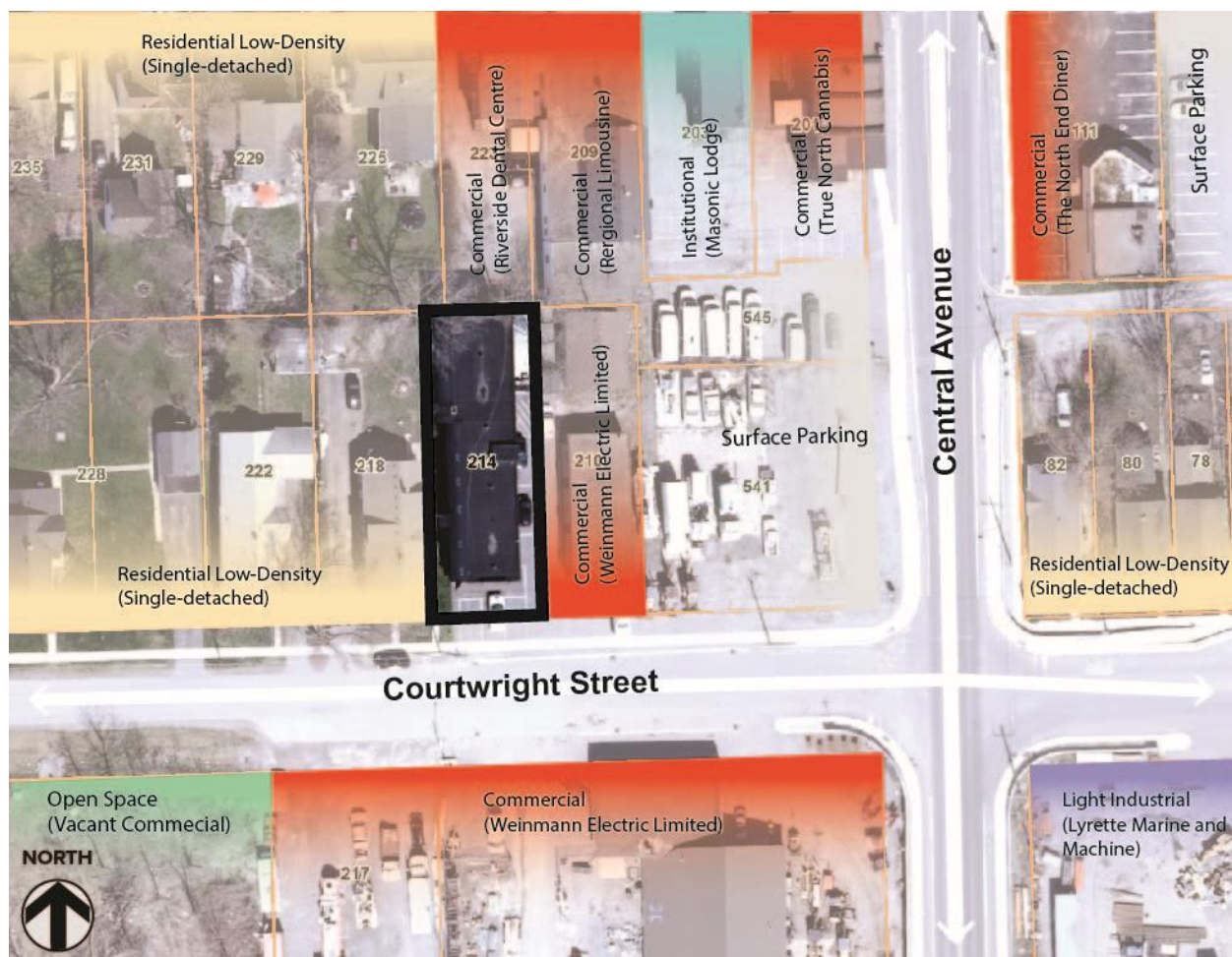


Figure 1. Land use context of Subject Lands. The Subject Lands are outlined in black.

There is a 2-storey rental apartment building on the Subject Lands (Figures 2 and 3) with an approximate building footprint of 287.8 square metres. There are five 2-bedroom dwelling units located within the apartment building. Three (3) of the dwelling units are on

the main floor and two (2) are on the second floor. These dwelling units are referred to as Rooms 1 to 5 (inclusive) in **Appendix A -Surveyors Real Property Report** and range between approximately 72.9 m² and 116 m² in floor area. The resident of the street-facing dwelling unit on the main floor, also referred to as Room 4 in **Appendix A -Surveyors Real Property Report**, operates a barbershop (approximately 8.2 square metres in floor area) as a home occupation business.

According to Google Streetview images (Figure 2), the main floor commercial use appears to have ceased operation before September 2007 and the ground floor was converted to residential use in September 2009. As mentioned earlier in this report, the MPAC (Municipal Property Assessment Corporation) shows four (4) units within the building, with two (2) being located on the main floor. There are no municipal records identifying the fifth dwelling unit.

The Owner acquired the Subject Lands on May 21, 2021 and has advised that they were unaware if the conversion of the commercial unit on the ground floor to residential use occurred without permits.



Figure 2. Google Streetview Images taken September 2007 (left) and 2009 (right) demonstrating the conversion from a storefront to a residential use.

There is an existing vinyl shed of approximately 5.8 square metres on the Subject Lands. This shed currently lies partly on the adjacent lands municipally known as 210 Courtwright Street.

As mentioned, there are currently 6 parking spaces provided on site. Three (3) of the parking spaces are located in the front yard and partly lie within Courtwright Street's right-

of-way, two (2) parking spaces are sited to the east of the building in tandem and one (1) parking space partly lies on the adjacent lands (210 Courtwright Street). There are no easement or encroachment agreements in place for the parking spaces or the shed. Again, the Owner became aware of the encroachments after the Surveyors Real Property Report (SRPR) was completed. Relocation of the shed and the parking spaces is proposed to eliminate these encroachments and will be discussed in Section 3 – Proposed Development of this report.

2.2 Surrounding Land Uses

The Subject Lands are located at the boundary of the commercial and residential area with commercial uses primarily to the east, and the residential uses primarily to the west. The commercial area to the west of the Subject Lands is part of the Bridgeburg Central Business District.

Abutting uses include a low-density residential use (218 Courtwright Street) to the west (Figures 6); Bridgeburg Limousine and Little Bridgeburg - Indoor Play Station (209 Jarvis Street), Riverside Dental Centre (223 Jarvis Street) and a multiple unit dwelling (225 Jarvis Street) to the north (Figures 7, 8, and 9); and commercial uses (210 Courtwright Street) to the east.

The lands across Courtwright Street (211 Courtwright Street) to the south are used for commercial purposes (Figure 10).

To the east of the Subject Lands are a range of commercial, institutional and residential uses fronting on Jarvis Street including a combination of retail and restaurant uses such as: True North Cannabis (201 Jarvis Street) and Pharmasave and The North End Diner (Figures 12, 13 and 14).

The lands to the west are primarily low-density residential uses. However, there are multi-unit apartment dwellings along Jarvis Street which are in the vicinity of the Subject Lands. These are 251 and 253 Jarvis Street shown in Figure 14 of this report.

There are no natural heritage resources nor cultural heritage resources identified on the Subject Lands. There is an active railway corridor located approximately 150 metres south of the Subject Lands. Residential uses on the Subject Lands have existed in proximity of the railway for a long time and there have been no known negative impacts.



Figure 3 – View looking north on Courtwright Street towards the Subject Lands and the existing structure.



Figure 4. View looking north on Courtwright Street towards the commercial structure to the east of the Subject Lands (Subject Lands are on the left)



Figure 5. View looking north-west at the eastern wall of the Subject Lands



Figure 6. Looking north towards the residential dwelling 218 Courtwright Street (west of the Subject Lands) (Google)

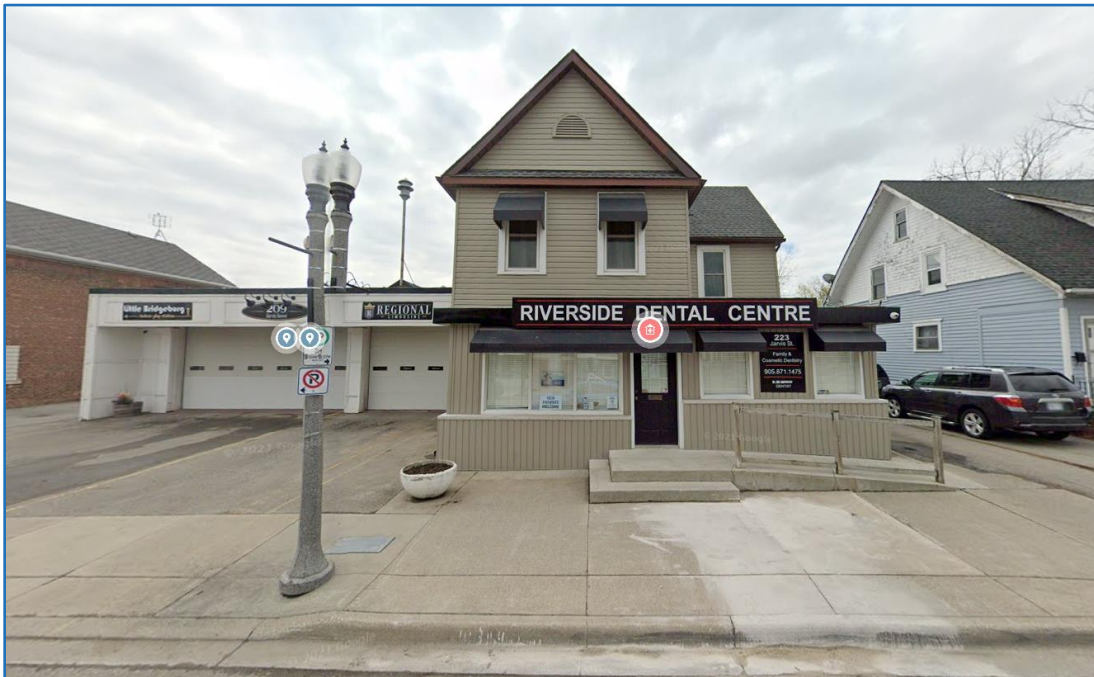


Figure 7. Riverside Dental Centre located north of the Subject Lands at 209 Jarvis Street (left) and 223 Jarvis Street (right) (Google)



Figure 8. Multi-unit dwelling at 225 Jarvis Street (Google)



Figure 9. Commercial uses located directly north of the Subject Lands along Jarvis Street. Includes a Masonic Temple (203 Jarvis St) and Bridgeburg Limousine (209 Jarvis Street) (Google)



Figure 10. View south of the Subject Lands towards the commercial use at 211 Courtwright Street



Figure 11. A retail commercial use located north of the Subject Lands at 201 Jarvis Street (intersection of Central Avenue and Jarvis Street)



Figure 12. A retail commercial use located at 118 Jarvis Street (intersection of Central Avenue and Jarvis Street) (Google)



Figure 13. A commercial use located at 111 Jarvis Street (intersection of Central Avenue and Jarvis Street) (Google)



Figure 14. View of multi-unit dwellings at 251 Jarvis Street and 253 Jarvis Street



Figure 15. Community Amenities Map

Figure 15 highlights various community amenities and active transportation facilities within a 500-metre and a 1-kilometre radius of the Subject Lands. Within the 500-metre radius of the Subject Lands, which is equivalent to a five-minute walk, there is a diverse

mix of restaurants, services, employment and recreational uses. Public service facilities within 1 kilometre of the Subject Lands include a public library, a museum and a park.

In terms of transportation network, the Subject Lands front onto Courtwright Street and are within 500 metres of stops on the #750 East Blue Line and #751 East Green Line bus stops located on Central Avenue as shown on Figure 15.

3.0 Proposed Development

The proposed Official Plan Amendment and Zoning By-law Amendment are needed to bring the Subject Lands including the existing 5-unit apartment building and parking configuration into conformity with the Town’s Official Plan and into compliance with the Town Zoning By-law.

There are no additional dwelling units being proposed. Only minor site works are being proposed such as:

- Reconfiguration of the parking area and driveway to bring all six (6) parking spaces to be entirely on the Subject Lands (two (2) of the parking spaces would be located in the front yard and four (4) parking spaces would be tandem spaces located in the eastern side yard of the Subject Lands);
- Relocation of the existing vinyl shed to be completely within the Subject Lands; and
- Provision of more landscaping elements (planters and benches) and outdoor amenity space on site to improve the existing site condition. Benches and planters have been provided and positioned in an optimal way for the use of residents to provide a communal interaction space. The parking area in the easterly side yard is compressed to make way for more outdoor amenity area immediately adjacent to the building.

The Conceptual Site Plan for the proposal is shown in Figure 16 and **Appendix B - Conceptual Site Plan** of this report.

The Subject Lands are designated “Policy Area 4 - Bridgeburg Core Mixed Use Area” and zoned General Commercial (C2-418).

Section 4.8.2(IV), of the Official Plan provides that apartment dwelling units (more than 2 units) will be permitted above a Commercial or Institutional use on lands designated Core Mixed Use. The appropriateness of stand-alone multiple attached dwelling units on these lands will be determined through the Neighbourhood Plan process. As the policies of the

Bridgeburg Secondary Plan do not state that apartment dwelling units are permitted as standalone use, an Amendment to the Plan is required.

An Amendment is also required regarding Policy 4.15.8 (c) of the Bridgeburg Secondary Plan. Policy 4.15.8 (c) provides that "the maximum height of any building in this area shall be five (5) storeys, and the residential density shall be 25 to 50 units per gross hectare." The apartment building provides for a density of 77.86 units per hectare and as such the Official Plan Amendment will also address the increased density of the Subject Lands.

The Official Plan Amendment is proposing to change the land use designation of the Subject Lands from Policy Area 4 - Bridgeburg Core Mixed Use Area as identified in the Bridgeburg Secondary Plan to a Site-Specific Policy Area designation. The proposed Site-Specific Policy Area designation provides that the Subject Lands may be developed for a stand-alone 5-unit apartment building with ground floor residential and a maximum density of 78 units per hectare.

The Zoning By-law Amendment is proposing to change the zoning of the Subject Lands from General Commercial C2-418 to a Residential Multiple 2 Site-Specific Zone (RM2-XX) to bring the existing apartment building into compliance with the Town Zoning By-law. The RM2 Zone permits apartment dwellings.

Site-specific provisions are required to recognize existing deficiencies pertaining to the lot and the apartment building. These deficiencies pertain to reduced lot frontage, increased lot coverage, reduced front, rear and interior side yard setbacks. There are no land use compatibility concerns that have been raised regarding these existing deficiencies.

Additionally, the Zoning By-law Amendment also seeks relief pertaining to on-site parking arrangement including reduced parking requirement, reduced parking space dimensions, reduced buffer between parking areas and lot lines and permission of tandem parking:

- Section 6.8(e)(i) of the Zoning By-law requires one (1) off-street parking space to be provided by a lot occupied by a home occupation in addition to the minimum parking required for the dwelling unit. Section 6.20(A)(iii) of the Zoning By-law requires 1.5 parking spaces per apartment dwelling unit. Based on the Town's Zoning By-law, nine (9) parking spaces would be required for the uses. The Application proposes a parking space requirement of 1 parking spaces per apartment dwelling unit. With this reduction, a total of six (6) parking spaces would be required (five (5) for the dwelling units, one (1) for the home occupation).
- Section 15.4(b) as it relates to the RM2 Zone provides that no parking area shall be closer than 3.0 metres to any lot line abutting any Residential Zone. A site-

specific provision is requested to permit a 2.1 metre interior side yard setback for parking space abutting a residential zone. This interior side yard setback would only apply to Parking Space #1 as shown in the concept plan included in Appendix B. This reduction is both desirable and necessary, as it would permit parking spaces that are currently encroaching onto the municipal right-of-way to be relocated entirely onto the Subject Lands. The proposed parking space would be in line with the interior side yard setback of the apartment building.

- Section 6.20(J) of the Zoning By-law provides that “a parking space required hereby shall be in accordance with Schedule ‘D’...” Schedule D of the Zoning By-law requires a minimum stall length of 6 metres for parking spaces angled at 90 degrees. Parking spaces # 1 and 2 would have lengths of 5.14 m. Parking spaces # 3, 4, 5 and 6 would have lengths 5.2 m. All five (5) parking spaces will meet the minimum stall width of 2.7 metres.
- Section 6.20(I) of the Zoning By-law provides that for the RM2 Zone no part of any parking area, other than a driveway, is permitted to be located closer than 3.0 m to any street line and any lot line. Parking Spaces #1 and #2 are proposed to be located 0 metres from the Courtwright Street line. Parking space #1 is proposed to be located 2.17 metres from the interior lot line. Parking Spaces #3 through #6 are proposed to be located 0 metres from the east interior lot line. The proposed siting of parking spaces is an improvement from the existing situation as parking spaces had previously encroached onto the municipal right-of-way and the abutting lands to the east.
- As per the definitions of “Parking Space” and “Parking Space, Tandem” in Section 5 of the Town Zoning By-law, tandem parking is only permitted if it is specifically contemplated in a zone category or the general provisions related to a use. As tandem parking is not permitted within an RM2 Zone, a site-specific provision is proposed to permit four (4) tandem parking spaces in the eastern side yard (parking spaces # 3, 4, 5 and 6).

The Zoning By-law Amendment also seeks to permit the required parking spaces for residential use to be provided via one or a combination of on-site parking areas, private and/ or municipal parking lot through an easement, a licence agreement or paid permitting system.

A Pre-Consultation meeting with the Town of Fort Erie and the Niagara Region was conducted on October 14, 2021. It was indicated that the requirements for a complete application were limited to a Planning Justification Report, Conceptual Site Plan and a Landscape Plan/Streetscape Plan. As per the discussions with Town staff, it was

concluded that since there is no major additional landscaping being proposed on the site, the completed Conceptual Site Plan will also show the necessary landscaping changes.

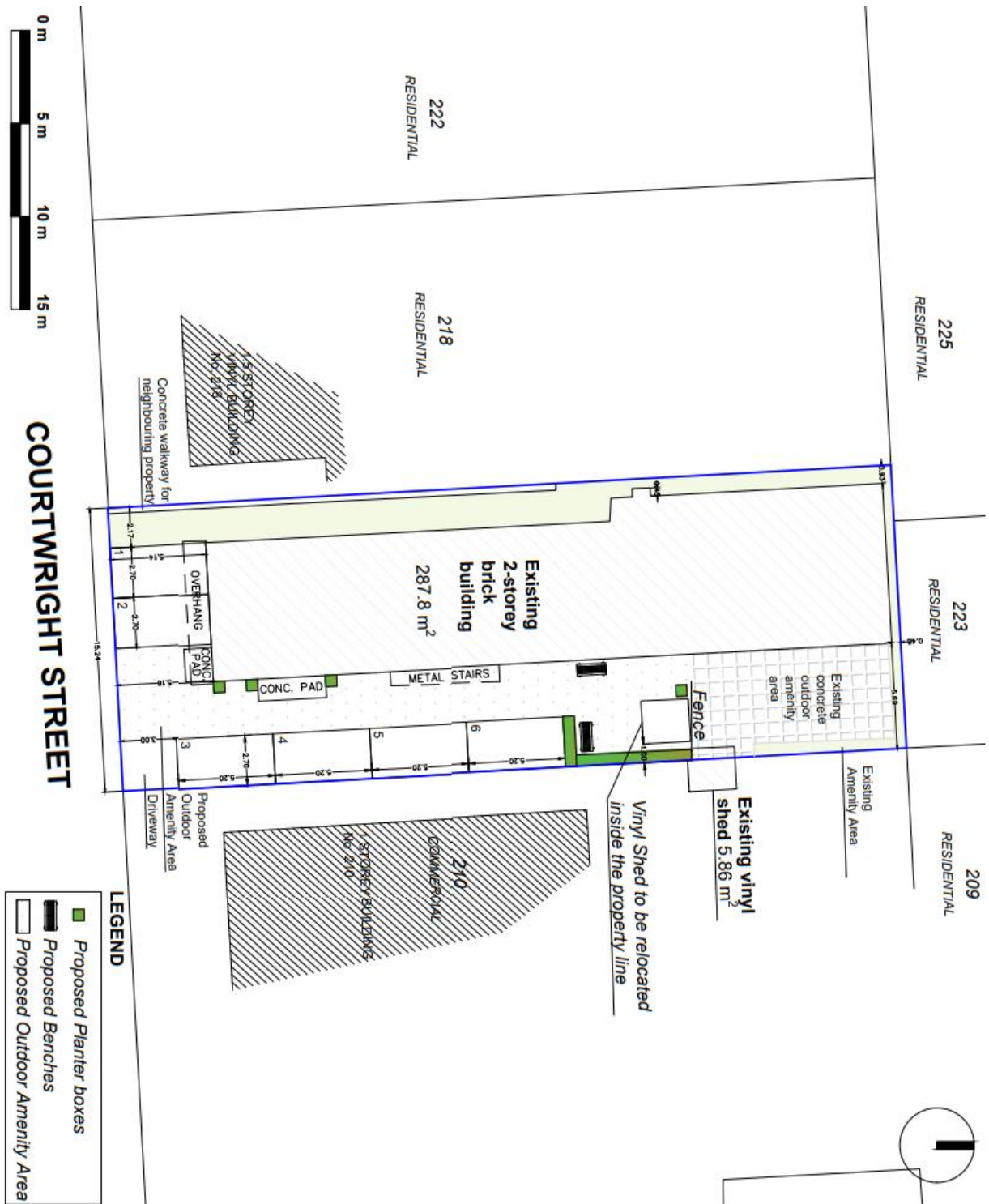


Figure 16 – Conceptual Site Plan

4.0 Planning Policy Review

This Planning Justification Report provides a thorough analysis of the proposal and evaluates the appropriateness of advancing applications for Official Plan Amendment and Zoning By-law Amendment in the context of the *Planning Act*, the Provincial Policy Statement (“PPS”), the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), the Niagara Official Plan (“NOP”), the Town of Official Plan (“Town’s OP”) and the Town of Fort Erie Zoning By-law No. 129-90. The following provides an overview and thorough analysis of these documents in the context of the proposal.

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality. ‘

The Applications would contribute to the development of orderly and safe communities, the provision of a full range of housing types and the promotion of development that is designed to support public transit and to be oriented to pedestrians, in accordance with matters of Provincial Interest identified in Section 2 of the *Planning Act*. In particular, the proposed Applications will bring the existing building into conformity and compliance with the Town Official Plan and Zoning By-law. The existing rental apartment building not only adds to the diversity of the Town’s housing stock in terms of building type but also tenure and affordability level.

Consistency and conformity with Provincial, Regional and Township policies are discussed in-depth in the subsequent sections of this report. For these reasons, subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

4.2 Provincial Policy Statement (2020) (“PPS”)

The Provincial Policy Statement (PPS) outlines the policy foundation for regulating land use in Ontario. It requires that development make efficient use of land and services and supports opportunity for long-term economic prosperity.

4.2.1. Settlement Area

The Subject Lands are within a Settlement Area as per the policies of the PPS. The PPS provides the following with respect to managing and directing land use:

POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

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;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

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;

- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed;*

ANALYSIS

The Subject Lands are within a Settlement Area as defined by the PPS (2020). The proposal is consistent with the Settlement Area policies of the PPS by permitting a range and mix of residential types consistent with the efficient use of land and resources, and existing municipal infrastructure. The apartment building supports existing and planned active transportation and transit infrastructure in proximity to the Subject Lands.

4.2.2. Land Use Compatibility

Section 1.2.6 of the PPS provides policies related to land use compatibility. The following policy applies:

POLICY

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

ANALYSIS

There is an existing railway corridor located approximately 150 metres south of the Subject Lands. Both the railway corridor and the apartment building on the Subject Lands are existing and there have not been any known land use compatibility issues. No further land use compatibility issues are anticipated as a result of the proposal.

4.2.3. Housing

Section 1.4 of the PPS provides land use policies with respect to housing. The following apply:

POLICY

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...

ANALYSIS

As the existing apartment provides five (5) rental apartment units, the proposal is consistent with the Housing policies of the PPS as it permits and facilitates the provision of a range of housing options.

SUMMARY

Based on the foregoing, the proposal is consistent with the intent and policies of the PPS.

4.3 A Place to Grow: Growth Plan to the Greater Golden Horseshoe (“Growth Plan”)

A Place to Grow: Growth Plan to the Greater Golden Horseshoe (“Growth Plan”) builds on the policies set out in PPS and must be read in conjunction with it. Section 1.2.1 of the Growth Plan provides the following guiding principles regarding how land is developed, resources are managed and protected, and public dollars are invested:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*
- *Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.*

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management and states as follows regarding the proposal:

POLICY

2.2.1.4. 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 additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces*

ANALYSIS & SUMMARY

The proposal conforms and supports the achievement of complete communities by:

- Facilitating a diverse mix of land uses, and in particular, permitting a residential use in a location that is in proximity to a range of uses as described in Section 2.0 of this PJR, providing convenient access to local stores, services, and public service facilities.
- The proposal would facilitate the provision of a diverse range of housing options and allow the Subject Lands to serve as an appropriate transition between low-density housing to the west and the commercial uses to the east.

4.4 Niagara Official Plan (“NOP”)

The Niagara Official Plan 2022 (NOP) is intended “guide land use and development” within the Regional Municipality of Niagara. It contains objectives, policies and mapping that implement the Region’s approach to provide for managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

The following table shows the Subject Lands’ designation across different schedules under the NOP (Appendix C – Niagara Official Plan Schedules).

Table 1. The Subject Lands' designations under the NOP.

Town’s OP Schedule	Designation
B: Regional Structure	Built-up Area within Urban Areas
C1: Natural Environment System Overlay and Provincial Natural Heritage Systems	No Natural Heritage Features
J1: Transportation Infrastructure	Central Avenue (within 50 m of the Subject Lands) is a Regional Road
J2: Strategic Cycling Network	Central Avenue (within 50 m of the Subject Lands) is part of the Strategic Cycling Network

Section 2 of the Niagara Official Plan contains objectives and policies regarding managing growth in the region. The following objectives apply to the proposal:

POLICY

2.2 Regional Structure Objectives

- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

 - i. a range of transportation options, including public transit and active transportation**

ANALYSIS

The Applications propose to permit residential use in proximity to mix of land uses, promoting improved access to housing, commercial goods and services, job opportunities and social services. The proposed standalone residential use supports the optimized use of existing active transportation and transit infrastructure in proximity to the Subject Lands. For these reasons, the Applications conform with the intent and policies of the Regional Official Plan.

4.5 Town of Fort Erie’s Official Plan (“Town OP”)

The Town of Fort Erie Official Plan provides policy direction for the future development of the Town. The Official Plan directs new urban development to the Town’s Urban Areas. The following table identifies the Subject Lands’ designations under the Town’s OP Schedules (**Appendix D – Town of Fort Erie Official Plan Schedules**):

Table 2. The Subject Lands' designations under the Town's OP.

Town’s OP Schedule	Designation
--------------------	-------------

A: Land Use Plan	Commercial ¹ Part of the Bridgeburg Secondary Plan Area
A3: Bridgeburg Secondary Plan Area	Core Mixed-Use Area
C: Natural Heritage Features	No Natural Heritage Features
D: Cultural Heritage Archaeological Zones of Potential	No Archaeological Potential
E: Transportation Plan	Courtwright Street is not a part of the Regional Road or Regional Bicycle Network. However, Central Avenue, which is located less than 60 metres from the Subject Lands, is a Regional Road and part of the Regional Bicycle Network

The Bridgeburg Secondary Plan (OPA 5) was approved in December 2014 and the Subject Lands are designated as Core Mixed-Use Area (Policy Area 4) under Schedule Bridgeburg-2 of the Plan. The proposal seeks to redesignate the lands from Core-Mixed Use to a **Site-Specific Policy Area** designation. The Official Plan Amendment is required to permit a 5-unit apartment building with ground floor residential with a maximum density of 78 units per hectare.

The following sections discuss the relevant policies in the Town OP that apply:

4.5.1 Purpose of the Plan

Section 2.1 of the Town's OP identifies the following purpose:

POLICY

- I. The general purpose of this Plan ... is to provide the Town of Fort Erie with a general policy designed to support strong, livable, and healthy communities, protect the environment and public health safety, and facilitate economic growth. The policy goals and objectives and various sections of this Plan have been developed in consideration of the following planning principles being: providing for a mix of land uses; taking advantage of compact building design*

¹ Section 4.15.23 (a) of the Bridgeburg Secondary Plan provide that "the text and Schedules of the Official Plan for the Town of Fort Erie continue to apply except where they are in conflict with, or are less restrictive than this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail." As the Bridgeburg Secondary Plan designates the Subject Lands Core Mixed-Use Area, the Core Mixed-Use Area rather than the Commercial designation policies apply.

where appropriate; creating a range of housing opportunities and choices; creating walkable neighbourhoods; fostering distinctive, attractive communities with a strong sense of place; ...encouraging community and stakeholder collaboration in development decisions.

ANALYSIS

By providing for a residential unit in proximity to a mix of uses and active transportation amenities, the Applications would conform to the general purpose of the Official Plan regarding the provision of a mix of land uses, range of housing opportunities and choices and creating a walkable neighbourhood.

4.5.2 Goals and Objectives – General

Section 2.3.1 of the Official Plan provides the following general objective:

POLICY

- d) To minimize the degree of incompatibility between various land uses while encouraging a land use pattern that integrates employment, recreation, and housing in close proximity*

ANALYSIS

The conversion of the commercial use on the Subject Lands to standalone residential use appeared to have occurred in 2009 and residential uses have existed on the Subject Lands prior to that. Despite being within 150 metres from a railway corridor, residential uses on the Subject Lands have not experienced any land use compatibility issues and no such conflicts are anticipated following the applications.

4.5.3 Goals and Objectives – Residential

Section 2.3.5 of the Official Plan provides goals and objectives regarding residential land use:

POLICY

2.3.5 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;*

Objectives:

- c) To ensure that the existing housing stock is maintained both qualitatively and quantitatively while accommodating infill, redevelopment and reuse;*

ANALYSIS

Permitting the existing residential uses on the Subject Lands conforms with the overall residential goals and objectives of the Official Plan by facilitating the provision of a full range of housing choices including purpose-built rental apartment dwelling units which are relatively scarce in relation to low-density residential dwelling types; and ensuring that the existing housing stock is maintained.

4.5.3 Business and Employment

The Subject Lands are in proximity to the Bridgeburg Central Business District. Section 2.3.6 of the Official Plan provides objectives regarding Business and Employment:

POLICY

2.3.6 Objectives:

- a. To encourage the provision of appropriate services, facilities, housing accommodation, and transportation facilities that support the population living and working in Fort Erie;*
- b. To recognize and encourage the Bridgeburg Central Business District as an area of community focus and as an area of civic and cultural identity for the Town of Fort Erie, and to encourage the development of commercial, institutional and residential uses;*

ANALYSIS

The proposal facilitates the continuation of an existing residential use which has been in operation since approximately 2009. The Subject Lands are also near the Bridgeburg Central Business District (Policy Area 5). Allowing the existing residential use to continue on the Subject Lands will continue to benefit the adjacent Bridgeburg Central Business District by maintaining the inhabitants of the area.

Section 4.5.4 General Policies Relating to Existing Uses.

Section 4.2 of the Official Plan provides policies regarding existing uses. The following policy applies:

POLICY

- I. Urban uses of land, which exist at the date of adoption of this Plan, may be deemed to conform with the extent of this Plan for the purposes of any Zoning By-law passed under Section 34 of the Planning Act R.S.O. 1990, as amended. Such uses may be zoned in accordance with their present use and performance standards, or a limited range of similar uses provided:*

- a. *The zoning will not permit any significant change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;*
- b. *They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;*
- c. *They do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property;*
- d. *There is no interference with the desirable development or enjoyment of the adjacent area;*
- e. *The regulations of the Niagara Peninsula Conservation Authority under the Conservation Authorities Act and requirements of the Niagara Parks Commission are complied with; and*
- f. *The use of land does not conflict with any provincial legislation, regulation or policies*

ANALYSIS

The Residential Use of the ground floor unit in question began in approximately 2009, prior to the approval of the 2011 Official Plan. The residential use of the ground floor meets all the noted criteria to permit the rezoning of the Subject Lands.

4.5.5 General Land Use Plan and Policies - Residential

Section 4.7.1 of the Town of Fort Erie Official Plan provides general land use policies pertaining to Residential uses in the Town. The following policy applies:

POLICY

IV. In urban areas, housing forms and densities that are designed to be affordable to moderate and lower income households shall be provided in accordance with the Urban Form and Housing Section of this Plan.

ANALYSIS

The proposed Official Plan Amendment and Zoning By-law Amendment would bring into conformity and into compliance the residential units on the ground floor of the existing building. This form of development is anticipated to be more affordable to moderate and lower income households.

4.5.6 Home Occupations

Section 4.7.2 of the Town OP provides policies related to home occupations within the residential land use designation. An existing home occupation is proposed on the ground floor of the dwelling, therefore the following policy applies:

POLICY

IV. No home occupation will be permitted that generates noise, odour, traffic or visual impacts that have an adverse effect on adjacent properties.

ANALYSIS

There is an existing hair salon on the ground floor that is operated out of one the dwelling units by its occupant. This existing home occupation has not resulted in any adverse impacts during its operations and is not anticipated to result in any negative impacts in the future.

4.5.7 Urban Residential

Section 4.7.4 of the Town's OP outlines policies for lands designated as Urban Residential. Although the Subject Lands are designated as Core-Mixed Use Area, Policy 4.7.4.1.III sets out the types of compatibility matters that should be considered for residential use through the redevelopment of an existing building, as follows:

POLICY & ANALYSIS

Table 1. Evaluation of the proposal against Policy 4.7.4.1.III of the Town's OP.

Policy 4.7.4.1.III	Evaluation
<i>a. The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas;</i>	A Zoning By-law Amendment requests relief from the required number of parking spaces as the existing conditions of the site do not support the required number of parking spaces. The relief being requested is addressed in Section 6.0 of this report. Additional landscaped areas are also a part of the proposal which will provide an improvement to the existing condition of the Subject Lands. There will be no physical changes to the size or configuration of the building on the land, as shown on Appendix B – Conceptual Site Plan.
<i>b. The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;</i>	There is no intensification proposed. The residential use on the main floor existed since 2009 and there have been no concerns regarding health and safety.
<i>c. The development shall be compatible with its surroundings</i>	The Subject Lands abut residential uses to the

Policy 4.7.4.1.III	Evaluation
<i>and buffering measures may be required. Building additions may be limited in terms of height, mass, orientation and setbacks to achieve compatibility;</i>	west and commercial uses to the east. The building is existing, and no negative impacts are anticipated as a result of the proposal. There are no known complaints regarding the residential use that existed since 2009.
<i>d. The availability and adequacy of municipal services to accommodate the increased density;</i>	There are no changes to site services that are required to accommodate the existing use.
<i>e. The development shall be subject to a Site-Specific zoning by-law amendment unless identified by a Neighbourhood Plan.</i>	A site-specific Zoning By-law Amendment is submitted to facilitate the proposal.

4.5.7 Core Mixed Use – General Policies

Section 4.8 of the Town of Fort Erie Official Plan provides policy direction regarding Core Mixed Use areas of the Municipality. The following policies apply to the proposal:

POLICY

4.8.1, II., Core Mixed Use areas are delineated on Schedule “A” of this Plan. These areas consist of a mixture of residential, commercial and institutional uses. Providing a mixture of uses will increase the resident population supporting other permitted uses, strengthen the live/work relationship and promote a healthier living environment by reducing vehicular trips and increasing pedestrian and cycling activity for everyday trips. Core Mixed Use areas will be developed within or around downtown areas.

4.8.2, IV. Apartment dwelling units (more than 2 units) will be permitted above a Commercial or Institutional use. The appropriateness of stand-alone multiple-attached dwelling units will be determined through the Neighbourhood Plan process

ANALYSIS

The Core Mixed Use designated seeks to establish an overall mix of residential, commercial and institutional uses. Stand-alone apartment dwelling units are not permitted

unless identified in the Bridgeburg Secondary Plan. The Bridgeburg Secondary Plan has not determined whether stand-alone multiple-attached dwelling units are appropriate.

4.5.8 Land Use Plan and Policies - Bridgeburg Secondary Plan

Section 4.15 of the Town of Fort Erie Official Plan is the Bridgeburg Secondary Plan. This section sets out the policy framework for developments in the Bridgeburg Secondary Plan Area (“BSPA”) that the Subject Lands fall within. The Subject Lands are designated “Core Mixed-Use Area” on Schedule Bridgeburg-2 of the Bridgeburg Secondary Plan (**Appendix D – Town of Fort Erie Official Plan Schedules**). The following sections analyze the proposed redesignation from Core Mixed-Use Area to a Site-Specific Policy Area to facilitate full residential use of the ground floor of the building.

The following sections apply:

4.5.8.1 Vision and Goals

In consider redesignation of the Subject Lands, it is necessary to consider the broader vision and goals of the Bridgeburg Secondary Plan. The following apply:

POLICY

4.15.2. VISION

... The Plan is guided by the following vision statement, which was produced by the Community Focus Group and formed part of the Neighbourhood Plan:

Bridgeburg is a vibrant neighbourhood with a strong sense of community and a rich history linked to the Canadian railroad industry. The most unique aspects of Bridgeburg include our beautiful riverfront location together with a defined, historic core area encompassing a number of heritage buildings and places. We promote business and tourism related to our riverfront and our railway heritage, while we remain connected to and mindful of our neighbouring residential community.

Those elements that make Bridgeburg special for us and reflect our values and aspirations for the future are embodied in our commitments.

- a) Well thought-out neighbourhood planning that sustains the value of our community*
- b) Respectful use and care for the environment including our parks, trails and especially our riverfront lands*
- c) Communication and Involvement of Citizens*

- d) *Vibrant business growth, consistent with a defined historical core*
- e) *Safety and Education in our Community*

4.15.3. GOALS

The Bridgeburg Secondary Plan will provide for a variety of residential densities, commercial, mixed use, open space and other areas to meet the diverse needs of its many citizens that include homeowners, businesspersons, shoppers, visitors, and tourists. The area is intended to become the Town’s primary location for intensification and infilling, with higher densities directed towards appropriate locations such as the Central Business District, the Niagara River Waterfront, Brownfield Areas, and along major transportation corridors.

ANALYSIS

The Applications conform with the vision and goals of the Bridgeburg Secondary Plan. In particular, the Applications would direct a higher density residential use in proximity to the Central Business District (Policy Area 5) as envisioned in the Plan.

4.5.8.2 Bridgeburg Secondary Plan - Objectives

Section 4.15.4 of the Official Plan provides objectives regarding the Bridgeburg Secondary Plan. The following is an evaluation of the Applications regarding relevant objectives:

Policy 4.15.4	Evaluation
<i>a) Provide a diversity of suitable housing choices.</i>	The proposal helps provide a diversity of housing choices by increasing the stock of rental apartment units in Bridgeburg.
<i>b) Ensure new infill housing and renovations are compatible with existing development.</i>	Renovations or a change of use from mixed-use to residential already took place in approximately 2009 and has not resulted in any compatibility issues so far.
<i>c) Encourage development forms which are compact, to help provide opportunities to relieve pressures for urban expansion, such as higher densities and mixed use along major transportation corridors.</i>	The proposal brings into compliance an existing residential use and supports a compact development with a density of 77.86 uph in proximity to arterial roads.

Policy 4.15.4	Evaluation
<p><i>d) Provide employment choices within the area that are compatible with residential uses, allowing residents the option to live and work in close proximity.</i></p>	<p>The Applications would facilitate dense residential use in proximity to a commercial area allowing for an option to live and work in close proximity.</p>
<p><i>f) Provide a strong single central business district in the Jarvis Street area</i></p>	<p>The proposal supports the business district in Jarvis Street by permitting higher density residential uses in proximity to the Central Business District. The Subject Lands are at the periphery of the District and would not be an outlier in relation to surrounding land uses.</p>

4.5.8.3 Bridgeburg Secondary Plan – Residential General Policies

The following section analyzes the residential policies for the Bridgeburg Secondary Plan from Section 4.15.5. The following policies apply:

POLICY

- b) The Bridgeburg Secondary Plan provides for an additional 1000 dwelling units and 2400 persons in the Bridgeburg Neighbourhood over the next approximately 20 years.*
- c) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications in the Bridgeburg Neighbourhood, in keeping with Provincial Policy. Such developments shall be integrated with other forms of housing rather than segregated and isolated, in order to provide a more cohesive and inclusive neighbourhood and environment.*

ANALYSIS

The proposal conforms with the objectives above by bringing the existing building and its five (5) dwelling units into conformity with the Town's OP and Zoning By-law and protecting the existing rental housing stock within Bridgeburg and Fort Erie.

4.5.8.5 Policy Area 4 – Bridgeburg Core Mixed-Use Area

The Subject Lands are designated Policy Area 4 – Bridgeburg Core Mixed-Use Area on Schedule “Bridgeburg-2” – Land Use Plan. The following policies apply.

POLICY

4.15.8. Core Mixed-Use Policies

The lands designated as “Core Mixed-Use” on Schedule “Bridgeburg-2” shall be reserved for a variety of retail and office uses, as well as residential uses, and the policies of Section 4.8 and Section 4.15.15.1 shall apply

4.15.8.1. Policy Area 4 – Bridgeburg Core Mixed-Use Area

- a) *The lands designated as Policy Area 4 on Schedule “Bridgeburg-2” shall be reserved for “Core Mixed-Use” as per Section 4.8, including higher density residential use and limited commercial use located on the ground floor only, in order to provide additional housing opportunities in the core area of Bridgeburg.*
- c) *The maximum height of any building in this area shall be five (5) storeys, and the residential density shall be 25 to 50 units per gross hectare.*

ANALYSIS

The Applications would permit the apartment use as a standalone use. The Applications conform with the general intent of the secondary plan by permitting higher density residential use to provide additional housing in the core area of Bridgeburg.

Of note, the Secondary Plan requires conformity with Section 4.8 of the Official Plan. As indicated, Section 4.8.2., IV provides that “apartment dwelling units (more than 2 units) will be permitted above a Commercial or Institutional use. The appropriateness of stand-alone multiple attached dwelling units will be determined through the Neighbourhood Plan process.” As the policies of the Secondary Plan do not state that apartment dwelling units are permitted a standalone use, an Amendment to the Plan is required. The Subject Lands are at the periphery of the Central Business District, in an area that transitions from mixed use to low density residential use, directly abutting the Subject Lands to the west. The Applications would not result in the Subject Lands being an outlier in relation to surrounding land uses but would facilitate an appropriate transition between mixed use and low density residential uses.

An Amendment is also required regarding Policy 4.15.8.1 to permit an increased density. A density of 78 units per hectare is requested, in excess of the planned 25 to 50 units per hectare range. Although the proposed density is greater than that which is contemplated in the Bridgeburg Core Mixed-Use Area, the increased density is existing and has not resulted in any known land use compatibility challenges. The Applications are also consistent and in conformity with broader policy objectives regarding the provision of housing options (see Provincial Policy Statement, Section 1.4.3(b)) and minimizing land consumption through the provision of higher residential densities (see Official Plan, Section 4.7.1, I., a).

For these reasons, permitting standalone residential use and an increase in density does not conflict with the broader land use vision for the Bridgeburg Secondary Plan.

4.5.8.6 Bridgeburg Secondary Plan – Parking

Section 4.15.18 outlines parking policies for the Bridgeburg Secondary Plan Area. The following policies apply:

POLICY

- c) *All new municipal or private parking areas shall be designed and constructed in a way that provides adequate screening and landscape buffering where abutting residential properties.*

ANALYSIS

The following screening and buffering approaches have been incorporated to mitigate impacts on abutting residential properties:

- There will be a 2.1 m landscape buffer between the proposed parking area and the adjacent residential property to the west.
- Parking is presently provided in front of the apartment building. Moving the parking out of the road allowance would improve visibility towards the Courtwright Street for the abutting dwelling to the west.

SUMMARY

In summary, the Site-Specific Policy Area exemptions conforms with general direction of Bridgeburg Secondary Plan.

4.5.9 Urban Design

This section of the Town's OP analyzes the policies and directions related to urban design that are stated in Section 5.6 of the Town's OP.

Policy	Evaluation
<p><i>5.6.1. - IV Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.</i></p>	<p>The existing apartment building satisfies Policy 5.6.1 - IV as the Subject Lands are located within 100 metres of a regional cycling route and the Jarvis Street commercial core providing safe and accessible pedestrian movement to commercial and recreational uses. Window placement within the existing dwelling has been considered to further minimize overlook concern. In conclusion, the proposal respects the privacy of adjacent dwellings and has taken effort to mitigate overlook impacts.</p>
<p><i>5.6.3.- II. Building and site design will:</i></p> <ul style="list-style-type: none"> <i>a) Be compatible with surrounding site conditions including heritage elements, and the intended character of the area;</i> <i>e) Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;</i> <i>f) Minimize the overall effects of noise and other negative impacts;.</i> 	<p>The existing structure on the Subject Lands is compatible with the neighbourhood’s character in terms of lot patterns, building setbacks, building height and massing and the proposal will not impact these features. The proposal will integrate seamlessly into the immediate surroundings without creating adverse negative impacts on surrounding properties.</p> <p>The existing parking spaces encroach onto the right-of-way. The proposal seeks to reorient the front parking spaces to be entirely on the Subject Lands, helping mitigate impacts to the streetscape. The four (4) tandem parking spaces along the eastern property line will be setback 3.0 metres from the front property line. Providing parking in tandem would mitigate the visual impact of multiple automobiles on the streetscape and would allow for the installation of landscaping features such as planter boxes and benches.</p>

SUMMARY

Based on the above, the proposal conforms with the Urban Design policies of the Town’s OP.

4.5.10 Amendments to the Land Use Plan

Policy 13.7.III outlines the criteria that the Council shall have regard to when considering an amendment to the Town Official Plan and implementing Zoning By-law. The below table evaluates the proposed Zoning By-law amendment against this policy for conformance.

POLICY & ANALYSIS

Policy 4.7.4.1.III	Evaluation
<i>a. The need for the proposed use;</i>	There is a need for attainable and a mix of housing choices in the Town of Fort Erie. The applications would facilitate this provision.
<i>b. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;</i>	The surrounding area is characterized by low rise residential developments and commercial uses. The proposal will accommodate housing needs by permitting the existing residential units close to the Bridgeburg commercial core.
<i>c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;</i>	The Subject Lands are mostly flat and are physically suitable for the proposal. There are no natural heritage features identified on the Subject Lands.
<i>d. The location of the area under consideration with respect to:</i> <i>i. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,</i>	<p>As the use is existing, the Official Plan Amendment will not have any negative impact on transportation infrastructure.</p> <p>The Subject Lands are connected and in proximity to vehicular, active transportation and transit infrastructure. While the proposed</p>

Policy 4.7.4.1.III	Evaluation
<p><i>ii. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and</i></p> <p><i>iii. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.</i></p>	<p>parking arrangement would likely not be supportable for new development, there has been a historical deficiency regarding the number of parking spaces and parking standards for the Subject Lands. The proposed parking arrangement improves an existing situation by relocating existing parking spaces entirely onto the Subject Lands. This new orientation also supports traffic safety along Courtwright Street and ensures the sidewalk is unobstructed.</p> <p>Lastly, the Subject Lands are within the built-up area and connected to municipal water and sewage services.</p>
<p><i>e. The compatibility of the proposed use with uses in adjoining areas;</i></p>	<p>The low-rise apartment building represents an appropriate transition between residential uses to the west and commercial uses to the east. To our knowledge, there are no compatibility complaints that have been reported.</p>
<p><i>f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;</i></p>	<p>The low-rise apartment building represents an appropriate transition between residential uses to the west and commercial uses to the east. To date, the existing building has not resulted in any known deprecating or deteriorating effects on adjoining properties.</p>
<p><i>g. The potential effect of the proposed use on the financial position of the municipality; and</i></p>	<p>No negative impact on the municipality's financial position is expected from the</p>

Policy 4.7.4.1.III	Evaluation
	proposed Official Plan Amendment and Zoning By-law Amendment.
<i>h. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.</i>	The residential use on the Subject Lands has existed since 2009. The Town did not request the completion of an Environmental Site Assessment.

In conclusion, the proposal and the proposed amendment to the Zoning By-law conforms with Policy 13.7.III of the Town's OP.

4.5.6 Summary

In summary, the proposal aligns with the goals and intents of the Town's OP. The proposal seeks to bring a non-conforming use into conformity while providing improvements to parking facilities and landscaping features on the Subject Lands. The proposal benefits the municipality as the existing housing stock will be maintained helping achieve create a complete community while the site conditions are improved. Based on the foregoing, an Official Plan Amendment for a Site-Specific Policy Area and a Zoning By-law Amendment are desirable for the Subject Lands.

5.0 Official Plan Amendment

An Official Plan Amendment (OPA) is needed to redesignate the Subject Lands from Policy Area 4 - Bridgeburg Core Mixed Use Area to a Site-Specific Policy Area XX to permit stand-alone residential use of a maximum 78 units per hectare on the Subject Lands. This section of the report provides an analysis of the proposal with respect to the relevant matters to determine the appropriateness of the proposed OPA, as outlined in the City's OP.

The specific changes to the Official Plan are as follows:

1. A stand-alone 5-unit apartment dwelling be permitted on the Subject Lands with a maximum density of 78 units per hectare.
2. Residential uses will be permitted to occupy up to 100% of the ground floor.

The Official Plan Amendment can be supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Region Official Plan.
- The proposal implements the policies of the Town of Fort Erie Official Plan in that the proposal provides for a higher density residential use close to the Jarvis Street commercial corridor, promoting active transportation and complete communities.
- The proposal resolves an existing non-conforming use.

The text of the Official Plan Amendment is found in **Appendix F – Draft Official Plan Amendment** to this report.

6.0 Town of Fort Erie’s Comprehensive Zoning By-law No. 129-90 and Proposed Zoning By-law Amendment

The Subject Lands are currently zoned as C2-418 of the Town’s Zoning By-law No. 129-90 (**Appendix E – Town of Fort Erie Zoning By-law Map**). The Owner is proposing to amend the current zoning to a site-specific Residential Multiple 2 Zone RM2 (RM2-XX) zone to provide relief for the existing building and the new parking configuration.

A Draft Zoning By-law has been prepared and can be found in **Appendix G – Draft Zoning By-law Amendment** to this report. Table 4 compares the proposal with the Residential Multiple 2 (RM2) zone requirements as well as the general provisions under the Zoning By-law No. 4129-90 for compliance.

Table 2. Zoning compliance comparison

Regulation	Requirement	Proposal	Compliance
Section 6.1 – Accessory Use			
Location	Rear yard or interior side yard, provided accessory building is no closer than 1 m from the rear or interior side lot line	One shed located in the interior side yard, 1m from interior side lot line	Yes

Regulation	Requirement	Proposal	Compliance
Maximum height	3.7 m and one storey	One storey	Yes
Maximum lot coverage	10%	+/- 0.9%	Yes
Section 6.8 – Home Occupations			
Maximum floor area	25% of dwelling area (approx. 71 m ²) or 40 m ² whichever is smaller	8.19 m ²	Yes
Minimum parking requirement	1 parking space for home occupation	1 parking space for the home occupation	Yes
Permitted uses	In accordance with section 6.8 (f)	A barbershop with 1 chair	Yes
Section 6.20 – Parking Area Regulations			
Minimum parking requirement	1.5 parking spaces/unit: 5 x 1.5 = 7.5 spaces	1 space/ dwelling unit: 5 spaces	No
Dimensions of parking space	2.7 x 6 metres	Parking spaces 1 & 2: 2.7 x 5.14 m; Parking spaces 3, 4, 5 & 6: 2.7 X 5.2 m	No
Parking Area Location on Lot	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.	2 parking spaces in the front yard are located 0m from the street line. 1 parking space in the front yard is located 2.17m from the west lot line.	No

Regulation	Requirement	Proposal	Compliance
		4 parking spaces in the east side yard are located 0m from the east lot line.	
Section 6.21 Landscaping and Planting Strips			
Requirements for Uses Abutting Residential Zones	Min. 3m planting strip in yards abutting residential zones.	Min. 0.5m landscape strip in the west interior side yard. Min. 0.46m landscape strip in the rear yard.	No
Section 15 – Residential Multiple (RM2) Zone			
Permitted Use	Apartment dwelling	Apartment dwelling	Yes
Minimum Lot Frontage	30 metres	15.24 metres	No
Minimum Lot Area	115 square metres/unit	128.4 square metres/unit	Yes
Maximum Lot Coverage	40%	45.73%	No
Minimum Front Yard	7.5 metres	5.14 metres	No
Minimum Interior Side Yard	One-half of the building height or 4 metres	Westerly interior side yard: 0.50 metres Easterly interior side yard: 5.67 metres	No
Minimum Rear Yard Setback	7.5 metres	0.46 metres	No
Maximum Height of Building	9 storeys or 26 metres	2 storeys	Yes

Regulation	Requirement	Proposal	Compliance
Landscaped Area	25%	29.57%	Yes
Minimum Floor Area per dwelling unit	Two-Bedroom Unit: 60 m ²	Minimum 72 m ²	Yes
Minimum Distance between Abutting Residential Zone and Parking Area	3 metres	From westerly lot line: 2.17 metres	No

6.1 Rezoning to RM2

The proposed rezoning from the current C2-418 zone to a Site-Specific RM2-XX zone is appropriate as it will permit the existing stand-alone multiple-unit residential use on the Subject Lands. As the building and use are existing, there will be no impacts on adjacent lands. The proposal will also reduce the extent of on-site parking area and provide more landscaping and amenity area for residents.

Relief from the RM2 zone regulations is required for minimum lot frontage, maximum lot coverage, minimum front yard, minimum interior side yard, minimum rear yard setback, and minimum distance between abutting residential zone and parking area. Zoning amendments to other regulations from the Town Zoning By-law, including minimum parking requirement, dimensions of parking space and location of parking area, are also needed. Justifications for requested zoning amendments are discussed in subsections 6.2 and 6.3 of this report.

6.2 Relief Related to the Existing Building

There are five (5) zoning relief needed for the existing building as outlined in the table below.

	RM2 Requirements	Existing/Proposed
Minimum Lot Frontage	30 metres	15.2 metres
Maximum Lot Coverage	40%	46%

Minimum Front Yard	7.5 metres	5.14 metres
Minimum Interior Side Yard	4 metres	Westerly side yard: 0.5 metres
Rear Yard Setback	7.5 metres	0.46 metres
Minimum width of planting strips abutting residential zones	Min. 3m planting strip in yards abutting residential zones.	Rear yard: 0.46 metres Westerly side yard: 0.5 metres

The building first appeared in historical aerial images circa 1954-1955² before the Town Zoning By-law came into effect in 1990. Through this Zoning By-law Amendment, it is proposed to bring the existing building into compliance with the relevant regulations under the RM2 Zone under the Town Zoning By-law. The requested relief should be supported for the following reasons:

- The reduced minimum lot frontage will contribute to a more land-efficient development pattern. The current lot frontage has been able to support the 5-unit apartment building since 2009. It is also notable that the lot frontage would comply with the minimum requirement of 15 metres under the current General Commercial C2 zone regulations.
- The increase in maximum lot coverage is minor (6%) and needed to support the compact form and optimal utilization of lands within the Urban Areas.
- The requested minimum front yard of 5.14 metres addresses the current front yard setback between the building and the street line. This is also comparable to the front yard depths of the adjacent properties (218 Courtwright Street - approximately 4.5 metres and 210 Courtwright Street – approximately 5.3 metres). As Courtwright Street is a local road, the reduced front yard depth is acceptable as local roads carry low volumes of traffic travelling at low speeds. Impacts to residential use from travelling traffic are expected to be low.
- The rear yard depth and width of the rear planting strip of 0.46 metres is appropriate as the Subject Lands' rear yard abuts the rear yards of a commercial property at 223 Jarvis Street and a property zoned for multiple-unit dwelling at 225 Jarvis Street. The requested smaller rear yard depth will not cause adverse impacts on these adjacent uses.

² Niagara Air Photo Index (Brock Maps, Data & GIS)

- As the building has been in existence for decades, no negative impacts as a result of the smaller westerly side yard depth and narrower westerly planting strip are anticipated. Along the southerly two-thirds of the westerly side yard, a 2.17-metre wide planting strip is provided.

6.3 Relief Related to Provision of Parking

Not only does the current parking layout on the Subject Lands not comply with the relevant regulations under the Town Zoning By-law, three of the existing parking spaces encroach into the municipal right-of-way. The applications propose a new parking layout to consolidate all parking spaces to be completely within the Subject Lands and to provide more space for landscaping and amenity areas. In detail, two parking spaces are proposed between the existing building and the front lot line while four parking spaces are located along the easterly lot line in tandem. Zoning relief from a number of regulations of the Town Zoning By-law is needed to implement the proposed parking layout. Justifications for these zoning amendments are discussed in the subsequent paragraphs.

6.3.1 Parking Rate Requirement

Section 6.8 of the Town Zoning By-law requires 1 parking space for a home occupation and Section 6.20 of the Town Zoning By-law required 1.5 parking spaces per apartment unit. Under the current Zoning By-law, the Subject Lands are required to provide to provide 9 parking spaces (rounded up from 8.5 spaces).

The proposal provides for six (6) parking spaces: 5 residential parking spaces and 1 parking space for the home occupation. This requires an amendment to the Town Zoning By-law to reduce the parking requirement for apartment dwelling units to 1 space per unit. The below table summarizes the required and proposed parking.

Type of Use	Minimum Parking Requirement	Number of Units	Parking Required	Parking Proposed
Home Occupation	1 off street parking space in addition to minimum parking required	1	1 dedicated space for the home occupation	1 space for home occupation
Apartment Dwelling Units	1.5 parking spaces per dwelling unit	5	5 x 1.5 = 7.5 8 parking spaces are required	5 spaces (1 parking space per unit)

The reduction of parking spaces is justifiable due to several reasons:

- The reduction facilitates residential uses within an urban area, close to the Jarvis Street Commercial Core. Therefore, it is anticipated that the demand for parking spaces will not be as substantial as the pedestrian infrastructure is mature and there are a number of amenities and commercial uses within walking distance of the Subject Lands;
- The Subject Lands are located less than 50 metres from a Regional Strategic Cycling Route along Central Avenue. Cycling infrastructure in the area provides opportunity for travel by bicycle. Planned active transportation projects by both the Region and the Town will result in a far more connected, continuous, protected and useful cycling network that makes cycling in this area of the Town of Fort Erie more attractive;
- There is street parking available along both sides of Courtwright Street which has the capacity to accommodate temporary short duration needs of the proposal;
- There are a number of outside services, including delivery services and rideshare, to support people living in the building without owning a car;
- There is street parking available along both sides of Courtwright Street which has the capacity to accommodate temporary short duration needs of the home occupation if more than one space is required;
- There is a municipally owned parking lot located on the corner of Central Avenue and Jarvis Street, less than 200 metres from the Subject Lands.
- The home occupation is an established barbershop with services taking approximately one hour meaning the existing public parking facilities will be satisfactory to the requirements.

Based on the foregoing, a total of six (6) parking spaces on the Subject Lands is sufficient for the needs of the proposal.

6.3.2 Parking in Yards

Section	Provision	Requirement	Proposed Zoning By-law Amendment
6.20 (I)	Location of parking area	No closer than 3 m to any street line and any lot line	

15.4		No closer than 3 m to any lot line abutting any residential zone	Parking spaces are permitted to be located: <ul style="list-style-type: none"> • 0 metres from the front lot line/ Courtwright Street, • 0 metres from the east interior lot line and • a minimum of 2.1 metres from the west interior lot line.
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Subsection 6.20 (l) of the Town Zoning By-law does not permit any parking area, other than a driveway be located closer than 3.0 metres to the street line and any lot line in the RM2 Zone. Furthermore, subsection 15.4 of the Town Zoning By-law does not permit parking area to be closer than 3 metres from any lot line abutting residential zones.

The proposal seeks to locate two (2) parking spaces in the front yard, 0 metres from the street line and 2.17 metres from the westerly side lot line which abuts a residential zone. In addition, four (4) other parking spaces are proposed to be 0 metres from the easterly side lot line which abuts a commercial zone. The proposal is supportable for the following reasons:

- Locating Parking Spaces #1 & #2 immediately adjacent to the street line enables two (2) parking spaces to be provided on site. This is an improvement to the current arrangement where three (3) parking spaces encroach into the Courtwright Street's right-of-way (ROW).
- The proposal reduces the visual appearance of parking from the streetscape while eliminating the encroachment into municipal roadways.
- Parking Space #1 is aligned with the building and located 2.17 metres from the westerly lot line. This allows an adequate landscape open space area of minimum 2.17 metres in width between the parking area and the westerly lot line.
- Consolidating the other four (4) parking spaces in tandem and adjacent to the easterly lot line allows the space immediately to the east of the building to be used as an amenity area.
- The four (4) tandem parking spaces abut a commercial property which is not a sensitive use. In the current layout, an asphalt driveway that is part of the parking area encroaches into this neighbouring property. The proposed configuration will accommodate all parking spaces and driveways within the Subject Lands.

6.3.3 Dimensions of Parking Spaces

Section	Provision	Requirement	Proposed Zoning By-law Amendment
6.20 (J)	Dimensions of parking spaces	2.7 x 6 m	<ul style="list-style-type: none"> Parking Spaces #1 & #2: 2.7 x 5.14 m Parking Spaces #3, #4, #5 & #6: 2.7 x 5.2 m

In order to provide two (2) parking spaces between the building and Courtwright Street, relief from the minimum dimensions of parking spaces to permit parking spaces of 2.7 metres in width and 5.14 metres in length is needed. The tandem spaces are proposed to be 2.7 x 5.2 metres. Both of the proposed dimensions are smaller than the Town's Zoning By-law regulation of 2.7 x 6 metres. The more compact parking space dimensions should be supported because:

- Several municipalities in Ontario require minimum parking space length to be 5.2 metres or below (see below table). This indicates a parking space of that length is functional.

Municipality	Zoning Regulation	Minimum Parking Space Dimension
City of St. Catharines, ON	Section 3.7 of Zoning Bylaw 2013-283 (2013)	2.6 x 5.2 metres
City of Mississauga, ON	Section 3.1.1.4.1 of Zoning By-law 0225-2007	2.6 x 5.2 metres
City of Ottawa, ON	Section 106.1 of Zoning By-law 2018-155	2.6 x 5.2 metres

- The average vehicle length has been approximately 4.5 metres in recent years³. The proposed 5.14-metre length would still provide 0.6 metres of additional space for vehicles longer than average mitigating any concerns regarding vehicles encroaching outside the designated parking space.
- The requested parking dimensions enable six (6) parking spaces to be accommodated on site and allow more space to be dedicated to landscaping and amenity area.

³ <https://www.smartmotorist.com/average-car-length>

- This zoning amendment will contribute to a pattern of more land-efficient development.

6.3.4 Tandem Parking

As tandem parking is not permitted as of right, relief is sought to allow a maximum of four (4) parking spaces to be in tandem in the eastern side yard (Parking Spaces #3, 4, 5 and 6). Tandem spaces on the Subject Lands are supportable because:

- It optimizes land resources and creates a more compact development;
- Providing four (4) tandem spaces in the side yard allows the parking area to be concentrated so more land could be used as amenity area. The tandem parking spaces being adjacent to a commercial use minimizes potential compatibility issues.
- The required parking space for the home occupation use could be one of the four (4) tandem spaces. This limits the use of this space to business hours only. Effectively, only three (3) parking spaces in tandem are anticipated during residential peak hours (typically fall outside of business hours) in this scenario.

6.3.5 Location of Parking Spaces

The Zoning By-law Amendment also seeks to provide part or all required parking to be provided via one or a combination of the following means:

- On the same lot as the dwelling, or
- In a dedicated area within a municipal parking lot through a licence agreement or paid permitting system for a municipal parking lot that is located within 200 m of the lands, or
- In an area of a private parking lot that contains an easement in favour of the lands and is located within 200 m of the lands.

This flexibility is currently permitted as of right for required parking for residential use in the Core Mixed-Use 2 (CM2) Zone. Given the physical constraint, this proposed amendment will provide the landowner with the flexibility to locate part or all of the required parking either on site or at satellite parking lots within 200 metres of the property. This arrangement is secured either through an easement or an agreement.

The short distance of 200 metres will not significantly inconvenience residents of the apartment dwelling and will enable lands within the core area to be developed in an efficient manner while consolidating required parking in a centralized parking lot.

7.0 Conclusion

It is our opinion the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The proposal is consistent with the Provincial Planning Policy Statement (2020), and is in conformance with the Growth Plan, Niagara Region Official Plan, and the Town of Fort Erie's Official Plan.
2. The proposed building height, setback and lotting patterns are compatible with the surrounding properties and fit into the established character of the immediate neighbourhood.
3. There is a diverse mix of land uses (commercial, institutional, and recreational) in the vicinity of the Subject Lands. The proposal, therefore, contributes to the achievement of complete communities and supports nearby transit services and businesses.
4. The proposal optimizes existing nearby transit service on Gilmore Road and future regional cycling infrastructure on Central Avenue.

Report prepared by:



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Report prepared by:



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Report reviewed by:



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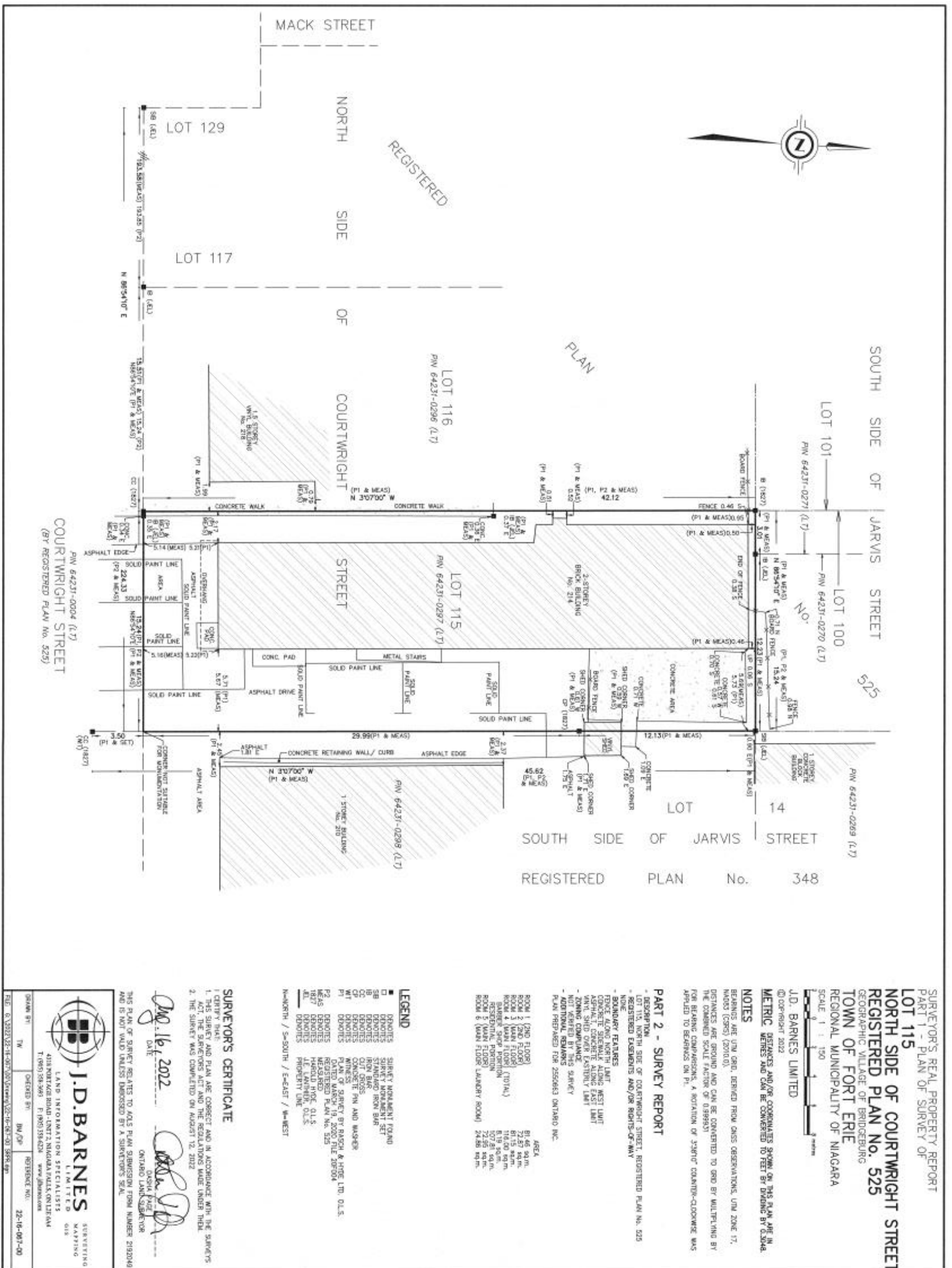
Report reviewed by:

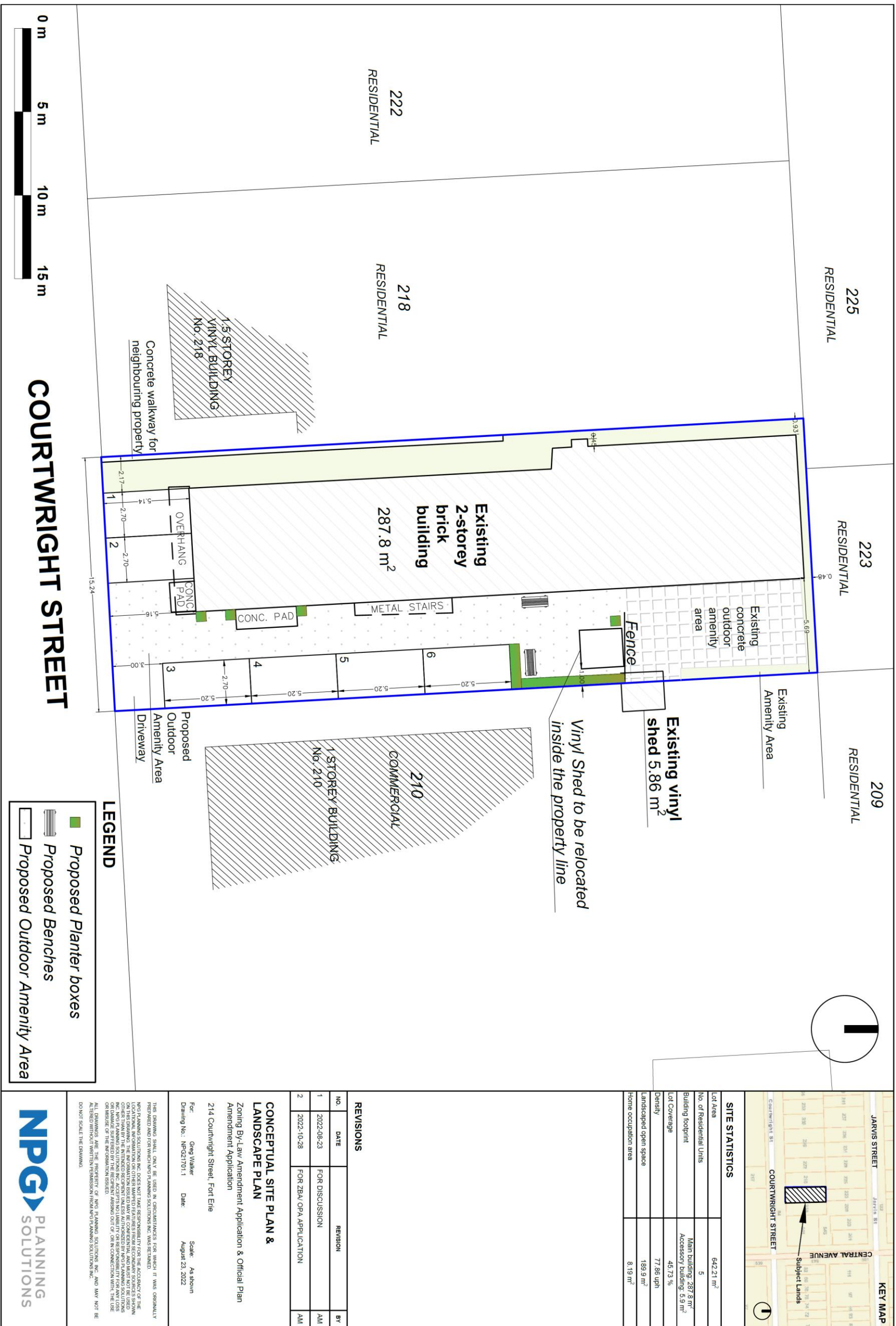


Jesse Auspitz, MCIP, RPP
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8.0 Appendices

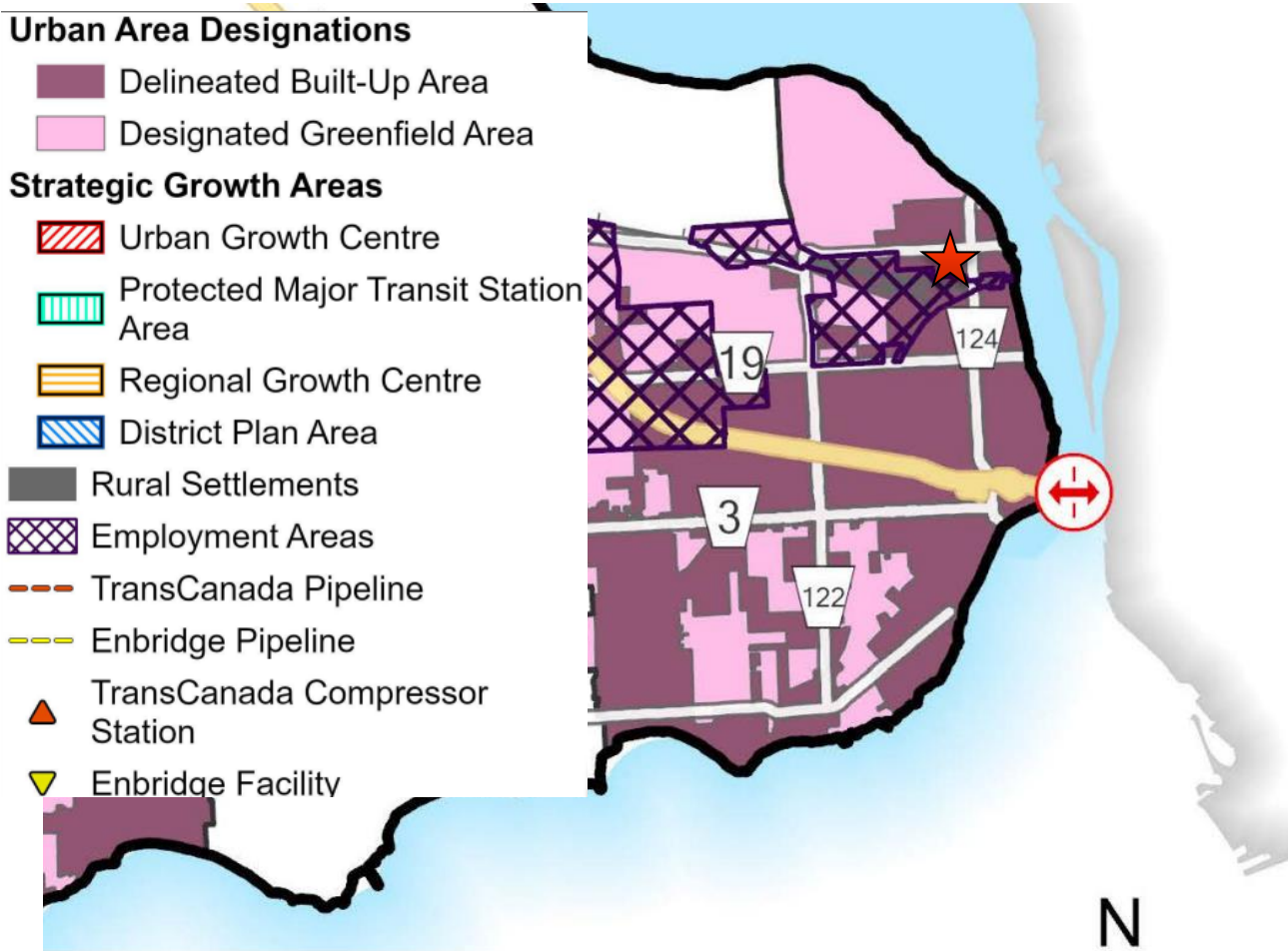
Appendix A – Surveyors Real Property Report





Appendix C – Niagara Official Plan Schedules

Schedule B – Regional Structure (Subject Lands marked with Red Star)



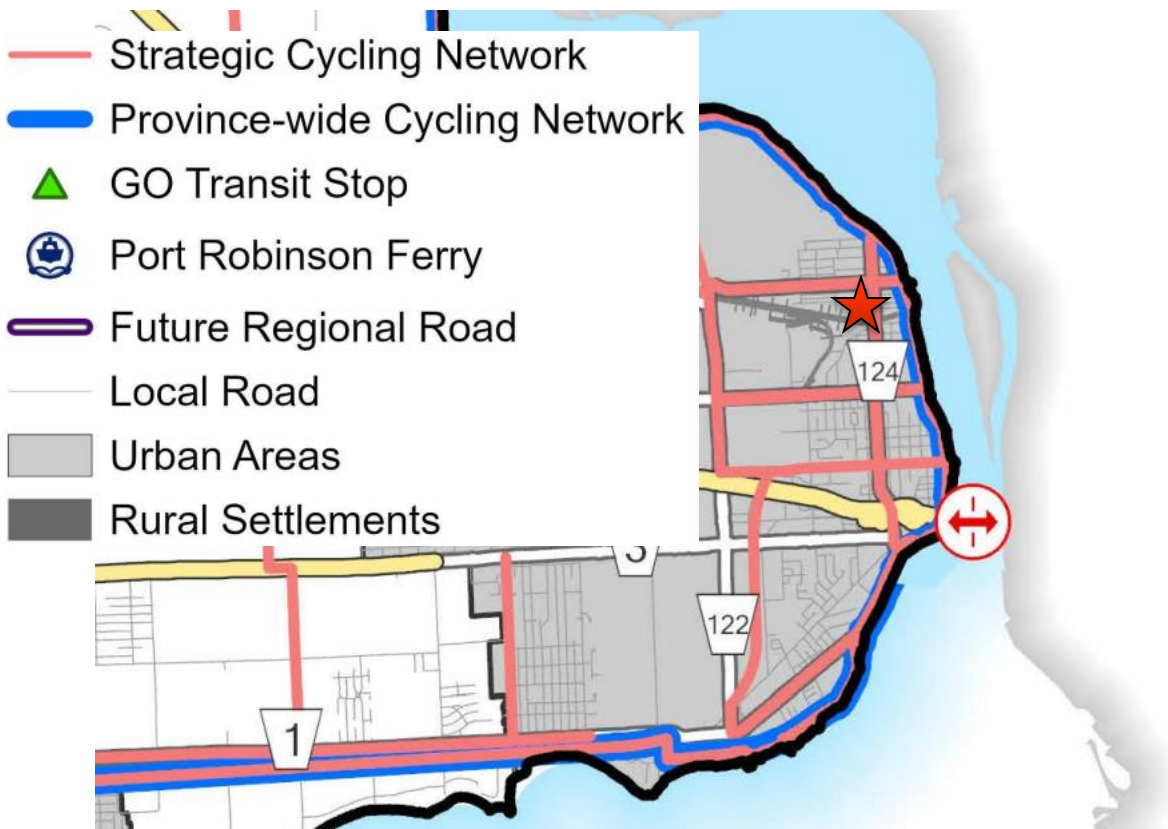
Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems (Subject Lands marked with Red Star)



Schedule J1 – Transportation Infrastructure (Subject Lands marked with Red Star)

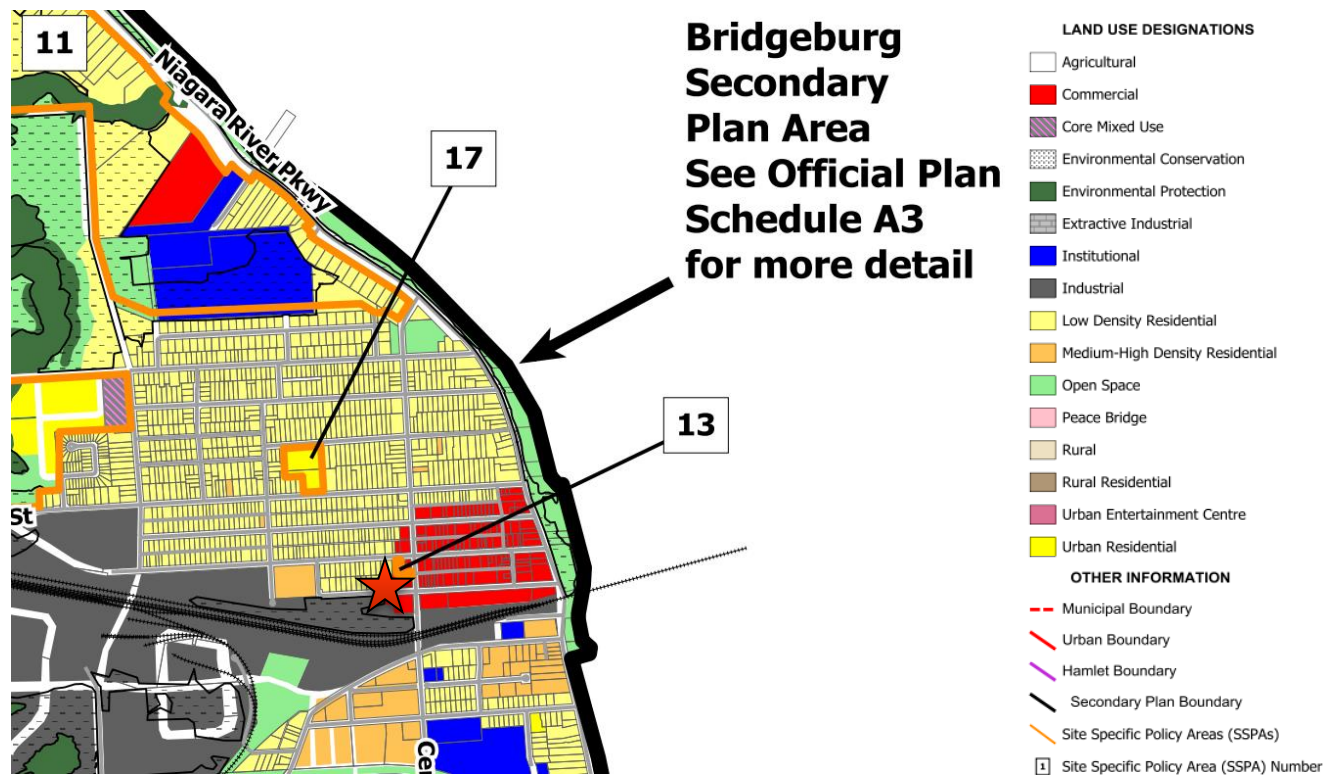


Schedule J2 – Strategic Cycling Network (Subject Lands marked with Red Star)



Appendix D – Town of Fort Erie Official Plan Schedules

Schedule A – Land Use Plan (Subject Lands marked with Red Star)



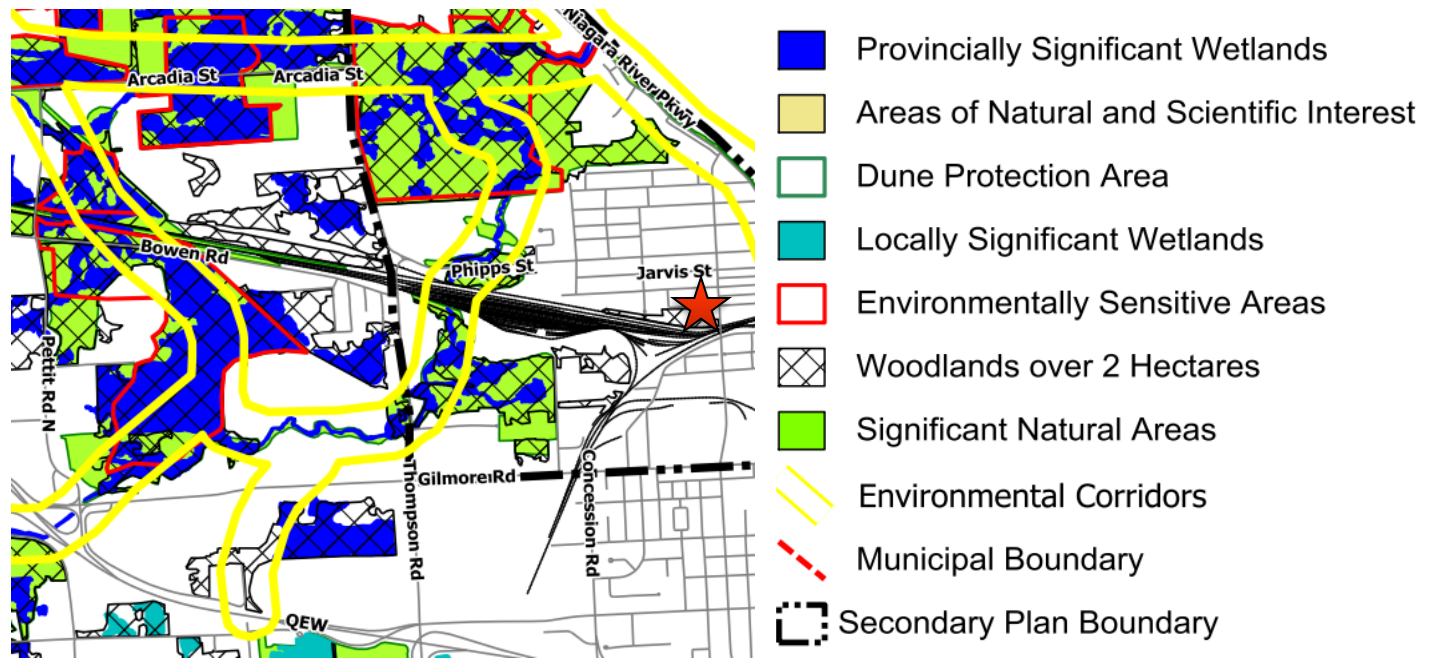
Schedule A3 – Bridgeburg Secondary Plan Area (Subject Lands marked with Red Star)



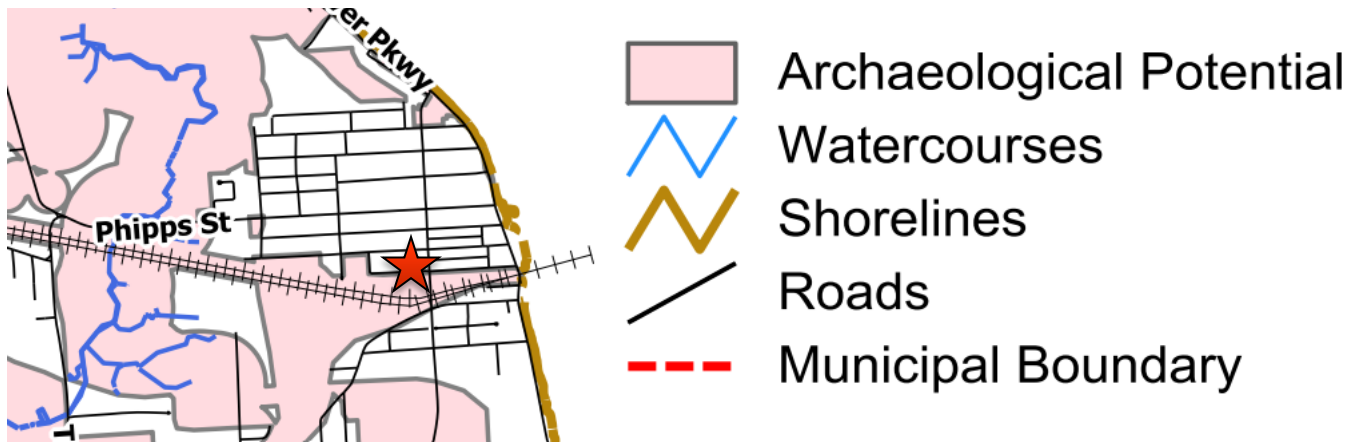
BRIDGEBURG SECONDARY PLAN
Schedule "Bridgeburg-2" - Land Use Plan

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> ① Policy Area 1 - Crooks/Bowen Potential Development Site ② Policy Area 2 - West Jarvis Brownfield Site ③ Policy Area 3 - Horton Residential Revitalization Area ④ Policy Area 4 - Bridgeburg Core Mixed-Use Area ⑤ Policy Area 5 - Bridgeburg Central Business District ⑥ Policy Area 6 - Mentholatum Adaptive Reuse Site ⑦ Policy Area 7 - Industrial Drive Floodplain Area ⑧ Policy Area 8 - Potential Riverfront Public Plaza Site ⑨ Policy Area 9 - North Bridgeburg/Frenchman's Creek Area □ Secondary Plan Boundary | <ul style="list-style-type: none"> Low Density Residential Medium to High Density Residential Commercial Core Mixed-Use Area Industrial/Business Employment Area Institutional & Government Open Space - Public Parks Etc Cemeteries Environmental Conservation Areas Environmental Protection & Wetland Areas | <ul style="list-style-type: none"> Niagara River Parcel Fabric Rail Corridor - Commuter/Goods Priority Road Upgrades Potential Future Road Network Potential Rail Crossing Improvements Neighbourhood Gateways Commuter Rail/Transfer Station Future Neighbourhood Park Required Railway Heritage Site Reg. Niagara Urban Area Boundary |
|---|--|--|

Schedule C – Natural Heritage Features (Subject Lands marked with Red Star)



Schedule D – Cultural Heritage Archaeological Zones of Potential (Subject Lands marked with Red Star)



Schedule E – Transportation Plan (Subject Lands marked with Red Star)



Appendix E – Town of Fort Erie Zoning By-law Map
Schedule A – Map 35 (Subject Lands marked with Red Star)



Appendix F – Draft Official Plan Amendment

THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. XX to the Official Plan adopted by By-law No. XXX-XX for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

The subject lands described as Site-Specific Policy Area XX on the attached Schedule A are hereby redesignated to:

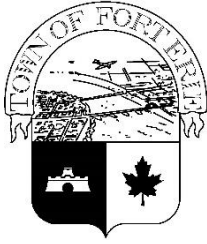
4.14.X 214 Courtwright Street (Site-Specific Policy Area XX)

- a) The lands designated on Schedule "A" as "Site-Specific Policy Area XX" shall generally be governed by the Core Mixed-Use policies of Section 4.15.8 of the Bridgeburg Secondary Plan and Section 4.8 of the Official Plan.
- b) Notwithstanding the the Core Mixed-Use policies of Section 4.15.8 of the Bridgeburg Secondary Plan and Section 4.8 of the Official Plan, the following shall apply:
 - i. The subject lands may be used for a 5-unit stand-alone apartment building a maximum density of 78 units per hectare.
 - ii. Residential uses are permitted to occupy up to 100% of the ground floor.

Schedule “A”



Appendix G – Draft Zoning By-law Amendment



The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2022

**By-law to Amend Zoning By-law No. 129-90
214 Courtwright Street
NPG Planning Solutions Inc. - Agent
2550663 Ontario Inc. - Owner**

Whereas an application was received from NPG Planning Solutions Inc., Planning Consultants (Agent) on behalf of 2550663 Ontario Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands municipally known as 214 Courtwright Street; and

Whereas a Public Meeting pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c.P.13 was held on XX XX 2022, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-XX-2022 considered at the Council-in-Committee meeting of XXX XX, 2022 and subsequently authorized and approved by Council, and

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

1. That Map D-2 of Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands municipally known as 214 Courtwright Street and as shown on the attached Appendix "1" from "General Commercial (C2-418) Zone" to "Residential Multiple 2 (RM2-XX) Zone."
2. That By-law No.129-90, as amended, is further amended by adding to "Section 15: Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exceptions:

“RM2-XX (XX-2022) 214 Courtwright Street

These lands are zoned “Residential Multiple 2 Site-Specific (RM2-XX) Zone”, and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned “Residential Multiple 2 (RM2) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 2 Site-Specific (RM2-XX) Zone”, subject to the following provisions:

- a) Notwithstanding Subsection 6.20 the following shall apply:
- i) Part of all of required parking shall be provided via one, or a combination of the following means:
 - a. On the same lot as the dwelling, or
 - b. In a dedicated area within a municipal parking lot through a licence agreement or paid permitting system for a municipal parking lot that is located within 200 m of the lands, or
 - c. In an area of a private parking lot that contains an easement in favour of the lands and is located within 200 m of the lands.
 - ii) Minimum Parking Dimension 2.7 x 5.14 metres
 - iii) Parking spaces are permitted to be located 0 metres from the front lot line, 0 metres from the east interior lot line and a minimum of 2.1 metres from the west interior lot line.
 - iv) Parking spaces are permitted in tandem.
- b) Notwithstanding Subsection 6.21 the following shall apply:
- i) Minimum width of planting strips Rear yard: 0.5 metres
abutting residential zones Westerly side yard: 0.4 metres
- c) Notwithstanding Subsection 15.3 the following shall apply:
- i) Minimum lot frontage 15.2 metres
 - ii) Maximum lot coverage 46%
 - iii) Minimum front yard 5.1 metres
 - iv) Minimum interior side yard 0.5 metres (westerly)
4 metres (easterly)
 - v) Minimum rear yard 0.4 metres

Appendix 1

