

**Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan
of Common Elements Condominium**

3303 Dominion Road, Fort Erie

Date: March 21, 2023

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to 13804003 Canada Inc, “Owners” of approximately 0.41 hectares of land in the Town of Fort Erie, municipally known as 3303 Dominion Road (“Subject Lands”). NPG has been retained to provide professional planning advice, in the form of a Planning Justification Report (PJR), on concurrently submitted applications for Zoning By-law Amendment, Draft Plans of Subdivision, and Common Elements Condominium to facilitate the development of thirteen (13) townhouse dwelling units, a common elements private road, visitor parking areas, and landscaping areas. Section 13.5 of the Town of Fort Erie Official Plan (Town OP) provides a description of a PJR and states “any proposal for development or site alteration should demonstrate that it meets the goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the Town’s Official Plan and provide an indication of whether it conforms to applicable Provincial Plans and policies.” This PJR provides an analysis for consistency and conformity with Provincial, Regional and Town policies and plans.

The Town of Fort Erie Comprehensive Zoning By-law No. 129-90 zones the Subject Lands “Neighbourhood Development (ND-582).” The Zoning By-law Amendment is required to rezone the Subject Lands to “Residential (RM1) Zone” with site-specific provisions to permit the development of townhomes, as the Neighbourhood Development (ND-582) Zone only permits existing single-detached dwellings.

The Draft Plan of Subdivision, attached as Appendix G to this report is required to facilitate the development of three (3) separate blocks. Blocks 1 and 2 would accommodate the development of a total of thirteen (13) townhouse units. Block 3 would be used a private road to provide access to the townhouse units on Blocks 1 and 2 and include driveway, visitor parking areas, and landscaped areas. A Draft Plan of Common Elements Condominium is required to tie and allow for shared use of Block 3 by the townhouse units.

A fourth application for the removal of Part Lot Control will be submitted following the registration of the Subdivision Plan and construction of foundations, to divide the individual townhouse units. These units will then become parcels of tied land to the Block 3.

Section 5.1 of this PJR evaluates the appropriateness of the Applications when assessed in relation to requirements under the *Planning Act*. Sections 5.2, 5.3, 5.4 and 5.5 of this PJR provides and evaluation of the applications for consistency and conformity with the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (NOP), the Town of Fort Erie Official Plan (Town OP). In summary, the Applications comply with requirements of the *Planning Act* and are consistent with the PPS, and conform with the Growth Plan, the NOP, and the Town OP as they would facilitate intensification and diversification of the existing housing stock within the Built-up Area, as delineated in Schedule RTB-1 of the Town OP.

Sections 6.0 describes the specific relief being sought and provides justification for approval of the application for Zoning By-Law Amendment.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands, as shown on **Figure 1 - Aerial Context** below are located on the south side of Dominion Road, being Regional Road #1 as per Schedule J1 “Transportation Infrastructure” of the NOP and just east of Burleigh Road North being a local Collector Road as per Schedule RTB-4 of the Town OP.

The Subject Lands are rectangular in shape with approximately 61 metres of frontage and 67 metres of depth, and a total area of approximately 4,055 m². There is an existing single-detached dwelling present on the Subject Lands. There are no natural heritage features that have been identified on the Subject Lands. The Subject Lands have not been identified as having any archaeological potential according to Schedule D of the Town OP.

The area in which the Subject Lands are located is generally residential in nature. Figure 1 highlights the surrounding land uses around the Subject Lands. The abutting lands to the south and west are lands primarily used for low density residential purposes in the form of single-detached dwellings. Lands on the north side of Dominion Road and east side of Burleigh Road North are designated Environmental Protection as per Schedule RTB-2 and identified as a Woodlot as per Schedule RTB-3 of the Town OP. The remaining lands on the northside of Dominion Road are primarily used for low density residential purposes in the form of single-detached dwellings.

The lands to the east of the Subject Lands are known as Southridge Meadows Subdivision. These lands were approved for the development of the site for 4 single-detached dwelling units and 50 semi-detached dwelling units.

Figure 1 - Aerial Context

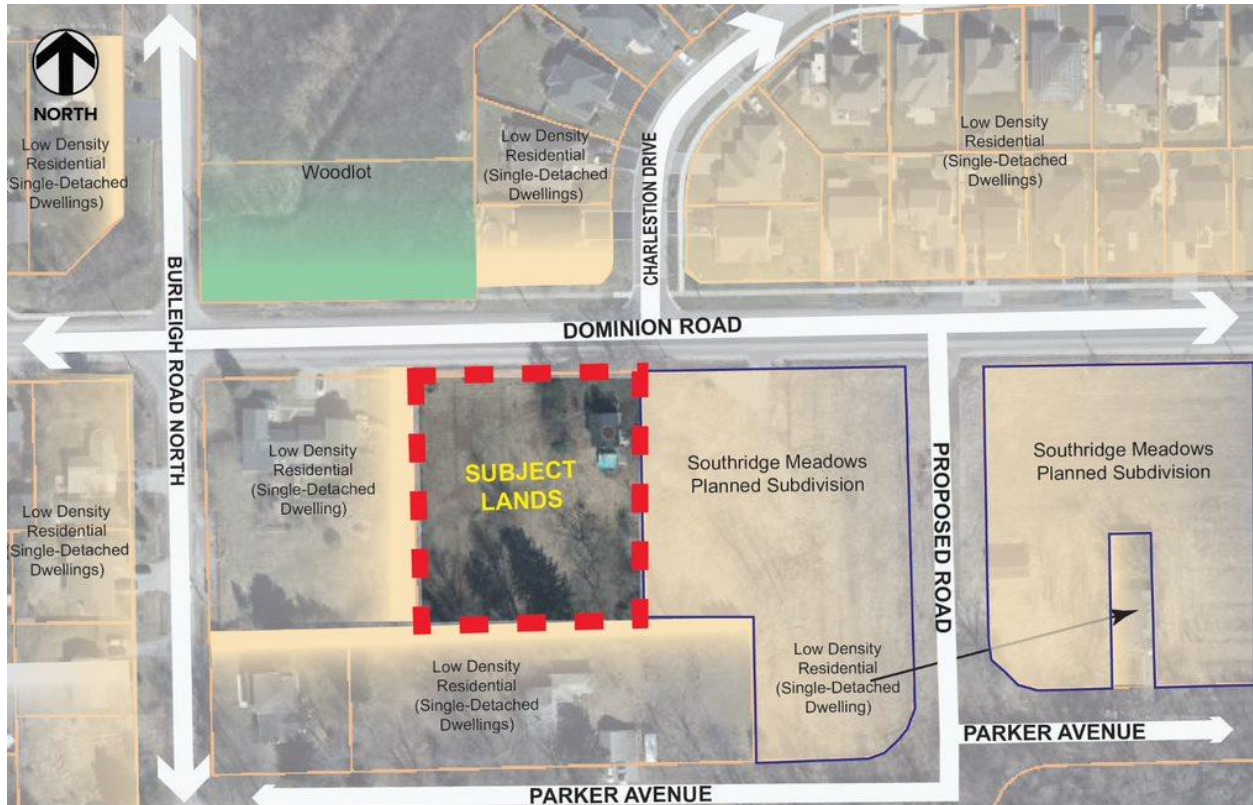


Figure 2 - **Community Amenities Map** on the following page, highlights various community amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the Subject Lands.

The Subject Lands are east of a mixed-use area. The mixed-use area contains a variety of primarily local servicing commercial uses such as retail, restaurants, and service-based uses.

Parks and recreational facilities are located in proximity to the Subject Lands, including Shagbark Conservation Area and Ridgeway Park, both located northwest of the Subject Lands. Crystal Ridge Park and Arena is located southwest of the Subject Lands.

John Brant Public School is located at the southwest corner of Ridge Road North and Highland Drive, approximately one (1) kilometre from the Subject Lands. St. George Catholic Elementary is located approximately 1.7 kilometres southwest of the Subject Lands. There are no secondary schools located in proximity to the Subject Lands.

The Subject Lands have access to range of transportation options. Fort Erie is serviced by On-Demand Transit. On-Demand Transit is a shared-ride public transit service without a fixed schedule or route. The bus travel is optimized by computer software, and it is based upon rider trip requests. On-Demand Transit operates within the entire Town allowing riders to travel from point to point without transfers. Additionally, the Subject Lands are in proximity to cycling trails along Dominion Road and Ridge Road forming part

of the Niagara Region's Strategic Cycling Network and the Friendship Trail, forming part of the Province-wide Cycling Network.

Please see Photos 1 – 9 for visual context of the Subject Lands.

Figure 2 - Community Amenities Map



- | | | |
|--|--|--|
|  Subject Lands |  Mixed-Use Area |  Niagara Region's Strategic Cycling Network |
|  Schools & Institutional Uses |  Parks/Recreation |  Wetland / Woodlot |

Photo 1 - View looking south from Dominion Road towards the existing single-detached dwelling on the Subject Lands.



Photo 2 - View looking south from Dominion Road toward the western side yard of the existing single-detached dwelling.



Photo 3 – View looking south from Dominion Road towards the Subject Lands.



Photo 4 - View looking southeast from Dominion Road towards the existing single-detached dwelling.



Photo 5 - View looking north from the rear lot line of the Subject Lands.



Photo 6 - View looking east from the eastern lot line of the Subject Lands towards existing vacant lands.



Photo 7 - View looking west from the Subject Lands along Dominion Road.



Photo 8 - View looking north from the Subject Lands towards the single-detached dwellings fronting on Charleston Drive.



Photo 9 - View looking east from the Subject Lands along Dominion Road.



3.0 Proposed Development

The Applicant is proposing Applications for Zoning By-law Amendment, Draft Plans of Subdivision, and Common Elements Condominium to facilitate the development of two (2) townhouse blocks consisting of a total of thirteen (13) residential units on a private road with an overall site density of 31.7 units per hectare. Each of the dwelling units would be a freehold parcel, tied to a common elements condominium. The common elements would consist of private road, visitor parking areas, and landscaping areas.

The proposed Townhouse Blocks are shown as Blocks “A” and “B” on the Architectural Plans included as Appendix A to this report. The overall site would provide for a total building footprint of 1,643.50 m² (40.2% lot coverage). The building footprint would include 262.77 m² associated with covered porches and terraces. 1,207.17 m² (29.5% lot coverage) of landscaped open space is included, with the remaining 1,236.22 m² (30.2% lot coverage) lands being paved for automotive traffic including the private road, driveways and visitor parking spaces.

Each of the proposed townhouse buildings would be setback approximately five (5) metres from Dominion Road, with covered porches projecting approximately 1.5 metres into the front yard setback. The proposed townhouse buildings would architecturally face

and be setback 6.44 metres from the proposed common elements private road, with porticos projecting approximately 1.5 metres into the front yard setback. Townhouse buildings are also proposed to be setback approximately six (6) metres from existing east and west lot lines, being the rear yard for each of the dwelling units. The site-specific provisions sought regarding rear yard setbacks as described in Section 6.0 of this report are related to the inclusion of a common elements component along the rear of Block A which must be considered when calculating rear yard setback, and projecting pilasters; covered terraces; and cantilevers and balconies on the second floor.

Each of the townhouse buildings would be constructed to a height of nine (9) metres. The proposed rear yard setbacks and heights for the townhouse buildings would act to appropriately mitigate privacy impacts on adjacent residential uses.

Block "A" to the west (Block 1 on the Draft Plan of Subdivision) would consist of seven (7) townhouse units. Block "B" to the east (Block 2 on the Draft Plan of Subdivision) would consist of six (6) townhouse units. The townhouse units are modest in size and range between approximately 167 m² (1,800 ft²) and 175 m² (1,880 ft²).

Parking for the townhouse units would include tandem (garage and driveway parking). Seven (7) visitors parking spaces are also proposed for the development.

Zoning By-law Amendment

The Subject Lands are currently designated Low Density Residential and zoned Neighbourhood Development (ND-582). Section 17.2 of the Zoning By-law lists the following uses are permitted:

- (a) Existing single-detached dwellings*
- (b) Uses, buildings and structures accessory to the foregoing existing use*
- (c) Home Occupations*

The Zoning By-law Amendment application is required to permit development of Block Townhouse Units with site-specific zone regulations. These site-specific zone regulations are discussed in Section 6.0 of this PJR.

An Official Plan Amendment is not required as Section 4.18.7 of the Ridgeway-Thunder Bay Secondary Plan permits Medium Density development, subject to meeting one or more criteria, as outlined below:

- 1. within walking distance to the Downtown Core Mixed Use;*
- 2. within walking distance to the Gorham Commercial Gateway;*
- 3. preferably along arterial and collector roads within the Plan Area;*
- 4. in close proximity to amenity spaces such as Parks, Open Space/Trails or Natural Feature Areas.*

The Subject Lands are located along an arterial road, and in proximity to parks and open space/trails.

Draft Plan of Subdivision

The Draft Plan of Subdivision proposes the development of three (3) blocks. Block 1 with any area of 1,528.83 m² would accommodate the development of a townhouse block consisting of seven (7) dwelling units. Block 2 with an area of 1,382.91 m² would accommodate the development of a townhouse block consisting of six (6) dwelling units. Block 3 with an area of 1,143.49 m² would be used as a private road, visitor parking areas, and landscaping areas. Of note, it is intended that each of the townhouse units be owned as freehold. Removal of part lot control will be required following the construction of the foundation walls to allow for freehold ownership of the townhouse units.

Plan of Common Elements Condominium

The Application for Draft Plan of Common Elements Condominium applies to Block 3 and is necessary to allow for its shared use by the individual townhouse unit holders. The townhouse units would become parcels of tied land to the condominium corporation.

3.1 Pre-con summary

A pre-consultation meeting was held on July 28, 2022, regarding the Applications. Included in the meeting were Regional Staff, Town Staff, and the Applicant. There were no concerns raised regarding general conformity with Provincial and Regional policies.

Town Staff indicated that the Subject Lands are located in the Ridgeway-Thunder Bay Secondary Plan, which permits the creation of medium density land uses via Zoning By-law Amendment provided the development site is in close proximity to the Downtown Core Mixed Use area, the Gorham Commercial Gateway area, along an arterial or collector road or near public amenity areas. The Subject Lands meets these criteria and is in proximity to Shagbark Park and the Fort Erie Friendship Trail and an Arterial Road being Dominion Road (Regional Road #1). The pre-consultation notes indicate that an Official Plan Amendment would not be required. The pre-consultation notes further indicate that the Subject Lands are zoned Neighbourhood Development (ND-582) Zone. The ND zoning only permits existing single-detached dwellings. A Zoning By-law Amendment is required to permit the townhouse development.

The pre-consultation notes indicated the following requirements at the Zoning By-law Amendment and Draft Plans of Subdivision and Common Elements Condominium stage:

- Planning Justification Report
- Conceptual Site Plan & Landscape Plan
- Functional Servicing Study
- Stormwater Management Plan
- Architectural Drawings such as 3D rendering and architectural elevations

The above has been included in this submission.

4.0 Supporting Studies Review

4.1 Site Plan, Rendering and Architectural Elevations

Site Plan (A0), Perspective Drawings (A0, A3, A6), Architectural Elevations (A3, A6), and Floor Plans (A1, A2, A4, A5) have been prepared by ACK Architects in support of the Applications. These drawings demonstrate that the proposed development is appropriately sited and of an appropriate mass and scale. A detailed Landscape Plan has not been prepared. The Site Plan prepared in support of the Applications identifies appropriate locations for future landscaping. Detailed landscaping will be considered following approval of Applications of Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Common Elements Condominium.

4.2 Subdivision and Condominium Plan

The Applications include Draft Plan of Subdivision and Draft Plan of Common Elements Condominium. The Draft Plan of Subdivision prepared by Allan Heywood, of J.D. Barnes, dated January 28, 2023 provides for the creation of three (3) blocks. The townhouse units would be constructed on Blocks 1 and 2. Block 3 would be the common elements component of the development. The common elements component of the development and parcels of tied land are shown on the Draft Plan of Common Elements Condominium, also prepared by Allan Heywood, of J.D. Barnes, dated January 28, 2023.

4.3 Functional Servicing Design Brief

A Functional Servicing Design Brief (FSB) was prepared by Hallex Engineering Ltd. dated February 24, 2023, to determine the functional sizing of the proposed sanitary and water services in addition to the post-development flows from the site to determine the impact on the existing municipal infrastructure. The Subject Lands are currently serviced; however, the sizing and location of existing sanitary lateral and water services are unknown. All existing services would be located, capped and abandoned and replaced as follows:

- The existing sanitary infrastructure at Dominion Road consists of a 200 mm municipal PVC sanitary sewer which drains westerly towards Burleigh Road North. The FSB recommends a minimum 200 mm diameter sanitary sewer to convey sanitary flows from the Subject Lands to the sanitary sewer. The peak drainage rate for the proposed development is determined to be 390.2 L/min.
- The existing watermain infrastructure at Dominion Road consists of a 150 mm municipal PVC watermain and a 400mm regional watermain. A new water service lateral is proposed to connect to the municipal watermain. The FSB recommends that a minimum 50 mm diameter water service be installed to provide water supply to the Subject Lands. The maximum domestic water demand for the proposed development is determined to be 329.6 L/min.

The Town's Sanitary Model consultant will evaluate the impact of the proposed development on the receiving system.

4.4 Stormwater Management Design Brief

A Stormwater Management Design Brief was completed by Hallex Engineering dated February 24, 2023. The current drainage path for the site consists of overland sheet flow to the existing roadside drainage ditch at Dominion Road. Stormwater management controls will be implemented to ensure that storm flows are controlled to the pre-development flow rate. Such controls will require detaining stormwater in a cast-in-place stormwater tank at the front of the Subject Lands. An orifice plate would be installed at the outlet to ensure the post-development runoff is controlled to the pre-development runoff rates for the two, five and one-hundred-year storm events. A HydroDome HD4 oil and grit separator will be installed to address stormwater quality and will ensure total suspended solids removal of at least 85%.

5.0 Planning Legislation and Policies

5.1 *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*. Included in these matters are:

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (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.*

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.

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.

Matters of provincial interest are articulated in Provincial, Regional and Town planning documents, and discussed throughout this PJR. In summary, the Applications would facilitate growth and development in an appropriate location, and the provision of a full range of housing, by permitting a townhouse development, a form uncommon to the Town. Additionally, the compact form and proximity of the development to parks, open space and active transportation contribute to reduced automotive dependence, and consequently, greenhouse gas emissions. Presently on-demand transit is in place. Should the Town choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services. Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report.

Section 51(24) of the *Planning Act* provides that 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 matters analyzed in **Table 1** below:

Table 1 - Section 51(24) Criteria Assessment

Criteria	Proposed Development
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	Section 2 of the <i>Planning Act</i> regarding matters of Provincial interest are described above.
(b) whether the proposed subdivision is premature or in the public interest;	<p>There is significant demand for new housing in the Province and Region of Niagara.</p> <p>The Subject Lands are within the Built-up Area as per Schedule RTB-1 of the Town OP and front onto an open public road and full municipal services. Development of the Subject Lands would allow for the efficient uses of existing infrastructure and municipal services.</p>

Criteria	Proposed Development
	Development of the Subject Lands is not dependent on that of adjacent lands.
<i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	<p>The proposed Draft Plan of Subdivision and Draft Plan of Common Elements Condominium conform to the Official Plan, as described in Section 5.5 of this PJR.</p> <p>The Subject Lands are adjacent to and will be developed independently of the Southridge Meadows Subdivision.</p>
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	The Subject Lands are designated Low Density Residential. The Town OP includes criteria for considering Medium Density Residential uses on lands designated Low Density Residential. These criteria are met as described in Section 5.5 of this PJR. The Subject Lands are adjacent to existing and planned Low Density Residential uses. The low-rise built form proposed will ensure that impacts regarding shadowing are mitigated on adjacent lands.
<i>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	There are no affordable housing units proposed.
<i>(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;</i>	The proposed development will connect to an open Arterial Road. There are no public roads proposed.

Criteria	Proposed Development
<i>(f) the dimensions and shapes of the proposed lots;</i>	Conceptual Site Plan drawings have been prepared in support of the Applications. The Conceptual Site Plan drawings together with the Draft Plan of Subdivision demonstrate that the proposed Blocks are appropriately sized to accommodate townhouse dwelling units and a private road.
<i>(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;</i>	There are no known restrictions.
<i>(h) conservation of natural resources and flood control;</i>	There are no natural resources or flooding hazards affecting the Subject Lands.
<i>(i) the adequacy of utilities and municipal services;</i>	The Subject Lands are connected to existing municipal services. These connections will be replaced through the development process as described in the FSB prepared by Hallex Engineering Ltd. dated February 24, 2023. The Town's Sanitary Model consultant will evaluate the impact of the proposed development on the receiving system for the proposed sanitary connection.
<i>(j) the adequacy of school sites;</i>	The level of intensification proposed is not anticipated to significantly impact existing schools. John Brant Public School is located at the southwest corner of Ridge Road North and Highland Drive, approximately 1-kilometre from the Subject Lands. St. George Catholic Elementary is located approximately 1.7 kilometres southwest of the Subject Lands. There are no secondary schools located in proximity to the Subject Lands. The Niagara Student Transportation Services, a consortium between the District School Board of Niagara and the Niagara Catholic District

Criteria	Proposed Development
	School Board, provides bussing for students that are outside school walk zones.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There is no land proposed to be dedicated for public purposes.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The proposed development would connect to available energy supply systems. The Subject Lands in proximity to active transportation infrastructure and within 1 kilometre of Ridge Road North. These amenities encourage active transportation and reduce dependence on forms of transportation reliant on fossil fuels.
<i>(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.</i>	The Subject Lands are not subject to Site Plan Control as per Section 41(1.2) of the <i>Planning Act</i> .

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*.

5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

5.2.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns Areas

Section 1.1 of 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:*

- 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;*

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

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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.

ANALYSIS

The Subject Lands are within a Settlement Area as defined by the PPS. The proposed development is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards that support intensification, a range and mix of residential types, the efficient use of land and resources, and optimized use of existing municipal infrastructure.

5.2.2 Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following apply to the proposed development:

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; 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;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- 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.*

ANALYSIS

The Applications are consistent with the Housing policies of the PPS as they propose to permit and facilitate development standards for residential intensification, compact form, and the provision of a range of housing options. Of note, the proposed townhouse development would increase housing choice in a community where single-detached housing types prevail.

5.2.3 Transportation Systems

Section 1.6.7 of the PPS provides policies regarding Transportation Systems. Of note, the following applies:

POLICY

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

ANALYSIS

Dominion Road is a Regional Road as per Schedule E of the Town OP and Schedule J1 of the NOP. The Subject Lands are also in proximity to the Local Bicycle Network, located to the south of Dominion Road, as identified in Schedule E of the Town OP. Focusing intensification and higher density developments in proximity to bicycle routes provides the necessary demand for such infrastructure to ensure its long-term viability.

Presently on-demand transit is in place. Should the Town choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

For these reasons, the Applications are consistent with the Transportation Systems policies of the PPS.

SUMMARY

Based on the foregoing, the Applications are consistent with the policies of the PPS.

5.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)

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.

The Subject Lands are identified as being within the Built-up Area as per Schedule 2 of the Growth Plan.

5.3.1 Managing Growth

Section 2.2.1 Growth Plan provides the following policies with respect to managing growth:

POLICY

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;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities...

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;

d) expand convenient access to:

- i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
- ii. public service facilities, co-located and integrated in community hubs;
- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- iv. healthy, local, and affordable food options, including through urban agriculture;

- 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...*

Section 7 of the Growth Plan defines Complete Communities as follows:

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

ANALYSIS

The Applications would facilitate the provision of a diverse range and mix of housing options and intensification within the built-up area by permitting a townhouse development in a municipality where single-detached dwellings predominate. The Applications further support the achievement of complete communities by facilitating compact built-form and facilitating efficient use of and providing convenient access to a range of available transportation options, including active transportation options that are in proximity to the Subject Lands.

5.3.2 Delineated Built-up Areas

Section 2.2.2 Growth Plan provides the following policies regarding delineated built-up areas:

POLICY

1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
 - a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area...*
2. *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*
3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: ...*

- c) encourage intensification generally throughout the delineated built-up area;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;...
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

ANALYSIS

The Applications would facilitate intensification within the delineated built-up area. The Applications also contribute to the achievement of complete communities through the provision of a full range of housing options in an area supported by convenient access to local stores, and services and a full range of transportation options.

5.3.3 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

POLICY

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.*

ANALYSIS

The Applications conform with the Housing policies of the Growth Plan by facilitating the provision of a full range of housing options.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the Growth Plan.

5.4 Niagara Official Plan – Approved November 4, 2022

The Niagara Official Plan (NOP) is Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

Table 2 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Urban Area – Built Up Area
J1 – Transportation infrastructure	Dominion Road is a Regional Road
J2 – Strategic Cycling Network	Dominion Road is identified as part of the Strategic Cycling Network. The Friendship Trail is located to the south of the Subject Lands and is identified as forming part of the Province-wide Cycling Network.

5.4.1 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

POLICY

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

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- 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;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- 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 and active transportation...**

e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...*

i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas...*

k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities;*

l) *mitigation and adaptation to the impacts of climate change by:...*

iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

ANALYSIS

The Applications meet all the above objectives of the NOP. In particular, the Applications focus intensification within the Built-up Area of Ridgeway-Thunder Bay. The Subject Lands are in an ideal location to provide for medium density residential development contributing to the range of housing types and densities due to the proximity of the Subject Land to a Regional Road, active transportation infrastructure and parks and recreation facilities. Achieving housing supply through intensification and compact built form contributes to reduced automotive dependence, and consequently, greenhouse gas emissions. Additionally, should the Town revert to traditional transit in the future, it is anticipated that transit routes would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services. Lastly, the proposed development would utilize and optimize the use of existing municipal and water services.

5.4.2 Strategic Intensification and Higher Densities

Section 2.2.2. of the NOP provides policies with respect to intensification, as follows:

POLICY

2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:

b) areas with existing or planned public service facilities;

c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit...

2.2.2.6 Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 3,680 units and a 50% intensification rate for Fort Erie).

Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects development trends and land use permissions at the time of Local conformity.

2.2.2.9 Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety...

c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites...

ANALYSIS

The proposed development is considered to be intensification as promoted in the NOP and would contribute to meeting Regional intensification targets for the Town. The Applications would facilitate appropriate development standards to support the achievement of complete communities and facilitate compact built-form. For these reasons, the Applications conform with Section 2.2.2 of the NOP.

5.4.3 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

POLICY

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

a) facilitating compact built form...

ANALYSIS

The Applications would facilitate the development of townhouse development, in a Town where single-detached dwellings prevail, contributing to the range and mix of housing densities and types. This form of residential intensification also conforms with policies encouraging compact built form.

5.4.4 Multimodal Transportation System

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

POLICY

5.1.1.4 Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.

5.1.5.1 As conditions of the approval of a development application under the Planning Act:

a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region...

5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.

ANALYSIS

Notes from the July 29, 2022, pre-consultation meeting indicate that the designated road allowance width of Dominion Road along the frontage of the Subject Lands meets the requirement of the NOP. Although the pre-consultation predates the NOP that has been in effect since November 4, 2022, there has not been any change to the designated road allowance width for Dominion Road. Therefore, no road widening should be required.

The pre-consultation notes further indicate that the average annual daily traffic count along the portion of Dominion Road where the Subject Lands is situated is less than 5,000 trips per day. As such, Regional Staff offered no requirements regarding land use compatibility.

There were no concerns raised regarding potential adverse impacts to the Dominion Road corridor.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the NOP.

5.5 Town of Fort Erie Official Plan - Office Consolidated Version: September 1, 2021

The Town of Fort Erie Official Plan (Town OP) was approved by the Region of Niagara on November 18, 2011. Section 2.1 of the Town OP identifies the following purpose:

- I. *The general purpose of this Plan is to provide the Town of Fort Erie with a general policy designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. 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 where appropriate; creating a range of housing opportunities and choices; creating walkable neighbourhoods; fostering distinctive, attractive communities with a strong sense of place; preserving open space, farmland, natural beauty, and critical environmental areas; strengthen and direct development towards existing communities; making development decisions predictable, fair and cost effective; and encouraging community and stakeholder collaboration in development decisions.*

- II. *This Plan is intended to provide basic policy, within the framework of the Planning Act, the Provincial Policy Statement, Provincial Growth Plan and the Regional Policy Plan, within which Council may carry out successive and more detailed steps in the planning process through the exercise of powers conferred on them by Provincial legislation. It is intended that this Plan will be a guide to all public and private agencies concerned with the development of the Town. Public authorities will be assisted in their planning and installation of necessary municipal facilities, such as roads and schools.*

The Town OP identifies goals, objectives and policies to achieve its stated purpose, as described in the analysis in the foregoing subsections of this PJR. The schedules of the Town OP, as summarized in Table 3 below, designated land uses to achieve its purpose.

Table 3 - Town OP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
A – Land Use Plan	Low Density Residential Ridgeway-Thunder Bay Secondary Plan Area
A1 – Neighbourhoods	Ridgeway-Thunder Bay
A2 – Amendment Areas	OPA #15 – Ridgeway – Thunder Bay Secondary Plan

B – Mineral Aggregate and Petroleum Resources	Petroleum Resource Area
E – Transportation Plan	Dominion Road is identified as a Regional Road.
RTB-1 – Ridgeway-Thunder Bay Secondary Plan – Built Boundary (Places to Growth)	Built-up Area
RTB-2 – Ridgeway-Thunder Bay Secondary Plan – Future Land Use Plan	Residential – Low Density (Up to 25 u/ha)

There are no natural heritage features or natural hazards that have been identified on the Subject Lands as per Schedule C – Natural Heritage Features, Schedule C1 – Natural Hazards and Fish Habitat, Schedule RTB-3 – Open Space and Natural Heritage Plan, and Schedule RTB-3a – Open Space, Natural Hazards and Fish Habitat Plan. The Subject Lands are also outside the Cultural Heritage Archaeological Zones of Potential or Sensitivity as per Schedules D and D1.

5.5.1 Goals and Objectives – General

Section 2.3.1. identifies the following general goals and objectives of the Town OP:

POLICY

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);*
- c. To encourage a land use pattern which builds upon the historical development of the Town; and*
- 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 Applications conform with and do not conflict with the above goals of the Town OP. The medium density, low-rise built form as proposed with these Applications conform with the goals and objective of providing for an efficient land use pattern, while minimizing land use compatibility conflicts with adjacent residential uses.

5.5.2 Goals and Objectives – Residential

Section 2.3.5 of the Town OP identifies the following residential goals and objectives:

POLICY

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.*

ANALYSIS

The Applications conform with the overall residential goals and objectives of the Town OP by facilitating the provision of a full range of housing choices. Through compact built form and by connecting to existing municipal services, the Applications also conform with the objective of efficiently utilizing available community and engineering services and reducing automobile dependence. The FSB prepared by Hallex Engineering Ltd. includes calculations of anticipated post-development flows from the site to determine the impact on existing municipal infrastructure. The Town's Sanitary Model consultant will evaluate the impact of the proposed development on the receiving system to ensure that there is available capacity and to ensure that there is no undue financial hardship on the municipality resulting from the need to upgrade the existing system.

5.5.3 Land Use Plan and Policies – Residential

Section 4.7.1 of the Town OP contains general land use policies regarding lands designated residential, as follows:

POLICY

- I. *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.*
- 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.*
- 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.*

ANALYSIS

The Applications conform with the above policies of the Town OP by facilitating redevelopment through the provision of higher density residential development in a location with existing municipal infrastructure including roads, sewage and water services.

5.5.4 Ridgeway-Thunder Bay Secondary Plan

Section 4.18 of the Town of Fort Erie Official Plan is the Ridgeway-Thunder Bay Secondary Plan. Section 4.18.1 of the Town OP identifies the purpose of the Secondary Plan, as follows:

The purpose of the Ridgeway-Thunder Bay Secondary Plan is to provide a framework for a cohesive, complete community, providing opportunities for new development in and around the existing neighbourhoods while remaining conscious and sensitive to the established community as a whole. The framework is intended to provide clear direction in achieving subsequent goals and objectives.

The Secondary Plan consists of a land use plan and related policies to guide development and other forms of renewal to ensure it is in keeping with the Town's vision for this neighbourhood. The Plan will provide and serve as the guide for planning activity for a planning period projected over the next 20 years and will be subject to amendments from time to time, as well as being included the Town's 5 year review of its Official Plan.

The Subject Lands are designated Built-up Area as per Schedule RTB-1 – Built Boundary (Places to Growth) and Residential – Low Density (Up to 25 u/ha) as per Schedule RTB-2 – Future Land Use Plan.

The Ridgeway-Thunder Bay Secondary Plan identifies a vision, goals, objectives and policies for development. The following is an analysis of these matters:

5.5.4.1 *Vision and Goals - Ridgeway-Thunder Bay Secondary Plan*

Section 4.18.2 and Section 4.18.3 identify the following vision and goals of the Secondary Plan:

POLICY

4.18.2. VISION

Our vision for Ridgeway and Thunder Bay is a community steeped in the old and where its village character is maintained while meeting the needs of all neighbourhood residents. In 20 years, Ridgeway-Thunder Bay is the best little town in Niagara, a great place to live life, work, play and visit.

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.

ANALYSIS

The Applications conform with the general direction established through the vision and goals of Ridgeway-Thunder Bay Secondary Plan. Development permitted through approval of the Applications would facilitate intensification and contribute to the range of housing types in the secondary plan area. A range of housing types is necessary to serve households ranging in size and income. The Ridgeway-Thunder Bay Secondary Plan provides criteria for considering medium density residential development. As discussed in subsequent sections of this PJR, the Subject Lands and proposed development meet these criteria.

5.5.4.2 Objectives - Ridgeway-Thunder Bay Secondary Plan

Section 4.18.4. of the Town OP identifies the following relevant objectives of the Secondary Plan:

POLICY

- 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.*
- q) Provide transit supportive design and density that will encourage and maximize ridership by making it convenient to access transit services.*
- t) Ensure that municipal infrastructure, such as water, sewers, storm water management facilities and public / private utilities are provided to adequately service the residents, businesses and institutions of this area. Promote housing development that will provide opportunities to meet with demographic and socioeconomic needs of the Town. A full spectrum of built form and tenure is encouraged if “age-in-place” practice is to be realized.*

ANALYSIS

The Applications conform with the above objectives of the Ridgeway-Thunder Bay Secondary Plan. The proposed townhouses would contribute to a variety in housing types necessary to meet the full spectrum of demographic and socioeconomic needs of the Town. The proposed townhouses would also provide for higher density while ensuring that design is compatible with the low-rise built-form surrounding the Subject Lands.

The Applications would focus intensification along the Town’s primary transportation corridors and is considered to be transit-supportive design, as encouraged in the Ridgeway-Thunder Bay Secondary Plan. Although on-demand transit is in place, should the Town choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

5.5.4.3 Residential Policies - Ridgeway-Thunder Bay Secondary Plan

Although the Subject Lands are designated Residential – Low Density (Up to 25 u/ha) as per Schedule RTB-2 – Future Land Use Plan. The proposed use is considered to be a medium density residential development. Sections 4.18.5, 4.18.6 and 4.18.7 provide policy direction for considering medium density residential development, including within the Residential – Low Density (Up to 25 u/ha) designation, as follows:

POLICY

Section 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.*

- 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)*

Section 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) *Medium Density range of 25 to 75 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.*

Section 4.18.7. Medium Density Residential

- a) *The lands designated on the Schedule “RTB-2” as “Medium Density Residential” shall be reserved for multiple-unit structures (townhomes and apartment dwellings), their accessory uses and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.*
- b) *An overall minimum target of 20% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise a minimum of 40% of all new development. A Medium Density range of 25 to 75 units per hectare will assist in this effort while also making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.*
- d) *Medium Density development is identified on Schedule RTB-2. Additional areas will also be considered by zoning by-law amendment for areas meeting one or more criteria as outlined below:*
- 1. within walking distance to the Downtown Core Mixed Use;*
 - 2. within walking distance to the Gorham Commercial Gateway;*
 - 3. preferably along arterial and collector roads within the Plan Area;*
 - 4. in close proximity to amenity spaces such as Parks, Open Space/Trails or Natural Feature Areas.*
- e) *It is anticipated that the majority of the Medium Density unit yield will be in the form of ground-based dwellings such as street or block townhouse*

development. Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, demonstration of compatibility and consideration of built heritage for areas adjacent to the downtown Core Mixed Use area.

ANALYSIS

The Applications propose the development of 13 townhouse units with a density of 31.7 units per hectare. Townhomes are not permitted, and the proposed density is slightly in excess of that permitted in the Residential – Low Density (Up to 25 u/ha) designation. The proposed use and density are, however, in conformity with the Medium Density Residential policies. As per Section 4.18.7 (d) of the Town OP, Medium Density Residential development is permitted with a Zoning By-law Amendment, provided it meets specified criteria. The proposed development meets two specified criteria: the Subject Lands are located along Dominion Road, being an Arterial Road, and in proximity to parks as described in Section 2.0 of this PJR. For these reasons, the Applications conform with the residential policies of the Ridgeway-Thunder Bay Secondary Plan.

5.5.5 Urban Design Policies

Section 5.6 of the Town OP provides Urban Design policies. The following is an analysis of the proposed development in regard to relevant policies:

POLICY & ANALYSIS

Table 4 - Policy and Analysis of Section 5.6.1 General Policies

Policy	Analysis
<i>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>The proposed development includes appropriately sized rear yard amenity space, being approximately 44 m² for each unit.</p> <p>The Subject Lands abut approved and existing low density residential use to the east and west. The provision of setbacks of 6 metres from abutting residential uses, with second storey floor/balcony cantilever projecting only 3 metres into the rear yard setback, together with the height of the buildings being limited to 9 metres is sufficient to appropriately mitigate impacts on adjacent dwellings.</p>

Table 5 - Policy and Analysis of Section 5.6.2 Streetscapes

Policy	Analysis
<i>IV. Where appropriate with the existing urban character new development should be sited close to the street and aligned with it to enclose the street space.</i>	The proposed buildings would be setback approximately five (5) metres from Dominion Road with a covered porch projecting 1.5 metres into the side yard setback. The proposed townhouse dwellings would be appropriately setback from Dominion Road, when considering the setback of the dwelling to the west, and the permitted front yard setback of the dwellings to the east, being 3 metres.

Table 6 - Policy and Analysis of Section 5.6.3 Buildings and Public Spaces - II. Building and Site Design

II. Building and Site Design will:

Policy	Analysis
<i>a. Be compatible with surrounding site conditions including heritage elements, and the intended character of the area</i>	There are no significant built heritage resources or significant cultural heritage landscapes in proximity to the Subject Lands. The proposed townhouse development would be compatible with the low-rise character surrounding the Subject Lands.
<i>b. Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture</i>	The proposed zoning provisions would allow for a low-rise built form that would provide for continuity of the low-rise scale of development that surrounds the Subject Lands.
<i>c. Incorporate personal safety measures and provide comfort and amenity space both on the site and on the abutting streetscape</i>	There are no significant personal safety concerns associated with the proposed development. Approximately 44 m ² of private outdoor amenity space would be provided within the rear yards of each of the townhouse units. The proposed townhouse dwellings are also sufficiently setback from the proposed private road and Dominion Road to provide appropriate landscaped separation from vehicular infrastructure.
<i>d. Facilitate the preservation and where appropriate, the enhancement of natural features found on the site</i>	The Subject Lands do not contain any significant natural heritage features.

Policy	Analysis
<i>e. Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety</i>	The proposed design has regard to traffic safety by providing access via a private road discouraging cars from backing out into Dominion Road, being an Arterial Road. By providing access to all the townhouse dwelling units through a private road, the visual impact of driveways and parking areas on the streetscape is minimized.
<i>f. Minimize the overall effects of noise and other negative impacts</i>	The proposed development is not anticipated to result in significant noise impacts.
<i>g. Provide for appropriate bicycle parking</i>	It is anticipated that bicycles will be stored in garages of the proposed dwelling units. If necessary, bicycle parking can be accommodated on the Subject Lands.

Table 7 - Policy and Analysis of Section 5.6.3 Buildings and Public Spaces

Policy	Analysis
<i>VI. Measures will be incorporated into new residential development to buffer the dwelling units from incompatible traffic noise. Such measures will be incorporated into specific development applications.</i>	Regional Staff note in pre-consultation comments that the average annual daily traffic count along the section of Dominion Road where the subject lands are located is less than 5,000 trips per day. As such, a noise study was not required in support of the Applications.
<i>IX. Development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.</i>	The main entrance for the proposed development is along Dominion Road. There are presently no sidewalks along the frontage of the Subject Lands. Regional Staff in pre-consultation comments indicate that Dominion Road is to be urbanized (i.e., curbs, gutter, sidewalk, etc.) through the development process, which will provide pedestrian connections to the Subject Lands. The proposed internal private road is intended to serve both pedestrians and vehicles, as the width of the Subject Lands presents challenges for accommodating separate pedestrian and vehicular infrastructure internal to the site while accommodating appropriate building footprints and private amenity area. In considering the scale of development, shared pedestrian and

Policy	Analysis
	vehicular infrastructure appears to be appropriate.

5.5.6 Servicing and Utilities

Section 12.1 of the Town OP contains general policies regarding servicing and utilities. The following apply:

POLICY

I. All development applications will be evaluated to determine whether the water, wastewater and storm water services are or will be capable of supporting the proposed development at acceptable levels of service as generally described in the Town’s and Region’s Master Servicing Plans.

II. Proposed plans of subdivision shall not be granted draft plan approval unless adequate services exist or are planned for within the time frame of draft approval (3 years)

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.

V. In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services that are not economically feasible to provide, improve or maintain. Where municipal services are to be extended, the Town may consider the phasing of development or the use of front ending agreements as provided for in the Development Charges Act.

VI. All future service installations will be required to comply with Town and Regional Niagara Municipal Servicing standards, as amended from time to time to address local and regional circumstances and Ministry of Environment Guidelines.

ANALYSIS

The Subject Lands are connected to municipal sewage services and municipal water services. As per the FSB prepared by Hallex Engineering Ltd. dated February 24, 2023, the peak sanitary drainage rate for the proposed development has been determined to be 390.2 L/min and the maximum domestic water demand for the proposed development has been determined to be 329.6 L/min. The Town’s Sanitary Model consultant will evaluate the impact of the proposed development on the receiving system.

Additionally, as per the Stormwater Management Design Brief completed by Hallex Engineering dated February 24, 2023, the current drainage path for the site consists of overland sheet flow to the existing roadside drainage ditch at Dominion Road. Stormwater management quantity and quality controls will be implemented to ensure that storm flows

are controlled to the pre-development flow rate and to ensure a total suspended solids removal of at least 85%.

To summarize, provided that the Town's Sanitary Model consultant determines capacity in the existing Town sanitary system, the proposed development conforms to the Town's servicing policies.

5.5.7 Roads

Dominion Road is a Regional and Arterial Road. Section 4.18.13.1 of the Ridgeway-Thunder Bay Secondary Plan and Section 12.7 of the Town OP provide policy direction regarding development adjacent to public roads. The following apply:

POLICY

4.18.13.1 Road Networks - Ridgeway-Thunder Bay Secondary Plan

d) There are generally three categories of roadway hierarchy in the Plan Area. Two Regional arterials (Gorham Road and Dominion Road), four Town collectors (Ridge Road, Burleigh Road, Bernard Avenue and Thunder Bay Road). All remaining roads would classify as local roads. More recently, private roads are being constructed in association with condominium development; however, these roads remain private and are the responsibility of their respective ownership.

12.7.1. Road Classifications - II. Regional and Arterial Roads

a. Arterial Roads are roadways mainly under the jurisdiction of the Region which are designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic as well as traffic en route to or from the Provincial highway system. Direct access from abutting properties should be limited particularly near major intersections. Most intersections are at grade. The Region shall be consulted through the Site Plan Approval process to provide proper protection to Regional Roads.

12.7.2. General Road Policies

III. No development or redevelopment will be permitted that does not front on a public road of an acceptable municipal standard of construction. Despite the foregoing policy, exceptions may be made in certain circumstances by Council that have the effect of permitting development or redevelopment on lands fronting a private roadway that existed on the date of passing of Zoning By-law No. 590-76; however, such exceptions shall necessitate an amendment to the Zoning Bylaw.

12.7.3. Specific Road Policies - For Arterial Roads

a. Direct access from abutting properties shall be strictly controlled, and directed to a local road where possible;

b. Building setbacks shall be required which are sufficient to provide rights-of-way for future traffic needs while still providing acceptable pedestrian access;

d. In developing areas steps will be taken to minimize the number of access points; [and]

f. Road widening dedication requirements for Regional Roads will be based on those identified in the Regional Policy Plan...

ANALYSIS

The proposed development would be serviced by a proposed private road with access from Dominion Road, being an open public road of an acceptable municipal standard of construction. The proposed private road condominium form of development is recognized within the Ridgeway-Thunder Bay Secondary Plan. The proposed private road functions to reduce the number of access points to the Subject Lands from the Regional Road. As confirmed during the July 28, 2022 pre-consultation meeting road widening will not be required. On this basis, the Applications conform with the roads policies of the Town OP.

5.5.8 Implementation

Section 13 of the Town OP provides policies regarding the implementation of the Official Plan. The following apply:

POLICY

13.2 Zoning By-law

V. Although it is intended that all lands will eventually be zoned in the Zoning By-law to conform with the main permitted uses on Schedule "A" it is not intended that all lands be zoned for their ultimate use immediately. Vacant lands designated for specific uses in the Plan, particularly those areas that may be the subject of a Neighbourhood Plan, may be zoned in an Implementing Zoning By-law in a 'Neighbourhood Development' zone as an interim measure. When such areas are deemed necessary for development, they will be rezoned to an appropriate category to permit the uses set forth in this Plan. Environmental Conservation area designations will be identified in the implementing zoning by-law with the use of either Holding zones or zones that limit the permitted uses to existing uses, conservation uses, forestry and wildlife management, as well as passive recreational pursuits. Development on lands adjacent to Environmental Conservation areas could be subject to Site Plan Control in accordance with Policy 13.4.II of this Section.

13.5. Subdivision Control

II. Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:

a. The Plan of Subdivision conforms with the policies of this Plan;

b. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

ANALYSIS

As per the preceding analysis, the proposed Zoning By-law Amendment and Plan of Subdivision conform with the policies of the Town OP. The 'Neighbourhood Development' zone is intended as an interim measure. A Zoning By-law Amendment is necessary to facilitate the use of the Subject Lands, as per the intent of the Town OP.

The proposed development is not premature and is in the public interest as there is significant demand for new housing in the Province and Region of Niagara. The Subject Lands are within the Built-up Area as per Schedule RTB-1 of the Town OP and front onto an open public road and full municipal services. Development of the Subject Lands would allow for the efficient uses of existing infrastructure and municipal services.

Provided that servicing capacity is available, there proposed development is not anticipated to result in undue increases in taxation on residents.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the Town OP.

6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Neighbourhood Development (ND-582) Zone, in accordance with Zoning By-law No. 129-90 (See Appendix D). A Zoning By-law Amendment application is required to rezone the Subject Lands to a Site-Specific Residential Multiple (RM1) Zone. The Zoning By-law Amendment is required to permit block townhouse dwellings with site-specific zone regulations.

Table 8. Zoning Analysis Section 14 Residential Multiple (RM1) Zone

Regulations	Residential Multiple (RM1) Requirement	Proposed Concept Block A	Proposed Concept Block B	Compliance
Permitted Uses	Block townhouse dwellings	Block townhouse dwellings	Block townhouse dwellings	Yes
Minimum Lot Frontage	50m, except 6m for street townhouse lots	7.32 m for Units 2, 3, 4, 5, 6	7.62 m for Units 9, 10, 11,	No

Regulations	Residential Multiple (RM1) Requirement	Proposed Concept Block A	Proposed Concept Block B	Compliance
	and 9m for street townhouse corner lots	along private road 9.37 m for Unit 1 10.5 m for Unit 7 measured from a 7.5 m setback	12 along private road 10.85 for Unit 8 10.42 m for Unit 13	
Minimum Lot Area	300.00 sq m per dwelling unit, except 200 sq. m for a street townhouse lot and 270 sq. m for a street townhouse corner lot	195.4 sq. m for Units 2, 3, 4, 5, 6 250.1 sq. m. for Unit 1 311.11 sq. m. for Unit 7	203.7 sq. m. for Units 9, 10, 11, 12 290.0 sq. m. for Unit 8 269.5 sq. m for Unit 13	No
Minimum Front Yard	6m to garage 4m to other parts of dwelling	7.36 m from private road to front wall 6.44 m from private road to second storey overhang 4.9 m from private road to portico	7.36 m from private road to front wall 6.45 m from private road to second storey overhang 4.9 m from private road to portico	Yes
Minimum Side Yard	1.5 m	2.05 m Unit 1 to northern lot line 0.53 m from covered porch to northern lot line	3.15 m from Unit 8 to northern lot line 1.63 m from covered porch to northern lot line	No

Regulations	Residential Multiple (RM1) Requirement	Proposed Concept Block A	Proposed Concept Block B	Compliance
Minimum Exterior Side Yard	3 m	N/A No public streets so all lot lines are interior	N/A No public streets so all lot lines are interior	Yes
Minimum Rear Yard	6 m	5.27 m to rear wall (including architectural articulation (pilasters) – s. 6.41) 4.9 m second floor overhang 4.0 m for second floor balcony 2.44 m to covered terrace (s. 6.40(a))	5.78 m to rear wall (including architectural articulation (pilasters) – s. 6.41) 5.4 m to second floor overhang 4.5 m to second floor balcony 2.96 m to covered terrace (s. 6.40(a))	No
Maximum Building Height	i) 3 storeys ii) 12 metres	9 m	9 m	Yes
Number of Units in a row	8	7	6	Yes
Minimum Distance Between Buildings on the Same Lot	15m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall	N/A	N/A	Yes

Regulations	Residential Multiple (RM1) Requirement	Proposed Concept Block A	Proposed Concept Block B	Compliance
Maximum Density	35 units / ha	Overall - 13 units / 0.41 ha = 31.7 uph		Yes for overall site
Maximum Lot Coverage	Block townhouse or exterior street townhouse – 40% Interior street townhouse – 60%	56.7%	56.2%	No
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	Covered terrace and rear yard = 5.47 m	Covered terrace and rear yard = 5.98 m	Yes
Distance from building to internal driveways, and parking areas	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	3.0 m from portico of Unit 7 to internal road	2.79 m from side wall of Unit 13 to parking area	Yes

Regulations	Residential Multiple (RM1) Requirement	Proposed Concept Block A	Proposed Concept Block B	Compliance
Planting Strips	3.0 metres (s. 6.21(a))	No planting strip is proposed	No planting strip is proposed	No
Distance from Dwellings to Private Streets and Parking Areas	Any front or rear face of any dwelling shall be no closer than 3m to any private street or parking area	3.0 m to private street for Unit 7 6.44 m from second floor overhang to private street for Unit 1, 2, 3, 4, 5, 6	6.45 m from second floor overhang for all units	Yes
Distance from Dwellings to Private Streets and Parking Areas	Any garage shall be no closer than 6.0m to any street or parking area	7.4 m to private street for Unit 1, 2, 3, 4, 5, 6 7.5 m for Unit 7	7.6 m	Yes
Distance from Dwellings to Private Streets and Parking Areas	Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area	3.0 m	2.79 m	Yes

Table 9. Zoning Analysis Section 6 General Provisions

6.20 Parking Provision	Requirement	Proposed	Compliance
(A) Apartment and Block Townhouse Dwellings	1.5 parking spaces per dwelling unit $13 \times 1.5 = 19.5$	1 space per unit (garage) = 13 spaces 7 visitor parking spaces $13 + 7 = 20$	Yes for entire site
(D) Ingress and Egress	Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed	Private road width of 6.7 m	No

6.20 Parking Provision	Requirement	Proposed	Compliance
	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 less parking spaces are required and 6.0 metres where more than 10 spaces are required.		
(I) Parking Area Location on Lot	Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows: RM1 – All yards provided that no part of any parking area, other than a point of ingress/egress, is located closer than 3.0 m to any street line and any lot line.	Driveway length of 7.36 m	Yes
(J) Dimensions of Parking Spaces	2.7 m x 6 m	4.6 m x 6 m (garage) 2.7 m x 6 m (visitor)	Yes

Minimum Lot Frontage

As the proposed townhouse units would not have frontage on a public road, as per the definitions in the Zoning By-law, the proposed townhouse units would be considered block townhouse units rather than street townhouse units.

The requested site-specific provision for lot frontage is related to the proposed block townhouse units being freehold units. The required minimum 50 metre lot frontage for block townhouse units anticipates that townhouse dwellings would be units within a Plan

of Condominium. Condominium units are not considered to be lots as per the definitions in the Zoning By-law. For this reason, in the case of block townhouse dwellings, the lot frontage zone regulation would typically apply to the entire development. With each townhouse unit proposed to be sited on its own lot, the lot frontage regulation is related to each dwelling unit, rather than to the development as a whole.

The proposed units provide for a built form that is comparable to street townhouses. The required lot frontage exceeds the minimum lot frontage that is required for street townhouse dwellings.

Minimum Lot Area

The Zoning By-law requires a 300.00 m² lot area per dwelling unit for block townhouse developments, and a lot area of 200 m² for a street townhouse lot and 270 m² for a street townhouse corner lot. The larger lot area requirements associated with block townhouse developments are place to account for common amenities of the development, such as private roads and landscaping. As street townhouse developments are typically freehold and do not include common amenities, street townhouse developments are typically permitted to include smaller lot areas per dwelling unit. As the proposed dwelling units would be freehold, common amenities are not included in the lot area calculation. The proposed lot areas are comparable to what would be required for street townhouse lots, and are adequate to for the siting of dwelling units as well as private amenity space.

Minimum Side Yard

The proposed development will provide a 2.05 metre side yard setback from the wall of Unit 1 to the northern lot line which is in compliance with the Zoning By-law. Relief is required to permit a 0.5 metre setback for the covered porch as it encroaches 1.52 metres into the side yard. Of note, the dwelling and covered porch abut a common elements portion of the development, which is located along and parallel to the Dominion Road right of way. The dwelling units and covered porches would be setback approximately 5 metres and 3.5 metres from the Dominion Road right-of-way, respectively. The proposed side yard setback is similar to that of the dwelling located to the west of the Subject Lands.

Minimum Rear Yard

The Town Zoning By-law requires a minimum rear yard setback of 6 metres. The proposed development provides a rear yard setback of 5.27 metres to the rear wall of the dwelling for Block A and 5.78 metres to the rear wall of the dwelling for Block B. Of note, adjacent to the rear yard of Block A is a strip of common elements lands 0.5 metres in width which is not included in the rear yard calculation. Further, the rear wall for both blocks feature a pilaster/ornamental structures which encroach 0.2 metres into the rear yard. We understand that this encroachment is permitted within Section 6.41(a) of the Zoning By-law but have included this in our site-specific request out of caution. When measuring from the existing west and east lot lines to the rear face of the townhouse units exclusive of pilasters, the rear yard setbacks would be 5.47 metres and 5.98 metres respectively.

The proposed development features second-floor overhangs and balconies. The second-floor overhangs would be setback 5.4 metres from the west and east lot lines of the Subject Lands. The second floor balconies would have a depth of 0.9 metres, be approximately 3.1 metres in height (10 ft. 3 in.) and be setback 4.5 metres from the east and west lot lines of the Subject Lands. The second-floor balconies would add architectural interest to the rear of the dwellings, and are not anticipated to be frequently used. In considering setbacks, height and depth of the second-floor overhangs and balconies significant impacts regarding privacy and shadowing are not anticipated on adjacent lands.

The proposed development provides a rear yard setback of 2.44 metres to the covered terrace for Block A and 2.96 metres for Block B. Section 6.40(a) establishes that covered structures 0.0 metres to 1.5 metres in height must have a minimum setback of 3 metres to the rear lot line. When considering the common elements strip for Block A, both terraces encroach less than 0.1 metre into the permitted rear yard setback which can be considered minor in nature. Rear yard setbacks are intended to provide residents with private amenity space. These private terraces will enhance the rear yard amenity space, satisfying the intent of the Zoning By-law.

Lot Coverage

The Town Zoning By-law requires a lot coverage of 40% for Block Townhouse developments. The 40% lot coverage provision for block townhouse developments considers common areas including private roads and landscaping areas to be uncovered areas. As the common elements for this development is proposed to be located on a separate block, it would not factor into lot coverage for either of the townhouse blocks. The overall lot coverage proposed with this development including common elements is 40.2%. The proposed lot coverage represents a minor increase from what is typically permitted for block townhouse developments. The proposed lot coverage is appropriate for the site, ensuring that adequate outdoor amenity space and areas for storm water management area provided.

Planting Strip

The proposed development does not feature any planting strips. Planting strips are intended to provide a landscape buffer between incompatible land uses. The Subject Lands abut existing, or future low to medium density residential uses on all sides. Additionally, there is a 3.0-metre-wide landscaped area proposed for Block A and 1.73 metre wide landscaped area proposed for Block B to be included as part of the Common Elements, providing a planting strip between the residential Blocks and Dominion Road. The proposed block townhouse development is compatible with the surrounding residential uses and there will be no negative impacts related to the absence of a planting strip.

Ingress/Egress

The proposed development features a private road width of 6.7 metres. The width of the private road would be large enough to accommodate two-lanes of traffic. Additionally, no parking will be provided on the private road, reducing the frequency of obstructions.

7.0 Summary and Conclusion

It is our opinion the proposed Zoning By-law Amendment, Draft Plans of Subdivision and Common Elements Condominium applications represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The Applications have regard to matters of Provincial Interest, as required in Section 2 of the *Planning Act* as discussed in Section 5.1 of this report.
2. The Applications are consistent with and in conformity with the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe as required under Section 3(5) of the *Planning Act* by facilitating intensification within appropriate locations in the built-up area and contributing the complete communities and a range of housing options.
3. The Applications conform with the NOP and Town OP as required under Section Subsection 24(1) of the *Planning Act* by facilitating medium density development and intensification in planned locations, being along arterial roads and in proximity to amenity spaces such as Parks, Open Space/Trails or Natural Feature Areas.
4. The Applications have regarding regard to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to matters as required under Section 51(24) of the *Planning Act* as discussed in Section 5.1 of this report.

Report prepared by:



Max Fedchyshak, MPlan
Planner
NPG Planning Solutions Inc.



Jesse Auspitz, MCIP, RPP
Senior Planner
NPG Planning Solutions Inc.

8.0 Appendices

Appendix A – Proposed Architectural Plans

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- A0 COVER PAGE
- A1 BLOCK A - FIRST FLOOR
- A2 BLOCK A - SECOND FLOOR
- A3 BLOCK A - FRONT ELEVATION
- A4 BLOCK B - FIRST FLOOR
- A5 BLOCK B - SECOND FLOOR
- A6 BLOCK B - FRONT ELEVATION

ADJACENT PROPERTY

CHARLESTON DR.

LEGEND

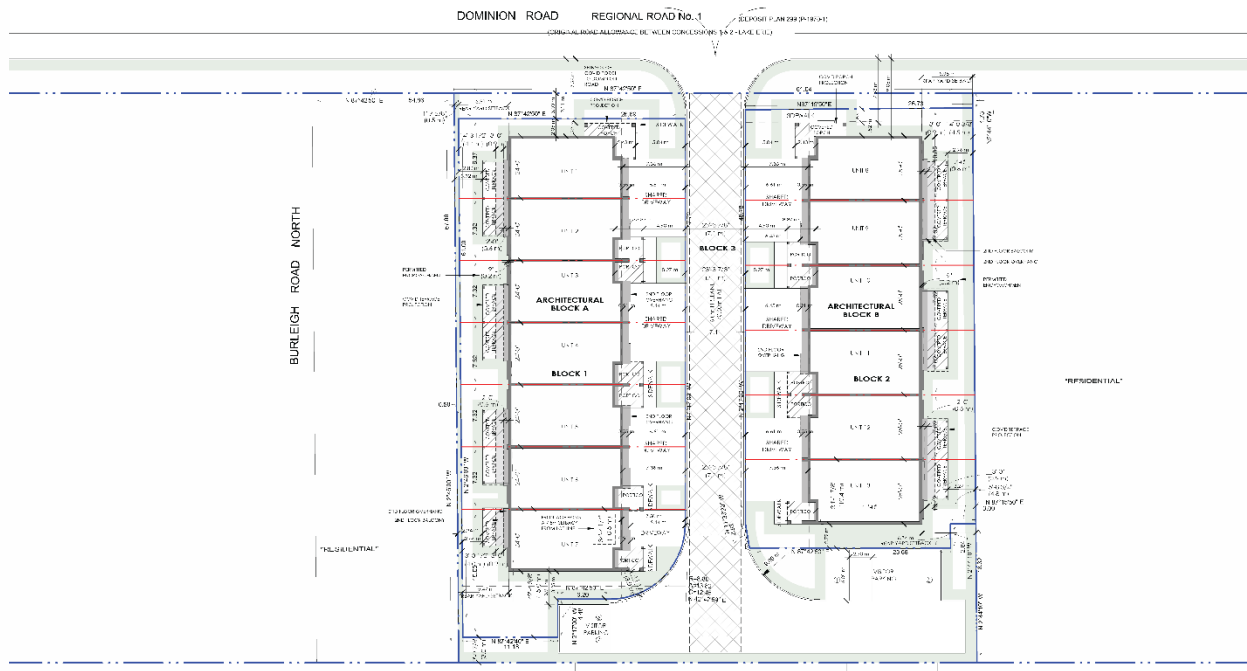
- EXISTING CURB AND SIDEWALK
- PROPOSED LANDSCAPE
- PROPOSED DRIVEWAYS
- EXISTING FLOOR CONTOUR
- EXISTING FLOOR FINISH
- NEW FLOOR
- NEW FLOOR TO EXISTING
- EXISTING PORCH / TERRACE
- NEW PORCH / TERRACE
- NEW WALL
- PROPERTY LINE
- ADJACENT LOT LINE

SITE PLAN AND BUILDING STATISTICS

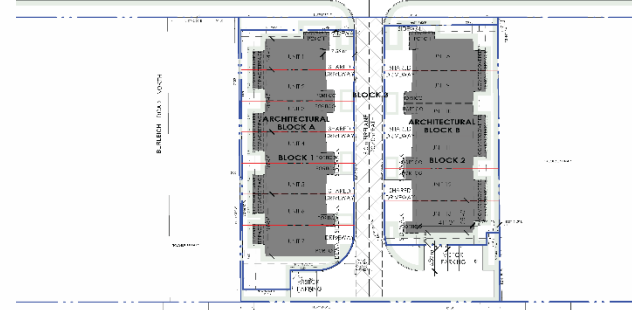
DEVELOPER PROJECT	TOWNHOMES
PROJECT NAME	3303 DOMINION ROAD TOWNHOMES
PROJECT ADDRESS	3303 DOMINION ROAD, LONDON, ON
OWNER AND DESIGN OFFICE	ARCHITECTURE STUDIO INC. / A.C.K. ARCHITECTS
DESIGNER	ARCHITECTURE STUDIO INC. / A.C.K. ARCHITECTS
DESIGN DATE	2022
DESIGNER'S ADDRESS	425 PLYMOUTH STREET, TORONTO, ON
DESIGNER'S PHONE	416-593-1234
DESIGNER'S FAX	416-593-1234
DESIGNER'S EMAIL	info@ack.ca
DESIGNER'S WEBSITE	www.ack.ca

SITE PLAN AND BUILDING STATISTICS

	NO. 1	NO. 2	NO. 3	NO. 4
TOTAL AREA	1,000 SQ. FT.	1,000 SQ. FT.	1,000 SQ. FT.	1,000 SQ. FT.
LANDSCAPE AREA	200 SQ. FT.	200 SQ. FT.	200 SQ. FT.	200 SQ. FT.
LANDSCAPE COVERAGE	20%	20%	20%	20%
LANDSCAPE MATERIALS	GRASS, MULCH, PLANTS	GRASS, MULCH, PLANTS	GRASS, MULCH, PLANTS	GRASS, MULCH, PLANTS
LANDSCAPE CONTRACTOR	LANDSCAPE CONTRACTOR	LANDSCAPE CONTRACTOR	LANDSCAPE CONTRACTOR	LANDSCAPE CONTRACTOR
LANDSCAPE CONTRACTOR ADDRESS	LANDSCAPE CONTRACTOR ADDRESS	LANDSCAPE CONTRACTOR ADDRESS	LANDSCAPE CONTRACTOR ADDRESS	LANDSCAPE CONTRACTOR ADDRESS
LANDSCAPE CONTRACTOR PHONE	LANDSCAPE CONTRACTOR PHONE	LANDSCAPE CONTRACTOR PHONE	LANDSCAPE CONTRACTOR PHONE	LANDSCAPE CONTRACTOR PHONE
LANDSCAPE CONTRACTOR EMAIL	LANDSCAPE CONTRACTOR EMAIL	LANDSCAPE CONTRACTOR EMAIL	LANDSCAPE CONTRACTOR EMAIL	LANDSCAPE CONTRACTOR EMAIL
LANDSCAPE CONTRACTOR WEBSITE	LANDSCAPE CONTRACTOR WEBSITE	LANDSCAPE CONTRACTOR WEBSITE	LANDSCAPE CONTRACTOR WEBSITE	LANDSCAPE CONTRACTOR WEBSITE



SITE PLAN
1" = 32' 0"



SITE PLAN LOT COVERAGE
1" = 40' 0"

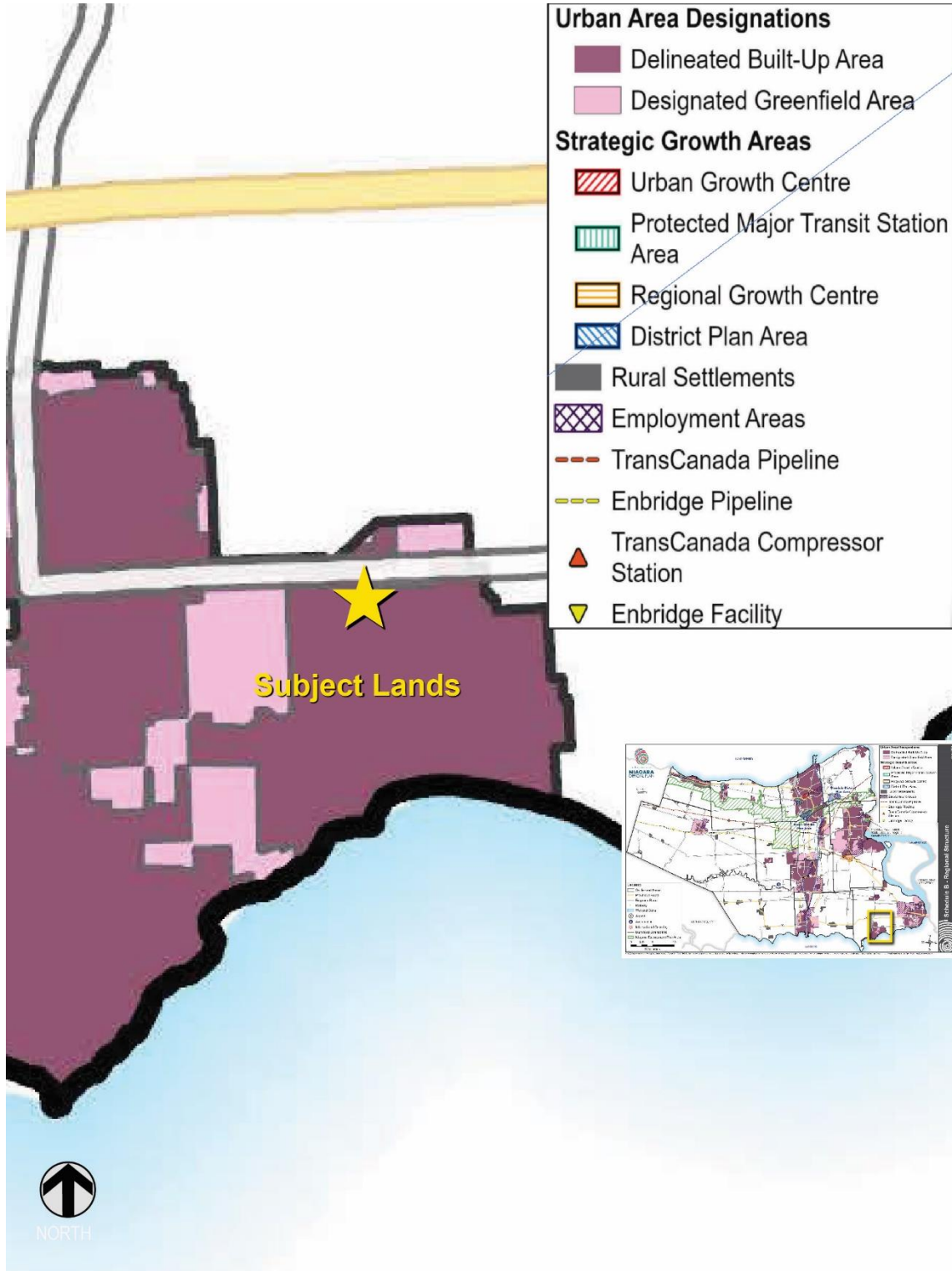


DOMINION ROAD PERSPECTIVE

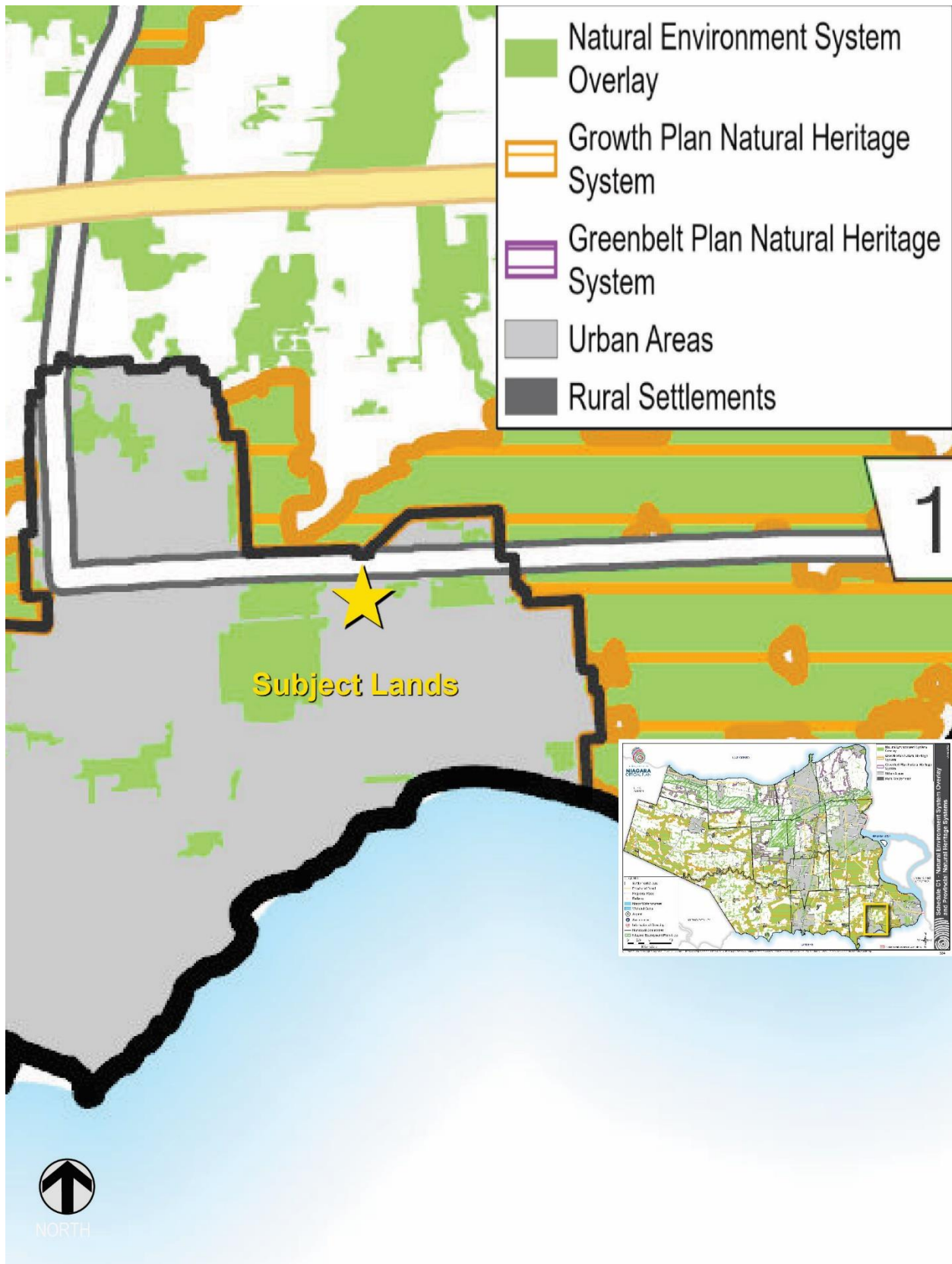
* DISCLAIMER: PREPARED FOR PLANNING APPLICATION PURPOSES

Appendix B – Region of Niagara OP Schedules

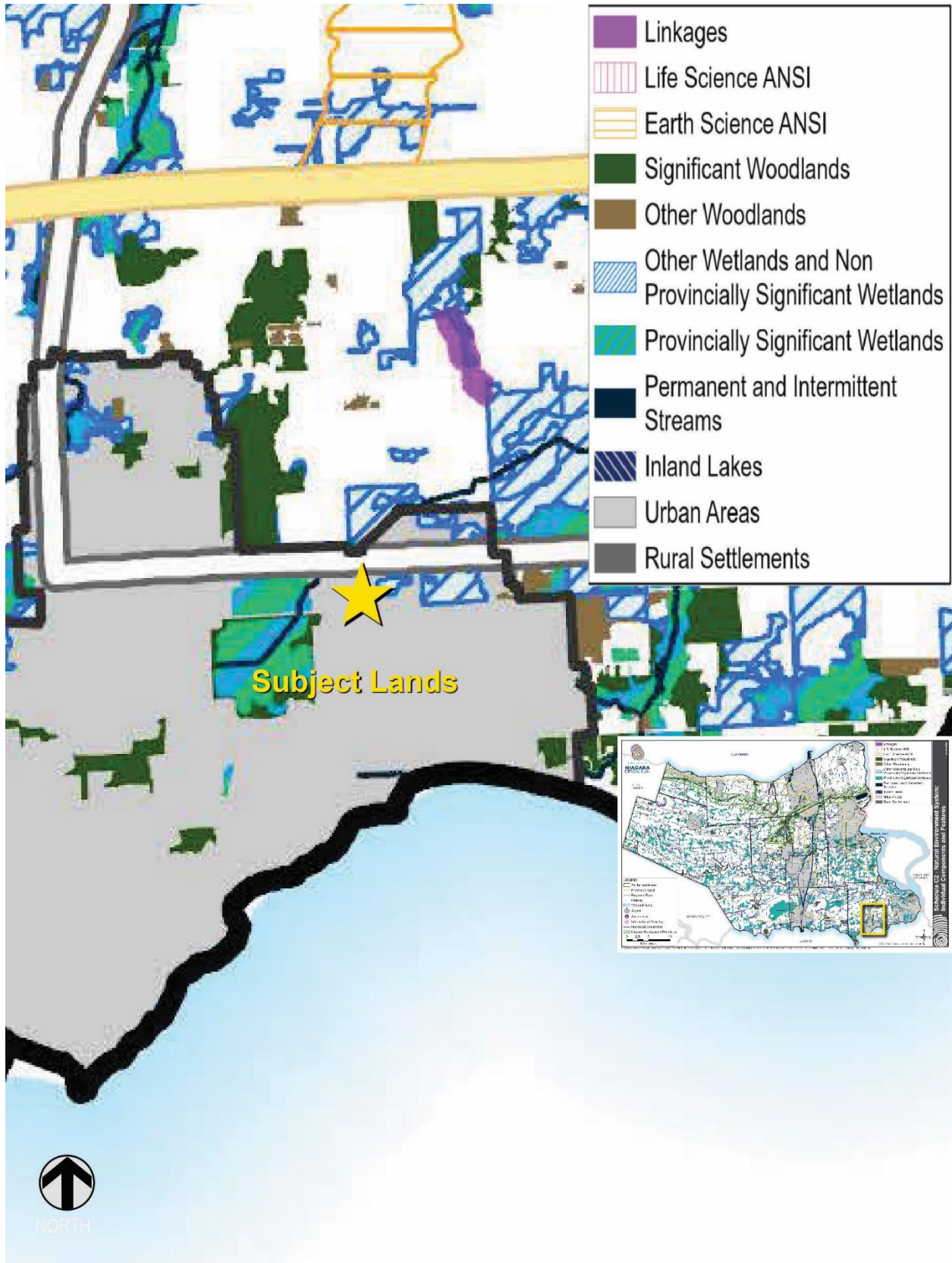
Schedule B – Regional Structure



Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems



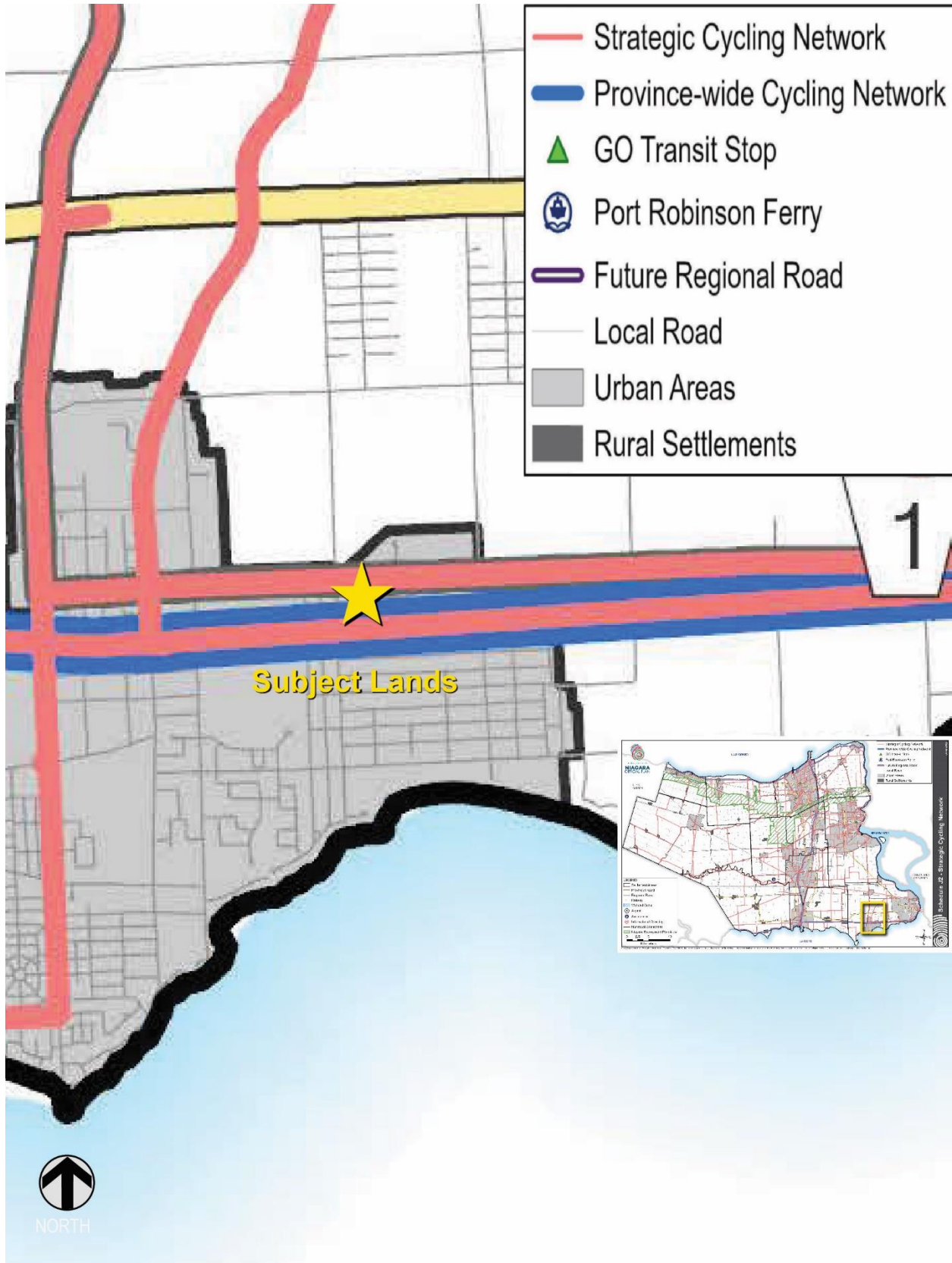
Schedule C2 – Natural Environment System: Individual Components and Features



Schedule J1 – Transportation Infrastructure



Schedule J2 – Strategic Cycling Network

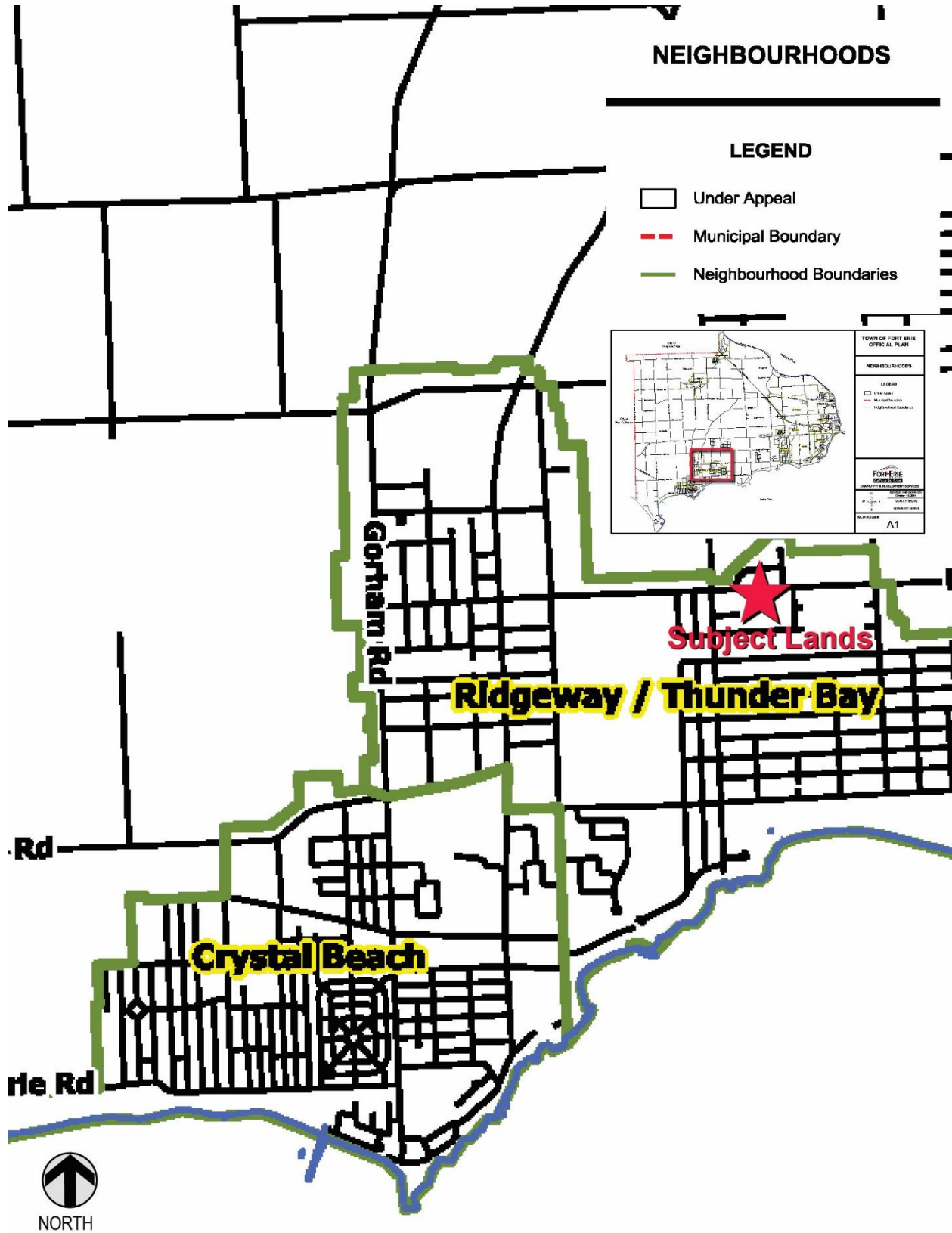


Appendix C – Town of Fort Erie OP Schedules

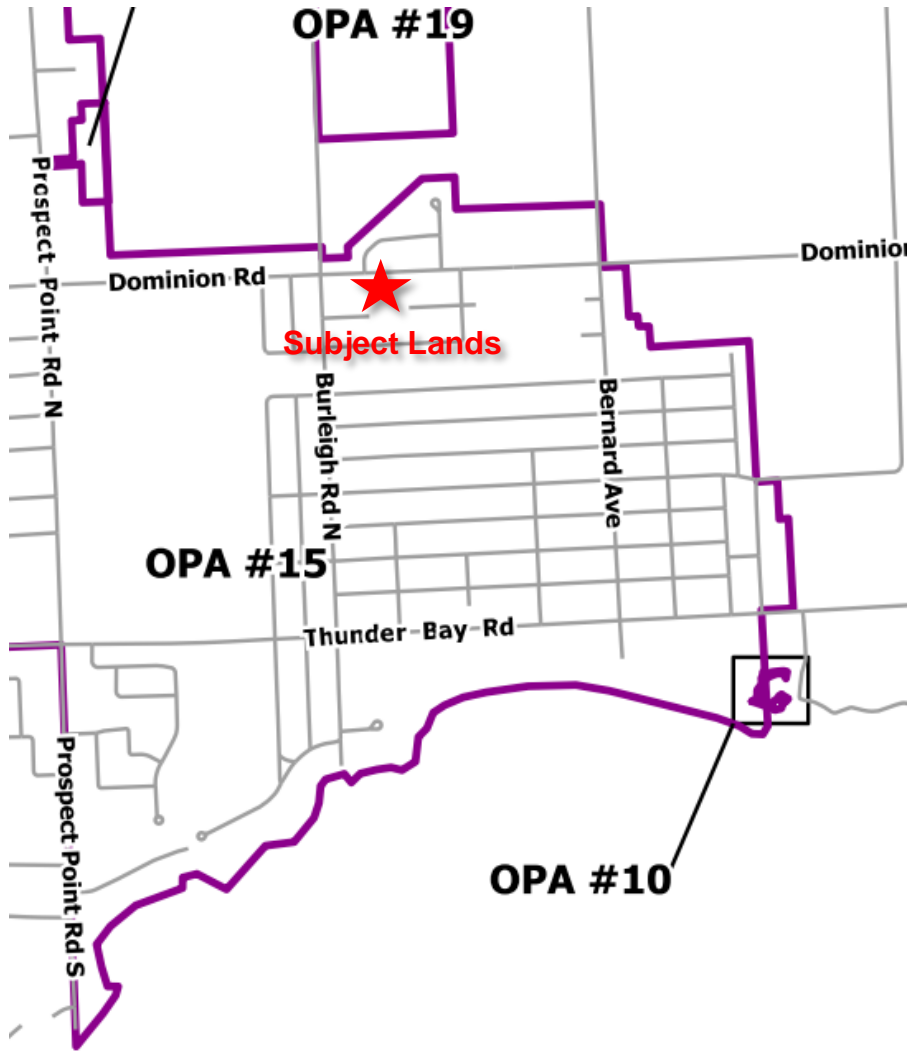
Schedule A – Fort Erie Land Use Plan



Schedule A1 – Neighbourhoods



Schedule A2 – Amendment Areas



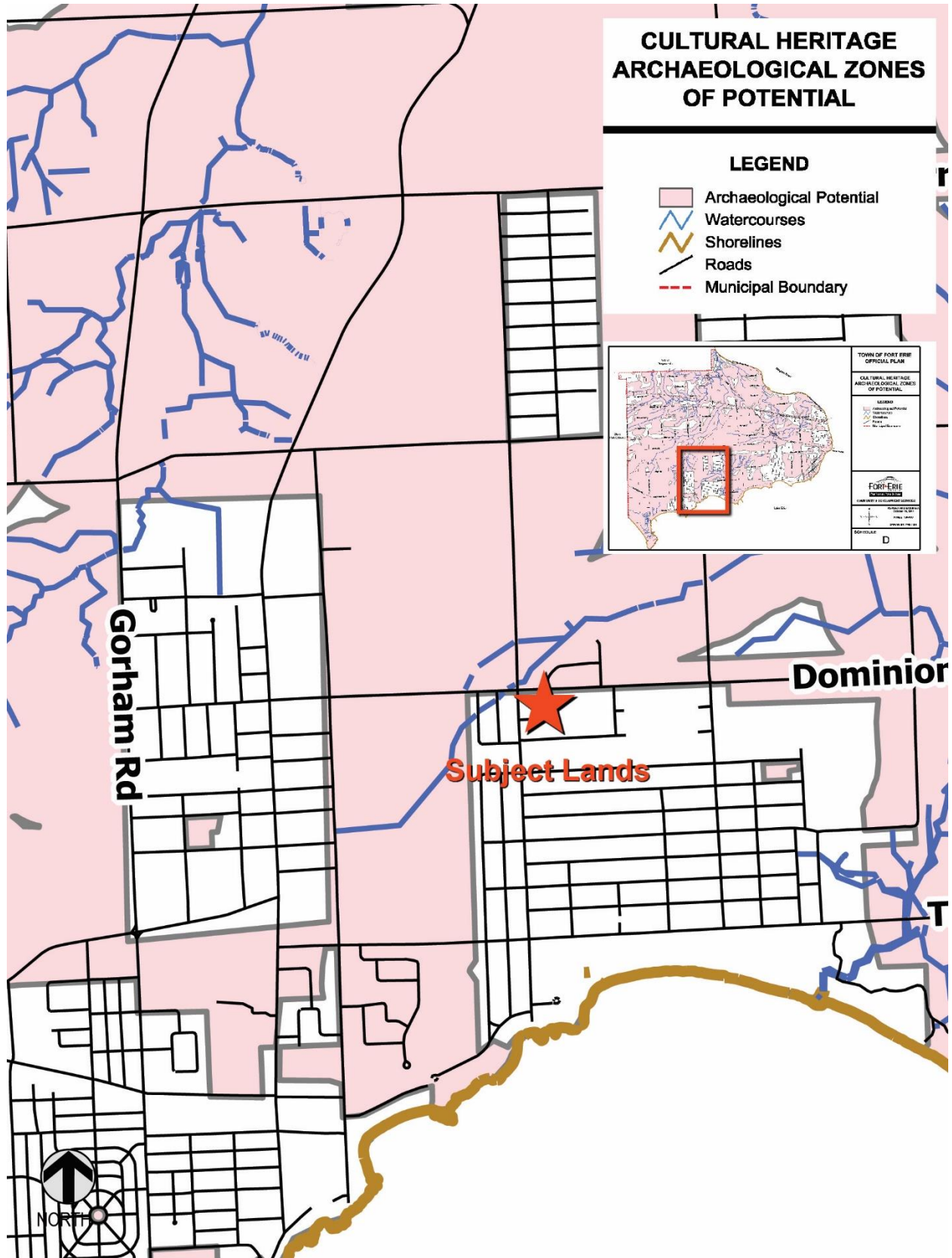
Schedule B – Mineral Aggregate & Petroleum Resources



Schedule C – Natural Heritage Features



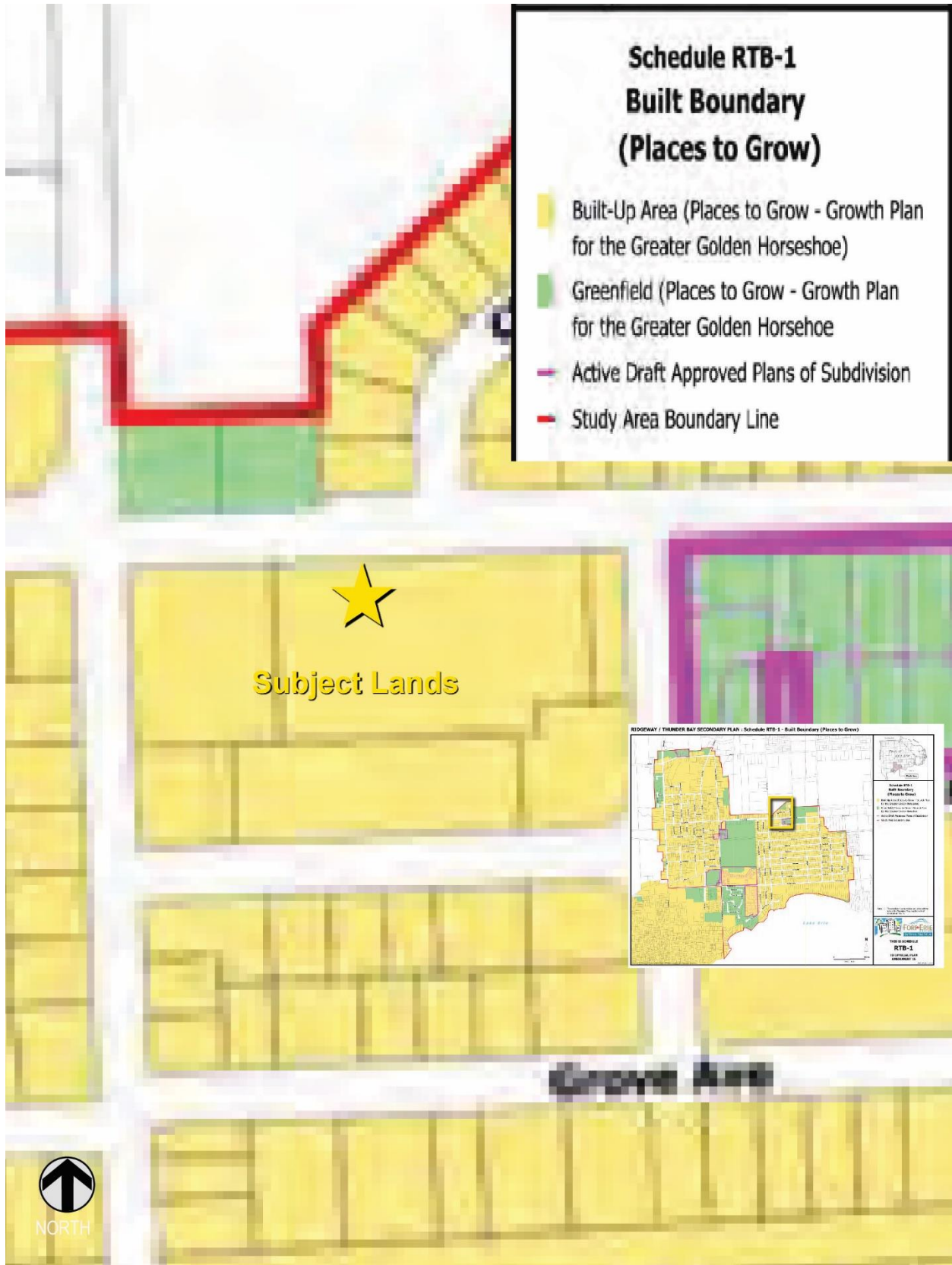
Schedule D – Cultural Heritage Archaeological Zones of Potential



Schedule E – Transportation Plan



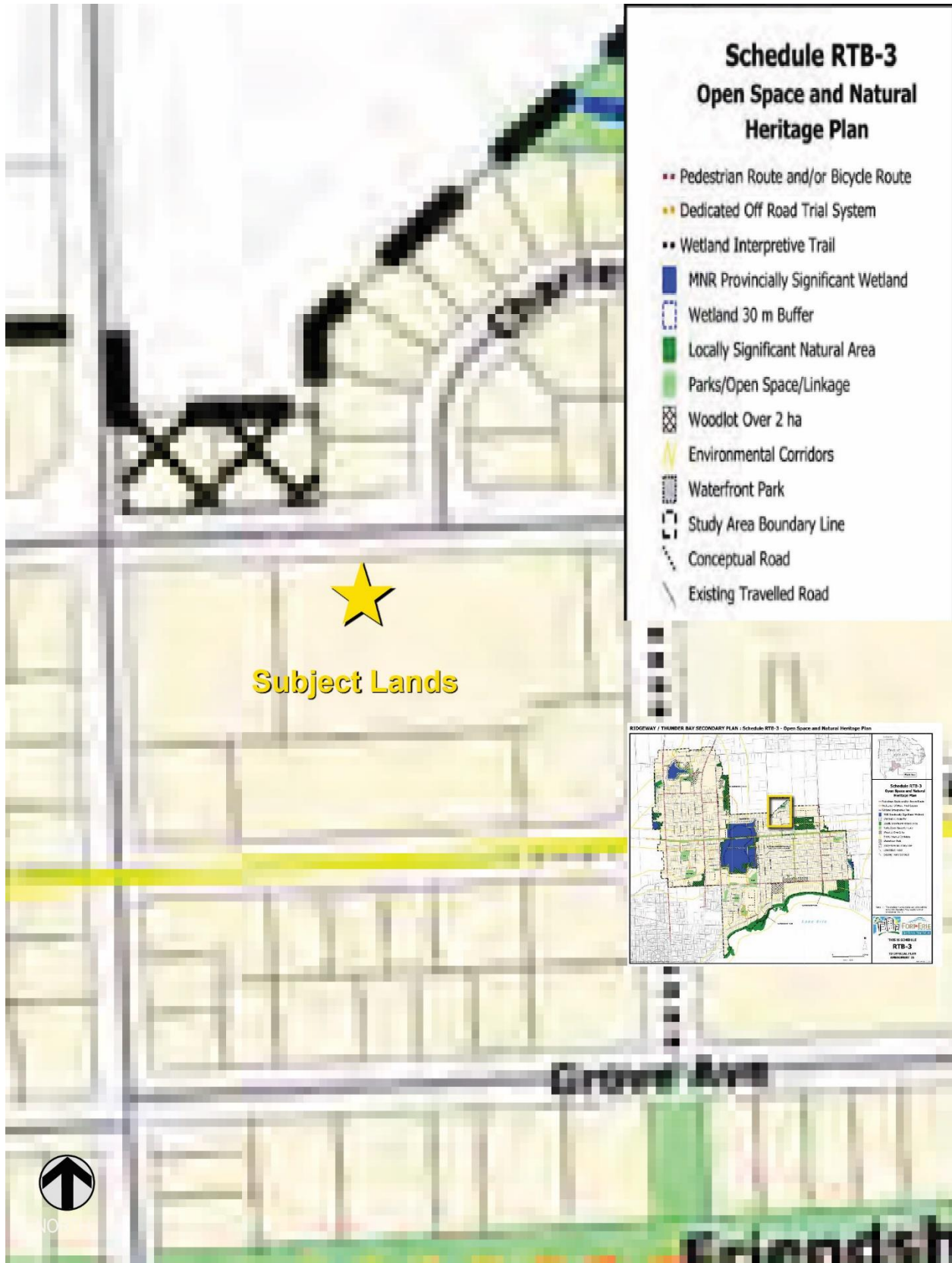
Ridgeway-Thunder Bay Schedule RTB-1 – Built Boundary (Places to Grow)



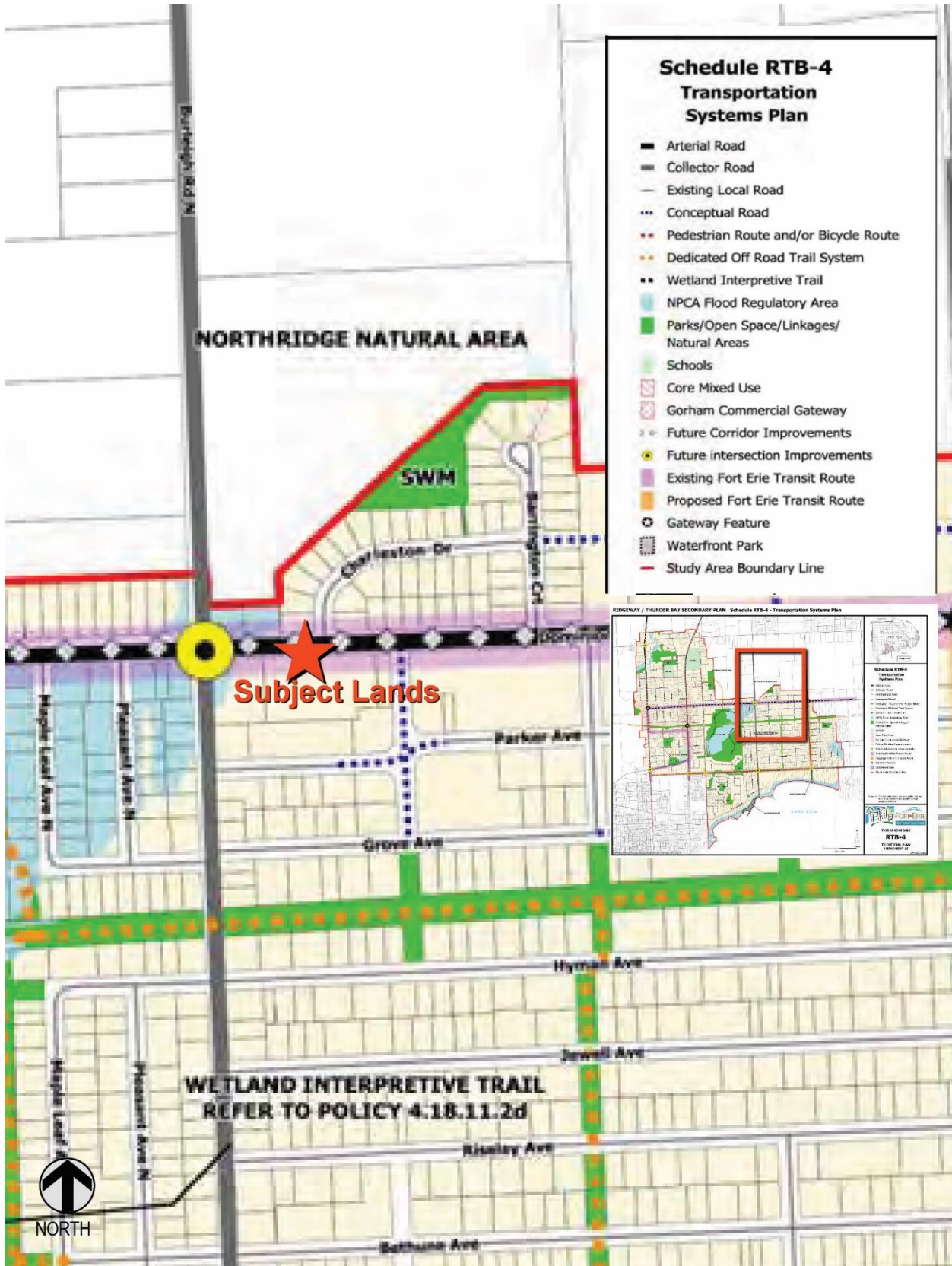
Ridgeway-Thunder Bay Schedule RTB-2 – Future Land Use Plan



Ridgeway-Thunder Bay Schedule RTB-3 – Open Space and Natural Heritage Plan

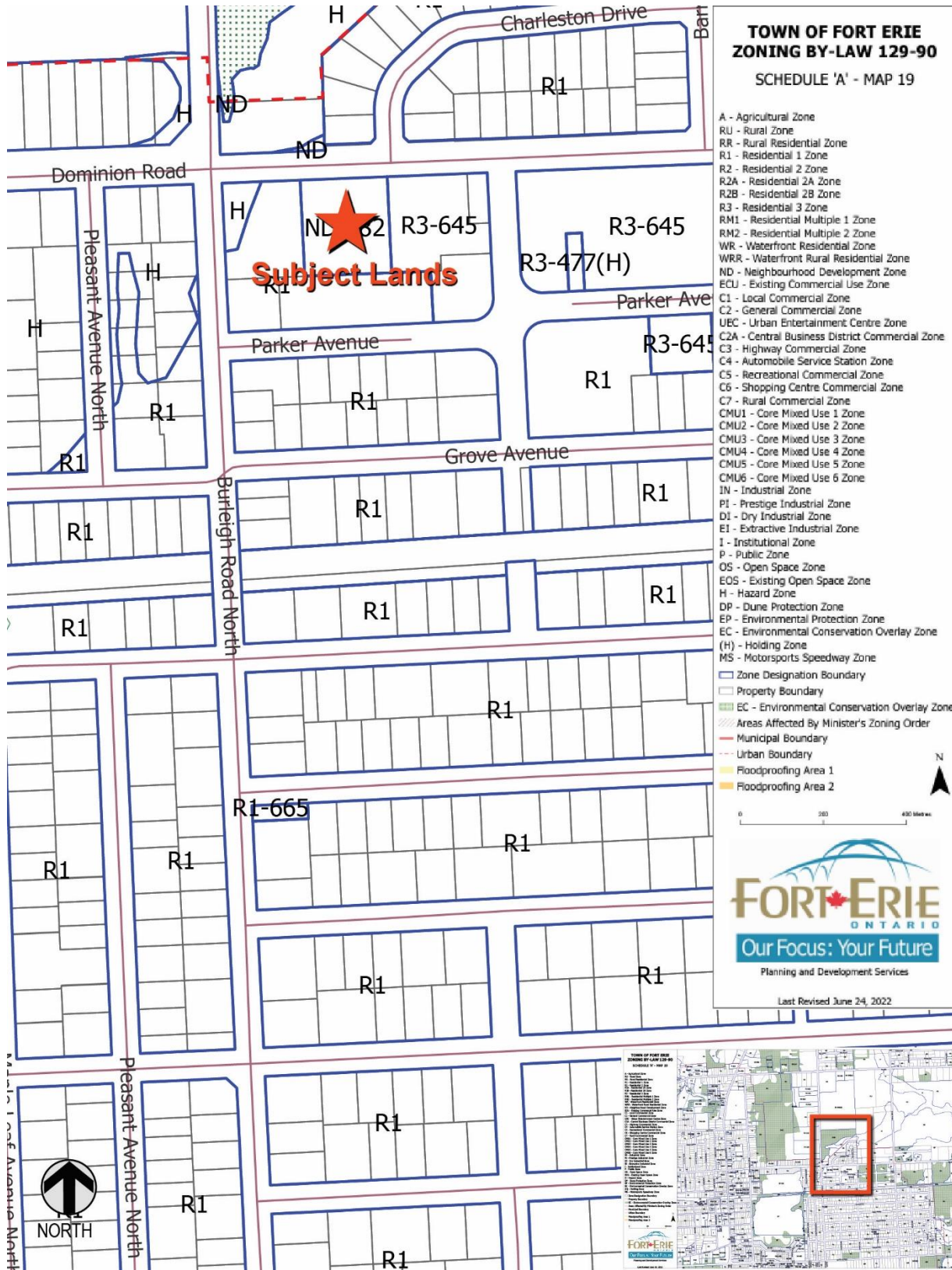


Ridgeway-Thunder Bay Schedule RTB-4 – Transportation Systems Plan



Appendix D – Zoning By-law Map 129-90

Schedule 'A' – Town of Fort Erie Zoning Map 19



Appendix E - Zoning Draft Zoning By-law



The Municipal Corporation of the Town of Fort Erie

By-law No. ##-2023

**By-law to Amend Zoning By-law No. 129-90
3303 Dominion Road
NPG Planning Solutions Inc. - Agent
13804003 Canada Inc. - Owner**

Whereas an application was received from NPG Planning Solutions Inc., Planning Consultants (Agent) on behalf of 13804003 Canada Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands municipally known as 3303 Dominion Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c.P.13 was held on ## ## 2023, 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-##-2023 considered at the Council-in-Committee meeting of ### ##, 2023 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 19 of Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands municipally known as 3303 Dominion Road and as shown on the attached Appendix "1" from "Neighbourhood Development (ND-582) Zone" to "Residential Multiple 1 (RM1-##) Zone."

2. That By-law No.129-90, as amended, is further amended by adding to “Section 14 Residential Multiple 1 (RM1) Zone” Subsection – “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exceptions:

“RM1-## (##-2023) 3303 Dominion Road

These lands are zoned “Residential Multiple 1 Site-Specific (RM1-##) Zone”, and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned “Residential Multiple 1 (RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 Site-Specific (RM1-##) Zone”, subject to the following provisions:

- a) In addition to the provisions of Subsection 6.20, for the purposes of calculating minimum parking requirements, the number of parking spaces provided shall be based on the entire site zoned site-specific RM1-## zone.
- b) Notwithstanding provision 6.20(D)(i) the minimum width of the private road providing two-way traffic shall be 6.7 metres.
- c) Notwithstanding the corresponding provisions of subsections 6.40(a) and 14.3 the following shall apply:

i) Minimum Lot Frontage	7 metres
ii) Minimum Lot Area	180 square metres per dwelling unit
iii) Minimum Side Yard	0.5 m from covered porch on Unit 1 to northern lot line
iv) Minimum Rear Yard Setback for Rear Wall	5.2 metres
Minimum Rear Yard Setback for Second Floor Overhang (Cantilever)	4.9 metres
Minimum Rear Yard Setback for Second Floor Balcony	4.0 metres
Minimum Rear Yard Setback for Covered Terrace	2.4 metres
v) Maximum Lot Coverage for Block	60%
vi) Planting Strips	No planting strip be required.

- d) For the purposes of this By-law, lot density shall be based on the entirety of the lands zoned “Residential Multiple 1 Site-Specific (RM1-##) Zone”.
- e) For the purposes of this By-law, a portico shall not be considered a front face.

- f) For the purposes of calculating front yard setback for Unit 7, the front lot line shall be a straight line perpendicular to the northern lot line, extending south from the eastern most location along the northern lot line.
- g) Lot frontage for Unit 7 shall be the horizontal distance between the side lot lines calculated from a setback of 7.5 m from the front lot line.
- h) That the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

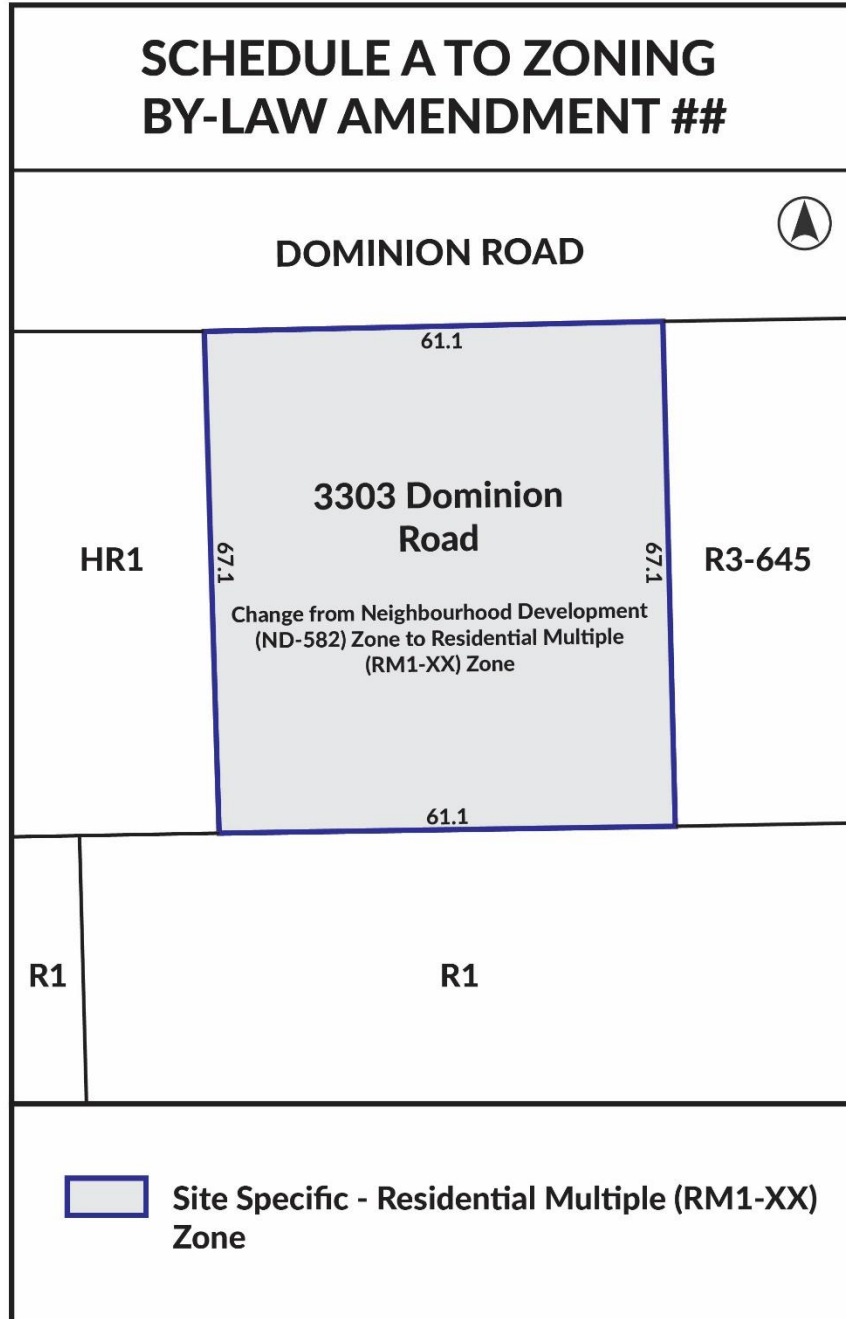
Read a first, second and third time and finally passed this ## day of ####, 20 .

Mayor

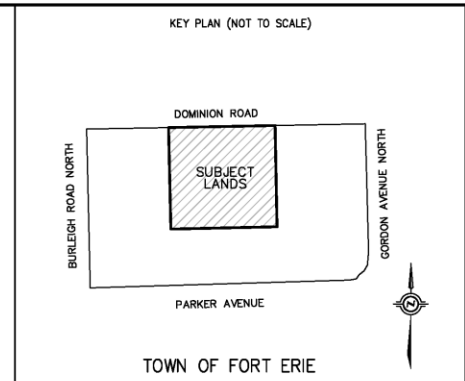
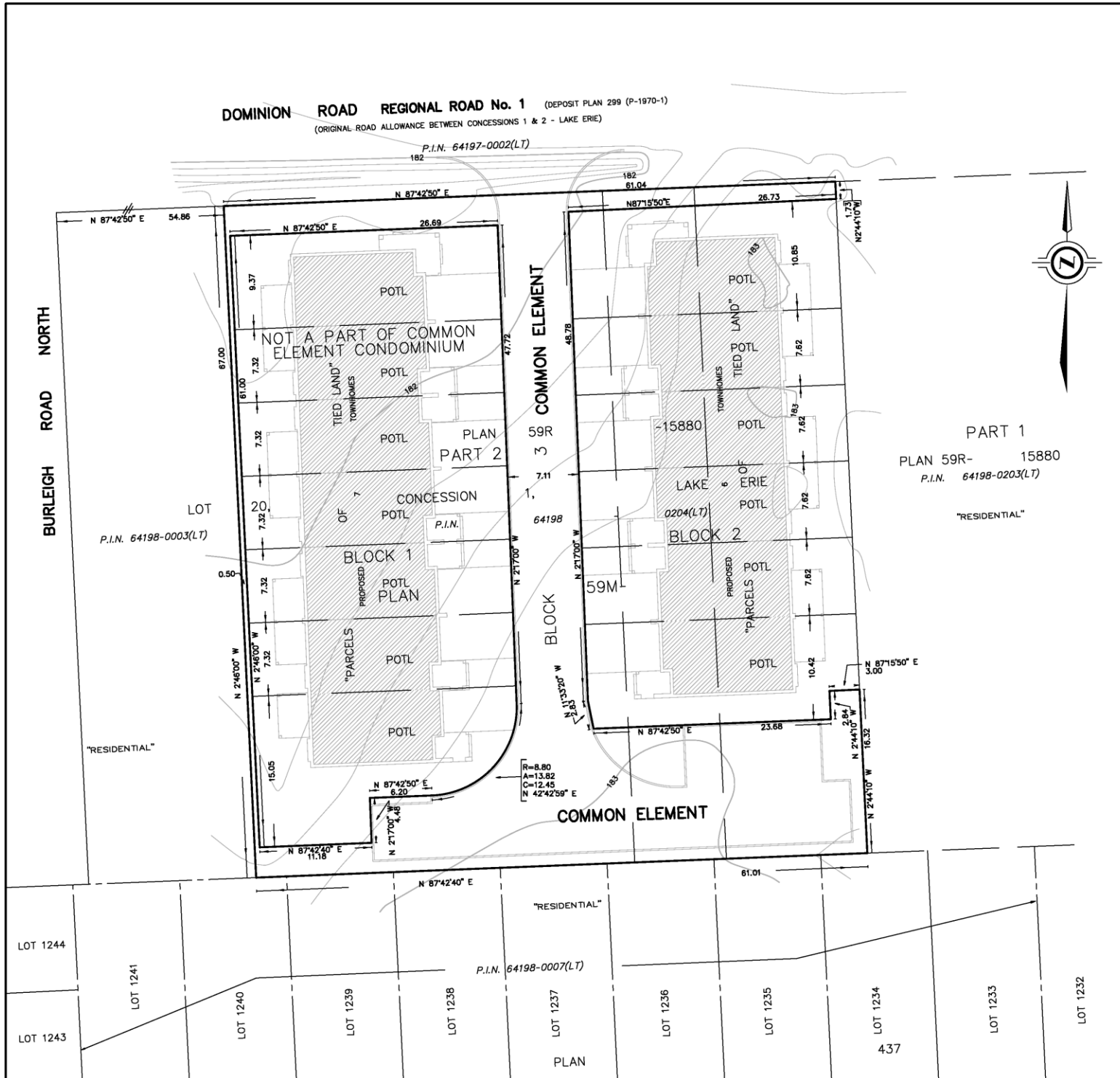
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. #-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

Appendix 1



Appendix F - Draft Plan of Common Element Condominium



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT AND UNDER SECTION 9 OF THE CONDOMINIUM ACT 1998

- (A)-AS SHOWN ON DRAFT PLAN
- (B)-AS SHOWN ON DRAFT PLAN
- (C)-AS SHOWN ON DRAFT AND KEY PLANS
- (D)-PROPOSED RESIDENTIAL DEVELOPMENT (WILL BE 13 TOWNHOUSE DWELLINGS ON PARCELS OF TIED LAND WITH A COMMON INTEREST IN THE COMMON ELEMENTS CONDOMINIUM)
- (E)-AS SHOWN ON DRAFT PLAN
- (F)-AS SHOWN ON DRAFT PLAN
- (G)-AS SHOWN ON DRAFT PLAN
- (H)-MUNICIPAL
- (I)-CLAY LOAM
- (J)-AS SHOWN ON DRAFT PLAN
- (K)-ALL MUNICIPAL SERVICES AVAILABLE
- (L)-NONE

DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM OF PART OF LOT 20 CONCESSION 1, LAKE ERIE TOWN OF FORT ERIE REGIONAL MUNICIPALITY OF NIAGARA



J.D. BARNES LIMITED
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN
DATE MARCH 13, 2023.
Alan Heywood
ALLAN HEYWOOD
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE
I HEREBY AUTHORIZE J.D. BARNES LIMITED TO SUBMIT THIS PLAN TO THE TOWN OF FORT ERIE FOR THEIR APPROVAL.

DATE _____ MUSTAFA ALHAYANI
(I HAVE THE AUTHORITY TO BIND THE CORPORATION)
ALPHA CAPITAL MANAGEMENT

J.D. BARNES LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD, UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: CN	CHECKED BY: AH	REFERENCE NO.: 16-16-848-03
PLOTTED: 3/13/2023	DATE: 01/12/23	

Appendix G - Draft Plan of Subdivision

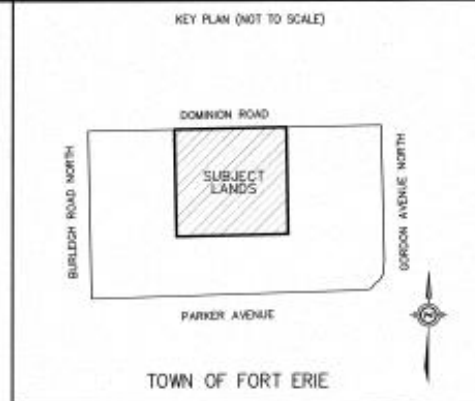
DOMINION ROAD REGIONAL ROAD No. 1 (DEPOSIT PLAN 299 (P-1970-1)
 (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2 - LAKE ERIE)

P.I.N. 64197-0002(LT)



PART 1
 PLAN 59R- 15880
 P.I.N. 64198-0203(LT)

"RESIDENTIAL"



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- (A)-AS SHOWN ON DRAFT PLAN
- (B)-AS SHOWN ON DRAFT PLAN
- (C)-AS SHOWN ON DRAFT AND KEY PLANS
- (D)-PROPOSED RESIDENTIAL DEVELOPMENT (WILL BE 13 TOWNHOUSE DWELLINGS ON PARCELS OF TED LAND WITH A COMMON INTEREST IN THE COMMON ELEMENTS CONDOMINIUM)
- (E)-AS SHOWN ON DRAFT PLAN
- (F)-AS SHOWN ON DRAFT PLAN
- (G)-AS SHOWN ON DRAFT PLAN
- (H)-MUNICIPAL
- (I)-CLAY LOAM
- (J)-AS SHOWN ON DRAFT PLAN
- (K)-ALL MUNICIPAL SERVICES AVAILABLE
- (L)-NONE

DRAFT PLAN OF SUBDIVISION OF
PART OF LOT 20
CONCESSION 1, LAKE ERIE
TOWN OF FORT ERIE
 REGIONAL MUNICIPALITY OF NIAGARA



J.D. BARNES LIMITED
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN
 Jan. 28, 2023
 DATE

 JULIAN HEWWOOD
 (ONTARIO LAND) SURVEYOR

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE J.D. BARNES LIMITED TO SUBMIT THIS PLAN TO THE TOWN OF FORT ERIE FOR THEIR APPROVAL.

DATE _____ MUSTAFA ALHAYAN
 (I HAVE THE AUTHORITY TO BIND THE CORPORATION)
ALPHA CAPITAL MANAGEMENT

J.D. BARNES LIMITED SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD, UNIT 2, NIAGARA FALLS, ON L2G 6M
 T: (905) 358-1699 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: DN	CHECKED BY: AH	REFERENCE NO.: 16-16-848-03
PLOTTED: 1/27/23	DATE: 02/02/23	