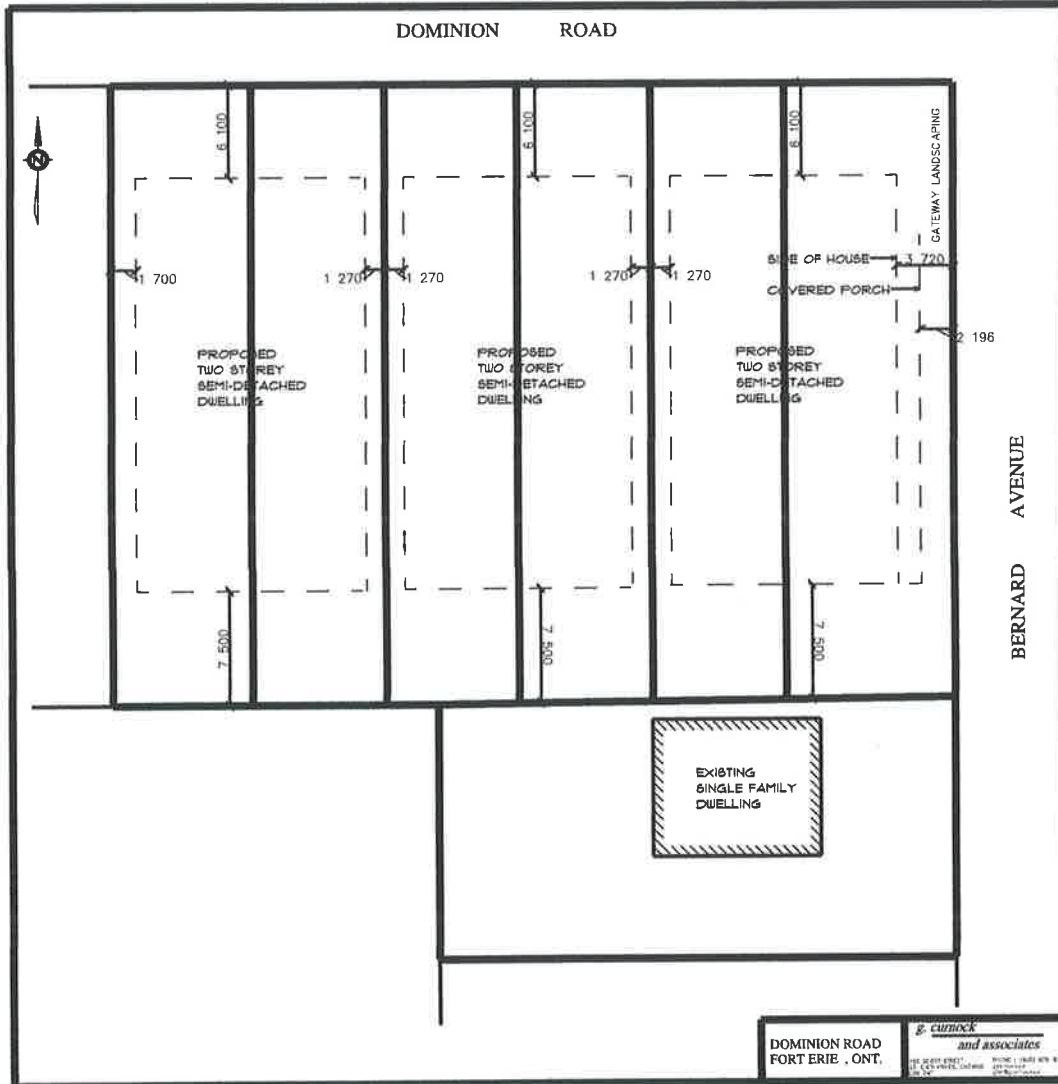


PLANNING JUSTIFICATION REPORT  
 #3085 DOMINION ROAD , FORT ERIE  
 OFFICIAL PLAN & ZONING BY-LAW AMENDMENTS



URBAN ENVIRONMENTS



DOMINION ROAD  
FORT ERIE , ONT.

*g. curnock*  
*and associates*

462 SCOTT STREET  
ST. CATHARINES, ONTARIO  
L2M 3W7

PHONE : (905) 935-8921  
gurnock.ca  
glen@gcurnock.ca

**PLANNING JUSTIFICATION REPORT**

**3085 DOMINION ROAD  
TOWN OF FORT ERIE**

**OFFICIAL PLAN AMENDMENT  
ZONING BY- LAW AMENDMENT**

**URBAN ENVIRONMENTS  
24 WOODMOUNT ST CATHARINES  
L2T 2X9**

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## **INTRODUCTION**

### **1.1 BACKGROUND**

Urban Environments has been retained by 1000052392 Ontario Inc, 2320559 Ontario Ltd. And 100005014 Ontario Inc (the owners) to coordinate the preparation and submission of a zoning by- law and official plan amendment for a property municipally known as 3085 Dominion Road located on the south/ west corner of Dominion Road and Bernard Ave in the Town of Fort Erie.

The property is 3144.86 m<sup>2</sup> in size and is occupied by a former restaurant, one single detached dwelling and a garage. The proposal is to develop the lands for 6 semi-detached residential units and sever the existing house for continued single detached residential use.

The Town of Fort Erie Official Plan designates the subject land on Schedule A as “Commercial”. The proposed use is not permitted and an amendment to the Official Plan is required.

The Town of Fort Erie Ridgeway- Thunder Bay Secondary Plan shows the subject land as being within the build boundary on Schedule RTB-1 and designated as Commercial on Schedule RTB-2- Future Lan Use Plan. The proposed use is not permitted and an amendment to the Secondary Plan is required.

The Town of Fort Erie Zoning By- law 129-90 shows the subject land as being zoned Highway Commercial (C3). The proposed use is not permitted and an amendment to the Zoning By- law is required.

A previous pre consultation process was completed along with a planning impact assessment to analyze the property for ‘appropriateness’ for 7 residential units (6 semi- detached and one single detached)

The following planning justification report is an update to the previous process.

### **1.2 SITE LOCATION + SURROUNDING LAND USE**

The subject property is flat and enjoys frontage on both Dominion Road and Bernard Ave. The property is occupied by a former restaurant, single detached dwelling and a garage. The restaurant building and garage will be demolished while the existing residential bldg will be restored, severed and sold as a single detached unit.

The surrounding land uses are:

- North – commercial
- South- single detached dwellings

- East- single detached dwellings
- West- single detached dwellings at 3103 and 3112 Dominion Road on large properties with woodlots occupying a portion of the site.

The proposed land use provides a variety of residential types that are compatible with the surrounding land uses.

## 2.0 REVIEW OF PLANNING POLICY FRAMEWORK

### 2.1 PLANNING ACT (R.S.O. 1990)

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be adhered to when making applications for development.

#### Section 2- Matters of Provincial Interest

Section 2 of the Planning Act outlines matters of Provincial interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- n) The resolution of planning conflicts involving public and private interests
- o) The protection of public health and safety
- p) The appropriate location of growth and development
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians
- r) The promotion of built form that,
  - i. Is well designed
  - ii. Encourages a sense of place, and
  - iii. Provides for public spaces that are high quality, safe, accessible, attractive and vibrant
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate

**PLANNING COMMENT:**

The applications propose a development that can efficiently use municipal infrastructure in the surrounding area. The development will utilize existing an existing watermain and sanitary sewer to service the development. A new sanitary sewer will need to be extended on Dominion Road to service semis fronting on Dominion.

Overall, the servicing method will build upon existing infrastructure and where improvements are needed, will be required to be provided at the developer's expense will no undue costs placed on the municipality.

The orderly development of safe and healthy communities is achieved through the development of the subject lands as low-density residential community. The development will be connected to urban services.

The applications assist the municipality with the provision of a full range of housing by providing additional units into the local supply. Although the dwelling type will be homogeneous, this built form consistency is desirable in this area, as set forth through the Official Plan, Ridgeway- Thunder Bay Secondary Plan. The proposed semis will assist in the provisions of a mix of housing in this area of the community. The semis will facilitate the development of dwellings that will be relatively more affordable than those large single family dwellings/ lots found in this neighborhood.

The applications ensure the protection of public health and safety by ensuring development is located outside of natural hazards and is provided with full municipal services.

The applications propose growth in an appropriate location within the Town. The subject lands will be designated and zoned to permit residential land uses, which is consistent with Provincial Policy. The property has convenient access to local roadways, is located within a stable neighborhood, has municipal servicing, and is identified as a

future route for public transit service (Schedule RTB-4 of the Ridgeway- Thunder Bay Secondary Plan found in (Appendix IV).

The applications propose a sustainable building form that has the ability to increase and support future public transit investments and active transportation.

#### **Section 51- Draft Plans of Subdivision**

Draft Plans of Subdivision are considered under Section 51 (24) of the Planning Act.

Section 51 (24) the Planning Act prescribes 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”*

The proposed development will be implemented through consent and or a draft plan of subdivision. Section 51 (24) of the Planning Act provides the guidance for both plans of subdivision and consents.

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

The subject property is located within a built boundary and full municipal services are available on Bernard Avenue. There are no agricultural areas in the immediate area. A Provincially Significant Wetland which is a matter of Provincial Interest is shown on Schedule C to the Official Plan- Natural Heritage Features to the north east of the subject property.

Matters of Provincial Interest are implemented through the Provincial Policy Statement. Section 2.1 – Natural Heritage indicates that development is not permitted in Significant Wetlands. Subsection 2.1.8 states in part that *“development and site alterations shall not be permitted on adjacent lands.” Adjacent lands are defined as: ‘for the purposes of policy 2.1.8 those lands contiguous to a specific natural feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives”*

The PSW is not contiguous to the subject lands and is approximately 60m (196 ft) to the north east of the subject property and is separated from the PSW by both Dominion Road and Bernard Avenue which are paved municipal roads. The proposed development has no effect on the PSW.



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

The Town has an approved Official Plan which identifies the subject land as being within a built boundary and urban area. The Official Plan is Town Council's expression of the public interest in land use planning. Full municipal services are available on Bernard Avenue and services are anticipated on Dominion Road to the limit of the urban boundary.

*(c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;*

The Town of Fort Erie Official Plan designates the subject land on Schedule A as "Commercial". The proposed use is not permitted and an amendment to the Official Plan is required.

The Town of Fort Erie Ridgeway- Thunder Bay Secondary Plan shows the subject land as being within the built boundary on Schedule RTB-1 and designated as Commercial on Schedule RTB-2 Future Land Use Plan. The proposed use is not permitted and an amendment to the Secondary Plan is required.

The existing restaurant was viable during the 1960's and 1970's. Over time it has declined and is no longer viable. The proposed development represents a viable reuse of the property.

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

The lands are occupied by a former restaurant and a single detached dwelling. The lands are not swampy not prone to flooding.

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

The proposed semi- dwellings may be in the affordable range however because of the land costs and final value of the homes will likely not be within the affordable housing price range

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

The subject lands are flat and have frontage on both Dominion Road and Bernard Avenue is an arterial road that connects to Garrison Road (Hwy 3) and the Provincial Highway system. Bernard Avenue is a collector road that connects to Garrison Road (Hwy 3)

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

All the lots are rectangular in shape and have the following dimensions

<b>PART NUMBER.</b>	<b>LOT FRONTAGE. m</b>	<b>LOT DEPTH.m</b>	<b>LOT AREA m2</b>
1.	9.22 m.	40.62. m.	367.8 m2
2.	8.74 m.	40.55 m.	354.1 m2
3.	8.74 m.	40.47 m.	353.4 m2
4.	8.74 m.	40.39 m.	352.8 m2
5.	8.74 m.	40.32 m.	352.1 m2
6.	11.10 m.	40.24 m.	459.3 m2
PARCEL 7.	16.77 m.	34.26 m.	576.1 m2

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

The lands will be restricted to a single detached dwelling on Part 1 and semi- detached dwellings on Parts 2,3 and 4. The setbacks, lot coverage and building height restrictions in the zoning by- law will be complied with

(h) *Conservation of natural resources and flood control*

There are no natural resources on site or abutting the subject lands. The lands are not prone to flooding.

(i) *The adequacy of utilities and municipal services*

Full municipal services are available for Part 1, 2, 3 and 4.

(j) *The adequacy of school sites;*

John Brant Public School located on Ridge Road South is 1.6k away and Saint George Catholic School on Gorham Road is 1.8k away from the subject property.

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

No lands are needed to be conveyed or dedicated for public purposes

- (l) *The extent to which the plans design optimizes the availability supply, means of supplying, efficient use and conservation of energy; and*

The proposed dwellings are in an urban area. There are convenience shopping facilities nearby, schools and other support services (downtown Ridgeway). This all helps to reduce the need for the private automobile. Energy conservation will be included in the construction of the dwelling with modern materials to reduce energy costs.

- (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 1 14 (2) of the City of Toronto Act 2006. 1994, c 23, s30; 2001, c32, s31 (2); 2006 c23 s22 (3,4); 2016, c25, Sched 4, s 8(2).*

Site Plan Control is generally not applied to single detached or semi- detached dwellings since most of the design considerations, landscaping and fencing are individual choices by the future owners. The owners will enter into the prescribed Agreements with the Town to ensure compatibility with surrounding land uses.

## **2.2 PROVINCIAL POLICY STATEMENT (2020)**

The Provincial Policy Statement (PPS), issued under the Planning Act with the latest version coming into effect on May 1 2020,, provides direction on matters of provincial significance related to land use planning. The Planning Act requires that, *“decisions affecting planning matters shall be consistent with”* the PPS. The overriding vision of the PPS states that *“the long- term prosperity and social well- being of Ontarians depends on maintaining strong communities, a clean and healthy environment and a strong economy”*. The below PPS policies are relevant to the Site and the Proposed Applications:

### **8.2.1 Section 1 Building Strong Healthy Communities**

Subsection 1.1 provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

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

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long- term care homes), recreation, park and open space, and other uses to meet long- term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) Promoting cost- effective development patterns and standards to minimize land consumption and servicing costs;
- f) Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs

Subsection 1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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 climate change
- e) support active transportation;
- f) are transit- supportive, where transit is planned, exists or may be developed;

Planning Comment:

The subject property is within a settlement area. The former restaurant has reached its functional obsolescence and the property is now available for redevelopment. The proposed residential unit development will provide an appropriate use for the under-utilized parcel of land which is inappropriately designated and zoned and doesn't reflect current market conditions. The residential development represents an efficient use of land. There are full municipal services on Bernard Avenue but municipal sanitary services will have to be extended to the Dominion Road units.

**Subsection 1.4 Housing**

**Policy 1.4.1** *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

1. *a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
2. *b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

*Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

**Planning Comment:** The proposed development will contribute to accommodating forecasted residential growth through residential infill and intensification on the subject lands, which will be vacant and can accommodate residential development. Furthermore, the FSR confirmed the existence and capacity of municipal infrastructure to service the proposed development.

**Policy 1.4.2** *Where planning is conducted by an upper-tier municipality:*

1. *a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and*
2. *b) the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.*

**Planning Comment:** The 2022 Niagara Region Official Plan has allocated 48,050 people by 2051 for the Town of Fort Erie. The proposed development will contribute to accommodating the forecasted population growth allocated to the Town.

**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:*

*a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper- tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

*b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

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

*Planning Comment:*

The proposed development includes 6 semi units, increasing the mix and range of dwelling types within the Town of Fort Erie. Additionally, the proposed development will contribute to achieving the minimum target for moderate income households, as residential intensification results in smaller lots and subsequent lower rates per land parcel.

Moreover, the subject lands are an appropriate location for new housing, due to access along Dominion Road and public service facilities and infrastructure are readily available to support the proposed increase in population. Lastly, the proposed development will maintain an appropriate level of health and safety, by conforming to AODA standards, maintaining appropriate setbacks, and ensuring sanitary and sewer infrastructure capacity is sufficient to service the proposed lots.

**Subsection 1.5 Public Spaces, Recreation, Parks, Trails and Open Space**

**Policy 1.5.1** *Healthy, active communities should be promoted by:*

*a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*

*b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

Planning Comment:

The proposed development supports a healthy and active community, by creating six semi-detached units, thus creating eyes on the street type of environment. In addition, future residents will have access to spaces for community connectivity and publicly accessible built and natural settings for recreation such as the Friendship Trail, Shagbark Nature Area and other neighbouring parks, which are within one kilometre of the subject lands.

**Subsection 1.6.6 Sewage, Water and Stormwater**

**Policy 1.6.6.1 Planning for sewage and water services shall:**

*a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

- 1. municipal sewage services and municipal water services; and*
- 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*

*b) ensure that these systems are provided in a manner that:*

- 1. can be sustained by the water resources upon which such services rely;*
- 2. prepares for the impacts of a changing climate;*
- 3. is feasible and financially viable over their lifecycle; and*
- 4. protects human health and safety, and the natural environment;*

*c) promote water conservation and water use efficiency;*

*d) integrate servicing and land use considerations at all stages of the planning process; and*

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

**Policy 1.6.6.6** *Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.*

**Policy 1.6.6.7** *Planning for stormwater management shall:*

*a) be integrated with planning for sewage and water services and ensure that systems are*

*optimized, feasible and financially viable over the long term;*

*b) minimize, or, where possible, prevent increases in contaminant loads;*

- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

**Planning Comment:**

The Brief prepared by Hallex Engineering indicates there are adequate municipal services available to the site based on calculations and recommendations for storm ,sanitary and water services. For more details see the design brief in Section 5 of this report.

**Subsection 1.6.7 Transportation Systems**

**Policy 1.6.7.1** *Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*

**Policy 1.6.7.2** *Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

**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.*

**Planning Comment:**

Given the urban structure and population of the Town of Fort Erie, the primary method of travel is the private automobile. The residential built form within the Town is predominately low density, which is generally not supportive of local public transit infrastructure. As such, it is proposed that each of six semi-detached dwelling will have a driveway and garage. However, there are a range of complementary land uses with pedestrian access within the surrounding area, that may be accessed by active transportation. The subject lands front on Dominion Road which is an existing transit route and provides public transit to the site.

**Subsection 1.7 Long-Term Economic Prosperity**

**Policy 1.7.1** *Long-term economic prosperity should be supported by:*

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- j) promoting energy conservation and providing opportunities for increased energy supply;*



*k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and*

*l) encouraging efficient and coordinated communications and telecommunications infrastructure.*

Planning Comment:

The proposed development contributes to the housing supply within the Town of Fort Erie to support a diverse workforce and make use of existing infrastructure and public service facilities, including communications and telecommunications. As well, the proposed development encourages a sense of place, as it is a well-designed built form. In regard to energy conservation, the proposed development will make efficient use of an undeveloped parcel of land by increasing the number of residential units from zero to 6 and will not result in negative impacts to the surrounding area and natural environment.

**Subsection 1.8 Energy Conservation, Air Quality and Climate Change**

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

*a) promote compact form and a structure of nodes and corridors;*

*e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

*f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*

*g) maximize vegetation within settlement areas, where feasible.*

Planning Comment:

The proposed lots are located along Dominion Road an Arterial Road and an identified existing transit route. The proposed increase in density and overall proximity of the subject lands to complementary land uses (i.e. recreational, open space, and institutional) support alternative methods of transportation such as walking and biking to decrease the number of vehicular trips and the release of greenhouse gas emissions.

**8.2.2 Section 2 Wise Use and Management of Resources**

**Section 2.0** of the PPS provides policies pertaining to the **Wise Use and Management of Resources**.

**Subsection 2.2 Water**

**Policy 2.2.1** Planning authorities shall protect, improve or restore the quality and quantity of water *by:*

*a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*

*d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*

*e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*

*f) implementing necessary restrictions on development and site alteration to:*

*1. protect all municipal drinking water supplies and designated vulnerable areas; and*

*2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*

*g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*

*i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

*Planning Comment:*

The FSR Brief concluded that the road side ditches along on Dominion Rd and Bernard Avenir have sufficient capacity to support the proposed development.

**Subsection 2.6 Cultural Heritage and Archaeology**

**Policy 2.6.1** *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

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

**Policy 2.6.3** *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

**Policy 2.6.4** *Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.*

*Planning Comment:*

An Archaeological Assessment was not required.

**Provincial Policy Statement, 2020 Conclusion:** The proposed development is consistent with the Provincial Policy Statement 2020, as it will;

- More efficiently utilize the subject lands than the existing conditions;
- Be located within the Urban Area Boundary, where residential growth and development shall be focused;
- Facilitate residential intensification and infill on vacant lands to accommodate forecasted population by providing three single detached dwelling units;
- Be fully serviced by efficiently utilizing existing municipal infrastructure; and

- Support alternative methods of transportation such as walking and biking, as the subject lands are in proximity to complementary land uses

## 2.3 Growth Plan for the Greater Golden Horseshoe 2022

The Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”) was prepared and approved under the Places to Grow Act, 2005 and took effect on May 16<sup>th</sup>, 2019. The Growth Plan provides policies to guide future growth and development within the Greater Golden Horseshoe (“GGH”) to a time horizon to the year 2051. Overall, the Growth Plan has projected a population of 674,000 in the year 2051 for the Niagara Region.

For the purposes of this report, the version of the Growth Plan last consolidated on August 28<sup>th</sup>, 2020 was used.

The following policies are applicable to the development proposal.

### 8.5.1 Section 2 Where and How to Grow Subsection 2.2.1 Managing Growth

**Policy 2.2.1.2** *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;*

(b) *growth will be limited in settlement areas that:*

- i. *are rural settlements;*
- ii. *are not serviced by existing or planned municipal water and wastewater systems;*  
*or*
- iii. *are in the Greenbelt Area;*

(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;*

(d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*

(e) *development will be generally directed away from hazardous lands; and*

Planning Comment:

The Growth Plan has projected a 2051 population of 674,000 for the Region of Niagara. Therefore, the proposed development will contribute to providing housing to accommodate the proposed increase in population within the Town of Fort Erie. The subject lands are located within the Urban Area Boundary with access to municipal water and wastewater systems, which is where growth and development should be focused. In addition, the proposed increase in residential dwelling types in the Town of Fort Erie supports the achievements of a complete community, along with being in close proximity to complementary uses (i.e. institutional, commercial, open space) and supporting active transportation (sidewalks). Furthermore, the proposed development is directed away from hazardous lands.

**Policy 1.1.2.4** *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;*
- g) *integrate green infrastructure and appropriate low impact development*

**Planning Comment:**

The proposed semi-detached dwellings will add to the mix of housing types in the Town of Fort Erie. Further, they provide a more affordable option than the existing single detached dwellings due to the division of land and a compact built form. The proposed dwellings will be available for people of all ages and abilities, by meeting urban design and site standards to be discussed in the detailed design phase. The subject lands are within proximity and connected by existing active transportation infrastructure to a variety of commercial, recreational, open space, and institutional land uses, therefore alternative methods of transportation to the automobile are encouraged to reduce greenhouse gas emissions and encourage healthy living.

### **Subsection 2.2.2 Delineated Built-up Area**

**Policy 2.2.2.1** 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; and*

**Policy 2.2.2.3** *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 builtup area;*

*d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*

*e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*

*f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

#### **Planning Comment:**

The proposed development contributes to meeting the 50% minimum target for all residential development occurring annually within the delineated built-up area, while providing a desirable urban structure and infilling under-utilized lands within the Urban Area Boundary. The proposed medium-density residential uses will be similar in height to the existing single detached homes along Dominion Road and provide appropriate setbacks. Furthermore, the proposed intensification is supported by the FSR Brief.

### **Subsection 2.2.6 Housing**

**Policy 2.2.6.1** 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*

**Policy 2.2.6.2** *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.*

**Policy 2.2.6.3** *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

**Policy 2.2.6.4** *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

**Planning Comments:**

The proposed development contributes to accommodating forecasted population growth and the achievement of minimum intensification targets in the Niagara Region, particularly in the Town of Fort Erie. In addition, the proposed development adds to the mix and range of housing options and densities, by intensifying the subject lands with semi detached dwellings. The number of residential units provided by the subject lands will increase by six, while maintaining the low-density character of the surrounding neighbourhood. The FSR submitted with this application concluded that the proposed intensification development can be accommodated and serviced by existing municipal infrastructure.

**8.5.2 Section 3 Infrastructure to Support Growth**

**Subsection 3.2.6 Water and Wastewater Systems**

**Policy 3.2.6.2** *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

*a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*

*b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*

**Planning Comments:**

The FSR confirmed that the proposed development is appropriate and serviceable according to all current and applicable design standards, including sanitary, water, storm and utilities.

**8.5.3 Section 4 Protecting What is Valuable**

**Subsection 4.2.7 Cultural Heritage Resources**

**Policy 4.2.7.2** *Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.*

**Policy 4.2.7.3** *Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.*

Planning Comments:

An Archaeological Assessment was not required based on the impact of the current development of the lands

**Subsection 4.2.9 Culture of Conservation**

**Policy 4.2.9.1** *Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:*

*a) water conservation, including through:*

*i) water demand management for the efficient use of water; and*

*ii) water recycling to maximize the reuse and recycling of water;*

*b) energy conservation for existing buildings and planned developments, including municipally owned facilities, including through:*

*i) identification of opportunities for conservation, energy efficiency and demand management, as well as district energy generation, renewable energy systems and alternative energy systems and distribution through community, municipal, and regional energy planning processes, and in the development of conservation and demand management plans;*

*ii) land use patterns and urban design standards that support energy efficiency and demand reductions, and opportunities for alternative energy systems, including district energy systems; and*

*iii) other conservation, energy efficiency and demand management techniques to use energy wisely as well as reduce consumption;*

*c) air quality improvement and protection, including through reduction in emissions from municipal, commercial, industrial, and residential sources; and*

*d) integrated waste management, including through:*

*i) enhanced waste reduction, composting, and recycling initiatives, and the identification of new opportunities for energy from waste, source reduction, reuse, and diversion, where appropriate;*

*ii) a comprehensive plan with integrated approaches to waste management, including reduction, reuse, recycling, composting, diversion, and disposal of residual waste;*

*iii) promotion of building conservation and adaptive reuse, as well as the reuse and recycling of construction materials; and*

*iv) consideration of waste management initiatives within the context of long-term regional planning, and in collaboration with neighbouring municipalities*

Planning Comment:

The proposed development more efficiently utilizes the subject lands than the existing conditions, creating an efficient development pattern. In addition, intensifying lands within the Urban Settlement Area promotes the preservation of open spaces. Furthermore, the Brief prepared by Hallex Engineering Limited confirmed that an existing storm sewer system (ditches ) on Dominion Road has sufficient capacity to support the proposed development.

#### **Subsection 4.2.10 Climate Change**

**Policy 4.2.10.1** *Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:*

- a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;*
- d) undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;*
- e) recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;*
- f) protecting the Natural Heritage System for the Growth Plan and water resource systems;*
- g) promoting local food, food security, and soil health, and protecting the agricultural land base;*
- h) providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and*
- i) any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.*

#### Planning Comment:

The proposed development intensifies the subject lands with residential infill and contributes to achieving density targets of the Growth Plan and a complete community. In terms of stormwater management, the FSR outlined that existing municipal infrastructure can be utilized.

**Growth Plan for the Greater Golden Horseshoe, 2020 Conclusion:** The proposed development conforms to the Growth Plan for the Greater Golden Horseshoe 2020, as it will:

- Efficiently develop and infill a vacant parcel of land within the Urban Settlement Area Boundary of Fort Erie, through a compact layout;
- Increase densities and add to dwelling diversity within the Built Boundary;
- Effectively utilize existing municipal infrastructure to support the proposed development; and
- Contribute to achieving residential intensification targets for the Region of Niagara and subsequent accommodation for an anticipated increase in population to 2051

#### **2.4 Region of Niagara Official Plan 2022**



The Region of Niagara Official Plan (the “ROP”) outlines policies for the physical, economic, and social development until the year 2051 within Niagara Region. Policies are related to growth management, protection of the natural environment, resources and agricultural land, and the provision of infrastructure.

In 1973, the original policy plan was approved. The Regional Council approved By-law 2022-47 adopting the new Niagara Official Plan on June 23, 2022. The adopted plan was approved with modifications by the Minister on November 4<sup>th</sup>, 2022.

### 8.6.1 Chapter 2 Growing Region

#### Section 2.1 Forecasted Growth

##### Subsection 2.1.1 Regional Growth Forecasts

**Policy 2.1.1.1** Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

**Planning Comment:** The proposed development will assist the Region in achieving the forecasted population for the Town of Fort Erie of 48,050 people for the year 2051 by providing six additional dwelling units.

**Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality**

<b>Municipality</b>	<b>Population</b>	<b>Employment</b>
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
<b>Niagara Region</b>	<b>694,000</b>	<b>272,000</b>

Figure 8-3: Excerpt of Table 2-1 - 2051 Population and Employment Forecasts, Retrieved from Regional Official Plan

#### Section 2.2 Regional Structure Subsection 2.2.1 Managing Urban Growth

**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;*

Planning Comments:

The residential intensification targets in the Niagara Region, which are minimum standards that are allowed and encouraged to be exceeded, are identified in Figure 8- 4. The proposed development contributes to achieving the Region of Niagara target of 60% intensification annually and the Town of Fort Erie residential target of 50%.

**Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051**

Municipality	Units	Rate
Fort Erie	3,680	50%
Grimsby	4,500	98%
Lincoln	8,895	90%
Niagara Falls	10,100	50%
Niagara-on-the-Lake	1,150	25%
Peiham	1,030	25%
Port Colborne	690	30%
St. Catharines	18,780	95%
Thorold	1,610	25%
Wainfleet	0	0%
Welland	10,440	75%
West Lincoln	1,130	13%
<b>Niagara Region</b>	<b>62,005</b>	<b>60%</b>

Figure 8-4: Excerpt of Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

*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 need*

Planning Comment:

The proposed development of six semi-detached dwellings will add to the mix of housing types and densities in the Town of Fort Erie. It is a gentle form of intensification on the subject lands, creating a compact built form and contributing to a complete community. This type of residential intensification provides a more affordable option than the existing single detached dwellings due to the division of land into smaller lots and subsequent lower rates per parcel.

*d) social equity, public health, and safety and the overall quality of life for people of all ages, abilities and incomes by expanding convenient access to:*

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

*iv. the public realm, including open spaces*

Planning Comment:

The subject lands are within proximity to a variety of recreational, commercial and institutional land uses, therefore alternative methods of transportation to the automobile are encouraged to reduce greenhouse gas emissions and encourage healthy living.

*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;*

*h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*

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

Planning Comment:

The subject lands are currently occupied by a single detached residential dwelling and restaurant located within the Urban Area of Fort Erie. This is an inefficient land use pattern, considering the existing infrastructure is capable of withstanding greater capacity and the subject lands have frontage on Bernard and Dominion Road. The proposed development more efficiently utilizes the subject lands and provides a gentle form of intensification with the creation of six semi-detached lots that respects the existing character of the surrounding neighbourhood. This form of intensification is necessary to prevent additional land consumption.

### **Subsection 2.2.2 Strategic Intensification and Higher Densities**

**Policy 2.2.2.3** Built-up areas and strategic growth areas identified in Policy 2.2.2.1 are shown on Schedule B.

**Policy 2.2.2.4** *Settlement area boundaries, built-up areas, strategic growth areas, and designated greenfield areas, where applicable, shall be identified in Local official plans.*

**Policy 2.2.2.5** *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas*

Planning Comment:

The proposed development involves a mild form of residential intensification within the Delineated Built-Up Area, as encouraged. In addition to contributing to achieving the residential intensification target of 60% outlined by the Region, the proposed development will contribute to accommodate forecasted increase in population.

## **Section 2.3 Housing**

### **Subsection 2.3.1 Provide a Mix of Housing Options**

**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.*

**Policy 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; and*

*b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.*

**Policy 2.3.1.5** *New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life*

Planning Comment:

The proposed development increases the variety of housing types in the community by providing six new semi-detached dwellings on the subject lands. The proposed dwellings will be accessible and more affordable than the existing single detached dwellings in the area due to smaller land parcels and a compact built form. The proposed development will be able available for people of all ages and abilities, by meeting urban design and site standards to be discussed in the site plan design phase.

## **8.6.2 Chapter 5 Connected Region**

### **Section 5.1 Multi-Modal Transportation System**

#### **Subsection 5.1.5 Ensure Regional Roads Accommodate Future Growth and Support Diverse Forms of Transportation**

**Policy 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; and*

*b) the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.*

Planning Comment:

**Both the Regional and Local plan identifies Dominion Rd as a Regional Road.** The proposed development will not interfere with the existing functionality of a Regional Road.

### **Section 5.2 Infrastructure**

#### **5.2.1 Infrastructure Planning, Development, and Asset Management**

**Policy 5.2.1.4** *Infrastructure investment shall be leveraged to direct and support growth and development within strategic growth areas as well as to achieve the minimum intensification and density targets identified in this Plan.*

**Policy 5.2.1.5** *Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth in a manner that promotes efficient use of existing services.*

### **Subsection 5.2.2 Municipal Water and Wastewater Servicing within Urban Areas**

**Policy 5.2.2.2** *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

**Policy 5.2.2.4** *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

#### **Planning Comments:**

The proposed development is proposed to connect to existing municipal services, including storm, sanitary and water. Please refer to the FSR for further details.

### **8.6.3 Chapter 6 Vibrant Region Section 6.2 Urban Design**

**Policy 6.2.1.5** *The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.*

**Policy 6.2.1.6** *Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces.*

**Policy 6.2.1.7** *Sustainable design principles shall be applied to the public realm, infrastructure, public service facilities, development and streets.*

**Policy 6.2.1.8** *The Region shall promote:*

*d) well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;*

#### **Planning Comment:**

The existing concept plan is preliminary as details regarding private site design including building materials and landscaping will be provided at a later design stage. The Draft Zoning By-law proposes minimum site-specific regulations to ensure that the proposed development is an appropriate scale, which will complement the existing neighbourhood character.

**Region of Niagara Official Plan Conclusion:** The proposed development conforms to the Region of Niagara Official Plan, as it will:

- Contribute to achieving the forecasted population for the Region of Niagara and Town of Fort Erie, by providing six additional semi detached units
- Contribute to achieving the Region of Niagara target of 60% residential intensification annually and the Town of Fort Erie residential intensification target of 50%;
- Be a gentle form of intensification, which will respect existing community character;
- Focus residential intensification within the Urban Built-Up Area;
- Make efficient use of the subject lands and existing municipal services and infrastructure;

- Add to the range of dwelling types in the neighbourhood;

## 2.5 Town of Fort Erie Official Plan

The Town of Fort Erie Official Plan designates the subject lands as “Commercial”. Single detached dwellings, semi-detached dwellings and accessory structures are not permitted. An official plan amendment for residential purposes is required with the following guidance.

Section 2 – Purpose and Goals, policy 2.3.5 Residential subsection a) states that a Goal of the Official Plan is “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.”

### Planning Comment:

The subject land is part of the Ridgeway/Thunder Bay planning area which provides for a full range of housing types. The subject property although presently designated Commercial is located in an area of predominantly single detached dwellings. Schedule RTB-2 to the Ridgeway/Thunder Bay Secondary Plan shows the property in an area designated Residential – Low Density permitting single detached, semi-detached and townhouses dwellings. Given the small size of the subject property and the character of the neighbourhood being primary single detached dwellings the site is ideally suited to single family and semi-detached dwellings.

Section 4 – Land Use Plan and Policies, subsection 4.7.1 General Policies states that: “New residential development within the urban area should proceed in a 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 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%.

### Planning Comment:

The subject land is within the Ridgeway/Thunder Bay Secondary Plan which is a detailed land use plan showing how lands are to develop in the future. Full municipal services are available and to obtain the housing mix as noted in b)

above the area has been planned to achieve the density targets. The subject property will be designated in the Secondary Plan as Residential Low Density and the proposed land uses are permitted.

Sub-section 4.7.4 Urban Residential states that: *“Lands designated as Urban Residential identified on Schedule A are intended to for a variety of housing forms such as single detached dwellings, duplexes, semi-detached dwellings, townhouses, multiple unit dwellings, apartments, accessory apartments, rooming houses, boarding and lodging houses, group homes, housing for the elderly and similar forms of housing. Other uses that make up a neighbourhood including schools, churches, parks, day nurseries, public utilities, home occupations, accessory buildings, cemeteries and neighbourhood commercial uses are also permitted.”*

Planning Comment:

The subject land will be designated Urban Residential as well as all of the Ridgeway/Thunder Bay Secondary Plan Area. The Secondary Plan has provided for the detailed arrangement of land uses within the planning area and the subject property will be as Residential – Low Density. The proposed land uses are permitted.

Sub-section 4.7.4.1 – Policies I) States that: *“The Town will develop a Neighbourhood Plan for each neighbourhood prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop.”*

Planning Comment:

The Town has prepared a Neighbourhood Plan the Ridgeway/Thunder Bay Secondary Plan and the development proposed cannot be considered a large-scale development.

Section 4.18 Ridgeway-Thunder Bay Secondary Plan sub policy 4.18.6 – Low Density Residential a) states that: *“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.”*

Planning Comment:

The lands will be designated on Schedule RTB-2 as Low Density Residential and the proposed use is permitted. The development complies with the requirements of Section 4.7.

Section 4.18.18 – Neighbourhood Gateways & Landmarks policy a) states that *“Schedule RTB-2 illustrates Gateway and community Landmarks at key locations in the Plan Area with one such Landmark currently existing:*

*Ridgeway Core Area (existing Landmark feature at Civic Square)*

## *Gorham Commercial Gateway*

### *Dominion East Gateway*

#### Planning Comment:

The Dominion East Gateway is shown on Schedule RTB-2 at the intersection of Dominion Road and Bernard Avenue and represents the entrance of the urban area and the village of Ridgeway/Thunder Bay. There is a stop sign on Bernard Avenue at the intersection but no stop sign on Dominion Road. This is understandable since there is limited development to the west along Dominion Road until Barrington Court which is part of a new subdivision over 400m (1312ft) away. To the east is the rural area. Traffic volumes to date apparently do not warrant a stop sign on Dominion Road at Bernard Avenue. It is suggested that the Gateway feature include a sign on the north side of Dominion Road indicating that you are entering the Ridgeway/Thunder Bay neighbourhood. Since the area will be designated for low density residential use the gateway feature does not have to be significant but should consist of a landscape feature within the road allowance on both sides of Dominion Road. Future homes should be brought closer to the street as a traffic calming feature since the homes will give drivers the impression that they are entering a compact urban area.

Section 5.6 – Urban Design, sub policy 5.6.2 Streetscapes (I) states that: *“The streetscape is the character of the street space as determined by the design of the street right of way and the portion of the abutting lands from the street edge out to and including building facades”* and sub policy II *“The design of major roads and their streetscapes will create a safe, enjoyable, and attractive environment for pedestrians, cyclists, and other non-motorized users through, where appropriate, the use of reduced .....*

#### Planning Comment:

As noted all future homes should be brought closer to the street. The semi-detached units proposed for Dominion Road should be designed differently from the rest of the development – different heights, large porches, more window openings along Dominion, separation of garages, different building material mix to enhance the Gateway character of the entrance to the urban area. The design features can be built into the development agreement (consent process) or the subdivision agreement (plan of subdivision).

## **2.6 Zoning-By-Law**

The property is currently zoned Highway Commercial (C3). A restaurant is permitted. Dwelling units are also permitted but not on the ground floor. The restaurant and dwelling existed prior to the passing of the Zoning By-law and therefore has legal non-conforming status. The existing dwelling to the south of the restaurant is not permitted in the C3 commercial zone but the dwelling existed before the passing of the Zoning By-law and also has legal non-



conforming status. The proposed Zoning By-law will zone the existing house fronting on Bernard Avenue for single detached dwelling use with the regulations provided in section 12.3 of Zoning By-law 129-90. Upon the approval of the consents the property will be divided into four parts. Parts 1, 2, 3, and 4 will be zoned Residential 3 (R3) Zone, which permits both semi-detached and single detached dwellings. Part 1, 2, and 4 will be zoned to permit semi-detached dwelling use with all the requirements of the Residential (R3) Zone of Zoning By-law 129-90 applying to the three lots (six units). Part 3 will be a single detached dwelling permitted in the Residential 3 (R3) Zone with the regulations of 12.3 applying. The semi-detached lots will have site specific regulations applying in regards to:

- Frontage 17.634 m
- Interior side yard 1.2 m between semi-detached units.

### **3. Technical Support Studies**

The following studies have been prepared in support of the Official Plan and Zoning By-law Amendments. For further details please consult the full reports included in the Planning Justification Report.

#### **3.1 Functional Servicing Design Brief - Hallex Engineering Ltd**

Based on Hallex Engineering Ltd preliminary analysis all municipal services are at the site or available to the site. The purpose of the service assessment is to determine the functional sizing of the proposed storm, sanitary and water services in addition to the post-development flows from the site to determine the impact of the existing municipal infrastructure.

##### **Existing Site Drainage**

The existing site currently drains from the north to the southerly side of the property via overland flow. This overland flow appears to ultimately drain to the existing roadside ditch at Parker Avenue which discharges to the existing roadside ditch at Bernard Avenue.

##### **Roadside Ditch**

The existing site is not currently serviced with a storm lateral connection. The existing drainage infrastructure at Dominion Road and Bernard Avenue consist of roadside ditches which connect at the intersection and drains southerly towards the drainage ditches at the Friendship Trail.

##### **Sanitary Sewer**

The existing site is currently serviced with two sanitary lateral connections to Bernard Avenue as it consisted of the existing single-family dwelling and the existing snack bar, however the size and location of the existing sanitary

laterals are unknown. The existing sanitary infrastructure at Bernard Avenue consists of a 200mm municipal sanitary sewer which drains southerly towards Hyman Avenue. There is no existing sanitary infrastructure at Dominion Road.

#### Water- Main

The existing site is currently serviced with a water service connection(s) to Bernard Avenue as it consisted of the existing single-family dwelling and the existing snack bar, however the size and location of the existing water service(s) are unknown. The existing water-main infrastructure at Bernard Avenue consists of a 200mm municipal asbestos cement water-main. The existing water-main infrastructure at Dominion Road consists of a 150mm municipal PVC water-main and a 400mm municipal asbestos cement water-main.

### 3.2 Environmental Site Assessment

Hallex Environmental Ltd conducted a Phase 1 Environmental Site Assessment for the site in order that a Record of Site Condition could be issued by MOECC.

The site is vacant however was historically utilized for residential purposes and commercially as a diner. The diner was built on the site prior to 1954. The residential dwelling was constructed in the 1980's with the detached garage built between 1982-2000.

The Phase 1 study's conclusion indicated that:

*“Based on the Phase One ESA research, and within the definition of O. Reg 153/04 as amended, no potentially contaminating activities were identified on-site. Therefore, Hallex concludes that no additional environmental site assessment work is considered necessary and as of May 20<sup>th</sup>, 2022, and filing a Record of Site Condition with the MECP is justified to be filed to change the current land use from mixed residential/commercial to fully residential.”*

### 4 Conclusion

Urban Environments have been retained to co-ordinate the preparation and submission of an Official Plan amendment application and Zoning By-law amendment application (future consents) for the property municipally known as 3085 Dominion Road in the Town of Fort Erie.

The property is currently zoned Commercial in recognition of a previous restaurant use in one of the abandoned buildings on site. There is also an existing single detached residential building on site which will be restored and continue to function as a single detached residential use. The remainder of the lands will be redeveloped for six semi-detached units on three new building lots. The subject land is located in an area which consists of single detached dwellings. The lands to the north are currently vacant but designated Urban Residential and Zoned Neighbourhood Development (ND) Zone in anticipation of residential development in the future.

Given the character of the area the proposal for six-semi-detached dwelling units and one single detached dwelling is completely in character with the area and a compatible land use.

The applications filed are an amendment to the Official Plan to change the designation from Commercial to Low Density Residential and to amend the Zoning By-law to change the zoning from Highway Commercial (C3) Zone to Residential 3 (R3) Zone to recognize both the semi-detached units and the existing single detached dwelling.

The Planning Justification Report concludes that the proposed O/P/A + ZBLA applications are appropriate and represent good planning for the following reasons:

- Consistent with policies of The Provincial Policy Statement (2020).
- Conforms with the Growth Plan for The Greater Golden Horseshoe (2017).
- Conforms with the Region of Niagara Official Plan (2022).
- Conforms with the policies of The Town of Fort Erie Official Plan in regards to infill, intensification, urban form and affordability.
- Conforms with the policies of The Ridgeway – Thunder Bay Secondary Plan in regards to multi-unit development.
- Specifically impacts on surrounding uses, streetscape compatibility and location criteria.
- Represents a redevelopment project that respects the urban form (design) criteria outlined in the policies of the Official Plan in regards to compatibility and streetscape.
- Conforms with all government policies in regards to intensification and making efficient use of under-utilized servicing infrastructure.
- The requested ZBLA and each of the requested site-specific provisions are appropriate and justified.
- The proposed development is compatible with the surrounding neighbourhood.
- The redevelopment of the site will remove two buildings that exhibit older building materials and remnants of piping after associated with above ground storage tanks used for heating oil purposes and replacing it with a modern energy efficient development using environmentally friendly building materials.

- The site can be serviced through proposed service connections to the existing and new sanitary water and storm water networks and appropriate measures for stormwater management control can be implemented.
- The new semi-detached development exhibits a high degree of urban design that benefit the streetscape and are appropriate in this urban context.

Respectfully submitted,

Greg Hynde MCIP RPP

## 5. Technical Reports

- **Function Servicing Design Brief**  
Hallex Engineering Ltd
- **Environment Site Assessment**  
Hallex Environmental
- **Elevation Drawings & Site Plan**  
G. Curnock & associates

**Gateway Entrance — Urban Design Brief**  
Urban Environments