



# A.J. Clarke & Associates Ltd.

Proud of our Treasured Past  
Building a Sustainable Future

0-17100, 0-17101, 0-17102  
Schooley Road:

Zoning By-law Amendment

Planning Justification Report  
October 2022

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## 1 Introduction

A.J. Clarke and Associates Ltd. has been retained by Marz Homes (Crystal Beach) Inc. to prepare a Planning Justification Report (PJR) in support of an application for Zoning By-law Amendment required to divide the subject lands through consent located on the eastern side of Schooley Road, between Rebstock Road to the south and Michener Road to the north, in the Town of Fort Erie.

The proposal consists of adjusting the lot lines between the three existing parcels to create one additional residential lot, four in total. The four parcels proposed will contain one single-detached dwelling on each new lot. Access to these lots will be from Schooley Road.

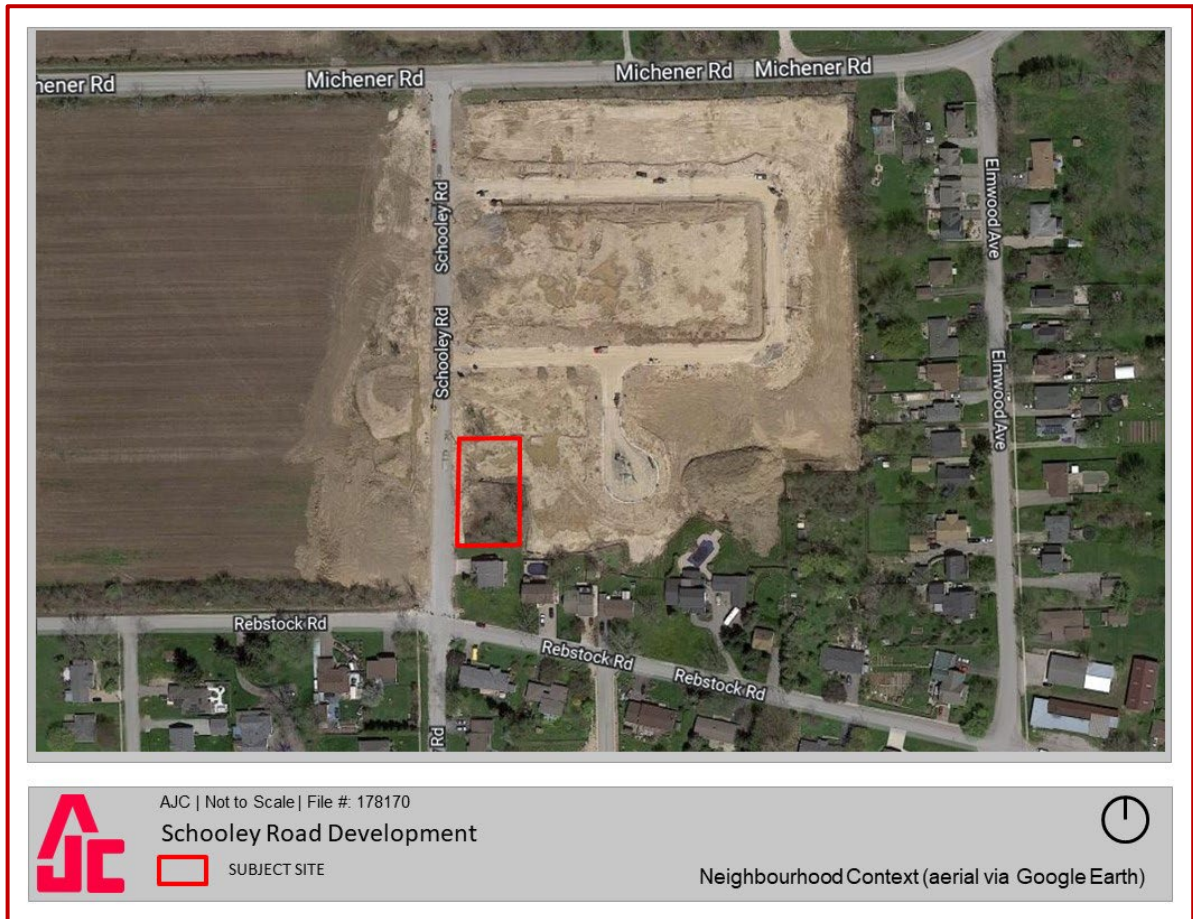
A Pre-Consultation Meeting was previously completed with the Town of Fort Erie concerning a rezoning of the subject lands and concurrent consent applications on March 24<sup>th</sup>, 2022.

As part of the complete application submission under The Planning Act, several supporting technical studies and reports have been prepared and submitted, as per the Pre-consultation Document. The following materials are submitted in support of the subject rezoning application:

Draft Reference Plan; Lots 44 to 46 (Inclusive)	A.J. Clarke and Associates Ltd.
Draft Local Zoning By-law Amendment	A.J. Clarke and Associates Ltd.
Tree Inventory Preservation Plan	Adesso Design Inc.
Stage 1 and 2 Archaeological Assessment	Detritus Consulting Ltd.

Sections 2 and 3 of this report discuss the subject lands and the proposed development, while Section 4 outlines how this proposal relates to the applicable provincial and municipal land use planning policy documents. Section 5 discusses the supporting technical materials and how they relate to the proposed redevelopment. Lastly, Section 6 outlines the public consultation strategy for the subject applications and Section 7 provides concluding remarks and a professional planning opinion.

## 2 Description of Subject Lands & Surrounding Neighbourhood



The subject lands are currently vacant, with sparse vegetation and trees on Lots 45 and 46 and clear, graded lands for the Beachwalk Subdivision of Plan M-65, currently under development. The lots are municipally known as 0-17100, 0-17101, and 0-17102 Schooley Road. The concurrently submitted Draft Reference Plan (Appendix A) shows the proposed parts to be created through the concurrently submitted consent applications and are legally described as Lots 44, 45 and 46 on Plan M-65. The Draft Reference Plan has also outlined the right-of-way dedication required.

Following this road widening the subject lands will have a combined frontage of 54.88 metres, a depth of 28.94 metres, and an area of  $\pm 1,703.41$  square metres. Following consent approval, each proposed parcel will have a frontage of approximately  $\pm 13.72$  metres, a depth of  $\pm 28.94$  metres, and an approximate area of  $\pm 397.14$  metres squared. Further detail regarding the proposed development can be found in Section 3.

The lands are an 'Urban Designated Greenfield Area' within an 'Urban Area Boundary' as per Schedule A: Regional Structure of the Niagara Regional Official Plan (2014). The lands are further designated as 'Urban Residential' with an 'Environmental Conservation' overlay as per Schedule A: Land Use Plan of the Town of Fort Erie Official Plan. The lands are presently zoned 'Residential (R2) Zone' with the lands contained within Part 34 of Plan 59R-17174 zoned 'Residential (R2) Zone with Special Exception 637.

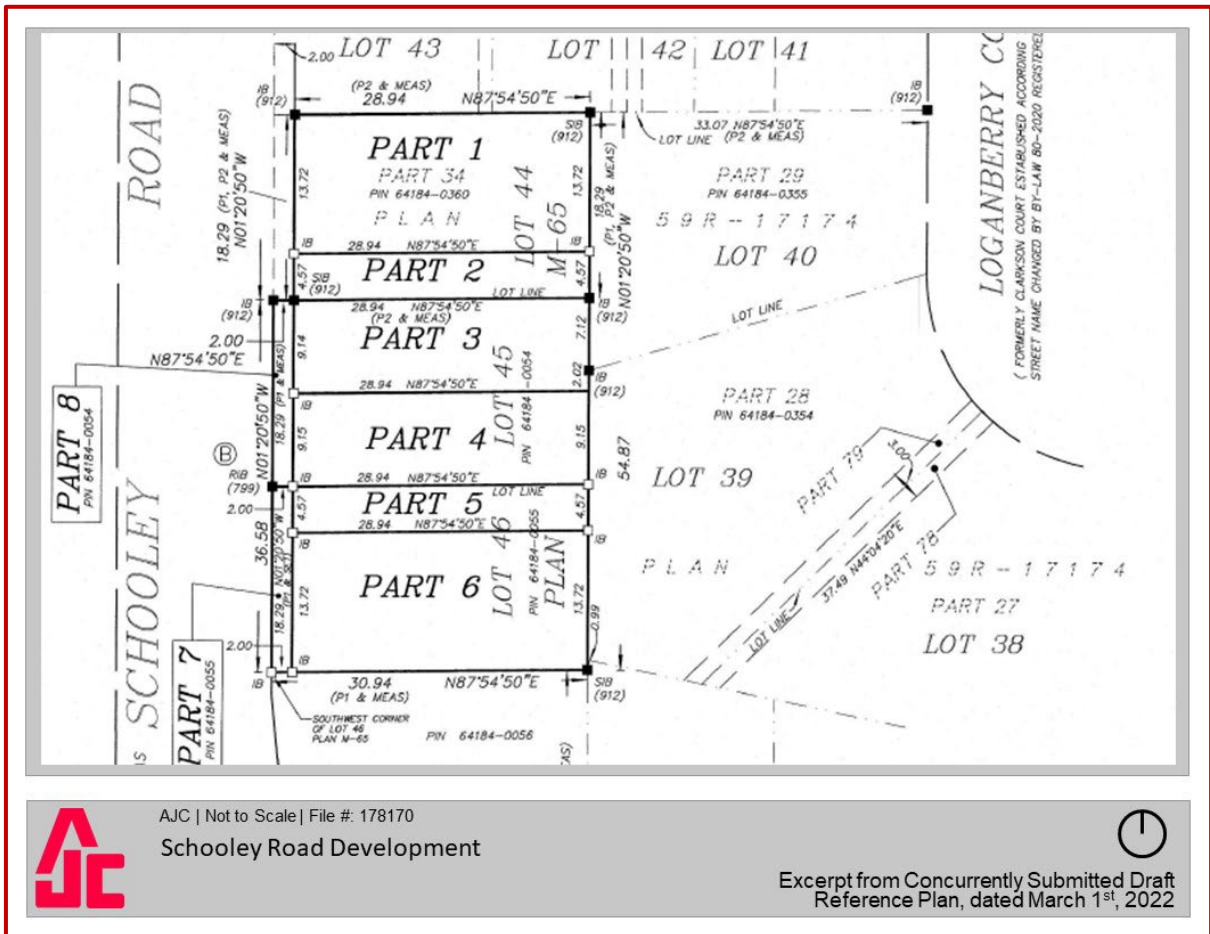


The surrounding area is predominantly occupied with residential, single-detached developments along with a few agricultural/farm-related developments located west and north of the subject lands. A summary of the surrounding uses is described below:

- North:** R2A-638 Zoned, Single-detached dwellings (lands currently under development).
- South:** R2 Zoned single-detached dwellings
- East:** R2 Zoned, single-detached dwellings
- West:** Agricultural fields.

### 3 Proposed Development

The proposed development is to further divide the lands shown as Lots 44, 45 and 46 on Plan M-65 into 4 new single-detached parcels of land created through Planning Act consent, concurrently submitted with this Planning Justification Report and Zoning By-law Amendment application. Presently the subject lands consist of three parcels.





Through the concurrently submitted Zoning By-law Amendment and Consent applications, it is proposed to divide the subject lands into four (4) equal parcels with frontages of  $\pm 13.72$  metres and an approximate area of  $\pm 397.05$  metres squared. The proposed severances will facilitate the construction of four (4) single-detached dwellings, creating a density of 23.49 units per gross hectare.

Looking to the Draft Reference Plan concurrently submitted, the creation of the four lots will be facilitated by severing Parts 2 & 3 and retaining Parts 1 & 4-6. The second consent application will sever Parts 4 & 5 and retain Part 6.

Access to the parcels will be from Schooley Road and will have connections to municipal water and wastewater services. The figure above shows the proposed boundary adjustments to create four parcels from the existing three.

The concurrently submitted Zoning By-law Amendment Application is being considered to amend the Town of Fort Erie Comprehensive Zoning By-Law 129-90 by rezoning the subject lands from the “Residential (R2) Zone” and “Residential (R2) Zone – Exception 637” to a site-specific “Residential (R2) Zone”. This will permit the proposed land uses to establish site-specific performance standards generally consistent with the “Residential (R2) Zone – Exception 637” established by By-law No. 95-2019. The performance standards will be the same as the R2-637 zoning standards with reduced lot width and area modifications as well.

The site-specific performance standards include:

- a) Amending the Minimum Lot Area to permit 390 square metres
- b) Amending the Minimum Lot Frontage to permit 13 metres
- c) Amending the Maximum Lot Coverage to permit 45%.
- d) Amending the Minimum Interior Yard Setback to permit 1.2 metres, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.0 metres.
- e) Amending the Minimum Rear Yard to permit 6 metres.
- f) Amending the Maximum building height to permit 2.0 storeys or 10.5 metres.
- g) Amending the Minimum Rear Yard Setback to covered or uncovered porch between 0.5 metres and 1.5 metres above grade to permit 2.5 metres.
- h) Amending the Minimum Setback of ornamental structures from interior side lot line to permit 0.6 metres

Further information regarding the Zoning By-law Amendment can be found in Section 4.6, as well as Appendix C.

## **4 Planning Policy Framework**

The following land use planning policy and zoning instruments are considered in this Section:

- Provincial Policy Statement (2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)
- Niagara Official Plan – Making Our Mark (adopted by Regional Council June 23, 2022)



- Town of Fort Erie Official Plan
- Town of Fort Erie Comprehensive Zoning By-Law 129-90

#### 4.1 Provincial Policy Statement (2020)

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy. The intent of the submitted application and related plans, reports, studies, etc., is to facilitate the severances of the subject lands into four (4) separate residential parcels where three (3) currently exist. Each parcel created will facilitate the construction of one single detached dwelling.

##### **Section 1.0 – Building Strong Health Communities**

Section 1.0 of the PPS contains policies that relate to building strong, healthy communities. The following policies are relevant to the proposed development:

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

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

By implementing four (4) rather than three (3) residential lots, the proposed development will assist in increasing the existing available housing stock. The proposed lots are a more efficient use of the lands within the Urban Boundary (as per Schedule A of the Town of Fort Erie Official Plan) and are consistent with the recently established subdivision to the north and east (Beachwalk). By increasing the units per hectare, the proposal efficiently utilizes the lands and reduces servicing costs while ensuring the necessary infrastructure and public service facilities are better utilized.

Section 1.1.3 of the PPS provides policy direction for development in settlement areas. The relevant policy provisions of Section 1.1.3 are outlined below:



- Pol. 1.1.3.1 Settlement areas shall be the focus of growth and development.*
- Pol. 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;*

The proposed development is in a settlement area and is a more efficient use of land that will use the existing and planned infrastructure including the roadway network, water, and wastewater systems.

- Pol. 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.*
- Pol.1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*
- Pol. 1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*
- 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.*

The proposal to create one additional residential lot will assist in the better utilization of lands, infrastructure, and public services with lots that are consistent with the built-up, residential development and the Beachwalk Subdivision currently being developed. The additional lot will create a density of approximately 70 people and jobs per hectare (ppj/ha), which exceeds the Region's minimum target of 50 ppj/ha. The additional housing will contribute to the Town's ability to accommodate residential growth.

Section 1.4 of the PPS outlines policy directive regarding the planning for housing in Ontario. The following policies relate to the proposed development.

- Pol. 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:*
- 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*
  - 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.*

**Pol. 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:
  - i. 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*
  - ii. 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.*

The proposed development will effectively contribute to the housing stock available to meet projected growth in the area. The additional lot, while minor, creates a higher efficiency of land, resources, and infrastructure. The lands will be adequately serviced through existing and planned infrastructure. Looking to the new Regional Official Plan, awaiting provincial approval, the lands to the west of the subject lands have also been included as a 'Designated Greenfield Area' with the Urban Boundary having been expanded as shown on Schedule B – Regional Structure. The infrastructure for this expansion will be addressed by the planning authorities to support this growth.

Section 1.6 of the PPS provides further policy direction for the use and provision of infrastructure and public service facilities. Those policies which are relevant to the proposed development are discussed in greater detail below.

**Pol. 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.*

The proposed lots will be connected to municipal water and wastewater services. The additional lot will increase local greenfield density and allow for better use of infrastructure investments. Each lot will have sufficient green space for each dwelling.

## **Section 2.0 – Wise Use and Management of Resources**



Section 2.0 of the PPS deals with the wise use and management of resources such as natural heritage features and areas, watersheds, prime agricultural areas, mineral and petroleum resources, and significant built and cultural heritage resources. The subject lands are located within the urban boundary and are planned to accommodate future growth. As such, there will be no loss of agricultural lands.

As shown through Schedules D1 through D4 of the Niagara Region Official Plan, the lands are shown to not have any stone, sand, gravel, peat, petroleum, or mineral resources.

The lands are not designated as a Key Natural Heritage Feature, however the Niagara Region did note in the Formal Consultation document that “based on available aerial imagery, it appears that there are wooded areas located throughout the subject property.” Upon further discussion with staff (as shown in Appendix D), it was clear that the wooded areas shown around the subject lands have been cleared for the grading and development of the Beachwalk Subdivision. This clearing and grading has rendered the Constraints Analysis unwarranted.

The subject lands have not been designated under the Ontario Heritage Act. It is therefore expected that the proposed development will not have any impact on any cultural or natural heritage resources, agricultural lands, or mined resources.

### **Section 3.0 – Protecting Public Health and Safety**

Section 3.0 of the PPS deals with the protection of public health and safety. The policies in this section direct development away from naturally occurring and human-made hazard lands such as floodplains, erosion-prone areas, former mining and aggregate extraction operations, and other types of contaminated areas. There are no existing or proposed human-made hazards in proximity to the subject lands. There are also no naturally occurring hazard lands in proximity to the subject site.

As discussed above and as confirmed within the relevant studies and reports submitted in conjunction with the requisite applications, the proposed development is consistent with the applicable policies of the Provincial Policy Statement (2020).

## **4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

In 2019 the Ministry of Municipal Affairs and Housing approved a new version of the Growth Plan, which came into force and effect on May 16<sup>th</sup> of that same year. The Growth Plan (2019) replaced the Growth Plan (2017). All decisions made on or after May 16, 2019, in respect of the exercise of any authority that affects a planning matter will conform with the Growth Plan (2019), subject to any legislative or regulatory provisions providing otherwise.

The 2019 iteration of the Growth Plan builds upon the previous Growth Plan (2017) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth. The following guiding principles of the Growth Plan are supportive of the proposed development:

- 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.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.

The proposed development will take place within the *Greater Golden Horseshoe Growth Plan Area* as defined on Schedule 2 of the Growth Plan. The additional residential lot contributes to the housing stock available within an Urban Boundary, while creating a density of approximately 70 pp/ ha. The development will be serviced by municipal water and wastewater systems, the existing road infrastructure and will be part of a complete community that is expected to see further development west of the subject lands. The subject lands are not agricultural and will not affect the availability of such lands.

### **Section 2.2 - Policies for Where and How to Grow**

*Pol. 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;**
- 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*
- f) the establishment of new settlement areas is prohibited.*

The proposed development is within the Urban Boundary of the Crystal Beach community in the Town of Fort Erie. The subject lands are not within nor in proximity to hazardous lands. The development will have municipal water and wastewater systems and can contribute to a complete community.

### **Subsection 2.6 - Housing**

Subsection 2.6 contains policy directed towards Housing in Ontario; the following policies are relevant to the proposed development:

*Pol. 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.*

*Pol. 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.*



The proposed severances will allow for the development of four residential lots, as opposed to the three currently existing. This is a slight intensification of the lands along Schooley Road that will increase the housing stock in the neighbourhood and will increase the density within the neighbourhood to levels being sought in the Growth Plan for designated greenfield developments in the Niagara Region.

#### **Subsection 2.2.7 – Designated Greenfield Areas**

Subsection 2.2.7 outlines policy directed to development within Designated Greenfield Areas. As per Schedule B – Regional Structure of the Niagara Regional Official Plan, the subject lands are within a Designated Greenfield Area, and as such, the following policies are relevant to the proposed development:

*Pol 2.2.7.1. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:*

*a) supports the achievement of complete communities;*

*Pol.2.2.7.2. The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:*

*a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; and*

The proposed development will create a density of approximately 70 people and jobs per hectare which is above the minimum set in Policy 2.2.7.2 of the Growth Plan. The development will help to bridge the existing built form with the subdivision development to the north of the lands as depicted in Reference Plan 59R-17174. This will help create a more complete community which, according to the Schedule B of the new, council-adopted, Niagara Regional Official Plan, will extend further west across Schooley Road and beyond.

#### **Section 4 – Protecting What is Valuable**

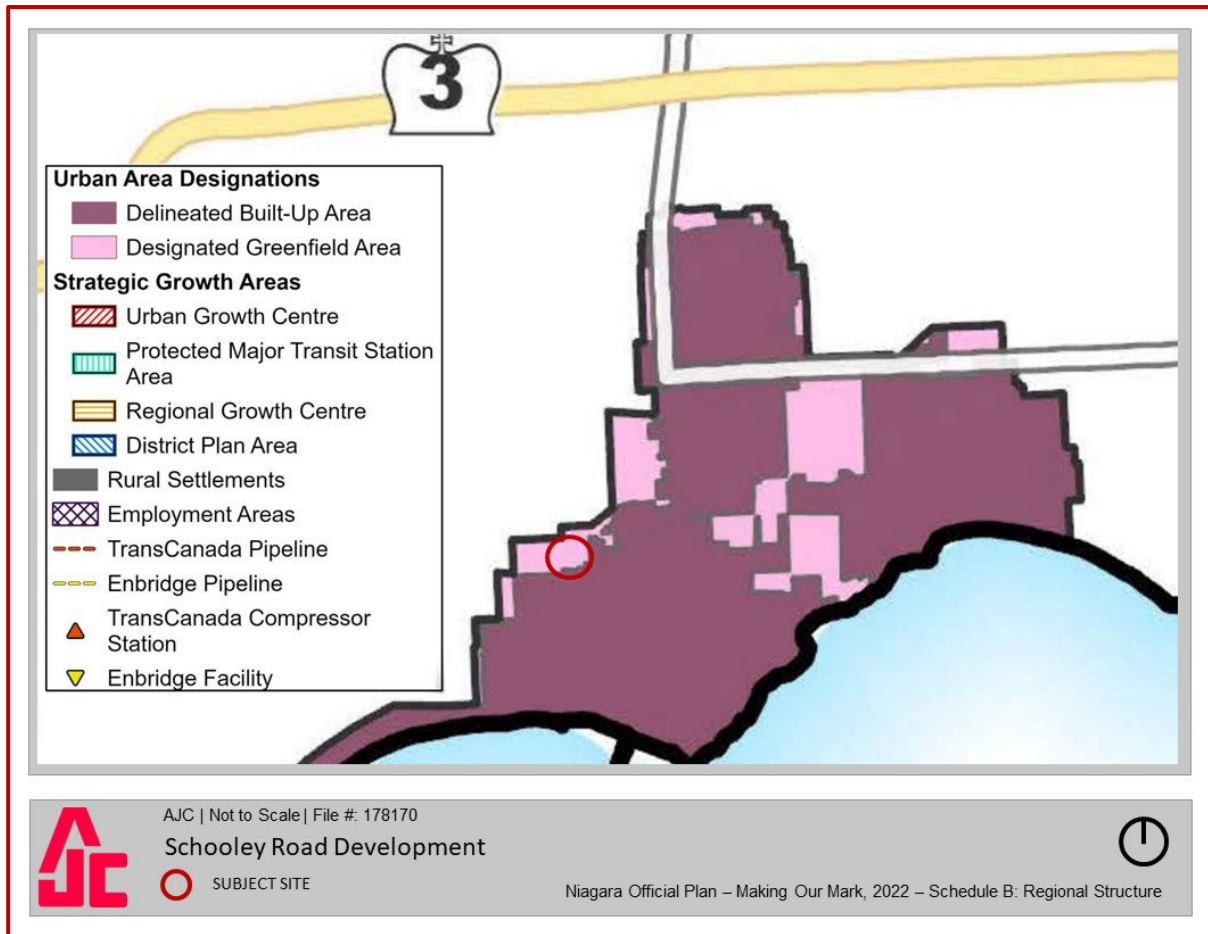
Section 4 of the Growth Plan contains policy directed at protecting ‘What is Valuable’ including Water Resources, the Natural Heritage System and Features, Agricultural Lands, Cultural Heritage, and Mineral Aggregates. As discussed within the PPS Policy overview in Section 4.1 of this report, the proposed development is expected to have no negative effects on the resources contained in Section 4 of the Growth Plan.

As discussed above, the proposed development conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019).

### **4.3 Niagara Regional Official Plan – Making Our Mark, 2022**

On June 23, 2022, Regional Council approved By-law 2022-47, adopting the new Regional Niagara Official Plan. The Official Plan was recently approved by the Province of Ontario’s Ministry of Municipal Affairs and Housing on November 4<sup>th</sup>, 2022. Accordingly, the following policies from the Regional Niagara Official Plan, 2022 are applicable to the proposed development.

The subject lands are located within a “Designated Greenfield Area” as shown on *Schedule B – Regional Structure* within the Niagara Official Plan.



**Chapter 2: Growing Region** deals with how and where development will occur to facilitate projected population growth in the Region.

### 2.1 – Forecasted Growth

The objective of Section 2.1: Forecasted Growth is to “coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.”

As per *Table 2-2: Niagara Region Minimum Residential Intensification Target by Local Area Municipality 2021-2051*, The Town of Fort Erie is expected to see the creation of 3,680 dwelling units at a rate of 50%, which will see the expected population of 48,050 by 2051, as per *Table 2-1: 2051 Population and Employment Forecasts by Local Area Municipality*. Section 2.1 – Forecasted Growth outlines the projected growth policies within the region and relating to the aforementioned table statistics, the correlating policy is outlined:



- Pol. 2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*
- Pol. 2.1.1.2 Forecasts in Table 2-1 are a minimum.*
- Pol.2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plan and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.*

In relation to the above policies, the OP also states in an insert that:

*“Forecasts in Table 2-1 shall be accommodated predominantly within settlement areas as shown on Schedule B. The forecasts in Table 2-1 were used to complete the Region’s land needs assessment to determine the Region’s community and employment land need.”*

The proposed development will contribute to accommodating the projected growth for the Town of Fort Erie.

## **2.2 – Regional Structure**

As per the Section 2.2 – Regional Structure introduction, *“settlement areas are comprised of both urban areas, which include built up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets.”* The subject lands are a ‘Designated Greenfield Area’ within a Settlement Area as per Schedule B and the proposed development will help accommodate the forecasted growth in Fort Erie. The objectives of Section 2.2 are as follows:

- a) Manage growth within urban areas;
- b) Accommodate growth through strategic intensification and higher densities;
- c) Protect and enhance the character of rural settlements;
- d) Plan for the orderly implementation of infrastructure and public service facilities; and ensure settlements area expansions support Regional forecasts and growth management objectives; and

The proposed development is within an Urban Settlement area and will not require a settlement boundary expansion. The proposed development will gently increase the current density that effectively utilizes municipal infrastructure and is within a 15-minute walk to public service facilities including schools, parks, and Bay Beach.

### **2.2.1 Managing Urban Growth**

- Pol.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*
  - a) *co-located public service facilities*
  - b) *the public realm, including open spaces, parks, trails, and other recreational facilities*
- 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;*

*Pol.2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

*Pol.2.2.2.25 Designated greenfield areas will be planned as complete communities by:*

- a) *ensuring that development is sequential, orderly and contiguous with existing built-up areas;*
- b) *utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;*
- c) *ensuring infrastructure capacity is available; and*
- d) *supporting active transportation and encouraging the integration and sustained viability of public transit service.*

The proposed development will contribute to reaching targets outlines in Table 2-2 and the density targets outlines in the Plan. Proposed is a gentle intensification of the existing land use that is more compact and contributes to a complete community. The proposed development, along with the subdivision located to the north and east, will provide a higher density than the surrounding single-detached neighbourhood to accommodate for future market-based housing needs. The development is located within walking distance to public service facilities and the public realm. The proposed increase in density through the creation of an additional lot will help minimize land consumption and more effectively use the municipal infrastructure. The development will enhance the existing and future neighbourhood along Schooley Road while considering the character of the community.



## 2.3 - Housing

Section 2.3 outlines regional policy regarding Housing. The objectives of this section are to provide a mix of housing options to address current and future needs; provide more affordable and attainable housing options within our communities; and plan to achieve affordable housing targets through land use and financial incentive tools. The policies associated with the proposed development are described below.

*Pol. 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.*

*Pol. 2.3.1.3 The forecasts in Table 2-1 will be used to maintain, at all times:*  
*a) the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development; and*  
*b) where new development is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification, and lands in draft approved or registered plans.*

The proposed development will implement an additional residential lot. The requested zoning by-law amendment will allow for an increase in density through smaller, yet sufficiently sized, lots. Albeit a minor increase, the additional housing provided will help Fort Erie accommodate for the forecasted growth of the Region.

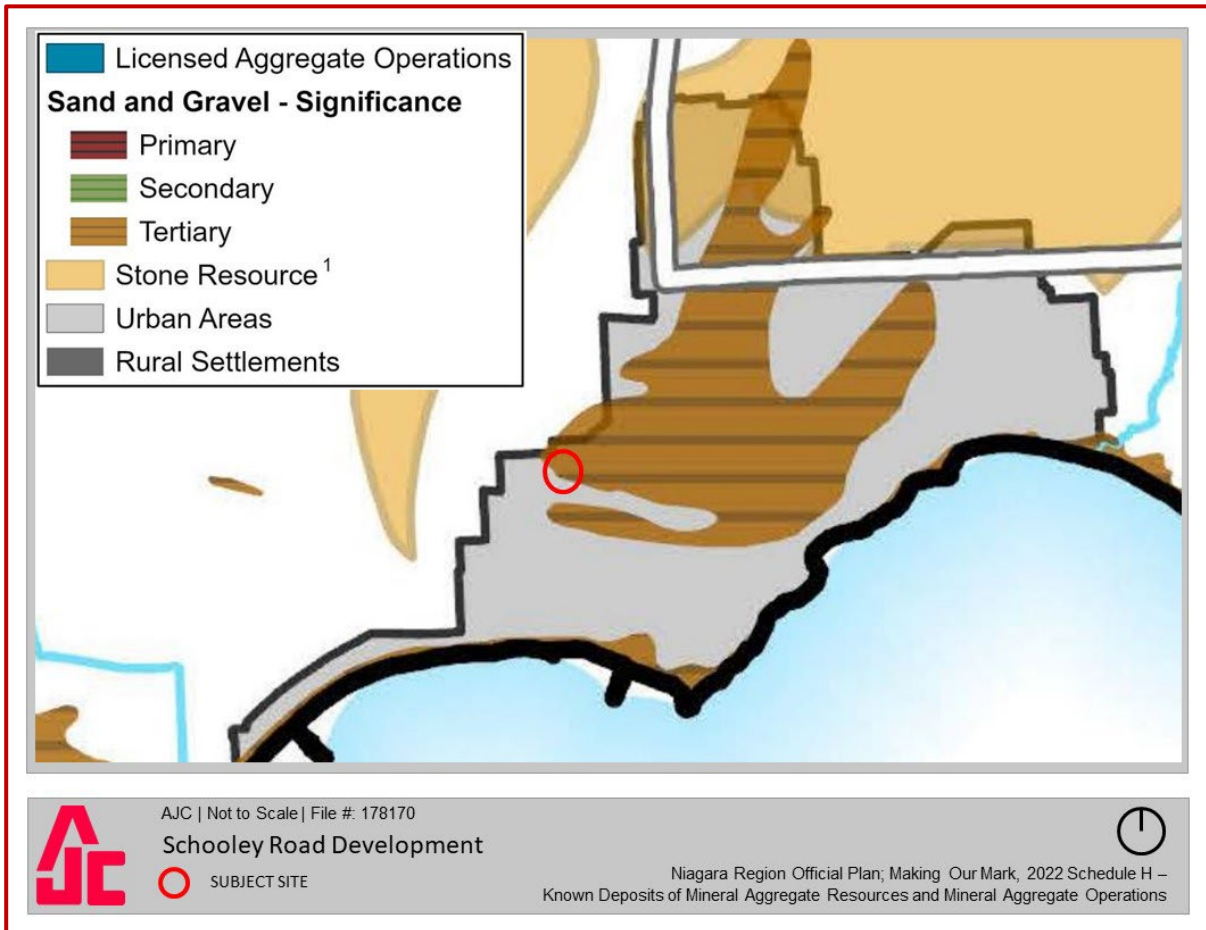
## Chapter 3 – Sustainable Region

Chapter Three of the Plan outlines policies that promote and protect that natural heritage and water resource systems. The subject lands are outside other provincial plans such as the Niagara Escarpment Plan and Greenbelt Plan, are outside of the natural heritage system and do not contain key hydrological features or elements as shown on Schedules C2 and C3. While the lands are not affected by these features and an Environmental Impact Statement is not required, the Region had previously requested a Constraints Analysis to determine if the lands meet the criteria for identification as a Significant Woodland due to aerial imagery presenting numerous trees on the subject lands. However, the subdivision development adjacent to the north of the subject lands was approved with construction and grading of the lands, including the removal of these trees, already underway (see Figure 1). As such, Regional Staff has removed the requirement of the Constraints Analysis as seen through the correspondence with staff in Appendix D.

## Chapter 4 – Competitive Region

Chapter Four of the Official Plan outlines policies to protect agricultural lands, employment lands, mineral aggregate resources, petroleum, and mineral resources, and ensure the economic prosperity of the Niagara Region.





The subject lands are shown to be in the peripheral area of a Tertiary Sand and Gravel Resource, as per Schedule H – Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations. These lands have been further designated and zoned for residential development including the current development adjacent to the subject lands. No resource extraction is planned to occur in the vicinity of the subject lands, and as such the subject lands should not be implicated by the policies directed to mineral aggregate resources.

### Chapter 5 – Connected Region

Chapter 5 of the Official Plan outlines policies surrounding the transportation network and infrastructure to service and move people and goods within the Region. These policies reflect the direction and recommendations outlined in the Niagara Region Transportation Master Plan (TMP). The primary goal of the TMP, and this section of the OP, is to create *“an attractive multi-modal transportation system including a comprehensive active transportation network, an interconnect public transit system, ad an efficient goods movement network.”*

The subject lands are located along the local road of Schooley Road, on the periphery of Crystal Beach. The right-of-way currently existing on Schooley Road adjacent to the proposed development does not currently contain sidewalks or bike paths; the lands are located approximately 900 metres from the



nearest connection to the Region's Strategic Cycling Network as per Schedule J2 of the ROP. Further, the Niagara Region Transit System only connects to the Fort Erie's Town Hall, located approximately 10.5 kilometres away, by road, from the subject lands. Presently the Town of Fort Erie only provides an "On-Demand Transit Service."

A road widening of two (2) metres has been described in the concurrently submitted Draft Reference Plan as 'Part 5' to accommodate the Town of Fort Erie's plans for the right-of-way. The proposed development will create four (4) lots that are accessed from and face onto Schooley Road. This will assist the Town in creating an Urban Design that will meet the Region's Official Plan goals for *complete streets* as described in their Complete Streets Design Manual and Guidelines and set in policy subsection 5.1.4, 'Complete Streets at the Regional and Local Levels.'

## **5.2 – Infrastructure**

This section of the Official Plan outlines policies related to all regional infrastructure and its effects on the local municipalities' capabilities to provide such.

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

*Pol. 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.*

*Pol. 5.2.1.6 The Region shall provide infrastructure and services within its jurisdiction to accommodate existing development and anticipated growth within the financial capability of the Region.*

The proposed development will facilitate the development of four residential lots with access to already present local roadway infrastructure and existing water and sanitary sewer infrastructure with sufficient flow to service to proposed additional, residential, lot.

### **5.2.3 Municipal Water and Wastewater Servicing within Urban Areas**

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

*Pol.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.*

*Pol.5.2.2.5 Private lateral connections to Regional water or wastewater mains are discouraged.*

The proposed development will facilitate the development of four residential lots along existing Regional Water and Sanitary infrastructure. A 350 D CI Water line will connect to each lot. Regional Staff made comment relating to the sanitary lines in the March 24<sup>th</sup>, 2022, Pre-Consultation Meeting



that “an ECA was issued for this section of Schooley Road. Only laterals for the dwellings is (sic) required.”

#### **5.2.4 Municipal Waste Management Services**

*Pol. 5.2.4.1 The Region will provide for the disposal and treatment of solid wastes to the Local Area Municipalities, and in alignment with the Region’s Long Term Waste Management Strategic Plan.*

*Pol. 5.2.4.4 In collaboration with the Region, Local Area Municipalities should ensure that their official plan, zoning by-law, plan of subdivision approvals and site plan approvals for new development comply with the Region’s requirements for waste collection to ensure safe and efficient waste collection and diversion and includes support for the resource recovery of food and organic waste for their residents.*

Solid wastes will be collected curbside along Schooley Road. Adequate space will be provided for the placement of bins.

#### **5.2.5 Stormwater Management and the Planning Process**

*Pol. 5.2.5.1 All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

*Pol. 5.2.5.4 Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:*

- a) conforms with watershed planning policies in Section 3.2;*
- b) is informed by a subwatershed plan or equivalent as completed by the Local Area Municipality;*
- c) ensures all proposals for development or redevelopment are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and water budget to minimize stormwater flows and reliance on stormwater ponds, which includes low impact development and green infrastructure, where appropriate;*
- d) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;*
- e) ensures stormwater management facilities are designed to support key features and ecological functions in the Region's natural environment system, where possible; and*
- f) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.*

The proposed development is located within lands that have been Draft Plan approved and registered as the Beachwalk Subdivision with the Town of Fort Erie. All applicable details for stormwater



management can be found within those plans. Further, Regional Planning Staff provided no further stormwater comments “due to the location, scope, and nature of the proposal.” The proposed increase of one developable, residential lot should have no significant impact on the stormwater management plans in place.

## **Chapter 6 – Vibrant Region**

### **6.2 – Urban Design**

Section 6.2 outlines policy for urban design practices to be implemented across the Region. These policies will ensure that places will be more attractive, memorable, and functional. This section is in conformity with The Growth Plan as it sets out policy supporting the achievement of complete communities. The following policies are applicable to the proposed development.

*Pol. 6.2.1.1 Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.*

*Pol. 6.2.1.2 The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture shall be encouraged.*

The proposed development will create a continuous streetscape that leads into the Beachwalk subdivision currently being developed. The dwellings will be constructed to face onto Schooley Road. ‘Part 5’ of the submitted Draft Reference Plan illustrates the 2-metre road widening dedication that will contribute to the development of a more urban road design keeping with the Region’s guidelines.

### **6.3 – Healthy Communities**

Section 6.3 outlines policy to help create healthy communities that provide a higher quality of life within the Region.

*Pol. 6.3.1.1 The Region shall support healthy communities by:*

- a) creating built form that provides healthy living;*
- b) planning for all ages, incomes, abilities and populations;*
- c) supporting walkable and bikeable neighbourhoods through active transportation;*
- d) encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;*
- e) encouraging urban agriculture and community gardens;*
- f) strategically co-locating public service facilities for convenient access; and*
- g) encouraging the use of health impact assessment tools through planning processes.*



The proposed development is effectively a continuation of the Beachwalk subdivision currently under development to the north of the subject lands; this community will help provide housing for all ages, incomes, abilities, and populations. It is also proposed within the Crystal Beach Secondary Plan (currently under OLT appeal) that Schooley Road shall feature a designated bike path. Locating the proposed dwellings along this path network will help promote more active transportation within the neighbourhood.

#### **6.4 – Archaeology**

The Region has set policy to conserve any archaeological resources within the Region.

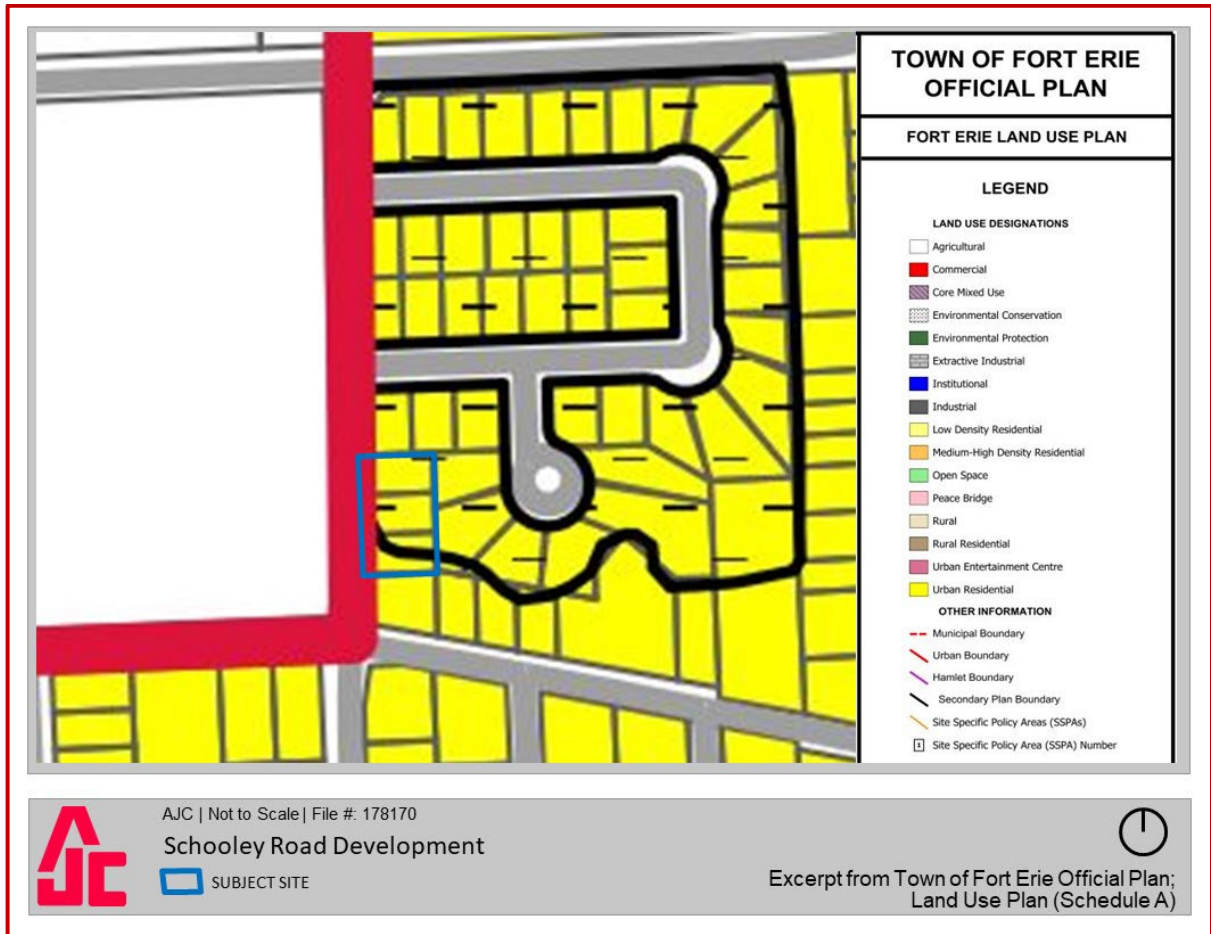
*Pol. 6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

Along with this report is a concurrently submitted Stage 1 and 2 Archaeological Assessment prepared by Detritus Consulting Ltd. that has determined that the subject lands do not contain any elements of archaeological discovery.

As discussed above, the proposed development conforms to the applicable policies of the Council-Adopted Niagara Regional Official Plan – Making Our Mark, 2022.

#### **4.4 Town of Fort Erie Official Plan (September 1<sup>st</sup>, 2021, Consolidation)**

The subject lands are designated 'Urban Residential' with an Environmental Conservation Overlay as per the Town of Fort Erie Official Plan in Schedule A: Land Use Plan (excerpt shown below). An Environmental Conservation Overlay Removal application has been concurrently submitted.



### 2.5.3 – Objectives for Residential Designated Lands

The objectives for Residential designated lands are found in Section 2.3.5 and are described as follows:

- a) *To ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies;*
- b) *To encourage, support, assist in the distribution of information, and participate to the best of its financial ability in housing programs offered by senior levels of government that provide housing to moderate and low income families and to encourage non-profit housing organizations to also participate in such programs;*
- c) *To ensure that the existing housing stock is maintained both qualitatively and quantitatively while accommodating infill, redevelopment and reuse;*
- d) *To provide the policy to assist with the provision of affordable housing to low and moderate income groups and special needs housing; and*
- e) *To ensure that future residential land uses are appropriately separated from incompatible land uses.*

The proposed development will provide additional housing that implements the intent of Provincial and Regional Housing Policies as previously discussed.



#### 4.7 – Residential General Policies

Section 4.7.1 outlines the general policies directed to Residential Land Use. Policies directly affecting the subject site are discussed below.

*Pol. 4.7.1.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%.*

*Pol.4.7.1.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.*

The proposed development allows for a more efficient use of lands and existing infrastructure while maintaining a density that conforms to the Official Plan designation. Further development can be expected in the area as shown in the Regional Structure mapping (Schedule B) of the council-adopted, Niagara Regional Official Plan. The proposed severances will create a higher density than currently exists at approximately 70 people and jobs per hectare, whereas the Regional minimum for Greenfield development is 50 people and jobs per hectare. Furthermore, the development conforms with the Servicing policies of the Town's Official Plan.

Section 4.7.4 further details policy specifically affecting the 'Urban Residential' designation.

*Pol.4.7.4.I Lands designated as Urban Residential identified on Schedule "A" are intended for a variety of housing forms such as single detached dwellings, duplexes, semidetached 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.*

The proposed development of four residential lots for four single-detached dwellings is a permitted use within the 'Urban Residential' designation of the Official Plan.



## 5 – Urban Form and Housing

Section 5 of the Official Plan outlines policy affecting the Urban Form and Housing. The Official Plan provides the physical context for planning a safe and healthy community in Fort Erie. The policies in this section work in conjunction with the policies in the Land Use, Natural and Cultural Heritage, and Infrastructure sections of this Official Plan.

Section 5.5 discusses the policies directed at Neighbourhood Planning, which in Policy 5.5.1.I states that Neighbourhood Plans shall be implemented to better develop or improve neighbourhoods within the Town of Fort Erie. The following policies are applicable to the proposed development.

*Pol.5.5.2.I New residential development should be sensitively designed to complement the existing character of the area, but not required to replicate the existing neighbourhood.*

*Pol.5.5.2.II A distinct identity for each local neighbourhood and/or community will be maintained by encouraging common design themes in the built environment while accommodating individual architectural highlights.*

*Pol.5.5.2.IV Incorporate pedestrian and cycling access within and between residential development, parks, schools, commercial areas, churches, community facilities, employment uses and similar land uses to promote active transportation in a comprehensive manner that considers continuity and connectivity on a broader network basis;*

This proposal would be an extension of the Beachwalk Subdivision currently under development. The built form and character will be consistent with the subdivision and encourages common design themes. The incorporation of pedestrian and cycling access can be facilitated through the dedicated road widening already conveyed through the registration of the subdivision and the subject consent applications.

## 5.6 – Urban Design

Section 5.6 outlines policy surrounding the Urban Design goals and objectives to a visual contribution to the establishment of the character of the Town and its distinct neighbourhoods.

*Pol. 5.6.1.II A distinct character for each neighbourhood will be established through the road pattern, building height and massing, streetscape elements, preservation and incorporation of heritage features and buildings, and prominent placement of institutional and open space uses.*

*Pol.5.6.1.IV Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.*





The adjoining Beachwalk Subdivision has a distinct character and the proposed four lots will facilitate development of single-detached housing that is similar in character and built form on lots similar to those found within the subdivision. Each lot will provide sufficient private, amenity space and the dedicated road widening will facilitate the development of an urban right-of-way.

#### 5.6.2 – Streetscapes

*Pol.5.6.2.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.*

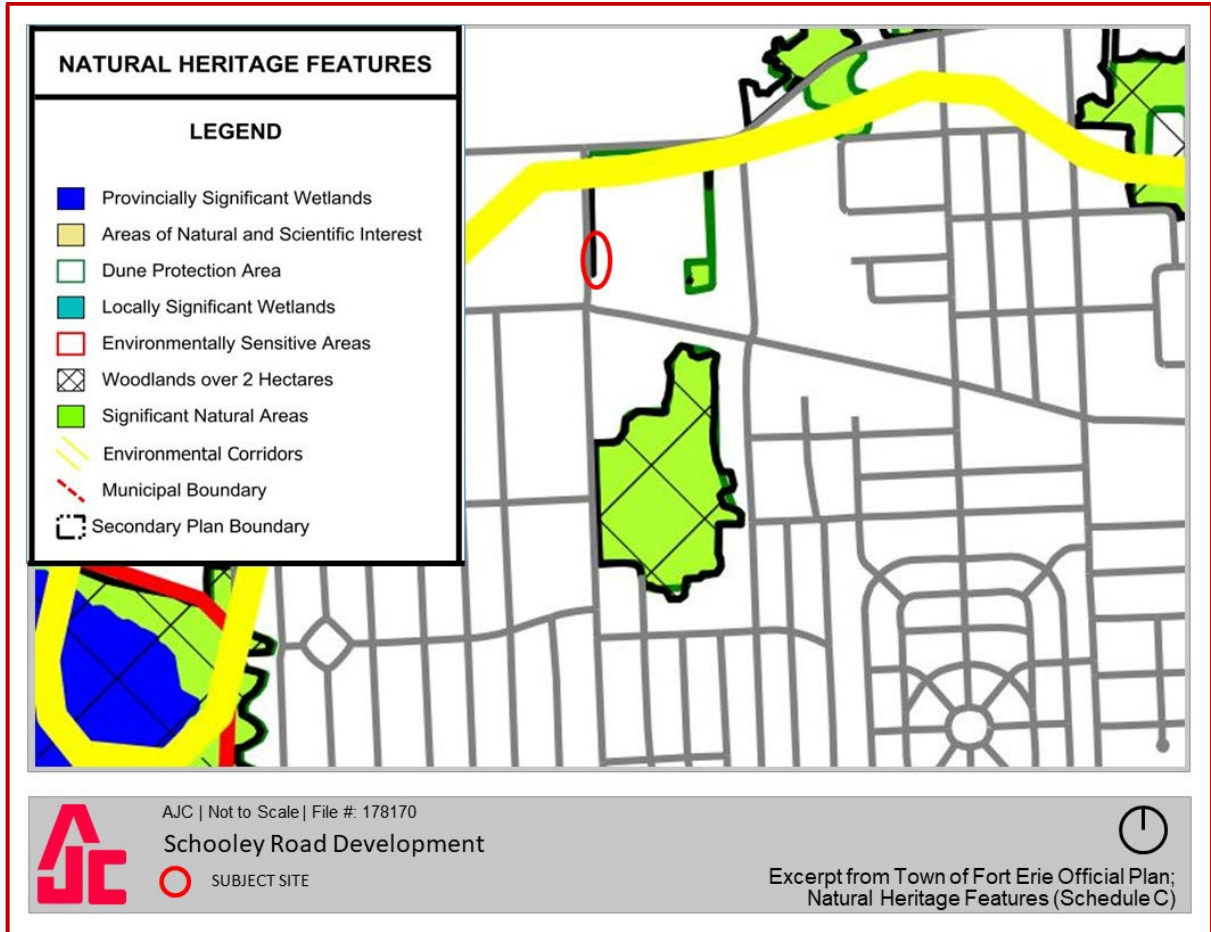
*Pol.5.6.2.IX. Development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.*

The proposed development will facilitate the construction of four dwellings aligned with the street featuring a front yard depth of approximately six (6) metres or less, and main entrances facing the street.

## 8 – Natural Heritage

Section 8 of the Plan provides policy for the protection of Fort Erie’s Natural Heritage Features and Natural Hazards. Natural Heritage Features are shown on Schedules “A” as: Environmental Protection Areas; and Environmental Conservation Areas; Schedule “C” depicts the Natural Heritage features in more detail. As per Schedule “A”, the lands are designated with an Environmental Conservation Overlay. Schedule “C” does show a thin black line along the roadway, as shown in the figure below, and one might assume it is regarding the trees that once lined the roadway, since cleared for development.

As previously discussed, the Pre-consultation Document does list a Constraints Analysis as a requirement. This requirement was removed after correspondence with staff (see Appendix D) noted that the lands surrounding the subject site were cleared and graded for the development of the Beachwalk Subdivision (including Lot 44 of Plan M-65). The Tree Inventory Preservation Plan, concurrently submitted, notes only three trees of any significance within the existing vegetation that are to be removed. Additionally, an Application for Environmental Conservation Overlay Removal is concurrently submitted.



## 11 – Cultural Heritage

Section 11 of the Official Plan provides policy for the protection and enhancement of Fort Erie’s Cultural Heritage. The policies of this section are intended to identify and provide a level of protection for special or unique cultural heritage features in the Town.

While the subject site is outside of the “Archaeological Potential” as mapped on Schedule “D” of the Town’s Official Plan, Regional Staff required a Stage 1 and 2 Archaeological Assessment be included as part of a complete submission as “the site exhibits the potential for the discovery of archaeological resources, as it is within 300m of a registered archaeological site (AfGs-132) and natural watercourse features.”

Along with this report is a concurrently submitted Stage 1 and 2 Archaeological Assessment prepared by Detritus Consulting Ltd. that has determined that the subject lands do not contain any elements of archaeological discovery. This will be further discussed in Section 5 of this Report.



## 12 – Servicing and Utilities

Section 12 of the Official Plan outlines policies related to the systems for water distribution and treatment, wastewater collection and treatment, and storm water collection and release and essential public utilities.

*Pol.12.1.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.*

*Pol.12.1.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.*

The Pre-consultation document notes the lands are located adjacent to, and can connect to, 350 D Cl (Local) water lines. The Town also noted that an Environmental Compliance Approval was issued for this section of Schooley Road and that only laterals for the individual dwellings will be required to connect to the sanitary sewer system. Further, Regional Staff offered no comments concerning stormwater management due to the location, scope, and nature of this proposal.

### 12.7 – Roads

As per Schedule "E" of the Official Plan, Schooley Road is merely designated as a "Municipal Road," However, Regional Staff comments have listed Schooley Road as a "Local" road.

*Pol.12.7.1.V Local Roads are designed to carry relatively low volumes of traffic travelling at low speeds from abutting properties to Collector Roads, Arterial Roads or Provincial Highways. Such roadways should not provide for through traffic. Intersections are at grade. Direct access from abutting properties is permitted except near major intersections.*

*Pol.12.7.2.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.*

*Pol.12.7.2.V Road allowance widths are to be protected and acquisition of road allowance widening will be pursued through the planning approvals process where permitted. The Zoning By-law shall contain setbacks to protect road allowance widths.*



*Pol.12.7.3.IV For Local Roads*

- a. The basic right-of-way width will generally be a maximum 20 metres, however, some Local Road rights-of-way are presently less than 20 metres and widenings to the foregoing maximum might not be practical;*
- b. Direct access to a new local road from abutting properties shall be required for low density residential uses abutting Provincial Highways or Arterial Roads;*
- c. Intersections with Provincial Highways and Arterial Roads shall be discouraged; and*
- d. Through traffic may be discouraged by means of low speed design and road pattern.*

*Pol.12.7.4.1 Pursuant to the provisions of the Planning Act, the dedication of lands for road allowance widening purposes will be required within the designated future road allowance rights-of-way as specifically set out in this Section and the Regional Policy Plan when such lands are proposed to be developed, redeveloped or subdivided, or where such lands are in a Site Plan Control area in a by-law passed under the Planning Act.*

The proposed development will facilitate the construction of four dwellings, rather than three, facing and having direct access onto Schooley Road. The development is an extension of the Beachwalk subdivision and should expect traffic levels typical of low-density neighbourhood traffic. A two-metre road-widening dedication has been provided and described as 'Part 5' on the concurrently submitted Draft Reference Plan.

As discussed above, the proposed development conforms with the applicable policies of the Town of Fort Erie Official Plan.

#### **4.5 Town of Fort Erie Comprehensive Zoning By-law No. 129-90**

As per the Figure below, the subject lands are currently zoned "Residential (R2) Zone" and "Residential (R2A) Zone – Exception 637." Exception 637 applies to the lands known as Lot 44 of Plan M-65 (Beachwalk Subdivision). To implement the proposed development, a rezoning will be required. The proposed amendment would see the lands described as Lot 44, 45 and 46 on M-65 zoned entirely as "Residential (R2) Zone" under the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, with the same site-specific performance standards attached to Exception 637 as well as amendments to lot frontage and area (see Appendix C).



The table below compares the requirements of the “R2” Zone against the proposed development and identifies necessary site-specific amendments.

Section	Provision	“R2” Zone	Proposed	Conforms?
11.2	Permitted Uses	Single-detached dwelling, and accessory buildings or structures and accessory uses, home occupations, and accessory apartment dwelling	Four single-detached dwellings	Yes
11.3 - Regulations	Minimum Lot Area	510 sq m	390 sq m	No
	Minimum Lot Frontage	15m	13m	No
	Minimum Front Yard	6m	6m	Yes
	Minimum Interior Side Yard	(ii) 1.5m for anything above a one-storey dwelling	1.2m	No



Section	Provision	"R2" Zone	Proposed	Conforms?
		(iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m		
	Minimum Rear Yard	8m	6m	No
	Maximum Lot Coverage	Lot Size <510sq m = 30%	45%	No
	Maximum Height	i) 2 storeys ii) 9m	i) 2 storeys ii) 10.5m	No
6.40(a) – Covered Porches, ...	Minimum Setback to Rear Lot Line	Between 0.5 and 1.5m height = 3m	2.5 metres	No
6.41 (a) – Ornamental Structures	Minimum Yard Setback	0.5m	0.6m	No

The Zoning By-law Amendment will implement site-specific R2-XXX zoning standards to permit the proposed development:

1. Amend the Minimum Lot Area to permit 390 square metres
2. Amend the Minimum Lot Frontage to permit 13 metres
3. Amend the Maximum Lot Coverage to permit 45%.
4. Amend the Minimum Interior Yard Setback to permit 1.2 metres, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.0 metres.
5. Amend the Minimum Rear Yard to permit 6 metres.
6. Amend the Maximum building height to permit 2.0 storeys or 10.5 metres.
7. Amend the Minimum Rear Yard Setback to covered or uncovered porch between 0.5 metres and 1.5 metres above grade to permit 2.5 metres.
8. Amend the Minimum Setback of ornamental structures from interior side lot line to permit 0.6 metres

The rezoning of these lands is consistent with the Beachwalk Subdivision current under development and includes part of the subject lands which have been previously rezoned to accommodate the desired built form. The adjacent zoning in the neighbourhood is "Residential (R2) Zone."

This rezoning would essentially extend the existing zoning on Part 34 of Plan 62R-17174 (Lot 44, Plan M-65) to include the proposed Parts 1 through 6 on the submitted Draft Reference Plan. This would bring the lots and future dwellings into a better conformity with the Beachwalk Subdivision and bridge this development to the existing neighbourhoods. The amendments are relatively minor in nature,



will assist in developing a desirable built form, and will have no negative impacts to the neighbourhood.

It is my opinion that the proposed development, with the site-specific performance standards discussed will comply with, and maintain the intent of, the Town of Fort Erie Comprehensive Zoning By-law No. 129-90. A Draft Zoning By-law has been drafted by A.J. Clarke and Associates and can be found in Appendix C.

## **5 Review of Technical Reports and Studies**

### **5.1 Stage 1-2 Archaeological Assessment**

A Stage 1 and 2 Archaeological Assessment of the subject lands was prepared by Detritus Consulting Ltd., dated October 14<sup>th</sup>, 2022.

The purpose of the Archaeological Assessments is to ensure that any potential artifacts or cultural heritage resources have the opportunity of discovery and preservation prior to development.

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 assessment was recommended for the study area.

The Stage 2 Assessment was conducted August 9<sup>th</sup>, 2022, under license P462, issued to Michael Pitul. The soil was dry and screened easily. Assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material.

Approximately 65% of the Study Area comprised disused field and brush which was inaccessible for ploughing. These areas were subject to a typical test pit survey at 5m intervals following Section 2.1.2 of the Standards and Guidelines (Government of Ontario 2011;). Test pits were excavated to within 1m of all standing structures, or until test pits demonstrated evidence of recent ground disturbance as per Section 2.1.2, Standard 4 of the Standards and Guidelines (Government of Ontario 2011). All test pits were at least 30 centimetres ('cm') in diameter and were excavated 5cm into sterile subsoil.

The remaining 35% of the Study Area comprised the possible disturbance areas identified during field inspection. No archaeological material was identified.

The results of the Stage 1 Background Investigation and Stage 2 Pedestrian Survey have determined that the study area is considered free of archaeological material and no additional archaeological assessments are recommended.

### **5.2 Tree Inventory Preservation Plan**

A Tree Inventory Preservation Plan (TPP) was prepared by Adesso Design Inc., dated for review on June 28, 2022, and concurrently submitted with this submission. The purpose of the TPP is to assess



natural heritage woodlot resources as to their condition, and recommendations for removal or retention of trees located on subject lands.

The TPP concurrently submitted notes three (3) trees of particular significance within the existing vegetation on the subject lands. A White Elm and Red Maple are in good condition, and a Grey Willow (considered a weed tree) is in fair condition; all three are in private ownership. However, all three trees conflict with the proposed development and as such are recommended to be removed.

## **6 Public Consultation Strategy**

In accordance with Section 31.1 within Schedule A of recently amended Ontario Regulation 545/06 Zoning By-laws, Holding By-laws and Interim Control By-laws and Section 26.1 with Schedule 1 of recently amended Ontario Regulation 543/06 Official Plans and Plan Amendments, “a proposed strategy for consulting with the public with respect to the application” is considered “prescribed information” to be provided as part of applications to amend a Zoning By-law or an Official Plan. The following discusses the Public Consultation Strategy for this application.

In accordance with Ontario Regulations 545/06 and 543/06 and Sections 22 and 34 of the Planning Act, landowners within 120 metres of the subject lands will receive notice that a Zoning By-law Amendment application has been received by the Region and Town and to inform them that the required statutory public meeting has been scheduled. These notices will advise those circulated that information and materials relating to the proposed development is available for their review and will invite them to make comments and present their views prior to, and at the statutory public hearing.

We trust this Public Consultation Strategy is adequate and will satisfy the requisite Public Consultation Strategy submission for the proposed development. We look forward to further discussing the details within the Public Consultation Strategy with Region and Town Staff at the appropriate juncture.

## **7 Conclusions & Planning Opinion**

The proposed development complies with, conforms to, and is consistent with the intent and direction provided in the applicable provincial and municipal land use planning documents. The recommendations and conclusions of this report concerning the proposed development are as follows:

- The proposed amendments to the Town of Fort Erie Comprehensive Zoning By-law No. 129-90 are consistent with the policies of the Provincial Policy Statement and conform to the Growth Plan and Niagara Regional Official Plan(s).
- The proposed development will raise the density in a designated greenfield area while still maintaining densities that are required for low-density residential housing in the Regional and Town Official Plans.
- The subject lands are appropriately located to facilitate the proposed development and efficiently utilize municipal servicing infrastructure.
- The proposed development is compatible with surrounding existing and planned residential development with respect to setbacks, massing, and built form.





- The proposed development is supportive of creating complete communities that feature a diversity of housing options, compact built forms, communal amenity areas, and connections to the broader neighbourhood.

The policy discussion above, when considered jointly with the findings of the various technical studies prepared by others, confirms that the approval of the proposed amendments to the Town of Fort Erie Comprehensive Zoning By-law No. 129-90 implements the general intent of the relevant provincial and municipal land use policy structure. The proposed development represents good planning and should be approved.

Prepared by:

James Thomas, HBA  
Planner  
**A. J. Clarke and Associates Ltd.**

Reviewed by:

Stephen Fraser, MCIP, RPP  
Principal, Planner  
**A. J. Clarke and Associates Ltd.**



# **Appendix A**

## **Draft Reference Plan**

PLAN OF SURVEY OF  
LOTS 44, 45 AND 46  
PLAN M-65

IN THE  
**TOWN OF FORT ERIE**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:400  
0 10 20 metres  
NICHOLAS P. MUTH O.L.S.

MICHENER ROAD

BLOCK "A" (PLAN M-65) (STREET WIDENING ESTABLISHED BY PLAN M-65)

BLOCK "B" (PLAN M-65)

SIB (912)

LOT 16  
PLAN M-65

PART 1  
PLAN 59R-17174

PART 55  
PLAN 59R-17174

170.87

BEACHWALK CRESCENT

(FORMERLY CLARKSON CRESCENT ESTABLISHED ACCORDING TO PLAN M-65,  
STREET NAME CHANGED BY BY-LAW 80-2020 REGISTERED AS SN640393)

PART 58

PLAN M-65

PART 33  
PIN 64184-0359  
PART 32  
PIN 64184-0358  
PART 80  
PART 81  
PART 31  
PART 30

LOT 43 LOT 42 LOT 41

(P2 & MEAS) 28.94 N87°54'50"E

PART 1  
PART 34  
PIN 64184-0360  
PLAN M-65

PART 2  
LOT 44  
PART 29  
PIN 64184-0355  
59R-17174

PART 3  
LOT 45  
PIN 64184-0054

PART 4  
LOT 46  
PIN 64184-0055  
PLAN M-65

PART 5  
LOT 46  
PIN 64184-0055

PART 6  
LOT 46  
PIN 64184-0055  
PLAN M-65

LOT 39

PART 79  
PART 78  
59R-17174

PART 27  
LOT 38

LOT 47

LOT 48

LOT 49

LOT 54

LOT 54

LOT 54

LOT 54

LOT 54

LOT 54

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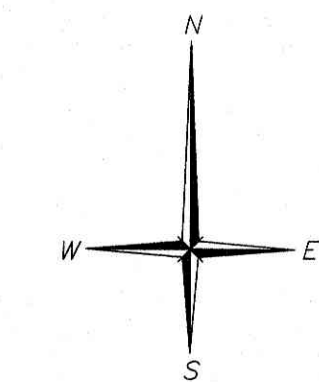
LOT 54

LOT 54

LOT 54

LOT 54

LOT 54



PLAN 59R-

RECEIVED AND DEPOSITED:

DATE REPRESENTATIVE FOR THE  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF NIAGARA SOUTH (No. 59)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.

DATE NICHOLAS MUTH

SCHEDULE			
PART	LOT	PLAN	PIN
1	LOT 44	M-65	ALL OF
2			PIN 64184-0360
3	PART OF LOT 45		PART OF
4			PIN 64184-0054
5	LOT 46		ALL OF
6			PIN 64184-0055
7	PART OF LOT 45		PART OF
8			PIN 64184-0054

PARTS 3, 4 AND 8 COMPRISE ALL OF PIN 64184-0054

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE  
POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS,  
UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999882

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS)(2010)  
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
(A)	4748676.862	657736.849
(B)	4748487.776	657741.297

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISON A ROTATION OF 01°18'30" COUNTERCLOCKWISE WAS  
APPLIED TO PLAN (P.) AND (P2) AND A ROTATION OF 01°20'55" COUNTER  
CLOCKWISE WAS APPLIED TO PLAN (P1) TO CONVERT TO GRID BEARINGS

LEGEND:  
SIGN THIS DENOTES A SURVEY MONUMENT PLANTED  
SIGN THUS DENOTES A SURVEY MONUMENT FOUND  
IB DENOTES IRON BAR  
SIB DENOTES STANDARD IRON BAR  
RIB DENOTES ROUND IRON BAR  
(799) DENOTES R.H. FUNK O. L. S.  
(912) DENOTES A. J. CLARKE O. L. S.  
(1890) DENOTES W. E. CLARK O. L. S.  
(D.) DENOTES INSTRUMENT NO 91869AB  
(P1) DENOTES PLAN M-65  
(P2) DENOTES PLAN 59R-17174  
(W.T.) DENOTES WITNESS

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE DAY OF 2022

NOVEMBER 14, 2022  
DATE  
NICHOLAS MUTH  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER

METRIC:  
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PROJECT No 178170



A.J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com

LOT 26 BROKEN FRONT CONCESSION LAKE ERIE  
GEOGRAPHIC TOWNSHIP OF BERTIE  
PART 1 PLAN 59R-8536

LOGANBERRY COURT  
(FORMERLY CLARKSON COURT ESTABLISHED ACCORDING TO PLAN M-65,  
STREET NAME CHANGED BY BY-LAW 80-2020 REGISTERED AS SN640393)

ROAD

FORCED ROAD KNOWN AS SCHOOLEY ROAD

REBSTOCK ROAD

ROAD

BLOCK "C"  
(STREET WIDENING ESTABLISHED BY PLAN M-65)

SOUTHWEST CORNER  
OF LOT 54  
PLAN M-65

RIB (799)  
LEANING ONLINE  
NORTH-SOUTH  
(P3 & SET)



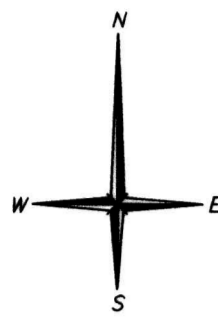
# **Appendix B**

Reference Plan 59R-17174

PLAN OF SURVEY OF  
LOTS 1 TO 35 AND LOTS 38 TO 44 (ALL INCLUSIVE)  
PLAN M-65

IN THE  
**TOWN OF FORT ERIE**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:500  
0 5 10 15 20 metres  
NICHOLAS P. MUTH O.L.S.



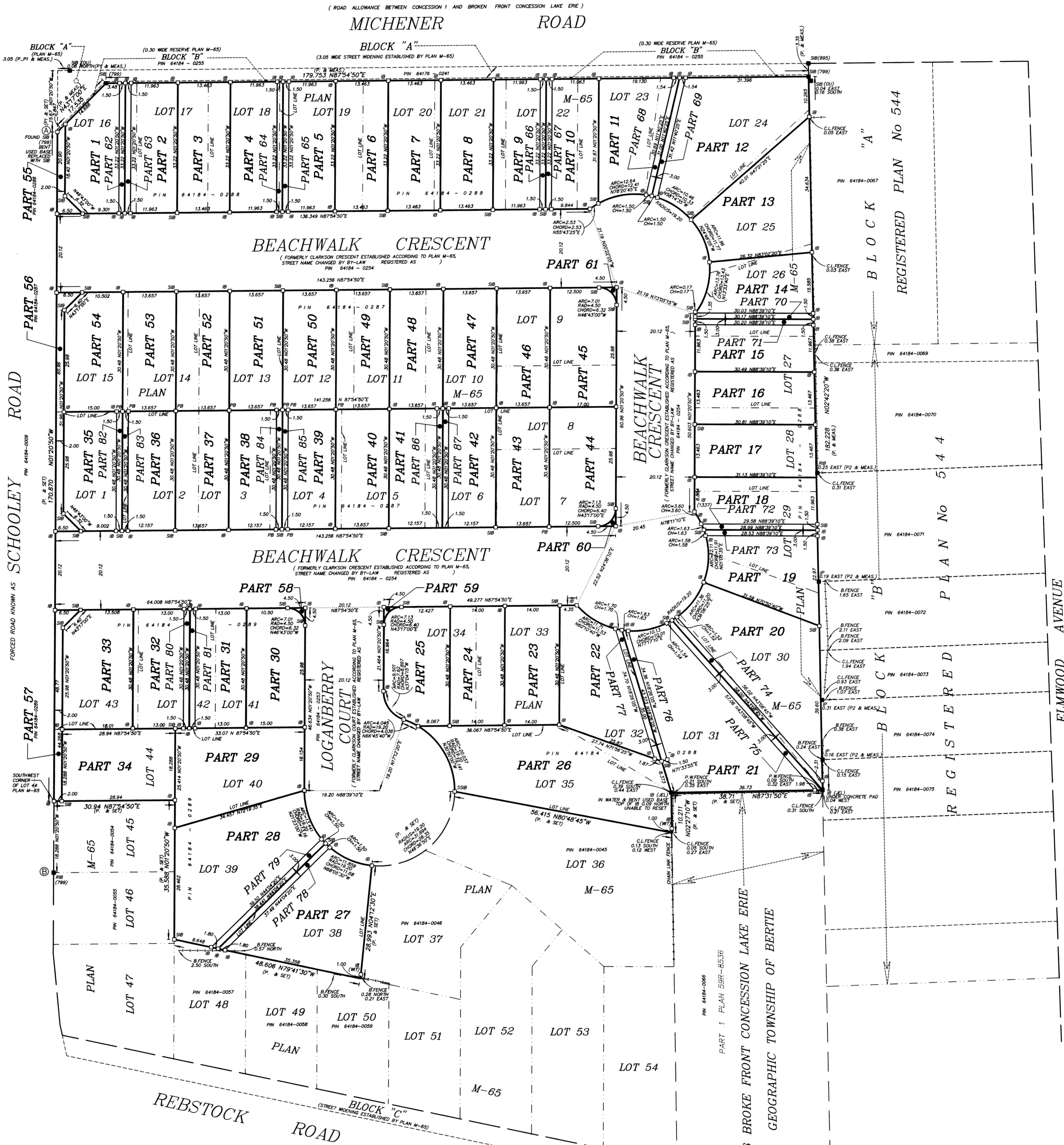
PART		LOT	PLAN	PART OF PIN	SCHEDULE		PLAN	PART OF PIN	PART	LOT	PLAN	PART OF PIN
1		PART OF LOT 16			31	PART OF LOTS 41 & 42			61	PART OF LOT 9		6184-0289
2		PART OF LOTS 16 & 17			32	PART OF LOTS 42 & 43			62	PART OF LOT 16		6184-0289
3		PART OF LOTS 17 & 18			33	PART OF LOT 43			63	PART OF LOTS 18 & 19		6184-0289
4		PART OF LOT 18			34	PART OF LOT 44			64	PART OF LOT 19		6184-0289
5		PART OF LOT 19			35	PART OF LOT 1			65	PART OF LOT 22		6184-0289
6		PART OF LOTS 19 & 20			36	PART OF LOT 2			66	PART OF LOT 24		6184-0289
7		PART OF LOTS 20 & 21			37	PART OF LOTS 2 & 3			67	PART OF LOT 26		6184-0289
8		PART OF LOT 21			38	PART OF LOTS 3 & 4			68	PART OF LOT 29		6184-0289
9		PART OF LOTS 21 & 22			39	PART OF LOT 4			69	PART OF LOTS 30 & 31		6184-0289
10		PART OF LOTS 22 & 23			40	PART OF LOTS 4 & 5			70	PART OF LOT 31		6184-0289
11		PART OF LOTS 23 & 24			41	PART OF LOTS 5 & 6			71	PART OF LOT 32		6184-0289
12		PART OF LOTS 24 & 25			42	PART OF LOT 6			72	PART OF LOT 33		6184-0289
13		PART OF LOTS 25 & 26			43	PART OF LOTS 6, 7 & 8			73	PART OF LOT 39		6184-0289
14		PART OF LOTS 25 & 26			44	PART OF LOTS 7 & 8			74	PART OF LOTS 30 & 31		6184-0289
15		PART OF LOTS 26 & 27			45	PART OF LOTS 8 & 9			75	PART OF LOT 31		6184-0289
16		PART OF LOTS 27 & 28			46	PART OF LOTS 8, 9, 10			76	PART OF LOT 31		6184-0289
17		PART OF LOT 28			47	PART OF LOT 10			77	PART OF LOT 32		6184-0289
18		PART OF LOTS 28 & 29			48	PART OF LOTS 10 & 11			78	PART OF LOT 36		6184-0289
19		PART OF LOTS 29 & 30			49	PART OF LOTS 11 & 12			79	PART OF LOT 39		6184-0289
20		PART OF LOTS 30 & 31			50	PART OF LOT 12			80	PART OF LOT 42		6184-0289
21		PART OF LOT 31			51	PART OF LOTS 12 & 13			81	PART OF LOT 1		6184-0289
22		PART OF LOT 32			52	PART OF LOTS 13 & 14			82	PART OF LOTS 1 & 2		6184-0289
23		PART OF LOT 33			53	PART OF LOTS 14 & 15			83	PART OF LOT 4		6184-0289
24		PART OF LOTS 33 & 34			54	PART OF LOT 15			84			6184-0289
25		PART OF LOT 34			55	PART OF LOT 16			85			6184-0289
26		ALL OF LOT 35 & PART OF LOT 32			56	PART OF LOTS 1 & 15			86			6184-0289
27		PART OF LOT 38			57	PART OF LOTS 43 & 44			87			6184-0289
28		PART OF LOT 39			58	PART OF LOT 41						6184-0289
29		ALL OF LOT 40			59	PART OF LOT 34						6184-0289
30		PART OF LOT 41			60	PART OF LOT 7						6184-0289

PARTS 1-26 INCLUSIVE, 55, 59, AND 62-77 INCLUSIVE COMPRISE ALL OF PIN 64184-0288  
PARTS 27-34 INCLUSIVE, 57, 58, AND 78-81 INCLUSIVE COMPRISE ALL OF PIN 64184-0289  
PARTS 35-54 INCLUSIVE, 56, 60, 61, AND 82-87 INCLUSIVE COMPRISE ALL OF PIN 64184-0287

PLAN 59R-1774

RECEIVED AND DEPOSITED:  
202210124  
DATE  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF NIAGARA SOUTH (No. 59)  
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.  
JANUARY 12, 2022  
DATE  
NICHOLAS P. MUTH

CURVE TABLE				
PART	RADIUS	ARC	CHORD	BEARING
18	19.20	3.60	3.60	N37°54'20"W
68	19.20	1.50	1.50	N83°33'50"W
69	19.20	1.50	1.50	N76°05'05"W
70	19.20	1.07	0.17	N34°20'30"E
72	19.20	1.63	1.63	N24°06'10"W
73	19.20	1.58	1.58	N19°19'20"W
74	19.20	1.52	1.52	N55°19'10"E
75	19.20	1.54	1.54	N59°32'45"E
76	19.20	1.63	1.63	N82°10'02"W
77	19.20	1.70	1.70	N80°11'30"W
78	19.20	1.50	1.50	N48°08'45"W
79	19.20	1.50	1.50	N43°39'55"W



METRIC:  
DISTANCES AND CO-ORDINATES 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. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF JANUARY, 2022

JANUARY 12, 2022  
DATE  
NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE  
POINTS (Q) AND (R) BY REAL TIME NETWORK (RTN) OBSERVATIONS,  
UTM ZONE 17, NAD83 (CSRS) (2010).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999882

POINT ID	NORTHING	EASTING
(Q)	4748676.862	657736.849
(R)	4748487.776	657741.297

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISON A ROTATION OF 01°18'30" COUNTERCLOCKWISE  
WAS APPLIED TO PLAN (P1) AND (P2) AND A ROTATION OF 01°20'55"  
COUNTER CLOCKWISE WAS APPLIED TO PLAN (P1) TO CONVERT TO GRID BEARINGS

- LEGEND:**
- SIGN THIS SURVEY MONUMENT PLANTED
  - SIGN THIS SURVEY MONUMENT FOUND
  - PB DENOTES PLASTIC BAR
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - RIB DENOTES ROUND IRON BAR
  - IRIB DENOTES IRON ROD
  - (O.U.) DENOTES ORIGIN UNKNOWN
  - (E.L.) DENOTES E. EDWARD LANTIER O.L.S.
  - (739) DENOTES R. H. FUNK O.L.S.
  - (895) DENOTES D. A. LANE O.L.S.
  - (CH) DENOTES CHORD
  - (M-65) DENOTES PLAN M-65
  - (P1) DENOTES PLAN 59R-6116
  - (P2) DENOTES PLAN 59R-1752
  - (RAD) DENOTES RADIUS
  - (WT) DENOTES WITNESS
  - (M.E.S.) DENOTES MEASURE
  - (B.FENCE) DENOTES BOARD FENCE
  - (C.FENCE) DENOTES CHAIN LINK FENCE
  - (P.FENCE) DENOTES POST & WIRE FENCE

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com  
PROJECT No 178170



# **Appendix C**

Draft Zoning By-law  
Amendment



# The Municipal Corporation of the Town of Fort Erie

## By-law No. XX-20XX

---

**Being a By-law to Amend  
Zoning By-law No. 129-90 and By-Law 95-2019  
Lots 44, 45, and 46, Registered Plan M-65  
Stephen Fraser, A.J. Clarke and Associates - Agent  
Dan Gabriele, Marz Homes (Crystal Beach) Inc. – Owners**

---

**Whereas** an application was received from Stephen Fraser, A.J. Clarke and Associates (Agent) on behalf of Marz Homes (Crystal Beach) Inc. (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Lots 44, 45, and 46, Registered Plan M-65, and

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

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

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

1. **That** Schedule "A" of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" from "Residential 2 Zone", "Residential 2 (R2-637) Zone", and Environmental Conservation Overlay to "Residential 2 (R2-XXX) Zone"
2. **That** By-law No.129-90 as amended, is further amended by adding to "Section 11– Residential 2 (R2) Zone" Subsection – "Exceptions to the Residential 2 (R2) Zone" the following exception:  
**"R2-XXX (XX-20XX) Jetmar Subdivision (ES Schooley Road)**  
These lands are zoned "Residential 2 (R2-XXX) Zone" and all of the provisions of By-law No.129-90 as amended that relate to lands zoned "Residential 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 (R2-XXX) Zone" and shall be subject to the following provisions:

- a) Minimum lot frontage - 13 metres
- b) Minimum lot area - 390 square metres
- c) Maximum lot coverage – 45%
- d) Minimum interior yard setback - 1.2 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.0 m
- e) Minimum rear yard – 6.0 m
- f) Maximum building height – 2.0 storeys / 10.5 m
- g) Minimum rear yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade – 2.5 m
- h) Minimum setback of ornamental structures from interior side lot line – 0.6 m ”

3. **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 \_\_\_\_\_, 20XX.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

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

\_\_\_\_\_






By-law No: XX-20XX

THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90

PASSED THIS DAY \_\_\_\_ OF \_\_\_\_\_, 20XX

-  Subject Lands
-  Part 1 - Change from Residential R2 Zone and R2-637 Zone to Residential R2-XXX Zone



## **Appendix D**

Correspondence with  
Niagara Region  
RE: Constraints Analysis

**From:** Stephen Fraser  
**Sent:** October 11, 2022 9:47 AM  
**To:** James Thomas  
**Subject:** FW: Beachwalk (Schooley Road Development) - Lots fronting Schooley



**Stephen Fraser**, MCIP, RPP  
Principal, Planner / General Manager

**A. J. Clarke and Associates Ltd.**

Phone: (905) 528-8761  
Mobile: (289) 880-4668

*We want to build an organization where everyone loves their job and their leaders care for them.*

---

**From:** Boudens, Adam <[Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)>  
**Sent:** Thursday, April 28, 2022 1:30 PM  
**To:** Morrison, Alexander <[Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)>; Steve Fraser <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>  
**Cc:** 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>; Dani Gabriele <[danig@marzhomes.com](mailto:danig@marzhomes.com)>  
**Subject:** RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Hi Steve,

I visited the property last Friday (April 22<sup>nd</sup>) and note that the adjacent lands have been cleared of vegetation. As a result, the treed area located on the subject property is too small to be designated Significant Woodland. As such, Regional environmental planning staff offer no requirements for this application.

Staff recommend that the applicant do their due diligence as it relates to the Endangered Species Act and Migratory Birds Act prior to conducting any vegetation removal.

Please let me know if you have any questions.

Thanks,  
Adam

**Adam Boudens**  
Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7  
Phone: **905-980-6000 ext. 3770** Toll-free: 1-800-263-7215  
[Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)

---

**From:** Morrison, Alexander <[Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)>  
**Sent:** Thursday, April 28, 2022 1:25 PM  
**To:** Steve Fraser <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>  
**Cc:** 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>; Dani Gabriele <[danig@marzhomes.com](mailto:danig@marzhomes.com)>; Boudens, Adam <[Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)>  
**Subject:** RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Hi Steve:

I had forwarded this request to our Senior Environmental Planner, Adam Boudens (copied) for his attention. It's my understanding that Adam will be completing a site visit of this property shortly to confirm the Region's environmental requirements.

Thank you,  
Alex

**Alexander Morrison**, MCIP, RPP  
Senior Development Planner  
Planning & Development Services | [Niagara Region](#)  
**P:** (905) 980-6000 ext. 3378  
**E:** [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca)  
**F:** 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7

---

**From:** Steve Fraser <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>  
**Sent:** Thursday, April 28, 2022 1:20 PM  
**To:** Morrison, Alexander <[Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)>  
**Cc:** 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>; Dani Gabriele <[danig@marzhomes.com](mailto:danig@marzhomes.com)>  
**Subject:** RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Alex,

A friendly follow up to my email below. If you can kindly respond at your earliest opportunity, that would be great.

Thanks,

**Stephen Fraser** B.A.(Hons), MCIP, RPP  
Principal, Planner

A. J. Clarke and Associates Ltd.  
Tel: 905 528 8761 x242

---

**From:** Steve Fraser  
**Sent:** Monday, April 11, 2022 6:16 PM  
**To:** [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)  
**Cc:** 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>  
**Subject:** FW: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Hi Alex,

Sorry for the delay, there was a misunderstanding on my part about who would contact you.

Please be advised that the owner of the attached lands has authorized you to complete your site visit. As mentioned during our pre-consultation meeting, you will notice that the majority of the site has been cleared to facilitate construction of the subdivision making the need for an EIS redundant. Please note too that an EIS was not required during the amended subdivision agreement/approvals process for the subdivision (I've attached plans for your reference).

Kindly reply back to Dan and I once you have completed your site visit and can confirm the above. Please do not hesitate to contact me if you wish to discuss this further.

Thanks Alex.

**Stephen Fraser** B.A.(Hons), MCIP, RPP  
Principal, Planner  
A. J. Clarke and Associates Ltd.  
Tel: 905 528 8761 x242

---

**From:** Anamika Dilwaria <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>  
**Sent:** Thursday, March 24, 2022 4:12 PM  
**To:** Steve Fraser <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>  
**Cc:** 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>  
**Subject:** RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Morrison, Alexander" <[Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca)> ,

From: "Steve Fraser" <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>  
To: "Anamika Dilwaria" <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>  
Cc: "'Dan Gabriele'" <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>  
Date: 03/24/2022 02:55 PM  
Subject: RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

---

Hi Anamika,

Thanks for turning around today's precon so quickly, it's greatly appreciated. I don't have Alex's email from the Region so if you can provide that to us, we can send him the authorization to go on-site as per his request.

Thanks again.

**Stephen Fraser** B.A.(Hons), MCIP, RPP

Principal, Planner  
A. J. Clarke and Associates Ltd.  
Tel: 905 528 8761 x242

**From:** Steve Fraser

**Sent:** Tuesday, March 1, 2022 6:55 PM

**To:** Anamika Dilwaria <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>

**Subject:** RE: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Hi Anamika,

I hope you are keeping well.

I just submitted the online pre-consultation application for this and had to put in a random address (106 Schooley Road) as the address options in the online form did not have the subject lands. The subject lands are the parts in the attached draft reference plan, which I included in the submission.

I just wanted to let you know to avoid future confusion.

Thanks,

**Stephen Fraser** B.A.(Hons), MCIP, RPP

Principal, Planner  
A. J. Clarke and Associates Ltd.  
Tel: 905 528 8761 x242

**From:** Aaron Butler <[AButler@forterie.ca](mailto:AButler@forterie.ca)>

**Sent:** Monday, September 20, 2021 3:04 PM

**To:** Steve Fraser <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>; Anamika Dilwaria <[ADilwaria@forterie.ca](mailto:ADilwaria@forterie.ca)>

**Cc:** Brad Clarke <[brad.clarke@ajclarke.com](mailto:brad.clarke@ajclarke.com)>; Dani Gabriele <[danig@marzhomes.com](mailto:danig@marzhomes.com)>; 'Dan Gabriele' <[dannyg@marzhomes.com](mailto:dannyg@marzhomes.com)>; Miles Weekes <[miles.weekes@ajclarke.com](mailto:miles.weekes@ajclarke.com)>; Nicholas Muth <[nicholas.muth@ajclarke.com](mailto:nicholas.muth@ajclarke.com)>

**Subject:** Re: Beachwalk (Schooley Road Development) - Lots fronting Schooley

Hi Steve,

Anamika will be giving you a call to discuss.

Aaron

**Aaron Butler, MCIP, RPP**  
**Manager, Development Approvals**

The Corporation of the Town of Fort Erie | Planning and Development Services  
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6  
T: 905-871-1600 x 2502 | F: 905-871-6411

From: "Steve Fraser" <[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)>

To: "Aaron Butler" <[AButler@forterie.ca](mailto:AButler@forterie.ca)>

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Date: 09/15/2021 10:58 AM  
Subject: Beachwalk (Schooley Road Development) - Lots fronting Schooley

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Good morning Aaron,

Hope all is well.

The zoning for Part 34 on the attached reference plan was included in the overall amending by-law as a site-specific R2-637 zone because those were included in the lands purchased by Marz Homes. There are lots along Schooley Road just south of that which are zoned R2 requiring a min lot frontage of 15m (49.2ft). If we look at Part 34 with lots 45 & 46 of the former Jetmar subdivision, there is 180 feet of frontage. Dan and Dani are thinking about taking that 180ft frontage and creating 4 lots at 45 foot frontages.

This would create a less than 5ft deficiency in lot frontage for the proposed 4 lots, which is an appropriate reduction in my opinion; however, lots 45 & 46 are just a straight R2 zone and do not have the same site-specific provisions as the R2-637. The question we have is could we proceed with a minor variance application to establish the 45ft lot frontage as well as include the site-specific regulations in the attached by-law for Part 34 and lots 45 & 46?

Also, there is that Environmental Overlay Zone on this property that we dealt with previously through the rezoning application, but it did not go beyond the Beachwalk subdivision, so we would also have to address that in the minor variance application as a condition of its approval.

We are curious to know Town Staff's position on proceeding with the minor variance in this instance. As always, happy to discuss this further.

Thanks Aaron.

**Stephen Fraser** MCIP, RPP  
Principal, Planner



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[attachment "95-2019 Jetmar Subdivision Zoning By-law.pdf" deleted by Aaron Butler/FortErie]  
[attachment "DRAFT REF-MT \_D UTM BEARINGS-CB LOCATIONS initialled.pdf" deleted by Aaron Butler/FortErie]

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Thanks for connecting.

For up-to-date information about the Town of Fort Erie's response to the COVID-19 virus, please visit <https://www.forterie.ca/pages/Covid19News>

We also strongly encourage you to stay-up-to-date with the latest advice from Niagara Region Public Health at <https://www.niagararegion.ca/health/covid-19/default.aspx>

All critical services, including water and wastewater and road operations as well as fire services will continue to operate to support our community. For after-hours services, including road or wastewater operations, please call 905-871-1600. For emergency assistance from fire services please call 911.

As many Town staff are focusing on emergency management at this time, we thank you in advance for your patience.[attachment "Lots along Schooley Road.pdf" deleted by Anamika Dilwaria/FortErie]

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