

Planning Justification Report

Crescent Acres

Fort Erie, ON

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**Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON, L2W 1A3**



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PREFACE

Upper Canada Consultants respectfully submits this Planning Justification Report on behalf of Crescent Acres Ltd. pertaining to Applications for Draft Plan of Subdivision and a Zoning By-law Amendment for lands on the east side of Crescent Road, south of Garrison Road in the Town of Fort Erie, within the Regional Municipality of Niagara.

The owner is applying for a Plan of Subdivision containing sixty-seven (67) residential lots for single detached dwellings, four (4) blocks for eight (8) semi-detached dwellings and twenty four (24) blocks for one hundred and forty-five (145) street townhouse dwellings. In addition to the residential lots, there is a block for a stormwater management facility that will contain a wet pond and associated maintenance area, and a block containing a watercourse and buffer area.

This Planning Justification Report provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Policy Statement (2020), and conform to the Growth Plan for the Greater Golden Horseshoe (2019), Niagara Region Official Plan (as amended) and the Town of Fort Erie Official Plan (as amended).

This Report should be read in conjunction with the following reports and materials:

- Draft Plan of Subdivision prepared by Upper Canada Consultants
- Draft Zoning By-law Amendment
- Preliminary Functional Servicing Report and Stormwater Management Report prepared by Upper Canada Consultants
- Environmental Noise Feasibility Study prepared by Valcoustics
- Archaeological Assessments prepared by Detritus Consulting
- Natural Heritage Assessment and Buffer Planting and Enhancement Plan prepared by Beacon Environmental

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The applications pertain to a parcel of land known legally as Part of Lot 4, Concession 3, Lake Erie, now in the Town of Fort Erie, Regional Municipality of Niagara. The subject lands are municipally addressed as 0-10747 Crescent Road.

The subject lands previously had Draft Plan Approval from the Ministry of Municipal Affairs and Housing for a subdivision containing a mix of ninety-nine (99) single detached dwellings and a 6.6-acre block for townhouses. The Draft Plan of Subdivision lapsed in the early 2000's.

The subject property is 10.7 hectares in area and is located within the Crescent Park neighbourhood in the Town of Fort Erie, as shown in **Figure 1**, below. The property is identified as being within a Greenfield Area in accordance with the Region of Niagara Official Plan. The property has frontage along Crescent Road. Surrounding land uses include single detached dwellings to the west, radio towers to the east and south and commercial and residential uses along Garrison Road to the north.

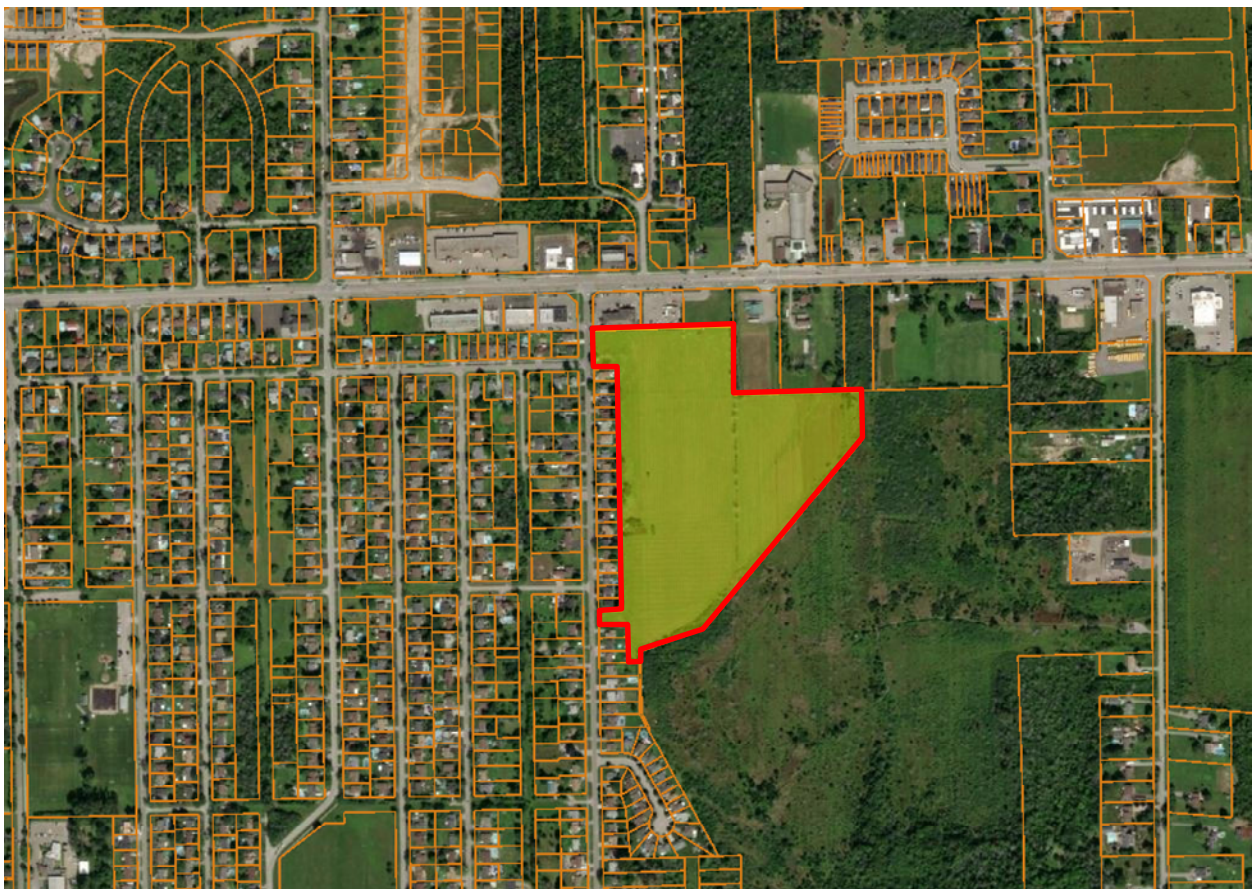


Figure 1 - Subject Lands - Crescent Acres

Existing Conditions

The majority of the property is currently a ploughed field that is vacant of buildings and vegetation. The area adjacent to the watercourse in the northeast corner of the site has some trees and shrubs present. The watercourse that traverses the site is regulated by the Niagara Peninsula Conservation Authority. A review of published information and a site visit with the NPCA confirms that there are no other regulated natural heritage features present on the site. The owner voluntarily commissioned a Natural Heritage Assessment Study that confirms that the portion of the site where development is proposed does not contain any feature that constitutes a Significant Natural area. The NPCA requested a buffer enhancement and planting plan for the watercourse in lieu of an Environmental Impact Assessment in support of the applications. The Buffer Planting and Enhancement Plan is included with this submission. There is currently no formalized access to the property from the Crescent Road but two informal accesses have been constructed in association with the former agricultural use.

THE PROPOSED DEVELOPMENT

The components of the proposed development are shown in **Figure 2** and described under the subheadings below. The Draft Plan of Subdivision is included as **Appendix I** to this report.



Figure 2 - Proposed Subdivision

Housing Forms

The application proposes to create 67 residential lots for single detached dwellings, 4 blocks for 8 semi-detached dwellings and 24 blocks for 145 street townhouse dwellings for a total of 220 residential units.

The single detached lots (shown in yellow) have frontages generally ranging from 12 meters to 15 meters. The single detached lots have been located along the east and west periphery of the property and have direct interface with the existing single detached dwellings fronting onto Crescent Road.

Street-townhouse blocks (shown in red) for 5 and 6 units are proposed. The street townhouse blocks are located along the northern property limit adjacent to commercial development on Garrison Road as well as internally to the site on development blocks created by the proposed

road network. The blocks will be divided into individual townhouse units through Part Lot Control Exemption.

The 4 semi-detached blocks (shown in orange) are integrated with the street-townhouse and single detached dwellings along the north and east property limits. As with the street-townhouse dwellings, the blocks will be separated for the semi-detached dwellings through Part Lot Control Exemption.

Road Network

Access and frontage to the interior of the site will be provided by an internal road network. The internal roads approximate a grid pattern while following the property geometry which facilitates traffic circulation and allows for the efficient development of the interior of the site. The proposed road network is integrated into the existing road network by way of two road connections to Crescent Road. A future road connection (shown in grey) to the vacant lands to the east is also provided as Block 31 on the Draft Plan.

Stormwater Management Block

Block 32 in the Draft Plan is proposed to be a stormwater management facility (shown in blue) comprised of a wet pond and associated access and maintenance areas. This facility will be constructed to the Town Standard which will permit it not to be fenced so it can be used as a neighbourhood amenity space in addition to functioning as municipal infrastructure.

Servicing

The servicing strategy for the proposed development is outlined in the Functional Servicing Report and Stormwater Management Reports submitted with the applications. An overview of the proposed servicing strategy is provided below for reference. The Functional Servicing Report and Stormwater Management Report are to be consulted for more detailed information.

Water Servicing

The proposed subdivision will be serviced with a 200mm diameter looped watermain connected to the existing 200mm diameter watermain in Crescent Road. Additional 150mm watermains will provide water service on streets off the main loop. The Functional Servicing report confirms that there is adequate capacity in the existing watermain system to provide for domestic water demand and fire protection.

Sanitary Servicing

The proposed subdivision is proposed to be serviced with a 200mm diameter sanitary sewer which will be connected into the 300mm diameter sanitary sewer which currently exists in

Crescent Road. The Functional Servicing Report confirms that adequate capacity exists within the existing sanitary sewers to service the proposed development.

Stormwater Management

A stormwater management pond is proposed to be constructed as the primary means of stormwater quantity and quality control.

Watercourse

An NPCA-regulated watercourse traverses the eastern limit of the property. A block containing the watercourse and a 15-meter buffer on both sides (shown in green) will be dedicated to the municipality for maintenance purposes. The buffer area will be planted in accordance with a Restoration Planting Plan prepared by Beacon Environmental to ensure the long-term protection and function of the watercourse.

REQUIRED APPLICATIONS

A pre-consultation meeting occurred for the proposed development March 10, 2022.

As outlined by the review agencies (Town of Fort Erie, Niagara Region and NPCA), complete application submission requirements for Draft Plan of Subdivision and Zoning By-law Amendment includes:

- Planning Justification Report
- Environmental Noise Feasibility Study
- Functional Servicing Report
- Stormwater Management Plan
- Archaeological Assessment
- Buffer Planting and Enhancement Plan

Please see **Appendix III** for a copy of the Pre-consultation Agreement.

Draft Plan of Subdivision

The Crescent Acres Draft Plan of Subdivision has been designed in the spirit of the formerly approved draft plan of subdivision with a modernization to include a mix of housing types throughout the subdivision. In particular, provision has been made for the addition of street townhouses and semi-detached dwellings along public roadways rather than the multi-unit typologies being segregated within a condominium block. The stormwater management block has been sized to accommodate runoff from the subdivision in a wet pond and has been located in an area that takes advantage of proximity to the outlet which is the storm sewer located in Crescent Road. A preliminary stormwater management strategy was completed and presented to the Town at the time of Pre-consultation to confirm that Crescent Road is a satisfactory outlet. Town Staff confirmed that it was through their review of the pre-consultation application, including the preliminary stormwater management report.

A copy of the Draft Plan of Subdivision is provided as **Appendix I** to this report.

Zoning By-law Amendment

A Zoning By-law Amendment has been submitted to permit the implementation of the Plan of Subdivision. The proposed zoning will rezone the entirety of the subdivision where dwellings are proposed to a site specific Residential Multiple 1 (RM1) Zone. The Residential Multiple 1 Zone was chosen as it permits all of the housing types proposed. Site specific provisions are requested for semi-detached and street townhouse dwellings. The SWM facility will also be zoned as a site specific Residential Multiple 1 (RM1) Zone with the addition of a “Stormwater

Management Facility” as a permitted use in this zone. The watercourse block will be zoned as Environmental Protection (EP) Zone to assure its protection for the long term.

The Draft Zoning By-law Amendment is included as **Appendix II** to this report.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation (see **Appendix III**) and in addition to this Planning Justification Report, the studies and reports listed below have been submitted with the Draft Plan of Subdivision and Zoning By-law Amendment applications. A brief overview of their conclusions and recommendations are provided below. Please refer directly to the reports and studies for more detailed information.

Environmental Noise Feasibility Study (Valcoustics Canada Ltd.)

The Environmental Noise Feasibility Study assessed the impacts of adjacent noise sources on the proposed development and determined the appropriate mitigation measures in accordance with MECP guidelines. The primary sources of noise impacts on the subject property are road noise from Garrison Road as well as stationary noise impacts from adjacent commercial uses. As detailed in the report, the following mitigation measures will ensure that the development meets the applicable transportation source guideline limits:

- Provision for mandatory air conditioning for Blocks 71 and 76-79.
- Exterior wall and window construction meeting the minimum non-acoustical requirements of the OBC for all units
- A 1.8 m high sound barrier is required at the rear yards of Blocks 71 and 76-79.

The 1.8m high sound barrier will also mitigate stationary noise impacts from the adjacent Tim Horton's drive-thru to meet MECP standards.

Functional Servicing Report / Stormwater Management Plan (Upper Canada Consultants)

The Functional Servicing Report and Stormwater Management Report outline how the proposed development will be serviced with water, sanitary and stormwater infrastructure and confirm the existing services have sufficient capacity to accommodate the development.

Archaeological Assessments (Detritus Consulting)

A Stage 1-2 Archeological Assessment of the property has been undertaken by Detritus Consulting which did not result in the identification of any archeological resources.

Natural Heritage Assessment and Watercourse Buffer Planting and Enhancement Plan (Beacon Environmental)

The Natural Heritage Assessment concludes that the portion of the site where residential development is proposed is a ploughed field and does not retain any of the characteristics of a significant natural area. The Buffer Planting and Enhancement Plan shows how the

watercourse buffer area will be planted to maintain and enhance its ecological and hydrological function.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the Town of Fort Erie are subject to the Ontario *Planning Act* (R.S.O. 1990), 2020 Provincial Policy Statement and the 2019 Growth Plan for the Greater Golden Horseshoe. An assessment of how the submitted applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

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

Section 2 – Matters of Provincial Interest

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

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

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

With regard to these matters, the applications specifically implement items (a), (f), (h), (j), and (p).

With regard to the protection of natural features and functions (item a), the subject property contains an NPCA-regulated watercourse located in the eastern portion of the property. As requested by the NPCA through pre-consultation, a 15-meter landscaped buffer planted in accordance with the Buffer Planting and Enhancement Plan will be maintained around the watercourse to protect and enhance its function.

The proposed subdivision will be provided with new water and sanitary services as well as new municipal roadways. A Functional Servicing Report has been prepared which confirms the adequacy of the water and sanitary infrastructure. The proposed development further provides increased density where municipal services already exist and overall the applications provide for the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (item f).

The proposed development accommodates residential growth that is compatible and contiguous with existing development in Crescent Park, contributing to the orderly development of safe and healthy communities (item h).

The proposed subdivision includes a range of housing types and densities including single detached dwellings, semi-detached dwellings and street-townhouse. The proposed housing mix increases housing choice in the immediate area and reflects the range of individual housing need (item j).

The subject property is within the Provincially-designated Urban Area boundary and is designated and zoned in local planning documents for residential development. The subject lands do not contain any physical constraints to the proposed development, have strong transportation connections, are serviceable by existing municipal infrastructure and services, are in proximity to employment and commercial opportunities and are therefore an appropriate location for the proposed residential development (item p).

Section 51 – Draft Plans of Subdivision

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

Section 51 (24) the *Planning Act* prescribes that “*In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*” items a) to m). An overview of how each item is addressed is provide below.

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy clauses (a), (f), (h), (j), and (p) of Section 2 of the *Planning Act*.

b) whether the proposed subdivision is premature or in the public interest;

The subject lands were previously approved for residential development consisting of ninety-nine (99) single detached lots and a 6.6-acre block for townhouses. The current proposal generally reflects the intent of the previously-approved subdivision but has been modernized to include more residential variety in response to present housing needs and preferences. The subject lands are contiguous to existing residential development and have full access to services and utilities. The subdivision is not premature as it is a logical extension of the residential development within the Crescent Park Neighbourhood.

The proposed subdivision will provide needed supply of a variety of housing types and will increase the efficiency with which municipal services are utilized. The subdivision is therefore in the public interest.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subdivision conforms to the Town's Official Plan as outlined under the applicable heading in this report. The development is also consistent with the contiguous development patterns of the existing Crescent Park Neighbourhood.

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

The property is located in a suitable location for development as it is within an established residential area in the Town, has transportation connections, has access to full municipal services and is free of significant development constraints. Soil and topographic conditions are also favourable to subdivision development.

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

No affordable housing as defined by the Province of Ontario is proposed through these applications. The proposed development does contribute to the provision of housing that is attainable at various income levels through the provision of a variety of housing types, including multi-unit forms.

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

The proposed development includes an internal road network with two connections to the existing road network at Crescent Road. All of the proposed roads meet the municipal standard width for local roads of 20 meters.

f) the dimensions and shapes of the proposed lots;

The applications propose the creation of generally rectangular shaped lots which form a lot pattern that is consistent with the existing neighbourhood. The specifics of the lot dimensions and shapes are shown on the Draft Plan.

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

The Environmental Noise Feasibility Study has included noise mitigation measures which are typically formalized for the applicable lots and units through the execution of the subdivision agreement. The future structures will also be subject to applicable Zoning provisions.

h) conservation of natural resources and flood control;

The subject lands do not contain any significant natural resources or lands impacted by a flood hazard.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report, prepared by Upper Canada Consultants, outlining how the proposed development will be serviced, has been submitted with the applications. As confirmed in the report, municipal infrastructure is readily available, and has sufficient capacity to service the proposed development.

j) the adequacy of school sites;

The subject lands are within 2km of the St. Philomena Catholic Elementary School, the Garrison Road Public School and the Greater Fort Erie Secondary School. The local school boards (DSBN, NCDSB) will have the opportunity to comment on development applications to confirm adequacy of service.

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

Block 32 on the Draft Plan will be dedicated as a Stormwater Management Facility and Block 30 will be dedicated as a watercourse.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The coordinated development of a large parcel of land provides for increased efficiencies in the servicing and construction of the development. Further, the proposed development achieves a compact land use pattern that helps to optimize the use of infrastructure.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is subject to Subdivision approval which ensures that all matters affecting the approval authority and commenting agencies are adequately addressed prior to the commencement of development.

2020 PROVINCIAL POLICY STATEMENT

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

The policy direction under Section 1.1 of the Provincial Policy Statement (2020) (PPS) provides the overall planning framework for the development of healthy, livable and safe communities. In accordance with these objectives, the proposed subdivision achieves a compact and efficient development pattern that optimizes efficient infrastructure use and minimizes land consumption and servicing cost, while accommodating a range and mix of housing options which reflects the range of individual housing need within the community.

Section 1.1.3 outlines the policy direction for the Province's Settlement Areas. The subject lands are within a Settlement Area as defined by the PPS, being located within Fort Erie's Urban Area. Policy 1.1.3.1 of the PPS directs that growth and development is to occur primarily within Settlement Areas. The applications are therefore consistent with the PPS in providing growth and development to the appropriate area. The proposed development is also consistent with the intended land use patterns for Settlement areas as outlined under Policy 1.1.3.2, particularly in making efficient use of land and resources, being appropriate for and efficiently using infrastructure and public services, and being transit supportive.

The PPS generally encourages intensification in the Settlement Area as a desirable means of accommodating growth and development. The proposed development is considered intensification in accordance with the definition in the PPS as it represents the development of vacant urban lands at a higher density than what currently exists. Policy 1.1.3.4 encourages the implementation of appropriate development standards to facilitate intensification in a compact form. Consistent with the PPS, the submitted Zoning By-law Amendment application will establish appropriate built-form and development standards which provide for the comprehensive development of a large vacant parcel to achieve a compact development pattern that makes efficient use of the land, infrastructure and services.

Overall, the proposed development supports the Province's growth management strategy as outlined in Section 1.1 of the PPS in providing for the compact and efficient development of urban lands through intensification and in accommodating a range and mix of housing options.

Coordination (PPS 1.2)

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration of all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Consistent with this overall policy direction, a pre-consultation meeting for the proposed development was held on March 10, 2022. The pre-consultation meeting allowed for the upper and lower-tier municipalities and other commenting agencies to review and comment on development proposals early in the process. This coordinated approach allows for appropriate considerations to be made during the planning stage to ensure that potential areas of concern are suitably addressed.

Land Use Compatibility (PPS 1.2.6)

Section 1.2.6 of the PPS requires that sensitive land uses including residential development, be planned to avoid or minimize negative impacts from odour, noise and other contaminants. The subject lands are impacted by noise sources from Garrison Road as well as the adjacent commercial uses along Garrison Road. An Environmental Noise Feasibility Study was prepared by Valcoustics to analyze the extent of the noise impacts on the development and to recommend mitigation measures to achieve acceptable noise levels. Mitigation measures include provision for mandatory air conditioning for Blocks 71 and 76-79, exterior wall and window construction meeting the minimum non-acoustical requirements of the OBC for all units and a 1.8 m high sound barrier at the rear yards of Blocks 1 to 5.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS mandates that a full range and mix of housing types and densities that meet current and future housing needs be provided to achieve complete communities and meet prescribed growth targets.

Consistent with the PPS, the proposed subdivision includes a variety of housing forms and densities, including single-detached, semi-detached and street-townhouse dwellings. The proposed dwelling mix offers housing choice that reflects the range of housing need and helps to achieve a more integrated and complete community as encouraged throughout the PPS.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

The PPS directs planning authorities to promote healthy and active communities through the equitable distribution and provision of publicly-accessible built and natural environments.

The Draft Plan of Subdivision does not include any physical parkland dedication; however, the subject property is well-served by existing public recreational spaces including the Ferndale Park as well as the Fort Erie Leisureplex meaning that future residents will have access to public natural and built environments as prescribed in the PPS. Cash-in-lieu of parkland, totalling 5% of the value of the property, pursuant to the *Planning Act*, will be required for the proposed development and will be used to fund existing public parks and open space. The proposed development also includes a stormwater management facility that will be open to the street and can be used as a neighbourhood open space amenity.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in a coordinated and efficient manner while accommodating projected needs so as to reduce the cost of servicing growth.

Sewage, Water and Wastewater (PPS 1.6.6)

Section 1.6.6 particularly considers sewage, water and stormwater servicing requirements. A Functional Servicing Report has been prepared by Upper Canada Consultants and submitted with the subject applications, which details how the proposed development will be serviced for sewage, water and wastewater. Site services will be connected to existing public infrastructure, which is readily available, and which has sufficient capacity to accommodate the development. The proposed development is therefore appropriate for, and makes efficient use of, existing public sewage, water and stormwater services as required in the PPS.

Transportation (PPS 1.6.7)

The policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and support multi-modal transportation options.

The proposed development will be serviced with an internal road network to provide access and enable the efficient development of the interior of the site. The road network is connected

to the existing road network at two points and also makes provision for a future road connection to the vacant lands to the east ensuring that the proposed transportation system is integrated with the existing system.

The proposed development represents an efficient yield which supports the provision of public transit to the area which would reduce the modal share of vehicle use.

Natural Heritage (PPS 2.1)

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. This protective policy framework is also applicable to natural heritage features on adjacent lands.

The Region's Official Plan implements the Provincial Natural Heritage System in the Town of Fort Erie. The Region's Official Plan does not identify any natural heritage features within its Natural Environment System on the subject lands. The Town's Official Plan identifies that the lands are affected by Significant Natural Areas and the watercourse that traverses a portion of the property is identified as Unclassified Fish Habitat. However, these features are not part of the Provincial Natural Heritage System.

The property has been used nearly continuously for agricultural cultivation since at least 1934 and does not contain any vegetated areas as it is a ploughed field. The owner voluntarily commissioned a Natural Heritage Assessment from Beacon Environmental to assess the subject property. The assessment confirms that the property is a ploughed field devoid of any natural heritage features.

The existing watercourse will be enhanced through a buffer planting plan and will be dedicated to the municipality through the subdivision registration process. The proposed development therefore does not negatively impact any natural features or areas.

Cultural Heritage and Archaeology (PPS 2.6)

PPS Policy 2.6.2 directs that development and site alteration shall not be permitted on land containing archaeological resources or areas of archeological potential unless resources have been conserved. As identified by the Town through pre-consultation, the subject property has

high potential for the discovery of archeological resources on Schedule D of the Town's Official Plan.

A Stage 1-2 Assessment of the property was undertaken by Detritus Consulting which did not result in the identification of any archeological resources. Final clearance from the Ministry of Tourism, Culture and Sport will be provided as a condition of draft approval to ensure that the property is formally cleared of archeological potential prior to the commencement of development or site alteration as required in the PPS.

2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Managing Growth (PTG 2.2.1)

Policy 2.2.1.2 of the Growth Plan directs that a vast majority of growth is to occur generally within the Settlement Area and specifically in locations where municipal water and wastewater systems are available.

The subject lands are located in Fort Erie's Urban Area and are therefore within the Settlement Area as defined in the Growth Plan. The lands also have access to existing municipal infrastructure and services. The subject lands are therefore an appropriate location for development in accordance with Section 2.2.1 of the Growth Plan.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities that meet current and future housing needs.

The proposed subdivision includes an integrated mix of dwelling types and densities including single detached, semi detached, and street townhouse dwellings. The proposed housing mix reflects the range of housing need and improves housing choice in the immediate area.

Designated Greenfield Area (PTG 2.2.7)

Policy 2.2.7.1 of the Growth Plan requires that designated Greenfield areas be planned, identified and zoned in a manner that supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services. The submitted applications will facilitate appropriate and efficient residential development of the lands as contemplated in Provincial and local land use documents.

Per policy 2.2.7.2 of the Growth Plan, all designated Greenfield areas in the Region of Niagara are to achieve a combined minimum density target of 50 people and jobs per hectare. As

outlined in the Table below, the proposed development provides a development density of 50.47 people and jobs per hectare, and achieves the target Greenfield Density.

Table 1 - Greenfield Density Calculation		
Units	Ratio	
220	People	Jobs
	2.40 PPU (per table 4-1 of the 2014 Regional Official Plan)	5% of dwellings (at home employment)
Subtotal	528 People	11 Jobs
Total	539 people and Jobs	
Land Area	10.68 ha	
Greenfield Density	50.47 people and jobs per hectare	

Transportation (PTG 3.2.2)

Section 3.2.2 of the Growth Plan encourages the co-ordination of transportation system and land use planning. The Draft Plan includes an internal road network which is integrated into the existing road network and provides for the efficient development of the site.

The Growth Plan also encourages the provision of a range of transportation options to reduce automotive reliance. The proposed development helps to achieve transit supportive density which supports the provision of public transportation to the area.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The proposed development will be connected to existing municipal water and wastewater services, and the proposed development helps to optimize the efficient use of this infrastructure. As confirmed by the Functional Servicing Report prepared by Upper Canada Consultants, the existing infrastructure can adequately accommodate the proposed development.

Stormwater Management (PTG 3.2.7)

Policy 3.2.7.2 requires that proposals for large-scale development be supported by a stormwater management plan, or equivalent. In conformity to this requirement, a stormwater management component is included in the Functional Servicing Report submitted with the applications, which details how stormwater flows will be captured, stored, treated and conveyed in accordance with applicable standards.

REGION OF NIAGARA OFFICIAL PLAN (2022)

The Region's new Official Plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

CHAPTER 2 – GROWING REGION

Chapter 2 of the ROP contains the policy framework for the accommodation of the Region's projected population and employment growth.

2.1 – FORECASTED GROWTH

Per Section 2.1, the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1, wherein the Town of Fort Erie has a projected population of 48,050 people and 18,430 jobs.

2.2 – REGIONAL STRUCTURE

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down into the Delineated Built-up Area and the Designated Greenfield Area.

Schedule B of the Regional Plan indicates that the subject lands are the Designated Greenfield Area (see **Figure 3**, below). The subject lands also have access to existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth.

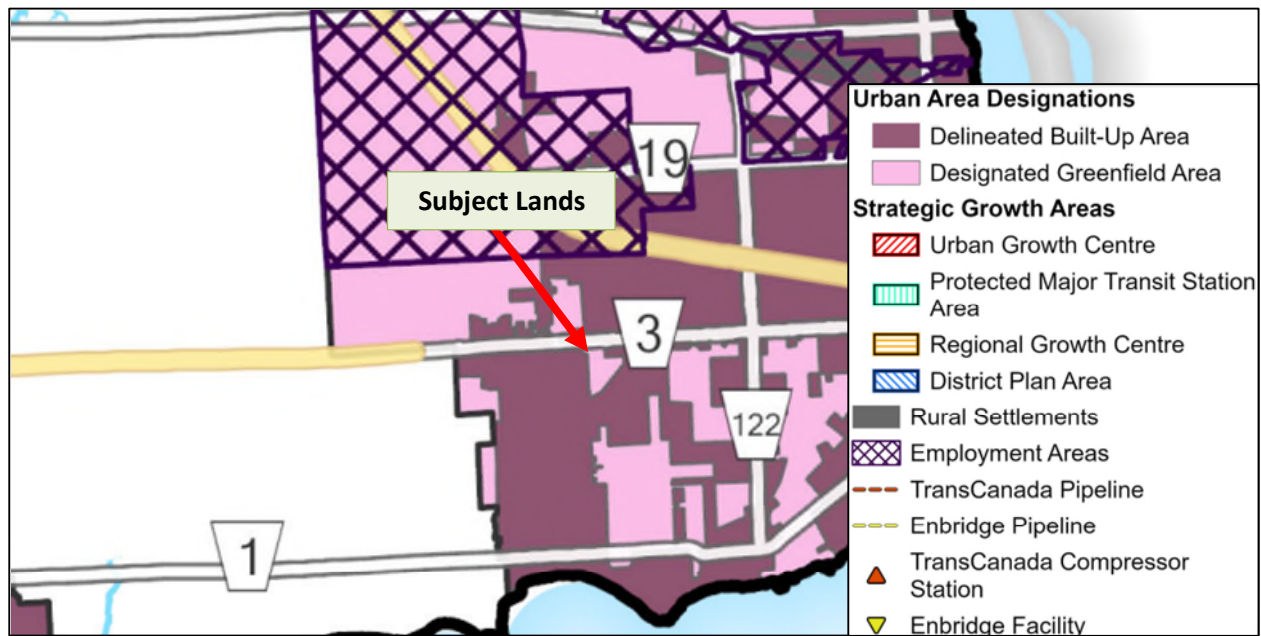


Figure 3 - Excerpt from Region of Niagara Official Plan Schedule B - Regional Structure

2.2.1 – Managing Urban Growth

Per Policy 2.2.1.1 a), development in the Built-up Area is required to support the achievement of the Region’s density targets. Per policy 2.2.2.22, Designated Greenfield Areas are to achieve a minimum density of 50 people and jobs per hectare, measured across the region. As provided in Table 1, the proposed development accommodates 50.47 people and jobs per hectare and contributes positively to the accommodation of prescribed growth within the region’s Greenfield Areas.

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development accommodates a range of residential housing types. The subject lands are also in proximity to complementary uses such as commercial uses and park space. The proposed development contributes to the mix of land uses which achieves a complete community.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development accommodates a range of housing types including single-detached dwellings, semi-detached dwellings and townhouse dwellings, and incorporates a variety of lot sizes and configurations. The proposed dwelling mix improves housing choice in the immediate area and provides options for a range of options that cater to various household sizes, income levels and housing preference.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The proposed subdivision represents a compact and efficient development pattern that provides for the efficient use of land and infrastructure. The subdivision will be connected into the existing municipal infrastructure which is available in Crescent Road. The provision of additional housing units will help to optimize the efficient use of the existing municipal infrastructure.

Policy 2.2.1.1 f) states that development in the urban area should support opportunities for transit supportive development. The proposed development of the subject lands contributes to the accommodation of transit-supportive density which improves the feasibility of providing transit service.

Policy 2.2.1.1 h) states that development in urban areas should support opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established neighbourhoods. The proposed subdivision accommodates projected growth that achieves the minimum Greenfield density target while maintaining the character of the adjacent established residential areas. The proposed development abuts established single-detached residential neighbourhoods to the west. The proposed subdivision includes low-density ground-based residential housing forms which are consistent and compatible with the prevailing character of the area. The proposed subdivision layout also provides direct single-detached interface for the existing single-detached dwellings.

Policy 2.2.1.1 k) states that orderly development in accordance with availability and provision of infrastructure should be accommodated within the urban area. The subject lands are located immediately adjacent to existing residential areas which have full municipal services. The proposed development represents the logical and orderly progression of development which optimizes the use and provision of infrastructure.

2.3 – HOUSING

The objectives of the policy direction under Section 2.3 of the ROP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 – Provide a Mix of Housing Options

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes and housing types should be accommodated in the settlement area to meet housing needs at all stages of life. The proposed subdivision includes a mix of single-detached, semi-detached and street townhouse

dwelling and a variety of lot sizes which contributes to the provision of a mix of housing options as envisioned in this policy.

2.3.3 – Tools to Achieve Affordable and Attainable Housing

The proposed housing mix can accommodate a range of household sizes and incomes which supports the development of affordable and attainable housing as provided in Policy 2.2.3.3.1 d).

CHAPTER 3 – SUSTAINABLE REGION

Chapter 3 outlines the objectives and policies for the Regional natural heritage system and water resource system. The overall intent of this Chapter is to protect environmental and ecological features and their functions.

Schedule C1 shows the Natural Environment System Overlay and Provincial Natural Heritage Systems. While the local Official Plan shows that the subject lands are impacted by “significant natural areas” the Region’s mapping (which incorporates the Provincial Natural Heritage System) does not show that the lands are impacted by the Natural Environment System (see **Figure 4**). The proposed development therefore has no impact on the Natural Environment System.

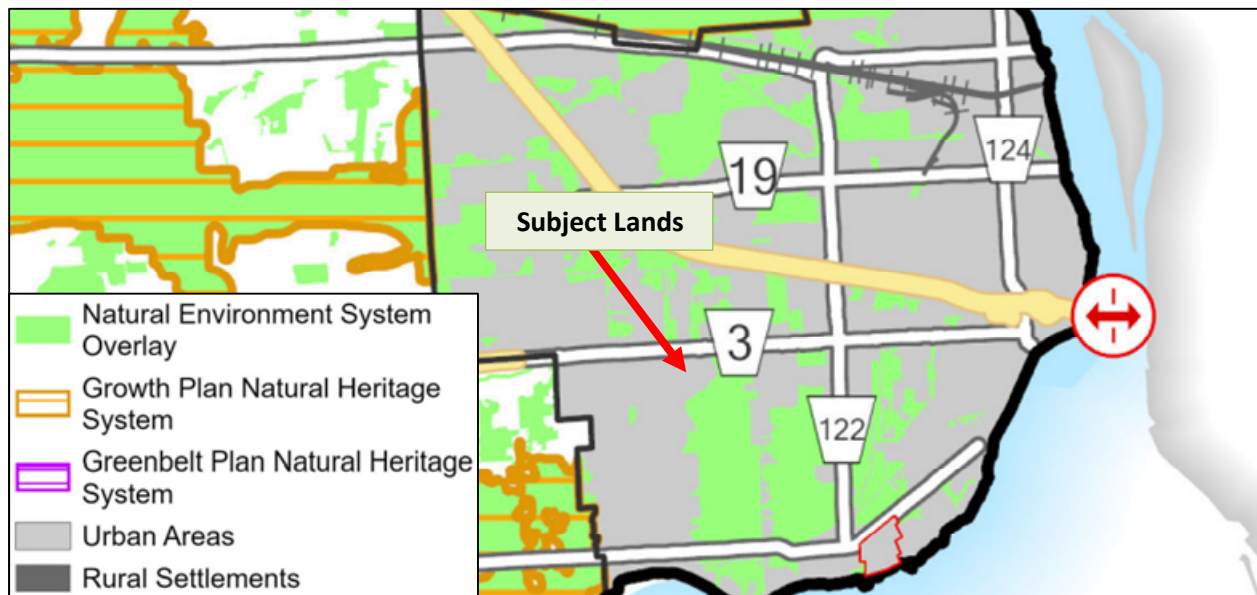


Figure 4 - Excerpt from Region of Niagara Official Plan Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems

TOWN FORT ERIE OFFICIAL PLAN

The Town of Fort Erie Official Plan is the long-range planning tool used to guide growth and development in the municipality. The following section of this report provides an analysis of conformity with relevant goals, objectives and policies contained within the Plan.

Schedule A to the Town's Official Plan shows that the subject lands are within the Urban Boundary and are designated as Urban Residential. The subject lands are also impacted by the Environmental Conservation designation and are also shown to be within the Crescent Park Neighbourhood and the Kraft Drain site specific policy area (see **Figure 5**).

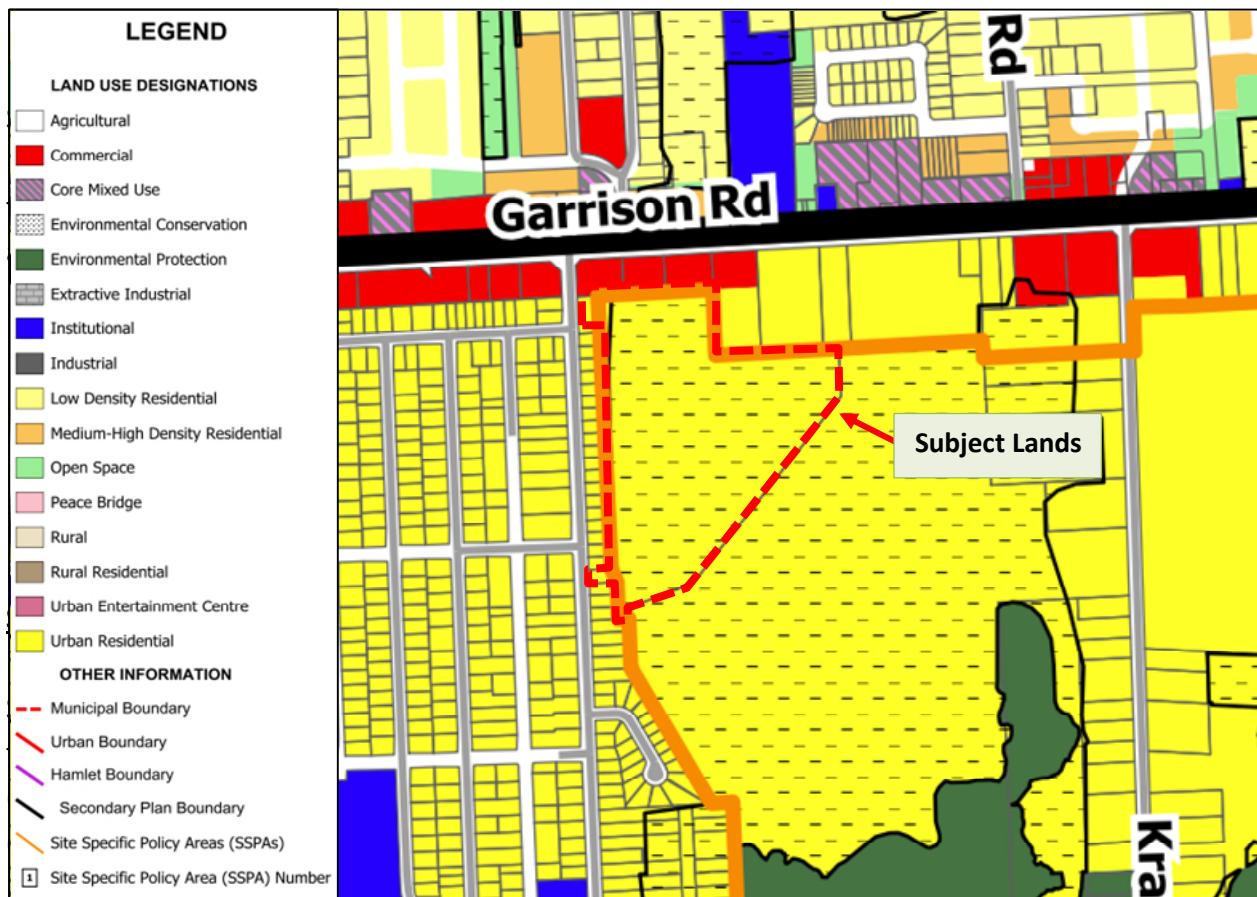


Figure 5 - Excerpt from Town of Fort Erie Official Plan, Schedule 'A'

SECTION 2 – PURPOSE AND GOALS

Section 2.3 – Goals and Objectives

Section 2.3.1 – General

In conformity to the overall land use vision outlined in the Official Plan, the development accommodates residential growth through an efficient development and land use pattern which is well-integrated and compatible with the existing Crescent Park Neighbourhood.

Section 2.3.3.3 – Community and Neighbourhoods

In conformity to the goals for Community and Neighbourhoods, the proposed development has been designed in accordance with traditional neighbourhood design principles as a compact neighbourhood which efficiently accommodates a range of residential types, densities and lot sizes which contribute to an attractive and varied neighbourhood design, fostering a sense of community.

Section 2.3.3.5 – Residential

In conformity to the Town's residential goals and objectives, the proposed development provides an integrated mix of housing types at a compact scale that efficiently uses infrastructure and services. The variety of housing types that are provided cater to a wide range of housing need and reflect the range of affordability levels. Appropriate mitigation measures will be implemented to ensure that the future dwellings are not negatively impacted by the adjacent commercial uses or road noise.

Section 2.3.12 – Transportation

In accordance with the Town's transportation goals, the proposed development supports the achievement of a balanced, multi-modal transportation system. The development will be provided with an internal road network with two connections to the existing road network. The proposed development also helps to achieve transit-supportive densities, which supports the provision of public transit service to the area.

SECTION 4 – LAND USE PLANS AND POLICIES

Section 4 of the Official Plan outlines the policies for the land use designations shown on Schedule 'A'. As noted, the subject lands are within the Urban Boundary, are designated as Urban Residential and are within the Crescent Park Neighbourhood and the Kraft Drain site specific policy area. The subject property is also impacted by the Environmental Conservation overlay. The Town's Residential land use policies are intended to reflect and implement the higher level Provincial and Regional growth management strategies. Conformity to the Provincial Plans (i.e. the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe) and the Regional Official Plan has previously been demonstrated in this report.

Section 4.7 describes four main urban areas in the Town which are further broken down into neighbourhoods. Schedule A1 to the Official Plan identifies that the subject lands are within the Crescent Park Neighbourhood.

Section 4.7.1 – General Policies

The general development policies for residential development within the Town of Fort Erie are outlined in Section 4.7.1 of the Official Plan.

As provided in Policy 4.7.1.I, new residential development is encouraged to be orderly and phased to allow for infrastructure to be used in an efficient manner. The subject lands are adjacent to existing residential development and have access to full municipal services. In conformity to this policy direction, the proposed development is adjacent to existing residential development and represents the continuation of the existing development pattern and infrastructure in Crescent Park. This policy further encourages higher density residential densities to minimize land consumption. The proposed housing mix contributes higher density residential yields which minimizes land consumption, while also maintaining a scale of development that is consistent with the surrounding residential area.

Policy 4.7.1.III encourages intensification and infill development in Urban Areas that have sufficient existing or planned infrastructure. In conformity to this policy, the proposed development represents intensified infill development on fully serviced lands. A Functional Servicing Report prepared by Upper Canada Consultants and submitted with this application confirms the sufficiency of the existing municipal infrastructure for the proposed development.

Section 4.7.4 – Urban Residential

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

The proposed development includes single-detached, semi-detached and townhouse dwellings which are among the intended forms of housing in the Urban Residential Area.

4.7.4.1 – Policies

- I. *The Town will develop a Neighbourhood Plan for each neighbourhood prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop.*

A “Neighbourhood Plan” is defined in Section 5.5 II of the Official Plan as “a general guide for the development and redevelopment of a neighbourhood or part thereof. It reflects Council’s intention regarding the ultimate development of the neighbourhood and implements the policies of the Official Plan in more detail at the neighbourhood level.”

The Official Plan references Neighbourhood Plans in a number of sections including: 2.2.3 Communities and Neighbourhoods, 4.7 Residential, 4.8 Core Mixed Use, 4.9 Commercial, 4.1. Site Specific Policy Areas, 5.3 Affordable Housing, 5.5 Neighbourhood Planning, 5.6 Neighbourhood Design, 10.6 Development in Proximity to Rail Facilities, 11.1 Cultural Heritage General Policies, 13.1 General Implementation Policies, 13.2 The Zoning By-law, 13.3 Neighbourhood Plans and 13.5 Subdivision Control (Policy 13.5 includes a reference to “Secondary Plans”).

Not all policies related to “Neighbourhood Plans” are relevant to the Crescent Park development. The Neighbourhood Plan policies that are most relevant to the Crescent Park Application are included in Section 4.7 Residential and Section 13 Implementation.

Policies contained in Section 5.5 Neighbourhood Planning are also relevant to explain the context in which Neighbourhood Planning is undertaken in the Town of Fort Erie.

The purpose of the Town's Official Plan as stated in Section 2.1 Purpose and Goals of the Plan is "to provide basic policy in the context of Provincial and Regional legislation for Council to carry out the detailed planning process in the municipality." The Plan is not considered a means of restricting (emphasis added) land use but to provide general direction to Council in its use of their powers under Provincial legislation.

As stated earlier in this report, the Crescent Acres Development is designated Urban Residential in the Official Plan. Policy 4.7.4 of the Official Plan permits the full range of residential uses in this designation.

The interpretation of Policy 4.7.4.1 to prevent the development of a subdivision until such time as a neighbourhood plan has been prepared is inconsistent with the purpose and goals of the Official Plan which state that the Official Plan is not intended to restrict development.

Policy 4.7.4.1II provides specific criteria for considering medium density and high density residential uses, redevelopment and infill residential intensification on vacant land. The Crescent Acres development is consistent with the criteria set out in Policy 4.7.4.1 II.

Section 13.1 Implementation Provides for the implementation of the Official Plan Policies by a number of means, including by the Zoning By-law, site plan control and plans of subdivision. In this regard, other relevant policies contained within the Official Plan should be used to assess the appropriateness of a development proposal when a Neighbourhood Plan is not in place.

Policy 13.5 provides criteria for considering applications for Draft Plans of Subdivision. The Crescent Acres development is consistent with Policy 13.5.

Policy 13.7 provides criteria to assess the appropriateness of a change in zoning and Official Plan designation. The Crescent Acres development is consistent with Policy 13.7.

There are a number of inconsistencies in the Official Plan regarding Neighbourhood Plans. In particular, Policy 4.7.4.1 which requires a neighbourhood plan prior to large scale development is inconsistent with the purpose and goals of the plan which state that the Official Plan is not meant to restrict development. Policy 4.7.4.1 I conflicts with Policy 4.7.4.1 II which provides criteria for considering higher density and infill development in the absence of a Neighbourhood Plan. Policy 4.7.4.1 I is also inconsistent with policies contained in Section 13 implementation which provide mechanisms for the implementation of the Official Plan in the absence of a Neighbourhood Plan.

Policy 5.5.1 IV states that Council will identify 2-3 priority areas for Neighbourhood Plans each year recognizes that it will take time to develop Neighbourhood Plans for all neighbourhoods. Policy 4.7.4.1 II is not intended to restrict development in the Neighbourhoods which Council has not yet prioritized or which Council has prioritized but Staff has not yet prepared a Neighbourhood Plan for.

Council has approved a methodology for implementing the neighbourhood planning process in accordance with Official Plan policy 5.5.1 IV. Neighbourhood Plans are assigned priority based on approval of recommendations contained in Staff Reports to Council. The most recent prioritization was undertaken in 2021 when Council assigned the following order of priority for the completion of Neighbourhood Plans: 1. Bridgeburg North Urban Expansion Area 2. Garrison/Walden 3a. MCR Employment Land Expansion Area 3bMCR Community Expansion Area 1 4. Crescent/Kraft Neighbourhood 5. Regional MCR Community Expansion Area 2 and 6. Lakeshore Neighbourhood. It is estimated that it will take 5-6 years before the Neighbourhood Plan for the Crescent/Kraft Neighbourhood is developed and approved by Council.

In assessing this proposal, the policies of the Official Plan have been interpreted by reading the Official Plan in its entirety in accordance with Policy 14.6 Interpretation as a means of reconciling the conflicting policies regarding Neighbourhood Plans in the Official Plan. In this way, the purpose and goals of the Official Plan are implemented by employing the Residential and Implementation Policies of the Official Plan contained in Section 4 and 13 respectively when development is proposed in an area where a Neighbourhood Plan is not in place.

The Crescent Acres Development is consistent with Section 4.7 of the Official Plan as the interpretation of Policy 4.7.4.1 I to prohibit development in the absence of a Neighbourhood Plan is not appropriate given the purpose and goals of the Official Plan and the consistency of the development with Policies 4.7.4.1 II, 13.1, 13.2, 13.5 and 13.7 which provide the framework for considering development applications when a Neighbourhood Plan is not in place.

- II. In considering medium density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:*
 - a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;*

The applications propose a mix of ground-based housing forms that are similar to and compatible with the surrounding residential development. The residential uses are subject to applicable zoning provisions which regulate siting, bulk and massing to ensure that the development does not negatively impact adjacent lands. The development has been organized with single detached dwellings interfacing the existing single detached dwellings on Crescent

Road. In most cases, a rear-yard to rear-yard condition is provided which maximizes the distance between the proposed and existing dwellings.

- b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;*

Open space and buffering are regulated through the setbacks and landscaped open space requirements under the Zoning By-law. The plan includes significant areas that will be set aside within the watercourse block and stormwater management area that can be used for public passive open space.

- c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;*

Parking will be provided by way of private driveways and garages.

- d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;*

As with the existing neighbourhood, the development will be served with curbside waste collection.

- e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;*

Driveway access will be provided via the existing road network.

- f. Convenient access to a collector or arterial road;*

The proposed development will be provided with an internal road network which will have two points of access to Crescent Road, providing convenient access to Garrison Road.

- g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;*

The proposed development is integrated within the existing Crescent Park neighbourhood and is in proximity to existing neighbourhood components including the commercial uses along Garrison Road, the Greater Fort Erie Secondary School, the Ferndale Park, and the Fort Erie Leisureplex.

- h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and*

The proposed development consists of typical low-density street-oriented and ground based housing forms at a compact scale and which provides for substantial street presence.

- i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.*

This policy is not applicable as the development will be ground based development that is not subject to site plan control.

4.14.5. Kraft Drain Area (Site Specific Policy Area 5)

A majority of the subject property falls within the Kraft Drain Site Specific Policy Area. The Official Plan states that a Neighbourhood Plan informed by Environmental Planning Study (EPS) is to be completed prior to the development of lands within the Kraft Drain Area due to the significant natural heritage features within the Site-Specific Policy Area. As noted in the pre-consultation agreement (Appendix III), Town Planning Staff have waived this requirement as the proposed development is functionally part of the Crescent Park Neighbourhood and separate from the rest of the Kraft Drain Area. The Crescent Acres development is consistent with policy 4.14.5 as the interpretation of Policy 4.14.5 to prohibit development in the absence of a Neighbourhood Plan is not appropriate given the purpose and goals of the Official Plan and the consistency of the development with Policies 4.7.4.1 II, 13.1, 13.2, 13.5 and 13.7 which provide the framework for considering development applications when a Neighbourhood Plan is not in place.

SECTION 5 – URBAN FORMS AND HOUSING

As noted in Section 5.1 of the Official Plan, the policies under Section 5 work in conjunction with the other policy sections to provide for safe and healthy communities through a specific policy stream that promotes community health and wellness.

Section 5.3 promotes residential intensification and the provision of a variety of housing forms within each Neighbourhood to serve the needs of various sectors and income levels in the community. The proposed development includes a mix housing types and provides a range of housing choice that caters to a variety of housing needs.

SECTION 8 – NATURAL HERITAGE

Policies pertaining to the Town's Natural Heritage resources are outlined in Section 8 of the Official Plan. The intent of these policies is to provide for the long-term protection and enhancement of natural heritage throughout the Town. The Town's Natural Heritage resources are mapped on Official Plan Schedules C and C1.

Schedule C (**Figures 6**) shows that the subject lands are characterized as a *Significant Natural Area* which is defined in the Official Plan as including Significant Woodlands, Thickets, Meadowlands, Significant Wildlife Habitat Areas, and Environmentally Sensitive Areas and Environmental Corridors and Linkages. This classification was assigned based on the Town of Fort Erie Natural Areas Inventory completed by Dugan and Associates in 2002. The Town's environmental mapping is not consistent with the Region's Natural Environment System mapping which incorporates the Provincial Natural Heritage System.

Historical aerial imagery indicates that the subject lands were cleared and farmed from at least 1934. The lands have been actively cultivated until recently and have not supported significant vegetation for any notable period of time. Neither Town nor Regional Planning Staff identified the requirement for an Environmental Impact Study through the pre-consultation process. However, the owner voluntarily commissioned a Natural Heritage study to provide an assessment of natural heritage features on the site in the present day. The Natural Heritage Study concludes that the portion of the site where residential development is proposed does not retain any of the characteristics of a Significant Natural Area, which is corroborated by the more current Regional environmental mapping.

The watercourse which runs partially through the subject property is shown on Schedule C1 (**Figure 7**) to be Unclassified Fish Habitat. This feature is an NPCA-regulated watercourse. The Draft Plan includes an Environmental Protection block spanning 15-meters on either side of the watercourse. This area will be planted in accordance with a Buffer Planting Plan to ensure that its hydrological and ecological functions are maintained and enhanced for the long term. A Block containing the watercourse and buffer areas will be dedicated to the municipality through the subdivision registration process. A site visit was conducted with NPCA staff in September 2022. At that site visit, the NPCA confirmed that there were no other regulated features on the site and that the submission of a Buffer Planting Plan would satisfy their requirements for a complete application for Draft Plan of Subdivision and Zoning By-law Amendment.

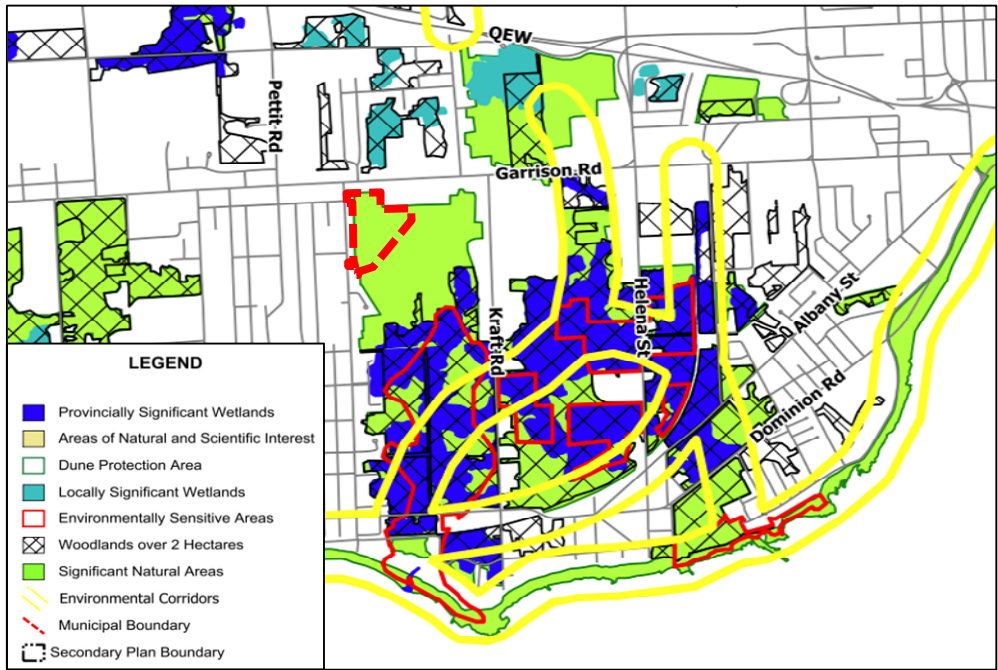


Figure 7 - Excerpt from Town of Fort Erie Official Plan Schedule 'C'

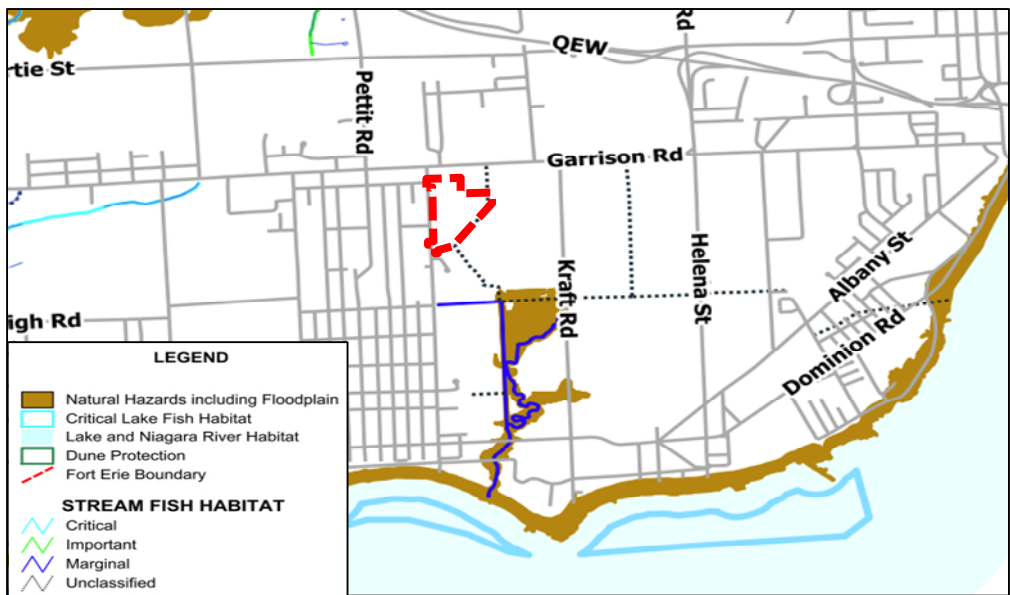


Figure 6 - Excerpt from Town of Fort Erie Official Plan Schedule 'C1'

SECTION 11 – CULTURAL HERITAGE

Section 11.4 of the Town’s Official Plan provides policy direction for Archaeological Resources. The site is considered to have archeological potential as it is in proximity to the watercourse that runs along adjacent to the property. The lands are accordingly shown to exhibit archeological

potential on Schedule D to the Town's Official Plan. A Stage 1-2 Assessment of the property has been undertaken by Detritus Consulting which did not result in the identification of archeological resources.

SECTION 12 – SERVICING AND UTILITIES

The Official Plan requires that development within Urban Areas be appropriately and adequately serviced by municipal infrastructure.

As indicated in the Functional Servicing Report prepared by Upper Canada Consultants, the development will be connected to existing municipal watermain and sanitary sewer. A looped water system will be provided for the proposed Subdivision and will be connected to the existing watermain in Crescent Road at each proposed intersection. Sanitary services from the site will be directed to existing sanitary sewers in Crescent Road. A stormwater pond will be constructed as part of the proposed development to store stormwater flows where they will ultimately be conveyed to the stormsewer in Crescent Road. The stormwater management strategy includes quality control measures and downstream erosion protection. More detailed servicing information is provided in the Functional Servicing Report with the applications.

Section 12 also outlines policies with respect to roads and transportation. The proposed development will be provided with an internal network of local roads which will be connected at two points to Crescent Road.

SECTION 13 – IMPLEMENTATION

13.5 Subdivision Control

Policy 13.5 provides the following criteria that Council must have regard for when considering applications for Plans of Subdivision. Conformity to these criteria is outlined below:

- a) *The Plan of Subdivision conforms with the policies of this Plan;*

The proposed Subdivision accommodates housing types and development patterns that are permitted and encouraged within the Town's Urban Residential Area.

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

The adequacy of water, sewage and stormwater infrastructure is demonstrated in the Functional Servicing Report included with the applications. Solid waste collection will be provided by the Region and is subject to the Region's collection limits. The Town's Fire Department reviewed the proposed development through the pre-consultation process and did not identify and concerns with the approval of the development.

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

The proposed development provides a development and land use pattern which optimizes the use of land and existing infrastructure, and minimizes the public cost of financing growth. The new infrastructure required to service the development will be installed at the developer's cost, and development charges will be levied for any other costs borne by the municipality to service the proposed Subdivision.

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

The subject lands are a location that is prescribed for residential development under Provincial, Regional and local land use planning documents. The lands were previously approved for a residential subdivision and are adjacent to other residential lands.

13.7 Amendments to the Land Use Plan, Schedule "A"

Policy 13.7 III of the Official Plan contains criteria that Council must consider when making amendments to the Town's Official Plan or Zoning By-law. The following is an evaluation of how the submitted Zoning By-law Amendment application satisfies these criteria.

a) The need for the proposed use:

The applications will facilitate the development of the lands with a variety of housing forms which contribute to the provision of a full range of housing in the immediate area. The need for additional housing in the Town of Fort Erie has been established through the recently completed Region of Niagara Municipal Comprehensive Review (MCR). The MCR identifies the need for an additional 4,060 single/semi detached and 2,700 row (townhouse) dwellings between 2021 and 2051. The proposed development will assist the Town in meeting this demand.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The property abuts residential development to the west, commercial uses to the north and vacant lands designated for development to the east and south. The applications will facilitate the continuation of the existing residential development patterns and contemplates the future development of adjacent lands through the provision of a future road connection.

- c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:*

The site is generally flat and does not contain any significant vegetation of natural heritage features. An NPCA-regulated watercourse traverses the northern portion of the site. A Block containing the watercourse and a 15 meter buffer planted in accordance with a Buffer Restoration Planting Plan will be dedicated to the municipality for protection and maintenance purposes.

- d) The location of the area under consideration with respect to:*

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,*
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and*
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;*

The proposed road network approximates a grid pattern and enables efficient vehicular circulation throughout the site. Two connections to Crescent Road are proposed and will facilitate the effective integration of traffic into the existing road network. Crescent Road provides direct and convenient access to Garrison Road and the broader Regional road and highway network. A Block has also been set aside as a future road connection to enable the future development of adjacent vacant lands.

A Functional Servicing Study completed by Upper Canada Consultants confirms that there is an adequate water supply and sanitary sewer capacity to service the development. New watermains, sanitary and storm sewers will be constructed within the municipal roads within the development to service individual lots. A stormwater management pond will be

constructed in the southern portion of this site to control stormwater flows and treat stormwater quality.

e) The compatibility of the proposed use with uses in adjoining areas:

The subject lands abut single detached residential development to the west, commercial uses to the north and vacant lands designated for development to the east and south. The development is compatible and contiguous with the existing residential development, particularly compared to the previous agricultural use of the property. The development has also been organized to provide a single-detached interface with the existing dwellings to maximize compatibility.

An Environmental Noise Feasibility Study has been undertaken to analyze the road and commercial noise impacts on the proposed development. The Study recommends mitigation measures including the provision for mandatory air conditioning for Blocks 71 and 76-79, exterior wall and window construction meeting the minimum non-acoustical requirements of the OBC for all units and a 1.8 m high sound barrier at the rear yards of Blocks 1 to 5. The implementation of the proposed mitigation measures will assure compatibility between these land uses.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

This proposal represents efficient use of urban lands as it will intensify the use of an underdeveloped area of Fort Erie. No depreciating or deteriorating impacts on adjoining properties are anticipated.

g) The potential effect of the proposed use on the financial position of the Municipality:

This proposal will improve the financial position of the Town through development charges and the long-term benefit of collection of property taxes from the dwellings in the development.

a) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

None.

13.9 Land for Park Purposes

The subject lands are in proximity to existing parks and the Town's Parks and Open Space Master Plan does not identify the need for a park in the vicinity of Crescent Acres. The Official Plan, in accordance with the requirements under the *Planning Act*, requires that 5% of land proposed for development, or cash totalling 5% of the total land value, be provided for development proposals so as to fund parks or other recreational purposes. In this instance, it is anticipated that cash-in-lieu of parkland will be taken for the proposed development rather than physical land dedication.

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW (BY-LAW 129-90)

EXISTING ZONING

The property's existing zoning information is shown on Schedule 'A', Map 29 to the Comprehensive Zoning By-law. An excerpt of this map is shown as **Figure 8**. The property's current zoning reflects the previously approved development for the property. Per the previously-approved Draft Plan, the single detached areas are zoned as Residential 2 (R2) Zone, the townhouse Block is zoned as Residential Multiple 1 (RM1) Zone and the Stormwater Management Facility is Zoned as Open Space (OS) Zone. A majority of the property is also affected by the Environmental Conservation Overlay which was imposed by the Town to bring the Zoning into conformity with the Official Plan.

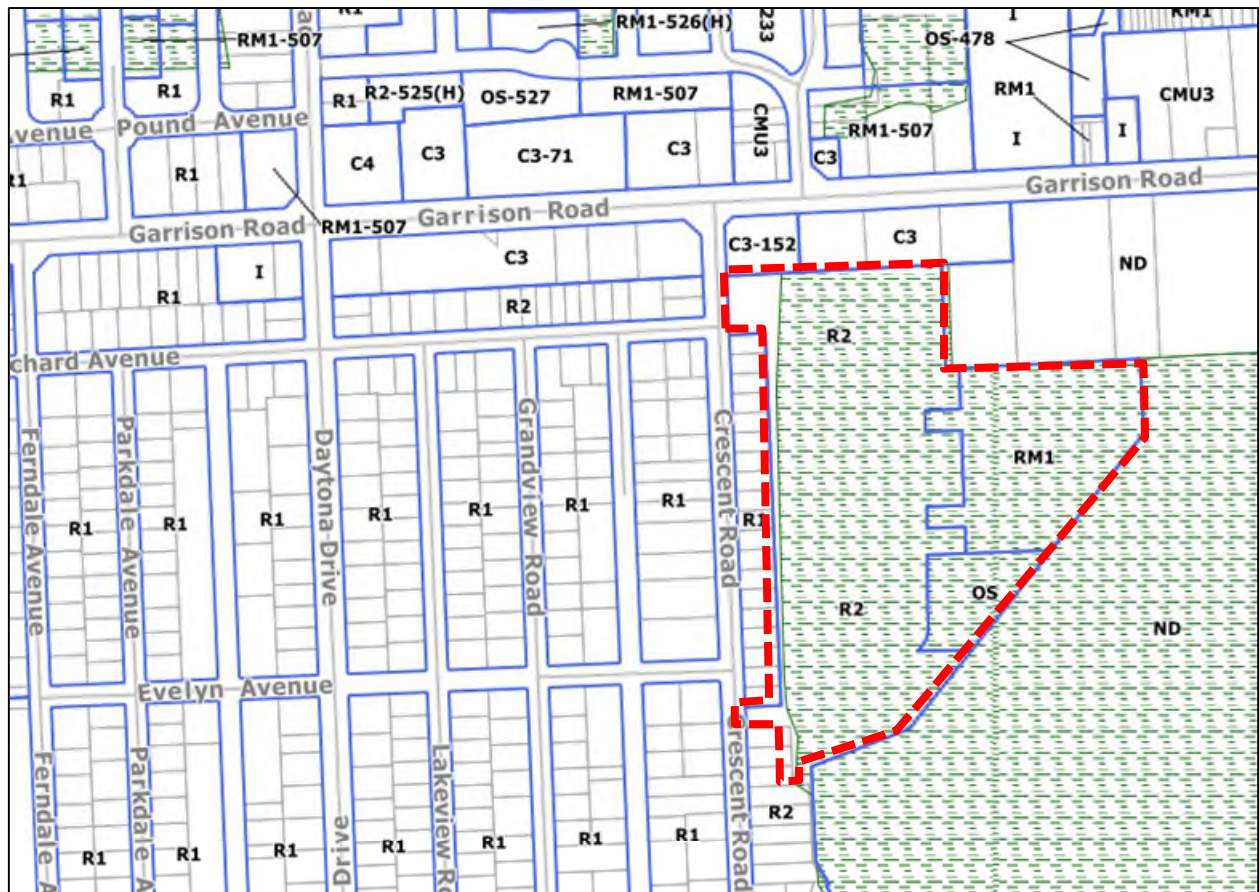


Figure 8 - Existing Zoning Information

PROPOSED ZONING

The Zoning By-law Amendment proposes to apply Residential Multiple 1 (RM1) Zoning across all of the residential areas and to include a site-specific provision to include the SWM facility (Block 32) as a permitted use. The watercourse (Block 30) as Environmental Protection (EP) Zone.

The Zoning By-law Amendment application also includes the removal of the Environmental Conservation Overlay.

A Draft Zoning By-law is included in **Appendix II. Figure 9** shows the proposed zoning schedule.

ZONING ANALYSIS

Removal of Environmental Conservation Overlay

The Town's Zoning By-law shows that a majority of the subject property is impacted by the Environmental Conservation Overlay. This reflects the Natural Heritage mapping contained in the Town's Official Plan which shows that the subject lands are impacted by "Significant Natural Areas".

The subject property has been cleared and cultivated since at least 1934 and the development area does not support and significant vegetation or other natural features. A Natural Heritage Assessment of the property was undertaken by Beacon Environmental which concludes that the portion of the site where residential development is proposed is a ploughed field and does not retain any of the characteristics of a significant natural area. This corroborates the Region's Natural Environment System mapping which does not show that the subject lands contain any natural heritage features of the Regional or Provincial natural heritage systems.

Residential Areas (RM1 Zone)

The RM1 Zone Permits all of the proposed residential dwelling types (ie. single detached, semi-detached and townhouse dwellings). It is proposed that stormwater management facilities be added as a permitted use to allow for the SWM Block to be included in the RM1 Zone.

Regulations for street townhouse dwellings are contained under the Residential Multiple 1 (RM1) Zone Regulations in Section 14.3. Single-detached dwellings in the RM1 Zone are subject to the Residential 2A (R2A) Zone provisions in Section 12.3 and semi-detached dwellings in the RM1 Zone are subject to the Residential 3 (R3) Zone provisions in Section 13.4. An overview of zoning conformity for each of the proposed dwelling types against the applicable zoning regulations is provided in **Tables 2-4** respectively.

Site Specific Relief

Permitted Uses

It is requested the stormwater management facilities be added as a permitted use in the site-specific RM-1 Zone for the proposed subdivision.

Single Detached Dwellings

Maximum Coverage

It is requested that the maximum lot coverage provision be removed for the single detached dwellings. The location and massing of the single detached dwellings are already appropriately regulated through the required setbacks and height. The maximum lot coverage is a redundant provision which may preclude the ability to construct a dwelling within the permitted setbacks.

The maximum lot coverage does not have an impact on stormwater management for this development as infiltration is not feasible as a primary stormwater management strategy due to the existing soil conditions, and stormwater management is being provided primarily by way of a wet pond.

On this basis, it is requested that the maximum lot coverage requirement be removed for the single-detached dwellings.

Semi-detached Dwellings

Minimum Unit Frontage

A reduction in minimum unit frontage is requested for the semi-detached blocks. The Zoning By-law requires a minimum unit frontage of 9.5 meters for interior lots and 10.5 meters for corner lots. A reduction in minimum lot frontage to 8 meters is requested for all of the semi-detached lots in the subdivision.

The four blocks for semi-detached lots are located on the corner of a roadway which results in a curved front lot of line and irregular lot geometry (ie. pie-shaped lots), whereas the Zoning By-law generally contemplates rectilinear lots wherein the lot frontage equals the total lot width. The lots progressively widen towards the rear lot line resulting in a lot area that exceeds the minimum lot area requirement which provides ample space to accommodate a dwelling while also maintaining street presence.

The requested site-specific relief is a result of irregular geometry not contemplated in the Zoning By-law, does not result in negative impacts to the subject or surrounding properties and is appropriate on a site-specific basis.

Minimum Side Yard

A reduction in minimum side yard is also requested for the semi-detached blocks. The Zoning By-law requires a minimum side yard setback of 1.2 meters plus an additional 0.5 meters for every storey above the ground floor. The requested zoning seeks to remove the requirement for an additional 0.5 meters of setback for each storey above the ground floor. The semi-detached dwellings are anticipated to be 2-storeys.

As with the minimum lot frontage, this site-specific relief is also requested due to the irregular geometry of the semi-detached blocks. Since the side lot lines for these blocks are not parallel, the minimum interior side-yard dimension will represent a pinch-point between the wall and the lot line and the side yard setback will widen towards the rear of the property. A 1.2 meter setback at the narrowest point provides a sufficient amount of separation for access and maintenance and the requested site-specific relief is therefore appropriate.

Street Townhouse Dwellings

Minimum lot area

A reduction in lot area is requested for the street-townhouse lots. The reduction in lot area allows for more compact and efficient land use patterns which contribute to the achievement of the minimum Greenfield density target while maintaining a built-form that is consistent and compatible with existing development patterns.

The reduction in lot area does not result in negative massing implications as the future townhouses will still be subject to the minimum setbacks required under the standard zoning provisions.

Maximum coverage

As with the single detached lots, it is requested that the maximum lot coverage provision be removed as it precludes the ability to build within permitted setbacks which also regulate the location and massing of dwellings.

Planting Strips

The Zoning By-law requires that a 4.5-meter planting strip be provided where a street-townhouse unit abuts a street (except for points of ingress and egress). This provision is redundant and inconsistent with the exterior side yard provision which requires a 3 meter setback from a street townhouse to the street. It is therefore requested that this requirement be removed for the proposed townhouses.

Watercourse (Environmental Protection Zone)

The Environmental Protection Zone is for passive non-structural conservation and resource management uses and is therefore the appropriate zone category for the watercourse (Block 32).

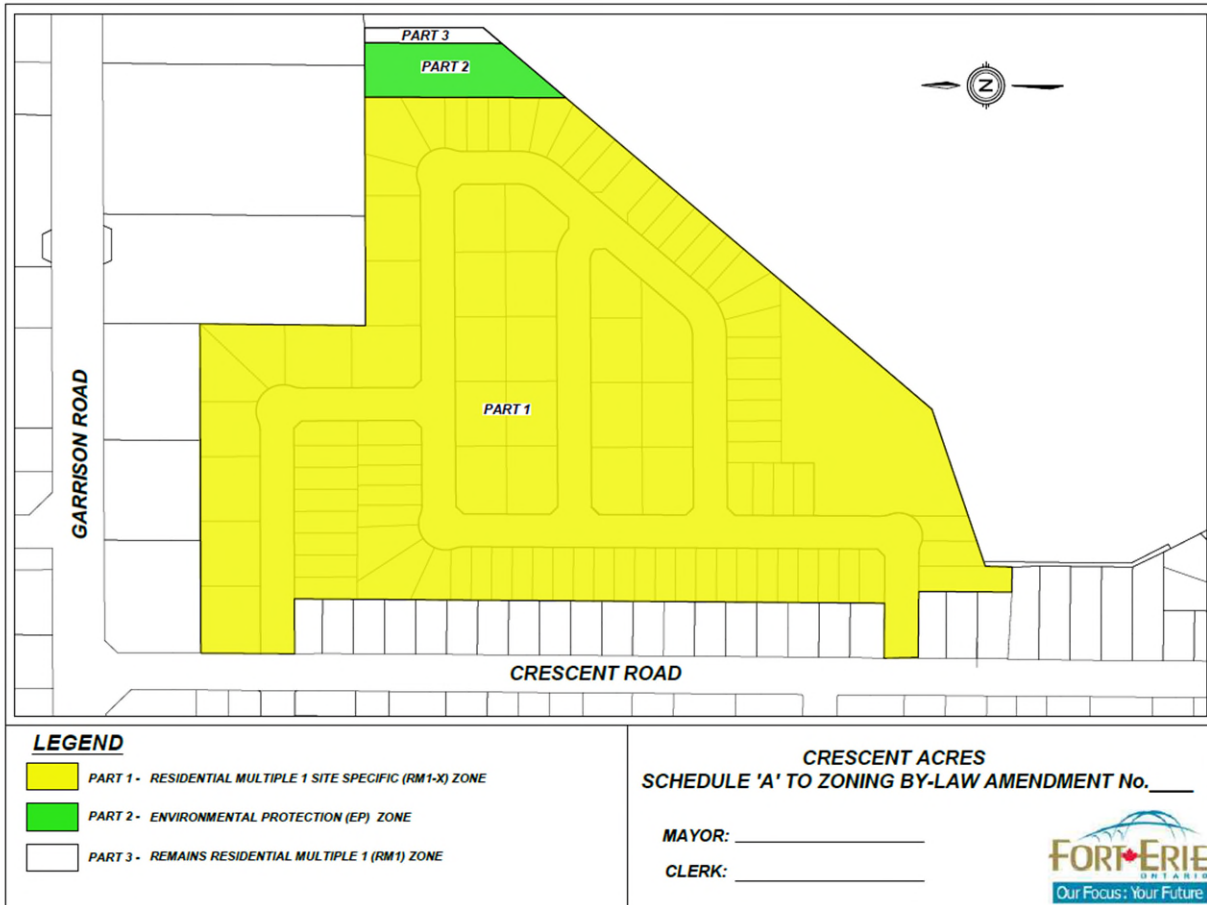


Figure 9 - Proposed Zoning Schedule

Table 2 – Single Detached Zone Conformity

Section 12.3 - Regulations	By-law 129-90	Proposed Regulation
Minimum Lot Frontage	12m for an interior lot 15m for a corner lot	No Change
Minimum Lot Area	375m ²	No Change
Maximum Lot Coverage	50%	Delete
Minimum Front Yard	6m to garage 3m to other parts of dwelling	No Change
Minimum Side Yard	1.2m 3m on one side for an interior lot where no garage or carport is provided	No Change
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	No Change
Minimum Rear Yard	6m	No Change
Maximum Building Height	i) 2.5 storeys ii) 10.5m	No Change

Table 3 – Semi-detached Zone Conformity

Section 13.4 - Regulations	By-law 129-90	Proposed Regulation
Minimum Unit Frontage	9.5m 10.5m for a corner lot	8m (all interior lots)
Minimum Lot Area	305m ²	No Change
Maximum Lot Coverage	1 storey – 60% 2 storey – 40%	No Change
Minimum Front Yard	6m to garage 3m to other parts of dwelling	No Change
Minimum Side Yard	1.2m plus an additional 0.5m for every storey or part thereof above the ground floor 3m on one side for an interior lot where no garage or carport is provided	1.2 meters
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	No Change
Minimum Rear Yard	6m	No Change
Maximum Building Height	i) 2.5 storeys ii) 9m	No Change

Table 3 – Street Townhouse Zone Conformity

Section 14.3 - Regulations	By-law 129-90	Proposed Regulation
Minimum Lot Frontage	6m 9m for corner lots	No Change
Minimum Lot Area	200m ² for an interior lot 270m ² for a corner lot	180m ² for an interior lot 215m ² for a corner lot
Minimum Front Yard	6m to garage 4m to other parts of dwelling	No Change
Minimum Side Yard	1.5m	No Change
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	No Change
Minimum Rear Yard	6m	No Change
Maximum Building Height	i) 3 storeys ii) 12m	No Change
Minimum Landscaped Area	25%	No Change
Maximum Lot Coverage	Exterior Street Townhouse – 40% Interior Street Townhouse – 60%	Delete
Privacy Yard	Every dwelling shall have at least one area which serves as a privacy area adjacent to the dwelling unit having a minimum depth of 4.5m	No Change
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street except for points of ingress and egress	Delete

PLANNING POSITION

Applications have been submitted to the Town of Fort Erie for a Draft Plan of Subdivision and Zoning By-law Amendment for lands on the east side of Crescent Road, south of Garrison Road in the Crescent Park area of the Town of Fort Erie, within the Regional Municipality of Niagara.

The property was previously approved for a subdivision containing ninety-nine (99) single detached dwellings and a 6.6-acre block for townhouses. Draft approval for this subdivision lapsed in the early 2000's.

The current Draft Plan proposes the creation of sixty-seven (67) residential lots for single detached dwellings, four (4) blocks for eight (8) semi-detached dwellings and twenty-four (24) blocks for one hundred and forty-five (145) street townhouse dwellings. In addition to the residential lots, there is a block for a stormwater management facility that will contain a wet pond and associated maintenance area that will not be fenced and can be used for recreational purposes. A block containing a watercourse and enhanced buffer area is also included. All of the proposed residential dwellings will front onto an internal road network which has two connections to Crescent Road. The Draft Plan also includes provision for a future road connection to the vacant lands to the east.

A concurrent Zoning By-law Amendment Application has been submitted to establish the appropriate zoning permissions to facilitate the development of the subdivision and the protection of the watercourse and associated buffer area.

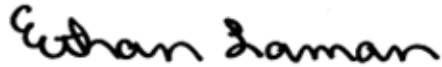
Professional studies have been provided in support of the required applications that include an Environmental Noise Feasibility Assessment, Archaeological Assessment, Functional Servicing Report, Natural Heritage Characterization Report/Buffer Planting and Enhancement Plan and this Planning Justification Report. Through these reports, the proposed development has been demonstrated to present no significant impact to public health and safety, the natural environment, cultural heritage resources or infrastructure capacity.

The subject lands are designated for residential development under the Provincial Plans (the Provincial Policy Statement and the Growth Plan), the Region of Niagara Official Plan and the Town of Fort Erie Official Plan. The proposed development is serviceable with existing infrastructure as confirmed in the Functional Servicing Report and contributes to the achievement of prescribed growth targets and a full range of housing.

The proposed development balances the accommodation of prescribed growth targets and respect for the character of the existing neighbourhood, improves housing choice, is an efficient use of urban lands, represent good planning and is in the public interest. The applications

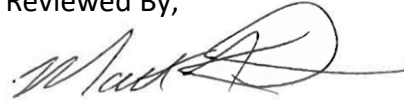
satisfy the requirements under the *Planning Act*, are consistent with the Provincial Policy Statement, conform to the Growth Plan, the Region of Niagara Official Plan and the Town of Fort Erie Official Plan, represent good planning and should therefore be supported.

Prepared by,



Ethan Laman, B.U.R.Pl.
Junior Planner
Upper Canada Consultants

Reviewed By,



Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Consultants

Appendix I
Draft Plan of Subdivision

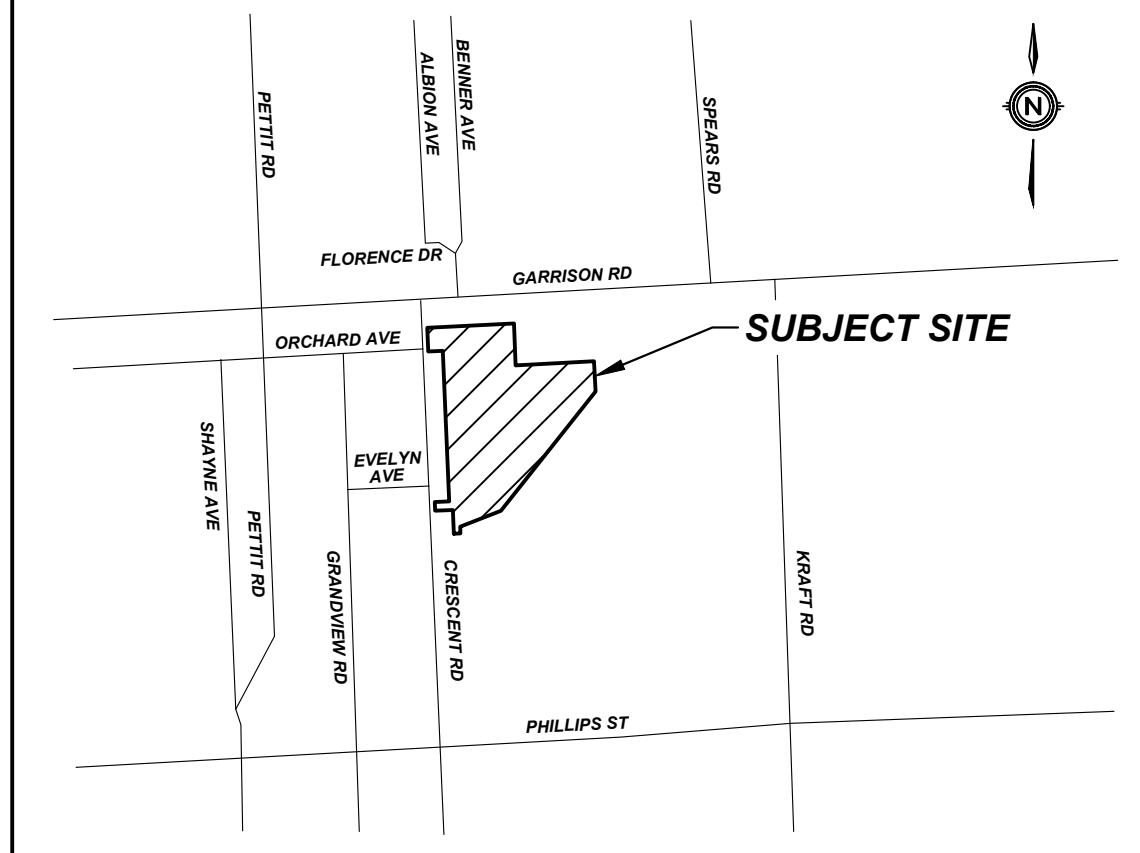
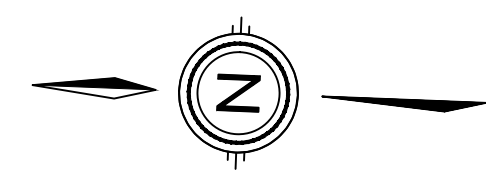
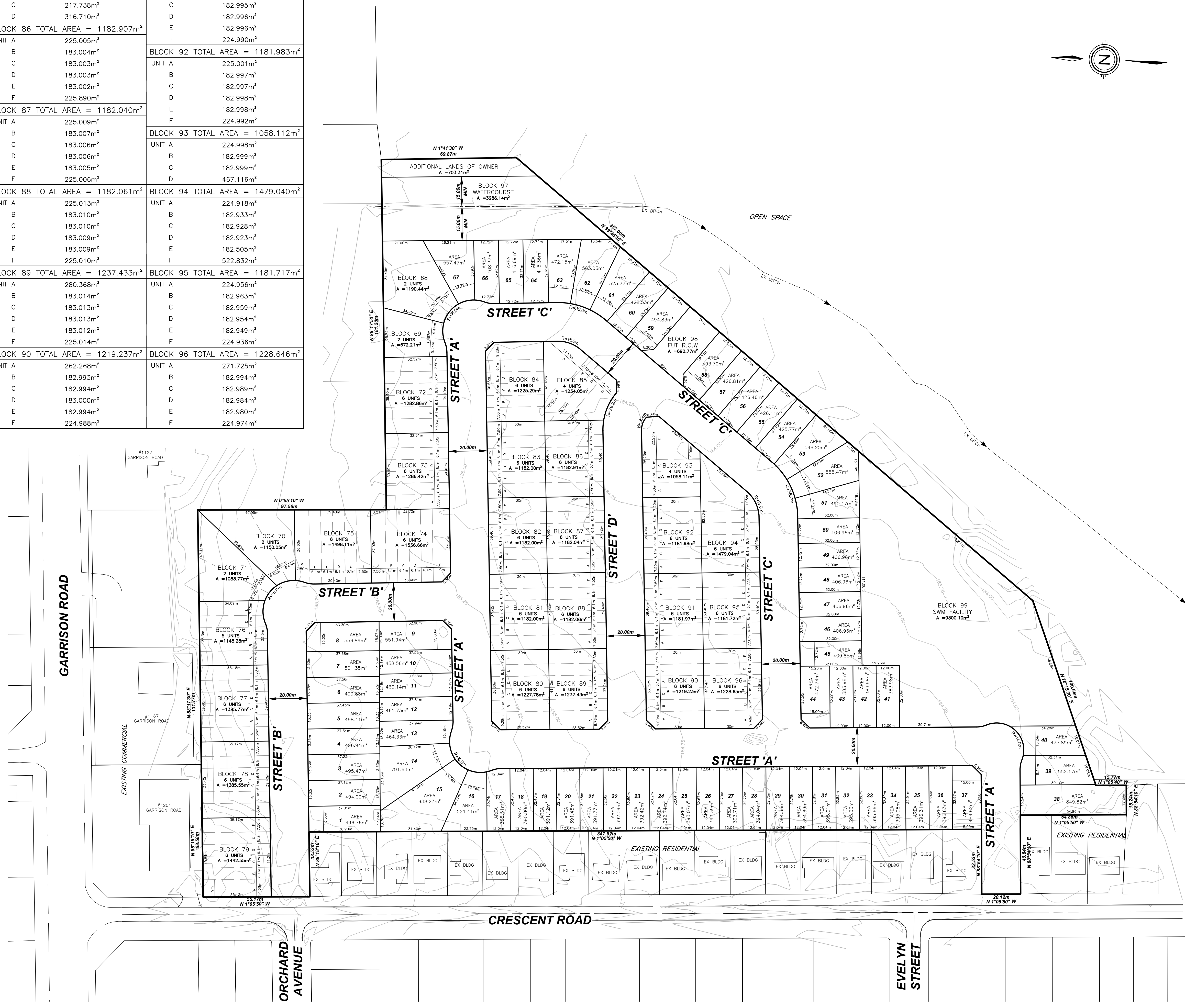


**STREET TOWNHOUSE
BLOCK UNIT AREA**

BLOCK 72 TOTAL AREA = 1282.862m²	BLOCK 85 TOTAL AREA = 1234.052m²	BLOCK 91 TOTAL AREA = 1181.972m²
UNIT A 244.474m ²	UNIT A 465.755m ²	UNIT A 224.999m ²
B 198.744m ²	B 233.849m ²	B 182.995m ²
C 198.658m ²	C 217.738m ²	C 182.995m ²
D 198.573m ²	D 316.710m ²	D 182.996m ²
E 198.488m ²		E 182.996m ²
F 243.926m ²	BLOCK 86 TOTAL AREA = 1182.907m²	F 224.990m ²
	UNIT A 225.005m ²	
BLOCK 73 TOTAL AREA = 1286.417m²	B 183.004m ²	BLOCK 92 TOTAL AREA = 1181.983m²
UNIT A 245.150m ²	C 183.003m ²	UNIT A 225.001m ²
B 199.294m ²	D 183.003m ²	B 182.997m ²
C 199.209m ²	E 183.002m ²	C 182.997m ²
D 199.123m ²	F 225.890m ²	D 182.998m ²
E 199.038m ²		E 182.998m ²
F 244.602m ²	BLOCK 87 TOTAL AREA = 1182.040m²	F 224.992m ²
	UNIT A 225.009m ²	
BLOCK 74 TOTAL AREA = 1536.658m²	B 183.007m ²	BLOCK 93 TOTAL AREA = 1058.112m²
UNIT A 284.049m ²	C 183.006m ²	UNIT A 224.998m ²
B 230.602m ²	D 183.006m ²	B 182.999m ²
C 230.602m ²	E 183.005m ²	C 182.999m ²
D 230.607m ²	F 225.006m ²	D 182.999m ²
E 230.611m ²		E 182.998m ²
F 330.187m ²	BLOCK 88 TOTAL AREA = 1182.061m²	F 224.992m ²
	UNIT A 225.013m ²	
BLOCK 75 TOTAL AREA = 1498.111m²	B 183.010m ²	BLOCK 94 TOTAL AREA = 1479.040m²
UNIT A 279.995m ²	C 183.010m ²	UNIT A 224.918m ²
B 234.089m ²	D 183.009m ²	B 182.933m ²
C 233.626m ²	E 183.009m ²	C 182.928m ²
D 233.026m ²	F 225.010m ²	D 182.923m ²
E 232.427m ²		E 182.505m ²
F 284.949m ²	BLOCK 89 TOTAL AREA = 1237.433m²	F 522.832m ²
	UNIT A 280.368m ²	BLOCK 95 TOTAL AREA = 1181.717m²
BLOCK 76 TOTAL AREA = 1148.283m²	B 183.014m ²	UNIT A 224.956m ²
UNIT A 263.823m ²	C 183.013m ²	B 182.963m ²
B 214.584m ²	D 183.013m ²	C 182.959m ²
C 214.100m ²	E 183.012m ²	D 182.954m ²
D 206.178m ²	F 225.014m ²	E 182.949m ²
E 249.598m ²		F 224.936m ²
F 263.812m ²	BLOCK 90 TOTAL AREA = 1219.237m²	BLOCK 96 TOTAL AREA = 1228.646m²
	UNIT A 262.268m ²	UNIT A 271.725m ²
BLOCK 77 TOTAL AREA = 1385.771m²	B 182.993m ²	B 182.994m ²
UNIT A 263.766m ²	C 182.994m ²	C 182.989m ²
B 214.537m ²	D 183.000m ²	D 182.984m ²
C 214.545m ²	E 182.994m ²	E 182.980m ²
D 214.552m ²	F 224.988m ²	F 224.974m ²
E 214.559m ²		
F 263.812m ²		
BLOCK 78 TOTAL AREA = 1385.545m²		
UNIT A 263.743m ²		
B 214.511m ²		
C 214.511m ²		
D 214.511m ²		
E 214.513m ²		
F 263.755m ²		
BLOCK 79 TOTAL AREA = 1442.546m²		
UNIT A 320.758m ²		
B 214.511m ²		
C 214.511m ²		
D 214.511m ²		
E 214.511m ²		
F 263.743m ²		
BLOCK 80 TOTAL AREA = 1227.776m²		
UNIT A 270.776m ²		
B 183.000m ²		
C 183.000m ²		
D 183.000m ²		
E 183.000m ²		
F 225.000m ²		
BLOCK 81 TOTAL AREA = 1182.000m²		
UNIT A 225.000m ²		
B 183.000m ²		
C 183.000m ²		
D 183.000m ²		
E 183.000m ²		
F 225.000m ²		
BLOCK 82 TOTAL AREA = 1182.000m²		
UNIT A 225.000m ²		
B 183.000m ²		
C 183.000m ²		
D 183.000m ²		
E 183.000m ²		
F 225.000m ²		
BLOCK 83 TOTAL AREA = 1182.000m²		
UNIT A 225.000m ²		
B 183.000m ²		
C 183.000m ²		
D 183.000m ²		
E 183.000m ²		
F 225.000m ²		
BLOCK 84 TOTAL AREA = 1225.293m²		
UNIT A 225.000m ²		
B 183.000m ²		
C 183.000m ²		
D 183.000m ²		
E 183.000m ²		
F 268.293m ²		

CRESCENT ACRES

TOWN OF FORT ERIE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 4, CONCESSION 3 LAKE ERIE,
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF FORT ERIE
FOR APPROVAL.

[Signature]
CRESCENT ACRES LTD. DATE
NOVEMBER 3, 2022

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

[Signature]
DASHA PAGE, HON. B.Sc., O.L.S. DATE
NOVEMBER 4, 2022

**REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT**

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY CLAY
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-67	67	3.116	29.17
SEMI DETACHED RESIDENTIAL	BLOCK 68-71	8	0.410	3.84
STREET TOWNS	BLOCK 72-96	145	3.151	29.50
WATERCOURSE	BLOCK 97		0.328	3.07
FUTURE R.O.W.	BLOCK 98		0.069	0.65
STORMWATER MGMT FACILITY	BLOCK 99		0.930	8.71
ROADWAY			2.607	24.41
ADDITIONAL LANDS OF OWNER			0.070	0.65
TOTAL		220	10.681	100.00

DEVELOPABLE AREA = 10.378 ha
DEVELOPABLE DENSITY = 21.20 units/ha

#	ISSUED FOR APPROVAL	DATE	INIT
0	ISSUED FOR APPROVAL	2022-11-03	M.K
#	REVISION		

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

30 Hanover Drive Unit 3
St. Catharines, Ontario
L2W 1A3
Phone: (905)688-9400
Fax: (905)688-5274

DRAWING TITLE: **DRAFT PLAN OF SUBDIVISION CRESCENT ACRES**

DRAFTING: G.S./M.C./M.K.

DATE: SEPTEMBER 20, 2022

PRINTED: NOVEMBER 4, 2022

SCALE: 1:1000

DWG No. **19106-DP** REV **0**

Appendix II
Draft Zoning By-law Amendment





The Municipal Corporation of the Town of Fort Erie

By-law No. **XX**-2022

**Being a By-law to Amend Zoning By-law No. 129-90
Crescent Acres Subdivision
Crescent Acres Inc. – Owner
Upper Canada Consultants (Matt Kernahan) - Agent**

XXXX-XXXX

Whereas an application was received from Matt Kernahan of Upper Canada Consultants, (Agent) on behalf of Crescent Acres Inc. (Applicant) to amend the Town’s Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as the Crescent Acres Subdivision, and

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

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-**XX**-2022 considered and approved at the Regular Council meeting held on **MM-DD-YYYY**;

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 (R2) Zone”, “Residential Multiple 1 (RM1) Zone, Open Space (OS) Zone and “Environmental Conservation Overlay (EC) Zone” to “Residential Multiple 1 (RM1-**XXX**) Zone”, and Environmental Protection (EP) Zone”
- 2. That** By-law No.129-90 as amended, is further amended by adding to “Section 14– “Residential Multiple 1 (RM1) Zone” Subsection – “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

“RM1-XXX (XX-2022) Crescent Acres

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

- a) In addition to the permitted uses set out in Section 14.2, stormwater management ponds and open space uses shall be permitted uses.
- b) Notwithstanding Section 14.3, the following regulations shall apply to street townhouse dwellings:

Minimum Lot Area	180 sq m for an interior unit and 215 sq m for a corner unit
Maximum Lot Coverage	delete
Planting Strips	delete

c) Notwithstanding Section 13.4, the following regulations shall apply to semi-detached dwellings:

Minimum lot frontage	8.0 m
Minimum Interior Side Yard Setback	1.2 m

d) Notwithstanding Section 12.3, the following regulations shall apply to single detached dwellings:

Maximum lot coverage	delete
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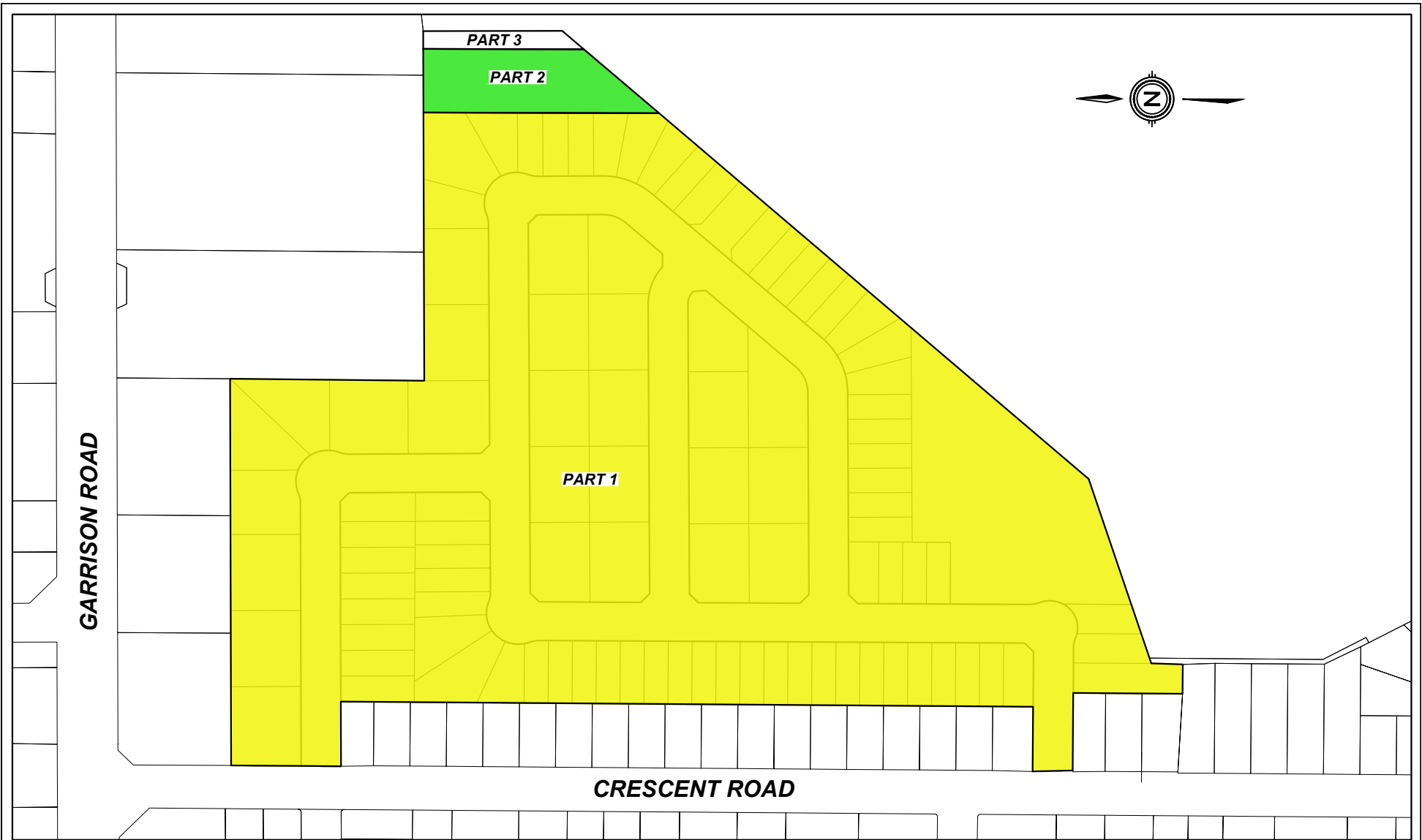
3. That the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this X day of X, 2022.

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 -2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20



LEGEND

- PART 1 - RESIDENTIAL MULTIPLE 1 SITE SPECIFIC (RM1-X) ZONE
- PART 2 - ENVIRONMENTAL PROTECTION (EP) ZONE
- PART 3 - REMAINS RESIDENTIAL MULTIPLE 1 (RM1) ZONE

CRESCENT ACRES
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____



Appendix III
Pre-consultation Agreement



Once completed by Town Planning Staff, this form must be submitted with your formal application.

Important: This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings **must** be submitted in paper and **digital** (i.e. PDF) form.

Meeting Attendance:

- | | | |
|--------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> Town Planning Town | <input checked="" type="checkbox"/> Regional Planning | <input type="checkbox"/> Niagara Parks Commission |
| <input checked="" type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Regional Public Works | <input checked="" type="checkbox"/> NPCA |

Other _____

Application type:

- | | |
|---------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan |
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Consent Application |
| <input checked="" type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Draft Plan of Condominium | |

Pre-Consultation Submission Date: February 23, 2022

Pre-Consultation Meeting Date: March 10, 2022

Site Location/Address: 0-10747 Kraft Road

Site Legal Description: CON 3 LE PT LOT 3 PT LOT 4 RP 59R1298 PART 2

Approximate Land Area (metric): 10.71 ha (approximate)

Owner Contact Information:

Name of Owner: Mountainview Homes (Niagara) Ltd.

Phone No: 905-688-3100 Email: mattv@mountainview.com

Principal Contact: Matt Kernahan, Upper Canada Consultants

Phone No: 905-688-7175 Email: matt@ucc.com

Local Municipal Contact:

Name of Contact: Daryl Vander Veen, Junior Development Planner

Phone No: (905) 871-1600 ext. 2509 Email: dvanderveen@forterie.ca

Brief description of proposed development:

Proposal for a Zoning By-law Amendment and Draft Plan of Subdivision. The Applicant is proposing to rezone the property to facilitate the development of 145 street townhouse dwellings, 70 single detached dwellings, and 8 semi-detached dwellings. The development includes the preservation of the existing watercourse and the construction of a stormwater management facility that will discharge to the existing storm sewer in Crescent Road. A Stormwater Management Brief has been included with the submission.

Submission Requirements: Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Digital	Paper	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning Justification Report	1	1	See comments from Development Planning.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Conceptual Site Plan, Subdivision Plan	1	1	Subdivision Plan metric and prepared by an O.L.S.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Regional Policy Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Local Official Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Use/Market Needs*			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Urban Design/Landscape Plans	1	1	Landscape and streetscape plan. Will be required as a condition of approval.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Archaeological Assessment	1	1	Stage 1 & 2 + letter from MHSTCI.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cultural Heritage Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Impact Study	1	1	* May be required. See comments from NPCA.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Planning Study/ Sub-Watershed Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree Inventory Preservation Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floodplain and Hazard Lands Boundary Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Site Assessment			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air Quality/Noise & Vibration Study*	1	1	See comments from Niagara Region.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural Impact Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Farm Operation and Ownership			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum Distance Separation I & II			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Aggregate Resources			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Servicing Study	1	1	Functional Service Report.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sensitive Land Use Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slope Stability Report			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stormwater Management Plan	1	1	See comments from Niagara Region.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Impact Study/Parking Impact Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrogeological Study and Private Servicing Plans*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Study/Dynamic Beach			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk Management Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Well Study/Gas Migration Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wind Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other*			

Property: 0-10747 Kraft Road - Zoning By-law Amendment & Draft Plan of Subdivision

Development Planning: Daryl Vander Veen (dvanderveen@forterie.ca or 905-871-1600 ext. 2509)

The subject property is located in the Crescent Park neighbourhood of the Town of Fort Erie south of Garrison Road and east of Crescent Road.

This proposal is for a Zoning By-law Amendment and a Draft Plan of Subdivision to facilitate development of a subdivision with 145 townhouse dwellings, 70 single detached dwellings, 8 semi-detached dwellings, a stormwater facility and a block for a watercourse. The density of the proposed development is 21.50 units/hectare.

The subject property is designated Urban Residential and Environmental Conservation in the Town's Official Plan. It is also located within Site Specific Policy Area 5 - Kraft Drain Area. The Urban Residential land use designation permits townhouses, semi-detached dwellings and single detached dwellings.

Official Plan policy for SSPA 5 also notes that a neighbourhood plan 'should' be completed in association with development in the Kraft Drain Area. Planning staff will waive that requirement in this case as the proposed development is self-contained and is functionally part of the Crescent Park neighbourhood.

The Environmental Conservation designation exists as the property is identified as being within a Significant Natural Area on Schedule C - Natural Heritage Features of the Town's Official Plan. There are no natural hazards on the subject property but Schedule C1 - Natural Hazards and Fish Habitat identify a drainage feature on the eastern limit that is unclassified stream fish habitat. This drainage feature is shown on the Applicant's draft plan within Block 30. The feature is under the regulation of the Niagara Peninsula Conservation Authority (NPCA) according to Town data.

The property is shown as having archaeological potential in Schedule D of the Town's Official Plan. The Town will require completion of an archaeological assessment.

The property is zoned Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone, Open Space (OS) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law. A Zoning By-law Amendment will be required to implement the Applicant's draft plan. Planning staff suggest using a site-specific Residential Multiple 1 (RM1) Zone as it permits all of the housing types proposed for the development. Any zoning departures can be addressed via the Zoning By-law Amendment.

The presence of EC Overlay Zone will require review by the Town's Environmental Advisory Committee (EAC). The EC zoning will need to be removed by EAC prior to development taking place.

Planning staff do not have any objections to this proposal in principle as it represents development within the urban boundary and intensification of underutilized land. Staff

PRE-CONSULTATION AGREEMENT – COMMENTS

are supportive of the proposal to consolidate the excess rear lands with the parcel to the west.

Conditions:

- Submission of a Planning Justification Report prepared by a planner that also includes a draft by-law. The PJR should speak to Site Specific Policy Area 5 and the significant natural area designation in Schedule C of the Town's Official Plan.
- Submission of an archaeological assessment subject to Provincial and Regional requirements.
- Submission of draft plan of subdivision in metric units prepared by an Ontario Land Surveyor (OLS) that meets Town requirements.

Servicing: Jeremy Korevaar (jkorevaar@forterie.ca or 905-871-1600 ext. 2505)

Comments:

- Road widening for Crescent frontage
- Functional Service Report including Stormwater management
- Provide a maintenance access to the watercourse block

Community & Neighbourhood Planning: Pieter Wasserman
(pwasserman@forterie.ca or 905-871-1600 ext. 2503)

Community & Neighbourhood Planning

The site is not located in a Secondary Plan area. The site is currently designated as Urban Residential and Environmental Conservation by the Official Plan. Therefore, Section 4.7.4. URBAN RESIDENTIAL will apply. It is currently zoned as Environmental Conservation (EC) Overlay Zone, Open Space (OS) Zone, Residential 2 (R2) Zone and Residential Multiple 1 (RM1 Zone with NPCA Concerns.

Urban Design

1. The future right of way providing east-west connection through the Kraft Drain area is supported.
2. It should be explored whether the Storm Water Pond facility could also be used as a passive recreation space for the development. This would be subject to the kind of storm water facility is required as well as fencing and safety measures. This would not be credited as parkland dedication.

Submission Requirements:

1. A Landscape Plan is required, pursuant to the Subdivision Control Guidelines, as a condition of Approval.
2. A Streetscape Plan showing the entire treatment of the street facing façade. A minimum of one street tree is required per unit, spaces a maximum of 10 meter on centre. If trees are located on Town property, the species shall be consistent with the Towns Street Tree list and meet the Towns installation requirements.

PRE-CONSULTATION AGREEMENT – COMMENTS

3. Payment of 5% of the appraised value of the residential development to "The Town of Fort Erie", in lieu of dedication of land for park purposes. This is as per By-Law No. 69-08 Parkland Dedication or Payment of Cash-In-Lieu as a Condition of Development or Redevelopment, Part 4 – Parkland Dedication, 4.1, b.

Economic Development & Tourism Services: Daniel Turner (dturner@forterie.ca or 905-871-1600 ext. 2252)

No comments or objections.

Committee of Adjustment: Breanna Antonio (bantonio@forterie.ca or 905-871-1600 ext. 2508)

No comments or objections.

Building Department: Keegan Gennings (kennings@forterie.ca or 905-871-1600 ext. 2515)

No comments or objections.

Fire Department: Robert Kirk (rkirk@forterie.ca or 905-871-1600 ext. 2606)

The fire department has no comments at this time.

Niagara Peninsula Conservation Authority (NPCA): Jessica Abrahamse (jabrahamse@npca.ca)

The subject property appears to have been maintained and/or used for agricultural purposes for the last number years dating back to at least the 2010 air photos. The ELC mapping overlay on the site seems to be an error. The adjacent property does have the potential to contain unevaluated wetlands. A site visit is requested to verify the desktop review of site conditions.

The provided Draft Plan of Subdivision indicates that the tributary of Kraft Drain will be maintained with a minimum 15 m buffer applied. NPCA staff request that a buffer planting / enhancement plan be provided to enhance the buffer associated with the watercourse.

Fees:

- Draft Plan of subdivision - \$2770
- Grading & Drainage - \$380
- Work permit – TBD
- Scoped EIS - TBD

Canadian Niagara Power Inc. (CNPI): Jeff Hoover (jeff.hoover@cnpower.com)

No comments or objections.

Niagara Parks Commission (NPC): Ellen Savoia (esavoia@niagaraparks.com)

No comments or objections.

Niagara Region: Alexander Morrison (alexander.morrison@niagararegion.ca)

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): Settlement Area.
- Growth Plan: Designated Greenfield Area.
- Regional Official Plan (ROP): Urban “Designated Greenfield” Area.

Planning Comments

Regional staff do not object to the proposal, in principle, as the proposed uses are permitted within Provincial and Regional urban area policies.

The subject lands are located within the “Designated Greenfield Area (DGA)” of the ROP and should support the achievement of 50 people and jobs per hectare (ppj/ha). As proposed, based on Regional staff’s preliminary calculation, the density of this development is approximately 53.16 ppj/ha, which would satisfy the target as set out in the ROP.

If a DGA target of 50 ppj/ha is not met, the Town will need to address the shortfall elsewhere in Fort Erie to support meeting the DGA target across the local municipality.

The proposal will contribute to the diversification of Niagara’s housing supply and housing options (townhouses and semi-detached).

Archaeological Resources

Based on a review of the Province’s Criteria for Evaluating Archaeological Potential, the site exhibits a high potential for the discovery of archaeological resources, as it’s within 300 m of a natural watercourse feature that runs along the east edge of the property. Additionally, the subject lands is mapped as having “Archaeological Potential” in the Town’s Official Plan Schedule D.

As such, Regional staff requires the completion of a Stage 1-2 Archaeological Assessment (plus any subsequent recommended assessments) and copies of any applicable acknowledgement letters from the Ministry of Heritage, Sport, Tourism, and Cultural Industries (MHSTCI) for the proposal.

Staff requires the Stage 1-2 Archaeological Assessment (plus any subsequent recommended assessments) at Zoning stage. The MHSTCI acknowledgement letters can be addressed through future condition of Draft Plan Approval, as well as the standard archaeological resource warning clause.

Land Use Compatibility

The subject property is nearby stationary (highway commercial uses) and transportation-related (Garrison Road) noise sources that may result in potential

PRE-CONSULTATION AGREEMENT – COMMENTS

adverse impacts to the proposed sensitive uses. A Noise Feasibility Study is required that assesses these nearby stationary and transportation-related noise sources, as well as includes recommendations for any appropriate mitigation measures / devices and warning clauses that can be implemented through site and/or building design.

At future Planning Act stages (i.e., Draft Plan), staff requests the submission of a Detailed Noise Study that confirms the Noise Feasibility Study's recommendations, as well as considers any potential changes that have been made to the concept since the Zoning application.

Both the Noise Feasibility Study and future Detailed Noise Study shall be completed in accordance with the Ministry of the Environment, Conservation and Parks' (MECP) NPC-300 Guidelines.

Regional staff to determine whether a Peer Review is required upon receipt and review of the submitted Noise Feasibility Study / Detailed Noise Study.

Environmental Comments

The subject parcel is outside the Region's Core Natural Heritage System. As such, Environmental Planning have no environmental requirements for the proposal.

Transportation / Roads

- Crescent Road (Local).

Servicing

- Water: 200 D PVC (Regional) – Crescent Road.
 - Staff note that this main is to be transferred from the Region to the Town, as the water tower has been removed.
 - If the main has not been transferred prior to the servicing connection – a Regional connection permit and fee will be required (\$1,250).
- Sanitary: 300 D AC (Local) – Crescent Road.
 - If there is an extension of municipal sanitary sewer will require ECA approval or approval through Consolidated Linear Infrastructure ECA depending on timing of the application.
- Storm: 1050 D Conc (Local) – Crescent Road.

Stormwater Management

Staff has reviewed the Stormwater Management Brief that was provided with the pre-consultation proposal. The SWM Brief proposes for the development's controlled stormwater discharge to be directed to the Crescent Road storm sewer during a 5-year design storm. Town staff will need to review and approve the Brief to ensure the proposed plan will not negatively affect the local pipe capacity and Town's Master Storm Service Plan.

As indicated in the SWM Brief, the pond outflow beyond the 5-year storm will discharge off site to the Kraft Drain tributary. It appears from the preliminary SWM Plan that the pond outflow will discharge across private land adjacent to the site to the creek. Therefore, Regional staff suggest at early planning stage a mechanism be coordinated

PRE-CONSULTATION AGREEMENT – COMMENTS

with Town and private land owner to ensure the perpetual, unimpeded outlet across the adjacent land. At the time of future Planning Act Application (i.e. Draft Plan), the Region requires that a Stormwater Management Report (and the associated \$1,830 fee) is submitted for review and approval that demonstrates:

- a) Stormwater runoff from the development be collected and treated to a Normal protection level (i.e. 70% long-term suspended solids removal) as the minimum acceptable standard prior to discharge from the site.
- b) The creek should not be negatively affected as a result of the development. Adequate erosion protection should be installed at pond outlet to the creek.
- c) Prior to construction, Region requires that detailed grading/servicing, stormwater management, and construction sediment control plans be submitted to this office for review and approval.

Waste Collection

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per lot (bi-weekly collection).
- Curbside collection only.
- Regional staff will need to the road design to confirm waste collection feasibility. Additional, if the development is phased, plans should be submitted to ensure that temporary turnarounds are included for waste collection vehicles (if necessary).

Required Studies and Materials

- Stage 1-2 Archaeological Assessment (plus any subsequent assessments) and any applicable letters of acknowledgement from the MHSTCI.
 - Completion of archaeological assessments is required at Zoning stage.
 - Any applicable MHSTCI acknowledgement letters can be managed at Draft Plan stage.
- Noise Feasibility Study – at Zoning stage.
 - Detailed Noise Study – at Draft Plan stage.
- Stormwater Management Report with detailed grading, storm servicing, stormwater management, and construction sediment control plans – at Draft Plan stage.

Regional Review Fees

The Region's 2022 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

- Zoning By-law Amendment (\$1,345) – at Zoning stage.
- Draft Plan Review (\$5,340 base fee + \$1,850 per hectare) – at Draft Plan stage.
- Stormwater Management Review greater than 5 ha (\$1,830) – at Draft Plan stage.
- Connection Permit Fee (\$1,250) – if applicable at construction (see “Servicing” comments above).

Application Fees:

Note: please contact the Town for submission details and current fees when ready to proceed.

Application	Town of Fort Erie	Niagara Region	NPCA	Other
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PRE-CONSULTATION AGREEMENT – COMMENTS

Zoning By-law Amendment	\$8,771.00	\$1,345.00	N/A	N/A
Plan of Subdivision	\$8,837.00 + \$50 per additional lot and/or block after 50 = \$11,437.00	\$5,340.00 + \$1,830.00 per hectare = \$25,690.00	\$2,770.00	
Pre-Consultation Fee Deduction	-\$2,254.00	N/A	N/A	N/A
Other	N/A	Stormwater Management Review - \$1,830.00 Connection Permit Fee - \$1,250.00	Grading and Drainage - \$380.00 Work Permit - TBD Scoped EIS - TBD	N/A
Total	\$17,954.00	\$28,865.00*	\$3,150.00**	N/A

* Additional Connection Permit Fee of \$1,250.00 may be required at construction stage.

** Additional fees may be required for a NPCA Work Permit and/or a Scoped EIS following a site visit to the subject property. See comments from NPCA for details.

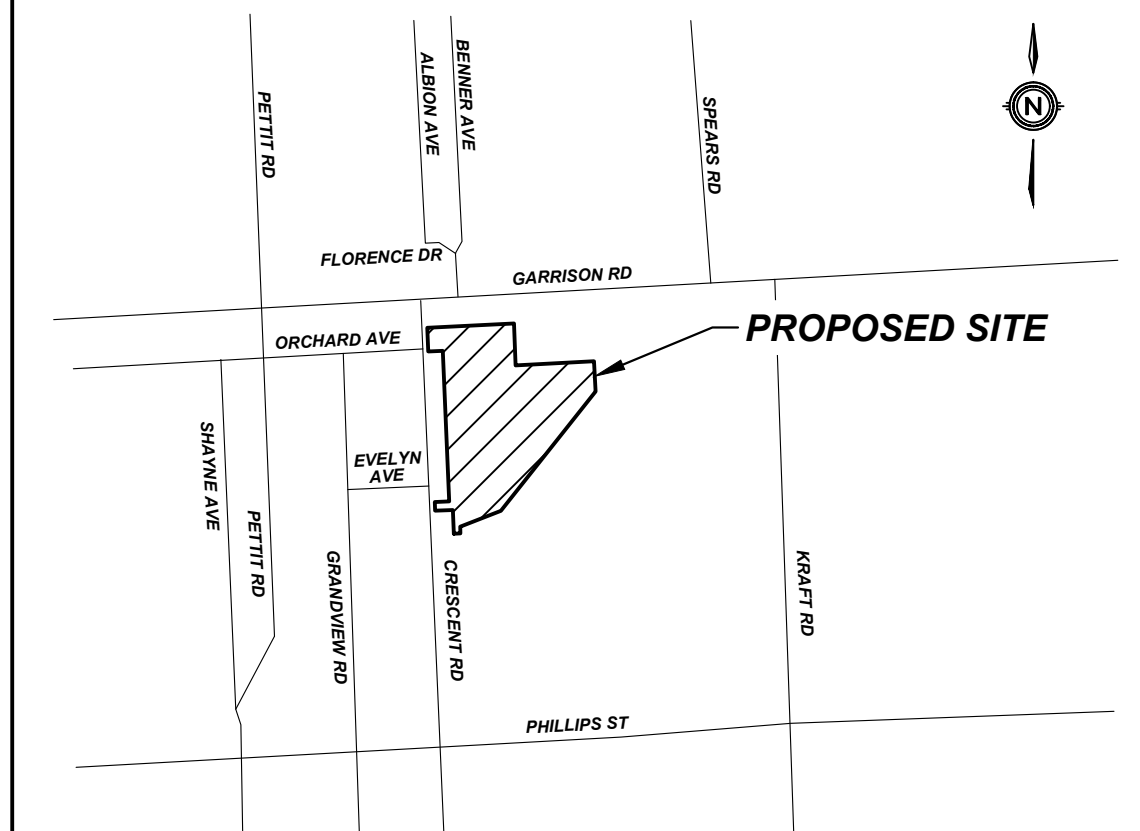
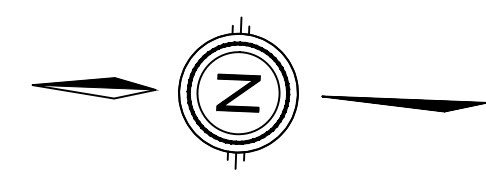
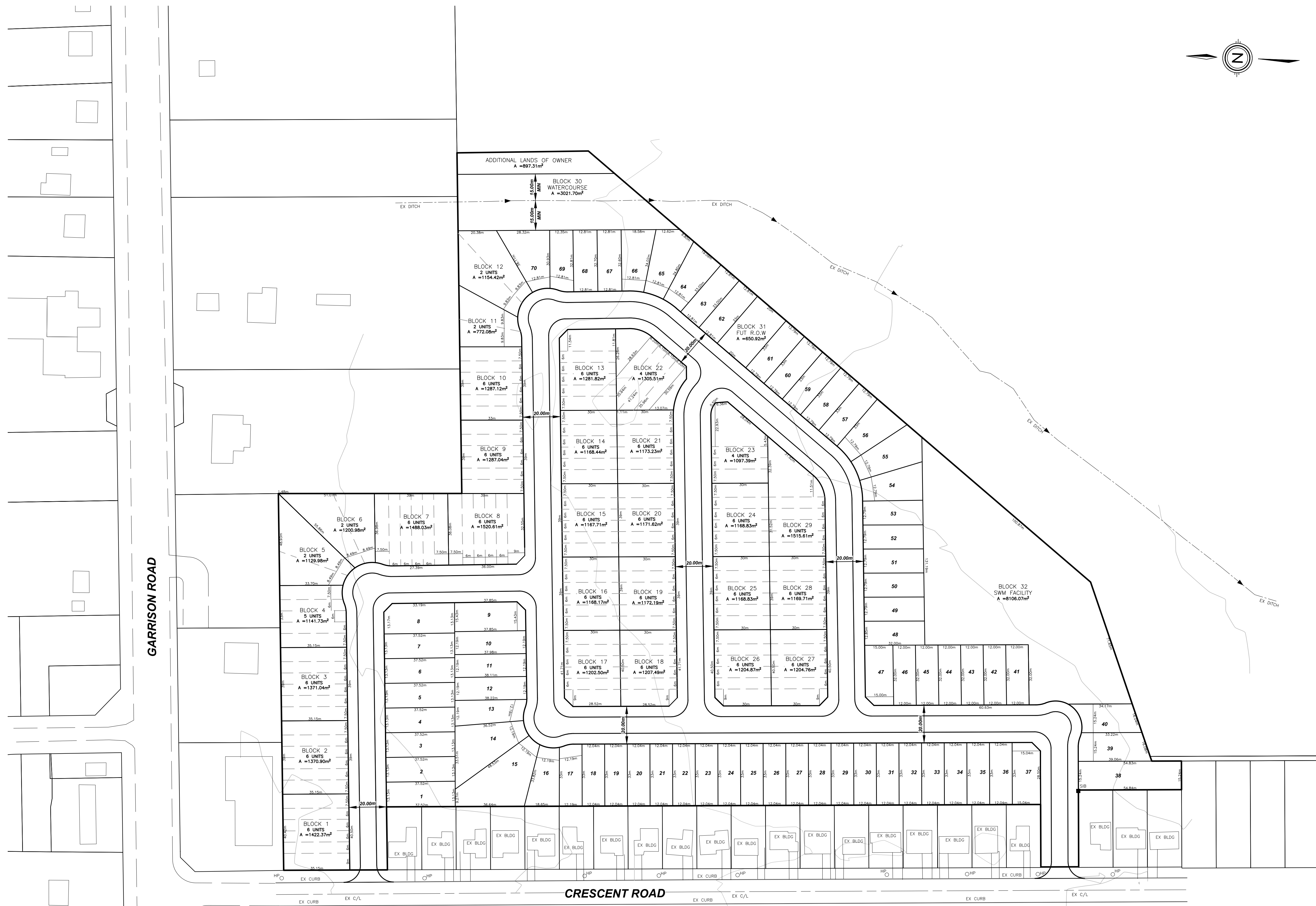
- a) Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- b) Additional fees may be required at a later date based on the fee schedule by-law.
- c) Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.
- d) The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
- e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or

PRE-CONSULTATION AGREEMENT – COMMENTS

suggest any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.

- f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- g) All reports, documents and drawings must be submitted in paper and digital (i.e., PDF) form.
- h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
- i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
- j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.
- k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.

CRESCENT ACRES TOWN OF FORT ERIE



KEY PLAN N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 4, CONCESSION 3 LAKE ERIE,
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE _____
FOR APPROVAL.

MOUNTAINVIEW HOMES (NIAGARA) LTD. DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

SURVEYOR'S NAME DATE

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
STREET TOWNS	1-4, 7-10, 12-29	145	3.144	29.45
SINGLE FAMILY RESIDENTIAL	LOTS 1-70	70	3.237	30.32
SEMI DETACHED RESIDENTIAL	5-6, 11-12	8	0.426	3.99
WATERCOURSE	BLOCK 30		0.302	2.83
FUTURE R.O.W	BLOCK 31		0.065	0.61
STORMWATER MGMT FACILITY	BLOCK 32		0.811	7.59
ROADWAY			2.603	24.38
ADDITIONAL LANDS OF OWNER			0.090	0.84
TOTAL		223	10.676	100.00

DEVELOPABLE AREA = 10.374 ha
DEVELOPABLE DENSITY = 21.50 units/ha

#	ISSUED FOR	DATE	INIT
0		YYYY-MM-DD	
	REVISION		

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

30 Hanover Drive Unit 3
St. Catharines, Ontario
L2W 1A3
Phone: (905)688-9400
Fax: (905)688-5274

DRAWING TITLE	DRAFTING	G.S
DRAFT PLAN OF SUBDIVISION CRESCENT ACRES	DATE	DECEMBER 8, 2021
	PRINTED	DECEMBER 8, 2021
	SCALE	1:1000
DWG No.	REV	
19106-DP	0	

PRELIMINARY

Zoning Review for 0 - 10747 Kraft Road (Crescent Acres)

OP Designation – Urban Residential (Kraft Neighbourhood)

Zoned – Residential Multiple 1 (RM1), Residential 2 (R2), Open Space (OS),
Environmental Conservation (EC) Overlay (NPCA concern)

Proposal - Proposal for a Zoning By-law Amendment and Draft Plan of Subdivision. The Applicant is proposing to rezone the property to facilitate the development of 145 street townhouse dwellings, 70 single detached dwellings, and 8 semi-detached dwellings. The development includes the preservation of the existing watercourse and the construction of a stormwater management facility that will discharge to the existing storm sewer in Crescent Road. A Stormwater Management Brief has been included with the submission.

SECTION 14: RM1 ZONE

Section 14.2 Permitted Uses			
Regulation	Requirement	Proposed	Compliance
	Single-detached dwellings, Semi-detached dwellings, Duplexes, Triplexes, Fourplexes, Street townhouse dwellings, Block townhouse dwellings, Residential uses existing at the date of passing of this by-law, Uses, buildings and structures accessory to the foregoing permitted uses	Street Townhouses Single Detached Dwelling Semi- detached Dwelling	YES
Section 14.3 Zone Regulations			
Regulation	Requirement	Proposed	Compliance
Minimum Lot Area	4000 sq.m, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot	180 sq m for street townhouse lots (Block 13-29)	NO
Minimum Lot Frontage	50m, except 6m for street townhouse lots and 9m for street townhouse corner lots	6m for street townhouse lots and 9m for street townhouse corner lots	YES
Minimum Front Yard	6m to garage 4m to other parts of dwelling	N/A	N/A
Minimum Side Yard	1.5 m	N/A	N/A

Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	N/A	N/A
Minimum Rear Yard	6.0 m	N/A	N/A
Maximum Building Height	3 storey/ 12 m	N/A	N/A
Minimum Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots	N/A	N/A
Maximum Number of Units in a row	8	N/A	N/A
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	N/A	N/A
Maximum Density	35 units/ha	21.5 units/ha	YES
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse – 60%	N/A	N/A
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	N/A	N/A
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress	N/A	N/A

14.4 ZONE REGULATIONS FOR SINGLE-DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT

The regulations of Section 12.3 shall apply.

SECTION 12: R2A ZONE

Section 12.3 Zone Regulations			
Regulation	Requirement	Proposed	Compliance

Minimum Unit Frontage	12m, 15m on a corner lot	12m, 15m on a corner lot	YES
Minimum Lot Area	375 sq.m	380 sq m minimum	YES
Maximum Lot Coverage	50 percent	N/A	N/A
Minimum Front Yard	6m to garage 3m to other parts of dwelling	N/A	N/A
Minimum Interior Side Yard	1.2m however, on an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres	N/A	N/A
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	N/A	N/A
Minimum Rear Yard	6m	N/A	N/A
Maximum Height	i) 2.5 storeys ii) 10.5 m	N/A	N/A

14.5 ZONE REGULATIONS FOR SEMI-DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT

The regulations of Section 13.4 shall apply

SECTION 13: R3 ZONE

Section 13.4 Zone Regulations			
Regulation	Requirement	Proposed	Compliance
Minimum Unit Frontage	9.5m,10.5m for a corner lot	8.49 m (Block 5 and 6)	NO
Minimum Lot Area	305 sq. m.	>305 sqm	YES
Maximum Lot Coverage	1 storey – 60 percent 2 storey - 40 percent	N/A	N/A
Minimum Front Yard	6m to garage 3m to other parts of dwelling	N/A	N/A
Minimum Interior Side Yard	1.2m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one	N/A	N/A

	side of such semi-detached dwelling is required;		
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	N/A	N/A
Minimum Rear Yard	6m	N/A	N/A
Maximum Height	i) 2.5 storeys ii) 9m	N/A	N/A

- A detailed comment will be provided at the time of submission.



Crescent Rd. Subdivision comments

Jessica Abrahamse to: DVanderVeen@forterie.ca 2022-03-10 01:41 PM

Cc: "Mohammad Kamruzzaman"

From: "Jessica Abrahamse" <jabrahamse@npca.ca>

To: "DVanderVeen@forterie.ca" <DVanderVeen@forterie.ca>

Cc: "Mohammad Kamruzzaman" <MKamruzzaman@forterie.ca>

Hi Daryl,

The subject property appears to have been maintained and/or used for agricultural purposes for the last number years dating back to at least the 2010 air photos. The ELC mapping overlay on the site seems to be an error. The adjacent property does have the potential to contain unevaluated wetlands. A site visit is requested to verify the desktop review of site conditions.

The provided Draft Plan of Subdivision indicates that the tributary of Kraft Drain will be maintained with a minimum 15 m buffer applied. NPCA staff request that a buffer planting / enhancement plan be provided to enhance the buffer associated with the watercourse.

Draft Plan of subdivision - \$2770

Grading & Drainage - \$380

Work permit – TBD

Scoped EIS - TBD

With Best Regards,

Jessica Abrahamse M.E.S.
Watershed Planner

250 Thorold Road West, 3rd Floor

Welland, On

L3C 3W2

(905) 788-3135 Ext. 235

jabrahamse@npca.ca

www.npca.ca

[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at https://twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited

Niagara Region – Development Services Division

Pre-Consultation Notes

0-10747 Kraft Road (access to Crescent Road), Fort Erie

March 10, 2022

Attendees

Alex Morrison (Region); Daryl Vander Veen (Town); Aaron Butler (Town); Jeremy Korevaar (Town); Mohammed Kamruzzaman (Town); Pieter Wasserman (Town); Danielle Foley (Town); Robert Kirk (Town); Matt Kernahan (Agent – Upper Canada Consultants); Matt (Mountainview); Jason Schooley (Agent – Upper Canada Consultants)

Type of Application: Zoning By-law Amendment & Draft Plan of Subdivision

Application Description

- The applicant is proposing to rezone the property to facilitate the development of 145 street townhouse dwellings, 70 single detached dwellings, and 8 semi-detached dwellings.
- The development includes the preservation of the existing watercourse and the construction of a stormwater management facility that will discharge to the existing storm sewer in Crescent Road.

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): Settlement Area.
- Growth Plan: Designated Greenfield Area.
- Regional Official Plan (ROP): Urban “Designated Greenfield” Area.

Planning Comments

- Regional staff do not object to the proposal, in principle, as the proposed uses are permitted within Provincial and Regional urban area policies.
- The subject lands are located within the “Designated Greenfield Area (DGA)” of the ROP and should support the achievement of 50 people and jobs per hectare (ppj/ha). As proposed, based on Regional staff’s preliminary calculation, the density of this development is approximately 53.16 ppj/ha, which would satisfy the target as set out in the ROP.
- If a DGA target of 50 ppj/ha is not met, the Town will need to address the shortfall elsewhere in Fort Erie to support meeting the DGA target across the local municipality.
- The proposal will contribute to the diversification of Niagara’s housing supply and housing options (townhouses and semi-detached).

Archaeological Resources

- Based on a review of the Province’s Criteria for Evaluating Archaeological Potential, the site exhibits a high potential for the discovery of archaeological resources, as it’s within 300 m of a natural watercourse feature that runs along the east edge of the property. Additionally, the subject lands is mapped as having “Archaeological Potential” in the Town’s Official Plan Schedule D.
- As such, Regional staff requires the completion of a Stage 1-2 Archaeological Assessment (plus any subsequent recommended assessments) and copies of any applicable acknowledgement letters from the Ministry of Heritage, Sport, Tourism, and Cultural Industries (MHSTCI) for the proposal.
- Staff requires the Stage 1-2 Archaeological Assessment (plus any subsequent recommended assessments) at Zoning stage. The MHSTCI acknowledgement letters can be addressed through future condition of Draft Plan Approval, as well as the standard archaeological resource warning clause.

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Land Use Compatibility

- The subject property is nearby stationary (highway commercial uses) and transportation-related (Garrison Road) noise sources that may result in potential adverse impacts to the proposed sensitive uses. A Noise Feasibility Study is required that assesses these nearby stationary and transportation-related noise sources, as well as includes recommendations for any appropriate mitigation measures / devices and warning clauses that can be implemented through site and/or building design.
- At future Planning Act stages (i.e., Draft Plan), staff requests the submission of a Detailed Noise Study that confirms the Noise Feasibility Study's recommendations, as well as considers any potential changes that have been made to the concept since the Zoning application.
- Both the Noise Feasibility Study and future Detailed Noise Study shall be completed in accordance with the Ministry of the Environment, Conservation and Parks' (MECP) NPC-300 Guidelines.
- Regional staff to determine whether a Peer Review is required upon receipt and review of the submitted Noise Feasibility Study / Detailed Noise Study.

Environmental Comments

- The subject parcel is outside the Region's Core Natural Heritage System. As such, Environmental Planning have no environmental requirements for the proposal.

Transportation / Roads

- Crescent Road (Local).

Servicing

- Water: 200 D PVC (Regional) – Crescent Road.
 - Staff note that this main is to be transferred from the Region to the Town, as the water tower has been remove.
 - If the main has not been transferred prior to the servicing connection – a Regional connection permit and fee will be required (\$1,250).
- Sanitary: 300 D AC (Local) – Crescent Road.
 - If there is an extension of municipal sanitary sewer will require ECA approval or approval through Consolidated Linear Infrastructure ECA depending on timing of the application.
- Storm: 1050 D Conc (Local) – Crescent Road.

Stormwater Management

- Staff has reviewed the Stormwater Management Brief that was provided with the pre-consultation proposal. The SWM Brief proposes for the development's controlled stormwater discharge to be directed to the Crescent Road storm sewer during a 5-year design storm. Town staff will need to review and approve the Brief to ensure the proposed plan will not negatively affect the local pipe capacity and Town's Master Storm Service Plan.
- As indicated in the SWM Brief, the pond outflow beyond the 5-year storm will discharge off site to the Kraft Drain tributary. It appears from the preliminary SWM Plan that the pond outflow will discharge across private land adjacent to the site to the creek. Therefore, Regional staff suggest at early planning stage a mechanism be coordinated with Town and private land owner to ensure the perpetual, unimpeded outlet across the adjacent land.

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- At the time of future Planning Act Application (i.e. Draft Plan), the Region requires that a Stormwater Management Report (and the associated \$1,830 fee) is submitted for review and approval that demonstrates:
 - a) Stormwater runoff from the development be collected and treated to a Normal protection level (i.e. 70% long-term suspended solids removal) as the minimum acceptable standard prior to discharge from the site.
 - b) The creek should not be negatively affected as a result of the development. Adequate erosion protection should be installed at pond outlet to the creek.
 - c) Prior to construction, Region requires that detailed grading/servicing, stormwater management, and construction sediment control plans be submitted to this office for review and approval.

Waste Collection

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per lot (bi-weekly collection).
- Curbside collection only.
- Regional staff will need to the road design to confirm waste collection feasibility. Additional, if the development is phased, plans should be submitted to ensure that temporary turnarounds are included for waste collection vehicles (if necessary).

Required Studies and Materials

- Stage 1-2 Archaeological Assessment (plus any subsequent assessments) and any applicable letters of acknowledgement from the MHSTCI.
 - Completion of archaeological assessments is required at Zoning stage.
 - Any applicable MHSTCI acknowledgement letters can be managed at Draft Plan stage.
- Noise Feasibility Study – at Zoning stage.
 - Detailed Noise Study – at Draft Plan stage.
- Stormwater Management Report with detailed grading, storm servicing, stormwater management, and construction sediment control plans – at Draft Plan stage.

Regional Review Fees

The Region's 2022 Fee Schedule is available at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

- Zoning By-law Amendment (\$1,345) – at Zoning stage.
- Draft Plan Review (\$5,340 base fee + \$1,850 per hectare) – at Draft Plan stage.
- Stormwater Management Review greater than 5 ha (\$1,830) – at Draft Plan stage.
- Connection Permit Fee (\$1,250) – if applicable at construction (see “Servicing” comments above).

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Town Comments

- A Zoning By-law Amendment is required to implement the proposed Draft Plan. A Planning Justification Report is required for the proposed Zoning Application.
- The subject property has a drainage feature along the Drainage Feature along the easterly portion (NPCA regulated). EAC will need to review the proposed to remove the “Environmental Protection” Zone.
- Town staff requires the completion of an Archaeological Assessment for the development.
- Town staff waive the need to submit a Neighbourhood Plan with the application.
- Town staff requires the submission of a Function Servicing Report, Streetscape Plan, and Tree Preservation Plan.
- Please refer to the Complete Pre-consultation Package for a fulsome list of Town requirements.

NPCA Comments

- NPCA staff requests a site visit to confirm potential study requirements.
- A Planting Plan is requested for the submission – Town staff to clarify whether this is a requirement.