

**Planning Justification Report**

Zoning By-law Amendment

4409 Erie Road

Town of Fort Erie, ON

For: Crystal Bay Cottages Inc.

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# Table of Contents

- 1.0 Introduction ..... 3**
- 2.0 Description of Subject Lands and Surrounding Area ..... 3**
- 3.0 Proposed Development ..... 12**
- 4.0 Supporting Studies Review ..... 15**
  - 4.1 Archaeological Assessment ..... 15
  - 4.2 Tree Inventory and Preservation Report ..... 15
  - 4.3 Functional Servicing Report ..... 15
- 5.0 Planning Policies ..... 16**
  - 5.1 Provincial Policy Statement (2020) ..... 16
  - 5.2 Growth Plan for Greater Golden Horseshoe (2019)..... 18
  - 5.3 Niagara Region Official Plan (2014) ..... 22
  - 5.4 Town of Fort Erie Official Plan (2018 Consolidation) ..... 29
  - 5.5 Town of Fort Erie Crystal Beach Secondary Plan (*UNDER APPEAL*) ..... 50
- 6.0 Proposed Zoning By-law Amendment ..... 58**
- 7.0 Summary and Conclusion..... 66**
- 8.0 Appendices..... 68**
  - Appendix A: Regional Schedules ..... 69**
  - Appendix B: Town Schedules ..... 76**
  - Appendix C: Adopted Crystal Beach Secondary Plan Schedules ..... 83**
  - Appendix D: Zoning By-law Map..... 89**
  - Appendix E: Draft Zoning By-law Amendment ..... 2**

## 1.0 Introduction

NPG Planning Solutions Inc. (NPG) were retained as planning consultants for Crystal Bay Cottages Inc. owners of approximately 5876 square metres of land in the Town of Fort Erie municipally known as 4409 Erie Road (“Subject Lands”). The Subject Lands are legally described as Part of Lots 29 & 30, Broken Front Concession Lake Erie, and Part of Lot 65 Plan 372 and Part of Lot 83 Plan 379, Town of Fort Erie, Regional Municipality of Niagara. NPG has been retained to provide professional planning advice on the proposed development of an eight (8) bungalow loft complex on the Subject Lands. The existing 2-storey dwelling is to remain, totalling 9 dwellings units on the Subject Lands. Implementation of the proposed development requires a Zoning By-law Amendment (ZBA) and a future Site Plan application, consent to sever the existing house, and Condominium application.

The following Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the application for the Amendment to the Zoning By-Law 129-90 when assessed against policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), Niagara Region Official Plan (“NROP”), and the Town of Fort Erie Official Plan (“Town OP”). The proposed development is an example of good land use planning, and therefore, we recommend that the Zoning By-Law Amendment be approved.

As per the Pre-Application Consultation Agreement dated January 27th, 2022, the following documents are required for a complete Zoning By-law Amendment application:

1. Planning Justification Report
2. Urban Design Brief/ Landscape Plan
3. Conceptual Site Plan with renderings of the dwellings
4. Archaeological Assessment

## 2.0 Description of Subject Lands and Surrounding Area

As shown in **Figure 1 – Site Context**, the Subject Lands are bound by Erie Road on the north and Lake Erie along the south. The Subject Lands have a frontage of approximately 43.69 metres on Erie Road, a depth of approximately 210.4 metres and a total area of approximately 5876 square metres. Erie Road is classified as a Municipal Road and is part of the Local Bicycle Network as per Schedule E of the Town OP. The land is designated Urban Residential in the Town’s Official Plan and zoned Waterfront Residential (WR) in part and Hazard (H) in part in Zoning By-law 129-90.

Currently, there are two existing dwellings on the site, located at the rear of the property and serviced by an existing gravelled driveway. The dwelling closest to the lake is 2-storeys and contains a car port and a stone patio, and the second dwelling is 1-storey in height also with a carport and shed. The 1-storey dwelling is proposed to be demolished while the 2-storey will be retained with minor building upgrades.

There is a stone sidewalk between the residential dwellings that runs along the eastern side of the 2-storey dwelling to the private beach. There are a few trees located at the front of the site and along the eastern edge of the site around the existing dwellings. The site is otherwise grassed and there are no areas of natural heritage significance identified on the Subject Lands. Surrounding the property are residential uses to the east and west, Lake Erie to the south, and lands designated Environmental Protection to the north of Erie Road. Please refer to **Photos 1 – 12** on the following pages for more details.

**Figure 2 – Surrounding Context** also shows the location of the nearest commercial businesses along Erie Road and Ridgeway Road in the Crystal Beach neighborhood, containing various restaurants, convenience stores at the Erie/Derby Commercial Core and destinations such as Bay Beach and Crystal Beach Waterfront Park.

**Figure 1 Site Context**



Existing uses surrounding the Subject Lands include the following:

- **North:** Wooded area (Environmental Protection)
- **South:** Lake Erie
- **East:** Residential
- **West:** Residential



Figure 2 Surrounding Context

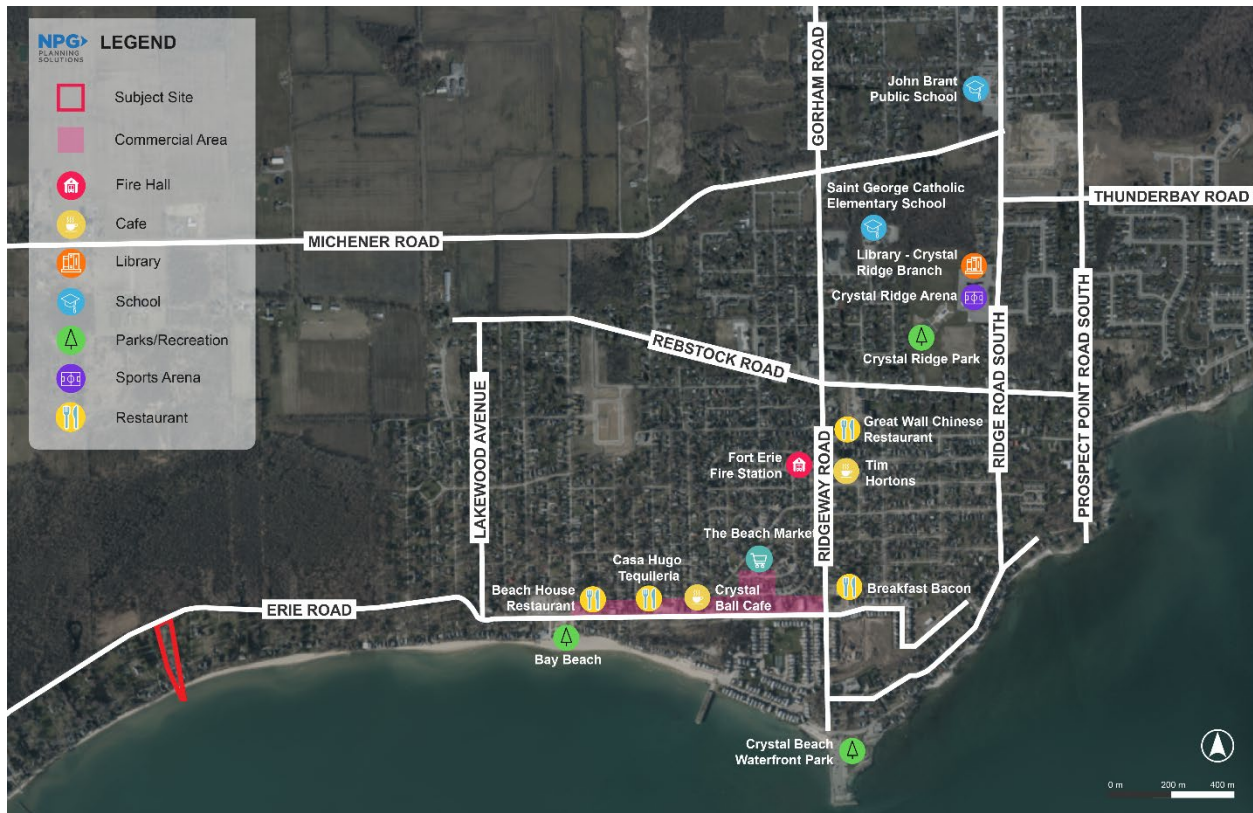


Photo 1. View of the existing dwelling to be retained





**Photo 2. View of the existing dwelling to be demolished**



**Photo 3. View of the property west of the Subject Lands**





**Photo 4. Gravelled driveway leading to the existing dwellings**



**Photo 5. View of the dwelling on the adjacent property west of Subject Lands**





**Photo 6. Existing ingress/egress from Erie Road**



**Photo 7. View of the western property boundary (red flag post marking) looking southward**





**Photo 8. View of the Northern Portion of the Subject Lands**



**Photo 9. Interface between the existing dwelling (left) and dwelling on adjacent property (right) east of the Subject Lands**





**Photo 10. Interface between the existing dwelling (left) and dwelling on adjacent property (right) east of the Subject Lands**



**Photo 11. Interface between the existing dwelling (left) and dwelling on adjacent property (right) west of the Subject Lands**





**Photo 12. View of the existing dwelling to remain from the Private Beach**





### 3.0 Proposed Development

Crystal Bay Cottages Inc. is proposing to develop a total of 9 dwelling units, which will include the eight (8) bungalow loft style units and the existing 2-storey dwelling. Units 1 and 2 are detached bungalow lofts situated along the front property line. Both units will be visible from Erie Road and will have individual driveways directly accessing the road. An Entrance Feature is located east of Unit 2, through which the remainder of the units will be accessed.

Units 3 to 5, located centrally on the site, are bungalow lofts arranged side-by-side in a row, would be considered “block townhouses” per the definition in the Town’s Zoning By-law, as stated below. These units are referred to as townhouse-style bungalow lofts throughout this report.

*“DWELLING, BLOCK TOWNHOUSE” means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common wall, the said dwelling being located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, 1998, as amended, or any successor legislation.*

Units 6 and 7 are detached bungalow lofts situated on either side of the hammerhead turn. Unit 8 is a detached bungalow located closer to the rear of the property. The existing 1-storey dwelling will be removed to accommodate Units 7 and 8. The existing 2-storey dwelling will remain with some modifications proposed to the front porch area. A walkway is proposed along the south of the existing dwelling providing access to the private beach area for all future residents of the development.

Lot coverage is proposed at approximately 27% of the total site area, and landscaping is proposed to cover approximately 41% of the entire site area. Landscaping is comprised of the landscaped areas on each lot and along the perimeter of the property. The housing type is proposed to be bungalow loft (see **Figure 3** on the following page). Each unit features a garage, that can accommodate two cars, and an accompanying driveway, as well as a covered porch at the front yard and a covered deck at the rear yard.

This neighbourhood showcases deep estate lots with dwellings closer to the waterfront. The proposed development intends to maintain the existing dwelling closest to the beach to avoid any potential impacts to the neighbouring dwellings (to the east and west), also located near the beach. This proposal is a type of development that will have a low building profile of 2-storeys which respects the context of the surrounding properties. The proposed built form represents a subtle approach to density that allows for more housing options by delivering a residential density of 16 units per hectare. Overall, the proposed housing type is appropriate to increase density in a compatible manner.

Figure 3 Rendering of the Proposed Development from Erie Road



Access to the site is proposed via Erie Road, which is a Municipal Road in the Town of Fort Erie. The adopted Crystal Beach Secondary Plan identifies Erie Road as a Municipal Collector Road, with the Town OP stating that Collector Roads are designed to carry moderate volumes of inter-neighborhood traffic and to function as links between Arterials, Provincial Highways, or Local Roads. As of October 2021, Fort Erie provides On-Demand Services that is a shared-ride public transit service without a fixed schedule or route. The On-Demand transit operates within the entire Town. Riders may have to walk up to 400 metres to a bus stop or point of interest to meet their transit vehicle. The nearest bus stop is farther than 400 metres from the Subject Lands (at the intersection of Willowood Ave and Erie Road), which means pick-up could be arranged from the entrance of the development.

There are three driveway connections from the proposed development to Erie Road – one from each Units 1 and 2, and one from the private road connecting the remainder of the units and the existing detached dwelling. The proposed private road features decorative pavement, which adds to the character of the development while indicating a shared space between vehicles, pedestrians, and cyclists, alerting different users for increased safety and caution. The existing sidewalk on the eastern side of the current 2-storey dwelling will remain as is and is intended to be used by the existing dwelling unit. Waste collection is contemplated through regional curb-side pick-up. A hammer head turn is provided between Units 7 and 8, where appropriate turning radii will be implemented.

The Town of Fort Erie Official Plan designates the Subject Lands as Urban Residential according to Schedule A – Land Use Plan (see **Appendix B – Town Schedules**). As per Policy 4.7.4.1 of the Town’s Official Plan, the designation allows for a variety of residential

densities by permitting housing forms such as single dwellings, semi-detached dwellings, townhouses, multiple-unit dwellings, apartments, and more. Notably, the designation does not have a height or density restriction. The proposal complies with this designation, and the proposed development does not require any modifications to the current Official Plan. The Subject Lands are within the Crystal Beach Secondary Plan Area, with Waterfront Residential designation on the northern portion and Environmental Protection on the southern portion of the Subject Lands. However, since the Plan (OPA No. 56 and By-law No. 144-2021) was passed by Town Council, it was subsequently appealed. Crystal Bay Cottages is one of the appellants. As of the writing of this report, the current Urban Residential designation is in effect.

The Town of Fort Erie Zoning By-law 129-90 currently zones the lands as Waterfront Residential (WR) in part and Hazard Zone (H) in part. As per Section 16.2 of the Zoning By-law, one single-detached dwelling and their accessory uses, and home occupations are the only uses permitted in the WR Zone. The proposed development of five bungalow lofts and three townhouse style bungalow lofts are currently not permitted within the WR Zone. As such, clients are proposing to re-zone the Subject Lands to a Site-Specific Residential Multiple 1 Zone (RM1-XXX) and Hazard Zone (H-XXX), which will include relief from: minimum lot frontage, minimum landscaped area, minimum landscaping, and planting strip width abutting a Residential Zone, and minimum landscaped open space area in a Residential Zone. Further details of the proposed amendments can be found in **Section 6.0 – Proposed Zoning By-law Amendment** of this report.

## 4.0 Supporting Studies Review

Supporting studies were required to ensure the subject lands are suitable for the proposed development. The following reports and analyses have been prepared by qualified professionals according to industry standards and should be read in their entirety.

### 4.1 Archaeological Assessment

A Stage 1-2 Archaeological Assessment was completed by Detritus Consulting Ltd., in July 2022. The assessment revealed 13 positive test pits in three clusters on the Subject Lands and qualifies for Stage 3 assessment according to the 2011 Standards and Guidelines.

A letter has been prepared by Detritus Consulting Ltd., dated September 30, 2022, summarizing the results of Stage 1-2 Archaeological Assessment, and recommending the Stage 3 assessment. The Stage 3 Assessment is being completed in October 2022.

Please refer to the enclosed letter for additional information on the artifact findings.

### 4.2 Tree Inventory and Preservation Report

A Tree Inventory and Preservation Report prepared by Jackson Arboriculture Inc. and dated September 30, 2022, demonstrates that a total of 29 trees currently exist on the property, with no rare, threatened, or endangered tree species and no trees are situated within the road allowance. A Tree Preservation Plan, dated September 30, 2022, accompanies the report, and illustrates the removal of Trees 3-5, 8-12, 18-21, and 24-29 will be required to accommodate the proposed development. Preservation of the remaining trees will be possible subject to the recommendations provided in the report.

Please refer to the report and the associated Tree Preservation Plan for further details.

### 4.3 Functional Servicing Report

A Functional Servicing Report, dated October 17, 2022, was prepared by Upper Canada Planning & Engineering Ltd. for the Subject Lands. The report assessed the domestic and fire protection water service needs, sanitary servicing needs, and stormwater management needs for the site and concluded that there is adequate municipal servicing for this development. The following items are summarized from the report:

1. The existing dwelling on the property will be a separate parcel with access and servicing easements through the proposed roadway. The servicing for the existing dwelling will be connected to with perpetual rights.
2. A new private water service will be provided for fire and domestic water supply.
3. The proposed development will be connected to the existing sanitary sewer line located on the south side of Erie Road.
4. Stormwater quantity (control structure and underground storm sewer) and quality controls is proposed for storm events up to and including the 100-year event.

Further details on conclusions and recommendations can be found in the enclosed Report.

## 5.0 Planning Policies

As aforementioned, the purpose of this Planning Justification Report is to evaluate the appropriateness of advancing the application for a Zoning By-law Amendment in the context of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, Region of Niagara Official Plan, Town of Fort Erie Official Plan and Town of Fort Erie Zoning By-law 129-90. The following provides an overview and discussion of these documents.

### 5.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land and development within the province of Ontario. It supports improved land use planning and management, contributing to a more efficient land use planning system, which seeks to ultimately protect resources of provincial interest, public health and safety, and preserve and maintain the natural environment.

#### POLICY

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##### Section 1.1.1

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

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

#### ANALYSIS

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The proposed development will provide an opportunity for residential intensification and will promote efficient utilization of the underutilized land over the long-term. The proposed development will utilize the existing municipal services and infrastructure, and the supporting studies confirm that the available services can accommodate the needs of the future residents. Our client has appealed Crystal Beach Secondary Plan OPA No. 56 on the basis that it is inconsistent with the PPS 2020 in that:

- i) it does not promote efficient development and land use patterns; and
- j) it does not include appropriate development standards which facilitate intensification and redevelopment.

#### POLICY

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##### Section 1.1.3 Settlement Areas

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



**1.1.3.2** Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- a) support active transportation;

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

**1.1.3.3** Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

## **ANALYSIS**

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The Subject Lands are located within the Urban Area of the Town of Fort Erie as defined in the PPS and are within an area that is the focus of growth and development. The proposal will develop the underutilized parcel, which will provide an opportunity for residential intensification and promote its efficient utilization over the long term.

The proposed use will utilize the available servicing infrastructure (sanitary and watermains) along Erie Road. The residential intensification allows the efficient use of infrastructure and facilitates. Furthermore, Erie Road is part of the Town's bicycle network and the Region's Strategic Cycling Network. The site's relative proximity to Bay Beach and commercial offerings in the Crystal Beach neighbourhood supports active transportation in the community.

## **POLICY**

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### **Section 1.4 Housing**

**1.4.3** Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

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

## **ANALYSIS**

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The proposed development will deliver residential intensification by way of eight dwelling units, at a density of approximately 16 units per hectare. The single-detached and townhouse-style bungalow loft model with garage will allow for a housing option that efficiently utilizes the existing municipal services. Additionally, the proposed density in proximity to local commercial establishments in the Crystal Beach neighborhood will assist in creating a more active and livable community.

## **POLICY**

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### **Section 2.6 Cultural Heritage and Archaeology**

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

## **ANALYSIS**

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In accordance with Section 2.6.2, an archaeological assessment was conducted by Detritus Consulting Ltd. to evaluate the archaeological potential on the Subject Lands. The Stage 1-2 assessment was conducted which resulted in artifact findings. A letter has been prepared by Detritus Consulting Ltd., recommending a Stage 3 assessment, and the analysis of the findings will be submitted subsequent to this submission. An addendum to this report will be filed at that time.

### **Summary**

The proposed development is within an existing settlement area and will provide additional housing supply to align with the needs of the current and future residents. The development is appropriately located to rely on available municipal services and infrastructure and does not contain any environmental features. Artifacts with archaeological significance found on the Subject Lands are being reviewed, and the lands will not be developed until a clearance is recommended.

Based on the foregoing, the proposed development is consistent with the general policies and intent of the PPS.

## **5.2 Growth Plan for Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019. The Plan directs growth to Settlement Areas throughout the Greater Golden Horseshoe, including the Region of Niagara and the Town of Fort Erie. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make



efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

## **POLICY**

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### **Section 1.2.1 Guiding Principles**

*1.2.1 The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:*

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*

## **ANALYSIS**

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Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households. The development proposal supports the achievement of a complete communities vision by providing residential uses on an underutilized parcel of land. The location of the site with relative proximity to community amenities and local businesses in the Crystal Beach neighborhood further implements the complete communities vision. Erie Road is part of the Region’s Strategic Cycling Network (see Schedule E in **Appendix A – Regional Schedules**) Town’s Local Bicycle Network (see Schedule E in **Appendix B – Town Schedules**), with a planned Signed Bike Route along Erie Road (see CB-6 in **Appendix C – Draft Crystal Beach Secondary Plan Schedules**). The proposed residential intensification will be supported by the planned bicycle route, which will provide a convenient connection to local destinations. Further, Section 2.1 of the Growth Plan speaks to the importance of optimizing the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development. The proposed development will make optimal use of the Subject Lands in delivering residential use in a compatible manner.

## **POLICY**

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### **Section 2.2.1 Managing Growth**

*2.2.1 (2) Forecasted growth to the horizon of this Plan will be allocated based on the following:*

*a) the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

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

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

*iii. are in the Greenbelt Area;*

*c) within settlement areas, growth will be focused in:*

*i. delineated built-up areas;*

*ii. strategic growth areas;*

*iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*

*iv. areas with existing or planned public service facilities;*

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

## **ANALYSIS**

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The Subject Lands are located within the Built-up Area of Fort Erie as per Schedule 2 of the Growth Plan. Implementation is addressed through, in part, the Niagara Region Official Plan which is requiring 40% of all new residential growth to be within the Built-up Area (Policy 4.C.3.1 of Niagara Region Official Plan), which will increase to 50% at the time of the next Municipal Comprehensive Review to conform with Policy 2.2.2.1 a) of the Growth Plan. The proposed development will provide residential intensification within an area with existing municipal services and in an area planned for intensification.

## **POLICY**

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### **Section 2.2.2 Delineated Built-up Areas**

**2.2.2 (3)** *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

*c) encourage intensification generally throughout the delineated built up area;*

### **Section 2.2.6 Housing**

**2.2.6 (1)** *Upper-and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

*a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan*

## **ANALYSIS**

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The proposal emphasizes compact and well-designed development that prioritizes intensification in the Built-up Area, while contributing to the achievement of the Region's intensification target for the Town. The 15% target is addressed by accommodating 8 dwelling units at a density of approximately 16 dwelling units per hectare in a manner that is compatible with the surrounding context. Development of the Subject Lands will support the achievement of a "complete community" vision within the area by providing homeownership options in this area of Crystal Beach, close to retail services, transit stops and neighbourhood facilities (parks, waterfront access, and commercial uses). Additionally, the proposed bungalow loft houses are compatible with the surrounding low-

density residential uses, based on the detailed analysis undertaken in **Section 5.4 – Town of Fort Erie Official Plan** of this report.

## **POLICY**

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### **Section 3.2.6 Water and Wastewater Systems**

**3.2.6 (2)** *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

- a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*
- b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*

## **ANALYSIS**

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As per Section 3.2.6.2, the proposed development will be serviced by the existing municipal water, wastewater and storm sewer systems, and will be implemented in accordance with the recommendations of UCC's Functional Servicing Design brief. The summary of the report is provided in Section 4.3 – Functional Servicing Report of this report.

## **POLICY**

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### **Section 4.2.2 Natural Heritage Systems**

**4.2.2 (3)** *Within the Natural Heritage System for the Growth Plan:*

- a) new development or site alteration will demonstrate that:
  - i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions**

## **ANALYSIS**

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Section 4.2.2 – 4.2.3 of the Growth Plan deals with the Natural Heritage System policies. A portion of the Subject Lands are designated Significant Natural Areas in Schedule C of the Town's Official Plan (see Appendix B of this report), however, the designation is related to the shoreline the lands share with Lake Erie. The proposed development is located further away from the shoreline and as such, the lands do not contain woodlands, wetlands (or associated buffers), ANSIs, or any other features on the property. The Tree Preservation Report and Plan, prepared by Jackson Arborist, documents no rare, threatened or endangered tree species in the tree inventory. An Environmental Impact Study was not required due to the shore wall and the existing house which is to remain. These two elements of the landscape are long established. The shore wall has been determined to provide protection of the Lake Erie shoreline according to the Niagara Peninsula Conservation Authority.

## **POLICY**

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### **Section 4.2.7 Cultural Heritage Resources**

**4.2.7 (1)** *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

## **ANALYSIS**

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Following Section 4.2.7, a Stage 1-2 Archaeological Assessment was conducted by Detritus Consulting Ltd. to assess the archaeological potential of the site. Archaeological resources were identified in three clusters on the Subject Lands, and a Stage 3 assessment is recommended. An addendum to this planning report will be filed with the archaeological reports. Please refer to Section 4.1 – Archaeological Assessment of this report and the enclosed letter from Detritus Consulting for more information.

### **Summary**

The proposed development is located within the delineated Built-up Area and supports the achievement of complete communities, housing choice, as well as the minimum intensification targets for the Town of Fort Erie and will make use of the existing municipal services and the available transit network. Additionally, given the site context and adjacent built form, the proposed development exhibits a compact built form that introduces appropriate intensification while maintaining compatibility with the neighborhood. There are no environmental features identified for preservation on the Subject Lands. Lastly, the lands contain artifacts that are of archaeological significance and an addendum will be filed with the archaeological reports to evaluate the proposed Zoning By-law Amendment application.

Based on the foregoing, the proposed development conforms with the general policies and intent of the Growth Plan.

### **5.3 Niagara Region Official Plan (2014)**

The Niagara Region Official Plan (NROP) is a long-range document that guides the physical, economic, and social development of Niagara Region. It contains objectives, policies and mapping that implement the Region's approach to ensuring that most new development in Niagara Region is directed towards the existing Built-up Area to accommodate future growth.

<b>SCHEDULE</b>	<b>SUBJECT LAND DESIGNATION</b>
<b>A: Regional Structure</b>	Built-Up Area
<b>C: Core Natural Heritage</b>	Lake Erie is identified as Fish Habitat
<b>D1: Potential Resource Areas – Stone</b>	Devonian Formation

SCHEDULE	SUBJECT LAND DESIGNATION
<b>D2: Potential Resource Areas – Sand and Gravel</b>	Sand and Gravel
<b>E2: Strategic Cycling Network</b>	Erie Road is part of the Region’s Strategic Cycling Network
<b>G1: Niagara Economic Gateway</b>	Gateway Economic Zone

The Subject Lands are located in the Built-up Area within the Urban Area Boundary of the Town of Fort Erie (see Schedule A in **Appendix A – Regional Schedules**) and is identified as part of the Gateway Economic Zone (see Schedule G1 in **Appendix A – Regional Schedules**). The following objectives of the Growth Management Policies of the Town OP apply to the proposed development:

## **POLICY**

### **Section 4.A.1 Growth Management Objectives**

*4.A.1.1 Direct the majority of growth and development to Niagara’s existing Urban Areas.*

*4.A.1.2 A significant portion of Niagara’s future growth to the Built-up Area through intensification*

*4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.*

### **Section 4.B.3 Housing Growth**

*4.B.3.1 The Region will maintain the ability to accommodate residential growth within the Regional Market Area:*

- a) For a minimum of ten years through residential intensification and redevelopment and, if necessary, through lands which are designated and available for residential development; and,*
- b) For a minimum of three years through lands with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment or are in draft approved and registered plans.*

### **Section 4.C.1 General Intensification**

*4.C.1.1 Intensification includes all forms of development that occur within the Built-up Area as identified on Schedule A of this Plan.*

### **Section 4.C.2 Local Municipally Designated Intensification Areas**

*4.C.2.1 Each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets set out in Sub-section 4.C.4 of this Plan. Local official plans shall:*

- h) Plan each Intensification Area to achieve higher densities than currently exist within the Intensification Area. It is expected that Intensification Areas will generally achieve higher densities than the surrounding areas*

### **Section 4.C.3 Regional Residential Intensification Target**

**4.C.3.1** *By the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up Area of Niagara's communities.*

#### **ANALYSIS**

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Policy 4.C.1.1 affirms that all forms of development that occur within the Built-up Area is Intensification. Given the above objectives, the Subject Lands are considered suitable for intensification and will make efficient use of the existing municipal services and infrastructure along Erie Road.

Per Policy 4.C.3.1, by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up Area of Niagara's communities. The Town of Fort Erie is expected to accommodate a minimum of 15% of all new residential development through intensification. Policy 4.B.3.1 (a) and (b) notes that residential growth in the Region will be accommodated by residential and intensification and redevelopment through lands which are designated and available for residential development and with servicing capacity.

Section 4.C.2 lists policies for promoting intensification and achieving the intensification targets for local municipalities. Local official plans are to plan each Intensification Area to achieve higher densities than what currently exists within the Intensification Area and to generally achieve higher densities than the surrounding areas (as per Policy 4.C.2.1 h)). The proposed development will support the achievement of the Regional and Municipal intensification targets by attaining a density of 16 units per hectare on the underutilized lands. The Subject Lands will be serviced by On-Demand transit and planned active transportation routes along Erie Road, which will render the proposed development to be transit-supportive and active transportation friendly. The development is also at a higher density than the neighbouring residences, which will contribute to an increase in residents within the area and support the local businesses in the community.

#### **POLICY**

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### **Section 4.G.3 Sustainable Urban Development**

**4.A.1.1** *The Region encourages the local municipalities to establish official plan policies and other measures supporting development that addresses the principles of environmental sustainability including:*

- a) Reducing energy demands;*
- b) Designing development to optimize passive solar energy gains;*
- c) Providing for on-site, renewable energy generation and cogeneration and district energy systems;*

- d) *Maximizing water conservation, including water efficient landscaping and collection and reuse of clean water;*
- e) *Providing appropriate stormwater infiltration at source;*
- f) *Integrating green roofs into energy and water conservation strategies;*
- g) *Providing for collection and storage of recyclable wastes on site;*
- h) *Integrating active transportation and transit into development plans; and*
- i) *Maintaining and enhancing natural heritage and hydrological features and functions in accordance with Chapters 7 of this Plan.*

### **Section 4.G.7 Urban Areas**

**4.G.7.2** *Urban Areas will be the focus of the Region’s long term growth and development.*

### **Section 4.G.8 Built-up Areas**

**4.G.8.1** *Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.*

## **ANALYSIS**

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Section 4.G.3 of the NROP provides policy direction for sustainable urban development. The proposed site design features a compact built form that makes efficient use of land, with integrated landscaping throughout the development. These areas will provide an increased surface for on-site stormwater infiltration. The location of the residential development, proximity to local transit services, and cycling route along Erie Road will reduce commute times for future residents to and from work and traffic congestion on major roads. As such, the proposal supports the Region’s interest in implementing environmental sustainability principles by way of building a compact development, integrating appropriate stormwater management into the development plan, and providing active transportation options to the future residents.

Sections 4.G.7 and 4.G.8 speaks to development in Urban Areas and Built-up Areas, respectively. As previously discussed, the Subject Lands are located within the Town’s Built-Up Area, and the proposed intensification is appropriate and supported by the policies 4.G.7.2 and 4.G.8.1 in the NROP.

## **POLICY**

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### **Section 7.A.2 Water Resources**

**7.A.2.1** *Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:*

- e) *Natural drainage systems, stream forms and shorelines; and*

### **Section 7.A.6 Natural Hazards**

**7.A.6.2** *Local Official Plans and Zoning By-laws shall include maps showing the location and extent of hazardous lands and sites as determined by the Conservation Authority.*

**7.A.6.3** *Along the shorelines of Lake Erie and Lake Ontario:*



- a) *Development and site alteration shall not be permitted within the dynamic beach hazard limit; and*
- b) *Development and site alteration may be permitted within the erosion hazard limit and the flooding hazard limit subject to the approval of the Conservation Authority conditional on part (a).*

**7.A.6.4** *Development and site alteration may be permitted within floodplains if it has been demonstrated to the satisfaction of the Conservation Authority that it is in accordance with the Conservation Authority’s “Fill, Construction and Alteration to Waterways Regulation” (as amended) or its successor, and subject to the Conservation Authority’s approval.*

## **ANALYSIS**

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Section 7 of the NROP provides policies pertaining to the natural environment. Although there are no natural heritage features identified or designated on the Subject Lands per the NROP schedules, the property’s shoreline is designated Natural Hazards and Significant Natural Areas in the Town’s OP and zoned as Hazard Lands in the Town’s by-law.

As previously noted, per Policy 7.A.6.2, the Town’s OP and Zoning By-law only identify the Natural Hazards along the Lake Erie shoreline, outside of the proposed development area. There is currently an existing dwelling to remain that is located closer to the shoreline than the proposed residential units, but which remains outside of the Natural Hazards designation and Hazard Lands zoning. No development is proposed within any hazardous lands and therefore will not encroach upon any natural heritage features.

## **POLICY**

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### **Section 8.B Water and Wastewater Systems**

**8.B.9** *Municipal sewage services and water services are the required form of servicing for development in Urban Areas.*

## **ANALYSIS**

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Section 8.B of the NROP gives policy direction on utilizing water and wastewater systems. The required form of servicing for development in Urban Areas is through Municipal sewage and water services. The proposed development will have services constructed in accordance with the recommendations of the Functional Servicing & Stormwater Management Report, prepared by UCC., dated October 17, 2022. The report identifies that the proposed development can be constructed to meet the requirements of the Town of Fort Erie, subject to the recommendations outlined in the report.

## **POLICY**

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### **Section 9.A General Objectives**

**9.A.2** *Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.*

## **ANALYSIS**

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The Region promotes and supports a multimodal transportation system to reduce single-occupant vehicle trips and encourage transit-supportive development, as per Objective 9.A.2 of the NROP. Erie Road is part of the Region's Strategic Cycling Network, and with the proposed development being serviced by On-Demand transit and being in proximity to commercial uses along Erie Road, the proposal supports active transportation and multi-modal uses to and from the property.

## **POLICY**

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### **Section 10.C.2.1 Built Heritage Resources, Cultural Heritage Landscapes and Archaeological Resources**

*10.C.2.1.13 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.*

## **ANALYSIS**

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The Regional comments at the pre-consultation meeting, dated January 27<sup>th</sup>, 2022, identified the Subject Lands as having high potential for archaeological resources as it is within 300m of Lake Erie. A Stage 1-2 Archaeological Assessment has been completed by Detritus Consulting Ltd. that resulted in artifact findings. A letter prescribing Stage 3 assessment is enclosed with this submission. A subsequent report will be prepared and submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries with their final recommendation of the archaeological condition. An addendum to this report will be submitted with the final archaeological reports.

## **POLICY**

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### **Section 11.A Residential Areas and Housing**

*11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.*

*11.A.2 The Region encourages the development of attractive, well designed residential development that:*

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.*
- b) De-emphasizes garages, especially in the front yard.*
- c) Emphasises the entrance and points of access to neighbourhoods.*
- d) Is accessible to all persons.*
- e) Incorporates the principles of sustainability in building design.*
- f) Provides functional design solutions for such services as waste collection and recycling.*
- g) Provides an attractive, interconnected and active transportation friendly streetscape.*
- h) Contributes to a sense of safety within the public realm.*
- i) Balances the need for private and public space.*
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.*

- k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.*

## **ANALYSIS**

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Section 11.A speaks to the Region's policy direction for attractive and well-designed residential developments. The NROP encourages a variety of housing types within urban neighbourhoods to serve a variety of people for age-in-place benefits. The proposed development will provide a low-density housing model in the form of single- and townhouse-style bungalow loft units. The proposed housing form is compatible with neighbouring residences in which they are within 1 – 2 storeys high and reflect the height and less massing of existing homes in the community. These units are not anticipated to cause significant privacy or shadowing concerns for the immediate neighbours. There is only one unit (Unit 1) placed along the western lot line, with its side elevation setback 1.5 metres from the property line. Along the eastern lot line, where the majority of the units are located, a 6-metre setback is established for units with rear yards and 3 metres for units with side yards facing this property line. We believe adequate building setbacks along the eastern and western lot lines have been established in accordance with the Town's Zoning By-law. Landscaped treatments are proposed along the perimeter of the property to provide a buffer to the adjacent residential homes and the neighboring properties. Further analysis is undertaken in **Section 5.4 – Town of Fort Erie Official Plan** of this report. The private road provides direct connection from Erie Road to each residential unit, with decorative pavement indicating a shared space for vehicles, pedestrians, and cyclists, increasing alertness and caution. On-site landscaping and open areas will promote groundwater percolation, and a designated area for waste collection and recycling further promotes the principles of sustainability.

### **Summary**

The proposal focuses development in an area identified for long-term growth that can be serviced through municipal infrastructure. It facilitates residential intensification by way of approximately 16 units per hectare, which will contribute to the Region and Town's intensification targets. The proposal incorporates principles of sustainability in the site design through landscaping features and will not impact any natural heritage features on the site. Further, the proposed development is compact, making efficient use of land while proposing a compatible form of low-density development. Its location along Erie Road, as part of the Region's cycling network and proximity to transit and commercial areas, supports and enables multi-modal and active transportation options.

Based on the foregoing, the proposed development conforms with the general policies and intent of the Niagara Region Official Plan.

## 5.4 Town of Fort Erie Official Plan (2018 Consolidation)

The Town of Fort Erie Official Plan guides growth and development through the use of land use designations and policy with respect to urban lands, conservation of natural heritage features and servicing for the 20-year time horizon. The Plan's goal is to encourage a reasonable balance between housing and employment opportunities and accommodate population growth and future development in an orderly and efficient land use pattern.

The following table identifies the Town Schedules pertaining to the Subject Lands.

SCHEDULE	SUBJECT LAND DESIGNATION
<b>A: Land Use Plan</b>	Urban Residential in part and Environmental Protection in part; Within Urban Boundary
<b>A1: Neighbourhoods</b>	Within Crystal Beach Neighbourhood
<b>C: Natural Heritage Features</b>	Within Environmental Corridor; partially designated Significant Natural Areas
<b>C1: Natural Hazards &amp; Fish Habitat</b>	Partially designated Natural Hazards including Floodplain
<b>D: Cultural Heritage Archaeological Zones of Potential</b>	Archaeological Potential
<b>E: Transportation Plan</b>	Erie Road is a Municipal Road and part of the Local Bicycle Network

## POLICY

### Section 2.3.5 Residential

#### Goals

- To accommodate population growth and future housing needs by providing for a full range of housing choices in terms of type, tenure and price available to accommodate persons with diverse social and economic characteristics, and needs;*
- To facilitate the efficient use of community and engineering services and to ensure that development does not create an undue financial hardship on the municipality; and*
- To foster and promote a sense of neighbourhood identity and to make neighbourhoods safe, energy efficient and well connected to everyday needs to reduce the need for the private automobile.*

## ANALYSIS

As per Schedule A1 – Neighbourhoods (see **Appendix B – Town Schedules**), the Subject Lands fall within the neighbourhood of Crystal Beach, which is one of the largest urban areas in the Town second to the Old Town of Fort Erie. In accordance with the Town's goals and objectives for Residential development, the Subject Lands are within

an area where municipal services exist and the proposed development can be constructed to meet the Town's requirements, as indicated in UCC's Functional Servicing Report. Proximity of the lands to commercial areas and recreational spaces in the Crystal Beach neighborhood will enable convenient access to everyday destinations. The development will enhance the public realm along Erie Road with landscaping features such as a decorative entrance features, street trees, and planters, contributing to the neighbourhood character. The site design includes setbacks and massing with only two units (Unit 1 and 2) visible from Erie Road, which is similar to the placement of a home on the property to the west.

## **POLICY**

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### **Section 4.7 Residential**

- I. New residential development within the urban area should proceed in an orderly phased manner to allow land and infrastructure to be used in an efficient manner. Infrastructure should not be extended through unplanned areas and residential development should be able to integrate with existing planned or developed areas.*
  - a) To minimize land consumption higher residential densities are encouraged. Neighbourhood Plans may contain an overall gross density and a minimum net residential density for development; and*
  - b) In urban areas the overall neighbourhood housing mix in established residential areas shall contain at least: Low Density 80%, Medium Density 10%, and High Density 10%.*
- III. Residential intensification, infill development and redevelopment shall be encouraged in urban areas that have sufficient existing or planned infrastructure.*
- XI. Where lands intended for housing are located adjacent to the Niagara River or Lake Erie development or site alteration shall be consistent with the Natural Hazard policies of this Plan.*

### **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.*

## **ANALYSIS**

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The Town is projected to grow to 36,243 people by 2024, according to Section 3.2 - Growth and Urban Land Needs of the Town's Official Plan. The Subject Lands are in an urban area will make use of an underutilized parcel of land, leveraging existing municipal infrastructure and services. As previously discussed, the lands are considered suitable for residential intensification given the available servicing, proximity to community amenities, and location within the Town's Built-up Area and will provide housing for the

forecasted population. As per Policy 4.7 I.b., the Town Official Plan requires a minimum of 80% of low density in the overall housing mix within established neighborhoods. The proposed density of 16 units per hectare will be an appropriate form of low-density residential development in the area. The lands are within the Crystal Beach Secondary Plan study area, and although, the CBSP is currently not in effect, Section 5.5 of this report discusses policies relevant to the proposed development. The proposal introduces a gentle form of intensification that is not imposing on the surrounding neighborhood and still maintains the low-density character of the area, with appropriate setbacks, massing, and landscaped buffers. Furthermore, the proposed bungalow lofts will offer an alternative housing model that will add to the mix of the existing housing stock in the neighbourhood. It is also a housing form that will attract a variety of households wanting to relocate to this community.

The Subject Lands are designated as “Urban Residential” on Schedule A - Land Use Plan (see **Appendix B – Town Schedules**). The designation permits the proposed single-detached and bungalow loft-style townhouses. Notably, it does not have density requirements for lands designated Urban Residential.

Section 4.7.4.1 II. of the Town Official Plan provides criteria for consideration of medium density and high-density residential uses, and infill residential intensification on vacant lands within the Urban Residential designation. It is our opinion that the proposal can be considered a low-density form of development (at 16 units per hectare) consisting of detached units and bungalow-style townhouses, however, the above-noted policies are discussed below as the requested rezoning is to a Residential Medium I zone. As such, there are no policies for low density infill development in the Town’s Official Plan.

The proposal features a logical configuration of detached and bungalow-style townhouses. Units 1 and 2 are arranged to provide street presence along Erie Road. The remainder of the units is arranged facing the internal road. The proposed lots are generally rectangular and have varying frontages on Erie Road and the internal road. There is a diversity in dimensions and shapes of the proposed lots, although generally comply with the setback requirements of the parent RM-1 zone. Please refer to Table 1 for further analysis on massing, site layout and impacts on adjacent properties.

**Table 1. Policy Analysis for Section 4.7.4.1 II of the Town Official Plan**

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
4.7.4.1 II. a.	<i>The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and</i>	<ul style="list-style-type: none"> <li>• The site has been sensitively designed by providing the majority of the units as single storey bungalow style units.</li> <li>• The site is designed such that only Units 1 and 2 will be visible from Erie Road, keeping with the low-density street</li> </ul>



SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
	<p><i>not negatively impact on lower density residential uses;</i></p>	<p>presence of the neighbourhood on Erie Road.</p> <ul style="list-style-type: none"> <li>• No shadowing impacts are anticipated on the abutting residential units due to the low building profile of the proposed units.</li> <li>• Along the eastern lot line, where the development abuts the neighbouring lot, most units have their backyards facing this lot line and are setback at least 6 metres from the east lot line. There is a 3-metre setback proposed at the pinch point (at Unit 6 and 7). The lot to the east is abutted by the side elevation of these units, with a garage structure and landscaping. There are no significant privacy concerns anticipated due to the orientation of the units that are closer to the eastern lot line.</li> <li>• A major portion of the western lot line is abutted by the proposed driveway and is not anticipated to negatively impact the adjoining neighbour. Appropriate lighting and landscaping will be provided to negate any impacts from passing vehicles. It is acknowledged that there will be an increase in the number of vehicles however the units have their driveways located so that impacts are minimized on adjoining homes.</li> <li>• The proposed front, side and rear yard setbacks comply with the Town's Zoning By-law for the Residential Multiple 1 zone, and no relief is requested for the above-noted setbacks.</li> <li>• As such, the proposed development is not anticipated to cause any significant concerns and is compatible with the neighbouring uses.</li> </ul>
<p>4.7.4.1 II. b.</p>	<p><i>Appropriate open space, including landscaping and buffering to maximize privacy and minimize the</i></p>	<p>The proposed development will provide approximately 41% of the lot area as landscaped spaces. The landscaped spaces contain common amenity areas, private landscaped areas, internal walkways, and</p>



SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
	<i>impact on adjacent lower density uses;</i>	perimeter landscape treatments. As aforementioned, each unit will have its own private amenity area in the form of backyard, covered terrace and patio.
4.7.4.1 II. c.	<i>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;</i>	Each unit will have its own garage space that can accommodate two cars. The proposed parking spaces comply with the Town’s Zoning By-law for the proposed single-detached and townhouse style units. No additional parking areas are provided for the development as visitors will be able to park in the driveway of the units.
4.7.4.1 II. d.	<i>The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;</i>	Waste collection is contemplated through regional curb-side pick-up. A hammer head turn is provided between Units 7 and 8, where appropriate turning radii will be implemented at a later stage.
4.7.4.1 II. e.	<i>Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;</i>	<p>The primary access to the development will be via a 7.5-metre wide driveway. The internal road is intended to provide a two-way drive aisle and is well-designed for the efficient movement of vehicles. Additionally, the proposed private road features decorative pavement, which adds to the character of the development while indicating a shared space between vehicles, pedestrians, and cyclists.</p> <p>The proposed internal road and walkway layout creates efficient circulation for pedestrians and vehicles.</p>
4.7.4.1 II. f.	<i>Convenient access to a collector or arterial road;</i>	Access to the site is proposed via Erie Road, which is a Municipal Road in the Town of Fort Erie. The adopted Crystal Beach Secondary Plan identifies Erie Road as a Municipal Collector Road, with the Town’s Official Plan states that Collector Roads are designed to carry moderate volumes of inter-neighborhood traffic and to function as links

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
		between Arterials, Provincial Highways, or Local Roads.
4.7.4.1 II. g.	<i>Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;</i>	<p>The Subject Lands are predominantly surrounded by single-detached dwellings. In efforts to preserve the existing neighbourhood elements and to be sensitive to the adjacent dwellings, the proposed residential units are appropriately setback from the property line in compliance with the Town’s Zoning By-law requirements for an RM1 zone.</p> <p>The Town places high regard for connections via active transportation means. Erie Road is part of the Niagara Region Cycling Network, which will provide convenient connection to nearby commercial establishments and waterfront park area. The street is also identified for future sidewalk to establish walkable connections in the Crystal Beach Secondary Plan Area (which is currently under appeal, please refer to <b>Section 5.5</b> of this report for more information).</p>
4.7.4.1 II. h.	<i>Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and</i>	<p>Although currently there is no sidewalk present along the Erie Road right-of-way, the street is identified for future sidewalk connection in the adopted Crystal Beach Secondary Plan Area.</p> <p>As previously mentioned, Units 1 and 2 are oriented towards Erie Road that will provide passive surveillance benefits to the neighbourhood.</p>
4.7.4.1 II. i.	<i>Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.</i>	<p>The proposed driveway features decorative pavement provides a shared space between vehicles, pedestrians, and cyclists.</p> <p>Although, bicycle parking is not proposed in the development bikes can be stored in the dwelling units’ respective garages.</p>

## **POLICY**

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### **Section 5.5.2 Neighborhood Planning – Policies**

- I. New residential development should be sensitively designed to complement the existing character of the area, but not required to replicate the existing neighbourhood.*
- II. A distinct identity for each local neighbourhood and/or community will be maintained by encouraging common design themes in the built environment while accommodating individual architectural highlights.*
- III. Redevelopment of existing neighbourhoods will be addressed by providing flexibility in land use and compact, efficient urban form such as alternative lotting patterns and housing types, as well as a mix of uses;*
- IV. Incorporate pedestrian and cycling access within and between residential development, parks, schools, commercial areas, churches, community facilities, employment uses and similar land uses to promote active transportation in a comprehensive manner that considers continuity and connectivity on a broader network basis;*
- V. Encouraging energy efficient designs;*
- VI. Neighbourhood Plans will ensure that housing is provided in a manner that implements and addresses Provincial policies by:
  - a) Providing opportunities for the development of a range of housing choices in terms of type, tenure, size and affordability;*
  - b) Encouraging residential intensification and redevelopment; and 5.5.2**

## **ANALYSIS**

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Section 5.5.2 provides policy guidance on neighbourhood development. The proposed development will contain 8 bungalow loft units which is a higher density than the surrounding residences. The bungalow units range in size between 114 square metres (1232 square feet) to 128 square metres (1380 square feet) to 145 square metres (1560 square feet). The neighbourhood predominantly consists of 2-3 storeys single-detached homes, measuring an average building footprint of 250 square metres (2690 square feet) approximately. These various unit sizes for a single-detached and bungalow-style townhouse form, along with landscaped buffers, setbacks, and low-rise massing, encourages sensitive residential intensification while introducing further housing options to the neighborhood. Notably, the site is designed such that only Units 1 and 2 will be visible from Erie Road, keeping with the low-density theme of the neighbourhood and consistent with the streetscape of the property to the west.

As aforementioned, the site has been sensitively designed to minimize potential impacts to the adjacent residences through the massing and orientation of the units and includes appropriate landscape buffer spaces. The private roadway features decorative pavement, which provides a shared space between vehicles, pedestrians, and cyclists through the development. Moreover, the design of the proposed development demonstrates a compact and efficient built form, where majority of the units are oriented in an east-west alignment. This provides the most energy efficient scenario, reducing heating/cooling and lighting demands. Based on the foregoing, the proposed development is found to comply with the policies under 5.5.2 pertaining to Neighbourhood Planning in the Town.

Section 5.6 of the Town’s Official Plan provides urban design guidelines as a way of providing visual contribution to the establishment of character of the Town and are intended to be integrated with the aforementioned neighbourhood plan policies. The proposed development’s design is evaluated against the relevant policies in this section as tabulated below:

**Table 2. Policy Analysis for Section 5.6 of the Town Official Plan**

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
5.6.1 IV.	<i>Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities</i>	<p>The proposed development is designed to preserve the privacy and comfort of both the existing and future residents of the neighbourhood. Appropriate rear and side yard setbacks have been established for the proposed dwellings to reduce any negative privacy or overlook impacts on the surrounding units and neighboring properties, supplemented by tree plantings in the front and rear yard. The side elevation of Unit 1 abuts the western property line of the neighboring property at 4413 Erie Road. There is a dwelling on 4413, which is setback at least 16 metres from Unit 1. No privacy concerns are anticipated due to the established setback. Furthermore, the western property line abuts grassed area and a driveway on the neighboring property. As a result, no negative privacy or comfort impacts are anticipated.</p> <p>Similarly, the side elevations of Unit 6 and 7 and rear elevation of Unit 8 abuts the eastern neighboring property at 4407 Erie Road. Landscaped buffers such as deciduous tree plantings in the side yards for Unit 6 and 7 and rear yard for Unit 8, respectively, are proposed to mitigate any potential privacy or overlook impacts on both the proposed development and neighboring property. Furthermore, the neighboring property abutting the proposed units consists of a driveway and vegetation. With the proposed setbacks and landscaped treatments, no negative impacts are anticipated. Notably, the existing dwellings on 4407 and dwelling to remain on 4409 are roughly 5.5 metres</p>

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
		<p>apart. There is no change proposed to the existing dwelling to cause privacy concerns to the abutting neighbours on either side.</p> <p>The site layout demonstrates a well-laid out development pattern with a well-connected private road, providing direct access to the units. The decorative pavement throughout the development delineates a clear path to be shared between vehicles, pedestrians, and cyclists. This drive aisle directly connects to Erie Road, which is part of both the Town's and Region's cycling network, providing opportunities for active transportation and access to community facilities and commercial uses within the Crystal Beach neighborhood.</p>
5.6.1 VI.	<p><i>Proposed development patterns will encourage open space connections that link public parks and community facilities through the use of pedestrian and cycling walkways, trails, and other such connections.</i></p>	<p>The proposed development's location along Erie Road, a local and Regional cycling route, will offer opportunities for active transportation to and from the development, leveraging the development's proximity to community facilities and commercial uses.</p>
5.6.1 VII.	<p><i>Generous planting of native species will be provided appropriate to the circumstances and location, and existing vegetation will be preserved to compliment the built form and to create an established appearance.</i></p>	<p>Details related to landscape treatments and type of plantings will be addressed at the site plan application stage. However, generally landscaping will be provided within the proposed development, as follows:</p> <ul style="list-style-type: none"> <li>• Landscaping and street tree plantings provided along the Erie Road frontage will enhance the streetscape.</li> <li>• Plantings along the west and east lot line will primarily provide visual buffering from the adjacent low-density residences through low hedges and tree plantings.</li> </ul>
5.6.1 IX	<p><i>Consideration will be given to matters relating to exterior design in terms of</i></p>	<p>The rendering prepared by ACK Architects (see <b>Figure 3</b>) demonstrates architectural features such as peaked roofs, gabled</p>

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
	<p><i>character, scale, appearance, sustainability and design through site plan control for areas in accordance with urban design guidelines developed as part of the Neighbourhood Plan process.</i></p>	<p>dormers that have a peak at the top and a roof that slopes downward on either side, and a decorative porch area with a column and wide window. Different building materials are used to emphasize the front entrance and deemphasize the garage.</p> <p>The proposed design's character, scale and appearance is in keeping with the dwellings in the existing neighbourhood.</p>
<p>5.6.2 VII.</p>	<p><i>Buildings and streetscapes will be designed to create a sense of identity through rational and sensitive treatment of architectural features, forms, massing, layout, and landscaping.</i></p>	<p>The proposed development provides eight dwellings, of which only two units are visible from the street. The form and massing of the units are such that it matches the overall look and feel of the neighbourhood. Additional landscaping treatments will also be provided to enhance the streetscape along Erie Road as previously mentioned in this report.</p>
<p>5.6.3. I.</p>	<p><i>The effect of buildings and spaces on the surrounding environment will be considered equally with the function and aesthetics of the site to complement surrounding site conditions, including heritage elements, and the intended character of the area.</i></p>	<p>The proposed development supports the Town's vision for the area and contributes to the character of the area in the following ways:</p> <ul style="list-style-type: none"> <li>• The site is designated for residential use and is suitable for intensification given its underutilized nature and proximity to community facilities and commercial uses.</li> <li>• As previously discussed, the proposal is a low-rise built form, in keeping with the character of the neighborhood, while introducing housing options and a gentle form of density to the area. The height and scale of the units will not have negative shadowing or privacy impacts on the surrounding properties and will be further mitigated through setbacks and landscaped buffers.</li> </ul> <p>Overall, the proposed development achieves a harmonious design and integrates well with the surrounding uses.</p>



SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
5.6.3. II.	<p><i>Building and site design will:</i></p> <p><i>a. Be compatible with surrounding site conditions including heritage elements, and the intended character of the area;</i></p>	<p>The proposed development is compatible with the surrounding site conditions for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will provide dwelling units, which is fitting with the surrounding residential uses.</li> <li>• The proposed massing, orientation and location of the residential units is in a manner that reduces potential privacy impacts to the abutting residential uses and is low-rise in nature. The proposed landscaping treatments and tree plantings will enhance both privacy as well as the character of the neighborhood.</li> </ul>
	<p><i>b. Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture;</i></p>	<p>Majority of the dwellings along Erie Road are located closer to the beach and away from the street. There is placement of dwellings closer to the street, such as on lots addressed: 4413, 4425, 4453, and 4461 Erie Road. Units 1 and 2 of the proposed development have been consciously brought closer to the street to provide eyes-on-the-street benefits to the neighbourhood.</p> <p>As aforementioned in the report, appropriate setbacks and landscaping treatments have been implemented to sensitively transition the proposed residential units to the abutting residences, including landscaping features along the site perimeter.</p>
	<p><i>c. Incorporate personal safety measures and provide comfort and amenity space both on the site and on the abutting streetscape;</i></p>	<p>Decorative pavement treatments along the private internal road delineates it as a shared space between vehicles, pedestrians, and cyclists, providing direct connections from Erie Road to each residential unit.</p> <p>Each unit has its own backyard space that will function as a private amenity area. A sidewalk connection will be provided for residents to access the beach area. A photometric plan will be implemented</p>

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
		through the site plan for adequate lighting and ensuring lighting impacts for neighbouring properties are addressed (i.e. no light spillover to neighbouring properties).
	<i>d. Facilitate the preservation and where appropriate, the enhancement of natural features found on the site;</i>	The property does not contain any significant natural features. An Arborist Report and Tree Preservation Plan was prepared to identify trees for preserving. The identified trees will be preserved in accordance with the plan.
	<i>e. Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;</i>	Each unit in the development consists of its own garage space and driveway. No common parking courtyard is proposed as such. Garages for Units 1 and 2 although visible from Erie Road are sufficiently setback to cause any significant concerns to the streetscape. The exterior façade of the garages will have a different material to further minimize its presence from the street.
	<i>f. Minimize the overall effects of noise and other negative impacts; and</i>	The proposed setbacks and landscaping treatments will provide suitable buffers for each dwelling unit to Erie Road and the adjacent properties and will minimize any negative noise and/or overall impacts through the following: <ul style="list-style-type: none"> <li>• Perimeter landscaping will be implemented to improve the overall neighbourhood feel.</li> <li>• Appropriate building setbacks are implemented to preserve the privacy of the surrounding residences.</li> </ul>
	<i>g. Provide for appropriate bicycle parking.</i>	Bicycle parking is not proposed in the development; however, bicycles can be stored in the dwelling units' respective garages.
5.6.3. III.	<i>Landscaping and planting will:</i>	The site is proposed to have approximately 41% landscape cover, which will include perimeter treatments and internal plantings.

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
	<p>a. Integrate with the landscaping of adjacent sites and the streetscape;</p> <p>b. Enhance personal safety both on site and on the streetscape;</p> <p>c. Define and enhance pedestrian and bicycle routes and accent entrances;</p> <p>d. Screen and buffer parking, loading, and storage areas;</p> <p>e. Screen unattractive views and buffer adjacent land uses;</p> <p>f. Promote a diversity of native plant materials; and</p> <p>g. Where appropriate enhance and buffer adjacent natural areas.</p>	<p>The proposed development will implement on-site landscaping, as follows:</p> <ul style="list-style-type: none"> <li>• Perimeter landscaping to provide visual screening for the neighbouring properties.</li> <li>• Sufficient landscaped area along the site access to improve the streetscape along Erie Road and to function as a welcoming space for future residents.</li> <li>• A decorative feature accenting the entrance along Erie Road, adding to the development’s distinct design character.</li> <li>• Decorative pavement at select areas along the internal private road to clearly delineate shared spaces and enhance caution and safety.</li> </ul>
<p>5.6.3. VII.</p>	<p><i>Building and site designs that conserve energy and water will be encouraged. Energy conservation will be addressed at the development application stage and during the preparation of detailed building and site design. Buildings should, wherever possible, be designed to minimize interior heat loss and to capture and retain solar heat energy during the winter and to minimize solar heat penetration during the summer.</i></p>	<p>The layout and design of the proposed units demonstrate a compact built form that conserves energy:</p> <ul style="list-style-type: none"> <li>• The proposed landscaping treatments and tree plantings minimize impervious surfaces throughout the site. Tree plantings will provide heat relief in the summer months.</li> <li>• The layout of the proposed buildings and landscaped areas help break up asphalted parking surface. This will minimize the heat sink effect and contribute to a more regulated microclimate.</li> </ul>
<p>5.6.3. VIII.</p>	<p><i>The interconnection and integration of pedestrian, cycling and vehicular</i></p>	<p>As shown on the site plan, the internal drive aisle is treated with decorative pavement material, which delineates it as a shared</p>

SECTION	POLICY WORDING	DESIGN RESPONSE & EVALUATION
	<p><i>access is encouraged on abutting lands to facilitate safe and efficient movement to and from the public road network.</i></p>	<p>space. This design alerts vehicle users, pedestrians, and cyclists to sharing the space and enhances safety while providing opportunities for multi-modal uses to and from the development.</p>
<p>5.6.3. IX.</p>	<p><i>Development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.</i></p>	<p>The proposed development is oriented to face Erie Road, with Units 1 and 2, having direct frontage on the public road. The decorative pavement and landscaping treatments along Erie Road reinforces a visual connection to the public realm.</p>

## **POLICY**

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### **Section 8.1 Natural Heritage – General Policies**

- I. The Town promotes the protection and/or conservation and where appropriate the restoration and enhancement of Natural Heritage Features and Areas within and adjacent to its boundaries. In addition to implementing the policies of this Plan, the Town may use one or all of the following alternative means to protect these Features:*
  - e) Where appropriate consider higher densities than currently permitted on lands adjacent to natural features and areas identified for protection.*
- III. Alternative development standards that conserve resources while effectively using the land shall be considered where appropriate.*
- VIII. Where any land is delineated as a Natural Heritage Feature on Schedules “A”, C and/or “C1” and the land is under private ownership, this Plan does not intend that such land is open to the general public, or that the lands will be purchased by the Town or any other public agency.*
- IX. The designations in this section are intended to protect and/or conserve natural features and ecological functions as well as to complement land use designations set out on the General Land Use Plan in Schedule A as well as those designations and land use categories set out in Neighbourhood Plans.*
- X. Where a site specific development/redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision, a consent, minor variance, a site plan control agreement, or an approval under a site alteration by-law may impact an Environmental Protection Area or certain Environmental Conservation Areas identified on Schedule “A” or Fish Habitat identified on Schedule “C1” and as outlined in greater detail by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS). The EIS shall be submitted with the application.*
- XVIII. Where there are several different Natural Heritage features identified on Schedule “C” or Schedule “C1” for the same lands, the most restrictive Policy section associated with the natural heritage features shall apply.*
- XX. Where development or site alteration is approved in accordance with the policies of this Plan the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the administrable Tree Conservation By-laws and related Environmental Impact Study and its implementation monitored by a member of the Ontario Professional Forestry Association or consultant who prepared the Environmental Impact Study.*

## Section 8.2 Environmental Protection Areas

- I. *Areas designated as Environmental Protection on Schedule “A” include Provincially Significant Wetland Areas, Areas of Natural and Scientific Interest, the Habitat of, Threatened, and Endangered Species, Species of Special Concern and Natural Hazard areas as identified on Schedules “C” and “C1”. It is the intent that lands designated as Environmental Protection will be protected from incompatible development by not permitting development or site alterations to occur within such designated areas.*
- III. *The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.*
- IV. *Environmental Impact Studies (EIS) will be required for development or site alteration on lands adjacent to Environmental Protection Areas in accordance with the more detailed policies of this Section. The Regional Municipality of Niagara will be the agency responsible for approving an EIS on lands adjacent to Environmental Protection Areas in consultation with the Town, Niagara Peninsula Conservation Authority, and Ministry of Natural Resources, if necessary. Development on lands adjacent to a Natural Hazard Area may also require the approval of the Niagara Peninsula Conservation Authority.*

### Section 8.2.4 Natural Hazards

- I. *The Natural Hazards for river and stream systems consist of the furthest landward limit of the flood hazard or erosion hazard limits. The one hundred year flood is used to define the flooding hazard within the Town of Fort Erie. The Natural Hazards associated with the Lake Erie shoreline represent the furthest landward limit of the flooding hazard, erosion hazard, wave uprush or dynamic beach hazard limit.*
- II. *The boundary of Natural Hazard designations reflect the definitions of the various hazards identified in this Section and based on information provided by or prepared for the Niagara Peninsula Conservation Authority, such as floodplain mapping and Lake Erie Shoreline Management Plan respectively. The Niagara Peninsula Conservation Authority (NPCA) can provide technical information to assist in the delineation of Natural Hazards in the field by a surveyor working on behalf of the applicant or landowner.*
- IV. *The main permitted uses in all areas shown on Schedule “C1” as Natural Hazard Areas, and designated on Schedule “A” as Environmental Protection may include passive non-structural conservation and resource management uses including flood and erosion control works, as well as minor additions, enlargements and reconstruction to existing uses, may be permitted in those portions of Natural Hazards areas (floodplains). It should be ensured that the effects and risks to public safety are minor so as to be mitigated in accordance with provincial standards as determined by the demonstration and achievement of: floodproofing standards, protection works standards, and access standards; safe access during times of flooding erosion or other emergencies; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts, particularly water quality impacts will result. All development and site alteration must comply with the applicable regulations of the Niagara Peninsula*



Conservation Authority.

- VII.** *Natural Hazards areas shall be zoned in a separate classification in the Zoning By-law. The boundaries of the lands delineated on Schedules "C" and "C1" as Natural Hazard areas shall be used as guidelines for the zone boundaries in the Zoning By-law. When more detailed mapping becomes available it shall be incorporated by amendment into this Plan and/or the Zoning By-law, after consultation with the Niagara Peninsula Conservation Authority, Regional Municipality of Niagara and the Ministry of Natural Resources. Notwithstanding the Environmental Protection Designation, an appropriate zoning category will be applied to, or maintained for, existing development outside the 1 in 100 year floodplain or backshore flooding areas that recognizes the existing and approved use of the lands.*
  
- VIII.** *Where new development is proposed on a site, part of which is identified as Natural Hazard Area by Schedules "C and C1", such lands shall not necessarily be acceptable as part of the dedication for park purposes as required under the Planning Act. All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town. Where an open watercourse is involved, adequate space shall be provided for maintenance and other similar operations.*
  
- X.** *Should development be proposed on lands appropriate for development outside of the Natural Hazard area, the lands within the Natural Hazard area shall be dedicated to the Town including any water lots.*

#### **Section 8.3.1 Significant Natural Areas**

- II.** *Development or site alteration within or adjacent to Significant Natural Areas (SNA'S) shall only be permitted if an Environmental Impact Study (EIS) demonstrates that the development or site alteration will not result in degradation that threatens the health or integrity of the natural features or ecological functions for which the area is identified as significant in the Town's Natural Areas Inventory or that are identified as significant through the EIS. The Town's Natural Areas Inventory identifies the key features and functions of SNA's.*
  
- III.** *The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.*

#### **Section 8.3.4 Environmental Corridors and Linkages**

- IV.** *Where an environmental corridor or linkage area has been identified on Schedule "C", or through further study, and in instances where a development proposal may impact upon it, an Environmental Impact Study as outlined in Policies 8.1.1.XII, 8.1.1.XIII and 8.1.1.XIV of this Section may be required.*
  
- VI.** *In the built-up areas of Fort Erie, the Town will incorporate environmental corridors or ecological linkages into development/redevelopment proposals where feasible.*
  
- VIII.** *The Niagara Peninsula Conservation Authority should be consulted as to whether a permit is required to address Regulations under the Conservation Authorities Act.*

## ANALYSIS

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Section 8.1 discusses the general policies regarding Natural Heritage features. As a portion of the property, namely the waterfront area, is designated as “Significant Natural Areas” and “Hazard Lands” (see Schedule C and C1, respectively, in **Appendix B**).

A small portion along the Subject Lands south lot line extends into Lake Erie – please refer to the parcel/pin information submitted with this application. This southern portion is designated as Environmental Protection Area, as per Schedule A Land Use Plan of the Town OP. According to Schedule C Natural Heritage Features and C1 – Natural Hazard and Fish Habitat, the Subject Lands are identified as ‘Significant Natural Areas’ and ‘Natural Hazards including Floodplain’, respectively. The lands are under private ownership, are not intended to be open to the general public or to be purchased by the Town/other public agency (Policy 8.1.VIII), instead plans to retain the natural feature (Policy 8.1.IX). In this instance, the lands abut the Lake Erie shoreline that are protected by a shore wall.

Policy 8.1.X addresses an Environmental Impact Study (EIS), where site-alterations may impact the Environmental Protection Area. The existing dwelling closest to the Lake is proposed to be retained, and the proposed new dwellings are to be erected away from the shoreline and this designation. Based on the proposed layout, an EIS is not required which was confirmed through the pre-consultation process for this application.

There are no woodlands, wetlands (or associated buffers), ANSIs, or any other features on the property to trigger an EIS. This was also confirmed at the pre-consultation meeting held on January 27, 2022. A Tree Preservation Report and Plan have been prepared by Jackson Arborist, dated September 30, 2022, and enclosed with this submission, in accordance with Policy 8.1.XX.

Notably, the Town supports higher density than what is currently permitted (Policy 8.1.I e.) in its Official Plan policies. The proposal provides gentle density, compatible with the surrounding neighbourhood while ensuring there is no impact on the Lake Erie shoreline.

Section 8.2 provides policy direction for lands designated as Environmental Protection Areas. Further, Section 8.2.4 discusses the policies pertaining to Natural Hazards. Lands designated Environmental Protection Area (EPA) are intended to protect the lands from incompatible development by not permitting development or site alterations to occur within such designated areas (as per Policy 8.2.I). The proposed development will not be located within the Natural Hazards and EPA designation. There are no Natural Heritage Features or Areas on the property where the development is proposed to initiate an Environmental Impact Study.

The portion of the property designated Hazard Lands will not be impacted by the development. As previously mentioned, the existing 2-storey dwelling on the property intended to remain is located closer to the Hazard Lands designation than the proposed

residential units and has not presented any negative impacts on the Hazard Lands. The Niagara Peninsula Conservation Authority (NPCA) provided comments at the pre-consultation meeting, where staff confirmed that the proposed development is outside of the NPCA regulated shoreline area and further from the existing dwelling that is to remain in place.

As such, the proposed development complies with the Natural Heritage and Natural Hazards policies of Section 8.

Section 8.3.1 discusses the policies pertaining to Significant Natural Areas and Section 8.3.4 discusses the policies related to Environmental Corridors and Linkages.

The Subject Lands are within an Environmental Corridor to assist with the movement of wildlife. The majority of the properties along the shoreline are fenced and the portion of the Subject Lands that is intended for development is away from the shoreline and private beach area. No significant impacts to the movement of wildlife are anticipated due to the proposed development. The pre-consultation meeting did not request speaking to this matter, and therefore, has not been addressed in this application. As previously discussed, there is no development proposed south of the existing dwelling and the shore wall is to remain in place. There are no woodlands, wetlands (or associated buffers), ANSIs, or any other features on the property to trigger an Environmental Impact Study. Jackson Arborist's Tree Preservation Report documents no rare, threatened or endangered tree species in the tree inventory.

## **POLICY**

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### **Section 9.1 Air Quality**

- I. The Town shall support energy efficiency and improved air quality through land use and development patterns and transportation policies that:
  - a) Promote compact form and structure of nodes and corridors;
  - b) Promote the use of public transit and alternative and active transportation modes, such as walking and cycling within and between employment, service and living areas, through an Active Transportation Advisory Committee;
  - c) Improve the mix of employment and housing uses to shorten commute journeys; and
  - d) Promote designs that maximize the use of alternative or renewable energy sources.*

### **Section 9.2 Water Quality and Quantity**

- IV. Development and site alteration should not negatively impact the quality and quantity, functions and characteristics of surface or ground water resources with respect to natural heritage areas, ground water recharge areas or essential well supplies of landowners.*

- II. A stormwater management plan and sediment and erosion plan, signed by a qualified professional engineer, shall be required with a development application depending on the scale of the development proposal and environmental conditions. The stormwater management plan shall demonstrate that vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services will be minimized.*
- III. Stormwater management plans shall be prepared in accordance with current provincial planning and design standards and where an Environmental Impact Study (EIS) is being prepared for the development. The stormwater management plan shall be coordinated with and integrate any recommendations of an Environmental Impact Study, Environmental planning study or Watershed Plan.*

## **ANALYSIS**

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Section 9 of the Town's Official Plan provides policy direction on conserving air, water and energy. As aforementioned, the proposal demonstrates a built form that efficiently utilized the available land and infrastructure resource. There are sufficient landscaped areas on the site to promote stormwater percolation. UCC's Stormwater Management Plan ensures that the post-construction stormwater runoff quantity and quality can be controlled to the pre-development runoff rate, subject to the recommendations of the report. Further analysis can be found in the report enclosed with this submission. The proposed development's location along Erie Road, a local and Regional cycling route, will offer opportunities for active transportation to and from the development, optimizing the development's proximity to community facilities and commercial uses. This will in turn reduce the need for single-occupancy vehicle trips to essential destinations. The resulting reduced greenhouse emissions will help in not negatively impacting the air and water quality locally. Blocks A and B are oriented to have south-facing units that will improve passive solar energy gains, especially during the winter months.

## **POLICY**

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### **Section 11.1 General Policies**

- VIII. Development and site alteration may be permitted on lands contiguous to a protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated the heritage attribute of the protected heritage property will be conserved.*

### **Section 11.4 Archaeology Resources**

- I. As a condition of the development of land within the Town of Fort Erie, the Regional Municipality of Niagara as the delegated authority in consultation with the Municipal Museum and Cultural Heritage Committee may require that an archaeological resource assessment be undertaken, for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found, should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "D" or Zone of Sensitivity as shown on Schedule "D1" to this Official Plan or where an archaeological site has been previously registered on the property.*

- III. Proponents will be encouraged to complete the necessary assessment and/or site mitigations prior to submitting their planning application. Where this is not possible the following Archaeological Condition will be included as part of any approval:*
- a) The proponent shall carry out an archaeological assessment and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found;*
  - b) No demolition, grading or other soil disturbances shall take place on the subject property prior to the Town, the approval authority being the Regional Municipality of Niagara and the Ministry of Tourism and Culture confirming that all archaeological resources concerns have met licensing and resource conservation requirements; and*
- IV. The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism and Culture under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant site found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances.*

## **ANALYSIS**

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As per Schedule D of the Town Official Plan, the property falls within an area demarcated for Archaeological Potential. Section 11 of the Town's Official Plan deals with cultural heritage and archaeological resources.

The Stage 1-2 archaeological assessment has been conducted by Detritus Consulting Ltd., as per the pre-consultation agreement and in accordance with Policy 11.4.I of the Town Official Plan. A summary letter has been provided by the archaeologist, which states that a Stage 3 assessment is required due to the artifacts found on the site. As previously noted, the Subject Lands cannot be developed until the Stage 3 assessment is complete.

## **POLICY**

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### **Section 12.1 Servicing and Utilities – General Policies**

- I. All development applications will be evaluated to determine whether the water, wastewater and storm water services are or will be capable of supporting the proposed development at acceptable levels of service as generally described in the Town's and Region's Master Servicing Plans.*
- III. All lands within the urban areas are to be serviced by municipal sanitary and water services. Existing private services within an urban area are permitted to continue until such time as municipal services are available.*

## **ANALYSIS**

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The Functional Servicing Report prepared by UCC indicates that the development can be fully serviced through municipal services. A summary of the report can be found in **Section 4.2 – Functional Servicing Report** of this report.

## Summary

The Subject Lands are designated as Urban Residential, and the proposed single-detached bungalow loft townhouse model complies with the permitted housing form in this designation. The proposed development is anticipated to deliver approximately 8 new dwelling units consisting of a variety of unit sizes, which will support the municipal intensification targets and provide housing choice. The proposal promotes efficient use of underutilized lands by facilitating increased density of development than what currently exists while remaining sensitive in design to the surrounding context and neighbouring land uses. The proposal will provide a development form that takes advantage of the cycling network along Erie Road and proximity to community facilities such as public transit, parks and nearby commercial businesses. The site design does not impact any identified environmental features, and the proposal can be fully serviced through municipal services. Lastly, lands will not be developed until the Stage 3 assessment is complete and is recommending clearance.

Based on the foregoing, the proposed development conforms with the policies, designations and intent of the Town of Fort Erie Official Plan.

### 5.5 Town of Fort Erie Crystal Beach Secondary Plan (*UNDER APPEAL*)

As aforementioned, the Town of Fort Erie passed the Crystal Beach Secondary Plan (CBSP) through Official Plan Amendment No. 56 (“OPA”) and was subsequently appealed.

The Subject Lands are located in the Crystal Beach neighbourhood area and have been identified for Land Use Designation and Zoning changes in the adopted CBSP and the implementing Zoning By-law. Although the CBSP is not currently in effect the following Section provides a summary and analysis of the CBSP and how it relates to the proposed development.

The following table identifies the draft Crystal Beach Secondary Plan Schedules relating to the Subject Lands.

DRAFT SCHEDULE	RECOMMENDED DESIGNATION
<b>CB-1</b>	Lands designated as Built-Up Area (Growth Plan Designation); Within Secondary Plan Limit (Urban Area Boundary)
<b>CB-2</b>	Lands designated as Waterfront Residential (Draft Section 4.22.7) and Environmental Protection (southern portion)
<b>CB-3</b>	Lands partially designated as Environmental Corridors and Significant Natural Area; Southern portion of the lands are within Hazard Lands Limit



DRAFT SCHEDULE	RECOMMENDED DESIGNATION
<b>CB-5</b>	Erie Road identified as an Existing Municipal Collector Road
<b>CB-6</b>	<ul style="list-style-type: none"> <li>• Erie Road identified to have Signed Bike Route;</li> <li>• Erie Road identified as part of the Niagara Region Identified Cycling Network</li> <li>• Erie Road identified for Potential/Future Sidewalk</li> </ul>

**POLICY**

**Section 4.22.4 Objectives**

- a) *Provide a variety of housing choice that supports “age-in-place” opportunities for all ages, not just senior residents, but rather housing and tenure that spans the full lifecycle and economic status;*
- b) *Encourage development forms which are more compact, affordable and utilize urban land and services more efficiently;*
- c) *Identify locations within the Plan Area which may best support intensifying residential form and reinforce support for these locations through zoning implementation;*
- d) *Increase population in a moderate manner through intensification efforts in key locations. An increased population will better support existing community facilities and offer increased viability to commercial enterprise and transit feasibility year-round;*

**ANALYSIS**

Section 4.22.4 provides objectives of the CBSP, and the relevant policies from this section are included in the above.

The CBSP identifies the Subject Lands as part of the Built-Up Area, as per Schedule CB-1 (see **Appendix C–CBSP Schedules**). With intensification directed to Built-up Areas where existing municipal services are located, the proposed development will assist the Town in meeting its intensification target of 15 percent. The CBSP recognizes that a *“majority of the Plan is characterized as being a mature residential neighbourhood and therefore, adding residential to these areas is not seen as presenting depreciating or deteriorating effects. To the contrary, intensification is expected to enhance land values and stimulate additional private investment into the existing building stock.”*

It is the objective of the CBSP to intensify in key locations to better support community facilities, local commercial businesses and transit feasibility, which are all required to create a complete community. The Subject Lands will provide residential intensification in an area close to the commercial core of Erie Road and Derby Road, near Bay Beach Waterfront Park and nearby commercial uses, aligning with the CBSP’s vision.

In addition, the CBSP encourages a mix of dwelling unit types to support housing choice for ageing in place and starter homes for younger cohorts. The proposed single- and townhouse style bungalow loft units provides a range of unit sizes (between 1230 square

feet to 1560 square feet houses), which will enable homeownership options for a variety of household types.

## **POLICY**

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### **Section 4.22.5 General Policies for all Designations**

- a) *The Crystal Beach Secondary Plan is largely characterized as being a “built-up” area with limited opportunity for large scale subdivision development, as shown on Schedule CB-1, and will instead rely predominantly on, and be more suitable for, infilling of vacant and/or underutilized lands. The vast majority of its geography and building typology is comprised of detached dwellings; many in the cottage character architecture. Lands that are identified or available for development / redevelopment will be the focus of growth and intensification and will assist the Town in meeting its intensification targets. However, areas for infilling and intensification are not to be viewed in isolation. Existing use, land use designation and zoning of adjacent lands shall be considered when intensification is being proposed and designed.*
- b) *Development shall be sensitively planned in the community, having considered such factors as setbacks, interface, building height, built form massing and access.*
- c) *Site specific zoning that is in force and effect on select sites within the Plan Area, including any sites with existing holding provisions, shall continue to apply to those sites and will be recognized through zoning implementation of this Plan, unless otherwise identified and/or modified by this Plan.*
- e) *New development shall be subject to Accessibility for Ontarians with Disabilities Act, 2005 and any relevant Regulations made thereunder concerning full accessibility and barrier free design where required.*

## **ANALYSIS**

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Section 4.22.5 sets out the general policies for all designations in the Crystal Beach Secondary Plan Area. Policy 4.22.5(a) and (b) of the CBSP notes, regarding development and intensification in the Built-up Area, the existing neighborhood characteristics as well as future opportunities for development. These policies recognize that future development in the neighborhood will largely rely on infilling of vacant and/or underutilized lots, while recognizing that existing uses, land designations and zoning on adjacent lands must be considered when intensification is being proposed. The proposed development is an example of infill on an underutilized parcel of land within the Built-up Area, which will contribute to achieving the Town’s intensification targets. Furthermore, the proposal demonstrates a context-sensitive design approach to the development through “low-rise” built form with appropriate setbacks and landscaping treatments along the perimeter of the property and throughout the development to ensure mitigation of any potential negative impacts on both the proposed residential units and neighboring properties.

## **POLICY**

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### **Section 4.22.6 Residential – General**

- l) *The waterfront properties along Lake Erie and their related designation and zoning have not been identified for policy change in this Plan. They are however identified for an administrative name change to better reflect their unique presence in the Secondary*

*Plan, from “Urban Residential” to “Waterfront Residential”. The focus of residential growth identified in this Plan generally lay north of Erie Road and provides opportunity for the appropriate level of targeted intensification, unit mix and population growth to meet with minimum Secondary Plan objectives.*

- n) Policies relating to targeted residential mix respect those of the parent Official Plan and have adopted a target of 70% detached (may include semi and duplex) and 30% multi-unit dwellings in a range of low, medium and higher densities for the overall neighbourhood.*

#### **Section 4.22.7 Waterfront Residential**

*Lands designated as Waterfront Residential designation are shown on Schedule CB-2.*

*The Crystal Beach waterfront is almost exclusively zoned in a waterfront related residential zone. This occurred in June 2013 following public process in consultation with, and support of, waterfront property owners and was effectively an administrative change. No new policies are being introduced for this designation.*

*With the same intent, the properties are being reflected in a designation name change only that aligns and reflects their waterfront location and remain subject to the same policies (4.7.4 I) as they have been since the Official Plan was approved.*

#### **ANALYSIS**

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Section 4.22.7 notes that the Waterfront Residential designation is effectively a designation name change that “*aligns and reflects their waterfront location and remain subject to the same policies (4.7.4 I) as they have been since the Official Plan was approved*”. As previously discussed in **Section 5.4** of this report regarding the proposal’s conformity with the Official Plan policies for the Urban Residential designation, the proposed development is a permitted built form under Policy 4.7.4 I. Although the designation does not regulate density, the proposal is a low-density development that introduces gentle intensification to the area in keeping with the low-rise nature of the neighborhood.

#### **POLICY**

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##### **Section 4.22.15 Natural Heritage**

*Section 8 provides comprehensive policy coverage for all relevant environmental features and shall be relied upon for guidance when development is being considered.*

*Natural features are generally limited within the Secondary Plan area and extend to Significant Natural Areas associated with the Lake Erie shoreline, portions of identified Woodlands and Environmental Corridors.*

*More prominent natural features do exist in close proximity to the boundary of this Secondary Plan (mostly along Erie Road in the western end of the Plan Area).*

*Their protection and function will be part of any development application review process, whereby feature buffering and other potential impacts may require environmental study prior to deeming an application complete for processing.*

Natural Heritage designation and features are illustrated on Schedule CB-3.

## **ANALYSIS**

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The Subject Lands are partially designated as Environmental Protection, Environmental Corridors, Hazard Lands Limit, and Significant Natural Area, with regard to the portion of the property along the Lake Erie shoreline. Section 4.22.15 sets out the general policies for the Natural Heritage designations as noted in the above.

Notably, the Natural Heritage features on the property are limited to the Lake Erie shoreline and are otherwise not present throughout the rest of the site. The proposed development will not encroach upon the Natural Heritage features along the Lake Erie shoreline.

## **POLICY**

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### **Section 4.22.15.1 Significant Natural Areas**

- a) *Significant Natural Heritage features within the Plan Area are primarily comprised of Lake Erie shoreline and woodlands captured in the northern part of Crystal Ridge Park. The lands are designated in the Crystal Beach Secondary Plan accordingly.*

*The lands identified along the Lake Erie shoreline are protected via Environmental Protection designation, while the Woodlands have an Environmental Conservation overlay covering much of the remaining wooded area.*

## **ANALYSIS**

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Section 4.22.15.1 outlines the policies for Significant Natural Areas. The policies that are applicable to this development are included above.

As with Policy 4.22.15, Policy 4.22.15.1 (a) confirms that the Significant Natural Heritage features in the Secondary Plan area are largely limited to the Lake Erie shoreline, while other Significant Natural Heritage features are scattered throughout the Secondary Plan area. This applies to the property as the Significant Natural Heritage Area designation is only along the Lake Erie shoreline and is otherwise not present through the rest of the site. No development or change is proposed on the portion designated Significant Natural Heritage Area. As such, an Environmental Impact Study was not deemed required at the pre-consultation stage.

## **POLICY**

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### **Section 4.22.15.3 Environmental Corridors**

- a) *The policies of Section 8.3.4.IV of the Official Plan shall generally apply to Environmental Corridors shown on the Secondary Plan Schedule CB-3.*
- b) *Schedule "C" of the Official Plan illustrates Environmental Corridors throughout the municipality. These corridors represent a higher-level linkage or linkage potential and are intended to demonstrate where provision of wildlife and avian routes may be*

*considered for enhancement. The feasibility of enhancement should be examined as part of any development application process.*

*The Crystal Beach Secondary Plan Area contains segments of two such corridors, the first of which is directly associated with the shoreline of Lake Erie. Much of the shoreline is developed residentially or recreationally.*

*Opportunities for enhancement are limited and owners are encouraged to protect/supplement existing tree canopy coverage where practical, together with other native plantings where it would be reasonable to expect long term survival and protection from dynamic lake related effects.*

## **ANALYSIS**

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Section 4.22.15.3 outlines the policies for Environmental Corridors, noting the above applicable policies. As with the previous policies regarding Natural Heritage features, the Environmental Corridors designation on the property only applies to the Lake Erie shoreline, which the policies note has been developed residentially or recreationally. Policy 4.22.15.3 (b) notes that there are limited opportunities for enhancement but encourages landowners to protect and supplement the tree canopy where practical. The proposed development will not impact the existing shoreline, thereby protecting the natural shoreline area. Existing deciduous trees closer to the Lake Erie shoreline will remain, while additional tree plantings are proposed to protect and enhance the environment. Please refer to the Landscape Plan prepared by OMC Landscape Architecture for more details.

Section 4.22.16 provide Transportation Systems policies. Erie Road is designated as an Existing Municipal Collector Road in the Secondary Plan. There are three driveways fronting this street, two from Units 1 and 2 and a private street providing access to the rest of the development. No lands for road widening have been requested with this application. The Town places high regard for connections via active transportation means. Schedules CB-6 identifies Erie Road to be a Signed Bike Route and as part of the Niagara Region Cycling Network. This will provide convenient connection to nearby commercial establishments and waterfront park area, serving both utilitarian and recreational need and purpose. The street is identified for potential sidewalk to establish walkable connections in the future.

## **POLICY**

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### **Section 4.22.18 Cultural Heritage**

- c) The Town's Official Plan informs those seeking development opportunities on the potential for archaeological resources within the Plan Area. While the community is largely built up, there are instances where further investigation may be required, particularly those areas along the Lake Erie Shoreline as identified within the Point Abino*

*Zone of Sensitivity. This Zone of Sensitivity is of archaeological interest given the likely association with pre-contact native peoples presence on the lands.*

*Schedule 'D' and 'D1' of the Official Plan must be consulted for extent of these identified lands.*

#### *Archaeological*

- i. The Town's Archaeological Master Plan informed and formed the background on the policies contain in Section 11 in the Town's Official Plan. It also introduced identification of Archaeological Zones of Potential and Sensitivity, which are reflected on the mapping Schedules of the Official Plan. The Point Abino Zone of Sensitivity represents one of these Sensitivity Zones where heightened interest exists.*
- ii. Applications for development or redevelopment shall first be screened through pre-consultation and then assessed by the appropriate review authority with respect to the nature of the proposal and whether the proposal will present new disturbance requiring Stage 1 and/or Stage 2 Archaeological Study work be undertaken. The results of which, shall determine if further study is required.*

## **ANALYSIS**

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Section 4.22.18 speaks to the Cultural Heritage policies in the Secondary Plan area, and as the property is located within a zone of Archaeological Potential, the above policies apply. In accordance with the Policy 4.22.18 (c)(ii), the Town had requested a Stage 1-2 Archaeological Assessment of the property. The Stage 1-2 assessment was conducted which resulted in findings that qualified the site for a Stage 3 assessment. The analysis of the findings and recommendation will be submitted to the Ministry subsequently.

## **POLICY**

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### **Section 4.22.19 Municipal Services**

- d) New development or redevelopment may be required to provide a servicing study that includes analysis of the downstream sanitary sizing and the network's capacity capabilities in relation to proposed development flows.*
- f) All new development shall require approval of storm water management plans and/or drainage plans from the relevant approval authority to ensure storm water is effectively and properly managed to enhance water quality and to mitigate or alleviate flooding of adjacent and downstream properties during storm events. Additionally, engineering solutions for storm water management that improve ground infiltration and assist in improving groundwater quality and recharge will be considered relative to the feasibility and practicality of their implementation.*
- h) There are currently no identified restrictions to development within the Crystal Beach Secondary Plan Area under current water supply conditions, however functional servicing studies that may be requested for new or re-developing properties and sizable infill projects, shall address water supply demand on the existing water supply network.*



## **ANALYSIS**

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Section 4.22.19 provides an overview on Municipal Services and the servicing policies applicable to new developments. The Functional Servicing Brief prepared by UCC, dated October 17, 2022, demonstrates that there is existing municipal servicing capacity to support the proposed development. The report recommends a control structure and underground storm sewer in order to alleviate stormwater flow and assist with groundwater infiltration.

### **Summary**

Under the CBSP, the Subject Lands are designated Waterfront Residential. The proposed development conforms with the permitted uses and applicable policies governing the Waterfront Residential designation, demonstrating a sensitive approach to infill on an underutilized lot in a Built-up Area in proximity to many community facilities. Furthermore, the proposed development will contribute to the Town's intensification targets while providing housing choices for future residents. The natural heritage designations for this property apply to the Lake Erie shoreline. The proposed development does not encroach upon the shoreline and will maintain and protect the existing tree canopy while proposing tree plantings to supplement and enhance the existing environment. No changes are proposed to the existing house closest to the Lake Erie shoreline nor the existing shore wall. Furthermore, there is sufficient existing municipal services that can support the proposed development. Archaeological resources have been identified on the Subject Lands and are subject to ongoing assessment.

Based on the foregoing, the proposed development conforms with the general intent and policies of the Crystal Beach Secondary Plan.

### **CBSP ZBA 144-2021 to amend By-law 129-90 to Implement OPA 56**

The Subject Lands are zoned Waterfront Residential (WR) Zone, in part and Hazard (H) Zone, in part, in the approved CBSP and is currently zoned the same under the Town's Zoning By-law 129-90.

We are respectfully requesting that the Draft Zoning By-law Amendment forming the basis for this application be approved and taken into consideration while approving the Secondary Plan for the area. As such, our review of the CBSP focuses solely on the proposed OPA policies and not the proposed Implementing Zoning By-law for the site. As aforementioned, it is our opinion that the proposed development conforms to the overall intent of the CBSP policies.

## 6.0 Proposed Zoning By-law Amendment

The Town of Fort Erie currently zones the Subject Lands as Waterfront Residential (WR) Zone, in part, and Hazard Zone (H), in part (see **Appendix D – Town’s Zoning Map**). The northern portion of the site is also identified as ‘Floodproofing Area 1’ in the Zoning By-law. In order to facilitate the proposed development, the owner is proposing to rezone the Subject Lands from WR to a Site-specific Residential Multiple 1 Zone and Hazard (RM1-XXX and H – XXX) , and will address: minimum lot frontage, minimum landscaped area, minimum landscaping, and planting strip width abutting a Residential Zone, and minimum landscaped open space area in a Residential Zone. See **Table 3 and 4** below for more details.

Currently, a portion of the retained dwelling is within the Hazard Zone. Through this application, we request the Hazard Zone be adjusted such that it is setback 1.5 metres from the south face of the building. A Draft Zoning By-law Amendment has been prepared and can be found in **Appendix E – Draft Zoning By-law Amendment** of this report.

**Table 3. Zoning Comparison Chart for Section 14 (RM1 Zone)**

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Permitted Use</b>	(a) Single detached dwellings (b) Semi-detached dwellings (g) Block townhouse dwellings	Single-detached style Bungalow lofts  Townhouse style Bungalow lofts	<b>Yes</b>
<b>Minimum Lot Frontage</b>	50 m	43.7 m	<b>No</b>
<b>Minimum Lot Area</b>	4000 sqm	5876 sqm	<b>Yes</b>
<b>Minimum Front Yard</b>	6 m to garage; 4 m to other parts of dwelling	6.0 m to garage (northwest lot line);  Greater than 6 m to other parts of dwelling	<b>Yes</b>
<b>Minimum Side Yard</b>	1.5 m	1.5 m (Unit 1) 1.9 m (Existing)	<b>Yes</b>

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
		Dwelling)	
<b>Minimum Exterior Side Yard</b>	3 m	N/A	<b>N/A</b>
<b>Minimum Rear Yard</b>	6 m	16.5 m (Existing Dwelling)	<b>Yes</b>
<b>Maximum Building Height</b>	i) 3 storeys ii) 12 m	Within 2 storeys	<b>Yes</b>
<b>Minimum Landscaped Area</b>	50% including Privacy Areas	41.2%	<b>No</b>
<b>Maximum Number of Units in a Row</b>	8	3	<b>Yes</b>
<b>Minimum Distance Between Buildings on the Same Lot</b>	15m between two rear walls	N/A	<b>N/A</b>
	3m between two end walls	3 m (between Units 1 and 2);	<b>Yes</b>
	9m between an end wall and a rear wall	19.3 m (between Units 2 & 3)	<b>Yes</b>
	6m between two front walls	18.0 m (between Units 6 and 7)	<b>Yes</b>
	6m between a front wall and an end wall	More than 11.6 m (between Unit 8 and Existing Dwelling)	<b>Yes</b>
<b>Maximum Density</b>	35 units/ha	15.3 units/ha	<b>Yes</b>
<b>Maximum Lot</b>	Block townhouse - 40%	26.4%	<b>Yes</b>

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Coverage</b>			
<b>Privacy Area</b>	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	At least 6.0 m (Unit 4)	<b>Yes</b>
<b>Planting Strips</b>	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress	6.0 m (north lot line)	<b>Yes</b>
<b>Distance From Dwellings To Private Streets And Parking Areas</b> (Section 14.8)	Any front or rear face of any dwelling shall be no closer than 3m to any private street or parking area.	3 m (Unit 3)	<b>Yes</b>
	Any garage shall be no closer than 6.0m to any street or parking area.	6 m (Unit 1)	<b>Yes</b>
	Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area.	3 m (Unit 3)	<b>Yes</b>

**Table 4. Zoning Comparison Chart for Section 6 (General Provisions)**

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Parking Requirements for Block Townhouse Dwellings</b> (Section 6.20 (A))	1.5 parking spaces per dwelling unit (= 15 spaces)	2 spaces per unit (16 spaces, excluding existing garage)  Parking spaces available for existing	<b>Yes</b>

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
		dwelling is 4	
<b>Width of Ingress and Egress</b> (Section 6.20 (D) (i))	7.5 m (min) 9.0 m (max)	7.5 m	<b>Yes</b>
<b>Parking Area Location on Lot for RM1 Zone</b> (Section 6.20 (I))	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.	6 m along the front yard	<b>Yes</b>
<b>Dimensions of Parking Spaces</b> (Schedule D Section 6.20 (J) (ii))	For spaces with parking angle "90": 2.7 m x 6 m;  Minimum width of parking spaces abutting an area of landscaped open space or a pedestrian walkway greater than 1 m in width and located on the same lot: 2.4 m	6m x 6m (2-car driveway)	<b>Yes</b>
<b>Minimum Aisle Width for Internal Driveway</b> (Schedule D)	6 m for spaces with parking angle "90";	6 m	<b>Yes</b>
<b>Accessible Parking Spaces</b> (Section 6.20 (M) (ii))	<u>Type A</u> Required spaces: 1 (2% of total number of spaces)  Dimension: 3.4 m x 6.0 m  Adjacent access aisle	Accessible parking space requirement is not applicable for private road development.	<b>N/A</b>

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
	dimension: 1.5 m x 6 m  <u>Type B</u> Required spaces: 1 (1% of total number of spaces) Dimension: 2.4 m x 6.0 m Adjacent access aisle dimension: 1.5 m x 6 m		
<b>Minimum Landscaping and Planting Strip Width for uses abutting a Residential Zone</b> (Section 6.21 (b))	3.0 m	1.5 m (Unit 1)	<b>No</b>
<b>Minimum Landscaped Open Space Area in a Residential Zone</b> (Section 6.21 (g))	The minimum landscaped open space area in the front yard of any dwelling in any residential zone shall be 30%.	N/A	<b>N/A</b>
<b>Covered Or Uncovered Porches, Balconies, Decks And Patios</b> (Section 6.40)	<u>For Platform height between 0.5m to 1.5m</u>  Min setback to interior side lot line: required building setback (= 1.5m)  Min setback to rear lot line: 3m  Min setback to front lot line: 3m	1.5 m (Unit 1);  More than 3 m (as existing)  More than 3 m	<b>Yes</b>  <b>Yes</b>  <b>Yes</b>



REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<p><b>Yard Setbacks For Lots Abutting Lake Erie</b> (Section 6.48)</p>	<p>Notwithstanding any other yard requirements of this by-law, any building or any addition thereto in the vicinity of Lake Erie shall be set back a minimum of 30m from the 1-in-100-year flood elevation as determined by the Niagara Peninsula Conservation Authority.</p>	<p>All of the new proposed developments are outside of the NPCA regulated shoreline area, and the existing dwelling is to remain in place (comment from NPCA at pre-consultation dated January 27, 2022).</p>	<p><b>Yes</b></p>
<p><b>Floodproofing Areas</b> (Section 6.49)</p>	<p>New buildings and structures shall only be erected in areas delineated as Floodproofing Areas on Schedule “A” in accordance with the following minimum building opening elevations prescribed in this subsection.</p> <p>FLOODPROOFING AREA NO. 1 New permitted buildings and structures shall be floodproofed with no openings below 176.5m elevation.</p>	<p>Future grading plan to ensure this requirement is satisfied.</p>	<p><b>Yes</b></p>
<p><b>General Provision 6.5 – Frontage On Public Streets And Private Streets</b></p>	<p>(a) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts entirely upon an improved public street, or</p>	<p>Existing dwelling (to be severed through a future consent application) will have partial frontage on a private street.</p>	<p><b>No</b></p>

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
	<p>entirely upon an improved private street only in accordance with Sections 6.5(b) and (c).</p> <p>(b) For the purpose of this subsection an "improved public street" means a street which has been constructed according to Municipal standards and is maintained by the Town so as to permit its use year round by normal vehicular traffic. An "improved private street" means a private lane or right of-way which has been constructed to the satisfaction of the municipality to permit its use year-round by normal vehicular traffic.</p>		

**Minimum Lot Frontage**

Frontage on the site does not meet the RM1 zone requirement of 50 metres. Relief is being sought to include the lot frontage as existing to the amending zoning by-law and bring it into conformity; no change is being made to the dimensions of the lot through this proposal.

**Minimum Landscaped Area**

Approximately 41.2% of the Subject Lands will be landscaped, which is a reduction from the Town’s Zoning By-law requirement of 50% of the lot area. The proposed landscaped area will be made up of open areas and private amenity spaces for future residents. Further, the site’s proximity to Bay Beach and Crystal Beach Waterfront Park will provide

community gathering spaces for socializing and exercising. Overall, it is our opinion that the reduced variance is supportable as the proposed development proposal promotes residential intensification in an area desirable for future growth.

### **Minimum Landscaping and Planting Strip Width for uses abutting a Residential Zone**

The RM1 zone requires a minimum of 3.0 metres wide planting strip where a lot abuts Residential uses. Relief is requested for the distance between Unit 1 and the western lot line measuring 1.5 metres.

The site plan has been designed keeping in mind the irregularity in the shape of the lot. Where the 1.5-metre setback is provided, it is Unit 1's side yard space. There are no major overlook issues anticipated along this setback.

OMC's landscape plan illustrates that pockets of buffer plantings can be accommodated along the western lot line.

### **Minimum Landscaped Open Space Area in a Residential Zone**

Section 6.21 (g) requires 30% of the front yard of any dwelling to be landscaped open space area. The open space area in the front yard is approximately 6% of the total lot area, measuring 6 metres in width along the front yard. The amending by-law will recognize this provision as not applicable for the proposed development.

The intention of this requirement is to enhance the streetscape quality of the neighbourhood, and this is being met through the landscaped area in the front yard. Further, the request is appropriate as it aligns the development with the urban design principle of providing "eyes on the street".

### **General Provision 6.5 (a)**

The proposed new units will be part of a condominium corporation that will include maintenance of the landscaped common areas and the internal private street. The client intends the existing dwelling to have access to the private beach and any costs associated with maintaining it both the beach and the existing dwelling. To relieve undue financial implications on the condominium corporation related to the house to be retained, the existing building is proposed to be severed through a future consent application. The existing house will remain on the retained lot and the proposed units will be located on the severed lot.

In doing so, the retained lot and existing dwelling will not have direct frontage entirely on a public or private street (and does not meet the requirements of General Provision 6.5 (a) which requires frontage entirely on a public or private street. Through this application, we request a variance is granted to ensure the future consent application complies with the amending by-law.

## 7.0 Summary and Conclusion

The proposed development is located within the Crystal Beach Neighbourhood within proximity to commercial business' and recreational spaces. The surrounding area is characterized by low-density residential uses to the east and west, wooded area to the north and Lake Erie to the south. The proposed development of 8 new residential dwellings will provide an opportunity for intensification that will make efficient use of the Subject Lands, while respecting the existing character of the neighbourhood.

The proposed Zoning By-law Amendment is requesting to rezone the Subject Lands from the current Waterfront Residential, in part and Hazard Zone, in part, to a Site-specific Residential Multiple 1 Zone (RM1 – XX) and will address: minimum lot frontage, minimum landscaped area, minimum landscaping, and planting strip width abutting a Residential Zone, and minimum landscaped open space area in a Residential Zone.

It is our opinion that the proposed Zoning By-law Amendment be approved because it represents good land use planning, is in the Town's interest and should be supported for the following reasons:

1. The proposed development is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Region Official Plan, and the Town of Fort Erie Official Plan.
2. The proposed development will provide an opportunity for residential intensification within the Built-Up Area designated for residential growth and is a focus for intensification. It will make efficient use of the existing municipal services and facilities. The Subject Land is close to community facilities such as restaurants, convenience stores at the Erie/Derby Commercial Core and recreational destinations such as Bay Beach and Crystal Beach Waterfront Park.
3. The proposed density is appropriate for the Subject Lands as the lands front on a Municipal Road and has access to active transportation choices.
4. The proposal creates new housing in the Town of Fort Erie contributing to a more diversified housing mix.
5. The development is appropriately distanced from the existing low-density residences to the east and west.
6. The proposal can be accommodated by the available municipal infrastructure.
7. There are no areas of natural heritage significance identified on the Subject Lands.
8. An archaeological assessment revealed artifacts on the Subject Land and has been recommended for Stage 3 assessment.

Report Prepared by:



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Planner  
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Report Prepared and Reviewed by:



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*NPG Planning Solutions Inc.*

## **8.0 Appendices**

**Appendix A – Regional Schedules**

**Appendix B – Town Schedules**

**Appendix C – Draft Crystal Beach Secondary Plan Schedules**

**Appendix D – Zoning By-law Map**

**Appendix E – Draft Zoning By-law Amendment**

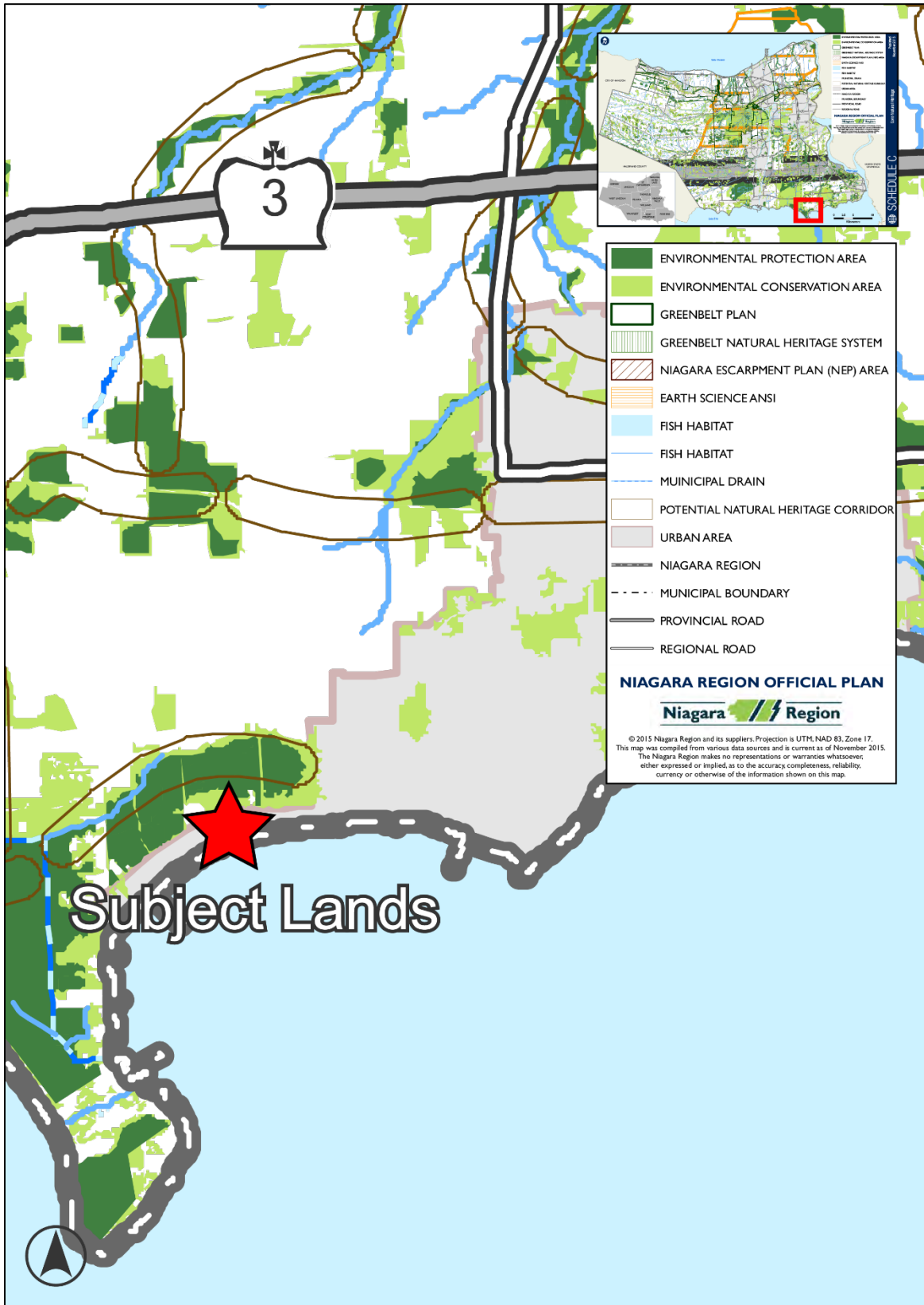


**Appendix A: Regional Schedules**

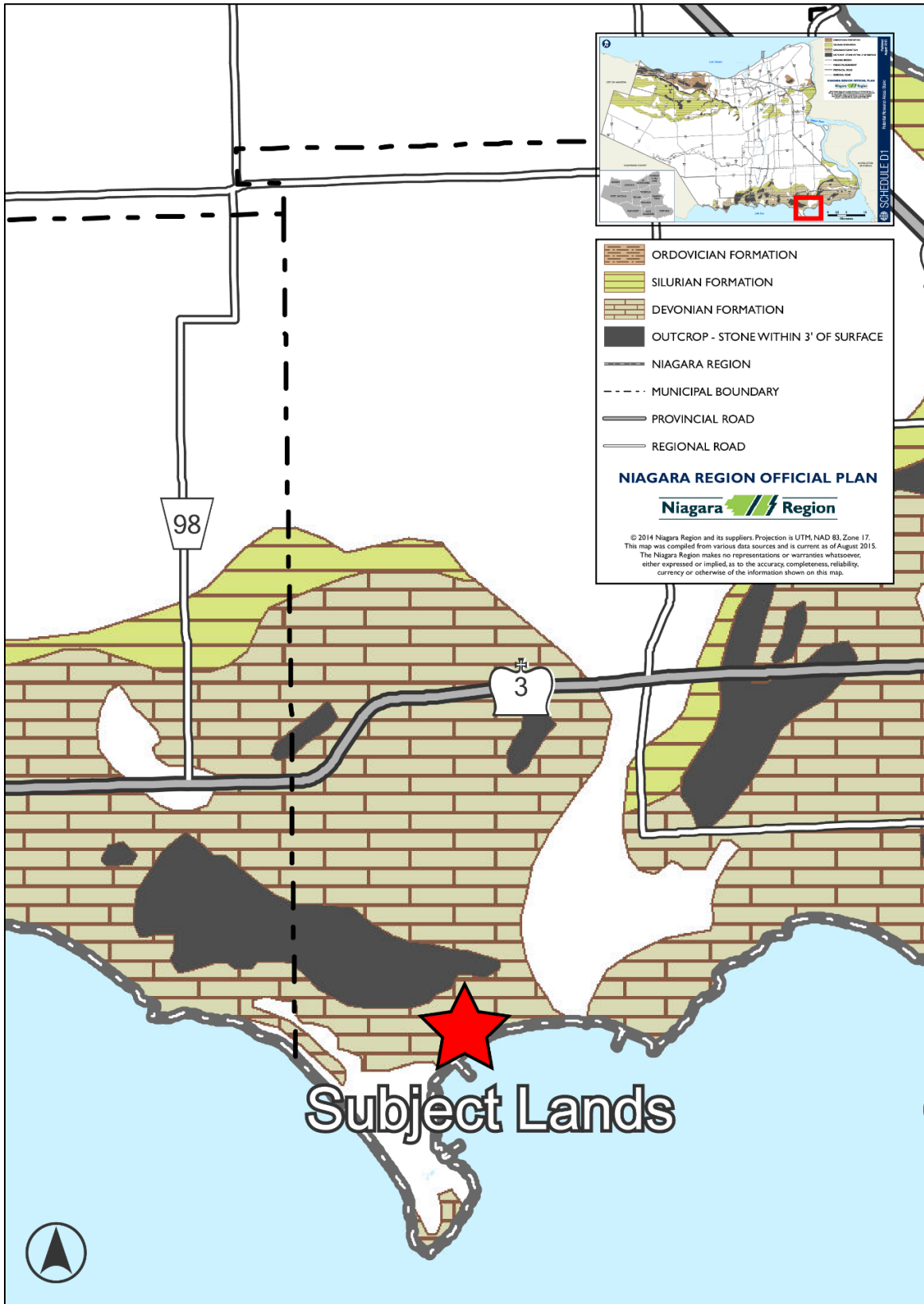
# Schedule A: Regional Structure



## Schedule C: Core Natural Heritage

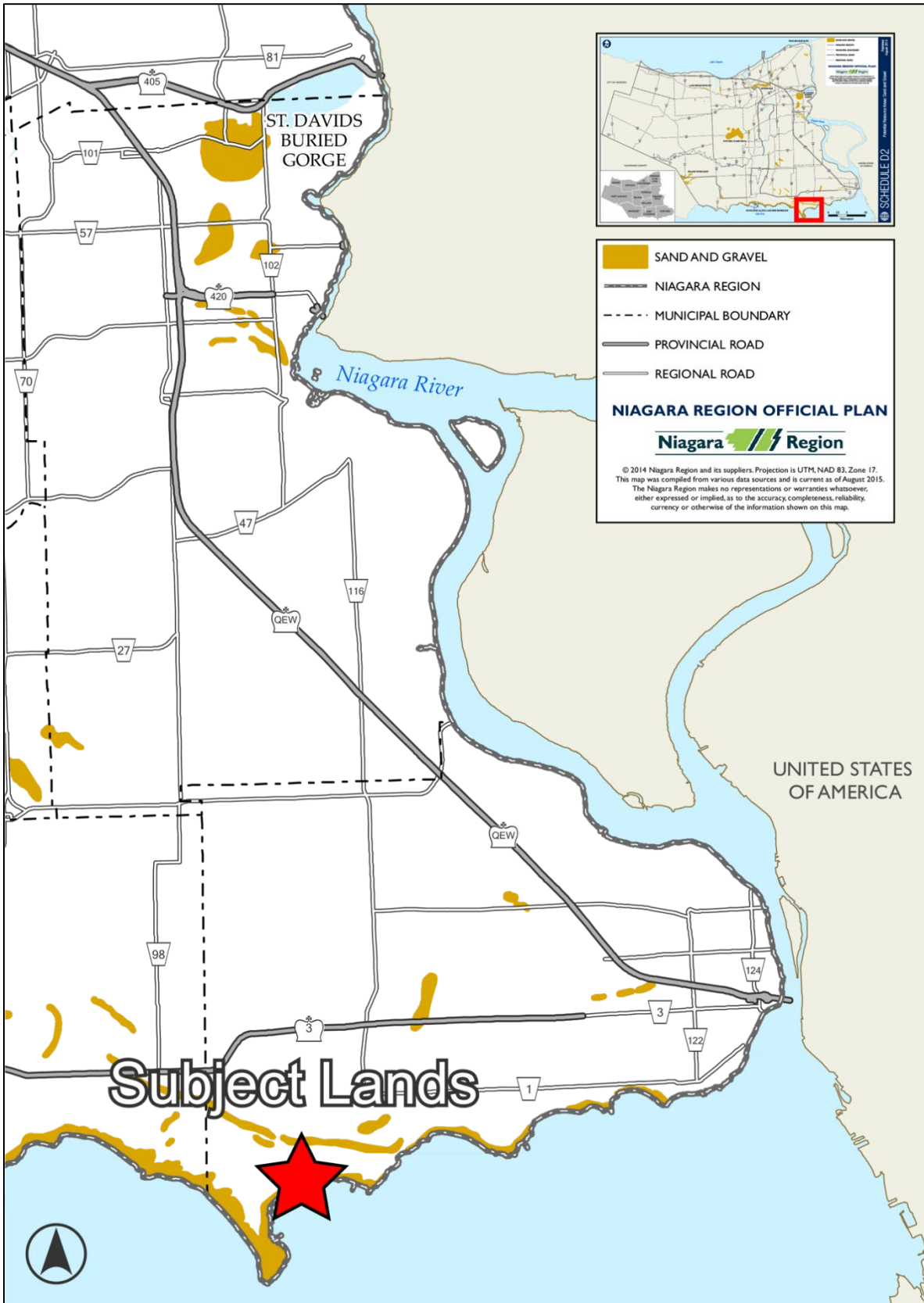


# Schedule D1: Potential Resource Areas – Stone





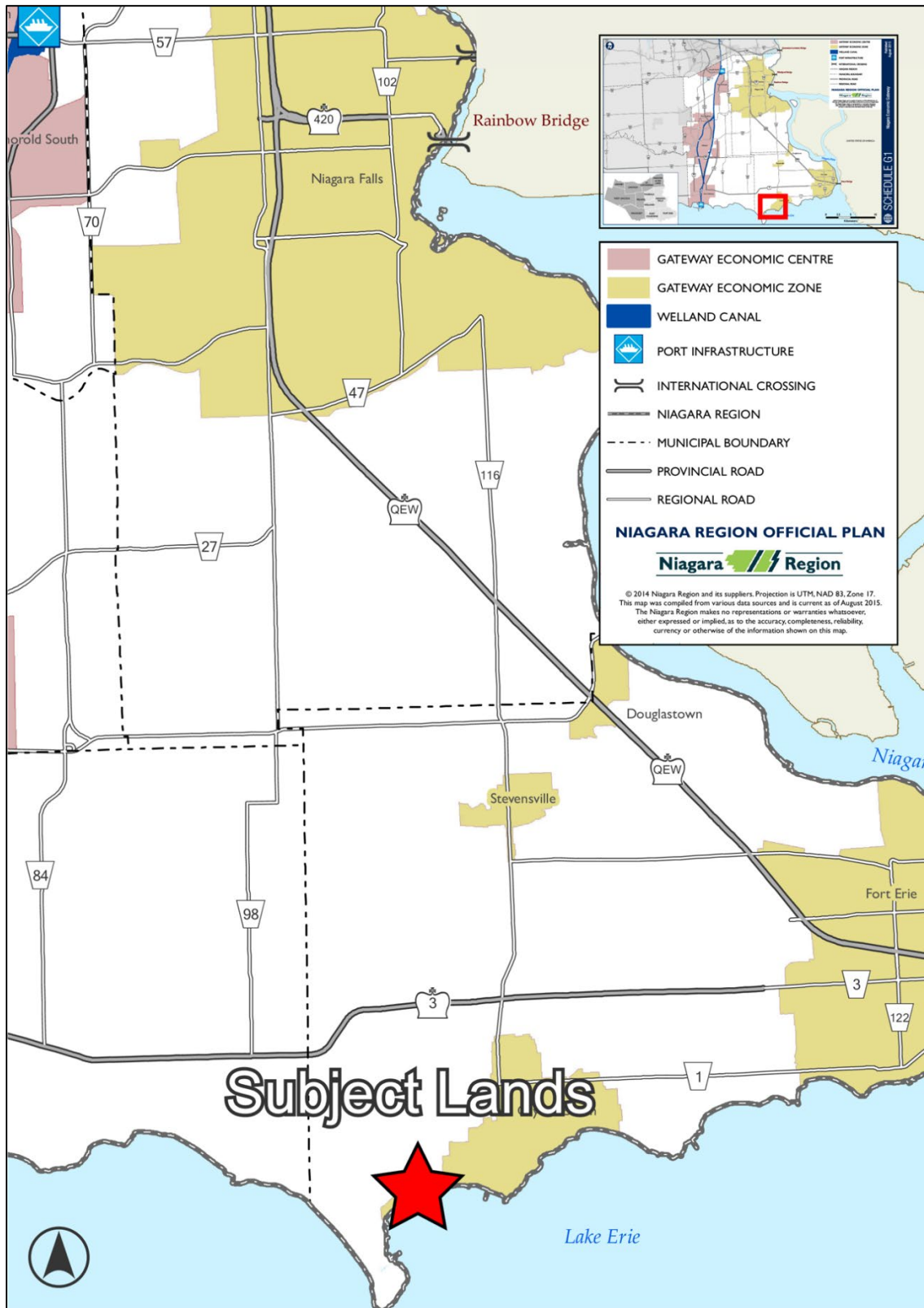
## Schedule D2: Potential Resource Areas – Sand and Gravel



### Schedule E2: Strategic Cycling Network



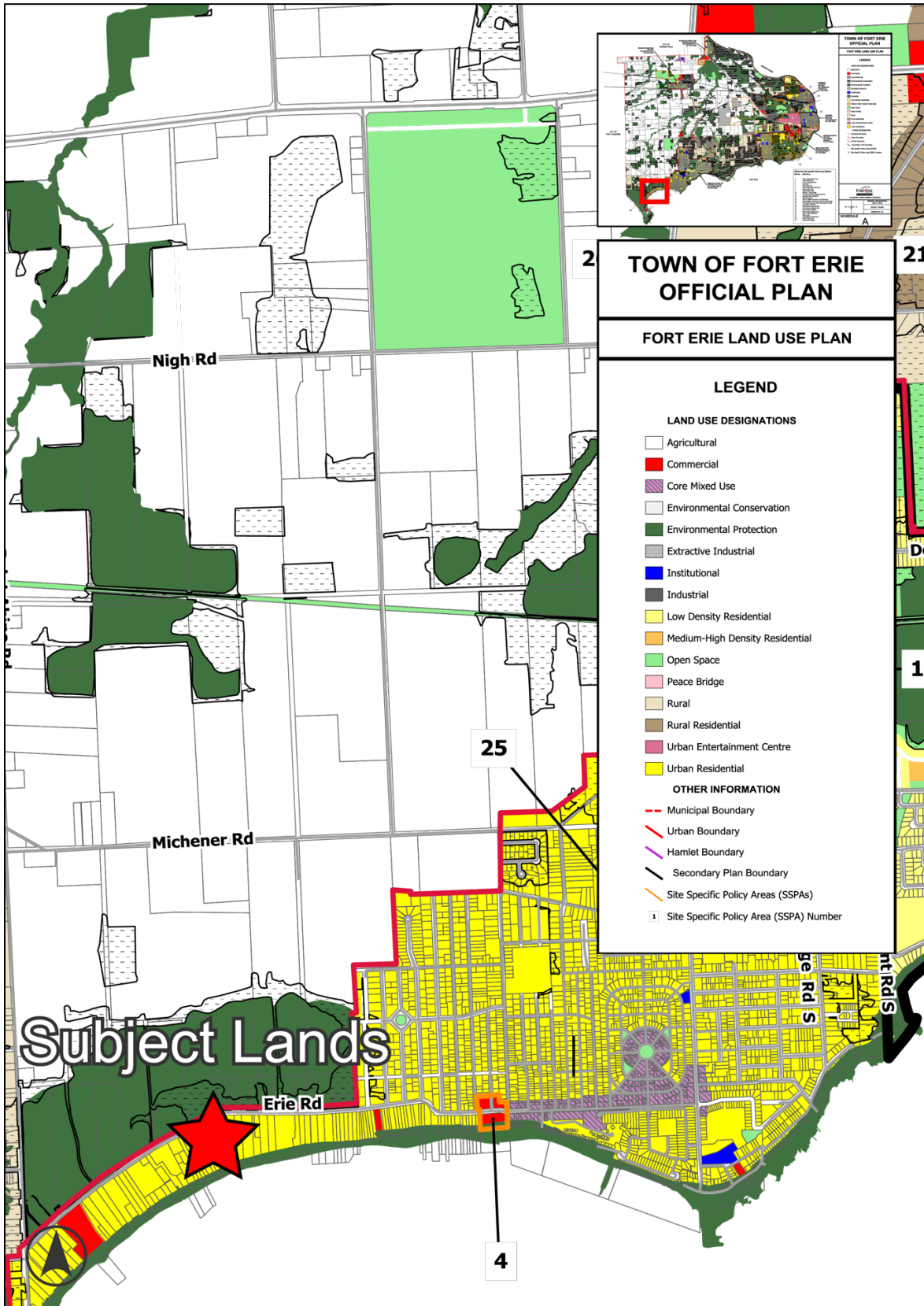
# Schedule G1: Niagara Economic Gateway



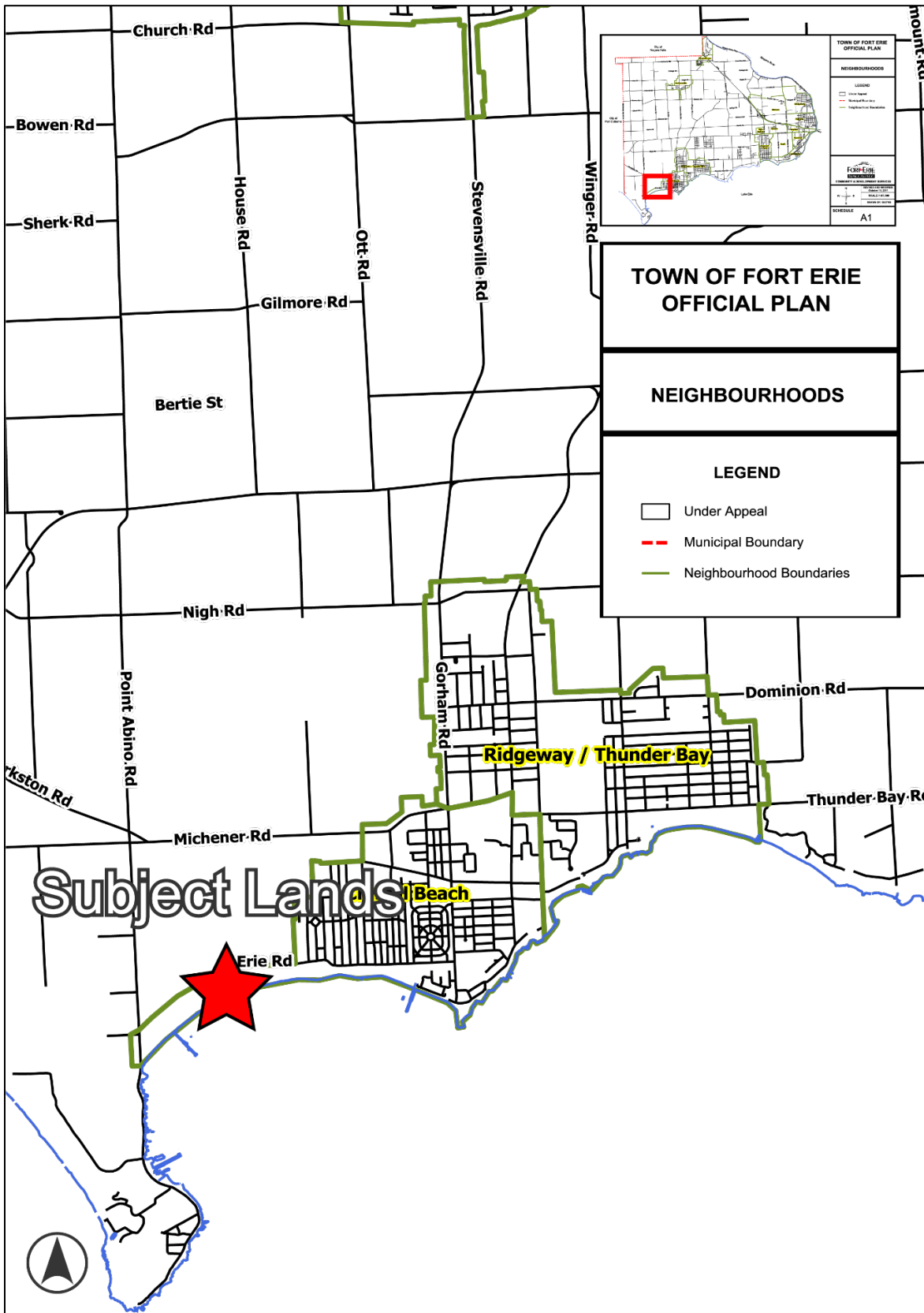
## **Appendix B: Town Schedules**



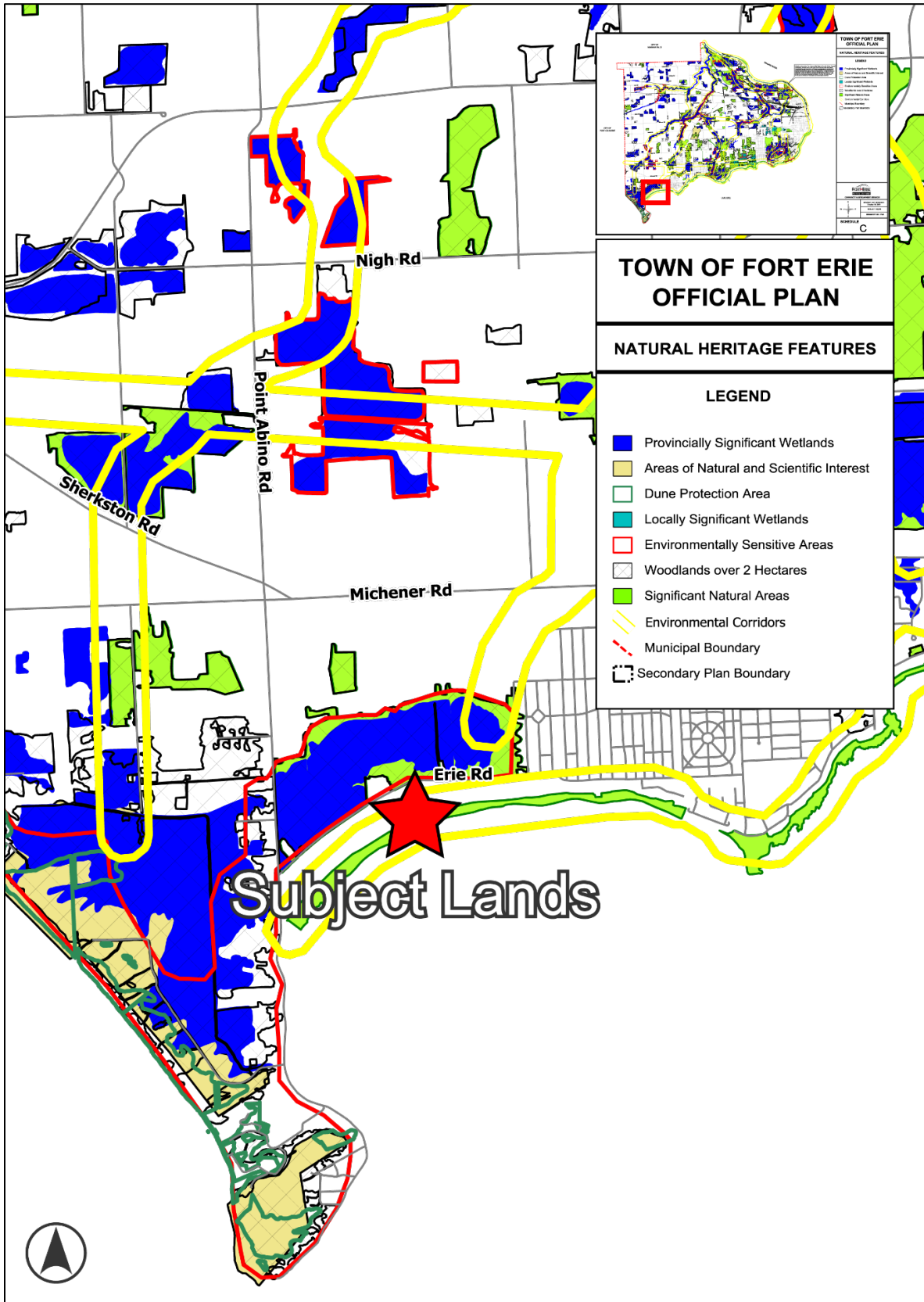
# Schedule A: Land-Use Plan



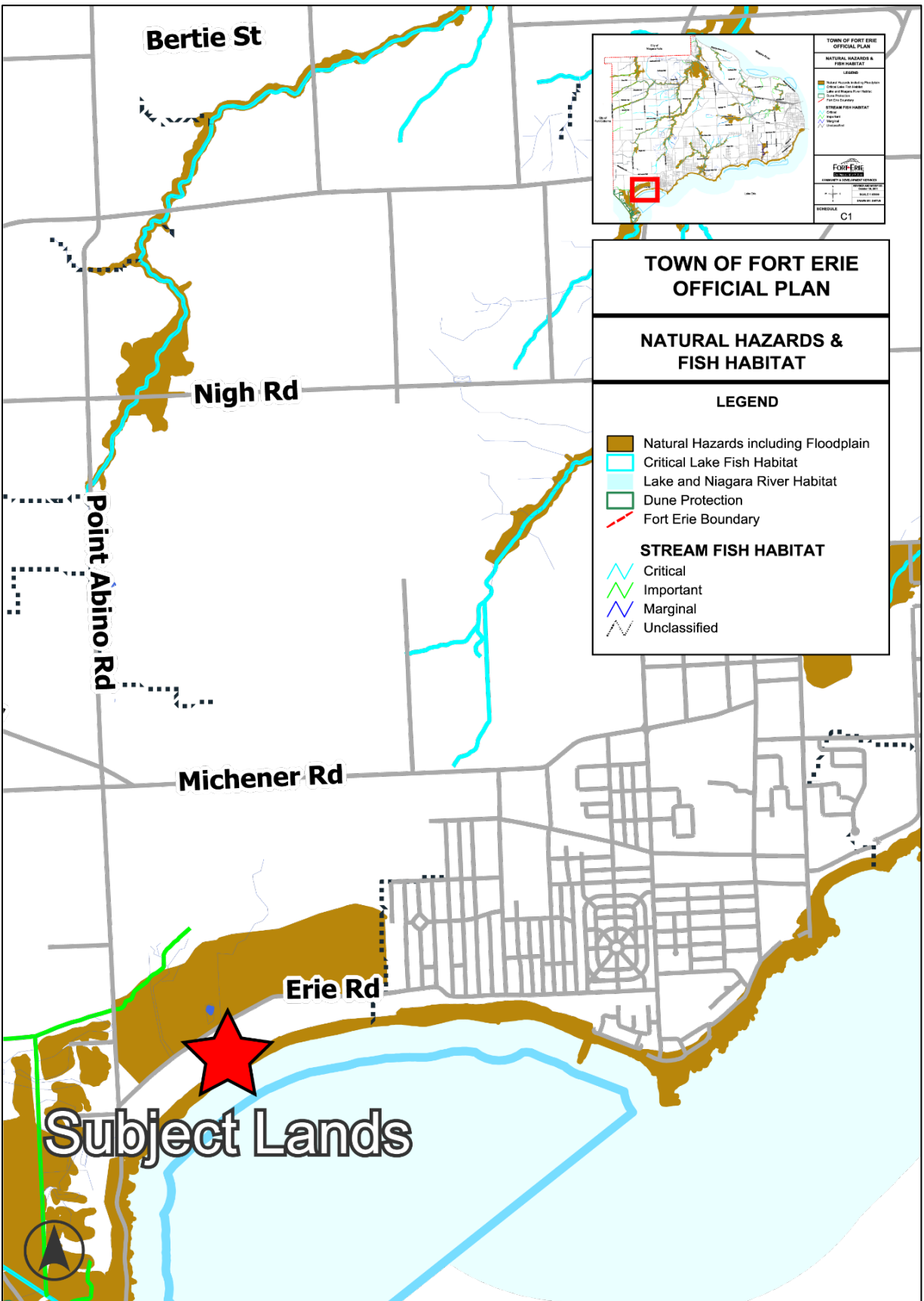
# Schedule A1: Neighbourhoods



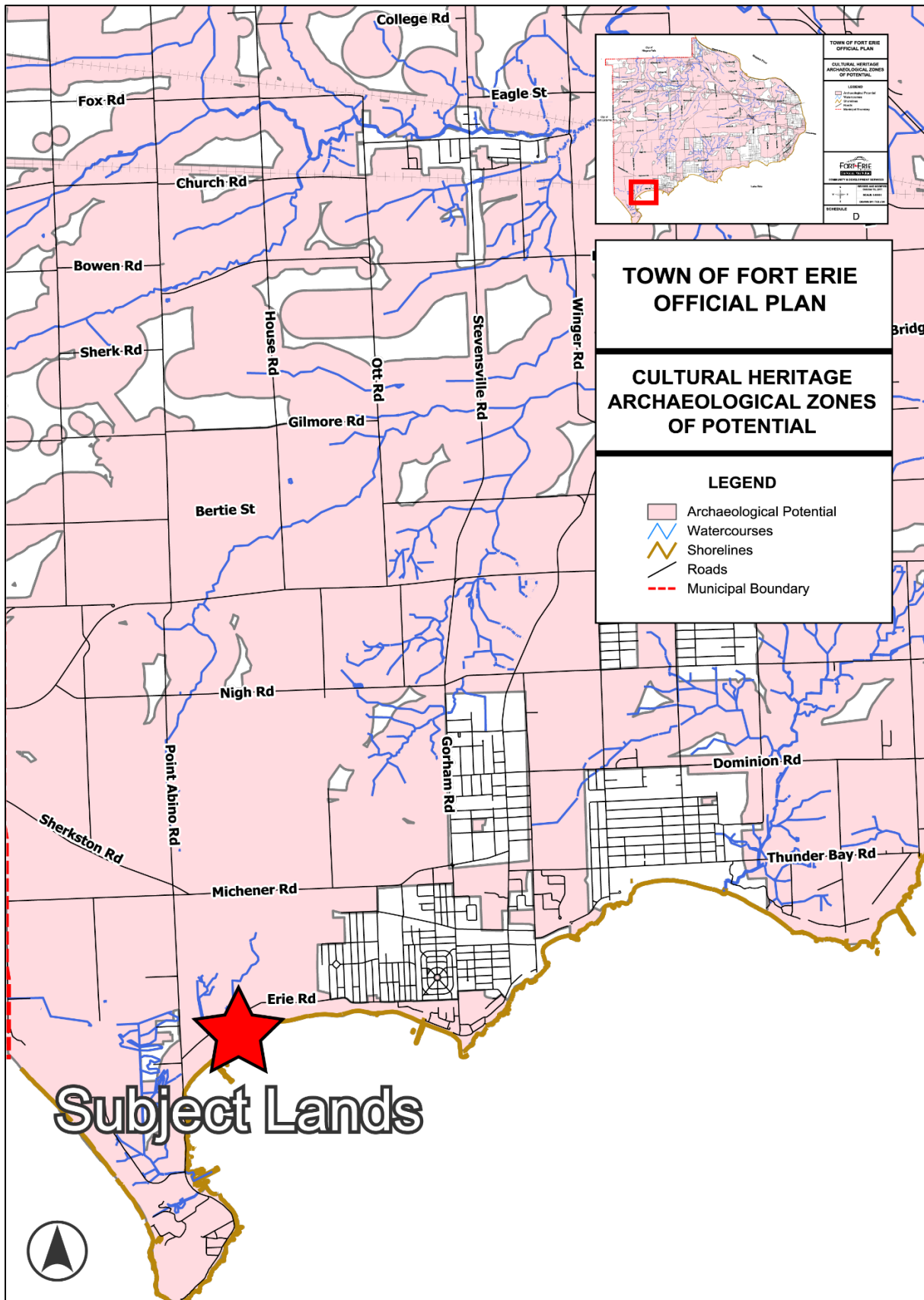
# Schedule C: Natural Heritage Features



Schedule C1: Natural Hazards & Fish Habitat

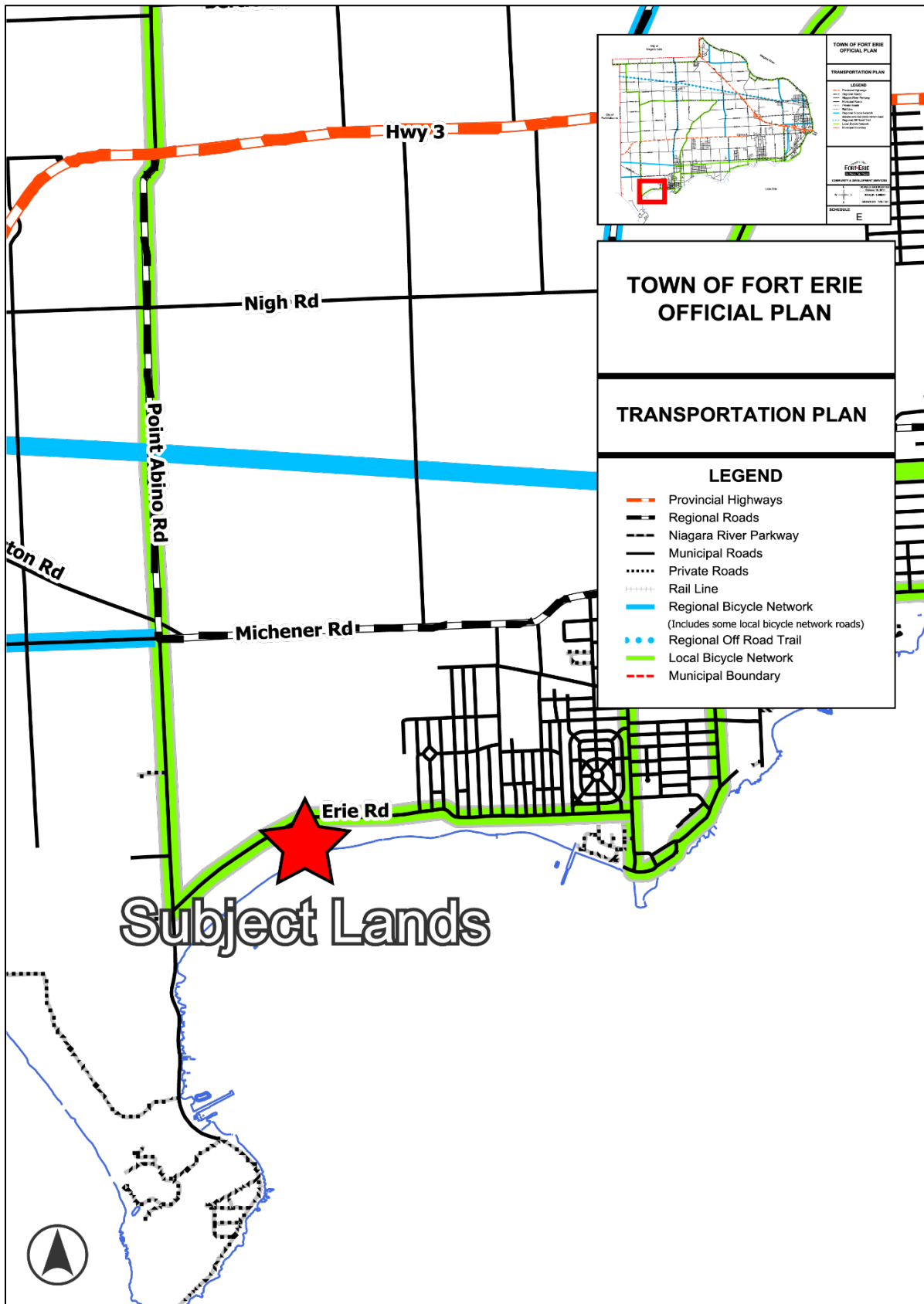


## Schedule D: Cultural Heritage Archaeological Zones of Potential



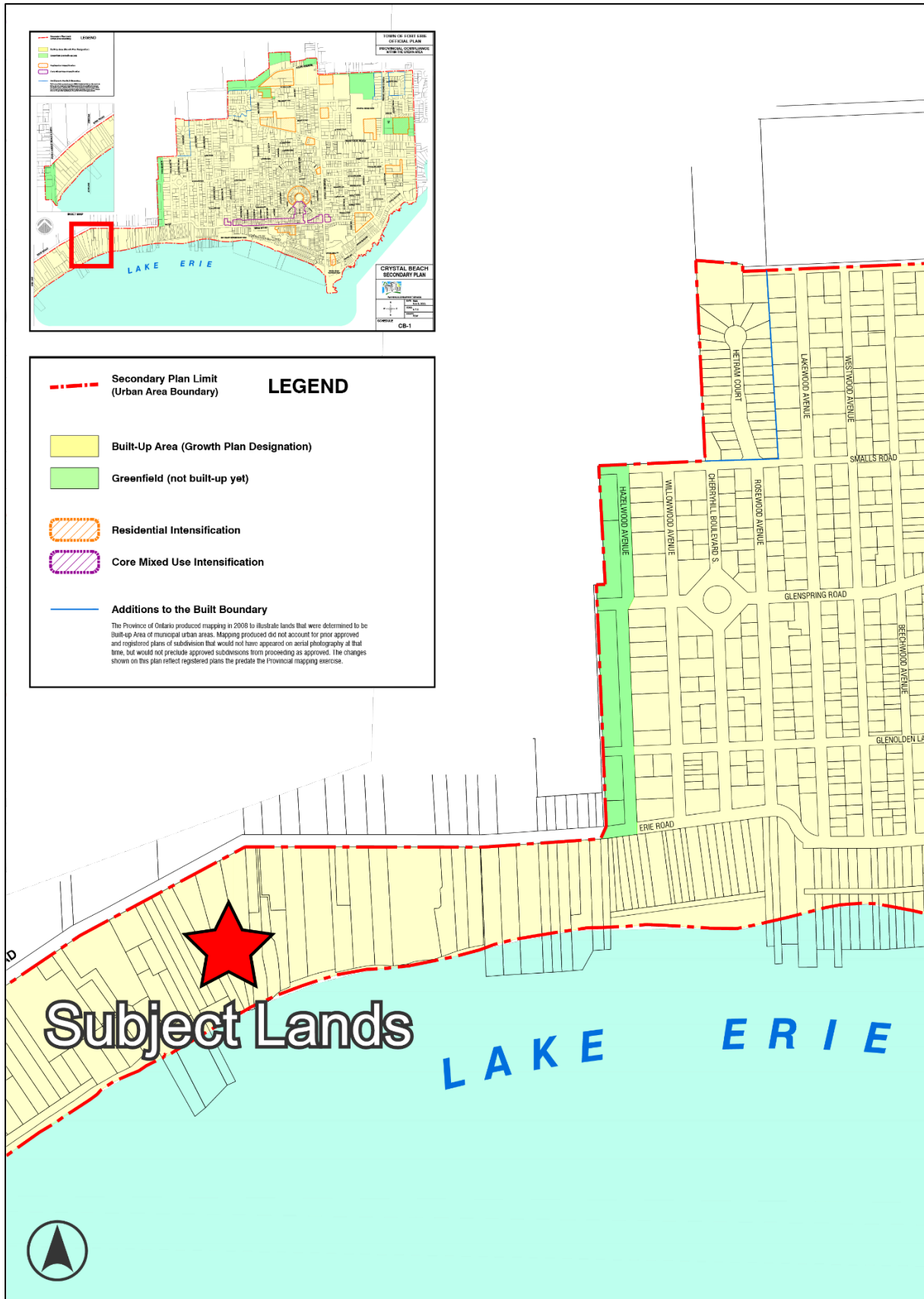


# Schedule E: Transportation Plan

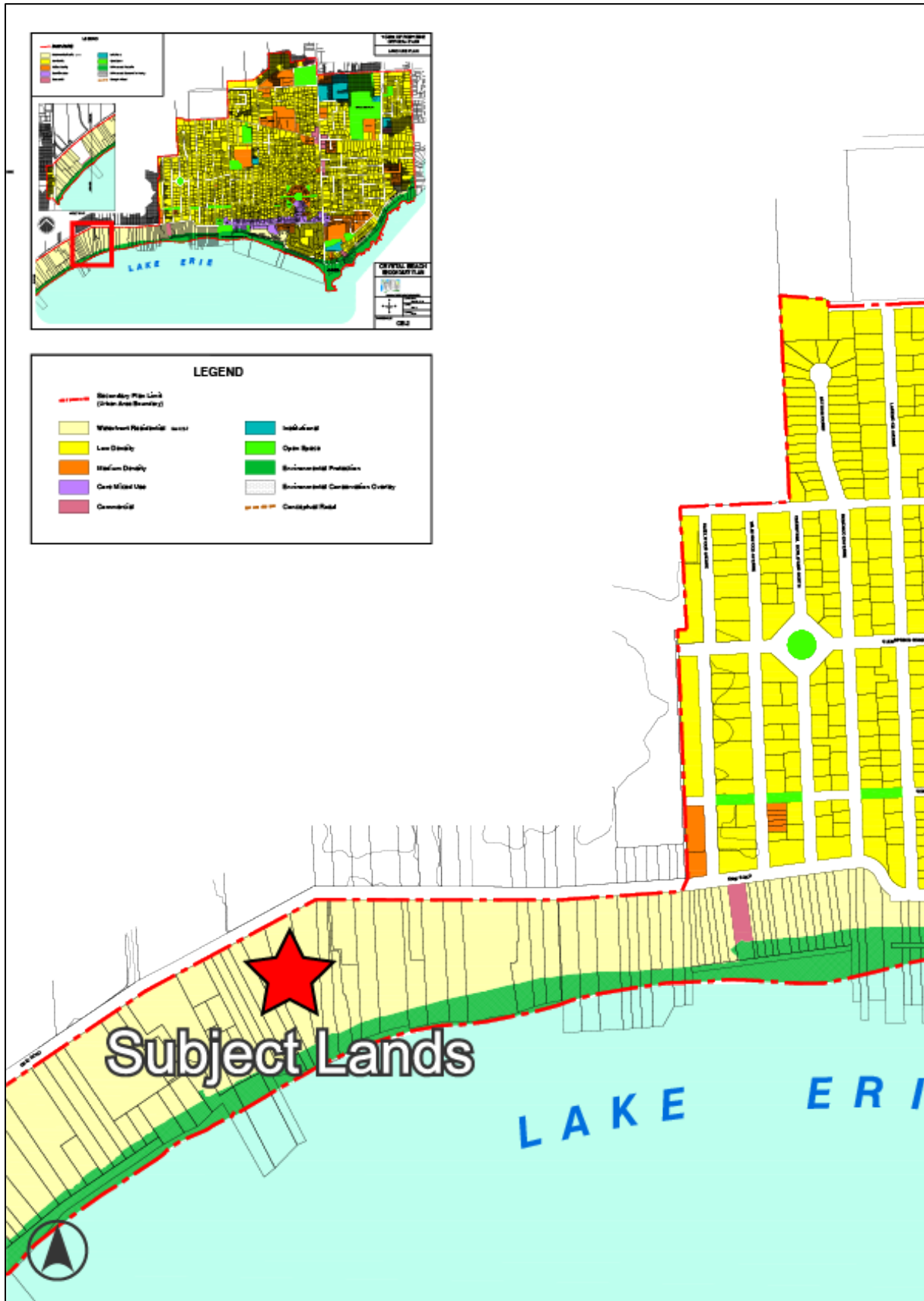


**Appendix C: Adopted Crystal Beach Secondary Plan Schedules**

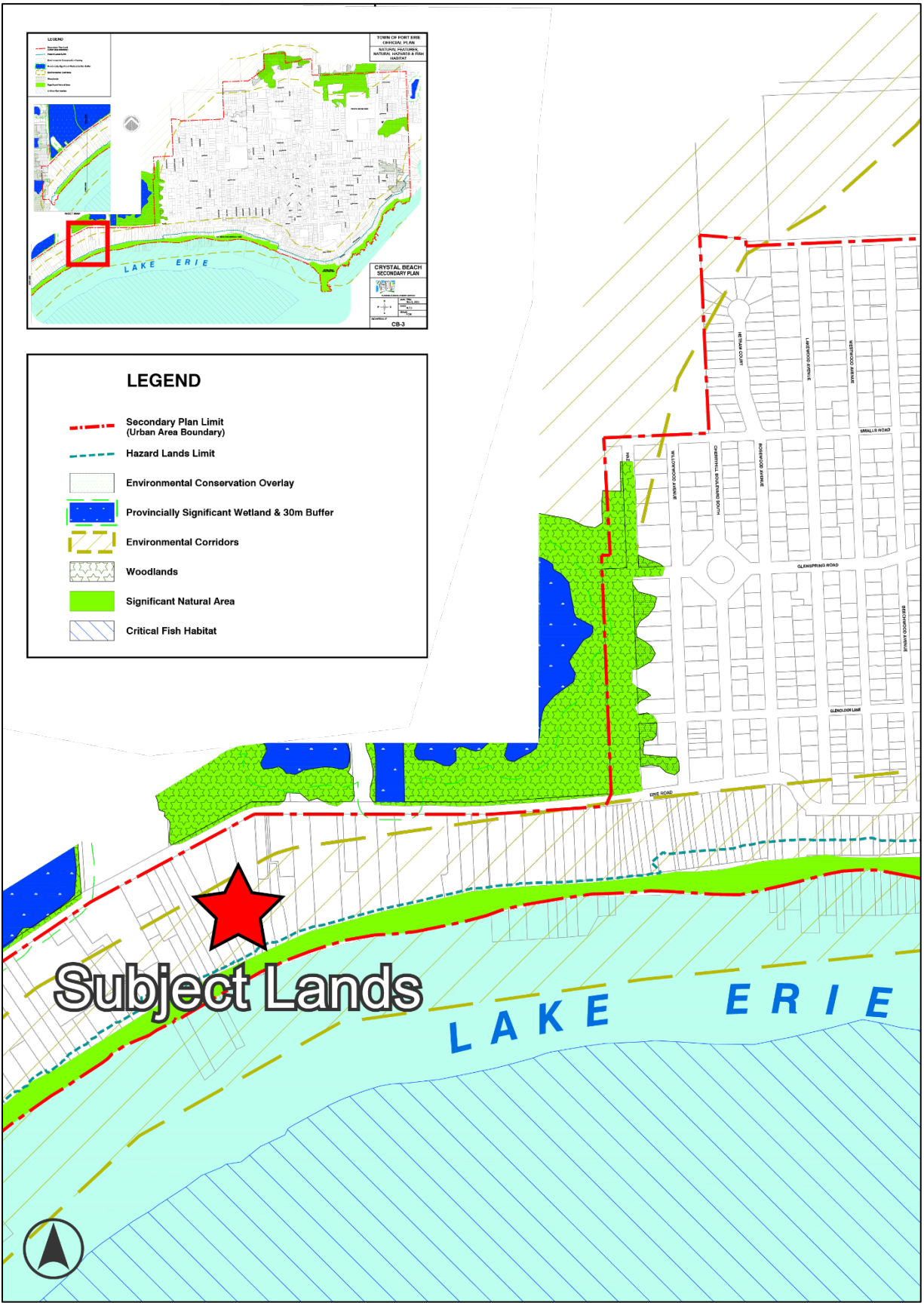
# Schedule CB-1: Provincial Compliance within the Urban Area



# Schedule CB-2: Land-Use Plan

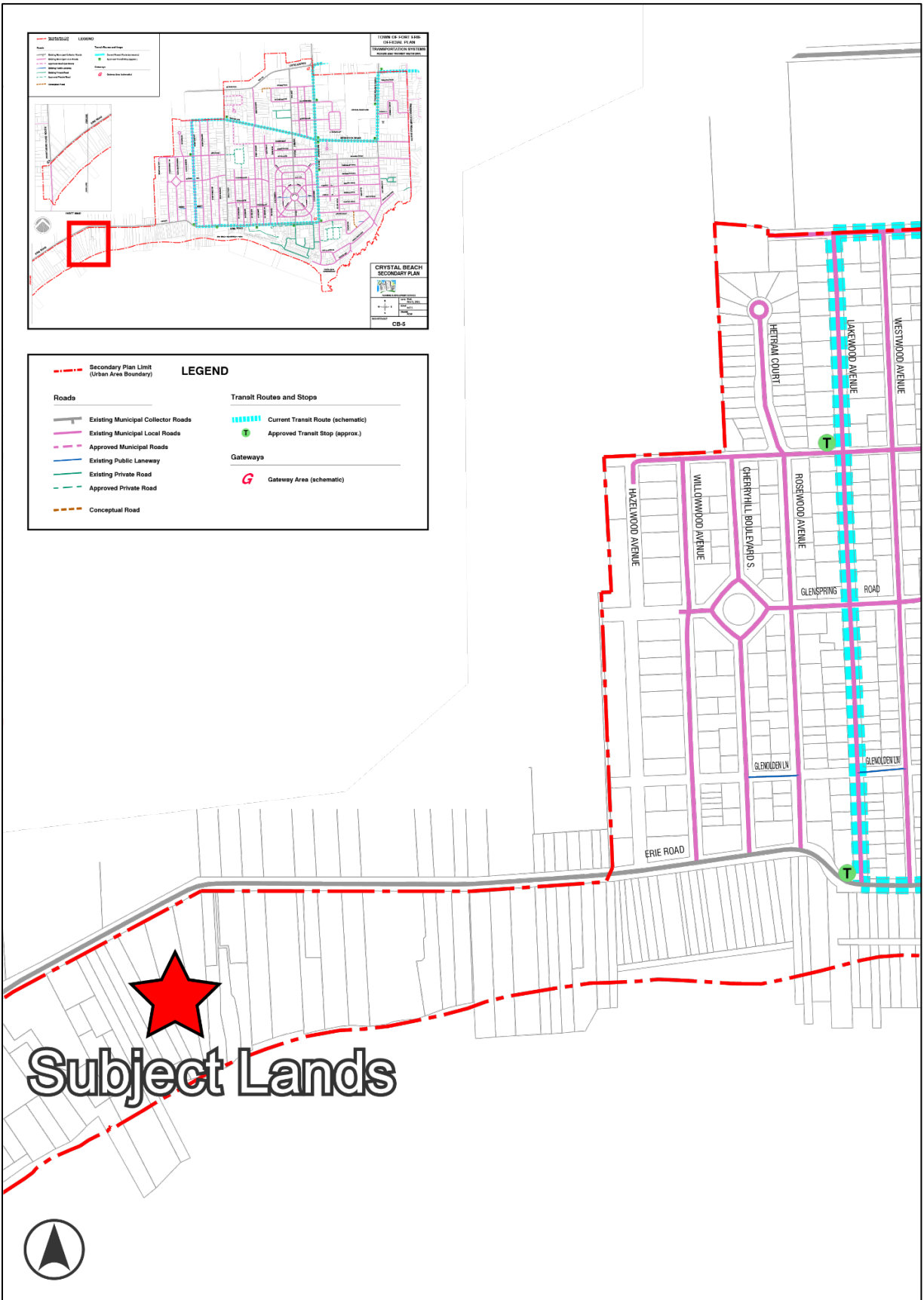


### Schedule CB-3: Natural Features, Natural Hazards & Fish Habitat

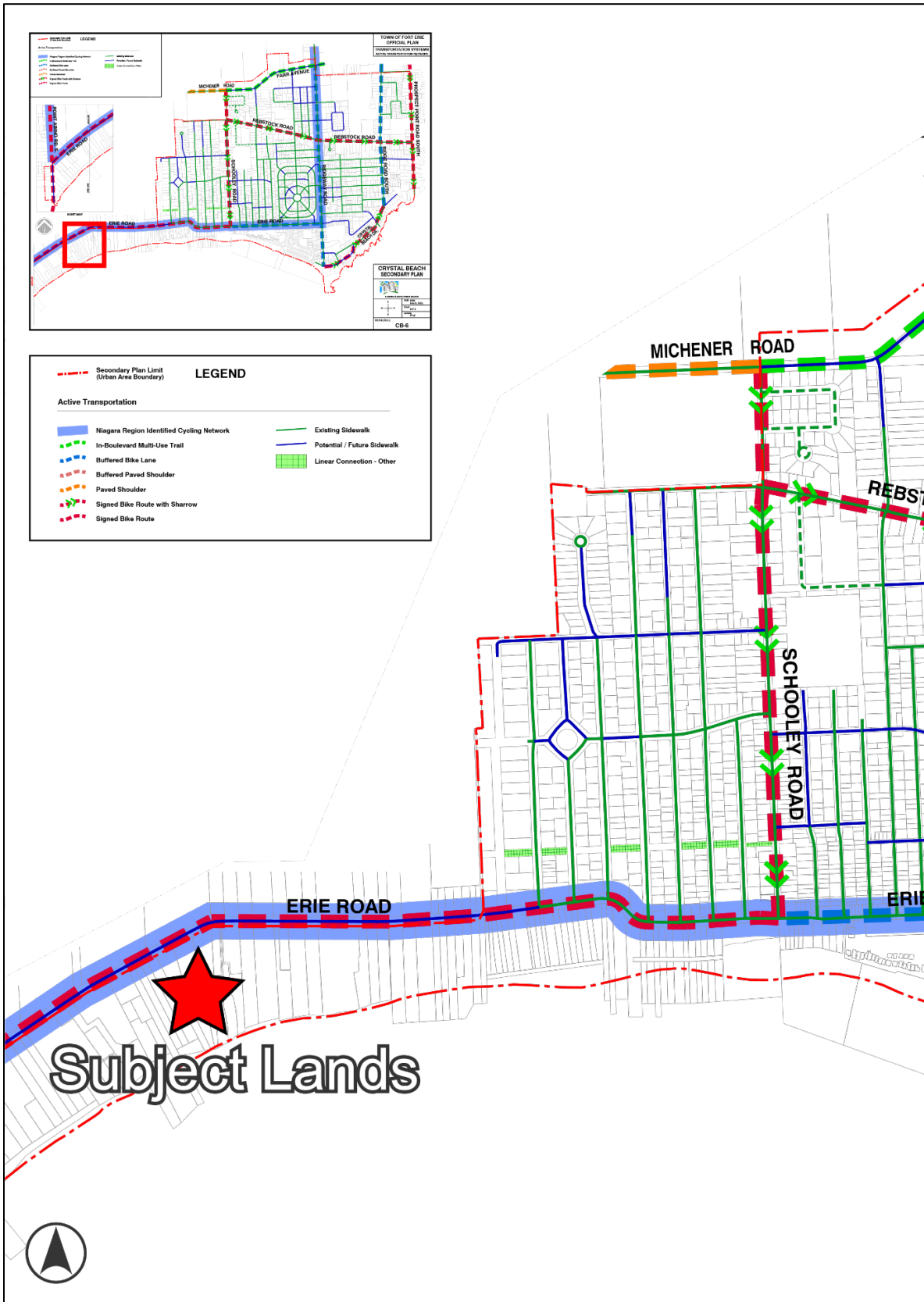




# Schedule CB-5: Transportation Systems – Roads and Transit Network



# Schedule CB-6: Transportation Systems – Active Transportation Network

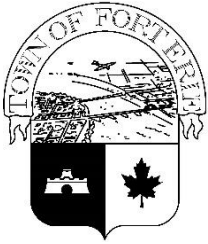


**Appendix D: Zoning By-law Map**



**Appendix E: Draft Zoning By-law Amendment**





The Municipal Corporation of the Town of Fort Erie  
By-law No. XX-202X

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By-law to Amend Zoning By-law No. 129-90  
4409 Erie Road  
NPG Planning Solutions Inc. - Agent  
Crystal Bay Cottages Inc. - Owner

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**Whereas** an application was received from NPG Planning Solutions Inc., Planning Consultants (Agent) on behalf of Crystal Bay Cottages Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Part of Lots 29 & 30, Broken Front Concession Lake Erie, and Part of Lot 65 Plan 372 and Part of Lot 83 Plan 379, Town of Fort Erie, Regional Municipality of Niagara, and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on XX XX 202X, 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-202X considered at the Council-in-Committee meeting of XXX XX, 202X and subsequently authorized and approved by Council, and

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

1. **That** Schedule "A" Map 9 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 "Waterfront Residential (WR) Zone, in part, and Hazard Zone (H)" to "Residential Multiple 1 Site Specific and Hazard (RM1-XXX and H-XXX) Zone." The Hazard Zone is setback 1.5 metres from the south face of the existing dwelling.
2. **That** By-law No. 129-90 as amended, is further amended by adding to "Section 14– Residential Multiple 1 (RM1) Zone" Subsection – "Exceptions to The Residential Multiple 1 (RM1) Zone" the following exceptions:

"RM1-XXX (XX-202X) 4409 Erie Road

These lands are zoned "Residential Multiple 1 Site Specific (RM1-XXX) Zone", and all of the provisions of

By-law No. XX-202X

By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 1 Site Specific (RM1-XXX) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 (RM1-XXX) Zone" shown as the attached Appendix "1" and shall be subject to the following provisions:

- a) Minimum Lot Frontage: 43 m
- b) Minimum Landscaped Area: 40%, including Privacy Areas
- c) Minimum Landscaping and Planting Strip Width for uses abutting a Residential Zone: 1.5 m
- d) Minimum Landscaped Open Space Area in a Residential Zone: N/A

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 descriptiveness 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 XX day of XXXX, 202X.**

**Mayor**

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**Clerk**

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. XX-202X of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20

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Appendix 1

