

# **PLANNING JUSTIFICATION REPORT**

**In Support of a  
Zoning By-law Amendment Application**

**for**

**PROPOSED TOWNHOUSE DEVELOPMENT  
272 Ridge Road South,  
Fort Erie, Ontario**

**Prepared for**

**Culture Developments Inc.  
4400 Queen Street,  
Niagara Falls, ON**

**November 2022**



**Market Research • Land Use Planning • Real Estate Strategies**

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## **1.0 INTRODUCTION**

Agora Research Group Inc. (“Agora”) was retained by Culture Developments Inc. to act as Land Use Planners and Development Consultants for the property municipally described as 272 Ridge Road South, Fort Erie, Ontario, hereinafter referred to as the “Site”. Specifically, Agora was requested to provide the necessary planning justification to support the development of an 18 unit townhouse condominium development in the Crystal Beach neighbourhood.

The purpose of the Zoning By-law Amendment Application is to permit a medium density residential development within a mature and stable neighbourhood. The proposal will provide the market with the following:

- housing choice that supports “age-in-place” opportunities for all ages and economic status,
- compact and affordable development forms,
- more efficient use of large residential lots through intensifying residential form and
- achieve population targets set by province.

The proposed use requires a Zoning By-law Amendment as part of the planning approval process. In support of the Zoning By-law Amendment, Agora was retained to prepare an overall Planning Justification Report that addresses the policies of the Town of Fort Erie and Niagara Region including matters of Provincial interests. The Planning Justification Report refers to meetings with the Town of Fort Erie Staff and is designed to provide a complete review and justification of the application to address any impacts related to the proposed use and to satisfy the Municipality’s planning related concerns regarding the application.

Subject lands are designated as “Built-Up Area” in the Niagara Region 2018 Official Plan and are designated as “Urban Residential” in the Town of Fort Erie Official Plan 2019. The Town of Fort Erie Comprehensive Zoning By-law No. 129-90 zones the Site as “R1” (Residential 1 Zone).

The Site is located within the Crystal Beach Secondary Plan (CBSP). The plan was approved by Council on November 22, 2021 and was subsequently appealed to the Ontario Land Tribunals on January 27, 2022 for review and decision. As the CBSP is not in effect, the zoning by-law amendment application will be evaluated and considered according to the in-effect Fort Erie Zoning By-law #129-90.

According to the applicant's Pre-Consultation meeting with the Town of Fort Erie, an amendment to the Zoning By-law will be required to address lot density and several other minor variances.

The Planning Justification Report describes the proposed uses along with the current and future planning policies and provides an analysis of the Site in the context of the policy framework. Summaries of associated technical studies where required are also contained within this report.

The development proposal comprises 18 townhouse condominium dwelling units along with parking spaces for residents and visitors. A total of 31 parking spaces including 1 Type A accessible parking space are proposed for the townhouse development. The development proposal will include a total of 18 residential units resulting in an overall net density of 33.34 units per hectare (18 units / 0.5399 hectares).

The development will be supported by a private road which will have direct access to Ridge Road South (one of the main north/south arterials in Crystal Beach) with further connections to other existing residential arterials in the neighbourhood.

In terms of land use planning, the proposal which is located within the Crystal Beach Neighbourhood supports several Official Plan policy objectives and promotes new development with housing choices to allow for affordable housing and "aging-in-place".

The proposal's built form ensures that the development compliments the adjacent residential uses and provides an appropriate and well integrated site design to accommodate adjacent residential lands uses.

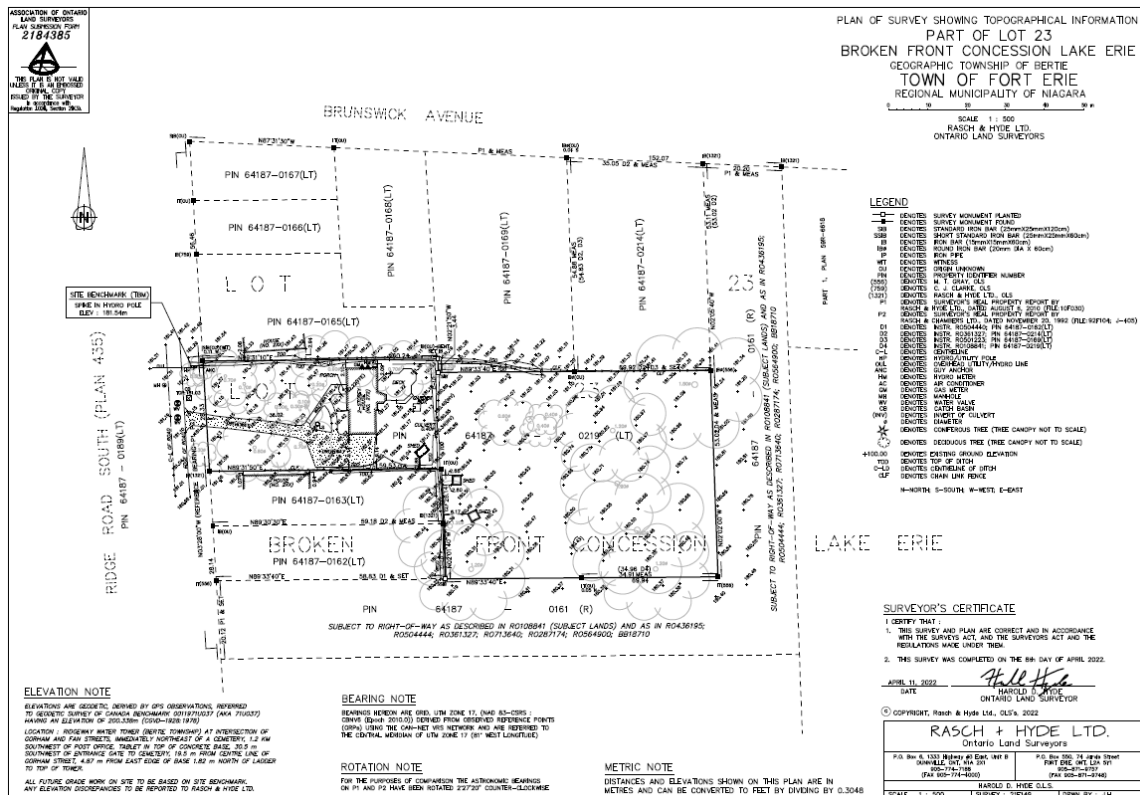
Having considered the merits of this application and how it conforms to the policy framework applicable to the Site, it is our professional opinion that the proposed Zoning By-law Amendment is justified, represent the logical residential infilling of medium density housing in the Crystal Beach Neighbourhood, will not detract from the neighbourhood function and represents good land use planning.

## 2.0 SITE DESCRIPTION

### Legal Description

A Plan of Survey showing Topographic Information was completed for the Site by Rasch & Hyde Ltd Ontario Land Surveyors on April 11, 2022.

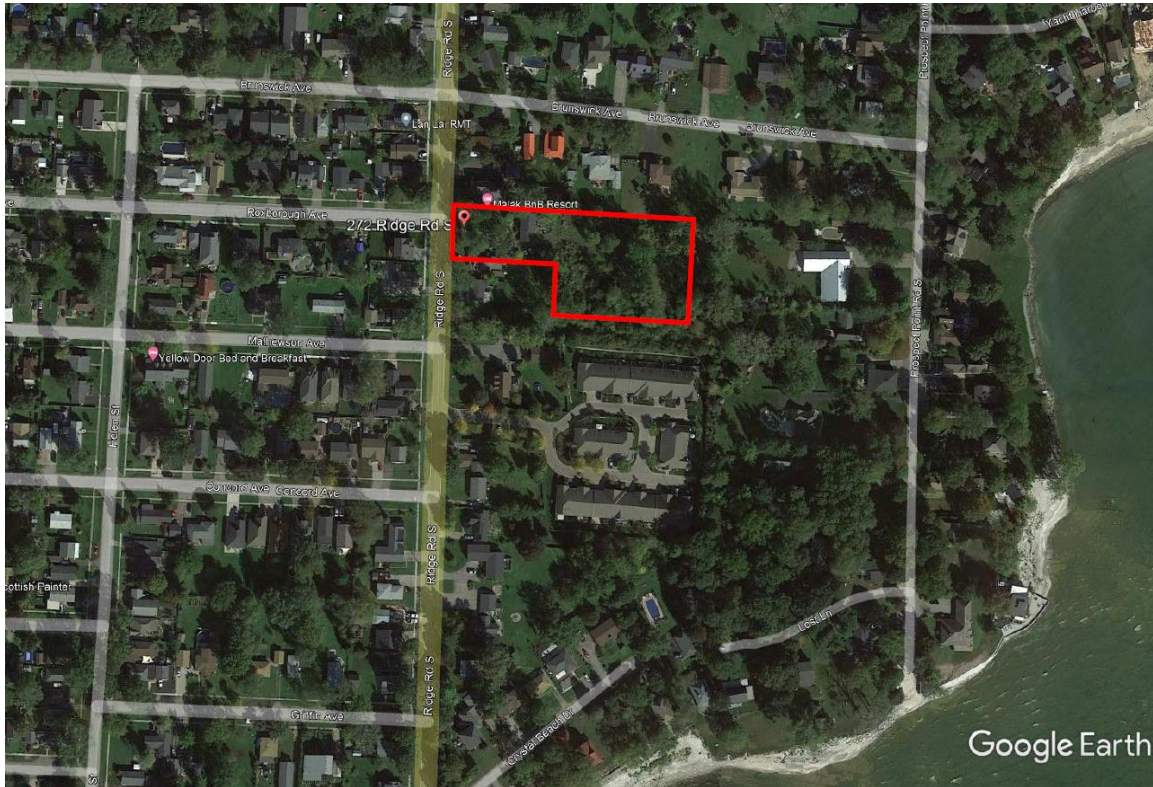
The Site is legally known as Part of Lot 23, Broken Front Concession Lake Erie in the Geographic Township of Bertie, Town of Fort Erie.



### Site Characteristics

The Site is comprised of an irregular rectangular parcel primarily occupied by a two storey house and several sheds at the front of the property facing Ridge Road South while the rear portion of the property is undeveloped.

The Site is bounded on all sides by established and mature residential uses.



Total land area of the Site is 5,398.61m<sup>2</sup> (approximately 0.5399 hectares or 1.33 acres) and has a frontage of 28.33m along Ridge Road South and a depth of approximately 130m.

The Site is primarily flat with no discernable features except for the following:

- 2 storey house including a driveway and walkway leading to the house from Ridge Road South and
- 3 garden sheds.



Photo of existing 2 storey house on the property looking east from front of Site.

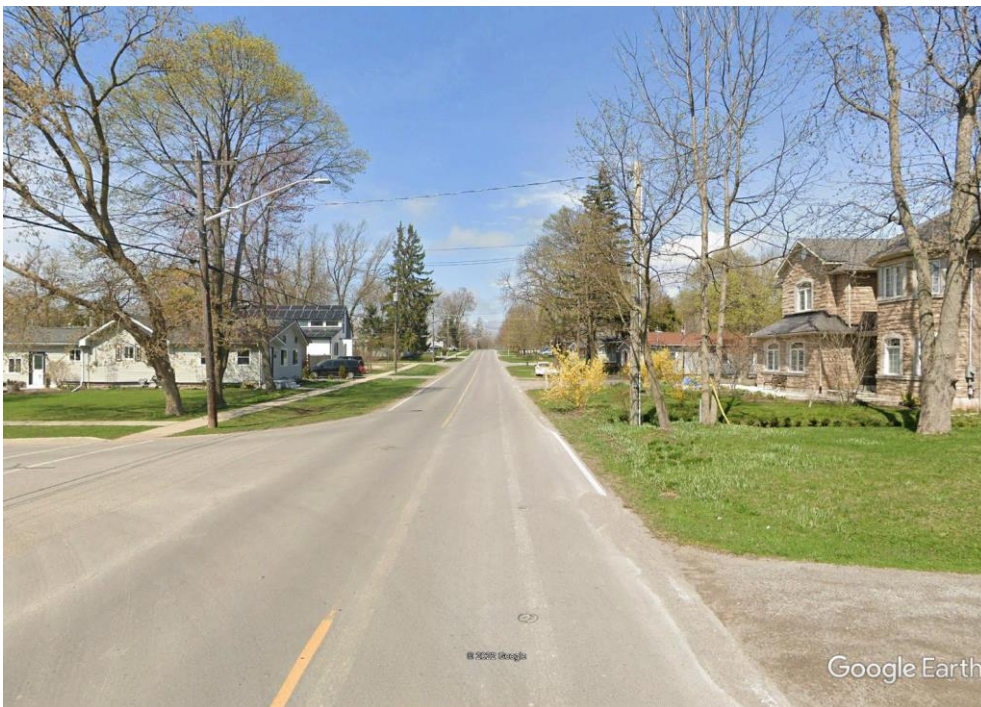


Photo looking north on Ridge Road South from front of Site.



Photo looking south on Ridge Road South from front of Site.

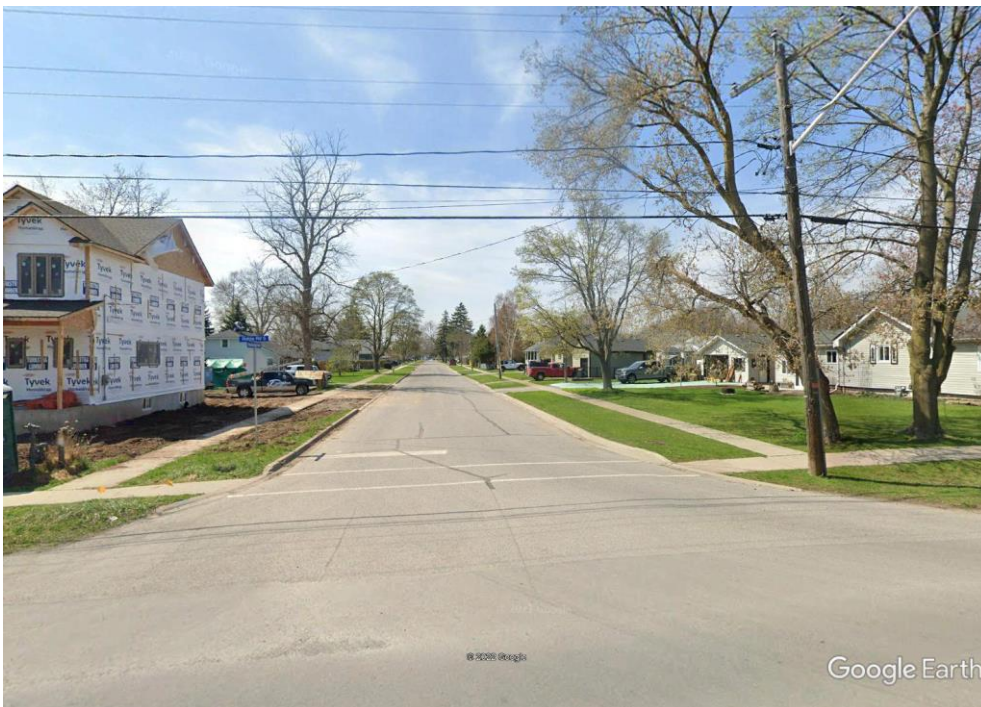


Photo looking west onto Roxborough Avenue from front of Site.



### Access

Ingress/egress to the proposed townhouse condominium development will be provided by a private road with direct access to Ridge Road South. This access point will be a full turn unsignalized intersection and will be closely aligned with Roxborough Avenue.

### Parking

A total of 31 parking spaces including 1 Type A accessible parking space are proposed for the townhouse development. Each townhouse unit will have 1 parking space located in the driveway in front of the garage while 13 parking space including one accessible parking space will be provided for visitors.

### Infrastructure

Municipal services originating along Ridge Road South will be connected to the proposed townhouse development. A Functional Servicing and Stormwater Management Report will be included in the Zoning By-law Amendment Application.

### Environment

The Site is located within the Region's Core Natural Heritage System (CNHS) which consists of Significant Woodlands. It is our understanding that Town Staff have reviewed the aerials images and have concluded that no such features are present. The Pre-Consultation Minutes indicate that Environmental Planning has no objections to the development and offers no requirements at this time. It is further noted that it is the responsibility of the owner to adhere to the Endangered Species Act and Migratory Birds Act prior to any tree removal.

### Archaeological Concerns

According to the Province's Criteria for Evaluation Archaeological Potential, the site exhibits the potential for the discovery of archaeological resources as it is located within 300m of the registered archaeological site (AfGs-97) and a significant waterbody (Lake Erie).

Although the property has experienced some previous ground disturbances related to development activities, the majority of the property appears to be undisturbed. Regional staff requires the completion of Stage 1-2 Archaeological Assessment and applicable Letters of Acknowledgement from the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) for the proposed development.

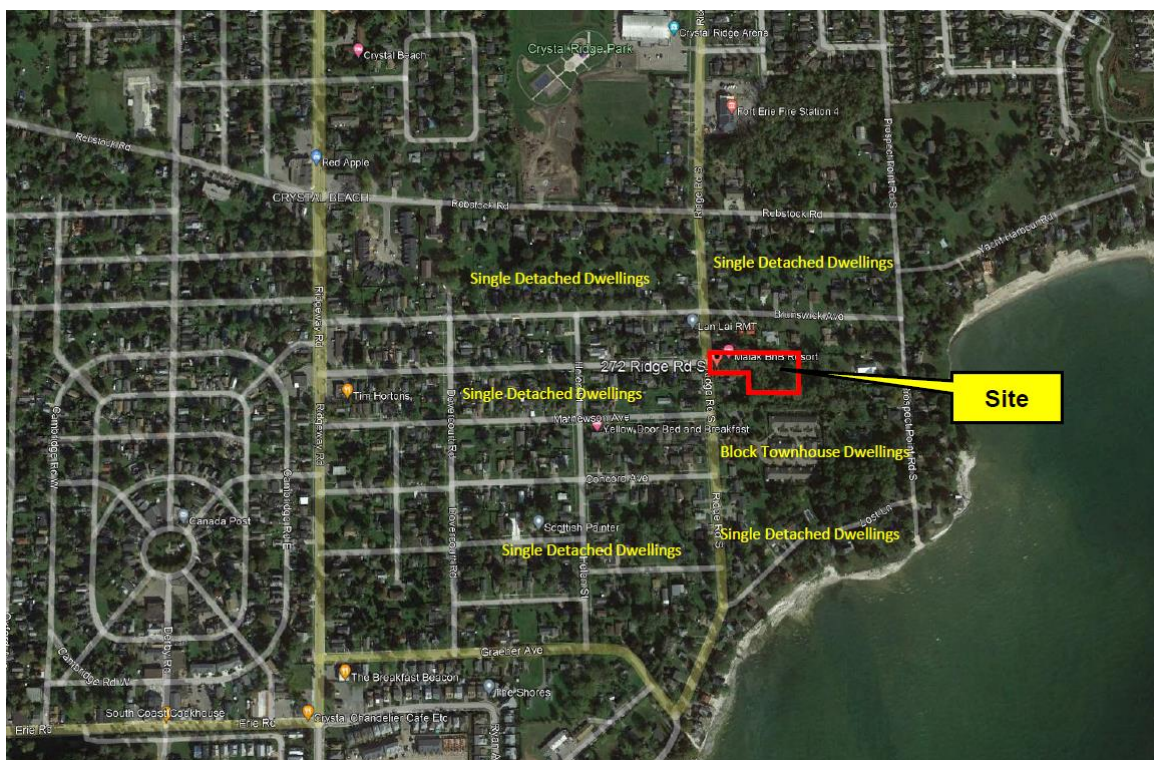
A Stage 1-2 Archaeological Assessment will be included in the Zoning By-law Amendment Application.

### Natural Hazards

There are no natural hazards that impact the Site.

### **3.0 SITE AND NEIGHBOURHOOD CONTEXT**

The Site is located to the east of the Ridge Road South and Roxborough Avenue T Intersection.



Adjacent and to the south of the front portion of the Site is a residential lot with one single detached dwelling unit. Further into the Site and adjacent to the southern property line, is an undeveloped land corridor running parallel to the Site measuring approximately 17m in width (reference green shaded area in figure below). The land corridor is subject to a right-of-way. A similar land corridor is located adjacent and to the rear of the Site which is also subject to a right-of-way. Three residential lots comprised of single detached dwellings are located along the Site's northern property line.



Further south along Ridge Road South approximately 75m south of subject Site and adjacent to the undeveloped land corridor discussed above is located the only medium density development in the surrounding area - a 19 unit townhouse development (Shore Breeze Luxury Town Homes). The balance of the neighbourhood is predominantly single detached residential dwellings.

### **Active Transportation**

Both Ridge Road South and Roxborough Avenue are designated as municipal roads in the Official Plan, and both roads feature one lane of traffic in each direction. Ridge Road South starts at the Thunder Bay Road and ends at



("POTL") with each POTL having exclusive use areas. The common elements will be managed in the future by a condominium corporation. These common elements will include the internal private road, walkways, bicycle parking, services/utilities, stormwater management facilities and visitor parking.

As previously mentioned, a single access point to the proposed development will be from Ridge Road South. The private road provides access to each individual townhouse unit.

The proposed site plan layout is comprised of 3 townhouse blocks. The townhouse blocks consist of the following unit counts.

- 1) Front Block      7 units
- 2) Middle Block    5 units
- 3) Rear Block      6 units

All townhouse units are 2 storeys and all will have a similar functional design and floor plans. The front of the units comprises the main entrance, driveway and garage. Services and utilities such as visitor parking, bicycle parking and garbage have been located internal to the development to avoid exposure to the public realm.



In terms of parking, each townhouse unit will have 1 dedicated parking space in front of the garage. There are also 13 visitor parking spaces (including one Type A accessible space) provided which satisfies the on-site parking provision of the Zoning By-law.

Proposed development will have a net lot density of 33.34 units per hectare.

The proposed development will promote a sense of place as it will be built to connect to the existing community via a private road and pedestrian connections to the streets and surrounding uses. The proposed development will enhance the public realm and add to the neighbourhood character along Ridge Road South similar to the townhouse development (Shore Breeze Luxury Town Homes) further south. Required setbacks and massing will ensure that the existing neighbourhood identity is maintained along Ridge Road South.

Appropriate landscaping and buffering will be implemented to promote compatibility with surrounding land uses and to create an aesthetically pleasing and functional development. The Site is relatively flat and can easily be developed for the proposed medium density residential uses.

## **5.0 REQUESTED ZONING BY-LAW AMEMDMENT**

The applicant is seeking a site specific Zoning By-law Amendment to the Town of Fort Erie Zoning By-law No. 129-90 in order to permit the proposed townhouse development.

The Zoning By-law Amendment application is being submitted to change the zoning on the Site from the existing Residential 1 (R1) Zone to Site Specific Residential Multiple 1 (RM1-XXX) Zone and will require the following variances to achieve Site Specific zoning.

- 1) Minimum Landscaped Area (50% required – 45.5% provided)
- 2) Width of Ingress/Egress Roadway/Driveways (7.5m required – 6.0m provided)
- 3) Landscaping and Planting Strips (3.0m required – 1.27m provided)
- 4) Minimum Lot Frontage (50.0m required – 28.33m provided)

## **6.0 LAND USE POLICY AND REGULATORY CONTEXT**

This section of the report provides a description of the current land uses policies and regulatory context and the implications for the Site.

### **6.1 Provincial Policy Statement 2020**

On May 1, 2020, the new Provincial Policy Statement 2020 ("PPS") came into effect, replacing the 2014 Provincial Policy Statement. Section 3 of the Planning Act requires that all decisions of Council in respect of the exercise of any authority that affects a planning matter must be consistent with the PPS 2020.

The PPS provides policy direction on province-wide land use planning and development to promote strong communities, a strong economy and a clean and healthy environment.

It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use

planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

In particular, the following sections of the PPS are relevant to this development:

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

Section 1.1.1 states that,

Healthy, liveable and safe communities are sustained by:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d. avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e. promoting 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;
- f. improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;



- g. ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h. promoting development and land use patterns that conserve biodiversity;and
- i. preparing for the regional and local impacts of a changing climate.

The proposed zoning by-law amendment is consistent with Policy 1.1.1 above as it supports the creation of healthy, livable and safe communities. It also promotes efficient development patterns that minimizes land consumption, through the efficient infilling of a stable and mature neighbourhood.

Settlement areas shall be the focus of growth and development

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

The Proposed Development is within the settlement boundary of the Town of Fort Erie and does not require an expansion to the settlement boundary.

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

- a. efficiently use land and resources;*
- b. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d. prepare for the impacts of a changing climate;*
- e. support active transportation;*
- f. are transit-supportive, where transit is planned, exists or may be developed; and*
- g. are freight-supportive*

The proposed zoning by-law amendment is consistent with Policies 1.1.3.1 and 1.1.3.2. above as it seeks to efficiently infill an existing stable and mature neighbourhood by making more efficient use of an oversized residential property.

The compact form will cater to a wide housing market by providing affordable residential units and the opportunity to age-in-place.

All necessary infrastructure is available on Site to accommodate the development.

Section 1.6.6.2 indicates that:

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

The townhouse development will be connected to existing municipal sewage, water services and stormwater located on Ridge Road South.

The proposed Zoning By-law Amendment is consistent and conforms to the PPS 2020 as the applicant is seeking to increase the density that is permitted within a Settlement Area which is already designated for residential uses and is currently serviced by existing infrastructure and municipal services.

## **6.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019 and was recently amended through an Order in Council under that Act that came into effect on August 28, 2020. 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.

The relevant guiding principles of the plan (Section 1.2.1) are as follows:

- *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.*
- *Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.*

The Growth Plan (2020) further supports the objectives of the Region and local municipalities in Niagara Region to achieve population growth targets through the year 2041. As part of the Growth Plan, the Region has directed the Town of Fort Erie to make plans to accommodate a population increase of approximately 12,600 new residents by the year 2041. Crystal Beach's accommodation share is between 2,000 and 2,200 new residents.

The proposed townhouse development is situated within the delineated "Built-up Area" and features a compact built form with an affordable housing choice in an established neighbourhood. The development also contributes to achieving the minimum intensification targets for the Town of Fort Erie while using existing municipal services.

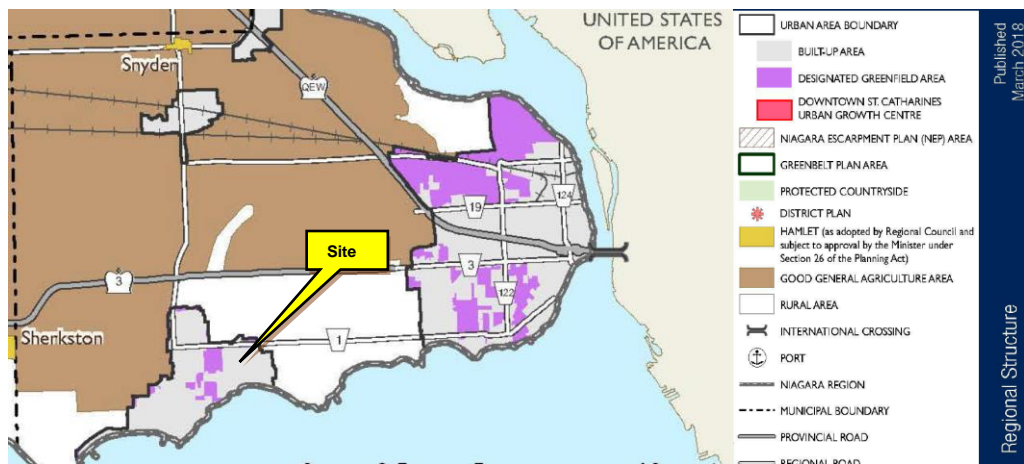
In our opinion, the proposed development conforms with the general intent of the Growth Plan policies.

### **6.3 Niagara Regional Official Plan (2014 Consolidation)**

The Niagara Regional Official Plan (NROP) is the long-range, community planning document used to guide the physical, economic and social development of Niagara Region.

The NROP contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources, agricultural land and providing infrastructure.

Subject Site is located in the Built-up Area within the Urban Area Boundary of the Town of Fort Erie.



The NROP’s growth management policies indicate that the majority of growth and development is to occur in Niagara’s existing Urban Areas by focusing “a significant portion of Niagara’s future growth to the Built-up Area through intensification”.

Policy 4.C.1.1 states that intensification includes all forms of development that occur with the Built-up Area.

#### 4.C.1 General Intensification

**Policy 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. The Region will promote intensification by:*

- a) *Providing a Regional framework for measuring intensification.*
- b) *Supporting infrastructure development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional infrastructure works are required.*
- c) *Working with local municipalities to develop intensification strategies including but not limited to coordination between growth management and the maintenance and expansion of utility infrastructure, both in terms of technological advancement and service provision.*

- d) *Monitoring intensification rates across the Region on an annual basis.*

The Town of Fort Erie is projected to accommodate a minimum of 15% of all new residential development growth through intensification. The Town has identified specific areas of intensification to support the Regional population targets within the Crystal Beach Secondary Plan (currently appealed to OLT). Subject Site is one of the sites identified as an intensification area.

Subject Site is considered suitable for intensification, as the development proposal will use an oversized residential lot and make efficient use of existing municipal services and infrastructure.

Furthermore, Section 4.C.2 identifies policies encouraging intensification that achieve intensification target for local municipalities. Policy 4.C.2.1(h) states:

*(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. (emphasis added)***

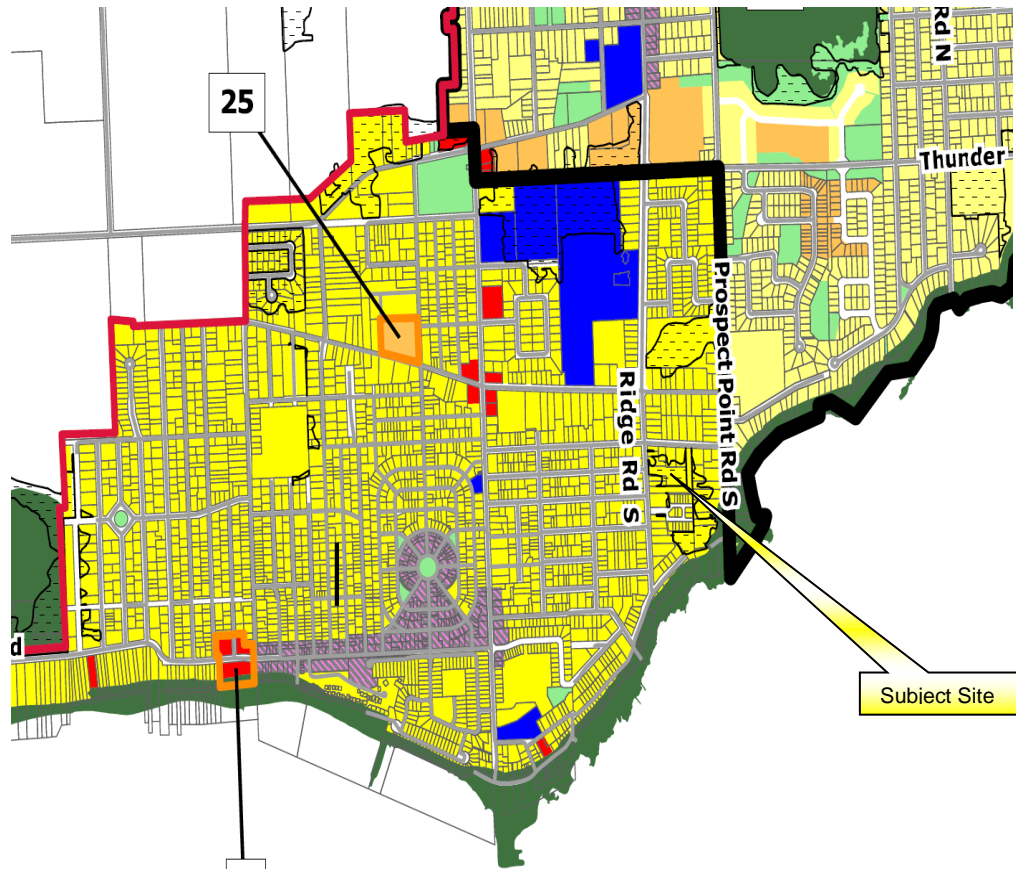
The proposed townhouse development will contribute to achieving the Regional and Municipal intensification targets by adding 18 units to an existing oversized residential lot resulting in a density of 33 units per hectare. The development will be at a higher density than neighbouring lots which by definition will increase the overall density per hectare in the neighbourhood.

Overall, the proposed development conforms with the general policies and intent of the NORP.

#### **6.4 Town of Fort Erie Official Plan (2018)**

The current Official Plan for the Town of Fort Erie was approved by Niagara Region on November 18, 2011. The latest Office Consolidation Version is September 1, 2021.

Subject lands are designated as “Urban Residential” in the Town of Fort Erie Land Use Plan referred to as Schedule “C”. The designation permits a variety of housing forms such as single-detached dwellings, duplexes, semi-detached dwellings, townhouses, multiple-unit dwellings, and apartments.



Town of Fort Erie Policy Section 2.3.5 set out objectives for residential development and states:

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

Policy Section 4.7 of Fort Erie Official Plan identifies Policies for new residential development such as:

- I. *New residential development within the urban area should proceed in an orderly phased manner to allow land and infrastructure to be used in an efficient manner. Infrastructure should not be extended through unplanned areas and residential development should be able to integrate with existing planned or developed areas.*
  - a. *To minimize land consumption higher residential densities are encouraged. Neighbourhood Plans may contain an overall gross density and a minimum net residential density for development; and*
  - b. *In urban areas the overall neighbourhood housing mix in established residential areas shall contain at least: Low Density 80%, Medium Density 10%, and High Density 10%. Alternatively, within greenfield and significant redevelopment areas the housing mix shall contain at least Low Density 70%, Medium Density 15%, and High Density 15%.*
- III. *Residential intensification, infill development and redevelopment shall be encouraged in urban areas that have sufficient existing or planned infrastructure.*

The development will feature a housing form that is affordable and will attract first-time homebuyers and aging-in-place households.

Policy 4.7.4 1 basically identifies the architectural standards for medium and high density developments.

#### 4.7.4.1. POLICIES

- I. *The Town will develop a Neighbourhood Plan for each neighbourhood prior to considering large scale development*

*applications that may have a significant impact on the neighbourhood in which it is intended to develop.*

- II. **In considering medium density and high density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following (emphasis added):***
- a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;*
  - b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;*
  - c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;*
  - d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;*
  - e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;*
  - f. Convenient access to a collector or arterial road;*
  - g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;*
  - h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and*
  - i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.*





- (a) *One single detached dwelling and uses, buildings and structures accessory thereto.*
- (b) *Home Occupations*
- (c) *Accessory Apartment Dwelling*
- (d) *Second Dwelling Unit*

### 10.3 REGULATIONS FOR DWELLINGS

<i>Minimum Lot Frontage</i>	18m <i>20m for a corner lot</i>
<i>Minimum Lot Area</i>	600 sq. m.
<i>Maximum Lot Coverage</i>	<i>Lot size &lt; 600 sq m - 25 percent</i> <i>Lot size = 600 sq m 800 sq m - 30 percent</i> <i>Lot size &gt; 800 sq m - 35 percent</i>
<i>Minimum Front Yard</i>	7.5m
<i>Minimum Interior Side Yard</i>	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) <i>On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m</i>
<i>Minimum Exterior Side Yard</i>	<i>3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.</i>
<i>Minimum Rear Yard</i>	10m
<i>Maximum Height of Building</i>	i) 2.5 storeys ii) 9m

### 10.4 ADDITIONAL REGULATIONS FOR DWELLINGS ON INFILL LOTS

<i>Minimum Interior Side Yard</i>	(iv) 2.0m for a one-storey dwelling
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	<p>(v) 2.5m for a 1.5 or 2 storey dwelling</p> <p>(vi) 3.0m for a 2.5 storey dwelling</p> <p>(iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m</p>
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## **6.6 NEW CRYSTAL BEACH SECONDARY PLAN – ZONING BY-LAW 144-2021**

As mentioned herein, the Town of Fort Erie has approved the Crystal Beach Secondary Plan (CBSP) through Official Plan Amendment No. 56. (OPA56) which was subsequently appealed to Ontario Land Tribunal (OLT). The Town is awaiting a decision and direction from the OLT. It is our understanding that Pre-Hearing have commenced.

The Crystal Beach Secondary Plan was focused on identifying intensification areas in a predominantly built out, mature and stable neighbourhood. The majority of the neighbourhood is comprised of single detached dwellings and as a mature and stable neighbourhood it is expected to predominantly maintain that character. As with most mature neighbourhoods, there are some oversize parcels that are suitable for higher density development. For example, approximately 75m south of subject Site on Ridge Road South, a 19 unit townhouse development was built. The CBSP has made an effort to locate new proposed medium density parcels in close proximity to existing medium density developments.

The following policy Section provides a summary and analysis of the OPA56 and the CBSP and how it relates to the proposed development.

In Section 4.22.4 of OPA56, the following objectives of the secondary plan are relevant to the Site.

### **4.22.4 Objectives**

The main objectives of the Crystal Beach Secondary Plan are to:

- a) Provide a variety of housing choice that supports housing opportunities for all ages, 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 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 year-round;

The CBSP designates the Subject Site as a parcel for Residential Intensification, as per Schedule CB-1.



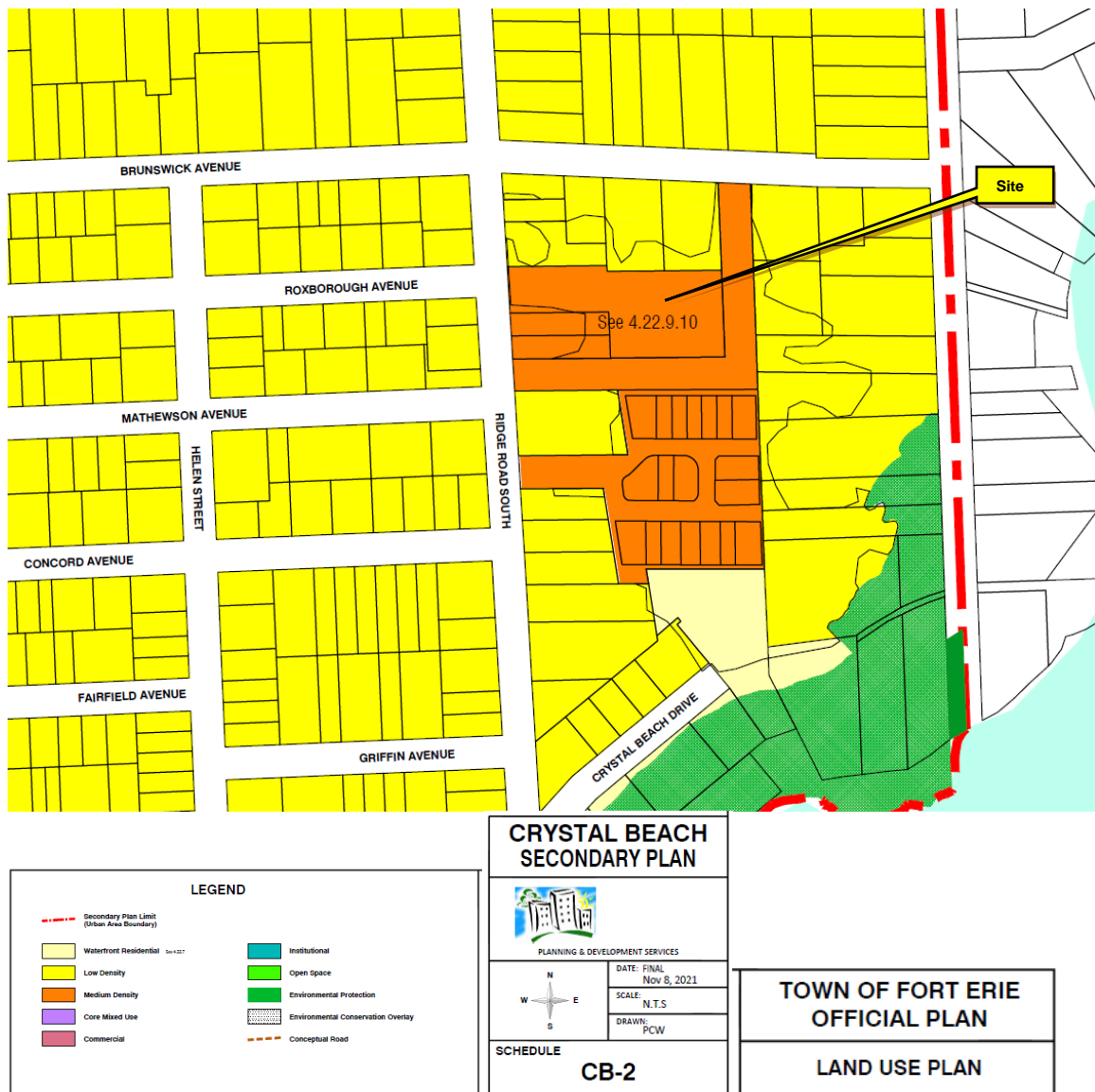
	Secondary Plan Limit (Urban Area Boundary)	<b>LEGEND</b>
	Built-Up Area (Growth Plan Designation)	
	Greenfield (not built-up yet)	
	Residential Intensification	
	Core Mixed Use Intensification	
	Additions to the Built Boundary	
<small>The Province of Ontario produced mapping in 2008 to illustrate lands that were determined to be Built-up Area of municipal urban areas. Mapping produced did not account for prior approved and registered plans of subdivision that would not have appeared on aerial photography at that time, but would not preclude approved subdivisions from proceeding as approved. The changes shown on this plan reflect registered plans that predate the Provincial mapping exercise.</small>		

**TOWN OF FORT ERIE  
OFFICIAL PLAN**

**PROVINCIAL COMPLIANCE  
WITHIN THE URBAN AREA**

<b>CRYSTAL BEACH SECONDARY PLAN</b>	
PLANNING & DEVELOPMENT SERVICES	
	DATE: FINAL Nov 8, 2021
	SCALE: N.T.S
	DRAWN: PCW
SCHEDULE <b>CB-1</b>	

The CBSP also designates the Subject Site for Site-specific Medium Density (Section 4.22.9.10) as a parcel for Medium Density, as per Schedule CB-2.



OPA56 Section 4.22.9.10 outlines site specific criteria for developing subject Site.

**4.22.9.10 East side Ridge Road South, North of Shore Breeze Condominiums**

*Land assembly is encouraged to allow for more comprehensive site planning of private road developments. Public road development will only be considered with through road*

connection.

- a) *The site shall be reserved for semi-detached dwellings, duplex, street, stacked and **block townhouses (emphasis added)**, low-rise apartment and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.*
- b) ***A Medium Density range for the entire site of 25 to 35 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.(emphasis added)** Densities may be reduced or restricted in the implementing zoning by-law.*
- c) *The following height restrictions shall apply: semi-detached dwellings up to a max 2 storeys, duplex dwellings up to a max 2 storeys, **townhouses development up to a max of 2 storeys (emphasis added)** and apartment development up to a max of 3 storeys.*
- d) *Notwithstanding paragraph a) herein, if development occurs on a public road, detached dwellings shall be permitted as defined in the implementing by-law at a density not lower than 15 un/ha.*

Crystal Beach is considered a “Built Up” area and all new residential units will be attributed to the intensification targets as provided by the Province of Ontario and allocated by Niagara Region.

Growth Plan for the Greater Golden Horseshoe (2020) has allocated Niagara Region’s allotment of population increase to the Town of Fort Erie of 12,600 new residents by 2041. Of the 12,600 new residents in the Town, Crystal Beach has been allocated between 2,000 and 2,200 new residents.

Given that Crystal Beach is a mature neighbourhood, the large majority of new residential growth will be accommodated through redevelopment and infilling as well as lands to be re-designated towards intensification. The CBSP Medium Density parcels are zoned to accommodate residential development in the form of semi-detached, townhouses and apartments and will facilitate housing choice

as well as permit housing choice and permit adequate housing stock for affordable housing and ‘aging-in-place”.

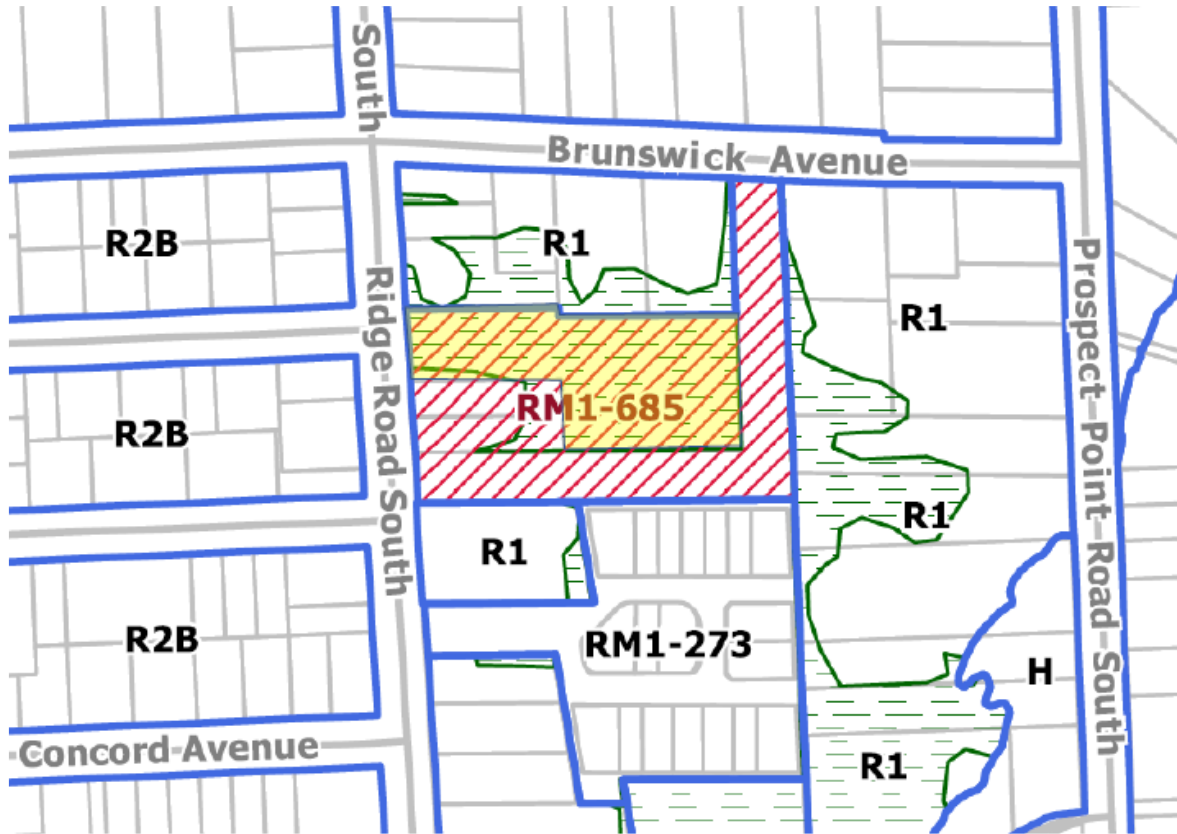
Given the largely built out Crystal Beach neighbourhood, the residential population growth objectives of the Province and Niagara Region cannot be achieved without approving medium density developments in suitably located land parcels.

In terms of “Medium Density Intensification Areas” the CBSP has identified six areas of New Medium Density. The subject Site is included as an “Intensification Area” and is highlighted in the underlined text below.

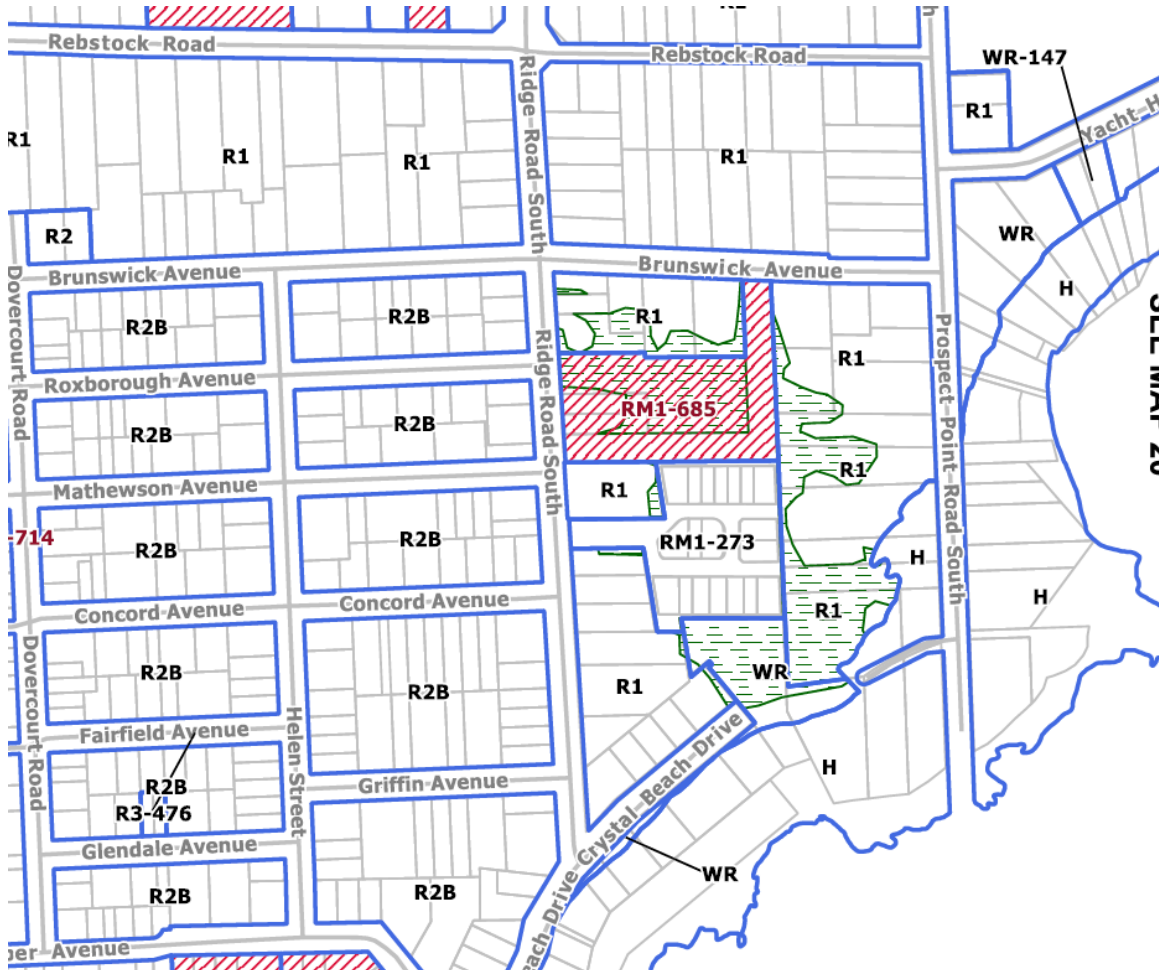
- Parcels enclosed by Rebstock Road, Elmwood Avenue and Derby Road
- Parcels enclosed by Michener Road, Farr Avenue and Derby Road
- Parcels along Rebstock Road, west of Ridgeway Road as well as adjacent to Crystal Ridge Park
- Parcels between Farr Avenue and Rebstock Road along the eastern side of Ridgeway Road
- **Parcels on the eastern side of Ridge Road South and south of Brunswick Avenue (emphasis added)**
- Parcels contained by Graeber Avenue and Ryan Avenue
- Parcel on the south-east corner of Michener Road and Elmwood Avenue

The “Intensification Area” is also shown as red slash lines in the zoning map on the following page. The yellow highlighted area represents the Site area.





The applicable section of Zoning By-law 144-2021 relating to subject Site is as follows:



***“RM1-685 (144-2021) – Lands on east side of Ridge Road South, north of Shore Breeze Condominiums - 272, 278, 282 Ridge Road South & 0 Brunswick Avenue These lands are zoned “Residential Multiple 1 (RM1-685) Zone”, and all of the provisions that relate to lands zoned “Residential Multiple 1(RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-685) Zone”, subject to the following special provisions:***

- a) *Notwithstanding the list of Permitted Uses in Section 14.2, these lands may only be used for the following:*

- i. semi-detached dwellings*
  - ii. duplex dwellings*
  - iii. street, stacked and block townhouse dwellings*
  - iv. apartments*
- b) Minimum site density for all combined unit types shall be 25 un/ha.*
- c) Maximum site density for all combined unit types shall be 35 un/ha.*
- d) Regulations for semi-detached as per Section 13.4 except that:*
  - i. min. unit width - 8m*
  - ii. min. front yard from private road - 6m*
  - iii. min. rear yard - 6m to property line,*
  - iv. min. rear yard separation between buildings - 12m back-to-back or 7.5m back to sidewall*
  - v. min. side yard separation between buildings – 3m*
  - vi. max. building height - 2 storeys or 9m*
  - vii. max. driveway width - 50% of unit width*
- e) Regulations for duplex dwellings as per Section 13.5 except that:*
  - i. max. building height - 2 storeys or 9m*
- f) Regulations for townhouses as per Section 14.3 except that:***
  - i. min unit width - 7.5m***
  - ii. min. front yard from private road - 6m***
  - iii. min. rear yard - 6m to property line,***
  - iv. min. rear yard separation between buildings - 12m back-to-back or 7.5m back to sidewall***
  - v. min. side yard separation between buildings – 3m or 4.5m from property line***
  - vi. max. building height - 2 storeys or 9m***
  - vii. max. driveway width – 3m***
- g) Regulations for apartment as per Section 15.3 except that:*
  - i. min. lot area - 0.5400 ha.*
  - ii. min. lot area per dwelling unit – not applicable*
  - iii. max. height - 3 storey or 12m*
- h) Notwithstanding permitted uses in paragraph a) herein, if development proceeds on a public through road, detached dwellings shall be permitted subject to Regulations of Section 12.3 except that:*

- i. min. lot area - 300 sq.m and 350 sq.m. for corner lot*
- ii. max. building height - 2 storeys or 9m”*

## **7.0 PLANNING ANALYSIS AND BASIS FOR ZONING BY-LAW AMENDMENT**

### **7.1 Requested Zoning By-law Amendment**

In considering a Zoning By-law Amendment, Council typically evaluates the application against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land,
- suitability of the Site for the proposed purpose, including the size and shape of the lot(s) being created and
- adequacy of vehicular access, water supply, stormwater capacity and sewage disposal.

Furthermore, when council considers a zoning bylaw amendment, its decision shall be consistent with the PPS issued under the Planning Act and other policy documents such as the Growth Plan along with ensuring conformity to the Niagara Region Official Plan.

A Zoning By-law Amendment is required for the subject lands to permit a site specific RM1 Zone that adequately addresses the requirements of the proposed development while implementing the policies of the Niagara Region Official Plan and the Town of Fort Erie Official Plan and also having regard to the new Crystal Beach Secondary Plan which has been appealed to the OLT.

Specifically, the applicant is requesting a site specific Zoning By-law Amendment in order to increase the density of residential units on the Site in an appropriate configuration relative to other uses in the surrounding area.

The applicant is seeking the following amendments to the Town of Fort Erie Zoning By-law 129-90 to permit the development of a condominium townhouse development on the subject Site.

The Town of Fort Erie currently zones the Site as R1. In order to accommodate the proposed development, the applicant is proposing to rezone the Subject Lands from R1 to a Site-specific Residential Multiple 1 Zone (RM1 – XX) and will require the following variances to achieve Site Specific zoning.

- 1) Minimum Landscaped Area
- 2) Width of Ingress/ Egress Driveways (private road width),
- 3) Landscaping and Planting Strips
- 4) Minimum Lot Frontage

According to the in-effect Town of Fort Erie Zoning By-law, 129-90 Residential Multiple 1 (RM1) Zone has the following provisions.

### **SECTION 14 - RESIDENTIAL MULTIPLE 1 (RM1) ZONE**

**14.1** *Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (RM1) Zones.*

#### **14.2 PERMITTED USES**

- (a) *Single detached dwellings*
- (b) *Semi-detached dwellings*
- (c) *Duplexes*
- (d) *Triplexes*
- (e) *Fourplexes*
- (f) *Street townhouse dwellings*
- (g) *Block townhouse dwellings*
- (h) *Residential uses existing at the date of passing of this by-law*
- (i) *Uses, buildings and structures accessory to the foregoing permitted uses*
- (j) *Accessory Apartment Dwelling*

#### **14.3 ZONE REGULATIONS**

<i>Minimum Lot Frontage</i>	<i>50m, except 6m for street townhouse lots and 9m for street townhouse corner lots</i>
<i>Minimum Lot Area</i>	<i>300.00 sq m per dwelling unit, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot</i>
<i>Minimum Front Yard</i>	<i>6m to garage 4m to other parts of dwelling</i>
<i>Minimum Side Yard</i>	<i>1.5m</i>

<i>Minimum Exterior Side Yard</i>	<i>3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.</i>
<i>Minimum Rear Yard</i>	<i>6m</i>
<i>Maximum Building Height</i>	<i>i) 3 storeys ii) 12m</i>
<i>Minimum Landscaped Area</i>	<i>50% including Privacy Areas, except 25% for street townhouse lots</i>
<i>Maximum Number of Units in a row</i>	<i>8</i>
<i>Minimum Distance Between Buildings on the Same Lot</i>	<i>15m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall</i>
<i>Maximum Density</i>	<i>35 units/ha</i>
<i>Maximum Lot Coverage</i>	<i>Block townhouse or exterior street townhouse - 40%</i>
<i>Privacy Area</i>	<i>Notwithstanding the yard requirements</i>
<i>Distance from building to internal</i>	<i>Any front or rear face of any townhouse</i>
<i>Planting Strips</i>	<i>In accordance with Section 6.21 and 4.5m</i>

### **REQUESTED VARIANCES TO RM1**

In order to bring the development into compliance with the current zoning by-law, the following minor variances are required to achieve a RM1-XXX Site Specific zoning.

- 1) Minimum Landscaped Area (50% required – 46% provided)
- 2) Width of Ingress/ Egress Driveways (7.5m required – 6.0m provided)
- 3) Landscaping and Planting Strips (3.0m required – 1.27m provided)
- 4) Minimum Lot Frontage (50.0m required – 28.33m provided)

All other provisions of the zoning by-law are in conformity with the proposal.

The following relief is required to Section 14.3 (regulations for townhouses) of the zoning by-law.

**Regulations for Townhouses as per Section 14.3**

**Zoning By-law 129-90**

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Minimum Landscaped Area</b>	<b>50% including Privacy Areas, except 25% for street townhouse lots.</b>	46.0%	No
<b>Minimum Lot Frontage</b>	<b>50m, except 6m for street townhouse lots and 9m for street townhouse corner lots</b>	28.33m	No

The following relief is required to Section 6 (General Provisions) of the zoning by-law.

**Regulation for Section 6 (General Provisions)**

**Zoning By-law 129-90**

REGULATION	REQUIRED	PROP OSED	COMPLIANCE
<b>Width of Ingress/ Egress Driveways</b> (Section 6.20 (D) (i))	Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m, where only one-way traffic is permitted <b>and have a minimum width of 7.5 m but not more than 12m in perpendicular width where two-way traffic is permitted.</b> In C2A, CMU2 and CMU4 Zones an access drive width of 3 metres to a rear parking lot that has 5 or less spaces, a 4.5 metre access drive width where 10 or less parking spaces are required and 6.0 metres where more than 10 spaces are required.	6.0 m	No

<p><b>Landscaping and Planting Strips - Width</b></p> <p>(Section 6.21 (b))</p>	<p>Where land is required to be used for no other purpose than a planting strip, <b>it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.</b></p>	<p>1.27 m</p>	<p><b>No</b></p>
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In our opinion, the proposed Zoning By-law Amendment does not change the Official Plan designation of the Site or the planned function for the Crystal Beach neighbourhood and allows for infilling and the efficient use of land.

Furthermore, the proposed land uses and density are appropriate, consistent and conform with all Official Plans and Ontario Policies.

## **8.0 PLANNING JUSTIFICATION AND RATIONALE/BASIS FOR A ZONING BY-LAW AMENDMENT AND MINOR VARIANCES**

This section of the report provides planning rationale and justification in support of the proposed Zoning By-law Amendment. This includes a review on how the proposed Zoning By-law Amendment represents logical infilling, respects the planned function of the CBSP and supports anticipated residential growth targets set by higher municipalities. It also provides a discussion on the requested zoning by-law amendment to a site specific RM1-XXX Zone to bring the development proposal into conformity with Zoning By-law 129-90.

### **Zone Change from R1 to RM1-XXX**

The Growth Plan (2020) is designed to support the efforts of the Niagara Regional government and associated municipal governments within the region. Niagara Region has directed the Town of Fort Erie to prepare for a population increase of approximately 12,600 new residents by the year 2041. Of that total, Crystal Beach has been assigned to prepare for between 2,000 and 2,200 new residents during the same time frame.

The CBSP supports intensification targets set out by the Region. It should be noted that unlike a typical Secondary Plan, the CBSP is designed for a built-out, mature and generally stable neighbourhood. There are limited “Greenfield”



opportunities and consequently, residential growth will occur through redevelopment and infilling with minor exceptions for re-designation of lands towards intensification.

As the large majority of the residential growth will be through infilling, it is important to note that the residential growth targets and housing choices required by Niagara Region cannot be achieved without medium density developments allocated to existing residential lots that are of sizeable area. Medium density development in the form of semi-detached, townhouses and apartments will facilitate housing choice as well as allow for adequate housing stock for affordable and aging-in-place residential units.

The CBSP has identified 6 areas of new Medium Density in the Plan. One of the areas (“Parcel on the eastern side of Ridge Road South and south of Brunswick Avenue”) includes the location of Subject Site.

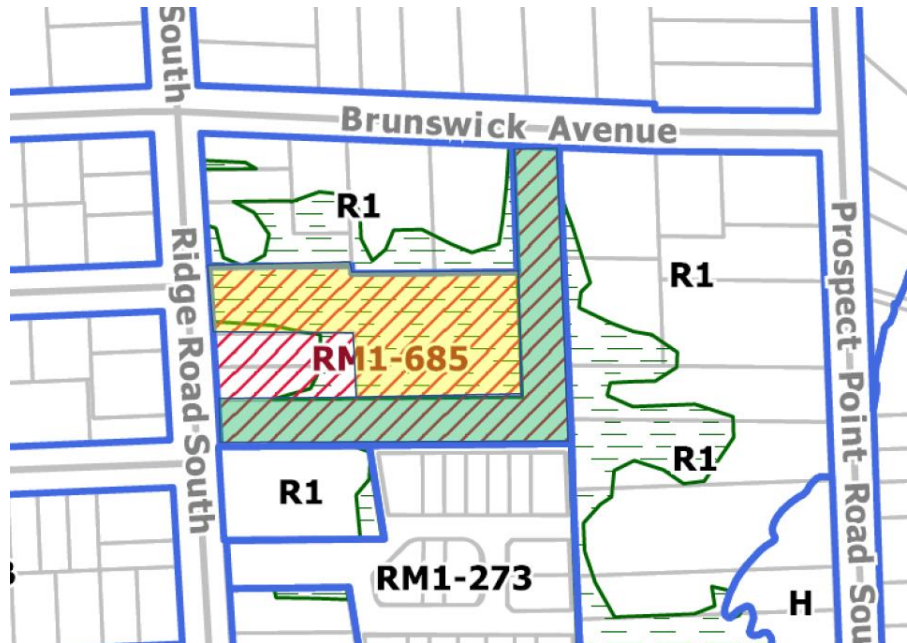
The development proposal is in conformity with the RMI Zone in Zoning By-law 129-90 except for relief related to the following 3 Zoning By-law provisions.

### **1) Minimum Landscaped Area**

The RM1 zone of the Town’s Zoning By-law has a minimum landscape area of 50%. The townhouse development is proposing a landscape area 46%.

The marginally reduced landscape area is appropriate as the proposed landscaping has been enhanced to mitigate the slightly lower landscape coverage area. For example, the landscape provides increased planting of trees and shrubs and includes a gazebo and several benches. Also, the required 4.5m privacy rear yard has been lengthened by 1.5m to improve the landscape area for each townhouse unit.

Furthermore, the adjacent right-of-way land parcels to the south and east of the Site as shown in the green shaded area below are long and narrow and too small to be developed for medium density uses. The narrow corridor will most likely remain as open space thereby providing enhanced vegetation and tree coverage adjacent to the Site.



## 2) Width of Ingress/ Egress Driveways

The RM1 zone of the Town's Zoning By-law has a minimum driveway width of 7.5m. The townhouse development is proposing a driveway width of 6.0m. The Site has an oblong shape, which results in a pinch-point at the front of the site resulting in a narrower driveway width than required. It should be noted that most municipalities are moving to a narrower private driveway width for compact developments as it provides for the efficient use of land and minimizes hard surfaces so that landscape area can be achieved or maximized. Furthermore, no vehicle parking is permitted on either side of the private road.

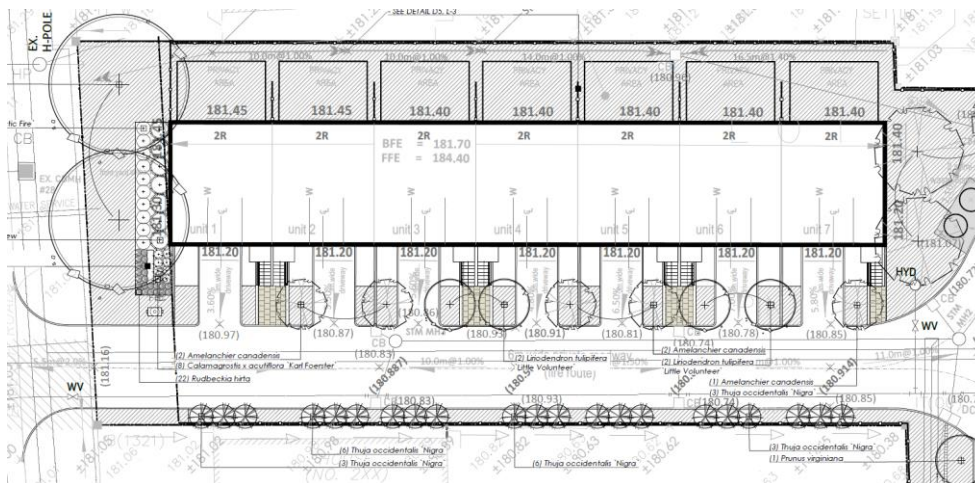
Also, of note is the driveway width of the Shore Breeze development (similar total unit count) located a short distance (75m) south from the Site. The Shore Breeze development was developed with a 6.0m width private road along with a similar ring road configuration in order to provide access to each unit.

## 3) Landscaping and Planting Strips – Width

A small section of the development primarily located at the front of the Site and along the southern property line will have a 1.27m landscape strip versus the required 3.0m landscape strip.

The applicant will be placing a 1.8m wooden fence along the front portion of the southern property line in order to provide a privacy barrier to adjacent residential uses. Furthermore, landscape will be enhanced along the strip to feature 19 trees (18 Black Cedar trees and 1 Common Chokecherry) that will provide additional landscape buffer to adjacent residential uses.

Below is the landscape plan which shows the enhanced landscaping at the front of the Site along the south property line. Also, reference Appendix II for additional Landscape Plan details.



#### 4) Minimum Lot Frontage

Minimum Lot Frontage does not meet the RM1 zone requirement of 50 metres. Relief is requested to reduce the lot frontage from 50m to 28.33m and bring it into conformity with the site specific RM1-XXX amending zoning by-law. No other changes to the dimensions of the lot are being requested in the zoning by-law amendment application.

Also, of note is that there are approximately 15 amendments to the RM1 Site Specific Zone in Zoning By-law 129-90 that required a large reduction to Minimum Lot Frontage. The development at 310 Ridge Road South (Shore Breeze Luxury Townhouses – approximately 75m south of Site) received approval to reduce the Minimum Lot Frontage from 50m to 20.26m under the site specific zone described as RM1-273.

### 9.0 TECHNICAL STUDIES

The following technical studies have been prepared as part of the Zoning By-law Amendment Application as outlined in the Pre-Consultation Agreement.

## **9.1 Archaeological Assessment**

The Stage 1-2 Archaeological Assessment dated September 30, 2022 prepared by Archaeological Services Inc AMICK Consultants Limited concluded the following:

*In light of these results, and in accordance with the Standards and Guidelines for Consultant Archaeologists (2011), the following recommendation is made:*

1. *No further archaeological assessment of the subject property be required.*

## **9.2 Functional Servicing Report and Stormwater Management Plan**

The Functional Servicing Report dated October 2022 was prepared by Arik Engineering Ltd and concludes that the proposed townhouse development can be constructed to meet the requirements of the Town of Fort Erie.

*Following are the conclusions for this functional servicing and stormwater management report:*

1. *There are adequate servicing infrastructures available to service the proposed development.*
2. *Proposed grading for the entire site has been designed with respect to existing grades all around the subject property and the proposed grades within the site have been set to minimize cut/fill in the proposed development.*
3. *Municipal sanitary sewers are available in the vicinity of the development and the proposed site will be serviced from the existing 200mm sanitary sewer available on Ridge Road South.*
4. *The existing 150mm municipal watermain is available on Ridge Road South which will be utilized for the domestic and fire flow requirements for the site. Hydrant flow test is recommended for the hydrants on Ridge Road South prior to approval to know the available domestic and fire flow in*

*the vicinity of the development.*

5. *Onsite stormwater management quantity and quality controls are required for the subject development. Quantity control will require the post-development peak flows to match with pre-development peak flow conditions under 5-year and 100- year storm events. Onsite storage has been designed to maintained by providing underground storage system with an orifice control outlet discharge into the existing storm sewers on Ridge Road South. Stormwater quality will be maintained by providing OGS upstream of the storage system*
6. *Functional servicing and stormwater management design concepts presented in this report has been used as a basis for the detailed engineering design for the proposed development of the site.*
7. *Erosion and sedimentation control measures must be implemented onsite during pre-grading activities, construction of primary and secondary services to reduce the potential adverse environmental affects originating from onsite construction activities.*

*In conclusion, proposed sanitary, water and stormwater management servicing provided in this report are sufficient and in accordance with the Town of Fort Erie current development engineering design guidelines.*

## **10.0 CONCLUSIONS AND PLANNING OPINION**

The applicant is requesting a zoning by-law amendment to Zoning By-law 129-90 to better align proposal with the PPS, Growth Plan, Niagara Region Official Plan, Fort Erie Official Plan and the appealed CBSP. As the residential market has been impacted by emerging trends such as the demand for more affordable housing along with aging in place units, it is imperative to make more efficient use of oversize residential lots.

The Planning Justification Report provides a thorough description of the proposed townhouse condominium development as well as provides a Planning rationale as a basis for the Zoning By-law Amendment Application. A detailed overview of the PPS, Growth Plan, Niagara Region Official Plan, Fort Erie Official Plan policies and Zoning By-law provisions applicable to the Site was also completed.

It is our opinion that the proposed development will support the efficient build out of the oversized residential Site. The owner is proposing to increase the density of the Site to accommodate a medium density development which will have a unit per hectare density of 33 which is less than the required 35 units/hectare density in the RM1 Zone.

The Site is situated in an appropriate location for the increased density as supported by the analysis in the CBSP and is generally flat, does not contain any significant natural features and is part of a stable and mature neighbourhood. Subject Site is currently connected to municipal services and is of the appropriate size to accommodate the additional residential units along with parking, garbage area and landscaping. The findings of the technical reports support the proposed development and specifically supports the requested Zoning By-law Amendment.

The Proposed Development does not require an amendment to the Fort Erie Official Plan or the appealed CBSP.

In conclusion, it is our professional opinion that the requested Zoning By-law Amendment is representative of good land use planning, is consistent with the PPS 2020, Growth Plan, Niagara Regional Plan and is in conformity with Fort Erie Official Plan and the CBSP (appealed).

Respectfully submitted,

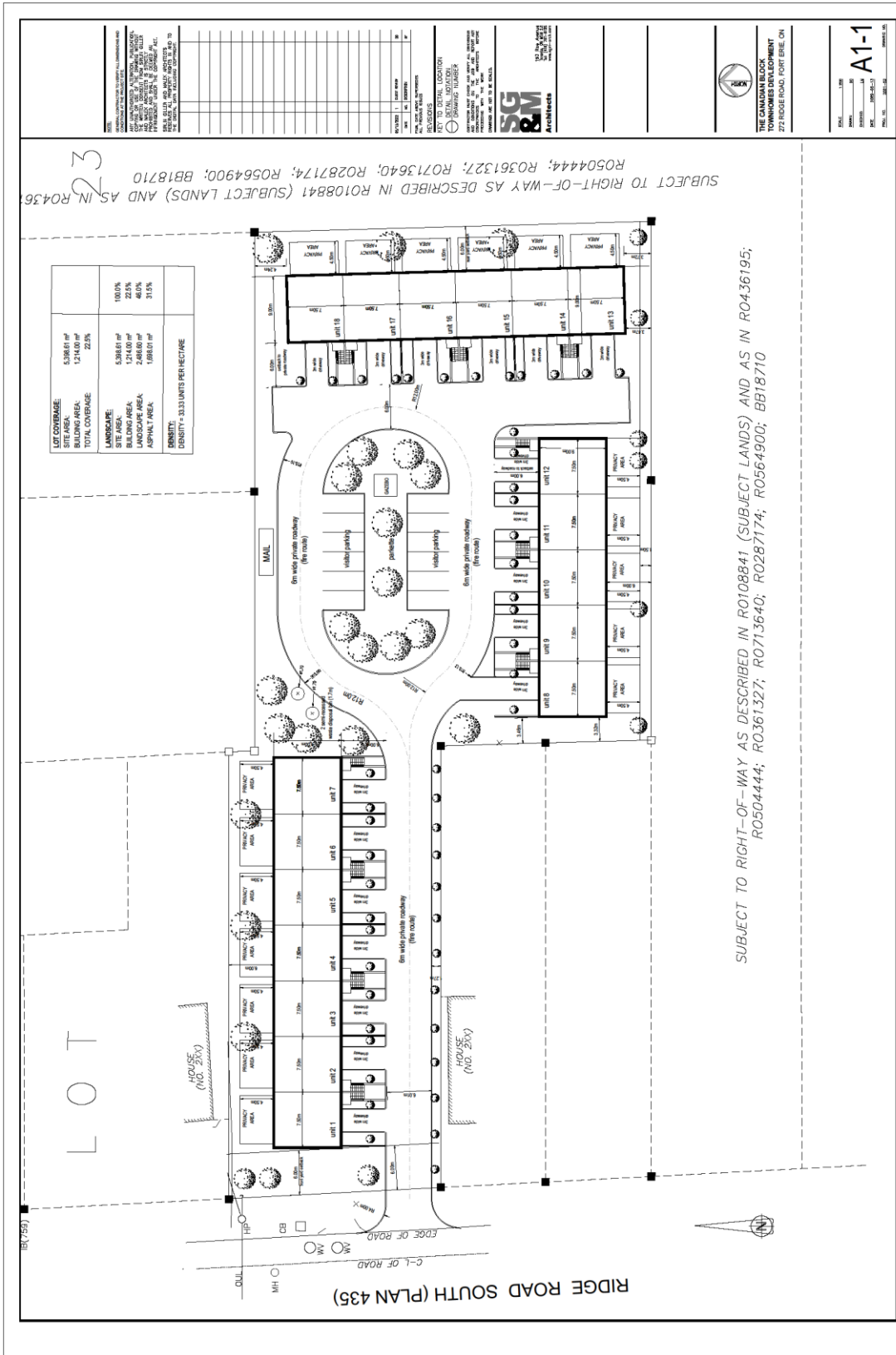


Claudio Balbinot B.E.S.(Hons),MCIP, RPP  
Agora Research Group Inc.  
416-460-3383

## **APPENDIX I**

### **PROPOSED TOWNHOUSE DEVELOPMENT 272 Ridge Road South, Fort Erie, Ontario**

### **SITE PLAN**





## **APPENDIX II**

### **PROPOSED TOWNHOUSE DEVELOPMENT 272 Ridge Road South, Fort Erie, Ontario**

### **LANDSCAPE PLAN**

