



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-40-2025

Meeting Date: June 9, 2025

1. Title

Proposed Official Plan and Zoning By-law Amendments
Information Report for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097
Crystal Beach Road.

2. Recommendations

That: Council receive for information purposes, Report PBBS-40-2025 regarding the proposed Official Plan and Zoning By-law Amendment Applications for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive.

3. Relation to Council's Corporate Strategic Plan

Priority: Comprehensive housing options and sustainable and managed growth.

4. List of Stakeholders

1000054526 Ontario Inc. & 3101669 Nova Scotia Company (Lou Pompili) – Owners
External agencies (e.g. Niagara Region, NPCA, Public Utilities, etc.)
Residents and property owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide Council with information on the applications for combined Official Plan and Zoning By-law Amendments for lands municipally known as 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive. The applications were submitted by Lou Pompili on behalf of the Owners, 1000054526 Ontario Inc. & 3101669 Nova Scotia Company. A location map showing the area subject to the applications is attached as **Appendix 1**.

The Official Plan Amendment proposes to change the land use designation of the subject lands to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The Special Policy Area seeks to add apartment buildings as a permitted use and relates to density, land assembly, height, and access.

The Zoning By-law Amendment proposes to rezone the subject lands to a site specific Residential Multiple 1 (RM1) Zone to facilitate development of the proposed apartment building.

The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density.

6. Analysis

The application proposes development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The development proposes common areas (levels 2 and 3), an indoor pool with locker and shower rooms (level 3), a fitness room (level 2), ground floor and rooftop patios, convenience retail and food services (level 3), and common party rooms (levels 9 and 10). Staff note, the Owner has confirmed the convenience retail and food service component of the proposal, labeled “Commercial” on the Floor Plans, is intended for the exclusive use of owners, renters and guests. Vehicular access to the site is proposed from Crystal Beach Drive by way of three parking ramps leading to under and above ground parking levels.

6.1 Site Context

The subject lands are located within the Urban Boundary in the Crystal Beach Neighbourhood. The subject lands are municipally addressed as 3856 Terrace Lane, Fort Erie and include an unassigned parcel identified as 0-15097 Crystal Beach Drive, Fort Erie. The subject lands are comprised of two interior lots that, when assembled, form a through lot with 30.5 meters of frontage onto Crystal Beach Drive and a smaller portion fronting onto Terrace Lane. The subject lands are approximately 0.26 hectares in area and are currently vacant but support a remnant dune landform and woodland vegetation.

The subject lands are adjacent to existing low density residential uses, the Crystal Beach Waterfront Park and Boat Launch and the Crystal Beach Wastewater Treatment Plant. The subject lands are surrounded by the following uses:

- North: Crystal Beach Drive and the Crystal Beach Wastewater Treatment Plant;
- East: Single detached dwellings, semi detached dwellings and vacant land;
- South: Apartment Building (Palmwood), Crystal Beach Waterfront Park and Boat Launch;
- West: Single Detached Dwellings;

6.2 Planning Policy Framework

6.2.1 Planning Act, R.S.O. 1990, c.P.13

The *Planning Act* provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests. The *Planning Act* identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities. These matters include, but are not limited to, the adequate provision of a full range of housing, including affordable housing, the protection of public health and safety, the appropriate location of growth and development and the promotion of built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. Decisions of Council must also be consistent with provincial policy statements and conform with provincial plans and municipal official plans that are in force and effect.

6.2.2 Provincial Planning Statement, 2024

On October 20, 2024, the Provincial Planning Statement, 2024 (PPS, 2024) came into force and effect. The PPS, 2024 replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Land use planning decisions are required to be consistent with the PPS, 2024.

The subject property is located within a Settlement Area under the PPS, 2024. The PPS, 2024 continues to direct growth and development to settlement areas and encourages intensification to support the achievement of complete communities (2.3.1). Furthermore, the PPS requires Major Facilities and sensitive land uses be planned and developed to avoid potential adverse effects from odour and noise and to ensure the long term operational and economic viability of Major Facilities.

The PPS also directs that natural features and areas shall be protected for the long term (4.1.1). Specifically, the PPS states that development and site alteration shall not be permitted in significant woodlands (4.1.5).

Staff will provide an analysis of the proposal with respect to the PPS, 2024 in a future Recommendation Report presented to Council.

6.2.3 Niagara Official Plan, 2022

Schedule B of the Niagara Official Plan, 2022 (NOP) identifies the subject lands within the Delineated Built-Up Area.

With respect to managing urban growth, the NOP supports opportunities for intensification, infill development and redevelopment (2.2.1.1(g)). Further, the NOP supports opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods (2.2.1.1(h)). The NOP additionally supports the development of a mix of residential built form in appropriate locations, such as local growth centres, to ensure compatibility with established residential neighbourhoods (2.2.1.1(i)). To mitigate and adapt to the impacts of climate change, the NOP promotes built forms, land use patterns and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions and conserve biodiversity (2.2.1.1(l)(iii)).

To ensure intensification is strategic, the NOP requires forecasted population growth to be accommodated primarily through intensification in built-up areas with a focus on strategic growth areas that include protected major transit station areas, regional and local growth centres, and locations with planned transit service, among others (2.2.2.1). Furthermore, the NOP establishes a minimum intensification target in Fort Erie that requires 50% of all residential units occurring annually to be constructed within built-up areas (2.2.2.6).

Within Settlement Areas, providing a range and mix of densities, lot and unit sizes and housing types, including affordable and attainable housing, to meet housing needs at all stages of life is a priority of the NOP (2.3.1.1). Furthermore, new residential development and intensification is encouraged to be designed to mitigate and adapt to the impacts of climate change by facilitating a compact built form that incorporates sustainable construction materials and practices, green infrastructure, energy conservation standards, water efficient technologies and low impact development (2.3.1.4).

In accordance with Provincial requirements, the NOP emphasizes the importance of protecting and conserving Archaeological Resources. Prior to development and site alteration, areas of archaeological potential and those containing archaeological resources must be investigated and cleared or mitigated following clearance from the Province (6.4.2.1).

Staff will provide an analysis of the proposal with respect to the NOP in a future Recommendation Report presented to Council.

6.2.4 Town of Fort Erie Official Plan, 2021 Consolidation

Schedule A of the Town of Fort Erie's Official Plan, 2021 designates 3856 Terrace Lane as Urban Residential and Environmental Protection and Unassigned Parcel 0-15097 Crystal Beach Drive as Urban Residential.

Lands subject to the Urban Residential designation are intended for a variety of housing forms such as single detached dwellings, duplexes, semidetached dwellings, townhouses, multiple unit dwellings, and apartments, among others, including neighbourhood commercial uses (4.7.4).

Lands subject to the Environmental Protection designation are to be protected from incompatible development by restricting development and site alterations within such areas (8.2(I)). Uses permitted within this designation include conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreational pursuits and other uses permitted by the Natural Hazards policies of the Plan.

Staff note, due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the policies and land use designations of the Crystal Beach Secondary Plan are not in force and effect as it relates to the proposed development. Although not in force and effect, the Crystal Beach Secondary Plan designates 3856 Terrace Lane as Medium Density and Unassigned Parcel 0-15097 as Medium Density and Environmental Protection. With respect to the subject lands, the Crystal Beach Secondary Plan envisions built form limited to three storeys in height with a maximum density range of 25 – 50 units per hectare.

The Town's Official Plan (4.7.4.1(II)) states that in considering medium density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

- a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- 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. 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.

Staff will provide an analysis of the proposal with respect to the Town’s Official Plan in a future Recommendation Report presented to Council.

Schedule C – Natural Heritage Features

Schedule C of the Official Plan identifies the subject lands within an Environmental Corridor.

The Applicant has submitted a Scoped Environmental Impact Study, prepared by Beacon Environmental and dated March 25, 2025 that concludes no significant natural heritage features will be impacted by the development.

According to the Scoped Environmental Impact Study, the subject lands support two regionally rare plant species. The Scoped Environmental Impact Study recommends transplanting the two regionally rare plant species to an undisturbed location on or adjacent to the subject lands.

To mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.

Senior Environmental Staff have provided comments with respect to the Environmental Impact Study that are included in Section 9.1 below.

Schedule D – Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan identifies the subject lands in an area of archaeological potential.

The Applicant has submitted Stage 1 and 2 Archaeological Assessments for the subject lands, prepared by Detrius Consulting Ltd. and dated January 19, 2021 and November 14, 2022. The Archaeological Assessments each conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas is required.

Staff will require the Applicant to submit Letters of Acknowledgement from the Ministry of Citizenship and Multiculturalism.

6.2.5 Comprehensive Zoning By-law 129-90, as amended

3856 Terrace Lane is zoned Residential 2B (R2B) Zone and Hazard (H) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended. Unassigned Parcel 0-15097 Crystal Beach Drive is zoned Residential 2B (R2B) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended. Staff note, the subject lands are not

impacted by Interim Control By-law 121-2024. The subject lands were excluded from the Interim Control By-law due to the on-going appeal.

The Zoning By-law Amendment proposes to rezone the subject lands to a site specific Residential Multiple 1 (RM1) Zone to facilitate development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The Applicant-requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Staff note, the Draft By-law submitted in support of the Application combines select Permitted Uses from the Residential Multiple 1 (RM1) Zone with regulations from the Residential Multiple 2 (RM2) Zone to create a site-specific Residential Multiple 1 (RM1) Zone. **Table 1** further reviews the proposal against the requirements of the standard Residential Multiple 1 (RM1) permitted uses, standard Residential Multiple 2 (RM2) Zone regulations and General Provisions of the Town's Zoning By-law 129-90, as amended.

Table 1: Standard RM1 Permitted Uses, Standard RM2 Zone Regulations and General Provisions against RM1-689 Zone Regulations, Site-Specific RM1 Zone Regulations and General Provisions			
Zoning Provision	RM1 Zone Requirement	RM1-689 Zone Requirement	Proposed
Permitted Uses <i>***Applicant requested</i>	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) Two (2) Accessory Dwelling Units, or one (1) Accessory	a) Semi-detached dwellings b) Steet townhouse dwellings c) Block townhouse dwellings d) Stacked townhouse dwellings e) Apartments	a) Apartments and accessory uses b) Short Term Rental, Dedicated

	Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Subsection 6.43 k) Short-Term Rental, Owner Occupied		
Zoning Provision	RM2 Zone Requirement	RM1-689 Zone Requirement	Proposed
Permitted Uses	a) Fourplexes b) Apartment dwellings c) Home for the Aged d) Residential uses existing at the date of passing of this by-law e) Assisted Living House f) Nursing Home g) Uses, buildings and structures accessory to the foregoing permitted use	a) Semi-detached dwellings b) Steet townhouse dwellings c) Block townhouse dwellings d) Stacked townhouse dwellings e) Apartments	a) Apartments and accessory uses b) Short Term Rental, Dedicated
Minimum Lot Frontage	30 meters	30 meters	30.5 meters
Minimum Lot Area <i>***Applicant requested</i>	115 square metres per unit	0.2600 hectares (excluding EP lands)	0.2600 hectares (excluding EP lands)
Maximum Lot Coverage <i>***Applicant requested</i>	40%	50%	74%
Minimum Front Yard (Crystal Beach Drive) <i>***Applicant requested</i>	7.5 meters	7.5 meters to garage	4.1 meters

Minimum Front Yard (Terrace Lane) <i>***Applicant requested</i>	7.5 meters	0 meters from Hazard limit	0 meters from Hazard limit for lots fronting Terrace Lane
Minimum Interior Side Yard <i>***Applicant requested</i>	One-half of the building height or 4 meters, whichever is greater (9.5 m)	N/A	0.1 meters (East) 0.2 meters (West)
Minimum Exterior Side Yard	One-half of the building height or 6 meters, whichever is the greater (9.5 m)	N/A	N/A (interior lots)
Minimum Rear Yard	One-half of the building height or 7.5 meters, whichever is the greater (9.5 m)	6 meters	13.6 meters
Minimum floor area per dwelling unit	Bachelor Unit: 40 square meters One-Bedroom Unit: 50 square meters Two-Bedroom Unit: 60 square meters Unit comprising three or more bedrooms: 79 square meters plus 7 square meters for each bedroom in excess of three	N/A	Not provided.
Maximum Building Height <i>***Applicant requested</i>	9 storeys or 26 meters whichever is the greater	3 storeys or 12 meters from building main floor entrance grade	10 storeys / 21 meters
Landscaped Area	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area	N/A	Not provided.

	and playground		
Minimum Density	N/A	N/A	Not provided.
Maximum Density <i>***Applicant requested</i>	N/A	50 units / hectare	385 units / hectare
Zoning Provision	General Provision	General Provision	Proposed
6.12 (a) – Loading Space Requirements	Less than 929 sq. m (none) Over 929 sq. m (1 loading space)	Less than 929 sq. m (none) Over 929 sq. m (1 loading space)	Not provided.
6.12 (c) – Dimensions of Loading Spaces	A loading space required hereby shall have minimum dimensions of 3.5 m by 9 m and a minimum vertical clearance of 4 m.	A loading space required hereby shall have minimum dimensions of 3.5 m by 9 m and a minimum vertical clearance of 4 m.	Not provided.
6.12 (e) – Yards where Permitted	Loading spaces shall be permitted in any yard other than a required front yard or a required exterior side yard, provided that: (i) no part of any loading space shall be located between the street line and the main wall of the building; and (ii) no part of any loading space shall be located closer than 1 m to any interior side lot line or rear lot line. (iii) no part of any loading space shall be located closer than 4.5m to any residential zone nor any property containing a residential dwelling.	Loading spaces shall be permitted in any yard other than a required front yard or a required exterior side yard, provided that: (i) no part of any loading space shall be located between the street line and the main wall of the building; and (ii) no part of any loading space shall be located closer than 1 m to any interior side lot line or rear lot line. (iii) no part of any loading space shall be located closer than 4.5m to any residential zone nor any property containing a residential dwelling.	Not provided.
6.12 (f) – Access to Loading Spaces	Access to loading spaces shall be by means of an	Access to loading spaces shall be by means of an	Not provided.

	unobstructed driveway at least 3.5 m in width in Commercial Zones and at least 6.0 m wide in Industrial Zones and contained within the lot on which the loading spaces are located and leading to either an improved street or lane not less than 7.5 m in width.	unobstructed driveway at least 3.5 m in width in Commercial Zones and at least 6.0 m wide in Industrial Zones and contained within the lot on which the loading spaces are located and leading to either an improved street or lane not less than 7.5 m in width.	
6.20 (A)(i) - Minimum Parking Requirement	1.5 parking spaces per dwelling unit (150 required)	1.5 parking spaces per dwelling unit (150 required)	110
6.20 (B)(ii) – Calculation of Parking Requirements	Where a building, structure or lot accommodates more than one type of use as set out in Subsection 6.20 (A) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.	Where a building, structure or lot accommodates more than one type of use as set out in Subsection 6.20 (A) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.	Not provided.
6.20 (D(i)(3)) – Ingress and Egress	In Residential Zones, 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 metres, where only one-way traffic is permitted and have a	In Residential Zones, 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 metres, where only one-way traffic is permitted and have a	Not provided.

	minimum width of 6.0 m but not more than 9.0 metres in perpendicular width where two-way traffic is permitted.	minimum width of 6.0 m but not more than 9.0 metres in perpendicular width where two-way traffic is permitted.	
6.20 (D)(ii) – Ingress and Egress	The maximum width of any joint ingress and egress driveway ramp in a Commercial or Residential Zone measured along the street line shall be 9.0 m.	The maximum width of any joint ingress and egress driveway ramp in a Commercial or Residential Zone measured along the street line shall be 9.0 m.	Not provided.
6.20 (D)(v)(i) – Ingress and Egress	Every lot shall be limited to the following number of driveways: 1. up to the first 30.0 m of frontage - not more than 2 driveways; and 2. for each additional 30.0 m of frontage - not more than 1 additional driveway.	Every lot shall be limited to the following number of driveways: 1. up to the first 30.0 m of frontage - not more than 2 driveways; and 2. for each additional 30.0 m of frontage - not more than 1 additional driveway.	3
6.20(F) – More Than One Use on a Lot	When a building or structure accommodates more than one type of use as set out in paragraph (A) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.	When a building or structure accommodates more than one type of use as set out in paragraph (A) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.	Not provided.
6.20 (I) - Parking Area Location on Lot	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.	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.	0.2 meters
6.20 (J)(i) – Dimensions of Parking Spaces	Except as otherwise provided in this Clause, where the side of a	Except as otherwise provided in this Clause, where the side of a	Not provided.

	parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3.0 m; and	parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3.0 m; and	
6.20 (L) – Parking Structures	Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that: (i) no part of any underground parking area shall be situated above finished grade in any required yards; and	Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that: (i) no part of any underground parking area shall be situated above finished grade in any required yards; and	Side and Rear Yards
6.20 (M)(i) – Accessible Parking Spaces	Type A parking spaces shall: a) Where provided outdoors, have a minimum height clearance of 2.75 m b) Where provided indoors, have a minimum height clearance of 2.59 m c) Be at least 3.4 m wide d) Be at least 6.0 m long e) Have an adjacent access isle at least 1.5 m wide by 6 m long	Type A parking spaces shall: a) Where provided outdoors, have a minimum height clearance of 2.75 m b) Where provided indoors, have a minimum height clearance of 2.59 m c) Be at least 3.4 m wide d) Be at least 6.0 m long e) Have an adjacent access isle at least 1.5 m wide by 6 m long	3 meters (width). Not provided (length) Not provided (clearance height)
6.20 (M)(i)(i) – Accessible Parking Spaces	Type B parking spaces shall: a) Be at least 2.4 m wide b) Be at least 6.0 m long c) Have an adjacent access isle at least 1.5 m wide by 6m long	Type B parking spaces shall: a) Be at least 2.4 m wide b) Be at least 6.0 m long c) Have an adjacent access isle at least 1.5 m wide by 6m long	3 meters (width). Not provided (length)
6.20 (M)(i)(iv) – Accessible	2% capped at 10 (Type A)	2% capped at 10 (Type A)	4 (not labeled)

Parking Spaces	1% capped at 5 (Type B) (3 Type A and 2 Type B required)	1% capped at 5 (Type B) (3 Type A and 2 Type B required)	
6.21 (a) - Landscaping and Planting Strips (Requirements for Uses Abutting Residential Zones)	Where a lot is used for a non-residential purpose or a residential development consisting of more than 3 dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection	Where a lot is used for a non-residential purpose or a residential development consisting of more than 3 dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection	No Planting Strip provided.
6.21 (b) - Landscaping and Planting Strips (Width)	Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.	Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.	No Planting Strip provided.
6.21 (g) - Landscaping and Planting Strips (Minimum Landscaped Open Space Area in a Residential Zone)	The overall minimum required landscaped open space area on a lot in a residential zone shall be 20%	The overall minimum required landscaped open space area on a lot in a residential zone shall be 20%	Not provided.
6.37 - Through Lots	Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard in accordance with Section 5.204 of this by-law.	Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard in accordance with Section 5.204 of this by-law.	Crystal Beach Drive (Lot Line Front means the street line where the principal access to adjoining lots is provided)
6.40 - Covered or Uncovered Porches, Balconies, Decks	Required building setback Which is ??	Required building setback	0.1 meters

and Patios			
6.46 - Refuse Collection Areas	Any refuse collection area except for deep collection units shall be enclosed within a covered building, or screened from view through the use of solid materials such as board-on-board fencing and/or decorative brick or block, and; Such refuse collection areas except for deep collection units may not be located in any front yard or any other yard abutting a street.	Any refuse collection area except for deep collection units shall be enclosed within a covered building, or screened from view through the use of solid materials such as board-on-board fencing and/or decorative brick or block, and; Such refuse collection areas except for deep collection units may not be located in any front yard or any other yard abutting a street.	Not provided.

6.3 Studies

On October 26, 2023, a Pre-Consultation Meeting was held between the developer, various Town Staff, and external agencies to review the proposed development.

The Pre-Consultation Meeting Agreement outlined the prescribed information under the Official Plan requirements to deem the Application complete pursuant to the *Planning Act*.

The following studies were submitted in support of the Application:

- [Archaeological Assessment \(Stages 1 & 2\) Unassigned Parcel 0-15097](#)
 - Prepared by Detritus Consulting Ltd. and dated January 19, 2021.
 - The Archaeological Assessments conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas are required.
- [Archaeological Assessment \(Stages 1 & 2\) 3856 Terrace Lane](#)
 - Prepared by Detritus Consulting Ltd. and dated November 14, 2022.
 - The Archaeological Assessments conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas are required.
- [Environmental Site Assessment \(Phase One\)](#)
 - Prepared by Niagara Soils Solutions Ltd. and dated May 30th, 2022.
 - The Phase One ESA investigation did not identify any Potentially Contaminating Activities on the Phase One property or within the Phase One ESA study area that resulted in creating on-site Areas of Potential Environmental Concern. Therefore, as of May 30th, 2022, a Phase Two ESA investigation is not required.
- [Environmental Impact Study \(Scoped\) Addendum](#)
 - Prepared by Beacon Environmental and dated April 8, 2025.
 - The Environmental Impact Study (Scoped) concludes the subject property supports mostly common vegetation and wildlife and does not support significant

- natural heritage or ecological features.
 - The subject property supports two regionally rare plant species, which, the EIS recommends, should be transplanted to an undisturbed location on or adjacent to the subject property.
 - To mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.
- [Environmental Impact Study \(Scoped\)](#)
 - Prepared by Beacon Environmental and dated March 25, 2025.
- [Functional Servicing Report](#)
 - Prepared by R.V. Anderson and Associates Limited and dated October 30, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Geotechnical Investigation](#)
 - Prepared by Soil-Mat Engineers & Consultants Ltd. and dated March 29, 2021.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Geotechnical Investigation](#)
 - Prepared by Niagara Testing and Inspection Ltd. and dated September 14, 2022.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Addendum to Geotechnical Investigation](#)
 - Prepared by Niagara Testing and Inspection Ltd. and dated October 24, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Noise Impact Study Addendum](#)
 - Prepared by RWDI Air Inc. and dated October 29, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Traffic Impact Study \(Final\)](#)
 - Prepared by R.V. Anderson and Associates Limited and dated October 31, 2024.
 - The Traffic Impact Study concludes that under future total traffic conditions, with the addition of site generated traffic, all study area include the intersections of Ridgeway Road with Crystal Beach Drive, Erie Road, Rebstock Road and Farr Avenue (Ridgeway Road/ Gorham Road) are forecasted to operate satisfactory with individual movements operating at LOS 'C' or better through the 2025 and 2030 horizon years.
- [Tree Inventory and Preservation Plan Report](#)
 - Prepared by Jackson Arboriculture Inc. and dated July 7, 2022, revised September 20, 2024.
 - The Tree Inventory and Preservation Plan inventoried 60 trees, of which none are said to be rare, threatened or endangered and 11 are identified over 30cm in DBH.
 - 13 Boundary Trees are identified that will require permission from adjacent landowners to be removed or injured.
 - 4 Public Trees are identified that will require permission from the Town to be removed or injured.
- [Tree Preservation Plan](#)

- Prepared by Jackson Arboriculture Inc. and dated September 20, 2024.
- The Tree Preservation Plan identifies 13 trees to be preserved and 8 tree to be removed.
- [Preliminary Planning Policy Justification Report and Impact Analysis](#)
 - Prepared by South Coast Consulting and dated November 7, 2024.
- [Odour Assessment \(Preliminary\)](#)
 - Prepared by RWDI Air Inc. and dated July 29, 2022.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Odour Assessment \(Final Report\)](#)
 - Prepared by RWDI Air Inc. and dated October 29, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Sun Study](#)
 - Prepared by Jason Pizzicarola Design – Architects Inc. and dated June 19, 2024.
 - The Sun Study illustrates that during evenings in the spring (Spring Equinox), summer (Summer Solstice), fall (Fall Equinox), and winter (Winter Solstice) there may be longer periods of shadows cast on properties located east of the subject lands.

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with development of the subject lands will be borne by the Owner.

Development charges will be collected at the time of building permit application. However, if Bill 17 receives Royal Assent, development charges would be collected at the time of issuance of an occupancy permit or the first day of occupancy.

A payment in lieu of parkland dedication will be required as a condition of the future Site Plan / Condominium Agreement.

The proposed development will be required to adhere to the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*.

7.1 Community Benefits Charges

In accordance with [Community Benefits Charges By-law 131-2023](#), the application is subject to a Community Benefits Charge in the amount of 4% of the value of the land. The Community Benefits Charge is payable on the day before the first building permit is issued with respect to the proposed development. The funds collected may be directed to the following facilities, services or other matters, in accordance with the Community Benefits Charge Strategy:

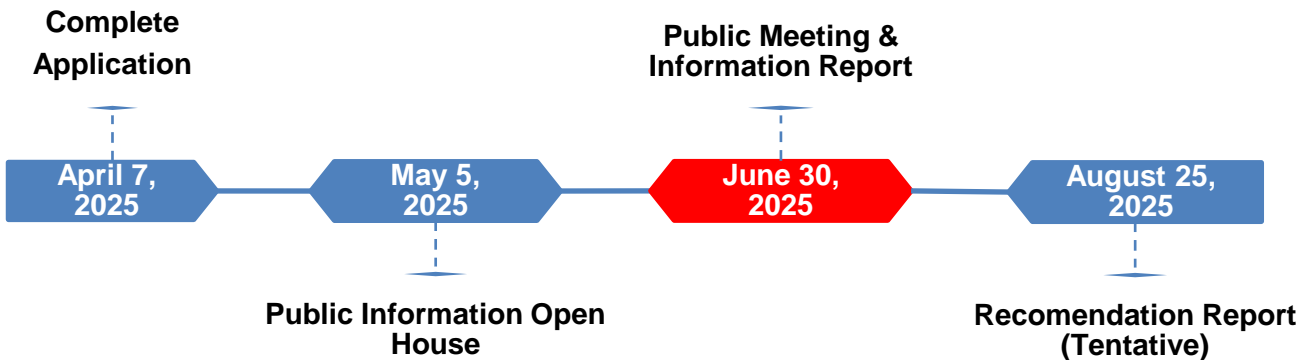
- Community Benefits Charges By-law reviews and strategy updates
- Public realm and urban amenities
- Active transportation
- Affordable housing
- Parking
- Administration

8. Policies Affecting Proposal

The applications were submitted on December 18, 2024, but were deemed incomplete on January 16, 2025. The Applications were resubmitted on January 17, 2025 but were deemed incomplete again on January 30, 2025. The applications were resubmitted on March 27, 2025, and were deemed complete on April 7, 2025.

In accordance with the *Planning Act*, the proposed Official Plan and Zoning By-law Amendment applications are subject to a 120-day processing and review timeline. A Council decision is therefore required by August 5, 2025, otherwise, the Owner may appeal the applications to the Ontario Land Tribunal.

The applications are currently on day 84, as illustrated below.



Statutory requirements of the *Planning Act* were satisfied by circulating a Notice of Public Meeting by regular mail on May 20, 2025, to all land owners within 120 metres of the subject lands, by placing a sign on the subject lands and by circulating internal and external review partners and agencies electronically.

9. Comments from Departments, Community and Corporate Partners

A request for comments regarding the applications was circulated to relevant Departments and Community and Corporate partners on March 10, 2025. Comments received are summarized below and are attached as **Appendix 4**.

9.1 Town Comments

Development Engineering

Roads

Terrace Lane is designated a Local Road and Crystal Beach Drive is designated an Arterial Road. No road widenings are requested through the Applications.

Sidewalks

A 1.50 meter wide sidewalk installation will be required in front of the subject lands (south side of Crystal Beach Drive) with a new sidewalk extension / replacement required from Ridgeway Road to Lake Avenue (south side).

Geotechnical / Hydro-Geotechnical

A shoring system will be required with written consent from neighboring landowners should access / encroachment be required to install the shoring system.

Excavated materials shall be transported off site in accordance with On-Site and Excess Soil Management, O.Reg. 406/19 and OPSS 180.

Watermains

There is a 200 mm dia CI (TOFE) on Crystal Beach Drive and a 150 mm dia PVC (TOFE) on Terrace Lane that will service the subject lands. The Owner shall have a suitably sized water distribution system.

Sanitary

There is a 250 mm dia PE (TOFE) on Crystal Beach Drive and a 200 mm dia PVC (TOFE) on Terrace Lane that will service the subject lands. The Owner shall have an adequately sized sanitary sewer distribution system. Minor revisions to the Functional Servicing Report (FSR) are required regarding the calculations and information pertaining to the existing outlet on Crystal Beach Drive. The FSR will be peer reviewed and will confirm if a HOLDING provision is required.

Storm

There are no storm sewers located on Crystal Beach Drive or Terrace Lane to service the subject lands. The Owner shall have an adequately sized storm sewer distribution system. A Stormwater Management Report shall be required to the satisfaction of the Project Manager, Development Engineering.

Pre-Construction Condition Surveys

The Owner will be required to obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations.

The Owner shall be required to enter into a Site Plan/ Condominium Agreement with the Town to address the above obligations, and all proposed municipal improvements off-site and external to the subject lands, as required.

Infrastructure Services

Infrastructure Services (IS) Staff will review the Peer Review when available and have detailed their concerns with the TIS below. Additional concerns relate to the retaining wall along Crystal Beach Drive (Town infrastructure). IS will require the wall be carefully removed (salvaged) and returned to the Town, or possibly re-deployed to replace the wall in front of #521 Lake Ave. IS Staff are looking for confirmation how the proposed retaining walls will interact with the Town's retaining walls along Crystal Beach Drive.

Traffic Impact Study

IS Staff are seeking confirmation of the breakdown of residential vs. commercial / amenity space and trip generation data for the proposed commercial use. Additionally, sightline drawings for each driveway must be submitted to verify adequate sightlines are maintained. Finally, IS staff are seeking consolidation of driveways to reduce potential conflicts with pedestrians, cyclists, and through traffic.

Building

Building Staff have concerns related to the stability of neighboring lands and structures due to the extent of excavation proposed. Consideration shall be given to the over dig and slope of the excavations in order to comply with Ministry of Labour requirements. Geotechnical reports and shoring designs should receive 3rd party peer review from an expert in this field. A slope stability report is required to be submitted for 3rd party review and the lots will need to be merged to facilitate development.

Additional comments will be provided during the site plan control process.

Natural Heritage

Comments are ongoing and the Environmental Impact Study is not approved.

The Environmental Advisory Committee provided comments at the April 9th, 2025, meeting and attended a site visit on May 30th, 2025.

Information has been provided from an adjacent landowner that trees on the subject lands are over 125 years (based on a previous arborist report prepared in support of an application on adjacent lands). Town staff reviewed aerial photography from 1934 and it appears the trees in question were in place at that time.

Senior Environmental Planning staff have reviewed the Tree Preservation Plan, and Tree Inventory and Preservation Plan Report provided by Jackson Arboriculture, dated July 7, 2022, Rev. 2 - September 20, 2024 and the Environmental Impact Study, prepared by Beacon Environmental on March 20, 2025 submitted in support of these applications, and it is noted that the age of the trees is not discussed in either report.

The lands are not mapped as Significant Woodlands or Other Woodlands in the Region's Official Plan, per Schedule C2.

The Niagara Official Plan defines Significant Woodlands as follows and is consistent with the definition offered in the Provincial Policy Statement 2024:

Woodlands that are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history (PPS, 2020).

Pursuant to Section 7.3.1.1.3. of the Natural Heritage Reference Manual (2005, Second Edition), the findings of the Environmental Impact Study, including the identification of two

regionally rare species, combined with the age of the trees suggests the lands are consistent with the definition of a Significant Woodland.

The below policy is from Section 7.3.1.1. of the Natural Heritage Reference Manual:

Uncommon Characteristics - Forests in southern Ontario have been shaped by their ecological setting and historical disturbances. It is important to retain on the landscape woodlands that contain uncommon or outstanding woodland features. These woodlands contribute to the overall health, diversity and well-being of our forested landscape and may provide special habitats and other ecological values that are important to society. Woodlands that contain rare or uncommon community types, important habitats of a species that is at risk or important habitats of species that are rare or restricted in their distribution, and woodlands that are dominated by old or large trees should be considered significant.

The Environmental Impact Study prepared by Beacon Environmental on March 25, 2025 has been reviewed and it is noted that regionally rare plants (Clammy Ground Cherry and Carpenter's Figwort) were found on the subject lands. The age of the trees has been confirmed through aerial imagery and the trees are assumed to be over 125 years old. These two criteria would meet the above policy test for a Significant Woodland as it is an important habitat for rare species and that the woodlot is dominated by old large trees.

The site is also located on a dune, and although it does not have the ANSI designation, (Area of Natural and Scientific Interest) with the additional features it could potentially meet the requirements of this feature and adds to the uncommon characteristics and biodiversity of this site.

Based on this assessment and policy review, Senior Environmental Planning staff do not agree with the opinion put forward by the applicant's environmental consultant that the lands are not a Significant Woodland and are not supportive of the proposed development.

Community Planning

Due to the appeal, the Crystal Beach Secondary Plan policies will not apply to this proposal.

At the time of Site Plan or Draft Plan of Condominium, payment in lieu of parkland dedication and community benefit charges will need to be addressed.

Fire

The fire department has no comments at this time regarding the Official Plan or By-law Amendment proposed for 0-15097 Crystal Beach Drive and 3856 Terrace Lane.

9.2 External Comments

Niagara Peninsula Conservation Authority

The subject lands are impacted by a Dune and will be subject to the Hazard Policies of the NPCA. As such, the NPCA has reviewed the: Geotechnical Report, as prepared by Soil-Mat Engineering & Consulting Ltd (dated March 29, 2021), the Geotechnical Report, as prepared by Niagara Testing and Inspection Ltd (dated September 14, 2022), the Geotechnical Addendum, as prepared by Niagara Testing and Inspection Ltd., (dated October 14, 2024) as well as the

Functional Servicing Report, as prepared by RVA (dated October 30 ,2024). Upon our review of the above noted material, the NPCA does not offer objections to the recommendations that the foundations for the structure extends to the bedrock. This serves to limit risk as the structure would not be founded on the slope itself. The NPCA would advise that the recommendations from the Geotechnical Reports be implemented for this project. Sediment and Erosion control measures / drawings should be included on future plans and applications.

The NPCA will require circulation and review of any further Planning Applications for the subject lands. Works permits would be required upon the approval, with no appeals, of Planning Applications. Applicable Planning and Permitting fees will apply for any future application. The NPCA at a high level can support the OPA/ZBA. Detailed design elements should be incorporated into future applications for review and approval.

Niagara Region

The Town would need to ensure potential impacts are properly assessed and appropriately mitigated in accordance with applicable Provincial and NOP policies and guidelines. Accordingly, Regional staff strongly recommends that noise and air quality studies for the application be peer reviewed. I would also note in this regard that per NPC-300 stationary sources need to be able to maintain compliance with the legal requirements of their MECP approval, when the development of new noise sensitive land uses is introduced in their proximity. As a note, I just wanted to flag that best practice is for mitigation measures to be recommended for the application's subject lands (i.e., not for the WTP as this is not the applicant's property).

Furthermore, I wanted to note that Regional engineering / tech staff will have comments for the application, but these would be addressed at future Site Plan / Draft Plan applications.

Canadian Niagara Power

There is no source of electrical power at this site to accommodate an apartment building. The Owner must consult with Canadian Niagara Power to come up with a plan for lot servicing. There will be significant cost to do so.

Cogeco

Cogeco has no comment on this Amendment.

Enbridge

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

9.3 Public Comments

A Public Open House was held in the Atrium of Town Hall on May 5, 2025, from 5 – 6PM. All property owners within 120 metres of the subject lands were notified of the meeting via notice by regular mail sent on April 17, 2025. Town Planning Staff and the Owner / Applicant were in attendance, and approximately 72 members of the public attended the Open House. A brief summary of public comments overheard at the Open House and submitted in relation to the proposal is provided below.

- Comments related to the lack of availability of information.

Development Planning Response: Submission materials are available on the Town's website at the following link: <https://www2.forterie.ca/resource/eservicesPlanning.xsp?s1=POPA-CR11-DC4Q2W>. Submission materials are also available for inspection in person at Town Hall during regular business hours.

- Comments related to the lack of affordable housing units proposed.

Development Planning Response: Development Planning Staff strongly encourage the provision of affordable housing in multiple dwelling proposals but have no ability to mandate this in the absence of Inclusionary Zoning regulations.

- Comments related to potential increased levels of traffic and congestion and negative impacts to nearby intersections caused by the development.

Development Planning Response: The Traffic Impact Study, Prepared by R.V. Anderson and Associates Limited and dated October 31, 2024, concludes that under future total traffic conditions, with the addition of site generated traffic, all study area intersections are forecast to operate satisfactory with individual movements operating at Level of Service 'C' or better through the 2025 and 2030 horizon years.

- Comments related to the lack of parking proposed by the development.

Development Planning Response: The development proposes 110 vehicular parking spaces whereas 150 vehicular parking spaces are required at minimum in addition to the parking required for the proposed commercial component (1.1 vehicular parking spaces per residential dwelling unit).

- Comments related to potential increased flooding caused by the development.

Development Planning Response: During the Site Plan Control stage, detailed review and approval of supporting studies including Stormwater Management Reports will be required to the satisfaction of the Town.

- Comments related to the proposed density.

Development Planning Response: The Urban Residential designation establishes no maximum density but provides other criteria in consideration of medium or high-density proposals. These criteria will be discussed and analyzed in the future Recommendation Report. The Residential Multiple 1 (RM1) Zone caps density at 35 units per hectare.

- Comments related to the potential loss of views and vistas.

Development Planning Response: The Town of Fort Erie's Official Plan establishes no protected viewshed corridors.

- Comments related to potential shadow impacts caused by the development.

Development Planning Response: The Sun Study, prepared by Jason Pizzicarola Design –

Architects Inc. and dated June 19, 2024, illustrates that during evenings in the spring (Spring Equinox), summer (Summer Solstice), fall (Fall Equinox), and winter (Winter Solstice) there may be longer periods of shadows cast on properties located east of the subject lands.

- Comments related to potential environmental impacts caused by the development.

Development Planning Response: The Environmental Impact Study (Scoped), prepared by Beacon Environmental and dated April 8, 2025, concludes the subject property supports mostly common vegetation and wildlife and does not support significant natural heritage or ecological features. Furthermore, the EIS concludes the subject property supports two regionally rare plant species, which, the EIS recommends, should be transplanted to an undisturbed location on or adjacent to the subject property. Lastly, to mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.

- Comments related to the misalignment of the development and the Crystal Beach Secondary Plan.

Development Planning Response: Due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the policies of the Crystal Beach Secondary Plan are not in force and effect as it relates to the proposed development. Additional review and analysis will be provided in the Recommendation Report.

- Comments related to the character of the neighbourhood not being reflected though the proposed built form (apartment building).

Development Planning Response: The same built form (apartment building), although higher in building height, is located approximately 85 meters from the subject lands (3823 Terrace Lane).

- Comments related to the impact of Interim Control By-law 121-2024.

Development Planning Response: The subject lands are not impacted by Interim Control By-law. The subject lands were excluded from the Interim Control By-law due to the on-going appeal.

- Comments related to the Residential Multiple 1 (RM1) Zone restricting maximum building height to 3 storeys.

Development Planning Response: Due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the subject lands are zoned Residential 2B (R2B) Zone. The Residential 2B (R2B) Zone permits a maximum

- Comments related to a lack of resident and public outdoor space proposed.

Development Planning Response. Public outdoor space is not proposed as the development is private in nature. The development proposes rooftop and ground floor patios and located adjacent to the Crystal Beach Waterfront Park and Boat Launch.

- Comments related to the lack of setbacks proposed by the development.

Development Planning Response: Reduced interior side yard (0.1 meters) and front yard (4.1 meters) setbacks are proposed whereas the minimum rear yard setback is maintained.

- Comments related to the potential loss of privacy caused by the development.

Development Planning Response: The Owner may incorporate mitigation measures into the development to address privacy concerns.

- Comments related to a perceived lack of meaningful engagement related to development proposals.

Development Planning Response: In addition to the fulfilling the statutory requirements of the Planning Act, an Open House was held on May 5, 2025, from 5 – 6 p.m. in the Atrium at Town Hall. The Owner, Town Staff and approximately 72 members of the public were in attendance.

- Comments related to potential slope stability issues on adjacent properties caused by the development.

Development Planning Response: A Slope Stability Assessment will be required at the Site Plan Control stage. The Slope Stability Assessment will require review and final approval to the satisfaction of the Town.

A full record of Public Comments received in response to the proposal are attached as **Appendix 5**.

10. Alternatives

Not applicable. This Report is for information purposes only.

11. Communicating Results

There are no communication requirements currently.

12. Conclusion

This Report is submitted to Council for information purposes only. A Recommendation Report on the proposed Official Plan and Zoning By-law Amendments will be presented to Council at a future date.

13. Report Approval

Prepared by:
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Reviewed by:
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Submitted by:

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Director, Planning and Development Services

Approved by:

Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 – Location Map

Appendix 2 – Draft Official Plan Amendment

Appendix 3 – Draft Zoning By-law Amendment

Appendix 4 – Internal and External Comments

Appendix 5 – Public Comments