



The Municipal Corporation of the Town of Fort Erie

By-law No. xx-xxxx

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area
Amendment No. xx
15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3
NP367 & Part Lot 10, Plan 369)
1000054526 Ontario Inc. (Lou Pompili)**

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. xx to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to affect any minor modifications, corrections, or omissions solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

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

Mayor

Clerk

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

**AMENDMENT NO. xx
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE**

CONTENTS

PART "A" - THE PREAMBLE

Section 1	-	Title and Components
Section 2	-	Purpose of Amendment
Section 3	-	Location of this Amendment
Section 4	-	Basis of this Amendment
Section 5	-	Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement	
Details of the Amendment	
Schedule "A"	- Land Use Plan

PART "C" - THE APPENDICES

Appendix 1	-	Notice of Public Information Processes
Appendix 2	-	Public Meeting Minutes
Appendix 3	-	Circulation Comments

**PART "A" - THE PREAMBLE
SECTION 1
TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. xx to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. xx to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of the *Planning Act*, 1990, shall be known as Amendment XX to the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text and map (designated Schedule “A”) constitutes Amendment 85 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area.

Also attached is Part “C”, the Appendices, which do not constitute part of this Amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule “A” attached hereto from “Low Density Residential” to “Core Mixed Use – Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369)”, in the Crystal Beach Secondary Plan to facilitate the development of apartments.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the south side of Crystal Beach Drive as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The Subject properties is designated Urban Residential providing for the land to be developed for a variety of housing forms such as single detached, duplex, semidetached, townhouses, multiple units, apartment, accessory apartments, dwellings, rooming houses, boarding, and lodging houses, group homes, housing for the elderly and similar forms of housing. The applicant is proposing to rezone the southerly portion of the property to allow the Subject properties to be developed comprehensively.

The proposal to construct apartment dwelling units meets the intent of the Fort Erie Official Plan because:

- The Fort Erie Official Plan provides for a mix of residential dwelling types.
- The proposed development's location provides convenient vehicular access and pedestrian infrastructure exists in the surrounding area and will not be negatively impacted by this development.
- The proposal provides a comprehensive development of an underutilized parcel of land.
- The increased density proposed allows efficient use of underutilized urban land and the apartments will provide alternative forms of housing in the Crystal Beach Community. The proposal will assist the municipality in achieving its growth targets.

The requested amendment would permit residential intensification at a higher density that aligns with the Provincial Policy Statement, the Region of Niagara Official Plan, and the Town of Fort Erie Official Plan.

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

The large lot is vacant. The surrounding land uses are residential and institutional.

The proposed residential development will support the existing nearby commercial uses.

The additional units will help to contribute to the viability of the commercial services and facilities in the area.

The proposed building scale, height, size, and built form will optimize the usable area of the site and provide adequate parking and private amenity space. The additional units promote sustainability through connection to municipal services linkages to other destination points in the neighbourhood.

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

The subject properties are not constrained by any natural heritage features. The site itself is, or can be made, physically suitable for the proposed uses.

Consistent with the natural heritage policies of the Plan, the proposed development and the removal of the trees and vegetation will not create a negative adverse impact to the balance of the natural area and the implementation of the Tree Protection Plan will provide for mitigation to offset the indirect impacts to the with replacement native vegetation to compliment the natural surroundings.

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

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**

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

The subject properties are located Crystal Beach Drive, a short distance from Ridgeway and Erie Beach Roads. Both roads are capable of handling greater volumes of traffic. The site is near Highway 3 providing convenient highway access for future residents. Pedestrian infrastructure exists in the surrounding area and will not be negatively impacted by this development. The proposed development will have access to municipal services.

The proposed apartment building will have frontages on municipal roads that are maintained year-round.

The watermain owned by the Town and will provide water supply to the site. A new service connection will be installed to service the proposal. There two available fire hydrants to service the development. There is a sanitary service to the property on Crystal Beach Drive. It is not expected there will be impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

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

The proposed residential use is compatible with the surrounding lands uses are mixed use residential and commercial, institutional, and parks uses. The Official Plan policies promote buildings situated close to the front street line but allows varied setbacks to provide interesting facade variations.

The proposed development achieves preservation of as much tree preservation as possible. The Tree Protection Plan offers benefits to the ecological functionality of the features for the long term.

The proposed development provides parking for each unit as well as additional spaces for visitors.

The proposed design of the building and building materials including window treatments, and private amenity spaces can meet the objectives outlined in the Town's urban design guidelines.

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

There is no evidence to suggest that the proposed residential use will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may function as a catalyst to bring new development in the area, having an overall positive effect on adjoining properties.

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

The proposed rezoning of the subject properties will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with an additional tax base and development charges. Through the Zoning By-law Amendment, Council may also require community benefits in the form of a Section 37 Agreement with the developer, which will have a positive effect on the financial position of the municipality.

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

The proposed use and development are not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. xx to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on Schedule "A" attached hereto shall change from **Urban Residential** Residential to Core Mixed Use:
2. Section 4.22.9.14 of the Crystal Beach Secondary Plan is deleted and replaced by the following:

4.22.9.14 Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856, 0-15084, 0-15085 & 0-15086 Terrace Lane and 0-15097 Crystal Beach Drive).

These lands represent a unique opportunity to provide additional multi-unit residential that can take advantage of waterfront views and amenity of Crystal Beach Waterfront Park.

- a) The site is reserved for apartment units and their accessory uses and generally be governed by the Residential policies of Section 4.22.10 unless otherwise defined under this section.

- b) A density of up to 385 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify housing stock and form.
- c) Land assembly is encouraged to enable a comprehensive development plan for lands identified in this policy.
- d) The maximum height will be 21 metres.
- e) Site access for resident parking should only occur from Crystal Beach Drive.
- f) Sensitive architectural designs shall be deployed such as terraced building form reflecting slopes on site.
- g) These lots are in proximity to the Regional Waste Treatment Plant and new development will need to consider compatibility requirements from a noise, air quality and odour perspective.
- h) Existing Environmental Protection designation (Hazard zoning) at the southerly limit of the designated lands may form limits of development / setbacks in the implementing zoning.

PART “C” - THE APPENDICES

Appendix 1	-	Notice of Public Meeting
Appendix 2	-	Public Meeting Minutes
Appendix 3	-	Circulation comments