



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 59-2015

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. 26
General Commercial Town Initiated Amendment to the Official Plan

350302-090

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 hereby enacts as follows:

1. **THAT** amendment No. 26 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text 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 is authorized to effect any minor modifications or corrections 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 13th day of April, 2015.

MAYOR

CLERK

I, _____, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 59-2015 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20

AMENDMENT NO. 26

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.26 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. 26 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 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the Town of Fort Erie's Official Plan General Commercial provisions in Section 4.9.2 to permit a portion of the commercial main floor within the downtowns of Crystal Beach, Ridgeway, Bridgeburg, Stevensville and the South End to be used for residential dwelling units provided they do not have frontage on the street.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located in the commercial centres of Crystal Beach, Ridgeway, Bridgeburg, Stevensville and the South End as shown on Schedule "A" attached hereto and designated as either Core Mixed Use and/or Commercial in the Town's Official Plan and/or Secondary Plan.

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 Town of Fort Erie consists of a number of distinct communities. These communities each have their downtown commercial core areas in addition to the Town's larger commercial core along Garrison Road. This large expanse of commercial land is to serve a population of approximately 30,000 people and the older downtown cores require additional population within close proximity to the core to sustain the existing and future commercial operators for the long term.

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

The downtown cores do not currently permit residential dwelling units on the ground floor however can easily accommodate the additional dwelling units subject to the provisions of the Town's Zoning By-law and the Ontario Building Code.

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 proposed amendment is within in the downtown cores of Crystal Beach, Ridgeway, Bridgeburg, Stevensville and the south end. Any proposed future development on these lands within a natural heritage feature would still need to adhere to the natural heritage policies of the Official Plan.

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

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

The proposed amendment are all located in the urban area and are serviced by municipal services and accessed by municipal or regional roadways.

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

The residential ground floor provisions will allow a portion of the existing ground floor to be used residentially which is compatible with the adjoining commercial or residential uses. Also the only visible change outside the building is the provision of one additional parking space per unit which must be provided to accommodate the residential use. The new parking space must meet the parking requirements of the Town's Zoning By-law No. 129-90.

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:

The proposed amendment will have no depreciating or deteriorating effect upon adjoining properties.

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

The proposed amendment will not have a direct impact on the financial position of the Municipality but it will assist in an indirect way by encouraging owners/developers to invest money in revitalization efforts in the downtown cores which will attract new investors.

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

None.

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 text changes constitute Amendment No. 26 to the Official Plan adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area. The Official Plan for the Town of Fort Erie, as amended, is hereby further amended by the following text change:

Text Changes:

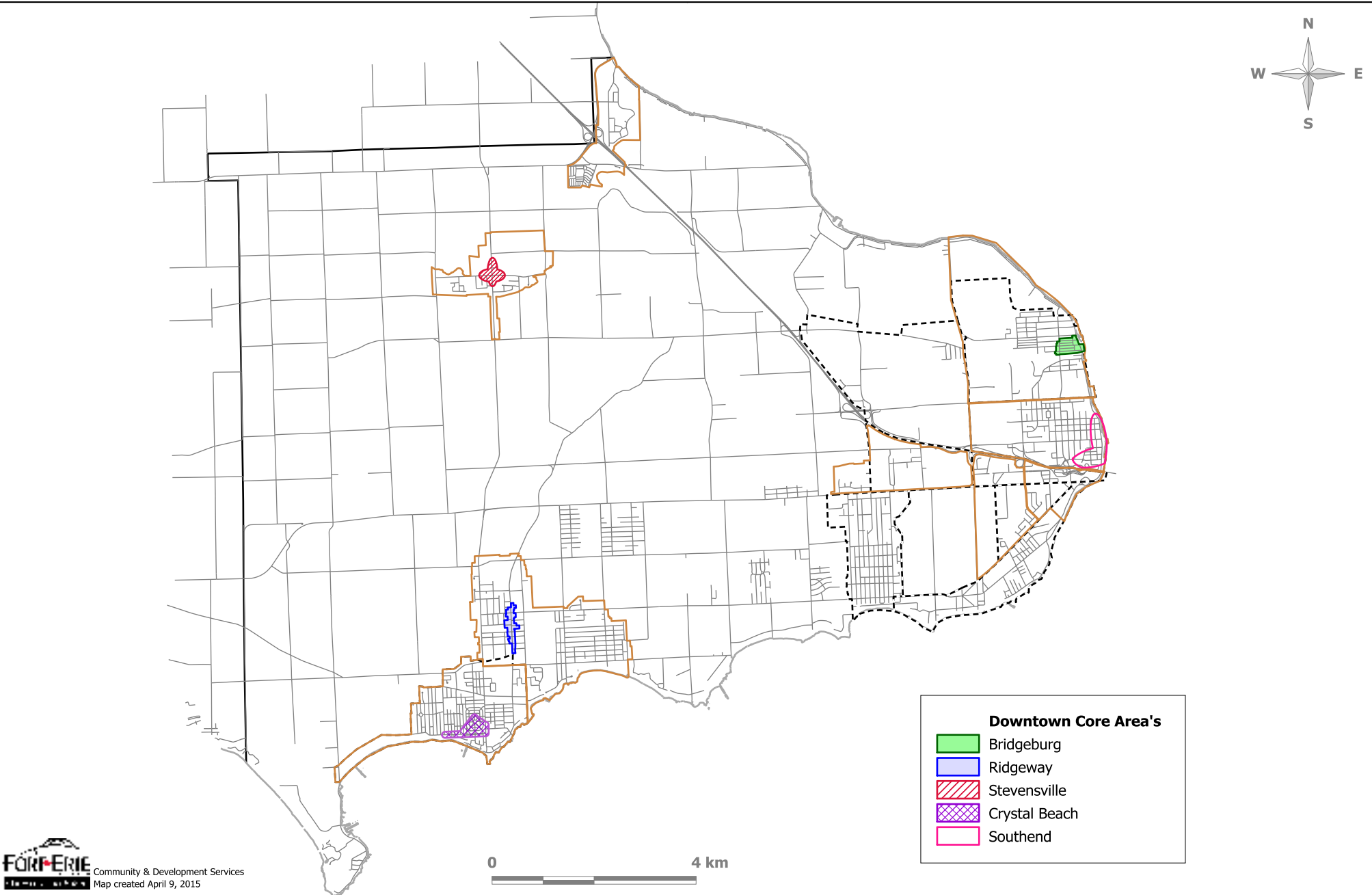
The Policy set out below, is proposed to be added to the General Commercial Section at the end of Policy 4.9.2 II:

"Within Crystal Beach, Ridgeway, Bridgeburg, Stevensville and South end downtown commercial centres, a portion of the ground storey may contain residential dwelling units to be situated behind the commercial use of the main floor, provided the unit does not front onto the street and it does not detract from the primary at-grade commercial purpose."

PART “C” - THE APPENDICES

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

Schedule "A" to By-law 59-2015





TOWN OF FORT ERIE

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

TOWN INITIATED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO REVISE PROVISIONS IN SOME DOWNTOWN CORES AND OUTDOOR PATIOS

APPLICANT: Town of Fort Erie
Application: 350309-0396 & 350302-0090

DATE: MARCH 2, 2015 TIME: 6:00 PM

LOCATION: TOWN HALL, COUNCIL CHAMBERS

A location map is not provided with this notice, as the proposed amendment applies to various lands within the corporation limits of the Town of Fort Erie.

PROPOSED CHANGE

The **Town of Fort Erie** has initiated an Amendment to the Town's Official Plan and Zoning By-law to consider changes to provisions related to ground floor residential, access widths and parking adjacent to laneway in some downtown cores and to also consider removal of a provision for outdoor patios.

Official Plan Amendment Changes:

To permit in downtown commercial areas (Stevensville, Ridgeway, Crystal Beach and Bridgeburg) a limited amount of ground floor residential provided it does not detract from the primary at-grade commercial purpose.

General Provisions

Section 6.49 Outdoor Patios Associated with Eating Establishments and/or Taverns : To consider removal of "The calculation of such separation distance shall exclude any public road allowance between such zones" in relation to outdoor patio separation distances.

Section 6.20 D Ingress and Egress: To consider new provisions 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 in some downtown core areas.

Section 6.20 I Parking Area Location on the Lot: To consider permitting parking to be located 0m from a rear access laneways in some downtown core areas.

New Uses and/or Amended Uses Permitted in Existing Zones

The following sections in the Zoning By-law require revisions or additions:

Section 18: General Provisions for Commercial zones – add a new section to permit ground floor residential in some downtown core areas and other minor housekeeping changes.

Schedule D

Schedule D has been revised to reflect changes to the access drive widths in some downtown core areas.

HAVE YOUR SAY

Input on the proposed Official Plan Amendment and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

MORE INFORMATION

For further information please contact Kira Dolch, Manager of Development Approvals at (905) 871-1600 extension 2502 or kdolch@town.forterie.on.ca. A copy of the Information Report will be available to the public by 5:00 PM on February 25th, 2015. Detailed information on the proposed amendments are available at the Town of Fort Erie Planning Department.

The information report will be available in the Council agenda portion of the Town's Web Site: www.town.forterie.on.ca or from the Community and Development Services Department.

WRITTEN SUBMISSION

To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o the Interim Town Clerk Tom Mather, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to tmather@town.forterie.on.ca

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding this application.

After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan and Zoning By-law amendment before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan and Zoning By-law amendment before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the adoption of the Official Plan and Zoning By-law Amendment, you must make a written request to Tom Mather, Interim Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 5th day of February, 2015

Tom Mather, Interim Town Clerk

Richard F. Brady, MA, MCIP, RPP, Director of Community and Development Services



The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, March 2, 2015

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Roll Call

Present: Mayor Redekop; Councillors Butler, Knutt, Lubberts, McDermott and Zanko

Staff: R. Brady, K. Dolch, K. Gennings, *S. Hansen, D. Heyworth, J. Janzen, M. Kernahan, T. Kuchyt, C. Millar, C. Schofield, K. Walsh, C. Watson

*Arrived 8:00 p.m.

3. Announcements/Addenda

There was one addendum, the addition of Report No. CDS-15-1-2015 under Consent Agenda Items.

Mayor Redekop made the following announcements;

- He attended the Mayors of the Southern Tier Communities Luncheon in Fort Erie on February 26, 2015 organized by the area Chambers of Commerce. Over 300 people were in attendance and the Mayors spoke about issues affecting their communities.
- In the morning of February 28, 2015 he attended the Youth Education Public Speaking Contest hosted by the Royal Canadian Legion, Branch 230 for elementary schools. He announced that Zane Gilmour was the Junior Colour Poster District Bronze Medal Winner.
- Later that evening he and his wife attended the Saving Baby Matthew Fundraiser who is suffering from a severe combined immune deficiency.
- Later that evening he and his wife attended a fundraiser for Amanda and Jeff Wilson who are battling Lyme Disease.
- On March 4, 2015 the Mayor along with Councillors Knutt, Butler

and Town staff will attend the Design Awards in St. Catharines where Town staff will receive an award.

- On March 6 and 7, 2015 Council will embark on the Strategic Planning process to be held in the Atrium at Town Hall.

Mayor Redekop asked everyone in attendance to observe a moment of silence in memory of Councillor Rick Shular.

4. Disclosure of Pecuniary Interest and General Nature Thereof

Councillor Lubberts disclosed a pecuniary interest regarding Item 6(a) since his employer, Riel Electric, does work with builders who will be affected by the proposed increase in Building Permit Fees. He abstained from discussing or voting on the matter.

Mayor Redekop disclosed a pecuniary interest regarding Item 7(c) and corresponding Report No. CDS-17-2015 since he is a shareholder in a building located in downtown Ridgeway. He abstained from discussing or voting on the matter. He asked the Clerk to note his declaration for any previous meetings relating to the matter wherein he may not have declared a pecuniary interest.

5. Public Notice

- (a) 2015 Budget Meeting Schedule

Re: General Levy Operating Budget - Tuesday, March 3, 2015 and Wednesday, March 11, 2015 (if required)

6. Public Meeting - *Building Code Act*

- (a) Public Meeting

Re: Proposed Increase in Building Permit Fees

Mayor Redekop announced this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed increase of building permit fees.

Mr. Keegan Gennings, Chief Building Official delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Gennings advised that notice of this Public Meeting was advertised in the January 29, 2015 edition of The Times newspaper according to the *Building Code Act*. Staff provided

notice through other means by posting on the Town's website, Twitter and Facebook and emailed to the Town's frequent contractors.

Mr. Gennings explained the permit fees were reviewed with consideration being made on the class of construction, current rates and Regional averages for each type of classification. The majority of the fees are seeing a 10% increase, renovation fees and industrial rates are not changing. The fees for accessory buildings, decks and porches do not have Regional averages or percentage increases because other municipalities are either charging a flat fee or by the square foot. The proposed fee is to change from the flat fee to a per square foot charge. The minimum permit fee is being increased from \$106 to \$125.

Mr. Gennings further explained the proposed plumbing fees are only seeing Consumer Price Indexing increases of 2.6%. An additional proposed fee change for swimming pools is proposed due to changes in lot grading requirements for public, in-ground and above-ground pools.

An Expedited Permit Process option is proposed which will have Town staff process the Permit after regular working hours. The proposed permit fee will cover the overtime costs associated with this process. He provided an overview on other minor amendments and future fee increases.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of the proposed Building Permit Fees.

No person(s) spoke in favour.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the proposed Building Permit Fees.

No person(s) spoke in opposition.

Mayor Redekop announced the public meeting was concluded.

7. Public Meetings - *Planning Act*

- (a) Official Plan and Proposed Property Rezoning

Re: Owners: Alan Power and Molly Fitzpatrick - Agent: Jennifer

Vida, Upper Canada Consultants - 5179 Point Abino Road. The applicant is proposing to add a Special Policy Area to the Official Plan and to rezone a portion of the property from Dune Protection DP Zone to a Site Specific Protection DP Zone.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Mr. Kernahan, Senior Development Planner delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Kernahan advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on January 12, 2015 in accordance with the requirements of the *Planning Act* and advertised in the January 8, 2015 edition of The Times newspaper.

Mr. Kernahan explained the property is a waterfront property on Abino Hills Road in the Point Abino area. The subject property is designated Environmental Protection in the Town's Official Plan and an amendment is required to add a Special Policy Area. The property is zoned Dune Protection DP Zone, Environmental Protection EP Zone and Hazard H Zone. A zoning by-law amendment is required to change the zoning of the portion of the subject property zoned Dune Protection DP Zone to a Site Specific Dune Protection DP Zone. The applicants would like to construct a two storey accessory structure with sleeping and washroom facilities with a maximum height of 7.0 metres.

The Mayor invited the applicants' agent to come forward.

Ms. Jennifer Vida, Upper Canada Consultants, agent on behalf of the owners of 5179 Abino Hills Road, explained the proposed accessory structure will replace the existing accessory structure with a larger footprint for a two car garage at grade with sleeping quarters and a washroom on the second floor. The Town hosted

a pre-consultation meeting in April 2014 to discuss the proposal and determine what would be required to ensure the development would not have a negative impact on the natural features on and around the property. As part of the application, supporting documents included a Slope Stability Study, an Environmental Impact Study and a Planning Justification Report. These reports all conclude that with mitigation measures, the proposed structure would not negatively impact the slope or natural environment on the property. The architect and contractor have confirmed the mitigation measures as recommended in the studies can be implemented through the construction stage.

Ms. Vida advised once the Official Plan and Zoning By-law Amendments are approved, site design drawings including site and grading, servicing and landscape plans will be forwarded to the Town, Region and NPCA for review and approval in order to ensure the development is designed in accordance with the recommendations including a legal agreement. A number of questions were received from the Environmental Advisory Committee today and professional and technical responses will be provided in writing to ensure the questions are addressed prior to the application returning to Council for a decision.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of the application.

No person(s) spoke in favour of the application.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

No person(s) spoke in opposition of the application.

Mayor Redekop announced the public meeting was concluded.

(b) Official Plan and Proposed Property Rezoning

Re: Stevensville Secondary Plan

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding combined proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to

obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Mr. Millar, Neighbourhood Planner delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Millar advised that notice of this Public Meeting was circulated in accordance with the *Planning Act* and Council's policy. Extensive consultations and notifications have occurred throughout this process.

Mr. Millar explained the Town initiated the amendments, the Region are the approval authority for Secondary Plans and Agencies, Stakeholders and the public are all requested to be engaged. He provided an overview of the following:

- W5: Who, What, Where, When and Why;
- Notification process in accordance with the *Planning Act* and Council policy;
- Quick statistics of the area;
- Brief overview of the process beginning with the request for EOI resulting in the Community Focus Group in February 2013;
- Vision Statement: "The ideal Stevensville is a well-planned village that is inclusive, connected to nature, neighbours and jobs; that celebrates its rural heritage and looks forward to a prosperous future with vital commercial and employment areas;"
- Concept illustration and Draft Land Use Plan;
- The five schedules contained in the Draft Secondary Plan – Provincial compliance, Land Use Plan, Natural Features & Open Space, Natural Hazards & Fish Habitat, and Transportation Systems;
- Key Policies e.g. Regional Growth Management and Provincial Growth Plan;
- Key changes and Topical focus e.g. Defining a Village Core Area, Medium Density/Intensification, Gateway Highway Commercial, Prestige Industrial, Highway Corridor, Civic Space, Traffic and Safety.

Mr. Millar explained in order to effectively implement the

Secondary Plan, select areas being re-designated need to be provided with the appropriate regulations. Zoning amendments will be made on affected parcels to a suitable zoning category to facilitate future development activity and to remove the “hurdle” for implementation and investment towards a Plan that Council has adopted. Persons/developers seeking to develop in a manner not consistent with the Plan will be required to go through the amendment process. The changes being made to implement the Plan are being referred to as “related” changes. Some Zoning changes are not a result of the Secondary Plan but of a “housekeeping” in nature due to more recent NPCA data, which in most cases, has seen modification to the Hazard limits along some watercourses. These proposed changes are being referred to as “unrelated” to the Plan’s implementation. He reviewed next steps.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of the application.

No person(s) spoke in favour of the application.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

No person(s) spoke in opposition of the application.

Mayor Redekop announced the public meeting was concluded.

At this point, Mayor Redekop turned the Chair over to Councillor Butler, due to his pecuniary interest.

(c) Official Plan and Proposed Property Rezoning

Re: Town Initiated Official Plan and Zoning By-law Amendment to Revise Provisions in some Downtown Cores and Outdoor Patios.

Councillor Butler announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town’s Official Plan and Zoning By-law No. 129-90. She described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Councillor Butler encouraged members of the public to state their concerns either at this meeting or in writing so that they

may have status in the event of an appeal to the Ontario Municipal Board.

Ms. Dolch, Manager of Development Services delivered a power point presentation, a copy of which is available in the Clerk's Department.

Ms. Dolch advised that notice of this Public Meeting was provided in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper. Additional measures were undertaken to notify the public of the proposed amendments by posting Notice on the Town's website, Twitter and Facebook page, sent to the Ridgeway, Bridgeburg and Crystal Beach BIA's; included on the February 2015 water bill, advertised on the electronic billboard at the corner of Municipal Centre Drive and Garrison Road, posted at the Library Branches, Leisureplex, Museum and Town Hall Atrium. In addition, at the February 2, 2015 Council-in-Committee Meeting, Council requested that Notices of the March 2, 2015 public meeting be sent by mail to all downtown core areas of Ridgeway, Crystal Beach, Stevensville, Bridgeburg and the South Neighbourhood.

Ms. Dolch explained the proposed change to the Official Plan will permit within Crystal Beach, Ridgeway, Bridgeburg, Stevensville and South end downtown commercial centres, a portion of the ground storey to contain residential dwelling units to be situated behind the commercial use of the main floor, provided the unit does not front onto the street and it does not detract from the primary at-grade commercial purpose.

Ms. Dolch explained the proposed changes to the Zoning By-law No. 129-90 will occur in the C2A, CMU2 and CMU4 Zones located in Bridgeburg, Crystal Beach and Ridgeway. The South Neighbourhood along the Niagara River Parkway will need to be considered in a future Secondary Plan as the current zoning in this downtown area is not in a core commercial zone.

The Stevensville Secondary Plan is currently underway and it is considering the residential on the ground floor of a commercial building as part of its proposed amendments. Any other changes not considered through the Secondary Plan process will need to be included in the next housekeeping amendment once the zoning of the Stevensville downtown core has been changed.

Ms. Dolch advised a new section has been added to Section 18

General Commercial Provisions for dwelling units in C2A, CMU2 and CMU4 Zones to permit residential dwelling units to occupy up to 49% of the ground floor of a commercial area in these Zones. Changes to access drive widths in C2A, CMU2 and CMU4. No. 5 Access Driveway Width will stay the same for those commercial areas outside of the identified downtown core areas. This provision would apply to any new development or addition in a commercial zone. Laneways provide for access to loading and parking areas at the rear of commercial buildings. Currently parking areas adjacent to laneways must landscape the 3 metres adjacent to the street. Staff are proposing to permit parking adjacent to a laneway without the requirement of a 3.0 metre landscape strip.

Ms. Dolch referred to Section 6.49 Outdoor Patios associated with Eating Establishments and/or Taverns and advised the wording “the calculation of such separation distance shall exclude any public road allowance between such zones” will be removed. A separation distance of 60 feet or 20 metres will still be provided and are sufficient to mitigate impacts whether or not adjacent to a road allowance.

Councillor Butler indicated the Committee would hear from those person(s) who wished to speak in favour of the application.

No person(s) spoke in favour of the application.

Councillor Butler indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

No person(s) spoke in opposition of the application.

Councillor Butler indicated the Committee would hear from those person(s) who wished to ask questions.

(a) Mia Russell, Crystal Beach

Ms. Russell stated she has commercial property on Erie Road. She is concerned about the hotel on the corner of Erie Road and Derby Road where the commercial space on the main floor are apartments with doors onto the road and there is no parking. She questioned how that was allowed since it is a commercial building and the apartments are residential.

Ms. Dolch responded the hotel was a legal non-conforming use and they would not be required to have parking for residential use. Ms. Russell advised there is public parking behind the building and as a taxpayer, she questioned why she should have to pay for the residents to park there. The Mayor requested Ms. Russell to provide her address to Ms. Dolch so that she can respond directly to her.

(b) Nick Russell, Crystal Beach

Mr. Russell is concerned about the property that the Molinaro's sold and he questioned if part of it was zoned commercial and if the zoning changes, what will happen to that property. Mr. Brady responded the Molinaro's sold the property on Erie Road. These changes will not affect the zoning of that property.

Councillor Butler announced the public meeting was concluded.

At this point, Mayor Redekop resumed the Chair.

(d) Official Plan and Proposed Property Rezoning

Re: Owners: 1746849 Ontario Inc. (Pauline Petek, President); Applicant: Stacy Veld, District School Board of Niagara - 1640 Garrison Road. The applicant is requesting an Official Plan Amendment to permit through a Special Policy Area and Site Specific Open Space Zone, a public school and ancillary uses in addition to open space uses and in addition a Zoning By-law Amendment to specifically add auditorium, day care, offices, public library and restaurant associated with the Culinary Program.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Ms. Dolch, Manager of Development Approvals delivered a power point presentation, a copy of which is available in the Clerk's Department.

Ms. Dolch advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on February 6, 2015 in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper.

Ms. Dolch explained the subject property is designated Open Space and Commercial in the Town's Official Plan. The proposed secondary school is not permitted in either designation and therefore, an Official Plan amendment is required to add a Special Policy Area to permit a public school use, along with ancillary uses in addition to the uses permitted in the Open Space designation. In addition, the amendment is to permit the continued use of existing municipal services outside the Urban Area Boundary. The southeast corner of the subject land is designated Commercial and is in the Spears/High Pointe Secondary Plan area. The proposed use is not permitted and an amendment is required.

Ms. Dolch explained the proposed Zoning By-law Amendment is to change the zoning from Open Space OS Zone and General Commercial C3 Zone to a Site Specific Open Space OS Zone to permit in addition to the permitted use in the Open Space Zone Section 33.2, a public school and uses and structures accessory thereto. In addition, the following secondary uses are also proposed to be permitted in the main school building: auditorium, daycare, offices, public library and restaurant associated with the culinary program. The proposed amendment will also Site Specifically recognize a maximum lot coverage of 25% and a minimum landscaped Open Space area of 20%.

The applicants would like to construct a new 8825 sq. m. (95,000 sq. ft.) Public Secondary School.

The Mayor invited the applicants' agent to come forward.

Mr. Fred Loews, current Principal of Fort Erie Secondary School (FESS) and future Principal of the new high school, on behalf of the District School Board of Niagara (DSBN), stated this is the Board's first high school build in over four decades. The new high school will bring together students from FESS and

Ridgeway Crystal Beach High School and will be symbolic for the community. The Ministry of Education bases its funding grants on enrollment. The new school has brought together the Town of Fort Erie and DSBN. He thanked the Town for their hard work and support for a state of the art gem. The DSBN appreciates the support of the Town and Members of Council. The central location will give students access to the Leisureplex, Town Hall and the YMCA.

Mr. Loews explained the DSBN is prepared to take all responsible measures for the safety of its students and will install traffic lights, will conduct a Traffic Impact Study as a proactive measure, ensure a safe route for buses, address noise and air quality, recognize the proximity of residential homes in the area and provide landscaping.

Mr. Loews introduced representatives of the DSBN Greater Fort Erie Secondary School Project.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of the application.

No person(s) came forward to speak in favour of the application.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

(a) Mike Cloutier, 655 Daytona Drive

Mr. Cloutier advised he was present to register his opposition to anything that has to do with the amalgamation of the two schools.

(e) Property Rezoning

Re: Owners: INI Corporation (Valerie Beattie, President); Agent: Harold Hyde - South side of Lakeshore Road, East of Albert Street Road Allowance. The applicant is requesting permission to construct a single detached dwelling located 3.0 metres from the 1-in-100 year flood elevation as determined by the NPCA and the Zoning By-law requires a minimum setback of 30 meters. The applicant is also requesting permission to construct the dwelling with a minimum rear yard setback of 3.0 metres whereas the Zoning By-law requires a minimum rear yard setback of 10 metres. The rear yard setback is measured from the boundary of the Hazard Zone from the top of the concrete

block retaining wall.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Mr. Kernahan, Senior Development Planner delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Kernahan advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on February 6, 2015 in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper.

Mr. Kernahan explained the property is zoned Waterfront Residential (WR) Zone and Hazard (H) Zone. The applicants would like to:

- Establish a building envelope 3.0 metres from the 1-in-100 year flood elevation as determined by the NPCA, whereas Section 6.47 of Zoning By-law No. 129-90 requires a minimum setback of 30 metres.
- Construct a single detached dwelling with a minimum rear yard setback of 3.0 metres whereas Section 16.3 of the Zoning By-law permits a minimum rear yard setback of 10 metres measured from the boundary of the Hazard Zone which is the top of the concrete block retaining wall.

The Mayor invited the applicants' agent to come forward. Mr. Harold Hyde from Rasch and Hyde, Ontario Land Surveyors was present on behalf of the owners. He read the information report which is complete and covers all aspects of the application.

The Mayor indicated the Committee would hear from those who wished to speak in favour of the application.

No person(s) came forward to speak in favour of the application.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

(a) Leah Hanna, 590 Lakeshore Road

Ms. Hanna stated she was born at 610 Lakeshore Road in Erie Beach, grew up at 530 Lakeshore Road and has lived at 590 Lakeshore Road for almost sixty years. She is opposed to the application because it will block her view of the lake. This corporation already owns too many trophy houses with beautiful views of the lake and want to build a third house is selfish. She advised the land has been filled in with land fill and boulders and has led to the flooding of their backyards. The road allowance is where people from the area flocked to the lake to swim and now it is hidden by tons of land fill. The previous land owners used Town property for their tennis court. The Town should not give away lakefront property they own. She suggested that the land should be donated to the Town and would be a place for people using the bike path to sit and look at the lake.

(b) Barbara Lee Butler, 18 Albert Street

Ms. Butler explained her back yard backs on to Lakeshore Road. She agrees with Ms. Hanna. She expressed deep concern and is opposed to this application. She has been a cottage owner for the past ten years, and since the retaining wall has gone in has experienced flooding in the area. She has a deep appreciation for what this jewel in Fort Erie offers to the public. She thinks Council should take pause and think what can we give back to the community. The beautiful view is for all residents and visitors and should not be blocked. It may belong to the corporation but she is opposed that the corporation has imposed flooding from the retaining wall. If this does go through she asked that landscaping be considered and for more specifics on what the exchange will be.

(c) Linda Lang, 586 Lakeshore Road

Ms. Lang advised she is present to register her opposition to the proposal, similar to that of her neighbours. The building would block their panoramic view her family has

enjoyed since the 1920's. She would not like to see anything built and block that view. It should be preserved. They have seen more water in their backyard in the last two years and that may have to do with the retaining wall. She questioned if the Town proposes to sell waterfront land to a corporation, does the public have a voice.

(d) Susan Koch, 586 Lakeshore Road

Ms. Koch advised the family home was purchased by their grandparents in the 1920's. It was always their understanding that no one owned the waterfront property and it was for everyone. She wants to support her neighbours and is opposed to this application. She expressed concern the original house built by the Bardol's and owned by the Beattie's is partly built on Town land including the tennis court. She was surprised when the concrete retaining wall went in and the infill was done by the owners and questioned what kind of precedent is being set.

(e) Shari Breen, 626 Lakeshore Road

Ms. Breen advised she lives across the street from the property. She was confused and wanted to clarify whether they are staying on the same land they have. She stated she did not want anything to impede their view.

(f) Charles Kautz, 3247 Thunder Bay Road

Mr. Kautz advised he is neither in favour or opposed to the application but has some comments. In reviewing the report it refers to the municipal address as being 831 Lakeshore Road but he believes it is 631 Lakeshore Road. He has a planning degree and this land swap came to Council twelve years ago and then was rescinded.

At this point, Council recessed from 7:40-7:52 p.m.

8. Consent Agenda Items

**CDS-15-1-2015 Supplemental Report to CDS-15-2015 –
Stevensville Secondary Plan and Proposed
Zoning Implementation Changes – Public
Meeting and Information Report**

That: Report No. CDS-15-1-2015, providing supplemental information to Report No. CDS-15-2015, dated February 2, 2015 regarding proposed Official Plan Amendment No. 24 and Proposed Zoning Changes be received for the information of Council. (Carried)

CDS-18-2015 Proposed Combined Official Plan and Zoning By-law Amendment - Owners: 1746849 Ontario Inc. (Pauline Petek, President); Applicant: Stacy Veld, District School Board of Niagara - 1640 Garrison Road

That: This report be received for information purposes and a report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee Meeting with the recommendations subsequent to the Public Meeting. (Carried)

CDS-19-2015 Proposed Zoning By-law Amendment - Owners: INI Corporation (Valerie Beattie, President); Agent: Harold Hyde - South Side of Lakeshore Road, East of Albert Street Road Allowance

That: This report be received for information purposes and a report on the Zoning By-law Amendment be presented to a future Council-in-Committee with the recommendations subsequent to the Public Meeting. (Carried)

Consent Agenda Recommendation

Recommendation No. 1

Moved by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended. (Carried)

9. Community and Development Services

9.1 Delegations

None

9.2 Reports

CDS-17-2015 Information Report for the Proposed Amendments to the Town's Official Plan and/or Zoning By-law for Ground Floor Residential in Downtown Cores, Outdoor Patio Provisions, Parking Adjacent to Laneways in Downtown Cores and

Access Drive Widths in Downtown Cores

Recommendation No. 2

Moved by: Councillor Zanko

That: This report be received for information purposes and a report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee with the recommendations subsequent to the Public Meeting. (Carried)

CDS-20-2015 Request for Revisions to Regional Plan Amendment 6-2014 Relative to Location of Niagara GTA East Corridor

Recommendation No. 3

Moved by: Mayor Redekop

That: Council request the Region to move the Niagara GTA East Corridor northwards to be located outside the urban area boundary as part of the Town's formal comments on Regional Official Plan Amendment No. 6-2014, and further

That: Council formally request the Province to move the Niagara GTA East Corridor northwards to be located outside the urban area boundary as part of Phase 2 of the Environmental Assessment process, and further

That: Council direct staff to revise the Stevensville Secondary Plan to align with the above recommendations as discussed in this report, and further

That: A copy of Report No. CDS-20-2015 be forwarded to the Niagara Region Planning & Development Department. (Carried)

CDS-21-2015 Request for Proposal CDS-15P-BBMP14, for Consulting Services for the Preparation of the Bay Beach Master Plan

Recommendation No. 4

Moved by: Councillor McDermott

That: Council accept Report No. CDS-21-2015, regarding the Bay Beach Master Plan Request for Proposal for Consulting Services, for information purposes. (Carried)

9.3 New Business/Enquiries

(a) Mayor Redekop – NOTICE OF MOTION

Re: Council support of the Canadian Motor Speedway Project

(b) Councillor Zanko

Re: Greater Fort Erie Secondary School

Recommendation No. 5

Moved by: Councillor Zanko

That staff be directed to invite the neighbours around the proposed new high school site to a meeting to review the Site Plan and in particular, the landscaping. (Carried)

9.4 Business Status Report

Mayor Redekop enquired what did the Niagara Parks Commission Property Use Agreement relate to. Mr. Brady responded he will look into the matter and report back.

10. Scheduling of Meetings

- (a) Infrastructure Services Business Sub-Committee Meeting – March 4, 2015 at 5:00 p.m. – Conference Room No. 3

11. Adjournment

Recommendation No. 6

Moved by: Councillor Knutt

That: Council-in-Committee adjourns at 8:30 p.m. (Carried)

Mayor

Acting Deputy Clerk



I.S. Comment on Prososed Zoning Amendment - February 20 Request

Kelly Walsh to: Kira Dolch

11/03/2015 03:00 PM

Kira:

Ground Floor residential units comments are contained in Grant Boutin's attachment to this email. All required plumbing works/modifications to facilitate the establishment of residential construction to the rear must remain in compliance with the current Water By-law 199/04. Each property will remain with all water metered from a single service & meter at the point of entry. All ICI accounts are subject to meeting the Backflow/Cross Connection Control requirements of our current policies. Existing water service lateral sizing must be considered in meeting the needs of additional fixtures within the proposed residential construction works. Each property will remain serviced by one sanitary/storm sewer lateral.

Access to parking areas in downtown areas - no comment, widths are acceptable;

Location of parking areas - no comment

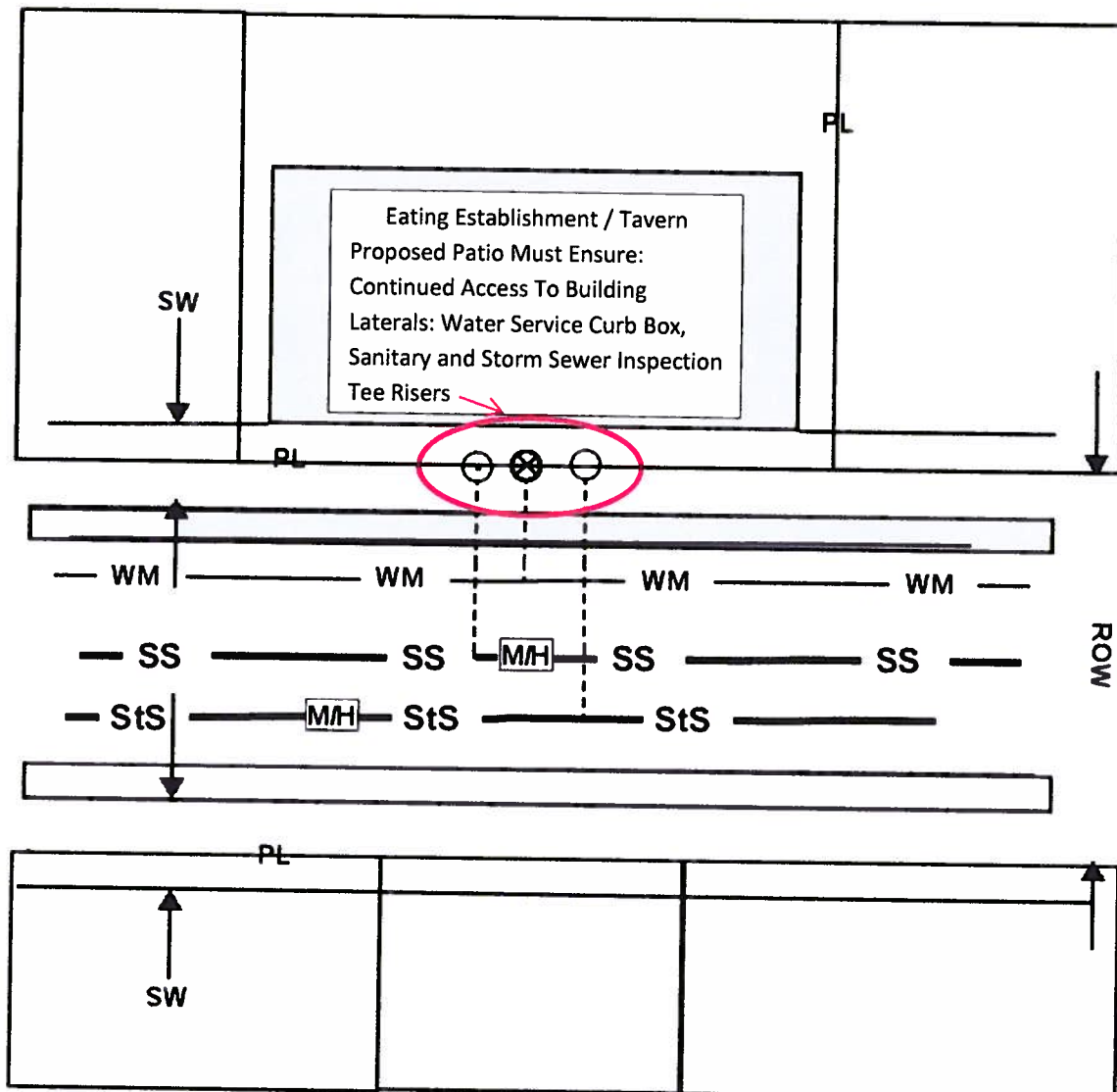
Patio locations - no comment required from IS on the request. We would like to add that any outdoor patio must be able to provide for ease of access to the municipal lot servicing laterals.

Kelly M. Walsh, P. Eng.
Manager, Engineering Division
Infrastructure Services
The Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
905-871-1600 x2402



- Proposed Zoning Bylaw Amendment 030815.pdf

The graphic below is typical of a downtown core ROW. Sidewalk would be constructed from the building face to a narrow boulevard or the curb line. Any patio works or construction must provide for ease of access to the municipal lot servicing laterals.



All required plumbing works/modifications to facilitate the establishment of residential construction to the rear must remain in compliance with the current Water By-law 199/04. Each property will remain with all water metered from a single service & meter at the point of entry. All ICI accounts are subject to meeting the Backflow/Cross Connection Control requirements of our current policies. Existing water service lateral sizing must be considered in meeting the needs of additional fixtures within the proposed residential construction works. Each property will remain serviced by one sanitary/storm sewer lateral.



General OPA/ZBA (350309-0396 & 350302-0090) - NPCA Comments

Deluce, David

to:

Kira Dolch (KDolch@town.forterie.on.ca)

13/03/2015 04:20 PM

Cc:

"Gray, Teresa"

Hide Details

From: "Deluce, David" <deldeluce@npca.ca>

To: "Kira Dolch (KDolch@town.forterie.on.ca)" <KDolch@town.forterie.on.ca>

Cc: "Gray, Teresa" <Teresa.Gray@niagararegion.ca>

Hi Kira,

Please note that the NPCA has no objections to the above applications initiated by the Town. If you have any questions, please let me know.

Regards,

David Deluce, MCIP, RPP
Supervisor, Development Reviews
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario, L3C 3W2
905-788-3135 ext. 224
deldeluce@npca.ca

The Niagara Peninsula Conservation Authority Confidentiality Notice

The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

March 13, 2015

VIA EMAIL ONLY

Files: D.18.01.ZA-15-023
D.10.01.OPA-15-007

Ms. Kira Dolch, MCIP, RPP, CNU-A
Manager of Development Approvals
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

**Re: Town Initiated Official Plan and Zoning By-law Amendments
For Ground Floor Residential in Downtown Commercial Cores,
Outdoor Patio Provisions, Parking Adjacent to Laneways and Access Drive
Widths in Downtown Cores
Applicant: Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Official Plan and zoning by-law amendment applications. These municipally-initiated amendments are to address concerns raised by the business community in their revitalization efforts for the Town's downtown core areas. The proposed amendments are to permit a portion of the main floor in the downtown commercial areas in Crystal Beach, Ridgeway, Bridgeburg, Stevensville and south end commercial centres to be used for residential units provided the unit does not front onto the street. In addition, the amendments to the Town's Zoning By-law are proposed for access drive widths, parking space setbacks adjacent to laneways and to permit the outdoor patios separation distance from a residential zone to include the public road allowance. The following Provincial and Regional comments are provided to assist the Town in considering these applications.

Regional staff have reviewed the proposed amendments and have no objections to the proposed changes from a Provincial or Regional perspective. Staff notes that the Town's Zoning By-law currently provides in Section 6.20D (vii) that with respect to ingress and egress the requirements of the Niagara Region shall apply along regional roads. Therefore, Regional staff do not have any concerns with respect to the proposed changes to Section 6.2D (i) subject to the provisions of Section 6.20D (vii).

In conclusion, the Region has no objections to the proposed amendments to the Town's Official Plan and Comprehensive Zoning By-law subject to the above comments. Regional staff has reviewed the draft Official Plan amendment forwarded with the applications. The proposed Official Plan amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.



Comments

Keegan Gennings to: Kira Dolch

09/03/2015 02:05 PM

Kira,

A review of the proposed OPA and ZBA for the ground floor residential units in the downtown area, outdoor patio provisions, parking adjacent to laneways in the downtown core areas as well as the access driveway widths has been completed and I offer the following comments:

- 1) the zone symbols are not consistent some have hyphens some don't
- 2) remove the word "except" in clause 6.20 (D), it is not necessary

If you have any questions about the above don't hesitate to contact me.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515



Enbridge Gas Distribution
500 Consumers Road
North York, Ontario M2J 1P8
Canada

March 16, 2015

Kira Dolch, MCIP, RPP, CNU-A
Manager of Development Approvals
The Corporation of the Town of Fort Erie
Community & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Kira Dolch,

Re: Official Plan and Zoning By-law Amendment Town Initiated
Amendment for Ground Floor Residential in Downtown Commercial
Cores, Outdoor Patio Provisions, Parking Adjacent to Laneways in
Downtown Cores and Access Drive Widths in Downtown Cores
Town of Fort Erie
File No.: 350309-0396 & 350302-0090

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nikki DeGroot', with a stylized flourish at the end.

Nikki DeGroot

Municipal Planning Advisor
Distribution Planning & Records

ENBRIDGE GAS DISTRIBUTION

TEL: 416-758-4754

500 Consumers Road North York, Ontario M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

ND/rv