



The Municipal Corporation of the Town of Fort Erie

By-Law No. 150-2015

**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. 29 - South Coast Village Subdivision
Marz Homes (Crystal Beach) Inc.**

350302-0068

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.29 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is 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, 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 14th day of December, 2015.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 150-2015 of the said Town. Given under my hand and the seal of the said Corporation, this_____
day of _____, 20____

AMENDMENT NO. 29

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

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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. 29 to the Official Plan adopted by By-law No. X-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. 29 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 land use designation of certain lands shown on Schedule A attached hereto from "Urban Residential" to "Core Mixed Use" to permit the use of the site for Commercial purposes and certain lands shown on Schedule A attached hereto from "Urban Residential" to "Open Space" to permit the use of the site for a public park.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side of Ridgeway Road, south of Graeber Avenue 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 proposed Official Plan amendment from Urban Residential to Core Mixed Use will slightly enlarge the area of the site that is designated Core Mixed Use. The proposed amendment addresses a need to provide flexibility in the design of future Commercial development. The proposed amendment from Urban Residential to Open space will address a need for a neighbourhood park in this area of Crystal Beach as identified in the Parks and Open Space Master Plan.

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

Land uses along this section of Ridgeway Road are a mix of commercial and residential. The expansion of the core mixed use block within the subdivision will facilitate the development of similar land uses to those existing along this corridor. The addition of a park to this area of Crystal Beach is desirable as it addresses a deficiency in parkland in this general area of Crystal Beach.

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 site is flat and slopes slightly to the south. The soil conditions and relief of the site are suitable for residential development. The Niagara Peninsula Conservation Authority have confirmed that there are no Natural Heritage Features located on the subject site.

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 site has frontage on Ridgeway Road which is a Regional road. Access to the proposed park and dwellings within the subdivision will be from a new municipal road which will connect to Ridgeway Road. The new municipal road will be constructed to a full urban cross section that meets Town of Fort Erie standards. Ridgeway Road provides adequate and convenient vehicular access to the site. Ridgeway Road has sidewalks on both sides of the road in this area which will provide for convenient pedestrian access to the site.

The subject site has access to full municipal services. Municipal services are available from Ridgeway Road. Infrastructure Services have not identified any servicing issues through their review of this proposal.

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

The portion of the subject site where the Core Mixed Use designation is proposed is appropriately located along a corridor that includes a mix of residential and commercial uses. The proposed redesignation will result in a slight enlargement in the block of land that permits commercial uses along Ridgeway Road which will be compatible with surrounding residential and commercial land in the area. The proposed redesignation to Open Space will permit a park in a residential area which is complementary to residential uses.

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 expansion of the core mixed use designation or the introduction of an Open Space area into the subdivision will depreciate adjoining properties.

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

The proposed redesignation of the subject property will not affect 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 applicant is required to file a Record of Site Condition in accordance with the requirements of Ontario Regulation 153/04 prior to obtaining a building permit.

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

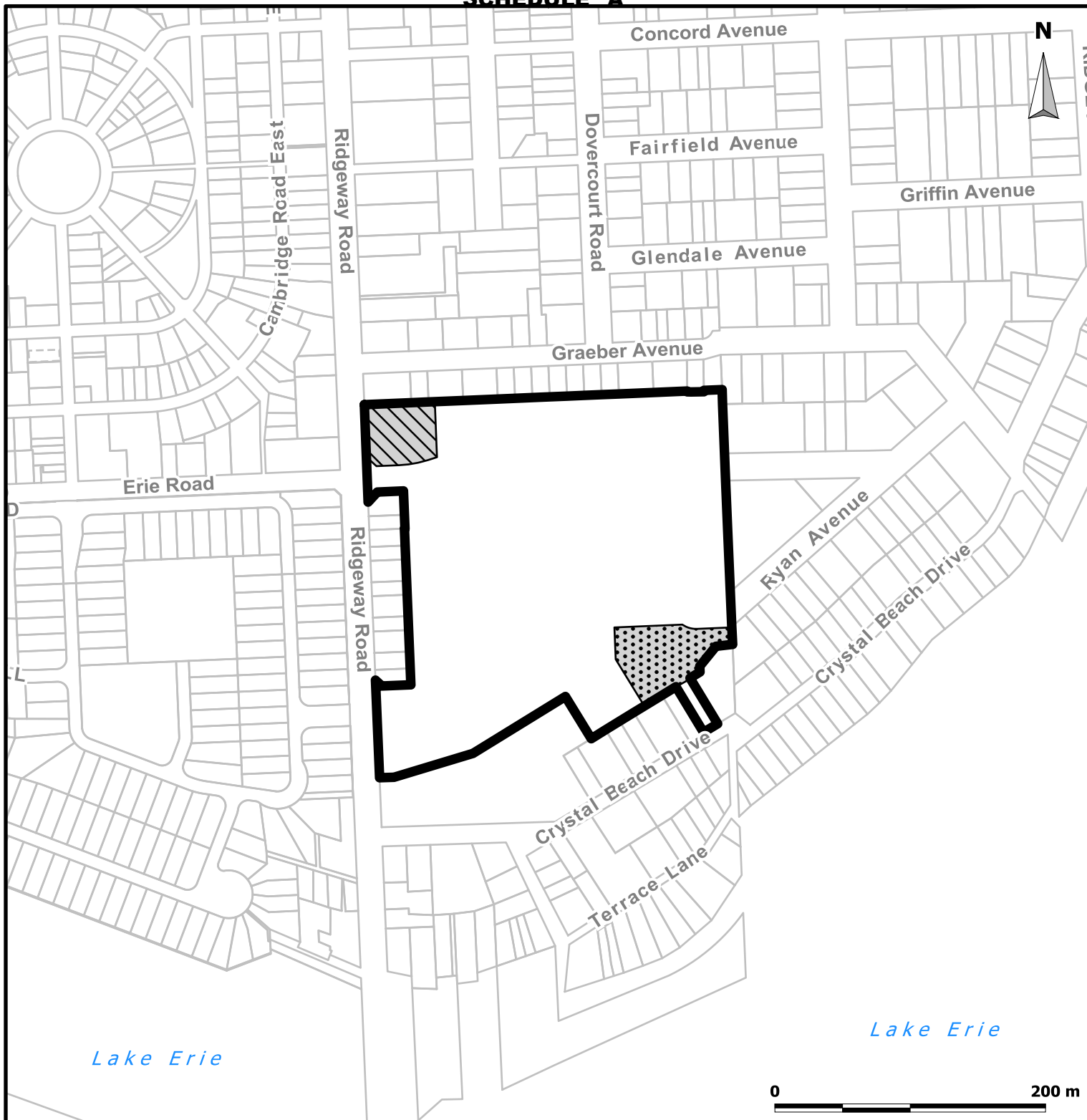
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 29 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described as Part 1 on the attached Schedule A are hereby redesignated from "Urban Residential" to "Core Mixed Use".
2. The subject lands described as Part 2 on the attached Schedule A are hereby redesignated from "Urban Residential" to "Open Space".

PART “C” - THE APPENDICES




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

SCHEDULE "A"



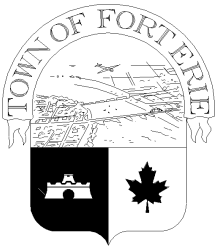
By-law No. 150-2015

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 13th DAY OF DECEMBER, 2015**

-  Subject Lands - South Coast Village Subdivision
-  Part 1 - Change from Urban Residential to Core Mixed Use
-  Part 2 - Change from Urban Residential to Open Space

PLAN 410 LOT 54 PLAN 544 PT BLKS BB AND CC RP 59R14637 PARTS 1 TO 10 & 12 IN THE TOWN OF FORT ERIE,
REGIONAL MUNICIPALITY OF NIAGARA

Community & Development Services
Map created December 8, 2015



APPENDIX A TOWN OF FORT ERIE

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION

EAST OF RIDGEWAY ROAD, SOUTH OF GRAEBER AVENUE
APPLICANT: STEPHEN FRASER OF A.J. CLARKE AND ASSOCIATES
OWNER: MARZ HOMES (CRYSTAL BEACH) INC.

Applications: 350309-0330, 350302-0068 and 350308-0087

DATE: NOVEMBER 2, 2015
TIME: 6:00 PM
LOCATION: TOWN HALL, COUNCIL
CHAMBERS

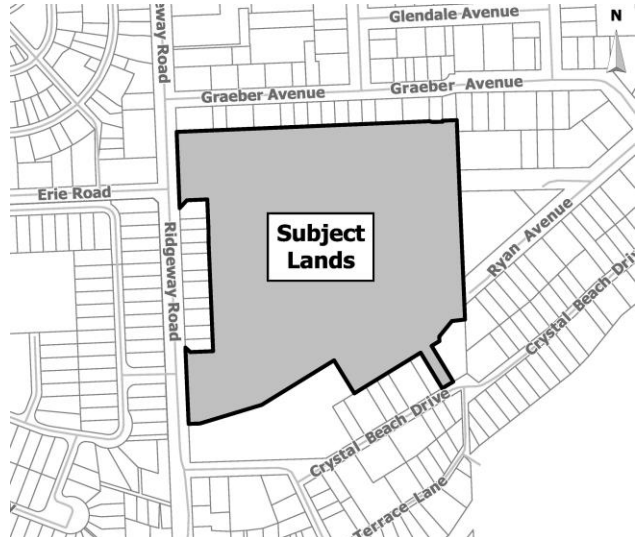
LOCATION OF SUBJECT LANDS

PROPOSED CHANGE

Applications for a Combined Official Plan Amendment, Zoning Amendment and an Amendment to the Draft Plan of Subdivision have been received from A.J. Clarke and Associates, Agent for Marz Homes (Crystal Beach) Inc. The purpose of the applications is to permit the introduction of a park and the expansion of the commercial block within the subdivision and to add site specific zoning regulations for the residential component.

The property is currently designated Core Mixed Use and Urban Residential in the Town's Official Plan. The application to amend the Official Plan is to permit an expanded commercial block within the subdivision which will be designated Core Mixed Use.

The approved Plan of Subdivision is currently zoned site specific Open Space OS-464 Zone (stormwater management pond area), site specific Core Mixed Use 2 CMU2-463 Zone and site specific Residential Multiple 1 RM1-462. The proposed Zoning By-law Amendment application would expand the area zoned Core Mixed Use to the east and rezone a portion of the subdivision from RM1-462 to Open Space to permit a park. The amendment would rezone Phase 2 of the subdivision (i.e. portion along the Erie Road Extension) which is currently zoned RM1-462 to a site specific Residential Multiple 1 RM1 Zone. The site specific RM1 Zone would permit single detached dwellings and street townhouses with site specific regulations.



HAVE YOUR SAY

Input on the proposed Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision 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 Matt Kernahan, Senior Development Planner at (905) 871-1600 extension 2507 or mkernahan@town.forterie.on.ca. A copy of the Information Report will be available to the public on **October 28th, 2015**. 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 Zoning By-law Amendment, please send a letter c/o the Town Clerk Laura Bubanko, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to lbubanko@town.forterie.on.ca

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding these applications.

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 Plan of Subdivision, Official Plan and Zoning By-law amendment before the approval authority gives or refuses to give approval to the plan of subdivision, and the Official Plan and Zoning By-law amendments are 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 Plan of Subdivision, Official Plan and Zoning By-law amendment before the approval authority gives or refuses to give approval to the plan of subdivision, and the Official Plan and Zoning By-law amendments are 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 the Laura Bubanko, Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 8th day of October, 2015

Laura Bubanko, CMO, Dipl.M.A.
Manager, Legislative Services/Clerk

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

APPENDIX "2"

Council-in-Committee - 02 Nov 2015 Meeting Minutes

provides for a more walkable community.

The Mayor closed the Public Meeting.

(c) Property Rezoning

Re: Town Initiated Zoning By-law Amendments - Housekeeping Changes

Mayor Redekop announced this was a statutory Public Meeting under the *Planning Act* regarding proposed amendments to Zoning By-law No. 129-90.

Mr. Kernahan delivered a power point presentation.

Mr. Kernahan advised that Council authorized the initiation of a housekeeping amendment to the Town's Zoning By-law No. 129-90 through the approval of recommendations contained in Report No. CDS-66-2015 on September 8, 2015. The amendment is to improve the by-law by clarifying and adding definitions and regulations and removing inconsistencies/redundancies within the by-law.

Mr. Kernahan explained Notice of this Information Meeting and formal Public Meeting was advertised in the Fort Erie Times newspaper on October 8, 2015 in accordance with the *Planning Act*. In addition, the following measures were undertaken to notify the public of the proposed amendment: posted on the Town's website, Twitter and Facebook, sent to the Ridgeway, Bridgeburg and Crystal Beach Business Improvement Associations, 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. All property owners whose zoning will change through this amendment were notified directly via hand delivery of the notice if their property has a building on it or via a mailed notice where the property tax bill is sent.

Mr. Kernahan advised that since the Zoning By-law was passed in 1990, Town Planning staff have routinely undertaken housekeeping amendments to ensure the by-law is up to date with current legislation, including Provincial and Regional Policies as well as higher order Town Planning documents such as the Official Plan and Secondary Plans. Since 2003 the Town has undertaken a housekeeping amendment annually. In addition to legislative changes, housekeeping amendments seek to address

APPENDIX "2"

Council-in-Committee - 02 Nov 2015 Meeting Minutes

issues that make the by-law more clear and easier to use. The 2015 housekeeping amendment that is subject to this Public Meeting aims to address 5 general aspects:

- Make improvements and additions to definitions and the general regulation
- Make grammatical and stenographic changes
- Changes to the Agricultural regulations related to farm help houses
- Low density residential regulations relating to lot coverage and height in an effort to reduce impacts of infill development
- Updates to Zoning maps to address certain omissions, implement decisions of the Environmental Advisory Committee and address some issues with consistency with higher order Planning documents

Mr. Kernahan reviewed the proposed Summary of Housekeeping Changes to the Town's Zoning By-law.

Mayor Redekop asked if anyone was present to speak at the Public Information Meeting.

Mr. Charles Kautz, 3247 Thunder Bay Road, expressed concern over the "monster home" which lacks definition in terms of square footage.

The Mayor closed the Public Meeting.

7. Consent Agenda Items

CDS-77-2015 Extension of Draft Plan Approval - Schooley Road
Draft Plan of Condominium - East Side of Schooley
Road, South of Elizabeth Road - Mike D'Antini
(Agent) - 1729654 Ontario Ltd. (Owner)

That: Council extends Draft Plan Approval for the Schooley Road Draft Plan of Condominium located on the east side of Schooley Road, south of Elizabeth Road until October 20, 2017, and the Owner and Regional Municipality of Niagara Planning and Development Services Department be so advised. **(Carried)**

CDS-78-2015 Village Creek Estates Phase 2 Stage 2 - Amended
Subdivision Agreement - South of West Main Street,
West of Old Mill Road, Stevensville

That: Council authorizes the entry into an Amended Subdivision Agreement with 800547 Ontario Limited for Village Creek Estates Phase 2

APPENDIX "3"

VIA E-MAIL ONLY

November 9, 2015

File: D.18.01.ZA-15-088

Mr. Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

**Re: Provincial and Regional Review Comments
Zoning By-law Amendment
Housekeeping
Town of Fort Erie Initiated Amendment**

Regional Planning and Development Services staff has reviewed the Town's request for comments (received October 21, 2015) for the above noted zoning by-law amendment application. The purpose of this amendment is to improve implementation through necessary updates to:

- mapping;
- zones;
- definitions;
- general provisions;
- farm help houses;
- "monster home" regulations;
- nursing homes; and,
- clerical, stenographic and typographic changes.

The following Provincial and Regional comments are provided to assist the Town in considering the amendment.

Zoning Schedules

- Removal of Environmental Conservation Overlay – Regional policies provide that development and site alteration within an Environmental Conservation Area (ECA) associated with significant woodlands may be permitted if it has been demonstrated that, over the long term, there will be no negative impact on the natural feature or its ecological function through an Environmental Impact Study (EIS). Staff recommends that areas identified for removal satisfy Regional Policy. Staff notes that some areas identified for removal are designated ECA in the Regional Official Plan and appear to be designated Environmental Conservation in the Town's Official Plan (e.g. see map 21).
- 3000 Dominion Road (Map 19) – As discussed with Town staff on November 5, 2015, and in accordance with the NPCA Permit Letter (dated August 25, 2015) and the Ministry of Natural

APPENDIX "3"

Resources and Forestry (MNRF) email from Anne Yagi, Management Biologist; the boundaries of the Six Mile Creek Provincially Significant Wetland (PSW) has been refined and no longer includes the land proposed to be zoned "Rural". Staff notes that the Region's Core Natural Heritage (CNH) Mapping still reflects the previous Environmental Protection Area (EPA) designation. In considering a refinement to an EPA PSW, the Regional Official Plan states that the MNRF shall be consulted. Staff also notes that the Town's Official Plan appears to designate the subject lands Environmental Protection and should be updated to reflect the border change of the PSW.

- 46 Queen Street (Map 36) – On November 5, 2015 clarification was provided by Town staff on the proposed lots to be zoned "General Commercial" from "Public". The change is to apply to three properties at the corner of Queen Street and Archange Street: 46 Queen Street, 50 Queen Street and a property on Archange Street with no address located just south of 46 Queen Street. The properties appear to be designated Commercial in the Town's Official Plan. As such, Regional staff has no concerns.

General Comments

- "U-Brew Establishment" – Staff notes that U-Brew appears to be a registered corporate name. Staff recommends that an alternative term be used for the definition (e.g. "brew-your-own establishment", or just "brewery establishment", etc.)
- Nursing Homes as a permitted use – Staff notes that this change proposes to permit Nursing Homes as-of-right in the "General Commercial" and "Highway Commercial" zones. The Town's Official Plan offers direction on compatibility and use introduction. Regional staff has no comments on the proposed changes, subject to the Town's satisfaction.

Farm Help House

- Staff has concerns (i.e. future severances) with the removal of lot size requirements for permanent farm help houses in terms of the relationship between the size and nature of the agricultural use and as-of-right permissions for the related permanent farm help house. Staff has no concerns with the removal of the lot requirements for seasonal help houses.

Conclusion

Regional Planning and Development Services staff is not opposed to the approval of this application. If you have any questions, wish to discuss these comments, or require a hard copy, please contact Morgan Casciani, Senior Planner, at extension 3359.

Yours truly,



Morgan Casciani, MA, MAES, MCIP, RPP
Planner

c: Mr. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Ms. Kailen Goerz, Planner, Niagara Region

APPENDIX "3"

Application No. 350309-0405

Watson, Kris

to:

mkernahan@town.forterie.on.ca

27/10/2015 12:43 PM

Hide Details

From: "Watson, Kris" <Kris.Watson@cnpower.com>

To: "mkernahan@town.forterie.on.ca" <mkernahan@town.forterie.on.ca>

Hi Matt,

Canadian Niagara Power has no issues regarding Application No. 350309-0405.

Regards,

Kris Watson

Electrical Planner

Canadian Niagara Power

1130 Bertie St | Fort Erie, ON | L2A 5Y2

BUS# 905-871-0330 x3212

FAX# 905-871-4458

EMAIL: kris.watson@cnpower.com

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APPENDIX "3"



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

October 30, 2015

Matt Kernahan, MCIP, RPP
Senior Development Planner
The Corporation of the Town of Fort Erie
Community & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Matt Kernahan,

Re: Zoning By-law Amendment
Housekeeping
Town of Fort Erie Initiated Amendment
Town of Fort Erie
File No.: 350309-0405

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'.

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

APPENDIX "3"

Town Initiated Amendment Housekeeping

Ellen Savoia

to:

Matt Kernahan

19/10/2015 03:57 PM

Hide Details

From: Ellen Savoia <esavoia@niagaraparks.com>

To: Matt Kernahan <MKernahan@town.forterie.on.ca>

Matt:

Please keep Niagara Parks Commission advised of the decision in respect to this matter.

Email notice is acceptable.

Thanks

Ellen Savoia, MCIP, RPP

Senior Planner

The Niagara Parks Commission

P.O. Box 150, 7400 Portage Road

Niagara Falls, Ontario, L2E 6T2, Canada

Tel: 905.356.2241 ext. 209 | Mobile: 289-241-8375

Fax: 905.356.9237 | esavoia@niagaraparks.com

www.niagaraparks.com



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Parks** 

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Ontario since 1885



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APPENDIX "3"

**Town Initiated Zoning By-law Amendment - Housekeeping Amendment - File No.
350309-0405**

Jeremy Korevaar to: Matt Kernahan

19/10/2015 03:36 PM

Hi Matt,

On behalf of the Infrastructure Services department I have reviewed the above noted amendment and have no comments.

Regards,

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2505
FAX: 1-905-871-6411