

The Municipal Corporation of the Town of Fort Erie

By-law 119-2023

**Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law 150-06
for the Town of Fort Erie Planning Area**

Amendment 74

1169 Pettit Road, Crystal Ridge Homes - Owner

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 74 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 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 24th day of July, 2023.

Mayor

Deputy Clerk

AMENDMENT 74

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 74 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 74 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 "Site Specific Policy Area 48 – 1169 Pettit Road" to permit two semi-detached dwellings with a total of four (4) dwelling units and a maximum density of 22 units/ha.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 1169 Pettit Road 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 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 Spears-High Pointe community is striving to create a comprehensive community by including, but not limited to, a range of residential densities, commercial space, mixed-use areas, and open space to cater to the various demands of residents and tourists. The proposed use will introduce a 'soft' increase in housing density and provide alternative housing forms to the community.

B. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The subject property is designated Low-Density Residential in the Spears-High Pointe Secondary Plan . The proposed SSPA will maintain the current low-density residential designation and will allow the residential density to increase from 16 units per hectare to 22 units per hectare.

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 property is not constrained by any natural heritage features. An existing single detached dwelling and a detached garage located on the property will be demolished to allow the construction of future semi-detached dwellings.

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 Public Health Department and any other appropriate authority deemed advisable.**

The subject lands is located within the urban boundary and will utilize existing municipal water and sanitary services along Pettit Road. The property is considered to be fully serviced.

The subject property has frontage on Pettit Road, which is a collector road and provides convenient access to the QEW highway. Nathaniel Drive was initially constructed as a construction route for the High Pointe Subdivision on the west side and it is now classified as a local road. In accordance to Schedule SHP-4 *Transportation Systems Plan* of the Secondary Plan, Pettit Road is identified as an active recreational corridor which will include an enhanced boulevard trailway and bike lane in future. Further, Subsection 4.17.16.2 (h) of the Official Plan states collector roads shall be planned to provide sidewalks on both sides of the road. The Owner will provide a cash contribution for the construction of sidewalks along the Nathaniel Drive and Pettit Road frontage. The cash contribution will be collected at the future consent application stage. The proposed sidewalks will provide safe travel and convenience for pedestrians in the area.

Further, the Applicant will also be dedicating a 7 m x 7 m daylighting triangle at the corner of Nathaniel Drive and Pettit Road at the future consent application stage, which will assist in improving vehicular and pedestrian safety by providing clear sightlines.

E. The compatibility of the proposed use with uses in adjoining areas;

Surrounding the subject property is other low-density residentials that consist of primarily single detached dwellings with 1 to 2 storeys in height. The proposal is compatible with the surrounding uses. It will provide a low-density built form that is 2 storeys in height. The neighbourhood also has a wide range of uses including residential, commercial, and mixed-uses. The proposal will contribute to the housing supply and provide an alternative housing form for the area.

F. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;

There is no evidence suggesting that the proposed development will have a depreciating or deteriorating effect on adjoining properties.

G. The potential effect of the proposed use on the financial position of the municipality;

The proposal will not negatively affect the financial position of the municipality as all works associated with the future development are the responsibility of the Owner/Developer.

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

The proposed development is 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 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 74 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described as Site Specific Policy Area 48 on Schedule "A" attached hereto are hereby redesignated to:

Site Specific Policy Area 48 – 1169 Pettit Road



- a) The lands designated on Schedule "A" as "Site Specific Policy Area 48" shall generally be governed by the Low-Density Residential policies of Section. 4.17.6 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan.
- b) Notwithstanding the Low-Density Residential policies of Section. 4.17.6 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan, the following shall apply:
 - i. The subject lands may be used for two semi-detached dwellings with a total of four 4 dwelling units and a maximum density of 22 units per hectare.

SCHEDULE "A"



0 40 80 Metres

By-law 119-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL
PLAN
PASSED THIS 26TH DAY OF JUNE 2023

-  Subject Land - 1169 Pettit Road
-  Change from Low-Density Residential to Low-Density Residential Policy Area 48



PART “C” - THE APPENDICES

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




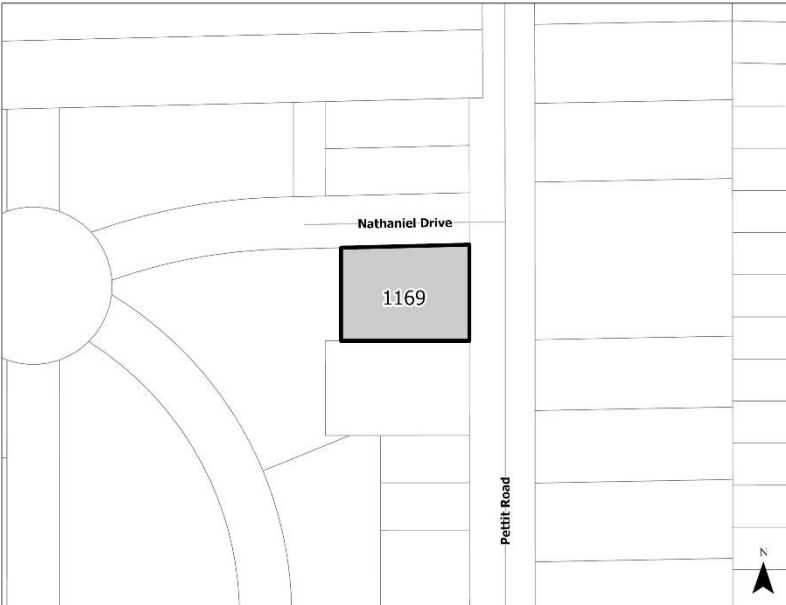


**NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING**

**Owner – Jeff Davis (Crystal Ridge Homes)
Agent – Susan Smyth (Quartek Group Inc.)
1169 Pettit Road**


**Proposed Combined Official Plan and Zoning By-Law
Amendment**

APPLICATION 350309-0565 and ZBA-03-2023

DATE: June 26, 2023
TIME: 6:00 PM
PLACE: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>WHAT WILL THIS AMENDMENT CHANGE:</p> <p>Town Staff has received a Combined Official Plan and Zoning By-law and Amendment application for 1169 Pettit Road. The Applicant is proposing to construct two semi-detached dwellings with a total of four units, as detailed on the attached Site Plan in Schedule 1. The subject property is located on the west side of Pettit Road and south of Nathaniel Drive.</p> <p>The subject property is designated Low-Density Residential in the Spears-high Pointe Secondary Plan. The Applicant is requesting to amend the Official Plan to increase the maximum density from 16 units per hectare to 22 units per hectare. An amendment is required to facilitate the proposal.</p> <p>The subject property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town’s Comprehensive Zoning By-law No. 129-90. A Zoning By-law Amendment is requested to rezone the property to a site-specific Residential 3 (R3) Zone to facilitate the construction of semi-detached dwellings. The site-specific provision is requested to allow a reduction in the minimum unit frontage.</p>
	<p><u>HAVE YOUR SAY</u></p> <p>Input on the proposed 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.</p> <p>Residents can participate in the Council meeting <u>in person in Council Chambers, OR</u> virtually via Zoom (audio/video via web or by telephone). The link for the Zoom meeting will be provided on the Town’s website an hour before the Council meeting.</p>

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "1"

	<p>The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).</p> <p><u>GETTING MORE INFORMATION</u></p> <p>A copy of the Information Report will be available to the public by 5:00 PM on June 22, 2023. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Samantha Yeung, Junior Development Planner.</p> <p><u>CONTACT INFORMATION</u></p> <p>Samantha Yeung, Junior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2528 Or by e-mailing your comments to: syeung@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>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 Ashlea Carter, Acting Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to acarter@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>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.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>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 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 Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Samantha Yeung, Junior Development Planner, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to syeung@forterie.ca</p> <p>Notice dated June 1, 2023.</p>

The site plan shows four lots along Pettit Road, bounded by Nathaniel Drive to the north and Residential 1 (R1) Zone to the south. Each lot contains a building footprint and a garage footprint. Dimensions are provided for lot areas, building areas, and individual building/garage footprints. The plan is labeled 'CONCEPT PLAN' and 'PRELIMINARY'.

Lot	Lot Area (sq.m.)	Building Area (sq.m.)	Garage Area (sq.m.)
1 (Top)	515.20	141.61	-
2	424.30	137.62	-
3	424.30	137.62	-
4 (Bottom)	424.35	137.65	-

Dimensions (m):

- Lot 1: Building 20.00 x 7.08, Garage 7.08 x 4.00, Total 12.65 x 7.08
- Lot 2: Building 20.00 x 7.08, Garage 7.08 x 4.00, Total 12.65 x 7.08
- Lot 3: Building 20.00 (typ.) x 7.08 (typ.), Garage 7.08 (typ.) x 4.00 (typ.), Total 12.65 x 7.08
- Lot 4: Building 20.00 (typ.) x 7.08 (typ.), Garage 7.08 (typ.) x 4.00 (typ.), Total 12.64 x 7.08

Other Dimensions:

- Lot 1: 16.80, 3.65, 7.08, 20.00, 7.00, 11.50, 20.08, 3.58, 1.70, 1.70, 17.16, 3.58, 1.70
- Lot 2: 16.80, 3.65, 7.08, 20.00, 7.00, 11.50, 20.08, 3.58, 1.70, 1.70, 17.16, 3.58, 1.70
- Lot 3: 16.80, 3.65, 7.08, 20.00, 7.00, 11.50, 20.08, 3.58, 1.70, 1.70, 17.16, 3.58, 1.70
- Lot 4: 16.80, 3.65, 7.08, 20.00, 7.00, 11.50, 20.08, 3.58, 1.70, 1.70, 17.16, 3.58, 1.70

Area Calculations:

- Lot 1: 515.20 sq.m.
- Lot 2: 424.30 sq.m.
- Lot 3: 424.30 sq.m.
- Lot 4: 424.35 sq.m.

Building Area Calculations:

- Lot 1: 141.61 sq.m.
- Lot 2: 137.62 sq.m.
- Lot 3: 137.62 sq.m.
- Lot 4: 137.65 sq.m.

Garage Area Calculations:

- Lot 1: 7.08 x 4.00 = 28.32 sq.m.
- Lot 2: 7.08 x 4.00 = 28.32 sq.m.
- Lot 3: 7.08 (typ.) x 4.00 (typ.) = 28.32 sq.m.
- Lot 4: 7.08 (typ.) x 4.00 (typ.) = 28.32 sq.m.

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Area Calculations:

- Lot 1: 515.20 sq.m.
- Lot 2: 424.30 sq.m.
- Lot 3: 424.30 sq.m.
- Lot 4: 424.35 sq.m.

Building Area Calculations:

- Lot 1: 141.61 sq.m.
- Lot 2:



**The Municipal Corporation of the Town of Fort Erie
Regular Council Meeting Minutes**

**June 26, 2023, 6:00 p.m.
Council Chambers**

1. Call To Order

Mayor Redekop called the meeting to order at 6:12 pm.

2. Land Acknowledgement

Mayor Redekop provided a land acknowledgment.

3. Invocation

The Clerk read the Invocation.

4. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott and Noyes

Staff: K. Beauchamp, A. Carter, A. Herlovitch, J. Janzen, D. Jubb, L. McManus, C. McQueen, C. Patton, and K. Walsh

Also Present: Regional Councillor Insinna

5. Announcements/Addenda

There were no Addendums.

Mayor Redekop made the following announcements:

Niagara Health Coalition Rally at the Fort Erie Urgent Care Centre

On June 28th, from 10:00 a.m. until noon, a rally will be hosted at the Fort Erie Douglas Memorial Hospital in support of maintaining the full hours of operation of the Urgent Care Centre. Mayor Redekop, several Councillors, MPP Wayne Gates, and members of the Indigenous Community plan to attend.

Canada Day

Mayor Redekop wished everyone a Happy Canada Day weekend.

Acquisition of Riparian Lands

Council is considering a by-law regarding acquiring conservation lands. Fred Costabile generously donates land between Lakeshore Road and Waverly Beach Park for conservation purposes. The Town acknowledges the significance of this land regarding its history and graciously accepts the donation. The Mayor and Council thanked Fred Costabile for his contribution.

6. Declarations of Pecuniary Interest

6.1 Councillor Christensen - PDS-48-2023

Councillor Christensen declared a pecuniary interest regarding Item 12.1 Report PDS-48-2023, as she resides within the notice area and abstained from discussing or voting on the matter.

7. Notice of Upcoming Public Meetings and Open Houses

None.

8. Public Meetings

All visual and oral presentations can be viewed as recorded at: <https://pub-forterie.escribemeetings.com/>

8.1 Proposed Zoning By-law Amendment

Re: 0-1215 Lavinia Street - Owner: Venanzio Pingue - Agent: Aimee Powell (Powell Planning & Associates)

Mayor Redekop announced that this portion of the meeting would be devoted to holding the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Report.

Samantha Yeung confirmed the statutory requirements for the Public Meeting were met and summarized the Report and public comments received.

Aimee Powell, Agent, Powell Planning and Associates, provided a PowerPoint Presentation summarizing the application.

Venanzio Pingue, Owner, was present virtually to respond to questions.

No one wished to speak in favour of the application.

Sadra Maryam, 46 Lavinia Street, spoke in opposition to the application.

Mayor Redekop declared the Public Meeting closed.

8.1.1 PDS-46-2023

Proposed Zoning By-law Amendment - 0-1215 Lavinia Street - Owner - Venanzio Pingue - Agent - Aimee Powell (Powell Planning and Associates)

Resolution No. 1

Moved by: Councillor Dubanow
Seconded by: Councillor Flagg

That: Council approves the amendment to the Town’s Zoning By-law No. 129-90 as detailed in Report No. PDS-46-2023 for the lands known as 0-1215 Lavinia Street, and further

That: Council directs Staff to submit the necessary By-law.

Resolution No. 1A

Moved by: Councillor Flagg

That: The dwelling be moved to the south by 6 metres to accommodate two vehicles in the driveway and one in the garage.

Withdrawn

Resolution No. 1B

Moved by: Councillor Flagg
Seconded by: Councillor Dubanow

That: Report PDS-46-2023 be deferred to the July 10, 2023 Council-in-Committee Meeting to accommodate council concerns regarding parking.

Carried

8.2 Proposed Official Plan and Zoning By-law Amendment

Location: 1169 Pettit Road - Owner: Jeff Davis (Crystal Ridge Homes) - Agent: Susan Smyth (Quartek Group Inc.)

Mayor Redekop announced that this portion of the meeting would be devoted to holding the Public Meeting.

Samantha Yeung confirmed the statutory requirements for the Public Meeting were met and summarized the Report and public comments received.

Susan Smyth, Agent, Quartek Group Inc., provided a PowerPoint Presentation summarizing the application.

No one in the audience wished to speak in favour of the application.

Italia Reeves, 1178 Pettit Road, spoke in opposition to the application.

Mayor Redekop declared the Public Meeting closed.

8.2.1 PDS-47-2023

Proposed Combined Official Plan and Zoning By-law Amendment -
1169 Pettit Road - Owner - Crystal Ridge Homes (Jeff Davis) - Agent -
Susan Smyth (Quartek Group Inc.)

Resolution No. 2

Moved by: Councillor Christensen
Seconded by: Councillor Lewis

That: Council approves the amendments to the Town’s Official Plan
and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-47-2023
for the lands known as 1169 Pettit Road, and further

That: Council directs Staff to submit the necessary By-laws.

Carried

Council recessed for 8 minutes and returned at 8:50 pm.

9. Regional Councillor Report

Regional Councillor Insinna gave the following report:

New Child Care Spaces

The Ministry of Education has allocated 4000 new childcare spaces for the
Region. Fort Erie will receive more spaces in Stevensville and Crescent Park.
The program is still underfunded, and the Region is seeking more funds.

Niagara EMS Dispatchers

Niagara EMS was given funding to provide for three more dispatchers, which will
assist in addressing staffing concerns.

Transitional Housing Project

Niagara Regional Housing has a new project for transitional housing in Crescent
Park that will assist women and children fleeing violence and provide a safe
space to find support. Regional Councillor Insinna thanked Mayor and Council for
their assistance in meeting zoning requirements.

10. Presentations and Delegations

All visual and oral presentations can be viewed as recorded at: [https://pub-
forterie.escribemeetings.com/](https://pub-forterie.escribemeetings.com/)

- 10.1 Carol Nagy, Executive Director, Hospice Niagara
Re: New Hospice Build in Fort Erie

Carol Nagy, Executive Director, Hospice Niagara, provided a PowerPoint Presentation, which can be found on the Town's website.

10.2 Jessica Durzi, Crystal Beach

Re: Transit Ridership Options for Town Hall Events (*Via Zoom*)

Jessica Durzi, a resident of Crystal Beach, attended via Zoom and provided a PowerPoint Presentation, which can be found on the Town's website.

10.3 Wayne Gates, MPP and Owen Bjorgan, Environmental Activist and Conservationist

Re: Implementation and Effect of Bill 23, More Homes, Built Faster Act on Local Municipalities and Reduction in Services at the Fort Erie Urgent Care

Wayne Gates, MPP and Owen Bjorgan, Environmental Activist and Conservationist, provided a PowerPoint Presentation, which can be found on the Town's website.

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: The time limit for the delegation be extended by 3 minutes.

Carried

11. **Consent Agenda**

Resolution No. 3

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: Council approves the consent agenda as recommended

Carried

11.1 Minutes

11.1.1 Regular Council Meeting- May 29, 2023

11.1.2 Special Council Meeting - June 5, 2023

11.1.3 Special Council Meeting - June 12, 2023

11.1.4 Council-in-Committee Meeting - June 12, 2023

11.1.5 Special Council Meeting - June 19, 2023

11.2 Correspondence

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "2"

11.2.1 Receive and Support - City of Quinte West - Request the Province to Pass Bill 97, The Helping Homebuyers, Protecting Tenants Act, 2023 and Protect Tenants from "Bad Faith" Renovictions

11.2.2 Proclamation - Niagara Health Systems-Hepatitis C Care Clinic - World Hepatitis Day 2023 - July 28, 2023

Resolution:

That: Council proclaims July 28, 2023 as "World Hepatitis Day".

11.3 Board/Committee Minutes

11.3.1 Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - April 25, 2023

11.3.2 Receive - Community Gaming Development Corporation - May 3, 2023

11.3.3 Receive - Crystal Beach Business Improvement Area Board of Management - May 10, 2023

11.3.4 Receive - Accessibility Advisory Committee - May 30, 2023

11.3.5 Receive - Mayor's Youth Advisory Committee - May 30, 2023; June 12, 2023

11.4 Reports

11.4.1 PDS-50-2023

Alliston Woods Phase 1 - Second Amending Subdivision Agreement - East of Spears Road, North of Garrison Road - 2835033 Ontario Inc. (Mitch Williams)

That: Council authorizes the entry into a Second Amending Subdivision Agreement with 2835033 Ontario Inc. for the Alliston Woods Phase 1 subdivision, and further

That: Council directs staff to submit a by-law to execute the Second Amending Subdivision Agreement and associated documents.

12. Reports

12.1 PDS-48-2023

Proposed Draft Plan of Condominium and Zoning By-law Amendment - Canadian Condominium - 272 Ridge Road South - Wendy McGaeghan and Patrick McGaeghan - Owners - Culture Developments Inc. / 5038257 Ontario Inc. (Craig Devries) - Agent

Councillor Christensen declared a conflict on this item. (Councillor Christensen declared a pecuniary interest regarding Item 12.1 Report PDS-48-2023, as she resides within the notice area and abstained from discussing or voting on the matter.)

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "2"

Resolution No. 4A

Moved by: Councillor Lewis
Seconded by: Councillor Dubanow

That: Condition 26 be added to Appendix "3" that Short-Term Rentals are not permitted in this subdivision.

Carried

Resolution No. 4B

Moved by: Councillor Lewis
Seconded by: Councillor Noyes

That: Condition 27 be added to Appendix "3" that roof-top patios are not permitted in the subdivision.

Carried

Resolution No. 4

Moved by: Councillor Dubanow
Seconded by: Councillor Flagg

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-48-2023, as amended, for the lands known as 272 Ridge Road South, and further

That: Council approves the Canadiana Draft Plan of Vacant Land Condominium dated May 13, 2022, showing 3 blocks for a total of 18 block townhouse dwellings as Appendix "2" of Report No. PDS-48-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "3" of Report No. PDS-48-2023, as amended, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "3" of Report No. PDS-48-2023, as amended, to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

That: Council directs Staff to submit the necessary by-law.

Carried

12.2 PDS-49-2023

Amendment to Comprehensive Zoning By-law No. 129-90 - Bill 23
Housekeeping Amendment Initiation Report

Resolution No. 5

Moved by: Councillor Christensen
Seconded by: Councillor McDermott

That: Council directs staff to initiate house keeping amendments to the Town's Comprehensive Zoning By-law No.129-90 in accordance with the Planning Act, as outlined in Report No. PDS-49-2023.

Carried

13. New Business/Enquiries

- 13.1 Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Dr. Kathleen Bailey

Resolution No. 6

Moved by: Councillor Christensen
Seconded by: Councillor McDermott

That: Council accepts the resignation of Dr. Kathleen Bailey from the Ridgeway Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

- 13.2 Notice of Resignation - Property Standards Committee - Tricia-Lynn Pascia

Resolution No. 7

Moved by: Councillor McDermott
Seconded by: Councillor Christensen

That: Council accepts the resignation of Tricia-Lynn Pascia from the Property Standards Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

- 13.3 Notice of Resignation - Crystal Beach Business Improvement Area Board of Management - Carolyn Smith

Resolution No. 8

Moved by: Councillor Lewis
Seconded by: Councillor Christensen

That: Council accepts the resignation of Carolyn Smith from the Crystal Beach Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

- 13.4 Notice of Resignation - Fort Erie Public Library Board - Linda Hodge
Resolution No. 9

Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council accepts the resignation of Linda Hodge from the Fort Erie Public Library Board, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

Carried

- 13.5 Memorandum - Keegan Gennings, Chief Building Official - Radon Mitigation Requirements for New Construction

Moved by: Councillor Flagg
Seconded by: Councillor Christensen

That: Council receives Memorandum - Keegan Gennings, Chief Building Official - Radon Mitigation Requirements for New Constructions, for information purposes.

Carried

14. Motions

- 14.1 Councillor Noyes

Re: Residential Fence Height on Waterfront Properties
(To be Deferred to July 24, 2023)

- 14.2 Councillor Christensen

Re: Request the Province to Explore Introducing Controls on Airbnb, VRBO and Others Which Affect Municipal Rentals
(To be Deferred to July 24, 2023)

- 14.3 Councillor Lewis

Re: Prohibiting Short-Term Rentals in New Subdivisions

(To be Deferred to July 24, 2023)

14.4 Councillor Dubanow

Re: Impact on Woodbine's Race and Stay Program on the Fort Erie Race Track

Councillor Flagg requested a friendly amendment that the resolution be circulated to the race tracks that host standard bred races and the municipalities that those race tracks reside in, including: Clinton Raceway and the Municipality of Central Huron, Dresden Raceway and the Municipality of Chatham-Kent, Flamboro Downs and the Municipality of Hamilton, Georgian Downs and the Municipality of Barrie, Grand River Raceway and the Municipality of Centre Wellington, Hanover Raceway and the Municipality of Hanover, Hiawatha Horse Park and the Municipality of Sarnia, Kawartha Downs and the Municipality of Cavan Monaghan, Leamington Raceway and the Municipality of Leamington, The Raceway at Western Fair and the Municipality of London, and Rideau Carleton Raceway and the Municipality of Ottawa.

Councillor Dubanow and Councillor McDermott were agreeable.

Resolution No. 10

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

Whereas the Fort Erie Race Track is one of only two thoroughbred horse racing facilities in the Province of Ontario, having been established in 1897 and operating continuously since then; and

Whereas in recent years, the Fort Erie Race Track has been the primary host facility for the "B" circuit of thoroughbred racing, while the Woodbine track in Toronto has been the primary facility for "A" circuit thoroughbred racing; and

Whereas both race tracks host "jewel" races in Ontario Triple Crown of Horse Racing; and

Whereas the Ontario Racing Commission, an agency created by the Government of Ontario, regulates horse racing; and

Whereas the provincial government has strategies and policies in place to develop and encourage the horse racing industry in Ontario, including funding and incentive programs to grow and expand the industry in the province; and

Whereas the Fort Erie and Woodbine Race Tracks are both beneficiaries of these programs; and

Whereas Woodbine Entertainment, the owners of the Woodbine track, adopted a stall policy in May 2017, referred to as "Race and Stay," that prevents horses from stabling at Woodbine if they leave to race at another

track more than once, except for races with a purse of more than \$20,000; and

Whereas The Municipal Council of the Town of Fort Erie passed a resolution on May 15, 2017, requesting that the Ontario Racing Commission immediately prohibit Woodbine Entertainment from implementing the Race and Stay program and limitations on the movement of horses between Woodbine and the Fort Erie Race Track; and

Whereas the Mayor and members of Fort Erie Council met with the Minister of Economic Development and Growth at the 2017 Association of Municipalities of Ontario conference to discuss the negative impacts of the Woodbine Race and Stay stall program on the Fort Erie Race Track; and

Whereas the Mayor and members of Fort Erie Council met virtually with officials with the Minister of Finance during the 2020 Association of Municipalities of Ontario conference to again discuss the Woodbine Race and Stay stall policy and the negative impacts it has on the Fort Erie Race track; and

Whereas the Mayor and members of Fort Erie Council met with the Parliamentary Assistant to the Minister of Finance at the 2022 Association of Municipalities of Ontario conference to again discuss Woodbine's Race and Stay program and the negative impacts it continues to have on the Fort Erie Race Track; and

Whereas representatives of the Fort Erie Live Racing Consortium have launched a challenge with the Competition Bureau to determine whether Woodbine Entertainment's actions constitute an attempt to create an illegal monopoly; and

Whereas Woodbine's Race and Stay policy continues to remain in effect through the 2023 racing season; and

Whereas Woodbine's Race and Stay policy continues to have a devastating impact on the ability of the Fort Erie Race Track to operate successfully and grow Ontario horse racing under provincial objectives; and

Whereas the Fort Erie Race Track is a job creator in Fort Erie and the surrounding region, both directly and indirectly, and has contributed to the local economy as well as the history and culture of the area since 1897;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie again requests that the Alcohol and Gaming Commission of Ontario immediately prohibit Woodbine Entertainment from continuing the Race and Stay stall policy; and further

That: The Provincial Government put in place a long-term policy to encourage competition and diversification of horse racing in Ontario that would prevent any single race track from using their market position to create an unfair monopoly on horse racing in Ontario, including but not necessarily limited to implementing policies that would prohibit monopolistic policies like Woodbine's Race and Stay; and further

That: The Alcohol and Gaming Commission of Ontario, Ontario Racing Commission and the Provincial Government recognize the contributions of the Fort Erie Race Track to the growth, history and culture of horse racing in the province of Ontario; and further

That: Staff deliver a copy of this resolution to Doug Ford, Premier of Ontario, Peter Bethlenfalvy, Ontario Minister of Finance, Lisa Thompson, Minister of Agriculture, Food and Rural Affairs, Marit Styles, Leader of His Majesty's Loyal Opposition in Ontario, John Fraser, Interim Leader of the Ontario Liberal Party, Mike Schreiner, Leader of the Green Party of Ontario, Wayne Gates, MPP for Niagara Falls, Jeff Burch, MPP Niagara Centre, Alcohol and Gaming Commission of Ontario and The Fort Erie Live Racing Consortium, and;

That: Staff circulate this resolution to the race tracks that host standard bred races and the municipalites that those race tracks reside in, including: Clinton Raceway and the Municipality of Central Huron, Dresden Raceway and the Municipality of Chatham-Kent, Flamboro Downs and the Municipality of Hamilton, Georgian Downs and the Municipality of Barrie, Grand River Raceway and the Municipality of Centre Wellington, Hanover Raceway and the Municipality of Hanover, Hiawatha Horse Park and the Municipality of Sarnia, Kawartha Downs and the Municipality of Cavan Monaghan, Leamington Raceway and the Municipality of Leamington, The Raceway at Western Fair and the Municipality of London, and Rideau Carleton Raceway and the Municipality of Ottawa, and;

That: Staff circulate this resolution to the Regional Council of Niagara and all local area municipalities within the Regional Municipality of Niagara for their endorsement and support.

Carried

15. Notice of Motion

None.

16. Consideration of By-laws

Resolution No. 11

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "2"

That: The by-law package containing:

- 100-2023: To Authorize Applications for the Cancellation, Reduction or Refund of Taxes Levied for the Years 2020, 2021, 2022 and 2023
- 101-2023: To Authorize the Execution of a Subdivision Agreement with 800460 Ontario Limited (Fred Costabile) Harbourtown Village Plan of Subdivision
- 102-2023: To Amend Zoning By-law No. 129-90, as amended - Removal of Holding Provision - Harbourtown Village Subdivision - 800460 Ontario Limited (Fred Costabile) - Owner
- 103-2023: To Accept and Declare Lands as Public Highway on the West Side of Ridge Road North 533 and 549 Ridge Road North - 1855838 Ontario Inc. and Richard Dekorte
- 104-2023: To Accept and Declare Lands as Public Highway on the West Side of Schooley Road 405 Schooley Road Brock View Cottages Inc. (Bryan Keenan)
- 105-2023: To Amend Zoning By-law No. 129-90, as amended - 613 Helena Street - SS Fort Erie Inc. (Hunaun Siddiqui & Mohammad Feroz) - Owner
- 106-2023: To Re-Establish the Affordable Housing Advisory Committee, Adopt Terms of Reference and Repeal By-law 82-2018
- 107-2023: To Authorize the Acceptance of Riparian Land from 5001997 Ontario Inc.

is given first and second reading.

Carried

Resolution No. 12

Moved by: Councillor McDermott
Seconded by: Councillor Christensen

That: By-laws:

- 100-2023
- 101-2023
- 102-2023
- 103-2023
- 104-2023
- 105-2023
- 106-2023
- 107-2023

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "2"

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

Resolution No. 13

Moved by: Councillor Flagg
Seconded by: Councillor Dubanow

That: By-law 108-2023: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on June 12, 2023 and its Special Council and Council Meetings Held on June 26, 2023 is given first and second reading.

Carried

Resolution No. 14

Moved by: Councillor Noyes

That: By-law 108-2023 is given third and final reading to be signed by the Mayor and the Clerk under the corporate seal.

Carried

17. Scheduling of Meetings

Members of Council announced upcoming Board and Committee meetings from June 27, 2023, to July 5, 2023.

18. Adjournment

Resolution No. 15

Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council adjourns at 10:06 p.m. to reconvene into a Regular Meeting of Council on July 24, 2023.

Carried

Mayor

Clerk



Interoffice Memorandum

April 17, 2023
Our File: 350309-0565
ZBA-03-2023

To: Samantha Yeung – Junior Development Planner
Cc: Anamika Dilwaria, Manager of Development Approvals
Noah Thompson, Development Engineering Technician
From: Brad Johnston, C.E.T., Supervisor, Development Engineering
Subject: OPA / ZBA – Proposed Semi-Detached Dwellings (2)
Development Engineering Comments
Address: 1169 Pettit Road

Roads

Pettit Road is designated a Collector road with a desired right-of-way width of 23.0m, in accordance with the Town’s current Official Plan. It’s current width along this section is sufficient at 25.0m±, therefore the Town will not be pursuing any subsequent widenings along Pettit Road regarding this property.

Nathaniel Drive is designated a Local road with a desired right-of-way width of 20.0m, in accordance with the Town’s current Official Plan. It’s current width along this section is already sufficient at 20.0m, therefore the Town will not be pursuing any subsequent widenings along Nathaniel Drive regarding this property.

The Town’s Official Plan requires that day-lighting triangles be dedicated, where required, at the intersections of streets fronting development-related subject properties. In this case, Pettit Road and Nathaniel Drive, classified as Collector – Local roads respectively, shall be subject to the Owner dedicating a 7.0m x 7.0m daylighting triangle to the Town, free and clear of any encumbrances, to be known as Public Highway Pettit Road. The Owner shall be required to submit a draft reference plan noting the dedicated part(s), for review and approval, prior to its registration in the Land Registry Office. This land dedication shall be a condition required applicable to the future severance application regarding the semi-detached lots.

Sidewalks & Curbs

Curbs and sidewalks do not exist along the subject land frontages, given that both Pettit Road and Nathaniel Drive are currently in a semi-urban cross-section state.

As Pettit Road is noted as a Collector road in the Town’s Official Plan, it is required to be accommodated with sidewalks on both sides in the future, with respect to the Town’s

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "3"

Our File: 350509 – 0565

1169 Pettit Road
ZBA-03-2023

April 17, 2023

Active Transportation Component of the Official Plan. With respect to the Nathaniel Drive frontage, it shall be noted that sidewalks are proposed on the south side of Sharon Drive, the westerly extension of Nathaniel Drive to the west, as part of the High Pointe Plan of Subdivision. The Owner shall therefore be advised that a cash-in-lieu payment for future sidewalks along the Nathaniel Drive and Pettit Road frontages shall be required, the cost of which shall be as per the Town’s current average tender document pricing at the time of payment (\$200.00/m² – 2023). This shall be a condition applicable to the future severance application regarding the semi-detached lots.

Geotechnical/Hydro-geotechnical Report

A soils investigation report is recommended to be prepared and certified by a qualified professional Geotechnical Engineering Consultant, that comments on typical soil characteristics to accommodate proposed developments subject to foundation construction. The report would be expected to provide recommendations and any other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to the proposed services for the lot. A chemical component should also always be considered.

Linear Engineering Services

	Pettit Road	Nathaniel Drive
Water Services	150mm C.I. 400mm PVC (Regional)	None

It is noted that from Town water service records, the property to the west (1355 Nathaniel Drive) has a water service tapped from 1169 Pettit Road’s existing service. Further investigation is required to determine its existing legality (on title), or if an access and maintenance easement is required, which shall be noted as a condition applicable to the future severance application regarding the semi-detached lots.

Sanitary Services	200mm AC	200mm AC
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The sites shall be serviced from the existing sanitary sewer on Pettit Road, however noting that the proposed sewer laterals will cross under the Region’s above noted trunk water main. Adequate crossing details shall be identified on detailed design drawings through the future consent application review process, the crossings to the satisfaction and discretion of the Regional Municipality of Niagara.

The Owner has submitted a Functional Servicing Report, prepared and certified by Quartek Group Inc. FEB-2023. Although the report comments on the minimal input of proposed flows against the overall design capacity of the receiving sewer, it does not comment and assess the downstream system’s ‘actual’ flow capacities, given the entire

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "3"

Our File: 350509 – 0565

1169 Pettit Road
ZBA-03-2023

April 17, 2023

contributing sewerage area. The Owner is advised that further revisions with respect to this, shall be required for further review and approval as a condition of the future severance application for the semi-detached lots.

	Pettit Road	Nathaniel Drive
Storm Services	None (Road side Ditches)	None (Road side Ditches)

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The Owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed development lots. The plan shall be submitted for review, and approved by Town staff, prior to the finalization of the future consent. Town staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Weeping tile discharges via sump pump shall be required to discharge at grade towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this is identified adequately, and also ensure that rainwater leaders (downspouts) are directed/discharged to the front/rear of the lots as well. The location and direction of the roof water discharge pipes and sump pumps must be identified on the grading and drainage plan.

The Town shall not accommodate any piped rear yard catch basins or drainage pipe (weeping tile) that proposes to discharge flows directly to existing road-side ditches. These rear yard flows shall only be accommodated via overland conveyance only, if attainable, at an absolute minimum slope of 1.0%.

Although a preliminary scheme of the Owner’s site-specific engineering design has been provided, it can be considered premature at this time, given the consent has not yet been applied for. The detailed review, and approval cannot be further completed without the Consent application filed.

Utilities

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner’s property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner’s civil plans for both the site and / or the off-site works.

Development Engineering Staff have no further comment or objections to the approval of this Zoning By-law Amendment application.

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "3"

Our File: 350509 – 0565

*1169 Pettit Road
ZBA-03-2023*

April 17, 2023

I trust this information is satisfactory and if there are any further questions or comments, please feel free to contact me.

Regards,

A handwritten signature in dark ink, appearing to be 'Brad Johnston', with a stylized, cursive script.

Brad Johnston, C.E.T.
Supervisor – Development Engineering

c. File No. 350309-0565 (ZBA-03-2023)

SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "3"



March 16, 2023

Samantha Yeung
Junior Development Planner
The Corporation of the Town of Fort Erie
RE: 1169 Pettit Road, Fort Erie

Dear Samantha,

MCFN DOCA would like to submit the following comments regarding the 1169 Pettit Road, Fort Erie Development:

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Mississaugas Treaty at Niagara, 1781.

In light of this, the MCFN Department of Consultation and Accommodation (DOCA) must be in receipt of all Environmental Assessment reports and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at cost of the proponent.

Thank you

Abby (LaForme) Lee
Acting Consultation Coordinator, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca



DEPARTMENT OF CONSULTATION AND ACCOMMODATION
Mississaugas of the Credit First Nation
4065 Hwy #6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260



SCHEDULE "A" TO BY-LAW NO. 119-2023 - APPENDIX "3"

1169 Pettit Road - ZBA and OPA

Keegan Gennings to Samantha Yeung

04/04/2023 01:56 PM

From Keegan Gennings/FortErie
To Samantha Yeung/FortErie@TownOfFortErie

Hi Samantha,

A review of the proposed Zoning By-law Amendment and Official Plan Amendment has been completed and I have no comments.

The applicant is reminded that a demolition permit is required for the removal of the existing dwelling and a development charges credit for the house being removed is available. This credit is applicable provided redevelopment of the site occurs within 5 years of the demolition permit.

It appears that some Town trees in the road allowance may be impacted by the current driveway locations. The street trees will need to be clearly noted on future plans so staff can provide comments concerning the trees.

Regards,

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



RE: [External] Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit RoadMunicipal Planning to 'Samantha Yeung' 03/28/2023 03:33 PM
From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "'Samantha Yeung'" <SYeung@forterie.ca>

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Samantha Yeung <SYeung@forterie.ca>
Sent: Wednesday, March 15, 2023 3:27 PM
To: circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca; Sheraz.Mustafa@cnpower.com; kris.watson@cnpower.com; craig.krueger@cogeco.com; Randy.Leppert@cogeco.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Paul.Shllaku@hydroone.com; LandUsePlanning@HydroOne.com; Abby.LaForme@mncfn.ca; fawn.sault@mncfn.ca; adam.laforme@mncfn.ca; mr18enquiry@mpac.ca; paul.nunes@ontario.ca; radamsky@niagaraparks.com; esavoia@niagaraparks.com; tlennard@npca.ca; mdoan@npca.ca; alexander.morrison@niagararegion.ca; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Chris.Pirkas@niagararegion.ca; John.armstrong@rci.rogers.com; Ash.Neville@rci.rogers.com; aaazouz@csdccc.edu.on.ca; circulations@mmm.ca; executivedirector@fenfc.org; kaudet@forteriecanada.com; planification@csdccc.edu.on.ca; Planning@ncdsb.com; sue.mabee@dsbn.org
Subject: [External] Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good afternoon,

The Town of Fort Erie has received a Zoning By-law and Official Plan Amendment application for the lands municipally known as 1169 Pettit Road. The subject property is designated Low Density Residential in the Spears-High Pointe Secondary Plan. The subject property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended.

The Applicant is proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings. A semi-detached dwelling is not a permitted use under the R1 Zone that currently applies to the property. As the proposed lot frontage for each interior unit (8.58m) is less than what is required (9.50 m), the Applicant is requesting site specific relief. The proposed building height is two storeys.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Tuesday, April 4th, 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

Attachments pertaining to this application can be accessed [here](#).

Please do not hesitate to contact me if you have any questions.

Best regards,
Samantha

Samantha Yeung, BA, MSc PI
Junior Development Planner
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528
Email: syeung@forterie.ca



RE: Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road
Nunes, Paul (MTO) to Samantha Yeung 03/15/2023 03:42 PM
From "Nunes, Paul (MTO)" <Paul.Nunes@ontario.ca>
To "Samantha Yeung" <SYeung@forterie.ca>

Hi Samantha,

Re: Zoning By-law and Official Plan Amendment Applications – Request for Comments
1169 Pettit Road, Fort Erie, ON.

The subject property described above does not appear to be located within the MTO Permit Control Area for the QEW or Hwy 3, therefore, we have no comments or concerns.

Thanks,

Paul Nunes | Senior Project Manager (West)

Highway Corridor Management Section | Central Operations | Ontario Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7
Telephone: 416-270-3108 | Email: paul.nunes@ontario.ca



From: Samantha Yeung <SYeung@forterie.ca>

Sent: March 15, 2023 3:27 PM

To: circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca;
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Subject: Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
Good afternoon,

The Town of Fort Erie has received a Zoning By-law and Official Plan Amendment application for the lands municipally known as 1169 Pettit Road. The subject property is designated Low Density Residential in the Spears-High Pointe Secondary Plan. The subject property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended.

The Applicant is proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings. A semi-detached dwelling is not a permitted use under the R1 Zone that currently applies to the property. As the proposed lot frontage for each interior unit (8.58m) is less than what is required (9.50 m), the Applicant is requesting site specific relief. The proposed building height is two storeys.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Tuesday, April 4th, 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

Attachments pertaining to this application can be accessed [here](#).

Please do not hesitate to contact me if you have any questions.

Best regards,
Samantha

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services

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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free:1-800-263-7215

Via Email

April 13, 2023

Region Files: D.18.01.ZA-23-0032
D.10-01.OPA-23-0018

Samantha Yeung
Junior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Yeung:

Re: Regional and Provincial Comments
Zoning By-law Amendment & Local Official Plan Amendment Applications
Applicant: Jeff Davis, Crystal Ridge Homes
1169 Pettit Road
Town of Fort Erie

Regional Planning and Development Services staff has reviewed the Zoning By-law Amendment Application and Official Plan Amendment Application for 1169 Pettit Road. The Region received its circulation from the town of Fort Erie on March 15, 2023.

The lands are currently designated Low Density Residential in the Spears-High Pointe Secondary Plan and are correspondingly zoned Residential 1 (R1) in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The Applicant is proposing to amend the Town’s Official Plan to increase the density of the property from the currently permitted density of 16 units per hectare to an increase of 22 units per hectare. The Applicant is also proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings (4 units).

A Pre-consultation meeting for this application occurred on November 25, 2021. The following comments are provided to assist the Town of Fort Erie with their review of the proposed Zoning By-law Amendment and Official Plan Amendment Applications.

Provincial and Regional Policies

The *Provincial Policy Statement, 2020* (“PPS”) designates the subject land within the “Settlement Area”. The *Niagara Official Plan* (“NOP”) and the *Growth Plan for the*

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Greater Golden Horseshoe (“Growth Plan”) designates the property as “Delineated Built-up Area”.

The NOP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. The proposed Zoning By-law Amendment is located within the urban boundary and abides by the Provincial and Regional policy for urban areas and will aid the Town of Fort Erie in reaching their intensification target of 50 %.Region

Regional staff has reviewed the “*Planning Justification Report*” completed by Quartek Group (Dated February 2023) and are satisfied with its analysis as it adequately addresses applicable policies. Staff acknowledge that the proposal addresses the Provincial and Regional policies for the Delineated Built-up Area by contributing to the Town’s intensification target and making better use of existing underutilized municipally serviced urban lands. The proposal will also contribute to the diversification of housing supply (semi-detached dwellings) in Niagara.

Servicing

There is a 400 milllimetre diameter PVC Regional watermain on Pettit Road. Regional staff has reviewed the submitted materials and acknowledge that the intention for sanitary servicing of the proposed dwellings is by new individual services connected to the Town’s sanitary sewer main on Pettit Road. This connection will cross the Regional watermain. Therefore, detailed plan and profile drawings of the proposed crossings shall be submitted to the Region for review and approval by Water / Wastewater Engineering staff prior to construction.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Garbage: 2 bags/cans per unit collected every-other-week.
- Recycling: weekly blue/grey boxes or carts (unlimited).
- Organics: weekly green bins or carts (unlimited).
- Curbside collection only.

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Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment and Local Official Plan Amendment applications, as the proposed development is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that any local requirements for the application are met and that the proposed development is compatible with the Spears-High Pointe Secondary Plan.

Given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

If you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



Alex Boekestyn
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Susan Dunsmore, P.Eng., Manger, Development Engineering, Niagara Region