



The Corporation of the Town of Fort Erie By-law 88-2024

**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 84**

**0-17507 Netherby Road (Black Creek Signature Subdivision, Phase 2)
Great Summit (Fort Erie) Nominee Inc. (Jessica Wang) – 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, as amended, hereby enacts as follows:

- 1. That** Amendment 84 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 26th day of August, 2024.

Mayor

Clerk

AMENDMENT 84

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 84 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 84 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 reconfigure the land use designations of the subject lands shown on Schedule "A" attached hereto from Low Density Residential to Medium Density Residential (Part 1), from Open Space to Low Density Residential (Part 2), from Medium Density Residential to Low Density Residential (Part 3), and from Low Density Residential to Open Space (Part 4). This Amendment intends to facilitate the revised Black Creek Signature Phase 2 Plan of Subdivision, which proposes development of 77 lots for single detached dwellings, 10 blocks for a total of 52 street townhouse dwellings, two (2) blocks for a municipal park, one (1) block for a 3.00 m wide pedestrian walkway, one (1) block for a stormwater pond, two (2) blocks for a watercourse, four (4) blocks for 0.30 m reserves, and two (2) new public streets.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 0-17507 Netherby 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 proposed land use designation changes will permit a gentle increase in density and provide additional housing forms in the Douglastown-Black Creek neighbourhood, which currently largely consists of single detached dwellings. The density will remain relatively low at 16.25 units/ha and

will maintain the character of the area. This proposal will facilitate the development of underutilized residential land as an extension of the Black Creek Signature Subdivision. The Revised Plan of Subdivision will also provide land for a municipal park and a pedestrian connection to Black Creek Road, which are key components of the intended use of the subject lands in the Douglstown-Black Creek Secondary Plan in the Town's Official Plan. The proposed single detached dwellings and street townhouse dwellings are consistent with the existing land use designations in the Secondary Plan.

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

The subject lands are located within the Urban Boundary in the Douglstown-Black Creek neighbourhood and are the Phase 2 portion of the Black Creek Signature Plan of Subdivision. The subject lands are currently draft approved for a mix of single detached dwellings and street townhouse dwellings, similar to the proposed Revised Plan of Subdivision. Black Creek Signature Phase 1 also contains a mixture of single detached dwellings, semi-detached dwellings and street townhouse dwellings. The surrounding area to the east and southeast largely consists of single detached dwellings. Lands to the south include vacant commercial land, open space with a community centre, an institutional use, and the Spring Creek Estates draft approved Plan of Subdivision. The proposed development will be compatible with the existing and draft approved housing forms in the area.

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 lands are within an area of archaeological potential and several archaeological assessments have been conducted that confirmed the presence of archaeological resources on site. While some of these sites have been cleared via Stage 3 archaeological assessments, a few sites require completion of Stage 4 archaeological assessments. These assessments are underway and will be required to be completed as a condition of approval for this proposal.

The Town's Official Plan Schedule C does not identify any significant natural heritage features on the subject lands. The subject lands are clear of any natural heritage features with the exception of the watercourse, contained within Blocks 91 and 92, which is regulated by the Niagara Peninsula Conservation Authority (NPCA). The NPCA and Niagara Region were circulated for comment on this proposal, and both agencies have confirmed that the existing Environmental Protection designation and associated zoning adequately protect the watercourse feature. No changes to the watercourse blocks, their land use designation, or zoning are proposed by these applications.

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 are located within the urban boundary and will connect to municipal water and sanitary service infrastructure in the Douglstown-Black Creek neighbourhood. The sanitary sewer flows will ultimately outlet to the Stevensville Lagoons operated by Niagara Region. The Applicant has provided a Functional Servicing Report that was peer reviewed by the Town's consultant GMBLuePlan. The peer review concluded that the municipal sanitary sewer infrastructure is sufficient to accommodate the sanitary flows from the proposed development.

Niagara Region has also confirmed that the Stevensville Lagoons have capacity for the development, subject to Regional review and approval.

The proposed road network will provide a connection to Netherby Road, a Regional arterial road to the west, and a connection to Black Creek Signature Phase 1 via an extension of Simpson Lane, a local municipal road. Netherby Road provides access to Niagara River Parkway to the north and Baker Road and the Queen Elizabeth Way to the south. The development will include sidewalks on one side of the roads that will integrate with the sidewalk network within Black Creek Signature Phase 1 and the overall Douglstown-Black Creek neighbourhood. A pedestrian connection to Black Creek Road adjacent to the stormwater pond is proposed in accordance with the Douglstown-Black Creek Secondary Plan.

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

The proposed single detached dwellings and street townhouse dwellings are compatible with the surrounding neighbourhood and are similar in nature to the built form in Black Creek Signature Phase 1 and the existing single detached dwellings to the east. All housing forms will be low-rise with a maximum height of 2 to 2.5 storeys.

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;

The proposed development is not anticipated to have any depreciating or deteriorating impacts on adjacent residential uses. The land to the west is outside of the urban boundary and consists of largely vacant, vegetated agricultural land. Black Creek Signature Phase 1 is to the south and is separated from the Phase 2 lands by the watercourse. The existing former utility corridor and the proposed location of the municipal park and stormwater pond provide a buffer from single detached dwellings along Black Creek Road and Niagara River Parkway to the north and east.

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

The proposed development will not impose any negative impacts on the financial position of the municipality. The cost of extending municipal services and construction of required infrastructure is the responsibility of the developer. Development charges collected at the future building permit stage will provide some additional revenue to the Town.

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

None. Historically, the subject lands were vacant. An Environmental Site Assessment was not required for this proposal.

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.

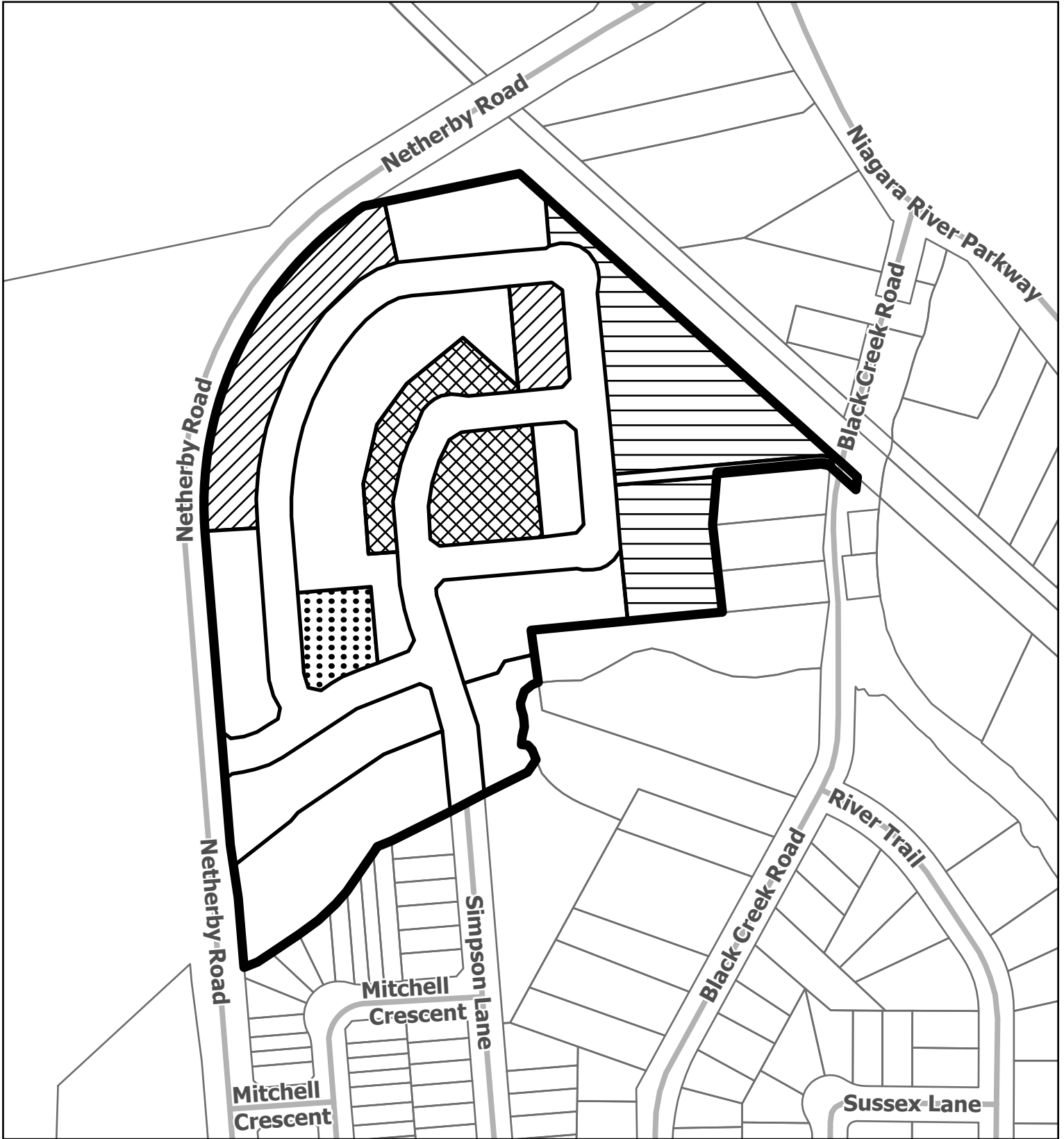
PART "B" - THE AMENDMENT

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 84 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 land use designations of the subject lands shown on Schedule "A" attached hereto shall change from "Low Density Residential" to "Medium Density Residential" (Part 1), from "Open Space to Low Density Residential" (Part 2), from "Medium Density Residential" to "Low Density Residential" (Part 3), and from "Low Density Residential to Open Space" (Part 4).

PART “C” - THE APPENDICES




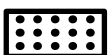
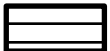
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BY-LAW 88-2024

THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN PASSED THIS 26TH DAY OF AUGUST 2024

-  Subject Lands - 0-17507 Netherby Road (Black Creek Signature Phase 2)
-  Part 1 - Change from Low Density Residential to Medium Density Residential
-  Part 2 - Change from Open Space to Low Density Residential
-  Part 3 - Change from Medium Density Residential to Low Density Residential
-  Part 4 - Change from Low Density Residential to Open Space

