



The Corporation of the Town of Fort Erie
By-law 65-2026

Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law 78-2025 for the Town of Fort Erie Planning Area
Amendment 2
19 Derby Road
Steve Bremner – 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 2 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** this by-law shall automatically repeal if site plan approval has not been issued for the subject lands within five (5) years form enactment of the by-law, and if so repealed, the site-specific policies outlined in this amendment shall not apply.
- 4. **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 August 2026.

Mayor

Clerk

**AMENDMENT 2
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE**

CONTENTS

PART "A" – THE PREAMBLE

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

PART "B" – THE AMENDMENT

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

PART "C" – THE APPENDICES

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

PART "A" – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of the *Planning Act*, 1990, shall be known as Amendment 2 to the Official Plan adopted by By-law 78-2025 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 2 to the Official Plan adopted by By-law 78-2025 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 background data, planning considerations and public involvement associated with this Amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to apply Site Specific Policy Area "G.38 19 Derby Road" to the subject lands shown on Schedule "A" attached hereto to permit the development of a three-storey apartment building.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this Amendment, are municipally known as 19 Derby Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection F.7.2. of the Official Plan adopted by By-law 78-2025 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection F.7.2 have been considered in the preparation of this Amendment and the following criteria have been reviewed in supporting this Amendment to the Official Plan:

i. Suitability of the location of the site for the proposed land use;

The subject lands are serviced by a municipal water main, sanitary sewer and storm sewer. The subject lands are also regularly shaped and generally flat with minimal changes in grade, and there are no natural heritage features on or abutting the subject lands.

ii. Compatibility of the proposed land use with surrounding uses

The proposed three-storey apartment is a residential use that remains compatible with the surrounding residential uses. Townhouses and stacked townhouses are currently permitted on the subject lands up to three-storeys in the Official Plan and Zoning By-law. Apartments

and other medium density built-forms are also permitted as of-right on various sites in within 0.5 kilometers of the subject lands, which are also within the medium density residential designation.

iii. The need for and feasibility of the use, where considered appropriate

The development will provide diversity in housing options in an area primarily characterized by single-detached dwellings. This also contributes to meeting more diverse and growing needs within the community. The applicant has also expressed that affordable units are intended to be included among the proposed units, which would provide housing opportunities for a broader range of residents while similarly supporting more diverse and growing needs within the community. Additionally, the development of a three-storey, 30 unit apartment building represents a more compact built form than the current state of the lot.

The subject lands also have access to municipal water, sanitary and storm services, with sufficient capacity. The proposal also provides a density of 99.86 units per hectare, which falls within the established density target of 50 to 100 units per hectare for the subject land.

iv. The impact of the proposal on municipal services, infrastructure and community services and facilities

The subject lands feature established municipal water, sanitary sewer and storm servicing connections. The subject lands are also in an established area with existing access to emergency services, schools, parks and other public facilities. No concerns with respect to the adequacy of such services are known to Staff or anticipated through this application. As such, no adverse impacts to municipal services, infrastructure, community services or facilities are anticipated.

v. The economic benefits and financial implications to the town; and

The proposal represents the adaptive reuse of an existing building within the urban boundary, making efficient use of existing municipal infrastructure, including water, sanitary and storm servicing. The development would also contribute to development charges, cash-in-lieu of parkland dedication and municipal property taxes.

vi. Regard for the Provincial Planning Statement

The Provincial Planning Statement (PPS), 2024, supports intensification, redevelopment and a range and mix of housing options to support complete communities. The PPS also supports efficient use of land and resources and the optimization of existing and planned infrastructure within settlement areas.

The proposed three-storey apartment represents intensification through the redevelopment and expansion of the existing multi-unit buildings on the lot, thereby supporting complete communities. The proposed apartment also supports the integration of a range and mix of housing options and densities in a settlement area, as the neighbourhood is primarily characterized by single detached dwellings. Furthermore, the subject lands are fully serviced with municipal water, storm and sewer connections, which demonstrates the efficient use of existing municipal infrastructure

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law 78-2025 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 2 to the Official Plan adopted by By-law 78-2025 for the Fort Erie Planning Area. The Official Plan adopted by By-law 78-2025 for the Fort Erie Planning Area is hereby amended as follows:

1. That Schedule "O" to the Official Plan be amended by adding a Site Specific Policy Area entitled "G.38 19 Derby Road" that identifies the lands shown on Schedule "A" attached hereto.
2. That Section G of the Official Plan, entitled Site Specific Policy Areas, be amended by adding Subsection G.38 as follows:

G.38 19 Derby Road

The lands designated on Schedule "O" as Site Specific Policy Area G.38 shall generally be governed by the Community Area policies under Section D.2.2 of the Official Plan, however, the following site-specific policies shall apply:

1. Notwithstanding policies related to permitted built form and height in Section C.5(7)(ii) of this Plan and Section 4.22.9.8 of the Crystal Beach Secondary Plan, low-rise built form, including apartment buildings, shall be permitted in accordance with Table C-3 of this Plan.

PART “C” – THE APPENDICES

Appendix 1 – Notice of Public Meeting

Appendix 2 – Public Meeting Minutes

Appendix 3 – Circulation comments



BY-LAW 65-2026

This Sketch Forms Part of Schedule "O" to the Official Plan Passed This 24th Day of August 2026

-  Subject land - 19 Derby Road, Fort Erie
-  Remain Site Specific Policy Area G.38



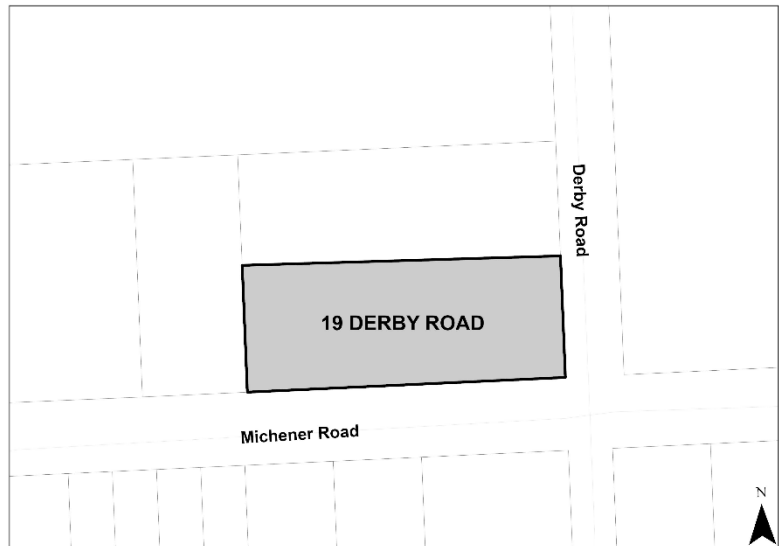


NOTICE OF PUBLIC MEETING

Municipal Address: 19 Derby Road
Owner/Applicant: 912748 Ontario Limited (Steve Bremmer)
File Number(s): OPA-05-2025, ZBA-02-2025

The Planning, Building and By-law Services Department has received Official Plan Amendment and Zoning By-law Amendment Applications, pursuant to Sections 22 and 34 of the Planning Act, R.S.O. 1990, c. P.13.

The subject land is designated Site-Specific Medium Density Residential in the Crystal Beach Secondary Plan and is zoned Residential Multiple 1 (RM1-692) Zone, in accordance with the Town's Comprehensive Zoning By-law 129-90, as amended.



The purpose and effect of the proposed Official Plan Amendment is to permit a three-storey apartment building on the subject land within the existing Site-Specific Medium Density Residential designation.

The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject land from a site-specific Residential Multiple 1 (RM1-692) Zone to a site-specific Residential Multiple 2 (RM2) Zone to permit the development of a three-storey apartment building. The proposed site-specific provision pertains to a reduced minimum lot area, increased maximum lot coverage, landscape strip width, and a reduced number of parking spaces.

PUBLIC PARTICIPATION

The Town of Fort Erie is seeking your comments on the Applications. The Public Meeting is an opportunity for public input prior to Council making a decision.

To participate in the Public Meeting, you may:

1. Attend the Public Meeting, as follows:

Date: Monday, February 23, 2026

Time: 6:00 PM

Location: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie

Residents can participate in the Public Meeting in-person in the Town Council Chambers, or virtually by registering with Peter Todd, Town Clerk by email (clerk@forterie.ca).

The Public Meeting is also available to view on live stream at youtube.com/townofforterie, or by clicking on the YouTube icon on the Town's website: www.forterie.ca



NOTICE OF PUBLIC MEETING

2. Submit written comments to Peter Todd, Town Clerk by email (clerk@forterie.ca) or regular mail (1 Municipal Centre Drive, Fort Erie, ON L2A 2S6). All written submissions will become part of the public record and will be provided to Council.

If you wish to be notified of Council's decision on the proposed Applications, you must make a written request to Myles Banfield, Junior Development Planner.

APPEAL INFORMATION

Only the Minister, the applicant, specified persons, public bodies, and the registered owner of the land to which the by-law would apply, as defined in the *Planning Act*, may appeal the decision of Council to the Ontario Land Tribunal (OLT).

If a person or public body would otherwise have an ability to appeal the decision of Council to the OLT, but the 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 is not entitled to appeal the decision.

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 OLT unless, in the opinion of the OLT, there are reasonable grounds to do so.

MORE INFORMATION

An Information Report accompanying the Public Meeting will be available for review by 5:00 PM on **February 19, 2026** by accessed the Council agenda through the Town's Website: forterie.ca/en/town-hall/council-meetings.aspx

Application materials are available for review on the Town's website (forterie.ca/resource/planningApplications.xsp), or by contacting Myles Banfield, Junior Development Planner, by email. New or revised application materials will be uploaded to the Town's website at the link above as they become available. Please check the Town's website for updates.

CONTACT

Myles Banfield, MPLAN
Junior Development Planner
Planning, Building and By-law Services
mbanfield@forterie.ca
905-871-1600 x. 2517

Dated at the Town of Fort Erie on February 03, 2026.

Appendix 2



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

**Monday, February 23, 2026, 5:00 p.m.
Council Chambers**

1. Call to Order

Mayor Redekop called the meeting to order at 5:00 pm.

2. Land Acknowledgement

Mayor Redekop provided a land acknowledgment.

3. Invocation

The Clerk read the Invocation.

4. Roll Call

The Clerk gave the roll call.

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis (5:10 p.m.), McDermott and Noyes

Staff: A. Dilwaria, C. Cameron, J. Janzen, C. McQueen, C. Patton, T. Peazel, P. Riley and P. Todd.

5. Announcements/Addenda

There were two addenda issued for the meeting. The first addendum amended the start time of the meeting to 5:00 p.m. to accommodate an earlier Closed Session meeting and adjusted the timing of the Closed Session items within the agenda.

The second addendum added the following items to the agenda:

Closed Session Item 7.3 – Regional Governance Reform – Legal Advice and Human Resources Considerations.

Delegation Item 11.4 – Greg Hunter, respecting Regional Governance Reform.

Consent Agenda Item 13.2.2 – Flag Raising Request – Black History Month.

Consent Agenda Item 13.2.3 – Correspondence from Niagara Region Chair Bob Gale regarding Municipal Governance Reform.

By-law 16-2026 respecting an agreement under the Municipal Housing Infrastructure Program – Health and Safety Water Stream.

By-law 17-2026 respecting an agreement under the Housing-Enabling Water Systems Fund: Intake 2 Top-Up.

Mayor Redekop made the following announcements:

Down the Rabbit Hole - Junior Theater Festival

Mayor Redekop announced that Down the Rabbit Hole Theater Company represented Canada as the sole Canadian entry at the Junior Theater Festival in Sacramento and received several major awards. He congratulated the group and highlighted their upcoming production of Matilda the Musical Jr. in June at the Crystal Ridge Lions Hall.

6. Declarations of Pecuniary Interest

6.1 Councillor Flagg - Official Plan and Zoning By-law Amendments - 19 Derby Road

Councillor Flagg declared a conflict of interest regarding this item as he was previously a business partner with the applicant.

6.2 Councillor Flagg - PBBS-06-2026

Councillor Flagg declared a conflict of interest regarding this item as he was previously a business partner with the applicant.

7. Closed Session

Resolution 1

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council does now go into Closed Session at 5:06 p.m. to consider the following items:

7.1 Closed Meeting Minutes of February 9, 2026;

7.2 Senior Citizens Advisory Committee appointment, pursuant to Section 239 (2) (b) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees; and

7.3 Regional Governance Reform – Legal Advice and Human Resources Considerations, pursuant to Section 239(2)(d) of the Municipal Act, 2001,

239(2)(d) labour relations or employee negotiations; and 239(2)(f) advice that is subject to solicitor- client privilege, including communications necessary for that purpose.

Carried

8. Back to Open Session

Resolution 2

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council does now rise and reconvene from closed session at 6:04 p.m. with report:

7.1 **That:** Council approves the Closed Meeting Minutes of February 9, 2026, and

7.2 **That:** Council appoints Len Greenaway to the Senior Citizens Advisory Committee for the term ending November 14, 2026, or until his successor is appointed, and

7.3 **That:** Council authorizes staff to proceed as directed in Closed Session.

Carried

9. Notice of Upcoming Public Meetings and Open Houses

9.1 Public Meeting - Zoning By-law Amendment - 825 Garrison Road

Owner: 2071380 Ontario Inc. c/o Paul Di Francesco - Applicant: Upper Canada Consultants, c/o Nicholas Godfrey - Monday, March 9, 2026 - 6:00 p.m. - Council Chambers, Town Hall

10. Regional Councillor Report

Regional Councillor Insinna gave the following report:

Recycling Box Replacement

Councillor Insinna advised that residents must now contact Miller Waste Systems directly for new or replacement recycling boxes, noting that only blue boxes will be issued and a 24- hour wait is required before pickup at Town Hall

Cold Weather Response for Unhoused Residents

Councillor Insinna summarized the Region's three- tier cold- weather protocol, which includes outreach starting at 0°C, enhanced checks at -5°C, and the activation of overflow shelter spaces and transit supports at -10°C, adding that shelters have not reached full capacity this winter.

Stevensville Road Rehabilitation

Councillor Insinna reported that Stevensville Road reconstruction remains scheduled for 2027, beginning with the bridge, and that alternative routes will be confirmed as the project nears; he also acknowledged related concerns raised by Council.

11. Presentations and Delegations

11.1 Bob Gale, Chairman, Niagara Region

Re: Greetings and Update

Chair Bob Gale addressed Council as part of his commitment to visit each municipal council following his appointment. He spoke to the letters recently circulated to the mayors and the Minister of Municipal Affairs, confirming they were sent on his own initiative to begin a conversation about potential governance changes, including reducing the number of elected officials or possible amalgamation. Chair Gale emphasized what he views as the longstanding need for governance reform in the Region and highlighted the financial pressures driving the discussion. He requested that all mayors provide a response to his correspondence by March 3, 2026. Following the brief presentation Chair Gale responded to questions from Council.

11.2 Kennedy DeGooyer, Municipal Law Enforcement Officer

Re: Parks and Beaches (Report PBBS-08-2026)

K. DeGooyer provided an overview of Report No. PBBS-08-2026 respecting proposed updates to the Town's Parks and Beaches By-law, including preparation of an updated by-law and any related enforcement amendments.

11.3 Bryce Bailey, Municipal Law Enforcement Officer

Re: Snow Removal (Report PBBS-09-2026)

B. Bailey provided an overview of Report No. PBBS-09-2026 respecting proposed updates to the Town's Snow Removal regulations, including the preparation of a new Snow Removal By-law and a review of the Administrative Penalty By-law to support enforcement.

11.4 Greg Hunter, 3735 Sussex Lane

Re: Regional Governance Reform

Greg Hunter addressed Council expressing opposition to amalgamation within the Niagara Region, particularly as it relates to Fort Erie. The delegate expressed that local municipal representation is important in ensuring local taxpayers maintain a direct voice in decision-making.

12. Public Meetings

12.1 Official Plan and Zoning By-law Amendments - 19 Derby Road

Owner/Applicant: 912748 Ontario Limited (Steve Bremner) - Monday, February 23, 2026 - 6:00 p.m. - Council Chambers, Town Hall

Councillor Flagg declared a conflict on this item. (Councillor Flagg declared a conflict of interest regarding this item as he was previously a business partner with the applicant.)

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

Myles Banfield, Junior Development Planner provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired whether the agent or the applicant wished to speak to the applications.

The owner and applicant, Steve Bremner, 912748 Ontario Limited, spoke to the application and answered the questions of Council.

Mayor Redekop asked if anyone present would like to speak in favour of the application.

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

Mayor Redekop asked if anyone present would like to speak in opposition to the application.

The following individuals provided oral comments:

- Gloria Teesdale, 3980 Michener Road
- William Thomas, 4065 Village Creek Drive
- Tanya Turner, 15 Derby Road
- Wayne Marlatt, 4011 Wellington Court

The Clerk confirmed that one additional written comment was received from the following individuals:

- Robert Eberly Jr., 3817 Highland Drive

Mayor Redekop declared the Public Meeting closed.

12.2 PBBS-06-2026

Proposed Combined Official Plan and Zoning By-law Amendment Information Report - 19 Derby Road

Councillor Flagg declared a conflict on this item. (Councillor Flagg declared a conflict of interest regarding this item as he was previously a business partner with the applicant.)

Resolution 3

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council receives, for information purposes, Report PBBS-06-2026 regarding a proposed Zoning By-law Amendment for the lands located at 19 Derby Road.

Carried

13. Consent Agenda

Councillor Lewis requested that Item 13.2.3. be lifted from the consent agenda for separate consideration.

Resolution 4

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council approves the consent agenda as recommended.

Carried

13.1 Minutes

13.1.1 Council-in-Budget Committee Meeting - January 28, 2026

13.1.2 Council-in-Committee Meeting - February 9, 2026

13.2 Correspondence

13.2.1 Proclamation - The Canadian Amyloidosis Support Network (CASN) - March as Amyloidosis Awareness Month

That: Council proclaims March as "Amyloidosis Awareness Month".

Carried

13.2.2 Flag Raising Request - Black History Month

That: The request for a flag raising for Black History Month be approved.

Carried

13.3 Board/Committee Minutes

13.3.1 Receive - Accessibility Advisory Committee - January 27, 2026

13.3.2 Receive - Community Gaming Development Corporation - September 25, 2024 AGM; November 26, 2025

13.3.3 Receive - Environmental Advisory Committee - January 14, 2026

13.3.4 Receive - Senior Citizens Advisory Committee - January 7, 2026

13.4 Other Business

13.4.1 Notice of Resignation - Christine Davis (Trombley) - Ridgeway Business Improvement Area Board of Management

That: Council accepts the resignation of Christine Davis (Trombley) 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. Consent Agenda

13.2 Correspondence

13.2.3 Receive - Letter to Mayor Redekop - Correspondence from Niagara Region Chair Bob Gale – Request for Input on Municipal Governance Reform

Resolution 5

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council receive the correspondence dated February 4, 2026 from Regional Chair Bob Gale.

Carried, as amended

Amendment:

Moved by: Councillor Dubanow

Seconded by: Councillor Lewis

That: Council authorize the Mayor, on behalf of Council, to file a formal complaint under the Regional Council's code of conduct.

Yes (7): Mayor Redekop, Councillor Christensen, Councillor Dubanow, Councillor Flagg, Councillor Lewis, Councillor McDermott, and Councillor Noyes

Carried

14. Reports

14.1 PBBS-08-2026

Proposed Parks and Beaches By-law

Resolution 6

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: Report No. PBBS-08-2026 Proposed Parks and Beaches By-law be received, and further

That: Staff be directed to prepare the necessary by-law;

Carried

14.2 PBBS-09-2026

Proposed Snow Removal By-law

Resolution 7

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: Council receives Report No. PBBS-09-2026 regarding proposed updates to the Town's Snow Removal regulations; and further

That: Council direct staff to prepare a new Snow Removal By-law to replace By-law No. 17-09, incorporating modernized compliance standards, defined timelines, and enhanced enforcement provisions as outlined in this report, and further

That: Council direct staff to review the Administrative Penalty By-law No. 111-2019, as amended, and return to Council with any required amendments to support enforcement of the proposed Snow Removal By-law.

Carried

14.3 Memorandum - Community Services Highlights and Priorities 2025-2026

Resolution 8

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council receives the memorandum regarding Community Services Highlights and Priorities.

Carried

15. New Business/Enquiries

None.

16. Motions

16.1 Councillor Lewis

Re: Chief Executive Officer and Board of Directors - Niagara Health

Councillor Lewis confirmed the item would be postponed to the Regular Council meeting on March 23, 2026

16.2 Councillor Dubanow

Re: Holding Provision Policies

Resolution 9

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

Whereas Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, authorizes municipalities to apply holding (“H”) symbols in zoning by-laws to ensure that development proceeds only when specified conditions, including infrastructure and servicing requirements, have been satisfied; and

Whereas the Province of Ontario has introduced recent legislative and policy initiatives, including the *More Homes Built Faster Act, 2022*, updates to the Provincial Policy Statement, and other housing supply and economic development measures, with the objective of increasing housing supply, improving investment certainty, and supporting complete and sustainable communities; and

Whereas the Town of Fort Erie has undertaken significant planning and infrastructure initiatives, including the adoption of a new Official Plan and the implementation of an Asset Management Plan, to guide responsible growth, ensure the long-term sustainability of municipal infrastructure, and support housing and economic development in a coordinated and financially responsible manner; and

Whereas clear, transparent, and well-defined holding provisions support informed investment decisions, improve accountability, and help ensure that infrastructure planning and development proceed in a coordinated and timely manner; and

Whereas improving transparency and oversight of holding provisions will assist Council, staff, residents, and the development community in working collaboratively to address infrastructure constraints and support the timely delivery of housing and economic development;

Now therefore be it resolved,

That: Council direct staff, when recommending the application of a holding (“H”) symbol under Section 36 of the *Planning Act*, to provide a written explanation outlining:

- a) the specific infrastructure, servicing, or other works required to satisfy the conditions for lifting the holding symbol;
- b) the rationale for the holding symbol, including identification of the relevant infrastructure constraint or limitation; and
- c) where feasible, the anticipated process, responsible parties, and estimated timing associated with addressing the identified constraints, and further

That: Where a holding (“H”) symbol applies to lands that are the subject of an active planning or development application, and the holding symbol remains in place beyond the anticipated timeline identified by staff or is preventing the advancement of the proposed development, staff shall report back to Council as soon as is feasible with:

- a) an update on the status of the required works or conditions;
- b) an explanation of any infrastructure, servicing, or other constraints preventing removal of the holding symbol; and
- c) recommendations on the anticipated timing and next steps required to facilitate the removal of the holding symbol, where appropriate.

Carried

17. Notice of Motion

17.1 Councillor Christensen - Land Committee Meeting Recommendations

18. Consideration of By-laws

Councillor Lewis requested that By-law 12-2026 be lifted from the by-law package for separate consideration.

Resolution 10

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: The by-law package containing:

13-2026 To Amend Zoning By-law 129-90, as amended - 1405 Englewood Avenue;

14-2026 To Establish Authority for Cheque and Electronic Funds Transfer Signing;

15-2026 To Authorize the Entry into a Brownfields Rehabilitation Grant Agreement with Nakatomi Developments Inc.

16-2026 To Authorize the Entry into and Execution of an Agreement with His Majesty the King in Right of Ontario as Represented by the Minister of

Infrastructure Under the Municipal Housing Infrastructure Program – Health and Safety Water Stream; and

17-2026 To Authorize the Entry into and Execution of an Agreement with His Majesty the King in Right of Ontario as Represented by the Minister of Infrastructure Under the Housing-Enabling Water Systems Fund: Intake 2 Top-Up are given first and second reading.

Carried

Resolution 11

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-laws 13-2026 to 17-2026 inclusive are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

Resolution 12

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: By-law 12-2026 To Deem Lots 123, 124, and 125 on Registered Plan 545 not to be Lots on a Registered Plan of Subdivision - 196 Elmwood Avenue is given first and second reading.

Carried

Resolution 13

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-law 12-2026 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

Resolution 14

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: By-law 18-2026 To Confirm the Actions of Council at its Council-in-Budget Committee Meeting Held on January 28, 2026, Council-in-Committee Meeting Held on February 9, 2026 and its Regular Council Meeting Held on February 26, 2026, is given first and second reading.

Carried

Resolution 15

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law 18-2026 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

19. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings.

20. Adjournment

Resolution 16

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council adjourns at 9:56 pm to reconvene into a Regular Meeting of Council on March 23, 2026

Carried

Mayor

Clerk

Appendix 3



Re: Request for Comment - 19 Derby Road - Zoning By-law Amendment and Official Plan Amendment

From Sidin, Alex <Alex.Sidin@cnpower.com>

Date Wed 5/27/2026 2:48 PM

To Myles Banfield <MBanfield@forterie.ca>

⚠ External Email Warning:

This email originated from outside the organization. Please exercise caution before clicking links, opening attachments, or responding.

Hello.

The owner/developer must contact CNPI to discuss electrical upgrades to the site in order to facilitate this new development. Currently, there is only single-phase power available at the site. A significant cost will be incurred to build a 3phase supply to the site should it be required.

Thanks,
Alex.

Alex Sidin

Distribution Planning Supervisor

Canadian Niagara Power Inc.

PH: 905-871-0333 ext. 3222

FX: 905-871-4458

Email: alex.sidin@cnpower.com



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO
Company

From: Myles Banfield <MBanfield@forterie.ca>

Sent: Wednesday, May 27, 2026 2:36 PM

To: Mayor and Council <council@forterie.ca>; aaazouz <aaazouz@csdcs.edu.on.ca>; Abby LaForme <abby.laforme@mncfn.ca>; Abby LaForme <abby.laforme@mncfn.ca>; Abby LaForme <abby.laforme@mncfn.ca>; adam.laforme <adam.laforme@mncfn.ca>; Andrew.Carrigan@canadapost.ca <Andrew.Carrigan@canadapost.ca>; Andrew.Carrigan@canadapost.ca <Andrew.Carrigan@canadapost.ca>; ash.neville <ash.neville@rci.rogers.com>; ash.neville <ash.neville@rci.rogers.com>; circulations <circulations@wsp.com>; clerk <clerk@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; executivedirector <executivedirector@fenfc.org>; john.armstrong <john.armstrong@rci.rogers.com>; john.armstrong <john.armstrong@rci.rogers.com>; john.armstrong <john.armstrong@rci.rogers.com>;

Regional comments - 19 Derby Road - Zoning By-law Amendment and Official Plan Amendment

From Lucky Reddy, Adithi <Adithi.Lucky.Reddy@niagararegion.ca>

Date Tue 5/19/2026 12:12 PM

To Myles Banfield <MBanfield@forterie.ca>

Cc Dunsmore, Susan <susan.dunsmore@niagararegion.ca>

 1 attachment (57 KB)

RE: Request for Comment - 19 Derby Road - Zoning By-law Amendment and Official Plan Amendment;

 External Email Warning:

This email originated from outside the organization. Please exercise caution before clicking links, opening attachments, or responding.

Hi Myles,

The Region only has the following waste collection comments for the OPA and ZBA applications at 19 Derby Road.

“Waste Collection

Niagara Region provides curbside waste collection services for developments that satisfy its Procedure for Requirements for Waste Collection. The proposed development may be eligible to receive Regional collection provided that the owners/tenants bring the waste to the curbside on their designated collection day, and that the following limits are not exceeded, based on current waste collection contract:

Multi-Residential

- *Green – no limit (weekly collection)*
- *Waste – 2 bags/cans per unit to a max. of 24 bags/cans per building (bi-weekly collection)*

Regional staff acknowledge that the development is proposing to utilize in-ground waste containers. The applicant is advised that this method of waste storage is not eligible for Regional collection, therefore waste collection for the subject property will be responsibility of the Owner through a private waste collection contractor.”

I would also like to note we will be including the attached clauses for waste collection in the future Site Plan Agreement.

Thank you,



Adithi Lucky Reddy
Planner

Niagara Region, Sir Isaac Brock Way,
Thorold, ON, L2V 4T7, PO Box 1042

P: (905) 980-6000 ext. 3264

W: www.niagararegion.ca

E: adithi.luckyreddy@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.



Interoffice Memorandum

Date: May 28th, 2026
File No. ZBA-02-2025

To: Myles Banfield, Junior Development Planner

From: Taylor Boyle, Project Manager, Development Engineering

Subject: **Official Plan Amendment, Zoning By-Law Amendment – 2nd Submission:
19 Derby Road**

Town of Fort Erie Development Engineering Staff have reviewed the above noted application to address technical concerns related to the resubmitted Official Plan Amendment, Zoning By-law Amendment application for 19 Derby Road.

The purpose and effect of the Official Plan Amendment is to permit apartment dwellings as the intended built form, which are not included in Policy 4.22.9.8 of the Crystal Beach Secondary Plan. The policy reserves the area for semi-detached dwellings and street, block and stacked townhouses, and establishes a target density of 50 – 100 units per hectare.

The subject property is zoned Residential Multiple 1 (RM1-692) Zone in accordance with the Town's Zoning By-law. This zoning was implemented as part of the Crystal Beach Secondary Plan. In accordance with the Town's Secondary Plan policies, the zoning only permits semi-detached dwellings and street, block and stacked townhouses. A Zoning By-law Amendment will be required to permit the proposed apartment dwelling. If any zoning deficiencies exist, they can be addressed as part of the Zoning By-law Amendment application. Typically, apartment dwellings are subjected to the Residential Multiple 2 (RM2) Zone regulations.

Town Staff have reviewed the following documentation for the purpose of this application:

- Functional Servicing Report, prepared by JAM Engineering & Construction Inc., dated April 14, 2025;
- Stormwater Management Plan, prepared by JAM Engineering & Construction Inc., dated June 26th, 2023;
- Proposed Drainage Area Plan, prepared by JAM Engineering & Construction Inc., dated June 26, 2023;
- Proposed Site Servicing and Grading Plan, prepared by JAM Engineering & Construction Inc., dated June 26, 2023;
- Geotechnical and Hydrogeological Assessment, prepared by Environmental Consulting Ltd., dated February 4th, 2026.

The following comments and conditions shall be addressed to the satisfaction of the Director of Planning and Development Services. Note that further comments are to be forthcoming on subsequent submissions.

Roads:

Derby Road is designated as an Arterial Road in accordance with the Town's current Official Plan, which prescribes a standard right-of-way width of 23 metres. The existing right-of-way along this section of Derby Road is currently deficient, measuring approximately 16 metres.

However, following further discussions with Town staff and having regard for the proximity of the existing building to the edge of the road allowance, the Town will not be requiring a road widening dedication along the frontage of 19 Derby Road as part of the current application.

Notwithstanding the above, the Town reserves the right to require future road widenings and/or transportation-related improvements along Derby Road through future development or redevelopment applications, should such requirements be deemed necessary.

Michener Road is designated as a Local Road in accordance with the Town's current Official Plan, which prescribes a standard right-of-way width of 20 metres. The existing right-of-way along this section of Michener Road is approximately 20 metres. Therefore, a widening is not required.

Daylight Triangles:

Pursuant to the Town's Official Plan, daylighting triangles are required at intersections of Collector and Local Roads, at a measurement of 7.0m x 7.0m, taken after considerations of any required widening portions along the frontages. Therefore, an additional daylighting triangle shall be identified at the intersection of Derby Road and Michener Road, transferred and dedicated to the Town, free and clear of any encumbrances to be known as Public Highway Elmwood Avenue, as a condition of the consent application.

Sidewalks, Curbs, and Driveway Aprons:

In accordance with the Town's standard practice and commitment to enhancing pedestrian connectivity through development approvals, sidewalks are typically required on one side of all public roads constructed to an urban standard cross-section. All sidewalks shall be designed and constructed in accordance with the Town of Fort Erie Engineering Design Standards, to the satisfaction of the Director of Infrastructure Services.

Staff acknowledge the proposed sidewalk along Michener Road as shown on the submitted Proposed Site Servicing & Grading Plan. In accordance with Town standards, the sidewalk should be located a minimum of 1.0 metre from the street property line and include tactile warning surfaces at all intersections and pedestrian crossings, as applicable.

Additionally, staff note the following:

- The existing sidewalk on the east side of Derby Avenue terminates at the southeast corner of the Derby Avenue and Michener Road intersection.
- The existing sidewalk on Wellington Court terminates at the northern limit of Wellington Court and Michener Road.

As part of a future development application, the Owner shall be required to provide a continuous pedestrian connection from the existing sidewalk on Wellington Court to the existing sidewalk on Derby Avenue, via the internal development sidewalk network and/or public sidewalk along Michener Road. All sidewalk extensions and associated works shall be constructed at the sole cost of the Owner.

All proposed driveway aprons shall be installed at a minimum with paved hard surface asphalt from the street property lines to the proposed road curbs.

Future SPA Conditions for Sidewalks & Curbs:

1. A minimum 1.50m wide sidewalk shall be constructed on the north side of the public road Michener Road, from Wellington Court to Derby Road, in accordance with the Town's 23.0m road cross-section standards, to the satisfaction of the Director of Infrastructure Services; and
2. That the future site plan includes a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the [Site Plan] agreement and as per the approved plans on file at Town Hall."*
3. That the future site plan agreement includes a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*

Linear Municipal Services

Watermains

Derby Road

Michener Road

350mm dia. CI (TOFE)

350mm dia. CI (TOFE)

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer to the Director of Infrastructure Services' satisfaction and in accordance with the Town's current standards and connected to the existing water distribution system from Michener Road. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing & Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system. Fire Hydrants shall also be accommodated at the standard spacing requirements, and subject to review and approval by Town staff.

Future SPA Conditions for Watermains:

1. The Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town of Fort Erie Standards, as amended, and constructed to the satisfaction of the Director of Infrastructure Services, inclusive of a watermain connection on Michener Road; and
2. The Owner's Consulting Engineer submit a ***Ministry of Environment – Form 1 – Record of Watermains Authorized as a Future Alteration*** form to the satisfaction of the Director of Infrastructure Services; and
3. The Owner adheres to the Town's current Drinking Water Quality Management System Requirements and Criteria

Sanitary

Derby Road

Michener Road

200mm dia. PVC (TOFE)

250mm dia. PE (TOFE)

The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards, a minimum size of 200mm within the future public road(s). The Owner has submitted with this Draft Plan application, a Functional Servicing Report, prepared and certified by JAM Engineering & Construction Inc., dated April 14, 2025. Although the report in its preliminary form adequately assesses the downstream system for acceptance and conveyance of the proposed peak flows generated for the development lands, further minor revisions are required to the report in terms of the calculations and information regarding the existing outlet on Michener Road to considered acceptable.

- The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's Consultant shall provide comments and recommendations for the existing downstream system. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, shall result in a HOLD Provision until recommended improvements to rectify capacity constraints are implemented accordingly at 100% responsibility of the Owner.
- The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

Future SPA Conditions for Sanitary:

1. The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's Consultant shall provide comments and recommendations for the existing downstream system. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, shall result in a HOLD Provision until recommended improvements to rectify capacity constraints are implemented accordingly at 100% responsibility of the Owner.
2. The Owner shall have the sanitary sewer system and appurtenances and any required improvements to the existing system designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and be constructed at the cost of the Owner, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Consulting Engineer submit and receive the Town's **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA)** certificates for the public sanitary sewers within the development lands and those required for sewer installations external to the development lands, to the satisfaction of the Director of Infrastructure Services

Storm

Derby Road

Michener Road

525mm dia. PVC (TOFE)

450mm dia. PVC (TOFE)

A detailed Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and in accordance with By-Law 39-2003 and to the satisfaction of the Project Manager, Development Engineering.

In general, Town staff are committed to better environmental stewardship. In accordance with the Niagara Region's Stormwater Management Guidelines, Town Staff require that water quality control be to an Enhanced level (80% TSS removal).

The Owner shall have an adequately sized storm sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards, to outlet expected peak storm flows to a secured and suitable outlet, using the 5-year storm design.

Future SPA Conditions for Storm Sewers:

1. The Owner shall have the local storm sewer system and appurtenances designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and constructed to the satisfaction of the Director of Infrastructure Services; and
2. A Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director of Infrastructure Services; and
3. An overland flow route be incorporated into the design of the stormwater management for the site identifying a suitable outlet for the major storm event (> 5-year event); and
4. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge at grade to the front and / or rear yards only, not the side yards; and
5. That the future site plan agreement includes a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface via splash pads to either the front, or rear yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."*
6. The Owner's Consulting Engineer submit and receive the Town's **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA)** certificates for the public storm sewers within and external to the development lands, to the satisfaction of the Director of Infrastructure Services

Conditions for Street Lighting:

1. The Owner shall submit to the Town a street lighting design prepared by a Professional Electrical Engineer, for review and acceptance to the satisfaction of the Director of Infrastructure Services and/or Canadian Niagara Power; and
2. Pay for and construct the proposed street lighting design in accordance with the Town's, Electrical Safety Authority's, and Canadian Niagara Power's standards, to the satisfaction of the Director of Infrastructure Services
3. Submit to the Town the digital as-constructed data in the Town's AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the future site plan/condominium agreement, to the satisfaction of the Director of Infrastructure Services

Engineering Fees and Securities for Performance Obligations

The Owner shall be required to submit to the Town, Engineering, regulatory street signage, water testing and construction fees and securities for performance obligations involved with ensuring the design and construction of services to develop the above subject lands and required off-site improvements are completed and function in accordance with Town's standards for assumption, to the satisfaction of the Director of Infrastructure Services.

Conditions for Engineering Fees and Securities for Performance Obligations:

1. The Owner submits to the Town the required fees for Engineering, water testing, regulatory street signage, and construction fees and securities for performance obligations through the means of entering into a pre-servicing and/or future site plan agreement, to the satisfaction of the Director of Infrastructure Services

PSAB, Records & Asset Management

The Public Sector Accounting Board's (PSAB) 3150 Regulations set the standard for Municipalities to record and report their existing and future tangible capital assets through a comprehensive management approach. Digital data shall be provided by the Owner in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, for compliance to the above PSAB requirements.

Future SPA Conditions for PSAB, Records & Asset Management:

1. The Owner submits to the Town the digital data and contract documentation for both Primary and Secondary Services, in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the future site plan/condominium agreement, to the satisfaction of the Director of Infrastructure Services

Engineering Construction, and Geotechnical Compaction Inspections

The Owner's Engineering Consultant shall be responsible to provide full time engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services. Engineering Inspection shall also include provisions for Geotechnical Compaction testing inspection for municipal servicing installations, in accordance with the Town's standards. Weekly reports from both the Engineering Consultant and the Geotechnical Engineering Consultant, shall be forwarded to the Town of Fort Erie as part of the requirements for acceptance of the Primary Services proposed.

Future SPA Conditions for Engineering Construction, and Geotechnical Compaction Inspections:

1. The Owner's Engineering Consultant be responsible to provide full time engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and
2. The Owner's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director of Infrastructure

Geotechnical Assessment

Development Engineering staff have completed a review of the Geotechnical and Hydrogeological Assessment (prepared by Environmental Consulting Ltd., dated February 4, 2026) in support of the OPA/ZBA applications at 19 Derby Road. I wanted to highlight a few key items from a Development Engineering perspective, particularly as they relate to potential impacts to adjacent properties and long-term site functionality.

Groundwater / Dewatering

Section 2.3 of the report identifies groundwater levels between approximately 1.55 m and 2.98 m below existing grade, with the acknowledgement that levels may fluctuate seasonally and be higher during wetter periods. Given the proposed below-grade construction, the report indicates that dewatering will be required during excavation and construction.

In a built-up area, dewatering has the potential to influence groundwater conditions on adjacent properties, which may impact nearby foundations and subsurface conditions if not properly managed.

Drainage Systems / Reliance on Engineered Controls

The Executive Summary identifies the need for perimeter drainage systems, including perimeter drains, damp-proofing, and drainage board, as well as foundation underdrains to manage groundwater and subsurface conditions.

This indicates that the development will rely on engineered drainage infrastructure for long-term performance, rather than naturally favourable site conditions. As such, proper design, implementation, and maintenance of these systems will be critical to ensure there are no adverse impacts to adjacent lands over time.

Construction Considerations / Excavation Impacts

The report anticipates significant excavation (greater than 2,000 m³) and notes that construction methods, including excavation and groundwater management, must be appropriately designed and implemented. The report also highlights that subsurface conditions may vary and that construction activities may influence site behaviour.

This introduces a level of uncertainty and reinforces the importance of detailed design and construction controls to mitigate potential impacts to surrounding properties.

Summary of Key Recommendations

The report generally supports the feasibility of the proposed development, subject to the following:

- **Groundwater / Dewatering Management:** Excavations are anticipated to encounter groundwater, requiring temporary dewatering during construction and ongoing groundwater management through foundation drainage systems.
- **Perimeter Drainage Systems:** Installation of conventional perimeter drains, damp-proofing, and drainage board along all foundation walls is recommended.
- **Excavation and Construction:** Appropriate excavation methods (e.g., sloping or shoring) will be required, with consideration for variable subsurface conditions and groundwater presence.
- **Excess Soil Management:** Excavation volumes are expected to exceed 2,000 m³ and must comply with O. Reg. 406/19 (On-Site and Excess Soil Management). This should be clearly

communicated to the Applicant, as the regulation includes specific requirements for the handling and removal of excess soil from the site.

Overall, while the report supports the feasibility of the development, it confirms that the site will rely on engineered groundwater and drainage controls, and that careful design and construction practices will be required to mitigate potential impacts to adjacent properties.

Summary:

Required Conditions of Approval – Zoning By-Law Amendment

Development Engineering staff have no objection to the approval of the proposed Zoning By-law Amendment, as the application is supportable from a municipal servicing and infrastructure perspective. No conditions are recommended for the ZBA; however, staff note that several technical matters will need to be addressed through a future Site Plan Control application. These include detailed servicing design, grading, stormwater management, and off-site infrastructure connections. Staff may also recommend the use of a Holding (H) provision on the subject lands pending confirmation of downstream sanitary servicing capacity through a peer-reviewed Functional Servicing Report.

Technical Comments – To be Addressed at Future Site Plan Stage

1. Roads and ROW Requirements

- a. No road widening required per Secondary Plan policy.
- b. Daylighting Triangle Dedication - A 7.0m x 7.0m daylight triangle at the Derby Road and Michener Road intersection to be dedicated to the Town, free and clear of encumbrances.
- c. Entrance construction, curb modifications, sidewalk offsets, and driveway apron standards to be confirmed.

2. Sidewalks, Curbs & Driveway Aprons

- a. Minimum 1.5 m sidewalk along Michener Road.
- b. Sidewalk Continuity and Connectivity - Sidewalk to be extended and connected between Wellington Court and Derby Avenue as part of the development, at the sole cost of the Owner.
- c. the Owner shall provide cash-in-lieu of sidewalk construction for the eastern side of Derby Road, extending from the Derby Road / Michener Road intersection to the full length of the subject lands' frontage on Derby Road. The cash-in-lieu amount shall be calculated based on the Town's sidewalk construction unit rates, to the satisfaction of the Director of Infrastructure Services (\$200.00/m² x 1.50m width x XX.Xm length).
- d. Driveway aprons to be paved from curb to property line or sidewalk.

3. Servicing

- a. Water Servicing
 - i. Design and connection to Michener Road main to Town standards.
 - ii. Submission of MOE Form 1, adherence to DWQMS, and hydrant spacing.
- b. Sanitary Servicing
 - i. The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's

Consultant shall provide comments and recommendations for the existing downstream system. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, shall result in a HOLD Provision until recommended improvements to rectify capacity constraints are implemented accordingly at 100% responsibility of the Owner.

- ii. CLI-ECA approval, downstream capacity confirmation, and system design to Town standards.
- c. Storm Servicing
 - i. Stormwater Management Report to be prepared and approved.
 - ii. Foundation drainage, sump discharge location, and CLI-ECA submission.
- 4. Street Lighting
 - a. Street lighting design and installation to be completed to Town and CNP/ESA standards.
- 5. Engineering Fees and Securities
 - a. Fees and securities to be submitted through Site Plan Agreement.
- 6. PSAB Records & Asset Management
 - a. Digital as-built files and cost schedules to Town CAD standards.
- 7. Construction & Geotechnical Inspections
 - a. Full-time engineering and geotechnical inspection and reporting required during servicing.

Development Engineering has no objection to the approval of the Official Plan and Zoning By-Law Amendment applications, subject to the above conditions. A detailed review of servicing, grading, and infrastructure will be completed through the Site Plan Control process, and the Owner will be required to enter into a Site Plan Agreement with the Town to address the noted requirements.

Regards,



Taylor Boyle – Project Manager, Development Engineering

- c. Leo Ferriera, Manager of Engineering

Re: Request for Comment - 19 Derby Road - Zoning By-law Amendment and Official Plan Amendment

From Kimberlyn Smith <ksmith@forterie.ca>

Date Thu 5/28/2026 11:46 AM

To Myles Banfield <MBanfield@forterie.ca>

Hi Myles,

My comments remain the same:

Archaeology

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. The archaeological assessment(s) must be submitted to the Ministry of Citizenship and Multiculturalism and forwarded to the Town.

The subject lands are mapped within an Area of Archaeological Potential on Schedule D of the existing Town's Official Plan. Section 4.6.3 of the Provincial Planning Statement 2024, states that Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.

Staff have reviewed the Stage 1–2 Archaeological Assessment: 19 Derby Road, Fort Erie, Part of Lot 25, Concession 1, Formerly in the Township of Bertie, Welland County, now the Town of Fort Erie, Regional Municipality of Niagara, prepared by Seguin Archaeological Services (dated May 9, 2024). The Stage 2 results indicate that no further archaeological assessment is required.

Notwithstanding this finding, acknowledgement from the Ministry of Citizenship and Multiculturalism (MCM) confirming that the report has been entered into the Ontario Public Register of Archaeological Reports is still outstanding. While staff are satisfied from an archaeological review perspective, no demolition, grading, or other soil disturbance should occur on the property until MCM issues this acknowledgement confirming that all archaeological resource requirements have been addressed.

Thank you,

Kimberlyn Smith

Junior Community Planner

Town of Fort Erie

Planning, Building and By-Law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2508

Re: Request for Comment - 19 Derby Road - Zoning By-law Amendment and Official Plan Amendment

From Aaron Hair <ahair@forterie.ca>

Date Wed 5/27/2026 2:40 PM

To Myles Banfield <MBanfield@forterie.ca>

2nd Circulation

Junior Environmental Planning Staff have reviewed the following documents:

- Tree Protection Plan, prepared by Terrastory, dated September 9, 2023.
- Landscape Plan, prepared by Donald Martin Landscape Architect, dated August 22, 2023

The requested changes from the previous circulation have not been addressed.

Technical Comments:

Tree Protection Plan

- Please provide the Town of Fort Erie tree protection detail and ensure that the tree protection zone is adhered to following the Town's Tree Preservation and Replacement Guidelines and the newly amended Tree By-law 33-2024 as amended 53-2025.
- Please revise the following statement under notes to read:
 - 5. A qualified Arborist will inspect the tree protection fence following installation and prior to commencement of site preparation and submit a verification of tree protection to the Town of Fort Erie to the satisfaction of the Director of Planning.
- Under notes please add: If large roots are encountered (typically those with a diameter greater than 5cm), it is recommended that roots be assessed by an arborist prior to pruning to determine impacts on stability and long-term health of the tree.
- Under notes please add: Vegetation Enhancement - It is strongly recommended that injured trees be thoroughly watered once per week, from spring to fall, for two years after completion of the work on the site below their drip lines. A layer of mulch should be placed below the drip line of these trees, 7-10cm deep and at least 10 centimeters away from the trunks.
- Compensation:
 - Tree 749 is dead, no compensation required
 - Tree 748 is invasive, no compensation required
 - Tree 747 will require compensation, per Table B-2, 2 trees will be required for compensation.

Landscape Plan

- It is noted that there are more than 2 trees that are listed on the Town's approved planting list (By-law 33-2024, as amended 53-2025) as such the compensation requirements have been met.

Aaron Hair, MCIP, RPP

Project Manager, Policy

Town of Fort Erie

Community Planning

Planning, Building and By-law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2507

forterie.ca | ahair@forterie.ca