



## The Corporation of the Town of Fort Erie

### By-law 17-2024

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**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 79  
557 Walden Boulevard and 0-10539 DiPietro Street, Greg Taras, Urban and  
Environmental Management Inc.**

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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 79 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 26<sup>th</sup> day of February, 2024.**

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Mayor

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Clerk

**AMENDMENT 79  
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 79 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 79 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 "Commercial" to "Urban Residential" to permit one semi-detached dwelling, one single-detached dwelling, and the existing single-detached dwelling.

## **SECTION 3**

### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are municipally known as 557 Walden Boulevard and 0-10539 DiPietro Street 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 Official Plan land use designation change from Commercial to Urban Residential will permit the conversion of underutilized commercial land for residential development and bring the existing non-conforming residential use into conformity with the Town's Official Plan. The subject lands are not currently used for commercial purposes and there is no need to retain the commercial land as the subject lands do not have direct frontage on the Garrison Road, the Town's primary commercial corridor. The redesignation will appropriately align with the residential uses north of the subject lands, and the subject lands and surrounding residential uses in this area will support the economic growth of existing commercial uses along the Garrison Road corridor.

#### **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 in an established area of the Walden Neighbourhood with a mix of commercial and residential uses. The majority of the existing built form in the area consists of 1-1.5 storey single detached dwellings and 2 storey commercial buildings. Two storey

townhouse dwellings were recently approved on the west side of DiPietro Street. The proposal for low-density development will be compatible with the low to medium-density residential uses 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 not constrained by any natural heritage features. The subject lands consist of 557 Walden Boulevard and 0-10539 DiPietro Street which comprise one property containing an existing single-detached dwelling with generous side and rear yards. The proposed development will utilize the vacant yards for gentle residential intensification that suits the existing characteristics of the Walden neighbourhood. The proposed lots for single-detached and semi-detached dwellings will comply with the applicable standard Zoning regulations. The existing dwelling will remain on the retained lot. The subject lands are sufficiently sized to accommodate the proposed development with adequate parking and amenity area. However, there are sanitary servicing capacity constraints within the surrounding area that impact the development of the lands. Town staff recommends a Holding provision that would restrict development until adequate sanitary servicing is available.

**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, Conservation and Parks, and the Niagara Region Public Health Department and any other appropriate authority deemed advisable.**

The subject lands is located within the urban boundary. There are existing municipal water and sanitary services along DiPietro Street and Walden Boulevard. The proposed development can be connected to municipal services along DiPietro Street and Walden Boulevard, subject to a Holding provision being applied until sanitary service capacity can be confirmed to the Town's satisfaction.

Garrison Road is located to the south of the subject lands and provides convenient access to local amenities and greater Fort Erie. The road network and sidewalks along Garrison Road provide connection to commercial uses in the core commercial area, including various eating establishments, retail stores, grocery stores, and other services accessible through active transportation.

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

Surrounding the subject lands are low-density residential uses that consist of primarily single detached dwellings of 1-1.5 storeys in height, 2-storey commercial buildings, and 2-storey place of worship building. The proposal is compatible with the surrounding uses and will provide a compact built form that utilizes underdeveloped lands in an established neighbourhood that currently contains a mix of uses, including residential, commercial, and mixed-use buildings. The proposal will suit the established character by providing residential dwellings with a similar height that contribute to the housing supply and introduce additional mixed housing forms 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;**

Though the lands are commercial designated and intended for commercial uses, the current use is residential. The proposed redesignation will bring the existing residential use into conformity with the Official Plan. It is important to note that the dwelling has established compatibility with the surrounding uses over time, and Planning staff do not anticipate further impacts as a result of the redesignation for residential purposes.

**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, subject to a holding provision being applied that would restrict development until it can be demonstrated that sufficient sanitary capacity is available.

**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**

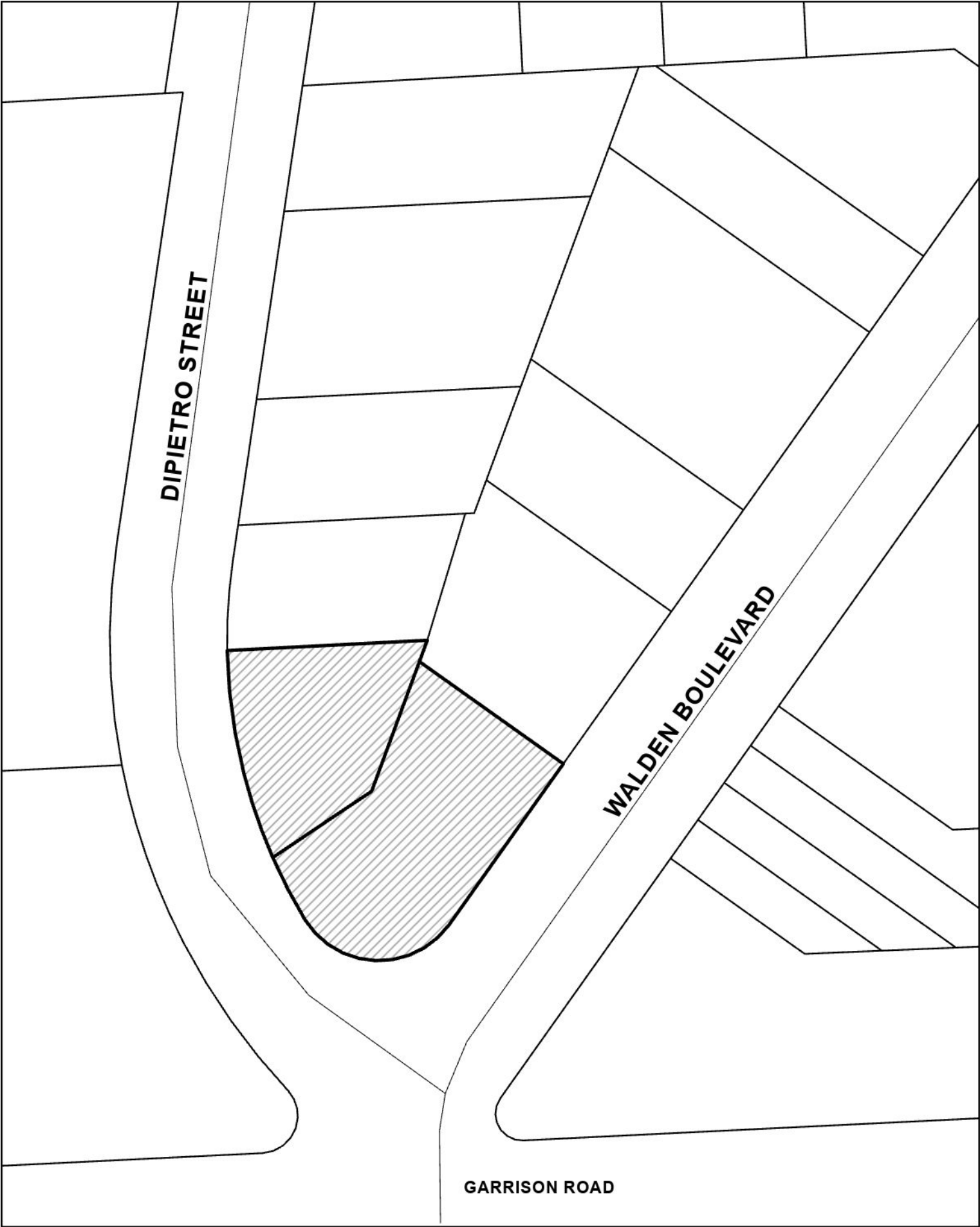
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment 79 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of the subject lands shown on Schedule "A" attached hereto shall change from Commercial to Urban Residential.



## **PART “C” - THE APPENDICES**

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



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**BY-LAW 17-2024**  
**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL**  
**PLAN PASSED THIS 26TH DAY OF FEBRUARY 2024**


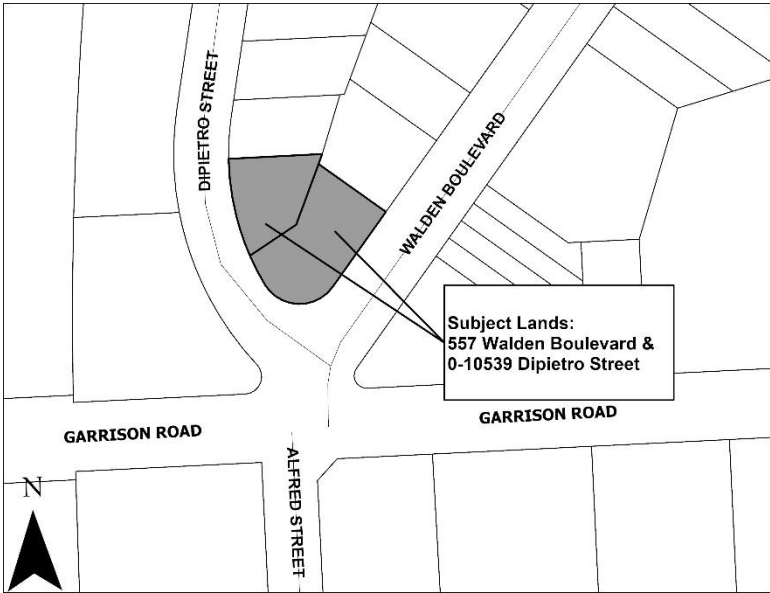


-  Subject lands - 557 Walden Boulevard and 0-10539 DiPietro Street
-  Change designation from Commercial to Urban Residential




**NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING**

**Owner – Rachel Stempski**  
**Agent – Urban and Environmental Management Inc. (Greg Taras)**  
**Location – 557 Walden Boulevard and 0-10539 Dipietro Street**  
**Proposed Official Plan and Zoning By-Law Amendment**  
*APPLICATIONS: OPA-10-2023/350302-175 and ZBA-17-2023/350309-0579*

**DATE:** January 29, 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><b><u>LOCATION OF SUBJECT LANDS</u></b></p> 
	<p><b>WHAT WILL THIS AMENDMENT CHANGE:</b></p> <p>An application was received for an Official Plan Amendment and Zoning By-law Amendment to permit the construction of one semi-detached dwelling and one single-detached dwelling on the subject lands. The existing single-detached dwelling will remain on the retained lands. A conceptual site plan is attached as Schedule 1.</p> <p>The subject lands are located within the urban area and are designated Commercial in the Official Plan, and zoned Local Commercial (C1) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended.</p> <p>The Official Plan and Zoning By-law Amendment application proposes to redesignate the subject lands to Urban Residential and rezone the lands to a site-specific Residential 3 (R3) Zone. The site-specific provision proposes to decrease the minimum exterior side yard of the existing single detached dwelling.</p>
	<p><b><u>HAVE YOUR SAY</u></b></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> <p>The Town of Fort Erie Council meeting live webcast will be streamed at <a href="http://www.youtube.com/townofforterie">www.youtube.com/townofforterie</a> or click on the YouTube icon on the home page of the Town’s website (<a href="http://www.forterie.ca">www.forterie.ca</a>).</p>

Appendix 1 to By-law 17-2024

	<p><b><u>GETTING MORE INFORMATION</u></b></p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>January 25, 2024</b>. The information report will be available in the Council agenda portion of the Town’s Website: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Samantha Yeung, Junior Development Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Samantha Yeung, Intermediate Development Planner</b> <b>Planning and Development Services Department</b> <b>Town Hall, 1 Municipal Centre Drive</b> <b>Fort Erie, Ontario L2A 2S6</b> <b>905-871-1600 ext. 2528</b> Or by e-mailing your comments to: <a href="mailto:syeung@forterie.ca">syeung@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></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, Deputy Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:acarter@forterie.ca">acarter@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></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 Ashlea Carter, Deputy Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:acarter@forterie.ca">acarter@forterie.ca</a></p> <p>Notice dated January 9, 2023.</p>

## SCHEDULE 1



## Appendix 2 to By-law 17-2024



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

**Monday, January 29, 2024, 6:00 p.m.  
Council Chambers**

**1. Call to Order**

Mayor Redekop called the meeting to order at 6:00 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, Flagg, Lewis, McDermott and Noyes

Absent: Councillor Dubanow

Also present: Regional Councillor Insinna

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, K. Walsh and P. Todd.

**5. Announcements/Addenda**

Mayor Redekop made the following announcements:

**Rural Ontario Municipalities Association (ROMA) Annual Conference  
Update**

The Mayor provided an overview of the annual ROMA conference he and the CAO attended. The Mayor and CAO attended various meetings throughout the

## Appendix 2 to By-law 17-2024

course of the conference, which included meetings with seven ministers or parliamentary assistants, four Ministries, including the Honourable Sylvia Jones, Minister of Health, the Honourable Jill Dunlop, Minister of Colleges and Universities, the Honourable Victor Fedeli, Minister Economic Development, Job Creation and Trade, and the Honourable Kinga Surma, Minister of Infrastructure.

### **Big Brothers Big Sisters - Bowl for Kid's Sake**

The Mayor announced that Big Brothers Big Sisters will be holding their annual 'Bowl for Kids Sake' event on Tuesday, February 22, 2024, in St. Catharines at the Parkway Social Bowling Alley. The fee to register a team is \$300 for teams of 4-6 players. The Mayor announced that the CAO has graciously offered to sponsor a Fort Erie team in this year's event.

### **6. Declarations of Pecuniary Interest**

None.

### **7. Notice of Upcoming Public Meetings and Open Houses**

- 7.1 Open House - Proposed Official Plan and Zoning By-law Amendment - 409 and 423 Walden Boulevard

Owner: Michael Stephen - Agent: Greg Hynde (Urban Environmentalists) - Tuesday, January 30, 2024 - 5:00 p.m. - Atrium, Town Hall.

- 7.2 2024 Budget Meeting Schedule

Council-in-Budget Committee Meetings: #3 - Wednesday, January 31, 2024 - Fort Erie Public Library, Assessment Analysis and General Levy Operating Budget. All budget meetings begin at 6:00 p.m. Budget Bylaws: Monday, February 26, 2024 - General Levy Budget and General Capital Budget.

- 7.3 Public Meeting - Draft Plan of Subdivision, Draft Plan of Vacant Land Condominium, Official Plan and Zoning By-law Amendment - 576 Ridge Road North

Owner: 2846300 Ontario Inc. - Agent: Upper Canada Consultants (c/o William Heikoop) - Monday, February 12, 2024 - 6:00 p.m.- Council Chambers, Town Hall, The information report will be available by 5:00 p.m on Thursday, February 7, 2024.

- 7.4 Visioning Workshop - Fort Erie's Official Plan Review - Tuesday, February 27, 2024 - 5:00-7:00 p.m. - Fort Erie Leisureplex, 3 Municipal Centre Drive

### **8. Regional Councillor Report**

Regional Councillor Insinna gave the following report:

#### **Ending Homelessness**

Regional Councillor Insinna had the opportunity to speak with the author of The Book on Ending Homelessness by Iain De Jong. Mr. De Jong is recognized as

## **Appendix 2 to By-law 17-2024**

an international leader in finding ways to overcome homelessness in our communities. He believes that the staff shortages, rise of encampments, lack of senior government and legacy healthcare issues such as mental health problems are playing a part in those living rough in the region. The Councillor reminded the public that if they or anyone they know is living rough and requires assistance to contact 211 to speak with the Niagara Region's outreach team.

### **Niagara Parks Commission Job Fair**

Regional Councillor Insinna announced that the Niagara Parks Commission will be hosting Job Fairs over the next couple months on various dates. The Niagara Parks Commission requires approximately 1,200 seasonal staff.

### **Niagara Parks Commission - Black Creek Bridge**

Niagara Parks Commission has indicated that the Black Creek Bridge replacement project is scheduled to be completed in April 2024.

### **Port Colborne Quarry Expansion Zoning Approval**

At the Regional Council meeting held on January 25, 2024, Regional Council approved Bill No. 2024-05 being a by-law to provide for the adoption of Amendment No. 3 to the Official Plan for the Regional Municipality of Niagara to permit the Port Colborne Quarry - Pit 3 Extension.

## **9. Presentations and Delegations**

### **9.1 Presentation to Adelyn Pisaric**

Re: Recognition of Becoming the First Provincial Tour Selection Champion - Level 6 Category, Gymnastics

Mayor Redekop congratulated Adelyn on her achievement and presented her with a certificate.

### **9.2 Anne Radojcic, Board Member, Alzheimer's Society**

Re: January as Alzheimer Awareness Month and Update on Programs and Services

Anne Radojcic provided a PowerPoint presentation.

## **10. Public Meetings**

### **10.1 Proposed Official Plan and Zoning By-law Amendment - 557 Walden Boulevard and 0-10539 DiPietro Street**

Owner: Rachel Stempski - Agent: Urban and Environmental Management Inc. (Greg Taras)

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



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Samantha Yeung, Intermediate Development Planner, provided a PowerPoint presentation.

The following individuals provided oral comments:

Rosemary Morris, 1080 DiPietro Street

The Clerk confirmed that no additional written comments were received.

**Mayor Redekop declared the Public Meeting closed.**

### 10.2 PDS-03-2024

Proposed Combined Official Plan and Zoning By-law Amendment  
Information and Recommendation Report for 0-10539 DiPietro Street and  
557 Walden Boulevard

Resolution 1

Moved by: Councillor McDermott

Seconded by: Councillor Flagg

**That:** Council approves the amendment to the Town's Consolidated 2021  
Official Plan as detailed in Report PDS-03-2024 for the lands known as 0-  
10539 DiPietro Street and 557 Walden Boulevard, and further

**That:** Council approves the amendment to the Town's Zoning By-law 129-  
90 as detailed in Report PDS-03-2024 for the lands known as 0-10539  
DiPietro Street and 557 Walden Boulevard, and further

**That:** Council directs that the Holding Provision not be removed until  
sufficient sanitary capacity is available, to the satisfaction of the Town, and  
further

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

**Carried**

## 11. Consent Agenda

Resolution 2

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

**That:** Council approves the consent agenda as recommended.

**Carried**

### 11.1 Minutes

11.1.1 Regular Council Meeting - December 18, 2023

## Appendix 2 to By-law 17-2024

11.1.2 Council-in-Committee Meeting - January 15, 2024

11.2 Correspondence

11.3 Board/Committee Minutes

11.3.1 Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - August 26, 2023; October 23, 2023; January 2, 2024; January 9, 2024 (AGM)

11.3.2 Receive - Ridgeway Business Improvement Area Board of Management - September 6, 2023; October 4, 2023; November 1, 2023; January 3, 2024 (AGM)

11.3.3 Receive - Traffic Coordinating Committee (Meeting Notes) - December 6, 2023

11.3.4 Receive - Crystal Beach Business Improvement Area Board of Management - December 13, 2023 (AGM); January 10, 2024

11.3.5 Receive - Affordable Housing Advisory Committee - November 28, 2023

11.4 Reports

## 12. Reports

12.1 CS-13-01-2023 - 2023 Development Charges Background Study

Resolution 3

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

**That:** Council receives Report CS-13-2023, attached as Appendix 6, regarding the 2023 Development Charges (DC) Background Study, and further

**That:** Council approves the revised 2023 Development Charges Background Study (the "Study"), including the growth-related capital programs, and the revised draft By-law law as described in this report, and further

**That:** Council determines that no further public meetings are required under Section 12 of the *Development Charges Act, 1997*, and further

**That:** Council establishes an Industrial DC Grant program and related reserve, and further

**That:** Council authorizes staff to prepare the necessary by-law(s) for consideration and adoption at the February 26, 2024 Council Meeting.

**Carried**

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### 12.2 PDS-04-2024

Proposed Draft Plan of Subdivision Information and Recommendation Report for 315 & 0-350 Garrison Road

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

**That:** Council approves the Draft Plan of Subdivision for 315 and 0-350 Garrison Road, dated July 10, 2023 and contained in Appendix 2, subject to the conditions contained in Appendix 4 of Report No. PDS-04-2024, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix 4 of Report No. PDS-04-2024 to the applicable agencies in accordance with the requirements of the *Planning Act*.

Resolution 4

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

**That:** Report PDS-04-2024 Proposed Draft Plan of Subdivision Information and Recommendation Report for 315 & 0-350 Garrison Road be deferred to the February 12, 2024 Council-in-Committee in order to provide staff an opportunity to respond to the questions of Council.

**Carried**

### 13. New Business/Enquiries

#### 13.1 Proclamation - Heritage Week - February 19-25, 2024

Resolution 5

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

**That:** Council proclaims February 19-25, 2024 as "Heritage Week".

**Carried**

#### 13.2 Council Meeting Schedule - April 2024

Resolution 6

Moved by: Councillor Flagg

Seconded by: Councillor Christensen

**Whereas:** On April 8, 2024 the Town of Fort Erie will be within the path of totality for the solar eclipse and it is anticipated that the area will receive a

## Appendix 2 to By-law 17-2024

large influx of visitors which may result in the activation of the Town's Emergency Operations Centre;

**Now therefore be it resolved,**

**That:** In accordance with section 18.4 (c) of the Town's Procedure By-law, Council reschedule the April 8, 2024 Council-in-Committee meeting to Tuesday, April 9, 2024 in preparation of the events resulting from solar eclipse occurring on Monday, April 8, 2024.

**Carried**

### 13.3 Response to Enquiry

Enquiry by Councillor Noyes at the December 18, 2023 Regular Council Meeting requested clarification from staff on the practice of charging individual owners when contraventions of Town by-laws occur and whether this practice can be updated or modified.

### 13.4 Memorandum - Tikki Yuen, Landscape Architect, Park Planner- Tennis Court Resurfacing

Resolution 7

Moved by: Councillor Noyes

Seconded by: Councillor Christensen

**That:** Council receives Memorandum - Tennis Court Resurfacing for information purposes.

**Carried**

### 13.5 Council Nomination - Niagara Region - Transportation Strategy Steering Committee

Resolution 8

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

**That:** Council nominates Mayor Wayne H. Redekop as the Council Representative on the Niagara Region's Transportation Strategy Steering Committee.

**Carried**

### 13.6 Notice of Resignation - Committee of Adjustment - Kenneth Burden

Resolution 9

## Appendix 2 to By-law 17-2024

Moved by: Councillor Flagg  
Seconded by: Councillor Christensen

**That:** Council accepts the resignation of Kenneth Burden from the Committee of Adjustment, and further

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

**Carried**

- 13.7 Notice of Resignation - Senior Citizens Advisory Committee - Ellie Hurst  
Resolution 10

Moved by: Councillor Christensen  
Seconded by: Councillor Lewis

**That:** Council accepts the resignation of Ellie Hurst from the Senior Citizens Advisory Committee, and further

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

**Carried**

- 13.8 Notice of Resignation - Bridgeburg Station Downtown Business Improvement Area Board of Management - William Thomas and Nichole L'Hirondelle  
Resolution 11

Moved by: Councillor McDermott  
Seconded by: Councillor Lewis

**That:** Council accepts the resignations of William Thomas and Nichole L'Hirondelle from the Bridgeburg Station Downtown Business Improvement Area Board of Management, and further

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

**Carried**

- 13.9 Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Karen DiBiase  
Resolution 12

Moved by: Councillor Christensen  
Seconded by: Councillor McDermott

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**That:** Council accepts the resignation of Karin DiBiase 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**

### 13.10 Notice of Resignation - Fort Erie Public Library - Dianne Fleming

Resolution 13

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

**That:** Council accepts the resignation of Dianne Fleming 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**

## 14. Closed Session

Resolution 14

Moved by: Councillor Noyes

Seconded by: Councillor Christensen

**That:** Council goes into Closed Session at 8:34 p.m. to consider the following:

- Mayor's Youth Advisory Committee Appointments pursuant to Section 239 (2) (b) of the Municipal Act, 2001 (personal matters about an identifiable individual, including municipal or local board employees); and
- Fort Erie Public Library Board Appointments pursuant to Section 239 (2) (b) of the Municipal Act, 2001 (personal matters about an identifiable individual, including municipal or local board employees).

**Carried**

14.1 Previous Meeting Minutes

14.2 Mayor's Youth Advisory Committee Appointments

14.3 Fort Erie Public Library Board Appointments

## 15. Back to Open Session

Resolution 15

## Appendix 2 to By-law 17-2024

Moved by: Councillor Lewis  
Seconded by: Councillor Flagg

**That:** Council does now rise and reconvene from closed session at 8:41 p.m. with report:

**That:** Council appoints Addison Wightman and Linkyn Willick to the Mayor's Youth Advisory Committee for the term ending November 14, 2026, or until their successors are appointed; and

**That:** Council appoints Samantha MacLean and Stan Sauer to the Fort Erie Public Library Board for the term ending November 14, 2026, or until their successors are appointed.

**Carried**

### 16. Motions

16.1 Councillor Dubanow

Re: Request Review of Policies Respecting the Interpretation of Front, Side, Rear Yards Based on Property Layout

**Deferred to the February 26, 2024 Regular Council Meeting.**

### 17. Notice of Motion

None.

### 18. Consideration of By-laws

18.1 1-2024

To amend Comprehensive Zoning By-law 129-90, as amended, with respect to the Short-Term Rental Land Use Study for the Town of Fort Erie

18.2 2-2024

To Enact an Amendment to the Official Plan Adopted by By-law 150-06 for the Town of Fort Erie Planning Area - Amendment 77 - Short Term Rentals

18.3 3-2024

To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision - 372 Helen Street, Kun Qian – Owner

18.4 4-2024

To Accept and Declare Lands as Public Highway – Ridgeway Road (336 Ridgeway Road)

## Appendix 2 to By-law 17-2024

- 18.5 5-2024  
To Accept and Declare Lands as Public Highway Lakeview Road (388 Lakeview Road)
- 18.6 6-2024  
To Provide for Interim Taxes for the Year 2024
- 18.7 7-2024  
To Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of The Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses for the Year 2024
- 18.8 8-2024  
To Authorize the Entry into a Niagara Gateway Economic Zone and Centre Community Improvement Plan (2626 Winger Road – Holland Power Services)
- 18.9 9-2024  
To Amend Fees and Charges By-law 176-23 (Building Permit Fees)
- 18.10 10-2024  
To Govern the Form and Approving Authority for Dedicated Locator Agreements
- 18.11 11-2024  
To Authorize the Execution of a Condominium Assumption Agreement with Crystal Beach Estates Inc. (Jose Marques) – Owner
- 18.12 12-2024  
To Amend Zoning By-law 129-90, as amended Town-Initiated Housekeeping Amendment  
Resolution 16  
Moved by: Councillor Flagg  
Seconded by: Councillor McDermott  
**That:** The By-law package containing:  
3-2024 - To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision - 372 Helen Street, Kun Qian – Owner  
4-2024 - To Accept and Declare Lands as Public Highway – Ridgeway Road (336 Ridgeway Road)  
5-2024 - To Accept and Declare Lands as Public Highway Lakeview Road (388 Lakeview Road)



## Appendix 2 to By-law 17-2024

6-2024 - To Provide for Interim Taxes for the Year 2024

7-2024 - To Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of The Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses for the Year 2024

8-2024 - To Authorize the Entry into a Niagara Gateway Economic Zone and Centre Community Improvement Plan (2626 Winger Road – Holland Power Services)

9-2024 - To Amend Fees and Charges By-law 176-23 (Building Permit Fees)

10-2024 - To Govern the Form and Approving Authority for Dedicated Locator Agreements

11-2024 - To Authorize the Execution of a Condominium Assumption Agreement with Crystal Beach Estates Inc. (Jose Marques) – Owner

12-2024 - To Amend Zoning By-law 129-90, as amended Town-Initiated Housekeeping Amendment

is given first and second reading.

**Carried**

### Resolution 17

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

**That:** By-laws 3-2024 to 12-2024 inclusive are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**Carried**

### Resolution 18

Moved by: Councillor Flagg

Seconded by: Councillor McDermott

**That:** The By-law package containing:

1-2024 - To amend Comprehensive Zoning By-law 129-90, as amended, with respect to the Short-Term Rental Land Use Study for the Town of Fort Erie

2-2024 - To Enact an Amendment to the Official Plan Adopted by By-law 150-06 for the Town of Fort Erie Planning Area - Amendment 77 - Short Term Rentals

**Carried**

### Resolution 19

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

## Appendix 2 to By-law 17-2024

**That:** By-laws 1-2024 and 2-2024 inclusive are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Yes (5): Councillor Christensen, Councillor Flagg, Councillor Lewis, Councillor McDermott, and Councillor Noyes

No (1): Mayor Redekop

Absent (1): Councillor Dubanow

**Carried**

### 18.13 13-2024

To Confirm the Actions of Council at its Council Meeting Held on December 18, 2023 and its Council-in-Committee Meeting Held on January 15, 2024

Resolution 20

Moved by: Councillor McDermott

Seconded by: Councillor Lewis

**That:** By-law 13-2024 To Confirm the Actions of Council at its Council Meeting held on December 18, 2023 and its Council-in-Committee Meeting held on January 15, 2024, is given first and second reading.

**Carried**

Resolution 21

Moved by: Councillor Lewis

Seconded by: Councillor Flagg

**That:** By-law 13-2024 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 from January 30, 2024 to February 7, 2024.

## 20. Adjournment

Resolution 22

Moved by: Councillor Flagg

Seconded by: Councillor Noyes

## Appendix 2 to By-law 17-2024

**That:** Council adjourns at 8:55 pm to reconvene into a Regular Meeting of Council on February 26, 2023.

**Carried**

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Mayor

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Clerk

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## Interoffice Memorandum

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October 13, 2023  
Our File: 350309-0579

**To:** Samantha Yeung – Junior Planner  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
**From:** Brad Johnston, C.E.T., Supervisor - Development Engineering  
**Subject:** OPA / ZBA Combined Application  
Development Engineering Comments – Revised 17-JAN-2024  
(Sidewalks)  
**Address:** 557 Walden Boulevard / 0-10539 DiPietro Street

---

### Roads

Walden Boulevard is designated a Local road, in accordance with the Town's current Official Plan, with an existing right-of-way width of 20.0m in a semi-urban cross-section state, with road side ditches. Its current width is sufficient, and no widenings along the subject land frontage will be required.

DiPietro Street is also is designated a Local road, in accordance with the Town's current Official Plan, with an existing right-of-way width of 20.0m in a semi-urban cross-section state, with road side ditches. Its current width is also sufficient, and no widenings along the subject land frontage will be required.

The Town has previously requested that a neighbouring site fronting DiPietro Street, currently progressing through a Development application, improve and urbanize their frontage accordingly, that will accommodate a storm sewer outlet to Garrison Road, but with curb and gutter, and sidewalk accommodations, along their frontage only. Accommodations for the design and construction of curb and gutter and the elimination of the road side ditches along the frontage of Parts 1 & 3 of this application shall be required by this Applicant. The intent is to require the improvement of DiPietro Street to full urban cross-section to the Walden Boulevard intersection, however the construction completed in tandem with the neighbouring development noted above. The additional intent for curbing on DiPietro Street along this frontage is further required to control the access to Part 3 (557 Walden Boulevard) of this application directly to either Walden Boulevard, or DiPietro Street, avoiding an access within the converging intersection / corner. A cost estimate shall be obtained at a further date for this additional curbing / road work along the DiPietro Street frontage, and payment be required by this Applicant as a condition of the future severance application(s).

### Sidewalks & Curbs

Curbs and sidewalks do not exist along the subject land frontages, given that Walden Boulevard and DiPietro Street are currently in a semi-urban cross-section state. A

## Appendix 3 to By-law 17-2024

*Our File: 350509 – 0579*

*557 Walden Boulevard  
0-10539 DiPietro Street*

*October 13, 2023*

development site to the north-east has been required to provide for a cash-in-lieu payment of future sidewalks fronting the south side of Walden Boulevard. AN additional development site to the west across the street on DiPietro Street has also been required to provide the same. Therefore, since sidewalks are required on one side of local roads, and they have been provisioned on the opposite sides of the roads, as noted above, no additional sidewalk provisions are required for the frontages of these subject lands.

### **Geotechnical/Hydro-geotechnical Report**

A soils investigation report is typically 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 lots. A chemical component should also always be considered.

### **Linear Engineering Services**

#### **Water Services**

<b>Walden Boulevard</b>	<b>DiPietro Street</b>
150mm AC	150mm AC

It is unknown as to the locations and sizes of the existing water services provided from Walden Boulevard and DiPietro Street. The Owner shall accommodate new water services for the proposed Parts independent of the existing lot(s) at the time of Building permit issuance, and maintain the existing service(s) for the remnant Part identified to exist in the field, ensuring they do not cross proposed property boundaries. If the service is identified to cross proposed lot boundaries, it shall be decommissioned and re-established / installed independent of the future lots, as a condition of the severance application.

#### **Sanitary Services**

<b>Walden Boulevard</b>	<b>DiPietro Street</b>
250mm PVC	200mm PVC

Existing sanitary sewer laterals are provided to the north-westerly limits of Parts 1 & 3. According to Town records, it does not appear that a service exists to accommodate Part 2 fronting Walden Boulevard. The Owner shall accommodate a new sanitary service for Part 2 independent of the existing lot(s) at the time of Building permit issuance, and maintain the existing service(s) for the remnant Parts, ensuring they do not cross proposed property boundaries.

## Appendix 3 to By-law 17-2024

Our File: 350509 – 0579

557 Walden Boulevard  
0-10539 DiPietro Street

October 13, 2023

The Town's Engineering Consultant has identified surcharging conditions in the downstream sections of the Garrison Road sanitary sewer, as well as the downstream section of 250mm sewer on Walden Boulevard to Garrison Road. It has been determined that *any* additional upstream growth in this catchment area would be sufficient to cause sewer surcharging that exceeds the Town's minimum level of service with respect to basement protection requirements, although only two additional lots are proposed for redevelopment here. It is therefore required that this site be applied with a **Hold** provision, until such time as any recommendations regarding the downstream system, have been addressed. It is requested that the Owner consider this prior to advancing their development application forward. Downstream improvements identified, if any, will be required and may need to be contributed towards by the Owner, prior to the advancement of these lands being developed, and the **Hold** subsequently lifted.

### Storm Services

Walden Boulevard	DiPietro Street
300mm PVC (w/ roadside ditches)	300mm AC (w/ roadside 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 shall have a Master Grading & Drainage plan designed by a qualified Professional Engineer to the Town's satisfaction and current standards, identifying controls for post-development peak flows to pre-development rates, up to and including the 5-year storm event. Flows exceeding the post-development 5-year event shall be authorized to be discharged overland to the Walden Boulevard or DiPietro Street rights-of-way.

Weeping tile discharges via sump pumps shall discharge at grade towards the front yards and through the front foundation walls only, not the side yards or from the foundation sidewalls. The building designs shall ensure this is identified adequately, and also ensure that rainwater leaders (downspouts) are directed/discharged to the front of the units. The location and direction of the roof water discharge pipes and sump pumps shall be identified on the master grading and drainage plan. Considerations must also be considered for the locations of proposed driveways versus existing boulevard trees and street furniture, to avoid any potential conflicts that they would cause regarding relocations and / or removals for replacements at the Owner's costs. The plan shall be required to be reviewed and approved as a condition of the severance application(s).

### Erosion & Sediment Control

The Owner shall have their Consulting Engineer incorporate an erosion – sediment control scheme. This may contain any or all the following measures:

- Sediment traps or temporary retention ponds;
- Seeding of topsoil stock piles;
- Isolated stripping of development lands, upon approval;

## Appendix 3 to By-law 17-2024

Our File: 350509 – 0579

557 Walden Boulevard  
0-10539 DiPietro Street

October 13, 2023

- Vegetation screens;
- Silt and erosion control fencing;
- Entrance access / egress mud mats, and outlet erosion controls (rip rap, filter cloths, etc.);
- Construction staging areas

### Pre-Construction Condition Surveys

The Owner shall consider obtaining Pre-Construction Condition surveys of all existing abutting properties and structures. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on the subject site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of a claim for damages.

### 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 plans for both the site and / or the off-site works.

Development Engineering Staff have no further comments or objections to the OPA/ZBA application, subject to the following:

- **a Hold provision be applied to the lands, with respect to the servicing constraints currently identified in the existing downstream system, to be removed upon successful remediation of the identified downstream constraints to the satisfaction of the Town of Fort Erie**

Regards,



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

Attach: Town Drawing Package  
c. File No. 350309-0579  
Mark Iamarino, PDS (email only)  
Jordan Frost, IS (email only)

## Appendix 3 to By-law 17-2024

### Official Plan and Zoning By-law Amendment Application

557 Walden Boulevard, Fort Erie

Keegan Gennings to Samantha Yeung

10/09/2023 08:12 PM

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

---

Hi Samantha,

I have reviewed the OPA and ZBA applications for 557 Walden Boulevard and I have no comments.

Regards,

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



## Appendix 3 to By-law 17-2024

### OPA/ZBA for 557 Walden Boulevard

**Jessica Goodings** to Samantha Yeung

Cc Mark Schmitt

09/26/2023 11:36 AM

From Jessica Goodings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie  
Cc Mark Schmitt/FortErie@TownOfFortErie

---

Good day Samantha,

The fire department has no comments or concerns at this time regarding the severing of 557 Walden Blvd to create two new residential lots.

Thank you and kind regards,

**Jessica Goodings, CFEI, CCFI-C**  
**Senior Fire Prevention Officer**  
Fort Erie Fire Department  
[www.forterie.ca](http://www.forterie.ca)  
P: 905.871.1600, ext. 2605  
C: 289-321-0019

## Appendix 3 to By-law 17-2024



RE: Request for Comments - OPA/ZBA for 557 Walden Boulevard, Fort ErieMustafa,  
Sheraz to Samantha Yeung 09/22/2023 02:30 PM

From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>

To "Samantha Yeung" <SYeung@forterie.ca>

Hello Samantha,

CNP has no comments for this applications.

Thanks,  
Sheraz

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## Appendix 3 to By-law 17-2024



RE: [External] Request for Comments - OPA/ZBA for 557 Walden Boulevard, Fort  
ErieMunicipal Planning to Samantha Yeung 09/27/2023 09:08 AM  
From "Municipal Planning" <MunicipalPlanning@enbridge.com>  
To "Samantha Yeung" <SYeung@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. 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](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Willie Cornelio** CET (he/him)  
Sr Analyst, Municipal Planning  
**Engineering**

**ENBRIDGE**  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**

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## Appendix 3 to By-law 17-2024



RE: Request for Comments - OPA/ZBA for 557 Walden Boulevard, Fort Erie  
Abby LaForme to Samantha Yeung 09/22/2023 03:12 PM  
From "Abby LaForme" <Abby.LaForme@mncfn.ca>  
To "Samantha Yeung" <SYeung@forterie.ca>

Hello Samantha,

Thank you for confirming.

MCFN DOCA has no comments or concerns regarding the rezoning.

Thanks again!

**Abby (LaForme) Lee**  
**Acting Consultation Coordinator**



**Mississaugas of the Credit First Nation (MCFN)**  
**Department of Consultation & Accommodation (DOCA)**  
**4065 Highway 6, Hagersville, ON N0A 1H0**  
**Ph: (905) 768 – 4260**  
**Email: [Abby.LaForme@mncfn.ca](mailto:Abby.LaForme@mncfn.ca)**

## Appendix 3 to By-law 17-2024



RE: Request for Comments - OPA/ZBA for 557 Walden Boulevard, Fort ErieConstantine, Neave (MTO) to Samantha Yeung 09/27/2023 01:19 PM

Cc "Lagakos, Ted (MTO)"

From "Constantine, Neave (MTO)" <Neave.Constantine@ontario.ca>

To "Samantha Yeung" <SYeung@forterie.ca>

Cc "Lagakos, Ted (MTO)" <Ted.Lagakos@ontario.ca>

History: This message has been replied to.

Hi Samantha,

Re: Request for Comments  
**557 Walden Boulevard** – OPA/ZBA  
Fort Erie

The subject property described above is located outside the MTO Permit Control Area and therefore we have no comments.

*I am responsible for Official Plan Amendments and Ted Lagakos is responsible for Official Plans.*

Thanks,

**Neave Constantine | Corridor Management Planner (Hamilton/ Niagara)**

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7<sup>th</sup> Floor | Toronto, ON M3M 0B7

Telephone: 437 688-2943 | Email: [Neave.Constantine@ontario.ca](mailto:Neave.Constantine@ontario.ca)



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**Growth Strategy and Economic Development**

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

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**Via Email Only**

October 6, 2023

Region File: D.10.01.OPA-23-0049  
D.18.01.ZA-23-0098

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment and Zoning By-law Amendment  
Applications  
Town Files: OPA-10-2023 & ZBA-17-2023  
Owner: Rachel Stempski  
Applicant: Urban & Environmental Management Inc  
557 Walden Boulevard  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Official Plan Amendment and Zoning-By-law Amendment applications for 557 Walden Boulevard in the Town of Fort Erie. The applicant is proposing an Official Plan Amendment to redesignate the lands from Commercial to Urban Residential. The a Zoning-By-law Amendment application proposes to rezone the property from Local Commercial (DC1) to a site-specific Residential 3 (R3) Zone to bring the existing single-detached dwelling into conformity with local policies and to facilitate the development of an additional single-detached dwelling and one semi-detached dwelling. Staff note the existing dwelling is to remain on the retained portion of the property with the proposed site-specific zoning provisions for a reduced exterior side yard (from 6.0 metres to 3.13 metres). Future Consent applications are to be submitted for the severances of the Lot.

A pre-consultation meeting for the proposed development was held September 8, 2022, where the applicant, the Town and Regional staff were in attendance. The following

## **Appendix 3 to By-law 17-2024**

*D.10.01.OPA-23-0049 & D.18.01.ZA-23-0098*

*October 6, 2023*

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comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.

### **Provincial and Regional Policies**

The subject land is within the “Settlement Area” under the Provincial Policy Statement, 2020 (“PPS”), “Delineated Built Up Area” under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”), and designated “Built Up Area” under the Niagara Official Plan, 2022 (“NOP”).

Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Built-Up Area designation, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility, environmental conservation and archaeological resources. Staff note NOP Policy 2.2.1.1 encourages opportunities for the integration of gentle density and a mixed range of housing options that considers the character of established residential neighbourhoods in a way which supports forecasted growth. Additionally, it is recognized that the proposed development will contribute to the Town of Fort Erie’s intensification target of 50% as set out within Table 2-2 of the NOP.

Regional staff is in general agreement with the provided “Planning Justification Report – Official Plan and Zoning By-law Amendment, 557 Walden Boulevard, Fort Erie” (“PJR”), prepared by Urban & Environmental Management Inc. (dated August 2023), which outlines that the proposal facilitates urban area growth by way of intensification, contributes to the provision of a diverse range of housing options, and recognizes the existing and historical residential use of the property. Regional staff note that the NOP states municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters and, therefore, Regional staff defers consideration of these aspects of the proposed development to Town Planning staff. As such staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the Town’s satisfaction from a local planning perspective and the below comments.

### **Site Condition**

The site is currently designated and zoned Commercial under the Town of Fort Erie’s Official Plan and Zoning By-law. Staff note that an Environmental Site Assessment and a Record of Site Condition is not required as there is no change in the use of the land as the property has historically been used for residential purposes. As such Regional staff has no requirements with regards to Site Condition for the applications.

## Appendix 3 to By-law 17-2024

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### Land Use Compatibility

The PPS and NOP state major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants.

Although not identified at the pre-consultation meeting, Regional staff notes the potential for the proposed development to be impacted by nearby stationary and transportation-related noise sources, as the property is proximal to commercial uses (Rona construction yard and commercial retail plazas) and is within 30 metres of a Regional road, Garrison Road, having an Annual Average Daily Traffic volume of 12,100 vehicles (2021). As such, in lieu of a Noise Impact Study, staff will recommend at the development stage that dwellings be constructed with central air / forced air units, double-glazed windows and upgraded exterior doors. Further, the Region will recommend the inclusion of standard warning clauses with respect to the nearby noise sources within all Agreements of Purchase and Sale or Lease for all units:

*"Purchasers/tenants are advised that due to the proximity of the adjacent industry and commercial retail plazas, noise may at times be audible. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."*

*"Purchasers/tenants are advised that despite the inclusion of noise control features within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels may exceed the sound limits of [the Municipality and] the Ministry of the Environment, Conservation and Parks."*

### Archaeological Potential

Staff note that with the approval of the new NOP by the Province on November 4, 2022, the property is mapped within an Area of Archaeological Potential on Schedule K. The PPS and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is required.

The requirement for an archaeological assessment was not identified at the pre-consultation meeting on September 28, 2022 and therefore, one will not be required as part of the applications. However, staff provides the applicant with the following standard archaeological warning clause, to be applied at the development stage, should any resources be uncovered through construction works.



## Appendix 3 to By-law 17-2024

D.10.01.OPA-23-0049 & D.18.01.ZA-23-0098

October 6, 2023

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*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

Regional staff highlight that the owner assumes all risks should any resources be found during construction as all activities would need to stop, and an archaeological assessment would need to be conducted in that event, in accordance with Provincial requirements.

Staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

### **Natural Heritage**

The subject property is not impacted by the Region’s Natural Environment System (NES). As such, staff offer no environmental planning requirements for these applications.

### **General Site Servicing**

Region staff advise the applicant that there is an existing 450 mm diameter Regional Sanitary force main on DiPietro Street at the subject property. Connections to the Regional force main will not be permitted; additionally, the infrastructure is not to be damaged or disturbed during any future construction works for the proposed development. Regional staff will require all crossings of the force main, with plan and profile servicing, to be submitted to the Region for review and approval for the proposed units on Part 1 at the development stage.

## Appendix 3 to By-law 17-2024

D.10.01.OPA-23-0049 & D.18.01.ZA-23-0098

October 6, 2023

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### Waste Collection

Regional staff has reviewed the submitted Conceptual Site Plan, “DWG No. 2152-SP”, prepared by Urban & Environmental Management Inc. (dated September 7, 2023). Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Corporate Waste Collection Policy. The proposed development 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 curbside limits are met.

- Blue/grey containers –no limit (weekly collection)
- Green bin containers – no limit (weekly collection)
- Waste containers – 2 bag/can limit per unit (bi-weekly collection)
- Curbside collection only

### Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff do not object to the proposed Official Plan Amendment and Zoning-By-law Amendment applications and is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

Staff notes that the Official Plan Amendment is exempt from Regional Council approval in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send a copy of the staff report and notice of the Town’s decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

## **Appendix 3 to By-law 17-2024**

*D.10.01.OPA-23-0049 & D.18.01.ZA-23-0098*

*October 6, 2023*

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Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region