



Planning Justification Report

**Applications to Amend Town of Fort Erie
Official Plan and Zoning By-law No. 129-90**

**3011 Point Abino Road North
Town of Fort Erie**

Related Town File No.: PA-2021-099

December 2022



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1.0

Introduction

1.0 Introduction

Wellings Planning Consultants have been retained by Matthew and Chris Erickson (“applicant”) to provide planning advice and prepare this Planning Justification Report in support of amendments to the Town of Fort Erie Official Plan and Zoning By-law 129-90 required to permit an Accessory Apartment Dwelling on the lands located at 3011 Point Abino Road North. Definitions of the proposed use differ amongst the various policy documents so for the purposes of this report, the proposed Accessory Apartment Dwelling is referred to as an “AAD”.

An aerial photograph of agricultural fields, showing various plots, roads, and structures, overlaid with a semi-transparent green filter. The text is centered on the left side of the image.

2.0

Property Description and Surrounding Land Uses

2.0 Property Description

The subject property is located at 3011 Point Abino Road North at the southwest corner of Point Abino Road North and College Road. The site is approximately 4 hectares in size, with approximately 320 metres of frontage on Point Abino Road North and a depth of approximately 126 square metres. The subject lands are currently accessed by a driveway from College Road. The location of the subject lands is shown on **Schedule 1** of this report.

The subject lands currently contain a one (1) storey single-detached residence with a detached two (2) car garage, two (2) sheds, an above-ground pool, and a man-made pond. The existing single-detached dwelling is setback approximately 37 metres from College Road, with landscaping and a gravel driveway. The southern portion of the property is currently rented for agricultural purposes. The portion of the property where the AAD is proposed has not been used for agricultural purposes for several decades. There are several swales located throughout the property for drainage purposes, which constrain the location of the AAD on the subject lands.

2.1 Surrounding Land Uses

Surrounding uses include residential, agricultural, and institutional uses. Immediately north of the subject property are agricultural lands and the Golden Harvest Baptist Church. Immediately east of the subject property across Point Abino Road North are two (2) single-detached dwellings, woodlands, and Provincially Significant Wetlands. The residential dwellings along Point Abino Road North and College Road are primarily one (1) and two (2) storey single-detached. Immediately south is an agricultural property with a cattle farm operation and a single-detached dwelling, a watercourse and a railway corridor. Immediately west of the property are single-detached residential dwellings with outdoor storage uses.

An aerial photograph of a rural landscape, overlaid with a semi-transparent green filter. The image shows a grid of roads and fields. In the lower right, there is a large, rectangular, light-colored area that appears to be a construction site or a large field. The text '3.0' is prominently displayed in the upper left quadrant.

3.0

Development
Proposal

3.0 Development Proposal

The applicant is proposing to construct an accessory structure approximately 140.4 square metres in size, consisting of a garage and the proposed AAD. The accessory structure will have a separate access from Point Abino Road North. The purpose of the AAD is to provide an affordable housing option.

The proposed AAD is approximately 54.1 square metres, and the proposed garage is approximately 86.3 square metres. A site plan showing the proposed accessory building with the AAD is included within **Schedule 2** of this report.

The location of the AAD was determined based on the existing swales on the site, the location of existing buildings and structures, and the adjacent livestock operation. The proposed AAD is located to minimize impact on the agricultural capability of the subject lands and adjacent farm operations while being in proximity to the existing building cluster on the property.

An Official Plan Amendment (OPA) is required as the Agricultural designation under the Town of Fort Erie Official Plan (FOP) only permits the creation of an AAD within an existing single-detached dwelling. A Zoning By-law Amendment (ZBA) is also required as the Agricultural (A) Zone similarly only permits an AAD within the primary dwelling.

An aerial photograph of a rural landscape, likely a farm or agricultural area. The image shows a grid of roads and fields. The fields are mostly green, indicating they are either planted or recently harvested. There are some buildings and structures scattered throughout the landscape. The overall tone of the image is green, suggesting a focus on agriculture or environmental themes.

4.0

Pre-Consultation

4.0 Pre-Consultation

A pre-consultation meeting was held with Town staff on October 14, 2021, attended by the applicant. At the time, the applicant proposed a one (1) storey “Second Dwelling Unit” with an attached two (2) car garage on the subject property. The proposal was circulated, and comments were provided by Town and Region Planning Staff. Town Planning Staff noted that the FOP does not permit a Second Dwelling Unit on lands designated Agricultural. However, the FOP does permit an AAD, located within an existing dwelling. Niagara Region Staff noted that the creation of a Second Dwelling Unit is not permitted under Provincial and Regional planning policy. However, Regional Planning Staff advised that an AAD within an accessory structure is permitted under the Niagara Regional Official Plan, in accordance with provincial legislation and policy. Following the pre-consultation meeting and further discussion, it was determined that an AAD within an accessory structure was the best approach.

The requested Archaeological Assessment, identified as part of the pre-consultation meeting, was completed and submitted in support of the applications. A Noise Brief was identified as a required study during the pre-consultation process but was later waived by Region Planning Staff. In lieu of the Noise Brief, the Region recommended that the AAD be constructed with materials that will assist in mitigating any potential noise nuisances associated with the nearby railway corridor.

An aerial photograph of a rural landscape, showing a grid of roads and fields. The image is overlaid with a semi-transparent green filter. The text '5.0' is prominently displayed in the upper left quadrant.

5.0

Planning
Framework

5.0 Planning Framework

Development of the subject lands is governed by various Provincial, Regional and Local planning documents including:

- The *Planning Act*;
- Provincial Policy Statement (2020);
- Provincial Publication 851: Permitted Uses within the Prime Agricultural Area (2016);
- Provincial Publication 853: The Minimum Distance Separation (MDS) Document (2016);
- Growth Plan for the Greater Golden Horseshoe (2020);
- The Region of Niagara Official Plan (2022);
- Town of Fort Erie Official Plan (2011); and,
- Town of Fort Erie Zoning By-law.

Each of these documents will be addressed separately in this report.

5.1 Planning Act

The *Planning Act* provides the legislative basis for land use planning in Ontario.

Section 2

Section 2 of the *Planning Act* states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest. The following are matters of provincial interest relevant to the proposal:

(a) the protection of ecological systems, including natural areas, features and functions.

The proposal is well separated from natural features and will not result in adverse impacts on the surrounding ecological system.

(b) the protection of the agricultural resources of the Province.

The proposed AAD protects agricultural resources by providing a sufficient setback from adjacent agricultural operations. The proposal will not hinder current or future agriculture operations on the subject lands and surrounding properties.

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

The Stage 1-2 Archaeological Assessment prepared in support of the proposal concluded that the subject lands are clear of any archaeological concern. The proposed AAD will therefore not adversely impact features of significant cultural, historical or archaeological interest.

(j) the adequate provision of a full range of housing, including affordable housing.

The proposed AAD provides a form of affordable housing that contributes to the range and mix of housing options within the community.

(p) the appropriate location of growth and development.

The location of the proposed AAD is appropriate as it is located in proximity to the existing building cluster and will not adversely impact agriculture on the subject lands and surrounding area.

(r) the promotion of built form that is well-designed.

The proposed AAD represents a well-designed compact built form that is compatible with the surrounding area in terms of height and massing.

The proposed OPA and ZBA to permit the AAD has appropriate regard for matters of provincial interest.

Bill 108

Bill 108, More Homes, More Choice Act was implemented to amend the *Planning Act*, and related regulations came into effect on September 3, 2019 regarding additional residential units. The intent and purpose of the *Planning Act* amendments were, in part, to provide for municipalities with legislative authority to permit additional residential units to address current housing needs and trends within the Province. Ontario, specifically the Greater Golden Horseshoe, is experiencing a housing shortage, and the provision of additional residential units aims to provide more homes and more choices to address the current and future needs of residents.

Section 16 of the *Planning Act* was amended to authorize additional residential units and reads as follows:

(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

a) the use of two residential units in a detached house, semi-detached house or rowhouse; and

b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

Bill 23

Bill 23, More Homes Built Faster Act, an act to amend various statutes, including the *Planning Act*, to support growth and housing, received Royal Assent on November 28, 2022. Section 16(3) of the *Planning Act* was further amended to read as follows:

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Section 35.1 of the *Planning Act* contains the same provisions with respect to Zoning By-laws. The provisions of Section 16(3) and 35.1 only provide approval exemptions for residential units located on “urban residential land”. The *Planning Act* however does not preclude consideration of a planning application(s) for additional residential units in rural or agricultural areas.

5.2 Provincial Policy Statement

The current Provincial Policy Statement (“PPS”) came into effect on May 1, 2020. The PPS lays the foundation for many of the Province’s policies affecting land use planning. As per Section 3 of the *Planning Act*, all land use planning decisions must be consistent with the PPS. The PPS sets a framework for development and land use, and provides policies in five key areas, one of which is increasing housing supply and mix.

The key PPS policies applicable to the proposed AAD are detailed below.

Part IV: Vision

Part IV of the PPS sets out the Province’s vision for the wise management of land to meet current and future needs of residents. The vision of the PPS states that:

“The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future

needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.”

The proposed AAD is a form of sustainable development and represents compact built form that makes efficient use of land. The AAD will facilitate a new housing option while maintaining the agricultural integrity of the surrounding area.

Part V: Policies

1.1 Managing and Directing Land Use

1.1.1 Healthy, livable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

The proposed AAD achieves the above policy objectives by providing an additional residential unit that is affordable. The proposal will not result in adverse environmental or health and safety concerns as it is adequately separated from roads, the nearby railway corridor and Provincially Significant Wetlands.

1.2.6 Land Use Compatibility

1.2.6.1 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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

The railway corridor, located approximately 300 metres from the subject lands, has been identified as a major facility by Region Planning Staff through the pre-consultation process. The AAD, a sensitive land use will, in our opinion, be sufficiently separated and will not impact the long-term operation of the railway corridor. The separation between the railway corridor and the proposed AAD includes a single-detached dwelling on the adjacent property, an agricultural operation, and a treed hedgerow. Furthermore, as per the recommendation of the Region, the proposed development can be constructed with materials to mitigate potential noise impacts associated with the railway corridor.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

The PPS requires municipalities to provide for an appropriate mix of housing, including additional residential units. The proposed AAD is consistent with the PPS by providing an additional and affordable residential unit to meet the housing needs of the applicant.

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.

The subject lands are located within a prime agriculture area. The authority to consider the AAD in a prime agriculture area is contained in the *Planning Act*. The proposal will maintain the agricultural land base and will not impact the long-term agricultural integrity of the subject lands and the adjacent properties.

2.3.3 Permitted Uses

2.3.3.3 New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

The Minimum Distance Separation (MDS) required from the nearby cattle barn located at 2909 Point Abino Road North, calculated using the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) formula, is 215 metres. The proposed AAD is approximately 420 metres from the cattle barn. The proposal is sufficiently separated from the nearby cattle operation. The calculations were based on best estimates of the size and location of the existing barn as we were unable to contact the property owner. Details of the calculation are set out in this report under Section 5.4 and on **Schedules 3A** and **3B**.

The OPA and ZBA to permit the proposed AAD are consistent with the PPS.

5.3 Provincial Publication 851: Permitted Uses within the Prime Agricultural Area

The subject lands are within a Prime Agricultural Area. Publication 851 provides guidelines on uses permitted in Ontario's Prime Agricultural Areas by expanding on the policies outlined in Policy 2.3.3.1 (Permitted Uses) of the PPS. This document provides guidance on mitigation of impacts from new or expanding non-agricultural uses (PPS Policy 2.3.6.2).

The key guidelines applicable to the proposal are detailed below.

1.3 Objectives and Criteria for Permitted Uses

The criteria for the uses permitted in prime agricultural areas revolve around two key objectives:

- 1. maintaining the land base for agriculture (PPS Policy 2.3.1).**
- 2. supporting a thriving agricultural industry and rural economy (PPS Vision and PPS Policy 1.1.4).**

The portion of subject lands where the AAD is proposed has not been used for agricultural purposes for several decades. The proposal will not remove any lands from agricultural production. Further, based on MDS calculations cited above, the proposal will not restrict the existing livestock operation on adjacent agricultural lands.

1.4 Principles of Permitted Uses

The intent of the PPS and these guidelines is to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development. With respect to development in prime agricultural areas, the following guidelines apply:

- **Regard is given to the long-term (multi-generational) impact on prime agricultural areas.**
- **Normal farm practices are able to continue unhindered.**
- **Agricultural and rural character and heritage are maintained as much as possible.**
- **Uses are compatible with agricultural uses.**

The area surrounding the subject lands presently contain non-agriculture uses including residential and institutional uses. The proposed AAD is compatible with the surrounding residential properties in terms of height, massing, and setback. The proposal will not affect the existing agricultural character of the surrounding area and does not restrict the long-term use and viability of the prime agricultural area.

2.1.1 PPS Criteria for Agricultural Uses

Subsection 2.1.1 addresses guidelines on agricultural uses and states that the severance of land is not permitted as land division fragments the agricultural land base. The proposed AAD will not result in the need for a land severance and will not impact the existing agricultural land base.

3.1.3 Impact Mitigation

Subsection 3.1.3 addresses guidelines to mitigate impact on agricultural operations and includes the following applicable to the MDS:

- **Giving existing livestock facilities space to operate by ensuring that MDS setbacks are established early in the land use planning process (i.e., at the time of an official plan amendment for new or expanding settlement areas rather than at the plan of subdivision stage).**

The proposed AAD is located approximately 420 metres from the existing livestock operation to the south. The required MDS I is calculated at 215 metres, therefore, there is potential for the existing livestock facility to expand in the future.

4.2 Compatibility Issues

Subsection 4.2 contains guidelines pertaining to the application of the MDS Formulae. MDS I applies to new non-farm development in proximity to existing livestock operations.

The MDS I guideline would apply to the proposed AAD as it is a new non-farm development located in proximity to an existing livestock operation. MDS Formulae implementation guidelines are contained in Publication 853. An analysis and calculation of the MDS applicable to the subject lands is outlined in Section 5.4 and **Schedules 3A** and **3B** of this report.

The proposal is consistent with the Publication 851 guidelines, and in our opinion, will not adversely impact the prime agricultural area.

5.4 Provincial Publication 853: The Minimum Distance Separation (MDS) Document

Publication 853 includes implementation guidelines for the MDS Formulae. The document came into effect on March 1, 2017, and replaces all prior versions of the MDS guidelines.

The MDS I formula was established to determine setbacks between new development and existing livestock facilities. The proposed AAD adheres to the MDS I formula for setbacks from the existing livestock operation located to the south.

Section 4 of Publication 853 includes Implementation Guidelines to be addressed during the application of the *MDS Formulae* in order to calculate setbacks.

Implementation Guideline No. 2 states that MDS I setback distances shall be met prior to approval of rezonings or re-designations in accordance with Implementation Guideline #10. Implementation Guideline #10 applies to MDS I setbacks for OPA and ZBA applications and states the following:

“An MDS I setback is required for all proposed amendments to rezone or redesignate land to permit development in prime agricultural areas and rural lands presently zoned or designated for agricultural use. This shall include amendments to allow site-specific exceptions which add non-agricultural uses or residential uses to the list of agricultural uses already permitted on a lot.”

Additionally, Implementation Guideline No. 7 states the following:

“MDS I measurements shall be taken as the shortest distance between the proposed building to be constructed and either the manure storages, or anaerobic digesters, or the livestock occupied portions of the livestock barns.”

The separation distance was measured from the shortest distance between the proposed AAD and the existing livestock barn. The actual separation distance is approximately 420 metres, whereas the required separation distance is 215 metres. Details of the existing livestock operation and the MDS I calculation can be found in **Schedules 3A** and **3B** of this report.

The proposal adheres to the MDS I requirements and will not impact the existing and future operation of the nearby livestock operation.

5.5 Growth Plan: A Place to Grow

An updated Growth Plan came into effect on August 28, 2020. The Plan builds on the policies in the PPS to provide guidance for the management of policies that affect growth, including housing, commercial uses, employment, transportation, and infrastructure planning.

In its “Vision Statement”, the Growth Plan discusses providing sufficient housing supply in the Greater Golden Horseshoe (GGH) that reflects the needs of local communities. This Vision is important in the consideration of an AAD on the subject lands.

The Growth Plan provides guiding principles which form the foundation of the Plan, and provide an understanding on how land is developed.

1.2.1 Guiding Principles

Guiding principles of note include:

- **Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.**
- **Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.**
- **Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.**

These Guiding Principles have been implemented through specific policies contained in Section 2 titled “Where and How to Grow”.

2.2.6 Housing

Section 2.2.6 of the Growth Plan contains policies pertaining to housing within the GGH and states the following:

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The Growth Plan emphasizes the need to provide additional residential units to meet current and future needs. The proposed AAD will support housing choice by providing an additional affordable residential unit.

Section 4 of the Growth Plan contains policies on protecting what is valuable, including Agricultural Systems.

4.2.6 Agricultural Systems

Section 4.2.6 includes policies related to Agricultural Systems identified by the Province. The key policies within Section 4.2.6 are as follows:

3. Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment.

4. The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.

As shown on **Schedule 2** (Site Plan), the proposed AAD is situated in proximity to the existing building cluster on the subject lands, therefore, minimizing the removal of lands from the agricultural land base. The AAD will not adversely impact the existing agricultural system. The proposed AAD exceeds the MDS I requirements, is sufficiently removed from adjacent agricultural operations and a treed hedgerow is in place to minimize any potential impacts on the adjacent agricultural lands.

The proposal conforms to the Growth Plan. The AAD will add to the mix of housing types provided within the Town and is compatible with the existing surrounding residential and agricultural uses.

5.6 Region of Niagara Official Plan

On November 4, 2022, the Minister of Municipal Affairs and Housing approved a new Niagara Official Plan (NOP), with modifications. The new NOP emphasizes the importance of providing additional residential units. The NOP also recognizes that additional non-farm residential development is appropriate, subject to specific criteria.

The subject lands are designated as “Prime Agricultural Area” under the NOP. The Prime Agricultural Area is defined in the new NOP as:

“Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province (PPS, 2020).”

2.3 – Housing

Section 2.3 contains policies pertaining to housing. Section 2.3.3.2 states the following:

2.3.3.2 Local Area Municipalities shall permit up to two additional residential units as-of-right within new or existing residential development, subject to Provincial legislation and appropriate land use, size, and locational criteria.

Furthermore, the NOP defines Additional Residential Units as follows:

“Self-contained residential units with kitchen and bathroom facilities located within a primary dwelling or within an accessory structure that is detached from the primary dwelling, as provided for in Subsection 16(3) of the Planning Act, 1990.”

The proposed AAD within a new accessory structure satisfies the above definition and is a permitted use under the NOP.

4.1 – The Agricultural System

The objectives of Agricultural System are as follows:

- d) restrict and control non-agricultural uses to minimize potential conflicts.**
- i) provide for a limited amount of non-agricultural residential development on rural lands.**

4.1.3 - Minimize Conflict of Non-Agricultural Uses

4.1.3.6 New land uses in specialty crop areas and prime agricultural areas, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

4.1.3.7 Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.

The proposed location of the AAD minimizes potential conflicts with the prime agricultural area. As previously mentioned, the AAD complies with the MDS I formula. The proposal is compatible with and will not adversely affect the surrounding agricultural area.

The proposal conforms to the NOP.

5.8 Town of Fort Erie Official Plan (FOP)

The current FOP was approved by Niagara Region on November 18, 2011. Since the approval of the FOP in 2011, there have been substantial changes to provincial and regional planning policy. The existing FOP does not reflect current provincial legislation and policies, specifically the more recent amendments to the *Planning Act* with respect to the provision of additional residential units.

The Town is required to update policies in the FOP to align with provincial policy and the new NOP. For instance, the new NOP contains policies that support additional residential units within an accessory structure, such as an AAD.

Schedule A (Land Use Plan) of the FOP designates the subject lands as “Agricultural”. The key policies applicable to the Agricultural designation and proposed AAD are outlined below.

2.3.4. Agricultural

Section 2.3.4 of the FOP provides goals and objectives for agricultural areas within the Town. The goals and objectives are as follows:

Goals:

- a. To preserve agricultural land in Fort Erie.**

Objectives:

- a. To protect and preserve the prime agricultural land for long term use by the agricultural industry;**
- b. To protect agricultural land from activities and land uses which could limit productivity or efficiency; and**
- c. To reduce the fragmentation of agricultural lands, especially by non-agricultural uses.**

The proposed AAD will achieve the goals and objectives of the FOP. The proposed location of the AAD on the subject lands is in proximity to the existing cluster of buildings, and on a portion of the property that have not been used for agricultural production for several decades. The

proposal will maintain the portion of the subject lands used for agricultural purposes and will not limit the productivity or efficiency of future farm practices. No severance of the subject lands is proposed; therefore, fragmentation is not a concern.

4.5 Agricultural

I. Agricultural lands as indicated on Schedule “A” are those lands that include agricultural lands, being Class 1, 2, and 3 soils by the Canada Land Inventory, as well as Class 4 to 7 soils where the areas exhibit ongoing agricultural activity.

Section 4.5.2 of the FOP provides direction regarding future development, required separation distances, and permitted uses within the Agricultural Area. The following policies describe the separation requirements for new dwellings and agricultural operations within the Agricultural Area.

4.5.2. Policies

I. New dwellings shall be separated from livestock operations in accordance with the MDS Formula or a distance of 300 metres (1,000 feet) whichever is greater.

As previously noted, the proposed development requires an MDS I of 215 metres. However, the more restrictive FOP requirement of 300 metres is also met as the separation distance between the AAD and livestock barn is approximately 420 metres.

Furthermore, subsection 4.5.2 VII states:

VII. The creation of an accessory apartment within an existing single-detached dwelling shall be subject to the following requirements:

- a. **The lot size and configuration are sufficient to accommodate adequate parking and open spaces;**
- b. **The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;**
- c. **Accessory apartments shall be permitted in compliance with all relevant Zoning By-law provisions;**
- d. **Accessory apartments, while permitted in basements, are not be permitted in the cellar area of a dwelling;**
- e. **The availability and adequacy of municipal services to accommodate the increased density;**
- f. **The accessory apartment shall be approximately 45 sq. m. (584 sq. ft.); and**
- g. **Regional approval for a sustainable private sewage disposal system.**

At this time, the policies of the FOP only provide for an AAD within an existing single-detached dwelling, hence the requirement for an OPA.

In reviewing the proposed AAD and the above criteria, the subject lands are 4 hectares in size and of sufficient size to accommodate parking and open space for the proposal. With the exception of unit size (i.e. 51.4 square metres), the proposed AAD will comply with all other

relevant Zoning By-law provisions for Buildings Accessory to Dwellings under Section 7.6 of the Zoning By-law, including the required Maximum Lot Coverage of 10%, Minimum Front Yard Setback of 15 metres, Minimum Interior Side Yard of 3 metres, Minimum Exterior Side Yard of 15 metres, Minimum Rear Yard of 3 metres, and Maximum Building Height of 6 metres.

The proposal satisfies the general policies of the FOP. The site-specific OPA required to permit an AAD within a new accessory structure will result in an appropriate and compatible use on the subject lands.

5.9 Town of Fort Erie Zoning By-law

The subject lands are currently zoned Agricultural (A) under Zoning By-law 129-90. The A Zone provisions are addressed under Section 7 of the Zoning By-law. Section 7 of the Zoning By-law permits one single-detached dwelling on one lot, and one AAD.

The Zoning By-law defines an AAD as follows:

“means a self-contained apartment created through converting of or adding onto an existing single-detached, semi-detached or townhouse dwelling.”

An AAD within an accessory structure is not currently permitted in the A Zone. Therefore, a site-specific ZBA is required.

An aerial photograph of agricultural fields, showing various plots, roads, and structures, all overlaid with a semi-transparent green filter. The fields are arranged in a grid-like pattern, with some larger rectangular plots and smaller, more irregular ones. There are some buildings and what appears to be a pond or a large open area in the lower right quadrant.

6.0

Draft

Amendments

6.0 Draft Amendments

We have prepared a Draft OPA and ZBA in support of the applications.

6.1 Draft Official Plan Amendment

The Draft OPA is attached as **Schedule 4** to this report. The Draft OPA proposes to maintain the current Agricultural designation with a site-specific provision to permit an AAD within an accessory structure.

6.2 Draft Zoning By-law Amendment

The Draft ZBA is appended as **Schedule 5** to this report. The Draft ZBA proposes to retain the Agricultural (A) Zone with a site-specific provision to permit an AAD within an accessory structure. The AAD would be restricted to a maximum size of 55 square metres.



7.0

Stage 1–2

Archaeological

Assessment

7.0 Stage 1-2 Archaeological Assessment

AMICK Consultants Limited (AMICK) prepared a Stage 1-2 Archaeological Assessment dated July 8, 2022. AMICK details the scope of work and methodology used to assess the archaeological potential of the study area. Their assessment is based on property inspection, photographic documentation, and a high intensity test pit methodology at five-metre intervals between individual test pits and test pit survey at ten-metre intervals to confirm disturbance.

AMICK concluded that:

1. No further archaeological assessment of the study area is warranted.
2. The provincial interest in archaeological resources with respect to the proposed undertaking has been addressed.
3. The proposed undertaking is clear of any archaeological concern.

An aerial photograph of agricultural fields, showing a grid of roads and various sized plots. The image is overlaid with a semi-transparent green filter. The text is centered on the left side of the image.

8.0

Planning Opinion and Conclusions

8.0 Planning Opinion and Conclusions

The purpose of the applications is to facilitate an AAD within an accessory structure. The applications are necessary as the Town planning documents have not been updated to comply with the latest provisions and regulations pursuant to the *Planning Act* (i.e. Bill 108 and 23), and establish consistency/conformity with updated Provincial and Regional planning policy. Under the current local planning documents, the fundamental difference in this instance is that the AAD would be included within an ancillary structure rather than within the primary residence. No planning permissions would be necessary for the ancillary structure.

Based on our review of the pertinent planning documents, it is our opinion that the proposed amendments to the FOP and implementing Zoning By-law 129-90 to facilitate an AAD within an accessory structure is appropriate, compatible and represents good planning.

The proposed amendments to the Official Plan and Zoning By-law represent good planning and should be supported for the following reasons:

1. The proposal has had appropriate regard for matters of provincial interest set out in Section 2, and the provisions of Sections 16(3) and 35.1 of the *Planning Act*.
2. The proposal is consistent with the PPS by providing an additional affordable residential unit on the subject lands.
3. The proposal is consistent with Provincial Publication 851. The AAD will not remove land from agriculture or adversely affect the surrounding agricultural system.
4. The proposal is consistent with Provincial Publication 853. The proposal provides a separation distance of 420 metres from the nearby cattle operation, whereas the required MDS is 215 metres.
5. The proposal conforms to the Growth Plan by supporting a range and mix of housing options and providing an additional affordable residential unit to meet needs of the applicant.
6. The proposal conforms to the NOP by providing an additional residential unit within an accessory structure in accordance with Section 2.3.3.2. The AAD contained within an accessory structure is an appropriate and compatible land use within a prime agricultural area.
7. The proposal conforms to several goals, objectives and policy directions of the FOP in terms of protecting agricultural lands and the creation of an additional residential unit.
8. The rezoning is appropriate and will facilitate the provision of an AAD in an accessory structure on the subject lands. The AAD complies with the majority of the Agricultural (A) Zone provisions and will provide sufficient separation from nearby agricultural operations.

9. Approval of the Draft OPA and ZBA attached as **Schedules 4 and 5** to this report are consistent with and in conformity with the upper tier planning documents/policies. The site-specific exceptions requested in the Draft Zoning By-law are appropriate in the surrounding context, and reflect the Province's goal to provide for additional, affordable residential units.

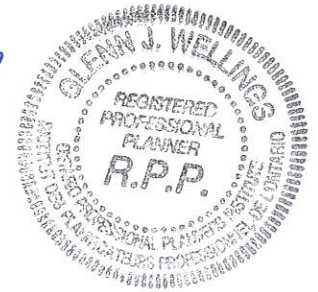
Yours truly,
WELLINGS PLANNING CONSULTANTS INC.



Sarah Burjaw, M.PL.



Glenn J. Wellings, MCIP, RPP





PROJECT:
3011 POINT ABINO ROAD NORTH
 STEVENSVILLE, ONTARIO

AERIAL PHOTO

PROJECT No:
2022/11

DATE:
AUGUST 2022

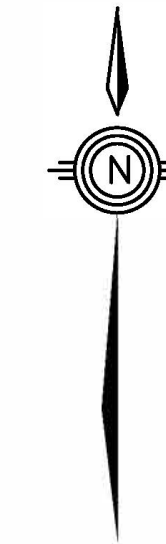
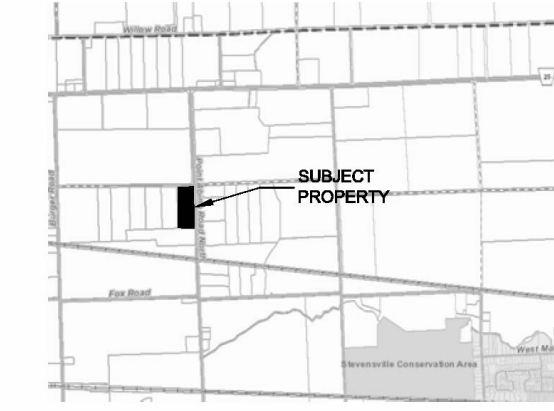
SCALE:
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Wellings Planning Consultants Inc.
 513 Locust Street, Unit B - Burlington, Ontario
 t - 905-681-1769 e - Glenn@WellingsPlanning.ca

SCHEDULE 1

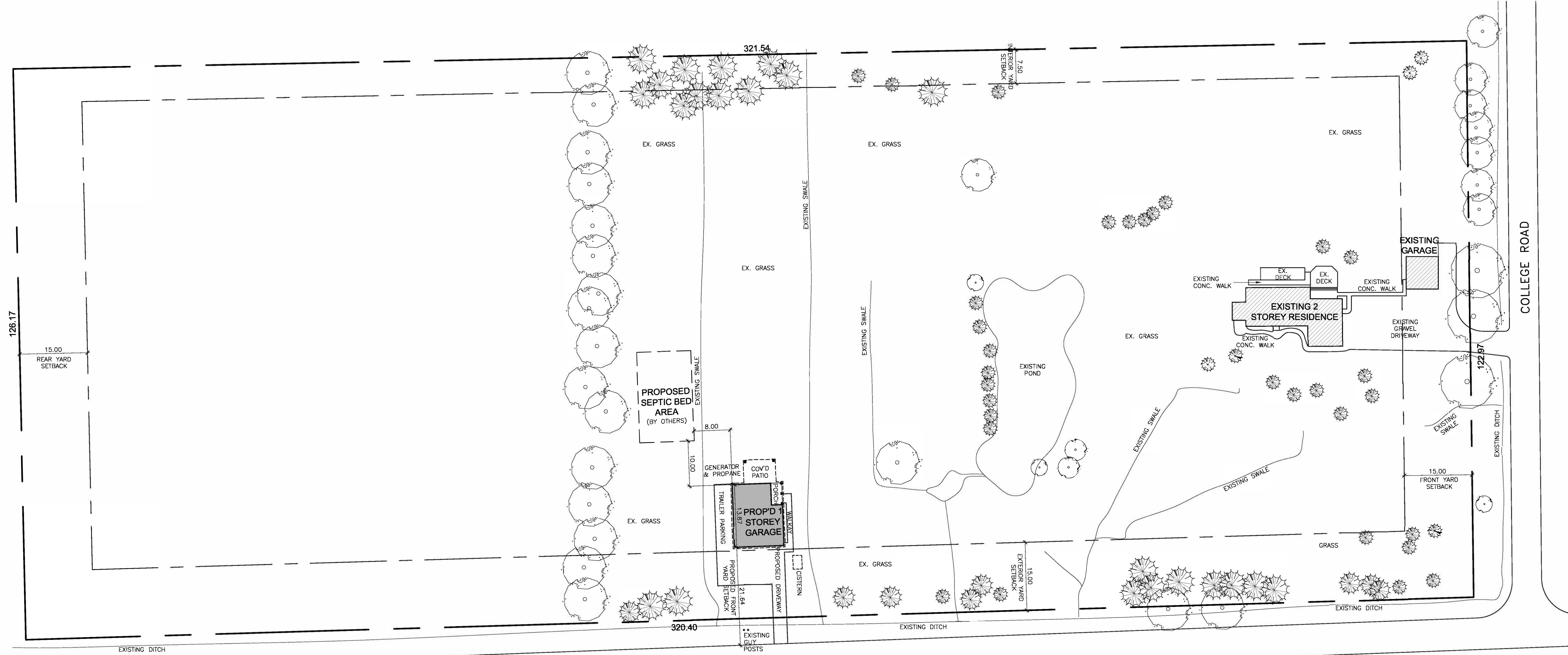
Schedule 2

NOTE: PROPERTY LINES AND FEATURES DEVELOPED WITH SATELLITE IMAGES FROM THE NIAGARA NAVIGATOR WEBSITE. NOT A SURVEY, AND ARE APPROXIMATE. ACTUAL DIMENSIONS & FEATURES MAY VARY FROM WHAT IS SHOWN.



KEY PLAN

SCALE: NOT TO SCALE

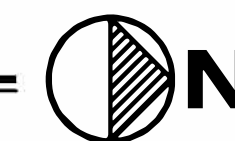


POINT ABINO ROAD NORTH

COLLEGE ROAD

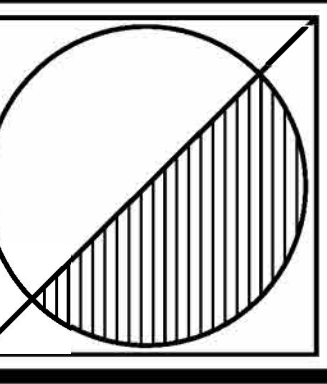
SITE PLAN

SCALE: 1:250



SITE STATISTICS

LOT AREA	39,981.4 m ²
EXISTING RESIDENCE	136.2 m ²
with ATTACHED GARAGE	77.5 m ²
EXISTING DETACHED GARAGE	51.1 m ²
PROPOSED ACCESSORY APARTMENT DWELLING	54.1 m ²
PROPOSED GARAGE	86.3 m ²
TOTAL COVERAGE	405.2 m²



Peter J. Lesdow
architect

4465 Dumont Road, Unit 11, Niagara Falls, Ontario, L2E 6G5
Telephone: 905-331-1112
e-mail: peter@pjlarchitect.com



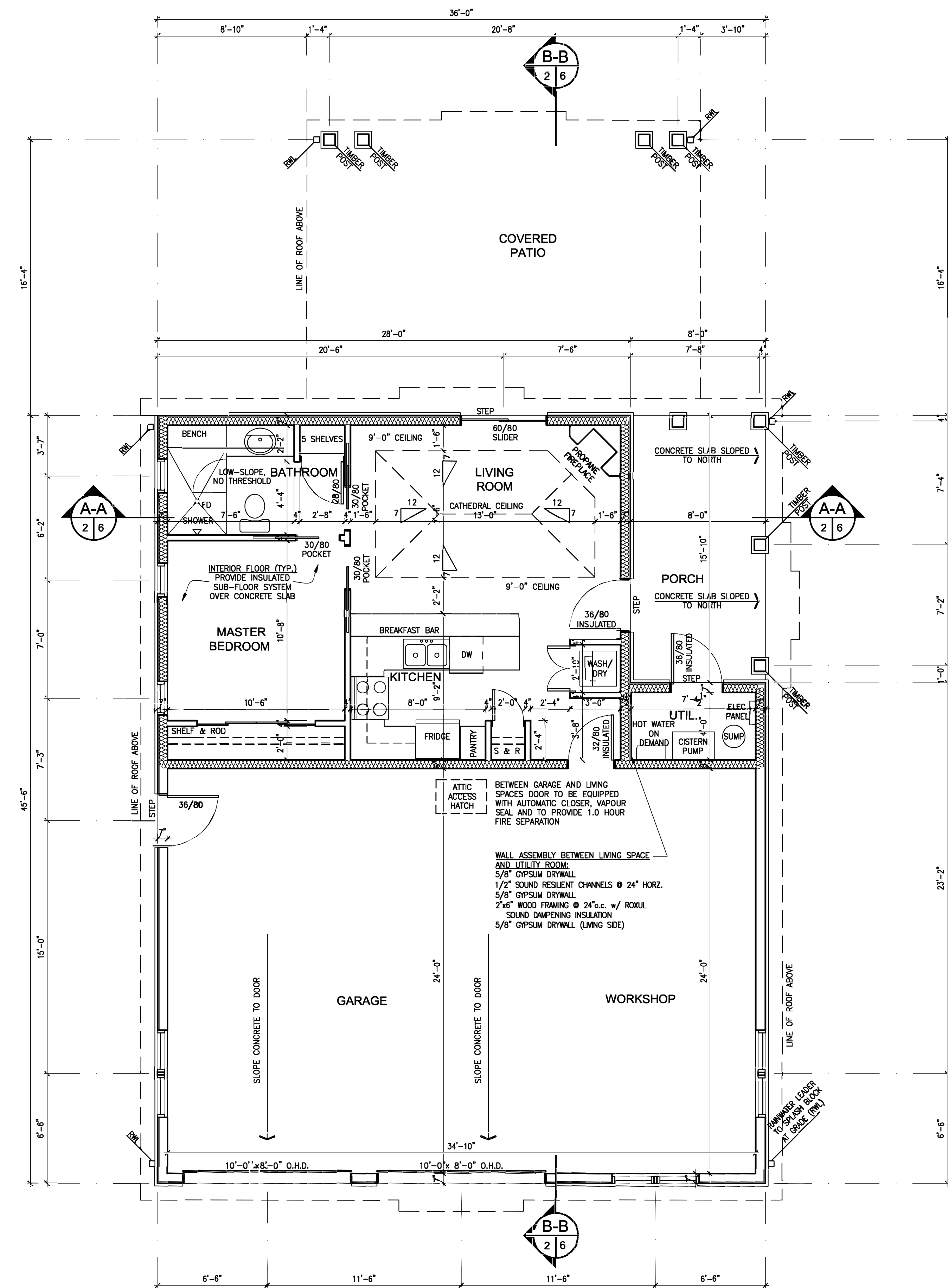
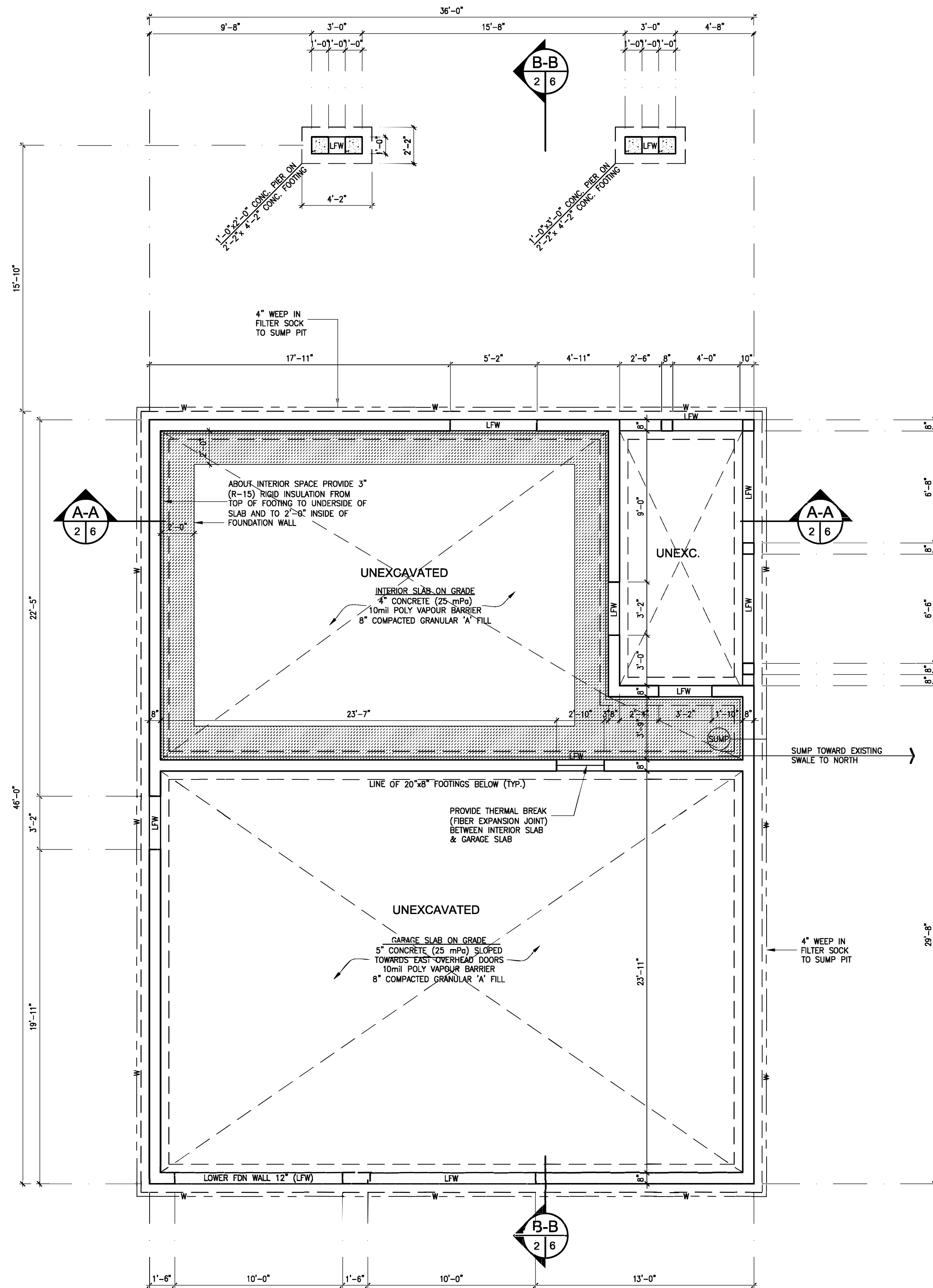
ONTARIO ASSOCIATION
OF
ARCHITECTS
PETER J. LESDOW
LICENCE
3745

DATE	REVISIONS
Apr. 03/22	FOR DISCUSSION
Aug. 24/22	FOR CLIENT REVIEW
Sep. 12/22	FOR CLIENT REVIEW
Nov. 09/22	FOR PERMIT & CONSTRUCTION

**ERICKSON PROPOSED
ACCESSORY APARTMENT
DWELLING**
3011 Point Abino Road N
Stevensville, ON

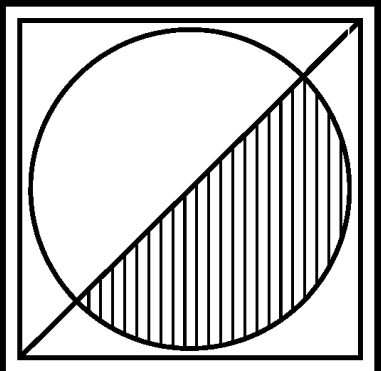
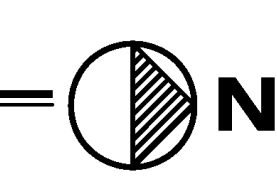
DATE:	Aug. 16/ 21
SCALE:	AS NOTED
DRAWN BY:	MRW
CHECK BY:	PJL

A-1



FLOOR PLAN

SCALE: 1/4" = 1'-0"



Peter J. Lesdow
architect

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 Tel: 905.352.2111 Fax: 905.352.2112
 www.peterlesdow.com

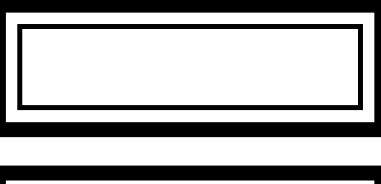


FOUNDATION & FLOOR PLAN

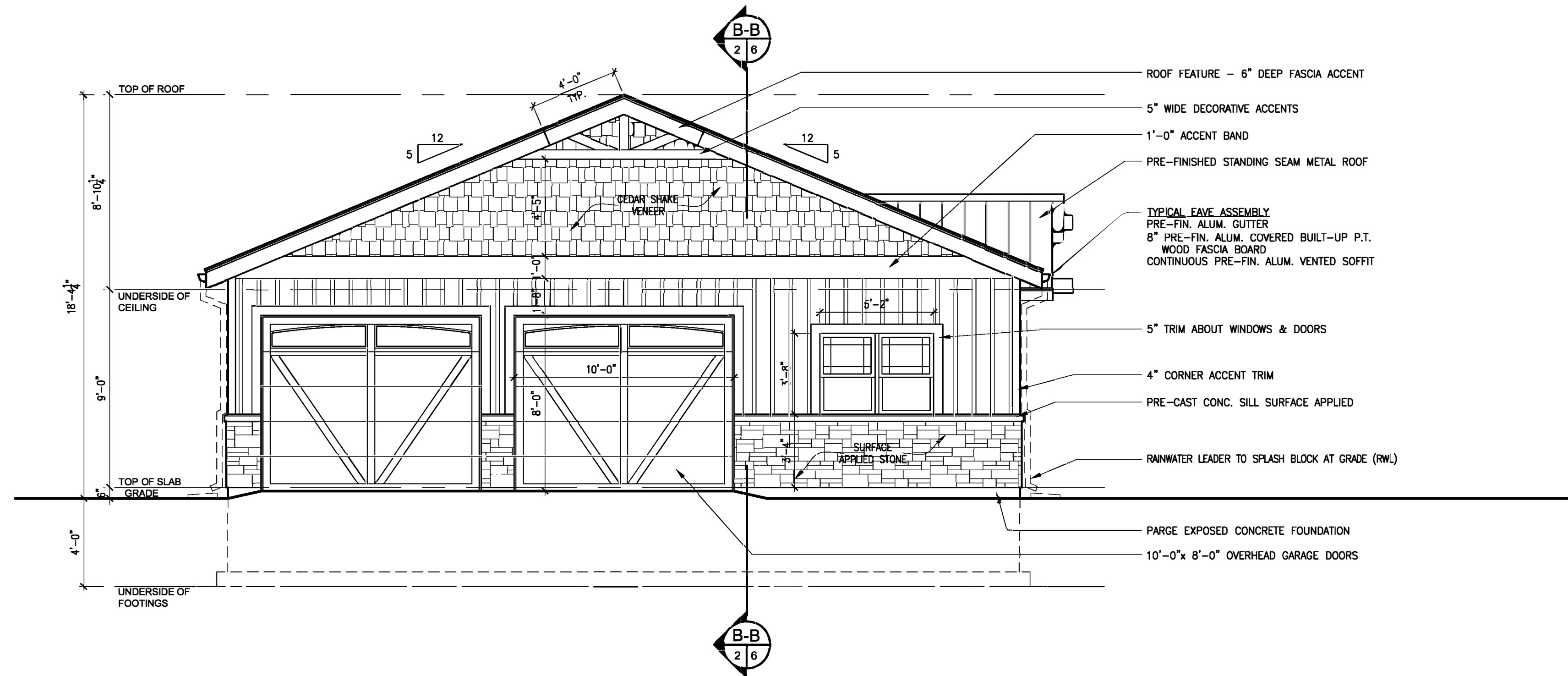
DATE	REVISIONS
Aug. 07/22	FOR CLIENT REVIEW
Aug. 24/22	FOR CLIENT REVIEW
Sep. 12/22	FOR CLIENT REVIEW
Nov. 06/22	FOR PERMIT & CONSTRUCTION

ERICKSON PROPOSED ACCESSORY APARTMENT DWELLING
 3011 Point Albino Road N
 Stevensville, ON

DATE: Aug. 7/22
 SCALE: AS NOTED
 DRAWN BY: MRW
 CHECK BY: P.JL

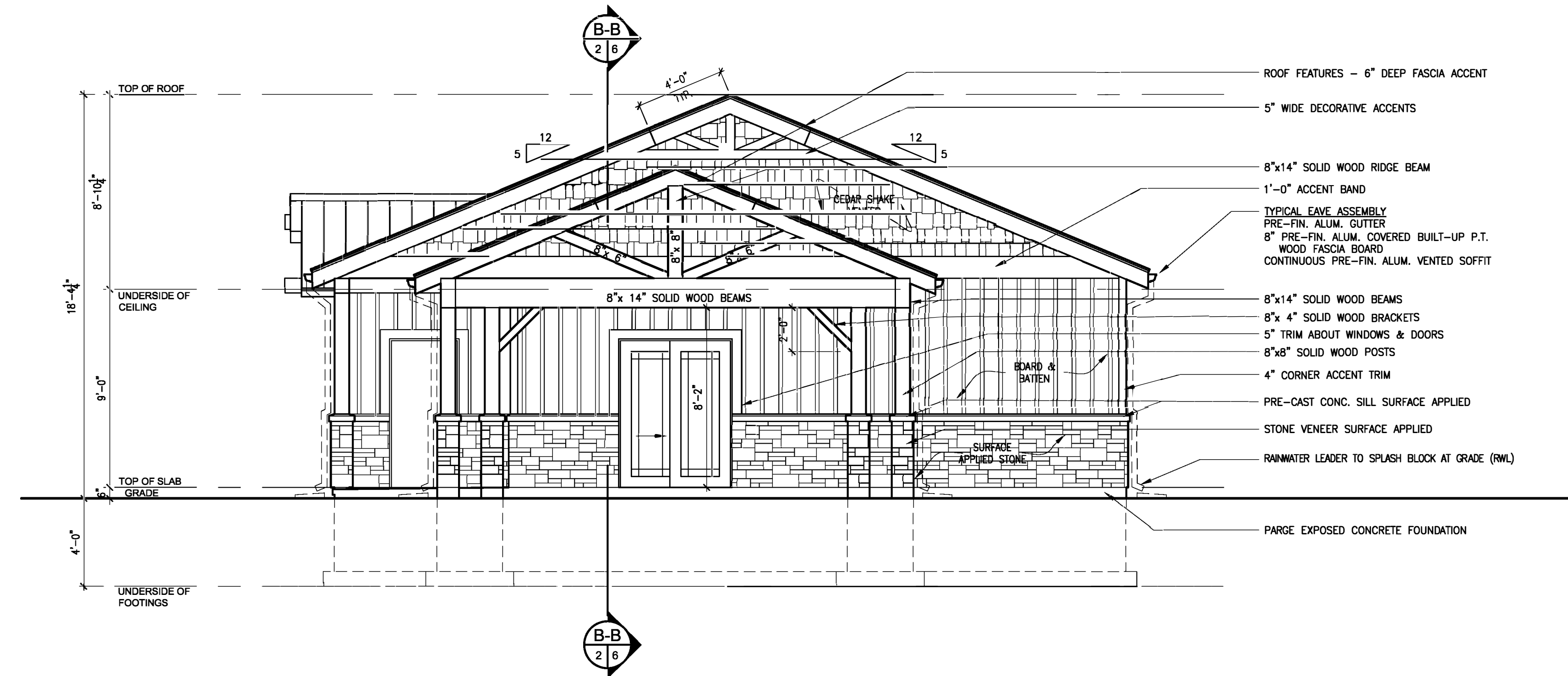


A-2



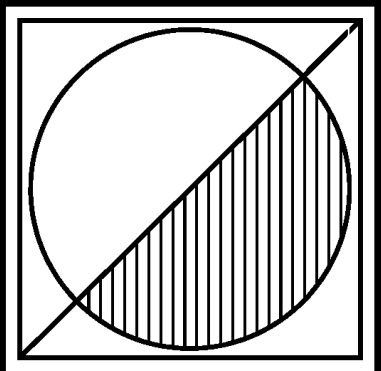
EAST ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



Peter J. Lesdow
architect

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 905.352.2211
 www.peterjlesdow.com



EAST & WEST
ELEVATIONS

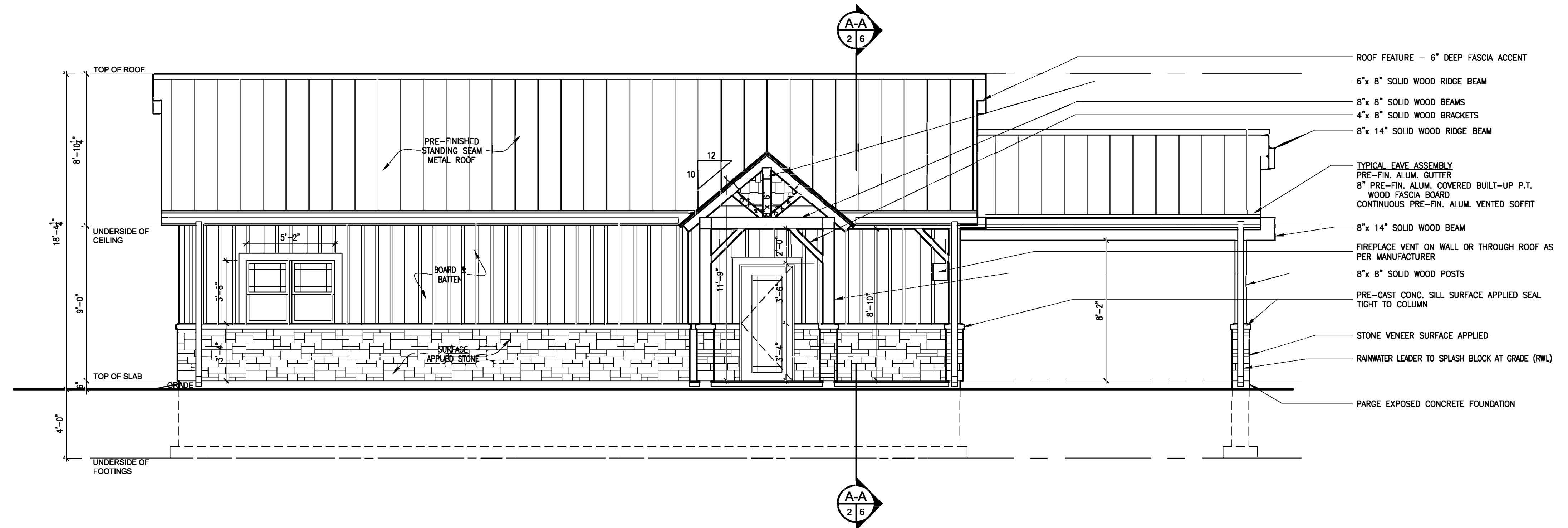
DATE	REVISIONS
Aug. 07/ 22	FOR CLIENT REVIEW
Aug. 24/ 22	FOR CLIENT REVIEW
Sep. 12/ 22	FOR CLIENT REVIEW
Nov. 06/ 22	FOR PERMIT & CONSTRUCTION

ERICKSON PROPOSED
ACCESSORY APARTMENT
DWELLING
 3011 Point Abino Road N
 Stevensville, ON

DATE: Aug. 7/ 22
 SCALE: AS NOTED
 DRAWN BY: MRW
 CHECK BY: P.JL

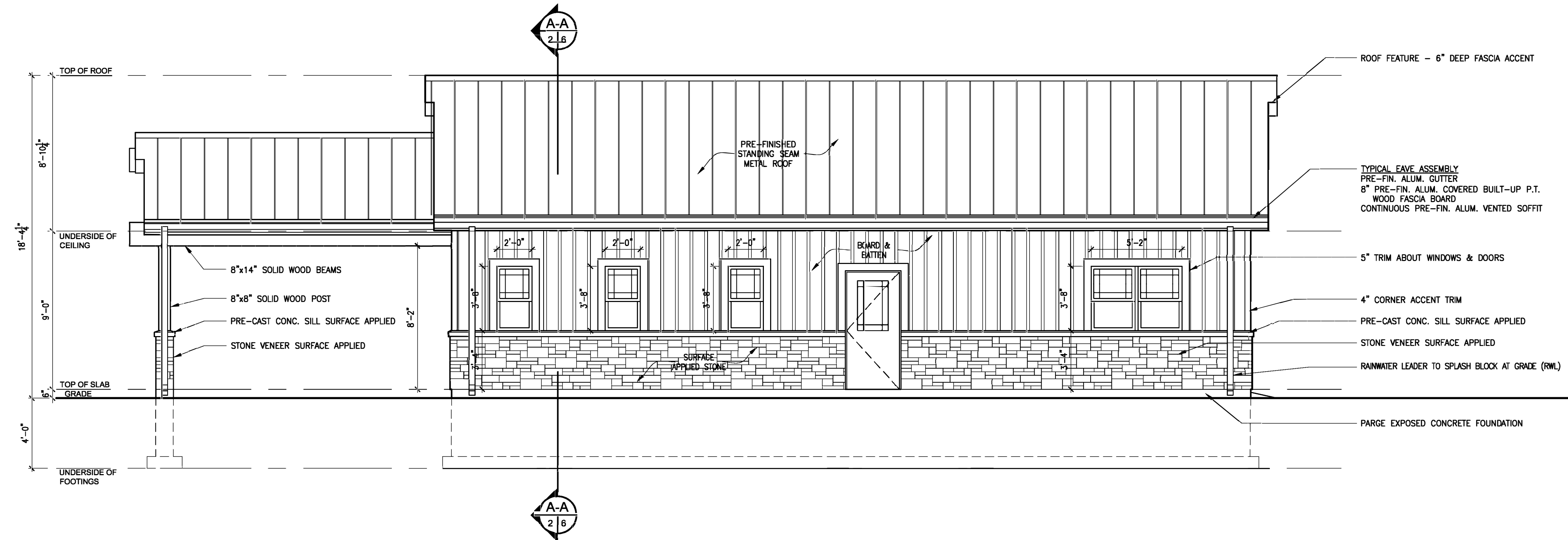


A-4



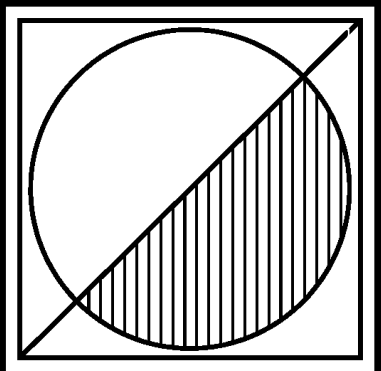
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



Peter J. Lesdow
 architect

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 peter@pjlarchitect.com

ONTARIO ASSOCIATION
 OF
 ARCHITECTS

PETER J. LESDOW
 LICENSE
 3745

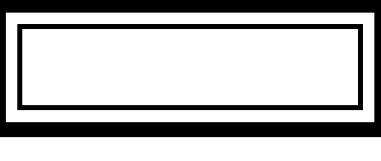
**NORTH & SOUTH
 ELEVATIONS**

DATE	REVISIONS
Aug. 07/ 22	FOR CLIENT REVIEW
Aug. 24/ 22	FOR CLIENT REVIEW
Sep. 12/ 22	FOR CLIENT REVIEW
Nov. 06/ 22	FOR PERMIT & CONSTRUCTION

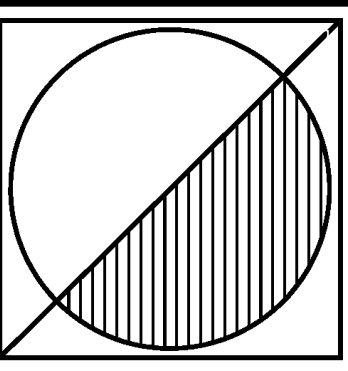
**ERICKSON PROPOSED
 ACCESSORY APARTMENT
 DWELLING**

3011 Point Abino Road N
 Stevensville, ON

DATE:	Aug. 7/ 22
SCALE:	AS NOTED
DRAWN BY:	MRW
CHECK BY:	PJL



A-5



Peter J. Lesdow
architect

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416-291-2222
www.peterlesdow.com



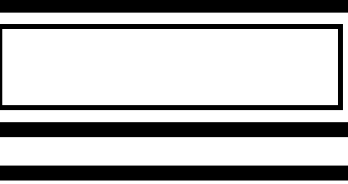
SECTIONS

DATE	REVISIONS
Aug. 07/22	FOR CLIENT REVIEW
Aug. 24/22	FOR CLIENT REVIEW
Sep. 12/22	FOR CLIENT REVIEW
Nov. 06/22	FOR PERMIT & CONSTRUCTION

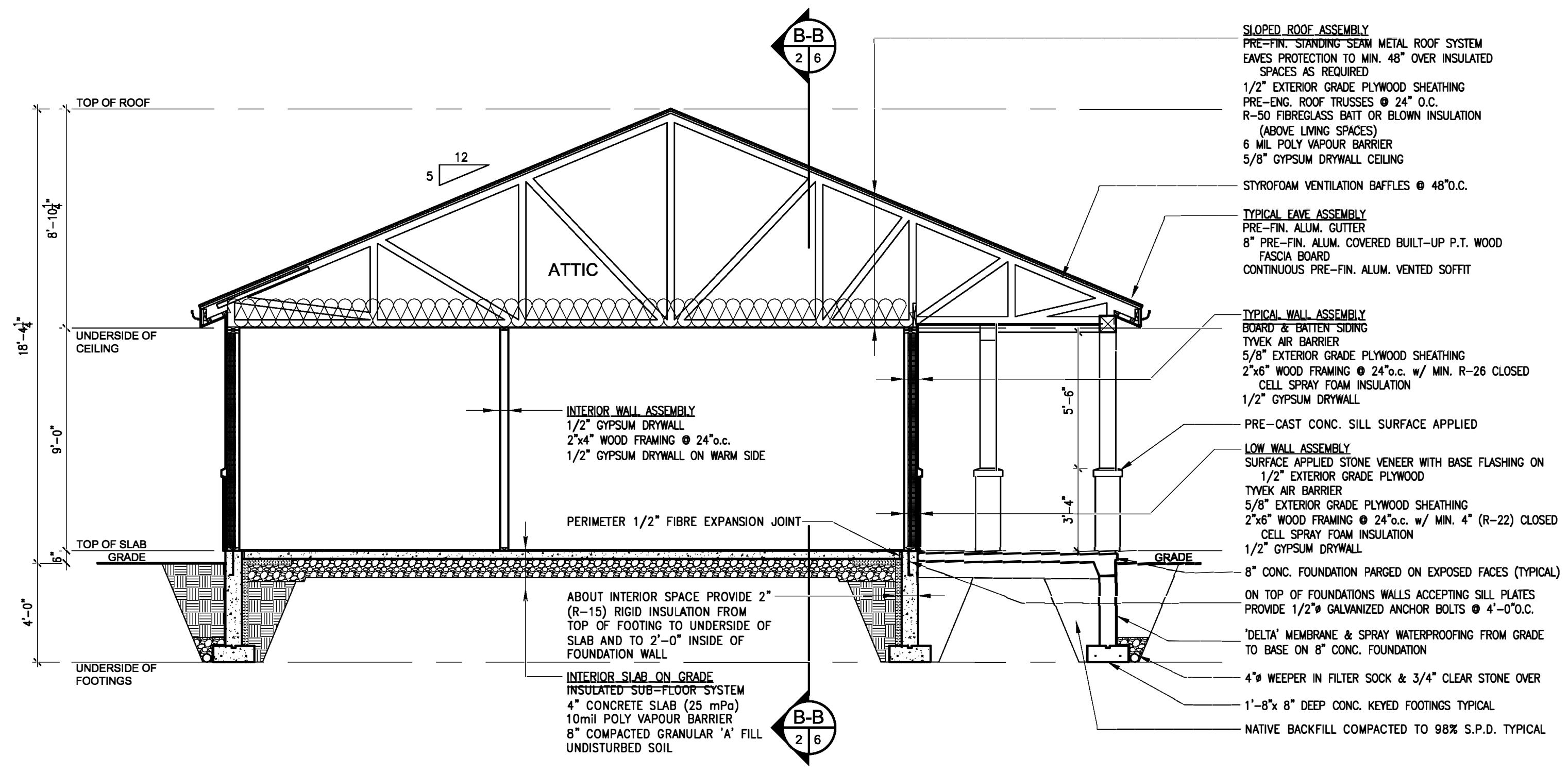
**ERICKSON PROPOSED
ACCESSORY APARTMENT
DWELLING**

3011 Point Abino Road N
Stevensville, ON

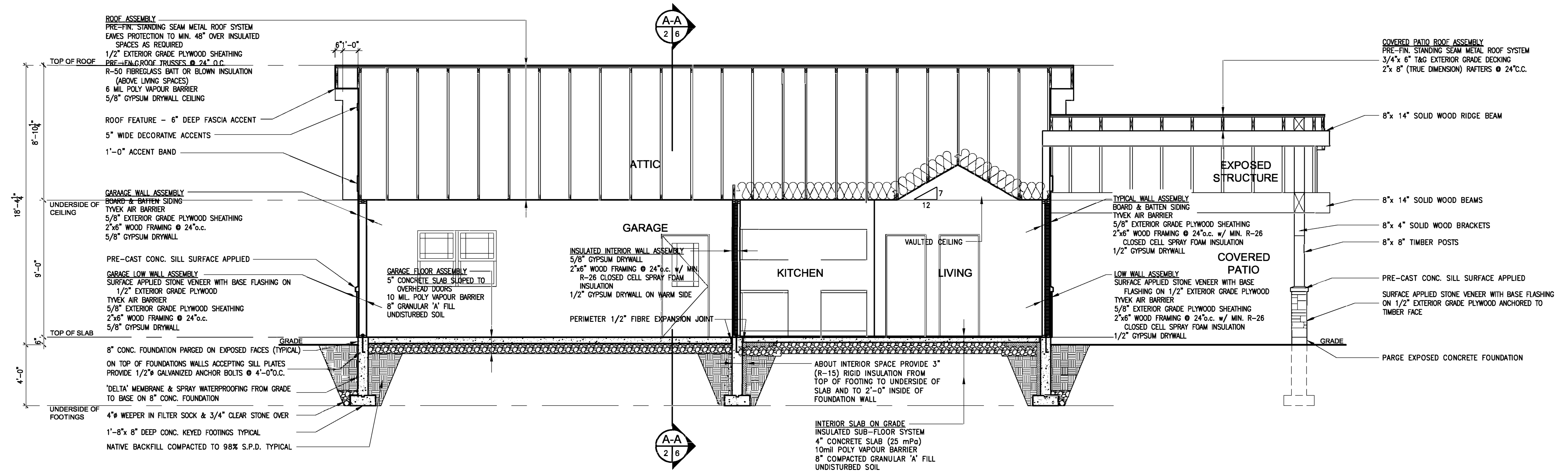
DATE: Aug. 7/22
SCALE: AS NOTED
DRAWN BY: MRW
CHECK BY: P.JL



A-6



SECTION
SCALE: 1/4" = 1'-0"
A-A
2/6



SECTION
SCALE: 1/4" = 1'-0"
B-B
2/6

**SCHEDULE 'C' - MINIMUM DISTANCE SEPERATION FORMULEA
 MDS I**

MDS I CALCULATION BLANK FORM

Evaluator: _____

Date: _____

File Number: _____

Contact Information:

	Applicant Information	Owner of Adjacent Livestock Facility #1	Owner of Adjacent Livestock Facility #2, etc
File Name			
Last Name	Erickson	Unknown	
Farm/Company		Former Homer's Meats	
Address	3011 Point Abino Road North	2909 Point Abino Road North	
City/Town	Fort Erie	Fort Erie	
Province	Ontario	Ontario	
Postal Code	L0S 1S0	L0S 1S0	
Upper Tier	Region of Niagara	Region of Niagara	
Lower Tier	Fort Erie	Fort Erie	
Lot	Part Lot 14	Lot 13 and Part Lot 14	
Concession	15 NR	15 NR	
911 Number			
Roll Number	270302003114200	270302003114100	
Telephone	289-241-6859		
Fax			
Email	cerickson@sbn-inc.com		

**SCHEDULE 'C' - MINIMUM DISTANCE SEPERATION FORMULEA
MDS I**

MDS I CALCULATION BLANK FORM

Animal Type or Material	Description	Number per NU	Manure Form	Existing Maximum Housing Capacity	Existing NU	Factor A	Factor D
Beef, Cows		1	Solid	97	20	0.7	0.7
Total Number of NU							1/NU
Factor A (Odour Potential Factor)...a weighted average may be necessary							0.7
Factor D (Manure Form Factor)...a weighted average may be necessary							0.7
Factor B (<i>Nutrient Units</i> Factor)							397.97
Factor E (Encroaching Land Use Factor)							1.1
Maximum tillable hectares on the lot with the livestock facilities				X		=	(Maximum 300 NU)
F (Building Base Distance, m) = Factor A x Factor D x Factor B x Factor E							215 m
S (Manure Storage Base Distance, m)							215 m
Now What?	Repeat MDS calculation process as appropriate for other <i>livestock facilities</i> in the vicinity. Apply calculated MDS in the context of the land use planning application for which they were prepared.						

MDS I

General information

Application date Oct 25, 2022	Municipal file number	Proposed application Building permit for the construction of a dwelling (farm or non-farm)
Applicant contact information Sarah Burjaw Wellings Planning Consultants Inc. 513 Locust Street Unit B Burlington, ON L7N 1V3 905-681-1769 sarah@wellingsplanning.ca	Location of subject lands Regional Municipality of Niagara Town of Fort Erie WILLOUGHBY Concession 15 NR , Lot 14 Roll number: 270302003114200	

Calculations

New Accessory Apartment

Farm contact information Homer Homer Homer's Meat 2909 Point Abino Road North Fort Erie, ON L0S 1S0	Location of existing livestock facility or anaerobic digester Regional Municipality of Niagara Town of Fort Erie WILLOUGHBY Concession 15 NR , Lot 13 Roll number: 270302003114100	Total lot size 5.83 ha
---	--	----------------------------------

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	97	96.9 NU	450 m ²

**Confirm Livestock/Manure Information (New Accessory Apartment)**

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	V1. Solid, inside, bedded pack	
Design capacity	96.9 NU	
Potential design capacity	193.7 NU	
Factor A (odour potential)	0.7	Factor B (design capacity) 397.97
Factor D (manure type)	0.7	Factor E (encroaching land use) 1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)		215 m (705 ft)
Actual distance from livestock barn		420 m (1378 ft)
Storage base distance 'S' (minimum distance from manure storage)		215 m (705 ft)
Actual distance from manure storage		420 m (1378 ft)

Preparer signoff & disclaimer

Preparer contact information

Sarah Burjaw
Wellings Planning Consultants Inc.
513 Locust Street Unit B
Burlington, ON
L7N 1V3
905-681-1769
sarah@wellingsplanning.ca

Signature of preparer

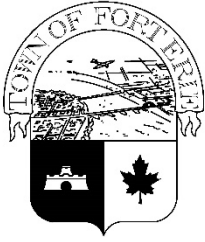
Sarah Burjaw , Junior Planner

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2022

Being A By-law To Enact An Amendment To The
Official Plan Adopted By By-law No. 150-06 For The Town Of Fort Erie
Planning Area

Amendment No. XX
Town of Fort Erie
3011 Point Abino Road North

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 enacts as follows:

1. **That** amendment No. XX to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text 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 of Fort Erie 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 day of , 2022.

Mayor

Clerk

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. XX-2022 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 2022.

AMENDMENT NO. XX
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 "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 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 No. XX to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a site specific policy area as shown on Schedule A to permit an Accessory Apartment Dwelling within an Accessory Building.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 3011 Point Abino Road North as shown on Schedule A attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

The Official Plan Amendment requested aligns with the *Planning Act* regulations, specifically Section 16(3), regarding the authorization of an additional residential unit within a building ancillary to a single-detached dwelling.

The proposed Accessory Apartment Dwelling provides an alternative housing form consistent with Provincial and Regional planning policy. The proposed Accessory Apartment Dwelling is compatible with surrounding residential and agricultural uses and is an appropriate and reasonable use for the subject lands.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

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

1. Site Specific Policy Area XX shall be added to Schedule A – Land Use Plan of the Official Plan for the subject lands as shown on the attached Schedule A.
2. The following Subsection shall be added to Section 4.14 – Site Specific Policy Areas:


4.14.xx 3011 Point Abino Road North (Site Specific Policy Area xx)

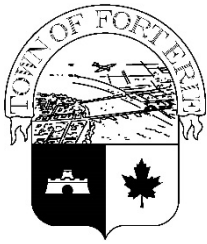
1. In addition to the uses permitted in the Agricultural designation, an Accessory Apartment Dwelling within an Accessory Building shall also be permitted on the subject property.

This is a Schedule "A"
To OPA No. _____
Town of Fort Erie



This is a Schedule "A"
To OPA No. _____
Passed by the Council of the
Town of Fort Erie on
This ___ Day of ___, ___

 LANDS SUBJECT TO SITE
SPECIFIC POLICY AREA XX



The Municipal Corporation of the Town of Fort Erie

By-law No. XX-2022

Being a By-law to Amend Zoning By-law No. 129-90 Town of Fort Erie – Owner 3011 Point Abino Road North

File No. TBC

Whereas an application was received from the owner Matthew Erickson (Owner) to amend the Town’s Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 3011 Point Abino Road North and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on , 2022, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-XX-2022 considered at the Council-in-Committee meeting of , 2022 and subsequently authorized and approved by Council;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by adding a site-specific provision on the lands as described above and shown on the attached Schedule A from “Agricultural (A) Zone” to “Agricultural (A-XXX) Zone”.
2. That Section 7 of By-law No. 129-90, as amended, is further amending by adding thereto, the following:

“A – XXX 3011 Point Abino Road North

In addition to the permitted uses in Section 7.2 – Permitted Uses, the lands may be used for an Accessory Apartment Dwelling within an Accessory Structure to a maximum of 55 square metres in accordance with the provisions of Section 7.6 of the Zoning By-law.”

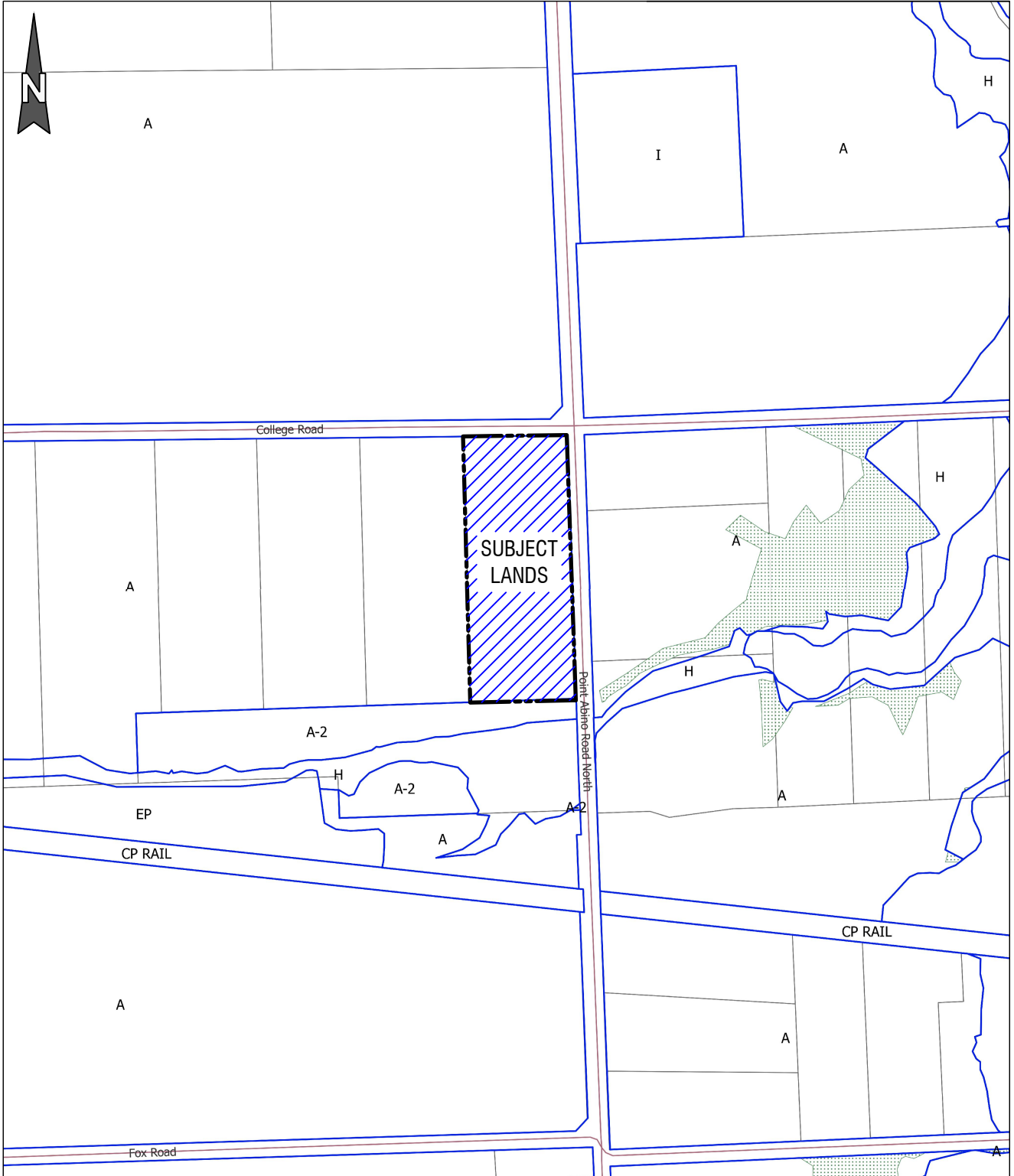
Read a first, second and third time and finally passed this day of , 2022.

Mayor

Clerk

I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. XX-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2022.

**This is a Schedule "A"
To By-law No. _____
Town of Fort Erie**



**This is a Schedule "A"
To By-Law No. _____
Passed by the Council of the
Town of Fort Erie on
This ___ Day of ___, ___**

 **LANDS TO BE
REZONED TO A-XXX**